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Debra A Green  
Park County Clerk

**PARK COUNTY, COLORADO  
BOARD OF COUNTY COMMISSIONERS  
RESOLUTION NO. 2019-30**

**A RESOLUTION GRANTING A WILDLIFE HABITAT AREAS PERMIT WITH  
CONDITIONS FOR RETREAT LAND LLC IN PARK COUNTY, COLORADO**

WHEREAS, the Park County Board of County Commissioners ("BOCC"), pursuant to C.R.S. §24-65.1-101 *et seq.*, have designated Wildlife Habitat Areas as a matter of Statewide Interest; and

WHEREAS, the BOCC has adopted guidelines for the regulation of these designated matters of Statewide Interest known as Wildlife Habitat Areas ("Regulations"); and

WHEREAS, Retreat Land LLC ("Owner") applied for a Wildlife Habitat Areas Permit for the Lone Rock Ranch Conference and Retreat Facility (the "Project"); and

WHEREAS, a public hearing was held on May 2, 2019 and continued to May 9, 2019, in Fairplay, Colorado and the BOCC considered testimony and received evidence regarding the Project; and

WHEREAS, all applicable notice and public hearing requirements have been followed.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS FOR PARK COUNTY, COLORADO:

Section 1. Findings. The BOCC finds that the Project, with conditions, will satisfy the Approval Standards and Criteria in Chapter 2, Article 4 of the Regulations. The BOCC further finds that the applicant has consented to the conditions of Approval.

Section 2. Permit Approval. The BOCC hereby approves the Wildlife Habitat Areas Permit for the Project, subject to the following conditions:

**1. Roads & Trails**

- a. Owner shall limit roads, trails, or habitat modification along Roland Gulch to locations and designs that will not break linear habitats into separate, smaller patches.
- b. Owner shall limit the number of Roland Gulch road crossings to the minimum required for safe traffic flow and emergency ingress/egress.
- c. Owner shall design and construct any crossings of Roland Gulch using bridges or oversized culverts that allow continued wildlife movement and do not break this linear habitat into separate, smaller patches.

- d. Owner shall establish and limit speed limits on primary roads within the development to no greater than 15 miles per hour and shall post warning signs in any high-hazard areas (e.g., crossings of the Roland Gulch drainage).
- e. Owner shall limit motorized vehicles to designated roads and trails, the only exception being for maintenance and emergency purposes.
- f. Access to the Deer Creek conservation easement will not be part of the Project. Owner shall install a single strand, white coated wire along the Deer Creek meadow County property line with interval signage to discourage access to the Deer Creek Conservation Easement shown on the Project Map-Conservation Easement and Wildlife Area, Lone Rock Ranch Conference and Retreat Facility, prepared by Leonard Rice Engineers, Inc., dated 05/03/19, attached as **Exhibit A** and incorporated herein by the reference.
- g. Owner shall only allow trail usage during the day. Owner shall designate/limit existing trails that are allowed to be used by guests.
- h. Owner shall close trails and hiking hut within the Seasonal Wildlife Area shown on **Exhibit A** between December 1 and June 15 to allow deer and elk to conserve energy and survive the winter.

**2. Buildings**

- a. Owner shall maintain dense clumps of aspen and mature conifers and minimize reductions in patch size outside the area cleared or thinned for wildfire protection. An exception would be timber harvesting which could be conducted throughout the area within the Project Features (see **Exhibit A**) to promote understory growth for the purpose of increasing wildlife usage and diversity.
- b. Owner shall maximize topographic or vegetation screening so that intervening areas of undeveloped forest remain available.
- c. Fences should be wildlife friendly and conform to Colorado Parks and Wildlife (“CPW”) design guidelines to allow for elk and deer migration. Owner must obtain CPW approval of all fencing before installation, except for trash container and livestock enclosures.
- d. Storage and collection of refuse is prohibited except after 6 am on the day of trash collection. Wildlife (bear)-proof trash cans and/or secure trash compactors/dumpsters/locking boxes are required.

