

1. SUBJECT REQUEST

The subject property, a portion of current Assessor Parcel ID (AIN) 61-163-00-001, south and west of the intersection of Shadow Mountain Drive and South Warhawk Road, is owned by the State of Colorado. The applicant and the State of Colorado entered into Recreation Planning Lease No. 11388 (Lease) for the subject property. Pursuant to paragraph 3 of the Lease “[t]he use of the Premises shall be limited to recreation development evaluation and studies for a proposed mountain biking park and associated facilities.”

The applicant is seeking a Special Use for the subject property. The State of Colorado owns all of current Assessor Parcel ID (AIN) 61-163-00-001. Only the portion of that parcel more particularly described in the legal description on the proposed Special Use Document (SUD) would be governed by the SUD, if this application is approved. The portions of Assessor Parcel ID (AIN) 61-163-00-001, north of Shadow Mountain Drive and east of South Warhawk Road are not proposed for any change with this request.



Aerial image of subject property

The applicant is proposing the SUD for the estimated 235-acre portion to allow for the construction of a day-use, lift-served bike park as a Class III Commercial Recreation Facility, pursuant to the definition for such a facility in the Zoning Resolution, with adjustments. The proposed request seeks to exclude some of the most impactful components allowed under Class III Recreational Facilities such as: motorized equipment, firearms and/or animals.

2. CONTEXT

The subject property is zoned Agricultural Two (A-2).

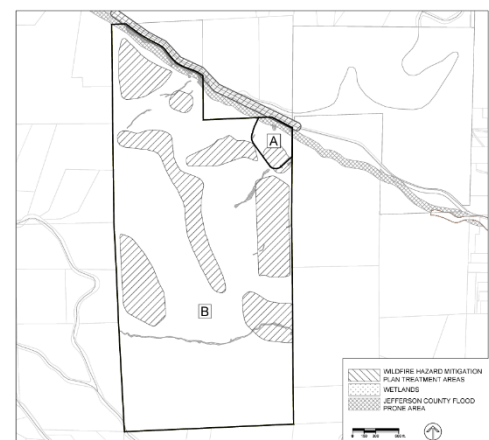
The permitted uses of the Agricultural Zone District allow for Class II Recreation Facilities. However, the applicant seeks to exceed the building size limitations of the existing entitlements. The Zoning Resolution defines the difference between Class II and Class III as follows:

RECREATION FACILITIES:

2. CLASS II: *Facilities for sports and recreational activities that do not involve organized events which include motorized equipment, firearms or animals, except that golf carts accessory to a golf course and private motorized boats not involved in organized racing are allowed. All buildings housing such activities or accessory to such activities may not exceed a combined total of 15,000 square feet.*

3. CLASS III: *Facilities for the purpose of sports and recreational activities including those that involve organized events which include the use of motorized equipment, firearms, and/or animals. There is no building size limitation except as may be designated elsewhere in this Zoning Resolution or other applicable regulations.*

The proposed SUD includes two principal Use Areas, A & B. Use Area A proposes uses for a 15,000 sq. ft. day-use lodge, parking and an access roadway. Use Area B proposes uses of a 5,000 sq. ft. maintenance building, trails, and a chairlift.

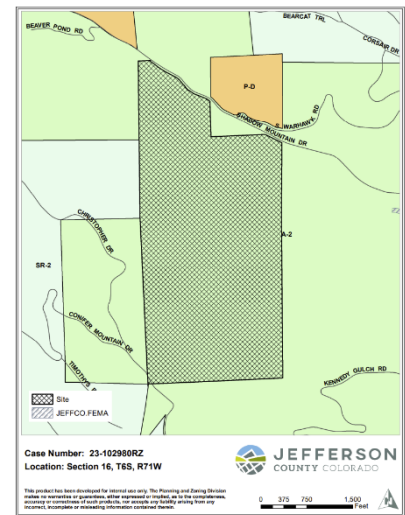


Special Use Document Area Map

Portions of the property are in wetland and floodplain areas and the entire property is within the Wildland Urban Interface Overlay District. Each of these physically constrained areas have individual restrictions proposed to limit development impacts to them. The SUD proposes further limits on aspects of evening and seasonal closures, lighting, signage, sound, fencing, architecture, parking, and waste management.

