

June 17, 2024

Phil Bouchard & Jason Evans
Shadow Mountain Bike Park

Re: Third Referral Response Letter –Shadow Mountain Bike Park ODP
Case No. 23-102980 RZ

Dear Mr. Bouchard & Mr. Evans,

This letter serves as your third submittal response to the Special Use case for the *Shadow Mountain Bike Park Special Use* and a request for additional materials needed as a part of the process. Listed below is a summary of the comments received by Planning and Zoning Staff and the pertinent issues that must be addressed. Please refer to the attached comments from each referral agency for complete information. Where discrepancies or contradictions are encountered, please contact your case manager for clarification. Please do not add information or make revisions that are not requested unless they have been discussed and reviewed with me. Additions or changes that were not requested can lead to additional referrals and longer review times.

Key Issues to address with Case Manager:

General:

The submitted Special Use Document (SUD) has minimal revisions necessary. Staff is unclear the volume, size and location of several items including food vendors, lighting, signage and cistern(s). Please see the attached ODP for complete redmarks. The applicant will be required to provide a number of additional details to refine compatibility, visual impacts, proposed use, wildfire hazards, and site design.

The third Referral found that the applicant's proposal maintains nonconformance with the Conifer/285 Corridor Area Plan recommended land use for this site. The Comprehensive Master Plan recommends this area for residential use at an intensity of 1 dwelling unit per 10 acres. The applicant provided further justification instead for the following three factors when assessing proposed uses that are not supported by the Plan:

a) how will the impacts associated with the proposed land use(s) be mitigated compared with the recommended Land Uses;

Staff continues to have concerns about wildfire and wildlife and visual impacts. The proposed use is potentially higher impact as commercial than if the lot was developed as single family or agricultural uses as these uses route as many as 1,200 persons within 50-foot of property lines. Staff would support separating massing of the parking lot and further buffering the use from the existing wetland.

b) are the proposed land uses compatible with the surrounding Land Use Recommendations and community character; and

Remaining concerns we have related to compatibility have to do with visual impacts of trails and the water storage reservoir.

c) what change of circumstance has occurred in the local area since the Land Use Recommendation was adopted. Staff had difficulty extending the nature of the entire user group to nature of County active recreation land management decision-making. Open Space Parks are considered unique in nature with individual constraints and applicant analysis is unclear nexus to physical, zoning or specific changes to this location. Applicant is encouraged to take this analysis to the decision-making bodies for this case.

SUD Document:

- ***Setbacks***
50-foot are proposed for the Day Lodge and Accessory Building. These match the existing entitlements for other commercial permitted uses such as a Veterinary hospital or and Greenhouse/nursery. However, the proposed parking lot of 300 spaces or more appears more impactful than general Agricultural uses. Larger setbacks are encouraged or increased screening to increase compatibility with surrounding uses. Staff would like to see these further from property lines or otherwise screened from view with language to require hardscaping, screened behind primary building(s), landscaping requirement or other means to mitigate

- Site Mitigation
The Wildfire Risk Assessment mitigations have been written in satisfactorily as enforceable language in the Special Use Document with the exception of Management Area H. More information should be provided as to how this recommendation can be met or alternatives if defensible space easements are unattainable.
- Seasonal Closure
Colorado Parks and Wildlife call for "limit disturbance" during period of January 1 – July 1. The limitations have been adjusted between the 2nd and 3rd referrals, but it is unclear what impacts to wildlife will result as an outcome.

Please review the attached SUD with red marks related to formatting and content.

Plan Recommendation:

The Comprehensive Master Plan recommends this area for 1 dwelling unit per 10 acres.

Parks and Wildlife

The applicant has met nine of ten recommendations of the Colorado Parks and Wildlife 2nd Referral comments through enforceable language in the Special Use document. The outstanding recommendation of hard closures from January 1 to July 1 is proposed with alternative mitigation strategies, to date Planning & Zoning does not have comment on whether this is a preferable alternative.

Historic Commission

The applicant is encouraged to review the non-regulatory comments in full.

Wildfire Hazard Mitigation Plan

Please describe the overall site treatments recommended between identified Unit Management Areas.

Geologist:

The applicant has submitted a plan that describes the process to obtain legal rights to the water supply and the number of guests has been updated (1200 max). Adequate legal water rights will be required with the SDP process, and any subsequent revisions to the SDP to allow expansions when water rights are obtained.

Traffic & Engineering:

There are no outstanding concerns from Planning Engineering. Concerns for transportation information and drainage report have been addressed. No outstanding concerns.

Public Health:

The applicant has discussed a phased approach. Public Health will be the agency to permit any system with design capacity of less than 2,000 gallons per day. Larger systems than this will be required to meet the Public Water Systems managed by the Colorado Department of Public Health and Environment. It is unclear whether the applicant has obtained a PWSID number with CDPHE. County OWTS would require a totalizing flow meter and monthly flows submitted to Public Health for review.

Documents required for second submittal:

1. Revised SU Written Restrictions
2. New Legal Description

Staff has summarized the pertinent comments that need to be addressed above. Please refer to the full agency responses for specific agency feedback. It is your responsibility to address the comments in the attached letters and contact the agencies as necessary.

Please feel contact me with any questions or set up a meeting to discuss any of the referral information.

Thank you,

Dylan Monke, Planner
Phone: 303-271-8718
E-mail: dmonke@jeffco.us

Cc: Case File

Notice:

*** PLEASE RETURN ALL REVISION PRINTS ELECTRONICALLY TO PLANNING & ZONING ***

The applicant shall submit electronically a revised application in response to referral comments within 180 calendar days after referral comments are provided to the applicant. The Director of Planning & Zoning or his / her appointed designee may extend this 180-day maximum response deadline for an additional 180 days if, in his or her opinion, the delay in response is beyond the applicant's control. If there is no response within the 180-day period and an extension has not been granted by the Director of Planning & Zoning or his / her appointed designee, the application will be considered withdrawn. The applicant will then have to submit a new application.

Shadow Mountain Bike Park

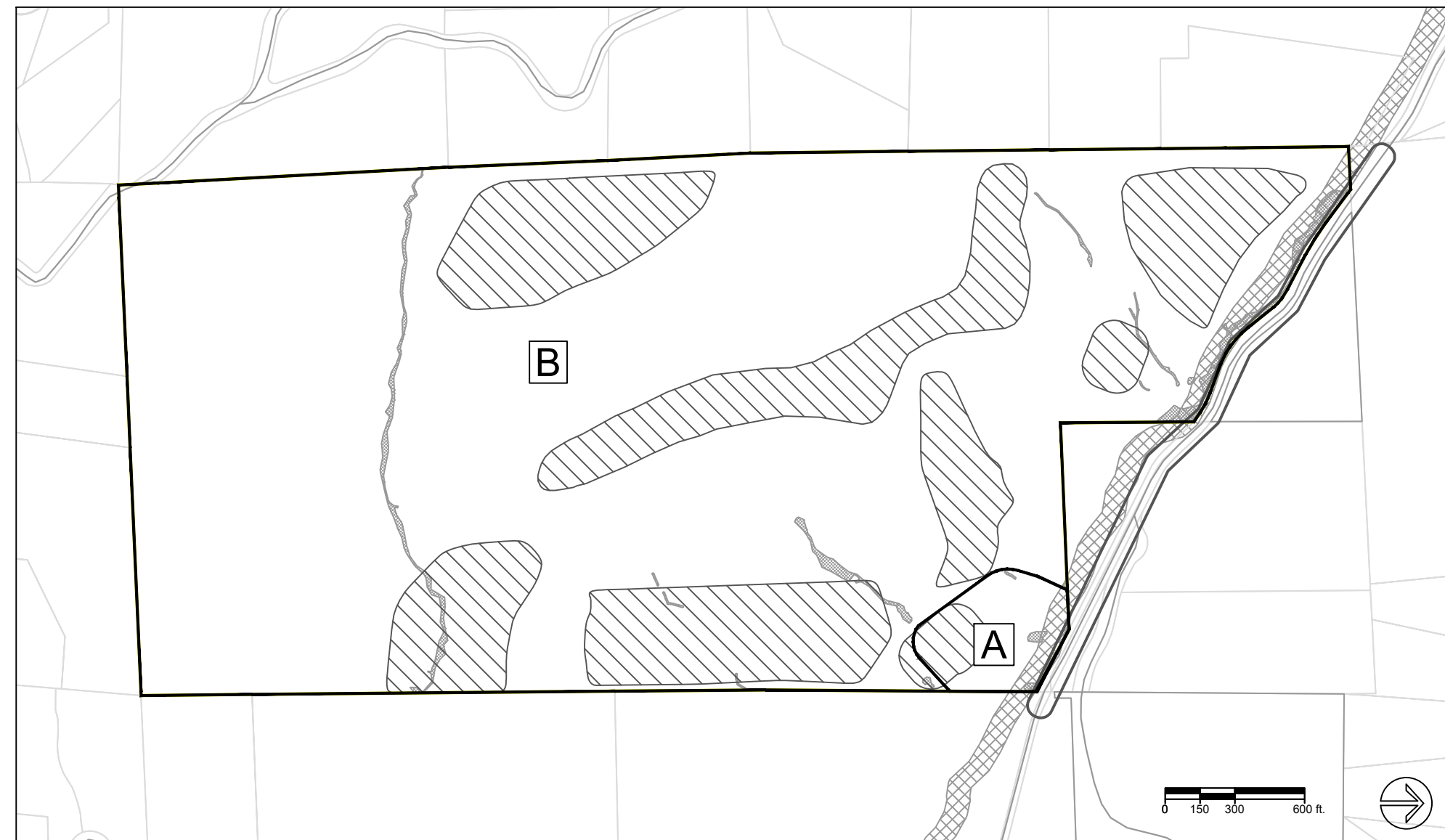
SPECIAL USE ~~OFFICIAL DEVELOPMENT PLAN~~

