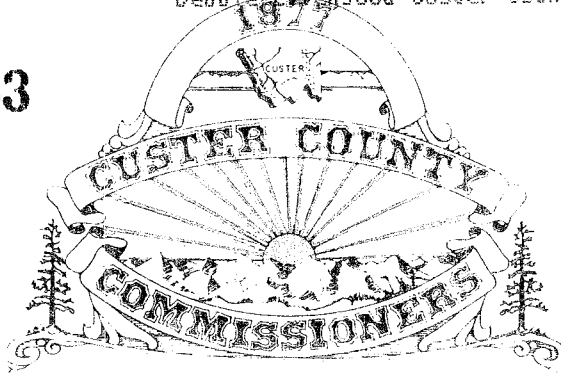


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May 2, 2007

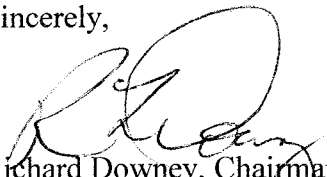
NOTICE OF ACTION OF BOARD OF COUNTY COMMISSIONERS

Re: Special Event Permit Regulations

On May 2, 2007, at the Planning Commission and Board of County Commissioners joint meeting, the Board of County Commissioners voted to **APPROVE** the Special Event Permit Regulations, as discussed with the understanding there will be a review by staff. The staff will compile statistics on the number of events and the boards will review the document at the September meetings. Every effort will be made to get this document to the public via the website, posting at libraries, etc. The Special Event Permit will go into enforce on May 15, 2007.

This document shall be recorded with the Custer County Clerk and a copy retained in the County Planning and Zoning Office for any future reference.

Sincerely,


Richard Downey, Chairman
Board of County Commissioners

xc: Applicant
County Clerk
Assessor

Final Draft for Special Events Permit Procedure dated 4/12/07

DEFINITIONS FOR SECTION 3

Special Event: A special event is defined as a temporary use for a specific purpose that is public or commercial in nature. A special event shall not occur more than two (2) times per year on the same parcel, be limited to one (1) to four (4) consecutive days, and have limited impacts beyond parcel boundaries.

FOR SECTION 10.10

10.10 Special Event Permit

A Special Event Permit is designed for one (1) to four (4) consecutive day events that occur no more than two times per year.

- A. Special Event Permit may be granted or denied at the discretion of the Planning and Zoning Office, whose determination shall be based on the purposes, standards and requirements regarding Special Events as set forth herein. Please refer to Section 10.10.B.2. In granting permission for a Special Event, the Planning and Zoning Office may impose additional conditions in order to comply with the purpose and intent of this Resolution.

At the discretion of the Planning and Zoning Office, the application may need to be reviewed and approved at a public hearing by the Planning Commission and the Board of County Commissioners.

- B. General standards and requirements:

1. In order to grant a special event permit, the special event must:
 - protect the public health, safety and welfare,
 - provide adequate potable water and sanitary facilities,
 - provide adequate parking and adequate allowances for traffic control,
 - insure all federal, state and local permits and licenses are obtained,
 - not result in an over-intensive use of the land,
 - not require a level of community facilities and service greater than that which is available,
 - not cause significant air, water, noise or light pollution, and
 - provide adequate proof of insurance.
2. If the special event meets the following standards, it shall require approval by the Planning Commission and the Board of County Commissioners at a public hearing:
 - the event will have more than one hundred and fifty (150) participants.
 - at the discretion of the Planning and Zoning Office Staff.
3. General requirements
 - a. The applicant must have the decision making authority on behalf of the event sponsor and be responsible for the event. Such person shall be continuously available to Federal, State, and local authorities during the event.
 - b. The acquisition, installation, and maintenance of traffic control devices are the responsibility of the applicant. Applicant must remove all traffic

- control devices within two hours following completion of the special event.
- c. Insurance coverage is required in the amount of one million dollars (\$1,000,000). Such insurance shall include general liability and auto liability. Coverage must be extended to spectators and participants and must name Custer County and all its officers, and employees and agents as additional insureds with regard to damages and defense from claims arising from:
 - i. Activities performed by or on behalf of the named insureds;
 - ii. Products and operations of the named insureds;
 - iii. Premises owned, leased or used by the named insureds;
 - iv. The ownership, operation, maintenance, use, loading or unloading of any vehicle(s) owned, leased or borrowed by the named insureds.
 - d. All animals must be kept under control at all times during the event.
 - e. **NO FIREWORKS /PYROTECHNICS ALLOWED.**
 - f. Secure appropriate emergency service(s) and agency(s) approval. The agency must be compensated for their services. If a major incident or emergency occurs elsewhere during the event, the emergency personnel reserve the right to respond with any and all services at this event.
 - g. Clean-up of the site, including portable toilet removal, shall be completed within an appropriate amount of time as negotiated with the Planning and Zoning Office Staff.
 - h. Staff will inspect the site for compliance.

