

**CASE SUMMARY  
Regular Agenda**

**PC Hearing Date:** September 25, 2013

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**12-107643CH**                      **Comprehensive Master Plan / North Mountains Area**

**Case Name:** North Mountains Area Plan

**Applicant:** Jefferson County

**Location:** Northwestern Jefferson County

**Purpose:**                      **To revise and update the North Mountains Community Plan as a new North Mountains Area section of the Comprehensive Master Plan (CMP).**

**Case Manager:** Heather Gutherless

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**Issues:**

- Golden Gate Canyon Center

**Recommendations:**

- **Staff:** Recommends APPROVAL subject to conditions

**Interested Parties:**

- Property owners

**Level of Community Interest:** High

**General Location:** That portion of Unincorporated Jefferson County generally south of the Boulder County line, north of State Highway 6, 1-2 miles east of State Highway 93, and west of the Gilpin County line.

**Case Manager Information:** Phone: 303-271-8716 e-mail: hgutherl@jeffco.us

**STAFF REPORT  
Regular Agenda**

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**BACKGROUND/UNIQUE INFORMATION:**

On December 12, 2012, the Jefferson County Planning Commission adopted the Jefferson County Comprehensive Master Plan (CMP). A primary goal of creating this CMP was to integrate all of the community plans into a single, comprehensive document. This was designed to be done in phases. The first phase was to create the general CMP. The second phase (currently underway) is to “roll in” all the existing community plans into the CMP. The Community Plans are to become Area Plans that are included in the CMP as separate chapters. These Area Plans will be comprised of area specific land use recommendations and policies, while relying on the CMP for policies that apply to the entire County. To date, four Area Plans have been adopted: the South Plains Area Plan, the Central Plains Area Plan, the North Plains Area Plan, and the Indian Hills Area Plan.

In order to reduce redundancies between the Plans, the existing policies in the North Mountains Community Plan were compared against the policies in the CMP. Each policy in the Plan was determined to fit into one of the following categories:

- The policy is duplicative with policies in the CMP and will be removed from the local area plan.
- The policy is not duplicative, but can be applied to the entire county, so the CMP will be modified to include the policy.
- The policy is specific to the plan area and will remain with the community plan.
- The policy is no longer needed and has been deleted.

The North Mountains Community Plan was adopted by the Planning Commission in August 1992. Since that time, not much development activity has occurred. However, there is a significant area that was downzoned to the Agricultural Thirty-five (A-35) District and several large areas have preserved through purchase by Jefferson County Open Space or private conservation easements.

**TIMELINE:**

- April to July 2012 – Staff identified issues and met with stakeholders in the North Mountains Area, created maps of existing conditions, and created a website.
- August to September 2012 – Staff organized, publicized and held two community meetings to kick-off the update process by explaining why the Plan was being updated, potential steps in the process and

pose general questions to the community.

- October to December 2012 – Staff put the North Mountains Plan update on hold to concentrate on the final phases of the Comprehensive Master Plan update.
- January to March 2013 – Staff created draft land use maps and compared existing land use policies in North Mountains Plan with those in the newly adopted Comprehensive Master Plan to identify area-specific policies.
- April 2013 – Staff held two community meetings to present the draft land use maps and policies.
- May to July 2013 – Staff compiled comments on draft land use maps and policies. Staff finished comparing existing policies in North Mountains Plan with those in the newly adopted Comprehensive Master Plan to identified area-specific policies.
- July to August 2013 – Staff held two community meetings to present the draft Plan. The draft was also sent to Referral Agencies, Homeowners Associations (HOA's), Community Groups, and other interested citizens requesting comments.
- August to September 2013 – Staff revised the draft of the North Mountains Area Plan.
- September 2013 – Planning Commission hearing

#### **COMMUNITY NOTIFICATION:**

Outreach for the process included public meetings, mailings, email notification, press releases, website creation, and road signs. At the beginning of the process, key stakeholders were identified and contacted to discuss their specific issues. Ten individuals or entities, consisting of large land owners, special district representatives, adjacent jurisdictions and homeowners associations, met with Staff.

