

**SILVERTHORNE TOWN COUNCIL**  
**Meeting Minutes**  
**Wednesday, October 22, 2008**

**CALL TO ORDER/ROLL CALL/APPROVAL OF AGENDA:**

Those members present and answering Roll Call were Mayor Dave Koop, Council Members Peggy Long, Kevin McDonald, Vince Lanuza, Rosanne Shaw, Bruce Butler and Ann-Marie Sandquist. Staff members present were Town Manager Kevin Batchelder, Attorney Jerry Dahl, Sergeant Jake Scott, Administrative Services Director Donna Braun, Recreation Interim Director Joanne Breigenzer, Public Works Director Bill Linfield, Community Development Director Mark Leidal, Senior Planner Michael Johnson, Ryan Hyland Assistant to Town Manager, Planner Lina Lesmes, Planner Susan Lee and Town Clerk Michele Karlin.

**STAFF COMMENTS:**

None

**COUNCIL COMMENTS:**

None

**CONSENT CALENDAR:**

**THE CONSENT CALENDAR INCLUDING THE MINUTES FROM MEETING MINUTES – OCTOBER 8, 2008, AND CONDOMINIUM PLAT – SILVER STAR CONDOMINIUMS, LOT 6B-3, SILVERTHORNE HEIGHTS SUBDIVISION WAS PASSED.**

**CITIZEN COMMENTS:**

None

**PUBLIC PRESENTATIONS:**

None

**LIQUOR BOARD:**

None

**PUBLIC HEARINGS:**

**A. Preliminary Plan – Red Peak Village PUD, an Unsubdivided Parcel of Land Located in Portions of Section 1 and Section 2, T5S, R78W of the 6<sup>th</sup> PM, County of Summit, State of Colorado**

Public hearing opened.

Michael Johnson, Planning Manager, presented the applicant's request for a preliminary plan review of Red Peak Village. He reviewed his staff memo dated 10-15-08 and requested approval with conditions. Tim Crane, Owner/Applicant, Red Peak Village, introduced the project and the described changes made since the last presentation.

Mary Hart, Mary Hart Design, narrated a power point presentation on the overall project. She described the minor changes; they are working with Staff to revise the PUD document. She reviewed the site location and conditions.

Bobby Craig, Arapahoe Architects, explained the neighborhood design, he presented conceptual home sight layouts.

Rick Thompson, Western Eco Systems, Inc. conducted the Wildlife Impact Report and Mitigation Plan Study. The detailed wildlife study was included in the packet. He summarized the study. The Division of Wildlife has not commented on the project.

Public Comment

John Longhill, 348 Jade Road, asked about the wetland disturbance on the property. He asked the applicant what is a non jurisdictional wetlands.

Hart replied it is a wetland not under the jurisdiction of the Army Corps.

Longhill stated when the project came forward five years ago the area was designated as a wetlands because it was a fen. He asked what has changed to make it a non jurisdictional wetland.

Hart reviewed the wetland map.

Public hearing closed.

Long was disappointed in the Planning Commission's vote on this project. This project is zoned R6 and the proposed density is less than that. Affordable housing must look at increased density. Traditionally Silverthorne neighborhoods like Willowbrook and Arctic Placer are zoned R6. This needs to be a neighborhood that becomes part of our community. She feels more work can be done but she supports the Preliminary Plan Review.

Sandquist stated it is a balance to obtain affordable housing and make it work financially. The wetlands and wildlife need to be handled carefully and she feels the developer has done that. This project fits the Strategic Housing Plan the Town just finished. She supports this Preliminary Plan Review.

Butler is in agreement with previous comments. He complemented the project's attention to avoiding sensitive areas. Density is important in planning affordable housing. We are trying to create the maximum amount of housing for a certain price range. He disagrees with the Planning Commission's vote. This is a good job; he appreciates the applicant working within some tight parameters. He supports the project.

McDonald feels this is a good way to solve our housing problem. He likes the R6 zoning. The homes are concentrated in a real neighborhood next to a similar neighborhood. It is close to the bike path, bus route and in a good spot for locals the live and work within the community. Good job.

