



April 17, 2024

Jefferson County – Planning and Zoning
100 Jefferson County Parkway, Suite 3550
Golden, CO 80419
Attn: Dylan Monke, Planner

Re: Shadow Mountain Bike Park - Case No. Case No. 23-102980 RZ

Dear Mr. Monke,

We are in receipt of the Long Range Review Memo from Jefferson County Planning and Zoning, dated February 2, 2024, as part of the second referral of the application for a special use for the Shadow Mountain Bike Park project (the "Application"). With this letter, we are providing the following responses to comments received.

I. Key Issues

Land use, wildfire, wildlife, floodplain, light, noise, visual impacts.

Response: Key issues noted.

II. Land Use

1. *The property is located within the Conifer/285 Corridor Area Plan. The properties are within an area recommended for 1 dwelling unit per 10 acres.*

Since this is a Class III Commercial Recreation Facility, it would not fit into the definition of a Community Use. Therefore, the applicant needs to address the three factors outlined below to be considered when a new development is not consistent with the land use recommendations. The applicant did provide a separate document titled "Evaluation for Applications out of conformance with CMP Analysis", however, that document did not specifically address All Development, Policy 3.

- 1.a *How the impacts associated with the proposed land use(s) will be mitigated compared with the recommended Land Uses;*

- *The recommended land use is 1 du/10 acres. The proposed land use is a Class III Commercial Recreation Facility. Some potential impacts that should be evaluated include wetland areas, floodplains, wildfire, wildlife, visual, light, noise, traffic, water and wastewater.*
- *See appropriate sections below for additional evaluation on each of these items.*
- *The applicant's evaluation of this item is in the Sufficiency Response Letter. They compare the visual impact and water use to the recommended land use of 1 du/10 acres.*

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- ***Staff Continues to have concerns about how the impacts to wildfire, wildlife, and noise will be addressed.***

Response: We have considered the concerns listed throughout this document and have proposed additional restrictions and mitigation measures in order to reduce the Project's impact on the Property and surrounding uses. These documents are listed in response to each relative comment below.

1.b *How the proposed land uses are compatible with the surrounding Land Use Recommendations and community character; and*

- *The applicant notes that the current land use recommendation map contains areas of open space adjacent to large lot residential uses. They also note that they are concentrating infrastructure near Shadow Mountain Drive, while buffering the visual impact and will disperse the trail system throughout the property to be shielded from Shadow Mountain Drive. They state that the project will benefit the residences in the area by providing opportunities for improved health and economic growth and that this would offset mountain bike users from other existing areas.*
- *Evaluation of Special Use criteria 1 is in the document provided by the applicant and that criteria also discusses compatibility with existing and allowable land uses in the surrounding area. The applicant's analysis states that the surrounding neighborhoods are single-family dwellings at a moderate to low density. The applicant states that they intent to mirror that dispersed development with limited infrastructure by concentrating infrastructure at the base area and dispersing the trail system throughout the property.*
- ***Staff agrees that open space uses and large lot residential uses are generally compatible. However, most open space parks offer more passive recreational activities, rather than active recreation that is being proposed at this location. While active recreation is also many times compatible with surrounding uses, impacts to adjacent neighbors, due to increased intensity of uses, still needs to be mitigated. Many of the items mentioned throughout the document would increase compatibility of this proposal with surrounding residential uses***

Response: We have proposed a number of mitigation measures to increase the compatibility of the Project with surrounding residential uses, including lighting and noise restrictions, limitations on parking capacity, limitations on visitation and facility size, and tracking measures for management. We acknowledge that the proposed use does not equate to residential use and is a more active use of the property; however, we also recognize that there are a number of benefits to the proposed use, particularly by providing outdoor

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recreation access for surrounding residences, a lower density development than residential lot uses, and additional services and jobs contributing to the local economy. The more active management proposed at SMBP would have a number of benefits for users and neighbors as well, through offerings such as better-maintained facilities and education/training programs.

Additionally, while SMBP may provide a more active use, daily activity at the park would be similar to activity nearby JCOS and State Parks in the area. Specifically, while the park itself would host a more active recreation experience by offering lift-served riding, the experience of neighbors through the ebb and flow of traffic as well as the activity within the entry portal would be similar to that at other parks. These parks in the vicinity of SMBP (including Staunton State Park and Flying J Ranch Park) are also located adjacent to residential areas, which exemplify the compatibility of residential and recreational uses to coexist.

1.c *What change of circumstance has occurred in the local area since the Land Use Recommendation was adopted.*

- *The applicant has revised their response to this factor to note that COVID increased trail use and in turn created more conflict on existing trails. They also noted the Outside 285 Plan created by the Colorado Mountain Biking Association, which includes objectives for an enhanced visitor experience and trail opportunities within or adjacent to existing trail systems and improve capacity and manage conflict in congested areas. Lastly, they noted the 2022 JCOS Forest Health Plan and how the development of this park would include wildfire treatment that would be in alignment with that Plan.*
- ***The Outside 285 Plan was created in collaboration with the Colorado Mountain Biking Association, Colorado Parks and Wildlife and the Pike National Forest, South Platte Ranger District. There was public engagement done with the plan, although since it was completed during the COVID pandemic, it was limited to virtual engagement. The plan does talk about how it is a strategy for trail development, not a decision document. It looked at opportunities Jefferson, Park and Douglas Counties. While wildlife impact have been brought up as an issue with this specific case, the Plan's evaluation was that this area is a low sensitivity habitat area. However, Core Habitat Areas did include riparian areas. It is unclear exactly how far it is recommended that a trail be from a riparian area, but it looks like if trails are within 25 m of a stream, then they are within the typical disturbance buffer.***
- *130 trail and trailhead improvement projects were analyze with this plan, it does not look like this proposal was analyzed as a part of this plan, so it may be difficult to make a direct correlation between the plan and this project.*

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- ***The Plan does contain some objectives specifically for the Evergreen-Conifer area. Those objectives include improve capacity and manage conflict in congested areas, providing backcountry trail experience and peak access in environmentally suitable locations, and encouraging private land conservation to project some of the few remaining undeveloped areas. There were some areas specifically mentioned in the objectives, but that did not include the Shadow Mountain Drive Area. Page 37 includes a map of projects analyzed and the Shadow Mountain bike park is not one of those projects. When staff has accepted a plan update as a change in circumstance in the past it has typically because the Plan shows or discusses the property specifically under review. So while there are general objectives that my generally support this use, staff still needs to evaluate it based on all of the other goals and policies in the Comprehensive Master Plan.***

Response: Noted. We have adjusted the change of circumstance response as follows:

Our team is thankful for the opportunity to discuss this topic, as changing circumstances in Jefferson County and the Conifer Area were a major influence in the inception of our project. In 2020, Phil Bouchard and Jason Evans started the SMBP project in response to overcrowding on public trails in Jefferson County. Their anecdotal experience as heavy users of public trail networks in the County led them to believe that trail user groups were growing significantly faster than public trail infrastructure could accommodate. Mountain bikers are putting the most pressure on public trail networks due to the increase in participation of the sport in recent years and user conflict issues with hikers have led to this group being the most in need of dedicated trail infrastructure. We recognize that the parcel where we're proposing to site SMBP has a land use recommendation of residential; however, many changes have occurred in Jefferson County and in the Conifer Area since the original adoption of the Jefferson County Comprehensive Master Plan. These changes in circumstance include an increased demand for recreation and dedicated trail infrastructure for mountain biking and increased support for these opportunities from local land managers and stakeholders.

