

PUBLIC HEARING

September 14, 2010

Present:	Sara Fisher	Chairman
	Peter Runyon	Commissioner
	Jon Stavney	Commissioner
	Keith Montag	County Manager
	Bryan Treu	County Attorney
	Robert Morris	Deputy County Attorney
	Teak Simonton	Clerk to the Board

This being a scheduled Public Hearing, the following items were presented to the Board of County Commissioners for their consideration:

Consent Agenda

Chairman Fisher stated the first item before the Board was the Consent Agenda as follows:

- A. Approval of Bill Paying for the Week of September 13, 2010 (Subject to Review by the Finance Director)
Finance Department Representative
- B. Approval of Payroll for September 23, 2010 (Subject to Review by the Finance Director)
Finance Department Representative
- C. **Resolution 2010-108** Adopting the Eagle County Emergency Operations Plan Appendix B
Barry Smith, Emergency Management

Chairman Fisher asked the Attorney's Office if there were any changes to the Consent Agenda. Bryan Treu, County Attorney stated that there were no changes or revisions.

Barry Smith stated that they would continue making changes to the plan as needed.

Chairman Fisher spoke about the importance of having an emergency plan.

Commissioner Runyon asked if any requests had been made from Eagle County to help with the various fires around the state.

Mr. Smith stated that he was not aware of any.

Chairman Fisher reminded people that the early fall is not a good time to start outdoor fires to eliminate brush due to the dry timing of the season.

Commissioner Stavney moved to **approve** the Consent Agenda, Items A-C.

Commissioner Runyon seconded the motion. The vote was declared unanimous.

Citizen Input

Chairman Fisher opened and closed citizen Input, as there was none.

Resolution 2010-109 Concerning Assessor Generated Petitions for Abatements and Refunds of Taxes

Assessor's Office Representative, Shannon Hurst spoke to the board.

Petitioner

Schedule No.

Rodger D. & Linda D. McLaughlin	R060516
Janice O Kelly	R051156
Tristan P. & Leslie L. Renz	R055966
2001 Properties, LLC	R060692
Alan Kutner Engstrom Family Rev Trust	R043077
Colorado Ski Buddies LLC	R049963
Witherspoon Investments Ltd.	R043235
Daniel M. & Rosaleen J. Doyle	R029511
Henry Chen	R059515
RT Rudy Properties LLC	R059950
MWS Two Corp.	R052971
James F. & Linda S. McDonald	R052200
Brian L. & Bruce L. Winter	R009391
Richard M. & Alice L. Coffelt	R031562
Julie A. Jones - William R. Thompson	R041533
John C. Snyder	R052174
Clifford J. & Librada Kapel	R045594
Delmar Equity Partners LP	R040488
James M. & Virginia M. Millsap	R042246
Elise R. Ecoff Revocable Trust	R005936
Kleh Family LLLP	R040938
Klen Family LLLP	R040939
G2 View LLC	R044069
Kris Madsen	R052143
Richard DeClark and Janet DeClark Family Trust	R002291

Commissioner Runyon moved to **approve** the resolution concerning assessor generated petitions for abatements and refunds of taxes.

Commissioner Stavney seconded the motion. The vote was declared unanimous.

Resolution 2010-110 Concerning Taxpayer Generated Petitions for Abatements and Refunds of Taxes

Assessor's Office Representative, Shannon Hurst.

Petitioner

Linda W. & Milledge A. Hart III

Schedule No.

R042909

Ms. Hurst stated that there was an adjacent parcel contiguous to their residence and as such, the assessment rate changed.

Commissioner Stavney asked if there needed to be some connection such as landscaping across both lots.

Ms. Hurst indicated this was the case.

Commissioner Stavney moved to **approve** the resolution concerning taxpayer generated petitions for abatements and refunds of taxes.

Commissioner Runyon seconded the motion. The vote was declared unanimous.

Resolution 2010-111 Adopting a Fourth Supplementary Budget and Appropriation of Unanticipated Revenues for Fiscal Year 2010 and Authorizing the Transfer of Budgeted and Appropriated Moneys between Various Spending Agencies

John Lewis, Finance Director

Mr. Lewis explained the request. There was additional revenue of \$1,097,765. The majority of this was for the second and final payment for water rights.

Mr. Treu stated that this started two years ago and was the Columbine ditch. He explained that the county bought about 75 acre-feet of this water. The cost was 1,200,000 and part was to pay for storage of the water at the Eagle Park Reservoir, and this pays for pro-rata share to upgrade the reservoir. This was probably the last water coming out of that area. He expected many opportunities going forward.

Chairman Fisher applauded Mr. Treu and Mr. Stavney for their efforts to obtain these rights. It enabled the Eagle Park Reservoir to expand which was a positive thing for the county and its stream flows.

Mr. Lewis provided detail on the airport fund requests. They received an additional \$565,000 from the FAA to continue runway improvements. The total cost of the improvements was \$787,445 and the additional funds were available from the airport fund balance. The housing operations fund received a grant from DOLA for Riverview renovations. This was the accounting for this loan to Riverview of \$432,000. The final item was in the landfill fund, as more recycling has happened, another 10,000 was needed for additional bailing wire, and this amount was available in their fund balance.

Commissioner Stavney complimented staff for keeping this year's requests to a minimum.

Chairman Fisher mentioned the recycling facility and the Riverview apartments. She added that Eagle County is taking in more recyclables from other counties. She spoke about the abuse of the recycling centers and the need for education and personal responsibility going forward. Riverview on Highway 6 was our HUD housing and was currently undergoing a remodel with about 6 million dedicated to this construction.

Chairman Fisher opened and closed public comment, as there was none.

Commissioner Runyon moved to **approve** the resolution adopting a fourth supplementary budget and appropriation of unanticipated revenues for fiscal year 2010 and authorizing the transfer of budgeted and appropriated moneys between various spending agencies.

Commissioner Stavney seconded the motion. The vote was declared unanimous.

