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

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 20, 2010 (Subject to Review by the Finance Director)
   Finance Department Representative

B. Approval of the Minutes for the Board of County Commissioner Meeting for July 6, 2010
   Teak Simonton, Clerk & Recorder

C. Statement of Grant Award for Internet Crimes Against Children Task Force
   Kim Andree, Sheriff’s Office

D. Resolution 2010-112 Transferring and Distributing Revenues from the County Forest Reserve Fund, Fiscal Year 2009
   County Attorney’s Office Representative

E. Agreement for Distribution of 2009 and 2010 National Forest Payments between Eagle County, Colorado and Eagle County School District RE-50J
   County Attorney’s Office Representative

F. Agreement for Distribution of 2009 and 2010 National Forest Payments between Eagle County, Colorado and Roaring Fork School District RE-1
   County Attorney’s Office Representative

G. Resolution 2010-113 for Final Release of Collateral and Termination of the Warranty Period and Termination of the Subdivision Improvements Agreement for Pinon Pines Subdivision I
   County Attorney’s Office Representative

H. Resolution 2010-114 Conferring Power of Attorney upon Bryan R. Treu, County Attorney, Robert L. Morris, Deputy County Attorney, Christina Hooper, Assistant County Attorney, and Diane Mauriello, Assistant County Attorney to Act as Attorney In Fact for the County of Eagle, State of Colorado, with Respect to Letter of Credit No. 879-5231 in the amount of $9,619.80 for Village Walk, LLC
   County Attorney’s Office Representative

I. Resolution 2010-115 Conferring Power of Attorney upon Bryan R. Treu, County Attorney, Robert L. Morris, Deputy County Attorney, Christina Hooper, Assistant County Attorney, and Diane Mauriello, Assistant County Attorney to Act as Attorney In Fact for the County of Eagle, State of Colorado, with
Respect to Letter of Credit No. 96006518 in the amount of $856,213.21 for Blue Ridge Investments, Ltd. (Shadowrock Subdivision)
County Attorney’s Office Representative

J. Resolution 2010-116 Final Release of Collateral and Termination of the Warranty Period for McCoy Creek Cabins PUD, Phase I
County Attorney’s Office Representative

K. Early Head Start Continuation Grant for 2011
Rosie Moreno, Health & Human Services

L. Resolution 2010-117 Designating the Clerk & Recorder’s Office, Including Motor Vehicle, Closed to the Public the day of the General Election, November 2, 2010
Teak Simonton, Clerk & Recorder

Chairman Fisher asked the Attorney’s Office if there were any changes to the Consent Agenda.
Commissioner Stavney spoke about items C, E and F. Items E and F were the agreements for the United States Forest service payments and the Eagle County School District.

John Lewis spoke to the board. The county had conversations with these entities prior to legislation being in affect. Some funds that previously had gone to the Road and Bridge Fund and the General Fund were going to the school district. 18 months from now some of the funds would be refunded from the federal government in some federal forest service payments.

Ms. Mauriello stated that statute mandates the board provide a minimum of 25% which was one component of PILT; however, the county had the ability to give more. For 2009, the treasurer was currently holding $498,251.19. $418,481.17 would go to RE50 J, $79,620.54 would go to Roaring Fork and $149.48 went to West Grand School District 1.

Commissioner Stavney stated that there had been a conversation with the school district as to the uses possible for this money.

Mr. Lewis stated that since there was a small risk, the districts agreed to spend up to 50% of the money on projects both entities agreed would benefit the community.

Chairman Fisher asked about Road and Bridge

Mr. Lewis stated that the general fund would be reimbursed for any money advanced to Road and Bridge.

Commissioner Stavney spoke about the internet crimes against children program. The county is very proud of this program. This agreement awards 19,000 towards the program. He wondered what the grant was in relation to the program.

Sheriff Hoy stated that the overall cost of the program is included in the operating cost budget for his office. The more activity in the program the more money is allocated. It is highly technical and unique training and affects the entire region. He stated that there would be costs for the officer and some IT costs.