- e. Owners shall not place or allow woodpiles adjacent to buildings and they shall be placed so as to reduce any conflicts due to their use by potential “problem” wildlife and to help reduce wildfire hazard.
- f. Landscaping should incorporate native trees, shrubs, and grasses.
- g. Round knobs instead of levers should be used for external building doors.
- h. Owner shall develop the Project Features in the locations generally shown in **Exhibit A**, except to the extent that Village 3 can be shifted southeasterly, such shifting is encouraged. Village 3 will be designed and constructed in a southeastern to northwestern footprint with the intention of keeping disturbance as far south/southeast as possible.
- i. Villages 2 and 3 may be constructed simultaneously to lessen wildlife impacts.
- j. Any of the three (3) Villages may be eliminated from this Project development plan at the discretion of the Owner, and Owner will notify County of such change.

**3. Construction**

- a. Prior to approval of the Preliminary Plan for the Project, Owner shall provide an erosion control plan that, at a minimum, includes the following requirements:
  - i. All ground disturbance shall be revegetated with the seed mix and application rate approved by Park County within 21 days of the completion of grading, except if conditions make revegetation impractical such as when the ground is covered with snow or frozen.
  - ii. Revegetation will not be considered complete until seeded area has reached at least 70% of the vegetation density as compared to adjoining undisturbed areas.
  - iii. Owner shall use other best management practices the County deems necessary to minimize erosion of disturbed areas and prevent sediment from leaving the site as prescribed in the Park County Land Use Regulations, Article VII, Division 6, Section 7-603, as the same may be amended from time to time.
- b. Owner shall limit grading to the minimum necessary for construction of the Project.

- c. An orange safety fence should be placed around the activity envelopes during construction to prevent any unnecessary vegetation disturbance during construction.
- d. Owner shall limit construction on the west side of Roland Gulch within the Seasonal Wildlife Area between December 1 and June 15 to allow deer and elk to conserve energy and survive the winter. Construction inside structures may occur year-round throughout the Project Features.
- e. Owner shall install interpretive signage throughout the area west of Roland Gulch to educate visitors in regard to the importance of the area to wildlife. Owner shall obtain Park County and CPW's approval of all signage.
- f. Owner shall replace native vegetation, emulating existing Roland Gulch vegetation patterns, for wetland disturbances not associated with dam repair/improvement or installation of scientific measuring devices. Willows will be considered where hydrologic conditions are appropriate to support their establishment and where their use would not compromise dam safety.
- g. Owner shall limit vegetation removal or modification to the smallest area possible within the building envelopes, driveway corridors, roadway corridors, and utility corridors.
- h. Owner shall minimize the spread of noxious weeds that are listed on the State of Colorado's then current list of noxious weeds. The construction activity shall be conducted in a manner that strictly limits the spread of noxious weeds. The Final Plat and plans for site grading, drainage, and/or erosion control shall include the following requirements, which shall be included as plat notes:
  - i. Soil containing noxious weeds or noxious weed seed shall not be removed from or introduced to the construction site.
  - ii. Construction activity shall not disturb noxious weeds while they bear mature seed heads.
  - iii. All earth moving equipment shall be washed clean at a controlled location prior to being moved onto the Property described on this plat (the "Property").
  - iv. All seed, soil, and mulch imported onto the Property shall be free from weed seeds.

- v. All excavations, placement of fill soil or other ground disturbance shall be revegetated with the seed mix approved by Park County within 21 days of the completion of grading in order to establish desirable vegetative cover and discourage the growth of weeds.
  
- i. Owner shall conduct regular inspections of the property as generally defined by the Property Boundary shown on **Exhibit A** (the “Property”) to identify the introduction of noxious weeds. If noxious weeds appear, Owner shall take action to eliminate the noxious weeds and prevent their spread. Prior to approval of the Preliminary Plan, the following provisions will be required:
  - i. Excavated soil containing noxious weeds or noxious weed seed shall not be removed from or introduced to the Property.
  - ii. On-going weed control shall consist of digging out or spraying individual weeds. Spraying or digging shall occur as needed to prevent the spread of weeds.
  - iii. Noxious weeds shall not be disturbed while they bear mature seed heads.
  
- j. Owner shall submit a noxious weed report to Park County annually for the 3 years after construction of each Village.
  
- k. Owner shall allow Park County’s designee access to the Property to perform an annual inspection.
  
