

## RECORD OF PROCEEDINGS

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**Regular Meeting of the Estes Valley Planning Commission  
September 16, 2008, 1:30 p.m.  
Board Room, Estes Park Town Hall**

- Commission:** Chair Ike Eisenlauer; Commissioners Wendell Amos, Bruce Grant, Betty Hull, Joyce Kitchen, Doug Klink, and John Tucker
- Attending:** Chair Eisenlauer; Commissioners Amos, Grant, Hull, Kitchen, and Tucker
- Also Attending:** Director Joseph, Planner Shirk, Town Attorney White, and Recording Secretary Roederer
- Absent:** Commissioner Klink, Planner Chilcott, Town Board Liaison Homeier

The following minutes reflect the order of the agenda and not necessarily the chronological sequence of the meeting.

**Chair Eisenlauer called the meeting to order at 1:30 p.m.**

### **1. PUBLIC COMMENT**

Alice Gray/President of Estes Valley Improvement Association began to address the Commissioners on the Estes Valley Habitat Assessment but postponed her comments until later in the meeting, as the habitat assessment was an agenda item. No other comments were provided.

### **2. CONSENT AGENDA**

#### **a. Approval of meeting minutes dated August 19, 2008.**

**It was moved and seconded (Hull/Grant) to approve the consent agenda, and the motion passed unanimously with one absent.**

### **3. PRELIMINARY SUBDIVISION PLAT, SOLOMON SUBDIVISION, Outlots A & B, Prospect Highlands Subdivision, TBD Curry Drive, Central Administrators, Inc./Owner, Van Horn Engineering/Applicant—Continued from August 19, 2008 Estes Valley Planning Commission meeting**

The proposed Solomon Subdivision was continued from the August 19, 2008 Estes Valley Planning Commission meeting in order to take public comment and hear a short rebuttal from the applicant. Chair Eisenlauer opened the meeting to public comment on this item.

#### **Public Comment:**

Tom Kuepers/Neighboring Property Owner stated the proposed secondary access road will not provide access to the proposed subdivision for residents due to the locked gates. He expressed concern that emergency personnel would need keys to get through the gates and the secondary access road would not be wide enough to accommodate two-way traffic for fire engines, which would not be able to turn around; lives may be lost in a fire event. He expressed concerns about water runoff and the potential for flooding of his residence. He stated dozens of rocks that have fallen from the mountain can be seen from his home; the proposed road will disturb additional rocks; the decomposed granite that makes up the rocks may not provide stability as depicted by the applicant. He expressed concern that the natural spring on Marcus Lane will be affected by the proposed development and reiterated that the proposed secondary access road is "a joke."

Loren Johnson/President of Prospect Mountain Townhome Association stated neighboring property owners and the homeowners' association have written letters expressing concern about the proposed development. He noted Planner Shirk's staff report identifies a number of variances to Estes Valley Development Code (EVDC) standards that would require approval for the proposal to move forward, and he expressed the homeowners' association's strong support of Planner Shirk's recommendation of disapproval.

Rick Warren/Secretary–Treasurer of Prospect Mountain Townhome Association expressed his agreement with statements made by Loren Johnson.

Alan Fraundorf/President of Prospect Highlands Homeowners' Association stated the association has no significant objections to the proposed subdivision. He referenced comments from association members that he had forwarded to Planner Shirk and were included in Planning Commission packets. Comments included the road name should be Curry Drive rather than Curry Lane; the association would prefer the new lots not be served by propane; the association is responsible for rockfall mitigation and has not had problems with rockfall; the proposed new residences should become members of the existing homeowners' association.

Ron Norris/Association for Responsible Development stated planning staff had done a good job of identifying a number of areas where the proposed development does not comply with the EVDC, and ARD supports that position. He noted that a decision to support the staff recommendation would enhance the credibility of officials in terms of complying with the existing land use code.

