



CHAFFEE COUNTY
Development Services Department
P.O. BOX 699 PHONE (719) 539-2124
SALIDA, CO 81201 FAX (719) 530-9208
WEBSITE www.chaffeecounty.org

STAFF REPORT

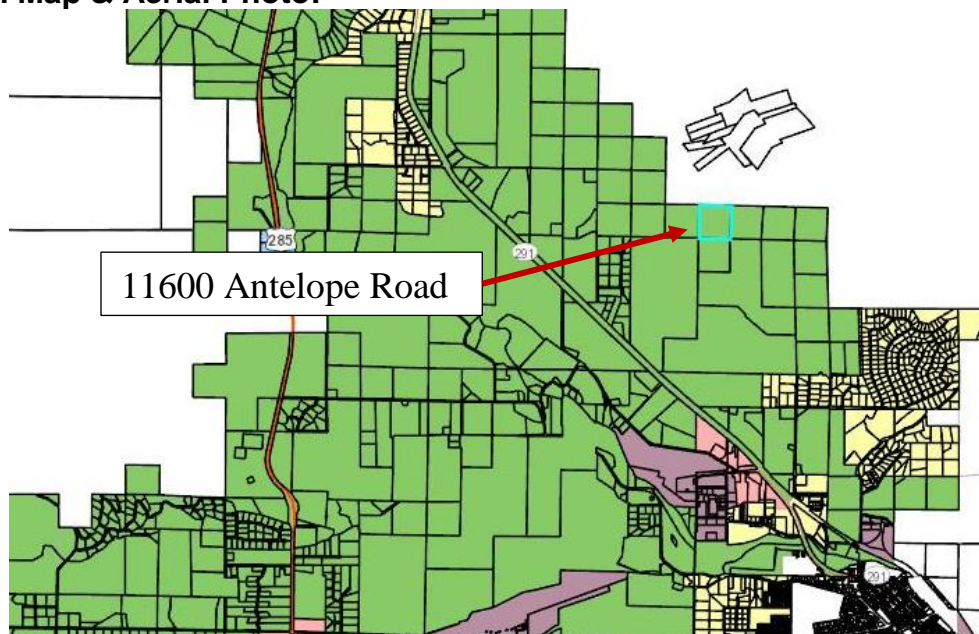
Date: October 23, 2018
To: Chaffee County Planning Commission
From: Planning Staff, Jon Roorda
Subject: Antelope Road Outfitting Facility Limited Impact Review
PC: 9/25/2018, tabled to 10/30/2018

Applicant/Owner: Alison Brown
Company: Antelope Road Outfitting Facility
Location: 11600 Antelope Road

Public Hearing Information: Public hearing notices were sent by certified mail to adjoining property owners on September 4, 2018 and October 8, 2018. The Public Hearing was advertised in the *Mountain Mail* & the *Chaffee County Times* on September 6, 2018 and October 11, 2018. The posted sign was observed by County staff on September 10, 2018 and September 25, 2018.

Summary of Application: This request is for an Outfitting Facility to provide service, housing or safekeeping to animals that are used in conjunction with guiding services involving riding out or hunting with foxhounds on public lands with other individuals who are not affecting substantial control over the foxhounds. No hunts will be conducted on the property, and the foxhounds are temporarily kenneled elsewhere. Stables are located on the property. Access is from Antelope Road, which is a private easement. These properties are greater than 35 acres and were exempt from the subdivision process.

Location Map & Aerial Photo:



Project History:

Violation Notices: March 29, 2017 and April 8, 2018

Board of Adjustment (BOA) – Appeal of an Administrative Decision, heard on June 28, 2017; the BOA upheld the administrative decision.

Permanent Injunction filed May 9, 2018, until a Limited Impact Review is approved.

Zoning: The property is zoned Rural. Table 2.2, the Use Matrix, requires a Limited Impact Review for an Outfitting Facility in this zoning district.

