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Debra A Green
Park County Clerk

**PARK COUNTY, COLORADO
BOARD OF COUNTY COMMISSIONERS
Resolution No. 2021- 33**

A RESOLUTION APPROVING AN APPLICATION FOR THE REVISION OF A CONDITIONAL USE PERMIT ALLOWING A CONFERENCE AND RETREAT FACILITY ON PROPERTY LOCATED IN THE WEST HALF OF SECTION 31, TOWNSHIP 9 RANGE 77, ADDRESSED AS 2234 BUSCH RUN, FAIRPLAY.

WHEREAS, the Applicant, The Mountain Area Land Trust, has applied for the revision of a Conditional Use Permit (18CUP-05) allowing a Conference and Retreat Facility within the legal description attached as Exhibit A, such revision to allow a base for land trust activities and for high-altitude researchers and to eliminate programming for farming and ranching as described in the attached Exhibit B; and

WHEREAS, at a regularly scheduled public meeting of the Park County Board of County Commissioners (BOCC), the BOCC reviewed the application and all supporting documentation, the recommendations of the Planning Commission, the Planning Department, and the testimony of the Applicant; and

WHEREAS, during said public meeting, the BOCC found that the application for the conditional use permit revision meets the criteria for a conditional use permit as set forth in Section 5-503 of the Park County Land Use Regulations.

NOW THEREFORE, BE IT RESOLVED THAT THE PARK COUNTY BOARD OF COUNTY COMMISSIONERS HEREBY APPROVES THE APPLICATION FOR A REVISION TO A CONDITIONAL USE PERMIT ALLOWING A CONFERENCE AND RETREAT FACILITY, AS DESCRIBED IN EXHIBIT B, ON THE ABOVE-DESCRIBED PROPERTY.

Moved, seconded, and passed this 7th day of September, 2021.

PARK COUNTY BOARD OF COUNTY COMMISSIONERS

Richard Elsner, Chairperson

ATTEST:

Debra A Green
Deputy County Clerk



Exhibit A

PARCEL A:

The SW ¼ NW ¼; SE ¼ NW ¼; SE ¼ NE ¼ NW ¼ of
Section 31, Township 9 South, Range 77 West of the 6th P.M.,

EXCEPT those portions conveyed in Deeds recorded November 10, 1971 in Book 215 at Page 243, November 21, 1972 in Book 223 at Page 273, September 25, 1974 in Book 238 at Page 151 and February 18, 1969 in Book 202 at Page 410.

Also known as Tract A as depicted on Lot Consolidation Plat recorded August 11, 2010 at Reception No. 672984.

County of Park, State of Colorado.

PARCEL B:

A part of the NW ¼ SW ¼ of Section 31, T. 9S., R. 77W. of the 6th P.M., County of Park, State of Colorado, being more particularly described as follows:

Beginning at the W ¼ corner of said Section 31,
thence (S 89°06'00" E) along the East-West center of section line of said Section 31 for a distance of (400.08'),
thence (S 00°58'31" W) parallel to the West line of the SW ¼ of said Section 31 for a distance of (980.00'),
thence (N 89°06'00" W) parallel to the said East-West center of section line of said Section 31 for a distance of (400.08') to a
point on the West line of the said SW ¼ of Section 31,
thence (N 00°58'31" E) along the West line of the SW ¼ of said Section 31 for a distance of (980.00') to the W ¼ corner of
said Section 31, the Point of Beginning.

Dimensions in parenthesis are field measurements.

EXCEPT that portion conveyed to Saborsky in Deed recorded September 15, 2011 at Reception No. 682885.

County of Park,
State of Colorado.

Exhibit B
(Five Pages)

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Park County Application for Conditional Use Permit
Part 14: Narrative

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Debra A Green
Park County Clerk

Mountain Area Land Trust (MALT) is currently operating under Conditional Use Permit 18CUP-05, transferred from Beaver Ponds Environmental Education Center (BPEEC) to MALT in August 2019, when MALT acquired the property. MALT is filing a new Conditional Use Permit application to better align with our current needs.

Background:

Mountain Area Land Trust (MALT) is a Colorado nonprofit corporation founded in 1992 and is recognized as an accredited land trust by the national Land Trust Accreditation Commission. MALT's Sacramento Creek Ranch comprises 71 contiguous acres located off of Busch Run Road. A main residence and barn were built in 2012 to support the Beaver Ponds Environmental Education Center (BPEEC). In August 2019, MALT acquired the land and assets of BPEEC.

The mission of Mountain Area Land Trust is to save natural areas, wildlife habitat, streams and rivers, working ranches and historic lands for the benefit of the community and as a legacy for future generations.