**Applicant's Rebuttal:**

Lonnie Sheldon/Van Horn Engineering was present to represent the applicant. He stated the applicant's proposal is still changing. He was unable to meet with Public Works Director Zurn until September 15, 2008; road design and drainage were discussed. Per Director Zurn, the proposed extension of Curry Drive would need to be widened to meet road standards. A hammerhead turnaround is proposed rather than a cul-de-sac bulb. A bulb could be constructed but would require 15 feet of cut on the uphill side of the road and 15 feet of fill on the downhill side. The proposed hammerhead has been reviewed by Fire Chief Dorman and is proposed to be constructed to Larimer County standards rather than EVDC standards in order to provide a depth of 30 feet. The proposed 12-foot-wide secondary access road is not intended to provide full-service access; it is proposed to provide access for emergency responders, which would benefit the proposed subdivision and neighboring property owners. Mr. Sheldon stated Director Zurn also indicated he does not support the proposed four separate detention ponds (one on each lot) due to maintenance issues. The site can accommodate a regional detention pond in the southwest quadrant. He stated Director Zurn indicated water flows must be released into natural release areas, with detention of flow in a 100-year flood event and release during minor flow events. Technical information on detention redesign will be provided to Director Zurn. Mr. Sheldon indicated the applicant's willingness to continue the request to the next Planning Commission meeting to allow review of contemplated changes to the plans. Mr. Sheldon went on to state the following. The applicant has worked with the Bureau of Reclamation for two years on the secondary access road; construction of the road will be expensive to the developer. The current zoning of the outlots requires 0.5-acre minimum lot sizes; the applicant proposes 1.6 acres per unit. The plat of record indicates the possibility of subdividing each outlot into three lots; the applicant is proposing two lots per outlot. Three lots would not fit due to geologic constraints. The applicant could propose to subdivide the lower outlot into four lots but believes the residences would be too densely clustered. The adjoining development on Marcus Lane and Darcy Drive provides 0.2 acres per unit; the troublesome drainage occurs in this high-density area. The applicant will over-contain drainage to ensure the drainage situation is not worsened. There is a 100-foot easement between the applicant's property and properties to the south (downhill), which provides a transitional zone that cannot be built upon. Mr. Sheldon contended the EVDC does not prohibit development in areas of 30% or greater slope but provides guidelines and requirements for doing so. He stated the future homes on the lots would be small residences tucked into areas protected from rockfall; the applicant will meet every requirement of the state geologist.

**Comments and Discussion by Commissioners and Staff:**

Planner Shirk referenced EVDC limits of disturbance standards set forth in Section 7.2, stating new lots should not be created on slopes as steep as proposed by the applicant. Director Zurn stated the Town has invested \$50,000 in a drainage master plan for the area due to existing drainage problems. Director Joseph noted there is a limit of 1,000

lineal feet for a cul-de-sac (the applicant proposes a cul-de-sac 2,000 feet long); this standard predates the adoption of the EVDC and was in effect at the time the subdivision was originally platted.

Commissioner Hull noted Mr. Sheldon had discussed a number of potential changes to the applicant's plans and requested clarification on whether a vote at this meeting would be on the plans as they were submitted. Planner Shirk stated that affected agencies had provided comments based on the plans submitted by the applicant and the staff report and recommendations are also based on those plans. Mr. Sheldon argued that any requested changes to the plans should be conditions of approval and stated the applicant would prefer a continuance to a denial.

Commissioner Hull questioned whether the applicant would make changes to the submitted plans that would result in fewer than the six requested waivers to EVDC standards if the subdivision proposal was continued to the next Planning Commission meeting. Mr. Sheldon reviewed each waiver requested (maximum cul-de-sac length, maximum number of vehicle trips per day on a cul-de-sac, cul-de-sac bulb, concrete curb and gutter, sidewalks, and limits of disturbance criteria) and indicated that each waiver would still be requested.

Commissioner Kitchen stated she did not have concerns regarding rockfall or ground stability but was cautious about potential effects of the development on water flow, having witnessed flooding in one of the homes below the proposed subdivision. She noted the natural drainage from the site flows directly toward the neighboring home and questioned what mitigation measures would be taken. Mr. Sheldon indicated a ditch could be cut below the driveway on the southeast lot to direct water into a drainage basin to the west. From that point, water could be directed toward Marcus Lane through an existing 20-foot-wide drainage easement into a 60-foot drainage easement below. He stated his belief the existing culvert in this area is undersized, and further stated the applicant would not do anything to make the situation worse.

In response to a question from Commissioner Kitchen, Mr. Sheldon indicated the state geologist had requested the ditch on the north side of the proposed extension of Curry Drive be three feet deep to function as a rockfall catch basin. He stated although the submitted plans show the deep ditch running the length of the road, the ditch would only be three feet deep in front of the two building sites below the road. The applicant proposes to dress slopes similar to the existing subdivision.