CASE NUMBER: 23-102980 RZ

S2NW, SW, AND A FRACTIONAL PART OF THE NWNW (S OF SHADOW MOUNTAIN DRIVE)
IN SECTION 16, TOWNSHIP 6 SOUTH, RANGE 71 WEST, OF THE 6TH PRINCIPAL MERIDIAN
COUNTY OF JEFFERSON, STATE OF COLORADO

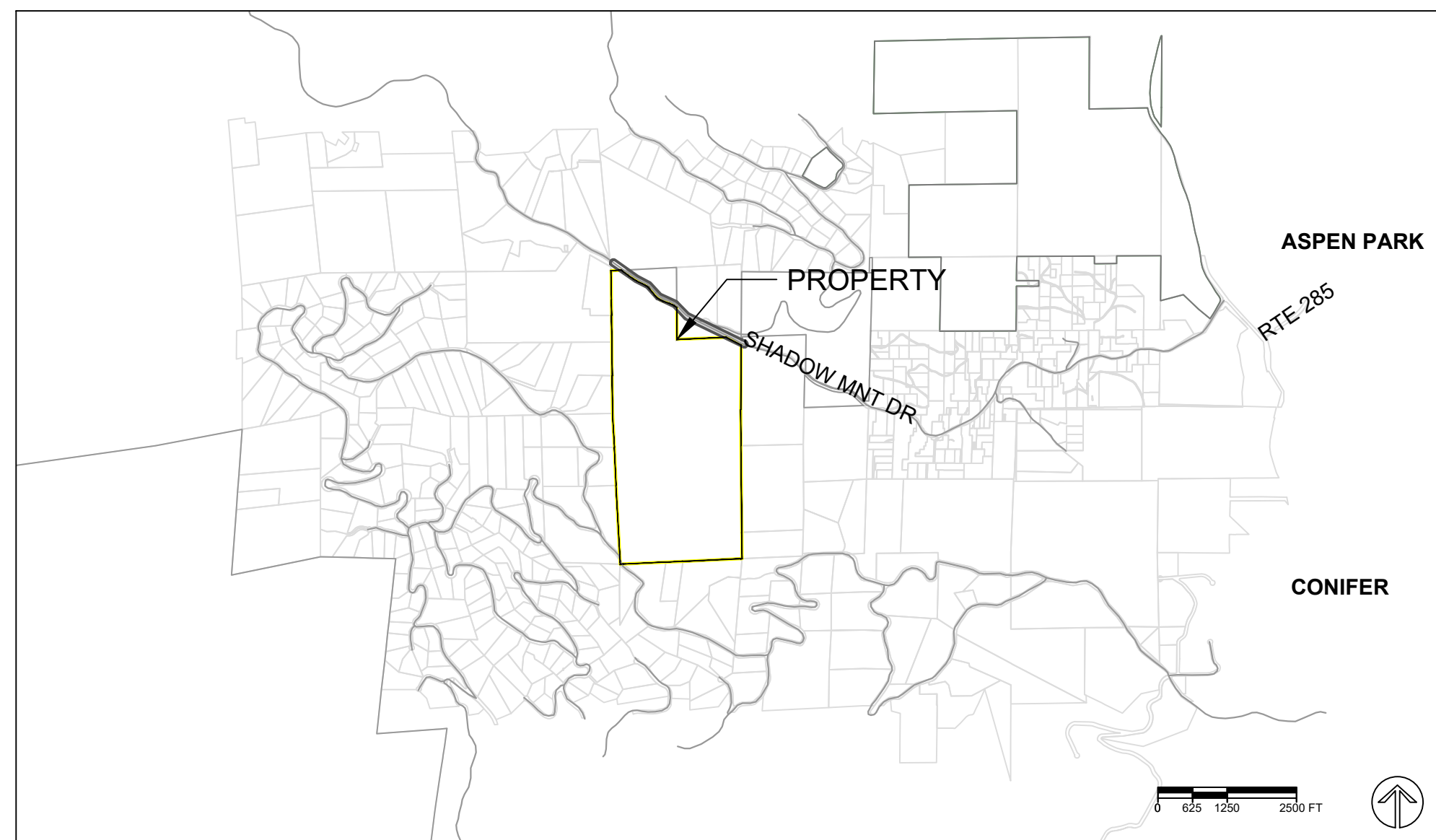
PAGE 1 OF 2

This will need to be a new legal prepared by a surveyor.



USE AREAS
SCALE 1"=600'

- WILDFIRE HAZARD MITIGATION PLAN TREATMENT AREAS
- WETLANDS
- JEFFERSON COUNTY FLOOD PRONE AREA



VICINITY MAP
SCALE 1"=2500'

LEGAL DESCRIPTION

Parcel ID 61-163-00-001 is more particularly described by the metes and bounds of the said 306 acres, it is owned by the Colorado State Land Board. The corner quarter coordinates S 43° 07'29" E and N 00°19'28" W and is a locally preserved 70 acre quarter corner of the used 235 acre parcel #61-00-001. This 70 acre parcel corner sits S of Shadow Mtn Drive Road with road frontage facing the southeast quarter of Shadow Mountain Drive Road containing a R.O.W. of 60'. This quarter corner commences at the S2NW, SE and quarter corner of the NWNW said section 16, Township 6 South Range 71 West of 6th principal Meridian.

APPROVED FOR RECORDING:

This Special Use Document, titled Shadow Mountain Bike Park, was approved the _____ day of _____ 2024, by the Board of County Commissioners, of the County of Jefferson, State of Colorado and is approved for recording.

The owner of the property, at the time of approval was: State of Colorado

By: Jefferson County Planning and Zoning Director

Signature: _____

Date: _____

CLERK AND RECORDER'S CERTIFICATE

Accepted for filing in the Office of the County Clerk and Recorder of Jefferson County at Golden, Colorado, this _____ day of _____, 20 _____.

County Clerk and Recorder

Deputy Clerk

STANDARD FLEXIBILITY STATEMENT

The graphic drawing contained within this Official Development Plan is intended to depict general locations and illustrate concepts of the textual provisions of this Official Development Plan. During the plotting or Site Development Plan process the Planning and Zoning director may allow minor variations for the purpose of establishing:

- A. Final road alignments
- B. Final configuration of lot and tract sizes and shapes
- C. Final building envelopes
- D. Final access and parking locations
- E. Landscaping adjustments

APPLICABILITY STATEMENT

Except as expressly provided otherwise in this Official Development Plan, development of this property shall conform to the Jefferson County Zoning Resolution in effect at the time of platting, Site Development Plan, and building permit application.