Three sets of public meetings were held throughout the update process, the first to “Kick-off” the process, the second to present the land use component of the Plan and the third to present the first Draft of the Plan. Due to the geographic separation of Golden Gate Canyon from Coal Creek Canyon, each set of meetings was held at both the Golden Gate Grange Hall and at the Coal Creek Canyon Improvement Association’s Community Hall. These meetings were publicized through several means:

- News releases were sent to the Golden/Foothills Your Hub and two local magazines: The Mountain Messenger and The Highlander.
- Jefferson County Public Information Office posted notice on the Jefferson County Facebook page and send out tweets via Twitter.
- Notice of the meeting was sent via email or standard mail to all Homeowner’s Associations, owners of 100 acres or more, owners within 500 feet of an existing center, people who signed up on the interested parties list and referral agencies (includes 400 people).
- All information was updated regularly on the North Mountains Community Plan Update website.
- Electronic Message Board signs were posted along Golden Gate Canyon Road and Coal Creek Canyon Road for the Land Use meetings.
- Legal notice of the Planning Commission public hearing was published in the Golden/Foothills Your Hub.

The Kick-off meetings were held in September 2012 to explain the purpose and process. The first set of meetings attracted approximately 50 people. Open houses to present the land use component of the plan were held in April 2013. These meetings attracted over 100 people. The Draft Plan meetings were held in July 2013 and attracted approximately 90 people.

Staff used a citizen involvement approach based upon input rather than consensus. Throughout the

process, staff received many comments on the Draft Plan. At present, staff has not been able to come to agreement with all parties regarding the Golden Gate Canyon Center.

### **SUMMARY OF COMMENTS:**

Staff received the following comments on the Draft of the Plan.

1. **Jefferson County Public Health:** This Department had several editorial comments, which have been addressed. They also questioned the resources to implement the policies that discussed a comprehensive groundwater quality and quantity study. These policies were subsequently removed because the County helped with the creation of the Turkey Creek basin ground water study and has created regulations since that time to address ground water quality and quantity.
2. **Boulder County:** Boulder County was complementary on coordination and encouraged continued coordination in the future.
3. **Colorado Department of Transportation (CDOT):** CDOT had many comments, most focused on ensuring that US 6 was acknowledged in the Plan, especially the Peaks-to-Plains multi-use trail. They also commented passing lanes on State Highway 72 will be evaluated with the Denver Water Board-Gross Reservoir permit. Staff has made changes to the plan as appropriate.
4. **Golden Gate Canyon Fire Protection District:** Staff posed several questions to the Fire District. They responded that they supported the inclusion of specific policies in the Wildfire Hazards section, but that they would be redundant with the policies in their Community Wildfire Protection Plan (CWPP). They also suggested a definition for Shaded fuelbreak, which was not defined in the CWPPs.
5. **Golden Gate Canyon Citizens:** Many citizens are opposed to the designation of a commercial center anywhere along Golden Gate Canyon Road. Concerns are related to economic viability, lack of benefit to residents, negative impacts to the Grange Hall, change in community character, traffic increases, site distance, and parking. Staff has considered all of the comments, but continues to recommend a small commercial center in this area. Plan policies limit the types and size of uses allowed, address building massing, and support the continued operation of the Grange Hall, County shops and community uses. Please see the Comment and Response logs for a more detailed inventory of citizen comments and staff's response.

### **SUMMARY OF PROPOSED CHANGES:**

The key changes to the *North Mountains Community Plan* can be summarized in three parts:

#### **1. Mountain Community Centers:**

The existing Plan shows four areas identified as "Mountain Community Centers". These areas are recommended for commercial uses. These have been renamed to "Activity Centers". The four centers and an explanation of Staff's recommendation are below.

