BOARD OF ADJUSTMENTS
AND
PLANNING COMMISSION
MEETING AGENDA

Virtual Meeting
9:00 AM CALL TO ORDER

Video
To join the meeting, click on the link below or copy and paste into your preferred web browser: https://zoom.us/j/632627219?pwd=Q2gvUVEwd0JuQ0R3TE9qWE9LTk9kQT09

Audio
Upon joining the meeting, you will have the option to use either your computer mic and speakers for audio interaction, or participate by phone. If you are not using your computer speakers and mic to interact in the meeting, you may use the dial- option below:

Dial by your location
(669) 900-6833 US (Western US)
(929) 205-6099 US (Eastern US)

Meeting ID: 632 627 219
Password: 04408
*For the purpose of an accurate public record, you will need to identify yourself when you enter the meeting and when prompted*

BOARD OF ADJUSTMENT

.1. APPROVAL OF AGENDA

.2. APPROVAL OF MINUTES

.3. LAND USE PUBLIC HEARINGS:

.3.1. VARIANCE CASE #21SET-03
Property is Roland Valley Unit 1, Lots 88 and 89, addressed as 20 Meadow Drive, Bailey. The applicant is requesting a ten-foot variance from the thirty-foot setback from a structure to the front side lot line in order to build a garage.

APPLICANT: Michael Shawn Carpenter-Miller

Documents:

Revised Site Plan.pdf

PLANNING COMMISSION

.1. APPROVAL OF AGENDA
2. APPROVAL OF MINUTES

3. LAND USE PUBLIC HEARINGS:

3.1. CONDITIONAL USE PERMIT CASE #21CUP-04
   Property is 10.33 acres in Section 9, T09 R78 addressed as 4455 County Road 12, Alma. The applicant is requesting a Conditional Use Permit to allow an Outdoor Recreational Facility (backcountry huts) in the Residential zone district.

   **APPLICANT:** Dirk Long

   Documents:

   - 21CUP-04 PC Staff Report and Atts..pdf
   - Referral Responses.pdf
   - 21CUP-04 Application.pdf

4. PUBLIC COMMENT

   Any further information can be obtained at:
   Park County Planning Department
   856 Castello Ave
   Fairplay, CO. 80440
   (719) 836-4292
   planner@parkco.us
To: Planning Commission Members

Date: August 8, 2021

Prepared by: John Deagan, AICP; Planner

Case #: 21CUP-04

Subject: Mosquito Creek Project Conditional Use Permit

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

Application Summary:

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

Background:

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

The lot is cut roughly in half by County Road 12. The southern portion contains part of Mosquito Creek and associated wetlands, and no development is proposed there. The northern half contains areas of steep slopes which are north of the proposed development. The lot does not contain any mapped geologic hazards. A 2019 geologist’s report prepared for the rezoning application confirmed this, although it
mentioned two avalanche chutes to the west of the lot, roughly one quarter mile and one half mile away. The lot was not mined and does not contain any man-made hazards from such activity.

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

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

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

**Land Use Regulations and Strategic Master Plan:**

Each of the standards for approval of a Conditional Use Permit (LUR Section 5-503) is addressed, as summarized below.

A. The use proposed is an authorized Conditional Use for the zone district in which the property described in the application is located. Outdoor Recreational Facilities are a conditional use on Residentially zoned lots of any size.

B. The property described in the application for Conditional Use Permit possesses geological, physical, and other environmental conditions that are compatible with the proposed conditional use. The lot contains areas with slopes over 30%, but these are not near the proposed building area. The lot also contains wetlands, but setback requirements are met.

C. The Conditional Use will conform to all applicable requirements of the zone district and these Land Use Regulations and does not create a substantial safety concern for anticipated visitors to the property. Staff believes this standard of approval is met.
D. The property has a reasonably certain right of permanent legal access permitting vehicular access from the property to the public thoroughfare. The lot has frontage on County Road 12, a public right-of-way.

E. Access to the property from the public thoroughfare reasonably meets County street, road, or driveway standards or, if the property is undeveloped, such access will be established prior to issuance of a building permit. Access to the property meets driveway standards. The driveway was permitted and approved.

