

PARK COUNTY BOARD OF COMMISSIONERS
AGENDA
856 CASTELLO AVENUE
FAIRPLAY, CO 80440
THURSDAY, FEBRUARY 6, 2020

9:30 AM CALL TO ORDER

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

APPROVAL OF MINUTES

APPROVAL OF VOUCHERS

CONSIDERATION AND/OR DECISION ON THE FOLLOWING ITEMS:

- .I. A RESOLUTION APPROVING TRANSFER OF OWNERSHIP OF THE RETAIL MARIJUANA CULTIVATION FACILITY, RETAIL MARIJUANA PRODUCTS MANUFACTURING, AND RETAIL MARIJUANA STORE LICENSES FOR THE PREMISES LOCATED AT 80 ROSALIE ROAD, BAILEY, COLORADO.

Documents:

[The Happy Camper BOCC Resolution.pdf](#)

- .II. FINAL READING FOR ORDINANCE NO. 20-01, AN ORDINANCE REGULATING CAMPING IN PARK COUNTY

Documents:

[camping ordinance 2nd rdg.pdf](#)

- .III. APPROVE/DENY ORDINANCE 20-01, AN ORDINANCE REGULATING CAMPING IN PARK COUNTY

- .IV. FINAL READING FOR ORDINANCE NO. 20-02, AN ORDINANCE REGULATING STORAGE CONTAINERS IN PARK COUNTY

Documents:

[stge contr ordinance 2nd rdg.pdf](#)

- .V. APPROVE/DENY ORDINANCE 20-02, AN ORDINANCE REGULATING STORAGE CONTAINERS IN PARK COUNTY

PUBLIC HEARING(S)

PUBLIC COMMENTS

EXECUTIVE SESSION IN REGARD TO LEGAL & PERSONAL MATTERS (CLOSED SESSION)

ADJOURN

TIMES ARE APPROXIMATE. ITEMS MAY BE HEARD EARLIER OR LATER THAN SHOWN ABOVE.

NOTE: Items May Be Added To These Agendas Up To 48 Hours Before The Scheduled Time. Items May Be Deleted Or Cancelled At Any Time. Please Check Website "Parkco.Us" for most Updated Agendas. If You Need Further Information, Please Contact The BOCC (Board of County Commissioners) Office At: 719-836-4201.

**PARK COUNTY, COLORADO
BOARD OF COUNTY COMMISSIONERS
RESOLUTION 20-**

A RESOLUTION APPROVING TRANSFER OF OWNERSHIP OF THE RETAIL MARIJUANA CULTIVATION FACILITY, RETAIL MARIJUANA PRODUCTS MANUFACTURING, AND RETAIL MARIJUANA STORE LICENSES FOR THE PREMISES LOCATED AT 80 ROSALIE ROAD, BAILEY, COLORADO.

WHEREAS, the Applicant, Daniel Sprague, as sole owner of The Happy Camper Cannabis Company, has applied for a transfer of ownership of retail marijuana cultivation facility, retail marijuana products manufacturing, and retail marijuana store licenses for the premises located at 80 Rosalie Road, Park County, Colorado for shared ownership with Daniel Sprague, Brian Grabow, and Colleen Scanlon-Maynard.

WHEREAS, at a regularly scheduled public meeting of the Park County Board of County Commissioners, preceded by the required public notice, the Park County Board of County Commissioners acting as the local licensing authority conducted a public hearing on the application for the transfer of ownership of the retail marijuana cultivation facility license at which it reviewed the application and supporting documentation, and considered the testimony of the Applicant and patrons; and

WHEREAS, based on the testimony and evidence presented at the public hearing the Park Board of County Commissioners determines and finds that compliance with the standards for approval of a transfer of ownership of a retail marijuana cultivation facility set forth in C.R.S. § 44-12-301, et seq. and Park County Ordinances 16-01 and 17-01 have been demonstrated by clear and convincing evidence.

NOW, THEREFORE, BE IT RESOLVED BY THE PARK COUNTY BOARD OF COUNTY COMMISSIONERS THAT THE APPLICATION FOR A TRANSFER OF OWNERSHIP OF THE RETAIL MARIJUANA CULTIVATION FACILITY, RETAIL MARIJUANA PRODUCTS MANUFACTURING, AND RETAIL MARIJUANA STORE LICENSES FOR THE ABOVE-DESCRIBED PROPERTY IS APPROVED.

