

**SILVERTHORNE TOWN COUNCIL MEETING
AGENDA FOR OCTOBER 14, 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
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 - B. Resolution 2015-18; a Resolution Awarding the Town of Silverthorne Theater Water Main Project Contract 15
- VII. PUBLIC PRESENTATIONS*
 - A. Summit Public Radio & TV (SPRTV)
- VIII. SOUTH MARYLAND CREEK RANCH GENERAL IMPROVEMENTS DISTRICT BOARD
 - A. Ordinance 2015-01; an Ordinance Setting the South Maryland Creek Ranch GID Property Tax Mill Levy for the Taxable Year 2015, 1st Reading 17
- IX. LIQUOR BOARD
 - A. Local Liquors LLC dba Local Liquors – Renewal of Liquor Store License 23
- X. ACTION ITEMS
 - A. Final Plat and Site Plan, Angler Mountain Ranch Lakeside Townhomes, Filing No.8 27
 - B. Ordinance 2015-14; an Ordinance Repealing and Reenacting Article XIII, Chapter 4, of the Silverthorne Town Code, Related to Retail Marijuana, and Adding a New Article XIV of Chapter 4 of the Silverthorne Code, Related to Medical Marijuana, 1st Reading 39
 - C. Ordinance 2015-13; a 2015 Appropriations Ordinance, 1st Reading 77
- XI. DISCUSSION ITEMS
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- XIII. 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.

URBAN RENEWAL AUTHORITY MEETING: OCTOBER 14, 2015
Immediately Following Council Meeting

COUNCIL WORK SESSION: OCTOBER 13, 2015 – 6:00 P.M.
TOPIC: TOWN CORE ZONING

**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.*

OCTOBER 27 OPEN

NOVEMBER 10 OPEN

DECEMBER 8 OPEN

JANUARY 12 OPEN

JANUARY 26 OPEN

**FUTURE WORK SESSION DISCUSSION ITEMS:
HISTORIC SOCIETY**

October 2015

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5	6	7	8	9	10
		Planning Commission				
11	12	13	14	15	16	17
Pumpkin Fest						
		Work Session	Council Meeting	SPORT Meeting	Payroll	
18	19	20	21	22	23	24
		Planning Commission	Court			
25	26	27	28	29	30	31
		Work Session	Council Meeting		Payroll	

December 2015

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

January 2016

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1 2	
					Rec Center Hours: 10:00 am—6:00 pm	
					TOS Holiday	
3	4	5 EDAC Planning Commission	6	7	8 Payroll	9
10	11	12 Work Session	13 Council Meeting	14	15	16
17	18	19 Work Session	20 Council Meeting	21	22	23
24/31	25	26 Planning Commission	27 Court	28 SPORT Meeting	29 Payroll	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: October 8, 2015 for Meeting of October 14, 2015
SUBJECT: Staff Comments

Attached please find the Staff Comments and Updates for the October 14, 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 and Culture Update

ACTION REQUIRED

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

Administrative Services – October 8, 2015

2016 Budget – The Town conducts a two-budget process where departments and programs spend much time and effort researching and preparing budget worksheets and making budget requests/presentations. The current budget cycle for the two-year budget is 2015 & 2016. The major efforts for the 2015 & 2016 budget cycle was conducted and approved by Council in 2014. The ‘Off-Year’ of the budget, 2015, is spent focusing on long range planning and implementation and less on work papers. We’re still required by law and charter to present and approve a budget for fiscal year 2016, even though the 2016 budget has been approved through the budget process in 2014.

The 2016 Budget changes were presented to Council at their September 22nd work session. A few minor adjustments have been made based on the 2015 projections changing based on now known information. All operating budgets are balanced.

The Council will officially vote on the 2016 budget in November and December. The Urban Renewal Authority’s 2016 Budget is being brought to the Renewal Board at the October 14th meeting.

Long Range Planning – The 2016 Budget is focusing on fiscal year 2016 plus some known changes to future years beyond 2016. Major capital projects included in the current long range plans includes: Performing Arts Center, Trails, Kayak Park and a portion of the Cottonwood Shop.

Over the last year, and continuing into the next four to five months, the Town has and will have completed several master plans that include: Parks, Open Space & Trails (POST), Park’s Master Plan for Artic Placer, Trent & Angler Mtn. areas, Traffic, Marketing, Arts and the Comprehensive Plan that has encompassed the Town Core area. Many projects and programs have been recommended through these public processes and plans. The next step is to generate a list of the recommended projects/programs and begin to prioritize. What are the projects/programs? How much will they cost to build and provide continual support? Will they generate any revenues? Are they a priority or not? What is the timing?

Staff has started to meet to begin the generation of the list. It’s not intended to be incorporated into the 2016 budget. The purpose is to incorporate the various plans and work towards the long range planning into the 2017 & 2018 budget process. The updated future project/program long range plan will be brought to Council at a future work session.

2016 Non-Profit Grants – The 2016 Non-Profit Grant applications have been received and are being organized for the grant review committee. The committee will be meeting October 19th. Forty-four organizations have applied for grants totaling \$78,500. Seventeen have applied for free Pavilion use, three

for use of fields and two for use of the recreation center. The Council has \$36,000 budgeted to distribute to non-profits.

Employee Survey – Every two years the Town surveys full and part-time employees to determine the Town's strength and weaknesses as an employer. We've used Mountain States Employers Council (MSEC) in the past and will be using MSEC again for the survey this year. The survey link was emailed to employees on September 28th and is open until October 13th. Based on the number of completed surveys, we may extend the deadline date. The results will be presented to management at a later date. Management uses the survey to help find issues and look for ways to make improvements.

2016 Employee Benefits – Staff will be meeting with our benefit advisors, IMA, this coming Monday. We'll be reviewing premium renewal rates from our stop loss health insurance provider as well as our long term disability, dental and vision insurance plans.

Investment Advisor Request for Proposal (RFP) – An RFP has been issued for an Investment Advisor to assist with investing the Town excess funds. The Town has used Davidson Fixed Assets, Inc. in the past. Our investment activities for the last six years has been very passive as there has been limited yield bearing options due to the economy and the limits the Town must follow in terms of investment options. Our priorities for investment are Safety, Liquidity and then Yield. While the market is still considered unstable, it's time for the Town to prepare for the future and look for assistance in our investments. Based on the results from the RFP, a contract will be brought to the Council in the near future.

Public Safety – October 7, 2015

Incidents – On 09/23/15 Officer Baldwin stopped a vehicle that was traveling about 15 mph in a 35 mph zone, cutting off other traffic almost causing an accident, and disregarding traffic control signs. Upon contact Officer Baldwin was able to determine the driver's actions were not caused by alcohol or drugs, but instead some sort of medical condition. He was seen by a doctor who felt this could be related to dementia or something like that. Several other officers also ended up dealing with this individual throughout the evening and came to the same conclusion. Through a great team effort, working with his family, attorney, and the VA hospital we were able to get this individual the help he needed. Because of the circumstances, we decided to drop the criminal charges pending since he did not have the culpability to commit these crimes.

On 09/28/15 Officers Tarnoff and VanDuzer stopped a vehicle for speeding. When they contacted the driver both could smell the odor of alcohol emanating from her vehicle. The driver said she had 2 vodka cranberry drinks. Based on their training and experience they felt she may be driving under the influence of alcohol, which was confirmed as she exited the vehicle and failed the roadside

maneuvers. The driver was arrested and charged for driving while ability impaired, was booked, and released from the Silverthorne Police Department.

On 10/03/15 Detective Barger and Officer Futro responded to an unknown situation at the Silverthorne transfer station. When they arrived the bus driver directed them to a male at the back of the bus who was unconscious and covered in blood. At first they could not get any response from the individual, but finally he came to. It was apparent this man was intoxicated and a danger to himself or others. He immediately took an aggressive stance with the officers and pounded his chest with a clenched fist. They took hold of the subject and removed him from the bus, further verifying his inability to take care of himself since he was unable to walk on his own. After he was medically cleared he was taken to detox at the jail.

In addition to the above officers handled; multiple 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 – Officer Futro received a thank you letter from a person who was passing through town and had an unfortunate medical incident. He wanted to thank Officer Futro for going above and beyond by getting him medical treatment, parking his car, and then picking him up from the hospital after the ordeal was over.

Department Training – Sergeant Higby and Detective Barger attended a fraudulent documents class to learn to identify fake identification, which gets more sophisticated as technology becomes more attainable. Officer Fliszar attended a drug interdiction class to prepare her for handling the drug transports that travel through our Town via I-70. Our department has completed the yearly Taser training.

Staffing – The department is down one sergeant, which will remain vacant for now. Logan VanDuzer has started his training and is doing well.

Community Development Department – October 9, 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. Mark Leidal met with Summit County Open Space Advisory Committee (OSAC) concerning participation in acquiring an easement from Blue River Valley Ranch Lake Estates.

District Design Standards – The final two districts have been approved which completes all of the Districts.

Summit Sky Ranch (aka South Maryland Creek Ranch) – Town Council approved the Major PUD Amendment and Preliminary Plan for South Maryland Creek Ranch.

Lake Dillon Theatre Company (LDTC) – Design work continues on this exciting new project.

Arctic Placer Park, Trent Park, Angler Mountain Open Space – DHM Design has completed the design for the master plans for these parks and public input has been given. Arctic Placer Park and Trent Park have been approved.

Code Enforcement – Greg Roy has been enforcing the code particularly relating to noxious weeds.

Public Works Strategic Plan – The Final Draft of the Public Works Strategic Plan is complete and has been presented to Town Council for discussion. Future work sessions on the issue will be held.

Transportation Plan Update – Staff is working on the update to the Town Transportation Plan. This includes gathering traffic counts at various intersections as well as modeling the Level of Service.

Urban Land Institute – Mark Leidal attended the Fall Meeting of the Urban Land Institute in San Francisco.

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):

- Angler Mountain Ranch Filing No. 3 – Third Amendment
- Marshall's – Site Plan Modification
- Mattress Firm – Preliminary Site Plan
- Silver Trout Estates – Preliminary Plan

Recreation and Culture – October 8, 2015

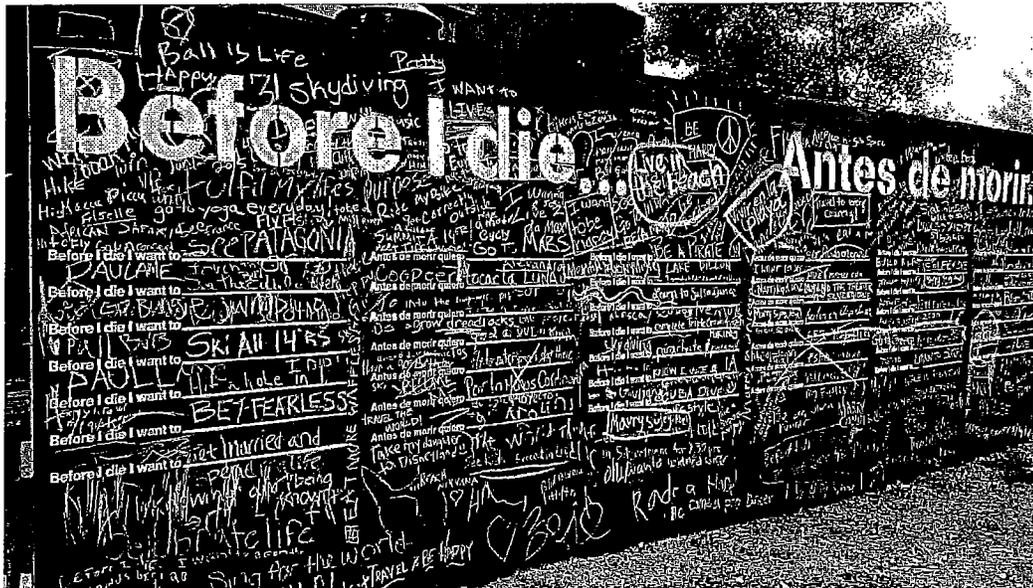
The Recreation Center is now fully open and functional, with the new air handling unit performing as planned! This was a long project and we are excited to offer a freshened aquatics area and locker rooms to our guests.

Per Council's direction, staff is negotiating a contract for PR Services with Betty Ashley marketing firm. Ashley Lowe, Principal, and her team have identified first steps of the project as working with a group of stakeholders during a Discovery Day. The interactive work session will include discussions that help the PR team identify key branding messages for the Town. Once this Discovery is complete,

the team will present three concepts to the Town for consideration. In the meantime, the group is also working with staff on a few immediate items, such as PR for the Arts initiatives and Theatre milestones, such as the groundbreaking that is anticipated to take place in early November.

There was very good participation at the Arts Happy Hour public conversation, which is part of the public outreach for the Arts and Culture Strategic Planning project. Janesse Brewer and the rest of the 23.4 Degrees team did a thorough job planning creative and interactive stations for participants to share their ideas about arts and what it means to them personally and what they think it means to the community. Many Town staff members also assisted with the event by manning stations and welcoming the participants.

The Town launched its first interactive community art project, *Before I Die*, in the past week. The 24' X 8' chalkboard has been displayed at the Town Center and the Silverthorne Welcome Center. Before the temporary project is retired, it will be displayed at Pumpkinfest on October 11, the Recreation Center from November 8-10, and Celebrations Around the World on November 19.



The annual Pumpkinfest will be held on Sunday, October 11th from 11:00 a.m. until 2:00 p.m. at the Pavilion Lawn. This FREE community event is sponsored by Kaiser Permanente, the Outlets at Silverthorne, Summit Daily News and Red Buffalo Tea and Coffee. Activities this year include free pumpkins (one per child, while they last), petting zoo, face painting, bounce houses, hay rides, barrel train, cave of confusion, pumpkin bowling, and a pumpkin catapult!

Upcoming Pavilion Events

- | | |
|--------|---------|
| Oct 8 | Yoga |
| | Wedding |
| Oct 9 | Wedding |
| Oct 10 | Wedding |

Oct 11	Pumpkinfest
Oct 14	Mindfulness Matters
Oct 15	Yoga
	Rotary 40 th Birthday
Oct 16	Country Western Dance
Oct 17	Wedding
Oct 19	CDOT Meeting
Oct 18	Wedding
Oct 21	Mindfulness Matters
Oct 22	Wedding
Oct 23	Wedding
Oct 24	Wedding
Oct 25	Domus Pacis Concert
Oct 26	Build A Better Colorado Meeting

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Town of Silverthorne
Council Agenda Memorandum

TO: Town Council
THRU: Ryan Hyland, Town Manager *RBH*
FROM: Michele Miller, MMC, Town Clerk *MM*
DATE: October 8, 2015
SUBJECT: Town Council Meeting Minutes from September 23, 2015

SUMMARY: Staff asks the Town Council to approve the Town Council Meeting minutes from September 23, 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, September 23, 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, Stuart Richardson, and JoAnne Nadalin. Ann-Marie Sandquist was absent. Staff members present were, Assistant Town Manager Mark Leidal, Chief Mark Hanschmidt, Administrative Services Director Donna Braun, Recreation Director Joanne Cook, Public Works Director Bill Linfield, Planning Manager Matt Gennett, Zach Margolis Utilities Manager, Dan Gietzen Town Engineer, Town Attorney Matt Mire, and Town Clerk Michele Miller.

The Pledge of Allegiance was recited by those present.

STAFF COMMENTS:

Cook updated Council on the Recreation Center reopening after the annual shutdown. The pool will reopen September 27th.

COUNCIL COMMENTS:

Long publicly thanked Officer David Siderfin for his successful efforts in assisting the SWAT Team during a domestic violence/suicide threat last week.

Long thanked Kathy Marshall, Revenue Administrator, for all her efforts in preparing the Sales Tax Reports for the Town Council Packet.

CITIZEN COMMENTS:

None.

CONSENT CALENDAR:

RICHARDSON MOVED TO APPROVE THE CONSENT CALENDAR INCLUDING THE MINUTES FROM SEPTEMBER 9, 2015 TOWN COUNCIL MEETING, REPLAT –THE CABINS AT ANGLER MOUNTAIN RANCH, FILING NO. 3 – FOURTH AMENDMENT. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL PRESENT. (SANDQUIST ABSENT)

PUBLIC PRESENTATIONS:

None.

LIQUOR BOARD:

A. Pizza Hut – Renewal of 3.2% Beer on Premise Liquor License

CAMP MOVED TO APPROVE PIZZA HUT – RENEWAL OF 3.2% BEER ON PREMISE LIQUOR LICENSE. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL PRESENT. (SANDQUIST ABSENT)

PUBLIC HEARINGS:

A. Preliminary Subdivision Plan – South Maryland Creek Ranch (SMCR)– First Amendment

Matt Gennett, Planning Manager, presented the applicant's request for a Preliminary Plan approval. The Preliminary Plan is in conformance with the SMCR Planned Unit Development (PUD) creating a residential neighborhood of two hundred forty residential units. The proposal includes a twenty acre public park, a private lake, public and private trails and private amenities. He reviewed the Preliminary Subdivision Comments by Colorado Geologic Survey (CGS) and their fourteen recommended conditions of approval, they consider necessary for site development. He reviewed his staff report and requested approval with Planning Commission's recommended conditions of approval.

Public hearing opened.

Butler asked what if the piezometer and inclinometer give a movement reading, what happens then.

Richardson asked if the Town will receive the piezometer and inclinometer reports.

Matt Mire, Town Attorney, reminded everyone the Town Council has already considered the potential for conflict of interest for Councilmember Long. He asked Councilperson Long again if anything had changed in her circumstances.

Long replied that nothing has changed in her circumstances.

Applicant

Tom Everist, Applicant, South Maryland Creek Ranch, thanked Council for their recommendations to take more time with the project and consider additional public comments. SMCR has been dealing with the Colorado Geological Survey regarding this property for twelve years; there is nothing in their letter that was a surprise. He feels the process has worked well. They have been very careful to work with consultants on the water issues. They are comfortable with the Planning Commission's conditions of approval. In any development water is the enemy and they feel they have addressed all concerns. He requested approval.

Joanna Hopkins, South Maryland Creek Ranch Development Director, stated they spent the summer designing the project. She introduced the SMCR team members. Jason Andrews, Engineering Analytics, geotechnical engineer, Chris Durloo – Tetra Tech, civil engineer and Elena Scott – Norris Design, land planner. Hopkins reviewed a PowerPoint presentation and the water drainage from the site.

Nadalin asked about the location of the inclinometers on the site.

Hopkins reviewed the location of the inclinometers. They have fifteen years of control and monitoring from the inclinometers on this property. Generally developments install inclinometers and then close them off but they have chosen not to.

Council questions

Butler asked if you cut into the site and there is shifting what recourse you have.

Andrews stated if you see movement on the site, water, there are different ways to deal with it. Water is always a big issue on any development. They would look at the water controls currently on the site and could provide extra drainage measures. There are mechanical measures that could be used too.

Camp asked since the inclinometers are two hundred feet below the ground, do we see anything happening there?

Andrews stated nothing has moved for thirteen years.

Richardson asked about the major road cuts and if there has been any movements since they have been built.

Hopkins stated no, back in 2006 road cuts were put in and no movement has been detected. She reviewed the charged water lines on the site.

Nadalin asked about the access to the park.

Hopkins reviewed access to the Town Park and its parking.

Richardson asked if the park would be a de defacto trailhead for Vendentte Creek.

Hopkins reviewed trail access to the forest and parking.

Richardson asked about accessibility to the trails after buildout. He has concerns about the project entryway. He would like to see a description of the roads down by the lake. DOT stated there would be more traffic in Eagles Nest during this development's construction, what is being done to control that.

Hopkins stated more road detail will be included in the Final Site Plan. The Final Site Plan will include more information about highway improvements.

Richardson asked if there would be a median or a split highway, like at Eagles Nest. Is there enough room to go North on the highway.

Hopkins reviewed the entrance to the development. There will be a left turn lane to head north and if you turn south there is an acceleration lane, it's all included in Phase 1 development. They are doing everything they talked about in the past meetings to encourage main entrance usage. She reviewed the staging of the development.

Richardson asked if there is irrigation on the medians.

Hopkins stated yes.

Richardson asked if the Estate Lots are currently being sold.

Hopkins stated they will not be sold until the second phase.

Camp asked about the amount of asphalt on site.

Hopkins reviewed the street and private drive widths.

Richardson asked if conduit is being installed now so there wouldn't have to be any road cuts later.

Hopkins stated they are currently working with Excel on utility layout; they are running parallel live lines to avoid crossings.

Durloo stated Xcel is currently working on the utilities plan and the other utilities follow suit. They are placing additional conduit at the intersections to avoid road cut issues later. Comcast is going to provide service in this area.

Richardson asked about cell phone reception in the area.

Hopkins reviewed the cell phone coverage for the development. SMCR has been tracking the cell phone providers and their proposed towers.

No public comments, public hearing closed.

Council comments

Nadalin is uncomfortable with the Town taking over monitoring of the piezometer and inclinometer. She would feel better if the developer had an engineering firm under contract to handle that. She feels it is a developer responsibility not a Town responsibility.

Gietzen stated the Town staff agrees, they don't want to be involved with the monitoring and the developer agrees too.

Council, staff and developer discussed the need for piezometer and inclinometers and if it is standard and equal application to all and how to handle requirements in the future. Neighboring developments don't have similar monitoring. Do we need to review our process in regards to monitoring? There is a heightened awareness of landslides from incidences all over the USA.

Richardson asked about ditch placement.

Hopkins reviewed history of the area, the extensive drainage systems and ditch placement. What CGS is concerned about is making sure that protocols are followed.

Camp feels the two hundred and forty two units are in keeping with way we have progressed outward as a Town.

Long stated the only time she has seen land move is when there is too much irrigation. Too much water is the culprit. She asked staff for a site visit. There are lots of details she wants to see personally.

Butler agrees with other comments made. He is not concerned about the geology of the site. Are we asking this development to do something that we will ask other developments to do in the future? He appreciates the due diligence.

CAMP MOVED TO APPROVE SOUTH MARYLAND CREEK RANCH APPLICATION FOR PRELIMINARY PLAN WITH THE FOLLOWING PLANNING COMMISSION RECOMMENDED CONDITIONS:

1. THE FOURTEEN (14) CONDITIONS OF APPROVAL SET FORTH IN THE LETTER FROM CGS DATED SEPTEMBER 10, 2015, SHALL BE MET PRIOR TO APPROVAL OF A FINAL PLAT.
 2. THE APPLICANT SHALL, FOLLOWING CONSTRUCTION OF THE PROPOSED MULTI-PURPOSE PAVED TRAILS AND THE PUBLIC SOFT SURFACE TRAILS, DEDICATE THE APPROPRIATE TRAIL EASEMENTS TO THE TOWN AT FINAL PLAT.
 3. FINAL DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS (CC&RS) SHALL INCORPORATE THE REQUIRED CHANGES OUTLINED IN THIS STAFF REPORT, AND THOSE CALLED FOR IN THE LETTER FROM CGS DATED SEPTEMBER 10, 2015, AND BE PROVIDED TO THE TOWN WITH THE FIRST FINAL PLAT SUBMITTAL.
 4. ALL OF THE 'ESTATE LOTS' IN PLANNING AREA 1:A, IN ADDITION TO THE LOTS IDENTIFIED IN CONDITION #6 OF THE CGS LETTER DATED SEPTEMBER 10, 2015, SHALL CONTAIN DELINEATED BUILDING ENVELOPES AT THE TIME OF A FINAL PLAT SUBMITTAL.
- MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL PRESENT. (SANDQUIST ABSENT)**

B. Ordinance 2015-12; an Ordinance Amending and Updating the Town of Silverthorne Destination Commercial District and Business Park District Design Standards and Guidelines – 2nd Reading

Public hearing opened.

Mark Leidal, Assistant Town Manager, presented Ordinance 2015-12 for Council's consideration. The amendment to the Destination Commercial District and Business Park District Design Standards updates the language and format, to introduce new standards and guidelines, and ensure consistency. He reviewed the staff memo and requested approval.

Council thanked Lina Lesmes for her efforts.

