



**TOWN OF SILVERTHORNE
PLANNING COMMISSION MEETING MINUTES
SEPTEMBER 15, 2015 – 6:00 P.M.**

1. CALL TO ORDER – The meeting was called to order at 6:00 p.m., on September 15, 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, Donna Pacetti, and Brian Wray. Tanya Shattuck was absent. Staff attending tonight's meeting included: Matt Gennett, Planning Manager, Zach Margolis, Utilities Manager, Dan Gietzen, Town Engineer and Melody Hillis, Planning Commission Secretary.

3. CONSENT CALENDAR – Stan Katz made a motion to approve the September 1, 2015, Planning Commission minutes as corrected. Donna Pacetti seconded. The motion was approved by a vote of six to zero (6-0). Tanya Shattuck was absent.

4. CITIZEN'S COMMENTS:
None.

5. PUBLIC HEARING:

Preliminary Plan for Subdivision – South Maryland Creek Ranch

Matt Gennett, Planning Manager, presented the project. The Applicant, Tom Everist, Manager of South Maryland Creek Ranch, LLC, is requesting approval of a Preliminary Plan for Subdivision for South Maryland Creek Ranch.

COMMISSIONER QUESTIONS:

- Donna Pacetti - The 9/10/15 letter from CGS, how will the Town know if the underdrain system is working and doing its job correctly? Is there testing?
- Matt Gennett - The Town will inspect the drains prior to acceptance of public improvements such as roads. The Town Engineer will determine whether these improvements are in conformance with Town standards.
- Donna Pacetti - Condition number four of the letter states that the Town will take over the monitoring and inspections if the HOA is not able.
- Matt Gennett - The Town Engineer and Public Work's Department can speak to that, but the Town would prefer not to assume this responsibility.
- Dan Gietzen - The Town's preference would be to have the HOA take care of the underdrains. Complete details are not available as to what will be installed per CGS's requirements. Monitoring to ensure functionality would be the developer's responsibility.
- Matt Gennett - In perpetuity.
- Dan Gietzen - Although CGS is very thorough, the Town doesn't want to monitor their private system.
- Donna Pacetti - Item number 12, talks about the monitoring. Who will be doing the monitoring?

- Matt Gennett - We will have to come to an agreement with the Applicant between Preliminary and Final as to who will be doing that and how it will be managed. It has to be a regularly occurring event.
- Donna Pacetti - Questioned the statement that the road and repairs may be the Town's responsibility, don't understand that.
- Matt Gennett - Only on platted rights-of-way that have been been dedicated to the Town; the Town assumes responsibility once those improvements have been accepted by the Town. An agreement with the Applicant spelling out how the process will be managed should some type of large failure occur.
- Stan Katz - Regarding the Town taking over if the HOA is not able to do so, who determines that? What is the difference between willing and able?
- Dan Gietzen - The Town's position is that we would not want to take that over. The Town's position is that the HOA needs to be willing and able to do so.
- Matt Gennett - The Applicant will address that during their presentation.
- Stan Katz - There needs to be a process in place, since the HOA doesn't exist yet, if the Town had to take over there needs to be a process in place.
- Matt Gennett - In that case, there would be a SIA in place to cover these improvements. In the meantime the developer acts as the de facto or default HOA.
- Stan Katz - When the Town is approving a density number, not deciding where those will be. Condition number 13, regarding the statement of not having adequate buildable space on certain lots. If those lots are found to be not buildable that reduces the total, but increases the number of units that could be located elsewhere, thus violating the density agreement, how would this move forward if those lots cannot be built on?
- Matt Gennett - When the Applicant gets to final plat they must substantially comply with the approved Preliminary Plan for Subdivision. If it is a significant or substantial enough departure from the Preliminary Plan, the applicant would have to return to the Preliminary Plan stage to make the proper modifications. If it is not a substantial departure, it can be handled through the final platting process, and that would be something that Staff, Planning Commission, and Town Council would determine.
- Stan Katz - Could they build on a different part of the property or would the lot shape be changed?
- Matt Gennett - They could do a final plat with minor deviations from the original lot configurations, but it would depend on the final layout and how it would affect the entire subdivision.
- Stan Katz - What constitutes substantial?
- Matt Gennett - The Town Code uses the word substantial, Staff would have to make that determination and interpret that. The Applicant could prove condition number 13 to be wrong and that there is adequate space. As always, the burden of proof is on the applicant.
- Stan Katz - Comments from CDOT are a stale issue, why not taken care of before? It states August 10th, submitted to Town Council well before that with the changes. Wonder how many other items in this information are stale.
- Matt Gennett - CDOT has been involved and is up to speed on the most recent analysis that was accepted.
- Brian Wray - Echo Stan's concerns on the possible "unbuildable" lots, should be taken care of now. To have that many lots, and have some that are in question of being buildable seems crazy. Don't know why a few can't be deleted or made bigger. Logical to do that now. If I was a buyer, don't feel that is acceptable. A wildlife crossing on a project like this should be considered.
- Robert Kieber - Where is the developer on the installed utilities and will there be a looped water system by the time the first CO is issued or building permit?
- Zach Margolis - Looped water system before the first CO is issued. Before they can begin to build, the fire suppression system must be in and working. Two lines into

the subdivision have been built and accepted. Two water supplies that will be available at the time a building permit is issued and the first loop will be completed.

