
Thunderstruck SUP Amendment

ACTIVITY #: PL20220056

DECISION DATE: Planning Commission - September 15, 2022
Board of County Commissioners - October 04, 2022

PETITIONER: Clay Hockel

PETITION: Special Use Permit - Amendment of Special Use permit PL-21-155 to include a new building and expand the permit boundary to include a 35-acre parcel

LEGAL DESCRIPTION: TR IN SE4 26-7-88 LYING EASTERLY OF CENTERLINE OF RCR 80 TOTAL 15ACS +/-

LOCATION: 929263001
C.R. 80, approx. ¾ mile from its split of C.R. 70, California Park

ZONE DISTRICT: AF

AREA: 35.00

STAFF CONTACT: Kristy Winser, kwinser@co.routt.co.us

ATTACHMENTS:

- Description of use
- Vicinity map CR 80
- Private leased area

History:

A Special Use Permit for snowmobile tours was issued to this operator on November 26, 2021. There are no other Routt County snowmobile tour permits in the area.

Site Description:

The subject of this amendment is to add a 35-acre privately owned vacant parcel to the permit boundary. The permit boundary currently includes:

- 2,800 acres of privately leased land consisting of rolling hills and open meadows with pine, brush, and aspen areas.
- Access the California Park area via Forest Service Road 42, located off CR 62 west of Steamboat Lake. FS 42 travels west and accesses the California Park area. This road is also used as an access for winter recreation users.

The parcel is located at the end of the CO RD 80 winter turnaround. County Road 80 is located NE of Hayden, Co. It travels north to Forest Service lands to an area known as California Park. The County Road is maintained during the winter season for approximately 0.75 miles, and then maintenance ends. This area is used as an access point for winter recreation to access California Park.

Project Description:

The application is for an amendment to an existing snowmobile operation for guided tours. The amendment request is to add a 35-acre privately owned parcel to the permit boundary with the intent to build a 60'x 120' structure for Thunderstruck Adventures equipment. This building would allow Thunderstruck Adventures to safely keep their snowmobiles, groomers, trucks, and trailers in a locked and protected facility both during the day and overnight. Employees would only use this structure to stage equipment directly from the building as opposed to trailer equipment daily from Steamboat Springs. There are no other amendments requested to the operation.

The permit allows for snowmobile tours using a portion of C.R. 80 and private property. The applicant can use Forest Lands in the California Park area however, F.S. permits have not been secured for 2022/2023 but will be required if they intend to use lands outside the 2,800 acres of private leased land or access from C. R. 42, as allowable through this permit. A condition has been added to address this requirement.

Operations are proposed as follows:

- Snowmobiles will be kept onsite until they reach the private property or Forest Service lands.
- This structure would only be used by employees to stage equipment.
- Clients still check-in at the steamboat office
- Clients are still required to ride the shuttle bus from the Steamboat office to this location.
- They are not proposing to change anything from our current SUP with how clients arrive at this location.
- Through the amendment, the operator would no longer have to drive multiple trucks/trailers on a daily basis back and forth anymore. Employees would arrive on location in the morning and then depart in the evenings. The shuttle bus would make 2-3 roundtrip trips a day between this proposed location and Steamboat.

- Tours will be conducted from approximately December 1st through May 1st 7 days a 8:00am – 5:30pm.
- Operator anticipates 3-6 guides per day working out of this area.
- Operator has an emergency operations plan and Guide snowmobiles are equipped with a first aid pack and each guide will have radios and be first-aid and CPR certified.

An attached narrative describes the revised operation plan in more complete detail.

Staff Comments:

Routt County received no formal complaints for this operator at CR 80 and on the 2,800 acres private lease. This amendment request would reduce anticipated traffic by eliminating the need to transport trucks/trailers daily back and forth.

The 35-acre parcel with structure will allow for safe site circulation, pick up/drop off, and equipment parking off the county road.

Road and Bridge commented their gravel apron for their yard cannot be in the ROW. They show the 80' setback from the centerline of CR 80, but I would like to see where the edge of the 60' ROW falls with the gravel in their yard. Staff included a COA to consider this request.

