

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

Planning Commission Hearing Date: August 11, 2021

To: Planning Commission Members

Date: August 8, 2021

Prepared by: John Deagan, AICP; Planner

Case #: 21CUP-04

Subject: Mosquito Creek Project Conditional Use Permit

Request: A Conditional Use Permit to allow an Outdoor Recreational Facility (Backcountry Huts) on a Residentially zoned parcel.

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**Application Summary:**

Applicant/Owner:	Dirk Long/John Ireland
Location:	Part of the SW ¼ S9 T9 R78 addressed as 4455 County Road 12, Alma. A vicinity map is included as Attachment 1
Current Zone District:	Residential
Surrounding Zoning:	Conservation/Recreation, Residential, and Mining – a zoning map is included as Attachment 2.
Lot Size:	10.33 acres
Existing Use:	Vacant
Proposed Use:	Backcountry Huts

**Background:**

The subject lot is on County Road 12, four and a half miles west of Highway 9. It is a former mining claim that was rezoned from Mining to Residential in 2019. The owner now wishes to develop it as a Backcountry Hut, which falls under the definition of Outdoor Recreation Facility. Outdoor Recreation Facilities are a conditional use on Residentially zoned lots of all sizes.

The lot is cut roughly in half by County Road 12. The southern portion contains part of Mosquito Creek and associated wetlands, and no development is proposed there. The northern half contains areas of steep slopes which are north of the proposed development. The lot does not contain any mapped geologic hazards. A 2019 geologist's report prepared for the rezoning application confirmed this, although it

mentioned two avalanche chutes to the west of the lot, roughly one quarter mile and one half mile away. The lot was not mined and does not contain any man-made hazards from such activity.

The proposal is for four backcountry huts, each capable of containing four guests. There would also be a lodge with kitchen and living areas, also capable of containing eight guests. Bathrooms would be in another building that would also contain a garage and storage space. The site plan includes seven parking spaces, one of which is intended for handicapped use. A preliminary septic system design has been completed and is included on the site plan.

The project narrative mentions use by four-wheel drive vehicle enthusiasts. It should be noted that the use of off-highway vehicles on county roads is not allowed. The project narrative also mentions use and maintenance of an informal trail that follows an abandoned rail line. In his referral response, the United State Forest Service District Ranger pointed out that construction and maintenance of informal trails on Forest Service land is illegal.

The District Ranger's referral response also mentioned concerns about the effect the proposal might have on wildlife. Planning staff is currently awaiting a response from the Colorado Parks and Wildlife District Wildlife Manager regarding the possibility of 1041 Wildlife permitting. Staff recommends no conditions regarding wildlife until that response is received and a decision regarding such permitting is made.

### **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.**

Outdoor Recreational Facilities are a conditional use on Residentially zoned lots of any size.

**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 30%, but these are not near the proposed building area. 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 County Road 12, a public right-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. The driveway was permitted and approved.

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

Conditions regarding possible external effects of the proposal are necessary to ensure that this standard of approval is met.

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

No such restrictions exist.