3. SURROUNDING ZONING/LAND USE

	Adjacent Zoning	Land Use
North:	A-2, PD	Single-family Residential
South:	A-2	Single-family Residential
East:	A-2	Single-family Residential
West:	A-2, SR-2	Single-family Residential



Subject property and surrounding zoning

4. SUMMARY OF PROPOSED CHANGES

	Current Zoning	Proposed Zoning
Land Use	Single Family Dwelling, Barn, Stables, General Farming, Dairy, Public Park, Veterinary Hospital, Cemetery, Telecommunication and other farming uses.	Class III Recreational Uses excluding motorized vehicles, firearms, and/or animal uses.
Setbacks	<p>Residential 50-foot front 30-foot side 50-foot rear</p> <p>Livestock 75-foot front 75-foot side 50-foot rear</p>	<p>Day-Use Lodge 300-foot front 100-foot from all other SUD boundaries</p> <p>Parking, Water Storage, Maintenance Road & all Trails 50-foot from all SUD boundaries</p> <p>Chairlift 150-foot from all SUD boundaries</p>
Building Height	35-foot	<p>Building & Chairlift No changes</p>
Parking	3.5 per dwelling unit	<p>1 space per occupancy rating of proposed lodge not to exceed 320 spaces.</p> <p>Only permitted in designated spaces</p>
Design	No restrictions	Mountain Style architecture required. Flat roofs prohibited, natural color palette, low reflectivity,

5. TRANSPORTATION

The subject property is adjacent to Shadow Mountain Drive, a County-maintained Collector Road. Shadow Mountain Drive is a 2-lane, striped, and paved mountain road with some topography and circuitous lengths. Planning Engineering has no concerns with the proposed roadway carrying capacity but has notified the applicant that if this application is approved, a left-turn lane into the development would be required to be constructed by the applicant at the time of Site Development Plan.

The applicants prepared a transportation study reviewed by staff. The study estimates a weekday average of 520 daily trips, 260 vehicles into the site and 260 out of the site. During the morning peak hour there would be an estimated 115 trips into the site and 11 vehicles exiting, and the evening peak hour would see 8 vehicles entering and 80 exiting. On Saturdays and Sundays, the average daily trips is estimated to increase to 1,000 daily trips. During the morning peak hour 220 vehicles would enter and 21 would exit. For this study, a Saturday and Sunday mid-day peak hour was also analyzed showing 15 vehicles entering and 155 exiting. Jefferson County is proposing a roundabout in the area at the intersection of County Highway 73 and Barkley Road regardless of the outcome of this request. If this Special Use should be approved, an additional roundabout would be required at the intersection of County Highway 73 and Shadow Mountain Drive with the developer contributing money to the construction of this roundabout. With the roundabout additions, traffic is expected to operate at an acceptable Level of Service (LOS) at the impacted intersections.

The submitted transportation study also shows in the existing conditions that speeds can often exceed the speed limit imposed on Shadow Mountain Road which may make for unsafe conditions. Winter conditions may exacerbate these conditions.

6. CRITERIA FOR DECISIONS FOR REZONING & SPECIAL USE APPLICATIONS

Section 6 of the Zoning Resolution states, *in reviewing Rezoning and Special Use applications, the Planning Commission and the Board of County Commissioners may consider the following criteria:*

- ✓ a. *The compatibility with existing and allowable land uses in the surrounding area.*
 - ✗ b. *The degree of conformance with applicable land use plans.*
 - ✓ c. *The ability to mitigate negative impacts upon the surrounding area.*
 - ✓ d. *The availability of infrastructure and services.*
 - ✓ e. *The effect upon the health, safety, and welfare of the residents and landowners in the surrounding area.*
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a. The compatibility with existing and allowable land uses in the surrounding area.