Chairman Fisher asked Sheriff Hoy to be specific with the ongoing costs during the upcoming budget meeting.

Sheriff Hoy stated that their presentation for the following week and the specifics would need to be considered at another time. He clarified that the staff was looking at some of their programs in terms of their ability and willingness to cut to meet budgetary constraints.

Chairman Fisher asked for specifics so they could stand behind the joint decisions related to the budget.

Commissioner Stavney spoke about the county being a part of a larger network in this effort.

Commissioner Stavney moved to approve the Consent Agenda, Items A-L.
Commissioner Fisher seconded the motion. Of the two voting commissioners, the vote was unanimous.

Citizen Input
Chairman Fisher opened and closed citizen Input, as there was none.
Resolution 2010-118 Concerning Assessor Generated Petitions for Abatements and Refunds of Taxes

Assessor’s Office Representative

Bryan Treu stated that most of the adjustments were made in 2010 and they were going back to make the same adjustments for 2009.

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

Commissioner Stavney moved to approve the resolution concerning Assessor Generated Petitions for Abatement and Refunds of Taxes.
Commissioner Fisher seconded the motion. Of the two voting commissioners, the vote was unanimous.

Commissioner Stavney moved to adjourn as the Board of County Commissioners and re-convene as the Eagle County Liquor Licensing Authority.
Commissioner Fisher seconded the motion. Of the two voting Commissioners, the vote was declared unanimous.

Eagle County Liquor License Authority
Kathy Scriver, Clerk and Recorder’s Office

Consent Agenda
Renewals

A. Beaver Creek Food Services, Inc. d/b/a Zach’s Cabin
#04-51098-0006
This is a renewal of a Hotel and Restaurant License w/ 2-opt. premises in Beaver Creek. There have been no complaints or disturbances in the past year. All the necessary fees have been paid. An Alcohol Management Plan is on file in the Clerk’s Office and proof of server training has been provided.

B. Beaver Creek Food Services, Inc. d/b/a Beano’s Cabin
#04-51099-0005
This is a renewal of a Hotel and Restaurant License w/ 1-opt. premises in Beaver Creek. There have been no complaints or disturbances in the past year. All the necessary fees have been paid. An Alcohol Management Plan is on file in the Clerk’s Office and proof of server training has been provided.

C. Beaver Creek Food Services, Inc. d/b/a Trapper’s Cabin
#04-51098-0001
This is a renewal of a Hotel and Restaurant License w/ 1-opt. premises in Beaver Creek. There have been no complaints or disturbances in the past year. All the necessary fees have been paid. An Alcohol Management Plan is on file in the Clerk’s Office and proof of server training has been provided.

D. Beaver Creek Food Services, Inc. d/b/a Allie’s Cabin
#04-51099-0000
This is a renewal of a Hotel and Restaurant License w/ 3-opt. premises in Beaver Creek. There have been no complaints or disturbances in the past year. All the necessary fees have been paid. An Alcohol Management Plan is on file in the Clerk’s Office and proof of server training has been provided.

E. Beaver Creek Food Services, Inc. d/b/a Spruce Saddle Restaurant
#04-51099-0001
This is a renewal of a Hotel and Restaurant License w/ 3-opt. premises in Beaver Creek. There have been no complaints or disturbances in the past year. All the necessary fees have been paid. An Alcohol Management Plan is on file in the Clerk’s Office and proof of server training has been provided.

F. Vail Food Services, Inc. d/b/a Two Elk Restaurant
#04-38327-0001
This is a renewal of a Hotel and Restaurant License w/ 1-opt. premises on Vail Mountain. There have been no complaints or disturbances in the past year. All the necessary fees have been paid. An Alcohol Management Plan is on file in the Clerk’s Office and proof of server training has been provided.