OWNER'S CERTIFICATE

We, Colorado State Land Board, as owners of the land affected by this Planned Development, accept and approve all conditions set forth.

Abraham Medina
Recreation Program Manager
State Land Board

Accepted for filing in the Office of the County Clerk and Recorder of Jefferson County at Golden, Colorado, this _____ day of _____, 20 _____.
County Clerk and Recorder _____
Deputy Clerk _____

DATE	ISSUED FOR	REVISION #

PREPARED BY:

SE GROUP, INC.
PO BOX 2729
FRISCO, CO 80443
www.segroup.com

Shadow Mountain Bike Park

CASE NUMBER: 23-102980 RZ

SPECIAL USE ~~OFFICIAL DEVELOPMENT PLAN~~

S2NW, SW, AND A FRACTIONAL PART OF THE NWNW (S OF SHADOW MOUNTAIN DRIVE)
IN SECTION 16, TOWNSHIP 6 SOUTH, RANGE 71 WEST, OF THE 6TH PRINCIPAL MERIDIAN
COUNTY OF JEFFERSON, STATE OF COLORADO

PAGE 2 OF 2

This is not enforceable language. Permitted or prohibited. iii. covers enforceable design guidance where it can be struck.

WRITTEN RESTRICTIONS

A. **Intent.** The purpose of this Special Use is to permit a Class III Commercial Recreation Facility use for lift-assisted mountain biking and associated uses.

B. **Written Restrictions.** All standards of the Agricultural Two Zone District (A-2) and other applicable sections of the Zoning Resolution shall apply to the Property, with the modifications contained herein. Capitalized terms not defined herein shall have the meanings ascribed to them in the Jefferson County Zoning Resolution.

1. Permitted Uses.

a. Primary Uses.

i. Class III Commercial Recreation Facility, excepting therefrom any activity that involves the use of non-domestic animals and/or firearms

b. Accessory Uses.

i. Food and beverage vendors
ii. Maintenance Facilities

2. Development Standards

a. Use Area A. (6 acres)

i. Building Standards

1. Max Building Square Footage: 15,000 feet
2. Setbacks: 50 feet from all Property lines

ii. Access Road(s) Setback: 50 feet from all Property lines

iii. Parking Setback: 50 feet from all Property lines

b. Use Area B. (229.3 acres)

i. Only permitted for accessory maintenance facilities

ii. Building Standards

1. Max Building Square Footage: 5,000 square feet
2. Setbacks: 50 feet from all Property lines

iii. Trail Standards

1. Setbacks: 50 feet from all Property lines
2. Trail clearing width: 30 feet maximum

iv. Chairlift Standards

1. Max Chairlift Height: All Chairlift infrastructure (including terminals and towers) and accessory structures will not exceed 35 feet in height
2. Setbacks: 150 feet from all Property lines
3. Chairlift corridor clearing width: 40 to 60 feet in accordance with safety or chairlift commission regulations
4. Chairlift terminals clearing: 200 feet maximum surrounding terminals

v. Access Road(s) Setback: 50 feet from all Property lines

3. Overlay Areas.

a. **Wildfire Hazard Mitigation Overlay.** Mitigation strategies as outlined in the Wildfire Hazard Mitigation Plan will be implemented as part of Defensible Space Permit requirements

lighting limited to 14-foot in the mountains or top of wall. 20-feet above the top of building would allow for 55-foot lighting fixtures, not supported by County Staff.

Not required or desired to be enforceable language. Can be done without listed in this document.

Unclear whether Management Area H will be able to be met.

b. Wetlands Overlay.

i. No permanent building, parking area, nor Chairlift is permitted in the Wetlands Overlay

~~ii. In the event that Access Road(s) cross the Wetlands Overlay, impacts will be minimized to the greatest extent possible.~~

iii. In the event that Trail(s) cross the Wetlands Overlay, impacts would be avoided by bridging, raised platforms, or similar design

c. Jefferson County Flood Prone Area Overlay

i. No permanent building, parking area, nor Chairlift is permitted in the Flood Prone Area Overlay

4. Lighting.

a. No exterior lighting is permitted in the Wetlands Overlay or Use Area B, except for lighting required in connection with the Chairlift

b. Lighting in Use Area A is permitted to be illuminated from one hour before to one hour after Guest Hours of Operation, except for security lighting, the use of which is not limited to certain hours

c. Lighting will be directed away from the Wetlands and Flood Prone Overlays

d. Building wall-mounted floodlights and rotating spotlights are prohibited

e. Light fixtures attached to any buildings shall not project above the fascia or roofline of such building, and shall not exceed 20 feet above the top of the building foundation

5. Signage.

a. No more than one permanent sign is permitted per building

b. Signs will be no closer than 50 feet from all Property lines, except for Entry Feature Sign(s) which are permitted on the Property

~~c. Signs will not be illuminated in any way.~~ Suggested enforceable phrasing, Sign illumination is prohibited.

6. Sound.

a. Sound levels shall adhere to maximum permissible noise levels for residential uses

b. Outdoor amplification is prohibited except for announcements and Special Event Permit occurrences

7. Fencing.

a. Only wildlife friendly fencing is permitted on the Property as defined by CPW- recommended standards in the "Fencing With Wildlife in Mind" document or similar document if CPW updates these standards.

~~b. In Use Area A, standalone or small stands of aspen trees will be fenced to prevent browsing from animals~~

8. Fires.

a. Outdoor fires using wood or charcoal for fuel are prohibited

b. All outdoor fires of any type are prohibited in Use Area B

9. Trash Management.

a. Only wildlife-proof trash, recycling and composting containers are permitted to be used on the Property

b. Outside composting is prohibited

10. Landscaping.

a. Landscaping plans will integrate Wildfire Hazard Mitigation Plan and Vegetation Preservation Plan recommendations

b. The County landscaping regulations shall not apply except those standards for Parking Lot Areas as defined in Section 15 of the Jefferson County Zoning Resolution

11. Parking.

a. The maximum number of parking spaces will not exceed 320 spaces
b. The minimum number of parking spaces shall adhere to a ratio of 1.0 space per 6 occupancy rating

12. Wildlife

a. Bird feeders are prohibited on the property between April 1st and the Thanksgiving holiday

b. Only round door knobs are permitted on all exterior doors on the property

c. All crawl spaces and areas under ground level decks shall be fully enclosed to prevent wildlife access

13. Operations.

a. **Guest Hours of Operation.** The Shadow Mountain Bike Park will be open to guests no earlier than sunrise and no later than sunset

b. **Seasonal Closure.** The Shadow Mountain Bike Park will be closed to guests from January 1 through April 1 (the "Seasonal Closure")

c. Motorized Use.

i. Motorized use is prohibited on trails

ii. E-bikes are permitted on trails

d. **Guest Count.** The maximum number of guests visiting Shadow Mountain Bike Park in one day will not exceed 1,200 guests

14. Definitions

a. **Chairlift:** All infrastructure required for the operation, maintenance, and support of the lift structure, including but not limited to terminals, towers, lines, poles, chairs, electrical equipment, and other related components.

b. **Maintenance Facilities:** Operational, maintenance, and administrative services and facilities associated with the Class III Commercial Recreation Facility use.

c. **Trails:** Trails constructed for use by cyclists and, in some cases, individuals on foot or other non-motorized means of transportation.

d. **Food and Beverage Vendors:** Temporary food trucks outside of the Day Lodge or grab and go vendors within the Day Lodge, limited to vendors that do not require full kitchen space.

e. **Training Area:** An outdoor area for the purpose of training bike skills, which may include: structures, jumps, ramps, and obstacles, paths made of dirt, gravel, or other natural materials, and other mechanisms for the purpose of learning or practicing bike skills.

f. **Seasonal Closure:** An annual closure of Shadow Mountain Bike Park between January 1 and April 1 that does not permit guest access but does allow staff access and maintenance activities such as: construction of trails and infrastructure on an annual basis during development, trail maintenance, drainage maintenance, vehicle maintenance, facilities maintenance, or safety improvements.

Class I, II, III or unrestricted?

Will signs match architectural

Colorado Parks and Wildlife (CPW)

or similar document if CPW updates these standards.

