

**PARK COUNTY
PLANNING COMMISSION
MEETING MINUTES
856 Castello Ave., Fairplay
September 11, 2018 at 9:00 AM**

Planning Commission Members Present: Charlie Schultz, Geri Salsig, Bob Banks, Susan Jones, Pat White
Staff Present: Lee Phillips, County Attorney; John Deagan, County Planner; Jennie Gannon, Planning Technician

Charlie Schultz called the meeting to order at 9:05 and introduced everyone.

APPROVAL OF AGENDA – Jennie told the Commission that there would be no LUR discussion. Bob motioned to approve the agenda with this change, Geri seconded, motion passed.

APPROVAL OF MINUTES from July 10, 2018 – Geri moved to approve the minutes as presented, Pat seconded, motion passed.

Charlie went over the procedure for the Public Hearing portion of the meeting.

LAND USE PUBLIC HEARINGS:

REZONING CASE #18ZON-11

Property is Pike Trails Ranches Filing 1, New Lot 50, addressed as 3516 County Road 88, Guffey. The applicant is requesting a rezoning from the Residential (R) zone district to the Residential Ranch (R-35) zone district.

APPLICANTS: Jeffry and Julia Spring

- Jennie made the Power Point presentation. There were no questions from the Commission.
- One of the applicants, Julia Spring, came forward and explained that they are asking to be rezoned to R-35 in order to have a horse and mule and have more than 2 outbuildings.
- There were no questions for the applicant.
- Charlie called for public comment.
- Gene Stanley, a neighbor of the applicants, came forward and first stated that he was not here as a county official. Based on what the applicants presented as their reasons for requesting this rezoning, he does not object to this request.
- There were no closing comments from the applicant.
- Charlie closed the public portion of the meeting and asked for deliberation and/or a motion.
- Geri made the motion to approve the application as presented, _____ seconded. Vote was taken and motion passed unanimously.

RIGHT-OF-WAY VACATION CASE #18VAC-02

Properties proposed for vacation are Main Street between Blocks 13 and 36, and part of the Alley in Block 36 in Guffey. Applicant is requesting that the County vacate these rights-of-way and consolidate them with applicant's adjacent property.

APPLICANT: Chief Eugene Farmer for the Southern Park County Fire Protection District

- Jennie made the Power Point presentation.
- Chief Eugene Farmer came forward and explained where the storage tanks will be and how and where they will fill the trucks off of Canon St.
- Lee asked the Chief to ask surveyor, Tom Burnett, to write a legal description for the part of the alley being vacated.
- There was no public comment so Charlie closed the public portion of the hearing and asked for deliberation and/or a motion.
- Bob made the motion to approve the application as submitted, Geri seconded. Vote was taken and the motion passed unanimously.

REZONING CASE #18ZON-12

Property is parts of Sections 1 and 2, Township 15 Range 73, adjacent to C.R. 102. The applicant is requesting to rezone 39.10 acres from A to R-35, 35.75 acres from A to R, and 0.40 acres from R to A as the result of a boundary line adjustment between tax parcels 1895 and 30436.

APPLICANTS: Kathleen Jorgenson and Daniel and Christine Sines

- John made the Power Point presentation.
- Geri and Charlie asked questions to clarify exactly which pieces of each parcel will be rezoned.
- Katy Welter came forward on behalf of the applicants. She stated that the applicants simply wanted to keep the zoning of each property consistent.
- No public comment and no closing comments by applicant.
- Charlie closed the public portion of the hearing and called for deliberation.
- Geri made the motion to approve this application as presented, Susan seconded. Vote was taken and motion passed unanimously.

CONDITIONAL USE PERMIT CASE #18CUP-08

A parcel consisting of the SE ¼ SE ¼ of S32 T12 R72 and part of the N ½ of S5 T13 R72, addressed as 8463 C.R. 92, Lake George. The applicant is requesting a Conditional Use Permit to allow a Commercial Campground in the Agricultural zone district.

APPLICANT: Nabil Saweeres

These minutes are in detail from notes taken at the meeting and are by no means the complete and full account of this hearing. It was discovered after the meeting that the volume settings for the new recording system had been turned down and the recording is impossible to hear. This may be the only record of this hearing that exists.

