

**FREMONT COUNTY
PLANNING COMMISSION MEETING MINUTES
FEBRUARY 4, 2014**

MEMBERS PRESENT

Byron Alsup, Chairman
Larry Baker, Vice Chairman
Larry Brown
Michael Pullen
Tina Heffner
Gardner Fey

STAFF PRESENT

Bill Giordano, Planning Director
Brenda Jackson, County Attorney
Donna Monroe, Planning Assistant

MEMBERS ABSENT

Dennis Wied

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF AGENDA

4. APPROVAL OF MINUTES

January 7, 2014 Planning Commission Meeting

5. UNFINISHED BUSINESS

NONE

6. NEW BUSINESS

**REQUEST: SRU 13-005 WELLSVILLE RECREATIONAL FACILITY
(RECREATIONAL FACILITY – RURAL)**

Request approval of a **Special Review Use (SRU) Permit, Department file #SRU 13-005 WELLSVILLE RECREATIONAL FACILITY**, by **Daniel T. Cook, Lynda E. and Alfred Ira Grayzel**, to allow a recreational facility, which will include an outdoor-based retreat for the purpose of providing recreational rehabilitation programs to disabled and severely injured Iraq and Afghanistan combat veterans and in order to augment funding it will also be used to host church retreats/excursions, youth groups, boy and girl scouts educational camps and private groups. Clients will be transported by a 12 passenger van. All lodging will be done in 4-12 ft. by 16 ft. canvas tents. There will be two staff members (program manager and an EMS-trained curriculum coordinator) and a cook. Initially the operation will be seasonal (March to October) but is anticipated to be year around as demand increases. The property is located on the south side of Fremont County Road #45 approximately 1.2 miles southeast of the intersection of Fremont County Road #7 and Fremont County Road #45 (between the Arkansas River and the Denver Rio Grande Western Railroad) east of Wellsville [1544 Fremont County Road #45]. The SRU permit property contains 13.26 acres and is zoned Agricultural Rural. Mr. Cook was given a “Compliance Advisory” through US Postal Service, Certified

Mail, September 9, 2013, by Department of Planning and Zoning, Code Enforcement Officers.

7. **ADJOURNMENT**

8. **MASTER PLAN WORKSHOP**

Continue with review of the Master Plan (*if time allows*)

1. **CALL TO ORDER**

Chairman Byron Alsup called the meeting to order at 4:04 pm.

Chairman Alsup introduced the two new Planning Commission members, Mrs. Tina Haffner and Mr. Gardner Fey.

2. **PLEDGE OF ALLEGIANCE**

Pledge of Allegiance was recited.

3. **APPROVAL OF AGENDA**

Chairman Alsup asked if there were any changes, additions or corrections to the February 4, 2014 Fremont County Planning Commission Meeting Agenda.

MOTION

Mr. Larry Brown moved to accept the February 4, 2014 Fremont County Planning Commission Meeting agenda as presented.

SECOND

Mr. Larry Baker seconded the motion.

Chairman Alsup called for a roll call vote, and the motion passed unanimously. (6 of 6)

4. **APPROVAL OF THE JANUARY 7, 2014 PLANNING COMMISSION MEETING MINUTES**

Chairman Alsup asked if there were any changes, additions or corrections to the January 7, 2014 Fremont County Planning Commission Meeting Minutes.

MOTION

Mr. Larry Baker moved to accept the January 7, 2014 Fremont County Planning Commission Meeting Minutes as presented.

SECOND

Mr. Michael Pullen seconded the motion.

Chairman Alsup announced that the motion passed with four Aye votes and two Abstentions.

Mr. Alsup	Nay	<input checked="" type="checkbox"/> Aye	<input type="checkbox"/> Abstain
Mr. Baker	Nay	<input checked="" type="checkbox"/> Aye	<input type="checkbox"/> Abstain
Mr. Brown	Nay	<input checked="" type="checkbox"/> Aye	<input type="checkbox"/> Abstain
Mr. Pullen	Nay	<input checked="" type="checkbox"/> Aye	<input type="checkbox"/> Abstain
Mrs. Haffner	Nay	<input type="checkbox"/> Aye	<input checked="" type="checkbox"/> Abstain
Mr. Fey	Nay	<input type="checkbox"/> Aye	<input checked="" type="checkbox"/> Abstain

5. UNFINISHED BUSINESS

The Planning Commission had no unfinished business.

6. NEW BUSINESS

**REQUESTED SRU 13-005 WELLSVILLE RECREATIONAL FACILITY
(RECREATIONAL FACILITY – RURAL)**

Mr. Dan Cook stated that the Wellsville Recreational Facility will primarily host an organization called Rivers of Recovery (RoR) which he is the Director of. The property is 13.26 acres with one thousand nine hundred feet (1,900) along the north side of the Arkansas River. Access is from the Wellsville Bridge, five (5) miles east of Salida and approximately fifty-five (55) miles from Cañon City. Access to the property is from the north over the Union Pacific railroad tracks. As it is stated in the application, .5% of the property is covered with structures.

We have eight (8) combat veterans that are chosen by the Fort Carson Warrior Transition Unit which is the unit that transitions them back into active duty or out of the military. The particular participants that are at the Wellsville facility are mostly chosen by the Chaplain. The accommodations for the veterans are four (4) large tents, twelve feet by sixteen feet (12' x 16') that are located in an area that is dug out into the side of the river bank. There is another dug-out where the campfire is located with a fire ring that is three (3) feet in diameter. All of these are connected by a gravel trail, eight (8) feet wide. There is a facility that is approximately thirty-five hundred (3,500) square feet that was a barn. The barn was originally built in Michigan in 1870, which was disassembled and transported to the current location where it was reassembled. It has all hand hewed beams and is a unique structure. Inside is where the orientation session is hosted, breakfast and dinner are provided. The days that the veterans are fishing, the lunch meal is provided by ArkAnglers who is the fly-fishing outfitter. The veterans don't spend much time inside the building. Sessions will be run April through October. The majority of the time, outside of meals, they will be outdoors either around the campfire or in their tents. A lot of the therapy in the program is not too sophisticated, it is basically sitting around a campfire and talking to each other. They aren't comfortable talking to a clinician and at this point they're not comfortable taking the drug regimens provided by the VA. We have a scientifically proven program, managing post-traumatic stress, depression, anxiety, and pain management. Our operation is really quite simple; give the guys an outdoor experience such as fly-fishing, which builds up self-confidence and self-esteem, provide a safe, comfortable natural environment. Give them ample opportunity to speak to other combat veterans about the challenges and the things they've seen, their dreams, challenges they face with their families, and reintegration into society.

