

**SILVERTHORNE TOWN COUNCIL MEETING
AGENDA FOR JUNE 10, 2015- 6:00 PM**



| | | |
|--------------|--|------------|
| I. | CALL TO ORDER/ROLL CALL/APPROVAL OF AGENDA | |
| II. | PLEDGE OF ALLEGIANCE | |
| III. | STAFF COMMENTS | 1 |
| IV. | COUNCIL COMMENTS | |
| V. | CITIZENS' COMMENTS* | |
| VI. | CONSENT CALENDAR | |
| | A. Town Council Meeting Minutes May 27, 2015 | 7 |
| VII. | BOARD OF ADJUSTMENT | |
| | A. Town Center Sign Variance – 358 Blue River Parkway – Tract B, Silverthorne Town Center Subdivision | 17 |
| VIII. | LIQUOR BOARD | |
| | A. The Mint Country Club – Renewal of H & R Liquor License | 33 |
| IX. | PUBLIC HEARINGS | |
| | A. Ordinance 2015-08; an Ordinance Approving a Major Amendment to the South Maryland Creek Ranch Planned Unit Development, 2 nd Reading..... | 37 |
| | B. Resolution 2015-10; a Resolution Approving the South Maryland Creek Ranch Development Agreement Between the Town of Silverthorne and Maryland Creek Ranch, LLC | 167 |
| X. | ACTION ITEMS | |
| | A. Resolution 2015-09, a Resolution Approving the Second Amended and Restated Water Service Agreement between the Town of Silverthorne and Maryland Creek Ranch, LLC | 183 |
| | B. Pre Development Agreement for the Town of Silverthorne and Lake Dillon Theatre Company Project | 203 |
| | C. Appointment to Fill Council Vacancy..... | 213 |
| XI. | DISCUSSION ITEMS | |
| XII. | EXECUTIVE SESSION | |
| | Executive Session pursuant to Charter section 4.13 (c) and CRS 24-6-402(4)(e) to Instruct Negotiators on Economic Development in the Town of Silverthorne. | |
| XIII. | INFORMATIONAL | |
| | A. SPORT Committee Meeting Minutes, May 21, 2015 | 221 |
| XIV. | ADJOURNMENT | |

* Citizens making comments during Citizen's Comments or Public Hearings should state their name and address for the record, be topic specific, and limit comments to 3-5 minutes. Council may add citizen Comment items as an Action Item by motion; however, the general policy is to refer citizen comments for review and recommendation. Public presentations must be pre-arranged a week in advance with the Town Manager and limited to 10 minutes.

**SPECIAL MEETING:
TOPIC:**

**JUNE 9, 2015 – 6:00 P.M.
TOWN COUNCIL INTERVIEWS**

**COUNCIL WORK SESSION:
TOPIC:**

**IMMEDIATELY FOLLOWING SPECIAL MEETING
AGENDA QUESTIONS/MISCELLANEOUS**

**SILVERTHORNE TOWN COUNCIL WORK SESSION
PUBLIC ISSUES SCHEDULE
2015**

*The Council Work Sessions are held every 2nd and 4th Tuesday of each month and begin at 6:00 p.m. with open discussions. The following issues will be addressed from 6:15 p.m. until completed. Additional items to be discussed will be scheduled as time permits.
"OPEN" indicates a topic has not yet been selected.*

| | |
|-----------|---|
| JUNE 23 | ABANDONED BUILDINGS/ HOUSING 5A REVIEW/ COUNCIL COMMITTEE ASSIGNMENTS |
| JULY 7 | PLANNING COMMISSION/EDAC INTERVIEWS |
| JULY 21 | OPEN |
| AUGUST 11 | OPEN |

**FUTURE WORK SESSION DISCUSSION ITEMS:
MARIJUANA REGULATIONS**

June 2015

| Sun | Mon | Tue | Wed | Thu | Fri | Sat |
|-----|-----|--|---|---|--|--|
| | 1 | 2 Planning Commission | 3 Summer Free Day Arctic Placer Park Neighborhood Meeting | 4 | 5 | 6 Kid's Fishing Derby—Trent Park Safe Summer Kick Off—Elem. School |
| 7 | 8 | 9 Work Session | 10 Council Meeting | 11 Trent Park Neighbor- hood Meeting | 12 Payroll | 13 |
| 14 | 15 | 16 Angler Mountain Neighborhood Meeting Planning Commission | 17 Court | 18 World's Largest Swim Lesson SPORT Meeting | 19 Silverthorne Storm— Gymnastics Meet | 20 Silverthorne Storm— Gymnastics Meet |
| 21 | 22 | 23 Work Session | 24 Council Meeting | 25 Summer Evening of Family Fun | 26 Slide N Slip— Rainbow Park Payroll | 27 |
| 28 | 29 | 30 Planning Commission | | | | |

July 2015

| Sun | Mon | Tue | Wed | Thu | Fri | Sat |
|-----|-----|----------------------------|-----------------|---------------|---------|-----|
| | | | 1 | 2 | 3 | 4 |
| 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| | | EDAC Meeting | | | | |
| | | Work Session | Council Meeting | | | |
| 12 | 13 | 14 | 15 | 16 | 17 | 18 |
| | | Trail to Trail Walk & Hike | Court | | | |
| | | Planning Commission | | SPORT Meeting | | |
| 19 | 20 | 21 | 22 | 23 | 24 | 25 |
| | | Girl Power—Pavilion | | | | |
| | | Work Session | Council Meeting | | Payroll | |
| 26 | 27 | 28 | 29 | 30 | 31 | |
| | | Yoga Basics—Pavilion | | | | |

Rec Center Closed—Independence Day

TOS Holiday for Independence Day

Slide N Slip—Rainbow Park

August 2015

| Sun | Mon | Tue | Wed | Thu | Fri | Sat |
|---|--|---|--|---|---------------|------------------|
| | | | | | | 1 |
| 2 | 3 | 4 Osprey Day—North Pond Park Planning Commission | 5 Community Picnic— Pavilion 5:30 p.m. | 6 Registration Day for Fall Programming | 7 Payroll | 8 |
| 9 Rocky Mountain Triathlon—North Pond Park | 10 | 11 Work Session | 12 Council Meeting | 13 Just for Boys— Pavilion | 14 Payroll | 15 |
| 16 | 17 | 18 Work Session | 19 Council Meeting | 20 | 21 | 22 Pool Party |
| 23 | 24 | 25 Planning Commission | 26 Court | SPORT Meeting | Payroll | 29 |
| Pool Closed for upgrades and maintenance | Rec Center Closed for upgrades and maintenance | Rec Center Closed for upgrades and maintenance | 27 | | | |
| 30 | 31 | 1 Work Session | 2 Council Meeting | 3 | | |
| Rec Center Closed for upgrades and maintenance | Rec Center Closed for upgrades and maintenance | | | | | |

September 2015

| Sun | Mon | Tue | Wed | Thu | Fri | Sat |
|-----|-----|--|-----------------|---------------|----------------------------|-----|
| 30 | 31 | 1 | 2 | 3 | 4 | 5 |
| | | EDAC | | | Doo Wop Denny— Pavilion | |
| | | Rec Center Closed for upgrades and maintenance | | | Payroll | |
| | | Planning Commission | | | | |
| 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| | | Rec Center Hours: 10:00 am—6:00 pm | | | | |
| | | Work Session | Council Meeting | | | |
| | | TOS Holiday | | | | |
| 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| | | | Court | | | |
| | | | | | | |
| | | Planning Commission | | SPORT Meeting | Payroll | |
| 20 | 21 | 22 | 23 | 24 | 25 | 26 |
| | | | | | | |
| | | Work Session | Council Meeting | | | |
| 27 | 28 | 29 | 30 | | | |

Town of Silverthorne
Council Agenda Memorandum

TO: Mayor and Town Council
THRU: Ryan Hyland, Town Manager 
FROM: Susan Schulman, Executive Assistant to the Town Manager 
DATE: June 4, 2015 for Meeting of June 10, 2015
SUBJECT: Staff Comments

Attached please find the Staff Comments and Updates for the June 10, 2015 Town Council Agenda and Meeting. This includes:

1. Administrative Services Update
2. Public Safety Update
3. Public Works Update
4. Community Development Update
5. Recreation & Culture Update

ACTION REQUIRED

No action is required; these items have been submitted for informational purposes.

Administrative Services – June 4, 2015

Fiscal Year 2014 – The final audited statements are currently being reviewed by our Auditors, Swanhorst & Co., LLC,. We should be getting the results of the review this next week. Once we come to agreement on any changes, then we'll produce the statements and submit to the State and the Government Finance Officers Association for review. We'll also place the statements on the Town's website.

Lease/Purchase RFP – The Town will be going to bid for lease /purchase financing this next week on the recently bought and delivered Sweeper. The Town had a few outstanding issues with equipment vendor and we didn't want to pay the invoice until the issues were resolved.

Payroll Time Entry – In 2014, the Town upgraded to a new payroll and human resource software system. The upgrade was a major project, taking most of the year to fine tune the system to where it's fully understood and functioning at full capacity. The last major piece of this conversion is adding a time entry system. The system works like a time clock system where employees check-in and out of their work day. However, it's much more than that as its computerized and will download into our payroll system thus eliminating the data entry of timesheets. It will help employees and supervisors track time worked and time off. We'll be starting with the Joint Sewer Authority (JSA) employees as they are a small group. Payroll staff training took place in May and we now need to test and train the JSA staff on using the time clock and related software. We understand the importance of employees and managers needing to be comfortable with the system and will not be rushing to use this system without full training and understanding. We hope to be using the system with an actual payroll in July if not sooner.

2015 Planning Commission and EDAC Vacancies – Vacancies for Planning Commission and EDAC will be advertised and announced starting this week. The deadline for candidates to submit Letters of Interest to the Town will be Monday, June 29 at 12:00 noon. Council will conduct interviews at 5:00 p.m. July 7 and will make appointments at the July 8 Council Meeting.

Vacant Town Council Seat – The Town has advertised to fill the current vacant Town Council seat and received seven applications. The sitting Council will interview the applicants at 6PM on Tuesday June 9th in the Council Chambers. The appointment will take place at the June 10th Council meeting. The appointment will for the next ten months until the next regular scheduled municipal election in April of 2016.

Public Safety – June 4, 2015

Incidents – On 05/23/15 Officer Watson responded to a local gas station for the report of a physical, domestic fight in the parking lot. Upon his arrival he saw the alleged suspect and victim near their vehicle by one of the gas pumps. As Officer Watson contacted the male, he noticed the man appeared to be intoxicated and was not following his directions. The man then ignored Officer Watson's commands and started walking towards the victim while yelling at her. Officer Watson had to physically restrain the male since he was not listening.

The man resisted Officer Watson who then took him into a restraint hold, and managed to handcuff him with the help of Sergeant Higby.

On 05/30/15 Officer Watson was called to assist the Sheriff's Office in locating a vehicle that had been involved in a criminal incident at A-Basin. Officer Watson with a Dillon Officer located the vehicle and made a traffic stop per the Sheriff's Deputy's request. The driver of the vehicle, in addition to being involved in an altercation at the ski area, appeared to be under the influence of alcohol while driving. A thorough investigation led officers to believe he was indeed under the influence of alcohol. The driver didn't like the officer's decision to arrest him and was trying to leave the scene. The appearance of Officer Watson's Taser and the red dot made him reconsider leaving. The suspect was placed into custody without further incident.

On 05/31/15 Officer Baldwin was dispatched to City Market to assist Dillon Police with an armed subject who had just tried to carjack a woman. The suspect had followed a female out of a store, got in the car with her and pulled a knife on her while verbally threatening her. The female started screaming, which brought bystanders to the area. The suspect then got out of the car and fled on foot. Officer Baldwin saw the suspect, cut off his escape route while other responders set up a perimeter. The suspect was contained, and then captured, thanks to the teamwork of everybody involved.

In addition to the above officers handled; multiple motor vehicle accidents, thefts, disturbances, frauds, harassments, intoxicated persons, road closures, numerous other agency assists, as well as business and area checks. Officers also participated in municipal court and county court proceedings, and initiated many traffic citations and warnings.

Feedback from the community – Chief Hanschmidt received a phone call from a citizen who was involved in a serious motor vehicle accident, involving injuries, in the Town. The caller wanted to thank Officer Coker for his kindness and professionalism during the call.

Department Training – All officers have completed a hazardous materials class, as is required annually. Officer Ponedel attended a 3 day interviewing and interrogation class, which will help him in the future with suspect's interviews. Several of our officers participated in a county-wide, mass casualty scenario put together by the Office of Emergency Management. These types of trainings really help to foster a good working relationship between the different agencies in this county and promotes teamwork.

Staffing – The department is currently down one officer and one sergeant. Applications for the officer position have been reviewed and we are in the process of doing phone interviews on the top candidates. A formal interview will happen the third week of June.

Public Works – June 4, 2015

Streets – Streets staff continues with crack filling as we prepare for the Cutler Repaving scheduled for later this month. Lots of street sweeping too, as well as dealing with high water in the river which has closed the Blue River Trail under Bald Eagle Road.

Xcel – We are working with Xcel to insure they complete all their punch list work and cleanup work from last year’s new distribution line along Blue River Parkway.

Parks – Flowers have begun to arrive and we have already placed some at the Pavilion. Others will arrive and be planted over the next several weeks.

JSA – We are happy to announce that we have finally received our new discharge permit from the State. Thanks to a lot of diligence by Mike Bittner, we have a new permit that will not require any major changes or additions at the plant for the next five year period, but protects the Blue River.

Utilities – Utility staff is busy with various maintenance work to all of our systems, as well as working with contractors on the various construction projects around Town.

Projects – A new patio has been poured outside the pool area, after removal of the old hot tub area. The new patio was put to a good test yesterday during the free day at the Recreation, with lots of chips, hot dogs, and catsup spilled on the new surface.

Rainbow Tennis and Basketball – The new tennis and basketball concrete was poured last week. After the new concrete cures for 30 days the new surfaces will be applied.

Flags – We have purchased US flags which will be on display in several of our medians for Flag Day and for the 4th of July.

Highway 9 overlay project – I will be attending the initial scoping meeting next week with CDOT as they are designing the new mill and overlay project on the highway through Silverthorne. The project is scheduled for 2017, and will include various upgrades to intersection ramps to comply with ADA requirements.

Community Development Department – June 4, 2015

Blue River Trail – The wetland mapping for Segment 6 has been completed and the ACOE reviewed and approved the delineation. The design has been modified and the next step would be to acquire the necessary easements, meet with FEMA concerning the flood plain, and Army Corps of Engineers concerning wetlands.

Xcel Substation – An agreement is in place for the road restoration of Bald Eagle Road. As spring approaches, staff has met with representatives of Xcel concerning the condition of Bald Eagle Road and the necessary improvement to return it to pre substation construction status.

District Design Standards – Lina Lesmes has been meeting with a subcommittee made up of EDAC and Town Council members to discuss revisions to the District Design Standards. These standards will set the guidelines for development within the Town commercial districts. The committee has completed the Riverfront Standards and zoning revisions. The next district will be the Town Core Periphery.

South Maryland Creek Ranch – Staff and Town Council has met with the applicant concerning the proposed Major PUD Amendment for South Maryland Creek Ranch. The Town Council held a Public Hearing on the issue on March 11 and May 27. Second Reading of the Ordinance to approve the Major PUD Amendment will occur on June 10.

Recruitment – The Community Development Department has hired Greg Roy as the Planner I/Community Service Officer. Greg started on June 3 and we are excited to have him as part of the team.

Lake Dillon Theatre Company (LDTA) – The design charrettes for the new theatre project were held on May 20 and 28 with the team of Shaw/Semple Brown/Mary Hart. Tours of like facilities have been scheduled for June 12.

Arctic Placer Park, Trent Park, Angler Mountain Open Space – DHM Design will be designing the master plans for these parks. The Arctic Placer Open house was held on June 3 and was very well attended. The Trent Open House is scheduled for June 11.

Current Applications – The following is a list of applications which have been submitted to the Community Development Department and are currently being processed (ex parte rules apply):

- South Maryland Creek Ranch – Major PUD Amendment
- Foxfield Townhomes – PUD/Site Plan
- Angry James Brewery – Subdivision and Site Plan
- Angler Mountain Ranch Filing No. 3 – Third Amendment
- Marshall's – Site Plan Modification

Recreation and Culture – June 4, 2015

Recreation Center – The Town hosted another successful Free Day event at the Recreation Center on Wednesday, June 3, which also happened to be the first day of summer vacation for local students. Over 250 people took advantage of the free admission from 11 a.m.-2 p.m. with swimmer numbers reaching 120 at one point. The day's festivities included a free cookout with hot dogs, chips and watermelon, and guests were handed popsicles as they said goodbye at the front door. Thanks to the staff members, particularly the lifeguards, that helped make the event safe, fun, and a perfect party to kick off the summer season.

The Recreation Center recognized May as National Water Safety Month by turning the natatorium into a "Silver Seas" Pirate Adventure Day. Instructors gave pirate clues and guided 38 participants through an adventure of different water safety stations to earn their loot (bandanas, eye patches, bracelets, rings, jewel bags, and jax bags of bones). The adventure catered to all participants, whether they were just beginning to learn how to stay safe around the water or coming back for more practice of safe water habits.

A new gymnasium divider curtain was installed this week. The original curtain was 20 years old and showing wear. The new curtain looks great and is more open than the last. Check it out next time you are in the Recreation Center.

The annual Fishing Derby will be held this Saturday, June 6 at Trent Park. The fish were delivered today. The event is free and includes a cookout and raffles for participants ages 14 years and younger. The derby showcases Trent Park Pond, which is open to fishing for anyone 14 years and younger all season long.

SPORT – Susan Lee, in conjunction with Mark Wilcox from DHM Design, are leading the Three Parks Master Plan project, and they hosted a public meeting at Arctic Placer Park this past Wednesday. Over 40 comments were received at the event, which is a great showing for such a small neighborhood! Next Thursday, June 11 is the Trent Park Neighborhood Meeting and June 16 will be the Angler Mountain Open Space Meeting.

Progress on Osprey Day continues. SPORT Chairman Don Hansen and SPORT Committee member Bob Mayerle have met several times with Recreation Coordinator Nancy Bomgardner to plan the event logistics. The group has walked the trail and decided on the location of the educational displays, created a passbook for kids to use during the event, and begun working on the content of each display station.

Pavilion – Wedding season has begun!

Upcoming Pavilion Events:

| | |
|---------|-------------------------------|
| June 4 | Yoga |
| June 9 | Wedding |
| June 9 | Yoga |
| June 10 | Chamber Board Meeting |
| June 11 | Yoga |
| June 13 | Wedding |
| June 14 | Wedding |
| Jun 15 | Wedding |
| Jun 16 | Farmers Market |
| Jun 16 | Yoga |
| Jun 18 | Lake Dillon Theatre Unveiling |
| Jun 20 | Wedding |
| Jun 21 | Wedding |
| Jun 23 | Yoga (X2) |
| Jun 24 | Chamber Board Meeting |
| Jun 25 | Yoga |
| Jun 27 | Wedding |
| Jun 28 | Wedding |

Town of Silverthorne
Council Agenda Memorandum

TO: Town Council
THRU: Ryan Hyland, Town Manager *RH*
FROM: Michele Miller, MMC, Town Clerk *mm*
DATE: June 4, 2015
SUBJECT: Town Council Meeting Minutes from May 27, 2015

SUMMARY: Staff asks the Town Council to approve the Town Council Meeting minutes from May 27, 2015.

STAFF RECOMMENDATION: Staff recommends approval of the Minutes from the meeting.

PROPOSED MOTION: Included in the Consent Calendar motion.

ATTACHMENTS:
Meeting Minutes

MANAGERS COMMENTS:

SILVERTHORNE TOWN COUNCIL
Meeting Minutes
Wednesday, May 27, 2015

CALL TO ORDER/ROLL CALL/APPROVAL OF AGENDA:

Those members present and answering Roll Call were Mayor Bruce Butler, Council Members , Derrick Fowler, Peggy Long, Russ Camp, and Stuart Richardson. Ann-Marie Sandquist absent. Staff members present were, Town Manager Ryan Hyland, Chief Mark Hanschmidt, Recreation Director Joanne Cook, Public Works Director Bill Linfield, Assistant Town Manager Mark Leidal, Senior Planner Matt Gennett, Town Attorney Matt Mire, Utilities Manager Zach Margolis and Town Clerk Michele Miller.

The Pledge of Allegiance was recited by those present.

STAFF COMMENTS:

Cook updated Council and attendees on the Recreation Center and Town events.

COUNCIL COMMENTS:

Butler thanked participants for their efforts during the Town Clean Up Day. He thanked staff for handling the extended power outage during the annual Silverthorne Recreation Center's Dance recital.

CITIZEN COMMENTS:

None.

CONSENT CALENDAR:

RICHARDSON MOVED TO APPROVE THE CONSENT CALENDAR INCLUDING THE MINUTES FROM MAY 13, 2015. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL.

PUBLIC HEARINGS:

A. Final Plat – Angler Mountain Ranch, Filing No. 3, Third Amendment, a resubdivision of Tract A, Angler Mountain Ranch, Filing No. 3

Public hearing opened.

Matt Gennett, Planning Manager, presented Compass Homes Development's request for a Final Plat for Angler Mountain Ranch (AMR), Filing No. 3. – Third Amendment. The proposal is to plat six (6) single-family custom home lots and modify easements on Tract A, Filing No. 3. There is a Subdivision Improvements Agreement (SIA) that accompanies the Final Plat to secure the necessary public improvements. He reviewed the staff report and recommended approval.

Marty Kurttc, Fly Line Drive, asked for clarification on the road being cut in.

Gennett clarified Dragon Fly Drive location.

Public hearing closed.

CAMP MOVED TO APPROVE THE FINAL PLAT, AND ASSOCIATED SIA FOR ANGLER MOUNTAIN RANCH, FILING NO. 3 – THIRD AMENDMENT. MOTION SECONDED. MOTION PASSED BY COUNCIL PRESENT. (SANDQUIST ABSENT)

B. Ordinance 2015 -08; an Ordinance Approving a Major Amendment to the South Maryland Creek Ranch (SMC) Planned Unit Development – 1st Reading – Continued from March 11, 2015

Mayor Butler reopened the public hearing from March 11, 2015.

Matt Gennett, Planning Manager, presented Ordinance 2015-08, approving a Major PUD Amendment, which would change the density request from eighty-three (83) to two-hundred and forty (240) residential units. The proposal continues to include a twenty (20) acre town park, a private lake area and consists predominately of single-family detached units. He reviewed his staff report and recommended approval.

Matt Meir, Town Attorney, reviewed previous Council and legal Counsel discussions regarding possible conflicts of interest for Councilmembers Long and Richardson from the December 10, 2014 and March 11, 2015 Town Council meetings. He reviewed Home Rule Charter, Section 3.9 Conflict of Interest. Council, Long and Richardson have already considered the potential for conflict of interest. Meir asked Richardson and Long again if anything had changed in their circumstances. He reviewed the need for Ordinance 2015-08.

Long and Richardson replied that nothing has changed in their circumstances.

Richardson asked if by approving the Ordinance tonight, is this a land use requalification.

Meir stated he wouldn't use the same vernacular, he considers it a change in zoning, an increase in density.

Applicant:

Tom Everest, South Maryland Creek Ranch (SMCR), applicant, appreciates the continuance requested by Council back on March 11th. It has been an opportunity for them to meet a lot of people. He reviewed their community outreach efforts, since the last Council meeting. They have heard about traffic impacts, views impacted for Three Peaks, effects on wildlife, and the Town to Lower Blue transition. The applicant has come up with traffic mitigation efforts for the neighborhood to neighborhood connection, a view impact proposal, landscaping buffer, lot size mitigation, home layout, and siding /roof colors. The Three Peak Architectural guidelines will be followed by SMCR. They have made wildlife thoroughfare enhancements and have implemented all fifteen Colorado Parks criteria on the property. Regarding the Town to Lower Blue Transition, they have signed an agreement with a private party so they cannot annex anymore land into the Town of Silverthorne. There will be a definite line between the Town of Silverthorne and the Lower Blue River properties. He reviewed the list of benefits to the community, cash given to the Town, increase of employment and construction. They have reviewed Friends of the Lower Blue River (FOLBR) Position Statements and their online petition. The petition has two hundred and sixty-eight names on it; sixty-four are Silverthorne property owners and thirty-four part-time residents. Their project does meet the criteria outlined by the Town. The increase in density is a positive thing for the Town. He requested approval.

Public comment:

Bill Bouchey, representing the Eaglesnest Mtn Ranch, their ranch is one hundred and seventy acres located on the east side of Highway 9. He stated they are the private party that entered into an agreement with Mr. Everest. They signed it this morning. The document will not be recorded until this process is complete. They were not initially excited about the increase in density, but they were provided with a photo simulation and they could see what the proposed neighborhood would look like. They have also met with FOLBR and agreed with their transition concerns. Mr. Everest has been very accommodating in the discussions. The signed agreement locks into place the current county zoning forever. With the restrictions, it is a fair agreement for all. They support approval with the density increase.

Sam Kirk, Lower Blue resident, President of the FOLBR, represents three hundred concerned citizens. They support the FOLBR goals and they oppose the SMCR proposal. The current proposal is three times the approved density. He strongly encouraged Council to not vote in favor of this proposal. They are working together to maintain their quality of life. A no vote will squash any future development.

Stan Katz, 1876 Peregrine Lane, does not feel this is an increase in density, it is vacant land. It is a simple proposal, two hundred and forty (240) houses on four hundred and sixteen (416) acres, that is one house for every two (2) acres. The real focus should be, will this development benefit the Town. Long term prosperity requires long-term growth. Deliberate opposition to growth eventually leads to economic stagnation. Most counties in the USA are losing populations. Most people look forward to moving into a new house. Don't close the door on new development. This is a reasonable development being proposed. He urged the Council to continue moving forward with the development as currently proposed.

Dick Bouchan, Easy Bend Trail, financial impacts have been a previous concern, supply and demand of housing. He is concerned about the abundance of lots. Currently Eagles Nest has ninety lots not build on; seventeen are for sale and are not moving very quickly. Is there a way for Council to prevent more estate lots going on the market or release them to sell as market demands? He proposed a moratorium on houses of similar size for two (2) years so there isn't a glut on the market. He hopes Council can figure out a way not to allow like properties to hit the market all at the same time. He is not sure why we have to annex. It should be clear to say that you can only build one house on (20) twenty acres. If Council wants the Town to boom, get better middle income jobs, invite corporations in and get better schools in Silverthorne.

Mark Ross, High Park Court property owner, they plan to build on their lot soon. Mr. Everest has addressed all concerns very thoroughly with their presentations. What is Silverthorne's position on growth, what does Silverthorne want to be? How does this project fit into the plan? Should we allow a tripling of density or should we allow it at all. What is the rationale for doing this project? The economy has changed and going strong, is that the thought for increasing the density. Currently builders are incredibly busy. He reviewed the community benefits listed by Mr. Everest. He reviewed the projects negative impacts on the area. Do we care, it's up to Council. When a developer proposes a development, they usually bring something to the community. Is there a way to ensure a fire station is built on the north end of Silverthorne? At the last meeting, twenty percent of speakers spoke in favor of the project, and eighty percent spoke against it, consider the constituents and what they want. Despite the changes made to the proposal, abide by the 2005 agreement.

Ed McBaney, 170 Till Ranch Road, the project will create big eye sore for him across the road but he wishes Mr. Everest success, he deserves it. He is in support of the development. He was a member in good standing with FOLBR, until now. He is not concerned about the impact to the environment; there is plenty of Forest Service Land and mitigation on the site. He is concerned that his grandchildren have a place to live in Silverthorne, if they decide to live here. Mr. Everest has a right to develop his property within the law and he is in complete compliance. He is one thousand percent in support of the project.

Tom Long, 724 Boise and property owner in the Lower Blue, stated FOLBR does not speak for him either. He wonders about internet petitions, he does not put much stock in them. As a former County Commissioner, there was a fellow from New Jersey that submitted petitions opposing any clear cutting by the Forest Service. As a County Commissioner, he has had extensive dealings with Mr. Everest. In 1997-1998 the County Commissioners approved the PUD for the gravel pit. Do business with the devil you have, Mr. Everest honors his word. What he proposed back then for the gravel pit, is exactly what was built. He is a man of

integrity and he wishes him luck with the development. Fixing home prices is not recommended in Summit County. We are dealing with a person of integrity.

Leslie LeCoq, 235 Maryland Creek Trail, has two main questions. Everyone has said that SMCR is in compliance with the updated 2015 Comprehensive Plan. Why wasn't the community involved in this major change to the Comprehensive Plan? What is the process for updating the Comprehensive Plan? She read from the Town of Silverthorne's website regarding the Comprehensive Plan. What was the involvement of the community in the changes to the plan allowing this major increase in density? She does not feel the community had any awareness of the changes. There should be community awareness in the increase in density. It was updated behind everyone's back. She went to all the meetings. Not once were the changes mentioned at any meetings. Very unfair to the citizens of Summit County. There was no say by the public regarding the Comprehensive Plan changes. Town Council should explain this to the community.

Henry Barr, 0968 Lindstrom Road, years ago the Town Council approved Eagles Nest for seventeen hundred (1700) units, and it was down zoned by half. All major subdivision in Silverthorne have been downsized, not upsized. He does most of his real estate business in Silverthorne. All of us have Silverthorne addresses. He reviewed the home prices for this type of development, it will be prominently second homeowners. A compliant development, Angler Mtn. Ranch, across the road, has year round owner occupied units at twenty to thirty percent. This development will have similar type of buyers, between 45-65 years of age, semi-retired, buying second homes. These will not be mid-range homes. He does not agree that you have an automatic right to build what you want to build; you have to adhere to zoning and density. When this property was purchased it was zoned for one unit for twenty acres and everyone understood that. In 2005, the annexation was approved and with a sketch plan. He feels there is room for compromise between (83) eighty-three units and (240) two hundred and forty units. Be consistent and downzone this property, as has been done with other Silverthorne developments.

Susan L. Knopf, 191 Elk View Road, agrees with some previous comments. Council wants everyone attending this meeting to be respectful, but she doesn't feel Council is being respectful by listening to the majority of people speaking against this project. She wants a line; she doesn't want the Blue River to look like the LA River. She wouldn't be surprised if Mr. Everist does win an award for this project; it just isn't a project we want here. Where she lives north of town it is one unit per twenty acres. She worries about water for all this potential development to the north. She wants be heard, she is a citizen and the Council represents us. These people aren't going to be here year round. This development is not in compliance with the Summit County Master Plan. We need a plan, an idea what we want and if the development fits in that plan. We need a sustainable community. We need a fire station located to the north of town to make any proposal work. She is concerned about the increase in traffic coming out of this development. There needs to be a compromise. Respect what the majority of people want. There needs to be the right kind of development and movement for the community.

Jeff Berino, Lake Dillon Fire Rescue, at the last meeting there was some concern about the fire rating for properties north of Town. Since that meeting, there has been an ISO evaluation, and they will be counting the office building at Blue River Parkway and Fourth Street as an unstaffed location. That means that SMCR will have the same insurance rating as Silverthorne. The Fire District has land and plans for a fire station, just not the funds to build it. If there is any kind of mechanism for funding they would appreciate it.

Jonny LeCoq, Otter Creek Ranch, stated this is a valid plan, just not good plan for the area. Silverthorne needs to draw people to its core, not the north end of Town. They live twenty-four

miles out of Town, but they are Silverthorne residents, this is their Town. There is no vibrancy in Silverthorne, no economic growth. We need growth in the town core. There should be a compromise on density for this development. He is a member of the Lower Blue Planning Commission and FOLBR and has tried to protect the community for twenty five years. There should be a compromise on density. We can all be more involved. This is a beautiful piece of property and it shouldn't be two hundred and forty units or nothing. Please compromise.

Land LeCoq, Otter Creek Ranch, agrees that we are all in this together. Based on the community, this plan should not be approved. Shocked that there is no compromise on the density. Don't approve this plan. Think in the long run, tonight the decision is forever.

John Taylor, 1712 Red Hawk Road, reviewed the storied history of Eagles Nest. The people that occupy Three Peaks, the residents are heavily involved in Summit County and Silverthorne's' volunteer opportunities. Seventy five percent of the people in Three Peaks are permanent residents and they contribute a lot to their community. The larger eighty-three homes previously proposed for this development were not for people who live here and contribute. Mr. Everest has brought in a lot of business to Silverthorne. He has a viable business, which has been here for many years. He has brought in a lot of talent to help him with the project. He has contributed about two (2) million dollars towards the Blue River Trail. Good developers are here every day and can endure the ups and down of the economy. He believes in the product that Mr. Everest is presenting and he supports the project.

Frank Isenhardt, 2302 Avon Creek Road, doesn't live in Silverthorne year round but they do support the hospital, library, retail shops, and pay taxes to the fire department and schools. He doesn't want to be treated as a second class citizen. He was a Denver business man for forty-five years. He asked the question, what amount of profit does one make in good conscience. This acreage has gained a lot of value since the 1970's when it was bought by Mr. Everest. The gravel pit was started in 1997 and has been operating and profitable over all those years. Mr. Everest says he can't make a profit with the original eighty-three units and it needs to be increased. Again he asked the question, what amount of profit does one make in good conscience.

Dallas Byers, 279 Two Cabins, feels Mr. Everest have bent over backward for this development. It is a great development for Silverthorne and the north end of Summit County. What else is Mr. Everest supposed to do? Byers has been to a lot of meetings. Mr. Everest is a responsible developer and he is not running from anyone and he answers the questions asked. He is putting forth a lot of effort for this development.

Larry Lunceford, Neils Lunceford, stated he is a thirty five year business owner in Silverthorne. He complimented Mr. Everest on this high quality development. He encouraged approval of the project. His payroll is for one hundred and fifty people, and that is contingent on development. They do very high quality work and he hopes to work for Mr. Everest and he is proud to say that. Please approve the project.

Paul Servais, 215 High Park Court, has attended a lot of meetings and he has heard a lot of platitudes, promised and window dressings. He knows what Mr. Everest is supposed to do, he is supposed to compromise. He has not compromised on the number of units proposed. He has ignored Town Council's request to compromise, we need more time. He asked for another recess in the decision to reach a compromise.

Leslie LeCoq has attended all the Three Peaks and Eagles Nest meetings and they had come to an agreement amongst themselves to get rid of fifty-three lots on the south side of the development and they would be happy. That would be a good compromise and address their concerns. It would preserve wildlife and would be a great compromise on density.

Public hearing closed.

Everest, replied to the question. Is Silverthorne comparing this project to their Master Plan. Currently the population in Silverthorne is around 4,100, by the Town's projections they want to increase the population by (43%) forty-three percent by 2030. The two hundred and forty units proposed will contribute to that. He agrees, the Town core is a very important part of Town. He was one of the charter members of EDAC and they are working towards a strong core. He is proud of that. The Blue River should be the focus of Silverthorne. We do need to establish an identity for Silverthorne and he feels they have promoted the history of ranching and mining as part of that identity. They have made a line between the Town and Summit County. The agreement that was signed today says that we will not annex anymore land into the Town of Silverthorne. There has been a huge compromise by guaranteeing not to develop. At the Three Peaks meeting, someone said that two hundred and forty units on four hundred and sixteen acres is not that dense. They have compromised with the seven units on the southeast corner. Gave up seven lots and pushed the density farther into the development. He is proud of how he has addressed major concerns raised. He thanked the citizens that spoke on their behalf.

Gennett clarified some inconsistencies. The 2014 Comprehensive Plan update went through an extensive public hearing, public outreach and public notice process. The Town's website notes the half a dozen public meetings that were held for the Comprehensive Plan update. The Town did reach out with multimedia, Facebook, public notices and Mind Mixers. The 2014 Comprehensive Plan update did not affect the Three Mile Plan. That was actually updated in 2008. This property never had Town zoning that was equivalent to one unit for twenty acres.

Council comments.

Richardson about the property zoning.

Gennett stated the property was annexed in 2005, with 355 acres

Long asked if the Comprehensive Plan took nine months to complete.

Gennett stated it took about four and six months to complete.

Long stated her comments are in the March 11, 2015 minutes. She reads the Colorado Statesman Newspaper and every community has their own land issues. Every Town has contentious issues; we've had Target and Lowes, some people did not want those developments to happen. A lot of time has been spent by Council and staff to get the best deal for Silverthorne. Regarding land use and property rights, when an applicant comes before Council, they meet all the criteria, we check off all the boxes, and when everything is complete, you have to have findings to deny that application. She challenged anyone to find criteria that the applicant doesn't meet. She supports the application. She wants to see the increase in homes. She is concerned about the participation of the FOLBR in this process. She saw on the Secretary of State's website that FOLBR just received their 501(3)(c) designation. As a bookkeeper, she knows that one of the IRS guidelines for 501(3)(c) says that you cannot actively participate or lobby any Senator or Council. She encouraged checking out the IRS guidelines for 501(3)(c). Make sure you are in compliance with the regulations.

Camp has gone back and looked at density because it has been a concern. It seems to be the biggest concern. Willowbrook, Eagles Nest, and Three Peaks density has gone down for every project.

Fowler reviewed the recent activity in Silverthorne; a new brewery opened, a theater company committed to coming to Town, and a new microbrewery, this is the trajectory of Silverthorne. We are very lucky to have Mr. Everist participating in the growth of Silverthorne.

Richardson stated the Town has been in support of Mr. Everist, we approved the annexation. The zoning at annexation was one unit per five acres. This is a zoning change, not a density change. He thinks one unit per five acres is good zoning for the property. It creates a

transition between the Town and the Lower Blue. The only option given by the developer is two hundred and forty units, no compromise. He is against project. He thinks staff is wrong with the zoning. This project could have been built in 2007. Mr. Everist blames the downturn in the economy. Angler Mtn. Ranch has built one hundred and fifty homes since 2007.

Butler stated there has been a lot of talk about density. He reminded people that as a Town Council they do not solicit landowners to come in with major PUD amendments. Landowners have the right to put together a proposal that they think is economically viable. It is up to Town Council to make the determination of the quality of the application and the facts before them. The application is for two hundred and forty units, it's not for them to say we will approve it for half. He is grateful for the break since the March 11th Town Council meeting, so there could be more discussions. He also wants to see the Town Core developed. There are a lot of things happening in Silverthorne. He agrees that the density needs to step down going to the north. He reminded people that Willowbrook is six houses per acre, Eagles Nest is 1.1 per acre, and SMCR has one per .57 acre. It does meet that intent. He commends Mr. Everist in working with his neighbors on the agreement. Neighbors have veto power over any future development to the north and it is a major improvement in the project. Millennials are looking for an entirely different type of homes. The type of homes proposed in this development fit this. The biggest problem we have in attaching and staffing existing business is housing. He is reminded of the nine hour anti-Lowes hearings. He appreciates the passion expressed tonight; for and against, he loves the Lower Blue too. He thanked the Planning Commission. He appreciates all the efforts that have been made towards tonight's meeting. There has been mention of our forefathers who were concerned stewards of the land, he doesn't think if you drive around and look at the mining remnants of the past that is true. He wants to see the Lower Blue and its ranching heritage celebrated.

CAMP MOVED TO APPROVE ON FIRST READING, ORDINANCE NO. 2015-08, AN ORDINANCE APPROVING A MAJOR AMENDMENT TO THE SOUTH MARYLAND CREEK RANCH PLANNED UNIT DEVELOPMENT.

RICHARDSON MOVED TO AMEND THE MOTION. ASSUMING HOUSING CONSTRUCTION MOVES NORTH TO SOUTH, THERE SHOULD BE NO CONNECTION OF GAME TRAIL UNTIL SECTION PA & 1B SOUTH IS UNDER CONSTRUCTION.

No second. Fails for lack of a second.

Richardson stated there is no need for a road going south.

MOTION SECONDED. MOTION PASSED BY COUNCIL PRESENT. (SANDQUIST ABSENT) (RICHARDSON NAY) MOTION PASSED.

Mayor Butler reminded everyone about the second reading of Ordinance 2015-08 on June 10, 2015.

DISCUSSION ITEMS:

A. South Maryland Creek Ranch Development Agreement

Mark Leidal Assistant Town Manager, reviewed the South Maryland Creek Ranch Development Agreement with Council.

Council discussed the South Maryland Creek Ranch Development Agreement

B. Second Amended and Restated Water Service Agreement between the Town of Silverthorne South Maryland Creek Ranch

Zach Margolis, Utility Manager, reviewed the Second Amended and Restated Water Service Agreement between the Town of Silverthorne South Maryland Creek Ranch with Council and applicant.

CAMP MOVED TO GO INTO EXECUTIVE SESSION AT 9:23 PURSUANT TO CHARTER SECTION 4.13(C) AND CRS 24-6-402(4)(E) TO INSTRUCT NEGOTIATORS ON ECONOMIC DEVELOPMENT IN THE TOWN OF SILVERTHORNE. MOTION SECONDED. MOTION PASSED BY COUNCIL PRESENT. (SANDQUIST ABSENT)

HE FURTHER MOVED TO ADJOURN THE COUNCIL MEETING AT THE CONCLUSION OF THE EXECUTIVE SESSION. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL.

EXECUTIVE SESSION:

Executive Session pursuant to Charter section 4.13(c) and CRS 24-6-402(4)(e) to Instruct Negotiators on Economic Development in the Town of Silverthorne.

INFORMATIONAL:

- A. March 2015 Sales Tax Review
- B. Planning Commission Meeting Minutes, May 19, 2015

EXECUTIVE SESSION CONCLUDED AND MEETING AND ADJOURNED AT 9:48 P.M.

BRUCE BUTLER, MAYOR

ATTEST

MICHELE MILLER, 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.

*This page intentionally
left blank*

Town of Silverthorne
Town Council Agenda Memorandum

TO: Mayor and Town Council
THRU: Ryan Hyland, Town Manager 
Mark Leidal, AICP, Assistant Town Manager ML
FROM: Lina Maria Lesmes, AICP, Senior Planner LML
DATE: June 4, 2015, for meeting of June 10, 2015
SUBJECT: Town Center Tract B Sign Variance - PT2015-14

SUMMARY: NRC Silverthorne 1, LLC, the owner of Tract B, Silverthorne Town Center Subdivision seeks approval of a Variance to allow a freestanding sign taller than 18 feet in height and greater than 60 square feet, as required by the HWY 9 Sign District. The applicant also requests, as part of the Variance, to locate the sign within the 5-foot setback required for freestanding signs by Section 4-9-17.

BACKGROUND: The applicant is proposing a freestanding sign with a height of 20 feet and an area of 89 square feet, located approximately 1 foot from a property line. A variance is requested to exceed the Code requirements. Signage at the Town Center is also governed by the approved Town Center Comprehensive Sign Plan, which provides additional design standards to maintain a certain uniformity of appearance. Because the proposed sign does not meet the requirements of the Town Center Comprehensive Sign Plan, an amendment to that Sign Plan is also necessary. Comprehensive Sign Plans may be amended at the Staff level as long as all signage is in conformance with the Town Code. Any sign proposed that does not meet the Code requirements must be granted a variance prior to amending the Comprehensive Sign Plan.

PREVIOUS COUNCIL ACTION: In June of 2001, construction of Phase I of the Town Center, which included the Pavilion and the Town Center Park, was completed. The Town Center Comprehensive Sign Plan was approved by Town Council in 2001.

On May 25, 2005, Town Council approved a Major Amendment to the Town Center PUD, a Commercial Subdivision, and a Site Plan for Phase II of the Town Center. The approval formalized the PUD Guide, and outlined the specific uses permitted on the site, setbacks, building heights, and other development standards. The Commercial Subdivision created Tracts A and B of the Silverthorne Town Center Subdivision. As part of the subdivision, the Town entered into an Access, Parking, Utility, and Snow Stack Agreement to allow for the shared use of vehicular and pedestrian access, parking areas, utilities, and snow storage on the two tracts. The Site Plan proposed one mixed-use building labeled the 'River Building', and a commercial building labeled the 'Parkway Building'.

On June 14, 2005, Town Council approved a Comprehensive Sign Plan for the Town Center. The Sign Plan allocated signage for each commercial unit, and established the locations of wall mounted and freestanding signs on the buildings and property.

Since the 2005 approvals, Town Council and Staff have approved a series of modifications to the original PUD, Site Plan, and Comprehensive Sign Plan. On August 10, 2005, Town Council approved a Site Plan Modification and Wetland and Waterbody Disturbance Permit for the Town Center plaza space and river path. On April 12, 2006,

Town of Silverthorne
Town Council Agenda Memorandum

Town Council approved a Site Plan Modification to modify the architecture of the approved stairwell on the north side of the River building, and to modify the screening of its utilities. On September 12, 2007, Town Council approved a Major PUD Amendment to the Town Center PUD to modify the PUD Guide and allow an additional 3 permitted uses, and an additional 2 conditional uses. Finally, in December of 2009, Staff approved a revision to the Town Center Comprehensive Sign Plan to clarify and update the document language.

Town Council approved a License Agreement on November 1, 2009 to allow Silverthorne Town Center LLC to utilize up to 3 panels on a multi-tenant directory sign that is located on Tract A. Town Council approved by ordinance the sale of Tract B, Silverthorne Town Center Subdivision to NRC Silverthorne 1, LLC, On July 9, 2014.

DISCUSSION: It is within the power of the Board of Adjustment to grant variances to land use ordinances when, by reason of exceptional and extraordinary conditions, strict application of such ordinances would result in undue hardship upon the property owner. Per Town Code Section 4-1-44, "Appeals" Variances shall be authorized only when the Board of Adjustment finds that all eight variance criteria are met. In this case, Staff found that criteria 1, 2, 3, 4, 5, 6, 7, and 8 are not being met.

STAFF RECOMMENDATION: The Community Development Department recommends Denial of the Town Center Tract B Variance to allow a freestanding sign with a height of 20 feet and an area of 89 square feet in the HWY 9 Sign District, and not meeting the 5-foot setback requirement set forth in Section 4-9-17 based on the following finding:

1. The application does not meet the criteria established in Code Section 4-1-44, 1, 2, 3, 4, 5, 6, 7, and 8, as stated in the Staff Report.

Suggested motion: "I move to deny the of the Town Center Tract B Variance to allow a freestanding sign with a height of 20 feet and an area of 89 square feet in the HWY 9 Sign District, and not meeting the 5-foot setback requirement set forth in Section 4-9-17, based on the Staff recommended finding."

ATTACHMENTS: Staff Report and Exhibits

MANAGER'S COMMENTS: _____

Town of Silverthorne, Colorado
Board of Adjustment

From: Lina Maria Lesmes, AICP, Senior Planner *LML*

Through: Mark Leidal, AICP, Assistant Town Manager *ML*

Date: June 4, 2015, for meeting of June 10, 2015

Subject: Town Center Sign Variance for a freestanding sign - PT 2015-14

Owner: NRC Silverthorne 1, LLC – Tom Ethington

Agent: YESCO – Rick Bellefeuille

Proposal: A Variance to allow a freestanding sign taller than 18 feet in height, greater than 60 square feet, and closer than 5 feet to the property line in the HWY 9 Sign District.

Address: 358 Blue River Parkway

Legal Description: Tract B, Silverthorne Town Center Subdivision

Site Area: 2.43 acres or 105,754 square feet

Zone District: Silverthorne Town Center PUD

Design District: Town Core Design District

Sign District: HWY 9 Sign District

Sign Height: Permitted: 18 feet
Proposed: 20 feet

Sign Area: Permitted: 60 square feet
Proposed: 90 square feet

PROJECT: The applicant is requesting a variance to install a multi-tenant freestanding sign at the entrance to the Silverthorne Town Center. The sign proposed is 89 square feet, and reaches a height of 20 feet. The applicant has noted two preferred locations for the new sign, both of which are approximately 1 foot from the nearest property line.

Section 4-9-13, Special Regulations in the HWY 9 Sign District, allows a multiple-business building to have a freestanding sign of no more than 60 square feet, and a height of 18 feet. In addition, Section 4-9-17, General Requirements restricts the placement of freestanding signs to a minimum of 5 feet from a property line.

PREVIOUS COUNCIL ACTION: The 1993 Silverthorne Comprehensive Plan

recommended that a "Town Center" be located on what was formerly Lots 1-14 Buffalo Subdivision. To that effect, the Town began acquiring parcels in the Buffalo Subdivision during the mid-1990's. In June of 2001, construction of Phase I of the Town Center, which included the Pavilion and the Town Center Park, was completed. The Town Center Comprehensive Sign Plan was reviewed and approved by Town Council in 2001.

Town Council entered into a Ground Lease Agreement with Alberta Development Partners LLC, on December 8, 2004, to design and construct Town Center Phase II (the subject property). The Ground Lease was for a period of 25 years, with three possible 5-year extensions, for a potential total of 40 years.

On May 25, 2005, Town Council approved a Major Amendment to the Town Center PUD, a Commercial Subdivision, and a Site Plan for Phase II of the Town Center. The approval formalized the PUD Guide, and outlined the specific uses permitted on the site, setbacks, building heights, and other development standards. The Commercial Subdivision created Tracts A and B of the Silverthorne Town Center Subdivision. As part of the subdivision, the Town entered into an Access, Parking, Utility, and Snow Stack Agreement to allow for the shared use of vehicular and pedestrian access, parking areas, utilities, and snow storage on the two tracts. The Site Plan proposed one mixed-use building labeled the 'River Building', and a commercial building labeled the 'Parkway Building'.

On June 14, 2005, Town Council approved a Comprehensive Sign Plan for the Town Center. The Sign Plan allocated signage for each commercial unit, and established the locations of wall mounted and freestanding signs on the buildings and property.

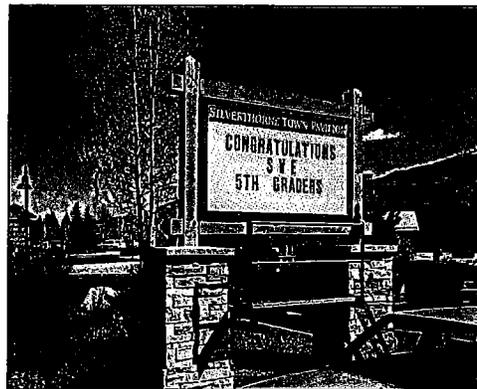
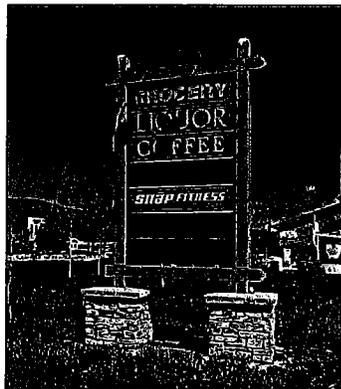
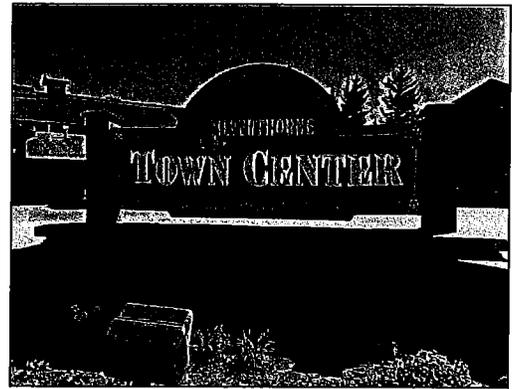
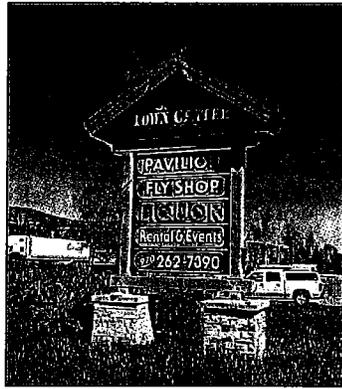
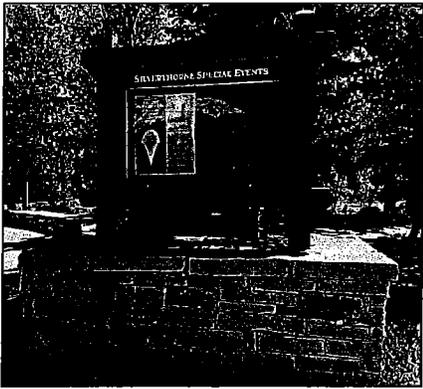
Since the 2005 approvals, Town Council and Staff have approved a series of modifications to the original PUD, Site Plan, and Comprehensive Sign Plan. On August 10, 2005, Town Council approved a Site Plan Modification and Wetland and Waterbody Disturbance Permit for the Town Center plaza space and river path. On April 12, 2006, Town Council approved a Site Plan Modification to modify the architecture of the approved stairwell on the north side of the River building, and to modify the screening of its utilities. On September 12, 2007, Town Council approved a Major PUD Amendment to the Town Center PUD to modify the PUD Guide and allow an additional 3 permitted uses, and an additional 2 conditional uses. Finally, in December of 2009, Staff approved a revision to the Town Center Comprehensive Sign Plan to clarify and update the document language.

Town Council approved a License Agreement on November 1, 2009 to allow Silverthorne Town Center LLC to utilize up to 3 panels on a multi-tenant directory sign that is located on Tract A (the Town property). Town Council approved by ordinance the sale of Tract B, Silverthorne Town Center Subdivision to NRC Silverthorne 1, LLC, On July 9, 2014.

BACKGROUND: Signage at both tracts of the Town Center consists of wall mounted signs, tenant directory signs, and a Town Center identification sign. The design, materials, and placement of the signs are also governed and coordinated by the approved Town Center Comprehensive Sign Plan to maintain a certain uniformity of appearance. Because the proposed sign does not meet the requirements of the Town Center Comprehensive Sign Plan, an amendment to that Sign Plan is also necessary. Comprehensive Sign Plans may be amended at the Staff level as long as all signage is in conformance with the

Town Code. Any sign proposed that does not meet the Code requirements must be granted a variance prior to amending the Comprehensive Sign Plan.

Please see photos below for details on the freestanding signs at the Town Center. The signs in the top row are on Tract A, and the signs in the bottom row are on Tract B.



As part of the Town's 2015 Business Improvement Grant Program, the applicant was the recipient of a \$5,000 grant to install a new freestanding sign at the entrance of the Silverthorne Town Center. A stipulation of the Grant Program is that all Town Codes be met with the proposed project. In order for NRC Silverthorne 1, LLC, to receive grant funds, all Town Codes must be met, or a variance must be granted.

BOARD OF ADJUSTMENT: As noted in Section 5.2 of the Town Charter, it is within the power of the Board of Adjustment to grant variances to land use, building and construction ordinances of the Town where by reason of exceptional conditions of a specific piece of property, not shared in common with other conforming properties, strict application of such ordinances would result in undue hardship upon the owner of such property.

STAFF COMMENTS: Variances are reviewed based on the Comprehensive Plan polices and the criteria set forth in Section 4-1-44.

Comprehensive Plan: Staff finds that the following policies apply to the application:

Policy LU 1.4 – Encourage infill development and redevelopment prior to the establishment of new commercial areas in Silverthorne.

Policy LU 2 TC.3 – Create a safe and appealing pedestrian environment throughout the

Town Core District by providing short blocks, sidewalks, street trees, street lighting, seating, curb and gutter, on-street parking, informative signage, and traffic calming measure to slow vehicular speeds on State Highway 9.

Policy CD 3.10 – Communicate the identity and amenities of Silverthorne through cohesive, recognizable, and informative signage, lighting, and wayfinding features.

Policy CD 3.11 – Ensure that signage is cohesive, promotes the community character of Silverthorne, and does not obstruct scenic views. Signage should be effective in its purpose of identifying a business, establishment, park, neighborhood or other unique place, but should also be appropriate to its surrounding context.

Staff finds that the proposed freestanding sign does not enhance the character of the Town Core District, nor is it appropriate to its surrounding context. As such, the policies of the Comprehensive Plan are not addressed with the variance application.

Variance Conditions: Town Code Section 4-1-44, Appeals, states that no variance shall be authorized unless the Board of Adjustment finds that all eight (8) variance conditions exist. The following is an analysis of those eight variance conditions:

(1) That owing to exceptional and extraordinary circumstances, literal enforcement of the provisions of Chapter 4 of the Town Code will result in unnecessary hardship.

Applicant's comment:

"Large berm with maturing vegetation, CDOT setback and buffer, create significant difficulty for sign visibility. Existing underground utilities severely limit sign placement options."

Staff comment:

Staff finds no exceptional or extraordinary circumstances on this property that would set this lot apart from the general characteristics of surrounding properties. The property has more than 500 linear feet of frontage along HWY 9, which can be utilized for wall-mounted and freestanding signage. Additional visibility can be achieved through enhanced landscaping, lighting, and an upgraded sign design that meets the Town standards. Per the approved Comprehensive Sign Plan, the site has 1,322 square feet of permitted wall mounted signage, and 358 square feet of tenant directories, special events signs, and center identification sign. Staff finds that the amount of signage permitted by the Town Code is significant and sufficient for business recognition, not creating an unnecessary hardship for the applicant. As such, Staff finds that this criterion is not met.