F. The proposed Conditional Use is compatible with the uses and zoning for other properties within the neighborhood or immediately surrounding area. Conditions regarding possible external effects of the proposal are necessary to ensure that this standard of approval is met.

G. In making this determination, conflicts with any enforceable covenants, conditions and restrictions of record will be considered. No such restrictions exist.

Impact Analysis:

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

Recommendation:

Based on the foregoing, staff recommends that this Conditional Use Permit be recommended for approval to the Board of County Commissioners with the following conditions:

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

Comment Deadline Date: August 10th, 2021  Submitted Date: June 24th, 2021

Case #: 21CUP-04  Case Name: Mosquito Creek Project

Request: The applicant is requesting a conditional use permit to allow an Outdoor Recreational Facility (backcountry huts) on a 10.33 acre Residentially zoned lot.

Legal Description: The Stephens Lode, M.S. #4053, part of the SW ¼ Section 9 T09 R78, addressed as 4455 C.R. 12, Alma.

Date of Planning Commission Hearing: Wednesday, August 11th, 2021

Date of BOCC Hearing: To be determined.

We have reviewed this referral and find that it does comply with our specific organization’s concerns.

We have reviewed this referral and find that it does not comply with our specific organization’s concerns for the following reasons:

- ABE reviewed the application based upon an occupancy of 24 people. With regard to the septic systems design, issues were raised regarding the set back from the right of way, property boundary lines and the leach field.
- The site plan did not identify the boundaries of the wetlands; ABE recommends that the wetlands be accurately identified. ABE is recommending that the Planning & Zoning Department request a Wetlands Delineation for the site. Once the wetlands have been identified, the setbacks for the septic system - leach field need to be reviewed and adjusted accordingly.

Please refer to the enclosed letter.

We offer the following comments regarding this referral:

- ABE reviewed the application based upon an occupancy of 24 people. With regard to the septic systems design, issues were raised regarding the set back from the right of way, property boundary lines and the leach field.
- The site plan did not identify the boundaries of the wetlands; ABE recommends that the wetlands be accurately identified. ABE is recommending that the Planning & Zoning Department request a Wetlands Delineation for the site. Once the wetlands have been identified, the setbacks for the septic system - leach field need to be reviewed and adjusted accordingly.
Mr. Stoltzfus stated that this site maybe included in a critical wildlife area. After describing the details of a critical wildlife area, and since this site is in an area experiencing a substantial increase in recreation and the addition of camping at this site ABE recommends that a 1041 Wildlife review be requested/completed.

ABE reviewed the impact of parking onsite. Several concerns were raised regarding snow removal, the impact of additional fill from snow removal to the wetlands, and the parking area surface treatment. ABE recommends that the Planner request more details regarding the surface treatment of the parking area and seasonal snow removal.

ABE reviewed the topography map supplied by the applicant. Concerns were raised about past rockslides/snowslides in the area. ABE recommends that the County Planner determine if the proposed cabins are located in an avalanche zone.

Signed: John Reiber     Chairman     Date: August 6, 2021
Referral Response

Comment Deadline Date:  August 10th, 2021  Submitted Date:  June 24th, 2021

Case #:  21CUP-04  Case Name:  Mosquito Creek Project

Request:  The applicant is requesting a conditional use permit to allow an Outdoor Recreational Facility (backcountry huts) on a 10.33 acre Residentially zoned lot.

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Date of Planning Commission Hearing:  Wednesday, August 11th, 2021

Date of BOCC Hearing:  To be determined.

We have reviewed this referral and find that it does comply with our specific organization’s concerns.

We have reviewed this referral and find that it does not comply with our specific organization’s concerns for the following reasons:

We have reviewed this referral and find no conflicts with our interests.

A formal recommendation is under consideration and will be submitted to you prior to

Please refer to the enclosed letter.

We offer the following comments regarding this referral:

Signed:  _______________________________  Date:  08/03/2021

__________________________________________

________________________
John Deagan

Park County Planning Department
PO Box 1598
Fairplay, CO 80440

Dear Mr. Deagan,

Thank you for the opportunity for the Pike - San Isabel National Forests and Comanche and Cimarron National Grasslands (PSICC), South Park Ranger District to provide comments on this request within the Mosquito Creek Corridor. Although this request is on a private land parcel, this proposal will impact wildlife and other associated resources on the adjacent Forest Service Lands.