Commission Tucker stated he was not concerned with the proposed length of the cul-de-sac or with the composition of the rock in the area because decomposed granite will break apart when it falls. He questioned whether the applicant would provide a temporary barrier to protect homes below the development from rockfall during construction. Mr. Sheldon indicated the applicant would do so. Commissioner Tucker stated the applicant should provide an adequate turnaround, not a hammerhead; noted the Code violation regarding development on steep slopes would not change; and indicated the applicant should have the opportunity to continue to work with the Public Works Department to resolve discrepancies.

Commissioner Hull expressed concern that the proposed subdivision does not meet EVDC standards, as noted in the staff report, and stated she did not support the waivers requested by the applicant.

Commission Amos requested that staff comment on whether their recommendations would change if the road/cul-de-sac and stormwater detention issues were resolved. Director Zurn stated he could only provide comment on the current proposal, noting the drainage plans could be revised but it does not appear possible to change the proposed cul-de-sac length. The cul-de-sac length and number of vehicle trips on the cul-de-sac would remain in violation of EVDC standards. Director Joseph stated the EVDC requires that approval of waivers of Code standards advance the broader purposes of the Code, such as extending a cul-de-sac into an area with fairly level topography that would reduce site disturbance. He noted the applicant's proposed development is in an area with slopes so steep the Code suggests it should not be developed. In response to Commissioner Tucker's question of how the extension of the cul-de-sac would prove detrimental,

Director Joseph stated there is developable property farther around the mountain—if the cul-de-sac standard is waived for this development, it would be difficult to deny the same type of waiver for a future developer. He reiterated that approval of a waiver to the cul-de-sac standards in order to develop on a slope that the Code says clearly should be avoided is objectionable to him.

Commissioner Amos indicated the proposed secondary access may not be suitable and expressed his support of staff’s recommendation for disapproval. He motioned to recommend disapproval of the request. Following the motion, he commented that neighboring property owners’ concerns about rockfall and water flows, both surface water and underground water, had influenced his support of staff’s recommendation for disapproval.

Prior to the motion, Commissioner Grant stated his agreement with Commissioner Amos, noting he did not want to set a precedent for waiving cul-de-sac standards or standards for development on steep slopes.

Commissioner Kitchen stated that cul-de-sac standards are an old issue, noting that Darcy Drive has 15 homes on a cul-de-sac and Rockwood Estates does not meet cul-de-sac standards, nor do other areas of the Estes Valley. She stated she is not concerned about the proposed cul-de-sac length; she would like to see the subdivision request continued to allow the applicant time to work out problems with the proposal; and she expressed her wish that the Fire Chief was in attendance to explain his viewpoint.

**It was moved and seconded (Amos/Hull) to recommend DISAPPROVAL of the Preliminary Subdivision Plat, Solomon Subdivision, Outlots A & B, Prospect Highlands Subdivision, to the Town Board of Trustees, due to lack of compliance with Estes Valley Development Code standards as discussed in the staff report dated August 19, 2008 and as outlined in the staff findings in said report, and the motion PASSED with one absent.**

**Those voting in favor of disapproval: Amos, Eisenlauer, Grant, and Hull.**

**Those voting against disapproval: Kitchen and Tucker.**

**4. REPORTS:**

**a. ACCESSORY DWELLING UNITS DISCUSSION AND PUBLIC COMMENT**

**Staff Presentation:**

Planner Shirk provided a PowerPoint presentation, answered Commissioners’ questions, and reviewed information found in the staff report, which outlines the following: the definition of an accessory dwelling unit (ADU); how ADUs are different from duplexes; the three types of ADUs contemplated in the proposed changes, including integrated, attached, and detached ADUs; why Code changes are proposed; the public outreach process on proposed changes that took place through August and September; research conducted by staff on other jurisdictions’ ADU regulations; the current Estes Valley Development Code regulations regarding ADUs; and the proposed changes to the Estes Valley Development Code (EVDC).

