

**CHAFFEE COUNTY  
PLANNING COMMISSION  
NOTICE OF DECISION**

**APPROVING AN APPLICATION FOR  
A LIMITED IMPACT REVIEW  
FOR PROPERTY LOCATED AT  
11302 CR 190 W  
(CAMPGROUND AND OUTFITTER FACILITY IN A RURAL ZONE)**

**FINDINGS AND CONCLUSIONS:**

- A. Applicant has requested a review in connection with a proposed Campground—RV Park and/or tent sites (“Campground”) and Outfitter Facility for rafting, hunting, fishing, hiking, biking, horseback riding, snowmobiling activities (“Outfitter Facility”)” on 44 acres. The property is located at 11302 CR 190 W in a Rural zone (the “Property”).
- B. The application is for a Campground and Outfitter Facility under the Land Use Code (“LUC”) in a Rural zone. Campground and outfitter facilities are permitted uses in the rural zone, pursuant to 2.2.3 A, B, and C. Applicant does not have a Campground or Outfitter Facility which is subject to a Limited Impact Review under LUC Table 2.2.
- C. Applicant has requested a permit for a Campground and Outfitter to provide 68 guests and seasonal employee camping (10 camp spots and 7 micro-cabins) in an all-inclusive setting, minimizing impact to their lands, adjacent properties, local rivers, county roads and trails by offering private shuttles to a variety of outdoor activities with transportation. Users of the Campground and Outfitter will be all inclusive with overnight and itineraries based from the Property.
- D. The intent of the Rural zone is to "allow agricultural uses of any kind and to promote development that enhances the agrarian and rural character of the County." Section 2.2.3.B.11 of the LUC states desired uses in the Rural Zone are those that do not adversely affect agricultural production or community character. LUC § 2.2.3 B11 further states "Uses that do not adversely affect agricultural production or community character including greenhouses, vacation rentals, bed and breakfasts, home occupations, uses that support recreation including white water rafting, youth camps, retreats, agritourism, heritage tourism and other recreational tourism activities.
- E. The LUC § 2.2.3(C) requires that new non-residential uses in the Rural zone be required to restrict operation hours, develop landscaping, increase setbacks or other similar mitigation to minimize potential impacts on nearby residential uses and to meet the intent and purpose of the Rural zone.
- F. Limited agricultural use of the property is proposed as part of the development plan.

- G. With compliance with the conditions of approval, this application complies with the requirements for the proposed Limited Impact Reviews (Campground and Outfitting Facility) as stated in the staff report and subsequent updates thereto. The campground and camp cabins are both reviewed under Section 7.8.6-Campgrounds.
- H. The application includes a site plan and phasing plan with elements designed to minimize the impact the Campground and Outfitter land use change has on nearby properties.
- I. This is a business that serves the tourism and agritourism sectors. No special events are currently proposed and any special events would require compliance with the LUC requirements.
- J. The property is impacted by the 100-year floodplain and unstable slopes associated with the Arkansas River.
- K. The two drainages on the site can be avoided with the proposed development and site plan.
- L. The culvert crossing of the Williams & Hamm ditch was completed in 2020 with permission from the ditch company.
- M. Access to the property will be via CR 190 W. Traffic volume impacts on CR 190 W will be mitigated by the use of 14-passenger vans for guest transportation once on-site.
- N. CR 190 W was constructed prior to the current county standards for a low volume road. The grade is steeper in one location than current county standards. Testimony was taken that indicated widespread local concern over the grade, width, and sightlines along the road at the location commonly referred to as the "blind hill."
- O. The application is opposed by the Chaffee County Heritage Advisory Board due to the impacts concerning the scenic byway, but a Landscape Plan has been reviewed and determined to screen and buffer the site.
- P. There are currently vacation rentals, restaurants, and recreational-based businesses within one-half (1/2) mile of the proposed site.
- Q. Sand Park well data from DWR shows significant variability in well depth and pump rates.
- R. Table 2.2 of the LUC indicates that a Campground and Outfitter Facility in a Rural zone is permitted subject to a Limited Impact Review. Sections 4.2.3, 4.6, 7.1, 7.2, 7.4, and 7.8.7 of the LUC govern the requirements for a Limited Impact Review of a Campground and Outfitter Facility in a Rural zone.
- S. Per Section 4.2.3.B of the LUC, the Chaffee County Planning Commission is the decision-making body for Limited Impact Review applications.