Planning Files

AFP-2753 Colorow at Squaw Creek Lot 7A

Scot Hunn, Planning

ACTION: The purpose of this Amended Final Plat is to change the configuration of the building envelope for Lot 7A

LOCATION: 2112 Colorow Road, Edwards Area

FILE NO./PROCESS: AFP-2753/ Amended Final Plat

LOCATION: 2112 Colorow Road

OWNERS: Laura R. Kellogg

APPLICANT: Owners

REPRESENTATIVE: Steve Riden, Architect

STAFF PLANNER: Scot Hunn

1. PROJECT DESCRIPTION

A. SUMMARY:

The intent of this application is to amend the platted building envelope for Lot 7A, vacating and re-establishing the western (envelope) boundary line, shifting this boundary inward to the east to reduce the size of the envelope by 3,150 sq. ft., and; to create a 3,150 sq. ft. “bump-out” along the eastern (envelope) boundary line – to accommodate a new single-family residential structure. Therefore, the resultant envelope retains its original square footage.

The amendment is desired to allow for siting of a proposed new single-family residence. The proposed amendment has been reviewed and approved by the Colorow at Squaw Creek Home Owner’s Association (the Association representatives worked specifically with the owners of property directly adjacent to Lot 7A to address issues of visibility and view impacts) and Staff has received no comments from adjacent property owners following notification by Eagle County of this hearing.

B. SITE DATA:

Surrounding Land Uses / Zoning:

East: Residential / Pilgram Downs (PUD)
West: U.S.F.S / Resource Protection (RP)
North: Residential / Resource Limited (RL)
South: Residential / Resource Limited (RL)

Existing Zoning: Resource Limited (RL)
Total Area: 24.4 Acres / 1,062,864sq. ft.
Water: Well
Sewer: Septic
Access: Colorow Road

C. STAFF FINDINGS:

Pursuant to Section 5-290.G.3. *Standards for Amended Final Plat:*

- a. **Adjacent property.** Review of the Amended Final Plat has determined that the proposed amendment **DOES NOT** have an adverse effect on adjacent property owners.
- b. **Final Plat Consistency.** Review of the Amended Final Plat has determined that the proposed amendment **IS** consistent with the intent of the Final Plat.
- c. **Conformance with Final Plat Requirements.** Review of the Amended Final Plat has determined that the proposed amendment **DOES** conform to the Final Plat requirements and other applicable regulations, policies and guidelines.
- d. **Improvement Agreement. DOES NOT** apply.
- e. **Restrictive Plat Note Alteration. DOES NOT** apply.

D. STAFF RECOMMENDATION:

All applicable Eagle County Land Use Regulations have been satisfied.

DISCUSSION:

Mr. Hunn described the request.

Commissioner Stavney stated that this seemed like a perfect opportunity for staff approval.

Commissioner Runyon agreed.

Mr. Hunn stated that most PUDs had an administrative procedure; however this particular subdivision did not.

Chairman Fisher opened and closed public comment, as there was none.

Commissioner Stavney moved to **approve** file AFP-2753 Colorow at Squaw Creek Lot 7A...
Commissioner Runyon seconded the motion. The vote was declared unanimous.

ZS-2629 State Bridge

Sean Hanagan, Planning

NOTE: Tabled from 07/20/10 & 08/17/10

ACTION: The purpose of this Special Use Permit is for a Resort Recreation Facility to allow the State Bridge property to regain its former use as a lodge and music event facility. The proposal is to maintain the historic use of the lodging component on the property including the existing nine cabins and six yurts and to establish a new outdoor concert/event venue in the general location of the previous lodge building which burned down in 2007.

LOCATION: 127 Trough Road, Historic State Bridge Property
FILE NO./PROCESS: ZS-2629 / Special Use Permit
OWNER: Doog Properties, Douglas Moog
APPLICANT: Owner
REPRESENTATIVE: Dominic Mauriello/Mauriello Planning Group

1. PROJECT DESCRIPTION

A. SUMMARY:

The applicant requests review of a Special Use permit for Resort Recreation Facility to be located on the historic State Bridge Lodge property. The Resort Recreation Facility proposes to include:

- An outdoor concert venue to accommodate up to 500 patrons used for both single day and multi day music events.
- Overnight accommodations for up to 48 guests to be shared between 9 cabins, 11 yurts, and 3 teepees that historically exist on the property.
- Establish one of the prior cabins as an office/administrative facility as well as a convenience store
- Develop a parking/primitive camping area on BLM land East of the State Bridge property

Currently, the BLM Kremmling office is analyzing two separate authorizations proposed by the owners of the State Bridge property. The first is a lands permit to authorize the yurts that are currently in trespass on BLM-administered lands. This is a lands and realty authorization. The decision document is currently being reviewed by BLM specialists. The BLM paleontologist has requested a survey of the area to complete his analysis. The survey, analysis, and final BLM decision are expected to be completed within the next few months.

The second authorization is a special recreation permit which would authorize parking and camping on adjacent BLM-administered lands immediately North of the subject property. The BLM analyzed this authorization in 2003. Since 2003, new information has become available that was not considered in the original decision document. The new information includes the traffic analysis, an updated cultural survey, the forthcoming paleontological survey, and the 2007 Wild & Scenic River Eligibility Report. Based on the new information, the BLM will create a new decision document to ensure compliance with the National Environmental Policy Act. The timeline for the recreation permit will be similar to the timeline for the lands permit. The estimated time for completion of the BLM permit process is the end of October to early November.

