

# ROUTT COUNTY PLANNING COMMISSION

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

### **PUBLIC COMMENT**

There was no public comment.

**ACTIVITY: PL20220056**

**PETITIONER: Thunderstruck Snowmobile Tours; Clay Hockel**

**PETITION: Permit enforcement review**

**LOCATION: California Park; located on CR 80, approximately ¾ mile from its split from CR 70**

Ms. Winser stated that this item is a code enforcement review of the Thunderstruck Snowmobile Tours operation, PL20220056. She said that the permit was approved last fall. She reviewed the process of code enforcement for activities operating under land use permits. She stated that staff had reviewed the complaints and had determined that violations have occurred. Ms. Winser stated that it is staff's recommendation that the permittee be required to come into compliance by July 1, 2023 or return to Planning Commission and the Board of County Commissioners for a possible revocation of the permit. The action to be taken at this hearing will be a determination of violations and how and when those violations should be addressed.

Ms. Ross clarified that no amendments or changes to the permit are being considered at this hearing. She noted that some complaints have been addressed through the process, but some issues remain. Ms. Ross presented an area site plan and indicated the location of the operation and the route along CR 80 that the snowmobile tours take up to the National Forest boundary. She said that the permit mandates a 4:1 client machines to guide ratio, with two tours per day. She said that staff discussed the 30 machine maximum with the operator following the issuance of the permit. The permit does not specify the number of machines or clients allowed per day. In October 2022 the permit was amended to include a 35-acre parcel for a permanent warehouse/garage/storage facility and staging area. Ms. Ross presented a site plan of the proposed improvements to the 35-acre parcel. She noted that the approved structure has not yet been constructed.

Ms. Ross stated that staff began receiving complaints about the operation in early January of 2023. Following an investigation, staff determined that a deed and replat of the 35-acre parcel had not been submitted, that an unapproved structure and unapproved sign had been placed on the site, and that an excessive number of snowmobiles and equipment were being stored outside, and that equipment was being stored in the County right-of-way. Ms. Winser noted that one of the major considerations in Planning Commission's approval of the approved structure was that all machines and equipment would be stored inside. At this time all the equipment is being stored outside.

Ms. Ross said that following investigation of the complaints, a notice of violation was issued in January. Following the receipt of additional complaints, staff reviewed the operation and issued a second notice of violation on March 16. Ms. Ross said that it was discovered that some unpermitted self-guided tours were being provided and no building permit had been issued for the temporary structure on site. These issues have not been corrected. Ms. Ross said that this is the first year that the business was fully operational and was a time during which the operator was figuring out what would work. She offered that while that is understandable, the operator must comply with the conditions of the permit. Ms. Winser noted that as Planning Director, she has the authority to approve minor adjustments to permits, but the issues presented here are outside of that authority. She said that prior to considering potential amendments to the permit, the permittee must come into compliance with the permit as approved. She said that staff will then work closely with the applicant if he chooses to apply for amendments to the existing permit in the future.

Mr. Hockel stated that it is his goal to have all equipment and snowmobiles stored inside. He said that weather did not permit them to construct the building last fall, but that the driveway was put in. Mr. Hockel acknowledged that he had not communicated to the Planning Department that the snowmobiles would be stored outside this winter. He said that the temporary shed was installed to provide a place for the employees to get out of the weather, put on gear, etc. Mr. Hockel stated that all other aspects of the operation were the same this year as they have been in the past, including the client check-in, the shuttle bus, and the tours. The only difference is that the sleds are not being trailered to and from the site because he now owns the 35-acre staging area. Mr. Hockel acknowledged that there were around 100 snowmobiles stored on the site this winter because 35 new ones that were delivered could not be used and so they had purchased an additional fleet of trail sleds, in addition to the sleds used by the guides and those that were temporarily inoperable. He said that in the original permit it states that they would run two types of tours: trails sled tours and mountain sled tours. He said that the number of trips was not clearly defined and no maximum number of clients per day was specified. He said that a normal booking is 4 - 8 people, often of different riding abilities. These groups are often split up. Mr. Hockel offered that he does not want to maintain a fleet of 100 snowmobiles, but that he needs to

have a large enough operation for the business to be sustainable. He reviewed the operation's safety record.

Commissioner Norris asked if amending the number of sleds allowed could be approved administratively prior to the July 1<sup>st</sup> deadline. Ms. Winser said that she would have to evaluate all the elements of the request to determine if the amendment would need to come through Planning Commission. Commissioner Norris asked about the complaint regarding the fuel storage. Ms. Ross said that staff had inspected the site and determined that the fuel storage is in compliance.

Commissioner Benjamin asked about the complaint concerning the condition of CR 80 and parking. Ms. Ross said that the operator does maintain the road, and the complaint regarding its condition was fairly trivial. Mr. Hockel noted that the road would be much bumpier if Thunderstruck were not maintaining it, as no one else is grooming. Regarding the parking area, Ms. Ross stated that Road & Bridge had confirmed that there was an excess of equipment in the right-of-way. For the most part, this has been cleaned up. She offered that when the storage facility is constructed and the equipment is inside, it will not seem like the area is dominated by a single operator the way it did this winter. She suggested that the operator needs to read the permit and comply with its conditions. Commissioner Benjamin suggested that an amendment hearing was probably a good idea.

Commissioner DeFrancia agreed, but added that until that time the permittee must comply with the existing conditions. He also recommended that if issues do come up, the operator should be in touch with the Planning Department. He stated his support for option 3, as presented in the staff memo.

