AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: Gunnison County Planning Recommendation; Crested B

Action Requested: Board of County Commissioners' Signature

Parties to the Agreement:

Term Begins: **Term Ends:** **Grant Contract #:**

Summary:

Review and possible action on CB Horse Park application for subdivision and equestrian facility

Fiscal Impact:

Submitted by: Cathie Pagano **Submitter's Email Address:** cpagano@gunnisoncounty.org

Finance Review: ○ Required ◉ Not Required

Comments:

Reviewed by: Discharge Date:

County Attorney Review: ◉ Required ○ Not Required

Comments:
ok db 2/14/18

Reveiwed by: GUNCOUNTY1\dBaumgarten Discharge Date: 2/14/2018 Certificate of Insurance Required Yes ○ No ◉

County Manager Review:

Comments:

Reveiwed by: GUNCOUNTY1\mbirnie Discharge Date: 2/15/2018

○ Consent Agenda ◉ Regular Agenda ○ Worksession Time Allotted: 15

Agenda Date: 2/20/2018

Revised April 2015

Gunnison County, CO
Community Development Department
221 N. Wisconsin St. Ste. D, Gunnison, CO 81230
Phone: (970) 641-0360 FAX: (970) 641-8585
Website: www.gunnisoncounty.org
Email: planning@gunnisoncounty.org

To: BOCC

From: Cathie Pagano

Date: February 13, 2018

Re: Crested Butte Horse Park

The Crested Butte Horse Park proponents have submitted their final documents and finalized their Development Improvements Agreement with the County Attorney's office and is now scheduled on the BOCC agenda for review and possible action.

The attachments include the Planning Commission recommendation of approval and the subdivision plat.

As you may recall the Planning Commission and BOCC held a number of meetings on this application. The neighbors are concerned about the application and generally opposed to it.

The Planning Commission and BOCC held the following work sessions and joint public hearings on the application:

Work Session	November 18, 2016
Work Session	December 2, 2016
Site Visit	December 2, 2016
Work Session	December 16, 2016
Work Session	January 20, 2017
Public Hearing	February 17, 2017
Public Hearing	March 3, 2017
Public Hearing	March 17, 2017
Public Hearing	May 12, 2017
Public Hearing	June 2, 2017

SECTION 6-106: MINOR IMPACT REVIEW PROCESS L. AND M. STATE:

BOARD DECISION ON OPTIONAL BOARD PUBLIC HEARING ON SUBDIVISION, CONDOMINIUM OR TOWNHOME DEVELOPMENT, OR WATER IMPOUNDMENT PROJECT CLASSIFIED AS CLASS II DAM. If the application is for a subdivision or condominium or townhome development or a water impoundment that includes a dam classified by the Colorado Division of Water Resources as a Class II dam, the Board shall have the option of conducting a public hearing to consider the application and the Planning Commission's recommendation. Within 20 days of receipt of the Planning Commission's recommendation, the Board shall determine whether or not to conduct a public hearing. A decision to conduct or not to conduct such a hearing shall be based on the Board's determination of whether it is in the public interest to do so, considering among other factors the following:

1. **LEVEL OF PUBLIC INTEREST**. There has or has not been substantial public interest in the proposal; or
2. **IDENTIFICATION OF NEW ISSUES.** Whether it is reasonably probable that new issues related to the application of the proposed land use change will be identified; or
3. **IDENTIFICATION OF NEW INFORMATION.** Whether it is probable that new information related to the application will be provided.
4. **BOARD PUBLIC HEARING.** If the Board chooses to conduct a public hearing, the following shall apply:
   a. **HEARING NOTICE.** Public notice that the Board will conduct a public hearing to consider the Preliminary Plan shall be pursuant to Section 3-112: *Notice of Public Hearing.*

b. **CONDUCT OF HEARING.** The Board hearing shall be conducted pursuant to Section 3-113: *Conduct of a Public Hearing.*

M. **BOARD ACTION.** Within 35 days after receipt of the Planning Commission recommendation if the Board did not conduct another public hearing, or within 35 days after closure of the hearing if the Board conducted another public hearing, the Board shall act within approve, approve with conditions, refer the application back to the Planning Commission for additional review, or deny the application. The Board's decision shall be entered into the official minutes of the meeting and shall contain the necessary findings of fact and reasons to support the decision. If the Board does not make separate findings of fact, it shall be presumed to have adopted the findings and recommendations of the Planning Commission. If the application is referred back to the Planning Commission for additional review, the Board shall, within 60 days after receipt of the Planning Commission's additional recommendation, approve, approve with conditions, or deny the application.

1. **ADDITIONAL PLANNING COMMISSION REVIEW.** Before it takes action on the application, the Board may refer the application back to the Planning Commission for further consideration and recommendations if at least one of the following circumstances is present:

a. **NEW INFORMATION SUBMITTED.** There has been information submitted that was not available for consideration by the Commission before its recommendation; or

b. **INSUFFICIENT EVALUATION.** There are substantive issues or requirements of this Resolution that were not sufficiently evaluated in the Commission's recommendations; or

c. **SUBSTANTIVE ALTERATION.** There has been a substantive alteration to the plan subsequent to the Commission's recommendation; or

d. **NEED FOR CLARIFICATION.** There is an element of the Planning Commission's recommendation that requires clarification.

The BOCC has the opportunity to hold a public hearing, in addition to the five joint hearings that have already been conducted. There has been public interest in this application, particularly from the adjoining property owners. No new issues have been identified by staff, nor has any new information been submitted to the Community Development Department from either the applicant or the public.

At the BOCC regular meeting on February 20, 2018 the BOCC has the opportunity to take action on the application or decide to hold an additional public hearing. If you decide to hold a public hearing there is a 30-day notification requirement.

Please feel free to contact me with any questions or concerns. Thanks.

TO:	**Gunnison County Planning Commission**
SUBJECT:	**Gunnison County Planning Commission Draft Recommendation Crested Butte Horse Park LUC-16-00005**
MEETING DATE:	**June 2, 2017**
PREPARED BY:	**Cathie Pagano, Director of Community Development**
APPLICANT:	**Heath Hansens and Kirstin Atkins**

At its regularly scheduled meeting, Vince Rogalski made a motion to recommend approval of the application, AJ Cattles seconded the motion; the motion passed unanimously.

PROJECT DESCRIPTION:
The applicants Kirstin Atkins and Heath Hansens, have submitted a Land Use Change permit, as amended, for the development of a facility named Crested Butte Horse Park (CBHP). The applicants currently own two adjacent parcels, each greater than 35-acres for a combined size of 73.25 acres. The applicants propose, by this application, to reconfigure the parcels into one 11.08-acre parcel and one 62.21-acre parcel, because the applicants intend to develop a parcel less than 35-acres it is classified as a subdivision of land reviewed by Gunnison County. The applicant proposes to phase the development of the parcels in five phases, as shown on the "Crested Butte Horse Park, Phasing Plan," dated February 8, 2017. The 11.08-acre parcel is proposed, by this application, to be residential use allowing a single-family residence and secondary residence for employee housing. The 62.12-acre parcel is proposed for commercial and residential use; the proposed commercial use is for an equestrian park.

11.08-Acre Parcel
The applicant has proposes the following covenants for the 11.08-acre parcel:

1. The property is residential, with allowances for purchaser's horses.
2. The primary residence shall be no larger than 3,000 square feet.
3. There shall be no more than five bathrooms in the primary residence.
4. Any accessory building/barn (including secondary residence) shall be no larger than 2,500 square feet.
5. There shall be no more than 2.5 bathrooms in the accessory building/barn.
6. Access to the parcel will be part of the CB Horse Park access permit; there shall be no additional access off of Highway 135.
7. There shall be no more than four horses on the parcel.
8. There shall be no horseback riding facilities (arena/round pens).
9. The purchaser shall not be allowed to compete with services offered at the CB Horse Park (boarding, lessons, events, etc.).

The 11.08-acre parcel will be served by the CBHP water supply system and an onsite wastewater treatment system.

62.21-Acre Parcel
The Land Use Change application requests the development of an equestrian facility on the 62.12-acre parcel which will provide horseback riding lessons, riding facilities, horse clinics, horse competitions, concierge services for guests, and horse boarding and training for the public. A variety of buildings are proposed for construction on the 62.12-acre parcel to support the equestrian facility. CBHP will provide instruction to students with horses owned by CBHP and to students on their own personal horses. Horse boarding will be provided. Shed pens with open runs will be constructed, along with eleven horse stalls attached to the indoor riding arena. CBHP will offer memberships to the public including boarder, non-boarder, guest and daily memberships which will allow the public to use the facility whether or not they board a horse at CBHP. Horse training will

be available for clients who have young horses or horses in need of behavior correction. Specialized training for horses in riding trails, trail challenges, extreme trail competitions and cowboy dressage will also be available. The CBHP will hold horse competitions, clinics and shows at the proposed facility.

