

Attachment 5

**Clear Creek County
Board of County Commissioners
Resolution R-26-16**

Special Use Permit Case #SUP2025-03

Being described as NEBRASKA PLACER - 2079 and LINCOLN PLACER - 2080 in Sections 34 and 35, T2S, R74W, and Sections 2 and 3, T3S, R74W of the 6th PM, Clear Creek County, State of Colorado. (“subject property”).

WHEREAS, Section 12 of the *Clear Creek County Zoning Regulations* authorizes the Board of County Commissioners to approve Special Use Permits for long term changes to the use of the land, subject to review and action by the Planning Commission; and

WHEREAS, the applicant has applied for approval of a Special Use Permit to establish a public or private parking lot without an existing permitted principal use, a minor structure without an existing permitted principal use, and a seasonal temporary use of land, not to exceed six (6) months on parcels of land zoned Commercial – One (C-1); and

WHEREAS, the Planning Commission, pursuant to public notice, held a public hearing on January 21, 2026 to take public testimony and consider the request; and

WHEREAS, the Planning Commission found that the application substantially met the criteria for approval for Special Use Permits as outlined in *Section 12 – Special Use Permits*, of the *Clear Creek County Zoning Regulations*, and, with modifications to the staff suggested conditions, recommended unanimous approval (4:0) to the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners, pursuant to public notice, opened public hearing on February 3, 2026 to continue the hearing to February 17, 2026 for the purposes of Staff working through revisions to the suggested conditions of approval; and

WHEREAS, the Board of County Commissioners, pursuant to public notice held a public hearing on February 17, 2026 to take public testimony and consider the request; and

NOW, THEREFORE BE IT RESOLVED, that the Clear Creek County Board of County Commissioners hereby **APPROVES** this Special Use Permit to allow a public or private parking lot without an existing permitted principal use, a minor structure without an existing permitted principal use, and a seasonal temporary use of land, not to exceed six (6) months on the subject properties, pursuant to the following Findings of Fact and subject to the following Stipulations and Conditions:

FINDINGS OF FACT

1. Public review agencies were notified on November 21, 2025 and responses were received from the Clear Creek County Environmental Health Department, the Clear Creek County Site Development/Public Works Department, the Clear Creek County Public Lands Department, the Colorado Department of Public Health and Environment Air Pollution Control Division, the Colorado Forest Service, and Xcel Energy.
2. Adjacent property owners were notified by mail on November 21, 2025 and no written responses were received by the Planning Department.

3. Public notice was published in the Clear Creek Courant on November 27, 2025.
4. Signs were posted on the subject property on December 2, 2025.
5. The following members of the public provided verbal testimony during the Planning Commission Hearing:
 - Hans Hultgren
 - Chuck Longhenry
 - Ashley Wren Miller
6. The following members of the public commented during the Board of County Commissioners Hearing:
 - Fill names if needed
7. The Clear Creek County Board of County Commissioners found that the application substantially met the following criteria for approval for Special Use Permits as outlined in *Section 12 – Special Use Permits*, of the *Clear Creek County Zoning Regulations*:

1202.5.7 CRITERIA FOR APPROVAL

- 1202.5.7.1 Except as otherwise noted, the proposed use will comply with the zoning requirements of the district in which the use is to be established, and will also comply with all other applicable requirements;*
- 1202.5.7.2 The use is in harmony with the character of the neighborhood and compatible with the surrounding area;*
- 1202.5.7.3 The use will not have an undue burden on available infrastructure;*
- 1202.5.7.4 The use will not result in undue traffic congestion or traffic hazards;*
- 1202.5.7.5 The use will not cause significant air, odor, water, noise, or light pollution;*
- 1202.5.7.6 All sanitation requirements will be met;*
- 1202.5.7.7 Parking is adequately provided;*
- 1202.5.7.8 Adequate buffering and screening is provided, when appropriate;*
- 1202.5.7.9 The use shall demonstrate compliance with the County’s Best Management Practices (BMP’s); and*
- 1202.5.7.10 The use will not otherwise be detrimental to the health, safety, or welfare of the present or future inhabitants of Clear Creek County, nor inconsistent with Section 1 - Title, Authority, and Interpretation, Subsection E. Purposes, of these Regulations.*

STIPULATIONS AND CONDITIONS

- 1) This Special Use Permit (Permit) is approved only for:

- Public or private parking lot without an existing permitted principal use
- Minor Structure without an existing permitted principal use
- Seasonal temporary use of land, not to exceed six (6) months per calendar year

Any proposed change to the Permit as noted herein shall require an application and approval, pursuant to Section 1208 Revisions and Modifications of the County Zoning Regulations.

- 2) Within 6 months from approval of this Permit, the holder of this Permit shall meet and maintain full compliance with the stipulations and conditions set forth herein, except as otherwise noted in Conditions 16 - 18, below. If, after 6 months or the timeline specified in Conditions 16 - 18, and at any

time during the life of the Permit, the Planning Department determines that the stipulations and conditions are not substantially and timely met, a hearing shall be held before the Board of County Commissioners (BOCC), with at least ten (10) days written notice of the hearing to the holder of the Permit, to determine if the Permit should be revoked due to any substantial violation of the stipulations and conditions. Written notice of any such hearing shall be provided by the Planning Department to adjacent property owners within 300 feet of the subject properties.