Commissioner Miller asked about the temporary shed. Mr. Hockel stated that it has not been removed because it remains frozen into the ice and the road is washed out. The sign has been removed.

Acting Chairman Kelly asked about the schedule for the construction of the permanent building. Ms. Winser clarified that the permittee must submit the building permit application prior to July 1. Mr. Hockel said that construction could not occur up there until July, but that the metal building should go up quickly and would be erected by the proposed October 31 deadline. Acting Chairman Kelly noted that the route to the National Forest on CR 80 passes by a lot of private land. He expressed concern with the rental snowmobiles using this route. Mr. Hockel stated that there is currently not a space for the rental snowmobiles to be stored in the City. The rental only operation runs out of the office in the City, but the sleds are stored on the CR 80 site. He offered that the permit does not specify that this is not allowed. Mr. Hockel added, however, that the rental machines are not allowed on the CR 80 route.

Ms. Winser said that although the operator owns both the Steamboat office and the 35-acre parcel at CR 80, the two parcels are in different jurisdictions, have different zoning, and different allowed uses. The outdoor storage of equipment on

the parcel in the County needs a permit even if the rental operation is allowed as a use by right in the City.

Commissioner Wood stated his agreement with the previous comments. He said that he supports option 3. He added that the operator should follow the permit as it is, and apply for the amendments to the permit that he needs to make his business work.

There was no public comment.

## **MOTION**

Commissioner DeFrancia moved to find that **violations of Permit PL20220056 exist** with the findings of fact that:

1. The permittee's operation is not in compliance with the following conditions of approval and sections of the Zoning Regulations:
  - #6 and 14 - Acquisition and compliance with all permits - The permittee has failed to obtain a building permit for the structure that was placed on site and a sign permit for this sign.
  - #15 - Site Specific Development Plan - The permittee is not operating his business in compliance with the narrative that was approved as part of PL20220056. Specifically, equipment is not being stored inside, the number of snowmobiles on site exceeds what is required for the approved operation, and the use of the site as a storage area for rentals of snowmobiles with no guides.
  - Section 5.1.1 of the Zoning Regulations - Health, Safety, and Welfare - The permittee is conducting uses that have not been reviewed by the County to determine if the use poses a danger to public health, safety, and welfare.
2. The Planning Department has had multiple meetings with the permittee attempting to get the permittee into compliance with their permit. These meetings have been unsuccessful in obtaining compliance.
3. The County has provided the permittee with three and a half months to come into compliance without success.

The following conditions apply:

1. The permittee shall bring the site into compliance with Special Use Permit PL20220056 by July 1, 2023. If the site is not brought into compliance by July 1, 2023, the permit shall be revoked.
2. If the permittee wishes to amend their permit, a complete application shall be submitted by July 1, 2023. Prior to submission of the application, the permittee shall meet with Planning staff to go over all submittal requirements, discuss a detailed operations plan and site plan, and a timeframe for when all improvements will be completed.
3. The permittee shall pay double application fees for the amendment.

4. By July 1, 2023, an Acknowledgement of Merger of Title shall be recorded combining the permittee's two parcels at the winter turnaround area.
5. The current permit shall be clarified to include the following conditions of approval:
  - A) Equipment allowed on site is limited those listed below.
    - a. Thirty (30) snowmobiles
    - b. One (1) groomer
    - c. One (1) skid steer
    - d. Four (4) trucks
    - e. Two (2) 34' gooseneck trailers
    - f. Five (5) open place snowmobile trailers
    - g. Two (2) fuel tanks
  - B) All equipment shall be stored inside the approved structure. Equipment is allowed to be stored outside until such time the approved structure is built. The structure shall be erected by October 31, 2023 in order to store equipment inside during the winter.
  - C) Staging of snowmobiles shall occur in the area identified as a staging area on the approved site plan.
  - D) All snowmobiles stored on site shall be for approved tours only. There shall be no general rentals of snowmobiles off of this site.

Commissioner Miller seconded the motion.

**The motion carried 6 - 0, with the Chair voting yes.**

There was discussion of the types of changes that might be considered through a potential amendment to the permit.

In response to a question from Commissioner Miller, Ms. Winser stated that if the operation is not in compliance with the existing permit by July 1, then a revocation hearing would be scheduled.

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

Ms. Winser reviewed the Solar Summit to be held in Hayden next Wednesday and the joint meeting with the Board of County Commissioners and the Board of Adjustment on Thursday evening to discuss the update of the Zoning and Subdivision Regulations. She noted that the Design Workshop team, the consultant on the project, will be in town from Wednesday - Friday. She reviewed the slate of events for their visit.

Ms. Ross reviewed the events of upcoming Routt County Wildfire Mitigation Conference to be held Thursday - Saturday. She also discussed the Routt County Wildfire Protection Plan. Ms. Winser noted that many of the recommendations from this plan, as well as other plans (e.g. Climate Action Plan, Hazard Mitigation Plan) would be taken into consideration in the revisions to the regulations.

Ms. Winser reviewed the update process for the Town of Yampa Comprehensive Plan, noting that their overall growth and development policies align well with the County Master Plan. She discussed the Tier 1, Tier 2 and Tier 3 approach to development outlined in the Master Plan, and said that criteria for defining these areas will be included in the development code.

**The meeting was adjourned at 7:30 p.m.**