G. Beaver Creek Food Services, Inc. d/b/a Toscanini
#04-51098-0001
This is a renewal of a Hotel and Restaurant License in Beaver Creek. There have been no complaints or disturbances in the past year. All the necessary fees have been paid. An Alcohol Management Plan is on file in the Clerk’s Office and proof of server training has been provided.

H. Beaver Creek Food Services, Inc. d/b/a Arrowhead Alpine Club
#04-51098-0005
This is a renewal of a Hotel and Restaurant License in Edwards (Arrowhead). There have been no complaints or disturbances in the past year. All the necessary fees have been paid. An Alcohol Management Plan is on file in the Clerk’s Office and proof of server training has been provided.

Commissioner Stavney moved that the Board approve the Liquor Consent Agenda for September 21, 2010 consisting of Items A-H.
Commissioner Fisher seconded the motion. The vote was declared unanimous.

APPLICANT: Eagle River Youth Coalition
REQUEST: Special Events Permit
EVENT: “Valley Tasting: Food for Youth”
DATE OF THE EVENT: October 7, 2010
REPRESENTATIVE: Elizabeth Eves, Event Manager
LOCATION: Vail Christian High School – 31621 Hwy 6, Edwards
STAFF REPRESENTATIVE: Kathy Scriver
STAFF CONCERNS / ISSUES: None

DESCRIPTION:

Eagle River Youth Coalition, a non-profit organization dedicated to providing programs for local youth, has requested a special events permit for their 4th annual fundraising event being held at Vail Christian High School (Auditorium) on Thursday, October 7 from 6:30 – 9:00 p.m. Past events have been held at the Singletree Community Center and the Westin without incident.

STAFF FINDINGS:

1. This application is in order, all requirements have been met, all necessary documents have been received, and all fees have been paid.

2. Public notice was given by the posting of a sign in a conspicuous place on the premises on September 10, 2010, 10 days prior to the hearing.

3. No protests have been filed in the Clerk’s Office.
4. The applicant has provided proof of server training and alcohol management plan per the requirements of the Eagle County Local Licensing Authority.

DISCUSSION:

Ms. Scriver described the event.
Ms. Eves provided details about the event. The event was focused on the food and to provide more information about the Eagle River Youth Coalition
Chairman Fisher asked about the TIPS training for staff.
Ms. Eves stated they are trying to find a second TIPS trained server.
Chairman Fisher suggested a preliminary meeting so there are no challenges as the evening goes on.
Commissioner Stavney asked if there would be entertainment and wondered about the fire capacity.
Ms. Eves stated that there would be people at the front as well as guitar entertainment.
Chairman Fisher stated that the musician would not be allowed to consume alcohol.
Chairman Fisher opened and closed public comment, as there was none.

Commissioner Stavney moved that the Local Liquor Licensing Authority approve the Special Event Permit for the Eagle River Youth Coalition event being held in the Vail Christian High School Auditorium on October 7, 2010, 6:00 - 9:30 p.m.
Commissioner Fisher seconded the motion. Of the two voting commissioners, the vote was declared unanimous.

APPLICANT: The NRA (National Rifle Association) Foundation
REQUEST: Special Events Permit
EVENT: Fundraiser
DATE OF THE EVENT: October 9, 2010
REPRESENTATIVE: Rick Adams, Event Manager
LOCATION: Eagle River Center – 0794 Fairgrounds Road, Eagle
STAFF REPRESENTATIVE: Kathy Scriver
CONCERNS / ISSUES: None

DESCRIPTION:

The applicant has requested a special events permit for a fundraising event being held at the Eagle River Center on Saturday, October 9 from 4 - 11 p.m. This is a family event, which will include dinner, live and silent auctions, raffles, and games for all ages. The applicant estimates 300 attendees (per their lease agreement with Eagle County).

STAFF FINDINGS:

1. This application is in order, all requirements have been met, all necessary documents have been received, and all fees have been paid.

