

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.*