Need for Additional Recreation Facilities

Phil and Jason spent almost two years working with planning staff on their pre-application before submitting a formal application to Jefferson County for the SMBP. During that time, they had ample opportunity to discuss their project with key stakeholders in Conifer and Jefferson County and outline issues the park would help address. It is widely accepted by Jefferson County leadership that public trail infrastructure in the county is insufficient to adequately serve the demands of all the trail

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users wanting to recreate in the outdoors. The recent COVID-19 pandemic certainly exacerbated trail pressure issues in Jefferson County, but these issues existed before COVID-19 and will remain an issue until material progress is made adding trail mileage for recreators in Jefferson County, ideally with trail infrastructure for specific user groups to reduce user conflict and enhance user experiences.

While Phil and Jason's experience with overcrowded trails in Jefferson County began as anecdotal, conversations with County leadership soon confirmed their suspicions. Maybe the most poignant example of this was from their conversations with Jefferson County Open Space. JCOS is currently seeing about seven million visitors annually to their open spaces, with mountain bikers representing a significant percentage of those users. While the land partner for the Bike Park project has always been the Colorado State Land Board, Jefferson County Open Space reached out to our team in the early days of the concept about the possibility of siting the bike park on a parcel of underutilized JCOS property. Ultimately, it was decided that a public / private for-profit arrangement is not compatible with the mission of JCOS, but their interest in the concept's ability to alleviate mountain bike related pressure on their trails is direct evidence of a change in circumstance necessitating the construction of a park like SMBP.

Further evidence of mountain bike-related trail pressure impacting open spaces can be found in Jefferson County's Open Space's recent trail management changes. For example, in September 2020, the County established designated use days at Apex Park on select trails, where only mountain bikers are allowed on even calendar days and no bikes are allowed on odd calendar days. These management considerations were a result of heavy use and user conflict, presenting a need for more facilities with designated use. Additionally, Staunton State Park is in the Conifer Area and is less than one linear mile from the proposed location for the SMBP, is a go-to mountain biking spot for visitors to the area, and has seen a notable increase in visitation in recent years. Between 2016 and 2020, Staunton's monthly visitation has jumped from roughly 15,000 visitors to over 40,000. In 2023, the park saw nearly 300,000 visitors annually and is one of the few parks that is still seeing visitation increases following the COVID-19 pandemic. Lastly, Colorado Parks and Wildlife has also recognized that Colorado State Parks are overwhelmed with visitors, especially at parks closer to Colorado's Front Range, and that over 3000 miles of new trail will need to be built by 2026 to accommodate visitor growth. So, the trail pressure issues we're discussing here are directly impacting the community where we're proposing to site SMBP.

The Colorado Mountain Bike Association's (COMBA's) documented support for our project is also compelling evidence of change in circumstance. Of course, COMBA has a

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mountain biking focus, but beyond that they are heavily focused on trail advocacy for all user groups and contribute significantly to the construction and maintenance of trails across Jefferson County. COMBA has helped develop / maintain miles of trail in Jefferson County since 2020, and is on the record evangelizing SMBP as a needed addition to the arsenal of trail experiences available to Jefferson County residents. As a recognized authority on trail advocacy/strategy and a JCOS partner, COMBA's identification of this need is another change of circumstance in support of this type of use on the Property. Here is an excerpt from their participation in the Outside 285 Study that was done in 2021; we will discuss this planning exercise in more detail later in this narrative: "trails and recreation infrastructure in the Outside 285 region have become discovered, explored, and in time, increasingly overused by an influx of visitors. This has resulted in degradation of trails and infrastructure, crowding at popular destinations, increased conflict between visitors, increased pressure on wildlife due to unplanned trails, and an overall loss of one's ability to find solitude.....these increases are not likely to abate with the end of the pandemic, and may have set a "new normal" for recreation pressure in Colorado. With the Front Range's population projected to increase by 20% by 2030."

We should also be heavily focused on what people local to the Conifer Area are saying about the availability of recreational opportunities in their community, and how those needs are not being met. The Communications Director for SMBP also serves as a board member on the Conifer Area Council, one of the largest community focused organization in the Conifer Area. The CAC frequently takes surveys of Conifer residents to help determine what kinds of assets / resources are lacking in the community. In 2022, the CAC's community survey focused on the availability of services, businesses, transportation, and recreation, and whether existing conditions meet community needs. Respondents generally expressed a desire for additional mountain biking trails and support for a Parks and/or Recreation District.

These responses suggest community interest in additional mountain biking and recreation opportunities in the Conifer Area, and if we need further evidence of local demand, we should look at local mountain bike organizations and their desire for dedicated infrastructure. Some basic examples are the Conifer High School and Conifer Middle School Mountain bike teams, the leaders of which are local to the Conifer Area and are supportive of our project. Community and school-based mountain bike teams are exploding in Colorado's front range and putting a lot of pressure on local trail networks such as the Session Series, a partnership between COMBA and Team Evergreen Cycling. Also, testimony from community leaders supporting the Project can be found on the SMBP website. The bulk of that testimony focuses on the value our park would

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add as a dedicated recreational asset for families and younger generations coming up in Conifer.

It's also important to point out that Jefferson County's Planning Department is on record advocating for additional recreational opportunities in unincorporated Jefferson County. In 2021, the Outside 285 Master Plan was published. This plan was a collaborative, regional planning effort to combine goals on recreation, conservation, and land management in the Highway 285 region. The plan focused on zones within the region, one being the Evergreen/Conifer Zone, in which the proposed parcel for the SMBP lies. Objectives for the Evergreen/Conifer Zone, as outlined in the Outside 285 Master Plan, include enhancing visitor experience, improving capacity, and managing conflict, all of which would be supported by our Project. We understand that the Outside 285 Master Plan is a guiding document and not a decision document, but it is the most recent example of Jefferson County going on the record about its specific goals for unincorporated Jefferson County and the 285 corridor.

Land Management & the Colorado State Land Board

Our team feels it's important to discuss the land partner for SMBP, the Colorado State Land Board (the SLB). Specifically, we would like to discuss how they operate differently than traditional private landowners, and how their recent change in posture toward the parcel of land where the bike park is proposed should be considered a change in circumstance.

