The Board of County Commissioners met in regular session on April 13, 2022. Those present for the session were Lynn M. Padgett, Chair; Jake Niece, Vice-Chair; Ben Tisdel, Commissioner Member (via Zoom for a portion of the meeting); Connie Hunt, County Administrator; Leo Caselli, County Attorney; and Hannah Hollenbeck, Deputy Clerk of the Board.

- Note – This meeting was recorded for reference purposes.

A. 9:00 The Board of County Commissioners convened as the Board of Health concerning the following:

1. Public Health Director Update:
   Tanner Kingery, County Public Health Director, was present.
   Kingery updated the Board regarding a national outbreak of Avian Flu, a local case of cryptosporidiosis, and COVID-19 case counts.
   Kingery said that he was working with the Town of Ridgway to being wastewater monitoring.
   Kingery said that the case counts were artificially inflated due to the backlog of testing form the Omicron surge that were just now being reported.
   Kingery said that the County’s vaccination rate remained at 75.7%. He said Public Health Staff remained busy administering booster dosages and tests.

B. 9:22 Call to the Public:
   The “Call to the Public” agenda item is a time when the public may bring forth items of interest or concern. No formal action may be taken on these items during this time due to the open meeting law provision; however, they may be placed on a future posted agenda if action is required.

There were no “Call to the Public” items.

D. 9:23 General Business:

1. Request for approval of warrants:
   The Board discussed the expense for autopsies in the Coroner’s budget and an electric bill to San Miguel Power Association.
   M/S/P – Motion was made by Commissioner Tisdel and seconded by Commissioner Niece to approve the warrants as presented. The motion carried unanimously.

2. Update of March 28, 2022 Memorandum from Ouray County to State Land Board regarding Right-of-Ways Subject to BLM Indemnity Transfer:
   Caselli provided a brief history of the proposed transfer, and his involvement to ensure that County right-of-way was preserved. The Board discussed the process and the agreed to authorize Caselli to continue to monitor the transfer.

4. Request for approval and authorization of Chair’s signature on Mineral Material Free Use Permit for the County Road 10 Gravel Pit with the BLM:
   M/S/P – Motion was made by Commissioner Niece and seconded by Commissioner Tisdel to approve and authorize Chair’s signature on Mineral Material Free Use Permit for the County Road 10 Gravel Pit with the BLM. The motion carried unanimously.

3. Request for adoption of Resolution 2022-013 Adopting an Investment Policy:
   Jill Mihelich, County Treasurer and Public Trustee, was present.
   Mihelich explained the request. She said that it was an annual statement regarding investments.
   The Board discussed including credit unions to the list of banking institutions, but ultimately decided no changes were needed.
   M/S/P – Motion was made by Commissioner Niece and seconded by Commissioner Padgett to adopt Resolution 2022-013 Adopting an Investment Policy.
   A roll call vote was taken on the motion with the following results:
   Commissioner Tisdel voted in the affirmative.
   Commissioner Padgett voted in the affirmative.
   Commissioner Niece voted in the affirmative.
   There was no discussion. Motion passed unanimously.

C. 10:03 The Board of County Commissioners convened as the Board of Social Services to consider the following item:

1. Request for approval and authorization of Chair’s signature on Child Care Service Agreement with the Voyager Youth Program for Summer Enrichment Program and on the Fiscal Impact Form:
   Carol Friedrich, County Social Services Director, was present.
Friedrich explained that Voyager Youth Program would utilize unspent Temporary Aid to Needy Families (TANIF) funds to offer scholarship funds for the Summer Enrichment Program.

**M/S/P** – Motion was made by Commissioner Tisdel and seconded by Commissioner Niece to approve and authorize Chair’s signature on Child Care Service Agreement with the Voyager Youth Program for Summer Enrichment Program and on the Fiscal Impact Form. The motion carried unanimously.

D. 10:08 General Business:

5. Request for reappointment of one member and appointment of one member to the Right-to-Farm Agricultural Review Committee:

**M/S/P** – Motion was made by Commissioner Niece and seconded by Commissioner Tisdel to reappoint Ken Lipton for a term to expire on August 21, 2024, and appoint Roscoe Ferguson for a term to expire on April 1, 2024 to the Right-to-Farm Agricultural Review Committee. The motion carried unanimously.