In the application we also are proposing to host other groups such as boy scouts, church groups, and private groups; as the rental of the facilities will help fund future groups.

Mr. Cook showed a short video of the Rivers of Recovery program. He also stated that helping veterans is something that we all are probably interested in doing. We have a collection of four hundred twenty-seven (427) signatures from people in Fremont and Chaffee counties, including twenty-five (25) signatures specific to Swissvale which is located to the south side of the facility. He provided a copy of the article that appeared in the Military Medicine magazine as well as copies of forty (40) pieces of feedback from participants who have attended the program last year.

Mr. Bill Giordano, Planning Director, stated that there were a number of written comments regarding the SRU received by the Department that were in the packets the Planning Commission members received and additional comes that were distributed before this meeting.

Mr. Giordano reviewed the ten (10) contingencies, four (4) waiver requests, and the eight (8) additional notifications.

Mr. Giordano stated to Mr. Cook that in his presentation he stated that they were only going to have eight (8) clients/guests at a time however the Department did not include a condition to that affect, however the Planning Commission could if they wished, however it would be covered in other conditions.

Mr. Cook stated that regardless of what organization, boy scouts, churches, whatever, they would be limited to a total of eight customer's.

Mr. Michael Pullen inquired if on the FEMA letter, regarding the LOMA, has the Department gotten a response back from them?

Mr. Cook stated that it has already been secured. It was part of the deficiencies that he had to provide to the Department.

Mr. Gardner Fey inquired if the property is in a one hundred (100) year floodplain.

Mr. Cook stated that the hundred year flood is at 60.808 and the lowest part of the structure is at 68.32.

Mr. Fey inquired about the tents.

Mr. Cook stated that they are also at 68.32.

Mrs. Tina Heffner asked if they have applied for a commercial exempt well permit as noted in the application.

Mr. Cook stated that he had not because it is a contingency item and he would like approval before he spent money to apply.

Mrs. Heffner stated that he is allowed one third (1/3) acre which is one hundred eight thousand six hundred (108,600) gallons per year. You are talking about having eight (8) people there on a daily basis which means that if you utilize the property three hundred sixty-five (365) days, it would result in the use of two hundred ninety-seven gallons a day. That is for all of the services; the shower, food preparation, and everything.

Mr. Cook stated that the program is Monday through Thursday so the eight (8) clients/guests would only be staying three (3) nights. The water and septic engineer has already reviewed it. The septic was designed larger than for a single family dwelling. The thirty-five hundred (3,500) square foot dwelling could house four bedrooms which would be at least six (6) people. The original design of the building compensated for what we hoped would be the intended use once we secure the special review use permit.

Mrs. Heffner inquired as to how long Mr. Cook has been operating this organization.

Mr. Cook stated since 2008. They operate in seven (7) different states. He stated that two (2) years ago they operated it out of the campgrounds around Salida, including one in Fremont County. Starting last year we began construction of the facility and meals out of the four (4) tents sites. Once the facility was completed we had the meals inside.

Mrs. Heffner inquired of Mr. Cook if he has a commercial food preparation license.

Mr. Cook stated that he does not and considering the number of people that are cooked for and only for three (3) nights they don't anticipate needing a commercial kitchen.

Chairman Alsup stated that it is his understanding that the applicant would need a license as per Mr. Darden's memo.

Mr. Cook stated that they have scheduled a meeting with Mr. Darden to discuss it.

Mr. Larry Baker noted that in the application it states that the veterans are disabled and/or severely injured. Will you accommodate their needs?

Mr. Cook stated yes they do and they have previously.

Mr. Baker inquired if there have been any particular problems with accommodating their needs.

Mr. Cook stated that there hasn't been any problems. He went on to explain that the easier you make the facility for these individuals, the more you make them feel like you are taking away their ability to experience the adventure and the challenges of the outdoors.

Mr. Baker asked if the tents have any type of platform for the floor or is it bare ground.

Mr. Cook stated that they are on the ground and the wheelchair participants roll themselves in.

Mr. Baker stated that on September 9, 2013 there was a compliance advisory and he's not sure what that involves and he asked Mr. Giordano to explain it.

Mr. Giordano stated that the compliance advisory was issued for a couple of things; one was for the removal of the scrap construction materials located on the property, and the other was that the business was in operation prior to the application for the special review use permit.

Mr. Baker asked about the shower facilities.

Mr. Cook stated that the downstairs bathroom is ADA compliant. Mr. Rick Brown, who did the engineering for the septic, issued his report and assured that the resources for the facility are capable of handling it. They normally don't take showers. He would estimate that perhaps three (3) out of eight (8) use the shower facilities.

Mr. Baker inquired as to the size of the tents.

Mr. Cook stated that they are twelve (12) feet by six (6) feet. They are actually four (4) person tents that we put two (2) people in.

Mr. Baker stated that he was going to ask if one of the tents was a “mess tent” but it was explained previously that the meals will be eaten inside of the main facility.

Mr. Cook explained that some of the food is prepared off-site as well as some on-site. Their chef lives nearby so she prepares quite a bit of the food off-site and then brings it on-site; all meals are held inside.