The following buildings are proposed:

- Temporary Office, approximately 900 square feet in size.
- Indoor Arena, approximately 30,500 square feet in size and an additional 1,500 square foot residence (as depicted on "Crested Butte Horse Park elevation and floor plan drawings for Riding Arena, Horse Pens, Office, Viewing Area, Horse Shed and Pens," dated February 9, 2016).
- Ten shed pens with open runs on the southeast portion of the parcel, totaling approximately 2,880 square feet (Crested Butte Horse Park elevation and floor plan drawings for Riding Arena, Horse Pens, Office, Viewing Area, Horse Shed and Pens, dated February 9, 2016).
- Three shed pens with open runs on the north-central portion of the parcel, adjacent to the outdoor arena, totaling approximately 6,400 square feet (2,112 square feet per shed pen)
- Hay Shed, 7,500 square feet in size
- Compost facility up to approximately 1,200 square feet in size
- Picnic pavilion, 2,400 square feet in size
- Temporary barn for special events approximately 2,000 square feet in size

Outdoor facilities include:

- Outdoor arena and two round pens
- Five Horse turnouts
- Competitive trail course
- Trails
- Parking areas

Amendments to the application include but are not limited to:

The initial Land Use Change application did include tent and recreational vehicle camping opportunities. A portion of the subject parcel may be constrained by a covenant on the parcel set forth by White Buffalo Trading Company in 1995 which states:

A. *No trailer, mobile home, basement dwelling, nor any other structure of a temporary nature may be erected or occupied on the above described Real Property for use as a permanent or temporary dwelling.*
B. *No abandoned vehicles (described as any vehicle or motor vehicle left outside of an enclosed structure and non-operative for a period of nine consecutive months) shall be permitted or located on the above described Real Property.*

There is a dispute over the covenant and its intention and applicability between the applicant and adjoining property owners. The County recognizes that this covenant is disputed. Kirsten Atkins, in an email dated May 9, 2017, amended the Land Use Change application, "We are writing to withdraw the camping portion of our proposal from the application by the Crested Butte Horse Park. We will not proceed with the camping at this time but reserve the right to bring it before the Planning Commission at a later date." This recommendation of approval is not a predeterminant of any future Land Use Change application on the subject parcels.

Property Description

The parcels are located at 20601 Hwy 135, legally described as a 6.1 acre tract in SW4SW4, Section 27 and a 66.1-acre tract in S2SE4 Section 28, Township 14 South, Range 85 West, 6th p.m. The parcel is on the west side of Highway 135 across from Cement Creek Road. The eastern half of the parcel is mostly dry and flat with sagebrush predominately vegetating the landscape. The western portion is a sloped area that is mostly dry with sagebrush. There is an irrigation ditch

on the proposed 11.08-acre parcel that is noted on the proposed plat. The current Highway 135 access will be closed and a new Highway 135 access will be developed on the southeast corner of the parcel, in compliance with CDOT requirements.

PLANS/REPORTS/SUBMITTALS:
Plans, reports, letters and other submittal documents informing this decision include, but are not limited to:

- Atkins Minor Subdivision Plat, prepared by All County Survey and dated January 22, 2018
- Crested Butte Horse Park, Landscaping Plan, dated September 15, 2016 and prepared by Sprout Studio
- Crested Butte Horse Park, Master Plan, dated January 4, 2016 and prepared by Sprout Studio
- Crested Butte Horse Park elevation and floor plan drawings for Riding Arena, Horse Pens, Office, Viewing Area, Horse Shed and Pens, dated February 9, 2016.
- Preliminary Overall Grading Plan and Drainage Plan, dated June 2, 2017 and prepared by Williams Engineering.
- Preliminary Plan and Profile Main Road, STA 1 + 100-13+00, dated June 2, 2017 and prepared by Williams Engineering.
- Preliminary Plan and Profile Main road, 13+00-20+00 and Roundabout, dated June 2, 2017 and prepared by Williams Engineering.
- Preliminary Plan and Profile Main Road STA20+00-END, dated June 2, 2017 and prepared by Williams Engineering.
- Preliminary Arena Area Plan and Grading, dated April 6, 2017 and prepared by Williams Engineering.
- Auxiliary Turn Lane Assessment, Transportation Impact Study for Crested Butte Horse Park, Crested Butte, Colorado, dated May 25, 2016 and revised June 29, 2016, July 13, 2016, and April 28, 2017, prepared by McDowell Engineering, LLC.
- Crested Butte Horse Park Phasing Plan, dated February 8, 2017

IMPACT CLASSIFICATION:
The project, by definition is initially classified as a Major Impact pursuant to Section 7-101:A. The applicant requested the project be reduced to a Minor Impact classification.

The applicant addressed Section 3-111: B.1. *Additional Criteria* in Article 5 of their application materials and how the proposal comported with those criteria including:

- No additional turn lanes required on Highway 135 for proposed use
- Clients are encouraged to use the nearby RTA bus stop for transit
- CBHP will have four employees placing a minor demand on the school systems
- Additional public utilities including water and wastewater are not utilized for this proposal
- CBHP will implement preventative measures to minimize the risk of fire including storage of hay and wood shavings, installation of a fire suppression (sprinkler) system in the indoor arena, installation of underground water storage cisterns for fire suppression and design of roads and buildings in compliance with Crested Butte Fire Protection District standards
- No foreseeable need for additional police services
- CBHP has prepared an emergency operations plan and met with representatives from Emergency Services to address safety and emergency response
- Limited impacts of noise because any amplified sound will be contained within the indoor arena and/or amplified sound at the outdoor arena will be limited to daylight hours—there will not be amplified sound used outside after dark.
- Odor from manure storage will be abated through the use of the Aerated Static Pile Composting system
- The parcel is a flat parcel adjacent to Hwy 135 and rises in elevation to the west toward Red Mountain. Impacts to the environment are expected to be minor.

At the December 2, 2016 Planning Commission meeting the Commissioners found that the application did comply with the additional impact criteria and reduced the impact classification from Major to Minor Impact. This recommendation hereby affirms that reduction in impact classification.

MEETING DATES:

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Public Hearing	May 12, 2017
Public Hearing	June 2, 2017

REVIEW AGENCY COMMENTS:

A copy of the application was sent to the following referral agencies for review and comment: Gunnison County Public Works, Gunnison County Environmental Health Official, Crested Butte Fire Protection District, Colorado Division of Parks and Wildlife, Colorado Department of Transportation, and Colorado Division of Water Resources.

CO Division of Water Resources, comments from Megan Sullivan, P.E. in a letter dated November 10, 2016 include but are not limited to:

> *…The end result would be an 11.08 acre Parcel 1A on which the applicant is proposing two residential units, a primary residence and an accessory residence/barn, and a 62.17 acre parcel 1B on which the equestrian center would be located which also would include a single family equivalent unit (a two bedroom apartment) in the indoor arena to be used for employee housing. The water for the entire property, equestrian center and residences, is to be supplied by CBHP water system, the source of which appears to be a well or wells. Sewage disposal is to be through on site waste water treatment systems (OSWWTS).*
>
> *The applicant has currently contracted with the Upper Gunnison Water Conservancy District (UGWCD) for the purchase of 10.5 acre-feet of augmentation water to replace depletions associated with the operation of an existing well for Crested Butte Horse Park. The uses allowed under the UGWCD contract are ordinary household purposes inside three single family dwellings, the irrigation of 6.54 acres (285,000 square feet) of lawn and garden, the watering of 60 head of livestock, and drinking and sanitary purposes for the equestrian center…*
>
> *…Based on the above, it is our opinion, pursuant to CRS 30-28-136(1)(h)(I), that the proposed water supply can be provided without causing material injury to decreed water rights so long as the applicant obtains well permits issued pursuant to C.R.S. 37-90-137(2) and the plan for augmentation issued to Upper Gunnison River Water Conservancy District, for all wells in the subdivision and operates the wells in accordance with terms and conditions of said plan for augmentation. Provided the sustained well yield of the well(s) continues to be similar to results of the June 16, 2016 pump test, the proposed water supply is expected to be physically adequate for domestic purposes….*

Follow-up comments from Megan Sullivan, P.E. in a letter dated May 24, 2017 include but are not limited to:

> *The CBHP application (receipt no. 3675784) for a well permit to operate an existing well, drilled as a monitoring well under permit no. 300767, as the water supply for the equestrian center*

and subdivision was denied on May 17, 2017 (denial file no. 14772-AD). The basis of the denial is statutory. Pursuant to C.R.S. 37-90-137(2), the State Engineer may not issue a well permit if the well is within 600 feet of another well. This requirement is not necessary if the State Engineer, after a hearing, finds that circumstances in a particular instance so warrant that a permit may be issued without regard to the 600 foot limitation. The hearing process was initiated, however, the applicant did not make an appearance at the setting conference and the Hearing Officer remanded the application to the Staff of the State Engineer for consideration of denial of the Application under C.R.S. 37 90 137(2)(b)(1)(B) and dismissed the case. Since the hearing was dismissed and the location of the well is within 600 feet of another well, the application was denied.

Because the application (receipt no. 3675784) to use the existing well was denied, in order to obtain a new well permit for the existing well or a well permit for a new well, a new application must be made. In either case, the statutory requirement of 600 foot spacing would still have to be met. We would not be able to issue a permit to use the existing well without a hearing since the well is within 600 feet of another well. However, if the applicant applies to construct a new well that would be located more than 600 feet from another production well, a hearing on 600 foot spacing would not be required. That being said, any well used to supply the equestrian center and subdivision would have to operate under an approved plan for augmentation. The applicant currently has a contract with the Upper Gunnison Water Conservancy District (UGWCD) for the purchase of 10.5 acre-feet of augmentation water to replace depletions associated with the operation of a well for Crested Butte Horse Park. An application for a new well permit would have to reflect the same uses and amounts as those provided in the contract with UGWCD.

Finally, if the applicant applies for and obtains a new well permit to operate the existing well (currently permitted as a monitoring well, permit no. 300767) to supply the equestrian center and subdivision, my comments in the November 10, 2016 letter remain the same. However, I understand that the applicant may change the proposal to not use the existing well but instead construct a new well in a different location on the property. If this is the case, I would note that as stated in CRS 30-28-133(3)(d), the subdivider is required to submit "Adequate evidence that a water supply that is sufficient in terms of quality, quantity, and dependability will be available to ensure an adequate supply of water for the type of subdivision proposed." Adequate evidence is usually provided in the form of a water resource report, prepared by a professional engineer or water consultant, which addresses the quality, quantity, and dependability issues. A report of this nature was not previously submitted, however a report was provided on a well pump test performed on the existing well in June of 2016. According to that report, the well was pumped a maximum of 40 gpm with a maximum drawdown of 1 foot. A note on the report indicated the recovery time for the well was 15 minutes. If the sustained well yield of a proposed new well is similar to results of the June 16, 2016 pump test on the existing well, that hypothetical proposed water supply is likely to be physically adequate for domestic purposes. Please note that the long term adequacy of any ground water source may be subject to fluctuation due to hydrological and climatic trends.