West Routt Fire commented that they wanted an opportunity to check in and review their Emergency Operation Plan. Staff included a COA to consider this request.

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

- Does the amendment add additional off-site impacts, and can they be mitigated through appropriate conditions?

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

The Routt County Master Plan, Sub Area plans and Zoning Regulations 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 Impacts Roads, Transportation and Site Design
4. Natural Environment
5. Mitigation

Interested parties are encouraged to review the Master Plan, Sub Area plans and Zoning Regulations 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 about which 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: Personnel will carry first-aid kits and radios/cell phones and will be first-aid and CPR certified. Tours will have two guides for each tour. Equipment is available in case transport is needed for a client.

The snowmobiles are new 2-stroke engines for minimal noise from machines. There will be noise from grooming of trails.

County Road 80 and trails will be groomed. The grooming of CR 80 will make this a safer trail for both the tours and the general public. A permit from the R&B Department will be required to groom trails on CR 80 and permits are required to operate on forest serive lands.

***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

6.3.A Recreation and Tourist-based development and use intensity should be comparable to traditional agricultural use intensity. Intensity of permitted use should be proportional to permitted acreage.

Staff comments: The petitioner will need to obtain a building permit and the site design has been reviewed by staff. work with the Routt County Public Works Department to obtain a permit for grooming of the County Road and to determine when the tours must cease due to road conditions.

There will be no changes to the agricultural use of the property as this operation is intended during the winter months. The tours will use approximately 12-15 miles of non-maintained winter access on CR80 and have access to approximately 2,800 acres of private property. Tours may also use forest service lands.

***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
- 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.
- 6.3.B. Disperse recreational users so that trails are not overused. Consider the cumulative impacts of recreational permits on their target area.
- 6.3D Encourage the use of shuttles by recreation operators to minimize the traffic impacts of their businesses.
- 6.3.E When appropriate, commercial recreational businesses should be immediately accessed by US 40, Colorado State Highways 131 and 143, and County Roads with Primary and Rural classification. Discourage commercial recreational development that creates traffic on County roads other than Primary and rural.
- 6.3.G Preserve public access to public lands.

Staff comments: There will be no outdoor storage or lighting. All tours will be conducted in daylight hours. Signage is suggested in the conditions of approval to help prevent trespass on private property off of CR 80.

The structure will help mitigate visual impacts and equipment safety on the County road. Potential visual impacts of the building are mitigated through muted colors of the design to keep up with the area's nature and character.

***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

Applicable Policies – Routt County Master Plan

6.3.D Encourage the use of shuttles by recreation operators to minimize the traffic impacts of their businesses.

6.3.E. When appropriate, commercial recreational businesses should be immediately accessed by US 40, Colorado State Highway 131 and 134, and County Roads with primary and rural classifications. Discourage commercial recreational development that creates traffic on County roads other than Primary and Rural.

Staff comments: The operator will have to receive and comply with permits for maintenance and use of CR 80 from the Routt County Road and Bridge Department. Conditions have been added to address these requirements.

***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 is an unnamed stream located on the private property and trails should be diverted if there is open water. There will be no disturbance of land and the county road will be monitored for snow conditions to avoid any degradation of the road. County Road 80 travels through areas mapped for Columbian Sharp Tailed Grouse winter range and production areas and Elk winter concentration areas. These areas are not mapped for critical wildlife concerns. There are no mapped winter wildlife concerns for the private property.

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

PLANNING COMMISSION / BOARD OF COUNTY COMMISSIONERS OPTIONS:

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.

CONDITIONS that may be appropriate may include the following:

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 1st – May 1st on FS Road 42 and December 1st to April 1st on CR 80 with weather and road conditions permitting. 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, 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 from the 35-acre parcel, subject lot of this amendment. at the end of County Winter Maintenance on County Road 80.
30. The applicant shall coordinate with Road and Bridge on the desing and access permit for the gravel apron to their property, which cannot be in the ROW..
31. Applicant shall coordinate with West Routt Fire to review and approve their Emergency Operation Plan.