Mr. Baker stated that from what Mr. Cook has said they keep the outside somewhat primitive. He inquired if there are lights in the tents.

Mr. Cook confirmed that they provide battery operated LED lights for everybody and they also works as a flashlight.

Mr. Baker inquired about the guides.

Mr. Cook stated that they contract out to ArkAnglers and they carry the insurance.

Mr. Baker inquired if it is one guide to each individual.

Mr. Cook stated that each guide has two (2) participants. He stated that they do an orientation program at the beginning of each year for the guides who are going to be working with our participants. They go over Post Traumatic Stress, how to identify possible stressors which gives them some instruction on what to do if one of the participants becomes frustrated. There is training provided for the guides because they are essentially the link to the participants’ experience with fishing.

Mr. Baker went back to the meals. He stated, so you are preparing meals, breakfast as well as dinner, for the eight (8) guests and (2) staff members. Are you’re living in the residence.

Mr. Cook stated that he built the residence, he owns it but he’s not a quote, unquote a permanent resident. The facility is vacant for extended periods, five (5) to six (6) weeks, but it is his primary residence.

Mr. Baker inquired as to how the sanitation is handled during the day.

Mr. Cook explained that they take the clients/guests to ArkAnglers in Salida at 9:00 a.m. and they return our clients around 4:30 p.m. or 5:00 p.m. They have portable toilets on their boats.

Mr. Cook pointed out that ArkAnglers has three (3) different location; in Pueblo, Buena Vista, and Salida. When the clients are taken to ArkAnglers they actually fish them anywhere from Buena Vista all the way down to Lone Pine. They proactively find water that fishes the best or is under the least amount of pressure from other anglers. When we are talking about the sanitary

issue, it applies for approximately a fifty (50) mile stretch. They don't necessarily fish in front of the facility every day.

Mr. Baker stated that with the floodplain, sometimes we have some very hard, hard rains and we have flashfloods, do you have any way to evacuate these people.

Mr. Cook stated that he could evacuate but the river would have to be four (4) times higher than it ever has been in history. We are located at twenty-four (24) feet above the one hundred (100) year floodplain.

Mr. Larry Brown inquired that with the four (4) tents that are there and if the port-a-pots are approved, where are they going to be located in relationship to the tents.

Mr. Cook stated that they have been adjacent to the building. The engineer that reviewed the septic stated that they are not necessary. Going forward with the application he would like to have them contingent upon approval of the port-a-pots and if they aren't approved we'll take them out.

Mr. Brown stated that his only concern would be at night when they have to relieve themselves. He's sure it is probably pretty dark in that location. He inquired if the clients are provided with a flashlight.

Mr. Cook reiterated that each client is provided with an LED light that also functions as a flashlight. He stated that it would be more convenient to have chemical toilets but again, that would be contingent on the approval.

Mrs. Heffner inquired what percentage of the usage of the facility would be necessary to rent out to other organizations based on the augmented funding.

Mr. Cook stated that Rivers of Recovery is a national organization. The funding for the Colorado location comes from the General Fund. A number of our other locations, such as Washington and California are self-funded. So we draw funds to operate our program from the community. Because of the size of our Colorado program it really is crucial to fund our program. We do not necessarily have to rent it but our goal is to get the Colorado program to be self-funded as well by drawing funding from private individuals, foundations, and corporations within Colorado. Certainly a revenue stream from this lot would help us get to where the Colorado location will be self-sustainable.

Mrs. Heffner stated that her next question is regarding the statement "the operation of this facility creates additional tax revenue through the creation of jobs and is the largest single user of the Arkansas River, and it contributes vital use fees" but you only have eight (8) participants.

Mr. Cook stated that they had one hundred seventy (170) participants through last year.

Mrs. Heffner inquired and that makes you the largest, single user of the Arkansas River?

Mr. Cook stated that he believes so.

Chairman Alsup inquired if he is comparing that to the rafting industry.

Mr. Cook stated that they are the single largest client. Not versus the outfitters but the largest single entity that pays outfitters to go onto the river.

Mrs. Heffner stated that her last question is regarding the access road to the river for the Type 1 pumper. Is that in place at this time?

Mr. Cook stated that no it is not.

Mrs. Heffner inquired what would be required to put that into place.

Mr. Cook stated a bulldozer.

Mrs. Heffner inquired if that was it, that's all he will have to do. And why was that not done prior to the application.

Mr. Cook stated that because certificate of occupancy was received in late July.

Mrs. Heffner inquired if this was a certificate of occupancy for a residential property.

Mr. Cook stated that is correct.

Mrs. Heffner stated that she has concerns regarding the compliance with building code, rules and regulations as they apply to a residence verses a commercial business.

Mr. Giordano stated that he doesn't know that answer as that will be handled by the Building Department.

Mr. Baker stated that he is referring to the Division of Water Resources letter. He noted that the last paragraph which is about the type of well permit it stated that it does not allow for on-site additional employees to use the well other than the party living in the single family residence therefore the applicant will need to apply to re-permit the existing well permit to supply water for this business.

Mr. Giordano stated that it is addressed in one of the conditions or one of the contingencies.

Mr. Giordano stated that the applicant is requesting a waiver of the hard surfacing of the handicap parking space due to the fact that everyone is brought in on the van and as he has already explained that they have already had participants in wheelchairs and haven't had a problem with it.

Attorney Jackson stated that it is part of the building code and the Planning Commission can't waive it but they may want to discuss it with the Building Official.

Chairman Alsup asked Mr. Cook how long he has planned the project.

Mr. Cook stated that they have been looking for a permanent place to build the facility since the inception.

Chairman Alsup stated that Mr. Cook intended this use from the very beginning even though you applied for a single family residence and not a commercial usage or a project of this size. Why did you apply as a single family residence and not for this project?