The SLB manages a land trust for the State of Colorado. The SLB has a constitutional mandate to leverage their property holdings to generate revenue for K-12 education in our state; as such, they are a revenue focused organization, not a conservation focused organization.

The SLB has owned the parcel where SMBP is being proposed for over 140 years, since their incorporation in 1876. Historically the parcel has remained unused or been leased for agricultural purposes, neither of which has generated material revenue for the SLB to contribute to their education programs. Our team approached the SLB about partnering together on the bike park in 2020, and discovered our outreach was timely because the SLB was evaluating ways this parcel could more substantially contribute to their trust. Our team has partnered with the SLB on the development of the SMBP concept and believe that our project would generate material revenue for the SLB while providing valuable stewardship of land.

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Our team understands that certain community members are used to this parcel being undeveloped, which is why we believe that the SLB's change in posture on this parcel should be considered a change in circumstance. The SLB's history with land in Jefferson County is largely one of parcel disposal and development of land. The SLB used to own over 30,000 acres of land in Jefferson County, and now owns fewer than 3,000. Most of their parcel disposals have been leveraged for a range of different development types. That said, the SLB does have a documented history of allowing their land holdings to be used for recreation. There is a parcel of SLB property that is part of Staunton State Park, which is local to the Conifer Area. Our team views our collaboration with the SLB on SMBP as consistent with SLB land use in the Conifer Area, and a way to head off potential disposal of the property for more disruptive types of development.

Conclusion / Conformance with Jefferson County Master Planning:

While we all know that the sport of mountain biking has deep roots in the state of Colorado, it's important to acknowledge that the SMBP concept is new for our state. There is no independent dedicated lift served bike park in the state of Colorado, as the lift-access bike park market is dominated by traditional Colorado ski resorts that offer a short summer season.

Our experience with Jefferson County's planning staff has been great, and we believe planning staff to be robust, thoughtful, proficient, and forward thinking. That being said, given that the SMBP concept is new for our State, we would not expect there to be specific guidance or recommendations for this type of use in existing planning documents.

While the proposed use is a new use to the area, there are many ways in which it is compatible with the goals and policies of the Jefferson County Comprehensive Master Plan (the "Plan"). As described in detail in the Application Narrative included with our original application package, SMBP will provide additional trail capacity, learning opportunities, public health/active living incentives, job and economic opportunities, and forest health benefits. The proposed use is also consistent with current land uses that deliver significant value to the Conifer Area. As discussed above, there are three JCOS parks and a State Park in the Conifer Area. In total, these recreational assets are likely host to over ½ million annual visitors, a significant percentage of which are mountain bikers. SMBP will be a more mature and professionally managed extension of the recreational experiences that the Conifer Area already knows and loves, while alleviating trail pressure and improving the trail experience for all users.

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In conversations with County planning staff, our team was advised to avoid tying our case for change in circumstances to population growth in the Conifer Area and Jefferson County more broadly. With other types of development that guidance would make a lot of sense, but when it comes to recreational development it seems important to consider the growing number of Jefferson County residents that are demanding places to recreate. Colorado Parks and Wildlife makes this point in "Colorado's Guide to Planning, Trails with Wildlife in Mind," where they claim that in other states it is very difficult to link increase in population to increased demand for recreation, but in Colorado, people move to Colorado to recreate, and increased population almost always means increased demand for recreational opportunities outdoors.

SMBP will also be located near the existing recreational assets in the Conifer Area, further reinforcing the park's consistency with surrounding land uses. In conclusion, we believe that our proposed use of land is supported by changes in circumstance and the growing demand for outdoor recreation in Jefferson County and the Conifer Area.

2. *The proposed access road is approximately 20-25 feet from the property line and there are trails approximately 18 -20 feet from the property line. The nearest home appears to be approximately 20 feet from the property line. Page 3 of the Proposed written restrictions document states that trails will be setback 30 feet from all property lines. Trails should be setback further from the property line to reduce impacts to adjacent neighbors. While setbacks are listed in the A-2 zone district for structures, there are not for setbacks for other amenities such as trails. This should be added to the proposed written restrictions. **We previously recommend meeting or exceeding the setbacks listed in A-2 for structures or developing a Non-disturbance area along the property boundaries that are adjacent to residences/agriculturally zoned properties. The ODP lists setbacks as 50 feet for any structures from all property lines. It also requires any trails to be 50 feet from all property lines. This meets the previous request. However, we would like some clarification on some of the clearing language. There is also a trail clearing width of 20 feet and a chairlift corridor clearing width of 50 feet, is the intent for the 50 foot setback for trails to be taken from the edge of that trail clearing or centerline of the trail/chairlift corridor? The restriction for the chairlift terminal is clear since we would measure setbacks from the chairlift itself.***

Response: We have committed to setbacks of 50 feet for structures on the property. To clarify the clearing language, these setbacks would be from the edge of trail clearing corridors.

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3. ***The cover letter states that during seasonal closures no guests will be permitted, with the exception of guests visiting the Property during a Special Event and that staff may visit and use the property during seasonal closures. This does not seem clear in the written restrictions. It appears that perhaps the definition of Seasonal Closure was left out of the ODP. 12.b. references "Seasonal Closure", but there is no definition. Staff use during permitted and not impact wildlife.***

Response: A definition for "Seasonal Closure" has been added to the ODP for clarification; additionally, there will be no Special Events permitted within the Seasonal Closure.

4. *Thank you for clarifying guests vs. visitors and only using the term guest.*
5. *"Other entertainment" has been removed from the ODP. This addresses our concern about that potential use.*

Response: Comments are noted.

III. Physical Constraints

Slopes

1. *There are several areas of slopes over 30% on the property. The applicant did provide a slope analysis and it appears that structures will be constructed in areas with less than 20% slope.*

Response: Comments are noted.

Floodplains/Wetlands

2. The Physical Constraints section contains additional policies about floodplains. (CMP p. 34) ***There is a floodplain along North Turkey Creek, previously we requested that it be delineated on the Special Use Graphic. The applicant pointed out that this is a Jefferson County floodplain. Jeffco floodplain regulations would apply to this area.***

Response: This has been included in the Special Use Graphic in the ODP. Refer to the ODP to review this change.

3. *Wetlands on the property are shown on the graphic and language in the ODP states that no buildings, parking or chairlift is allowed in this area. Trails or access roads are allowed with certain mitigation techniques. This adequately addresses the Plan policy about protecting and enhancing wetlands (CMP p. 35)*

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Response: Noted.