- John made the Power Point presentation.
- Charlie asked if the tent shown in the presentation is existing now or proposed. It is existing and was built as proof of concept.
- John distributed revised site plans that had been brought in by the applicant today.
- The applicant, Nabil Saweeres, came forward to explain his concept for a luxury campground. This will be camping with convenience and comfort with 20 tent sites at the most. He explained the planned operations for the campground. There will be a central bathhouse and several portable restrooms placed nearer to the campsites. A commercial kitchen will deliver meals to tent sites. Nothing will be eaten inside tents, there are picnic tables at each site. Guests will have electric golf carts to get around, as their vehicles will be left in a parking lot. There will be propane fires at the sites and one central wood fire for everyone to enjoy. There will be no gas generators, tents will have solar battery powered lights that will follow the County ordinance. There will be activities provided for guests onsite and applicant is going to partner with third party outfitters for off-site activities. There are animal mitigation measures in place in his operating plan. He only expects 20 vehicles each weekend and thinks that there shouldn't be any traffic concerns related. He has amended this site plan and narrative in order to address concerns that have been put forth by neighbors and the fire authority. His goal is to share the outdoors with people who wouldn't normally go camping, and to get families to reconnect in the outdoors.
- Geri asked about commercial water use. Applicant is applying for a commercial well.
- Susy asked if each campsite will have its own golf cart? Yes. Is food ordered by guests? Yes. It is made in a commercial kitchen, everything is covered and sealed in coolers, and then delivered by golf cart. There are specified times for each meal. How many golf carts used by staff? Two. Everything is cleaned up by 7:30 p.m. after dinner. Would golf carts be used at night for getting to the bathrooms? Yes, they have headlights. Is there lighting along pathways? No. Lanterns will be provided to campers.
- Pat asked about security. How would disruptive behavior be handled? There is a regular patrol during night hours. People who are not acting properly would get a warning and if they don't comply, authorities will be called. What kind of people is he looking for to come here? People who want to camp but "not get dirty". This is a "high-end" campground.
- Bob asked if horses would be there all winter. Yes, if they have any. There will be staff there all winter to take care of the property.
- John said that the Site Plan and Narrative for the application should be included with resolution attachments.
- Susy asked what would happen if there are storms. Where would people eat? There is a covered deck.

- Charlie asked about a central dining area. There is no central area except for a central covered deck. The plan is to not have food inside, but if weather is bad, they can find a place. Would horses graze onsite? If they have horses, there are 5 acres where they can graze. The applicant may have horses for off-site rides on USFS or other land. Applicant has submitted a proposal to the USFS but has since found out there are no permits to be given right now or in the near future. How will tents not get blown away? They are using an anchoring system designed by an engineer. What is maximum length of stay? He would probably limit the stays to 14 days as per the County camping regulations, but does not expect this to be an issue. Charlie thought that the portable facilities may be too far from the tents for the very young and very old, what if people start using trees? Applicant said the bathrooms will be within 50 feet of each site and does not think that this will be a problem. Is there any other “glamping” in Colorado? Applicant knows of one extremely high-end site in Telluride. Will people be collecting wood for the central fire? No, staff will provide wood and light the fire.
- Susan asked again, is there any place people can get inside if weather is really bad? There is a basement and a storage room that could be used. Will staff monitor wind, lightening, etc., and bring guests to shelter if needed? Yes.
- Pat asked what they will do about serious medical issues. Staff will be first aid and CPR certified. There will be epi-pens and a good first aid kit on site. There is an emergency clinic about 25 minutes away. Pat was concerned about not being able to get to the clinic, what if there are 15 inches of snow on the ground? There will only be campers in the summer months. Applicant does not want to run the campground during the winter.
- Charlie called for public comment.
- Bryan Ponce, owner of the adjacent property to the northeast of the subject property, came forward and spoke of his concerns about this CUP. The following is a list of his concerns:
 1. Light pollution.
 2. This proposal is not consistent with the use of other properties in the area.
 3. There could be ATV and horse activities on the property.
 4. Will portable bathrooms be maintained adequately?
 5. They might need to build new structures to support activities.
 6. Worried about trespassers being at risk if he is shooting on his own property.
 7. His well is not great, and he is afraid a new well on this property would affect his.
 8. Concerned about smokers and other fire hazards.
 9. He has never seen any bear, but is concerned that bringing food in to the campground might bring bears to the area.
 10. Wondered if alcohol and marijuana usage will be allowed? This might lead to irresponsible guest behavior.
 11. There could be noise impacts from the ATVs from maintenance, transport, and usage.
 12. Trespassing by guests on to neighboring private property.
 13. Traffic at high point on Co Rd 92 is different from what applicant has seen during business hours.
 14. Dogs need to be leashed.
 15. Could there be other heating sources for tents?
 16. He wants “No Trespassing” signs put on his barbed wire fence to make it clear where property lines are.
 17. If generators need to be used they could be noisy.
 18. There is a limit to what the applicant can do to ensure all conditions are followed.
 19. This is not in keeping with LURs or SMP.