Mr. Cook stated that it could certainly serve as a residence and that was the plan. The four (4) campsites are essentially where we host the kids. The facility itself, despite the fact that it is an important part of the program, it's not an essential part of our program. All of the meals could be cooked around the campfire, we could host all of the curriculum, yoga and breath-work. All of our program could occur in the campsites and around the fire. Allowing them to go inside the building is just something that we were hoping would be allowed but it's not an essential part of our program.

Chairman Alsup stated that he likes the project a lot, he likes the idea of what they are doing; he's a veteran himself. He can see the need for this sort of thing and he thinks it's a good location. He's bothered by the fact that Mr. Cook didn't go and apply for permits for this. He inquired of Mr. Cook if he didn't think he didn't need to give notification to the County.

Mr. Cook stated that they felt that they needed to get something done so that they could start hosting the kids. More than anything it was a sense of urgency.

Mr. Alsup inquired if they knew they needed permits and just decided to put it off until later.

Mr. Cook stated that he is aware of the requirements of the Special Review Use permit, that is sort of what they were intending on doing.

Chairman Alsup stated that another item, on page seven (7) of the application it says that the closest residence is approximately one half ($\frac{1}{2}$) mile to the east. On page ten (10) of the application it says that the closest neighbor is three quarters ($\frac{3}{4}$) of a mile away. It is obvious that there are several houses directly across the river from you, maybe only three hundred (300) feet away. Why would you tell us that the closest residence is only three quarters ($\frac{3}{4}$) of a mile away and half ($\frac{1}{2}$) mile away?

Mr. Cook stated that he interpreted that as the closest residence that was accessible by road.

Chairman Alsup stated that is not what the application says. It says that that is where the nearest residences are. He stated that it almost sounds deceptive and he hopes that's not what the intentions were. It is bothersome to the people who live right across the river from you if your one hundred (100) feet away and you're saying they are three quarters ($\frac{3}{4}$) of a mile away. You should clarify that at least if you are talking about road distance and not actual distance to someone's residence.

Mr. Cook stated that he meant as far as accessibility of residents to the property.

Chairman Alsup inquired if there were any more questions from the Commission members.

Mr. Baker stated that there are eight (8) guests and also the EMS individual as well as the program manager. Do these other two (2) individuals live in the house at night?

Mr. Cook confirmed that.

Mr. Baker inquired about the person doing the cooking. He stated that Mr. Cook had indicated that the cook prepares some of the food off-site but also prepares some of it there at the facility. He inquired if that person stays there at night also.

Mr. Cook stated that she (the cook) does not stay there at night, she lives nearby.

Mr. Baker stated that then there are actually ten (10) people on the grounds every night.

Mr. Cook confirmed that information.

Mr. Pullen inquired if the railroad tracks are still in use.

Mr. Cook stated that they are not.

Mr. Pullen inquired if they have been officially abandoned.

Mr. Cook stated that they have been mothballed by the Union Pacific.

Chairman Alsup opened it up to public comment

Ms. Amy Simon introduced herself as the Executive Vice-President of the Operations for Rivers of Recovery. She has been working with Rivers of Recovery since 2009. She oversees the operations in every location. She stated that one very important piece of the location in Colorado is the relationship with Fort Carson. They work very closely with Fort Carson and that is actually a big piece of her job; one of the reasons she is here from Minnesota this week besides this application is all of her meetings at Fort Carson. They work very closely with the Chaplin at Fort Carson who wanted to be here today but was not able to attend. He asked Ms. Simon to read the letter which he wrote. (She read the letter which is included in the file.)

Ms. Spry provided four (4) pictures for the Commission to view. She introduced her son, Richard (Rick), and stated that they are both from Howard, Colorado. She stated that Richard is 48 years old. Four (4) years ago he had spent twenty-two (22) years in the army. He was in Iraq twice, got shot seven (7) times, received the Purple Heart Medal of Honor and the Bronze Star. Last year they took Rick out about five (5) times on fishing trips. After the first trip Eddie said that Rick was so happy. Rick was in a wheelchair and they gave him the push to get out of it and the incentive to see that he could do something besides sleeping. Now he can walk with a cane although he is still paralyzed on the right side.

Ms. Busch stated that she has been part of Rivers of Recovery for the last couple years. She stated that she had a letter from Erin Bull from the Property Home Owners Association Swissvale.

Chairman Alsup stated that her letter was included in their files.

Ms. Busch stated that she had a couple of things that she wanted to read to the Commission members. She did most of the cooking for the boys. She kept a diary and each group that went through she would ask them to write in it. She read six (6) of the writings from the diary. She also stated that most of the Swissvale residents' are in support of Rivers of Recovery.

Mrs. Padilla stated that she lives directly across the river from Mr. Cook's barn. He built right on the corner and up. Her guess is he's four hundred (400) feet from her. She wants to bring out that this organization is not unique. She googled on the Internet about such like programs and there is another program, similar, it is called Project Healing Waters Fly Fishing. This organization has one hundred thirty (130) programs in forty-eight (48) states and it also includes the front range of Colorado. She looked up in the *New York Times* where they had published a series of articles on Vets and violence, and their not criminals, you've already brought that out, they're not a criminal but they do have psychological problems and this is our concern. Another thing she'd like to bring out is on certain nights there are only two (2) patrol cars in Fremont County.. She would also like to bring up the stability of the clients and the safety and the fact that the campfires and the noise just funnels down the river right to her house. She can hear them play horseshoes, she can smell their smoke, and she doesn't appreciate that. She can smell the toilets, she knows their chemical but come on, stop at any roadside toilet and you guys know what she means. So if any of you have served, thank you for your service, this is not against you but we are concerned about the safety.

Ms. Johnson stated that she comes from a family of veterans. Her father got a Purple Heart in World War II. She understands the need is noble, the way this program sounds. But you folks don't live where I live, where my mother lives, or where Joyce lives. Their concerns are many. First of all, Joyce mentioned the fires and stated that last summer there were five (5) fires along the bank, there is one big fire ring during the fire ban. If a fire started in this brush and the winds whipping down, as Joyce mentioned, down this river it would carry all through Swissvale which is from this point down, there are at least twenty (20) more homes.