- T. A public hearing was held on November 30, 2021, continued from September 28, 2021, with deliberations, findings of fact, and conclusions made at a hearing on January 25, 2022, before the Planning Commission, following publication on September 10, 2021 and September 9, 2021 in *The Mountain Mail* and *Chaffee County Times*, respectively, both newspapers of general circulation within Chaffee County, for the purpose of receiving public comments with respect to the proposed use.
- U. The people of Chaffee County have had an opportunity to make public comment for or against approval of the proposed use. There has been no finding of conflict of interest regarding this application.
- V. The Chaffee County planning department has submitted a compliance report which indicates that the following LUC criteria must be met:
1. Submittal of a County Road Access permit as required by LUC Section 7.1.3.C.
  2. Compliance with any applicable on-site wastewater treatment system (OWTS) requirements, as required by LUC Sections 7.1.3.B, 7.2.2 and 7.5.2.
  3. Compliance with any requirement to re-permit the well and obtain augmentation if required by the State Engineer. See LUC Sections 7.1.3.A, 7.2.2 and 7.5.1.
- W. At its meeting held on January 25, 2022, the Planning Commission found that based on the Applicant's representations, and except for the criteria set forth above, the application complies with all applicable criteria set forth in the LUC.
- X. Provided the Applicant and the operation comply with certain conditions, the application will meet the requirements for a Limited Impact Review Land Use Change Permit. See Section 1.3.6.3 of the LUC.
- Y. Section 2.2.3.C. allows the County "to restrict operating hours, develop landscaping, increase setbacks, or similar mitigation in order to minimize potential impacts on nearby residential uses and to meet the intent and purpose of the Rural zone."
- Z. The Planning Commission directed the County legal department to prepare a Notice of Decision for consideration at its regular meeting on February 1, 2022, approving the applications with conditions, as set forth below.
- AA. The record before the Planning Commission includes the Development Services case file and testimony at the Planning Commission hearing.

**DECISION:**

The Planning Commission decides (6-1, with Commissioners Horne, Curgus, Baker, Rauschke, Dumas, and Held voting AYE, and Commissioner Allen voting NO) as follows:

1. Approval of Limited Impact Review Land Use Change Permit. Based upon the findings set forth above, the foregoing application is approved for a Limited Impact Review Land Use

Change Permit allowing Applicant to build and operate a Campground and Outfitter Facility as proposed in its submitted site plan, subject to the following conditions:

- i. The ten (10) campground sites are limited to 40 people total (4 people per site); this number includes both guests and employees. *(Sections 7.1.3, 7.2.2, 7.2.3, & 7.8.6)*
- ii. The six (6) camp cabins are limited to a combined occupancy of 32 people total; this number includes both guests and employees.
- iii. The maximum number of on-site employees (full-time & seasonal) shall not exceed ten (10) at any given time. Any need for additional employees shall be reviewed by staff. *(Sections 7.1.3, & 7.2.2)*
- iv. The campground is for guests and employees of Aspire Tours only. Furthermore, the campground is not open to the general public. *(Sections 7.2.3, & 7.8.6)*
- v. No occupancy of any RVs in the commercial area is allowed.
- vi. Campsites and Camp Cabins shall not be rented as Short Term Rentals. As represented by applicant, Campsites and Camp Cabins shall only be occupied by “all-inclusive” customers and seasonal employees of Aspire Tours.
- vii. Quiet hours for the Aspire Tours development are 10:00 pm to 7:00 am Mountain Time. *(Section 7.2.3)*
- viii. No firewood cutting or gathering is allowed on any part of the Aspire Tours property. *(Sections 7.1.5, 7.1.6 A-D, & 7.2.3 F)*
- ix. Owner may clean up trees and vegetation in accordance with Best Management Practices (BMPs). The 50-foot riparian buffer shall be maintained along the bank of the Arkansas River with allowance for guest access points.
- x. Fire Bans shall be posted and adhered to as announced by the Chaffee County Sheriff’s Office.
- xi. Aspire Tours shall provide firewood for use at the fire pits. Additionally, guests are prohibited from bringing their own firewood. *(Sections 7.1.5, 7.1.6, & 7.2.3 F)*
- xii. The applicant shall post the following required signs:
  - a. No use of the irrigation ditch by guests.
  - b. No trespassing at property boundaries (private land past Aspire Tours property).
  - c. Firewood cutting and gathering on the property is prohibited.
- xiii. No fires are permitted anywhere on the commercial portion of the property outside of the two designated fire rings. *(Sections 7.1.5, 7.1.6, & 7.2.3 F)*
- xiv. Any construction proposed within 40 feet of the Williams & Hamm Irrigation Ditch or within 100’ of the Arkansas River shall have erosion and sedimentation controls installed before the start of construction. *(Section 7.1.7)*
- xv. Weddings and community events are prohibited as part of this Limited Impact Review. Separate permitting, reviews and approvals are required for weddings or other community events, such as Special Events. *(Sections 7.1.3, 7.2.2, & 7.8.9)*

- xvi. Applicant will comply with the Special Event permitting requirements outlined in the Land Use Code. (Section 4.2.6)
- xvii. No amplified music is allowed outdoors without County review. (Sections 4.2.6 & 7.2.3 C)
- xviii. All trail construction shall be set back a minimum of 25' from property lines to minimize impact on the adjacent properties. (Section 7.4.8)
- xix. Floodplain Development Permits may be required for any improvements based on consultation with the Chaffee County Floodplain Administrator. (Sections 7.1.5, 7.2.2, & 7.7.1)
- xx. No parking shall be allowed outside of the established parking areas.
- xxi. No commercial raft trips shall be launched or taken out at the property. (Section 7.4.2 C)
- xxii. Applicant shall use high bear-aware practices: secured food storage areas; installation of round knobs on exterior doors; centralized, fenced bear-proof trash containers; and central cooking areas.
- xxiii. Any additional uses, development of, changes to, or expansion beyond this Limited Impact Review shall require additional permitting and approval pursuant to the Land Use Code.
- xxiv. A well test shall be submitted proving adequate water volume for a commercial well.
- xxv. The application for final approval is dependent upon the county (planning and zoning department, county administrator, county engineer, road and bridge, legal, and BOCC), the applicant, and any additional parties identified by the county will negotiate a satisfactory mitigation strategy for county road 190 W where additional development pressures at "blind hill" create potentially hazardous traffic conditions. An agreed upon solution shall be negotiated in 90-120 days with phased implementation, depending upon mitigated solutions.

