

**PARK COUNTY PLANNING COMMISSION**  
**PLANNING DEPARTMENT STAFF REPORT**

Planning Commission Hearing Date: July 14, 2021

To: Planning Commission Members

Date: July 9, 2021

Prepared by: John Deagan, AICP; Planner

Case #: 21CUP-03

Subject: Mountain Area Land Trust Conditional Use Permit Revision

Request: The revision of a previously issued Conditional Use Permit to allow a base for land trust activities and for high-altitude researchers and to eliminate programming for farming and ranching.

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**Application Summary:**

Applicant/Owner:	Mountain Area Land Trust
Location:	Part of Section 31, T09 R77 addressed as 2234 Busch Run, Fairplay.
Current Zone District:	Residential
Surrounding Zoning:	Residential and Mining to north, Conservation/Recreation to west, Residential in all other directions – a zoning map is included as Attachment 1.
Lot Size:	70.6 acres
Existing Use:	Conference and Retreat Facility
Proposed Use:	Same, with specific uses modified

**Background:**

The subject lot is on the south side of County Road 14 a mile west of Highway 9. A vicinity map is included as Attachment 2. From 2012 to 2019 it was known as the Beaver Ponds Environmental Education Center and was used for high-altitude ranching and farming and educational activities. In 2018 the owners applied for and were granted a Conditional Use Permit to legalize the use as a Conference and Retreat Facility. In 2019 the lot was purchased by the Mountain Area Land Trust (MALT), a land preservation organization operating in Clear Creek County, Park County, Gilpin County, Teller County and parts of Boulder County and Jefferson County. MALT is applying to revise the existing Conditional Use Permit to omit ranching and farming uses

and to allow use of the lot as a base for local land preservation activities and for high-altitude research. Please see the written narrative in their application for a detailed description. The lot is burdened by a conservation easement (also included in the application) owned by Colorado Open Lands, but this would not prevent the proposed uses.

### **Land Use Regulations and Strategic Master Plan:**

Each of the standards for approval of a Conditional Use Permit (LUR Section 5-503) is addressed, as summarized below.

**A. The use proposed is an authorized Conditional Use for the zone district in which the property described in the application is located.**

Conference and Retreat Facilities are a conditional use on Residentially zoned lots over twenty acres.

**B. The property described in the application for Conditional Use Permit possesses geological, physical, and other environmental conditions that are compatible with the proposed conditional use.**

The lot contains areas with slopes over 20%, but these are not near the building envelope. The lot also contains wetlands, but setback requirements are met.

**C. The Conditional Use will conform to all applicable requirements of the zone district and these Land Use Regulations and does not create a substantial safety concern for anticipated visitors to the property.**

Staff believes this standard of approval is met.

**D. The property has a reasonably certain right of permanent legal access permitting vehicular access from the property to the public thoroughfare.**

The lot has frontage on C.R. 14 and Busch Run, both public rights-of-way.

**E. Access to the property from the public thoroughfare reasonably meets County street, road, or driveway standards or, if the property is undeveloped, such access will be established prior to issuance of a building permit.**

Access to the property meets driveway standards.

**F. The proposed Conditional Use is compatible with the uses and zoning for other properties within the neighborhood or immediately surrounding area.**

The proposed conditional use is not anticipated to have any noticeable external effects.

**G. In making this determination, conflicts with any enforceable covenants, conditions and restrictions of record will be considered.**

In their referral response, Colorado Open Lands has stated that the proposal is consistent with the requirements of their conservation easement. The lot's water use is governed by a purchase agreement with the Headwaters Authority of the South Platte. This organization has stated that their purchase agreement is adequate for the revised uses. However, the Division of Water Resources has requested that MALT revise their well permit to reflect the annual amount of groundwater withdrawn by the well. This letter can be seen as Attachment 3.

**Impact Analysis:**

No adverse impacts to adjacent residential uses are anticipated. According to the Environmental Health Department, the existing wastewater treatment system is adequate for the proposed use.

