



ROUTT COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA COMMUNICATION FORM

ITEM DATE: 10/26/21	ITEM TIME: 9:40 a.m.
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FROM:	Chris Brookshire
TODAY'S DATE:	October 19, 2021
AGENDA TITLE:	Thunderstruck Adventures PL-21-155 Special Use Permit for Snowmobile Tours

CHECK ONE THAT APPLIES TO YOUR ITEM:
<input checked="" type="checkbox"/> ACTION ITEM
<input type="checkbox"/> DIRECTION
<input type="checkbox"/> INFORMATION

I. DESCRIBE THE REQUEST OR ISSUE:

Tours are proposed as follows:

- 1) Tours begin at the end of winter maintenance of CR 80 and travel north to leased private lands and to Forest Service permit area
- 2) Second Route – Tours will begin on Forest Service Road 42 at the intersection of CR 62 and travel west on Forest Service permit area

CR 80 is located east of Hayden, Colorado. It travels north and will be used to access a private lease area of 2,800 acres. This road also accesses Forest Service land known as California Park.

FS 42 is located west of Steamboat Lake and is accessed from CR 62. It also accesses the California Park area.

Thunderstruck Adventures has a Forest Service permit for tours in this area.

The FS 42 access will be used as an alternate route in the event that CR 80 cannot be used. CR 80 is lower in elevation and it may not have an adequate snow base in early winter or late spring.

No private property will be used from the FS42 access. This forest road is not within the jurisdiction of Routt County, but the application for this area can be reviewed to determine if there are any findings of significant off-site impacts. An October 4th memo to the Planning Commission addresses this issue (attached).

The attached staff report has additional information and maps with a narrative from the applicant.



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II. RECOMMENDED ACTION (*motion*):

1. **Approve the Special Use 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 Special Use 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, citing specific regulations or policies by number from the Routt County Master Plan and the Routt County Zoning Regulations.
3. **Table the Special Use Permit request** if additional information is required to fully evaluate the petition. Give specific direction to the petitioner and staff.
4. **Approve the Special Use 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 Special Use Permit is approved:

1. 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 and of the Routt County Zoning Regulations.

(Note: Conditions of Approval from Planning Commission minutes are below)

III. DESCRIBE FISCAL IMPACTS (VARIATION TO BUDGET):

PROPOSED REVENUE (*if applicable*): \$

CURRENT BUDGETED AMOUNT: \$

PROPOSED EXPENDITURE: \$

FUNDING SOURCE:

SUPPLEMENTAL BUDGET NEEDED: YES NO

Explanation:



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IV. IMPACTS OF A REGIONAL NATURE OR ON OTHER JURISDICTIONS (IDENTIFY ANY COMMUNICATIONS ON THIS ITEM):

V. BACKGROUND INFORMATION:

VI. LEGAL ISSUES: N/A

VII. CONFLICTS OR ENVIRONMENTAL ISSUES: N/A

VIII. SUMMARY AND OTHER OPTIONS:

The Planning Department received letters on the application after the staff report was completed. A memo (Oct 4) was sent to the Planning Commission prior to the meeting in regard to these letters.

Routt County Planning Commission heard this item on 10-7-21 and recommended approval with changes to COA #17 and #27.

COA #17 was adjusted to clarify the operations of use for CR 80 and FS 42.

COA #27 revision was the addition that there shall be no customer parking on CR 80 and also FS 42. It should be noted that FS42 will be a 'drop-of' area and the operator will park temporarily while unloading and vehicles will then leave the site.

IX. LIST OF ATTACHMENTS:

Planning Commission staff report of 10-7-21.

Planning Commission memo dated 10-4-21

Planning Commission minutes of 10-7-21 (also below)

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

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 and 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 4, 5, and 6.
2. 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.
3. 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.
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. Permits will be assessed an Annual Fee in accordance with the Fee Schedule..



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6. No junk, trash, or inoperative vehicles shall be stored or left on the property.
7. 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.
8. 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.
9. 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.
10. Accessory structures/uses associated with this permit may be administratively approved by the Planning Director, without notice.
11. 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.
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 (SUP) is valid for the life of the use provided it is acted upon within one year of approval. The SUP shall be deemed to have automatically lapsed if the uses permitted herein are discontinued for a period of one (1) year (except for uses that are customarily operated seasonally or periodically).
14. Prior to operation, permittee shall submit to Routt County proof of a Sales Tax Account /License if applicable.
15. All trash shall be packed out.
16. Any required permits from the Routt County Road and Bridge Department or Building Department shall be obtained and any inspections completed before operations commence.



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17. Hours of operations shall be 8:00 a.m. to 5:00 p.m., 7 days per week. December 1st –April 1st on CR 80 notwithstanding COA 28, and with weather and road conditions permitting. FS Road 42 operations are from Dec 15 to Jan 1 and Apr 1-April 15. Tours will be limited to two per day with a maximum of 16 clients per tour. There will be two guides per tour.
18. All employees shall be first-aid certified and be trained on emergency procedures. Radios or cell phones shall be provided to guides in case of emergency.
19. Any accidents requiring emergency services shall be reported to the Planning Department within 72 hours.
20. Any wildlife encountered along or near the tours shall not be disturbed and shall be given time to move away from any tours. No pets or firearms shall be allowed.
21. The operator shall avoid all wetlands and streams unless there is sufficient snow cover to protect the vegetation and ground.
22. Private property boundaries will be posted to prevent trespass in areas where trails are on private land.
23. Routt County has the authority to close any county road at its sole discretion if damage to the road may occur by its use. To the extent that a road closure may affect Permittee's operations, Routt County will cooperate with Permittee to allow operations to be continued in a safe and practicable stopping point.
24. Routt County roads shall not be completely blocked at any time. If traffic regulation is deemed necessary, it shall be conducted in conformance with the Manual on Uniform Traffic Control at the permittee's expense and the Permittee shall notify the Routt County Road and Bridge Director, or designee thereof, in advance to review and approve the proposed traffic control plan:
 - a. The permittee shall provide traffic control during events in accordance with the MUTCD at the intersection of the site access and CR 80. The traffic control plan shall be submitted for review and approval of the Road and Bridge Department annually prior to the first event each season.
25. Routt County roads affected by this SUP will be inspected by the Routt County Road and Bridge Department at intervals determined by same. Any road damage, culvert damage, cattle guard damage or repair or maintenance needs above and beyond typical maintenance, attributable to this use, shall be made by the county or third-party contractor as selected by the Routt County Road and Bridge Department and on a schedule determined by same. Permittee shall solely bear the costs of repairs.
26. Permittee shall apply for a plow permit to conduct grooming operations on the County Road. Permittee shall designate limits on the plow permit as to the sections of the road being groomed. Permittee shall understand that County Road 80 accesses an area where the public regularly uses snowmobiles. Grooming operations shall not obstruct or impede access to those areas.
27. There shall be no customer parking on County Road 80 and FS 42, the public parking lot, or the corresponding right-of-way for any days that tours will be operated. Guests of tours shall be transported to the site.



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28. Operations shall be limited from December 1 to April 1 weather and road conditions permitting. If operator plans to operate past the April 1 date, it must be approved by the Road and Bridge Director in writing.
29. Permittee shall start and end tours at the end of County Winter Maintenance on County Road 80. Permittee is not allowed to transport clients for tours past end of winter maintenance without written approval from the Road and Bridge Director.