Geri asked Mr. Ponce: How many acres do you own? 26 acres. Charlie: Are you full time? No. Three families might come at a time, maybe 8 kids. They use the house and bunkhouse, and sometimes a camper. They come up year round to hunt, snowshoe, etc.
- Sherry Lindsay, property owner to the south, came forward and read a letter that had been written by her husband. This letter is on file with the Planning Department. Issues addressed were much the same as those mentioned by Mr. Ponce with the following items added.
 1. Wondered why this request does not require a rezoning from Agricultural to Commercial since this use is commercial and does not appear to be compatible with surrounded properties.
 2. The campsites and road are going to be situated very close (2 minutes to walk, only 183 feet) to their property and there is no fence delineating the proposed campground from private property.

3. There could be up to 100 people staying on property that is adjacent to the Lindsay's residentially zoned property.

4. They have had bad experiences with people camping on the adjacent USFS property. Their land has been trespassed upon and the noise from dogs, ATVs, music, generators, and loud conversations has impacted them, even from 1000 feet away.

5. There will be regular truck traffic for servicing the portable bathroom facilities and for trash removal. This will result in additional traffic and increased noise and dust.

6. Offering ATV tours and third party excursions that originate onsite is commercial use of the property.

7. Increased fire hazard is a particular concern.

8. Traffic safety with vehicles regularly exceeding the speed limit and a tight, blind corner within a couple hundred feet of the proposed entrance.

9. Suggested the following conditions to be met prior to approval of the application:

1. Require 4 strand barbwire fencing be installed where posts are no more than 12 feet around the property that will prevent dogs and campers from crossing onto private property and to provide proper signage to warn campers not to enter the private property.

2. Require the applicant to commission a qualified water well impact study and require evidence that the proposed use will not adversely affect neighboring property owners' water supply or that other activity will not impact existing water quality.

3. Require the applicant to commission a qualified traffic study that demonstrates that the increased traffic entering onto and exiting from the property in question can be done so safely.

4. Increase the minimum the distance between the proposed campsites and adjacent private property to 500 ft.

5. Require an improved fire prevention plan and require county safety approval of proposed woodstoves use and the fire prevention plan.

6. Prohibit the use of gas powered generators within 500 feet of private property and require a plan and assurance that noise will be controlled between the hours of 8:00 PM and 6:00 AM.

7. Should the Permit be granted, it should be done on a temporary basis, requiring the applicant to reapply and demonstrate continued compliance to all Conditions of Use after no more than 5 years.

8. Mrs. Lindsay also suggested that there be a minimum distance between campsites and adjacent property of 500 feet, that quiet hours be enforced, that there be no smoking of anything, and no animals allowed.

