

**AGENDA**  
**OURAY COUNTY PLANNING COMMISSION**  
**PUBLIC HEARING/REGULAR MEETING**

October 20, 2020 4:00 – 6:00 pm  
Meeting to be held at the Ouray County Land Use Office  
111 Mall Road, Ridgway, Colorado

*Due to COVID-19, and pursuant to Resolution 2020-007 participants, including applicants as well as the public, are encouraged to attend via Virtual Meeting. Be aware that if an agenda item finishes early, the Planning Commission may continue on to the next scheduled item.*

**On the web:**            <https://zoom.us/j/96122959367>

**Via telephone:**    **1 669 900 6833**

**Meeting ID:**        **961 2295 9367**

**1.    A.    4:00 Public Hearing**

The Ouray County Planning Commission will conduct a public hearing to review and make a recommendation to the Board of County Commissioners on a request by John Wood via a 'Citizen-Initiated Code Amendment' to revise the definition of 'Commercial Camping When Administered By State/Federal Agencies' in Section 2 of the Ouray County Land Use Code.

**B. Regular Meeting Open:**

- a. Old Business
- b. New Business

**C. 5-Minute Recess to Approve Minutes**

**D. Reconvene**

**2.    Adjourn**



**LAND USE DEPARTMENT**  
**STAFF REPORT**  
**September 30, 2020**

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<b>Application:</b>	Land Use Code Amendment
<b>Project Name:</b>	John Wood, 'Citizen Initiated Code Amendment'
<b>Per Code Section:</b>	14.5 - Code Amendments other than to Zoning Change
<b>Applicant / Agent:</b>	John Wood
<b>Land Use Code:</b>	Sections Affected: <ul style="list-style-type: none"><li>• Section 2 – Definitions</li></ul>
<b>Zoning District(s):</b>	Alpine, High Mesa, Public Lands
<b>Case Manager:</b>	Mark Castrodale

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**Request:**

The applicant has submitted a request to amend/revise Section 2 of the Land Use Code. The application is submitted under the provisions of Section 14.5 of the Land Use Code.

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**Process for Land Use Code Amendment:**

The process to for a citizen to propose an amendment of the Land Use Code is provided for in Section 14.5 of the Land Use Code. That section is as follows:

**14.5 CODE AMENDMENTS OTHER THAN TO CHANGE ZONING:**

- A.** Any amendment to this Code may be initiated by the County, by private citizens or by a private or public entity. A written request for amendment shall be submitted to the Planning Commission through the Land Use Administrator, along with any required processing fee as may be set by the BOCC. Any proposed Land Use Code amendments shall be drafted in a form consistent with the organizational format and style of this Code.
  
- B.** After receipt of a properly drafted written request for amendment to this Code, the Planning Commission shall set a public hearing date and shall publish notice of said hearing at the expense of the petitioner in a newspaper of general circulation at least fifteen (15) days prior to the hearing date.

- C. After the public hearing, the Planning Commission shall, as soon as reasonable and practicable, submit a report and recommendation on the proposed amendment to the BOCC.
- D. The BOCC shall set a public hearing date on the proposed Code amendment and shall publish notice of the hearing at the expense of the applicant in a newspaper of general circulation at least fifteen (15) days prior to the hearing date. After the public hearing before the BOCC, the Board shall, as soon as reasonable and practicable, make its decision on the proposed amendment as prescribed by law for the consideration of passage of any resolution of the County.

### **Staff Analysis of Proposed Change(s):**

#### **Section 2**

The change to the definition of 'Commercial Camping' opens up the possibility of proposed new commercial campgrounds, in the Alpine, High Mesa, and Public Lands zoning districts. (*Per Section 3 – Zoning.*)

Staff notes that **Section 24.3(C,2)** of the Land Use Code (High Alpine Zone) states:

*Any commercial use is prohibited unless specifically allowed under the Zoning Section of this Code.*

As 'Commercial Camping' is allowed in the Alpine Zone per Section 3 of the Code, the revised definition would allow potential commercial campgrounds in the High Alpine Zone.