Staff found that the proposed use is compatible with the existing and allowable land uses in the surrounding area based on two distinct components, a) the current A-2 Zoning for the subject property and in the surrounding area (the subject property is surrounded by A-2 zoning on all sides) allows for public parks and Class II recreational facilities and, b) The restrictions proposed in the SUD limit the number and size of buildings, lighting, architecture, and the volume of visual impacts, more so than the surrounding A-2 zone districts. Written restrictions limit the 235-acre portion of the parcel to a maximum of two buildings. The maximums are 15,000 square feet in Use Area A and 5,000 square feet in Use Area B. A-2 zoning allows for dwellings, agricultural buildings and barns to be constructed at unlimited size when parcels meet the 10-acre minimum lot size. Occupancy and operation proposed in the SUD would be required at larger setbacks than in the surrounding A-2 zone district. Structures proposed would require a 300-foot front setback instead of 50-foot front and 100-foot from sides where 30-foot are currently required.

The SUD also includes architectural restrictions that would limit the construction type of the building to mountain appropriate architectural designs. Restrictions include neutral palette of red, brown and black of

the surrounding area, low reflective materials, pitched or planarly angled roofs to mirror existing hillsides and treatments to reflective materials to further reduce reflectivity.

Building footprints are also limited to a cumulative 20,000 square feet across the entire 235-acre parcel whereas dwellings, barns and agricultural uses on parcels of 10-acres or more are allowed an unlimited size restricted only by setbacks.

Maintenance roads are also required to be a minimum of 50-foot from any property lines which is expected to minimize site grading, reduce significant clearing of vegetation and remove large cut/fill scarring typical with many private mountain driveways.

Staff finds that the written restrictions limiting building size and location, requiring trails and maintenance roads to be setback at least 50 feet from property lines, the chairlift to be setback 150 feet from property lines, requiring residential noise impacts, and other restrictions of the SUD make this use compatible with the existing and allowed uses in the surrounding area. Staff also finds that parks are generally compatible with residential and agricultural land uses throughout the County.

b. The degree of conformance with applicable land use plans.

The Comprehensive Master Plan (CMP), an advisory document required by State statute, contains Goals and Policies that are used to guide land use decisions. The Area Plans section of the CMP contains supplementary policies and land use recommendations for evaluation.

	Summary	Conforms with CMP? ✓ ○ ✗
Land Use	The CMP discusses the need for a variety of uses to create a vibrant, enduring community. The Plan encourages diverse communities in which to live, work, and enjoy outdoor recreation.	✗
Physical Constraints	The CMP describes physical constraints as those physical features that due to safety concerns may potentially restrict where and how development occurs. Physical Constraints include geologic hazards and constraints, floodplains, wetlands, wildfire, radiation, landfills, abandoned mines, and wildlife habitat	✓
Community Resources	The CMP contains policies that relate to historic structures or sites, scenic corridors, natural features, air quality, light, odor and noise pollution, open space and trails.	✓
Infrastructure Water and Services	The CMP describes the importance of new developments having adequate Transportation, Water and Wastewater, and Services.	✓

Staff concludes that the subject request is not general conformance with the applicable goals and policies of the Comprehensive Master Plan (CMP or Plan).

Land Use: The subject property is within the Conifer/285 Corridor Area Plan. The property is within an area recommended for 1 dwelling unit per 10-acre parcel of land. This would allow for approximately 23 buildable lots. The proposed Class III Commercial Recreation Facility land use does not fit the definition of a Residential use or Community Use. So, the proposal was evaluated as an application out of conformance with the Comprehensive Master Plan. The proposal was evaluated against three factors:

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

The applicants have stated that this SUD includes a number of mitigation measures to increase the compatibility with surrounding residential uses, including lighting and noise restrictions, limitations on parking capacity, limitations on visitation and facility size, and tracking measures for management. They also state the increased traffic is consistent with Open Space parks and State Parks.

Staff notes that while this is true, the factor to be addressed states that the evaluation is to be a comparison of impacts to the uses recommended by the Plan. In this case, the Plan recommends residential with a density of one dwelling per 10 acres. The type of development recommended by the Plan would have much less of an impact in terms of traffic.

While the road network can handle the projected traffic generated by the proposed use, this amount of traffic is greater than what would be expected for 23 single-family dwelling units. This is especially true for weekends, where the trips are projected to be 4 times the number of trips of the Plan recommendations. The result is that the proposed land use will have greater impacts on traffic compared to what would be generated by the recommended land use. This is evidenced by the need for a second roundabout at the intersection of County Highway 73 and Shadow Mountain Drive, discussed in paragraph 5 (Transportation) above, should the proposed use be operated.

