

J E F F E R S O N



COUNTY COLORADO

Boards and Commissions

Historical Commission

Memorandum

January 22, 2024

Rezoning Shadow Mountain Bike Park (Case #23-102980 RZ) Second Referral

Project:

FSBR, LLC is applying to develop a portion of the property (235 ac of 306 ac) as a bike park - a "Class III commercial recreation facility" - which is a Special Use in the Agricultural zone district. The Property is zoned Agricultural Two ("A2"), currently undeveloped, and occasionally used for agricultural and grazing purposes. The project is located within the State Land Board's (SLB) Shadow Mountain parcel. The Property will remain under the ownership of the Colorado SLB. The Colorado SLB and the applicant will agree on a permit to enable operations.

The project will maintain much of the natural landscape. The low-impact concept will open more than 300 acres of forest to the public and deliver wide-ranging benefits to the community. The proposal will also protect the property from more disruptive forms of development that conform to its current zoning. The project has been designed to respect the natural character of Shadow Mountain to the maximum extent possible by concentrating infrastructure development to the base area and the lift corridor. Additionally, a low-impact trail system will be dispersed throughout the property in a manner which will be shielded from Shadow Mountain Drive. Infrastructure includes a lift, single-access driveway, parking lot, an access road from main base to top terminal area, a day lodge, maintenance building, utilities, water storage tank, on-site wastewater management, buried power and powerline spur to top.

The applicant conducted a cultural and historical file search through the Colorado Office of Archaeology and Historic Preservation. The search identified 0 sites and 0 surveys within the project area. The applicant also consulted with the Conifer Historical Society via email on October 10, 2023 and followed up again on October 11 and November 19 to gather more information. The Conifer Historical Society to this date has not provided the applicant with specific information on the parcel, and in this correspondence referenced History Colorado as a resource. This information will be used to assess the resources near and in the project area and for formulating recommendations on the second referral.

Resources near the Project Area:

There are no recorded cultural resource surveys and sites in Section 16, T6S, R71W. Within a mile of Section 16, there is a prehistoric camp, a prehistoric lithic scatter, a stone circle, 3 historic trash scatters, 14 isolated historic features and finds, a historic homestead, and Staunton Ranch.

The Conifer Historical Society provided a document titled "Shadow Mountain History" that describes the history in the Conifer area and the project area beginning in 1873. "Shadow Mountain was the location of

the first homesteads granted in the Conifer area 150 years ago, and is considered to be its oldest neighborhood.”

“Homesteaders on Shadow Mountain engaged in agriculture, logging, and haying. There was work available at the Junction Hotel and Ranch. Many of the owners and their family members worked as hoteliers, storekeepers, or Postmaster. Small one-room schoolhouses, including the Junction School and the Hutchinson School, were built nearby. In 1894, the post office name was changed to Conifer. By the turn of the century, the Bradford Ranch in Conifer was well known as a community hub.”

“William Orr and his family were the last people to homestead on Shadow Mountain; their patent was proved in 1923. They mistakenly built their home in Section 16 instead of Section 9, land belonging to the State of Colorado. When Colorado became a state in 1876, the Enabling Act gave all federal public land in Sections 16 & 36 of every township to the state to benefit public schools. The Colorado State Land Trust was established to fulfill this mission. The Orr land became embroiled in litigation and was not settled for many years. Today, the land of Section 16 remains relatively untouched, one of the most pristine areas of wilderness in the area.”

“There have been significant archeological findings within a mile of the Section 16 parcel, establishing that Conifer has a long history predating modern settlement.”

The Conifer Historical Society requested that a cultural resource survey be completed in the project area, “which will provide tangible and lasting evidence of those who came before us, helping to identify, designate and protect the cultural resources of their community.”

Resources in the Project Area:

The cultural and historical file search through the Colorado Office of Archaeology and Historic Preservation identified 0 sites and 0 surveys within the project area.

Project Determination of Effect: No determination of effect is provided, since there are no known cultural resources recorded in the project area.

Mitigation Measures: No mitigation requirements are identified, since there are no known cultural resources recorded in the project area.

Other Information

The applicant responded to the Jefferson County Historical Commission (JCHC) recommendations from the first referral dated December 8, 2023 as follows:

Recommendation 1. The applicant needs to consider if the project will impact "historic, archaeological and paleontological resources. Minimally, a current records search of the Colorado Office of Archaeology and Historic Preservation site database is needed.

A current records search of the Colorado Office of Archaeology and Historic Preservation site database was conducted and satisfies this portion of the recommendation.

The Conifer Historical Society needs to be consulted to determine if they have additional information about cultural resources in the project area.