9/27/2020

Dear Mark,

Per our conversation of 9/15/2020:

Ouray County Land Use and Planning Dept.  
Attn: Mark Castrodale- Planning Director  
Ouray County, Ouray CO

Dear Ouray County Planning Director and  
Ouray County Planning Commission,

At the September 1, 2020- BOCC Regular Meeting during Citizens Call to Comment I requested a review and change to a definition in accordance with Ouray County Land Use Code 14.5 -Code Amendments other than to change zoning.

The Current Land Use Code for Ouray County contains a definition I believe to be flawed for three substantive reasons. The current definition for Commercial Camping contains language that is incorrect or nonessential; it unduly prevents private land owners from accessing the Special Use Application process; and these two issues compound to establish what is becoming a substantial burden to the County, County Residents, and Private Land Owners specifically in the Alpine and High Alpine zones. The current definition reads as follows:

**Commercial Camping When Administered By State/Federal Agencies: Overnight and short duration (not in excess of 30 days occupancy) where a fee is paid or charged for such occupancy.**

This definition presupposes a jurisdiction that does not rest with the County to enforce. It makes no sense and is most likely an error or oversight as State and Federal Agencies their lands and potential state/federal campgrounds are not subject to Ouray County Zoning regulations.

Due to the current definition there is a presupposition that Private Land Owners are not able to participate in Commercial Camping. While this may have been the intended cause by leaving such land holders out of the definition; by virtue of this exclusion the only remedy for a Land Owner to apply for such usage now rests in Sec. 10.7 ( Variance through Appeal and the Board of Adjustment). This, on its face, undermines the role and authority of the Planning and Land Use Dept., The Planning Commission, and the fundamental procedural standards of the Land Use Code.

Lastly, and for the 2000+ people resident in the south half of Ouray County, most importantly; the ever growing impact of Tent and Road-side camping along County

Roads, both within and across Public, Private, County, State and Federal lands in the past 3 years continues to increase and plague local residents. From the turn-outs along the Uncompahgre River on Hwy 550, to County roads 14, 5, 20, 21, 31, in combination with various NF roads; the Summer 2020 flood of tent camping, van and car accessible camping is placing a massive physical and environmental strain on our most precious resource. In a January 10, 2020 National Park Service: Campground Industry Analysis-Task Order #140P2119F0211; The NPS Concluded that based on national data they would continue to expand their camping (specifically tent camping) assets. That the national average of 57% of all tent camping being provided by Private Commercial Campgrounds (Ouray County private sector currently provides less than 12%) would dictate their regional strategy. Unfortunately for Ouray County because of our failure to thoughtfully and with focused stewardship, maintain our role in conjunction with NPS/NF campgrounds, the regional plan for Ouray County has resulted in limited buildout and additional capacity by NF/NPS and the subcontracting of the three grounds within the NF system to an AZ commercial entity. So not only are we not maintaining our part of the equation with regard to capacity, we are adversely skewing the data the Federal Government is using to determine their course of action thus leading to under servicing; and worse, any potential revenue for Ouray County is going to AZ ,or becoming a lost opportunity by this one definition.

I hereby formally request a hearing before the Ouray County Planning Commission to take up the change of the above referenced Definition. I ask that this hearing be scheduled to occur during the regularly scheduled meeting of the Ouray County Planning Commission on October 20, 2020.

The revised definition will be:

**Commercial Camping: An overnight and short duration (not in excess of 30 days occupancy) where a fee is paid or charged for such occupancy.**

There is a severe shortage of organized, sanitary and professionally run campgrounds in Ouray County. This is leading to excessive trespassing on private lands and overuse/abuse of public lands. This simple change will allow campgrounds to be approved where already provided for as a Special Use (within the existing Land Use Code) and following the Special Use Application process.

This simple change in definition will allow Ouray County to adequately and proactively meet these increasing challenges.

Sincerely,

K John Wood  
431 4th St  
Ouray, CO 81427

## SECTION 2 DEFINITIONS

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Words and terms used in this Code shall be interpreted in accordance with the following definitions:

**CURRENT:**

**COMMERCIAL CAMPING WHEN ADMINISTERED BY STATE/FEDERAL AGENCIES.** Overnight and short duration (not in excess of 30 days occupancy) where a fee is paid or charged for such occupancy.

**PROPOSED:**

**COMMERCIAL CAMPING.** Overnight and short duration (not in excess of 30 days occupancy) where a fee is paid or charged for such occupancy.