Staff finds that this factor has not been adequately addressed.

B. *How the proposed land uses are compatible with the surrounding Land Use Recommendations and community character?*

The applicants argue that it has been demonstrated throughout Jefferson County that large lot residential/agricultural developments are compatible with large open space/recreation areas. Staff agrees that these uses are compatible, however these uses, where they exist in the County, are primarily for passive recreation, and not a more active form of recreation as proposed. However, the SUD does contain written restrictions which would lend to greater compatibility by concentrating the infrastructure of the development closer to Shadow Mountain Drive, and pushing the trails, access road, and lifts away from adjacent residential and agricultural uses.

Building architecture is limited in the SUD to color and style most similar to residential structures and limited in height to match that of the zoning in the surrounding area. Parking lot areas are also required to be landscaped with clustered trees and shrubs to screen surrounding uses from the constructed lot.

Trail and chairlift clearing widths are proposed at a maximum of 30-foot to mitigate potential for clear cutting forest trees and preserve natural vegetation, which would have a similar impact as an access road for potentially 23 individual lots as allowed by the current zoning.

The document also limits illumination in various ways including prohibiting illumination of signs, floodlights, hazard areas, in the larger Use Area B, with exception of the chairlift. Illumination is also prohibited above any building fascia or roofline. Sound is limited to residential maximum uses and outdoor amplification is prohibited.

Staff finds that this factor has been adequately addressed.

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

The applicant contends that the increased demand for recreational use has significantly impacted existing trails creating conflict and the need for additional facilities. The applicant further states these demands are reflected in Jefferson County through the establishment of designated bike-only use trails and operation in Jefferson County Open Space (JCOS) and

increased visitation numbers at the nearby Staunton State Park. The claim from the applicants is that approval of this Special Use would help to alleviate user conflicts in JCOS parks among mountain bikers, hikers, and equestrian users which they claim have increased since the COVID-19 pandemic as park use overall has increased.

Jefferson County Open Space had no comments on this case. So, staff was unable to evaluate the information provided by the applicant, with insight from JCOS. Although JCOS does have trails designated for mountain bikers only in various parks as well as scheduled mountain bike only days in at least one park, staff could not confirm with referral agencies if the proposed Special Use is anticipated to lessen user conflicts by reducing the demand by mountain bikers on other public parks. Further, a general level of increased park visitation is not a change of circumstances *in the local area*. There have been no changes in land use, no significant road improvements nor any other development in the local area that would make the land use recommended by the Plan no longer valid.

Overall, staff finds that the applicants have not satisfactorily addressed two of the three factors for proposals out of conformance with the land use recommendations.

Physical Constraints:

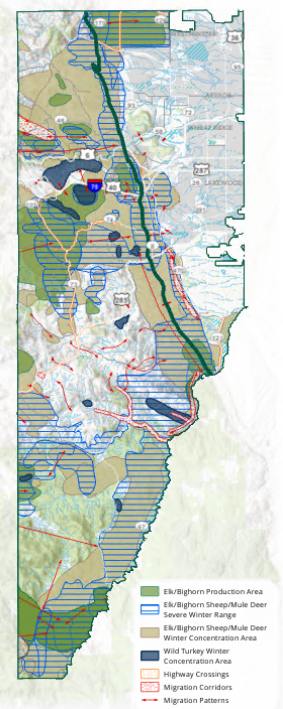
The subject property contains portions of floodprone area, portions of a wetland, high wildfire hazard rating and portions of steep topography.

The SUD has explicit restrictions to prohibit construction, parking lots and trails within the floodplain and wetland areas. Setbacks of buildings is proposed at 300-foot front (from Shadow Mountain Drive) and 100-foot sides, which would not permit these within the reach of those areas. The only allowed disturbance in these areas proposed is the principal and secondary access point to Shadow Mountain Drive. If this special use is approved, during a subsequent process, these access drives would require a Floodplain Permit and all standards of the Section 37 – Floodplain Overlay District must be met.

