
RK Pet Ranch

Administrative Amendment to Special Use Permit

Planning Director's Findings

ACTIVITY #: **PL-18-188**

DIRECTOR DECISION: November 7, 2018

PETITIONER: Mary Margaret Musser Haas

PETITION: Administrative Amendment request to Permit #PP2006-018 to remove condition of approval #17 stated that the permit is non-transferable

LEGAL: Tr in Tr 74 Township 5 North, Range 85 West

LOCATION: 30265 Colorado Highway 131

ZONE DISTRICT: Agriculture Forestry (AF)

AREA: 17.695 acres

STAFF CONTACT: Chris Brookshire cbrookshire@co.routt.co.us

ATTACHMENTS:

- Narrative
- Permit PP2006-018
- Area Map
- Pictures
- Letter from Kirby Duncan dated 11.2.18
- Letter from Brenner family dated 11.5.18

History:

The RK Ranch Kennel application was approved July 11, 2006. The approval was for the limit of 24 dogs and there were 22 conditions of approval. Condition #17 states that the permit shall not be transferable.

Site Description:

The kennel is located on a 17 acre parcel with a single-family dwelling and out buildings. The property is accessed by a gravel drive which circles in front of the kennel designed to resemble

a barn. The entire property is fenced and also has horses, sheep and alpacas. There are areas around the facility that are fenced for outdoor activities for the dogs.

Project Description:

The Special Use Permit was limited to the housing of 24 dogs and there were 22 conditions applied to the permit. The owner is requesting that COA #17 which states that the permit shall not be transferable be removed.

Staff Comments:

During the review of the application in 2006 there was concerns expressed from neighbors about noise and dog waste. Conditions were placed on the permit to address these concerns.

The owner wants to sell the property and if a new owner wants to continue the dog kennel that option would not be available through the standard transfer process. Transfers of permits require that new operators request the transfer, supply documents or information required on the permit and accept all COA's placed on the permit by signing a new permit in their name. Condition #17 would prohibit the transfer of the permit and a new owner would have to apply for a new SUP. In this instance the buyer wants to continue the operations of the dog kennel, but all operations and reservations would have to cease until a new application is reviewed.

There were concerns expressed during the public meetings about the dogs in regard to noise and odor and the possible loss of property values due to the operations. The Planning Department received one complaint about this operation in 2008 and Ms. Haas responded to the Planning Department by letter to address the concerns. There have been no other complaints filed.

*****Issues for Discussion*****

The permittee has met all requirements of the permit and other than one complaint in 2008, there have been no other complaints or concerns on this operation. All COA's have been met. COA #17 is unique and is not commonly associated with permits in Routt County.

Letters have been received from Kirby Duncan and the Brenner family stating concerns with operations. These letter are attached for your review and consideration.

We have received comments from CDOT that they had no comments with the project.

Compliance with the Routt County Master Plan, Sub Area Plans and Zoning Resolution

The Routt County Master Plan, Sub Area plans and Zoning Resolution contain dozens of policies and regulations regarding land use. Section 5 of the regulations are designed to limit or eliminate conditions that could negatively impact the environment and/or use of surrounding properties, and shall apply in all Zone Districts and to all land uses unless otherwise noted. Section 6 Regulations apply to all Minor, Administrative, Conditional or Special uses allowed by permit only, PUD plans, Site plans, and Subdivisions.

The following checklist was developed by Planning Staff to highlight the policies and regulations most directly applicable to this petition. The checklist is divided into six (6) major categories:

1. Health, Safety and Nuisances
2. Regulations and Standards
3. Community Character and Visual Issues
4. Roads, Transportation and Site Design
5. Natural Environment
6. Mitigation

Interested parties are encouraged to review the Master Plan, Sub Area plans and Zoning Resolution to determine if there are other policies and regulations that may be applicable to the review of this petition.

