

**SILVERTHORNE TOWN COUNCIL MEETING
AGENDA FOR MARCH 9, 2016- 6:00 PM**



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* 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.

COUNCIL WORK SESSION: February 8, 2016 – 6:00 P.M.
TOPIC: Joint meeting with Planning Commission

**SILVERTHORNE TOWN COUNCIL WORK SESSION
PUBLIC ISSUES SCHEDULE
2016**

*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.*

MARCH 22 OPEN

APRIL 12 OPEN

APRIL 26 OPEN

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

March 2016

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1 EDAC Meeting Planning Commission	2	3	4	5
6	7	8 Work Session	9 Council Meeting	10	11 Payroll	12
13	14	15 Planning Commission	16 Court	17	18 Country Western Dance, 7:00 PM @ Pavilion	19 Stargazing Snow- shoe, 6:00 PM @ Angler Mountain
20	21	22	23	24 SPORT Meeting	25 Payroll	26
27	28	29 Work Session	30 Council Meeting	31	NO SCHOOL	

April 2016

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1 Payroll	2 Girl Scout Water Fun Day, 9:00 AM @ Rec Center
3	4 Registration for Summer Programming Begins	5 Planning Commission	6	7	8 Payroll	9
10	11	12 Work Session	13 Council Meeting	14	15 Country Western Dance, 7:00 PM @ Pavilion Payroll	16
	No School—Spring Break					
17	18	19 Planning Commission	20 Court	21 SPORT Meeting	22	23
24	25	26 Work Session	27 Council Meeting	28	29 Payroll	30

June 2016

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

Town of Silverthorne
Council Agenda Memorandum

TO: Mayor and Town Council
THRU: Ryan Hyland, Town Manager *RH*
FROM: Susan Schulman, Executive Assistant to the Town Manager *SS*
DATE: March 4, 2016 for Meeting of March 9, 2016
SUBJECT: Staff Comments

Attached please find the Staff Comments and Updates for the March 9, 2016 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 – March 3, 2016

April 5th Municipal Election – Our Regular Municipal Election is set for April 5th, this is a mail ballot election. This election is for four Council seats, the three candidates receiving the highest number of votes shall be elected for four-term terms. The candidate receiving the fourth highest number of votes shall be elected for a two-year term. There are five candidates on the official ballot. The ballots have been sent to the printer and they will be mailed to voters no sooner than March 14th and as late as March 21st. Ballots can either be mailed back or dropped off at the Town Hall front desk. The Candidate Forum was held on Monday February 29th and was taped. The forum was videotaped and will be available on Comcast's SCTV station or by clicking on the link, on the Town of Silverthorne's website.

2016 Business Grant Program – The 2016 Business Grant Program was announced January 11, 2016 and closed February 19, 2016. Town Council has \$40,000 budgeted in 2016 for this program. The Town received 7 applications and the EDAC Executive Committee reviewed the applications, and are recommending awarding 6 businesses grants, and steering the other group, which is a 501c3, to the Non Profit Grant Program. Council will review these recommendations at next week's Work Session and Council Meeting.

Schmidt Scholarships – The Town received a record 16 qualified scholarship applications from the class of 2016! The Council Grant Committee will meet March 8, 2016 to review the scholarships. Silverthorne's 2016 budget includes \$15,000 for scholarships, with the entire County contributing over \$300,000 to this program. Scholarship Award Night at Summit High School is Monday, April 4, 2016 at 6:00 p.m.

Public Safety – March 2, 2016

Incidents – On 02/21/16 Officer Watson responded to a motor vehicle accident where one vehicle had rear-ended another on Highway 9. Upon his arrival he verified there were no injuries and contacted the at-fault driver. The driver exhibited all of the signs of intoxication including slurred speech, red, watery eyes, and inability to complete simple divided attention tasks. Although the driver denied having any alcohol, Officer Watson's investigation led him to believe otherwise. The driver was arrested for suspicion of driving under the influence and chose to take a breath test, which indicated she was nearly three times the legal limit to drive in the State of Colorado.

On 02/26/16 Detective Barger was notified of a fraud perpetrated at a local hotel. The victim of the fraud had ordered food from a local restaurant and given a credit card number over the phone. A few hours later the victim's card was used to

reserve a room at the hotel, which was not authorized by her. The victim called the police and Detective Barger responded. Detective Barger was able to determine only one person had taken the credit card information, which was confirmed to be the same person who had booked the room. The suspect had fled the hotel before the police arrived, but he was located the next day when he returned to the job where he had pilfered the credit card information. He was subsequently arrested and he admitted his involvement in the crime.

On 03/02/16 Officers from the Silverthorne, Dillon, and Breckenridge Police Departments coordinated their resources and executed a search warrant within the Town limits of Silverthorne. The suspect of the search warrant was a known drug dealer, but had been elusive in the past. Through our coordinated effort we were able to get fresh information, which convinced a judge to sign off on the warrant. When the warrant was served it was immediately apparent that our effort was worth it with a large amount of drugs, paraphernalia, and other items of interest being retrieved from the house. The owner of the house was arrested on scene and booked at the Summit County Jail on multiple charges.

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 Watson received a thank you from a family involved in an accident as they passed through town. They were pleased with the way Officer Watson handled the incident and his professionalism during the contact.

Department Training – All three sergeants participated in a webinar about the use of body cameras for law-enforcement. It's good to get as much information as possible so an informed decision can be made on the use of this tool, if that's the direction we decide to go.

Staffing – The department is currently down one chief, one sergeant, and two officers now that AJ Futro has left. Sergeant Higby has been filling in as Interim Chief and our two trainees continue to do well. We will be holding interviews for the officer positions on 03/07/16.

Public Works Department – March 3, 2016

Streets - Plow, sand, sweep. Plow, sand, sweep. Plow, sand, sweep. Get the picture? And some drainage too.

Parks - Jessamy Roberts, 12 year employee of the Parks Department, has been promoted to Parks Manager. Way to go Jessamy!

Utilities - Utility staff is busy with various maintenance work to all of our systems.

Recreation Center Air Systems - The new sound attenuator for the PDU has been installed and the reduction in noise is noticeable.

Facility Manager - Our two new Building Techs have started work and we will slowly catch up on lots of maintenance activities. Rob Coker, our new Facility Manager, is doing a great job for since starting in early January.

Engineering - Dan Gietzen is busy with reviews of Summit Sky Ranch, Blue River 50, and other smaller projects. He is also gearing up for this summer's streets and drainage work. He met with week with the Community Rating System folks, working to keep our flood insurance program active and in compliance with Federal Regulations.

Community Development Department – March 3, 2016

Blue River Trail – 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. Summit County Open Space Advisory Committee (OSAC) has been participating in acquiring an easement from Blue River Valley Ranch Lake Estates.

Town Core Rezoning – Since the District Design Standards have been adopted, the focus shifts to the rezoning of the Town Core. This will help to implement the Comprehensive Plan vision to create a pedestrian friendly downtown. Town Council has approved the creation of the Town Core Zone District.

Summit Sky Ranch (aka South Maryland Creek Ranch) – The first Final Plat has been submitted for review.

Lake Dillon Theatre Company (LDTC) – Design work continues on this exciting new Performing Arts Center. The Preliminary Plan has been reviewed and approved by the Planning Commission and Town Council. The Final Site Plan has been submitted for review.

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. Staff will be discussing the impacts to Highway 9 in the Town Core with representatives from CDOT.

University of Colorado Environmental Design Studios – Two undergraduate studios from the College of Environmental Design will be studying Silverthorne for this semester. One class will be focusing on the Town Core area, the other will be focusing on workforce housing, specifically Smith Ranch. Staff continues to meet with the students to discuss these exciting issues.

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):

- Mattress Firm – Preliminary Site Plan
- South Maryland Creek Ranch (Summit Sky Ranch) – Final Plat
- Silverthorne Performing Arts Center – Final Plan

Recreation and Culture – March 3, 2016

There were nine internal applicants for the position of Guest Services Coordinator at the Recreation Center. Three interviews are being conducted today with the most qualified applicants and we expect to offer the position to the top candidate within a week. This new position will lead the Recreation Center front desk operations and manage a variety of facility functions including administration of RecTrac software, facility scheduling, guest services communications, and management of the reduced rates programs.

Work with Betty Ashley Public Relations (BAPR) is off to a solid start with progress started on refining the Town logo and creating copy for new pages on the Town website. BAPR is also working with staff to set benchmarks for measurements and reporting. BAPR will attend a Colorado Tourism Office media event this month as a representative for Silverthorne and is preparing a Silverthorne fact sheet to distribute at the event.

In support of the Arts and Culture Strategic Plan goals, the following events have been arranged at the Pavilion:

- Wednesday, March 2 – In partnership with the **Keystone Symposia**, we hosted a free lecture from Dr. Anne Goldfeld regarding her experiences raising awareness about human rights and providing treatment to those affected by TB and HIV in low and middle income countries. Approximately 60 people attended.
- Thursday, March 3 – One of our newest programs, the **Café Concert Series**, kicks off with local musicians Janet Harriman and Elizabeth Sadilek-Labenski who will be playing flute and harp in the laid back atmosphere of the Pavilion lobby. Bring your own snacks or dinner and enjoy a beverage from the cash bar while listening. 5:30-7:30 pm, free event. (Keep your eyes open for upcoming Café Concerts which will host a variety of performances including youth performers, a mariachi band, Indian music, traditional dancers, and more)
- Sunday, March 6 – **Keelan Donovan Concert** - Keelan Donovan, from Nashville, TN is dropping by the Pavilion during his ski vacation to share his captivating songs with Summit County. Keelan has opened up for Donavon Frankenreiter, Trent Dabbs, Amy Stroup, Matthew Perryman Jones, and most recently Katie Herzig on her spring tour. With three EPs coming in 2014, he

hopes to convey his passion for music & songwriting to all who come to listen, dance, and sing along. Check out a sample of his work at www.keelandonovan.com. 8:00 pm, free event.

Also in support of the Arts and Culture plan, staff submitted an idea to the National Creative Placemaking Fund Grant, which is part of ArtPlace America. Our idea will be one of approximately 1,500 other ideas, and ArtPlace will invite 75 agencies to submit a complete grant application. Although the competition is tight, if selected as a finalist, the chance of receiving funding is approximately 50%. Announcements on this opportunity will be made by June 10.

Town and Lake Dillon Theatre Company (LDTC) staffs are arranging two events to celebrate milestones in LDTC's move to Silverthorne. The first event is on Saturday, March 19 and is an Open House and discussion panel held at the new theatre location in The Outlets. The event will invite the community to tour the new space and find out more about the partnership between the Town and LDTC. The second event is a groundbreaking celebration on Saturday, April 23 at the Pavilion Lawn. The event will include entertainment and messages from key stakeholders, followed by a VIP reception inside the Pavilion for project donors.

Upcoming Pavilion Events

Mar 3	Yoga Café Concert
Mar 5	Wedding
Mar 6	FIRC Kids Party Keelan Donovan Concert
Mar 8	Yoga
Mar 10	Yoga Summit Reads Community Book Choice – Shannon Galpin
Mar 12	Wedding
Mar 15	Yoga
Mar 17	Yoga Lake Dillon Theatre Gala
Mar 18	Country Western Dance
Mar 19	Wedding
Mar 20	Wedding
Mar 22	Yoga
Mar 23	Kingdom Hall Worship Service
Mar 24	Lifeline Screening
Mar 25	Wedding
Mar 26	NRO Concert
Mar 27	Wedding

Town of Silverthorne
Council Agenda Memorandum

TO: Town Council
THRU: Ryan Hyland, Town Manager
FROM: Michele Miller, MMC, Town Clerk *mm*
DATE: March 3, 2016
SUBJECT: Town Council Meeting Minutes from February 24, 2016

SUMMARY: Staff asks the Town Council to approve the Town Council Meeting minutes from February 24, 2016.

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, February 24, 2016

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, JoAnne Nadalin and Ann-Marie Sandquist. Staff members present were, Town Manager Ryan Hyland, Sgt. Tim Osborn, Public Works Director Bill Linfield, Senior Planner Lina Lesmes, Town Attorney Matt Mire and Town Clerk Michele Miller.

The Pledge of Allegiance was recited by those present.

STAFF COMMENTS:

None.

COUNCIL COMMENTS:

Long shared on a positive comment she saw on Facebook; it referred to what a fine job the Silverthorne Police Department and EMT's had done with regards to a citizen and accident.

CITIZEN COMMENTS:

None.

CONSENT CALENDAR:

Long requested a correction, staff noted the minute correction.

NADALIN MOVED TO APPROVE THE CONSENT CALENDAR INCLUDING THE MINUTES FROM FEBRUARY 10, 2016. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL.

PUBLIC PRESENTATIONS:

None

LIQUOR BOARD:

None.

PUBLIC HEARINGS:

None.

ACTION ITEMS:

- A. Ordinance No. 2016-02 – An Ordinance Rezoning Certain Real Property from C-1, Light Commercial Zone District, and C-2, Heavy Commercial Zone District, to TC, Town Core District., 1st Reading**

Lina Lesmes, Senior Planner, presented Ordinance 2016-02 to Council for consideration. She reviewed the public process and the staff report. Planning Commission approved this Ordinance and staff recommends approval.

Council questions.

Butler asked for any public comment from the audience, none received.

Council comments.

Sandquist stated this may seem quick tonight but a lot of time and energy has gone into this Ordinance. We have worked with current business owners but we are also adding uses to the area. She is excited to get this ordinance in place.

Nadalín thanked the existing businesses that have participated and are working with the Town and are open to discussions and new ideas. She is excited to be at this point.

Richardson wants to eventually tackle the east side of the river.

Butler stated as of April 1st he has spent eight years working on this vision. When the economic downturn occurred, we took the time to look at our town, regulations, and zoning. We wanted to be ready to progress when the economy heated up. We are allowing much denser building to occur in this area but we want to be sensitive to the existing businesses in town. He feels that if some of these sites develop, owners will see an increase in their property values. Hopefully these changes will be setting the sense space that the citizens have asked for. The goal was not to put any businesses out of business but to increase development in the area. He appreciates all the general support, comments and even those who expressed concerns, so we can constructively address them.

Long cannot accept this plan because of parking. It's going to be a huge investment to widen the easements. The on street parking is not going to happen, there is too much snow and it's too costly. It will be a huge investment. She cannot support the ordinance.

SANDQUIST MOVED TO APPROVE ORDINANCE NO. 2016-02 AN ORDINANCE REZONING CERTAIN REAL PROPERTY FROM C-1, LIGHT COMMERCIAL ZONE DISTRICT, AND C-2, HEAVY COMMERCIAL ZONE DISTRICT, TO TC, TOWN CORE ZONE DISTRICT, ON FIRST READING. MOTION SECONDED. MOTION PASSED. (RICHARDSON, FOWLER, NADALIN, SANDQUIST AND CAMP – YEA, LONG NAY)

B. Ordinance 2016-03; An Ordinance Approving a Major Amendment to the Silverthorne Town Center Planned Unit Development, Located on Tracts A and B, Silverthorne Town Center Subdivision, 1st Reading

Lina Lesmes, Senior Planner presented Ordinance 2016-03 to Council for consideration. She reviewed her staff report and requested approval. Planning Commission approved this Ordinance and staff recommends approval.

CAMP MOVED TO APPROVE ORDINANCE 2016-03; AN ORDINANCE APPROVING A MAJOR AMENDMENT TO THE SILVERTHORNE TOWN CENTER PLANNED UNIT DEVELOPMENT, LOCATED ON TRACTS A AND B, SILVERTHORNE TOWN CENTER SUBDIVISION. MOTION SECONDED. MOTION PASSED UNANIMOUSLY.

DISCUSSION ITEMS:

NADALIN MOVED TO GO INTO EXECUTIVE SESSION AT 6:25 FOR A CONFERENCE WITH THE TOWN ATTORNEY AND TOWN MANAGER UNDER CHARTER SECTION 4.13 (c) AND CRS 24-6-402(4)(f) FOR THE PURPOSE OF CONDUCTING THE ANNUAL REVIEW OF THE TOWN MANAGER.

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

EXECUTIVE SESSION:

For a conference with the Town Attorney and Town Manager under Charter section 4.13 (c) and CRS 24-6-402(f) for the purpose of conducting the annual review of the Town Manager.

INFORMATIONAL:

- A. December 2015 Sales Tax Review
- B. Planning Commission Meeting Minutes, February 16, 2016

EXECUTIVE SESSION CONCLUDED AND MEETING AND ADJOURNED AT 7:45 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 Agenda Memorandum

TO: Mayor and Town Council
THRU: Ryan Hyland, Town Manager
FROM: Michele Miller, MMC, Town Clerk *MM*
DATE: March 3, 2016 for meeting of March 9, 2016
SUBJECT: Liquor License for Local Authority Consideration

SUMMARY: The Liquor Board is asked to grant a Temporary Liquor Permit to SESL Liquors, Inc. dba Porkey's Liquor.

BACKGROUND:

A. SESL Liquors, Inc. dba Porkey's Liquors – Request for a Temporary Liquor Permit

The applicant has submitted a complete application for a Temporary Liquor Permit and the transfer of ownership for Porkey's Liquors. The current owner of the liquor license, Dancorp, Inc. dba Porkey's Liquors has a valid liquor license until December 17, 2016. Under the Liquor Code, a Temporary Permit authorizes the transferee to conduct business and sell alcohol beverages for 120 days in accordance with the license of the transferor subject to compliance with the following conditions.

- The premise where alcohol beverages are sold is licensed by the State and Local Authority and is valid at the time of application.
- The transferee filed a complete and proper form for transfer of the liquor license with the local authority.
- The transferee filed a temporary permit application, along with the transfer of ownership application and a fee not to exceed \$100.00.
- The transferee provided a copy of the statement made to the state authority that demonstrates that all accounts for alcohol beverages sold are paid.

The Temporary Liquor Permit will be effective March 13, 2016. The applicant is not allowed to sell liquor unless this Temporary Permit is approved. The liquor license transfer application will be presented to Council in April.

The Police Department has copies of the transfer application and is running a background checks.

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

STAFF RECOMMENDATION: Staff recommends approval of the Temporary Liquor Permit. Please contact the Town Clerk's office with any questions or if you want to view more detail from the liquor application.

PROPOSED MOTION:

I move to approve the Temporary Liquor Permit application for SESL Liquors, Inc. dba Porkey's Liquors.

ATTACHMENTS: Temporary Liquor Permit

MANAGERS COMMENTS:

CARL J. REAM
Attorney at Law
11000 E. Yale Ave., Suite 212
Aurora, Colorado 80014

Phone (720) 535-4051

Telefax (720) 535-9063
email: carl_ream@hotmail.com

March 2, 2016

Town of Silverthorne
Attn: Town Clerk
601 Center Circle
Silverthorne, CO 80498

Re: Request for temporary permit for SESL Liquor Inc. dba Porkey's Liquors; 293 Summit P
lace, Silverthorne, CO 80497

Dear Town Clerk:

We would like to request a temporary permit for the above business to operate and continue
business during the pendency of our application for the transfer of the current retail liquor
license. Please find enclosed our permit fee of \$100.00 along with this request.

Sincerely,



Carl Ream
Attorney for Applicant

TOWN OF SILVERTHORNE
TEMPORARY LIQUOR LICENSE PERMIT

Fee: \$100

NOTE: This Temporary Permit is issued only to a transferee of any class of liquor license issued by the State of Colorado. This permit authorizes the transferee to continue selling alcoholic beverages as permitted under the permanent license during the period in which an application to transfer the ownership of the license is pending. This license is only issued to persons who have filed the Transfer of Ownership Application with the Town for the purchase of a valid liquor license.

Name of Applicant: SESL Liquors dba Porkey's Liquors

Mailing: PO Box 24025
 Silverthorne, Co 80498

Physical: 293 Summit Place Shopping Center
 Silverthorne, Co 80498

➤ If applicant is a partnership or a corporation, the names and addresses of all partners, or president, vice-president and managing officer must be submitted in the form of an addendum to this application.

Name of existing license to be transferred: Dancorp, Inc. dba Porkey's Liquors

Physical address of transfer location: 293 Summit Place Shopping Center, Silverthorne, Co

This application must be filed no later than thirty (30) days after filing of the application for transfer of ownership and shall be accompanied by a temporary permit fee of \$100.

Board meetings are held the second and fourth Wednesdays of every month. Your application should be submitted to the Local Licensing Authority at least one day prior to that scheduled meeting in order to provide proper notification to you on its approval within the three day period per C.R.S. 12-47-106.5 IV (c).

If granted, your temporary permit is valid for 120 days or until your transfer of the existing, valid license is granted. If good cause is demonstrated to the Local Licensing Authority, this time period can be extended for an additional 60 days.

Local Licensing Authority Approval:

APPROVED THIS ____ DAY OF _____, 2016.

Mayor

Attest:

Town Clerk

P/Mlk/Atemplic2

Town of Silverthorne
Town Council Memorandum

TO: Mayor and Town Council
THRU: Ryan Hyland, Town Manager *RH*
Mark Leidal, AICP, Assistant Town Manager *ML*
FROM: Lina Maria Lesmes, AICP, Senior Planner *LML*
DATE: March 3, 2016 for meeting of March 9, 2016
SUBJECT: Second Reading of Ordinance 2016-02, An Ordinance Rezoning Certain Real Property from C-1, Light Commercial Zone District, and C-2, Heavy Commercial Zone District to TC, Town Core Zone District.

PROPOSAL: Ordinance 2016-02 proposes to rezone the properties shown on the map to Town Core Zone District. The majority of the properties are currently zoned C-1, Light Commercial Zone District, and a fraction of the properties are zoned C-2, Heavy Commercial Zone District. The revisions proposed are based on the recommendations of the 2014 Town of Silverthorne Comprehensive Plan, and constitute the second step in creating a TC, Town Core Zone District.



PREVIOUS COUNCIL ACTION: On May 28, 2014, Town Council adopted the 2014 Town of Silverthorne Comprehensive Plan. The updated Comprehensive Plan provided recommendations for the physical development of the Town Core District as a compact, pedestrian-oriented commercial area. Updating the Design Standards was deemed the first step in implementing the 2014 Comprehensive Plan. Town Council adopted the Town Core District Design Standards and Guidelines on February 11, 2015. Creating a Town Core zoning designation is considered the next step in implementing the vision for the downtown, and in reducing conflicts between the zoning and use standards, the Town Core Design District Standards and Guidelines, and the 2014 Comprehensive Plan. On February 10, 2016, Town Council approved Ordinance 2016-01, an Ordinance amending Chapter 4, Article IV to establish the Town Core Zone District and the Use Schedule for the Town Core Zone District.

On February 24, 2016, by a vote of 5-1, Town Council voted to approve Ordinance 2016-02 without any changes, on first reading.

BACKGROUND: On October 13, October 20, and November 3, 2015, Staff met with Town Council, Planning Commission, and EDAC, respectively, to discuss the proposed Town Core Zone District. Following those discussions, Staff invited the affected property owners and the general public to attend a Town Core Business Coffee on November 18, 2015, and a Community Open House on December 2, 2015. Informational boards were displayed to facilitate discussion and gather feedback from the approximate 30-40 attendees of both events. The majority of property owners and members of the public in attendance expressed overall support for the project and the community's plans for a vibrant walkable downtown.

Town of Silverthorne
Town Council Memorandum

The Rezoning process is detailed in Section 4-4-15 of the Town Code. Per that Code Section, a Rezoning involves a Community Meeting, held on January 26, 2016, and a properly noticed public hearing by Planning Commission, held on February 16, 2016. In addition, Town Council is required to adopt an ordinance Rezoning the properties in question to Town Core Zone District. The Rezoning Ordinance is scheduled for Town Council review on February 24, 2016 and on March 9, 2016.

In response to the comments expressed by several property owners at the January 26, 2016 Community Meeting, Staff revised the boundaries of the proposed Town Core Zone District, to exclude 6 properties along Brian Avenue that are currently zoned C-2. In addition, the 5 properties owned by the Hudson Trust are currently not proposed to be rezoned to Town Core, as the Town and the property owner work to determine the most suitable zoning designation for those properties.

STAFF COMMENTS: Town Council shall consider a Rezoning based on consistency with the Comprehensive Plan, and consistency with Chapter 4 of the Town Code.

Comprehensive Plan: The Silverthorne Comprehensive Plan reflects the goals and objectives of the community. Staff finds there are a number of Comprehensive Plan polices relevant to the proposed Rezoning.

Policy LU 2 TC.1 - In the Town Core District, prioritize development that promotes pedestrian activity and provides a critical mass of diversified land uses, including a variety of retail shops, offices, hotels, entertainment, restaurants and outdoor cafes, transportation hubs, and other compatible uses that are harmonious with a walkable, urban-style, downtown experience.

Policy LU 2 TC.2 - Support building heights, form, and character conducive to a downtown environment. These architectural characteristics would generally include 2-4 story building heights, minimal or no building setbacks, enduring materials and attractive building facades.

Policy LU 2 TC.3 – Create a safe and appealing pedestrian environment throughout the Town Core District by providing short blocks, sidewalks, street trees, street lighting, seating, curb and gutter, on-street parking, informative signage, and traffic calming measures to slow vehicular speeds on State Highway 9.

Policy LU 2 TC.4 – Promote outdoor places for people to gather, including green spaces, outdoor plazas, pedestrian streets, children’s play areas, and outdoor seating to infuse energy and activity throughout the Town Core.

Policy LU 2 TC.6 - Encourage parking solutions that support commercial development in a downtown environment, such as consolidated parking reservoirs and on-street parking throughout. The development of alleys for service needs and access should be considered. Town parking codes and fees should be carefully reviewed to facilitate redevelopment in the Core.

Policy LU 2 TC.8 – Prohibit uses within the Town Core District that diminish the quality of a downtown experience, such as auto-oriented or large-scale retail stores that prefer

Town of Silverthorne
Town Council Memorandum

suburban development form. Anchors such as national brand restaurants, or smaller scale chain stores, may be appropriate to bolster recognizability and broad appeal, provided they meet Town Core Design Standards.

Policy LU 2 TC.10 – Emphasize overall pedestrian connectivity and experience throughout the Town Core, through the integration of sidewalks, connections, and design elements such as seating, landscaping, and lighting.

The Town Core Zoning designation prioritizes land uses conducive to a downtown environment, and prohibits auto-oriented uses that prefer suburban development. In addition, the Town Core Zone standards incentivize mixed use development with residential uses above ground floor commercial, require minimal setbacks, promote on-street parking, and encourage landscaping that creates gathering areas. Staff finds that the proposed Rezoning serves to implement the policies of the Comprehensive Plan for the area located west of HWY 9 to Brian Avenue, and between 2nd and 6th Streets.

Chapter 4, Article IV, Zoning Districts and Standards: Ordinance 2016-02 proposes TC, Town Core Zoning for 41 properties currently zoned C-1, Light Commercial District, and 6 properties zoned C-2, Heavy Commercial Zone District. Section 4-4-35 provides the standards for the TC, Town Core Zoning, which are summarized below:

- Intent – To establish a compact, urban area with uses, form, and amenities that contribute to a walkable downtown environment.
- Uses – In accordance with Policy LU 2 TC.8, uses that diminish the quality of a downtown experience, including ‘Auto Sales’, ‘Auto Repair’, ‘Equipment Rental’, and ‘Auto Gas Station’, are not permitted on properties zoned TC, Town Core. Uses in the Town Core Zone District include 16 permitted uses by-right (R), 1 use as Accessory (A), 1 use as Conditional as Accessory (C/A), and 13 uses permitted with conditional use permit approval (C).
- Lot Coverage and Setbacks – To incentivize building forms and site layouts conducive to a downtown environment (Policy LU 2 TC.2), properties zoned TC, Town Core have minimal setback requirements, and no lot coverage maximum.
- Density - Residential density is desired in a downtown setting to contribute to a critical mass of people, to promote a mix of uses, and to provide additional housing options. Properties zoned TC, Town Core are allocated a density 16 units per acre. Residential dwelling units are not permitted on the ground floor.
- Density Bonus – In order to incentivize the construction of workforce or senior housing, properties in the TC, Town Core are permitted to exceed the maximum density, in return for placing a deed restriction on a percentage of the bonus units.
- Parking – To encourage parking solutions that support commercial development in a downtown environment, properties zoned TC, Town Core may propose reduced parking, on-street parking, and reduced setbacks for parking areas.
- Landscaping – Properties zoned TC, Town Core, are encouraged to utilize alternative forms of landscaping that promote outdoor spaces for people to gather, including outdoor seating, plazas, gazebos, and street trees.

Town of Silverthorne
Town Council Memorandum

PLANNING COMMISSION RECOMMENDATION: On February 16, 2016, by a vote of 4-0, Planning Commission voted to recommend approval of Ordinance No. 2016-02; An Ordinance Rezoning Certain Real Property from C-1, Light Commercial Zone District, and C-2, Heavy Commercial Zone District, to TC, Town Core Zone District.

Suggested Motion: "I move to approve Ordinance No. 2016-02; An Ordinance Rezoning Certain Real Property from C-1, Light Commercial Zone District, and C-2, Heavy Commercial Zone District, to TC, Town Core Zone District, on second reading.

ALTERNATIVE MOTION: Should the Town Council not be in favor of the proposed ordinance, a motion is not necessary.

ATTACHMENTS:

Exhibit A: Ordinance No. 2016-02

MANAGER'S COMMENTS:

**TOWN OF SILVERTHORNE, COLORADO
ORDINANCE NO. 2016-02**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF
SILVERTHORNE REZONING CERTAIN REAL PROPERTY IN THE
TOWN OF SILVERTHORNE FROM C-1, LIGHT COMMERCIAL AND C-2,
HEAVY COMMERCIAL TO TC, TOWN CORE**

WHEREAS, Chapter 4, Article IV of the Silverthorne Town Code establishes zone districts and standards;

WHEREAS, on February 10, 2016, Town Council approved Ordinance No. 2016-01, an Ordinance amending Chapter 4, Article IV, to establish the Town Core Zone District and the Use Schedule for the Town Core Zone District;

WHEREAS, the intent of the establishment of the Town Core Zone District was to allow the Town to rezone certain properties from C-1, Light Commercial and C-2, Heavy Commercial to TC, Town Core;

WHEREAS, a map of those properties is attached hereto as **Exhibit A** and incorporated herein by this reference;

WHEREAS, on November 18, 2015, December 2, 2015, and January 26, 2016, the Town held publicly-noticed community meetings, and the owners of property to be rezoned to TC, Town Core were provided with notice of such community meetings and an opportunity to be heard at such community meetings;

WHEREAS, on February 16, 2016, the Planning Commission held a properly-noticed public hearing on the proposal to rezone certain properties from C-1, Light Commercial and C-2, Heavy Commercial to TC, Town Core;

WHEREAS, the Planning Commission recommended approval of the proposal to rezone certain properties from C-1, Light Commercial and C-2, Heavy Commercial to TC, Town Core;

WHEREAS, on February 24, 2016 and March 9, 2016, the Town Council held properly-noticed public hearings on the proposal to rezone certain properties from C-1, Light Commercial and C-2, Heavy Commercial to TC, Town Core; and,

WHEREAS, having considered the recommendation of the Planning Commission, the input from Town staff and the comments from the public and property owners, the Town Council now wishes to rezone certain properties from C-1, Light Commercial, and C-2, Heavy Commercial to TC, Town Core.

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

Section 1. The Town Council finds and determines as follows: the rezoning of the properties described in Sections 2 and 3 hereof to TC, Town Core, complies with the Silverthorne Comprehensive Plan; the requirements of § 4-4-15 of the Silverthorne Town Code have been met; and the rezoning of the properties described in Sections 2 and 3 hereof to TC, Town Core, is in the best interest of the public health, safety and welfare.

Section 2. The following properties are hereby rezoned from C-1, Light Commercial Zone District to TC, Town Core Zone District:

Lots 1, 2 Block C, Silverthorne Colorado Subdivision
Lots 1, 2 Block D, Silverthorne Colorado Subdivision
Lots 1, 2, 3, 4 Block B, Silverthorne Colorado Subdivision
Lot 11 Block G, Silverthorne Colorado Subdivision
Lots 11, 12 Block C, Silverthorne Colorado Subdivision
Lot 12 Block A, Silverthorne Colorado Subdivision
Lot 12 Block G, Silverthorne Colorado Subdivision
Lot 12R Block D, Silverthorne Colorado Subdivision
Lot 13 Block A, Silverthorne Colorado Subdivision
Lot 13 Block G, Silverthorne Colorado Subdivision
Lots 13R, 14, 15, 16, 17, 18 Block B, Silverthorne Colorado Subdivision
Lot 14, BANK NA Subdivision
Lot 15R, BANK NA Subdivision
Lot 19 Block D, Silverthorne Colorado Subdivision
Lot 2 Block A, Silverthorne Colorado Subdivision
Lot 20 Block D, Silverthorne Colorado Subdivision
Lot 21 Block D, Silverthorne Colorado Subdivision
Lot 22 Block B, Silverthorne Colorado Subdivision
Lot 22 Block D, Silverthorne Colorado Subdivision
Lot 23 Block B, Silverthorne Colorado Subdivision
Lot 23, 24 Block B, Silverthorne Colorado Subdivision
Lot 23R Block D, Silverthorne Colorado Subdivision
Lot 3 Block A, Silverthorne Colorado Subdivision
Lot 3 Block D, Silverthorne Colorado Subdivision
Lots 3, 4 Block G, Silverthorne Colorado Subdivision
Lot 3R Block H, Silverthorne Colorado Subdivision
Lot 4 Block A, Silverthorne Colorado Subdivision
Lots 4, 5, 6, 7 Block D, Silverthorne Colorado Subdivision
Lot 401, Twin Seasons Vacations
Lots 5, 6 Block B, Silverthorne Colorado Subdivision
Lots 5, 6 Block G, Silverthorne Colorado Subdivision
Lots 5, 6, 7 Block A, Silverthorne Colorado Subdivision
Lots 5, 6, 7, 8, 9, 10, 11, 12 Block H, Silverthorne Colorado Subdivision
Lots 7, 8, 9, 10, 11, 12, 19, 20, 21 Block B, Silverthorne Colorado Subdivision
Lot 7R Block G, Silverthorne Colorado Subdivision
Lot 8 Block D, Silverthorne Colorado Subdivision

Lot 9 Block D, Silverthorne Colorado Subdivision
Lots 9, 10 Block G Silverthorne Colorado Subdivision
Tract A Block B, Silverthorne Colorado Subdivision
Units 1, 11-14, 21-24, Silvery Valley Condos
Units A, B, C, D, F, G, H, Cortina Suites Condos

Section 3. The following properties are hereby rezoned from C-2, Heavy Commercial Zone District to TC, Town Core Zone District:

Lots 1, 2 Block F, Silverthorne Colorado Subdivision
Lots 11, 12 Block F, Silverthorne Colorado Subdivision
Lots 13, 14 Block F, Silverthorne Colorado Subdivision
Lots 3, 4 Block F, Silverthorne Colorado Subdivision
Lots 5, 6, 7 Block F, Silverthorne Colorado Subdivision
Lots 8R Block F, Silverthorne Colorado Subdivision
Lots 23, 24, 25, 26, 27, 28, Block F Silverthorne Colorado Subdivision

Section 4. The Town's official zoning map shall be updated to reflect the rezoning of properties set forth in this ordinance.

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

Section 6. 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 7. 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 _____,
2016.

ADOPTED ON SECOND AND FINAL READING THIS ____ DAY OF _____,
2016.

TOWN OF SILVERTHORNE, COLORADO

Bruce Butler, Mayor

ATTEST:

Michele Miller, Town Clerk

Approved on the first reading: _____, 2016

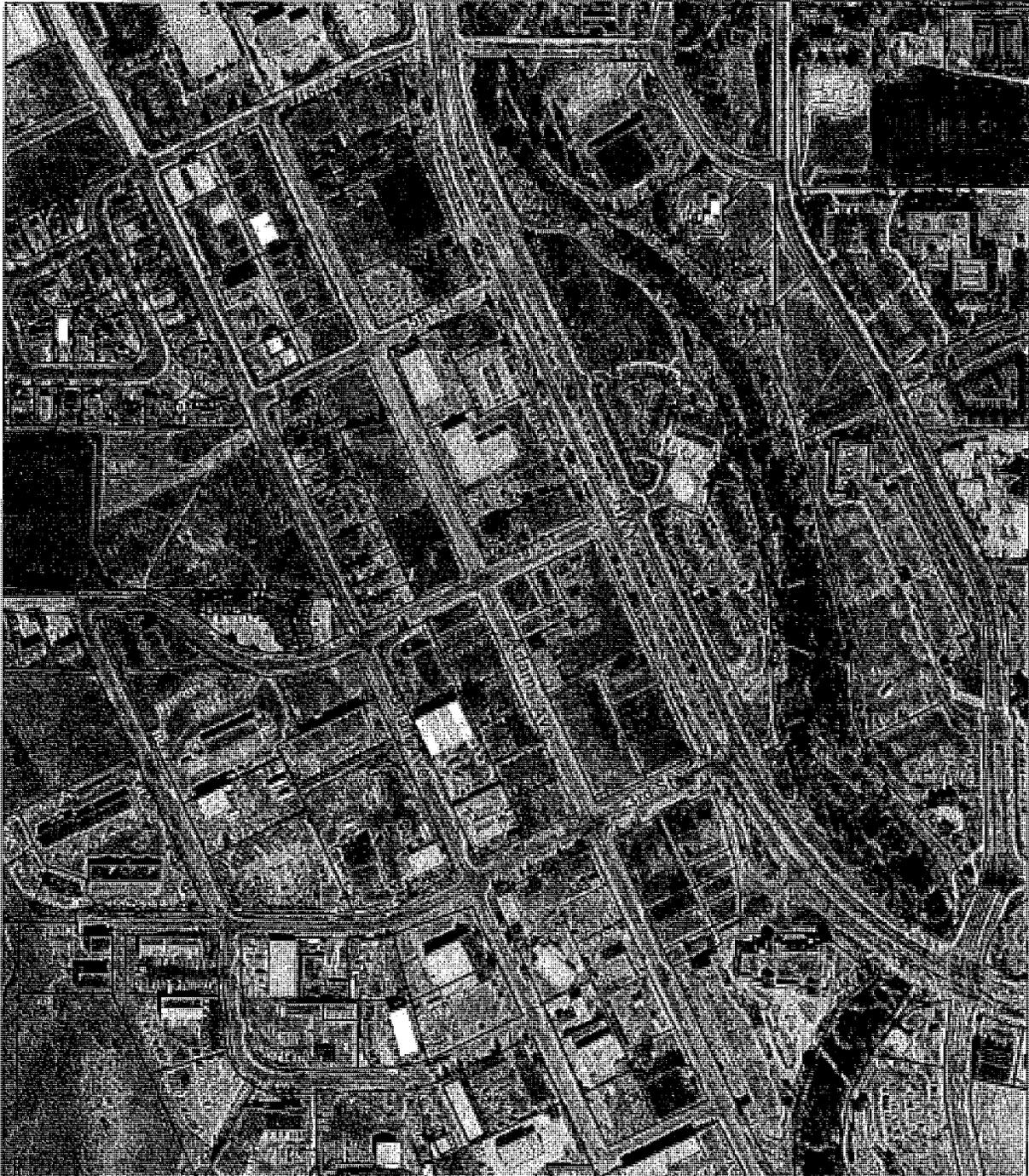
Published by title only: _____, 2016

Approved on the second reading: _____, 2016

Published by title only: _____, 2016

(with amendments, if amended on second reading): _____, 2016

EXHIBIT A



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Town of Silverthorne
Town Council Memorandum

TO: Mayor and Town Council
THRU: Ryan Hyland, Town Manager *RH*
Mark Leidal, AICP, Assistant Town Manager *ML*
FROM: Lina Maria Lesmes, AICP, Senior Planner *LML*
DATE: March 3, 2016 for meeting of March 9, 2016
SUBJECT: Second Reading of Ordinance 2016-03, An Ordinance Approving a Major Amendment to the Silverthorne Town Center Planned Unit Development, located on Tracts A and B, Silverthorne Town Center Subdivision.

PROPOSAL: The applicant, Town of Silverthorne, is proposing a Major Amendment to the Silverthorne Town Center Planned Unit Development (PUD) to update the language and modify the list of permitted and conditional uses. Major PUD Amendments constitute a Rezoning, and are, therefore, required to be accompanied by an ordinance. Ordinance 2016-03 is the proposed ordinance approving the Major Amendment to the Silverthorne Town Center PUD.

The Town Center PUD governs Tracts A and B, Silverthorne Town Center Subdivision, located at 354,358,400, and 460 Blue River Parkway. Tract A contains the Silverthorne Pavilion, the event lawn, 101 parking spaces, portions of the Blue River, and the East 4th Street Right-of-Way. Tract B contains a mixed-use building and a commercial building, 94 parking spaces, and dispersed landscaping.

PREVIOUS COUNCIL ACTION: On March 30, 2000, Town Council approved the Town Center Phase I, Final PUD, which included the Pavilion. Construction of the Pavilion was completed in June of 2001. The first Town Center Comprehensive Sign Plan was approved by Town Council in 2001.