In November 2020, MALT placed a Conservation Easement on the property with Colorado Open Lands, thus restricting all development outside of a 7-acre building envelope. This is significant because the property is located near the center of MALT's Redhill to Hoosier Pass Priority Area and is a short distance from numerous MALT Conservation Easements and within 10 minutes of the MALT Pennsylvania Mountain Natural Area Fee Title Property. The Western Boundary of the property is the Pike National Forest in the Mosquito Range, which stretches to adjacent public lands totaling more than 200,000 acres.

MALT looks forward to the next chapter as it embarks on a plan to fulfill its mission for land and water conservation, stewardship, education and outreach and establish a base in Park County for its operations.

Current Use:

While MALT has permission to operate as a conference and retreat facility under the existing Conditional Use Permit, the primary use is now a base for MALT operations in Park County, a site host to high-altitude researchers and local education groups. MALT is not implementing any programming for ranching, farming, renewable energy, gardening or sustainable living. The facility no longer houses livestock nor do we plan to have hoop houses for gardening. In 2020, MALT partnered with several local groups to provide a site for education. MALT is utilizing the office in the main residence as a base for our conservation and outreach efforts in Park County and the barn is currently vacant. MALT continues to maintain and enhance the trail system and is managing the property for forest health.

The property contains 4 distinct zones:

- 1) A central headquarters of approximately seven acres which includes a Main Residence/Office, barn, parking area, fire pit and campsites. MALT’s Conservation Easement, held by Colorado Open Lands, designates a seven acre building envelope surrounding these two buildings for containing all Existing Improvements. The purpose is to have a limited and localized impact on the Conservation Values as documented in the Baseline Report completed in 2020 by Certified Wildlife Biologist, Kurt Ballantyne. The property has renewable energy improvements including solar panels, geothermal heating, a windmill and a hydropower turbine. A network of two non-motorized trails leave from the parking area and make two loops through the property.
- 2) Riparian areas along Sacramento Creek include both free-flowing water and an assortment of beaver ponds. These areas form the heart of the property, providing habitat and resources for numerous wildlife species including beavers, fish, moose, black bears, elk, mountain lions and others. Common vegetation in the area is typical of a healthy sub-alpine, riparian ecosystem and includes willows, grasses and native wildflowers.
- 3) A mixed-conifer forest with open canopy covers the property on the southern side of Sacramento Creek. The hillside on this side of the property has a north-facing aspect, and has seen several years of thinning projects to promote both forest and understory health. Common trees include Blue spruce, Douglas fir, Engelmann spruce, Lodgepole pine, Sub-alpine fir and aspens. This area provides important habitat for elk and moose who use the open forest as a calving area in the spring. The open forest also serves as cover for numerous species, especially during the winter months when wildlife moves away from the deep snow present at high elevations. MALT completed a 10-year Forest Management Plan in 2020.
- 4) A sagebrush ecosystem is present on the south-facing hillside to the north of Sacramento Creek. These shrubs provide a winter food source for mule deer, elk and rabbits. In addition, this habitat provides cover, nesting sites, and food for numerous birds, small animals and insects. Overall, this property presents a unique blend of ecosystems that is located in the heart of a MALT priority area. The improvements on the property also present an opportunity to develop a base for MALT’s conservation activities throughout Park County.

Proposed Use:

Site use

MALT seeks to consolidate all development into the headquarters area, and our vision for Sacramento Creek Ranch is twofold. We are using the site to establish a base for MALT activities in the area and second, we seek to develop of a high-altitude research center in connection with our MALT property within the Pennsylvania Mountain Natural Area. Only two other high-altitude research centers exist in Colorado (CU Long-term Research Site, Niwot Ridge, and Rocky Mountain Biological Station, Gothic, CO).

Primary onsite activities for visitors will include:

- University research
- Public non-motorized use of trail system (year-round)

- Educational and outreach programs
- Partner group programs (Youth or Education groups)

University research

Located just minutes from Sacramento Creek Ranch, the Pennsylvania Mountain Natural Area is a dramatic and beautiful 500+ acre area surrounded on three sides by public land near Fairplay, Colorado. In 2014, with the generous support of the community and the Park County Land and Water Trust Fund, MALT purchased 92 critical acres as part of a multi-phase project. This effort ensures the continuing ongoing scientific research conducted by more than a hundred scientists for over 45 years - one of the longest term alpine research sites in the country. Sacramento Creek Ranch would serve as a base for these researchers. Researchers have been affiliated with the following universities: Appalachian State University, Colorado College, East Central University, Regis University, Syracuse University, University of Colorado, Colorado Springs, University of Denver and University of Missouri.