Wildfire

4. ***This property is within a High Wildfire Hazard Risk area. A Wildfire Risk Assessment was completed by The Ember Alliance with the initial referral and was revised since then. With the revision there is no discussion of evacuation and discussion of the treatment unit appears to be changed to management units and dramatically reduced. What occurred to make these changes to the report?***

Response: In the first referral resubmittal, we submitted a Wildfire Hazard Mitigation Plan in response to comments from the County and referral agencies and after conversations with our Case Manager and agency contacts including those representing the Elk Creek Fire Protection District. The plan was informed by the conversations we had with relevant referral agencies and was intended to override the recommendations of the Wildfire Risk Assessment. We would also like to note that it did not receive further comment from the Elk Creek Fire Protection District or the Colorado State Forest Service in the second referral.

The Wildfire Hazard Mitigation Plan proposes a number of treatments to the landscape to preserve forest health and prevent wildfire risk; additionally, it proposes evacuation in the event of a major wildfire. To safeguard the evacuation area, Management Area H recommends mitigation along Shadow Mountain Drive to reduce flame heights and provide a mitigated corridor for guests to the Property and community members to evacuate. The background information included in the Wildfire Risk Assessment, such as an evaluation of vegetation types, flame heights, and evacuation times, still applies; however, the Wildfire Hazard Mitigation Plan describes recommended mitigation measures to reduce risk of wildfire in the future, which will be carried out by us as indicated in the ODP.

5. ***The written restrictions state that Landscape Plans will integrate the Wildfire Hazard Mitigation Plan recommendations. This will provide a coordinated landscaping and wildfire mitigation.***

Response: Comment noted.

6. ***While the CMP does not have specific policies regarding evacuation, it does contain three policies related to access in the Wildfire section. Those discuss creating shaded fuel breaks and linking existing development to New Development to provide multiple access points. Roadway mitigation is an item addressed in the Wildfire Risk Assessment. This property would not provide any road connections to the developments to the south and west.***

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- 6.a *The applicant discussed a possible connection via the access road to Conifer Mountain Drive. Specific access points would be addressed if the Special Use is approved and a Site Development Plan is required.*

Response: Comment noted.

- 6.b *The revised report contains recommendations for 8 different management areas. A vegetation preservation plan shows the various management areas. However, it does not appear that there is a requirement for the Wildfire Mitigation Plan to be implemented in the ODP.*

Response: Refer to the Use Areas graphic and the “Overlay Areas” section of the Written Restrictions in the ODP. This section states that “mitigation strategies as outlined in the Wildfire Hazard Mitigation Plan will be implemented.”

- 6.c *A revised Wildfire Mitigation Hazard Plan was submitted for this referral. It appears the previous recommendations regarding aspen stands was removed. Management Area A, C, E, F and H talk about excluding aspen from treatment. Management Area G talks about selecting aspen to remain over other species. While the Special Use document states that landscaping plans will integrate Wildfire Hazard Mitigation Plan recommendations, there is not a specific restriction noting that the Wildfire Hazard Mitigation Plan recommendations will be completed.*

Response: Refer to the comment above; the Use Areas graphic and the “Overlay Areas” section of the Written Restrictions in the ODP address the Wildfire Hazard Mitigation Plan recommendations and demonstrate our commitment to implementing these recommendations.

- 6.d *Unit H recommendations are off the property, how can it be ensured that those mitigation techniques will be completed? Are those recommendations solely in County right-of-way or do they extend onto private properties?*

Response: This was briefly discussed with Long Range in a meeting in response to these comments and the following response includes the clarifications discussed: Unit H includes the right-of-way and extends onto adjacent private properties. We cannot commit to mitigation techniques offsite but have discussed this recommendation with our Case Manager and with Jefferson County’s Road & Bridge department, and they are willing to work with us to consider mitigation within the

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ROW. We also believe that mitigation along Shadow Mountain Drive is in the best interests of adjacent private property owners due to its benefits to forest health and the safety of the entire Shadow Mountain community in the event of a fire, and therefore is optimistic that adjacent landowners will be willing to collaborate, particularly because we plan to oversee implementation of the mitigation efforts including with financial assistance.

7. *Basecamp:*

7.a *Clearing as much area around the parking lot as possible, while keeping Aspen stands.*

- ***This should be addressed in the Special Use document. A non-disturbance area could be graphically shown around the Aspen stands and/or a written restriction could note that Aspen stands should be preserved. The Special Use document should contain a section about Landscaping to note that any landscape plans will be consistent with the recommendations of the Wildfire Risk Assessment***

- ***This was not done in the revised special use document.***

Response: Management area G, as identified in the Wildfire Hazard Mitigation Plan, identifies wildfire mitigation strategies around the parking lot area similar to those identified in the Wildfire Risk Assessment; because the Wildfire Hazard Mitigation Plan was prepared in lieu of the Wildfire Risk Assessment recommendations, we identified those areas and deferred to the recommendations within the plan. For Management Area G, the Plan specifically states that “from 30-100 feet from structures, there should be [...] no more than 18 to 24 feet, respectively. If there are aspens, those should be selected to remain over any other species.”

Additionally, the Vegetation Preservation Plan outlines that aspen stands shall be preserved and we have updated text in the ODP to reflect clearer landscaping requirements. Please refer to the updated ODP.

7.b *Prohibit wood fencing.*

- ***Wood fencing is prohibited in the ODP as recommended on page 28 of the Wildfire Risk Assessment.***

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- *Which trees are to be removed would be addressed with the required SDP wildfire mitigation.*

Response: Comments are noted.

8. *South End:*

- *Fencing of aspen to prevent browsing from animals.*
 - ***This was not discussed in the updated Plan.***

Response: We agree that the ODP submitted in the 1st referral response package did not specifically address this measure because the Vegetation Preservation Plan prioritizes preserving existing healthy aspens. This can be done with measures such as fencing and avoiding aspen stands in areas of development. We have updated the ODP to include language on these measures.

9. *There were several recommendations about signage, however, the County cannot dictate the content of signs, so this would need to be addressed by the applicant without County enforcement.*

Response: Comment noted.

10. *Roadway mitigation would be covered by SDP.*

Response: Comment noted.

11. ***The previous Wildfire Risk Assessment suggested a 300-foot buffer around the parking lot. So that this work could be completed on this property, we recommended the parking lot be setback 300 feet from the property lines. It does not appear that this was addressed and that recommendation is now removed from the Wildfire Hazard Mitigation Plan without explanation.***

Response: We have considered this feedback and the implementation of a 300-foot setback for wildfire risk. This setback was recommended in the Wildfire Risk Assessment in order to create a safety zone to shelter in place on the Property in event of a wildfire. As indicated in the Wildfire Hazard Mitigation Plan included with the first referral resubmittal package, mitigation along Shadow Mountain Drive is recommended instead to provide a safe

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evacuation corridor in event of a wildfire. In other words, the plan in the event of a wildfire has changed from creating a safety zone on the property to opting for evacuation. This was due to a number of factors, including the feasibility of creating the safety zone on the property (and the scenic/environmental impacts that would have come with it), the other mitigation measures proposed through the Wildfire Hazard Mitigation Plan, and discussions with both the Elk Creek Fire Protection District (correspondence 8/25/2023) and Road & Bridge (correspondence 9/14/2023) which indicated that both agencies were willing to consider this approach. This recommendation would also provide benefits to other residents in the vicinity who would travel along Shadow Mountain Drive in case of an evacuation event.

