

RECORD OF PROCEEDINGS

**Regular Meeting of the Estes Valley Planning Commission
August 19, 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 Chilcott, Planner Shirk, Town Attorney White, Town Board Liaison Homeier, and Recording Secretary Roederer
- Absent:** Commissioner Klink

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

None.

2. CONSENT AGENDA

a. Approval of meeting minutes dated July 15, 2008.

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

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

Director Joseph stated that EDAW, an environmental planning and design firm, had been retained by the Town to conduct a study to update the existing wildlife habitat map found in the Estes Valley Comprehensive Plan, which was adopted in 1996. The study provides an up-to-date, comprehensive analysis of the inventory of wildlife habitat within the Estes Valley. The study is available in draft form via the Town's website and from the Community Development office in Town Hall. Minor revisions to the study are needed; therefore, the proposal to adopt the new wildlife habitat map into the Comprehensive Plan will be on the Planning Commission's September 16, 2008 meeting agenda.

EDAW Presentation:

Drew Stoll of EDAW, Inc. provided a PowerPoint presentation as an overview of the draft Estes Valley Habitat Assessment, which was authored by EDAW with assistance from staff members of the Town of Estes Park, Colorado Division of Wildlife (CDOW), and Rocky Mountain National Park (RMNP). Existing ecological information and documentation was used to complete a rapid, targeted habitat assessment; there was not extensive field work involved in this assessment. Information was gathered from the Colorado Natural Heritage Program, Town staff, Rick Spowart of the CDOW, RMNP biologists, the Estes Park Bird Club, and others. Habitat on all lands was considered, regardless of whether the property is privately owned or public land. Focus was placed on target resources—those that are most endangered, rare, or important due to high use by species such as bighorn sheep—including hydrologic resources; riparian corridors; rare vegetation; important bird, bighorn sheep, elk, and mule deer habitats; and wildlife movement corridors. Areas within the Valley that have been developed were considered compromised in terms of their wildlife value. Priorities for conservation of ecological networks included conservation of habitat patches, conservation and restoration of ecological linkages (wildlife corridors), protection of rare plant and animal species, and protection of important bird habitat. Mr. Stoll noted that there are some vegetative communities within the Estes Valley that are ranked as globally significant. There are also endemic plant and butterfly species (species that exist in this area and nowhere else in the world). Raptors and migratory birds occur in the area, which is part of the Rocky Mountain flyway. The assessment strives to provide a highly diverse ecosystem resulting

in no extinction of species. Due to the codependence of plant and animal species, protection of one results in protection of others. It is not useful to state that all lands within the Estes Valley are of high importance, so the assessment uses a ranking system. Mr. Stoll presented an Ecological Priorities Network map that delineates highest value habitats, high value habitats, and other valuable habitats. Highest value habitats include aquatic, riparian, wetlands, and bighorn sheep critical winter habitat. High value habitats include rare vegetation communities, vegetation communities with rare or endemic plant species, severe-winter range for elk and mule deer, movement corridors, migratory bird habitat, raptor nests and their vicinities, stream corridors, and other important ecological linkages. Other valuable habitats include rock outcroppings (which provide unique ecological features, nesting for some bird species, and a unique environment for some plant species), large patches of forest or undeveloped lands that serve as refuge/shelter for wildlife, and important hydrological systems of the Estes Valley. Some of the lands identified as the highest value habitat are protected under the current development code; Mr. Stoll suggested that additional protection, such as greater river setbacks, may be appropriate.

Staff and Commissioners' Discussion/Comments:

Commissioner Tucker questioned why bears and large cats were not specifically identified in the habitat assessment. Mr. Stoll noted that a long list of species could have been identified, including fox, coyote, squirrels, etc., but these species range widely and are generalists rather than species that require specific critical habitat. By protecting target species such as mule deer and elk, these additional species fall under the same umbrella of protection. Commissioner Tucker expressed his appreciation for the work done by EDAW, stating the Ecological Priorities Network map developed by EDAW provides a good foundation for consideration of how habitats may be affected by future Planning Commission decisions.

