



PLANNING DEPARTMENT

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www.SummitCountyCO.gov

0037 Peak One Dr. | PO Box 5660
Frisco, CO 80443

**LOWER BLUE PLANNING COMMISSION
AGENDA**

NOVEMBER 2, 2023 – 5:30 P.M.

This meeting will be conducted in person at:

**Mt. Royal Room
County Commons
0037 Peak One Dr.
Frisco, CO 80443**

The public is welcome to attend in person or via Zoom by using the following information:

Register in advance for this webinar:

https://summitcountyco-gov.zoom.us/webinar/register/WN_pQzN7Fq8SO-UHahAzYYt7g

After registering, you will receive a confirmation email containing information about joining the webinar.

I. CALL TO ORDER

II. ROLL CALL

III. APPROVAL OF SUMMARY OF MOTIONS: August 3rd, 2023

IV. APPROVAL OF AGENDA: Additions, Deletions, Change of Order

V. NEW BUSINESS

- No items

VI. CONSENT AGENDA

- No Items

VII. PUBLIC HEARINGS

- PLN23-002 - Class 4 - Conditional Use Permit, A request for a Conditional Use Permit for High Country Tours, a snowmobiling business; TR 2-80 Sec 23 Qtr I Acres 2772.0100, 6845 Heeny Road (CR 30) (Lower Blue Tim Vermeer, High Country Tours Inc.)

VIII. WORK SESSION ITEMS

- No Items

IX. DISCUSSION ITEM

- No Items

X. ADJOURNMENT

* Allowance for Certain Site Plans to Be Placed on the Consent Agenda: Site plan reviews consisting of three (3) to a maximum of 12 multi-family units for the total development parcel or project may be placed on a Planning Commission's "consent agenda", which allows for expeditious review and approval of these smaller projects. Site plans may only be placed on the consent agenda if the recommendation does not include any conditions. Single-family and duplex development that are required to have a site plan review by a Planning Commission due to a plat note, PUD requirement or other regulatory mechanism may also be placed on a Commission's consent agenda. A Planning Commission member may pull such agenda item off the consent agenda to allow staff or the applicant to address issues or questions related to the site plan review criteria for decision prior to taking act

LOWER BLUE PLANNING COMMISSION

MEETING MINUTES

August 3, 2023

LOWER BLUE PLANNING COMMISSION MEMBERS PRESENT: James Donlon, Ashley Smith, Michael Good, Joe Newhart, John Longhill, Fletcher Flanigan.

STAFF PRESENT: Steve Greer, Community Development Director, Keely Ambrose, Deputy County Attorney, Cameron Turpin, Simon Corson, Planner II

CALL TO ORDER: Michael Good, Chair called the meeting of the Lower Blue Planning Commission to order at 5:30 pm.

APPROVAL OF SUMMARY OF MOTIONS: James Donlon moved to approve the Summary of Motions from the 10/6/22 meeting, with minor corrections. The motion was seconded by Ashley Smith. The Summary of Motions was approved by a unanimous vote of 6-0. Under discussion, Chairperson Good noted that the Commission did meet to interview potential candidates on February 2, 2023.

APPROVAL OF AGENDA: The agenda was approved with the additional of the election of Chair and Vice Chair.

ELECTION OF CHAIR AND VICE CHAIR - James Donlon moved to nominate Joe Newhart to become the new Chairperson of the Lower Blue Planning Commission. Michael Good seconded the motion. The motion was approved by a unanimous vote of 6-0. Joe Newhart moved to nominate James Donlon to become the new Vice Chair of the Lower Blue Planning Commission. Michael Good seconded the motion. The motion was approved by a unanimous vote of 6-0.

NEW BUSINESS - None

CONSENT AGENDA - None

PUBLIC HEARINGS - PLN23-024: Class 5: Preliminary rezoning of a 19.26 acre lot zoned Natural Resources-2 (NR-2) to Agricultural-1 (A-1)

John Longhill made a motion to approve PLN23-024 with the following findings:

Findings:

1. The proposed rezoning is in general conformance with the goals, policies/actions and provisions of the Summit County Countywide Comprehensive Plan and any applicable basin or subbasin master plans.
2. The proposal is consistent with the purpose and intent of the County's Zoning Regulations.
3. The proposal is consistent with the County's Rezoning Policies.
4. The proposed rezoning is compatible with present area development and will not have a significant, adverse effect on the surrounding area.

