

## ROUTT COUNTY PLANNING COMMISSION

### DRAFT MINUTES

**April 6, 2023**

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 Bill Norris, Andrew Benjamin, Jim DeFrancia, Ren Martyn, Paul Weese, Linda Miller, and Pete Wood. Commissioners Greg Jaeger, Brian Kelly were absent. Planning Director Kristy Winser and staff planners Alan Goldich and Sally Ross also attended. Sarah Katherman prepared the minutes from a recording.

#### **PUBLIC COMMENT**

There was no public comment.

#### **MINUTES - March 2, 2023**

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

**ACTIVITY: PL20220101**

**PETITION: A Minor Amendment to the Steamboat Lake State Park PUD to allow for the use of the Quealy parcel as the base for the snowmobile operation at the state park**

**APPLICANT: Steamboat Lake State Park c/o Colorado Parks and Wildlife - Ryan Crabb**

**LOCATION: The proposed site is located on State of Colorado land, Board of Land Commissioners property. The parcel sits northeast of Steamboat Lake State Park on the east side of CR 129**

Mr. Ryan Crabb, Senior Ranger of the Steamboat Lake State Park, a division of Colorado Parks and Wildlife (CPW) stated that the State Park has a Planned Unit Development (PUD) that includes the Quealy Parcel. He said that the petition is to amend the PUD to allow for the relocation of the snowmobile tour concessionaire's operation. He explained that the concessionaire currently operates out of the Steamboat Lake State Park Marina parking lot. The relocation of the operation would move the snowmobile tours away from the non-motorized uses and free up much needed space in the parking lot. Mr. Crabb said that the snowmobile operation would not be expanded; it would just be relocated to the Quealy parcel where the snowmobiles would have direct access to the trail into USFS lands. He added that the concessionaire only operates during the winter and prefers not to operate into April, when tourism drops off and snow conditions are variable. The temporary building and trailers used by the concessionaire would be removed when conditions allow, but no later than Memorial Day weekend. Mr. Crabb indicated the Quealy parcel on a map, and pointed out the

route currently used by the snowmobile tours around the lake, across CR 129 and onto the Quealy trail. He indicated the direct route that would be used from the Quealy parcel. He stated that the new route would keep snowmobile traffic away from Hahn's Peak Village, the Park and the non-motorized trails.

Mr. Crabb presented a photo of the Quealy parcel and stated that the entrance would need to be widened and that a bigger gate would be installed. He said that the area would be open only to the clients and employees of the concessionaire. No parking for the public would be allowed on the Quealy parcel. Mr. Crabb indicated the location on a site plan of the proposed staging area near the old Quealy cabin, and stated that the area was chosen to minimize disturbance to wildlife. He said that the other element of the proposal is to make some improvements to the Quealy cabin and then use the site for small environmental educational programs. He stated that he would like to apply for a grant to upgrade the cabin and perhaps install a vault toilet at some point in the future. Mr. Crabb stated that wildlife biologists with CPW had been informed of the proposal and had no concerns.

Ms. Ross reviewed the proposal to relocate the snowmobile tour operation to the Quealy parcel and stated that staff is recommending approval. She reviewed the history of the existing PUD on the parcel, which would allow for the construction of rental cabins. She stated that the Quealy parcel is owned by the State Land Board and is leased to Colorado Parks and Wildlife. She added that a zone change for the parcel from Agriculture/Forestry (A/F) to Outdoor Recreation (OR) was approved in 2004 to allow recreational uses on the property. Ms. Ross noted that the State is voluntarily entering into the County planning process for this use. Because the State is not obligated to obtain permission for the proposed use, the County cannot enforce or disallow any use on the property. Ms. Ross stated, however, that the concessionaire's US Forest Service permit limits operations to the following:

- Confining trail grooming to designated routes, not to begin until a minimum of 18" of snow has accumulated and ceasing by May 1<sup>st</sup> each year.
- Grooming of designated routes should occur during daylight hours as much as possible, and must cease by 7:30pm.
- Client: Guide ratio is 8 (clients):1 (guide).

Ms. Ross added that the snowmobiles must remain on the groomed trail across the Quealy parcel until they reach USFS land. She presented photos of the site.

