



December 8, 2023

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

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

Dear Mr. Monke,

We are in receipt of the Long Range Review Memo from Jefferson County Planning and Zoning, dated May 5, 2023, as part of the first referral of the application for a special use for the Shadow Mountain Bike Park project (the “**Application**”). With this letter, we are providing the following responses to comments received.

I. Key Issues

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

Response: Key issues noted.

II. Land Use

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

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

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

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

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- ***Staff continues to have concerns about how the impacts to wildfire, wildlife, wetlands, visual resources, light, and noise will be addressed.***

Response: The Applicant has produced and/or updated a number of documents to address the concerns herein. These documents are referenced throughout where applicable and are outlined in the “First Referral Response – Summary of Referral Comments – SMBP” document.

Specific to the resources listed above, the Applicant has prepared a Wildfire Hazard Mitigation Plan, included with this resubmittal package, to address wildfire concerns. The Plan has more specific measures outlined to create more defensible space and reduce fuel loads on the Property. Additionally, refer to “First Referral Response – CPW – SMBP” included in this resubmittal package for additional wildlife considerations. Refer to the Visual Analysis included in this resubmittal package for additional analysis of the visual impact of the Project. Refer to the Sensory Impact Assessment included in this resubmittal package for an analysis of noise impacts and mitigation measures.

Additional restrictions for wildfire, wildlife, wetlands, lighting, and noise have been included in the ODP Written Restrictions document included in this resubmittal package as well. These additional reports, restrictions, and mitigation measures are anticipated to reduce the concerns highlighted herein.

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

- *The applicant notes that the current land use recommendation map contains areas of open space adjacent to large lot residential uses. They also note that they are concentrating infrastructure near Shadow Mountain Drive, while buffering the visual impact and will disperse the trail system throughout the property to be shielded from Shadow Mountain Drive. They state that the project will benefit the residences in the area by providing opportunities for improved health and economic growth and that this would offset mountain bike users from other existing areas.*
- *Evaluation of Special Use criteria 1 is in the document provided by the applicant and that criteria also discusses compatibility with existing and allowable land uses in the surrounding area. The applicant’s analysis states that the surrounding neighborhoods are single-family dwellings at a moderate to low density. The applicant states that they intent to mirror that dispersed development with limited infrastructure by concentrating infrastructure at the base area and dispersing the trail system throughout the property.*

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- ***Staff agrees that open space uses and large lot residential uses are generally compatible. However, most open space parks offer more passive recreational activities, rather than active recreation that is being proposed at this location. While active recreation is also many times compatible with surrounding uses, impacts to adjacent neighbors, due to increased intensity of uses, still needs to be mitigated. Many of the items mentioned throughout the document would increase compatibility of this proposal with surrounding residential uses.***

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

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

- *The applicant notes the increased growth of the front range area since 2010 and that this growth has increased the demand for professionally managed recreation outlets. They state that this growth surpassed the projections in the JCOS 2014-2019 Master Plan and therefore, increased demand was not clear during the original drafting of the CMP.*
- ***Staff appreciates the applicant citing their references to the numbers used to justify the change of circumstance. However, we do not typically accept a change in population growth as a change of circumstance. We look for physical changes to the area, such as an expansion of a road that was not anticipated or a new land use in the area that received approval even though it was out of conformance with the Plan recommendations.***

Response: Noted. The Applicant has adjusted the change of circumstance response as follows:

The Jefferson County Comprehensive Master Plan was originally adopted in 2010 and most recently amended in 2020. Since the original plan adoption, which included the Land Use Recommendations described herein, a number of changes have occurred in Jefferson County and in the Conifer area.

One change of circumstance has been the onset of the COVID-19 pandemic and the recreation challenges that came with it. Trail use increased as residents of the area were

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spending more time at home and seeking outdoor activities. This created challenges for management at trailheads and user conflict on trails, which caused the Jefferson County's Open Space department to reconsider their travel management plan and make decisions to better manage and restrict uses. For example, in September 2020, the County established designated use days at Apex Park on select trails, where only mountain bikers are allowed on even calendar days and no bikes are allowed on odd calendar days. These management considerations were a result of heavy use and user conflict, presenting a need for more facilities with designated use.

