

November 14, 2014

Lor Pellegrino, AICP,
Senior Planner
Teller County Community Development Services
P.O. Box 1886,
Woodland Park, CO 80866

Dear Ms. Pellegrino,

RE: Application by Sanborn Western Camps for a text amendment to the Teller County Land Use Regulations in respect of the Teller County, Camps, Retreats, and Outdoor Education Facilities.

I write to provide our formal response to comments from review agencies and the public in relation to the above application for a LUR text amendment. As a result of these comments we have made some changes to the proposed text amendment, which are attached and identified in blue. These are provided to clarify some misunderstandings regarding the intent of the text amendment.

Below is a point by point response to the agency comments and a summary response to the principal issues raised in the public comments (our responses are in blue). I will be forwarding these directly to the review agencies and individuals who provided comments.

RESPONSE TO REVIEW AGENCY COMMENTS:

Divide Planning Committee

1. In Amended Section 8.3.Y.1. Definition, it states in the final sentence of the second paragraph "Campground/recreational vehicle areas do not require a separate use permit if operated as part of a Recreation Camp/Retreat/Outdoor Education Facility", there is concern that this would create undue traffic and expansion that circumvents the public process. [The purpose of the above referenced sentence is to ensure that so long as the campground/ recreational vehicle component is ancillary to the primary Recreation Camp/Retreat/Outdoor Education use, it should not be evaluated as a primary use that requires a Special Use Permit.](#)
2. In Amended Section 8.3.Y.2.a. Minor Expansion of Existing Facilities, the term 'intensity of use' does not appear to be clearly defined; square footage may be a more appropriate term. 'Intensity of use' could reach far beyond the physical limits of an existing structure and/or a proposed new structure. [The existing LUR defines intensity of use as "the level of activity anticipated for any use of a given lot, parcel or tract." In relation to Recreation Camp, Retreat or Outdoor Education Facilities, the intensity of use is defined by the existing activities on the site, building square footage, and number of guests that can be accommodated. Existing intensity of use will be fixed at the time of the first](#)

submittal and is not cumulative. This clarification is now included within the revised LUR text amendment attached.

3. In Amended Section 8.3.Y.2.a Minor Expansion of Existing Facilities, it states that ‘The requirements of Chapter 4 Infrastructure, Chapter 5 Site Development, and Chapter Critical Areas of these Regulations will not apply to minor expansion of existing facilities within the thresholds identified above’ the DPC does not feel as though it is appropriate to simply disregard these sections of the code. [The proposed 20% or 40 bed limit has been selected to ensure that external impacts of any expansion are minimal and should not give rise to the type of detailed analysis required under Chapters 4, 5 & 6 of the LUR.](#)
4. In Amended Section 8.3.Y.2.a Minor Expansion of Existing Facilities a timeline has not been included to prevent a Recreation Camp/Retreat/Outdoor Education Facility’ from expanding 20% or 40 beds at a time every six months. We realize that current facilities do not have the intention of doing this, but in the best interest of the public we feel a timeline should be included to limit the frequency of the ‘Minor Expansions’. [It is not the intent to allow unlimited expansion. Clarification of this matter is now included in the revised LUR text amendment attached. This makes it clear that the 20% or 40 bed limit is a maximum and is not cumulative.](#)
5. In Amended Section 8.3.Y.2.a Minor Expansion of Existing Facilities it does not appear as though a public notification process has been included. While it is defined as a ‘Minor Expansions’, as residents of Teller County, it would be much appreciated to be made aware of ‘Minor Expansions’ in our various neighborhoods. A Public notification process should be included. [It is not the intent of this LUR amendment to circumvent the public notification process. Public notification is part of the administrative procedures in the LUR in relation to all planning submittals and this requested LUR amendment is not seeking any change to that process.](#)

