

MEMO

TO: Dylan Monke
 Jefferson County Planning and Zoning Division

FROM: Tracy Volkman
 Jefferson County Environmental Health Services Division

DATE: January 8, 2024

SUBJECT: Case #23-102980 RZ
 Shadow Mountain Bike Park
 Philip Bouchard
 61-163-00-001

PROPOSAL SUMMARY

Special Use Application for Development of a day-use lift-served bike park as a Class III Commercial Recreation Facility for 1200 guests per day at maximum occupancy.

COMMENTS

Jefferson County Public Health (JCPH) provided comments regarding this proposal on November 18, 2020, June 1, 2022, and March 22, 2023. We have reviewed the proposed documents submitted by the applicant for this second referral for the rezoning process and have the following updated comments:

The applicant must submit the following documents or take the following actions prior to a ruling on the proposed rezoning of this property. NOTE: Items marked with a “✓” indicate that the document has been submitted or action has been taken. **Please read entire document for requirements and information. Please note additional documentation may be required. Failure to provide the required documentation may delay the planning process.**

REZONING REQUIREMENTS (Well and OWTS requirements)

✓	Date Reviewed	Required Documentation/Actions	Refer to Sections
		Obtain Site Approval from the Colorado Department of Public Health and Environment (CDPHE), Water Quality Division for the onsite wastewater treatment system(s) as the capacity of the OWTS exceeds 2000 gallons per day.	Wastewater
✓	03/21/2023	Submit a notarized Environmental Questionnaire and Disclosure Statement in accordance with the Jefferson County Zoning Resolution and Land Development Regulation (LDR) Section 30.	Environmental Site Assessment

WATER

The Jefferson County Zoning Resolution (Section 9 C.21) and the Land Development Regulation (LDR) Section 21.B.2.a (1) requires proof of legal water, such documentation may include, but is not limited to, a copy of the well permit or water court decree. The Colorado Division of Water Resources (CDWR) is the governing authority for wells. As such, the applicant should contact the Colorado Division of Water Resources at 303.866.3581 who will determine if the applicant has a legal right to the water supply.

Please note that the well(s) will serve as a drinking water supply that serves a population of at least 25 people per day for at least 60 days per year and is not a non-transient, non-community water system or a community water system. As such, the water supply would meet the definition of a transient, non-community water system as defined in the Colorado Primary Drinking Water Regulations. **The applicant must contact the Water Quality Control Division, Colorado Department of Public Health and Environment (CDPHE) at 303.692.3500 for a PWSID number and or permit as required as this well water supply will be regulated by the CDPHE, Water Quality Control Division.**

JCPH advises all parties to note that the long-term dependability of any water supply in Colorado, be it surface water, ground water, or a combination of surface water and ground water, cannot be guaranteed. All ground water and surface water supplies are subject to fluctuations in precipitation. During periods of drought, it will be necessary to carefully manage all uses of water so that the basic water supply needs for human health can be met.

WASTEWATER

The applicant submitted a partially completed Onsite Wastewater Report (Form 6001) in accordance with LDR Section 22.B.2. (a) on the March 2023 referral. The second page of the form was not provided as required. An Engineering Study for Shadow Mountain Bike Park Concept Master Plan Wastewater System Improvements prepared by Stantec dated November 2022 Project No. 181711248 was provided for review. This study calculated that the average day usage is estimated to be 1120 gallons per day (gpd) for the maximum occupancy at full build out for 320 persons.

The submitted Shadow Mountain Bike Park Official Development Plan indicates that there will be up to a maximum of 1,200 guests per day. Using Appendix A, Estimated Daily Wastewater Flow, of the current Jefferson County Onsite Wastewater Regulations and the amended number of guests from 300 to 1,200 per day, we estimate that approximately 6,000 gallons of wastewater will be generated per day by guests and at a minimum of 300 gallons per day (gpd) for employees. See following table:

Estimated Daily Wastewater Flow Per Day

Use	# of persons per day	Gallons per person per Day (gpd) per JCPH OWTS Regulations	Total Gallons of Wastewater Per Day
Employees	20	15	300