Crested Butte Fire Protection District, comments from Scott Wimmer, Fire Inspector and Ric Ems, Fire Chief, Fire Marshal in four separate letters dated April 1, 2016; July 24, 2016; August 19, 2016; and January 6, 2017 include but are not limited to:

April 1, 2016: Comments noted specifics on access, water supply, water storage requirements for fire suppression, and fire protection systems.

July 24, 2016: Comments stated that access is approved.

August 19, 2016: Comments noted receipt of the packet for the proposed land use change.

January 6, 2017:

…After reviewing your proposal for compliance with adopted codes and ordinances, we have the following comments:

1. *Size and location of cisterns and water wells shall be specified prior to construction. One water source with the capability for fire district connection shall be available for District use prior to storing combustible materials onsite.*
2. *No smoking, open flames or ignition sources shall be allowed within 50 feet of the hay shed. 50 feet of clear parking, storage or hazardous activities shall be maintained.*
3. *Fire extinguishers shall be required throughout your project, especially during construction. Specify type, size and location to be determined.*
4. *Regarding the proposed Flight for Life landing zone. CBFPD responding personnel will determine the best landing zone for emergency helicopter response and will be incident specific.*
5. *Full hook up parking areas shall be reviewed for compliance with NFPA 1194 (RV facilities).*

Colorado Parks and Wildlife, comments from Brandon Diamond, Area Wildlife Manager, in a letter dated November 10, 2016 include but are not limited to:

> *…A variety of wildlife may be encountered on the property throughout the year including mule deer and elk, black bears, mountain lions, raptors, coyotes, red fox, and a variety of migratory songbirds and small mammals.*
>
> *I have met with project proponents previously, at which time we discussed several wildlife issues of concern. Based on the adjacent development and land use practices it is unlikely that the Horse Park will greatly increase the impacts to wildlife in the immediate area. However, Colorado Parks and Wildlife (CPW) recommend that two species be given specific consideration during the planning and development phases: black bear and elk.*

Comments stated specific mitigations to avoid bear conflicts include storage of horse feeds and trash storage. Diamond stated that bear proof trash containers should be utilized, along with food storage containers or secure sheds for food storage and horse feed.

Diamond stated that elk find areas of refuge on private land where they are disturbed less frequently.

> *Salt. A variety of mineral will likely be stored on the property and will be made available to equines throughout the year. Salt is a powerful attractant to elk and other wildlife, and we strongly recommend that every effort is made to avoid having salt and/or mineral supplements available to wildlife. CPW has had issues with private landowners in the surrounding area putting out salt for wildlife. In Colorado, intentionally putting salt out to attract wildlife is illegal.*
>
> *Hay. Hay storage facilities that are elk proof would minimize the potential for future conflict with elk. Even small groups of elk can consume significant amounts of hay in a short period of time, and create unnecessary burden for private landowners. CPW strongly encourages Horse Park managers to create secure hay storage facilities, eliminating potential for conflict with elk.*
>
> *Artificially seeded rangeland. Any future efforts to enhance or modify grazing pasture/horse turn-outs should consider the potential to attract elk. To the north of the proposed Horse Park, conflicts with elk grazing on private land have escalated following conversion of native range to alfalfa. Elk, like most herbivores, will seek out the most succulent and nutritious forage available, which is something private land owners should consider prior to rangeland conversion.*

Hunting. CPW has, and will continue to use hunting as the primary tool for managing big game populations. Hunting is deeply ingrained in the culture of Gunnison County, and is unquestionably an economic driver locally. CPW respectfully requests that private landowners continue to consider regulated hunting on their lands. We recognize that in semi-developed areas, hunting must be conducted in a thoughtful, controlled manner, where public safety is first and foremost. In developments adjacent to the proposed Horse Park, strict prohibitions of hunting have led to unintended consequences such as conflict with neighboring agricultural operations, public discourse, and an inability by CPW to manage large herds of elk on private land refuges. We are not advocating for unlimited, intense hunting pressure; we are only asking that hunting remain a potential management option moving forward.

…CPW would encourage Horse Park managers to consider wildlife when planning new fence construction…We recommend that fence construction, whether of wire, wood, electric, or synthetic, be wildlife friendly (not exceed 42 inches in height, and not restrict movement of deer or elk)….

It is important to point out that as the Gunnison basin continues to develop, habitat available for use by wildlife is incrementally lost and conflicts with wildlife will increase. Although this project in itself affects only a small fragment of available habitat, the effects of "minimal impact" projects such as this are cumulative, and should be considered as such. We strongly encourage the applicant to advise future employees and/or potential property owners of wildlife that inhabits the area, and ways to avoid and reduce human/wildlife conflicts.

Colorado Department of Transportation, comments from Dan Roussin, Region 3 Permit Manager in an email dated May 12, 2017 include but are not limited to:

CDOT has reviewed the updated traffic assessment and we are in agreement with the study. The revised study does not change any of the conclusions regarding the need for auxiliary lanes or the design hour volume. Some of the turn lane volumes changed slightly, but they are all still well below any of the auxiliary lane thresholds. The revised report does include more discussion about the traffic during special events. This is good, but it does not affect the access permit requirements of the existing permit.

An email dated March 31, 2017:

I hope to be more clear on SH 135 Crested Butte Horse Park (CBHP) access permit. CDOT has issued an access permit (#316089) for this project. The access permit volume was for 25 DHV. The 25 DHV on the permit was derived by the traffic study done by McDowell Engineering July 2016 study which looked at the typical day. DHV stands for Design Hourly Volume. Design Hourly Volume means an hourly traffic volume determined for use in the geometric design of highway. It is the 30th highest hour volume experienced in a one year period for that access. DHV is the same as peak hour volume. The access permit doesn't look at special events because the event is less than 30 times a year and we looked at DHV (30th highest volume experience at the access in one year). Special Events would not qualify with this access permit. Therefore, the county will need to review it with the applicant, CSP, and CDOT. CDOT can provide input once we get a better understanding what is CBHP special events in terms of traffic volume.

Special event review should be done by County's land-use process and with Colorado State Patrol (CSP) recommendation, and CDOT review of any special event traffic control to the highway. At this time, CDOT doesn't specially know the full extent of the special events. The study was general about special events. CDOT would recommend the county to work with the applicant's traffic engineer to come up with parameters in what is needed

when there is a typical special event. The county will need to be the lead on this with the recommendation from CSP and CDOT.

Work with the applicant's traffic engineer and once you have a plan, please submit it to CDOT, and we will review it and provide specific comments on the plan. I hope this answers your questions on how we came up with the traffic numbers and what the access permit allows.

Gunnison County Environmental Health, comments from Crystal Lambert, Building and Environmental Health Official, in a letter dated November 16, 2016 include but are not limited to:

On parcel 2, the applicant is proposing commercial and residential uses.
The Gunnison County OWTS Regulations require that any OWTS that will serve a c commercial use be:

1. Designed by a professional engineer.
2. Receive only such biodegradable wastes for treatment as are compatible with those biological treatment processes that occur within a septic tank.
3. Receive authorization by rule or a class V underground injection permit from the United States Environmental Protection Agency.

With preparation and conscientious planning it is feasible that the parcels proposed in the Crested Butte Horse Park Land Use Change application may be able to each receive approval for OWT systems.

Gunnison County Public Works, comments from Marlene Crosby, Public Works Director, in an email dated November 14, 2016 include but are not limited to:

When I first reviewed the site plan I was concerned about the size of the parking spaces, but after reading the complete application the sizes seem reasonable compared to other RV parking sites and horse trailer parking sites at the Fred Field Center.

They are proposing 24' wide roads which meet our Standards. Access to HW #135 will be controlled by CDOT. The only concern that I might raise is whether or not dust will be an issue, not only for their operation, but also for their neighbors.

FINDINGS OF COMPLIANCE WITH APPLICABLE SECTIONS OF THE *GUNNISON COUNTY LAND USE RESOLUTION:*

Section 6-103: *Standards of Approval for Minor Impact Projects.*
This Section is applicable, the proposed land use change complies with all applicable requirements of the Gunnison County *Land Use Resolution*. The proposed land use change is compatible with the character of existing land uses in the area and does not adversely impact the future development of the surrounding area. The proposed residential and commercial uses are similar in character and size to existing land uses in the area. The residential parcel is approximately 11.08-acres and is greater than two adjacent residential parcels and smaller than adjacent 35-acre parcels. The proposed commercial use will have features similar to the adjacent parcel to the south which includes a large indoor horse arena (for private use). The equine facility is compatible with and similar to the agricultural and ranching character of the East River Valley. There was testimony at the public hearing stating the need for an equestrian facility and its compatibility with agricultural history of the community.

Section 9-100: *Uses Secondary to a Primary Residence.*
This Section is applicable, any secondary uses proposed on the 11.08-acre parcel shall comply with this Section. A primary residence, secondary residence, and barn/accessory building are the only structures contemplated on the 11.08-acre parcel.

Section 9-200: ***Special Residential Uses.***
This Section is not applicable. No special residential uses are proposed as part of this application.

Section 9-300: ***Commercial and Industrial Uses.***
This Section is applicable, the proposed commercial use is required to comply with the applicable standards of this Section.