12. *Slash mitigation would be covered by the SDP.*

Response: Comment noted.

13. *The Elk Creek Fire Protection District's Community Wildfire Protection Plan (CWPP) should be followed.*

- 13.a *Defensible Space is recommended by the CWPP and is a requirement for any new building permits in the County. Additionally, the applicant has submitted a Wildfire Risk Assessment that contains recommendations as noted above.*

Response: Noted. The Wildfire Hazard Mitigation Plan identifies Management Area G to create defensible space meeting Home Ignition Zone standards as defined by the Colorado State Forest Service.

- 13.b *The CWPP recommends roadway management with maintenance plans. Roadway treatments on this property along Shadow Mountain Drive should be a part of the Wildfire Mitigation work that is completed with the SDP.*

Response: Noted. This mitigation is also included in the Wildfire Hazard Mitigation Plan and referenced by the ODP.

- 13.c *The site will be mitigated as outlined in the Wildfire Risk Assessment at the time of Site Development Plan, this should address the section of the CWPP that discusses Stand-level fuel treatments. (p. 52)*

Response: Noted; however, we would like to clarify that the site will be mitigated as outlined in the Wildfire Hazard Mitigation Plan and not the Wildfire Risk Assessment, as the Plan has replaced the guidance in the Assessment.

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13.d *This area is within the Conifer Mountain plan unit. It is designated at an extreme relative risk. Measures will need to be taken to reduce that risk. Primary mitigation suggestions include Defensible Space, Create linked defensible space, landscape fuel treatments, home hardening and roadside mitigation. (p. 67) All of these mitigation suggestions can be addressed if the Special Use is approved and the project moves to the SDP process.*

Response: Noted. Additionally, defensible space, landscape fuel treatments, and roadside mitigation are addressed in the management areas identified in the Wildfire Hazard Mitigation Plan.

Wildlife

14. *The majority of the property is within a high wildlife quality habitat area, with portions of the property along the creek being maximum quality habitat areas, due to riparian habitat and wetlands. The Plan recommends avoiding maximum quality habitat areas and reducing impacts to high quality habitat areas.*

The applicant submitted a Wildlife Report. It noted that Elk use the property year-round and that constant use of the bike park would decrease the value to elk and other wildlife.

The Colorado Division of Parks and Wildlife has submitted comments on this proposal and note that the area is used by elk, deer and increasingly by moose. It is also used by mountain lions, bobcats, foxes and coyotes year round. They note that this parcel has important wildlife value and plays an important role in maintaining connectivity of wildlife habitat in an area that is becoming increasingly fragmented by a combination of infrastructure, traffic and growing recreational use.

Response: Comments noted.

15. *The revised ODP contains additional restrictions to address wildlife concerns. Those additions include:*

- *Designation of a Wetlands Overlay with restrictions. These restrictions limit activities in this area to trail or access road crossings. Those crossings are required to mitigate impacts through bridges, raised platforms, or similar design techniques.*
- *Limitation on lighting that there is no exterior lighting in the Wetlands Overlay or in Use Area B.*
- *Restriction that lighting is directed away from the Wetlands Overlay.*

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- *Allowing only wildlife friendly fencing on the property.*
- *Requiring wildlife-proof trash, recycling and composting containers.*
- *The creation of a seasonal closure from January 1 to April 1.*
- ***As noted above, it appears that a definition of Seasonal Closure was supposed to be included, but was not. We do have concerns about special events impacting wildlife during those seasonal closures.***

Response: We have revised the ODP to include a definition of Seasonal Closure. Additionally, as stated in the Second Referral Response – CPW – SMBP letter, we are committed to working with Colorado Parks and Wildlife if the concept is to be approved to understand mitigation measures and whether or not special events would be appropriate during the Seasonal Closure.

- 15.b *These additions address the majority of comments/suggestions related to wildlife in the previous comments. While perimeter fencing is not limited, all fencing is limited to wildlife-friendly fencing, which does mitigate impacts.*

Response: Comment noted.

IV. Community Resources

Historic Resources

1. *There are no historic resources identified on this property in the Historic Resources map.*

Response: Comment noted.

Visual Resources

2. *Portions of this property, mainly in the southwest corner are highly visibility from the 285 Viewshed map and the County Hwy 73 Viewshed map.*

Response: Noted.

3. *Additionally, the community identified the meadow along Shadow Mountain Drive as a visual resource.*

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- *An updated Visual Analysis was provided. This shows the lodge and the lifts and seems to better show the clear area for the lift line and access road. The narrative also talks about how trails, and treatments and clearing for Wildfire Mitigation are depicted in the simulations.*

Response: Noted. We would also like to emphasize that our project would only impact less than 10 percent of the meadow area along Shadow Mountain Drive; the remainder of this meadow area will be left undisturbed or is on an adjacent property and privately owned.

Open Space and Trails

4. *The Conifer/285 Corridor Area Plan contains a section regarding Trails Development (p. 21-Conifer) Policies state:*

4.a *Trails should provide a link throughout the Plan area. Trail design should create trails that:*

i. *Vary in length, gradient and the nature experience;*

- *This proposal would provide a different trail experience than in any other location of the County. It would also provide for beginner through advanced mountain biking terrain.*

Response: Comment noted.

ii. *Link the community, provide wildlife corridors and serve as potential greenbelts;*

- *A Wetlands Overlay has been added to the ODP. Within this area, no permanent building, parking nor chairlift is permitted. These restrictions will help to maintain a wildlife corridor along the wetlands along Shadow Mountain Drive. Previously, there was a parking lot proposed over some of the wetlands, this has been removed and restrictions would not allow that to occur. Additionally, while trail or access road(s) are allowed in this Overlay, the impacts will need to be mitigated with specified design techniques.*

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Response: Noted; we understand that specific mitigation will come during site design.

iii. *Provide access for those with special needs and necessary conveyances, where appropriate;*

- *The chairlift will provide access to the mountain biking for those with special needs.*

Response: Comment noted.

iv. *Traverse diverse landscapes;*

- *The landscapes on this property are relatively uniform, but there are different experiences at the north end vs the south end of the site. The paths on the property will provide access to the entire site.*
- *The applicant addressed the previous question about how the applicant will ensure that bicyclists will not create their own paths in the sensitive wetland areas.*

Response: Comment noted.

v. *Provide turnouts and access to scenic views and vistas;*

- *The applicant addressed the previous question about areas to take advantage of views and vistas.*

Response: Noted.

vi. *Intersect to allow a choice of routes from a point of origination to various destinations; and*

- *There will be a variety of options from the top of the chairlift and there are choices on some of the proposed trails to take a different route. However, most trails are separated to avoid interactions between beginner and more advanced cyclists.*

Response: Comment noted.

