

**FREMONT COUNTY  
PLANNING COMMISSION MEETING MINUTES  
July 5, 2023 AT 3:00 P.M.**

**MEMBERS PRESENT**

John Hamrick (Vice Chair)  
Larry Brown  
Travis Payne  
Gardner Fey  
Dale McCullough  
Rudl Mergelman

**STAFF PRESENT**

Dan Victoria, Director  
Joanne Kohl, Office Manager

**1. CALL TO ORDER**

Vice Chairman Hamrick called the meeting to order at 3:00 p.m.

**2. PLEDGE OF ALLEGIANCE**

Pledge of Allegiance was recited.

**3. APPROVAL OF AGENDA**

Vice Chairman Hamrick asked if there were any changes, additions or corrections to the July 5, 2023, Fremont County Planning Commission Agenda.

**MOTION**

Mr. Brown motioned to approve the July 5, 2023, Fremont County Planning Commission Meeting Agenda.

**SECOND**

Mr. Fey second the motion.

Vice Chairman Hamrick called for a roll call vote, and the motion passed unanimously. (6 of 6)

**4. APPROVAL OF THE MAY 2, 2023, PLANNING COMMISSION MEETING MINUTES**

Vice Chairman Hamrick asked if there were any changes, additions, or corrections to the May 2, 2023, Fremont County Planning Commission Meeting Minutes.

**MOTION**

Mr. Fey motioned for approval of the May 2, 2023, Meeting Minutes.

**SECOND**

Mr. McCullough second the motion.

Vice Chairman Hamrick called for a roll call vote and the motion passed unanimously. (6 of 6)

## **5. UNFINISHED BUSINESS**

Vice Chairman Hamrick asks Director Victoria to speak regarding the recent decision from the Board of County Commissioner's Storm Water Drainage Reports and Plans being due at time of development.

Director Victoria states that two meetings ago, the BOCC announced that they were going to change the decision with the Bison Ridge, Canyon Farms and J&S Hall subdivisions. Originally this board had approved them with deferral until the time of development, when they went to the BOCC, they went with staff recommendation for having drainage plans done at the time of division. The BOCC decided to reverse the decision on those and Minor Subdivisions moving forward to allow for deferment of the drainage plans until the time of development. It is not a written policy change, they have not amended the regulations, anyone that requests to have it deferred until the time of development, it will be granted. That is for Minor Subdivisions that are not business related, only residential.

## **6. NEW BUSINESS**

### **A. SRU 23-001 MAJOR MODIFICATION CAPTAIN ZIPLINE- PLAY DIRTY ATV TOURS**

Applicants: Diane and Josh Spomer

Vice Chairman Hamrick asks Director Victoria for the staff report.

Director Victoria states that Captain Zipline and Play Dirty ATV Tours is proposing a Major Modification to their existing permit to move the existing operations from the 1500 County Road 45 location and the 520 County Road 54 location which are the current permitted zipline locations to strictly the 520 County Road 54 Location. The operations will include check-ins, office type work associated with the business, all traffic and parking associated with the business plus be the starting/ending point for the ATV tours. This modification also includes a proposed restroom that is 10'x20'.

By having the entire operation located on one parcel it will alleviate all Play Dirty ATV traffic from County Road 45 as was previously approved in the last modification. ATV traffic will still occur on County Road 54 to County Road 53 and continue to the BLM trailhead, both County Roads are unmaintained County Roads.

#### **LOCATION**

520 County Road 54, Salida CO 81201

#### **BACKGROUND / ASSOCIATED CASES**

Captain Zipline has held a valid Special Review Use permit at the 1500 County Road 45 and 520 County Road locations since 2007. Since the original permitting, this business has applied for and been granted multiple modifications to improve their business. (Original permit 07-001, major modification permit 13-002, major modification permit in 2021).

#### **LAND USE AND ZONING**

Zoning: Agricultural Forestry

**NORTH:** Agricultural Forestry- Undeveloped

**EAST:** Industrial- Mining activity

**SOUTH:** Agricultural Forestry- Undeveloped /Industrial/ - Mining Activity

**WEST:** Agricultural Forestry- Undeveloped BLM lands

**Estimated traffic Count:** 119 trips per day

**Number of Access Points:** 1

**FIRE PROTECTION:** South Arkansas Fire Protection District

**FLOODPLAIN:** Panel# 08043C0500E/ SFHA: A

**Water:** Well

**Sanitation:** Chemical Toilets (if approved)

**Electric:** Sangre de Cristo

**Refuse:** Lone Wolf- weekly pick-up

**Natural gas/Propane:** N/A

**Lighting:** Existing single pole mounted solar powered light in parking area, challenge course and attendant buildings/sheds have solar powered lighting, all zipline decks, pathways and so forth use existing solar powered lighting.

**Noxious Weed Control Plan:** On April 29, 2023, Fremont County Noxious Weed Manager signed an Integrated Weed Management plan.

This location is a known location for a rare invasive list A species, elongated mustard. The applicant is working with Fremont County Weed Management to manage this species.

**Fire Protection District:**

Western Fremont Fire Protection District

**ACCESS:** County Road 54 (unmaintained)

**PUBLIC COMMENTS/CONCERNS:** None Received

**AGENCY COMMENTS**

Staff requested comments from various review agencies. Staff has incorporated comments received to date either in their entirety or in part into this staff report.