Additionally, in 2021, the Outside 285 Master Plan was published. This plan was a collaborative, regional planning effort to combine goals on recreation, conservation, and land management around the Highway 285 region. The plan focused on zones within the region, one being the Evergreen/Conifer Zone, in which the Property lies. Objectives for the Evergreen/Conifer Zone, as outlined in the Outside 285 Master Plan, include the following:

Enhance visitor experience and trail opportunities within or adjacent to existing trail systems, including JCOS parks and Staunton State Park.

The Project will be located near a number of JCOS Parks (such as the Flying J Ranch and Meyer Ranch parks) and less than a 10-mile drive from Staunton State Park. It will enhance the recreation experience in the area by providing trails catered to a specific user group (mountain bikers) and providing a recreation experience that does not currently exist outside of the I-70 corridor, which aligns with this objective.

Another objective identified in the Outside 285 Master Plan is to:

Improve capacity and manage conflict in congested areas.

SMBP will provide additional capacity for mountain biking in the area by providing approximately 16 miles of trails and a facility for visitors to the area. Additionally, by being a park for a dedicated user group, it could alleviate some of the user conflict issues experienced on nearby trail systems. SMBP will be providing a trail experience that is already in high demand, which has the ability to alleviate the pressure on these trail systems. The Outside 285 Master Plan specifically calls out the Cub Creek Trail as a mountain biking destination, which is just a 4-mile drive from the Property and specifically attractive to users for its "steep and rugged experience." SMBP will be providing a trail experience that mirrors the steep and rugged terrain in the region while being especially curated for mountain bikes. Additionally, the trails at SMBP would

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provide opportunities for all user groups, including beginners, experts, families, and those hoping to improve their skills. By providing additional trails and building upon the existing recreation experience in the area, SMBP would provide capacity and, in doing so, may relieve some of the congestion in surrounding areas, thus meeting this objective.

To address issues of user conflict, the Outside 285 Plan recommended segregating uses. While this is sometimes difficult to enforce on U.S. Forest Service (USFS) trails, a facility such as SMBP will primarily serve mountain bikers, providing a space without user conflict for this user group. Additionally, industry experts have identified that education, events, and community building are important in addressing user conflict issues,¹ and SMBP would support these efforts as a community-oriented and educational space, which has the potential to improve user conflict in the greater area as well.

Lastly, since the Jefferson County Comprehensive Master Plan was amended in 2020, JCOS published the 2022 Forest Health Plan, which includes ten objectives that would be supported by the wildfire treatment areas proposed in this Project. They are outlined specifically in the Wildfire Hazard Mitigation Plan included in this resubmittal package.

2. *The proposed access road is approximately 20-25 feet from the property line and there are trails approximately 18 -20 feet from the property line. The nearest home appears to be approximately 20 feet from the property line. Page 3 of the Proposed written restrictions document states that trails will be setback 30 feet from all property lines. Trails should be setback further from the property line to reduce impacts to adjacent neighbors. While setbacks are listed in the A-2 zone district for structures, there are not for setbacks for other amenities such as trails. This should be added to the proposed written restrictions. **We recommend meeting or exceeding the setbacks listed in A-2 for structures or developing a Non-disturbance area along the property boundaries that are adjacent to residences/agriculturally zoned properties.***

Response: Setbacks have been increased to 50 feet as reflected in the revised ODP Written Restrictions.

