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TRANSCRIPT OF DOUGLAS COUNTY BOARD OF COUNTY
COMMISSIONERS MEETING

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VERITEXT LEGAL SOLUTIONS
700 17th Street, Suite 1750
Denver, Colorado 80202
303-988-8470

1 (Beginning of requested transcription.)

2 COMMISSIONER LAYDON: So with that -- and
3 thank you, everyone, for allowing us to be efficient with
4 your time. I'm going to go ahead and move up item 3A,
5 which is 8635 South State Highway 83, Cherry Valley event
6 venue, Project File US2021-003.

7 We do have Matt Jakubowski from staff. I
8 will also mention, too, those that are present today,
9 if -- your comments will be limited to 3 minutes, and to
10 the extent you have already heard your comment presented
11 or it's duplicative of something that has already been
12 presented, I might ask you to consider to -- allowing
13 other citizens to present their comments, but that's
14 entirely within your -- your discretion. Matt.

15 MR. JAKUBOWSKI: Good afternoon,
16 Commissioners. Matt Jakubowski representing Planning
17 Services.

18 The applicant is proposing a Use by Special
19 Review for an event center at 8635 South State Highway 83.
20 The project number is US2021-003. Pamela Solly and Louie
21 Miller are here as applicant.

22 Before I begin my presentation, we did
23 receive additional public correspondence and also some
24 additional correspondence from the applicant. That was
25 received after the Friday memo that went to the Board of

1 County Commissioners on August 5th, so I'd like to present
2 first the public correspondence that was received as an
3 exhibit. If I might be able to bring that up to the
4 County Attorney.

5 MR. INGALLS: Have we labeled this with a
6 number yet? Have we labeled this with an exhibit number
7 yet?

8 Commissioners, these packets will be
9 labeled Exhibit 2 for today's public hearing.

10 MR. JAKUBOWSKI: And as also discussed, an
11 additional exhibit, which is correspondence from the
12 applicant received and provided after the August 5th date
13 in which additional information went to the Board, so I
14 also would be bringing that up as an exhibit.

15 MR. INGALLS: It will be labeled Exhibit 3.

16 COMMISSIONER LAYDON: You know, Matt, I
17 just want to clarify for the record, we received an
18 Exhibit 2, and the cover page has a font that is probably
19 like a 1 or a 2. So I'm not sure any of us -- I'm 46 and
20 I -- my eyes cannot read this, so is there a way that you
21 could --

22 MR. JAKUBOWSKI: Right. I can address
23 that. There was an email and embedded in the email was a
24 jpeg photograph of the letter. So the letter that is on
25 the -- the page directly after that email is what was

1 submitted.

2 So the -- the text, which I agree is very,
3 very small and can't really be read is just basically
4 indicating that the attachment, which is the letter on --
5 on that next sheet is what was provided and -- and
6 proposed as their correspondence.

7 COMMISSIONER LAYDON: Okay. Thanks, Matt.
8 If you want to proceed.

9 MR. JAKUBOWSKI: An applicant may request a
10 Use by Special Review for an event center on an A1 parcel
11 less than 80 acres in size.

12 A 6.7 acre USR permit area is proposed on
13 the Highway 83 side of the subject site, which includes
14 conversion of existing buildings: The barn for events,
15 the caretaker residence as a bride and groom suite, a new
16 concrete tent pad for event purposes, and off-street
17 parking are also proposed within that USR permit area.

18 The barn and caretaker residence are within
19 the required 200-foot setback minimum, and the applicant
20 is asking a reduction in the event center setback as part
21 of the USR request.

22 The intent of the USR process as set forth
23 in Section 21 of the Zoning resolution is to provide for
24 uses in specific zoning districts that shall require a
25 public notice and hearing and the approval of the Board of

1 County Commissioners subject to such conditions and
2 safeguards as may be imposed by the Board.

3 The Use by Special Review process begins
4 with the submittal of an application. Following a review
5 period by referral agencies and the public, notice is
6 given for public hearings before the Planning Commission
7 and Board of County Commissioners. All referral or
8 comments received are attached to the staff report.

9 Of note, the applicant required completion
10 of a water augmentation plan and repermited its well to
11 allow for the proposed use per comments by the State
12 Division of Water.

13 The applicant required extensive
14 communication with Public Works Engineering and CDOT to
15 address comments primarily related to traffic and drainage
16 impacts on Highway 83.

17 Comments and a signed petition and
18 objection to the project were received from nearby
19 residents. Comments are in the staff report and were
20 provided to the Board in the packets on Friday as well as,
21 of course, the exhibit just provided to the Board.

22 Nearby neighbors object to the proposal,
23 citing concerns related to management of the use, traffic,
24 noise, enjoyment of property, preservation of rural
25 character, and enjoyment of rural quality of life.

1 The Planning Commission heard the request
2 at its July 18th, 2022, public hearing and recommended
3 approval by a vote of 6 to 0.

4 Planning Commissioners expressed concern
5 regarding applicant's lack of public outreach, but felt
6 that the approval standards had been met and the applicant
7 had a well-thought-out plan.

8 They noted the competing values of the
9 Comprehensive Master Plan must be balanced in the review
10 of specific development applications. They encouraged the
11 applicant and neighbors to continue to work together on
12 issues that might arise.

13 At that hearing, 19 members of the public
14 spoke regarding the proposal. Two neighbors spoke in
15 support of the application and the character of the
16 applicant. All other neighbors spoke in objection to the
17 proposal. A petition and objection to the proposal was
18 submitted at that hearing with 133 signatures.

19 Public comments and objection to the
20 application expressed that the proposal is incompatible
21 with agricultural uses in the area and is inconsistent
22 with Comprehensive Master Plan policies regarding rural
23 character in Cherry Valley by bringing a commercial use to
24 an otherwise rural area.

25 Comments indicated that adequate buffers

1 are not provided and that the use negatively impacts dark
2 skies, traffic, noise, and rural quality of life.

3 Neighbors further expressed concern
4 regarding community outreach and the ability for the
5 County to enforce the Use by Special Review management
6 plan or other traffic controls.

7 The site highlighted in blue in the middle
8 of this map is located at the intersection of State
9 Highway 83 and Lucas -- Lucas Avenue in southeastern
10 Douglas County.

11 The aerial shows the USR permit area in
12 dash -- this is within the northeast corner of the site --
13 the existing structures to be used for the event center as
14 well as the area on the west side of the permit area for
15 the tent pad and parking.

16 The area is generally composed of
17 agricultural and large-lot properties that have residences
18 on them. Access is proposed at the existing entrance,
19 which is roughly across from Lucas Avenue.

20 West Cherry Creek bisects the property, but
21 no 100 FEMA -- 100-year FEMA floodplain is present.

22 The property was zoned agricultural with
23 the inception of zoning in Douglas County in 1955. This
24 is consistent with the historic agricultural and animal-
25 related use of the property.

1 The existing barn was constructed in 1911,
2 and the existing caretaker residence and workshop were
3 constructed in 2014.

4 Before you is the applicant's USR site
5 exhibit. The event center barn and bride and groom suite
6 are located closer to Highway 83, just north of the
7 entrance. The driveway travels through the middle of
8 site. A bus turn-around is proposed as part of the
9 applicant's plan because shuttle service is proposed for
10 larger events.

11 This leads to a 34-space parking lot on the
12 north side of the event area. The tent pad proposed here
13 is west of the barn. The applicant is also proposing to
14 construct an 800-foot deceleration lane for southbound
15 traffic and right turns into the site.

16 The -- the applicant has proposed screening
17 across the Highway 83 side of the property, inclusive of
18 berms, walls, and other landscaping.

19 The entrance is to be widened with a median
20 to allow for larger vehicles to enter the site.

21 USR regulations require structures and
22 outdoor assembly areas at least 200 feet from all property
23 boundaries. The tent pad and parking area proposed are
24 200 feet or greater from existing property lines. The
25 existing bride and groom suite are within 200 feet of the

1 Highway 83 property line, and the applicant is requesting
2 a reduction of the event center setback as part of the USR
3 request.

4 Per USR standards, the Board of County
5 Commissioners may establish a lesser setback than required
6 if it's deemed that adequate buffering is provided to
7 mitigate noise, visual, or other impacts.

8 The applicant proposes various facade
9 enhancements as part of the barn conversion, including
10 windows, lighting, ingress and egress, and a deck at the
11 rear, which is the west side of the barn.

12 A catering kitchen is proposed on the east
13 side, which requires removal of a portion of the existing
14 barn. The applicant indicates no cooking will occur in
15 the kitchen and caterers will bring prepared foods to the
16 site.

17 USRs require an operations management plan.
18 The management plan is located on sheet 1 of the USR plan
19 exhibit and described within the staff report.

20 Highlights of the management plan are in
21 italics. Of note, hours of operation are by appointment
22 Monday through Thursday, with events over the weekend. A
23 maximum of 100 events are proposed annually with up to 150
24 patrons per event.

25 The applicant proposes to utilize shuttle

1 buses as part of its event plan for larger events as
2 mentioned. The applicant will be required to monitor
3 event traffic by video and submit a compliance report to
4 Douglas County as part of ongoing monitoring.

5 The following are site photos. This is a
6 view looking to the site entrance from Highway 83 and
7 Lucas Avenue. The existing barn is directly in front.
8 The caretaker residence/bride and groom suite to the
9 right.

10 This photo looks north up the Highway 83
11 frontage. Again, the bride and groom suite is to -- the
12 area against the 83 right-of-way.

13 This view looks through the site in the
14 approximate area of the interior driveway.

15 So the driveway is opposed to traverse,
16 really, through the middle of this slide to the proposed
17 parking area to the north. And the parking area would be
18 roughly behind the -- the bank of trees here.

19 This is a view behind the barn roughly in
20 the area of the proposed deck.

21 To the left, a little beyond the barn is
22 the proposed tent pad area. And again, parking behind
23 these trees.

24 This photo looks to the portion of the site
25 in which the parking area is proposed.

1 This photo is taken from the east side of
2 the site from Lucas Avenue, looking toward the property.
3 The property in question and the structures mentioned are
4 here. Note there is an increase in grade along Lucas
5 Avenue, so properties looking from the east have some
6 views down into the site.

7 The approval standards for a USR request
8 are set forth in Section 21 and listed on this slide.
9 Staff's assessment of the approval standards is discussed
10 in detail on pages 8 through 10 of the staff report.

11 With regard to approval standard 2109.09,
12 which is noise, the applicant did submit noise
13 documentation. However, in the last several days,
14 additional information related to potential noise impacts
15 from the event center was provided by both the public in
16 objection and from the applicant in response to that
17 objection.

18 Staff has not had sufficient time to fully
19 assess the supplemental noise reports and applicant
20 responses. If directed by the Board, staff would propose
21 to further review the documents with the County's noise
22 consultant.

23 As a result of that review, additional
24 noise mitigation measures and ongoing noise monitoring
25 could be identified and added to the USR management plan

1 to ensure compliance with adopted noise standards.

2 It is anticipated that the members of the
3 public and the applicant will be here to discuss those
4 noise documents that have been submitted in the last few
5 days at today's hearing.

6 Staff has evaluated the Use by Special
7 Review request in accordance with Section 21 of the zoning
8 resolution. Should the Board find that the approval
9 standards have been met, staff proposes the following
10 conditions be included in the motion:

11 Condition Number 1, prior to final approval
12 of the record copy of the USR plan exhibit, a storm
13 drainage easement shall be provided to Douglas County.

14 Condition Number 2, prior to commencement
15 of construction of the event center, a CDOT State highway
16 access permit shall be obtained for access to the
17 property.

18 Condition Number 3, prior to final approval
19 of the record copy of the USR plan exhibit, any necessary
20 technical corrections shall be made to the satisfaction of
21 Douglas County.

22 Condition Number 4, all commitments and
23 promises made by the applicant or the applicant's
24 representative during the public hearing and/or agreed to
25 in writing and included in the public record have been

1 relied upon by the Board of County Commissioners in
2 approving the application. Therefore, such approval is
3 conditioned upon the applicant's full satisfaction of all
4 such commitments and promises.

5 Section 2109.09 of the zoning resolution
6 sets forth the parameters for the Board's recommendation
7 of USR requests.

8 This concludes staff's presentation. I'm
9 available to take questions on the staff report at this
10 time. Otherwise, Pamela Solly and Louie Miller are here
11 as applicant and also have some of their consultants
12 available for any questions that you may have of them, as
13 well.

14 COMMISSIONER LAYDON: All right. Thank
15 you, Matt. Any questions for staff?

16 COMMISSIONER THOMAS: I do have a question
17 for Matt. So, Matt, you talked about a sound or a noise
18 report that came from the people and then a response to
19 that that came from the applicant.

20 And you said something about that that is
21 something that could be worked into the USR plan. So are
22 you saying that if we approve this, then you will deal
23 with that, or is there any reason for us to know what
24 those reports say?

25 MS. BARE: I think what we said is we did

1 receive, you know, additional technical information on
2 noise from both the public and the applicant and that we
3 have not had time to fully assess that.

4 And it's possible, certainly, that we could
5 take that information, review it further with our noise
6 consultant, and that it might identify additional
7 mitigation measures or ongoing noise monitoring that could
8 ensure that the noise limits would be in force.

9 So there was just quite a bit of additional
10 technical information provided by both the public and the
11 applicant that we simply have not had enough time to
12 assess.

13 COMMISSIONER THOMAS: I can understand
14 that. I have another question, then, for Mr. Ingalls.

15 Is this something that -- that could be
16 important enough for us to wait for staff to evaluate
17 before we go forward, or can we go forward without having
18 this information?

19 MR. INGALLS: Well, I think you would want
20 to hear from the applicant before reaching that decision.
21 But it could be that you decide you don't have enough
22 information ultimately to grant this application.

23 But I think the applicant has asked for
24 their day in court, so to speak, and so I think that's
25 where I would start.

1 COMMISSIONER THOMAS: Okay. Thank you.

2 COMMISSIONER LAYDON: Further questions for
3 staff?

4 COMMISSIONER TEAL: Yes, please. Matt,
5 Jeanette, I wonder if you can take us back on the slides
6 to the site map. And actually, the -- two forward. No.
7 You went too far, dude. Come back a little bit for me,
8 please. And another. Okay. Thank you, very much.

9 So the actual piece of the property that is
10 subject to this Use by Special Review is identified by
11 that dotted line; is that correct?

12 MR. JAKUBOWSKI: Matt Jakubowski for staff.
13 The property boundary is in blue.

14 COMMISSIONER TEAL: Okay.

15 MR. JAKUBOWSKI: It's a 35 acre property.
16 Under USR provisions, the applicant may propose a USR
17 permit area which limits the use within that area. So
18 that's a 6.7 acre area out of the 35 acres and that's
19 where they're proposing for the use to occur.

20 COMMISSIONER TEAL: Thank you. What is the
21 proposed use for -- I hope that wasn't a resident with a
22 question on the subject. I'll have to get back to them
23 later.

24 But can you tell us -- do we understand
25 what the proposed use for the rest of the property is?

1 MR. JAKUBOWSKI: The rest of the
2 property -- and the applicant can provide perhaps some --
3 some more information, but as I understand it, the rest of
4 the property is used for cultivation of hay and also for
5 cattle grazing.

6 So there is an agricultural use that is
7 provided on the west side of the property.

8 COMMISSIONER TEAL: Okay. So -- obviously,
9 a question for the applicant when we see them, but the
10 continued use for the rest of the property is consistent
11 with use by right for A1 zoning?

12 MR. JAKUBOWSKI: Correct.

13 COMMISSIONER TEAL: Thank you. I think
14 those are my questions right now, Chair.

15 COMMISSIONER LAYDON: Thank you, very much.
16 So at this point, I'm going to open it up for citizen
17 comment. All of those who have been waiting to speak
18 here.

19 UNIDENTIFIED SPEAKER: Shouldn't we hear
20 from our applicant first?

21 COMMISSIONER LAYDON: I'm sorry. Let's
22 start with the applicant first. I'm anxious to hear from
23 you all, but the applicant's presentation, please.

24 MS. SOLL: Good afternoon, Commissioners.
25 Thank you so much for letting us present to you today.

1 I'm Pamela Solly. This is my husband Louie
2 Miller, and we do have some of our consultants on Webex
3 today and in person.

4 So we have Skip Hudson and he is our
5 noise -- I'm sorry. He is our traffic engineer from
6 Turnkey Consulting. We have Brian Swain from KT
7 Engineering. He is our civil engineer. And we also have
8 our -- our architect on Webex and his name is Tim
9 Franklin.

10 We also have two people in the audience.
11 We have our counsel from Folkestad & Fazekas in Castle
12 Rock, and we also have Jeff Cerjan, who is our noise
13 engineer.

14 So with that, again, I want to say thank
15 you for letting us be -- thank you for letting us present
16 to you today.

17 Before we get to our presentation, I would
18 just like to provide a bit of follow-up from the July 18th
19 hearing.

20 As Matt said, yes, the Planning
21 Commissioners did recommend approval 6 to 1.

22 MR. MILLER: 6 to 0.

23 MS. SOLLY: Sorry. 6 to 0. But they also
24 made it very clear that they would have hoped that we
25 would have had a bit more outreach to some of the -- to

1 some of the community.

2 We -- we have very good relationships with
3 the neighbors on the west side. It's just -- it's just
4 the proximity of their houses, and the neighbors on that
5 west side, our abutting neighbors to the north, to the
6 west, and to the south, they are not opposed to this
7 project.

8 The folks on the east side -- many folks on
9 the east side are opposed, as you've seen in some of the
10 comments. And the commissioners -- two of the
11 commissioners stated that they wish that we had done a bit
12 more outreach and asked that we do that before this
13 hearing.

14 So we did. I just want to make the point
15 that we did send out a letter three days after that
16 July 18th hearing. There was a -- an email that was sent
17 to the County and there was about seven landowners on
18 that, property owners. And we reached out to them.

19 And our letter just said, you know, dear,
20 you know, neighbors, Louie and I are reaching out to
21 invite you to our home to discuss our proposed event venue
22 and answer any questions that you might have. If you are
23 interested, please call me at -- gave my number -- and
24 we'll schedule a time. Thank you, and we hope to hear
25 from you.

1 This was -- the Commissioners did ask us to
2 do this and this was sincere outreach to -- to the
3 neighbors because these are the neighbors who were really
4 opposed to the project and had lots of comments on
5 Nextdoor.

6 We did receive a letter from -- a response
7 letter from these neighbors, and they essentially said
8 thank you for the invite to learn more, but we learned all
9 the information that we needed to from your presentation.
10 I wish you understand how important our rural lifestyle
11 is, and they -- they respectfully declined to meet with
12 us.

13 One of these property owners has also been
14 very active and vocal on Nextdoor, which is the way things
15 happen these days, which is perfectly fine. So there --
16 for -- for six weeks leading up to this hearing, there was
17 lots of comment.

18 So we took advantage of that and we posted
19 our own post on this woman's thread. We thought let's go
20 to the people who are opposed to us, and most of the
21 people were opposed on the Nextdoor posts.

22 So we went ahead, we drafted a post, we
23 posted it on her thread, and that post -- that post said
24 this is Louie and Pamela. We are property owners of the
25 proposed venue. To those of you who are interested in

1 learning more about our project, we invite you to stop by
2 on Friday, July 22nd at 6 p.m. We'll have refreshments
3 and open dialogue. Our objective is to meet as many of
4 you as possible, to engage in honest and fair
5 conversation, provided our address, and I said hope to see
6 you there.

7 And again, it was sincere outreach. And
8 the reason we did this and went to those who were opposed
9 is because those are the people that we need to talk to.
10 Unfortunately, the woman deleted the post almost
11 immediately and scolded us for posting on her thread.

12 So we tried. We tried and we made a
13 concerted effort. The good news is we had about 12 people
14 show up on that evening. And -- and even though it was 12
15 people, it was very good.

16 And -- and it really speaks to what you all
17 are talking about. They came, they -- some of them
18 were -- you know, were not opposed when they got there and
19 they were not opposed when they left. Some of them were
20 opposed when they got there and were not opposed when they
21 left. Others didn't really indicate. Okay?

22 But not only was it open discussion, for
23 about two hours, they toured the property, you know, they
24 also had really good suggestions. They are like, well,
25 you know, we see you have this -- you're going to have

1 berming and you're going to have a wall. Could you think
2 about doing something else other than the wall? Could you
3 think about maybe doing this? And we're like, Well, sure.
4 You know, let's sit down and talk about it.

5 Now, it's been approved by the County, so
6 we'd have to go back to the County if we want to make any
7 sort of modifications. But that was one thing.

8 What about balloons? You know, we have
9 livestock and we're -- there aren't going to be any
10 balloons and we understand your concerns.

11 So what was great about sitting down -- and
12 again, to your point, if we can just sit down and have
13 open dialogue, let's figure out how we can work together.
14 You know, that's really the best -- the best course of
15 action.

16 So I just wanted to -- to go ahead and
17 provide that bit of -- of an update or follow-up because
18 it shows that, you know, the Count -- or the Commissioners
19 asked us to do it. The Planning Commissioners asked us to
20 do it. We said we would and we did. So we just wanted to
21 pass that along.

22 So this is -- this is a picture of our
23 property as, you know, Matt was showing earlier. The
24 barn -- this is the barn. And over here, behind these
25 trees is where the parking lot is going to be. And as

1 Matt said, right here on this side of the garage is where
2 there is an existing apartment that the previous owners
3 had put in. So that's going to be the -- you know, that
4 area and part of the garage will be the bridal suite and
5 the groom's -- the groom's area.

6 This area right here will be modified
7 slightly and this is where the catering kitchen and the
8 bathrooms will go. So that will actually also provide
9 some -- some, you know, noise -- somewhat of a noise
10 barrier. And as he said, we'll have screening all along
11 Highway 83.

12 Just a bit of background about Louie and
13 me. Louie is a fourth-generation Colorado native. His
14 great-grandparents homesteaded in Dove Creek, Colorado,
15 and the others in Nucla, Colorado. And his grand -- his
16 great-grandparents and grandfather, they had a 10,000-
17 acre ranch in Nucla, Colorado, where they raised cattle
18 early on, and then they went ahead and raised sheep later
19 on.

20 Louie spent most of his career in the
21 insurance industry. And we lived in Parker for 25 years.
22 We've lived in Franktown for 23. So we have been --

23 MR. MILLER: No. Franktown for three.

24 MS. SOLL: Franktown for three. So we've
25 been in Douglas County for about 28 years.

1 I moved to Colorado in 1980. I've spent
2 most of my career in the mining industry and working for
3 publicly traded companies.