2. Public notice has been given by the posting of a sign in a conspicuous place on the premises on September 10, 2010, 10 days prior to the hearing.

3. No protests have been received in the Clerk’s Office.

4. The applicant has provided proof of server training and an alcohol management plan per the requirements of the Eagle County Local Licensing Authority.

DISCUSSION:

Ms. Scriver presented the request and introduced Rick Adams.
Mr. Adams explained that he was the co-chair of the organization. The majority of the funds raised would stay in the Eagle Valley. It was their first event and they provided many programs for local youth promoting what they believed in.

Commissioner Stavney stated that the event appeared to be well staffed.

Chairman Fisher asked about the alcohol service.

Mr. Adams explained that they had contracted with Petals and Pours.

Chairman Fisher suggested a meeting with the Sheriff’s Office so there were no surprises. The event will take place on October 9th and the doors will be open from 4:00 p.m. until 11:00 p.m.

Mr. Adams explained that he was the founder of Lone Star security and as such it would be very secure. Tickets were available at the Eagle Pharmacy.

Commissioner Stavney moved that the Local Liquor Licensing Authority approve the Special Events Permit application for The NRA Foundation event being held at the Eagle River Center on October 9, 2010 from 4 - 11:00 p.m.

Commissioner Fisher seconded the motion. Of the two voting commissioners the vote was unanimous.

APPLICANT: Vilar Center for the Arts Foundation
DBA: Vilar Center for the Arts
REPRESENTATIVE: Theresa Jimenez - Anders
LOCATION: 68 Avondale Lane – Beaver Creek
REQUEST: Modify Premises
STAFF REPRESENTATIVE: Kathy Scriver
CONCERNS/ISSUES: None

DESCRIPTION:

The applicant has requested a permit to modify the premises. The modification would expand the license premises to include the driveway and island area outside the front upper lobby. If approved the area would be used for special and private events. When the area is in use, physical boundaries consisting of tables, fencing, and barricades will be in place to insure security of the boundaries. The said area is owned by the applicant and is contiguous with the licensed premises.

NOTE: Tabled from August 24th and September 7, 2010

At the request of the board, the applicant must provide letters of approval from Beaver Creek Resort Company and the Fire Chief. In addition, amend the diagrams and provide visuals to demonstrate control of the licensed premises (examples of physical boundaries).

STAFF FINDINGS:

1. The application is in order, all requirements have been met, and all fees were paid.
2. A diagram of the current licensed premises and a diagram of the proposed changes was provided by the applicant.
3. The applicant has amended the alcohol management plan to include the extended area.
4. As the license boundary will change, public notice was posted on the premises 10 days prior to the hearing.
5. The applicant has submitted proof of possession of premises.
6. The proposed area is not within 500 feet of any public or parochial school or the campus of any college, university, or seminary.
7. No complaints or concerns have been received.

DISCUSSION:

Theresa Jimenez presented letters to the board from the fire district and the resort company. The letter from Chief Moore suggested a variance on the drive itself, so fire vehicles could gain access from in front of the island. She explained how the island would be used.

Commissioner Stavney stated that he has attended many great events at the facility. He spoke about the loop driveway and appreciated the pictures.

Chairman Fisher appreciated the formal support letters.

Commissioner Stavney clarified that this would allow a change to the permanent licensed space with no specified number of events.

Ms. Scriver stated that the request was a permanent modification, which would simply expand the licensed boundary.

Ms. Jiminez stated that they would post signs to clarify the limits of the premises.

Chairman Fisher stated that the use of this expansion would be used no later than 1:59 in the morning.

Ms. Jiminez stated that the area was not intended to be used after the event.

Chairman Fisher stated that she had misunderstood in the beginning. She did not like the idea of alcohol service ongoing at 1:00 a.m. in the morning. She asked that the applicant get approval from the Resort Company for service after a certain hour and verify that they had a comfort level.