Chairman Alsup inquired of her, when you say there were five (5) fires, where these controlled fires in fire pits?

Ms. Johnson stated that they were in rock rings.

Chairman Alsup inquired if they were not out of control fires.

All of the tents were located... one was right across from me on this peninsula, on this rock with a campfire. All of the tents, five (5) of them, were all along this bank because his property ends, it's a narrow slice of land on the river, it's mostly bank where she observed groups of men scurrying up and down, and fishing the river. She didn't see extremely disabled people fishing in the river, fly fishing at that and they were giving lessons to them up on their land. Joyce comes from a veteran's family, her dad received the Purple Heart in World War II. He suffered PTSD, he was mentally challenged and at the end of his life her mother and she came to the river to have peace. Both of our lots are adjacent to his lot, that's how close we are. We could throw stones to the barn, we can see these tents and occupants, we can hear them talking. There have been numerous violations in the year that he has been in operation; you know that, you called him on it. What will be the accountability? What protection will we given in the back 40 of Fremont County? We are very vulnerable out there and we need reassurance that we're going

to be protected. She's all for rehabbing veterans, she understands the need, and this is not the location. They are in a fishbowl being served by a community. We are in a residential area community. We have many concerns. Her mother has been there fifteen (15) years, Joyce has been there twenty-some (20+) years. She just moved out last year, built her home, she was deceived by the County as to what was happening. Mr. Cook deceived them, she kept calling and asking what this big construction was that was going on. She was not given the truth. Its single family dwelling, over and over she was told. She was lied to, lied to by the County officials.

Ms. Johnson stated that she would like for the Planning Commission members to go out and visit the site before they make their decision.

She also stated that she would like to know who will hold them accountable. What about future expansion; docking, hot springs, building cabins on the tent sites. What happens once they're permitted to go ahead with this? Will we have docks between us? Right now people can walk the river easily between their lot and Swissvale. It's not impossible to walk across, she does it. And the zoning, isn't it residential? We can't get answers on this. Joyce and she have a paper that says it was residential in 2008. It's been residential since her mother's been there. When did it turn commercial and why weren't we notified or asked about this?

Chairman Alsup called on Mrs. Yvonne Nelson.

Mrs. Yvonne Nelson stated that she wanted to know who the two people sitting at the table to the left of the room are.

Attorney Jackson stated that she is the County Attorney.

Mrs. Nelson asked for her name and Attorney Jackson told her. Mrs. Nelson then ask who Bill is, he told her his name and title of Planning Director.

Chairman Alsup asked Mrs. Nelson to please address the Planning Commission members.

Mrs. Nelson inquired why are we here? When nobody answered the question she repeated the question.

Chairman Alsup asked her if this is a philosophical question. He then explained that the purpose of this meeting is to hear about this project and what Mr. Cook is wanting to do Wellsville. That is our job, to hear this and take a vote on it.

Mrs. Nelson inquired what difference does it make, they've been running it as a business for over a year. She stated that she has been to the Planning office numerous times wondering what's going on and all she is told is "nothing's happening, nothing's going on, don't worry, it's a single family." Why are we here if it's nothing to worry about? Nothing's changed, they're operating the same way they have for over a year and she's attesting to it. Why are we here now?

Chairman Alsup stated that he believes they are trying to come into compliance with the County regulations which they were not in before. This meeting is to understand what they are trying to do and for the Commission members to take a vote on it to see if we think it is a good idea.

Mrs. Nelson stated that the Commission had a letter from her with no reply since 9/4/13. Another time that she is enumerating all of the things that are going on out there that are dangerous, illegal, and she has no response.

Chairman Alsup stated that this is our response.

Mrs. Nelson stated that they are a little late. What are the penalties you're going to give them? If that were me I'd have been probably put in jail. Are they going to be fined for doing all of this illegal stuff for all this time and you've all been aware of it? She wants to know, why are we here.

Chairman Alsup stated that the Commission was not aware of it until this application came before us.

Mrs. Nelson stated, that Mr. Giordano knew about it.

Chairman Alsup stated to Mrs. Nelson let's not be antagonistic here. If you have comments regarding the operation then please give them to us.

Mrs. Nelson stated that she is asking questions and she wants answers.

Attorney Jackson stated that this time is for comments not questions.

Chairman Alsup reiterated that this time is for comments. He stated that the Planning Commission members are volunteers, we don't work for the County. When we get an application we read it we do the due diligence, we look at the facts that we have before us. We have read all of the application, which is what we are here for. We are not here on trial.

Mrs. Nelson stated that she thought she would get some answers from them. Will this operation be totally tax free?

Chairman Alsup stated that he does not know the answer to that.

Mrs. Nelson inquired of who does.

Mr. Cook stated that it is not totally tax free, since 2007 he has paid over \$31,000.00 in property taxes.

Chairman Alsup asked Mrs. Nelson to please address the Commission members and to keep it to comments, not questions.

Mrs. Nelson stated that she has been treated very badly so she guesses she'll take a little time to bend the rules a little. They've been bending them for over a year. She stated that she is questioning the taxing and that can be proved. What type of security are these people going to

have when they're out fishing, casting, are there any people that are certified caretakers? They are going to have free range for how long? How far can these people go when they're out having a good time getting their heads together? There's got to be restrictions.

Chairman Alsup stated that he believe that was addressed in the application. They are with certified guides, they're with their sponsors.