5. The proposal is consistent with public health, safety and welfare, as well as efficiency and economy in the use of land and its resources.
6. The proposed rezoning is justified because the original zoning was in error. The property was acquired erroneously by the Summit County Board of County Commissioners by Treasurer's Deed on February 16, 2016, and recorded under Reception number #1104760.
7. The property will be conveyed by the County with a conservation easement that will prohibit any dwelling units or structures on the property.

Ashley Smith seconded the motion and the motion passed unanimously on a 6-0 vote.

WORK SESSION ITEMS – None

DISCUSSION ITEMS – Michael Good asked for an update regarding the County's Comprehensive Plan. Steve Greer stated that this project is underway with research and analysis into the Summit County Land Use and Development Code, development of the mapping and marketing materials, and the establishment of an advisory Committee. The Board of County Commissioners will approve the composition of this advisory group. The County has hired a Planning Director, Susan Lee who will help steward this project.

ADJOURNMENT:

Jim Donlon made a motion to adjourn the meeting. The motion was seconded by Ashley Smith. The motion was approved by a unanimous vote of 6-0. The meeting was adjourned at 6:20 pm.

Respectfully submitted,

Simon Corson, Planner II



STAFF REPORT

TO: Lower Blue Planning Commission

FROM: Simon Corson, Planner II

FOR: Meeting of November 2, 2023

SUBJECT: Planning Case PLN23-002; A request for a Class 4 Conditional Use Permit for High Country Tours, a snowmobiling business, at TR 2-80 Sec 23 Qtr 1 Acres 2772.0100; Located at 6845 Heeney RD (CR 30), zoned A-1.

APPLICANT: Tim Vermeer, High Country Tours, Inc.

OWNER: Lazy Shamrock Ranch LLC

REQUEST: A request for a Class 4 Conditional Use Permit for a snowmobiling business at TR 2-80 Sec 23 Qtr 1 Acres 2772.0100; Located at 6845 Heeney RD (CR 30), zoned A-1.

PROJECT DESCRIPTION

Location: 6845 Heeney RD (CR 30)

Legal Description: TR 2-80 Sec 23 Qtr 1 Acres 2772.0100

Existing Zoning: A-1

Proposed Use: snowmobiling tours

Existing Use: snowmobiling tours (unpermitted)

Total site area: Approximately 2772.0100 acres

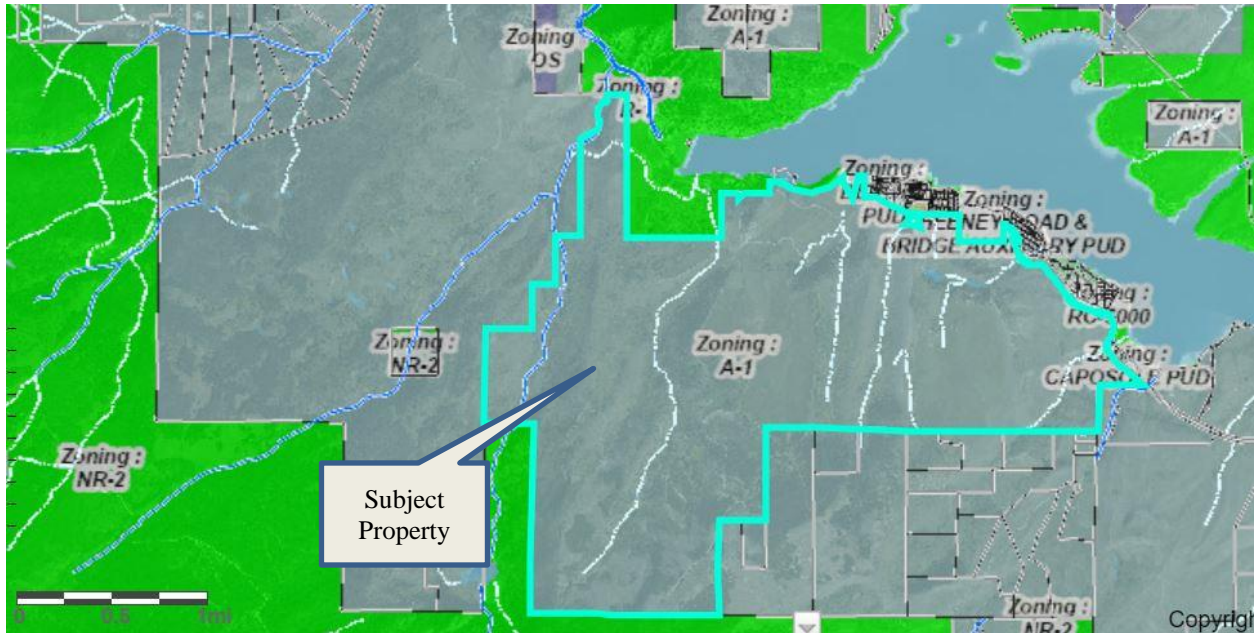
Adjacent land uses:

- East:** Single family residence and farm/ranch, zoned A-1
- West:** Shadow Creek Ranch Owners Open Space Recreation Area, zoned A-1
- North:** Green Mountain Inn, zoned B-3; and several other properties located within various zoning districts located near the Green Mountain Reservoir
- South:** Eagle’s Nest Wilderness, zoned NR-2

BACKGROUND

High Country Tours, Inc. offers snowmobiling tours on the Lazy Shamrock Ranch at 6845 Heeney Road (CR 30). The tours depart between 9am and 3:30pm and last approximately 2 to 3 hours. High Country Tours run four-stroke Skidoo Snowmobiles. The snowmobiling guides that accompany the patrons of this business are required to be First Aid/CPR/AED certified. The subject property, 6845 Heeney Road (CR 30) is zoned A-1. The A-1 zoning district allows snowmobile tours as a conditional use, thereby requiring the CUP for approval.

A vicinity map showing the location of the property is below:



CRITERIA FOR DECISION

The Planning Commission may approve a conditional use permit only if the application meets all relevant County regulations and standards and provided the Planning Commission makes the following findings from §12302.04:

- A. The proposal is in general conformance with the goals, policies/actions and provisions of the Summit County Countywide Comprehensive Plan and any applicable basin or sub basin master plans.
- B. The proposed conditional use is in compliance with the County's Zoning Regulations.
- C. The use is in harmony and compatible with surrounding land uses and the neighborhood and will not create a substantial adverse impact on adjacent properties or on services and infrastructure.
- D. Adequate services and infrastructure are available to serve the use or the applicant has obligated himself to provide services and infrastructure in sufficient time to serve the proposed use.

DISCUSSION

12302.04: Findings for Approval of Conditional Use Permit:

General Conformance with the Countywide Comprehensive Plan, the Lower Blue Master Plan, and Heeney/Green Mountain Reservoir Subbasin Plan.

The three applicable master plans contain several goals and policy/actions that are applicable to the proposal. The applicable goals and policies/actions are primarily related to neighborhood impacts, economic development, and uses appropriate for rural areas. The following are the applicable portions of the three master plans, followed by a discussion of these items:

Countywide Comprehensive Plan

Economic Sustainability Element

Goal A. Sustain and create opportunities conducive to growth in tourism and recreation.

Policy/Action 2. Continue to develop year-round, multifaceted tourism opportunities consistent with community adopted land use patterns and overall community character.

A snowmobiling business meets this Policy/Action item by providing diversity within the outdoor recreation industry and providing additional options and opportunities for tourists who want a unique experience when visiting the community. However, this goal is only met if the business can operate safely. As such, the applicant has worked with Summit County's Sheriff's Office to ensure that a snowmobiling business can operate safely on the subject property. Sergeant Mark Watson of the Summit County Sheriff's Office provided the following referral comments:

"Our concerns last year with Tim Vermeer, High County Tours was the emergency response. Due to his insurance, he is limited with what he can do when a guest is injured. With his business being in Heeney our response time is prolonged due to the travel distance and our SAR team picking up and transporting equipment to this location. It also takes time for our volunteers to leave their jobs and then drive to Heeney. It is usually 40min – 1hr before an emergency responder is on scene and heading into the field.