This parcel has significant wildlife habitat as described by Colorado Parks and Wildlife as “category 4 Crucial Big Game Habitat” whose primary threat is residential and commercial development. The Comprehensive Master Plan recommends this area for 1 dwelling unit per 10 acres. However, the existing Agricultural Two (A-2) zoning allows for many intensive agricultural uses and would not limit the number of horses permitted on lots that meet the lot size or restrict where they would be allowed to peruse and graze. The A-2 zone district also allows for more intensive agricultural uses such as dairy farms, barns and poultry hatcheries and public parks including Class II public recreation facilities. The existing zoning and the zoning of the surrounding area would not require similar restrictions to limit animal impacts to these areas, buffer their occupation of riparian areas on-site, limit their occupancy to daylight hours or maintain a seasonal closure. The A-2 zone district would also allow fencing (no wildlife-friendly requirement) up to 7 feet tall while the proposed SUD requires that any fencing be wildlife-friendly fencing.

The subject property is within the Wildland Urban Interface Overlay District. The applicants have provided a Wildfire Hazard Mitigation Plan which will be implemented at the time of Site Development Plan and Building Permit, if this Special Use is approved, and is discussed in more detail below.

Staff believes this of physical constraints policies has been met.



Colorado Parks & Wildlife GIS Data Map

Community Resources:

The applicant has worked with the Jefferson County Historical Commission to survey the site for historical, archeological and paleontological resources and found no evidence of their existence. At the request of the Jefferson County Historical Commission, and due to the size of the subject property, the applicant has agreed to conduct a Historical, Archaeological and Paleontological Report/Plan in accordance with the Land Development Regulation with their Site Development Plan submittal if this SUD were approved.

The SUD has specific provisions to mitigate light and noise pollution beyond the existing A-2 requirements. No adverse impact is expected from these two components beyond what typical residential development would cause. The applicant has provided enforceable language to require residential noise standards to apply to this parcel.

There are no known open space or trail impacts expected.

Infrastructure, Water and Services:

The applicant intends to obtain a nonexempt commercial well and pursue an augmentation plan to obtain water rights for development at the time of SDP. The County Geologist completed two Water Availability Analysis (WAA) studies for the proposed development. The initial WAA assumed 12 gallons per day per user. This volume assumption was reduced to 4 gallons per day per user following the provision of updated data from the applicant taken from similar and comparable uses at Loveland Ski Area and Staunton State Park. The County found this data applicable and useable. The results of the second WAA conclude that the proposed use is not anticipated to negatively affect the applicable water basin, causing it to function at a deficit.

During a subsequent County process, if the proposed use is deemed to need an On-site Wastewater System (OWTS) of less than 2,000 gallons per day, the Jefferson County Public Health Department will process this permit in accordance with their Commercial regulatory requirements. Should the system design exceed 2,000 gallons per day, CDPHE will be the governing agency for a Public Water System. Neither of the standard regulations are being considered for variation and all of those respective standards would need to be met, if the SUD were approved by the Board of County Commissioners.

The property will be serviced by Elk Creek Fire Protection District who has provided a letter detailing the fire truck movements on-site, which would be designed during a subsequent County application process, that would be needed to service the property. Applicants will also provide on-site Emergency Medical Services (EMS) as first-point of contact for visitors of the park in need of medical services. Law enforcement services are provided by the Jefferson County Sheriff's Office.

Shadow Mountain Drive is a two-lane paved County-maintained Collector Road. Transportation & Engineering have noted the infrastructure has or will have adequate capacity to support the proposed use. The Level of Service (LOS) of impacted intersections is expected to operate at acceptable levels provided the installation of roundabouts is constructed in conformance with County expectations.

Staff concludes that proposal is in conformance with the infrastructure, water and services section of the CMP and that services are available and are adequate to service the proposed use.