Butler feels that the Business Park District might have too much dress in an industrial area.

Public hearing closed.

LONG MOVED TO APPROVE ORDINANCE 2015-12; AN ORDINANCE AMENDING CHAPTER 4, ARTICLE VI, SECTION 4-6-2(h), DESIGN DISTRICTS, TO AMEND AND UPDATE THE DESTINATION COMMERCIAL DISTRICT AND BUSINESS PARK DISTRICT DESIGN STANDARDS AND GUIDELINES AND ADOPT THEM AS REGULATION ON SECOND READING. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL PRESENT. (SANDQUIST ABSENT)

DISCUSSION ITEMS:

Long has read the Planning Commission minutes and asked if the Planning Commission has any questions or needs any guidance for the reconsideration of Angler Mountain Ranch Open Space Park.

Leidal stated Planning Commission Chair, Bob Kieber has asked for a Public Hearing and a site plan visit. He reviewed the site visit and process that will take place. Mark Wilcox will present the project to Planning Commission. They have all the information that they asked for. Leidal stated staff is concerned about getting full Planning Commission attendance at the meeting; some are not able to attend.

Long asked if any of the Commissioners have had three absences.

Staff was unable to report on attendance.

Richardson asked what is the next step in the Design District Standards and Guidelines process.

Leidal stated Town Core Rezoning and review of the Sign Code.

Fowler asked about Sauce on the Blue's liquor license and Angry James Brewery.

EXECUTIVE SESSION:

None.

INFORMATIONAL:

- A. Planning Commission Meeting Minutes, September 15, 2015
- B. July 2015 Sales Tax Review

CAMP MOVED TO ADJOURN. MOTION SECONDED. MEETING ADJOURNED AT 7:12 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.

Town of Silverthorne
Council Consent Calendar Memorandum

TO: Mayor and Town Council
THRU: Ryan Hyland, Town Manager *PH*
Mark Leidal, Assistant Town Manager
Bill Linfield, Public Works Director
FROM: Zach Margolis, Utility Manager
DATE: October 7, 2015, 2015 for meeting of October 14, 2015
SUBJECT: Consent Calendar Item Resolution 2015-18, a Resolution Awarding the
Town of Silverthorne Theater Water Main Project Contract

SUMMARY:

Bids to construct the Water Main needed to service the new Town Theater are to be opened on Monday, October 12, 2015. Staff will have completed the bid process earlier that same day and will present the results of the bid opening, along with an updated memo and resolution, to The Silverthorne Town Council at the regularly scheduled Council Work Session on the evening of Tuesday, October 13.

BACKGROUND:

The purpose of the project is to complete the installation of the Deep Water Main needed to serve the Theater, while the water table is at its lowest.

The project is within Town of Silverthorne property and no land acquisition is required. No road cuts or traffic control will be required

PREVIOUS COUNCIL ACTION:

Council has approved the budget for this project as part 2015 Town of Silverthorne budget. The budgeted amount included funds for engineering, inspection services, and construction costs as well as this bid award.

DISCUSSION:

Town Staff and Engineer will have reviewed the contractor's qualifications and references and made sure that their bid is acceptable. The plans and contract documents were prepared by Merrick/McLaughlin Water Engineers. In accordance with the Town financial policy, the project was advertised locally. Staff also contacted several contractors individually. Town Staff is conducting the bid opening at 4:00 p.m. on Monday, October 12, 2015. The project is scheduled for completion by the end of November 2015.

STAFF RECOMMENDATION: Staff recommends that Council award the Silverthorne Theater Water Main Project to XXXXXX.

PROPOSED MOTION: "I MOVE TO APPROVE RESOLUTION 2015-5, AWARDING THE SILVERTHORNE THEATER WATER MAIN PROJECT TO XXXXXX. IN AN AMOUNT NOT TO EXCEED \$XXX,XXX.XX."

ATTACHMENTS:

Resolution 2015-XX

**TOWN OF SILVERTHORNE, COLORADO
TOWN COUNCIL**

RESOLUTION NO. 2015-18

A RESOLUTION AWARDING THE TOWN OF SILVERTHORNE THEATER WATER MAIN PROJECT TO xxxxxxxxxxxxxxxxxxxx

WHEREAS, The Town of Silverthorne has funded this project in the 2015 budget;

WHEREAS, The Town of Silverthorne has determined a need for, and completed the design for the Silverthorne Theater Water Main Project to be constructed within the Town of Silverthorne Colorado, on Town Land;

WHEREAS, The Town of Silverthorne has taken all necessary steps, including any necessary legal bidding requirements under applicable law to determine a qualified contractor;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF SILVERTHORNE THAT:

1. The Silverthorne Town Council awards the Silverthorne Theater Water Main Project to XXXXXXXXX, for the amount of \$XXX,XXX
2. The Silverthorne Town Manager is authorized to sign a contract, between the Town of Silverthorne and XXXXXX Inc., for the Silverthorne Theater Water Main Project

INTRODUCED, READ AND ADOPTED ON THE 14th DAY OF October, 2015.

Bruce Butler– Mayor, Town of Silverthorne

Attest:

By _____
Michele Miller, Town Clerk

South Maryland Creek Ranch General Improvement District
Town of Silverthorne
Board Agenda Memorandum

To: Mayor and Town Council
From: Donna Braun, Finance Director *DB*
Thru: Ryan Hyland, Town Manager *RH*
Date: October 1, 2015 for meeting on October 14, 2015
Re: Ordinance No. 2015-01 - An Ordinance Setting the South Maryland Creek Ranch GID Property Tax Mill Levy for Taxable Year 2015 – 1st Reading

SUMMARY:

Ordinance #2015-01 sets the property tax mill levy for South Maryland Creek Ranch General Improvement District (District) for taxable year 2015. Taxable year 2015 is for property assessed in 2015 but bills and collects property tax related to this assessment in 2016 and therefore relates to the 2016 budget. This Ordinance will authorize the District to certify a mill levy of 30 mills with a temporary general property tax credit of 30 mills for net mills of zero.

PREVIOUS COUNCIL/BOARD OF DIRECTORS ACTION:

The Silverthorne Council approved the creation of the District as part of the annexation of South Maryland Creek Ranch (SMCR). This was done at the December 12, 2005 Town Council meeting. The fiscal analysis of SMCR annexation showed that providing SMCR municipal services would continually reflect an annual deficit of revenues to expenses and therefore would cost the Town and its citizen. The District was created in order to collect a property tax from SMCR property owners which in turn would be used to pay the annual deficit to the Town of Silverthorne. The ability to assess a property tax on properties within the District required a vote of the property owner. An election was held on April 4, 2006 at which time the one and only property owner gave a positive vote of acceptance of an annual mill levy not to exceed 30 mills in any given tax year. This mill levy assessment was to begin in taxable year 2006. The Town of Silverthorne Town Council is considered to be the Board of Directors for the District and is given the ability to assess and certify mills on behalf of the District.

DISCUSSION:

The annexation of SMCR took place in late 2005. The development of SMCR is to include 71 single family residences on over 300 acres of land. Since the 2005 annexation, the developer requested annexing an additional 61 acres and adding 12 additional single family residences. The additional residences will be placed in the same area as the original 71 single family lots and should have minimal financial impact on the Town. The additional annexation was completed January 9, 2008. The additional land is zoned open space/agricultural and is under the control of the SMCR HOA.

On June 10, 2015, the Silverthorne Town Council approved a major amendment to the SMCR PUD that would increase the number of single family units from 83 to 240 units. The developer is currently planning starting construction of homes in the spring of 2016.

The primary purpose of the District is meant to recover any deficits that providing municipal service to the District might bring to the Town. The Town has reviewed the Districts need for municipal services for fiscal year 2016 and determined there will be a

South Maryland Creek Ranch General Improvement District
Town of Silverthorne
Board Agenda Memorandum

need for minimal police and administration services amounting to approximately \$7,372 in costs that will need to be reimbursed to the Town.

The District is allowed to be assessed a mill levy not to exceed 30 mills per taxable year. In order to maintain these 30 mills in future years and in order to follow current State laws on taxation and property tax certification, the Board of Directors will need to certify the full 30 mills and will need to offset the 30 mills with a 30 mills "temporary general property tax credit/temporary mill levy rate reduction." The net result will be 0.00 mills assessed for taxable year 2015. Under this method the Board of Directors will have the ability to assess up to 30 mills in future years.

The 2016 budget for the District was reviewed via email by the GID advisory board. It was decided to recommend to Council that no mills be assessed on the District for taxable year 2015 due to the minimal costs the District would be liable for budget year 2016. The current landowner of SMCR will instead be invoiced directly for the costs of municipal services in 2016.

As the development of SMCR evolves, a long range financial plan will be refined based on the standards stated in SMCR annexation agreement and Ordinance #2005-17.

State statute requires that certified levies and revenues must be submitted to the Board of County Commissioners no later than December 15, 2015 for taxable year 2015.

RECOMMENDATION:

Staff and the Advisory Board recommend the approval of Ordinance No. 2015-01.

PROPOSED MOTION:

"I move to approve Ordinance No. 2015-01 on first reading, an ordinance levying property taxes for the taxable year 2015 on the South Maryland Creek Ranch General Improvement District."

ATTACHMENTS:

1. Ordinance# 2015-01
2. Advisory Board Recommendation

**SOUTH MARYLAND CREEK RANCH GENERAL IMPROVEMENT DISTRICT
TOWN OF SILVERTHORNE, COLORADO
ORDINANCE NO. 2015-01**

AN ORDINANCE LEVYING GENERAL PROPERTY TAXES FOR THE TAXABLE YEAR 2015 TO HELP DEFRAY THE COSTS OF MUNICIPAL GOVERNMENT SERVICES FOR THE SOUTH MARYLAND CREEK RANCH GENERAL IMPROVEMENT DISTRICT, SILVERTHORNE, COLORADO FOR 2015 BUDGET YEAR.

WHEREAS, the South Maryland Creek Ranch General Improvement District (SCMR GID) was created, approved and accepted by the Town of Silverthorne's Town Council on December 12, 2005; and

WHEREAS, on April 4, 2006, the SCMR GID voted and approved the ability to pay for Town of Silverthorne municipal services through a property tax not to exceed 30 mills; and

WHEREAS, the SMCR GID is a quasi-municipal subdivision of the State of Colorado and the Town of Silverthorne Town Council is the Board of Directors of the SMCR GID; and

WHEREAS, the Silverthorne Town Manager, designated by the Home Rule Charter (Section 6.1.b.4) to prepare the budget, has prepared and submitted to the Mayor and Town Council, seating as the SCMR GID Board of Directors, a proposed annual budget for the SMCR GID, located in Silverthorne Colorado, for the fiscal year beginning January 1, 2016 and ending December 31, 2016; and

WHEREAS, the annual Budget is prepared in accordance with the Home Rule Charter, Article VIII (Town Finances) and Section II (Budget Policies) of the Town of Silverthorne Financial Policies previously approved by the Council; and

WHEREAS, in accordance with the Home Rule Charter (Sections 4.5 - Procedure for passage of Ordinances and 14.13 - Publication of ordinances, notices and other documents) and the Town's Financial Policies (Section II.B.5 - Citizen participation), notice of the proposed budget was published in a newspaper of general circulation in Summit County prior to the public hearing scheduled in November; and

WHEREAS, in accordance with the Home Rule Charter (Section 4.5.c - Public hearing requirements) and the Town's Financial Policies (Section II.B.6 Public Hearing) a public hearing will be held at the regularly scheduled Town Council meeting on November 11th; and

WHEREAS, the adopted budget is available for review in the office of the Finance Director located in Town Hall; and,

WHEREAS, the amount of money necessary to balance the SMCR GID budget for 2016 is \$7,372; and

WHEREAS, the valuation for the assessment for the taxable year of 2015 for the SMCR GID as certified by the County Assessor is \$1,064,570; and

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE SOUTH MARYLAND CREEK RANCH GENERAL IMPROVEMENT DISTRICT ORDAINS:

Section 1:

That for the purpose of defraying general operating expenses of the SMCR GID during the 2016 budget year, there is hereby levied a tax of 30 mills upon each dollar of the total assessed valuation of all taxable property within the SMCR GID for the taxable year 2015.

Section 2:

That for the uniqueness of the SMCR GID budget year 2016, there is hereby levied a temporary general property tax credit/temporary mill levy rate reduction of 30 mills upon each dollar of the total assessed valuation of all taxable property within the SMCR GID for the taxable year 2015.

Section 3:

That for budget year 2016, the SMCR GID is hereby levying a total net tax of 0.00 mills upon each dollar of total asses valuation of all taxable property with the SMCR GID for the taxable year 2015.

Section 4:

The noted mills for taxable year 2015 are hereby approved and adopted and shall be signed by the Mayor and Town Clerk of the Town of Silverthorne and made a part of the public records of the SMCR GID located at the Town of Silverthorne, Colorado. Additionally, the Board of Directors authorizes and directs the Town Finance Director to certify to the County Commissioners of Summit County, Colorado, the total tax levy for the SMCR GID, as is herein set forth.

INTRODUCED, READ, APPROVED ON FIRST READING THE 14TH DAY OF OCTOBER, 2015.

READ AND ADOPTED ON SECOND AND FINAL READING AFTER CONDUCTING A PUBLIC HEARING ON THE 11TH DAY OF NOVEMBER, 2015.

**TOWN OF SILVERTHORNE, COLORADO
SMCR GID BOARD OF DIRECTORS
BY:**

Bruce Butler, Mayor

ATTEST:

By: _____
Michele Miller, Town Clerk

Approved on first reading	_____	2015
Published by title only on first reading	_____	2015
Approved on second reading	_____	2015
Published by title only on second reading	_____	2015

October 8, 2015

South Maryland Creek Ranch General Improvement District
Board of Directors

RE: SMCR GID Property Tax Mill Levy for Taxable Year 2015

This letter is in response to Ordinance 2015-01 setting the property tax for the South Maryland Creek Ranch General Improvement District for taxable year 2015.

Under Section 9 of the GID Ordinance, an advisory board made up of three members representing the developer and three members representing the town staff was formed to advise the Board of Directors as to affairs of the District. Therefore, the GID Advisory Board has outlined a recommendation to the Board of Directors regarding the property tax mill levy for taxable year 2015.

Since there were no new items for discussion, the SMCR GID Advisory Board decided that a meeting was not necessary and instead a memo was issued by email to the Advisory Board on October 2, 2015. The memo outlined a proposed mill levy of 0 mills and direct billing to SMCR for \$7,372 was appropriate for this year. All votes were received by October 8, 2015 and were in favor of the recommendation of 0 mills and direct billing.

Therefore, on behalf of the SMCR GID Advisory Board, we hereby recommend approval of Ordinance 2015-01.

Sincerely,



Joanna Hopkins

Ryan Hyland
Donna Braun
Bill Linfield

Bob Knous
Don Hunt

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Town of Silverthorne
Council Agenda Memorandum

TO: Mayor and Town Council
THRU: Ryan Hyland, Town Manager *OBH RH*
FROM: Michele Miller, MMC, Town Clerk *MM*
DATE: October 8, 2015 for meeting of October 14, 2015
SUBJECT: Liquor license renewal for Local Authority Consideration

SUMMARY:

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

BACKGROUND:

A. Locals Liquors, LLC dba Local Liquors – Liquor Store Liquor License

The applicant has submitted a renewal application for Local Liquors. The background investigation completed by the Police Department is attached. The Police Department has verified that all employees who sell alcohol have successfully completed a TIPS alcohol 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 LOCALS LIQUORS, LLC DBA LOCAL LIQUORS – LIQUOR STORE 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: September 26, 2015
TO: Michele Miller
FROM: Officer AJ Futro
SUBJECT: Background check for Liquor License or 3.2% Fermented Malt Beverage License Application, LOCALS LIQUORS, LLC.

Since their last application, Locals Liquors, LLC has not any alcohol-related incidents on their property.

Based on the background information of the Silverthorne Police Department, we do not have any objections to the approval of this Liquor License and 3.2% Fermented Malt Beverage application.

All Locals Liquors employees have are TIPS certified.

Reviewed by



Chief of Police

09-28-15
Date

**LIQUOR OR 3.2 BEER LICENSE
 RENEWAL APPLICATION**

LOCAL LIQUORS
 PO BOX 24902
 SILVERTHORNE CO 80498-4902

Fees Due	
Renewal Fee	\$227.50
Storage Permit \$100 x _____	_____
Optional Premise \$100 x _____	_____
Related Resort \$75 x _____	_____
Amount Due/Paid	

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 LOCALS LIQUORS LLC		DBA LOCAL LIQUORS		
Liquor License # 42180440000	License Type Liquor Store (city)	Sales Tax License # 42180440000	Expiration Date 10/26/2015	Due Date 9/11/2015
Street Address 358 BLUE RIVER PKWY UNIT H SILVERTHORNE CO 80498				Phone Number (303) 437 4643
Mailing Address PO BOX 24902 SILVERTHORNE CO 80498-4902				
Operating Manager	Date of Birth	Home Address	Phone Number	

- 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 10-1-16 with renewals
- 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 Nina C Carran	Title owner
Signature 	Date 9/4/15

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

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Town of Silverthorne
Town Council Agenda Memorandum

TO: Mayor and Town Council
THRU: Ryan Hyland, Town Manager *RH*
Mark Leidal, AICP, Assistant Town Manager
FROM: Matt Gennett, AICP, Planning Manager *MG*
DATE: October 9, 2015, for the meeting of October 14, 2015
SUBJECT: Final Plat and Site Plan - Angler Mountain Ranch (AMR) Lakeside Townhomes, Filing No. 8 (Project No. PT2015-24)

SUMMARY: The applicant is requesting Final Plat and Site Plan approval for two triplex buildings to be accessed off of Fly Line Drive. The application conforms to all of the development standards for Planning Area Two (PA-2) of AMR. The proposal would not disturb wetlands or affect geologic hazard areas if approved.

PREVIOUS COUNCIL ACTION: On May 10, 2006, the Town Council approved the Sketch Plan for a Major PUD Amendment and Residential Subdivision for AMR which contemplated a total of 241 residential units. Town Council on February 14, 2007, approved the AMR Preliminary Subdivision Plat with conditions. Final PUD zoning on the AMR project was approved by Town Council on May 14, 2007. Final Subdivision approval for Filings 1 and 2 of AMR was approved in May of 2007, and Filings 3 and 4 were approved in June of 2008. On May 13, 2009, the AMR Major PUD Amendment was given Final Plan approval reducing the total density to 232 residential units. Angler Mountain Ranch Lakeside Townhomes, Filing No. 5 was approved by Council on July 10, 2013. The Final Site Plan for AMR Lakeside Townhomes, Filing No. 5 – First Amendment, was approved by Council on August 14, 2013. Council approved the Preliminary Subdivision and Site Plan for AMR Lakeside Townhomes, Filing No. 6 on April 9, 2014. On September 10, 2014, Council approved a Final Site Plan for AMR Lakeside Townhomes, Filing No. 6. Council approved a Final Site Plan for AMR Lakeside Townhomes, Filing No. 7 on May 13, 2015.

BACKGROUND: AMR Lakeside Townhomes, Filing No. 8, continues the build-out of the remaining sixty-one (61) units AMR Lakeside Townhomes along the east side of Fly Line Drive. The completion of AMR Lakeside Townhomes will ultimately result in a final density of 127 units out of a total of 130 units approved for the PA-2 Planning Area. The development of AMR Lakeside Townhomes, Filing No. 8, will progress in keeping with the previous filings of Lakeside Townhomes.

DISCUSSION: Please see the attached Staff Report.

PLANNING COMMISSION RECOMMENDATION: Planning Commission, by a vote of 5-0, recommends approval of the Final Plat and Site Plan for AMR Lakeside Townhomes Filing No. 8.

PROPOSED MOTION: *"I move to approve the Final Plat and Final Site Plan for Angler Mountain Ranch Lakeside Townhomes, Filing No. 8."*

ATTACHMENTS:
Staff Report and Exhibits

Town of Silverthorne
Town Council Agenda Memorandum

MANAGER'S COMMENTS:

Town of Silverthorne, Colorado
Town Council Staff Report

From: Matt Gennett, AICP, Planning Manager *MG*

Thru: Mark Leidal, AICP, Assistant Town Manager

Date: October 9, 2015, for the meeting of October 14, 2015

Subject: Final Plat and Site Plan, Angler Mountain Ranch (AMR) Lakeside Townhomes, Filing No. 8 (PT2015-24)

Owner/Applicant: Tim Crane, Compass Homes Development, LLC

Proposal: The applicant is requesting Final Plat and Site Plan approval for two triplex buildings to be accessed off of Fly Line Drive. The application conforms to all of the development standards for Planning Area Two (PA-2) of AMR. The proposal would not disturb wetlands or affect geologic hazard areas if approved.
(Please see the attached plans for further information.)

Address: Not assigned

Legal Description: Tract 7C, Angler Mountain Ranch Lakeside Townhomes, Filing No. 7

Site Area: 1.39 acres

Zone District: PUD – AMR Planning Area 2 (PA-2)

Site Conditions: The proposed site is currently an undeveloped portion of PA-2 in the AMR PUD.

Adjacent Uses: North: Tract 7C, AMR Lakeside Townhomes, Filing No. 7
South: Tract 7C, AMR Lakeside Townhomes, Filing No. 7
East: Tract 7C, AMR Lakeside Townhomes, Filing No. 7
West: Tract 6B, AMR Lakeside Townhomes, Filing No. 6

Height: Allowed: 35' max
Proposed: 35' or less

Lot Coverage: Allowed: 40% max
Proposed: 22% (13,392 sq. ft.)

Parking: Required: 12 spaces
Proposed: 20 spaces

Snowstack: Required: 25% of paved surface or (1,001 sq. ft.)
Proposed: 25.7% (1,030 sq. ft.)

Town of Silverthorne, Colorado
Town Council Staff Report

Setbacks: Required: 20' front setback from Public ROW and private road easement or 20' front-loaded garage setbacks, 15' side, and 25' rear setback and a minimum of 15' separation between buildings.

 Proposed: Meets or exceeds setback requirements

PREVIOUS COUNCIL ACTION: On May 10, 2006, the Town Council approved the Sketch Plan for a Major PUD Amendment and Residential Subdivision for Angler Mountain Ranch which contemplated a total of 241 residential units. Town Council on February 14, 2007, approved the AMR Preliminary Subdivision Plat with conditions. Final PUD zoning on the AMR project was approved by Town Council on May 14, 2007. Final Subdivision approval for Filings 1 and 2 of AMR was approved in May of 2007, and Filings 3 and 4 were approved in June of 2008. On May 13, 2009, the AMR Major PUD Amendment was given Final Plan approval reducing the total density to 232 residential units. Angler Mountain Ranch Lakeside Townhomes, Filing No. 5 was approved by Council on July 10, 2013. The Final Site Plan for AMR Lakeside Townhomes, Filing No. 5 – First Amendment, was approved by Council on August 14, 2013. Council approved the Preliminary Subdivision and Site Plan for AMR Lakeside Townhomes, Filing No. 6 on April 9, 2014. On September 10, 2014, Council approved a Final Site Plan for AMR Lakeside Townhomes, Filing No. 6. Council approved a Final Site Plan for AMR Lakeside Townhomes, Filing No. 7 on May 13, 2015.

BACKGROUND: AMR Lakeside Townhomes, Filing No. 8, continues the build-out of the remaining sixty-one (61) units AMR Lakeside Townhomes along the east side of Fly Line Drive. The completion of AMR Lakeside Townhomes will ultimately result in a final density of 127 units out of a total of 130 units approved for the PA-2 Planning Area. The development of AMR Lakeside Townhomes, Filing No. 8, will progress in keeping with the previous filings of Lakeside Townhomes.