Google Earth Aerial Photo:**Article 7.1 Basic Standards for All Land Use Change Permits:**

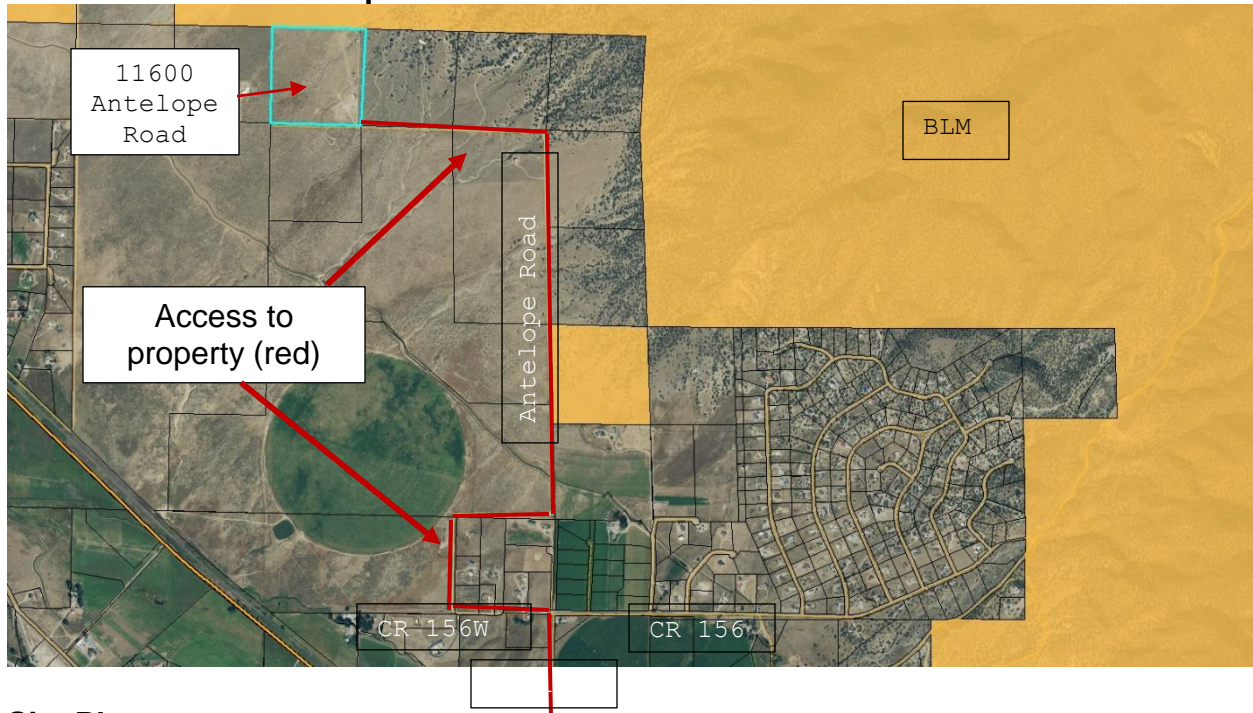
7.1.1 Purpose and Intent: This section is for applicants to demonstrate that adequate facilities and services are available, that environmental and topographic constraints are considered and that design of the site can mitigate impacts to unique natural features.

7.1.2 Compliance with Zone District: *This application can meet the requirements of the Rural zoning district with approval of a Limited Impact Review.*