Ms. Ross stated that another element of the request is to increase the current 25 mph speed limit on the trail because the machines overheat at lower speeds if operated on a hard pack trail. She stated that staff has concerns with this request. She stated that in response to concerns regarding the visual impact of the staging area and temporary buildings, the applicant is proposing to construct snow berms to screen the site from the road. Ms. Ross asked Planning Commission to consider whether this mitigation is sufficient.

Mr. Goldich explained that this application meets the standards for the amendment to the PUD to be processed administratively, but that because staff knew that the proposal would be controversial, the decision was made to bump it up for review by Planning Commission and the Board of County Commissioners (per Section 3.2.1 of the Zoning and Subdivision Regulations).

Mr. Goldich stated that the existing PUD on the Quealy parcel, which was approved in 2004, includes the restriction that the parcel is closed for use between April 15 and June 20 to protect the Greater Sandhill Crane nesting area on the site.

In response to a question from Commissioner Norris, Mr. Crabb described the metal building on blocks that would be removed at the end of the winter. He said that the building is served only by solar lighting and temporary heating at its current site, but that there is electrical service near the Quealy parcel and that it could be extended to the site if needed.

Commissioner Wood asked if other alternative sites had been considered. Mr. Crabb said that the State Park does not have any other available areas with parking suitable for this use, and noted that part of the application is to improve the Quealy cabin use in the summer for educational programs and school groups. He said that the Parks wanted to wrap these projects together.

Commissioner Martyn asked for more details about the operation, the number of tours per day, etc. Mr. Crabb indicated on a site plan the route currently used around the State Park, across CR 129 and onto the groomed trail. He said that the concessionaire's permit allows him to operate 30 machines, but that he actually runs about 19. He said that the trips are all guided, but that he would be allowed to rent machines for unguided tours, and has done so in the past. Mr. Crabb stated that only clients of the concessionaire would be allowed to park on the Quealy parcel, but that many of them are shuttled to the site by the concessionaire. He confirmed that the Quealy trail is open to the public.

Chairman Warnke asked about the proposed increase to the speed limit on the trail. Mr. Crabb stated that the current machines overheat at low speeds unless they are cooled by snow, which does not happen on the groomed trail, even with the use of scratchers. He said that the request to eliminate the speed limit is being made by CPW.

Commissioner Benjamin asked about law enforcement actions. Mr. Crabb stated that they are rare, and that the most common infractions are lack of registration and riders going off the trail. He added that there are more problems with locals than with tourists.

In response to a question from Chairman Warnke, Mr. Crabb indicated on an aerial photo the Quealy cabin, Hahn's Peak Village, the two existing residences and the new one being built in the Lucky Camp subdivision.

Commissioner Benjamin asked about complaints. Mr. Goldich said that no official complaints had been received regarding the snowmobile operation.

Mr. Goldich stated that while the zone change from A/F to OR was approved in 2004, it was never recorded. He said that whether the PUD amendment is approved or not, the zone change will be recorded to accurately reflect the approval. The zoning will also be corrected on the GIS.

### **Public Comment**

Ms. Shirley Stocks, a longtime resident of Hahn's Peak Village and owner of Lot 1 in Lucky Camp stated that the community has long been opposed to expanding snowmobile operations and expanding usage in North Routt. She stated that a commercial snowmobile business is not compatible with a residential area and will create conflict. She reviewed the history of the Poverty Bar property that is deed restricted for use as a snowmobile trail. She described the negotiations that had occurred 20 years ago that resulted in the current trails and their use, and the agreement regarding the use of Quealy trail for snowmobile access to the USFS. She said that those negotiations took three years and were a collaborative efforts by all concerned parties, government agencies and the community. Ms. Stocks reviewed the rules that apply to the managed trail for access to USFS land. She offered that there is no reason to move the snowmobile concessionaire's operation across CR 129 and stated that doing so would result in negative impacts on the wildlife, the residents of the area and its visitors. She cited negative impacts on wildlife habitat, view corridors, wetlands and the riparian corridor. Ms. Stocks stated that there is room for this use at the marina where facilities already exist and the site is buffered from view and from the residential areas. She cited the minutes from the Planning Commission meeting in 2004 when the PUD for the Quealy parcel was reviewed, noting the concerns regarding view sheds, preservation of the Quealy parcel and noise concerns. Ms. Stocks described the impacts that a snowmobile operation staging out of the Quealy parcel would have, and expressed concern with the lack of enforcement of the rules. She suggested that the proposed change is not in the spirit of the agreement that was reached in 2004 regarding the use of the Quealy parcel. She asked that Planning Commission recommend denial of the petition, or table it until a solution that satisfies all parties can be found.