Shaw stated Council met with Summit County Commissioner's last night and all feel it is a good location for the daycare facility. It is important to have bus stops for citizens within walking distance of the community they live in. She supports the project.

Lanuzza stated the development's density is well within the Comprehensive Plan. He disagrees with Planning Commission's view on the development. He does not feel the density will cause an issue. There is still some work needed on the architecture. Overall he is in support of the project.

Koop appreciates the human scale of the project. In Silverthorne there are large beautiful homes on large lots but that is not the entire community. We need different housing for different levels of income. When we speak of recruiting, obtaining new business such as light clean energy it is almost self defeating without a wide range of housing. New businesses will be looking at housing as a component of their decision. This is important to our economic future. We need to fill the housing need for the middle class. It is a good project; well thought out. It stays within the rules of density, land use and AMI. This project fits the large picture.

Lanuzza stated he feels the planning commission looked ahead and went overboard with their comments. They have the best intention for the Town and are looking ahead. He is not insulted when they do that. It is a learning process.

**LONG MOVED TO APPROVE THE RED PEAK VILLAGE PRELIMINARY PUD PLAN WITH THE FOLLOWING PLANNING COMMISSION RECOMMENDED CONDITIONS:**

1. **THAT THE PUD GUIDE BE AMENDED TO INCLUDE A CORNER LOT SIDE SETBACK OF 5 FEET ON COLLECTOR ROAD LOTS ADJACENT TO A PUBLIC RIGHT-OF-WAY.**
2. **THAT ARCHITECTURAL DESIGN GUIDELINES BE DRAFTED FOR REVIEW AT THE TIME OF THE FINAL SUBDIVISION SUBMITTAL.**
3. **THAT THE MITIGATION EFFORTS OF THE WILDLIFE IMPACT REPORT AND MITIGATION PLAN BE MADE A PART OF ANY FUTURE DECLARATIONS AND COVENANTS TO BE CREATED FOR RED PEAK VILLAGE.**

**MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL**

#### **B. Red Peak Village Annexation**

Public hearing opened.

Planning Manager Michael Johnson presented the applicant's request for annexation for Red Peak Village. He reviewed his staff report and requested repealing Resolution 2008-11 by approving Resolution 2008-32.

Stuart Richardson, 307 Red Hawk Circle, asked for clarification on the number of acres being annexed.

Johnson reviewed the annexation acreage.

**SHAW MOVED TO APPROVE RESOLUTION 2008-32, A RESOLUTION REPEALING RESOLUTION 2008-11 AND TERMINATING ANNEXATION PROCEEDINGS. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL.**

#### **BOARD OF ADJUSTMENT:**

None

Council convened as the South Maryland Creek Ranch (SMCR) General Improvements District (GID) Board

#### **SOUTH MARYLAND CREEK RANCH (SMCR) GENERAL IMPROVEMENTS DISTRICT (GID) BOARD**

##### **A. Ordinance 2008-02, an Ordinance Setting the SMCR GID Property Tax Mill Levy for Taxable Year 2008 – First Reading**

Finance Director Donna Braun presented Ordinance 2008-2 setting the property tax mill levy for South Maryland Creek Ranch. She reviewed her staff report and requested approval.

**SHAW MOVED TO APPROVE ORDINANCE 2008-2 ON FIRST READING AN ORDINANCE LEVYING PROPERTY TAXES FOR THE TAXABLE YEAR 2008 ON THE SOUTH MARYLAND CREEK RANCH GENERAL IMPROVEMENT DISTRICT. MOTION PASSED UNANIMOUSLY BY COUNCIL.**

Council reconvened as the Town Council.

#### **ACTION ITEMS:**

**A. Resolution 2008-26, A Resolution Amending the Silverthorne Comprehensive Plan**  
Susan Miller Lee, Planner II, presented Silverthorne Comprehensive Plan for Council's review. She reviewed her staff report and requested approval.

Long stated she has asked all her questions at numerous work sessions.