Teller County DOT

1. There is no indication that existing traffic data (volume and/or types) is proposed to be tracked or supplied, nor that any increased data is proposed to be tracked or supplied. If each “Minor expansion” (whether by expansion of existing structure or construction of a new structure) is allowed to increase intensity up to 20% or 40 additional overnight beds, it seems theoretically possible that the potential to additional impacts are endless, both in intensity and overnight beds. How will any 20% increase be handled? What data is proposed to be provided (both existing and new) to assure that no minor expansion results in greater than 20% increase in intensity of use than what is currently present? [It is not the intent to allow unlimited expansion. Clarification of this matter is now included in the revised LUR text amendment attached. This makes it clear that the 20% or 40 bed limit is a maximum and is not cumulative. Existing traffic data is included as a requirement to establish the existing intensity of use on the site. As part of any minor expansion proposal, the applicant will be required to provide the necessary information, including traffic data, to demonstrate that the increase in intensity of use is within the thresholds identified in Section 8.3.Y.2.a.](#)
2. Applicant states that “The proposed text amendment will not lead to “sprawl in development” or increase the strain on public facilities and services.” If no strain on public services is to be realized for the theoretically possible unlimited expansions of 20% each, how can the statement be true?

Again, what data is to be provided to prove and confirm such statement? As noted above, it is not the intent to allow unlimited expansion. Clarification of this matter is now included in the revised LUR text amendment attached. This makes it clear that the 20% or 40 bed limit is a maximum and is not cumulative. On this basis, it is considered that the original assertion that the proposed text amendment will not lead to “sprawl in development” is reasonable.

3. There are no items related to demonstration of adequate legal access if not directly abutting County-maintained road(s) or dedicated public use road(s). The revised LUR text amendment incorporates this as a requirement of any submittal.

Four Mile Regional Planning Committee

1. Definition in the proposal of “Recreation Camp, Retreat or Outdoor Education Facility” is a distinction without a difference when evaluated with regard to potential impact to the common areas of the region. Resorts, camps, campgrounds, retreats, outdoor education facilities, etc. come in all shapes and sizes. The change to the LUR in 1986 was to allow each instance to be evaluated on the basis of its particular impact to the common areas in its own region. Classifying use by intent rather than impact is not congruent with the Four Mile Regional Plan intent and vision. The separation of Recreation Camp, Retreat or Outdoor Education Facilities from the current “Resort” definition is specifically intended to address the different impacts that the existing Camps have in comparison to more commercially-oriented/short-stay Resort operations. Each instance of proposed expansion will continue to be evaluated on the basis of its particular impact to the common areas in its own region, albeit within the specific thresholds identified in the proposed LUR text amendment.
2. The allowance of an increase of intensity of impact by 20% per request with only an administrative review has the ability to allow unlimited quantitative and qualitative growth through multiple incremental requests without community or supporting agency (fire, police, EMS, road and bridge, etc.) involvement. It is not the intent to allow unlimited expansion. Clarification of this matter is now included in the revised LUR text amendment attached. This makes it clear that the 20% or 40 bed limit is a maximum and is not cumulative. The minor expansion application will not circumvent the public/agency notification and review process. This is a standard administrative procedure in the LUR in relation to all planning submittals and this requested LUR amendment is not seeking any change to that process.

RESPONSE TO PUBLIC COMMENT:

Comments have been received from 4 members of the public. Our response is summarized into the following categories:

1. LUR Amendment Process:
 - a. It is suggested that the proposed LUR text amendment is a rezone, not a text amendment, as it relates to specific property, and that the applicants are trying to skirt Spot Zoning. The purpose of the LUR is to provide generic regulations and standards that apply across the

County. Although there are existing properties that will be affected by the text amendment, it is not property specific as it applies equally to prospective new camps that may be proposed in the future on land yet to be identified. The majority of the properties affected by the proposed text amendment are currently zoned A-1 Agricultural, and there is no proposal to change this zoning. The request is to recognize Camps as a permitted use in the existing A-1 zone.