B. SITE DATA:

Surrounding Land Uses / Zoning:

	<i>Land Use</i>	<i>Zoning</i>	<i>Ownership</i>	
North:	Public Lands	RP	BLM	
South:	Private (RV/Camping)	R	Private	
East:	Public Lands	RP	BLM	
West:	Public Lands	RP	BLM	
Existing Zoning: Resource (R)				
Proposed Zoning: No Change				
Current Development: State Bridge (Cabin/Yurt facilities)				
Site Conditions: Pre-existing State Bridge				
Total Land Area:	Acres:	20.7	Square feet:	901,692
Total Open Space:	N/A			
Water:	Public:		Private:	X
Sewer:	Public:		Private:	X
Access:	Colorado 131/Trough Road			

C. CHRONOLOGY/BACKGROUND:

- 1890-State Bridge Lodge constructed
- 1903-Cabins were constructed
- 1960/1970-State Bridge began hosting music events
- 2004-NOV to former owner (expansion of a Non-conformity)
- 2007-State Bridge Lodge was lost in a fire
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2. STAFF REPORT

A. NECESSARY FINDINGS:

PROCESS INTENT

ECLUR Section: 5-250 Special Use Permits

Section Purpose: Special Uses are those uses that are not necessarily compatible with the other uses allowed in a zone district, but which may be determined compatible with the other uses allowed in the zone district based upon individual review of their location, design, configuration, density and intensity of use, and the imposition of appropriate conditions to ensure the compatibility of the use at a particular location with surrounding land uses. All Special Uses shall meet the standards set forth in this Section.

Standards: **Section 5-250.B.** The issuance of a Special Use Permit shall be dependent upon findings that there is competent evidence that the proposed use as conditioned, fully complies with all the standards of this Section, this Division, this Article, and these Land Use Regulations. The Planning Commission may recommend and the Board of County Commissioners may attach any conditions deemed appropriate to

ensure compliance with the following standards, including conformity to a specific site plan, requirements to improve public facilities necessary to serve the Special Use, and limitations on the operating characteristics of the use, or the location or duration of the Special Use Permit

STANDARD: Consistent with Comprehensive Plan. [Section 5-250.B.1] *The proposed Special Use shall be appropriate for its proposed location and be consistent with the purposes, goals, objectives and policies of the Comprehensive Plan and the FLUM of the Comprehensive Plan, including standards for building and structural intensities and densities, and intensities of use.*

EAGLE COUNTY COMPREHENSIVE PLAN

	Governance	Development	Economic Resources	Housing	Infrastructure and Services	Water Resources	Wildlife Resources	Sensitive Lands	Environmental Quality	FLUM Designation
Exceeds Recommendations										
Incorporates Majority of Recommendations					X ²		X ³	X ⁴	X ⁵	X ⁶
Does Not Incorporate Recommendations										
Not Applicable	X	X ¹	X	X		X				

X¹No new structures/development are proposed in the application

X²All standards except Efficient Transportation are satisfied. Pedestrian pathways are lacking but the applicant has addressed this issue in their human traffic control plan.

X³No specific concerns were indicated by CDOW

X⁴-Though no new structures are proposed, concerns exist regarding debris flooding and flooding (See attached Colorado Geological Survey memo) and necessitate specific evacuation plans.

X⁵-Sound issues should be mitigated as a result of the facilities location.

X⁶- FLUM designates the site as BLM

STANDARD: Compatibility. [Section 5-250.B.2] *The proposed Special Use shall be appropriate for its proposed location and compatible with the character of surrounding land uses.*

The proposed use when viewed from a wide perspective demonstrates compatibility with surrounding uses. The area is used in large part for recreation by kayakers, rafters, cyclists, campers and adventure racers. Pump House, Rio Del Rancho and Radium are not only put-ins but are also used as camping and recreation areas. In addition, Rio Del Rancho hosts weekend camping and concerts throughout the summer season.

- EXCEEDS MINIMUM STANDARDS
- MEETS MINIMUM STANDARDS**
- MEETS THE MAJORITY OF MINIMUM STANDARDS
- DOES NOT MEET MINIMUM STANDARDS

STANDARD: Zone District Standards. [Section 5-250.B.3] *The proposed Special Use shall comply with the standards of the zone district in which it is located and any standards applicable to the particular use, as identified in Section 3-310, Review Standards Applicable to Particular Residential, Agricultural and Resource Uses and Section 3-330, Review Standards Applicable to Particular Commercial and Industrial Uses.*

As proposed the Resort Recreation facility will be located in both Resource and Resource Preservation (RP) Zone districts. 48 beds are considered the maximum number that are permitted through this Special Use Permit.

<input type="checkbox"/>	EXCEEDS MINIMUM STANDARDS
<input checked="" type="checkbox"/>	MEETS MINIMUM STANDARDS
<input type="checkbox"/>	MEETS THE MAJORITY OF MINIMUM STANDARDS
<input type="checkbox"/>	DOES NOT MEET MINIMUM STANDARDS

STANDARD: Design Minimizes Adverse Impact. [Section 5-250.B.4] *The design of the proposed Special Use shall minimize adverse impacts, including visual impact of the proposed use on adjacent lands; furthermore, the proposed Special Use shall avoid significant adverse impact on surrounding lands regarding trash, traffic, service delivery, parking and loading, odors, noise, glare, and vibration, and shall not create a nuisance.*

	Trash	Traffic	Service Delivery	Parking & Loading	Odors	Noise	Glare	Vibration	Potential Nuisance?
Exceeds ECLUR Requirements									
Satisfies ECLUR Requirements	X		X	X	X	X			
Does Not Satisfy ECLUR Requirements		X ¹							
Not Applicable							X	X	X

X¹ -The Traffic Impact Study in this application states that the existing traffic at the intersection of Trough Road and Hwy 131 meets the warrants for improvements to the intersection (turn-lanes). This project will provide traffic control to mitigate the needs at the intersection during large events. The human traffic control is not acceptable to mitigate the needs at the intersection. Our recommendation is that the suggested turn-lanes be constructed for additional development approval on Trough Road. **For additional comments regarding traffic and road standards concerns see the attached Eagle County Engineering memo dated June 29th 2010.**

<input type="checkbox"/>	EXCEEDS MINIMUM STANDARDS
<input type="checkbox"/>	MEETS MINIMUM STANDARDS
<input checked="" type="checkbox"/>	MEETS THE MAJORITY OF MINIMUM STANDARDS
<input type="checkbox"/>	DOES NOT MEET MINIMUM STANDARDS

STANDARD: Design Minimizes Environmental Impact. [Section 5-250.B.5] *The proposed Special Use shall minimize environmental impacts and shall not cause significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.*

As part of the permitting process with the Bureau of Land Management (pending), State Bridge will take over the management of the BLM camping site. This will allow for on-site management of what is now largely unsupervised activities occurring in this area. By providing adequate facilities, including trash and recycling, and allowing for activities to occur only within defined boundaries, the environmental impacts on BLM property shall be greatly reduced from the unmonitored activities occurring on the site today.