**LANUZA MOVED TO APPROVE RESOLUTION NO. 2008-26, A RESOLUTION AMENDING AND UPDATING THE SILVERTHORNE COMPREHENSIVE PLAN, WITH THE PLANNING**

**COMMISSION RECOMMENDED ALTERNATIVE LANGUAGE FOR POLICY LU2 GD.4.  
MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL..**

**B. Ordinance 2008-11; an Ordinance Amending the Town Code, Chapter IV, Sections 9, 10 and 13 Concerning Zoning District and Standards and Chapter 4, Article VI, Section 2 Concerning Site Plan General Requirements, First Reading**

Susan Miller Lee, Planner II, presented the project. The applicant, the Town of Silverthorne, is requesting approval to amend the Town Code, Chapter IV, Sections 9, 10 and 13 concerning Zoning District and Standards and Chapter 4, Article VI, Section 2 concerning Site Plan General Requirements.

Council questions.

Lanaza asked about the change of business heights in the Gateway District.

Liedal stated the Planning Commission made those recommendations at their last week's meeting.

Shaw asked about the Planning Commission comments on screening roof mounted solar panels. Have the comments been incorporated into the document.

Lee reviewed the Planning Commission's ideas on solar panels. The wording has been incorporated into the document.

Lanaza asked for building height clarification in the Gateway and Town Center area.

Lee reviewed building height in the two areas. Flat roofs will be discouraged.

Citizen Comments

Marc Hogan, 2206 Hamilton Creek and Baker, Hogan and Houx, encouraged Council to raise the building height in the commercial area to create visual interest. The goal is to encourage good architecture and visual interest. Flat roofs should be discouraged unless they are shielded or designed well. Good architecture is addressed in the document.

Don Sather, Bighorn Materials, feels height has a direct impact to density. The affordable housing study by NWCCOG addresses citizens' three main concerns; affordable housing, job availability, and traffic congestion. He feels his business is losing business across Swan Mountain Road to Breckenridge because of traffic congestion in Silverthorne. He requested Council consider the three citizen's concerns.

Council comments

Long supports the Planning Commission recommendation on the seventy foot height in the Gateway District. Today the LaQuinta could not rebuild to its current height. The height fits the landscape of that area. She feels the forty five foot height in the Town core is appropriate, and the thirty five foot in the Business Park area. .

Butler stated this document has been a long time coming. There has been a lot of work by staff and EDAC on the document. He agrees with the seventy foot height change in the gateway district and he not opposed to additional changes in other districts but he is reluctant to already start making changes. He is eager to utilize the document with new development. He expects to tweak this document over time. He thanked the citizens for all the input on this document.

McDonald has walked every lot on the map to seek a balance for the community. He always listens to the content of arguments regarding any request for a change in building height. He supports the seventy foot change in the Gateway District. He feels it will encourage development and centralize the Town more. Changes made to the Comprehensive Plan, parking standards and the design standards will tell people we want more vibrancy in Silverthorne. He feels the documents will provide a challenge for good architecture.

Shaw is in favor of the seventy feet in the Gateway District. She likes the other districts' original proposed heights.

Lanuzza agrees with the Gateway District at seventy feet. We have spent a lot of time talking about building heights. He would like to revisit building heights with the use of 3-D technology. He will support the document as it is today.

Sandquist agrees with the request for seventy feet height in the Gateway District. She is excited to get the document completed. The next step is to present the document and Silverthorne to put ourselves forward. She supports the document.

Koop stated we wanted realistic heights in the document. Everyone seems is in support of the Gateway District going to seventy feet and everything else staying as is in the document.

**MCDONALD MOVED TO APPROVE ORDINANCE NO. 2008-11, AN ORDINANCE AMENDING CHAPTER 4, ARTICLE IV, SECTIONS 9, 10, AND 13 CONCERNING ZONING DISTRICTS AND STANDARDS AND CHAPTER 4, ARTICLE VI, SECTION 2 CONCERNING SITE PLAN GENERAL REQUIREMENTS WITH THE PLANNING COMMISSION RECOMMENDED AMENDMENT TO THE MAXIMUM BUILDING HEIGHT STANDARD IN THE GATEWAY DISTRICT TO SEVENTY FEET ON FIRST READING. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL.**

**C. Ordinance 2008-10; an Ordinance Amending the Town Code, Chapter 4, Article IV, Concerning Parking Standards, First Reading**

Lina Lesmes, Planner II, presented the project. The applicant, the Town of Silverthorne, is requesting approval to amend the Town Code, Chapter 4, Article IV, concerning Parking Standards. She reviewed her staff report and requested approval of Ordinance 2008-10.