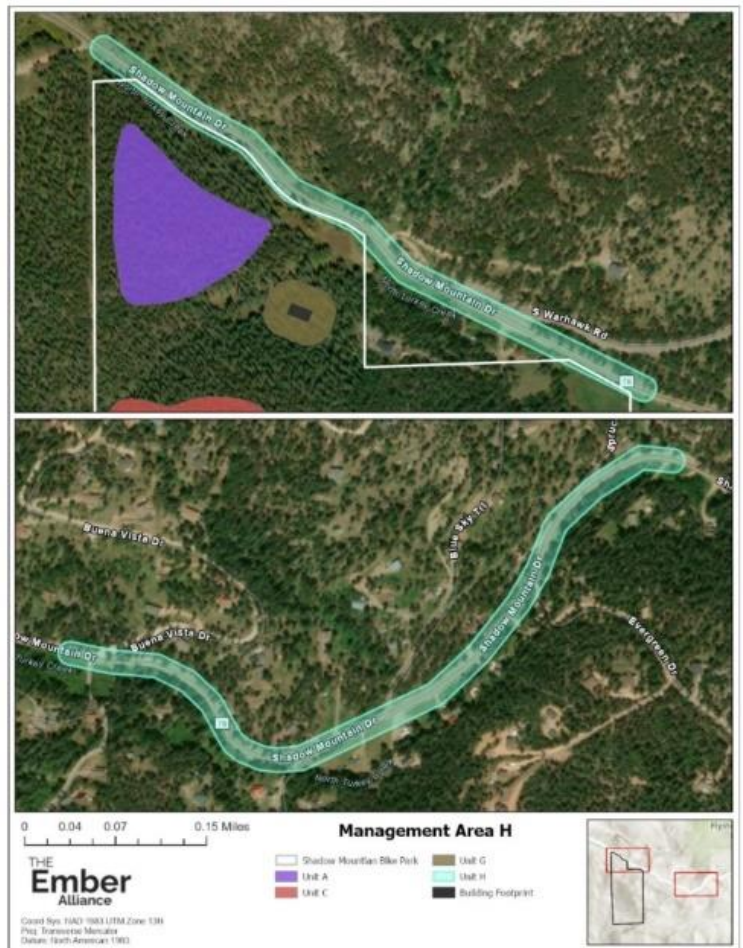
c. The ability to mitigate negative impacts upon the surrounding area.

The ability to mitigate negative impacts on the surrounding area have been considered.

Proposed setbacks are significantly larger than those of the surrounding area. These proposed distances are expected to mitigate impacts to the surrounding area by concentrating use further from any adjacent neighbors or passing traffic.

The proposed Wildfire Hazard Mitigation Plan seeks to reduce the wildfire risk of the subject 235-acre parcel as well as portions of the adjacent Right-Of-Way and further east off-site between intersections of Buena Vista Drive and Sprucedale Drive. The plan includes these sections to provide evacuating residents and incoming firefighters adequate space to drive and turn around engines without endangering their passengers.

The proposed use is expected to increase traffic along Shadow Mountain Drive. However, this roadway has been constructed as a Collector Road with adequate surface and striping to accommodate the proposed additional traffic. If approved, there would likely be a requirement for a left turn lane into the site as well as two roundabout improvements. The proposed park will also have a seasonal closure proposed for the Winter months where inclement weather is most common and hours between twilight and dawn where early frosts have a tendency to linger. These two restrictions are expected to decrease potential crashes and transportation impacts to adjacent residential areas.



Public ROW Wildfire Mitigation

During the review of this case, visual impacts was noted as a primary citizen concern on multiple occasions. Staff believes the visual impact will be similar or less than the recommended residential use. The proposed use has development focused in a particularly small area of a very large lot. The visual impacts of the proposal are expected to be minimized by significantly larger setbacks, limited to two buildings total, a single maintenance road up the mountain area and narrow clear-cutting maximums for trails and the lift-corridor.



Existing Shadow Mountain Drive Overhead Powerline Corridor



Visual Rendering of Proposed lift corridor

Visual impacts were further analyzed against existing electrical powerline clearcuts. The chairlift is anticipated to be nearly equally visually impactful if new overhead poles are required to service 23 residences sited at on the parcel. While the chairlift towers are proposed taller than the existing service poles, they would be sited much farther back from Shadow Mountain Drive where infrastructure now exists crisscrossing overhead.

