

June 17, 2024

Phil Bouchard & Jason Evans
Shadow Mountain Bike Park

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

Dear Mr. Bouchard & Mr. Evans,

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

Key Issues to address with Case Manager:

General:

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

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

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

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

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

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

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

SUD Document:

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

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

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

Plan Recommendation:

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

Parks and Wildlife

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

Historic Commission

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

Wildfire Hazard Mitigation Plan

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

Geologist:

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

Traffic & Engineering:

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

Public Health:

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

Documents required for second submittal:

1. Revised SU Written Restrictions
2. New Legal Description

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

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

Thank you,

Dylan Monke, Planner
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Cc: Case File

Notice:

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

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