STAFF COMMENTS:

Final Subdivision Plat: The criteria for approval of a Final Plat are listed in Town Code Section 4-5-10(d) as follows: *1) Consistency with Comprehensive Plan and other Town master plans and standards. 2) Consistency with Chapter 4 of this code and other applicable standards established by the Town. 3) Consistency with Zone District Standards or Planned Unit Development Guide, if applicable.*

The Final Plat proposed for Lakeside Townhomes, Filing No. 8 adheres to the AMR PUD Development Plan and Guide, which was previously approved in accordance with Town Code Section 4-5-10(d). The proposed Final Plat subdivides Tract 7C into two new parcels: Tracts 8A and 8B, and is intended to facilitate the build-out of a portion of the remaining approved density in the PA-2 Planning Area. The proposed triplex structures will be located on Tract 8A, and Tract 8B is designated as a future expansion area.

Final Site Plan Analysis:

Zoning – Tract 7C is zoned as Planning Area 2 (PA-2) in the AMR PUD Guide.

Town of Silverthorne, Colorado
Town Council Staff Report

Residential units configured as Duplex, Townhome, Condominium, and Caretaker units are the permitted residential land uses in the PA-2 zoning designation. The proposed Final Site Plan is consistent with the approved PUD Guide.

Density – Two triplex structures are proposed on Tract 8A according to the Site Plan submitted with this application. The proposed density is consistent with the 4.2 dwelling units per acre maximum permitted in PA-2 by the AMR PUD Guide.

Setbacks – The two proposed triplex structures, as depicted on the Final Site Plan, meet or exceed the minimum building setback requirements of the approved AMR PUD Guide.

Exterior Lighting – Street lighting is being proposed as recommended by the Public Works Department. Cut/spec sheets for future exterior building light fixtures have been provided with this application to meet Town Code. Proposed exterior lighting fixtures will be reviewed again as part of each Building Permit application.

Grading and Drainage – The final drainage plan, as proposed, adequately addresses site drainage.

Driveways – Proposed driveway widths conform to minimum standards. Access to the six new residences will be directly off of Fly Line Drive.

Landscaping – Landscaping in the Angler Mountain Ranch development is required to follow Silverthorne Town Code (STC) landscaping requirements. In the case of a Multi-family residential development, 50% of all deciduous trees are required to be one and one-half (1.5) inch caliper and 50% are required to be two (2) inch caliper; 50% of the evergreen trees are required to be a minimum of six (6) feet in height; and, 50% are required to be eight (8) feet in height. The Applicant is proposing a landscaping plan which provides a variety of tree sizes that meet the requirements above with 29 deciduous trees, 29 evergreens, and 43 shrubs. Staff finds the proposal meets the standards of the Landscaping Requirements found in Section 4-6-11, STC.

Building Height – Final building height shall be measured from the site's predevelopment grade. Predevelopment grade is considered the grade level existent prior to any site grading work. The Applicant has proposed two (2) triplex structures depicted with roof heights at or below the maximum building height of 35 feet in PA-2.

Building Orientation and Siting – Pursuant to the requirements for PA-2 as detailed in the PUD Development Guide, the proposed new triplexes are sited and oriented in an appropriate manner.

Building Separation – Minimum building separation under the AMR PUD is fifteen (15) feet. The two triplex buildings have seventeen feet (17') of separation between them.

Environmental Hazards – There are no known environmental hazards on Tract 7C, AMR Lakeside Townhomes, Filing No. 7. While portions of AMR property do contain areas of

Town of Silverthorne, Colorado
Town Council Staff Report

possible slope instability, all areas approved for development are located outside identified the subareas with potential slope instability.

Sensitive Areas – Wetlands occur immediately to the south of the proposed eastern property line of Tract 8A. The Final Site Plan shows a limited amount of landscaping within the 25' wetland buffer in keeping with the provisions of the approved Disturbance Permit Application (DPA) for AMR. The applicant has proposed Best Management Practices (BMPs) that conform to the requirements of Section 4-8-21 *Disturbance Plan practice standards*.

Architecture – Residential units shown on the Lakeside Townhomes Filing No. 8 plans are multi-family units. Exterior maintenance of the structures will be conducted by a Homeowners Association. Under the PUD Guidelines the architecture must follow the following minimum architectural criteria:

- a) Siding may include wood siding, shake shingles, stucco accents, metal accents, or log with or without chinking. Combinations of siding are also permitted.
- b) Colors shall be earth tones and natural colors.
- c) Masonry and/or metal accents may be used.
- d) Garage doors should be sided to compliment the building siding.

Staff finds the two proposed triplex structures meet the minimum architectural criteria set forth in the PUD Guide.

PLANNING COMMISSION RECOMMENDATION:

Planning Commission, by a vote of 5-0, recommends approval of the Final Plat and Site Plan for AMR Lakeside Townhomes, Filing No. 8.

Suggested Motion: *“I move to approve the Final Plat and the Final Site Plan for Angler Mountain Ranch Lakeside Townhomes, Filing No. 8.”*

Alternative Motion: Should the Town Council find that the application does not meet the subdivision requirements, staff recommends the following motion:

“I move to deny the Final Plat and Site Plan for Angler Mountain Ranch Lakeside Townhomes, Filing No. 8, with the finding that it does not meet Town Code Section 4-5-3 Suitability of land for subdivision.”

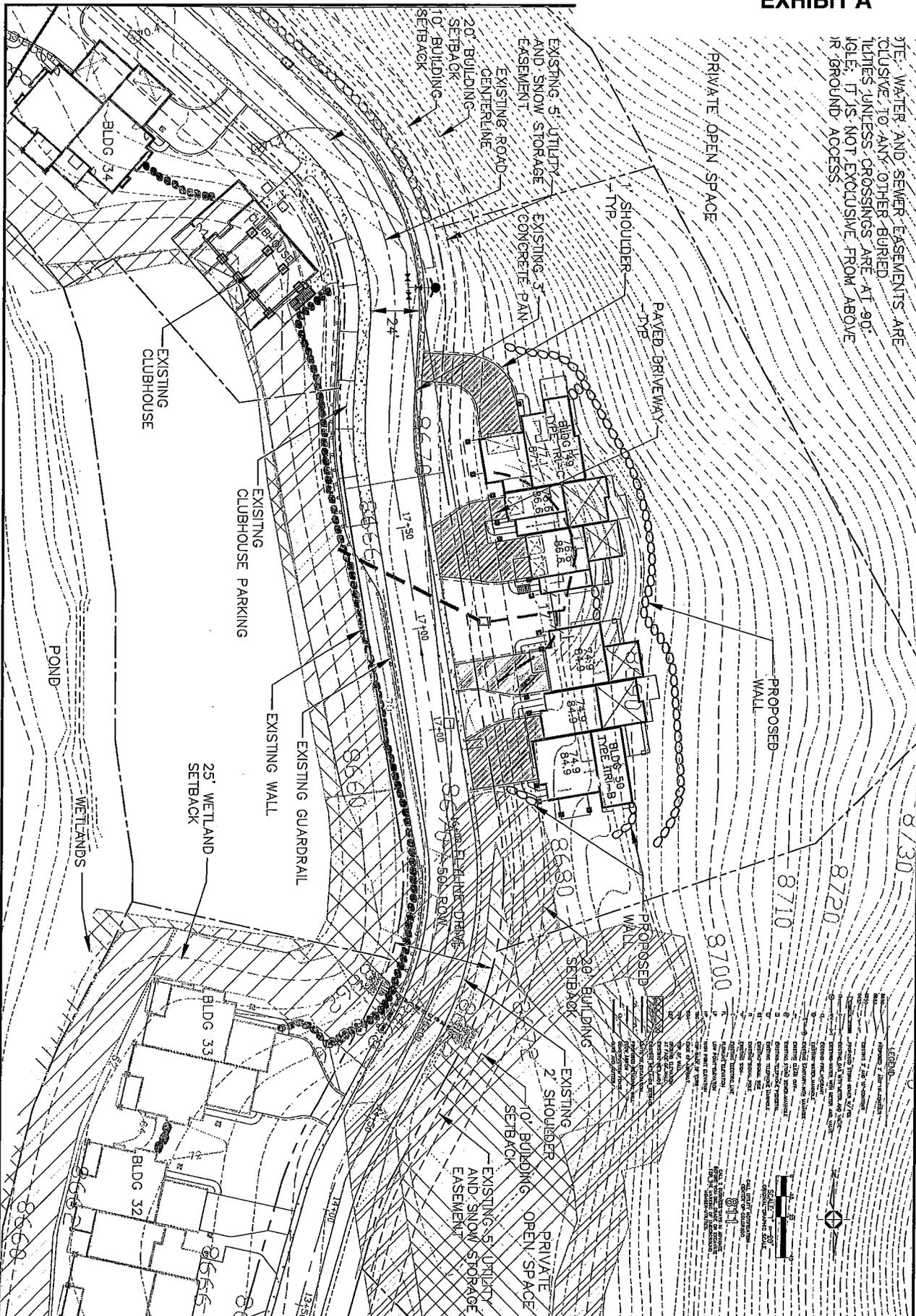
EXHIBITS:

Exhibit A: Reduced copy of the proposed Final Plat and Site Plan

ATTACHMENT:

Application Binder (contains all materials related to the Final Plat and Site Plan)

THE WATER AND SEWER EASEMENTS ARE
 CLUSIVE TO ANY OTHER BURIED
 UTILITIES UNLESS CROSSINGS ARE AT 90-
 DEGREE ANGLES, IT IS NOT EXCLUSIVE FROM ABOVE
 OR GROUND ACCESS.



ANGLER MOUNTAIN RANCH
 LAKESIDE TOWNHOMES FILING 8
 FINAL SITE PLAN AND PLAT
 TOWN OF SILVERTHORNE, COLORADO

TEN MILE
 ENGINEERING, INC.
 Professional Civil Engineers
 P.O. Box 1785
 Frisco, CO 80443
 970.485.5773
 tenmileengineer@aol.com

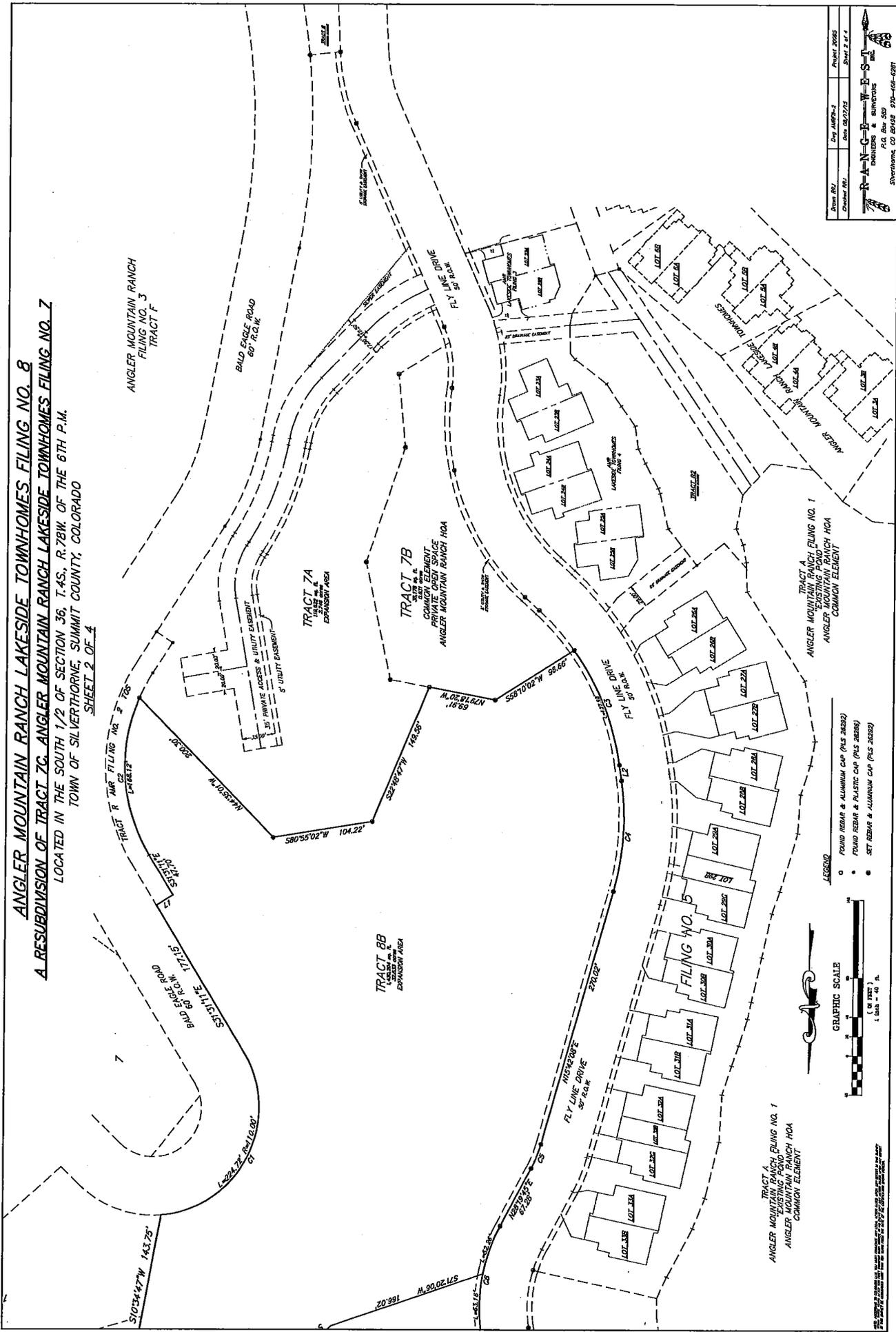


Project	101 Filing 8
Date	7/31/18
Scale	1"=20'
Sheet	4

No.	FINAL SUBMITAL Revision/Issue	5/6/18 Date	TOS FINAL SUBMITAL Description

ANGLER MOUNTAIN RANCH LAKESIDE TOWNHOMES FILING NO. 8
A RESUBDIVISION OF TRACT 7C, ANGLER MOUNTAIN RANCH LAKESIDE TOWNHOMES FILING NO. 7
 LOCATED IN THE SOUTH 1/2 OF SECTION 36, T-4S, R-78W, OF THE 6TH P.M.
 TOWN OF SILVERTHORNE, SUMMIT COUNTY, COLORADO
 SHEET 2 OF 4

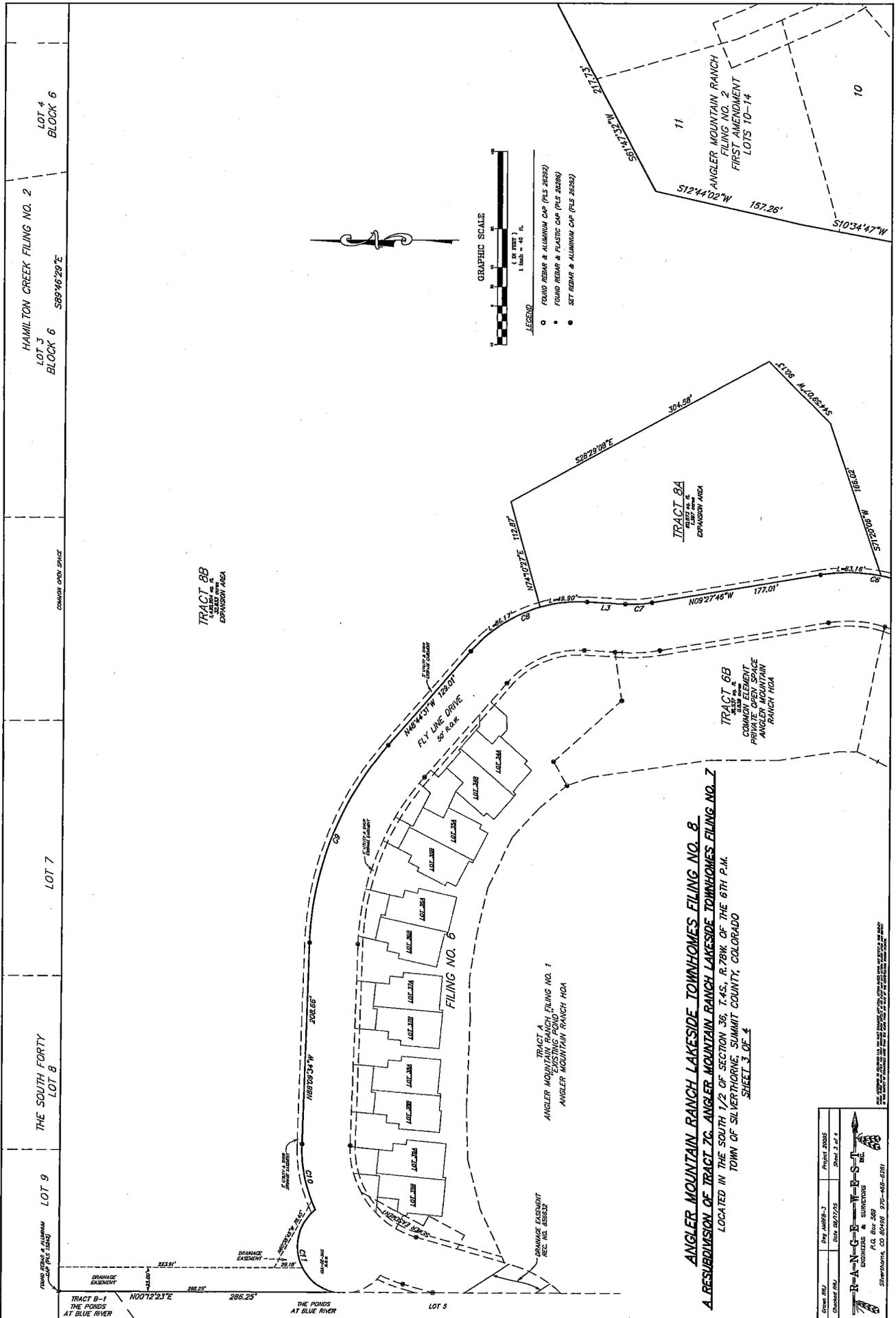
Drawn By	Day	Project
Checked By	Date	Sheet
 RANCO ENGINEERS & SURVEYORS P.O. Box 589 Silverthorne, CO 80418 970-465-6287		



- LEGEND**
- FOUND REBAR & ALUMINUM CAP (P.L.S. 20323)
 - FOUND REBAR & PLASTIC CAP (P.L.S. 20324)
 - SET REBAR & ALUMINUM CAP (P.L.S. 20322)



THIS PLAN AND THE TOWNHOMES IT DESCRIBES ARE THE PROPERTY OF RANCO ENGINEERS & SURVEYORS. NO PART OF THIS PLAN OR THE TOWNHOMES IT DESCRIBES MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF RANCO ENGINEERS & SURVEYORS.



HAMILTON CREEK FILING NO. 2
 LOT 3
 BLOCK 6 S89°46'29"E

LOT 4
 BLOCK 6

COMMON OPEN SPACE

LOT 7

THE SOUTH FORTY
 LOT 8

LOT 9

TRACT 8-1
 THE PONDS
 AT BLUE RIVER

TRACT 8B
 48,807 S.F.
 3,542 S.F. PER LOT
 EXPANSION AREA

THE PONDS
 AT BLUE RIVER

LOT 5

TRACT A
 ANGLER MOUNTAIN RANCH FILING NO. 1
 ANGLER MOUNTAIN RANCH HOA

FILING NO. 6

TRACT 8A
 48,807 S.F.
 3,542 S.F. PER LOT
 EXPANSION AREA

TRACT 8B
 48,807 S.F.
 3,542 S.F. PER LOT
 COMMON EASEMENT
 PRIVATE OPEN SPACE
 ANGLER MOUNTAIN
 RANCH HOA

ANGLER MOUNTAIN RANCH LAKESIDE TOWNHOMES FILING NO. 7
 A RESUBDIVISION OF TRACT 26, ANGLER MOUNTAIN RANCH LAKESIDE TOWNHOMES FILING NO. 2
 LOCATED IN THE SOUTH 1/2 OF SECTION 36, T.4S., R.78W. OF THE 6TH P.M.
 TOWN OF SILVERTHORNE, SUMMIT COUNTY, COLORADO
 SHEET 3 OF 4

Owner (R/L)	THE ANSER-3	Project #2002
Contract (R/L)	DATE 02/27/02	Sheet 3 of 4

R-A-N-C-E-W-E-S-I
 ENGINEERS & SURVEYORS
 P.O. Box 289
 Silverthorne, CO 80419 378-465-2291

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Town of Silverthorne
Town Council Agenda Memorandum

TO: Mayor and Town Council
THRU: Ryan Hyland, Town Manager *DRH*
Mark Leidal, AICP, Assistant Town Manager
FROM: Matt Gennett, AICP, Planning Manager *MG*
DATE: October 9, 2015, for the meeting of October 14, 2015
SUBJECT: First Reading of Ordinance No. 2015-14, an Ordinance Repealing and Reenacting Article XIII, Chapter 4, of the Silverthorne Town Code, Related to Retail Marijuana, and Adding a New Article XIV of Chapter 4 of the Silverthorne Town Code, Related to Medical Marijuana

SUMMARY: Ordinance No. 2015-14 is attached for first reading, and incorporates the recommended changes to the Silverthorne Town Code related to retail and medical marijuana.

BACKGROUND: To provide the Town with an ordinance reflecting the current status of the law and regulations associated with retail marijuana, Staff determined that it would be best to repeal and reenact the Town's retail marijuana code provisions.

PREVIOUS COUNCIL ACTION: The Town Council adopted Ordinance No. 2009-19 concerning Medical Marijuana Dispensaries on October 28, 2009. On February 13, 2013, the Council adopted a moratorium on location of Retail Marijuana Establishments; that moratorium expired on November 1, 2013. On September 11, 2013, Council passed on second reading Ordinance No. 2013-10, which regulates the sale of recreational marijuana. On June 11, 2014, the Council approved, on first reading, Ordinance No. 2014-6.

DISCUSSION: *Retail Marijuana* - The following is a brief summary of the substantive changes to Town Code:

- Sec. 4-13-3. Definitions were added, including the definition of marijuana club. The definition of medical marijuana dispensary was deleted and replaced by medical marijuana center in the new Article XIV, see below.
- Sec. 4-13-6. The application process and requirements were clarified and now reflect current state law.
- Sec. 4-13-11. This section allows for retail marijuana cultivation facilities under limited circumstances. We included a size limitation of 7,500 square feet, but that limitation may be modified as the Town Council sees fit. This section also prohibits a stand-alone retail cultivation facility – all retail marijuana cultivation facilities must share a location with a retail marijuana store.
- Sec. 4-13-12. This section was clarified to state that the location requirements apply only at the time of issuance of the initial license. If the neighborhood changes after issuance, the facility need not close or move.
- Sec. 4-13-14. This section prohibits the establishment of any new marijuana clubs, but allows existing marijuana clubs to continue so long as a permit is obtained from the Town (and only so long as state law allows

Town of Silverthorne
Town Council Agenda Memorandum

such clubs). The permits for marijuana clubs would be granted administratively by the Town Manager.

- Sec. 4-13-15. This section allows for dual operations (retail marijuana stores and retail marijuana cultivation facilities) in the same location. The maximum size was left blank, and should be determined by the Town Council.

Medical Marijuana

The Town's original provisions related to medical marijuana dispensaries (old term), and lacked much of the substantive regulations established by the Colorado Medical Marijuana Code and the rules and regulations adopted by the Colorado Department of Revenue. The revisions create an entirely new article to govern medical marijuana, and the regulations mirror the regulations related to retail marijuana stores and retail marijuana cultivation facilities.

THC Extraction/Openly and Publicly Use and Display

The ordinance also amends the section related to marijuana offenses, Section 2-4-35, by the addition of two new definitions and two new offenses.

On May 19, 2015, state law changed to make it a felony to manufacture marijuana concentrate by using an inherently hazardous substance in an unregulated environment. As a result, a person who is not licensed under the Colorado Retail or Medical Marijuana Codes is not permitted to manufacture marijuana concentrate using any liquid chemical, compressed gas, or commercial product that has a flash point at or lower than 38 degrees Celsius or 100 degrees Fahrenheit, including butane, propane, and diethyl ether. This bill expanded the types of substances and expanded the prohibition on the manufacturing of marijuana concentrate to all those who are not licensed. Therefore, the language from this statute was used.