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

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

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

Town of Silverthorne
Town Council Memorandum

Since the 2005 approvals, Town Council approved a series of modifications to the original PUD, Site Plan, and Comprehensive Sign Plan. On June 14, 2005, Town Council approved a revised Comprehensive Sign Plan for the Town Center. On August 10, 2005, Town Council approved a Site Plan Modification and Wetland and Waterbody Disturbance Permit for the Town Center plaza and river path. On April 12, 2006, Town Council approved a Site Plan Modification to modify the architecture of the approved stairwell on the north side of the River building, and to modify the screening of its utilities. Finally, on September 12, 2007, Town Council approved a Major PUD Amendment to the Town Center PUD to modify the PUD Guide and allow an additional 3 permitted uses, and an additional 2 conditional uses.

On July 9, 2014, Town Council approved by ordinance the sale of Tract B, Silverthorne Town Center Subdivision to NRC Silverthorne 1, LLC. On June 10, 2015, Town Council approved a variance to allow a 20-foot tall freestanding sign with an area of 89 square feet, and located within the 5-foot setback on Tract B, Silverthorne Town Center.

On February 24, 2016, by a vote of 6-0, Town Council voted to approve Ordinance 2016-03 without any changes, on first reading.

BACKGROUND: In 2015, the Town partnered with the Lake Dillon Theater Company to design and construct a new Performing Arts Center on Tract A, Silverthorne Town Center Subdivision. The two-level building is proposed to house a black box theater, secondary performance spaces, dressing rooms, offices, and a pre-function gathering area and lobby.

The site is governed by the Town Center PUD, which provides standards for uses, setbacks, height, and architecture, among others. Per that document, the use of '*Performing Arts Center*' or the broader term, '*Arts and Entertainment Facility*', are not listed as a permitted or conditional uses in the Town Center. As a condition of approval of the Preliminary Site Plan for the Silverthorne Performing Arts Center, approved by Town Council on December 9, 2015, the applicant was required to process a Major PUD Amendment to the Town Center PUD to update the language and uses therein.

STAFF COMMENTS – MAJOR PUD AMENDMENT: In accordance with Section 4-1-22, a PUD Major Amendment follows the Final PUD review process, and requires a public hearing by Planning Commission and Town Council. Section 4-4-14(g)(3) sets forth the criteria for approval of a Final PUD Plan, which are: *a) Consistency with the Comprehensive Plan and other Town master plans and standards; and, b) Consistency with Chapter 4 of the Town Code and other applicable standards established by the Town.* The PUD Guide shall include but not be limited to proposed land uses, densities, setbacks, building heights, lot coverages, parking requirements, landscaping requirements, and architectural standards.

Comprehensive Plan: The Silverthorne Comprehensive Plan reflects the goals and objectives of the community. The first criterion for review of a Major PUD Amendment is consistency with the Comprehensive Plan. Staff finds there are a number of Comprehensive Plan polices relevant to the proposed PUD Amendment.

Policy LU 1.1 – Encourage a logical pattern of development, in which the highest density and intensity is found in the Town Core and Gateway commercial districts, radiating outward

Town of Silverthorne
Town Council Memorandum

to the Periphery, Business Park, and Destination Commercial districts; eventually to lower density residential development on the northern and eastern edges of Town.

Policy LU 1.3 – Promote compatibility of land uses throughout Silverthorne’s built environment to establish a logical, cohesive development pattern.

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

Policy LU 2 TC.1 - In the Town Core District, prioritize development that promotes pedestrian activity and provides a critical mass of diversified land uses, including a variety of retail shops, offices, hotels, entertainment, restaurants and outdoor cafes, transportation hubs, and other compatible uses that are harmonious with a walkable, urban-style, downtown experience.

Policy LU 2 TC.2 - Support building heights, form, and character conducive to a downtown environment. These architectural characteristics would generally include 2-4 story building heights, minimal or no building setbacks, enduring materials and attractive building facades.

Policy LU 2 TC.6 - Encourage parking solutions that support commercial development in a downtown environment, such as consolidated parking reservoirs and on-street parking throughout. The development of alleys for service needs and access should be considered. Town parking codes and fees should be carefully reviewed to facilitate redevelopment in the Core.

Policy LU 2 TC.10 – Emphasize overall pedestrian connectivity and experience throughout the Town Core, through the integration of sidewalks, connections, and design elements such as seating, landscaping, and lighting.

Policy LU 4.3 – Celebrate the Blue River as a community asset through enhanced recreational access, integration of river views, and context sensitive design.

Policy LU 5.11 – Ensure that development adjacent to the Blue River is accomplished in a manner that enhances the river corridor, protects water quality, and maintains pedestrian access and use.

Policy CD 1.2 – Utilize lighting, public art, distinctive landscaping, signage and architectural elements to delineate Silverthorne’s gateways, reinforce the Town’s identity and brand, and promote events and the Town Core.

Policy CD 2.2 - Promote gathering and entertainment areas within Silverthorne’s downtown, through landscape design, signage, ample outdoor seating and pedestrian linkages.

Policy CD 3.7 – Encourage the consolidation of site elements such as parking, snow stacking, trash enclosures, and detention ponds when feasible, and consider a cooperative approach to the location of these elements on adjoining properties.

The Comprehensive Plan encourages the development of existing commercial areas, and supports diversified land uses that promote pedestrian activity in the Town Core, including entertainment uses. The Comprehensive Plan also emphasizes pedestrian connectivity, celebration of the Blue River, public art, gathering and entertainment areas in the downtown, and the consolidation of site elements such as parking and snow storage. Staff finds that

Town of Silverthorne
Town Council Memorandum

the proposed PUD Amendment clarifies and updates the language of the existing PUD Guide, and is in compliance with the stated policies of the Comprehensive Plan.

Zoning/Land Use: The Town Center PUD Guide provides zoning standards for Tract A and Tract B, Silverthorne Town Center Subdivision. The PUD was adopted in 2005, prior to the platting of the Town Center Tracts, and construction of Phase II of the Town Center. In addition, the PUD was established prior to the updates to the Use Schedule (2013), the update of the Comprehensive Plan (2014), the revisions to the Riverfront Zone District (2015), and the adoption of the Town Core Design District Standards and Guidelines (2015). As such, much of the language in the PUD Guide is outdated.

Uses – The Town Center PUD Guide specifies 34 permitted uses, and 8 conditional uses. Staff is proposing to consolidate the list of uses into broader, more general use categories. The proposed reclassification follows the format of the 2013 update of the Use Schedule, which resulted in a more modern, user-friendly, and flexible list of uses.

Staff is proposing to consolidate the existing list of uses in the Town Center PUD to 15 permitted uses and 5 conditional uses. Staff is also proposing to add '*Arts and Entertainment Facility*' to the list of permitted uses to accommodate for a future Silverthorne Performing Arts Center. The changes proposed do not result in a loss of any permitted or conditional use currently permitted in the Town Center.

Density – The existing Town Center PUD permits a maximum of 25 residential units per acre. Changes to the density are not proposed as part of the Major PUD Amendment.

Setback Requirements – The Town Center PUD permits a 0-5 foot setback in the front, a 10 foot setback on the sides, and 25-foot setback from the Top of Bank of the Blue River. The PUD also specifies the setback requirements for parking areas. Changes to the setbacks are not proposed as part of the Major PUD Amendment.

Height Requirement – The current PUD imposes a maximum height that varies from 25 to 35 feet, based on the distance from the front property line (adjacent to HWY 9). The variable height was adopted to ensure that buildings 'step down' as they approach or come in closer proximity to the street.

Staff is proposing to amend the height requirement to be the maximum that is described in the Design District Standards and Guidelines, which establish height maximums for the Town's six commercial districts. In the case of the Town Center, which is governed by the Town Core District Design Standards and Guidelines, the height maximum is 45 feet. The 'stepping-down' of buildings is achieved through architectural elements and design features required by the Town Core Design District Standards. As such, Staff finds that the amended height standard is clearer to implement, supports the character of the Town Core Design District, and does not have any adverse visual effects on surrounding property owners.

Pedestrian Connections – The PUD requires pedestrian connections to the riverfront pathway in Subsection J. In accordance with the requirements of the Town Core Design District Standards and Guidelines, Staff is proposing to clarify the language to require that

Town of Silverthorne
Town Council Memorandum

pedestrian connections be from principal building entrances, around buildings, to the riverfront pathway. In addition, minor revisions and language updates are proposed to Subsection L, regarding Path Connections. Because the pathway along the Blue River on Tracts A and B of the Silverthorne Town Center has already been constructed, the reference to its future location is proposed to be deleted.

Architectural/Building Design Standards – Subsections M, N, O, P, Q, and R of the Town Center PUD Guide provide standards related to architecture, building design, and screening. The standards were created in 2005, prior to the adoption of the Town Core District Design Standards and Guidelines. Because the site is governed by the Town Core District Design Standards and Guidelines, which provide standards related to architecture, building massing, and screening, Staff is proposing to delete Subsections M-R. Staff finds that deferring all architectural standards to the adopted Town Core Design Standards enhances consistency between Town regulatory documents.

Community Meeting – Per the requirements of Section 4.1.22, the applicant held a public Community Meeting on February 2, 2016, for review of the proposed amendments to the PUD by property owners within 200 feet. Flip Brumm was the only member of the public in attendance.

PLANNING COMMISSION RECOMMENDATION: On February 16, 2016, by a vote of 4-0, Planning Commission voted to recommend approval of the Major PUD Amendment to the Silverthorne Town Center Planned Unit Development (PUD).

Suggested Motion: "I move to approve Ordinance 2016-03, An Ordinance Approving a Major Amendment to the Silverthorne Town Center Planned Unit Development, on second reading."

ALTERNATIVE MOTION: Should the Town Council not be in favor of the proposed ordinance, a motion is not necessary.

EXHIBITS:

- Exhibit A: Ordinance 2016-03
- Exhibit B: PUD Guide
- Exhibit C: Letter from Tom Ethington, Manager, NRC Silverthorne 1, LLC.

MANAGER'S COMMENTS:

**TOWN OF SILVERTHORNE, COLORADO
ORDINANCE NO. 2016-03**

**AN ORDINANCE APPROVING A MAJOR AMENDMENT TO THE
SILVERTHORNE TOWN CENTER PLANNED UNIT DEVELOPMENT**

WHEREAS, on March 30, 2000, the Town Council approved the Town Center Phase I, Final PUD;

WHEREAS, on May 25, 2005, the Town Council approved a Major Amendment to the Town Center PUD, a Commercial Subdivision for the Silverthorne Town Center Subdivision, and a Final Site Plan for Phase II of the Town Center;

WHEREAS, on September 12, 2007, the Town Council approved a Major Amendment to the Town Center PUD to modify the PUD Guide and list of permitted and conditional uses;

WHEREAS, on December 9, 2015, the Town Council approved the Preliminary Site Plan for the Silverthorne Performing Arts Center, with the condition that the applicant process a Major PUD Amendment to the Town Center PUD;

WHEREAS, in part, the Amendment requests a modification to the list of permitted uses within the Town Center PUD;

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

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

WHEREAS, on February 16, 2016, after a properly noticed public hearing and consideration of the application and other information received, the Town's Planning Commission recommended approval of the Amendment;

WHEREAS, on March 9, 2015, the Town Council opened a properly noticed public hearing on the Amendment; and,

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

Section 1. Findings

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

- a. The Amendment is consistent with the Town's 2014 Comprehensive Plan by modifying the list of permitted and conditional uses to promote diversified land uses in the Town Core District that contributes to an appealing pedestrian environment.

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

Section 2. Approval

Based on the foregoing findings, the Town Council hereby approves the Major Amendment to the Town Center PUD.

Section 3: Safety Clause

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

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. 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, MOVED, AND PASSED ON FIRST READING ON THE ___ DAY OF _____, 2016.

MOVED, SECONDED AND FINALLY PASSED ON SECOND AND FINAL READING, ON THE _____ DAY OF _____, 2016.

TOWN OF SILVERTHORNE, COLORADO

By: _____
Bruce Butler, Mayor

ATTEST:

By: _____
Michele Miller, Town Clerk

Approved on the first reading:	_____	_____	2016
Published by title only:	_____	_____	2016
Approved on the second reading:	_____	_____	2016
Published by title only:	_____	_____	2016
(with amendments, if amended on second reading):	_____	_____	2016

TOWN OF SILVERTHORNE
PUD Development Guide
Town Center I and II
(2016 Major PUD Amendment)

PUD Zoning:

The Intent of the Planned Unit Development Zoning of the Town Center is to allow for retail sales and service facilities, arts and entertainment establishments, restaurants, and residential and office uses wherein all activities are conducted inside and in a controlled manner outside as permitted by the Town of Silverthorne. Outside activities include outside dining, special events, public gathering, and passive recreation. Other outdoor activities, such as sidewalk displays or outdoor retail sales, may be allowed with the review and approval of the Town of Silverthorne.

The PUD contains Tracts A and B of the Silverthorne Town Center Subdivision, which include the Town Pavilion, the Silverthorne Performing Arts Center, the River Building, and the Parkway Building. Ancillary uses for the site include associated parking, loading dock and service areas, paved pedestrian walkways, storm ponds, snow storage and landscaping.

A. Concept of PUD Zoning:

1. The Blue River is the center and principal attraction of the Town. These sites are intended to promote the Blue River as the central image of the Town. All site development shall use and promote the intrinsic characteristics of the river and the riverfront property.
2. The site should be attractive from both the river and public right-of-ways. The Town encourages pedestrian friendly settings on site. Access should be obvious to a pedestrian from either the street or the river. Both new residential and business uses should provide outdoor open space on the riverside. Site design and landscape should be attractively and carefully planned.
3. The intent of the sites is to create a lively and vital mixed use development that enhances the community identity and sense of place and provides an economic anchor. Development shall provide a pedestrian pathway paralleling the Blue River and connecting with adjacent pedestrian paths.
4. The Town encourages high quality development that provides a variety of architectural elements, and avoids featureless design or large uninterrupted facades. Building massing, form, length and proportions shall be designed to provide variety of visual interest while maintaining a human scale that is appropriate. All development within the Town Center shall conform to the Town Core Design District Standards and Guidelines.

B. Permitted uses:

B.1 Uses by Right:

1. Apartments
2. Arts and Entertainment Facility
3. Bakery/ Coffee Shop/Delicatessen
4. Bar/ Lounge

TOWN OF SILVERTHORNE
PUD Development Guide
Town Center I and II
(2016 Major PUD Amendment)

5. Day Spa/Salon (Beauty, Hair, Massage, Tanning)
6. General Retail
7. Hotel, Motel, non-transient lodging
8. Music, radio and television sales and renting
9. Office: Professional or Governmental
10. Outdoor Activity Areas (as approved by the Town)
11. Professional Services
12. Pavilion
13. Restaurant (outdoor patio seating permitted; no drive thru)
14. Sporting equipment rental
15. Seasonal vegetable/ fruit stand

B.2 Conditional Uses, Accessory uses:

1. Appliance sales and/or service
2. Health Spa
3. Laundromat
4. Residential Condominiums
5. Veterinary hospital, services

B.3 Any use not expressly permitted either by right, or as a conditional or accessory use shall be determined by the Town Code.

C. Lot Frontage:

Minimum: One hundred (100) feet.

D. Lot Coverage for Buildings:

Maximum: Sixty percent (60%) of total lot area.

E. Front Building Setback:

For fifty percent (50%) of the lot frontage, a zero (0) setback is permitted, for the remaining fifty percent (50%) of the lot frontage, a minimum five (5) foot setback is required.

F. Side Building Setback:

At least ten (10) feet from all property lines not abutting the river or street.

G. River Building Setback:

Ten (10) feet measured from the tract line along the Blue River, which is twenty-five (25) feet from the Top of Bank. See Exhibit A: Silverthorne Town Center Subdivision Plat.

G.1 Parking Setbacks:

Parking shall be setback a minimum of ten (10) feet from the front property line and twenty-five (25) feet from the upper bank of the river. There shall be no setback required from side property lines or where common access drives traverse different lots/tracts within the Town Center.

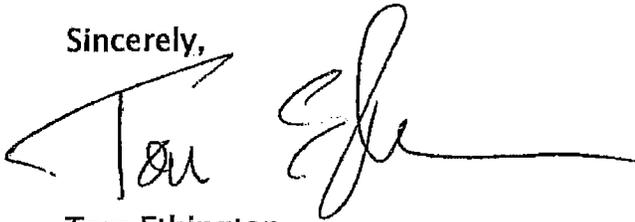
TOWN OF SILVERTHORNE
PUD Development Guide
Town Center I and II
(2016 Major PUD Amendment)

- H. Building Height shall be as stated and described in the Design District Standards and Guidelines.
- I. Parking:
Site development must comply with the off-street parking requirements of the Town. For purposes of calculating the number of required parking spaces, the following components are not included in the required calculations: outdoor areas and all building common circulation areas (all non-occupied areas).
- J. Access Pathway:
There must be a convenient and safe pedestrian path, finished with a surface suitable for walking, at least six (6) feet in width from the principal building entrance, through or around buildings, to the riverfront pathway. The extent of the pathway shall be as determined by the Town of Silverthorne.
- K. Dwelling Unit Density:
The maximum number of residential dwelling units permitted per acre of land is twenty-five (25).
- L. Path Connections:
All development adjacent to the Blue River shall be required to provide a pedestrian path easement. Building shall be setback twenty-five (25) feet from the top of the bank of the Blue River. The developer shall construct the pedestrian path according to the Town Parks, Trails, and Open Space Master Plan and in conformance with Section 4-5-16. The Developer shall provide any path connections that are necessary to existing sidewalks along the Blue River Parkway (Highway 9) as determined by the Town of Silverthorne.
- M. Architecture and Building Design - Buildings shall conform to the Town Core Design District Standards and Guidelines.
- N. Entrances:
Buildings located adjacent to the Blue River shall, to the extent practical or reasonable, provide “double-sided” entrances, or orientation both to the river and the street.
- O. Access, Parking, Utility, and Snow Storage – The Access, Parking, Utility, and Snow Stack Agreement allows for the shared use of vehicular and pedestrian access, parking areas, utilities, and snow storage on the two Tracts of the Silverthorne Town Center Subdivision. A copy of the Agreement is available on file at the Community Development Department.

January 26, 2016

I have been notified of the proposed Major PUD Amendment to the Silverthorne Town Center PUD. Town of Silverthorne Staff has provided a copy of the proposed changes to the PUD, and discussed the changes with me. I do not have any objections to the proposed PUD Amendment.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Ethington". The signature is stylized with a large, sweeping initial "T" and a long horizontal stroke at the end.

Tom Ethington

NRC Silverthorne 1, LLC

Manager/Member

(303) 962-9538 – Office

(720) 232-9530 – Cell

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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 *ML*
FROM: Matt Gennett, AICP, Planning Manager *MG*
DATE: March 3, 2016, for the meeting of March 9, 2016
SUBJECT: South Maryland Creek Ranch – Filing No. 1 – Final Plat, DPA, and SIA (PT2015-18)

SUMMARY: The applicant is seeking Final Plat approval for South Maryland Creek Ranch (SMCR) – Filing No. 1, which includes an amendment to the approved Disturbance Permit Application (DPA). The Final Plat conforms to the approved Preliminary Plan for Subdivision, and the amended SMCR Planned Unit Development (PUD), which set forth the standards for a residential neighborhood of 240 dwelling units. South Maryland Creek Ranch – Filing No. 1, includes the first phase of the subject project, and is accompanied by an Amendment to the approved DPA, and a Subdivision Improvements Agreement (SIA). Please see the attached Staff Report and exhibits for details.

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

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

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

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

Town of Silverthorne
Town Council Agenda Memorandum

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

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

On March 11, 2015, Council held a Public Hearing on the PUD Major Amendment application at their regular meeting and continued the item to the regularly scheduled meeting of May 27, 2015. On May 27, 2015, Council approved Ordinance No. 2015-08 on First Reading. On June 10, 2015, Council approved Ordinance No. 2015-08 on Second Reading, approving a Major Amendment to the SMCR PUD.

On September 23, 2015, Council approved the SMCR Preliminary Plan for Subdivision.

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

DISCUSSION: Please see the attached Staff Report.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission, by a vote of 6-0, recommends approval of the Final Plat for South Maryland Creek Ranch, Filing No. 1, with the following conditions:

- 1) Prior to starting construction of the primary entry road, the Applicant shall submit a final design for the entry road retaining wall (*Wall 12*) which addresses, to the Town's satisfaction, proper engineering safety factors, constructability, maintainability, and longevity for a wall at this location.
- 2) At least two weeks prior to commencing construction, including work associated with water and sewer infrastructure, the Applicant shall provide the Town with a complete set of final, wet-stamped construction drawings ('CDs') which will be subject to the Town's review and approval.

Suggested Motion for Final Plat and DPA: *"I move to approve Resolution No. 2016-6, A Resolution of the Silverthorne Town Council Approving a Final Plat for South Maryland Creek Ranch – Filing No.1; and, the associated DPA Amendment."*

Town of Silverthorne
Town Council Agenda Memorandum

Suggested Motion for SIA: *"I move to approve Resolution No. 2016-7, A Resolution of the Silverthorne Town Council Approving a Subdivision Improvements Agreement with Maryland Creek Ranch, LLC, for South Maryland Creek Ranch – Filing No. 1."*

Alternate Motion: Should the Council choose not to approve the subject application, Staff recommends the following Motion: *"I move to deny the Final Plat for South Maryland Creek Ranch – Filing No. 1, with the finding that it does not meet Town Code Section 4-5-3, Suitability of Land for Subdivision."*

ATTACHMENTS:

Staff Report and Exhibits

MANAGER'S COMMENTS:

Town of Silverthorne, Colorado
Town Council Staff Report

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

Date: March 3, 2016, for the meeting of March 9, 2016

Subject: South Maryland Creek Ranch – Filing No. 1 - Final Plat, DPA Amendment, and SIA (PT2015-18)

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

Agents: Joanna Hopkins, Owner Representative

Proposal: The applicant is seeking Final Plat approval for South Maryland Creek Ranch (SMCR) – Filing No. 1, which includes an amendment to the approved Disturbance Permit Application (DPA). The Final Plat conforms to the approved Preliminary Plan for Subdivision, and the amended SMCR Planned Unit Development (PUD), which set forth the standards for a residential neighborhood of 240 dwelling units. South Maryland Creek Ranch, Filing No. 1, includes the first phase of the subject project, and will be accompanied by a Subdivision Improvements Agreement (SIA) upon Council review. Attached to this report as Exhibits A and C are Resolution Nos. 2016-6 and 2016-7 to approve the Final Plat and SIA for SMCR – Filing No. 1. *(Please see the attached plans for further information.)*

Address: 28755 State Highway 9

Legal Description: South Maryland Creek Ranch – Filing No. 1

Site Area: 416 acres (63.50 acres in Phase 1)

Zone District: South Maryland Creek Ranch PUD

Site Conditions: Of the total site area of 416 acres included in the subject PUD, a portion is currently being used by Everist Materials for their gravel operation. Limited construction of public improvements, approved under a Minor Subdivision plat, has also occurred.

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

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

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

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

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

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

On March 11, 2015, Council held a Public Hearing on an application for a Major Amendment to the SMCR PUD at their regular meeting, and continued the item to the regularly scheduled meeting of May 27, 2015. On May 27, 2015, Council approved Ordinance No. 2015-08 on First Reading. On June 10, 2015, Council approved Ordinance No. 2015-08 on Second Reading, thereby increasing the maximum allowable density from 83 to 240 dwelling units on 416 acres.

On September 23, 2015, Council approved the SMCR Preliminary Plan for Subdivision.

BACKGROUND: In December 2005, the Town annexed and zoned SMCR which then consisted of 71 single family residential units on 355 acres. On May 23, 2007, Maryland Creek Ranch, LLC, brought forward an Annexation Petition to annex an additional 61 acres. The primary purpose of this later annexation was to increase the acreage of SMCR property so that the one unit per five acre Rural Residential density would be maintained upon incorporating an additional twelve (12) units into the original SMCR PUD. In November 2007, the Town approved the annexation of an additional 61 acres concurrently with a Major PUD Amendment to zone the additional 61 acres and allow for an additional twelve (12) units of density in the SMCR PUD, which brought the total units to 83 single family units on 416 acres. On May 16, 2014, the applicants submitted the application for a Major Amendment to the SMCR PUD to increase the maximum density to 240 dwelling units. On March 3, 2015, the Planning Commission forwarded a recommendation of approval of the PUD Major Amendment application to Council. On September 23, 2015, Planning Commission forwarded a recommendation of approval of the SMCR Preliminary Plan for Subdivision.

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 South Maryland Creek Ranch – Filing No. 1, adheres to the approved SMCR PUD Development Plan and Guide, which was officially amended upon second reading of Ordinance No. 2015-08 on June 10, 2015; and, with the approved SMCR Preliminary Plan for Subdivision approved by Council on September 23, 2015. As stated earlier, the proposed Final Plat is intended to facilitate the first phase of construction in the subject subdivision, which will include the majority of the required public infrastructure improvements for the entire buildout of the subdivision, 46 single-family dwelling units, and a private amenities facility.

The total area of Phase 1 is approximately 63.5 acres, and of that, the subarea of roads and infrastructure proposed with this first phase of construction encompasses approximately 38 acres, which includes open space, easements for access, utilities, and associated infrastructure improvements. The remaining acreage (352.5 acres) is platted into large tracts for future development and open space.

Residential development will occur on 25 acres of the 63.5 acres platted for Phase 1. The Final Plat includes two residential tracts of land, Tract S (2.37 acres) and Tract X (5.29 acres), designated for a total of sixteen (16) footprint, or cabin, lots surrounded by HOA common area (six units on Tract S and ten on Tract X). Thirty (30) individually

platted, single-family lots comprise the remaining area of the 25 acres platted for residential development in Filing No. 1. A private amenities center, named the Aspen House, is proposed with this first phase of development, and is to be located on Tract D (9.85 acres) of the proposed Final Plat. The remaining half acre of land will be used for trails.

The proposed Final Plat also has a fifty-to-sixty foot (50'-60') wide Right-of-Way dedicated to the town for the entrance road and main loop accessing the development, and seven private thirty-five foot (35') wide access easements to be owned and maintained by the HOA. The Final Plat includes exclusive and nonexclusive easements, in addition to other typical easements necessary to serve the development.

Resolution No. 2016-6, A Resolution of the Silverthorne Town Council Approving a Final Plat for South Maryland Creek Ranch – Filing No.1, is attached to this report as Exhibit A.

Consistency with the Comprehensive Plan: Staff finds that the proposed Final Plat conforms to the South Maryland Creek Ranch PUD Plan and Guide. The South Maryland Creek Ranch PUD Plan and Guide has previously been found to be in conformance with the Town's Comprehensive Plan, and South Maryland Creek Ranch, Filing No. 1, is likewise in general conformance with the Town's Comprehensive Plan.

Consistency with Chapter 4 of the Town Code: Staff finds that the South Maryland Creek Ranch Final Plat meets all applicable Town Code standards or, if variations to those standards exist, those variations are permitted under the approved SMCR PUD Guide.

Consistency with the PUD: Staff finds that the proposed South Maryland Creek Ranch Final Plat meets all subdivision requirements of the SMCR PUD. Lot size, circulation, density, trail location, land dedication, and other subdivision related items meet the standards set forth in the PUD.

Public Notice Requirements: The public notice requirements listed in Town Code Section 4-7-3 have been met.

Geology – Geological issues, similar to those found in the Three-Peaks Subdivision, were identified on the SMCR property. Early in the review process for the initial annexation, the Town utilized a geologic consultant (CTL Thompson) and the Colorado Geologic Survey (CGS) as referral agencies, to assist the Town in interpreting the site's geological conditions. During the recent Preliminary Plan review process, CGS raised various concerns regarding the site conditions found on the SMCR property. Those concerns were discussed in subsequent meetings with the applicant, the Town, and CGS. Fourteen (14) conditions of approval were suggested by CGS to consider the site suitable for development. The most recent referral agency letter from CGS, dated February 1, 2016, states that SMCR, Filing No. 1, meets the applicable conditions (Exhibit B).

Water and Sewer – Under the most recent Water Services Agreement and the Development Agreement, approved on June 10, 2015, the developer is required to provide sufficient water rights to serve the proposed development. The Town has determined that sufficient capacity exists to serve the development with both domestic water and sewer service. Water and sewer civil plans provided with the Final Plat submittal meet Town Standards. Please refer to Exhibit B for the complete review comments from the Utilities Manager.

Zoning: The subject property is zoned as a residential PUD. The proposed lot layout and design of the proposed Final Plat meet the requirements and standards of the South Maryland Creek Ranch PUD Plan and Guide.

Land uses – The PUD divides the South Maryland Creek Ranch property into five distinct Planning Areas. A list of specific land uses permitted in each Planning Area, are provided in Article II of the proposed PUD Guide. Staff finds that the Preliminary Subdivision adheres to the PUD's standards for all Planning Areas with respect to land uses.

Planning Areas – According to the SMCR PUD, all five of the approved Planning Areas are restricted in size. Staff finds that the Preliminary Plan conforms to the limitations on Planning Area sizes in accordance with the PUD.

Lot Size – All proposed lots (or *Home Sites*, per the PUD), adhere to the minimum lot size standards set forth in the approved PUD Guide.

Density – Gross residential density for the entire project is .57 units per acre, and the Final Plat is in conformance with the maximum density per the approved PUD Plan and Guide.

Building Envelopes – Based upon staff's review, and the comments provided by CGS, building envelopes must be depicted on certain lots per the CGS referral comment letter on the Preliminary Plan dated September 10, 2015. As such, the subject Final Plat depicts delineated building envelopes on Lots 14, 41, 42, and 43.

Covenants, Conditions and Restrictions – There are certain provisions that the Town and CGS required be included within the Covenants, Conditions and Restrictions (CC&Rs) which shall not be changed, deleted, or otherwise amended. CC&Rs are typically the purview of home owners associations and may be amended without Town approval. The following requirements have been included in the Final CC&R's, with specific language restricting amendments thereto without Silverthorne's prior approval:

- Wildlife Report recommended Best Management Practices, detailing lot owner's requirements and responsibilities.
- Requirement for each individual lot owner to obtain lot specific geologic and geotechnical investigations prior to construction. The CC&R shall describe in detail the specifics necessary meet this requirement.

- Obligations of the Home Owners Association regarding horizontal drain monitoring, repair, and maintenance. The CC&Rs will include the approved protocol, established by the design engineer, for monitoring, repair and maintenance of the horizontal drains.
- Obligations of the Home Owners Association regarding underdrain monitoring, repair, and maintenance. The CC&Rs shall include the approved protocol for monitoring, repair and maintenance of the underdrains.

Roadway Improvement Plans – Final Roadway Improvement Plans describe the location and extent of the proposed roadway improvements. These plans include permitted roadway improvements. Please see the complete comments from the Town Engineer for further details (Exhibit B).

Disturbance Permit Application (DPA) – The Code requires new development projects to protect wetlands and other riparian areas in order to maintain their functionality and prevent degradation. Amendments to the existing, approved DPA are required concurrently with this Final Plat, and subsequent plats and Final Site Plans, to account for various changes that have resulted in disturbances to the twenty-five foot (25') inner wetland buffer.

SMCR Filing No. 1, or "Phase 1", will result in .007 acre of unavoidable, temporary impact resulting from a utility crossing, and approximately .002 acre of permanent impact associated with a pedestrian crossing of waters of the US, including wetlands. The subject amendment to the approved DPA, and the Final Plat application, were submitted to the US Army Corp of Engineers (USACE) in December of 2015, and no referral comments or concerns have been received.

In accordance with Town Code Section 4-8-20, the reviewing entity (the Town) must find that the application meets at least one (1) of the Review Standards for Disturbance Permit Applications in order to issue a Disturbance Permit. Staff finds that the following standards have been met with the proposed DPA amendment:

(2) The proposed activity is necessary to achieve access to property or provide utility service to property, and no other access route avoiding wetland and buffer zone areas is practical or the proposed access route results in better overall design of the site development.

(9) The proposed activity (a) is reviewed as a planned unit development application, (b) would not result in significant degradation to wetlands or natural water areas, and (c) results in a better overall design of the project that could not otherwise be achieved by the strict application of the standards in Subsections (1) through (6) above.

Staff also finds that the proposed mitigation plan contained in the DPA application materials meets the Disturbance Plan Best Management Practices, as required in Town Code Section 4-8-21 *Disturbance Plan practice standards.*

Subdivision Improvements Agreement (SIA) – Attached to this report is a signed SIA containing the terms and conditions agreed upon to secure all of the proposed public infrastructure improvements. A letter of credit in an amount equivalent to 150% of the estimated construction cost of the public infrastructure proposed in SMCR, Filing No. 1, has been submitted to Staff.

Attached to this report as Exhibit C is Resolution No. 2016-7, A Resolution of the Silverthorne Town Council Approving a Subdivision Improvements Agreement with Maryland Creek Ranch, LLC, for South Maryland Creek Ranch – Filing No. 1.

Referral Agency Comments – The Final Plat application was sent to the standard internal and external referral agencies as part of the review process for a Final Plat submittal. Copies of the referral agency comments received for this Final Plat application are attached to this report as Exhibit B.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission, by a vote of 6-0, recommends approval of the Final Plat for South Maryland Creek Ranch Filing No. 1, with the following conditions:

- 1) Prior to starting construction of the primary entry road, the Applicant shall submit a final design for the entry road retaining wall (*Wall 12*) which addresses, to the Town's satisfaction, proper engineering safety factors, constructability, maintainability, and longevity for a wall at this location.
- 2) At least two weeks prior to commencing construction, including work associated with water and sewer infrastructure, the Applicant shall provide the Town with a complete set of final, wet-stamped construction drawings ('CDs') which will be subject to the Town's review and approval.

Suggested Motion for Final Plat and DPA: *"I move to approve Resolution No. 2016-6, A Resolution of the Silverthorne Town Council Approving a Final Plat for South Maryland Creek Ranch – Filing No.1; and, the associated DPA Amendment."*

Suggested Motion for SIA: *"I move to approve Resolution No. 2016-7, A Resolution of the Silverthorne Town Council Approving a Subdivision Improvements Agreement with Maryland Creek Ranch, LLC, for South Maryland Creek Ranch – Filing No. 1."*

Alternate Motion: Should the Council choose not to approve the subject application, Staff recommends the following Motion: *"I move to deny the Final Plat for South Maryland Creek Ranch – Filing No. 1, with the finding that it does not meet Town Code Section 4-5-3, Suitability of Land for Subdivision."*

EXHIBITS:

- Exhibit A: Resolution No. 2016-6, A Resolution of the Silverthorne Town Council Approving a Final Plat for South Maryland Creek Ranch – Filing No.1
- Exhibit B: Reduced Final Plat of SMCR – Filing No. 1 (8.5"x11")

- Exhibit C: Resolution No. 2016-7, A Resolution of the Silverthorne Town Council Approving a Subdivision Improvements Agreement with Maryland Creek Ranch, LLC, for South Maryland Creek Ranch – Filing No. 1
- Exhibit D: Subdivision Improvements Agreement for SMCR – Filing No. 1
- Exhibit E: Referral comments
- Exhibit F: DPA for Phase 1 (ERC, Inc., December 4, 2016)

ATTACHMENTS:

- 11"x17" copy of South Maryland Creek Ranch, Filing No. 1 (17 Sheets)

TOWN OF SILVERTHORNE, COLORADO
RESOLUTION NO. 2016-6

**A RESOLUTION OF THE SILVERTHORNE TOWN COUNCIL APPROVING A FINAL
PLAT FOR SOUTH MARYLAND CREEK RANCH – FILING NO. 1**

WHEREAS, on December 5, 2015, Maryland Creek Ranch, LLC (the "Applicant") submitted an application for a Final Plat for South Maryland Creek Ranch – Filing No. 1 (the "Final Plat");

WHEREAS, on March 1, 2016, the Planning Commission held a properly-noticed public hearing on the Final Plat;

WHEREAS, the Planning Commission has recommended that the Town Council approve the Final Plat, subject to certain conditions;

WHEREAS, on March 9, 2016, the Town Council held a properly-noticed public hearing on the Final Plat; and

WHEREAS, having considered the recommendation of the Planning Commission, staff comments and public input, the Town Council wishes to approve the Final Plat subject to certain conditions.

NOW THEREFORE BE IT RESOLVED BY THE SILVERTHORNE TOWN COUNCIL AS FOLLOWS:

Section 1. The Town Council makes the following findings:

- a. The Final Plat complies with the Comprehensive Plan.
- b. The Final Plat complies with Chapter 4 of the Silverthorne Town Code.
- c. The Final Plat complies with the South Maryland Creek Ranch Planned Unit Development.

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

- a. The Applicant shall make minor technical corrections to the Final Plat as directed and approved by Town staff.
- b. The Applicant shall execute a Subdivision Improvements Agreement with the Town to govern the development.
- c. The Applicant shall execute all required easements, licenses and other agreements necessary for the installation of the public improvements associated with the development.

d. Prior to commencing construction of the primary entry road, the Applicant shall submit a final design for the entry road retaining wall (Wall 12) which addresses, to the Town's satisfaction, proper engineering safety factors, constructability, maintainability, and longevity for a wall at this location.

e. At least 14 days prior to commencing any construction, including work associated with water and sewer infrastructure, the Applicant shall provide the Town with a complete set of final, wet-stamped construction drawings, which will be subject to the Town's review and approval.

INTRODUCED, PASSED AND ADOPTED this 9th day of March, 2016.

Bruce Butler, Mayor

ATTEST:

Michele Miller, Town Clerk

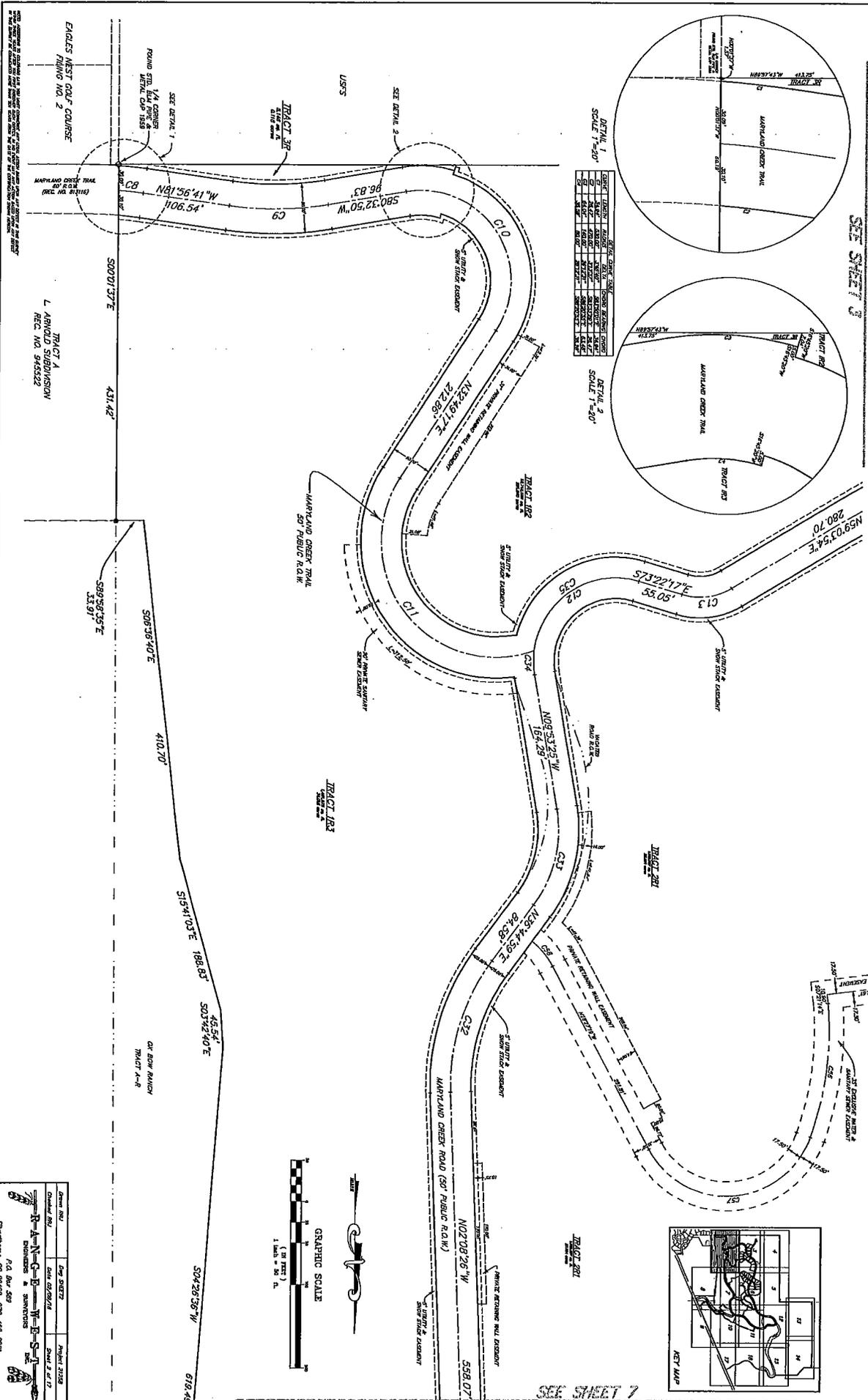
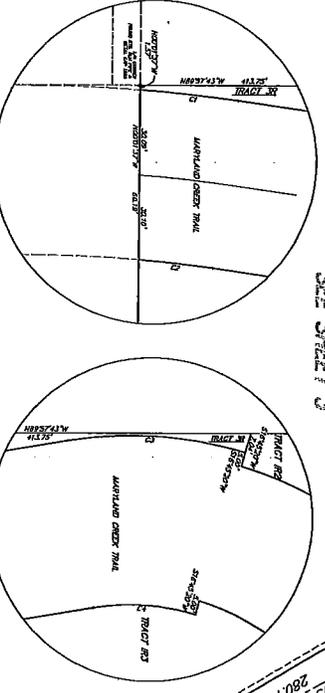
SOUTH MARYLAND CREEK RANCH—FILING NO. 1
 TOWN OF SILVERTHORNE, SUMMIT COUNTY, COLORADO
 SHEET 2 OF 17

DETAIL 1
SCALE 1"=20'

LINE	LENGTH	BEARING	AREA
1	100.00	N 0° 00' 00" E	100.00
2	100.00	E 90° 00' 00" S	100.00
3	100.00	S 0° 00' 00" W	100.00
4	100.00	W 90° 00' 00" E	100.00

DETAIL 2
SCALE 1"=20'

LINE	LENGTH	BEARING	AREA
1	100.00	N 0° 00' 00" E	100.00
2	100.00	E 90° 00' 00" S	100.00
3	100.00	S 0° 00' 00" W	100.00
4	100.00	W 90° 00' 00" E	100.00



THIS DOCUMENT IS A PRELIMINARY PLAT AND IS NOT TO BE USED FOR CONVEYANCE OF INTERESTS IN REAL ESTATE. IT IS THE RESPONSIBILITY OF THE PARTY PREPARING THIS DOCUMENT TO OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES AND TO OBTAIN ALL NECESSARY RECORDS FROM THE RECORDS DEPARTMENT OF THE COUNTY OF COLORADO.