##### **a) Golden Gate Canyon Road and Crawford Gulch Road Center - now the Golden Gate Canyon Center**

This area was evaluated by staff and deemed to be a suitable location for a small commercial center in the Golden Gate Canyon Area. It contains a County Road and Bridge facility, the Golden Gate Grange, and a portion of a property that currently contains a mobile home. This center was relocated and reduced in size to accommodate slopes over 30%, a FEMA floodplain, and potential Prebles Meadow Jumping Mouse habitat. Many citizens in the area do not wish to see any commercial uses along Golden Gate Canyon Road and oppose this center designation.

##### **b) Crawford Gulch Road and Belcher Hill Road**

This center is proposed for elimination. This center and the properties surrounding the center has

been rezoned to A-35, the County's least dense zoning, which allows one home on 35 acres. No commercial uses currently exist in this area. The conditions of this area changed so dramatically, that a center was no longer viable in this location.

**c) Golden Gate Canyon and Guy Hill Road**

This center is also proposed for elimination. Staff reviewed each center for physical constraints and wildlife value. The entirety of this center was constrained by either slopes over 30% or potential Prebles Meadow Jumping Mouse Habitat. This area also abuts the large area rezoned to A-35. No commercial uses currently exist in this area.

**d) Coal Creek Canyon Center**

This area contains many commercial uses already. Staff looked at whether there were areas that should be expanded or reduced and added four properties to the Center. There are three additional areas that staff is recommending for inclusion. Two of the areas are already zoned commercial, with one even containing a commercial building. The other area is zoned agricultural, but gains access directly to State Highway 72 (SH 72) between two commercial businesses. The community survey conducted showed that generally, citizens were supportive of including the two areas zoned commercial. Several residents were not in agreement with adding the agricultural zoned property. However, several follow-up comments stated commercial uses should only take access from SH 72 and that perhaps the eastern portion of the property would be appropriate. Staff added language to the Plan that states that "All properties in this center that front State Highway 72 should gain access from Highway 72, where feasible. Access from Skyline Drive or Twin Spruce Road should be minimized." And "The property in the northwestern portion of the center that is located behind the Sinclair Station and the Auto Repair shop should only have commercial uses on approximately the eastern half of the property. The western half of the property should either transition to residential uses or should be a buffer area with no development."

**2. Land Use Maps:**

The existing North Mountains Community Plan does not contain specific land use recommendations for the majority of the Plan area. This Plan evaluated the existing zoning, land uses, and physical constraints (such as wildfire, slope, and wildlife habitat) to determine specific land use recommendations for each parcel. Eight land use categories were created. These include residential as a variety of densities, commercial centers, and open space.

**3. Wildfire Hazards:**

The Community Wildfire Protections Plans (CWPPs) of the Coal Creek Canyon Fire Protection District, Golden Gate Canyon Fire Protection District and the Fairmount Fire Protection District were evaluated for potential policies. Staff has created one general policy to steer those evaluating the North Mountains Area Plan to the most appropriate mitigation measures to be evaluated at the time of rezoning, special use or site approval. Items listed include thinning along access roads, shaded fuelbreaks, forest thinning, cistern placement, secondary or emergency access, helicopter dip sites, and community safety zones.

**4. Eastern Boundary of Plan:**

This update will slightly alter the eastern boundary of this Plan to correspond with parcel lines rather than topographic features. This change is also reflected in the North Plains Area Plan adopted in 2011.

**COMPREHENSIVE MASTER PLAN CHANGES:**

In addition to the inclusion of the North Mountains Area Plan to the Jefferson County Comprehensive Master Plan, there are two items that staff is requesting be added to the Comprehensive Master Plan with this update. These were brought up through the Mountains update process, but staff deemed to be more general policies that should apply to the entire County and therefore, be in the Comprehensive Master

Plan rather than just apply to the North Mountains Area.