¹ American Trails 2023, accessed at: <https://www.americantrails.org/resources/multi-use-trails-and-conflict>

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3. *Seasonal closure of facilities is proposed, but the park will still be open to people without lift or lodge access. Does the traffic study compare these two different scenarios? Also, seasonal closure seems a little misleading when the facility isn't entirely closed down. Will there be any staff on site? This definition should be revised. It references guests in the first sentence and visitors in the second sentence, are these one in the same or different?*

Response: Seasonal Closure has been revised to clarify that guests will not be permitted during the Seasonal Closure, with the exception of guests visiting the Property during a Special Event, if permitted by Special Event Permit. Guests and visitors are one in the same and references to visitors have been removed from the ODP Written Restrictions. Staff may access and use the Property during the Seasonal Closure.

4. *Other entertainment is mentioned in the cover letter? What does that mean? Is the bike park planning on sponsoring live music events? Staff needs to understand what those might be so that we can adequately evaluate their impacts.*

Response: This reference to "other entertainment" has been removed.

III. Physical Constraints

Slopes

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

Response: Noted. Additionally, slopes over 30 percent have been identified as "avoidance areas" and included in the Written Restrictions in this resubmittal package.

Floodplains/Wetlands

2. ***There is a floodplain along North Turkey Creek. That floodplain should be delineated on the Special Use Graphic. The Physical Constraints section contains additional policies about floodplains. (CMP p. 34)***

Response: Within Jefferson County's jMap online map, the section of North Turkey Creek within the Property does not have a FEMA-identified floodplain but rather a "Jefferson County Flood-Prone Area." This would largely be included within the 50-foot setbacks proposed for this Project, so is not included in the Site Plan.

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3. ***Wetlands on the property are shown on the graphic. Those areas should be protected in the graphic and written restrictions. Written restrictions would be needed to explain situations where work would be completed in the wetland areas and what mitigation would occur. The CMP states that “Wildlife access to wetland should be protected and, where possible, enhanced.” (CMP p. 35)***

Response: Wetlands have been identified in the Site Plan as “avoidance areas” and additional restrictions have been included in the ODP Written Restrictions in this submittal package.

Wildfire

4. *Where not in a floodplain, this property appears to be within a High Wildfire Hazard Risk area. A Wildfire Risk Assessment was completed by The Ember Alliance. This report shows that evacuation times in the area may increase from 2.5 hours to 2.75 hours with additional traffic from the bike park and additional information about evacuation of this area. 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.*

Response: Please refer to the Wildfire Hazard Mitigation Plan for a description of proposed treatment areas to reduce the risk of wildfire, which include shaded fuel breaks and treatments along Shadow Mountain Drive.

As described in the application narrative included with the initial application submittal, the Applicant has also considered multiple access points to the Property. The base area of the Property is fairly compact and, therefore, does not support providing egress routes on either side of the Project site. While the Project only proposes one way in/out of the Property at this time, the Applicant has considered adding an egress option at the top of Shadow Mountain to evacuate via Conifer Mountain Drive. The access road would be able to connect through a neighboring property into Conifer Mountain Drive. The property owner has agreed and offered this option as an egress route in case of fire. This could be an option in an event where Shadow Mountain Drive cannot be used for egress. The Applicant is open to further discussion and implementation of this option if deemed necessary by County staff.

5. ***The report contains recommendations for 4 treatment areas. We recommend adding some of those recommendations to the written restrictions. If this Special Use is approved, some of those recommendations will be addressed at the time of Site Development Plan. How the***

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*wildfire recommendations should be addressed is noted below. **The Special Use graphic should identify the 4 treatment areas graphically.***

Response: The referenced report has since been updated. Please refer to the Wildfire Hazard Mitigation Plan. Treatment areas have been incorporated into the Vegetation Preservation Plan and the ODP.

6. *Basecamp:*

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

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

Response: This language has been incorporated into the Written Restrictions included in this resubmittal package.

6.b *Prohibit wood fencing.*

- ***The Special Use document should prohibit wood fencing as noted on page 28 of the Wildfire Risk Assessment.***

Response: This language has been incorporated into the Written Restrictions included in this resubmittal package.

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

Response: Comment noted.