DATE	ISSUED FOR	REVISION #

PREPARED BY:

SE GROUP, INC.
PO BOX 2729
FRISCO, CO 80443
www.segroup.com

MEMO

TO: Dylan Monke
 Jefferson County Planning and Zoning Division

FROM: Tracy Volkman
 Jefferson County Environmental Health Services Division

DATE: May 22, 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, March 22, 2023, and on January 8, 2024. We reviewed the proposed documents submitted by the applicant for the third referral for the rezoning/special use 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/special use of this property. NOTE: Items marked with a “✓” indicate that the document has been submitted or action has been taken. **Please read the 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 written documentation that this site can support a conforming state permitted onsite wastewater treatment system (OWTS) from the Colorado Department of Public Health and Environment (CDPHE), Water Quality Division. The applicant must obtain Site Approval at the time of site development from the CDPHE for the onsite wastewater treatment system(s) as the design flow of the OWTS exceeds 2000 gallons per day.	Wastewater

✓	Date Reviewed	Required Documentation/Actions	Refer to Sections
	At the time of site development, including the development of bike trails only for systems less than 2000 gpd.	Obtain valid OWTS permits from JCPH for any OWTS, including closed vault systems, that have a design capacity of less than 2000 gallons per day at the time the site is developed, including the development of bike trails only at the time the site is developed.	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 (LDR 21)

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 CDWR 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 (LDR 22)

Sanitation

This facility will require either a State or JCPH permitted onsite wastewater treatment system(s) (OWTS), which includes closed vault systems, for sanitation services.

Onsite Wastewater Report (Form 6001)

The applicant re-submitted a complete Onsite Wastewater Report (Form 6001) in accordance with LDR Section 22.B.2. (a) revised in April 2024 prepared by Stantec Consulting Services. The Shadow Mountain Bike Park (SMBP) Engineering Study Project No. 181711248 estimated the

total daily wastewater flow to be 4,320 gallons per day. This study did not include the proposed food service facility in the day lodge from the previous submittal.

4.2 Population and Employment

The applicant estimates that there will be up to 30 onsite employees in a given day. The maximum day guest population is estimated to be 1200.

4.3 Wastewater Demand

Wastewater is estimated to be 80% of water demand. The Shadow Mountain Bike Park wastewater treatment requirements is estimated to be 4320 gpd (5400 x 0.8). An OWTS constructed per Jefferson County requirements will be constructed to treat the wastewater prior to discharge through an anticipated leach field.

The submitted Shadow Mountain Bike Park Official Development Plan indicates that there will be up to a maximum of 1,200 guests per day and 30 onsite employees. 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 6,450 gallons of wastewater will be generated per day by guests and at a minimum of 450 gallons per day (gpd) for employees. See following table:

Jefferson County Public Health Estimated Daily Wastewater Flow Per Day (Using Appendix A - Onsite Wastewater Treatment)

Use	# of persons per day	Gallons per person per Day (gpd) per JCPH OWTS Regulations	Total Gallons of Wastewater Per Day
Employees	30	15	450
Guests	1200	5	6000
Total			6450

State Permitted OWTS

Any OWTS that exceeds the average daily flow of 2,000 gallons per day or more per property 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 CDPHE is required prior to the approval of this proposed development. JCPH will provide review and comment to the CDPHE on the site application as requested. The applicant must contact the CDPHE, Water Quality Division at 303.692.3500 for this permit and we request that the applicant obtain written documentation from CDPHE that the property can support a State permitted, conforming OWTS. It is JCPH's understanding that if a day lodge, maintenance building with restroom,

and or a restroom building, a Site Development Plan (SDP) will be required by Jefferson County Planning and Zoning. At that time, prior to supporting an SDP, the applicant must obtain Site Approval from the CDPHE for the OWTS.

JCPH (County) Permitted OWTS

If the applicant intends to build this project using a phased approach, for example, building bike trails and no day lodge, maintenance buildings, etc., the OWTS, including closed vaults, may not exceed the 2,000 gallons per day and then would require a JCPH (County) issued OWTS permit. The OWTS will require a totalizing flow meter and monthly flows will be required to be submitted monthly to JCPH for review. If the gallons per day exceed the OWTS design, the owner of the property will be required to install a conforming OWTS that complies with local and state regulations and policies.

Prior to installing, altering, upgrading, remediating, or repairing an OWTS the applicant must receive a valid permit from JCPH. The applicant must submit an OWTS application, associated documents, and applicable fees to this Department for an approved permit to install the OWTS. Contact Mitchell Brown at 303.271.5767 or mlbrown@jeffco.us for more information on this process.

The owner may be subject to penalties per 25-10-113, C.R.S. if this property is found to be operating an unpermitted OWTS.

Jefferson County Onsite Wastewater Regulations, Section 6 Enforcement:

6.1 Penalties Per §25-10-113, C.R.S.

- A. Any person who commits any of the following acts or violates any of the provisions of this section commits a Class 1 petty offense as defined in §18-1.3-503, C.R.S.:
1. Constructs, alters, installs, or permits the use of any OWTS without first having applied for and received a permit as provided for in §25-10-106, C.R.S.;

Sanitation for Food Service

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 or for a JCPH permitted system.

ENVIRONMENTAL ASSESSMENT (LDR 30)

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 (SMBP) Official Development Plan states that food and beverage vendors will be an Accessory Use.

If a proposed retail food service establishment is proposed, **which includes “grab and go” food service** in the day lodge, it will 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).

The SMBP Sensory Impact Assessment – Noise report states that the food service will be provided from Food Trucks at the bike park. Each Food Truck must have a valid Colorado Retail Food Establishment License for Mobile Units. Licenses issued by the City and County of Denver are not valid outside of Denver. If the Food Truck holds only a Denver County retail food service license, contact publichealthtemporaryfoodservice@jeffco.us for more information on licensing requirements to operate in Jefferson County.

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

Since this facility is essentially surrounded by residential properties, noise levels emitted from this property are more stringent and must comply with the Colorado Revised Statutes (Sections 25-12-101 through 108) which stipulates that the maximum residential noise levels must comply with the following 25 feet from the property line:

- 55dB(A) between 7:00 a.m. and 7:00 p.m.
- 50dB(A) at all other times.

The SMBP Sensory Impact Assessment – Noise dated March 21, 2023, prepared by Stantec Consulting Services, Project Number: 195602713 concluded the following:

The results of the noise modelling for operational noise predict that noise levels at the nearby sensitive noise receivers will comply with the Jefferson County requirements.

Additionally, construction noise impacts from equipment predicted to be required for the construction of the Shadow Mountain Bike Park are expected to be below the applicable construction noise limits.

This assessment was completed using the preliminary site layout and equipment locations provided by the SE group. Locations of equipment and equipment selection may change and additional construction equipment, not considered in this assessment, such as impact pile drivers may be required during construction. Stantec recommends that this study be updated when final design is completed to evaluate compliance with applicable noise criteria and validate the assumptions made for this assessment.

Colorado Revised Statute 25-12-103 classifies noise that exceeds the maximum permissible noise level as a public nuisance, which is a civil matter between the property owner and the complainant. Please note: JCPH and the Colorado Department of Public Health and Environment do not enforce noise complaint nuisances.

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.

Thank you for contacting the Colorado Department of Public Health and Environment (CDPHE). Please note that the following requirements and recommendations apply to many but not all projects referred by local governments. Also, they are not intended to be an exhaustive list and it is ultimately the responsibility of the applicant to comply with all applicable rules and regulations. CDPHE's failure to respond to a referral should not be construed as a favorable response.

Hazardous and Solid Waste

The applicant must comply with all applicable hazardous and solid waste rules and regulations.

Hazardous waste regulations are available here:
<https://www.colorado.gov/pacific/cdphe/hwregs>.

Solid waste regulations are available here:
<https://www.colorado.gov/pacific/cdphe/swregs>.

Applicable requirements may include, but are not limited to, properly characterizing all wastes generated from this project and ensuring they are properly managed and disposed of in accordance with Colorado's solid and hazardous waste regulations.

If this proposed project processes, reclaims, sorts, or recycles recyclable materials generated from industrial operations (including, but not limited to construction and demolition debris and other recyclable materials), then it must register as an industrial recycling facility in accordance with Section 8 of the Colorado Solid Waste Regulations. The industrial recycling registration form is available here:

<https://www.colorado.gov/pacific/cdphe/sw-recycling-forms-apps>.

