
Hahn's Peak Roadhouse

ATV SUP

Administrative Renewal

ACTIVITY #: PL-20-180

HEARING DATES: Director Decision: December 4, 2020 (tabled from November 20, 2020)

PETITIONER: Carroll and Darren Zamzow

PETITION: Renewal of Special Use Permit PP2015-020 for ATV tours

LEGAL: A Tract of Land in Sections 28 and 29, T10 N, R85W

LOCATION: 60880 RCR 129

ZONE DISTRICT:

1. Staging area zoned Planned Unit Development (PUD)
2. Access trails for tours zoned Agriculture/Forestry (A/F)

STAFF CONTACT: Alan Goldich, agoldich@co.routt.co.us

ATTACHMENTS:

- Trail Map
- Weber comments

History:

Darren and Carroll Zamzow purchased, what is now the Hahn's Peak Roadhouse, in 2011. Prior to this it was operated as the Steamboat Lake Outfitters (SLO). There was a long history of complaints against the operation when it was SLO, but these complaints have dropped substantially since the Zamzows took over operation. The PUD plan for the operation base was completely overhauled and approved in 2013. In 2015, the permits for snowmobile and ATV (under separate permits) tours out of the Roadhouse were reviewed and approved by Planning Commission and the Board of County Commissioners. The existing conditions have been refined over the years in response to neighbor complaints.

Historically, the most complaints have come from the use of Trail #1, which accesses the national forest via a private easement over Larkspur Lane. This has reduced the usage of Trail #1 and therefore, impacts adjacent property owners.

Site Description:

Hahn's Peak Roadhouse is located on RCR 129 about a half mile southeast of Hahn's Peak Village. The property is zoned PUD and has a PUD plan that has been mostly implemented in terms of the proposed structures and uses. This is the base of operation for all of their off-site tours, which include snowmobile, ATV, horseback, and sleigh rides.

Project Description:

No changes to the existing approval are being requested. Staff has suggested some changes to the existing condition of approval. Comments on those changes are detailed in the conditions of approval.

The applicant is currently permitted by the USFS to operate in the national forest north of the Roadhouse. This area is accessed through Trail #1 (the easement off of Larkspur Lane) which is regulated by the County.

They run shuttles to transport clients and, according to the applicant, a lot of their rental customers stay in the cabins on-site. The Roadhouse compound has two accesses onto CR 129. They have a private easement over Larkspur Lane (Trail #1), which allows them to access the national forest.

Up to twenty guest ATVs/UTVs are able to go out on a tour at time. The ratio of guest machines to guides is 10:1. Guests must be guided out to and back from the national forest on Trail #1. Dates of operation on Trail #1 is June 15th to November 1st, from 8:00 am until 7:30 pm. They are currently allowed to run nine tours per day.

Use numbers on Trail #1 for past seasons are:

- 2015 – 864
- 2016 – 898
- 2017 – 960
- 2018 – 847
- 2019 – 1048
- 2020 – 1547

Complaints:

- Most of the complaints concerning Trail #1 involve snowmobiles under a separate Special Use Permit. Some complaints have been filed concerning ATV use but none have been confirmed as violations.
- Nancy Weber submitted a complaint about ATV speeding on the easement. No specifics were submitted so staff is unable to determine if a violation has occurred. The northern part of the easement is located on a trail and the southern portion is located on the road (Larkspur Lane). Both the snowmobile and ATV permits require signs indicating private property and the 15 mph speed limit to be placed at the beginning and end of the easement, as well as every 200 yards. The required number of signs is present, however they are all located on the trail. None are on the road. During staff's site visit, Ms. Weber indicated the speeding issues occur on the southern part of the easement where it is located on the road. Staff has made the applicant aware that either new signs need to be posted on the road portion or some of the existing ones can be moved. Because of the time of year, this condition of approval will be enforced through the snowmobile permit (PL-20-128) to ensure compliance.
- Nancy Weber also submitted a complaint concerning parking on Larkspur Lane near the intersection with CR 129. Both the PUD plan and the SUP prohibit parking on Larkspur Ln. This SUP is for ATV tours that occur off-site and does not govern any of the uses that take place at the Roadhouse base of operations. The PUD plan does. Staff determined that this complaint is best addressed through the PUD plan and not the SUP. Staff discussed this situation with the permittee and a plan to address this situation has been formulated. Since

the complaint concerns activities that fall within the PUD, no action will be taken as part of this permit or renewal process.