(2) That the circumstances aforesaid were not created by the owner of the Property and are not due as a result of general conditions in the zoning district in which the property is located.

Applicant comment:

"The proposed design represents a minimum reasonable height, setback, size, and design necessary to allow original intent of the Sign Code to be exercised by the property owner, on behalf of both tenants and patrons. We respectfully request your consideration to grant these variances for this one sign only."

Staff comment:

Staff finds that there are no exceptional or extraordinary conditions on this property to warrant a variance to the Sign Code. The site and buildings were developed in 2005, with the applicable sign regulations already in place. The site also benefits from its proximity to HWY 9, providing sufficient visibility for signage onsite. In addition, landscaping found to obstruct the visibility of a freestanding sign may be relocated, and lighting and sign design may be upgraded. Large freestanding signs along a transit corridor create suburban conditions not desired in a mountain town setting, and resulting in visual discord. Staff finds that the size and height of the sign and its proposed location reflect circumstances created by the applicant that do not warrant a variance. As such, this criterion is not met.

(3) That the development or use of the property for which the variance is sought, if limited by a literal enforcement of the provisions of Chapter 4, Town Code, cannot yield a reasonable return in service, use or income as compared to adjacent and conforming properties on the same zoning district.

Applicant comment:

"The historical struggles of this center are familiar to the Town of Silverthorne. We believe poor visibility of signage to be culprit and are willing to invest in eliminating the obscurity. The Silverthorne sponsored Town Center Visibility and Signage Study also recommended 'better tenant signage – can't read exactly tenant panels'."

Staff comment:

If limited by a literal enforcement of the Sign Code, the applicant has 60 square feet of signage on a freestanding sign, up to a height of 18 feet, located a minimum of 5 feet from a property line. In addition, the applicant has 1,322 square feet of overall signage that may be located on the buildings, and smaller building directory signs permitted by the Comprehensive Sign Plan. Staff finds that literal enforcement of the provisions of Chapter 4 can still yield a reasonable return in service, use, and income; and that a variance for additional sign area, height, and proximity to a property line might give an extra advantage to this complex over other businesses in Town that conform to the sign regulations. In addition, Staff is concerned that the design of the sign will vary widely from the existing signs at the Town Center, thereby deterring from the uniformity of appearance of the signs of the entire complex. As such, Staff finds that this criterion is not met.

(4) That the variance will not substantially or permanently injure the appropriate use of adjacent and conforming properties in the same zoning district.

Applicant comment:

"The proposed sign will not block, hinder, or injure any adjacent businesses. It is well away from any adjoining properties."

Staff comment:

Staff finds that the variance will substantially and permanently injure the appropriate use of the adjacent and conforming properties by giving this business center an advantage. Variances for signs that exceed the height and size limits, and that do not meet the setback requirements, create the need for businesses in the sign district to also require additional sign heights, larger sign faces, and less distance to a property line. Excessive

signage results in visual clutter, discord, and lack of uniformity of appearance. The HWY 9 Sign Standards were written taking into consideration the proximity to the State Highway, and the goal of reaching a balance between the signage needs of businesses and the public right to be protected against the visual discord resulting from excessive signage. Staff would argue that, by not allowing a variance, all property owners abide by the same regulations, which were written in order to provide an integrated set of standards that all property owners and developers can expect will be applied and enforced uniformly.

(5) That the variance will not alter the essential character of the zoning district in which is located the property for which the variance is sought.

Applicant comment:

"The signage proposed is extremely high-end, and complementary of the Silverthorne Town Center signage design. Compared to other properties within sight of the location, this sign will raise the bar for architecture excellence in the area."

Staff comment:

As stated previously, Staff finds that the variance will alter the essential character of the HWY 9 Sign District by creating the need in all property owners for larger and taller signs, and signs located close to the property lines. The special regulations in the HWY 9 Sign District take into consideration the traveling speeds along HWY 9, and the distance to I-70, and allow for the significant amounts of signage in Silverthorne. Allowances beyond what is permitted in the Code have a direct negative impact, because such variances ultimately dilute the intent of the Code requirements and character of the Sign District. Staff finds that this criterion is not met.

(6) That the variance will not weaken the general purpose of Chapter 4 or the regulations herein established for the specific zoning district.

Applicant comment:

"We believe circumstances for hardship to be unique to the physical attributes of this property. Minimal variances are requested, only to 'make-up' for those hardships."

Staff comment:

Each variance request that is granted weakens the general purpose of the Town Code and its intended regulations. The general purpose of Chapter 4 includes avoiding "overlapping, conflicting or inconsistent ordinance provisions", and providing an "efficient regulatory control system" and an "integrated set of regulations and standards that participants in the development process need to become familiar with". These regulations were put in place having thought out larger planning concepts and town-wide goals and objectives. The sign maximums were set so as to maintain a small mountain town character and feel. Variances should be allowed in particular circumstances that are unique, extraordinary, and exceptional, and that would prohibit reasonable use of a residence or property. Staff finds that this criterion is not met.

(7) That the variance will be in harmony with the spirit and purpose of Chapter 4 of the Town Code.

Applicant comment:

- a) *"The bottom portion of the sign is near the intersection. To improve visibility (though we are out of the site triangle), we believe an open "freestanding sign" to be most appropriate.*
- b) *The 14.6 SF area at the top of the sign represents site identification, which we believe to be important to the location. Legibility for tenants required slightly larger branding to be visible in time for vehicles to make a safe decision to turn in. Visibility to the quantity of tenants is being made possible on this one sign rather than two.*
- c) *While very close to the required 5-foot setback, preliminary reviews indicate we may need to reduce the setback in order to clear underground utilities. We will make every attempt to keep the setback as close to 5 feet as possible."*

Staff comment:

Sign Code Section 4-9-1, Purpose, lists 13 general goals and objectives of the Sign Regulations. Among those, the purpose is to coordinate the physical dimensions of signs, recognize the commercial communication requirements of all sectors of the business community, guarantee equal treatment under the law, and provide a reasonable balance between the right of an individual to identify his business and the right of the public to be protected against the visual discord resulting from the unrestricted proliferation of signs. The regulations considered the needs of the different sign districts in Town based on their location and likely need for signage. Each variance that is granted without ensuring that exceptional circumstances exist to warrant the request, creates disharmony with the spirit and purpose of the Sign Code. Staff finds that this criterion is not met.

(8) That the variance will not adversely affect the public health, safety, or welfare.

Applicant comment:

"The variance is to allow an existing sign use, and does not affect new signage being proposed."

Staff comment:

Staff finds that the variance may not adversely affect public health and safety, but could negatively impact the public welfare. The interests, benefits, and wellbeing of the public are negatively impacted when regulations are applied inconsistently or to the benefit of individual parties. Staff finds that this criterion is not met.

STAFF RECOMMENDATION: The Community Development Department recommends Denial of the Town Center Tract B Variance to allow a freestanding sign with a height of 20 feet and an area of 89 square feet in the HWY 9 Sign District, and not meeting the 5-foot setback requirement set forth in Section 4-9-17 based on the following finding:

1. The application does not meet the criteria established in Code Section 4-1-44, 1, 2, 3, 4, 5, 6, 7, and 8, as stated in the Staff Report.

Suggested motion: *"I move to deny the of the Town Center Tract B Variance to allow a freestanding sign with a height of 20 feet and an area of 89 square feet in the HWY 9 Sign District, and not meeting the 5-foot setback requirement set forth in Section 4-9-17, based on the Staff recommended finding."*

Alternative Motion: Should the Board of Adjustment find that all criteria are met, staff recommends the following motion:

"I move to approve the Town Center Tract B Variance to allow a freestanding sign with a height of 20 feet and an area of 89 square feet in the HWY 9 Sign District, and not meeting the 5-foot setback requirement set forth in Section 4-9-17, finding that all variance criteria have been met, and with the following condition:

- 1. That the applicant works jointly with the Town to amend the Town Center Comprehensive Sign Plan."*

ATTACHMENTS:

Exhibit A: Project Narrative

Exhibit B: Proposed Sign

Exhibit C: Site Plan showing proposed locations the sign

Exhibit D: Photo of proposed locations

Exhibit E: Town Center Subdivision Plat



Custom Electric Signs

April 30, 2015

Lina Maria Lesmes
Town of Silverthorne
601 Center Circle
Silverthorne, CO 80498
970-262-7366
LLesmes@Silverthorne.org

Re: Silverthorne Town Center Variance Request

On behalf of YESCO LLC and NRC Silverthorne 1 LLC, we appreciate your consideration of our request for a variance on the multi-tenant monument sign at Silverthorne Town Center. As you are aware, we have been working diligently to create a solution that will complement the architectural elements of the property, yet improve visibility for the site.

While we fully embrace the intent of the special regulations in the Highway 9 District, placement and size becomes an operational hardship for first class retailers to succeed when they have signage that is difficult for their customers to clearly see and identify.

We are excited about this opportunity to positively address the problematic visibility issues that have made it difficult for us to attract and retain good tenants. We believe the variance requests are critical to the success of a thriving retail experience. Thank you for your time and review, and we look forward to the project commencement.

Please find attached our application and supporting documentation. We continue to appreciate your collaboration as we move forward.

Regards,

A handwritten signature in black ink, appearing to read 'Rick Bellefeuille', written over a horizontal line.

Rick Bellefeuille
Account Manager
rbellefeuille@yesco.com

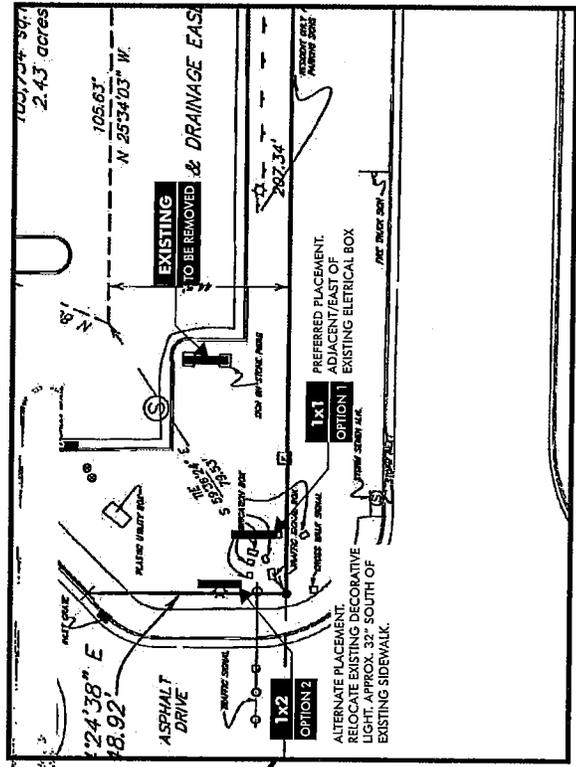
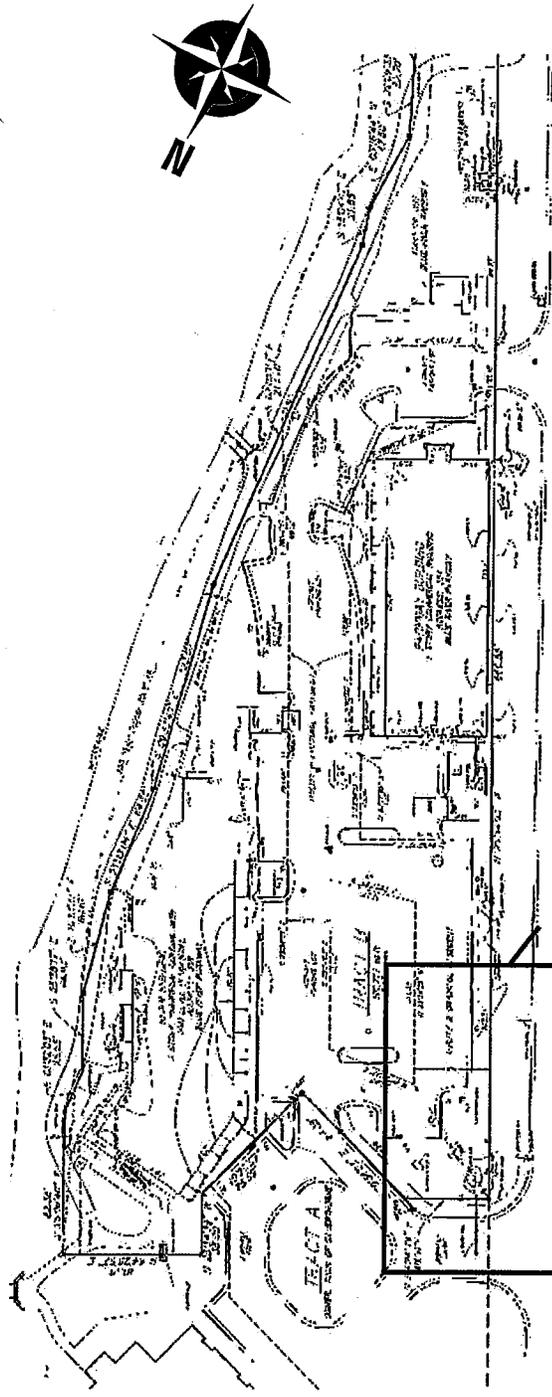
cc: Tom Ethington
NRC Silverthorne 1, LLC
Manager/Member
tethington@pinnaclerea.com

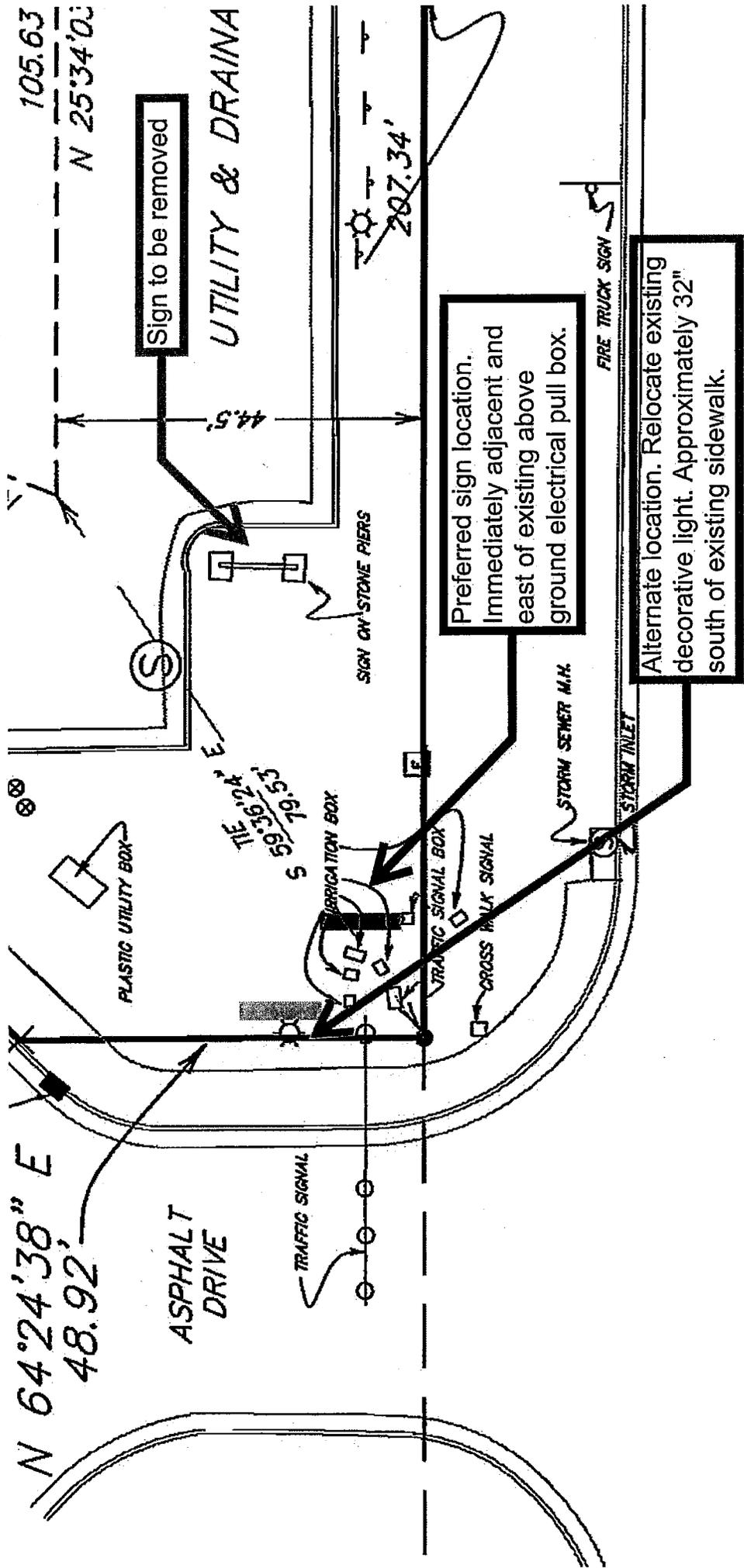
YESCO Denver
303-375-9933 » Phone
303-375-9111 » Fax
11220 E 53rd Avenue, Suite 300
Denver, Colorado 80239

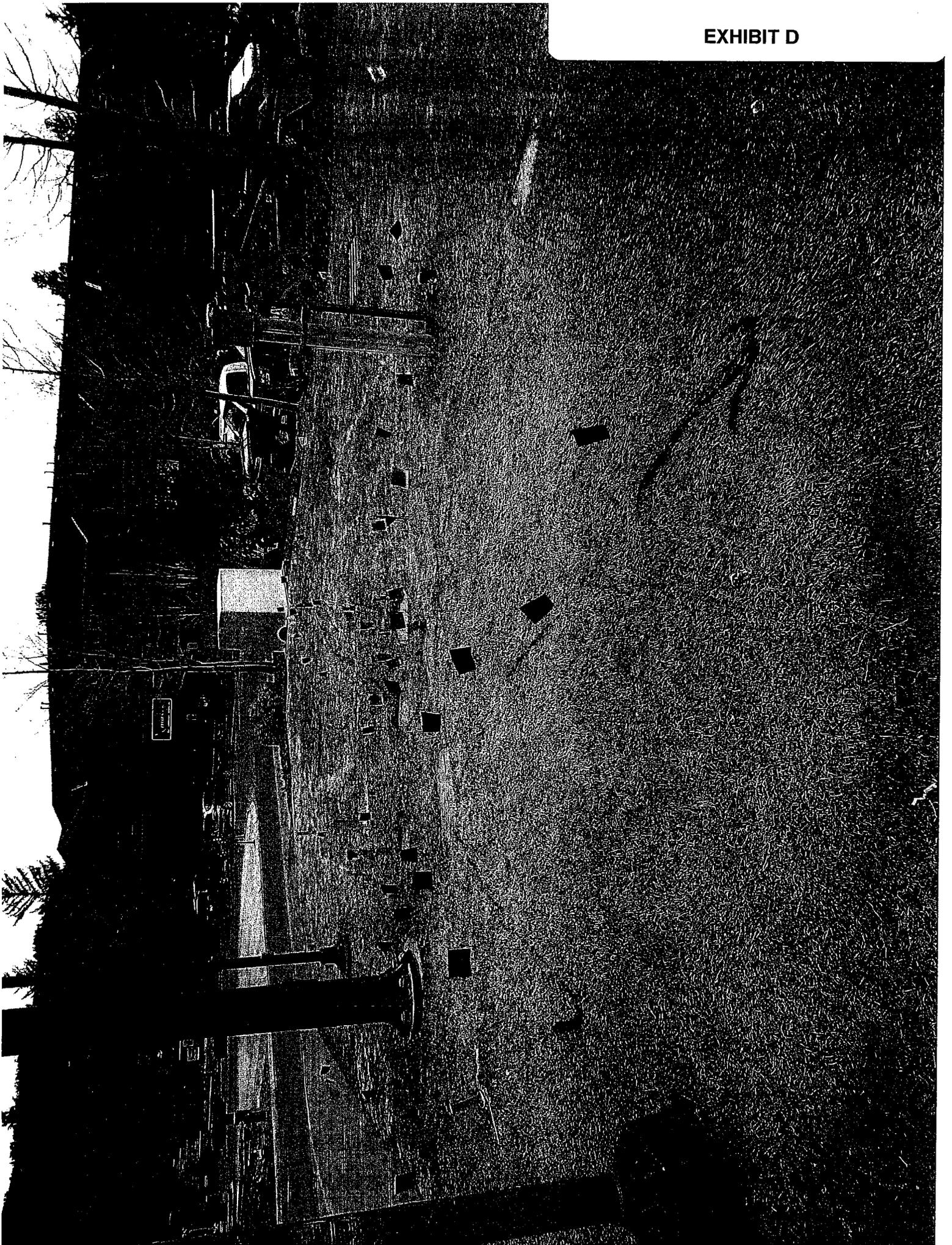
| | |
|-----------------------|--------------------------|
| OWNER | SILVERTHORNE TOWN CENTER |
| PROJECT | 3650 BLUE OAK PARKWAY |
| CITY/TOWN/JUR. | SILVERTHORNE, COLORADO |
| ACCOUNT NUMBER | RICK BELLEFILLE |
| DATE | 02.18.2015 |
| DESIGNER | [Signature] |
| CLIENT SPECIFICATIONS | [Blank] |
| LOCAL SPECIFICATIONS | [Blank] |
| NOTES | [Blank] |

| | |
|-------------|-------------|
| DATE | 02.18.2015 |
| BY | [Signature] |
| CHECKED BY | [Signature] |
| SCALE | N.T.S. |
| PROJECT NO. | 78371 |
| SHEET NO. | 1 |

EXHIBIT C







Town of Silverthorne
Council Agenda Memorandum

TO: Mayor and Town Council
THRU : Ryan Hyland, Town Manager *RH. mm*
FROM: Michele Miller, MMC, Town Clerk
DATE: June 4, 2015 for meeting of June 10, 2015
SUBJECT: Liquor license renewal for Local Authority Consideration

SUMMARY:

The Liquor Board is asked to approve the liquor license renewal for The Mint.

BACKGROUND:

The Mint Country Club – Renewal of Hotel & Restaurant Liquor license

The applicant has submitted a renewal application for The Mint. The background investigation completed by the Police Department is attached. The Police Department has verified that the employees who sell and serve liquor have successfully completed a TIP's training program. The Police Department recommends renewal of the liquor license.

DISCUSSION:

Financial Implications: Each individual liquor license applicant is required to submit both local licensing fees and state licensing fees as set forth by the Colorado Liquor Enforcement Division. These fees are submitted with the application materials.

STAFF RECOMMENDATION:

Staff recommends approving the renewal application. Please contact the Town Clerk's office with any questions or if you want to view more detail from the liquor application.

PROPOSED MOTION:

I MOVE TO APPROVE THE MINT COUNTRY CLUB'S RENEWAL OF HOTEL & RESTAURANT LIQUOR LICENSE

ATTACHMENTS:

Liquor license renewal application and Police Department memo.

MANAGERS COMMENTS:



601 Center Circle • P.O. Box 1167 • Silverthorne, CO 80498
(970) 262-7320 • Fax (970) 262-7315

DATE: June 4, 2015
TO: Michele Miller
FROM: Officer Anne Baldwin
SUBJECT: Background check for hotel and restaurant liquor license, including malt, vinous and spirituous beverages for the Mint

The Mint has not had any liquor-related incidents this past year. Based on the background information of the Silverthorne Police Department, we do not have any objections to the approval of this liquor license.

I have verified all liquor-serving employees of the Mint have completed the required alcohol trainings.

Reviewed by

Chief of Police
Mark Hanschmidt

06-04-15
Date

**LIQUOR OR 3.2 BEER LICENSE
 RENEWAL APPLICATION**

| Fees Due | |
|--------------------------------|----------|
| Renewal Fee | \$500.00 |
| Storage Permit \$100 x _____ | _____ |
| Optional Premise \$100 x _____ | _____ |
| Related Resort \$75 x _____ | _____ |
| Amount Due/Paid | |

MINT COUNTRY CLUB THE
 PO BOX 516
 SILVERTHORNE CO 80498-0516

Make check payable to: Colorado Department of Revenue. The State may convert your check to a one-time electronic banking transaction. Your bank account may be debited as early as the same day received by the State. If converted, your check will not be returned. If your check is rejected due to insufficient or uncollected funds, the Department may collect the payment amount directly from your banking account electronically.

PLEASE VERIFY & UPDATE ALL INFORMATION BELOW

RETURN TO CITY OR COUNTY LICENSING AUTHORITY BY DUE DATE

| | | | | |
|---|---|---|------------------------------|------------------------------|
| Licensee Name MINT COUNTRY CLUB INC THE | | DBA MINT COUNTRY CLUB THE | | |
| Liquor License # 05252640000 | License Type Hotel & Restaurant (city) | Sales Tax License # 05252640000 | Expiration Date 7/15/2015 | Due Date 5/31/2015 |
| Street Address 341 BLUE RIVER SILVERTHORNE CO 80498-9999 | | | | Phone Number 970 468 5247 |
| Mailing Address PO BOX 516 SILVERTHORNE CO 80498-0516 | | | | |
| Operating Manager NANCY A. RICCI | Date of Birth 5/1/49 | Home Address 2576 DAVIDS TR., VAIL, CO | Phone Number 970 390 8653 | |

- Do you have legal possession of the premises at the street address above? YES NO
 Is the premises owned or rented? Owned Rented* *If rented, expiration date of lease 2020
- Since the date of filing of the last annual application, has there been any change in financial interest (new notes, loans, owners, etc.) or organizational structure (addition or deletion of officers, directors, managing members or general partners)? If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders, owners (other than licensed financial institutions), officers, directors, managing members, or general partners are materially interested. YES NO
NOTE TO CORPORATION, LIMITED LIABILITY COMPANY AND PARTNERSHIP APPLICANTS: If you have added or deleted any officers, directors, managing members, general partners or persons with 10% or more interest in your business, you must complete and return immediately to your Local Licensing Authority, Form DR 8177: Corporation; Limited Liability Company or Partnership Report of Changes, along with all supporting documentation and fees.
- Since the date of filing of the last annual application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been convicted of a crime? If yes, attach a detailed explanation. YES NO
- Since the date of filing of the last annual application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been denied an alcohol beverage license, had an alcohol beverage license suspended or revoked, or had interest in any entity that had an alcohol beverage license denied, suspended or revoked? If yes, attach a detailed explanation. YES NO
- Does the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) have a direct or indirect interest in any other Colorado liquor license, including loans to or from any licensee or interest in a loan to any licensee? If yes, attach a detailed explanation. YES NO
- SOLE PROPRIETORSHIPS, HUSBAND-WIFE PARTNERSHIPS AND PARTNERS IN GENERAL PARTNERSHIPS:** Each person must complete and sign the DR 4679: Affidavit – Restriction on Public Benefits (available online or by calling 303-205-2300) and attach a copy of their driver's license, state-issued ID or valid passport.

AFFIRMATION & CONSENT

I declare under penalty of perjury in the second degree that this application and all attachments are true, correct and complete to the best of my knowledge.

| | |
|--|--------------------|
| Type or Print Name of Applicant/Authorized Agent of Business Thomas J Ricci | Title PRESIDENT |
| Signature <i>TJ Ricci</i> | Date 4/14/15 |

REPORT & APPROVAL OF CITY OR COUNTY LICENSING AUTHORITY

The foregoing application has been examined and the premises, business conducted and character of the applicant are satisfactory, and we do hereby report that such license, if granted, will comply with the provisions of Title 12, Articles 46 and 47, C.R.S. **THEREFORE THIS APPLICATION IS APPROVED.**

| | |
|-------------------------------|--------|
| Local Licensing Authority For | Date |
| Signature | Title |
| | Attest |

*This page intentionally
left blank*

Town of Silverthorne
Town Council Agenda Memorandum

TO: Mayor and Town Council
THRU: Ryan Hyland, Town Manager 
Mark Leidal, AICP, Assistant Town Manager 
FROM: Matt Gennett, AICP, Planning Manager 
DATE: June 5, 2015, for the meeting of June 10, 2015
SUBJECT: Second Reading of Ordinance No. 2015-08, An Ordinance Approving a Major Amendment to the South Maryland Creek Ranch Planned Unit Development (PT2014-06)

SUMMARY: The applicant is seeking Final approval of the South Maryland Creek Ranch (SMCR) Major PUD Amendment. The most significant aspect of this request is the proposed change in density from eighty-three (83) to two-hundred and forty (240) residential units. The proposal continues to include a twenty (20) acre town park, a private lake area, and consists predominantly of single-family detached units. The proposed gross density would be equivalent to 0.57 dwelling units per acre.

PREVIOUS COUNCIL ACTION: On December 14, 2005, Town Council approved both the Annexation, and associated Annexation Agreement, and PUD zoning for South Maryland Creek Ranch (SMCR) PUD. On December 14, 2005, Town Council approved Ordinance No. 2005-17 creating the SMCR General Improvement District. A Sketch Subdivision of South Maryland Creek Ranch was approved by Town Council on November 9, 2005. The Sketch Subdivision approval has since expired due to inactivity on the Preliminary Subdivision submittal. The South Maryland Creek Ranch Minor Subdivision was approved by Town Council on June 28, 2006. On September 12, 2007, the Town Council approved the Sketch Plan for the South Maryland Creek Ranch Major PUD Modification which proposed 83 residential units on 416 acres. On November 14, 2007, the Town Council approved on first reading Ordinance No. 2007-23, an ordinance zoning 61 acres of the Maryland Creek Ranch to South Maryland Creek Ranch PUD. On November 28, 2007, the Town Council approved Ordinance No. 2007-23 on second reading, an ordinance zoning 61 acres of Maryland Creek Ranch to South Maryland Creek Ranch PUD.

Maryland Creek Ranch (MCR) Sketch Subdivision and Sketch Disturbance Permit Application (DPA) for the 416 acre property, was approved by Town Council on February 13, 2008. A Preliminary Subdivision and Preliminary DPA were approved on September 24, 2008. On June 24, 2009, Town Council re-approved the Preliminary Subdivision and DPA and granted a one-year extension to the MCR Preliminary Subdivision and DPA, extending the Preliminary approval to September 24, 2010. Staff approved a six month extension of the Preliminary Subdivision and DPA from September 24, 2010, to March 24, 2011.

On March 9, 2011, the Town Council reapproved the Preliminary Subdivision for MCR with an extended three-year effective date of approval. The reapproved Preliminary Subdivision expired on March 24, 2014.

On October 22, 2014, the Town Council approved the Fourth Amendment to the Amended and Restated Annexation and Development Agreement for SMCR, which extended certain deadlines by one year. On October 22, 2014, the Town Council approved the Second Amendment to the Amended and Restated Water Service Agreement for SMCR to extend a

Town of Silverthorne
Town Council Agenda Memorandum

deadline by one year. On October 22, 2014, the Town Council approved the Fifth Amendment to the Subdivision Improvements Agreement for SMCR to extend a deadline commensurate with the completion of required improvements.

On January 28, 2015, Council approved Minor Subdivision plats for SMCR and Ox Bow Ranch which resolved a property line location discrepancy.

On March 11, 2015, Council held a Public Hearing on the subject application at their regular meeting and continued the item to the regularly scheduled meeting of May 27, 2015. On May 27, 2015, Council approved Ordinance No. 2015-08 on First Reading by a vote of 3-1.

BACKGROUND: In December 2005, the Town annexed and zoned SMCR which then consisted of 71 single family residential units on 355 acres. On May 23, 2007, Maryland Creek Ranch, LLC, brought forward an Annexation Petition to annex an additional 61 acres. The primary purpose of this later annexation was to increase the acreage of SMCR property so that the one unit per five acre Rural Residential density would be maintained upon incorporating an additional twelve (12) units into the original SMCR PUD. In November 2007, the Town approved the annexation of an additional 61 acres concurrently with a Major PUD Amendment to zone the additional 61 acres and allow for an additional twelve (12) units of density in the SMCR PUD, which brought the total units to 83 single family units on 416 acres. On May 16, 2014, the applicants submitted the application for a Major Amendment to the SMCR PUD. On March 3, 2015, the Planning Commission forwarded a recommendation of approval to Council by a vote of 7-0.

DISCUSSION: Please see attached Staff Report.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission, by a vote of 7-0, recommends approval of the South Maryland Creek Ranch Major (SMCR) PUD Amendment, with the following conditions:

1. That the Amended and Restated Annexation and Development Agreement, and all the associated agreements outlined in this report, shall be amended to appropriately reflect and accommodate the requested increase in density, to the satisfaction of staff and prior to the public hearing of the SMCR Major PUD Amendment application before Council.
2. That Section 4.2 of the PUD Guide regarding private *Related Road Improvements* shall be removed from the PUD prior to the public hearing before Town Council pursuant to the memorandum from Public Works (Exhibit A to this report). The various PUD Guide exhibits referencing these private improvements in Town Rights-of-Way shall likewise be amended and updated to reflect this textual change.
3. That the updated comments of the SPORT Committee continue to be addressed and incorporated into the project as it proceeds forward in the development review process.

STAFF RECOMMENDATION:

Staff recommends that Condition 1, as stated above, be amended to state: "The South Maryland Creek Ranch Major PUD Amendment approval is conditioned upon the review and approval of the SMCR Development Agreement and Water Services Agreement by Town

Town of Silverthorne
Town Council Agenda Memorandum

Council". (The Planning Commission recommended conditions, and staff's recommendation, have been included in Ordinance No. 2015-08.)

PROPOSED MOTION: *"I move to approve, on Second Reading, Ordinance No. 2015-08, An Ordinance Approving a Major Amendment to the South Maryland Creek Ranch Planned Unit Development."*

PROPOSED ALTERNATIVE MOTION: No motion is necessary should the Council decide not approve Ordinance No. 2015-08 on Second Reading.

ATTACHMENTS:
Staff Report and Exhibits

MANAGER'S COMMENTS:

Town of Silverthorne, Colorado
Town Council Staff Report

From: Matt Gennett, AICP, Planning Manager *MG*
Through: Mark Leidal, AICP, Assistant Town Manager *ML*
Date: June 5, 2015, for the meeting of June 10, 2015
Subject: Second Reading of Ordinance No. 2015-08, An Ordinance Approving a Major Amendment to the South Maryland Creek Ranch Planned Unit Development (PT2014-06)

Owner/Applicant: Tom Everist, South Maryland Creek Ranch, LLC.

Proposal: The applicant is seeking Final approval of the South Maryland Creek Ranch (SMCR) Major PUD Amendment. The most significant aspect of this request is the proposed change in density from eighty-three (83) to two-hundred forty (240) residential units. The proposal continues to include a twenty (20) acre town park, a private lake area, and consists predominantly of single-family detached units. The proposed gross density would be equivalent to 0.57 dwelling units per acre. *(Please see the attached PUD Plan and Guide for further information.)*

Address: 28755 Highway 9

Legal Description: South Maryland Creek Ranch – First Amendment.

Site Area: 416 acres

Zone District: PUD

Site Conditions: Of the 416 acres included in the Major PUD Amendment request, a portion is currently being use by Everist Materials for their gravel operation. The remainder of the land is undeveloped property, primarily made up of a wooded hillside leading up to the National Forest.

Adjacent Uses: North: Remainder of the Maryland Creek Ranch property
South: US Forest Service property
East: Oxbow Ranch and Highway 9
West: US Forest Service property

PREVIOUS COUNCIL ACTION: On December 14, 2005, Town Council approved both the Annexation, and associated Annexation Agreement, and PUD zoning for South Maryland Creek Ranch (SMCR) PUD. On December 14, 2005, Town Council approved Ordinance No. 2005-17 creating the SMCR General Improvement District. A Sketch Subdivision of South Maryland Creek Ranch was approved by Town Council on November

Town of Silverthorne, Colorado
Town Council Staff Report

9, 2005. The South Maryland Creek Ranch Minor Subdivision was approved by Town Council on June 28, 2006. On September 12, 2007, the Town Council approved the Sketch Plan for the South Maryland Creek Ranch Major PUD Modification which proposed 83 residential units on 416 acres. On November 14, 2007, the Town Council approved on first reading Ordinance No. 2007-23, an ordinance zoning 61 acres of the Maryland Creek Ranch to South Maryland Creek Ranch PUD. On November 28, 2007, the Town Council approved Ordinance No. 2007-23 on second reading, an ordinance zoning 61 acres of Maryland Creek Ranch to South Maryland Creek Ranch PUD.

Maryland Creek Ranch (MCR) Sketch Subdivision and Sketch Disturbance Permit Application (DPA) for the 416 acre property, was approved by Town Council on February 13, 2008. A Preliminary Subdivision and Preliminary DPA were approved on September 24, 2008. On June 24, 2009, Town Council re-approved the Preliminary Subdivision and DPA and granted a one-year extension to the MCR Preliminary Subdivision and DPA, extending the Preliminary approval to September 24, 2010. Staff approved a six month extension of the Preliminary Subdivision and DPA from September 24, 2010, to March 24, 2011.

On March 9, 2011, the Town Council reapproved the Preliminary Subdivision for MCR with an extended three-year effective date of approval. The reapproved Preliminary Subdivision expired on March 24, 2014.

On October 22, 2014, the Town Council approved the Fourth Amendment to the Amended and Restated Annexation and Development Agreement for SMCR, which extended certain deadlines by one year. On October 22, 2014, the Town Council approved the Second Amendment to the Amended and Restated Water Service Agreement for SMCR to extend a deadline by one year. On October 22, 2014, the Town Council approved the Fifth Amendment to the Subdivision Improvements Agreement for SMCR to extend a deadline commensurate with the completion of required improvements.

On January 28, 2015, Council approved Minor Subdivision plats for SMCR and Ox Bow Ranch which resolved a property line location discrepancy.

On March 11, 2015, Council held a Public Hearing on the subject application at their regular meeting and continued the item to the regularly scheduled meeting of May 27, 2015. On May 27, 2015, Council approved Ordinance No. 2015-08 on First Reading by a vote of 3-1.

BACKGROUND: In December 2005, the Town annexed and zoned SMCR which then consisted of 71 single family residential units on 355 acres. On May 23, 2007, Maryland Creek Ranch, LLC, brought forward an Annexation Petition to annex an additional 61 acres. The primary purpose of this later annexation was to increase the acreage of SMCR property so that the one unit per five acre Rural Residential density would be maintained upon incorporating an additional twelve (12) units into the original SMCR PUD. In November 2007, the Town approved the annexation of an additional 61 acres concurrently with a Major PUD Amendment to zone the additional 61 acres and allow for an additional

Town of Silverthorne, Colorado
Town Council Staff Report

family units on 416 acres. On March 3, 2015, the Planning Commission forwarded a recommendation of approval to Council by a vote of 7-0.

EFFECTIVE APPROVAL DOCUMENTS: The following section provides a comprehensive list of approved plans, plats, agreements, and corresponding implementing documents that remain in effect for the SMCR PUD. The terms and conditions of all the agreements listed below shall remain in effect moving forward to the public hearing before Council, at which time a renegotiated Development Agreement, and all the associated agreements, will be presented for Council's consideration. Business points, important milestones and public improvements completed to-date are highlighted underneath each item in the list.

• **Annexation & Development Agreement**

▪ History:

- Council first entered into the Annexation and Development Agreement with Maryland Creek Ranch, LLC, on December 14, 2005
- On November 28, 2007, Council approved the Amended and Restated Annexation and Development Agreement with the annexation of an additional 61 acres to the PUD
- A First Amendment to the Amended and Restated Annexation and Development Agreement was approved by Council on November 10, 2009
- Council approved a Second Amendment to the Amended and Restated Annexation and Development Agreement on November 9, 2011
- The Third Amendment to the Amended and Restated Annexation and Development Agreement was approved on December 12, 2012
- The Fourth Amendment to the Amended and Restated Annexation and Development Agreement was approved on October 22, 2014

▪ Essentials:

- Fiscal Impact Analysis: Residential development must pay for the costs it generates
- 2% RETA
- \$100,000 toward the Pavilion
- \$500,000 toward a new P.W. facility
- 8 Units of Affordable Housing in Solarado
- \$1.2 million toward the trail
- 20 acre public park and vertical improvements
- Entry monument sign
- Sewer opportunity fee

• **Planned Unit Development (PUD) Development Final Plan**

▪ History:

- First approved with annexation on December 15, 2005
- Major PUD Amendment approved on November 28, 2007

Town of Silverthorne, Colorado
Town Council Staff Report

- Essentials:
 - Establishes Zoning Standards such as -
 - Permitted uses, building heights, densities, and setbacks
 - Architectural control
 - Sets forth allowed designs, materials, and color palette
 - Roads Design
 - Public Park Design

- **Preliminary Subdivision**
 - History:
 - Extended approval expired on March 24, 2014 (please see Previous Council Action for detailed chronology)
 - Essentials:
 - Geotechnical investigations and reports
 - Soils reports and studies
 - Inclinometers & Dosimeters installed and monitored
 - Road layout
 - Water & sewer lines installed
 - Bridge infrastructure installed

- **General Improvement District (GID)**
 - History:
 - On December 14, 2005, Ordinance Nos. 2005-17 and 2005-18 were approved on second reading thereby allowing for the GID to be set up and a ballot question floated to fund the services and functions of the GID
 - On January 9, 2008, Ordinance No. 2008-1 was passed by the GID Board thereby including the additional 61 acres annexed into the SMCR PUD as part of the General Improvement District boundary
 - Essentials:
 - Set up to pay for the services provided to SMCR
 - A maximum of 30 mils was assumed
 - 15-18 mils anticipated to cover costs
 - GID controlled by Council, not a separate board

- **Water Service Agreement**
 - History:
 - Tracks with the Annexation and Development Agreement
 - Current version is the Second Amendment to the Amended and Restated Water Service Agreement approved on October 22, 2014, which extended a deadline by one year
 - First Amendment to the Amended and Restated Water Service Agreement approved on November 14, 2012, which allowed a two-year extension on changes to water rights decreed to the Maryland No. 2 Ditch and the McKay Ditch
 - Essentials:

Town of Silverthorne, Colorado
Town Council Staff Report

- Senior water rights allocated to the Town
- Water usage – park

• **Comprehensive Plan**

▪ History:

- The original annexation and zoning of SMCR was based upon its adherence to the nine site-specific criteria from the previous version of the Comprehensive Plan, cited below

▪ Essentials:

- Major PUD Amendment approved in November 2007 based upon its conformance to the Comp Plan using these nine site-specific design criteria:
 - Preserve rural ranch open character
 - Preserve views of Gore Range from Highway 9
 - Low density, rural residential (1 DU per 5 acres)
 - Cluster development in areas not visible from Highway 9
 - Avoid ridgeline and steep slope development
 - Expand and enhance gateway to Silverthorne and the Lower Blue Valley
 - Enhance parks, trails, and open space in accordance with the Town Park, Trails and Open Space Plan
 - Preserve existing vegetation
 - Sensitive to wildlife impacts

STAFF COMMENTS:

In accordance with Town Code Section 4-1-22, a PUD Major Amendment requires a Pre-application meeting and Final PUD Plan review process. Section 4-4-14(g)(3) sets forth the criteria for approval of a Final PUD Plan, which are: *a) Consistency with the Comprehensive Plan and other Town master plans and standards; and, b) Consistency with Chapter 4 of the Town Code and other applicable standards established by the Town.* The PUD Guide shall include but not be limited to proposed land uses, densities, setbacks, building heights, lot coverages, parking requirements, landscaping requirements, and architectural standards. The Final PUD Plan and Guide (Exhibit C) has been found by staff to contain sufficient information and details related to the type, intensity, and density of the proposed residential development.

Comprehensive Plan Conformance:

The current version of the Comprehensive Plan is the 2014 Comprehensive Plan Update and contains language that is similar to the previous version of the plan, but is less specific regarding desired densities as one travels outward from the Town Core. As listed earlier in this memorandum, the last Major Amendment to the SMCR PUD occurred in 2007 and was structured in a manner that ensured conformance to the previous policy guideline (contained in *Appendix A: Three-Mile Plan*) of maintaining an overall density of one unit per five acres. *Appendix A* of the previous Comprehensive Plan has since been updated to reflect the annexation of the portion of Maryland Creek Ranch now known as South Maryland Creek Ranch, and the density numbers (one unit per five acres) have been

Town of Silverthorne, Colorado
Town Council Staff Report

removed. The pertinent language from the 2014 Comprehensive Plan Update is contained in Land Use Policy 3.1, which reads as follows:

“Focus highest density residential development within and radiating outward from Silverthorne’s Town Core, transitioning to medium and lower density neighborhoods to the north and east, eventually promoting a buffer of the lowest density, largest lot residential areas abutting the private agricultural and public lands that surround the town.” (2014 Comprehensive Plan Update, p.28)

The language from *Appendix A: Three-Mile Plan* in the 2014 Comprehensive Plan Update that refers to the Maryland Creek Ranch property has been revised to read as follows:

Area 6: Maryland Creek Ranch:

Description *The Maryland Creek Ranch is located north of South Maryland Creek Ranch Subdivision and west of SH 9.*

Land Uses *The parcel is approximately 656 acres and is presently zoned A-1 (Agriculture) by Summit County. Currently, a portion of the site is used for gravel extraction. If annexed this parcel should be zoned PUD. A PUD would allow for flexibility in the development plans to permit clustered units to avoid steep slopes and ridgelines and to maintain valuable vegetation and reduce visual impacts. Development should be sensitive to its visual and wildlife impacts. If annexed, applicant shall utilize sensitive site design techniques including but not limited to the following:*

- Preservation of rural ranch and open character*
- Preservation of views of Gore Range from SH 9*
- Low density, rural residential*
- Cluster development in areas not visible from SH 9*
- Avoidance of ridgeline and steep slope development*
- Expansion and enhancement of the gateway to Silverthorne and the Lower Blue River Valley*
- Enhancement of Parks, Open Space, and Trails in accordance with the Town’s Park, Trails and Open Space Master Plan*
- Preservation of existing vegetation*
- Sensitivity to wildlife impacts*

Transportation

The primary road system utilized to service this area would be SH 9, which lies adjacent to the parcel. No additional roads would be required, except for local streets that would be associated with any future development of the parcel. (2014 Comprehensive Plan Update, p. A6)

The Comprehensive Plan language excerpted above still contains the nine site design criteria, including the “low density, rural residential” characteristic, but does not specify or define numerically this designation. The application does reflect distinct adherence to the principles of clustering development in areas not visible from Highway 9, and avoiding steep slopes and ridgelines. Additionally, the Three-Mile Plan only applies to areas on the

Town of Silverthorne, Colorado
Town Council Staff Report

periphery of the Town and is contemplative of desirable design attributes should these lands eventually be annexed into the Town at some point in the future.

Staff finds the applicant's proposal to be in conformance with the purpose, intent, and applicable language of the 2014 Comprehensive Plan Update.

Proposed PUD Amendment:

The new PUD Guide breaks the property into three different categories of residential development Planning Areas: *1A: Estate*, *1B: Low Density*, and *1C: Conservation Residential*. *Planning Area 1A* is programmed to be comprised of large lots that have a minimum parcel size of at least .75 acres, or 32,670 sq. ft., and will contain a maximum density of thirty-five (35) dwelling units. *Planning Area 1B* will be made up of lots that have a minimum parcel size of .30 acres, or 13,000 sq. ft., and will have a maximum density of one-hundred and fifty (150) dwelling units. *Planning Area 1C* is planned to contain footprint homes that are clustered together to optimize the conservation of open space and will build out to a maximum density of seventy-four (74) dwelling units. The sum of the total number of dwelling units for these three planning areas shall not exceed two-hundred and forty (240) dwelling units.

Planning Area 1D, Community Center, will contain the private amenities for the development including a pool, clubhouse and gym facilities. *Planning Area 2, Town Park*, will be a twenty (20) acre public park dedicated to the Town of Silverthorne and is detailed in Exhibit F of the application binder. *Planning Area 3, Private Lake Area*, is planned primarily for open space, landscaping, and recreational activities related to the use of the lake. *Planning Area 4, the Nature Preserve*, is slated for open space, trails, and passive recreational uses. *Planning Area 5, the Meadow*, is being planned as an open space area without any specific uses other than landscaping and maintenance of the landscaping.

Staff finds the application for a Major Amendment to the SMCR PUD is consistent with the applicable sections of Chapter 4 of the Town Code.

Density – With the approval of the proposed PUD amendment for an additional 157 dwelling units, the overall gross density of the SMCR project equates to 0.57 dwelling units per acre. Any additional density approved under the proposed PUD Amendment will not guarantee that all of the permissible density will be fully realized when the property is subdivided. The applicant will still have to process Preliminary and Final Subdivision applications in accordance with the residential subdivision requirements and all of the density permitted under the PUD zoning may not be attained.

PUD Exhibits – As noted in the review comments from the Public Works Department (Exhibit A), the PUD Guide binder (Exhibit C) provided by the applicant contains many supplemental, informational exhibits that are intended for illustrative purposes as this is an initial, conceptual stage of design. The only exception is the PUD Guide itself, which is Exhibit B-1 to the PUD Guide contained in Exhibit C to this report. Many of the exhibits, including the Trails and Conceptual Park Plans (Exhibits D and F to the PUD Guide, respectively), contain details that are subject to change as the development proposal

Town of Silverthorne, Colorado
Town Council Staff Report

continues through the review process and onto the Preliminary Plan stage. A Fiscal Impact Analysis, Wildlife Report, Traffic Impact Study, and Geological Analysis are included in Exhibit C to this report in compliance with Town Code Section 4-4-14(g)(7).

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission, by a vote of 7-0, recommends approval of the South Maryland Creek Ranch Major PUD Amendment, with the following conditions:

1. That the Amended and Restated Annexation and Development Agreement, and all the associated agreements outlined in this report, shall be amended to appropriately reflect and accommodate the requested increase in density, to the satisfaction of staff and prior to the public hearing of the South Maryland Creek Ranch Major PUD Amendment application before Council.
2. That Section 4.2 of the PUD Guide regarding private *Related Road Improvements* shall be removed from the PUD prior to the public hearing before Town Council pursuant to the memorandum from Public Works (Exhibit A to this report). The various PUD Guide exhibits referencing these private improvements in Town Rights-of-Way shall likewise be amended and updated to reflect this textual change.
3. That the updated comments of the SPORT Committee continue to be addressed and incorporated into the project as it proceeds forward in the development review process.

STAFF RECOMMENDATION:

Staff recommends that Condition 1, as stated above, be amended to state: "The South Maryland Creek Ranch Major PUD Amendment approval is conditioned upon the review and approval of the SMCR Development Agreement and Water Services Agreement by Town Council". (The Planning Commission recommended conditions, and staff's recommendation, have been included in Ordinance No. 2015-08.)

Proposed Motion: *"I move to approve, on Second Reading, Ordinance No. 2015-08, An Ordinance Approving a Major Amendment to the South Maryland Creek Ranch Planned Unit Development."*

Proposed Alternative Motion: No motion is necessary should Council decide not to approve Ordinance No. 2015-08 on Second Reading..

EXHIBITS:

- Exhibit A: Public Works/Engineering memo dated 2/25/15
- Exhibit B: Referral agency comments
- Exhibit C: Application binder
- Exhibit D: Updated traffic analysis
- Exhibit E: Friends of the Lower Blue River comments dated 3/01/15
- Exhibit F: Town Council Meeting Minutes from March 11, 2015
- Exhibit G: Written public comment
- Exhibit H: Ordinance No. 2015-08
- Exhibit I: Letter from the applicant dated May 21, 2015

TO: Matt Gennett, Planning Manager
FROM: Bill Linfield, Public Works Director and Dan Gietzen, Town Engineer
DATE: February 25, 2015
SUBJ: Public Works Engineering comments on South Maryland Creek Ranch, Major Amendment to the existing Planned Unit Development (PUD):

Public Works has no objections to the zoning, land uses and densities proposed within the SMCR PUD dated December 16, 2014.

Our only significant concern with the PUD as written relates to the inclusion and approval of proposed private improvements to be located in public right-of-way (ROW). These improvements, referred to in the PUD as "Related Road Improvements" include things such as private water features, fencing, sculptures, decorative rock, landscaping and irrigation, among other things. These are all very general, broad terms for things that could be small or big, few or many, benign or problematic for Public Works. Additionally, we have not yet seen engineering plans and thus we cannot have true sense of how these unknowns will fit into the big picture and overall design, and what potential impacts might arise.

Public Works appreciates the Applicant's desire to cover as many items as possible during the PUD process, but we feel that the PUD a premature place for the Town to agree to obligate portions of right-of-way for these private improvements. There are many unknowns that will remain as such until design and reviews progress, and approval of this in the PUD could preclude the Town from denying any future proposals, should we have issues with them, once we finally do see more details.

The priority for ROW is for public roads, snow, utilities, drainage and other operational needs. Town standards, by default, prohibit placement of private improvements in the ROW. This said, exceptions are occasionally made, and private improvements have been allowed on site specific, case-by-case basis via License Agreements, which are allowed by the Town Charter. The Three Peaks entry monument at North Golden Eagle Road as well as on street parking and sod placement in ROW within Angler Mountain Ranch are a few past examples of how these have worked well.

In summary, Public Works feels that the topic of sharing ROW should be done on a case by case and at site specific locations once we have better design information as well as the chance to visit the actual physical location(s). The possibility of allowing private improvements within portions of the ROW should be addressed by site specific License Agreements which would memorialize the terms and the details. The PUD should focus on the project zoning. Site plan related issues like this one, are premature for and do not belong in the PUD.

Staff recommendation: Public Works Department recommends approval of the PUD, to be amended to remove text related to private Related Road Improvements to be located in the Town right-of-way.

TO: Matt Gennett, Planning Manager
Community Development Department, Town of Silverthorne

FROM: SPORT Committee
Joanne Cook, Recreation & Culture Director

DATE: February 3, 2015

SUBJECT: South Maryland Creek Ranch Major PUD Amendment

Thank you for the opportunity to comment on the South Maryland Creek Ranch Major PUD Amendment. On behalf of the SPORT Committee, I am writing this referral letter as it relates to the goals and objectives of the Town of Silverthorne's Parks, Open Space, and Trails (POST) Master Plan. SPORT Committee discussed the South Maryland Creek Ranch Major PUD Amendment at the January 15, 2015 and February 19, 2015 SPORT meetings.

The SPORT Committee would like to add the following comments to their previously submitted comments via a referral letter dated July 11, 2014:

1. The committee is pleased that the additional parking is now included at the Maryland Creek Trail access point to the National Forest. (This is especially welcomed for winter access to the National Forest and Gore Range.)
2. The committee would like the types of trails and their uses more clearly defined on the plans:
 - Forest Service Trail to the National Forest and Gore Range Trail
 - Silverthorne Loop Trail
 - Internal Trails to the M. C. Development
3. The committee would like the proposed trail, that is intended to connect to existing trails at north Eagles Nest/ Three Peaks to be on SMCR property. When the trail is constructed within the SMCR boundary, the committee would like these Silverthorne Loop trails to be dedicated to the Town via an easement. This recommendation is made due to the fact that the USFS is not currently adding new trails to its inventory, therefore making the previous proposed alignment infeasible.
4. Lastly, the committee would like the Silverthorne Loop Trail concept from the POST Master Plan incorporated in trail alignment decision making.

Thank you for the opportunity to make comments on the South Maryland Creek Ranch Major PUD Amendment. If desired, the SPORT Committee is available to meet and discuss these recommendations with Applicant.

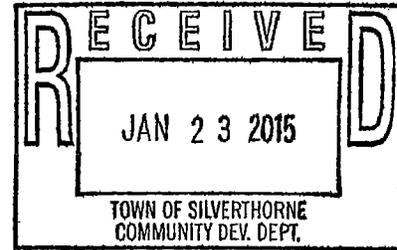


COLORADO

Parks and Wildlife

Department of Natural Resources

Hot Sulphur Springs Service Center
PO BOX 216 | 346 Grand County Road 362
Hot Sulphur Springs, Colorado 80451
P 970.725.6200 | F 970.725.6217



Matt Gennett
Senior Planner
Town of Silverthorne
P.O. Box 1309
Silverthorne, CO 80498

RE: South Maryland Creek Ranch PUD Amendment

Dear Mr. Gennett,

Thank you for the opportunity to comment on the amendment to the South Maryland Creek Ranch (SMCR) PUD and the 2014 SMCR Wildlife Impact and Mitigation Report. Colorado Parks and Wildlife (CPW) staff met with the applicant and their consultants on October 10, 2014 to discuss wildlife issues and visit the project site. The 2014 Wildlife Impacts and Mitigation Report (WIMR) reflects the discussions and did a very good job of following the CPW's recommendations.