7. *Mountain Top:*

- *Heavy clearing around top of lift, preserving Aspen stands and remove all junipers.*
 - *This should be covered with the SDP Wildfire Mitigation required.*

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Response: Noted.

8. *Central Trails:*

- *Thinning*
 - *This would be required with the SDP.*

Response: Comment noted.

9. *South End:*

- *Patch cuts of lodgepole*
 - *This would be required with the SDP*

Response: Comment noted.

- *Fencing of aspen to prevent browsing from animals.*
 - ***Note this in the Special Use.***

Response: Noted. Please refer to the Vegetation Preservation Plan included in this resubmittal package, which prioritizes preserving existing healthy aspens. This can be done with measures such as fencing and avoiding aspen stands in areas of development.

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

Response: Comment noted.

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

Response: Comment noted.

12. ***As recommended by the Wildfire Risk Assessment, the parking lot should be setback of 300 feet from the property lines. (p. 35)***

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Response: The Applicant has considered this feedback and the implementation of a 300-foot setback for wildfire risk. This setback was recommended in order to create a safety zone on the Property in event of a wildfire. As indicated in the Wildfire Hazard Mitigation Plan included with this submittal package, mitigation along Shadow Mountain Drive is recommended instead to provide a safe evacuation corridor in event of a wildfire. This was included in the plan after discussions with both the Elk Creek Fire Protection District (correspondence 8/25/2023) and Road & Bridge (correspondence 9/14/2023), and both agencies were willing to consider this approach. This recommendation would also provide benefits to other residents in the vicinity who would travel along Shadow Mountain Drive in case of an evacuation event.

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

Response: Comment noted.

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

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

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

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

Response: Noted. This mitigation is also included in the Wildfire Hazard Mitigation Plan included with this resubmittal package.

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

Response: Comment noted.

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

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

Wildlife

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

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

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

Response: Comments notes and detailed response to wildlife concerns is addressed in the First Referral Response – CPW – SMBP document.

16. ***There should be restrictions added to address wildlife concerns. All fencing should be wildlife friendly and restricted to specific areas. Perimeter fencing should be prohibited. No lighting should shine into the wetland areas, which are maximum wildlife quality habitat areas. However, even this mitigation may not be enough to mitigate the impacts of this development to wildlife.***

Response: These measures have been considered. Please refer to the First Referral Response – CPW – SMBP document for additional outlined mitigation measures as discussed with the Colorado Division of Parks and Wildlife.

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IV. Community Resources

Historic Resources

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

Response: Comment noted.

Visual Resources

2. *Portions of this property, mainly in the southwest corner are highly visibility from the 285 Viewshed map and the County Hwy 73 Viewshed map. **Siting of any improvements in that area will need careful site design to minimize visual impacts.***

Response: Noted; the Applicant understands that this site design will be addressed at the SDP phase.

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

Response: Noted and please see response to Comment IV.4 below regarding visual impact mitigation measures.

4. ***The applicant did provide a Visual Analysis of the proposed development. It appears that the most visual impact to Shadow Mountain Drive will come from the lift, lodge and parking lot. Where is the day lodge in this analysis? It appears to be blocked by a tree at the particular vantage point used, what is the impact just east or west of that tree? Additionally, the site plan shows a multitude of trails going through the area and the vegetation plan discusses removing vegetation within 10-15 feet of the centerline of the trails. Please explain how this analysis adequately capture trail impacts. Also, we typically request 5 vantage points for a visual analysis. Additional analysis should be completed in coordination with the Case Manager.***

Response: An updated Visual Analysis has been prepared in coordination with the Case Manager and is included in this resubmittal package. The updated analysis includes an additional viewpoint from further up Shadow Mountain Drive, looking west towards the Property. Additionally, the other two viewpoints have been updated to better reflect the visual impacts of the building, road, trails, and vegetation removal proposed as a result of the Project. The trails and roads will have minimal impacts on visual resources as the vegetation clearing proposed will primarily create additional shadows in the dense forest

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cover on the Property. Areas where these impacts would be visible have been included in the visual simulations within the Visual Analysis.