**1. Other Uses in Designated Residential Areas:**

The majority of the Mountain Community Plans contained language allowing for other uses that may be considered commercial uses outside designated commercial centers. These uses included uses such as bed and breakfasts, equestrian centers, large home offices, small professional offices, and contractor shops. Staff reviewed all of the different language throughout the mountain community plans and consolidated it into one list of uses with general criteria for all uses and specific criteria for each different type of use.

**2. Mineral Resources**

A comment was received to add language to the North Mountains Plan that referenced section 34-1-305 of the Colorado Revised Statute regarding Commercial Mineral Deposits. Staff worked with the commenter and is proposing the following language be added to the Extractive Resources element of the Comprehensive Master Plan. "In cases where commercial mineral deposits exist, state statute restricts land uses (CRS 34-1-305). The Mineral Resources map and the Mineral Extraction Policy Plan specifically address good quality sand, gravel and quarry aggregate resources. These documents should be evaluated for mineral resources at the time of rezoning. If good quality mineral resources are found, the applicant should be made aware of the statute and possible restrictions." Staff has also created a Mineral Resources map using the information in the County's Mineral Extraction Policy Plan and is proposing that map be added to the Comprehensive Master Plan also.

**3. Glossary**

Several definitions will be added to the Comprehensive Master Plan due to inclusion of new terms in the North Mountains Area Plan.

Definitions associated with the "Other Uses Designated in Residential Areas" will be added to clarify the uses of Bed and Breakfast, Equestrian Center, Rental Cabins, Destination Resort, and Event Center.

A new commercial designation has been created for small mountain commercial centers. It is the Mountain Scale Neighborhood Commercial designation, defined as: Commercial uses that are in close proximity to residential uses and limited in height, size and impacts. These types of uses include professional and medical office uses that serve nearby residents, grocery stores up to 10,000 square feet, small restaurants, including specialty restaurants and fast food restaurants without drive-thru, fitness centers, convenience service uses such as beauty salons and cleaners, neighborhood taverns, automobile repair facilities, gas stations and retail businesses that are typically less than 5,000 square feet in size. Restaurants with drive-thru's are discouraged.

Additionally, since policies from the CWPPs were added, we are adding a definition of Shaded Fuelbreak. This is not defined in the CWPPs, or we would reference that definition. The definition will be: Fuelbreaks built in timbered areas where the trees on the break are thinned and pruned to reduce the fire potential yet retain enough crown canopy to make a less favorable microclimate for surface fires. (National Wildfire Coordinating Group)

**FINDINGS/RECOMMENDATIONS:**

**Staff recommends that the Planning Commission finds that:**

- 1. Proper publication and public notice has been provided for the hearing before the Planning Commission;**
- 2. The hearing before the Planning Commission was extensive and complete and that all pertinent facts, matters, and issues have been submitted and considered, and all interested parties heard;**

3. The North Mountains Area section of the Jefferson County Comprehensive Master Plan adequately addresses the problems and concerns raised in the public hearings by interested parties;
4. The adoption of the North Mountains Area section is in the best interest of the health, safety, and welfare of the citizens of Jefferson County; and
5. The Amended Master Plan, including the North Mountains Area section, will supersede all other community or land use plans for the area that have preceded it.

And;

Staff recommends that the Planning Commission APPROVE Case #12-107643CH with the following conditions:

1. Revisions to the Jefferson County Comprehensive Master Plan in accordance with the red-marked print dated September 25, 2011.

And;

Staff recommends that the Planning Commission grant staff the authority to revise the Plan for the limited purposes of formatting the Plan (which shall include the ability to add photographs of scenery, wildlife or other objects as staff views appropriate to give visual interest to the various chapters) and correcting any typographical errors and any other non-substantive changes to the Plan staff deems necessary prior to final publication of the Plan.

COMMENTS PREPARED BY:

*Heather Gutherless*

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Heather Gutherless, Senior Planner  
September 16, 2013