CPW has a statutory responsibility to manage all wildlife species in Colorado; this responsibility is embraced and fulfilled through CPW's mission to protect, preserve, enhance, and manage the wildlife of Colorado for the use, benefit, and enjoyment of the people of the State and its visitors. CPW encourages the South Maryland Creek Ranch and Town of Silverthorne Planning Department to afford the highest protection for Colorado's wildlife species and habitats. CPW has reviewed the proposal and would like to offer the following comments on potential impacts to wildlife.

The SMCR property is approximately 416 acres, and has been proposed for a combination of residential development and open space. The proposal request is to amend the 2007 PUD from a proposal of 140 acres divided into 83 residential lots, to 166 acres divided into 260 residential lots/units. The 2014 amendment slightly increases the total area of lot development, but has been modified to increase clustering of development and minimize the disturbance envelope on each lot to make the overall PUD more wildlife friendly.

The property falls within summer range, overall range and migration area for mule deer; summer range, production area, winter range and overall range for elk; concentration area, summer range and overall range for moose; summer concentration area and overall range for black bear; overall range for mountain lion; and summer and winter forage area for bald eagles. Development of this property would contribute to overall human disturbance and fragmentation in Summit County, and will negatively impact local wildlife that inhabit and move through the SMCR and surrounding areas.



The property is heavily utilized by local elk for winter range, summer range, and calving (production) areas. Calving areas are critical habitat for elk as they are typically areas that provide forage, water and seclusion areas in close proximity during spring and summer months. These calving grounds are well established, and elk return the same areas each year. Development within these production areas may cause a shift in use to less suitable habitat, and may reduce the overall carrying capacity of the elk herd. The wildlife habitat west along the Highway 9 corridor north of I-70 has been heavily developed all the way up to the proposed SMCR PUD, which is located within current winter range for elk. High density development may also cause displacement of local elk during winter months, and increase the pressure on adjacent winter range to the north. The displacement of elk may also cause an increase in game damage on neighboring properties.

The 2014 WIMR includes mitigation measures to maintain three movement corridors for wildlife within the PUD. The mitigation measures include three span bridges (15' high by 40' wide) to allow for wildlife movement beneath roads; speed limits below 25 mph to reduce potential animal-vehicle collisions; clustering of home sites and designated building envelopes to minimize lot disturbance and maintain natural open space "buffers" to allow for wildlife movement through the PUD; use of native plants for landscaping; and wildlife-friendly fencing (no barbed wire or open mesh) requirements through the Home Owner's Association (HOA). CPW supports these mitigation measures to help reduce negative impacts to wildlife. Additional resources for fencing and wildlife can be found on our website at:

<http://cpw.state.co.us/Documents/LandWater/PrivateLandPrograms/FencingWithWildlifeInMind.pdf>

Currently and historically, lands adjacent to SMCR have been important areas for hunting opportunity and harvest of primarily of elk and deer, as well as moose and bear. Residential development of SMCR may create a refuge for some species, hindering the ability to hunt the surrounding areas and achieve harvest both on the private and adjacent public lands. This has occurred in neighboring subdivisions to the south (Ruby Ranch and Willowbrook subdivisions). Hunter harvest is important to maintain healthy populations and reduce human conflict with wildlife, including road kill and nuisance issues. The amended proposal includes a trailhead with public parking, and a public hiking trail through the PUD to access adjacent US Forest Service (USFS) property. CPW supports this public access to USFS lands behind SMCR, which will facilitate future hunting in the area. This will help achieve harvest goals for elk, deer, moose and bear, and potentially reduce wildlife conflict in the PUD.

The close proximity of public land to SMCR provides residents with many recreational opportunities in addition to hunting. The CPW's recommendations for the designated trails to

access the public land behind SMCR were well addressed in the new draft PUD. CPW recommends that SMCR, the Town of Silverthorne, and the USFS continue to work together to minimize the development of social trails on the private property and adjacent USFS lands.

SMCR is located within black bear habitat. Human food sources associated with residential areas including garbage, pet food, barbeque grills, and birdfeeders can attract black bears, as well as coyotes, foxes, raccoons and other unwanted wildlife. Conflicts between residents and bears will occur if steps are not taken to reduce attractants to bears around home sites within SMCR, and conflicts will be intensified with the high density of units/lots in the current proposal.

The 2014 WIMR includes establishment of a Bear Protection Ordinance withing the SMCR HOA. These mitigation measures include prohibited feeding of wildlife; restricted bird feeders (April-November); required bear-proof trash receptacles; overnight garbage storage restrictions; maintaining clean grills; no fruit trees allowed on properties, and no composting. CPW supports all of these mitigation measures, and recommends that all new housing developments in Summit County require bear-resistant trash cans and dumpsters and establish HOA trash ordinances to avoid attracting bears and coyotes into the vicinity. Residents should plan on educating themselves with information provided by CPW. Additional resources and brochures about local wildlife species can be found on our website at:

<http://wildlife.state.co.us/WildlifeSpecies/LivingWithWildlife/Pages/LivingWith.aspx>

Pets can have a negative impact on local wildlife. Moose move through the SMCR area year round, and are sighted frequently. Moose react to dogs as they would to wolves, and do not run from dogs but may defend themselves and attack if provoked. Dogs that bark at, chase or harass moose can create a dangerous situation for both pets and humans. Both dogs and cats can chase, harass and kill other wildlife including fawns, calves, small mammals and songbirds. Pets also can be attractants for predators such as mountain lions and coyotes, both of which are present in the proposed area. The high density of units in the current SMCR proposal will increase the number of pets in the area significantly, and will negatively affect wildlife species in the area.

The WIMR mitigation measures include establishment of HOA restrictions that require the following: a leash law (no free roaming pets); pens, kennels or runs for outdoor pets (using wildlife-friendly fencing); no bee hives; and no livestock. A public dog park is to be established as part of the PUD, and the HOA will educate residents on how pets can impact wildlife, and encourage use of the dog park. CPW supports these mitigation measures to reduce impacts to wildlife.

The applicant has provided for wetland buffers which protect wetland areas which have high wildlife value because they serve as resting, nesting, feeding, and movement areas for many wildlife species. Wetlands are a vital component of the ecosystem, providing a natural filtration system to maintain water quality, retaining water during periods of drought, acting as a buffer to flooding during periods of high water, reducing erosion, and providing critical habitat for wildlife, particularly migratory birds. Summit County is dedicated to conserving and protecting wetlands and their functions. CPW recommends maintaining the maximum possible buffers around the wetlands for all development, including building sites, roads and trails, to reduce overall impacts. SMCR has done a very good job of following CPW's recommendations in the new draft PUD. CPW also supports the installation of educational signs and enforcement of leash requirements for pets throughout the subdivision (including open spaces, roads and trails) to educate residents and further protect the wetlands.

CPW remains concerned about the high density of residential units in the current proposal. While the SMCR property has historically endured some disturbance from agricultural activities, gravel extraction, and occasional traffic on the existing roads, the current proposed PUD would introduce significantly higher levels of disturbance to wildlife. Development of additional residential lots at this higher density, the infrastructure associated with a new subdivision, new road construction and maintenance, an increased number of pets in the subdivision, trail development and increased year-round human activity and recreational use of the SMCR property and surrounding national forest areas will contribute to the cumulative negative impacts to wildlife in the heavily recreated area of Silverthorne. Such development will degrade the existing habitat, and contribute to further fragmentation and displacement of wildlife that is highly valued by the community of Silverthorne and Summit County.

The 2014 WIMR addresses some of these issues through clustering, minimal building envelopes on each lot, bear-proof trash requirements, pet control and fencing specifications. CPW supports all of these as part of the homeowner/renter regulations to minimize negative impacts to wildlife, but also recommends reducing the total density of units if at all possible.

Colorado Parks and Wildlife (CPW) appreciates the opportunity to be actively involved throughout this planning process, and would be happy to further discuss these wildlife issues and recommendations with SMCR and the Town of Silverthorne. If you have any questions, please contact me at 970-485-2922.

Sincerely,



Tom Davies
District Wildlife Manager, Summit County

- CC: Ron Velarde-Regional Manager (CPW)
Lyle Sidener-Area Wildlife Manager (CPW)
Elissa Knox - District Wildlife Manager (CPW)
Kirk Oldham- Wildlife Biologist (CPW)
Michelle Cowardin- Wildlife Biologist (CPW)

COLORADO GEOLOGICAL SURVEY

1500 Illinois St.
Golden, Colorado 80401
(303) 384-2655



July 7, 2014

Karen Berry
Acting State Geologist

Matt Gennett
Planning Department
Town of Silverthorne
601 Center Circle
Silverthorne, CO 80498

Location:
Sections 22, 23, 26 and 27 ;
T4S, R78W of the 6th P.M.

Subject: South Maryland Creek Ranch – PUD Major Amendment
Project No. PT2014-6; Town of Silverthorne, Summit County, CO; CGS Unique No. SU-14-0003

Dear Mr. Gennett:

Colorado Geological Survey has completed its site visit and review of the above-referenced South Maryland Creek Ranch PUD Major Amendment submittal. With this referral, I received PUD Planning Areas Exhibit B-1 (May 16, 2014), a Community Plan (Norris Design, May 8, 2014), and Final Engineering Geology and Geotechnical Recommendations (figures omitted, Wright Water Engineers, February 2008.) CGS has reviewed this site previously. Our most recent comments were presented in a letter dated September 11, 2008, and summarized the following action items required to address slope stability concerns:

1. "The 1.5 Factor of Safety setback line (fully dimensioned) and a note that no disturbance will occur within the setback will be included on the plat. It would be helpful to note that the line denotes a geologic hazard, so that the future property owners and Town staff are aware of the purpose of the setback." **It is not clear from the lot layout shown on the Community Plan that the 1.5 factor of safety steep slope setback has been correctly incorporated into the current development plans.**
 - The applicant or the applicant's engineer needs to show the currently proposed planning areas and lot layout as fully dimensioned figures relative to WWE's "Building Setback from Steep Slope Required for Minimum Factor of Safety =1.5" line, as shown on Sheet 1 of WWE's "South Maryland Creek Ranch Revised Slump Feature Locations" report, dated August 20, 2008.
 - No lots should be located on or below WWE's setback line.
2. "The Covenants will be revised to include the following:"
 - 2a) "Prohibit land disturbances in scarp and toe areas." **Again, it is not clear from the lot layout shown on the Community Plan that the current development plans avoid WWE's 2008 mapped slump features.**
 - CGS strongly recommends that the applicant provide updated mapping of landslide features (slumps, scarps, tension fractures, pressure ridges, toe bulges, seeps, etc.) to identify any additional slope movement-related features that have developed over the past six years.

- The applicant or the applicant's engineer needs to show the currently proposed planning areas and lot layout as fully dimensioned plans relative to relative to this updated mapping and WWE's mapped and inferred slump features, as shown on Sheet 1 of WWE's "South Maryland Creek Ranch Revised Slump Feature Locations" report, dated August 20, 2008.
 - Building envelopes must specifically exclude slope movement-related features and potential landslide scarp and toe areas.
- 2b) "Require that all final engineering, geotechnical, geologic reports, and referral agency review documents, are keep on record and are available for public inspection." **This requirement remains valid.**
- 2c) "Grading, slope stability analyses, soil and foundation investigations are required prior to land disturbances or issuance of building permits. As-built plans and engineering certifications shall be required prior to issuance of a certificate of occupancy or release of any permits. The town will enforce all engineering, geotechnical, drainage, utility, and geologic hazard related covenants. All such covenants cannot be changed by the homeowner's association without approval of the Town." **This requirement remains valid.**
3. "Construction and maintenance plans for underdrains, including cleanouts, daylight points, and easements shall be submitted." **This requirement remains valid. However, I have several additional questions and recommendations:**
- Has it been determined who will be responsible for inspection, maintenance, repairs, and costs associated with the underdrain system(s): the town, the HOA, or another entity? If responsibility is assigned to the HOA, who would be responsible for the system in the unlikely event that the HOA dissolves?
 - The underdrain system construction and maintenance plans must include an operations manual describing, at a minimum:
 - why the system was constructed and how it works,
 - an as-built map of the system, clearly indicating the location, relative to surface features, of every conduit, cleanout, collection and discharge/daylight point, easement, and all other components of the system,
 - clear instructions on how (and whom to call) to inspect, maintain and repair the system,
 - clear instructions on how to identify malfunctions, and whom to call in the event of malfunction or failure, and
 - clear instructions regarding how to estimate (and therefore levy assessments and budget for) expenses associated with inspection, maintenance and repairs of the system.
 - This document should be recorded with the plat, to ensure that thorough, accurate information about the underdrain system is available to the responsible entity (the town, water/sewer/stormwater district, HOA board and management company, or other party) in perpetuity.
4. "Updated scarp/toe/building envelope diagram shall be submitted." **See 2a) above.**
5. "Construction plans for lined detention ponds 7, 8, and 13, the location of which is shown on the February 19, 2008 Master Drainage Plan." **This requirement remains valid.**
6. "The geotechnical engineer and geologist will review all civil engineering plans at each phase of development (this may be a condition of approval)." **This requirement remains valid.**

Matt Gennett
July 7, 2014
Page 3 of 3

7. "The proposed community center next to Vendette Creek will be evaluated in subsequent phasing."
This requirement remains valid.

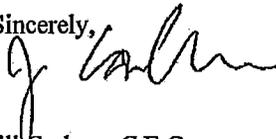
Water and sewer pipelines. I have serious concerns about the integrity of the water and sewer pipelines traversing this site. The Town and applicant should be aware that a broken water or sewer line will introduce significant water to the soils on this site, potentially causing a decrease in soil strength and stability, and triggering or accelerating slope movement. The water system should be charged very carefully, and monitored for water losses and any decrease in pressure that could indicate a broken pipeline.

Piezometer and inclinometer readings. It was CGS's understanding in 2008 that the existing piezometers and inclinometers would continue to be monitored. CGS would like to review updated piezometer and inclinometer readings, to help characterize slope movement activity, failure surface depth, water levels, etc.

If all of these items are adequately addressed, all engineering and geologic hazard recommendations are followed, and all mitigation measures are properly constructed and maintained, then the applicant has reasonably addressed the concerns expressed by CGS. It remains critical that the recommendations are followed and that highly qualified geotechnical engineers and geologists, with experience in slope stability concerns, remain actively involved with the project throughout all stages of development. As stated before, the development is located on a large landslide with continued risks of renewed slope movement. Developing such areas is not without continued risk.

Thank you for the opportunity to review and comment on this project. If you have questions, please call me at (303) 384-2643, or e-mail carlson@mines.edu.

Sincerely,



Jill Carlson, C.E.G.
Engineering Geologist



PLANNING DEPARTMENT

970-668-4200
fax 970-668-4225
Post Office Box 5660
0037 SCR 1005, Peak One Dr.
Frisco, Colorado 80443

July 7, 2014

Matt Gennett, AICP
Town of Silverthorne
Via email: mgennett@silverthorne.org

**RE: Referral Comments: Maryland Creek Ranch:
Proposed Major PUD Amendment/Comprehensive Plan Amendment**

Dear Matt:

Thank you for allowing Summit County to review and comment on the above listed development proposal to increase the density of the Maryland Creek Ranch PUD from 82 units to 240 units, and to amend related language in the Town of Silverthorne Comprehensive Plan.

Summit County would first like to clarify that the language used in the development proposal materials mistakenly describes the County Lower Blue Master Plan Rural Residential land use designation several times within the document. The Lower Blue Master Plan designates the properties located adjacent to the Maryland Creek Ranch within unincorporated Summit County as Rural Residential, which allows a **maximum** density of one unit per 20 acres, or one unit per 17.5 acres if subdivided through the County's Rural Land Use Subdivision Regulations. This is a substantial difference from the "maximum of one unit per 5 acres", which is inaccurately stated by the applicant. The Rural Residential designation is described on pages 12-13 of the 2010 Lower Blue Master Plan, which has been attached for your reference.

Density and Transition to the Rural Area of the Lower Blue Basin and the White River National Forest

The surrounding County properties are large acreage parcels intended for agricultural uses having a maximum density of one unit per 20 acres. The lands adjacent to the west of the Maryland Creek Ranch are US Forest Service lands, which then transition into the Eagle's Nest Wilderness. The proposed increase in density for the Maryland Creek Ranch site would result in a residential development of 0.58 units per acre (or 1 unit per 1.72 acres), directly abutting unincorporated County land with a maximum permitted density of one unit per 20 acres, and immediately adjacent to undeveloped public National Forest System lands. The proposed development plan shows that the residential units would be clustered on the south side of the property, with an open space area buffering the development from adjacent County land to the north. The County supports the applicant's proposal to cluster density but we respectfully comment that we do not feel the proposed density provides the type of gradual or feathered transition to the adjacent rural lands that is advised in the applicable County and Town master plans. While the densest County subdivisions in the vicinity are the South Forty Subdivision and the Sage Creek Canyon Subdivision, both zoned R-1 (one unit per acre), these subdivisions are located significantly closer to Highway 9 access and the Silverthorne core than the Maryland Creek Ranch site.

Wildlife Habitat

It is our understanding that this property contains some very high quality wildlife habitat. Specifically, the Colorado Parks and Wildlife (CPW) Colorado Hunting Atlas identifies the proposed project site as a moose concentration area and summer range for moose as well as summer range for mule deer. There may be additional wildlife resources within the project area, which can be identified by CPW, but do not appear in the Hunting Atlas because they are not big game species.

~~Overall, the County has concerns regarding the proposal to nearly triple the residential density,~~ adding 160 additional homes within an area with these important wildlife values. The additional 160 homes will likely create more impacts on the environment and create a need for substantially more infrastructure than the permitted 82 units. For these reasons, the County suggests that a reduction of the proposed density be considered, and recommends that the applicant consult with CPW (if not already doing so) in designing the new residential development, so it can be designed in a manner that is sensitive to wildlife, to the extent possible. Attached are the CPW recommendations for wildlife friendly fencing, for the applicant's reference. An inquiry to CPW should provide additional design/development recommendations to help further reduce impacts on wildlife.

Transferable Development Rights (TDRs)

As the Town knows, a TDR program for the Lower Blue Basin was adopted by the Board of County Commissioners (BOCC) in September 2007, and currently applies only to the unincorporated County lands within the Lower Blue Basin. It does not apply to lands located within the Town of Silverthorne. The TDR Program is a voluntary program or planning tool that provides a vehicle where the rights to develop in rural "sending areas" (i.e. primarily rural agricultural ranchlands) can be transferred to urban "receiving areas" that can more appropriately accommodate development. The key goals of the Lower Blue TDR Program, as identified by the Lower Blue TDR Committee are to:

- Preserve the existing character of the Lower Blue Basin, by preserving lands of high visual quality, environmentally sensitive lands, ranchlands, open space, and other important resources.
- Provide development rights to appropriate receiving areas that are capable of accommodating additional development.
- Provide a mechanism to monetarily compensate landowners who voluntarily participate in the TDR Program, thereby providing opportunities to preserve important resources in the Basin.

In 2006, the County and Town of Silverthorne began a collaborative planning effort to explore the possibility of developing a Joint TDR Program and Growth Management Plan for the three-mile area surrounding the town's boundary. At that time, the Town indicated that a shared vision for the Town's Three-Mile Planning Area, and consistent land use policies between the Town and County could be beneficial. Some of the specific reasons or issues cited for the Town's interest in pursuing a Joint TDR Program and Growth Management Plan included:

- There are concerns with the possible impacts to the Town and its services with development around the Town's borders (e.g., undesirable land uses, industrial zoning, and transferable density from the other locations in the Lower Blue Basin or County).
- The amount of unincorporated land area within the three-mile planning area is more than twice as large as the Town's incorporated land base/acreage. Build-out in the unincorporated areas could have impacts to the Town.

- The creation of new density, further annexation or commercial development north of Town is not a vision or goal of the TOS. In addition, Town policies do not support extending services to development outside of the Town's boundary (e.g., water/sewer).
- Transportation impacts (e.g., big trucks coming through Town) and large-scale commercial development outside of the Town's boundary are concerns. The County could possibly commit to restricting large-scale commercial activity on unincorporated lands in the Urban/Silverthorne Area.
- Strategies could be developed to 1) maintain the existing rural character of the northern gateway into the Town (separation and open space between communities), 2) extinguish density off of identified unincorporated parcels or 3) jointly purchase parcels important to maintaining/preserving key viewsheds or visual corridors.
- The Lower Blue TDR Program could be refined to focus on protecting a particular/specific resource down valley such as: valued scenic backdrops, large ranches or hillsides.
- The Lower Blue TDR Program could be developed to allow density to be transferred from the Town into the County (Urban/Silverthorne Area) or other basins.
- The Joint Sewer Authority's (JSA) capacity is a limiting factor to extend the Town's boundary and growth north/down valley. In addition to a lack of capacity, pump-back or lift-services would be needed to accommodate such expansion and would be costly.

The joint Town/County planning effort that was initiated in 2006 to develop a Joint Growth Management and TDR program did not come to fruition, but policies still remain in the Lower Blue Master Plan to revisit this effort, when and if the Town decides it would like to continue pursuing development of such a plan. Specifically, the Lower Blue Master Plan includes the following goal and policy related to pursuing a Joint TDR Program with the Town of Silverthorne:

Goal D. Continue to update the Lower Blue TDR Program regulations to further enhance the program's effectiveness or reflect changing conditions in the Basin.

Policy/Action 2. If the Town of Silverthorne decides to participate in the TDR program, then an Intergovernmental Agreement should be established, specifying agreed-upon rules relating to the transfer of density between jurisdictions.

Additionally, the Land Use Element of the Lower Blue Master Plan includes the following relevant policy:

Policy/Action 3. The County and Town of Silverthorne should work cooperatively to develop intergovernmental agreements that establish the following:

- 3.1 A requirement that some portion of TDRs accompany all future annexations that include higher densities or more intense land uses than allowed in the Rural Area.
- 3.2 The designation by the Town of Silverthorne of an urban growth boundary and TDR receiving areas within the Urban/Silverthorne Area, clearly defining the areas where the Town plans future annexations and anticipates growth.

Accordingly, although TDRs are not currently applicable to development proposals within the Town's boundaries, if the Town of Silverthorne decides it would like to revive this joint planning effort, the County is interested in re-opening discussions on this topic with the Town.

Again, we thank you for the opportunity to review and comment on the proposed development application. Please feel free to contact me at 970-668-4206 or lindsayh@co.summit.co.us if you have any questions or would like to discuss any of these comments further.

Sincerely,

A handwritten signature in black ink, appearing to read "Lindsay Hirsh". The signature is fluid and cursive, with a large initial "L".

Lindsay Hirsh
Summit County Planning Manager

cc: Jim Curnutte, Community Development Director
Kate Berg, Senior Planner, Summit County



**Lake Dillon Fire
Protection
District**
401 Blue River
Parkway,
Silverthorne, CO
80498

P.O. Box 4428
Dillon, CO 80435

Telephone:
970.513.4100
Fax:970.513.4150

**Fire Prevention
Division**
Telephone:
970.262.5201
Fax:970.262.5250

Inspection Line:
970.262.5215

Mr. Matt Gennett
Town of Silverthorne
Community Development
P.O. Box 1309
Silverthorne, CO 80498

June 13, 2014

Re: South Maryland Creek Ranch PUD Major Amendment Review.

Dear Mr. Gennett,

Thank you the opportunity to review and comment on the above proposed project again. The fire department has the following comments and concerns:

1. Exhibits C-4 and C-6 (typical public street plan and cross section) show travel lanes with a width of 24'. Exhibit C-5 (typical public street cross section) shows travel lanes with varying widths of 18' to 24'. Please have the developer clarify this small discrepancy regarding widths for public streets.
2. Reviewing Exhibit C-7, what are the inside and outside turning radiuses of the proposed cul-de-sac?

If you have any questions, please contact me at my office at (970) 262-5202. Thank you for your cooperation.

Sincerely,

Steven Skulski
Assistant Chief/Fire Marshal
Lake Dillon Fire District

PROJECT REFERRAL COMMENTS

RECEIVED

JUN 11 2014

Transmittal to Referral Agencies for Review Comments

To: Leslie McWhirter
From: Matt Gennett, AICP, Senior Planner
Re: PUD Major Amendment
Project: South Maryland Creek Ranch (PT2014-6)
Date sent: June 10th, 2014
Date due: July 7th, 2014

Dear Leslie,

Attached is a PUD Major Amendment application submittal for the South Maryland Creek Ranch development. Please provide your review comments before the deadline listed above.

Thank you.

Matt Gennett, AICP
mgennett@silverthorne.org

I have neither concerns nor comments.

I have the following concerns and comments.

6/23/2014

A wetland delineation report has been submitted to our office; the Corps has not yet verified the accuracy of the wetland delineation. An on-site meeting to review the flagged wetland boundaries and data is scheduled for July 30.

A permit is required under Section 404 of the Clean Water Act prior to discharging fill/dredge material into a water of the U.S.

I have concerns and comments, and have attached a letter detailing them.

Lesley McWhirter

Matt Gennett

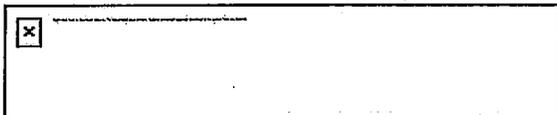
From: Roussin - CDOT, Daniel <daniel.roussin@state.co.us>
Sent: Wednesday, June 18, 2014 10:54 AM
To: Matt Gennett
Cc: Jim Lenzotti; Joanna Hopkins
Subject: South Maryland Creek Ranch PUD Major Amendment
Attachments: TIS Outlines.pdf

Matt - Thank you for the opportunity to review the South Maryland Creek Ranch PUD Major Amendment on State Highway 9. This project will require an access permit for the project. CDOT, Town and the Development team will need to work on the final access location for the development. As it is shown today, this access will either need to line up with the access to the east or provide better access separation than the PUD shows.

I would recommend that the development team and the Town get together with CDOT to have a traffic study methodology discussion. The study will need to meet our standards per the Access Code. Here are the requirements.

If you have any additional questions, please let me know.

Dan Roussin
Permit Unit Manager
Traffic and Safety



P 970.683.6284 | F 970.683.6290
222 South 6th Street, Room 100, Grand Junction, CO 81501
daniel.roussin@state.co.us | www.coloradodot.info | www.cotrip.org



TO: Matt Gennett, Senior Planner
FROM: Dan Gietzen, Town Engineer
Bill Linfield, Public Works Director
DATE: July 1, 2014
SUBJ: South Maryland Creek Ranch PUD Major Amendment submittal dated May 16, 2014

Comments:

The new proposed density of 240 units now triples the previously approved density of 83 units making this a very different project than before and now much closer to other existing projects and roads in Town. As we consider tripling the existing density we should also revisit and discuss deviations from normal Town standards and policies and we should revisit problematic and/or unclear topics.

The following text lists and describes deviations from Town standards and other comments that should be discussed with the applicant and modified as necessary.

PUD document

Right-of-way use.

Public ROW and easements should be managed, controlled and used by the Town at the Town's discretion for its needs; it should not be controlled by HOA/DRC. Town should not have to get HOA/DRC permission for use of Town ROW. HOA/DRC should not have authority to dictate how ROW – with respect to both Town use and possible private improvements. Specific comments:

1. **Deviation re: improvements in ROW.** PUD defined "Related Road Improvements" and included roadway exhibits allow for a variety of private improvements/uses to be placed anywhere in the ROW beyond the edge of the road shoulder. Some of these items include private water features, landscaping, irrigation, walls, fencing, sculpture and decorative rock – among other items. These have the potential to limit use of ROW for necessary snow storage and underground utilities while creating obstructions, collision hazards and property damage for plows and inhibiting other Town uses, such as buried utilities.
2. **Missing insurance.** Sec 4.2(a), says that Road Related Improvements located within the Town ROW are to be maintained by the SMCR HOA but no liability insurance requirements/provisions nor Town indemnifications are discussed.
3. **Deviation.** Remove sections that say that Town must receive DRC approval for Town's use of its own ROWs and easements.

4. **Deviation from normal ROW useage.** PUD gives the HOA authority (without having to obtain Town approval) for using Town ROW for private improvements and other uses.
5. **Deviation from normal ROW usage and Streets standards.** "Road Related Improvements" include private improvements that are normally not allowed in ROW.
6. **Deviation from ROW standards.** Road ROWs for public roads should be either 60' wide or 50' wide with two, 5' snowstorage/utility easements on each side of the road. The two 5' easements are necessary, not optional, as described on the road exhibits.
7. **Comment on pedestrian path.** It is difficult to agree to path specifications, locations and criteria when the only detail is the PUD description, but we don't have plans showing measurable locations and other details.
8. **Question re: public vs private imporvements.** Please identify what is to be public and what is to be private for items discussed in sections 3.6, 3.7, 3.8, 3.9, 4.1, 4.2 and 4.3 and in each specific Planning Area.
9. **Comment re: fire turnarounds.** Sec 4.1. Hammerheads on private drives must be approved by the LDFA, not just 'meet their standards'.
10. **Deviation of road width standard.** Street exhibits propose lane widths for public roads to be as narrow as 9'. 12' lane widths are the normal standard. 9' lanes also proposed on private drives – up to 16 units are proposed on some of these. This seems too narrow.
11. **Deviation of max number of units on private / dead end streets.** Town Standards allow up to 8. PUD documents show up to 16 on some of the private drives.
12. **Deviation to normal street signage.** Sec 3.9(c) and Exhibit, Enhanced Signage. PUD describes and shows special, non-standard decorative signage. Additionally, PUD is silent maintenance, as needed, and replacement responsibilities (costs and procedures both). Enhanced Signage should be SMCRs for the life of the project, while such signage is being used. Town should approve of future changes, as well.
13. **Deviation to easement standards.** 35' Private Easements as shown on Exhibit C-3 for example is the minimum width allowed for an easement that has both water and sewer utilities only. It is not wide enough to accommodate shallow utilities while still ensuring adequate separation for water/sewer. The PUD doesn't show utility layouts, but if shallow utilities are proposed within these easements, then the private easements should be 50' wide, per Town standards.

14. **Question re: cul de sacs.** Exhibit C-7. Is the intent for the cul-de-sacs to be for one way traffic only? If 2-way is the intent, then 16' travel lane is too narrow.

15. **Landscaping and maintenance of cul de sac center areas.** Exhibit C-7. Landscaped Island is shown in the detail, but maintenance and irrigation of this is not covered in the PUD. Existing, similar islands in Town are maintained by the subdivision's HOA. It should be clarified as such here too.

Road and path lighting.

16 **Street lighting comment.** Xcel Energy provides and powers street lights throughout Town. Town doesn't control and thus can't commit to light specs such as bulb types, lumens, or pole details.

17 **Lighting needed for safety and at intersections.** Town will minimize lighting as much as possible, but if future light(s) are needed for safety reasons, then Town should be able to install at Town's discretion.

Other –

18 In Planning Area 1 Fig 2.3, what does "...edge of flowline pavement" mean as described Building Setbacks item 4?

19 **Addressing / emergency services needs.** How are private drives that are located off of other private drives to be signed and addressed?

20. 3.4 Man-Made Lakes and Ponds. Are there water right issues or questions that need to be addressed?

Amended and Restated Annexation Agreement – 11/28/07

- Exhibit D, Road Maintenance Services.

21 Text obligates developer to road maintenance for first 20 years, following acceptance by Town. Elsewhere in other documents a 2014 date is given. Which one is it? Length of maintenance by developer prior to Town maintenance date should be resolved.

22 We agree with the statement that 'maintenance will be at levels similar to the rest of Town.' We disagree with most everything that follows, such as commitments for:

i. Plowing to 'bare pavement'. (Summit County roads are regularly snowpacked and ice glazed after weather events – even during plowing. A 'bare pavement' plowing standard is an impossible standard to achieve.)

ii. Specific time deadlines to plow all streets by 8am and culs by noon. (SMCR project won't dictate Town's plowing schedule or prioritization.)

- iii. Additional plowback language, including clearing driveway berms. (We do not do plow private driveways, of which there are several hundred in Town. This is the homeowners responsibility.)
- iv. Snow removals to "suitable sites where melting snow can be treated as needed prior to being discharged into natural streams". (Where are these sites proposed? What is meant by "treating" melting snow?)
- v. Commitments that all streets will be 'pothole free'.
- vi. All other remaining statements are unnecessary as well.

In summary, we agree to the commitment to "maintenance a levels similar to the rest of Town", but not these other extreme requirements.

23 Geotechnical

Some prior geotech letters are included in the PUD binder, but not all other technical exhibits referenced as well as the other geotech studies performed. This appears to be some, but not all of the geotech info and background. What is the purpose of including this CGS letter with in with the PUD? Isn't geotech review a subdivision site plan related topic?

**APPLICATION BINDERS HAVE
BEEN DISTRIBUTED TO THE
TOWN COUNCIL**

February 10, 2015
Revised March 4, 2015

Mr. Dan Gietzen
Town of Silverthorne Engineer
601 Center Circle, P.O. Box 1309
Silverthorne, CO 80498

RE: **Traffic Impact Memorandum**
South Maryland Creek Ranch
Silverthorne, CO

Dan:

McDowell Engineering has prepared this Traffic Impact Memorandum for South Maryland Creek Ranch's proposed residential development. The March 4, 2015 revisions to the memorandum incorporate the Town of Silverthorne Planning Commission's input on the travel time analysis.

The South Maryland Creek Ranch project is anticipated to consist of 240 single family homes. The development will also include a 20-acre regional community park. The proposed South Maryland Creek Ranch site is located within the Town of Silverthorne limits and in Summit County along Highway 9.

State Highway 009D (Highway 9) is a two-lane highway with a posted speed limit of 55mph in the vicinity of the proposed project site. It is classified by the Colorado Department of Transportation (CDOT) as an access category R-A, regional highway.

The primary South Maryland Creek Ranch access to/from Highway 9 is proposed to be located 1,980 feet north of Ranch Road. This primary access has been shifted south from previous submittals by the applicant. A secondary access at the south end of the site connects with the Three Peaks development which provides access to Highway 9 via Game Trail Road and Ranch Road. Both the proposed primary South Maryland Creek Ranch access road and Ranch Road are/will be public streets. Section 3.8(3)(a) of the *State Highway Access Code (Access Code)* states that access spacing should be one-half mile for R-A highways. Locating the proposed access one-half mile north of Ranch Road is infeasible due to the location of the existing lake and proposed regional community park.

The purpose of this traffic memorandum is to address changes to the previous January 2014 analysis due to the revised primary access location. This memorandum will discuss the final infrastructure improvements recommended at each site access. In addition, this memorandum addresses CDOT Region 3's methodology revisions for calculating project trip generation.

When this project was originally analyzed and reviewed, Silverthorne was located in CDOT Region 1. However, as of July 2013, the Town of Silverthorne has been incorporated into CDOT Region 3. CDOT Region 3 will require a full Level 3 Transportation Impact Analysis as this project proceeds through the access entitlement process. A Level 3 Analysis will analyze the Level of Service impacts at the intersection of the proposed site access and Ranch Road.

Project Trip Generation

A trip generation analysis was prepared based upon the 9th Edition of ITE's *Trip Generation Manual*. This analysis assumes no transit, ridesharing, bicycle commuting, or telecommuting mode split adjustment. As such, it is a conservative estimate for vehicular trip generation.

The applicant is anticipating that 30% of the dwelling units will be occupied by full-time residents and 70% will be recreational second homes. The Town of Silverthorne's previous methodology used ITE's Single-Family Residential Home rate for the full-time residents and the reduced Single-Family Recreational Home rate for the second home estimates. This methodology is outlined in **Table 1 – Project Trip Generation (Allowing for 70% Second Homes.)**

However, CDOT Region 3 does not allow for the discounted second home rate to be applied during the traffic analysis. Therefore, a secondary analysis has been included that assumes that 100% of the homes are occupied by full-time residents. The results can be found in **Table 2 – Project Trip Generation (100% Full Time Residents.)**

As presented in **Table 1** and **Table 2**, the project is anticipated to generate between 1,399 and 2,442 vehicle trips per day for the 70% second homes and 100% full-time residents assumptions, respectively. Similarly, peak hour generation for South Maryland Creek Ranch is anticipated to range from 90 to 181 in the morning and 127 to 236 in the evening, dependent upon the analysis methodology.



PROJECT NUMBER: M1158
 PREPARED BY: KJS
 DATE: 02/10/15
 REVISED:

**Table 1 - Project Trip Generation
 (Allowing for 70% Second Homes)
 South Maryland Creek Ranch, Silverthorne
 Estimated Project-Generated Traffic¹**

| ITE Code | Units | AM Peak Hour Rate | PM Peak Hour Rate | Avg. Weekday Rate | Average Weekday Trips (vpd) | Morning Peak Hour | | Evening Peak Hour | | | | | |
|--|--------------------|----------------------|----------------------|-------------------------|-----------------------------------|-------------------|-------|-------------------|-------|---------|-------|-----|----|
| | | | | | | % Trips | Trips | % Trips | Trips | % Trips | Trips | | |
| (Allowing for 70% Second Homes) | | | | | | | | | | | | | |
| #210 Single Family Home | 72 dwelling units | Regression Equation | | | 777 | 25% | 15 | 75% | 45 | 63% | 50 | 37% | 29 |
| #260 Recreational Homes | 168 dwelling units | 0.16 | 0.26 | 3.16 | 531 | 67% | 18 | 33% | 9 | 41% | 18 | 59% | 26 |
| #417 Regional Park | 20 acres | 0.15 | 0.2 | 4.57 | 91 | 57% | 2 | 43% | 1 | 45% | 2 | 55% | 2 |
| | 240 | | | | 1,399 | | 35 | | 55 | | 70 | | 57 |

**Table 2 - Project Trip Generation
 (100% Full Time Residents)
 South Maryland Creek Ranch, Silverthorne
 Estimated Project-Generated Traffic¹**

| ITE Code | Units | AM Peak Hour Rate | PM Peak Hour Rate | Avg. Weekday Rate | Average Weekday Trips (vpd) | Morning Peak Hour | | Evening Peak Hour | | | | | |
|-----------------------------------|--------------------|----------------------|----------------------|-------------------------|-----------------------------------|-------------------|-------|-------------------|-------|---------|-------|-----|----|
| | | | | | | % Trips | Trips | % Trips | Trips | % Trips | Trips | | |
| (100% Full Time Residents) | | | | | | | | | | | | | |
| #210 Single Family Home | 240 dwelling units | Regression Equation | | | 2351 | 25% | 44 | 75% | 133 | 63% | 146 | 37% | 86 |
| #417 Regional Park | 20 acres | 0.15 | 0.2 | 4.57 | 91 | 57% | 2 | 43% | 1 | 45% | 2 | 55% | 2 |
| | 240 | | | | 2,442 | | 46 | | 135 | | 148 | | 88 |

¹ Values obtained from *Trip Generation, 9th Edition*, Institute of Transportation Engineers, 2012.

Directional Distribution

Trip Distribution is based upon where the proposed development traffic wants to travel and where in the site a parcel is located. The southern attractions in Silverthorne, such as the ski resorts, commercial centers, Interstate 70, etc. are assumed to draw 95% of the trips along Highway 9. Therefore, 5% of the site-generated traffic is anticipated to come from the north on Highway 9. Based upon the *ITE Trip Generation Manual*, 25% of the morning peak hour trips are inbound and 75% are outbound. During the evening peak hour, 63% of the trips are inbound and 37% are outbound.

Based upon the current site plan presented in **Figure 1**, it was assumed that 100% of all trips that begin or end within South Maryland Creek Ranch that want to travel to and from the north through the site will utilize South Maryland Creek Ranch's north access to Highway 9.

A travel time analysis was performed for the traffic desiring to access Highway 9 to the south. The demarcation of 155.9 seconds was determined based upon the roadway lengths, widths, switchbacks and corresponding free flow speeds. Each alternate route was measured to the reference point of Highway 9 at Ranch Road. Therefore, it is anticipated to take 155.9 seconds to travel from the demarcation line (111 feet south of the three-way intersection on the southeast corner of the site) to both the proposed primary site access to Highway 9 and the existing intersection of Ranch Road and Highway 9. There are seven homes located south of the travel time demarcation line that are likely to utilize Ranch Road to access Highway 9.

Based upon the travel time results, approximately 97% of all South Maryland Creek Ranch trips that want to travel to and from the south would access Highway 9 via the primary South Maryland Creek Ranch access. The remaining 3% would access Highway 9 via the Three Peaks development, Game Trail Road and Ranch Road to the south. The travel time analysis is depicted in **Figure 1**.

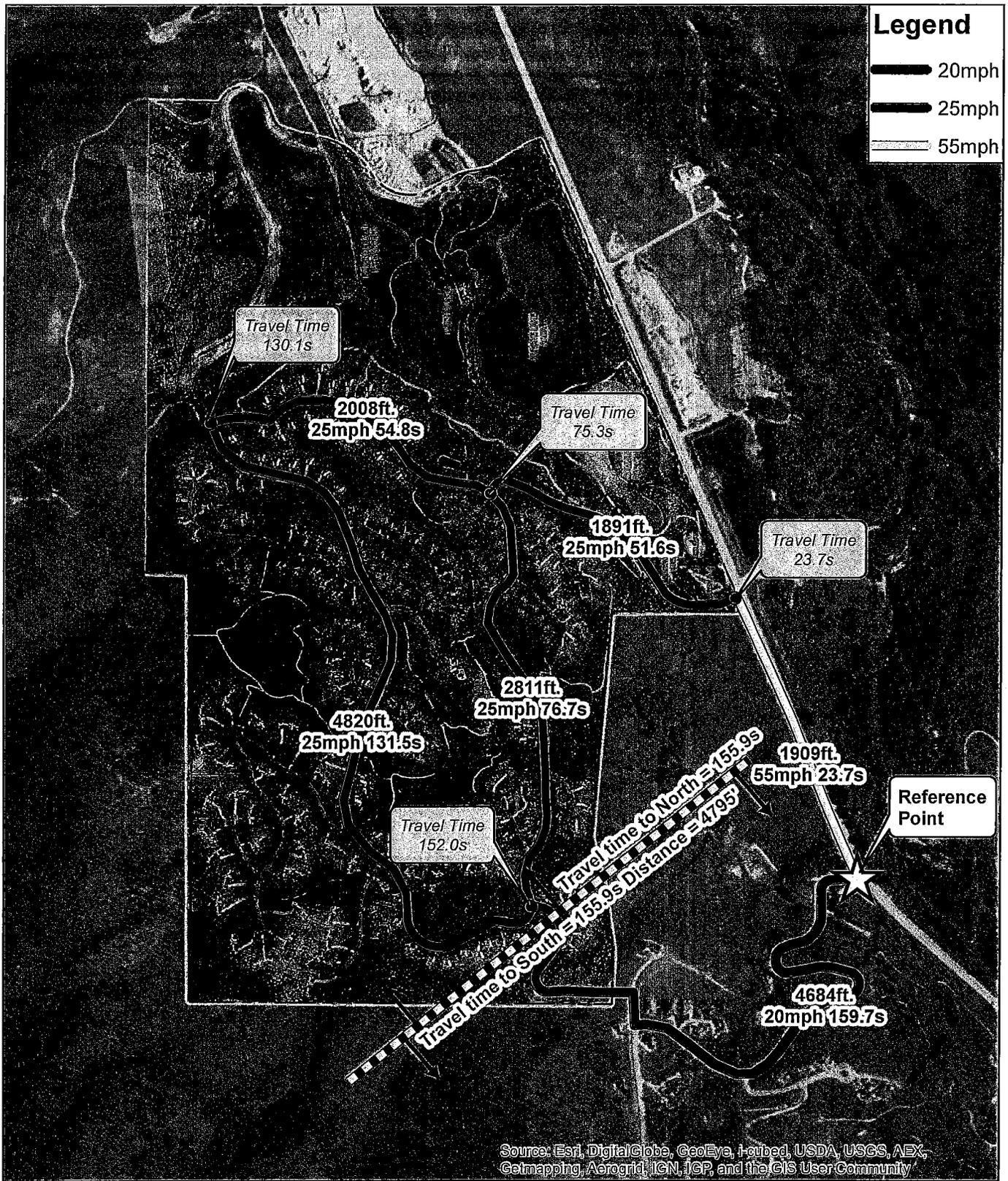
These assumptions and resulting trips by turn movement at the proposed Highway 9 access to South Maryland Creek Ranch is presented in **Table 3**.

Alternative Analysis: Based upon the Planning Commission's comments, a comparison analysis based on the 25mph posted speed on Game Trail Road was used for an alternative travel time analysis. The result was a travel time split at 139.9 seconds for the lower road and 194.7 seconds for the upper road. Based upon travel time results, approximately 35% of the trips (85 homes) travelling to and from the south would access Highway 9 via the Game Trail Road/Ranch Road access. The travel time analysis for this scenario is included in **Figure 2**.

Travel Time Field Study: Field data was collected as a comparison to the posted speed limit and estimated free flow speeds. The resulting average travel speed on Ranch Road and Game Trail Road was 20.8mph. Therefore, the alternative analysis using the 25mph posted speed on the southern access is a conservative estimation. Additional information on this analysis is included as an attachment to this memorandum.

Legend

- 20mph
- 25mph
- 55mph



Travel Time Exhibit

South Maryland Creek
Ranch Traffic Analysis

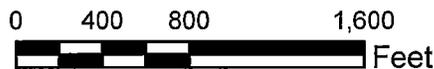
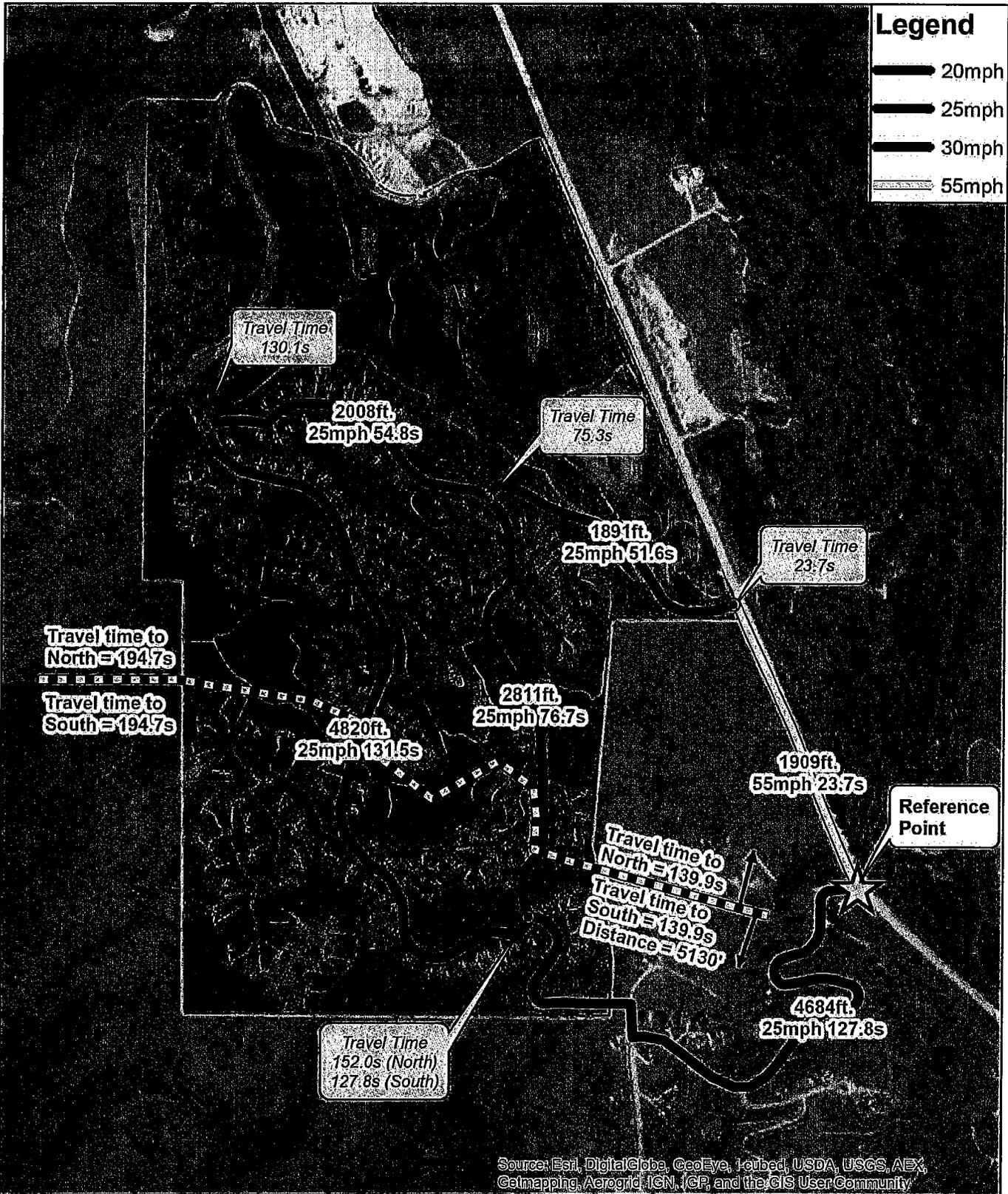


Figure 1



Travel Time Exhibit

South Maryland Creek
Ranch Traffic Analysis

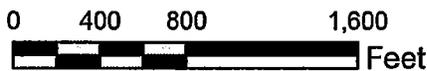


Figure 2

Traffic Assignment:

By applying the trip generation expected for this site to the estimated directional distribution, the resulting traffic assignment can be applied to the roadway network. Table 3 depicts the new vehicle trips that are anticipated from the proposed 240 home development.

Table 3: Access Point Trip Distribution

| Direction AM/PM | Number of Trips AM/PM | Direction | Entry/Exit Access | Percent | Number of Trips AM/PM | Turn Movement at Highway 9 |
|--|-----------------------|----------------|-------------------|---------|-----------------------|----------------------------|
| (Allowing for 70% Second Homes) | | | | | | |
| Inbound | 35/70 | From South 95% | SMCR Primary | 97% | 34/68 | SMCR NBL |
| | | | Three Peaks | 3% | 1/2 | Ranch NBL |
| | | From North 5% | SMCR Primary | 100% | 2/4 | SMCR SBR |
| Outbound | 55/57 | To South 95% | SMCR Primary | 97% | 53/55 | SMCR EBR |
| | | | Three Peaks | 3% | 2/2 | Ranch EBR |
| | | To North 5% | SMCR Primary | 100% | 3/3 | SMCR EBL |
| (100% Full Time Residents) | | | | | | |
| Inbound | 46/148 | From South 95% | SMCR Primary | 97% | 44/143 | SMCR NBL |
| | | | Three Peaks | 3% | 2/5 | Ranch NBL |
| | | From North 5% | SMCR Primary | 100% | 3/8 | SMCR SBR |
| Outbound | 135/88 | To South 95% | SMCR Primary | 97% | 131/85 | SMCR EBR |
| | | | Three Peaks | 3% | 4/3 | Ranch EBR |
| | | To North 5% | SMCR Primary | 100% | 7/5 | SMCR EBL |

Alternative Analysis: Based upon the Planning Commission's comments, a comparison analysis based on the 25mph posted speed on Game Trail Road was used for an alternative travel time analysis. The resulting access point trip distribution is shown in Table 4.

Table 4: Access Point Trip Distribution (Based upon 25mph posted speed limit of Game Trail Road)

| Direction AM/PM | Number of Trips AM/PM | Direction | Entry/Exit Access | Percent | Number of Trips AM/PM | Turn Movement at Highway 9 |
|--|-----------------------------|-------------------|----------------------|---------|-----------------------------|-------------------------------|
| (Allowing for 70% Second Homes) | | | | | | |
| Inbound | 35/70 | From South 95% | SMCR Primary | 65% | 21/43 | SMCR NBL |
| | | | Three Peaks | 35% | 12/23 | Ranch NBL |
| | | From North 5% | SMCR Primary | 100% | 2/4 | SMCR SBR |
| Outbound | 55/57 | To South 95% | SMCR Primary | 65% | 34/35 | SMCR EBR |
| | | | Three Peaks | 35% | 18/19 | Ranch EBR |
| | | To North 5% | SMCR Primary | 100% | 3/3 | SMCR EBL |
| (100% Full Time Residents) | | | | | | |
| Inbound | 46/148 | From South 95% | SMCR Primary | 65% | 29/91 | SMCR NBL |
| | | | Three Peaks | 35% | 15/49 | Ranch NBL |
| | | From North 5% | SMCR Primary | 100% | 2/8 | SMCR SBR |
| Outbound | 135/88 | To South 95% | SMCR Primary | 65% | 83/54 | SMCR EBR |
| | | | Three Peaks | 35% | 45/29 | Ranch EBR |
| | | To North 5% | SMCR Primary | 100% | 7/5 | SMCR EBL |

Transportation Impact Analysis

State Highway Access Permits

The site's State Highway Access Permit accommodates only the current mining operation use. Per Section 2.6(3) of the *State Highway Access Code*⁵ (*Access Code*), a new access permit when there is a land use change and/or the driveway volume is anticipated to increase by more than twenty percent. Therefore, a new State Highway Access Permit will be required for the Primary site access.

The need for a revised State Highway Access Permit at the intersection of Highway 9 and Ranch Road can be determined upon traffic data collection at the access.

State Highway Turn Lane Analysis

CDOT's *Access Code* provides requirements for new access and development. Access location, operation, and design standards have to be met and designed appropriately to allow current traffic flow to be unimpeded. Acceleration and deceleration lanes are required when added project volumes are greater than the acceptable CDOT threshold. These maximum thresholds by movement are presented in Table 5.

Table 5: CDOT Auxiliary Acceleration/Deceleration Lane Requirements

| Turn Movement at Highway 9 | Threshold (vph) | AM/PM Peak Hour Volumes (vph) | Auxiliary Lane Warranted | Description |
|--|-----------------|-------------------------------|--------------------------|--|
| (Allowing for 70% Second Homes) | | | | |
| SMCR NBL Inbound Deceleration Lane | >10 | 34/68 | YES | 378' decel + 60' storage + 222' transition taper = 660' |
| SMCR SBR Inbound Deceleration Lane | >25 | 2/4 | NO | N/A |
| SMCR EBR Outbound Acceleration Lane | > 50 | 53/55 | YES | 738' acceleration + 222' transition taper = 960' |
| Ranch Road NBL Inbound Deceleration Lane | >10 | Existing + 1/2 | Existing | Ex.: 290' decel/storage + 250' transition taper = 540' Existing traffic counts required prior to determination. |
| Three Peaks SBR Inbound Deceleration Lane | >25 | Existing + 0/0 | No | Existing traffic counts required prior to determination. |
| Three Peaks EBR Outbound Acceleration Lane | > 50 | Existing + 2/2 | No | Existing traffic counts required prior to determination. |
| (100% Full Time Residents) | | | | |
| SMCR NBL Inbound Deceleration Lane | >10 | 44/143 | YES | 378' decel + 145' storage + 222' transition taper = 745' |
| SMCR SBR Inbound Deceleration Lane | >25 | 3/8 | NO | N/A |
| SMCR EBR Outbound Acceleration Lane | > 50 | 131/85 | YES | 738' acceleration + 222' transition taper = 960' |
| Ranch Road NBL Inbound Deceleration Lane | >10 | Existing + 1/2 | Existing | Ex.: 290' decel/storage + 250' transition taper = 540' Existing traffic counts required prior to determination. |
| Three Peaks SBR Inbound Deceleration Lane | >25 | Existing + 0/0 | No | Existing traffic counts required prior to determination. |
| Three Peaks EBR Outbound Acceleration Lane | > 50 | Existing + 2/2 | No | Existing traffic counts required prior to determination. |

Based upon the calculated traffic assignment in Table 5, the proposed development traffic forecasts warrant the construction of a northbound left deceleration into the site and an eastbound right turn acceleration lane leaving the site.

Alternative Analysis: Based upon the Planning Commission's comments, a comparison analysis based on the 25mph posted speed on Game Trail Road was used for an alternative travel time analysis. The resulting CDOT auxiliary lane requirements are shown in Table 6.

