

Date: Thursday, November 14, 2024
Time: 3:30 PM
Location: Hybrid - In-Person: Estes Valley Community Center Classroom, 660 Community Dr, Estes Park, CO 80517 or Virtual, Zoom Link: https://larimer-org.zoom.us/webinar/register/WN_gveRevTiSryOXOULPtYOxw

ESTES VALLEY PLANNING ADVISORY COMMITTEE MEETING MINUTES

The Larimer County Estes Valley Planning Advisory Committee met in the Estes Valley Community Center Classroom as well as virtually by Zoom video at 3:30 p.m. on Thursday, November 14, 2024, at which time the following business was transacted.

Committee members present included: Rex Poggenpohl, David Converse, Mike Kennedy, Drew Webb, Scott Stewart, Nataly Handlos, and Doyle Baker.

Staff present included: Jenny Axmacher, Michael Whitley, Traci Shambo, Shalana Lysaght, Ryane Oswandel, Christina Scrutchins, Amy White, Jacy McNulty, Justin Currie, Melissa Bruski, and Tina Kurtz.

Board of County Commission present included: None.

ADOPTION OF THE AGENDA

Member Converse moved, and member Kennedy seconded the motion to adopt the November 14, 2024, agenda of the Larimer County Estes Valley Planning Advisory Committee as presented. *Motion carried (7-0).*

Member Webb moved, and member Stewart seconded the motion to table the election of officers to January 16, 2024. *Motion carried (7-0).*

DISCUSSION ITEM(S)

ITEM NO. 1 MUSTANG MOUNTAIN COASTER EXPANSION/CHANGE IN CHARACTER OF A NONCONFORMING USE, FILE NO. 24-ZONE3615

[View Staff Presentation.](#)

ESTES VALLEY PLANNING ADVISORY COMMITTEE AND STAFF COMMENTS

Committee Member Stewart questioned whether staff had a recommendation for the current issue. Staff Member Whitley clarified that while staff will provide a recommendation to the Board of County Commissioners, they do not present one at the committee level. Their primary role is to gather input and testimony, both written and in-person, to inform the decision-making process.

Committee Member Webb shifted focus to traffic concerns, noting they seemed to have been addressed in a traffic study. They also inquired about additional community concerns. Staff Member Michael elaborated, explaining that while many concerns revolve around the existing operation of the coaster, they are indirectly related to the proposed expansion. Issues include noise, informal

parking, and dissatisfaction with the approval process, among others. However, the expansion itself does not alter the coaster's capacity, hours, or existing operational noise. Specific concerns, such as illegal lighting, have been addressed, but overarching community dissatisfaction remains a significant theme.

Committee Member Poggenpohl raised questions about the legality of an existing deck and other potential violations. Staff Member Whitley confirmed that while no formal code compliance case exists, the illegal deck would be addressed through the current zoning approval process. When asked about other violations, Whitley reiterated that there were no formally registered complaints but acknowledged community concerns documented through public comments.

Committee Member Converse brought attention to the review criteria outlined in the land use code, emphasizing the need to evaluate all applicable standards. They questioned whether the proposed expansion, including an increase in parking spaces, aligns with these criteria. Staff Member Whitley noted that while the expansion exceeds 50% of the parking area, it falls within the director's interpretation of nonconforming use criteria. The ultimate decision rests with the Board of County Commissioners. Converse also highlighted inconsistencies between the formal complaints process and the many public concerns expressed, particularly regarding parking violations.

Addressing Committee Member Stewart's concerns about traffic and parking, Staff Member Whitley and Staff Member Shambo explained that the proposed parking expansion could reduce traffic by eliminating multiple trips caused by the current shuttle system. Staff Member Shambo clarified that the traffic study, while funded by the applicant, adheres to professional engineering standards and supports these conclusions. Stewart questioned the motivations behind the initial parking plans, which avoided public hearings by proposing only 19 spaces, and whether the existing parking and shuttle system is effective. Whitley affirmed that the original development plan, including shuttles, was functioning as approved, though the applicant has proposed the expansion to address perceived deficiencies.