1. **NON-RESIDENTIAL ACCESSORY USES.** Applicable, the applicant proposes an office and support areas relative to the commercial use.
2. **FOOD SERVICE REQUIREMENTS.** Not applicable, no food service is proposed.
3. **ELECTRICAL DISTURBANCES.** Not applicable, no electrical disturbances are proposed or expected.
4. **FIRE AND EXPLOSIVE HAZARDS.** Not applicable, no fire and explosive hazards are proposed or expected.
5. **GLARE AND HEAT.** Not applicable, no glare or heat from commercial operations are proposed or expected.
6. **EXTERIOR LIGHTING.** Applicable, whenever exterior lighting is installed in commercial or industrial development, it shall be designed and installed so that all direct rays are confined to the site and adjacent properties are protected from glare, and shall comply with the applicable standards of Section 13-114: *Exterior Lighting*.
7. **ODORS**. Applicable, the applicant proposes to control odor from manure piles through the utilization of an Aerated Static Pile composting facility that does not release volatile organic compounds (VOC) that contribute to odor. They will also clean pasture areas to eliminate manure piles, odor and water quality impacts.
8. **RADIOACTIVITY**. Not applicable, no radioactivity is proposed or expected.
9. **VIBRATION**. Not applicable, no vibration is expected or proposed.
10. **NOISE.** Applicable, the commercial use shall be conducted so that any noise produced is not objectionable because of intermittence, beat frequency, or shrillness regardless of db(A) measurement. Sound levels of noise radiating 25 or more feet beyond the subject property boundary in excess of the db(A) established for the following time periods and uses may be considered a public nuisance as listed in Table 2: *Maximum Permissible Noise Levels for Commercial and Industrial Uses*. Noise will be mitigated through the installation of an earth berm. The applicant has also stated that amplified sound will be contained within the indoor arena and any amplified sound utilized outside will not be allowed after dark.

Section 9-400: ***Exploration, Extraction and Processing of Minerals and Construction Materials.***
This Section is not applicable, no mineral or construction material exploration, extraction and/or processing is proposed as part of this application.

Section 9-500: ***Miscellaneous Uses and Activities.***
This Section is applicable, the applicant is proposing to hold recurring events and construct a temporary office at the 62.21-acre parcel. The events contemplated in the project description of this proposal will not require a separate special event permit for each event. The applicant has agreed to contact emergency services personnel and local law enforcement each year to notify them of the event calendar at CBHP and provide a copy of the CBHP safety plan. The temporary office shall obtain the applicable building permits prior to construction and/or installation.

Section 10-102: ***Locational Standards for Residential Development.***
This Section is applicable, the existing parcels of land are configured as two parcels, each larger than 35-acres. Because the applicant seeks to create two parcels, one which is 62.21-acres and the second which is 11.08-acres the County has reviewed that configuration as a subdivision for the creation of a parcel less than 35-acres. The subject parcels are not adjacent to a population center nor are they within a municipal three mile plan area. The subdivision of the parcels with one parcel less than 35-acres and one parcel larger than 35-acres limits impacts to the neighborhood.

The number of residential units proposed include a primary and secondary residence on the 11.08-acre parcel and a primary residence on the 62.21-acre parcel.

Section 10-103: ***Residential Density.***
This Section is applicable, the proposed lot size and lot density is substantially similar to neighborhood parcels. The neighborhood includes parcels greater than 35-acres and several parcels substantially smaller than 35-acres (1.5-7-acres). The proposed density and configuration of the parcels is similar because the existing density of the parcel would allow for residential development on two 35-acre parcels.

Section 10-104: ***Locational Standards for Commercial, Industrial, and other Non-Residential Uses.***
This Section is applicable, the alternative locational standards apply to this proposal because the parcel is not adjacent to an incorporated municipality nor is within a municipal three mile plan area. The applicant has stated that the location is necessary due to the size of the parcel needed for an equestrian operation and covenants that may be associated with other parcels closer to a municipality. The location is well-suited to the specific use because the size enables the applicant to have ample room to graze horses, area for equestrian facilities, horse trailer parking, and proper buffering for neighbors. The applicant stated that there are no other known parcels which provide the size, flat terrain, and easy and nearby access needed for the proposed use. The public has submitted comments that there is a need for a public horse boarding facility and equestrian center for training and instruction.

The applicant states that the proposed use is compatible with uses established in the impact area. Adjacent and nearby uses include residential and agricultural. The applicant has stated that the proposed use is similar to other agricultural uses in appearance. An adjacent parcel to the south also has an indoor equestrian arena.

No significant net adverse effect is expected due to mitigation and project design measures that the applicant has submitted as part of this application including but not limited to: noise control, odor mitigation, dust control, berming, landscaping and road design.

Section 11-102: ***Voluntary Best Management Practices.***
Applicants are encouraged to utilize best management practices described in this Section. The applicant described their plan to implement best management practices in Article 5 of the application. The applicant describes practices to produce optimum vegetation, reduce sedimentation load, minimize soil erosion, and control water loss**.**

Section 11-103: ***Development In Areas Subject to Flood Hazards*****.**
This Section is not applicable, the subject parcel is not within the mapped 100-year floodplain.

Section 11-104: ***Development in Areas Subject to Geologic Hazards*****.**
This Section is applicable, the upper portion of the subject parcel is in an area of geologic hazards mapped as unstable slopes. The lower (east) portion of the parcel is not in an area of geologic hazards and the development of structures has been limited to the portion of the parcel not in a geologic hazard.

Section 11-105: ***Development In Areas Subject to Wildfire Hazards.***
This Section is applicable, the subject parcel is in an area of low wildfire hazard. A copy of the application was referred to Crested Butte Fire Protection District (CBFPD) whose comments are noted above. The applicant has stated their intention to install a fire suppression system in the indoor arena, along with onsite water storage, in compliance with CBFPD standards.

Section 11-106: ***Protection of Wildlife Habitat Areas.***
This Section is applicable, the application was referred to the Division of Parks and Wildlife (CPW) and their comments are noted above. The applicant has stated their intention to install

bear proof trash containers and are storing hay in an enclosed facility. Any fencing shall be in compliance with CPW Wildlife Friendly fencing recommendations. The applicant has stated that fencing will not be installed on the sloped, western portion of the parcel to allow for wildlife migration. The applicant shall comply with the recommendations from CPW.

Section 11-107: *Protection of Water Quality*.
This Section is not applicable, there are no water bodies, as defined by the Gunnison County *Land Use Resolution*, on the subject parcel.

Section 11-108: *Standards For Development On Ridgelines.*
This Section is not applicable. The site is not located on a ridgeline.

Section 11-109: *Development That Affects Agricultural Lands.*
This Section is applicable, the parcel is adjacent to agricultural lands. Impacts to agricultural shall be minimized or eliminated. There is an irrigation ditch on the 11.08-acre parcel and the draft "Atkins Minor Impact Subdivision Plat," has shown the required 25-foot setback from the ditch bank. The applicant has also included language on the plat regarding fence-out requirements, domestic animal controls and irrigation ditch maintenance. The proposed access road is not adjacent to an agricultural operation and therefore should have no impact on an agricultural operation.

Section 11-110: *Development Of Land Beyond Snowplowed Access*.
This Section is not applicable, the site is not located beyond snowplowed access.

Section 11-111: *Development On Inholdings In The National Wilderness.*
This Section is not applicable, the site is not located on a National Wilderness inholding.

Section 11-112: *Development On Property Above Timberline.*
This Section is not applicable, the site is not located above timberline.

Section 12-103: *Road System*.
This Section is applicable, a copy of the application was referred to Gunnison County Public Works and the Colorado Department of Transportation. The applicant submitted a traffic study, "Auxiliary Turn Lane Assessment, Transportation Impact Study, for Crested Butte Horse Park, Crested Butte, Colorado," dated May 25, 2016 and revised June 29, 2016 and April 28, 2017, prepared by McDowell Engineering. The applicant proposes a single access point on the south end of the 11.08-acre parcel that will be utilized for both parcels. The current, existing access will be closed. CBHP has received an Access Permit No. 316089 from the Colorado Department of Transportation, dated February 13, 2017.

The report from McDowell Engineering concluded:

> *Based upon the above operations, the applicant's Horse Park facility can expect 158 vehicle trips per day, or 206 passenger car equivalent vehicle trips per day. The morning peak traffic hour is anticipated to occur at 10:00am as guests arrive. The site access can anticipate 16 incoming and 9 outgoing Passenger Car Equivalent vehicle trips during the morning peak hour. The evening peak hour is anticipated at 2:00pm as some guests depart. The site access can anticipate 13 incoming and 11 outgoing Passenger Car Equivalent vehicle trips during the afternoon peak hour. Table 1 contains the "passenger car equivalent" calculations to account for the impact of larger vehicles. Per the applicant, this is a generous approximation of the potential operations on the site and represents a conservative traffic impact for the scope of the project that may be approved.*
>
> *State Highway Access Permits:*
> *A new State Highway Access Permit will be required for the proposed site access to SH 135. The access will be permitted for typical operations and not for special events.*
>
> *Auxiliary Turn Lanes:*

The traffic volumes generated by this development are not anticipated to require the construction of auxiliary turn lanes on SH 135. Based upon review of the proposed operations, SH 135 characteristics, and traffic forecasts; there are not any foreseen safety or operational reasons to recommend auxiliary lanes or other highway improvements.

Access Construction:
The site access has adequate sight distance in both directions that exceeds the 935' requirement in Table 4-2 of the Access Code. This sight distance is measured from a point 10 feet back from the edge of the roadway. There are no horizontal or vertical deflections in SH 135 that would prevent this sight distance from the Crested Butte Horse Park access. The proposed access shall be constructed per Section 4 of the Access Code. Gunnison County regulations will also apply.

Special Events:
The applicant shall notify the Colorado State Patrol in advance of special events. The applicant shall provide temporary traffic control on Highway 135 for events with over 50 vehicles. The traffic control signage shall comply with CDOT's Standard Plan S-630-1. Refer to Table 4.

There was public comment regarding the safety of the access and the need for auxiliary turn lanes on Highway 135 for accessing the parcel. Comment specifically stated concerns related to traffic volume related to special events (horse shows, competitions, etc.) that the applicant proposes. The applicant submitted a revised traffic study which included updated traffic counts based on anticipated customer, staff and residential use at the parcels. The revised study (as noted above) concluded that no additional auxiliary turn lanes are required.