- b. The public comment was also critical regarding the lack of notification to adjoining property owners. As a proposed LUR text amendment is not property specific, such notification was not a requirement of the Teller County submittal process.
2. **Special Treatment:** It is argued that Camps are commercial businesses, regardless of ownership, and should be subject to the same zoning and building regulations as any other commercial business. The Camps are not seeking special treatment based upon ownership. They are simply seeking acknowledgement of the appropriateness of this existing and well established use within the A-1 zone. The distinction sought relates to the nature of the use rather than the nature of the ownership.
3. **Impact:** Camps are not low-intensity, seasonal uses and the impacts need to be addressed, possibly through an impact fee. The majority of Camps in Teller County operate on a seasonal basis, with an average of over 50% of the guests visiting during the busiest summer months (June-August). Visitors to the camps tend to stay for several days at a time and there is very little daily activity to and from the Camps, other than on the day of arrival/departure. The fact that some of the Camps do not pay property taxes does not warrant the imposition of the suggested impact fee, as the Camps generate other positive financial and social impacts on the Teller County economy. Examples are listed below:
 - Donations to community causes.
 - Outdoor education/experience for children and adults.
 - Outdoor Educations programs for Cripple Creek Middle and High School students
 - Direct employment/jobs.
 - Revenue from guests since few are local to Teller County (apply tourism industry multiplier of \$96 dollars a day spent by a visitor to an area).
 - Property purchased by employees – most live off-site
 - Property tax/ income tax paid by employees
 - Property renovation's by employees using local contractors.
 - Employees and guests pay sales tax.
 - Local contractors for maintenance and constructions.
 - Budget is via contributions from outside of Teller County but majority spent inside Teller County.
 - Guests shop at local gift shops, sometimes eat at local restaurants, buy fuel locally.
 - Many guests return for more informal visits when meals are not provided.
4. **Minor Expansion Process:**
 - a. **Public Notification** - It is suggested that including Camps as a permitted use in the A1 zone would remove all public involvement and that adjacent property owners would not know

that a **new** camp was being proposed. The minor expansion application will not circumvent the public/agency notification and review process. This is a standard administrative procedure in the LUR in relation to all planning submittals and this requested LUR amendment is not seeking any change to that process. The requested text amendment does not change the process for **new** Camps, which will be subject to the full SUP requirements currently in force.

- b. Site Plan requirement – Site plans serve a purpose and would only need to be done once; it is not difficult, costly or onerous to go through the SUP process. If a use is permitted by right it would not require CUP, SUP or site plan requirements. The majority of the Camps own extensive acreage, much of which is unimproved so as to provide the natural, outdoor experience sought by their guests. The SUP process requires the submittal of a fully surveyed site plan for the entire property, detailed assessment of the entire property in relation to traffic and environmental impacts, and review by Staff, Planning Commission, with final determination by the BOCC. This lengthy and costly exercise is considered onerous in the context of the scale of minor expansion identified in the proposed text amendment. The request does not seek to circumvent the requirement for a site plan; it simply seeks to provide for more limited review and site plan requirements, proportional to the scale of the expansion proposed.
5. Unlimited Expansion - Any additions or modifications must be considered in its entirety, not piece by piece. A 20% increase at Golden Bell would be 200 additional beds. It is not the intent to allow unlimited expansion. Clarification of this matter is now included in the revised LUR text amendment attached. This makes it clear that the 20% or 40 bed limit is a maximum and is not cumulative. The request proposes a 20% or 40 bed limit, whichever is the smallest; so a minor expansion at the larger Camps would be restricted to 40 beds.

If you have any questions regarding the content or intent of the proposed text amendment please do not hesitate to contact me at 719.471.0073 or abarlow@nescolorado.com.

Sincerely,



Andrea Barlow
N.E.S. Inc.

cc.

Divide Planning Committee (by email)

Teller County DOT (by mail)

Four Mile Regional Planning Committee (by email)

William Buchholz, 3270 County Rd 51, Divide, CO. 80814 (by email)

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