	Hydrology	Atmosphere	Geology	Biotic Environment	Wastes, Noise & Odors	Visual	Circulation & Transportation
Exceeds ECLUR Requirements							

Satisfies ECLUR Requirement	X	X	X ¹	X	X	X	
Does Not Satisfy ECLUR Requirement							X
Not Applicable							

X¹ A paleontological report was requested by the BLM for the area covered by the BLM Lands Permit. The results of this study indicate no areas of specific concern.

<input type="checkbox"/>	EXCEEDS MINIMUM STANDARDS
<input checked="" type="checkbox"/>	MEETS MINIMUM STANDARDS
<input type="checkbox"/>	MEETS THE MAJORITY OF MINIMUM STANDARDS
<input type="checkbox"/>	DOES NOT MEET MINIMUM STANDARDS

STANDARD: Impact on Public Facilities. [Section 5-250.B.6] *The proposed Special Use Permit shall be adequately served by public facilities and services, including roads, pedestrian paths, potable water and wastewater facilities, parks, schools, police and fire protection, and emergency medical services.*

	Roads	Pedestrian Paths	Potable Water Supply	Waste Water Supply	Parks	Schools	Emergency Services
Exceeds ECLUR Requirements							
Satisfies ECLUR Requirements			X	X			X
Does Not Satisfy ECLUR Requirement	X	X					
Not Applicable					X	X	

The Traffic Impact Study in this application states that the existing traffic at the intersection of Trough Road and Hwy 131 meets the warrants for improvements to the intersection (turn-lanes). This project will provide traffic control to mitigate the needs at the intersection during large events. The human traffic control is not acceptable to mitigate the needs at the intersection. Engineering Staff's recommendation is that the suggested turn-lanes be constructed for additional development approval on Trough Road. **For additional comments regarding traffic and road standards concerns see the attached Eagle County Engineering memo dated June 29th 2010.**

<input type="checkbox"/>	EXCEEDS MINIMUM STANDARDS
<input type="checkbox"/>	MEETS MINIMUM STANDARDS
<input type="checkbox"/>	MEETS THE MAJORITY OF MINIMUM STANDARDS
<input checked="" type="checkbox"/>	DOES NOT MEET MINIMUM STANDARDS

STANDARD: Site Development Standards. [Section 5-250.B.7] *The proposed Special Use shall comply with the appropriate standards in Article 4, Site Development Standards.*

Exceeds ECLUR Requirements	
Satisfies ECLUR Requirements	
Does Not Satisfy ECLUR Requirement	
Not Applicable	
Article 4, Site Development Standards	
Conditions	

	X	<u>Off-Street Parking and Loading Standards (Division 4-1)</u>	
	X	<u>Landscaping and Illumination Standards</u> (Division 4-2)	
	X	<u>Sign Regulations</u> (Division 4-3)	
X		<i>Wildlife Protection</i> (Section 4-410)	
X		<i>Geologic Hazards</i> (Section 4-420)	
X		<i>Wildfire Protection</i> (Section 4-430)	
X		<i>Wood Burning Controls</i> (Section 4-440)	
X		<i>Ridgeline Protection</i> (Section 4-450)	
X		<i>Environmental Impact Report</i> (Section 4-460)	Pending BLM approval
	X	<u>Commercial and Industrial Performance Standards</u> (Division 4-5)	
X		<i>Noise and Vibration</i> (Section 4-520)	Remote location
X		<i>Smoke and Particulates</i> (Section 4-530)	
	X	<i>Heat, Glare, Radiation and Electrical Interference</i> (Section 4-540)	
	X	<i>Storage of Hazardous and Non-hazardous Materials</i> (Section 4-550)	
	X	<i>Water Quality Standards</i> (Section 4-560)	
	X	<i>Roadway Standards (Section 4-620)</i>	
	X	<i>Sidewalk and Trail Standards (Section 4-630)</i>	
	X	<i>Irrigation System Standards</i> (Section 4-640)	
	X	<i>Drainage Standards</i> (Section 4-650)	
	X	<i>Grading and Erosion Control Standards</i> (Section 4-660)	
X		<i>Utility and Lighting Standards</i> (Section 4-670)	
	X	<i>Water Supply Standards</i> (Section 4-680)	
X		<i>Sanitary Sewage Disposal Standards</i> (Section 4-690)	
	X	<u>Impact Fees and Land Dedication Standards (Division 4-7)</u>	<i>NOT APPLICABLE</i>

- EXCEEDS MINIMUM STANDARDS
- MEETS MINIMUM STANDARDS**
- MEETS THE MAJORITY OF MINIMUM STANDARDS
- DOES NOT MEET MINIMUM STANDARDS

B. REFERRAL RESPONSES:

Eagle County Engineering- Please refer to the attached Eagle County Engineering memos dated March 15th, June 16th, June 29th, June 30th, and the August 8th Draft Conditions.

Eagle County Environmental Health- Please refer to the attachment dated January 19th, 2010

Colorado Geological Survey- Please refer to the attached letter dated June 10th 2010.

Bureau of Land Management- Please refer to attached email dated June 28th 2010

Colorado Division of Water Resources- Please refer to attached email dated June 9th 2010

Additional Referral Agencies - This proposal was referred to the following agencies with no response received as of this writing:

- *Eagle County: Attorney's Office, Road and Bridge, Surveyor, Sherriff's Office, Wildfire Mitigation, Housing & Development, Attorney, Assessor, ECO Transit/Trails, and School District (RE50J).*
- *Other: CDOW, Water Conservation Board, NRCS, CenturyTel, Holy Cross Electric, GEFPD, WECAD, NWCOG, and Union Pacific Rail road*

C. PLANNING COMMISSION DELIBERATION:

At their regular meeting

Summary Analysis:

This proposal for the reactivation of the State Bridge property will:

1. Continue the historic use of a very unique facility within Eagle County
2. Provide recreational/lodging opportunities for both Eagle County residents and visitors
3. More effectively control and monitor activities on the subject parcel as well as surrounding BLM lands.