## 2. Zoning Compliance Requirements for Building Permit.

- a. The following matters shall be submitted to Development Services for review and approval before the Building Permit is issued:
  - i. A 'typical' detail of the bear-proof trash containers, with information on how often they will be emptied. (Sections 7.1.6, & 7.2.2 B)
  - ii. A 'typical' detail of the proposed downward facing or shielded lighting. (Section 7.1.8)
  - iii. A copy of the final site plan, including locations of benches, gathering spaces, picnic areas, trails, and ditch crossings. (Sections 7.1.5, 7.4.8, & Article 3)
  - iv. A copy of the CDPHE approval for the Non-Community Water Treatment System shall be included with the building permit application for Phase 1. (Sections 7.1.3, & 7.2.2)

- v. On-site Wastewater Treatment System (OWTS) designs, by a Licensed Colorado PE, based on the final development proposal including food service calculations. (Section 7.1.3 B)
- vi. Engineered plans, prepared by a Licensed Colorado PE, shall be submitted prior to construction of the access road to meet Low Volume Road and Fire Protection standards; culvert sizing for the access road; trails; parking; and an erosion & sedimentation control plan. No drainage is allowed to be channeled to the Williams & Hamm Ditch or to the Arkansas River. (Sections 7.1.3 C, 7.1.4, 7.1.5, 7.2.2 A3, 7.2.2 C, 7.2.6, 7.2.7, & 7.4.7)
- vii. A Drainage Report, prepared by a Licensed Colorado PE, for review and approval by the County Engineer. (Section 7.1.7)
- viii. A signed Development Agreement and Maintenance Covenant for the access road and commercial improvements. (Sections 1.6, 7.1.3 A-D, & 7.2.3 A& B)
- ix. A copy of the approved commercial driveway permit. (Sections 7.1.3 C, & 7.4.2, & 7.5)
- x. Road Construction Permit, obtained through the Development Services Department. (Section 7.4.2 A)
- xi. A copy of the approved CDOT Access Permit. (Section 7.4.2 C)
- xii. A copy of the signed Weed Management Plan with proof that the \$8,000 escrow fee has been paid. (Section 7.2.5)
- xiii. A copy of Chaffee County Fire Protection District approval for participation in a cost-sharing agreement with other developers for a shared fire cistern that meets the requirements for proposed subdivisions on CR 190 W and CR 190 E, or pay a fee-in-lieu.
- xiv. Copy of Camp Rules that include noise limits, quiet hours, long-term camping, Campground Host duties, campfire rules, bear-aware practices, and other mitigation measures.
- xv. An approved Food Service License from Chaffee County Environmental Health, or documentation that a permit is not required.
- xvi. A copy of the recorded Access and Maintenance Easement Agreement between the Williams & Hamm Ditch Company and Kathrin Troxler. (Article 3)

### 3. Land Use Change Permit.

- a. This Notice of Decision shall constitute the Land Use Change Permit granted in connection with the Application.

- b. This Permit is limited to the operation as described in the permit application, as amended during the public hearing process orally or in writing. The Permit conditions shall include all agreements and representations of Applicant or their representatives made during the public hearing process. Applicant shall notify the County of any proposed change to the operations as represented to the County.
  - c. In addition to the remedies provided by the LUC, if the County determines that any material representation made by Applicant in the permit application or during the public hearing process is false or deliberately misleading, the County may pursue an enforcement action for violation of this Permit.
4. Expiration. This Permit shall expire immediately upon the failure to comply with the conditions of approval of the Permit, as described above, and/or failure to comply with the applicable requirements of the LUC in effect at the time of approval.
  5. Appeal Process. LUC Section 4.2.3.B.2 allows appeals or call-ups of the Planning Commission decision using the process outlined in Section 4.1.3.G.
  6. Effective Date. This Notice of Decision shall be in full force and effect immediately upon approval.

ADOPTED AND APPROVED by the Chaffee County Planning Commission on February 1, 2022.

CHAFFEE COUNTY  
PLANNING COMMISSION



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[Acting] Chairman

The vote on the above Decision was as follows:

Anderson Horne <u>absent</u>	Marjo Curgus <u>AYE</u>	Paul Rauschke <u>AYE</u>
Hank Held <u>AYE</u>	William Baker <u>AYE</u>	JoAnne Allen <u>AYE</u>
Thomas Dumas <u>AYE</u>	Sara Anderson <u>abstain</u>	Bill Marsheim <u>abstain</u>



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Secretary to the Planning Commission