- Charlie asked how often they are at their property. Mrs. Lindsay answered every other weekend in summer.
- Geri: how close are the national forest campsites to your property? 1000 feet. These are "historical" campsites, not designated sites by the USFS.
- Chuck Telotte, who lives in 11 Mile Lake Sites, about 3 miles away from the subject property, came forward. He drives on Co Rd 92 to access his property and lives here full time. He stated his concerns about fires and traffic.
- Charlie: is road paved? Yes, but there are lots of cracks and potholes.
- Amy Titterington, acting ranger for Pike National Forest, came forward and stated that no outfitters permits are available now, or will be any time soon. She stated that no new trails or roads on USFS land are permitted. The applicant must make sure that any third party outfitters he uses do have permits.
- Bob asked Ms. Titterington about the existing campsites- are there rules for those? Yes. They (USFS) do patrol when staffing can allow it.
- Charlie asked: Outfitter permits are not in the future? Don't count on it, unless other outfitters cut back on their user days. How does USFS make decision that County and fire departments must pay for firefighting? That would be only on private property, FS does fight fires on public lands.
- Charlie closed the public portion of the meeting.
- Mr. Saweeres came back to the podium for his closing statement. He said he would happily enforce quiet hours and would put up "No Trespassing" signs. He said he is currently using solar power that has been in place for 10 months, and has not had any problems so he does not see a need for gas generators. He is not concerned about the blind curve on Co. Rd. 92 and that the Public Works Department has not shown concern over that either. He pointed out that all the properties involved are surrounded by National Forest now and that he will monitor the camping activities on his 80 acres. He said that he has talked to two other neighbors who have expressed their support for his proposal. He will enforce the rules because they are for

the betterment of his business and his guests. He will be proactive and act in good faith with County and neighbors.

- Charlie asked what will happen with unattended dogs. The applicant does not want dogs in tents. Leashes will be required and dogs should be tied up and never left alone. He will require kennels if he does decide to allow dogs. What are plans for alcohol? He has been looking into a liquor license. He does not want to outlaw alcohol consumption so would allow it, but it would be monitored. If anyone is acting dangerously towards others or themselves they would be made to leave. Would smoking be allowed? He won't outlaw it, would provide ash trays in certain areas, but it would not be allowed everywhere. How was campsite placement decided? They are at least 183 feet from property lines.
- Pat asked: what is "campsite multi" that shows on the site plan? It is just showing that the symbol applies to multiple campsites.
- Charlie closed public portion of hearing.
- Susan asked John: Would CUP be approved forever for the property? John said a condition could be placed that owner must reapply, but doesn't think this CUP proposes serious threats to public safety. Would they need a kennel license if they end up with a certain number of dogs? No, it would not meet the definition of Kennel in the Land Use Regulations.
- Bob said he has issues with lack of plans for inclement weather, wondered if there could be a dining hall/community area. He stated he wants to minimize impact on neighbors, but does not feel he can say no to this request.
- Pat is concerned about bears.
- Susan said she is concerned about the tent construction for safety reasons and wants there to be a designated building for people to go in emergency and/or bad weather.
- Lee noted there are five conditions recommended by staff and asked the Planning Commission if they wanted to add any conditions.
- Charlie asked everyone to review the standards for approval. It was agreed that activity surrounding this property is compatible, though new density may pose problems. It was agreed that the tents will be safe because of the condition that they be built to the codes of the County and LGFPD.
- Charlie wants to add the condition that makes sure boundaries are controlled and respected.
- John proposed new condition: #1 Prior to hearing of the application by the Board of County Commissioners, the site plan and narrative are revised to designate an area providing shelter to guests in case of extreme inclement weather.
- Lee added condition #7 to incorporate site plan and narrative into approval: In accordance with Sec. 2-203 of the Park County Land Use Regulations, all representations, including the site plan and narrative, made by the applicant in the course of the hearings regarding this application are binding for the duration of the Conditional Use Permit.
- Charlie called to review the conditions. Geri was still concerned about use of generators and wondered if there should be another condition. It was decided not to include another condition.
- Charlie asked for a motion.
- Susan moved to approve the application with seven conditions as recommended by staff and added today. Bob seconded. Charlie read the seven conditions out loud.
- Vote was taken and the motion was approved unanimously.

PUBLIC COMMENT

Bryan Ponce came forward and asked if public will have opportunity to comment at BOCC meeting and if the BOCC makes the final decision. The answer was yes to both questions and Charlie ran through the possible decisions that the BOCC could make.

Another neighbor of the Saweeres property came forward and stated that this CUP is very different from what is happening outside in forest land.

The meeting was adjourned at 11:41a.m.