If you have any questions regarding hazardous and/or solid waste, please contact CDPHE's Hazardous Materials and Waste Management Division (HMWMD) by emailing comments.hmwmd@state.co.us or calling 303-692-3320.

Water Quality

The applicant must comply with all applicable water quality rules and regulations. The Water Quality Control Division (WQCD) administers regulatory programs that are generally designed to help protect both Colorado's natural water bodies (the clean water program) and built drinking water systems. Applicants must comply with all applicable water quality rules and regulations relating to both clean water and drinking water. All water quality regulations are available here:

<https://cdphe.colorado.gov/water-quality-control-commission-regulations>.



Clean Water Requirements

Stormwater

Applicable clean water requirements may include, but are not limited to, obtaining a stormwater discharge permit if construction activities disturb one acre or more of land or if they are part of a larger common plan of development that will disturb one or more acres of land. In determining the area of construction disturbance, WQCD looks at the entire plan, including disturbances associated with utilities, pipelines or roads constructed to serve the facility.

Please use the Colorado Environmental Online Services (CEOS) to apply for new construction stormwater discharge permits, modify or terminate existing permits and change permit contacts.

For CEOS support please see the following WQCD website:

<https://cdphe.colorado.gov/cor400000-stormwater-discharge>

or contact:

Email: cdphe_ceos_support@state.co.us or cdphe_wqcd_permits@state.co.us

CEOS Phone: 303-691-7919

Permits Phone: 303-692-3517

Domestic Wastewater

Some projects with wastewater collection may have domestic wastewater treatment works (i.e., treatment plant, interceptor sewer, or lift station) with a design capacity to receive greater than 2,000 gallons per day (gpd) and are subject to state-wide site location, design, and permitting requirements implemented by the Water Quality Control Division. State review and approval of the site location application and design is required by the Colorado Water Quality Control Act (Act), Section 25-8-702, C.R.S. which states in part that:

“No person shall commence the construction of any domestic wastewater treatment works or the enlargement of the capacity of an existing domestic wastewater treatment works, unless the site location and the design for the construction or expansion have been approved by the division.”

State review may also be necessary for projects with multiple on-site wastewater treatment systems (OWTS) on a single property, unless the OWTS meet the requirements of division’s “Site Application Policy 6: Multiple On-Site Wastewater Treatment Systems” (Policy 6).

If applicable, the project would need to meet all applicable regulatory requirements including, but not limited to, site location and design review, discharge permitting, having a certified operator; and routine monitoring and reporting. For questions regarding domestic wastewater regulation applicability or other assistance and resources, visit these websites:

<https://cdphe.colorado.gov/design>

<https://cdphe.colorado.gov/clean-water-permitting-sectors>



Drinking Water Requirements

The definition of a public water system is self-implementing. It is the responsibility of all water systems in Colorado to assess whether their system is a public water system and to comply with the regulations accordingly. There is not a notification process whereby a system only becomes a public water system if the Department notifies that system. A system becomes subject to regulation as a public water system at the point the system begins operating a system meeting the definition of a public water system under Regulation 11.

Some projects may also need to address drinking water regulations if the proposed project meets the definition of a “Public Water System” per the Colorado Primary Drinking Water Regulations (Regulation 11):

A Public Water System means a system for the provision to the public of water for human consumption through pipes or other constructed conveyances, if such system has at least fifteen service connections or regularly serves an average of at least 25 individuals daily at least 60 days per year. A public water system is either a community water system or a non-community water system. Such term does not include any special irrigation district. Such term includes:

(a) Any collection, treatment, storage, and distribution facilities under control of the supplier of such system and used primarily in connection with such system.

(b) Any collection or pretreatment storage facilities not under such control, which are used primarily in connection with such system.

If applicable, the project would need to meet all applicable requirements of Regulation 11 including, but not limited to, design review and approval; technical, managerial and financial review and approval; having a certified operator; and routine monitoring and reporting. If it is determined that your facility meets the definition of a public water system please submit a drinking water inventory update form to the department. For questions regarding drinking water regulation applicability or other assistance and resources, visit these websites:

<https://cdphe.colorado.gov/drinking-water>

<https://cdphe.colorado.gov/dwtrain>

If you have any other questions regarding either clean or drinking water quality, please contact CDPHE’s WQCD by emailing cdphe.commentswqcd@state.co.us or calling 303-692-3500.

Air Quality

The applicant must comply with all relevant state and federal air quality rules and regulations. Air quality regulations are available here:

<https://www.colorado.gov/pacific/cdphe/aqcc-regs>.



Air Pollutant Emissions Notices (APENs) and Permits

Applicable requirements may include, but are not limited to, reporting emissions to the Air Pollution Control Division (APCD) by completing an APEN. An APEN is a two in one form for reporting air emissions and obtaining an air permit, if a permit will be required. While only businesses that exceed the Air Quality Control Commission (AQCC) reporting thresholds are required to report their emissions, all businesses - regardless of emission amount - must always comply with applicable AQCC regulations.

In general, an APEN is required when uncontrolled actual emissions for an emission point or group of emission points exceed the following defined emission thresholds:

Table 1 APEN Thresholds		
Pollutant Category	UNCONTROLLED ACTUAL EMISSIONS	
	Attainment Area	Non-attainment Area
Criteria Pollutant	2 tons per year	1 ton per year
Lead	100 pounds per year	100 pounds per year
Non-Criteria Pollutant	250 pounds per year	250 pounds per year

Uncontrolled actual emissions do not take into account any pollution control equipment that may exist. A map of the Denver Metropolitan Ozone Non-attainment area can be found on the following website: http://www.colorado.gov/airquality/ss_map_wm.aspx.

In addition to these reporting thresholds, a Land Development APEN (Form APCD-223) may be required for land development. Under Colorado air quality regulations, land development refers to all land clearing activities, including but not limited to land preparation such as excavating or grading, for residential, commercial or industrial development. Land development activities release fugitive dust, a pollutant regulation by APCD. Small land development activities are not subject to the same reporting and permitting requirements as large land activities. Specifically, land development activities that are less than 25 contiguous acres and less than 6 months in duration do not need to report air emissions to APCD.

It is important to note that even if a permit is not required, fugitive dust control measures included the Land Development APEN Form APCD-223 must be followed at the site. Fugitive dust control techniques commonly included in the plan are included in the table below.

Control Options for Unpaved Roadways	
Watering	Use of chemical stabilizer
Paving	Controlling vehicle speed
Graveling	
Control Options for Mud and Dirt Carry-Out Onto Paved Surfaces	
Gravel entry ways	Washing vehicle wheels
Covering the load	Not overfilling trucks
Control Options for Disturbed Areas	



Watering	Application of a chemical stabilizer
Revegetation	Controlling vehicle speed
Compaction	Furrowing the soil
Wind Breaks	Minimizing the areas of disturbance
	Synthetic or Natural Cover for Slopes

Additional information on APENs and air permits can be found on the following website: <https://www.colorado.gov/pacific/cdphe/air/do-you-need-an-apen>. This site explains the process to obtain APENs and air quality permits, as well as information on calculating emissions, exemptions, and additional requirements. You may also view AQCC Regulation Number 3 at <https://www.colorado.gov/pacific/cdphe/aqcc-regs> for the complete regulatory language.

If you have any questions regarding Colorado’s APEN or air permitting requirements or are unsure whether your business operations emit air pollutants, please call the Small Business Assistance Program (SBAP) at 303- 692-3175 or 303-692-3148.

Asbestos and Lead-Based Paint

In Colorado there are regulations regarding the appropriate removal and handling of asbestos and lead-based paint as part of a demolition, renovation, or remodeling project. These regulations are presented in AQCC Number 8 (asbestos) and Number 19 (lead-based paint) which can be found on the following website: <https://www.colorado.gov/cdphe/aqcc-regs>.

These regulations may require the use of, or inspection by, companies or individuals that are certified to inspect or remove these hazards **prior to renovation or demolition**. APCD must also be notified of abatement or demolition activities prior to beginning any work in the case of asbestos. For additional guidance on these regulations and lists of certified companies and individuals please visit the following website for asbestos: <https://www.colorado.gov/cdphe/categories/services-and-information/environment/asbestos> and the following website for lead-based paint: <https://www.colorado.gov/pacific/cdphe/categories/services-and-information/lead>.