4 One thing that we want to communicate to
5 you Commissioners today is that our experience -- we're
6 experienced with -- with being regulated.

7 Louie, of course, was in the insurance
8 industry. He held an insurance license with the Colorado
9 Insurance Commissioner. Never a blemish on his record or
10 on his license.

11 And I, in my everyday life -- every day I
12 go to the office, I have to adhere to the rules of the
13 U.S. Securities Exchange Commission, the New York Stock
14 Exchange, and the TSX.

15 So we follow rules. We are rule followers.

16 We are experienced business owners. In the
17 27 years that Louie has spent in the insurance industry,
18 he owned two of his own health insurance agencies. He
19 started them from scratch. Sold the first one, ten years
20 later, opened another one, and sold that agency. So he
21 does have experience as a business owner.

22 We also have a very successful short-term
23 rental business in Breckenridge, Colorado. We were
24 fortunate enough 21 years ago to buy a second home on an
25 acre in Breckenridge and we have turned that into a short-

1 term rental property. We hold the proper licenses with
2 Summit County and we also pay our taxes.

3 We've been married for 35 years and we have
4 two daughters, 23 and 28.

5 I want to give you just a bit of history
6 about the property. And this is one of the things that we
7 are excited about. We are excited about the history of
8 this property. Not only is it a beautiful ag property,
9 there is lots of history.

10 It was settled in 1864 by a gentleman named
11 George Birmingham. The land patent document, obviously,
12 signed by Ulysses S. Grant in 1864, so one of the earliest
13 homesteads in Colorado -- in Douglas County.

14 And one of the more prominent citiz --
15 owners of the property is Clint Whittier. And as the
16 owner of this property, he was the one who commissioned
17 this amazing barn to be built, and it was built in 1911.

18 So if you come to the property and you go
19 down below in the barn area, the lower level where the
20 cows were fed -- and everything is still there. It hadn't
21 been renovated. It's all still original. You'll see
22 carvings just with dates. And Clint Whittier's name is --
23 is, you know, inscribed in the -- in the cement, 1911, as
24 well as some children, four or five children. I don't
25 think they were his children, but their names are -- are

1 carved into the cement, as well.

2 This is a bank barn with a gambrel roof,
3 and it was one of the first barns built with a cement
4 foundation in 1911.

5 So it was -- there were new FDA guidelines
6 for dairy farms. And some of the newspaper articles that
7 we read, he brought in two train cars of aggregate in 1911
8 to build this barn. It's really -- it's really quite
9 amazing.

10 There is an older picture of the barn on
11 the left-hand side. And this is what the barn looks like
12 today.

13 And the barn wood that is in the inside of
14 this barn that's over 100 years old is spectacular. And
15 our -- our plan is to renovate the barn. And we believe
16 that whether you call it renovate, restore, repurpose, we
17 are preserving this barn and the history that comes with
18 it, and we really want to be able to tell the history of
19 this property and the barn.

20 In your packet, of course, you have these
21 next two slides and I'm not going to read them. However,
22 I would like to just point out a few of some of the
23 cooler, you know, newspaper articles. And all that we're
24 trying to show on these two slides is that there,
25 obviously, is a strong history of social gatherings and

1 social events that have taken place on this property for
2 the past 100 years.

3 Now, I'm going to -- I'm going to talk
4 about a few of them, but I don't mean to diminish the fact
5 that for 100 years, people eked out a living on this
6 property, you know, for agri -- agricultural purposes. So
7 yes, they farmed it, they had dairy farms, and yes, they
8 raised cattle. But this is just evidence of the early
9 times of this property where they actually also had lots
10 of social gatherings.

11 Starting as early as May of 2000 -- I'm
12 sorry -- May of 1902, the Castle Rock Journal, a very
13 pleasant dance was given at the home of Mr. and Mrs.
14 Clint -- Clint Whittier last night. Quite a large --
15 quite a large crowd attended.

16 July 21st -- this is document Number 6,
17 July 21st of 1911, the Elbert County Banner. About 200
18 people attended Clint Whittier's barn dance Saturday
19 night. 11 were from Denver. July 21, 1911, largest
20 crowds attend barn dance at the Whittiers'. One of the
21 most enjoyable evenings of the year was a dance given by
22 Clinton Whittier just last Saturday night, the occasion
23 being the dedication of his new barn just completed.
24 People came from all parts of the country, not only to
25 dance, but to see the finest and largest barn in eastern

1 Colorado. And that's the barn -- essentially, the same
2 barn that you saw in those pictures.

3 In 1915, Clint Whittier moved the old Case
4 Grange, which became the Case Hall to this property,
5 which, you know, was interesting, as well.

6 In document Number 9, July 2nd, 1915, the
7 Dutch Telephone Company held their annual meeting last --
8 last Saturday at Case -- at Case Hall. An elaborate
9 dinner was spread at the noon hour as the Cherry people
10 know how to entertain. 40 autos were present and the
11 crowd numbered about 400. This is in 1915, which we just
12 find quite amazing.

13 Just another one. Document Number 14. In
14 1916, the cold weather did not cool the enthusiasm of the
15 candidates and the people. An exceedingly large crowd
16 attended the Republican rally at Clinton -- at Clint
17 Whittier's Friday night. Everyone had a thoroughly good
18 time. About 200 people crowded the hall.

19 So, again, I -- I -- we share this with you
20 because we are very passionate about the history that
21 comes with this property and we are passionate about
22 preserving that history and telling the story.

23 A little bit of background about the Cherry
24 Valley event venue that we are proposing. Louie and I,
25 back in 1989, had this idea to do an event venue. And

1 Louie was working his way through college. He owned
2 Specialized Wedding Photography for about five or six
3 years. And while he was doing these weddings, working
4 through college, he said, You know what? We need to open
5 up an event venue. This is where -- you know, this is --
6 this would be a really -- this would be a really
7 profitable business, and I think it's a great idea.

8 So in 1989, you know, we were looking in
9 the Arvada area because that's where we lived at the time.
10 We found a property. It had two ponds on it, so we named
11 the property Two Ponds. We did a business plan and then
12 started talking with banks and realized pretty quickly in
13 1989, as we were working our way through college, we had
14 no business thinking about an event venue, so we did not.

15 So we, you know, just said, you know, we
16 would table that idea. But we kept this dream alive for
17 30 years. We knew it was a good plan. We knew we wanted
18 to do this. And we kept the -- we kept the idea alive.

19 We actually -- before 2019 -- in 2017 was
20 our first time coming to Douglas County because we had
21 found a church. It was not on 35 acres. So in 2017 was
22 our first meeting with the County to understand what the
23 process was going to be to be able to open up a venue in
24 Douglas County if we found the right property.

25 Well, very quickly during that meeting,

1 that church was not going to be the right property, like I
2 said, because it was not on 35 acres, but the County was
3 very good with us. They told us all the steps that we
4 needed to go through, which is a very, very rigorous
5 process.

6 But we knew that if we wanted to operate in
7 Douglas County, we needed to follow the rules because we
8 are rule followers. We weren't going to open something
9 and fly under the radar. So we needed to follow the
10 rules, but we were like, Okay, well, this property isn't
11 going to be the one.

12 Then, in 2019 -- I had two friends who
13 lived in Franktown -- they showed us this property. And
14 we pulled up. It was agricultural. Louie really wanted
15 to get back to his agricultural roots. We loved the
16 property. We fell in love with it immediately. We knew
17 Douglas County allowed venues on 35 acres or more. So we
18 bought the property.

19 And ironically enough, our property in 1989
20 had two -- had two ponds on it and this property has two
21 beautiful ponds on it.

22 So -- Commission --

23 MR. MILLER: Can I just jump in real quick?
24 Just to -- just to clarify that story, her and her friends
25 found the property, came home and told me about it. Said,

1 Do you still want to do the event venue? Do you want to
2 go look at it? I said, Yeah, let's go look at it.

3 Went out and looked at it and I said, Wow.
4 This place is perfect. There's not -- we're -- we're out
5 in the middle of nowhere. It's beautiful. She said,
6 Good, because I put an offer on it. So I was -- we
7 weren't -- she got that -- she got that thing going.

8 MS. SOLLY: Yeah, I did. So we've spent a
9 lot of time working with our consultants to put what we
10 believe is a solid management plan addressing the issues
11 that we have, addressing the issues that our neighbors
12 would have, and addressing, you know, concerns that the
13 County would have.

14 So this is just a summary of the plan. I
15 would also like, before I go through this, to reiterate
16 that this management plan is enforceable. Okay? It is a
17 written document. Everything that we say in the
18 management plan, we're going to be held accountable for,
19 and our permit is going to rely on it.

20 All right? So hours of operation, you
21 know, as you see right there, Friday, 3 to 11; Saturday, 2
22 to 11; and then Sunday, 10 to 8.

23 We will be on staff for every event. We
24 will also have one full-time event planner -- experienced
25 event planner -- and one part-time employee.

1 The event planner that we would like to
2 hire, but it is always going to be a timing issue, is a
3 very experienced event planner from another -- another
4 venue. So we definitely will have -- have a very
5 experienced event planner on staff.

6 There will also be 15 event staff:
7 Caterers, florists, photographers, et cetera. And we will
8 also have a professional beverage company. We will not be
9 serving the alcohol. We will not be making money off of
10 the alcohol. We don't know how to do that. We don't want
11 to try to do that. We are going to hire professionals to
12 come in and to do that for us, to card people, to know if
13 they need to cut people off. So we will have a
14 professional beverage company serving the guests.

15 There will be a maximum of 100 events per
16 year and a maximum of 150 patrons, which will include the
17 bridal party.

18 We will have designated parking. We
19 have -- there will be 35-spaces in the parking lot. There
20 will also be three spaces in front of the garage that you
21 saw. There is a cement slab there for handicapped access,
22 so we will have parking there, as well. And there will be
23 no parking on the street.

24 We put together -- worked with Skip, our
25 traffic engineer, we put together a -- you know, a traffic

1 mitigation plan where we limit the number of vehicles that
2 will be coming onto the property over a five-hour period.
3 We will require shuttle buses for any events over 35
4 vehicles. And initially, we will pay for that because
5 it's important. And if we have to pay for it throughout,
6 we'll do that, as well.

7 But we believe that one of the safest ways
8 for traffic in and out of our venue will be shuttle buses
9 so that these people -- you know, limiting the number of
10 people that have to drive.

11 The other thing that we have agreed to is
12 that we will have surveillance video at the entrance. So
13 we will have -- during events, the video surveillance will
14 be on. We will see where the traffic is coming from.

15 We plan to market to the north. The
16 demographics, the larger population is up north, so we
17 believe at least 80 percent of our business will come from
18 the north. But we will have surveillance cameras and we
19 will have video surveillance to show where the traffic is
20 coming from.

21 We've also agreed to do an annual report to
22 Douglas County, showing the surveillance. We will have
23 bus logs and we will present this on an annual basis to
24 the County.

25 We did have a noise study done, as well,

1 and our noise -- this is just a summary of that, but we do
2 have our noise consultant here and he will speak
3 specifically to -- to the noise study that was -- that was
4 conducted.

5 We have automatic -- for the fire
6 department, we've been in contact and have met with them
7 several times. There will be an automatic fire sprinkler
8 system and there will be annual inspections of the
9 sprinkler system and there will be inspections every time
10 a tent goes up.

11 So if there is a tent for an -- if there is
12 a tent for an event, the fire department will come out,
13 inspect it, and have to issue the permit for that.

14 This is just more information about the
15 busing. We will have two buses before the event and two
16 buses after the event. These will be a coach bus. It
17 will have 80 -- a capacity for -- each bus will have
18 capacity for 80 people. So conceivably, capacity for 160
19 people, which is in excess of 150. Again, early bus, late
20 bus.

21 After the event, you know, not everyone is
22 going to stay until 10:30, so some people will want to
23 leave by 8 after the cake cutting, so there will be an
24 early bus. And then again, there will be a late bus. And
25 as I mentioned, there will be a bus log where we will, you

1 know, count how many people are on the bus, how many
2 people are using it, and that will be included in our
3 compliance report.

4 Through this process, we also had to file
5 an augmentation plan and re -- repermit the well, which
6 we've done.

7 So the previous augmentation plan by the --
8 by a former owner allowed for 12.6 acre-feet per year
9 of -- of nontributary Upper Dawson aquifer water. They
10 had -- they were running a tree farm, like a nursery. So
11 that's why they were using so much water.

12 We amended that augmentation plan for 1.75
13 acre-feet per year. And for the use, we have approval for
14 a single-family residence, irrigation of lawn, garden,
15 trees, the in-building commercial, which is the barn,
16 livestock watering, and fire protection through the well
17 or new wells.

18 The water referee signed it in 2 -- the end
19 of 2001 (sic), the judge signed it in December, and then
20 the well was repermited in January of 2022.

21 I'm going to move to the traffic and access
22 permit. This is a lot of technical information. Again,
23 we have Skip Hudson on the phone. He has 38 years of
24 experience of doing this. He's very experienced. He not
25 only has 30 -- 38 years as a Professional Engineer, he

1 served as a CDOT regional traffic and safety engineer for
2 three years and served as a statewide traffic and safety
3 engineer for the Federal Highway Administration. So he
4 will go ahead and speak to the study.

5 He will also speak to the fact that we are
6 doing things above and beyond that we don't necessarily
7 have to do, but we have agreed to do, again to keep people
8 safe.

9 So, Skip, I'm going to turn it over to you.
10 I think they would like for you to address yourself and
11 then if you want me to skip slides or advance slides, I'm
12 happy to do that.

13 MR. HUDSON: Can you hear me?

14 COMMISSIONER LAYDON: Yes, we can.

15 MR. HUDSON: My name is Skip Hudson. And
16 I'm with Turnkey Consulting. Our office is at Post Office
17 Box 29 in Mesa, Colorado.

18 Thank you for having me in today. I'd love
19 to explain the traffic aspects of this project, and I
20 won't get into the weeds too much.

21 The main thing here is that traffic safety
22 has been a major focus of this proposal, and -- and Pamela
23 has talked about that a couple times already. She
24 mentioned that the site has serviced large events for
25 decades.

1 You're going to hear a lot from the public
2 about how dangerous Highway 83 is. And that's correct.
3 CDOT recognized that. They have completed a safety study
4 and they're now working on design for selected locations
5 along the corridor. There were (audio interruption)
6 related to the (audio interruption), which aligns with
7 Lucas Avenue and Highway 83.

8 There was two comments from the public on
9 the CDOT public comment page, which is really not that
10 many comments there.

11 This project includes a southbound left
12 turn lane, (audio interruption).

13 And so I can't comment on (audio
14 interruption), but it's -- it's in the works or it's being
15 considered.

16 But even though this access intersection is
17 on a corridor that's got a bad crash history, this
18 location does not have a bad crash history. I obtained
19 the most recent CDOT crash data for a four-year period and
20 it showed no intersection-related crashes at the
21 intersection of 83 and the project access and County
22 (audio interruption), the other name for Lucas Avenue.

23 And there was really only one crash that
24 occurred at the intersection over that four-year period
25 and it was a southbound hit-and-run driver who left the

1 roadway and hit a fence and then took off.

2 Sight -- sight distance is important. On
3 the site driveways (audio interruption) requirements. And
4 we've been meeting with CDOT and the County traffic
5 engineers and planners for the last 18 months. We all
6 agreed on a couple things. That a new right turn lane
7 would be effective mitigation for peak event traffic.
8 This would be in the southbound direction.

9 As Louie said, 80 percent of our traffic
10 would come to and from the north so (audio interruption)
11 the inbound traffic. We'll talk about more the event in a
12 minute here.

13 And the other thing that they would like to
14 do is monitor this to see how it's working and see how the
15 assumptions I've made in my traffic study pan out to the
16 reality of what's there.

17 Next. So let's talk about the traffic flow
18 in more detail. Like I said, 80 percent of it to and from
19 the north. 20 percent to and from the south. The largest
20 traffic flow would be inbound traffic from the north
21 during the hour before the event starts.

22 This is what we're going to mitigate.
23 We've studied lots of event venues, existing and proposed,
24 and from the existing ones, we -- we understand the nature
25 of how traffic flows in and out of these events.

1 The traffic comes in within -- all the
2 inbound traffic comes in an hour before the event and then
3 after the event, traffic trickles out in waves. So the
4 outbound traffic would not really be a peak event
5 necessary for mitigation. We're talking about a maximum
6 of 37 vehicles over the property for (audio interruption)
7 that works out to (audio interruption) 2 minutes during
8 the hour peak inbound flow, which is relatively low.

9 The other thing is that event traffic would
10 not typically (audio interruption) periods. You know,
11 this is -- morning rush hour is sometime between 7 and 9.
12 There won't be any traffic there, obviously. And then on
13 a Monday through Friday, the afternoon peak hours, from 4
14 to 6. Saturday peak period is usually 11 to noon. And
15 these 100 (audio interruption) over the course of the year
16 wouldn't be continuous like a regular business. Every
17 once in a while (audio interruption) and there's no
18 overlap with the highway peak periods.

19 As Pamela mentioned, the shuttle busing
20 would be provided for events with more than 37 vehicles,
21 and there's designated on-site parking, as you saw in the
22 site plan, which means no parking on the highway shoulder.

23 Next slide, please. So I won't talk about
24 the first part because Pamela has already mentioned that.
25 But -- but one thing we heard at the Planning Commission

1 was that, you know, we had outdated traffic data. We're
2 actually studying future traffic 20 years from now based
3 on CDOT traffic growth factors. So there's no way our
4 traffic data can be outdated because we're projecting into
5 the future.

6 As I mentioned, at the peak event flow, it
7 would be mitigated from constructing this new southbound
8 right turn decel lane. It would be 800 feet long because
9 of the high speeds out there.

10 Important to note that we don't meet the
11 CDOT criteria (audio interruption) our assumptions are
12 correct and traffic comes from where we think it's going
13 to come from, but yet, we're willing to put this in to
14 mitigate this -- this traffic.

15 The site access (audio interruption) larger
16 vehicles, meaning buses. And there would be a lot of
17 communication with event contracts and attendee
18 information that would clearly state the limitations for
19 on-site parking and the shuttle use requirements.

20 There may be one more. Yeah. This is the
21 last traffic slide, but the (audio interruption) Douglas
22 County's approval of Use by Special Review is valid for
23 one year and it can be (audio interruption) if the
24 applicant violates special conditions for approval.

25 In addition, the CDOT access permit is

1 going to include a condition as a standard condition
2 (audio interruption) that access permit that CDOT has the
3 right to modify or close the access if traffic safety or
4 operational problems arise.

5 Well, you can imagine how motivated the
6 applicant would be here to make sure things are (audio
7 interruption) because the worst thing that could happen to
8 them would be to have their access be closed.

9 In order to follow up and make sure we're
10 doing what we said we'd do, there would be a compliance
11 and traffic monitoring plan that would include video
12 surveillance equipment installed at the site access.

13 This is how all traffic counts are done now
14 is by video camera. That camera would be up and taking
15 videos before the -- before, during, and after the event
16 to monitor the traffic in and out of the property. The
17 (audio interruption) to verify the commitments and
18 assumptions used in the traffic study and specifically the
19 number and timing of events per year. The site access
20 traffic (audio interruption) by specific movement and
21 direction of travel (audio interruption) and the vehicle
22 type.

23 Now, that would be a lot of data. We're
24 not just going to just hand it to the County. We would
25 put this together (audio interruption).

1 MS. SOLLY: Whoops.

2 MR. HUDSON: And I think that's the end of
3 the traffic portion.

4 MS. SOLLY: Okay. Thank you, Skip.

5 All right. So now, we will move on to our
6 noise study. And as I said earlier, we have Jeff Cerjan
7 here from Cerjan Consulting. He has 22 years of
8 experience in what he does and he's going to come up and
9 present his noise study.

10 MR. CERJAN: Hello, Commissioners. My name
11 is Jeff Cerjan, Cerjan Consulting.

12 I guess, basically, first off, the -- I
13 submitted a -- a -- a noise report and -- which included a
14 noise model and -- with all my assumptions and was able to
15 show compliance with the -- the noise regulation, so --
16 we're in compliance.

17 Per that -- per the numbers that I used in
18 my -- in my report, we're in compliance.

19 And so you would think every single client
20 that I work for that every report I come up with is in
21 compliance. That's not the case. I have had multiple
22 music venues where I have told them we're not going to
23 meet compliance. It's not possible. And -- and to their
24 dismay, they're like okay. So it's not just because I
25 work for them that I'm showing it being in compliance.

1 That's not the case.

2 And also, typical limits for Douglas County
3 for residential are -- or for this -- this zoning is 50
4 dba at night, 55 dba during the day. That's typical.

5 For the event venue, they -- they really
6 raised the bar and they make it 40 dba during the day and
7 35 dba at night, which is probably one of the most
8 stringent nighttime limits I've ever come across.

9 So that's not -- I'm not saying it's a bad
10 thing. I'm just saying it's -- it's tight. It's tight.

11 Going back to -- so we -- we show
12 compliance. The opponents have come up with a noise study
13 and they raised some concerns, so I'm going to address
14 those now.

15 One of them is a 25-foot compliance line.
16 And the only one -- the only one they are concerned about
17 is the 25-foot compliance to the east. So what -- what
18 the resolution states is to -- that we need to measure
19 25 feet or more from the lot line where the noise source
20 is located unless otherwise specified. And then it
21 directly refers to the Colorado Revised Statutes, 25-12,
22 which is noise.

23 And so to the east is State Highway 83.
24 The way this has been dealt with in the past with --
25 through -- through CRS 25-12 is the road and highway --

1 that -- there's no intent to mitigate noise for the road.
2 That's not -- that's not the intent. Essentially, the
3 roadway is exempt. And so what you do is you go across
4 the road to the next parcel and you go 25 foot into that
5 parcel.

6 That's the way I have done it over my -- my
7 career here in Colorado. I've done it in multiple
8 counties. And that's the way it's been accepted. It's
9 not uncommon.

10 And then if you -- if you -- if you look
11 into the 25-12, even with railroads -- they are not
12 limited to the residential. Railroads are actually
13 limited to industrial limits.

14 (Internet interruption.)

15 And then getting into the noise model. So
16 the noise modeling, that was another concern, or question
17 that was raised by the opponents.