Robert Kieber - Regarding the future Town planned park, can't see any vehicular access off of any of the roads to the park, do they have to exit out to go over onto the highway and then go back into a future parking lot?

Matt Gennett - Discussions have been conducted about parking spaces at the park, the Applicant will address that issue during their presentation.

Robert Kieber - Talking about a roadway access so they don't have to go onto the highway?

Matt Gennett - There is an internal access into the park. Regarding condition number 13, Staff did struggle with that because of the way it is worded. It says there "may not" be adequate building space in the proposed lots, so it becomes the Applicants burden to prove that there is adequate building space on those lots. If that condition can't be met then a reconfiguration of those lots will need to occur.

Stan Katz - If they can't, can that density be moved, because they are under density.

Matt Gennett - Yes.

Robert Kieber - Applicant has the ability to request to move the density?

Matt Gennett - Yes.

Robert Kieber - Not automatically authorized?

Matt Gennett - There is a process for them to come back in.

Stan Katz - A new preliminary plan?

Matt Gennett - A revised Preliminary Plan. They would have to address those lots as they've been approved via Preliminary Plan to show how those lots would be reconfigured.

Brian Wray - Would like to know what those lots look like. Are they too steep, more than 30% grade, the size of it, more information on that would be good.

Matt Gennett - On condition 13, CGS lists out all of the constraints of each lot in subparts of that condition. Staff is aware of the constraints called out by CGS and measured it out. Building envelopes could be fitted onto each lot, if engineered properly, and it is up to the Applicant to prove them buildable.

Robert Kieber - Keep in mind that this is a Preliminary Plan, change orders can happen.

Brian Wray - Good to get all these things done now.

APPLICANT COMMENTS

Tom Everist - Applicant, South Maryland Creek Ranch, addressed the Planning Commission's concerns and questions.

Joanna Hopkins - Representing South Maryland Creek Ranch. Introduced the other representatives of the team. Addressed the concerns and conditions in the Staff report, and clarified some of the questions asked by the Commission. Addressed the concerns regarding the lots that were stated to be "unbuildable". Explained the park circulation and parking.

Stan Katz - Requested the Applicant address condition number 10 of the Staff report.

Rich Toker - Geotech Engineer. CGS hasn't read all of our reports about the underdrain system and how it will function. Explained how the underdrain system would work.

Stan Katz - Reducing or moving the drains? Keeping the same number or not?

Rich Toker - Reducing the number of horizontal drains, replacing them with deep trench drains, fully intercept. Explained the difference, explained the other drains and drainage systems.

Stan Katz - CGS made a comment about the drainage systems in the vicinity of lots 141 to 144.

Rich Toker - We reduced the number of horizontal drains, added a trench drain and added an underdrain system.

Chris Durlou - We removed some horizontal drains, and added other underdrains.

Stan Katz - CGS is not aware of this yet?

Chris Durlou - Correct.

Jenny Gloude-mans - Regarding the response letter of August 18, CGS comment states the existing inclinometers will be monitored every six months to confirm long term slope stability, and that three piezometer locations will be selected. Mr. Everist stated that there will be more piezometers. How many more, this says three and has that been documented where the others will be located and who determines where those piezometers go?

Joanna Hopkins - Explained the inclinometer locations and the piezometer locations, additional piezometers were installed and have since nested three - they will remain in place, capturing data during the period of study.

Rich Toker - Explained the reasoning behind the number inclinometers and locations and reason for those and the piezometers.

Joanna Hopkins - Different protocol, realize that, committed to maintaining the right ones for the duration.

Jenny Gloude-mans - Left in areas that experience more groundwater and most activity?

Rich Toker - Yes, they are monitored during periods of high water levels.

Stan Katz - Regarding the letter from Dan Gietzen, regarding the license agreement about the underdrains, which are on Town property and which are on private property, any idea?

Joanna Hopkins - Showed the areas that belong to the Town in the right-of-way, and the distance away from those utilities. Underdrains are few. Most of the drains in the right-of-way are incorporated into the wall design. There are interceptor drains in the retaining wall.

Stan Katz - Do the walls belong to the Applicant or Town?

Joanna Hopkins - In an easement, the Town does not want to own our walls, correct Dan?

Dan Gietzen - Yes, the Town would prefer not to be responsible for those.

Joanna Hopkins - That is why they are in an easement outside of the right-of-way.

Chris Drulou - Located out of the right-of-way.

Joanna Hopkins - If the walls needed repair there is an easement that would provide the HOA access.

Chris Durlou - License agreements will come if drainage interceptors cross the right-of-way.