The proposed changes to the EVDC would allow ADUs in single-family residential zoning districts except the R-1 zoning district, which is a deed-restricted, attainable-housing zoning district; would allow detached ADUs to be constructed in the E-1 (1 acre), RE (2.5 acre), and RE-1 (10 acre) zoning districts; would allow the ADU or the primary residence to be rented for a period of not less than 90 days; would allow the maximum size of ADUs to be 49% of the main dwelling or 1,000 square feet, whichever is less; would provide for architectural standards for construction of all ADUs; and would require deed restriction of ADUs. He noted that private covenants can prohibit accessory dwelling units.

In addition to the information found in the staff report, Planner Shirk provided the following comments. The police department has expressed support of ADUs because an ADU could be occupied year-round by an on-site caretaker. The Estes Park Housing Authority is supportive of ADUs because they would help provide employee

housing for the seasonal workforce. AARP strongly supports ADUs. The definition of a dwelling unit was taken directly from the International Building Code.

The proposed Code amendments would allow an ADU to be rented; however, short-term rentals would not be allowed due to potential impacts on neighborhoods. An ADU could not be owned by someone other than the owner of the principal residence. A detached ADU would be required to be located closer to the principal dwelling than to any property line. The total number of occupants on a property could not exceed the number allowed per single household. The Planning Commission could consider further limiting the occupancy of an ADU to two persons per bedroom and/or limiting ADUs to a maximum of two bedrooms.

As contemplated, ADUs would be allowed on legally non-conforming (undersized) lots. In the R-*Residential* zoning district, only fully integrated ADUs would be allowed. In the E-*Estate* zoning district, integrated or attached ADUs would be allowed. In the E-1, RE, and RE-1 zoning districts, ADUs could be integrated, attached, or detached, as outlined above. A home occupation could be conducted from either the principal residence or the ADU, but not both. The proposed size limitation for ADUs was based on input from the Estes Park Housing Authority, which indicated that a minimum of two bedrooms per ADU would be needed to help address affordable housing needs.

Accessory dwelling units would be required to connect to sanitary sewer service regardless of whether the principal residence is served by a septic system, unless sewer service is not available. Larimer County Health Department is supportive of this guideline. ADUs would be required to connect to Town water service or provide verification from the state that the residence's well permit allows the addition of another unit.

Access to an ADU would be from the existing driveway for the principal residence unless the property is a corner lot that can meet driveway separation requirements set forth in the development code. Designated on-site parking would be required, and the parking area would be required to be landscaped to screen vehicles from off-site. Parking within the required setbacks for a property and on-street parking would be prohibited. Additionally, the maximum number of parked vehicles for both the principal residence and the ADU, including RVs and recreational equipment, could not exceed the total number of vehicles allowed on a single property.

Most general development standards set forth in EVDC Chapter 7 would apply to ADUs, including limits of disturbance, landscaping, and buffering standards. The proposed architectural requirements would apply to lighting, roof pitch, eaves, overhangs, windows, exterior finish, and trim. The entry to the ADU could not face the front of the property or be directly visible to the public unless it could be demonstrated that no reasonable alternative exists. All building permit fees, Larimer County impact fees (for properties outside Town limits), water and sewer fees, and Town impact fees (if adopted in the future) would apply to ADUs.

Per information gathered from attendees at the Mountain Resort Town Planners conference, most jurisdictions allow either attached or detached ADUs and have adopted architectural standards. The national average for ADU construction is one per 1,000 households per year. Planner Shirk estimated there would be approximately six ADU requests per year in the Estes Valley.

#### **Public and Commissioners' Comments:**

Betty Nickel/The Portfolio Group stated there are three issues for their market—guest units, party kitchens, and caretaker units. She urged the Commissioners to provide greater clarity in the definition of kitchen facilities, and stated that bathing facilities do not create an ADU. She requested there be exceptions to the proposed “setback” requirement for ADUs, stating the slope or other limitations on a lot may give the property owner no other choice than to locate an ADU near the property line. She stated homeowners' associations should be required to sign off that they have reviewed ADU plans that meet the Town's criteria, and HOAs should take on ownership of covenant enforcement. She objected to the proposed architectural

requirements for ADUs, noting there are no architectural controls for principle structures. She objected to the proposed requirement for Planning Commission review of detached ADUs. She requested clarification of the 1,000-square-foot limit, asking whether a mechanical room or outside walls would be included in the square-footage calculation.