TRACT A
L ARNOLD SUBDIVISION
REC. NO. 945332

TRACT 181
L ARNOLD SUBDIVISION
REC. NO. 945332

TRACT 182
L ARNOLD SUBDIVISION
REC. NO. 945332

TRACT 183
L ARNOLD SUBDIVISION
REC. NO. 945332

TRACT 281
L ARNOLD SUBDIVISION
REC. NO. 945332

TRACT 282
L ARNOLD SUBDIVISION
REC. NO. 945332

ENGLIS NEST GOLF COURSE
TRAILING NO. 2

ROUND STED. BULL FENCE & METAL CAP 1538

SEE DETAIL 1

SEE DETAIL 2

USFS

TRACT 381

TRACT 382

TRACT 383

TRACT 384

TRACT 385

TRACT 386

TRACT 387

TRACT 388

TRACT 389

TRACT 390

TRACT 391

TRACT 392

TRACT 393

TRACT 394

TRACT 395

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TRACT 475

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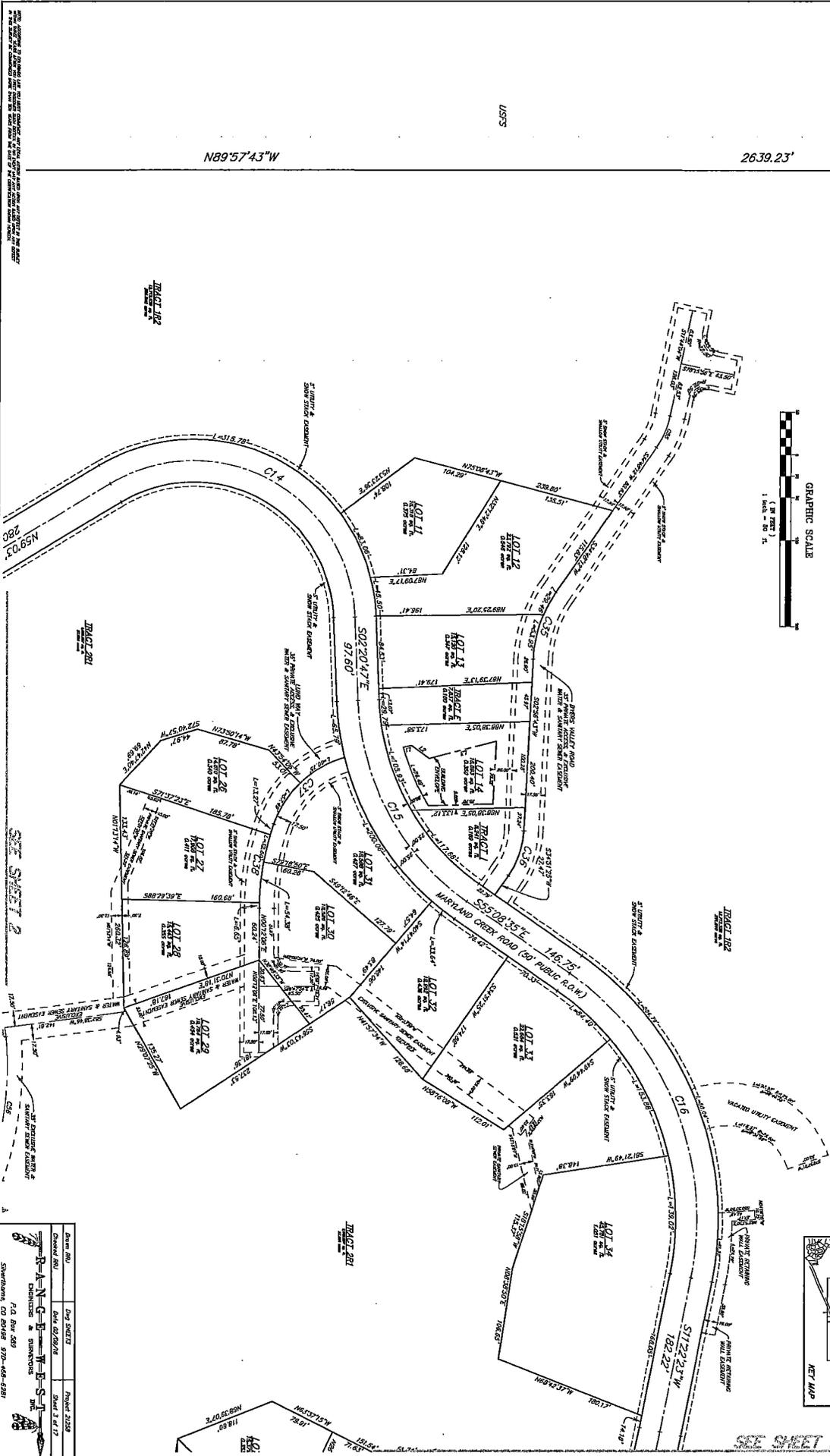
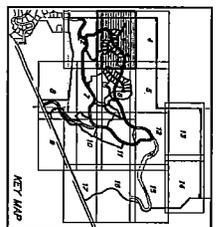
GRAPHIC SCALE
1" = 20'

KEY MAP

SEE SHEET 7

SOUTH MARYLAND CREEK RANCH--FILING NO. 1
TOWN OF SILVERTHORNE, SUMMIT COUNTY, COLORADO
SHEET 3 OF 17

SEE SHEET 4

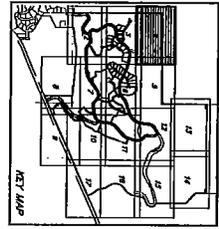


SEE SHEET 2

SEE SHEET 7

Drawn BY	DATE	Drawn BY	DATE
Checked BY	DATE	Checked BY	DATE
R.A.N.G.E.M.E.S.I. ENGINEERS & SURVEYORS P.O. Box 589 Silverthorne, CO 80488 303-468-5281			

SOUTH MARYLAND CREEK RANCH—FILING NO. 1
TOWN OF SILVERTHORNE, SUMMIT COUNTY, COLORADO
SHEET 4 OF 17



N00 09 15" W

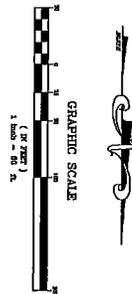
USFS

USFS

C 1/4 CORNER
ROUND STONE BULL PIERCE
BEING SURV. 1977

TRACT 182

SEE SHEET 3

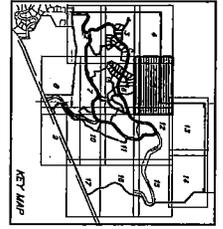


SEE SHEET 5

THIS INSTRUMENT IS SUBJECT TO THE RIGHTS RESERVED BY THE UNITED STATES GOVERNMENT AND ITS AGENCIES AND TO THE RIGHTS OF THE ORIGINAL PATENTORS AND COPYRIGHT OWNERS OF ANY PATENTED OR COPYRIGHTED MATERIALS CONTAINED HEREIN.

Drawn BY	DATE	Project TITLE
Checked BY	DATE	
Silverthorne, CO Register 279-461-4281 P.O. Box 480		

SEE SHEET 4



SOUTH MARYLAND CREEK RANCH—FILING NO. 1
 TOWN OF SILVERTHORPE, SUMMIT COUNTY, COLORADO
 SHEET 5 OF 17

2663.48'

USFS

1/4 CORNER
 RANGE 57N
 T12N R. 67W

TRACT 102



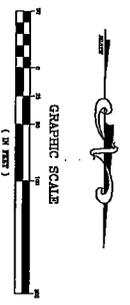
SEE SHEET 6

SEE SHEET 12

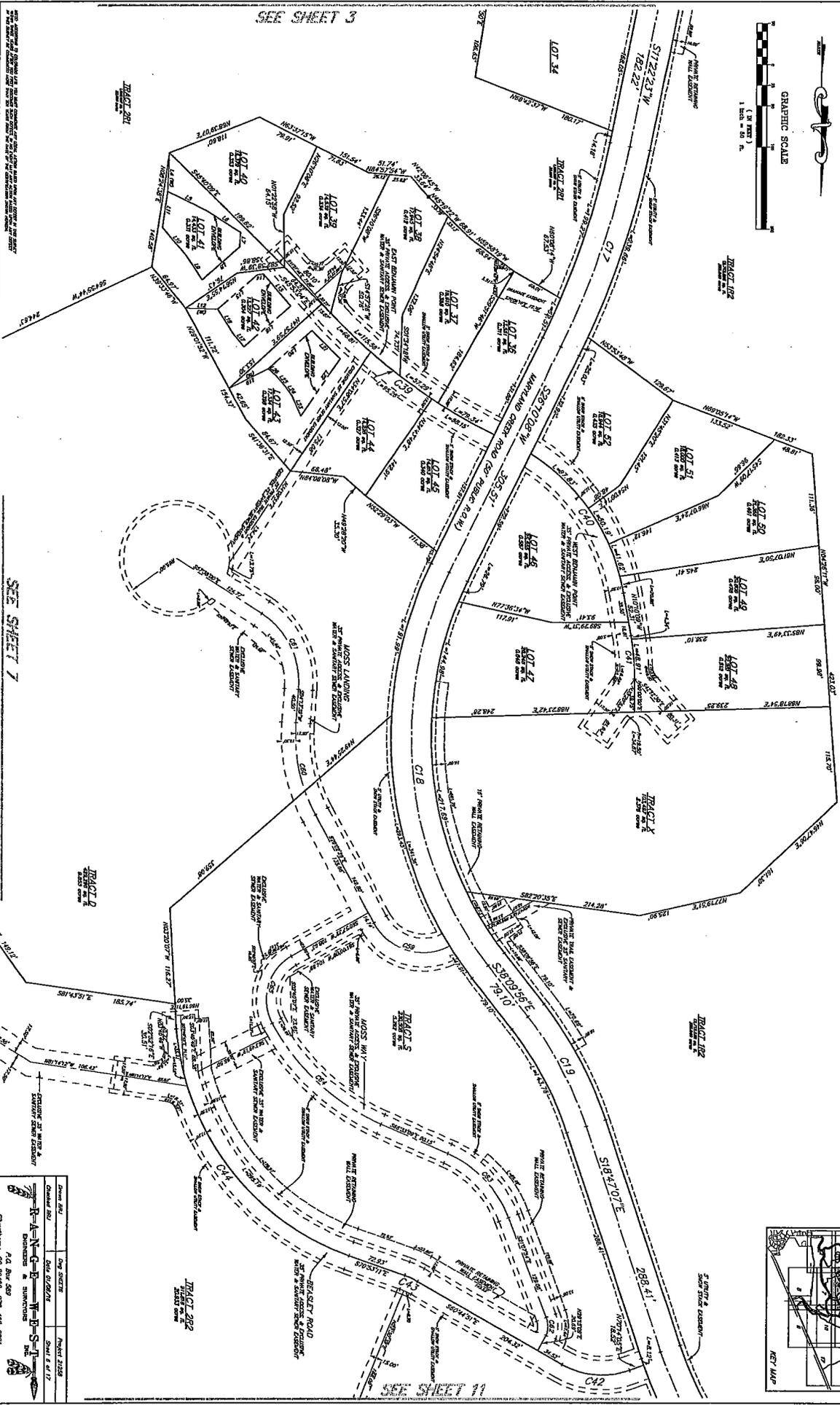
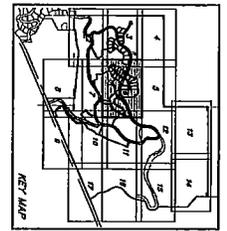


Owner	Deed	Book	Page
Richard Hill	Deed 58275	582	17
R-A-N-G-E-W-E-S-T			
SILVERTHORPE & SUMMIT			
P.O. Box 589			
SILVERTHORPE, CO 80488 57N-68E-43W			

SOUTH MARYLAND CREEK RANCH-FILING NO. 1
TOWN OF SILVERTHORNE, SUMMIT COUNTY, COLORADO
SHEET 6 OF 17



SEE SHEET 5



SEE SHEET 3

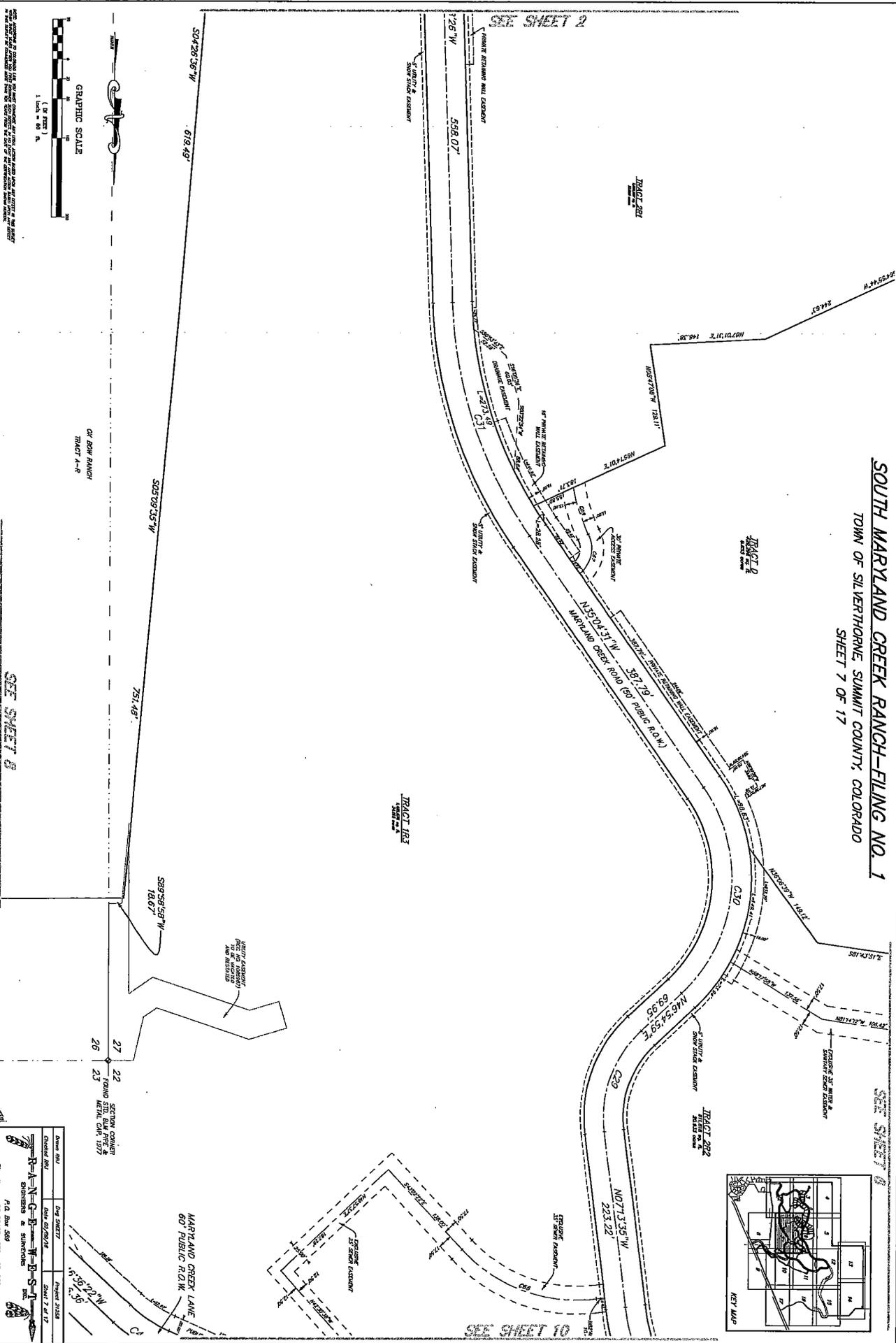
SEE SHEET 7

SEE SHEET 11

Drawn By	Map Scale	Project No.
Checked By	Scale	Sheet & of

SOUTH MARYLAND CREEK RANCH—FILING NO. 1

TOWN OF SILVERTHORNE, SUMMIT COUNTY, COLORADO
SHEET 7 OF 17

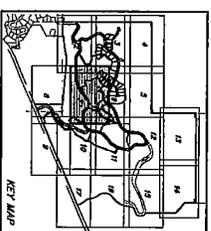


OX BOW RANCH
TRACT A-R

SEE SHEET 6

Drawn BY	Proj. SHEET	Typed BY
DAVID RAY	604 07/2014	DAVID RAY
Checked BY	604 07/2014	DAVID RAY

DAVID RAY
SURVEYOR & ENGINEER
P.O. Box 589
SILVERTHORNE, CO 80488 970-686-8381



SOUTH MARYLAND CREEK RANCH—FILING NO. 1

TOWN OF SILVERTHORNE, SUMMIT COUNTY, COLORADO

SHEET 8 OF 17

SEE SHEET 7

S04293367W
618.497'

S05709357W

751.481'

S80958587W
18.67'

TRACT 1B3
S05709357W
618.497'

DR. BOB RANCO
TRACT 4-R

NEUTRAL ZONE
1/2 SECTION
1/4 SECTION
AND RESERVE

27
26
25
22
23
SECTION CORNER
FOUND WITH CAP 1975

MARYLAND CREEK LANE
60' PUBLIC R.O.W.

S8959237W

TRACT 1B3
S05709357W
618.497'

N3355101W
120.75'

N3355101W
120.75'

N3355101W
120.75'

N3355101W
120.75'

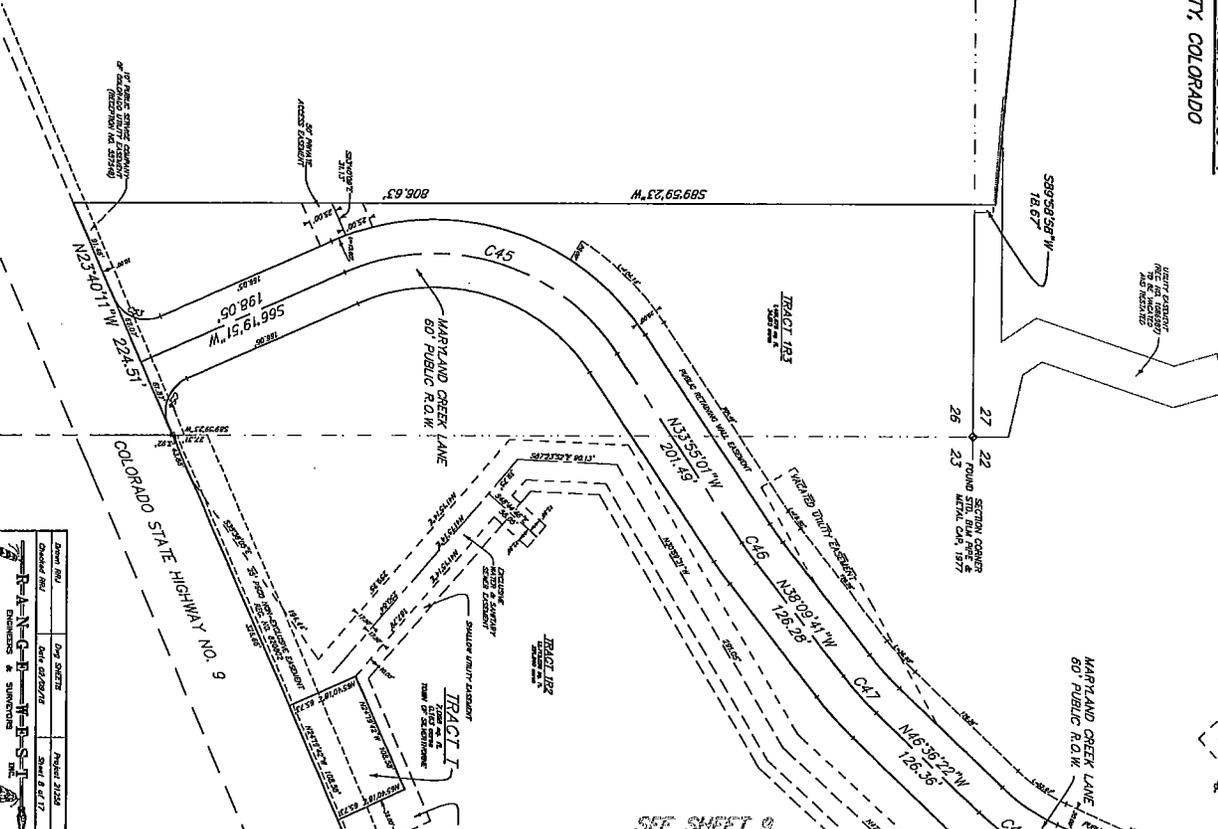
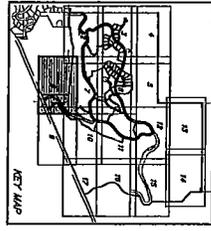
N3355101W
120.75'

N3355101W
120.75'

SEE SHEET 9

S06619805W
198.05'

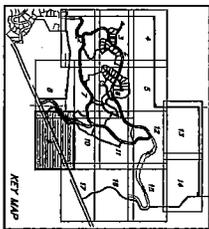
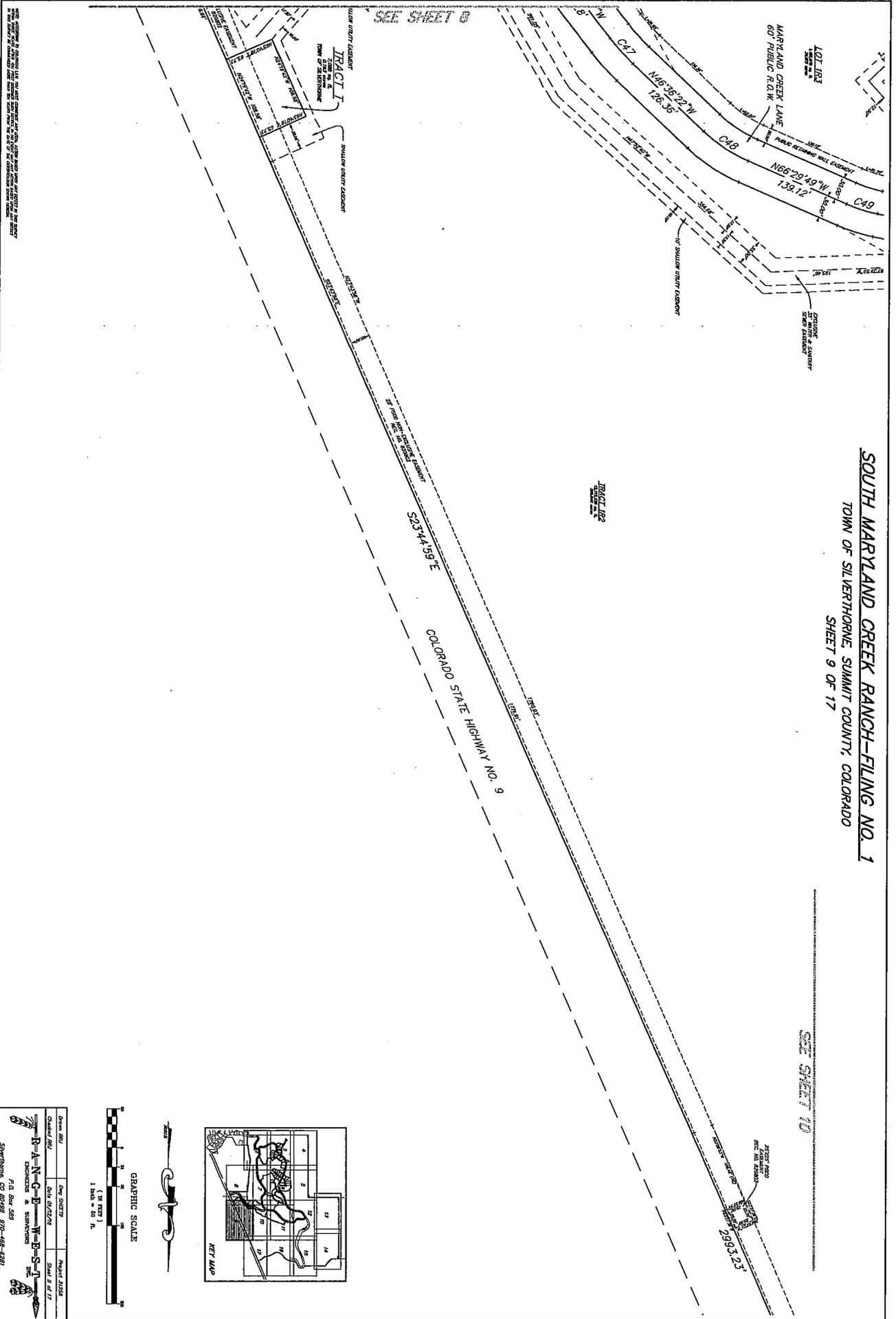
GRAPHIC SCALE
(AS SHOWN)
1 INCH = 100 FT.



Drawn BY	DWG NUMBER	Project 2123
Checked BY	Date 02/20/16	Sheet 8 of 17
ENGINEERS & SURVEYORS P.O. Box 459 Silverthorne, CO 80438 379-464-0291		

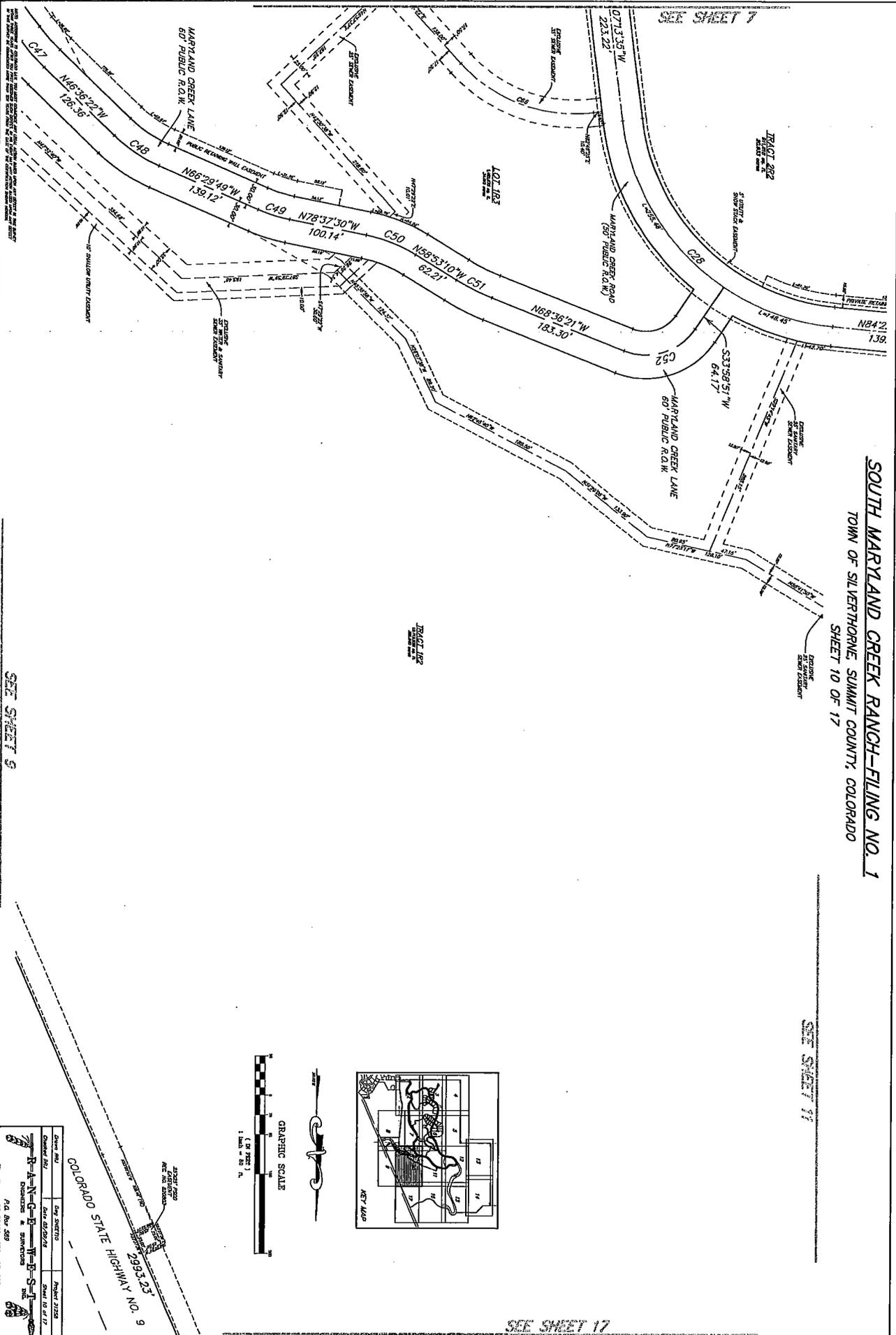
SOUTH MARYLAND CREEK RANCH—FILING NO. 1
 TOWN OF SILVERTHORNE, SUMMIT COUNTY, COLORADO
 SHEET 9 OF 17

SEE SHEET 10



Drawn BY	DATE	Project
Checked BY	DATE	Sheet
R-A-N-G-E-W-S-S ENGINEERS & SURVEYORS P.O. Box 559 Silverthorne, CO 80488 970-484-4301		

SOUTH MARYLAND CREEK RANCH—FILING NO. 1
TOWN OF SILVERTHORNE, SUMMIT COUNTY, COLORADO
SHEET 10 OF 17



SEE SHEET 9

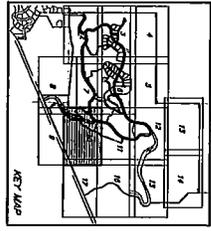
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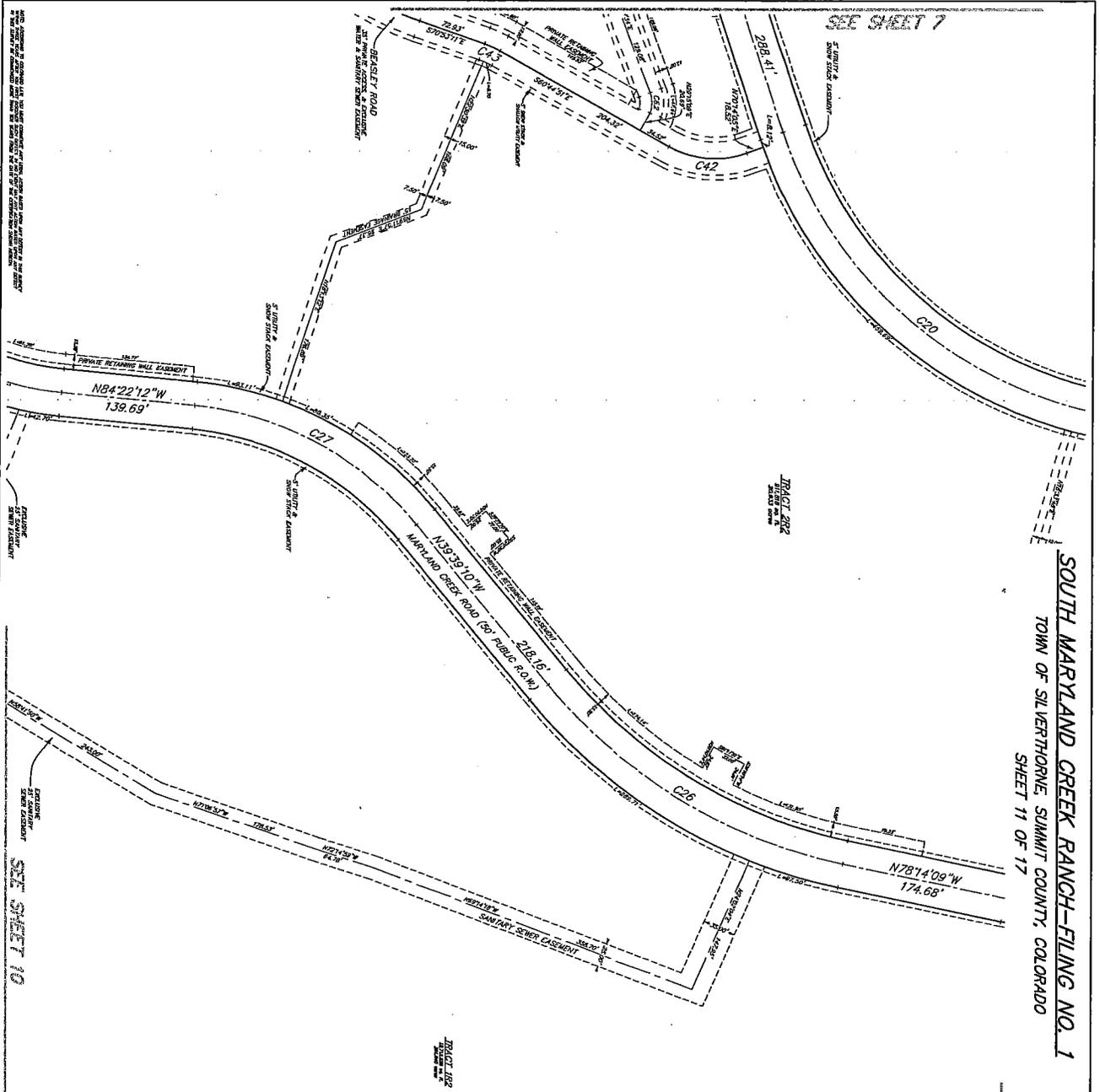
SEE SHEET 11

SEE SHEET 17

Drawn AND	DATE	Project
Checked BY	DATE	Sheet
ENGINEERS & SURVEYORS P.O. Box 589 Silverthorne, CO 80488 378-4843		

COLORADO STATE HIGHWAY NO. 9
2933.25'





SOUTH MARYLAND CREEK RANCH—FILING NO. 1
 TOWN OF SILVERTHORPE, SUMMIT COUNTY, COLORADO
 SHEET 11 OF 17

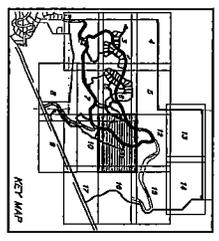
SEE SHEET 10

SEE SHEET 7

SEE SHEET 12

SEE SHEET 16

Drawn By	DATE	Drawn By	DATE
Checked By	DATE	Checked By	DATE
R-A-N-G-E-W-S-N ENGINEERS & SURVEYORS P.O. Box 589 Silverthorne, CO 80488 970-486-4281			



WEST 1/4 CORNER
CORN 1927N, 103°3' WETL

USFS

SOUTH MARYLAND CREEK RANCH—FILING NO. 1
TOWN OF SILVERTHORNE, SUMMIT COUNTY, COLORADO
SHEET 13 OF 17

N0002177E

USFS

1319.83'

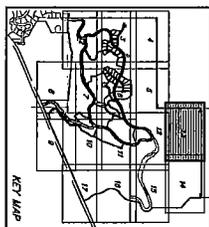
N69°47'35"W

USFS

TRACT 162

SEE SHEET 12

SEE SHEET 14



THIS DOCUMENT IS PROVIDED FOR THE LIMITED PURPOSES OF THE USER'S INFORMATION ONLY. IT IS NOT TO BE USED FOR ANY OTHER PURPOSE, AND THE USER ASSUMES ALL LIABILITY FOR ANY USE OF THIS DOCUMENT. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

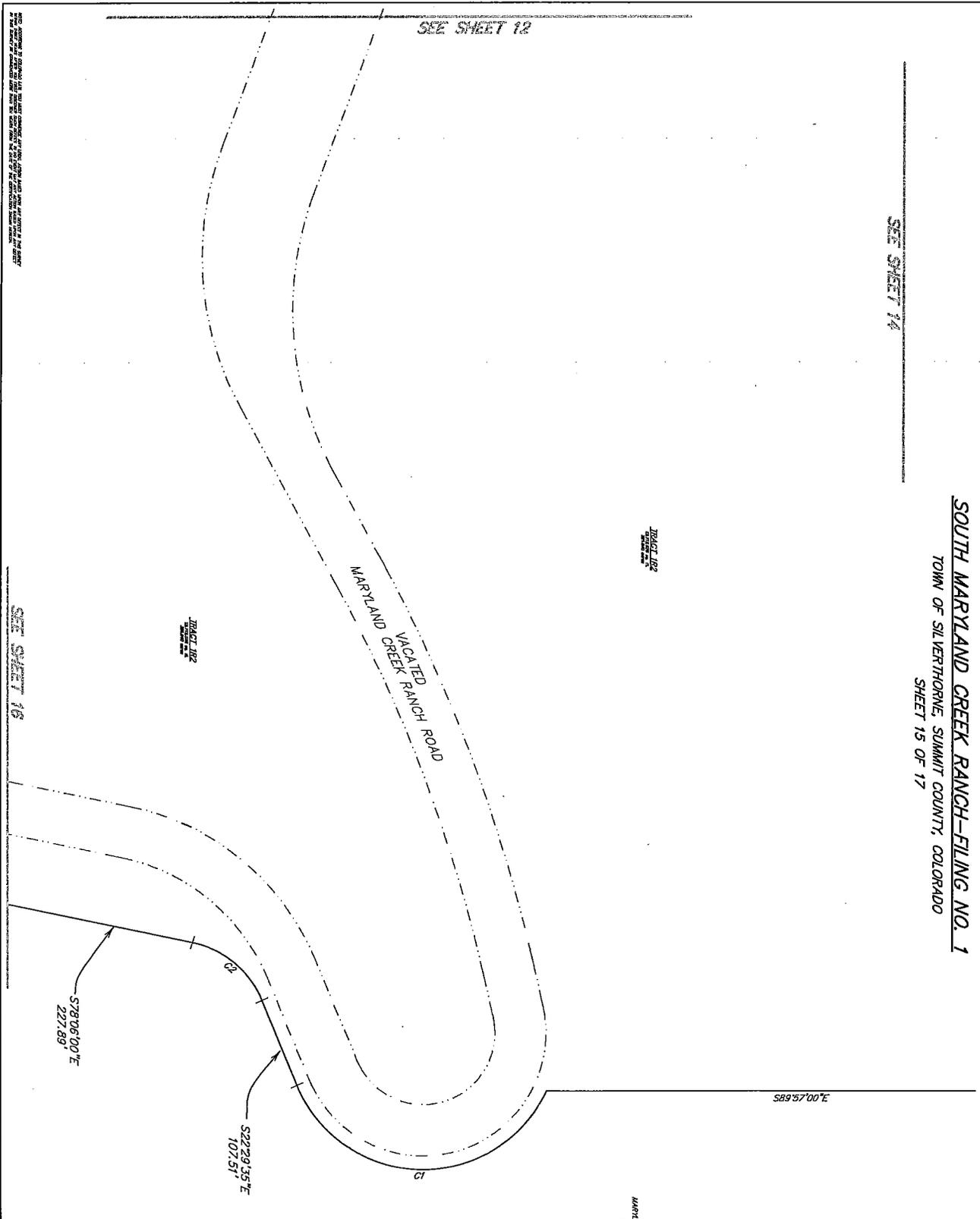
Project No.	Project Name
0000000000	0000000000
0000000000	0000000000

R-A-N-G-E-S
ENGINEERS & SURVEYORS
INC.
P.O. Box 558
Silverthorne, CO 80498 970-486-4281

SEE SHEET 14

SOUTH MARYLAND CREEK RANCH—FILING NO. 1
 TOWN OF SILVERTHORNE, SUMMIT COUNTY, COLORADO
 SHEET 15 OF 17

SEE SHEET 12



SEE SHEET 16

GRAPHIC SCALE

1 inch = 60' ft

KEY MAP

Owner	Area	Area	Area
Richard Bell	50.00/20.0%	50.00/20.0%	50.00/20.0%
Richard Bell	50.00/20.0%	50.00/20.0%	50.00/20.0%

P.O. Box 589
 Silverthorne, CO 80498 303-468-4281

TOWN OF SILVERTHORNE, COLORADO
RESOLUTION NO. 2016-7

A RESOLUTION OF THE SILVERTHORNE TOWN COUNCIL APPROVING A
SUBDIVISION IMPROVEMENTS AGREEMENT WITH MARYLAND CREEK RANCH,
LLC FOR SOUTH MARYLAND CREEK RANCH – FILING NO. 1

WHEREAS, on March 9, 2016, the Town approved a final plat for South Maryland Creek Ranch – Filing No. 1, upon the condition that the developer execute a Subdivision Improvements Agreement ("SIA") with the Town; and

WHEREAS, the Town Council wishes to approve the SIA attached hereto.