Council questions.

Long asked about the parking reduction for bicycles, which can't be used all year.

Lesmes stated it is not a significant reduction but encourages multi modes of transportation.

Council comments.

Long stated this ordinance has major impacts for businesses. Decreasing our parking standards and being able to contribute to a parking facility will be key to Summit County in the upcoming years.

Butler feels this is the more important component of the three part process being considered tonight. This creates a sense of place and brings retail units together. This makes an important change for Silverthorne. A lot of work by many people went into this document and he thanked them all.

Koop likes the parking district idea. Large parking lots outside of retail are not a good use of land. A lot of components considered tonight that will lead us where we want to go.

Shaw stated she understands the concern about traffic congestion. Council will have to address that very soon.

**BUTLER MOVED TO APPROVE ORDINANCE NO. 2008-10, AN ORDINANCE AMENDING CHAPTER 4, ARTICLE VI, SECTION 4-6-13, CONCERNING PARKING REQUIREMENTS, AND CHAPTER 4, ARTICLE IV, SECTION 4-4-13, CONCERNING THE RIVERFRONT MIXED USE ZONE DISTRICT ON FIRST READING. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL PRESENT.**

**D. Sketch Plan and Sketch Disturbance Permit Application – Silver Trout Estates, Lot 5, Ponds at Blue River Subdivision**

Planning Manager Michael Johnson presented the applicant's request for a Sketch Plan and Sketch Disturbance approval. He reviewed his staff report and requested approval with conditions.

McDonald asked staff to explain why they are not supportive of units 30/31. Is it possible that the issues with these units will take care of themselves as the plans go forward?

Sandquist stated the developer is allowed density of fifty multi-family units on this development and they are only proposing thirty-one.

Johnson stated it is up to the developer where they propose to locate the units on the development.

Sandquist asked what would be the impact if Council moved to eliminate units 30/31.

Johnson stated it would only be one less duplex.

Long asked if the original grade will be used for determining the building height.

Johnson stated yes

McDonald asked about the Army Corp of Engineers' report timeframe and condition number six.

Town Engineer Dan Gietzen stated a Conditional Letter of Map Revision (CLOMR) would be required by the final submittal. It is a lengthy process to get a report from FEMA.

Jeff Volkert, Meritage Development Group, gave a power point presentation on Meritage credentials, background, site location, vision, benefits to Town and community, their maintenance free community, infrastructure, environment distance to South 40, architecture and elevation of units. They propose developing thirty-one residential units for the property not the maximum of fifty units. He reviewed the Flood Plain Map and Blue River historic flows. He requested Planning Commission condition number 6 be removed from approval due to the length of time for review from Army Corps of Engineers. He requested approval.

#### Public comments

Bob Starekow, President of North Forty Homeowners Association (HOA), stated the HOA has taken a neutral stance on the development proposal. They are uncomfortable with the proposed road connection but if unit 30/31 is not allowed it will be a moot point.

Volker stated he understands that even if unit 30/31 is eliminated the connecting road will be built.

Stuart Richardson, 307 Red Hawk Circle, feels this is the usual battle of one HOA against another HOA. It is important to maintain access to the public lands, the fishing and the river areas. The road connection is a valuable access point to Eagles Nest HOA and all citizens. He would like to see a sidewalk and parking placed in the development. He is concerned about snow melt or sand going into the pond or the Blue River. The area should be a non sanding zone to avoid sand going into the waters. He feels Unit 30/31 will just be another home in the midst of development when it is all built out. He requested the developer use the most up to date wetlands map, the one used is from 2002. He is concerned about flooding on this property and in South 40.