[Commissioner Tisdel joined the meeting in-person.]

6. Request for reappointment of two members to the Ouray County Planning Commission:

Commissioner Padgett requested that the request be tabled. She said that she needed additional time to review the public comment received regarding the candidates. Caselli advised the Board to disregard the material received for the Planning Commission appointment during consideration of the Special Use Permit public hearing later in the meeting; he said that a candidate seeking reappointment was also listed as an applicant for the Special Use Permit hearing and the public comment received for the reappointment request was not germane to the Special Use Permit public hearing.

The Board requested that a work session to discuss developing a policy for public comments be added to the Work Session list.

7. Request for adoption of Resolution 2022-014 approving a Final Plat Amendment of Fairway Pines Estates Village 6A, Lot V609 – Cimarron View Townhomes III: (This application was approved by the Board during the April 5, 2022 meeting.)

**M/S/P** – Motion was made by Commissioner Niece and seconded by Commissioner Tisdel to adopt Resolution 2022-014 approving a Final Plat Amendment of Fairway Pines Estates Village 6A, Lot V609 – Cimarron View Townhomes. The motion carried unanimously.

10:24 Break:

E. 10:30 The Board of County Commissioners convened as the Board of Adjustment to consider the following item:

| Application: | Request for approval of a variance from the maximum size of an “Accessory Dwelling Unit (ADU)”, as defined by Section 2 of the Land Use Code. |
| Applicant: | NDTCO, Trustee, FBO, James D. Worrell, IRA |
| Location: | Lot 5 of the Last Stand Subdivision (Parcel #430310417005) |

Bryan Sampson, County Senior Planner, was present.

Commissioner Padgett opened the public hearing and explained the procedures. Commissioner Padgett invited staff to make a presentation.

**Staff Presentation**

Sampson explained that the applicant was seeking a variance from the dimensional standard in the definition of “Accessory Dwelling Unit” (ADU) to construct a 964 square foot ADU on a 2.715 acre parcel. Sampson said that ADUs were limited to 800 square feet on parcels that were less than three acres. Sampson explained that to construct the ADU at 800 square feet or less would require the need for a ladder or steep staircase to access the loft level. Sampson said that the applicant had claimed this as a hardship, as it was not an ideal situation as they aged.

Sampson said that if the Board approved the request, staff was recommending that the variance expire three years from the date of approval, unless the ADU had been constructed.

**Applicant Presentation**

Jim Worrell, applicant, explained that the proposed ADU was a small log home that he and his wife planned to live in while the primary dwelling unit (PDU) was being constructed.

**Questions on Presentations**

Commissioner Tisdel said that the review criteria was listed in Section 12.5(A) of the Land Use Code. Caselli agreed. He said that the Board needed to determine if the property had characteristics that lead to exceptional narrowness, shallowness, shape, or other exceptional situation or condition.

Commissioner Tisdel asked if the PDU was already permitted or under construction on the property. Worrell said that it was not.

Sampson clarified that, if approved, Land Use staff would request that the Board designate the first structure as the ADU. He said that it would help clarify the record for the future.

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Worrell clarified that the purpose of building the ADU first was to allow him to be present and part of the construction process of the PDU.

Commissioner Padgett asked if there was a minimum size for a structure. Sampson said that there was not an expressed limitation on minimum size; he said that there was a practical minimum based on the requirement to construct a dwelling unit to the Building Code.

Commissioner Padgett asked if there was anything in the Land Use Code that prohibited the change of a PDU to an ADU. Sampson said that there was not, but that designating the unit as an ADU would help maintain a clean record when the applicant applied for and constructed the PDU. Commissioner Padgett questioned why staff would want the structure classified as an ADU from the outset – she could envision a situation where the applicant’s plans changed and they wanted to build an 800 square foot or less ADU on the property, instead of the large home they planned. Worrell responded that it simply his desire to clearly communicate their intentions for the three acre property. He said that the topography of the site was such that the ADU would be within 98 feet of the PDU.