Over the past several months I have spoken with Summit Fire/EMS and SAR regarding Tim Vermeer, High County Tours on his emergency evacuation plan if one of his snowmobile guests were to get injured. We are looking at Tim purchasing a more appropriate rescue sled than the one he currently owns. We will have him locate this sled at his staging area across from the Green Mtn Inn with a snowmobile ready to go if an emergency response is needed. By doing this it will eliminate the need for search and rescue to respond with their equipment and make for a quicker response. Depending on the location and nature of the injury we may only need Summit Fire/EMS and the Sheriff's Office to respond. As we get closer to Tim's opening day the Sheriff's Office, Fire and SAR will meet with Tim at High County Tours to go over our response, so we are all on the same page.

The Sheriff's Office supports Tim Vermeer's application, and we appreciate that he reached out to us."

Lower Blue Master Plan

Goal B. Allow land uses in the Rural Area that are consistent with protecting the rural character and identity of the Basin.

Policy/Action 3. Land designated as Rural Residential on the Land Use Map should limit uses to those allowed by zoning and be consistent with the protection of valued physical features, such as: wildlife, open meadows, irrigated hay pastures, hillsides, river valleys, ranch lands, forest lands, wilderness areas, environmentally sensitive areas and significant view corridors. Other uses allowed include:

- **Natural resources, agriculture and forestry related uses.**
- **Dispersed recreational uses such as: hiking, horseback riding, and snowmobiling where consistent with preserving the area's natural resources.**

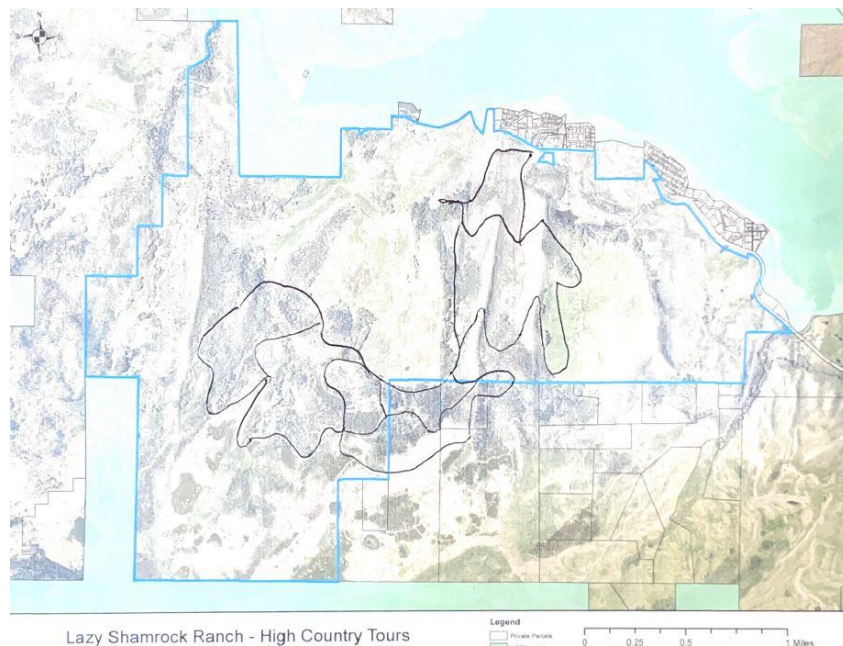
The Lower Blue Master plan discusses allowing only certain land uses that are consistent with the rural character of the Lower Blue Basin. Snowmobiling is listed as an appropriate use with the caveat that the area's natural resources are preserved. The applicant has worked with the Summit County's Open Space and Trails Department and State of Colorado's Parks and Wildlife Agency to ensure that snowmobiling is a compatible use given the natural resources on the subject property. Alex Strasser, Colorado Parks and Wildlife's District Wildlife Manager for Summit County provided the following referral comments:

“High Country Tours contacted the Summit County District Wildlife Manager (myself) regarding wildlife concerns in relation to the operation of their business in Heeney:

High Country Tours at the Heeney Outpost has been operating for ~10 years on private land near the town of Heeney. In the past, there has been no critical ecological and/or wildlife impacts experienced or caused by the use of winter motorized vehicles in their designated tour routes. I do not foresee any increased wildlife impacts through the continued operation of winter motorized use by High Country Tours.”