Dan Roussin, CDOT Permit Unit Manager, reaffirmed, in an email dated May 12, 2017, that, "CDOT has reviewed the updated traffic assessment and we are in agreement with the study. The revised study does not change any of the conclusions regarding the need for auxiliary lanes or the design hour volume. Some of the turn lane volumes changed slightly, but they are all still well below any of the auxiliary lane thresholds. The revised report does include more discussion about the traffic during special events. This is good, but it does not affect the access permit requirements of the existing permit."

As CDOT indicated in their comments, dated March 31, 2017, special events are not necessarily included in the review of traffic counts. At the recommendation of CDOT and the Gunnison County Undersheriff Randy Barnes, staff contacted Captain Laurie Hadley, Local Commander for Gunnison/Montrose at the Colorado State Patrol office. As described in an email to the Planning Commission from Cathie Pagano on April 10, 2017, in a phone conversation between Captain Hadley and Cathie Pagano on April 10, 2017, Pagano stated:

I spoke with Captain Hadley at the Colorado State Patrol office this afternoon regarding the Crested Butte Horse Park project. I explained the application to her and let her know that CDOT had suggested we contact CSP regarding the "special events" (competitions, shows, etc.) that are proposed at the horse park. I told her that the neighbors have expressed concerns related to traffic, safety and the need for turn lanes and/or accel/decel lanes. Captain Hadley said they have a close working relationship with CDOT and would like to see how the first year of operations go to determine if any changes or improvements are required. Hadley said similar concerns were expressed when the I-Bar ranch was approved and they have not had issues with traffic safety at that site.

I told her that the applicant has offered to submit a safety plan and events calendar each year to CSP, the Sheriff, Fire District and emergency services so that they'd be apprised of events. Captain Hadley felt that would be useful tool for her department in planning and monitoring traffic and safety. She did not see a need to change the current CDOT access permit, specifically as it relates to special events.

Staff also reached out to Undersheriff Randy Barnes on April 26, 2017 for comments on traffic related to special events. Barnes responded in an email dated April 28, 2017, "Being that this is going to affect mostly the state highway I have no concerns."

The applicant has agreed to submit a special events calendar and safety to plan to law enforcement and emergency services personnel on an annual basis.

Section 12-104: *Public Trails*.
This Section is not applicable, there is no public trail existing or proposed on this site. The applicant is proposing the development of trails for the commercial equestrian operation that will be located on the western portion of the parcel and are identified on the "Master Plan" prepared by Sprout Studio.

Section 12-105: *Water Supply*.
This Section is applicable, a copy of the application was referred to the Colorado Division of Water Resources, comments from Megan Sullivan, P.E. are noted above. The applicant initially drilled a monitoring well less than 600 feet from a neighboring well; the State engineer may not issue a well permit if the well is within 600 feet of another well. As noted in the above comments the application was denied because the applicant did not attend the hearing. Hansens stated at the Planning Commission public hearing that he would abandon the existing monitoring well and re-drill a new well outside of the 600 foot setback requirement.

The relocation of the well does not substantively affect the State's opinion that the "that the proposed water supply can be provided without causing material injury to decreed water rights so long as the applicant obtains well permits issued pursuant to C.R.S. 37-90-137(2) and the plan for augmentation issued to Upper Gunnison River Water Conservancy District, for all wells in the subdivision and operates the wells in accordance with terms and conditions of said plan for augmentation." Sullivan states in the May 24th letter that, "if the sustained well yield of the proposed new well is similar to results of the June 16, 2016 pump test on the existing well, that hypothetical proposed water supply is likely to be physically adequate for domestic purposes."

The applicant has contracted (Contract No. ASP16-185A) with the Upper Gunnison River Water Conservancy District for 10.5 acre-feet of augmentation water. The applicant has stated that they will drill one well which will provide the water supply for both parcels.

Section 12-106: *Sewage Disposal/Wastewater Treatment.*
This Section is applicable, the applicant is proposes that On-site Wastewater Treatment Systems be installed for each parcel. Gunnison County Environmental Health Crystal Lambert stated (see comments above) that it is feasible to install OWTS in the proposed development. The applicant has noted that they have contracted with Williams Engineering to design the onsite wastewater treatment systems.

Section 12-107: *Fire Protection*.
This Section is applicable, the proposed development is located within the Crested Butte Fire Protection District and their comments have been identified above. The applicant has stated that they will install a fire suppression system in the indoor arena, along with cisterns for water storage to supply the suppression system. The applicant stated in Article 5, page 19 of their application that they will be taking several steps to minimize the risk of fire on the property including storing the hay in a roofed structure that is located away from other buildings on the parcel. The CBFPD has noted in their above comments, conditions that are required to be met prior to construction of the buildings.

Section 13-103: *General Site Plan Standards And Lot Measurements.*
This Section is applicable, the applicant submitted, "Crested Butte Horse Park, Master Plan, dated December 13, 2016 and prepared by Sprout Studio." The site plan for this proposed development

meets the site plan criteria of this section, including proposed and existing roads, driveways, lot lines, building sites, and natural features of the site.

Section 13-104: ***Setbacks from Property Lines and Road Rights-of-Way.***
This Section is applicable, the applicant submitted, "Crested Butte Horse Park, Master Plan, dated December 13, 2016 and prepared by Sprout Studio." The proposed improvements meet the commercial and residential setback requirements. The proposed development complies with all setback requirements adjacent to other parcels.

Section 13-105: ***Residential Building Sizes and Lot Coverages.***
This Section is applicable, the applicant has proposed a primary and secondary residence on 11.08-acre parcel and a primary residence on the 62.21-acre parcel. The applicant stated that the residential unit on the 11.08-acre parcel shall be no larger than 3,000 square feet; the secondary residence along with garage shall be no larger than 2,500 square feet. The employee housing unit on the 62.21-acre parcel is proposed to be approximately 1,500 square feet.

Section 13-106: ***Energy and Resource Conservation.***
This Section is applicable, this section will be applied at the time of building permit application.

Section 13-107: ***Installation of Solid Fuel-Burning Devices***
This Section is applicable and any solid fuel-burning devices proposed shall comply with this section.

Section 13-108: ***Open Space And Recreation Areas***
This Section is applicable, a commercial use is required to provide open space by including landscaping elements and setbacks from property lines. The applicant has submitted a "Landscape Plan" prepared by Sprout Studio and dated September 15, 2016. The landscape plan includes the installation of 130 trees and 390 shrubs, along with berms along the eastern property line of the parcel to mitigate impacts to the Gallowich, Fore and Doll parcels and Highway 135. The applicant stated that they will maintain 49.47 acres (on the 62.21-acre parcel) as open space for pasturing of horses and horse riding trails.

Section 13-109: ***Signs.***
This Section is applicable, the applicant has submitted a design for a sign for the proposed equestrian facility. The sign is 40 square feet and will be located near the entrance to the parcel from Highway 135. A second sign, 28 square feet in size, is also proposed at the entrance to the 62.21-acre parcel. Section. 13-109: E. 16.b. of the Gunnison County *Land Use Resolution* allows only one sign per commercial use. The applicant is seeking a variance from this Section. The second sign is within the subdivision and will not be visible to the public from the public roadway, there is no harm to public safety and there is a need to notify the customers of the rules and regulations of the facility. The applicant has not created his own hardship, there is a need to identify the business from the Highway and also provide information to customers within the parcel.

Section 13-110: ***Off-Road Parking And Loading.***
This Section is applicable, individual parcels and uses are required to comply with this Section. The applicant has depicted multiple parking locations on the "Master Plan." There are parking areas for passenger vehicles and horse trailers, along with designated overflow parking areas. Appendix Table 3 of the LUR requires one parking space per five stall for a stable or one parking space per four stalls for a riding school. The applicant has 70 horse stalls on the parcel and has sufficient parking to accommodate customers and staff, in compliance with this Section.

Section 13-111: ***Landscaping And Buffering.***
This Section is applicable, the applicant has submitted a "Landscape Plan" prepared by Sprout Studio and dated September 15, 2016. The landscape plan includes the installation of 130 trees and 390 shrubs, along with the installation of a berm landscaped with trees, shrubs and grass

seed mix as described on the Landscape Plan. The landscaping has been designed in a manner to reduce noise and visual impacts between the subject parcel and the adjacent property owners to the northeast.

Section 13-112: ***Snow storage****.*
This Section is applicable, there is adequate room for snow storage on the parcel. Gunnison County Public Works has not identified any concerns related to snow storage.

Section 13-113: ***Fencing***
This Section is applicable, this section applies and any fencing proposed shall comply with this section and the recommendations of Colorado Parks and Wildlife that wildlife friendly fencing be utilized, as described in their comments above. The applicant has depicted the locations of fences and corrals on the "Master Plan," and does not intend to fence the upper (west) portion of the parcel to allow for wildlife migration.

Section 13-114: ***Exterior Lighting.***
This Section is applicable, this section applies and any exterior lighting proposed shall comply with this section. Additionally, commercial uses are required to comply with the exterior lighting requirements of Section 9-301: D.6. *Exterior Lighting.*

Section 13-115: ***Reclamation And Noxious Weed Control.***
This Section is applicable, the applicant has submitted a "Weed Management Plan" prepared by Jon Mugglestone, Gunnison County Weed Coordinator, describing control of noxious weeds and reclamation of disturbed areas. The applicant has submitted a reclamation permit to the County and reclamation of disturbed areas will be included in the Development Improvements Agreement.

Section 13-116: ***Grading And Erosion Control.***
This Section is applicable, a grading plan prepared by Williams Engineering and dated April 5, 2017 was submitted in compliance with this Section. The applicant shall comply with the standards of this Section.

Section 13-117: ***Drainage, Construction And Post-Construction Stormwater Runoff.***
This Section is applicable, a grading and drainage prepared by Williams Engineering and dated April 5, 2017 was submitted in compliance with this Section. Adjacent property owners have noted concerns related to drainage patterns. The applicant submitted a stormwater management plan in Article 12 of the application. The applicant stated in a response dated May 26, 2017 that states: "our retention ponds will be planted with grass to help prevent the intrusion of invasive species. The CBHP will be monitoring and cleaning the culverts in October and again when the snow clears in the beginning of May. Cleaning the culverts will assure flow of water out of the retention ponds." The applicant has obtained a Stormwater Discharge permit from the State of Colorado dated August 31, 2016

Section 13-118: ***Water Impoundments.***
This Section is not applicable, this project does not propose a water impoundment that is greater than 99-acre feet.