Commissioner Padgett questioned how the hardship was alleviated as the plans still included a loft with a ladder. Worrell explained that the additional square footage would allow the bedroom to be on the first floor, instead of in the loft space. He said that the loft space had been reduced and would only function in a storage capacity.

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Commissioner Padgett confirmed with Sampson that the square foot limitation was for the entire structure, not building footprint.

Commissioner Niece said that he was aware there were some situations where lofts were not considered in the square foot total. Sampson said that it had to do with amount of headroom. He said that as stipulated in the plans, the height of the loft was higher than the minimum and therefore included in the total square footage.

Worrell asked about the process if he elected to build the ADU as the PDU, and then change the classification upon construction of the PDU. Caselli said that the dwelling units would have be constructed according to the Code; he said that the ADU would be limited 800 square feet absent a variance approval.

Public Comment

Commissioner Padgett opened the hearing for public comment.

Worrell stressed that the Last Stand Subdivision was very small, with only six lots and that neighboring property owner’s supported approval of the variance.

Hearing no other public comment, Commissioner Padgett closed the public comment portion of the hearing.

Deliberation

Commissioner Niece agreed that it would be cleaner to designate the ADU as such. He did not support classifying the structure as the PDU.

Commissioner Niece said that the criteria for a variance was limited to being a physical feature of the property: he said that the age of the owner was not a feature of the property. Additionally, Commissioner Niece pointed out that a loft was still contemplated by the building plans. He said that his inclination was to deny the variance there was no hardship.

Commissioner Padgett reiterated her point that there was no guarantee that the applicant would construct the PDU. She said that constructing the ADU first to allow the applicant to be present on the property while the PDU was constructed as a convenience and did not rise to the level of exceptional hardship.

Commissioner Niece confirmed that denial of the variance would require the ADU to be built within the requirements of the Land Use Code. Caselli agreed – he said that if the applicant claimed the ADU was the PDU now, he would have to seek a variance for the 3,000 square foot structure currently proposed as the PDU.

Commissioner Padgett asked if the Board found it had been presented with compelling evidence regarding the property’s shallowness, narrowness, or shape. The Board agreed that no compelling evidence had been presented.

Commissioner Padgett asked if the Board found the property contained exceptional topographical conditions. The Board agreed that the property did not contain any exceptional topographical conditions.

Commissioner Padgett asked if the Board found that practical difficulties had been placed on the property owner. The Board agreed that no evidence had been presented regarding practical difficulties placed on the property owner.

M/S/P – Motion was made by Commissioner Tisdel and seconded by Commissioner Niece to deny an application for a variance from the maximum size of an "Accessory Dwelling Unit (ADU)" as defined by Section 2 of the Land Use Code, applied for by NDTCO, Trustee, FBO, James D. Worrell, IRA for a property located at Lot 5 of the Land Stand Subdivision, based on the findings agreed to by the Board of Adjustment.

A roll call vote was taken on the motion with the following results:

- Commissioner Tisdel voted in the affirmative.
- Commissioner Padgett voted in the affirmative.
- Commissioner Niece voted in the affirmative.

There was no discussion. Motion passed unanimously.

Commissioner Padgett closed the public hearing.

11:17 Break:

F. 11:30 The Board of County Commissioners left their Regular Meeting to attend a Joint Meeting with the Northern Ute Tribe Elder Committee to discuss the renaming of a gulch on the northern slopes of
Hayden Mountain in Ouray County. At the conclusion of the Joint Meeting, the Board reconvened back into Regular Session.

[Note: the Zoom meeting for the BOCC meeting remained in session for the benefit of the public participating on that platform.]

The Board agreed to allow the Ute Tribe Elder Committee to come up with a name recommendation for the gulch. The Board also agreed to consider alternate name(s) for Hayden Mountain and Trail, should the Committee determine.

G. 12:14 Top of the Pines, Inc. (TOP):

1. Request for approval and authorization of Commissioner’s signatures on letter supporting and approving Top of the Pines, Inc. pavilion remodel:

Brad Wallis and Robb Austin, TOP Board Members, were present.

Commissioner Niece, Board liaison to the TOP Board, presented the plans.