Staff Comments:

- The poster for this application was not displayed until November 20. To meet the noticing requirements, the decision date has been pushed back to December 4.
- This review is limited to complaints on record and compliance with the conditions of approval.
- Staff believes that all of the negative impacts of the operation have been mitigated through the conditions of approval to an acceptable level.
- None of the relevant regulations and policies in the Master Plan and Zoning Regulations have changed. Therefore a full review of the application for compliance with these documents was not conducted.
- This permit has been reviewed for the maximum use that would be allowed by their Forest Service permit.
- By approving this permit in the past, Planning Commission and the Board of County Commissioners have deemed this type of activity, at this intensity of use, appropriate for this site, if properly mitigated.
- Bold language in the conditions of approval represents suggested new language, and the strikeouts represent language that is suggested to be removed. Staff comments follow conditions that are to be amended to explain why the amendment was made.

PLANNING DIRECTOR'S OPTIONS:

1. **Renew the Special Use Permit renewal 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. **Approve the Special Use Permit renewal 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.
3. **Deny the Special Use Permit renewal 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; cite specific regulations or policies by number from the Routt County Master Plan, and the Routt County Zoning Regulations.
4. **Table Special Use Permit renewal request** if additional information is required to fully evaluate the petition. Give specific direction to the petitioner and staff.

FINDINGS OF FACT that may be appropriate if the administrative renewal of the Special Use Permit is approved:

1. The proposal with the following conditions is in compliance with Sections 3, 5, and 6 of the Routt County Zoning Regulations.

2. The policies and regulations have not changed since the existing permit's approval and no verifiable complaints have been received.

CONDITIONS that may be appropriate may include the following:

General Conditions

1. The Special Use Permit (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 which 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. No junk, trash, or inoperative vehicles shall be stored on the property.
6. This approval is contingent upon any required federal, state, and local permits being obtained and complied with; 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 operations.
7. 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.
8. All exterior lighting shall be downcast and opaquely shielded.
9. ~~Prior to the issuance of the permit, the permittee shall provide evidence of liability insurance in the amount of no less than \$1,000,000 per occurrence. Routt County shall be named as an additional insured on the policy. Certificate of liability insurance shall include all permit numbers associated with the activity.~~
10. **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.**
11. Accessory structures/uses associated with this permit may be administratively approved by the Planning Director, without notice.
12. The permits/approval 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.
13. 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 to 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.

14. The permittee shall prevent the spread of weeds to surrounding lands and comply with the Colorado Noxious Weeds Act as amended in 2013 and Routt County Noxious Weed Management Plan. A weed mitigation plan shall be developed by the permittee and reviewed and approved by the Weed Supervisor prior to issuance of the Special Use Permit.

Specific Conditions

- ~~15. Hahn's Peak Roadhouse shall maintain a lease agreement with all private property owners on whose land they will operate. Copies of such leases shall be submitted to the Routt County Planning Department prior to any operations.~~

Staff comment: This was a compliance issue when the permit was reviewed in 2015. To date no lease agreement has been submitted, and the applicant has stated that he does not think that the landowners that he operates on would enter into a lease. There are easements in place for all aspects of this operation that take place off of the applicant's property. Therefore staff does not believe that this COA is necessary.

16. All Hahn's Peak Roadhouse guides shall be clearly marked. Hahn's Peak Roadhouse employees on Trail #1 are required to wear jackets or vests clearly identifying them as guides or Hahn's Peak Roadhouse employees. Such jackets or vests shall be a bright, solid color-orange, yellow, or red. A maximum of 20 **guest** snowmobiles are allowed under this permit.

Staff comments: This change is to bring this condition in line with condition 28.c.