Section 13-119: ***Standards to Ensure Compatible Uses.***
This Section is applicable, the proposed development has been designed in a manner to ensure compatible uses. The applicant has included best management practices to produce optimum vegetation, reduce sedimentation load, minimize soil erosion, and control water loss. Measures to control dust, reduce illumination from vehicles and exterior lighting, landscaping elements to create a buffer, and odor control measures for manure. The applicant has demonstrated in the application methods to eliminate, minimize and/or mitigate impacts to adjoining lands through the above measures.

Additional compatibility requirements described in this Section that have been included in this application are:

- Noise will be mitigated through the installation of an earth berm, along the eastern property line adjacent to the Gallowich, Fore and Doll parcels. The applicant has also stated that amplified sound will be contained within the indoor arena and any amplified sound utilized outside will not be allowed after dark.
- Lighting impacts to adjacent properties will be mitigated through the installation of the berm to prevent headlights from shining in or on to the Gallowich, Fore and Doll parcels. Exterior lighting is required to be confined to the site.
- The applicant has submitted a landscaping plan proposing the installation of the landscape berm, 130 trees and 390 shrubs.
- The applicant proposes to control odor from manure piles through the utilization of an Aerated Static Pile composting facility that does not release volatile organic compounds (VOC) that contribute to odor. They will also clean pasture areas to eliminate manure piles, odor and water quality impacts.
- The applicant has developed a dust control plan that includes the screening and storage of graded dirt during construction in the southwest corner of the 11.08-acre parcel to reduce the impact of dust along with reseeding of disturbed areas. During operations the applicant will water the outdoor arena on an as needed basis to limit the impact of dust from riding activities.

Article 15: *Right-to-Ranch Policy*.
This Section is applicable, the applicant shall comply with the standards of this Section. The applicant has included language on the plat regarding fence-out requirements, domestic animal controls and irrigation ditch maintenance. The proposed access road is not adjacent to an agricultural operation and therefore should have no impact on an agricultural operation.

FINDINGS:
The Gunnison County Planning Commission finds that:

1. This application was initially classified as a Major Impact. The Planning Commission reviewed the additional impact criteria in Section 3-111: B. Criteria for Classifying Impact and found that reducing the impact classification to a Minor Impact met the criteria of that Section. This recommendation hereby affirms that reduction in impact classification.
2. The applicant owns two parcels of land each greater than 35-acres and seeks to reconfigure the two parcels to create one 62.21-acre parcel and one 11.08-acre parcel, necessitating a subdivision review by Gunnison County.
3. The applicant has contracted (Contract No. ASP16-185A) with the Upper Gunnison River Water Conservancy District for 10.5 acre-feet of augmentation water.
4. The sign request and variance are approved.
5. The density and lot size of the proposed lots are substantially similar to other lots in the neighborhood.
6. The applicant has submitted a request to include two signs on the parcel.
7. The applicant has removed the camping component from the application in an email dated May 9, 2017.
8. Equestrian events at the subject parcel include but are not limited to horse competitions and shows.
9. The proposed use is compatible with the agricultural and equestrian community character of the Gunnison Valley and that the use is also compatible with neighboring uses which include a similar sized equestrian arena, agricultural and residential uses. The applicant has included mitigation measures to address concerns related to noise, drainage, dust, visual impacts.
10. The applicant has obtained a Stormwater Discharge permit from the State of Colorado dated August 31, 2016
11. Best management practices to produce optimum vegetation, reduce sedimentation load, minimize soil erosion, and control water loss have been included within the application.
12. A dust control plan has been submitted.

13. The applicant has stated that they will install a fire suppression system and underground water storage tanks to supply that suppression system, in compliance with Crested Butte Fire Protection District standards.
14. The applicant has submitted covenants for the single-family residence on the 11.08-acre parcel including a size limitation of 3,000 square feet for the primary residence and 2,500 square feet for the accessory building which may include a secondary residence.
15. The draft plat includes language relative to Colorado's fence-out requirements, irrigation ditch maintenance and domestic animal control for protection of agricultural operations.
16. This review and decision incorporates, but is not limited to, all the documentation submitted to the County and included within the Planning Office file relative to this application; including all exhibits, references and documents as included therein.

RECOMMENDATION:
The Gunnison County Planning Commission, having considered the submitted plan, site observations and public testimony, has reached the above findings and recommends that LUC-16-00005 be classified as a Minor Impact Final Plan and be approved with the following conditions:

1. The proposed temporary office shall comply with Section 9-500 and with any applicable building code requirements.
2. Separate special event permit(s) shall not be required. The equestrian events have been contemplated and reviewed as part of this application.
3. At the time of building permit application for any of the structures on the parcels, all requirements set forth by the Crested Butte Fire Protection District shall be met.
4. A Class V Underground Injection Well or authorization by rule shall be obtained from the U.S. Environmental Protection Agency prior to issuance of an Onsite Wastewater Treatment System permit.
5. All exterior lighting shall comply with Sections 9-301: D.6. and 13-114 of the Gunnison County *Land Use Resolution*.
6. A well permit shall be obtained prior to issuance of any building permits and/or in compliance with all requirements of the Colorado Division of Water Resources.
7. Dust control measures as described in the application including screening, storage and watering of materials shall be utilized during construction and the commercial operation.
8. The recommendations of the Colorado Parks and Wildlife shall be adhered to including but not limited to:
   - Bear-proof trash containers and secure storage for horse feed be installed and utilized on the subject parcels.
   - Salt shall not be used to attract wildlife
   - Elk proof hay storage
   - Any fencing installed shall be wildlife friendly (not exceed 42 inches in height and not restrict movement of deer and elk).
9. A Development Improvements Agreement, subject to approval by the Gunnison County Attorney and Board of County Commissioners, shall be executed by the Board of County Commissioners, prior to recordation of the final plat, addressing the infrastructure improvements defined in the following plans:
   - Atkins Minor Subdivision Plat, prepared by All County Survey and dated January 22, 2018
   - rmCrested Butte Horse Park, Landscaping Plan, dated September 15, 2016 and prepared by Sprout Studio
   - Crested Butte Horse Park, Master Plan, dated December 13, 2016 and prepared by Sprout Studio
   - Crested Butte Horse Park elevation and floor plan drawings for Riding Arena, Horse Pens, Office, Viewing Area, Horse Shed and Pens, dated February 9, 2016.
   - Preliminary Overall Grading Plan and Drainage Plan, dated June 2, 2017 and prepared by Williams Engineering.
   - Preliminary Plan and Profile Main Road, STA 1 + 100-13+00, dated June 2, 2017 and prepared by Williams Engineering.

- Preliminary Plan and Profile Main road, 13+00-20+00 and Roundabout, dated June 2, 2017 and prepared by Williams Engineering.
- Preliminary Plan and Profile Main Road STA20+00-END, dated June 2, 2017 and prepared by Williams Engineering.
- Preliminary Arena Area Plan and Grading, dated April 6, 2017 and prepared by Williams Engineering.
- Auxiliary Turn Lane Assessment, Transportation Impact Study for Crested Butte Horse Park, Crested Butte, Colorado, dated May 25, 2016 and revised June 29, 2016, July 13, 2016, and April 28, 2017, prepared by McDowell Engineering, LLC.
- Crested Butte Horse Park Phasing Plan, dated February 8, 2017

10. That a cost estimate, stamped by a Colorado-licensed engineer, for all proposed infrastructure improvements and phases be submitted prior to review by the Gunnison County Board of Commissioners.
11. That a performance bond, letter of credit or other means of surety acceptable to the Board, be required to cover cost plus 25 percent.
12. A calendar of events and safety plan shall be submitted to Law enforcement officials (CO State Patrol and Gunnison County Sheriff) and emergency services personnel on an annual basis.
13. Temporary traffic control on Highway 135 shall be provided for events with greater 50 vehicles.
14. The retention and drainage facilities shall be regularly inspected and maintained as described by the applicant in a response dated May 26, 2017.
15. The equestrian operation shall be maintained in a manner that complies with all local, State and Federal requirements including but not limited to traffic thresholds and water permitted for watering livestock.
16. The final covenants shall include language that amendment or termination of the protective covenants or restriction is subject to approval by Gunnison County.
17. This permit is limited to activities described within the “Project Description” of this application, and as depicted on the Plan submitted as part of this application. Expansion or change of this use will require either an application for amendment of this permit, or submittal of an application for a new permit, in compliance with applicable requirements of the *Gunnison County Land Use Resolution*.
18. This approval is founded on each individual requirement. Should the applicant successfully challenge any such finding or requirement, this approval is null and void.
19. This permit may be revoked or suspended if Gunnison County determines that any material fact set forth herein or represented by the applicant was false or misleading, or that the applicant failed to disclose facts necessary to make any such fact not misleading.
20. The removal or material alteration of any physical feature of the property (geological, topographical or vegetative) relied on herein to mitigate a possible conflict shall require a new or amended land use change permit.
21. Approval of this use is based upon the facts presented and implies no approval of similar use in the same or different location and/or with different impacts on the environment and community. Any such future application shall be reviewed and evaluated, subject to its compliance with current regulations, and its impact to the County.