M/S/P – Motion was made by Commissioner Padgett and seconded by Commissioner Niece to approve and authorize Commissioner’s signature on a letter supporting and approving Top of the Pines, Inc. pavilion remodel. The motion carried unanimously.

12:37PM Break:

H. 1:30PM Public Hearing – Special Use Permit - Temporary Use:

Request: Approval of a Special Use Permit – Temporary Use to operate a commercial “wedding venue”

Applicant: Mark and Andrea luppenlatz, representing Lake Cabin, LLC

Location: 2361 County Road 31, “Red Mountain Alpine Lodge”

Mark Castrodale, County Planning Director, was present.

Commissioner Padgett opened the public hearing and explained the procedure.

Commissioner Padgett invited staff to make a presentation.

Staff Presentation

Castrodale explained that the applicant had applied for a Temporary Use Special Use Permit (SUP) to operate a "wedding venue" at 2361 County Road 31. He said that the applicant also had a SUP to operate a Bed and Breakfast at the Red Mountain Alpine Lodge (“RMAL,” “Lodge”). Castrodale said that the applicant was proposing limited operation from May to October, a maximum of 50 guests, and requiring all guests not staying at RMAL to be shuttled to / from the venue.

Castrodale said that the Bed and Breakfast and Wedding Venue were clearly intended to complement each other.

Castrodale discussed the limitations of the liquor license. He said that the Clerk and Recorder had provided a response clarifying that the Bed and Breakfast had a Lodging and Entertainment liquor license which limited the licensed premises to the Lodge only. Castrodale explained that wedding parties could bring their own alcohol for areas outside the Lodge.

Castrodale said that staff had proposed a condition to address this limitation.

Castrodale explained that onsite posting and notices had been completed according to the requirements set forth in the Land Use Code. Additionally, Colorado Parks and Wildlife had also reviewed the application.

Castrodale said that the application met the definition of Temporary Use – Special Use Permit in Section 2 of the Land Use Code, and Section 5 for the proposed Temporary Use to operate a commercial wedding venue. Castrodale said staff recommended approval of the application, with the ten conditions in the staff report, noting that Condition 11 had been met.

Applicant Presentation

Andrea luppenlatz, representing Lake Cabin, LLC, said that RMAL had operated for four seasons, enduring closures of Red Mountain Pass, COVID-19, and other challenges. She was pleased to report that the facility had just received its 102nd five-star review. luppenlatz said that many guests had inquired about the possibility of hosting “micro” weddings at the Lodge and on the property. She thought it was in-line with the business model and realistic to host no more than 50 people per wedding. luppenlatz said that RMAL had a 20 person capacity, leaving 30 guests to be shuttled to and from the property. luppenlatz explained that the wedding party would be required to provide a shuttle for non-Lodge guests, port-a-potties, power, liquor, catering, and tent structures. luppenlatz said that the event would be much less impactful compared to recreational traffic experienced during the summer months on County Road 31.

Commissioner Padgett noted that one additional public comment letter had been received by the deadline of 5:00PM on April 12, 2022. Caselli cautioned the Board to not consider the public comment received regarding the Planning Commission reappointment.

Questions on Presentations

Commissioner Tisdel said that the Google Earth image showed a business near or on the RMAL property named “Adventures at Red Mountain.” He asked if that was a business associated with the Lodge. Castrodale said that the pin was generated from Google and was not done by staff. luppenlatz said that there was no commercial entity located there. Commissioner Tisdel asked if commercial horseback riding occurred there. Commissioner Padgett said that there was a letter of support included in the staff report from Action Adventures. luppenlatz said that there was not a business that operated at that location.