- ~~17. All guides shall carry current first aid certification and submit proof thereof to the Planning Department prior to commencement of operation.~~ The permittee shall be responsible for search and rescue of lost clients **and ensuring all guides have current first aid certifications.**

Staff comment: Staff is slowly getting away from requiring tour operators to submit proof of first aid certification, however certification is still required. It is an administrative burden on staff to require these to be submitted (twice a year for the Roadhouse due to their ATV operation). Based on current workload, ensuring compliance with this condition would be low on the priority list. There have been no complaints regarding the submittal of this information in the past.

18. The tours shall not be conducted on County Roads, unless otherwise approved under this permit.
19. The machines used for this operation shall be registered with the State of Colorado.
20. All accidents involving personal injury resulting in hospitalization or death or property damage of \$3,000.00 or more shall be immediately reported to the Colorado State Patrol or the Sheriff's Office in the county where the accident occurred and a report shall be submitted to the Denver and Steamboat Lake Office of the Colorado State Parks on the approved form and the Routt County Planning Department within 48 hours of the accident, according to state law. All search and rescue operations shall be reported to the Routt County Planning Department within 48 hours of the incident.
21. Approval of this permit constitutes permission by the property owners and operators for Colorado Parks and Wildlife and the Routt County Planning Department to conduct periodic site reviews to evaluate wildlife impact from the snowmobile operation.

22. Toilet facilities shall be made available to clients and employees and shall be approved by the Routt County Department of Environmental Health.
23. All signs used for this operation shall comply with the Sign Code outlined in Section 8.1 of the Routt County Zoning Regulations. No off-premises signs or billboards are permitted.
24. Any change to the proposed trail system or plan of operation shall be submitted to Planning Staff for evaluation. If staff determines that said changes would not create impacts to the environment, adjacent property owners, wildlife, etc., administrative adjustments to the permit may be made. Should the changes create impacts that cannot be mitigated or require numerous or involved mitigation measures, the Routt County Planning Commission and/or the Board of County Commissioners will review and approve or deny the changes.
25. Neither the issuance of this permit nor any action taken pursuant to this permit shall create a liability on the part of, or be the basis for, a cause of action against Routt County or any officer, employee, or technical advisor thereof. The issuance of this permit does not imply that the land uses permitted will be free from danger as a result of natural hazards, human error, or mechanical problems.
26. Hahn's Peak Roadhouse shall be responsible for maintaining trails in a safe and acceptable condition, including erosion control and prompt revegetation of any affected areas.
27. This approval supersedes all previous approvals for snowmobiles, staging areas, and trail permits.

28. TERM OF PERMIT AND RENEWAL

- a. This permit is valid until November 1, ~~2020~~ **2025**. A review by Planning staff shall be conducted prior to renewal, and if no concerns are identified or if concerns/complaints can be mitigated, the permit may be administratively renewed ~~every two years~~. The applicant must apply in writing for this renewal prior to the expiration of the permit or it will be required to return to Planning Commission **and the Board of County Commissioners** for review.

Staff comment: The current permit timeframe is five years. It is staff's opinion that based on the lack of verified complaints about the operation, this timeframe can be utilized for this renewal.

29. USES

- a. This permit is for guided ATV and UTV operations for Hahn's Peak Roadhouse lodging guests on Trail #1.
- b. Machines must stay on the trail at all times when surrounded by private property and travel at a speed not to exceed 15 miles per hour when traveling through the private easement.
- c. The number of machines per trip departing at one time shall not exceed 22, provided that a ratio of 10 (or fewer) riders per guide is maintained.
- d. Hahn's Peak Roadhouse is permitted to rent no more than 20 ATVs or UTVs to guests of Hahn's Peak Roadhouse.
- e. Only routes authorized by the US Forest Service are able to be utilized during operations.
- f. This permit is for guided 4x4 street legal vehicle operations for HPR clients excluding Trail #1 and Hahn's Peak Village.

30. OPERATING DATES AND TIMES

- a. Tours may be conducted seven (7) days per week.