Commissioner Stavney moved that the Local Licensing Authority approve the permit to modify the premises for the Vilar Center for the Arts Foundation d/b/a Vilar Center for the Arts with the idea that staff would work with the applicant for a time limit.

Commissioner Fisher seconded the motion. Of the two voting commissioners, the vote was declared unanimous.

Commissioner Stavney moved to adjourn as the Eagle County Liquor Licensing Authority and re-convene as the Board of County Commissioners.

Commissioner Fisher seconded the motion. Of the two voting commissioners, the vote was declared unanimous.

Auditor’s Report

Mike Jenkins, McMahan & Associates, LLC and John Lewis, Finance Director

Mr. Lewis introduced Mike Jenkins.

Mr. Jenkins stated that the audit was an independent examination of the financial statements. The intent of the opinion is their professional opinion that the statements are materially correct and in accordance with Generally Accepted Accounting Principles. In order to get to this position, they had a staff of four people going through the departments making sure they understand the flow of documents from the departments to finance and then do the formal testing of balances and transactions. The bound document was a comprehensive annual financial report for 2009. He thanked Cindy Preytis and Joni Hanlon. The report was a financial report on steroids. Most governments do not produce such a report. The fact that Eagle County provided such a report showed a commitment to transparency. The financials include the county and its subsidiaries. There were also budgetary comparisons. There was a single audit section, which included mandatory reports for the federal government. The county had a clean audit. He pointed out on Roman Numeral VII that the county received a certificate of achievement for excellence in financial reporting.

He started on page C1, the statement of assets. He provided analysis of this report. At the end of 2009, the county had 266 million worth of assets; of this total 55 million is unrestricted and 73% represents the county’s equity in its capital assets. Total assets grew about 12.6 million comprised of the airport expansion and justice facility. 19% was held in cash and investments at year-end. Liabilities increased a little under a million dollars in 2009 although the long-term debt decreased about 2.5 million dollars. The county’s bond rating was upgraded the past year to Aa1 and AA- by the various rating agencies. The government wide Profit and Loss statement showed
that net assets increased by 4.6% or 11.6 million. The short-term approach showed that the fund balances totaled about 45% of 2009 expenditures. The general fund grew by 7.1 million in 2009. 2.8 million dollars better than had been anticipated. There were savings on the expense side of the budget. Taxes and investments were hard hit. Road and Bridge fund revenues were down about 12% from the prior year and expenditures were down 19% and under budget by about 2.2 million dollars. ECO fund ended the year $678,000 lower fund balance and revenues were down about 1.5 million from budget. Expenditures were 2.1 million better than expected. He spoke about the various funds and their performance. The Open Space Fund ended the year with an increase of about 4.8 million dollars and the fact was that there were no significant expenditures in that fund for the year. Overall, it was a tough year for the county financially and there were still fund balances. As noted earlier the audit included two communications indicating that management bared all responsibility for the statements.

Commissioner Stavney asked about G7 and G8. He wondered how much money flowed into the budget from the federal government. He asked about 21.5 million and 24.5 on the following page.

Mr. Jenkins stated that the 24.5 was revenues received from federal sources.

Commissioner Stavney spoke about the amount of the overall budget and the 24.5 million as a large percent of the total budget. He wondered if there was a similar page for state funding.

Mr. Jenkins stated that there was not.

Chairman Fisher stated that they had reviewed the letters and some of the findings would be addressed.

Commissioner Stavney spoke about the committee to review the bylaws, new procurement card procedures and the other suggestions made.

Mr. Jenkins stated that county staff had taken recommendations seriously.

Chairman Fisher thanked McMahon and Associates and the finance department for their services and hard work. She also thanked Keith Montag for his personal ownership of the county’s finances. She felt confident in the county government and the work being doing.