Recreation has grown significantly in the past couple of years within the Mosquito Creek drainage and across the Forest overall. Mosquito Creek, which has had relatively limited use in past years, especially during the winter months, is growing in popularity with recreational user groups during all seasons. It is anticipated that this use will continue to grow over time as people seek out areas to recreate away from large crowds in other locations.

The high elevations and ridgelines surrounding the Mosquito Creek corridor provide important year-round and winter range for Rocky Mountain bighorn sheep. Specifically, the ridge above the property in question are actively used by sheep. Bighorn sheep are highly sensitive to disturbances from people. As winter and summer use expand throughout the area and become less predictable, the sheep will likely become misplaced from the area. With the expansion of visitor use across the Mosquito Range, suitable habitat available to the local herd will become limited. Summer and winter use confined to County Road 12, is not likely to be an issue for the sheep as they already avoid that area and travel along the ridgetops. However, if recreational pressure expands outside of the road corridor, it will become much less predictable and will push the sheep out of the area. As sheep are moved to more confined habitat within the area, their stress levels rise and the herd becomes more confined in smaller spaces, making the chances of disease transmission much higher. Several sheep herds in the state are struggling due to disease and habitat loss. It does not take much to cause a decline in sheep populations as observed in other locations of the state. Herds in areas of high human disturbance have been found to struggle the most.

Mosquito Creek also provides important reproductive habitat for elk and wintering habitat for white-tailed ptarmigan. These species are most sensitive during the winter and spring months.

The railroad-grade trail they are referring to is not a designated Forest Service hiking trail, has not been analyzed for impacts to wildlife or heritage resources and is not maintained. The development of non-system hiking trails is not supported by the Forest Service. Construction and
maintenance of non-system trails is illegal.

Currently, the Mosquito Creek Project has not contacted the Forest Service regarding recreational outfitting and guide permits.

The proposal also mentions providing access for four-wheel drive vehicles in the Mosquito Creek drainage. The road up Mosquito Pass is a county road and is currently closed to all non-licensed vehicles. All Off Highway Vehicles, OHV are prohibited in this corridor.

Developments and recreational access should be designed to protect sheep and other wildlife species in the area. During the critical bighorn sheep months of January through May, the owners could discourage recreational use on the Forest outside of the county road corridor. In addition, avoid riparian zones during the winter months to limit disturbance to ptarmigan. In essence, education and respect for wildlife is critical if we are to maintain healthy wildlife populations on private and public lands in the future.

Sincerely,

X

JOSHUA VOORHIS
District Ranger
PARK COUNTY APPLICATION FOR
CONDITIONAL USE PERMIT
NON-REFUNDABLE APPLICATION FEE: $1700

All applicants must submit one complete application and attend a pre-application conference with the Park County Planning Department Staff seven (7) to ten (10) working days prior to the application submittal deadline. Following the receipt and approval of the complete application the case will be placed on the Planning Commission agenda.

If you have questions regarding this form please contact the Planning Department by phone at (719) 836-4254, or e-mail pcpd@parkco.us, fax (719) 836-4268, or write to us at P.O. Box 1598 Fairplay, CO 80440.

A. APPLICANT AND OWNERSHIP INFORMATION

Applicant’s Name: Dirk Long
Mailing Address: 3825 Xavier St
City: Denver State: CO Zip: 80212
Telephone
(work) 360-609-6449 (home) (fax)
Owner’s Name: John Ireland
Mailing Address: 2928 South Patton Court, Denver, CO 80236
Telephone No. and Email Address: 303-726-1467 johnireland03@gmail.com

B. PROPERTY INFORMATION

Complete Legal Description of Property Proposed for the Conditional Use Permit (attach additional page, if necessary):

Stephens Lode MS 4053 100%

Street Address of Property: 4455 County Road 12, Alma, CO 80420
Property’s Total Acreage: 10.33
Current Zone District of Property: Residential

For County Use Only
Planning Department Confirmation of Current Zone District:
District: Residential

[Signature]
Print Full Name
C. APPLICATION REQUIREMENTS

1. Application Fee. An application fee in the amount of $1700 must be paid at the time of submission of the application. Make the check or money order payable to: Park County Planning Department. The fee pays for the typical cost to the County to process the application. Any additional costs that may occur are the applicant’s responsibility.