Reactivation of the State Bridge property likewise will create the following concerns:

1. Access and road standard issues may pose real safety concerns for facility users.
2. Pedestrian pathways are unsafe and lacking.
3. BLM approval is only short term (1 year for Recreational Permit/Lands Permit).
4. BLM approval for REC and Lands permits is still pending.

D. Planning Commission OPTIONS:

1. **Approve the [SPECIAL USE PERMIT] request without conditions** if it is determined that the petition will not adversely affect the public health, safety, and welfare and the proposed use is attuned with the immediately adjacent and nearby neighborhood properties and uses and the proposal is in compliance with both the Eagle County Land Use Regulations and with the guidelines of the Eagle County Comprehensive Plan (and/or other applicable master plans).
2. **Deny the [SPECIAL USE PERMIT] request** if it is determined that the petition will adversely affect the public health, safety, and welfare and/or the proposed use is not attuned with the immediately adjacent and nearby neighborhood properties and uses and the proposal is not in compliance with both the Eagle County Land Use Regulations and with the guidelines of the Eagle County Comprehensive Plan (and/or other applicable master plans).
3. **Table the [SPECIAL USE PERMIT] request if additional information is required** to fully evaluate the petition. Give specific direction to the petitioner and staff.
4. **Approve the [SPECIAL USE PERMIT] request with conditions and/or performance standards** if it is determined that certain conditions and/or performance standards are necessary to ensure public, health, safety, and welfare and/or enhances the attunement of the use with the immediately adjacent and nearby neighborhood properties and uses and the proposal is in compliance with both the Eagle County Land Use Regulations and with the guidelines of the Eagle County Comprehensive Plan (and/or other applicable master plans).

E. SUGGESTED CONDITIONS:

1. Events at State Bridge shall be limited to a maximum of 500 persons per event day.
2. Events of over 200 people shall be limited to 15 events per year. Events of 200 persons or less may occur without limit from May to October. An event may be a single day or multiple consecutive days (i.e., weekend or 3-day holiday event).

3. The Owner shall provide event traffic control for the duration of an event as defined in the approved Traffic Management Plan, and the Traffic Management Plan will be updated and reviewed in conjunction with the review process as stipulated in these conditions. The Traffic Management Plan shall include but not be limited to the duties and times of operation for uniformed traffic control and parking attendants and the locations and signage of all temporary traffic control.

Uniformed traffic control shall be required for any event where more than 200 event tickets have been issued unless the Colorado State Patrol and the Eagle County Sheriff's Department determine that Uniformed Traffic Control is not necessary. Uniformed traffic control means that uniformed law enforcement officers will be hired to control and direct vehicular traffic and pedestrian movements.

Uniformed traffic control will allow the County and CDOT to evaluate traffic volumes and distribution over time. If State Bridge secures long term off-site parking approval from the BLM, then the County and CDOT will re-evaluate the updated traffic data to determine what future improvements may be required at the Highway 131 / Trough Road intersection. Due to the transient nature of this use, the Engineering Department supports uniformed traffic control in lieu of improving the intersection of Trough Road and Hwy 131 to meet County Standards.

4. This Special Use Permit includes two areas owned by the Bureau of Land Management (BLM) but that are being leased or permitted to be used by State Bridge. The 1.1-acre area to the west of State Bridge is proposed to be subject to a lease from BLM. This area contains 5 yurts on platform structures (existing). The lease is envisioned to be approved for three years with the possible opportunity for renewal every three years. Should this lease not be renewed, this BLM parcel will be excluded from this Eagle County Special Use Permit, as its removal has no material impact on the remaining areas subject to the Special Use Permit.
5. There is an approximately 9.9-acre area being permitted with the BLM as a Special Recreation Permit (SRP) to allow off-site parking and camping in support of the State Bridge permitted activities. Based on BLM policy, BLM limits approvals to new applicants to one year approvals for the first few years. Should this BLM permit not be reissued, then this BLM parcel will be excluded from this Eagle County Special Use Permit, and the Owner will be required to develop a shuttle parking and transit plan to transport participants between the site and a remote parking area or limit maximum event attendance to the number of people that can be accommodated by available on-site parking as depicted on the approved site plan.

This Special Use Permit is subject to the provision that continued adequate parking consistent with the Bureau of Land Management's Special Recreation Permit allowances, be available for every State Bridge event. The provisions of this Special Use Permit shall be reviewed with the Engineering Department and Community Development Department by the Owner of State Bridge on the same schedule as the BLM requires review of its applicable permits to the Owner for its lands included in this Special Use Permit. In the event that the Bureau of Land Management does not renew the Special Recreation Permit, the Owner shall provide a shuttle parking and transit plan to the Eagle County Engineering Department.

Continuation of this Special Use Permit is conditional on the Engineering Department and Community Development Department approving the new shuttle parking and transit plan.

The Owner shall demonstrate that the new shuttle parking and transit plan meets all applicable zoning and site development standards. If it is determined that the proposed shuttle parking and transit plan do not meet the County regulations, then an amendment to this Special Use Permit may be required. Per Section 5-2400 – Appeals of Staff Decisions/ Interpretations – of the Eagle County Land Use Regulations, the owner can appeal staff decisions to the Board of County Commissioners.

6. Pedestrian traffic by State Bridge patrons on Trough Road between the event venue and the satellite parking on the 9.9-acre Bureau of Land Management parcel is not permitted, and the Owner of State Bridge shall be responsible for monitoring compliance by its patrons with this policy and enforcing it against them.

State Bridge is required to provide shuttle service, adequate to handle the number of people in attendance at the event, between the event venue and satellite parking area when satellite parking is utilized. Additionally, Owner will pursue the development of a pedestrian path connecting the BLM Recreation Permit area with the venue in order to prevent pedestrian traffic on the Trough Road.

