

## ROUTT COUNTY PLANNING COMMISSION

### DRAFT MINUTES

OCTOBER 7, 2021

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 Linda Miller, Bill Norris, Ren Martyn, Brian Kelly, Paul Weese, Jim DeFrancia, and Roberta Marshall. Commissioners Greg Jaeger and Andrew Benjamin and were absent. Planning Director Kristy Winser and staff planner Chris Brookshire also attended. Sarah Katherman prepared the minutes.

#### PUBLIC COMMENT

There was no public comment.

#### MINUTES – September 2, 2021

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

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

**ACTIVITY:** PL-21-155  
**PETITIONER:** Clay Hockel  
**PETITION:** Special Use Permit for Snowmobile Tours  
**LOCATION:** 1) Tours begin at the end of winter maintenance of CR 80 and travel north to leased lands and to USFS permit area, and 2) Second Route: tours begin on FS Rd 42 at the intersection of CR 62 and travel west on FS permit area

Paul Weese recused himself from the meeting.

Mr. Clay Hockel introduced himself and reviewed his background. He said that he and his wife operate Thunderstruck Adventures (TSA) and have been operating snowmobile tours under a previously issued permit (Elk Mountain Adventures) off of CR 80 for a couple of years, but it had come to their attention that the permit had lapsed due to the prior owner's failure to pay permit fees last year. He said that other elements of the operation have been converted over to Thunderstruck Adventures, and that only this permit needs to be addressed. He said that the business is fully insured and is permitted through the US Forest Service (USFS). He said that his guides are avalanche and CPR/Wilderness First Aid trained. Mr. Hockel reviewed that clients are met at the Thunderstruck offices, are trained and transported to the trailhead at CR 80. He stated that two levels of guided tours are offered: on trail and off trail. He described the new 2-stroke engine snowmobiles that are low-impact environmentally and quiet. Mr. Hockel reviewed the emergency response plan.

Mr. Hockel presented a site plan and indicated the USFS permitted areas, CR 80, CR 62 and the private land that is leased. He described the private mountain area and discussed the CR 80 staging area and trail that provides access to California Park. He noted the location of FSR 42 to be accessed from a short section of CR 62. He said that this access would be used as a secondary access point late in the season when CR 80 is no longer useable. He emphasized that CR 80 is the access of choice. He said that the total distance proposed for use on FSR 42 for which they do not have a permit is 981 yds. They are fully permitted for use of the rest of FSR 42. He said that the 981 yds is surrounded by private residences and indicated the area on a site plan. Mr. Hockel stated that TSA clients cannot be guided out of Steamboat Lake State Park, as that would require an additional permit and other tour companies operate out of the Park. He said that clients are allowed to pick up sleds and ride them from the Steamboat Lake State Park site across FSR 42 on their own, but that he would rather conduct guided tours. He said that TSA would like to guide through April 15, but that CR 80 is often unuseable after April 1. Last year it became unuseable on March 29. He said that last year they ran exploratory rides without clients to see if FSR 42 would work late in the season and tracked the results, including snow depth and the number of vehicles at the trailhead. He said they had no complaints about the use and feel that this trailhead would work well for late-season tours.

In response to a question from Chairman Warnke, Mr. Hockel said that the intention is to drop snowmobiles and clients off at the intersection of CR 62 and FSR 42. No customer parking would be allowed there. The transport vehicles and trailers would be parked off-site. He clarified that Steamboat Lake State Park does not currently have guide operator permits available.

Commissioner Marshall asked about the plowing of CR 62/FSR 42. Mr. Hockel indicated on a site plan the location of the winter snowplow turn around area that is available and large enough for public parking. In order to connect to the USFS permitted and private land, a County permit is needed to cross the 981 yds. There is no way to unload directly onto USFS property.

Commissioner Marshall asked about sanitation. Mr. Hockel said that clients would use the facilities before leaving the office and would have access to sanitary facilities at the cabins on private land. This situation applies to both access routes.

Commissioner Martyn asked if the USFS permit allows for parking at the intersection of CR 62 and FSR 42. Mr. Hockel said that this is up to the County. Ms. Brookshire clarified that the road is considered CR 42 from the intersection of CR 62. County maps show CR 42 is platted as a 60' right of way. The current road is approximately 30' wide. She described how the County snowplows operate in the area and added that the area is not a designated parking area; it is a trailhead/access to forest lands. Mr. Hockel indicated the location of the parking area at Steamboat Lake Park where the transport vehicles could be left.