2. Tax receipt showing payment of current taxes. This can be obtained at the Park County Treasurer’s office.

3. Proof of ownership in the form of a recorded Warranty Deed. This can be obtained at the Park County Clerk and Recorders office.

4. A legal description of the subject property prepared by a licensed Colorado land surveyor.

5. A signed and notarized certification from the Applicant that proper notice has been provided to the mineral estate owner pursuant to C.R.S. § 24-65.5-103, or a certification that such notice is not required because the surface estate has not been separated from the mineral estate for the property described in the application. A form of certification is provided in Appendix B (attached).

6. A list of names and mailing addresses of all owners of adjacent property to the property subject to the proposed Conditional Use Permit, this information is at the Park County Assessor’s Office.

7. A copy of all recorded covenants that apply to the subject property.

8. Current Conditions Map including, in one or more mapped or graphic formats the following information:
   a. Topography of the property subject to the Conditional Use Permit shown in elevation contours of not more than twenty (20) or forty (40) foot increments. Applicants are encouraged to use USGS or other commercially available topographic maps.
   b. Points of access to the property, internal roads and trails including widths and approximate grades. The Current Conditions Map must illustrate how access is obtained from the subject property to the nearest road or highway.
   c. Where any access to the property subject to the Conditional Use Permit application is obtained from a road, trail easement, driveway, historic use, or other private right of access other than an adjacent County owned right-of-way, the applicant shall provide evidence of permanent legal right of access.
Such evidence may include deed, easement agreement, or attorney opinion of legal right of access.

d. Natural features of the property subject to the Conditional Use Permit application, including wetlands, riparian areas, water bodies, (e.g. lakes, ponds, streams, whether continuous or seasonal) and slopes greater than thirty percent (30%).

9. A site plan drawn to a constant scale showing the precise locations and dimensions of all property lines, easements, and existing and proposed structures and uses; including but not necessarily limited to vehicular and pedestrian access, parking, landscaping, lighting, and utility infrastructure.

10. If the proposed Conditional Use pertains to property located in a geological hazard area according to the geological hazard map, then the application must contain a geotechnical report prepared by a qualified professional geologist addressing the presence and extent of any geological hazards, including but not limited to, underground excavations on/or adjacent to the subject property and radioactive or toxic materials and/or minerals.

11. A Vicinity Map of where the proposed property is located within Park County.

12. The property must be clearly identified with the address and posted according to the Park County address requirements (attached).

13. Any other studies, reports, plans, or drawings that are judged necessary by the Planning director to ensure compliance with the Standards for Approval of a Conditional Use Permit (Section 5-503 of the Land Use Regulations).

14. A written proposal describing the existing use and proposed conditional use.
D. APPLICANT AND LANDOWNER SIGNATURES:

The undersigned applicant and landowner hereby verifies and affirms that the information contained in this application is complete and accurate. The undersigned applicant and landowner understands and acknowledges that the submission of inaccurate and incorrect information may result in the denial or rejection of the application and/or result in the invalidation of any approvals issued by Park County, Colorado.

Applicant: Signed: [Signature]
Print name: Dirk Long
If company, state Title/Position: ____________________________

E. VERIFICATION OF DATE OF DELIVERY OF APPLICATION

This application was submitted to the Park County Planning Department on the following date and time:

June 24th, 2021
Month Day Year

Payment of the Applicant Fee was made by:

[ ] Personal Check # 1060 Amount $1,700
[ ] Cash Amount $
[ ] Other Amount $

For County Use Only:
Verification of Date of Delivery and County Receipt of Application
Date: June 24th, 2021
Print Name: John Decker

APPLICANT MUST ATTEND THE HEARING. IF A REPRESENTATIVE ATTENDS THE HEARING ON BEHALF OF THE APPLICANT, A NOTARIZED LETTER OF CONSENT MUST ACCOMPANY THE APPLICATION.