C. Special Event Permit Procedure

1. Applicants for a Special Event Permit (SEP) shall:
 - a. Secure appropriate jurisdictional approval from emergency services and affected agencies.
 - b. Contact adjacent property owners and provide written comments with the application.
 - c. Submit a written application and all submittal requirements to the Planning and Zoning Office at least sixty (60) days prior to the proposed event, along with proper fees and such evidence as may be necessary to demonstrate compliance with the standards and requirements .
 - d. The applicant will schedule an inspection time with office staff after the event is completed.
2. The Planning and Zoning Office shall:
 - a. Review and accept the application along with the associated documentation and process the submitted fees;
 - b. Research and verify the application and prepare a report that includes the background information concerning the event, a list of proposed conditions and areas of concern.
 - c. Complete a site analysis.
 - d. Review the application and accompanying evidence and grant or deny the application with conditions or forward the application to the Planning Commission and Board of County Commissioners for review.
 - e. If the application is forwarded to the Planning Commission and the Board of County Commissioners, the office staff shall

1. Schedule the application as an agenda item for a regularly scheduled Planning Commission/Board of County Commissioner meeting;
 2. Schedule the Site Tour (if deemed necessary) and Public Hearing and ensure a Public Notice appears in a newspaper of general circulation in Custer County, as set forth in Section F;
 - f. Planning and Zoning Office Staff will inspect the property for compliance with clean-up and with conditions of approval.
3. The Planning Commission shall:
- a. Review the application and accompanying evidence at a public meeting/hearing. Included in the review process shall be:
 1. The report prepared by the Planning and Zoning Office;
 2. Information ascertained from site tour, if necessary;
 3. Additional expert advice, if deemed necessary;
 - b. Develop a list of possible conditions pertinent to the application;
 - c. Hold a Public Hearing to obtain input on the application and accompanying conditions;
 - d. Make a recommendation to the Board of County Commissioners, including pertinent findings supporting the recommended action and/or conditions if approved.
4. The Board of County Commissioners shall:
- a. Review the application and accompanying evidence at a public meeting/hearing. Included in the review process shall be:
 1. The review and study by the Planning Commission;
 2. Additional expert advice, if deemed necessary;
 3. A Public Hearing to obtain input on the application and accompanying conditions; and
 4. The recommendation from the Planning Commission to include the findings supporting the recommended action and/or conditions if approved.
 - b. Grant or deny the application.
- D. Special Events Submission Requirements:

The following items must accompany the application:

1. Plot Plan detailing the dimension, location and relationship to the property boundaries of all structures existing or temporary; roadways and parking to include the number of off-road parking spaces; sanitary facilities; well locations; natural features; traffic patterns; location of trash receptacles; and location of emergency services (if applicable).
2. Written description of the proposed event to include:
 - a. Written permission from the landowner, if applicable
 - b. Explanation of the event and the duration of the event.
 - c. Number of expected people who will be at the event.
 - d. Explanation of the potable water source and sanitation.
 - e. A written explanation of the methods to be used to minimize smoke, odors, noise, dust, trash removal, and similar environmental problems which might result from this event.
 - f. Site clean-up and disposal plan to include completion time.
 - g. Explanation of the signage, roads and trails that will be used.
3. Traffic Control Plan and course map, if applicable.

4. Proof of the ability to obtain liability insurance. Once the Special Event Permit is obtained, a certificate of the liability insurance must be submitted to the Planning and Zoning Office within 10 working days of the approval.
 5. Proof of notification to appropriate agencies that this event will have the proper service and the service will be properly compensated for.
 6. Provide proof that all federal, state, and local permits and licenses are obtained.
 7. If a public hearing is required, the adjoining property owner's written comments must be submitted to the Planning and Zoning Office 30 days prior to the public hearing.
- E. Fees for Special Events Permit:
- a. A schedule of fees has been established for Special Events by the Board of County Commissioners.
 - b. Applicants will be required to pay additional fees for professionals if their services are deemed necessary.
- F. The applicant will be responsible for any damages that are done to county facilities (i.e. roads, signs and any other applicable Federal, State, County and City property).
- G. Public Notice Procedures for Special Event Permit
1. If a public hearing is determined, then public notice of such hearing shall be published, at the expense of the applicant, in a newspaper of general circulation within Custer County at least fifteen (15) days prior to the hearing date.
 2. In addition, written notice of the public hearing shall be mailed Certified, Return Receipt at least fifteen (15) days prior to the hearing date to the owners of properties adjoining the property in question. Such written notice should be mailed to the last address of record held by the Custer County Assessor's Office. Failure to mail such notice due to clerical omissions shall not affect the validity of any hearing or determination of the Board of County Commissioners. Applicants may be required to pay additional postage, if postage for all applicable hearings exceeds 20% of application fee.
 3. If road closures are approved, the applicant shall publish a public notice in a newspaper of general circulation within Custer County at least fifteen (15) days prior to the event.