Committee Member Kennedy expressed concern about integrating previous unpermitted work into the current expansion process, questioning why these violations are not treated as the sole expansion. Staff Member Whitley explained that the process allows for all existing and proposed modifications to be consolidated under one approval request. This decision, however, ultimately lies with the county commissioners.

Finally, Committee Member Poggenpohl formally requested that their concerns about the illegal deck be referred to the code compliance office. Staff Member Axmacher confirmed that this complaint was noted, ensuring it would be addressed in conjunction with the ongoing process.

APPLICANT PRESENTATION

[View Applicant presentation.](#)

ESTES VALLEY PLANNING ADVISORY COMMITTEE, STAFF, AND APPLICANT COMMENTS

Committee Member Webb asked about the potential impact of annexation by the town of Estes Park on the current expansion proposal. Greg Hecker, the applicant, stated that annexation was not a factor being considered or relied upon for the operation's viability. He explained that annexation would subject the property to the Estes Valley Development Code but acknowledged he was not up-to-date on recent changes to that code. Staff Member Whitley clarified the annexation process, noting that annexation is generally voluntary and requires either property owner petitions or the property to be completely surrounded by town limits for three years. Since the property is not surrounded, involuntary annexation is unlikely.

Committee Member Stewart shifted the discussion to parking, asking how often overflow parking or shuttle services are required. Hecker estimated that overflow parking is needed on about a dozen peak days annually, typically around holidays like Memorial Day, the Fourth of July, and Labor Day. Committee Member Poggenpohl raised concerns about references to the Estes Valley Development

Code in the traffic study, questioning its relevance since the county's Larimer Land Use Code governs the property. Hecker explained that public roadways may still fall under the Estes Valley jurisdiction, but the property itself is subject to the county code. Staff Member Whitley clarified that the Estes Valley Development Code expired in 2020, and while some elements may resemble prior standards, it no longer applies.

Committee Member Kennedy questioned whether future development would be possible if the current expansion is approved. Hecker emphasized that no future development could occur under the Larimer County Land Use Code, which prohibits further expansion after a one-time nonconformity expansion. Kennedy suggested making this a formal condition of approval, but Hecker argued that it would be redundant given existing code limitations. Committee Member Poggenpohl pointed out that the property could potentially be subdivided for residential use, which Staff Member Whitley confirmed, noting that the land allows one principal use per lot but could theoretically be subdivided.

Committee Member Converse raised concerns about traffic management, referencing past operational plans that included staff at entry points and auxiliary lots. Hecker explained that the proposed expansion aims to amend those plans based on operational experience, highlighting inefficiencies and safety concerns in the current system. He stated that signage and shuttle services have proven only partially effective and that the additional parking would reduce the need for shuttles and auxiliary lots. Converse questioned whether the applicant had adhered to parking compliance during the 2024 summer, and Hecker confirmed that unauthorized parking was addressed by September 2023.

Committee Member Handlos, a transportation planning professional, inquired about the operational efficiencies gained by adding 50 parking spaces. Hecker outlined the reduced need for shuttle services, explaining that with more parking available, turnover rates would improve, reducing traffic on auxiliary roads and operational costs. Handlos expressed concerns about managing overflow traffic when the expanded parking reaches capacity. Hecker assured the committee that the reduced reliance on shuttles and auxiliary lots, coupled with increased on-site turnover, would address these issues effectively.

The discussion reflected the complexity of balancing community concerns, operational realities, and compliance with existing land use codes, with annexation and long-term development possibilities remaining peripheral but relevant topics.

PUBLIC COMMENT

Betty Hull, Jan Alderman, Nancy Hills, Anne Morris, Diana Van Der Plug, Sallie Brackman, Steve Ryland, Bruce Cairns, Mike Dwyer, Susan Langdon, Elaine Hunt-Downy, Anne Schowlau, Stan Schaffer, and Fred Barber.