**Table 6: CDOT Auxiliary Acceleration/Deceleration Lane Requirements
(Based upon 25mph posted speed limit of Game Trail Road)**

| Turn/Movement at Highway 9 | Threshold (vph) | AM/PM Peak Hour Volumes (vph) | Auxiliary Lane Warranted | Description |
|--|-----------------|-------------------------------|--------------------------|--|
| (Allowing for 70% Second Homes) | | | | |
| SMCR NBL Inbound Deceleration Lane | >10 | 21/43 | YES | 378' decel + 45' storage + 222' transition taper = 645' |
| SMCR SBR Inbound Deceleration Lane | >25 | 2/4 | NO | N/A |
| SMCR EBR Outbound Acceleration Lane | > 50 | 34/35 | YES | 738' acceleration + 222' transition taper = 960' |
| Ranch Road NBL Inbound Deceleration Lane | >10 | Existing + 12/23 | Existing | Ex.: 290' decel/storage + 250' transition taper = 540' Existing traffic counts required prior to determination. |
| Three Peaks SBR Inbound Deceleration Lane | >25 | Existing + 0/0 | No | Existing traffic counts required prior to determination. |
| Three Peaks EBR Outbound Acceleration Lane | > 50 | Existing + 18/19 | No | Existing traffic counts required prior to determination. |
| (100% Full Time Residents) | | | | |
| SMCR NBL Inbound Deceleration Lane | >10 | 29/91 | YES | 378' decel + 90' storage + 222' transition taper = 725' |
| SMCR SBR Inbound Deceleration Lane | >25 | 2/8 | NO | N/A |
| SMCR EBR Outbound Acceleration Lane | > 50 | 83/54 | YES | 738' acceleration + 222' transition taper = 960' |
| Ranch Road NBL Inbound Deceleration Lane | >10 | Existing + 15/49 | Existing | Ex.: 290' decel/storage + 250' transition taper = 540' Existing traffic counts required prior to determination. |
| Three Peaks SBR Inbound Deceleration Lane | >25 | Existing + 0/0 | No | Existing traffic counts required prior to determination. |
| Three Peaks EBR Outbound Acceleration Lane | > 50 | Existing + 45/29 | No | Existing traffic counts required prior to determination. |

Based upon the calculated traffic assignment in Table 6, the proposed development traffic forecasts warrant the construction of a northbound left deceleration into the site and an eastbound right turn

acceleration lane leaving the site. Existing traffic counts at the SH 9 and Ranch Road intersection will be performed the first week of March, 2015. This data will be used to determine the auxiliary lane recommendations at the Ranch Road intersection.

Ranch Road Impacts

As indicated above, approximately 3% of the South Maryland Creek Ranch homes that will be travelling south on Highway 9 are anticipated to take access via the Three Peaks development. The seven dwelling units represent a minimal increase over the existing dwelling units within the Three Peaks development. Existing traffic counts at the intersection of Highway 9 and Ranch Road will be acquired to determine the actual forecasted percentage of traffic increase at this access. These counts are anticipated to take place the first week of March 2015.

Access Design and Sight Distance

The proposed access shall be constructed per Section 4 of the *Access Code*. The Town of Silverthorne's *Street Design Criteria* will also apply.

The proposed primary South Maryland Creek Ranch site access location and existing Ranch Road access have adequate sight distance in both directions that will exceed the 715' requirement in Table 4-2 of the *Access Code*.

Internal Travel Speeds

The internal South Maryland Creek Ranch roadway system is narrow at 24-feet. There are sufficient horizontal and vertical curves in the roadway system that will require drivers to maintain lower residential speeds.

Level of Service (LOS) Evaluation

Based on the CDOT *Online Transportation System (OTIS)* the 2013 Highway 9 Average Daily Traffic Volume adjacent to the South Maryland Creek Ranch Development is 5,800vpd. The morning and evening peak hour directional volumes for July 16, 2014 were forecasted at CDOT's 20-year growth factor of 1.35. The forecasted volumes were added to the project-generated traffic to perform a HCM Level of Service analysis on the Year 2035 total traffic at the proposed site access. The South Maryland Creek Ranch's primary Highway 9 access is anticipated to operate at an acceptable overall intersection LOS B through Year 2035.

Additional HCM analysis will be included in the final CDOT Level 3 Transportation Impact Study.

Summary and Recommendations

The South Maryland Creek Ranch project is anticipated to consist of 240 single family homes and a 20-acre regional community park. The proposed primary site access location on Highway 9 has been shifted south from previous project submittals. This traffic memorandum addresses the changes caused by the access relocation.

Two trip generation methodologies have been analyzed with this memorandum. The first uses the Town of Silverthorne's previous method of accounting for a reduced trip generation rate for second home owners. The project is anticipated to be comprised of 30% full time residents and 70% second home owners. The second analysis uses CDOT Region 3's methodology, as Silverthorne has recently been incorporated into CDOT Region 3 from CDOT Region 1. Region 3's methodology does not allow for a trip reduction for second home owners. Therefore, it yields a more conservative estimate of traffic impacts.

The project is anticipated to generate between 1,399 and 2,442 vehicle trips per day for the 70% second homes and 100% full-time residents assumptions, respectively. Similarly, peak hour generation for South Maryland Creek Ranch is anticipated to range from 90 to 181 in the morning and 127 to 236 in the evening, dependent upon the analysis methodology.

A travel time analysis was performed for the traffic desiring to access Highway 9 to the south. The demarcation of 155.9 seconds was determined based upon the roadway lengths, widths, switchbacks and corresponding free flow speeds. There are seven homes located south of the travel time demarcation line that are likely to utilize Ranch Road to access Highway 9. Therefore, approximately 97% of all South Maryland Creek Ranch trips that want to travel to and from the south would access Highway 9 via the primary South Maryland Creek Ranch access. The remaining 3% would access Highway 9 through the Three Peaks development via Game Trail Road and Ranch Road to the south. This equates to an additional 8vph using the Ranch Road access during the evening peak hour.

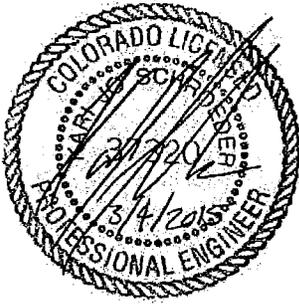
Alternative Analysis: Based upon the Planning Commission's comments, a comparison analysis based on the 25mph posted speed on Game Trail Road was used for an alternative travel time analysis. The result was a travel time split at 139.9 seconds for the lower road and 194.7 seconds for the upper road. Based upon travel time results, approximately 35% of the trips (85 homes) travelling to and from the south would access Highway 9 via the Game Trail Road/Ranch Road access. The travel time analysis for this scenario is included in **Figure 2**.

Travel Time Field Study: Field data was collected as a comparison to the posted speed limit and estimated free flow speeds. The resulting average travel speed on Ranch Road and Game Trail Road was 20.8mph. Therefore, the alternative analysis using the 25mph posted speed on the southern access is a conservative estimation.

The site's anticipated traffic volumes will require the construction of a northbound left auxiliary deceleration lane into the site as well as an eastbound right acceleration lane out of the site. Details are listed in **Table 5** of this memorandum. A CDOT State Highway Access Permit will be required at the primary South Maryland Creek Ranch site access. The intersection of Highway 9 and the primary South Maryland Creek Ranch access is anticipated to operate at an acceptable Level of Service B through Year 2035.

As part of the approval process, CDOT is requiring the submittal of a Level 3 Transportation Impact Study. This will include traffic data collection at the intersection of Highway 9 and Ranch Road as well as full HCM analysis of the surrounding roadway network. Dependent upon the outcome of the Level 3 study, a revised State Highway Access Permit may be required for the Ranch Road intersection as well.

Sincerely,
McDowell Engineering



Kari McDowell Schroeder, PE, PTOE
Traffic/Transportation Engineer

Enclosure:

Ranch Road and Game Trail Road Travel Time Field Study, McDowell Engineering, February 2015.

References:

- ¹ *OTIS Traffic Data*. Colorado Department of Transportation.
<http://apps.coloradodot.info/dataaccess/>
- ² *State Highway Access Code*. State of Colorado, 2002.
- ³ *Street Design Criteria*. Town of Silverthorne, December 2005.

Ranch Road and Game Trail Road Travel Time Field Study

A road segment travel time analysis was conducted on Thursday, February 19, 2015 to determine a reasonable free flow speed. The analysis was performed starting at 6:40pm. The site was dark, as sunset had occurred at approximately 5:50pm. The road is well lit, with light poles illuminating the roadway. Reflective delineators were installed on the road shoulders at standard spacing and defined the roadway edge. The temperature was 28°, the sky was clear, wind was calm, and there was no snow, ice or debris on the roadway. The road was plowed completely with snow stored approximately 2-3' off of the shoulder. The road has two switchback turns and in this region has consistent grades of approximately 6-7%.

The road was first driven for familiarity from the bottom to the top. Five trials were run. The entire length of the road, 4,684 ft., could not be driven due to the upper 1,269 ft. not being plowed. Therefore, only the bottom 3,415 ft. was used for the travel time analysis. This can be seen in Figure 1.

The test vehicle was a full size 4-wheel drive sport utility vehicle (SUV). The test driver was familiar with mountain roads, and has resided in and driven Colorado mountain roads for more than 20 years. The road was driven to determine the natural free flow rate of speed, independent of the posted speed limit. Maximum uphill speeds of 25mph were observed. Maximum downhill speeds of 30mph were reached before the driver applied the brakes. The driver observed speeds of 17-18mph on the switchbacks. The driver came to a complete stop at the two downhill stop signs. Table 3 has a summary of the five trials.

The resulting average travel time was 111.80 seconds, with a standard deviation of 1.09 seconds. For the bottom section, this correlates to a speed of 20.8 mph. The upper section has similar characteristics and will be paved in the future. Therefore the speed from the lower section can be applied to the upper section.

The overall travel time on the road is 153.3 seconds.

Figure 3 – Travel Time Field Study Area

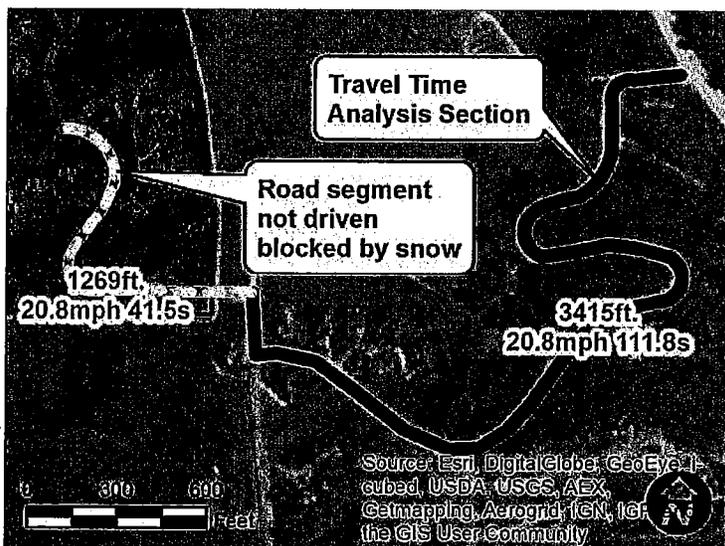
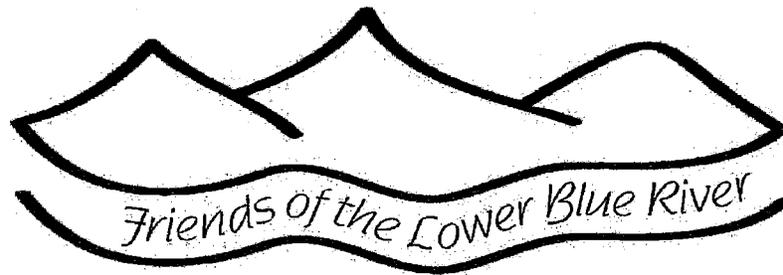


Table 3 – Travel Time Data

| Trial # | Direction | Distance (ft.) | Time (sec.) | Speed (mph) |
|-----------|-----------|----------------|-------------|-------------|
| 1 | Down | 3415 | 111.46 | 20.9 |
| 2 | Up | 3415 | 112.14 | 20.8 |
| 3 | Down | 3415 | 112.55 | 20.7 |
| 4 | Up | 3415 | 109.87 | 21.2 |
| 5 | Down | 3415 | 112.97 | 20.6 |
| Average | | | 111.80 | 20.8 |
| Std. Dev. | | | 1.09 | 0.2 |



3/1/2015

FOLBR Policy Regarding the Density of the New South Maryland Creek Proposal

- 1) FOLBR does not want to see any more development in the Lower Blue Valley. The organization is dedicated to doing everything reasonable to avoid it.
- 2) Some development may be inevitable, despite our wishes. In that case, 1 unit per 20 acres should be the maximum allowed density. Clustering should be encouraged in such a development.
- 3) FOLBR supports the original plan for 83 homes on 416 acres in South Maryland Creek (which is 4 times the density of 1 on 20). This land is now annexed to the Town of Silverthorne, and that is rather low density for a town (1 unit per 5 acres). Such a density would serve as a transition zone between urban Silverthorne and the rural Lower Blue Valley.
- 4) FOLBR is strongly opposed to the newly proposed South Maryland Creek density of 240 units on 416 acres. This would be 3 times the original density proposal, equaling 1 unit per 1.73 acres. This figure, however considers the entire area of the development. If one subtracts the 60% open space (much of which is park and lake next to the highway), the density of the remaining 166 acres of residential area is quite high, 1 unit on about 2/3 of an acre. As another way to look at it, the new plan calls for almost twice as many bedrooms, 944, as opposed to 498 in the original plan.
- 5) FOLBR acknowledges that the Maryland Creek planning team has made a good effort to protect views from the highway, to bury electrical and phone lines, to provide open space, to protect wildlife and wetlands, to provide a public park and trail access to the National Forest, to optimize vehicle access from Highway 9, and to minimize traffic problems. Nonetheless, FOLBR remains concerned about the effect of such high density on views from the highway, traffic, and wildlife, among other issues. Most importantly, FOLBR is very concerned about the loss of the transition zone from high-density urban to low-density rural. FOLBR fears that such high density in that gateway location will open the door for future annexation and high-density development north, down the Blue River Valley.

**SILVERTHORNE TOWN COUNCIL
Meeting Minutes
Wednesday, March 11, 2015**

PUBLIC HEARINGS PORTION ONLY (complete minutes are available at Town Hall or online)

South Maryland Creek Ranch, Major Amendment to the existing Planned Unit Development (PUD)

Public Hearing opened.

Mire reviewed a previous discussion from the December 10, 2014, Town Council meeting where Council person Long brought up a possible conflict of interest with the South Maryland Creek Ranch work session item. Her son-in-law, Shawn, works for a contractor that is building a home for Tom Everest, the owner of the SMCR.

Motion from 12-10-14

SANDQUIST MOVED DECLARE NO CONFLICT OF INTEREST AND FOR LONG TO CONTINUE TO PARTICIPATE IN SOUTH MARYLAND CREEK RANCH PROJECT. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL PRESENT. (LONG ABSTAINED).

Council did not feel that there is a current conflict of interest but asked to be kept in the loop if anything changes in the future.

Mire reviewed Home Rule Charter, Section 3.9, Conflict of Interest states, only the Council as a whole can vote on whether a Council member has a conflict under Charter 3.9. The Council determines if there is a substantial personal or financial interest or not. The affected Council member does not vote on the question of whether a conflict exists.

Mire disclosed that the Town received a letter from Friends of the Lower Blue that is included in the Town Council packet.

Richardson disclosed that his wife is Executive Director of Friends of the Lower Blue; she is not involved in policy making and works at the convenience of the board. He also disclosed that he is the Manager of Eagles Nest HOA, a hands on manager. He does not establish policy or make decisions for the organization. This project was reviewed by the HOA but he has only looked at the project as a Councilmember.

Butler asked Richardson if he could listen to the testimony of the applicant and offer a fair and impartial judgement.

Richardson stated yes.

SANDQUIST MOVED DECLARE NO CONFLICT OF INTEREST AND FOR RICHARDSON TO CONTINUE TO PARTICIPATE IN SOUTH MARYLAND CREEK RANCH PROJECT. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL PRESENT. (RICHARDSON ABSTAINED)

Matt Gennett, Planning Manager presented the Applicant, South Maryland Creek Ranch's request for approval of a Major Amendment to the PUD, with an increase in density from 83 to 240 residential dwelling units on 416 acres. He reviewed the agreements in place, Comprehensive Plan, Chapter 4 of the Town Of Silverthorne Town Code, PUD Exhibits and

Conditions of Approval. He reviewed his staff report and recommended approval with Staff's conditions.

The applicant, represented by Tom Everist from Everist Materials, presented the PUD Amendment. Mr. Everist introduced the other members of his team: Greg Norwick, Joanna Hopkins, Paul Books, Elena Scott, and Steve West.

Joanne Hopkins presented a PowerPoint presentation on the project, Vision, Outreach Efforts, Community Profile, Commitment to Silverthorne, Impact Analysis, Town and Regional Context, Elena Scott, Norris Design, continued with the Town and Regional Context, Vicinity, Comprehensive Plan, Town & County Transition, Town Density Map, Transition Zones 1-4, Community Plan, As-built utilities & bridges, Illustrative Planning Area Map and 3D Photosimulations.

Hopkins reviewed the Construction Traffic, Traffic Patterns, Wetlands, Wildlife, Public Park Plan, and Public Trails Plan,

Scott presented and incorporated site history, community center, trail identification, utilizing nature and the POST plan

Everist acknowledged that traffic issues are a big concern and he offered to review the study with anyone that has questions.

COUNCIL QUESTIONS:

Richardson asked about Game Trail Road, how do you stop local tradesman from driving on Game Trail Road?

Everist stated he will put it in their contracts of employment that they are to exit from South Maryland Creek. It will also be included in the lot sale agreements that tradesman and construction traffic are to exit from South Maryland Creek. .

Butler asked about the building timeline and what products they would start with.

Everist hopes to sell lots this summer, fall construction, and occupancy by next summer, all depending on the approval process. They hope to build twenty to twenty-five homes a year, over a ten year period

Hopkins stated Phase 1 includes a few of each of the lot products available. The footprint lots are 1500-2200 square feet, they are no maintenance homes where the homeowner owns the unit and land, but they don't have to maintain the unit. There is 2500-3500 square foot, four bedroom units available and a handful estate lots that can be designed and build to suit.

Long knows that Mr. Everist has run a very successful asphalt business, but what do you know about building twenty-five homes a year. Do you have staff that has experience doing this? The Town hasn't seen a development like this in years.

Hopkins stated they have hired Brett Barrett, a thirty year resident of Summit County and the building community. He has maintained relationships within the County over the years. He designates work front end to back end, not house to house. He has a solid plan to build with local contractors.

Everist stated they have extensive experience in horizontal building, road and sewer, etc. They have a sister company that built Stapleton. Vertical construction is a very detailed process between the homeowner and builder. They plan on using local contractors and suppliers. In the sales process, the builder is involved with the customer so that there is trust from construction to occupation.

Sandquist asked how long is the contract with Mr. Barrett, since he has retired once, what is his commitment to this project?

Everist stated he has had those conversations with Barrett and he is comfortable with his long term commitment to this project.

Norwick was the one who reached out to Mr. Barrett since he has built high quality homes in Summit County for 28 years. He is very excited about the quality of the project. His only hesitation was becoming an employee of SMCR, he has been a business owner for so long.

Richardson asked about the future of the sand and gravel acres.

Everist reviewed the property to the north; it is six hundred and forty acres. They will probably finish the gravel extraction, in ten years. It is currently zoned industrial commercial. The gravel pit is one and a half miles from SMCR. There are twenty-two acres that could be active longer than ten years.

Camp asked when you will market the estate lots.

Everist stated six estates lots will be offered in phase one.

PUBLIC COMMENT:

John Hillman, lives in Acorn Creek, President of HOA there and member and Friends of the Lower Blue River (FOLBR), as FOLBR's representative. They don't not want to see anymore development in the Lower Blue Valley. If there is to be development, it should be one unit per twenty acres. They support the original plan of eighty four homes. This land is now annexed to Town of Silverthorne which has low density for a town. There should be more of a density transition to the Lower Blue Valley. They are strongly opposed to the current proposal of two hundred and forty units.

Resident of Acorn Creek – President of HOA there and a board member of Friends of the Lower Blue River, we call it FOLBR. I'm here representing FOLBR. We have spent four hours in the last few days with the applicant in very thoughtful meetings, and we were very impressed in how careful their planning has been, and how much they're trying to do this project right. However, FOLBR does not want to see any more development at all in the Lower Blue. Some development may be inevitable, but should be limited to one unit on twenty acres and clustering may be encouraged, which would make it one unit in seventeen acres. FOLBR supports the original density of eighty-three units on four hundred sixteen acres, which is one unit per acres, which is low density for a Town. We feel that such density would serve as a transition zone between high density urban and the low density rural of the Lower Blue. FOLBR is strongly opposed to the newly proposed density of two hundred and forty units on the same acreage. This would be three times the original density proposal, equaling one unit per 1.73 acres. This figure considers the entire development. If you look at sixty percent being open space, but a lot of that is lake and a park and if you subtract that and look at just the density of the built area, the density is quite a bit greater, one unit on 2/3 of an acre. As another way to look at it, the new plan calls for twice as many bedrooms with 944 vs 498 in the original plan. FOLBR acknowledges that the SMCR team has made great efforts to protect views from the HWY, bury electrical lines, provide open space and wetlands, provide a public park, and optimize access to the national forest, and minimize traffic problems. Nonetheless, FOLBR remains concerned on effect of such density on views from the highway, traffic and wildlife, but most importantly about the loss of that transition zone from high density urban to low density rural. Such high density in that gateway location will open the door for future annexations and high density development down the valley. We don't want the Lower Blue valley to become another Roaring Fork Valley with development spreading up and down that valley. We may live ten miles out, but Silverthorne is our town as well. FOLBR is suggesting that one step that might mitigate our worries would be to guaranty that the development in the north will be no more than one unit per twenty acres. He is very pleased with the verbal commitment to a conservation easement on part of that property. We feel that if this could be

legally binding it would make us feel a lot better about this tripling of density in the current proposed project.

Johnny LeCoq, Board member of FOLBR, Lower Blue Planning Commissioner, Ranch owner on the Lower Blue, their ranch is under a conservation easement. He is ashamed that this project has been put forth to the Town. He helped revise the Lower Blue Master Plan and this flies in the face for the rural character that we value. A proposal of two hundred and forty two homes is gross neglect; the eighty three homes would have been a responsible development. It would have allowed a feathered transition zone to the Lower Blue. We need to look at what the residents of the State of Colorado want. He speaks for the State of Colorado and this impact to wildlife is significant. He questioned the process of being open, notification to Three Peaks and the Lower Blue, so many people do not know about this project. He only found out about this project in the last two weeks. He is ashamed.

Butler reminded the audience that there are to be no personal attacks and all comments are directed at Council

John Longhill, Ruby Ranch Road, Board Member of FOLBR, Lower Blue Planning Commission and resident since 2004, owns the Horse Sense Thrift Store, and is a landscape architect. There has been a lot of good input from the community despite the short time frame, unfortunately. Summit County is opposed to this project as outlined by Summit County's planner Lindsey Hirsh because it doesn't follow the Lower Blue Master Plan. There are huge implications to wildlife. He reviewed the Three Mile Plan. He is concerned with the creep to the north. Apparently the Council sees some benefit to this development to the north. He commented on the disconnect between this project and the goal of open space and rural residential. The hearing tonight is a good way to listen to public input. Silverthorne does not end at the Town limits. What happens here is important to all of us. He understands the Town needs people to support the retail, arts, etc.

Diane Smith, 430 Tanglewood Lane, stated the surrounding areas outside the Town are still part of Silverthorne. We need to be a good community member and neighbor to the environment and wildlife. She questioned if the applicant's slides show indicates what would be done anyway with the mining restoration. She does not support this project. She read The 4-Way Test of All Things We Think and Do.

Les Boeckel, 145 Two Cabins Drive, he supports the previous comments. He questioned the traffic on Golden Eagle Drive. He asked if Game Trail was designed to handle the increase in traffic that this new development is going to create. He doesn't believe that strong language in contracts will detour contractors from driving on the Three Peak Road. He would like to see a locked gate at Game Trail and have it used for emergency agencies only. Those residents, who bought at that end of Three Peaks, had certain expectations of the number of roofs that they would see through the trees. They're not seeing eighty three roofs; they're seeing two hundred and forty, and that's a big difference. The increase in density for the people that purchased on Game Trail is huge. Mr. Everist spoke of an enduring legacy, maybe there should be a conservation easement on the property to the north or maybe he should help build the Town Core. This board has the ability to really do something and he thinks this is a big mistake. He reviewed the revenue generated by the proposed development for Mr. Everist.

Walter Briny, lives in Pioneer Creek Ranch which is one unit for twenty acres per, he is not in favor in the project. If approved, he suggests that Mr. Everist build a firehouse on the north end of town.

Fred Niggeler, 500 Summit County Road 2450, supports the project. It is an inclusive neighborhood project and the Town would benefit from this community. The trend towards smaller homes is a step in the right direction.

Henry Barr, 0968 Lindstrom Road, stated he was a Silverthorne resident and sat on that side of the dais. He was here when Eagles Nest was annexed. Everist did a good presentation. He does not support the increase in density. He sells real estate and he tells prospective buyers that that South Maryland Creek Ranch will be eighty units and a transition zone to lower density. He has a problem with the increase the density, for no apparent reason other than economics. Over the years, every other development has had a decrease in density. How do we justify the increase in density to those we have asked to lower their density over the last twenty years? How do we justify the increase in density when you look at the Lower Blue Master Plan? Be consistent and show that Silverthorne's word means something. There are two things the Lower Blue does need, a new cell phone tower and a fire house that could be donated to the Town

Ken O'Bryan, O'Bryan Architects and ranch owner north of town. The density is too high, it is an urban design. There is no transition. Deny the project.

Scott Downen, Frisco and local developer, is in favor of the South Maryland Creek project. There is not enough real estate on the market that can serve lower income people. Silverthorne is still growing and there is a need for well thought out residential. Tom Everist has been a big part of the community for years and we should have confidence in his ability to build a quality project.

Leslie LeCoq, 235 Maryland Creek Trail, asked the South Maryland Creek team if they have shown everyone what the original density was supposed to look like. Comparing the maps of the eighty-three units and the two hundred and forty units helps you visualize the impact to the wildlife and the neighboring units. She summarized a four page letter from Summit County Planner, Lindsey Hirsh outlining their reasons for not supporting the project. She summarized a letter from Tom Davies, District Wildlife Manager outlining the negative impact to wildlife. She doesn't believe the traffic can be controlled over a ten year period of time. They should consider the decrease in property values for their neighbors. She has invested ten years of planning, building and creating her home. Now she must face a development of two hundred and forty homes and it is a disgrace. Town Council should take a closer look at this and delay a decision. How did South Maryland Creek's team amend two Master Plans? She pointed out that Summit County has made Mr. Everist a very wealthy man. She asked for Council to deny the project.

Jeff Brenino, Lake Dillon Fire Department, stated they have received several calls asking them to present information. He is not speaking for or against the project. The station in Silverthorne is not a staffed facility, only administrative offices. Fire responses for Silverthorne come from Dillon, with a ten to twenty minute response time. They own property north of town for a station but they don't have funding for the building. ISO classified this subdivision as a ten out of ten, for the distance and response time. It may be difficult for property owners to obtain insurance. The subdivision would be classified as a four if a new fire station would be built.

Jeff Lunceford, 781 Anemone Trail, spoke of the contribution made by the Everist family, building low income and energy star homes in Silverthorne. He appreciates their efforts in helping him and his wife obtain a home in Summit County.

Larry Lunceford, County Road 36, owner of Neils Lunceford, has been here since 1978 and has been able to build a business. He appreciates the Lower Blue coming out to comment. Growth creates problems, but it is also creates opportunities. Without good developers he would not be where he is now, nor would Summit County. He wishes that it could be like it was, but what is now is now. This development would be a benefit to the Town.

Robert Sweet, Rush Creek Ranch Manager for fourteen years, read a poem/story outlining his feelings of the proposed development. We should show proper respect to land, wildlife. He is opposed to the increase in density.

Nancy Howlett, Willowbrook, represents a handful of neighbors. She supports previous comments and asked Council to sleep on their decision. She asked Council not to be greedy. How does the Town benefit from the increase in density?

Daryll Propp, 27271 Hwy 9, expressed his concerns. He lives across the road from the proposed entry to the development. He has been in the real estate business in forty years. He lost half the value of his home over the last seven years. He expressed concerns about the traffic. The developer hasn't controlled area traffic so far. It took two years to get approval to build his house because of concerns about wildlife and he has restriction on pets for his home. What impact will this development have on the wildlife? He is opposed to the project.

Jim Donlon, 600 Pass Creek Road, at the Planning Commission meeting the Ox Bow owners stated they have approval for one hundred and thirty units. The two developments are contributing to urban sprawl with all of this development. What drew us to Summit County? Are we preserving this and the special character of the County or are we destroying it, one project at a time. When he came to the County, the Official Master Plan stated ten homes could be built on this property and then later one unit on twenty acres. There is a slow creep. The special character of Summit County is being ruined step by step. He asked Council to deny the application; we will have a better county with our character preserved.

Mark Rost, 285 High Park Court, complimented South Maryland Creek on their presentation. He is opposed to the development. He wants to hear the rational of approving this development from Council. Economics have changed, the state is booming. What motivates Council to approve this? He asked about property tax revenue to the Town. If you decide to approve this he requested playing fields. Who has access to the private lake? He feels Everist will do a good job, but he wants to less density.

Leo Causland, 311 Longs Road, co-ranch manager of Maryland Creek Ranch, reminded everyone that South Maryland Creek Ranch is still a working ranch. Everist is a good steward of the land and committed to keeping the ranch a working ranch. Tom Everist is a good steward of the land.

Eli Robertson, 446 Hamilton Creek Road, reviewed his history with the Town. He owns property in the Riverfront Mixed Use, which is zoned for 25 units per acre, but no one has ever built there because of the developments outside of Town. In 1980, he was on the Town Board and on the County Planning Board, and we had a real problem at the time, because subdividing was a national pastime. Everybody subdivided. By 1980 everything that exists today was in place. Every subdivision had already been created, including South Forty, Acorn, Spring Creek, Wildnerst, everything except for Maryland Creek. The Towns and County got together and worked very hard to try to solve the problem about what was going to happen with this valley. We were able to incorporate the wishes of the ranchers, some of the legends of this county, and other people who realized if we didn't do something, the valley would be lost and so would the value of everybody's land as it got messed up. Ranchers would never be able to subdivide their land because the guy next door had already done it, and there were too many humans. So as a result, we got together and stopped all the subdivisions. At that time, Maryland Creek was on the tap for a subdivision, and we said no. They applied for it many times and were continued to be turned down. Now, we have the need to increase the density. The density at the time was 1 in 20 as we went down the valley. The fear was not just about property values going down, but quality of life of everyone that thought that this valley had everything you needed. I've been coming to these meetings for the last 35 years, as other proponents of Maryland Creek came, and I fought against it, and it ended up

March 11, 2015

happening anyway. One of the biggest fears we had was that the Town of Silverthorne would never become a Town because you were allowing the density to be built outside of Town. I've owned land across the way in the Riverfront Mixed Use district for 40 plus years. There's been only one development in that time. There are too many rules for RFMU so it's impossible to develop there. I'll give you an example, the first Mayor in this Town, he was my next door neighbor, and as people continue to add density outside of Town, people's properties in RFMU lost value. At one time he was offered a million dollars, and they talked to the Town and found they couldn't build what they wanted to. So the builders went somewhere else where it was easier. That's why there's only been one development in that area in forty years. More people lived in Silverthorne in 1980 in the Town Core than they do today. More people now live outside of town as land was annexed and then re-annexed. If we ever want this town to be something, you have to create a need and desire for development to be here, rather than creep down valley. I think they have put in a lot of effort and there is nothing that makes me think that these are anything but good people, but I would like you all to consider those of us that spent a tremendous amount of time trying to save that valley We don't deserve to have our development rights given away and given to a piece of property that was to be preserved for future generations.

Clint Condit, Rainbow Drive, has lived in Silverthorne since 1994 and he has seen a lot of changes in his neighborhood. He has concerns, public works has concerns. We need changes to this proposal; this is not a workable plan. Where are the people going to come from? Let's leave an open door and find some answers for a beautiful piece of property.

Marc Hogan, Baker Hogan Houx, there has been some good comments made tonight and he feels the Everist team will do a good job of incorporating them. What will be the benefit to the Town; it will be a neighborhood, not exclusive eighty-four lots that won't be occupied. The neighborhoods of Three Peaks and Eagles Nest developments have helped the Town. He urged approve with conditions.

Steve Shirpio, Pioneer Creek Ranch, the credibility of this process brings into doubt the undertakings that happen north of here. There was a PUD and now it's turned into this. He want to memorialize the intent to stop development farther north, it needs to stop.

Land LeCoq, 21 year old, grew up here. She has grown up here in the Lower Blue Valley. The rural community, views and wildlife mean the world to her. Approval of this project changes the land forever. She doesn't understand the benefits to Silverthorne. The wildlife will be impacted. She feels like this neighborhood will be an empty neighborhood. The proposed changes will change the gateway to the Lower Blue. Think clearly about forever changing it.

Ed Kaupas, Kaupas Water, has worked for the Everist Company and he thinks Everist is an honorable company. It will bring a lot of jobs and money to the County. Have they talked to CDOT about making it a four lane highway? He appreciates the time spent on this project.

Johnathan Knoff, lives ten miles to the north, bought their property in 2010 and have resided full time for two years. He owned property in Keystone for twenty-five years. He in no way questions Mr. Everist's plans or integrity. He wants to address the Council, this project has gone through a process, he wonders if there is a question of creditability in decision making, credibility in planning, credibility of this body, and credibly with the county. Take a step back and look at the decisions, take stock how you made those decisions in the first place. Do we need to make changes based on a whim or a good idea at the time? He wonders if Council needs to think about their credibility and integrity going forward.

Dale Montain, Elk Run Road, is concerned about the development of the intercity of Silverthorne. There is a lot of money on the table. Is it possible for the Everists to establish a fund to buy up properties in the intercity of Silverthorne so it can be developed?

Mike Smith, Tanglewood Lane, the Town Core is a vacant place at this time. South Maryland Creek had the first water rights written for the Blue River. He asked about water rights for the proposed development, was the infra-structure built for eighty three units, can it support two hundred and forty units? Can the wastewater treatment plant handle SMCR and Oxbow developments? Private lake, what does that mean? A dog park next to the highway, not a good idea.

Bernie Niberty, 2815 Hunters Knob, this increase in density will negatively impact where he lives. Is there a number between 84 and 240 that would work better? Maybe provide a broader appeal to the citizens of Silverthorne and the Lower Blue Valley.

Public hearing closed.

COUNCIL COMMENTS:

Sandquist stated she appreciates everyone showing up tonight. Whether Town resident or surrounding areas, she senses a lot of love and caring for the area. She has been curious to hear how the community feels about this project over the last year. There wasn't coverage of the project by Summit Daily news, until there was a change in reporters. She has been concerned that people haven't known about the project and addressed possible concerns. This is a community decision. What she hears tonight is that the community doesn't understand why the increase in density would be good for the Town and what the benefit would be. She would like to have the applicant ask for a continuance so there is more time to go back out into the community and talk to the neighbors and see what can be done to mitigate them. If she has to vote on the project tonight she would vote no.

Camp as they had a conversation prior to tonight, he has the same idea as Sandquist. He thinks it would be better to have a public meeting to air all concerns. Raise the comfort level of the residents.

Bird echoed Camp and Sandquist's feelings. There a lot of things that have to be ironed out. We need to control the sprawl, but we also need places for people to live. There is a way to have responsible development. We need a little more agreement.

Fowler thanked everyone for coming out tonight. Generally he would support a vote tonight; as Mr. Everist has done everything required of him. It makes sense to back down and have more community meetings to get things ironed out. Great developers are hard to come by, take a little more time to contemplate it.

Richardson is disappointed in the Planning Department. With an annexation, there is a long vetting process. There has been an increase in density many times. He looks at this like a Trojan Horse project. It's simple, everybody doesn't like the density. It is a simple yes or no vote. No vote tonight.

Long appreciates everyone coming tonight. She would have preferred to have the Action Item - Ordinance 2015-03, an Ordinance Amending Chapter 4, Article VI, Section 4-6-2-(h) Concerning the Design Districts moved to before this project. It is an important part of our Town. She is glad everyone got their brass rings, everyone deserves a pristine Town. She was one of 400 people living in here in the 1970's. She listened at several meetings about the proposed changes. This proposed project is a better fit for Silverthorne. She grew up on the South Maryland Creek Ranch. When SMCR came back in for the increase in density she in turn asked that there not be any development on the big mesa further north. Mr. Everist has made a lot of money, but he is a good business man and a good neighbor. They have won awards for the design, plan for the batch plan and environmental impacts. The money Mr. Everist has put on the table at the original submittal was very generous. The Town has used it wisely. Housing is a good driver for the economy. She has tried to pull down the doors at the tunnel, but it just hasn't happened. We can't stop the growth and people continue to come. Everyone

March 11, 2015

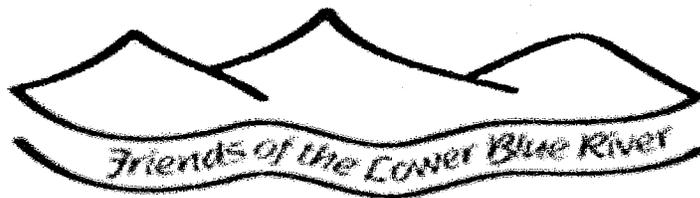
Page 8

loves being up here and we need people to come spend money, so we can collect sales tax to run this Town. She is proud of the fact that we don't have a property tax. Recently Council has been looking at affordable housing. There are currently only forty-four units available, and when those go on the market, they are only there for a short period of time. We need housing for families. If an applicant comes before Council with a project that meets the local zoning codes and regulations in place, the personal property rights need to be protected. She owns a business and property in Silverthorne. She owns property on the Lower Blue. If they choose to, they have approval from Summit County for one hundred and sixty eight units on their one hundred sixty eight acres. That will never happen in her life time. She supports this application; it's a good deal for Silverthorne. The density is only two percent bigger in the size of the houses.

Butler reminded everyone when Council receives notes, e-mails, and calls, the info is forwarded to staff and becomes part of the record. It is important to be good neighbors. Town Councils change and things change, that's life. He appreciates attendance and your comments. His neighbors work in trade, and they are part of this community too. Silverthorne still has the largest numbers of permanent residents and he is proud of that. He is proud that we don't have a property tax; it forces us to be careful with money. We don't have any long term debt, so we aren't over a barrel when things come through the door. The Town doesn't go out and solicit developments. We are looking for substantial businesses to locate in our core. We have spent a lot of time going through the commercial design district standards. Population and commercial development are symbolic. You must have a certain number of people to balance applications. The developer decides what they are going to propose. He encouraged a continuance. It would give the developer more time to engage the stakeholders and neighbors. He thinks it makes sense to put the northern piece of property in a conservation easement so it could not be developed. We need to talk to the fire department about getting a fire house out north. He supports more discussion.

CAMP MOVED TO CONTINUE SOUTH MARYLAND CREEK RANCH MAJOR (SMCR) PUD SO THAT THE DEVELOPER AND THE CITIZENS CAN COME TO A BETTER UNDERSTANDING OF WHAT THEY ARE BOTH LOOKING FOR, GOING FORWARD AND TO CONTINUE THE PUBLIC HEARING UNTIL WEDNESDAY MAY 27, 2015. MOTION SECONDED. MOTION PASSED BY COUNCIL. (RICHARDSON AND LONG NAY)

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.



May 21, 2015

Dear Town of Silverthorne Mayor Council Memembrs,

Friends of the Lower Blue River (FOLBR) has submitted a petition signed by interested parties in opposition to the PUD density amendment submitted by South Maryland Creek Ranch for their residential development. Your copy has omitted the email addresses for the sake of privacy, but I have included the addresses to Ryan Hyland for legitimacy.

I also would urge you to look at the FOLBR website: www.folbr.org for information on the position FOLBR is taking on the density increase proposal and for information on our organization.

FOLBR sincerely requests that you take a careful look at how the Town and the Lower Blue River Valley should develop so that the Town and the Valley can remain a desirable place to live, work, prosper and enjoy.

Sincerely,

A handwritten signature in cursive script that reads "Marty Richardson".

Marty Richardson, Executive Director

FOLBR Board of Directors

| | | | | |
|----|----------|------------|----------------|--------------------------------|
| 31 | Kim | Alle | 5/3/2015 19:54 | South Maryland Creek Amendment |
| 30 | Kaley | Alle | 5/3/2015 18:46 | South Maryland Creek Amendment |
| 29 | Devin | Arnold | 5/3/2015 18:00 | South Maryland Creek Amendment |
| 28 | henry | barr | 5/3/2015 17:40 | South Maryland Creek Amendment |
| 27 | Leigh | Girvin | 5/3/2015 17:13 | South Maryland Creek Amendment |
| 26 | HELEN | BARKER | 5/3/2015 15:59 | South Maryland Creek Amendment |
| 25 | Douglas | Porrey | 5/3/2015 15:03 | South Maryland Creek Amendment |
| 24 | Heidi | Dickstein | 5/3/2015 14:36 | South Maryland Creek Amendment |
| 23 | Ross | Dickstein | 5/3/2015 14:35 | South Maryland Creek Amendment |
| 22 | Sarah | Arnold | 5/3/2015 14:17 | South Maryland Creek Amendment |
| 21 | Arlen | Meyers | 5/3/2015 14:14 | South Maryland Creek Amendment |
| 20 | Darci | Groves | 5/3/2015 13:58 | South Maryland Creek Amendment |
| 19 | laurie | hartman | 5/3/2015 12:57 | South Maryland Creek Amendment |
| 18 | chris | sullivan | 5/3/2015 12:56 | South Maryland Creek Amendment |
| 17 | Chris | Shelden | 5/3/2015 12:09 | South Maryland Creek Amendment |
| 16 | Jennifer | Le Coq | 5/3/2015 11:57 | South Maryland Creek Amendment |
| 15 | Nancy | Duplan | 5/3/2015 11:42 | South Maryland Creek Amendment |
| 14 | JoAnn | Arnold | 5/3/2015 11:33 | South Maryland Creek Amendment |
| 13 | Marty | Richardson | 5/3/2015 10:40 | South Maryland Creek Amendment |
| 12 | Leslie | Le Coq | 5/3/2015 10:19 | South Maryland Creek Amendment |
| 11 | Sher | Steuben | 5/3/2015 10:09 | South Maryland Creek Amendment |
| 10 | Barbara | Rapp | 5/3/2015 9:54 | South Maryland Creek Amendment |
| 9 | Michael | Rapp | 5/3/2015 9:06 | South Maryland Creek Amendment |
| 8 | JOHN | FIELDER | 5/3/2015 8:40 | South Maryland Creek Amendment |
| 7 | bill | betz | 5/3/2015 7:21 | South Maryland Creek Amendment |
| 6 | william | Heagney | 5/3/2015 7:02 | South Maryland Creek Amendment |
| 5 | Nancy | Heagney | 5/3/2015 6:40 | South Maryland Creek Amendment |
| 4 | susan | Le Coq | 5/2/2015 15:34 | South Maryland Creek Amendment |
| 3 | John | Le Coq | 5/2/2015 15:30 | South Maryland Creek Amendment |
| 2 | Samuel | Kirk | 5/2/2015 13:38 | South Maryland Creek Amendment |
| 1 | Gary | Grady | 5/2/2015 7:57 | South Maryland Creek Amendment |

| | | | | |
|----|--------------|-------------|----------------|--------------------------------|
| 65 | John | St John | 5/5/2015 13:13 | South Maryland Creek Amendment |
| 64 | Susan | Knopf | 5/5/2015 12:55 | South Maryland Creek Amendment |
| 63 | Tresea | Moses | 5/5/2015 12:52 | South Maryland Creek Amendment |
| 62 | Linda | St John | 5/5/2015 12:47 | South Maryland Creek Amendment |
| 61 | Lisa | Whatley | 5/5/2015 12:37 | South Maryland Creek Amendment |
| 60 | Madelyn | Chang | 5/5/2015 12:34 | South Maryland Creek Amendment |
| 59 | Audrey | Chang | 5/5/2015 12:33 | South Maryland Creek Amendment |
| 58 | Matthew | Chang | 5/5/2015 12:32 | South Maryland Creek Amendment |
| 57 | Lisa | Chang | 5/5/2015 12:32 | South Maryland Creek Amendment |
| 56 | Sue | Carver | 5/5/2015 10:50 | South Maryland Creek Amendment |
| 55 | Magda | Gach | 5/5/2015 10:42 | South Maryland Creek Amendment |
| 54 | Katherine | Ball | 5/5/2015 7:17 | South Maryland Creek Amendment |
| 53 | Tom | Castigno | 5/4/2015 22:00 | South Maryland Creek Amendment |
| 52 | robert | girvin | 5/4/2015 17:28 | South Maryland Creek Amendment |
| 51 | Kent | Abernethy | 5/4/2015 14:48 | South Maryland Creek Amendment |
| 50 | Elena | Mastrangelo | 5/4/2015 12:58 | South Maryland Creek Amendment |
| 49 | Eleanor | Brown | 5/4/2015 12:40 | South Maryland Creek Amendment |
| 48 | Steve | Lipsher | 5/4/2015 12:30 | South Maryland Creek Amendment |
| 47 | Carole | Mccotter | 5/4/2015 11:54 | South Maryland Creek Amendment |
| 46 | matthew eric | lit | 5/4/2015 11:52 | South Maryland Creek Amendment |
| 45 | Randy | Hulett | 5/4/2015 11:41 | South Maryland Creek Amendment |
| 44 | Jim | Mccotter | 5/4/2015 11:24 | South Maryland Creek Amendment |
| 43 | Ben | Kurtz | 5/4/2015 10:20 | South Maryland Creek Amendment |
| 42 | Will | Joseph | 5/4/2015 10:07 | South Maryland Creek Amendment |
| 41 | Charles | Kurtz | 5/4/2015 8:18 | South Maryland Creek Amendment |
| 40 | Robert | Sweet | 5/4/2015 8:07 | South Maryland Creek Amendment |
| 39 | Jacob | Browne | 5/4/2015 8:03 | South Maryland Creek Amendment |
| 38 | Sharon | Sweet | 5/4/2015 8:03 | South Maryland Creek Amendment |
| 37 | Scott | Mowrey | 5/4/2015 8:03 | South Maryland Creek Amendment |
| 36 | David | Hanna | 5/4/2015 7:31 | South Maryland Creek Amendment |
| 35 | EMILY | FOX | 5/4/2015 6:28 | South Maryland Creek Amendment |
| 34 | Sage | Mccotter | 5/4/2015 3:22 | South Maryland Creek Amendment |
| 33 | Cosette | Patterson | 5/3/2015 21:08 | South Maryland Creek Amendment |
| 32 | Andrea | LeCocq | 5/3/2015 21:06 | South Maryland Creek Amendment |

| | | | | |
|----|-------------------|-----------|----------------|--------------------------------|
| 99 | Diane | Simcox | 5/6/2015 7:07 | South Maryland Creek Amendment |
| 98 | Maggie | Hillman | 5/6/2015 3:45 | South Maryland Creek Amendment |
| 97 | John | Hillman | 5/6/2015 3:42 | South Maryland Creek Amendment |
| 96 | Laureen | Madore | 5/5/2015 22:34 | South Maryland Creek Amendment |
| 95 | Gerald | Madore | 5/5/2015 22:33 | South Maryland Creek Amendment |
| 94 | George L | Moses | 5/5/2015 21:27 | South Maryland Creek Amendment |
| 93 | Maureen | Hyland | 5/5/2015 21:00 | South Maryland Creek Amendment |
| 92 | Anne | Hertel | 5/5/2015 19:09 | South Maryland Creek Amendment |
| 91 | Annie | Hertel | 5/5/2015 19:09 | South Maryland Creek Amendment |
| 90 | David | Yarian | 5/5/2015 18:55 | South Maryland Creek Amendment |
| 89 | Katie | Yarian | 5/5/2015 18:53 | South Maryland Creek Amendment |
| 88 | Sharon | Schultz | 5/5/2015 18:53 | South Maryland Creek Amendment |
| 87 | Jim | Schultz | 5/5/2015 18:52 | South Maryland Creek Amendment |
| 86 | Randall | Hertel | 5/5/2015 18:15 | South Maryland Creek Amendment |
| 85 | marti | colpitts | 5/5/2015 17:50 | South Maryland Creek Amendment |
| 84 | Ruth | Rankin | 5/5/2015 17:29 | South Maryland Creek Amendment |
| 83 | Leslie | Lawrence | 5/5/2015 17:23 | South Maryland Creek Amendment |
| 82 | Roger | Stork | 5/5/2015 16:48 | South Maryland Creek Amendment |
| 81 | Donna | Stork | 5/5/2015 16:47 | South Maryland Creek Amendment |
| 80 | Michael | Dambeck | 5/5/2015 16:45 | South Maryland Creek Amendment |
| 79 | Anthony | Cianflone | 5/5/2015 16:10 | South Maryland Creek Amendment |
| 78 | Marilyn | Servais | 5/5/2015 15:50 | South Maryland Creek Amendment |
| 77 | Paul | Servais | 5/5/2015 15:17 | South Maryland Creek Amendment |
| 76 | Steve | Greenwood | 5/5/2015 15:05 | South Maryland Creek Amendment |
| 75 | Mark and Jennifer | Peters | 5/5/2015 15:05 | South Maryland Creek Amendment |
| 74 | August | Geise | 5/5/2015 14:59 | South Maryland Creek Amendment |
| 73 | Susan | Greenwood | 5/5/2015 14:47 | South Maryland Creek Amendment |
| 72 | Joseph | Speelman | 5/5/2015 14:12 | South Maryland Creek Amendment |
| 71 | John | Champoux | 5/5/2015 13:58 | South Maryland Creek Amendment |
| 70 | Gayle | Neidert | 5/5/2015 13:46 | South Maryland Creek Amendment |
| 69 | Lori | O'Bryan | 5/5/2015 13:41 | South Maryland Creek Amendment |
| 68 | Janice | mcintyre | 5/5/2015 13:34 | South Maryland Creek Amendment |
| 67 | Vicki | Dickerson | 5/5/2015 13:22 | South Maryland Creek Amendment |
| 66 | Matthew | Krane | 5/5/2015 13:17 | South Maryland Creek Amendment |

| | | | | |
|-----|----------------|---------------|-----------------|--------------------------------|
| 133 | Kate | Gary | 5/11/2015 8:22 | South Maryland Creek Amendment |
| 132 | Jeff | Leigh | 5/11/2015 8:19 | South Maryland Creek Amendment |
| 131 | Michael | Arnold | 5/10/2015 10:05 | South Maryland Creek Amendment |
| 130 | Brenda | Daniel | 5/10/2015 9:25 | South Maryland Creek Amendment |
| 129 | Jan | Leuthauser | 5/9/2015 15:00 | South Maryland Creek Amendment |
| 128 | Janet | Graham | 5/9/2015 14:50 | South Maryland Creek Amendment |
| 127 | Nicole | Maniatis | 5/9/2015 14:44 | South Maryland Creek Amendment |
| 126 | Chris | Arnold | 5/9/2015 9:01 | South Maryland Creek Amendment |
| 125 | Jarisse | sanborn | 5/8/2015 23:47 | South Maryland Creek Amendment |
| 124 | Jenner | Currier | 5/8/2015 10:54 | South Maryland Creek Amendment |
| 123 | william | sowers | 5/8/2015 9:20 | South Maryland Creek Amendment |
| 122 | Jane | Mueller | 5/8/2015 8:33 | South Maryland Creek Amendment |
| 121 | Robin | Kelly | 5/7/2015 20:38 | South Maryland Creek Amendment |
| 120 | Susan | Burgert-Abene | 5/7/2015 20:13 | South Maryland Creek Amendment |
| 119 | David L | Hodgson | 5/7/2015 15:31 | South Maryland Creek Amendment |
| 118 | Jennifer | riberdy | 5/7/2015 13:08 | South Maryland Creek Amendment |
| 117 | Holl | Benkelman | 5/7/2015 13:01 | South Maryland Creek Amendment |
| 116 | Allen | Gordon | 5/7/2015 10:08 | South Maryland Creek Amendment |
| 115 | Cynthia | Gordon | 5/7/2015 8:48 | South Maryland Creek Amendment |
| 114 | James and Joan | Estelle | 5/6/2015 20:36 | South Maryland Creek Amendment |
| 113 | Sigrid | Rein | 5/6/2015 18:49 | South Maryland Creek Amendment |
| 112 | Brian | Miller | 5/6/2015 18:28 | South Maryland Creek Amendment |
| 111 | Christopher | O'Reilly | 5/6/2015 16:10 | South Maryland Creek Amendment |
| 110 | sue | shehan | 5/6/2015 15:38 | South Maryland Creek Amendment |
| 109 | Kevin | Hertel | 5/6/2015 14:28 | South Maryland Creek Amendment |
| 108 | Gwenn | Hertel | 5/6/2015 14:26 | South Maryland Creek Amendment |
| 107 | ROBERT | GOODMAN | 5/6/2015 14:01 | South Maryland Creek Amendment |
| 106 | Dillon | Sarrelli | 5/6/2015 11:55 | South Maryland Creek Amendment |
| 105 | Ben | Connors | 5/6/2015 11:49 | South Maryland Creek Amendment |
| 104 | Brandon | Chalk | 5/6/2015 11:27 | South Maryland Creek Amendment |
| 103 | Wolfgang | Rein | 5/6/2015 8:54 | South Maryland Creek Amendment |
| 102 | Mary-Margaret | Porrey | 5/6/2015 8:41 | South Maryland Creek Amendment |
| 101 | Raymond & Jan | Patschke | 5/6/2015 8:04 | South Maryland Creek Amendment |
| 100 | gerge | poptic | 5/6/2015 7:36 | South Maryland Creek Amendment |

| | | | | |
|-----|-----------|--------------|-----------------|--------------------------------|
| 167 | Mary L | Krablin | 5/17/2015 6:34 | South Maryland Creek Amendment |
| 166 | Steven | Krablin | 5/17/2015 5:40 | South Maryland Creek Amendment |
| 165 | Sally | Kaesemeyer | 5/16/2015 18:32 | South Maryland Creek Amendment |
| 164 | Lisa | Kendall | 5/16/2015 18:25 | South Maryland Creek Amendment |
| 163 | Sybil | Praski | 5/16/2015 14:46 | South Maryland Creek Amendment |
| 162 | Mary K. | Lips | 5/16/2015 13:56 | South Maryland Creek Amendment |
| 161 | Robert | Wlyer | 5/16/2015 13:40 | South Maryland Creek Amendment |
| 160 | Scott | Simcox | 5/16/2015 9:35 | South Maryland Creek Amendment |
| 159 | Gre | Bernard | 5/16/2015 9:32 | South Maryland Creek Amendment |
| 158 | Lisa | Bernard | 5/16/2015 9:31 | South Maryland Creek Amendment |
| 157 | Bob | Gerding | 5/16/2015 9:10 | South Maryland Creek Amendment |
| 156 | John | Laverty | 5/16/2015 9:01 | South Maryland Creek Amendment |
| 155 | Raymond | Petereit | 5/16/2015 7:47 | South Maryland Creek Amendment |
| 154 | Penelope | Francis | 5/16/2015 7:46 | South Maryland Creek Amendment |
| 153 | David | Kraemer | 5/13/2015 19:14 | South Maryland Creek Amendment |
| 152 | Paula | Kraemer | 5/13/2015 18:44 | South Maryland Creek Amendment |
| 151 | Kate | Lucks | 5/12/2015 16:22 | South Maryland Creek Amendment |
| 150 | Glenn | Arnstutz | 5/12/2015 16:10 | South Maryland Creek Amendment |
| 149 | Pamela | Beardsley | 5/12/2015 13:25 | South Maryland Creek Amendment |
| 148 | Kevin | Mastin | 5/12/2015 7:49 | South Maryland Creek Amendment |
| 147 | Elizabeth | Barrett-Kirk | 5/11/2015 21:14 | South Maryland Creek Amendment |
| 146 | Joan | Betz | 5/11/2015 20:41 | South Maryland Creek Amendment |
| 145 | Candy | Stepan | 5/11/2015 16:02 | South Maryland Creek Amendment |
| 144 | John | Hrdlicka | 5/11/2015 15:31 | South Maryland Creek Amendment |
| 143 | Ann | Hill | 5/11/2015 14:08 | South Maryland Creek Amendment |
| 142 | joan | bailey | 5/11/2015 12:20 | South Maryland Creek Amendment |
| 141 | PETER | DIGEL | 5/11/2015 11:31 | South Maryland Creek Amendment |
| 140 | Adele | Haynes | 5/11/2015 11:27 | South Maryland Creek Amendment |
| 139 | Myra | Isenhart | 5/11/2015 9:52 | South Maryland Creek Amendment |
| 138 | Pat | Foote | 5/11/2015 9:37 | South Maryland Creek Amendment |
| 137 | Mary | Amstutz | 5/11/2015 9:25 | South Maryland Creek Amendment |
| 136 | Megan | Schlegel | 5/11/2015 8:37 | South Maryland Creek Amendment |
| 135 | Frank | Isenhart | 5/11/2015 8:30 | South Maryland Creek Amendment |
| 134 | Sherr | Leigh | 5/11/2015 8:22 | South Maryland Creek Amendment |

