

**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
	<b>At the time of site development, including the development of bike trails only for systems less than 2000 gpd.</b>	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, <b>including the development of bike trails only</b> 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](mailto: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](mailto: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.**