Commissioner Grant questioned whether empirical data had been used to determine migration corridors. Mr. Stoll stated EDAW relied on information provided by CDOW Officer Rick Spowart and RMNP biologists. No scientific studies have been conducted to show the locations of wildlife movement corridors in the Estes Valley.

Director Joseph stated the study is an objective assessment of the habitat found in the Estes Valley. There is much work remaining to be done to make connections between the habitat assessment and the regulatory framework upon which future land-use decisions will be made. There will be ongoing public hearings to address these issues in the Estes Valley.

Public Comment:

Ron Norris/Town Resident spoke on behalf of the Association for Responsible Development (ARD) and stated he was pleased to see the report come out in draft form. He strongly emphasized the importance of using the maps found in the study, particularly the Ecological Priorities Network map. He stated the Town has not done a good job in the recent past in advertising and communicating with the public on issues such as this. He expressed ARD's willingness to help advertise or co-sponsor public hearings, noting the study is a good step forward.

Eric Waples/Town Resident expressed appreciation for Mr. Stoll's comments regarding the importance of connectivity, wildlife corridors, and the concept of ecological networks. He noted that windows are closing rapidly on privately owned lands. He encouraged the Planning Commission and Planning Department to coordinate efforts to identify remaining areas where decisions can be made to improve habitat patches or connectivity, as well as to protect corridors and patches that are needed to connect currently protected areas. He expressed his opinion that the design of Ranch Meadow Subdivision could have provided a corridor for elk movement from the golf course to the open space area within the subdivision, but did not. He questioned what new information had been brought forward in the study and what recommendations EDAW would make accordingly.

Discussion ensued, with Mr. Stoll and Director Joseph providing comments in response to additional questions from Commissioners and Mr. Waples. Mr. Stoll stated the current

setback applied to wetland areas and stream corridors does not buffer riparian areas. It is important to protect these areas and to have a transitional area of impact rather than locating buildings right on the edge of sensitive areas because water needs to filter through other vegetation prior to entering wetlands and because wildlife utilizing wetlands should not be disturbed by dogs, people, lighting, and so forth. Protection of plant species, including globally ranked vegetative and endemic plant species, is important, particularly if there is the desire to prevent loss of species. Mr. Stoll noted that roads create barriers. He stated that bighorn sheep are particularly in need of protection.

Mr. Stoll went on to state the elk herd is beyond the sustainable level, and that wildlife behavior has changed substantially due to risk from vehicles, inappropriate food sources, and changing genetics because wildlife is not migrating naturally. Although the composite analysis map provided in the study reflects Colorado State University mapping of severe-winter range for elk (for instance), the situation is dynamic due to changing wildlife behavior. The width of corridors needed for elk migration varies depending on the number of animals using the corridor, the landscape of the area, architecture, parking, and roads. Corridors should be considered on a site-specific basis based on location; efforts should be made to ensure that fencing and architecture don't become barriers to movement. Buffers required for wetland areas should also be varied based on the significance of the wetland (major wetland vs. minor wetland). Director Joseph noted that general literature does not provide applicable guidelines for the width of elk corridors because elk in this area are so habituated to humans.

Tom Kuepers/Town Resident expressed concern that possible impacts of pine beetle infestation had not been addressed in the study and encouraged the inclusion of that potentiality.

Bill Van Horn/Area Resident stated consultants have been cautioning the Planning Commission for thirty-five years that elk corridors should be provided and elk calving areas should be protected. He stated elk go where they want to and are particularly attracted to irrigated grass unless they are shot or otherwise harassed. Planning should be for species other than elk. He encouraged the Commissioners to use planning to help reduce the number of elk, as well as to disallow landscaping and bird feeders that attract elk. He stated he has not seen a porcupine in Estes Park for ten years; they used to be very common. He noted mule deer are declining and encouraged the Commissioners to focus on a "total" plan, not just a plan to accommodate elk.

Commissioner Amos commented that every time a new building comes in, things are a little bit worse. He expressed surprise at the number of raptor sites found in the Estes Valley and stated they should be considered in future planning. He thanked EDAW for the comprehensive report and expressed the hope that the meeting attendees were present to help establish new regulations, noting the only species of animal that can be regulated is humans.