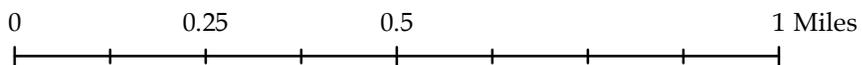
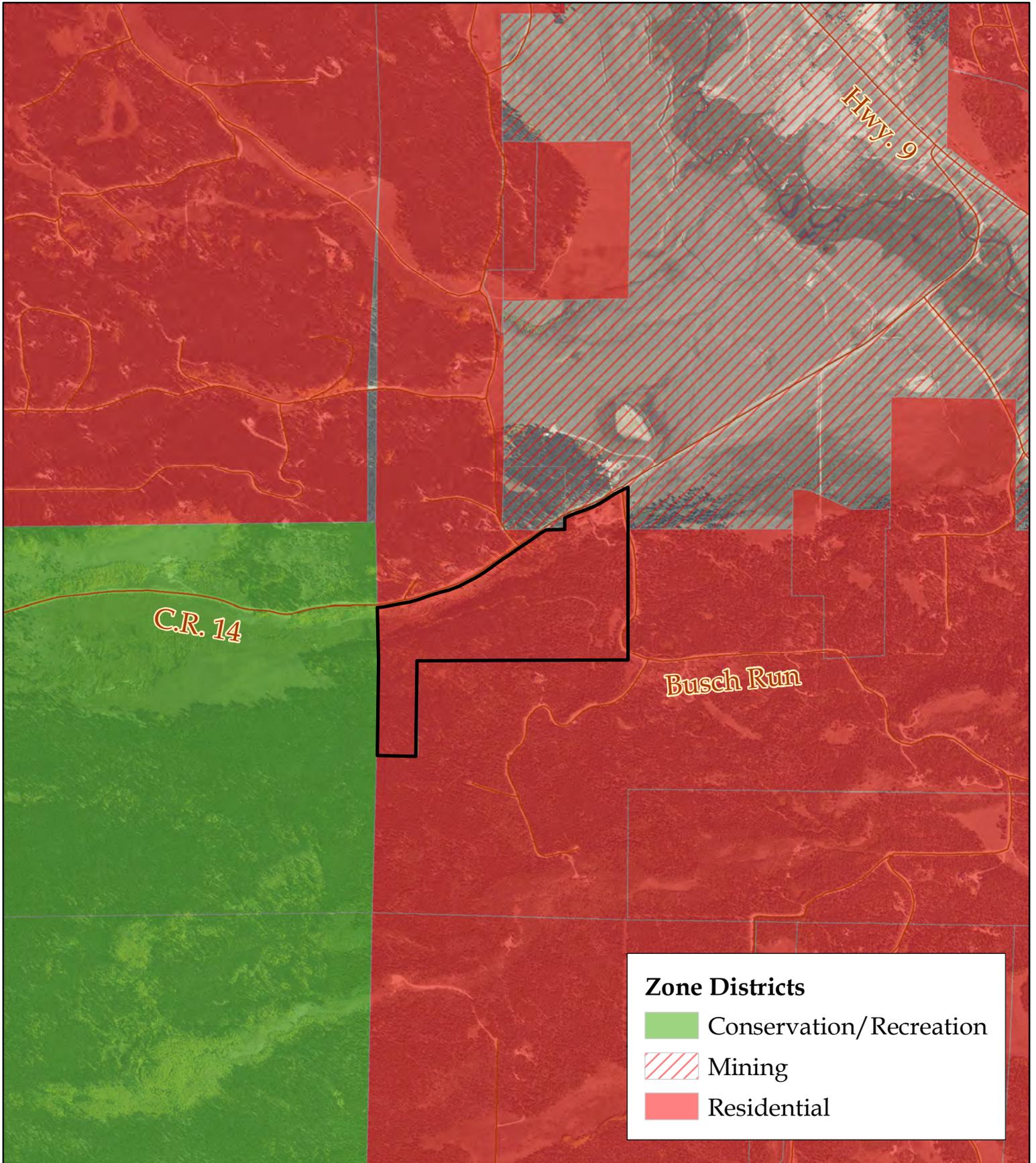
**Recommendation:**

Based on the foregoing, staff recommends that this Conditional Use Permit be recommended for approval to the Board of County Commissioners with the following condition:

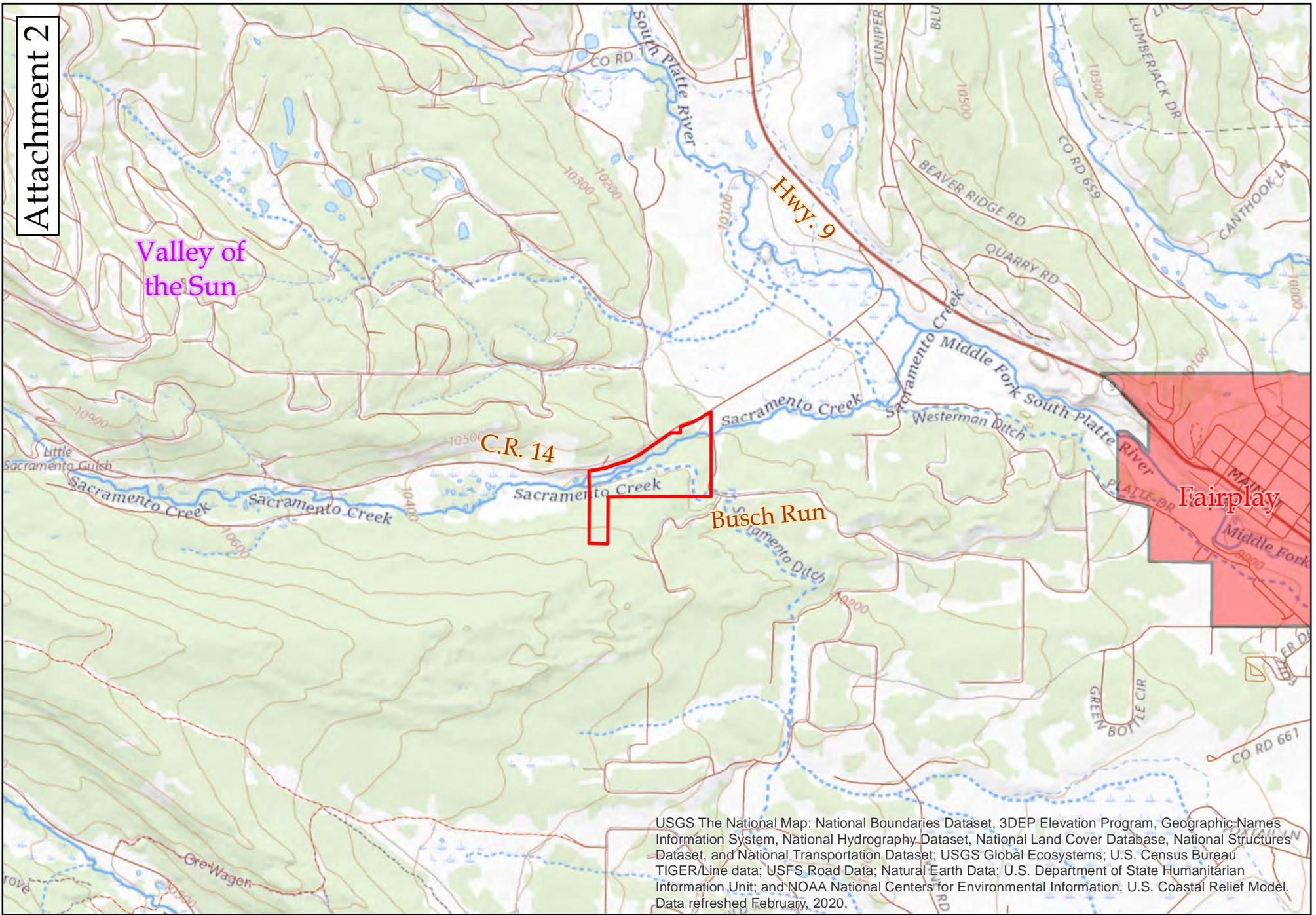
1. Prior to hearing of this application by the Board of County Commissioners, the applicant requests an amendment to their well permit as described in the Division of Water Resources letter dated June 4<sup>th</sup>, 2021.

# Zoning Map

*Aerially Photographed in 2017*



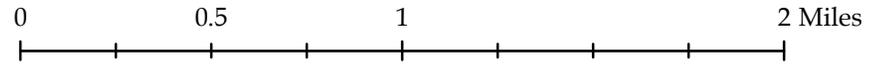
Valley of the Sun



USGS The National Map: National Boundaries Dataset, 3DEP Elevation Program, Geographic Names Information System, National Hydrography Dataset, National Land Cover Database, National Structures Dataset, and National Transportation Dataset; USGS Global Ecosystems; U.S. Census Bureau TIGER/Line data; USFS Road Data; Natural Earth Data; U.S. Department of State Humanitarian Information Unit; and NOAA National Centers for Environmental Information, U.S. Coastal Relief Model. Data refreshed February, 2020.