Planning Files

**ZS-2629 State Bridge**

Sean Hanagan, Planning

**NOTE:** Tabled from 07/20/10, 08/17/10 & 09/14/10

**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:

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Zoning</th>
<th>Ownership</th>
</tr>
</thead>
<tbody>
<tr>
<td>North: Public Lands</td>
<td>RP</td>
<td>BLM</td>
</tr>
<tr>
<td>South: Private (RV/Camping)</td>
<td>R</td>
<td>Private</td>
</tr>
<tr>
<td>East: Public Lands</td>
<td>RP</td>
<td>BLM</td>
</tr>
<tr>
<td>West: Public Lands</td>
<td>RP</td>
<td>BLM</td>
</tr>
</tbody>
</table>

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

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

<table>
<thead>
<tr>
<th>FLUM Designation</th>
<th>Governance</th>
<th>Development</th>
<th>Economic Resources</th>
<th>Housing</th>
<th>Infrastructure and Services</th>
<th>Water Resources</th>
<th>Wildlife Resources</th>
<th>Sensitive Lands</th>
<th>Environmental Quality</th>
<th>Exceeds Recommendations</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>X^1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>X^2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>X^3</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>X^4</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>X^5</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>X^6</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

X^1 No new structures/development are proposed in the application

X^2 All standards except Efficient Transportation are satisfied. Pedestrian pathways are lacking but the applicant has addressed this issue in their human traffic control plan.

X^3 No specific concerns were indicated by CDOW

X^4-Though no new structures are proposed, concerns exist regarding debris flooding and flooding (See attached Colorado Geological Survey memo) and necessitate specific evacuation plans.

X^5-Sound issues should be mitigated as a result of the facilities location.

X^6- 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.

<table>
<thead>
<tr>
<th>EXCEEDS MINIMUM STANDARDS</th>
<th>X MEETS MINIMUM STANDARDS</th>
<th>MEETS THE MAJORITY OF MINIMUM STANDARDS</th>
<th>DOES NOT MEET MINIMUM STANDARDS</th>
</tr>
</thead>
</table>

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.

<table>
<thead>
<tr>
<th>EXCEEDS MINIMUM STANDARDS</th>
<th>X MEETS MINIMUM STANDARDS</th>
<th>MEETS THE MAJORITY OF MINIMUM STANDARDS</th>
<th>DOES NOT MEET MINIMUM STANDARDS</th>
</tr>
</thead>
</table>

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.

<table>
<thead>
<tr>
<th>Trash</th>
<th>Traffic</th>
<th>Service Delivery</th>
<th>Parking &amp; Loading</th>
<th>Odors</th>
<th>Noise</th>
<th>Glare</th>
<th>Vibration</th>
<th>Potential Nuisance?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Exceeds ECLUR Requirements</td>
<td>ECLUR</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Satisfies ECLUR Requirements</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Does Not Satisfy ECLUR Requirements</td>
<td>X</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Not Applicable</td>
<td>-</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

**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.**
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.

<table>
<thead>
<tr>
<th>Hydrology</th>
<th>Atmosphere</th>
<th>Geology</th>
<th>Biotic Environment</th>
<th>Wastes, Noise &amp; Odors</th>
<th>Visual</th>
<th>Circulation &amp; Transportation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Exceeds ECLUR Requirements</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Satisfies ECLUR Requirement</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Does Not Satisfy ECLUR Requirement</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Not Applicable</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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.

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.

<table>
<thead>
<tr>
<th>Roads</th>
<th>Pedestrian Paths</th>
<th>Potable Water Supply</th>
<th>Waste Water Supply</th>
<th>Parks</th>
<th>Schools</th>
<th>Emergency Services</th>
</tr>
</thead>
<tbody>
<tr>
<td>Exceeds ECLUR Requirements</td>
<td>ECLUR</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Satisfies ECLUR Requirements</td>
<td></td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Does Not Satisfy ECLUR Requirement</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Not Applicable</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>
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.