18 So I used, for a sound pressure level
19 inside the -- inside the venue at the walls and at the
20 roof. Not -- not on the dance floor. At the walls and at
21 the roof, I used 80 dba.

22 And what the opponents said was no, no,
23 typical levels inside a -- for a DJ on a dance floor is 90
24 to 100. 100, you're pushing it. But 90, I don't
25 disagree, but that's on the dance floor.

1 When you add 100 to 150 people, you get
2 sound absorption from all the people. Also, you are
3 not -- the speakers are aimed at the dance floor. As you
4 get away from that floor and you get to the walls and you
5 get to the roof, that level goes down. And -- you also
6 have 100 to 150 people inside, absorbing that noise.

7 So the 80 dba -- where I got that number
8 was I -- for another project, I was working on a barn
9 venue and they had -- they hired a DJ. I had that DJ set
10 up, set his levels. You satisfied? And I went in and
11 measured. Lo and behold, it was 80 dba, so -- and it was
12 empty. No people in it.

13 So if you bring people in, you might have
14 to crank it up and make it a little bit louder, sure, but
15 when you get to the walls, it's not necessarily going to
16 be 90 or, you know, 100 now.

17 That's not what this venue is about. And
18 also, I've measured large venues -- 27,000-plus venues,
19 large rock shows. You know, the loud ones. At the board,
20 we're measuring 95 to 100 at those shows.

21 Oh, and then -- so -- so if there is a
22 concern, if you do -- if you do want to say, well, you
23 know, I'm concerned, you know, like it is 90 at the wall.
24 I know, we're not sure.

25 Well, the -- the applicant has offered

1 to -- or suggested that maybe they should do their own
2 noise study in their barn to make sure because they're
3 investing significant money into this -- into this
4 project, so they want to make sure they do it right.

5 So we may do our own study, but,
6 ultimately, we have to meet 35 dba at the compliance
7 location regardless. What -- regardless.

8 So that -- that is -- that is an option and
9 I think that'll -- that'll help working with the architect
10 and everything to come up with exactly STCs of the walls
11 and the windows and doors and all that and how to do that
12 because there's a lot of details involved in this.

13 And we don't have all the details figured
14 out yet. This is more of a proof of concept, in a sense.

15 And then, finally, there will be live
16 monitoring. You have to have live monitoring. It doesn't
17 have to be necessarily monitors are set up permanently and
18 they just run continuously. What usually happens is
19 the -- the -- the owner of the facility is going to go in
20 there and measure it at a door or at the -- somewhere
21 inside and get a reference level. And then they'll go
22 outside and they'll go to their property line and measure
23 and see if they can see where they're at. And if they
24 have to turn it down, they have to turn it down. It is
25 what it is.

1 And then -- and then -- then we get to the
2 other issue is traffic noise. The -- the existing noise
3 level that's out there today. Now, we haven't measured
4 that there. We didn't go out there and plunk a monitor
5 down and let it run for a week. We didn't do that.

6 But what I did do the other day, which is
7 probably in your new packet, is FHWA, Federal Highway
8 Administration has a traffic noise model, TNM, which is
9 used by CDOT and everybody else.

10 I went ahead and created a basic noise
11 model. I used the traffic data from -- from Skip that
12 was -- showed the hourly -- the hourly -- hourly volumes
13 for each direction. It had a -- it had a truck percentage
14 on there and I used all that at 65 miles per hour. And I
15 did a -- I did a prediction for each hour that they
16 were -- proposed to be open, and I got a range of traffic
17 noise levels at her venue, at the compliance location, and
18 at the residence.

19 The predictions that I did for the venue
20 itself and compared to the predictions from the traffic
21 noise model, which is an hour -- an hourly average noise
22 level, the predictions from the venue are a maximum
23 instantaneous noise level, essentially, and they were --
24 the traffic noise levels are generally 10 decibels over
25 the venue -- predicted venue noise levels, even at the

1 last hour, 10 to 11 p.m.

2 So I'm not saying that, you know, these
3 models are perfect and it's going to be that. I'm just
4 saying that that tells you it's not the other way around.
5 So that's my point.

6 And then -- oh, I'll get to that later.
7 And then, yeah -- then, again, like I was saying about the
8 design details and things like that, I'm not really
9 prepared to talk about all that, but one other thing to
10 talk about is the -- the opponents brought up that they
11 didn't -- that we didn't address the outdoor tent space
12 where there's going to be no -- no amplified music, but
13 there's going to be people out there.

14 I -- I don't see -- I don't see the --
15 the -- the concern when you -- when you're generating so
16 much noise inside a venue and then you have people
17 standing outside with no amplified music.

18 And another thing to consider about this,
19 as well, is that the applicant, the predicted noise level
20 from traffic onto this tent venue is going to be around 60
21 on average -- 60 decibels on average over an hour. And
22 with car passes and things like that and truck passes,
23 that level is going to jump up into the seventies.

24 And that's not going to be real conducive
25 to having a -- a ceremony or having people talk. It's

1 going to be -- it's going to be an issue.

2 They're going to want to put screening up.
3 They're going to need screening. So it's going to be a
4 noise barrier of some sort. They're going to need to
5 do -- they're going to want to do something. So I think
6 that's going to work itself out.

7 But as far as everything else goes, I
8 think they're -- I think they're in good shape.

9 MS. SOLLY: So I think what's important to
10 note again is that there will be no amplified music
11 outside the barn.

12 The receptions will be inside the barn.
13 There will be no dancing outside on the -- on the slab.
14 The slab is for the cocktail hour where there would be
15 garden music playing, but all of the -- the reception will
16 be inside the barn, and that's where the amplified music
17 will be.

18 So we have Tim Franklin on the phone and he
19 is our architect. And Tim was going to just talk about
20 some of the noise -- or some of the construction details
21 to --

22 (Internet interruption.)

23 MS. SOLLY: All right. Well,
24 unfortunately, I'm not sure why we can't hear him because
25 he said that he could hear us.

1 So he -- Tim Franklin is a very experienced
2 architect. He's in Ohio. He is known for renovating
3 historic barns. The barn he lives in and works out of is
4 an 1870 bank barn back in Ohio. So he definitely knows
5 what he is doing.

6 The few bullets that he gave me -- and if
7 he comes back on, we can certainly ask him, but some of
8 the design details that he provided to me was that --
9 again, to specifically mention that that east side of the
10 barn where the catering kitchen is going to be, the
11 bathrooms, that's going to buffer part of that.

12 He also said, with respect to construction,
13 that we will be -- when we talk about renovating the barn,
14 the barn will essentially look the same, but the exterior
15 with siding and whatnot might look a little -- will most
16 likely look a little different, but we're going to keep
17 the existing exterior. And to that existing exterior,
18 we're going to add additional vapor barrier, we're going
19 to add waterproofing, and we're also going to add another
20 layer of siding, and all of this, which, you know, will be
21 sound-deadening.

22 For the interior walls, we will have
23 deadening insulation, 2-by-6 walls with R38 or R42
24 insulation. We'll also consider spray foam insulation for
25 the higher R -- R value.

1 And then, finally, with respect to the
2 windows, they will all be Andersen windows. They will be
3 double-paned, low ER, argon gas-filled and extremely
4 sound-resistant.

5 So, you know, when I was talking to Tim
6 about the concerns, you know, with the noise, that we have
7 to be able to make sure we can achieve these limits --
8 these noise limits, basically, he said we'll construct the
9 barn however we have to with insulation to keep that --
10 you know, to keep the noise inside.

11 During receptions, the doors will be
12 closed. I mean, once the reception starts, the doors will
13 be closed. Will people walk by, will people walk out,
14 keep the door open? The staff will continuously shut
15 doors, but yes. So the thought is that once the reception
16 starts that the doors will be shut.

17 Do you have anything to add to that?

18 MR. MILLER: No.

19 MS. SOLLER: Okay. All right. So --

20 MR. MILLER: Yeah. I mean, I would like to
21 add something to that. We just -- it -- just kind of
22 backing up a little bit, all of our vendors, our caterers,
23 our DJs, anybody that works at our venue will be approved.

24 So we'll have, for instance, five or six
25 DJs that are approved DJs to be used at our venue. Every

1 single one of them will know how to turn -- how far to
2 turn that music up. They'll know. They'll know when to
3 have the music on, when to have the music off because if
4 they don't, they're not going to be an approved DJ at our
5 facility.

6 So if we've got noise levels that have to
7 be met, they'll know exactly what it is.

8 MS. SOLL: And we'll be doing our own
9 internal noise measuring because it protects us. Right?

10 I mean, we have to be able to, through the
11 events, monitor the sound so that we know that we are in
12 compliance. And we keep a report of that, as well, so ...

13 I just wanted to show you a few more
14 pictures of the property.

15 So these are our neighbors to the west.
16 Basically, our property is, essentially, very close to the
17 road. The abutting properties are kind of on the -- on
18 the far side of their properties -- or our property, I
19 guess.

20 So this is our neighbor to the west. There
21 is our neighbor to the north. There are our neighbors --
22 abutting neighbors to the east. So going up Lucas Avenue
23 from the barn.

24 And this is our neighbor to the south. And
25 then, once again, you can see where -- where -- where the

1 barn -- where the barn is located.

2 Right here -- whoops, I'm sorry.

3 So here's the barn right -- this is where
4 the pavilion -- you know, the slab with the tent will go.
5 Here's the -- you know, the bride's room right there.

6 So -- so for the -- for the slab with the
7 tent, there's a little bit of -- there are trees here,
8 but, remember, then there's going to be a barrier -- you
9 know, berms and fencing down here.

10 And then this is where the parking lot is
11 proposed to be. The 34 spaces right here. Again, it will
12 be properly screened right there.

13 So that really is -- do you have anything
14 else on that?

15 MR. MILLER: Yeah. Can I jump in real
16 quick?

17 MS. SOLLY: Yeah.

18 MR. MILLER: And it's really interesting
19 these trees were planted here -- it must have been years
20 ago. But they are just beautiful, kind of these grove of
21 trees right here. The noise thing about here is
22 everything is going to happen right here. Nothing's
23 happening back here. Nothing is happening over here.
24 Everything is going to happen right here.

25 So the wedding is going to be contained to

1 that area.

2 And light pollution. All the lights are
3 going to be shining down to the ground. But also, we've
4 got these natural buffers here to protect light from
5 escaping the property.

6 One of the things that you can see here --
7 I mean, it's obvious in all these pictures that we're
8 showing you, this is beautiful rural country. And that
9 was the attraction to us of -- of this because it's just
10 absolutely beautiful.

11 This is the only area that we're developing
12 for the wedding venue. The rest of these hayfields and
13 agriculture here, we want that. We want that look. We
14 want to maintain it. The better -- the more, the better
15 because people want to come out of the city and see --
16 come out to the -- to the agricultural land and see what
17 it is.

18 Right now, if you want to come out and see
19 this, you can do it, but you've got to go 65 miles an hour
20 down the freeway because everybody has got their property
21 fenced off and won't let you on. They can come to our
22 property and experience what the agricultural life is.
23 And we think that's special.

24 One of the other things that I think is
25 special when we came -- when we first came here to look at

1 this property when Pam had already put an offer on it, I
2 looked at this and I said, Wow. Every single person,
3 including the people on all sides of this property, have
4 built their residences to the back side of their property.
5 What's the luck?

6 Because if somebody had built a house right
7 here, then we've got a bigger problem. Now we've got
8 noise problems, we've got other problems to deal with, but
9 because we were lucky enough that everybody built to the
10 back side of their properties, it gives us like an extra
11 buffer.

12 So when we looked at this -- when we looked
13 at this, I told Pam -- I said, This has got to be the
14 poster child for what Douglas County meant when they said
15 you can put a wedding venue on Ag 1 property. Where are
16 you going to ever find a place better than this, on a
17 major highway with no -- no -- no neighbors sitting down
18 on top of you? So anyway ...

19 MS. SOLL: Yeah. And that is true. And
20 you know, we are committed, obviously, to keeping the Ag 1
21 status.

22 There's been a lot of comment about
23 rezoning. We're not asking, as you know, for a rezone.
24 We're asking for a Use by Special Review. And we plan to
25 keep this agricultural. And, you know, with the

1 agricultural, with the grass, with the -- you know, the
2 hay and the cattle, we -- we lease our land out, so we
3 lease it to a neighbor. And he did bring cattle over last
4 year. He didn't bring cattle over this year, but he did
5 bring over a small -- a small head of cattle last year.

6 A beautiful view of Pikes Peak.

7 So we do believe that -- that this property
8 is currently compatible with the community and we plan on
9 keeping it that way.

10 We are renovating the barn. There is no
11 new construction.

12 There is, you know, the parking lot here,
13 but other than that -- you know, the barn will be
14 renovated, restored, whatever you want to call it, and
15 then there'll be, you know, the -- you know, the slab with
16 the tent. Other than that, everything will look virtually
17 like this, which we think is --

18 MR. MILLER: The grounds.

19 MS. SOLLER: Yeah. Exactly. So that is --
20 that's what -- that's what it's going to look like.

21 So, in closing, we know there's going to be
22 lots of comment. So quickly, just in closing, we want to
23 say that we have taken great care to put plans in place to
24 address the noise, the traffic, and to ensure that our
25 property remains compatible within the community.

1 We are not asking for the rezone. We plan
2 to preserve the agricultural property and keep it
3 beautiful. Last year, we got about 1,250 bales of hay and
4 we assume we're going to get that much hay this year, as
5 well.

6 Again, this management plan that we have
7 put in place is enforceable. The traffic mitigation
8 includes an 800-foot southbound deceleration lane. 37
9 cars on the property. Limited that. Mandatory busing for
10 events that will have 37 or more vehicles. Video
11 surveillance. And an annual compliance report.

12 We believe, again, with the -- that we will
13 comply with the Douglas County Ag 1 noise limits. There
14 will be no amplified music outside. Doors will be closed.
15 Appropriate screening. The garage will also present some
16 sort of a buffer, that big large garage that's existing.
17 And during construction, that there will be some, you
18 know, deadening -- you know, sound-deadening construction
19 details that will -- that will be thought of, as well,
20 in -- you know, during the construction.

21 With that, I think one more slide just says
22 that, yeah, we believe that this is good for the
23 community, as well. We're going to preserve the history.
24 And we really are proud of this property and we think
25 Douglas County should be proud of this property and really

1 embrace the history of it, as well.

2 We want people -- people to enjoy this gem.
3 We do -- we are very charitable people anyway, but we will
4 continue to give to schools and our churches.

5 There will be employment opportunities for
6 the community, tax revenue to Douglas County, and we
7 believe, with what we have showed you and what we're going
8 to do to the property, that this is a low-impact business
9 on the -- you know, on the property. And we do not
10 believe that this will impede or negatively impact the --
11 you know, the harmony of -- of the area. We just don't.

12 And we think that we've thought and put
13 together a plan that will enhance -- that will ensure
14 that.

15 So do you have any questions for us before
16 we sit down?

17 COMMISSIONER LAYDON: Ms. Solly and
18 Mr. Miller, thank you for that presentation. Any
19 questions for the applicant?

20 COMMISSIONER THOMAS: Thank you. I do have
21 some questions.

22 So if you can go back to a different slide
23 that shows your property more closely. Where is your
24 house? Because you live on this property and you're going
25 to stay there, watching it all the time; right?

1 MR. MILLER: We do.

2 MS. SOLLY: We do. Let me go to the very
3 first slide. So, yes, this is our primary residence and
4 this will remain our primary residence.

5 So here is our house right here. It's a
6 little 1,700-foot-square foot -- 1,700-square-foot
7 farmhouse right there. There's a chicken coop. We have
8 eight chickens. And here's a pond. And there's the other
9 pond.

10 So, you know, when we come in, we just come
11 in here, we go around the roundabout, and then the house
12 is right there.

13 COMMISSIONER THOMAS: And so you will be
14 on-site, managing all this -- you're not going to be
15 absent landlords?

16 MS. SOLLY: We will not.

17 MR. MILLER: No.

18 COMMISSIONER THOMAS: And I did have some
19 questions for your sound, Jeff Cerjan.

20 MS. SOLLY: Yeah. Jeff Cerjan, yes.

21 COMMISSIONER THOMAS: So thank you for your
22 presentation. I tried to follow it. Did I understand
23 that the traffic noise on 83 is 70 dba?

24 MR. CERJAN: This is Jeff Cerjan again.
25 No. What I was saying was -- well, so the traffic noise

1 model -- so, you know what? Like me talking to you right
2 now if you had a noise meter, you're going to be reading
3 it, it's going to be jumping all around, 50, 40, 30,
4 whatever.

5 So for -- for -- for the FHWA traffic noise
6 model, they do -- it's an hourly average, so it's --
7 it's -- they kind of figure it's actually the energy
8 equivalent over an hour.

9 So it may fluctuate, but, then, they're
10 going to give kind of this average level and it's going to
11 vary depending on -- on the distance from the highway.

12 So what I was saying when I said something
13 about 70, what I was saying was like for their barn and
14 for their -- for their outdoor pad area where I predicted,
15 it was saying the average is going to be around 60 for
16 kind of the -- during -- when they would be out there
17 during the daytime, which is not --

18 MS. SOLLY: The highway is 60 or the --
19 what's 60?

20 MR. CERJAN: The noise level. Dba. 60
21 dba.

22 MS. SOLLY: From the highway?

23 MR. CERJAN: From the highway. And -- so a
24 point of reference there is that CDOT, when they -- when
25 they -- when they eventually do expand 83 or whenever --

1 whatever they are going to do, they will do -- they will
2 do this same noise -- similar noise study. And if you hit
3 66 dba for a loudest hour, now they're going to consider
4 noise walls, noise barriers.

5 That's -- so that's -- that's where you're
6 at in those levels.

7 Now, when I say that it's going to be about
8 70 decibels like when a truck goes by -- like a semi truck
9 goes by or a loud truck goes by, so there's going to be
10 times where -- because it's not constant 60. It's going
11 to be 70. It's going to be 50. It's going to be 30. You
12 know, it's going to -- it's going to be back and forth
13 constantly as cars pass.

14 So I don't think it's very conducive to
15 like an outdoor space. They're going to want to screen it
16 somehow.

17 So an outdoor space that doesn't have any
18 amplified music, I don't -- I don't see how we're going to
19 be too concerned about the -- the noise propagating to the
20 neighbors from -- from that.

21 And we're going to -- because we're going
22 to have to put screening up anyway to protect the --
23 protect the -- the tent space.

24 COMMISSIONER THOMAS: So while you were
25 talking, you were talking about the compliance site. And

1 is the compliance site 25 feet into a property on the
2 other side of 83?

3 MR. CERJAN: That's -- that's what I'm
4 saying, yes. What the opponents are saying is that they
5 are saying this use -- just offset straight out, it
6 doesn't matter what's there. I guess if they were
7 abutting -- I guess if it would be a railroad
8 right-of-way, I guess -- they're suggesting that it
9 wouldn't matter, but Colorado Revised Statutes 25-12,
10 which they directly reference, says, you know, a -- a
11 railroad right-of-way is 75, 80 or something like that.

12 And what I'm also saying is that when I've
13 worked on other -- in other counties -- not one or two, a
14 handful -- a number of them that -- that specifically call
15 out CRS 25-12 as their noise code, we have always gone
16 across the highway or on the other side of the roadway
17 before, because we're not trying to mitigate down to 35
18 dba in the middle of State Highway 83. There's -- what's
19 the point of that?

20 COMMISSIONER THOMAS: So I think that's
21 what I'm trying to understand is that there's already this
22 highway that's generating this constant noise. Sometimes
23 it's greater, sometimes it's less. But there's already
24 this highway creating noise. So how much will a barn
25 across the street that is insulated and built to maintain

1 sound with speakers pointed towards the dance floor -- how
2 much of that sound will impact the noise that's already
3 coming from 83 to this compliance site that's 25 feet into
4 the property across 83? Can you tell us what that is?

5 MR. CERJAN: Well, I can't tell you
6 exactly. What I did say earlier was that in the -- in the
7 quietest hour -- the quietest traffic hour --

8 COMMISSIONER THOMAS: Okay.

9 MR. CERJAN: -- from 10 to 11 p.m. at
10 night, looking at the houses, the -- the -- the two noise
11 models show or suggest that the traffic hourly --
12 average -- hourly average traffic noise level is going to
13 be around 10 decibels, at least, below what the venue is
14 going to be producing.

15 So 10 decibels -- generally, a rule of
16 thumb is if you're 10 decibels below another sound, it's
17 inconsequential. But am I going to hang my hat on this
18 TNM model and say that's what's going to be? No, I can't
19 do that. There's limitations. And -- and also, we have
20 to work through all the details.

21 In fact, we may be able to make this venue
22 even quieter. We have barely just started working with --
23 I have barely just started working with the architect. So
24 I -- and he has full confidence it's not going to be a
25 problem. He said -- he said -- where he lives, he has

1 weddings and he has neighbors really close and he's never
2 had an issue. So --

3 MS. SOLLY: And in your report -- in your
4 report that was submitted originally and in your analysis,
5 you showed that we would be compliant in different areas?

6 MR. CERJAN: Right. Yeah. So -- so --
7 what I did -- what I did in the original report was I did
8 doors closed. And I -- I said that the walls and the
9 windows and the roof would all have to be an STC of 38.
10 That's -- that's good. That's not -- that's not
11 excessive. That's very achievable.

12 I said if you decide you want to open one
13 of these doors like to the south or to the north, you're
14 going to have to turn the music down. Maybe you want to
15 do that when you're having dinner. You know, have some
16 background -- light background music. You're not doing DJ
17 music.

18 And then -- but when you turn the DJ on and
19 you want to crank it up to 80 or 90, you close the doors.
20 And -- and that shouldn't be a problem.

21 COMMISSIONER THOMAS: So I just have one
22 more question. What is the sound -- the dba that is
23 allowed to come from this site? Does that number exist?
24 And what is it?

25 MR. CERJAN: Yeah. So -- so it's -- during

1 the daytime, it's 40 dba at the compliance location. The
2 compliance locations are not the homes. They're actually
3 25 feet outside the property line. And then what I'm
4 saying, it's on the other side of the highway, 25 foot
5 into the eastern parcel. So those are the compliance
6 locations, not the houses.

7 We predict it at the houses because that's
8 where people live. And honestly, that's where I think it
9 really matters, but they -- everybody gloms on to this CRS
10 25-12 and that's what they go with.