| | | | | |
|-----|-------------|------------|-----------------|--------------------------------|
| 201 | Susanne | Muller | 5/18/2015 11:32 | South Maryland Creek Amendment |
| 200 | Roger | Haston | 5/18/2015 11:18 | South Maryland Creek Amendment |
| 199 | Mont | Levy | 5/18/2015 11:05 | South Maryland Creek Amendment |
| 198 | Ashley | Longhill | 5/18/2015 10:59 | South Maryland Creek Amendment |
| 197 | carolyn | kauffman | 5/18/2015 10:50 | South Maryland Creek Amendment |
| 196 | Rose | Longhill | 5/18/2015 10:33 | South Maryland Creek Amendment |
| 195 | John | Longhill | 5/18/2015 10:31 | South Maryland Creek Amendment |
| 194 | Raymond | Hedenberg | 5/18/2015 10:12 | South Maryland Creek Amendment |
| 193 | Warren | Avery | 5/18/2015 9:48 | South Maryland Creek Amendment |
| 192 | Diane | Pugh | 5/18/2015 9:46 | South Maryland Creek Amendment |
| 191 | donna | estes | 5/18/2015 9:39 | South Maryland Creek Amendment |
| 190 | Kevin | Petereit | 5/18/2015 9:17 | South Maryland Creek Amendment |
| 189 | Terry | Petereit | 5/18/2015 9:06 | South Maryland Creek Amendment |
| 188 | Lance | Little | 5/18/2015 9:00 | South Maryland Creek Amendment |
| 187 | Amanda | Poe Little | 5/18/2015 8:59 | South Maryland Creek Amendment |
| 186 | Anne | Poe | 5/18/2015 8:58 | South Maryland Creek Amendment |
| 185 | Adam | Poe | 5/18/2015 8:57 | South Maryland Creek Amendment |
| 184 | Christine | Egan | 5/18/2015 8:25 | South Maryland Creek Amendment |
| 183 | John | Donnelly | 5/18/2015 8:24 | South Maryland Creek Amendment |
| 182 | Howard | Carver | 5/18/2015 7:32 | South Maryland Creek Amendment |
| 181 | Brian | Edney | 5/18/2015 0:19 | South Maryland Creek Amendment |
| 180 | Sandra | Donlon | 5/17/2015 20:25 | South Maryland Creek Amendment |
| 179 | James | Donlon | 5/17/2015 20:24 | South Maryland Creek Amendment |
| 178 | Luise | Bruno | 5/17/2015 16:03 | South Maryland Creek Amendment |
| 177 | Christopher | Schubert | 5/17/2015 12:27 | South Maryland Creek Amendment |
| 176 | William | Schubert | 5/17/2015 12:21 | South Maryland Creek Amendment |
| 175 | Gail | Schubert | 5/17/2015 12:20 | South Maryland Creek Amendment |
| 174 | Roger | Paluska | 5/17/2015 11:03 | South Maryland Creek Amendment |
| 173 | Jay | Gilson | 5/17/2015 10:59 | South Maryland Creek Amendment |
| 172 | Bob | Gilson | 5/17/2015 10:54 | South Maryland Creek Amendment |
| 171 | Lowell | Graves | 5/17/2015 8:50 | South Maryland Creek Amendment |
| 170 | Toni | Graves | 5/17/2015 8:12 | South Maryland Creek Amendment |
| 169 | Bill | Justice | 5/17/2015 6:49 | South Maryland Creek Amendment |
| 168 | Mary | Seidel | 5/17/2015 6:48 | South Maryland Creek Amendment |

| | | | | |
|-----|------------------|----------------|-----------------|--------------------------------|
| 235 | Donald and Signe | Ferguson | 5/18/2015 22:15 | South Maryland Creek Amendment |
| 234 | Jane | Peterson | 5/18/2015 22:05 | South Maryland Creek Amendment |
| 233 | Jon | Anderson | 5/18/2015 21:19 | South Maryland Creek Amendment |
| 232 | Tim | Kirk | 5/18/2015 20:28 | South Maryland Creek Amendment |
| 231 | Brenda | Whitehead | 5/18/2015 20:26 | South Maryland Creek Amendment |
| 230 | wendel | einholz | 5/18/2015 20:22 | South Maryland Creek Amendment |
| 229 | David John | Almond | 5/18/2015 19:24 | South Maryland Creek Amendment |
| 228 | Sara | Almond | 5/18/2015 19:23 | South Maryland Creek Amendment |
| 227 | Lynnda | Kull | 5/18/2015 18:05 | South Maryland Creek Amendment |
| 226 | Michael | Foster | 5/18/2015 17:53 | South Maryland Creek Amendment |
| 225 | Deborah | Myers | 5/18/2015 17:28 | South Maryland Creek Amendment |
| 224 | Peter | Grady | 5/18/2015 17:18 | South Maryland Creek Amendment |
| 223 | Margo | Hirschfeld | 5/18/2015 17:13 | South Maryland Creek Amendment |
| 222 | Michael | Magliocchetti | 5/18/2015 16:24 | South Maryland Creek Amendment |
| 221 | Shelton | Reichardt | 5/18/2015 16:09 | South Maryland Creek Amendment |
| 220 | robert | Julian | 5/18/2015 16:03 | South Maryland Creek Amendment |
| 219 | fiona | van reisen | 5/18/2015 15:58 | South Maryland Creek Amendment |
| 218 | Mark | Thomas | 5/18/2015 15:56 | South Maryland Creek Amendment |
| 217 | Jonathan | Rovick | 5/18/2015 15:33 | South Maryland Creek Amendment |
| 216 | Rebecca | Richmond | 5/18/2015 15:30 | South Maryland Creek Amendment |
| 215 | Tom | Kaesemeyer | 5/18/2015 15:29 | South Maryland Creek Amendment |
| 214 | Adam | Onasch | 5/18/2015 14:37 | South Maryland Creek Amendment |
| 213 | Kim | Long | 5/18/2015 14:36 | South Maryland Creek Amendment |
| 212 | Eric | Killins | 5/18/2015 14:32 | South Maryland Creek Amendment |
| 211 | Kristin | Day | 5/18/2015 14:31 | South Maryland Creek Amendment |
| 210 | Margaret | Dow | 5/18/2015 14:28 | South Maryland Creek Amendment |
| 209 | Sue | Avery | 5/18/2015 14:27 | South Maryland Creek Amendment |
| 208 | Richard | Dow | 5/18/2015 14:27 | South Maryland Creek Amendment |
| 207 | Odile | Lambelet Grady | 5/18/2015 14:24 | South Maryland Creek Amendment |
| 206 | Ingrid | tutwiler | 5/18/2015 13:26 | South Maryland Creek Amendment |
| 205 | David | Wingate | 5/18/2015 12:33 | South Maryland Creek Amendment |
| 204 | Cathi | Wingate | 5/18/2015 12:27 | South Maryland Creek Amendment |
| 203 | peter | rietz | 5/18/2015 11:59 | South Maryland Creek Amendment |
| 202 | kathleen | rietz | 5/18/2015 11:57 | South Maryland Creek Amendment |

| | First Name | Last Name | Date Signed | Petition Title |
|-----|-------------------|------------------|--------------------|--------------------------------|
| 268 | Michelle | huddleston | 5/21/2015 7:36 | South Maryland Creek Amendment |
| 267 | Kevin | McLane | 5/21/2015 7:22 | South Maryland Creek Amendment |
| 266 | Joseph & Penella | Di Prima | 5/21/2015 6:33 | South Maryland Creek Amendment |
| 265 | Mark | Rost | 5/21/2015 5:55 | South Maryland Creek Amendment |
| 264 | Glenn | Hoge | 5/21/2015 4:39 | South Maryland Creek Amendment |
| 263 | scott | willis | 5/21/2015 2:19 | South Maryland Creek Amendment |
| 262 | Jay | Mesinger | 5/21/2015 2:07 | South Maryland Creek Amendment |
| 261 | Christopher | Wrobel | 5/21/2015 1:00 | South Maryland Creek Amendment |
| 260 | Karen | Breen | 5/20/2015 21:46 | South Maryland Creek Amendment |
| 259 | Susan | Rost | 5/20/2015 21:43 | South Maryland Creek Amendment |
| 258 | Nancy | Spears | 5/20/2015 21:43 | South Maryland Creek Amendment |
| 257 | David | Johnstone | 5/20/2015 21:32 | South Maryland Creek Amendment |
| 256 | Joan | Davids | 5/20/2015 21:24 | South Maryland Creek Amendment |
| 255 | Phyllis | Johnstone | 5/20/2015 21:24 | South Maryland Creek Amendment |
| 254 | ann | brewster | 5/20/2015 20:52 | South Maryland Creek Amendment |
| 253 | Mark and Jennifer | Peters | 5/20/2015 20:38 | South Maryland Creek Amendment |
| 252 | Dennis | Neidert | 5/20/2015 20:23 | South Maryland Creek Amendment |
| 251 | Pam | Horstman | 5/20/2015 20:21 | South Maryland Creek Amendment |
| 250 | Ruchi | Brunvand | 5/20/2015 20:14 | South Maryland Creek Amendment |
| 249 | Dwight | Holton | 5/20/2015 13:08 | South Maryland Creek Amendment |
| 248 | Linda | Drake | 5/20/2015 9:46 | South Maryland Creek Amendment |
| 247 | Kathleen | stokes | 5/19/2015 17:14 | South Maryland Creek Amendment |
| 246 | Tom | Stokes | 5/19/2015 16:03 | South Maryland Creek Amendment |
| 245 | Linda | Lauch | 5/19/2015 14:53 | South Maryland Creek Amendment |
| 244 | Annelle | Sorkin | 5/19/2015 14:48 | South Maryland Creek Amendment |
| 243 | Sandy | Benner | 5/19/2015 14:19 | South Maryland Creek Amendment |
| 242 | Harlan | Sorkin | 5/19/2015 11:42 | South Maryland Creek Amendment |
| 241 | Tom and Cindy | Massaro | 5/19/2015 10:49 | South Maryland Creek Amendment |
| 240 | Stella | Mittelbach | 5/19/2015 10:48 | South Maryland Creek Amendment |
| 239 | Christine | Lips | 5/19/2015 9:06 | South Maryland Creek Amendment |
| 238 | David | Broadway | 5/19/2015 5:16 | South Maryland Creek Amendment |
| 237 | Richard | Mautz | 5/19/2015 0:02 | South Maryland Creek Amendment |
| 236 | Margaret | Smith | 5/18/2015 23:01 | South Maryland Creek Amendment |



Summit Capital LLC

May 21, 2015

Delivered by electronic mail

Mr. Mark Leidal, Assistant Town Manager mark.leidal@silverthorne.org
Mr. Matt Gennett, Planning Manager mgennett@silverthorne.org
Silverthorne Town Hall
601 Center Circle
Silverthorne, CO 80498

Re: PUD Amendment – South Maryland Creek Ranch Development

Dear Sirs:

Thank you for the opportunity to comment on the South Maryland Creek Ranch ("SMCR") project. I represent the owner of the Eagles' Nest Mountain Ranch, LLC property located at 28112 Highway 9, directly east of the SMCR property.

We have been working closely with Tom Everist's team over the past couple of months while reviewing their proposal for increased density on SMCR, as well as their intent for the remaining 640 acres of county lands to the north. We understand the new vision for the SMCR project and have received Mr. Everist's commitment to maintain the existing density on the county lands in perpetuity. Mr. Everist has also committed not to seek annexation of the county lands by the Town.

For all of the above reasons, Eagles Nest Mountain Ranch and its owners hereby state for the record their support for the South Maryland Creek Ranch PUD amendment as proposed.

We look forward to our continued relationship with the Everist family and South Maryland Creek Ranch.

Sincerely,

Eagles' Nest Mountain Ranch, LLC
William R. Gougér, Manager

{00034985}

Susan Schulman

From: Tad Maxwell <houston@wiatel.net>
Sent: Wednesday, May 20, 2015 11:57 AM
To: Susan Schulman
Subject: Maryland Creek Ranch

Hello Susan, Thank-you for your assistance. I have been a homebuilder in the Sioux city, Iowa area for over 20 years and worked hard to develop a very good reputation. We built 130 new homes over a 15 year period so I am aware of the very positive impact new development can have on a community. The majority of the homes we built came in a 2000 acre master planned development called Dakota Dunes. The most important component in a successful long term housing development is to have a developer with significant capital resources and patience. It appears to me that Tom Everist fits this essential component very well. The Silverthorne community should be thankful that he wants to undertake this venture and give him the latitude to proceed and succeed as he and his team deem appropriate within an ever changing marketplace. Tad Maxwell Timberlake Development LLC houston@wiatel.net

185 Easy Bend Trail (PO Box 469)
Silverthorne, CO 80498-0496
April 2, 2015

To: The Honorable Bruce Butler, Mayor of Silverthorne
Mayor Pro-Tem Ann-Marie Sandquist
Town Council Members: Jonathan Bird Russ Camp
Derrick Fowler Peggy Long
Stuart Richardson
Town Manager: Ryan Hyland
Asst. Town Manager: Mark Leidal
EDAC Chairperson: Edward O'Brien (via e-mail)

Re: Maryland Creek South development – one issue

As I was reading several write-ups on the Maryland Creek South changes being sought, I was having difficulty understanding if, and how, that would impact the sales of existing homes that don't seem to be selling well in our neighborhood for the past couple of years. When I tried to pursue that issue at the March 24th meeting between the Eagles Nest HOA and Tom Everist and his team, I was advised by the moderator that I was raising questions that Tom should not address, rather I should address my concern to the Town. It is for that reason I developed the attached analysis and I would like to thank you in advance for taking the time to review it.

I believe the issue raised is one which will exist regardless of the number of sites approved, the unit density per acre, traffic issues or wildlife issues. I am hoping you can agree to something similar to what I proposed since I know of no alternative that isn't too "flexible". If you would like I can develop a small program to do the proposed calculations, and build it so it can be rerun at any point in time conditions change enough to warrant it.

If you have any questions, I can be reached at 970.262.0140 (through April 7th), or at rbochan2@yahoo.com. I will be traveling for a good part of April and mid-May; if I receive an e-mail I can call back reasonably soon after I get it. I will have a cell phone with me when travelling: 303-888-4670.

Thank you,



Richard (Dick) Bochan

Attachments:

- "One Maryland Creek Development Issue" Document
- Attachment A – Home Sales and Listing Summary
- Attachment B – Data from Chuck Leathers Real Estate Company website

One Maryland Creek Development Issue

This analysis will show that in allowing the developer to revise the development plan, most of the existing residents of neighboring communities will be financially disadvantaged should they need to sell their homes for many years or longer. This would not be the case if we stayed with the plan of record (83 homes). However, through rational limiting of the flow of new Maryland Creek construction onto the market coupled with a brief moratorium for those categories for which the excess supply is most pronounced, we believe we can have a compromise situation that is workable. This analysis does not attempt to pass judgement on whether 240 units is the right number (vs something substantially less as voiced at the March 24th HOA/Developer meeting), nor does it attempt to deal with impacts on wildlife, quality of life, traffic considerations, etc. Nor does it try to take a position on whether this change remains compatible with Silverthorne's philosophy on population density as you move away from the town center.

Why this Document?

During the March 24, 2015 Eagles Nest HOA members' meeting with the Maryland Creek South development team (Tom Everist's people), several questions were raised which the moderator indicated were clearly not the type of thing that Tom should have to address. Rather, some questions such as the consequential impacts on nearby residents of undertaking the project as described and sized should be addressed to the Town and its planning personnel. Because Tom's team is not actively pursuing such issues, the primary issue is being documented here so it can be brought to the Town for its consideration in granting Tom the go-ahead to amend the current plan for 83 units.

The questions that will be addressed here are:

- Will the undertaking as now being pursued penalize existing homeowners financially over the next several years due to excess supply on the market?
- What are our choices?
- Can some safeguards be built in to mitigate some of the consequences on existing home owners?

Are nearby existing homeowners financially penalized over the next several years or more?

In changing the development baseline from 83 units to 240 units, this takes the project from being one with little overlap with the homes in the Eagles Nest HOA (Eagles Nest, Three Peaks and its many sub-associations) and Hamilton Creek to one with significant if not complete overlap when it comes to prospective buyers. This change we understand is necessitated by the developer's conclusion that his original forecasts and projections proved to be wrong making the original undertaking not economically viable. Consequently, he is pursuing the new plan to make and maximize his profit.

Attachment A (Home Sales and Listings near Mary Creek Development) reflects sales and listing information available on Chuck Leathers Real Estate Company's website. I have also attached the details of individual transactions and listings from Chuck Leathers' website as well (Attachment B). The selection of properties I used in this analysis was made because these are similar in nature to those Tom Everist indicated in the meeting he would be building (in terms of Price, Quality and Square Footage), as well as their proximity to his development.

Three of the Eagles Nest sub-associations that Chuck Leathers breaks out on his website (Aspens, Hideaways and the Ponds) line up with Tom's smaller footprint units with averages (based on 12 months sales) ranging from 1500 to 1800 square feet. The other three (Three Peaks, Eagles Nest [Other], and Hamilton Creek), again based on 12 months sales, line up with the medium to large footprint units (with averages ranging from 2700 to 4260 square feet).

Key "take-aways" from this analysis are:

- There appears to be substantial demand for the smaller footprint units. Only 115 days (3.8 months) of inventory exists for this category. Approximately ¼ of the properties in the neighboring communities fall into this category.
- There appears to be troubling levels of demand for medium to large footprint units. 352 days (nearly 12 months) of inventory exist, with only 27 units having been sold in the last 12 months. In terms of the number of properties, ¾ of the properties near the Maryland Creek development fit into the medium-large footprint category.
- To make matters worse, Three Peaks has 90 lots that have not been built on yet. 20 of these are currently on the market. Both the 20 and the 70 vacant lots will ultimately add to the overall supply. At current levels of Three Peaks Sales this amounts to an additional 10 years' worth of supply if you consider all the vacant lots; 2 ¼ years' worth of supply if you consider only the 20 lots on the market today...and this is on top of the 456 days of supply of resale homes in Three Peaks.

The following are some conclusions that can be drawn based on the above:

- Tom Everist indicated he hoped to build out 15 units the first year and 25 units each year thereafter, with initial emphasis on the smaller footprint homes. If the proportion of small to med/large footprint units is the same as currently exists in the surrounding neighborhoods as documented in this study, that would mean 18-19 medium to large units will be built each year after the first year. With only 27 unit sales over the past twelve months, and current listings numbering 26, how can 18-19 additional units each year be supported, particularly with 90 vacant lots in Three Peaks? Clearly, an oversupply will only serve to suppress prices for some very extended period of time unless demand increases substantially.
- In addition, our more expensive communities tend to have older residents. A number of these residents have either moved away for health reasons or have died. In either case, the negative financial impact associated with having a forced sale when prices are suppressed due to additional oversupply is troubling.

What are our choices?

Clearly, the current plan for 83 units on the 416 acres did not present much of a problem in regard to existing homeowners. Such a development would call for high end homes beyond the range of homes in existing neighborhoods. This is what the developer projected and presented to the town in the past and was the basis for the go-ahead he received originally. That was a business decision on his part that was based on projections that proved to be wrong. That plan however, did not penalize the existing residents and had it been viable, would possibly have been beneficial to the existing residents of neighboring communities.

Consequently, if we could stay with the current plan, that would best serve the current residents of the neighboring communities. However, Tom Everist has told us that simply isn't doable. The only other choice would be to amend the current plan along the lines presented and put in place some checks and balances to minimize the impact on the existing homeowners in these neighboring communities while still allowing a reduced level of development that enables the developer to be better off financially than with the current plan.

Can some safeguards be built in to mitigate some of the consequential risks?

It appears we have, at this time, an equilibrium between the reselling of medium-large homes vs those listed, although taking almost a year on average to sell. That is without new construction. Additionally we know there are 20 vacant lots on the market in this same category with another 70 not currently on the market. It also appears that the small footprint units are in short supply, relatively. The following is a set of rules I believe can be implemented to minimize (but not eliminate) the pain to current residents while allowing the developer to proceed (although perhaps not at the levels he would like, however):

Allow development to proceed as follows:

- **Small footprint homes** (under 2,000 square feet) at a rate equal to 6 months' worth of sales in the prior 12 months. It would make sense to establish this rate for the upcoming 12 months each January 1 **beginning January 1 of 2016**. If the developer wishes to begin working before January of 2016, then this value can be increased by 25% to get him to January 1, 2017.
- **Medium-Large footprint homes** (2000 or over square feet). Since there are clearly more houses on the market longer the bigger they are, we would break this category in to two parts:
 - **2000 – 3499 square feet:** The number of properties to be developed would be determined on May first each year for the upcoming 12 months at a rate of 4 months' worth of sales of homes falling in this category **beginning in January 1 of 2017**.
 - **3500 and over square feet:** The number of properties to be developed would be determined on May first each year for the upcoming 12 months at a rate of 3 months' worth of sales of homes falling in this category **beginning in January 1 of 2018**.
- In all cases, the sales data used in determining the next year's allotment for the upcoming 12 months will be taken from all Eagles Nest, Hamilton Creek and Maryland Creek South properties sales for which a sale has been consummated and a CO has been issued.
- How this would work out using the current sales data for the twelve months ending in March 2015:
 - Small footprint houses (under 2,000 square feet):
 $19 \text{ sales} \times (6/12) = 9.5 \text{ starts permitted (rounded to 10)}$
 - Medium footprint houses (2000-3499 square feet):
 $16 \text{ sales} \times (4/12) = 5.33 \text{ starts permitted (rounded to 6) beginning January 2017}$
 - Large footprint houses (3500 and up square feet):
 $11 \text{ sales} \times (3/12) = 2.75 \text{ starts permitted (rounded to 3) beginning January 2018}$
- In addition, in computing the allotment by category for the new year, the values calculated are to be reduced by prior years' undertakings that have not had COs issued or have not been sold. So if in 2018 the prior 12 months sales would support 8 starts of medium footprint homes for the upcoming year, but 3 medium footprint homes started the prior year have not been completed and sold, then the new allotment is 5 (= 8 minus 3).

I believe that the precise language of this section should be worked out by people good at doing that kind of thing. The purpose here was only to convey the general concepts to incorporate.

This approach establishes controls that will allow for a limited degree of development for those ranges of homes with substantial oversupply, while allowing those limits to increase should we have an increase in demand. Additionally, the use of a mathematical formula will insure consistency in determining each year's allotments.

Richard A Bochan
rbochan2@yahoo.com

Home Sales and Listings near Maryland Creek Development

| | * | ** | ** | ** | ** | ** | ** | ** | ** | ** | ** | ** | ** | ** | | | | | |
|----------|------------------|-------------------|-------------------------|-----------------|-----------------------|---------------------|-------------------|-----------------------|------------|--------|-----------|-------|--------------------------------|-----------------|-------------------|----------------|------------------------------------|-------|--|
| Approx # | Current Listings | Avg Listing value | Avg. Listing \$/sq. ft. | 12 Months Sales | 12 Months Selling Pr. | 12 Months \$/sq.ft. | Days of inventory | 12 Months avg. sq. ft | Properties | Aspens | Hideaways | Ponds | Subtotal small footprint homes | Three Peaks *** | Eagles Nest Other | Hamilton Creek | Subtotal med-large footprint homes | Total | |
| | 51 | 2 | 542000 | 286 | 7 | 415000 | 104 | 1623 | | | | | | | | | | | |
| | 78 | 4 | 388000 | 268 | 8 | 369000 | 183 | 1502 | | | | | | | | | | | |
| | 84 | 0 | 0 | 0 | 4 | 539000 | 0 | 1801 | | | | | | | | | | | |
| | 213 | 6 | 439333 | 274 | 19 | 421737 | 115 | 1610 | | | | | | | | | | | |
| | 270 | 10 | 1614000 | 343 | 8 | 1436000 | 456 | 4265 | | | | | | | | | | | |
| | 300 | 12 | 897000 | 282 | 15 | 663767 | 292 | 2725 | | | | | | | | | | | |
| | approx. 118 | 4 | 1466000 | 328 | 4 | 949000 | 365 | 3388 | | | | | | | | | | | |
| | 688 | 26 | 1260308 | 313 | 27 | 934834 | 352 | 3280 | | | | | | | | | | | |

Total

Notes:

* Source Data: Assessor's Office Maps and Information from Eagles Nest HOA's DRC

** Source Data: Chuck Leathers Real Estate Company Website

*** includes 90 vacant lots that have not been developed per Eagles Nest HOA's DRC (Three Peaks has 180 developed lots and 90 vacant lots)

Last Updated:
3/16/15

ATT. B - Pg 8 of 8



prepared by
Chuck Leathers, CRS

Hamilton Creek
Current Listings and
Last 12 Months' Sales

Current Listings
U/C = Under Contract

| Address | Price | Sq Ft | Price Sq Ft | Bdrms | Baths | Furnished | Days on Mkt | Garage |
|--------------------|--------------------|-------|--------------|----------|-------|-------------|-------------|--------|
| 25 Eagle Wings Trl | \$1,049,000 | 3024 | \$347 | 4 | 3.5 | Unfurnished | 168 | 2 |
| 30 Heather Way | \$1,115,000 | 3583 | \$311 | 4 + loft | 4.5 | Unfurnished | 228 | 2 |
| 891 Lakeview Cir | \$1,750,000 | 5982 | \$293 | 4 + loft | 4.5 | Unfurnished | 1020 | 3+ |
| 39 Timberwolf Trl | \$1,950,000 | 5883 | \$362 | 4 | 5.5 | Unfurnished | 326 | 2 |
| Averages: | \$1,466,000 | | \$328 | | | | 436 | |
| Count: | 4 | | | | | | | |

Last 12 Months' Sales

| Address | Price | Sq Ft | Price Sq Ft | Bdrms | Baths | Date Sold | Days on Mkt | Garage # Cars |
|------------------------|------------------|-------|--------------|----------|-------|-----------|-------------|---------------|
| 26 Heather Way | \$865,000 | 3089 | \$312 | 3 | 3.75 | JUL-14 | 144 | 2 |
| 66 Spinning Leaf Trl | \$1,116,000 | 3640 | \$307 | 3 | 3.5 | AUG-14 | 70 | 2 |
| 2210 Hamilton Creek Rd | \$649,500 | 3035 | \$214 | 3 + loft | 3.5 | OCT-14 | 464 | 2 |
| 73 Crescent Moon Trl | \$1,065,000 | 3787 | \$281 | 3 + loft | 3.75 | NOV-14 | 0 | 2 |
| Averages: | \$948,875 | | \$279 | | | | 170 | |
| Count: | 4 | | | | | | | |

This analysis by CLRE Co. is based in whole or in part on data supplied by the Summit Association of Realtors, its Multiple Listing Service, and county assessor's records. While CLRE Co. makes every effort to ensure the accuracy of this information, it is not guaranteed or warranted by CLRE Co. for its accuracy. Any market data maintained by CLRE Co. is for informational purposes only and is not intended to be used as a basis for investment or other financial decisions. This analysis is not meant to imply that all or any transactions listed herein are those of the Chuck Leathers Real Estate Company.

Last Updated:
3/16/15

ATT. B - Pg 1 of 8



prepared by
Chuck Leathers, CRS

Ponds at Blue River
Current Listings and Last 12 Months' Sales

Current Listings
U/C = Under Contract

| Address | Price | Sq Ft | Price Sq Ft | Bdrms | Baths | Furnished? | Days on Mkt |
|---------|-------|-------|-------------|-------|-------|------------|-------------|
| | | | | | | | |

NO CURRENT LISTINGS

Last 12 Months' Sales

| Address | Price | Sq Ft | Price Sq Ft | Bdrms | Baths | Date Sold | Days on Mkt |
|----------------|-----------|-------|-------------|-------|-------|-----------|-------------|
| 156 Robin Ln | \$520,000 | 1795 | \$290 | 3 | 3.5 | MAY-14 | 4 |
| 107 Allegra Ln | \$519,000 | 1795 | \$289 | 3 | 3.5 | MAY-14 | 13 |
| 172 Allegra Ln | \$520,000 | 1701 | \$306 | 3 | 2.5 | AUG-14 | 10 |
| 186 Robin Dr | \$595,000 | 1914 | \$311 | 4 | 3.5 | AUG-14 | 53 |

Averages: \$538,500
Count: 4

This analysis by CLRE Co. is based in whole or in part on data supplied by the Summit Association of Realtors, its Multiple Listing Service, and county assessor's records. While CLRE Co. makes every effort to ensure the accuracy of this information, it is not guaranteed or warranted by CLRE Co. for its accuracy. Any market data maintained by CLRE Co. is for informational purposes only and is not intended to be used as a basis for investment or other financial decisions. This analysis is not meant to imply that all or any transactions listed herein are those of the Chuck Leathers Real Estate Company.

Last Updated:
3/24/15

ATT B - PG 2 of 8



prepared by
Chuck Leathers, CRS

Aspens at Eagles Nest
Current Listings and
Last 12 Months' Sales

Current Listings
U/C = Under Contract

| Address | Price | Sq Ft | Price Sq Ft | Bdrms | Baths | Furnished | Days on Mkt |
|------------------------|------------------|----------|--------------|----------|-------------|-------------|-------------|
| 1657 N Chipmunk Ln | \$435,000 | 1,438 | \$303 | 2 | 2 | Unfurnished | 21 |
| 124 Blue Grouse Ln U/C | \$649,000 | 2,412 | \$269 | 4 | 3.75 | Unfurnished | 13 |
| Averages: | \$542,000 | 2 | \$286 | 2 | 2.75 | | 17 |

Last 12 Months' Sales

| Address | Price | Sq Ft | Price Sq Ft | Bdrms | Baths | Date Sold | Days on Mkt |
|--------------------|------------------|----------|--------------|-------------|-------------|-----------|-------------|
| 118 Blue Grouse Ln | \$375,000 | 1,438 | \$261 | 2 | 2 | Jul-14 | 171 |
| 106 Blue Grouse Ln | \$379,000 | 1,723 | \$220 | 2 | 2 | Aug-14 | 43 |
| 114 Blue Grouse Ln | \$365,000 | 1,438 | \$254 | 2 | 2 | Dec-14 | 49 |
| 140 Blue Grouse Ln | \$399,000 | 1,438 | \$277 | 2 | 2 | Jan-15 | 34 |
| 135 Blue Grouse Ln | \$386,000 | 1,674 | \$231 | 3 | 2.5 | Jan-14 | 373 |
| 1653 N Chipmunk Ln | \$535,000 | 1,806 | \$296 | 3 | 2.75 | Mar-14 | 104 |
| 107 Blue Grouse Ln | \$465,000 | 1,843 | \$252 | 3 | 2.75 | May-14 | 39 |
| Averages: | \$414,857 | 7 | \$256 | 2.75 | 2.75 | | 116 |

This analysis by CLNE Co. is based in whole or in part on data supplied by the Summit Association of Realtors, its Multiple Listing Service, and county assessor's records. While this analysis and/or any market data contained herein is prepared by the Association of Realtors, the Association, or MLS necessarily does not include information on listings unpublished by request of the seller, listings of brokers not members of the Association, or MLS, unlisted properties, rental properties, etc. This analysis is not meant to imply that all or any transactions listed herein are those of the Chuck Leathers Real Estate Company.

Last Updated:
3/17/15

ATT B - PG 3 of 8



prepared by
Chuck Leathers, CRS

Hideaway
Townhomes
Current Listings and
Last 12 Months' Sales

Current Listings
U/C = Under Contract

| Unit | Price | Sq Ft | Price Sq Ft | Bdrms | Baths | Furnished | Days on Mkt |
|------------------|------------------|----------|--------------|-------------|-------------|-------------|-------------|
| 227 Kestrel | \$344,900 | 1,279 | \$270 | 2 | 2.5 | Unfurnished | 42 |
| 225 Kestrel | \$350,000 | 1,287 | \$272 | 2 | 2.5 | Partially | 10 |
| 348 Kestrel U/C | \$409,500 | 1,442 | \$284 | 2 | 2.5 | Partially | 43 |
| 330 Kestrel Ln | \$449,000 | 1,828 | \$246 | 3 | 2.75 | Partially | 1 |
| Averages: | \$388,350 | 4 | \$268 | 2.75 | 2.75 | | 24 |

Last 12 Months' Sales

| Unit | Price | Sq Ft | Price Sq Ft | Bdrms | Baths | Date Sold | Days on Mkt |
|------------------|------------------|----------|--------------|-------------|-------------|-----------|-------------|
| 297 Kestrel | \$340,000 | 1,429 | \$238 | 2 | 2.5 | Jun-14 | 70 |
| 277 Kestrel | \$330,000 | 1,279 | \$258 | 2 | 2.5 | Jun-14 | 48 |
| 289 Kestrel | \$385,000 | 1,562 | \$246 | 3 | 2.5 | Jul-14 | 54 |
| 287 Kestrel | \$350,000 | 1,402 | \$250 | 2 | 2.5 | Jul-14 | 49 |
| 342 Kestrel | \$395,000 | 1,619 | \$244 | 3 | 2.75 | Sep-14 | 67 |
| 291 Kestrel | \$374,000 | 1,544 | \$242 | 2 | 2.5 | Oct-14 | 71 |
| 233 Kestrel | \$330,000 | 1,279 | \$258 | 2 | 2.5 | Nov-14 | 51 |
| 350 Kestrel | \$449,000 | 1,601 | \$280 | 3 | 2.75 | Jan-15 | 44 |
| Averages: | \$369,125 | 8 | \$252 | 2.75 | 2.75 | | 57 |

This analysis by CLNE Co. is based in whole or in part on data supplied by the Summit Association of Realtors, its Multiple Listing Service, and county assessor's records. While this analysis and/or any market data contained herein is prepared by the Association of Realtors, the Association, or MLS necessarily does not include information on listings unpublished by request of the seller, listings of brokers not members of the Association, or MLS, unlisted properties, rental properties, etc. This analysis is not meant to imply that all or any transactions listed herein are those of the Chuck Leathers Real Estate Company.

Last Updated:
3/23/15

Att. B - Pg 4 of 8



prepared by
Chuck Leathers, CRS

Eagles Nest Homes
Homes
Last 12 months' Sales

| Address | Price | Sq Ft | Price Sq Ft | Bdrms | Baths | Date Sold | Garage | Days on Mkt & New Const? |
|---------------------|------------------|-------|--------------|----------|-------|-----------|--------|--------------------------|
| 304 Golden Eagle Rd | \$688,000 | 3711 | \$185 | 5 | 3.75 | Mar-14 | 3+ | 296 |
| 417 Kestrel Ln | \$675,000 | 2312 | \$292 | 3 | 2.75 | Jun-14 | 2 | 122 |
| 371 Black Hawk Cir | \$655,000 | 2398 | \$273 | 4 | 2.75 | Jun-14 | 2 | 72 |
| 305 Kestrel Ln | \$588,000 | 2238 | \$263 | 4 | 4.5 | Jul-14 | 2 | 43 |
| 1659 Falcon Cir | \$915,000 | 4264 | \$215 | 4 | 4 | Aug-14 | 2 | 381 |
| 344 Black Hawk Cir | \$592,000 | 3104 | \$191 | 3 | 4.5 | Aug-14 | 2 | 322 |
| 345 Kestrel Ln | \$630,000 | 2483 | \$259 | 3 | 3.5 | Oct-14 | 2 | 64 |
| 427 Kestrel Ln | \$690,000 | 2306 | \$299 | 3 | 3 | Oct-14 | 2 | 48 |
| 1829 Steilar Dr | \$542,500 | 2044 | \$265 | 3 | 3.5 | Oct-14 | 2 | 48 |
| 27 Glen Pl | \$822,500 | 3183 | \$258 | 4 | 3.5 | Nov-14 | 2 | 83 |
| 433 Kestrel Ln | \$675,000 | 2288 | \$295 | 3 | 2.75 | Dec-14 | 2 | 236 |
| 304 Red Hawk Cir | \$729,000 | 3670 | \$199 | 4 | 4.75 | Jan-15 | 3 | 549 |
| 307 Kestrel Ln | \$542,000 | 2238 | \$242 | 3 | 3.5 | Jan-15 | 2 | 269 |
| 418 Kestrel Ln | \$702,500 | 2560 | \$274 | 3 + loft | 3.5 | Jan-15 | 2 | 283 |
| 1810 Peregrine Ln | \$510,000 | 2126 | \$240 | 3 | 2.5 | Mar-15 | 1 | 202 |
| Averages: | \$663,767 | | \$250 | | | | | 201 |
| Count: | 15 | | | | | | | |

(OVER)

This analysis by CLRE Co. is based in whole or in part on data supplied by the Summit Association of Realtors, its Multiple Listing Service, and county assessor's records. While this analysis endeavors to report all transactions by all members of the Association and others, CLRE Co., the Association nor its MLS guarantees or is in any way responsible for its accuracy. Any market data maintained by CLRE Co., the Association, or MLS necessarily does not include information on listings unpublished by request of the seller, listings of brokers not members of the Association or MLS, unlisted properties, rental properties, etc. This analysis is not meant to imply that all or any transactions listed herein are those of the Chuck Leathers Real Estate Company.

Last Updated:
3/23/15

Att. B - Pg. 5 of 8



prepared by
Chuck Leathers, CRS

Eagles Nest Homes
Current Listings
U/C = Under Contract

| Address | Price | Sq Ft | Price Sq Ft | Bdrms | Baths | Furnished | Garage | Days on Mkt |
|-----------------------|------------------|-------|--------------|----------|-------|-------------|--------|-------------|
| 1871 Peregrine Ln U/C | \$635,000 | 2466 | \$258 | 4 | 4.5 | Partially | 2 | 26 |
| 337 Kestrel Ln | \$684,900 | 2427 | \$282 | 3 + loft | 3.5 | Unfurnished | 3 | 49 |
| 1780 Falcon Dr | \$749,000 | 3214 | \$233 | 4 + loft | 3.75 | Furnished | 2 | 447 |
| 325 Kestrel Ln | \$750,000 | 2242 | \$335 | 3 | 3 | Unfurnished | 2 | 83 |
| 327 Kestrel Ln | \$750,000 | 2242 | \$335 | 3 | 3 | Unfurnished | 2 | 83 |
| 323 Kestrel Ln | \$810,000 | 2443 | \$332 | 3 | 2.5 | Unfurnished | 2 | 83 |
| 1896 Peregrine Ln | \$850,000 | 3785 | \$225 | 4 + loft | 3.5 | Furnished | 2 | 271 |
| 313 Kestrel Ln | \$910,000 | 3248 | \$280 | 4 | 4.5 | Partially | 3 | 2 |
| 1743 Falcon Dr | \$949,000 | 3869 | \$245 | 4 | 3.5 | Unfurnished | 2 | 304 |
| 1763 Falcon Dr U/C | \$997,500 | 3041 | \$328 | 4 | 3.5 | Partially | 2 | 363 |
| 311 Red Hawk Cir | \$1,025,000 | 4390 | \$233 | 5 | 4.5 | Partially | 2 | 272 |
| 1750 Falcon Dr | \$1,650,000 | 5500 | \$300 | 5 + loft | 5.5 | Partially | 2 | 263 |
| Averages: | \$896,700 | | \$282 | | | | | 187 |
| Count: | 12 | | | | | | | |

(OVER)

This analysis by CLRE Co. is based in whole or in part on data supplied by the Summit Association of Realtors, its Multiple Listing Service, and county assessor's records. While this analysis endeavors to report all transactions by all members of the Association and others, CLRE Co., the Association nor its MLS guarantees or is in any way responsible for its accuracy. Any market data maintained by CLRE Co., the Association, or MLS necessarily does not include information on listings unpublished by request of the seller, listings of brokers not members of the Association or MLS, unlisted properties, rental properties, etc. This analysis is not meant to imply that all or any transactions listed herein are those of the Chuck Leathers Real Estate Company.

ATT B-RE-6 of 8

Last Updated:
3/23/15



prepared by
Chuck Leathers, CRS

**Three Peaks Homes
Current Listings**
U/C = Under Contract

| Address | Price | Sq Ft | Price Sq Ft | Bdrms | Baths | Furnished | Garage | Days on Mkt |
|-----------------------|--------------------|-------|--------------|------------------------|--------------|-------------|--------|-------------|
| 1555 Golden Eagle Rd | \$839,900 | 2977 | \$282 | 3 + loft | 3.5 | Partially | 2 | 216 |
| 2910 Ninth Green Ct | \$1,299,000 | 2811 | \$462 | 3 | 2.75 | Unfurnished | 2 | 562 |
| 1245 Golden Eagle Rd | \$1,395,000 | 4600 | \$303 | 4 + loft | 4.5 | Partially | 3 | 294 |
| 2060 Curran Way | \$1,397,000 | 5393 | \$259 | 6 + loft | 5.5 | Partially | 3 | 920 |
| 2560 Hunters Knob Rd | \$1,499,000 | 3904 | \$384 | 4 | 4.75 | Partially | 3 | 243 |
| 210 Game Trail Rd | \$1,499,900 | 4732 | \$317 | 4 + loft, 3 + 2 halves | 4.75 | Partially | 3 | 77 |
| 360 Two Cabins Dr | \$1,575,000 | 4016 | \$392 | 4 + loft | 4.5 | Partially | 2 | 66 |
| 195 Highline Crossing | \$1,695,000 | 5411 | \$313 | 5 | 3 + 2 halves | Partially | 3+ | 771 |
| 1360 Golden Eagle Rd | \$2,049,000 | 5547 | \$363 | 4 + loft | 5.5 | Unfurnished | 3 | 305 |
| 240 Easy Bend Tr | \$2,895,000 | 8620 | \$336 | 6 + loft | 7.5 | Partially | 3+ | 706 |
| Averages: | \$1,414,380 | | \$343 | | | | | 418 |
| Count: | 10 | | | | | | | |

(OVER)

This analysis by CLRE Co. is based in whole or in part on data supplied by the Summit Association of Realtors, its Multiple Listing Service, and county assessor's records. While this analysis attempts to report all transactions by all members of the Association and others, CLRE Co., the Association nor its MLS guarantees or is in any way responsible for the accuracy, completeness, or timeliness of the information. CLRE Co., the Association nor its MLS necessarily does not include information on listings unpublished by request of the seller, listings of brokers not members of the Association or MLS, unlisted properties, rental properties, etc. This analysis is not meant to imply that all or any transactions listed herein are those of the Chuck Leathers Real Estate Company.

ATT B-RE-7 of 8

Last Updated:
3/23/15



prepared by
Chuck Leathers, CRS

**Three Peaks Homes
Last 12 months' Sales**

| Address | Price | Sq Ft | Price Sq Ft | Bdrms | Baths | Date Sold | Garage | Days on Mkt |
|----------------------|--------------------|-------|--------------|----------|-------|-----------|--------|-------------|
| 160 Bull Lake Ct | \$2,100,000 | 6224 | \$337 | 5 + loft | 4.5 | May-14 | 3 | 419 |
| 215 Game Trail Rd | \$1,150,000 | 3941 | \$292 | 4 + loft | 3.5 | May-14 | 3 | 262 |
| 300 Raven Golf Ln | \$1,084,050 | 3115 | \$348 | 4 | 3.5 | Jun-14 | 3 | 319 |
| 2801 Honors Ct | \$1,399,000 | 3567 | \$392 | 4 | 4.5 | Jul-14 | 3 | 357 |
| 2800 Hunters Knob Rd | \$980,000 | 3416 | \$287 | 4 + loft | 4.5 | Sep-14 | 2.5 | 120 |
| 2550 Hunters Knob Rd | \$2,375,000 | 5945 | \$398 | 5 | 6.5 | Sep-14 | 3+ | 62 |
| 325 Game Trail Rd | \$1,239,000 | 3957 | \$317 | 5 | 3.5 | Oct-14 | 2 | 92 |
| 115 Middle Park Ct | \$1,140,000 | 3924 | \$291 | 4 + loft | 4.5 | Oct-14 | 2 | 406 |
| Averages: | \$1,435,881 | | \$333 | | | | | 280 |
| Count: | 8 | | | | | | | |

This analysis by CLRE Co. is based in whole or in part on data supplied by the Summit Association of Realtors, its Multiple Listing Service, and county assessor's records. While this analysis attempts to report all transactions by all members of the Association and others, CLRE Co., the Association nor its MLS guarantees or is in any way responsible for the accuracy, completeness, or timeliness of the information. CLRE Co., the Association nor its MLS necessarily does not include information on listings unpublished by request of the seller, listings of brokers not members of the Association or MLS, unlisted properties, rental properties, etc. This analysis is not meant to imply that all or any transactions listed herein are those of the Chuck Leathers Real Estate Company.

March 25, 2015

To: Mayor and Town Council- Silverthorne, CO

From: Thomas Daniel

Subject: South Maryland Creek Project

Please find attached letters signed by Three Peaks neighbors at a recent social gathering in the neighborhood.

We ask that the density for South Maryland Creek Ranch project not be increased from the approved 83 units to the proposed 240 units.

We also ask that the ENTRY/EXIT to the South Maryland Creek project from Hunters Knob & Game Trail Road be used as an exit for emergency use only and not for normal entry/ exit traffic.

We thank you for your consideration in these matters.

TO: MAYOR & TOWN COUNCIL- SILVERTHORNE, CO

FROM: EAGLES NEST PROPERTY HOMEOWNERS / THREE PEAKS

SUBJECT: REZONING OF SOUTH MARYLAND CREEK PROJECT

We, the below listed homeowners respectfully request that the change in housing density for the South Maryland Creek project from 83 units to the proposed 240 units not be approved by the Town Council of Silverthorne.

HOMEOWNER NAME Phyllis Johnstone

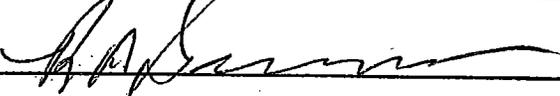
PHYSICAL RESIDENCE 2100 Currant Way Silverthorne

SIGNATURE 

DATE 3/21/15

HOMEOWNER NAME Ken Ganssman

PHYSICAL RESIDENCE 1630 Golden Eagle Rd

SIGNATURE 

DATE 3/21/15

HOMEOWNER NAME Walt & Lyn Jones

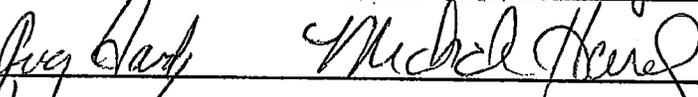
PHYSICAL RESIDENCE 555 Two Cabins Dr Silverthorne CO 80498

SIGNATURE 

DATE 03.21.15

HOMEOWNER NAME Greg & Michele Hardy

PHYSICAL ADDRESS 1355 Golden Eagle Rd

SIGNATURE 

DATE 3/21/15

TO: MAYOR & TOWN COUNCIL- SILVERTHORNE, CO

FROM: EAGLES NEST PROPERTY HOMEOWNERS / THREE PEAKS

SUBJECT: REZONING OF SOUTH MARYLAND CREEK PROJECT

We, the below listed homeowners respectfully request that the change in housing density for the South Maryland Creek project from 83 units to the proposed 240 units not be approved by the Town Council of Silverthorne.

HOMEOWNER NAME Joan Davids

PHYSICAL RESIDENCE 230 Two Cabins Dr.

SIGNATURE Joan David

DATE 3/21/15

HOMEOWNER NAME Barbara Kontny

PHYSICAL RESIDENCE 2080 Currant Way

SIGNATURE Barbara Kontny

DATE 3/21/15

HOMEOWNER NAME BELINDA + ANTHONY Cianflore

PHYSICAL RESIDENCE 325 Game Trail

SIGNATURE Belinda Cianflore

DATE 3/21/15

HOMEOWNER NAME ROBERT FOBES

PHYSICAL ADDRESS 705 GOLDEN EAGLE RD

SIGNATURE Robert C. Fobes

DATE 3-21-15

TO: MAYOR & TOWN COUNCIL- SILVERTHORNE, CO

FROM: EAGLES NEST PROPERTY HOMEOWNERS / THREE PEAKS

SUBJECT: REZONING OF SOUTH MARYLAND CREEK PROJECT

We, the below listed homeowners respectfully request that the change in housing density for the South Maryland Creek project from 83 units to the proposed 240 units not be approved by the Town Council of Silverthorne.

HOMEOWNER NAME ROBERT & CAROLE GOODMAN

PHYSICAL RESIDENCE 2140 HUNTERS KNOB RD

SIGNATURE Robert & Carol

DATE 3/21/15

HOMEOWNER NAME ADOLPH E. ZIMMERMANN

PHYSICAL RESIDENCE 2165 CURRANT WAY SILVERTHORNE CO

SIGNATURE Adolph E. Z

DATE 3-21-15

HOMEOWNER NAME Jay + Priscilla Engeln

PHYSICAL RESIDENCE 2030 Currant Way 80498

SIGNATURE Jay Engeln

DATE 3/21/15

HOMEOWNER NAME Agnes + Rich Waterman

PHYSICAL ADDRESS 235 EASY BEND T RAIL

SIGNATURE Agnes P Waterman

DATE 3/21/15

TO: MAYOR & TOWN COUNCIL- SILVERTHORNE, CO

FROM: EAGLES NEST PROPERTY HOMEOWNERS / THREE PEAKS

SUBJECT: REZONING OF SOUTH MARYLAND CREEK PROJECT

We, the below listed homeowners respectfully request that the change in housing density for the South Maryland Creek project from 83 units to the proposed 240 units not be approved by the Town Council of Silverthorne.

HOMEOWNER NAME Edgar W. Aust

PHYSICAL RESIDENCE 2255 Currant Way, Silverthorne, CO 80498

SIGNATURE 

DATE 3/22/2015

HOMEOWNER NAME Agnos C Aust

PHYSICAL RESIDENCE 2255 Currant Way, Silverthorne, CO, 80498

SIGNATURE 

DATE 3/22/2015

HOMEOWNER NAME THOMAS & B J DANIEL

PHYSICAL RESIDENCE 335 GAME TRAIL RD

SIGNATURE 

DATE 3/22/2015

HOMEOWNER NAME _____

PHYSICAL ADDRESS _____

SIGNATURE _____

DATE _____

TO: MAYOR & TOWN COUNCIL- SILVERTHORNE, CO

FROM: EAGLES NEST PROPERTY HOMEOWNERS / THREE PEAKS

SUBJECT: REZONING OF SOUTH MARYLAND CREEK PROJECT

We, the below listed homeowners respectfully request that the change in housing density for the South Maryland Creek project from 83 units to the proposed 240 units not be approved by the Town Council of Silverthorne.

HOMEOWNER NAME Les and Sandy Boeckel
PHYSICAL RESIDENCE 145 Two Cabins Dr Silverthorne,
SIGNATURE Sandra A. Boeckel Co
DATE 3-21-15

HOMEOWNER NAME Laurie + Bob Forbes
PHYSICAL RESIDENCE 705 Cowden Circle Rd, Silverthorne,
SIGNATURE Laurie Forbes
DATE 3/21/15

HOMEOWNER NAME Brian J Edney
PHYSICAL RESIDENCE 125. Two Cabins Drive
SIGNATURE B Edney

DATE 3/21/15
HOMEOWNER NAME Steven ^{Kent} ~~Smith~~ ~~Kent~~
PHYSICAL ADDRESS 620 Two Cabins Dr. Silverthorne, Co.
SIGNATURE Steven Kent
DATE 3/21/15

TO: MAYOR & TOWN COUNCIL- SILVERTHORNE, CO

FROM: EAGLES NEST PROPERTY HOMEOWNERS / THREE PEAKS

SUBJECT: REZONING OF SOUTH MARYLAND CREEK PROJECT

We, the below listed homeowners respectfully request that the change in housing density for the South Maryland Creek project from 83 units to the proposed 240 units not be approved by the Town Council of Silverthorne.

HOMEOWNER NAME Ruth Kent

PHYSICAL RESIDENCE 620 Two Cabins Dr

SIGNATURE Ruth Kent

DATE 3/21/15

HOMEOWNER NAME Brian Moriarty

PHYSICAL RESIDENCE 230 Two CABINS DR

SIGNATURE Brian M Moriarty

DATE 3/25/15

HOMEOWNER NAME _____

PHYSICAL RESIDENCE _____

SIGNATURE _____

DATE _____

HOMEOWNER NAME _____

PHYSICAL ADDRESS _____

SIGNATURE _____

DATE _____

TO: MAYOR & TOWN COUNCIL- SILVERTHORNE, CO

FROM: EAGLES NEST PROPERTY HOMEOWNERS / THREE PEAKS

SUBJECT: TRAFFIC CONTROL REQUEST FOR HUNTERS KNOB & GAME TRAIL ROAD

We, the below listed homeowners respectfully request that ENTRY/EXIT to the SOUTH MARYLAND CREEK RANCH from HUNTERS KNOB & GAME TRAIL ROAD be limited to emergency use only and not be used for normal entry/exit traffic.

HOMEOWNER NAME Allen Gordon

PHYSICAL RESIDENCE 2810 Hunters Knob Rd

SIGNATURE 

DATE 21 Mar 2015

HOMEOWNER NAME ROBERT + CAROLE GOODMAN

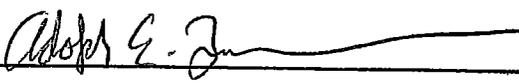
PHYSICAL RESIDENCE 2140 HUNTERS KNOB RD

SIGNATURE 

DATE 3.21.2015

HOMEOWNER NAME ADOLPH E. ZIMMERMANN

PHYSICAL RESIDENCE 2165 CURRAWT WAY SILVERTHORNE CO.

SIGNATURE 

DATE 3.21.2015

HOMEOWNER NAME Anthony Ciani-Stone

PHYSICAL ADDRESS 325 Game Tail

SIGNATURE 

DATE 3-21-

TO: MAYOR & TOWN COUNCIL- SILVERTHORNE, CO

FROM: EAGLES NEST PROPERTY HOMEOWNERS / THREE PEAKS

SUBJECT: TRAFFIC CONTROL REQUEST FOR HUNTERS KNOB & GAME TRAIL ROAD

We, the below listed homeowners respectfully request that ENTRY/EXIT to the SOUTH MARYLAND CREEK RANCH from HUNTERS KNOB & GAME TRAIL ROAD be limited to emergency use only and not be used for normal entry/exit traffic.

HOMEOWNER NAME BELINDA + ANTHONY CIANFLONE

PHYSICAL RESIDENCE 325 Game Trail

SIGNATURE Belinda Cianflone

DATE 3-21-15

HOMEOWNER NAME Joan Davids

PHYSICAL RESIDENCE 230 ~~Two~~ Cabins Dr

SIGNATURE Joan Davids

DATE 3/21/15

HOMEOWNER NAME Priscilla Engeln

PHYSICAL RESIDENCE 2030 Current Way

SIGNATURE Priscilla W. Engeln

DATE 03-21-2015

HOMEOWNER NAME Robert Folos

PHYSICAL ADDRESS 705 Galdon Eagle Rd

SIGNATURE Robert C Folos

DATE 3-21-15

TO: MAYOR & TOWN COUNCIL- SILVERTHORNE, CO

FROM: EAGLES NEST PROPERTY HOMEOWNERS / THREE PEAKS

SUBJECT: TRAFFIC CONTROL REQUEST FOR HUNTERS KNOB & GAME TRAIL ROAD

We, the below listed homeowners respectfully request that ENTRY/EXIT to the SOUTH MARYLAND CREEK RANCH from HUNTERS KNOB & GAME TRAIL ROAD be limited to emergency use only and not be used for normal entry/exit traffic.

HOMEOWNER NAME Laurie + Bob Forbes

PHYSICAL RESIDENCE 705 CORNWEN EAGLE RD

SIGNATURE Laurie Forbes SILVERTHORNE, CO 80498

DATE 3/21/15

HOMEOWNER NAME Les and Sandy Boeckel

PHYSICAL RESIDENCE 145 TWO CABINS DR

SIGNATURE Sandra A. Boeckel SILVERTHORNE, CO 80498

DATE 3/21/15

HOMEOWNER NAME BRIAN EDNEY

PHYSICAL RESIDENCE 175, TWO CABINS DRIVE

SIGNATURE Brian Edney

DATE 3/21/15

HOMEOWNER NAME Steve Kent

PHYSICAL ADDRESS 600 Two Cabins Dr

SIGNATURE Steve Kent

DATE 3/21/15

TO: MAYOR & TOWN COUNCIL- SILVERTHORNE, CO

FROM: EAGLES NEST PROPERTY HOMEOWNERS / THREE PEAKS

SUBJECT: TRAFFIC CONTROL REQUEST FOR HUNTERS KNOB & GAME TRAIL ROAD

We, the below listed homeowners respectfully request that ENTRY/EXIT to the SOUTH MARYLAND CREEK RANCH from HUNTERS KNOB & GAME TRAIL ROAD be limited to emergency use only and not be used for normal entry/exit traffic.