ALL PLANNING COMMISSION HEARINGS WILL BE SCHEDULED FOR THE SECOND TUESDAY OF EVERY MONTH. IF A QUORUM IS NOT AVAILABLE, THE HEARING WILL BE SCHEDULED THE NEXT AVAILABLE DATE.
Date: June 17th, 2021

From: John Ireland
2928 S. Patton Ct
Denver, CO 80236

Re: 4455 CR 12, Sch #90698, Conditional Use Permit Application

Subject: Letter of Authorization

To Whom It May Concern

Dear Sir / Madam,

I, John Ireland, hereby authorize Dirk Long to represent me in all matters in regards to the Conditional Use Permit Application for the property located at 4455 CR 12, Alma CO 80420. He will be responsible for: securing site plan designs, engineering consultation, preparing submittal package, representation on my behalf with the planning commission, and any other activities that arise during the associated process. This right is effective from June 17th, 2021.

Regards,

John Ireland

[Notary's cursive signature]

[Notary's printed name and official stamp]

[Notary's seal]

A notary public or other official completed this certificate to verify the identity of the individual who signed the document to which this certificate is attached, as a true and correct, accurate, or valid copy of that document.

State of California, County of Santa Clara: On 06/12/2021 before me R.C. Singh, Notary Public, personally appeared JOHN IRLAND who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument. I hereby, under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct. WITNESS my hand and official seal.

R.C. Singh
Notary Public - California
Santa Clara County
Commission # 2305779
My Comm. Expires Oct 31, 2023
### Statement Of Taxes Due

Account Number: R0909698  
Parcel: 90698  
Assessed To: IRELAND JOHN  
2928 S PATTON CT  
DENVER, CO 80236-2224

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**Grand Total Due as of 06/21/2021**: $0.00

Amounts shown are correct at the time of printing. All tax lien sale amounts are subject to change due to endorsement of current taxes by the lienholder or to advertising and distraint warrant fees. Changes may occur and the treasurer's office will need to be contacted prior to remittance after August 1.

TAX LIEN PAYMENTS:
1. MUST BE PAID BY CASH, CASHIERS CHECK, MONEY ORDER OR ONLINE AT WWW.PARKCO.US/TREASURER.
2. PLEASE PUT "ATTN: TAX LIEN" ON THE OUTSIDE OF THE ENVELOPE.
3. MUST BE RECEIVED IN THE OFFICE BY THE ABOVE DUE DATE. POSTMARKS NOT ACCEPTED.
4. PAYMENTS WILL ONLY BE ACCEPTED FROM THE OWNER, HIS AGENT OR ANY OTHER PERSON HAVING A LEGAL OR EQUITABLE CLAIM AGAINST THE PROPERTY PER STATUTE CRS 39-12-103

Park County Treasurer  
P.O. Box 638, Fairplay CO 80440  
(719)-836-4334
WARRANTY DEED

THIS DEED, Made this 9th day of May, 2019 between

Don Dixon

grantor and

John Ireland

grantee

WHEREAS, That the grantor for and in consideration of the sum of Seventy-Five Thousand Five Hundred Dollars and 00/100 ($75,500.00) the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm, unto the grantee, his heirs and assigns forever, all the real property together with improvements, if any, situate, lying and being in the County of Park, and State of COLORADO, described as follows:

See Exhibit A attached hereeto and made a part hereof.

TOGETHER with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and reversionary, rents, issues and profits thereof, and all the estates, right, title, interest, dominion and demand whatsoever of the grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances.

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the grantee, his heirs and assigns forever. And the grantor, for himself, his heirs, and personal representatives, does covenant, grant, bargain and agree to and with the grantee, his heirs and assigns, that at the time of the conveyance and delivery of these presents, he is well seized of the premises above conveyed, has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, grants, sales, liens, taxes, encumbrances and restrictions of whatever kind or nature soever, except for taxes for the current year, a lien but not yet due and payable, subject to statutory exceptions as defined in CRS 38-30-113, revised.

The grantor shall and will WARRANT AND FOREVER DEFEND the above-bargained premises in the quiet and peaceable possession of the grantee his heirs and assigns, against all and every person or persons lawfully claiming the whole or any part thereof. The singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

IN WITNESS WHEREOF, the grantor has executed this deed on the date set forth above.

SELLER:  

Don Dixon by Julie Peter as Attorney in Fact and Agent.  