The applicant consulted with the Conifer Historical Society via email on October 10, 2023 and followed up again on October 11 and November 19 to gather more information. The Conifer Historical Society to this date has not provided that applicant with specific information on the parcel, and in this correspondence referenced History Colorado as a resource. This outreach satisfies this portion of the recommendation.

Finally, with the extent of new infrastructure and bike trails planned for this undeveloped area, JCHC strongly recommends that an on-the-ground survey is the most reliable approach for identifying cultural resources and reducing potential impacts to them.

The applicant did not commit to conducting an on-the-ground survey but did commit, if the application is approved, to preserve the integrity of sites that may exist in the project area with mitigation measures, including but not limited to:

1. Preparing a Historical, Archaeological, and Paleontological Report or Plan prior to implementation of the proposed project, if requested by Jefferson County Historical Commission or another cooperating agency; and
2. If historical, archaeological and paleontological resources are discovered during site preparation or construction, all construction in the immediate vicinity shall cease and the applicant shall notify the Jefferson County Planning and Zoning Division and the proper authorities to determine the disposition and necessary protection, excavation, or recovery of the resource(s).

If the application is approved by the County, the applicant would work with the Jefferson County Historical Commission, the Conifer Historical Society, and other cooperating agencies to fulfill the requirements for this resource, establish mitigation measures where necessary, and continue the project planning accordingly. Although the applicant is not required to conduct an on-the-ground survey, JCHC believes it is the most reliable approach for identifying cultural resources and reducing potential impacts to them during planning and not during development, which can result in project delays and unnecessary damage to cultural resources.

Recommendation 2. The applicant needs to consider how they can assist in preserving the cultural, historical, and agricultural/ranching heritage of the area.

The commitment to “work with the Jefferson County Historical Commission, the Conifer Historical Society, and other cooperating agencies to fulfill the requirements for this resource, establish mitigation measures where necessary, and continue the project planning accordingly” satisfies this portion of the recommendation.

Additional historical information was provided to JCHC from a local resident, Kris Laubis (Email, 1/18/2024):

“(JCHC)...realize the importance of a...Class III CRS for the proposed Shadow Mountain Bike Park. I truly believe that some isolated finds and possibly even a site may be discovered at the developers' proposed location since it has not been subject to residential development. Curiosity and logic make it highly likely that ancient and indigenous peoples would have explored to the headwaters of North Turkey Creek on Shadow Mountain Drive. No peoples settled in an area by chance. Their decisions were driven by the three immediate factors of survival: food, water & shelter. Archaeological sites have been found at Jeffco Open Space Flying J Ranch Park nearby. The CSLB land on Section 16 fits these criteria as it contains riparian wetlands. Previous homeowners adjacent to the CSLB land have found arrowheads. I have heard that currently there is a small archaeological survey being conducted by the State of CO at Staunton Ranch State Park, also close by. Here is a little-known historic fact about Section 16: The last homestead patent on Shadow Mountain was granted to William Orr in 1923. Ironically, he and his wife, Le Ora Orr, mistakenly built their homestead in Section 16, school property. The land in question was embroiled in a long legal battle that ensued for many years. According to the Jefferson County Comprehensive Master Plan Page 17 "Historic, archaeological and paleontological resources should be preserved to provide links to the area's past...The destruction of an important historic, archaeological or paleontological site is an irreversible loss."...This land is adjacent to a M.A.L.T. 80+ Acre Conservation Easement which was originally homesteaded by George Spicer in 1896. Please reference this page: <https://stopthebikepark.com/jeffco/>”.

Jefferson County Historical Commission Conclusion and Recommendation:

The current literature and record search by the Office of Archaeology and Historic Preservation confirmed that no previous cultural resource surveys or existing historic, archaeological and paleontological resources are present in the project area. If the application is approved, the applicant committed to follow the process in Land Development Regulation, Section 31 to address these resources. JCHC has the following recommendations:

Recommendation 1: A Historical, Archaeological and Paleontological Report/(Plan) shall be prepared in accordance with Land Development Regulation, Section 31 and shall address the alternatives for protection of any historical, archaeological and/or paleontological sites. Once the Historical, Archaeological and Paleontological Plan is completed and approved, if historical, archaeological and paleontological resources are present or discovered during site preparation, the applicant shall notify the Jefferson County Planning and Zoning Division to determine the disposition and necessary protection, excavation, or recovery of the resource(s).

Recommendation 2. The mountain and historic landscape are basically intact throughout the project area. JCHC will work with the applicant to consider this landscape during project design and developing mitigation measures.

Recommendation 3: Although the applicant is not required to conduct an on-the-ground survey, JCHC believes it is the most reliable approach for identifying cultural resources and reducing potential impacts to them during planning and not during development, which can result in project delays and unnecessary damage to cultural resources.