Commissioner DeFrancia asked about the lapsed permit. Mr. Hockel described how TSA had been operating under a former operator's permit. The only difference between the current proposal and the former permit is the use of CR 62/FSR 42.

Ms. Miller asked about how the use of FSR 42 in the early part of the season. Mr. Hockel said that the season would open on December 18, and that early in the season there would be a benefit to

using FSR 42 between December 15 and January 1. Mr. Hockel said that he would be okay with date restrictions on FSR 42.

Commissioner Norris asked if other operators have dropped off sleds at FSR 42. Mr. Hockel said that to his knowledge no other tour operators have used this access.

In response to a question from Commissioner Miller, Mr. Hockel said that it usually takes about 20 – 30 minutes to unload the machines and then re-load them at the end of the tour. He said that although his sleds would not be allowed under the restrictions in Yellowstone, the sound level is comparable to the 4-stroke machines used there.

Ms. Brookshire stated that Mr. Hockel had presented accurate maps of the operation. She said that the finding of no significant impacts was addressed in the staff report. She noted that the application had changed slightly since the staff report was written: it is now proposed that clients will be dropped off at the FSR 42 trailhead. No vehicles will not be parked there. Ms. Brookshire added that the proposed provision to allow clients to drive their own cars to the CR 80 trailhead has been removed; all clients will be transported by the operator. Regarding visibility of the tours by the traveling public, Ms. Brookshire said that the loading and unloading would be visible to travelers on CR 62. She said that she had spoken with Ms. Dickerman, of the USFS, who had clarified that the total number of guided tours are regulated in this area of USFS land and kept fairly constant by limiting the number of permits issued. The County is not involved in the USFS permitting process. Ms. Brookshire said that the comments received by the Road & Bridge Department and other agencies have been incorporated into the conditions of approval (COAs). The original comments from Colorado Parks and Wildlife (CPW) have not changed. No new comments from CPW were received.

In response to a question from Commissioner Martyn, Mr. Hockel confirmed that TSA would be responsible for keeping CR 80 groomed. Some private landowners occasionally groom trails to their cabins.

Ms. Brookshire presented an aerial photo of the area around the intersection of CR 62 and FSR 42. Commissioner Martyn asked if any private property owners plow beyond the proposed unloading area. Mr. Hockel said that they do not. They park below and snowmobile or ski in.

### **Public Comment**

Ms. Jan Mitchell stated that her property is the closest to the proposed access point at FSR 42. She said that there are three subdivisions in the area with a total of about 40 lots. She noted the other nearby subdivisions and the residences that are occupied full time. She said that she spoke with many of the property owners who expressed concern with noise. She also expressed concern with the lack of sanitation facilities at the trailhead. Ms. Mitchell acknowledged that the public is allowed to use the area, but added that the County does not want people parking there. She expressed concern with the odor, noise and the pollution generated by snowmobiles. She stated that the Routt County Master Plan discourages commercial operations near residential areas and there are several other tour companies operating in this area already. She noted the number of letters in opposition to the application by the local residents and landowners. The neighbors are not in favor of this application. She asked Planning Commission to consider the comments of the neighbors. She asked about the comments regarding the regulations in Yellowstone. Mr. Hockel

stated that his machines are comparable to those allowed in Yellowstone. Ms. Mitchell said that sound travels in this area much more in the winter and that snowmobiles going across the meadow can be heard from a long way off. She noted that there is now a nice parking lot with sanitary facilities up on FSR 550, which is a good area for snowmobiling because there are no houses. She encouraged Planning Commission to deny the use of FSR 42.

Mr. Patrick Booch, (the last name may be incorrect – this person did not sign the registration sheet) a resident of the Captain's Cove subdivision, stated that he works from home, as does another nearby neighbor. He expressed concern that the proposed use of the FSR 42 trailhead could affect his livelihood. He noted the increase in use of the area over the years and questioned the finding that there would be no significant negative impacts. He expressed concern with the noise and pollution and stated that he is opposed to the FSR 42 portion of the application.

Mr. Dale Kintgen, a property owner with a ranch on FSR 42, said that he has been plowing that road occasionally in the winter for the past 34 years. He said that he has no problem with groomer, but that at some point in the winter it can become too hard to clear. He said that the Paleys plowed the road until March last year and that Joella West, another landowner, has also had the road plowed. He said that some snowmobilers have expected him to get out of the way while he is plowing. He also expressed concern with the lack of parking and said that when they come up to use their property they need a place to park. Mr. Kintgen expressed concern with the snowmobile noise from users that already use the area, and added that people have defecated in the parking area.