Allison Morton, Resource Specialist for Summit County's Open Space and Trails Department provided the following referral comments:

“According to Tim's map (see map below), it looks like the snowmobile operations avoid the sensitive elk habitat that was on the map I sent in with my first comments. This is appreciated! The route does go into an area that has low disturbance, and while we would like to avoid any of these areas, it sounds like CPW has no ecological or wildlife concerns. Therefore, OST has no additional concerns, as we will follow CPW's guidance.”



Heeney/Green Mountain Reservoir Subbasin Plan

Under *Recreation, Activities, and Amenities* in the Heeney/Green Mountain Reservoir Subbasin Plan, the Green Mountain Inn is specifically mentioned in the discussion of outdoor recreation activities. This is relevant because High Country Tours requires their patrons to check in at the Green Mountain Inn prior to beginning their tour. The proposed business use meets the intent of

the Heeney/Green Mountain Reservoir Subbasin Plan because recreational amenities are promoted throughout this subbasin plan and are noted to be historically appropriate at the subject location.

Compliance with the County's Zoning Regulations

Staff recommends that approval of this CUP application be for a period of five years. There is no history of complaints or violations on the property except for County staff reaching out to the business owner and applicant, Tim Vermeer requiring that a CUP application is submitted.

The proposed snowmobile tours business is compliant with the County's zoning regulations. Figure 3-2 of the Code shows that snowmobile tours are conditional uses in the A-1 zoning district. Should the present application be approved, this would be in line with the A-1 zoning district's allowed uses.

Harmony and Compatibility with the Surrounding Land Uses and will not create a Substantial Adverse Impact on the Surrounding Area

The operation of snowmobile tours on the subject property is not expected to cause substantial adverse impacts on the surrounding area, including on adjacent neighbors or properties. In the applicant's project narrative (Attachment B), it is stated that there is one residence within 300-feet of where the snowmobiles travel. Given that this business has operated for several years without incident, staff finds that the continuance of this use will not create an adverse impact on the surrounding area.

Availability of Adequate Services and Infrastructure

The applicant has adequate services and infrastructure for the proposed use. The Road and Bridge Department has no concerns with the proposal other than requiring a license agreement for the use of the Heeney Road (CR 30) Right-of-Way for the existing parking, and signage. A condition of approval has been included to ensure that the license agreement is secured and finalized prior to operations commencing this winter.

STAFF RECOMMENDATION

Staff recommends the Lower Blue Planning Commission approve PLN23-002, a request for a Class 4 Conditional Use Permit for a snowmobiling business at TR 2-80 Sec 23 Qtr 1 Acres 2772.0100; Located at 6845 Heeney RD (CR 30), zoned A-1, on approximately 2772.0100 acres, with the following findings and conditions.

Findings:

1. The proposal is in general conformance with the goals, policies/actions and provisions of the Summit County Countywide Comprehensive Plan, the Lower Blue Master Plan, and the Heeney/Green Mountain Reservoir Subbasin Plan.
2. The proposed conditional use is in compliance with the County's Zoning Regulations.
3. The use is in harmony and compatible with surrounding land uses and the neighborhood and will not create a substantial adverse impact on adjacent properties or on services and infrastructure.
4. Adequate services and infrastructure are available to serve the use.

Conditions:

1. Prior to commencement of the snowmobiling operation in 2023, the property owner must obtain a license agreement for the use of the Heeney Road (CR 30) Right-of-Way for the existing parking, and signage.
2. Approval of this CUP is granted for a five-year period from the date of approval. A new CUP

must be approved prior to the five-year expiration date to maintain continuous operations.

ATTACHMENTS:

1. Draft Resolution
2. Applicant's Project Narrative

RESOLUTION NO. 2023-10

**LOWER BLUE PLANNING COMMISSION
OF THE
COUNTY OF SUMMIT
STATE OF COLORADO**

A RESOLUTION APPROVING PLN23-002 A REQUEST FOR A CLASS 4 CONDITIONAL USE PERMIT FOR A SNOWMOBILING BUSINESS AT TR 2-80 SEC 23 QTR 1 ACRES 2772.0100; LOCATED AT 6845 HEENEY RD (CR 30), ZONED A-1; (Applicant – Tim Vermeer, High Country Tours, Inc.)