11 MS. SOLLy: And then in the evening --

12 COMMISSIONER THOMAS: So it's 40?

13 MR. CERJAN: And then in the evening, it's
14 35 dba, which is -- like I said earlier, is like one of
15 the most stringent -- I think State of New York might be
16 trying to do 35 dba for wind turbines now, but, really,
17 you never run into 35 dba. That's --

18 MS. SOLLy: And you think it's achievable,
19 though?

20 MR. CERJAN: It's achievable. Yeah. It's
21 achievable. We -- yeah. We predicted it.

22 COMMISSIONER THOMAS: With the right design
23 of the barn?

24 MR. CERJAN: With the right design, yeah.
25 Yeah.

1 COMMISSIONER THOMAS: Okay. Thank you.

2 COMMISSIONER LAYDON: Other questions from
3 the Board?

4 COMMISSIONER TEAL: I found the applicant's
5 presentation to be comprehensive. I have no questions.

6 COMMISSIONER LAYDON: Well, I -- I have a
7 series of questions, but I think I will hold off on those
8 until I hear from citizens.

9 So I do have a list of individuals that
10 have signed in on this and we'll begin with Jennifer
11 Wagester. Jennifer, are you here?

12 DR. WAGESTER: I'm way in the back. And I
13 have an exhibit.

14 COMMISSIONER LAYDON: Sure. If you want to
15 just approach our counsel to my left, please.

16 MR. INGALLS: Exhibit 4 for today's public
17 hearing.

18 DR. WAGESTER: Oh, I'm sorry. Can I go or
19 should --

20 COMMISSIONER LAYDON: You may. If you just
21 want to state your name and where you're from for the
22 record, please.

23 DR. WAGESTER: Sure. I'm Dr. Jennifer
24 Weagester, and I'm an adjacent landowner.

25 COMMISSIONER LAYDON: Okay.

1 DR. WAGESTER: But most importantly, I'm a
2 neighbor and a community member.

3 While Cherry Valley's growing population
4 has reduced large ranches to 35-acre lots, agriculture is
5 alive and well. When we gather with our neighbors, we
6 don't talk about our day jobs. We discuss our livestock,
7 where we buy feed, and how to grow grass in our dry
8 climate. We volunteer our equipment to those who need it
9 and help when we can, just as farmers and ranchers have
10 done for generations.

11 People live in Cherry Valley because they
12 don't want what town has to offer, and putting the
13 proposed event center in the middle of a rural community
14 is concentrating all that we are trying to avoid and
15 advertising it with 3 acres of white lights.

16 We are aware of the disruption and
17 intrusion rural event centers force upon neighbors. The
18 traffic is continuous. Noise can be heard for miles.
19 There are no more peaceful nights on the deck, enjoying
20 country living.

21 An event center wrecks the neighborhood
22 while profiting off its picturesque rural setting.
23 There's nothing rural or harmonious about partying till
24 the cows come home every long weekend.

25 When considering this specific USR request,

1 our neighborhood believes that it has made it this far
2 through the process because the only information
3 considered was provided by the applicant when con -- which
4 contained gross errors and omissions.

5 Had this project been objectively analyzed
6 as in the exhibit, it would have been found to not meet
7 seven of the twelve approval standards.

8 It cannot comply with the minimum A1 zoning
9 requirements. It does not comply with the requirements of
10 Section 21. It is not in harmony and compatible with the
11 character of the surrounding areas and neighborhood. It
12 is not consistent with the Douglas County Comprehensive
13 Master Plan. It will result in overintensive land use.
14 It will cause significant noise pollution. And it will
15 not be adequately landscaped, buffered, or screened.

16 The purpose of the USR process is to
17 determine whether a small-acreage parcel can shield
18 residents from the incompatible use of an event center in
19 an A1-zoned community. At 35.387 acres, this proposal
20 just meets the 35-acre threshold. It does not meet the
21 100 feet roadway setback for A1-zoned properties and it
22 does not meet the 200-foot setback required by Section 21
23 for all the property boundaries.

24 A majority of proposed activities will take
25 place within the 200-foot setback and there is no buffer

1 on the eastern property line, which means people will be
2 partying next to a State highway in production
3 agriculture.

4 My past career experience managing events
5 of 30 to thousands has taught me that plans never go as
6 planned. People do whatever they want. Given the
7 proposed site limitations, the proposed plan requires
8 perfect cooperation from guests to work, which is
9 unattainable.

10 As a result, the event center will be a
11 constant source of complaints and require a constant
12 stream of management plan amendments, draining valuable
13 County resources.

14 The only assurance we have is that what is
15 being considered for approval today will not take place in
16 reality.

17 COMMISSIONER LAYDON: Thank you,
18 Dr. Wagester. I appreciate it.

19 So we also have Raymond Wagester.

20 MR. WAGESTER: Thank you. I have an
21 exhibit.

22 MR. INGALLS: Thank you. Exhibit 5.

23 MR. WAGESTER: Pardon me for a second. Old
24 age is sneaking up on me and I have to get my glasses out
25 so I can -- I can read and speak to everybody today.

1 Thank you, Commissioners. I'm Raymond
2 Weagester. I reside at 10505 Lucas Avenue.

3 And with 1,300 pages on today's agenda, I
4 assume you have to rely heavily on your staff executive
5 summaries and their analysis to reach a conclusion, yet
6 prior to the Planning Commission hearing, there was no
7 community outreach or interaction.

8 And so this analysis was built entirely
9 from the applicant's opinion and their hired experts
10 without peer review, and staff is not obligated to
11 critically review these submissions.

12 As such, the proposal and the staff report
13 end up very one-sided. In the Friday update and the
14 previous exhibit that was shared with you, you were
15 provided with an eight-page analysis along with a noise
16 study that peer reviews the applicant's study. These
17 documents consider a much broader set of relevant factors,
18 many of which are not discussed by the applicant or staff
19 and may be less favorable to this project.

20 The map provided shows the required A1
21 100-foot setback and Section 20 -- excuse me -- Section 21
22 200-foot setback.

23 As you can see, this is not a case of a
24 minor intrusion, as the event center activities will
25 require entirely operating within this 200-foot setback.

1 This does not meet the approval standards
2 for 2102.01 or 2102.02.

3 Section 21 states the Board may establish
4 lesser setbacks than those required in the section if the
5 Board determines that adequate buffering is or will be
6 provided to mitigate such concerns as visual dust, other
7 social or environmental impacts. The burden of proof is
8 on the applicant.

9 The applicant's landscape plan is drawn for
10 esthetics; not for mitigation purposes, yet it is proposed
11 as this mitigation.

12 A landscape engineer did not determine
13 adequate mitigation, so we're to take the applicant's
14 words and -- and hope.

15 The neighboring properties are at a higher
16 elevation, so common sense can tell us right away that the
17 proposed landscaping isn't an effective strategy to
18 mitigate the neighborhood from the noise, the light, the
19 sounds, the dust. All of the things spelled out to us in
20 2106.01.

21 There is no 200-foot buffer from Highway 83
22 and multiple adjacent properties and the applicant did not
23 address how the proposed plan mitigates such concerns in
24 2106.01.

25 And zoning variances are considered for

1 explicit reasons, such as limited space, resources, or a
2 building envelope. This property is not a hardship case.
3 It can continue to operate as a typical rural residence.
4 This property can be utilized in the manner it always has
5 been and this barn can be preserved without needing to
6 grant a setback so a commercial business can operate
7 within a 200-foot buffer.

8 Douglas County has an adequate supply of
9 event centers. No emergencies exist to allow for spot
10 development.

11 So ask yourself this: To be fair and
12 unbiased, would you want 150 people celebrating with
13 alcohol less than 200 foot from your home, 12 months out
14 of the year, three days a week until midnight?

15 And if the answer is no, then I would say
16 this is the wrong site for this event venue, and it
17 doesn't warrant a variance and it doesn't warrant
18 approval.

19 Thank you for your time and consideration.

20 COMMISSIONER LAYDON: Thank you,
21 Mr. Wagester.

22 I have a Kevin Walmsley.

23 MR. WALMSLEY: Good evening. My name is
24 Kevin Walmsley, W-a-l-m-s-l-e-y.

25 My family and I live in the nowhere, as

1 referred to by the applicant. We're also a nearby
2 property. Thank you for your time.

3 30 days ago, almost no one in Cherry Valley
4 knew about a proposed event center. On the last allowable
5 day, the applicants put up a sign in front of the
6 property. It's a little hard to read at 65 miles an hour,
7 but, fortunately, some of my neighbors and I did read it
8 and called the Planning Department.

9 For over a year and a half, the applicant
10 has been working with the Planning Department staff to
11 request something called a Use by Special Review. They
12 did not work with any in the -- anyone in the neighborhood
13 that I know of.

14 Our neighborhood soon met, talked, and
15 organized. We responded with a formal letter outlining
16 our concerns. We gathered signatures in opposition from
17 142 Cherry Valley residents and 17 of us spoke at the
18 Planning Commission meeting.

19 On that evening, I heard an awful lot about
20 the hopes and dreams and plans from the applicants, but I
21 left with real concerns for the important planning details
22 that really matter.

23 As one of the closest neighbors to the
24 event center, noise is also very important to me.

25 The applicant's assumption that sound

1 levels of 150 people in a closed barn is only 80 dba did
2 not make much sense to me, but in deference to their noise
3 expert, he himself said his assessments are based on
4 imperfect models, estimates, assumptions, virtually
5 educated guesses, and their mitigation involves somehow,
6 might, and may.

7 And as Commissioners, you're being asked to
8 rule on an estimate and a guess that affects our lifestyle
9 and our livelihood.

10 So as neighbors, we banded together and
11 consulted a qualified sound engineer, also. The
12 professional sound engineer verified that inside noise
13 levels of 90 to 100 dba would easily break the Douglas
14 County property line noise limits and would carry two to
15 four times further up into our surrounding properties than
16 indicated by the applicants.

17 Our surrounding properties are the ones
18 conveniently edited out on the east side by the
19 applicant's pictures.

20 Reading the applicant's study and more
21 recent correspondence also shows the applicant's noise
22 consultant uses a critical term, "proof of concept."
23 That's not a definite scientific statement by a
24 professional in this case. It's an out. It may happen.
25 It may not. Maybe they'll comply. Maybe they won't.

1 They plan to do another study with a DJ,
2 but they have not. Once again, estimates and guesses.

3 When will this factual real-world noise
4 study be done? After they receive the USR? After it's
5 too late to stop the train?

6 Proof of concept is not enough for us. We
7 live there.

8 Thank you for your time.

9 COMMISSIONER LAYDON: Thank you,
10 Mr. Walmsley. I have a Todd Chwialkowski.

11 MR. CHWIALKOWSKI: Good evening. My name
12 is Todd Chwialkowski, and I'm a Douglas County resident
13 since 1998.

14 I'm an engineer and I currently work in the
15 Federal regulatory enforcement and renewable energy
16 industry with utility grade wind and solar plants.

17 I am familiar with sound studies used for
18 our wind turbines. And from the information that I have,
19 these are serious and unanswered questions about sound and
20 the repurposed barn.

21 With no engineering and structural plans,
22 it's not possible to say that that building will even live
23 up to the application's concept. But more important, the
24 outside noise seems to have been relatively ignored in
25 this application.

1 Now, there are, of course, the obvious
2 problems of cheerful guests, lingering in the parking lot
3 as they depart late at night, accompanied by dozens of
4 cars and trucks starting up and waiting to get out of the
5 single exit onto Highway 83, buses sitting idling to heat
6 or cool ahead of their passengers' arrival, and the noise
7 as they accelerate onto the highway.

8 But what about the proposed patio and the
9 60-by-80 outdoor pad with the big white tent, which will,
10 presumably, service parties, dinners and other such
11 events? Since the application says that there will be 100
12 events and further speculates that 35 will be weddings,
13 what about those 65 Saint Patrick's Day parties or Cinco
14 de Mayo parties or graduations or anniversary parties when
15 the clients wish to celebrate outside?

16 If 100 people in an enclosed barn can
17 generate 85 decibels just eating and talking, how much
18 noise will 150 outdoor celebrants gen -- generate with
19 nothing between them and the surrounding community?

20 The only comment I've found from the
21 applicants is that there will be no amplified music. But
22 what about microphones and speakers for toasts or speeches
23 and unamplified live bands or musical instruments that can
24 produce a whole lot of sound?

25 We've heard about a 9 foot wall which will

1 cover only a small stretch on the eastern edge of the
2 property. While it may hide Highway 83 from the guests
3 and to some extent reduce the center's road noise, our
4 engineer tells us that it will do nothing to mitigate the
5 party noise as it flows up the hill to the homes to the
6 east.

7 And finally, what about the heating and
8 cooling in an enclosed venue with 150 dancing guests?
9 There's not been any engineering studies on the repurposed
10 barn, but it's obvious that the answer will require some
11 serious industrial-scale air-handling units which will
12 need to operate at some level 24-by-7, 365 a year.

13 That's going to be a whole new set of
14 sounds for this rural neighborhood.

15 All this less than 200 feet from the
16 property line and just 250 yards from people's homes. In
17 the rural community in which we live, we need to consider
18 property lines, also, as homes are farther apart.

19 This USR cannot be approved on hopes and
20 dreams, speculation, or proof of concept. I respectfully
21 ask that you deny this application.

22 COMMISSIONER LAYDON: Thanks,
23 Mr. Chwialkowski. I have a Stewart McGregor.

24 MR. MCGREGOR: Good evening. Stewart
25 McGregor, Engineering Dynamics, Englewood, Colorado. I'm

1 an acoustical engineer. I was hired by the neighbors to
2 do a peer review of Mr. Cerjan's report.

3 A couple clarifications when earlier,
4 Councilperson Thompson -- Thomas was asking about traffic
5 noise versus noise from the venue. So traffic noise is
6 an -- an event. Each car that comes down the road like an
7 event -- like there's an event and then it gets quiet.

8 So background noise out in this area is
9 like 30 db at night, so when you have an event go by, the
10 car goes by and then the noise goes down. But when you
11 have music playing and other things, it's a constant noise
12 source.

13 So in your evaluation, comparing the noise
14 prediction from the venue and traffic noise is not -- you
15 really need to just disassociate those two and not -- and
16 not try to compare the 60 dba hourly average from the
17 traffic noise with the noise from the venue because you
18 just can't compare the two -- two animals.

19 Jeff and I are going to disagree on the
20 noise levels in the barn and the noise levels on the wall.
21 I think his estimates are low. And with his estimates of
22 80 db with the doors closed and 72 dba with the doors
23 open, he's just barely at the limit of 35 on the eastern
24 property line. And I think his estimate of what noise is
25 going to be in that barn is low and if it's higher than

1 he's predicted, they're not going to be in compliance.

2 The outside noise from the tent was not
3 addressed at all in Mr. Cerjan's report, and I think that
4 needs to be addressed.

5 Any type of music outside in that tent area
6 is hard -- going to be hard to be in compliance unless
7 it's like a string quartet or some type of acoustic
8 guitar. But if there's a brass-type instrument or drums,
9 it's not going to be in compliance.

10 So I think they need to redo their noise
11 study because I think at this point, they have just not
12 addressed enough of these issues. Thank you.

13 Do you have any questions?

14 COMMISSIONER LAYDON: No. Thank you,
15 Mr. McGregor.

16 I'm going to ask for efficiency's sake, if
17 you are next in line, if you want to just come up and --
18 and line up, I think that might help us as you're making
19 your way back and forth.

20 So the next five that I have are Carol
21 Bradley, Priscilla Queen, Connie Johanns, Steve
22 Vecchiarelli, and then Tom Johanns. If you want to make
23 your way up to the front.

24 Hi, ma'am.

25 MS. BRADLEY: Hello. My name is Carol

1 Bradley. And I live on a family ranch in Cherry Valley
2 that was acquired in 1885 in trade for the historic
3 Whittier home in Castle Rock. My mother was Violeta
4 Whittier. I am Clint Whittier's great-great niece.
5 Another relative of my uncle's was the poet John Greenleaf
6 Whittier, and also Washington Irving Whittier, a Colorado
7 State representative.

8 The WC barn that is proposed to be
9 repurposed was built by my uncle, Clint Whittier. He and
10 his family came from Vermont to Douglas County in 1895.
11 And he married Anna Schreiber, who is buried in the local
12 Case cemetery.

13 The historic gambrel roof barn was built in
14 1911. It has an enormous upstairs with a thick floor, a
15 loft above, and stanchions below for milking his short-
16 horns.

17 In July 1911, the newspaper read, "Large
18 crowds attend barn dance at Whittier's ranch. People came
19 from all over the County to see the largest barn in
20 eastern Colorado."

21 This barn should be on the State's historic
22 register, if not on the national register. However, if
23 there is any alteration, such as a change in existing
24 windows, doors, or anything changing the appearance of the
25 barn, it would remove its status as historic.

1 There was an old Grange Hall at the same
2 location moved from Lucas Road and East Cherry Creek. It
3 had 4-inch tongue-in-groove boards on the floor. A past
4 owner took it upon himself to tear it down and make room
5 for this steel garage built in 2014. That building had
6 been important to early settlers for a meeting place.

7 We hope this historic place that marks
8 Cherry Valley as a historic location does not get lost in
9 time.

10 Please protect this historic Douglas County
11 site from nonurban land use, 2102.05.

12 Thank you, very much for your
13 consideration.

14 COMMISSIONER LAYDON: Thank you, ma'am. I
15 have a Priscilla Queen.

16 MS. QUEEN: Good afternoon. I'm Priscilla
17 Queen. We live at 7520 East Cherry Creek Road in the
18 Cherry Valley area.

19 The Douglas County zoning resolution
20 Section 2101.04 requires that a USR request must be in
21 harmony and compatible with the character of surrounding
22 areas. This commercial project will definitely change the
23 rural and agricultural character of Cherry Valley.

24 The Douglas County Comprehensive Master
25 Plan for nonurban land use, 2102.05, is set forth to

1 enhance the quality of life for residents by protecting
2 the natural landscape, rural areas, and historic sites of
3 the County.

4 My family has lived in Douglas County for
5 44 years and in Cherry Valley for 28 years. Our place is
6 a historic ranch and dairy that I researched and
7 landmarked for Douglas County in 2009.

8 We continue to harvest the hay meadow and
9 graze cattle. Today, the 120-year-old barns are still
10 used for farm equipment and hay storage.

11 Our children, grandchildren, and many
12 friends have explored the land, the fossils embedded in
13 the rocks, and learned about the history of Cherry Valley
14 in Douglas County. Our quality of life is based on the
15 historic and current agricultural uses and rural character
16 of the land.

17 My 11-year-old grandson and I frequently
18 drive the length of Russellville Road. And as we drove it
19 just the other day, he -- I mentioned to him there's
20 another event center being proposed. He was quiet for
21 another half a mile and then he said, But that will just
22 ruin this beautiful countryside.

23 Our opposition -- my family's opposition to
24 this particular proposal is not only for our own comfort
25 and sense of living in the country, but it is to preserve

1 the beautiful countryside for our grandchildren and future
2 generations.

3 Not too long ago, when the Comprehensive
4 Master Plan was approved, it wisely recognized the value
5 of this rural agricultural and historical part of Douglas
6 County and planned to protect it.

7 Change may seem inevitable, but, we as a
8 society and here in this County, can intentionally
9 preserve an area that we still treasure for its rural
10 environment, agricultural uses, and historic heritage.

11 So we place our faith in you to continue
12 that protection. Please do stand by our Comprehensive
13 Master Plan.

14 COMMISSIONER LAYDON: Thank you, ma'am. I
15 have a Connie Johanns.

16 MS. JOHANNIS: Thank you. I am Connie
17 Johanns. I live at the property at 10610 Lucas Avenue.

18 I'd like to thank you guys for hearing us
19 speak.

20 I'm a -- I'm a retired mother of two and a
21 grandmother. I want to speak about the barn character.

22 Per Section 21, structures used for the
23 event center shall be of scale and of design that is
24 compatible with the surrounding rural environment.

25 2107.14.2.

1 When considering the proposed barn
2 renovations, there are no properties in the surrounding
3 rural environment that have agricultural buildings that
4 showcase the extensive use of large glass windows and
5 doors and an outdoor patio with a fireplace.

6 While the design fits the -- the barn's
7 purpose commercially, as hospitality use, it does not
8 mirror an agricultural building of the rural community.

9 Cherry Valley also does not have any
10 agricultural buildings that are accompanied by a white
11 party tent that will see long-term use.

12 No person would mistake the proposed barn
13 and site improvements for a historic farmstead. A barn, a
14 glass and white party tent, framed with extensive site
15 improvements that include lighted monument signs, a wide
16 double-lane drive, walkways, and a commercial-sized
17 parking lot and a bus turn-around is not compatible with
18 the design of agricultural buildings or their settings in
19 the surrounding rural environment.

20 I respectfully ask that you deny this
21 request. It's the right thing to do and this will protect
22 our way of life and preserve our community and our family
23 values. That's why we moved to the County. Thank you.

24 COMMISSIONER LAYDON: Thank you,
25 Ms. Johanns.

1 I have a Steve Vecchiarelli.

2 MR. VECCHIARELLI: Congratulations on
3 saying it right on the first time.

4 COMMISSIONER LAYDON: I try.

5 MR. VECCHIARELLI: That's very unusual.

6 So my name is Steve Vecchiarelli. Crowfoot
7 Springs Road. And I wanted to comment on something that
8 was touched upon but not really gone into, and that's the
9 white tent that will go on the property.

10 So tents can be put up and down, but
11 installing a cement pad suggests otherwise. Not only is
12 pouring a cement pad a considerable expense, but it,
13 essentially, makes the tent almost a permanent structure.

14 And if we want to look at permanent
15 structures with tents, all we have to do is look at DIA,
16 and that is a tent with a -- with a cement slab.

17 And if we look at, you know, 100 events a
18 year, Friday, Saturday, and Sunday, and a day to put the
19 tent up and a day to put it down if, in fact, it was put
20 up and put down, that means the tent would be up for five
21 days. And to take it down for two days, to me, does not
22 really seem feasible.

23 So the longer that this goes and the more
24 events that they have, this tent would become a permanent
25 structure on the land.

1 If you extrapolate out the days, if it's
2 operated only in warm weather days, that's about 33
3 weekends or so. And if it's expanded to full-time, it's
4 about 50 weekends, which would be 165 to 250 days that the
5 tent would be up if it was taken down, and then if it's
6 stood up all the time, it would be 180 to 365 days.