Hearing no further comments, Chairman Warnke closed public comment.

Chairman Warnke noted that the suggested COAs do not address parking at FSR 42 access point. Ms. Brookshire said that because this is a FS road, and added that she is not certain if the County can include a prohibition on parking there. Chairman Warnke offered that almost all of the objections seem to focus on the parking, and that the petitioner has agreed not to park there after the clients and snowmobiles have been dropped off. No clients will be driving their vehicles to the drop-off site.

Chairman Miller proposed limiting the use of FSR 42 to December 25 – January 1, and April 1 – 15. There was discussion of how to amend the suggested conditions to address the differential use of CR 80 and FSR 42. In response to a question from Commissioner Martyn, Mr. Hockel stated that he does not believe any other tour companies operate out of the FSR 42 trailhead.

## **MOTION**

Commissioner DeFrancia moved to recommend approval of a Special Use Permit for Snowmobile Tours with the finding 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, 6 and of the Routt County Zoning Regulations. This approval is subject to the following conditions:

### **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..
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 a 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.
17. Hours of operations shall be 8:00 a.m. to 5:00 p.m., 7 days per week. December 1<sup>st</sup> – April 1<sup>st</sup> 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.
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.

Commissioner Kelly seconded the motion.

**The motion carried 7 – 0, with the Chair voting yes.**

Commissioner Weese re-joined the meeting.

## **OUTREACH AND ENGAGEMENT PROCESS FOR THE MASTER PLAN UPDATE**

**ACTIVITY:** PL-19-107  
**LOCATION:** Routt County

Mr. Keith Walzak, of Cushing-Terrell, introduced the project team. He presented a review of the Master Plan update process, noting that the identified measures of success include ensuring that the Plan is a community-based plan that addresses all parts of the County and involves all community members. In order to accomplish this goal, and keep the process moving, a joint executive committee of the BCC and the PC will be re-established to oversee the process. In the initial phases of outreach it was also determined that a key step would be to affirm what is and is not working in the current Master Plan.

Mr. Walzak reviewed the main focus items that have come up consistently in the early outreach: protecting open lands and the rural lifestyle, growth management, housing, protecting the

environment, transportation and recreation/tourism management. He also reviewed the overall strategy of building on previous work, creating an inclusive process, leveraging resources and engaging community members. Mr. Walzak reviewed the phasing and the timeline for the process.

Ms. Heather Henry reviewed the plan for going out into various areas of the County to engage the public. She said that over the next six weeks open houses would be held and a new online survey would be distributed. Meetings with the leaders of each municipality are scheduled for October, along with meetings with key stakeholders, landowners and groups. The technical advisory committee (TAC) will be meeting regularly throughout the process. Ms. Heather emphasized that the discussions will build on the results of the previous surveys and outreach.

Mr. Walzak noted that the next TAC will focus on land uses, growth projections and mobility. Future meetings will focus on other topics, with the process culminating in a series of recommendations. Following the recommendations, work will proceed on implementation strategies and then on to the draft Plan.

In response to a question from Chairman Warnke, Ms. Henry reviewed how the open houses will be set up with a series of stations. She reviewed the stations and the tools that will be used to gather information, organized around theme statements that the public will prioritize.

Ms. Winser stated that the first executive committee was held earlier today. The committee consists of Ms. Winser, Chairman Warnke, County Commissioner Beth Melton, and County Manager Jake Harrington. She said that the main focus of the meeting was establishing expectations regarding the importance of wide community input. She said that the first TAC meeting was held this morning. The TAC includes County department heads and topic experts in the community. A full list of members will be distributed, along with a full list of the stakeholders and groups to be met with individually. Ms. Winser reviewed how the community meetings are being advertised.

Commissioner Marshall, citing the previous item on the agenda, noted the importance of coordinating the process with representatives of the USFS. Ms. Winser said that the Routt Recreation Roundtable would be closely involved in the process.

Regarding Planning Commission involvement, Ms. Henry said that the PC is highly encouraged to attend the open houses. She said that if a particular focus group or topic is of special interest, Planning Commissioners should contact Ms. Winser.

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

Ms. Winser said that there are currently no items scheduled for the October 21<sup>st</sup> PC meeting.

**The meeting was adjourned at 8:15 p.m.**