Open Space and Trails

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

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

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

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

Response: Comment noted.

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

- *The park won't link the community. **The first page of the Proposed Written Restrictions shows a map and several of the wetland areas are not built on. Those areas should be shown as no build or no disturb areas on the Special Use graphic. Language proposed for a recent rezoning with wetlands included a special use area for the meadow/wetland. The language for that area did allow trails and an access road with additional language. It stated that, "No development can occur in wetlands or wetlands 10 foot buffer except an access road between Light Lane and the site." It went on to state, "An access road may be constructed over the meadow area and wetland area but must have the least impact possible to serve the development in order to preserve meadow and wetland in its' natural state. The impact to the meadow and wetland for the access road is expected to be less than 5% of the meadow area."***

Response: Thank you for providing this example language. Similar language has been included in the Written Restrictions included in

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this resubmittal package. Additionally, wetlands have been identified as “avoidance areas” in the updated Site Plan included with this resubmittal package.

- *There is one wetland area that appears to be built over by the parking area. What will be done to mitigate that wetland? There are also paths that go through wetland areas. How will those impacts be mitigated or lessened? We recommend changing the parking location.*

Response: The Applicant has considered in great detail other locations for parking within the Property and has determined that the proposed parking area would be most beneficial for a variety of reasons, including that it would require the least amount of vegetation removal and grading into the mountainside. Because the Applicant is choosing not to pursue a different parking location, the Applicant is committed to instead reconfiguring their original Site Plan to avoid the existing wetland areas, with the exception of the road crossing into the property. Additional mitigation measures to wetlands are described in the ODP Written Restrictions included in this resubmittal package.

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

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

Response: Comment noted.

iv. *Traverse diverse landscapes;*

- *The landscapes on this property are relatively uniform, but there are different experiences at the north end vs the south end of the site. The paths on the property will provide access to the entire site. **How will the applicant ensure that bicyclists will not create their own paths in the sensitive wetland areas near Shadow Mountain drive?***

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Response: Guests would be required to sign a waiver prior to using trails which would commit them to following the rules, regulations, and restrictions of SMBP. This includes staying within the Property boundary and on designated trails/roads. The Project will include a single road into the Property from Shadow Mountain Drive that will serve as the primary ingress/egress for the Property. The convenience of this egress as opposed to crossing a stream (where the wetland area near Shadow Mountain Drive is located) will likely dissuade users from creating new paths as well. Additionally, there will be a number of employees during operating hours that will help with the enforcement of measures such as this one. In addition to these considerations, the Applicant is open to further discussing and implementing mitigation measures if deemed necessary by County staff.

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

- ***This proposal will provide scenic views and vistas from the top of the lift. Will there be turnout areas along the trails if people need to stop prior to getting to the bottom?***

Response: The Project does not currently include turnout areas on trails solely for the purpose of viewing the scenery; however, there likely would be areas to stop and gather along the trails, including at trail junctions. Additionally, the Applicant may install a bench at the top of the chairlift to encourage access to views and vistas.

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

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

Response: Comment noted.

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

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- *There are no threatened or endangered species identified as existing or having potential habitat on this site. **The floodplain area along North Turkey Creek is a maximum quality wildlife habitat area. See item b. above for potential ways to address the wetlands and floodplain area.***

Response: Noted, please refer to the First Referral Response – CPW – SMBP and to the ODP Written Restrictions included in this resubmittal package.

5.c *Restrict motorized activities to designated areas*

- ***A Class III Commercial Recreation Facility would allow for motorized activities throughout the site. Since the sound restrictions are not very restrictive, this could potentially allow for a motocross track. The noise impacts from that use would not be acceptable at this site.***

Response: Noted. Additional restrictions on motorized use have been included in the ODP Written Restrictions document included in this resubmittal package.

Air, Light, Odor and Noise

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

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

Response: Noted. Additional restrictions on lighting have been identified in the ODP Written Restrictions included with this resubmittal package.

