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# Home Ranch

## Administrative Permit

### Planning Director's Findings

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**ACTIVITY #:** PL-19-187

**DIRECTOR DECISION:** August 17, 2020

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**PETITIONER:** Home Ranch

**PETITION:** Administrative Permit for Guided horseback rides, snow shoeing and crossing country skiing associated with the Home Ranch PUD

**LEGAL:** Lands in Section 27 Township 9 North, Range 85 West

**LOCATION:** East of CR 129 Clark, CO

27315 HOME RANCH RD, CLARK

**ZONE DISTRICT:** Agriculture Forestry (AF) and Planned Unit Development (PUD)

**AREA:** 500 ±

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

**ATTACHMENTS:**

- Legal/narrative
- Trail Map
- Staging area map
- Email from the CPW

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#### **History:**

The Home Ranch has offered guided tours to registered guests of the ranch for many years. They have had a permit with Routt County, but the ranch recently sold and has new owners. The ranch boundaries have changed and the permit must be [SK1] revised to account for the change to the boundary and the change of ownership.

The Home Ranch also has a US Forest Service (USFS) permit to conduct tours on the adjoining forest lands.

#### **Site Description:**

The property consists of a 40-acre PUD zoned parcel containing the facilities for the Home Ranch operations and 500± acres surrounding the 40-acre PUD. USFS land is located to the east.

The property is a mixture of meadows, brush, aspen and pine trees.

**Project Description:**

Tours will continue to be offered to the guests of the Home Ranch. They can participate in guided horseback rides, hikes, snowshoe and cross-country skiing tours.

The ranch has horses and a building with equipment for winter activities.

The tours will be staged at the PUD area and travel along trails on the 500-acre parcel and adjoining USFS lands. Winter trails will be groomed and grooming will be conducted between the hours of 7 a.m. and 5 p.m. A map is attached showing the trails.

**Staff Comments:**

Tours will be guided for the safety of clients. All clients will be guests staying at the ranch or participating at an event sponsored by the ranch.

There will be no motorized tours.

The Colorado Parks and Wildlife has submitted a letter requesting that all trash and be placed in Interagency Grizzly Bear certified containers. It is also requested that trash be kept in an area that cannot be accessed by bears and that livestock/pet food be stored so that bears cannot access it.

## **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 seven (7) major categories:

1. Health, Safety and Nuisances
2. Regulations and Standards
3. Routt County Master Plan and Elk River Community Plan
4. Community Character and Visual Issues
5. Roads, Transportation and Site Design
6. Natural Environment
7. 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.**

## Pulic 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: There are possible dangers associated with tours and the outdoor activites proposed. Guides must accompany the tours and trails will be groomed in the winter. All employees should have First Aid and CPR training and carrying radios and/or cell phones in case of any emergency.**

**There should be no noise, odors or vibration associated with these tours. No motorized tours will be offered. There will be noise from the grooming equipment.**

*\*\*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.

**Applicable Policies – Upper Elk River Valley Community Plan**

- 2.1.4.2 Agricultural activities are encouraged and supported, and should be preserved and protected from nuisance, complaints, trespass and other impacts from residential population, recreation and tourism.

**Staff comments: There will be no construction associated with this use. The trails will be groomed in the winter to maintain ski trails. There will also be limit brush hog use to maintain trails in the summer.**

*\*\*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
- 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.
- 6.1.7.O Historical Significance.

**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.

**Applicable Policies – Upper Elk River Valley Community Plan**

- 2.4.3** Encourage visitors to use guides and outfitters and guest ranches. Emphasize protecting the safety of the visitors and responsible use of the land and its resources.