4. REZONING, AMENDED PLAT, and AMENDED DEVELOPMENT PLAN/LOCATION AND EXTENT REVIEW—SPECIAL REVIEW 06-01B, ESTES PARK MEDICAL CENTER, All Hospital Addition, and two Metes and Bounds parcels located in SE S25-T5N-R73W and shown on the Moccasin Saddle Addition Plat as portions of Tract 9 and 11 and all of Tract 10, 555 Prospect Avenue and 475 Moccasin Circle Drive, Estes Park Medical Center/Applicant

Applicant Presentation:

Jeff Chamberlain of RLH Engineering was present to represent Estes Park Medical Center and provided a visual presentation. The applicant proposes to remodel and expand the emergency department of the hospital, which would consist of a 4,606-square-foot addition and remodel of 3,065 square feet within the existing building. New drainage, a new emergency department drop-off and entry area, and a loop road with additional parking are proposed. The addition has been designed to blend with the existing building. Construction has been planned in phases to ensure the emergency department will remain open. The proposed new loop drive would run through the existing gravel lot to create the loop. New landscaping is proposed. The applicant intends to open the new addition in March 2009, with remodel of the existing space to take place from March

through mid-May. The addition is needed to accommodate the high volume of emergencies seen in the summer, as well as increasing demand based on the needs of the elderly population in the winter. There has been a recent issue with the noise generated by the air-handling unit on top of the existing building. The air-handling unit will be replaced as part of the proposed emergency department addition. The applicant does not have specific numbers regarding the decibel readings of the proposed equipment. The construction company has agreed to provide information on noise ratings for the new unit and will do anything possible to mitigate noise from the unit. The applicant agrees to meet the requirements of the Town noise ordinance.

Staff Presentation:

Planner Chilcott stated there are three applications to be reviewed. The first is an amended plat to combine three lots owned by the Estes Park Medical Center (EPMC) into one lot. The EPMC is currently located on a nine-acre lot zoned RM–*Multi-Family Residential*. The second lot is zoned E–*Estate* and contains a single-family residence. The third lot is also zoned E–*Estate*; this vacant lot is being used as temporary parking for construction and hospital employees. A fifteen-foot-wide private access easement is shown on the Moccasin Addition plat. If this easement still exists, it must be shown on the amended plat. Additionally, the Public Works Department provided comments on improvements needed on Moccasin Circle Drive given the volume of traffic accessing the hospital and using the bypass. If additional road right-of-way is needed for these improvements, it should be dedicated with this amended plat. Planning staff is supportive of the amended plat request and recommends its approval with two conditions as noted below.

The second application is a request for rezoning of the two E–*Estate*-zoned parcels that would be combined with the existing EPMC lot via the amended plat. The lots would be rezoned to RM–*Multi-Family Residential*. Hospital use and senior institutional living (Prospect Park Living Center) are allowed under RM zoning but not under E–*Estate* zoning. Staff finds that the submitted application complies with the standards for review of rezoning requests outlined in the Estes Valley Development Code (EVDC). The rezoning is necessary to address changes in the affected area; specifically, it is needed to meet the community's health care needs. The two parcels are adjacent to the existing hospital and remodel and expansion in the current location is more feasible than relocating the hospital to another site. The proposed rezoning is compatible with the Estes Valley Comprehensive Plan and with existing growth and development patterns. Estes Park is a retirement community, and it is important to maintain health care services for the aging population. Approval of the rezoning request would permit the expansion of the hospital parking onto the two parcels currently zoned E–*Estate*, as well as the addition of a new curb cut on one of the lots. The Public Works Department has expressed concern regarding the additional curb cut and the work to be done on Moccasin Circle Drive. Planning staff recommends approval of the rezoning request with three conditions of approval as noted below. Planner Chilcott amended condition #3 to recommend that approval be contingent on compliance with the Public Works memos dated July 30, 2008 and August 28, 2008; she noted that the August 28 date on the second memo was a typographical error—the date should read August 19, 2008.

The third application is for an amended Special Review/Development Plan to allow the 4,606-square-foot addition and the interior remodel, expansion and redesign of a portion of the parking lot, and detention improvements. Staff is supportive of this request and recommends its approval. If staff's recommended conditions of approval are met, the application will comply with EVDC standards. The application is also a location-and-extent review due to the fact that the hospital is a special taxing district; the hospital board can vote to overrule some conditions of approval imposed by the Town. The special review process provides a higher standard for review in terms of mitigating impacts of development on adjacent property.