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Commissioner Tisdel asked if there was a limitation on the number of Special Use Permits that could be on a property. Castrodale read from the Land Use Code Section 5.10 regarding multiple SUPs and the consideration of cumulative impacts. He said that the Code did not prohibit multiple Special Use Permits — only that the application may be denied or conditions may be added to address or mitigate incompatibility or cumulative impacts. Commissioner Padgett asked if a cumulative analysis was performed by staff. Castrodale said that it was done, he said that it was not specifically called out in the staff report but that he believed the two Special Uses were complimentary. Commissioner Padgett asked if staff reviewed the cumulative impacts of things like noise, dust, smoke, light pollution, and noise, and if the multiple uses required mitigation or avoidance. Castrodale said that those nuisance items were discussed and reviewed in great detail. Castrodale said that a wedding event was a short-term event that typically resulted in the removal of items after the event. He said that there was some amplification of sound anticipated, but said that reasonable accommodations had been proposed by the applicant. He said that the event would not result in a preponderance of cars parked on the road, as there would be a shuttle for the majority of attendees.

Commissioner Tisdel asked where the event staff would park. Nate Disser stated that support staff would be encouraged to shuttle or carpool.

Commissioner Niece asked about the configuration of the Lodge. Luppenlatz said that the Lodge could accommodate up to 20 guests. Commissioner Padgett asked if caretakers resided onsite. Luppenlatz said that one or two innkeepers sometimes stayed on site.

Commissioner Padgett asked about the requirement for shuttling guests of the Bed & Breakfast during the winter months. Luppenlatz said that if guests requested a shuttle, it was provided; she said that some guests elected to park in the right-of-way or shoulders of Highway 550 near the Lodge. Commissioner Padgett asked how the parking scheme would be different in the summer and fall season. Luppenlatz explained that the driveway to the Lodge was accessible during non-winter months. She said that there was a parking area on the property that accommodated approximately six vehicles.

Commissioner Padgett asked how many vehicles parked on the shoulder where County Road 31 and Highway 550 met during the winter months. Disser said that there was no way to determine that number. Commissioner Padgett explained that she was trying to get a handle on the vehicle number to determine on- and off-site impacts. She asked if the six parking spaces on the property would be available to guests. Luppenlatz said they were.

Commissioner Padgett asked where the port-a-potties would be located. Luppenlatz said that they would be placed in the meadow.

Commissioner Padgett asked if there were situations where the tent would stay up between events. Luppenlatz said that the tents would be removed after every event.

Commissioner Padgett asked how Luppenlatz anticipated the traveling public on County Road 31 interacting with the venue. Disser said that it was not reasonable to legislate how people spent their time; he said that people were allowed to use the road. Disser said that renters of the Lodge would be made aware of that. Mark Luppenlatz said that the meadow was buffered from the road. He added that there were a series of potholes that were very deep along that section of County Road 31, requiring vehicles to drive very slowly through that area.

Commissioner Tisdel said that there were a few "private property" signs on or near the RMAL property. Mark Luppenlatz said that he had installed a few signs as there had been issues with trespassing and camping on private property.

Commissioner Tisdel asked about the potential for noise from the venue. Disser said that there may be occasions of intermittent cheering, but that the nature of micro weddings to allow for small gathering.

Commissioner Tisdel asked about the yoga platform referenced in the packet. He asked if it was a temporary structure, or if a building permit was needed. Luppenlatz said that it was a temporary platform that had been constructed legally.

Commissioner Padgett asked how the shuttle could be required for the wedding guests, but not required for the winter guests. Luppenlatz explained that there would be a contractual requirement for a shuttle for non-guests of the Lodge for weddings. Commissioner Padgett said that she did not see any requirement for day-time events only. She asked if the time of day for the weddings would be limited. Luppenlatz said that she did not want to limit it. Luppenlatz noted that it was not her intention to have large, raucous events. She said that the RMAL attracted outdoorsy people who wanted small, intimate gatherings.

Commissioner Padgett asked about the impacts from lights from events on users of Red Mountain #3. Disser said that lights would only be allowed from the aspect of user safety and way finding. Luppenlatz added that it was light until about 10pm during the summer months — she didn't anticipate the wedding or festivities to continue past that time, particularly outside in the meadow.

Commissioner Padgett said that there were places in the packet that lacked detail. She said that there were multiple places in Ouray County that held an International Dark Sky Association designation. Commissioner Padgett said that there may be situations where event planners would not think to have downcast lights. She asked if Luppenlatz would be willing to adhere to the Dark Sky standards. Luppenlatz said that she would.

