PARK COUNTY
PLANNING COMMISSION
County Offices in Fairplay
856 Castello Ave.
March 10, 2020 at 9:00 AM

Members Present: Charles Schultz, Bob Banks, Jim Sapp, Susan Jones, Geri Salsig

Staff Present: Sheila Cross, Director of Development Services; John Deagan, Planner; Jennie Gannon, Planning Technician; Alicia Garcia and Emily Naes in for County Attorney Erin Smith.

Charlie Schultz called the meeting to order at 9:00 a.m.

APPROVAL OF AGENDA: Jennie informed the Planning Commission that the item “Discussion of Potential Changes to Land Use Regulations” needed to be postpone. Suzy moved to approve the agenda with the change, Geri seconded and the motion passed unanimously.

APPROVAL OF MINUTES from January 14, 2020: Jim motioned to approve the Minutes as presented, Bob seconded and the motion passed unanimously.

Charlie went over the hearing process.

LAND USE PUBLIC HEARINGS:

REZONING CASE #20ZON-01
Property is 160 acres in Section 28, T11 R74 addressed as 3600 Summit Rd., Hartsel. The applicant is requesting to rezone the land from Residential to Agricultural.

APPLICANT: Edward Rautenkranz

- John made a Power Point presentation. There were no questions for John.
- Tom Rautenkranz, the son of the applicant, came forward. He said many years ago this parcel was zoned Agricultural. His family are cattle producers and they want to build shelters and barns for horses and cattle on this property.
- Charlie called for public comment. There was none.
- Charlie called for deliberation.
- Suzy disclosed that she’s known the applicants for 35 years.
- Suzy made the motion to approve the request for rezoning and Geri seconded. Vote was taken and the motion passed unanimously.

CONDITIONAL USE PERMIT CASE #20CUP-01
Property is 0.86 of an acre in Section 8, T12 R75 addressed as 12855 Hwy. 24, Hartsel. The applicant is requesting a Conditional Use Permit for an Emergency Services Facility.

APPLICANT: South Park Ambulance District

- John made power point presentation.
- Paul Mattson, chief of the District, came forward representing the South Park Ambulance District. He stated that they have seen a “massive” increase in call volumes since the Ambulance District started in 1992, especially in the Hartsel area. They are based in Fairplay and provide service to 1500 square miles of Park County south of Kenosha Pass and they need to reduce response times by adding equipment and personnel to the Hartsel area and later in the Como/Jefferson area. They passed a tax increase in May 2018. They will be using the same design team they used for their building in Fairplay, which was finished exactly on budget. They want to implement a community paramedic program so a paramedic can make house calls in the area if needed, and will also be able to see people who need help in the ambulance building. Upon approval of this CUP they will finalize the purchase of the property, consolidate the lots, and vacate part of Midland Avenue. Station should be open and staffed in about a year.
Charlie wondered about Hwy 24 traffic when there is an emergency exit from the station. Mr. Mattson stated that CDOT has an Emergency Vehicle warning sign located near the corner of the property for westbound traffic. He thinks they have a more than adequate entrance and ambulance crews are trained to enter the highway very carefully.

Susan disclosed that she knows everyone in the room, has been on board of HFPD, and has been aware of this plan. Should she recuse herself? There is no financial impact to her from a decision on this case.

Charlie called for public comment.

Kathy Davis, who lives just north of the subject property, came forward to object to this location. She questions the proximity of the proposed leach field and septic tank to the west boundary line of the property. She is afraid the potential water usage for this CUP will affect adjacent properties’ water. Accessing Highway 24 is not safe as it is hard to see from the access road because of cars double parked in front of café and mercantile. She stated that this is a great idea and the County does need more services and asked that if this request is approved that landscaping be part of the approval, maybe fencing so that neighbors don’t have to see it. She asked that the Planning Commission keep residents of Hartsel in mind, considering water use, traffic safety.

Jonathon Mead came forward and requested that CDOT extend 45mph speed limit zone beyond this property.