7. Pedestrian traffic by State Bridge patrons on Highway 131, especially on the bridge over the Colorado River, is not permitted, and the Owner of State Bridge shall be responsible for monitoring and enforcing compliance with this policy by its patrons.
8. The Owner of State Bridge shall construct the improvements as shown on the approved site plan prior to the first event at State Bridge. Staff will conduct an annual evaluation of road conditions and impacts on Trough Road associated with the operations of State Bridge. If additional maintenance is required, the owner shall be responsible for said maintenance.
9. The Owner agrees to enter into a 50 foot ROW easement agreement with Eagle County on terms satisfactory to the County Engineering Department and County Attorney's Office. Such easement agreement shall be drafted and agreed upon by the Owner, the County and included in the presentation of this Special Use Permit application to the Board of County Commissioners. In the event that the County improves Trough Road to an extent that the road improvements unreasonably interfere with the Owner's use and enjoyment of its property, the County will pay the Owner fair market value for its loss.
10. Pursuant to the Colorado Geological Survey letter dated June 21, 2010; prior to event operations commencing on the State Bridge property, the Owner shall provide an emergency evacuation plan that satisfies the Eagle County Emergency Management Department. The Owner shall post appropriate notices within the yurt structures advising guests of the potential for flooding of the property during storm events and advising guests or event participants of safe routes to high, safe ground. Per Section 5-2400 – Appeals of Staff Decisions/Interpretations – of the Eagle County Land Use Regulations, the owner can appeal staff decisions to the Board of County Commissioners.
11. The Owner shall work cooperatively with Eagle County to install additional No Parking signs along Trough Road, at the Owner's expense, to help ensure no parking of vehicles occurs along the roadway. A mutually satisfactory signage agreement, spelling out frequency and location of the signage shall be executed between the Owner and County prior to State Bridge commencing concert venue operations.
12. All recommendations set forth in the Environmental Health Department memorandum dated March 12, 2010 shall be addressed to the satisfaction of the Director of Environmental Health.
13. Staff shall administratively review this Special Use Permit annually for the effectiveness of the Traffic Management Plan as well as potential road impacts from the pavement to the entrance of BLM camping/parking entrance.
14. Except as otherwise modified by this development permit, all material representations made by the Applicant in this application and in public meeting shall be adhered to and considered conditions of approval.

DISCUSSION:

Mr. Hanagan explained the request and provided some history and maps of the location. He spoke about the results that would be achieved should the request be approved. He spoke about the suggested conditions, which were agreed upon by the Planning Commission. Taylor Ryan, County Engineer would present a second set of conditions.

Commissioner Stavney asked how to handle this situation with multiple findings where something does not meet minimum standards.

Mr. Morris suggested that the issue be fully considered but would not preclude an approval. The board could modify any recommendations by the Engineering Department.

Mr. Hanagan reviewed the suggested conditions.

Commissioner Stavney asked about uniform traffic control.

Mr. Ryan spoke about this being a uniformed officer from law enforcement.

Commissioner Stavney wondered if they would have to submit a plan for every event. However, to get a uniformed traffic control officer they would have to inform some agency. He wondered how law enforcement would learn about the event.

Mr. Ryan indicated that the facility would have to contact the State Patrol for all events.

Commissioner Stavney asked the shuttle parking and transit plan discussions.

Mr. Ryan stated that the Engineering department would review the plan and if for any reason they could not come to agreement, the plan would fall back to be reviewed by staff and the board.

Mr. Ryan presented the outstanding engineering concerns. He spoke about the transportation issues related to the request. He also reviewed some history and added that it was historically a transportation hub tying Eagle County to Grand and Routt County. Significant transportation still existed. The special use permit request included 22 lodging units and up to 500 people for concerts. This triggered the transportation concerns. The traffic that currently existed triggered the need for intersection improvements. He presented a summary of recommended improvements.

Commissioner Runyon stated that adding a lane could cost more than a million dollars. He asked why the road was called Trough Rd.

Mr. Ryan stated that there was a county road number assigned as well. Approval today would require a variance from the board. A traffic management plan should be complete prior to approval. They also requested the owner contribute an equitable share for future improvements. The Planning Commission requested that the State Patrol or Sheriff's Department provide the uniform traffic control. He was concerned about the large and abrupt increase in visits and the associated safety issues. He clarified that any uniform traffic control must be contracted and paid for by the owners.

Commissioner Stavney asked if the uniformed traffic control would need to be present 24 hours a day during the events.

Mr. Ryan stated that this did get tricky and the conclusion was that an officer would not need to be there except during peak times.

Commissioner Stavney wondered what would happen if off-duty officers were not available for an event.

Mr. Ryan stated that State Patrol committed to accommodating these requests or referring the owners to the Sheriff's office or municipal law enforcement officers. He spoke about intersection improvements. The owners should contribute to access improvements according to Engineering. He suggested 230 parking spaces of which there were currently 62 spaces and 24 for employees.

Chairman Fisher asked about the location of the cabins.

Mr. Ryan indicated that they were further north on the Trough Rd. The remainder of the parking was proposed on BLM land on the north and east on Trough Rd. Larger events were contingent upon this permitting being approved. If this did not happen additional accommodations would have to be required.

Commissioner Runyon stated that if BLM did not allow the use, the owners could park below and use shuttles to bring people to the facility.

Mr. Ryan indicated that the Four Eagle Ranch could be used and there are other options. Engineering wanted to be sure there was sufficient parking available. Pedestrian parking on the highway was not acceptable. They had asked the owner to do what they could reasonably do to keep people off the road.

Commissioner Stavney stated that with an event from 6 pm to 9 pm, there would be a shuttle before and after the event, but after that, people would be walking back and forth to their vehicles. He wondered if there was a trail.