7 And that's the way it stands now. Now, as
8 time goes on, this could be expanded into two separate
9 events -- one in the tent, one inside -- which would only
10 exacerbate all of the other issues like traffic and noise
11 and everything else.

12 So I'd like to reiterate that nowhere did
13 we see in the management plan how many days this structure
14 was going to be up.

15 So I don't know a single property owner in
16 Cherry Valley that has a long-term tent up for use by
17 anybody.

18 So a party tent is not part of our rural
19 landscape. It's a long-term structure that does not meet
20 the requirements of Section 2107.14.2, and it is not in
21 harmony, compatible with the character of our
22 neighborhood, nor is it consistent with the Douglas County
23 Comprehensive Master Plan as it detracts from the
24 neighborhood's natural landscape and rural character.

25 So thank you, very much for your time.

1 COMMISSIONER LAYDON: Thank you,
2 Mr. Vecchiarelli. I have a Tom Johanns.

3 MR. JOHANNS: Hello, Commissioners. My
4 name is Tom Johanns.

5 Our family home is on Lucas Avenue in
6 Franktown. We're on the hill just east of the proposed
7 event center on Highway 83.

8 We have a full view of what is now and has
9 been for more than 100 years the white dairy barn. I'm
10 asking you to vote no on the proposed U -- USB for that
11 address.

12 I have lived in Castle Rock and in
13 Franktown for 54 years. When we wanted to live in the
14 peaceful rural setting of Cherry Valley, we purchased our
15 Lucas Avenue property in 2008.

16 This property had the zoning we needed to
17 raise cattle and involve our children in the Future
18 Farmers of America and 4-H animal products -- projects, as
19 well as cut and bale the hay in our pastures.

20 My testimony is about how this proposal
21 does not meet the approved standards of 2102.04.

22 Commissioners, as you know, in zoning,
23 harmony and compatibility refer to how the appearance and
24 use of what is proposed blends into the neighborhood.

25 In this case, putting an event center into

1 a rural bedroom community on the smallest lot possible
2 within the setback is like smashing a square peg into a
3 round hole. It just doesn't fit.

4 The commercial appearance and use of the
5 proposed site in no way dovetails into the harmony and
6 character in the Cherry Valley sub-area.

7 Few gatherings are held in the neighborhood
8 and mostly are with friends, family, and neighbors in the
9 home to celebrate a holiday or graduation. Hosting 100
10 weddings or parties of 150 people annually for profit is
11 inharmonious and incompatible with the character of our
12 neighborhood.

13 The only current bus traffic we have is
14 school buses. Noise generated by charter buses utilizing
15 their engine brakes to slow down when entering the
16 proposed site and then accelerating to exit the property
17 is not heard in our community, and by 10 p.m., there's
18 little outside human activity and light shed in the
19 neighborhood. No property has 34 cars and an unknown
20 number of buses start their engines and turn the lights on
21 at 11 p.m. while people talk and laugh outside. Causing
22 this disturbance 100 times annually would be out of the
23 character for the neighborhood. It would also burden
24 residents who are trying to sleep or peacefully enjoy the
25 weekend, the evening.

1 The majority of us work Monday through
2 Friday and our children go to school Monday through
3 Friday, so the weekends are the most important time we
4 spend with our children and our grandchildren. This is
5 the exact same time the event venue wants to operate at
6 100 percent and purely for the owners' financial gain.

7 The last thing any of us want to do is to
8 forfeit all the reasons we chose to invest in our dream
9 properties, especially when this proposal is for the
10 financial benefit of one property owner.

11 One of the Commissioners mentioned everyone
12 is entitled to profit in business. I agree. I've been
13 self-employed in our County for the last 31 years. And
14 I -- I agree a person is entitled to a profit, although I
15 don't believe it should be at the expense of 95 percent of
16 the neighbors.

17 Finally, if I understand correctly, a Use
18 by Special Review permit goes with the property and stays
19 with the property. I assume the property could be sold at
20 any time with the USR in place. That leaves the door wide
21 open.

22 Thank you for your time and consideration.

23 COMMISSIONER LAYDON: Thank you, sir. I
24 have Wesley Dyk or D-y-k.

25 And as you come up, sir, if we can have

1 Megan Mulqueen, Patrick Stoneham, Jaici Cawthra Murcia,
2 Cathy Wilson, and Deb Stoneham come up. Yes, sir.

3 MR. DYK: Commissioners, my name is Wesley
4 Dyk, D-y-k. I live at 6206 South Highway 83, north of the
5 proposed venue, on property that my family has owned since
6 1993.

7 I'd like to talk about how this application
8 does not meet the approval standard of 2102.04 for being
9 in harmony and compatible with the character of the
10 surrounding areas and neighborhood.

11 No resident currently brings 15,000 people
12 from outside the neighborhood to their property each year.
13 If 50 percent ride buses and 2.5 people per -- per car on
14 average travel, that puts 3,000 drivers on local roadways
15 each year who are unfamiliar with the Cherry Valley
16 sub-area.

17 Residents know the hazards and challenges
18 associated with local roadways. They know how to avoid
19 bicyclists, wildlife, and escaped livestock, navigate
20 gravel road conditions, and use driving strategies that
21 avoid accidents on Highway 83.

22 Highway 83 drivers tend to use speeds ten
23 or more miles over the speed limit and drivers pass in no
24 passing zones, use the shoulder to pass a turning vehicle,
25 and pass multiple cars at once.

1 Hosting over 100 drivers who are unfamiliar
2 with local driving conditions every weekend will be out of
3 the character for the neighborhood and increase the risk
4 of traffic accidents.

5 Event center guests who are unfamiliar with
6 local roadways may also drive past the event center and
7 need to turn around. It is unusual and unsafe to have
8 drivers pull into a driveway on Highway 83 to switch their
9 direction.

10 Furthermore -- and this goes to the
11 management plan's defect -- the applicant is recommending
12 northbound traffic use the gravel lot at the intersection
13 of Lake Gulch and 83 to turn around and enter the venue
14 from the southbound direction.

15 The curve of the road -- of the highway at
16 this intersection is dangerous for several reasons,
17 including being a steep grade over a 90 degree change in
18 direction, leading to an inability to see the oncoming
19 traffic from the north or the south at a distance.

20 In the last couple of years, vehicles have
21 left the roadway at this intersection and driven through
22 my fence on more than one occasion. This has also
23 happened on the other side of the road where a car
24 traveled into the pasture and caught fire, leading to a
25 grass fire.

1 At the very least, adding concentrated
2 traffic to that intersection will increase noise
3 pollution. There will be horns honking at drivers who, in
4 a rush to get to an event, take the right-of-way from
5 others. It'll have an impact on the residents nearby
6 during the weekend when they are trying to enjoy the
7 serene atmosphere.

8 I also have a clear view of this lot from
9 my backyard and it is regularly used by families on
10 weekends for custody exchanges. Children are often loose
11 in this lot while waiting for their guardians to arrive.
12 Adding congestion to this intersection would disrupt these
13 families and put their children at risk of injury or
14 death.

15 Traffic is a major concern for residents,
16 and the event center will worsen it by creating situations
17 in which accidents are more likely to occur. Thank you.

18 COMMISSIONER LAYDON: Thank you, Mr. Dyk.
19 Megan Mulqueen.

20 MS. MULQUEEN: Hi. My name is Megan
21 Mulqueen. That's spelled M-u-l, queen.

22 I've lived in this area for over 15 years,
23 and I've been driving past the old white farmhouse for
24 over 22 years to go down to my horses that are just on the
25 south side of town.

1 I go past there every single day and often
2 at night and I look at the sign about the development and
3 I want to get out and read it, but I'm afraid to get out
4 of my car because I'll probably get hit.

5 I can tell you about all the fatalities
6 that have happened within a couple of minutes from that
7 lot, and I can tell you about all the animals who have
8 been hit out there and have laid dying in the ditch until
9 somebody comes to rescue them. And I can tell you about
10 all the winter days when the road was so slick with ice
11 that your wheels spun and we all waited out there on 83
12 until the sand truck came. And it takes them a while to
13 get down there because that road doesn't get plowed very
14 often.

15 And I would like you to consider the
16 teenage kids who have to go to school and drive up and
17 down the road every day as they're learning how to drive,
18 and now, they have to contend with inebriated drivers and
19 partygoers. And that's on the weekends when they're out,
20 and that's scary.

21 And it's not just the parties. It's the
22 people who come to look at the place and see whether it's
23 what they're looking for. And whether you have it -- have
24 them come on the weekends -- I understand trying to do
25 that, but they will drive by and they will slow down and

1 they will turn around and then they will bring their
2 friends. It will just happen seven days a week. And it's
3 a threat to our community seven days a week.

4 And that is 1,000 yards from an elementary
5 school on a two-lane road and that is scary.

6 And there's a reason why an amphitheater is
7 set up so that the bands are at the bottom of a hill and
8 all the people sit up along the side of the hill, and
9 that's because sound travels up. That's an amphitheater.
10 And that's what we have right out there on Lucas Road.
11 It's, basically, a natural amphitheater and the people
12 that live out there are getting to listen to it.

13 It's zoned agricultural. The
14 infrastructure of the area is undeveloped and barely
15 sufficient for the agricultural community and you want to
16 drop a party facility in the middle of this? No. It's
17 unnecessary and unneeded and it's a liability rather than
18 an asset.

19 God bless those children who passed away in
20 that head-on collision last week, and I do not want that
21 to happen again on 83 ever. Ever on 83.

22 And so I say no to this development and I
23 hope that you will, too. Thank you.

24 COMMISSIONER LAYDON: Thank you,
25 Ms. Mulqueen. I have a Patrick Stoneham.

1 MR. STONEHAM: Thank you. I apologize for
2 my attire. I rushed here at 3:00 to get here and it's now
3 7:30 or something. So I apologize.

4 COMMISSIONER LAYDON: You look a lot more
5 comfortable than we do, so I'm jealous. Go ahead.

6 MR. STONEHAM: I'd just like to talk about
7 the traffic implications from my perspective a little bit.
8 My wife and I own a property at 7193 83, just a mile and a
9 half north of the facility being proposed.

10 The folks here who've lived on 83 during
11 the wonderful Gap project will know what I'm saying. For
12 about three years, most days of the week during traffic
13 times and all weekends, it would take my wife or I at
14 least 5 minutes to make a left turn out of our property
15 because the traffic was constant because everyone on 25
16 came to 83 and used it for three years.

17 So we got out of that heck about November
18 of last year. And what we are proposing here is to go
19 back to a version of that for weekends and peak traffic
20 times most weekends of the year, and that concerns me.

21 During that time of the Gap project, we
22 would hear sirens twice a day during those times with
23 accidents happening. You never knew what was going to
24 happen and traffic would back up worse.

25 To turn onto our property and make that

1 left turn, I would have people drive into the ditch around
2 me 5 feet down to get back up.

3 So I'm concerned that during peak commuting
4 and nonpeak -- noncommuting times and very late at night,
5 we're going to have that increase in traffic. This will
6 result in accidents.

7 I do not believe that busing is a solution
8 in the long term. It's inconvenient. People have to go
9 somewhere else, get the bus, be told when to leave. They
10 like convenience. They're going to eventually drive
11 themselves, so we're going to have a lot more than 34 cars
12 there.

13 So I don't think that's going to pan out
14 and we're going to have a lot more traffic.

15 There are going to be guests that are
16 drinking alcohol, and in Colorado, other things are legal.
17 So we're going to have a lot more impaired drivers out
18 there because there's going to be some serious
19 celebrations.

20 So just north of the little elementary
21 school where my grandson will probably go to school next
22 year, we could be in a situation where people picking him
23 up and dropping him off are at risk during these times.
24 And there's going to be a lot of times that that's going
25 to happen.

1 That's going to drastically increase the
2 risk of accidents, injuries, and possibly deaths, and we
3 don't want that.

4 So I request that you respectfully deny
5 this request.

6 COMMISSIONER LAYDON: Thank you, sir. So I
7 have a Jaici Cawthra Murcia.

8 MS. MURCIA: Good evening. Good evening,
9 Commissioners. I'm Jaici Murcia. I live east of the
10 proposed venue.

11 I've come -- taken time off work today to
12 come here and talk to the fact that the proposed event
13 venue does not actually meet proposed standard 2102.04 as
14 it will not be in harmony and compatible with the
15 character of the surrounding area and neighborhood.

16 As you've no doubt heard, Cherry Valley is
17 an agricultural community. And as any rancher who borders
18 public land can verify, people treat rural areas like
19 parks. They go where they want. They trespass on private
20 property in the process. They stop by the side of the
21 road to observe the animals or they get out of their car
22 to take a closer look. Some of the more curious and
23 adventuresome will even put their fingers through the
24 wires or climb fences to interact with the animals, which
25 can be very dangerous.

1 Inevitably, trash gets left behind, which
2 is not only an unsightly nuisance, but also a danger to
3 the lives and health of the livestock and wildlife in the
4 Cherry Valley when they ingest party trash that, as you
5 know, can be carried for miles in our eastern Colorado
6 winds across the prairie.

7 Putting 15,000 people annually in contact
8 with ranching communities places a tremendous burden on
9 us. Each weekend, there will be large groups of people
10 next-door that could cause harm to our animals or to
11 themselves. What liabilities do I face as a rancher if
12 someone is hurt on my property? What allegations will we
13 all have to defend ourselves against when somebody
14 mistakes basic animal husbandry like ear tagging or hoof
15 trimming or branding for harmful practice?

16 Unfortunately, human behavior being what it
17 is, the applicant has no way to shield residents from
18 their guests; guests who will be right next to the eastern
19 property line of the event center in an A1-zoned property
20 that is in production agriculture and has a herd of
21 livestock grazing in that area.

22 I deeply understand and appreciate the
23 desire of the applicants to start another lucrative
24 business, being somebody who would love to work for
25 myself.

1 Unfortunately, a ranching community is not
2 the venue for this type of commercial venture. And a
3 failure to conduct proper neighborhood outreach and
4 research and examination of land use agreements is not and
5 should not be the burden of the community to bear.

6 It's with that and everything else that
7 you've heard here tonight and will hear that I ask you to
8 please deny this application. And I myself oppose it
9 vehemently.

10 Thank you for the opportunity to speak and
11 for your mass amounts of time this evening.

12 COMMISSIONER LAYDON: Thank you so much,
13 ma'am. I have a Kathy Wilson.

14 MR. INGALLS: Exhibit 6.

15 MS. WILSON: Hi. I'm Kathy Wilson. I live
16 directly across from the proposed event center. And it
17 goes without saying that a parking lot is not in keeping
18 with the character of our community, but, obviously, one
19 is being proposed and it warrants discussion.

20 Per the management plan, there will be a
21 total of 37 parking spots and video surveillance will be
22 used to monitor that number.

23 It also states that parking will be
24 prohibited on State Highway 83. The applicants are -- are
25 proposing an unachievable scenario of accommodating 150

1 guests and 17 staff in 37 total parking spots. They are
2 stating 58 percent of their guests must ride the bus to
3 comply with the management plan and have used 2.5 people
4 per car as a standard.

5 This projection does not take into account
6 the staff coming from different businesses. From
7 hairdressers to bartenders to wedding planners, they will
8 more than likely arrive one per car.

9 Reality is the staff will take up at least
10 12 of those parking spots, leaving 25 for the 150 wedding
11 guests.

12 The provided photographs are a visual
13 comparison between the applicant's property and what
14 currently exists at Crooked Willow. It was referenced
15 multiple times in the applicant's narrative and the
16 planning meeting.

17 As -- as -- as referenced in their narr --
18 narrative, the transportation model they are proposing
19 mirrors the model used at Crooked Willow and it provides
20 transportation for approximately 50 percent of their total
21 guests. However, there is no documentation from
22 Crooked -- Crooked Willow to support this, nor even a name
23 associated with the above statement.

24 The letter I presented to you is from
25 Richard Maxcy, who works for Agri Travel Services and has

1 personal involvement in over 100 events at Crooked Willow
2 and Spruce Mountain. A direct quote from the letter, "No
3 matter how many charter buses and motor coaches a group
4 provides, there are almost always more people that choose
5 to drive themselves than ride on a provided charter
6 vehicle because of independence, not wanting to ride a
7 bus, or the ability to depart the venue when desired.
8 There are almost always 50 to 100 cars at these venues for
9 each event in addition to the buses and vans."

10 This comes from a person who drives the
11 coaches hired at the facility the applicant is comparing
12 themselves to.

13 From the photos, Crooked Willow has ample
14 parking for both guests, staff, and internal roads for
15 overflow. They are on 90 acres with more than three times
16 the parking capacity.

17 When you try to put a similar commercial
18 business of this scale on less than 7 acres, it just can't
19 work.

20 The scenario provided by the applicants was
21 also used in their traffic study. Like the sound study,
22 the numbers used in the parking plan severely
23 underestimate the number of cars that will arrive on site,
24 making the management plan before you unattainable.

25 There is nothing wrong with being

1 inexperienced and having a dream, but there has to be some
2 reality behind it when it affects a community as much as
3 this one will ours.

4 I respectfully ask that you deny this
5 application. Thank you.

6 COMMISSIONER LAYDON: Thank you, ma'am.
7 The Commissioners have been going strong since about 1:30
8 when our business hearing began. We'll take one more
9 piece of testimony -- we're about halfway through for this
10 item -- and then we'll do a 5-minute recess.

11 So I have a Deb Stoneham.

12 MS. STONEHAM: Good evening, Commissioners.
13 I'm Deb Stoneham. I live at 7193 South State Highway 83,
14 just north of the proposed event center.

15 Pedestrians on State Highway 83. Let's
16 continue the discussion around what will happen when car
17 38, 45, or 50 show up minutes before an event and are told
18 the parking area is full. They will now be faced with two
19 choices: Miss the event or find an alternative place to
20 park.

21 As you can see from the -- oh, sorry. As
22 you can see from the photo, the closest --

23 COMMISSIONER LAYDON: And ma'am, we'll just
24 pause so our counsel can register the exhibit for the
25 record.

1 MS. STONEHAM: Sorry.

2 MR. INGALLS: Exhibit 7.

3 COMMISSIONER LAYDON: Thank you,
4 Mr. Ingalls.

5 MS. STONEHAM: As you can see from the
6 photo, Lucas Avenue is directly across from the proposed
7 site and will become the obvious choice to park.
8 Lucas Avenue is a dirt road on a steep grade with no
9 shoulder and no streetlight. The small turnout is one of
10 the few safe areas for motorists that experience an issue
11 on State Highway 83 to pull over -- to safely pull over.

12 Parking is not currently done on Lucas
13 Avenue and is not consistent with the character of the
14 neighborhood.

15 Parking across the street from the event
16 center will also mean pedestrians crossing State Highway
17 83, something that is never experienced currently. At
18 11:30 at night after being served alcohol all evening,
19 guests with impaired judgment who don't know the road will
20 be attempting to cross without a streetlight and with
21 traffic traveling 65 miles per hour or more.

22 This will put not only guests but those
23 traveling on State Highway 83 at risk.

24 All traffic projections along with safety
25 predictions have been made following a plan that has

1 little chance of success, and backup plans for those extra
2 vehicles have not been presented or discussed.

3 The applicants have no experience in this
4 industry and there is no historical data at the proposed
5 site that they can point to for reference.

6 Per Richard Maxcy, who has driven for
7 events at Crooked Willow, the applicant plan is
8 unrealistic and regardless of the number of coaches
9 provided, the majority will choose to drive themselves.

10 This is yet another example of why this is
11 an inappropriate location for the type of commercial
12 activity being proposed.

13 At a minimum, this does not meet approval
14 standards 2104.04, 2102.08, 2102.12. Thank you.

15 COMMISSIONER LAYDON: Thank you, ma'am. So
16 we will take a 5-minute recess and then we'll reconvene
17 with Wendy Wike, Peter Rousseau, Megan Guntermann, Jim
18 Sanderson, and Dan Brown. Thank you, very much.

19 (Recess taken.)

20 COMMISSIONER LAYDON: Okay. Thank you,
21 everyone, for indulging in the brief recess.

22 We'll continue our testimony with Ms. Wendy
23 Wike. Hi.

24 MS. WIKE: (Inaudible) Cherry Creek Road.
25 And wildlife is one of our most valuable community assets.

1 I will speak today for some of our wildlife that have no
2 voice of their own.

3 This proposed venue will have a negative
4 impact on wildlife in our area due to increased traffic
5 and noise. The area is listed as a wildlife habitat and
6 major movement corridor. As per policy 9-1B4 of the
7 Douglas County master plan, the recommendation is to
8 locate any development outside of these corridors.

9 In addition, along this riparian
10 conservation zone is the habitat of the Preble meadow
11 jumping mouse. Now, the habitat for this mouse should be
12 protected, as it is listed as an endangered species.
13 These little mice exist only in the wetlands of Wyoming
14 and Colorado, right along the middle. And they are right
15 in this -- they exist nowhere else in the world.

16 A corner of the proposal, the proposed
17 event area overlaps into this riparian conservation zone.
18 Any construction, grading, brush removal, or significant
19 human activity such as crowds walking around in the area
20 would be considered a take or violation of the Endangered
21 Species Act.

22 The conservation strategy to protect this
23 critically imperiled jumping mouse is to minimize
24 disturbance. Having crowds of people tramping about in
25 the riparian area will be detrimental to all wildlife but

1 especially to this endangered meadow jumping mouse.

2 Thank you for considering this small little
3 mouse. I appreciate it.

4 COMMISSIONER LAYDON: Thank you, Ms. Wike.
5 Mr. Peter Rousseau.

6 MR. ROUSSEAU: Good evening. My name is
7 Peter Rousseau. I'm a 13-year resident of the Cherry
8 Valley neighborhood. I'm a Federal employee of Buckley
9 Space Force Base in Aurora. I'm also a volunteer
10 firefighter with the Franktown Fire Protection District,
11 responding out of either Station 182 or most of the time,
12 out of my own house.

13 I'm opposed to this Use by Special Review
14 application based on the facts that it does not meet the
15 approval standard for being in harmony and compatibility
16 with the character of the surrounding agricultural areas
17 and properties.

18 In my experience as a resident volunteer
19 firefighter, I'm also very concerned with the safety of
20 local residents, as well as the proposed attendees of this
21 venue.