The Public Works Department has requested that some runoff from Moccasin Circle Drive be filtered prior to its release. The applicant has accommodated this request by planning to route stormwater through a proposed detention basin on the western side of the hospital, into a new culvert to be installed on Moccasin Circle Drive, and thence into the

existing detention pond on the east side of the hospital prior to its release. Comments received in the Public Works memo dated August 28, 2008 address this issue.

The applicant's plans show a total of 219 parking spaces as required by the EVDC; 209 of these spaces are proposed for construction in the first phase. The timing of installation of the remaining parking spaces is uncertain at this point; staff recommends requiring the applicant provide verification that sufficient parking will be constructed to accommodate expansion of the emergency department.

The Estes Park Medical Center will provide a fifteen-foot-wide pedestrian access easement from Fir Avenue up Mocassin Circle Drive; this easement will be dedicated once sidewalk is constructed. The Medical Center's plans protect the most significant trees on the property. Some trees that appear to have been planted when the hospital was constructed will be removed. Staff recommends curbs to protect landscaping, grass, and the edge of asphalt, as well as protection of a large tree near the entrance to the hospital. Neighboring property owners have expressed concern about weed growth in the Prospect Avenue right-of-way, which was seeded but needs additional watering. Staff recommends a condition of approval be that weed control and revegetation be successfully completed in this area, as well as in the area currently being used as temporary construction parking.

Planner Chilcott noted that approved special reviews become null and void if construction is not commenced within one year, while development plan vesting is for a period of three years. The applicant is requesting approval of a vesting period of six years due to the uncertainty of the timeframe for construction of the upper parking area.

Planning staff is supportive of the special review request. Planner Chilcott amended recommended condition of approval #1 and added condition #29. Amended condition #1 specifically references recent comments received from the Estes Park Sanitation District and Public Works Department. Condition #29 requires the Estes Park Medical Center to submit documentation demonstrating that the proposed air-handling equipment will not violate the Estes Park Municipal Code noise ordinance; this documentation must be received prior to issuance of a building permit.

Commissioner Hull questioned whether the applicant is in agreement with these revised conditions of approval. Mr. Chamberlain indicated the applicant is in agreement. He went on to state the upper parking lot will be installed as a gravel lot during phase 1 of construction and will be paved during phase 2. At that point, the number of parking spaces would exceed the number required by the EVDC.

Greg Sievers/Public Works Department Construction and Facilities Manager stated for the record that the Public Works memo dated August 28, 2008 should read August 19, 2008.

Public Comment:

Fred Wojcik/Adjoining Property Owner expressed concern about the increase in noise generated by rooftop equipment at the medical center. Measurements of noise from this equipment taken at his property range from 45 to 50 decibels. Idling ambulances and the generator for the MRI trailer add to the noise level. The proposed addition will be closer to his property than the existing building. He stated the hospital has not made an effort to identify which equipment has caused the noise to increase so greatly since the recent hospital addition/remodel was completed. He expressed concern that the issue would not be adequately addressed given the fast timeline for approval of the proposed emergency room addition and remodel and the hospital's limited budget.

Discussion followed between Commissioners, Planner Chilcott, Mr. Wojcik, and Estes Park Medical Center Director of Buildings and Grounds Frank Bilek and is summarized as follows. The noise problem was brought to the attention of the hospital staff on Monday, August 11, 2008; the hospital has been responsive to Mr. Wojcik's concerns. Mr. Bilek suggested the new penthouse structure has created the problem and stated noise levels are within 60 decibels during the day and 50 decibels at night. Planner Chilcott noted that the maximum allowable noise level in both the E-Estate zoning district (Mr. Wojcik's property) and the RM-Multi-Family Residential zoning district (EPMC) is 50 decibels at

night; however, the allowable noise level is reduced by five decibels for pure tones. The Code Enforcement officer has stated his belief that the noise is a pure tone. During the day, traffic noise covers the noise from the rooftop; the problem is at night. Mr. Bilek expressed his hope that the problem equipment could be identified and repaired or replaced.

