



April 12, 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 Second Referral Response Letter and email from Jefferson County Public Health (“JCPH”), dated January 8, 2024, as part of the second referral of the application for a special use for the Shadow Mountain Bike Park project (the “**Application**”).

In an email from JCPH, the following comments were included:

Comment 1. Last year, the applicant proposed that there would be a maximum of 320 guests at the park with a discharge of 1120 gpd. This has been changed to 1,200 guests per day and they also propose some type of food service in the day lodge.

Response: In our resubmittal package following the first referral, we established a maximum guest use of 1,200 guests per day. The original engineer reports for water and wastewater were based on average estimates of 300 guests and 20 employees; these reports have been updated to reflect maximum uses with 1,200 guests and up to 30 employees and are included in this second referral resubmittal package.

We have defined “Food and Beverage Vendors” in our Special Use Document/ODP included in this resubmittal package to provide more clarification around the food service we plan to offer, which would be limited to vendors that do not require kitchen space; this includes grab and go food service in the Day Lodge and independently operated food trucks outside of the Day Lodge. Because these offerings would not require kitchen space, they would not contribute to water or wastewater usage on the Property.

Comment 2. As such, with the 20 employees this will produce at a minimum 6,300 gallons per day. As such, they will need Site Approval from CDPHE for the OWTS and they will need to include what type of food service is provided to the public as that may also need to be included in daily wastewater flows. As such, they have not met the public health requirements with these amended changes.

Response: We have updated our engineer report on wastewater, which is included in our resubmittal package. The report is based on estimated maximum daily usage on the Property, with up to 1,200 guests and 30 employees.

As described above, food service would be limited to vendors that do not require kitchen space and therefore would not contribute to water or wastewater usage numbers.

Lastly, we have contacted our case manager on when we need to gain Site Approval from the CDPHE and haven't yet received guidance on this note. We assume that Site Approval from CDPHE is appropriate while we prepare a Site Development Plan, which would be our next step if this application were to be approved.

Comment 3. *At the time of building permit, they may need to submit plans regarding the food service they propose as it may require a plan review and routine inspections by this Department.*

Response: Comment noted; as mentioned above, food service would be limited to grab and go service (without kitchen space) and food truck offerings, neither of which would contribute to additional water and wastewater usage on the property. If this application is to be approved, a plan review and plans for routine inspections will be identified in the Site Development Phase.

Additionally, JCPH attached a letter response with the following items to be addressed:

I. Water

Comment 1. *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.*

Response: Comment noted. Prior to Site Development Plan approval, we understand that we will need to provide proof of legal water supply.

Comment 2. *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.*

Response: Comment noted.

Comment 3. ***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.***

Response: Comment noted. We understand that we will need to provide proof of legal water supply, a PWSID number, and/or a well permit prior to approval of our Site Development Plan.

Comment 4. *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.

Response: Comment noted. During our site development planning, we will work with the County and local water entities to better understand water availability in the area and will reduce our proposed usage where possible. We also have considered alternatives for water supply, such as hauling water, that we could employ during periods of need.

II. Wastewater

Comment 1. *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.*

Response: The Onsite Wastewater Report (Form 6001) that we included in our initial application submittal included both the front page of Form 6001 and page 1 of 1 of Form 6001; however, we see that we used a previous version of the form which was last revised in 7/27/2017. We have included an updated Onsite Wastewater Report (Form 6001, last revised 11/15/2021) in this second referral resubmittal package and attached to the updated OWTS Engineer Report.

Comment 2. *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.*

Response: This was correct; however, the report has been updated based on your comments and is no longer true. Refer to the following comment and the OWTS Engineer Report included with our resubmittal package for more information.

Comment 3. *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: [refer to Letter for table]*

Response: From our work with the Planning and Zoning Engineering Geologist and our case manager and additional data supporting our estimated water use of 4 gpd per guest, we have updated both the water and wastewater supply items in our application, both of which are included in this resubmittal package. This estimates approximately 4,320 gpd of wastewater for guests and employees. Refer to the water and wastewater reports for more information.

Comment 4. ***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.

Response: Comment noted. We understand that prior to approval of the Site Development Plan, the CDPHE and JCPH will need to review and comment on our plans for an OWTS given the daily treatment requirements of 4,320 gpd as described in the wastewater report. If this is necessary prior to approval of this Special Use Plan/ODP, please let us know.

Comment 5. 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.

Response: As described above, food service would not include kitchen space so is not included in the discharge to the OWTS.

III. Environmental Assessment

Comment 1. *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.*

Response: Comment noted.

IV. Regulated Facilities

Comment 1. *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.*

Comment 2. *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).*

Response: Comments noted. In this letter and in our ODP, we have clarified our definition of Food and Beverage Vendors. If this application is to be approved, we will proceed with additional plans for licensing and inspections and meeting other requirements listed herein.

V. Maintenance Facilities

Comment 1. 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 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.

Comment 2. 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.

Comment 3. 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.

Response: Comments noted.

VI. Air

Comment 1. 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.

Response: Comment noted.

VII. Noise

Comment 1. 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.

Response: Comment noted. According to the Sensory Impact Assessment included in this resubmittal package, the Project would comply with County noise regulations as described above.

VIII. Note

April 12, 2024
Page 6

Comment 1. *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.*

Response: Comment noted.

Sincerely,



Phil Bouchard
Shadow Mountain Bike Park



Jason Evans
Shadow Mountain Bike Park