Terrie Dalessandro lives just west, behind the mercantile. Her septic system is very close to where this septic would be and she is concerned about distance between the two. She had concerns about noise and traffic on Hwy 24. She wondered about the ditch on the property. Suzy said it’s owned by Denver Water and considered a seasonal water course.

Lily Fernandez, owner of a Retreat Center near Lake George, came forward and thanked Paul Mattson for doing this. It will bring value to the County and comfort to the people.

Paul Mattson came forward for a final statement and to answer questions brought up by the public. Leach field location is preliminary. It has not been engineered yet and location could change, as all these concerns will be addressed. Water usage is not a massive impact; 2 people will be stationed 24 hours per day-like a home. They have a lot of experience with traffic backups and have had not any incidents. He is expecting about 400 calls a year from this site. Landscaping is a significant component of their plan and will be in compliance with LUR. Generators and other equipment will be enclosed by either fencing or a structure. Parking lot will usually only have 2 cars, unless there are meetings or trainings. This lot is zoned commercial so it could generate more traffic and more water/septic usage if they did not go in and someone else developed the property. He will see if he can extend the 45mph speed limit with CDOT. Alley will not be used, there will be a driveway for entrance/exit of emergency vehicles. They have looked at potential for helipad in the area, this one is not a feasible location.

Geri asked if CDOT is OK with this proposal without a deceleration/acceleration lane? Yes.

Jim asked John if Denver Water owned the ditch. John said there is no record of water rights to the ditch and surface rights are owned by a private person.

Jim asked about plans for fencing. Paul said propane tank will be totally enclosed, trash dumpster will be enclosed. They could look at fencing in the back, but winds might be a problem for solid fencing.

There was more discussion regarding the need for sirens, occupancy of the proposed building, the vacation of the alley, placement of the well and septic system, access to highway and the ditch.

Jim suggested a condition for approval:

Prior to the hearing of this application by the BOCC, Planning staff receives written confirmation from the Division of Water Resources that Denver Water has no property interest in the irrigation ditch on the lot.

Charlie asked if anyone on the Planning Commission, in the public, or the applicant had any concerns about Susy voting. There were none.

Jim made the motion to approve the application with the new condition regarding the ditch, and Bob seconded. Vote was taken and motion passed unanimously.
AMENDMENT TO CONDITIONAL USE PERMIT CASE #20CUP-02
Property is a 35.72-acre parcel located in Section 9, Township 10S, Range 73W, addressed as 20859 County Road 77. Applicant is requesting approval for an amendment to the Site Plan for their Conditional Use Permit for a Conference and Retreat Facility and Commercial Campground.

APPLICANT: Lily Fernandez

- Jennie made the power point presentation.
- Lily Fernandez explained the changes to the site that had taken place between the original site plan and actual construction that exists now.
- Charlie called for Public Comment
- Arnold Wills expressed concern over the large scale of the proposal and the changes from the original development plan. He also mentioned concerns over wildfire. Commissioner Sapp asked that his written comments be made part of the record.
- Bill Wills expressed concern over the effect of individual septic systems on wetlands within the lot and on the applicant’s failure to obtain building permits.
- Charlie called the applicant back to the stand to make a final statement.
- Lily Fernandez expressed willingness to remove fire pits and said that regulatory requirements regarding wetland protection had been met. She said that the commercial campground component of the lot was necessary to support the non-profit “wounded warrior” component. Her husband, John Kessel, said that precautions regarding wildfire were being scrupulously observed.
- Commissioner Schulz clarified that CUP revision did not expand capacity.
- Commissioner Sapp asked how many wedding events were anticipated, applicant said that she wanted to have 7 or 8 in order to support 3 music retreats. He asked who would be financially responsible for retroactive permitting and she said she would.
- Commissioner Jones stated that retroactive permitting was admirable
- Commissioner Sapp asked that the phrase “general conformity” should be removed from the condition of approval regarding adherence to the submitted site plan. Sheila said that this was in accordance with the LURs. Commissioner Schulz said it would prevent minor changes from needing Planning Commission time. Commissioner Sapp asked that the phrase be removed as the Land Use Regulations made it redundant. The Planning Commission agreed
- Comm. Jones moved to recommend approval with conditions as amended by staff in Power Point presentation. Commissioner Salsig seconded the motion. Vote was taken and the motion passed unanimously

REZONING CASE #19ZON-11
Property is 36.8 acres in Sections 3 and 4, T9 R78 addressed as 2611 C.R. 8, Alma. The applicant is requesting to rezone the land from Mining to Residential Ranch.

