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January 3, 2020

Routt County Planning Department
PO Box 773749
Steamboat Springs, CO 80477

Re: Lucky 8 Ranch LLC
Special Use Permit
Activity # PL-19-195

Dear Sir or Madam:

I am a landowner whose property (323 acres) is completely encircled by property owned and/or leased by Lucky 8 Ranch. I am opposed to the significant changes that Lucky 8 is proposing in their application for Special Use Permit; changes that will alter the character of the area.

On the cover page of the SUP application (in Section V), Lucky 8 states the proposed use as "*Same Use with More Acreage*"; that is a gross understatement of what is proposed in the application. Please read the application closely and it will be obvious to an informed reader that Lucky 8 is smooth in their presentation, but they are significantly impacting the agricultural character of the area and reshaping it into a tourist amusement attraction. My analysis, observations, and objections are presented herein.

Lucky 8 states on page 1 (Description of Use) that "*we use our land primarily for agriculture use*". Don't be deceived; the primary reason for the SUP is to substantially increase "tourist" activities. My objection to their so-called agritourism activities prompted me to terminate my lease of 323 acres to Lucky 8 effective 4/30/2020. I want nothing to do with their commercial activities which they have chosen to identify as agritourism. I have offered to sell my land to Lucky 8 at a very reasonable price, but Lucky 8 has chosen not to buy it. The Routt County "Master Plan" is intended to protect landowners, like me, from this type of commercial encroachment. I bought the property because of the tranquil, peaceful, agricultural attributes that it offered; but all of that has changed since Lucky 8 arrived in the area.

The tranquility has already been negatively impacted but with this application, I'd like to point out what further impacts Lucky 8 will have.

- The current permit allows Lucky 8 to operate their tourist activities 5 days per week - 9AM-sunset – they have requested an increase to 7 days per week, 7AM-sunset – that is a significant increase in times of noisiness from the operation of UTVs and snowmobiles. They have also requested to double the number of vehicles allowed from 5 UTVs to 10 UTVs per tour and change the snowmobile tours from 10 guests to 10 machines. An increase in the number of machines strung out over at least 500 to 1000 feet will increase the noisiness and will reduce the ability of guides to supervise the guests that are operating the machines; also, the “educational” aspect that Lucky 8 purports to be conducting during the tours could not possibly be achieved with 10 machines in service. There appears to be no need to increase the noisy times by 2 additional hours per day and 2 additional days per week when page 7 of the application indicates that ATV tours had a booking rate of 34% and snowmobile tours had a booking rate of 26.2%; they have sufficient hours already permitted. I respectfully request that you deny the change in hours and the change in the number of vehicles allowed.
- The current permit provides for 2 amplified music sites; they would like to add 3 additional amplified music sites. They are also asking to extend the music cut-off from 10 PM to 11 PM. How much is enough? Sound from amplified music in this rural valley can travel more than a mile. The current constructed special events site is directly across the creek from a proposed home site on my property; and now they want 3 more sites. If you review the map of current and proposed sites, you will observe that the current sites (2 sites at #11 on the map) are along my property lines and the one of the additional 3 sites that they would like for you to permit is also along my property lines (proposed site #12). I am opposed to the current site with the noise and visual impact that it has; I am even more appalled and opposed that Lucky 8 is requesting an additional site along my property lines. If approved, there will be amplified music sites on 3 sides of my property. If you approve additional sites, you will be allowing Lucky 8 to significantly alter the historical use and character of this area – according to Routt County regulations – “use permits that significantly alter the historical use or character of an area may be deemed incompatible with this plan”. According to their application, Lucky 8 had only 3 special events in 2019, so the impact of amplified music on the neighbors is yet to be determined. Lucky 8 states that they have not had any complaints about the music (can that be verified with the Ortons, Spillanes, Guirkins, and others on RCR 29); but will the neighbors complain when the number of events grows to the maximum of 25 allowed – there could be an event every weekend of the summer -- the impact has yet to be felt. I respectfully request that you deny additional special events sites and deny the extension of time for amplified music to 11 PM.