<table>
<thead>
<tr>
<th>EXCEEDS MINIMUM STANDARDS</th>
<th>MEETS MINIMUM STANDARDS</th>
<th>MEETS THE MAJORITY OF MINIMUM STANDARDS</th>
<th>DOES NOT MEET MINIMUM STANDARDS</th>
</tr>
</thead>
</table>

**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.

<table>
<thead>
<tr>
<th>Article 4, Site Development Standards</th>
<th>Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>X</strong> Off-Street Parking and Loading Standards (Division 4-1)</td>
<td></td>
</tr>
<tr>
<td><strong>X</strong> Landscaping and Illumination Standards (Division 4-2)</td>
<td></td>
</tr>
<tr>
<td><strong>X</strong> Sign Regulations (Division 4-3)</td>
<td></td>
</tr>
<tr>
<td><strong>X</strong> Wildlife Protection (Section 4-410)</td>
<td></td>
</tr>
<tr>
<td><strong>X</strong> Geologic Hazards (Section 4-420)</td>
<td></td>
</tr>
<tr>
<td><strong>X</strong> Wildfire Protection (Section 4-430)</td>
<td></td>
</tr>
<tr>
<td><strong>X</strong> Wood Burning Controls (Section 4-440)</td>
<td></td>
</tr>
<tr>
<td><strong>X</strong> Ridgeline Protection (Section 4-450)</td>
<td></td>
</tr>
<tr>
<td><strong>X</strong> Environmental Impact Report (Section 4-460)</td>
<td>Pending BLM approval</td>
</tr>
<tr>
<td><strong>X</strong> Commercial and Industrial Performance Standards (Division 4-5)</td>
<td></td>
</tr>
<tr>
<td><strong>X</strong> Noise and Vibration (Section 4-520)</td>
<td>Remote location</td>
</tr>
<tr>
<td><strong>X</strong> Smoke and Particulates (Section 4-530)</td>
<td></td>
</tr>
<tr>
<td><strong>X</strong> Heat, Glare, Radiation and Electrical Interference (Section 4-540)</td>
<td></td>
</tr>
<tr>
<td><strong>X</strong> Storage of Hazardous and Non-hazardous Materials (Section 4-550)</td>
<td></td>
</tr>
<tr>
<td><strong>X</strong> Water Quality Standards (Section 4-560)</td>
<td></td>
</tr>
<tr>
<td><strong>X</strong> Roadway Standards (Section 4-620)</td>
<td></td>
</tr>
<tr>
<td><strong>X</strong> Sidewalk and Trail Standards (Section 4-630)</td>
<td></td>
</tr>
<tr>
<td><strong>X</strong> Irrigation System Standards (Section 4-640)</td>
<td></td>
</tr>
<tr>
<td><strong>X</strong> Drainage Standards (Section 4-650)</td>
<td></td>
</tr>
<tr>
<td><strong>X</strong> Grading and Erosion Control Standards (Section 4-660)</td>
<td></td>
</tr>
<tr>
<td><strong>X</strong> Utility and Lighting Standards (Section 4-670)</td>
<td></td>
</tr>
<tr>
<td><strong>X</strong> Water Supply Standards (Section 4-680)</td>
<td></td>
</tr>
</tbody>
</table>
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, Sheriff’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 Railroad

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 **attendees** per event day. The Owner may apply for a mass gathering permit for any events over 500 attendees.

2. Events of over **250 attendees** shall be limited to 15 events per year. Events of 250 or fewer 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). There may be up to three four-day events (i.e., Memorial Day, July 4th, and Labor Day).

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. Traffic control signs will meet the minimum standards set by the Federal Highway Administration (FHWA) as identified in the “Manual on Uniform Traffic Control Devices” (MUTCD) 2009 edition for sign retroreflectivity (i.e., insuring signs are visible at night).

Uniformed traffic control shall be required for any event where more than 250 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 and documented in writing. Uniformed traffic control means that uniformed law enforcement officers will be hired to control and direct vehicular traffic and pedestrian movements.

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. Please reference the map attached as Exhibit ‘A’.

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 (reference the map attached as Exhibit ‘A’). 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.