NOW THEREFORE BE IT RESOLVED BY THE SILVERTHORNE TOWN COUNCIL AS FOLLOWS:

Section 1. The Town Council hereby approves the Subdivision Improvements Agreement between the Town and Maryland Creek Ranch, LLC in substantially the form attached hereto, subject to final approval by the Town Attorney.

INTRODUCED, PASSED AND ADOPTED this 9th day of March, 2016.

Bruce Butler, Mayor

ATTEST:

Michele Miller, Town Clerk

SUBDIVISION IMPROVEMENTS AGREEMENT
South Maryland Creek Ranch – Filing No. 1

THIS SUBDIVISION IMPROVEMENTS AGREEMENT (the "Agreement") is made and entered into this ___ day of March, 2016 (the "Effective Date"), by and between Maryland Creek Ranch, LLC, a limited liability company with an address of 200 East 10th Street, Suite 203, Sioux Falls, SD 57104 ("Owner") and the Town of Silverthorne, a Colorado home rule municipality with an address of P.O. Box 1309, Silverthorne, Colorado 80498 (the "Town") (each individually a "Party" and collectively, the "Parties").

WHEREAS, Owner owns certain real property located in the Town, more particularly described in **Exhibit A**, attached hereto and incorporated herein by this reference (the "Property");

WHEREAS and Owner has submitted an application for development of the Property known as South Maryland Creek Ranch (the "Project"); and

WHEREAS, as a condition of approval of the Project and development of the Property, certain public improvements must be constructed by Owner.

NOW, THEREFORE, for the consideration hereinafter set forth, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. Purpose and Scope. This Agreement pertains to Improvements to be constructed on the Property in connection with and as a condition of approval of the Project.

2. Improvements. Owner agrees to complete or pay for, as described herein, the public improvements described in **Exhibit B**, attached hereto and incorporated herein by this reference (the "Improvements"), subject to this Agreement and in accordance with all approved plans and specifications.

3. Construction.

a. All Improvements shall be installed and completed at the expense of Owner, and dedicated or conveyed to the Town upon the Town's acceptance thereof. The estimated cost of the Improvements is set forth in **Exhibit B** (the "Estimated Costs").

b. All materials used in construction of the Improvements shall be new, and both workmanship and materials shall be of good quality. All construction shall comply with the Engineering Plans attached hereto as **Exhibit C** and incorporated herein by this reference. All stakes, bench marks, and other survey points shall be preserved by Owner until the Improvements have been accepted by the Town.

c. The Town may make reasonable engineering observations at Owner's expense. Observation, acquiescence in or approval by any inspector shall not constitute the approval by the Town of any portion of such Public Improvements.

d. Owner shall provide all necessary engineering designs, surveys, field surveys and incidental services related to the construction of the Public Improvements at its sole cost and expense, including reproducible "as-built" drawings certified by a professional engineer registered in the State of Colorado.

e. Owner shall be responsible for all costs for the Project including without limitation preliminary and final design, plan, as-built drawing preparation, construction costs, surveying costs and required studies related to the Project including but not limited to traffic, utilities, and geotechnical studies as well as, inspection and certification, performance and guarantee during construction and the following warranty period, and any other administrative or legal expenses.

f. Owner shall keep and maintain all of the Improvements in good order and condition until the Town accepts the Improvements.

g. Owner shall take all steps necessary to prevent its construction activities from damaging adjacent properties. If any adjacent property is damaged during site work or during the construction of the Improvements, Owner shall at its cost promptly repair or replace the damaged property to a condition equal to or better than that which existed before such damage or injury.

h. Owner shall take all steps necessary to prevent its construction activities from causing bodily injury, including without limitation, traffic control and the installation of safety signage, barricades, fencing, lighting and other safety measures.

i. Owner shall take all necessary steps to prevent its construction activities from harming water quality, water bodies and wetlands.

j. Prior to issuance of a building permit other than for facilities required for the Improvements, the following shall be completed: the lot for which the building permit is requested must have 2 means of access over all-weather surfaced roads (road base, but asphalt is not required); and a fire hydrant with adequate flow and water pressure must be located within 200' of the closest point of the building foundation. For properties greater than 200' from a fire hydrant, a building permit may be issued for construction of the foundation only. Prior to the issuance of any Certificate of Occupancy, all Improvements (including the new sewer lift station and force main) must be completed, inspected, approved and accepted by the Town.

k. All Improvements shall be completed within 2 years after the Effective Date, provided that the Town, in its sole discretion, may extend the time for completion of the Improvements for good cause shown.

4. Applicable Law. Owner shall comply with all applicable law, including without limitation all current and future federal, state and local statutes, regulations, ordinances and rules relating to: the emission, discharge, release or threatened release of a Hazardous Material into the air, surface water, groundwater or land; the manufacturing, processing, use, generation, treatment, storage, disposal, transportation, handling, removal, remediation or investigation of a Hazardous Material; and the protection of

human health, safety or the indoor or outdoor environmental, including without limitation the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. § 9601, *et seq.* ("CERCLA"); the Hazardous Materials Transportation Act, 49 U.S.C. § 1801, *et seq.*; the Resource Conservation and Recovery Act, 42 U.S.C. § 6901, *et seq.* ("RCRA"); the Toxic Substances Control Act, 15 U.S.C. § 2601, *et seq.*; the Clean Water Act, 33 U.S.C. § 1251, *et seq.*; the Clean Air Act; the Federal Water Pollution Control Act; the Occupational Safety and Health Act; all applicable environmental statutes of the State of Colorado; and all other federal, state or local statutes, laws, ordinances, resolutions, codes, rules, regulations, orders or decrees regulating, relating to, or imposing liability or standards of conduct concerning any hazardous, toxic or dangerous waste, substance or material, as now or at any time hereafter in effect.

5. Title Commitment. Within 30 days after the recording of the final plat, Owner shall provide the Town with a title commitment for the Property. The title commitment shall show that all property to be dedicated to the Town is or shall be subsequent to the recording of the plat, free and clear of all liens and encumbrances (other than real estate taxes which are not yet due and payable) which would make the dedications unacceptable, as the Town determines in its sole discretion.

6. Completion. Upon written request by Owner for a Certificate of Completion, and provided that all obligations of this Agreement have been completed by Owner, the Town will issue the Certificate of Completion. Upon issuance of the Certificate of Completion, the Improvements to be dedicated to and owned by the Town, as described in **Exhibit B**, shall be deemed approved and accepted by the Town, subject to the warranty set forth in this Agreement. All Improvements which will not be dedicated to the Town, as described in **Exhibit B**, shall be inspected by a private inspector, approved by the Town, who shall provide the Town with a written certification of compliance with all applicable plans and specifications.

7. Performance Guarantee.

a. To secure the construction and installation of the Improvements, Owner shall furnish the Town, at Owner's expense and prior to the issuance of the first grading permit for the Property, cash or an irrevocable letter (or letters) of credit in which the Town is designated as beneficiary in an amount equal to 150% of the Estimated Costs (the "Performance Guarantee").

b. The Performance Guarantee shall be in a form approved by the Town in its sole discretion.

c. The purpose of the Estimated Costs is solely to determine the amount of security. No representations are made as to the accuracy of these estimates, and Owner agrees to pay all costs of the Improvements for which it is legally obligated, regardless of the Estimated Costs.

d. The Estimated Costs may increase in the future. Accordingly, the Town reserves the right to review and adjust the Estimated Costs on an annual basis. Adjustments shall be made according to changes in the Construction Costs Index as published by the Engineering News Record. If the Town adjusts the Estimated Costs, the Town shall give written notice to Owner. Owner shall, within 30 days after receipt of said written notice, provide the Town with a new or amended Performance Guarantee in the amount of the adjusted Estimated Costs. If Owner fails to provide a new or amended Performance Guarantee, the Town may exercise the remedies provided for in Section 10 hereof; provided, however, that prior to increasing the amount of the Performance Guarantee, the Town shall give credit to Owner for all Improvements which have actually been completed, so that the amount of the Performance Guarantee relates to the cost of required Improvements not yet constructed.

e. If the Improvements are not constructed or completed within the period of time and in the manner specified by this Agreement, the Town may draw on the Performance Guarantee to complete the Improvements. If the Performance Guarantee is to expire within 14 days and Owner has not yet provided a satisfactory replacement, the Town may draw on the Performance Guarantee and either hold such funds as security for performance of this Agreement or spend such funds to finish the Improvements or correct problems with the Improvements as the Town deems appropriate.

f. If requested by Owner, the Town may consider allowing partial releases of the Performance Guarantee as construction of the Improvements progresses. Partial release requests shall be made in writing and shall be accompanied by appropriate records documenting the Improvement completed and associated cost amounts. The Town may inspect the Improvements and shall determine the amount of the partial release within 14 days following receipt of the request. If the Town agrees that the amount of the partial release request appears to be in proper proportion for the amounts of the completed (and remaining) Improvements and that the Improvements have been constructed in accordance with the approved Engineering Plans and any other applicable requirements of this Agreement, then the Town may release a portion of the Performance Guarantee. The amount of the partial release shall be the amount and quantity of the Improvement completed as identified in **Exhibit B**. Partial release requests shall be made no more frequently than once per month.

g. No determination by the Town of construction performed nor any partial release of any portion of the Performance Guarantee shall be deemed as acceptance of Improvements by the Town.

h. Upon issuance of the Certificate of Completion, as approved in writing by the Town, the Performance Guarantee shall be reduced to the amount of 20% of the total actual cost of construction and installation of the Improvements. The reduced Performance Guarantee shall be held by the Town during the 2-year warranty period.

8. Warranty.

a. Owner shall warrant any and all Public Improvements which are conveyed to the Town for a period of 2 years from the date of issuance of the Certificate of Completion.

b. Specifically, but not by way of limitation, Owner shall warrant that: the Public Improvements that it constructs will not fail, and that the Public Improvements will be constructed and installed in a workmanlike manner suitable for their intended uses and in accordance with any applicable federal, state, municipal, and special district statutes, ordinances, regulations, rules and codes; the title conveyed is marketable and its transfer rightful.

c. If, within the warranty period, any of the work, materials or equipment is found to be or becomes defective or deficient, Owner shall, without cost to the Town, correct it promptly.

d. The warranty period shall be automatically extended for any remedial or repair work that is necessary within the first 2 years.

9. Breach.

a. If Owner breaches this Agreement, the Town may take such action as permitted or authorized by law, this Agreement or the ordinances of the Town, as the Town deems necessary to protect the public health, safety and welfare. The remedies include, but are not limited to:

i. The refusal to issue any building permit or certificate of occupancy;

ii. The revocation of any building permit previously issued under which construction directly related to such building permit has not commenced, except a building permit previously issued to a third party;

iii. A demand that the security given for the completion of the Improvements be paid or honored; and

iv. Any other remedy available at law or in equity.

b. Unless necessary to protect the immediate health, safety and welfare of the Town, or to protect the interest of the Town with regard to security given for the completion of the Improvements, the Town shall provide Owner 30 days' written notice of its intent to take any action under this Section, during which Owner may cure the breach and prevent further action by the Town.

c. The rights and remedies of the Town under this Agreement are in addition to any other rights and remedies provided by law. The expiration of this Agreement shall in no way limit the Town's legal or equitable remedies, or the period in which such remedies may be asserted, for work negligently or defectively performed.

d. Should this Agreement become the subject of litigation to resolve a claim of breach by Owner and a court of competent jurisdiction determines that Owner was in breach of this Agreement, Owner shall pay the attorney fees, expenses and court costs of the Town.

10. Indemnification.

a. Owner hereby agrees to indemnify and hold harmless the Town, its officers, employees and agents from any and all suits, actions and claims of every nature and description caused by, arising from or on account of any act or omission of Owner, or of any other person or entity for whose act or omission Owner is liable, with respect to construction of the Public Improvements; and Owner shall pay any and all judgments rendered against the Town as the result of any suit, action or claim within the scope of the indemnification provision contained in the prior clause, together with all reasonable expenses and attorney fees incurred by the Town in defending any such suit, action or claim.

b. Owner shall pay all property taxes on the Property dedicated to the Town accrued as of the date of dedication, and shall indemnify and hold harmless the Town for any property tax liability.

11. Miscellaneous.

a. Governing Law and Venue. This Agreement shall be governed by the laws of the State of Colorado, and any legal action concerning this Agreement shall be brought in Summit County, Colorado.

b. Modification. This Agreement shall not be modified except by subsequent written agreement of the Parties.

c. Integration. This Agreement and any attached exhibits constitute the entire agreement between Owner and the Town, superseding all prior oral or written communications.

d. Binding Effect. This Agreement shall be binding upon and inure to the benefit of the Parties and their respective heirs, successors and assigns.

e. Severability. If any provision of this Agreement is determined to be void by any court of competent jurisdiction, such determination shall not affect any other provision hereof, and all of the other provisions shall remain in full force and effect.

f. Governing Law and Venue. This Agreement shall be governed by the laws of the State of Colorado, and any legal action concerning this Agreement shall be brought in Boulder County, Colorado.

g. Assignment. There shall be no transfer or assignment of any of the rights or obligations of Owner under this Agreement without the prior written approval of the Town, which approval shall not be unreasonably withheld. Should the Town approve an

assignment, Owner shall be released from further obligation hereunder in the event of sale or transfer of the Property or portions thereof (to the extent of such portions only); provided however, that any successor, grantee or assignee of Owner shall be bound hereby with respect to the Property or such portions thereof so sold or transferred, and this document shall have been recorded and serve as a covenant running with and burdening the Property, as the burdened property, as an easement in gross for the benefit of the Town. Any reference herein to Owner shall be deemed to include any purchaser, successor-in-interest or assign of Owner as to all or any part of the Property.

h. Recordation. This Agreement shall be recorded in the real estate records of Summit County and shall be a covenant running with the Property.

i. Title and Authority. Owner expressly warrants and represents to the Town that, together with the undersigned individuals, that the undersigned individuals have full power and authority to enter into this Agreement. Owner and the undersigned individuals understand that the Town is relying on such representations and warranties in entering into this Agreement.

j. Third Parties. There are no intended third-party beneficiaries to this Agreement.

k. Governmental Immunity. The Town and its officers, attorneys and employees, are relying on, and do not waive or intend to waive by any provision of this Agreement, 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 otherwise available to the Town and its officers, attorneys or employees.

l. Notice. Any notice under this Agreement shall be in writing, and shall be deemed sufficient when directly presented or sent pre-paid, first class U.S. Mail to the party at the address set forth on the first page of this Agreement.

m. Force Majeure. If Owner's performance of the Improvements is unreasonably delayed, disrupted or interfered with by the presence of any reasonably perceived hazardous material, labor dispute, fire, unusual delay in delivery, adverse weather conditions not reasonably anticipated or unavoidable casualties, then Owner's time for performance shall be extended.

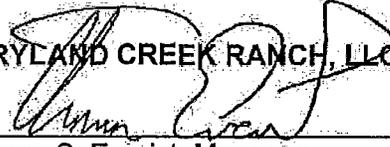
IN WITNESS WHEREOF, the Parties have executed this Agreement as of the Effective Date.

TOWN OF SILVERTHORNE

Bruce Butler, Mayor

ATTEST:

Michelle Miller, Town Clerk

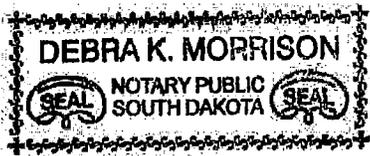
MARYLAND CREEK RANCH, LLC.

Thomas S. Everist, Manager

STATE OF SOUTH DAKOTA)
) ss.
COUNTY OF MINNEHAHA)

Acknowledged, subscribed, and sworn to before me this 2nd day of March, 2016, by Thomas S. Everist as Manager of Maryland Creek Ranch, LLC.

WITNESS my hand and official seal.

My commission expires: 12-23-20




Notary Public

Exhibit A

Legal Description

TRACTS 1R, 2 AND 3R, SOUTH MARYLAND CREEK RANCH – FIRST AMENDMENT, ACCORDING TO THE PLAT THEREOF FILED FOR RECORD ON THE 26TH DAY OF MARCH, 2015 AT RECEPTION NO. 1078868, SUMMIT COUNTY, COLORADO,

and

TRACT B, OX BOW RANCH, ACCORDING TO THE PLAT THEREOF FILED FOR RECORD ON THE 26TH DAY OF MARCH, 2015 AT RECEPTION NO. 1078869, SUMMIT COUNTY, COLORADO

Exhibit B

Public Improvements Quantities and Cost Estimates

ITEM DESCRIPTION	UNIT	QUANTITY	UNIT COST	TOTAL
A. Public Infrastructure				
1 Excavation (Cut)	CY	29,228	\$5.40	\$157,831.20
2 Embankment (Fill)	CY	38,295	\$5.40	\$206,793.00
3 Wall 12	SF	9,613	\$41.61	\$400,000.00
4 4" CL 52 DIP	LF	240	\$36.00	\$8,640.00
5 6" CL 52 DIP	LF	295	\$63.00	\$18,585.00
6 8" CL 52 DIP	LF	5,962	\$66.60	\$397,069.20
7 8" Restrained Joint Pipe (TR Flex or Equal)	LF	1,103	\$72.00	\$79,416.00
8 12" CL 52 DIP	LF	3,606	\$75.60	\$272,613.60
9 12" Restrained Joint Pipe (TR Flex or Equal)	LF	137	\$81.00	\$11,097.00
10 Fire Hydrant Assembly	EA	15	\$9,450.00	\$141,750.00
11 4" Gate Valve	EA	1	\$1,530.00	\$1,530.00
12 8" Gate Valve	EA	26	\$1,800.00	\$46,800.00
13 12" Gate Valve	EA	18	\$2,340.00	\$42,120.00
14 8" PVC Sewer Main	LF	13,022	\$52.20	\$679,748.40
15 Sewer Manholes (up to 12' Depth)	EA	68	\$2,970.00	\$201,960.00
16 Sewer Manholes (greater than 12' Depth)	EA	14	\$5,220.00	\$73,080.00
17 Lift Station	LS	1	\$900,000.00	\$900,000.00
18 Force Main to JSA	LF	7,200	\$134.87	\$971,064.00
19 8" PVC Gravity Sewer Main from Three Peaks	LF	2,450	\$37.80	\$92,610.00
20 Force Main Valve Vaults	EA	2	\$15,414.00	\$30,828.00
21 Manholes for Gravity Sewer Main from Three Peaks	EA	10	\$2,790.00	\$27,900.00
22 18" HDPE Culvert	LF	1,304	\$47.70	\$62,200.80
23 Flared End Section, 18"	EA	5	\$270.00	\$1,350.00
24 36" HDPE Culvert	LF	210	\$73.80	\$15,498.00
25 Flared End Section, 36"	EA	6	\$675.00	\$4,050.00
26 Curb Combination Inlet	EA	7	\$2,700.00	\$18,900.00
27 4' Diameter Storm Manhole	EA	7	\$4,500.00	\$31,500.00
28 Structural Subgrade	TON	20,494	\$19.80	\$405,781.20
29 Class 6 Road Base	TON	5,716	\$28.80	\$164,620.80
30 Recycled Asphalt Shoulder	TON	1,181	\$21.60	\$25,509.60
31 Grade Sx Asphalt	TON	6,146	\$85.50	\$525,483.00
32 Concrete Road Pavement	SF	802	\$13.50	\$10,827.00
33 Barrier Curb And Gutter (2' Gutter Width)	LF	3,164	\$17.10	\$54,104.40
34 3' Wide Concrete Pan	SF	3,234	\$8.10	\$26,195.40
35 Concrete Sidewalk	SF	21,872	\$6.30	\$137,793.60
36 New Guardrail	LF	1,333	\$54.00	\$71,982.00
37 Regulatory Signs	EA	33	\$360.00	\$11,880.00
38 Striping	LS	1	\$9,000.00	\$9,000.00
39 Highway 9 Access Improvements	LS	1	\$925,000.00	\$925,000.00
SUBTOTAL				\$7,263,111.20

Plan Reference

1. Phase 1 - Phase 1 Final Plat Submittal dated 10/29/15.

Notes

1. This estimate includes the water and sewer main improvements in the platted Right of Way and water and sewer easements dedicated to the Town of Silverthorne.
2. Landscaping, revegetation and top soil are not included in this estimate.
3. Retaining wall quantities are calculated based on exposed face of wall.
4. Unit costs for Item 18 & 20 have been reduced by 22.93% to reflect cost sharing with Joint Sewer Authority per meeting with SMCR on 02/08/16.

Exhibit C

SITE IMPROVEMENTS AGREEMENT

Engineering Plans

The Engineering Plans are incorporated herein by this reference, but not attached and not required to be recorded with this Agreement, but must be placed on file with Silverthorne's Public Works Department.

Matt Gennett

From: Jill Marie Carlson <carlson@mines.edu>
Sent: Monday, February 01, 2016 2:58 PM
To: Matt Gennett
Subject: CGS review - South Maryland Creek Ranch F1 Final Plat
Attachments: SU-16-0001_4 South Maryland Creek Ranch Filing 1 Final Plat.pdf

Hi Matt,

The South Maryland Creek Ranch applicant has satisfactorily addressed our comments. Letter attached.

Let me know if you have questions or need further review.

Thanks,
Jill

Colorado Geological Survey
1801 19th Street ([map](#))
Golden, CO 80401
303-384-2643

COLORADO GEOLOGICAL SURVEY

1801 19th St.
Golden, Colorado 80401



February 1, 2016

Karen Berry
State Geologist

Matt Gennett, AICP
Planning Manager
Town of Silverthorne
PO Box 1309
Silverthorne, CO 80498

Location:
Sections 22, 23, 26, and 27
T4S, R78W of the 6th PM
39.6825, -106.1042

Subject: South Maryland Creek Ranch, Filing No. 1 – Final Plat
PT2015-18; Town of Silverthorne, Summit County, CO; CGS Unique No. SU-16-0001 4

Dear Matt:

Colorado Geological Survey has reviewed the applicant's January 12, 2016 response to our December 16, 2015 review of the South Maryland Creek Ranch Filing No. 1 final plat referral, including a letter response from Engineering Analytics (January 14, 2016), and a set of 17 revised final plat sheets (Range West, January 6-13, 2016).

Most of CGS's comments have been satisfactorily addressed.

Engineering Analytics' Figure 1, Slump Stabilization and Underdrain Locations, is difficult to read and interpret. The final version will need to be simplified for homeowner and HOA use. CGS suggests deleting (or fading) topographic contour lines, enlarging (preferably to D size, 24" x 36"), and depicting the different types of drains and underdrains using different colors (the copy we received is black & white).

CGS's Sept 10, 2015 summary remains valid:

The proposed development puts 240 dwelling units, town roads, and utilities on a mapped large-scale landslide complex that shows evidence of recent localized movement in areas. Triggers for slope movement are multifaceted. Any development on landslide deposits or potentially unstable slopes comes at a risk. This risk can be reduced, but not eliminated, by proper grading, drainage, and up-front stabilization mitigation. It should be noted that there is a long-term risk that future ground movements could affect specific lots, areas, or potentially reactivate the entire landslide mass. While large-scale slope movement does not appear to be occurring under current conditions, CGS has seen recent activations of large-scale landslides similar to this one in other areas of Colorado.

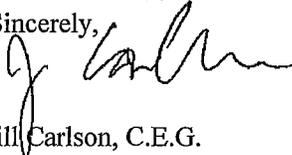
Damage resulting from ground movement is NOT covered by homeowners insurance. Homeowners typically do not have the financial means to repair damage resulting from ground movement, nor is it prudent to try to repair damage resulting from ongoing or reactivated slope instability or ground movement. The HOA, Town Public Works department, water and sewer utility, and other service providers may be responsible for any needed repairs to roads, utilities and other improvements resulting from ground movement. Depending on the frequency and scale of ground movement-related damage, these repairs could be very costly.

Matt Gennett
February 1, 2016
Page 2 of 2

CGS recognizes the efforts of the South Maryland Creek Ranch applicant to address CGS's landslide-related concerns, dating back to 2002. It should be noted that all the mitigation efforts proposed for this development are to address the smaller, shallow slumps and does not address the potential for larger-scale landslide risk. The failure mechanism for the larger landslide is not included in these investigations and is not fully understood.

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

Sincerely,



Jill Carlson, C.E.G.
Engineering Geologist

TO: Matt Gennett, Planning Manager
FROM: Dan Gietzen, Town Engineer
DATE: February 19, 2016
SUBJ: Comments – South Maryland Creek Ranch Filing #1, Final submittal Updated to include February 9, 2016 plat resubmittal by Range West and responses to Joanna Hopkins’ memo dated February 8, 2016

Comments: Comments below relate to my earlier comments, drafted on 1/28/16

1. Entry road retaining wall, Wall #12.

Per recent correspondence and a conference call on 2/12 with the Applicant and geotechnical consultants working on the project, it was agreed that additional testing and different types of analysis be performed at the Wall 12 location to determine whether the proposed Hilfiker wall type – or another wall type – is appropriate for the specific location. This work will take time to do.

Since both the Applicant and Silverthorne concur that some type of road and wall system can be built at the proposed Wall 12 location, both parties have mutually agreed that the plat can move forward to final approval, but that site work will not be allowed to commence until Silverthorne receives and approves a wall design that Silverthorne is satisfied with. An appropriate condition of approval will need to be drafted and included with Staff’s Town Council final report.

2. Town protection, indemnification and repair/reconstruction of public improvements if private walls or underdrain improvements fail and damage public improvements. Prior to final Town Council approval an agreement which addresses these issues needs to be finalized and executed. An example agreement for the wall at Lowe’s was recently sent to Applicant. PW Staff has also since found other past indemnification and underdrain license agreements (some in draft forms, unexecuted) that were worked on at one point or another for the SMCR project.

Silverthorne Staff will attempt to create a new draft agreement which includes the key points of these various documents, all combined in one comprehensive document. Silverthorne Staff expects to have a draft by February 23. This draft will then go to the Town Attorney and also the Applicant for comment.

3. SIA cost Exhibit B. Several minor comments:

- The Highway 9 access improvements could be better described as ‘acceleration/deceleration lanes’, if this is what they are.
- For Note 1, add second sentence saying “It does not include private water and sewer service lines.”
- Storm sewer public improvements for the entry road were not included.

4. Underdrain maintenance – Please provide updated CC&R’s removing any language obligating Silverthorne to monitor and maintain underdrains in the event that the HOA doesn’t do so. All we have now is redlines. Some content is from 2008, some is from 2016. Please provide a final, ‘cleaned up’ set.

5. Private landscaping and lighting improvements proposed in public right-of-way. These items are outside of and beyond the scope of subdivision plat approval and do not belong on the

plat and in the subdivision plans. License agreements, which will be handled separate from and after subdivision plan and plat, are the proper vehicle for these items.

Please remove plat notes 8, 9 and 11 re: private landscaping and lighting improvements from the 2/9 Range West plat document. Please leave Norris landscaping drawings and Martin / Martin lighting drawings out of the plan submittal.

6. Re: Engineering plans and other comments. We have a few very minor comments – on notes mainly – that will be easiest to work directly with the Applicant on. We can supply marked up sheets for the Applicant’s team to look at as they make revisions. The main comment – which applies to several notes – is that changes and/or revisions are also subject to Silverthorne review and approval.



TO: Matt Gennett, AICP, Planning Manager
FROM: Zach Margolis, Silverthorne Utility Manager
DATE: February 23rd, 2016
SUBJ: Utility Department Comments, Maryland Creek Ranch, Filing No. 1, Final Plat (PT2015-18)

The Town has worked closely with the applicant and their consultants to assure that the proposed water and sewer infrastructure has been appropriately designed to serve the development.

This is a large complex project. The water and sewer infrastructure are anticipated to serve up to 240 new homes, a community building, a lakeside building, and new park restrooms. Water and Sewer components of the project include service in three water pressure zones, a new water booster station, a new underground water storage tank, and a new sewage lift station and forcemain. The new Maryland Creek lift station will be sized to serve this project plus the Three Peaks lots currently connected to the existing Eagle's Nest lift station (to be abandoned). The new sewer lift station will be far more energy efficient than the station it is replacing.

Council has previously reviewed and approved updates to the existing Site Improvements Agreement that required field testing of already constructed, but not accepted, improvements to serve this proposed project. This testing was completed last fall.

The applicant, design engineer and contractor have worked extensively with the Utility Department and review consultants to prepare the Final Plat Submittal. Following construction of the proposed improvements, The Town will have adequate water treatment and delivery capabilities, and sewer collection and treatment plant capacities to serve the proposed project.

It is important to note that the new lift station and force main must be complete, online, and accepted by the Town, prior to issuance of the first Certificate of Occupancy in this first Filing. These key project components are on a parallel review track and are subject to approval by the Colorado Department of Public Health and Environment, and in the case of the force main, the Colorado Department of Transportation. To that end, the applicant and the Town have been meeting and working with these agencies to obtain their approvals.

All comments provided by the Utility Department have been addressed on this final plat, including requested plat notes. Likewise, comments provided to the applicant related to the engineering drawings have been incorporated.

As always, there will be opportunities during preparation of final construction drawings and construction to improve the design. We look forward to working with the applicant and the applicant's contractor to make final improvements to assure the Town and applicant receive the best possible final product.

Recommended Condition of Approval:

At least two weeks prior to any water or sewer infrastructure construction, the Town shall be provided with a wet-stamped, complete set of final construction drawings.



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

December 11, 2015



**Lake Dillon Fire
Protection
District**

401 Blue River
Parkway,
Silverthorne, CO
80498

P.O. Box 4428
Dillon, CO 80435

Telephone:
970.513.4100
Fax:970.513.4150

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

Inspection Line:
970.262.5215

Re: South Maryland Creek Ranch Preliminary Final Plat Filing I Subdivision Review.

Dear Mr. Gennett,

Thank you the opportunity to review and comment on the above proposed project again. The latest submittal did not have an updated overall composite utility plan. I requested and received a copy from Joanna Hopkins. The fire department has the following comments and concerns:

1. The updated Overall Composite Utility Plan shows additional fire hydrants and adjusted fire hydrant spacing that is acceptable to the fire department.
2. All fire hydrants within the Filing I development area shall be installed, inspected, tested and accepted by the water department of record prior to starting any combustible construction.
3. A tour of the site has revealed some existing fire hydrants will need height adjustments.
4. Hydrant location and proximity final road construction may require approved bollard protection for fire hydrants.
5. The four (4) turn-arounds within Filing I appear to meet fire code requirements.
6. All dead-end roads with turn-arounds shall post approved No Parking Fire Lane signs. Field inspection required to locate signs.

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

Sincerely,

Steven Skulski
Assistant Chief/Fire Marshal
Lake Dillon Fire District



DISTURBANCE PERMIT APPLICATION
FOR
PHASE 1 - SOUTH MARYLAND CREEK RANCH

December 4, 2015

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APPENDIX A

DISTURBANCE PERMIT APPLICATION FOR SOUTH MARYLAND CREEK RANCH (DECEMBER 4, 2015)

- SHEET 1-EXISTING CONDITIONS
- SHEET 2-PROPOSED DISTURBANCES

APPENDIX B

- USACE Preliminary Jurisdictional Determination for SMCR, letter dated September 29, 2014 (Corps File Number SPK-2001-75406)

APPENDIX C

- Disturbance Activity Detail Sheets from *Phase 1 Final Plat Submittal (Tetra Tech October 29, 2015)*



Ecological Resource Consultants, Inc.

5672 Juhls Drive ~ Boulder, CO ~ 80301 ~ (303) 679-4820

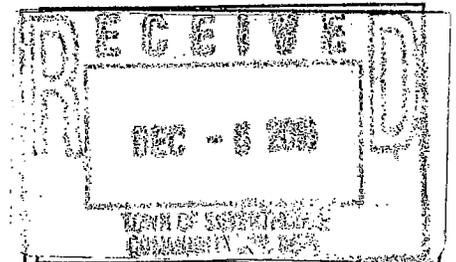
DISTURBANCE PERMIT APPLICATION FOR PHASE 1 - SOUTH MARYLAND CREEK RANCH

December 4, 2015

Prepared for:

Maryland Creek Ranch, LLC
556 Adams Ave
Silverthorne, CO 80498
Phone: (970) 262-5991
Contact: Joanna Hopkins

ERC# 690-1504



1.0 INTRODUCTION AND PURPOSE

This report serves as a Disturbance Area Permit (DPA) for the South Maryland Creek Ranch-Phase 1 project to meet the requirements of the Silverthorne Town Code and Town Charter Section 4-8-11 entitled, *Waterbody, Wetland and Riparian Protection Regulations* (Ordinance 2003-20 §2) (Code).

Project Owner/Applicant

Name:	South Maryland Creek Ranch (Maryland Creek Ranch, LLC)
Address:	556 Adams Ave, Silverthorne, CO 80498
Project Contact:	Joanna Hopkins, Development Director
Phone/Email:	Phone: (970) 262-5991 / jhopkins@marylandcreekranch.com

DPA Preparation and Wetland Consultant

Name:	Ecological Resource Consultants, Inc. (ERC)
Address:	5672 Juhls Drive, Boulder CO 80301
Project Contact:	David Blauch, V.P., Senior Ecologist, P.W.S.
Phone/Email:	Phone: (303) 679-4820 / dave@erccolorado.net

The Code was enacted to protect the vital, beneficial functions and values of wetlands and water areas within the Town of Silverthorne (Town). Protection is accomplished by requiring that a permit be obtained for development activities in wetlands, water areas and associated buffer areas, and as a part of this permitting process, the Town reviews disturbance permits and mitigation plans.

The South Maryland Creek Ranch (SMCR) development project was previously and is currently under review for a residential Planned Unit Development (PUD) project with the Town. The original SMCR PUD application was approved by the Town on December 14, 2005 and subsequently revised in March of 2008. As part of the original SMCR PUD review a DPA was approved by the Town in 2005 and later revised in 2008 for a modified development plan (WWE 2005, WWE 2008).

Due to administrative issues and the economic recession which occurred in mid-2000 and following the 2005-2008 DPA approvals, full implementation of the project was postponed pending a more favorable economic climate. Prior to work being suspended, major infrastructure including roads, bridges, culverts and primary utilities were installed.

In 2014, the SMCR project was re-initiated with a new development concept and plan that more closely accommodated current and anticipated market demands. The current plan under review by the Town and subject of this DPA includes only Phase 1 of the overall proposed SMCR PUD. Phase 1 includes establishing 31 lots and two future cabin development tracts in the center of the overall 416 acre SMCR property. Phase 1 improvements associated with these lots and tracts includes completion of the soil stability, drainage improvements and deep and shallow utilities servicing this area as well as approximately 75% of the major circulation route providing two access points to the property. Internal trail segments connecting these lots and tracts to the community center are also part of Phase 1.

The revised SMCR Phase 1 development plan will result in relatively minor unavoidable disturbances within wetlands and Town regulated buffers and therefore will be required to obtain a new DPA to meet the objectives of the Code. The information provided herein is required as part of a DPA including; identification of natural and special resources, analysis of impacts to wetland and buffers and recommended best management practices.

2.0 DPA CODE COMPLIANCE

The Code requires new projects to protect wetlands and other water areas to prevent degradation and to maintain function. The Code also requires establishment of a protective buffer zone surrounding wetlands. The Code establishes a minimum 25-foot restrictive inner buffer from a wetland or water body, and an additional 0 to 100-foot variable outer buffer required when at least one “trigger” listed in Section 4-8-19(3) of the Code exists. In accordance with the Code, specific Best Management Practices (BMPs) have been employed that prevent or mitigate degradation of wetland/water areas and the 25-foot buffer zone functions and therefore the width of this variable outer buffer has been reduced to the minimum of 25-feet.

The proposed project has been reviewed in accordance with the standards in Section 4-8-20 of the Code. Section 4-8-20 of the Code states that at least one of the listed “review standards” must be met in order for the Town to issue a Disturbance Permit. Given the nature of the activity and proposed BMPs, standard 2 and 9 of Section 4-8-20 appear to best describe the nature of the disturbances and should be used when evaluating this DPA. The following summarizes the applicable Code standards:

Section 4-8-20,

(2) The proposed activity is necessary to achieve access to property or provide utility service to property, and no other access route avoiding wetland and buffer zone areas is practical or the proposed access route results in better overall design of the site development

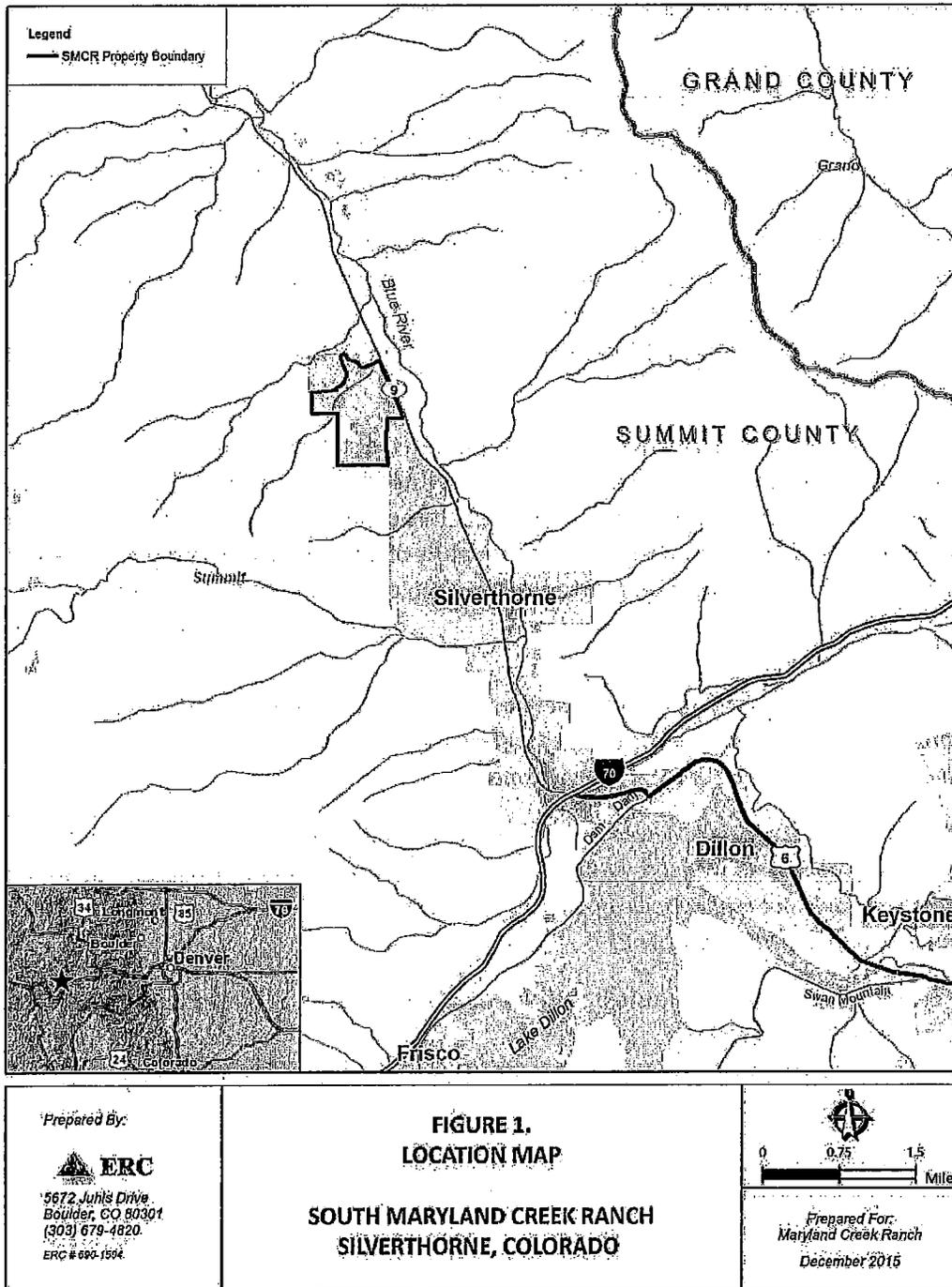
(9) The proposed activity (a) is reviewed as a planned unit development application, (b) would not result in significant degradation to wetlands or natural water areas, and (c) results in a better overall design of the project that could not otherwise be achieved by the strict application of the standards in Subsections (1) through (6) above. (Ord. 2003-20 §2)

This report has been prepared consistent with the Code and includes all the information specified for a DPA submittal per Section 4-8-18.