It was moved and seconded (Amos/Tucker) to recommend approval of each of the following three requests to the Town Board of Trustees, with the findings and conditions recommended by staff, and the motion passed unanimously with one absent.

- **Request to Rezone two Metes and Bounds parcels located in SE S25-T5N-R73W and shown on the Moccasin Saddle Addition Plat as portions of Tract 9 and 11 and all of Tract 10 from E–Estate to RM–Multi-Family Residential.**

REZONING CONDITIONS:

1. Rezoning shall not become effective until the amended plat is approved and recorded by the Town.
2. Rezoning shall be contingent on compliance with special review application #06-01B.
3. Rezoning shall be contingent on construction of road improvements required by Public Works, including the comments in the Estes Park Public Works Department memos dated July 30, 2008 and August 19, 2008.

- **Request for an Amended Plat of All Hospital Addition and two Metes and Bounds parcels located in SE S25-T5N-R73W and shown on the Moccasin Saddle Addition Plat as portions of Tract 9 and 11 and all of Tract 10.**

AMENDED PLAT CONDITIONS:

1. If additional right-of-way is required, it shall be dedicated on this plat.
2. The plat shall show the fifteen-foot-wide private access easements described on the Moccasin Saddle Addition plat, unless this easement has been vacated.
3. The written legal descriptions on the plat shall be consistent with each other for all three lots (four parcels).
4. A written legal description shall be provided for the lot that is labeled Tract 9, Moccasin Saddle Addition.
5. The Certificate of Ownership and Dedication shall comply with the requirements in EVDC Appendix B, Attachment A.
6. The parcel identification numbers and subdivision names listed to the right of the Fir Avenue right-of-way are truncated. This shall be corrected.
7. The Town boundary shall be shown with the symbol included in the legend.
8. The lot size rounds to 10.501 acres based on 457,402 square feet. The same lot size shall be cited throughout the plat.
9. A lot number should be assigned to the new lot.
10. The vicinity map legibility shall be improved.
11. The sheet number should be provided in the lower right-hand corner of the plat.

- **Request for an Amended Development Plan/Location and Extent Review—Special Review 06-01B, All Hospital Addition and two Metes and Bounds parcels located in SE S25-T5N-R73W and shown on the Moccasin Saddle Addition Plat as portions of Tract 9 and 11 and all of Tract 10.**

SPECIAL REVIEW CONDITIONS:

1. Compliance with the affected agency comments, including the comments from the Estes Park Sanitation District dated August 18, 2008 and the amended comments from the Estes Park Public Works Department dated August 28, 2008 but actually prepared on August 19, 2008.
2. Any required right-of-way dedication shall be reviewed to ensure that the proposed building expansion will continue to comply with the minimum required setbacks.
3. The existing and proposed use of the building labeled on Sheet 2 of 7 as “Existing Building to Remain” shall be clarified.
4. The applicant shall contact the Building Department to determine if a change of use permit is required for the building labeled “Existing Building to Remain.”
5. Grading shall demonstrate how water from the upper (future) parking lot will reach the detention pond.

