



CHAFFEE COUNTY PLANNING COMMISSION
Meeting Minutes
January 25, 2022

These minutes have been taken remotely via Zoom.

Call to Order

The Meeting was called to order at 6:00pm by Anderson Horne, Chair.

Members Present

In the Commissioners Hearing Room: Anderson Horne.

Commissioners present Via Zoom: Bill Baker, Marjo Curgus, Paul Rauschke, JoAnne Allen, Hank Held, Thomas Doumas.

Staff present in the Commissioners Hearing Room: Greg Laudenslager, Principal Planner.

Staff present via Zoom: Miles Cottom, Legal; Christie Barton, Planner; Jon Roorda Planning Manager and Betsy Steinberg, Secretary to the Planning Commission.

Election of Officers

Commissioner Horne made a motion to postpone the Election of Officers until the scheduled February 1st meeting, when new Commissioners are present. Seconded by Commissioner Curgus. Roll Call Vote, the motion passes 7-0.

Aspire Limited Impact Review

The Commissioners and Staff reviewed and finalized the Findings of Facts for the Aspire Tours Limited Impact Reviews:

1. The application is for a Campground and Outfitter Facility under the Land Use Code in a Rural zone. Campground and outfitter facilities are permitted uses in the rural zone, pursuant to 2.2.3 A, B and C.
2. The intent of the Rural zone is to "allow agricultural uses of any kind and to promote development that enhances the agrarian and rural character of the County." Section 2.2.3.B.11 states desired uses in the Rural Zone are those that do not adversely affect agricultural production or community character. 2.2.3 B11 further states "Uses that do not adversely affect agricultural production or community character including greenhouses, vacation rentals, bed and breakfasts, home occupations, uses that support recreation including white water rafting, youth camps, retreats, agritourism, heritage tourism and other recreational tourism activities.
3. The LUC § 2.2.3(C) requires that new non-residential uses in the Rural zone be required to restrict operation hours, develop landscaping, increase setbacks or other similar mitigation to minimize potential

impacts on nearby residential uses and to meet the intent and purpose of the Rural zone.

4. Limited agricultural use of the property is proposed as part of the development plan.
5. This application complies, with conditions of approval, with the requirements for the proposed Limited Impact Reviews (Campground and Outfitting Facility), as stated in the staff report and updates. The campground and camp cabins are both reviewed under Section 7.8.6-Campgrounds.
6. The application includes a phasing plan.
7. This is a business that serves the tourism and agritourism sectors. No special events are currently proposed.
8. The property is impacted by the 100-year Floodplain and unstable slopes associated with the Arkansas River.
9. The two drainages on the site can be avoided with the proposed development plan.
10. The culvert crossing of the Williams & Hamm was completed in 2020 with permission of the ditch company.
11. Traffic volume impacts will be mitigated by the use of 14-passenger vans for guests once on site.
12. A Landscape Plan has been reviewed and determined to screen and buffer the site.
13. County Road 190W was constructed prior to the current county standards for a low volume road. The grade is steeper in one location than current county standards. Testimony was taken that indicated widespread local concern over the grade, width, and sightlines along the road at the location commonly referred to as the "blind hill."
14. There are currently vacation rentals, restaurants and recreational based businesses within a half mile from the proposed site.
15. Sand Park well data from DWR shows significant variability in well depth and pump rates.
16. The application is opposed by the Chaffee County Heritage Advisory Board due to impacts concerning the scenic byway.