Mr. Ryan indicated that this had been discussed but it was not entirely feasible due to the need to cross BLM land. He discussed Trough Rd. paving. Per Land Use regulations, rural roads must have average daily trips of over 500 vehicles to pave county roads, and in recent years, this number had exceeded by several hundred. There were also increased logging and recycling trucks using this road.

Commissioner Stavney wondered about the difference from years ago.

Mr. Ryan stated that there was no way to judge this. The lodging uses have been expanded some, but would not be a major impact.

Commissioner Stavney stated that the road system had more trips.

Commissioner Runyon wondered if this was all through traffic or resident trips.

Mr. Ryan stated that the majority appeared to be through traffic. He suggested that 5 years be allowed for completion of paving. If this did not happen there would be some county responsibility and costs involved.

Commissioner Stavney wondered if the additional use would affect the ¾ of a mile that it would warrant paving it.

Mr. Ryan stated that the hill as it exists was unsafe for pedestrians. The geometry of the road would slow people down in any event.

Commissioner Stavney wondered if the section of road was up to county road standards.

Mr. Ryan was not sure on the grade question. There was enough width though.

Commissioner Stavney presumed that the road would have to be re-constructed to county standards as well as paving.

Chairman Fisher wondered about mass gathering permits issued and she didn't remember any weigh in on traffic and road conditions. She wondered why this was the case for this request.

Mr. Ryan wished these discussions could be had. The difference is the type of permit reviews parking and traffic flow, not site development standards. The other big difference is that this request is for perpetuity, not one-time events.

Commissioner Runyon stated that the impact on traffic would be the same and there should be a requirement for some of the same review.

Mr. Ryan stated that there was additional consideration for state bridge due to the proximity to Highway 131.

Commissioner Runyon spoke about the concern of both locations having large events. He wondered if there could be a condition to prohibit conflicting events.

Commissioner Stavney asked if there was precedent for the intersection improvements and paving for this type of location.

Mr. Ryan provided churches as an example. He spoke about fairness to the applicant. There was recognition of the existing deficiency and the addition of traffic only makes the situation worse. He spoke about ways to review the maintenance of the road based on the impact from State Bridge. He spoke about the Trough Rd. right of way. The typical right of way was 70 feet, which provided for road widening, shoulders, drainage, maintenance, and snow storage. The owners agreed to a 50-foot minimum. There was no platted or deeded right of way, just a prescriptive right of way.

Commissioner Runyon asked about the width of the road. He wondered if the right of way would only cover the paved portion. He wondered how far the county could legally push the paved portion.

Mr. Ryan stated that the opinions varied widely as to how far prescriptive easements went with this type of situation. He showed the different road sections and associated rights of way.

Commissioner Stavney stated that if it was determined that the right of way was needed there would need to be some sort of agreement with the owners and someday this would probably have to happen.

Mr. Ryan stated it would still need to be paid for later. The county was gaining a deeded right of way. He spoke about the use of the existing cabins, which are currently within the road setback. These cabins were built in 1903.

Commissioner Stavney asked for clarification on the obstruction within the right of way.

Mr. Ryan stated that the proposed 50-foot setback would cross one or two of the cabins.

Chairman Fisher wondered about the parking on the north side of the river.

Mr. Ryan indicated the area. He reviewed the Engineering Departments recommendations. The conditions presented by the Planning Department and the Engineering Department were very similar. The differences were in conditions 3, 5, and 8. Their recommendations addressed traffic control, parking, and partial pavement of Trough Road to accommodate any future impact.

Dominic Mauriello of Mauriello Planning Group spoke on behalf of the applicant. He introduced Doug Moog, the property owner, Matt and Audrey McCray, who had been managing the property, and Scott Stoughton, who would be coordinating future events. He spoke about the history and historical uses of property. Early settlers to the area used the road and State Bridge was once a hotel, saloon, and trading post. In 2007, the lodge burned down. Mr. Moog purchased the property in 2009 and his goal was to clean up the property and establish State Bridge as a unique small entertainment venue and lodging establishment. He did not believe the use would generate a significant amount of traffic. The scale was minor. The applicant was not proposing and dwelling units at this time. He presented the overall site and parking plan. If the BLM permit were not approved, public lands

could still be used. The lands permit was a more permanent use and land use could be better controlled. There were 4 parking areas and there would be staff on site during events to direct traffic and pedestrian traffic.

Commissioner Stavney asked about signage on Hwy 131.

Mr. Mauriello stated that any signage would be on Trough Road.

Commissioner Runyon asked if there was any interest or plan to rebuild the original lodge.

Mr. Mauriello stated that rebuilding a lodge was not being considered at this time.

Commissioner Runyon asked about what kind of improvements the applicant was planning.

Mr. Mauriello stated that on average there would be lodging for 48. They hope to promote local activities. In the area that was once was the foundation for the lodge, they would create a foundation for a stage. In the future, there may be a permanent cover.

Chairman Fisher asked about the bathroom and shower facilities.

Mr. Mauriello stated that there would a permanent facility as well as port-a- potties. The applicant would be limiting guests to 500, up to 15 weekends from May to October. One of the cabins would be used for event storage/secure liquor storage. Bar and vendor tents would be within a secure fence perimeter. Food would be available onsite. Parking and access would include 62 daily use spaces and during an event there would be 86 spaces for valet parking, 100 spaces on BLM, and 69 spaces associated with event camping on BLM property. There would be ample capacity for 500 attendees. There would be shuttling for larger events and parking on Trough Road would be prohibited.

Commissioner Stavney reiterated the need for flaggers and uniform officers for events over 200 per the parking plan.

Mr. Mauriello stated that the applicant had requested 2 permits from BLM, one for the event parking and one for primitive camping. This request was still pending. These permits would be renewed on an annual basis. The event parking area was dirt, as BLM did not want to create anything that could not be undone in the future.

Chairman Fisher asked if campfires would be permitted on BLM land.