In addition, a definition of "openly and publicly" was added to address the occasions where use and display of marijuana would not be permitted.

STAFF RECOMMENDATION: Staff recommends approval of Ordinance No. 2015-14, on first reading.

PROPOSED MOTION: *"I move to approve Ordinance No. 2015-14, on first reading."*

ALTERNATIVE MOTION: No motion is necessary should the Council decide not to approve Ordinance No. 2015-14, on first reading.

ATTACHMENTS:

EXHIBIT A: Ordinance No. 2015-14

MANAGER'S COMMENTS:

**TOWN OF SILVERTHORNE, COLORADO
ORDINANCE NO. 2015-14**

**AN ORDINANCE REPEALING AND REENACTING ARTICLE XIII OF
CHAPTER 4 OF THE SILVERTHORNE TOWN CODE, RELATED TO
RETAIL MARIJUANA, AND ADDING A NEW ARTICLE XIV OF
CHAPTER 4 OF THE SILVERTHORNE TOWN CODE, RELATED TO
MEDICAL MARIJUANA**

WHEREAS, the Town Council finds that it is in the best interests of its citizens to update its regulations on retail and medical marijuana to reflect changes in the applicable state law since the implementation of the Town's original regulations; and

WHEREAS, the Town Council finds that the following regulations reflect the desires of the community related to retail and medical marijuana, and that the adoption of this ordinance promotes the public health, safety and welfare.

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

Section 1. Article XIII of Chapter 4 of the Silverthorne Town Code is hereby repealed in its entirety and reenacted as follows:

**ARTICLE XIII
Retail Marijuana**

Sec. 4-13-1. Purpose.

The purpose of this Article is to implement the Colorado Retail Marijuana Code, C.R.S. § 12-43.4-101, *et seq.*, which authorizes the licensing and regulation of retail marijuana establishments and affords local governments the option to determine whether to allow retail marijuana establishments within their respective jurisdictions and to adopt licensing requirements that are supplemental to or more restrictive than the requirements set forth in state law.

Sec. 4-13-2. State law.

(a) The Colorado Retail Marijuana Code and any rules and regulations promulgated thereunder, as amended, are incorporated herein by reference except to the extent that more restrictive or additional regulations are set forth in this Article. In addition to the regulations set forth in this Article, the Town may enforce any provision of the Retail Marijuana Code and any rules and regulations promulgated thereunder applicable to licensees.

(b) To the extent the state has adopted or adopts in the future any additional or stricter law or regulation governing the sale or distribution

of retail marijuana or retail marijuana products, the additional or stricter regulation shall control in the Town. Compliance with any applicable state law or regulation shall be deemed an additional requirement for issuance or denial of any license under this Article, and noncompliance with an applicable state law or regulation shall be grounds for revocation or suspension of a license issued hereunder.

(c) A licensee may be required to demonstrate, upon demand by the Authority, the Silverthorne Police Department, law enforcement officers, or such other departments or individuals duly authorized by the Town, that the source and quantity of marijuana found upon the licensed premises are in full compliance with applicable state law or regulation.

(d) If the state prohibits the sale, cultivation or other distribution of marijuana, a license issued hereunder shall be deemed immediately revoked by operation of law, with no ground for appeal.

(e) The issuance of a license pursuant to this Article shall not be deemed to create an exception, defense or immunity to any person in regard to any potential criminal liability the person may have for the cultivation, possession, sale, distribution or use of marijuana.

Sec. 4-13-3. Definitions.

Unless otherwise defined herein, the terms in this Article shall have the same meaning as set forth in § 16 of Article XVIII of the Colorado Constitution and Article 43.4 of Title 12, C.R.S., and any implementing regulations. The following terms shall have the following meanings:

Advertise, advertising or advertisement means the act of drawing the public's attention to a premises or name to promote the sale of marijuana or marijuana products.

Colorado Retail Marijuana Code means Article 43.4 of Title 12, C.R.S., and any rules or regulations promulgated thereunder.

Cultivation or cultivate means the process by which a person grows a marijuana plant.

Financial interest means an ownership interest including without limitation a membership, directorship or officership; or any creditor interest, whether such interest is evidenced by any written document.

Dual operation means a business that operates as both a licensed medical marijuana business and a licensed retail marijuana store.

Good cause means:

- a. The licensee or applicant has violated, does not meet or has failed to comply with any of the terms, conditions or provisions of this Article or the Colorado Retail Marijuana Code;
- b. The licensee or applicant has failed to comply with any special term or condition that was placed on its license by the state or the Authority; or
- c. The licensee's retail marijuana store has been operated in a manner that adversely affects the public health, welfare or safety of the immediate neighborhood. Evidence to support such a finding can include: a continuing pattern of offenses against the public peace; a continuing pattern of drug-related criminal conduct within the premises or in the immediate area surrounding the premises arising out of the operation of the store; or a continuing pattern of criminal conduct directly related to or arising from the operation of a retail marijuana store or retail cultivation facility.

Marijuana club means a place not used for residential purposes where individuals gather to consume or grow marijuana, regardless of whether such place calls itself private or public or charges an admission or membership fee.

Marijuana products means concentrated marijuana products and marijuana products that are comprised of marijuana and other ingredients and are intended for use or consumption, such as edible products, ointments, and tinctures.

Retail marijuana establishment means a retail marijuana store, a retail marijuana cultivation facility, a retail marijuana product manufacturing facility or a retail marijuana testing facility.

School means a public or private elementary, middle, junior high or high school.

State licensing authority means the Executive Director of the Department of Revenue or the Deputy Director of the Department of Revenue, as set forth in C.R.S. § 12-43.4-201.

Sec. 4-13-4. License required.

(a) It is unlawful for any person to test, cultivate, produce, manufacture, sell or otherwise distribute, for remuneration, any marijuana or marijuana products for nonmedical use in the Town without first obtaining a license to operate a retail marijuana establishment pursuant to the Colorado Retail Marijuana Code and this Article; provided that this

Section shall not apply to an individual 21 years of age or older acting in conformance with § 16(3) of Article XVIII of the Colorado Constitution.

(b) The requirements of this Article shall be in addition to, and not in lieu of, any other requirements imposed by any state or local law.

(c) The only type of retail marijuana establishments permitted in the Town are retail marijuana stores and retail cultivation facilities. All other types of retail marijuana establishments are expressly prohibited.

Sec. 4-13-5. Local licensing authority.

(a) For the purpose of regulating and controlling the licensing of the sale of retail marijuana in the Town, there is hereby created a local licensing authority. The local licensing authority shall be the Town Council and is referred to herein as the "Authority."

(b) The Authority shall have such powers and duties as are set forth in this Article, the Colorado Retail Marijuana Code and § 16(5)(e) of Article XVIII of the Colorado Constitution.

(c) The Authority may examine at any time the records of each licensee which the Authority determines are necessary to verify license requirements, provided that the contents of such records remain confidential.

(d) The Authority may adopt, amend, alter and repeal administrative rules and regulations as necessary for the proper administration of this Article.

Sec. 4-13-6. Application.

(a) An application for a retail marijuana store or retail cultivation facility license shall be made to the Authority upon forms created and provided by the Authority, and shall include the following:

(1) Proof of ownership or legal possession of the premises for the term of the license;

(2) Consent from the landowner if the premises will be leased;

(3) Name, social security number and address of the applicant;

(4) If the applicant is a corporation, partnership, limited liability company or other business entity, the name, social security number and address of each officer or director of the entity and of

any person holding 1% or more of the issued and outstanding capital stock or other ownership interest of the entity;

(5) A complete set of fingerprints for each person specified in subsections (3) and (4);

(6) A state and Town sales tax number, if applicable;

(7) Name and address of the proposed manager(s) of the establishment;

(8) An operating plan, including the following:

a. A description of the products and services to be provided;

b. A floor plan showing all interior dimensions and the layout, including all limited access areas, areas of ingress and egress, all security cameras and the principal uses of each floor area;

c. A security plan; and

d. An area map, drawn to scale, indicating, within a ¼-mile radius of the boundaries of the property upon which the establishment is located, the proximity of the property to any school or to any residential zone district.

(9) A statement of whether or not any person holding any ownership interest in the establishment has:

a. Been denied an application for a medical or retail marijuana establishment license by the state in this or any other jurisdiction, or had such a license suspended or revoked; or

b. Been convicted of a felony or has completed any portion of a sentence due to a felony charge within the preceding 5 years.

(10) Proof that the premises is located on an appropriately zoned lot;

(11) The application fee; and

(12) Any additional documents or information reasonably requested by the Authority.

(b) Upon receipt of the application, the Authority may circulate the application to the Community Development Department, the Police Department, the local fire protection district or any other department or agency the Authority deems necessary to determine whether the proposed facility is or will be in compliance with any and all laws, rules and regulations administered by these respective departments and agencies.

Sec. 4-13-7. Public hearing.

(a) Upon receipt of an application, except an application for renewal or for transfer of ownership or location of a previously issued license within the Town, the Authority shall schedule a public hearing upon the application.

(b) Not less than 10 days prior to the hearing, the Authority shall give public notice by the posting in a conspicuous place on the licensed premises, by publication in a newspaper of general circulation in Summit County, Colorado, and by first-class mail to all property owners and tenants within 500 feet of the boundaries of the real property upon which the retail marijuana store or retail cultivation facility is proposed to be located in accordance with Article VII of this Code.

(c) Prior to commencement of the public hearing, an applicant may withdraw its application, and the public hearing shall be cancelled.

(d) At the public hearing, the Authority shall consider the following:

(1) Whether the proposed retail marijuana business complies with this Code and applicable law.

(2) Whether the application contains a material falsehood or misrepresentation;

(3) The criminal history of the applicant and the applicant's owners, officers and managers;

(4) Whether the applicant is of good moral character; and

(5) Whether the applicant is capable of meeting any conditions placed on the license by the Authority.

Sec. 4-13-8. Issuance or denial.

(a) The Authority, in its sole discretion, may issue and grant to the applicant a retail marijuana store or retail cultivation facility license, subject to the provisions of this Article, § 16 of Article XVIII of the Colorado Constitution and the Colorado Retail Marijuana Code, with or without

conditions. The Authority shall deny any application for a license that is not in compliance with this Article, the Colorado Retail Marijuana Code or any other applicable state or local law or regulation.

(b) After approval of an application and prior to the issuance of a license, the premises may be inspected by the Building Official to determine compliance with the Town's building and technical codes. No license shall be issued if the premises does not comply with such codes as identified by the Building Official in writing. Throughout the term of the license, the Building Official may inspect the licensed premises to determine continuing compliance with the Town's building and technical codes.

(c) Upon approval or denial of an application, the Authority shall promptly forward its decision to the state licensing authority.

Sec. 4-13-9. Fees.

(a) Licensing fees, operating fees, renewal fees and all other fees necessary for the administration, regulation and implementation of this Article shall be set by the Authority by resolution.

(b) At least annually, the fees shall be reviewed and, if necessary, adjusted to reflect the direct and indirect costs incurred by the Town in connection with the administration and enforcement of this Article, including costs of unannounced compliance checks; provided that the failure of the Town to perform such review shall not affect the validity of any fees.

Sec. 4-13-10. Retail marijuana stores.

(a) A retail marijuana store may only sell marijuana between the hours of 9:00 a.m. and 7:00 p.m.

(b) A retail marijuana store license shall be issued for a specific fixed location, which shall be considered the licensed premises. No licensed premises for a retail marijuana store shall exceed 7,500 square feet in gross floor area.

(c) Each retail marijuana store shall post a sign in a conspicuous location stating:

IT IS ILLEGAL TO TRANSFER MARIJUANA TO ANYONE
UNDER THE AGE OF 21. IT IS ILLEGAL TO SEND OR
TRANSPORT MARIJUANA TO ANOTHER STATE. THE
POSSESSION OF MARIJUANA REMAINS A CRIME
UNDER FEDERAL LAW.

(d) It is unlawful for a retail marijuana store to employ any person at the licensed premises who is younger than 21 years of age.

(e) The name and contact information for the owner and any manager of the retail marijuana store shall be conspicuously posted in the store, together with the name and contact information of a person designated by the owner to be contacted in the event of an emergency.

(f) All product storage shall be indoors in a sealed/locked cabinet except when being accessed for distribution. Products, accessories and associated paraphernalia shall not be visible from a public sidewalk or right-of-way.

(g) Cultivation of marijuana may take place within a shared premises licensed as a retail marijuana store under this Article by a licensee who has also obtained a retail cultivation facility license from the state and the Town and subject to the requirements of this Article.

(h) Each retail marijuana store shall contain a proper ventilation system that filters out the odor of marijuana so that the odor is not capable of being detected by a person with a normal sense of smell at the exterior of the lot on which the licensed premises is located.

(i) No change shall be made to the floor plan of the interior of a licensed premises unless such modification is first approved by the Authority.

(j) No marijuana shall be smoked, eaten or otherwise consumed or ingested on the licensed premises.

(k) A retail marijuana store shall provide adequate security on the premises. The premises shall be monitored and secured 24 hours per day, including, at a minimum, the following measures:

(1) Cameras to monitor all areas where persons may gain or attempt to gain access to marijuana, marijuana products or monies maintained by the facility.

(2) Cameras to monitor the main entrance along the interior and exterior of the premises.

(3) Surveillance video to be preserved for at least forty (40) days in a format that can be easily accessed for viewing by law enforcement, in an off-site location.

(4) Exterior lighting to illuminate the exterior of the premises;

(5) A locking safe permanently affixed to the premises that is suitable for storage of marijuana and cash stored overnight; and

(6) A security alarm system in compliance with the Colorado Retail Marijuana Code.

Sec. 4-13-11. Retail marijuana cultivation facilities.

(a) A retail cultivation facility license shall be issued for a specific fixed location, which shall be considered the licensed premises. No licensed premises for a retail marijuana cultivation facility shall exceed 7,500 square feet in gross floor area.

(b) A retail marijuana cultivation facility may propagate, cultivate, harvest, prepare, cure, package and label retail marijuana, whether in concentrated form or otherwise.

(b) A retail marijuana cultivation facility may only sell its marijuana to a retail marijuana store that is located on a shared licensed premises with the retail marijuana cultivation facility and only if the retail marijuana cultivation facility is owned by the same person or entity owning the retail marijuana store.

(c) A retail marijuana cultivation facility shall not sell retail marijuana to any consumer.

(d) A retail marijuana cultivation facility shall remit any applicable excise tax due in accordance with Article 28.8 of Title 39, C.R.S., based on the average wholesale prices set by the state. A retail marijuana cultivation facility shall track the marijuana it cultivates from seed or immature plant to wholesale purchase. Prior to delivery of any sold retail marijuana, the retail marijuana cultivation facility shall provide evidence that it paid any applicable excise tax on the retail marijuana due pursuant to Article 28.8 of Title 39, C.R.S.

(e) Retail marijuana or retail marijuana products may not be consumed on the premises of a retail marijuana cultivation facility.

(f) It is unlawful for any retail cultivation facility to employ any person at the licensed premises who is younger than 21 years of age.

(g) A retail marijuana cultivation facility shall comply with the security requirements set forth in Section 4-13-10(k).

(h) No change shall be made to the floor plan of the interior of any licensed premises unless such modification is first approved by the Authority.

Sec. 4-13-12. Location.

- (a) No retail marijuana business shall be located:
 - (1) Within 500 feet of a licensed child care facility;
 - (2) Within 500 feet of an educational institution or school, either public or private;
 - (3) Within 500 feet of a halfway house or correctional facility;
 - (4) Within 500 feet of a residential dwelling, whether located within or outside of the Town;
 - (5) Within five 500 feet of a public park, recreation center or any publicly owned or maintained building open for use to the general public;
 - (6) In a building containing residential units;
 - (7) No retail marijuana store or retail cultivation facility shall be located in a moveable or mobile structure;
 - (8) Within 1,000 feet of another retail marijuana store or retail cultivation facility, whether such business is located within or outside of the Town;
 - (9) In a building containing a pediatrician's office;
 - (10) In a residential zone district; or
 - (11) In a building that contains a hotel, motel, condominium hotel, boarding facility or rooming facility.

(b) Distances shall be computed by direct measurement from the nearest property line of the land used for the above purposes to the unit within a building or structure housing the licensed premises.

(c) The suitability of a location shall be determined at the time of the issuance of the first license for such business. The fact that changes in the neighborhood that occur after the issuance of the first license for the location might render the site unsuitable shall not be grounds to suspend, revoke or refuse to renew the license so long as the license remains in effect.

Sec. 4-13-13. Persons prohibited as licensees and managers.

- (a) No license shall be issued to or held by any of the following:

(1) A person whose criminal history indicates he or she is not of good moral character;

(2) A corporation, any of whose officers, directors or stockholders whose criminal histories indicate that they are not of good moral character;

(3) A partnership, association or company, any of whose officers, whose criminal history indicates that they are not of good moral character;

(4) A person employing, assisted by, or financed in whole or in part by any other person whose criminal history indicates that he or she is not of good character and reputation satisfactory to the Authority;

(5) A sheriff, deputy sheriff, police officer, prosecuting officer, and state or Authority or any of its members, inspectors or employees;

(6) A natural person under 21 years of age;

(7) A person for a licensed location that is also a retail food store or wholesale food registrant;

(8) A person who has not been a resident of Colorado for at least 2 years prior to the date of the application;

(9) A person who has discharged a sentence for a felony conviction within the past 5 years;

(10) A person who, at any time, has been convicted of a felony for drug possession, distribution or use, unless such charge was based on possession or use of marijuana or marijuana concentrate that would not be a felony if the person were convicted of the offense on the date he or she applied for the license;

(11) An entity whose directors, shareholders, partners or other persons having a financial interest in said entity do not meet the criteria set forth above;

(12) A person who employs another person at a retail marijuana store who has not submitted fingerprints for a criminal record history check or whose criminal record history check reveals the employee is ineligible; or

(13) A person who has made a false, misleading or fraudulent statement on his or her application.

(b) In investigating the qualifications of an applicant, the Authority may access criminal history record information furnished by a criminal justice agency subject to any restrictions imposed by such agency. If the Authority takes into consideration such information, the Authority shall also consider any information provided by the applicant, including without limitation evidence of rehabilitation, character references, and educational achievements, especially those items pertaining to the period of time between the applicant's last criminal conviction and the consideration of the application for a license.

(c) No licensee shall employ or contract with to perform work functions directly related to the possession, cultivation, dispensing, selling, serving or delivering of marijuana for a licensed retail marijuana store or retail cultivation facility, any of the following:

- (1) A person who is not of good moral character;
- (2) A person who is under 21 years of age;
- (3) A person who is not currently a resident of Colorado;
- (4) A person who has discharged a sentence for a felony conviction within the past 5 years;
- (5) A person who, at any time, has been convicted of a felony for drug possession, distribution or use, unless such felony drug charge was based on possession or use of marijuana or marijuana concentrate that would not be a felony if the person were convicted of the offense on the date he or she applied for the license; or
- (6) A sheriff, deputy sheriff, police officer, prosecuting officer, and the Authority or any of its members.

Sec. 4-13-14. Marijuana clubs.

(a) A marijuana club operating on the effective date of the ordinance codified in this Article shall be permitted to continue to operate in its current location upon compliance with this Section. No new marijuana clubs shall be permitted in the Town.

(b) Within 30 days of the effective date of the ordinance codified in this Section, the marijuana club shall submit a permit application to the Town on forms provided by the Town Clerk, along with a nonrefundable application fee as established by resolution. The application fee shall be used by the Town to defray the costs incurred by the Town for inspection, administration and law enforcement.

(c) No permit may be held by any person prohibited as a licensee as described in Section 4-13-12.

(d) An initial application and application for renewal of a permit issued under this Section shall be submitted to the Town Manager or designee. In determining whether renewal of the permit is appropriate, the Town Manager shall consider the following:

- (1) Any nuisances created by the marijuana club;
- (2) Any complaints received by the Town regarding the marijuana club; and
- (3) Any change in the applicable law regarding marijuana clubs.

(e) If the Town Manager determines that issuance or renewal of the permit is in the best interests of the public health, safety and welfare, the Town Manager shall approve the application. The Town Manager shall have the authority to impose such reasonable terms and conditions on a permit as may be necessary to protect the public health, safety and welfare.

(f) A permit issued under this Section shall be valid for one (1) year from the date of issuance, shall be limited to the premises specified in the application, and shall not be assignable or transferable to any other person.

(g) An application for the renewal of an existing permit shall be made to the Town not more than 60 days and not less than 30 days prior to the date of expiration of the permit. The timely filing of a completed renewal application shall extend the current permit until a decision is made on the renewal.

(h) If applicable law changes to prohibit marijuana clubs, or to determine that marijuana clubs are actually retail marijuana establishments subject to the Retail Marijuana Code, any permit issued pursuant this Section shall automatically expire, without any action by the Town and without any opportunity for appeal.

Sec. 4-13-15. Dual operations.

(a) The following dual operations are permitted within the Town:

- (1) A medical marijuana center that does not authorize patients under the age of 21 years to be on the premises may hold a retail marijuana store license and operate a dual operation at the

same licensed premises if the two operations are commonly owned.

(2) An medical marijuana optional premises cultivation and a retail marijuana cultivation facility may share a licensed premises if the two operations are commonly owned.

(b) Provided that a medical marijuana center displays signage that clearly conveys that persons under the age of 21 years may not enter, such center may share the same entrances and exits to the shared premises with the retail marijuana store, and medical and retail marijuana may be separately displayed on the same floor. Recordkeeping for the operations of both businesses must allow the Town to clearly distinguish the inventories and business transactions of medical marijuana and medical marijuana-infused products from retail marijuana and retail marijuana products.

(c) Licensees who operate dual operations under this Section shall maintain separate and distinct inventory tracking processes for medical and retail marijuana inventories and plants. The inventories must be clearly tagged or labeled so that the products can be reconciled to a particular medical or retail business.

(d) A licensee that operates an optional premises cultivation operation and a retail marijuana cultivation facility shall maintain either physical or virtual separation of the facilities, marijuana plants, and marijuana inventory.

(e) The total licensed premises for a dual operation shall not exceed _____ square feet.

Sec. 4-13-16. Advertising.

(a) A licensee may not cause advertisements, signs, displays or other promotional material depicting marijuana use or symbols to be shown or exhibited off the premises or in any manner which is visible to the public from roadways, pedestrian sidewalks or walkways, other public places, including advertising utilizing any of the following media: a billboard or other outdoor general advertising device; a sign mounted on a vehicle; a hand-held or other portable sign; or a handbill, leaflet or flier directly handed to any person in a public place, left on a motor vehicle or posted upon any public or private property without the consent of the property owner.

(b) The prohibition set forth in this Section shall not apply to:

(1) A sign located on the same zone lot as a retail marijuana store which exists solely for the purpose of identifying the

location of the retail marijuana store and which otherwise complies with this Code;

(2) An advertisement in a newspaper, magazine or other periodical; or

(3) Advertising which is purely incidental to sponsorship of a charitable or community event.

(c) No signage associated with a retail marijuana business shall use the words "marijuana," "cannabis" or other word or phrase commonly understood to refer to marijuana.

(d) Advertising shall not be misleading, deceptive or false.

(e) Advertising, as evidenced either by the content of the advertising material or by the medium or the manner in which the advertising is disseminated, shall not be designed to appeal to minors.

(f) An advertisement for marijuana or any marijuana-infused product shall include the following language: "For adults 21 and over only"; provided that this language shall not be required to be displayed upon a sign identifying the retail marijuana business.

Sec. 4-13-17. License.

(a) Upon issuance of a license, the Town shall provide the licensee with one original.

(b) A license is valid for one year from the date of issuance and may be renewed only as provided in this Article. An application for the renewal shall be made to the Authority not more than 60 days and not less than 30 days prior to the date of expiration of the license. The timely filing of a completed renewal application shall extend the current license until a decision is made on the renewal.

(c) All renewals are subject to a renewal fee in the amount established by the Authority.

Sec. 4-13-18. Visibility of activities; control of emissions.