Staff Comments are included at the end of each section, highlighting items where the public, referral agencies, or planning staff have expressed questions and/or comments regarding the proposal. **Staff comments regarding compliance with regulations and policies are noted in bold below.**

Public Health, Safety and Nuisances

Applicable Regulations – Routt County Zoning Resolution

- 5.1.1 Every use shall be operated so that it does not pose a danger to public health, safety or welfare.
- 5.1.2 Every use shall be operated in conformance with all applicable federal, state and local regulations and standards. Failure to comply with any and all applicable federal, state and local regulations and standards may be cause for review and/or revocation of any Land Use Approval granted pursuant to these regulations.
- 6.1.7.C Natural Hazards
- 6.1.7.H Wildland Fire
- 6.1.7.I Noise
- 6.1.7.L Odors
- 6.1.7.M Vibration

Staff comments: Since the original permit approval in 2006, only minimal changes to the regulations have occurred. Those would not impact this project. All state permits are in place. The facility is located 0.10 miles from Colorado Highway 131 and approximately the same from the closest neighbor to the west (Crofts). The owners directly to the south are located on the south side of Colorado Highway 131 approximately 0.16 miles (Duncan). There was a concern from neighbors about potential noise and odors during the 2006 meetings, but only one complaint has been received about noise. During the staff visit the facility was clean with no odors from the inside of the facility. The outdoor play areas are fenced and attached to the building. They were clean and are covered with fake grass. There were no odors from the outdoor play areas. When staff arrived the area was quiet, but dogs began to bark while staff was touring the pens. The barking could be heard

outside while inspecting the play areas, but it was muffled. There were no dogs outside during the inspection.

***Is the application in compliance with the Policies and Regulations outlined above? Yes or No*

Regulations and Standards

Applicable Regulations – Routt County Zoning Resolution

- 6.1.2 The proposal shall be consistent with applicable Master Plans and sub-area plans.
- 6.1.5 The proposal shall meet or exceed accepted industry standards and Best Management Practices (BMP's).

Applicable Policies – Routt County Master Plan

- 5.3.A The County encourages the use of “green” building techniques that lead to the conservation of energy and overall reduction of pollution in our environment.
- 5.3.D Require Best Management Practices and grading plans and strongly discourage overlot grading.

Staff comments: The 2006 application had been reviewed and approved under the same master plan in effect today. This request is to remove a condition that does not affect current operations.

***Is the application in compliance with the Policies and Regulations outlined above? Yes or No*

Community Character and Visual Concerns

Applicable Regulations – Routt County Zoning Resolution

- 5.1.4 Outdoor storage of materials which might cause fumes, odors, dust, fire hazard, or health hazards is prohibited unless such storage is within enclosed containers or unless a determination is made that such use will not have a detrimental impact on the environment
- 5.9 Sign Standards
- 5.10 Standards for Structures within mapped Skyline Areas
- 6.1.6 Outdoor Lighting: The proposal shall comply with the Outdoor Lighting Standards in Section 6.3 of these Regulations.
- 6.1.7.G Visual Amenities and Scenic Qualities.
- 6.1.7.K Land Use Compatibility.

Applicable Policies – Routt County Master Plan

- 5.3.E Routt County requires that all new developments do not contribute to light pollution.
- 5.3.F Routt County will continue to consider the impacts of development and uses on view corridors, water, wetland, and air.

Staff comments: The application has been reviewed and approved. This request is to remove a condition that does not affect current operations.

***Is the application in compliance with the Policies and Regulations outlined above? Yes or No*

Roads, Transportation and Site Design

Applicable Regulations – Routt County Zoning Resolution

- 5.4 Parking Standards
- 5.5 Addressing Standards
- 5.6 Access to Buildable Lot Standards
- 6.1.7.N Snow Storage

Staff comments: There is no signage associated with the application. The driveway is existing and an email has been received from Dan Roussin, CDOT that he has no comments on this request. There is adequate parking for clients and snow storage.

***Is the application in compliance with the Policies and Regulations outlined above? Yes or No*

Natural Environment

Applicable Regulations – Routt County Zoning Resolution

- 5.11 Waterbody Setback Standards
- 6.1.7.D Wildlife and Wildlife Habitat.
- 6.1.7.E Water Quality and Quantity.
- 6.1.7.F Air Quality.
- 6.1.7.J Wetlands.
- 6.1.7.P Reclamation and Restoration.
- 6.1.7.Q Noxious Weeds.