Ms. Leslie Lovejoy, a resident of North Routt and representative of the Friends of the Routt Backcountry, described the non-motorized use area on Hahn's Peak. She said that the Quealy Trail travels right across the non-motorized use area. She said that over the last few years that the County has been plowing up to the new parking area created on Forest Service Road (FS) 550 there have been fewer conflicts with snowmobiles riding in the non-motorized area. She said that all of these solutions have come about through extensive community involvement, but that the community has not been informed or included in discussions about the current proposal. Ms. Lovejoy suggested that inadequate notice had been provided. She requested a tabling of at least 8 weeks to allow

the community to find a mutually agreeable solution. Ms. Lovejoy expressed concern with the lack of education provided by the concessionaire regarding the non-motorized area. She said that more signage and education is needed. She added that the sheriff's office will not respond to snowmobiles riding in Hahn's Peak Village. She asked Planning Commission to table the petition.

Ms. Barbara Hughes of the Colorado Crane Coalition, stated that she had submitted a letter. She said that there is a prime Sandhill Crane nesting and chick (colt) rearing area on the Quealy parcel. She said that while winter use is not a concern, the removal of the temporary building in late April or May is too late, as the cranes are already there. Ms. Hughes also expressed concern with the proposal to remodel the Quealy cabin for increased summer use because the cabin is only about 300 feet from the nesting habitat. She suggested that the educational programs could be held elsewhere in the Park without impacting the meadow on the Quealy parcel. Ms. Hughes requested that, if the petition is approved, the deadline for removal of the temporary facilities be moved to the beginning of April. She noted that the Sandhill Cranes are a Tier 1 species in Colorado.

Mr. Scott Denniston, a resident of Hahn's Peak Village, said that he and the community have been battling commercial snowmobile operations for many years. He expressed concern with trucks with snowmobile trailers blocking access and stated that allowing the concessionaire to move his operation to the Quealy parcel would lead to an increase in snowmobile usage in the Hahn's Peak area and increase the negative impacts on Hahn's Peak Village. He stated his agreement with the previous comments and added that the Quealy parcel is not an appropriate location for a commercial operation. Mr. Denniston asked Planning Commission to table the petition.

Mr. Bryce Hinchman, an attorney representing Ty Lockhart the owner of Lot 5 of Lucky Camp, expressed agreement with the previous comments. He stated that they had submitted a letter on Mr. Lockhart's behalf. He reviewed the history of the existing trails and the agreement that defines the route that snowmobiles must use and limits the speed of snowmobiles to 25 mph. He offered that the petition to amend the PUD would water down or remove altogether the rules that were agreed to in 2004. He said that the proposal represents a significant expansion and departure from the current use of the Quealy parcel. He stated that Mr. Lockhart's lot line is only about 300 ft. from snowmobile and non-motorized access point to the USFS land. He said that proposal would lead to snowmobiles traveling at reckless speeds across the trail and creating significant noise impacts. Mr. Hinchman stated that Mr. Lockhart is also concerned with refueling and maintenance of snowmobiles on site and the potential for spills of hazardous materials. Mr. Hinchman discussed the lack of delineation of the wetlands on the Quealy parcel. He asked Planning Commission to table the petition. He stated that if the petition is approved, his client is requesting that a date for removal of the metal building be set, that its location be defined, that a limit on daily trips by the concessionaire's machines be set, that only guided tours

be allowed, and that the 25 mph speed limit be maintained. Mr. Hinchman stated that the petition was unclear and who the permittee is and that this should be clarified. He added that an explanation was also needed of what would happen to the operation and the PUD if the lease on the Quealy property is not renewed.

