AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item:

Action Requested:

Parties to the Agreement:

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

Summary:

Resolution approving Crested Butte Horse Park, LUC-16-00005

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 2/16/18 Please do approve, BUT with the express instructions that we do not record the Resolution until the DIA is executed and funded.

Reveiwed by: GUNCOUNTY1\dBaumgarten Discharge Date: 2/26/2018 Certificate of Insurance Required

Yes ○ No ◉

County Manager Review:

Comments:

Reveiwed by: GUNCOUNTY1\mbirnie Discharge Date: 2/26/2018

◉ Consent Agenda ○ Regular Agenda ○ Worksession Time Allotted: 0

Agenda Date: 2/27/2018

Revised April 2015

BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY
RESOLUTION NO. ___SERIES 2018

A RESOLUTION APPROVING LAND USE CHANGE APPLICATION NO. 16-00005 FOR THE CRESTED BUTTE HORSE PARK

WHEREAS, 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.

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.

WHEREAS, the applicant has submitted a Minor Impact application, in compliance with Section 6-105: *Submittal for Final Action For Minor Impact Project* of the Gunnison County *Land Use Resolution*.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that the Minor Impact application for Land Use Change Permit No. 16-00005, for Heath Hansens and Kirsten Atkins, is approved, subject to each and all conditions of Minor Impact decision document as follows:

Findings:

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.

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. The berm shall not be less than ten (10) feet in height except at the far edges/ends of the berm, as depicted on the Landscaping Plan and Drainage plan.
10. 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
    - Crested 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
11. 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.
12. That a performance bond, letter of credit or other means of surety acceptable to the Board, be required to cover cost plus 25 percent.
13. 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.
14. Temporary traffic control on Highway 135 shall be provided for events with greater 50 vehicles.
15. The retention and drainage facilities shall be regularly inspected and maintained as described by the applicant in a response dated May 26, 2017.
16. 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.
17. The final covenants shall include language that amendment or termination of the protective covenants or restriction is subject to approval by Gunnison County.
18. 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*.
19. This approval is founded on each individual requirement. Should the applicant successfully challenge any such finding or requirement, this approval is null and void.
20. 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.
21. 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.
22. 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.

WHEREAS, 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.

THIS APPROVAL is affected noting that decision documentation includes, but is not limited to, the application and the entire Community Development Department Land Use Change Permit application file relative to this application. This approval is founded on each individual finding and requirement. Should the applicant successfully challenge any such finding or requirement, this approval is null and void.

THIS RESOLUTION AND THE APPROVAL GRANTED HEREBY shall not be effective unless and until a copy is recorded in the Office of the Clerk and Recorder of Gunnison County.

INTRODUCED by Commissioner _____, seconded by Commissioner_____, and passed on this ___day of _____, 2018.

BOARD OF COUNTY COMMISSIONERS

_____	_____	_____
Phil Chamberland	Jonathan Houck	John Messner
Chairperson	Commissioner	Commissioner

ATTEST:

Gunnison County Clerk and Recorder