- l. The Owner shall cover the County’s costs to review the weed reports and perform field inspections. The Owner shall deposit into the Lone Rock Retreat 1041 fund with the County a sum of \$15,000.00 to cover the initial costs of weed report review and field inspection and shall pay such additional amounts as the County requests to cover these costs as shown on proper documentation provided to Retreat Land LLC.
  
- m. Internal non-wildlife friendly fencing shall be removed during project construction.

**4. General**

- a. Owner acknowledges the Migratory Bird Treaty Act, which regulates removal or disturbance of nests of certain birds during nesting, and that removal or disturbance of nests is prohibited unless authorized in writing by the U.S. Fish and Wildlife Service.

- b. Owner shall limit structures, trails, or habitat modification along Roland Gulch to locations and designs that would not be anticipated to impede wildlife movement.
- c. Owner shall create and actively enforce rules that prohibit guests from providing any source of food for wildlife. Pet food must be stored within a building. Pets cannot be fed outdoors. Bird feeders may not be used.
- d. Owner shall prohibit domestic pets from harassing wildlife. Under Colorado law it is illegal for pets to harass or kill wildlife, and Park County regulations require dogs to be kept under control or leashed. However, all dogs will be kept on a leash, and voice command is not allowed. Dogs that are unattended shall be kept indoors or in a fenced area within 50 Ft. from the structure the owner is in. No more than three (3) DOGS SHALL BE ALLOWED ON THE PROPERTY AT THE SAME TIME, EXCEPT FOR SERVICE DOGS. If a domestic pet threatens or harasses wildlife, Owner shall notify CPW and arrangements shall be made to have it removed from the Property.
- e. The removal of trees with nests is prohibited, except where urgent to protect human safety or property, during the bird nesting season (April 15 through July 15) is prohibited. Trees surrounding those trees with nests should be preserved as a buffer during the bird nesting season. These trees can be removed after the bird nesting season.
- f. Owner shall preserve standing dead trees (snags) for nesting or perching except as required for safety.
- g. Small livestock that are housed on the Property are to be properly protected with electric fencing.
- h. Owner shall allow CPW access to the Property for wildlife monitoring or wildlife management with one month prior notification to the Owner, unless the Owner has a valid reason(s) that access should not be granted. Less than one month prior notification may be acceptable if approved by the Owner.

Hunting on the property will need to be approved by the Owner at least one month in advance of any hunting activities, unless this timing requirement is waived by the Owner. Names of hunters, dates of hunting, location of hunting, and vehicle identification information will need to be provided to the Owner. Hunting activities will only be authorized for wildlife management and will be overseen by CPW. CPW will be responsible for licensing and providing guidance and oversight during hunting activities. Nothing precludes the Owner from engaging in private

hunting activity on the Property. All CPW laws and regulations shall apply.

The only allowed use of the Seasonal Wildlife Area ("SWA") during the seasonal closure (between December 1 and June 15) will be wildlife management which includes hunting. CPW will consult with Owner regarding hunting and wildlife management access on the Property. If CPW determines that hunting in the SWA is desired prior to the seasonal closure to manage wildlife, CPW will request that the SWA be closed for CPW hunting. The approval of the request will not be unreasonably withheld, and once closure dates are agreed, the SWA will be closed to other uses while hunters are present.

- i. Owner, its guests, agents and employees are prohibited from conducting helicopter flights of any sort or duration over the Seasonal Wildlife Area between December 1 and June 15.

**NOW, THEREFORE, BE IT RESOLVED BY THE PARK COUNTY BOARD OF COUNTY COMMISSIONERS THAT THE WILDLIFE HABITAT AREAS PERMIT WITH CONDITIONS FOR RETREAT LAND, LLC IN PARK COUNTY, COLORADO IS APPROVED.**

Moved, seconded, and approved this 16 day of May, 2019.

**PARK COUNTY BOARD OF COUNTY COMMISSIONERS**



Richard Elsner, Chairperson

ATTEST:

  
County Clerk  
Debra A Green



**EXHIBIT A**

Project Map-Conservation Easement and Wildlife Area, Lone Rock Ranch Conference and Retreat Facility, prepared by Leonard Rice Engineers, Inc., dated 05/03/19