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4.b *Avoid areas containing threatened, endangered, sensitive species, or fragile environments.*

- *There are no threatened or endangered species identified as existing or having potential habitat on this site. The Wetlands Overlay restricts development in the wetland area along North Turkey Creek.*

Response: Noted.

4.c *Restrict motorized activities to designated areas*

- *The ODP contains restrictions that prohibit motorized use on trails, it does still allow e-bikes, which is a good provision. This addresses the previous concern about motorized activities throughout the site, such as a motocross track.*

Response: Noted.

Air, Light, Odor and Noise

5. *The Community Resources section contains policies related to Air, Light, Odor and Noise and Recreation and Tourism that should be addressed.*

Plan policies discuss minimizing light impacts to protect the night sky, avoid pollution, and avoid light or Glare trespass on adjacent properties and Wildlife Habitat. (CMP p. 43)

Response: Noted.

6. *Previously, there were concerns about lighting of the wetland area, which is maximum quality wildlife habitat. Restrictions now state that lighting will be directed away from the Wetlands Overlay.*

Response: Noted.

7. The Area Plan discourages internally illuminated signs. (Conifer p. 15)

- *The written restrictions state that signs will not be illuminated.*

Response: Comment noted, refer to Signage restrictions in the ODP.

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8. Businesses are encouraged to turn off all non-essential lighting after business hours, leaving only the necessary lighting for site security. (Conifer p. 15)
 - *Again, lighting restrictions have been modified as noted above to minimize lighting impacts.*

Response: Noted, refer to Lighting restrictions in ODP.

9. *The Noise policies in the Comprehensive Master Plan discuss the potential noise impacts from hours of operation, mitigating the use of outdoor speakers, amplified music, and/or paging systems where residential uses could be impacted, minimizing noise to maximum/critical wildlife Habitat areas, ensuring noise is reviewed and, if necessary, mitigated and mitigating noise that is annoying, but does not exceed State noise standards. (CMP p. 44)*

Response: Comment noted.

10. *Previously, there were concerns with allowing noise levels for Light Industrial uses and potential noise from the chairlift. The noise standards have been modified to only allow noise levels for residential uses, which is compatible with the surrounding uses.*

Response: Noted

11. ***A Sensory Impact Study was included which analyzed noise. However, it is unclear how the LDR Noise Criteria, which discusses L25, L0, and periodic/impulsive standards relates to the table with LAeq noise levels shown in Table 8.1 and 8.2. There was some discussion in the report about these various standards, but Staff may need to have a meeting with the consultant that prepared the Sensory Impact Assessment to further understand the various ways to measure noise and whether the LDR standards are met.***

Response: We organized a meeting between Heather Gutherless and Sam Arnold of Stantec, the consultant who prepared the Sensory Impact Assessment for the application. The discussion clarified the noise standards and how they apply. Additionally, Stantec updated the noise study so that it could be more easily interpreted with the County noise standards; the updated Sensory Impact Assessment is included in this resubmittal package.

12. *As recommended by the Plan, hours of operation have been set. Those are sunrise to sunset, which seems appropriate given the type of use and that this is the restriction on Jefferson County Open Space parks.*

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Response: Comment noted.

13. *The Sensory Impact Study states that there will be speakers near the day lodge outside dining area. Will those speakers just be used for general announcements, like tee times at a golf course, or will music be played continuously throughout the day? What is the purpose of those speakers and are there other ways to convey the same information?*

Response: The speakers would be used for announcements only and not music, except for Special Event Permit uses. This has been analyzed in the Sensory Impact Assessment and has been included as a restriction in the ODP.

14. Noise will be mitigated to the wetlands/floodplain through restricting noise allowed to residential standards.

Response: Comment Noted.

15. *The Conifer/285 Corridor Area Plan have additional noise policies related to minimizing noise, considering high noise levels incompatible unless mitigation can decrease the number of noise sources or how the noise is heard, and implementing hours of operation. (Conifer p. 15)*

- *Sound levels shall adhere to the maximum permissible noise levels for residential uses.*

V. Infrastructure, Water, & Services

Transportation

1. *The Comprehensive Master Plan discusses ensuring new development has adequate transportation infrastructure to serve it and mitigating negative impacts. Also, how transportation infrastructure and parking areas should balance safety, neighborhood character, and environmental impacts. (CMP p. 48)*

Response: Comment noted.

2. *Additional policies in the Conifer/285 Corridor Area Plan discuss limiting roads to 2 through lanes with appropriate turning, acceleration and deceleration lanes and limiting improvements when they are expensive and would degrade the physical environment. (Conifer p. 29-30)*

Response: Comment noted.

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3. ***The County's engineers had several comments on the Transportation Analysis provided with this application. Those comments should be addressed in the 3rd submittal.***

Response: Comment noted; an updated Transportation Analysis is included in this resubmittal package.

4. *There is no proposed Bicycle infrastructure shown in the Bicycle Plan.*

Response: Comment noted.

Water and Wastewater

1. *Comprehensive Master Plan policies discuss demonstrating water is adequate and available for the uses proposed, how new development should provide adequate water for firefighting services and how new development served by a well should also be served by a treatment system or facility in the same general area as withdrawal. A key provision in this section discusses how development should be at a scale density consistent with Locally Available Water Resources. Locally Available Water Resources are the surface and ground water that is physically in the watershed sub-basin where the development is occurring, not including water brought in from outside sources such as truck, pipeline, or other means. (CMP p. 49)*

Response: Information noted.

2. *The applicant provided Water supply cover letter and an engineering study for the water system improvements. The cover letter states that the water will be obtained in two phases. First, an exempt commercial well permit of 0.33 acre-ft per year would be requested. At the same time, the applicant will start the process for a water augmentation plan to supply the facility with 2 acre-ft per year for full build out of the facility. Water will be used for both the facility and for fire sprinkler water. Since water would be coming from a well, it would be from a Locally Available Water Resource.*

Response: Information noted.

3. *The proposal is situated in the North Turkey Creek Basin of Jefferson County. The letter from the Division of Water Resources states that "the ability for the applicant to obtain well permit(s) and the allowed use(s) will be determined at the time the permit applications are submitted to and reviewed by the State Engineer's Office". With the Pre-application, we had asked if there were water rights available in this basin. It sounds like that would be determined once an application was submitted and reviewed.*

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Response: Noted; it is our understanding that water rights would be determined at the SDP phase.

4. *The cover letter discusses that a water storage tank will be constructed to provide for sprinkling of the lodge building. Water for this storage tank would not need to come from the well, but could be hauled in since it would not be used for the water consumed by the lodge.*

Response: Correct; these upgrades are included in the Engineering Study for Water System Improvements included in this resubmittal package.