22 Traffic accidents are my Number 1 concern.
23 As mentioned, working at Buckley, I have a 94-mile trip
24 daily commute. I can intimately attest to the conditions
25 and hazards of driving Highway 83 each and every day.

1 In the years 2012 through 2021, Franktown
2 Fire reported 268 accidents in District 182. This
3 district is framed at the north at South Russellville Road
4 and at the south at Palmer Divide.

5 I will agree with one thing that the
6 traffic study gentleman said earlier. There has only been
7 one accident at Lucas. The majority of the accidents we
8 have are a mile and a half south at Gillian and two miles
9 north at Russellville. So yeah, that little one isn't as
10 bad.

11 I acknowledge the traffic study which shows
12 Highway 83 can easily absorb the addition of up to 37
13 vehicles daily, but this number is based on the
14 unrealistic proposed parking limit.

15 What this traffic study does not address is
16 the addition of these cars at the end of an event, several
17 of which will -- by statistics will have drivers who have
18 been drinking, will be entering onto an unfamiliar, very
19 dark stretch of highway near the apex of a curve and
20 immediately out onto a 65-mile-an-hour stretch. There are
21 many dark curves and very few streetlights out there.
22 Simply put, this is a recipe for disaster.

23 My second concern is the strong possibility
24 of grass fires. Improperly disposed-of cigarettes or
25 cigars, kids running around with sparklers or party

1 poppers, et cetera, can easily start a dangerous wildland
2 fire.

3 As you will note, neither of my concerns
4 have to do with the petitioner's planning or their direct
5 actions. My concerns are fully centered on the unintended
6 actions of their event attendees.

7 In 1871 the Prussian field marshal Helmuth
8 von Moltke wrote, "No battle plan survives first contact
9 with the enemy." While please note, I am not saying that
10 their attendees will be the enemy, I will be willing to
11 bet that the petitioner's plans will not survive first
12 contact with their attendees.

13 Thank you.

14 COMMISSIONER LAYDON: Thank you, sir. We
15 have a Megan Guntermann.

16 MS. GUNTERMANN: Good evening,
17 Commissioners. My name is Megan Guntermann,
18 G-u-n-t-e-r-m-a-n-n.

19 My family were some of the original
20 settlers to Douglas County and more specifically the
21 Cherry Valley area. My -- my cousins actually are Clint
22 Whittier. He built the barn. And so I have a long
23 history in the area.

24 The quality of life in our valley -- in our
25 valley has remained much the same over the past 100 years.

1 Generations have enjoyed the quiet, simple, pastoral
2 lifestyle that this beautiful valley provides.

3 My testimony tonight is about how this
4 application does not meet the approval standard for being
5 consistent with the Douglas County Comprehensive Master
6 Plan as amended.

7 The Comprehensive Master Plan for nonurban
8 land use is set forth to enhance the quality of life for
9 residents by protecting the natural landscape, rural
10 areas, and historical sites of the County.

11 We do not believe that bringing 15,000
12 people per year to Cherry Valley enhances our quality of
13 life or protects our rural area. This commercial use puts
14 more people on the roads at peak weekend travel times. It
15 creates noise, bus traffic, and commotion in a peaceful
16 neighborhood, and it has nothing to do with our rural area
17 beyond making a profit off our pastoral settings.

18 And reconstructing a century-old barn into
19 a commercially trendy one is not protection or
20 preservation. It is repurposing. This renovation will
21 destroy an icon of the Cherry Valley area and erases its
22 humble history as a dairy barn. It will cost many times
23 that of the value of the existing barn, essentially making
24 a new commercial venue from the bones of a barn that has
25 sheltered generations.

1 Under no circumstances does hosting 100
2 gatherings of 150 people annually for profit maintain our
3 agricultural lifestyle and rural character.

4 Objective 3-3B in the Comprehensive Master
5 Plan is to maintain the agricultural lifestyle and rural
6 character of the Cherry Valley sub-area. Weddings and
7 parties are not farmers' markets. They are not farm-to-
8 table supper clubs. They are large-scale commercial
9 activities in the hospitality industry.

10 Just because this use is proposed in a barn
11 does not make it appropriate for our agricultural
12 community. This proposed use will take away from what
13 Cherry Valley residents are trying to preserve most:
14 Their agricultural lifestyle and their rural character.

15 I ask that you vote no on this amendment.

16 COMMISSIONER LAYDON: Thank you, ma'am. I
17 have a Jim Sanderson.

18 MR. SANDERSON: Commissioners, my name is
19 Jim Sanderson. I live on Lucas at the top of the bowl.

20 My testimony is about how the proposed
21 event center does not meet the approval standard for being
22 consistent with the Douglas County Comprehensive Master
23 Plan as amended.

24 Policy 3-3B.1 states rural development must
25 be low-intensity. Of the 6.7 acres proposed for this USR,

1 only 2 to 3 acres of the site are to annually host 15,000
2 guests, which is not low-intensity use.

3 Indicators of intensive property use
4 include the features proposed for construction, such as a
5 walkway, gravel driveways, and a parking lot that supports
6 high in -- high-intensity use by reducing the stress on
7 the guests and the cars placed on the property.

8 Policy 3-3B.6 requires that development in
9 the Cherry Valley sub-area should minimize visual impact
10 within major view sheds.

11 A view shed is a natural environment that
12 is visible for one -- from -- excuse me -- from one or
13 more viewing points. The neighborhood and all those who
14 visit will see the commercial infrastructure that is
15 inconsistent with the rural environment of the surrounding
16 rural properties.

17 While passerbyers (sic) on Highway 83 may
18 not see this impact, much of the Cherry Valley sub-area
19 sets above the site and can view the proposed commercial
20 use.

21 This negatively impacts the major pastoral
22 view shed associated with Greenland Ranch and the adjacent
23 ranch pastures.

24 At night, the large glass windows and doors
25 of the barn and the property lighting will generate light

1 pollution, as will the parking lot in which the buses and
2 the 34 cars will turn on their headlights when exiting the
3 event.

4 While lighting may be within the Douglas
5 County requirements, 3 acres of white light will cause a
6 once dark valley to be lit in the Cherry Valley sub-area.
7 The dark sky view shed, we will lose that forever if this
8 is approved.

9 And I urge you to please disapprove this.
10 There are many standards that have not and could not
11 possibly be met. Thank you.

12 COMMISSIONER LAYDON: Thank you,
13 Mr. Sanderson.

14 And I appreciate staff putting up the
15 approval standards. It is certainly helpful and maybe
16 use -- useful for us to inform all of the citizens that
17 we're -- we're basing our decisions this evening upon the
18 legal approval criteria. So if you restrict your comments
19 to that criteria, that will be helpful for us.

20 I'd like to call up Barbara Brown, Cassie
21 Anderson, Callen Russo, and Allen Bassett, please.

22 MS. BROWN: Good evening. I'm Barbara
23 Brown. I live on Cave Spring Road.

24 I have just one question to ask. Who
25 benefits from this project? It's certainly not the

1 residents of Cherry Valley.

2 All this project will do is take from us.
3 It will take our peace and harmony. It will take our
4 rural character. It will take the sounds of nature that
5 we hear at night. It will take our dark night sky.

6 We lose all this on the management plan
7 that is unattainable based on speculative information and
8 data provided by the applicants.

9 Please deny the applicant's request as it
10 doesn't meet the Use by Special Review approved standards.
11 Thank you.

12 COMMISSIONER LAYDON: Thank you, Ms. Brown.

13 And I had a Dan Brown on the list, but it
14 sounds like he may have left.

15 MS. BROWN: He's sick. He's very ill.

16 COMMISSIONER LAYDON: Okay. Well, please
17 extend our best to him. Let's do Cassie Anderson, please.

18 MS. ANDERSON: Hi. Good evening. My name
19 is Cassie Anderson. My family resides pretty much at the
20 corner of Lucas and East Cherry Creek Road.

21 My testimony is about how this application
22 does not meet the approval standards for Section 21 and
23 air, water, or noise pollution.

24 Does noise have to be above Douglas County
25 standards to be noise pollution? I ask that because this

1 proposal will generate noise that is currently not found
2 in our neighborhood.

3 We have been assured by the applicant that
4 the noise will not be above what is allowed, though review
5 of their noise compliance study suggests otherwise. And
6 noise studies were not provided for the music during these
7 events, outdoor guests, white party tent, and the starting
8 of multiple cars and buses on the property at once, which
9 is likely at the end of the event.

10 While these noise sources may seem
11 insignificant, in a valley such as we live in, sound waves
12 are funneled, which means they are concentrated and
13 intensified before being deflected upwards when they
14 encounter the valley slopes.

15 Sounds can also be heard much more clearly
16 at night over longer distances. This is due to
17 temperature inversion, which refers to when temperature
18 cools at night, when night falls and altitude increases.
19 This means the evening events proposed by the applicant
20 are much more likely to cause noise pollution than the
21 typical daytime activities of our neighborhood residents.
22 This is because the sound will be intensified in the
23 valley before traveling a longer distance than in daytime
24 due to cooling temperatures associated with the evening
25 hours and our higher elevation, which is about 6,500 feet

1 or so.

2 Residents often hear a coyote howl or
3 call -- cattle call for her calf. We can even hear the
4 train on a quiet enough night from Castle Rock. These
5 sounds are much lower than Douglas County standards, but
6 still add noise to our community. And if they are
7 replaced by music playing, outdoor guests laughing,
8 mingling in a party tent, and the starting of multiple
9 vehicles, we will lose the sounds of Cherry Valley.

10 I respectfully ask you to help keep our
11 beautiful countryside that we all chose to move to
12 country-like and not approve this.

13 Thank you for your time.

14 COMMISSIONER LAYDON: Thank you, very much.
15 I'd like to call up Callen Russo.

16 MR. RUSSO: Hi. My name is Callen Russo.
17 I have lived in -- off of County Road 76 at Lucas Avenue
18 for 13 years.

19 Through that, I have raised several swine
20 and cattle for both 4-H and Future Farmers of America
21 programs. Today, I continue to still live there and work
22 my family's cattle ranch, as we have stepped away from
23 swine.

24 Douglas County zoning does not have a
25 prere -- sorry. It's been a very long day -- prerec -- I

1 can't even try -- a requirement for vegetative or physical
2 barriers to provide an adequate visual screen. The
3 applicant chose to use landscaping as a screen. However,
4 an expert assessment of the landscaping plan does not
5 assure that it would work.

6 The proposed site sits in a valley with
7 major viewpoints located on the hilltops above it. Given
8 the elevation change and the lack of buffer on the eastern
9 property line, no amount of landscaping will shield the
10 community from noise pollution, light pollution, and the
11 negative visual impact that this project will cause.

12 As an example, per Google, our house
13 currently sits at approximately 6,890 feet above sea
14 level. The applicant is approximately 6,798 feet, roughly
15 100 feet lower in elevation.

16 Noise pollution will come from a proposed
17 outdoor activity, such as gathering in the white party
18 tent, mingling on the barn's patio, or the turning on of
19 cars and buses.

20 Light pollution will come from the three
21 acres of lighted monument signs, a barn of elevated glass
22 windows and doors, car and bus lights, lights within the
23 party tent, and the property lighting to help the guests
24 find their way.

25 Negative visual impacts will come from

1 covering a historical farmstead with commercial
2 infrastructure, such as the two-lane road -- the two-lane
3 drive, monument signs, commercial parking, and a bus turn-
4 around.

5 While the landscaping plan may prevent the
6 passbyers (sic) on Highway 83 from viewing the commercial
7 infrastructure, a majority of the neighborhood sits and
8 will sit and still hear the proposed commercial use.

9 As such, this proposal does not meet the
10 above standard 2102.10, that this requires a project to --
11 adequately landscaped, buffered, and screened.

12 COMMISSIONER LAYDON: Thank you, sir.
13 Let's move to Allen Bassett, please.

14 MR. BASSETT: Allen Bassett, 11060 South
15 State Highway 83, just a stone's throw away from the
16 proposed venue.

17 Zoning laws create organization,
18 consistency, and criteria for protecting neighborhoods and
19 managing development. Variances are counter to the law
20 and create inconsistency in organization and planning, so
21 the bar for approving a variance should always be set very
22 high.

23 Granting variances creates precedent. In
24 this case, the threshold for granting the variance is by
25 screening use with the applicant's choice of the

1 landscaping.

2 So does this now mean that anyone who
3 doesn't meet a setback just has to place a row of trees or
4 other barrier between it and the road to put their
5 structure wherever they want?

6 To have an unbiased and fair application,
7 zoning ordinances must be applied equally to everyone.
8 And if a variance is granted to one party, all expect the
9 same consideration. So would it be unreasonable for
10 Douglas County residents to expect the same treatment as
11 that provided to the applicant?

12 If we are forced to consider a variance for
13 everyone's special circumstance or trendy project, what's
14 the point of the law?

15 I strongly object to the granting of the
16 setback variance for this project, which will allow the
17 applicant to subvert the approval standard for the
18 compliance with Section 21.

19 Setbacks are in place for a reason. They
20 provide important buffers and improve safety, and they
21 should not be discounted because the applicant chose an
22 inappropriate site for the proposed event center.

23 Thank you for your time.

24 COMMISSIONER LAYDON: Thank you, sir.
25 Kerri Onda. And then let's have Doug Wilson, Scott

1 Comeau, Carol Messner, Jim Presnall (phonetic), and Mel
2 Dahlberg come up, if you would. Hi.

3 MS. ONDA: Hi, I'm Kerri Onda. Can
4 everyone hear me okay?

5 COMMISSIONER LAYDON: Yes.

6 MS. ONDA: I am a resident of Terrain. I
7 am not a nearby neighbor, but I am and have been active in
8 our community. I'm here in my personal capacity, but I
9 used to be a director of Plum Creek Metropolitan District.
10 I was on various HOAs -- Plum Creek North Masters, the
11 Meadows Company, Sawgrass at Plum Creek -- and so I --
12 I -- just like you, I'm a member of the community who
13 cares.

14 I haven't cared about something like this
15 in quite a while, so it's kind of nice to have a reason
16 to -- to be here. And thank you for being here and
17 listening to everyone.

18 There's a lot of information out there. As
19 I've been attending these -- and I don't have a -- I don't
20 have a dog in this race. All right? I don't -- I'm not a
21 nearby neighbor.

22 What am I seeing? I -- I attended the
23 Planning Commission meeting. What do I think about basic
24 fairness here? And what do I think puts you in a really
25 difficult position?

1 So it looks like the homeowner actually
2 started this in 2019. They've been getting advice from
3 the County ever since that point.

4 One of those pieces of advice -- one of
5 their directions, actually, was to notify their adjacent
6 neighbors. It was spoonfed to them. Told exactly how to
7 do it, to get envelopes ready, to pull the addresses,
8 here's the map. They didn't do that.

9 The first that any of us, other than what
10 looked to be their personal friends who are their
11 neighbors from what we heard in the Planning Commission
12 meeting -- the first we heard about it was a little over a
13 month ago. And I'm imagining how much work has gone into
14 so many people being involved with this and these massive
15 pieces of information being pulled together and how
16 quickly and easily holes have been poked -- not even
17 holes -- massive gaps have been poked in all of the
18 information that was provided by the applicants.

19 We've seen the sound engineer back-pedal so
20 hard here that there are skidmarks.

21 Just looking at the assumptions that were
22 used, none of them real life. And then as soon as some of
23 the other neighbors came up with a peer review, now
24 we're -- I mean, you guys -- you guys are in politics,
25 right? You've seen people back-pedal before. I think

1 even with the traffic engineer, Skip, he was the one
2 during the last meeting who mentioned that everything he
3 had to say was an assumption, that his data was outdated,
4 that it was all -- I think he said like that's just the
5 nature of the beast. All I have are some assumptions and
6 my data is outdated because I don't have any better data.

7 So I'm somewhat concerned about this.

8 When I look at these criteria up here --
9 I've got 15 seconds left -- what I don't see is what the
10 character of the applicants are.

11 They seem to be nice people, but that's
12 immaterial. We're talking about zoning regulations, and
13 that's independent of any particular people. Right?

14 This was a bad idea when it first came up
15 in 2019 and it's still a bad idea today. We've bled
16 resources at this for years. I don't even know how many
17 thousands of hours must have been spent on this by staff.
18 But, hopefully, we can stop the bleeding.

19 Thank you so much.

20 COMMISSIONER LAYDON: Thank you so much for
21 your testimony, Ms. Onda. Let's go to Doug Wilson.

22 MR. INGALLS: Mr. Chair, for the record, I
23 missed labeling one exhibit. It was handed out at the end
24 of the break and before we started. That was Exhibit 8.
25 I think the speaker was Ms. White.

1 Now we have Exhibits 9 and 10 that will be
2 addressed by the next speaker.

3 COMMISSIONER LAYDON: Thank you,
4 Mr. Ingalls. Sir?

5 MR. WILSON: Hello. Good evening. The
6 first exhibit I gave was a picture that was taken from the
7 deck right outside our bedroom window a little while ago.
8 The applicant laughed when he said if his northern
9 neighbor was a little bit closer, it would be a problem.

10 This picture will clearly show that I live
11 a whole lot closer, and yes, it is a problem.

12 For 70 years, the consistent application of
13 A1 zoning has nurtured, protected a culture, a way of life
14 in a close-knit Cherry -- Cherry Creek Valley.

15 As you've already heard, just over one
16 month ago, we all got a big surprise. Some of us were
17 able to be here today to express our deep concern and
18 opposition. Many others have sent you letters and emails.
19 184 have signed a document in opposition to this USR.

20 There's a map coming around that will
21 demonstrate to you where those signators live. This isn't
22 just a few grumpy neighbors.

23 There's not one County-approved
24 nonagricultural business within ten miles of this proposed
25 center. In Douglas County, there are no businesses

1 providing similar event services which are located on less
2 than 80 acres and, certainly, not on 6.7 acres directly
3 adjacent to a major highway. There are none whose only
4 entrance and exit is on a 65-mile-per-hour curve where
5 CDOT acknowledges that drivers regularly exceed the speed
6 limit. There are none with private residential properties
7 200 feet away.

8 To overturn a long established and
9 successful order, there should be a compelling reason.
10 This party business is not a compelling reason.

11 It brings 15,000 mostly nonlocal guests to
12 our community every year. Thousands of them will leave at
13 night on unfamiliar roads after spending the evening
14 celebrating.

15 Both buildings to be used in this plan fail
16 to meet zoning requirements in Section 3.A1/307 and in
17 Sections 2102.01 and 2107.14.3. Granting such a variance
18 will justify similar expectations from future developers.

19 COMMISSIONER LAYDON: Okay. Thank you,
20 sir.

21 MS. WILSON: This facility's proximity to
22 neighbors under no circumstances can comply with Douglas
23 County noise standards. We've heard that's still a
24 discussion in progress, but with this proximity, it just
25 can't happen, especially with the outside venue.

1 It will be a source of constant disruption
2 to the residents' peace and complaints to County law
3 enforcement because we will monitor it if it comes to that
4 point.

5 As noted by today's speaker, this
6 application fails to meet numerous other approval
7 criteria.

8 2107.14.2, structures compatible with the
9 rural environment. That barn is now, but when it's full
10 of big glass windows, not anymore. It will just be a
11 building with a gambrel roof.

12 2103.07 setbacks. We've already addressed
13 that. Both buildings.

14 2102.04, harmony and compatible with the
15 surrounding areas and neighborhood. Well, visually, we've
16 had a lot of people testify to that. But I think --

17 COMMISSIONER LAYDON: And sir, your time is
18 expired. If you could wrap up.

19 MS. WILSON: Okay. I'm sorry. 2102.05,
20 Comprehensive Master Plan, to enhance quality of life,
21 protecting natural landscape in rural area's historic
22 sites. Again, the barn. Overintensive land use.

23 Add all of that to an impractical parking
24 plan and an unenforceable management plan and you've got a
25 proposal that simply can't be.

1 COMMISSIONER LAYDON: Thank you, sir.

2 MS. WILSON: This business is clearly
3 something that our community does not want, did not ask
4 for and --

5 COMMISSIONER LAYDON: Sir, thank you for
6 your testimony. I'm going to have to ask you to conclude
7 your --

8 MS. WILSON: I'm that close.

9 COMMISSIONER LAYDON: You said that about
10 15 seconds ago, but go ahead. Go ahead.

11 MS. WILSON: Okay. Just please affirm the
12 lifestyle, the safety, the right to peaceful enjoyment of
13 our community over the business aspirations of one
14 recently arrived family. Thank you.

15 COMMISSIONER LAYDON: Thank you, sir.

16 MS. WILSON: Sorry about the overrun.

17 COMMISSIONER LAYDON: That's okay.
18 Appreciate it.

19 We'll move to Scott -- it looks like
20 Comeau.

21 MR. COMEAU: Hello. My name is Scott
22 Comeau, and my wife Olga and I have been residents of
23 Douglas County since 1995.

24 We have the absolute privilege of being
25 close friends with Louie and Pam Miller for over 25 years

1 and can attest to their outstanding character.

2 They are honest, kind, generous, and the
3 most hard-working people you could ever know.

4 Louie, a Colorado native, is also what most
5 people call the salt of the earth. He is gentle,
6 soft-spoken, honest as the day is long, and hard-working,
7 and a very funny guy.

8 Pam, well, she's the epitome of a woman who
9 can do it all. I've watched her raise her daughters to be
10 strong, independent young ladies while working a
11 full-time, very demanding job and obtaining a master's
12 degree from DU.

13 Since purchasing this property in 2019,
14 they had one agenda in mind and one thing only. Being
15 impeccable rule followers, they wanted to open this venue
16 by the book, even though they knew it would mean going
17 through painstaking, grueling, and sometimes frustrating,
18 a two-year-long-plus process to get where we are here
19 today.

20 Knowing that this would be an arduous task,
21 they -- and apparently, a first time for this Douglas
22 County's Planning Commission and you, Douglas County
23 Commissioners, they hired several of the best experts to
24 try to guide them and direct them along the way to make
25 sure no stone was left unturned.

1 They worked very closely with Douglas
2 County's wonderful Planning Commission, following each and
3 every multiple revised requirement, graciously stepping
4 over each hurdle to present their proposal for us here
5 tonight.

6 I was here on the July 18 Planning
7 Commission public hearing when staff told us that Louie
8 and Pam were the first ever wedding venue to go through
9 this special land use permit process.