- Lucky 8 is asking to add seasonal events to the permit. This sounds innocent enough; however, are they asking to have these events in addition to the 25 special events under review in the current permit? The point is this – how long do “seasonal events” last? What if they have a “fall festival” in September with a hay maze, a “Halloween festival” in October with a haunted house, a “Thanksgiving festival” with hay rides in November, a “Christmas festival” in December with lighted sleigh rides, and on & on. At some point, they could construe their permit to allow for some type of event every week of the year. I respectfully request that you deny additional seasonal events; require that Lucky 8 adhere to a maximum number of events to be held in their special events site, or their proposed “covered riding arena”. Please do not allow events to be scattered over the expanse of the ranch (and in particular, along my property lines at accessory structures like the Pole Barns and/or Bison Handling Facilities).
- Lucky 8 is asking to be granted administrative approval rather than going through the full SUP process to increase or decrease the permit boundary as land is acquired or land leases are terminated. I have no objection to administrative approval if it is solely for an increase or decrease in permitted acreage. I have hopes that Lucky 8 will buy my ranch and we can part ways. However, administrative approval should not be allowed if there is any change in the location of facilities/structures. A couple of months ago, I had a dispute with the Planning Department over an administrative approval of the location of a special events site for Lucky 8 which was “administratively” moved closer to my property. I wish to avoid that type of conflict in future dealings with Lucky 8 and the Planning Department.
- Horseback riding was an approved activity in the current SUP; however, Lucky 8 did not offer horseback riding in 2019. Lucky 8 is now requesting to increase the number of days horseback riding is offered from 5 days to 7 days a week and rather than 2 tours a day, they wish to increase the tours to 3 tours per day. They are also asking to increase the number of participants per tour from 10 to 14. Essentially, these requests increase the number of allowable tours per week from 10 tours to 21 tours; and the potential number of horse trips traveling on the trails from 100 per week to 294 per week. I believe that is excessive; the trails will incur substantial damage (ruts) from overuse. Erosion will occur during periods of rain, dust will become an issue during periods of drought and a trail on public land (BLM leased property) will bear the brunt of the damage since the public land along my western property line is the only connection that Lucky 8 has to access their new property to the south with their property to the north. The public land is their only off-highway access around my property. (Note that the 323 acres of property being subtracted from the permit belongs to me – my property separates Lucky 8 deeded acres to the north from the deeded acres to the south). This is a huge issue for the all the tours – ATV and horseback. The ATVs & horseback tours must use that trail, the only trail available to circumnavigate my property on which I have terminated the lease with Lucky 8. The BLM permit allowing Lucky 8 to use that trail expires 6/17/2020. It is my

hope that BLM will find that renewal of the permit is not in the best interest of the public. I trust that the BLM will not renew the permit. I respectfully request that you deny additional horseback tours.

- Use of roads & infrastructure; the current permit requires that shuttle service to the site is required for all "special events". However, I notice on page 1 of the "mitigation plan", Lucky 8 states that "we require the use of shuttles to transport majority of the guests". With the current limitation on number of guests being 200 for a special event, Lucky 8 could infer that the majority would be 101 guests that must be shuttled in and 99 could drive in on their own. The wording gives too much latitude to Lucky 8 to circumvent the intent of the permit. The mining road to the current special events site is certainly not conducive for public access using a standard highway vehicle. The road from CR179 to the top of the mountain is a steep, narrow, rock strewn, high clearance off-road vehicle road which is susceptible to rock fall on the south side. The access to the special events site via this road should never have been approved in the initial SUP. I am requesting that the Planning Commissioners and Road & Bridge inspect the road and confirm that the road is conducive to public travel before allowing any further use of the road for public access. Another separate access issue is public access to 2 of the additional special events sites proposed on the newly acquired property. Those sites on a mesa have no access road suitable for public use; I believe the only way to get there is with an ATV or a high-clearance 4x4. I highly recommend that Commissioners check out the access if they are considering allowing additional special events sites. The access issue alone is enough to turn down the request; that is in addition to the noise issue and the issue of significantly altering the historical use and character of the area.
- Wildlife & Wildlife Habitat; Lucky 8 states that they will avoid "disturbing local wildlife". They further state, "during tours, we will avoid making unnecessary noise". What is unnecessary noise? Is there such a thing as "necessary noise"? The sound of multiple UTVs racing through the BLM land connecting disjointed Lucky 8 parcels will undoubtedly disturb the elk and drive them out of the area. Lucky 8 will profit from the UTV & horseback tours, but the local landowners who have hunted the mesa and BLM land will be hurt. Too many tours, too much noise, too much activity; the wildlife will move away. I feel the same way!
- Hours of operation; on page 2 of the Description of Use, Lucky 8 requests a change in their hours of operation to increase to 7 days a week from 7 AM to 9 PM. However, on page 3 of the Mitigation Plan, Lucky 8 addresses "noise" as follows; "to minimize noise impact from motorized vehicle tours we will offer tours between 9 AM and 1 hour after sunset. There is an inconsistency there. Are they wishing to operate beginning at 7AM or 9 AM. Sunset is an ever-changing time depending on the season. Let's set a definitive cut-off time that can be overseen by the neighbors; sunset is too variable.