- b. ATVs and UTVs are allowed on Trail #1 between June 15th and November 1st unless weather permits ATV and UTV tours to end operations later than November 1st. Guests and business invitees using Trail #1 must be guided both in and out, which include privately owned ATVs and UTVs. Under no circumstances shall any machine operate on Trail #1 between April 15th and June 15th, subject to change with CPW recommendation. The permittee must inform the Planning Director and the adjacent landowners prior to weather based changes to the schedule of operation.
- c. All guided ATV and/or UTV operations on Trail #1 for Hahn's Peak Roadhouse lodging guests shall be conducted between 8:00 and 7:30. Late arrivals through Trail #1 after 7:30 p.m. due to emergencies or unforeseen circumstances are not considered violations of this condition. Any such emergencies shall be reported to the Routt County Planning Department. Unforeseen circumstances shall be defined as the retrieval of disabled machines, which may delay the return of the Hahn's Peak Roadhouse personnel and/or lodging guests engaged in retrieval efforts.
- d. All guided ATV and/or UTV tours across Trail #1 shall consist of groups no more than 10 guest machines per guide, and shall leave Hahn's Peak Roadhouse on tours at 8:00, 9:00, 10:00, 11:30, 12:00, 1:00, 2:00, 3:00, and 4:30 for a total of no more than nine departure times per day. Hahn's Peak Roadhouse personnel shall be permitted to depart from Hahn's Peak Roadhouse across Trail #1 as needed between normal operating times of 8:00 a.m. and 7:30 p.m. for the purpose of trail maintenance, retrieval of disabled machines or aiding departed tours that require assistance such as transporting guests back to Hahn's Peak Roadhouse due to disabled machines.

31. ENFORCEMENT AND MONITORING

- a. A Hahn's Peak Roadhouse staff member shall patrol the parking lot/Larkspur Lane area during the hours of operation for the purpose of controlling the number of uninvited guests (trespassers) on Trail #1.
- b. Hahn's Peak Roadhouse shall monitor and record the usage of Trail #1 and submit a report of the total number of users to Planning Staff at the end of the season.
- c. Hahn's Peak Roadhouse is required to place and maintain signage every 200 yards along Trail #1 (the private easement) stating that it is a private trail, not for public use; riders must stay on trail; and that the speed limit is 15 mph. Signage shall also be placed facing both directions at the north and south end of Trail #1. All signage shall remain in place throughout the year.

Staff comment: This condition is not being complied with but will be enforced through the snowmobile permit due to the time of the year.

32. LODGING GUESTS/RIDER RESPONSIBILITY

- a. The permittee shall provide the user with a safety lesson, a riding helmet, and a trail map illustrating trails and private property to address and avert trespass issues.
- b. If riders encounter wildlife on the trail, they will stop their machines until the wildlife moves on and riders will not leave their machines to pursue wildlife on foot.
- c. ~~Prior to commencement of operation, the permittee shall submit to Planning staff for approval a Customer Education Plan that includes information regarding the consequences of leaving the right-of-way, as well as guidelines for "leave no trace" recreation in the backcountry.~~

Staff comment: This was submitted during the last review and is still in effect.

- d. Prior to beginning their tour, all unguided tour clients shall be required to sign a form stating that they have been informed of the conditions of this permit and that they agree to abide by them. This form shall be reviewed and approved by Planning staff.

33. ACCESS/ROADS/PARKING/TRAFFIC

- ~~a. No parking related to this operation shall be permitted on any public roadway or along Larkspur Lane. NO PARKING signs shall be posted on Larkspur Lane.~~

Staff comment: This condition relates to issues that take place at the operation base. This base has a PUD plan that governs the uses on site and identifies restrictions. This restriction is addressed on the PUD plan. It is staff's opinion that parking issues should be enforced through the PUD and not the SUP that governs off-site activities.

- ~~b. Parking for snowmobile tours and rentals shall be limited to areas identified as such on the PUD plan.~~

Staff comment: See above comment.