PLAT NOTES

1) CONFINEMENT OF DOMESTIC ANIMALS. Domestic animals must be controlled by kenneling, leash, fencing or other physical constraint and that any expense of enforcement of the domestic animal control restrictions by the County shall be at the expense of the responsible association or individual.
2) AWARENESS OF COLORADO "FENCE-OUT" REQUIREMENTS. A property owner is required to construct and maintain fencing in order to keep livestock off his/her property as per CRS 35-46-101 et seq.
3) IRRIGATION DITCH MAINTENANCE. An irrigation ditch owner has the right to enter the designated irrigation ditch maintenance easement, maintain the ditch, and leave natural debris on the bank.
4) COMPLIANCE WITH BOARD OF COUNTY COMMISSIONERS' RESOLUTION
The property described on this plat is subject to all the requirements, terms and conditions of the Board of County Commissioners' Resolution No. _____, recorded at Reception No._____ of the Official Records of the Clerk and Recorder of Gunnison County.
5) REFERENCE TO RESTRICTIVE COVENANTS. The Atkins Minor Subdivision Plat is subject to the Declaration of Restrictive Covenants recorded _____, 2018 at Reception No. _____.

SURVEY NOTES

1) Basis of Bearing is based on a record deed bearing of S89°06'04"W between a 3" brass cap monument stamped "L.S. 1776" found at the southeast corner of Section 28 and a 2" aluminum cap stamped "DH Surveys L.S. 20677" found at the southwesterly boundary corner of Parcel No. 2, as shown hereon.
2) Boundary lines are based on the Land Description contained in Land Title Guarantee Company's Title Commitment No. GUR88000643 dated 12 January 2018, the General Warranty Deed recorded 23 December 2015 at Reception No. 637199, and Deposited Surveys No. 136 & 137 dated 2 Nov 1995 of the Official Records of the Gunnison County Clerk and Recorder.
3) Land descriptions, easements, encumbrances and/or restrictions (where capable of being shown hereon) are solely based on Land Title Guarantee Company's Title Commitment No. GUR88000643 dated 12 January 2018.
4) Zoning, setback requirements, and future development standards are regulated by Gunnison County's Land Use Resolution (L.U.R.). Building setbacks shown hereon are typical as listed in the Gunnison County Land Use Resolution. Actual building setbacks for future construction will be calculated by Gunnison County's Community Development Department. For more information, contact the Gunnison County Community Development Department at 970-641-0360.
5) Measurements and dimensions are in U.S. Survey Feet.
6) Underground utility locations are based solely upon observed locations of above-ground features. Actual underground utility locations were not marked at time of survey.
7) Property shown hereon is located in flood "Zone X - Area determined to be outside the 0.2% annual chance floodplain", according to National Flood Insurance Program Flood Insurance Rate Map No. 08051C0742D for Unincorporated Gunnison County dated 16 May 2013.

LAND SURVEYOR'S STATEMENT

I, STEPHEN L. JESSOE, for and on behalf of All County Survey, Inc., being a Licensed Professional Land Surveyor in the State of Colorado, do hereby state that this ATKINS MINOR SUBDIVISION PLAT was prepared by me and under my responsible charge & supervision and a) is accurate to the best of my knowledge, information and belief, b) is in accordance with applicable standards of practice, and c) is not a guarantee or warranty either expressed or implied.

Basis of Bearing is based on a record deed bearing of S89°06'04"W between a 3" brass cap monument stamped "L.S. 1776" found at the southeast corner of Section 28 and a 2" aluminum cap stamped "DH Surveys L.S. 20677" found at the southwesterly boundary corner of Parcel No. 2, as shown hereon.

Dated this 29th day of January, A.D. 2018.

COLORADO LICENSED PROFESSIONAL LAND SURVEYOR STEPHEN L. JESSOE 38048

_____ (Seal)
Stephen L. Jessoe
Colorado Licensed Professional Land Surveyor No. 38048
For and on behalf of All County Survey, Inc.
P.O. Box 7164, Gunnison, CO 81230

ATTORNEY'S OPINION

I, Jackson A. Petito, being an attorney at law duly licensed to practice in the State of Colorado, hereby certify that I have examined title to all lands herein dedicated and subdivided. Such title is vested in the Dedicator and is free and clear of all liens, defects, encumbrances, restrictions, and reservations except as follows:
1. Easements and/or liens, or claims of such, not shown by the public records.
2. (a) Unpatented mining claims; (b) Reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) Minerals of whatsoever kind, subsurface and surface substances, in, on, under and that may be produced from the Land, together with all rights, privileges, and immunities relating thereto, whether or not the matters excepted under (a), (b) or (c) are shown by the Public Records.
3. The effect of inclusions in any general or specific water conservancy, fire protection, soil Conservation, or other district or homeowners' association or inclusion in any water service or street improvement area.
4. Reservations or exceptions contained in U.S. Patents, or in Acts authorizing the issuance thereof, recorded May 25, 1897 in Book 101 at Page 161 reserving 1) Rights of the proprietor of a vein or lode to extract and remove his ore therefrom and 2) Rights of way for ditches and canals constructed under the authority of the United States.
5. Undivided one-half interest in all coal and oil as reserved in the Deed recorded January 25, 1911 in Book 192 at Page 496, and any and all assignments thereof or interests therein, together with the appurtenant rights to use the surface of the land.
6. Right of way for a spring pipeline set forth in Warranty Deed recorded May 28, 1926 at Book 223, Page 485.
7. Easement for electrical transmission line purposes recorded in Book 391 at Page 193.
8. Right of Way Easement recorded January 23, 1975 in Book 481 at Page 154.
9. Easement and rights of ways granted in Warranty Deed recorded August 18, 1994 in Book 750 at Page 479.
10. A permanent non-exclusive easement and right of way reserved in Warranty Deed recorded April 14, 1995 in Book 762 at Page 516.
11. Terms, conditions, restrictions, provisions, burdens, obligations, and easements as set forth in Warranty Deed recorded April 14, 1995 in Book 762 at Page 534.
12. Easements reserved in Warranty Deed recorded April 12, 1995 in Book 762 at Page 419.
13. Terms, conditions, provisions, burdens, obligations, and easements as set forth in a Grant of Easement recorded January 16, 1996 in Book 776 at Page 952.
14. Easement granted in a Quit Claim Deed recorded January 16, 1996 in Book 776 at Page 954.
15. Deed of Trust recorded December 23, 2015, at Reception No. 637200.
16. Notice of Lis Pendens recorded June 2, 2017 at Reception No. 646782.
17. A Quit Claim Deed recorded December 21, 2017 at Reception No. 650901.
18. Taxes and assessments for 2017 that are due and payable in 2018.

Dated this 7th day of February, A.D., 2018.

Jackson A. Petito, Attorney-At-Law
Supreme Court Registration No. 47304
For and on behalf of Rainville Petito, PLLC
P.O. Box 1167
Crested Butte, CO 81224

LEGEND
- Found 3" dia. brass monument stamped "Sec. Cor. L.S. 1776"
- Found 3" dia. aluminum monument stamped "1/4 Cor. L.S. 13155"
- Found 2" aluminum monument stamped "L.S. 20677"
- Found rebar & plastic cap monument stamped "L.S. 38048"
- Power pole
- Telephone pedestal
- &Tel – Sign, buried telephone and/or fiber optic cable(s)
- &Gas – Sign, buried gas line
- Fence, barbed-wire
- OVH – Electric line, overhead
- Railroad bed, re-graded and obliterated

DEDICATION

We, Kirsten A. Atkins and The Gunnison Bank and Trust Company, being the Owner and Mortgagee/Lien Holder (respectively) of the land described as follows:

Parcel No. 1
Township 14 South, Range 85 West, 6th P.M.
A parcel of land situated in the SW1/4SW1/4 of Section 27 and the SE1/4SE1/4 of Section 28, above township and range, being more particularly described as follows:
Beginning at a 3" brass cap set by L.S.1776 found at the southwest corner of Section 27, also being the southeast corner of said Section 28, with the basis of bearing being a deeded bearing of S 89°06'04" W along the southern boundary line of Parcel No. 2 to a 2" aluminum cap set by L.S. 20677 found at the southwesterly boundary corner of said Parcel No. 2;
thence N 33°33'09" W a distance of 760.72 feet to a point, also being the southerly boundary corner of a parcel described by deed in Book 792 at Page 159;
thence N 44°29'00" E a distance of 457.55 feet along the southeasterly boundary of said parcel described in Book 792 at Page 159 to the southerly right-of-way of Colorado State Highway 135;
thence S 50°17'29" E a distance of 925.23 feet along said southerly right-of-way;
thence S 58°53'20" W a distance of 714.73 feet, more ore less, to the point of beginning;
EXCEPTING THEREFROM those easements described as Paragraphs 2, 3, 4 and 5 excluded in Warranty Deed recorded April 12, 1995 in Book 762 at Page 419, County of Gunnison, State of Colorado.

Parcel No. 2
Township 14 South, Range 85 West, 6th P.M.
A parcel of land situated in the S1/2S1/2 of Section 28, above township and range, being more particularly described as follows:
Beginning at a 3" brass cap set by L.S.1776 found at the southeast corner of said Section 28, with the basis of bearing being a deeded bearing of S 89°06'04" W along the southern boundary line of Parcel No. 2 to a 2" aluminum cap set by L.S. 20677 found at the southwesterly boundary corner of said Parcel No. 2;
thence N 33°33'09" W a distance of 760.72 feet to a point, also being the southerly boundary corner of a parcel described by deed in Book 792 at Page 159;
thence N 48°59'44" W a distance of 946.63 feet along the southwesterly boundary of said parcel described in Book 792 at Page 159 to a point on the southerly boundary of a 50' Cattle Driveway described by deed at B236 P245;
thence S 89°31'59" W a distance of 268.42 feet along the southerly boundary of said 50' Cattle Driveway to a point;
thence S 89°31'59" W a distance of 792.33 feet along the southerly boundary of said 50' Cattle Driveway to a point;
thence S 88°59'47" W a distance of 432.14 feet along the southerly boundary of said 50' Cattle Driveway the northwesterly boundary corner of said Parcel No. 2;
thence S 01°06'13" E a distance of 1279.93 feet to the southwesterly boundary corner of said Parcel No. 2;
thence N 89°06'04" E a distance of 1203.22 feet to a point;
thence N 89°06'04" E a distance of 1400.07 feet, more or less, to the point of beginning;
EXCEPTING THEREFROM that portion of the above described property lying within that property in Deed recorded September 28, 1928 in Book 236 at Page 245,
AND FURTHER EXCEPTING THEREFROM the following easement area which is not conveyed in Warranty Deed recorded January 16, 1996 in Book 776 at Page 955; A 60 foot strip land for the purpose of ingress and egress, located in the S1/2S1/2 of Section 28, Township 14 South, Range 85 West, 6th P.M., the northerly line of said easement being described as follows:
Commencing at the found 3" brass cap set by L.S. 1776 for the southeast corner of said Section 28, the basis of bearing being S 89°06'04" W along the southern boundary line of Parcel No. 2 to a 2" aluminum cap set by L.S. 20677 found at the southwesterly boundary corner of said Parcel No. 2;
thence N 03°15'34" W a distance of 922.55 feet to a point on the southerly right-of-way of Colorado Highway 135 and the point of beginning;
thence N 50°17'29" W a distance of 169.27 feet along said right-of-way; thence S 34°57'45" W a distance of 44.11 feet; thence S 44°29'00" W a distance of 210.80 feet; thence N 48°59'44" W a distance of 554.80 feet; thence S 77°53'27" W a distance of 85.65 feet; thence N 87°31'42" W a distance of 545.56 feet to the point of terminus.