APPLICANT: Kathryn Levin

- John made a Power Point representation.
- Bob asked if the proposed land swap would affect the Conservation Easement on the property. John said yes and it would have to be approved by Colorado Open Lands.
- Charlie asked who owns land to the east. John told him that is a private owner.
- Wayne Bruner, representing the applicant, came forward. He explained the layout of the buildings on the property. The three buildings on the neighboring property are actually considered to be one because they are connected. The survey the applicants received when they bought the property showed the property line in the wrong place and that is why they were built where they are. Buildings will be permitted and he is working with John Littlehorn for the engineering. The plan to meet the requirement that there be only two dwellings in the Residential Ranch zone district, is that the kitchen will be removed from the third dwelling and the remaining two dwellings would be allowed in the new zoning, if approved.
- Bob asked if Colorado Open Lands (COL) is supposed to approve any new structures and if Development Services is coordinating with them. John said yes, they are aware of the existing structures and have been in discussion with him. Wayne said they have been on the property twice and he entered a letter from COL to the Levins as part of the meeting record.
Bob mentioned that the original plat and building envelopes would be changed with the proposed Boundary Line Adjustment. John said that COL would have to approve the change.

Jim asked if the other buildings on the subject property met setback requirements. John was not sure and said that, if needed, a variance would be brought before the BOA.

John observed that the applicant’s plan to remove just the kitchen from the 3rd dwelling unit is not what had been discussed with him. There is a recommended condition requiring removal of the dwelling unit, not just the kitchen, and the condition would need to be changed if the applicant’s new request is approved by the Planning Commission.

Charlie called for public comment.

Patrick Schilken, a mining claim owner in Park County, came forward to oppose this rezoning. He said this is spot zoning, invading mining claims which are not abandoned. He was concerned that the applicant was not present and that there is a continuing pattern in the County of allowing residential building in mining zones. The surrounding land should not be considered vacant, he says, but as mining property. A survey should have been done before building because most historical surveys in these mining areas were not done down on the ground.

John Ryber, managing partner of Earth Energy Resources came forward to oppose this rezoning. He owns properties nearby which he says are historic producers of gold and silver and he wants to mine again when it becomes economically feasible to do so. The surrounding property is zoned mining and he is afraid this residential zoning will create conflicts when/if mining starts in the area. He stated that the Geotechnical report done for this CUP was wrong when it said that the property had not been mined and would probably not be. He stated that residential is not compatible with mining.

Gene Kooper, professional geologist and surveyor representing Owners of Detroit City Mine, came forward. He does not believe that the CUP should be tossed aside and the land rezoned because mistakes were made by the applicants. He also questioned the Geotechnical report included and mentioned that the original survey done for the previous owner of the property was just a “paper survey” and that the surveyor had not actually been to the site.

There was no other public comment so Charlie called Wayne forward.

Wayne said the applicants used domes designed by the Marine Corp, designed to withstand 400mph winds, so they thought they didn’t need permits. These are strong, legitimate structures –other than the fact that they don’t have permits from the County.

Charlie closed public portion of hearing and called for deliberation.

John pointed out that this lot, the lots to the east and west, and the Paris Mill across the road, all have Conservation Easements which prevent mining.

There was some discussion among the Commission members.

Geri made the motion to deny the rezoning and Jim seconded. Vote was taken and the motion passed unanimously.

PUBLIC COMMENT
There was no public comment.

MEETING ADJOURNED AT 12:05 P.M.