

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 compliable 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 Isenhart, 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. Everist. The gravel pit was started in 1997 and has been operating and profitable over all those years. Mr. Everist 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. Everist supposed to do? Byers has been to a lot of meetings. Mr. Everist 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. Everist 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. Everist 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.