If you have any questions about Colorado’s asbestos and lead-based paint regulations or are unsure whether you are subject to them please call the Indoor Environment Program at 303-692-3100.

If you have more general questions about air quality, please contact CDPHE’s APCD by emailing cdphe.commentsapcd@state.co.us or calling 303-692-3100.

Environmental Justice and Health Equity

CDPHE is dedicated to promoting and protecting the health and environment for all Coloradans. As part of those efforts, we strive to achieve health equity and environmental justice.



ENVIRONMENTAL JUSTICE is the fair treatment and meaningful involvement of all people regardless of race, color, national origin or income. Environmental justice recognizes that all people have a right to breathe clean air, drink clean water, participate freely in decisions that affect their environment, live free of dangerous levels of toxic pollution, experience equal protection of environmental policies, and share the benefits of a prosperous and vibrant pollution-free economy.

HEALTH EQUITY is when all people, regardless of who they are or what they believe, have the opportunity to attain their full health potential. Achieving health equity requires valuing all people equally with focused and ongoing efforts to address inequalities.

The Environmental Justice Act (HB21-1266) builds upon these efforts by declaring a statewide policy to advance environmental justice, defining disproportionately impacted communities, and creating an Environmental Justice Action Task Force, Environmental Justice Ombudsperson, and Environmental Justice Advisory Board. The Environmental Justice Act also directs the Air Quality Control Commission to promulgate certain rules to reduce emissions in disproportionately impacted communities, and to revise its approach to permitting actions in disproportionately impacted communities. The Environmental Justice Act further requires the Air Quality Control Commission to conduct enhanced outreach in disproportionately impacted communities for rulemakings and contested permitting actions.

The Environmental Justice Act's definition of disproportionately impacted communities includes low-income communities, communities of color, and housing cost-burdened communities, as well as communities that experience cumulative impacts and with a history of environmental racism. CDPHE's [Climate Equity Data Viewer](#) can be used to identify census block groups that meet those three criteria.

CDPHE notes that certain projects have potential to impact communities of color and low-income communities that are already disproportionately impacted by cumulative impacts across environmental media and challenges outside the environmental context. It is our strong recommendation that your organization consider the potential for disproportionate environmental and health impacts on specific communities within the project scope and take action to avoid, mitigate, and minimize those impacts.

To ensure the meaningful involvement of disproportionately impacted communities, we recommend that you interface directly with the communities in the project area to better understand community perspectives on the project to receive feedback on how it may impact them during development and construction as well as after completion. This feedback should be taken into account wherever possible, and reflected in changes made to the project plan to implement the feedback.

Additionally, to ensure the fair treatment of disproportionately impacted communities, we recommend that you consider substantive measures to avoid, minimize, and mitigate impacts to disproportionately impacted communities. This may include considering alternative facility siting locations, using best management practices to reduce impacts to air, water, soil, noise, light, or odor, or offsetting impacts by reducing impacts from other nearby facilities as appropriate.



We have included some general resources for your reference.

Resources:

[CDPHE Environmental Justice Website](#)

[CDPHE's Health Equity Resources](#)

[CDPHE's "Sweet" Tools to Advance Equity](#)

[EPA's Environmental Justice and NEPA Resources](#)



Tugce Ucar Maurer
Planner II, Long Range Planning
Jefferson County Planning and Zoning

May 28, 2024

Dear Tugce,

The Historical Preservation and Landmarks Committee of the Jefferson County Historical Commission (JCHC) has reviewed *Rezoning Shadow Mountain Bike Park (Case #23-102980 RZ) Third Referral*. The attached memo contains more details about the review. JCHC has the following recommendations:

Recommendation 1. Cultural resource professionals permitted by the Colorado Office of Archaeology and Historic Preservation, as per CRS 24-80-401 to 410 and approved by the State Land Board will conduct the cultural resource survey and provide recommendations on the eligibility of and effects to identified cultural resources. The cultural resource professionals will also be directly involved with identifying mitigation measures and treating any discoveries.

Recommendation 2. The cultural resource survey will include areas that are earth-disturbing and can damage cultural resources directly and indirectly, including the 16 miles of trails planned for the development.

Recommendation 3. The historic mountain landscape is basically intact throughout the project area. The mountain landscape and rural setting need to be considered during project design and developing mitigation measures. The proposal should choose building materials and design the site to consider and complement the surrounding environment, landscape, and mountain view. This approach will preserve the historical integrity and natural beauty of the rural mountain landscape, ensuring it remains a valuable heritage asset for future generations.

Please forward our review and recommendations to the case manager.

Sincerely Yours,

//s// Dan Haas, Richard Scudder

Co-Chairs, Historical Preservation and Landmarks Committee
Jefferson County Historical Commission

Attachment: JCHC Memo

J E F F E R S O N



COUNTY COLORADO

Boards and Commissions

Historical Commission

Memorandum

May 28, 2024

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

Project:

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

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

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

Resources near the Project Area:

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

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

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

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

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

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

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

Resources in the Project Area:

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

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

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

Other Information

The Jefferson County Historical Commission (JCHC) and the applicant met on March 13, 2024 to discuss the recommendations from the second referral dated January 22, 2024. The applicant formally replied on April 12, 2024 as part of the third referral. Below are the replies to JCHC recommendations:

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

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

The applicant committed to an on-the-ground survey in certain parts of the project area and suggested delaying the preparation of an Historical, Archaeological, and Paleontological Report/Plan until the design/development phase, since a report would be prepared to describe the project area and survey results at that point. JCHC was willing to consider these next steps and accept a response letter instead of a Report/Plan for the third referral.

The applicant committed to the following:

- We will prepare a Historical, Archaeological, and Paleontological Report/Plan in accordance with Land Development Regulation, Section 31. The information required according to LDR Section 31 will be included in the report that follows cultural surveys as required per Section 106 compliance.
- We are committed to conducting cultural surveys in areas with higher levels of ground disturbance, which includes: the driveway, parking lot/base area, and area around the top of the chairlift.
- We would like to invite a member of JCHC to assist in the flagging of trail alignments during the design and development phase to determine the presence (or likelihood therein) of cultural resources, if necessary.
- If historical, archaeological and paleontological resources are discovered during site preparation or construction, all construction in the immediate vicinity shall cease and the applicant shall notify the Jefferson County Planning and Zoning Division and the proper authorities to determine the disposition and necessary protection, excavation, or recovery of the resource(s).

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

The applicant did not respond to this recommendation.

Kris Laubis, Shadow Mountain resident (Email, 4/23/2024)

“The developers of the Shadow Mountain Bike Park recently submitted their response to Jeffco P&Z. I have read their response to the recommendations that JCHC made and I am perplexed. There was mention in the 3/4/24 minutes that the developers were seeking a meeting. However, the 4/1/24 minutes of JCHC have not yet been posted on the website.

Did the commission in fact meet with the developers? Is the attached report that they submitted to P&Z accurate?

This paragraph was particularly troubling:

In response to these recommendations, we scheduled a meeting with the JCHC to better understand their expectations and establish next steps. In the meeting, we discussed our commitment to an on-the-ground survey in certain parts of the project area and suggested delaying the preparation of an Historical, Archaeological, and Paleontological Report/Plan until the design/development phase, since a report would be prepared to describe the project area and survey results at that point anyway. In the meeting, JCHC was willing to consider these next steps and accept a response letter (this letter) instead of a Report/Plan in this referral.

I understand that JCHC's hands are tied because they are not an CLG and the most they can do is “recommend”. However, it sounds like the developers persuaded JCHC to “kick the can down the road” until **after** the development is approved by the JCBC. Shouldn't the JCBC have the benefit of knowing this information before they make their decision? At what point in development phase would this survey take place? The toothpaste can't be put back in the tube. Once this commercial project commences, irreparable damage could be done to the potential indigenous finds, landscape, wildlife habitat, traffic, etc. Who will be monitoring the developers as they conduct this survey? If you were the developer and

you discovered an artifact or arrowhead with millions of dollars at stake, would that discovery end up in your pocket or be made known to the JCHC? Why are they only committing to a survey in certain parts of the proposed development?