6. Top- and bottom-of-wall elevations shall be provided for the retaining wall proposed on the southwest side of the upper (future) parking lot, with proposed contours tying into existing contours.
7. Clearer labeling of existing and proposed contours for the lower, fifteen-space parking lot and associated driveways shall be provided.
8. Consistent pond design shall be provided throughout the application, i.e., the pond design shown in the June 24, 2008 Preliminary Drainage Report on Sheet 3 of 7 and on Sheet 4 of 7 shall be consistent with each other.
9. Additional curb shall be provided to protect vegetation.
10. Grading shall be revised to avoid cut on top of two trees at the uppermost entrance to the hospital.
11. Landscape calculations found on Sheet 1 of 7, which summarize existing and proposed landscaping, shall be expanded to include all required landscaping, such as parking lot and impervious coverage landscaping.
12. Weed control and revegetation shall be successfully completed in the Prospect Avenue right-of-way.
13. Weed control shall be successfully completed in the area approved for temporary construction parking that is also being used for employee parking.
14. The boundaries of the temporary parking area shall be clearly defined to minimize disturbance to the land.
15. The parking lot lighting plan shall be clearly presented for review and approval. The street light symbol(s) shall be included in the legend.
16. The plan shall demonstrate compliance with the minimum required parking or additional information shall be submitted describing why these spaces are not needed.
17. Parking calculations shall accurately reflect the square footage of the proposed addition.
18. Parking calculations shown on Sheet 1 of 7 shall accurately reflect the number of parking spaces shown on Sheet 2 of 7.
19. The parking counts on Sheet 2 of 7 shall be legible.
20. The parking calculations on Sheet 1 of 7 shall clarify how many parking spaces are provided with the first and second phase of parking lot construction.
21. The number of accessible parking spaces shall be revised. One of the spaces is not truly accessible and shall not be counted as such.
22. Parking calculations shall be updated to account for the parking spaces required for the three duplexes and the building labeled on Sheet 2 of 7 as "Existing Building to Remain."
23. A landscaped island shall be provided in the upper (future) parking lot.
24. Parking calculation column titles shall be readable on Sheet 1 of 7, i.e., the words "Regular," "Handicapped," and "Total" shall be readable.
25. The traffic impact analysis shall be updated to reflect development completed with Special Review 06-01 and development proposed with Special Review 06-01B.
26. The public sidewalk shall be placed in a public access easement once it is constructed.
27. There are two Sheet 3 of 7s. This shall be corrected.
28. A check for the application fee shall be submitted once a partial fee waiver request is reviewed by the Community Development Committee and Town Board.
29. Prior to building permit issuance, the Estes Park Medical Center shall submit documentation demonstrating that the proposed HVAC equipment will not violate the Estes Park Municipal Code noise ordinance.

5. PRELIMINARY SUBDIVISION PLAT, SOLOMON SUBDIVISION, Outlots A & B, Prospect Highlands Subdivision, TBD Curry Drive, Central Administrators, Inc./Owner, Van Horn Engineering/Applicant**Staff Presentation:**

Planner Shirk summarized the staff report. This is a request to re-subdivide two existing outlots, Outlots A and B of Prospect Highlands Subdivision, into four single-family residential lots. The total acreage is approximately 6.25 acres. The outlots are in a steeply sloped area and are zoned E–*Estate*, a ½-acre-minimum-lot-size zoning district. The proposed lot sizes must be adjusted for slope, which the applicant has done.

The proposal does not meet Estes Valley Development Code (EVDC) limits of disturbance criteria, geologic hazard mitigation requirements, cul-de-sac standards (number of units, length, and turn-around design), and curb/gutter/sidewalk requirements. The applicant has requested modifications and/or waivers to the EVDC standards listed below:

- Appendix D.II.E.1 – Maximum cul-de-sac length
- Appendix D.II.E.2 – Maximum number of vehicle trips per day on a cul-de-sac
- Appendix D.IX.D – Street connection details (cul-de-sac bulb)
- Appendix D.II.I – Concrete curb and gutter
- Section 10.5.D – Sidewalks
- Section 7.2.D.2.b – Limits of disturbance criteria

In 1996, the property owner submitted a proposal to subdivide 66 acres into 21 single-family lots and one outlet. The application did not meet the subdivision standards in place at that time, including a maximum of twelve units on a cul-de-sac and a maximum cul-de-sac length of 1,000 feet. The applicant submitted revised plans that maximized the development potential of the property at that time. The same standards limiting cul-de-sac length are in place today. Although the EVDC does not specify the maximum number of units allowed on a cul-de-sac, it addresses this issue by providing for a maximum number of allowable vehicle trips per day, which provides the same result.

When the original subdivision plat was recorded, the outlots included the note, “Reserved for Future Development.” However, because the existing plat maximized allowed density, planning staff suggests the note does not imply approval for additional density.

The applicant proposes a secondary connection to Curry Drive, which would change the street from a cul-de-sac to a street with a second point of access. This proposed connection would be through the Koral Heights residential neighborhood approximately two miles away, with three locked gates in between. Staff suggests this connection would not benefit the proposed subdivision (although it would provide a secondary access point to the top of Prospect Mountain) and would not satisfy the requirements of the EVDC in terms of limitation of cul-de-sac length, the maximum number of units allowed on a cul-de-sac, or connectivity. These requirements are based on fire protection, as well as the number of trips generated on a single access point.