Comments

- The expansion of parking spaces and the utilization of shuttle services are seen as effective strategies to reduce traffic congestion on Dry Gulch Road.
- Some commenters believe that consolidating on-site parking will minimize repeated trips to auxiliary lots and enhance the overall flow of traffic.
- The coaster is viewed by some as a positive addition to the community, providing recreational opportunities and contributing to the local economy.
- Some residents expressed enjoyment of the coaster and emphasized its appeal to visitors and locals, particularly families.
- Suggestions to establish specific restrictions—such as limits on night operations, amplified sound, and unapproved events—could ensure better compliance and reduce community disruption.

- Clear and enforceable conditions attached to the approval, such as maintaining shuttles and prohibiting overflow parking, could address community concerns about accountability and adherence to commitments.
- Shuttles could mitigate risks associated with visitors stopping to view wildlife and alleviate safety issues caused by cars parked along roadways or exceeding speed limits.
- There is widespread skepticism due to perceived past failures by the developer to adhere to commitments, including the original parking plan and shuttle operations.
- Historical noncompliance, such as the unauthorized deck and expanded parking without approval, has created a significant trust deficit among residents.
- Many residents argue that a commercial operation of this scale does not belong in a residential area, citing noise, increased traffic, and loss of neighborhood tranquility.
- The coaster's operation has reportedly diminished the quality of life for nearby residents, with some mentioning the inability to enjoy their outdoor spaces due to constant noise and activity.
- There is skepticism about whether the proposed changes will be adhered to, with fears that approval could lead to further unpermitted expansions or modifications in the future.
- Some believe that granting this expansion rewards past noncompliance and sets a precedent that undermines zoning regulations.
- Increased traffic has led to more litter, unsafe driving conditions, and disruptions caused by visitors stopping on the road to view wildlife.
- The expansion could exacerbate environmental concerns, such as increased paving and insufficient fire mitigation measures.
- Several commenters criticized the validity of the traffic study, calling for an independent evaluation to ensure its findings accurately reflect current conditions and future impacts.
- Concerns about potential conflicts of interest and ethical violations during the project's initial approval process have led to accusations of favoritism and unfairness.
- Commenters highlighted how deviations from the original plan have disproportionately benefited the developer at the expense of the community.
- Although the application is framed as a one-time expansion, concerns persist about the potential for further modifications or subdivision of the property, which could lead to additional disruptions.

APPLICANTS' REBUTTAL

The applicant emphasized that their focus is solely on the proposed expansion of the parking lot, distancing the current discussion from grievances related to the initial approval of the project. They highlighted the high and consistent demand for the coaster, which operates at near-full capacity throughout the high season, including weekdays. The requested 50 parking spaces were determined based on available space and the operational need to accommodate the volume of visitors, addressing concerns raised about traffic congestion and insufficient parking.

In response to comments about additional activities on the land, such as hunting and the presence of goats, the applicant clarified that these were private, non-commercial activities. Hunting is limited to the landowner and a small, authorized group, with no monetary transactions involved. Similarly, the goats were briefly present in 2023 as a non-operational, temporary feature and are no longer on-site. The applicant stated that any future decisions related to such activities would align with regulatory requirements, prioritizing the approval of the parking expansion.

Acknowledging historical community grievances, the applicant expressed their commitment to addressing concerns directly related to the expansion application. They maintained that the

proposed changes comply with all relevant codes and regulations and have been designed to address issues raised by stakeholders. To this end, the applicant invited ongoing dialogue, encouraging community members to share their concerns via written or verbal communication.

Lastly, the applicant emphasized their role as a liaison between the community, the county, and other stakeholders. They committed to fostering collaboration and addressing issues as they arise, whether through internal resolutions, code enforcement, or legal avenues. While recognizing the enduring nature of past conflicts, the applicant stated their intent to mitigate ongoing concerns and work toward rebuilding trust and reducing tensions within the community.