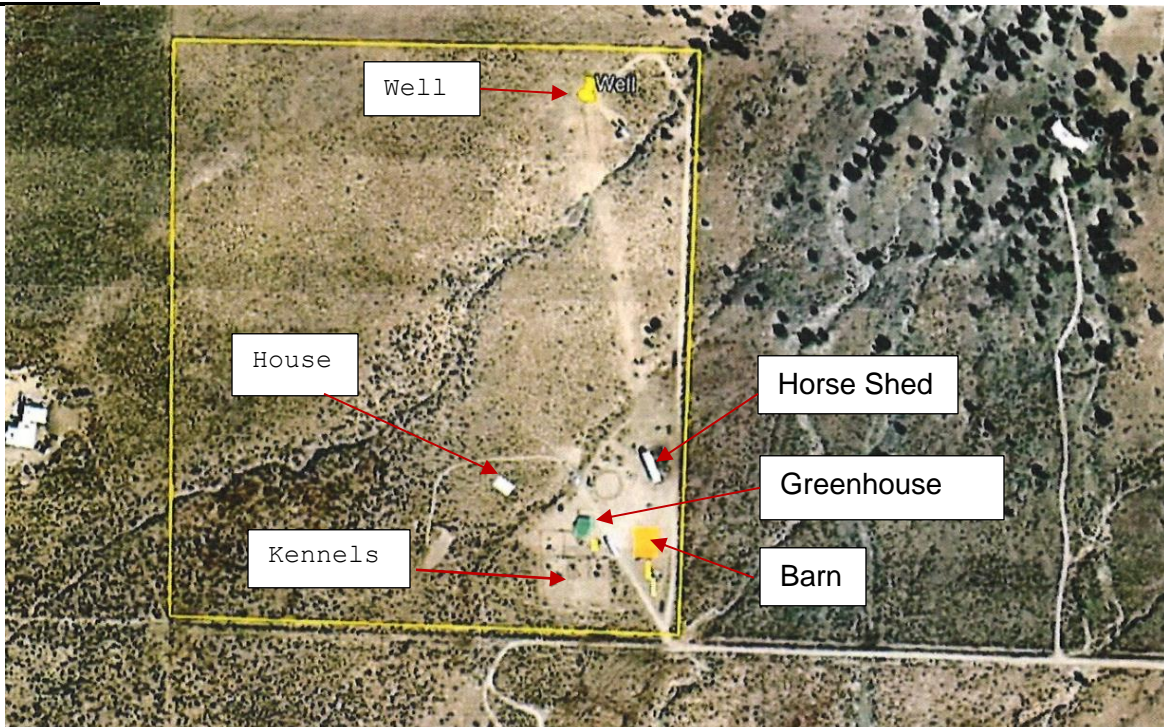
7.1.3 Infrastructure Requirements: The land shall be served with an adequate, reliable and legal physical water supply; have adequate wastewater treatment to serve the use; have valid access permits for the use of roads, accesses and driveways; and have adequate public utilities. *The property has a domestic well limited to fire protection, ordinary household purposes inside not more than three single family dwellings, the watering of poultry, domestic animals and livestock on a farm or ranch and the irrigation of not more than one (1) acre of home gardens and lawns. The well will need to be re-permitted with augmentation for the commercial use. The applicant will need to have the On-site Wastewater Treatment System (OWTS) analyzed for the increase in usage, and customer facilities provided based on that investigation. Access to the County Road system is located at the intersection of County Road 156 (County maintained) and*

County Road 156W (not County maintained). Driveway access will be from Antelope Road, a private access easement. At the existing driveway, the applicant will need to obtain a new County commercial access permit. The access easement does not have covenants or a maintenance agreement concerning the road maintenance, and the access road is in poor condition. The site has adequate public utilities for the use. Xcel Energy has submitted comments concerning electrical distribution lines on the property.

Access to 11600 Antelope Road:



Site Plan:



Site Plan – Enlarged:



7.1.4 Site Drainage: Existing buildings and structures will be used for the Outfitting Facility. Drainages cross the property and any disturbance will need to maintain historic drainage patterns.

7.1.5 Protection of Wetlands and Riparian areas: The property does not appear to contain wetlands or riparian areas.

7.1.6 Wildlife Habitat Areas: No comments were received from Colorado Parks & Wildlife (CPW).

7.1.7 Erosion and Sedimentation: A drainage crosses the property between the house and the stable operations. Any disturbance creating erosion shall be mitigated as soon as possible.

7.1.8 Lighting/Dark Sky Standards: Any proposed lighting shall meet this section of the Land Use Code.

7.1.9 Areas with archeological, paleontological or historical importance: This project uses existing buildings and structures and would create little additional disturbance. No comments were received from the Heritage Area Advisory Board, and the property has no known areas of archeological, paleontological or historical importance.

Article 7.2 Site Planning and Development Standards:

Unless otherwise specified, these standards shall apply to land use changes proposing multi-unit residential development, subdivision, non-residential, and commercial and industrial uses, including those in Planned Developments. These standards shall apply in addition to the basic standards set forth in Section 1 of this Article 7.

7.2.1 Other Adopted Plans: *The Chaffee County Comprehensive Plan, Guiding Economic Development Objective 1 encourages the coordination of economic diversity and economic development. Additionally, Transportation Guiding Objective 1 is to ensure that adequate roads are available to service Chaffee County's existing and future residents and that development pays the cost of road improvements it necessitates.*

7.2.2 Infrastructure Requirements: *The property has existing buildings and infrastructure that will be used for preparation for the ride and for loading the horses for transportation to the riding site (US Forest Service land, by permit).*

- *Needs a County Access Permit for a commercial use*
- *Well – augment to commercial use*
- *OWTS – demonstrate adequacy for use*
- *CR 156 W and Antelope Road are not County maintained.*
- *Show parking areas for horse trailers on site plan*
- *Traffic counts only include horse trailers and should include all traffic. The narrative states that no customers come to the site.*

7.2.3 Site Planning and Design: The nature, scale and intensity of the use or activity should be compatible with adjacent land uses and will not result in significant adverse impact to adjacent land.