3.0 PROPERTY AND PROJECT AREA DESCRIPTION

The overall entire 416-acre SMCR property (Property) is located in Summit County, Colorado, on the north end of the Town of Silverthorne in Sections 22, 23, and 27, Township 4 south, Range 78 west (**Latitude 39.70135° north, Longitude -106.10100° west**). The Property is situated on the west side of the Blue River Valley between the Gore Range Mountains to the west, and the Williams Fork Mountains to the east. The Property is located approximately five miles north from the Interstate 70 and Colorado State

Highway 9 intersection, west of County Road 1957 and north of Game Trail Road. Refer to **Figure 1** for a Property Location Map.



The Property comprises low- to moderately-steep, east-facing slopes with elevations ranging from approximately 8,500 feet above mean sea level (AMSL) to 9,600 feet AMSL at the western boundary. The land surrounding the Property is largely defined by human use to the north, east and southeast and comprised of active gravel mine (north), Highway 9 (east), agricultural land (east and northeast) and residential development (southeast); while the majority of land adjoining the Property to the south and southeast comprises undeveloped US Forest Service (USFS) land. Residential developments about Highway 9 along the Blue River Valley, to the south.

The landscape of the Property has been visibly influenced by human activity (past and present) ranging from logging, gravel mining, development of roads, trails, agricultural use, construction of irrigation ditches and fences. Cattle grazing and hay crops are an ongoing feature on the Property. The active gravel mine currently dominates the southeastern portion of the Property, adjacent to the highway, and several buildings have been constructed in the vicinity of the gravel mine. Large blocks of historic lodgepole pine (*Pinus contorta*) forest (killed by mountain pine beetle) are in stages of successional shrub regeneration after recent clearing for forest management. The Property is currently encircled by major infrastructure including roads, bridges, culverts and primary utilities for the proposed development.

The dominant soils within the Property are classified as Muggins sandy loam, 6 to 15% slopes, Youga loam 6 to 15% slopes and Frisco-Peeler complexes, 6 to 25% slopes (USDA-NRCS 2015). The Muggins series is a deep, well-drained soil that formed in glacial drift derived from various sources. The Youga series consists of deep, well drained soils on upland hills and mountainsides, formed in alluvium and colluvium derived dominantly from basalt. The Frisco-Peeler series are described as deep, well-drained soils on slopes and ridges. Several of these soils have an erosion “K” factor of 0.25 or greater; because of this, those soils are considered as “erodible soils” under the Code.

Phase 1 and the Project Area subject of this DPA represents a portion within the entire Property. The Phase I-Project Area comprises a total of approximately 63.5 acres including approximately 38 acres of roads and improvements, 0.5 acre of trails and an additional 25 acres associated with lots and tracts.

4.0 BACKGROUND INFORMATION

ERC is extremely familiar with the Property and Project Area environmental characteristics from conducting numerous on site field studies including wetland delineation, wetland mitigation design, groundwater evaluation, breeding bird and rare plant survey and wildlife assessments since 2008. ERC’s familiarity with the Property combined with review of the previously conducted environmental work completed by others has been used in the preparation of this DPA.

Studies reviewed as part of the DPA compliance include:

- Disturbance Permit Application for South Maryland Creek Ranch, Approved 12/14/05 (WWE 2005).
- Revised Disturbance Permit Application for South Maryland Creek Ranch (WWE 2008)
- Wetland Delineation Report, Maryland Creek Ranch, Vendette Creek (ERC 2008a),
- Wetland Delineation Report for South Maryland Creek Ranch, Revised August 8, 2014 (ERC 2014),
- Breeding Bird Survey for South Maryland Creek Ranch (ERC 2008b),
- Rare Plant Survey for South Maryland Creek Ranch (ERC 2008c),

- Wildlife Assessment for MCR (WWE 2001b),
- South Maryland Creek Ranch, Summit County, Colorado, Wildlife Inventory Analysis and Recommendation (Iris Environmental Systems, Inc. 2002),
- South Maryland Creek Ranch Rural Residential Development: Wildlife Impacts and Mitigation (Nicholas Roe & Associates 2007),
- South Maryland Creek Ranch Wildlife Impact and Mitigation Report, Town of Silverthorne, Summit County, Colorado (ERC 2014),
- Engineering Geology Investigation for MCR (WWE 2001b), and
- MCR Landslide Investigation (December 2002).
- DRMS Permit M-1996-049

5.0 Vegetation Communities

ERC recently completed a detailed study of existing vegetation communities and wildlife habitat within the Property, entitled: *South Maryland Creek Ranch Wildlife Impact and Mitigation Report* (ERC 2014). In total, nine (9) land use classes and vegetation cover types were identified within the Property. Refer to **Table 1** for a summary of the habitat types and their distribution within the Property.

The definitions used for this analysis are based on the NatureServe's Ecological System Classification (Comer et al. 2003) per the USGS GAP Analysis land cover data set. The following **Table 2** provides a brief description of the existing land use classes and vegetation cover types identified within the Property.

TABLE 1. DISTRIBUTION OF LAND USE CLASSES AND VEGETATION COVER TYPES WITHIN THE PROPERTY.

Land Use Classes and Vegetation Cover Types	Area		Natural/Non-Natural
	(acres)	(percent)	
Inter-Mountain Basins Montane Sagebrush Steppe	84	20%	Natural
Disturbed/Successional - Shrub Regeneration	72	17%	Non-Natural
Quarries, Mines, Gravel Pits and Oil Wells	65	16%	Non-Natural
Rocky Mountain Aspen Forest and Woodland	62	15%	Natural
Pasture/Hay	50	12%	Non-Natural
Rocky Mountain Subalpine-Montane Riparian Shrubland	30	7%	Natural
Inter-Mountain Basins Aspen-Mixed Conifer Forest	26	6%	Natural
Disturbed, Non-specific	24	6%	Non-Natural
Rocky Mountain Alpine-Montane Wet Meadow	3	1%	Natural
Total Project Area	416	100%	
Total Natural	205	49%	
Total Non-Natural	211	51%	

¹Based on Comer et al. 2003

TABLE 2. DESCRIPTION OF LAND USE CLASSES AND VEGETATION COVER TYPES WITHIN THE SMCR PROPERTY.

¹ Land Use Classes and Vegetation Cover Types	Description:
Inter-Mountain Basins Montane Sagebrush Steppe	<p>Mountain sagebrush habitats are always dominated by mountain big sagebrush (<i>Artemisia tridentata</i>), with a dense grass and herb component. This system shows an affinity for mild topography, fine soils, some source of moisture in the soil or more mesic sites, zones of higher precipitation and areas of snow accumulation. Other varied shrubs can be intermixed and native bunchgrasses are almost always co-dominant.</p> <p>This is a dominant natural vegetation cover type within the property occupying approximately 84 acres (20% of the total area). This widespread community typically occurs on the middle hill slopes across the property.</p>
Disturbed/Successional - Shrub Regeneration	<p>Areas where a relatively recent disturbance event has occurred, signs of which are still visible on the imagery, and have regenerated to shrub or stunted tree dominated vegetation.</p> <p>Within the property, this non-natural land use class occupies approximately 72 acres (or 17% of the total area). These areas generally include forest-management lands (i.e., clearing of mountain pine beetle-affected trees) and other tree-removal areas.</p>
Quarries, Mines, Gravel Pits and Oil Wells	<p>Areas of extractive mining activities with significant surface expression.</p> <p>Within the property, this extensive non-natural land use class occupies approximately 65 acres (or 16% of the total area). Land associated with the gravel mine is located on the far eastern side of the property and comprised of an actively mined gravel pit, associated mine infrastructure and other mine facilities with little or no vegetation present.</p>
Rocky Mountain Aspen Forest and Woodland	<p>Forests of quaking aspen (<i>Populus tremuloides</i>) that occur across a wide range of elevations in the mountains and require adequate rain or snow fall to maintain the soil moisture that deciduous trees need. A diverse understory of shrubs, herbs and grasses is typically of aspen forests.</p> <p>This is a common natural vegetation cover type within the property occupying approximately 62 acres (15% of the total area). This community typically occurs on the middle-to-upper hill slopes across the property.</p>
Pasture/Hay	<p>Areas of grasses planted for livestock grazing or the production of seed or hay crops, typically on a perennial cycle. Pasture/hay vegetation accounts for >20 percent of total vegetation.</p> <p>Within the property, this non-natural land use class occupies approximately 50 acres (or 12% of the total area). These actively managed lands are artificially irrigated, vegetation type limited to grasses and harvested seasonally for hay production.</p>

Land Use Classes and Vegetation Cover Types	Description
Rocky Mountain Subalpine-Montane Riparian Shrubland	<p>These are tall to mid-sized shrublands found along rivers and streams from mid elevations to the upper limit of tree line in the Rocky mountains. It includes deciduous shrublands, dominated by different willow species (which vary by area and elevation), mountain alder (<i>Alnus viridis</i>), western birch (<i>Betula occidentalis</i>), with diverse low shrubs and forbs in the understory. This system includes stream-side shrublands ranging from narrow stream borders in steep, V-shaped valleys and canyons, to broader floodplains in wide valley bottoms.</p> <p>This is a common natural vegetation cover type for wetlands within the property, occupying approximately 30 acres (7% of the total area). This community typically occurs along drainage bottoms or corridors which extend from west to east across the property.</p>
Inter-Mountain Basins Aspen-Mixed Conifer Forest	<p>These forests are a mix of deciduous and coniferous trees, with quaking aspen always abundant, and one or more conifer species, especially ponderosa pine (<i>Pinus ponderosa</i>), Douglas-fir (<i>Pseudotsuga menziesii</i>), subalpine fir (<i>Abies lasiocarpa</i>), Engelmann spruce (<i>Picea engelmannii</i>), or lodgepole pine. As the forest ages, quaking aspen slowly dies out until the conifer species become dominant. Many different shrubs, grasses or herbs are found in these forests, which can be quite diverse in species. Many of these mixed forests are believed to have replaced pure aspen forests due to fire suppression and heavy grazing.</p> <p>This natural vegetation cover type is less common within the property occupying approximately 26 acres (6% of the total area). Remnant stands of this community occur on the hill slopes within the western portion of the property, at higher elevations.</p>
Disturbed, Non-specific	<p>Areas that are barren or have relatively low vegetation cover that is associated with some form of generic human alteration or management regime.</p> <p>Within the property, this non-natural land use class occupies approximately 24 acres (or 6% of the total area). These areas include infrastructure such as roads, bridges, culverts and primary utilities for the proposed development.</p>
Rocky Mountain Alpine-Montane Wet Meadow	<p>These are high-elevation communities dominated by herbaceous species found on wet sites with very low-gradient surface and subsurface flows. They occur as large meadows in montane or subalpine valleys, as narrow strips bordering ponds, lakes, and streams, and along toeslope seeps. Wet meadows are dominated by grasses, sedges or wildflowers, such as bluejoint (<i>Calamagrostis Canadensis</i>), white marsh-marigold (<i>Caltha leptosepala</i>), heart-leaved bittercress (<i>Cardamine cordifolia</i>), small-head sedge (<i>Carex illota</i>), small-wing sedge (<i>Carex micropora</i>), Holm's Rocky Mountain sedge (<i>Carex scopulorum</i>), northwest territory sedge (<i>Carex utriculata</i>), water sedge (<i>Carex aquatilis</i>), tufted hairgrass (<i>Deschampsia caespitosa</i>), few-flower spikerush (<i>Eleocharis quinqueflora</i>) and Drummond's rush (<i>Juncus drummondii</i>).</p> <p>This natural vegetation cover type includes some smaller wetland complexes within the property, occupying approximately 3 acres (1% of the total area). This community is typical of sedge meadows within seeps or topographic depressions within the property.</p>

¹Based on Comer et al. 2003

6.0 PROPOSED PROJECT DESCRIPTION

The overall proposed SMCR PUD is a mixed density, private residential community with public and private recreational areas and dedicated open space. Phase 1 subject of this DPA includes establishing 31 lots (residential) and two future cabin development tracts in the center of the overall 416^{acre} Property. Phase I improvement associated with these lots and tracts includes completion of the soil stability, drainage improvements and deep and shallow utilities servicing this area as well as approximately 75% of the major circulation route providing two access points to the Property and Project Area. Internal trail segments connecting these lots and tracts to the community center are also part Phase 1. The Phase 1 Project Area covers approximately 38 acres which includes roads, utilities easements and general associated infrastructure. In addition 31 individual residential lots and two future cabin development tracts covering an additional 25 acres are included as part of Phase I. Two trail segments are also included as part of Phase 1 which comprise approximately 0.5 acres. The total phase 1 Project Area includes approximately 63.5 acres of land within the overall SMCR Property.

7.0 BOUNDARY MAP-EXISTING CONDITIONS

This section provides the proposed Boundary Map-Existing Conditions and related information for the DPA, as per **Section 4-8-18(1)** of the Code.

The enclosed **SHEET 1-EXISTING CONDITIONS (Appendix A)** shows the boundaries of wetlands, riparian zones and waters areas on the entire Property. Also shown are the inner (25-foot) restrictive buffers and the outer (100-foot) variable buffer as well as the site specific features that trigger the outer variable buffer.

7.1 Wetlands and Water Features

Jurisdictional waters of the US, including wetlands exist within the portions of the Property and the Project Area which have been verified by the USACE as a preliminary jurisdictional determination (JD) in a letter dated September 29, 2014 (**SPK-2001-75406**) (refer to **Appendix B**). The wetland delineation report (ERC 2014b) and maps, entitled *South Maryland Creek Ranch, Summit County, Colorado, Wetland Delineation Map, dated December 30, 2013 (Revised August 8, 2014)* identified approximately 31.83 acres of potential waters of the US regulated by the USACE under Section 404 of the CWA within a portion of the Property. The wetland delineation report included evaluation and documentation of all lands within an approximately 280 acre wetland delineation study area, within the overall 416 acre Property. This study area, herein referred to as the 2014 JD Boundary, covers a majority of the Property and Project Area, however portions of the main access roads through the gravel pit area have not been delineated.

Previous wetland mapping as part of the 2005-2008 DPA (delineated by Wright Water Engineers, Inc. 1996-2001) is now considered outdated and inaccurate. The 2014 JD has been verified by the USACE and represents the most current and accurate wetland mapping for the Project Area.

The wetland delineation identified surface and groundwater wetlands associated with two drainages; slope wetlands associated with groundwater seepage; and flood irrigated wet meadows. Wetland habitat is comprised of riverine (R2) stream channel, palustrine scrub-shrub (PSS) willow-dominated habitat and

palustrine forested (PFO) spruce/willow habitat (classified on **Table 2** as Rocky Mountain Subalpine-Montane Riparian Shrubland) and palustrine emergent (PEM) sedge-dominated habitat (classified on **Table 2** as Rocky Mountain Alpine-Montane Wet Meadow). **Table 3** below summarizes the acres of waters of the US including wetlands within the 2014 JD Boundary. No histosols nor fen-like characteristics were identified within the wetlands. Detailed description of wetland habitats identified within the 2014 JD Boundary is available in the *Wetland Delineation Report for South Maryland Creek Ranch, Silverthorne, Colorado, December 30, 2013 (Revised August 8, 2014)*.

TABLE 3. SUMMARY OF 2014 WETLAND DELINEATION:

Wetland Land Use Classes and Vegetation Cover Types	Acres	
Rocky Mountain Subalpine-Montane Riparian Shrubland		
	PSS	10.61
	PFO	18.29
	R2	0.38
	<i>Subtotal</i>	<i>31.45</i>
Rocky Mountain Alpine-Montane Wet Meadow		
	PEM	2.55
	<i>Subtotal</i>	<i>2.55</i>
Total Wetlands and Other Waters		31.83

7.2 Town Regulated Inner 25 Foot Buffer Zone

The Town requires further habitat protection from impacts of development with a restrictive inner 25 foot buffer zone around all mapped wetlands (the USACE does not regulate buffers under Section 404 of the CWA). The 25 foot inner buffer zone has been established around the perimeter of all wetland and water features identified and mapped within the 2014 JD Boundary. The buffer zone serves as an ecological transition zone from uplands to wetlands, which is an integral portion of wetland ecosystems. Approximately 25 acres of upland habitat occurs within the restrictive inner 25 foot wetland buffer zone throughout the 2014 JD Boundary on the Property.

Specifically, buffer zones can provide:

- A temporary refuge for wetland fauna during high water episodes;
- A habitat area for activities such as breeding, spawning, nesting and wintering for migrating, endangered, commercially and recreationally important wildlife;
- An area to accommodate slight variations in wetland and water area boundaries over time due to hydrologic and climatologic effects;
- A remediation and filtration area to remove and store nutrients, sediments, petrochemicals, pesticides, debris and other pollutants as they move from the upland towards the wetlands and water areas;

- A buffer area to keep disturbances at a distance from wetland and water areas, thus reducing the impact of noise, traffic and other direct and indirect human impacts on wetland species;
- A corridor area which facilitates the movement of wildlife to and from wetland and water areas and from and to uplands, streams and other waterways; and
- A sediment and storm water control area to reduce the adverse effects of development or disturbance upon wetland and water areas. (Ord. 2003-20 §2)

Refer to **EXISTING CONDITIONS-SHEET 1 (Appendix A)** for the location of mapped wetlands and 25 foot restrictive inner wetland buffer zones within the Property.

7.3 Town Regulated Outer Variable Buffer Zone

The outer variable buffer was determined based upon analysis of site conditions, as specified in Section 4-8-19 of the Code. The site conditions that trigger the need for an outer buffer are discussed in the following. In some cases, more than one site condition exists.

- 1) **Riparian areas.** No riparian areas exist outside of mapped wetlands/waters of the US within the Property and Project Area.
- 2) **Threatened and endangered species.** Based on previous wildlife reports (WWE 2001, Iris Environmental 2002, ERC 2014) there is no occupied functional habitat for federal/state listed threatened or endangered species within the Property and Project Area.
- 3) **Wildlife migration corridor.** Per the CPW species activity mapping, there are no CPW mapped wildlife migration corridors within the Property and Project Area (CPW 2014, ERC 2014).
- 4) **Fens.** Based on the Wetland Delineation Report (ERC 2014b), no fens were identified on the Property and Project Area.
- 5) **100-Year Floodplain.** There are no designated FEMA 100-year floodplains on the within the Property and Project Area (FEMA 2015).
- 6) **Steep slopes.** Slopes of over 20 percent exist in several areas of the Property and Project Area as shown on **SHEET 1-EXISTING CONDITIONS (Appendix A)**. An outer buffer of 100 feet was designated between slopes over 20 percent and wetlands/water areas where the slope is continuous for at least 125 feet upgradient of the wetland/water area.
- 7) **Erodible soils.** Soils with an erosion "K" factor greater than 0.25 exist in the throughout the Property and Project Area, as shown on **SHEET 1-EXISTING CONDITIONS (Appendix A)**. These soils include: Muggins sandy loam and Youga loam (USDA-NRCS 2015). An outer buffer of 100 feet was designated where erodible soils exist adjacent to a wetland or water area.
- 8) **Unstable streambank conditions.** There are no areas of unstable streambanks within the Property and Project Area, as defined in the Code.
- 9) **Hazardous materials.** The project is a proposed residential development so that no hazardous or toxic materials will be used that pose a special hazard to water quality.

- 10) **Stormwater permit.** A stormwater discharge permit for commercial or industrial uses is not required for the project. A permit for Stormwater Discharges Associated with Construction Activities will be required for the project since it will result in a disturbance of greater than one acre. The applicant will obtain coverage under the State of Colorado General Permit and will prepare a Stormwater Management Plan as required by the General Permit.
- 11) **Impervious area.** Construction of new public roads will not result in greater than one acre with 40 percent or more imperviousness within the 25 and 100 foot buffer zone areas. However; BMPs are proposed for road disturbances within the buffer zones.
- 12) **Poor vegetative cover.** There are no areas of poor vegetative cover, as defined in the Code, within the Property and Project Area.

Refer to **EXISTING CONDITIONS-SHEET 1 (Appendix A)** for the location of the outer variable buffer zones within the Property.

8.0 GRADING AND EROSION CONTROL PLAN

This section provides the proposed Grading and Erosion Control Plan and related information for the DPA, as per **Section 4-8-18(3)** of the Code.

A detailed grading and erosion control plan has been prepared by Tetra Tech for Phase I entitled Maryland Creek Ranch. Phase I Final Plat Submittal October 29, 2015 (Plan). The Plan provides detailed grading and site improvements, BMPs for water management, slope stabilization and erosion control including, but not limited to, silt fences, straw wattles, hay bales, diversion ditches, culverts, culvert outfall protection, water quality treatment areas and reclamation. This Plan was evaluated for specific impacts related to this DPA. The Plan serves as the basis for the Phase I proposed limits of disturbance and impact analysis as presented in **SHEET 2-PROPOSED DISTURBANCES (Appendix A)**.

9.0 PROPOSED DISTURBANCES

This section provides the Proposed Disturbances and related information for the DPA, as per **Section 4-8-18(2)** of the Code.

9.1 Description of Proposed Disturbance

Proposed disturbance activities within the 25 foot buffer zone and wetlands are generally categorized into five activities. The following **Table 4** provides a generalized description of the overall proposed disturbance activities.

TABLE 4. DESCRIPTION OF PROPOSED DISTURBANCE ACTIVITIES.

Proposed Disturbance Activity	Description
Roads	The proposed activity includes construction and improvement of internal private roads for access to future home sites (lots and tracts). The design specifications of all roads shall be in accordance with the requirements of the Code and per the 2014 PUD and detailed in the Plan. Private roads generally consist of asphalt surface with two approximately 10 to 12 foot wide travel lanes with 2 to 3 foot gravel shoulders with a road side drainage swale on either side. Roads are considered a permanent disturbance as part of this DPA.
Water Management	The proposed activity consists of localized grading and infrastructure installation for the purpose of constructing local drainage and stormwater structures. Water management includes installation of cross road drainage culverts, underdrain outlets and outfall structures from water quality treatment areas. Water management structures are considered a permanent disturbance as part of this DPA.
Utilities	The proposed activity comprises installation of a buried utilities. Utilities may include water, sewer, power and communications for home sites. The utility lines will be installed below the existing grade by open trench excavation and backfilled. Utilities are considered a temporary disturbance as part of this DPA as final finished surface will be returned to pre-construction grades and reclaimed.
Slump Stabilization	The proposed activity comprises excavation and stabilization of existing surficial slump areas. Slump stabilization includes excavation of existing unstable slope materials and backfilling with drainage material and 24 inch riprap to form a new stable slope. The slump stabilization areas are considered a permanent disturbance as part of this DPA.
Trail	The proposed activity includes the development of interior pedestrian trails (pedestrian use only) providing alternative transportation routes and recreational opportunities through Phase 1. The interior trails are approximately 3 foot wide, soft surface trails, cut or filled into the existing ground surface. The trails will be constructed at-grade through uplands and 25 foot buffer zones with elevated surfaces (boardwalks, planks or similar) at wetland crossings. The pedestrian trail is considered a permanent disturbance in wetlands and buffers as part of this DPA.

A description of the specific proposed disturbance activities within the 25 foot buffer zone and wetlands is provided in **Table 5**. The corresponding Impact ID and activity location is depicted on **SHEET 2- PROPOSED DISTURBANCES (Appendix A)**. Details of each disturbance activity per the Plan are provided in **Appendix C**.

TABLE 5. DESCRIPTION OF SPECIFIC PROPOSED DISTURBANCE ACTIVITIES.

Impact ID	Disturbance Activity	Description
1, 4, 17	Water Management	<ul style="list-style-type: none"> a. Underdrain-buried perforated pipe parallel to road with outfall bedding. b. Disturbance within 25 foot buffer from minor localized grading, pipe installation and placement of fill (outfall bedding). c. Activity shall be adjusted to not result in disturbance to the wetland. d. No wetland impact assumed.
2, 13	Grading	<ul style="list-style-type: none"> a. Fill and grading of existing drainage ditch within wetland and 25 foot buffer. b. Ditch fill and grading activities to be eliminated from Plan within the wetland and 25 foot buffer. c. No impact assumed.
3	Road	<ul style="list-style-type: none"> a. Fill and side slope grading for proposed road. b. Limits of disturbance is immediately along 25 foot buffer. c. Activity to be moved outside of 25 foot buffer boundary. d. No impact assumed.
3a	Water Management	<ul style="list-style-type: none"> a. Cross road culvert and level spreader outfall. b. Disturbance within 25 foot buffer from minor localized grading, culvert installation and level spreader outfall structure (riprap and wood wingwalls).
5	Utility	<ul style="list-style-type: none"> a. Buried sanitary sewer line crossing wetland and 25 foot buffer. b. Temporary disturbance resulting from trench excavation, installation of pipe, bedding and backfill. c. Ground surface restored to pre-construction contours per Mitigation Plan.
6, 7	Slump Stabilization	<ul style="list-style-type: none"> a. Surficial slump stabilization-slope stabilization. b. All disturbance should be removed from wetland and only occur in uplands and 25 foot buffer. Plan may need to be modified for Impact 7 to ensure no wetland impact. c. Disturbance from excavation of surficial slump area existing materials and replacement with gravel drain system and 24 inch riprap to form stable slope. d. No wetland impact assumed.
8, 9	Water Management	<ul style="list-style-type: none"> a. Water quality treatment area and detention pond. b. Disturbance within 25 foot buffer from minor localized grading, culvert installation and level spreader outfall structure (riprap and wood wingwalls).
10, 11, 12	Road	<ul style="list-style-type: none"> a. Side slope grading for proposed road.

Impact ID	Disturbance Activity	Description
		b. Disturbance in 25 foot buffer resulting from road fill and side slope grading.
14, 18, 19	Road	<ul style="list-style-type: none"> a. Existing road crossing improvements. b. Disturbance in 25 foot buffer from road side slope grading, fills and installation of cross road flow conveyance culvert with level spreader. c. Activity disturbance assumed limited to 25 buffer. Culvert installation and any road grading shall be adjusted per Plan to ensure no wetland impact. d. No wetland impact assumed.
15, 16	Trail	<ul style="list-style-type: none"> a. Pedestrian only 3 foot soft surface trail cut or filled into the existing ground surface. b. Disturbance to 25 foot buffer and wetland (Impact 15 only) resulting from localized grading, cut/fill and continual use. c. Impact 15 assumed as wetland fill with construction of an elevated surface.

9.2 Calculated Area of Proposed Disturbance in Wetlands and Buffers

The enclosed **SHEET 2-PROPOSED DISTURBANCES (Appendix A)** shows the locations of proposed disturbances to wetlands, water areas and associated 25 foot buffers within the Project Area. Sheet 2 depicts a limits of disturbance outline in order to simplify depiction for use in this DPA. The limits of disturbance represents the maximum extent of all disturbance, grading, fills and excavation associated with Phase I per the Plan referenced in **Section 8.0**. Specific details of each activity as presented in the Plan are provided in **Appendix C**. The amount of proposed disturbance is summarized in **Table 6**.

TABLE 6. WETLAND AND BUFFER IMPACTS FOR PHASE 1 ACTIVITIES.

Impact ID	Activity	Impacts		Type
		25FT Buffer (acres)	Wetland (acres)	
+1	Water Management	0.017		Permanent
*2	Grading			NA
*3	Road			NA
3a	Water Management	0.0005		Permanent
4	Water Management	0.011		Permanent
5	Utility	0.010	0.007	Temporary
+6	Slump Stabilization	0.195		Permanent
+7	Slump Stabilization	0.072		Permanent
8	Water Management	0.005		Permanent
9	Water Management	0.003		Permanent
10	Road	0.005		Permanent
11	Road	0.017		Permanent
12	Road	0.017		Permanent
*13	Grading	-		NA
+14	Road	0.016		Permanent
15	Trail	0.11	0.002	Permanent
16	Trail	0.066		Permanent
+17	Water Management	0.011		Permanent
+18	Road	0.086		Permanent
+19	Water Management	0.004		Permanent
	TOTAL	0.646	0.009	0.655
	Total Permanent	0.636	0.002	0.638
	Total Temporary	0.010	0.007	0.017
Notes: <i>*Proposed disturbance activity that requires minor design adjustment to eliminate disturbance. Upon minor design adjustment and construction implementation these areas will not be disturbed and are not assumed to be impacts as part of this DPA.</i> <i>+ Proposed disturbance activity to be adjusted to eliminate wetland impact.</i>				

10.0 REVEGETATION PLAN

This section provides the Proposed Disturbances and related information for the DPA, as per **Section 4-8-18(4)** of the Code.

The Plan and the accompanying *South Maryland Creek Ranch, Filing #1 Landscape Plan (Norris Design October 20, 2015)* provide generalized revegetation specifications site wide. However, the Plan does not necessarily address revegetation/reclamation within the restrictive inner 25 foot buffer. Specific to disturbance areas within the restrictive inner 25 foot buffer zone, a revegetation plan will be critical to ensure the integrity of the buffer zone and wetland is maintained. A well-established vegetation community provides numerous environmental benefits critical to buffer zone function including soil stabilization, overland runoff filtration as well as forage and cover for wildlife. Therefore, all disturbance areas within the 25 foot buffer should be adequately reclaimed to maintain functional integrity to the buffer and wetland. During reclamation efforts within the 25 foot buffer, native seeding should focus on quickly establishing a groundcover to stabilize soil, minimize establishment of invasive species and promote long-term successional development. Within the 25 foot buffer disturbance areas, the ground surface should be seeded with specialized native buffer zone seed mix that promotes species diversity, contains locally native species, germinates rapidly and provides complete groundcover. Generally in areas to be seeded, a minimum of 3 to 6 inches of suitable topsoil or loose native soil is recommended. The area should be seeded with recommended native seed mix such as that provided in **Table 7**. Following seeding, all areas should be adequately stabilized with the use of organic tackifier and hydromulch or erosion control blanket as appropriate.

TABLE 7. NATIVE BUFFER ZONE SEED MIX.

Scientific Name	Common Name	% of Mix	PLS Required
<i>Achnatherum hymenoides</i>	Indian ricegrass	15	2.3
<i>Bromus marginatus</i>	mountain brome	25	8.5
<i>Elymus canadensis</i>	Canada wildrye	20	3.8
<i>Festuca saximontana</i>	Rocky Mountain fescue	20	0.4
<i>Pascopyrum smithii</i>	western wheatgrass	20	4.0
<i>Alternatives</i>			
<i>Elymus trachycarlus</i>	streambank wheatgrass		
<i>Fesuca arizonica</i>	Arizona fescue		
<i>Festuca idahoensis</i>	Idaho fescue		
Notes:			
Required Pure Live Seed (PLS) based on 0.5-acre of seeding area and 100 seeds/square foot broadcast.			

11.0 MITIGATION PLAN

This section provides the Mitigation Plan and related information for the DPA, as per **Section 4-8-18(5)** of the Code.

Code Section 4-8-22 requires a mitigation plan for proposed fill of or impact to wetland areas. Phase I activities result in two (2) direct, wetland impact areas totaling approximately 0.009-acre associated with a buried utility installation (temporary) and construction of a pedestrian trail (permanent).

Wetland impacts associated with utility installation (Impact 5) total 0.007 acre and will be temporary. The Phase 1 activity within wetlands is not considered a permanent above ground fill, therefore the mitigation plan will focus on in-place restoration of the disturbance area. The following summarizes specific mitigation measures for restoration of the temporary wetland disturbance.

1. The wetland disturbance area shall be clearly delineated in the field prior to earth disturbance with orange construction fencing on both sides of the crossing to ensure no accidental disturbance outside of disturbance area.
2. Adequate erosion control measures shall be installed across the disturbance area to eliminate down gradient sedimentation.
3. Trench excavation and disturbance shall kept to absolute minimum (narrowest) width required for installation. Trench boxes may be required to minimize disturbance from excavation.
4. Excavated trench spoils shall be stockpiled in uplands outside of the wetlands and buffer (no side casting within wetland or buffer).
5. Utility to be constructed as level as possible, and perpendicular to the direction of drainage at the crossing to minimize hydrologic impacts. The use of granular backfill material will be minimized and cut-off collars used to avoid draining wetlands.
6. The upper 12-inches of wetland plant material and soil material will be salvaged, stockpiled separately and used to backfill the trench to the original contours. Replacing of the original near surface materials (hydric soils and root mat) is critical in reclamation and consideration of this activity as a temporary disturbance. A detailed operations plan should be prepared prior to this disturbance activity to ensure mitigation success. Once salvaged material is replaced the disturbance area should be seeded with Wetland Seed Mix (Table 8) and stabilized with erosion control blanket or equivalent based on site conditions.

TABLE 8. WETLAND SEED MIX.

<i>Scientific Name</i>	<i>Common Name</i>	<i>% of Mix</i>	<i>PLS Required</i>
<i>Beckmannia syzigachne</i>	sloughgrass	15	15
<i>Calamagrostis canadensis</i>	blue jointed reedgrass	15	15
<i>Carex nebrascensis</i>	Nebraska sedge	15	15
<i>Deschampsia cespitosa</i>	tufted hairgrass	25	25
<i>Phleum alpinum</i>	alpine timothy	30	30
<i>Alternatives</i>			
<i>Carex aquatilis</i>	water sedge		
<i>Carex utriculata</i>	beaked sedge		
<i>Carex microptera</i>	small-winged sedge		
<i>Glyceria striata</i>	fowl managrass		
<i>Juncus balticus</i>	Baltic rush		
<i>Notes: Required Pure Live Seed (PLS) based on 0.5-acre of seeding area and 100 seeds/square foot broadcast.</i>			

Phase 1 activities also result in direct permanent wetland impact associated with a pedestrian trail (Impact 5). The trail crossing has been located in the same area as the utility crossing discussed above. Using the same location as the temporary disturbance area was intended to minimize the number of total wetland disturbance areas. The total permanent impact to the wetland associated with the trail crossing is approximately 0.002 acre. Due to the relatively small size and nature of this impact, proposed mitigation efforts should focus on disturbance minimization measures rather than replacement. The trail crossing of the wetland should be constructed as an elevated surface (boardwalks, planks or similar) to maintain hydrologic patterns, minimize soil compaction and vegetation disturbances. The trail crossing of the wetland shall also be designed to minimize pedestrian social trails with railings, signs or similar. More detailed plans should be developed for this activity.

12.0 ALTERNATIVES ANALYSIS

This section provides the Alternatives Analysis and related information for the DPA, as per **Section 4-8-18(5)** of the Code.

Direct impacts to wetlands, water areas, and buffers have been avoided and minimized to the extent practicable. Various development concepts were evaluated with regard to their compatibility with the landscape and site constraints. The proposed Phase 1 plan was determined to be the most practical alternative which meets the project objectives while minimizing disturbance to wetland, water areas and buffers. The project owner and engineer have determined that no less damaging practical alternative exists.

13.0 US ARMY CORPS OF ENGINEERS

The Phase 1 project will result in 0.007 acre of unavoidable temporary impact associated with a utility crossing and approximately 0.002 acre of permanent impact from a pedestrian trail crossing of waters of the US, including wetlands therefore these activities will likely require authorization from the USACE under Section 404 of the CWA. At the time of this DPA submittal, no coordination has been conducted with the USACE with regards to these impacts. The minor direct impacts to wetlands of less than 0.01 acre would likely be authorized under a Nationwide Permit. A pre-construction notification submitted to the USACE is recommended to verify authorization of disturbance to wetlands

14.0 BEST MANAGEMENT PRACTICES

BMPs have been employed as part of the initial site development planning stages as well as in anticipation of construction activities as part of the Plan. Per the Code, BMPs are considered economically feasible conservation practices and land and water management measures that minimize adverse impacts to the chemical, physical and biological characteristics of water areas and wetlands. BMPs may include a wide range of structural and nonstructural practices to be implemented in association with land disturbance, development and construction activities.

BMPs were considered as part of initial project layout and have been employed for site wide activities and specifically in all areas where buffer encroachments are proposed to maintain buffer functions and prevent degradation of wetlands and water quality. Combined, these BMPs are intended to minimize potential adverse effects resulting from unavoidable wetland and buffer zone impacts associated with Phase 1 project activities. These BMPs have also been employed to prevent and mitigate degradation of water quality, the function of wetlands or the function of the buffer from development activities in order to justify reduction of the variable outer buffer to that of the minimum inner 25 foot buffer per Section 4-8-11, 4-8-19(3) and 4-8-19(4) of the Code.

14.1 Site Wide General Design BMPs

Site wide general design BMPS have been incorporated into the Plan for Phase 1. Site wide BMPs may not necessarily be specific to wetland protection but are intend as general good development and construction practices to minimize overall disturbance to the local environment. The following provides a summary of site wide general design BMPs employed as part of the Plan.

1. The overall project disturbance area was greatly reduced by concentrating the residential home sites into clustered pockets.
2. Disturbance from residential access was minimized with one existing primary loop road which provides main Property access and shared driveways to minimize access disturbances. Roads have been designed at the minimum width by Code and for safe passage. Alignment of roads avoids wetland/buffer to the extent feasible. Stable steep side slopes/retaining walls have been used to limit the disturbance footprint width where feasible. A single road provides access to multiple home sites. The roads are required to provide home site access and no alternative road alignment with less disturbance was found to be feasible.
3. Dwelling units are clustered in the most suitable areas to avoid impacting wetlands and other sensitive areas. Lots have been demarcated so that there are no jurisdictional wetlands on any lots. All lots can be accessed without impacting wetlands. Each lot has a defined building envelope. No structures or architectural features are permitted outside of the building envelopes. Portions of home sites outside of building envelopes are to remain in an essentially natural condition, maintained to blend with adjoining natural areas. Building envelopes are restricted to less than 20-30% of each lot. The area within each lot from the building envelope to the end of lot is to form a natural buffer to adjoining "open spaces" and/or wetlands. Each individual lot will be required to maintain any designated 25 foot buffer zones.
4. Water Management. The Plan was developed to manage and control stormwater, runoff, snowmelt and localized drainage site wide. Collection ditches, underdrains and culverts direct and manage water site wide. Discharge points have been stabilized to prevent scour. Discharge points were only located in 25 foot buffer zones when dictated by local topography and to maintain down gradient flows. Detention basins (Water Quality Treatment Areas) were used for water quality improvement.

5. Utilities will be buried to minimize impacts. Utility alignment and trenches will be kept to an absolute minimum (narrowest) width required for installation to minimize disturbance.
6. Wetland and buffer boundaries and limit of permitted impacts will be clearly marked prior to construction to avoid wrongful disturbances.
7. All excavation spoils, stockpiles and imported materials will be placed in uplands and not within the wetland or buffers.
8. All created slopes and soil disturbance areas shall be stabilized (native seeding and covered with erosion control blanket or hydromulch) as soon as possible upon construction completion.
9. Silt fence or appropriate erosion control measures will be installed during construction activities to minimize offsite erosion and sediment. Such measures will be maintained until disturbed areas are considered reclaimed and stable.
10. The number of trees and existing natural vegetation removed throughout the site shall be minimized to the greatest extent feasible.
11. Grading and construction will be timed to minimize soil exposure to heavy run-off and rainy periods.
12. Runoff from impervious surfaces such as internal private roads shall be detained and treated prior to discharge.
13. Site wide runoff velocities will be maintained to prevent high erosion by using flow barriers (i.e., vegetation, riprap, etc.);
14. Site wide on-site sediment will be trapped using check dams, temporary diversions, detention basins, straw bales, silt fences or other appropriate means;
15. Drainage ways and outlets shall be protected from increased flows;
16. Existing hydrologic flow will be maintained through the site through the use of culverts, underdrains or other devices;
17. Site wide cut and fill will be minimized.

14.2 Disturbance Specific BMPs

The following BMPs have been developed for each site specific activity that impacts the 25 foot buffer and/or wetland. These BMPs shall be employed at each location to minimize adverse impact to buffer

and wetland function. The enclosed **SHEET 2-PROPOSED DISTURBANCES (Appendix A)** shows the locations of proposed disturbances within the Project Area. Specific details of each activity as presented in Plan are provided in **Appendix C**.

TABLE 9. PROPOSED BMPs FOR SPECIFIC DISTURBANCE ACTIVITIES.