The proposed lots meet the adjusted minimum lot size based on slope; each lot would be approximately one acre in size. The proposal does not meet any of the following limits of disturbance criteria set forth in EVDC Section 7.2.D:

- Avoidance of visual impacts, including but not limited to ridgeline protection areas, steep slopes and scenic views.
- Avoidance of steep slopes in excess of thirty percent and other erosion prevention and control measures.
- Preservation of forests, significant native trees, rock outcroppings or formations, and other significant native site vegetation.
- Mitigation of geologic hazards, including potential adverse impacts on downslope and adjacent properties.
- The practical needs of approved construction activity in terms of ingress and egress to the developed project and necessary staging and operational areas.

The proposed building envelopes on the upper two lots are in an area of 35% slope; the Code states lots should not be platted in such areas. Planner Shirk noted that the area of disturbance on the lot would be greater than the proposed building envelopes due to excavation, installation of utility lines, backfill, and so forth. The submitted plans do not account for the true limits of disturbance proposed on the property.

The proposed subdivision lies within geologic and wildfire hazard areas. The geologic hazard mitigation plan submitted by the applicant does not satisfy all the submittal requirements set forth in the EVDC. Staff agreed to forward the mitigation plan to the Colorado Geologic Survey (CGS) for review and comment and agreed to accept the plan if the CGS found it acceptable. However, CGS indicated that additional study is necessary. The Planning Commission should consider this fact in their review of the proposal.

The stormwater management plan submitted by the applicant has not been approved by the Town Engineer. The applicant proposes that each lot have its own detention pond; the Town Engineer has indicated that one detention pond should be provided on the lower portion of the property to serve all four lots. The Colorado Geologic Survey also commented that any detention ponds should be aligned, thus creating a retention pond, so that stormwater would not filter into the groundwater. Additionally, the Public Works Department has received notification from downhill neighbors that stormwater runoff from the south side of Prospect Mountain has resulted in flooding. This issue may warrant further investigation, including subsurface investigation of groundwater flows.

There are several road design standards with which the proposal fails to comply, and the applicant is requesting waivers or modifications to these standards. The maximum allowed length of a cul-de-sac is 1,000 feet (the same standard was in place when the original subdivision was platted in 1996); the applicant proposes a cul-de-sac 2,000 feet long. The maximum allowed number of vehicle trips per day on a cul-de-sac is 120 (ten trips/day per single-family residence); the applicant's proposal would result in 160 trips per day (a total of 16 units would access the cul-de-sac). The applicant proposes to construct a hammerhead turnaround rather than the required cul-de-sac bulb; the hammerhead would require a three-point turn for fire trucks and snow plows and would need to be signed "no parking" and "no snow storage." A cul-de-sac bulb was required for the original subdivision. The applicant requests waiver to the requirement to provide concrete curb and gutter and sidewalk; staff would support the request to waive the sidewalk requirement.

The applicant proposes to widen the road from the current sixteen-foot width to the required 20 feet and provide two-foot shoulders on each side. The road would be widened a total of eight feet, which would require additional cut and fill. It would also require a wider drainage ditch on the uphill side of the road, which would add an additional five to ten feet of width, resulting in an extra fifteen to 20 feet of additional width along the road. A six- to eight-foot cut currently exists on the uphill side of the road. Staff suggests the application does not truly demonstrate the resulting level of additional disturbance on the mountainside. Grading and limits of disturbance standards should be considered when reviewing this application for development on a very steep slope.

Planner Shirk read for the record the following statement provided by Public Works Director Scott Zurn. "The Public Works Department found that the proposed improvements generally do not meet adopted standards regarding streets and drainage. Therefore, the Public Works Department does not support approval of this project at this time. If the applicant chooses to resubmit an application in conformance with Town of Estes Park standards, the Public Works Department reserves the right to make additional comments and revise comments as more detail is provided."