STATE OF COLORADO  
COUNTY OF ALMA  

The foregoing instrument was acknowledged before me this 9th day of May, 2019 by Julie Peter as Attorney in Fact and Agent for Don Dixon  

LORNA LANETTE EFFINGER  
NOTARY PUBLIC  
STATE OF COLORADO  
MY COMMISSION EXPIRES JUNE 19, 2022  

WDC0750919  
Warranty Deed (for Photographic Record) updated 1/21/2019  

File No. 04635990
Exhibit A

The Kansas Lode mining Claim, U.S. Mineral Survey No. 1657, embracing a portion of Section 9, Township 9 South, Range 18 West of the 6th P.M.

The Stephens Lode Mining Claim, U.S. Mineral Survey No. 4053, embracing a portion of Section 9, Township 9 South, Range 18 West of the 6th P.M.

The Godfrey Lode Mining Claim, U.S. Mineral Survey No. 4034, embracing a portion of Section 9, Township 9 South, Range 18 West of the 6th P.M.

The Morrison Lode Mining claim, U.S. mineral Survey no. 392, embracing a portion of Section 9, Township 9 South, Range 18 West of the 6th P.M.

County of Park, State of Colorado.
APPENDIX B

APPLICANT CERTIFICATION REGARDING NOTICE TO MINERAL ESTATE OWNER

I, ________________, submitted an application for land use approval from Park County generally described as:

X  Conditional Use Permit
___ Determination of Location and Extent of Public Facilities Use
___ Planned Unit Development with Rezoning
___ Special Use Permit; (Telecommunications, Wetlands)
___ Subdivision; (Major Preliminary Plan, Major Final Plat, Minor, Sketch, Combined)

I understand that state law, found at CRS 24-65.5-101 through 24-65.5-104, imposes specific legal requirements involving my providing written notice to the mineral estate owner of my application.

I HEREBY CERTIFY that I have complied with the notice requirements imposed upon me by CRS 24-65.5-101 through 24-65.5-104.

Signature of Applicant

Dirk Long
Print Name

For County Use Only

Application Name/Case Number: 21CUP-04
 Owners of Lots Adjacent to Tax Parcel 90698, June 21st, 2021

Kiet Miller
1057 Alpensee Dr
Breckenridge, CO 80424

United States Forest Service
South Park Ranger District
P.O. Box 219
Fairplay, CO 80440
Current Conditions

Contour Interval is Forty Feet

Legend

- Yellow: Est. Avg. Slopes Over 30%
- Orange: Wetlands per U.S.F.W.S.
- Light Green: Freshwater Forested/Shrub Wetland

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

This map is not a survey.
Vicinity Map
Contour Interval is Two Hundred Feet

0  0.5  1  1.5  2 Miles

Park County Planning Department

This map is not a survey.
SITE AND SOIL EVALUATION FOR AN ONSITE WASTEWATER TREATMENT SYSTEM

Prepared For:

Dirk Long
3825 Xavier Street
Denver, CO 80212

Stephens Lode MS #4053
4455 County Road 12
Fairplay, CO 80440

06/03/2021

285 Engineering, Inc.
P.O. BOX 1048
CONIFER, CO 80433
720-515-1781
www.285Engineering.com

Project # 2021325
Purpose:
This report provides site and soil evaluation results for a proposed Onsite Wastewater Treatment System (OWTS) at the above referenced property. This report has been prepared in accordance with Section 43.5 F. of the OWTS Regulations. This report contains site and soil evaluation information only; an additional OWTS design document will be required for permitting. A visual and tactile soil evaluation for two test pits, along with the preliminary investigation, was completed for the above referenced property on May 25, 2021.

Credentials:
A competent technician completed the soils evaluation. See soil evaluation sheet attached for credentials.

Setbacks:
The following setbacks were present at the property:
- All septic components must maintain 10 feet of separation from all property lines.
- The soil treatment area and septic tank must maintain a minimum of 50 feet from wetlands. If a higher level treatment system is installed then the soil treatment area must maintain 25 feet from wetlands.
- The soil treatment area must maintain 200 feet of separation from all wells unless higher level treatment system is installed, then the setback must be 100 feet from all wells.
- Maintain 25 feet minimum from garage foundation to the proposed soil treatment areas.