7. ***The written restrictions allow lighting, but restrict exterior lighting to before 10 pm in Use Area B. Why is lighting in that Use Area necessary except for lighting required by insurance or regulations? No lighting in Use Area B would better mitigate impacts of the proposal.***

Response: Noted. Additional restrictions on lighting have been identified in the ODP Written Restrictions included with this resubmittal package.

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8. ***Use Area A will need to meet the lighting standards in the Zoning Resolution. Use Area A also contains maximum quality wildlife habitat. Lighting will need to be directed away from the wetlands/floodplains areas and that should be a restriction in both Use Areas A and B.***

Response: Noted. Additional restrictions on lighting have been identified in the ODP Written Restrictions included with this resubmittal package.

9. ***The Area Plan discourages internally illuminated signs. (Conifer p. 15) Sign lighting is not addressed in the proposed written restrictions. Signs should not be lit.***

Response: Noted. Additional restrictions on signage have been identified in the ODP Written Restrictions included with this resubmittal package.

10. ***Businesses are encouraged to turn off all non-essential lighting after business hours, leaving only the necessary lighting for site security. (Conifer p. 15) Again, lighting in Use Area B until 10 pm should be justified? Lighting in Use Area A should be reduced to security only after business hours.***

Response: Noted. Additional restrictions on lighting have been identified in the ODP Written Restrictions included with this resubmittal package.

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

Response: Comment noted.

12. ***What level of noise does the top of the chairlift produce? Will the motor be at the top of the chairlift or the bottom? Will it be electric or diesel? Please provide specs for the lift mechanical equipment so that we can determine whether additional restrictions are needed.***

Response: A Sensory Impact Assessment has been included in this resubmittal package and includes a noise analysis of proposed facilities included in the Project, including the chairlift.

13. ***The written restrictions state that the sound level shall adhere to the noise levels for Light Industrial uses. Those standards are 15 decibels higher than residential or park standards. Depending on the time of day, this may mean the difference between noise levels related to a conversation and noise***

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levels related to busy traffic or an electric vacuum. This does not seem appropriate for this rural residential area. Residential noise standards should be met.

Response: Noted. The ODP Written Restrictions have been updated to reflect this change, and residential noise standards are analyzed in the Sensory Impact Assessment and would be maintained throughout the Property. Both documents are included in this resubmittal package.

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

Response: Comment noted.

15. ***Will there be any outdoor speakers, amplified music, and/or paging systems? This should be addressed in the written restrictions.***

Response: Yes, this is described in the Sensory Impact Assessment included in this resubmittal package.

16. ***How will noise be mitigated to the wetlands/floodplain along Shadow Mountain Drive?***

Response: Noise levels will not exceed the standards for residential uses and will be mitigated to the greatest extent possible. Refer to the Sensory Impact Assessment included in this resubmittal package for more information.

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

18. ***Light Industrial noise standards do not seem compatible with this area.***

Response: The Project will adhere to residential noise standards as described in the Sensory Impact Assessment included in this resubmittal package.

V. Infrastructure, Water, & Services

Transportation

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

Response: Comment noted and considered in the First Referral Response - Transportation and Engineering – SMBP included with this resubmittal package.

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

Response: Comment noted and considered in the First Referral Response - Transportation and Engineering – SMBP included with this resubmittal package.

3. *The County's engineers **had several comments on the Transportation Analysis provided with this application. Those comments should be addressed in the 2nd submittal.***

Response: Comment noted and considered in the First Referral Response - Transportation and Engineering – SMBP included with this resubmittal package.

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

Response: Comment noted.

Water and Wastewater

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

Response: Information noted.

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

Response: Information noted.

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

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

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

Response: Noted. An additional storage tank is proposed in the Engineering Study for Water System Improvements included in this resubmittal package to provide fire storage demands as defined by the Elk Creek Fire Protection District.

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

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

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

Response: Information noted.