Moved, seconded, and approved this day _____ of February, 2020

Park County Board of County Commissioners

Richard Elsner, Chairperson

ATTEST:

County Clerk

ORDINANCE NO. 20-01

AN ORDINANCE REGULATING CAMPING IN PARK COUNTY

WHEREAS, the Board of County Commissioners has authority pursuant to C.R.S. 30-11-101, 30-28-102, 30-28-115, and 30-28-116 to promulgate regulations governing zoning and land use and to promote the health, welfare, and safety of the inhabitants of the County; and

WHEREAS, camping is permitted as a use by right in all Conservation Recreation zones and Agricultural zones on parcels 35 acres and larger; and a temporary use in all Residential and Mining zones; and

WHEREAS, the Board of County Commissioners respects the rights of private property owners to use and enjoy their property, but desires to ensure that camping is conducted in a manner that protects the health and safety of the residents of Park County; and

WHEREAS, Park County Development Services is the appropriate agency to manage camping and camping regulations as identified in this Ordinance; and

WHEREAS, the Park County Sheriff's Office is the appropriate agency for enforcement of this Ordinance if compliance cannot be gained through the Development Services department; and

WHEREAS, the Board of County Commissioners hereby finds, determines and declares that adoption of this Ordinance is necessary for the preservation and protection of the public health, safety and welfare of the inhabitants of Park County, Colorado.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PARK COUNTY, COLORADO AS FOLLOWS:

Section 1. Title and Purpose.

The title of this Ordinance is the Park County Camping Ordinance. The purpose of this Ordinance is to regulate camping in Park County and to provide for enforcement procedures and penalties for violations of this Ordinance because unauthorized camping is a health and safety hazard and a public nuisance.

Section 2. Authority.

This Ordinance is authorized pursuant to Colorado Revised Statutes 30-11-101, 30-28-102, 30-28-115, 30-28-116, 30-28-124, and 30-28-124.5.

Section 3. Scope.

This Ordinance shall apply to all Residential and Mining zone districts in unincorporated Park County; and to all parcels less than 35 acres in the Agricultural zone district.

Section 4. Definitions.

- A. Camping: Establishing temporary, part-time, full-time or permanent occupancy in camping unit, an unpermitted structure, or a structure not permitted as a dwelling unit, whether for recreational or other purposes; and the construction, presence, maintenance, or storage of such camping units and structures.

- B. Camping unit: Any structure that is being or may be used for camping and associated activities, including recreational or other vehicles, motor homes, campers, trailers, fences, tents, storage containers, sheds, and similar buildings; and storage of camping equipment or supplies.

Section 5. Regulations and Restrictions Pertaining to Camping in Unincorporated Park County.

- A. Camping on Vacant Property. Camping on any vacant property, including but not limited to a vacant lot, parcel, tract or mining claim, is permitted only when the following requirements are met.

1. No more than two camping units per lot, parcel, tract, or mining claim are allowed.
2. Recreational and other vehicles, camp trailers, and 5th wheels must have current registration and be in an operable, road-worthy condition.
3. Trash must be managed on-site, and removed from the site regularly during camping and upon completion of camping.
4. The lot, parcel, tract, or mining claim on which camping occurs must be maintained in a safe, clean and sanitary manner, and must not be a nuisance or create adverse impacts to surrounding property, land or land uses.
5. The property access (driveway) must be permitted and final approval granted by Park County. The property address must be visible from the road.
6. Compliance with all minimum setbacks for the zone district must be met.
7. Sewage must be disposed of at an off-site facility approved by the Park County Environmental & Code Compliance department or State of Colorado, and a dump receipt must be provided upon request; or by means of proper connection to a permitted and properly installed on-site wastewater disposal system. Failure to provide dump receipts upon request may result in revocation of an existing camping permit, or denial of future camping permits.
8. Camping on vacant land by persons other than the property owner and/or their invited, non-paying guests is prohibited. All camping by persons other than the property owner must have written proof of permission of the property owner.

- B. Camping Permit

1. A camping permit is not required for camping on vacant property for up to fourteen (14) cumulative days in a calendar year. Storage of camping units on vacant property is considered camping, and is included in the 14-day limit.
2. Property owners may be granted a permit to camp for up to ninety (90) consecutive days in a calendar year.
3. Camping permits must be obtained from the Park County Development Services department. A camping permit must include a narrative detailing the duration of the camping, written permission from the property owner if the camper is not the property owner, the property address, the method for obtaining potable water supply, wastewater treatment, and trash removal.
4. A camping permit is not required for approved temporary construction dwellings associated with active, permitted construction.
5. Property owners with adjacent parcels cannot relocate to other parcels to circumvent the time limitations described above.

6. By applying for a camping permit, the applicant(s)/owner(s) authorizes the County to access the parcel(s) to verify compliance.
7. Camping permits shall be posted and visible from the access point at all times.

C. Camping on Improved Properties. Camping on a lot, parcel, tract or mining claim in the Residential and Mining zones, or on Agricultural parcels less than 35 acres, is allowed without a camping permit only when the following requirements are met.