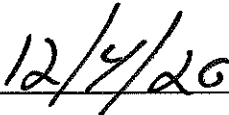
- c. Routt County has the authority to close any county road at its sole discretion if damage to the road may occur by its use. To the extent that a road closure may affect permittee's operation, Routt County will cooperate with permittee to allow operations to be continued in a safe and practicable stopping point.
- d. 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 ~~Read and Bridge~~ **Public Works** Director, or designee thereof, in advance to review and approve the proposed traffic control plan:
 - 1. The permittee shall provide traffic control signage along routes and at intersections as specified by the Routt County ~~Read and Bridge~~ **Public Works** Director and at permittee's expense; and types and placement of signs shall be in accordance with the Manual on Uniform Traffic Control Devices.
- e. Routt County roads affected by this SUP will be inspected by the Routt County ~~Read and Bridge~~ **Public Works** Department at intervals determined by the same. Any road damage repair or maintenance needs above and beyond typical maintenance, attributable to this use, shall be made by the county or a third-party contractor as selected by the Routt County ~~Read and Bridge~~ **Public Works** Department and on a schedule determined by the same. Permittee shall solely bear the costs of repairs.
- ~~f. Routt County ~~Read and Bridge~~ **Public Works** Plowing Operations will commence as usual. It will be the permittee's responsibility to maintain their trails if snow from plowing operations impacts trails. This includes but no limited to trails in the county right-of-way as well as trail and roadway crossings.~~
- ~~g. Permittee's onsite snow plowing operations shall be confined to permittee's property. No snow shall be stored off-site and snow shall not be plowed across the county right-of-way. Plowing across the right-of-way is punishable by law.~~

Staff comment: These conditions relate to winter time issues and therefore are not applicable to this permit.

I hereby approve this administrative renewal.