Utilities and Services

7. *The power line along Shadow Mountain Drive is proposed to be buried, which would comply with the policies in the Plan and would reduce wildfire risk. Another power line would be utilized from the western boundary and would be an overhead line. The plan recommends locating utility lines underground, where practicable. (CMP p. 51) Please explain why this line is not also being buried. Due to regulations passed in October of last year, any above ground utility extensions will be required to have vegetation cleared within 10 feet of any new or existing power poles/towers.*

Response: The powerline to the top chairlift terminal was proposed as an above-ground powerline because it is proposed to be tapped into the existing, above-ground powerline that runs along the western perimeter of the Property. The Applicant proposed this because it matches the character and form of the existing structures. The Applicant is open to further discussing an underground powerline instead within the SDP if deemed necessary by County staff.

8. *Elk Creek Fire Protection District had many comments on how the site should be designed and constructed. While many of these would not be reviewed until the time of Site Development Plan, it is good to know what those requirements would be. Additionally, there are some items that should be considered at the time of Special Use.*
 - 8.a *The Fire district talked about how an approved fire protection water supply capable of supplying the required fire flow for fire protection would be required. Would this*

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require the installation of a cistern? If so, where would that be located and how would it impact the Special Use graphic?

Response: Refer to the Engineering Study for Water System Improvements included in this resubmittal package for an updated plan of a water supply system that meets this need.

8.b ***Does the fire flow report need to be submitted now or with the SDP?***

Response: The Applicant inquired about this question and confirmed with Elk Creek Fire Protection District in a meeting on August 25, 2023 that it will be submitted with the SDP.

VI. Design Guidelines

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

Vistas, View Corridors & Scenic Areas

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

- ***We would like to see an updated visual analysis that has more vantage points and views of the lodge without a tree directly in front of it.***

Response: Please refer to the updated Visual Analysis included with this resubmittal package.

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

- ***Comments about setbacks noted above should be addressed.***

Response: Recommended increase in setbacks has been integrated into ODP Written Restrictions.

3. *Prevent silhouette of structures on ridgelines.*

- ***It appears from the visual analysis that the top of the lift will not be right at the top of the ridge. However, additional vantage points will help to determine its visual impact.***

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Response: Please refer to the updated Visual Analysis included with this resubmittal package.

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

- *Outdoor lighting in Use Area B will be turned off after 10 pm. See above for further restrictions on lighting recommended around the wetland area.*

Response: Lighting recommendations have been integrated into ODP Written Restrictions.

Parking

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

- *The County's landscaping standards will require a certain amount of landscaping around the parking lot areas and within the parking lot itself. **It appears that not all of the landscaping standards would be met in the conceptual site plan.***

Response: Refer to the ODP Written Restrictions to review modifications to landscaping standards.

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

- *Two different areas of parking have been created with a landscape separation in the conceptual site plan. **The landscaping standards in the zoning resolution will a certain amount of landscaping around the parking lot areas and within the parking lot itself to break up the expansiveness of the parking lot.***

Response: Noted, please see response VI.5 above.

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

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

Response: Comment noted.

Signs

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

- *The standards for signs are not modified, so the Zoning Resolution sign standards for Agricultural Districts. Those standards would only allow one ground sign along the road, but would allow more wall signs, with a total of 200 square feet of sign area. **Signs should be limited to one sign per building.***

Response: Please refer to the additional signage restrictions in the ODP Written Restrictions included in this resubmittal package.

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

- ***Something about this could be added to the special use document.***

Response: Noted. Would the staff recommend implementing a consistent graphic theme? The Applicant is open to further discussing sign design standards with County staff.

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

- ***These items could be added to the special use document.***

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

Fencing and Screening

11. ***There are several policies regarding fencing. It is unclear what fencing will be needed at this time to determine which policies apply. At a minimum fencing should be wildlife-friendly.***

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

Entrances

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

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

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Response: This is correct.