Site Evaluation:
1. This property does not have any existing structures, wells, or OWTS components
2. A fixed, non-degradable temporary or permanent benchmark is to be provided on the design document per CDPHE Regulation 43 Section 43.5.G.3(b).
3. There are no known or visible unsuitable, disturbed or compacted soils
4. The proposed elevation of the infiltrative surface of the soil treatment area, from established data will be provided in the design documents per CDPHE Regulation 43 Section 43.5.G.3(e).
5. There are no known foreseeable land use changes expected to affect the system performance
6. It is possible that a higher level treatment system will be required for the system to conform to all county and state regulatory setbacks.
Soil Evaluation and Site Plan:
The site plan and soil evaluation results for the property are provided in separate documents attached.

Difficulties Encountered During Site Visit:
Possible wetland areas exist on the property. The boundaries of all wetlands in or near the proposed construction area will need to be staked and flagged prior to staking a location for the septic system components.

Potential Construction Related Issues:
Placement of the structures and septic system components will be contingent upon wetland delineation. All setbacks from wetlands are to be met for structures and septic components.

Limitations:
The information contained herein is based on conditions observed at the time of our site visit. Variations in subsurface conditions may not become evident until additional excavation for the OWTS, and additional development of the property in general, is completed. If conditions encountered during the excavation and construction process appear different than the details of this report, a re-evaluation is required, and this office should be notified.

If there are any questions about this report or its attachments please contact our office.

Prepared by:

Tyler Shafer

285 Engineering, Inc.
P.O. Box 1048
Conifer, CO. 80433
(720)-515-1781
www.285engineering.com

3 copies sent
Attachments:
(1) Site Plan
(2) Soil Evaluation
SITE EVALUATOR
TYLER SHAFER
P.O. BOX 1048
CONIFER, CO 80433
720-576-3572
tyler@285engineering.com
BS Civil Engineering
Credentials: CROW Soils Characterization Class 2017

SOILS INFORMATION
DATE TESTING COMPLETED: 5/25/2021
EQUIPMENT USED: BACKHOE
DEPTH TO BEDROCK REFUSAL: NOT PRESENT
DEPTH TO STANDING WATER: 6 FEET
REDOXIMORPHIC FEATURES: NOT PRESENT
RECOMMENDED I TAR: 0.50 SOIL TYPE 3A, T: 1

PROFILE #1

TOPSOIL
0.5' SANDY CLAY LOAM

\[\sqrt{7.0'} STANDING WATER\]
8.0'

PROFILE #2

TOPSOIL
0.5' SANDY CLAY LOAM

\[\sqrt{6.0'} STANDING WATER\]
8.0'

SCALE: 1/4" = 1'

SOIL TYPE, TEXTURE AND STRUCTURE

<table>
<thead>
<tr>
<th>DEPTH</th>
<th>SOIL TYPE</th>
<th>TEXTURE</th>
<th>STRUCTURE/SHAPE</th>
<th>STRUCTURE/GRADE</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.5'-8'</td>
<td>3A</td>
<td>SANDY CLAY LOAM</td>
<td>GR</td>
<td>(WEAK)</td>
</tr>
</tbody>
</table>
Mosquito Creek Project
Project Narrative
Proposal for Conditional Use Permit

Project Overview
The Mosquito Creek Project (MCP) is being proposed as a facility designed to provide short term accommodations for backcountry enthusiasts seeking access to National Forest land for recreation in the Mosquito Pass area.

The owners are applying to Park County for a Conditional Use Permit in order to develop the site as an Outdoor Recreation Area with Backcountry Huts as defined by Park County zoning code.

Intended Use of Proposed Plan
The MCP will be used to host and provide short term accommodations for people seeking access to the National Forest for various activities. While not providing recreational services directly, the MCP will enable a convenient launch point for recreational activity providers in the area as well as individuals looking for accommodations immediately adjacent to National Forest. The Owners of the MCP will work with recreation service providers to better enable their effective access to the area as well as directly with the public for individuals engaging in personal recreation.