HOMEOWNER NAME Ruth Kent

PHYSICAL RESIDENCE 620 Two Cabins Dr Silverthorne, Co

SIGNATURE Ruth Kent

DATE 3/21/15

HOMEOWNER NAME BRIAN M. MORIARTY

PHYSICAL RESIDENCE 230 Two CABINS DR

SIGNATURE Brian M Moriarty

DATE 3/21/15

HOMEOWNER NAME Gayle G. Neiderer

PHYSICAL RESIDENCE 195 Highline Crossing

SIGNATURE Gayle Neiderer

DATE 3.21.15

HOMEOWNER NAME THOMAS +BJ DANIEL

PHYSICAL ADDRESS 335 GAME TRAIL RD

SIGNATURE [Signature]

DATE 3/22/15

TO: MAYOR & TOWN COUNCIL- SILVERTHORNE, CO

FROM: EAGLES NEST PROPERTY HOMEOWNERS / THREE PEAKS

SUBJECT: REZONING OF SOUTH MARYLAND CREEK PROJECT

We, the below listed homeowners respectfully request that the change in housing density for the South Maryland Creek project from 83 units to the proposed 240 units not be approved by the Town Council of Silverthorne.

HOMEOWNER NAME Edgar W. Aust

PHYSICAL RESIDENCE 2255 Currant Way, Silverthorne

SIGNATURE Edgar W. Aust

DATE 3/25/2015

HOMEOWNER NAME Agnes C. Aust

PHYSICAL RESIDENCE 2255 Currant Way, Silverthorne

SIGNATURE Agnes C. Aust (by EWA)

DATE 3/25/2015

HOMEOWNER NAME _____

PHYSICAL RESIDENCE _____

SIGNATURE _____

DATE _____

HOMEOWNER NAME _____

PHYSICAL ADDRESS _____

SIGNATURE _____

DATE _____

Matt Gennett

From: Mark Leidal
Sent: Wednesday, March 11, 2015 1:05 PM
To: Matt Gennett
Subject: FW: SMCR Major Amendment to the existing PUD

From: Bruce Butler (External)
Sent: Wednesday, March 11, 2015 1:04 PM
To: Ryan Hyland; Mark Leidal
Subject: FW: SMCR Major Amendment to the existing PUD

For the SMCR Record.

From: leslie lecoq [<mailto:leslecoq@yahoo.com>]
Sent: Wednesday, March 11, 2015 12:15 PM
To: bbutler@silverthorne.org; amsandquist@silverthorne.org; jbird@silverthorne.org; rcamp@silverthorne.org; dfowler@silverthorne.org; plong@silverthorne.org; srichardson@silverthorne.org
Subject: SMCR Major Amendment to the existing PUD

Dear Town Council Members,

I am writing to each of you in regards to South Maryland Creek Ranch (SMCR) and their proposed Major Amendment to the PUD.

To introduce myself my name is Leslie Le Coq and I reside at the North end of Hunters Knob Road. (235 Maryland Creek Trail).

I have many concerns as a third generation citizen of Summit County and a bordering property owner.

Traffic:

A main concern is the increase traffic on Game Trail and Hunter's Knob Rd. At the Planning Commission Meeting on March 3rd, 2015, SMCR and Mr. Everist addressed the traffic issue and mentioned that construction traffic would be using the North entrance. I'm not sure what he meant by construction traffic, if it is just heavy equipment, concrete, lumber etc., or all construction traffic such as sub contractors. (dry wall, painters, plumbers, electricians, framers, tile, landscapers etc.. etc..) When I built my house, I had a minimum of 10 cars at time at the building site, some days many more. If all the subcontractors can use the South entrance this will have a huge traffic impact on all of us. Even if all construction traffic is suppose to use the North entrance, how is this going to be enforced. The quickest route is Game Trail, therefore the ideal entrance. Also, many sub contractors drive ordinary cars/trucks that are unmarked. I can understand regulating concrete trucks, etc, but I don't see how all construction vehicles can be identified and enforced to use the North Entrance. Another concern is all the snow removal equipment. I feel snow plows and heavy snow removal equipment should be required to use the North entrance as well. Also the safety of people accessing Ranch Road from Hwy 9. I have used this access off of HWY 9 for 28 years and with the current traffic conditions, it already lends itself to a very dangerous stretch of Hwy.

Property Values:

If this increase in density is allowed our property values will also greatly decrease. The appeal of a private, quiet neighborhood will no longer be the case for the homes along Game Trail or Hunters Knob. This is going to impact the entire Three Peaks area and all citizens using HWY 9 north of Silverthorne. My property borders SMCR property, therefore I am greatly effected by this increase in density, but all homeowners North of Silverthorne will also be greatly effected by the tripling of homes. We will be faced with traffic, noise, additional snow removal trucks and plows (imagine how many snow plows will be needed for 430 homes) headlights not to forget the sight of 3x as many homes, light pollution, our herds of elk, moose and mule deer displaced and just the overall peace and quite of our neighborhood and the beautiful preserved wilderness behind us.

Wildlife:

In regards to wildlife. On Jan 23, 2015 the Town of Silverthorne Community Dev. Dept. received a letter from Mr. Tom Davies, the District Wildlife Manager of Summit County. In his 21 page letter to the town after conducting extensive research of the wildlife habitat in this area, in concluded by saying. "The 2014 WIMR addresses some of these issues through clustering, minimal building envelopes on each lot, bear-proof trash requirements, pet control and fencing specifications. CPW supports all of these as part of the homeowner/renter regulations to minimize negative impacts to wildlife, BUT ALSO RECOMMENDS REDUCING THE TOTAL DENSITY OF UNITS IF POSSIBLE." See link: <http://www.silverthorne.org/Modules/ShowDocument.aspx?documentid=3193>

I do not believe that the proposed amendment meets the wildlife criteria based on the recommendation of someone who is a specialist in this field and in this area.

Amendment to the County and Town Comprehensive Plan:

In the letter from Lindsay Hirsch, Summit County Planning Manager to the Town of Silverthorne dated July 7,2014. He addressed SMCR proposal to amend related language in the Town of Silverthorne Comp Plan, which would enable him to increase density on his development and not be abided by the one dwelling in five acres that is a criteria in the Comp Plan. In Mr. Hirsch's words, "The proposed development plan shows that the residential units would be clustered on the south side of the property, with an open space area buffering the development from adjacent county land to the north. The County supports the applicant's proposal to cluster density, but we respectfully comment that we do not feel the proposed density provides the type of gradual or feathered transition to the adjacent rural lands that is advised in the applicable County and Town master plans."

In Nov 2007- Major PUD amendment was approved based upon its conformance to the Comp Plan using nine site-specific design criteria. After this approval, at a later SMCR then amended language in the Comp Plan which would allow them to not have to follow the guidelines of the Master Plan and the rural residential criteria. Criterias below.

- preserve rural ranch open character
- preserve views of the gore range from Highway 9
- **Low density, rural residential (1 dwelling unit per 5 acres)**
- **cluster development in areas not visible from HWY 9** (according to the photos they presented at Tuesdays meeting where they digitally created images of what it would look like with the homes in place..they did not meet this criteria. The homes are easily seen from HWY 9.
- Avoid ridge line and steep slope development
- expand and enhance gateway to Silverthorne and the Lower Blue Valley
- Enhance parks trails and opened space in accordance with the Tow Park, Trails and Open Space Plan.
- Preserve existing vegetation
- **Sensitive to wildlife impacts.**

In accordance with Town Code Section 4-1-22, a PUD Major Amendment requires a pre application meeting and Final PuD Plan review process. Section 4-4-14 (g) (3) sets forth the criteria for approval of a Final PUD Plan, which is: a) Consistency with the Comprehensive Plan and other Town master plans and standards.

When the PUD was approved for the additional 12 units in 2007 it conformed to the Comprehensive Plan and policy guideline contained in (Appendix A: Three-Mile Plan) and maintained an overall density of one unit per five acres. The Comp plan was later updated to the 2014 Comprehensive Plan Update to reflect the annexation of the portion of Maryland Creek Ranch now know as the South Maryland Creek Ranch, and the density numbers (one unit per five acres) were removed.

At this time SMCR is seeking final approval of the SMCR PUD major Amendment and requesting a change in density from 83 dwelling units to 240 units, therefore changing the rural residential (which was the original Comprehensive Plan and Master Plan for Development)of one unit to five acres to .57 units per acre and tripling their density. Rather than following the existing Comp Plan, they simply amended it to fit their development wants and needs. This change to the Comprehensive Plan, which has removed the language of rural residential, will eventually change the entire character of the land North of Silverthorne and in the future the County as a whole.

What is the purpose of a County and Town master plan, if it can be easily be amended, by one individual developer with out involving or notifying the citizens of Summit County. By amending and deleting related language in the Master Plan referring to density, it erased any density guidelines in regards to future developments. This will have a tremendous impact to our County now and for the future. With such an important change as this, why weren't the citizens made aware of his proposed amendment to such a critical existing master plan? What presedent does this set for the future if the guidelines that were once in place to protect our natural surroundings, wildlife and character of this entire county are now removed.

In summary, I am in total agreement to individual's property rights, but I feel these changes to the original PUD in 2005 and then again in 2007 were not adequately brought to our attention as neighboring property owners or citizens of Summit County. When I first considered building a home on the meadow where I live now that was once my grandfathers I was aware that someday there was going to be a development across my fence line and on the Maryland Creek Ranch. I met with Joanna Hopkins (MC's development representative) and she showed me all of the development and site plans which consisted of the 71 homes. I did my due diligence and all of my research before proceeding to build. Now nine years later after spending three years in planning and another year in construction and four years living in my house creating a home for myself and my two daughters, I have come to find out that all the pretenses that I built my home have changed. (Views, wildlife, dark skies, privacy, peacefulness etc..) I truly feel that as the saying goes..the wool has been pulled over our eyes. In the Summit Daily article yesterday. Tom Everist is quoted "we apologize if we didn't do enough to get you involved earlier," but nonetheless we hope we've softened if not totally mitigated the impact of the density change." Many of us were not aware of any of this until last Sunday's Summit Daily, therefore the citizens have not had time to even begin to understand this, let alone figure out our thoughts and opinions.

I greatly appreciate all of you taking the time to read this letter expressing my concerns as well as many other members of this community. I am opposed to this increase in density from 83 homes to 240.

If we allow SMCR to make changes to our Town and County Comprehensive Plans to adjust density and other guidelines to benefit their development and increase profits, what will keep future developers from continuing to do the same. We need to protect not only our neighborhoods, but the reason why we all live here in the first place. We need to have a vision of the future that pays what we have ..forward, to our children, future generations, our natural environment and our wildlife. This will set a precedent for all future development in the land North of Silverthorne and the Lower Blue. We will slowly loose our rural ranch land and beauty and we will become an area of urban sprawl. We need to be proactive and stop this irresponsible development creep from happening. As a community we need to work together as a whole to be partners in preservation and forward thinkers and designers of inevitable changes that can be handled in ways that add value to us all and not to the pockets developers.

Thank you so much! I hope that we can all come together with a solution that works for all, including our wildlife and natural resources.

Best Regards,

Leslie

Matt Gennett

From: Mark Leidal
Sent: Wednesday, March 11, 2015 1:10 PM
To: Matt Gennett
Subject: FW: Maryland Creek Ranch

From: Bruce Butler (External)
Sent: Wednesday, March 11, 2015 1:09 PM
To: Ryan Hyland; Mark Leidal
Subject: FW: Maryland Creek Ranch

Form letter for the record.

From: Michael Dambeck [<mailto:mdambeck1@yahoo.com>]
Sent: Wednesday, March 11, 2015 12:03 PM
To: bbutler@silverthorne.org; amsandquist@silverthorne.org; jbird@silverthorne.org; rcamp@silverthorne.org; dfowler@silverthorne.org; plong@silverthorne.org; srichardson@silverthorne.org
Subject: Maryland Creek Ranch

Dear Members of the Silverthorne Town Council:

I understand there is a proposed Amendment to the PUD for Maryland Creek Ranch that will be discussed at the upcoming meeting on Wednesday, March 11, 2015. I am unable to attend that meeting in person, so I am writing this letter to express my views to you as a homeowner in Silverthorne (I reside at 515 Two Cabins Drive). I expect that as our representatives, you will consider my views along with my other fellow citizens and homeowners in considering this important issue.

My understanding

I understand that the proposed Amendment to the PUD will increase the density of the development from 83 units to 240 units on 416 acres. This is a significant increase from what the Town originally approved for Maryland Creek Ranch in its previous actions (a density change from 1 home in 5 acres, to .57 homes/acre). I believe that significant changes such as this should be thoughtfully discussed so that all citizens and residents can be heard. My understanding is that limited public discussion and discourse has occurred to date on this issue.

My View

I oppose this change and increase in density. I ask that the members of the Town Council vote against this amendment. I believe that additional public discussion and debate needs to occur before any changes to the existing density (as originally approved by the Town) are allowed.

My rationale is as follows:

- Increased density will decrease existing property values in 3 Peaks and adjacent areas. We don't need more density, we need open space to preserve what Silverthorne is known for. Just look at what density has done to the Wilderrest Development. We moved for there for that reason.

- Increased density will change the character of the area - forever! Currently (and under the original approved development plan) this area was designated as rural residential. Most inhabitants of the area purchased and/or built homes in the area under this requirement and expectation. They were assured that it would continue to be designated as such. We purchased our homes specifically to get away from the type of density that is proposed for Maryland Creek Ranch.
- Increased density will result in increased traffic, noise, pollution (material, and also light pollution) well beyond what is desired by the people who inhabit this area today.
- Increased density will negatively impact wildlife in the area. This will also increase the potential for dangerous and sad interactions between humans and the wildlife (bears, small dogs/cats vs foxes/wild cats, disruption of bird dwellings, elk/deer migration routes, etc.).
- Discussion and debate over the proposed Amendment has not been public enough, nor has there been ample time for all citizens to weigh in and make their views known. At a minimum, additional time and public debate needs to occur prior to voting on this or any other proposed Amendment.

Additionally, the proposed amendment is in direct conflict with many of the design criteria specifically cited in the Town's plans. These criteria are:

- preserve rural ranch open character
- preserve views of the gore range from Highway 9
- Low density, rural residential (1 dwelling unit per 5 acres)
- cluster development in areas not visible from HWY 9
- Avoid ridge line and steep slope development
- expand and enhance gateway to Silverthorne and the Lower Blue Valley
- Enhance parks trails and opened space in accordance with the Tow Park, Trails and Open Space Plan.
- Preserve existing vegetation
- Sensitive to wildlife impacts.

I believe that the proposed Amendment fails to meet several of the criteria above:

- The density has changed significantly as already noted. This alone should be a reason to deny this proposed amendment.
- The proposed development **will** in fact be quite visible from Highway 9. The developer's own digital images show this to be true.
- No wildlife impact studies have been done or made available for review by the public.

As my representatives on the Council, I ask that you deny the proposed amendment. If the Town believes the Amendment should go forward, then I respectfully request that a list of reasons for approving the amendment be provided to the public, and that additional time and public discussion/debate occur prior to final approval so that all points of view may be thoughtfully discussed and considered.

Thank you for your consideration in reading this.

Respectfully submitted,

Michael Dambeck and Karen Breen
515 Two Cabins Drive
Silverthorne, CO 80498

Matt Gennett

From: Mark Leidal
Sent: Wednesday, March 11, 2015 9:09 AM
To: Matt Gennett
Subject: FW: Maryland Creek Ranch Property

-----Original Message-----

From: Bruce Butler (External)
Sent: Wednesday, March 11, 2015 7:20 AM
To: Ryan Hyland; Mark Leidal
Subject: FW: Maryland Creek Ranch Property

For inclusion in the record.

-----Original Message-----

From: B.J. DANIEL [<mailto:bjrdaniel@hotmail.com>]
Sent: Tuesday, March 10, 2015 6:12 PM
To: bbutler@silverthorne.org, jbird@silverthorne.org, rcamp@silverthorne.org, dfowler@silverthorne.org,
plong@silverthorne.org, srichardson@silverthorne.org, ; jbird@silverthorne.org; rcamp@silverthorne.org;
dfowler@silverthorne.org; plong@silverthorne.org; srichardson@silverthorne.org
Subject: Maryland Creek Ranch Property

Representatives.

Many in Silverthorne say the vote to allow the increased density for Maryland Creek Ranch is a done deal irregardless of public opinion. Please listen to the people you represent. The speakers at the Planning Council Meeting last week were overwhelmingly against the increased density. The Council approved the petition. PLEASE CONSIDER A COMPROMISE NUMBER---NOT THE ENTIRE 240 UNITS. The post office can't even take care of the residents we have. It won't be any easier even with cluster mailboxes. The fire protection for that many homes that distance out of town may be questionable. Even now, traffic on the 2 lane road makes entering Highway 9 from a side road dangerous at times.

Mr. Everist had a good original plan for Maryland Ranch. Unfortunately, the economy had an ill timed down turn. However, does our community have to pay the price so he can make his profits? The 240 units represent pure corporate greed!

Thank you.
B.J. Daniel
335 Game Trail Road
10 year Summit County Resident.

Sent from my iPad

Matt Gennett

From: Mark Leidal
Sent: Tuesday, March 10, 2015 1:28 PM
To: Matt Gennett
Subject: FW: South Maryland Creek

From: Bruce Butler (External)
Sent: Tuesday, March 10, 2015 1:22 PM
To: Ryan Hyland; Mark Leidal
Subject: South Maryland Creek

For inclusion in the record please.

From: Linda St. John [<mailto:lindasaint195@yahoo.com>]
Sent: Tuesday, March 10, 2015 1:19 PM
To: Peggy Long; Russ Camp; Stuart Richardson; Bruce Butler Mayor; Jonathon Bird; Ann Marie Sandquist Mayor Pro-Tem; Derrick Fowler
Subject: South Maryland Creek

Mayor Butler and Council Members,

We have all heard the arguments against the new proposed density increase to South Maryland Creek Ranch, and I agree with all comments pertaining to wildlife, views, night sky, urban creep, traffic issues, etc.

I would also like Council to consider, whatever density is approved; requiring (not just suggesting) cluster P.O. boxes be included in the plans. Joanna Hopkins told me they intend to do so, but it is apparent they have not yet asked the postmaster for the rules, regulations and specifications from USPS. As there are 0 - no P.O. boxes available in Silverthorne this is a must. I met a woman who just purchased a home in Silverthorne and was told there were no boxes available and the only assistance she was offered was to come back next month to see if anything had opened up. Needless to say, she was less than happy. Welcome to Silverthorne! I could only suggest that she try the UPS store or the Dillon postoffice.

Perhaps, more important, is the distance to the nearest response fire station (Dillon) may be over the limit set by ISO to receive the same rating as, say Three Peaks. This will make homeowners insurance more expensive and perhaps more difficult even to acquire. Medical and fire response times will likely be 10 minutes or more, depending if the closest crew is responding elsewhere leaving a call to be responded by Keystone or Frisco. Ten minutes is a long time if you are having a heart attack. In light of the decrease in property values (finally coming back up) and urban renewal in Dillon and Silverthorne, it is unlikely Lake Dillon Fire Rescue will be able to afford to build the new Silverthorne Fire Station in the near future. Unfortunately to build a new station today will cost \$4-6 million, and another approximately \$750,000. a year to staff. Intrawest donated the land for the TOS to improve the water treatment plant and build maintenance facility, for the elementary school and the future fire station, a generous donation to the community. Everest has made a \$500,000. to the town toward their facilities on this property. I would ask Council to seek a generous donation from Everest to LDFR toward funding a new fire station to provide appropriate emergency services for the people who will live in these homes they intend to build and to the community they will greatly profit from.

Thank you for your time and consideration,
Linda St. John
195 Arnica Lane
Silverthorne
468-6593

Matt Gennett

From: Mark Leidal
Sent: Tuesday, March 10, 2015 12:50 PM
To: Matt Gennett
Subject: FW: Maryland Creek Density

From: Bruce Butler (External)
Sent: Tuesday, March 10, 2015 12:48 PM
To: Ryan Hyland; Mark Leidal
Subject: FW: Maryland Creek Density

Attached is another e-mail for the record.

From: SCJ Arnold [mailto:scj_arnold@msn.com]
Sent: Tuesday, March 10, 2015 12:21 PM
To: amsandquist@silverthorne.org jbird@silverthorne.org rcamp@silverthorne.org dfowler@silverthorne.org
plong@silverthorne.org srichardson@silverthorne.org
Subject: FW: Maryland Creek Density

From: scj_arnold@msn.com
To: scj_arnold@email.msn.com
Subject: FW: Maryland Creek Density
Date: Tue, 10 Mar 2015 12:00:57 -0600

From: scj_arnold@msn.com
To: les.arnold@yahoo.com
Subject: Maryland Creek Density
Date: Tue, 10 Mar 2015 11:55:44 -0600

Hello,

My name is JoAnn Arnold. I am a gpartner in OxBow Ranch Company and I am writing to each of you to express my concern about the density increase for the Maryland Creek development. I do not approve of this density increase.

At the March 3rd Town Council meeting it was pointed out that OxBow Ranch Company has a development right for a total of 130 units to be built between the two parcels OxBow owns. In all good conscience as a responsible citizen of this community I felt this was an important fact that should be part of the discussion. I was shocked that no one from the concerned citizens attending the meeting and no committee member

referred to this or asked questions. If 240 units are approved and the potential development on the OxBow property should at some point occur the impact will be of vital interest and great concern for everyone involved in this decision.

I believe in property rights. And I believe that OxBow has maintained a presence in the community that reflects the values and concerns of the family owning this property. The presence of this property maintained since 1983 as an agricultural operation has been recognized and enjoyed by all members of this entire community. This property has had little impact on the services of the town while keeping in mind that someday a change may be needed and the development rights brought into play.

I hope you will postpone the decision to change the density of the SMCP and consider the realistic impact the 240 units will have on the existing property owners and for this entire end of the Town of Silverthorne. So many questions are unanswered and as concerned and responsible citizens of this community you should realize that you have an obligation to meet the needs of all citizens and not move forward without giving respectful opportunity to put forth more information. Only time and honest good will is needed.

Regards,

JoAnn Arnold
General Partner OxBow Ranch Company.

Matt Gennett

From: Mark Leidal
Sent: Monday, March 09, 2015 2:02 PM
To: Matt Gennett
Subject: FW: Regarding Proposed Changes to Maryland Creek Ranch Development

From: Bruce Butler (External)
Sent: Monday, March 09, 2015 1:56 PM
To: Ryan Hyland; Mark Leidal
Subject: Fwd: Regarding Proposed Changes to Maryland Creek Ranch Development

Another one for the record.

Sent from my iPhone

Begin forwarded message:

Resent-From: <bbutler@silverthorne.org>
From: Geise family <awg4@q.com>
Date: March 9, 2015 at 12:58:04 PM MDT
To: <bbutler@silverthorne.org>, <amsandquist@silverthorne.org>, <jbird@silverthorne.org>, <rcamp@silverthorne.org>, <dfowler@silverthorne.org>, <plong@silverthorne.org>, <srichardson@silverthorne.org>
Subject: Regarding Proposed Changes to Maryland Creek Ranch Development

Dear Members of the Silverthorne Town Council:

I understand there is a proposed Amendment to the PUD for Maryland Creek Ranch that will be discussed at the upcoming meeting on Wednesday, March 11, 2015. I am unable to attend that meeting in person, so I am writing this letter to express my views to you as a homeowner in Silverthorne (I reside at 2695 Hunters Knob Road in 3 Peaks). I expect that as our representatives, you will consider my views along with my other fellow citizens and homeowners in considering this important issue.

My understanding

I understand that the proposed Amendment to the PUD will increase the density of the development from 83 units to 240 units on 416 acres. This is a significant increase from what the Town originally approved for Maryland Creek Ranch in its previous actions (a density change from 1 home in 5 acres, to .57 homes/acre). I believe that significant changes such as this should be thoughtfully discussed so that all citizens and residents can be heard. My understanding is that limited public discussion and discourse has occurred to date on this issue.

My View

I oppose this change and increase in density. I ask that the members of the Town Council vote against this amendment. I believe that additional public discussion and debate needs to occur before any changes to the existing density (as originally approved by the Town) are allowed.

my rationale is as follows:

- Increased density will decrease existing property values in 3 Peaks and adjacent areas.
- Increased density will change the character of the area - forever! Currently (and under the original approved development plan) this area was designated as rural residential. Most inhabitants of the area purchased and/or built homes in the area under this requirement and expectation. They were assured that it would continue to be designated as such. I (and my neighbors) built or purchased homes specifically to get away from the type of density that is proposed for Maryland Creek Ranch.
- Increased density will result in increased traffic, noise, pollution (material, and also light pollution) well beyond what is desired by the people who inhabit this area today.
- Increased density will negatively impact wildlife in the area. This will also increase the potential for dangerous and sad interactions between humans and the wildlife (bears, small dogs/cats vs foxes/wild cats, disruption of bird dwellings, elk/deer migration routes, etc.).
- Discussion and debate over the proposed Amendment has not been public enough, nor has there been ample time for all citizens to weigh in and make their views known. At a minimum, additional time and public debate needs to occur prior to voting on this or any other proposed Amendment.

Additionally, the proposed amendment is in direct conflict with many of the design criteria specifically cited in the Town's plans. These criteria are:

- preserve rural ranch open character
- preserve views of the gore range from Highway 9
- **Low density, rural residential (1 dwelling unit per 5 acres)**
- **cluster development in areas not visible from HWY 9**
- Avoid ridge line and steep slope development
- expand and enhance gateway to Silverthorne and the Lower Blue Valley
- Enhance parks trails and opened space in accordance with the Tow Park, Trails and Open Space Plan.
- Preserve existing vegetation
- **Sensitive to wildlife impacts.**

I believe that the proposed Amendment fails to meet several of the criteria (noted in bold above):

- The density has changed significantly as already noted. This alone should be a reason to deny this proposed amendment.
- The proposed development **will** in fact be quite visible from Highway 9. The developer's own digital images show this to be true.
- No wildlife impact studies have been done or made available for review by the public.

As my representatives on the Council, I ask that you deny the proposed amendment. If the Town believes the Amendment should go forward, then I respectfully request that a list of reasons for approving the amendment be provided to the public, and that additional time and public discussion/debate occur prior to final approval so that all points of view may be thoughtfully discussed and considered.

Thank you for your consideration in reading this.

Respectfully submitted,

August Geise
2695 Hunters Knob Road
Silverthorne CO 80498

Matt Gennett

From: Mark Leidal
Sent: Monday, March 09, 2015 8:51 AM
To: Matt Gennett
Subject: FW: Maryland Creek Ranch

From: Bruce Butler (External)
Sent: Monday, March 09, 2015 8:47 AM
To: Ryan Hyland; Mark Leidal
Subject: Fwd: Maryland Creek Ranch

Another one for the record.

Sent from my iPhone

Begin forwarded message:

Resent-From: <bbutler@silverthorne.org>
From: <sjburgert@aol.com>
Date: March 8, 2015 at 6:03:02 PM MDT
To: <bbutler@silverthorne.org>, <amsandquist@silverthorne.org>, <jbird@silverthorne.org>, <rcamp@silverthorne.org>, <dfowler@silverthorne.org>, <plong@silverthorne.org>, <srichardson.@silverthorne.org>
Cc: <michael_abene@yahoo.com>, <leslecoq@yahoo.com>
Subject: Maryland Creek Ranch

Town Council Members;

I am writing regarding the Maryland Creek Ranch Development. My husband and I purchased a home on Game Trail Rd in Three Peaks in 2008. At that time, we were assured that the land to the north of our home would not be developed. Now we understand that Game Trail Rd will become the major thoroughfare for commercial and residential traffic for over 200 homes. We never would have moved to the area under these circumstances – and neither would anyone else....The neighborhood is studded by numerous homes for sale – many have been for sale for years. The construction of this massive development will fundamentally change the character of the area. Since 2008, our property, and those in the area have dropped in value. I foresee a further drop in property values and a steady exit. We have already discussed this with our realtor and were told we cannot expect to sell our home for many years to come. It appears as though you are “robbing Peter to pay Paul”.

Please take into consideration the feelings of the many tax-paying current residents of Three Peaks when making your decision regarding this development.

Thank you,

Susan J. Burgert-Abene , M.D.

Michael V. Abene, M.D.

Matt Gennett

From: Mark Leidal
Sent: Monday, March 09, 2015 8:04 AM
To: Matt Gennett
Subject: FW: Maryland Creek - Subdivision

For the SMCR public record.

-----Original Message-----

From: Bruce Butler (External)
Sent: Saturday, March 07, 2015 8:12 AM
To: Ryan Hyland
Cc: Mark Leidal
Subject: Maryland Creek - Subdivision

It looks like all of the council received these comments, but please include this communication in the record.

-----Original Message-----

From: Anthony Cianflone [<mailto:ab1cianflone@yahoo.com>]
Sent: Friday, March 06, 2015 2:44 PM
To: bbutler@silverthorne.org; plong@silverthorne.org
Cc: rcamp@silverthorne.org; amsandquist@silverthorne.org; jbird@silverthorne.org; dfowler@silverthorne.org
Subject: Maryland Creek - Subdivision

Councilmen;

It has come to our attention that city council wants to allow increased density in this subdivision. We are appalled at the lack of foresight you have given this matter and the fact that you are throwing the current residents that are impacted by this under the bus so the city can get more revenue and tax base.

We recently purchased a home on Game Trail. October 2014. It was meant to be our retirement home. We were aware of the new subdivision but not of this ridiculous increased density. In fact I had a discussion with Russ Camp and mentioned we were considering moving to Silverthorne and Three Peaks but were probably not going to go forward with it, due to the uncertainty of the town/area. We had been former residents of Fox Valley and left for a home in Breckenridge. After speaking with him, he convinced me that Silverthorne was worth a 2nd chance and the Three Peaks area was a great neighborhood with quietness and tranquility of the neighborhood. We took his word, since he lives in the neighborhood, and actually purchased the home.

Now we find out it will be a major thoroughfare for the new large development with almost triple in size of what was on the plat just a few months ago.. I am surprised of the ethics of such a small town council. What else are you willing to sell for city revenue. This part of town is not where high density should be. How about cleaning up HWY 9 in town where density is expected.

The people that live in this area or have second homes do so for its peacefulness. There are plenty of other places in the county to live if we wanted non-stop traffic, noise and pollution.

Thanks for selling out your neighbors. Perhaps the new residents will vote for you all in the next election?
Whats' next...

Anthony and Belinda Cianflone
325 Game Trail
Silverthorne, CO

Matt Gennett

From: Daryll Propp <dpropp@propprealty.com>
Sent: Saturday, March 07, 2015 1:06 PM
To: leslie lecoq; joand820@comcast.net; 2015 8:40:34 PM MST To; GPA-COLO@comcast.net; karmstrong@sperianprotection.com; aase99@yahoo.com; astridbassett@gmail.com; sbell@cimarex.com; cabeltzer@comcast.net; jolieberry@yahoo.com; blum80@comcast.net; chrisbochan@yahoo.com; lsboeckel@comcast.net; mike@mysummitadvisor.com; u.no.hoo.ab@gmail.com; mkbristow@gmail.com; waynebrunetti@gmail.com; rrutig@comcast.net; epsbyers@gmail.com; pcamjr@yahoo.com; twocampslc@comcast.net; campbell.barbara@gmail.com; lisachang75@gmail.com; ab1cianflone@yahoo.com; cccohlmia@gmail.com; mthandlan@aol.com; bjrdaniel@hotmail.com; tdbjrd@hotmail.com; vdickerson@tpgfw.com; pennie@sassycticflorida.com; ddusen@gmail.com; beryl_edney@yahoo.com; shawna.emarine.isi@gmail.com; priscillaengel@gmail.com; jimernst@pobox.com; jnjestelle@gmail.com; pinkif@aol.com; michellefeavel@gmail.com; acandjf@yahoo.com; LCFobes@yahoo.com; janegans@comcast.net; lauriemgarland@gmail.com; karen240@comcast.net; awg4@q.com; cody@rmscranes.com; pa1co2rv3@msn.com; rcarole1@aol.com; cindygordon2810@gmail.com; sgreenwood174@comcast.net; rgroff42@comcast.net; hamiltonfreund@msn.com; mhardy@michelehardy.com; pahendry@gmail.com; rhertel@majesticrealty.com; larry@cattlehedging.com; dhodgson35@gmail.com; choge@indy.rr.com; ghoge@indy.rr.com; shorn@wyobeam.com; wghorstman@yahoo.com; michhudd@sbcglobal.net; tdandf@yahoo.com; pjohstone123@comcast.net; lynettejjones@msn.com; dickandrobin@comcast.net; cehartford@msn.com; pia.keller@kellercentral.net; nancykeltner@gmail.com; ruditutti@aol.com; mkerst21@aol.com; jaknight@cox.net; John Land Le Coq; Land Lecoq; Calais Le Coq; Chuck Arnold; Harris Sherman; Lorrie Quinn; Kathy Ball; Kim Alie; Darci Groves; Mom & Dad; Gary Kleysteuber; Chris Arnold; K.C. Groves; Dave Rossi; Sarah Arnold; Mike Arnold
Cc: Mglade@inmanflynn.com; Phil Larson; Matt Gennett; charles arnold; Barbara Schneeman; Carol Propp
Subject: RE: Town Council Meeting regarding the increased density on Maryland Creek March 11, 6:00 PM
Attachments: Brochure-03072015115059.pdf
Importance: High

ALL:

My wife Carol and I purchased the land (approximately 6 acres) at 27612 N. Highway 9 Silverthorne, from Leslie's brother Charles Arnold in November of 1992. It took us about two years to get approval from Silverthorne to build our 4600 square foot log home. At first we were delayed because of wet land issues. Then we were delayed because an eagle was spotted at the river building a nest, this delayed it to the following year. We are restricted from having any pets specifically a cat due to the wildlife and birds in the area. What restrictions if any will be imposed on Everist? The home was completed in 1999 (see the attached brochure). About eight years ago the Everist group started their mining project directly across from our home. They were supposedly creating a park for the City of Silverthorne. This was to be finished in two years. Eight years later they are still mining and there is still no park. They just recently received another one year extension without notice and without a hearing. When they started the project I contacted them several times in person and by letters over the past five years complaining of the noise from the constant mining and truck traffic. The ongoing truck traffic causes dirt, dust, jakebraking, and in general is a very dangerous situation, to the overall Summit

County community. Finally, we had enough, and put our home up for sale about seven years ago for \$3.5 million. We now have it listed under \$2 million which is less than we have in it. Potential buyers are very concerned about the Everist projects, now and in the future. The situation has been extremely disturbing to us as we have been unable to get them to satisfy the serious problem! We have also authorized our attorneys to file a lawsuit against the Everist group in the Summit County court. The service will be completed this week. We cannot imagine what this next project of high density, lower level homes will do to our community for the next 15 years of build out! We encourage all of you to stand up to this terrible proposal. Please do what you can to stop this project. Time is running out! Hope to see you all at the meeting at 6pm on March 11th.

Sincerely,

Carol Propp
Daryll Propp

CC: Michael Glade Attorney at Inman Flynn Attorneys at Law
Phil Larson Attorney at Larson Bushell LLC Attorneys at Law
Matt Gennett City of Silverthorne
Charles O. Arnold
Barbara Schneeman

From: leslie lecoq [mailto:leslecoq@yahoo.com]

Sent: Friday, March 06, 2015 12:43 PM

To: joand820@comcast.net; 2015 8:40:34 PM MST To:; GPA-COLO@comcast.net; karmstrong@sperianprotection.com; aase99@yahoo.com; astridbassett@gmail.com; sbell@cimarex.com; cabeltzer@comcast.net; jolieberry@yahoo.com; blum80@comcast.net; chrisbochan@yahoo.com; lsboeckel@comcast.net; mike@mysummitadvisor.com; u.no.hoo.ab@gmail.com; mkbristow@gmail.com; waynebrunetti@gmail.com; rrutig@comcast.net; epsbyers@gmail.com; pcamjr@yahoo.com; twocampslc@comcast.net; campbell.barbara@gmail.com; lisachang75@gmail.com; ab1cianflone@yahoo.com; cccohlmia@gmail.com; mthandlan@aol.com; bjraniel@hotmail.com; tdbjrd@hotmail.com; vdickerson@tpgfw.com; pennie@sassy chicflorida.com; ddsen@gmail.com; beryl_edney@yahoo.com; shawna.emarine.isi@gmail.com; priscillaengel@gmail.com; jimernst@pobox.com; jnjestelle@gmail.com; pinkif@aol.com; michellefeavel@gmail.com; acandjf@yahoo.com; LCFobes@yahoo.com; janegans@comcast.net; lauriemgarland@gmail.com; karen240@comcast.net; awg4@q.com; cody@rmscranes.com; pa1co2rv3@msn.com; rcarole1@aol.com; cindygordon2810@gmail.com; sgreenwood174@comcast.net; rgroff42@comcast.net; hamiltonfreund@msn.com; mhardy@michelehardy.com; pahendry@gmail.com; rhertel@majesticrealty.com; larry@cattlehedging.com; dhodgson35@gmail.com; choge@indy.rr.com; ghoge@indy.rr.com; shorn@wyobeam.com; wghorstman@yahoo.com; michhudd@sbcglobal.net; tdandf@yahoo.com; pjohnstone123@comcast.net; lynettejjones@msn.com; dickandrobin@comcast.net; cehartford@msn.com; pia.keller@kellercentral.net; nancykeltner@gmail.com; ruditutti@aol.com; mkerst21@aol.com; jaknight@cox.net; John Land Le Coq; Land LeCoq; Calais Le Coq; Chuck Arnold; Harris Sherman; Lorrie Quinn; Kathy Ball; Kim Alie; Darci Groves; Mom & Dad; Gary Kleysteuber; Chris Arnold; K.C. Groves; Dave Rossi; Daryll Propp; Sarah Arnold; Mike Arnold

Subject: Town Council Meeting regarding the increased density on Maryland Creek March 11, 6:00 PM

Hello Everyone,

To introduce myself my name is Leslie Le Coq and I reside at the North end of Hunters Knob Road.

First of all I want to sincerely thank everyone who attended the planning commission meeting this past Tuesday evening and I want to inform everyone of the Town council hearing that is scheduled for next Wed March 11 at 6:00 PM at the Silverthorne Town Hall.

For those of you who are not aware of the proposed PUD amendment from Maryland Creek Ranch to increase their density from 83 residential units to 240 units I will give a brief outline of events below.

Dec 2005- The town annexed and zoned SMCR (South Maryland Creek Ranch) which consisted of 71 single family residences on 355 acres.

May 2007- MCR brought forth annexation petition to annex an additional 61 acres and to incorporate an additional 12 units into the original SMCR PUD bringing it to 83 single family units on 416 acres. Increasing the acreage and units, but still maintaining a rural residential density of one unit per five acres.

Nov 2007- Major PUD amendment approved based upon its conformance to the Comp Plan using nine site-specific design criteria

- preserve rural ranch open character
- preserve views of the gore range from Highway 9
- **Low density, rural residential (1 dwelling unit per 5 acres) *******
- **cluster development in areas not visible from HWY 9** (according to the photos they presented at Tuesdays meeting where they digitally created images of what it would look like with the homes in place..they did not meet this criteria. The homes are easily seen from HWY 9.
- Avoid ridge line and steep slope development
- expand and enhance gateway to Silverthorne and the Lower Blue Valley
- Enhance parks trails and opened space in accordance with the Tow Park, Trails and Open Space Plan.
- Preserve existing begetation
- **Sensitive to wildlife impacts.*******

In accordance with Town Code Section 4-1-22, a PUD Major Amendment requires a pre application meeting and Final PuD Plan review process. Section 4-4-14 (g) (3) sets forth the criteria for approval of a Final PUD Plan, which is: a) Consistency with the Comprehensive Plan and other Town master plans and standards.

This is very important: When the PUD was approved for the additional 12 units in 2007 it conformed to the Comprehensive Plan and policy guideline contained in (Appendix A: Three-Mile Plan) and maintained an overall density of one unit per five acres. The Comp plan was later updated to the 2014 Comprehensive Plan Update to reflect the annexation of the portion of Maryland Creek Ranch now know as the South Maryland Creek Ranch, and the density numbers (one unit per five acres) were removed.

Which brings us to today.

March 3, 2005 SMCR is seeking final approval of the SMCR PUD major Amendment and requesting a change in density from 83 dwelling units to 240 units, therefore changing the rural residential (which was the original Comprehensive Plan and Master Plan for Development)of one unit to five acres to .57 units per acre and tripiling their density. The public had no knowledge or say in this change to the Comprehensive Plan, which has allowed the removal of rural residential as a requirement and will eventually change the entire character of the land to the North of Silverthorne!!!!!!!!

My opinion: I am in total agreement to individual's property rights, but I feel these changes to the original PUD in 2005 and then again in 2007 were not brought to our attention as neighboring property owners or citizens of Summit County. When I first considered building a home on the meadow where I live now that was once my grandfathers I was aware that someday there was going to be a development across my fence line and on the Maryland Creek Ranch. I met with Joanna Hopkins (MC's development representative) and she showed me all of the development and site plans which consisted of the 71 homes. I did my due diligence and all of my research before proceeding to build. Now nine years later after spending three years in planning and another year in

construction and four years living in my house creating a home for myself and my two daughters, I have come to find out that all the pretenses that I built my home have changed. (Views, wildlife, dark skies, privacy, peacefulness etc..) I truly feel that as the saying goes..the wool has been pulled over our eyes. In the Summit Daily article yesterday. Tom Everist is quoted "we apologize if we didn't do enough to get you involved earlier," but nonetheless we hope we've softened if not totally mitigated the impact of the density change." I honestly feel this was his intended strategy to keep us all in the dark and as quickly as possible get this passed through without public opposition and possible lawsuits. Many of us were not aware of any of this until last Sunday's Summit Daily, then the planning meeting on Tues March 3rd and now we have 8 days from the last meeting until the Council meeting for final approval to even begin to understand this, let alone figure out our thoughts and opinions or even possibly form a group of opposition.

The traffic off of HWY nine onto ranch road, game trail and then hunter's knob is going to change our neighborhood from a peaceful street to a flow of consistent traffic. Tom Everist mentioned the possibility of heavy construction using the North Entrance, but the quickest route to the development is the South end game trail and I'm sure all the sub contractors(dry wall, tile, painters, plumbers, electricians, **landscapers** etc.. etc..), home owners, family members, guests etc.. will be using our street. I did ask Joanna Hopkins about a month ago and she did tell me that game trail is the main entrance for their development.

My property borders their property, therefore I am greatly effected by this increase in density, but you as homeowners in Three Peaks will also be greatly effected by the tripling of homes. We will be faced with traffic, noise, additional snow removal trucks and plows (Just imagine how many snow plows will be needed for 430 homes) headlights not to forget the sight of 3x as many homes, light pollution, our herds of elk, moose and mule deer displaced and just the overall peace and quite of our neighborhood and the beautiful preserved wilderness behind us.

Our property values will also greatly decrease. The appeal of a private, quiet neighborhood will no longer be the case for the homes along Game Trail or Hunters Know. This is going to impact the entire Three Peaks area.

I hope that with this information you will attend the meeting next Wed March 11 at 6:00 and voice your thoughts. I feel we need to make every attempt to have Council deny SMCR proposed amendment of 440 homes and to be held to their existing PUD of 83 homes which conforms to the unupdated rural residential guidelines and master plan. If we allow Tom Everist to adjust density to his desires, what will keep future developers from continuing to do the same. We need to protect not only our neighborhood, but the reason why we all live here in the first place. We need to have a vision of the future that pays what we have ..forward, to our children, future generations, our natural environment and our wildlife. This will set a precedent for all future development in the land North of Silverthorne and the Lower Blue. We will slowly loose our rural ranch land and beauty and we will become an area of urban sprawl. We need to be proactive and stop this irresponsible development creep from happening. As a community we need to work together as a whole to be partners in preservation and forward thinkers and designers of inevitable changes that can be handled in ways that add value to us all and not to the pockets of one individual.

Thank you so much!! Please feel free to respond to me with any other thoughts or concerns. The final approval is Wed, please, let's all pull together for this meeting.

Best Regards,

Leslie



Summit Capital LLC

May 21, 2015

Delivered by electronic mail

Mr. Mark Leidal, Assistant Town Manager mark.leidal@silverthorne.org
Mr. Matt Gennett, Planning Manager mgennett@silverthorne.org
Silverthorne Town Hall
601 Center Circle
Silverthorne, CO 80498

Re: PUD Amendment – South Maryland Creek Ranch Development

Dear Sirs:

Thank you for the opportunity to comment on the South Maryland Creek Ranch ("SMCR") project. I represent the owner of the Eagles' Nest Mountain Ranch, LLC property located at 28112 Highway 9, directly east of the SMCR property.

We have been working closely with Tom Everist's team over the past couple of months while reviewing their proposal for increased density on SMCR, as well as their intent for the remaining 640 acres of county lands to the north. We understand the new vision for the SMCR project and have received Mr. Everist's commitment to maintain the existing density on the county lands in perpetuity. Mr. Everist has also committed not to seek annexation of the county lands by the Town.

For all of the above reasons, Eagles Nest Mountain Ranch and its owners hereby state for the record their support for the South Maryland Creek Ranch PUD amendment as proposed.

We look forward to our continued relationship with the Everist family and South Maryland Creek Ranch.

Sincerely,

Eagles' Nest Mountain Ranch, LLC
William R. Gougér, Manager

{00034985}

Matt Gennett

From: Lisa Whatley <lisa.whatley@pocservices.com>
Sent: Thursday, June 04, 2015 6:19 AM
To: Matt Gennett
Subject: SMCR

Mr. Gennett -

My husband, Kevin and I own the home at 345 Game Trail in Three Peaks. Our home is at the corner of Game Trail and Hunter's Knob. Although, we have used the house as a vacation home in the past, we are moving this summer to make Silverthorne our main residence. With that being said, we are very much opposed to the expansion of density of the SMCR development. We are especially concerned about the construction and residential traffic that will pass directly in front of our home. One of the reasons that we selected our home was due to the fact that it was at the far end of the neighborhood and adjacent to the national forest. The location is very quiet and has very little traffic. Because of the quiet, traffic free area, we are able to enjoy a wide range of wildlife viewing from our home. We are also extremely concerned about how the expansion of SMCR is going to have an adverse effect on the value of our property. The increased expansion of SMCR will change our home from being at the quiet end of a neighborhood to being at the entrance of a busy development of 240 additional homes. This change alone would be detrimental to the value of our home.

We are strongly opposed to the increase of density in SMCR from the 84 homesites to the proposed 240. We also feel that SMCR should be required to make some concessions and compromises to be fair to the residences of Three Peaks, the wildlife/environmental impact and increased traffic concerns.

I want to thank you for your time to listen to our objections and concerns to the expansion of SMCR.

With regards,

Lisa and Kevin Whatley

Matt Gennett

From: noah@thekluglawfirm.com
Sent: Wednesday, June 03, 2015 9:58 AM
To: Matt Gennett; Mark Leidal
Subject: Maryland Creek Ranch

My name is Noah Klug and I reside with my family at 127 Talon Circle, Silverthorne Colorado. I am writing to express my opposition to the Maryland Creek Ranch PUD. I believe good public policy supports maintaining relative zoning stability. Current property owners have "investment backed expectations" that the town will not undermine their property values. Increasing the density at Maryland Creek Ranch would violate the trust that current property owners have placed in the zoning and the town. The town annexed Maryland Creek Ranch and, to my understanding, already increased the density that would have been allowed by the county. The town should not increase the density again. I would like to see the town participate in the county TDR program so that increasing density in the town removes density from other parts of the county where it is less desirable. I would also like to see density focused in the "downtown" area that Silverthorne is trying to develop rather than creating new density on the outskirts of the town. I am in favor of unlimited density downtown. I believe the Maryland Creek Ranch project as currently proposed is wrong for the town. I urge the town council to reject the PUD as currently proposed and force the developer back to the drawing board.

Noah Klug
Attorney and Counselor at Law
The Klug Law Firm, LLC
PO Box 6683
Breckenridge CO 80424
Telephone: 970-468-4953
Fax: 800-675-1349
www.TheKlugLawFirm.com

Matt Gennett

From: Geise family <awg4@q.com>
Sent: Wednesday, June 03, 2015 12:32 PM
To: Matt Gennett; Mark Leidal
Subject: Proposed SMCR density increase

Matt & Mark - I am a home owner in 3 Peaks, fairly close to the SMCR property (my address is below). I am against the proposed increase in density altogether and would prefer that the Council reject it. However, having seen the vote at the latest meeting, i realize that a compromise is perhaps the best way forward at this point.

I have followed the discussions, and am really aghast that the developer, Tom Everist has made zero compromises in regards the density, despite the proposed compromises offered by the ENPHA and 3 Peaks residents (namely to reduce the density just at the edge of SMCR that adjoins 3 Peaks). We strongly feel that the Council should enforce a compromise solution as offered by the residents. At least two options have been discussed and proposed, with no compromise made by SMCR on density. SMCR has given no reasons why they cannot reduce the density as proposed. At least one Town Council member has also raised his frustration with the lack of compromise.

Tom has argued that he has made compromises, but in my view, these are simply adjustments to comply with the original intentions of the Council when it granted his original approval (at a much lower density). Namely, these adjustments by SMCR are to comply with wildlife mitigation, view issues, comply with the original density on the North end of SMCR (the annexation point), and traffic concerns which the residents have raised.

A compromise on density would go a long way towards improving relationships between the developer and the adjacent residents, as well as providing increased wildlife mitigation in an area where there is already a significant amount of elk herd migration activity every year.

Please help us reach a compromise with SMCR that will reduce the density adjacent to 3 Peaks and preserve the values and character of that neighborhood, improve the wildlife corridor options, and improve relationships with SMCR.

Thanks very much for reading and for including this in the packet to the Council members in advance of the next reading.

Sincerely,

August Geise
2695 Hunters Knob Road
Silverthorne CO 80498

Matt Gennett

From: sjburgert@aol.com
Sent: Wednesday, June 03, 2015 8:02 PM
To: Matt Gennett
Subject: Maryland Creek Ranch

Dear Council Member;

I am writing regarding the Maryland Creek Ranch Development. My husband and I purchased a home on Game Trail Rd in Three Peaks in 2008. At that time, we were assured that the land to the north of our home would not be developed. Now we understand that Game Trail Rd will become the major thoroughfare for commercial and residential traffic for over 200 homes. We never would have moved to the area under these circumstances – and neither would anyone else....The neighborhood is studded by numerous homes for sale – many have been for sale for years. The construction of this massive development will fundamentally change the character of the area. Since 2008, our property, and those in the area have dropped in value. I foresee a further drop in property values and a steady exit.

Please take into consideration the feeling of the many tax-paying current residents of Three Peaks when making your decision regarding the density of this development.

Thank you,

Susan J. Burgert-Abene , M.D.

Matt Gennett

From: Kent Patterson <kentep@mailcan.com>
Sent: Wednesday, June 03, 2015 9:10 PM
To: Mark Leidal; Matt Gennett
Subject: Please compromise on SMCR

Council Members,

We live in Three Peaks and are extremely unhappy regarding no compromise on density from SMCR. There have been many compromises that have been made on our part and we feel in all fairness that there should be some decrease in density from this proposed PUD.

Hopefully, our vote matters....please represent our interest. Please do the right thing.

Kent & Gini Patterson

"It is the mark of an educated mind to be able to entertain a thought without accepting it"

~Aristotle

Sent from my iPhone

Matt Gennett

From: Cindy Rufenacht <Cindy@questaenergy.com>
Sent: Thursday, June 04, 2015 7:12 AM
To: Matt Gennett
Subject: PUD

We cannot be at the meeting as we live out of state. We do however, object to the proposed PUD density and feel there should be a decrease in density. We have been in our home since 2007 and one of the reasons we purchased was due to the lack of density and the wide open spaces feeling we get when we come to Colorado. We can get that "density" feeling at home.

Cindy Rufenacht
155 Bull Lake Court

Matt Gennett

From: SCJ Arnold <scj_arnold@msn.com>
Sent: Thursday, June 04, 2015 7:43 AM
To: Matt Gennett; Mark Leidal
Subject: SMCR

June 4, 2015

Silverthorne Planning Dept.
Matt Gennett

Dear Matt:

Once again I would like to express my concerns for the SMCR proposed project. I do not approve of the increased density even after good progress has been made to answer the concerns strongly expressed by the community. I do not believe an increased density of this amount has been justified. Can the town adequately handle all the issues from such an increase? All the reasons have been stated clearly from many sources and yet the Council members seem to have already made a decision and not open to more attempts to honor what the people want.

Joedy Arnold

Matt Gennett

From: sjburgert@aol.com
Sent: Wednesday, June 03, 2015 8:02 PM
To: Matt Gennett
Subject: Maryland Creek Ranch

Dear Council Member;

I am writing regarding the Maryland Creek Ranch Development. My husband and I purchased a home on Game Trail Rd in Three Peaks in 2008. At that time, we were assured that the land to the north of our home would not be developed. Now we understand that Game Trail Rd will become the major thoroughfare for commercial and residential traffic for over 200 homes. We never would have moved to the area under these circumstances – and neither would anyone else....The neighborhood is studded by numerous homes for sale – many have been for sale for years. The construction of this massive development will fundamentally change the character of the area. Since 2008, our property, and those in the area have dropped in value. I foresee a further drop in property values and a steady exit.

Please take into consideration the feeling of the many tax-paying current residents of Three Peaks when making your decision regarding the density of this development.

Thank you,

Susan J. Burgert-Abene , M.D.

Matt Gennett

From: leslie lecoq <leslecoq@yahoo.com>
Sent: Thursday, June 04, 2015 11:12 AM
To: Matt Gennett; Mark Leidal
Subject: SMCR proposed amendment to increase density

Dear Town Council Members,

I am writing to you in regards to the SMCR Major PUD Amendment to increase density. I have been involved in many meetings over the past few months: Planning Commission meetings, Town Council meetings, SMCR and Three Peaks, SMCR and Eagles Nest, neighborhood meetings and individual meetings with the Joanna Hopkins, Paul Books and Tom Everist, therefore I feel I have gathered viewpoints from various people of different positions. After the last Town Council Meeting on May 27th I was overwhelmed with phone calls and emails from angry and frustrated members of the community. They all expressed to me one common view. Why was there not a compromise from SMCR? They referred to the Town Council meeting on March 11, 2015 and recalled that the decision by Town Council to delay the decision for two months was for the developer and residents to have time to find a middle ground between the 83 and 240 units. After two months of numerous hours, dedicated attention and involvement to reach a compromise with SMCR they feel frustrated that the number of units remains at 240. I am writing to you not only on my behalf, but on the behalf of many residents who feel that I compromise on density should still be addressed and they are respectfully request that the Town Council reconsider their vote until this agreement can be met by both sides. To my knowledge there have been two separate compromise proposals presented to SMCR from Three Peaks and EPHNA where we were working towards this middle ground number in density. We would like to continue discussions for a compromise and not jeopardize our neighboring relationship with SMCR.

I want to point out that everyone greatly appreciates the adjustments that SMCR has made to the PUD, such as camera for traffic, buffer zone between neighborhoods, beginning construction near the community center etc, but feel the main opposition has not been addressed, which is decrease in density. We view this more as a mitigation effort, rather than a compromise. We are still faced with the same plan, just a few measures to lessen the impact of 157 more homes. No compromise has been met by SMCR. We have had to accept an increase in density from 83-240 homes and all of the consequences that go hand in hand; noise, traffic, etc., but yet SMCR remains at the same density of 240. The community is looking at this as very unjust and unfair by SMCR and a lack of trust and respect in our Town Government.

