

## **Section 21 (DCZR 2101): Approval Standards**

The community believes that the USR application does not meet the Douglas County Zoning Resolution (DCZR) approval standards as outlined below.

**2102.01** Complies with the minimum zoning requirements of the zone district in which the special use is to be located, as set forth in this Resolution.

- **Section 3 A1 Agricultural One District (DCZR 307) Minimum Setbacks:** A 100 feet setback from the street is required. The proposed bridal suite is 58 feet from Highway 83, which is less than 100 feet. See an arial of the proposed USR site and proposed site improvements [here - link to file: SitePlanUSRSitecomparison (convert Word doc to PDF)]

**2102.02** Complies with the requirements of this Section 21.

**2107.14.2:** A-1 zoned properties must have structures of a scale and design that is compatible with the surrounding rural environment.

- To view proposed site improvements, see the Management Plan by clicking [here - <https://apps.douglas.co.us/planning/projects/download.aspx?PosseObjectId=82680446&hash=532B14082068802B6334A9E103A8A333105ABB0D>].
- Agricultural buildings do not showcase large glass windows and doors, an outdoor patio, and fireplace, which are proposed for barn renovation. While the design fits the barn's proposed hospitality use, it does not match agricultural buildings of the surrounding rural environment.
- No properties regularly use white party tents, with 365 days annual use possible with the addition of heaters. While a white party tent is typically not viewed as a structure, the long-term nature of its use is as a structure, which is inconsistent with the surrounding rural environment. Note: The management plan does not set the maximum number of days per year that the party tent may stand.

**2107.14.3:** A-1 zoned properties must meet a 200 feet setback from all adjacent property lines for all structures, outdoor assembly areas, and parking lots.

- The proposed bridal suite, a majority of the proposed event barn, and outdoor assembly areas surrounding the event barn are within the 200 feet setback. See Exhibit 5 for 100' (yellow) and 200' (red) setbacks for the site by clicking [here - <https://apps.douglas.co.us/planning/projects/download.aspx?PosseObjectId=82778046&hash=57E7C3D67AA3F0350E1F34211721C980680CB674>].

**2107.14.4:** Noise generated by the event center use shall not result in noise levels which exceed 40 dB(A) between 7 am and 7 pm, and 35 dB(A) between 7 ppm and 7 am, measured in accordance with Section 1705A.

- The noise study did not show noise levels would meet the dB(A) requirements. See EDI report for details by clicking [here - <https://apps.douglas.co.us/planning/projects/download.aspx?PosseObjectId=82714227&hash=029FE583A8C4E1D5C4C16BBC821304B76D172DE2>].
- The noise study was not conducted in accordance with Section 1705A.

2107.14.5 A noise study shall be submitted demonstrating compliance with the event center noise standard.

- The applicants' noise study does not demonstrate compliance. It significantly underestimates what will be, in practice, actual noise levels inside the barn, and does not address the impact of the outdoor gathering area (white party tent) on the north side of the barn. If reasonable amplified music and voice noise levels inside the barn had been used, predicted noise levels and anticipated noise levels will not be in-compliance with the north, south, and east Event Center property lines, and noise levels will exceed the 35 dBA maximum (7pm to 7am) at five of the seven nearby existing residences.

**2102.04 Will be in harmony and compatible with the character of the surrounding areas and neighborhood.**

- Hosting 15,000 people per year for commercial use in this neighborhood is not a compatible and harmonious use. This is an intensive use hosted on the smallest lot size possible as 35.387 acres is just above the USR 35-acre threshold. The site lacks buffers or transition zones, which are required for shielding the community from the incompatible use.
- The proposed USR will effectively create a commercial business operating with extended hours (until midnight) that features noise, people, traffic, and charter buses well beyond the typical day for a rural bedroom community. There is nothing harmonious about people getting into buses and cars and exiting a neighborhood at 11 pm when an event ends. This will create noise and light that extends well beyond property boundaries.
- The only buses that currently operate in Cherry Valley are school buses. Adding regular use of charter buses is not in harmony or compatible with the surrounding areas and neighborhood.
- The proposed use is not a preservation of a historic building or farmstead, it is a change in use accompanied with repurposing existing structures. The actual expenditures of repurposing will be significantly more than the fair market value of the buildings. These will be, in effect, new facilities that do not comply with zoning setbacks.
- The proposed buildings and site improvements will not match the rural character of the community as they will be more consistent with a commercial venue than a rural farmstead.
- A defining characteristic of this neighborhood, and most rural areas, is a dark night sky. Given the proposed site's location at the bottom of a valley, it is not possible to screen the light pollution from effecting the dark night sky, even if light use is within Douglas County standards.