(a) All activities of retail marijuana businesses shall be conducted indoors.

(b) No retail marijuana or paraphernalia shall be displayed or kept in a retail marijuana business so as to be visible from outside the licensed premises.

(c) Sufficient measures and means of preventing smoke, odors, debris, dust, fluids and other substances from exiting a retail marijuana business must be provided at all times. If any odors, debris, dust, fluids or other substances exit a retail marijuana business, the owner and licensee shall be jointly and severally liable for such conditions and shall be responsible for immediate and complete clean-up and correction of such condition. The licensee shall properly dispose of all such materials, items and other substances in a safe, sanitary and secure manner and in accordance with all applicable federal, state and local laws and regulations.

Sec. 4-13-19. Books and records.

(a) A licensee shall maintain an accurate and complete record of all retail marijuana purchased, sold or dispensed by the retail marijuana business, including the following:

(1) Identity of the seller and purchaser involved in each transaction;

(2) Total quantity of and amount paid for the retail marijuana or the retail marijuana product(s); and

(3) Date, time and location of each transaction.

(b) Transactions shall be kept in a numerical register in the order in which they occur.

(c) All records shall be kept in the English language in a legible manner and must be preserved and made available for inspection for a period of 3 years after the date of the transaction. Information inspected by the Silverthorne Police Department or other Town departments pursuant to this Article shall be used for regulatory and law enforcement purposes only and shall not be a matter of public record.

Sec. 4-13-20. Inspection.

During business hours and other times of apparent activity, a licensed premises shall be subject to inspection by the Authority and the Silverthorne Police Department for the purpose of investigating and determining compliance with this Article and other applicable state and local laws.

Sec. 4-13-21. Management.

(a) Licensees who are natural persons shall either manage the licensed premises themselves or employ a separate and distinct manager on the premises and report the name of such manager to the Authority.

Licensees that are entities shall employ a manager on the premises and report the name of the manager to the Authority. A manager shall be a natural person at least 21 years of age.

(b) A licensee shall report a change in manager to the Authority within 30 days after the change. Such report shall include all information required for managers under this Section.

(c) A licensee shall report a transfer or change of financial interest in the license holder or in the medical marijuana business that is the subject of the license within 30 days. A report shall be required for any transfer of the capital stock of a public corporation totaling more than 10% of the stock in any one year, as well as any transfer of a controlling interest in the corporation whenever a sufficient number of shares have been transferred to effectuate the transfer of a controlling interest.

(d) When a licensee causes a change in its officers or directors, and a license addendum is required to be filed with the state, an application fee shall be paid to the Authority at the time of filing the addendum with the Authority.

Sec. 4-13-22. Change in financial interest.

(a) A licensee shall report in writing to the Authority a transfer or change of financial interest, within 30 days after any such transfer or change. A transfer application shall be required for any transfer of the capital stock of a corporation or any other interest totaling more than 10% of the stock in any one year, as well as any transfer of a controlling interest in the corporation whenever a sufficient number of shares have been transferred to effectuate the transfer of a controlling interest. No person having or acquiring a financial interest in licensee shall be a person who has discharged a sentence for a felony conviction within the past 5 years, or who has been convicted of a felony for drug possession, distribution or use, unless such felony drug charge was based on possession or use of marijuana or marijuana concentrate that would not be a felony if the person were convicted of the offense on the date he or she applied for the license.

(b) When a licensee causes a change in its officers, directors or manager, and a license addendum is required to be filed with the state that does not require a transfer application, a fee shall be paid to the Town at the time of filing the addendum with the Town.

Sec. 4-13-23. Transfer of ownership.

(a) For a transfer of ownership, a licensee shall apply to the Authority on forms provided by the state.

(b) In considering whether to permit a transfer of ownership, the Authority shall consider the requirements of this Article, the Colorado Retail Marijuana Code and applicable regulations.

(c) The Authority may hold a hearing on the application for a transfer of ownership, but such hearing shall not be held until notice of such hearing has been posted on the licensed premises for at least 10 days prior to such hearing, and the applicant has been provided at least 10 days prior written notice of such hearing.

Sec. 4-13-24. Change of location.

(a) A licensee from another jurisdiction may not transfer its license to a location within the Town without approval from the Authority.

(b) A licensee with a permanent retail store in the Town may transfer its license to another location within the Town so long as the applicant and the new location conform to the requirements of this Article.

Sec. 4-13-25. Suspension, revocation, expiration and nonrenewal.

(a) The Authority may, after notice and hearing, suspend, revoke or refuse to renew a license for good cause, including suspension or revocation of the licensee's license. The Authority may adopt rules and procedures governing the conduct of such hearings.

(b) A license for a retail cultivation facility shall automatically expire if there ceases to be a licensed retail marijuana store located on the shared premises.

(c) The Authority may, in its discretion, revoke or elect not to renew a license if it determines that the licensed premises has been inactive, without good cause, for at least 3 months.

Sec. 4-13-26. Violation and penalty.

In addition to the possible denial, suspension, revocation or nonrenewal of a license, a person, including without limitation, a licensee, manager or employee of a retail marijuana business or any customer of such business who violates this Article shall be subject to the penalties set forth in Section 1-1-19 of this Code. Each day of violation shall be a separate offense. The operation of a retail marijuana business without a valid license is also deemed to be a nuisance.

Sec. 4-13-27. Indemnification, release and immunity.

(a) By accepting a license, all licensees, jointly and severally if more than one, agree to indemnify, defend and hold harmless the Town,

its officers, elected officials, employees, attorneys, agents, insurers and self-insurance pool against all liability, claims and demands on account of any injury, loss or damage, including, without limitation, claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever arising out of or in any manner connected with the operation of the retail marijuana store that is the subject of the license, and such licensees waive and release the Town, its officers, elected officials, employees, attorneys and agents from any liability for injuries, damages or liabilities of any kind that result from any arrest or prosecution of a licensee, operator, employee, client or customer for a violation of state or federal laws, rules or regulations.

(b) In adopting this Article, the Town Council is relying on and does not waive or intend to waive by any provision of this Article, the monetary limitations or any other rights, immunities and protections provided by the Colorado Governmental Immunity Act, C.R.S. § 24-10-101, *et seq.*, as amended, or any other limitation, right, immunity, or protection otherwise available to the Town, its officers or its employees.

Section 2. Chapter 4 of the Silverthorne Town Code is hereby amended by the addition of the following Article XIV:

ARTICLE XIV Medical Marijuana

Sec. 4-14-1. Purpose.

The purpose of this Article is to implement the provisions of the Colorado Medical Marijuana Code, C.R.S. § 12-43.3-101, which authorizes the licensing and regulation of medical marijuana businesses and affords local government the option to determine whether to allow medical marijuana businesses within their respective jurisdictions and to adopt licensing requirements that are supplemental to or more restrictive than the requirements set forth in state law.

Sec. 4-14-2. State law.

(a) The provisions of the Colorado Medical Marijuana Code and any rules and regulations promulgated thereunder, as amended, are incorporated herein by reference except to the extent that more restrictive or additional regulations are set forth in this Article. In addition to the regulations set forth in this Article, the Town may enforce any provision of the Medical Marijuana Code and any rules and regulations promulgated thereunder applicable to licensees.

(a) To the extent the state has adopted or adopts in the future any additional or stricter law or regulation governing the sale or distribution of medical marijuana or medical marijuana-infused products, the additional

or stricter regulation shall control the establishment or operation of a medical marijuana business in the Town. Compliance with any applicable state law or regulation shall be deemed an additional requirement for issuance or denial of any license under this Article, and noncompliance with any applicable state law or regulation shall be grounds for revocation or suspension of any license issued hereunder.

(c) A licensee may be required to demonstrate, upon demand by the Authority or by law enforcement officers, that the source and quantity of any marijuana found upon the licensed premises are in full compliance with any applicable state law or regulation.

(d) If the state prohibits the sale or other distribution of marijuana through medical marijuana centers, a license issued hereunder shall be deemed immediately revoked by operation of law, with no ground for appeal or other redress on behalf of the licensee.

(e) The issuance of a license under this Article shall not be deemed to create an exception, defense or immunity to any person for any potential criminal liability the person may have for the cultivation, possession, sale, distribution or use of marijuana.

(f) Nothing in this Article shall be construed to prohibit, regulate or otherwise impair the use of medical marijuana by patients or the provision of medical marijuana by a primary caregiver to a patient in accordance with the Colorado Constitution, and consistent with C.R.S. § 25-1.5-106, and rules promulgated thereunder, as amended.

Sec. 4-14-3. Definitions.

Unless otherwise defined herein, the terms in this Article shall have the same meaning as set forth in § 14 of Article XVIII of the Colorado Constitution and Article 43.3 of Title 12, C.R.S., and any implementing regulations. The following terms shall have the following meanings:

Advertise, advertising or advertisement means the act of drawing the public's attention to a premises or name in order to promote the sale of marijuana or marijuana products.

Colorado Medical Marijuana Code means Article 43.3 of Title 12, C.R.S., and any rules or regulations promulgated thereunder.

Criminal justice agency means a federal, state, or municipal court or a governmental agency or subunit of such agency that performs the administration of criminal justice pursuant to a statute or executive order and that allocates a substantial part of its annual budget to the administration of criminal justice.

Cultivation or cultivate means the process by which a person grows a marijuana plant.

Financial interest means any ownership interest, including, without limitation, a membership, directorship or officership; or any creditor interest, whether or not such interest is evidenced by any written document.

Good cause means:

a. The licensee has violated, does not meet, or has failed to comply with this Article;

b. The licensee has failed to comply with any special terms or conditions that were placed on its license at the time the license was issued, or that were placed on its license in disciplinary proceedings; or

c. The licensee's medical marijuana business has been operated in a manner that adversely affects the public health, welfare or safety of the immediate neighborhood in which the medical marijuana business is located. Evidence to support such a finding can include: a continuing pattern of offenses against the public peace; a continuing pattern of drug-related criminal conduct within the premises of the medical marijuana business or in the immediate area surrounding the medical marijuana business; or a continuing pattern of criminal conduct directly related to or arising from the operation of the medical marijuana business.

Limited access area means a building, room, or other contiguous area upon the licensed premises where medical marijuana is grown, cultivated, stored, weighed, displayed, packaged, sold, or possessed for sale, under control of the licensee, with limited access to only those persons licensed by the state licensing authority.

Medical marijuana business means a licensed Medical Marijuana Center, a Medical Marijuana-Infused Products Manufacturer, or an Optional Premises Cultivation Operation.

Minor patient means a patient less than 18 years of age.

Sec. 4-14-4. License required.

(a) It is unlawful to establish or operate a medical marijuana business in the Town without a current license from the Authority.

(b) The requirements of this Article shall be in addition to, and not in lieu of, any other requirements imposed by any state or local law.

(c) The only type of medical marijuana businesses permitted and licensable in the Town are medical marijuana centers and optional premises cultivation operations. All other types of medical marijuana businesses are expressly prohibited.

Sec. 4-14-5. Local licensing authority.

(a) For the purpose of regulating and controlling the licensing of the sale of marijuana in the Town, there is hereby created a local licensing authority. The local licensing authority shall be the Town Council and is referred to herein as the "Authority."

(b) The Authority shall have such powers and duties as are set forth in this Article, the Colorado Medical Marijuana Code and § 14 of Article XVIII of the Colorado Constitution.

(c) The Authority may examine at any time those records of each licensee which the Authority determines are necessary to verify license requirements, provided that the contents of such records remain confidential and not a part of the public records.

(d) The Authority may adopt, amend, alter and repeal administrative rules and regulations as may be necessary for the proper administration of this Article.

Sec. 4-14-6. Application.

(a) A person seeking a license or renewal of a license shall submit an application to the Authority on forms provided by the Town, including all information required in Section 4-13-6 of this Code.

(b) Upon receipt of an application, the Authority may circulate the application to the Community Development Department, the Police Department, the local fire protection district or any other department or agency the Authority deems necessary to determine whether the proposed facility is or will be in compliance with any and all laws, rules and regulations administered by these respective departments and agencies.

Sec. 4-14-7. Public hearing.

(a) Upon receipt of an application, except an application for renewal or for transfer of ownership or location of a previously issued license within the Town, the Authority shall schedule a public hearing not less than 30 days after the date of submittal of a complete application.

(b) Not less than 10 days prior to the hearing, the Authority shall give public notice by the posting in a conspicuous place on the licensed premises, by publication in a newspaper of general circulation in Summit

County, Colorado, and by first-class mail to all property owners and tenants within 500 feet of the boundaries of the real property upon which the medical marijuana center or optional premises cultivation operation is proposed to be located, in accordance with Article VII of this Code.

(c) Not less than 5 days prior to the date of the public hearing for a new license, the Authority shall cause its preliminary findings based on its investigation to be known in writing to the applicant and other parties in interest. The local licensing authority has authority to refuse to issue a license provided for in this section for good cause, subject to judicial review.

(d) Prior to commencement of the public hearing, an applicant may withdraw its application, and the public hearing shall be cancelled.

(e) At the public hearing, the Authority shall consider the following:

(1) Whether the proposed medical marijuana center or optional premises cultivation operation complies with this Code;

(2) Whether the application contains a material falsehood or misrepresentation;

(3) The criminal history of the applicant and the applicant's owners, officers and managers;

(4) Whether the applicant is of good moral character; and

(5) Whether the applicant is capable of meeting any conditions placed on the license by the Authority.

Sec. 4-14-8. Issuance or denial.

(a) The Authority, in its sole discretion, may issue and grant to the applicant a medical marijuana center or optional premises cultivation license, subject to the provisions of this Article, § 14 of Article XVIII of the Colorado Constitution and the Colorado Medical Marijuana Code, with or without conditions. The Authority shall deny any application that is not in compliance with this Article, the Colorado Medical Marijuana Code or any other applicable state or local law or regulation.

(b) After approval of an application and prior to the issuance of a license, the premises may be inspected by the Building Official to determine compliance with the Town's building and technical codes. No license shall be issued if the premises does not comply with such codes as identified by the Building Official in writing. Throughout the term of the license, the Building Official may inspect the licensed premises to

determine continuing compliance with the Town's building and technical codes.

(c) Upon approval or denial of an application, the Authority shall promptly forward its decision to the state licensing authority.

Sec. 4-14-9. Fees.

(a) License fees, operating fees, renewal fees and all other fees necessary for the administration, regulation and implementation of this Article shall be set by the Authority by resolution.

(b) At least annually, the amount of fees charged pursuant to this Section shall be reviewed and, if necessary, adjusted to reflect the direct and indirect costs incurred by the Town in connection with the administration and enforcement of this Article, including costs of unannounced compliance checks; provided that the failure of the Town to perform such review shall not affect the validity of any fees.

Sec. 4-14-10. Medical marijuana centers.

(a) A medical marijuana center may sell marijuana and marijuana-infused products only to registered patients or primary caregivers.

(b) A medical marijuana center may open no earlier than 9:00 a.m. and shall close no later than 7:00 p.m. the same day. A medical marijuana center may be open 7 days a week.

(c) The medical marijuana offered for sale and distribution shall be labeled with a list of all chemical additives including non-organic pesticides, herbicides and fertilizers used in cultivation and production.

(d) With the exception of medical marijuana-infused products, all medical marijuana offered for sale and distribution shall be comprised of medical marijuana grown at the medical marijuana center's own optional premises cultivation licensed facility.

(e) Medical marijuana centers may not be co-located with facilities used to prepare, produce or assemble food, whether for medical or nonmedical purposes.

Sec. 4-14-11. Optional premises cultivation operations.

(a) A license for an optional premises cultivation operation may only be issued to a currently licensed medical marijuana center licensee.

(b) A licensed optional premises cultivation operation may only sell its marijuana to a licensed medical marijuana center owned by the same licensee.

(c) An optional premises cultivation operation license may only be issued for the same licensed premises as its own medical marijuana center.

Sec. 4-14-12. Location.

(a) No medical marijuana center or optional premises cultivation operation shall be located:

- (1) Within 500 feet of a licensed child care facility;
- (2) Within 500 feet of an educational institution or school, either public or private;
- (3) Within 500 feet of a halfway house or correctional facility;
- (4) Within 500 feet of a residential dwelling, whether located within or outside of the Town;
- (5) Within 500 feet of a public park, recreation center or publicly owned or maintained building open for use to the general public;
- (6) In a building containing residential units;
- (7) In a moveable or mobile structure;
- (8) Within 1,000 feet of another medical marijuana center or optional premises cultivation, whether such business is located within or outside of the Town;
- (9) In a building containing a pediatrician's office;
- (10) In a residential zone district; or
- (11) In a building containing a hotel, motel, condominium hotel, boarding facility or rooming facility.

(b) Distances shall be computed by direct measurement from the nearest property line of the land used for the above purposes to the unit within a building or structure housing the license premises

(c) The suitability of a location shall be determined at the time of the issuance of the first license for such location. The fact that changes in

the neighborhood that occur after the issuance of the first license might render the site unsuitable shall not be grounds to suspend, revoke or refuse to renew the license so long as the license remains in effect.

Sec. 4-14-13. Persons prohibited as licensees.

- (a) No license shall be issued to, held by, or renewed by:
- (1) A person whose criminal history indicates that he or she is not of good moral character;
 - (2) A corporation, if the criminal history of any of its officers, directors, or stockholders indicates that the officer, director, or stockholder is not of good moral character;
 - (3) A partnership, association or company, any of whose officers are not of good moral character;
 - (4) A person employing, assisted by, or financed in whole or in part by any other person whose criminal history indicates he or she is not of good character and reputation satisfactory to the respective licensing authority;
 - (5) A sheriff, deputy sheriff, police officer, prosecuting officer or member of the Authority;
 - (6) A natural person under 21 years of age;
 - (7) A person who fails to file any tax return with a taxing agency, stay out of default on a government-issued student loan, pay child support, or remedy outstanding delinquent taxes;
 - (8) A person for a licensed location that is also a retail food establishment or wholesale food registrant;
 - (9) A person who has not been a resident of Colorado for at least 2 years prior to the date of the application;
 - (10) A person who has discharged a sentence for a felony conviction within the past 5 years;
 - (11) A person who has ever been convicted of a felony for drug possession, distribution or use;
 - (12) A person whose license for a medical marijuana business in another Town, Town and county or state has been revoked;

(13) A licensed physician making patient recommendations;

(14) An entity whose directors, shareholders, partners or other persons having a financial interest in said entity do not meet the criteria set forth above; or

(15) A person who has made a false, misleading or fraudulent statement on his or her application.

(b) In investigating the qualifications of the applicant, the Authority may access criminal history record information furnished by a criminal justice agency subject to any restrictions imposed by such agency. If the Authority takes into consideration such information, the Authority shall also consider any information provided by the applicant, including without limitation evidence of rehabilitation, character references, and educational achievements, especially those items pertaining to the period of time between the applicant's last criminal conviction and the consideration of the application for a license.

(c) No licensee shall employ or contract with to perform work functions directly related to the possession, cultivation, dispensing, selling, serving or delivering of marijuana for a licensed medical marijuana center or optional premises cultivation operation, any of the following:

(1) A person who is not of good moral character;

(2) A person who is under 21 years of age;

(3) A person who is not currently a resident of Colorado;

(4) A person who has discharged a sentence for a felony conviction within the past 5 years;

(5) A person who, at any time, has been convicted of a felony for drug possession, distribution or use, unless such felony drug charge was based on possession or use of marijuana or marijuana concentrate that would not be a felony if the person were convicted of the offense on the date he or she applied for the license; or

(6) A sheriff, deputy sheriff, police officer, prosecuting officer, or member of the Authority.

Sec. 4-14-14. Advertising.

(a) A licensee may not cause advertisements, signs, displays or other promotional material depicting marijuana use or symbols to be

shown or exhibited off the premises or in any manner which is visible to the public from roadways, pedestrian sidewalks or walkways, other public places, including advertising utilizing any of the following media: a billboard or other outdoor general advertising device; a sign mounted on a vehicle, a hand-held or other portable sign; or a handbill, leaflet or flier directly handed to any person in a public place, left on a motor vehicle or posted upon any public or private property without the consent of the property owner.

(b) The prohibition set forth in subsection (a) shall not apply to:

(1) A sign located on the same zone lot as a medical marijuana business which exists solely for the purpose of identifying the location of the medical marijuana business and which otherwise complies with this Code;

(2) An advertisement in a newspaper, magazine or other periodical; or

(3) Advertising which is purely incidental to sponsorship of a charitable or community event.

(c) No signage associated with a medical marijuana business shall use the words "marijuana," "cannabis" or other word or phrase commonly understood to refer to marijuana.

(d) Advertising shall not be misleading, deceptive or false.

(e) As evidenced either by the content of the advertising or by the medium or the manner in which the advertising is disseminated, advertising shall not be designed to appeal to minors.

Sec. 4-14-15. Issuance of license; duration; renewal.

(a) Upon issuance of a license, the Town shall provide the licensee with one original.

(b) A license is valid for one year from the date of issuance and may be renewed only as provided in this Article. An application for the renewal shall be made to the Authority not more than 60 days and not less than 30 days prior to the date of expiration of the license. The timely filing of a completed renewal application shall extend the current license until a decision is made on the renewal.

(c) Renewals are subject to a renewal fee in the amount established by the Authority.

Sec. 4-14-16. Visibility of activities; emissions.

The activities and emissions of a medical marijuana business operation shall comply with Section 4-13-18 of this Code.

Sec. 4-14-17. Books and records.

(a) Each licensee shall maintain an accurate and complete record of all medical marijuana purchased, sold or dispensed by the medical marijuana business in any usable form, including:

(1) The identity of the seller and purchaser involved in each transaction;

(2) The total quantity of, and amount paid for, the medical marijuana and the medical marijuana-infused product(s); and

(3) The date, time and location of each transaction.

(b) A patient or primary caregiver shall provide to the licensee, and the licensee shall record, the following information:

(1) The patient or primary caregiver's name, date of birth, and current street address, including municipality, state and zip code;

(2) The form of identification that was presented by the patient or primary caregiver, which may include any of the following, and the identifying number, if any, from such form: an identification card issued in accordance with C.R.S. § 42-2-302; a valid state driver's license; a military identification card, or an alien registration card;

(3) A registry identification card and, in the case of a primary caregiver, the date the primary caregiver was designated by the patient for whom the medical marijuana was purchased.

(c) Information provided to the licensee by a patient or primary caregiver need not include any information regarding the patient's physical or medical condition.

(d) Transactions shall be kept in a numerical register in the order in which they occur.

(e) All records shall be kept in the English language in a legible manner and preserved and made available for inspection for 3 years after the date of the transaction. Information shall be used for regulatory and law enforcement purposes only and shall not be a matter of public record.

Sec. 4-14-18. Inspection.

During business hours and other times of apparent activity, a licensed premises shall be subject to inspection by the Authority and the Silverthorne Police Department for the purpose of investigating and determining compliance with this Article and other applicable state and local laws.

Sec. 4-14-19. Management.

(a) Licensees who are natural persons shall either manage the licensed premises themselves or employ a separate and distinct manager on the premises and report the name of such manager to the Authority. Licensees that are entities shall employ a manager on the premises and report the name of the manager to the Authority. A manager shall be a natural person at least 21 years of age.

(b) A licensee shall report a change in manager to the Authority within 30 days after the change. Such report shall include all information required for managers under this Section.

(c) A licensee shall report a transfer or change of financial interest in the license holder or in the medical marijuana business that is the subject of the license within 30 days. A report shall be required for any transfer of the capital stock of a public corporation totaling more than 10% of the stock in any one year, as well as any transfer of a controlling interest in the corporation whenever a sufficient number of shares have been transferred to effectuate the transfer of a controlling interest.

(d) When a licensee causes a change in its officers or directors, and a license addendum is required to be filed with the state, an application fee shall be paid to the Authority at the time of filing the addendum with the Authority.

Sec. 4-14-20. Change in financial interest.