Bob McCreery/Estes Valley Resident stated his support of the concept and direction of the proposed Code amendments. He noted he is a new member of the Board of Adjustment and encouraged thorough review of the proposed amendments to minimize the need for variance requests. He stated that the proposed ADU guidelines may not work well for large properties, noting that a detached ADU on a large acreage may not be visible from the principle residence and architectural requirements to visually match exterior finish may not be appropriate. He expressed concern about rental of ADUs and requested that rental units and commercial enterprises be prohibited in areas where they have historically been disallowed, such as the North End.

Wayne Park/Estes Valley Resident stated his support for the proposed Code amendments. He expressed concern about proposed architectural requirements and requested additional flexibility, noting that property owners may not wish to build an ADU in the same style as an existing residence they would not choose to rebuild today.

Paul Brown/Town Resident provided the Commissioners copies of Code amendments he proposed in lieu of those prepared by Planner Shirk. He urged the Commissioners to allow ADUs in all residential zoning districts on all legal lots, regardless of lot size. He stated his opinion that ADU regulations as proposed erode personal freedoms and are very poor policy.

Rita Kurelja/Estes Park Housing Authority Director spoke in support of the proposed ADU amendments, stating they would further affordable housing opportunities, particularly for workforce housing. The Housing Authority is unable to effectively address the need for seasonal housing, yet it is a significant need in the community. ADUs would provide a tool to disperse affordable housing throughout the community. She stated there is immediate need for 70 rental units and estimated an additional 234 to 298 units will be needed by 2015; this is a community issue that affects all residents.

Cherie Pettijohn/Town Resident stated her support of the proposed amendments, particularly as an ADU would make it easier to care for an elderly relative. ADU rentals to fill the affordable housing need are unlikely due to the cost of construction. She stated the proposed architectural standards are too restrictive.

Commissioner Tucker stated there have been many good comments and suggestions from the community, including the need to better define the term kitchen. He expressed his support of architectural guidelines to ensure an ADU fits into a neighborhood and with the primary residence and suggested adding a requirement that ADUs be built on site. Attorney White noted there are federal statutes that require communities to accept certain types of manufactured housing; the Town cannot prohibit this. Commissioner Tucker questioned why the proposed amendments would not allow ADUs in multi-family zoning districts (R-2 and RM). He suggested a minimum lot size requirement be included in the amendments.

Paul Brown urged the Commissioners to allow detached ADUs in all zoning districts, noting that many existing lots zoned E-1 are undersized for the zoning district. He noted there is an accessory use square-footage allowance for every lot and questioned the difference between a detached ADU and a detached garage. He urged the Commissioners to review his proposed Code amendments and the current ADU regulations for Larimer County, Ridgeway, and Steamboat Springs.

Planner Shirk stated the proposed Code amendments would eliminate the current requirement that a lot be 1.33 times the minimum lot size required for the zoning district in order to have an ADU. Twenty-seven percent of lots in the Estes Valley

could have an ADU under the current lot-size limitation. Fifty percent of lots in the Estes Valley are non-conforming in terms of lot size. Commissioner Tucker stated ADUs should not be allowed on tiny lots.

Chair Eisenlauer called a recess at 3:37 p.m.; the meeting reconvened at 3:48 p.m.

Commissioner Kitchen thanked the public for their great comments on ADUs. She encouraged people to speak to their neighbors and return with additional comments. Commissioner Tucker requested a separate Planning Commission study session to discuss ADUs.

**b. UPDATE TO THE ESTES VALLEY COMPREHENSIVE PLAN, APPENDIX TWO, RESOURCE INFORMATION, *Wildlife Habitat Map***

Discussion of the proposed update to the Estes Valley Comprehensive Plan Wildlife Habitat Map was held at the August 19, 2008 Planning Commission meeting. Due to the lateness of the hour and the number of people in attendance to provide comment on this agenda item, the meeting was immediately opened to public comment.

**Public, Commissioners', and Staff Comments:**

Alice Gray/President of Estes Valley Improvement Association (EVIA) stated the EVIA had held a special meeting to discuss the Estes Valley Habitat Assessment prepared by EDAW, Inc. She stated EDAW did a good job of providing a clear, concise, understandable report that covers many important aspects of habitat. However, she expressed concern that there were many omissions in the report, particularly the interrelationships of habitat in the Estes Valley.