Robert Kieber - Has there been discussion between the Applicant and the Town on making vehicular traffic available to a future parking lot at the park?

Joanna Hopkins - Explained the main entry subdivision and park access.

Robert Kieber - All of the monitors, the results will be supplied to the Town Engineer?

Joanne Hopkins - They can be.

Dan Gietzen - Yes, we would like that information.

Matt Gennett - CGS did state that they wanted a running log of all of the data.

Joanna Hopkins - Both CGS and the Town would be receiving that information.

Robert Kieber - Summit Sky Ranch or Maryland Creek Ranch, which is it?

Joanna Hopkins - For purposes of filing and legal platting, it is South Maryland Creek Ranch, for purposes of marketing, it is Summit Sky Ranch.

Robert Kieber - Do you agree to all of the Staff recommended conditions, and the sub-conditions listed in the report?

Joanna Hopkins - Yes.

Stan Katz - Regarding the monitoring, will they be manually monitored or will the data be sent to a centralized, radio controlled area?

Rich Toker - Technically feasible to install instruments in all of the locations, and have a remote terminal send the data. Not really practical in this situation, the inclinometer is based on accelerometers, want to use the same instrument every time, been using the same instrument for 12 years, it is more cost effective to have a person go around for a half a day to observe the inclinometers and produce the data.

Stan Katz - If done electronically and something happens there is immediate notification.
 Rich Toker - True, if someone is watching the data every day or once a month.
 Stan Katz - You'd have exception reports.
 Rich Toker - The important months to monitor are between April and June, when water levels are high and the pressure comes up.
 Stan Katz - No plans to do them electronically.
 Rich Toker - No.
 Joanna Hopkins - We like technology, we were talking to Zach Margolis and if there was a water main break and there was an infiltration of water, what that would do. The Town's system is so sophisticated that we could install real time alerts if there were a drop in acoustics. If there is a way we will try to find it.

OPENED PUBLIC COMMENT:

None.

COMMISSIONER COMMENTS:

Stan Katz - Having four conditions, one of which has multiple sub-conditions, still dealing with 20 conditions of approval. Interesting way of approaching it, almost a little bit of propaganda, like there are really only four conditions. There are a lot of conditions.
 Jenny Gloudemans - Impressed. No idea what South Maryland Creek Ranch was about, and have lived in Silverthorne for 21 years, eye opener. The magnitude and seriousness of it for where it sits and what has been done to ensure that a good product is being put forth.

STAN KATZ MADE A MOTION TO RECOMMEND APPROVAL OF THE SOUTH MARYLAND CREEK RANCH APPLICATION FOR PRELIMINARY PLAN WITH THE FOLLOWING STAFF 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.

DONNA PACETTI SECONDED.

MOTION PASSES BY A VOTE OF SIX TO ZERO (6-0). TANYA SHATTUCK WAS ABSENT.

CLOSED PUBLIC COMMENT.

6. OTHER ITEMS:

Matt Gennett: Next meeting of PC will be 10/6/15, Susan Lee will be leading the Planning Commission on a site visit to Angler Mountain Ranch Open Space and returning to a regular Planning Commission meeting to begin at 6:30 p.m. Robert Kieber asked if there will be a published public hearing notice if a resolution comes forth? Matt Gennett – yes, we can publish a public notice for that item. Mark Leidal - we can, we have had several public meetings, and want to make sure that the Planning Commission has had an opportunity to understand the process for the parks plans. We can do a public notice for

the resolution. Robert Kieber: due to the amount of public comment in our packet two weeks ago, thinks that it would be advisable to do a published public hearing. Matt Gennett said we will also notice the new meeting time and location. Stan Katz said since we are doing this because of the results of the last Planning Commission meeting and the Town Council meeting, it's clear that there is controversy about this. If there is controversy and we are going to have a legitimate Planning Commission worksession/meeting, there are certain pieces of data which were summarized in the first application of this. Requesting more detail, all the comments that were made, etc., very general last time. Would appreciate more detail.

Matt Gennett continued the informational update and stated that the owner of Vista Automotive was notified of their dumpster being in a state of disrepair and that they will be taking care of making needed repairs.

Robert Kieber asked about the dumpster at Sunshine Café being used by McDonalds. Matt Gennett state that it has been monitored and we contacted the Summit County Health office as well. It has been determined that the refuse was not from McDonald's. It has been regularly observed on multiple occasions, and it is not being abused. Robert Kieber stated that he disagrees with that.

7. ADJOURNMENT:

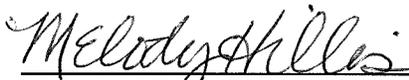
STAN KATZ MADE A MOTION TO ADJOURN AT 7:10 P.M.

JENNY GLOUDEMANS SECONDED.

MOTION PASSES BY A VOTE SIX TO ZERO (6-0), AND TANYA SHATTUCK WAS ABSENT.

Submitted for approval by:

Approved this of 6th 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.