5. *The CMP also discusses how in areas served by an individual or community well, emphasize low water demand uses. (CMP p. 49) This proposal is estimated to use 1,400 gallons per day on approximately 235 acres. Appendix C contains a table of Land Uses with Water Estimates. If this property were built out under the existing A-2 zoning, which has a 10 acre minimum lot size, it could potentially allow for up to 23 residences. According to the Land Uses with Water Estimates table, a single-family detached unit is estimated to use 300 gallons of water per day. That would mean that there could be a total water demand of 6,900 gallons of water per day if built out to the maximum under existing zoning.*

Response: Noted. As described in the Application Narrative included in the initial application submittal, if the Property were developed for residential uses, it would require significantly more water use than the Project.

6. *Sanitation will be provided by an onsite septic system. Where a property is served by well water, the Plan recommends an onsite wastewater treatment facility be used as well to facilitate water recharge. The comments from Jefferson County Public Health estimate that the proposed development would generate 1800 gallons of wastewater per day. That would make the application eligible for an OWTS permit through the County. If the average daily flow is 2,000 gallons per day or more, then a Site Approval process with the Colorado Department of Health and Environment (CDPHE) would be required.*

Response: Information noted.

Utilities and Services

7. The plan recommends locating utility lines underground, where practicable. (CMP p. 51) The power line along Shadow Mountain Drive is proposed to be buried, which would

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comply with the policies in the Plan and would reduce wildfire risk. Another power line would be utilized from the western boundary and would be an overhead line. *The applicant has noted that this line is an existing above-ground power line that would be tapped into. Since there would be no new power lines located in this area, it is acceptable to not bury that power line. There may be more needed at the time of SDP since burying of powerlines is in the LDR, but for the rezoning, this is acceptable. We will still want to ensure at the time of SDP that vegetation is cleared within 10 feet of any existing power poles.*

Response: Noted, we are willing to continue this planning during the SDP.

8. Elk Creek Fire Protection District had many comments on how the site should be designed and constructed. While many of these would not be reviewed until the time of Site Development Plan, it is good to know what those requirements would be. Additionally, there are some items that should be considered at the time of Special Use.

- 8.a ***The Fire district talked about how an approved fire protection water supply capable of supplying the required fire flow for fire protection would be required. Would this require the installation of a cistern? If so, where would that be located and how would it impact the Special Use graphic?***

Response: The additional fire flow would require 180,000 gallons of storage. This would require an additional storage container, which could either be a cistern with a fire pump or an above-ground water tank. Refer to the Engineering Study for Water System Improvements included in this resubmittal package for an updated plan of a water supply system that meets this need.

- 8.b ***The fire flow report will be submitted with the SDP.***

Response: This is our understanding as well.

VI. **Design Guidelines**

The Conifer/285 Corridor Area Plan contains many Design Guidelines on pages 33-48. Applicable policies are noted below.

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Vistas, View Corridors & Scenic Areas

1. *Preserve view corridors for existing or future adjacent development.*

- *The visual analysis was updated with additional locations based on case manager review.*

Response: Correct.

2. *In transition areas between lower and higher density uses, ensure that more intense uses are not visually obtrusive to adjacent lower density uses.*

- *Setbacks will be similar to or larger than the surrounding A-2 setbacks.*

Response: Correct.

3. *Prevent silhouette of structures on ridgelines.*

- *The updated visual analysis confirms that the top of the lift will not be right on the top of the ridge and will not appear to break the ridgeline.*

Response: Noted.

4. *Avoid outdoor lighting within view corridors or on prominent ridges.*

- *Lighting restrictions have been modified as noted above to minimize lighting impacts. With no lighting permitted in Use Area B, there will not be lighting on prominent ridges. In Use Area A, which would be in a view corridor for Shadow Mountain Drive, lighting will be allowed, but restricted to an acceptable amount.*

Response: Noted.

Parking

5. *Screen or obscure views of parking lots from adjacent public areas or unrelated land uses and on-site users.*

- *The County's landscaping standards will require a certain amount of landscaping around the parking lot areas and within the parking lot itself.*

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Response: Noted.

- *The applicant has proposed modifications to the Landscaping standards that mainly have to do with preservation of existing trees and replacement of trees. We understand that in this situation it would not be prudent to replace every tree removed with 3 new trees, that would just exacerbate the wildfire hazard. However, the language just generally says that any tree which cannot be protected or preserved is not required to be replaced. We suggest saying that to recommended removal through the implementation of the Wildfire Hazard Mitigation Plan is not required to be replaced. There should be language referencing that trees removed shall be in compliance with the implementation of the Wildfire Hazard Mitigation Plan. As the language stands all trees could be removed and no replacement trees added. While it seems like this would be detrimental to the mountain biking experience anticipated by the applicant, we do have concerns that all trees could be cut and none replaced by this development.*

Response: Our case manager also requested a change to the Landscaping restrictions in the ODP; we have incorporated landscaping restrictions that addresses the Wildfire Hazard Mitigation Plan and comments from the County. Refer to the updated ODP included in this resubmittal package.

6. *Minimize parking areas (impervious surfaces) and their expansiveness.*

- *Two different areas of parking have been created with a landscape separation in the conceptual site plan. See previous question regarding parking lot landscaping.*

Response: Noted; please see response above.

7. *Orient building to site amenities. Separate parking from these areas.*

- *The building and site amenities are adjacent to each other with the parking being between the amenities and Shadow Mountain Drive.*

Response: Comment noted.

Signs

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8. *Minimize the size and number of signs to avoid visually confusing roadway entrances or streetscapes. It goes on to state minimums of one sign per project per major road frontage and one sign per building, which lists all tenants.*

- *Signs have been limited to one sign per building, with the exception of window signs, temporary banners and flags. Window signs, temporary banner signs and flags are not required to get a permit, so as long as they meet the Zoning Resolution requirements, this language is acceptable.*

Response: Please refer to the signage restrictions in the ODP.

9. *Integrate signs into overall landscape and building design, carrying out a consistent graphic theme.*

- *The applicant requested suggestions, we suggest adding language about how the signs should match the architectural elements of the primary building.*

Response: Note has been incorporated in the updated ODP.

10. *Minimize negative visual impact of signs on adjacent areas. This guidelines goes on to states that signs should be no closer than 50 feet from adjacent neighbors, to limit signs to one per building and to limit size of a project sign to 64 square feet.*

- ***Signs have been limited to no closer than 50 feet from all property lines, except for Entry Feature signs, which are permitted adjacent to Shadow Mountain Drive. It should be specified how far from Shadow Mountain Drive signs can be placed. 10 feet is the Zoning Resolution standard for Agricultural signs.***

Response: Signage language in the ODP has been updated (i.e., some language removed) so that all signs shall comply with Zoning Resolution standards for Agricultural signs (10-foot setback).

- *Signs have been limited to one per building.*
- *Signs have been limited to 64 square feet.*

Response: Comments have been noted.