Barbara Frick-Finley/EVIA Member stated the habitat assessment focuses attention on the elk population but ignores elk corridors shown in the Spur 66 Management Plan created in the late 1990s. She stated there were other vague references to elk migration routes. She expressed concern that aspen and willow areas are referred to as high-value but there is no mention of the precarious status of aspen groves, particularly as they provide important habitat to elk, beaver, and nesting migratory birds. She stated there are few significant aspen patches in the Estes Valley; elk overpopulation has contributed significantly to their decline.

Brian Michener/Vice President of EVIA stated beavers, birds, and bees should be considered in the habitat assessment. He noted beaver are one of the most important keystone species that provide habitat for waterfowl, fish, and other species, as well as recharge wetlands, which affects groundwater levels. A Rocky Mountain National Park study indicates that most beaver in the Park have been lost. Beaver at the YMCA of the Rockies have been displaced from the highest quality habitats due to incremental development, including things such as picnic grounds, roads, utilities, playgrounds, campfire areas, hayride programs, and a zip line. He encouraged adoption of regulations that would consider this type of development as encroachment if proposed in sensitive habitat areas. He expressed concern about impacts of development on bird and bee populations, stressing the importance of both in pollination. He encouraged the adoption of increased setback requirements, particularly in birthing and nesting areas and near beaver colonies.

Dorothy Lehmkuhl/EVIA Member stated many animals use the Estes Valley as a birthing area. Habitat in the Estes Valley should be preserved for the health of high-elevation species found in Rocky Mountain National Park that use the Valley for birthing. She expressed concern that the habitat assessment prepared by EDAW included information from the Colorado Natural Heritage Program, which provides a ranking for the state of Colorado, noting this information may not reflect the relative importance of specific habitats in the Estes Valley. She stated protection of aspen should have a high priority. She expressed concern that wildlife studies such as those prepared for the Wapiti Crossing Condominiums development plan, Rocky Mountain National Park beaver studies, the Spur 66 Management Plan, and studies prepared during the development of Thunder Mountain subdivision had not been included in the EDAW assessment. She noted that EDAW recently prepared plans for the YMCA but

the Estes Valley Habitat Assessment does not include the elk corridor or beaver habitat shown in YMCA's plan; she also questioned why a habitat study had not been required for the current redevelopment project at the YMCA.

John Gronen/Estes Valley Resident stated his agreement with others' comments. He expressed appreciation that the habitat assessment had been completed and concern that loss of habitat and open space in the Estes Valley is affecting both humans and wildlife. He stated he feels strongly that the study is incomplete, noting it was completed in only four months and is based on previous studies back to 1980. He expressed concern that EDAW had not contacted the Colorado Division of Wildlife to obtain objective data, as there are no footnotes referencing CDOW participation. He stated there is clearly an elk corridor down Spur 66 from Rocky Mountain National Park and there are beaver along Wind River. He stated it is extremely important to "get it right" and requested a better study be conducted in order to do so.

Director Joseph noted that the local Colorado Division of Wildlife Officer had met with the consultants from EDAW twice, spending several hours each time discussing a variety of wildlife topics. Mr. Gronen noted the number of elk in the Valley with radio collars and that there is a program to test all mule deer for chronic wasting disease. He stated there must be hard data on the locations of elk and deer habitat and reiterated his opinion that the report was very incomplete. Ms. Lehmkuhl noted that Carol Beidelman and David Tiemeyer had provided letters to the Commissioners with lists of wildlife species.

Mark Elrod/Town Resident expressed shock that there had been no scientific data gathering for the EDAW report. He questioned the underlying GIS maps used in the study, stating they are subjective. He reviewed difficulties he had in obtaining approval to construct a home on his lot over a swale that is shown as a mapped stream corridor in the Estes Valley Development Code, stating the EVDC map is based on a USGS map generated in 1976. He expressed concern that this map has not been updated.

Director Joseph stated that in requesting proposals for the wildlife habitat study, the Town of Estes Park was very clear that there was not time or money to generate new science. The Town requested that EDAW capture the best existing available information, compile it, and present it in a report, which was done. He noted that Rocky Mountain National Park is spending \$300,000 solely on a beaver study; studies of this type are not a practical undertaking for the Town.

Patrick Finley/Estes Valley Property Owner stated a fair amount of existing literature was left out of the habitat study, noting the report had been prepared fast and inexpensively. He stated the study should not be used for something bigger than it could be used for. He expressed concern that future users of the study would consider the study comprehensive.