Impact ID	Disturbance Activity	BMPs
1, 4, 17	Water Management Underdrain outfall structure into 25 foot buffer	<ul style="list-style-type: none"> a. Maintains local drainage down gradient. b. Outfall bedding for stabilization. c. Add wattle/bale below outfall for temporary improvements. d. Native upland seeding reclamation and stabilization.
2, 13	Grading Ditch Fill	<ul style="list-style-type: none"> a. Ditch fill and grading activities to be eliminated from within the wetland and 25 foot buffer. b. Impact to be eliminated from Plan - no impact assumed.
3	Road Side slope grading along 25 foot buffer	<ul style="list-style-type: none"> a. Limits of disturbance is immediately along 25 foot buffer. b. All activity to be moved outside of buffer boundary. c. Impact to be eliminated from Plan - no impact assumed.
3a	Water Management Cross road culvert, outfall into 25 foot buffer	<ul style="list-style-type: none"> a. Maintains local drainage down gradient. b. Level spreader outfall for sheet flow. c. Temporary wattles/bales below outfall. d. Native upland seeding reclamation and stabilization.
5	Utility Temporary impact to 25 foot buffer and wetland	<ul style="list-style-type: none"> a. Maintain silt fence on both sides of crossing. b. Mark wetland boundary and ensure no unauthorized wetland impact. c. Excavated trench spoils shall be stockpiled in uplands outside of the wetlands and buffers (no side casting). d. Utility to be constructed as level as possible, and perpendicular to the direction of drainage at the crossing to minimize hydrologic impacts. The use of granular backfill material will be minimized and cut-off collars used to avoid draining wetlands. e. Mitigation (restoration of temporary impact) per Section 10.0.
6,7	Slump Stabilization	<ul style="list-style-type: none"> a. Stabilization of existing erodible slopes. b. Maintain silt fence along toe of slope. c. Mark wetland boundary and ensure no unauthorized wetland impact. d. Plan should consider soil filled riprap or soil cap – revegetated with native upland seed mix.
8, 9	Water Management Water quality treatment area outfall into 25 foot buffer	<ul style="list-style-type: none"> a. Detention basin for sediment and water quality improvements. b. Level spreader outfall for sheet flow.

Impact ID	Disturbance Activity	BMPs
		c. Add-Installation of wattles/bales below outfall for additional temporary protection.
10, 11, 12	Road Side slope fills and grading in 25 foot buffer	a. Maintain silt fence along toe of slope. b. Native upland seeding reclamation and stabilization.
14, 18, 19	Road Existing road drainage improvements and road side grading within 25 foot buffer	a. Level spreader outfall for sheet flow. b. Maintain silt fence along toe of slope. c. Mark wetland boundary and ensure no unauthorized wetland impact. d. Native upland seeding reclamation and stabilization.
15,16	Trail Pedestrian Only 3 foot soft surface trail within wetland and 25 foot buffer	a. Incorporate appropriate and specialized water control features and natural tread materials as part of final design and construction to minimize erosion in 25 foot buffer. b. Final trail layout and construction shall avoid existing trees, dense vegetation, unique features and steep slopes where possible. c. Prevent development of social trails. d. Trail crossings of wetland shall be of elevated surfaces (boardwalks, planks or similar) to maintain hydrologic patterns, minimize soil compaction and vegetation disturbances. e. Educate public and users of sensitive wetland habitats and potential wildlife conflicts (such as stay on trails, leave no trace and controlling pets). f. Implement long term weed management and routine trail maintenance programs.

15.0 SUMMARY

The proposed Phase 1 project has been reviewed in accordance with the standards in Section 4-8-20 of the Code. Phase 1 has been designed within the intent of the Code to protect the vital, beneficial functions and values of wetlands and water areas within the Town. Phase I proposes a total of 0.655 acre of disturbance to 25 foot buffer and wetlands. In total, approximately 0.009 acre of direct (permanent and temporary) impact to wetlands and other water areas is proposed. A total of 0.002 acre of permanent wetland impact is proposed for one trail crossing. Approximately 0.007 acre of temporary wetland impact will occur from installation of a buried utility line.

Temporary and permanent encroachment into wetland inner 25 foot buffers will occur. Permanent disturbances within inner 25 foot buffers will occur for water management, utility installation, slump stabilization, construction of roads and pedestrian trails. The total area of permanent inner 25 foot buffer disturbed is 0.636 acre. Temporary disturbances within the inner 25 foot buffers will occur from

installation of a buried utility line, totaling 0.010 acre. A summary of Phase 1 impacts is provided as **Table 10**.

TABLE 10. SUMMARY OF PHASE 1 WETLAND AND BUFFER IMPACTS.

	Impacts		
	25FT Buffer (acres)	Wetland (acres)	25FT Buffer & Wetland (acres)
Total Permanent	0.636	0.002	0.638
Total Temporary	0.010	0.007	0.017
TOTAL	0.646	0.009	0.655

Site wide general design BMPs (**Section 14.1**) and disturbance specific BMPs (**Section 14.2**) have been employed and are intended to be followed as part of construction activities to minimize potential adverse effects to buffer and wetland function.

Combined these BMPs have also been employed to prevent and mitigate degradation of water quality, the function of wetlands or the function of the buffer from development activities in order to justify reduction of the variable outer buffer to that of the minimum inner 25 foot buffer per Section 4-8-11, 4-8-19(3) and 4-8-19(4) of the Code.

Given the nature of the proposed disturbance activities and BMPs, standard 2 and 9 of Section 4-8-20 appear to best describe the nature of the disturbances and should be used when evaluating this request. The following summarizes the applicable Code standards:

Section 4-8-20,

(2) The proposed activity is necessary to achieve access to property or provide utility service to property, and no other access route avoiding wetland and buffer zone areas is practical or the proposed access route results in better overall design of the site development

(9) The proposed activity (a) is reviewed as a planned unit development application, (b) would not result in significant degradation to wetlands or natural water areas, and (c) results in a better overall design of the project that could not otherwise be achieved by the strict application of the standards in Subsections (1) through (6) above. (Ord. 2003-20 §2)

16.0 REFERENCES

- (ERC) Ecological Resource Consultants, Inc. 2008a. Wetland Delineation Report. Maryland Creek Ranch, Vendette Creek. Ecological Resource Consultants, Inc. November 24.
- _____. 2008b. Breeding Bird Survey for South Maryland Creek Ranch, Ecological Resource Consultants, Inc. June 13.
- _____. 2008c. Rare Plan Survey for South Maryland Creek Ranch, Ecological Resource Consultants, Inc. June 13.
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- ERC 2014b. Wetland Delineation Report for South Maryland Creek Ranch Silverthorne, Colorado December 30, 2013 (Revised August 8, 2014).
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- SMCR. South Maryland Creek Ranch. 2014. Planned Unit Development Guide. August 28.
- _____. 2014b. Compliance Statement and Comprehensive Plan Amendment, PUD Amendment Submittal-May 16, 2014, Resubmittal #1. August 28.
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- (USACE) US Army Corps of Engineers. 2009a. Preliminary Jurisdictional Determination, Maryland Creek Ranch. April 28.
- _____. 2009b. Preliminary Jurisdictional Determination, Everist Materials. April 21.

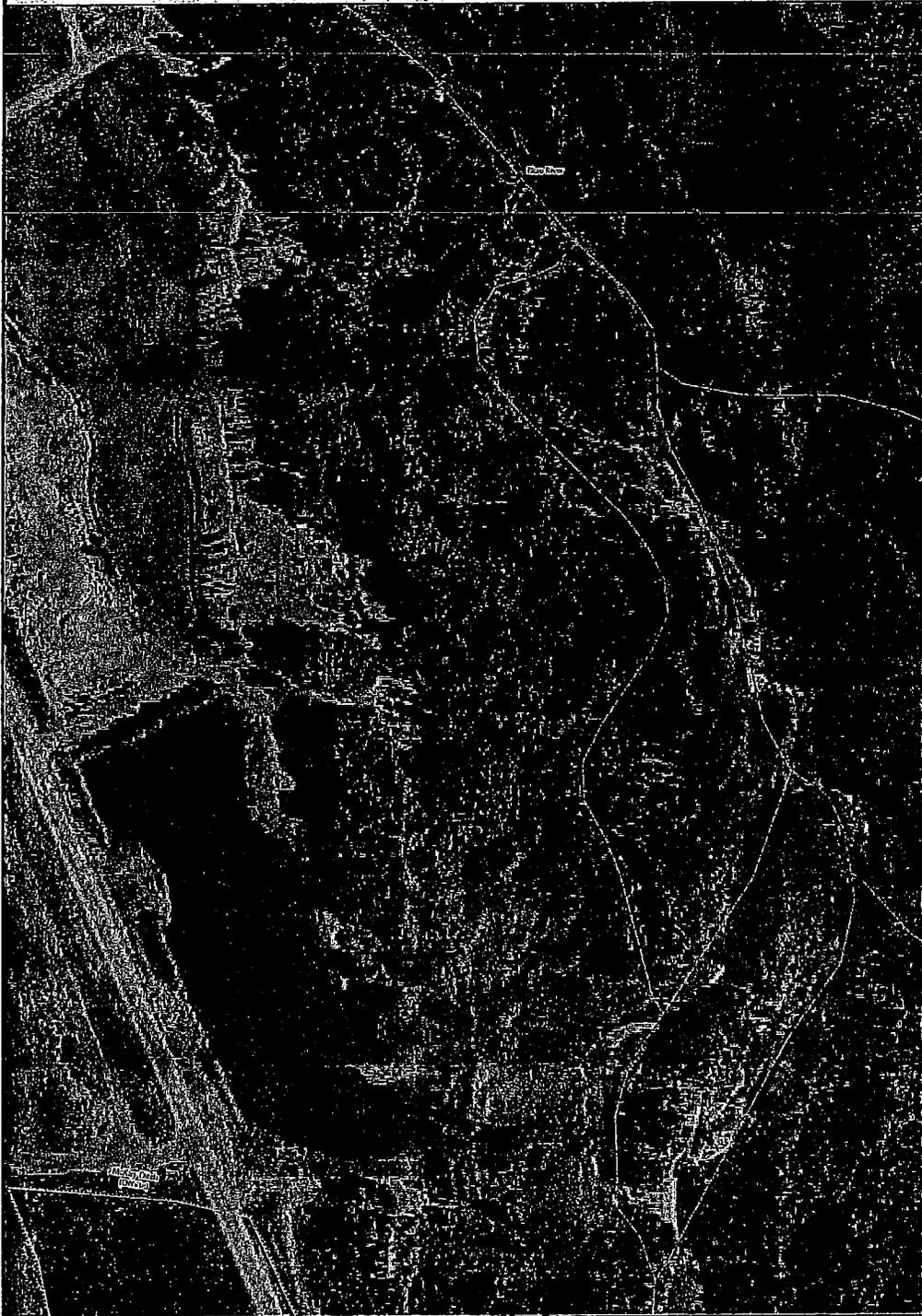


- ____ 2011. Department of the Army Permit SPK-1010-01226. June 3.
- (USCS) US Soil Conservation Service. 1980. Soil Survey of Summit County Area, Colorado.
- (WWE) Wright Water Engineers, Inc. 2001. Wetland Delineation for Hillside Portion of the Maryland Creek Ranch.
- (WWE) Wright Water Engineers, Inc. 2001a. Wildlife Assessment for Maryland Creek Ranch.
- ____ 2001b. Engineering Geology Investigation for Maryland Creek Ranch.
- ____ 2002. Memorandum to Mr. Randy Snyder, U.S. Army Corps of Engineers, RE: Refinement of Wetland Delineation for Hillside Portion of the Maryland Creek Ranch.
- ____ 2002. Maryland Creek Ranch Landslide Investigation.
- ____ 2005. Disturbance Permit Application for South Maryland Creek Ranch. Approved 12/14/05. October.
- ____ 2008. Revised Disturbance Permit Application for South Maryland Creek Ranch. March.

APPENDIX A

DISTURBANCE PERMIT APPLICATION FOR SOUTH MARYLAND CREEK RANCH (SEPTEMBER 2015)

- SHEET 1-EXISTING CONDITIONS
- SHEET 2-PROPOSED DISTURBANCES



SHEET 3

Wetland Delineation Map

Southwest Wetland Creek Marsh
 Summit County, Colorado
 1998-1999
 10/10/01

Project Name	Southwest Wetland Creek Marsh
Project Number	10/10/01
Project Location	Summit County, Colorado
Project Date	1998-1999
Project Status	Completed

Project Name	Southwest Wetland Creek Marsh
Project Number	10/10/01
Project Location	Summit County, Colorado
Project Date	1998-1999
Project Status	Completed

10/10/01
 10/10/01
 10/10/01



2

Wetland Delineation Map

South Atlantic Coast Range
 Supreme County, Colorado
 Assessed 10/2011
 Wetland Map No. 2011-1

Wetland Type	Color
Emergent Wetland	Light Green
Shrub Wetland	Medium Green
Forest Wetland	Dark Green
Water	Blue
Barren Land	Light Brown
Developed Land	Dark Brown
Highway	Black
Power Line	Red
Other	Grey

Map prepared by: **MapSource, Inc.**
 5075 North Central Expressway, Suite 200
 Denver, Colorado 80216
 Phone: (303) 751-4400
 Fax: (303) 751-4401
 Email: info@mapsource.com
 Website: www.mapsource.com

SHEET 1

SHEET 3

SHEET 3

NO.	DESCRIPTION	ACRES	OWNER	REMARKS
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INDEX

Wetland Delineation Map

South Mountain Conservancy
Savanna Ecology Institute
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Baltimore, Maryland 21286

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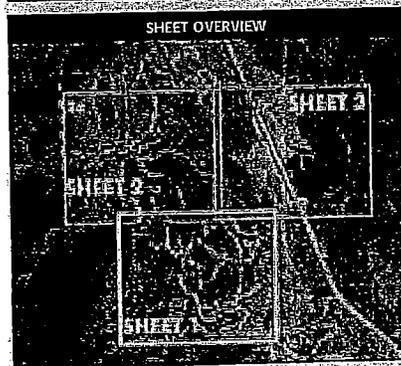
ANALYSIS PERFORMED BY: ...
DATE: ...
PROJECT: ...



Legend

- AVCA 2011 Project Boundary
- Wetland Creek Study Area 2008
- AVCA 2011 Wetland Boundary
- Field Plot GPS Location 8-17
- Data Point Location 8-19
- Current Contourline
- Municipality
- County Center
- Brown Peak Spot
- Grid Stream Offset
- United Data Thin Aquatic Resource
- United Data Terrestrial Point
- Elevation Deposition Area
- United Field

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NOTES

1. THE WETLAND DELINEATION WAS CONDUCTED BY ECOLOGICAL RESOURCES CONSULTANTS INC. (ERC) ON BEHALF OF WATLAND CREEK BARRON PWA FOR 100% 2008 AVCA PROJECT. THE STUDY AREA IS LOCATED IN SHERIFF COUNTY, COLORADO, SECTIONS 22, 23, 27, TOWNSHIP 42 RANGE 70N (EAST LONGITUDE 107° 10' 00" WEST).

2. WETLAND LOCATIONS WERE FIELD DELINEATED BY ERC ON SEPTEMBER AND DECEMBER 8 AND 22, 2008 USING THE US FISH CORPS OF ENGINEERS (USACE) NATIONAL SUPPLEMENT TO THE CORPS OF ENGINEERS WETLAND DELINEATION MANUAL, WETLANDS, VALLEYS, AND COAST (NOVEMBER 2006, V102), WITH THE FOLLOWING MODIFICATIONS:

3. ERC FIELD PLOT LOCATIONS DEFINE THE BOUNDARY OF WETLANDS AND OTHER WATERS WITHIN THE STUDY AREA. THESE AREAS HAVE BEEN FIELD DELINEATED AND MAPPED WITH HORIZONTAL ELONGATION AND/OR POINT FEATURES BY ERC USING GPS EQUIPMENT (4-4 METERS). WETLAND DELINEATION MAPPING WAS PREPARED BY ERC USING GEOGRAPHIC INFORMATION SYSTEMS (GIS).

4. DATE TIME ZONE WAS OBTAINED FROM ESRI (2008) WORLD DATUMS.

5. "LIVE PROJECTED" COORDINATE SYSTEM FOR THE WETLAND DELINEATION MAPPING IS NAD 83 (2011) UTM ZONE 18Q UTM COORDINATE SYSTEM. THE DATUM IS NAD 83 (2011) UTM ZONE 18Q. THE SITE WAS ORIGINALLY DELINEATED BY FIELD DATA BY FIELD WATER DELINEATION. THE DATA FROM THE ORIGINAL LARGER SCALE MAPS WAS VERIFIED BY THIS DELINEATION WAS VERIFIED BY THIS DELINEATION ON JUNE 8, 2009. (USACE, 2006, V102, CHAPTER 4, SECTION 4.1.1).

6. THIS WETLAND DELINEATION ALSO REFLECTS MODIFICATIONS TO A PREVIOUS DELINEATION COMPLETED BY ERC IN 2008. PORTIONS OF THE PREVIOUS DELINEATION REPORT DATED NOVEMBER 2008 AND 2009 WITHIN THE WETLAND CREEK STUDY AREA (ERC WETLAND CREEK STUDY AREA LOCATED WITHIN PLATS) WERE EVALUATED IN THE FIELD FOR ACCURACY. NO SIGNIFICANT MODIFICATIONS TO THE DELINEATION WERE OBSERVED. THEREFORE, THE NOVEMBER 2008 WETLAND DELINEATION DATA BY THE WETLAND CREEK STUDY AREA IS SUBMITTED HERE WITH UNMODIFIED.

7. REFER TO THE WETLAND DELINEATION REPORT (DECEMBER 26, 2008) FOR A DESCRIPTION OF ALL WETLANDS AND OTHER WATER FEATURES.

8. TOTAL LAND WITHIN THE 2008 STUDY AREA AND SUBJECT OF THIS MAPPING IS APPROXIMATELY 200 ACRES.

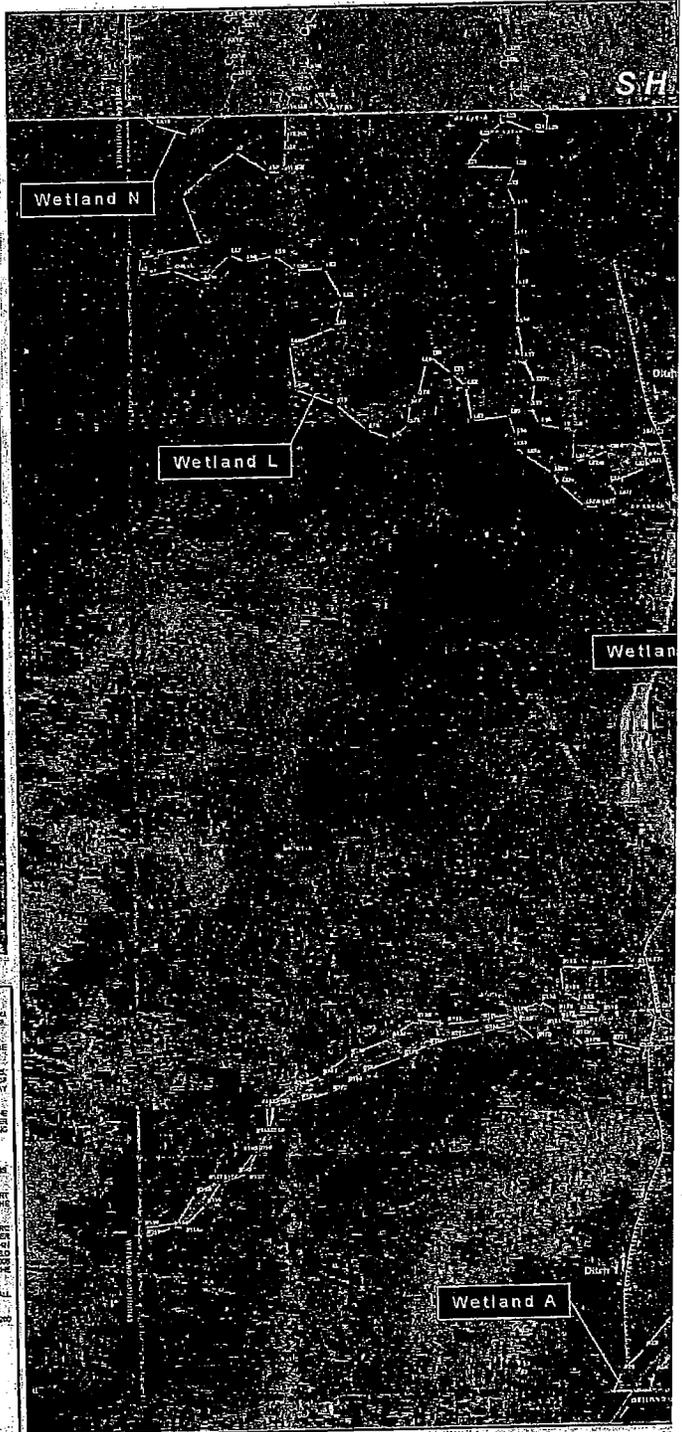


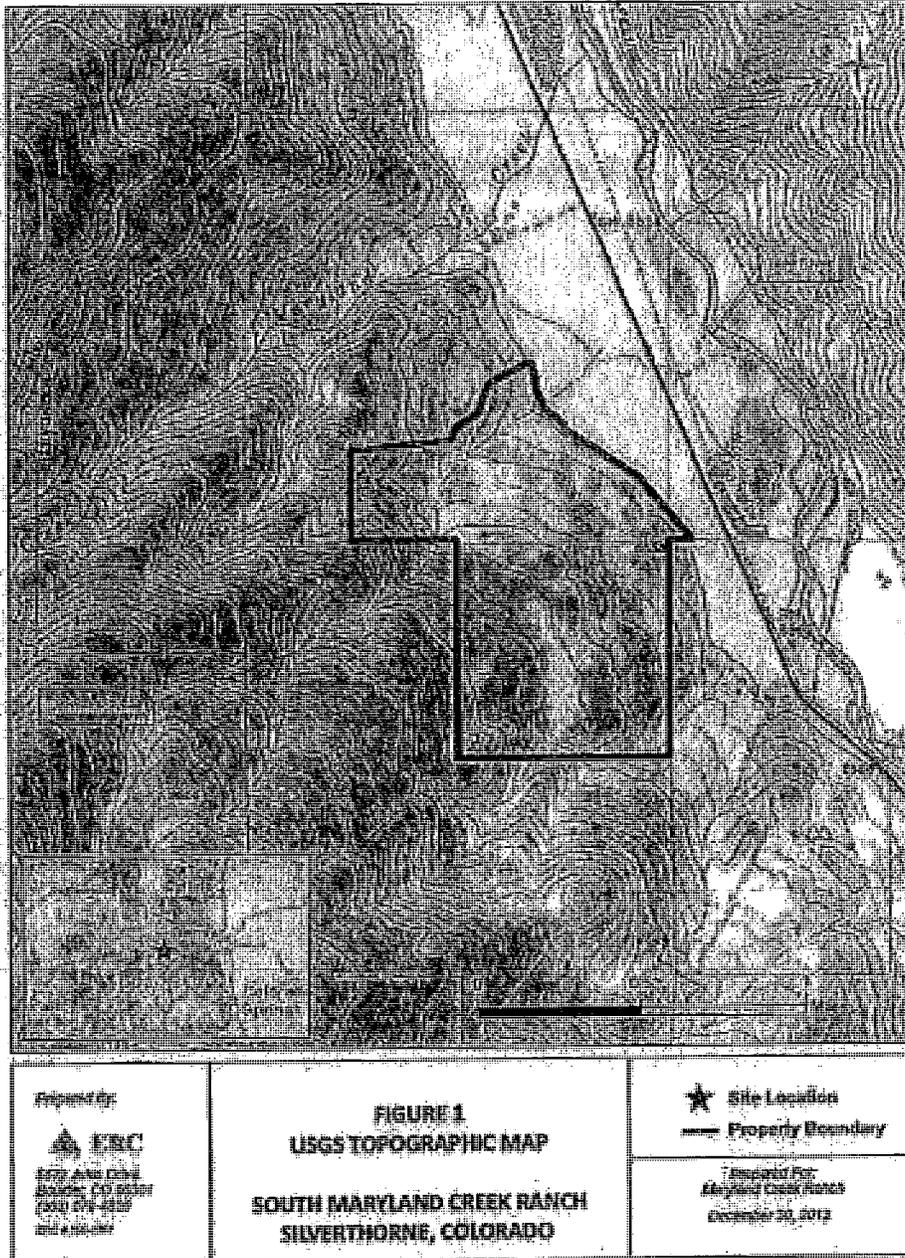
Figure 1. USGS Topographic Map.


Figure 2. Site Location Map with Aerial.


<p>Prepared By:</p>  ERC 5672 Julia Drive Boulder, CO 80301 (303) 670-4820 ERC # 804-1301	<p>FIGURE 2 SITE LOCATION MAP</p> <p>SOUTH MARYLAND CREEK RANCH SILVERTHORNE, COLORADO</p>	<p>★ Site Location — Property Boundary</p> <p>Prepared For: Maryland Creek Ranch December 30, 2013</p>
---	--	---

LEGEND

- SMC Property Boundary
- 2014 JD Boundary
- Existing Roads
- Proposed Lots and Tracts
- Phase 1 Proposed Limits of Disturbance
- Existing Wetland
- 25-Foot Wetland Buffer
- Phase 1 Impacts
- Existing Impacts - No New Impacts Assumed
- Phase 1 Impacts - 25' Wetland Buffer
- Phase 1 Impacts - Wetland
- Proposed Buffer BMPs

Notes:

- The 2014 JD Boundary and Existing Wetlands represent wetland/waters of the US delineated by ERC and subsequently verified by the US Army Corps of Engineers (USACE). The 2014 JD Boundary and Existing Wetlands were not delineated or verified by the USACE. Areas outside of the 2014 JD have not been delineated or verified by the USACE.
- 25-Foot Buffer: Wetlands are shown with a 25-foot buffer. The 25-foot buffer is a buffer zone extending 25 feet outward from the delineated wetland/water boundary.
- Phase 1 Proposed Limits of Disturbance: Phase 1 Proposed Limits of Disturbance are shown with a 25-foot buffer. The 25-foot buffer is a buffer zone extending 25 feet outward from the delineated wetland/water boundary. Disturbance design is not depicted herein in order to simplify graphical depiction. Impact analysis and a wetland/water disturbance assessment are not required for the Phase 1 Proposed Limits of Disturbance as part of the DPA.
- Site-specific features (i.e., stone structures, etc.) are not shown with a 25-foot buffer. The 25-foot buffer is a buffer zone extending 25 feet outward from the delineated wetland/water boundary. Phase 1 Proposed Limits of Disturbance: The location of the wetland/water buffers is depicted on Sheet 1. As specified in the Terms and Conditions, the use of Best Management Practices (BMPs) is required to prevent and mitigate the potential for sediment and other pollutants from entering the wetland/water bodies. The Proposed Buffer BMPs depicted herein in proposed designated areas where site-specific features are shown are intended to prevent and mitigate the potential for sediment and other pollutants from entering the wetland/water bodies in order to reduce the width of these areas that have triggered the need for a wetland/water buffer zone.
- Lots and Tracts that extend into 25-foot buffer zones that maintain the integrity and minimize any permanent disturbance to the 25-foot buffer zones. Lots and Tracts that do not extend into 25-foot buffer zones are not shown as part of this DPA.

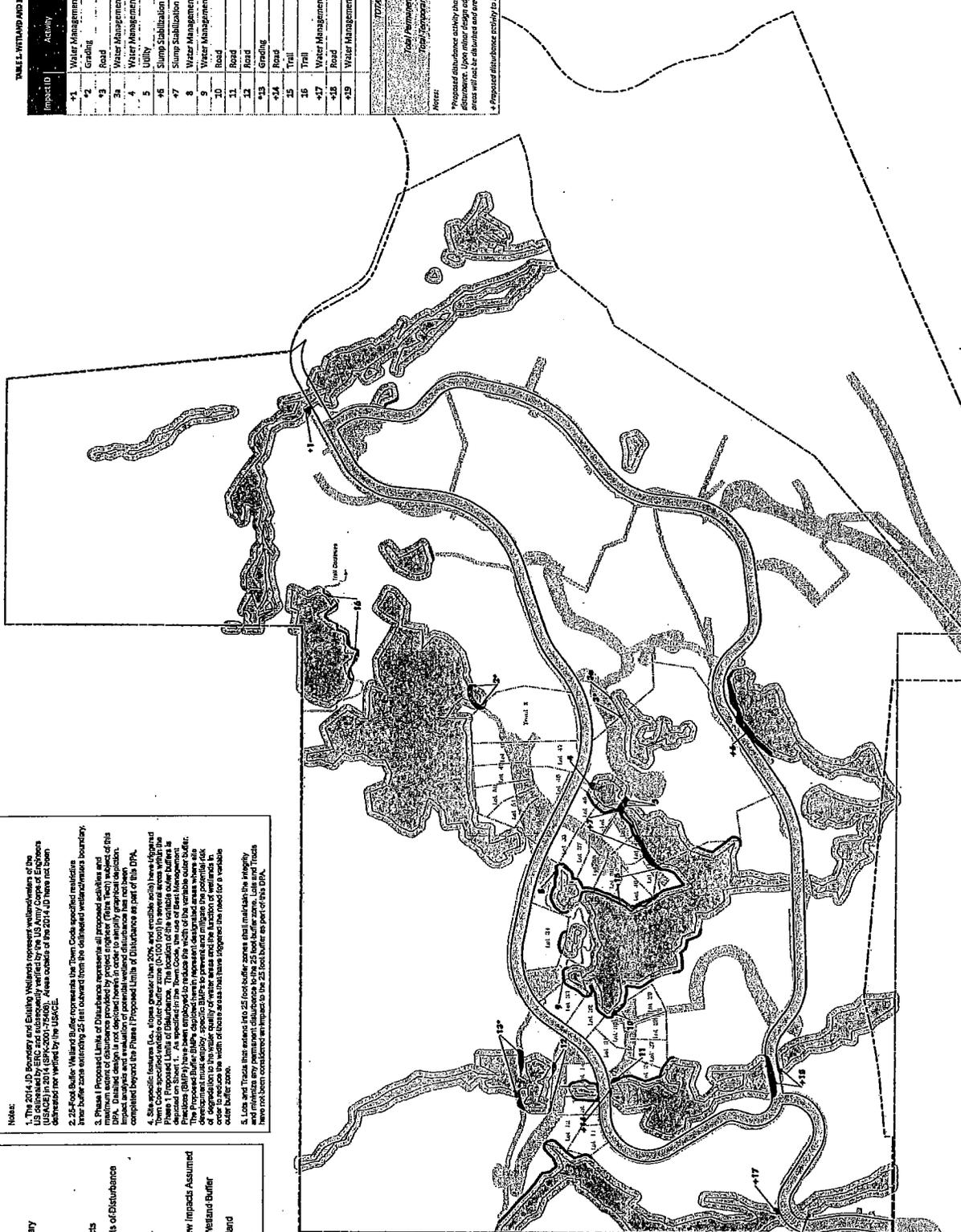
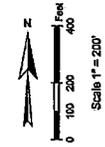
TOTALS: WETLAND AND BUFFER IMPACTS FOR PHASE 1 ACTIVITIES

Impact ID	Activity	Impacts (Bases)	3-5 FT Buffer (Bases)	Wetland (Bases)	Type
+1	Water Management	0.007			Permanent
+2	Grading				NA
+3	Road				NA
+4	Water Management	0.000			Permanent
+5	Water Management	0.011			Permanent
+6	Utility	0.000			Temporary
+7	Slump Stabilization	0.159			Permanent
+8	Water Management	0.000			Permanent
+9	Water Management	0.000			Permanent
+10	Road	0.000			Permanent
+11	Road	0.007			Permanent
+12	Road	0.007			Permanent
+13	Grading				Permanent
+14	Road	0.000			NA
+15	Trail	0.000			Permanent
+16	Trail	0.000			Permanent
+17	Water Management	0.011			Permanent
+18	Road	0.086			Permanent
+19	Water Management	0.004			Permanent
TOTAL		0.266	0.000	0.000	0.553
Total Permanent		0.656	0.000	0.000	0.598
Total Temporary		0.011	0.000	0.000	0.017

Notes:

Wetland disturbance activity that results in a net gain of wetland/water area will not be disturbed and are not assumed to be impacts as part of this DPA.

A proposed disturbance activity to be subjected to suitable wetland impact.



Prepared by: ERC
 Checked by: ERC
 Drawn by: ERC
 Date: 05/20/2014
 Project: 2014 JD
 Location: 2014 JD

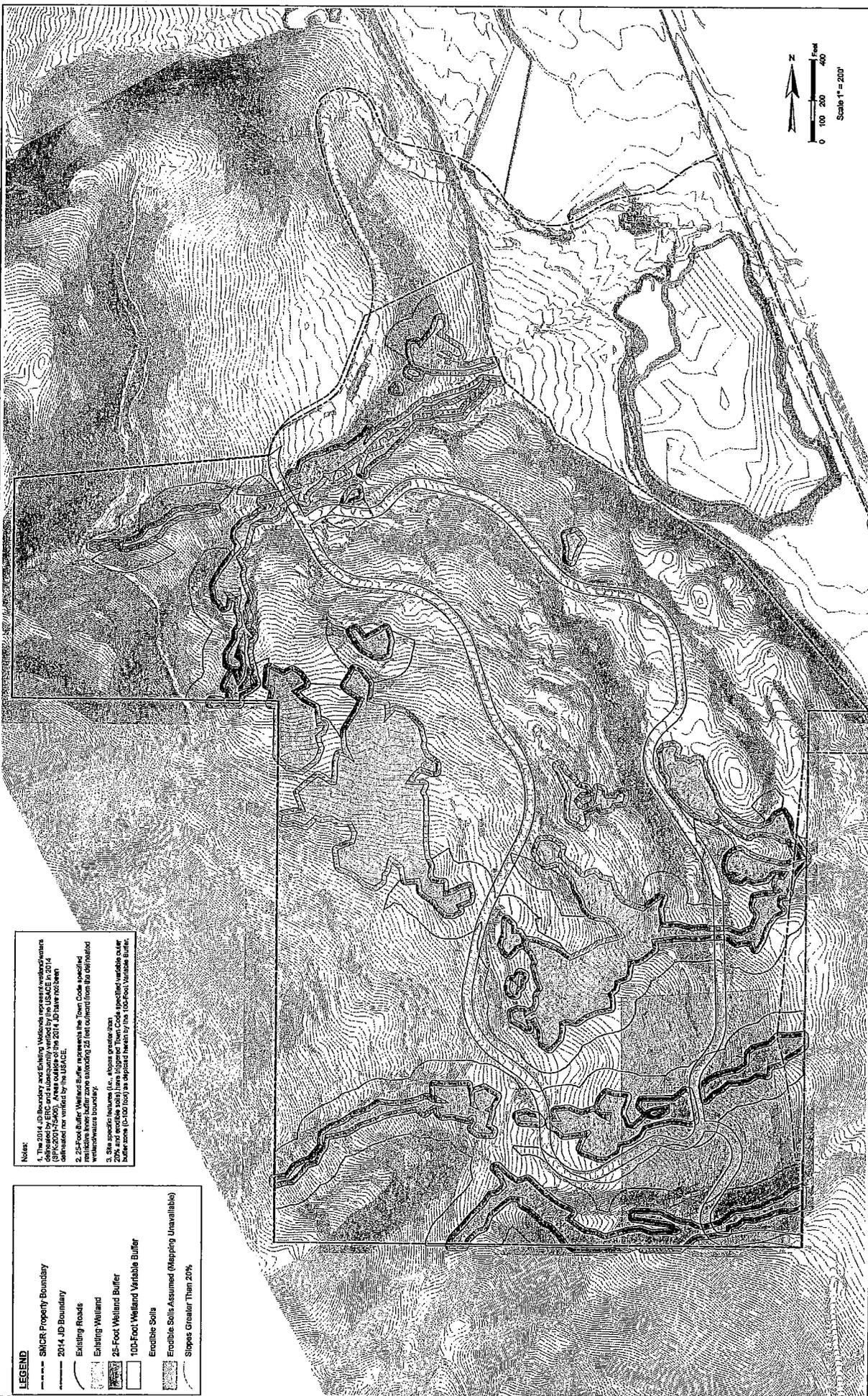
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 Date: 05/20/2014
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 Location: 2014 JD

Ecological Resources Consultants, Inc.
 5672 Jollyway
 Boulder, Colorado 80501
 (303) 474-1420

DISTURBANCE PERMIT APPLICATION FOR
PHASE 1 SOUTH MARYLAND CREEK RANCH

PROPOSED DISTURBANCES

SHEET
 2



LEGEND

- SMCRR Property Boundary
- 2014 JD Boundary
- Existing Roads
- Existing Wetland
- 25-Foot Wetland Buffer
- 100-Foot Wetland Variable Buffer
- Erodible Soils
- Erodible Soils Assumed (Mapping Unavailable)
- Slopes Greater Than 20%

Note:

1. The 2014 JD Boundary and Existing Wetlands represent wetlands/waters delineated by ERIC and subsequently verified by the USACE in 2014. (Slopes > 20%, 25-Foot Buffer, and 100-Foot Buffer) The 2014 JD have not been generated for wetlands by the USACE.
2. 25-Foot Buffer Wetland Buffer represents the Town Code specified wetland buffer. The 100-Foot Buffer is not defined from the delineated wetlands/waters boundary.
3. Slope greater than 20% (i.e., above greater than 20% and erodible soils) from (Figure) Town Code specified variable buffer buffer zones (0-100 foot) as depicted herein by the 100-Foot Variable Buffer.

Ecological Resources Consultants, Inc.
 5672 Ashli Drive
 Maitland, Florida 32751
 (407) 875-7424

Project No.	126
Sheet No.	1
Revision No.	001
Date	08/20/2014
Author	J. J. [Name]
Checker	[Name]
Approver	[Name]
Contract	[Contract No.]

EXISTING CONDITIONS

DISTURBANCE PERMIT APPLICATION FOR PHASE 1 SOUTH MARYLAND CREEK RANCH

APPENDIX B

- USACE Preliminary Jurisdictional Determination for SMCR, letter dated September 29, 2014
(Corps File Number SPK-2001-75406)



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO
CORPS OF ENGINEERS
1325 J STREET
SACRAMENTO CA 95814-2922

September 29, 2014

Regulatory Division (SPK-2001-75406)

Ms. Joanna Hopkins
Maryland Creek Ranch
Post Office Box 1609
Silverthorne, Colorado 80498

Dear Ms. Hopkins:

We are responding to the request for a preliminary jurisdictional determination (JD), submitted on your behalf by Ecological Resource Consultants, Inc., in accordance with our Regulatory Guidance Letter (RGL) 08-02, for the South Maryland Creek Ranch site. The approximately 280-acre site is located on or near Vendette Creek, within Sections 22, 23, and 27, Township 4 South, Range 78 West, Sixth Principal Meridian, Latitude 39.70135°N, Longitude -106.10100°W, Silverthorne, Summit County, Colorado (see enclosed site location map).

Based on available information, we concur with the amount and location of wetlands and other water bodies on the site as depicted on the four enclosed maps, entitled *South Maryland Creek Ranch, Summit County, Colorado, Wetland Delineation Map, dated December 30, 2013 (Revised August 8, 2014)*, prepared by Ecological Resource Consultants, Inc. The approximately 31.83 acres of wetlands and other water bodies present within the survey area are potential waters of the United States regulated under Section 404 of the Clean Water Act.

You should not start any work in potentially jurisdictional waters of the United States unless you have Department of the Army permit authorization for the activity. You may request an approved JD for this site at any time prior to starting work within waters. In certain circumstances, as described in RGL 08-02, an approved JD may later be necessary.

This preliminary determination has been conducted to identify the potential limits of wetlands and other water bodies which may be subject to Corps of Engineers' jurisdiction for the particular site identified in this request. A Notification of Appeal Process and Request for Appeal form is enclosed to notify you of your options with this determination. This determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985. If you or your tenant are U.S. Department of Agriculture (USDA) program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service prior to starting work.

You should provide a copy of this letter and notice to all other affected parties, including any individual who has an identifiable and substantial legal interest in the property.

Please refer to identification number SPK-2001-75406 in any correspondence concerning this project. If you have any questions, please contact me at our Colorado West Regulatory Branch, 400 Rood Avenue, Room 224, Grand Junction, Colorado 81501, by email at Lesley.A.McWhirter@usace.army.mil, or telephone at 970-243-1199, extension 17. For more information regarding the regulatory program, please visit our website at www.spk.usace.army.mil/Missions/Regulatory.aspx. We appreciate your feedback. At your earliest convenience, please tell us how we are doing by completing the customer survey on our website under *Customer Service Survey*.

