

US2021-003: Cherry Valley Event Venue - Use by Special Review (USR)



The USR application proposes a commercial event venue that hosts up to 100 events of 150 people annually. This equates to bringing 15,000 people to Cherry Valley each year over 33 to 50 weekends (with 2-3 events proposed Friday-Sunday). Alcohol may be served. Commercial activity is proposed 7 days a week: 10 am to 10 pm Monday-Thursday, 3 pm to midnight on Friday, 2 pm to midnight on Saturday, and 11 am to 9 pm on Sunday.

On July 18, 2022, the Planning Commission voted to recommend project US2021-003 to the Board of County Commissioners (BOCC). At the hearing, planning staff only presented information provided by the applicants and that favored the project. Given staff expertise, the Planning Commission supported the staff's analysis.

Before the Board of County Commissioners' Hearing on August 9, evidence that refuted the applicants' claims and planning staff conclusions was gathered by the residents of Cherry Valley and submitted to planning staff and the BOCC for consideration. This evidence consisted of the following:

- A review and analysis of:
 - The Douglas County Zoning Resolution (DCZR), which governs the Use by Special Review (USR) process for Event Centers proposed on A-1 zoned properties.
 - The Comprehensive Master Plan and its specific guidance for Cherry Valley.
 - The responsibilities and duties of planning staff as set by the American Planning Association.
- Details as to how the project does not meet the requirements for a USR Event Center on an A-1 parcel more than 35 acres and less than 80 acres. This included a detailed map showing significant portions of the project within the 200' and 100' feet setbacks required by DCZR Sections 21 and 3.
- A sound study by an acoustical engineer that showed the applicants' sound study did not meet the requirements of DCZR Section 21 and was not conducted as required by DCZR 1705A.

On August 9, 2022, the BOCC heard testimony from planning staff, applicants, and 34 people, of which 32 were opposed to the USR application. Signatures from 182 county residents opposed to the USR application were also submitted. Cherry Valley residents demonstrated that the Cherry Valley Event Venue USR application did not meet the requirements of zoning law. Commissioner Abe Laydon (District I) agreed. Commissioners George Teal (District II) and Lora Thomas (District III) voted in favor of the USR and the application was approved.

On September 2, 2022, Cherry Valley residents submitted a complaint in District Court under Rule 106 appealing the BOCC decision. The complaint was acknowledged and is now proceeding through the court system. The complaint requests that the USR approval be overturned as the application does not meet the requirements of the DCZR. The cost of appealing the BOCC decision through the judicial system is estimated at \$60,000. The cost of not appealing the decision is much greater to the residents of Cherry Valley and those of Douglas County who value open spaces, agriculture, and Cherry Valley's rural character. **When approving the USR, the BOCC disregarded the Douglas County Zoning Resolution and the Comprehensive Master Plan, setting precedent by which future developers could exploit Douglas County's rural landscape and destroy it in the process.**

Updates regarding the court case will be posted online at: opposecherryvalleyeventvenue.com

Financial donations are greatly needed to protect Douglas County's rural landscape and fund the lawsuit. All donations will be refunded at a pro-rated amount at the conclusion of the case if more money is received than needed. Checks can be made to **Cherry Valley Community Action** and mailed to **10515 Lucas Ave, Franktown, CO 80116**. A receipt will be provided. Monthly financial statements will be posted online and provided upon request. Donations are also accepted online at opposecherryvalleyeventvenue.com