

**Advisory Board of the Environment – ABE**  
**Minutes**  
**856 Costello Avenue, Fairplay, CO 80440**  
**Conducted in person room 1101, and by Zoom video conference**  
**Tuesday March 15, 2022**

**Attending (logged-in)**

Wendy Kerner – In person  
John Reiber – In person  
Patrick Schilken – Zoom  
Ramon Castro – Zoom  
Jennifer Migliorato – Zoom (The connection was lost during the meeting.)  
Tyler Stoltzfus – In person

**Absent:**

Bernie Petersen

**Park County personnel present: None**

**Call to Order.** The meeting was conducted by Zoom video conference; Mr. Reiber was present at the County Building. Mr. Reiber called the meeting to order at 1:01 PM.

**Pledge of Allegiance** was not performed, no flag present.

**Roll call of Board members present.** A Quorum is present.

**Consideration of proposed additions to or modifications of the March 15, 2022, agenda.** Mr. Castro motioned to accept the Agenda as written, Mr. Stoltzfus seconded the motion. The Agenda was approved as written.

**Review and approval of minutes of the February 15, 2022, meeting.** Mr. Stoltzfus motioned the February 15, 2022, Minutes be accepted as amended and written. Ms. Kerner seconded the motion. The Minutes were unanimously approved as written.

**Introduction of Board members and members of the public.**

None present.

**Remarks or input from members of public.** None presented.

**Discussion with Park County personnel regarding all things ABE.** Mr. Tom Eisenman joined ABE at approximately 1:36pm to discuss the BOCC Resolution 19-20 and several other issues. Mr. Eisenman departed the meeting at approximately 2:00pm. Mr. Degan joined the meeting at approximately 4pm to answer questions regarding 22SET-02.

**Presentation of pending Land Use Actions and ABE response:**

**22CUP-01** - Request for a conditional use permit to approve an existing detached building structure on the lot to be used as a guest home for immediate family members. ABE reviewed the water and septic plans and found no environmental issues that ABE could comment on. ABE also found no issues that would impact wildlife.

ABE does not have any conflict with the request.

**22AMN-01** – Request for a front setback adjustment reduction from 130 feet to 100 feet. According to the applicant, the perfect spot for the structure is at a setback of 100 feet mark as presented. With the set back at 130 feet, the amount of retaining wall and retainage of dirt would be excessive in both the front and the rear of the house. Also, at the required setback of 130 feet, the location of septic and well will be detrimental to the existing grade and foliage which the current design is taking into consideration. ABE reviewed the water, septic and other plans and found no environmental issues that ABE could comment on. ABE also found no issues that would impact wildlife.

ABE does not have any conflict with the request.

**22SET-01** The applicant's requesting a 20-foot variance from the 30-foot side property line setback requirement in order to be able to build a garage. ABE reviewed the plans and found no environmental issues that ABE could comment on. ABE also found no issues that would impact wildlife.

ABE does not have any conflict with the request.

**22SET-02** – Request for a variance to permit a building height limitation of 65 feet as is typical for other structures erected in the mining zone district. Currently the allowed building height is limited to a 35-foot structure height. Mr. Reiber disclosed that he is the managing member of Earth Energy Resources, LLC. Earth Energy Resources, LLC had received notice of the request and is a neighboring property. ABE did not see a conflict in his participation in the decision.

Mr. Eisenman joined the discussion. The drawing shows the addition of a communications tower. ABE asked if the committee should comment on the potential environmental issue surrounding frequency emissions. ABE was made aware that a 2012 Federal case limits local, state, and federal agencies and governmental bodies from denying an application for frequency concerns. Although there is a lot of research out there concerning frequencies, only the FCC has authority over frequency emissions.

Mr. Degan joined the meeting at approximately 4:00pm. ABE believe that the request should have been a variance and not a setback. Mr. Deagan stated that the request was indeed a setback issue. All variances get a SET designation in the system. Mr. Deagan stated that referrals should be measured against the "Standards of Approval". ABE agrees that the Standards of Approval should be attached to the application. Should a communications device request get a SUP (special use permit) requirement? There is a difference between a stand-alone tower versus a communications device attached to a building. If there is an addition of a communications requirement the applicant should request a Conditional Use permit.

