

**PARK COUNTY
PLANNING COMMISSION MINUTES
Fairplay Community Center (Quonset Hut)
880 Bogue St., Fairplay
January 8, 2019 at 9:00 AM**

Planning Commission Members Present: Bob Banks, Jim Sapp, Susan Jones, Geri Salsig, Charlie Schultz

Staff Present: Sheila Cross, Director of Development Services; Jennie Gannon, Planning Technician; Erin Smith, County Attorney

APPROVAL OF AGENDA: Charlie added the election of Chairperson and Vice-Chairperson, per Park County Land Use Regulations Article 1, Section 1-303 B. Jim motioned to approve the agenda as amended, Bob seconded, motion passed unanimously.

Charlie called for officer nominations. Susy nominated Charlie, Bob seconded. Nominations were closed and Charlie Schultz will be chairperson again by acclamation.

Susy nominated Geri for Vice-Chair and Bob seconded. Bob moved that nominations closed. By acclamation, Geri Salsig is Vice-Chairperson again.

APPROVAL OF MINUTES from November 13, 2018: Geri motioned that the Minutes be approved as presented, Susan seconded, all in favor.

LAND USE PUBLIC HEARINGS:

OUTDOOR EVENT APPLICATION #18EVT-11:

Property is part of a 1685.33-acre parcel in Township 8, Range 72, Section 4, addressed as 2703 County Road 68. Applicant is requesting an event permit for a two-day camping and music/art event.

APPLICANT: Stephen Maruska

- Jennie made a Power Point presentation. There were no questions for her.
- Steve Maruska came forward and stated that last year's event went smoothly with no problems. There were only 97 people there and he does not expect many more this year.
- The Commission members then asked many questions regarding the history and organization of this event, snow removal plans, insurance for the event, and site inspection prior to event.
- Sheila addressed some comments made by Suzanne and Michael Van Hall in their letter to the County and Planning Commission. She also went through the State regulations for "Group Gathering Areas" and addressed some of the applicable items in regards to this application.
- Jim asked why this event hadn't been approved administratively this year. Sheila said that if the 2019 event goes smoothly and there are no complaints, and if the request does not change in any way, it may be approved administratively in the future.
- Charlie then called for public comment.
- Suzanne Van Hall, an adjacent property owner, came forward and spoke about her concerns with this event including clarifying who is actually liable for the insurance and if something went wrong at the event; snow removal; fire danger; that there should be infrastructure provided for a commercial campground; and she wondered if this is a legal use of this agriculturally zoned property.
- June Vincze came forward and stated that, though this event itself has no issues, the use of this piece of property is a Park County issue. The use of this property for these types of events does not appear to be following the Land Use Regulations and she believes the rules are being bent-not by this event but by the Elsewhence events.

- Walter Fullerton, an adjacent property owner, came forward and stated his concerns about fire danger. He said that these events (camping events on Berger property) are close to his property and held much too often.
- Charlie closed the public comment portion of the meeting and called the applicant forward once again for closing comments.
- Applicant stated that he wants to and has complied with the Land Use Regulations. He said the application is for 450 people but he actually does not expect that many this year and his intention is very slow and intentional growth for the event. The Planning Commission members asked more questions and the following points were clarified:
 1. The responsible party for the event, including any liability, is Steve Maruska as president of Permission Engine Colorado.
 2. The volunteers checking people in to the event make sure that people have brought in enough water and give them the fire rules. The requirement for 3 gallons of water per person per day will be on the website for the event and attendees will be aware of that and will be required to comply with it.
 3. The number of tickets sold will depend on the number of volunteers they have.
 4. Applicant will provide a signed snow removal contract to the Planning Dept. prior to issuance of an event permit.
- Charlie closed the public portion of the hearing and asked for board deliberation.
- Susy wants to be able to approve this event each year and wants a report, provided by the applicant, that gives information about the event after the fact that would include how many attendees there were, how much snow was on the property and how it was removed, what the weather conditions were, and if there were any occurrences that required County departments to step in. Erin said there is no requirement currently for a report like this and asked the applicant if he would provide it. Applicant stated that he would.
- Jim made the motion to approve the application with the following conditions:
 1. Event duration, as defined in Park County Land Use Regulations Article V, Section 5- 707F, will be from Friday, March 15th, 2019 at 11:00 am to Sunday, March 27\ 2019 at 11:00 am. Event set-up will take place beginning at 12:00 on Thursday, March 14th with no more than 30 people on site. Event take-down and clean-up will be completed by 12:00 Monday, March 18, 2019 with no more than 30 people left on site.
 2. All representations made by the applicant in the application or during the hearing are made conditions of the Permit.
 3. If there is any fire ban in effect during the event, no fires of any kind shall be permitted.
 4. A Certificate of Insurance for the Event shall be received by the Planning Department within 10 days of approval by the BOCC.
 5. A signed snow removal contract will be given to the Planning Department prior to issuance of the event permit.
- Bob seconded the motion. Vote was taken and the motion passed unanimously.

Motion: Jim approve as presented with conditions presented by staff.

OUTDOOR EVENT APPLICATIONS #18EVT-12 AND #18EVT-13:

Property is part of a 1685.33-acre parcel in Township 8, Range 72, Section 4, addressed as 2703 County Road 68. Applicant is requesting separate event permits for two three-day camping and music/art events, one in July 2019 and one in September 2019.