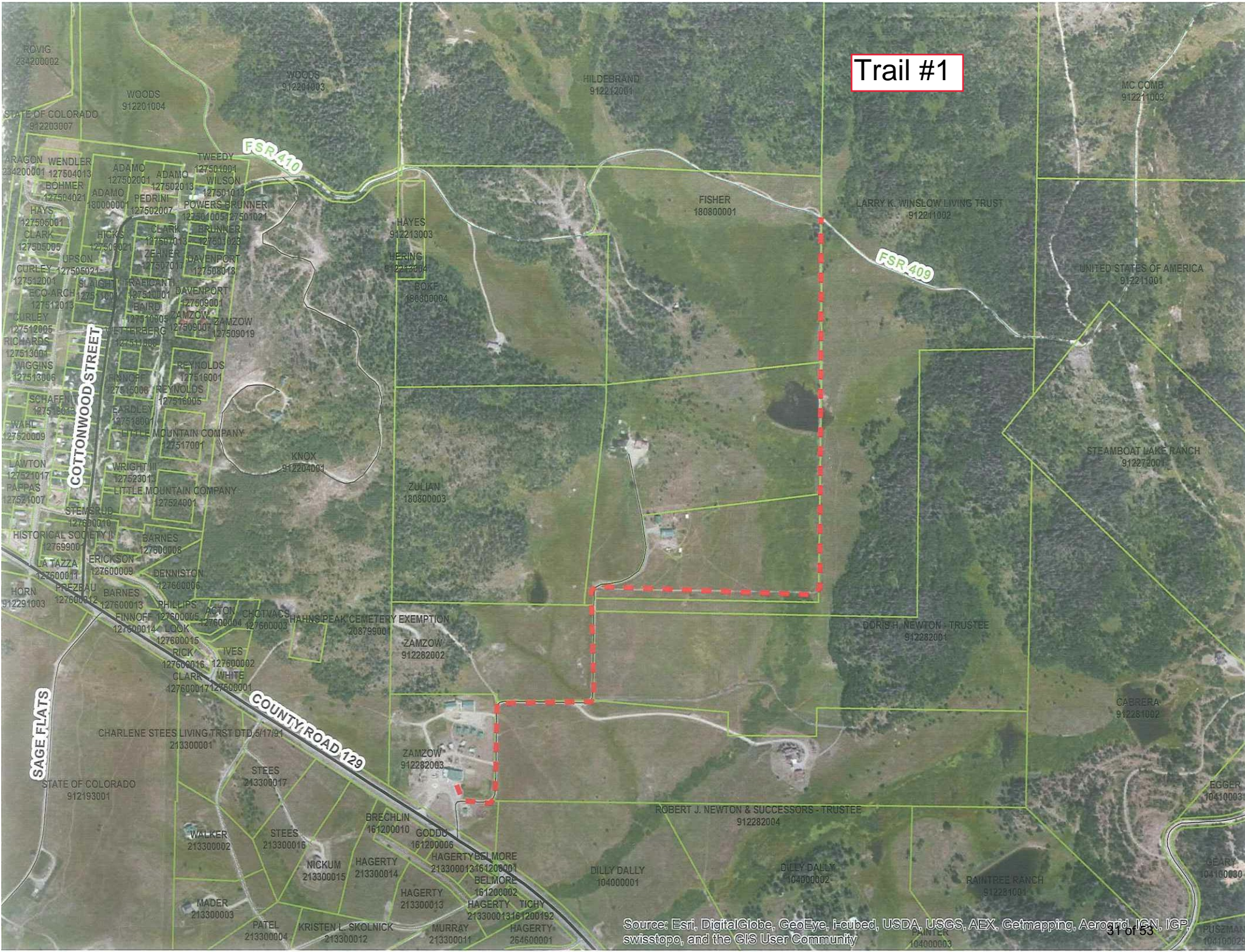


Kristy Winsor, Interim Planning Director



Date

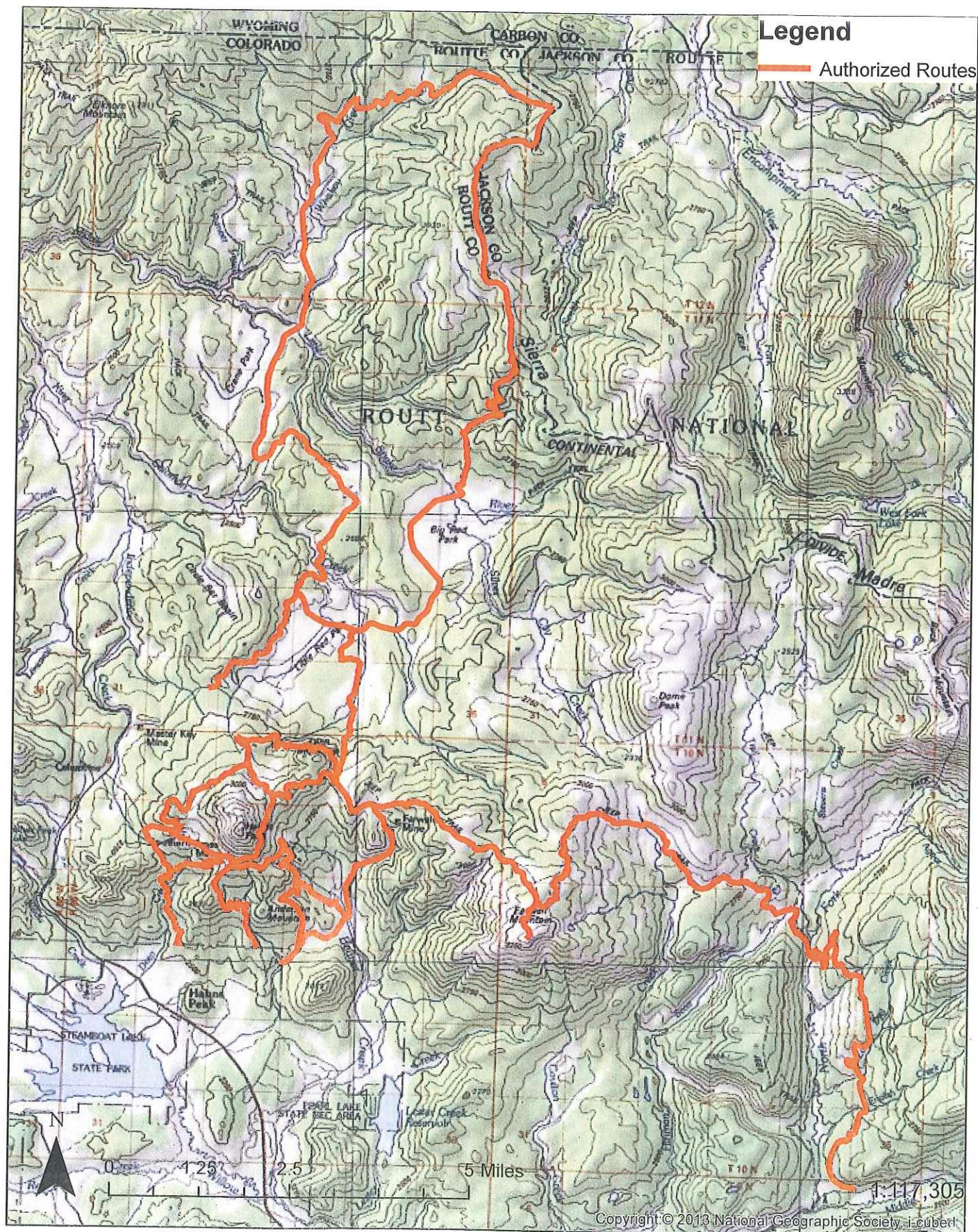
Trail #1



Hahns Peak Roadhouse ATV Tours- Appendix A

Date: 6/10/2014

Document Path: C:\Users\ledickerman\Desktop\GIS\O&G\OG.mxd



From: [Nancy Weber](#)
To: [Alan Goldich](#)
Subject: Re: Roadhouse
Date: Monday, November 16, 2020 10:28:34 AM

Good morning Alan,

There are no signs on the Larkspur section of the easement, stating the speed limit. There is one sign that says something "about having a guide" and it is right where you enter the Larkspur section leaving their property. They need to educate their guides that the the speed limit is 15mph through the entire easement.

Sent from my iPad

On Nov 16, 2020, at 9:41 AM, Alan Goldich <agoldich@co.routt.co.us> wrote:

Nancy,

Thank you for your comments. Both the snowmobile and ATV permits require signage stating that it is a private trail, not for public use, that riders must stay on the trail and that the speed limit is 15 mph. This is required at the beginning and end of the easement and every 200 yards. Are there signs every 200 yards?

Thanks,

Alan Goldich
Routt County Planning
970-879-2704
136 6th St., Suite 200
Steamboat Springs, CO 80477
Agoldich@co.routt.co.us

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Email for COVID-19 related questions: CountyInfo@co.routt.co.us
Routt County COVID-19 website: www.covid19routtcounty.com

-----Original Message-----

From: Nancy Weber <mnweber@yahoo.com>
Sent: Tuesday, November 10, 2020 9:55 PM
To: Alan Goldich <agoldich@co.routt.co.us>
Subject: Roadhouse

Hi Alan,
Nancy,