(a) A licensee shall report in writing to the Authority a transfer or change of financial interest in the licensee within 30 days after any such transfer or change. A transfer application shall be required for any transfer of the capital stock of a corporation or any other interest totaling more than 10% of the stock in any one year, as well as any transfer of a controlling interest in the corporation whenever a sufficient number of shares have been transferred to effectuate the transfer of a controlling interest. No person having or acquiring a financial interest in a licensee shall be a person who has discharged a sentence for a felony conviction within the past 5 years, or who has been convicted of a felony for drug possession, distribution or use, unless such felony drug charge was based on possession or use of marijuana or marijuana concentrate that would

not be a felony if the person were convicted of the offense on the date he or she applied for the license.

(b) When a licensee causes a change in its officers, directors or manager, and a license addendum is required to be filed with the state that does not require a transfer application, a fee shall be paid to the Town at the time of filing the addendum with the Town.

Sec. 4-14-21. Transfer of ownership.

(a) For a transfer of ownership, a license holder shall apply to the state and the Authority on forms provided by the state.

(b) In considering whether to permit a transfer of ownership, the Authority shall consider the requirements of this Article, the Colorado Medical Marijuana Code and regulations promulgated thereunder.

(c) The Authority may hold a hearing on the application for a transfer of ownership, but such hearing shall not be held until notice of such hearing has been posted on the licensed premises for at least 10 days prior to such hearing, and the applicant has been provided at least 10 days prior written notice of such hearing.

Sec. 4-14-22. Change of location.

(a) A licensee from another jurisdiction may not transfer its license to a location within the Town without approval from the Authority.

(b) A licensee with a permanent medical marijuana center or optional cultivation facility in the Town may transfer its license to another location within the Town if the applicant and the new location conform to the requirements of this Article.

Sec. 4-14-23. Suspension, revocation, expiration and nonrenewal.

(a) The Authority may, after notice and hearing, suspend, revoke or refuse to renew a license for good cause. The Authority may adopt rules and procedures governing the conduct of such hearings.

(b) A license for an optional premises cultivation operation shall automatically terminate if there ceases to be a medical marijuana center located on the shared premises.

(c) The Authority may, in its discretion, revoke or elect not to renew a license if it determines that the licensed premises has been inactive, without good cause, for at least 90 days.

Sec. 4-14-24. Violation and penalty.

(a) It is unlawful for a licensee to:

(1) Sell, give, dispense or otherwise distribute medical marijuana to anyone other than a patient, primary caregiver, licensee or medical marijuana business that is licensed in another jurisdiction in the state;

(3) Purchase or otherwise obtain medical marijuana from a source that is not properly authorized under state and local law to sell or dispense medical marijuana;

(4) Permit the sale or consumption of alcohol beverages on the licensed premises;

(5) Dispense marijuana to a person that is or appears to be under the influence of alcohol or under the influence of any controlled substance, including marijuana; or

(6) Permit on the licensed premises any person other than:

a. The licensee, the licensee's manager, employees and financial interest holders;

b. A patient in possession of a registry identification card or its functional equivalent;

c. A minor patient accompanied by a parent or lawful guardian in possession of the minor patient's registry identification card;

d. A minor accompanied by a parent or legal guardian who is a patient;

e. A primary caregiver in possession of his or her patient's registry identification card and the patient's written designation of said person as the patient's primary caregiver, as submitted to the Colorado Department of Public Health and Environment;

f. A person whose physical presence and assistance are necessary to assist a patient;

g. A person who is actively engaged in the maintenance, repair or improvement of the licensed premises or in the provision of accounting or other

professional directly related to the conduct of the licensee's medical marijuana business; or

h. Law enforcement officers, inspectors and other officials or employees of any federal, state or local government or agency engaged in the lawful performance of official duties.

(b) In addition to the possible denial, suspension, revocation or nonrenewal of a license, a person who violates this Article shall be subject to the penalties set forth in Section 1-1-19 of this Code. The operation of a medical marijuana business without a valid license issued pursuant to this Article is also deemed to be a nuisance.

Sec. 4-14-25. Indemnification, release and immunity.

(a) By accepting a license, all licensees, jointly and severally if more than one, agree to indemnify, defend and hold harmless the Town, its officers, elected officials, employees, attorneys, agents, insurers and self-insurance pool against all liability, claims and demands on account of any injury, loss or damage, including, without limitation, claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever arising out of or in any manner connected with the operation of the medical marijuana business that is the subject of the license, and such licensees further waive and release the Town, its officers, elected officials, employees, attorneys and agents from any liability for injuries, damages or liabilities of any kind that result from any arrest or prosecution of center owners, operators, employees, clients or customers for a violation of state or federal laws, rules or regulations.

(b) In adopting this Article, the Town Council is relying on and does not waive or intend to waive by any provision of this Article, the monetary limitations or any other rights, immunities and protections provided by the Colorado Governmental Immunity Act, C.R.S. § 24-10-101, *et seq.*, as amended, or any other limitation, right, immunity, or protection otherwise available to the Town, its officers or its employees.

Section 3. Section 2-4-35 of the Silverthorne Town Code is hereby repealed in its entirety and reenacted as follows:

Sec. 2-4-35. Possession or use of marijuana.

(a) For purposes of this Section, the following terms shall have the following meanings:

Openly or publicly means the consumption or growing of marijuana in a place commonly or usually open to or accessible by the general public, or

to which members of the general public may resort, including without limitation public ways, streets, sidewalks, alleys, bicycle paths, trails, golf courses, public buildings, parks, open spaces, parking lots, shopping centers, places of business usually open to the general public, and automobiles or other vehicles in or upon any such place or places, but excluding the interior or enclosed yard area of private homes, residences, condominiums or apartments. For purposes of this Code, "openly or publicly" expressly includes the consumption or growing of marijuana in any place not used for residential purposes where individuals gather to consume or grow marijuana, regardless of whether such place calls itself private or public or charges an admission or membership fee, and which does not have a valid permit pursuant to Section 4-13-14 of this Code.

Inherently hazardous substance means a liquid chemical, compressed gas, or commercial product that has a flash point at or lower than 38 degrees Celsius or 100 degrees Fahrenheit, including butane, propane, and diethyl ether and excluding all forms of alcohol and ethanol.

(b) It is unlawful:

(1) For a person without a license to display, purchase, transport, possess or transfer more than one ounce of marijuana in the Town.

(2) For a person without a license to possess, grow, process or transport in the Town more than 6 marijuana plants, with 3 or fewer being mature, flowering plants. A person may possess the marijuana produced by these plants, provided that such possession is limited to the premises where the plants were grown and further provided that the growing takes place in an enclosed locked space and is not conducted openly or publicly or made available for sale.

(3) For a person under the age of 21 to use, display, purchase, transport, possess or transfer marijuana, marijuana products or marijuana accessories anywhere in the Town; except pursuant to § 14 of Article XVIII of the Colorado Constitution.

(4) For a person 21 years of age or older to purchase on behalf of, transfer to, or otherwise assist a person under the age of 21 in obtaining marijuana, marijuana products or marijuana accessories in the Town.

(5) For a person to openly or publicly consume or grow marijuana or to consume marijuana in a manner that endangers others in the Town.

(6) For a person to knowingly manufacture marijuana concentrate using an inherently hazardous substance.

(7) For a person who is not licensed pursuant to Article XIII or Article XIV of Chapter 4 of this Code, who owns, manages, operates, or otherwise controls the use of any premises, to knowingly allow marijuana concentrate to be manufactured on the premises using an inherently hazardous substance.

Section 4. Severability. If any provision of this ordinance or portion thereof is held by a court of competent jurisdiction to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect any other provision which can be given effect without the invalid portion.

Section 5. Safety Clause. The adoption of this ordinance will promote the health, safety, and general welfare of the Silverthorne community.

Section 6. 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 ____ DAY OF _____, 2015.

ADOPTED ON SECOND AND FINAL READING THIS ____ DAY OF _____, 2015.

TOWN OF SILVERTHORNE, COLORADO

Bruce Butler, Mayor

ATTEST:

Michele Miller, Town Clerk

Approved on the first reading: _____, 2015

Published by title only: _____, 2015

Approved on the second reading: _____, 2015

Published by title only: _____, 2015

(with amendments, if amended on second reading): _____, 2015

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Town of Silverthorne
Council Agenda Memorandum

To: Mayor and Town Council
From: Donna Braun, Finance Director *DB*
Thru: Ryan Hyland, Town Manager *DB Jn Rst*
Date: October 7, 2015 for meeting of October 14, 2014
Subject: Ordinance# 2015-13 – 2015 Appropriations Ordinance – 1st Reading

SUMMARY:

The Town Council is asked to consider Ordinance No. 2015-13, an appropriations ordinance amending the 2015 budget to allow for the adjustment to revenues and expenditures as related to operations, capital projects and transfers.

PREVIOUS COUNCIL ACTION:

The Town's Charter allows for additional appropriations by ordinance during the fiscal year for adjustments required of the Town. Note that the Ordinance complies with the Charter regulation Section 8.7 in that "the additional appropriations do not exceed the amount by which actual and anticipated revenues of the year and prior year available cash exceed the expenditures as estimated in the budget" (updated long range plans, Exhibit B, are provided whereby the 2015 budget column reflects the requested appropriations.)

BACKGROUND:

We're now down to the last three months of fiscal year 2015. Revenues and expenditures have become more known as we've moved through the year. Most of the adjustments in this Ordinance reflect actual results and projections for the remainder of the year. Prior Council approved expenditures are also included. An explanation of Exhibit A is as follows:

General Fund (GF)

General Fund Revenues.

- Sales Tax revenues are seeing greater results than originally budgeted. This is specifically true in the building and consumer retail category. - **\$275,000**
- The 2014 Town's MJ excise tax was \$34,000 greater than the amount allowed by the 2013 MJ excise tax election question. Even though the tax is exempt from TABOR rules, the 1st year of the new revenue is not exempt. The additional \$34,000 was rebated back to customers of our one retail MJ business by way of a tax holiday which began in July and was completed by mid-September. - **(\$34,000)**
- Building related permits continue to exceed revenue expectations. This is mostly due to new residential construction – **\$153,000**
- Real estate sales in the Angler Mtn Development have outpaced the Real Estate Transfer Assessment budget estimations – **\$112,000**
- The US Forest Service rent rates were renegotiated and a new contract was completed. Back rents we're paid based on the new rent sq. ft. increase. - **\$118,500**
- Interest on investments and bank accounts remain low and are less than budgeted – **(\$69,000)**

Town of Silverthorne
Council Agenda Memorandum

- Additional administrative fees from the Water and Sewer Funds due to the additional building development – Water Fund - **\$33,990** & Sewer Fund - **\$16,000**

General Fund Expenditures

Supplies and Services

- Enhance Sales Tax Incentive Program (ESTIP) results for Lowes are higher than expected plus two new agreements (Baker's Brewery and Starbucks) were added in 2015 – **\$50,000**
- Due to the completion of the Hampton Inn and increase in building activity, the need for building review and inspection services from Summit County has increased from budget – **\$75,000**
- The Town Council wants to develop a marketing and public relation program. A marketing firm is being hired for an 18-month period of time. The contract begins in October of 2015 – **\$18,000**

Lodging Tax Fund

Lodging Tax Fund Revenues

- The Transfer from the Development Excise Tax Fund to the Lodging Tax Fund to assist in the costs of the Blue River Trail Segment 5 legal settlements requires a decrease of **\$40,000**.

Development Excise Tax Fund

Development Excise Tax Fund Revenues

- More than expected residential building permits were issued which means an increase in development excise tax revenues of **\$150,000**.

Development Excise Tax Fund Expenditures

- The Transfer from the Development Excise Tax Fund to the Lodging Tax Fund to assist in the costs of the Blue River Trail Segment 5 legal settlements requires a decrease of **\$40,000**.

Housing 5A Fund

Housing 5A Fund Revenues

- Building related permits (which translates to 5A impact fees) continue to exceed revenue expectations. Increase 5A Impact Fees – **\$55,000**

Conservation Trust Fund

Conservation Trust Fund Expenditures

- There is no major POST project being completed this year. The funds available for 2015 will be carry forward to 2016.- (**\$41,237**)

Town of Silverthorne
Council Agenda Memorandum

Water Fund

Water Fund Revenues

- More than expected building permits were issued which means an increase in Tap Fee revenues of **\$226,600**.

Water Fund Expenses

- Increase in building permits has brought in more building related fees, including Tap Fees, beyond their current budgets. This has increased the Transfer to General Fund Administrative Fees - **\$33,990**

Sewer Fund

Sewer Fund Revenues

- More than expected building permits were issued which means an increase in Tap Fee revenues of **\$160,000**.

Sewer Expenses

Budget adjustments to the Sewer Fund Expenses include:

- The Town expects to offer "good will" reimbursements to the Angler Mtn Ranch homes and HOA that had experienced a sewer backup. – **\$50,000**
- Increase in building permits has brought in building related fees, including Tap Fees, beyond their current budgets. This has increased the Transfer to General Fund Administrative Fees - **\$16,000**

Compensated Absences Internal Service Fund

Compensated Absences Fund Revenues

- Earned Compensated Absences - The Auditors and the Finance Director agree to eliminate this fund. There will be some accounting changes but in the end will net plus or minus \$10,000 or less annually. The General Fund normally has surplus funds to cover this or reflect budget savings. – **(\$525,200)**

Compensated Absences Expenses

- Used Compensated Absences - The Auditors and the Finance Director agree to eliminate this fund. There will be some accounting changes but, in the end, will net plus or minus \$10,000 or less annually. The General Fund normally has surplus funds to cover this or reflect budget savings. – **(\$520,000)**

Insurance Claims Internal Service Fund

Insurance Claims Fund Revenues

- Due to employee turn-over and vacancies, health claims premiums will be less than budgeted. – **(\$40,000)**

Insurance Claim Expenses

- Health insurance claims are trending less than expected – **(\$150,000)**

Town of Silverthorne
Council Agenda Memorandum

CURRENT ISSUES & FINANCIAL IMPLICATOINS

The enclosed Long Range Plans (Exhibit B) reflect the additional items and reductions of prior budgeted items of this Appropriation Ordinance. The Town continues to be in a financial position whereby funding the items identified in this Ordinance is possible. Unreserved fund balances are being used to accommodate additional projects for this year. In capital related funds, some available fund balances (cash) is used to address one-time capital related projects.

RECOMMENDATION:

Staff recommends approval of Ordinance No. 2015-13 on first reading.

PROPOSED MOTION:

"I MOVE TO ADOPT ORDINANCE NO. 2015-13 ON FIRST READING, AN ORDINANCE AMENDING THE 2015 BUDGET AS PRESENTED."

ATTACHMENTS:

1. Ordinance #2015-13
2. Exhibit A – Appropriation breakdown
3. Exhibit B – Updated Long Range Plans for Funds

**TOWN OF SILVERTHORNE, COLORADO
ORDINANCE NO. 2015-13**

AN ORDINANCE AMENDING THE 2015 BUDGET RECOGNIZING ADDITIONAL GENERAL FUND REVENUES OF \$605,490, APPROPRIATING GENERAL FUND EXPENDITURES OF \$143,000, REDUCING LODGING TAX FUND REVENUES BY \$40,000, RECOGNIZING ADDITIONAL DEVELOPMENT EXCISE TAX FUND REVENUES BY \$150,000, RECOGNIZING A REDUCTION TO DEVELOPMENT EXCISE TAX FUND EXPENDITURES BY \$40,000, RECOGNIZING ADDITIONAL 5A HOUSING FUND REVENUES BY \$55,000, RECOGNIZING A REDUCTION TO CONSERVATOIN TRUST FUND EXPENDITURES BY \$41,237, RECOGNIZING ADDITIONAL WATER FUND REVENUES BY \$226,600, APPROPRIATING WATER FUND EXPENSES OF \$33,990, RECOGNIZING ADDITIONAL SEWER FUND REVENUES BY \$160,000, APPROPRIATING SEWER FUND EXPENSES OF \$66,000, RECOGNIZING A REDUCTION TO THE COMPENSATED ABSENCES FUND REVENUES OF \$525,200, RECOGNIZING A REDUCTION TO THE COMPENSATED ABSENCES FUND EXPENDITURES BY \$520,000, RECOGNIZING A REDUCTION TO THE INSURANCE CLAIMS FUND REVENUES OF \$40,000 AND RECOGNIZING A REDUCTION TO THE INSURANCE CLAIMS FUND EXPENDITURES BY \$150,000

WHEREAS, in accordance with Section 8.7 of the Silverthorne Home Rule Charter the Council may make additional appropriations by ordinance during the fiscal year; and

WHEREAS, the Town Manager has certified that additional funds are available for appropriations in each fund from actual and anticipated revenues of the current year and prior year cash reserves; and

WHEREAS, the Town Council is advised that certain revenues, expenditures and transfers must be approved by ordinance.

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

Section 1:

Upon the Town Manager's certification that there are current year revenues available for appropriation in the General Fund, Lodging Tax Fund, Development Excise Tax Fund, 5A Housing Fund, Conservation Trust Fund, Water Fund, Sewer Fund, Compensated Absences Fund and Insurance Claims Fund and the Town Council hereby makes supplemental appropriations as itemized in Exhibit "A" attached hereto.

Section 2:

The Town Council hereby authorizes and directs the Town Manager to enter into such contracts and execute such documents on behalf of the Town as may be necessary and customary to expend the funds hereby appropriated for all operations, capital projects

and transfers within this budget as amended in accordance with the requirements of the Home Rule Charter and the Town's Financial Policies.

Section 3:

The adoption of this Ordinance will promote the health, safety and general welfare of the Silverthorne community.

Section 4:

If any provision of this Ordinance or portion thereof is held by a court of competent jurisdiction to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect any other provision which can be given effect without the invalid portion.

Section 5:

All prior ordinances, resolutions, or other acts, or parts thereof, by the Town of Silverthorne in conflict with this Ordinance are hereby repealed, except that this repealer shall not be construed to revive any previously repealed or expired act, ordinance or resolution, or part thereof.

Section 6:

This Ordinance shall be effective following the adoption by Section 4.5 of the Home Rule Charter.

INTRODUCED, READ, APPROVED ON FIRST READING THE 14TH DAY OF OCTOBER, 2015.

READ AND ADOPTED ON SECOND AND FINAL READING AFTER CONDUCTING A PUBLIC HEARING ON THE 11TH DAY OF NOVEMBER, 2015.

TOWN COUNCIL

BY: _____
Bruce Butler, Mayor

ATTEST:

BY: _____
Michele Miller, Town Clerk

Approved on first reading:	_____	2015
Published by title only on first reading:	_____	2015
Approved on second reading:	_____	2015
Published by title only on second reading:	_____	2015

Town of Silverthorne, CO
Ordinance No. 2015-13
Exhibit A

GENERAL FUND	Account #	Amount
<u>Recognize General Fund Revenues</u>		
Taxes:		
Sales Tax	01-11-0000-60015	\$ 275,000
Excise Tax	01-11-0000-60022	(34,000)
Permits & Licenses:		
Building Permits	01-51-0000-63045	153,000
Charges for Services:		
US Forest Service Rent	01-11-0000-64015	118,500
Real Estate Transfer Assessment	01-11-0000-64900	112,000
Interest	01-11-0000-66010	(69,000)
Transfers In:		
Water Fund	01-96-0000-76041	33,990
Sewer Fund	01-96-0000-76042	16,000
 Total Additional General Fund Revenue		 <u><u>\$ 605,490</u></u>
 <u>Appropriate General Fund Expenditures</u>		
Administrative Services		
ESTIP - Econ Dev	01-11-1135-84115	\$ 50,000
Marketing - Econ Dev	01-11-1135-84140	18,000
Community Development		
Professional Services - Bldg - Contracting Inspections	01-51-5150-81000	75,000
 Total Additional General Fund Expenditures		 <u><u>\$ 143,000</u></u>
 LODGING TAX FUND		
<u>Recognize Lodging Tax Revenues</u>		
Transfer In from Development Excise Tax Fund	21-96-0000-76022	\$ (40,000)
 Total Additional Lodging Tax Fund Revenues		 <u><u>\$ (40,000)</u></u>
 DEVELOPMENT EXCISE TAX FUND		
<u>Recognize Development Excise Tax Revenues</u>		
Development Excise Tax	22-22-0000-60012	\$ 150,000
 Total Additional Development Excise Tax Fund Revenue		 <u><u>\$ 150,000</u></u>
 <u>Appropriate Development Excise Tax Expenditures</u>		
Transfer out to Lodging Tax Fund	22-98-0000-98021	\$ (40,000)
 Total Additional Development Excise Tax Fund Expenditures		 <u><u>\$ (40,000)</u></u>
 HOUSING 5A SPECIAL REVENUE FUND		
<u>Recognize Housing 5A Fund Revenues</u>		
5A Impact Fee	23-23-0000-64500	\$ 55,000
 Total Additional Housing 5A Fund Revenue		 <u><u>\$ 55,000</u></u>
 CONSERVATION TRUST FUND		
<u>Appropriate Conservation Trust Fund Expenditures</u>		
POST Project	24-71-4132-82410	\$ (41,237)
 Total Additional Conservation Trust Fund Expenditures		 <u><u>\$ (41,237)</u></u>

Town of Silverthorne, CO
Ordinance No. 2015-13
Exhibit A

WATER FUND		
<u>Recognize Water Revenues</u>		
Tap Fees - Capital	41-46-0000-66000	\$ 226,600
Total Additional Water Fund Revenues		\$ 226,600
<u>Appropriate Water Expenses</u>		
Transfer out to General Fund	41-98-0000-98001	\$ 33,990
Total Additional Water Fund Expenses		\$ 33,990
SEWER FUND		
<u>Recognize Sewer Revenues</u>		
Tap Fees - Sewer	42-47-0000-66000	\$ 160,000
Total Additional Sewer Fund Revenues		\$ 160,000
<u>Appropriate Sewer Expenses</u>		
Insurance Claims	42-42-4310-82210	\$ 50,000
Transfer out to General Fund	42-98-0000-98001	16,000
Total Additional Sewer Fund Expenses		\$ 66,000
COMPENSATED ABSENCES FUND		
<u>Recognize Compensated Absences Fund Revenues</u>		
Earned Compensated Absences	51-52-0000-68200	\$ (525,200)
Total Additional Compensated Absences Fund Revenues		\$ (525,200)
<u>Appropriate Compensated Absences Fund Expenses</u>		
Used Compensated Absences	51-52-5210-85200	\$ (520,000)
Total Additional Compensated Absences Fund Expenses		\$ (520,000)
INSURANCE CLAIMS FUND		
<u>Recognize Insurance Claims Fund Revenues</u>		
Health Claims Premiums	52-53-0000-64552	\$ (40,000)
Total Additional Insurance Claims Fund Revenues		\$ (40,000)
<u>Appropriate Insurance Claims Fund Expenses</u>		
Medical Claims	52-53-5310-82681	\$ (150,000)
Total Additional Insurance Claim Fund Expenses		\$ (150,000)