WHEREAS, Tim Vermeer, High Country Tours, Inc. has submitted an application to the Lower Blue Planning Commission for a Conditional Use Permit for a snowmobiling business; and,

WHEREAS, the Lower Blue Planning Commission has reviewed the application at a public hearing on November 2, 2023 with public notice as required by law and considered the evidence and testimony presented at that hearing; and,

WHEREAS, in light of such considerations, the Lower Blue Planning Commission of Summit County, Colorado finds that:

1. The proposal is in general conformance with the goals, policies/actions and provisions of the Summit County Countywide Comprehensive Plan, the Lower Blue Master Plan, and the Heeney/Green Mountain Reservoir Subbasin Plan.
2. The proposed conditional use is in compliance with the County's Zoning Regulations.
3. The use is in harmony and compatible with surrounding land uses and the neighborhood and will not create a substantial adverse impact on adjacent properties or on services and infrastructure.
4. Adequate services and infrastructure are available to serve the use.

NOW, THEREFORE, BE IT RESOLVED BY THE LOWER BLUE PLANNING COMMISSION OF THE COUNTY OF SUMMIT, STATE OF COLORADO THAT: A request for a Class 4 Conditional Use Permit for a snowmobiling business at TR 2-80 Sec 23 Qtr 1 Acres 2772.0100; Located at 6845 Heeney Road (CR 30), zoned A-1, is hereby approved with the following conditions below.

1. Prior to commencement of the snowmobiling operation in 2023, the property owner must obtain a license agreement for the use of the Heeney Road (CR 30) Right-of-Way for the existing parking, and signage.
2. Approval of this CUP is granted for a five-year period from the date of approval. A new CUP must be approved prior to the five-year expiration date to maintain continuous operations.

ADOPTED THIS 2ND DAY OF NOVEMBER 2023.

**COUNTY OF SUMMIT
STATE OF COLORADO
BY AND THROUGH ITS
LOWER BLUE PLANNING COMMISSION**

Joe Newhart, Chair of the LBPC

ATTEST:

Simon Corson, Planner II

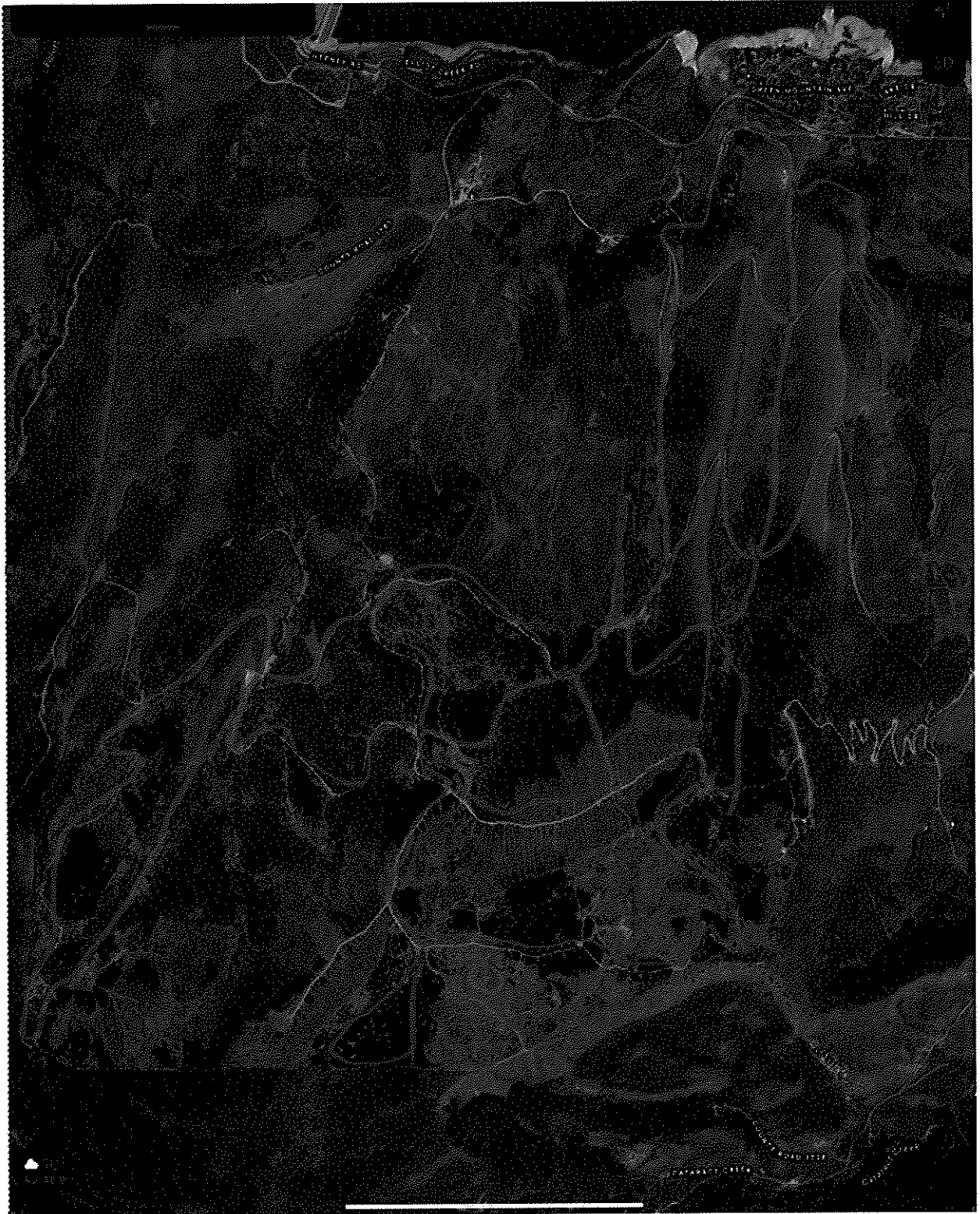
To those reviewing this application:

We at High Country Tours thank you for your consideration and we want you to know that your approval will bring smiles and lifelong memories to both tourists and locals who snowmobile with us.

High Country Tours offers guided snowmobile tours to the general public when snow conditions allow. Our tours happen on the Lazy Shamrock Ranch, with departures from 9am to 3:30pm. Tours go out in groups of around seven snowmobiles for a duration of 2 to 3 hours. Our base of operations is at the Green Mountain Inn. This is where our guests arrive and park their cars (and we make a very serious effort to prevent our guests from parking in the roadway). After checking in, our guides will show our guests how to operate the snowmobile. After the instruction, our guests get on the snowmobiles and head up the trails on the ranch with our guide. On an average day, we will have two to five guides giving tours.

We run environmentally friendly, four stroke Skidoo snowmobiles that are quiet and very fuel efficient. I would compare the noise level of our snowmobiles to that of a gas golf cart. The visual impact to our neighbors is minimized by the topography of Heeney, with our neighbors living downhill of the operation. Only one house is within 300 feet of where our snowmobiles travel.

Safety is a top priority for us, especially as we are 20 minutes from the closest medical facility. We require all of our guides to be First Aid/CPR/AED certified. We normally have several guides with Wilderness First Aid certifications, as well being blessed with EMTs on our staff quite often. We do have an emergency action plan in place and have an extensive medical kit, backboard, and sled for transporting injured guests down the mountain. In case of an extended wait for medical personnel, we keep heated blankets on hand to do our best to keep injured guests warm.





2:12 AM Wed Dec 14

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Q Search Here

TV

3D

HEENEY RD

BLUE RIDGE ST

HEENEY RD

Fuel storage in red two 500 gallon tanks in secondary environment.

Snowmobile trail in blue

Snowmobile parking during season

10



PLANNING DEPARTMENT

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STAFF REPORT

TO: Lower Blue Planning Commission (LBPC)
FROM: Planning Department
FOR: Meeting of November 2, 2023
SUBJECT: Public Comments Received for Planning Case PLN23-002

These comments were provided prior to the Planning Commission hearing on November 2, 2023. No additional comments have been received as of 4:00 pm on November 1, 2023. If comments are received after this time and before the LBPC hearing scheduled for 5:30 pm on November 2, 2023, they will be provided to the LBPC at the hearing.

Please accept this email as an endorsement for High Country Tours Inc, to receive this Conditional Use Permit. This company has proven to be a caretaker of the environment and has gone the extra mile to minimize business impacts in the local community.

Jack Taylor

I approve of High Country Tours, Inc. and their plans for the upcoming winter season.