Commissioner Padgett said that a micro-wedding of fifty people or fewer could have a significant impact on the alpine area. She said that she was trying to understand the impacts and the steps the applicant had taken to mitigate the impacts. Disser said that they would be willing to adhere to Dark Sky standards; he recognized that there was still lots to learn about the impacts.

Commissioner Tisdel asked how catering would be done. Luppenlatz said that all catering would be brought in; she said that RMAL facilities would not be available to caterers for use. She said that the limitations on running water, electricity and other utilities made the activity self-limiting.

Commissioner Tisdel questioned if a Special Use Permit was the appropriate license for the proposed activity. Castrodale said that he was relying on the definition of "Temporary Use." It was his opinion that the proposed use fit within the criteria of the definition and allowed for weddings only. Commissioner Tisdel said that he was looking for specificity in order to...
limit intentional or unintentional misuse. Caselli clarified that the Board could agree to additional conditions that narrowed the use specifically to weddings.

Commissioner Tisdel asked how many weddings were anticipated to occur in a season. luppenlatz was not sure as it was something that she had not previously offered or allowed. Mark luppenlatz anticipated no more than one wedding per week during the allowed timeframe.

Commissioner Padgett was concerned about the impacts of setting up tents. Commissioner Tisdel agreed: he said that the larger tents were held in place with large stakes. Commissioner Tisdel suggested that the Board consider a condition requiring that all trash be removed from the property. The Board agreed to consider adding more specificity to Condition 5.

Public Comment

Commissioner Padgett opened the hearing for public comment.

Trevor Peterson, Ouray resident, said that he had initially been concerned about the parking situation on Red Mountain Pass. He said that the application stated that all wedding guests not staying at the RMAL were required to be shuttled to and from the event. He said that there were lots of uncertainty about what that meant. He said that the operators of the RMAL had previously agreed to shuttle guests of the Lodge to and from the property during the winter months, however, the operators had interpreted the condition as being an "as requested" service, and not a requirement. Peterson said that parking on Red Mountain Pass during the winter season was already challenging, causing him to avoid the area. He noted that when RMAL hosted backcountry guide trainings, nearly every parking area and shoulder near the Lodge was taken. He anticipated that adding weddings to the situation would make it unmanageable. Additionally, Peterson said that there was uncertainty to what the weddings would actually look like. He said that there may be generators, lights, and other impacts. He said that there needed to be more clarity and certainty. Peterson said that he was concerned with the impacts to the alpine area based on the applicant's answers.

Erin Stadelman, County Resident, said that she had provided flowers to the venue as a vendor. Stadelman said that the RMAL had previously agreed to shuttle guests of the Lodge to and from the event. He said that there was uncertainty to what the weddings would actually look like. He said that there may be generators, lights, and other impacts. He said that there needed to be more clarity and certainty. Peterson said that he was concerned with the impacts to the alpine area based on the applicant's answers.

Hearing no other public comment, Commissioner Padgett closed the public comment portion of the hearing.

Deliberation

Commissioner Padgett said that the decision criteria was set forth in Section 3.8(A) and in the definition of "Temporary Use" found in Section 2.

Commissioner Padgett asked if the Board found that the applicant had met the requirement in Section 2 - Temporary Use (A) and that the activity would no continue for a period in excess of 180 consecutive days in a calendar year. The Board agreed that the provision had been met.

Commissioner Padgett asked if the Board found that the request was for an activity that was not residential in nature as required in Section 2 - Temporary Use (B). The Board agreed.

The Board agreed to discuss (C), after (D) and (E).

Commissioner Padgett asked if the Board found that the proposed activity would not permanently alter the land and did not require the use of permanent structures as stated in (D). Commissioner Niece said that the applicant's appeared to have met the provision. Commissioner Tisdel was uncertain: he referenced the stakes used by the tents. Commissioner Padgett agreed that it was a gray area: she said she could find that it met the provision. The Board agreed.

Commissioner Tisdel asked what the proposed term of the Permit. Castrodale said that as it was a new type of activity, staff was recommending a two season term to expire on December 20, 2023, which also synched with the RMAL Special Use Permit - Bed & Breakfast. Caselli said that he needed to review the terms of Resolution 2018-008, which approved the RMAL Special Use Permit. Commissioner Padgett indicated that she also had a question on Resolution 2018-008 Condition 14.