APPLICANT: Dave Wellhauser

- Jennie made the power point presentation.
- The applicant, Dave Wellhauser, came forward and described the event and the permits he has requested. He said that all four of his previous events in September have gone well and there have been no complaints. He has asked to add an event in July because families want to come and they are unable to in September because of school. He anticipates that people will decide to come to one or the other and that there will be fewer people at each event this year instead of two full events. Advantages to his request are that people will have more time to enjoy the event and that there will be less traffic all coming on Friday because they can start coming on Thursday. He stated he really wants these to be 72 hour events, as Elsewhence had been in the past, before the new Event Regulations, and that he will never ask for more time or increase the number of attendees.
- Questions were asked about the set-up for the events, sanitary facilities, water, what happens at these events, proprietorship and liability for events, lighting, effects of the events on the grass, and fire mitigation plans.
- Charlie called for public comment.
- June Vincze came forward and spoke against Elsewhence events. She said she lives where she can see the subject property and that she saw tents there for three weekends last September. There were campfires there in September. The lights illuminate the whole mountain side. The Burning Man culture is concerning. She said that even though the Fire Chief approves of the event, the Bailey community does not. She asked if anyone from the County had been on the premises to see that the applicant was doing what he said he would and stated that what he (the applicant) says they will do is not what is actually happening. It takes much longer to clean up the site than they say they will take in the application. She did make a complaint to the sheriff last year about noise.
- Suzanne Van Hall came up and stated that Elsewhence needs more water on site and that there should be firefighting infrastructure. These events should be checked on before and after the actual event because she sees them starting weeks ahead of time. County should be checking and enforcing the regulations. Camping should not be allowed on Agriculturally zoned property.
- Walter Fullerton came up and stated that the big issue is fire. There should be more insurance coverage in case of fire. Three nights of camping is too long. There should be proper infrastructure on the property for camping and safety. Events need to be monitored.
- Charlie closed the public comment portion of the meeting and asked the applicant to come up and make a closing statement.
- Dave Wellhauser came forward. He stated that the campfires June Vincze saw were not part of Elsewhence and that she may have been seeing a different part of the Berger property. He described the fire art and the "poofers" and "tikis" used that produce short, non-ember producing flames and light. He lets dispatch know when his event is going on and they are supposed to call him if any complaints are received. He said they have never notified him of a complaint about noise. Money made on each event is used to run the event and anything left over goes towards running the next event and to grants for art.
- More questions were asked about the running of the event. Event hours and duration were discussed.
- Charlie re-opened the public meeting so that they could ask the applicant if the 40 gallons of water for fighting fire could be replenished. Mr. Wellhauser stated that there are cattle troughs near the road coming in to the property and a creek about a half mile down a 4WD road.
- Charlie closed the public portion and opened it again to ask Mr. Wellhauser about the water provided for emergencies. There are two 55 gallon drums, one by the medical station and one in the back of

his truck. Both have pumps and both contain potable water. He said he could get a 250-gallon cube and place it up at the site on a structure so that gravity feed will work. Fire department will come up and fill it up.

- Jim made the motion to add a condition that these will be 48 hour events, plus set-up and break-down, not 72-hours. Bob seconded.
- Geri moved to add a condition that a 250-gallon water supply will be placed at the site for the events. Susy seconded.
- Proposed conditions were read:

1. Event duration, as defined in Park County Land Use Regulations Article V, Section 5-707F, will be from Friday, July 19, 2019 at 12:00 PM to Sunday, July 21, 2019 at 12:00 PM. Event set-up will take place beginning at 12:00 PM on Thursday, July 18, 2019 with no more than 60 people on site. Event take-down and clean-up will be completed by 12:00 PM Monday, July 22, 2019 with no more than 60 people left on site.
2. All representations made by the applicant in the application or during the hearing are made conditions of the Permit.
3. If there is any fire ban in effect at the time of the event, no fires of any kind shall be permitted.
4. A Certificate of Insurance for the Event shall be received by the Planning Department within 10 days of approval by the BOCC.
5. There will be an extra 250-gallon water supply on placed on site during the event.

- Jim moved to approve the July event with the conditions suggested by staff and just added. Susy seconded. Vote was taken and the motion passed unanimously.
- Jim motioned to approve the September event with the same conditions as had been approved for the July event. Susy seconded. Vote was taken and motion passed unanimously to approve with the following conditions:

1. Event duration, as defined in Park County Land Use Regulations Article V, Section 5-707F, will be from Friday, September 20, 2019 at 12:00 PM to Sunday, September 22, 2019 at 12:00 PM. Event set-up will take place beginning at 12:00 PM on Thursday, September 19, 2019 with no more than 60 people on site. Event take-down and clean-up will be completed by 12:00 PM Monday, September 23, 2019 with no more than 60 people left on site.
2. All representations made by the applicant in the application or during the hearing are made conditions of the Permit.
3. If there is any fire ban in effect at the time of the event, no fires of any kind shall be permitted.
4. A Certificate of Insurance for the Event shall be received by the Planning Department within 10 days of approval by the BOCC.
5. There will be an extra 250-gallon water supply placed on site during the event.

PUBLIC COMMENT:

June Vince: Stated that the Berger property is used for events way more than 1 to 3% of the year. Non-permitted events were weeks long. She asked Dave Wellhauser to explain "poofers" again.

Suzanne Van Hall: Thanked the Planning Commission for their time and again stated that agricultural land cannot have a commercial campground without a CUP.

Gatherings under 150 people were discussed. Members of the Planning Commission agreed that regulations might need to be revisited and changed.

Meeting was adjourned at 12:39.