#### Council Comments

Lanuza informed Council he is a member of the Eagles Nest HOA but has excused himself from any discussion by the HOA on this topic.

Dahl stated being on the Eagles Nest HOA board member does not automatically mean you must excuse yourself from the Council proceedings. If Lanuza has excused himself from the HOA discussion regarding this topic, it means he is eligible to proceed as a Town Council member and consider the project.

Shaw informed Council that she sits on the SPORT Committee but she has excused herself from this project's discussion in regards to trails.

#### Council questions

Sandquist asked about the Army Corp Wetland Impact Report brought in at Final Review.

Johnson stated not knowing if the Army Corp's will have a problem with the wetlands creates a risk for the developer. Staff will not know what kind of permit they will allow. Staff would like to have the information first and not come back to Council with changes based on the report.

Sandquist stated the risk is totally on the developer and at their request.

Johnson stated this request is at the developer's risk. .

Volkert stated they understand that and are willing to take the risk.

Council Comments

Long informed the applicants when this project comes back at final all the conditions need to be addressed. She is ok with eliminating condition number six, since it is at the developer's risk. She is fine with units 30/31.

Sandquist agrees with Long's comments.

McDonald also agrees with Long's comments He will support the applicants request for Site Plan flexibility.

Bulter stated there are challenges for development on this site and with the current market. He is willing to let the project proceed.

Shaw agrees with Richardson's request for sidewalks and parking in the area. There are a lot of challenges with water and wetlands on this site.

Lanuza agrees with the other comments. He feels the developer has listened to the HOA's concerns.

**SANDQUIST MOVED TO APPROVE THE SKETCH SITE PLAN AND SKETCH DISTURBANCE PERMIT APPLICATION FOR SILVER TROUT ESTATES WITH THE FOLLOWING PLANNING COMMISSION EXCLUDING CONDITION NUMBER 6:**

**1. THE APPLICANT SHALL ADDRESS ALL FOUR CONDITIONS OF APPROVAL ENUMERATED IN THE ENGINEERING MEMORANDUM ATTACHED AS EXHIBIT B.**

**2. ALL PARKING FACILITIES SHALL MEET SETBACK REQUIREMENTS OF TOWN CODE SECTION 4-6-13(M).**

**3. THE APPLICANT SHALL INCLUDE AN EXECUTED EASEMENT AGREEMENT PERMITTING THE CUL-DE-SAC ON ANGLER MOUNTAIN RANCH, AS A PRE-CONDITION OF A PRELIMINARY SITE PLAN SUBMITTAL.**

**4. A MINOR SUBDIVISION SHALL BE SUBMITTED CONCURRENTLY WITH A FINAL SITE PLAN.**

**5. UNIT FLEXIBILITY SHALL BE CONTINGENT ON MEETING ALL PUD SETBACK REQUIREMENTS.**

**MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL**

**E. Ordinance 2008-13, 2009 Budget – First Reading**

Batchelder presented Ordinance 2008-13 approving the 2009 Budget on first reading to Council. He presented the 2009 Budget to Council. He acknowledged the work by Braun and staff to make this budget come together. He reviewed the staff report highlighting the projected revenues and expenditures for the nine funds. He thanked all involved in the Budget process for their hard work.

Lanuza stated the Town is in a good position and has good reserves. Town staff have good jobs, benefits and job stability.

Bulter stated this is a tricky financial time. He appreciates the seriousness of the budget. He is comfortable with the current budget plans going forward but believes we need to think twice about filling vacancies on a case by case basis. Priorities need to be set if times remain financially challenging.

Braun stated the 2008 budget is conservative and 2009 will be reviewed closely. Staff is very cautious with hiring and replacement of vacancies.

Bulter stated the Town has practiced good fiscal management throughout the years and that is why we are in such a good position.

McDonald stated any anxiety regarding the current situation is alleviated by Braun and Batchelder's experience with difficult financial situations.

Batchelder stated a contingency plan is appropriate and staff will continue working towards that.

Long stated given the number of assets the Town owns we have very little outstanding debt. She is proud of the asset management plan.