Director Joseph stated the report is not intended in any way to be a substitute for site-specific study; it is intended as a regional guide on how to focus efforts. The maps in the study are footnoted to indicate they will be updated as additional information becomes available. Planner Shirk stated the purpose of the study is to trigger site-specific review as appropriate for future development proposals. Commissioner Grant noted the report will help provide a basis for judgment for future Commissioners. He encouraged the public to continue to press so that site-specific surveys will contain real science. Commissioner Kitchen stated that, as a layperson, she appreciates the general nature of the report.

Ron Norris/Association for Responsible Development (ARD) submitted a letter to the Commissioners and read the letter aloud. He reviewed points found in the Estes Valley Wildlife Habitat Assessment that ARD considers key. ARD suggests that the Town and County develop a plan and budget for updating maps the study was based upon; fund an effort to map and monitor the impact of noxious weed control programs, given the impact of noxious weeds on rare vegetation communities; and integrate the results from the habitat study into the recently authorized Open Space Study. Mr. Norris reviewed the habitat definitions found in the wildlife habitat assessment and noted that highest-value habitats may not be adequately protected unless the Code is amended

to clarify enforcement provisions; additional protection for high-value habitat areas should be incorporated into the development code; and enforcement provisions regarding other valuable habitat, particularly in areas of steep slope or limits of disturbance, should be clarified in the Code. ARD requests the Planning Commission require the following in adopting Code changes:

- A formal wildlife conservation plan for development of properties in highest-value and high-value areas and a mitigation plan to address negative impacts, with developers to pay for these plans but not directly hire the certified wildlife biologists who prepare the plans.
- Provide the option for staff to require a wildlife conservation plan for properties within "other valuable habitat" when the property contains unique characteristics such as linkages to other protected habitat or wildlife viewing areas.
- Require wildlife conservation plans and mitigation plans to be reviewed and validated by the Colorado Division of Wildlife.
- Allow denial of a proposal based on the amount of negative impact a development would have on wildlife and/or habitat identified in the wildlife conservation plan and the adequacy of the wildlife and mitigation plans.
- Incorporate the recommended buffer widths found on page 16 of the wildlife habitat assessment prepared by EDAW.
- Require an annual audit to assess compliance with these provisions.

Commissioner Amos objected to Mr. Norris' reading his letter aloud, noting Commissioners could have read it on their own. He expressed concern that everyone will expect a scientific study on every property to be developed in the future. He noted the objective of this study was to compile information that would lead to changes in the Development Code, and stated his opinion that the habitat assessment is a good study.

Commissioner Hull agreed the study is complete. She noted the three documents submitted by the Estes Valley Improvement Association and Carol Beidleman and suggested they be incorporated into the EDAW study.

Director Joseph stated there is a sense of urgency to correct one part of the development code in particular that contemplates a role for the Division of Wildlife in which the Division has clearly stated it does not want to participate. Proposed code changes will be presented to the Planning Commission at the October 21, 2008 meeting to repair that portion of the EVDC. He stated many points made by Mr. Norris are valid; remaining changes to the EVDC will be deliberate and will take more time.

Ms. Lemkuhl expressed appreciation to all for addressing this issue. She stated there are many qualified environmentalists in the Estes Valley who would serve on a committee to draw up a study such as the Spur 66 Management Plan on a volunteer basis.

Additional discussion was held regarding the YMCA property. Director Joseph indicated that lack of inclusion of the Spur 66 Management Plan in the EDAW Wildlife Habitat Assessment had been his oversight, and he stated that oversight will be corrected prior to formal adoption of the habitat study. The Spur 66 plan is a neighborhood-scale study with finer detail than was intended in the current habitat assessment. Changes to the EVDC will be undertaken deliberately without any undue delay.

**It was moved and seconded (Hull/Tucker) to continue agenda items 4.c and 4.d, staff reports on Staff-Level Development Plans 08-06 and 08-07, to the October 21, 2008 Estes Valley Planning Commission meeting, and the motion passed unanimously.**

**Chair Eisenlauer adjourned the meeting at 4:56 p.m.**

RECORD OF PROCEEDINGS

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**Estes Valley Planning Commission**  
**September 16, 2008**

**10**

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Ike Eisenlauer, Chair

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Julie Roederer, Recording Secretary