As a 40+ year resident of Conifer, past board member of CHSM, and 30-year resident on Shadow Mountain I am deeply saddened that more can't be done to preserve and protect our unique, rural mountain heritage. It makes no sense to plop a commercial development in the center of a residential area, adjacent to a conservation easement.

JCHC public meeting (5-6-24)

Concerned residents from Shadow Mountain attended the public meeting to further express their concerns and strongly expressed the need to conduct the cultural resource survey before a decision is reached on the rezoning application.

Jefferson County Historical Commission Conclusion and Recommendation:

JCHC appreciates the applicant's willingness and commitment to conduct a cultural resource survey as part of the Historical, Archaeological, and Paleontological Report/Plan. This documentation can be submitted as part of the land development application. JCHC is open to receiving this information as early as possible for review. JCHC has the following recommendations:

Recommendation 1. Cultural resource professionals permitted by the Colorado Office of Archaeology and Historic Preservation, as per CRS 24-80-401 to 410 and approved by the State Land Board will conduct the cultural resource survey and provide recommendations on the eligibility of and effects to identified cultural resources. The cultural resource professionals will also be directly involved with identifying mitigation measures and treating any discoveries.

Recommendation 2. The cultural resource survey will include areas that are earth-disturbing and can damage cultural resources directly and indirectly, including the 16 miles of trails planned for the development.

Recommendation 3. The historic mountain landscape is basically intact throughout the project area. The mountain landscape and rural setting need to be considered during project design and developing mitigation measures. The proposal should choose building materials and design the site to consider and complement the surrounding environment, landscape, and mountain view. This approach will preserve the historical integrity and natural beauty of the rural mountain landscape, ensuring it remains a valuable heritage asset for future generations.

LONG RANGE REVIEW MEMO

Date: May 29, 2024, updated June 4, 2024
 To: Dylan Monke
 From: Heather Gutherless, AICP
 Case number: 23-102980RZ (Special Use) - 3rd Referral
 Address/AIN: 61-163-00-001
 Purpose: Special Use application for Development of a day-use lift-served bike park as a Class III Commercial Recreation Facility.

Applicable Comprehensive Master Plan Sections

<u>Land Use</u>	<u>Physical Constraints</u>	<u>Community Resources</u>	<u>Infrastructure, Water & Services</u>	<u>Area Plan</u>
<u>All Development</u>	<u>General</u>	<u>Historic Resources</u>	<u>Transportation</u>	<u>North Plains</u>
<u>Business and Industry</u>	<u>Geologic Hazards</u>	<u>Visual Resources</u>	<u>Water and Wastewater</u>	<u>Central Plains</u>
<u>Housing</u>	<u>Floodplains</u>	<u>Air, Light, Odor, and Noise</u>	<u>Water Storage</u>	<u>South Plains</u>
<u>Mixed-Use</u>	<u>Wetlands</u>	<u>Open Space</u>	<u>Other Utilities</u>	<u>North Mountains</u>
<u>Community Uses</u>	<u>Wildfire</u>	<u>Recreation and Trails</u>	<u>Services</u>	<u>Central Mountains</u>
<u>Livestock</u>	<u>Radiation</u>	<u>Recreation and Tourism</u>	<u>Special Districts</u>	<u>Evergreen</u>
<u>Renewable & Alternative Energy</u>	<u>Landfills</u>			<u>Indian Hills</u>
<u>Extractive Resources</u>	<u>Mines</u>			<u>Conifer/285</u>
<u>Solid Wastes and Hazardous Materials</u>	<u>Wildlife & Vegetation</u>			
<u>Activity Centers</u>				
<u>Site Design</u>				

Comments that were previously addressed or will be addressed with future processes have been removed.

Comments still to be addressed are in ***bold italics***

Responses to comments that have been addressed with the 3rd referral are in *italics*

Key Issues:

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

Land Use

- The property is located within the Conifer/285 Corridor Area Plan. The property is 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.

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.
- ***Staff continues to have concerns about wildfire and wildlife.***

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. Active recreation is also many times compatible with surrounding uses. **Remaining concerns we have related to compatibility have to do with visual impacts of trails and the water storage reservoir.** As stated previously, many of the items mentioned throughout the document increase compatibility of this proposal with surrounding residential uses.*

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 applicant has provided additional analysis of this factor. However, staff still does not think that the analysis meets this criteria. It is not a physical change in the area, nor it is specific to this location. Therefore, the applicant should take this analysis to the decision-making bodies for this case.***
- *The applicant has further increased setbacks to chairlifts from 50 feet to 150 feet. This is a substantial increase and should help mitigate any noise and visual impacts from the lift.*
- *The applicant also modified the language about the lift corridor clearing from 50 feet max in the 2nd referral to 40-60 feet in accordance with safety or chairlift commission regulations. This is not a significant change from the 2nd referral and will still provide an adequate buffer with some flexibility in siting.*
- *The applicant has clarified in the response letter that the 50 foot setbacks for trails will be from the edge of the trail clearing. We think this setback will help mitigate noise and visual impacts. However, this is not clear from the written restrictions whether the setback would be taken from the trail itself or the clearing for the trail. This may be alleviated by addition of language. This could say something like, "Setbacks to edge of trail clearing: 50 feet from all Property lines." Or "Setbacks: 50 feet from all property lines to the edge of the trail clearing." There may be other language that could similarly clarify this setback.*
- *The trail clearing width has been increased from 20-30 feet. Will that change the visibility of the trails? Does the visual analysis need to be updated?*
- *A definition of season closure has been added. While this definition still does not address the different times requested by the CPW, it does restrict access to the park during that closure to only allow staff access, rather than any guests. The language regarding Special Events between January 1 and April 1 has been removed. This addressed our previous comment about how a Special Event would still impact wildlife. However, the timeframe for the seasonal closure is still of concern.*

Physical Constraints

Floodplains/Wetlands

- The Physical Constraints section contains additional policies about floodplains. (CMP p. 34) *Jefferson County flood prone area has been shown on the ODP as previously requested.*
- *It has also been noted that if trails cross the wetlands, impacts would be avoided by bridging, raised platforms, or similar design.*

Wildfire

- *This property is within a High Wildfire Hazard Risk area. A Wildfire Risk Assessment was completed by The Ember Alliance with the initial referral. It has been clarified that the document submitted with the second referral was a Wildfire Mitigation Hazard Plan and this is why there were differences in the documents. A Wildfire Hazard Mitigation Plan is what is required by the Zoning Resolution.*
- 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.
 - *The ODP states that "Mitigation strategies as outlined in the wildfire Hazard Mitigation Plan will be implemented as a part of Defensible Space Permit requirements." While the requirement for this work to be done at the time of Defensible Space Permit gives a deadline for when the work should*

be done, the County's Wildfire Interface Fire Specialists do not look at the zoning documents when creating a Defensible Space plan, so we are concerned that this will be missed. We would rather see these items implemented as a part of the Site Development Plan.

- *Unit H recommendations will be completed as possible in County Right-of-Way and on adjacent properties, but may not be able to be fully executed.*
- Basecamp:
 - Clearing as much area around the parking lot as possible, while keeping Aspen stands.
 - *The Basecamp area is generally in alignment with Management Area G in the Wildfire Hazard Mitigation Plan. The Wildfire Hazard Mitigation Plan does encourage the aspens to be selected to remain over any other species. The mitigation strategies will be implemented per language noted above in the ODP.*
- South End:
 - Fencing of aspen to prevent browsing from animals.
 - *The ODP has been updated to note that in Use Area A, aspen trees will be fenced to prevent browsing.*
- *The response letter states that wood fencing is prohibited in the ODP, however, that provision appears to have been removed.*
- *The previous Wildfire Risk Assessment suggested the parking lot could be a safety zone for firefighters if mitigation were to occur within a buffer of 300-feet around the parking lot. This safety zone has been replaced with mitigation work along Shadow Mountain Road to potentially benefit people travelling along Shadow Mountain Road. That rationale makes sense, but the full Unit H recommendations may not be able to be implemented since some of them occur on private property. I do not see the letters from the Elk Creek Fire Protection District or Road & Bridge in the case file that are referenced in the response letter.*
- Wildlife
 - 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.
- *The revised ODP contains additional restrictions to address wildlife concerns. Those additions include:*
 - *The creation of a seasonal closure from January 1 to April 1.*
 - *A definition of Seasonal Closure was included and the previous provision about special events during those Seasonal Closures has been removed, so that only staff has access during that time. This addresses our previous concern about special events during seasonal closures.*
 - *The seasonal closure recommended by the Colorado Division of Parks and Wildlife was from January 1 to July 1. The suggested seasonal closure will only partially limit impacts to wildlife, since it is January 1 to April 1.*
 - *Fencing standards for wildlife friendly have been designated. The restriction contains a reference to a specific document that could be updated, we suggest adding language such as "...or similar document if updated."*
 - *The Wildlife section of the ODP added with 3 policies regarding bird feeders, round door knobs and enclosing crawl spaces to prevent wildlife access. Additionally, 2 policies regarding trash management have been added. These are good restrictions to minimize human-wildlife conflicts.*