ABE reviewed the plans and found no environmental issues that ABE could comment on. ABE also found no issues that would impact wildlife.

ABE does not have any conflict with the request.

**22VAC-01** - The applicant is requesting to vacate the alley between Lots 16-24 and New Lot 40 Block 17, and the part of Park Avenue between Block 17 and Block 18 and consolidate with all adjacent lots into one lot in Puma City. It was pointed out that this may be one of those old subdivisions that the lots are too small to build on. The request is a combination of the lots and the vacation of the right of way. It looks like a lot consolidation. ABE reviewed the plans and found no environmental issues that ABE could comment on. ABE also found no issues that would impact wildlife.

ABE does not have any conflict with the request.

## Old business:

- **Revisions to BOCC Resolution 19-20.** Mr. Eisenman joined the ABE meeting to discuss the revisions to the Resolution. Park County has revised the Resolution and a draft copy of the revised Resolution to be forth coming for ABE to review. With respect to the 1041 application, there is currently no review process in place. The 1041 requests have come through ABE and that will continue. A major subdivision will continue to come the ABE, as a 1041 will follow as well. Conditional Use permits will continue to be reviewed by ABE as they relate to the environment. A simple Conditional use permit will be reviewed and approved at a staff level. ABE will review variances and setbacks unless they are administrative and reviewed by the staff of Park County. With respect to the staff review process, there is a balance between what is the development and what is the impact to the County and the environment.
- **Eddie Kochman Memorial Project.** Mr. Castro asked if there is any progress at the County level for recognizing Eddie Kochman. A request was made to the BOCC what can the County do to recognize the work of Eddie Kochman. Mr. Eisenman reported that there is an interest to dedicate a location to Eddie Kochman. There were two initial locations. Looked at Spinney Mountain and at Alma. There is a suggestion to look at the Deer Creek conservation area. Mr. Eisenman will draft a proclamation. ABE will review the proclamation. The proclamation will go to BOCC for approval. Once it has been approved, then it will be delivered to Colorado Parks and Wildlife. There was also a suggestion that a conservation award be given. ABE is to draft and deliver the conservation award to Mr. Eisenman.
- **Kite Lake and the Decalibron Loop.** Mr. Reiber will attend a meeting at the town of Alma that night. The Colorado Mountain Club will be attendance. The town does have concern with the environment. Mr. Reiber has a continuing concern with liability. Mr. Reiber will keep ABE informed as the issues move forward.
- **Short Term Rentals.** Ms. Kerner followed up with Mr. Eisenman regarding the short-term rentals. The County has passed a permit process for allowing short term rentals in the County. The County has the capacity now to permit the short-term rentals effectively. Mr. Eisenman discussed the process. There are an estimated 3500 rentals available in Park County through one ARBNB website. However, there have been 365 applications made to the County, but to date 116 of those applications have been pushed out for approval. Mr. Eisenman pointed out there has been an increased use of ambulance service and the County Sheriff. The staff there is a developing process of issuing cease and desist letters. Mr. Eisenman advised that complaints should be filed online at the County's website. There is a condition in the ordinance that there should be a responsible agent.
- ABE asked if there is an inspection of the sewer system or water delivery system. Mr. Eisenman response that it is up to the property owner to self-report.

## New business:

House Bill 1104 Colorado Legislature. Mr Reiber and Mr. Schilken reported on the introduction of HB 1104. The bill allows for non-motorized access to power transmission line utility easement or right of ways.

Communicating with the Park County employees. Mr. Degan requested that our referrals should be linked to the Standards of Approval.

The next meeting will be April 19, 2022, at 1:00 PM.

**Adjourn.** Mr. Reiber motioned the meeting be adjourned. The Motion was unanimously passed, and the meeting was adjourned at 3.28PM.