1. Property owners who have improved their property to include a permanent residence with a permanent water supply and wastewater treatment system will be permitted to allow non-paying guests and family members to camp on their property as long as there is no commercial activity associated with the camping.
2. Camping on improved property will be limited to ninety (90) consecutive days during any six (6) month period. Storage of camping units on improved lots is not included in the camping time restriction.

Section 6. Authorized Enforcement Personnel. The following County officers and officials are authorized to enforce this Ordinance:

1. Park County Development Services personnel,
2. Park County Sheriff's Office personnel, and
3. Any other person designated by the Board of County Commissioners of Park County.

Section 7. Violations and Penalties

1. Any violation of this Ordinance may be separately, concurrently or together enforced through this Ordinance and the Land Use Regulations.
2. Each day of a violation of this Ordinance shall be a separate violation. Each camping unit in violation of this Ordinance shall be a separate violation.
3. Persons conducting camping-related activities and the owner of the parcel on which camping is being conducted are equally liable for the penalties established herein.
4. In addition to any other penalties that may be legally imposed, any person, individual, firm, corporation, partnership, or other entity violating any zoning provisions of these Regulations is subject to the imposition, by order of the County Court, of civil penalties provided and set forth in Sections 30-28-124 and 30-28-124.5 of the Colorado Revised Statutes.
5. Violation of any provision of this Ordinance shall be a Class 2 petty offense and upon conviction or admission of guilt, shall be punishable as follows:
 - a. For the first violation, a fine of not less than \$150.00.
 - b. For the second offense by the same person and/or property owner, the person shall be assessed a fine of not less than \$500.00.
 - c. For a third or any subsequent offense thereafter by the same person and/or property owner, the person and/or property owner shall be punished by a fine of not less than \$1,000.00 for each separate offense.
 - d. Violations of this Ordinance may also be enforced through the penalty assessment procedure pursuant to C.R.S. section 16-2-201, as the same may be from time to time amended, requiring the defendant to appear at the place, time and date specified or, in lieu thereof, to pay the specified fine in person or by mail at the place and within the time

specified in the notice. Payment of the specified fine shall constitute acknowledgement of guilt of the offense charged.

6. Any fees or fines assessed for violations of this Ordinance shall be paid to Park County Sheriff's Office.

Section 8. Severability. If a Court of competent jurisdiction shall hold any part of this Ordinance void or unconstitutional, such part shall be deemed severable, and the invalidity thereof shall not affect the remaining provisions of the Ordinance.

Section 9. Effective Date. The publication and notice of this Ordinance will be performed in accordance with C.R.S. 30-15-405 and 30-15-406 and shall become effective 30 days after the second publication of the Ordinance.

CERTIFICATION: The foregoing Ordinance was introduced and read on January 9, 2020, by the Board of County Commissioners of Park County, Colorado and approved for publication.

DATE OF FIRST PUBLICATION: January 17, 2020.

The foregoing Ordinance was considered on February 6, 2020, and adopted by the Board of County Commissioners of Park County and ordered published by reference to title and changes only in The Flume.

DATE OF SECOND PUBLICATION: February 14, 2020.

EFFECTIVE DATE: March 16, 2020.

BOARD OF COUNTY COMMISSIONERS

ORDINANCE NO. 20-02

AN ORDINANCE REGULATING STORAGE CONTAINERS IN PARK COUNTY

WHEREAS, the Board of County Commissioners has authority pursuant to C.R.S. 30-11-101, 30-28-102, 30-28-115, and 30-28-116 to promulgate regulations governing zoning and land use and to promote the health, welfare, and safety of the inhabitants of the County; and

WHEREAS, storage containers are currently permitted only on parcels 160 acres or greater; and temporarily during active, permitted construction with prior approval; and

WHEREAS, the Board of County Commissioners respects the rights of private property owners to use and enjoy their property, but desires to ensure that storage containers are utilized in a manner that protects the health and safety of the residents of Park County; and

WHEREAS, Park County Development Services is the appropriate agency to manage storage container regulations as identified in this Ordinance; and

WHEREAS, the Park County Sheriff's Office is the appropriate agency for enforcement of this Ordinance if compliance cannot be gained through the Development Services department; and

WHEREAS, the Board of County Commissioners hereby finds, determines and declares that adoption of this Ordinance is necessary for the preservation and protection of the public health, safety and welfare of the inhabitants of Park County, Colorado.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PARK COUNTY, COLORADO AS FOLLOWS:

Section 1. Title and Purpose.

The title of this Ordinance is the Park County Storage Container Ordinance. The purpose of this Ordinance is to regulate the use of storage containers in Park County and to provide for enforcement procedures and penalties for violations of this Ordinance, because their unauthorized use is a health and safety hazard and a public nuisance.

Section 2. Authority.

This Ordinance is authorized pursuant to Colorado Revised Statutes 30-11-101, 30-28-102, 30-28-115, 30-28-116, 30-28-124, and 30-28-124.5.