- Concerns with the Master Plan; Lucky 8 uses some slick wording in an attempt to describe the difference between “open to public” and “commercial”. Lucky 8 would like to convince you that the operations of the ranch are “commerce” and not “commercial”. Most of us have enough common sense to differential between the two words. Surely, a ranch is involved in commerce – the sale of hay, cattle, grains, etc is commerce. Commercial operations take on a different meaning to most people. Lucky 8 is attempting to fall outside of the “commercial operations” definition of the Master Plan so that they can continue to grow their commercial operations. It is my feeling that Lucky 8 has crossed the line and are in “commercial operations”; if all of their requests were granted they would be trending toward operating an “amusement park” – ATV rides, horseback rides, hay rides, snowmobile rides, hay maze, winter sleigh rides, amplified music venues, multiple activities 7 days a week from 7 AM to 11 PM. At that point, the “Colorado” experience is lost; you may as well live in a suburb of Denver. If you allow Lucky 8 to “smooze” their way past the intent of the Master Plan and good common sense ag use of ranch land, then it is a loss for Routt County. I don’t want any part of it.

I have no objection to adding 36.5 acres of newly leased property, and 721 acres of newly purchased property to the permit and subtracting my 323 acres of leased property from the permit. **I do object to the other provisions** which, in my opinion, are a flagrant violation of the wording and intent of the “Master Plan” which states in part “new...commercial...uses should occur within the vicinity of designated growth centers and in compliance with adopted comprehensive plans of those areas”. In addition, the “Master Plan” states “use permits that significantly alter the historical use, or character of an area may be deemed incompatible with this plan”.

Lucky 8 has filed this professionally prepared, smoothly worded SUP in order to disguise their operation as an “agritourism” operation subordinate to the bison ranching operation. However, their plans for the agritourism activities rise to the level of a **commercial enterprise**. The future inventory list shown in this SUP of motorized recreational vehicles indicates 25 snowmobiles, 20 UTVs, and a snow cat – and the parenthetical phase after the heading on the inventory list says – “not limited to” – and I suppose that list of future vehicles does not take into account the vehicles they currently operate. How many snowmobiles and UTVs will it take for this operation to be classified a “commercial operation”? Lucky 8 has applied to conduct commercial agritourism 7 days a week; they have applied for a total of 5 amplified music special events sites; doesn’t appear to me that the tourist operations are subordinate to the bison ranching, they appear to be a primary function at the ranch. The bison ranching is an attraction that Lucky 8 is using as an in-road into commercial tourism; a way to sell UTV and snowmobile tours; a way around zoning issues. There is no doubt in my mind that the activities planned at Lucky 8 are commercial; I hope you, the Planning Commissioners, will see through the “smoke screen” that Lucky 8 has laid down.

If you fail to **deny the Lucky 8 proposals**, they will be allowed to conduct **commercial operations** that will **significantly alter the historical use and character of the area**. The **historical use** of the area has been ranching (grazing,

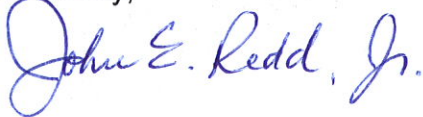
January 3, 2020

hay, livestock, fly fishing); the **character** of the area has been rural (tranquil, peaceful, sounds from livestock & wildlife, creek flowing over the rocks).

I trust that you will give my analysis careful consideration before making recommendations to the Board of Commissioners. The future of rural areas in Routt County depends on you.

I respectfully request that you deny all of the changes requested and investigate the concerns that I have brought to your attention with the current permit.

Sincerely,

A handwritten signature in blue ink that reads "John E. Redd, Jr." The signature is written in a cursive style with a large initial 'J'.

John E. Redd, Jr., CPA