ESTES VALLEY PLANNING ADVISORY COMMITTEE AND STAFF COMMENTS

The committee members deliberated on the complexities of the proposed parking expansion for the mountain coaster, weighing operational benefits against historical compliance issues and community concerns. Committee Member Webb expressed deep sympathy for residents affected by the coaster and acknowledged the mistrust caused by prior noncompliance, including unmet promises regarding shuttles and parking. While recognizing the potential for operational efficiency and profitability from the expansion, Webb noted that much of the community opposition appeared to stem from a desire to penalize past behaviors rather than focus on the current proposal. Webb advocated for enforceable guidelines with strict repercussions for violations and suggested that the applicant consider investing in neighborhood goodwill to rebuild trust.

Committee Member Stewart echoed Webb's concerns, highlighting the dilemma of approving an expansion that could alleviate traffic issues while appearing to reward previous noncompliance. Stewart supported the parking expansion from a practical standpoint, emphasizing its potential to reduce traffic congestion and provide a better solution for visitors. However, Stewart stressed the need for clear, enforceable conditions, including consequences for future violations. Stewart also suggested the applicant offer goodwill gestures, such as free passes for affected neighbors, as a step toward mending community relations.

Committee Member Converse acknowledged the applicant's improved compliance over the past summer but raised concerns about maintaining long-term adherence without ongoing oversight. Converse suggested delaying the decision until the applicant demonstrated consistent compliance without any pending applications or incentives. Committee Member Kennedy agreed with Webb and Stewart, recognizing the tension between the community's desire to hold the applicant accountable and the practical benefits of the parking expansion. Kennedy expressed support for advancing the proposal, citing reduced traffic as a key benefit.

The committee also debated technical aspects of the land use and development plan. Committee Member Baker noted that the expansion complies with the code's nonconforming use criteria but highlighted repeated deviations from the original plan, including unauthorized auxiliary parking and expanded uses such as food trucks and night rides. Baker recommended strict conditions for approval, such as limiting recreational facilities, prohibiting night operations, and revegetating damaged areas. Committee Member Stewart expressed concerns about potential loopholes, warning that the property's expansive size could facilitate noncompliant activities on adjacent areas under related ownership, potentially circumventing regulations.

Traffic studies were a significant point of contention. Converse questioned whether the proposed parking would adequately address safety and congestion at Dry Gulch Road, calling for a supplemental traffic appraisal to evaluate the need for turn lanes, particularly during peak periods. Other members emphasized the challenges of enforcement, with Webb noting that compliance monitoring is inherently difficult. The committee stressed the importance of establishing comprehensive and enforceable conditions to ensure adherence.

The discussion concluded with procedural guidance from Committee Member Poggenpohl, who suggested structuring motions to allow for amendments that encapsulate the identified conditions. The committee members agreed on the necessity of a clear framework that balances the

applicant's operational needs with the community's concerns, while recognizing lingering doubts about trust and future compliance.

MOTION

Committee Member Handlos was not able to continue attending the meeting and left at 5:31pm.

Member Baker moved that the Estes Valley Planning Advisory Committee recommend to the Larimer County Board of County Commissioners approval of Mustang Mountain Coaster Expansion/Change in Character of a Nonconforming Use, File No. 24-ZONE3615, subject to the following conditions.

1. Remove the auxiliary vehicle storage area because it would exceed 50 % of the originally approved 46,466 ft and require that area to be revegetated.
2. Maintain the original approved plan's daylight hours and allow no additional recreational facilities.
3. The applicant must agree to revegetate all areas damaged and any areas where parking is removed.
4. The applicant must agree to no night lights or operations
5. The applicant must complete a supplemental traffic appraisal to evaluate the need for right and left turn lanes.
6. The property will be subject to regularly scheduled inspections.

Committee Member Stewart strongly encourages the county commissioners to do what they can to try to make sure there's compliance.

Member Kennedy seconded the motion. Member Handlos abstained. Motion carried (5- 1).

OTHER BUSINESS

Staff Member Axmacher informed the committee that updates to the lighting code would be sent out via email for review and comment in the coming weeks, providing advance notice for their consideration.

ADJOURN

With there being no further business, the meeting adjourned at 5:57 p.m.