The Board returned to the criteria set forth in Section 2 - Temporary Use (C) which requested that the Temporary Use did not emit or create excessive noise, smoke, dust, light, or other pollutant.

After the break, Caselli explained that staff was proposing synching the Temporary Use Special Use Permit with the existing Bed & Breakfast Special Use Permit, subject to a staff level renewal upon the termination date. Castrodale clarified that if any complaints were received during the permit period, the renewal application would be brought to the Board.

Commissioner Tisdel asked if any bookings had been received for the 2022 season. luppenlatz responded that she had received a few requests for September.

Commissioner Niece said that he was in favor of accepting staff's recommendation regarding the term.

The Board returned to the criteria set forth in Section 2 - Temporary Use (C) which requested that the Temporary Use did not emit or create excessive noise, smoke, dust, light, or other pollutant.

Commissioner Niece said that the impacts from the proposed use appeared to be less disruptive than other activities that occurred in the area. He said that the location was between Highway 550 and County Road 31, which was highly trafficked by off-highway vehicles (OHVs). He said that the applicant had indicated a willingness to adhere to Dark Sky requirements.

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Commissioner Tisdel added that as each event would be different, the applicant could help to model and good behaviors.

Commissioner Padgett said that absent adding a condition prohibiting the amplification of music, while allowing limited amplification during the ceremony, she could not find that the impacts had been mitigated.

Commissioner Niece said that he was looking at the conditions from a lens of what was reasonable to ask of the venue host. He asked if it was realistic to require the host to verify each attendee was riding a shuttle. Commissioner Padgett said that public comment had been received indicating that there was an issue with parking near the site. Commissioner Padgett said that if she was going to find that there were no impacts there needed to be a requirement for no off-site parking. Commissioner Niece thought that it was reasonable; he recognized and agreed that there was an issue with winter parking on Red Mountain Pass in general. He said that the applicant accepted a condition requiring all non-Lodge guests to be shuttled.

The Board agreed to the condition prohibiting the amplification of music, other than during the ceremony.

Commissioner Padgett queried if the applicant would be amenable to a condition prohibiting bonfires and campfires. Luppenlatz said that it was acceptable, with the exception of the propane fire pit located at the Lodge. The Board agreed to the additional condition.

The Board agreed to a previously discussed condition to require compliance with Dark Sky regulations.

Commissioner Padgett asked if the Board found that the application was inconsistent with the purpose of the Land Use Code as required by Section 2 - Temporary Use (E). Commissioner Niece said that he found it consistent with the Code, particularly with Section 24 - High Alpine Development Regulation, as it was limited development on an already developed parcel. Commissioner Tisdel said that given the conditions, the proposed use appeared to be consistent with the Land Use Code.

Commissioner Padgett noted that the public comment indicated that the property would be the only outdoor wedding venue in the County; she noted that this statement was incorrect as there were a number of venues in the County that hosted outdoor weddings. She said that point in public comment did not influence her decision, as it was not germane. Commissioner Niece agreed.

Commissioner Padgett asked if the Board wanted to consider additional conditions regarding cumulative impacts under the provisions of Section 5.10. Caselli cautioned the Board that if they wanted to impose additional conditions regarding shuttling clients during the winter months, as governed by Resolution 2018-008, it needed to be done in a separate proceeding. Commissioner Padgett noted that the Board had agreed to require an additional condition requiring the utilization of a shuttle service for all non-Lodge wedding guests. The Board agreed that parking on Red Mountain Pass during winter months was a concern. Disser responded that RMAL and the Colorado Department of Transportation (CDOT) had a good working relationship. He said that the operators of the Lodge had quickly responded to any minor parking issues at the intersection of Highway 550 and County Road 31, when guest vehicles were involved. He said that there had been a dramatic increase in public and private use in the area from backcountry skiers, avalanche courses, and other recreational uses. Caselli said that as parking was tied to the Special Use Permit application criteria, the Board could require the use of a shuttle, as had been discussed, or could prohibit parking with a certain radius of the Lodge. Commissioner Padgett said that she wanted to be clear that there be no offsite parking associated with the Special Use Permit. Commissioner Niece agreed.