Community Resources

Air, Light, Odor and Noise

- 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)
- *Staff met with the consultant that prepared the Sensory Impact Study and the study has been updated. Staff is comfortable that the LDR Noise Criteria for residential uses will not be exceeded with this proposal, except for our potential concern about Special Events noted below.*
- *The ODP has been updated to note that Outdoor amplification is prohibited except for announcements and Special Event permit occurrences. Since this is a Special Use and the underlying zoning would remain A-2, only 4 Special Events would be allowed on the property per year. This is similar to what would be allowed on surrounding properties, so while there would be an impact, it would be minimal.*

Infrastructure, Water, & Services

Transportation

- 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)
- *If the County's engineering comments have been addressed, then this policy will be met.*
- 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)
- *It is our understanding that additional through lanes would not be necessary.*

Utilities and Services

- 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.
 - *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?*
 - *The updated Engineering Study for Water System Improvements notes that in order to meet on-site fire protection requirements, onsite Fire Storage will be needed of 180,000 gallons exclusive of storage required for domestic use. The study has noted that this storage will be provided in a separate Fire Storage only ground storage tank. It also notes that fire flow will be conveyed to the site through a fire flow distribution system to the on-site fire hydrants.*
 - *Water storage tanks should be required to be fully or partially located underground to reduce visual impacts of the tank that is estimated to be 30 ft diameter by 30 ft in height. No more than 15 ft should be exposed.*

Design Guidelines

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

Parking

- 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.

- *The applicant has proposed modifications to the Landscaping standards that the Landscape plan will meet **both** Wildfire Mitigation Plan and Vegetation Plan recommendations. This addresses our previous concern about all trees being able to be removed.*
- *Additionally, the landscaping around parking lot areas will still be required.*
- 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 comment regarding parking lot landscaping.*

Signs

- Integrate signs into overall landscape and building design, carrying out a consistent graphic theme.
 - *The applicant requested suggestions for how to meet this standard, we suggest adding language about how the signs should match the architectural elements of the primary building.*
 - *The response letter states that this language has been added to the ODP, but it doesn't look like it has been incorporated into 5. Signage, which would be the logical location. It does not appear to be incorporated anywhere.*
- 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.
 - *Sign setbacks will revert to the setbacks in the Zoning Resolution unless otherwise specified, so the setback of the signs from Shadow Mountain Road will be 10 feet, which is consistent with other surrounding Agricultural zoning.*

Air, Odor, Light & Noise

- Integrate light design into overall project design and architecture.
 - *The design of lighting has been addressed.*
- Protect or preserve areas valued for the absence of man-made noise.
 - *A sensory impact study has been completed to address noise, which satisfies the concerns about noise. See comments in the Community Resources section.*

Additional questions/comments about ODP changes:

- *Many accessory uses have been removed. Does this mean there will be no Day Lodge, or is that not listed because it is a part of the commercial recreational facility?*
- *The Food and Beverage Vendor definition references a Day Lodge, with caps indicating that it is a defined term, but Day Lodge was removed from the definitions in the ODP and it is not defined in the ZR*
- *Definitions should be organized alphabetically.*

PLANNING ENGINEERING MEMORANDUM

TO: Dylan Monke, Case Manager
FROM: Nathan Seymour, Planning Engineering
DATE: May 30, 2024

RE: 23-102980RZ; Special Use Application for Shadow Mountain Bike Park at 61-163-00-001 adjacent to Shadow Mountain Drive, Conifer CO 80433

SPECIAL USE COMMENTS

1. Transportation: No additional comments.
2. Phase I Drainage Report and Plan: No additional comments.

OTHER CONSIDERATIONS

1. Site Development Plan: The applicant needs to be aware that prior to the issuance of a building permit, a Site Development Plan Approval is required; please see the Zoning Resolution, Section 9 for more details on the requirements for the Site Development Plan.
2. Floodplain Development Permit: A Jefferson County Flood-prone area is located on the northern portion of the property along North Turkey Creek. Construction, including grading and/or access in this area will require a Floodplain Development Permit through Jefferson County Planning & Zoning. This should be submitted at the same time as the Site Development Plan.

CONCLUSION

These comments are based on the requirements of the Jefferson County Land Development Regulation (LDR), the Jefferson County Zoning Resolution (ZR), the Jefferson County Storm Drainage Design and Technical Criteria (SDD&TC) and the Jefferson County Transportation Design & Construction Manual (TD&CM). The comments are intended to make the applicant aware of regulatory requirements. Failure by Jefferson County Planning and Zoning to note any specific item does not relieve the applicant from conforming to all County regulations. Jefferson County Planning and Zoning reserves the right to modify these comments, request additional documentation, and or add appropriate additional comments.

If there are any questions, please contact Nathan Seymour at 303-271-8751.

NRS
Attachment/Enclosure
c: File

Memorandum

To: Dylan Monke
Planner

From: Patrick O'Connell
Engineering Geologist

Date: May 28, 2024

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

I have reviewed the submitted documents for the subject project. I have the following comments:

1. The site is not within a zoned or unzoned geologic hazard area and reports are not required with the rezoning process.
2. The property is located within the Mountain Ground Water Overlay District. Based the uses (bike park, lodge, maintenance building) on 306 acres, it appears the water requirement will not exceed the 0.28 acre feet per acre per year threshold as described in Section 21 of the LDR. If the water requirement exceeds 0.28 acre feet per acre per year, an Aquifer Test in accordance with Section 21 of the LDR is required with the rezoning application. If the water requirement exceeds 0.10 acre feet per acre per year, an Aquifer Test in accordance with Section 21 of the LDR is required with the SDP application. The estimated water requirement is 0.04 acre feet per acre per year.
3. The applicant has submitted a plan (April 17, 2024) that describes the process to obtain legal rights to the water supply and the number of guests has been updated (1200 max). Adequate legal water rights will be required with the SDP process.
4. The Water Availability Analysis (WAA) has been revised based on water demand requirements provided by the applicant and County staff. The use is unique and a bike park is not listed in multiple references, therefore, County staff utilized 4 gallons per day (gpd) per guest (1200 guests based on revised ODP). The value utilized in Stantec's October 23, 2023 Engineering Study was 4 gpd, however, no source data was provided. I discussed this with the applicant's representative. Based on the values and ODP, the estimated total annual withdrawal is ~4.72 af and a consumptive use of ~0.8 af.
5. Grading within the Jefferson County Floodplain Overlay District (flood prone area) will require a separate Floodplain Development Permit.



Planning & Property Department
809 Quail Street, Building 4
Lakewood, Colorado 80215
(303) 982-2584

May 17, 2024

Dylan Monke, Permitting Supervisor
Jefferson County Planning and Zoning Department
100 Jefferson County Pkwy, Ste. 3550
Golden, Colorado 80419

RE: 23-102980RZ Shadow Mountain Bike Park

Dear Dylan,

Thank you for information regarding the referenced case currently under review. Jeffco Public Schools sees no direct impact on its facilities from this case.

Should you need additional information, please contact me.

Sincerely,

Jeffco Public Schools

A handwritten signature in blue ink that reads "Chad Bridges". The signature is written in a cursive, slightly slanted style.

Chad Bridges
Planner, Facilities Planning & Property

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County\ShadowMountainBikePark\20240517_ShadowMountainBikePark.docx