Mr. Victor Washburn, a resident of Hahn's Peak Village, expressed frustration with the lack of a complete operational plan, including how many snowmobiles the operator would be allowed to run in the future. He added that the proposal would involve the creation of a new trail across the Quealy parcel to meet the existing trail. He asked who the applicant is and who the concessionaire is, and whether the State Park is responsible for supplying parking for public snowmobilers. Mr. Washburn stated that he would like to see all the comments that were submitted regarding the petition.

Mr. Rich Galusha stated that he and his wife are in the process of building a studio on their lot in Lucky Camp. He reviewed the history of the Quealy trail and said that the current arrangement is the result of the community-wide negotiations. He said that the Quealy parcel is a pristine area that will end up all tracked up and packed down by snowmobiles riding fast like the area around Steamboat Lake. He expressed concern with the lack of enforcement regarding speed limits and where people are allowed to ride. He asked Planning Commission to deny the petition, or at a minimum table it to allow for community input. Mr. Galusha suggested that the concessionaire should operate out of the FS 550 parking lot where the use would not bother anyone.

Mr. Ty Lockhart, owner of Lot 5 at Lucky Camp, stated that he is an adjacent property owner and had not received notice of the petition. He expressed frustration at the lack of delineation of the wetlands on the Quealy parcel by the Army Corps of Engineers. He said that he thinks if the proposal is approved and the concessionaire is moved to the Quealy parcel that many more riders will ride off trail, causing more disturbance. He expressed concern with the lack of enforcement and suggested that the parking lot at FS 550 would be a better place to locate the operation. Mr. Lockhart offered that the 6 - 8 parking spaces, a building, trailers, snowmobile parking would cause much more disturbance that can be accommodated on the designated portion of the Quealy parcel. He also said that no clear plan for the operation had been presented. He said that no one wants a big metal building and a parking lot in middle of the beautiful vista towards Hahn's Peak across the meadow.

Mr. Arne Stemsrud, a resident of Hahn's Peak Village, stated his agreement with all the previous comments. He asked if allowing this operation on the Quealy parcel would open the door for a summer ATV tour operation on the same site.

Hearing no further comment, Chairman Warnke closed public comment.

Mr. Goldich stated that all notice requirements had been met. He stated that the State Park is allowed to request an amendment to its PUD based on changing

conditions. He said that the proposal is not for a new use, but rather the relocation of the staging area for an existing use, and that there would be no increase in the number of snowmobiles. Mr. Goldich said that the current petition is specific to the relocation of an existing use and does not set a precedent of any kind regarding other uses. It also does not have any bearing on private snowmobile use in Hahn's Peak Village or elsewhere. Mr. Golich said that staff does not support the proposed increase in the speed limit. He added that the Army Corps of Engineers only delineates wetlands when dredging or fill is proposed. He stated that this petition is not for a permit - it is for an amendment to the existing State Park PUD - so there is no permit holder. Regarding the details of the snowmobile concession, Mr. Goldich clarified that the State Park contracts with a concessionaire of their choice and that the County is not involved. He reviewed the process through which the State Park is voluntarily applying for an amendment to its PUD. He stated that the matter is currently scheduled to be heard by the Board of County Commissioner on April 18, but due to scheduling conflicts that the item will be tabled to April 25. He reviewed the potential additional conditions of approval (COAs) that Planning Commission could consider regarding the maximum number of snowmobiles allowed on site and a specific date by which the temporary facilities must be removed from the site.

Mr. Goldich clarified that the applicant is Steamboat Lake State Park (CPW) who leases the Quealy parcel from the Colorado State Land Board. Mr. Crabb reviewed the process through which operators can apply for concessions on State Parks. He said that each Park handles its own concessions based on the individual merits of the applications. Mr. Crabb clarified that the concessionaire used to rent machines for unguided tours, but that now he only runs guided tours.

In response to a question from Commissioner DeFrancia, Mr. Crabb stated that individuals are allowed to ride on the Quealy trail into the USFS lands, but would not be allowed to operate on the portion of the trail between the entrance and the connector trail. He stated that the relocation of the snowmobile concession would help to alleviate the congestion at the marina parking lot, which is open for public parking for a variety of activities at the Park. Mr. Crabb stated that the public would continue to access the Quealy trail on the current route. He indicated that route and the route that would be used by the concessionaire's clients on a map of the site.