County of Gunnison,
State of Colorado,

under the name of ATKINS MINOR SUBDIVISION PLAT, have laid out, platted and/or subdivided the same as shown on this plat and hereby permanently dedicate those portions of land labeled as easements for the installation and maintenance of public utilities as shown hereon.

In witness whereof, Kirsten A. Atkins, has subscribed her name this 7 day of February A.D. 2018.

By _____
Kirsten A. Atkins

State of Colorado)
) s.s.
County of Gunnison)

The foregoing instrument was acknowledged before me this 7th day of February, A.D. 2018, by Kirsten A. Atkins.

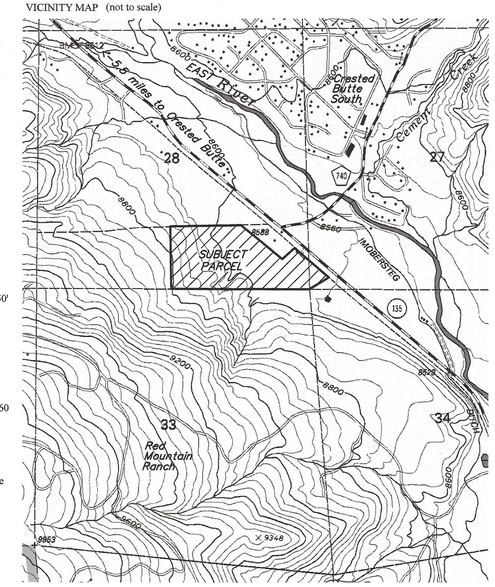
My commission expires: 9/12/2020
My address is: 111 1 10th St. Crested Butte, CO

Witness my hand and official seal:

Notary Public (seal)

LINDSAY HART
Notary Public - State of Colorado
Notary ID 20164035076
My Commission Expires Sep 12, 2020

VICINITY MAP (not to scale)



MORTGAGEE AND LIEN HOLDER'S APPROVAL

In witness whereof, The Gunnison Bank and Trust Company subscribes their name on this 7th day of February, A.D. 2018.

By _____
For and on behalf of The Gunnison Bank and Trust Company
232 W. Tomichi Ave / P.O. Box 119
Gunnison, CO 81230-0119

State of Colorado)
) s.s.
County of Gunnison)

The foregoing instrument was acknowledged before me this 7th day of February, A.D. 2018, by Kristina F. Kemmin.

My commission expires: 9/12/2020
My address is: 116 10th St. Crested Butte, CO

Witness my hand and official seal:

Notary Public (seal)

LINDSAY HART
Notary Public - State of Colorado
Notary ID 20164035076
My Commission Expires Sep 12, 2020

GUNNISON COUNTY PLANNING COMMISSION APPROVAL

The Planning Commission of Gunnison County, Colorado, hereby recommends approval of this ATKINS MINOR SUBDIVISION PLAT, such recommendation being made at a meeting of said Commission held on this ____ day of _____, A.D. 2017.

By _____
Chairperson, Gunnison County Planning Commission

ATTEST:

_____
Gunnison County Clerk and Recorder

BOARD OF COUNTY COMMISSIONERS' APPROVAL

The within ATKINS MINOR SUBDIVISION PLAT is approved this _____ day of _____, A.D. 2018, and the private dedication of roads and common areas is approved on the condition that such roads and common areas shall be maintained and snowplowed, by and at the expense of the lot owners and not by Gunnison County or any other public agency.

By _____
Chairperson, Gunnison County Board of Commissioners

ATTEST:

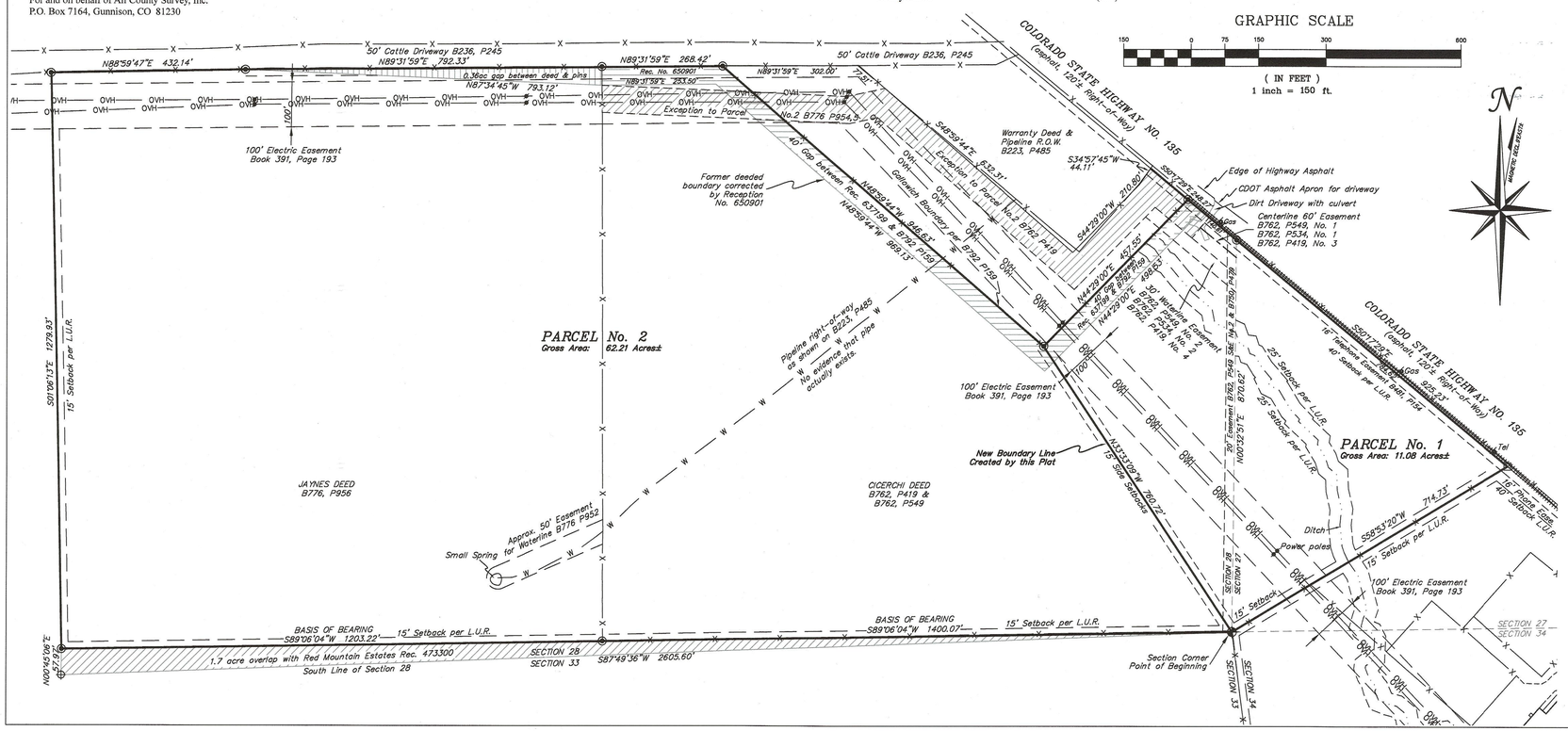
_____
Gunnison County Clerk and Recorder

GUNNISON COUNTY CLERK AND RECORDER'S ACCEPTANCE

This Plat was accepted for filing in the office of the Clerk and Recorder of Gunnison County, Colorado, on this ____ day of _____, 2018.

Reception Number _____ Time _____ Date _____

_____
Gunnison County Clerk and Recorder



ALL COUNTY SURVEY INC.
Stephen Jessoe, P.L.S.
P.O. Box 7164, Gunnison, CO 81230
970-349-9400 www.allcountysurvey.com

ATKINS MINOR SUBDIVISION PLAT
LANDS DESCRIBED BY GENERAL WARRANTY DEED RECORDED AT RECEPTION No. 637199
LOCATED IN SECTIONS 27 AND 28, T14S, R85W, 6th P.M.
COUNTY OF GUNNISON, STATE OF COLORADO

SCALE: 1" = 150'

According to Colorado Law, you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any legal action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

DATE: 29 January 2018
DRAWN BY: SLJ
REVIEWED BY: SLJ

REVISIONS:
1.
2.
3.
4.
5.

ATKINS MINOR SUBDIVISION PLAT
LANDS DESCRIBED BY DEED RECORDED AT RECEPTION No. 637199
LOCATED IN SEC. 27 & 28
T14S, R85W, 6th PM
GUNNISON COUNTY, COLORADO