Fencing and Screening

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11. *The ODP contains fencing standards that only wildlife-friendly fencing is permitted and that wood fencing is prohibited.*

Response: Noted.

Entrances

12. *Limit the number of entrances to commercial developments.*

- *It is our understanding that only one entrance is proposed.*

Response: This is correct.

Air, Odor, Light and Noise

13. *Integrate light design into overall project design and architecture.*

- ***The location and hours of lighting is addressed, but the design is not.***

Response: We have requested lighting design examples from the County and has incorporated some of this language into the ODP.

14. *Minimize visual intrusiveness of lighting.*

- *Light restrictions have been modified as noted above to minimize lighting impacts.*

Response: Noted.

15. *Minimize light falling on areas not used for activity. Areas not in use or after hours should be lighted only for essential safety requirements.*

- *See comment above.*

16. *Minimize the impact of people-generated noise or more quiet residential and recreation areas to a level that does not exceed normal noise levels of those adjacent uses. It goes on to recommend a minimum distance of 100' between a project's active recreation areas and existing of-site residential structures*

- *Setbacks of the lift, as well as trails and maintenance roads, have been specified. Those setbacks meet A-2 requirements as requested.*

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Response: Noted.

17. *Protect or preserve areas valued for the absence of man-made noise.*

- ***A sensory impact study has been completed to address noise. We have questions about that study.***

Response: The Sensory Impact Study has been updated based on your questions and follow-up conversations and is included with this resubmittal package.

Wildlife & Vegetation

18. *Prevent habitat deterioration where critical wildlife areas exist. Enhance available habitat.*

19. *Maintain the natural wildlife “carrying capacity” of sites that have moderate or high wildlife significance. Improve the carrying capacity of some sites to offset the loss of habitat in developed areas.*

- *Additional restrictions have been added to protect the wetlands and stream corridor.*

Response: Information noted.

20. *Maintain natural vegetation ecosystems adjacent to and within bodies of water, streams, other watercourses, and within associated wetlands.*

- *Additional restrictions have been added to protect the wetlands and stream corridor.*

Response: Noted.

21. *Maintain wildlife movement corridors of a size and character that ensure their continued use.*

- *Additional restrictions have been added to protect the wetlands and stream corridor.*

Response: Noted.

Open Space and Recreation

22. *Prevent damage to vegetation along major roadways.*

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- *Additional protection of the wetlands and stream corridor along Shadow Mountain Drive have been provided in the written sections.*

Response: This is correct.

23. *Avoid using exotic plant species unless: They blend with the intended character of the overall design; no native species can be used as a substitute; they are for special effect or focus.*

Response: Comment noted.

Circulation

24. *Minimize visual scarring of road cuts, or disruption of scenic areas (e.g., meadows).*

- *The visual analysis has been updated to capture the impacts of the trails and maintenance road.*

Response: Comment noted.

25. *Preserve or create a rural image, even in more intensely developed areas*

Response: Noted. Please refer to the Narrative included with the initial application submittal for a discussion of the project's compatibility with the character of the surrounding areas.

26. *Design pedestrian/bikeways and roadways that create attractive, pleasant and safe features for users of the facilities and residents of adjacent property.*

- *This facility would create an off-road facility for bicyclists.*

Response: Comment noted. As described in the Application Narrative, the Project would provide a superior riding experience for interested community members, facilitate rider development for those who are new to the sport, and support the local economy in the Conifer area.

Privacy

27. *Maximize privacy, including visual and auditory, between new developments and existing residential areas.*

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Response: Noted. Please refer to the Sensory Impact Assessment and the Visual Analysis for a summary of anticipated visual and auditory impacts of the Project.

28. *Maintain and enhance property values.*

- *Setbacks will be similar to or more than A-2 setbacks.*

Response: Please refer to the Written Restrictions included in this resubmittal package.

Architectural Design Guidelines

29. *Orient, design, and construct structures that are people oriented and facilitate interaction.*

Response: Noted. The project includes structures such as a chairlift and a day lodge that will provide opportunities for recreation, education, and events, which will support and facilitate interactions among guests at SMBP, employees at SMBP, and other community members.

30. *Buildings should be small and clustered, scaled to respect topography, views and vegetation*

Response: Noted. The development proposes two buildings on the Property and their placement considered topography, views, and vegetation. Specifically, the Maintenance Building would be primarily shielded by vegetation from Shadow Mountain Drive, and both buildings are located in areas that have naturally flatter topography than elsewhere within the Property.

31. *Balance the proportional relationship of the form of building to size of the lot/parcel.*

Response: Noted. The Property is recommended for Residential use, which would accommodate up to 25 homes on the 306-acre parcel. In comparison, this Project proposes two buildings. The proportion of building square-footage to size of the lot/parcel would be less than one percent.

32. *Structures should avoid overpowering the site and be sensitive to the natural landscape's variety and diversity.*

Response: Noted. Please refer to the Visual Analysis for a description of the visual impacts of proposed structures and ODP Written Restrictions regarding maximum building square footage.

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33. *Use the massive elements of the building to express depth, substance, and strength, rather than only surface veneer, i.e., exposed timber, structural beams, solid rock, walls, etc.*

Response: Noted. This design consideration has already been considered and will be incorporated in the SDP and final design process.

34. *Create interesting, diverse, stimulating streets and walls that create varied experiences for people and respond to the landscape in an informal and organic way*

Response: Noted. This design consideration has already been considered and will be incorporated in the SDP and final design process.

35. *Use sculptures, fountains/water features, wood carvings, awnings and canopies, balconies, patios and terraces, flags and banners, umbrellas, the annual colors of flowers and trees (i.e., Aspen), accent lighting, painted wall graphics, etc., in detailing projects.*

Response: Noted. This design consideration will be incorporated in the SDP and final design process.

36. *Create pedestrian amenities that complement surrounding site conditions.*

Response: Noted. This design consideration will be incorporated in the SDP and final design process.

37. *Minimize negative visual impact of exposed foundations.*

37.a *Several of these items could be added into the special use document, others will be addressed by existing regulations if this special use is approved and the project moves forward to the Site Development Plan process.*

Response: Noted. Please see ODP Written Restrictions included in this resubmittal package.

37.b *A Class III recreation facility does not have a size limit. A maximum size should be added to the special use document.*

Response: Noted. Please see ODP Written Restrictions included in this resubmittal package regarding maximum building square footage and areas with development restrictions.

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Sincerely,

A handwritten signature in black ink, appearing to read "Phil Bouchard". The signature is fluid and cursive, with the first name "Phil" and last name "Bouchard" clearly distinguishable.

Phil Bouchard
Shadow Mountain Bike Park

A handwritten signature in black ink, appearing to read "Jason Evans". The signature is fluid and cursive, with the first name "Jason" and last name "Evans" clearly distinguishable.

Jason Evans
Shadow Mountain Bike Park