The Conditions of Approval were discussed and finalized:

First of Two Parts - Limited Impact Review Requirements

1. The ten (10) campground sites are limited to 40 people total (4 people per site); this number includes both guests and employees. (*Sections 7.1.3, 7.2.2, 7.2.3, & 7.8.6*)
2. The six (6) camp cabins are limited to a combined occupancy of 32 people total; this number includes both guests and employees.
3. The maximum number of on-site employees (full-time & seasonal) shall not exceed ten (10) at any given time. Any need for additional employees shall be reviewed by staff. (*Sections 7.1.3, & 7.2.2*)
4. The campground is for guests and employees of Aspire Tours only. Furthermore, the campground is not open to the general public. (*Sections 7.2.3, & 7.8.6*)
5. No occupancy of any RVs in the commercial area is allowed.
6. Campsites and Camp Cabins shall not be rented as Short Term Rentals. Campsites and Camp Cabins shall only be occupied by customers and employees of Aspire Tours.

7. Quiet hours for the Aspire Tours development are 10:00 pm to 7:00 am Mountain Standard Time. (*Section 7.2.3*)
8. No firewood cutting or gathering is allowed on any part of the Aspire Tours property. (*Sections 7.1.5, 7.1.6 A-D, & 7.2.3 F*)
9. Owner may clean up trees and vegetation in accordance with Best Management Practices (BMPs). The 50-foot riparian buffer shall be maintained along the Arkansas River bank, with allowance for guest access points.
10. Fire Bans shall be posted and adhered to as announced by the Chaffee County Sheriff's Office.
11. Aspire Tours shall provide firewood for use at the fire pits. Additionally, guests are prohibited from bringing their own firewood. (*Sections 7.1.5, 7.1.6, & 7.2.3 F*)
12. The applicant shall post the following required signs:
 - a. No use of the irrigation ditch by guests.
 - b. No trespassing at property boundaries (private land past Aspire Tours property).
 - c. Firewood cutting and gathering on the property is prohibited.
13. No fires are permitted anywhere on the commercial portion of the property outside of the two designated fire rings. (*Sections 7.1.5, 7.1.6, & 7.2.3 F*)
14. Any construction proposed within 40 feet of the Williams & Hamm Irrigation Ditch or within 100' of the Arkansas River shall have erosion and sedimentation controls installed before the start of construction. (*Section 7.1.7*)
15. Weddings and community events are prohibited as part of this Limited Impact Review. Separate permitting, reviews and approvals are required for weddings or other community events. (*Sections 7.1.3, 7.2.2, & 7.8.9*)
16. Applicant will comply with the Special Event permitting requirements outlined in the Land Use Code. (*Section 4.2.6*)
17. No amplified music is allowed outdoors without County review. (*Sections 4.2.6 & 7.2.3 C*)
18. All trail construction shall be set back a minimum of 25' from property lines to minimize impact on the adjacent properties. (*Section 7.4.8*)
19. Floodplain Development Permits may be required for any improvements based on consultation with the Chaffee County Floodplain Administrator. (*Sections 7.1.5, 7.2.2, & 7.7.1*)
20. No parking shall be allowed outside of the established parking areas.
21. No commercial raft trips shall be launched or taken out at the property. (*Section 7.4.2 C*)
22. Applicant shall use high bear-aware practices: secured food storage areas; installation of round knobs on exterior doors; centralized, fenced bear-proof trash containers; and central cooking areas.
23. Any additional uses, development of, changes to, or expansion beyond this Limited Impact Review shall require additional permitting and approval pursuant to the Land Use Code.
24. A well test shall be submitted proving adequate water volume for a commercial well.
25. The application for final approval is dependent upon the county (planning and zoning department, county administrator, county engineer, roads and bridges, legal, and BOCC), the applicant, and any additional parties identified by the county will negotiate a satisfactory mitigation strategy for county road 190 W where additional development pressures at "blind hill" create potentially hazardous traffic conditions. An agreed upon solution shall be negotiated in 90-120 days with phased implementation, depending upon mitigated solutions.