Mr. Mauriello stated that there were fire rings but fires would be dependent upon weather condition. He spoke about the trail leading from the BLM primitive property and State Bridge property. During events, the owner would control the perimeter so people recognize the sensitive nature of the land. There were no drainage issues. The applicant was committed to making the facility a safe place that embraced the recreation nature of the property. He stated that the applicant was merely trying to operate an amphitheater in order to generate revenue based on ticket sales. He asked that the board consider the impact of what was being proposed when considering the conditions. He stated that a lot of the road conditions were probably deficient for the past 20 years. He believed that asking the applicant to correct these deficiencies now was a little off kilter.

Chairman Fisher wondered about the mind set for the road improvements that occurred about 20 years ago.

Mr. Mauriello believed it was difficult to take a road that did not currently meet county standards today and assign that responsibility to the new property owner. He addressed the conditions proposed by the Planning Commission. Condition 2, events of over 200 people is limited to 15 events per year. The applicant proposed 250 people. Condition 3, again they suggested 250 people versus the 200. The applicant believed condition 9 related to an easement could be addressed in the future if an easement were needed. He did not believe that the current proposal would generate this easement. The applicant accepted all other conditions as presented.

Commissioner Stavney agreed with Mr. Mauriello's comment and stated that if the county were to bring the road up to county standards outside of the railroad right of way, it would cut through the cabins. If the applicant were going to build a permanent structure, it would be a completely different discussion.

Chairman Fisher asked if there had been any discussions with the railroad as far as their right of way.

Mr. Mauriello stated that there had been no discussions with Union Pacific. He believed that some of the nice things about the current width of the road encouraged people to slow down. A 25 ft. easement would intrude on all the cabins.

Mr. Morris believed that this was not a deal breaker in terms of whether the board should approve the application or not.

Chairman Fisher asked if the special use permit would run with the property or the applicant.

Mr. Morris stated that the special use permit ran with the property.

Mr. Mauriello believed that whether or not the county needed the easement was speculative at this point. He believed the county had the ability to get the right of way in the future, if or when it was needed. He encouraged the board to remove condition 9 and have the discussion in the future if there were a need. He introduced Scott Stoughton who had managed events at State Bridge in the past.

Scott Stoughton spoke about his experience in the valley and knowledge of the operations at State Bridge. His knowledge from 2006 to present was that there had never been any issues with parking, traffic accidents, or pedestrian traffic. He was involved with events at Rancho Del Rio during the summer months and there again were never any issues. He explained the economics on the industry. He spoke about the difficulties of generating successful events due to weather, stipulations, etc. It was a tough industry and the conditions being proposed made it more difficult. Their goal was to charge more per ticket as they plan to go for quality over quantity in the future.

Chairman Fisher opened and closed public comment, as there was none.

Commissioner Runyon spoke in favor of the file. He appreciated the fabulous job that the Engineering Department did but believed at times there needed to be some flexibility. He was against paving Trough Road as it would promote development and the rural characteristic would be lost. He agreed that the Sheriff's Department should be allowed to make the determination. He was not in favor of the ninth condition and believed that future boards would need to go through the condemnation process.

Commissioner Stavney concurred with Mauriello Planning Groups proposal. He was in favor of changing the number of people from 200 to 250. He believed the language in condition 3 should be referred back to the travel management plan as proposed. He thought it should be the Sheriff's Office or state patrol that had the authority to say whether uniformed officers were needed. He believed that condition 8 could use some clarity and 9 should be scratched completely. He suggested that staff rewrite the conditions and allow the board to get one more look at things.

Mr. Ryan suggested that condition 8 be included as there were drainage improvements, a crosswalk, paths, and other improvements proposed. He also pointed out that the number 200 versus 250 was suggested by CDOT because of existing road conditions and onsite parking.

Chairman Fisher thanked Mr. Ryan and the Engineering Department. She understood the possible increase in traffic on Trough Road and maybe the county should mitigate some of the concerns in the future. She believed that there was reason to have dialog with Union Pacific on certain issues. She agreed with the comments made regarding the conditions. She suggested that any dialog between the applicant and Sheriff's Office or state patrol be in writing. She suggested that there be plenty of signage whenever there were events. She agreed that paving Trough Road would increase traffic speed and that any improvements to the road be held off for further discussion. She thanked the applicant and staff for their efforts. She recommended that staff go back, work collaboratively with the applicant and Engineering Department, and revise the conditions so that they can be presented at a subsequent hearing. This permit travels with the land and she encouraged the new owner to make this a dear place.

Commissioner Stavney agreed that there should be some discussion with CDOT as to signage on Hwy 131. He asked staff about the time line.

Mr. Ryan believed that one week would be a sufficient amount of time. However, it may take additional time for CDOT to respond.

Chairman Fisher explained her idea of signage and believed that simple was good considering the rural nature of the location.

Mr. Mauriello suggested that the file be tabled for only one week.

Commissioner Runyon stated that in no way was this a rebuke to the Engineering Department. He spoke about the number of tools the county had in case the venue got out of hand.

Mr. Morris stated that the county did have a lot of tools and some did allow the county to shut down the operation.

Mr. Ryan spoke about condition 3 regarding uniform traffic control. He asked that the number of events be quantified in the condition.

Chairman Fisher believed that between the Sherriff's Office and State Patrol they had the experience to make the determination. She recommended that their determination be in writing.

Commissioner Stavney clarified his desire to strike the third paragraph in condition 3 regarding road improvements.

Chairman Fisher closed public comment

Mr. Stoughton spoke about the costs associated with putting on events and the importance of having the flexibility of 250.

Doug Moog thanked everyone involved for their appreciation and understanding. He pointed out that the development was being carried out by people who had a long history in the area and he was just enabling this to happen. He hoped that their work and his could make it a lasting institution. Commissioner Runyon understood the costs associated with holding events. He believed that allowing 250 people was acceptable with input from the other organizations.

Chairman Fisher agreed with 250 number with the understanding that a determination on traffic management and traffic control would be in writing before each event.

Commissioner Stavney moved to **table** file ZS-2629 State Bridge to September 21, 2010.
Commissioner Runyon seconded the motion. The vote was declared unanimous.

There being no further business before the Board, the meeting was adjourned until September 21, 2010.

Attest: _____
Clerk to the Board

Chairman