A. Site Organization. The site shall be organized in a way that considers the relationship to streets and lots, utilities, and topography. The design and scale of the development shall not cause unnecessary or excessive site disturbance. *This site has been used as an Outfitting Facility until the County prevailed in an injunction (Attachment 2 in binder). The majority of the use is concentrated near the entrance to the site. All access is from one access point onto Antelope Road. Parking for customers and horse trailers needs to be shown on the site plan to verify vehicles can safely turn around for exiting the property.*

B. Landscaping Guidelines. The purpose of landscaping is to create buffers between residential and commercial uses. Landscaping may be required as a condition of approval for certain land uses to mitigate the impact of a use on adjacent properties. *Outfitting is considered a commercial use, although the proposal only includes the horses used for foxhunting on public lands.*

C. Operational Characteristics. The operations of activities on the site shall be appropriate to the zone district. *Table 2.2 of the Land Use Code (LUC) requires a Limited Impact Review.*

1. Objectionable Emissions. The land use change shall comply with Colorado Department of Public Health and Environment Air Pollution Control Division regulations for dust, odors, gas and fumes. *No emissions are anticipated.*
2. Noise. Noise as measured at the property boundary shall not exceed state noise standards as set forth in C.R.S. 25-12-103, as amended, and may be buffered by landscaping or other screening devices to stay within the maximum

permissible noise levels. *The proposed use of the care, training and transportation of horses does not appear to cause excessive noise.*

3. Time of Operation. Time of operation, including hours, days, and seasonal if applicable, shall be established to be compatible within that zone district. *The hours of operation need to be established for this use.*

D. Areas Subject to Wildfire Hazards. *The Chaffee County Fire Protection Department had no concerns for this use.*

E. Areas Subject to Natural Hazards and Geologic Hazards. *It does not appear that the property has these hazards.*

F. Riparian Areas. *It does not appear that the property has riparian areas. The property does have drainage channels that pass stormwater flows, and these need to be protected.*

7.2.4 View Protection Guidelines: The visual resources of Chaffee County are critical to the long-term economic prosperity of the County and enjoyment of its residents and visitors. The purpose of this section is to preserve and maintain the scenic resources in Chaffee County. *This property is not near a County road, or state or federal highway.*

7.2.5 Weed Control: *The applicant has signed a Weed Management Plan. No bond is required.*

7.2.6 Stormwater runoff: *Historic drainage patterns are to be maintained.*

7.2.7 Protection of Water Quality: *It is not expected that this use will impact water quality.*

Review Agency Comments

Chaffee County Fire Protection District – *No concerns.*

Chaffee County Road & Bridge Department – *County Road 156W is not maintained by Chaffee County.*

Chaffee County Weed Management – *A Weed Management Plan has been signed.*

Xcel Energy – *Public Service Company owns and operates existing electrical distribution facilities within the subject property and requests that they are shown on any subsequent plans. Note: this appears to be a service line.*

Letters Submitted for the Record

Tom Kottmeier, email dated August 13, 2018

Mike Sproul & Carol Begin, email dated August 30, 2018

Denise Goings, email dated September 7, 2018

James and Kay Hutchings, received October 5, 2018

Brent Smith, Debra Mahoney, dated October 10, 2018

Randall Herrick-Stare, dated October 22, 2018

Additional Material Received from the Applicant, email dated October 22, 2018

Findings:

1. This application can comply, with conditions of approval, with the requirements for a Limited Impact Review.
2. Antelope Road, which provides access to all the 35 acre properties, is on an access easement.
3. Antelope Road Outfitting Facility is at the end of two miles of a poorly maintained road.
4. No people come to the site for the foxhunting activities.

Conditions

1. No customers, club members, public or visitors associated with foxhunting shall come to the site.
2. The following items are required to be submitted before or as part of the Building Permit Change of Use application submittal:
 - a. A copy of the approved Chaffee County Commercial Access Permit.
 - b. A copy of the new augmentation certificate.
 - c. A copy of the amended well permit.
 - d. Analysis of the On-site Wastewater Treatment System (OWTS) for the increase in usage, and customer facilities provided based on that investigation.
 - e. Time of operation, including hours, days, and seasonal use, shall be established to be compatible within that zone district.

PLANNING COMMISSIONERS ACTION: Commissioner _____ moved and Commissioner _____ seconded and the Commission voted to APPROVE / APPROVE WITH CONDITIONS / DENY / CONTINUE the Antelope Road Outfitting Facility Limited Impact Review based on the following findings of fact and conditions:

Findings:

1. _____
2. _____

Conditions:

1. _____
2. _____