Air, Odor, Light and Noise

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

- ***This is not addressed.***

Response: Lighting restrictions have been incorporated into the ODP Written Restrictions included in this resubmittal package.

14. *Minimize visual intrusiveness of lighting.*

- ***The special use document restricts exterior lighting in Use Area B after 10 pm. There were some additional suggestions above in the Community Resources section of this memo.***

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

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

- *See comment above.*

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

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

- ***Setbacks of the lift should be specified as well as trails and maintenance roads from the property lines.***

Response: 50-foot setbacks have been integrated in the ODP Written Restrictions and as such would create a distance of at least 100' between proposed recreation areas and existing off-site residential structures.

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

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- **See comments above.**

Response: Noted, see responses above related to noise standards..

Wildlife & Vegetation

18. *Landscape with indigenous species, where possible.*

Response: See response to comment VI.19 below.

19. *Landscape to mimic natural systems.*

- *If this special use is approved, these two guidelines would be evaluated at the time of Site Development Plan.*

Response: Comment noted.

20. *Thin forests to allow light and water, etc. to filter downward to increase forest vigor and restore under story vegetation (ground cover) which increase visual and environmental quality (erosion and sediment, runoff, growth, etc.).*

- *A Wildfire Risk Assessment was created for this project. Additional suggestions based on this report were noted above under the Physical Constraints section of this memo. If the special use is approved, any work would be required prior to construction on the site.*

Response: Noted, see responses to Physical Constraints section of this memo above.

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

Response: Noted. Please refer to First Referral Response – CPW – SMBP included with this resubmittal package for wildlife impacts and mitigation measures.

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

- *Wildlife habitat is a concern with this proposal. See comments above under the Physical Constraints section of this memo.*

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Response: Noted, see responses to Physical Constraints section of this memo above.

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

- *Protection of wetlands is a concern with this proposal. See comments above under the Physical Constraints section of this memo*

Response: Noted, see responses to Physical Constraints section of this memo above.

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

- *Wildlife habitat is a concern with this proposal. See comments above under the Physical Constraints section of this memo.*

Response: Noted, see responses to Physical Constraints section of this memo above.

Open Space and Recreation

25. *Create attractive planting areas at building-land interface.*

- *If this special use is approved, this guideline would be evaluated at the time of Site Development Plan.*

Response: Comment noted.

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

- ***Staff is recommending additional protection of the wetlands and stream corridor along Shadow Mountain Drive.***

Response: Noted. Refer to the ODP Written Restrictions included in this resubmittal package.

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

Response: Comment noted.

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28. *Create visual diversity and interest through selection of plant materials. Plant materials should achieve a visual and aesthetic balance between newly planted and existing vegetation as to character, form, size, and color.*

Response: Comment noted.

29. *Design public areas to be safe and secure.*

- *If this special use is approved, the design of the buildings and site would be evaluated at the time of Site Development Plan.*

Response: Comment noted.

Circulation

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

- *The visual analysis should adequately capture the impacts of the trails and maintenance road.*

Response: The updated Visual Analysis included with this resubmittal package includes further explanation of these impacts and better incorporates their potential visibility from all viewpoints.

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

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

32. *Access from parking lot to buildings, etc., should be convenient and safe.*

Response: Comment noted.

33. *Concentrate pedestrian circulation around site amenities.*

Response: Comment noted.

34. *Minimize the distance pedestrians must walk between buildings or activity.*

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- *If this special use is approved, the design of the buildings and site would be evaluated at the time of Site Development Plan.*

Response: Comment noted.

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

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

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

Energy

36. *Minimize negative visual impact of propane tanks.*

- *If this special use is approved, any mechanical equipment would be required to be screened.*

Response: Comment noted.

Privacy

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

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

38. *Maintain and enhance property values.*

- *See comments throughout this memo regarding increased setbacks.*

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

Architectural Design Guidelines

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sincerely,



Phil Bouchard

Shadow Mountain Bike Park



Jason Evans

Shadow Mountain Bike Park