The Board agreed to an additional condition that prohibited off-site parking, and required all Lodge guests to park in available on-site parking. All non-overnight guests were required to be shuttled to the location.

Commissioner Tisdel asked if the Board would consider limiting the number of weddings in order to control and mitigate unknown impacts. Commissioner Padgett and Commissioner Niece agreed that the conditions proposed by staff and the Board would help to manage any impacts. Commissioner Padgett said that the Board also could address complaints or issues outside of the renewal process. Commissioner Tisdel said that if the use was going to be unrestricted, his finding that (C) had been meet needed to be reversed: he said that if the use was not constrained, it may be excessive.

Commissioner Tisdel said that there may be commercial horseback riding operation on, or adjacent to the property. Luppenlatz attested that there was not a commercial horseback riding operation on the property. Commissioner Padgett said that the operation could not occur without a Special Use Permit, but that it was not germane to the application.

4:03 – 4:05 Break:

Caselli reviewed the additional conditions.

Commissioner Tisdel asked if an additional condition was needed limiting the activities to weddings only. He asked about civil unions, hand fastening ceremonies, and other types of weddings. After a discussion, the Board agreed to a condition that limited the events to weddings, marriage ceremonies, civil ceremonies, or substantially similar events.

The Board agreed to an additional condition limiting the Temporary Use to 180 days per calendar year, May through October.

M/S/P – Motion was made by Commissioner Niece and seconded by Commissioner Padgett to approve a Special Use Permit – Temporary Use to operate a commercial "wedding venue" located at 2361 County Road 31 "Red Mountain Alpine Lodge", as applied for by Mark and Andrea Luppenlatz, representing Lake Cabin, LLC with the staff proposed conditions, as amended, and with the additional conditions as discussed.

A roll call vote was taken on the motion with the following results:

Commissioner Padgett voted in the affirmative.
Commissioner Niece voted in the affirmative.
Commissioner Tisdel voted in the affirmative.

There was no discussion. Motion passed unanimously.

April 13, 2022
Commissioner Padgett closed the public hearing.

The Board agreed to continue the regular meeting to 2:00PM on April 14, 2022 for Commissioner / Administrative Reports.

4:23 Recess:

April 14, 2022 Regular Meeting Continuation:

I. 2:00 Commissioner/Administrative Reports:

1. Upcoming Work Session Review:

Leo Caselli, County Attorney, discussed the following:

1) Pending and Completed Projects - Caselli said that he would provide a list of pending and completed legal items to the Board.

Commissioner Padgett discussed the following:

1) Blue Lake Visitor Study Comment Letter - Commissioner Padgett said that comments on the Study were due May 16th. The Board agreed to authorize her to draft a comment letter for consideration.

2) Thank You to Ute Elder Committee - The Board authorized Commissioner Padgett to draft a thank you letter to the Committee, and continue work to schedule a government to government meeting.

3) Formal and Informal Request for Proposal Process - Commissioner Padgett said that the process could be streamlined. The Board authorized Hunt and Caselli to being reviewing the County’s Procurement policy for revisions.

4) Summer and Fall Scheduling - Commissioner Padgett said that she had been accepted to a Harvard Masters of Public Policy program. She said that it was an accelerated course, which would allow her to complete the program in 100 days. Commissioner Padgett explained that she was still deciding if she would attend the program as she would need to attend Commissioner Meetings remotely in July, September, October and December. Commissioner Padgett said that she was awaiting the final course schedule to determine if she would attend or not.

Commissioner Tisdel discussed the following:

1) No Camping Signs - Commissioner Tisdel had received a request from a County Road 5 resident to install “no camping” signs at the Pohl Parking lot. The Board agreed to discuss signage and a possible ordinance to address concerns of extending camping in County Road rights-of-way.

2:43 The Board of County Commissioners adjourned the regular session.

Attest: Michelle Nauer, Clerk and Recorder
By: Hannah Hollenbeck, Deputy Clerk of the Board