This is not a black and white decision; we are not anti development and we are 100% in agreement with individual property rights. The point here is that the original rights on density were not 240 units. If this was the case there would be no opposition on this issue. The property was annexed numerous times, therefore enabling this change in density regulations and guidelines. Even though legal, we do not believe this is an ethical or responsible development, especially with the majority of the community in opposition. Please refer to the past 6 Summit Daily articles beginning on Feb 28th. Not one article mentioned any approval from the residents of Summit County, it was all stating strong opposition. We feel the Town Council should acknowledge the public's views and work towards some compromise in decreasing the density. We are not proposing to revert back to the original PUD of 83, but some number that shows good faith. At one of the Three Peaks meetings those in attendance discussed a proposal to give Tom Everist for SMCR to reduce 53 lots from the South end. We felt this would give us a greater buffer between the two neighborhoods, it would decrease traffic up Game Trail, construction noise would be lessened, light pollution, views and very important the wetland areas surrounding the creek would be preserved to lessen the impact on the abundance of wildlife in

a critical corridor. Again, there has been mitigation measures taken by SMCR to lessen the impact on wildlife, but this does not diminish impact or resolve the issue. There is also a tremendous impact on the smaller species and the wetlands ecosystem as a whole. I have heard the presentations from SMCR regarding the larger migrating species, but many people are equally concerned about the water fowl and smaller species in this area. An increase in homes from 83-240 is a tremendous increase in impingement to the wildlife. The only way to really preserve this wildlife area in a responsible and committed way is to decrease the number of homes. There is a great deal of pressure on the animals from the Hunters Knob, therefore a larger area of open space or buffer would decrease the amount of stress in the animals coming into hard winters and preserve their natural breeding grounds and water source from the creek. When we discussed this we felt this was a WIN Win for all and a fair proposal to present to Tom Everist This was our starting point for compromise, but yet there was no compromise on the part of SMCR. We did not oppose when SMCR went from 20 to 71 or 71 to 83, but this size of increase deserves serious consideration. We are asking you to please review and reconsider this proposed amendment in good conscious, loyalty and obligation for the citizens of Summit County. A small compromise would make a world of difference in moving forward with a positive relationship with SMCR and respect for our Town Government.

Thank you so much for your time and consideration and for all of the long hours you have dedicated to this issue.

Best Regards,

Leslie Le Coq

235 Maryland Creek Trail
Silverthorne, CO 80498

**TOWN OF SILVERTHORNE, COLORADO
ORDINANCE NO. 2015-08**

**AN ORDINANCE APPROVING A MAJOR AMENDMENT TO THE
SOUTH MARYLAND CREEK RANCH PLANNED UNIT DEVELOPMENT**

WHEREAS, on December 17, 2005, the Town Council adopted Ordinance No. 2005-17, approving the South Maryland Creek Ranch Planned Unit Development (the "SMCR PUD");

WHEREAS, on November 28, 2007, the Town Council adopted Ordinance No. 2007-22, approving the annexation of an additional 61 acres into the Town;

WHEREAS, also on November 28, 2007, the Town Council adopted Ordinance No. 2007-23, zoning those additional 61 acres PUD and adding those 61 acres into the SMCR PUD;

WHEREAS, on May 16, 2014, pursuant to Section 4-4-14 of the Silverthorne Town Code, the owner of the SMCR PUD submitted an application to amend the SMCR PUD (the "Amendment");

WHEREAS, in part, the Amendment requests an increase in the density of the SMCR PUD from 83 units to 240 units;

WHEREAS, pursuant to Section 4-4-14(4)(b) of the Silverthorne Town Code, the Amendment constitutes a major amendment to the SMCR PUD;

WHEREAS, major amendments to final planned unit development plans are subject to the criteria set forth in Section 4-4-14(g)(3) of the Silverthorne Town Code;

WHEREAS, on March 3, 2015, after a properly noticed public hearing and consideration of the application and other information received, the Town's Planning Commission recommended approval of the Amendment;

WHEREAS, on March 11, 2015, the Town Council opened a properly noticed public hearing on the Amendment, and then continued that public hearing to May 27, 2015; and

WHEREAS, on May 27, 2015, the Town Council reopened the continued public hearing on the Amendment.

**NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE
TOWN OF SILVERTHORNE, COLORADO:**

Section 1. Findings. The Town Council, having reviewed the application for the Amendment, all information and documentation provided, the comments of Town staff, the applicant and the public, and having considered the criteria set forth in Section 4-4-14(g)(3) of the Silverthorne Town Code, makes the following findings:

a. The Amendment is consistent with the Town's 2014 Comprehensive Plan Update by continuing to decrease residential density moving outward from the "Town Core" in an area that abuts private residential and public lands.

b. The Amendment is consistent with the applicable sections of Chapter 4 of the Silverthorne Town Code.

Section 2. Approval. Based on the foregoing findings, the Town Council hereby approves the Amendment, subject to the following conditions:

a. The approval of the Amendment shall not take effect until the Town Council's final approval of a Development Agreement for the development proposed by the SMCR PUD.

b. The approval of the Amendment shall not take effect until the Town Council's final approval of the Second Amended and Restated Water Services Agreement for the development proposed by the SMCR PUD.

c. The applicant shall delete Section 4.2 of the PUD Guide regarding private *Related Road Improvements* and amend the various PUD Guide exhibits referencing those private improvements to reflect this change.

d. The updated comments of the SPORT Committee shall continue to be addressed and incorporated into the development as it proceeds forward in the development review process.

Section 3. Effective Date. This ordinance shall be effective upon adoption at second reading, pursuant to Sections 4.5 and 4.7 of the Silverthorne Home Rule Charter..

READ AND PASSED ON FIRST READING THIS 27TH DAY OF MAY, 2015.

TOWN OF SILVERTHORNE, COLORADO

Bruce Butler, Mayor

ATTEST:

Michele Miller, Town Clerk

ADOPTED ON SECOND AND FINAL READING THIS _____ DAY OF _____, 2015.

TOWN OF SILVERTHORNE, COLORADO

Bruce Butler, Mayor

ATTEST:

Michele Miller, Town Clerk

Approved on first reading: _____

Published by title only: _____

Approved on second reading: _____

Published by title only _____

(with amendments, if amended on second reading):



S O U T H
MARYLAND CREEK
R A N C H

May 21, 2015

Mayor Bruce Butler
601 Center Circle
PO Box 1309
Silverthorne, CO 80498

RE: South Maryland Creek Ranch

Mayor Butler:

On behalf of my team, I would like to thank you for this opportunity to provide an update on our communications over the past several weeks. At our March 11th hearing, we were asked by members of Council and yourself to engage the public and continue discussions about the project. During that time, we held eight meetings with neighborhoods, organizations and several meetings with individuals to discuss the project as well as a community wide public meeting on April 22nd advertised in the Summit Daily News for six days.

What we have learned in these discussions is that the density is the initial concern but upon further discussion, the real concerns lie in the impacts that will result due to the increased density in the form of traffic, development to the north, effects on wildlife and views. We have focused very strongly on mitigating these density related impacts and feel that we have made some very strong improvements to the plan to address these matters.

Traffic

We retained the services of another traffic engineer to provide a peer review of our traffic study presented in March. This memo is attached and validates the findings of the traffic study and further clarifies the number of vehicles anticipated that will utilize the Three Peaks entrance. From a density comparison perspective, the estimated number of trips associated with the previous 83 unit plan was 25 during peak hour. With the relocated main entrance and 240 unit plan, the estimated number of peak hour trips will be the same. Some other ideas were also discussed to encourage residents to use the main entrance. We will propose mailbox clusters and newspaper kiosks at the main entrance and shifted our phasing to begin in the middle of the community to train residents to use the main entrance. In order to enforce construction traffic and collect real-time residential traffic counts, a surveillance camera will be installed along Maryland Creek Trail.

North Maryland Creek Ranch

Upon approval of the proposal, the Everist family will place a covenant on the 640 acres to the north of SMCR to permanently disallow current or future owners from annexing any or all of that property to

the town of Silverthorne as well as maintain a minimum of one unit per twenty acre density.

Wildlife

Throughout the planning process for this property, we have taken several steps to be sensitive to wildlife impacts. The existing natural vegetation will be preserved throughout the 259 acres of open space as well as on areas within residential properties outside of the lot coverage/building envelope area. Based on comments and a site visit with the Division Managers of the Colorado Parks & Wildlife, this proposal incorporates 15 additional mitigation measures identified to ensure the least amount of disturbance to wildlife. We will also propose to enlarge and preserve a critical wildlife corridor by reducing the number of homes in the southeast corner.

Views

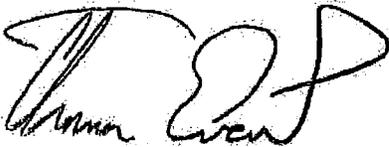
To further protect views from our neighbors at Three Peaks, we have established a 10 acre neighborhood buffer at our shared corner and will propose a home layout similar to the 83 lot plan in the southeast corner during the subdivision process. This change will result in a view exactly the same as the currently approved 83 lot plan.

We feel that through this time spent working with our neighbors, we have mitigated all of these concerns and the project will truly be better for it. We do realize that there are other opinions and positions about what should be done on this land and all of these measures will not align with those opinions. I continue to stand by this proposal because it will truly enhance Silverthorne and will be an asset to this community now and into the future.

Thank you for your consideration and I look forward to presenting this information on May 27th.

Sincerely,

SOUTH MARYLAND CREEK RANCH, LLC

A handwritten signature in black ink, appearing to read "Tom Everist". The signature is stylized and cursive.

Tom Everist
Manager

Attachment Traffic Peer Review dated May 19, 2015



LSC TRANSPORTATION CONSULTANTS, INC.

1889 York Street
Denver, CO 80206
(303) 333-1105
FAX (303) 333-1107
E-mail: lsc@lscdenver.com

May 19, 2015

Ms. Joanna Hopkins
Maryland Creek Ranch
jhopkins@marylandcreekranch.com

Re: South Maryland Creek Ranch
Traffic Impact Peer Review
Silverthorne, CO
LSC #150440

Dear Ms. Hopkins:

We have reviewed the March 4, 2015 *South Maryland Creek Ranch Traffic Impact Memorandum* (Memo) by McDowell Engineering, LLC. The Memo considered two separate travel time scenarios - one assuming vehicles traveling through the adjacent Three Peaks development would travel at an average speed of about 20 mph based on travel times recorded in the field - and the other assuming the average travel speed would be the posted speed limit of 25 mph. It is worth noting the second scenario was added based on a request from Planning Commission.

SUMMARY OF THE MEMORANDUM

Scenario 1 - 20 mph Through Three Peaks Development

This scenario estimated about 97 percent of future site residents would find it more convenient to travel north to SH 9 and about three percent would find it more convenient to pass through the adjacent Three Peaks development to access SH 9. The three percent assumption would relate to about three to four vehicles during the peak-hour with 70 percent seasonal homes and about six to eight vehicles during the peak-hour with all full-time residents.

Scenario 2 - 25 mph Through Three Peaks Development

This scenario estimated about 65 percent of future site residents would find it more convenient to travel north to SH 9 and about 35 percent would find it more convenient to pass through the adjacent Three Peaks development. The 35 percent assumption would relate to about 30 to 42 vehicles during the peak-hour with 70 percent seasonal homes and about 60 to 78 vehicles during the peak hour with all full-time residents.

COMMENTARY ON ANALYSIS

Typically it is more accurate to base travel times on field measurements rather than on the posted speed limit. This is the likely reason the initial Memo only considered the scenario based on actual recorded travel times. For this reason we feel the 35 percent estimate in Scenario 2 is too high and feel 20 percent would be a more appropriate conservative estimate as it assumes site vehicles are still traveling faster through Three Peaks than the travel time study would indicate. For this reason we feel the most likely range of expected vehicles passing through Three Peaks would be three percent on the low end and about 20 percent on the high end.

With 70 percent seasonal homes this would relate to a range of three to 24 vehicles passing through Three Peaks during the peak-hour. With all full-time residents this would relate to a range of six to 45 vehicles passing through Three Peaks during the peak-hour.

The number of peak-hour vehicles passing through the Three Peaks development is expected to typically be between three and 24 vehicles during the peak-hour. Higher volumes of 25 to 45 vehicles are only expected to occur when the number of occupied homes within the site exceeds the typical 30 percent experienced for similar projects in the area.

There are a few factors other than travel time that will affect which SH 9 access is used. The mail kiosk will be located near the northern access and the initial roadway layout and home construction is proposed to favor the northern access both of which should help establish a travel plan via the northern access. In addition, the applicant has agreed to implement traffic calming measures if appropriate.

COMPARISON TO PREVIOUS DEVELOPMENT PLAN

The commentary above estimates a range of three to 24 peak-hour site-generated trips could impact the adjacent Three Peaks development with an assumption of 70 percent seasonal homes and 30 percent full-time residents. A review was also completed of the June 19, 2007 *Revised South Maryland Creek Ranch TIA* (2007 TIA) by LSA Associates, Inc. The assumed land use was 82 homes, one caretaker unit, four lodging units, and 25 accessory dwelling units. The 2007 TIA estimated between 25 and 32 peak-hour trips could have impacted the Three Peaks development based on an assumption of 50 percent seasonal homes and 50 percent full-time residents. These projected impacts would reduce to a range of about 22 to 27 peak-hour trips if a 70 percent seasonal home assumption is used to be consistent with current assumptions. This suggests the impact to the Three Peaks development from the currently proposed site should be similar to that estimated from the 2007 TIA.

* * *

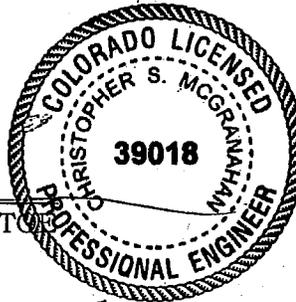
We trust that our findings and recommendations will assist in the planning of the proposed development. Please call if we can be of further assistance.

Respectfully submitted,

LSC Transportation Consultants, Inc.

By: _____

Christopher S. McGranahan, P.E., PTO



CSM/wc

5-19-15

Z:\LSC\Projects\2015\150440-MarylandCreekRanch\Report\MarylandCreekRanch-051915.wpd

*This page intentionally
left blank*

Town of Silverthorne
Town Council Agenda Memorandum

TO: Mayor and Town Council
THRU: Ryan Hyland, Town Manager *RH*
Mark Leidal, AICP, Assistant Town Manager *ML*
FROM: Matt Gennett, AICP, Planning Manager *MG*
DATE: June 5, 2015, for the meeting of June 10, 2015
SUBJECT: Resolution No. 2015-10, A Resolution Approving The South Maryland
Creek Ranch Development Agreement Between The Town Of Silverthorne
And Maryland Creek Ranch, LLC

SUMMARY: Attached for Council's consideration is Resolution No. 2015-10, a Resolution Approving the South Maryland Creek Ranch Development Agreement between the Town of Silverthorne and Maryland Creek Ranch, LLC. Council reviewed the Development Agreement under Discussion Items at their regular meeting of May 27, 2015. The Development Agreement attached to Resolution No. 2015-10 has been revised according to the Council's comments given at the meeting of May 27, 2015.

ATTACHMENTS:

Exhibit A: Resolution No. 2015-10, A Resolution Approving the South Maryland Creek Ranch Development Agreement Between the Town of Silverthorne and Maryland Creek Ranch, LLC

MANAGER'S COMMENTS:

**TOWN OF SILVERTHORNE, COLORADO
RESOLUTION NO. 2015-10**

A RESOLUTION APPROVING THE SOUTH MARYLAND CREEK RANCH
DEVELOPMENT AGREEMENT BETWEEN THE TOWN OF SILVERTHORNE AND
MARYLAND CREEK RANCH, LLC

WHEREAS, Maryland Creek Ranch, LLC (the "Property Owner") owns property within the Town of Silverthorne (the "South Maryland Creek Ranch Property");

WHEREAS, on December 14, 2005, the Town and the Property Owner entered into an Annexation and Development Agreement for the South Maryland Creek Ranch Property (the "2005 Agreement"), recorded with the Summit County Clerk and Recorder on January 13, 2006, Reception No. 812205;

WHEREAS, on November 28, 2007, the Town and the Property Owner entered into an Amended and Restated Annexation and Development Agreement (the "2007 Amended Agreement"), for the South Maryland Creek Ranch Property, recorded with the Summit County Clerk and Recorder on December 14, 2007, Reception No. 876090;

WHEREAS, on November 10, 2009, the Town and the Property Owner entered into a First Amendment to the Amended and Restated Annexation and Development Agreement (the "2009 First Amendment"), recorded with the Summit County Clerk and Recorder on December 4, 2009, Reception No. 927774;

WHEREAS, on November 9, 2011, the Town and the Property Owner entered into a Second Amendment to the Amended and Restated Annexation and Development Agreement (the "2011 Second Amendment"), recorded with the Summit County Clerk and Recorder on December 2, 2011, Reception No. 980867;

WHEREAS, on December 12, 2012, the Town and the Property Owner entered into a Third Amendment to the Amended and Restated Annexation and Development Agreement (the "2012 Third Amendment");

WHEREAS, on October 22, 2014, the Town and the Property Owner entered into a Fourth Amendment to the Amended and Restated Annexation and Development Agreement (the "2014 Fourth Amendment"), recorded, as part of a single recording consisting of 3 documents, with the Summit County Clerk and Recorder on December 12, 2014, Reception No. 1071997;

WHEREAS, the Property Owner and the Town desire to enter into a new agreement to supersede and replace the 2005 Agreement, the 2007 Amended Agreement, the 2009 First Amendment, the 2011 Second Amendment, the 2012 Third Amendment and the 2014 Fourth Amendment;

WHEREAS, while the original plan of development of the Property proposed 83 lots, the Property Owner now desires to increase the density of the development to 240 lots, and the Town has agreed to consider that density, subject to the new agreement;

WHEREAS, in connection with the increase in density, the Property Owner has submitted an updated economic impact analysis from BBC Research & Consulting dated April 13, 2015;

WHEREAS, each of the prior Annexation and Development Agreements included certain obligations of the Property Owner, and the Property Owner has fulfilled and completed certain of those obligations;

WHEREAS, the Town Council wishes to recognize the obligations already fulfilled and completed by the Property Owner prior to approval of the new Development Agreement;

WHEREAS, upon approval, the Development Agreement will grant the Property Owner vested rights, pursuant to C.R.S. § 24-68-103;

WHEREAS, pursuant to C.R.S. § 24-68-103, the Town Council held a duly noticed public hearing on the Development Agreement prior to approval of the Development Agreement; and

WHEREAS, the Town Council determines that approval of the attached Development Agreement is in the best interest of the public health, safety and welfare.

NOW, THEREFORE, BE IT RESOLVED by the Silverthorne Town Council, that:

Section 1. The Town Council acknowledges that the Property Owner has fulfilled and completed the following obligations (originally contained in the 2007 Amended and Restated Annexation and Development Agreement, as amended), and therefore, such obligations are not contained in the attached Development Agreement:

- a. The Property Owner has paid the Town certain Sewer Opportunity Fees in the amount of \$199,200.
- b. The Property Owner has developed eight (8) for-sale multi-family units, with an average price of 100% AMI, on Lot 31 of Ptarmigan Trail Estates Subdivision.
- c. The Property Owner has paid to the Town \$200,000 per calendar year for a total of \$1.2 million in cash or in-kind services that has been used by the Town for park, recreation and trail improvements.
- d. The Property Owner paid to the Town \$100,000 that has been used by the Town for the purpose of installing a permanent fixed stage and installation of a handicap-accessible elevator in the Town Pavilion.

Section 2. The Town Council hereby approves the Development Agreement between the Town and Maryland Creek Ranch, LLC, in substantially the form attached hereto as **Exhibit A**, and the Mayor is authorized to execute such Development Agreement, subject to minor, non-substantive revisions approved by the Town Attorney.

Section 3. Pursuant to C.R.S. § 24-68-103(1)(c), a notice of the granting of vested rights to the Property Owner shall be published in a newspaper of general circulation in the Town within 14 days of approval of this Resolution.

Section 4. This Resolution shall be effective immediately upon adoption.

ADOPTED this 10th day of June, 2015.

TOWN OF SILVERTHORNE, COLORADO

Bruce Butler, Mayor

ATTEST:

Michele Miller, Town Clerk

G. On October 22, 2014, the Town and the Property Owner entered into a Fourth Amendment to the Amended and Restated Annexation and Development Agreement (the "2014 Fourth Amendment") for the South Maryland Creek Ranch property. The 2014 Fourth Amendment was recorded, as part of a single recording consisting of 3 documents, with the Summit County, Colorado Clerk and Recorder under Reception Number 1071997 on December 12, 2014. The 2014 Fourth Amendment amended four November 28, 2014 deadlines and one December 14, 2012 deadline set forth in the 2007 Amended Agreement to November 28, 2015.

H. The Property Owner and the Town desire to enter into a new agreement to supersede and replace the 2007 Amended Agreement, the 2009 First Amendment, the 2011 Second Amendment, the 2012 Third Amendment and the 2014 Fourth Amendment.

I. While the original plan of development of the Property proposed 83 lots, the Property Owner now desires to increase the density of the development to 240 lots, and the Town agrees to consider that density, subject to this Agreement and its quasi-judicial review process.

J. In connection with the increase in density, the Property Owner has submitted an updated economic impact analysis from BBC Research & Consulting dated April 13, 2015 (the "Economic Analysis")

K. On May 16, 2014, the Property Owner submitted initial planning documents for the Development (the "Planning Documents"), which are subject to quasi-judicial review by the Town Council. Nothing in this Agreement is intended to waive or abrogate the Town's quasi-judicial review process.

L. The current plan for development of the Property is more particularly described in the Planning Documents (the "Development").

NOW, THEREFORE, in consideration of the foregoing recitals, the Town and the Property Owner hereby agree as follows:

1. **Purpose.** The purpose of this Agreement is to set forth the terms and conditions to be met by the Property Owner for the Development. Unless otherwise expressly provided to the contrary herein or in the Planning Documents, all conditions contained herein are in addition to any and all requirements of the Town of Silverthorne Zoning Ordinance and Subdivision Regulations, as amended, any and all state statutes, and other sections of the ordinances of the Town. Compliance by the Property Owner with the requirements hereof shall relieve the Property Owner of any obligation to make further public land dedications or payments, with the exception of such fees and/or dedications (for example, application, processing and permitting fees, easements, and other customary dedications), as a part of the platting process and which are common to subdivision review generally.

2. **Effective Date and Term.** The Effective Date of this Agreement shall be the 31st day after the effective date of the Town ordinance approving the Planning Documents. The

term of this Agreement shall commence on the Effective Date and shall terminate on December 31, 2030.

3. **Water Services.**

a. **Water Rights; Construction of Lines:** The Town will provide water service to the Property in accordance with the terms of a Second Amended and Restated Water Service Agreement executed in connection herewith, as the same may be from time to time amended by the Town and the Property Owner, provided that the Property Owner complies with the terms of such Second Amended and Restated Water Service Agreement and constructs to Town Standards those water lines and facilities that are necessary to service the land use proposed for the Property.

b. **System Development (tap) Fees:** The Parties agree that the owner of each lot within the Development shall be required to pay the Town's water system development fee which is current at the time application for building permit is made. This requirement shall be paid by the applicant for building permit for each lot within the Development prior to building permit issuance. No owner of any lot within the Development may assign or transfer any portion of the EQR's purchased by such owner and assigned to such lot. Substantially the text of this paragraph shall be included on the recorded plat of the Development.

c. **Oversized Water Facilities:** The Property Owner will provide a location for a 330,000 gallon water tank on the Property, pay the cost of construction, including connection to the Town's water system, and complete the water tank within 180 days after building permits have been issued for residences requiring 112.3 EQRs. If the Town desires for the water tank to have a capacity of greater than 330,000 gallons, the Town will be responsible for all costs of design and construction related to such increased capacity.

4. **Sewer Services.**

a. **General; Construction of Lines:** The Town will provide sewer services to the Property if the Property Owner satisfies all requirements of the Town, including, but not limited to, the construction of sewer and wastewater treatment lines and facilities to Town Standards necessary to service the land use proposed for the Property.

b. **System Development (tap) Fees:** The Parties agree that the owner of each lot within the Development shall be required to pay the Town's sewer system development fee which is current at the time application for building permit is made. This requirement shall be paid by the applicant for building permit for each lot within the proposed development prior to building permit issuance. No owner of any lot within the Development may assign or transfer any portion of the EQR's purchased by such owner and assigned to such lot. Substantially the text of this paragraph shall be included on the recorded plat of the Development.

c. Sewer Opportunity Fees. The Property Owner has paid Sewer Opportunity Fees in the total amount of \$199,200.00, based on 112.3 EQRs for the 83 lots originally permitted by the 2007 Amended Agreement. On the Effective Date, the Property Owner has amended its plan to include 240 lots in the Development. The 240 lot plan represents an additional 182.2 EQRs, which would represent an additional \$356,255 in Sewer Opportunity Fees at the current rate, and the Property Owner agrees to and will pay the full amount required for 182.2 EQRs at the then current rate after building permits have been issued for residences requiring the 112.3 EQRs for which the Sewer Opportunity Fees have already been paid and before any additional building permits are issued.

d. Sewer Line & Lift Station Construction. The Property Owner shall construct a sewer line and lift station from the Property to the existing main sewer line installed to serve portions of Eagle's Nest ("Existing Main"). Because the Town has determined that the size of the Existing Main is inadequate to serve the Property, the Property Owner shall also be responsible for its *pro rata* share of providing a new sewer main along Highway 9 to replace the Existing Main (the "New Main"). The Town and the Property Owner have determined that the estimated EQRs for the Property will total 294.5 and the Town has determined that the EQRs for the portions of Eagles Nest that are or would be served by the Existing Main total 87.6, which represents 22.93% of the total EQRs currently anticipated to be served by the New Main. The Property Owner will construct the New Main when it constructs the sewer line and lift station from the Property, all of which work must be completed prior to the issuance of any certificates of occupancy for residences within the Property or the sale of any lots within the Property. The Town agrees to pay 22.93% of the actual cost incurred by the Property Owner to design and install the New Main at such time as the work is completed.

5. Public Park. At such time as 90 of the lots in the Development have been improved with residences and final certificates of occupancy issued, the Property owner shall convey to the Town a minimum of 20 acres for a public park in the location shown in the Planning Documents.

6. Park and Other Improvements. At such time as 90 of the lots in the Development have been improved with residences and final certificates of occupancy issued, the Property Owner shall have completed construction of all horizontal and vertical park improvements, including without limitation: fill, grading, landscaping, berming, drainage, landscape irrigation, restrooms, water and sewer service, storage facilities, the on-site access road, parking facilities, and the entry monument sign and associated landscaping, as conceptually shown in the Planning Documents to be reviewed and approved by the Town. Following acceptance by the Town, the Town shall maintain all park improvements to the same standards as other parks owned and maintained by the Town. The Parties acknowledge that the park improvements shall not include permanently affixed athletic facilities, such as ball fields and dugouts, but may include minor facilities, such as team benches, water fountains and small shelters.

7. **In-kind Services.** For purposes of this Agreement, the term "in-kind services" shall mean construction of or provision of materials for agreed upon improvements by the Property Owner. The Town shall ask the Property Owner if in-kind services will be provided, and if not, the Property Owner will pay cash. If the Property Owner chooses to provide in-kind services, such services shall be provided only pursuant to a contract between the Property Owner and the Town. The value assigned to in-kind services shall be the dollar amount which would be expended by the Town to contract for the same work or materials.

8. **Trail Connections.** The Property Owner shall design and construct all trails and trail links described in the Planning Documents, in the locations shown on the Planning Documents and at the times set forth in the Planning Documents. Upon final acceptance by the Town, the Town shall maintain the public trail within the Town Park, to the same standards as other Town-owned trails. All other trails on the Property shall be owned and maintained by the South Maryland Creek Homeowners' Association to the same standards as Town-owned trails. Subject to obtaining all required approvals, including approval from the U.S. Forest Service, the Property Owner shall design and construct, in conjunction with the U.S. Forest Service, a trail connection from the Vendette drainage on the Property to the Gore Range Trail. This trail connection shall be completed when the Vendette drainage trail connection is completed, and shall be maintained by the South Maryland Creek Homeowners' Association.

9. **Public Works Facility.** The Property Owner shall pay to the Town \$500,000 in cash or in-kind contributions for the construction of a new Public Works facility. The Town shall require such payment to be made upon issuance of the building permit for the new Public Works facility. This obligation shall expire on December 31, 2017 if the building permit for the new Public Works facility has not been issued by that date.

10. **Affordable Housing.** As additional support for affordable housing, the Property Owner agrees that the impact fee imposed throughout Summit County that currently expires on December 31, 2016 will continue in full force and effect with respect to the construction of residences on the Property until the initial construction of residences on all of the lots approved for the Property is completed, if such impact fee is not reauthorized by the voters of Summit County. If such impact fee or similar fee is reauthorized or imposed by the voters of Summit County and is applicable to the construction of residences in the Town, the obligations to pay the impact fee hereunder shall cease.

11. **Roads and Road Connections.**

a. The Property Owner will construct all the roads, public and private, to the standards and as shown in the Planning Documents. In addition, the Property Owner agrees that the main entry road shall be completed as part of the completion of the infrastructure and roads of the first phase of Development. Upon completion of construction the public roads or phases thereof and acceptance by the Town as being in compliance with Town requirements for public roads the Town will assume full responsibility for maintenance, subject to such warranty as is applicable to Town acceptance of completed roads.

b. The Property Owner shall construct a public road connection, including a 60' right-of-way and a local road, from the terminus of Hunter's Knob Road in Eagles Nest Golf Course Filing No. 2 to a public road on the Property. The road connection shall meet applicable Town standards.

c. The Property Owner shall construct the acceleration and deceleration lanes and any other improvements required by the Colorado Department of Transportation ("CDOT") on Highway 9 at the main entrance to the Property. Said improvements shall meet applicable CDOT standards, and completion of such improvements shall be a condition of approval of the first Final Plat for the Property.

12. **Real Estate Transfer Assessment.** The Property Owner shall pay a Real Estate Transfer Assessment of 1%, which shall be subject to an amended Real Estate Transfer Covenant, which shall replace the existing 2% Real Estate Transfer Covenant. The amended or restated Real Estate Transfer Covenant shall be executed and recorded with the Summit County, Colorado Clerk and Recorder before the first final subdivision plat is recorded.

13. **Estate Lot Impact Fee.** The Property Owner agrees that the lots to be created on the Property within Estate Lot Area 1A as provided for in the Planning Documents (the "Estate Lots") will be subjected to an impact fee of \$2.00 per square foot of finished residential space payable to the Town prior to the issuance of each building permit for an Estate Lot. Such impact fee will be provided for in an Estate Lot Impact Fee Covenant to be prepared by the Property Owner, approved by the Silverthorne Town Attorney (the "Town Attorney") and recorded prior to the recording of the first subdivision plat creating an Estate Lot.

14. **Lot Sale Fee.** The Property Owner agrees to pay the Town, at the time of the initial sale of the 84th lot to a *bona fide* third party purchaser by the Property Owner (or any entity affiliated with or related to the Property Owner), and continuing through the sale of the 240th lot to a *bona fide* third party purchase by the Property Owner (or any entity affiliated with or related to the Property Owner), a fee of \$4,000 per lot. Subsequent to the Effective Date, but prior to the initial sale of the 84th lot, the Parties will determine an appropriate method to ensure the payment of the Lot Sale Fee to the Town.

15. **Applicable Standards and Regulations.** The Property Owner shall complete the Development in accordance with this Agreement, applicable Town ordinances and regulations, and applicable state and federal law. The Town shall allow and permit the Development upon the submission of proper applications and fees. If the Planning Documents are silent on a matter, the Silverthorne Town Code and associated Town standards shall control.

16. **Special Districts.** The General Improvement District formed pursuant to Section 21 of the 2007 Amended Agreement shall be dissolved at the expense of the Property Owner at such time as the Property Owner has formed one or more metropolitan districts for the entire Property (the "Metro Districts") pursuant to service plans approved by the Town. Each service plan shall comply with the Town Code in all respects. The annual amount payable to the Town for reimbursement of expenses incurred by the Town for services provided to the Development

shall be adjusted annually by the Town, but in no event shall the amount exceed such amount as will be generated by a levy of 12 mills, and under no circumstances shall the Metro Districts impose more than 57 total mills.

17. **Homeowners' Association.** The Property Owner shall create the South Maryland Creek Homeowners' Association (the "HOA"), which shall be responsible for the enforcement of the Declarations and Covenants for South Maryland Creek Ranch and the Architectural Standards for the Development. The HOA shall also be responsible for the repair and maintenance of: any unique lighting in the Development; any unique signage for the Development; all trails not maintained by the Town; all private roads shown on the Planning Documents; and all other items beyond Town standards.

18. **Limitation on Number of Units.** The number of units or lots permitted on the Property shall not exceed 240, as more fully provided for in the Planning Documents.

19. **Vested Rights.** Pursuant to C.R.S. § 24-68-101, *et seq.*, the Property Owner shall have a vested right to undertake the Development on the terms and conditions set forth in the approved Planning Documents, from the Effective Date until December 14, 2030.

20. **Mining.** Subject to applicable law, the Town shall not enact or enforce taxes or fees on the acts of mining, extraction of minerals or reclamation of the Property.

21. **Annual Meeting.** The Town and the Property Owner acknowledge that their continued collaboration is necessary to create a unique and successful Development. Each year, the Town and the Property Owner shall meet to discuss the progress of the Development and other matters as they deem appropriate.

22. **Remedies.**

a. **Property Owner.** The Property Owner's remedies against the Town for the Town's breach of this Agreement are limited exclusively to breach of contract. In no event shall the Property Owner be entitled to economic damages, lost profits, consequential damages or punitive damages of any kind.

b. **Town.** The Town's remedies against the Property Owner for the Property Owner's breach of this Agreement include without limitation: the refusal to issue any building permit or certificate of occupancy; the revocation of any building permit previously issued under which construction directly related to such building permit has not commenced, except a building permit issued to a third party; a demand that any security given for completion of a public improvement be paid; and any other remedy available at law.

23. **Notices.** All notices required under this Agreement shall be in writing and shall be hand-delivered or sent by registered or certified mail, return receipt requested, postage prepaid, to the following addresses of the Parties. All notices so given shall be considered

effective on the earlier of actual receipt or 72 hours after deposit in the U.S. Mail. Either Party by notice so given may change the address to which future notices shall be sent. :

To the Town: Ryan Hyland, Town Manager
Town of Silverthorne
601 Center Circle
P.O. Box 1309
Silverthorne, CO 80498

With a required copy to: Mark Leidal, Assistant Town Manager
and Director of Planning
Town of Silverthorne
601 Center Circle
P.O. Box 1309
Silverthorne, CO 80498

To the Property Owner: Thomas S. Everist
Maryland Creek Ranch, LLC
200 East 10th St., Suite 203
Sioux Falls, SD 57104

With a required copy to: Joanna Hopkins
Maryland Creek Ranch
P.O. Box 1609
Silverthorne, CO 80498

25. **Integration.** This Agreement represents the entire agreement between the parties hereto with respect to the subject matter hereof, and all prior or extrinsic agreements, understandings or negotiations shall be deemed merged herein. As noted above, the Parties intend that this Agreement shall supersede all of the prior agreements listed in the recitals, and the Parties expressly acknowledge that any obligations under those prior agreements that remain outstanding are re-stated in this Agreement.

26. **Recording.** This Development Amendment shall be recorded with the Clerk and Recorder for Summit County, Colorado following its approval by the Town and execution by the Town and the Property Owner.

27. **Binding Effect.** This Agreement shall inure to the benefit of and be binding on the Parties and their lawful successors and assigns, including all the purchasers and subsequent owners of any lots or parcels within the Property.

28. **Contingency; No Debt.** Pursuant to Article X, § 20 of the Colorado Constitution, any financial obligation of the Town under this Agreement are specifically contingent upon annual appropriation of funds sufficient to perform such obligation. This Agreement shall never constitute a debt or obligation of the Town within any statutory or constitutional provision.

29. **Governmental Immunity.** Nothing herein shall be construed as a waiver of any protections or immunities the Town and its officials, representatives, attorneys and employees may have under the Colorado Governmental Immunity Act, C.R.S. § 24-10-101, *et seq.*, as amended.

30. **Rescission without Penalty.** Notwithstanding any other provision of this Agreement, should the Town fail to approve any of the Planning Documents, either Party shall be entitled to rescission of this Agreement without any penalty whatsoever. Should the Town approve the Planning Documents, but any of the approvals are challenged by referendum or other legal action, either Party shall be entitled to rescission of this Agreement without any penalty whatsoever.

31. **Governing Law and Venue.** This Agreement shall be governed by and construed in accordance with the laws of the State of Colorado, and venue for any legal action arising out of this Agreement shall be in Summit County, Colorado.

32. **No Third Party Beneficiaries.** No third party is intended to or shall be a beneficiary of this Agreement, nor shall any third party have any rights to enforce this Agreement in any respect.

33. **No Joint Venture or Partnership.** No form of joint venture or partnership exists between the Parties, and nothing contained in this Agreement shall be construed as making the Parties joint venturers or partners.

34. **Severability.** If any provision of this Agreement is determined to be void by a court of competent jurisdiction, such determination shall not affect any other provision hereof, and all of the other provisions shall remain in full force and effect.

35. **Further Assurances.** Each Party shall execute and deliver to the other all such other instruments and documents reasonably necessary to carry out this Agreement.

36. **Waiver.** No provision of this Agreement may be waived to any extent unless and except to the extent the waiver is specifically set forth in a written instrument executed by the Party to be bound thereby.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the Effective Date.

TOWN OF SILVERTHORNE, a Colorado home rule municipality

Bruce Butler, Mayor

ATTEST:

Michelle Miller, Town Clerk

MARYLAND CREEK RANCH, LLC.

Thomas S. Everist, Manager

STATE OF SOUTH DAKOTA)
) SS.
COUNTY OF MINNEHAHA)

Acknowledged, subscribed, and sworn to before me this ____ day of _____, 2015, by Thomas S. Everist as Manager of Maryland Creek Ranch, LLC.

WITNESS my hand and official seal.

My commission expires: _____

Notary Public

EXHIBIT A

Legal Description of Property

TRACTS 1R, 2 AND 3R, SOUTH MARYLAND CREEK RANCH – FIRST AMENDMENT, ACCORDING TO THE PLAT THEREOF FILED FOR RECORD ON THE 26TH DAY OF MARCH, 2015 AT RECEPTION NO. 1078868, SUMMIT COUNTY, COLORADO,

and

TRACT B, OX BOW RANCH, ACCORDING TO THE PLAT THEREOF FILED FOR RECORD ON THE 26TH DAY OF MARCH, 2015 AT RECEPTION NO. 1078869, SUMMIT COUNTY, COLORADO

*This page intentionally
left blank*

Town of Silverthorne
Council Agenda Memorandum

TO: Mayor and Town Council
THRU: Ryan Hyland, Town Manager *RH*, Mark Leidal, Assistant Town Manager; *ML* Matt Gennett, Planning Manager; *MG* Bill Linfield, Public Works Director;
FROM: Zach Margolis, Utility Manager
DATE: June 5, 2015, for meeting of June 10, 2015
SUBJECT: Resolution No. 2015-9, A Resolution Approving the Second Amended and Restated Water Services Agreement between the Town of Silverthorne and Maryland Creek Ranch, LLC

SUMMARY: This proposed Water Services Agreement revises the existing Amended and Restated Water Service Agreement (WSA). It reflects the increase in water rights to be dedicated to the Town to provide for the proposed increase in density. It also provides methodology for dealing with replacement of non-irrigation season return flows, if required by the Water Court, and, at the request of the Town, the provision regarding Attorney's Fees and Costs has been eliminated.

BACKGROUND:

Silverthorne Town Code, Article III, Section 4-3-1, states that the Town shall require, "...as a condition of annexation, dedication to the Town of water rights ...sufficient to serve the land proposed to be annexed according to existing or proposed uses and densities." And, "... The Town shall determine the quantity and quality of water rights required...". While this property is already within the Town, the applicant has agreed to modify the WSA using the same methodology as was used during the annexation process in 2005.

PREVIOUS COUNCIL ACTION: Council approved the original Maryland Creek Ranch WSA in 2005. The Amended and Restated WSA in November of 2007, which was subsequently amended in November of 2012 and October of 2014.

DISCUSSION: Working with the Town Staff, the Town Water Rights Attorney and the Town Water Rights Engineer, the applicant has prepared and provided the attached "Water Requirements Analysis" which shows the calculations for indoor, outdoor, and community irrigation. The Maryland No. 2 Water Rights, proposed to be dedicated for all uses except the future park, are the most senior continuously used agricultural rights in the State of Colorado. Because these are irrigation season only rights, the Town and Applicant have previously agreed to dedicate 150% of the calculated water rights required for the project, less the park irrigation. This factor is also used in this WSA. The park irrigation water rights dedication comes from the McKay Ditch, which is also very senior.

ATTACHMENTS:

1. Resolution No. 2015-9, A Resolution Approving the Second Amended and Restated Water Services Agreement between the Town of Silverthorne and Maryland Creek Ranch, LLC

Town of Silverthorne
Council Agenda Memorandum

2. Second Amended and Restated Water Services Agreement
3. Exhibit B, South Maryland Creek Ranch Projected Water Demands and Consumptive use

MANAGER'S COMMENTS:

**TOWN OF SILVERTHORNE, COLORADO
RESOLUTION NO. 2015-9**

A RESOLUTION APPROVING THE SECOND AMENDED AND RESTATED WATER SERVICE AGREEMENT BETWEEN THE TOWN OF SILVERTHORNE AND MARYLAND CREEK RANCH, LLC

WHEREAS, Maryland Creek Ranch, LLC (the "Property Owner") owns property within the Town of Silverthorne (the "South Maryland Creek Ranch Property");

WHEREAS, on December 14, 2005, the Town annexed the South Maryland Creek Ranch Property;

WHEREAS, the Town requires as a condition of annexation dedication of water rights sufficient to serve the land proposed to be annexed according to the proposed uses and densities;

WHEREAS, to memorialize the required dedication of water rights, on November 28, 2007, the Town and the Property Owner entered into an Amended and Restated Water Service Agreement, which was subsequently amended several times;

WHEREAS, while the original plan of development of the South Maryland Creek Ranch Property proposed 83 lots, the Property Owner now desires to increase the density of the development to 240 lots, and the Town has agreed to consider that density;

WHEREAS, as a result of the increase in density, the Property Owner has agreed to the recalculation of the water rights dedication requirements, which requires a new water service agreement; and

WHEREAS, the Town Council determines that approval of the attached Second Amended and Restated Water Service Agreement is in the best interest of the public health, safety and welfare.

NOW, THEREFORE, BE IT RESOLVED by the Silverthorne Town Council, that:

Section 1. The Town Council hereby approves the Second Amended and Restated Water Service Agreement between the Town and Maryland Creek Ranch, LLC, in substantially the form attached hereto as **Exhibit A**, and the Mayor is authorized to execute such Agreement, subject to minor, non-substantive revisions approved by the Town Attorney.

Section 2. This Resolution shall be effective immediately upon adoption.

ADOPTED this 10th day of June, 2015.

TOWN OF SILVERTHORNE, COLORADO

Bruce Butler, Mayor

ATTEST:

Michele Miller, Town Clerk

EXHIBIT A

SECOND AMENDED AND RESTATED WATER SERVICE AGREEMENT

THIS SECOND AMENDED AND RESTATED WATER SERVICE AGREEMENT is made and entered into this _____ day of _____, 2015, by and between **MARYLAND CREEK RANCH, LLC**, a South Dakota limited liability company (hereinafter referred to as "the Developer") and **THE TOWN OF SILVERTHORNE**, a Colorado municipal corporation, (hereinafter referred to as "the Town"), collectively sometimes referred to as "the Parties".

WITNESSETH:

WHEREAS, the Parties are also the parties to that certain Amended and Restated Water Service Agreement dated November 28, 2007, recorded in the real property records of Summit County, Colorado on December 14, 2007, at Reception No. 876093, as amended by First Amendment dated November 14, 2012, recorded in the real property records of Summit County, Colorado on _____, 2012 at Reception No. _____, and Second Amendment dated October 22, 2014, recorded in the real property records of Summit County, Colorado on _____, 2014 (collectively, the "2007 Agreement");

WHEREAS, the 2007 Agreement related to water rights dedication and service to approximately 416 acres of land that had been annexed into the Town in 2007 and that is described on Exhibit A attached hereto (the "Subject Property");

WHEREAS, the Subject Property has not yet been developed and Developer's development plans have changed resulting in necessary changes to the water dedications and service commitments set forth in the 2007 Agreement;

WHEREAS, the Parties desire to amend and restate the 2007 Agreement in its entirety and set forth their agreement concerning water rights dedication, projections of water demand and a current commitment by the Town for water service for the development of the Subject Property.

NOW, THEREFORE, in consideration of the mutual promises hereinafter contained and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties hereto agree as follows:

1. Water Demand Studies. In compliance with the Town Water Rights Dedication Ordinance, Chapter 4, Article III, Section 4-3-1(5) of the Silverthorne Municipal Code ("the Ordinance"), Developer has submitted to the Town engineering reports analyzing the water demands of the proposed development on the Subject Property. The original such report was submitted to the Town in September, 2005, and subsequently revised and submitted to the Town on or about October 28, 2005, November 14, 2005, and November 2, 2007. The Developer has submitted a revised engineering report dated February 5, 2015 reflecting the new development plan for the Subject Property, as revised May 11, 2015 (the "2015 Analysis"). The 2015 Analysis provided by Developer addresses the projected water demands for the proposed development and is set forth in the table attached hereto as Exhibit B. The Town intends to supply potable water for all components of the development from the Town's potable water system.

2. Water Rights Dedication for Potable Water Demands.

A. The proposed development will have year-round water requirements. However, the Developer is proposing to dedicate water rights to the Town that can be diverted only during

the historical irrigation season. The Parties have agreed therefore, that the Developer shall dedicate to the Town water rights representing a historic consumptive use in the amount 150% of the annual potable water requirements of the development, except for the irrigation water requirements of the Park. Within ten (10) days following entry of a final decree in the Change Case described in paragraph 5, below, Developer shall dedicate to the Town 15.29 acre feet per year of the historic consumptive use attributable to the water right decreed to the Maryland No. 2 Ditch and a *pro rata* share of the diversion rate decreed to the said Ditch. This dedication is equal to the 7.50 (5.00 times 150%) acre feet of consumptive use associated with the Indoor Uses described on Exhibit B, plus 7.79 (5.19 times 150%) acre feet associated with the Outdoor Uses described on Exhibit B (exclusive of the Park Irrigation water described therein and discussed in Section 3 below) together with a *pro rata* share of the diversion rate decreed to the Maryland No. 2 Ditch. The dedication shall also include a dry-up covenant on the acreage on which the said 15.29 (7.50 plus 7.79) acre-feet per year was historically consumed. The exact amount of such dry-up acreage will be based on the final determination of the water court pursuant to the decree in the Change Case contemplated in paragraph 5, below. The dedication shall be in accordance with the Town's Ordinance and all documents, including without limitation, the dry-up covenant, shall be satisfactory to the Town Attorneys. The dedication shall be by special warranty deed accompanied by an attorney's title opinion, on which the Town can rely, stating that the Developer owns good and marketable title to the water rights proposed for dedication, and the acreage subject to the dry-up covenant, free and clear of all encumbrances, subject only to such matters as may be acceptable to the Town.

B. The Developer has previously posted with the Town a letter of credit, in a form acceptable to the Town, in the amount of \$610,000 to guarantee performance of its obligations under the 2007 Agreement. This guarantee will continue under this Second Amended and Restated Water Service Agreement. To guarantee its additional obligations under this Second Amended and Restated Water Service Agreement, Developer shall post with the Town an additional letter of credit, in a form acceptable to the Town, in the amount of \$154,500 (\$50,000 times 3.09 acre-feet (15.29 less 12.2 acre-feet), for total security in the amount of \$764,500. In the event (1) the Developer fails to provide such water rights, or (2) the water rights provided are not sufficient to meet the demands and consumptive use requirements of the proposed development as described in paragraph 1, above, the Town may collect under the above letter(s) of credit the sum of \$50,000 times the shortage in the number of acre feet required hereunder to be provided the Town, and the remainder of the letter(s) of credit shall be released.

C. Right of First Offer (Water)

(i) The Developer agrees that the Town shall have right of first offer (the "First Right") to purchase all or any portion of additional water rights associated with the Subject Property. If the Developer shall determine to offer to sell, transfer or otherwise convey ownership of such additional water rights to any person or entity other than a transfer permitted by subparagraph (iv) below, the Developer shall first deliver written notice (an "Offer Notice") to the Town, which notice shall (A) identify the additional water rights the Developer determines to transfer, and (B) set forth the purchase price and all other material terms and conditions.

(ii) To exercise the First Right, the Town must, within sixty (60) days after the Town's receipt of any Offer Notice, deliver written notice to the Developer wherein the Town elects to acquire all or any portion of the additional water rights upon the terms set forth in the Offer Notice (the "Election Notice"). Negotiations between the Developer and Town concerning the Town's acquisition of such water rights shall occur in

Executive Session with the Town Council. Pursuant to the Colorado Open Meeting Law, any final decision of the Council shall be in an open meeting.

(iii) If the Town does not deliver an Election Notice within the above described sixty (60) day period, or if the closing on the transfer of such water rights to the Town fails to occur, in accordance with the terms of the Offer Notice and such failure is due to a default by the Town of the terms of the Offer Notice, then the Developer shall have the right to transfer the water rights involved to any other party on the same terms and conditions, in all material respects, as those set forth in the Offer Notice.

(iv) The Developer shall be permitted to transfer any or all of the additional water rights for use only on the MCR property pursuant to any of the Permitted Transfers defined below without the necessity of delivering an Offer Notice to the Town. "Permitted Transfers" means any and all of the following:

- (1) any transfer to a corporate affiliate of the Developer;
- (2) any transfer resulting from the merger, consolidation or reorganization of the Developer;
- (3) any transfer resulting from the purchase, conveyance or transfer of all or substantially all of the Developer's interest in the Subject Property;
- (4) any transfer resulting from the purchase, conveyance or transfer of a portion of the Subject Property together with only those water rights historically used upon the portion of the Subject Property being transferred;
- (5) any mortgage, deed of trust or other encumbrance of those water rights that have historically been used upon a portion of the Subject Property that is being made subject to such mortgage, deed of trust or other encumbrance.

3. Water Rights Dedication for Park Irrigation.

A.. Pursuant to the Amended and Restated Annexation and Development Agreement between the parties, the Developer has agreed to dedicate to the Town approximately twenty acres of land for a public park (the "Park"). The Park is a portion of the area historically irrigated by water rights decreed to the McKay Ditch. The design for the Park is still being developed, but is expected to include athletic fields that may either have irrigated turf, artificial turf, or a combination of the two. Other areas of the Park may also require irrigation, such as open areas and landscaping. The total area of the Park to be irrigated shall not exceed 8.5 acres. The water needed for the irrigation of the Park is referred to herein as the "Park Irrigation Water."

B. The Park Irrigation Water will be provided from the Town's potable water supply. The Town and Developer have calculated that the amount of consumptive use that is expected to result from such irrigation is 1.45 acre feet per acre of Park to be irrigated. Developer will dedicate to the Town and include in the Change Case described in Section 5 below, sufficient portions of the McKay Ditch water right to provide 12.325 (1.45 times 8.5 acres) acre feet of the historic consumptive use associated with the McKay Ditch as determined in such Change Case in

order to provide water irrigation water for irrigation of 8.5 acres within the Park, Developer will dedicate an amount equal to 100% of such consumptive use to the Town with the same, terms, conditions and requirements as the dedication required in section 2, above. If the area within the Park requiring irrigation is ultimately determined to be less than 8.5 acres, the amount of the historic consumptive use associated with the McKay Ditch required to be dedicated to the Town hereunder shall be reduced on a pro-rata basis.

C. The above dedications shall occur within ten (10) days following entry of the final decree in the Change Case. The dedication shall be in accordance with the Town's Ordinance and all documents shall be satisfactory to the Town Attorney. The dedication shall be by special warranty deed accompanied by an attorney's title opinion, on which the Town can rely, stating that the Developer owns good and marketable title to the water rights proposed for dedication, free and clear of all encumbrances, subject only to such matters that may be acceptable to the Town.

4. Commitment to serve water. Subject to Developer's performance of all the covenants contained herein and payment of all required fees, and completion of the water court Change Case described in Section 5 below, the Town will commit to provide to the Subject Property up to 17.51 acre feet per year of water supply (inclusive of irrigation) from its potable water system for the uses and amounts described herein.

5. Water Court Proceedings. Developer shall bear the responsibility and costs of changing to use by the Town, on terms and conditions reasonably acceptable to the Town, (a) the portion of the water rights decreed to the Maryland No. 2 Ditch to be conveyed to the Town under Section 2 above, and (b) the portion of the McKay Ditch to be dedicated to the Town under Section 3 above (the "Change Case"). The application in the Change Case shall be filed no later than sixty (60) days following the Town's final approval of the first final plat for the Subject Property, and shall be prosecuted with reasonable diligence. The Town shall be a co-applicant in such proceedings and the Developer shall reimburse the Town for the reasonable expenses incurred by the Town as a result of being a co-applicant in such proceedings. The application and decree in the Change Case shall be consistent with the following principles:

A. The 15.29 consumptive acre feet of the Maryland No. 2 Ditch to be dedicated to the Town shall be changed to: (1) municipal purposes within the Town boundaries as they are currently or as they may be in the future, with alternate points of diversion through Wells 1-12, the potential two new municipal wells described in Section 5.C, below, and the Eagles Nest Well Field; (2) storage in Old Dillon Reservoir; and, (3) augmentation use for possible incorporation into the Town's existing augmentation plans as an additional source of augmentation water thereunder, with the right to use and reuse the historic consumptive use to extinction. If necessary to resolve opposition to the Change Case, the Town agrees that it will divert the Maryland No. 2 Ditch and McKay Ditch water rights to be dedicated to it hereunder from the Eagles Nest Wells rather than Well Nos. 1-12. The Town also agrees that the presence of intervening water rights may constrain its ability to store the Maryland No. 2 and McKay Ditch water in Old Dillon Reservoir.

B. It is understood that the McKay Ditch water right may not provide water to protect the CWCB's instream flow water right on the Blue River or other water rights that divert between the Town wells and the McKay Ditch headgate and may or may not continue to receive protection by the Green Mountain Reservoir. The Town agrees that such insufficiency, and any corresponding term and condition in the Change Case decree will not render the decree unacceptable to the Town.

C. The Town may designate up to two sites within 400 feet of the southernmost boundary of the Park for locating up to two new municipal wells. Upon designation of these sites, the Town shall notify Developer of the locations of the two wells sites and the sites shall be included in the Change Case application. The Town shall be responsible for providing any engineering required concerning any delayed impacts such wells may have on the Blue River, and for designing and completing such wells.

D. Neither Developer nor the Town concede that replacing non-irrigation return flows is necessary to prevent material injury to vested water rights due to the contemplated change of use of the Water Rights. However, if such replacement is required by the Water Court or necessary to resolve objections to the planned application to change the use of the Water Rights, Developer and Town anticipate such return flows will be approximately 2.81 acre feet per year; but both Developer and Town understand and agree there is no guarantee as to what such obligation will be. Based on this understanding, Developer and Town agree to work together to develop a plan to address any required non-irrigation season return flows. Developer will pay to the Town an amount not to exceed \$40,000 per acre-foot required to be used to replace non-irrigation season return flows as part of the final decree entered to change the use of the Water Rights herein or Developer will provide replacement water for non-irrigation season return flows through an alternative source approved by the Town.

E. Developer may also seek to change its remaining interests in the Maryland No. 2 Ditch and McKay Ditch water rights in such application(s), at Developer's sole cost and expense.

F. The Developer will pursue court approval of the Change Case with due diligence and endeavor to obtain final decrees within the three years of the filing of the application. However, in the event of circumstances beyond Developer's reasonable control, such as judicially caused delays, such deadline shall be extended for an appropriate period of time mutually agreed upon by the Town and Developer.

6. Possible Future Adjustments.

A. The Parties recognize that the developer may propose changes to the development plans for the Subject Property. If the Town approves subsequent land uses for the Subject Property that includes different types or amounts of uses than assumed on Exhibit B, the parties agree to enter into and record an appropriate amendment to this Agreement reflecting the final land uses and numbers that are approved, based on a pro-rata adjustment of the numbers set forth in Exhibit B, with a corresponding adjustment to the amount of water dedication required hereunder. Similarly, the irrigation water demands projected in Exhibit B include a projection that some of the irrigation will be by drip irrigation systems and some by spray irrigation systems. The parties agree to enter into and record an appropriate amendment to this Agreement reflecting the final proportion of acreage served by drip and spray irrigation as actually developed, with a corresponding adjustment to the amount of water dedication required hereunder. Any such changes must be part of the approved final plat.