**Staff comments: There will be no outdoor storage associated with this permit. All tours will be conducted during daylight hours. The property sits above County Road 129 and is not visible to the travelling public. Ranching operations will continue at the ranch during tours.**

*\*\*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

- 5.7 Right of Way Access Standards: A Right of Way Access Permit is required prior to construction of any new access point onto a County Road or other Local Public Road or Right of Way.
- 5.8 Road Construction Standards
- 6.1.4 Public Road Use Performance Standards: The proposal shall comply with the Public Road Use Performance Standards in Section 6.2 of these Regulations.
- 6.1.7.A Public Roads, Services and Infrastructure
- 6.1.7.B Road Capacity, traffic, and traffic safety
- 6.1.7.N Snow Storage

**Staff comments: The application meets the above standards and regulations and the Home Ranch PUD addresses the regulations listed. Only guests of the ranch will be offered tours, so no additional public traffic will be generated.**

*\*\*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.

### **Applicable Policies – Upper Elk River Valley Community Plan**

- 2.3.4 3 Discourage winter recreational use in critical elk winter habitat and movement corridors.

**Staff comments: The tours are not anticipated to have an impact on wildlife; there will be minimal impact and no motorized tours. The CPW has commented on this use and a COA has been added with regard to wildlife. Any wildlife encountered should be left alone and allowed to move away from the tours if necessary.**

*\*\*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. The proposal with the following conditions meets the applicable guidelines of the Routt County Master Plan, Upper Elk River Valley Community 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:

**General Conditions:**

1. The Administrative Permit is contingent upon compliance with the applicable provisions of the Routt County Zoning Regulations including but not limited to Sections 5, 6, and fill in any additional applicable reference.
2. The Administrative Permit is limited to the uses and facilities presented in the approved project plan. Any additional uses or facilities must be applied for in a new or amended application.
3. Any complaints or concerns that may arise from this operation may be cause for review of the Administrative Permit, at any time, and amendment or addition of conditions, or revocation of the permit if necessary.
4. In the event that Routt County commences an action to enforce or interpret this Administrative permit, 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 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 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. Prior to the issuance of the permit, the permittee shall provide evidence of liability insurance in the amount of no less than \$1,000,000 per occurrence. Permittee shall notify the Routt County Planning Department of any claims made against the policy. Routt County shall be named as an additional insured on the policy. Certificate of liability insurance shall include all permit numbers associated with the activity.
9. Accessory structures/uses associated with this permit may be administratively approved by the Planning Director, without notice.
10. The permit shall not be issued until all fees have been paid in full. Failure to pay fees may result in revocation of this permit. Permits/Approvals that require an ongoing review will be assessed an Annual Fee. Additional fees for mitigation monitoring will be charged on an hourly basis for staff time required to review and/or implement conditions of approval.
11. Transfer of this Administrative Permit 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 of 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.
12. 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.
13. All tours and trails shall be on lands described in the application, unless the permit is amended to include other private properties.

### **Specific Conditions:**

14. The Administrative Permit is valid for the life of the use. The Permit shall be deemed to have automatically lapsed if the uses permit herein are discontinued for a period of one(1) year (except for uses that are customarily operated seasonally or periodically).
15. Prior to issuance, Permittee shall submit to Routt County proof of a Sales Tax Account /License.
16. Wildlife feeding shall not be allowed as part of this operations. Any DPW concern that may arise from this operation may be cause for review of the permit, at any time, with amendment or addition of conditions, or revocation of the permit if necessary.
17. Any wildlife encountered along the trails should not be approached and be allowed to move away, if necessary, before the tour continues.
18. A least one guide shall accompany each group of 10 guests.
19. All tours shall be operated during daylight hours. Tours can be conducted 7 days per week.
20. Routt County reserves the right to revise or further condition the permit in the future.

21. Any accidents requiring emergency services shall be reported to the Routt County Planning Department within 72 hours.
22. All employees shall carry first-aid equipment and/or supplies. Employees shall be certified and trained in emergency procedures. Two-way radio(s) or cell phones shall be provided to guides in case of emergency. At least one employee accompanying a tour shall carry first-aid apparatus.
23. This permit is associated with the guests and clients of the Home Ranch.
24. Tours must be conducted under the Home Ranch PUD PL-19-188. This PUD is under review at this time and must be approved and recorded for tours to be in effect.

I hereby approve/disapprove (circle appropriate) this Administrative Permit PL-19-187.

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Kristy Winser Interim Planning Director

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Date