**2102.05 Will be consistent with the Douglas County Comprehensive Master Plan, as amended.**

The Comprehensive Master Plan for Nonurban Land Use is set forth to enhance the quality of life for residents by protecting the natural landscape, rural areas, and historic sites of the County. It can be viewed online at <https://www.douglas.co.us/documents/cmp-section-3.pdf/>.

- Residents do not believe that bringing 15,000 people per year to their rural community enhances their quality of life or protects their rural area.
- Adding monument signs, a 2-lane driveway and parking lot, bus turnaround, and the regular use of a white party tent to a farmstead detracts from the neighborhood's natural landscape and rural character.

- Residents do not consider reconstructing a century-old barn from its original state to one that is commercially trendy to be protection or preservation, it is repurposing.

Additionally, the proposal does not meet criteria for the Cherry Valley Subarea, including Objective 3-3B, Policy 3-3B.1, Policy 3-3B.3, and Policy 3-3B.6. The proposed parking lot projects into the Cherry Valley riparian corridor zone and disturbance may impact the endangered Preble's Meadow Jumping Mouse. A majority of the neighborhood sits above the site and can view the proposed commercial use, which negatively impacts the major pastoral viewshed associated with the Greenland Ranch and adjacent ranch pastures.

**2102.06 Will not result in an over-intensive use of land.**

The USR dramatically increases the intensity by which people access and use the proposed site. Up to 15,000 people annually are to be hosted on 2-3 acres of the proposed 6.7-acre USR site. The proposed site improvements are associated with high-intensity use properties.

**2102.09 Will not cause significant air, water, or noise pollution.**

The applicant's noise study only predicts compliance for the renovated barn with a moderate indoor noise level and closed doors. It does not address the noise of vehicles, charter buses, guests, outdoor activities, and party tent use. It also does not assess the noise pollution from Highway 83 traffic echoing off the proposed noise barrier.

Residents often hear a coyote howl or cow call to her calf across the valley. These sounds are much lower than Douglas County standards, but still add noise to the neighborhood. If they are replaced by noise from outdoor guests laughing, mingling in a party tent, or the starting of vehicles, residents will lose the sounds of Cherry Valley.

**2102.10 Will be adequately landscaped, buffered, and screened.**

- The proposed site is in a valley, with major viewpoints located on the hilltops above it. The landscaping plan will not screen/prevent view of the commercial features that are inconsistent with the rural landscape from the neighboring properties that sit at a higher elevation.
- The proposed site is within the 200 feet setback from Highway 83 and the adjacent A-1 zoned property (eastern border). There is no buffer between the southern portion of the proposed USR site and the eastern property line. There is also no buffer at the northern USR site boundary as the parking lot is within 200 feet of the neighboring A-1 property.
- There is no evidence that the proposed landscape plan is designed to be a vegetative barrier or screen. The landscaping plan has not been reviewed by an expert to assure that the objective of visually screening the event center will be met. For example, nine trees are to be placed along the northeastern border of the parking lot, with ample space between them. They are proposed as the parking lot screen; however, the parking lot will be clearly visible.
- At night, light pollution will be present as the extensive glass windows and doors of the barn will allow light to shine outside. The parking lot will also be lit when buses and cars exit at the close of an event. Vehicle lights will shine toward eastern and western neighbors. No study has been done to prove these sources of light pollution will be adequately blocked by landscaping or a screen.