**Vicinity Map**  
*Contour Interval is 100 Feet*





June 4, 2021

Dylan Sondermann  
Land and Water Conservation Director  
Mountain Area Land Trust  
Transmission via email: [Dylan@savetheland.org](mailto:Dylan@savetheland.org)

Re: Conditional Use Permit Application  
2234 Busch Run Road, Fairplay  
Pt. W½ Section 31, T9S, R77W, 6th P.M.  
Water Division 1, Water District 23

Dear Mr. Sondermann:

We have reviewed your email of May 24 requesting a determination of whether or not your existing well permit is adequate for your proposed uses on the former Beaver Ponds Environmental Education Center property. The Mountain Area Land Trust proposes to use the property to host researchers and educational groups. The property no longer houses livestock. You have proposed to convert the existing barn into a facility to house visiting researchers. The upper level would be used for sleeping and living quarters with a kitchen and dining area. The main level would contain lab space and restrooms for use by the research center as well as the cabins and campground.

The existing conditional use permit (18CUP-05) allows for the construction of five small cabins on the property. You have requested the ability to construct up to an additional five cabins, for a total of up to ten cabins on the property.

The property also contains a camping area with space for up to 35 campers, consistent with the existing conditional use permit. You have also proposed to have educational and outreach groups visit the site, as was contemplated under the existing conditional use permit.

Well permit no. 82649-F allows the withdrawal of up to 1.375 acre-feet of water per year for domestic, commercial, irrigation, and stock watering uses. The well is included in the Upper South Platte Water Conservancy District and Center of Colorado Water Conservancy District augmentation plan decreed in Division 1 Water Court case no. 2002CW0389. The augmentation plan covers depletions of up to 0.353 acre-feet per year.

The allowed annual withdrawal and required amount of augmentation water were calculated based on presumptive values decreed in case no. 2002CW0389 for the uses proposed by the Beaver Ponds Environmental Education Center at that time, identified as:



Use	Rate	Amount Pumped	Consumptive Use
8 Cabins with kitchenettes	100 gallons/cabin/day * 219 days	0.54 acre-feet	0.054 acre-feet
6 Campsites with central toilet and shower	65 gallons/site/day * 219 days	0.26 acre-feet	0.026 acre-feet
School visits	15 gallons/student/day * 30 students * 219 days	0.30 acre-feet	0.030 acre-feet
3100 square feet irrigated lawn	0.036 acre-feet/1000 square feet	0.14 acre-feet (80% irrigation efficiency)	0.112 acre-feet
900 square foot greenhouse	0.0117 acre-feet/1000 square feet	0.011 acre-feet	0.011 acre-feet
5 alpacas & 4 goats	12 gallons/head/day	0.121 acre-feet	0.121 acre-feet
Total	-----	1.37 acre-feet	0.353 acre-feet

Elimination of the livestock watering and addition of five (5) cabins with no other changes would result in water use requirements and depletions as follows:

Use	Rate	Amount Pumped	Consumptive Use
13 Cabins with kitchenettes	100 gallons/cabin/day * 219 days	0.87 acre-feet	0.087 acre-feet
6 Campsites with central toilet and shower	65 gallons/site/day * 219 days	0.26 acre-feet	0.026 acre-feet
School visits	15 gallons/student/day * 30 students * 219 days	0.30 acre-feet	0.030 acre-feet
3100 square feet irrigated lawn	0.036 acre-feet/1000 square feet	0.14 acre-feet (80% irrigation efficiency)	0.112 acre-feet
900 square foot greenhouse	0.0117 acre-feet/1000 square feet	0.011 acre-feet	0.011 acre-feet
Total	-----	1.58 acre-feet	0.265 acre-feet

As such, it is the opinion of this office that the augmentation plan is adequate to cover the proposed uses at the property; however, the Mountain Area Land Trust should request an amendment to well permit no. 82649-F to adjust the annual amount of groundwater allowed to be withdrawn by the well based on the proposed new uses. The amendment request should be supported by a detailed estimate of the new water uses at the site, similar to the table above. Should you or Mr. Deagan have any questions regarding this matter, please contact me at this office.

Sincerely,

A handwritten signature in blue ink, appearing to read "Sarah Brucker".

Sarah Brucker, P.E.  
Water Resources Engineer

Cc: Referral file no. 24218  
Well permit file no. 82649-F