Mrs. Nelson stated that she's not talking about guides, she's talking about therapy. Some of these people are dangerous. She was married to one, she knows about it. He was injured in the Battle of the Bulge. She knows about Post Traumatic Stress. It's not fun, and she has every respect for any man or woman that has been at service. You're talking to one that has lived it. She doesn't want it in her backyard right now without supervision. She wants them to have complete knowledge of where these people are. Who's watching them? If they feel uncomfortable about it, how 'bout her? Doesn't she have a right? She might be uncomfortable having somebody that's swearing and screaming or throwing a hissy fit, which can happen. She's not saying this is their fault, she's saying that it's her officials here in Canon City's fault to allow this to happen in her backyard without any kind of certification. That's not too much to ask. And for you people to let this happen for over a year, inexcusable, inexcusable. She wants some action, she wants it really studied, and she wants it to be delayed. As far as the port-a-potties, she has pictures of them urinating right in front of her place and it wasn't the soldiers that were wounded, it was the help. She's got pictures of them pouring out, when they had sewer problems, the sewage they pumped in from down the bank to the river. She's been over to the building department, planning and zoning, Mr. Sapp knows her pretty well, where he tells me "Oh, you don't have a problem, it's a single family dwelling."

Chairman Alsup stated that he lives up near her in the west end.

Mrs. Nelsen stated that it is pretty hard to respect our county government when they lie to people. She needs apologies, she needs some action, and she wants them to clean up what's going on across the river. This has been illegal.

Chairman Alsup stated that he is going to ask her to stop now. He thinks the Commission has heard enough.

Mrs. Nelson stated that she wasn't done.

Chairman Alsup stated that he's going to ask her to stop pretty quickly. He needs to limit her time.

Mrs. Nelson cut him off and inquired, do you know how long you let that guy talk. He's been doing illegal stuff for over a year.

Chairman Alsup inquired of Mrs. Nelson of how much longer she needs.

Mrs. Nelson stated that she didn't know. How come if they are so concerned about our military why haven't they gone to some of the government vets to try to help to get this thing cleaned up? There are a lot of government hospitals and psych wards that can use their help. These would be certified people and we wouldn't be standing here today. There are places that can

help our government boys. The biggest thing is the water, and she wants you people to study what's going on with the water. Our state level that they've obtained permission to use and that they have an approved certificate. You better check it out because it's coming. That's a pretty important part because when they talk about having sheets of paper signed by people in Salida, none of them live out where she does. They don't care. The few people in Swissvale that have signed a petition don't live where she does. They haven't been running over. Well, she knows for a fact she's been in Sapp's office four times about this and it hasn't changed. It rings clear that he says "you don't have anything to worry about." Investigate it and she wants to have an extension on their decision. Is that too much to ask? She stated that she was going to go down the line and started asking each of the Planning Commission members if they were going to give her an extension on their decision.

Chairman Alsup stopped Mrs. Nelson and tried to explain to her that this is not the way things are done here. He told her that he thought they were prepared to take a vote pretty shortly.

Mrs. Nelson inquired if they have somebody that can carry her out, maybe she should just wait until he tells us.

Mr. Cook inquired if he could speak once more. He stated that he would just like to reiterate that there was a lot discussed here, a lot of it doesn't have anything to do with land use. He has committed and he thinks Mr. Giordano would agree, to work together. It was built a single family residence, we need a special review use permit to operate it the way we want to. That is what we are trying to do. He will work with Mr. Giordano, he will work with the building department. Ideally we would have had this before but it's not an ideal world and he felt that they needed to build something and start getting these people through the program. So to answer the question, what's the solution to this? The solution is for us to work together to be a legal operation, let us move forward and start helping these young people. That is what our organization is trying to do, get a decision of approval. He will work with Mr. Giordano, all of the contingencies will be taken care of within the necessary timeframe.

Chairman Alsup addressed the Commission members if there were any questions or comments.

Mr. Baker stated that he had a question for the County Attorney. Could we table this until we get some clarification on particularly the kitchen, the well water, and the sanitation and so forth? He doesn't think it's clear in his mind exactly how they are going to do all of these things.

Attorney Jackson stated that she doesn't think that any of those will happen until approval because they are contingencies. There isn't any reason to go through those processes if the application is denied. So tabling this isn't going to get you the information on those things. The environmental health officer's going to make sure that it's a compliant septic, port-a-potties have to be approved by the board of health and that's the commissioners, a commercial kitchen is going to be looked at by environmental health. There isn't any need to do any of that if the application is not approved. And they won't be able to continue any operation if they can't meet those requirements. But you're not going to get a report from Mr. Darden whether this needs a kitchen or not because he's not going to look at that unless the application is approved. She doesn't think that fees should be paid or the county staff should have to go do inspections and all of that if the application's not going to be approved.

Mr. Giordano stated that if there are things that the Commission doesn't feel are addressed, you have the option of adding conditions or contingencies with the exception of building codes. They are not a land use issue.

Attorney Jackson stated that building code and occupancy is different than land use. You can have a commercial operation that is not a commercial occupancy. Building code looks at different types of occupancies and they define those occupancies within the building code and it does not translate into our zoning. So it can be a single family residence occupancy and still have commercial uses for land use purposes but that doesn't make it a commercial structure. It depends on whether it's open to the general public, there are a lot of things they look at in the building code classification for occupancy. So saying they are not building code compliant because they don't have an SRU, they don't connect, they are totally different analysis. So Mr. Mike Cox, in the building department, is not looking at zoning, he's looking at the building code. So far Mr. Cook has complied with the building codes and has gotten the temporary CO and that means they've passed the final inspection.

Mr. Brown inquired if they start using it as a commercial kitchen and that sort of thing does that make a difference.

Attorney Jackson stated that it will be different; when you start doing meal preparation. You can have situations where you have to have a commercial kitchen in a single family residence for other purposes. Just like building isn't connected to zoning as far as definition and permitting it also is not connected to the state licensing for permitting restaurants and commercial kitchens so that's why we look at those things independently because there are different regulations and different laws that govern those.