Section 3. Scope.

This Ordinance shall apply to all zone districts, and all parcels less than 160 acres, in unincorporated Park County.

Section 3. Definitions.

- A. Storage container: a container fabricated for the purpose of transporting freight or goods on a truck, railroad or ship, including cargo containers, shipping containers, storage units, or other portable structures that are used for storage of items.

Section 4. Regulations and Restrictions Pertaining to Storage Containers in Unincorporated Park County.

A. General.

1. Storage containers count towards the accessory structure limit in all zone districts.
2. Building permits are required for placement of storage containers on all parcels less than 160 acres.
3. Storage containers may be used for storage purposes only, unless otherwise permitted under the alternative construction methods sections of Building Codes.
4. Visual mitigation, acceptable to the Planning Department, is required for storage containers on parcels less than 160 acres. Mitigation may include but not be limited to painting, berming, fencing, siding, or other means to reduce visibility and/or improve aesthetics. Visual mitigation should address blending into the environment, compatibility with existing structures, and similar considerations.

B. Residential Zones.

1. One storage container shall be permitted per parcel in all Residential zone districts where a permitted dwelling unit is located or active, permitted construction of a dwelling unit is ongoing. Storage containers are not permitted on vacant parcels.
2. No storage container shall be placed or located in a circulation aisle/lane, fire access lane, public utility easement or public right-of-way, including roads.

C. Commercial and Mixed Use Zones.

1. The use of storage containers in Commercial and Mixed Use zones is permitted, provided that they are not stored on public rights-of way, fire access lanes, Code-required parking spaces, landscaped or front setback areas, or in an area visible from the property's primary street.

D. Industrial Zones.

1. The use of storage containers is permissible in all Industrial zones, provided that they are not stored on public rights-of-way, fire access lanes, or Code-required parking spaces on the property.

E. Vertical stacking of storage containers and stacking of any other materials on top of or around any portable storage container shall be prohibited in all zones. An exception may be approved by Development Services for those commercial businesses that have a valid business license to sell portable storage containers; or for permitted construction projects where a Code-compliant primary structure is to be built of storage containers as an alternative construction method.

F. In all zones, temporary portable storage containers must be kept in good repair, be secured against unauthorized entry, comply with health regulations, and be stored on an all-weather surface.

1. A storage container is not in a state of good repair when it is incapable of being moved intact, holes in the container exist due to damage or rust or it has been infested with vermin or other pests.

- G. Storage containers may not be used as unpermitted temporary or permanent dwelling or living quarters, camping, cooking or recreation purposes for any amount of time in any zone.

Section 5. Authorized Enforcement Personnel.

- A. The following County officers and officials are authorized to enforce this Ordinance:
 - 1. Park County Development Services personnel,
 - 2. Park County Sheriff's Office personnel, and
 - 3. Any other person designated by the Board of County Commissioners of Park County.

Section 6. Violations and Penalties

- A. Any violation of this Ordinance may be separately, concurrently or together enforced through this Ordinance and the Land Use Regulations.
- B. Each day of a violation of this Ordinance shall be a separate violation.
- C. In addition to any other penalties that may be legally imposed, any person, individual, firm, corporation, partnership, or other entity violating any zoning provisions of these Regulations is subject to the imposition, by order of the County Court, of civil penalties provided and set forth in Sections 30-28-124 and 30-28-124.5 of the Colorado Revised Statutes.
- D. Violation of any provision of this Ordinance shall be a Class 2 petty offense and upon conviction or admission of guilt, shall be punishable as follows:
 - 1. For the first violation, a fine of not less than \$150.00, except that if a penalty assessment is issued as provided by Section 6.d, the fine shall be the minimum.
 - 2. For the second offense by the same person and/or property owner, the person shall be assessed a fine of not less than \$500.00, except that if a penalty assessment is issued as provided by Section 6.d, the fine shall be the minimum.
 - 3. For a third or any subsequent offense thereafter by the same person and/or property owner, the person and/or property owner shall be punished by a fine of not less than \$1,000.00 for each separate offense.
 - 4. Violations of this Ordinance may also be enforced through the penalty assessment procedure pursuant to C.R.S. section 16-2-201, as the same may be from time to time amended, requiring the defendant to appear at the place, time and date specified or, in lieu thereof, to pay the specified fine in person or by mail at the place and within the time specified in the notice. Payment of the specified fine shall constitute acknowledgement of guilt of the offense charged.
- E. Any fees or fines assessed for violations of this Ordinance shall be paid to Park County Sheriff's Office.

Section 7. Severability.

If a Court of competent jurisdiction shall hold any part of this Ordinance void or unconstitutional, such part shall be deemed severable, and the invalidity thereof shall not affect the remaining provisions of the Ordinance.

Section 8. Effective Date.

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BOARD OF COUNTY COMMISSIONERS