The existing zoning allows for barns of unlimited size with no architectural restrictions and significant clear-cutting to allow for large animal boarding, grazing and riding, pictured beside. The SUD includes restrictions to require natural colors, pitched rooves, low reflectivity and compatibility with surrounding structures.

Staff concludes that the applicant has adequately mitigated potential negative impacts on the surrounding area through the development requirements set forth in the SUD.



Permitted barn and riding arena in vicinity

d. The availability of infrastructure and services.

Staff concludes that there is existing and available infrastructure and services. The infrastructure and services are available and adequate to support the proposed Special Use, as stated above.

e. The effect upon health, safety, and welfare of the residents and landowners in the surrounding area.

The proposed land uses will not result in significant impacts to the health, safety, and welfare of the residents and landowners in the surrounding area. No unmitigated negative effects relating to the proposed Special Use have been identified.

7. COMMERCIAL MINERAL DEPOSITS

No known commercial mineral deposits exist on the subject property.

8. COMMUNITY MEETING

A Community Meeting was held on January 5, 2021, and July 27, 2022. There were approximately 300 attendees for the first meeting and 332 attendees for the second meeting. Both meetings had members of the public opposed and in support. Concerns primarily focused on compatibility, traffic, wildfire, commercial use and public safety. Please see the attached Community Meeting Summary for more information.

9. COMMUNITY/REFERRAL RESPONSES

Staff has collected a total of 708 public comments as of the writing of this staff report. These comments covered a wide variety of topics including, but not limited to:

Compatibility
 Land Use
 Wildlife
 Wildfire and evacuation
 Property Values
 Recreation and User Conflict
 Transportation
 Public safety
 Conservation areas
 Floodplain and Wetlands

All public comments have been forwarded to the applicant at regular intervals and between referrals. The SUD has had iterations reflective of public comments and concerns at each referral response in attempts to mitigate these expressed concerns. All public comments received at the time this Staff Report was posted on the County's website, have been included as an Addendum to the Hearing Packet.

10. AGENCY REFERRAL RESPONSES

This application was sent on referral to 12 Jefferson County Departments & Divisions and 20 external agencies (please see the first referral matrix in the case packet for more information). **There is one outstanding issue** with the referral agencies.

The Colorado Division of Parks and Wildlife (CPW) have noted many concerns from the first referral. Response from the 2nd referral show 12 recommendations for the applicant:

1. Implement a seasonal closure on construction activity and commercial operation from January 1 through July 1 to limit disturbance on wintering and newly born wildlife.
2. Require the use of bear resistant / bear proof trash cans and trash dumpsters for storage and disposal of waste on the property.
3. Prohibit bird feeders on the property between April 1st and the Thanksgiving holiday to prevent attracting black bears.
4. Prohibit feeding of all other wildlife on the property.
5. Prohibit outside composting, except when completely enclosed by electrified fencing.
6. Construction of any fencing to be completed in accordance with CPW recommended standards as outlined in the "Fencing With Wildlife in Mind" document <https://cpw.state.co.us/Documents/LandWater/PrivateLandPrograms/FencingWithWildlifeInMind.pdf>
7. Install round doorknobs on all exterior doors instead of lever style doorknobs to help prevent black bears from accessing unlocked doors.
8. Install motion sensing exterior lighting to illuminate the area around all exterior doors, garages, and walkways to deter wildlife conflict incidents.
9. Plant native vegetation that does not require additional watering, instead of planting non-native ornamental plants and grass lawns that require irrigation and fertilization.
10. Fully enclose all crawl spaces and areas under ground level decks to prevent wildlife access.

Between the 2nd referral and public hearing, nearly all these recommendations have been added to the SUD in enforceable terms. However, concerns on the Seasonal Closure remain with CPW noting the proposed closure is not long enough and are requesting park closures between January 1 – July 1. The SUD proposes hard closure for January – April 1 to accommodate winter habitat and fawning which would cover the months of most inclement weather when animals may need to venture to areas with less snowpack. Although this is not meeting the full recommendation of CPW, staff anticipates an allowance of

year-round unlimited horses, dogs and firearms to be a more detrimental potential to wildlife than cyclists. Further, the park is proposed to be closed between twilight and sunrise which would leave the property entirely undisturbed for wildlife each night. Finally, CPW notes this property as a transitional property between Open Space parks to the southwest and northeast. This band also spans Shadow Mountain Drive which is significantly more impactful than the proposed use in terms of vehicular traffic, speed and frequency of disturbance. Local wildlife have been shown to overcome these circumstances to migrate, breed and flourish despite completely developed residential lots surrounding these areas. Staff supports a use with nightly and winter seasonal closures as preferred to residential continuous human disturbance to partially satisfy the recommendation of CPW.

