

Special Use Permit Case SUP2025-03

Proposal:

To establish a Special Use Permit for:

- Public or private parking lot without an existing permitted principal use (2202.8.15)
- Minor structure without an existing permitted principal use (2202.8.14)
- Seasonal temporary uses of land, not to exceed six (6) months (2202.8.2)

Location:

Legally 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. Generally located on the west side of Fall River Road, north of Silver Creek Road in the St. Mary's area.



Important Notes and Definitions

123 space parking lot which will be operational year-round. The Minor Structure itself will be permanent (but not on a foundation). The use of the minor structure will be for seasonal retail of pre-packaged foods, beverages, warm clothing, etc.

- **MINOR STRUCTURE:** Any movable accessory structure or building such as birdhouses, tool houses, sheds, storage buildings, and dog houses under 400 square feet, or play equipment, arbors, and walls and fences.
- **SEASONAL TEMPORARY USE OF LAND:** Uses of land, not to exceed six (6) months, such as Christmas tree or Firewood lots.

Surrounding Zoning and Land Use

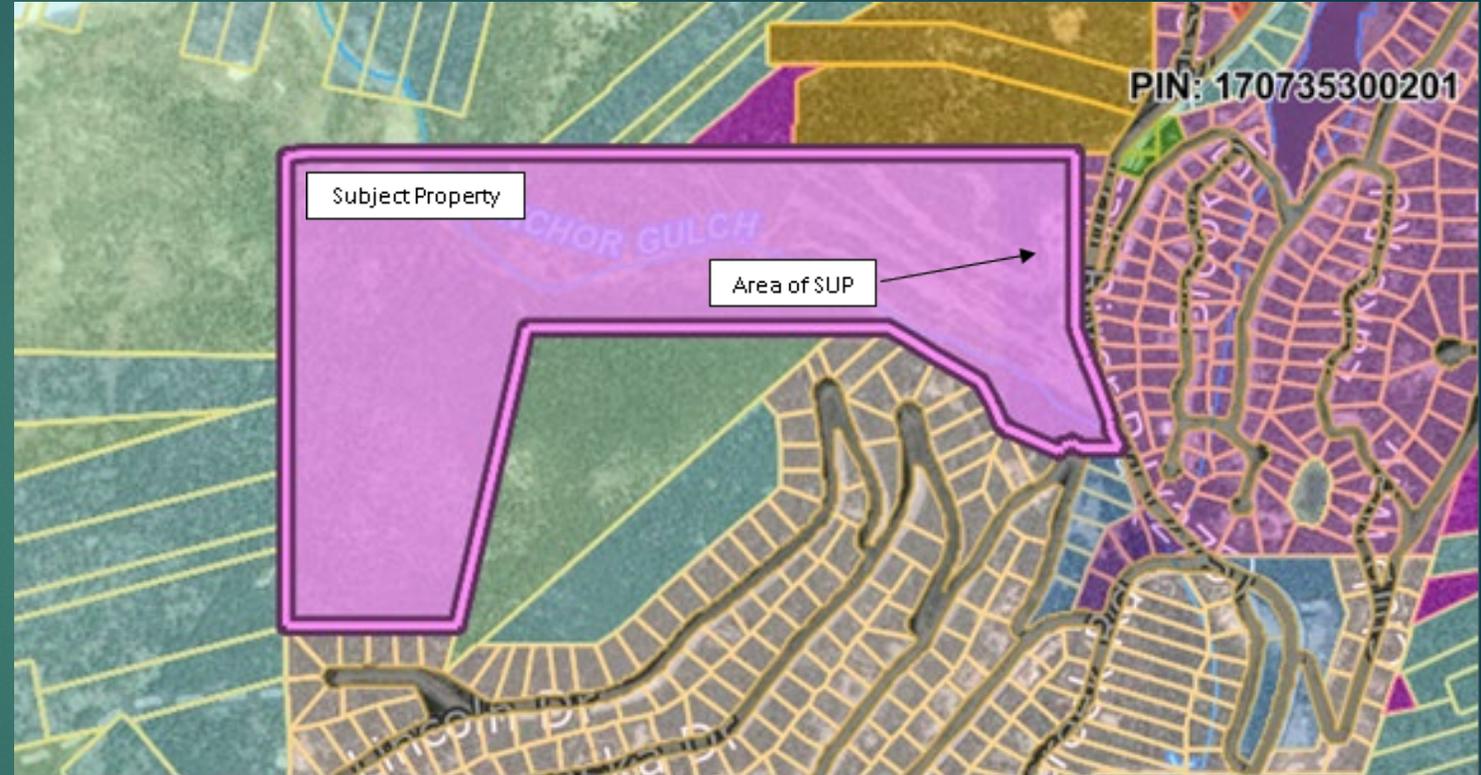
N: A mix of MR-5, M-1, M-2, and NR-PC zoning, mostly undeveloped.