Thank you for your comments. Both the snowmobile and ATV permits require signage stating that it is a private trail, not for public use, that riders must stay on the trail and that the speed limit is 15 mph. This is required at the beginning and end of the easement and every 200 yards. Are there signs every 200 yards? We have a couple of concerns about the ATV permit.

The easement for their activities starts when they exit their property. It continues on Larkspur to the section of the easement that follows the fence line to 409.

The rules should apply and be followed for the entire easement.

The "15" mph speed limit is NOT being followed on the Larkspur section of the easement. In fact it looks like the guides are not in control of their customers at all.

We would like to see a few 15mph signs put up and the speed limit followed. This applies to the snowmobiles too, before someone has a head on and gets hurt by an oncoming car that you can't see because the height of the banks.

At the beginning of the season, the ATVs were going around mud puddles outside the set 20feet limit. The landowner had to put up fencing to discourage this behavior.

They should know better.

Another issue is with the gates that are on the easement.

We are more than accommodating for them to leave the front gate (by the cattle guard) down when there are no cows around. The back gate is to remain closed at all times to discourage trespassing. This gate was hit and damaged by their snowcat last winter. It comes off the hinges, we have repaired it several times. They should repair or replace anything they damage.

If we could get some kind of acknowledgement on these complaints, we would appreciate it.

Thanks,

Mike and Nancy Weber

Sent from my iPad

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