Ann Marie Damian

Heeney, CO

Good afternoon Simon,

As the property owner of 5552 Heeney Rd, and within 300 feet of the subject property, I received your letter regarding High Country Tours and their request for a Conditional Use Permit. I'm a full-time Heeney resident and I support High Country Tours and the approval of the Conditional Use Permit.

Thank you for your consideration,

Kelli Bennett

Hello to whom it may concern,

My name is Joseph Sell. I'm writing you in regards to High Country Tours receiving their conditional use permit to run out of Heeney, Colorado. I just wanted to say I am a huge supporter of them receiving it. They bring in lots of people, tourists, and locals, through some of the most beautiful land and scenery I've seen in Colorado. Countless people have told me personally how incredible the experience is, and I've seen people return multiple years in a row, bringing family to show them what they have experienced. They give jobs to some of the people who live in the little town in the harsh winters so they don't have to drive towns over for work as well. As far as I can tell, it's nothing short of an amazing professional environment, as well as an unforgettable mountain experience some will only get to see once in their lives. Please allow for the company to run for years to come, thank you!

Best regards,

Joseph Sell

To whom it might concern,

I have had the privilege to be around Highcountry Tours and the owner Tim for a two years now. I live in Heeney and I'm constantly reminded of the professional business that the owner and the company operate. They are very well respected, and it appears that their snow machines are all pretty new as well. I have NEVER heard of a safety issue or anybody talking bad about the company and the way it's ran. Safety is the upmost concern and are well respected for making people feel comfortable.

I have gotten to know many of the people that work for the company as well as Tim himself. I recommend anybody that comes to the area that they get a snowmobile tour with high country tours, and I have never had anybody come back and tell me that it wasn't better than they had expected. In fact, most of them tell me they can't wait to come back and do it again. I know that they get a lot of repeat business, and that alone says volumes about the company.

All of that being said, I very much hope they get their Conditional Use Permit. I hope you put all of that into consideration when deciding.

Sincerely

Brandon Wells

Simon,

I'm a resident of Heeney and I'm writing to express my support for High Country Tours (HCT) receiving a conditional use permit for their Heeney-based winter snowmobile operation.

As you may know, HCT is a locally owned and operated business. During their last several years of winter season operations here they have proven to be a good neighbor to our small community. Therefore I would urge the commission to approve their permit.

Jim Minelli

Hello,

I am writing in regards to High Country Tours receiving a CUP. I am very much in support of this as they are the best snowmobiling company in Summit County.

Thank you!

Bridget Umble

I am a resident of Heeney and would like to express my support for the approval of the Class 4 Conditional Use Permit applied for by Tim Vermeer, High Country Tours Inc.

I see the snowmobile tour as an unique opportunity for a winter experience on a private Colorado Ranch with will never be forgotten by the participant.

Keats Scott

As homeowners adjacent to the Lazy Shamrock Ranch, we enjoy and support the application for a CUP. It's been great to see people enjoying Summit County in outdoor adventures.

Tom Davenport

Hello Simon:

I noted a few items in the materials for Snowmobile CUP approval as follows:

The legal resolution should be signed by current Lower Blue Planning Commission Board Chairman - Joe Newhart (instead of former Chairman David Domzal).

SAFETY - the material addresses the need for a higher level of RESCUE SLED and ALWAYS WAITING SNOWMOBILE in the event that a rescue is needed.

Yet- I did NOT see that listed as a condition required for approval. Should that be a condition of permit approval?

I am not aware of the LEGAL waivers of liability for such a business or the INSURANCE that the tour group must carry - are those adequate?

One of the maps appears to show the tours extend onto private properties beyond Lazy Shamrock ranch - But I am not sure?

Do the legal waivers of liability and insurance for the tour group also cover other private property owners - if the tours do extend onto other private property?

(Does the legal language for permit approval need to specifically include the other private properties (beyond Lazy Shamrock) if the tours really do extend onto other property?)

Protections to avoid environmental damage in the event of a fuel spill (primary concern at the BASE OF OPERATIONS area)?

It was stated that tours may leave at 3:30 pm and may run for 2-3 hours (potentially until 6:30 pm).

With very short hours of sunlight in the Winter - the tours could extend after dark. (1) Greater concern for SAFETY after dark (both on the trails AND the BASE area). And (2) NOISE.

Should permit be for Daylight hours only?

Thank you and best regards, Jim Donlon