

Advisory Board on the Environment

Park County Planning Department

P.O. Box 1598
Fairplay, Colorado 80440

Phone: (719) 836-4254 • Fax: 719-836-4268 • E-mail address: jdeagan@parkco.us

Referral Response

Comment Deadline Date: July 13th, 2021 Submitted Date: June 14th, 2021

Case #: 21CUP-03 Case Name: Mountain Area Land Trust Conditional Use Permit Revision

Request: The applicant is requesting the revision of a conditional use permit to provide a base for land trust activities and a high-altitude research center on a 70.6 acre Residentially zoned lot.

Legal Description: Township 9 Range 78, Part of the West half of Section 31 south of C.R. 14, addressed as 2234 Busch Run, Fairplay.

Date of Planning Commission Hearing: Wednesday, July 14th, 2021

Date of BOCC Hearing: To be determined.

We have reviewed this referral and find that it **does** comply with our specific organization's concerns.

We have reviewed this referral and find that it **does not** comply with our specific organization's concerns for the following reasons:
ABE believes that more detailed information is required before we can determine if there are conflicts with our interests and recommends that a representative of the Mountain Area Land Trust attend the next ABE meeting to provide greater detail regarding the request.

We have reviewed this referral and find no conflicts with our interests.

We offer the following comments regarding this referral:
ABE reviewed the available plans and concluded that the presentation did not provide enough information to enable us to in make an informed decision. The application did not provide enough information regarding specific location of proposed buildings in relationship to the property lines and to the wetland areas. ABE is concerned that the increase in activity and use of the land and buildings would have a negative impact on the wildlife. ABE believes that there are significant conflicts with the close proximity to the wetlands and compliance with the conservation easement. ABE recommends not to proceed with approving the revision to the Conditional Use permit until specific details are provided to address these concerns.

Signed: John Reiber

Date: June 29, 2021

Colorado Open Lands

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Legal Description: Township 9 Range 78, Part of the West half of Section 31 south of C.R. 14, addressed as 2234 Busch Run, Fairplay.

Date of Planning Commission Hearing: Wednesday, February 10th, 2021

Date of BOCC Hearing: To be determined.

We have reviewed this referral and find that it **does** comply with our specific organization's concerns.

We have reviewed this referral and find that it **does not** comply with our specific organization's concerns for the following reasons:

We have reviewed this referral and find no conflicts with our interests.

A formal recommendation is under consideration and will be submitted to you prior to _____.

Please refer to the enclosed letter.

We offer the following comments regarding this referral:

Signed: Cheryl Cufre, Director of Land Stewardship Date: July 8, 2021

To: Park County Planning & Zoning

CC: John Deagan, Park County Planner, JDeagan@parkco.us;

Prepared by: Cheryl Cufre, Colorado Open Lands

Date: July 8, 2021

Re: 21CUP-03 (Mountain Area Land Trust CUP Revision) Referral

This letter is in response to Park County's request to comment on a proposal to revise the existing Conditional Use Permit ("CUP") for the Sacramento Creek Ranch, owned by the Mountain Area Land Trust ("MALT"), located at 2234 Busch Run in Fairplay, CO 80440 in Park County. Colorado Open Lands ("COL") holds a conservation easement on the property ("Sacramento Creek Ranch"). The Sacramento Creek Ranch deed of conservation easement was recorded on November 23, 2020, at Park County, reception number 772935.

COL has reviewed the supporting documentation provided, including the application and proposed use plan. We have identified three areas of the proposal relevant to the conservation easement for comment: overall land use, proposed structures, and additional parking areas.

The comments below are meant to inform Park County regarding the relationship of the conservation easement terms to the proposed uses and are not intended to grant approval for any specific request. COL will review and approve or deny specific requests by the current landowner at a later date. It is likewise not the intention of COL to voice support or opposition to this proposal, but rather to be a source of information as the holder of the conservation easement.

Under the proposal, the plans for the area under conservation easement would be twofold: "to establish a base for MALT activities in the area and... to develop a high-altitude research center..." (Proposed Use, Page 2). Section 4.a.iii.(b).(1) of the easement states that the "Grantor may convert the Barn to a center able to host research, education, conferences or similar activities which may include laboratories, meeting space and living quarters intended for temporary housing" provided that the barn is not expanded or replaced to a size larger than seven-thousand, five-hundred (7,500) square feet (4.iii.(b)) and not to exceed thirty-five (35) feet in height as defined by the Park County planning and building regulations (4.a.iv). This easement specifically lists Recreation or Education as a conservation value which, under Tres. Reg. § 1.170A-14(d)(2), includes outdoor recreation by, and the education of the general public, under the definition of Recreation or Education. The conservation easement supports the conversion of the barn for the proposed uses.

In addition to the above land uses, the proposal also lists the addition of 5 cabin structures and potentially a vault toilet within the Building Envelope. The easement permits the construction of a maximum of ten (10) accessory cabins in the Building Envelope with a maximum Footprint of five-hundred (500) square feet (4.a.iii.(c)) and the construction of septic/leach systems within the Building Envelope to serve the permitted

Improvements in accordance with applicable regulations of Park County or other jurisdictions with authority over the property (4.d). Therefore, the conservation easement supports the addition of five (5) accessory cabins, making a maximum total of ten (10) cabins, and the proposed vault toilet within the Building Envelope.

With regards to the addition of new parking adjacent to the research center and cabins, including 2 additional ADA parking spaces, Section 4.b of the conservation easement states that, except for driveways and property management trails currently existing on the date of this Deed and shown on Exhibit B of the conservation easement, no portion of the Property shall be utilized as a driveway or property management trail without the approval of the Grantee pursuant to Section 8 (Grantee's Approval) as to location and use. COL has determined there would be no adverse impacts to the Conservation Values of the property, and feel the addition of new parking areas adjacent to the research center and cabins are consistent with the terms of the conservation easement.

Please feel free to contact COL for any questions relating to the terms and provisions of the Sacramento Creek Ranch conservation easement as they relate to the new CUP proposal. Thank you for your time.



Cheryl Cufre
Director of Land Stewardship
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[Blank lines for reasons]

X We have reviewed this referral and find no conflicts with our interests.

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Please refer to the enclosed letter.

We offer the following comments regarding this referral:

[Blank lines for comments]

Signed: [Signature] Date: 06/15/2021