**FCDOT:**

To follow up with the 3.23.2023 response, the new traffic impact numbers are more accurate with the resubmittal.

We do not have any concerns at this time, except that we request the opportunity to comment during the annual reviews/future submissions that affect this application. Should you have any questions or concerns, feel free to contact our office.

**FREMONT COUNTY ENGINEER:**

Talked with Josh (owner) about monitoring the ATV/UTV area for erosion and the possible addition of ‘crusher fines’.

**FREMONT COUNTY BUILDING AND ENVIROMENTAL HEALTH DEPARTMENT:** “ It is this department’s determination that since this business is going through a major modification the use of portable chemical toilets would be acceptable, although this is not a permanent solution to sanitation this department recommends the installation of an approved septic system or vault privy as soon as possible but, not to exceed a three- year time frame”.

**Fire Protection Plan:**

Address numbers shall be clearly visible from the County Road, 4” minimum in height with a contrasting background. Reflective material is preferred. After conducting a site visit, the gate entrance may be the best spot for address numbers.

**Bureau of Land Management:** Special Recreation Permit Annual Operating Authorization letter supplied. BLM noted special protocols being required if the ATV’s/UTV’s operate in the Badger Creek Area.

**COLORADO PARKS AND WILDLIFE:** See recommendations.

**STAFF COMMENTS**

- **Lot Dimensions** – N/A
- **Lot Coverage** – approximate coverage .48%
- **Building Setbacks** – N/A
- **Parking/Loading Requirements** – 55 Gravel spaces /10X20

2 ADA Hard surfaced /11’x20’w 8’aisle

Captain Zipline tours will operate year-round and are conducted from 8:30am to 10pm. Captain Zipline tours will maintain a ratio of 1 guide to 5 customers with a maximum of 15 customers per tour.

Play Dirty ATV will operate from January of 2023 to November of 2023 with the ability to renew BLM permits on a re-occurring basis. Play Dirty ATV will maintain a ratio of 1 guide per 6 customers with a maximum tour size of 18 customers.

**WAIVERS:**

1. Landscaping plan

## **RECOMMENDATION:**

Having found the application is in compliance with the requirements of the Fremont County Zoning Resolution, staff recommends **APPROVAL** of the Special Review Use Permit Major Modification application with the following contingencies/Conditions:

## **CONTINGENCIES:**

In addition, the following contingencies shall be provided to the Department within six (6) months (**no extensions**) after final approval by the Board:

Approval of chemical toilets to be used for a period not to exceed three years from the date of this modification.

## **CONDITIONS:**

N/A

Vice Chairman Hamrick asks the applicants to speak.

Diane and Josh Spomer state that Director Victoria pretty much recapped what they are planning on doing. They have some tours that do a combination, a challenge course and zipline combo and currently what they are doing is driving out to the 1500 address following them up to the zipline. When they finish the one course they follow them back down to the 1500 address, eat some lunch, then they drive back up to the zipline and when they are done they typically leave. Their goal has been to streamline and take the traffic off and elevate a lot of the driving back and forth.

Vice Chairman Hamrick asks if the Commissioners have any questions or comments for the applicants or staff.

Mr. Fey states that is a good plan, are they ok with having a stipulation of a permanent toilet or waste water in three years.

Diane Spomer states that yes, that was their game plan that they would like to do away with chemical toilets. Instead of doing the bolt toilets, their goal is to do an actual septic system and have real restrooms.

Mr. Payne states that his only question was just clarification from the staff report showing 55 regular parking and 2 ADA. In the permit it said 58 regular parking with no ADA. He wants to make sure that there is ADA in there and it would be paved.

Josh Spomer states they do not get many ADA customers. In their website, they have certain requirements that need to be met to actually be able to zipline. A few of them being hiking and core strength.

Diane Spomer states that they have 2 spots in front of the office that they can definitely use for that.

Vice Chairman Hamrick states to staff that the Fremont County DOT says that they do not have any concerns at this time, but they do request the opportunity to comment during annual reviews or for future submissions.

Director Victoria states that what staff does with that is, all of the special permits that are granted within the county, once a year Code Enforcement will review your application, drive out to your location and do a full

inspection to make sure they are still in compliance with what was approved. FCDOT will be included as part of the review. Code Enforcement does include FCDOT with updates on the annual reviews.

Vice Chairman Hamrick asks the Commissioners if they have any questions or comments. He is open to a motion and it should include the landscape waiver and the chemical toilet provisions.

Mr. Fey makes a motion to approve SRU 23-001 Major Modification Captain Zipline-Play Dirty ATV Tours with the following approved waivers and conditions:

**WAIVER:** Landscaping

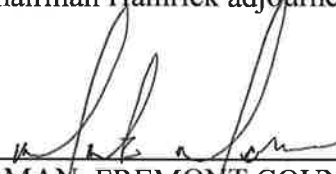
**CONDITIONS:** Construction of proposed restroom that is 10x20 and Chemical toilets not to exceed 3 years from date of approval.

Mr. Payne second the motion.

Vice Chairman Hamrick calls for roll call vote and motion is passed unanimously (6 of 6).

7. **ADJOURNMENT**

Vice Chairman Hamrick adjourned the meeting at 3:17 p.m.

  
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CHAIRMAN, FREMONT COUNTY PLANNING COMMISSION

8-1-23  
DATE