10 It's certainly a fact that there are
11 several well-known Douglas County wedding venues who chose
12 not to obtain the proper permits to operate lawfully from
13 the start and currently run their business without a
14 special use land permit. But I really guess that none of
15 that really matters.

16 The fact is that this couple chose not to
17 fly underneath the radar and go through Douglas County's
18 long permitting process.

19 Their excitement grew significantly once
20 they hired a research firm to uncover the magnificent
21 history of this barn and property. This historical
22 research report revealed that their property was the
23 gathering place, as we've seen in some of these other
24 presentations, as early as the 1900s. They are -- there
25 are beautiful pictures and newspaper clippings,

1 highlighting the actual weddings and dances that took
2 place there, and it is the Millers' intention to display
3 and exhibit this barn's past history to their future
4 patrons.

5 I believe that bringing back the venue to
6 the property (sic) of this property will honor that
7 history under the Millers' guidance.

8 Thank you, very much for your time.

9 COMMISSIONER LAYDON: Thank you, sir.
10 Let's move to Carol Meissner.

11 Is there a Carol Meissner in the room?

12 (Inaudible.)

13 COMMISSIONER LAYDON: Okay. Thank you for
14 that. And so June Pressnall also left.

15 I have a Mel Dahlberg.

16 MR. DAHLBERG: Yes. I'm Mel Dahlberg. And
17 my family lives at 9995 Dahlberg Road.

18 We've been out there for 120 years. And I
19 have nothing more to add to any of the testimony here, but
20 my family and -- and everybody that's around my -- my
21 neighbors would like for you to consider not approving
22 this -- this special use permit because it does go
23 against -- it goes against everything that Cherry Valley
24 stands for.

25 So thank you.

1 COMMISSIONER LAYDON: Thank you, sir.
2 Let's move to Steve Allenshon (phonetic). Mr. Allenshon.

3 Okay. And I don't see him here. I don't
4 think he's online, either.

5 Let's move to Theresa Sanderson.

6 MS. SANDERSON: Good evening. I'm Theresa
7 Sanderson. I live at the top of the hill on Lucas Avenue.
8 I've lived there for 20 years with -- with my family. And
9 we can see the proposed venue from our windows.

10 And I just wanted to say -- not to take any
11 more time, I agree with everything that my neighbors have
12 said and I implore you to vote no. Thank you.

13 COMMISSIONER LAYDON: Thanks so much. And
14 then we have a John Bell.

15 MR. BELL: My name is John Bell. And I
16 represent the Bell Ranch Trust, 7715 South Highway 83.

17 I grew up in Douglas County. I grew up
18 there. I grew up about 1,000 yards from the -- we called
19 it the O'Brien place, but that's because the O'Briens
20 owned it since I was a kid.

21 But one of the things that I know for a
22 fact, there was no venues in that barn while I was -- from
23 the time I was a kid until -- I don't know -- maybe the
24 last three or four years, there might have been something.
25 Okay? It's not a -- the precedent of that building is not

1 that it was a dance hall, wedding venue.

2 When my mother, who still lives there at
3 7715 South Highway 83, was young, the -- everybody in the
4 County used to have barn dances. They had -- they would
5 dance in their houses. They would invite their neighbors
6 over and they would have dances in the houses.

7 This is not a wedding venue. The precedent
8 that the applicants are trying to set is not correct. The
9 pictures that the -- that the applicants show are skewed
10 beyond -- I can -- like I say, I've stacked hay in that
11 barn. I've worked in that field as a kid.

12 The road looks like it's a long ways away
13 from the barn. It looks like 83 is not even close to the
14 barn. Go out there and look at it. I can tell you from
15 memories, because I've lived there, it is close.

16 The -- the -- the shot of -- the pic -- of
17 the south showing Jerry Dahlberg's place, which is their
18 closest neighbor to the south, looks like it's a mile
19 away. I'm not going to say how far it is, but I'm going
20 to say it's probably not over 700 feet from their driveway
21 to his.

22 There are four houses' driveways directly
23 north of their venue on the same side of the road of
24 their -- not their venue -- excuse me -- of their home
25 that are within 1,000 yards of their driveway. Four. One

1 of them was the house I grew up in.

2 So I would like you to not set a precedent
3 based on what I think is a false precedent that they're
4 trying to set. Excuse my emotion. I'm tired of seeing
5 this County turned into a -- what it's being turned into.

6 My family has been here for a long, long
7 time. So has my wife's family. 150 years with my wife's
8 family.

9 Please do not continue to let this kind of
10 thing go on in this County. Thank you for your time.

11 COMMISSIONER LAYDON: Thank you, sir, for
12 your testimony.

13 And then the final person who signed up
14 here who may have already testified is Kerri Onda. I
15 think we already -- and we already heard from you.

16 (Inaudible.)

17 COMMISSIONER LAYDON: You only get one --
18 one time tonight, but we'll welcome you back on another
19 item in the future. Thank you for your testimony.

20 So with that, that is everyone that we have
21 that has signed up and that has been provided on the list
22 for us.

23 Are there any additional citizens in the
24 room that maybe didn't sign up that would like to testify
25 tonight? Anybody in the room?

1 Yes, sir. If you want to just state your
2 name and address for the record, please.

3 MR. ORNELAS: My name is Orlando Ornelas.
4 My neighbors know me by Charlie.

5 I am here to tell you that I have seen cars
6 upside-down and on their sides right in front of their
7 house. Lucas Road is a turn to my house. I've stopped
8 there and I've watched them. Thank you.

9 COMMISSIONER LAYDON: Thank you, sir. Any
10 other additional testimony from the room? Yes, sir.

11 MR. BURNHAM: Thank you. My name is Clint
12 Burnham. I'm on Pleasantview Drive in Castle Rock, a long
13 ways away from this, but I've been down there.

14 I travel that road a lot. We host cadets
15 from the Academy, and so we travel that road usually
16 Friday, Saturday, Sunday evenings. That's a dangerous
17 road. We all know that. There's no doubt about it.

18 I can't imagine what can happen -- as they
19 say, you will not be able to enforce people not trying to
20 park somewhere when they get there late. It'll happen.
21 They will. They will try to cross that road.

22 And the passing that -- someone mentioned
23 before about passing. My wife was almost hit in a head-on
24 because some bozo was passing a car. Luckily, she managed
25 to hang on to the -- on to the gravel part and keep us

1 alive. I was a passenger, one of our cadets was a
2 passenger.

3 We -- we -- what is a commercial entity
4 doing in that spot? That's -- you know, again, as the
5 last couple people have said, this is getting crazy,
6 folks. There's a lot of other places this could -- this
7 could -- this is a great, great venue. It looks terrific.
8 Great idea. Not there. Just not there. It's not a good
9 spot.

10 How long till it first opens till you have
11 the first death? Do you think you can go 100 days? Then
12 what do you say to these people? Who's at fault then?
13 Thank you.

14 COMMISSIONER LAYDON: Thank you, sir.
15 Anyone in the room that would like to testify tonight that
16 hasn't had a chance to do so?

17 Okay. I'm not seeing --

18 Yes, ma'am. Did you -- I saw some
19 movement. Okay. Maybe not.

20 Let's go ahead and move online. Is there
21 anybody online, Troy, that would like to testify?

22 TROY: Thank you, Commissioner Layton. I
23 believe I have Travis Hamm on the line.

24 COMMISSIONER LAYDON: Okay.

25 TROY: I haven't verified on the item, but

1 I'm going to go ahead and unmute him. Go ahead, sir.

2 Travis?

3 MR. HAMM: Yes.

4 TROY: You are unmuted. Go ahead.

5 MR. HAMM: Oh. Forgive me with the -- it's
6 a little tricky to do remote. My name is Travis Hamm. I
7 am a 40-year lifelong resident of the Cherry Valley area.
8 I grew up at 8070 Southeast Cherry Creek Road, and I'm
9 raising a third generation on our family ranch.

10 I personally know every neighbor within a
11 five-mile radius of here, and all these people are my
12 friends and family.

13 We find this area sacred to us. It's --
14 it's our home. It's where we have raised families and
15 chosen to live our lives. I personally knew the O'Briens
16 at the bottom of the hill.

17 And this venue would be a detriment to our
18 community. The traffic is terrible as it is now with the
19 added growth in Colorado.

20 Personally, myself, I've been run off the
21 road twice in the last six months where I've had to
22 take -- take the ditch rather than meet a head-on
23 collision of somebody impatiently trying to pass.

24 The traffic is already terrible on 83 and
25 adding 15,000 people to that highway is a death sentence

1 for anybody traveling it.

2 I myself now have a 6-month-old daughter I
3 have to worry about, along with my wife, along with my
4 mother.

5 We have to take back roads to avoid the
6 traffic because of how severe it is, but there are
7 sometimes we have to take that highway and it's a gamble
8 of your life.

9 On top of that, the noise pollution of this
10 area would be horrible. I can hear the highway from where
11 we live. And you can -- you know, it's quiet. Noise
12 travels. You can hear anything. So to hear music,
13 parties, anything, we'd hear it all the time.

14 What scares me the most is the adding of
15 alcohol to a party event. People will then be leaving an
16 event at night, and you can never say that no one is not
17 ever going to leave there drunk or inebriated. There's
18 going to be someone. And it's only going to take one
19 person. And the one time somebody leaves there and kills
20 somebody or a family or -- God forbid -- anybody out here,
21 it will be a stain on everybody.

22 It's -- this area does not need an event
23 center. It's not zoned for this area, it doesn't belong
24 in this area, and I ask that you please don't allow this
25 to happen.

1 I appreciate it. I agree with everybody
2 else that it does not belong here. Thank you for your
3 time.

4 MR. WILSON: Okay, sir. Thank you, very
5 much.

6 Troy, do we have any other individuals that
7 would like to testify online?

8 TROY: Yes, sir. I do have Ben who has
9 returned, but I'm still unable to verify which item he
10 wants to speak on. Ben, I'm unmuting you. Go ahead.

11 BEN: No -- no problem. As far as wedding
12 venues go and as far as like this traffic stuff and noise
13 stuff, which I think is a lot of pabulum, most of us live
14 on rural streets and they get louder and louder as we go.

15 We've got a lot of people from California,
16 a lot of people from other states moving in. We are
17 growing exponentially in Douglas County.

18 And I -- I do think that the argument
19 against noise and stuff is disingenuous because the
20 reality is that -- that -- that Highway 83 is unbelievably
21 noisy to begin with and it was built for incredible
22 amounts of traffic.

23 And it's ridiculous, to me, that the people
24 are like, Oh, my gosh, what if there was a wedding venue
25 where people enjoyed themselves? What if people had fun,

1 you know?

2 It's that whole thing about if somebody
3 somewhere is laughing and enjoying themselves, Oh, my
4 gosh, we better quell it. Are we Americans? I mean, my
5 goodness, it's -- it's crazy to me that the -- that we
6 believe that nobody should have fun.

7 Somebody somewhere needs to have a place
8 that people can have weddings and enjoy themselves.

9 It's Highway 83. It's not actually this
10 tiny little community. It's literally on the highway.

11 Why are we so concerned with this
12 incredible amount of noise? And oh, my gosh, the decibels
13 are 60 or 80 or 120? It's for a very short period of
14 time.

15 I used to have a band that lived next to
16 me. I chose not to call the County for the very reason
17 that it would be stupid to start a feud with my neighbor.

18 People are scared about their cats, their
19 dogs, their horses, whatever, and the noise. It's a very
20 short period of time each evening. Whatever.

21 It's on a highway. I've driven that
22 highway many, many times. I just can't believe that we're
23 having this argument over this tiny little thing.

24 I'm completely for letting the wedding
25 venue be there and I know -- and I'm a citizen of Douglas

1 County, but it's, to me, kind of incredible these people
2 are like, Oh, my gosh, it's going to be horrible. They're
3 going to find they're not even going to notice it. How
4 many people are that close to that little venue?

5 So anyway, that's my opinion. Take it for
6 what it's worth. But I -- I'm just saying I'd let it
7 happen because nobody is allowing anybody to have fun
8 anymore. It's like, Oh, my gosh, they might be running a
9 business. Oh my gosh, they might be enjoying themselves.
10 God forbid.

11 Let it go, people. You live where you
12 live, and they have property. Let them be what they can
13 be. That's it.

14 COMMISSIONER LAYDON: Thank you, sir. Any
15 additional online citizen comment?

16 TROY: I have no additional online comment.

17 COMMISSIONER LAYDON: Okay. Thank you,
18 Troy. And with that, I will close citizen comment and
19 bring it back to the applicant to respond to what we've
20 heard this evening.

21 MS. JAMES: Good evening, Commissioners.
22 I'm Katie James. I'm counsel for Pamela Solly and Louie
23 Miller, helping them out with this application as needed.

24 So I just wanted to just hit a few things.
25 We had a lot of public comment. They did an excellent job

1 with their presentation as far as informing you, so I'm
2 not trying to reiterate things that they've said. And the
3 staff report was pretty thorough, as well. And I don't
4 want to presume that you guys don't already know some of
5 these things, but I just want to make sure that we hit on
6 some of them and regroup a little bit.

7 Just a few -- clarify a few points from the
8 standpoint of the process and the review and approval
9 standards.

10 Obviously, this -- this kind of request for
11 a Use by Special Review and a revocable permit that we
12 should all keep in mind, as well, is all about balancing
13 the applicant property rights with County management and
14 control. And you have your approval standards in front of
15 you.

16 We can't change -- I think I heard this
17 from a previous applicant today. We can't change that the
18 request is for an event center, but we can certainly speak
19 to some of the criteria that's necessary for approval.

20 I think this is clear to all of you,
21 obviously, but there is no rezoning proposed here at all.

22 An event center is not a use by right in an
23 A1-zoned property. That's why they are here for an
24 application under Use by Special Review, but it is a
25 permitted right if all the criteria are met.

1 And a lot of the criteria is technical and
2 relies on expert reports and opinions and we've presented
3 a lot of that to you today and, obviously, people are
4 still here for your questions, as well.

5 I think the key component here is that --
6 is that a special use permit is a revocable use permit.

7 It requires a management plan that's been
8 heavily vetted by your staff. It requires a management
9 plan that has to be adhered to or the permit is revocable.

10 In this particular case, I know the
11 applicants have voluntarily submitted to a little -- well,
12 I shouldn't say extra because I think somebody already
13 made the point that this might be the first event center
14 permit that's been processed, so maybe it's a little bit
15 of new territory, but they've voluntarily, you know,
16 submitted to or -- or been happy to deal with some extra
17 reporting and some things like that.

18 So, for example, I know there's an annual
19 review of the management plan, so any criteria that's in
20 it or any commitments they have made in it, this is not
21 the same thing as maybe approving a subdivision and once
22 it's built out, end of story, you're not going to make
23 people necessarily rip their buildings down.

24 This is something that can be taken away
25 from them -- the use right -- if they are not following

1 their management plan and implementing it in the way that
2 the County approves.

3 They have voluntarily -- and this is part
4 of, I think, what came from months and months of focus on
5 the traffic. One of the items that I think made staff
6 comfortable if I'm not speaking out of turn is -- and the
7 engineering staff, as well, is that they are going to do
8 video monitoring of their traffic.

9 This is not just something where they say
10 we're only going to have X amount of cars on the property
11 at each event, we're going to definitely use buses, we're
12 going to, you know, limit this and that. They're not
13 saying we'll tell you that and then we'll make all our
14 neighbors have to report on us and tell you if we're right
15 or wrong. They're going to video monitor and video track
16 and whatever else comes with the traffic tracking in order
17 to show the County that they're implementing their
18 management plan the way that they said they would do it.

19 I think it's important to note that the
20 monetary level of investment in implementing that
21 management plan is -- is nothing to sort of, you know,
22 sniff at, that they would sort of willy-nilly decide if
23 they were going to try to really follow it.

24 I know there was a lot of reference in the
25 public comment to for profit and maybe that's a bad thing

1 or whatever, but, you know, that's -- that's their right
2 as property owners to -- to make a profit if it's an
3 acceptable use.

4 And I think that the profit piece of it
5 that's important is it's going to be a long time before
6 they realize a profit with the amount of money they're
7 going to be spending on this project on the front-end.

8 And the point there is that I don't know
9 any person that would voluntarily spend over -- I think
10 it's -- the projected amount is -- what -- 200-something-
11 thousand dollars for the deceleration lane that they're
12 going to put in. I know it's several hundred thousand
13 dollars, I believe, for the, you know, remodeling and
14 bringing the barn structure into a manner they can use it.

15 So I think all of those things sort of
16 factor into the fact that there's no way this applicant
17 can take their management plan not very seriously. If
18 they do, they'll be sort of shooting down their own
19 investment, if that's the case.

20 And it seems like a lot of the public
21 comments was sort of geared toward, certainly, a lot of
22 specific items, and I'll touch on those in just a minute,
23 but I think a lot of the undertone was, you know, maybe
24 their management plan looks like a good thing, but how can
25 they do what they say they're going to do?

1 And my point is that your process is
2 intended here to create a situation where people have to
3 do what they say they're going to do or they don't get to
4 keep their permit.

5 Some -- touching back a little bit on some
6 of the -- some of the main issues that we heard. You
7 know, traffic was a -- was a big concern. We have a
8 traffic study. They worked very closely with the
9 engineering department and with CDOT to come up with --
10 you know, double-checking of that traffic study, ways to,
11 again, mon -- self-monitor the commitments in the study.
12 You know, all of those kinds of things.

13 We talked about noise. I think the bottom
14 line with noise -- and that was very technical. I've read
15 the reports. It's still hard for me to follow because I'm
16 not an engineer of any kind and the noise things are also
17 a little out of the norm of what I look at, but if you --
18 if you take it at the absolute crux, there is a noise
19 component that has to be adhered to.

20 So it does these applicants absolutely no
21 good to give some sort of inaccurate assessment of what
22 the noise level will be and their ability to mitigate it.

23 I do think it's important to note that
24 we're right next to a highway. I think some of the
25 questions earlier -- I was having trouble being totally

1 clear, but I mean, I think we have to factor in that the
2 highway noise is only slightly higher, really, you know,
3 than the projected wedding venue noise.

4 No one is mitigating highway noise. In
5 fact, they're going to want to mitigate highway noise to
6 have a successful somewhat quiet event. And that's going
7 to work both ways.

8 I mean, what would benefit them for noise
9 mitigation -- and this is even above and beyond their
10 noise that's emanating out, but the noise that's coming
11 in, that they'll want to mitigate just for a more
12 successful operation is going to work, in turn, to help
13 additionally mitigate the noise that might be otherwise,
14 you know, measured.

15 But, again, these are all revocable use
16 permit items. If there's a noise complaint, if they're
17 not doing a good monitoring of their -- their noise
18 levels, that's something that's entirely trackable.
19 It's -- it will result in them putting hundreds of
20 thousands of dollars into a project that they may not get
21 to keep the permitted use for.

22 So the point of all that is there's really
23 a lot of investment by the applicant in this kind of
24 technical and detailed and self-committing management
25 plan.

1 When we talk about the barn remodel, I just
2 wanted to clarify a few things. You know, we heard a lot
3 in public comment about the nature of the barn, how their
4 proposed renovations might take away from that.

5 I know that Pamela and Louie love the
6 history of the barn and they are like completely -- I
7 mean, in fact, all our conversations tend to lean toward
8 the historical, but let's get back to the part I need to
9 talk about, you know.

10 But -- but it's -- the fact is that barn is
11 not on a -- on a registry anywhere. I mean, it's not on a
12 historic registry. I'm not suggesting that that means
13 anybody needs to, you know, disregard it, but there's no
14 obligation for them to do anything with that barn. I
15 mean, they could decide to raze the barn and just build
16 themselves a house on top of it.

17 I think what they're trying to do truly is
18 help preserve the community harmony and the community
19 character because even if they're repurposing a barn and
20 adding some updated components, they're still using a
21 historic structure. And there's plenty of people that if
22 that thing falls into disrepair that would just take it
23 down altogether.

24 So I think we just have to note, I mean, if
25 it was a historic building and there was some other, you

1 know, historically registered building, whether it's a
2 state or national level and some other additional process
3 for them, I think that would come a little more into
4 account. I just want to be clear it's not. You know,
5 this is their effort to maintain some -- some consistent
6 community character.

7 And in addition to the consistent community
8 character piece, I did want to just read one thing from
9 the nonurban land use part of the master plan. The very
10 last sentence in the intro of that says -- and there's
11 more in here and, obviously, there's -- you guys are
12 familiar with it, staff is familiar with it. But this is
13 just a telling sentence.

14 "To support and protect community values
15 for nonurban residential and agricultural communities,
16 limited commercial service and civic land uses are
17 established."

18 I think that's probably the genesis for why
19 an event center is a Use by Special Review in -- on
20 agricultural A1-zoned properties.

21 It doesn't say no commercial operation at
22 all. It says limited. And that's what this process is
23 about. They're trying to really limit the effect of this.

24 You know, we talked about it's right on the
25 highway anyway. It's not like this is, you know, way

1 isolated or something from the public thoroughfare or the
2 public, you know, area of this -- this larger area.

3 But the -- but, you know, 29 of their
4 35 acres would be remaining agricultural use and I don't
5 just mean empty use, but they have active agricultural
6 operations.

7 And we've heard from a lot of people that
8 may have had their operations for a lot longer, but that's
9 their property and those are their operations, so we've
10 got cattle and we've got hay production, as well.

11 So -- so as far as compatibility, you know,
12 the -- the existing buildings are going to be staying.

13 You know, I know that there's a parking lot
14 added. It's supposed to be screened and buffered with the
15 landscaping plan, but other -- otherwise, the existing
16 buildings will remain, and no one is proposing any kind
17 of, you know, tear-down or massive event center built on
18 top of it and preserving at least 29 of those acres for
19 agricultural use.

20 The last thing I just want to touch on is
21 there was a lot of talk about a variance. It is true that
22 the -- and Matt can probably speak more to this if there's
23 really technical questions from the Board on it, but there
24 is a separate section in the zoning resolution for a
25 request for a variance. I just don't want it to get lost.

1 We're not -- this is not that situation. This is not
2 somebody trying to slide through a -- an actual
3 provisioned variance that another part of the resolution
4 covers.

5 There is a specific reference and the
6 ability for you to approve the Use by Special Review that
7 if the activity is occurring in the setback, you can
8 decide that that's still appropriate, given landscape and
9 buffering and what have you.

10 That's written already into this part of
11 the zoning resolution. It does not redirect you back to
12 the variance section.