- 3) The holder of this Permit shall meet and maintain full compliance with all other applicable zoning regulations at all times during the life of the Permit. If the Planning Department determines that the applicable zoning regulations are not substantially and timely met, a hearing shall be held before the Board of County Commissioners (BOCC), with at least ten (10) days written notice of the hearing to the holder of the Permit, to determine if the Permit should be revoked due to any substantial violation of applicable zoning regulations. Written notice of any such hearing shall be provided by the Planning Department to adjacent property owners within 300 feet of the subject properties.
- 4) The Planning Department may verify compliance with the approved Permit at any time.
- 5) The property owner may request in writing the termination of the Permit at any time.
- 6) Pursuant to Section 2.7.4 of the Roadway Design and Construction Manual, the property owner shall maintain a minimum 10-foot “clear zone” at all times between the edge of the traveled way for Fall River Road and any fixed above grade obstructions. No parking within the clear zone shall be permitted. Prior to any work within the road right-of-way and/or clear zone associated with Fall River Road, an approved Right-of-Way Permit shall be obtained from the Road & Bridge Department.
- 7) In addition to stop signs at the entrance/exit on the Site Plan, advanced warning signs for pedestrians shall be placed for both directions of travel on Fall River Road in the vicinity of the parking area. Prior to the placement of signage within the road right-of-way, an approved Right-of-Way Permit shall be obtained from the Road & Bridge Department.
- 8) The property owner shall install a minimum of five (5) signs directing patrons of the parking lot to refrain from idling vehicles for prolonged periods of time.
- 9) The property owner shall install parking blocks, signage and/or other controls to delineate approved parking spaces.
- 10) Lighting on the property shall not exceed 12 feet in height, shall be fully shielded, shall be motion activated, and shall utilize Dark Sky approved lighting fixtures.
- 11) There shall be no additional signage on the premises or off, or within the County Right of Way, other than what is shown on the approved Site Plan and required and/or approved in this Permit. All signage must conform with Section 1005 of the County Zoning Regulations.
- 12) The minor structure shall not exceed 400 square feet, per the definition of Minor Structure in Section 23 of the County Zoning Regulations. The minor structure that hosts the retail use shall be seasonal in nature, operational for no more than 6 months total during the calendar year.
- 13) The property owner shall install and maintain a minimum of eight (8) portable sanitary toilets as depicted on the Site Plan, as permitted by the County Environmental Health Department. A plan for servicing and maintaining the toilet(s) shall be established with and approved by the Environmental

Health Department. Adequate screening shall be provided for the portable toilets as approved by the Planning Manager. At any such time the parking lot is abandoned or ceases to exist, the portable sanitary toilets shall be removed from the property.

- 14) The property owner shall provide a minimum of six (6) trash receptacles and three (3) pet waste stations on the site and all refuse shall be stored in animal-proof containers and/or made unavailable to all domestic and wild animals.
- 15) The Applicant shall submit an application to the Colorado State Forest Service to provide further review and/or visit the site to develop specific recommendations to address wildfire hazard mitigation and/or forest health needs for the property and shall submit any additional comments from the Agency to the Planning Department.
- 16) The Applicant shall improve the parking lots to comply with current parking area standards, as set forth in the Road Design and Construction Manual, pursuant to the timeline and alternative options set forth in Condition #18 below.
- 17) The Applicant shall remove the existing 650 square foot structure from the Property, pursuant to the timeline and alternative options set forth in Condition #18 below.
- 18) Pursuant to Sections 1201.2 and 1202.1 of the County Zoning Regulations, the Property Owner shall have 3 years to fully satisfy and execute conditions 16 **and** 17 above, **or within that timeframe:**
 - a. Submit a request in writing for the termination of the Permit and cease the Special Uses on the Property.
 - b. Modify the existing 650 square foot structure to reduce the footprint to 400 square feet, pursuant to the Minor Structure definition, **and** satisfy Condition #16.
 - c. Submit and pay the fee for a new planning application(s) (*not* a Pre-Application meeting) for redevelopment of the property, limited specifically to the following application types: Rezoning (including PD), Development Review, Major, Minor, or Multi-Unit Subdivision, Major or Minor Camping Permit, or a new Special Use Permit not related to this one. This condition expressly excludes all other planning application types.
 - d. Notify the Planning Department in writing that a Principal Use has been established on the Property, pursuant to the Principal Uses allowed in the C-1 District, listed in Section 2202.6 of the County Zoning Regulations, which will effectively terminate this Special Use Permit.
- 19) Prior to recording of this Resolution, a financial guarantee and development agreement to be reviewed and approved by the County Attorney's office, are required pursuant to Section 1202.6 of the County Zoning Regulations.
- 20) The restrictions herein set forth are binding upon all owners and respective successors-in-interest and run with the land.
- 21) To the extent that applicable state or federal rules, regulations, codes, ordinances, or laws are more restrictive than the stipulations and conditions contained herein, such applicable regulations shall supersede and govern at all times.

ADOPTED this 17th day of February 2026, at a regularly scheduled meeting of the Clear Creek County Board of County Commissioners.

Rebecca Lloyd, Chair

George Marlin, Commissioner

Jodie Hartman-Ball, Commissioner

ATTEST:

Deputy Clerk and Recorder
for Brenda L. Corbett
Clear Creek County Clerk and Recorder