She went on to state that it's complicated because there's just too many regulations and they don't translate well from one to another. So Mrs. Heffner, if you want to know if it's compliant with the building code, the fact that they passed all the inspections answers that question. Whether or not they are going to be catering out of their kitchen for example but not open to the public, affects how they're classified and the building code, and zoning but it can still be a single family residence and run catering out of their commercial kitchen. So the codes don't really overlay each other, they are more side-by-side. It's the same with the water requirements, septic systems, number of bedrooms, and then they will look at the number of users. You can have a residence with twelve (12) children and a pretty big septic system, it's still a single family residence.

Chairman Alsup inquired if there were any other questions from the Commissioners.

Mrs. Heffner stated that Mr. Cook had stated that all curriculum could occur around the campsite. If that were the case then if there were a fire ban in place then obviously his curriculum could not take place without this special use permit being in place regarding the entire operation. Is that correct?

Attorney Jackson stated that is correct. Regarding the fire issue; it wouldn't be a bad idea to put a condition in the permit that no campfires are allowed during a fire ban or during fire restrictions. Even though it might be allowed in the permit, fire restrictions can override that.

MOTION

Mr. Pullen moved to recommend approval of SRU 13-005 Wellsville Recreational Facility subject to the following:

RECOMMENDED CONDITIONS:

Since the use has previously been in operation it is required that all of the following conditions be met within six (6) months after approval by the Board.

- A. Special Review Use Permit shall be issued for life of the use.
- B. The Department shall review the permit annually to determine compliance with the conditions of the permit and forward it to the Board for their review as required by regulations. It shall be the responsibility of the permit holder to provide the Department with copies of other permits, licenses, or other documentation showing compliance with the requirements of any other governmental agency (*to include items such as changes to the documents, updates, renewals, revisions, annual reports*). Further it shall be the responsibility of the permit holder to provide the Department with copies of any documents that would affect the use of the subject property, such as but not limited to updated or renewed leases for use of or access to the subject property. Copies of these documents shall be submitted to the Department prior to the anniversary date of the approval of the use permit each year. If the Department has to notify the permit holder that the anniversary date has passed and / or request said documentation, then a penalty fee shall be charged to the permit holder. If the required documentation and penalty fee are not submitted to the Department within twenty (20) days following notification to the permit holder, then violation procedures may be commenced, which could result in termination, revocation, rescission or suspension of the use permit.
- C. The Applicant shall conform to all plans, drawings and representations submitted with or contained within the application except as may be inconsistent with the other provisions of the permit.
- D. The Applicant shall comply with all laws and regulations of the County of Fremont, its agencies or departments, the State of Colorado, its agencies or departments and the United States of America, its agencies or departments, as now in force and effect or as the same may be hereafter amended.
- E. Applicants shall obtain, prior to operation, and keep in effect, throughout operation, all other permits, licenses or the like, including renewals, required by any other governmental agency and as otherwise may be required by Fremont County and shall provide copies of such to the Department. Revocation, suspension or expiration of any such other permits shall revoke, suspend or terminate the permit authorized hereunder, as the case may be.
- F. If a Special Review Use is abandoned, discontinued or terminated for a period of six (6) months, the approval thereof shall be deemed withdrawn, and the use may not be resumed without approval of a new application. Provided, however, if the holder of the permit intends to or does temporarily cease the use for six (6) months or more without intending to abandon, discontinue or terminate the use, the holder shall file a notice thereof with the Department of Planning and Zoning prior to the expiration of the six-month period stating the reasons thereof and the plan for the resumption of the use. The requirement of a notice of temporary cessation shall not apply to applicants who have included in their permit

applications a statement that the use would continue for less than six (6) months in each year and such fact is noted on the permit. In no case, however, shall temporary cessation of use be continued for more than two (2) years without approval by the Board of County Commissioners.

- G. If a Special Review Use Permit is to be transferred it shall comply with all applicable Federal, State and County regulations regarding such transfer.
- H. Days and hours of operation shall not be limited.
- I. All customers shall be transported to the site only by Wellsville Recreational Facility drivers and vehicles.
- J. The applicant, as per recommendation by the Fremont County Department of Transportation, shall provide 15 tons of gravel per year to maintain the roadways. The County will bill the applicant each year at the rate of \$4.00 per ton and pricing will be adjusted should the need arise. The County will lay the material on the roadways and the applicant will be billed for the gravel.
- K. The facility shall comply with any requirements of any applicable fire ban or fire restriction.
- L. Applicant shall provide to the Department, documentation from the Fremont County Weed Coordinator that the applicant has in place an acceptable weed control plan, and further the applicant shall implement and maintain the plan, if required.
- M. The County shall retain the right to modify any condition of the permit, if the actual use demonstrates that a condition of the permit is inadequate to serve the intended purpose of the condition. Such modification shall not be imposed without notice and a public hearing being provided to the Applicant at which time applicant and members of the public may appear and provide input concerning the proposed modifications to the conditions of the permit.
- N. Only the named party on the permit shall be allowed to operate this Special Review Use Permit. Board approval shall be required prior to allowing any other person or entity to operate at the site under the conditions of this permit. All persons, entities or others requesting Board approval to operate under this Special Review Use Permit must agree to abide by all terms and conditions of this Special Review Use Permit and shall be required to be named on this Special Review Use Permit as additional parties who are bound by the terms and conditions of this Special Review Use Permit.
- O. A Special Review Use Permit shall not be modified in any way without Department approval for Minor Modifications or approval of Major Modifications by the Board in accordance with Section 8.14 of the Fremont County Zoning Resolution (complete reapplication).

The Planning Commission recommended the following:

RECOMMENDED CONTINGENCIES:

- 1. The application shall be corrected to include Lynda E. and Alfred Ira Grayzel as owners of the property.