Public non-motorized use of trail system (year-round)

Sacramento Creek Ranch has 2.35 miles of non-motorized trails. The trail system includes interpretive signs that highlight the natural resources and wildlife habitat as well as MALT’s conservation efforts. The trails are open to the public year-round. Trails were constructed in partnership with Volunteers for Outdoor Colorado and are maintained by MALT.

Educational and outreach programs

One of MALT’s strategic program areas is Outreach and Education. Each year, MALT plans to host a few hikes and open houses themed around conservation. A typical hike is limited to less than 20 participants.

Partner group programs (Youth or Education groups)

Historically, Sacramento Creek Ranch was utilized by schools from Boulder, Denver, Lake, Park and Summit County Schools as well as Keystone Science School, Boys and Girls Club, Mountaintop Children’s Museum, Mosquito Range Heritage Initiative and even plein air painting groups. We would like to maintain the opportunity to invite these groups to utilize the property.

Infrastructure and Site Improvements

Our vision for Sacramento Creek Ranch as a high-altitude research center requires modification of the now vacant barn and surrounding land. The barn would be transformed into a facility that would house seasonal researchers as well as provide laboratory and a multi-purpose space. Our architectural plans include an upper level with two bedrooms, dining area and kitchen space. Each bedroom would house 1

guest. Guests will prepare their own meals in the kitchen. The center will not have laundry facilities. One washer and dryer set is currently located on the second floor of the main residence. The main level of the research center will be transformed into lab space, open multi-purpose space and restrooms. These restrooms would serve the research center, cabins and campground.

In addition to housing within the barn itself, MALT proposes the construction of 5-10 small cabins, each housing 1 researcher during the summer season. The existing Conditional Use Permit allows for 5 cabins which MALT plans to locate adjacent to the barn in the former animal corral. We are requesting the approval of 5 additional cabins for the same location. MALT’s proposal consolidates this proposed use within the seven acre building envelope outlined in our Conservation Easement. The seasonal cabins would be serviced by power, but will not be serviced by water or include individual bathrooms. Currently, researchers are housed in summer rentals throughout the Fairplay area and are increasingly having a difficult time finding housing due to limited supply.

MALT is pursuing a long-term partnership with a major Colorado university to establish Sacramento Creek Ranch as a base for high-alpine research.

Parking

Visitors currently park along the driveway and in designated areas at the ranch. ADA parking spaces are available in front of the main residence. MALT proposes new parking adjacent to the research center and cabins, including 2 additional ADA parking spaces. We will work with the local fire department to ensure appropriate access for emergency vehicles.

Renewable Energy Systems

Sacramento Creek Ranch features renewable energy systems and while we plan to maintain our current systems, we will enhance or change them as technology changes.

Restrooms

There are two restrooms on the main floor of the residence and two restrooms upstairs, one in the MALT office and one in the private apartment. We anticipate building additional public restrooms in the new research center.

Outdoor classroom

For outdoor gatherings, we will utilize a central area directly in front of the residence structure.

Fire

We will operate within the parameters of our Park County Burn Permit.

Camping

There is a camping area with room for up to 35 campers with one electrical outlet and a spigot with potable water located to the west of the main residence. Camping is available for MALT approved user groups, but is not available to the public. MALT may consider the construction of a vault toilet near the camping area in the future.

Greenhouse

The greenhouse is connected to the main residence and would be utilized by MALT or the researchers.

Trash

The residence and research center will share a bear-proof dumpster.

Standards of Approval:

Sacramento Creek Ranch lies within the Residential Ranch Zone District (R-35). The operation of a conference and retreat facility is an authorized conditional use within this district.

The property possesses geological, physical and other environmental conditions that are compatible with the proposed conditional use. A Phase I Environmental Site Assessment conducted in July 2008 by Environmental Resources Management of Greenwood Village, Colorado identified no adverse conditions on the property. MALT contracted an updated assessment by Rare Earth in June 2019 which confirmed no changes on the property.

The conditional use will conform to all applicable requirements of the zone district and Land Use Regulations and will not create a substantial safety concern for anticipated visitors to the property. Mountain Area Land Trust will adhere to all applicable, federal, state and county ordinances that promote and enhance the safety of the public.

The property has a right of permanent legal access permitting vehicular access from the property to the public thoroughfare. The site is bordered to the north by CR-14 and to the east by Busch Run Road which provides direct access to the site. The driveway into the property met all county standards at the time it was built.

The proposed conditional use is compatible with the uses and zoning for other properties within the neighborhood or the immediate surrounding area. The parcel itself is surrounded by a diversity of zoning, bordered on the west by conservation/recreation/US Forest Service property, to the north, south and east by a combination of residential and mining zoning.