S: Mostly R-2 zoning with some single unit homes, some C-1 zoning along Fall River Road.

E: R-1 zoning with some single unit homes on the east side of Fall River Road.

W: M-1 and NR-PC zoning, mostly undeveloped.

There is Forest Service land on three sides of the property, as indicated by light green.



North

Referral Agencies

Referral Agencies were noticed on November 21, 2025

- CCC Engineering/Site Development
- CCC Environmental Health Department
- CCC Emergency Medical Services
- CCC Office of Emergency Management
- CCC Sheriff's Office
- CCC Special Projects/Water Resources
- CCC Open Space, Parks, Recreation
- U.S. Forest Service
- Colorado State Forest Service
- Colorado Department of Public Health and Environment
- Colorado Parks and Wildlife
- Colorado State Historic Preservation Office
- Xcel Energy
- Clear Creek Economic Development Corporation
- Clear Creek Tourism Board
- St. Mary's Metropolitan District

Referral Agency Responses

- Comments from CDPHE, Xcel, and Environmental Health all indicated no issues with the proposal.
- Comments from the Colorado Forest Service note that a Wildfire Mitigation Plan will not be required, but that additional review will be needed to develop specific recommendations to address wildfire hazard mitigation and/or forest health needs for the property.” Staff has included this review as a condition of approval, but notes that any action on any recommendations from the agency are voluntary.
- Comments from Site Dev/Public Works focus on access control (stop signs), parking blocks, and establishing and maintaining the required “clear zone” per County regulations. Staff has included suggested conditions of approval covering these requirements.

Public Notice and Comment

Adjacent Property owners notified by mail on November 21, 2025.

Legal notice was published in the Clear Creek Courant on November 27, 2025.

Signs were posted on the subject property on December 2, 2025.

No written comments submitted from public.

Planning Commission Hearing

Three (3) individuals provided public testimony at the January 21, 2026 PC hearing: Generally, comments were in support of the project. Two comments raised questions regarding paving requirements. Additional questions addressed lighting, water quality control and runoff, bear-resistant trash containers, and enforcement. These issues are addressed through existing regulations or conditions of approval.

The Planning Commission requested several revisions to the Site Plan, which are listed in the Memo.

Additionally, there were two remaining issues that needed to be addressed prior to the Board of County Commissioners Hearing.

Planning Commission Hearing

First, the existing 650-square-foot structure on the property exceeds the maximum size permitted for a Minor Structure (400 sq ft) and is therefore considered an Accessory Structure. Accessory structures must be subordinate to a primary or principal use on the property. Currently, no principal use exists on the site, nor can one be established while maintaining the validity of the Parking Lot Special Use Permit. As a result, the existing structure cannot remain as is. Staff has included Conditions to address this issue.

Second, the County's regulations allow for existing parking lots to remain in use without requiring that they be improved to meet current standards as long as the use is not expanded. However, parking lots included in a Special Use Permit are required to comply with the Zoning and the RDCM parking area standards, regardless of previous existence. Staff has included Conditions to address this issue.

The Planning Commission felt comfortable letting Staff address these issues with conditions of approval, and found that, with the proposed site plan changes and modified/added conditions, the application met all of the relevant Criteria for Approval and recommended approval 4:0.

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);
- 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.

Conditions – (abridged) – Full list in Resolution Attachment 5

1. This Special Use Permit (Permit) is approved only for uses defined.
2. Within 6 months from approval, the holder of this Permit shall meet and maintain full compliance with the stipulations and conditions set forth herein, except for Conditions 16-18.
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.
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. Property owner shall maintain a minimum 10-foot “clear zone” at all times between the edge of Fall River Road and any fixed above grade obstructions.
7. Pedestrian crossing signs shall be placed in both directions along Fall River Road in vicinity of subject parcels.
8. The property owner shall install signs requesting that patrons of the parking lot refrain from idling vehicles for prolonged periods of time.
9. Installation of parking blocks, signage to delineate approved parking spaces.

Conditions

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. No additional signage on premise, off premise, or within ROW other than what is permitted in this SUP.
12. Minor structure not to exceed 400 feet and retail uses in structure shall be seasonal. *Added at PC hearing:* The minor structure shall not exceed 15 feet in height, per the definition of Height of Building in the County Zoning Regulations.
13. The property owner shall install and maintain (8) portable sanitary toilet as permitted by County EH. A plan for servicing and maintaining the toilet(s) shall be approved by County EH. Screening approved by Planning.
14. The property owner shall provide six (6) animal-proof trash containers and three (3) pet waste stations and be stored in bear-proof containers 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.

Conditions

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.

Conditions

19. Prior to recording of this Resolution, the Applicant shall submit a financial guarantee and development agreement to be reviewed and approved by the County Attorney's office, 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.

Conclusions

- Staff recommends approval for the proposal at this time and welcomes BOCC discussion.
- Staff has provided a draft resolution 26-16 for consideration.