TOWN OF SILVERTHORNE
GENERAL FUND
LONG RANGE PLANS

BUDGET A

REVENUES	2012 Act	2013 Act	2014 Act	2015 Bud	2015 Proj	2016 Bud	2016 Adj	2017	2018	2019
Taxes	6,288,146	6,924,802	7,461,463	7,757,950	7,798,289	7,666,815	8,064,969	8,183,437	8,303,715	8,425,832
Licenses & Permits	232,596	488,217	442,276	422,533	430,950	269,533	311,533	311,533	311,533	311,533
Charges for Services	1,974,088	2,073,093	2,183,215	2,433,509	2,386,360	2,079,794	2,319,438	2,378,315	2,422,829	2,467,990
Fines	83,922	124,730	102,943	125,000	110,299	125,000	125,000	125,000	125,000	125,000
Interest	28,503	15,170	11,759	12,266	12,146	108,537	93,378	152,800	161,213	167,048
Miscellaneous	115,829	156,303	178,659	70,000	87,518	52,000	52,000	52,000	52,000	52,000
REVENUES	8,723,085	9,782,315	10,380,316	10,821,258	10,825,562	10,301,679	10,966,318	11,203,086	11,376,291	11,549,404
OTHER SOURCES										
BRWF Admin Fees	140,319	141,524	143,916	145,405	145,457	149,935	145,923	146,215	151,870	157,682
Water/Sewer Tsfrs	303,240	409,375	376,288	368,638	368,110	333,201	332,973	354,606	359,002	370,713
Proceeds from Sale of Land	-	-	1,115,000	-	-	-	-	-	-	-
Housing Reimbursement	-	-	269,522	-	-	-	-	-	-	-
TOTAL REVENUES	9,166,643	10,333,214	12,285,042	11,335,302	11,339,128	10,784,815	11,445,214	11,703,907	11,887,163	12,077,799
EXPENDITURES										
Administrative Services	1,507,232	2,010,796	1,921,932	2,319,075	2,272,619	2,219,799	2,519,974	2,574,610	2,599,374	2,434,693
Public Safety	1,726,112	1,777,197	1,827,666	1,906,655	1,873,280	1,997,607	1,973,428	2,018,204	2,076,768	2,143,752
Public Works	2,126,862	2,120,050	2,274,968	2,615,830	2,513,882	2,623,639	2,625,774	2,691,792	2,769,641	2,849,701
Community Develop.	676,672	750,395	844,267	790,248	736,681	874,851	824,642	845,414	864,904	885,126
Recreation & Culture	2,577,156	2,666,719	2,781,363	3,423,254	3,118,985	3,034,165	3,209,486	3,293,435	3,381,973	3,478,427
EXPENDITURES	8,614,034	9,325,157	9,650,196	10,755,062	10,515,447	10,750,061	11,153,303	11,423,455	11,692,661	11,791,699
OTHER USES	252,888	3,450,983	801,790	460,000	360,000	-	1,500,000	-	-	-
TOTAL EXPENDITURES	8,866,922	12,776,140	10,451,986	11,215,062	10,875,447	10,750,061	12,653,303	11,423,455	11,692,661	11,791,699
INC (DEC) FUND BAL.	299,721	(2,442,927)	1,833,055	120,240	463,681	34,754	(1,208,089)	280,452	194,502	286,100
PRIOR FUND BALANCE	6,147,886	6,447,607	4,004,681	5,837,736	5,837,736	5,957,977	6,301,418	5,093,329	5,373,780	5,568,282
CURRENT FUND (less ctvrd)	6,447,607	4,004,681	5,837,736	5,957,977	6,301,418	5,992,731	5,093,329	5,373,780	5,568,282	5,854,382
RESERVE TARGET	4,307,017	4,662,579	4,825,098	5,377,531	5,257,724	5,375,031	5,576,652	5,711,728	5,846,330	5,895,849
	(6 mo.)	(6 mo.)	(6 mo.)	(6 mo.)	(6 mo.)	(6 mo.)	(6 mo.)	(6 mo.)	(6 mo.)	(6 mo.)
AVAILABLE FUND BAL.	2,140,590	(657,898)	1,012,638	580,446	1,043,694	617,700	(483,323)	(337,947)	(278,048)	(41,467)

TOWN OF SILVERTHORNE, COLORADO
DEVELOPMENT EXCISE TAX
LONG RANGE PLANS

	2012 Act	2013 Act	2014 Act	2015 Bud	2015 Proj	2016 Bud	2016 Rev	2017	2018	2019	2020	2021	2022	2023	2024
Revenues:															
Development Excise Tax	129,080	409,336	231,332	290,000	290,000	140,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000
South Maryland Creek	-	-	-	-	-	125,000	-	125,000	-	-	-	-	-	-	-
Interest	4,827	3,471	2,927	15,655	2,495	24,331	24,331	32,799	18,633	23,692	25,903	31,180	36,615	42,214	47,980
5A Loan Repayment	134,000	162,500	205,000	21,000	21,000	-	-	-	-	-	-	-	-	-	-
Prior Year Carryfwd	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Revenue Total	267,907	575,307	439,259	326,655	313,495	289,331	174,332	307,799	168,633	173,692	175,903	181,180	186,615	192,214	197,980

	2012 Act	2013 Act	2014 Act	2015 Bud	2015 Proj	2016 Bud	2016 Rev	2017	2018	2019	2020	2021	2022	2023	2024
Expenditures:															
Public Works															
Storage Building/New Shop	9,928	863	1,760	18,750	-	750,000	18,750	750,000	-	-	-	-	-	-	-
Traffic Master Plan	-	-	-	40,000	40,000	-	-	-	-	-	-	-	-	-	-
Additional Trackless	48,926	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Other															
Trails	-	762,500	255,000	10,000	10,000	150,000	500,000	30,000	-	100,000	-	-	-	-	-
Loan to 5A Land	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Expenditure Total	58,854	763,363	256,760	68,750	50,000	900,000	518,750	780,000	-	100,000	-	-	-	-	-

	2012 Act	2013 Act	2014 Act	2015 Bud	2015 Proj	2016 Bud	2016 Rev	2017	2018	2019	2020	2021	2022	2023	2024
INC / DED FUND BALANCE	209,053	(188,056)	182,499	257,905	263,495	(610,669)	(344,418)	(472,201)	168,633	73,692	175,903	181,180	186,615	192,214	197,980
PRIOR FUND BALANCE	970,731	1,179,784	991,728	1,174,227	1,174,227	1,432,132	1,437,722	1,093,304	621,103	789,736	863,428	1,039,331	1,220,511	1,407,126	1,599,340
CURRENT FUND BALANCE	1,179,784	991,728	1,174,227	1,432,132	1,437,722	821,463	1,093,304	621,103	789,736	863,428	1,039,331	1,220,511	1,407,126	1,599,340	1,797,320

TOWN OF SILVERTHORNE, COLORADO
HOUSING SA SPECIAL REVENUE FUND
LONG RANGE PLANS

BUDGET A

Exhibit B

	2007 Act	2008 Act	2009 Act	2010 Act	2011 Act	2012 Act	2013 Act	2014 Act	2015 Bud	2015 Proj	2016 Bud	2016 Rev	2017	2018	2019	Total
Revenues:																
Impact Fees	242,106	209,408	40,696	56,534	280,893	58,860	130,757	216,459	145,000	148,000	90,000	112,500	-	-	-	1,496,012
Sales Tax	253,051	273,858	234,339	230,643	227,863	243,209	257,693	272,148	282,030	292,000	287,671	298,000	-	-	-	2,582,804
Interest	9,476	15,734	2,862	1,001	770	373	208	172	727	147	3,642	3,642	22,988	20,924	18,723	97,019
Excise & Sewer Fund Advancement		2,000,000					0	0								2,000,000
Revenue Total	504,633	2,499,001	277,897	287,978	509,525	302,442	388,658	488,778	427,757	440,147	381,313	414,142	22,988	20,924	18,723	6,175,835
Expenditures:																
General:																
SHA Administrative Fee	29,270	37,764	41,553	45,991	41,746	37,374	43,764	43,446	45,612	31,570	47,893	47,893	50,287	52,802	55,442	558,902
Housing Assessment/Consulting	5,000	25,598	-	1,267	1,075	70	17,725	635	1,500	1,500	1,500	1,500	1,500	1,500	1,500	58,869
Housing Loan Program		40,000		40,000					40,000		40,000	40,000	40,000	40,000	40,000	240,000
Housing Permits/Fees-Colorado			39,372													39,372
Projects:																
Smith Ranch Land Purchase		2,700,000	22,866	4,511						42,000						0
Advancements - Excise & Sewer Fund			275,000	220,000	460,000	268,000	325,000	410,000	42,000							2,727,377
Misc.	5,443															5,443
Expenditure Total	39,713	2,803,361	378,791	311,769	502,821	305,444	386,489	454,081	129,112	75,070	89,393	89,393	91,787	94,302	96,942	5,629,963
INC /DED FUND BALANCE	464,920	(304,361)	(100,894)	(23,791)	6,704	(3,002)	2,169	34,697	298,645	365,077	291,920	324,749	(68,799)	(73,378)	(78,219)	
PRIOR FUND BALANCE																
CURRENT FUND BALANCE	464,920	160,559	59,665	35,874	42,578	39,575	41,744	76,441	375,086	441,519	667,006	766,268	697,468	624,091	545,872	

TOWN OF SILVERTHORNE, COLORADO
HEALTH, DENTAL & SHORT-TERM DISABILITY INTERNAL SERVICE FUND
LONG RANGE PLANS

	2012 Act	2013 Act	2014 Act	2015 Bud	2015 Proj	2016 Bud	2016 Rev	2017	2018	2019
Revenues:										
Medical	951,134	677,074	685,303	682,002	680,000	758,102	714,000	749,700	790,934	830,480
Dental	57,702	60,308	-	-	-	-	-	-	-	-
Short-Term Disability	20,836	18,613	17,937	18,447	20,735	19,000	19,000	19,950	20,948	21,995
Premiums - Claims Portion	1,029,672	755,995	703,240	700,449	700,735	777,102	733,000	769,650	811,881	852,475
Misc	5,278	1,106	752	1,000	1,000	1,000	1,000	1,000	1,000	1,000
Interest	273	865	661	200	600	200	200	8,696	8,563	8,576

Revenue Total	1,035,224	757,967	704,653	701,649	702,335	778,302	734,200	779,346	821,444	862,051
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Expenditures:

	2012 Act	2013 Act	2014 Act	2015 Bud	2015 Proj	2016 Bud	2016 Rev	2017	2018	2019
Medical Claims	1,026,634	715,829	611,821	525,000	525,000	551,250	708,750	744,188	781,397	820,467
Dental Claims	67,142	59,327	1,129	-	-	-	-	-	-	-
Short-term Disability Claims	15,631	16,759	15,770	15,000	20,000	15,000	15,000	15,000	15,000	15,000
Wellness Program	23,586	22,654	19,915	23,500	20,000	23,500	23,500	23,500	23,500	23,500
AHCA Fees	-	-	12,379	14,652	14,652	14,874	14,874	1,110	1,110	1,110

Expenditure Total	1,132,994	814,570	661,014	578,152	579,652	604,624	762,124	783,798	821,007	860,077
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	2012 Act	2013 Act	2014 Act	2015 Bud	2015 Proj	2016 Bud	2016 Rev	2017	2018	2019
INC / DED FUND BALANCE	(97,770)	(56,603)	43,639	123,497	122,683	173,678	(27,924)	(4,451)	437	1,974
PRIOR FUND BALANCE	305,850	208,080	151,478	195,116	195,116	318,613	317,799	289,875	285,424	285,861
CURRENT FUND BALANCE	208,080	151,478	195,116	318,613	317,799	492,291	289,875	285,424	285,861	287,835

TOWN OF SILVERTHORNE, COLORADO
 COMPENSATED ABSENCES
 LONG RANGE PLANS

	2012 Act	2013 Act	2014 Act	2015 Bud	2015 Proj	2016 Bud	2016 Rev	2017	2018	2019
Revenues:										
Earned Compensated Absences	500,950	507,615	518,071	-	-	-	-	-	-	-
Interest Income	286	(286)	0	-	-	-	-	-	-	-
Revenue Total	501,236	507,329	518,071	-	-	-	-	-	-	-
Expenditures:										
Compensated Absences Used	495,932	517,679	484,838	-	-	-	-	-	-	-
Expenditure Total	495,932	517,679	484,838	-	-	-	-	-	-	-
INC / DED FUND BALANCE										
PRIOR FUND BALANCE	5,305	(10,350)	33,233	-	-	-	-	-	-	-
CURRENT FUND BALANCE	413,533	418,838	408,488	441,721	441,721	441,721	441,721	-	-	-
	418,838	408,488	441,721	441,721	441,721	441,721	441,721	-	-	-

Sewer Fund
Capital Projects Fund
10/7/2015

Exhibit B

REVENUES	2012 Act	2013 Act	2014 Act	2015 Bud	2015 Proj	2016 Bud	2016 Rev	2017	2018	2019	2020	2021	2022	2023	2024
Sewer Tap Fees	130,307	539,984	362,286	287,600	315,000	132,000	150,000	155,000	160,000	165,000	170,000	175,000	180,000	185,000	190,000
Opportunity Fees/Misc/Grants	-	-	-	-	-	350,000	-	350,000	-	-	-	-	-	-	-
Interest	8,300	4,177	2,000	27,350	4,580	37,005	37,873	79,693	51,529	57,241	63,241	69,539	76,141	83,057	90,295
Transfer in from O & M	-	700,000	-	-	-	-	-	-	-	-	-	-	-	-	-
Advancement Payment from Water	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
TOTAL CAPITAL REVENUES	138,607	1,244,161	364,286	314,950	319,580	519,005	187,873	584,693	211,529	222,241	233,241	244,539	256,141	268,057	280,295
EXPENDITURES	2012 Act	2013 Act	2014 Act	2015 Bud	2015 Proj	2016 Bud	2016 Rev	2017	2018	2019	2020	2021	2022	2023	2024
Administrative (10% of revs)	13,861	54,416	36,429	31,495	31,958	16,901	18,787	23,469	21,153	22,224	23,324	24,454	25,614	26,806	28,029
Sewer Plant/Paper Expansion	-	1,064,190	-	-	-	-	-	-	-	-	-	-	-	-	-
Utility Shop - Cottonwood	9,928	1,725	3,521	37,500	4,000	1,500,000	37,500	1,500,000	-	-	-	-	-	-	-
Sewer Lines/Interceptors	-	-	8,553	100,000	100,000	-	-	-	-	-	-	-	-	-	-
Advancement to Water Capital Fund	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
TOTAL CAPITAL EXPENDITURES	23,789	1,120,331	48,502	168,995	135,958	1,516,901	56,287	1,523,469	21,153	22,224	23,324	24,454	25,614	26,806	28,029
OPERATING INCREASE (DEC) CASH	114,818	123,829	315,783	145,955	183,622	(997,896)	131,585	(938,777)	190,376	200,017	209,917	220,085	230,527	241,251	252,265
PRIOR CASH BALANCE	1,786,786	1,901,604	2,025,433	2,341,217	2,341,217	2,487,172	2,524,839	2,656,424	1,717,647	1,908,024	2,108,040	2,317,958	2,538,042	2,768,570	3,009,821
CURRENT CASH	1,901,604	2,025,433	2,341,217	2,487,172	2,524,839	1,489,276	2,656,424	1,717,647	1,908,024	2,108,040	2,317,958	2,538,042	2,768,570	3,009,821	3,262,086

Water Fund
Capital Projects Fund
10/7/2015

REVENUES	2012 Act	2013 Act	2014 Act	2015 Bud	2015 Proj	2016 Bud	2016 Rev	2017	2018	2019	2020	2021	2022	2023	2024
Water Tap Fees	158,962	654,341	480,928	385,000	385,000	162,800	185,000	190,000	195,000	200,000	205,000	210,000	215,000	220,000	225,000
Interest	4,299	3,133	1,000	3,859	753	3,014	3,014	6,646	6,410	7,796	9,345	11,061	12,948	15,010	17,253
Misc Income	19,060	-	-	5,000	-	-	-	-	-	-	-	-	-	-	-
Advancement from Sewer Cap Fund	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Transfer in From Operations/Grants	-	-	-	-	-	700,000	-	700,000	-	-	-	-	-	-	-
TOTAL CAPITAL REVENUES	182,321	657,474	481,928	393,859	385,753	865,814	188,014	896,646	201,410	207,796	214,345	221,061	227,948	235,010	242,253
EXPENDITURES	2012 Act	2013 Act	2014 Act	2015 Bud	2015 Proj	2016 Bud	2016 Rev	2017	2018	2019	2020	2021	2022	2023	2024
Administrative (15% of revs)	24,489	98,621	72,289	59,079	57,863	24,872	28,202	29,497	30,212	31,169	32,152	33,159	34,192	35,252	36,338
Wells	248,476	2,110	173,847	100,000	96,092	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000
Water Line extension & replacement	13,990	-	-	50,000	44,190	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000
Valve Trailer	-	-	-	55,000	57,946	-	-	-	-	-	-	-	-	-	-
Utility Shop - Cottonwood	19,856	863	1,760	18,750	2,000	750,000	18,750	750,000	-	-	-	-	-	-	-
Solar Garden	-	185,000	-	-	-	-	-	-	-	-	-	-	-	-	-
Water Rights - Smith Ranch	-	-	1,170,942	-	-	-	25,000	-	-	-	-	-	-	-	-
Water Rights/Old Dillon Resv.	157,003	60,481	1,028	-	1,089	-	-	-	-	-	-	-	-	-	-
TOTAL CAPITAL EXPENDITURES	463,815	347,075	1,419,866	282,829	259,180	899,872	196,952	904,497	155,212	156,169	157,152	158,159	159,192	160,252	161,338
CAPITAL INCREASE (DEC) CASH	(281,494)	310,399	(937,938)	111,030	126,573	(34,058)	(8,938)	(7,851)	46,199	51,627	57,193	62,902	68,756	74,759	80,915
PRIOR CASH BALANCE	1,012,920	731,426	1,041,825	103,887	103,887	214,918	230,460	221,522	213,671	259,870	311,496	368,690	431,591	500,347	575,106
CURRENT CASH	731,426	1,041,825	103,887	214,918	230,460	180,859	221,522	213,671	259,870	311,496	368,690	431,591	500,347	575,106	656,021
AVAILABLE CASH	731,426	1,041,825	103,887	214,918	230,461	180,859	221,521	213,671	259,870	311,496	368,690	431,591	500,347	575,106	656,021

Water Fund
Capital Projects Fund
10/7/2015

Exhibit B

Capital Projects	2012 Act	2013 Act	2014 Act	2015 Bud	2015 Proj	2016 Bud	2016 Rev	2017	2018	2019	2020	2021	2022	2023	2024
Wells & Tanks															
Well Rehabilitation Projects	37,144	2,110	227,000	100,000	96,092	-	-	-	-	-	-	-	-	-	-
Willow Creek High. Generator/Encl	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Angler Mountain - Generator	-	-	15,000	-	-	-	-	-	-	-	-	-	-	-	-
Mesa Cortina Tank - Atl Valve	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Eagles Nest Pumphouse	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Zone 3W Water System En	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Rainbow Pumphouse	114,575	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Well 6 - Bighorn	8,554	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Wells 5 & 6 Constr. Pumphouse	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Water Master Plan Update	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Equipment	107	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Master Plan/Upgrades/As Builts	88,096	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Projects to be determined	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Base Zone Tank Eagles Nest Filling 5	-	-	-	-	-	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000
Total Wells & Tanks	248,476	2,110	242,000	100,000	96,092	75,000									
Lines															
Ponds to Hamilton Creek water main	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Eagles Nest Blue River Crossing - 2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Pressure reducing valve -New	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
8" line Adams - 2nd to Buff Mtn Dr	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Upgrade 4" to 8" CR 2020	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
12" main - Annie to 9th in Adams	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Upgrade 8" to 12" Tanglewood Lane	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Replace water main lines - Brian/Steph	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Water Valve Replacement	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
AbandonLine	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Misc Upgrades & Extensions	13,990	-	100,000	50,000	44,190	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000
Total Lines	13,990	-	100,000	50,000	44,190	50,000									

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**TOWN OF SILVERTHORNE
PLANNING COMMISSION MEETING MINUTES
OCTOBER 6, 2015 – 6:00 P.M.**

1. CALL TO ORDER – The meeting was called to order at 6:00 p.m., on October 6, 2015, in the Council Chambers of the Silverthorne Town Hall, 601 Center Circle, Silverthorne, Colorado.

2. ROLL CALL – Commissioners present and answering Roll Call were: Susan Byers, Jenny Gloudemans, Stan Katz, Robert Kieber and Donna Pacetti. Brian Wray and Tanya Shattuck were absent. Staff attending tonight's meeting included: Matt Gennett, Planning Manager, Susan Miller Lee, Planner I, Dan Gietzen, Town Engineer and Melody Hillis, Planning Commission Secretary.

3. CONSENT CALENDAR – Stan Katz made a motion to approve the September 15, 2015, Planning Commission minutes. Donna Pacetti seconded. The motion was approved by a vote of five to zero (5-0). Brian Wray and Tanya Shattuck were absent.

4. CITIZEN'S COMMENTS:

None.

Matt Gennett, Planning Manager, requested that the Planning Commission Agenda be amended to move Public Hearing, Item 5A, to Item 5, and that the Public Hearing be number Items 6A and 6B, Item 6 becomes Item 7, Item 7 becomes Item 8. Planning Commission agreed by a vote of five to zero (5-0) to amend the agenda. Brian Wray and Tanya Shattuck were absent.

5A. Site Visit to Angler Mountain Open Space by the Planning Commission.

Planning Commission adjourned at 6:05 p.m. for the Angler Mountain Open Space site visit. Planning Commission reconvened at 6:46 p.m.

6. PUBLIC HEARING:

A. Resolution 2015-3; A Resolution to Adopt a Master Plan for Angler Mountain Open Space.

Susan Miller Lee, Planner II, presented Resolution 2015-3. The Town of Silverthorne is requesting approval of Planning Commission Resolution 2015-3, A Resolution to Adopt a Master Plan for Angler Mountain Open Space.

APPLICANT COMMENTS:

Susan Miller Lee - Introduced Mark Wilcox, DHM, the consultant hired to do the Three Parks Plans.

Mark Wilcox - Explained the plan, the research, process, public meetings and input, etc. Looked at the Comprehensive Plan and the Town's goals for Angler Mountain Open Space. Trying to find a way to balance all the needs and goals. Categorized as a Tier 3 Open Space.

COMMISSIONER QUESTIONS:

- Stan Katz - If the next step is to try to figure out how to use Township funds, a cost benefit analysis should probably precede an approval. Stated that not looking at costs until approval is received should be considered.
- Mark Wilcox - Have begun to look at costs for the improvements to the Angler Ranch Open Space, not finalized.
- Stan Katz - Estimate?
- Susan Miller Lee - An estimate is provided in the Planning Commission packet.
- Stan Katz - Can you give that to us publicly?
- Susan Miller Lee - The POST estimate, with boardwalks is in the \$60,000 dollar range, and this is within that number.
- Robert Kieber - The number would be nice to know, but the Planning Commission cannot use that.
- Stan Katz - Going to interrupt Commission Kieber and say that yes, we can. The reason that we can, if you recall when the Town Attorney spoke with us, he said there a vast difference between an ordinance, which this is, and an application. When an application comes in we can't discuss money. When an ordinance comes in, it is a political issue and as a political issue, the Planning Commission can discuss anything that involves the politics. So, in fact, yes, a cost benefit analysis is a legitimate function of the Planning Commission when we are dealing with an ordinance.
- Susan Miller Lee - Remind everyone that this is a resolution. As the Planning Commission you are entrusted with Master Planning the community. This is a planning document; it is a master plan for this park and in order for the Town to move forward with any kind of cost estimating, or any kind of management strategies for this park. Staff is requesting approval from the Planning Commission. Would enable Staff to create some structure and framework in order to plan for and manage this property.
- Stan Katz - So Planning Commission has to vote for it to find out what's in it?
- Susan Miller Lee - The plan before you this evening is the Master Plan.
- Donna Pacetti - On page 9 of the packet, Exhibit A, there is a cost range that says \$155,000 to \$210,000 for the Angler Mountain Open Space.
- Susan Miller Lee - With the boardwalks and the decking, it is well under the previous projected costs. The original POST Plan vision was quite a bit more extensive, envisioned items such as a bridge, an outdoor classroom, a wild playground.
- Mark Wilcox - Estimating that it will be less than \$100,000.
- Susan Miller Lee - The project has been scaled way back in costs, probably about half of what is in the POST Plan estimate.
- Susan Byers - Quite a number of e-mails with public comment, mostly in July. Has Staff received any public e-mails to the revised conceptual plan?
- Susan Miller Lee - The date on the majority of those e-mails is prior to the July 21st meeting. Staff had huge public input and participation at that meeting. After that Staff took a hard look at the plans, consulted with the wildlife biologists, and the plans were revised. Didn't get a lot of public feedback about the revised plans, but Staff did have a number of people attend the SPORT Committee meetings and Angler Mountain Open Space committee representative Roger Kendall come to the final public meeting at the August SPORT committee meeting and endorsed the plan, felt that the project was moving in the right direction. Roger Kendall was not solicited to come to that meeting.
- Jenny Gloudemans - The presentation stated that it appears that there will be a very limited use for the area, as far as time that it will be closed down when the wildlife are migrating, or whatever wildlife does. There is not going to be a lot of time that it is actually open to a lot of people, and it was stated that it was not being designed to be used by a lot of people. There wasn't going to be more parking provided, etc. My question is why do we have to focus on this property? Wouldn't the Town's dollars be better spent utilizing an area that

can have a greater use? Seems to me that maybe there is tunnel vision that something has to be created on this parcel, whatever that may be, when maybe that isn't the best action. Maybe the best action with this, is no action at all.