Second of Two Parts - Zoning Compliance Requirements for Building Permit

The following shall be submitted to Development Services for review and approval before the Building Permit is issued:

1. A 'typical' detail of the bear-proof trash containers, with information on how often they will be emptied. (*Sections 7.1.6, & 7.2.2 B*)
2. A 'typical' detail of the proposed downward facing or shielded lighting. (*Section 7.1.8*)
3. A copy of the final site plan, including locations of benches, gathering spaces, picnic areas, trails, and ditch crossings. (*Sections 7.1.5, 7.4.8, & Article 3*)
4. A copy of the CDPHE approval for the Non-Community Water Treatment System shall be included with the building permit application for Phase 1. (*Sections 7.1.3, & 7.2.2*)
5. On-site Wastewater Treatment System (OWTS) designs, by a Licensed Colorado PE, based on the final development proposal including food service calculations. (*Section 7.1.3 B*)
6. Engineered plans, prepared by a Licensed Colorado PE, shall be submitted prior to construction of the access road to meet Low Volume Road and Fire Protection standards; culvert sizing for the access road; trails; parking; and an erosion & sedimentation control plan. No drainage is allowed to be channeled to the Williams & Hamm Ditch or to the Arkansas River. (*Sections 7.1.3 C, 7.1.4, 7.1.5, 7.2.2 A3, 7.2.2 C, 7.2.6, 7.2.7, & 7.4.7*)
7. A Drainage Report, prepared by a Licensed Colorado PE, for review and approval by the County Engineer. (*Section 7.1.7*)
8. A signed Development Agreement and Maintenance Covenant for the access road and commercial improvements. (*Sections 1.6, 7.1.3 A-D, & 7.2.3 A& B*)
9. A copy of the approved commercial driveway permit. (*Sections 7.1.3 C, & 7.4.2, & 7.5*)
10. Road Construction Permit, obtained through the Development Services Department. (*Section 7.4.2 A*)
11. A copy of the approved CDOT Access Permit. (*Section 7.4.2 C*)
12. A copy of the signed Weed Management Plan with proof that the \$8000 escrow fee has been paid. (*Section 7.2.5*)
13. A copy of Chaffee County Fire Protection District approval for participation in a cost-sharing agreement with other developers for a shared fire cistern that meets the requirements for proposed subdivisions on CR 190 W and CR 190 E, or pay a fee-in-lieu.
14. Copy of Camp Rules that include noise limits, quiet hours, long-term camping, Campground Host duties, campfire rules, bear-aware practices, and other mitigation measures.
15. An approved Food Service License from Chaffee County Environmental Health, or documentation that a permit is not required.
16. A copy of the recorded Access and Maintenance Easement Agreement between the Williams & Hamm Ditch Company and Kathrin Troxler. (*Article 3*)

Planner Barton asked that the Commission direct the County Attorneys Office to prepare a Notice of Decision for the February 1, 2022 meeting. Commissioner Horne made a motion to approve Aspire Tours Limited Impact Reviews subject to the Findings of Fact and Conditions of Approval, seconded by Commissioner Rauschke. No discussion of the motion.

Roll Call Vote: Ayes - Commissioners Rauschke, Dumas, Hill, Baker, Curgus and Horne. Nay -Commissioner Allen. Commissioner Allen states she will not be supporting this application that is located right in the heart of the rural zone. She continued; this commission has heard heartfelt testimony from neighbors not in support of this application. Nothing has been seen to convince of her of adequate water.

Motion carries 6-1.

Planning Manager Roorda states that the Buena Vista Planning staff have called for a joint session with the Buena Vista Planning Commissioner, and this is scheduled for Wednesday Feb 16, 2022 at 6:00 pm via Zoom.

Meeting is adjourned at 8:47pm

Submitted by:

Betsy Steinberg

“These minutes summarize the final decision made by the Planning Commission at the referenced meeting. This meeting was also audio recorded and that recording is available for review. The audio tape shall act as an official record of these proceedings for any necessary purpose when, in the opinion of the Planning Commission, the minutes are in any way insufficient. An audio copy of the Planning Commissions' proceedings is available by contacting staff.”