Applicable Policies – Routt County Master Plan

- 5.3.B While respecting private property rights, the County will not approve development applications or special use permits that would lead to the degradation of the environment without proper mitigation that would bring the proposal into compliance with the Master Plan, appropriate sub-area plans, Zoning Resolution, and Subdivision Regulations.

Staff comments: There are no environmental impacts as listed above. Construction of the building for the kennels is complete. All dog waste is collected and removed from the site. The dogs are not allowed to run at large and have designated areas for exercise.

***Is the application in compliance with the Policies and Regulations outlined above? Yes or No*

DIRECTOR'S OPTIONS:

1. **Approve the Administrative Permit request without conditions** if it is determined that the petition will not adversely affect the public health, safety, and welfare and the proposed use is compatible with the immediately adjacent and nearby neighborhood properties and uses and the proposal is in compliance with the Routt County Zoning Regulations and complies with the guidelines of the Routt County Master Plan.

2. **Deny the Administrative Permit request** if it is determined that the petition will adversely affect the public health, safety, and welfare and/or the proposed use is not compatible with the immediately adjacent and nearby neighborhood properties and uses and/or the proposed use is not in compliance with the Routt County Zoning Regulations and/or the Routt County Master Plan, Make specific findings of fact; cite specific regulations or policies by number from the Routt County Master Plan, and the Routt County Zoning Regulations.
3. **Table the Administrative Permit request** if additional information is required to fully evaluate the petition. Give specific direction to the petitioner and staff.
4. **Approve the Administrative Permit request with conditions and/or performance standards** if it is determined that certain conditions and/or performance standards are necessary to ensure public, health, safety, and welfare and/or make the use compatible with immediately adjacent and neighborhood properties and uses and/or bring the proposal into compliance with the Routt County Zoning Regulations and Routt County Master Plan.

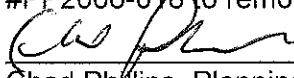
FINDINGS OF FACT that may be appropriate if the Administrative Permit is approved:

1. Removal of existing Condition #17 does not impact land use and its omission maintains the projects compliance with the Master Plan and Zoning Regulations.
2. Although the permit is now eligible for transfer to another operator, this does not lessen the County's ability to enforce all conditions of approval.
3. The proposal with the following conditions meets the applicable guidelines of the Routt County Master Plan and is in compliance with Sections 4, 5, 6 of the Routt County Zoning Regulations.

CONDITIONS that may be appropriate may include the following:

All conditions from PP2006-018 will still apply and a new permit will be drafted for the applicant to sign.

I hereby approve (circle appropriate) this Administrative Amendment to Permit #PP2006-018 to remove condition #17 stated that the permit is non-transferral


Chad Phillips, Planning Director

11/7/18
Date

RK Pet Ranch, INC

30265 Hwy 131

Oak creek, CO

October 15, 2018

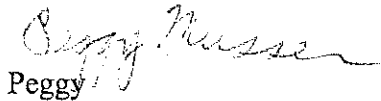
Narrative for RK Pet Ranch

I am requesting an administrative amendment to the Special Use Permit PP2006-18.

RK Pet Ranch has successfully operated for the past twelve years. I would like to request a change to allow the permit as it exists in its entirety to be transferrable.

Thank you in advance for you time.

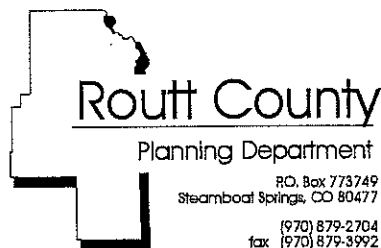
Sincerely,

A handwritten signature in cursive script, appearing to read "Peggy Musser".