Mark Wilcox - It's a fine balance when trying to program a space like this. It has been identified by the community as a park that people want to access and use. Have seen historically, that if a management plan is not in place that shows some kind of limited access or limited management of the property it will get used in ways that the Town doesn't want to see it used. Unfortunately beginning to see that happen already with some of the pump tracks that are being formed, and some of the other activities that are occurring. By promoting the goals of the project by improving wildlife viewing, limiting access, improved access to the natural resources by the entire community goes a long ways towards managing this property. If left unmanaged it will be in a state that will see a lot of disrepair, and perhaps unauthorized use.

Jenny Gloude mans - Unauthorized use, would have to go back to how the unauthorized use going to be managed? I live at the pond at the end of Rainbow Drive, walk my dog down the street and cross to the Willow Grove Open Space, with that cool gazebo that is now flooded with cigarette butts, beer cans, etc. Understand the idea of monitoring stuff, but people are going to do what people want to do regardless of whether an improved are or not. Feels there needs to be a balance of those improvements, wonders if it is worth the improvement?

Mark Wilcox - Can sort of understand what is being said. Spending a little bit of money here to provide access, you are questioning whether or not the wrong type of access is being provided. Is this going to allow for people to hide and do things that shouldn't be done? Would say that is happening now. This would provide more visibility that isn't there now. The more eyes that are on a space like this, then the activities that you don't want to see there would be less likely to occur.

Susan Miller Lee - The comments and feelings of limiting access are not that we don't want anyone to go do there, the wildlife biologists emphasis was on limiting large groups. The wildlife biologists recommendations that she was trying to make to the Town were to break up large school groups, to keep large groups of people that were traveling along the Blue River Trail from being able to access it right across the river. By limiting access we're controlling the quantity of people that might come together in a group. Still creating a space that people can use, trying to create it in a sustainable way.

Susan Byers - Would this park be excluded from the Town's website, and other Town promotions?

Susan Miller Lee - Already on the Town's website, because it is a Town owned property it is public so people are allowed to access it and they are using it.

Susan Byers - How would the Town contemplate closing the park, how would the public be notified or would there be signs, what would restrict someone from going there during times they shouldn't be there.

Mark Wilcox - Normally done through signage and through education. If a sign is put there that there is a seasonal closure because of moose calving for example or osprey breeding, etc., at least people are aware that their intrusion will be impacting animal habitat. Obviously can't keep people out that really want to go down there anyway, by controlling access to where it is only off the boardwalk, you could secure a gate at the end of the boardwalk that isn't open during seasonal closures, someone would have to try really hard to get down there. And lastly, just education.

Donna Pacetti - Would the anglers be limited to access during that time also? The parking lot is there, but they have to walk down and enter the same as everyone

- else did tonight. Will they be ousted from being able to fish where they want to?
- Mark Wilcox - Imagine all access would be limited during the seasonal closures, including the anglers.
- Donna Pacetti - As far as the parking lot, if someone chose not to go fishing and someone wanted to use it just to observe this area, there would be nothing from preventing that, right?
- Mark Wilcox - Right now there is nothing from preventing people from going down there and using the space. The whole area in green is delineated wetlands; it is wet pretty much year round and is very difficult to access, without any kind of a decking system to keep people above the wetland and water.
- Donna Pacetti - Hard to imagine, seems like just a neighborhood park, and not for the public in Silverthorne to use, but it would be funded by public money to build the infrastructure that would be in there, having a stumbling block, and not having access to it except with Angler Mountain Ranch parking lot. I reside across the highway, but it is dangerous to cross the highway to get over there. The last time this was reviewed, it was stated that there would be bicycle parking.
- Susan Miller Lee - Arctic Placer Park, is a very well used park and there are no parking spaces.
Robert Kieber - There's two.
Susan Miller Lee - The new plan the Planning Commission approved has four. Currently no parking at Arctic Placer Park. That was a park that was well loved enough by the community to get over 50 residents to that park on the night of the open house to speak for it. Angler Mountain Open Space is a fairly new residential area that isn't built out yet, there isn't a park or open space area on that side of the highway or in that general area. Staff feels that there is going to be more pressure on that property as more homes are built and more people move into that area, and that is one of the management concerns for this property.
- Stan Katz - Basically going to discourage school groups from being able to use this area?
- Susan Miller Lee - This is leading to a bigger discussion for what would be the specific rules and regulations for this park. That is perhaps a deeper layer than Staff has gotten to at this time. This is programming. Feel we would have to limit large groups based on feedback that Staff received from CPW and would have to define what exactly that means, and that includes the seasonal closures, what specific dates, etc. Don't have all of those answers right now, but will have to dig deeper into that as the project develops.

OPENED PUBLIC HEARING

PUBLIC COMMENT:

- Mark Bartell - 305 Bald Eagle Road. Wants to commend the SPORT Committee and the Town for trying to make our community a better place and enhance it. Heard comments about who is using it, who's not using it, who might use it. Have a bird's eye view of that property. The only activity that I've seen in the seven years that I've lived there is migration; there is a lot of wildlife, deer, moose, elk, etc. See people from the Ponds or people from Bald Eagle walking their dogs, kids, etc., use the sidewalk a lot. To my knowledge, have never seen anyone go in there. I've been in there a couple of times just to see what's in there. Seen the committees going in there, but haven't really seen people go in. Honestly don't know how much use it would get. Do know that the wildlife uses it from my observations.
- Janice Ferringer - 419 Bald Eagle Road. On the Angler Mountain Ranch Open Space committee with Roger. Overlook all of it. It is extremely important that we

stick to something that protects the wildlife. In the last two springs a moose cow has calved, and has returned again with a young bull, and a new female calf. The three of them are in there all the time; spend a lot of time around the lake at Blue River Ranch Lake Estates. If you hike the Angler Mountain Ranch Trail and watch from about 100 to 150 feet up, between October 1st and June 15th, any day two or three hours before sunset you'll see the moose, so we know that they live there and we know that she has calved there the last two years, know it's important. Not just the protection of the moose, but the protection of the children and the people. There is one reason to develop a trail, if a trail isn't developed, a lot of trails will be developed, and there are already some down there. My family frequents this area, is a favorite, but there is no path to stay on, so we are carving new paths as well. Have a master's degree in this, it is important to me that we all leave the area undamaged, and that is the advantage of a path. That way there isn't an affect from seven or eight self-made paths that destroy a larger area. The advantage of having at least an educational area, people should know that there are moose and wildlife in the area, and that it can be dangerous, as well as wonderful, something that explains that there are moose that have calves would mean a lot to people. I think people would be excited to know that and should be excited about it. The two observation areas off of the road would be great. See people walk along the sidewalk and they'll step off and try to look through the willows and see what's in them because they can here the animals, and are trying to see what's back there. If you leave it like it is, okay with that too. Didn't like the original plan, glad that it was realized that this wasn't the best use for it. We get to see it all from our second floor, and would like for other people to be able to do so as well.

JoAnne Nadalin -

2922 Osprey Lane, speaking as a resident, but also sit on the SPORT Committee as a Town Council representative. This plan is really an outgrowth of the POST Master Plan that was approved by the Planning Commission and the Town Council a year ago, the fact that the SPORT Committee and the people involved have the insight to take it to the next step and figure out whether the POST Master Plan that was approved at a much higher level of development for this area really met the needs of the community on further inspection, and they found it didn't. To me the important thing about this plan is that number one: it provides controlled access, as was said previously, by establishing a trail you're going to have control of people trampling through the wetlands, control people building the little pump tracks. I don't think it is going to result in more people going down there, but it will be a better experience for the people in the community who are able to use this and for people who are walking past to be able to use this. To me the issue really is about can it be managed better or is it going to be left unmanaged in which case it will be whatever it is going to be. There is not a scenario which says that it is not going to be used. It's just how does it get used?

Joel High -

329 Bald Eagle Road. Had a lot of concerns about the original plan because it was built into the wetlands, unless a disturbance permit is obtained, you don't build in a wetland, don't know whether the Town of Silverthorne would have to do that or not, but certainly everyone else has to. Such a small area that can be used, the whole green area is all wetlands and can't be used. Have been down there during different parts of the year, pretty wet and not usable. Seems to me that what Silverthorne needs and trying to get with this a little bit is riverfront access. There really isn't much, certainly along the northern stretch that is on public property. The place to get that access would be Lot 5 of the Ponds. Silverthorne has had an opportunity, have

brought up the issue of open space and acquiring Lot 5 of the Ponds as open space, it has a lot more usable land, both parcels are about 12 acres, there is more than 7 acres of usable land on Lot 5, not sure how much is on the Angler Mountain Open Space that is usable. Lot 5 has excellent access to the waterfront; the Angler Mountain Open Space parcel is much more limited. If Lot 5 does get built, as being proposed, there will be no wildlife on the Angler parcel, because most of that wildlife comes through from the east side of the lake, comes down from elementary school, always wildlife in that area to the right. If Lot 5 gets built, then the path of wildlife into this area will be gone, feels that's a strong consideration. Does the Town want to do this and have no one there because Lot 5 gets built or does the Town need to address Lot 5 and try to look at that as open space? Much bigger piece of property, better access, more parking space, level access to the river.

Polly Cook -

361 Bald Eagle Road. Seems to me that if there is going to be limited access, that we could better use the money that will be spent on this for another park that we could get more access and more use.

John Taylor -

1712 Red Hawk Road. Live to the west of the river, to the west of Highway 9, up the hill, am a 21 year resident. Have learned that people like to get out to an open space. SPORT Committee is working on projects that have been around for about 25 years and are looking at this. There are social trails, after social trails, after social trails; there are eight of them in a certain stretch. Involved in another program that is new, they have an internal trail system, people want to head to the wilderness, they want to head for the national forest and it's important. If we don't get up in front of this sort of thing, what is going to happen is people will create their own trails, and the residents won't necessarily like it because the trails will be all over the place. I think, if you do it up front and give a person something that they can follow and hopefully stay on the trail and come back out. The other thing I think everyone saw today is that access to that parcel of land is not the easiest to get to, and not the safest to get to. Secondly, the little hillside on the south side of the guardrail is going to start eroding and then there are problems. I give my kudos to DHM, they've done a tremendous job. We've gone from an amusement park to a park that makes sense. Telling people that when they go in there "here's a route, now follow it, and come back out".

PUBLIC COMMENT CLOSED.

COMMISSIONER COMMENTS:

Stan Katz -

This is a Township issue, as a Township issue with Township funds, like to start looking at costs and benefits. On the cost side, we have costs estimated at \$60,000, \$155,000, there's \$210,000, the \$210,000 and \$155,000 are probably prior ones, and will probably come down. Have a little bit on the cost side. As far as benefits, the first and most important thing is that it has been stated that they don't want to have a lot of people. But once you don't have a lot of people, you don't have a lot of benefits. As a couple of people have mentioned, the only people that are going to benefit from this park are people that can walk to it and that means that this is really a neighborhood benefit and not a Township benefit. The comment that was made about comparing the parking to the Arctic Placer Park, it has a playground, there is a very big difference what people want to do there and what people will want to do here. Without a parking lot, my big issue personally, how would this allow people from other parts of the Township to use this; this is not a Township park that has Township benefits. This is a benefit to basically to the Angler Mountain Ranch HOA. Made a big point that the HOA supports this. Well, if I lived there, I would probably support

this too, why not, you're using Township funds to build a local park. From a total Township point I don't think that benefit is particularly great. In addition, I heard tonight that they want to discourage educational groups from visiting, another area that would have been a benefit, and again it's going to be discouraged, there is one less benefit on the benefit side. Another piece that would've been a benefit for people that did want to walk around would be to walk their dogs, and dogs will not be allowed. That again reduces the number of people than can get any benefit from this. Finally, it's not even going to be a year-round park, because there would be closures for flooding, moose calving, a lot of closures that will simply reduce the benefit that the Town gets for whatever the cost is going to be. The costs are not going to be any lower because of those closures, if the closures resulted in less cost that would be something important. The total cost is the total cost. One other cost, rather than a reduced benefit is the loss of the protection of wildlife, the best way to protect the wildlife is to possibly not develop it as a park. From a cost benefit analysis, I don't think that there is enough benefit here to justify a cost to the Township. Other small issues: wouldn't support without a parking lot and they've been very adamant about not having a parking lot. Without a parking lot, other people in the Township don't benefit from this at all. Can't see doing this. As a personal comment I am very pleased with what I saw tonight, because this was not a dog and pony show, I expected it to be one, after the Town Council's comments, which I read in their minutes. The Town Council was upset because we had a legal quorum at the last meeting, our legal quorum by a vote of four to zero decided not to put this item as a part of what we delivered to Town Council. Town Council didn't like it and said "let's have a do over", and that is simply not the way that a Town Council should work with the Planning Commission, that's not the way politics should work. It does, unfortunately work in the national council. But I'm hoping that we're not going be asked to repeal Obama Care four or five times. Actually heard people from Angler Mountain Ranch saying that this might be better off not being developed, firmly agree with that, nothing new in the presentation tonight that wasn't there two weeks ago and with nothing new, my opinion at that time was that this wasn't a very valuable use of Township dollars and I still feel the same way.

Donna Pacetti -

Echo what Stan Katz says. Am on the fence with the whole thing, agree with JoAnn Nadalin that the paths need to be defined, but why do people have to be in there at all is what I'm having a hard time with. Concerned with all the migration, the wildlife, the calving that's taking place. Joel High talked about Lot 5 at the Ponds and that it is a wildlife corridor all the way from North Pond through this area. It seems like it needs to be a preserve to me and to try to keep people out with signage at the front with saying that we don't want dogs, we don't want people walking around. Love to fish, if fisherman are coming in there and causing problems, then why are they allowed in there and other people aren't at times, don't understand.

Jenny Gloudemans -

Also on the fence. Love the idea of going in and making a defined trail, because the social trails are everywhere and everybody just runs, and that tramples everything. Keep coming back to the benefit side of it, is it enough of a reason to do that park, and spend that money whatever that budget is on an area that is going to be utilized for so little of a period of time. The dollars could be allocated somewhere where people could drive to it, and utilize it 365 days a year or at least more than 180. On the fence, but this is a hard sale to me.

Susan Byers -

Would say the same thing, very conflicted. What Joel High said resonated well with me because there may be a better place to accomplish what people want. Been here about 20 years, still in awe of the moose, try to stay

out of their way and give them wide berth. If this is an area, where residents have seen wildlife and moose in particular and they come back year after year, that's a concern. People and wildlife don't mix. One of the other comments was the educational aspect, can we not accomplish education without the human aspect in that area? Can we have some signage, can we have some other features to let people know what the Osprey and what the different wildlife experience is without actually being right in that space.

Robert Kieber -

Thanked Mark Wilcox, thanked DHM, as a consultant their job is to come in here and work with the SPORT Committee and design something that hopefully you hope, the Town hopes or somebody hopes will be developed. The SPORT Committee spent a lot of time on it and I know that they are always looking for activities and paths and trails and things like that. Been a resident of the Ponds since 2001, been in the county since 1991, have seen that area develop. Seen the decrease in the wildlife, had three deer in my backyard just the other night, and moose, no bear for a couple of years. When you start adding trails, the initial cost is the minimal cost. The long term cost is the maintenance and when you add a trail, some people stay on it and most people don't, they wander off, that's how the fisherman get access to the river. See it at the Ponds all the time, constantly having new ways to get down to the river off of the path and it is an improved asphalt path. To say that the people are going to stay on the trail, some of them will. Also, can tell you that if you put up a sign that says "no dogs", we have dogs running lose all the time that is not going to stop a dog owner. Responsible people are responsible for their dogs. We are constantly seeing responsible dog owners being half-way responsible by picking up the dog droppings, but leaving it on the side of the trail, so they're half-way responsible. Looking at it from the Comprehensive Plan stand point and agree with some of the aspects of it. What is going to benefit the Town, not just a neighborhood or be so minimally used is it worth the investment, whether the cost is \$40,000, \$50,000 or \$500,000. If it were approved and built, I think it would be a trail that would look nice at the beginning, but the history of the Town, and I'm going to be blunt, is extremely poor in the maintenance of what they have now. Someone mentioned earlier you go up and down the Blue River Trail, and there is junk sitting on the side of the trail, there's trash, there's vandalism, there's beer cans and bottles, cigarette butts. The maintenance is lacking, asked Susan Miller Lee when the Town took ownership of this property.

Susan Miller Lee -

Not sure, Tim Crane can probably answer that.

Tim Crane -

Around May 2006, when the property was platted.

Robert Kieber -

So in eight to ten years there has been no maintenance, no clean-up or anything down there in all the time that the Town has owned it. The cost of the plan brought something before us, and I feel that if the Town needed something like this, I would be for it. This is not anything that the Town of Silverthorne needs, and I will vote no on the resolution.

PLANNING COMMISSION RESOLUTION 2015-3 DIES DUE TO A LACK OF A MOTION.

CLOSED PUBLIC HEARING.

B. Final Plat and Site Plan, Angler Mountain Ranch Lakeside Townhomes, Filing No. 8. Tract 7C, Angler Mountain Ranch Lakeside Townhomes, Filing No. 7.

Matt Gennett, Planning Manager presented the project. The Applicant Tim Crane, is requesting approval of the Final Plat and Site Plan, Angler Mountain Ranch Lakeside Townhomes, Filing No. 8.

COMMISSIONER QUESTIONS:

- Stan Katz - Question regarding packet page 38, Buckskin Lane ends abruptly, and the turnaround is at the second to last house, plans to do anything with the end or the turnaround.
- Matt Gennett - Those are as built conditions, not part of tonight's application.
- Robert Kieber - Regarding the wall, Dan Gietzen is happy with the engineering and don't end up with a mess?
- Dan Gietzen - Yes, typical to everything else they've done to date, with the exception of what was adjusted to accommodate the Fire Department's comments.

APPLICANT COMMENTS:

- Robert Kieber - Any modifications since the other 43 or so units we've seen previously?
- Tim Crane - Applicant, Compass Homes Development. No, no major changes. Explained the proposed project, requested approval.

OPENED PUBLIC HEARING:

OPENED PUBLIC COMMENT:

None.

CLOSED PUBLIC COMMENT

- Matt Gennett - Stated that a certain area of Tract 8, will be a future development area, not the entire area will be open space.
- Stan Katz - Time frame for when Angler Mountain Ranch Filings 9 and 10 would be coming in for review?
- Tim Crane - Sometime this winter, working on them now.
- Joe Maglicic - Early January 2016.

CLOSED PUBLIC HEARING

STAN KATZ MADE A MOTION TO RECOMMEND APPROVAL OF THE FINAL PLAT AND FINAL SITE PLAN FOR ANGLER MOUNTAIN RANCH LAKESIDE TOWNHOMES, FILING NO. 8.

DONNA PACETTI SECONDED.

MOTION PASSES BY A VOTE OF FIVE TO ZERO (5-0). BRIAN WRAY AND TANYA SHATTUCK ABSENT.

7. OTHER ITEMS:

Matt Gennett informed the Planning Commission that Silvertrout has resubmitted. Stan Katz asked if anything has changed. Matt Gennett stated that it has not significantly changed because of CLOMAR revisions would be required if the project had changes.

Robert Kieber asked about Fin Doyle's project, and what stage it was at. Neighbors are curious about what is going on, asked for an update at the next Planning Commission meeting.

Stan Katz asked about the Dunkin' Donuts. Matt Gennett stated that the building permit has been issued.

Dan Gietzen explained that the project that Stan Katz is referring to regarding Xcel Energy is for Terry Novak's project Rainbow Run.

8. ADJOURNMENT:

STAN KATZ MADE A MOTION TO ADJOURN AT 8:10 P.M.

JENNY GLOUDEMANS SECONDED.

MOTION PASSES BY A VOTE FIVE TO ZERO (5-0). BRIAN WRAY AND TANYA SHATTUCK WAS ABSENT.

Submitted for approval by:

Approved this of 20th day of October, 2015.

Melody Hillis,
Planning Commission Secretary

Robert Kieber, Chairman

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 maintained in the office of the Planning Commission Secretary.

OVERVIEW OF All 2016 Grant Requests

Organization	Cash Request	In Kind Request	2016 Award
Advocates for Victims of Assault	\$5,000.00	Punch Pass	
Alpenglow Chamber Music Festivals	\$1,000.00	NA	
Bethany Immigration Services	\$2,500.00	NA	
Blue River Watershed Group	\$2,500.00	Pavilion	
Breckenridge Outdoor Education Center	\$1,000.00	NA	
Bristlecone Foundation	\$5,000.00		
Colorado Fourteeners Initiative	\$500.00	NA	
Colorado Avalanche Information Center (CAIC)	\$1,000.00	NA	
Colorado Mountain College Leadership Summit	\$1,250.00	NA	
Court Appointed Special Advocates (CASA)	\$5,000.00	NA	
Domus Pacis	\$0.00	Pavilion	
Education Foundation of Summit	\$1,000.00	Pavilion	
FIRC	\$5,000.00	Pavilion, Punch Pass	
Girl Scouts of Colorado	\$750.00	Pavilion	
Heart of Colorado Rural Philanthropy Days	\$2,000.00		
High Country Conservation Center (HCC)	\$2,500.00		
High Country Soccer Association	\$0.00	Rainbow Park Fields, Waive Rec Center fees	
Keystone Science School	\$2,500.00	NA	
Keystone Symposia	\$0.00	Pavilion	
League for Animals & People of Summit(LAPS)	\$3,000.00	Pavilion + Alcohol	
National Repertory Orchestra (NRO)	\$1,000.00	Pavilion (2 events) + Alcohol Proceeds (1)	
Outdoor Mindset (OM)	\$3,000.00		
Roots Del Mundo	\$1,500.00		
Rotary Club of Summit County	\$2,500.00	NA	
Silverthorne Elementary School - PTA	\$0.00	Pavilion	
SOS Outreach	\$1,000.00	NA	
Summit Choral Society	\$0.00	Pavilion (2 events)	
Summit Community Care Clinic	\$5,000.00	NA	
Summit County Department of Social Services	\$1,500.00	NA	

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Summit Rotary Club Fund

Summit County Library Foundation	\$0.00	Pavilion
Summit Extreme Inc	\$0.00	Ball Fields - Trent Park
Summit Foundation	\$0.00	Pavilion
Summit High School - Music Department	\$0.00	Pavilion
Summit High School - Student Council: PROM	\$0.00	Pavilion
Summit High School - After Prom Committee	\$0.00	Rec Center Waiver of Fees for After Prom
Summit Medical Health Foundation	\$5,000.00	NA
Summit Public Radio & TV (SPRTV)	\$5,000.00	
Summit School District-7th grade retreat	\$0.00	Pavilion
Summit Youth Baseball & Softball	\$0.00	Trent Park Ball Fields
Swan Center	\$3,500.00	NA
Team Summit Colorado	\$0.00	Pavilion
Women's Resource Center of the Rockies	\$2,000.00	Pavilion + Alcohol Proceeds
Youth and Family Services	\$5,000.00	NA
Youth Entity	\$1,000.00	NA

Total Cash Requests \$78,500.00 (30 Organizations)

Total In Kind Requests

Pavilion: 17 Organizations, 19 events

Rec Center: 2

Soccer Fields: 1

Trent Park Ball Fields: 2

Indicates New Applicant in 2016