11. NOTIFICATION

Notification of the proposed development was sent and posted in accordance with the Zoning Resolution. Please see the attached Notification Summary for more information.

12. POST HEARING REVIEW

If the Special Use is approved, the post hearing review shall be in accordance with the Zoning Resolution as follows:

The applicant shall have 28 days after Board of County Commissioner's approval to submit a 'clean' copy of the approved red-marked Special Use Document and pay the recordation fees. The Case Manager will have 7 days to review the submitted Special Use Document. If the revisions have been made in accordance with the approval conditions, Staff will affirm and record the Special Use Document, as appropriate. If the submitted documents are not in conformance with the approved red-marked Special Use Document, the red-marked Special Use Document shall be recorded.

13. SUBSEQUENT PROCESSES

If the Special Use is approved, prior to construction of any other buildings on the site a Site Development Plan (SDP) would be required. Building Permits would be required after SDP approval. During these processes, the SDP would be sent on referral to numerous internal and external agencies. The SDP and Building Permit applications are processes that will ensure compliance with all of the County's development regulations including, but not limited to building architecture, parking, illumination, landscaping, site grading and detention, wildfire mitigation, proof of water, proof of sanitation and other items.

SUMMARY OF STAFF ANALYSIS AND RECOMMENDATION

Staff's analysis concludes that the proposal does not meet one of the five Special Use Criteria. The Special Use proposal is not in general conformance with specific land use goals and policies outlined within the CMP, because the three factors for proposed uses out of conformance with the land use recommendation have not been adequately addressed. The proposal is compatible with the existing and allowed uses in the surrounding area. Potential negative impacts to the surrounding area have been adequately addressed using development standards in the SUD, infrastructure and services are adequate and available to support the proposed uses, and the proposed uses are not expected to result in significant impacts to the health, safety, and welfare of the residents and landowners in the surrounding area. Staff recommends DENIAL of the Special Use request because it is not in general conformance with the CMP.

FINDINGS:

Based on the analysis included in this report, staff concludes that the proposal has not satisfactorily addresses each of the criteria below which the Planning Commission may consider, as detailed in subsection 6 in this staff report.

1. The proposed Class III Recreational Facility land use is compatible with the existing and allowable single-family residential land uses in the surrounding area because large agricultural and parks for recreational activities are compatible with residential land uses.
2. The proposal is not in general conformance with the Comprehensive Master Plan (Plan). The proposal does not meet the Plan's land use recommendation of one residential dwelling unit per ten acres, and staff finds that the applicant has not satisfactorily addressed the three factors for non-conformance with the land use recommendation. All applicable sections of the Plan goals and policies have not been met.
3. The ability to mitigate the negative impacts of the proposed land use upon the surrounding area, including any geologic, sound, siting, illumination, use and transportation impacts, have been considered and mitigated with the restrictions set forth in the proposed Special Use Document. The requirements include restricted building footprints, large setback for buildings, maintenance roads, and chairlifts, and architectural requirements.
4. The subject property is proposed to be served by an individual onsite well and sanitation system. The Elk Creek Fire Protection District provides fire protection and first responder services. The Jefferson County Sheriff's Office provides law enforcement services. The public services are available and adequate to serve the proposed land use.
5. The proposed land use is not expected to result in significant impacts to the health, safety, and welfare of the residents and landowners in the surrounding area.

PLANNING COMMISSION ACTION:

The Planning Commission is charged with reviewing the request and staff report, receiving testimony and evidence on the application and recommending approval or denial of the request to the Board of County Commissioners.

COMMENTS PREPARED BY:

Dylan Monke
Planner
September 5, 2024