Peggy

Mary Margaret Musser (Haas)

Owner



**SPECIAL USE USE
PERMIT**
Routt County
Board of County Commissioners

Permit No.: PP2006-018

Project Name: RK Ranch Kennel

Permittee: Ronald J. & Mary Margaret Haas

Address: 30265 Hwy 131, Oak Creek, CO 80467

Property Owner: Ronald J. & Mary Margaret Haas

Legal Description: Tract 74, Section 25, Township 5 North, Range 85 West.

Location: 18 miles south of Hwy 40 on Hwy 131, mile marker 61.4

Description of Use: Commercial Dog Boarding for up to 24 dogs

Period of Permit: Life of use, non-transferrable

**Board of County Commissioners
Approval Date:** July 11th, 2006

Conditions of Approval:

1. The Special Use Permit is limited to the operation as approved in this application, as presented at the Board of County Commissioners' July 11, 2006 public hearing. Any additional uses, facilities, or changes to the number of animals, must be applied for in a new or amended application.
2. Any complaints or concerns which may arise from this operation, including noise from the dogs or dogs at large, may be cause for review of the Special Use Permit, at any time, with amendment or addition of conditions, or revocation of the permit if necessary.
3. The operator shall prevent the spread of weeds to surrounding lands, and comply with the Colorado Noxious Weed Act and Routt County noxious weed management plan.
4. In the event that Routt County commences an action to enforce or interpret this Special Use Permit, the substantially prevailing party shall be entitled to recover its costs incurred 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. The Special Use Permit is valid for life of use provided it is acted upon within one year of approval.
7. The operation will be reviewed every year by Planning staff.
8. The permittee shall provide evidence of liability insurance, in the amount of no less than \$600,000 per occurrence with either unlimited aggregate or a policy endorsement requiring notice to Routt County of all claims made. Routt County shall be named as an additional insured on the policy.
9. All applicable standards set forth by the Colorado Department of Health and the Routt County Department of Environmental Health shall be complied with. The operation shall comply with all Federal, State and local laws. A facility of this type is permitted by the Colorado State Department of Agriculture and as such must meet minimum standards. The state inspects these types of operations on an annual basis.
10. Fuel, flammable materials, or hazardous materials shall be kept in a safe area as approved by the Chief Building Inspector and Department of Environmental Health. A list of hazardous and flammable materials and their location on site shall be provided to Planning Staff.
11. Lighting shall be downcast, shielded on top and sides, and shall be the minimum necessary for security. No general floodlighting of the dog housing area is permitted.
12. Any necessary State Permits for the Kennel shall be obtained and kept current. Operator must obtain a license from the Department of Agriculture in compliance with the Pet Animal Care Facilities Act (PACFA).
13. Applicant shall work with DOW to determine if other wildlife mitigation measures may be appropriate.
14. Animal wastes, carcasses, bones or other animal matter, as well as trash, materials, and debris, shall not be permitted to accumulate at the dog-housing site, nor shall such matter or materials be placed on the property in a manner that would allow their transport into any ditches, drainages, or creeks by natural forces. The method of disposal of such matter shall be subject to conditions as set forth by the Routt County Environmental Health Director and the Colo. Dept. of Health. Animal wastes and food carcasses shall be removed daily and placed in airtight containers and shall be disposed of at the landfill or other acceptable manner with sufficient frequency so that odors are not perceptible on the property. If wastes or carcasses are to be buried on-site, the owner must obtain Routt County Dept. of Environmental Health approval.
15. The owner/operator shall immediately quiet any barking or howling dogs, and shall prevent the dogs from running at large off the property.
16. The housing of dogs shall be limited to 24 dogs in individual suites, as presented at the Board of County Commissioners' July 11, 2006 public hearing.
17. Permit shall not be transferable.
18. Proposed structures must comply with the Routt County Building Department requirements and shall use building techniques and materials to mitigate noise, as proposed in the project narrative and as recommended by the Colorado Division of Wildlife.

19. Dogs will only be allowed outside one at a time and must be accompanied by a responsible employee or the petitioner. Two dogs from the same family will be allowed outside at the same time.
20. There shall be no sign on the property advertising the boarding kennel.
21. The permittee will be responsible for summer and winter maintenance of the roadway to the kennel, including dust mitigation if necessary.
22. The permittee shall comply with all requirements of the Steamboat Springs Rural Fire District.