13 So I just want to be clear that we're
14 not -- this is not a request for a variance under a
15 different part of the resolution that is somehow being
16 slipped in here. There's a specific provision in this
17 portion of the resolution that allows you to make
18 accommodation for that.

19 And just on that same note, I mean, the
20 building that sets in the setback has already been
21 permitted. It was just built as recently as 2014. And so
22 I -- you know, that's already an approved structure, like
23 fully with a permit. So we're not talking about something
24 that's being new that's added or something that was
25 unpermitted before. We're just talking about if you're

1 satisfied with the level of screening and the other
2 planning around this permit and requirements and such that
3 that would be allowed to be part of the operation.

4 So I just want to clarify that piece of the
5 variance.

6 I think that that's all that I really
7 wanted to talk about, just making sure we hit some of the
8 things that seemed a little unclear to me, given the
9 public comment.

10 MS. SOLLY: Do you want to stay up here
11 while I finish --

12 MS. JAMES: Sure.

13 MS. SOLLY: -- and then we can decide the
14 next -- so, as Katie said -- first of all, thank you for
15 listening to us today and letting us present to you and
16 we -- everyone has a voice. We appreciate -- we respect
17 the process. And we respect that people here today have
18 concerns.

19 And we have the same concerns, which is why
20 we believe we have put a management plan in place, an
21 enforceable management plan. We have addressed traffic.
22 We have addressed noise. We have addressed compatibility.
23 We believe we have. We believe we have met all of the
24 standards.

25 A couple of things just for the record.

1 For anyone to stand here today and make accusations that
2 we have skewed photos or photoshopped out, that is so far
3 beyond who we are as people, and it is incredibly
4 offensive and that's not who we are. So -- so any sort of
5 comment that we are dishonest or -- or were skewing photos
6 or playing games is simply not true. And I feel like I
7 need to say that because it is simply not true.

8 With respect to the traffic plan, if
9 permissible with -- for you, I would like to just have
10 Skip touch briefly on that, just because they questioned
11 his credibility and questioned the fact that he didn't use
12 updated data.

13 So if we could just take not a long time --
14 if we could just let Skip speak to that for just a minute
15 or two, with your permission, we'd like for him to do
16 that. Commissioners?

17 COMMISSIONER LAYDON: What would the Board
18 like to do? I am fine with that. That's fine.

19 MS. SOLLER: Skip, you can go ahead, but we
20 probably need to make it brief.

21 MR. HUDSON: Yes. I'll make it brief. A
22 little overview of traffic engineering.

23 Number 1, everybody who drives is a traffic
24 engineer, so I appreciate everybody's opinion on this
25 matter tonight.

1 Traffic is -- traffic safety is three E's:
2 Engineering, education, and enforcement.

3 We've done everything we can do on our
4 project to mitigate and do the engineering we need to
5 mitigate the impacts at the (audio interruption) access
6 point.

7 You know, why do crashes happen?
8 85 percent of the time, it's driver error, 10 percent,
9 it's vehicle failure in some way, and 5 percent is the
10 road.

11 There's nothing that the applicant can do
12 for the 85 percent of crashes out there that are bad
13 driver behavior.

14 For instance, traffic engineering is
15 behavioral science. I know from the data that 10 percent
16 of the people that were involved in this hearing tonight
17 didn't wear a seat belt. And that's just the way it is.
18 It's human behavior.

19 Roads are dangerous. We know that. What
20 do we do? Do we quit driving? Do we cut the road off?
21 Do we get rid of the road? No. Life goes on. It's a
22 risky thing. We know it's a risky thing, but we've got to
23 do what we've got to do. People are going to do things on
24 property and people are going to keep driving.

25 But what does all that have to do with this

1 project? This is not going to recreate the Gap detour
2 traffic. It's not the death star. The world isn't going
3 to come to an end. We're talking about 100 times a year,
4 there's going to be 40 extra cars on the roadway system
5 out there.

6 So this has been made out to be the worst
7 traffic nightmare imaginable and -- and in my experience,
8 I just don't see it that way.

9 And like was already stated, we're not --
10 sure, there's assumptions because we're dealing with human
11 behavior. I can't tell you what you're going to do when
12 you're behind the wheel. But because of that, we've come
13 up with the management plan and the compliance plan where
14 we're going to report, we're going to learn, we're going
15 to tweak, and we're going to make it better.

16 So we're saying what we're going to do and
17 we're willing to do what we can say. So you can throw all
18 the discussions about assumption out the window from a
19 traffic perspective.

20 There's plenty of on-site parking. I think
21 there's confusion between the number of parking spaces on-
22 site and available parking versus the number of cars that
23 would be coming in and out. We talked about 37 vehicles
24 in and out. That doesn't necessarily relate to available
25 parking on site.

1 That's it.

2 MS. SOLLY: All right. Thank you.

3 MR. MILLER: Thank you, Skip.

4 MS. SOLLY: All right. Do you have -- oh,
5 did you want to say anything or ask any questions?

6 MR. MILLER: Just real quick. I want to
7 address the -- the question that came up about the white
8 tent.

9 But I -- I actually thought it was a really
10 good point that the gentleman made. I don't know where he
11 is, but it was -- it was a great point. Because that --
12 that did seem a little bit unclear, and I apologize for
13 that.

14 The -- the tent on the property is not
15 owned by us. It will not be owned by us. Anybody who
16 wants to put a tent on our tent pad will have to rent that
17 tent, have them come in, put the tent up, and come back
18 the next day and take it out of there and be ready for the
19 next wedding.

20 So we're not providing a tent. We're not
21 raising a tent. It's a tent pad that they will have to
22 rent and somebody else will set it up. So -- just to be
23 clear.

24 COMMISSIONER LAYDON: Okay. Anything else
25 from the applicant?

1 MR. INGALLS: Have we asked the applicant
2 if they accept the four conditions?

3 COMMISSIONER LAYDON: We have not, but
4 let's conclude with any additional rebuttal that you have
5 and we'll get to that.

6 Did you have anything else from citizen
7 comment?

8 MS. SOLLY: You know, I think, again, we
9 believe that we have addressed the light pollution, the
10 traffic, the noise. We believe we've met all of the
11 standards. I don't think I have anything else to add,
12 sir.

13 COMMISSIONER LAYDON: Okay. Do you accept
14 the four conditions as presented?

15 MS. SOLLY: Yes.

16 COMMISSIONER LAYDON: Okay. Further
17 questions or comments from the Board for the applicant?

18 COMMISSIONER THOMAS: I just have one
19 question. If -- if your application is approved tonight,
20 we've heard that there's a lot of renovation and -- and
21 things that you need to do. When do you think that you
22 would be open for business?

23 MS. SOLLY: We wouldn't anticipate -- we
24 don't anticipate -- anticipate to be open for business
25 until sometime next summer.

1 We have a lot of civil work that has to be
2 done because of drainage. And so if -- there's a lot of
3 civil work that has to be done, landscape, and then the
4 barn itself.

5 So we would love to be open by July or
6 August of next year, but I'm not sure that -- that might
7 be a stretch at this point.

8 It's also important to note that, you know,
9 we do have within our -- within the -- the management plan
10 no more than 100 events a year.

11 We believe that that's going to grow
12 slowly, which will give us opportunity to work through
13 whatever kinks there might be. We have -- we have plans
14 in place. Does everything go perfectly? No.

15 So probably the first year, I believe we're
16 estimating like 30 or 35 weddings.

17 MR. MILLER: 20 or 30 would be good.

18 MS. SOLL: I think it's 30 or 35 weddings
19 the first year, depending on when we open. If we open in
20 July. If we don't open in July, then, you know, because
21 we can't really market it until we know when we're going
22 to be open. Right? So we can -- we can market coming
23 soon, but I can't book a -- we can't book weddings until
24 we know literally when that date is, which will probably
25 be maybe four to six months out.

1 So we do believe that over the -- probably
2 the first three to four years -- maybe three years, there
3 will be a ramp.

4 I don't know that we'll ever get to 100
5 weddings, but it will -- it's permissible, but it'll take
6 us a while to get there, to ramp and to work through our
7 operations.

8 COMMISSIONER THOMAS: Thank you.

9 COMMISSIONER LAYDON: So I -- I have a
10 number of questions of Ms. James. Thank you for being
11 here. We always appreciate your advocacy when you come
12 before the Board of County Commissioners.

13 We were talking a little about a 2102, et
14 sequitur terms of the approval criteria that we have
15 before us for USR.

16 You don't interpret that to be a "shall"?
17 You're reading that as a "may" as I do; correct?

18 MS. JAMES: Yes.

19 COMMISSIONER LAYDON: So even if we
20 believed that all of the approval criteria had been met,
21 it's still not a "shall" approve. It's -- it's a "may"
22 approve. Am I interpreting that correctly?

23 MS. JAMES: I think you have discretion.
24 I'm sorry. I need to back up a little bit on that
25 question.

1 COMMISSIONER LAYDON: Sure.

2 MS. JAMES: I think you have discretion,
3 certainly, but I think that the reason for the zoning
4 resolution and the approval standards is that if you feel
5 that they've been met that you should approve the -- you
6 should approve the -- I mean, we can't make you, but --
7 but -- but I do think that if an applicant has met all the
8 criteria, then you are supposed to approve their
9 application.

10 COMMISSIONER LAYDON: Thank you for that
11 response.

12 So page 706 of the staff report, it says,
13 "Per Section 21 of the Douglas County zoning resolution, a
14 USB may be approved upon the finding by the Board of the
15 County Commissioners that the following standards have
16 been met."

17 So I do read that as a "may," not a
18 "shall."

19 Even considering that, as I look through
20 these approval standards, I heard from a lot of citizens
21 around the Comprehensive Master Plan, around harmonious
22 nature with the adjacent property, and I'm really
23 struggling with that.

24 We heard an application earlier this
25 evening related to one weekend music festival in a similar

1 area where there was a lot of citizen concern. When I
2 hear about events that would be weekends long for 32
3 weekends, conceivably, that is a massive portion of the
4 year.

5 The struggle I have with -- as one
6 commissioner is that I do believe Douglas County is open
7 for business and I hear the hopes and dreams that
8 Ms. Solly and Mr. Miller have -- have shared with us this
9 evening and through the afternoon, and that is highly
10 regarded. I respect that and want to see your dreams
11 manifest, but it can't be at the expense of -- of your
12 neighbors.

13 I do appreciate that you've had some
14 attempted conversations with -- with adjoining land --
15 adjacent landowners and -- and a few neighbors. It just
16 doesn't sound tonight as though you have the support of --
17 of the community. And I find that really significant.

18 For me, again, as I go through this
19 criteria, I don't think that 2102.05 is met. I don't
20 think that this plan is consistent with the Douglas County
21 Comprehensive Master Plan.

22 It doesn't seem to be compatible with
23 2102.04, being in harmony and compatible with the
24 character of the surrounding area.

25 And so I think on -- and again, we heard

1 about the noise pollution, 2102.09. The landscaping
2 buffering and screening from a view shed standpoint,
3 I'm -- I'm not sure that that is occurring consistent with
4 the standards set forth here.

5 So I'm really just struggling with all of
6 these standards, but those in particular, I don't think
7 are being met.

8 So I -- I guess I would turn to my Board of
9 County Commissioners for further -- further comment and
10 discussion, but that's where I am.

11 COMMISSIONER TEAL: Well, I guess I
12 disagree. And I kind of disagree going back, quite
13 frankly, when we see the historical uses of this property.

14 The fact that that was built to be a barn
15 for a dairy operation does not imply a passive agrarian
16 use. A dairy farm is, essentially, a century ago -- two
17 centuries ago, a dairy was, in essence, an active agrarian
18 use. It was big business in the agrarian environment.
19 The fact that we had to have a reduction in the pull from
20 the Dawson well, we heard was because for a period of
21 time, that entire property was being used as a tree farm.

22 And so it was a high intensity agrarian
23 use, not involved in food production. And I -- I
24 understand that, you know, our zoning inherently allows
25 that. And that's okay. You know, I don't mean to be

1 disparaging of that use by any means, but that tells me
2 that this property does have a historical legacy of high-
3 intensity use.

4 The fact that it was agrarian in nature and
5 now it's going to go to a commercial use -- well,
6 actually, that's what dairies were. They were commercial
7 use in agrarian settings. That's what tree farms are.
8 They are commercial use with an agrarian allowance.

9 And so the fact that we are going to a
10 commercial use that -- I've got to tell you, I am not
11 seeing the high impact. I -- I wish -- I wish I could be
12 in a -- I wish I could be in a business that I could
13 guarantee this level of performance that a lot of you guys
14 are saying is going to happen immediately.

15 I mean, I wish that I could be in a
16 business -- well, I guess I'm in public service now, but
17 when I was in business, I wish I could be in a business
18 where I could perfectly pipeline to the maximum allowance
19 of my business.

20 So I -- I question the assertions of the
21 high impact.

22 When it comes to Highway 83, there is no
23 doubt, Highway 83 is a dangerous road right now. This
24 County has embarked upon a safety improvement project on
25 Highway 83 that will take us years to accomplish. Our

1 State has no interest -- has little interest, I'll say, in
2 participating. We are before one of our United States
3 senators asking for Federal help to improve that road
4 right now.

5 Quite frankly, guys, the turnout that's
6 being demanded of you, I'm not saying it perfectly fits
7 within our plan, but it is very consistent with the plan
8 that we're actually -- Commissioners, I remind you, we're
9 spending several million dollars on -- in allocating this
10 year and when we're working on the budget this year for
11 next year, there's going to be several million dollars on
12 that for safety improvements to 83. The turnout that will
13 be demanded in order to grant this Use by Special Review
14 will actually help that. It won't solve it by any means,
15 but it will help it.

16 COMMISSIONER LAYDON: Hey, I am going to
17 ask for order in the -- in the room here. We just want to
18 make sure that we hear from everyone. We did listen to
19 everybody here tonight. Even though we may disagree,
20 let's offer some respect to our colleagues here.

21 COMMISSIONER TEAL: Thank you, Chair. And
22 to -- to the public who spoke against this project -- and
23 by the way, I -- I do know some of you. There's one
24 speaker that I've known for almost a decade that spoke
25 today.

1 The bottom line is, I realize this is a
2 change, believe me. I -- I live in a part of Castle Rock
3 that I have seen transformed since the day we -- we bought
4 it. I realize this is a change. I am -- I do not
5 recognize the level of impact that -- the rhetoric we have
6 heard tonight sees.

7 So, Mr. Chair, I do disagree. I do not see
8 this as actually breaking the harmony of that area. I see
9 this as a very low-impact commercial enterprise, to the
10 point where, at the risk of being disparaging to the
11 applicant, it's hardly commercial.

12 You guys have expressed your, you know,
13 professional backgrounds. This is certainly a lower use
14 commercial activity than you two have been a part of in
15 your professional lives, at least in my opinion.

16 As far as the damage to the view shed, I
17 think you did luck out or achieve finding a good piece of
18 property because those trees appear to be some of the
19 tallest trees in that stretch of -- of the valley.

20 So prior owners did proper planning. And
21 I -- quite frankly, I look at those trees, I see those
22 trees soaking up a lot of the noise that everybody is
23 concerned about, as well as actually screening the view
24 shed.

25 I really -- I'm -- I'm just not seeing the

1 impact on the view shed, mostly due to the existing
2 vegetation, not to mention whatever you do in the future.

3 The noise studies. I found the noise
4 studies to be contradictory and inconclusive, period. So
5 I think that's something that as -- staff will need to
6 be -- continue to monitor based upon the terms of the Use
7 by Special Review. Because as of right now -- no offense
8 to the -- to the individuals involved -- I just found it
9 to be contradictory and inconclusive. So that's not even
10 a factor into my planning.

11 And lastly, you guys are residents there;
12 right? You live there?

13 MS. SOLLTY: That's our primary residence,
14 yes.

15 COMMISSIONER TEAL: I've got to tell you, I
16 am an advocate for the ability of people in Douglas
17 County, if nowhere else in America -- people of Douglas
18 County have the right to capitalize on their property,
19 particularly when it's their residential property.

20 And you know, we're going to be hearing
21 something about that a little later. I see this being a
22 matter of people in a residence wanting to capitalize on
23 that residence in a way that we allow. We do allow.

24 And based upon my prior comments, I see the
25 minimal impact. So I do speak in favor of the Use by

1 Special Review application.

2 COMMISSIONER LAYDON: Thank you,
3 Commissioner Teal. Further discussion.

4 MR. INGALLS: Commissioners, before we get
5 to Commissioner Thomas, Commissioner Teal, you made a
6 comment about the noise being inconclusive. Ultimately,
7 the question is going to be then for you does it satisfy
8 approval criteria 2102.09. So if you could contemplate
9 that before there's a motion and a vote, I think that's
10 important.

11 The reason for that is under Section 2102
12 approval standards, the first sentence says, "A Use by
13 Special Review shall be approved only if the Board of
14 County Commissioners finds that the proposed use" and then
15 the approval criteria follow.

16 So -- so you'll need to consider that.

17 COMMISSIONER TEAL: Well, then, allow me to
18 clarify. Thank you, Counselor, for giving me the
19 opportunity to sharpen up that comment.

20 I do not find any of the testimony
21 pertaining to noise pollution to be conclusive,
22 significant, or showing evidence of noise pollution.

23 COMMISSIONER LAYDON: And let me correct
24 the record, too. So, Lance, in the staff analysis, staff
25 used the word "may." Are you saying that's a "shall"

1 based on the -- the resolution?

2 MR. INGALLS: Staff, in their staff report,
3 tends to tell you what your options are, so they use words
4 like "may." But your regulations actually use the word
5 "shall" under the approval criteria. I can read it again
6 if it helps you.

7 COMMISSIONER LAYDON: That would.

8 MR. INGALLS: I don't know if it'll change
9 your opinion because you didn't feel it met a couple, if I
10 heard you right.

11 COMMISSIONER LAYDON: Right.

12 MR. INGALLS: But the use -- approval
13 standards under 2102, "A Use by Special Review shall be
14 approved only if the Board of County Commissioners finds
15 that the proposed use" -- and then the approval criteria
16 are listed.

17 So you can only approve it if these are
18 met. That's how your regs read.

19 COMMISSIONER LAYDON: "Shall" if every
20 single one of these criteria are met?

21 MR. INGALLS: "Shall only if." Yes.

22 COMMISSIONER LAYDON: "Shall only if." And
23 for me, there are several that -- that there's a miss on,
24 and so it would not be all of those, at least for me.

25 I do appreciate the historical background

1 that Commissioner Teal always brings to our deliberations.
2 I think that's helpful.

3 Commissioner Thomas.

4 COMMISSIONER THOMAS: Thank you. You know,
5 it was interesting hearing from everybody.

6 I -- I became familiar with Cherry Valley,
7 Highway 83 when I came to Douglas County in 1984 as a
8 State trooper. So I spent a lot of time traveling on all
9 the roads in Douglas County back in 1984 for many years.

10 And you know, I know the accidents that
11 happened on there. And like the engineer said, most of
12 them were driver error. And we're not going to just stop
13 living because we are afraid that something might happen.

14 I have friends that live in that -- live,
15 actually, in Elbert County, so I drive that area
16 frequently and I go down Gillian to see my friends. And
17 so I've seen some changes from back in 1984. So there are
18 changes going on.

19 I do applaud Mr. Miller and Ms. Solly for
20 the time that you spent working with staff when you took a
21 35-acre parcel and worked to make it within what staff
22 guided you to be -- were requirements that could be
23 acceptable.

24 And I appreciate Ms. James reinforcing that
25 this is a revocable permit. That -- you've made a lot of

1 promises on what you're going to do and you have worked
2 through these issues, the noise.

3 I asked a lot of questions about the noise.
4 I know about the noise on highways. You know, stopping
5 cars on the side of the road and then getting out and
6 trying to talk to a driver inside a car with traffic going
7 on behind you. I'm familiar with traffic noise. That's
8 why I asked those questions about traffic noise.

9 They have worked to mitigate these issues
10 and I feel that they have met these requirements for this
11 proposal, keeping in mind that if you do not meet the
12 management plan requirements, you know that your permit
13 can be revoked.

14 So thinking about the kind of financial
15 investment, the emotional investment, the sweat equity to
16 make this happen, I don't think you're going to stand
17 before us and make a bunch of promises and not follow
18 through on them.

19 And -- and so I -- I am in support of this
20 application.

21 COMMISSIONER LAYDON: So I'm an attorney by
22 trade, but I'm also pretty practical. And I know what a
23 wedding is. Usually, for most families, it's the most
24 significant party you ever throw.

25 And what you told us, I think, is very

1 honest. I believe you to be honest and straightforward
2 and I -- I believe that when you say that. But what you
3 honestly told us is you're going to have 32 weeks out of
4 the year where you're having massive, massive parties.

5 And in my mind, that is categorically
6 inconsistent with the harmony of the surrounding area
7 under 2102.04. So for me, I'm -- I'm still opposed.

8 I've heard my colleagues and -- and
9 certainly respect their views, but I would be a no.

10 COMMISSIONER TEAL: Have you got this one?

11 COMMISSIONER THOMAS: Yep.

12 COMMISSIONER TEAL: Go for it.

13 COMMISSIONER THOMAS: I have a motion to
14 approve 8635 South Highway 83, Cherry Valley event venue
15 because it does meet all of the approval criteria with the
16 four conditions as presented. Project file US2021-003.

17 COMMISSIONER TEAL: I will second.

18 COMMISSIONER LAYDON: So there's a first
19 and second on the floor. Is there any further discussion?

20 Seeing none, all those in favor signal by
21 saying aye.

22 COMMISSIONER TEAL: Aye.

23 COMMISSIONER THOMAS: Aye.

24 COMMISSIONER LAYDON: And any opposed, same
25 sign.

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Aye.

And that passes 2 to 1.

Thank you, very much, everyone, for
spending your evening with us. We greatly appreciate it.

MS. SOLLER: Thank you, Commissioners.

MR. MILLER: And afternoon.

COMMISSIONER LAYDON: And afternoon.

(End of requested transcription.)

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REPORTER'S CERTIFICATE

I, Bonnie Carpenter Johnshoy, do hereby certify
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Public within the State of Colorado.

I further certify that the foregoing transcript
constitutes a true and correct transcript to the best of
my ability to hear and understand the video recording.

I further certify that I am not related to,
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of the within action.

My commission expires: September 22, 2023



Bonnie Carpenter Johnshoy

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