Commissioner DeFrancia asked about the current use of the Quealy cabin. Mr. Crabb said that it was in disrepair and was not used at all. He said that the road through the parcel is lightly used in the summer.

Commissioner Weese asked about the cabins approved on the existing PUD. Mr. Goldich said that approval was granted for two rental cabins on the north portion of the property, but those cabins have not been built.

At Commissioner Benjamin's request, staff reviewed the noticing requirements. Ms. Ross presented a timeline of when the various notices had gone out and when the property was posted.

Chairman Warnke asked if CPW's wildlife people had reviewed the application. Mr. Crabb reviewed that they had. He stated that they had no concerns with the proposal and would remain involved as the project moves forward. Chairman Warnke suggested that representatives of the Crane Coalition, CPW and the State Park should meet to determine when the temporary facilities should be removed from the site to avoid disturbance of the crane nesting area.

### **Roundtable Discussion**

Chairman Warnke asked Planning Commission to weigh in on the 25 mph speed limit, the snow berms proposed to mitigate the visual impacts, and whether it would be appropriate to table the petition to allow the opportunity for more community involvement.

Commissioner Wood stated his support for maintaining the 25 mph speed limit. He stated that the variability in snowfall and operator skill would make the effectiveness of snow berms unknown. He said that unless there was a reason not to, he would support a tabling to allow for increased involvement by the neighbors and for more information regarding the impacts on the cranes.

Commissioner DeFrancia noted that the petition is for an amendment to a PUD, which is a zoning issue. It is not about the enforcement of regulations and rules that apply along the trail. He reviewed that the request is for relocating the snowmobile concession staging area and temporary building and trailers, widening the entrance to the Quealy parcel, installing a seasonal portable toilet, eliminating the 25 mph speed limit on the trail, erecting snow berms, creating an area for a parking lot and remodeling the existing Quealy cabin to allow for it to be used year-round. Commissioner DeFrancia stated that the existing PUD was developed through an agreement reached via multi-party dialogue that involved the community. He noted that the proposed changes are not in compliance with that agreement reached in 2004. He stated his support for tabling the petition to allow for all interested parties to reconvene to discuss the issues and negotiate a new agreement.

Commissioners Benjamin, Miller, Norris, and Martyn expressed support for tabling. Commissioner Weese stated that he would go along with the consensus to table.

Chairman Warnke noted that the State Parks are participating in the process voluntarily. Mr. Crabb stated that the State Park is not trying to push through or hide anything. He said he would be happy with a tabling to allow the Park to work with the residents and talk through the issues.

### **MOTION**

Commissioner DeFrancia moved to table the Amendment to the Steamboat Lake State Park PUD to June 1, 2023 to allow all interested parties to coordinate through the State Park to work through the issues cited above.

Commissioner Norris seconded the motion.

**The motion carried 8 - 0, with the Chair voting yes.**

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

Ms. Winser reviewed the noticing requirements and discussed the jurisdictional issue of applications from the State. Ms. Ross noted that while Colorado Parks and Wildlife is the applicant, the Quealy parcel is owned by the State Land Board.

Ms. Winser and Mr. Goldich reviewed the upcoming agendas, including an application from Routt County regarding its shop just outside Oak Creek and a permit review of the Thunderstruck snowmobile tour operation.

Mr. Goldich reviewed the schedule for the April 26, 2023 Solar Summit to be held in Hayden. Ms. Winser said that a joint meeting of the Board of County Commissioners, Planning Commission, Design Workshop and staff would be held on April 27 to review the progress made on the update of the Zoning and Subdivision Regulations. This will be a special meeting.

Ms. Winser stated that Planning Commissioner must elect officers for the coming year. Ms. Katherman noted that three commissioners, include Brian Kelly, who is absent had voted for the existing slate of officers via email.

#### **MOTION**

Commissioner Norris nominated Steve Warnke to continue as Chair and Brian Kelly to continue as Vice-Chair. Commissioner Martyn seconded the motion. **The motion carried 8 - 0.**

**The meeting was adjourned at 8:45 p.m.**