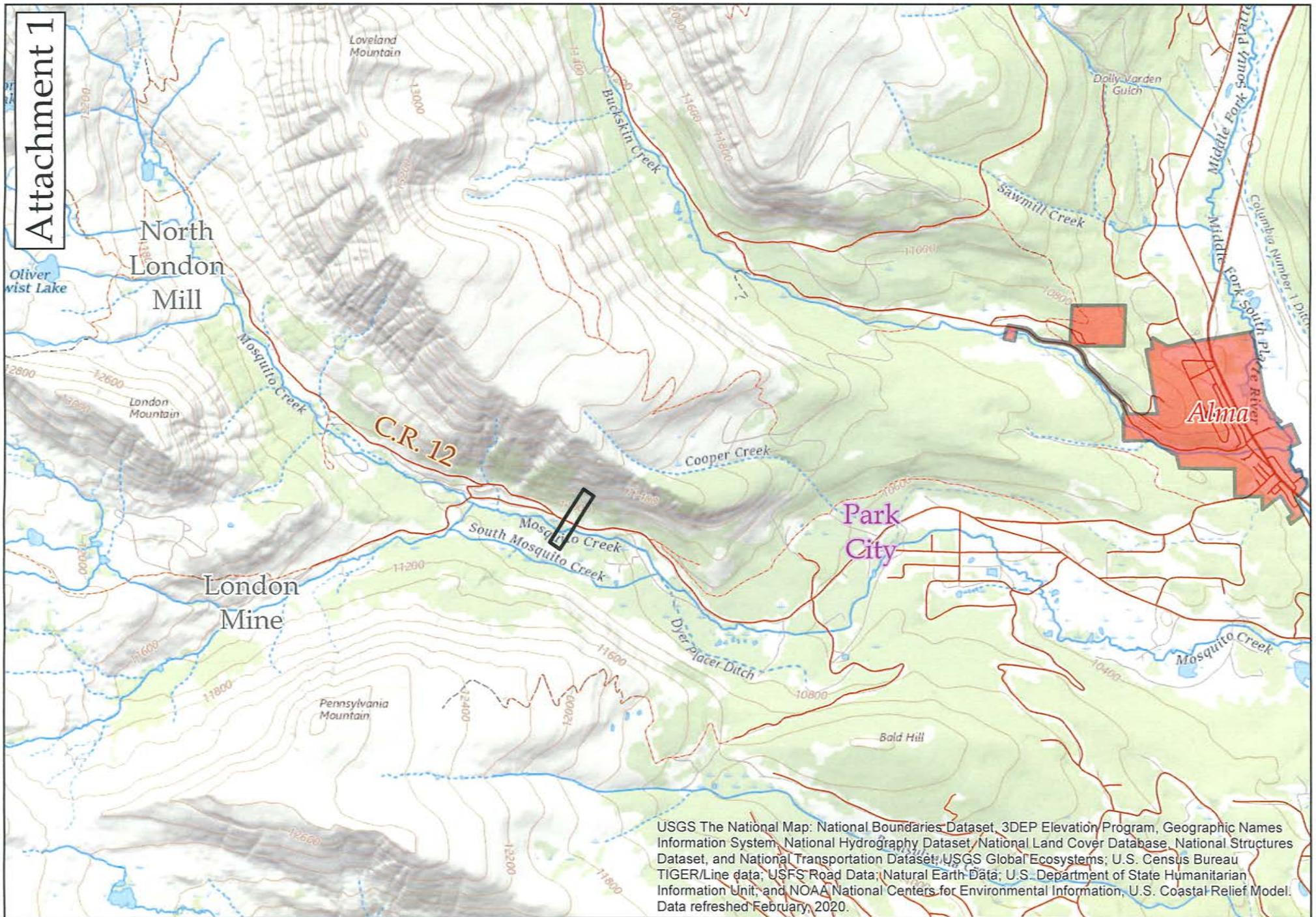
**Impact Analysis:**

With the imposition and enforcement of conditions necessary to ensure that Conditional Use Permit Standard of Approval F is met, no adverse impacts to nearby land uses are anticipated.

**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 conditions:

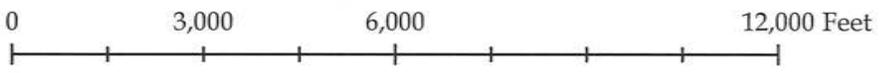
1. Prior to hearing of this application by the Board of County Commissioners, 1041 Wildlife and Mining permits are approved if deemed necessary by the permitting authority.
2. Prior to issuance of any building permits, any necessary approvals for the proposed use are granted by the United States Forest Service.
3. No campfires or bonfires of any kind are allowed.
4. No off-highway vehicle use on public streets, roads, or highways is allowed.
5. The conditional use permit shall expire three years after issuance, but may be renewed by an application procedure as described in Park County Land Use Regulations Section 5-502. The approval of this renewal may be for perpetuity if deemed appropriate by the Board of County Commissioners.



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





**Zone Districts**

-  Conservation/Recreation
-  Mining
-  Residential

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**Zoning Map**