Permit Issued by the Routt County Planning Commission:


Douglas B. Monger, Chairman

1/22/07
Date

ACCEPTED:


Permittee

January 3, 2007
Date

RK Pet Ranch Area Map



- Legend**
- HIGHWAY
 - COUNTY ROAD
 - PUBLIC ROAD
 - CITY STREET OR PRIVATE
 - USFS ROAD
 - Parcels
 - BLM
 - CDOW/STATE
 - USFS
 - PRIVATE

Kennel Location

COLORADO STATE
HIGHWAY 131

HAWKS VIEW LANE

CUNNINGHAM
946252001

MOORE
212800011

KREISSIG
946252004

WILLE JR.
946254001

BRENNER
108200102

HAAS
946253001

CROFTS
946253004

BRENNER
108200202

BISHOP
108200001

MC KUNE
946254001

CHARLENE STEES
LIVING TRUST
946254003

DUNCAN
946253002

HETTER
946253003

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PP2006-188 RK Pet Ranch October, 2018



Entrance and side yard exercise/play areas





Opposite side of building and driveway to kennel



Routt County Planning Dpt
Chris Brookshire

No - The request to permit PP106-018
should not be changed.

There are some problems that need
to be addressed and changed.

The hwy. needs a Turn Lane or something

The noise from the outside pins is a problem -

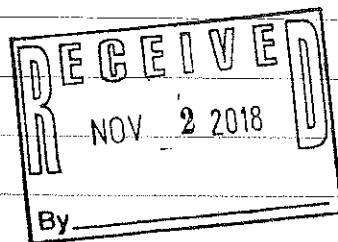
needs a sound wall around them or something

Drive way is steep cars get stuck and backing out
on to Hwy, parking on Hwy and coming out
sliding into Hwy.

Kirby Duncan
30250 Hwy 131

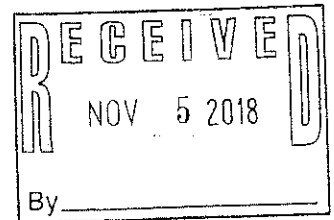


Mr Kirby Duncan
PO Box 770965
Steamboat Spr, CO 80477



November 5, 2018

Routt County Planning Department
Chad Phillips, Planning Director
Chris Brookshire, Planning Staff



Dear Madam and Sir,

This letter is being sent to the Routt County Planning Department to protest and object to RK Pet Ranch's (RKPR) request to remove condition #17 from PP2006-018, that the permit is non-transferable.

The Brenner family owns a subdivided 70-acre parcel east of RKPR. The RKPR facility is within 50 feet of the common boundary. This site is geographically very close to the top of the divide between the Yampa River and Oak Creek. Such an exposed location allows the sound of barking dogs to carry a considerable distance.

When at work, Gerald Brenner, Ranch Manager at Sydney Peaks (also adjacent to RKPR), notices the sound of barking dogs from RKPR up to a half-mile away. Also, our agricultural lessee, Eddie Brenner, has observed his livestock spooked by the barking dogs at RKPR.

The Routt County Planning Department's Master Plan and Zoning and Subdivision regulations have discouraged spot zoning of commercial operations in agricultural/forest zoning designations. I had the honor of serving on the Routt County Planning Commission in 2002 and 2003. I remember hearing a petition from Carol Bloodworth who proposed a similar operation near Milner. This was considered an appropriate location because it was in a well-protected area that was also lower than the surrounding area.

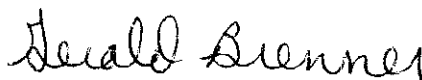
The Brenner family asks the Planning Director to deny the request from RKPR to amend the PP2006-018 permit by removing condition #17 and keep the permit designation as non-transferable.

Thank you for your consideration, we will look forward to hearing your decision.

Sincerely yours,


Kenneth Brenner

Gerald Brenner



Eddie Brenner