**MCDONALD MOVED TO APPROVE ORDINANCE 2008-13 ON FIRST READING AN ORDINANCE RECOGNIZING REVENUES, APPROPRIATING EXPENDITURES, APPROVING TRANSFERS AND ADOPTING THE TOWN OF SILVERTHORNE, JOINT SEWER AUTHORITY AND THE SOUTH MARYLAND CREEK RANCH GENERAL IMPROVEMENT DISTRICT BUDGETS FOR THE YEAR BEGINNING ON THE FIRST DAY OF JANUARY, 2009 AND ENDING ON THE LAST DAY OF DECEMBER, 200. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL.**

**F. Ordinance 2008-14, 2009 Rate Changes – First Reading**

Finance Director Donna Braun presented Ordinance 2008-14 establishing fee rates and charges effective 2009. She reviewed her staff memo dated 10-15-08 and requested approval.

Stuart Richardson, 307 Red Hawk, feels the water rates should be based on usage only.

Lanuzza stated he has always been against water rates being based on EQRs. Since he does not have line item veto, he will vote against Ordinance 2008-14.

**BUTLER MOVED TO APPROVE ORDINANCE 2008-14 ON FIRST READING, AN ORDINANCE ESTABLISHING FEES, RATES AND CHARGES. MOTION SECONDED. MOTION PASSED BY COUNCIL. (LANUZA NAY)**

**G. Resolution 2008-31, A Resolution Authorizing the Town Manager to Sign an IGA with the Lake Dillon Fire Protection District for Design Services of a New Fire Station and Public Works Facility**

Utility Manager Zach Margolis presented Resolution 2008-31 authorizing the Town Manager to sign the IGA with Lake Dillon Fire Protection District for design services for the final shared site design for the new fire station and public works facility.

Long asked if the estimate comes out unreasonable can the Town back out of the agreement?

Margolis stated we are not committed to build anything. He and Linfield attended the Fire District meeting last week and this agreement was approved by them at that time.

**SHAW MOVED TO APPROVE RESOLUTION 2008-31, A RESOLUTION AUTHORIZING THE TOWN MANAGER TO SIGN AN INTERGOVERNMENTAL AGREEMENT WITH THE LAKE DILLON FIRE PROTECTION DISTRICT FOR DESIGN SERVICES FOR FINAL SHARED SITE DESIGN FOR A NEW FIRE STATION AND PUBLIC WORKS FACILITY ON THE COTTONWOOD SITE. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL**

**H.. Resolution 2008-30, A Resolution Authorizing the Town Manager to Sign a Contract with Short Elliott Hendrickson, Inc. for Design Services for a New Fire Station & Public Works Facility 225**

Utility Manager Zach Margolis presented Resolution 2008-30 for Council's consideration. He reviewed his staff memo dated 10-16-08 and requested approval of option 1.

**BUTLER MOVED TO APPROVE RESOLUTION 2008-30 A RESOLUTION AUTHORIZING THE TOWN MANAGER TO SIGN A CONTRACT WITH SORT ELLIOT AND HENDRICKSON IN., FOR THE TOWN'S SHARE OF DESIGN SERVICES FOR SITE DESIGN WORK AND A 10,700 SQUARE FOOT PUBLIC WORKS BUILDING ON THE**

**COTTONWOOD SITE. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL**

**DISCUSSION ITEMS:**

None

**EXECUTIVE SESSION:**

None

**INFORMATIONAL:**

- A. Planning Commission Meeting Minutes – October 14, 2008
- B. August 2008 Sales Tax Report

**LONG MOVED TO ADJOURN. MOTION SECONDED. MEETING ADJOURNED AT 9:00 P.M.**

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**DAVE KOOP, MAYOR**

**ATTEST**

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**MICHELE KARLIN, TOWN CLERK**

These minutes are only a summary of the proceedings of the meeting. They are not intended to be comprehensive or to include each statement, person speaking or to portray with complete accuracy. The most accurate record of the meeting is the videotape of the meeting, maintained in the office of the Town Clerk.