Use	# of persons per day	Gallons per person per Day (gpd) per JCPH OWTS Regulations	Total Gallons of Wastewater Per Day
Guests	1200	5	6000
Total			6300

As such, the onsite wastewater treatment system(s) exceed the average daily flow of 2,000 gallons per day or more per property and must comply with the Colorado Water Control Act, Article 8, Title 25 of the Colorado Revised Statutes, and Regulations adopted by the Colorado Water Quality Control Commission. Site approval from the Colorado Department of Public Health and Environment is required prior to the approval of this site development plan. Jefferson County Public Health will provide review and comment to the Colorado Department of Public Health and Environment on the site application as requested. The applicant must contact the CDPHE, Water Quality Division at 303.692.3500.

Depending on the type of food service provided in the guest day lodge, the discharge to the OWTS may be required to be calculated into the total gallons of wastewater generated per day. This must be provided to the CDPHE, Water Quality Division as part of the Site Application.

ENVIRONMENTAL ASSESSMENT

JCPH has reviewed the Environmental Questionnaire and Disclosure Statement. The applicant checked "No" on all categories of environmental concern on the cover sheet. From this information, it does not appear that any recognized environmental conditions exist which would negatively impact the property.

REGULATED FACILITIES

The applicant indicated in March 2023 that food and beverages would be provided from Food Trucks at this site for retail food service for guests. The submitted Shadow Mountain Bike Park Official Development Plan states that pre-made food and beverages will be served at the day lodge.

The proposed retail food service establishment may be subject to a plan review, yearly licensing and routine inspections by this Department. Please email health_eh_rf_plan_review@jeffco.us for specific requirements. "Retail food establishment" means a retail operation that stores, prepares, or packages food for human consumption or serves or otherwise provides food for human consumption to consumers directly or indirectly through a delivery service, whether such food is consumed on or off the premises or whether there is a charge for such food Colorado Revised Statutes 25-4-1602(14).

MAINTENANCE FACILITIES

Above ground storage fuel tanks with total tank capacity of 660 to 40,000 gallons are regulated by the Colorado Department of Labor and Employment, Division of Oil and Public Safety. They may also be regulated by the local fire department. Above ground storage tanks should also have

secondary containment systems to prevent leakage of fuel or chemicals onto the ground. If underground piping for fuel is associated with the above ground storage tank, this may also be regulated by CDLE. Contact the CDLE, Division of Oil and Public Safety at 303.318.8500 and the jurisdictional fire department for registration, permitting, inspection and monitoring requirements.

Hazardous materials (oil, maintenance equipment fluids, etc.) or industrial waste that is generated from this operation cannot be disposed of into the onsite wastewater treatment system(s). Onsite disposal is prohibited. Any waste of this type must be recycled or disposed of at the proper waste disposal site, in accordance with local, state, and federal regulations.

Any waste materials generated from repair operations must be properly contained and stored on the site prior to transporting to an approved recycling or disposal facility. On site disposal of any such materials is prohibited. Sufficient control measures to prevent any spillage from impacting the area should be in place.

AIR

Land development projects that are greater or equal to 25 contiguous acres and/or 6 months in duration typically require the submission of an Air Pollutant Emission Notice (APEN) and may require an air permit. Furthermore, Regulation No. 1 of the Colorado Air Quality Control Commission requires the developer to follow a Fugitive Dust Control Plan to mitigate dust problems during demolition, land clearing and construction activities. This department will investigate any reports of fugitive dust emissions from the project site. If confirmed, a notice of violation will be issued with appropriate enforcement action taken by the State.

NOISE

The Colorado Revised Statutes (Sections 25-12-101 through 108) stipulate commercial areas must comply with the following maximum noise levels 25 feet from the property lines:

- 60dB(A) from 7:00 a.m. to 7:00 p.m.
- 55dB(A) at all other times.

NOTE: These case comments are based solely upon the submitted application package. They are intended to make the applicant aware of regulatory requirements. Failure by Jefferson County Public Health to note any specific item does not relieve the applicant from conforming to all County regulations. Jefferson County Public Health reserves the right to modify these comments, request additional documentation, and or add appropriate additional comments.