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.

9. 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.

10. The Owner shall work cooperatively with Eagle County to install additional No Parking signs along Highway 131 and Trough Road, at the Owner’s expense, to help ensure no parking of vehicles by event attendees 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.

11. 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.

12. The Community Development Department 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.

13. The applicant shall at their own expense install an emergency 911 telephone call box or pay phone to include appropriate signage directing the public to its location and its use in case of an emergency.

14. Material changes in location, design, configuration, density and intensity of use may constitute a major or material change to this Special Use Permit, requiring an amendment pursuant to 5-250.F. In addition any material change in use or any expansion of facilities deemed by Eagle County to cause potential increases in traffic or other related impacts to Trough Road may necessitate an amendment to this Special Use Permit.
15. 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:**

Commissioner Stavney stated that the direction after the last meeting was that the suggested conditions as submitted would be presented.

Mr. Hanagan suggested reading all of the conditions.

Commissioner Stavney stated that the applicant was more or less with staff on the conditions.

Dominic Mauriello clarified that the applicant would be in constant contact with state patrol and other law enforcement agencies. They would all have the opportunity to weigh in.

Commissioner Stavney wondered if any of the conditions as presented were objectionable.

Mr. Mauriello stated that the applicant was fully on board with all conditions.

Mr. Hanagan presented a PowerPoint slide show with the revised conditions.

Commissioner Stavney believed that condition 14 adequately addressed the Engineering’s concerns, which he felt, were more related to if there were a significant facility expansion. If there were ever a greater investment in the property this question would need to be revisited.

Mr. Mauriello spoke about condition 2 and the language related to events from May to October. He wanted to be clear for the record that there might be an occasional event in February or Christmas where they may want to have an event over 250.

Chairman Fisher wondered if the applicant anticipated any restrictions from the BLM regarding use of their land.

Mr. Mauriello stated that they might not have access to the land during that time; however, they would have a plan that possibly included some kind of shuttle service.

Commissioner Stavney asked Mr. Morris if this language needed to be clarified.

Mr. Morris suggested that there be representation on the record from Mr. Mauriello that in the event such event should occur, the Planning and Engineering departments would be advised and would have the opportunity to propose requirements as to how it shall be handled.

Mr. Mauriello stated that that was acceptable.

Chairman Fisher spoke about the last sentence in condition 5. She requested some specificity that it would be a joint effort. She also spoke about condition 9 and suggested that there be a fire evacuation plan as well.

Mr. Morris stated that a special event permit of this character because it was event based was a work in progress and hard to forecast in advance and will require some tuning.

Commissioner Stavney moved to **approve** file ZS-2629 - State Bridge with the revised suggested conditions and the exact language to be worked out between staff and the applicant.

Commissioner Fisher seconded the motion. Of the two voting commissioners the vote was declared unanimous.

**VIS-2692 Berlaimont Estates**

**Ben Gerdes, Engineering**

**ACTION:** The purpose of this Variance from Improvement Standards is for a road to provide access to a private in-holding within the White River National Forest.

**LOCATION:** Berlaimont Road, Edwards Area

Mr. Gerdes stated that the applicant had requested a tabling so he could make a presentation to the entire board.
Commissioner Stavney moved to table file VIS-2692 Berlaimont Estates, until October 5, 2010. Commissioner Fisher seconded the motion. Of the two voting commissioners, the vote was declared unanimous.

Commissioner Stavney explained that this was request for a variance from the road improvement standards for access to a private inholding in the national forest.

Future Meeting Agendas

Mr. Montag reminded the board that there would be upcoming budget discussions with the Road and Bridge Department and the Sheriff’s Office. The discussions would include looking at service levels and potential cost savings programs. The benefit and compensation committee would also be making a presentation.

There being no further business before the Board, the meeting was adjourned until September 28, 2010.

Attest:______________________________  ________________________________
    Clerk to the Board                  Chairman