2. The legal description for the property, on the site drawing, shall be changed to the current platted description: Parcel A, Hura Subdivision, Fremont County, Colorado. (The property was platted as a one lot subdivision in 1986)
3. Documentation as to compliance with any requirements from the Colorado Division of Water Resources as per letter dated December 19, 2013.
4. Documentation as to compliance with any requirements of the Fremont County Environmental Health Officer as per memo dated December 23, 2013.
5. The access road to the river shall be improved to allow a type I pumper the ability to set up and draft water from the river as per recommendation from the South Arkansas Fire Protection District, as per Fire Protection Plan form.
6. Documentation as to compliance with the requirements of the Fremont County Reviewing Engineer as per his letter dated December 18, 2013
7. Documentation from the design engineer to evidence that construction of the drainage facilities were completed and built to the specifications of the engineer's design (County Engineer approved drainage plan).
8. Property owner shall execute a Quit-Claim deed with a deed restriction addressing the maintenance of any required drainage facilities, easements, rights-of-way, related structures and/or facilities. Such deed shall be recorded at the time of recording of the use permit. Fremont County will not accept maintenance of these facilities.
9. Documentation as to compliance with the September 9, 2013 Department of Planning and Zoning, Code Enforcement "Compliance Advisory" and the removal of non-compliant piles of apparent construction materials housed on the property.
10. Evidence that a Fremont County driveway access permit has been issued for the property based on the proposed use.

The Planning Commission recommended the following:

ADDITIONAL NOTIFICATION REQUIREMENTS:

In addition to the regulatory minimum required notifications the following entities shall also be notified in accordance with regulations:

1. Colorado Parks & Wildlife
2. Fremont Historical Society
3. Arkansas Headwaters Recreation Area
4. Chaffee County Planning Department
5. US Bureau of Land Management (BLM)
6. Colorado State Historic Preservation Office
7. Fremont County Sheriff's Office
8. Colorado Department of Transportation

The Planning Commission recommended the following:

WAIVER REQUESTS:

1. **Buffering & Landscaping Requirements:**

In conjunction with the issuance of a building permit or approval of a zone change to a Manufactured Home Park, Travel Trailer Park & Campground, Neighborhood Business, Rural Highway Business, Business, Industrial Park, Airport, or Industrial Zone Districts, and if the property is adjacent to any Agricultural Estates, Agricultural Suburban, Low Density Residence, Medium Density Residence or High Density Residence Zone District, the applicant shall be required to provide screening or a buffering strip, which will act as an opaque visual barrier, **unless waived by the Board** (*of County Commissioners*). Where in these regulations, any such screening or buffering strip is required to be provided and maintained, such buffering strip shall consist of a row of trees or continuous un-pierced hedge row of evergreens or shrubs of such species as will produce within three (3) years a screen height of at least six (6) feet and shall be of the following minimum sizes at time of installation:

Deciduous shrubs	4' height
Spreading evergreens	30" spread
Tall evergreens	3' height
Screen planting (<i>evergreen</i>)	4' height
Trees	2 and ½" caliper
Ground cover	2 and ½" pot

The entire buffer strip shall be immediately adjacent to the lot line or portion thereof, with consideration given to utility or drainage easements. The remainder of the strip shall be used for no other purpose than the planting of shrubs, flower beds, grass, or a combination thereof. The buffer strip shall be at least eight (8) feet in width and shall be graded and planted with grass seed or sod and such other shrubbery or trees. The entire area shall be attractively maintained and kept clean of all debris and rubbish.

In required buffer strips where a natural buffer strip is considered to be impractical or inappropriate, an opaque fence may be substituted in whole or in part for a natural buffer provided its specifications are approved by the Board.

The applicant is requesting a waiver of the buffering and landscaping with the following justification: there already is a natural screen with pinion trees and shrubs as noted on the drawing.

2. **Surfacing:** Surfacing for all business, commercial or industrial off-street parking areas shall be graded and surfaced to control dust and provide proper drainage. Spaces shall be asphalt or concrete surface **unless waived by the Board**. If asphalt or concrete, spaces shall be clearly marked. Curbs or barriers shall be installed to prevent parking vehicles from extending over any lot lines.

The applicant is requesting a waiver of the hard surfacing of the off-street parking area with the following justification: a hard surface composed of road base for the parking and unloading areas will be provided and the facility is located in a rural area that has no existing hard surface areas and is subject to dust created by existing traffic. Note: It is required that the parking space for individuals with disabilities be hard surfaced along with a pedestrian walkway from the space to the door entrance as per the International Building Code.

3. **Lighting:** All off-street business, commercial or industrial parking spaces may be required to be adequately lighted to protect the safety of the individual using the area. Said lighting shall not cast any glare on the surrounding properties.

The applicant has requested a waiver of lighting with the following justification: the parking area is directly adjacent to the front of the facility and within the scope of the building's exterior lighting.

4. **Landscaping:** All parking spaces (areas) used for business, commercial or industrial uses may be required to provide appropriate vegetation designed to break up the expanse of the parking area.

The applicant has requested a waiver of the landscaping of the parking area with the following justification: the planned parking area is situated directly in front of the building, blocking any visual impact from the south and the area is also 12 feet below grade, negating any visual impact from the north, west and east.

SECOND

Mr. Brown seconded the motion.

Chairman Alsup called for a roll call vote.

Mr. Alsup	Nay	<input checked="" type="checkbox"/> Aye	Abstain
Mr. Baker	Nay	<input checked="" type="checkbox"/> Aye	Abstain
Mr. Brown	Nay	<input checked="" type="checkbox"/> Aye	Abstain
Mr. Pullen	Nay	<input checked="" type="checkbox"/> Aye	Abstain
Mrs. Haffner	<input checked="" type="checkbox"/> Nay	<input type="checkbox"/> Aye	Abstain
Mr. Fey	Nay	<input checked="" type="checkbox"/> Aye	Abstain

Chairman Alsup announced that the motion passed with five Aye votes and one Nay vote.

7. ADJOURNMENT

Chairman Alsup adjourned the meeting at 6:10 p.m.

8. MASTER PLAN WORKSHOP

Continue with review of the Master Plan (*if time allows*)

CHAIRMAN, FREMONT COUNTY PLANNING COMMISSION

DATE