Sincerely,

Original Signed

Lesley McWhirter
Senior Project Manager, CO West Branch
Regulatory Division

Enclosures:

1. Site Location Map
2. Wetland Delineation Maps
3. Notification of Appeal Process and Request for Appeal form

cc (w/ encls 1 and 2):

Mr. Matt Gennett, Senior Planner, Town of Silverthorne, 601 Center Circle, Silverthorne, Colorado 80498

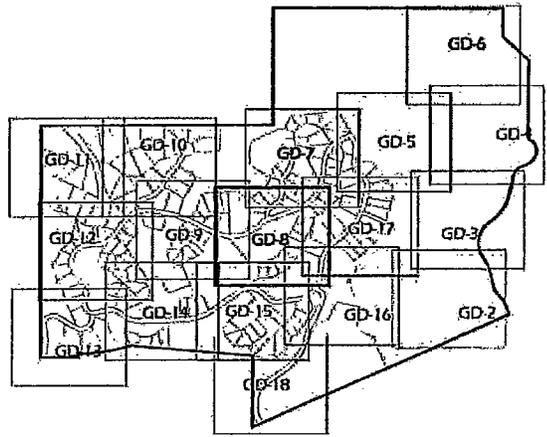
Mr. Dave Blauch, Ecological Resource Consultants, Inc., 5672 Juhls Drive, Boulder, Colorado 80301

APPENDIX C

- Disturbance Detail Sheets from *Phase 1 Final Plat Submittal (Tetra Tech October 29, 2015)*



Disturbance Permit Application for Phase 1 SMCR



KEY MAP

Disturbance Details from:
Phase 1 Final Plat Submittal Grading & Drainage Plan, Sheet GD-13
(TetraTech October 29, 2015)

IMPACT ID: 17 Water Management

- a. Undrain-buried perforated pipe parallel to road with outfall bedding.
 - b. Disturbance within 25 foot buffer from minor localized grading, pipe installation and placement of fill (outfall bedding).
 - c. Activity assumed limited to 25 foot buffer and no wetland disturbance.
- No wetland impacts assumed.

WETLANDS
25 FT WETLAND BUFFER

LEV
TOP

TYPE 13 INLET
FL 8768.60
INV IN 63.38
INV OUT 63.18

6
7.3

OF 18" HDPE
7% W/ FES
61.0

PE 1
876
IN
OU
OF

IMPACT ID: 19 Road

- a. Existing road crossing improvements.
- b. Disturbance in 25 foot buffer from road side slope grading, fills and installation of cross road flow conveyance culvert with level spreader.
- c. Activity assumed limited to 25 foot buffer and no wetland disturbance. Culvert installation and any road grading shall be adjusted to ensure no wetland impact. -No wetland impacts assumed.

INV AT WALL
CL 51.93

PADS GRADED FOR
BREAK-AWAY SIGN S
TYP. (SEE SHEET LD-

GUARD RAIL. SE
STREET NOTE 1
(NOT 1) 13.1

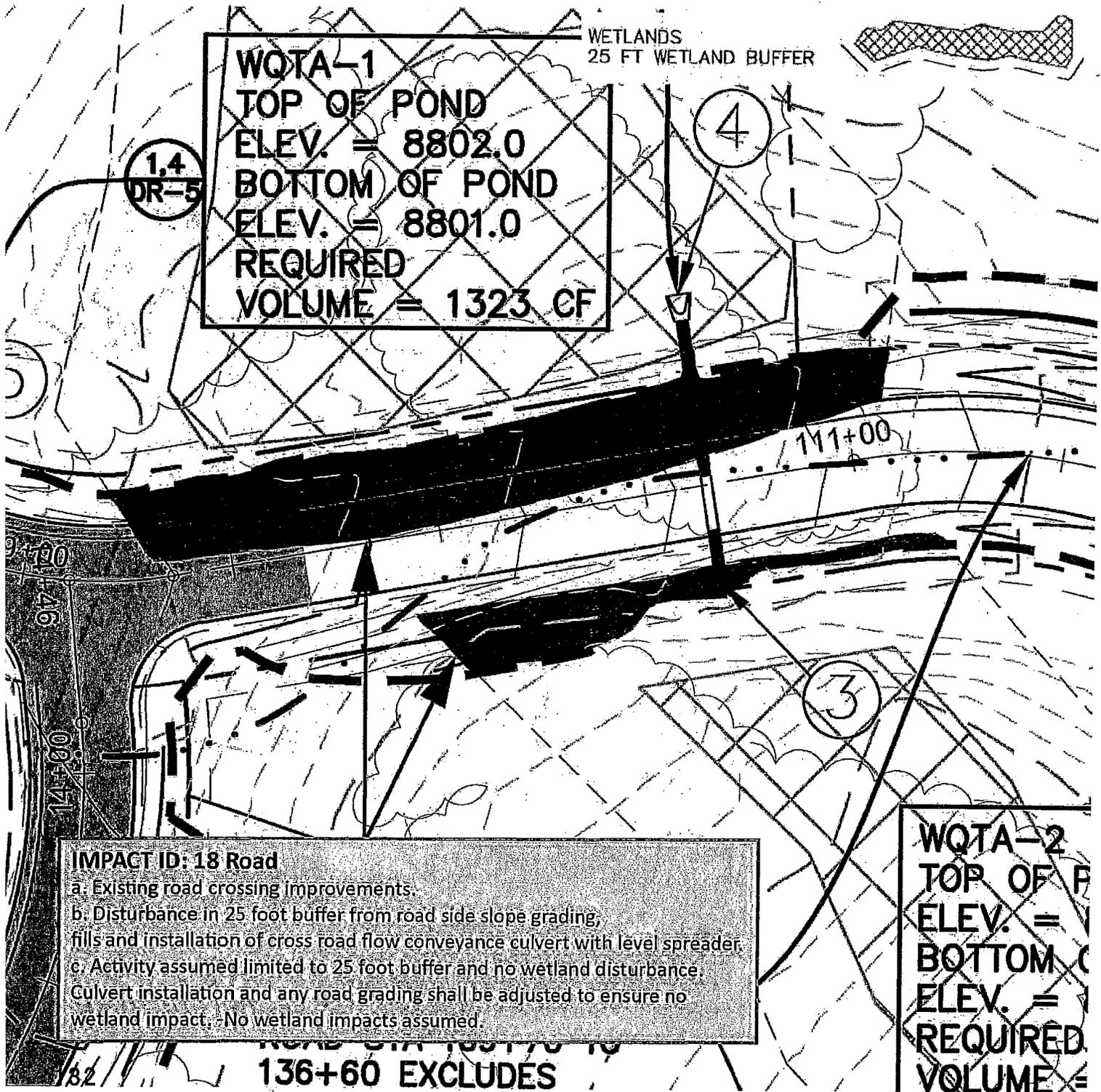
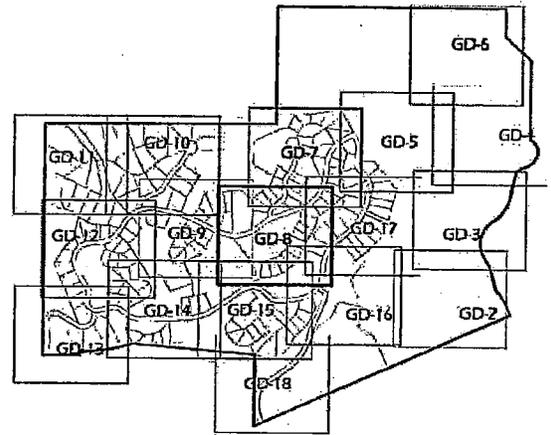


Disturbance Permit Application for Phase 1 SMCR

Disturbance Details from:

Phase 1 Final Plat Submittal Grading & Drainage Plan, Sheet GD-13

(TetraTech October 29, 2015)



WQTA-1
TOP OF POND
ELEV. = 8802.0
BOTTOM OF POND
ELEV. = 8801.0
REQUIRED
VOLUME = 1323 CF

WETLANDS
25 FT WETLAND BUFFER

1.4
DR-5

4

3

111+00

IMPACT ID: 18 Road

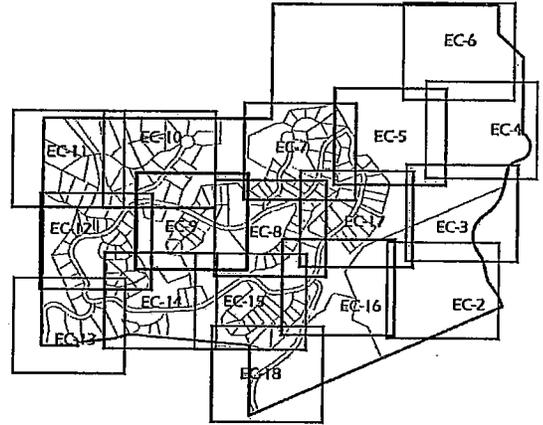
- a. Existing road crossing improvements.
- b. Disturbance in 25 foot buffer from road side slope grading, fills and installation of cross road flow conveyance culvert with level spreader.
- c. Activity assumed limited to 25 foot buffer and no wetland disturbance. Culvert installation and any road grading shall be adjusted to ensure no wetland impact. -No wetland impacts assumed.

WQTA-2
TOP OF POND
ELEV. =
BOTTOM OF POND
ELEV. =
REQUIRED
VOLUME =

136+60 EXCLUDES



Disturbance Permit Application for Phase 1 SMCR

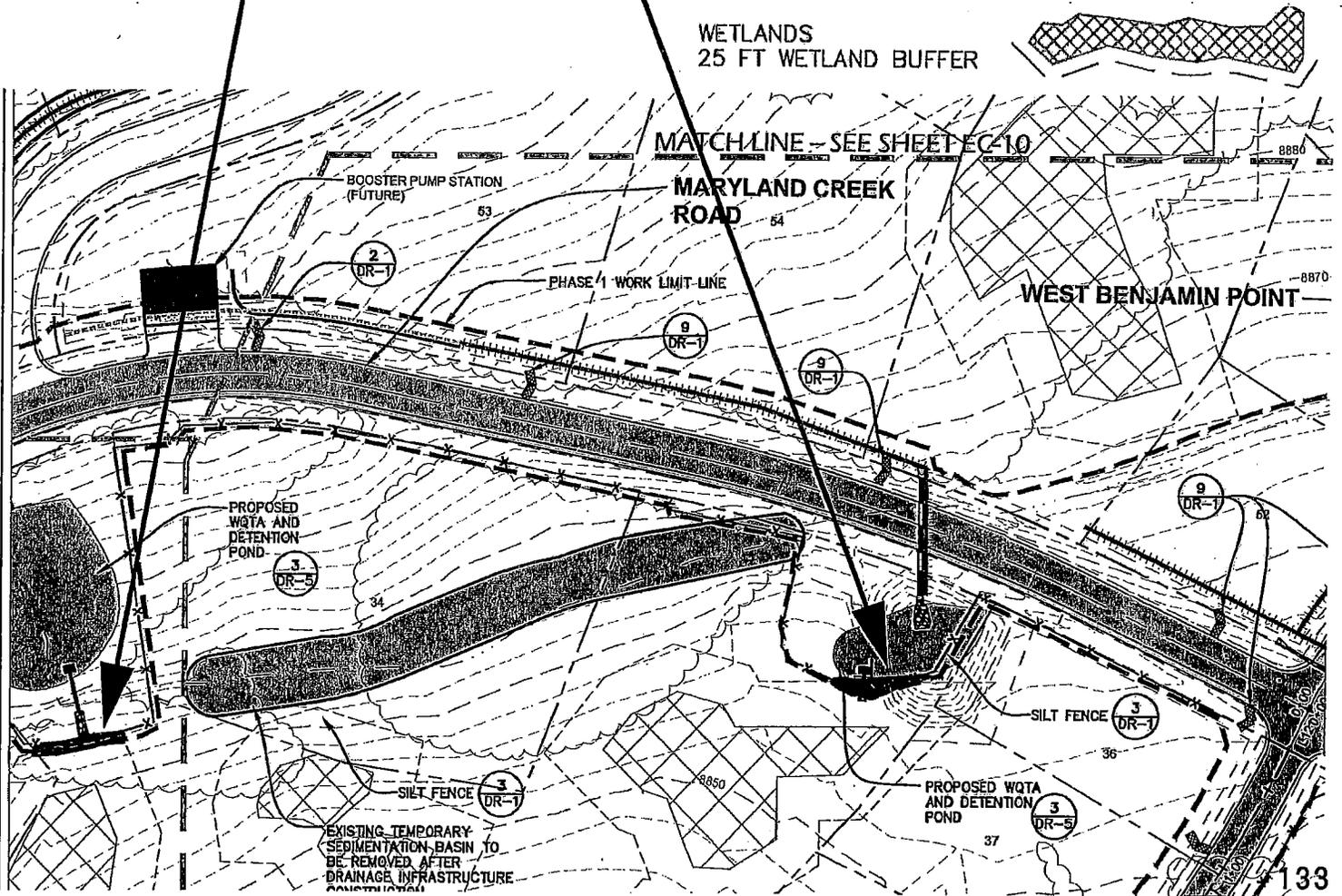


KEY MAP

Disturbance Details from:
Phase 1 Final Plat Submittal Erosion Control Plan, Sheet EC-9
(TetraTech October 29, 2015)

IMPACT ID: 9 Water Management
a. Water quality treatment area and detention pond
b. Disturbance within 25 foot buffer from minor localized grading, culvert installation and level spreader outfall structure (riprap and wood wingwalls).

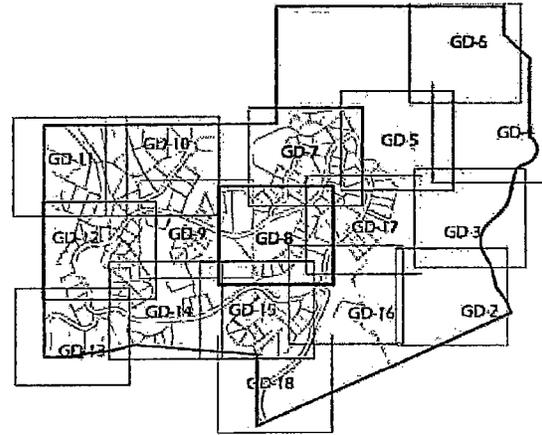
IMPACT ID: 8 Water Management
a. Water quality treatment area and detention pond
b. Disturbance within 25 foot buffer from minor localized grading, culvert installation and level spreader outfall structure (riprap and wood wingwalls).





Disturbance Permit Application for Phase 1 SMCR

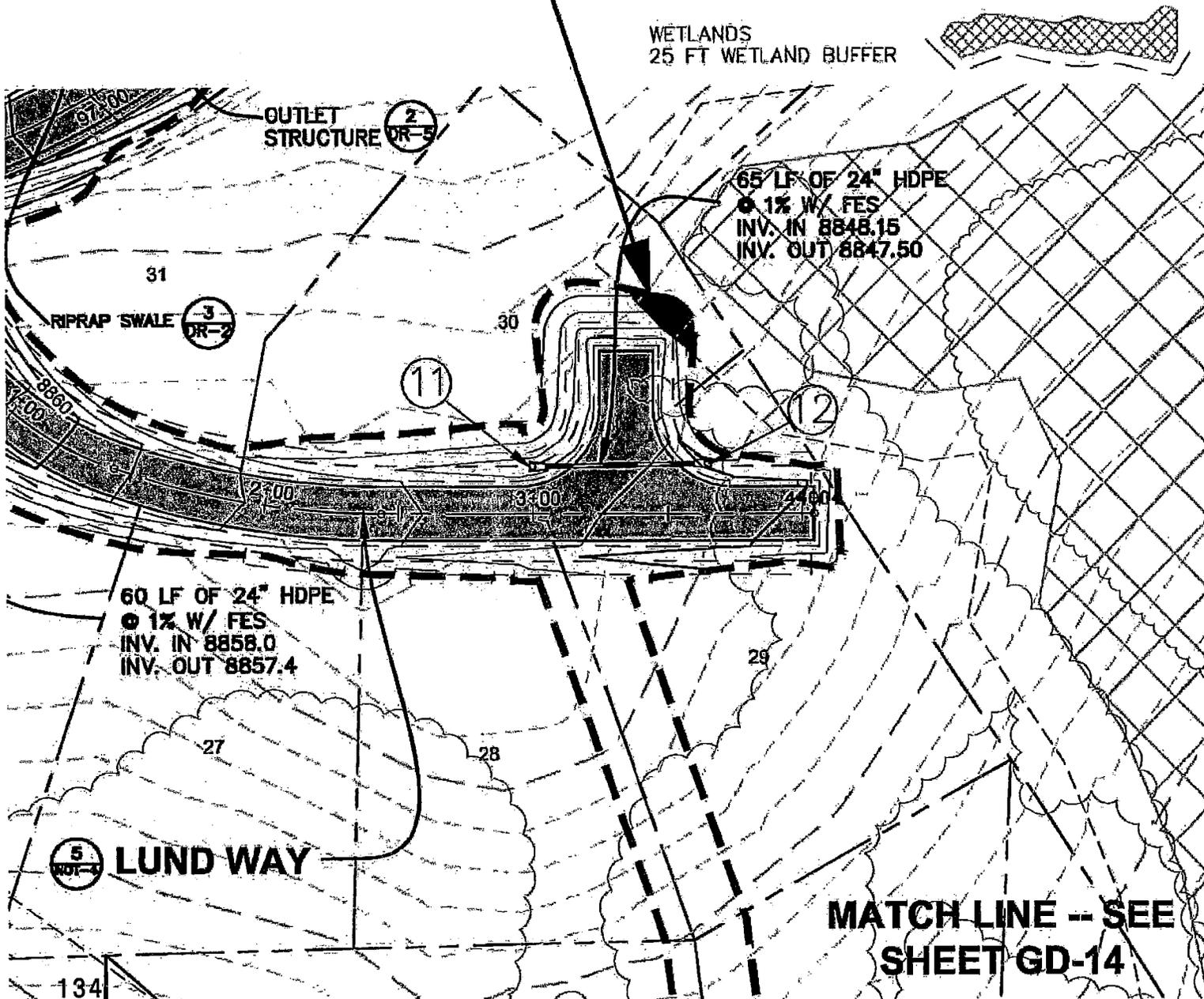
Disturbance Details from:
Phase 1 Final Plat Submittal Grading & Drainage Plan, Sheet GD-12
(TetraTech October 29, 2015)



KEY MAP

IMPACT ID: 10 Road

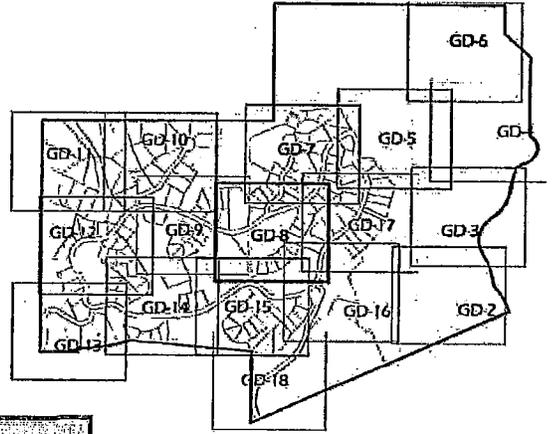
- a. Side slope grading for proposed road.
- b. Disturbance in 25 foot buffer resulting for road fill and side slope grading.





Disturbance Permit Application for Phase 1 SMCR

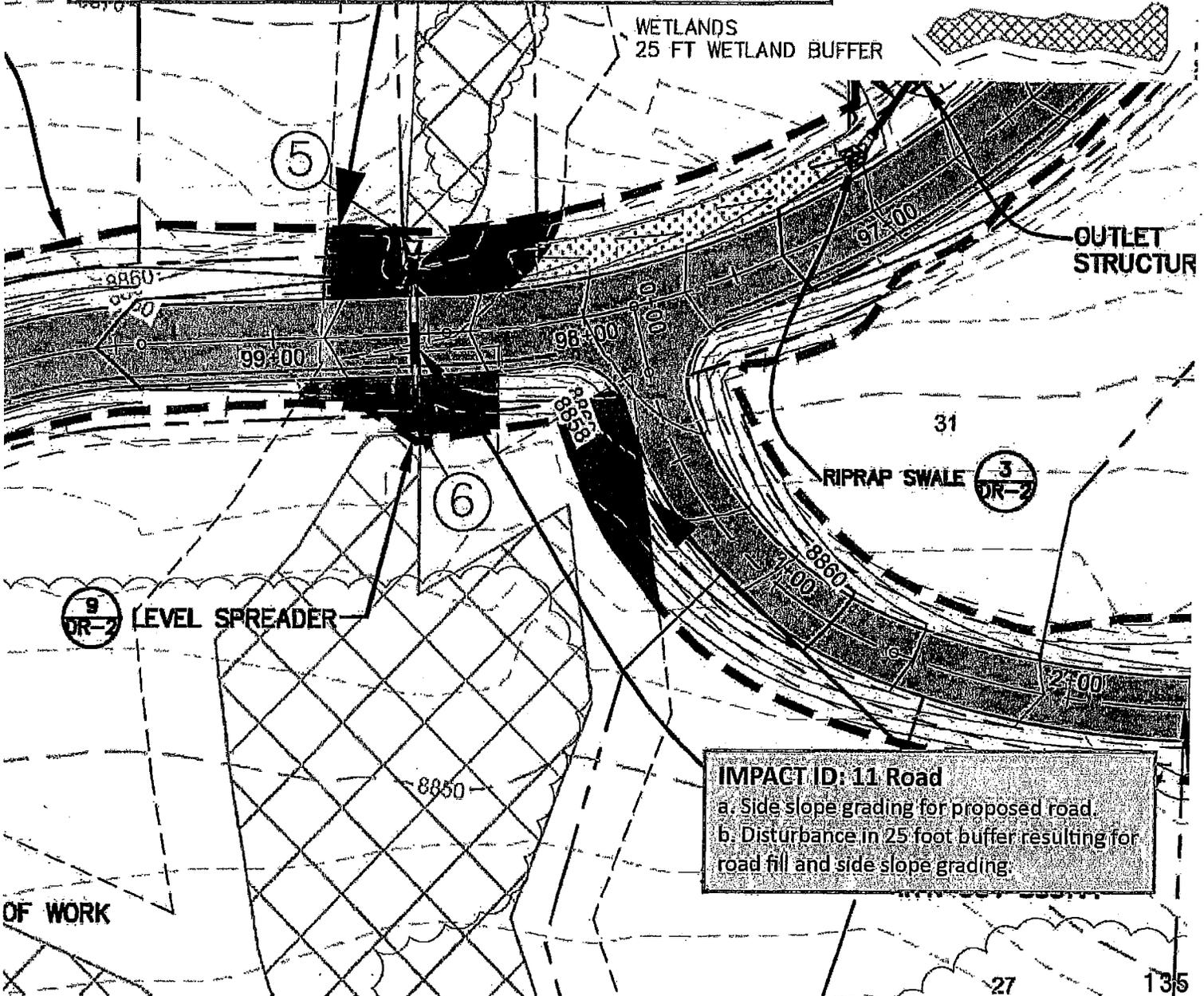
Disturbance Details from:
Phase 1 Final Plat Submittal Grading & Drainage Plan, Sheet GD-12
(TetraTech October 29, 2015)



KEY MAP

IMPACT ID: 14 Road

- a. Existing road crossing improvements.
- b. Disturbance in 25 foot buffer from road side slope grading, fills and installation of cross road flow conveyance culvert with level spreader.
- c. Activity assumed limited to 25 foot buffer and no wetland disturbance. Culvert installation and any road grading shall be adjusted to ensure no wetland impact. -No wetland impacts assumed.



IMPACT ID: 11 Road

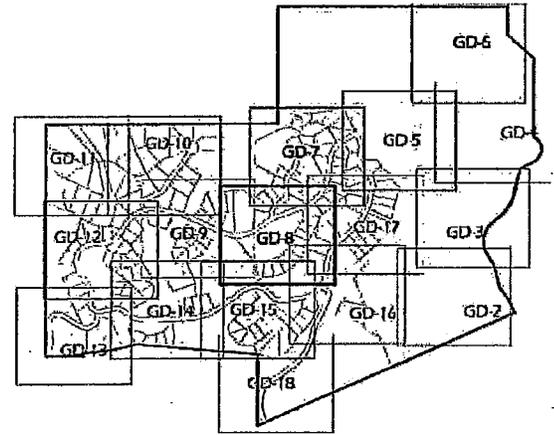
- a. Side slope grading for proposed road.
- b. Disturbance in 25-foot buffer resulting for road fill and side slope grading.

OF WORK



Disturbance Permit Application for Phase 1 SMCR

Disturbance Details from:
Phase 1 Final Plat Submittal Grading & Drainage Plan, Sheet GD-9
(TetraTech October 29, 2015)



KEY MAP

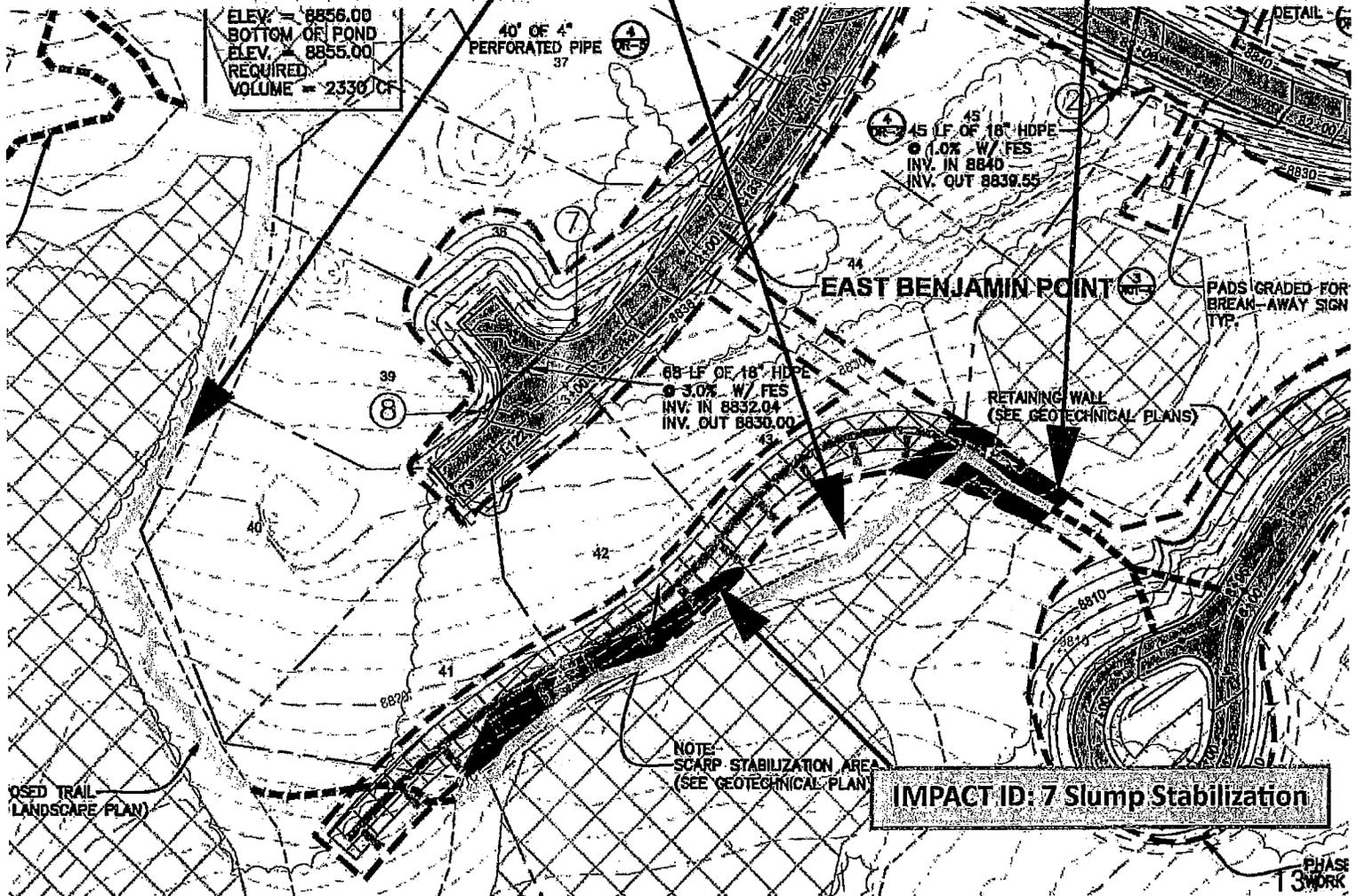
WETLANDS
25 FT WETLAND BUFFER



IMPACT ID: 15 Trail

- a. Pedestrian Only 3 foot soft surface trail cut or filled into the existing ground surface.
- b. Disturbance to 25 foot buffer and wetland (Impact 15 only) resulting from localized grading, cut/fill and continual use.
- c. Impact 15 assumed fill in wetland with construction of an elevated surface.

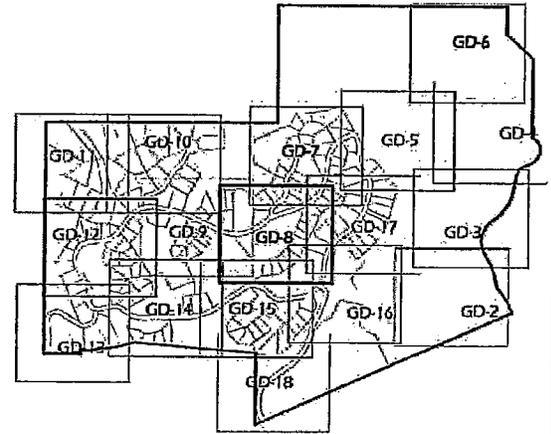
IMPACT ID: 5 Utility





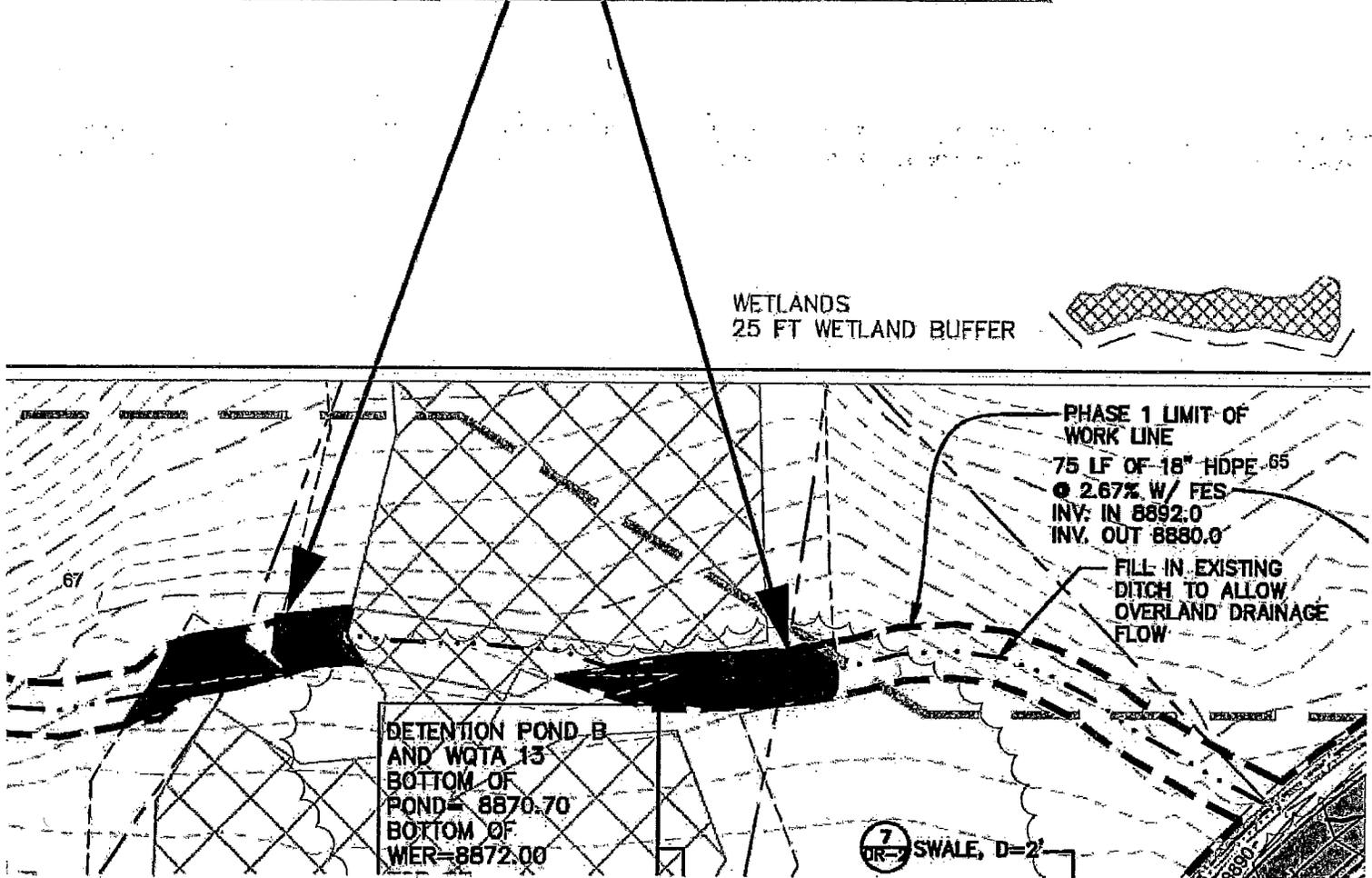
Disturbance Permit Application for Phase 1 SMCR

Disturbance Details from:
Phase 1 Final Plat Submittal Grading & Drainage Plan, Sheet GD-8
(TetraTech October 29, 2015)



KEY MAP

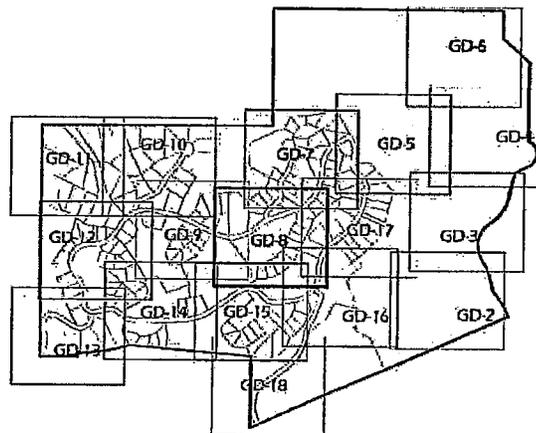
IMPACT ID: 13 Grading
a. Fill and grading of existing ditch through wetland and 25 foot buffer.
b. Ditch fill and grading activities to be eliminated from plan within the wetland and 25 foot buffer.
c. No impact assumed.





Disturbance Permit Application for Phase 1 SMCR

Disturbance Details from:
Phase 1 Final Plat Submittal Grading & Drainage Plan, Sheet GD-7
(TetraTech October 29, 2015)

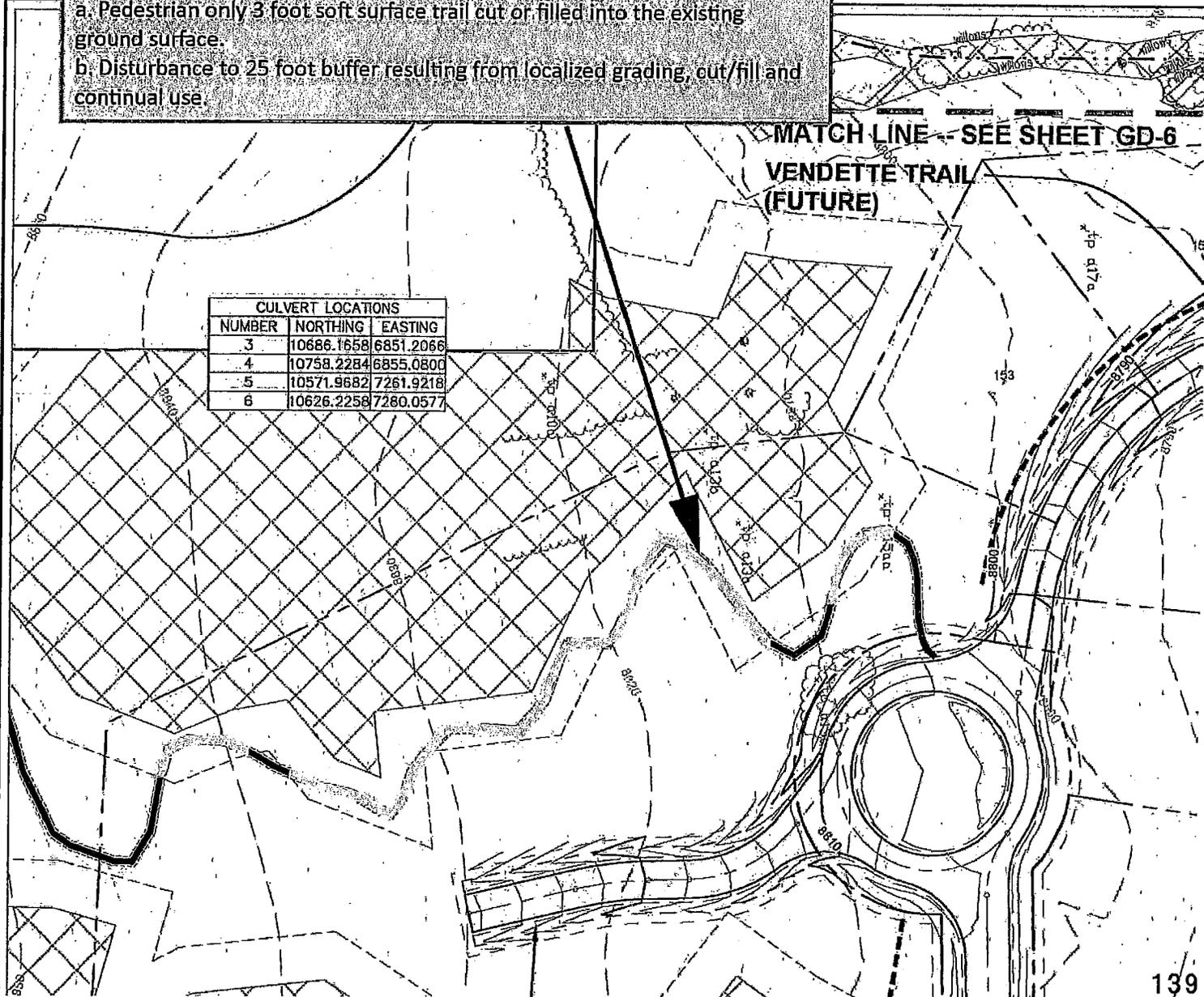


KEY MAP

WETLANDS
25 FT WETLAND BUFFER



IMPACT ID: 16 Trail
a. Pedestrian only 3 foot soft surface trail cut or filled into the existing ground surface.
b. Disturbance to 25 foot buffer resulting from localized grading, cut/fill and continual use.

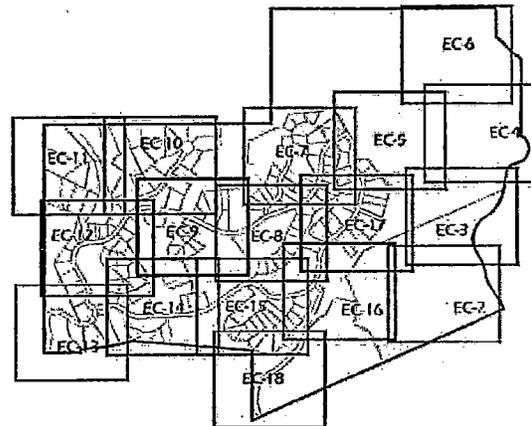


CULVERT LOCATIONS		
NUMBER	NORTHING	EASTING
3	10686.1658	6851.2066
4	10758.2284	6855.0800
5	10571.9682	7261.9218
6	10626.2258	7280.0577



Disturbance Permit Application for Phase 1 SMCR

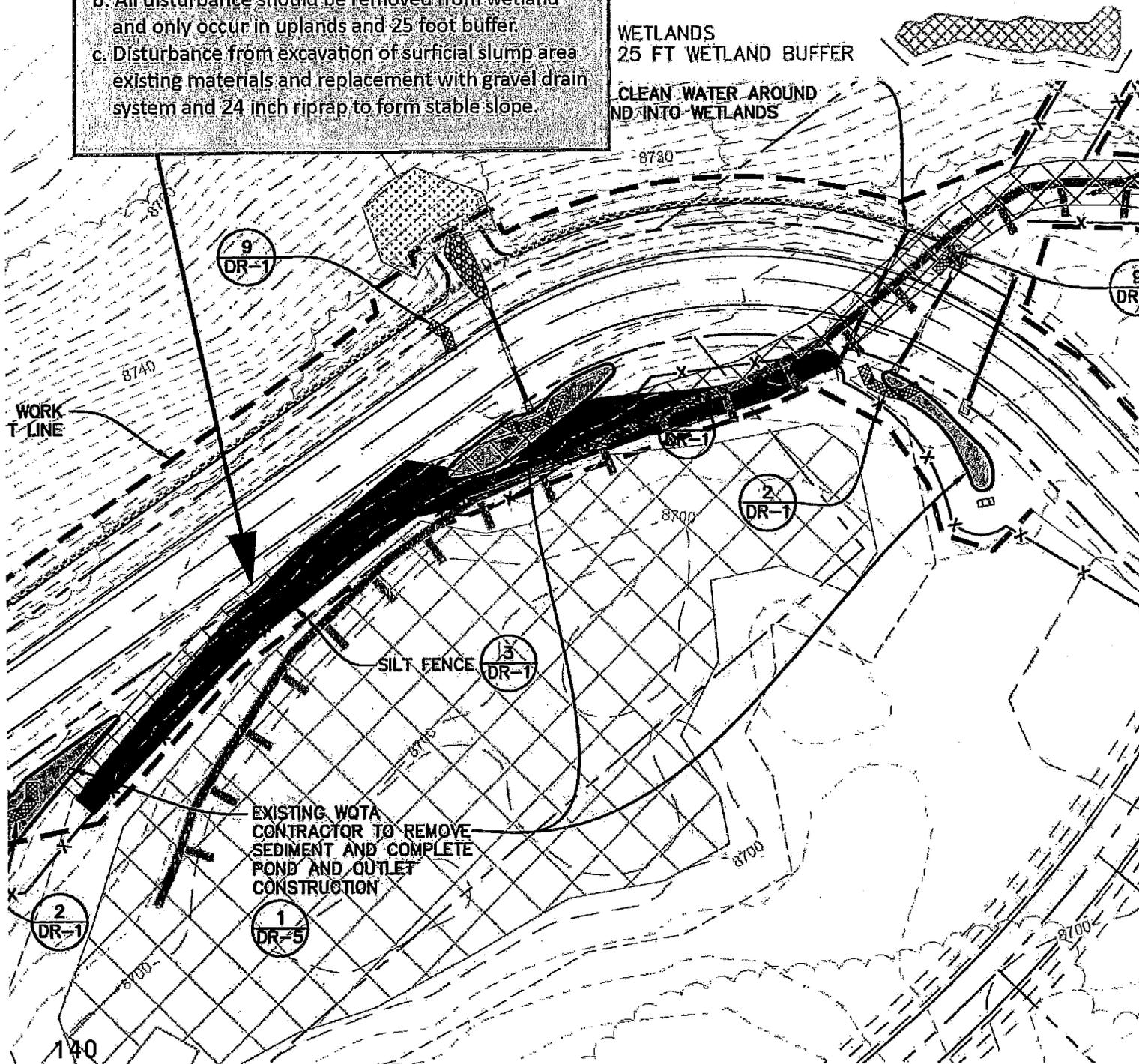
Disturbance Details from:
Phase 1 Final Plat Submittal Erosion Control Plan, Sheet EC-15
(TetraTech October 29, 2015)



KEY MAP

IMPACT ID: 6 Slump Stabilization
a. Surficial slump stabilization-slope stabilization.
b. All disturbance should be removed from wetland and only occur in uplands and 25-foot buffer.
c. Disturbance from excavation of surficial slump area existing materials and replacement with gravel drain system and 24 inch riprap to form stable slope.