Site Plan Details
Overall Site - The site will be developed with access, buildings and facilities that cater to short term stays for recreational use of the adjacent national forest. The facility will be designed to be visually unobtrusive to other uses in the area and have minimal disturbance to the surroundings while respecting the mining history and reflecting mining camp themes in the design and naming of the buildings.

Access - The use and access to the MCP will be from CR12 via private driveway. There will be adequate parking onsite for all accommodations. CR12 is maintained fully to the property including plowing in the winter to support the London mine operations. As such there will only be plowing necessary on the property. Access to the National Forest will be using CR12 as well as direct access from the MCP property along a maintained path to the property line along the historic London & South Park Railroad grade.

Proposed Buildings & Systems
The overall building considerations will be to maintain the natural environment whenever possible and minimize disturbances. The facility will maintain a “mining cabin aesthetic” and try to reflect the rich history of the area. Building names will be drawn for local history and even the names of the original mining claims that are adjacent to the MCP and part of the Owners’ property. In total, the MCP will be designed for roughly 24 beds of accommodations as outlined in the building specific descriptions.
**Lodge** - The lodge will be a shared space with large kitchen and living areas as well as a few bedrooms to house additional guests. The shared space will be designed to facilitate gatherings from all MCP guests with views of London Mountain and the valley to the west. The sleeping accommodations in the lodge will be for 8 guests.

**Huts** - Four backcountry huts will be located along the abandoned London & South Park Railroad grade. Each hut will house two bunkbeds for a total of 4 guests. Huts will be designed as dry cabins with heating and lighting planned to be provided by electrical service. Facilities will be shared at the Lodge or Bath House locations on the property. The huts will be simple and roughly 16ft x 12ft with limited impact to the walking access along the railroad grade.

**Garage & Bath House** - The garage building will be used for parking and storage of supporting equipment and supplies for the MCP. In addition, there will be externally accessible bathrooms that can service the guests staying in the huts as well as a dry, conditioned “multi-purpose” space above the garage that can be used by guests or for prep/storage as needed.

**Utilities** - The MCP will have a well and septic system to support the facility. Current design concepts plan for electric-only power from the lines currently traversing the property. If deemed necessary, propane or natural gas may be explored. Future plans may include Solar PV for power and battery systems for nighttime and backup to promote further self-sufficiency. A preliminary site evaluation for the septic system was completed and is included in the Onsite Wastewater Treatment System, Site and Soil Evaluation Report. This report indicates that there are viable options for the septic treatment system for the proposed buildings, usage and site plan. Final location of septic components and well are subject to final design.

**Neighborhood & Community Considerations**
The MCP will be used to host people seeking experiences in nature, specifically those intending to access any of the public lands along CR12 in the Mosquito Pass area. This will support any of the current recreation in the area including, for example, hiking, biking and 4wd access in the summer and skiing, snowshoeing and other activities in the winter.

**Traffic Impact** - All activities that the MCP will support are all currently thriving in the area and the MCP may promote less daily traffic by enabling those engaging in activities in the area to stay beyond the neighborhoods, directly adjacent to the National Forest. Further, it will provide parking for all guests onsite so that there is reduced parking congestion along CR12 for those participating in recreation in the area.

**Benefit to Local Businesses** - By providing accommodations, the people engaged in recreation activities in the Mosquito Pass area will stay locally and be encouraged to shop, dine and access services from local businesses in the area. Further, there will be no onsite host or permanent residents and any services needed to support the operation of the MCP, such as
snow removal, road maintenance and cleaning services will be contracted through local businesses to support the community.

**Seasonality and Duration of Stay** - The accommodations at the MCP will serve various recreational uses in the area. Each season has current recreation activities that are enjoyed by visitors, however there are some seasons with more vibrant recreation than others. For example, initially the winter use may be slower, but as some of the backcountry activities, such as skiing, grow in popularity, there may be more use then. Thus there is anticipated to be a seasonality to the number of visitors using the MCP. The intended use of the MCP is for short term stays for customers. As such, the duration of stay will be limited to two weeks or less.

**Hiking Access** - There is currently a social trail that runs across the MCP property, along the historic London & South Park Railroad grade. This pathway is used by the local public as a hiking path to access the National Forest. The proposed MCP plan will maintain a pathway that crosses the property along the historic railroad grade where people may traverse the MCP property to access National Forest on either side.