B. The amount of water dedication required by this Agreement currently includes a 50% surcharge for potable system uses, as set forth in Exhibit B, based on the fact that the water rights to be dedicated by the Developer are limited to use during the historic irrigation season and are not available to the Town year-round without storage. At the time that dedication of Maryland No. 2 Ditch water is required to be made under Section 2.A above, the Town may agree, in its sole discretion, to waive the 50% surcharge in exchange for rights in storage that

provide a full yield of the necessary amounts of water stated herein, that may be under development by Developer, then the parties shall in good faith negotiate a mutually acceptable agreement whereby (i) the amount of water dedicated to the Town initially excludes the 50% surcharge, (ii) the 50% surcharge amount is instead placed in escrow, (iii) the escrowed rights are released to the Developer if and when storage rights in amount and location acceptable to the Town are deeded to the Town, and (iv) the escrowed water is released and deeded to the Town if such conveyance of storage rights to the Town has not occurred within three years of the establishment of the escrow. The Town shall have the exclusive right to use the escrowed water until the escrow is released pursuant to (iii) or (iv), above.

7. Notices. All notices, demands, or other documents required or desired to be given, made or sent to either Party under this Agreement shall be made in writing, shall be deemed effective upon receipt and shall be personally delivered or mailed postage prepaid, certified mail, return receipt requested, as follows:

TO THE DEVELOPER

Thomas S. Everist
200 E. 10th Street, Suite 203
Sioux Falls, SD 57104

WITH A COPY TO ATTORNEY:

Steve West
West Brown Huntley PC
PO Box 588
Breckenridge, CO 80424

TO THE TOWN

Town of Silverthorne
c/o Town Manager
Town of Silverthorne
P.O. Box 1309
Silverthorne, CO 80498

WITH A COPY TO
THE TOWN ATTORNEY:

Hayes, Phillips, Hoffinan & Carberry, P.C.
p. 970. 390-4941
f. 303. 825-1269
jmm@hphc.law.com

The addresses for notices may be changed by written notice given to the other Party in the manner provided above.

8. Default. In the event of default by either Party hereunder the non-defaulting Party shall notify the defaulting Party in writing of such default(s), specifying the nature and extent thereof. If such default is not cured within thirty (30) days, the non-defaulting Party shall be entitled to such remedies as are provided by law, including the Town's ordinances.

9. Successors and Assigns. The benefits and burdens of this Agreement shall respectively inure to and be binding upon the successors and assigns of the Parties hereto. This agreement shall not be assigned without the prior written consent of the other party, which shall not be unreasonably withheld.

10. Amendment or modification. No amendment or modifications of this Agreement shall be of any force or effect unless in writing and executed by the Parties hereto with the same formality as this Agreement.

11. Waiver. The waiver of any breach of any of the provisions of this Agreement by either Party shall not constitute a continuing waiver of any subsequent breach by said Party, concerning either the same or any other provision of this Agreement.

13. Headings for convenience only. Paragraph headings and titles contained herein are intended for convenience and reference only and are not intended to define, limit or describe the scope or intent of any provision of this Agreement.

14. Non severability. Each paragraph of this Agreement is intertwined with the others and is not severable unless by mutual consent of the Parties hereto.

15. Choice of laws. This agreement and the rights and obligations of the Parties hereto shall be governed by the laws of the State of Colorado.

16. Entire agreement. This Agreement constitutes the entire agreement between the Parties related to the subject matter hereof and any prior agreements pertaining thereto whether oral or written have been merged or integrated into this Agreement. This Second Amended and Restated Water Service Agreement replaces in its entirety the 2007 Agreement, which shall be of no further force or effect.

17. Recordation. This Agreement shall be recorded by the Town at Developer's expense in the office of the Clerk and Recorder of Summit County, Colorado, shall run with the Subject property, shall be binding upon the Parties hereto and the permitted successors and assigns of the Developer and shall constitute notice of this Agreement to all persons or entities no parties hereto.

IN WITNESS WHEREOF, the Parties have executed this Agreement the day and year first above written.

MARYLAND CREEK RANCH, LLC

By: _____
Thomas E. Everist, Manager

ATTEST:

Secretary

STATE OF COLORADO)
) ss.
COUNTY OF _____)

SUBSCRIBED AND SWORN to before me this ____ day of _____, 2015
by Thomas S. Everist, Manager of Maryland Creek Ranch, LLC.

Witness my hand and official seal

Notary Public

Address

Telephone

My Commission Expires: _____

TOWN OF SILVERTHORNE, COLORADO
a municipal corporation

By: _____
Bruce Butler, Mayor

ATTEST:

By: _____
Michele Miller, Town Clerk

APPROVED AS TO FORM:

J. Matthey Mire
Silverthorne Town Attorney



Resource Engineering, Inc.
 909 Colorado Avenue
 Glenwood Springs, CO 81601
 (970)-945-6777 Voice
 www.resource-eng.com

Memorandum

To: Michael F. Browning, Esq.
 From: Raul Passerini, P.E.
 CC: Joanna Hopkins
 Date: May 11, 2015
 Re: South Maryland Creek Ranch, LLC – Revision to the 2015 Water Requirements Analysis

Mike,

Today, I was contacted by Brown and Caldwell regarding their review of Resource Engineering's memorandum "South Maryland Creek Ranch, LLC – 2015 Water Requirements Analysis", dated April 20, 2015. Brown and Caldwell found a mistake in Table 2 of the April 20 memo; this was a good find, however the mistake is inconsequential for the analysis. In addition, Brown and Caldwell requested more detail regarding calculation of the post irrigation season return flows. This memo addresses both issues pointed out by Brown and Caldwell. Please disregard the April 20, 2015 memo and use this revised document instead.

REVISION TO THE 2015 WATER REQUIREMENTS ANALYSIS

Resource Engineering, Inc. (RESOURCE) reviewed the Projected Water Demands and Consumptive Use spreadsheet provided by South Maryland Creek Ranch, LLC (SMCR). The purpose of this review is to conduct an engineering analysis concerning the projected water demands associated with the new development plan for SMCR. The 416-acre land where the SMCR is to be constructed was annexed into the Town of Silverthorne (Town) in 2007. As a result of the annexation, SMCR is to dedicate a portion of its Maryland Creek Ranch water rights in exchange for municipal water and wastewater services. This memo summarizes the analysis of the proposed SMCR water demands, and provides a recommendation of the water rights and corresponding consumptive use amount needed for the dedication.

It is our understanding that the Projected Water Demands and Consumptive Use spreadsheet was originally prepared by Wright Water Engineers, Inc. and subsequently utilized as a template to estimate water demands for the proposed SMCR development. Furthermore, we understand that SMCR and the Town negotiated some of the basic engineering assumptions used to calculate the water demands and associated consumptive use amounts.

1. INDOOR USES

The proposed SMCR development would include 240 single family lots, 15 accessory units, a community center, and a public park. Equivalent Residential Units (EQR) corresponding to the different types of proposed single family units, community center, and park restrooms were negotiated between SMCR and the Town and are displayed in **Table 1**, below, and in the attached **Exhibit B**¹. In addition, an average water use of 300 gallons per day (gpd) per EQR was also negotiated with the Town. This would be sufficient to support a population of 3 residents per EQR, each using 100 gallons of water per day, or 4 residents per EQR using 75 gallons of water

¹ **Exhibit B** displays a summary of the SMCR water demands in a table format and was prepared as an attachment to the Second Amended and Restated Water Service Agreement between SMCR and the Town of Silverthorne.

per day per person². A coefficient of 0.05 (5 percent) was utilized to calculate the consumptive use component of the water demands because the SMCR development would be connected to the Town's municipal sewer system. In total, the proposed SMCR development would require an annual water supply of 100 acre-feet for indoor uses. Of this total, 5.0 acre-feet (5 percent) would be consumed per year (see **Table 1**).

Table 1
SMCR Proposed Indoor Water Requirements and Consumptive Uses

| Description | Number of Proposed Units | EQR per Unit | Total EQR | Water Supply Requirement (acre-feet) ¹ | Consumptive Use (acre-feet) ² |
|---|--------------------------|--------------|---------------|---|--|
| Single Family - Cabins ³ | 68 | 1.00 | 68.00 | 22.85 | 1.14 |
| Single Family - 1/3 acre Lot ⁴ | 89 | 1.10 | 97.90 | 32.90 | 1.64 |
| Single Family - 1/2 acre Lot ⁵ | 40 | 1.20 | 48.00 | 16.13 | 0.81 |
| Single Family - 3/4 acre Lot ⁶ | 17 | 1.40 | 23.80 | 8.00 | 0.40 |
| Single Family - 1 acre Lot ⁷ | 26 | 1.60 | 41.60 | 13.98 | 0.70 |
| Accessory Units ⁸ | 15 | 0.65 | 9.75 | 3.28 | 0.16 |
| Community Center - Community Common Space | 1 | 2.60 | 2.60 | 0.87 | 0.04 |
| Community Center - Pool | 1 | 1.05 | 1.05 | 0.35 | 0.02 |
| Community Center - Hot Tub | 2 | 0.20 | 0.40 | 0.13 | 0.01 |
| Community Center - Lake Restroom | 2 | 0.20 | 0.40 | 0.13 | 0.01 |
| Park Restrooms | 4 | 1.00 | 4.00 | 1.34 | 0.07 |
| TOTAL | | | 297.50 | 99.97 | 5.00 |

Notes:

- (1) Water supply requirements assume 300 gpd per EQR
- (2) Assumes a 5% consumptive use coefficient for indoor uses
- (3) Cabins will have a maximum size of 3bd/3ba
- (4) Homes on 1/3 acre lot will have a maximum of 3bd/4ba
- (5) Homes on 1/2 acre lot will have a maximum of 4bd/4ba
- (6) Homes on 3/4 acre lot will have a maximum of 5bd/5ba
- (7) Homes on 1 acre lot will have a maximum of 6bd/6ba
- (8) Accessory units will have a maximum of 1bd/1ba

2.0 OUTDOOR USES

Outside watering uses are anticipated to be needed for irrigation of lawns, landscape trees and shrubs, and a portion of the public park. The proposed single family lots include 3.75 acres of landscaping. Approximately 30 percent of the single family landscaped area would consist of turf-grass lawns; the remaining 70 percent would be landscaped with trees and shrubs. The community center would include an event lawn of 10,000 square feet (0.23 acres). In addition, common areas totaling 1.5 acres would also require irrigation. Approximately 20 percent of the common areas would be turf grass with trees and shrubs in the remaining 80 percent. Although design of the public park is still being developed, the park surface area to be irrigated will not exceed 8.5 acres.

Irrigation of turf grass would be accomplished with sprinklers (spray irrigation) while a drip irrigation system would be used to water trees and shrubs. This analysis assumes an efficiency of 80 percent for spray irrigation and 95 percent for drip irrigation systems. Consumptive irrigation requirements for lawn grass is assumed to be 1.45 acre-feet per acre, which is widely accepted as the annual consumptive use of water for landscape irrigation in Summit County. It is our understanding that the Town suggested a consumptive use ratio of 0.73 acre-feet of water per season per acre of irrigated trees and shrubs³. Irrigation requirements for trees and shrubs depend upon variables such as climate, and type, age and size of the plant. However, for planning purposes it may be assumed that

² A 1999 study by the American Water Works Association estimated an average residential water use in the U.S. of approximately 70 gpd.

³ The average irrigation season at the location of SMCR runs from May through September (153 days, or about 22 weeks).

established landscape trees and shrubs would require, on average, 6 gallons of irrigation water per week. Therefore, the consumptive irrigation use of 0.73 acre-feet per acre suggested by the Town would support approximately 1,800 mature trees and shrubs per acre, which correspond to a spacing between plants of about 5 feet.

The annual irrigation water demands for the proposed lawns, common areas, and amenity center would total 5.93 acre-feet; the consumptive use component of this amount equals 5.19 acre-feet per year. In addition, up to 15.41 acre-feet would be required annually to irrigate the proposed public park. In summary, the required water supply for irrigation of the proposed SMCR would total 21.34 acre-feet per year. The consumptive use component of this total equals 17.51 acre-feet. **Table 2**, below, shows the acreage of the proposed irrigated areas, the water supply requirements and the associated consumptive use amounts.

Table 2
SMCR Proposed Outdoor Water Requirements and Consumptive Uses

| Description | Number of Proposed Units | Irrigated Area per Unit (sq ft) | Total Irrigated Area (acres) | Water Supply Requirement (acre-feet) ^{1,2} | Consumptive Use (acre-feet) |
|---|--------------------------|---------------------------------|------------------------------|---|-----------------------------|
| Single Family Lots (3/4 to 1 acre) | 43 | 1,000 | 0.99 | | |
| Spray irrigation (turf grass) - 30% | | | 0.30 | 0.54 | 0.43 |
| Drip irrigation (trees and shrubs) - 70% | | | 0.69 | 0.53 | 0.50 |
| Low Density Lots (1/3 to 1/2 acre) | 129 | 800 | 2.37 | | |
| Spray irrigation (turf grass) - 30% | | | 0.71 | 1.29 | 1.03 |
| Drip irrigation (trees and shrubs) - 70% | | | 1.66 | 1.27 | 1.21 |
| Cabins | 68 | 250 | 0.39 | | |
| Spray irrigation (turf grass) - 30% | | | 0.12 | 0.21 | 0.17 |
| Drip irrigation (trees and shrubs) - 70% | | | 0.27 | 0.21 | 0.20 |
| Common Area Irrigation | 1 | 65,340 | 1.50 | | |
| Spray irrigation (turf grass) - 20% | | | 0.30 | 0.54 | 0.44 |
| Drip irrigation (trees and shrubs) - 80% | | | 1.20 | 0.92 | 0.88 |
| Amenity Center - Event Lawn | 1 | 10,000 | 0.23 | 0.42 | 0.33 |
| Sub-Total Lawn and Common Areas Irrigation | | 77,390 | 5.48 | 5.93 | 5.19 |
| Park Irrigation (up to 8.50 acres of irrigated areas) | 1 | 370,260 | 8.50 | 15.41 | 12.33 |
| TOTAL | | | 13.98 | 21.34 | 17.51 |

Notes:

- (1) Irrigation requirements assume 1.45 acre-feet/acre for turf grass and 0.73 acre-feet/acre for trees and shrubs
- (2) Assumes a 80% efficiency for spray irrigation and 95% efficiency for drip irrigation systems

3.0 WATER RIGHTS DEDICATION

Water demands described above would be supplied by the Town's potable water system. In exchange, SMCR would dedicate a portion of its irrigation water rights to the Town. Because these irrigation water rights can be diverted only during the historical irrigation season, SMCR and the Town have agreed that the amount of irrigation water rights to be dedicated will equal 1.5 times the annual demands to be supplied by the Town's potable water system. Therefore, SMCR would dedicate to the Town 15.29 acre-feet per year of the consumptive use attributable to its Maryland No. 2 Ditch water right in exchange for the supply of potable water for indoor and outdoor uses [(5.0 x 1.5) + (5.19 x 1.5) = 15.29]. In addition, SMCR would dedicate an undivided interest in the McKay Ditch sufficient to provide irrigation water for up to 8.5 acres within the public park. **Tables 3 and 4**, below, show the portions of the Maryland No. 2 and McKay water rights to be dedicated to the Town.

Table 3

Consumptive Use Portion of the Maryland No. 2 Ditch to be dedicated to the Town of Silverthorne

| Description | Consumptive Use (acre-feet) |
|---|-----------------------------|
| Indoor Consumptive Uses | 5.00 |
| Irrigation of Lawns and Common Areas | 5.19 |
| Sub-Total | 10.19 |
| 50% Surcharge | 5.10 |
| Total Consumptive Use portion of the Maryland No.2 Water Right to be Dedicated to the Town | 15.29 |

Table 4

Example of the Undivided Interest of the McKay Ditch to be dedicated to the Town of Silverthorne for irrigation of 8.5 acres of the Proposed Park

| Description | Amount |
|---|-----------------|
| Consumptive Use associated with irrigation of Park (assumes 8.5 acres of required irrigation) | 12.33 acre-feet |
| Undivided Interest of the McKay Ditch Water Right to be conveyed to the Town ¹ | 9.45% (percent) |

Notes:

(1) Based upon 89.9 acres of land historically irrigated by the McKay Ditch $[(8.5/89.9) \times 100 = 9.45\%]$

4.0 POST IRRIGATION SEASON RETURN FLOWS

Historically, the Maryland No. 2 Ditch was utilized to irrigate 45.4 acres within the Maryland Creek Ranch property. The analysis of historic irrigation conducted by RESOURCE for the Maryland No. 2 Ditch shows that the average annual irrigation consumptive use rate equals 0.64 acre-feet of water per acre of irrigated land. In addition, the analysis indicates that, on average, 0.24 acre-feet/acre of the irrigation water applied to the fields irrigated by the Maryland No.2 Ditch returned to the Blue River between October and April of each year.⁴

As stated in Section 3.0 above, SMCR would dedicate to the Town 7.50 acre-feet per year of the historic consumptive use attributable to its Maryland No. 2 Ditch water right, in exchange for potable water supply for indoor uses at the proposed SMCR development. Therefore, of the 45.4 acres of total historic irrigated lands, dry up of 11.7 acres would be required to provide the 7.50 acre-feet of indoor consumptive uses $(7.5 / 0.64 = 11.7)$. The post irrigation season return flows associated with the dry up of 11.7 acres of fields historically irrigated by the Maryland No. 2 Ditch equal 2.81 acre-feet $(11.7 \times 0.24 = 2.81)$. **Table 5** shows the monthly distribution of the post irrigation return flows.

⁴ The timing of groundwater return flows to the Blue River was estimated using the Glover Method. RESOURCE researched the geology of the study area and reviewed completion and pump installation reports from wells in the vicinity. Based upon this information, it was determined that approximately 40 to 50 feet of sand, gravel and rocks lie directly under the irrigated lands, with shale formation below the 50 foot level. Wells drilled in the study area found water levels at depths ranging from 8 feet to 100 feet below the surface. Additionally, RESOURCE estimated the aquifer transmissivity at 180,000 gallons per day per foot and the aquifer specific yield at 0.18. Distance from the centroid of the irrigated fields to the river equals 2,910 feet.

Table 5

Maryland No.2 Ditch – Monthly Distribution of Post Irrigation Season Return Flows associated with 7.5 acre-feet of historic consumptive use

| Month | Return Flows Monthly Distribution | Return Flows (acre-feet) ¹ |
|------------------------|-----------------------------------|---------------------------------------|
| January | 16.7% | 0.47 |
| February | 10.1% | 0.28 |
| March | 6.1% | 0.17 |
| April | 3.7% | 0.11 |
| May | 0.0% | 0.00 |
| June | 0.0% | 0.00 |
| July | 0.0% | 0.00 |
| August | 0.0% | 0.00 |
| September | 0.0% | 0.00 |
| October | 3.6% | 0.10 |
| November | 32.4% | 0.91 |
| December | 27.3% | 0.77 |
| Total (AF/acre) | 100.0% | 2.81 |

Notes:

(1) $[7.50 \text{ acre-feet} / 0.64 \text{ acre-feet/acre}] \times 0.24 \text{ acre-feet/acre} = 2.81 \text{ acre-feet}$

Where: Maryland No. 2 Ditch dry-up credits = 0.64 acre-feet/acre

Maryland No. 2 Ditch post-irrigation return flows = 0.24 acre-feet/acre

EXHIBIT B
South Maryland Creek Ranch - Projected Water Demands and Consumptive Use

| Description | Number of Units | EQR per Unit | Total EQR | Indoor Water Supply Requirement (acre-feet) | Indoor Water Consumptive Use ² (acre-feet) | Irrigated Area per Unit (sq ft) | Total Irrigated Area (acres) | Outdoor Water Supply Requirement (acre-feet) ^{3,4} | Outdoor Water Consumptive Use (acre-feet) | Total Water Requirement (acre-feet) | Total Consumptive Use (acre-feet) | |
|--|-----------------|--------------|---------------|---|---|---------------------------------|------------------------------|---|---|-------------------------------------|-----------------------------------|--------------|
| Single Family - Cabins ⁵ | 68 | 1.00 | 68.00 | 22.85 | 1.14 | | | | | | | |
| Spray irrigation (turf grass) - 30% | | | | | | 75.0 | 0.117 | 0.212 | 0.170 | 23.27 | 1.51 | |
| Drip irrigation (trees and shrubs) - 70% | | | | | | 175.0 | 0.273 | 0.210 | 0.199 | | | |
| Single Family - 1/3 acre Lot ⁶ | 89 | 1.10 | 97.90 | 32.90 | 1.64 | | | | | | | |
| Spray irrigation (turf grass) - 30% | | | | | | 240.0 | 0.490 | 0.889 | 0.711 | 34.67 | 3.19 | |
| Drip irrigation (trees and shrubs) - 70% | | | | | | 560.0 | 1.144 | 0.879 | 0.835 | | | |
| Single Family - 1/2 acre Lot ⁷ | 40 | 1.20 | 48.00 | 16.13 | 0.81 | | | | | | | |
| Spray irrigation (turf grass) - 30% | | | | | | 240.0 | 0.220 | 0.399 | 0.320 | 16.92 | 1.50 | |
| Drip irrigation (trees and shrubs) - 70% | | | | | | 560.0 | 0.514 | 0.395 | 0.375 | | | |
| Single Family - 3/4 acre Lot ⁸ | 17 | 1.40 | 23.80 | 8.00 | 0.40 | | | | | | | |
| Spray irrigation (turf grass) - 30% | | | | | | 300.0 | 0.117 | 0.212 | 0.170 | 8.42 | 0.77 | |
| Drip irrigation (trees and shrubs) - 70% | | | | | | 700.0 | 0.273 | 0.210 | 0.199 | | | |
| Single Family - 1 acre Lot ⁹ | 26 | 1.60 | 41.60 | 13.98 | 0.70 | | | | | | | |
| Spray irrigation (turf grass) - 30% | | | | | | 300.0 | 0.179 | 0.325 | 0.260 | 14.63 | 1.26 | |
| Drip irrigation (trees and shrubs) - 70% | | | | | | 700.0 | 0.418 | 0.321 | 0.305 | | | |
| Accessory Units ¹⁰ | 15 | 0.65 | 9.75 | 3.28 | 0.16 | | | | | | | |
| Community Center - Community Common Space | 1 | 2.60 | 2.60 | 0.87 | 0.04 | | | | | 3.28 | 0.16 | |
| Community Center - Pool | 1 | 1.05 | 1.05 | 0.35 | 0.02 | | | | | 0.87 | 0.04 | |
| Community Center - Hot Tub | 2 | 0.20 | 0.40 | 0.13 | 0.01 | | | | | 0.35 | 0.02 | |
| Community Center - Lake Restroom | 2 | 0.20 | 0.40 | 0.13 | 0.01 | | | | | 0.13 | 0.01 | |
| Park Restrooms | 4 | 1.00 | 4.00 | 1.34 | 0.07 | | | | | 0.13 | 0.01 | |
| Common Area Irrigation | 1 | | | | | | | | | 1.34 | 0.07 | |
| Spray irrigation (turf grass) - 20% | | | | | | 13,068 | 0.300 | 0.544 | 0.435 | 0.54 | 0.44 | |
| Drip irrigation (trees and shrubs) - 80% | | | | | | 52,272 | 1.200 | 0.922 | 0.876 | 0.92 | 0.88 | |
| Amenity Center - Event Lawn | 1 | | | | | 10,000 | 0.230 | 0.416 | 0.333 | 0.42 | 0.33 | |
| Sub-Totals | | | 297.50 | 99.97 | 5.00 | | | 5.48 | 5.93 | 5.19 | 105.91 | 10.19 |
| 50% Surcharge on Dedication from Maryland No. 2 Ditch Water Right: | | | | | | | | | | | 5.10 | |
| Total Consumptive Use portion of the Maryland No.2 Water Right to be Dedicated to the Town: | | | | | | | | | | | 15.29 | |

Notes:

- (1) Water supply requirements assume 300 gpd per EQR
- (2) Assumes a 5% consumptive use coefficient for indoor uses
- (3) Irrigation requirements assume 1.45 acre-feet/acre for turf grass and 0.73 acre-feet/acre for trees and shrubs
- (4) Assumes a 80% efficiency for spray irrigation and 95% efficiency for drip irrigation systems
- (5) Cabins will have a maximum size of 3bd/3ba
- (6) Homes on 1/3 acre lot will have a maximum of 3bd/4ba
- (7) Homes on 1/2 acre lot will have a maximum of 4bd/4ba
- (8) Homes on 3/4 acre lot will have a maximum of 5bd/5ba
- (9) Homes on 1 acre lot will have a maximum of 6bd/6ba
- (10) Accessory units will have a maximum of 1bd/1ba

*This page intentionally
left blank*

Town of Silverthorne
Council Agenda Memorandum

TO: Mayor and Town Council
THRU: Ryan Hyland, Town Manager 
FROM: Joanne Cook, Recreation and Culture Director 
DATE: June 4, 2015 for meeting of June 10, 2015
SUBJECT: Pre-Development Agreement for Town of Silverthorne and Lake Dillon Theatre Company Project

SUMMARY: The Town and the Lake Dillon Theatre Company (LDTC) are working together to construct a new theatre building on the Pavilion Lawn. A Pre-Development Agreement has been created to memorialize current agreement points and acknowledge future agreement points that will be determined at a later date. This Pre-Development Agreement will be signed in conjunction with the contract for Design Services.

BACKGROUND: A collaborative exploration of the opportunity for a Silverthorne theatre location was undertaken in 2014 between the Town and LDTC. This opportunity was considered because the Town is working to establish a vibrant and pedestrian oriented downtown area as identified in its Comprehensive Plan which also identifies a location for a cultural arts opportunity. Conversely, the LDTC is looking to relocate to a larger facility to further the organization's 2012 strategic plan goals, including a capital plan and further establishing the professional theatre as a regional destination.

PREVIOUS COUNCIL ACTION: In 2014, the Town and the LDTC signed a Memorandum of Understanding between the two parties which outlined that the opportunity was desirable for each organization and both parties were committed to gathering additional information about a possible partnership.

On November 5, 2014, the Town Council and the LDTC Executive Board met to discuss the opportunity and it was determined that continued investigation was in the best interest of each party.

In November 2014, a Letter of Intent was signed by the Town and LDTC which identified additional steps needed to further the project.

At the May 13, 2015 meeting, Town Council approved Resolution #2015-08, a Resolution authorizing the award of contract with Shaw Construction for the design and construction of Lake Dillon Theatre at Silverthorne.

At the May 12, 2015 and May 26, 2015 Council Work Sessions, Town Council reviewed and discussed drafts of the Pre-Development Agreement.

DISCUSSION: Over the past several months, the appropriate structure of agreements and contracts for the Town and LDTC project have been discussed in length. Through guidance from legal counsel, the recommended approach is for the Town and LDTC to enter a Pre-Development Agreement at the same time of signing the Design Services

Town of Silverthorne
Council Agenda Memorandum

contract for the theatre. The Pre-Development Agreement addresses each entity's immediate commitments as well as the intention to negotiate more detailed points prior to construction start.

In particular, the Pre-Development Agreement addresses the general overview of the project, funding, property, future agreements, temporary building, and term and termination. The Pre-Development Agreement is meant to be a short term agreement that accompanies the design phase of the project. Prior to construction, a more detailed Development Agreement and Lease Agreement will be negotiated and signed.

STAFF RECOMMENDATION: Staff recommends that Town Council approve the Pre-Development Agreement for the Town of Silverthorne and Lake Dillon Theatre Company Project.

PROPOSED MOTION: "I MOVE TO APPROVE THE PRE-DEVELOPMENT AGREEMENT FOR THE TOWN OF SILVERTHORNE AND LAKE DILLON THEATER COMPANY PROJECT."

ATTACHMENTS:

Exhibit A: Pre-Development Agreement for the Town of Silverthorne and Lake Dillon Theatre Company Project

MANAGER'S COMMENTS:

PRE-DEVELOPMENT AGREEMENT

THIS PRE-DEVELOPMENT AGREEMENT (the "Agreement") is made this _____ day of _____, 2015 (the "Effective Date"), by and between the Town of Silverthorne, Colorado, a Colorado home rule municipality with an address of 601 Center Circle, P.O. Box 1309, Silverthorne, CO 80498 (the "Town"), and Lake Dillon Theater Company, a Colorado nonprofit corporation with an address of _____ ("LDTTC") (each individually a "Party" and collectively, the "Parties").

WHEREAS, the Town is the owner of certain real property generally described as the Pavilion Lawn and more particularly described in **Exhibit A** attached hereto and incorporated herein by this reference (the "Property");

WHEREAS, LDTTC is a 501(c)(3) organization, founded in 1995, committed to enhancing the quality of life in Summit County by providing unique and accessible cultural experiences through the performing arts;

WHEREAS, in support of its purpose and mission, LDTTC produces theatre performances and educational programs for Summit County residents and guests;

WHEREAS, the Parties desire to develop the Property as a theatre, to be operated by LDTTC consistent with LDTTC's purpose and mission (the "Project");

WHEREAS, to accomplish the development of the Property, the Parties would share in the costs of construction of the Project, and the Town would retain fee ownership of the Property and provide LDTTC with a long-term lease of the facility to be constructed on the Pavilion Lawn of the Property;

WHEREAS, the Parties wish to memorialize their intent regarding the development of the Property; and

WHEREAS, prior to the execution of this Agreement, the Town Council requested and received confirmation from LDTTC that it had raised at least \$800,000 in pledges toward the Project.

NOW, THEREFORE, for and in consideration of the mutual promises and covenants contained herein, the sufficiency of which is mutually acknowledged, the Parties agree as follows:

1. General Overview of Project. As noted above, the Parties wish to develop the Property as a theatre, to be operated by LDTTC. The Project is expected to commence with a design phase, occurring in 2015. Construction of the theatre building is expected to commence in 2016 and be completed in the spring of 2017.

2. Funding.

a. Design Costs. With input from LDTC, the Town has engaged a design and construction team comprised of Shaw Construction, Semple Brown Architects and Designers, and Mary Hart Design, to design the Project and determine a construction budget for the Project. Subject to Section 6 hereof, the Town shall be solely responsible for all costs associated with the design of the Project, which are currently estimated at approximately \$400,000 (the "Design Costs"). Though the Project will be "design-build", as described below, the Design Costs will be separately allocated.

b. Construction Costs. As of the Effective Date, the Parties anticipate the total cost to construct the Project at approximately \$6 million (the "Construction Costs"). The Town intends to contribute \$4 million to the Construction Costs and LDTC intends to contribute \$2 million to the Construction Costs. The Town's \$4 million will be paid first, with LDTC's contribution occurring after the Town's \$4 million has been paid. The Design Costs are part of the Town's total contribution, and shall be included in the Town's \$4 million share. Should LDTC's fundraising efforts fall short, and LDTC is unable to meet its \$2 million contribution anticipated herein, LDTC will use commercially reasonable efforts to obtain a loan or other financing to cover the shortfall.

c. Other Costs. If there are costs above the agreed upon \$6 million construction costs described above, the Parties must agree upon the additional costs and a reasonable split of the additional costs. As of the Effective Date, the Parties anticipate that any other costs may be split as follows: 2/3 by the Town and 1/3 by LDTC, and the Parties understand that the nature of any additional costs will influence the split of costs.

d. Sources of Funding. The Town anticipates that its funding for the Project will come from its general fund, reserves, and possibly the issuance of certificates of participation. LDTC anticipates that its funding for the Project will come from donations. Prior to execution of the Development Agreement, LDTC must demonstrate at least \$1.5 million in pledges collected. LDTC will continue to actively seek pledges/donations through the first quarter of 2017. LDTC will provide monthly fundraising reports to the Town to document its fundraising efforts.

3. Property.

a. The Town will retain ownership of and control over the Property through construction of the Project. Upon completion of the Project, the Town will retain fee ownership of the Property, but will provide to LDTC a long-term lease of the Property (currently anticipated to be a 20-year lease with two 5-year renewal options).

b. LDTC intends to provide the furnishings and other interior improvements required to operate the theatre. Upon termination of the Lease, LDTC will retain ownership of all furnishings and other interior improvements supplied by LDTC for the Project.

4. Future Agreements. The Parties intend to enter into the following future agreements relating to the Project:

a. Design/Build Contract. The Project will be Design/Build. The Design/Build Contract will be with the Town, and the Town shall be responsible for administering that Contract, with input from LDTC. LDTC will not be a party to the Design/Build Contract. The Design/Build Contract will be executed simultaneously with this Agreement.

b. Development Agreement. The Parties anticipate that the Development Agreement will address operational funding, allocation of costs and other requirements as the Project costs and other details become clearer. The Development Agreement will be executed prior to construction commencing on the Project. The Parties anticipate that the Development Agreement will include annual support from the Town for LDTC operations and programs. This amount is anticipated to be determined year to year by in conjunction with the budget planning process of both the Town and LDTC.

c. Lease. As noted above, the Parties anticipate entering into a Lease for the Property, with a 20-year term and two 5-year renewal options. While the Lease may be executed prior to completion of the Project, the Lease will not commence until the Project is completed. The Lease fee is yet to be determined. The Lease will address the day-to-day operations and maintenance of the theatre and the Property as well as the long term maintenance. The Parties acknowledge that the level of services provided by each Party for both day-to-day operations and maintenance and long term maintenance of the theatre and the Property will directly impact the amount of operations and program support provided by the Town through the Development Agreement and the annual fee to be paid under the Lease.

5. Temporary Building. In 2016, LDTC will need to move its operations to a temporary building while the Project is being completed. At the Effective Date, LDTC anticipates there may be a budget shortfall in 2016. The Town and LDTC will cooperatively determine what portion of that shortfall, if any, should be shared by the Parties. Similarly, depending on when construction of the Project is completed, if there is a budget shortfall in 2017, the Parties shall cooperatively determine what portion of that shortfall, if any, should be reimbursed by the Town.

6. Term and Termination. This Agreement shall commence upon the Effective Date and terminate on the execution by the Parties of the Development Agreement described above, or on June 1, 2016, whichever occurs first. Notwithstanding the foregoing, either Party may terminate this Agreement upon 30 days prior written notice, for any reason or no reason, without penalty; provided that, should LDTC terminate this Agreement for convenience after the Town has incurred Design Costs, LDTC shall reimburse the Town for 100% of the Design Costs incurred as of the date of termination; and further provided that, should the Town terminate this Agreement for convenience after the Town has incurred Design Costs, the Town will be responsible for 100% of Design Costs incurred as of the date of termination. If the Parties mutually agree to terminate this Agreement, the Town shall be responsible for 2/3 of the Design Costs incurred as of

the date of termination and LDTC shall be responsible for 1/3 of the Design Costs incurred as of the date of termination.

7. Miscellaneous.

a. Modification. This Agreement may only be modified by subsequent written agreement of the Parties.

b. Notice. Any notice under this Agreement shall be in writing, and shall be deemed sufficient when directly presented or sent pre-paid, first class United States Mail to the party at the address set forth on the first page of this Agreement.

c. Integration. This Agreement and any attached exhibits constitute the entire agreement between LDTC and the Town, superseding all prior oral or written communications.

d. Binding Effect. This Agreement shall be binding upon and inure to the benefit of the Parties and their respective heirs, successors and assigns.

e. Severability. If any provision of this Agreement is determined to be void by a court of competent jurisdiction, such determination shall not affect any other provision hereof, and all of the other provisions shall remain in full force and effect.

f. Governing Law and Venue. This Agreement shall be governed by the laws of the State of Colorado, and any legal action concerning the provisions hereof shall be brought in Summit County, Colorado.

g. Assignment. There shall be no transfer or assignment of any of the rights or obligations of LDTC or the Town under this Agreement without the prior written approval of the other Party.

h. Third Parties. There are no intended third-party beneficiaries to this Agreement.

i. Contingency; No Debt. Pursuant to Article X, § 20 of the Colorado Constitution, any financial obligations of the Town under this Agreement are specifically contingent upon annual appropriation of funds sufficient to perform such obligations. This Agreement shall never constitute a debt or obligation of the Town within any statutory or constitutional provision.

j. No Joint Venture. Notwithstanding any provision hereof, the Town shall never be a joint venture in any private entity or activity which participates in this Agreement, and the Town shall never be liable or responsible for any debt or obligation of any participant in this Agreement.

EXHIBIT A

Schedule # 6512195

| | | | | | | |
|----------------|-----------------------|--------------|---------------------|-------------|------------|-----|
| Property | TRACT A SILVERTHORNE | Subdiv | Filing | Phase | Block | Lot |
| Desc: | TOWN CENTER SUB | SubCode 2160 | 0 | 0 | 0 | A |
| Phys. Address: | 400 Blue River PKWY | PPI: | 2097-1220-50-001 | | | |
| | | Econ: 4 | Sil/Dillon | | | |
| | Ownership | Nhood: 24000 | Silverthor | | | |
| Primary: | SILVERTHORNE TOWN OF, | TaxArea: 15 | | 2014 | Tship: 5 | |
| Secondary: | | AssdVal: 0 | <u>Est. Tax/Tax</u> | 48.63 | Range: 78 | |
| | | | <u>Rate:></u> | | | |
| | | | <u>Document</u> | | | |
| | | Reception | Sale Date | <u>Type</u> | Sale Price | |
| | Mailing Address | 794244 | 7/7/2005 | EAS | 0 | |
| | C/O | 794243 | 7/7/2005 | LSE | 0 | |
| | Addr: PO BOX 1309 | 794242 | 7/7/2005 | PLT | 0 | |
| | CSZ SILVERTHORNE CO | | | | | |
| | 804981309 | | | | | |

| | | | |
|------|-------------------|------|-------------------|
| | 2015 Actual Value | | 2014 Actual Value |
| 9141 | TOWN LAND \$ | 9141 | TOWN LAND \$ |
| | Total Value: \$ | | Total Value: \$ |

| | | | | |
|-----------------------|-------------------|-------------------|----------------------|------------------|
| Acres: 11.6900 | Access: Pub Paved | Topography: Level | View: Typical | Tree Cover: None |
| Hydrology: RiverFront | Sewer: Public Swr | Water: Public Wtr | Utilites: Elec & Gas | Misc: ON HIGHWAY |

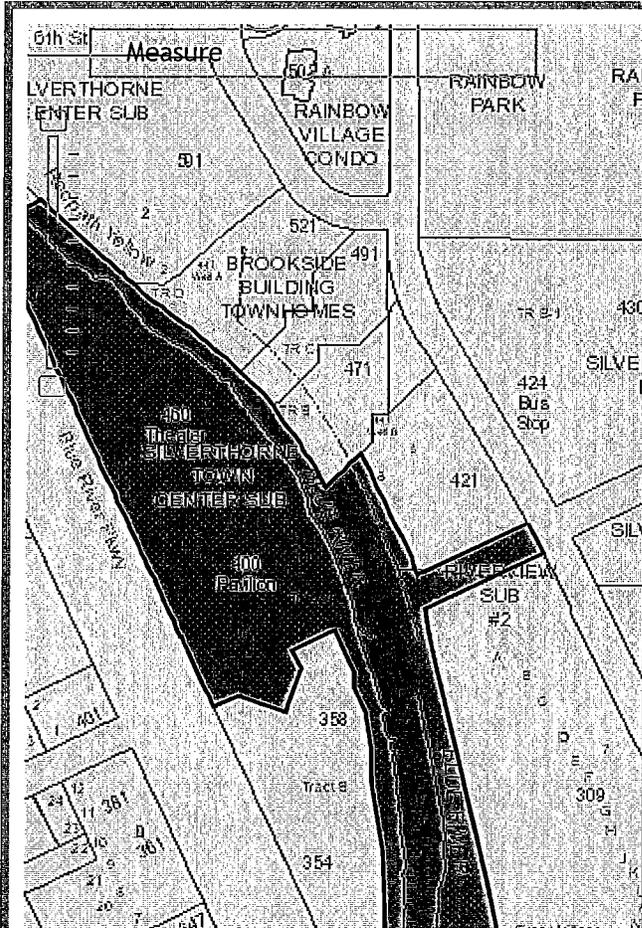
Summit County GIS Parcel Query Tool



Contact

Table of Contents

- Address text
- Lot text
- Block text
- Subdivision text
- Road text
- Mine text
- Schedule text
- Road Centerline
 - Paved
 - Gravel
 - Trail
- Streams
 - Perennial
 - Seasonal
- Section Lines
- 40' Topo Contours
- Parcels
- Towns
- Lakes
- Zoning
- Wilderness Areas
- National Forest
- 2010 Aerial Image



Copyright © 2015 Summit County Government

Search Options

- Owner Name
- Street Name
- Subdivision Name
- Schedule Number
- PPI Number

Clear Results

Street Name

BLUE RIVER

Submit

- BLUE RIVER CIR (S)
- BLUE RIVER RD 580 (R)

- 401 BLUE RIVER PKWY
- 457 BLUE RIVER PKWY
- 491 BLUE RIVER PKWY
- 501 BLUE RIVER PKWY
- 521 BLUE RIVER PKWY
- 531 BLUE RIVER PKWY
- 557 BLUE RIVER PKWY

Zoom to All

SCHEDULE:
6512195

Get
Detail
Data

PPI:
2097-
1220-50-
001

| Property Info | Mailing Address |
|-----------------------------|-----------------------------|
| OWNER: SILVERTHORNE TOWN OF | NAME/CO: SILVERTHOF TOWN OF |
| TRACT A | |

*This page intentionally
left blank*

Town of Silverthorne
Council Agenda Memorandum

TO: Mayor and Town Council
FROM: Ryan Hyland, Town Manager *RH*
DATE: June 4, 2015 for meeting of June 10, 2015
SUBJECT: Appointment to Fill Town Council Vacancy

SUMMARY: At the June 10, 2015, Town Council Meeting, Council will have the opportunity to appoint a citizen to fill a Town Council vacancy.

BACKGROUND: Jonathan Bird's seat on the Town Council was declared vacant on May 13, 2015. Under the Home Rule Charter, the Town Council must appoint an eligible replacement to fill the vacancy no sooner than 10 days from the declaration of a vacancy and no later than 30 days from the declaration date (Section 3.6.c). Such appointment shall be decided by a majority vote of the members of the Town Council in office at the time the vote is taken. (Section 3.6.c)

PREVIOUS COUNCIL ACTION: At the May 13, 2015 Council meeting, Town Council directed staff to advertise for Town Council candidates and to schedule a special meeting for 6:00 p.m. on Tuesday, June 9, 2015, for the purpose of conducting candidate interviews. Council stated that their intention was to make an appointment at the June 10, 2015, Town Council meeting.

DISCUSSION: Council will conduct interviews of the candidates in a Special Meeting on June 9, 2015 at 6:00 p.m., and should take action at the regular meeting of June 10, 2015, to fill the vacancy.

The Charter specifies that the term of the appointment will expire at the next regular Town election, in order to keep the Council terms properly staggered. Therefore, this appointment will run until the April 2016 municipal election. (Charter Section 3.6.c)

STAFF RECOMMENDATION: The recommendation is to appoint a candidate to fill the vacancy for a term that expires at the next regular Town election, in April 2016.

PROPOSED MOTION: *"I move to appoint _____ to fill the Town Council vacancy until the Town Council election in April 2016."*

ATTACHMENTS: Candidate Letters of Interest in alphabetical order:

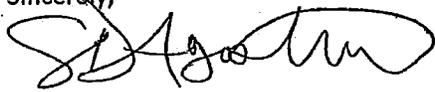
- | | |
|-----------------------|-----------------------------|
| 1) Steven Agostinelli | 771 Rainbow Drive, Unit 771 |
| 2) Susan Byers | 279 Two Cabins Drive |
| 3) Jonathan Kamins | 1817 Falcon Dr. |
| 4) Robert Kieber | 170 Allegra Lane |
| 5) Tom Marmins | 1450 Golden Eagle Road |
| 6) JoAnne Nadalin | 2922 Osprey Lane |
| 7) Tanya Shattuck | 1620 N. Badger Lane |

Mayor B. Butler, Mayor Pro Temp A.M. Sandquist, Council members: R. Camp, D. Fowler, P. Long, and S. Richardson,

This is my letter of interest concerning the vacated seat on Silverthorne, CO town council.

This is an exciting time for Silverthorne, and as a home-owning resident I am excited about the possibility to help shape its future. Thank you in advance for your consideration and I look forward to meeting with you all on the 9th.

Sincerely,



Steven Agostinelli

s.agostinelli@hotmail.com

970 485 4258

Susan K. Byers
279 Two Cabins Drive
Silverthorne CO 80498

May 28, 2015

Ryan Hyland- Town Manager
via email ryan.hyland@silverthorne.org

RE: Letter of Interest- Vacant Town Council Seat

Dear Mr. Hyland:

I am writing you to express interest in the vacant seat on the Silverthorne Town Council. I am a registered voter, and a full time resident of Silverthorne (Three Peaks) since 2003. Prior to this address, my residence was in Mesa Cortina from 1998-2003.

I am proud to call Silverthorne "home." I have nearly 20 years experience in residential and commercial real estate, resort development and extensive P & L and budget experience as an licensed Broker and Asset Manager for a large REIT owner of resort commercial property located in Summit county. Together with my husband Dallas, we have three sons, 27, 24, and 13, all raised in Silverthorne. I am currently an Independent Real Estate Broker with my own firm, Exclusive Properties, based in Silverthorne. It is my desire to serve our Community and contribute my time and expertise toward civic and philanthropic endeavors in tandem with my Real Estate practice and home life.

I deeply appreciate all the Town has to offer as far as quality of life, business opportunity and attractions. That said, there is much we can accomplish with a responsible, collaborative approach involving Staff, Council and Citizens in the local governance process. I offer the following experience to compliment the incumbent Councilpersons and Mayor currently serving our Town:

- Board of Director/Officer for 9 HOA's at Copper Mountain 2004-2014
- Board of Director, Copper Chamber of Commerce 2007-2012
- Board of Director, Village at Copper-Resort Association 2010-2014
- Member, Copper Mountain Architectural Control Committee 2008-2014
- Summit Association of REALTORS 10+ years and Current Member
- Colorado Association of REALTORS 10+ years and Current Member
- Member- American Resort Development Association (ARDA)

I look forward to meeting with you and the Council on June 9, 2015.

Sincerely,



Susan K. Byers

May 26, 2015

To: Silverthorne Town Clerk Michele Miller

Dear Ms. Miller:

Please accept this as my official Letter of Interest for The Town of Silverthorne's Council Vacancy. ~~I have been a residential and commercial real estate developer and investor for 27~~ years. I have held a seat on the Colorado Springs Planning Commission and worked closely with many city and county governments throughout my career and have a good understanding of the workings. I am a single father of two ages 16 & 18 for which I have raised alone since they were 11 months and 2 years old. I have worked closely with several school boards and chaired a board for a school that my kids attended in Colorado Springs. I have worked closely with foster children and proud to say that I was involved with the "Hanger Program," a non-profit for which I donated the retail space to teach foster children how to work in a retail environment. These kids donated their time every Saturday to learn how to work in a retail environment. I'm also proud to say that we clothed over 700 kids in 2013-2014. Silverthorne is our home now and both my children attend Summit high school. I love where we live and would thoroughly enjoy sharing my experience and helping our community any way that I can.

Unfortunately, I am committed and will be out of town June 5-11 which is during your interview and selection period. If possible, I would greatly appreciate the opportunity to interview before June 5th if that is permitted.

Much thanks for the consideration.

Sincerely,

Jonathan Kamins

Robert Kieber
170 Allegra Lane
P.O. Box 1823
Silverthorne, Colorado 80498
970-262-1199

.....

Michele Miller
Town Clerk
Town of Silverthorne

Dear Ms. Miller,

Please inform the Mayor and Council that I am interested in filling the open Town Council position.

I have been a full time Resident of Silverthorne since 1991 and a registered Silverthorne voter.

Over the past many years I have served on the Town Planning Commission, currently as Chair of that Commission.

In addition I have been a member of the two Home Owner's Associations and also a Board member of a local youth sports organization.

I believe that my time on the Town Planning Commission shows my dedication to the Town and its' residents.

Thank you for your consideration.

Regards,



Robert Kieber

June 4, 2015

Silverthorne Town Clerk
Town of Silverthorne
PO Box 1309
Silverthorne, CO 80498

Re: Silverthorne Planning Commission Vacancy

I am writing to indicate my interest in serving on the Silverthorne Town Council. I have been a full time resident and registered voter in Silverthorne since 2012. A copy of my resume, outlining my professional qualifications and accomplishments, is attached.

As I indicated when I applied for a position on the Planning Commission, I feel Silverthorne is a wonderful place to live. The progress being made in implementing the vision outlined in the Comprehensive Plan is very exciting and I would like the opportunity to contribute to those efforts in a more direct way. I've attended many of the Town Council meetings and believe I would work well with both the Council and Town staff.

I believe my experience as a finance professional and team member of executive teams and makes me an excellent candidate for the Silverthorne Town Council. But perhaps most importantly, I care very much about the Town and its future and would be committed to working with community members, staff and the rest of the Council to help Silverthorne continue to grow and improve. I look forward to hearing from you soon.

Best Regards,

JoAnne Nadalin

303-506-7874
joannenadalin@comcast.net

To the Silverthorne Council members,

April 23, 2015

~~This may at first appear to be premature with the recent death of Joh Bird but I am leaving Monday~~
on vacation and will have very limited availability of any form of communication. I wanted Silverthorne Council to be aware of my sincere interest in becoming a member of Council.

I have lived in Summit County for 14 years and in that time I spent 3 years as a CASA advocate representing children in the court system, when I lived in North Star, a development on Hoosier Pass I was the HOA president for 6 years and still communicate with the current president. When I moved from North Star there was a reserve balance of \$85,000. During that same time period I was also on the Red White & Blue fire dept. advisory board. During my time as a CASA advocate I took a course from the Colorado Bar Association in mediation and shadowed a mediator for 6 months, then started doing pro-bono mediation for the 5th Judicial District small claims court which I continue to do on a regular basis. I have mediated cases of Silverthorne as well and mediate non-felony criminal cases for the 5th Judicial District Attorney's Office and several police departments in Summit County. I was asked to become a bailiff, by the court, in order to fill in when several cases were scheduled during the same time period and although not frequently I continue to do that as well. I was selected by the Colorado Governor's office to be a member of the 5th Judicial District Performance Commission and I have 3 more years before I'll be up for reappointment. This commission reviews all of the 5th Judicial District judges that are up for voter reinstatement and publishes a guide for public review.

I am currently on the board of The Glass House, a 389 unit Condominium Association in Denver, CASA of the Continental Divide and the Summit Community Care Clinic, as well as the Silverthorne Police advisory committee. I have been a panel member when Silverthorne police officers are being considered for promotion and act as driver (sometimes nice and sometimes not so nice) in simulated traffic stops for training of new officers and the Citizens Police Academy.

I have been a member of Summit Rotary for 8 years and am active with several projects and committees.

I would like the opportunity to be part of the continuing work to help make Silverthorne even more outstanding in Summit County. I know I can be a positive part of the continuing growth of the Town Core, Cultural, Recreational, Commercial and Residential development in the community.

I will be available until Monday at noon if any council member would like to discuss their thoughts with me.

Sincerely

Tom Marmins

Town of Silverthorne
PO Box 1309
Silverthorne, CO 80498

June 3, 2015

Dear Mayor Bruce Butler and Town Council,

I would like to announce my interest to the Silverthorne Town Council. I am a long-time, permanent resident of Silverthorne, and proud to live here. I believe my experience and qualifications shown below will help me to bring positive improvements to Silverthorne.

My activism, volunteerism, and involvement in the community and our town has allowed me to build a unique perspective and understanding of our local government operations and enabled me to build strong connections and partnerships within our community. I have lived in Summit County for over twenty years; I have owned a home in Silverthorne for thirteen years. I have been a Silverthorne Planning Commissioner for nine years, serving as vice chairperson. I have participated in the implementing and updating of Town documents: 2013 Urban renewal plan, 2015 Town Core Design District Standards, Comprehensive Plan, and Open Space and Trails Master Plan. My other volunteer venues are: Silverthorne Citizens Advisory, Summit County Citizens Advisory, Willowbrook Homeowners Committee and Keystone Cares. My professional career has been with: Keystone Resort as Property Manager for fourteen years, two years at the Village at Copper as Operations Manager, four years hotel management, banking and one and a half years with Summit County Government Planning Department as Code Enforcement Officer.

It is my belief that the town council is a team who needs to work together for the best of the community, and while opinions and views points differ, the end result must be a united front and goals toward an outcome of any action must be supported by all council members. We should be diplomats of relationships, including public/private partnerships, Summit County Government and officials, our town employees, and of course the citizens of Silverthorne.

As a local businesswoman, I want to bring common sense, straight talk, questioning the status quo and relevancy to our town council. We need to think smart for the now with a mindful eye on the future and process for our growth and sustainability. In addition to my experience and sense of business and community, I have a huge appreciation for Silverthorne, its natural beauty and quality of life. Caring for our environment and making decisions for the whole of our community is vital to my perspective and belief system.

I would be honored to work for and with you in the betterment of Silverthorne.

Sincerely,



Tanya Shattuck
(970)333-4494
1620 North Badger Lane
Silverthorne, CO 80498

MINUTES OF SPORT COMMITTEE
May 21, 2015

I. PROCEDURES

1. Attendance: Russ Camp, Don Hansen, Bob Mayerle, Mary Kay Rachwalski, Marilyn Raymond, Marty Richardson, Kathy Swanson, John Taylor, Pat Taylor
2. Staff: Liz Hodson, Susan Lee
Absent: Joanne Cook, Tom Dopplick, Frank Gutmann, Don Langmuir
Guests: Mark Wilcox & Michaela Kaiser, DHM; Tyler Bunnelle, PE Teacher at SVE
3. Don Hansen opened the meeting at 6:20 p.m., following a group walk through of Angler Mountain Open Space, in the Schmidt Room at Town Hall.
4. Previous minutes: Motion to approve by John Taylor, second by Bob Mayerle.

II: PRESENTATIONS

1. Mark Wilcox, DHM, Parks Master Plans Project
-Mark Wilcox presented an overview and schedule of events for public outreach of the Parks Master Plans Project for Trent Park, Arctic Placer and Angler Mountain Open Space.
June 3rd Arctic Placer Open House/Ice Cream Social
June 11th Trent Park Open House/Ice Cream Social
June 16th Angler Mountain Open Space Walk Through
June 26th Family Fun Night in Rainbow Park
July 16th SPORT will be updated on progress at monthly meeting
July 21st Open House/public comments at the Recreation Center
August 5th Open House/public comments at the Community Picnic at the Pavilion
August 20th Update at SPORT monthly meeting
Sept. 9th Present to Town Council
Mark Wilcox asked that SPORT become advocates for these projects and to help with public awareness and encourage involvement.
For more information: www.silverthorneparks.com

III: PLANNING DEVELOPMENT PROJECTS

IV: OLD BUSINESS

1. River's Edge Plaza signs
-Signs are in. Susan is looking into the cost to have a 2-sided sign at the Chipotle site.
2. Updates from 2015 Goals Action list
 - a. Osprey Walk
 - i. In progress – Don and Nancy walked the route while Bob met with Lowe's regarding birdhouses. Don commented that Nancy Bomgardner is "outstanding" to work with on this event. Susan has been contacted by CPW who is willing to speak, in detail, about the Osprey at the next SPORT meeting.
 - b. Bicycle Friendly Community
 - i. In progress
 - c. Trent, Angler & Arctic Placer Master Plans
 - i. Bid has been awarded to DHM who was present at meeting, see II1.
 - d. Rainbow Park Tennis, Basketball, and Pickleball courts

- i. Under construction
- e. Rainbow Drive parking
 - i. EDAC is on board and will go before Council as an Ordinance in June. In progress
- f. North Pond Park
 - i. Tabled for 2015
- g. Raven Golf Course
 - i. John is working on current and future signage needs.
- h. Open Space inventory
 - i. Template complete. Susan mentioned there are 12 open space properties in Silverthorne to be inventoried. In progress
- i. Willow Grove
 - i. Shrubs in Lot 18 have been replaced/planted by owner. No update on 2nd violation site.
- j. Ptarmigan Trail
 - i. No update
- k. Salt Lick Trails
 - i. No update
- l. Website information
 - i. No update
- m. Bird Watching
 - i. In progress
- n. Sidewalk Network
 - i. Waiting for Master Plan
- o. Open Space Land Acquisitions
 - i. No update
- p. Blue River Trail Public Access
 - i. New sign is in at the Dam
- q. Blue River Trail Segment 6
 - i. No update
- r. Events
 - i. Make a Difference Day – September 26, 2015
 - ii. Silverthorne Elementary kids held their own clean-up day prior to the Town's.

V: NEW BUSINESS:

1. NPP Zamboni proposal
 - David Janowitz is proposing to the Town to build a shed and store a Zamboni at North Pond Park. SPORT committee members that it to be a win/win!
2. Public Works Strategic Plan
 - A consultant has been hired to look at staffing and operations. See Bill or Mark if you'd like more info.

OTHER:

Motion to adjourn 7:50 pm by Pat Taylor, second by Kathy Swanson
 Next Meeting: June 18, 2015 - 6:00 p.m.