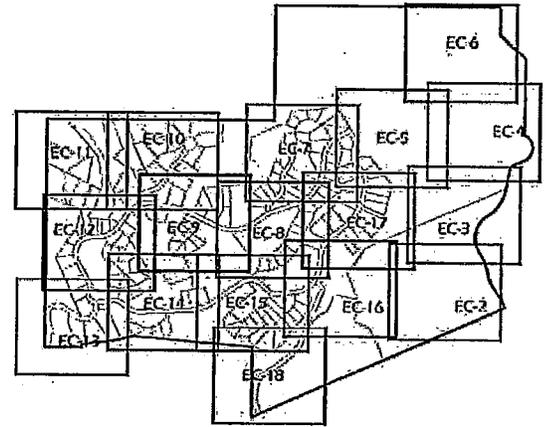
WETLANDS
25 FT WETLAND BUFFER
CLEAN WATER AROUND AND INTO WETLANDS





Disturbance Permit Application for Phase 1 SMCR

Disturbance Details from:
Phase 1 Final Plat Submittal Erosion Control Plan, Sheet EC-9
(TetraTech October 29, 2015)



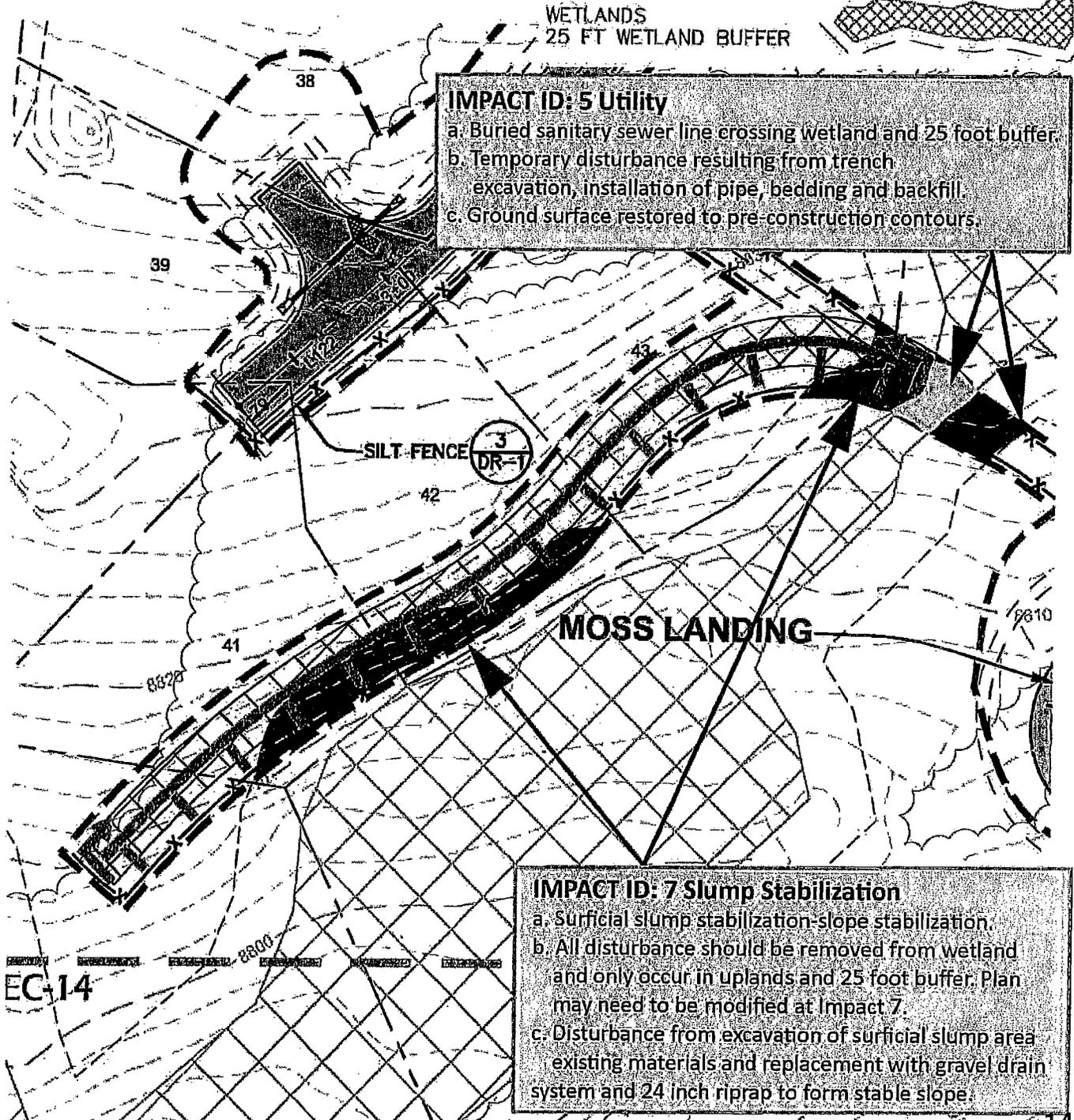
KEY MAP



WETLANDS
25 FT WETLAND BUFFER

IMPACT ID: 5 Utility

- a. Buried sanitary sewer line crossing wetland and 25 foot buffer.
- b. Temporary disturbance resulting from trench excavation, installation of pipe, bedding and backfill.
- c. Ground surface restored to pre-construction contours.



IMPACT ID: 7 Slump Stabilization

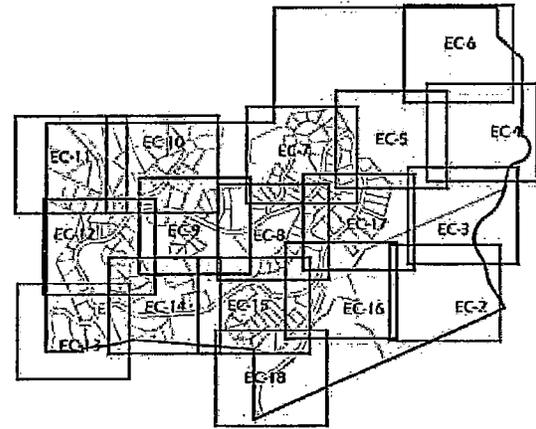
- a. Surficial slump stabilization-slope stabilization.
- b. All disturbance should be removed from wetland and only occur in uplands and 25 foot buffer. Plan may need to be modified at Impact 7.
- c. Disturbance from excavation of surficial slump area existing materials and replacement with gravel drain system and 24 inch riprap to form stable slope.

EC-14



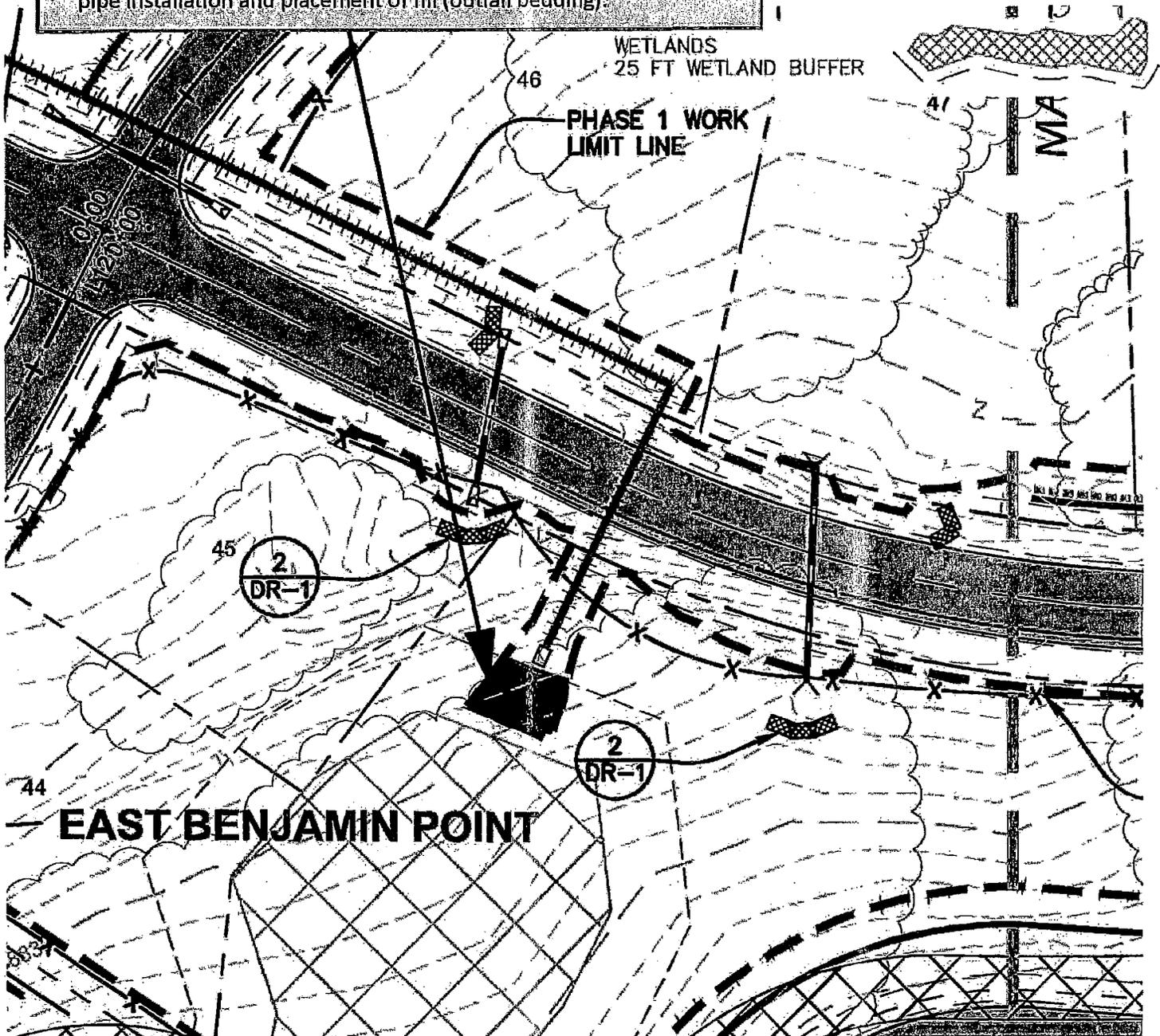
Disturbance Permit Application for Phase 1 SMCR

Disturbance Details from:
Phase 1 Final Plat Submittal Erosion Control Plan, Sheet EC-9
(TetraTech October 29, 2015)



KEY MAP

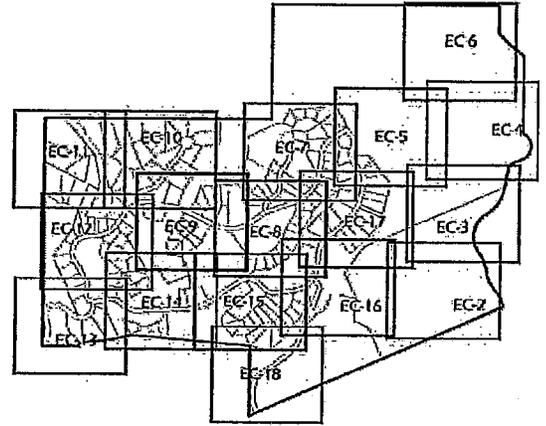
IMPACT ID: 4 Water Management
a. Undrain-buried perforated pipe parallel to road with outfall bedding.
b. Disturbance within 25 foot buffer from minor localized grading,
pipe installation and placement of fill (outfall bedding).





Disturbance Permit Application for Phase 1 SMCR

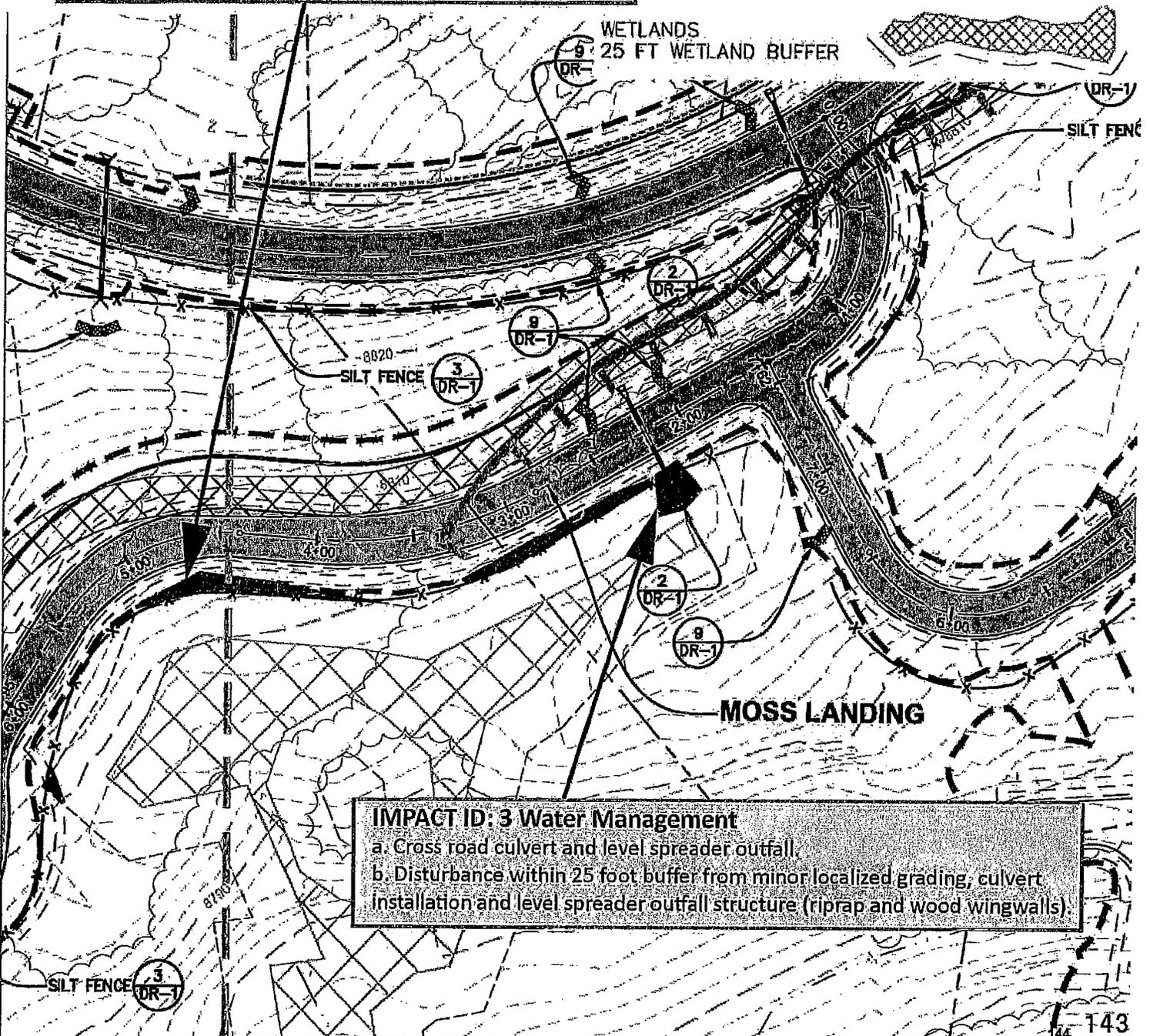
Disturbance Details from:
Phase 1 Final Plat Submittal Erosion Control Plan, Sheet EC-9
(TetraTech October 29, 2015)



KEY MAP

IMPACT ID: 3a Road

- a. Side slope grading for proposed road.
- b. Limits of disturbance is immediately along 25 foot buffer.
- c. Activity to be moved outside of 25 foot buffer boundary.
- d. No impact assumed.



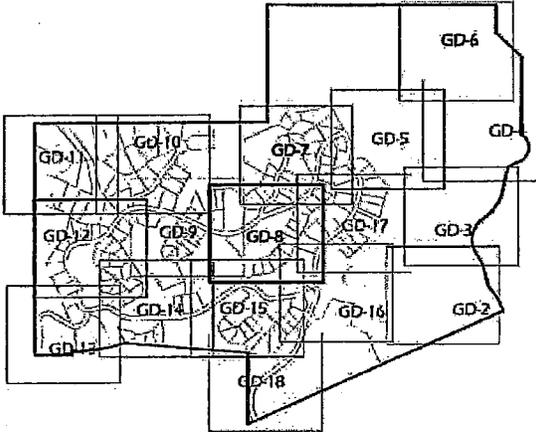
IMPACT ID: 3 Water Management

- a. Cross road culvert and level spreader outfall.
- b. Disturbance within 25 foot buffer from minor localized grading, culvert installation and level spreader outfall structure (riprap and wood wingwalls).



ERC
Disturbance Permit Application for Phase 1 SMCR

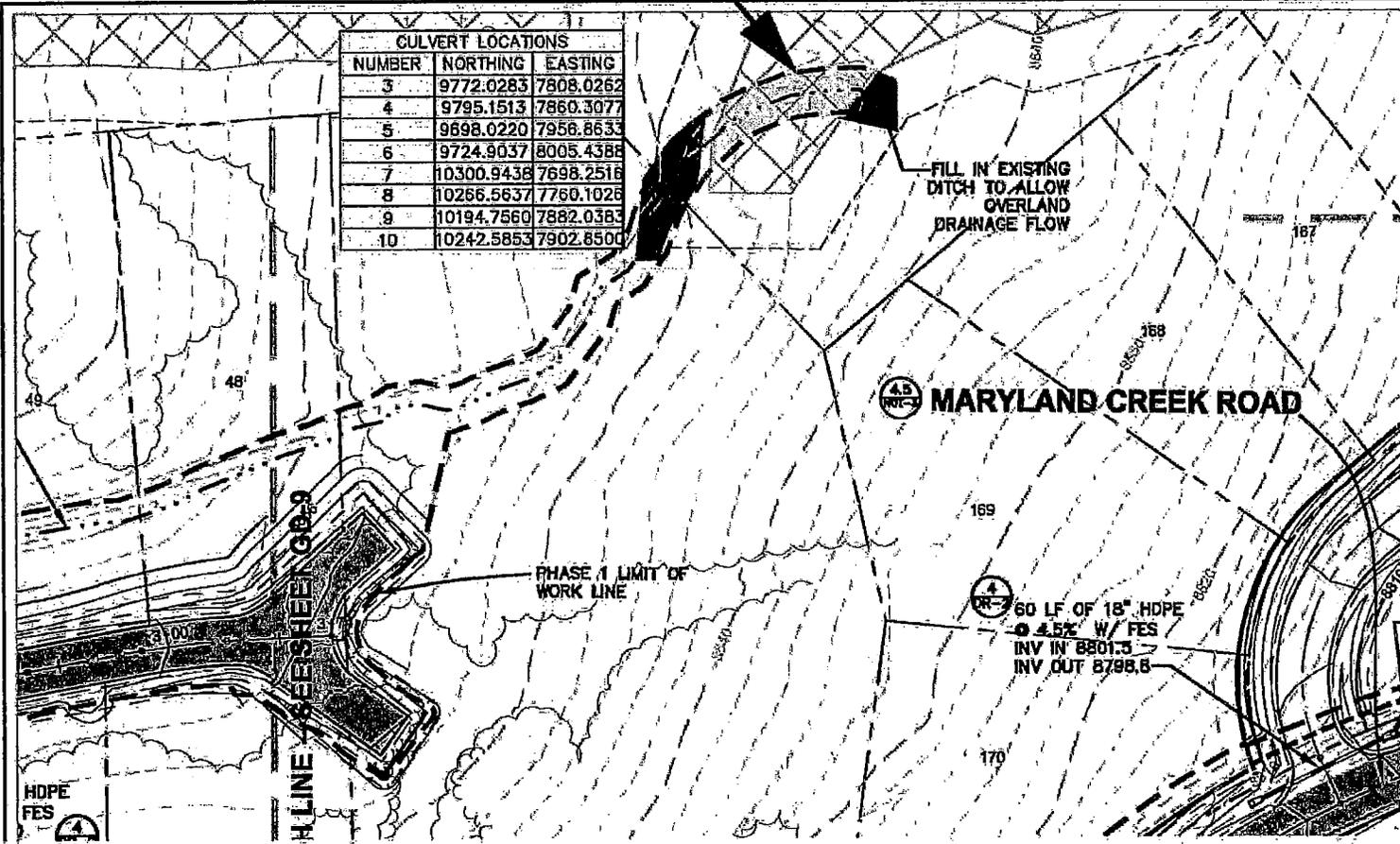
Disturbance Details from:
Phase 1 Final Plat Submittal Grading & Drainage Plan, Sheet GD-8
(TetraTech October 29, 2015)



KEY MAP

IMPACT ID: 2 Grading
 a. Fill and grading of existing ditch through wetland and 25 foot buffer.
 b. Ditch fill and grading activities to be eliminated from plan within the wetland and 25 foot buffer.
 c. No impact assumed.

WETLANDS
25 FT WETLAND BUFFER

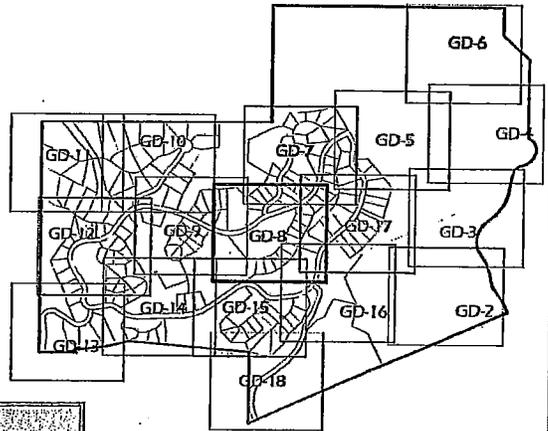




Disturbance Permit Application for Phase 1 SMCR

Disturbance Details from:

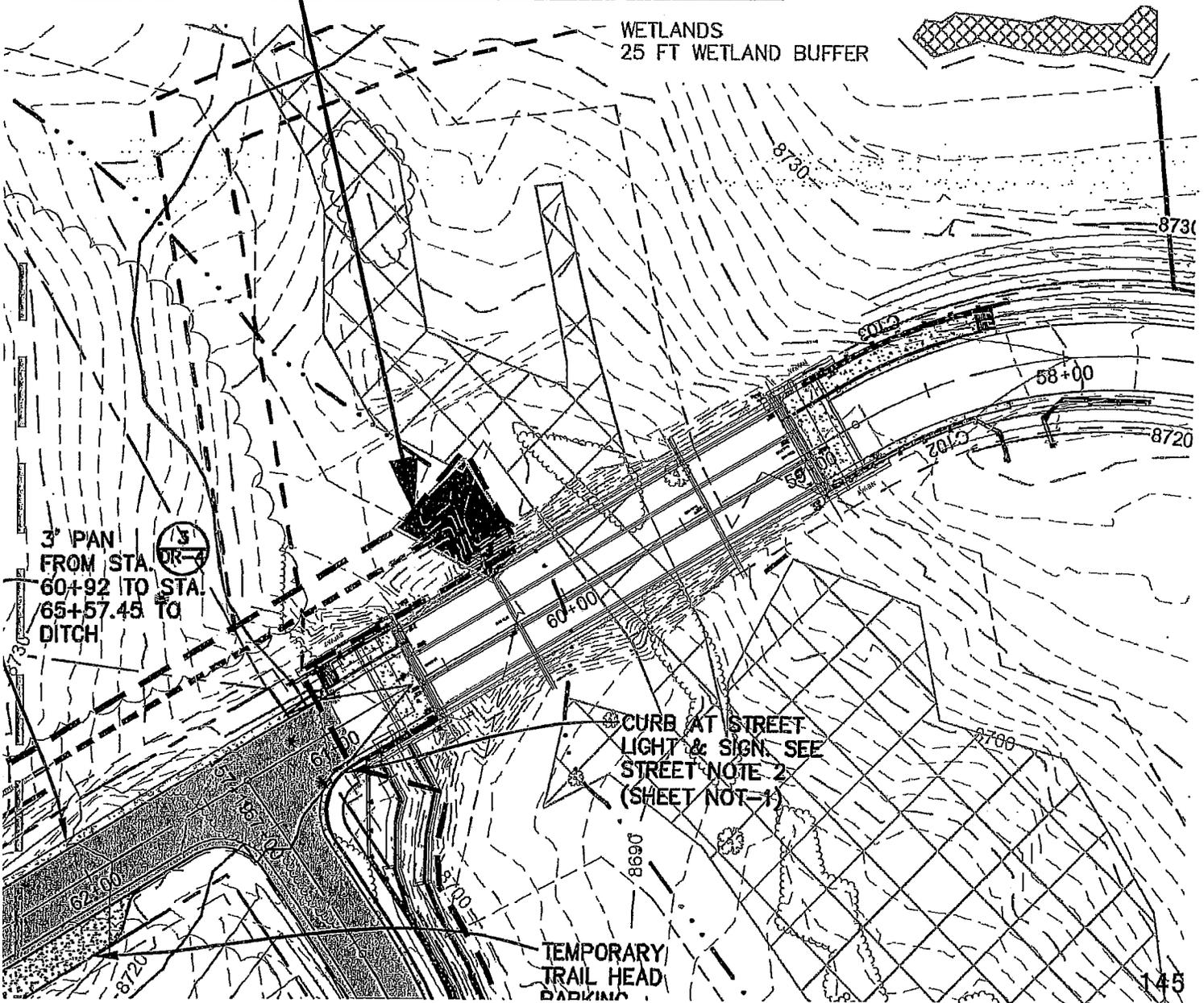
Phase 1 Final Plat Submittal Grading & Drainage Plan, Sheet GD-5
(TetraTech October 29, 2015)



KEY MAP

IMPACT ID: 1 Water Management

- a. Undrain-buried perforated pipe parallel to road with outfall bedding.
- b. Disturbance within 25 foot buffer from minor localized grading, pipe installation and placement of fill (outfall bedding).
- c. Activity shall be adjusted to not result in disturbance to the wetland.
- d. No wetland impact assumed.



TEMPORARY TRAIL HEAD PARKING

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**TOWN OF SILVERTHORNE
PLANNING COMMISSION MEETING MINUTES
MARCH 1, 2016 – 6:00 P.M.**

1. CALL TO ORDER – The meeting was called to order at 6:00 p.m., March 1, 2016, in the Council Chambers of the Silverthorne Town Hall, 601 Center Circle, Silverthorne, Colorado.

2. ROLL CALL – Commissioners present and answering Roll Call were: Jenny Gloudemans, Robert Kieber, Donna Pacetti, Tanya Shattuck, Susan Byers and Brian Wray. Staff attending tonight’s meeting included: Matt Gennett, Planning Manager, Dan Gietzen, Town Engineer, Zach Margolis, Utilities Manager and Melody Hillis, Planning Commission Secretary.

3. CONSENT CALENDAR – Tanya Shattuck made a motion to approve the February 16, 2016, Planning Commission minutes. Donna Pacetti seconded. The motion was approved by a vote of six to zero (6-0).

4. CITIZEN COMMENTS:
None.

5. PUBLIC HEARING:

A. Final Plat and DPA – South Maryland Creek Ranch - Filing No. 1, 28755 Highway 9.

Matt Gennett, Planning Manager, presented the project. The Applicant, Tom Everist, Manager, South Maryland Creek Ranch, is seeking Final Plat approval for South Maryland Creek Ranch (SMCR), which includes an amendment to the approved Disturbance Permit Application (DPA).

COMMISSIONER QUESTIONS:

- Donna Pacetti - Stated she was confused over the difference between Filing 1 and Phase 1 until Matt made his presentation, and that explained it well.
- Matt Gennett - Re-summarized the filings and phases of the project.
- Robert Kieber - On page 32 of the PC packet, and the Colorado Geological Survey (CGS), regarding comment that most of the CGS concerns have been addressed, the term “most” concerns me. The paragraph from the September 10, 2015 survey speaks to unstable slopes at risk; damage caused by ground movement is not covered by homeowner’s insurance. On the second to last paragraph, it talks about that all of this does not address the potential for larger scale landslide risks. Are the Town and the Town Engineer satisfied with what is being designed? Do the precautions mitigate the risks?
- Matt Gennett - Yes, it is typical language that CGS has included with many different reports since 2002. CGS uses that language frequently because nothing is absolutely certain when accessing a project with variable risks.
- Dan Gietzen - Have been through this with CGS for several years. CGS always uses conservative language on any project. The main concerns have been addressed to Staff’s satisfaction. Each lot will have to have individual soils reports.

APPLICANT COMMENTS:

- Tom Everist - Owner/Applicant, South Maryland Creek Ranch, and Tom spoke to the concerns that were brought up by Commissioner Kieber regarding the comments from CGS. CGS was concerned that the drainage methodology be memorialized in the final plat and HOA documents, which they will be. Very comfortable with what CGS is doing, as is Dan Gietzen.
- Joanna Hopkins - Introduced the representatives from South Maryland Creek Ranch team. The final plat is similar to what has been approved in the past meetings. She also presented graphics to address the breakdown of the tracts within the developments. Agree with the conditions presented by Staff.
- Tanya Shattuck - The community center will be built right away?
Joanna Hopkins - Yes.
- Brian Wray - What percentage of what is being presented tonight is of the total project?
Joanna Hopkins - About 18 to 19 percent of the total.

OPENED PUBLIC HEARING

PUBLIC COMMENT:

None.

COMMISSIONER COMMENTS:

- Tanya Shattuck - Excited to see the project moving forward and things are starting to happen.
Donna Pacetti - Glad to see that the Aspen House is going to be built in the first phase of construction. Too many times the amenities come in later, and it's nice to see it being done up front.
- Brian Wray - Looks great, and we have seen the project numerous times.
Jenny Gloudemans - It looks like a wonderful project.

TANYA SHATTUCK MADE A MOTION TO RECOMMEND APPROVAL OF THE FINAL PLAT FOR SOUTH MARYLAND CREEK RANCH – FILING NO. 1, WITH THE FOLLOWING STAFF RECOMMENDED CONDITIONS:

1. Prior to the commencement of any construction, the Applicant shall submit a final design for the entry road retaining wall (*Wall 12*) which addresses, to the Town's satisfaction, property engineering safety factors, including: the constructability, maintainability, and longevity for a wall at this location.
2. At least two weeks prior to commencing any construction activity, including work associated with water and sewer infrastructure, the Applicant shall provide the Town with a complete set of final, wet-stamped construction drawings (CD's) which will be subject to the Town's review and approval.

DONNA PACETTI SECONDED. MOTION PASSES BY A VOTE OF SIX TO ZERO (6-0).

CLOSED PUBLIC HEARING

6. OTHER ITEMS:

Matt Gennett informed Planning Commission that Angler Mountain Ranch has brought in Lakeside Townhomes, Filing 9, and Planning Commission can expect to see it soon.

Tanya Shattuck commented on the for sale sign on the old Foxfield parcel. Matt Gennett stated that Staff has seen the sign; and unfortunately it meets the size restriction on real estate signs.

Susan Byers asked about the Town Center sign size and whether it is legal. Matt Gennett stated that the Town Center PUD and Development has their own master sign plan, and they maxed it out. Staff will be revisiting the sign code in the near future.

Robert Kieber asked if Marshalls building permit pulled yet. Matt Gennett stated that it has not been issued for the approved exterior work.

Donna Pacetti inquired about Angler Mountain Ranch Lakeside Townhomes, Filing 9, and how that is part of the Lakeside Townhomes? Matt Gennett explained which units (those in Planning Area PA-2) are referred to as Angler Mountain Lakeside Townhomes. Donna Pacetti inquired about the Petition for Annexation and Development next to the Xcel substation. Matt Gennett stated that Compass Homes has decided to wait until a new Town Council is seated so that they are familiar with the process from beginning to end.

Robert Kieber asked about the second story above Tuesday Morning's, and is it being turned into storage units. Matt Gennett stated that he had spoken with Brad Kornfield about storage spaces and informed him that a CUP would be required, but no application for such has been received to date. Nothing further was discussed.

7. ADJOURNMENT:

TANYA SHATTUCK MADE A MOTION TO ADJOURN AT 6:33 P.M.

DONNA PACETTI SECONDED.

MOTION PASSES BY A VOTE OF SIX TO ZERO (6-0).

Submitted for approval by:

Approved this of 15TH day of March, 2016.

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.

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DRAFT

**Economic Development Advisory Committee
MINUTES
Tuesday, March 1, 2016
Town Hall – 601 Center Circle**

1. **Lunch – 11:45 a.m.**

2. **Call to Order – 12:05 noon**

In attendance: Eddie O'Brien, Mike Shambarger, Les Boeckel, Jayne Esser, Linda Hrycaj, Ken Gansmann, Larry Lunceford, Marc Hogan. Council Members: Bruce Butler, Ann-Marie Sandquist, Russ Camp. Staff Members: Ryan Hyland, Blair McGary, Susan Schulman. Guest: Scott Wilson – Twin Season Vacation Rentals

3. **Approval of Minutes from November 3, 2015**

Les Boeckel made a motion to approve the minutes, Mike Shambarger second. Motion approved.

4. **General Updates:**

Volunteer Appreciation – This event is scheduled for Thursday, March 31, 2016 from 6:00 p.m. – 8:00 p.m. venue to be announced in invitation, but save the date!

Business Grants – Susan Schulman reported on the meeting of the Executive Committee and their recommendations on the grant recipients for 2016. Recommendations will go to Council at the March 8, 2016 Work Session and subsequently be formally acted upon at a Town Council Meeting in March 2016.

Town Core Rezoning – Ordinance 2016-02 passed on 1st reading at the February 24, 2016 Town Council meeting and will be presented on 2nd reading at the March 9, 2016 Town Council meeting. This ordinance becomes another foundational component to set the stage for redevelopment of the downtown area, and Lina Lesmes has done a great job with this project, which involved a great deal of public outreach. Ryan Hyland, Mark Leidal and Mayor Butler met with concerned property owners a number of times during the process to make sure that everyone's voice was heard, and the plan was adjusted accordingly.

Sign Code – Lina Lesmes with EDAC subcommittee members Les Boeckel, Mike Shambarger and Ken Gansmann will begin to meet on this topic after the rezoning project is completed.

Lake Dillon Theater – A PUD for the Town Center passed on 1st reading at the February 24, 2016 and will be presented for 2nd reading at the March 9, 2016 Town Council meeting. The Site Plan will be presented to Planning Commission on March 1, 2016 and will then go to Town Council for final review in March. The Operating Plan between LDTC and the Town will go to Council in March or April. The Theater will be opening its first show in its temporary space at the Outlets on March 10; the Theater will be having a Welcome to Silverthorne event on March 19 and a ground breaking event on the Pavilion Lawn April 23, 2016.

Arts/Culture and 501c3 Concept – Brian Edney has met with a local attorney regarding establishing either a 501c3 to help raise funds for Arts & Culture in Silverthorne. An Arts Board for Silverthorne will be established soon. JoAnne Nadalin, Ann-Marie Sandquist and Joanne Cook are interested in being part of that Board.

Keystone Symposia Event – Next event is March 2, 2016. CEO from Keystone Symposia will be in attendance. SCTV will video tape.

Café Concert Series – A series of music events are being planned at the Pavilion, in line with the Arts and Culture Strategic Plan. Taking place from 5:30 – 7:30 p.m., the first events are March 3 with a harp and flute, April 7 with local student musicians and May 5 with a Mariachi Band.

5. **EDAC Updates** – Eddie O'Brien introduced the concept of establishing a formal EDAC position reserved for a Planning Commissioner to establish a linkage between the boards. Ryan commented that these meetings are open to the public, so Planning Commissioners are always welcome to attend, but that amending the EDAC Bylaws to formally include a Planning Commissioner could be discussed with Town Council at their next work session.

The potential opportunity for new uses and events on property near the Dillon Dam was raised by Eddie O'Brien. Mayor Butler noted that some concepts were included as part of the Town's POST plan. Marc Hogan, Larry Lunceford, Linda Hrycaj, Eddie O'Brien, Ann-Marie Sandquist, and Bruce Butler volunteered to look into the topic. The USFS and Denver Water Board were mentioned as being important to the discussion.

6. **Adjourn – 1:10 p.m.**

7. **Next Regular EDAC Meeting: May 3, 2016**

MINUTES OF SPORT COMMITTEE
February 18, 2016

I. PROCEDURES

1. Call to Order: Don Hansen opened the meeting at 6:03pm.
2. Approval of Agenda/ Roll Call: Russ Camp, Don Hansen, JoAnne Nadalin, Kathy Swanson, John Taylor, Pat Taylor
Staff: Liz Hodson, Susan Lee
Absent: Tom Dopplick, Frank Gutmann, Don Langmuir, Mary Kay Rachwalski, Marilyn Raymond, Marty Richardson
Guests: Tyler Bunnelle, SVE PE Teacher
3. Approval of Minutes: Motion to approve John Taylor, second JoAnne Nadalin
4. Public Comment:

II: PLANNING DEVELOPMENT PROJECTS

1. Silverthorne Performing Arts Center Replat & Final Site Plan
-Plans were reviewed, Committee agreed to leave original memo as stands.

III. DISCUSSION ITEMS

1. Updates from 2016 Goals Action list
 - a. Osprey Walk - scheduled for Tuesday, August 2, 2016 - Bob M
-Kathy and subcommittee will begin to set planning meetings the 1st part of March. John will touch base with CPW.
 - b. Bicycle Friendly Community – Don H
-No word to date from Snowy Peaks regarding bike racks. Tyler will touch base to see if a June 1 completion date is reachable.
-SPORT is writing a resolution to proclaim June as Silverthorne Bike Month. This will be taken to Council on May 11th for approval.
 - c. Arctic Placer and Rainbow Park RFP for Construction Documents – Susan L
-RFP was release 2 weeks ago, held a pre application meeting and 6 companies showed interest. Interviews will be held March 9th. Kathy and Pat will assist.
 - d. NPP Fish Counts and Stocking Update – Susan L
-Jon Ewert will conduct survey this spring as soon as ice is out.
 - e. Raven Golf Course – Nordic Center Update – John T
-Trails were groomed on 2/17/16 holding up ok, closing March 15, depending on weather.
2. OSAC Update – Annual Report and Acquisitions – Susan L/John T
-OSAC acquired 15 claims totaling \$411,000.00. County is going for Bike Friendly designation. Current projects include work on Hoosier Pass, Green Mountain, Fremont Pass, the Dam, and crack sealing all County maintained rec path sections.

IV: ANNOUNCEMENTS

1. Upcoming meeting dates:
 - a. State of the Fish Report by Jon Ewert at Silverthorne Library, Monday, February 29, 2016 at 7pm.

b. Interviews for Arctic and Rainbow Redevelopment Wednesday, March 9, 2016.

c. Next SPORT Meeting 3/17/16 (Happy St. Patrick's Day!)

2. Staff and Member Comments

V: ADJOURNMENT

Motion to adjourn at 7:15pm John Taylor, second Pat Taylor

DRAFT