Fire Chief Dorman has noted no concerns with the addition of four lots at the end of the cul-de-sac, provided a pull-out is built and the road meets width requirements. The submitted plans do not include this pull-out.

Correspondence from three neighboring property owners and the Prospect Mountain Townhome Association had been received at the time the staff report was written;

additional comments have been received since that time and were included in the Planning Commission meeting packets.

Most of the waivers requested by the applicant are waivers to Appendix D of the EVDC, which includes provisions for modifications and waivers and grants that authority to the Public Works Department. The Public Works Director did not grant the requested waivers; thus, the applicant may request the Planning Commission to grant them. The EVDC requires that the Planning Commission find that the requested modifications or waivers will result in superior engineering and relieve practical difficulty in developing the site. Planner Shirk stated the requested waivers may relieve practical difficulty in developing this site but will not result in superior engineering. Director Joseph added that another standard set forth in the EVDC is that requested modifications/waivers will lessen site impact and stated that, in this case, they will not.

Per EVDC standards, development on any lot with a slope greater than 30% requires the landowner to consult with an engineer, prepare a development plan, pay the requisite application fee, and go through the staff-level development plan review process, including consultation with the Public Works Department, submittal of a geologic survey and drainage plan, and submittal of any other documentation required by staff or the Code.

Planner Shirk read for the record the staff findings as set forth in the staff report. Based on these findings, staff recommends disapproval of the Solomon Subdivision request.

Chair Eisenlauer called a recess at 3:35 p.m.; the meeting reconvened at 3:45 p.m.

Applicant Presentation:

Lonnie Sheldon/Van Horn Engineering provided a lengthy presentation on behalf of the applicant. He provided the Commissioners copies of information on the importance of providing a secondary access to the top of Prospect Mountain. He expressed his belief that the proposed subdivision is a good fit for the area and disappointment in the Public Works Department's response to the proposal, stating the applicant knew the proposal did not meet the EVDC standards but is proposing an alternative to those standards. He read for the record a letter from property owner/applicant Jerry Solomon, which states that proposed building envelopes will keep construction in a compact region out of rockfall hazard areas, and the applicant will pay for utilities and associated upgrades, including construction of the proposed secondary access road, which would provide benefit to all involved. He also read a letter from adjoining property owner John Heron expressing support for the arrangement to trade easements and complete road work on property owned by the Heron family and the Bureau of Reclamation, which would improve access to communication facilities at the top of Prospect Mountain.

Mr. Sheldon went on to emphasize the importance of the proposed secondary emergency access, which is intended to offset the impact of three requested waivers—maximum cul-de-sac length, vehicle trips per day, and connectivity standards. Emergency providers may have a key to the locked gates, push-button security combinations may be provided, or emergency personnel can use bolt cutters to get through the gates. The proposed road would be a 12-foot-wide all-weather surface and would not be built to current road standards due to the blasting and fill that would be required to do so. Mr. Sheldon contended the secondary emergency access road would negate the cul-de-sac length limits set forth in the EVDC.

The original plat of Prospect Highlands Subdivisions shows a possible six additional lots where four are proposed. The applicant will meet road construction standards for sub-local residential streets even though the requirement to do so is not triggered unless 20 or more lots are served (a total of 16 lots would be served). The required cul-de-sac bulb is not feasible due to the slope of the site; Fire Chief Dorman has approved the proposed hammerhead turnaround, conditioned on the area being signed to prohibit parking and snow storage. Responsibility for enforcement would fall to the homeowners' association.

Mr. Sheldon stated the applicant's request for waiver to concrete curb and gutter standards is justified because the proposed subdivision is low density and low drainage. The applicant proposes to widen the road from its current 12-foot width to 22 feet; the current road has asphalt curb and gutter. In widening the road, all drainage will be

directed toward the mountainside; the drainage ditch will double as a geohazard rockfall catch feature.

Mr. Sheldon stated individual stormwater detention ponds are proposed on each lot. The ponds would be sized to release drainage at the natural flow rate, would capture peak flow from the homes and driveways, and would not increase downstream drainage. Mr. Sheldon stated that a single detention pond, as requested by the Public Works Director, would require the applicant to cut ditches across the mountain to channel water to the pond. He expressed concern that he had not received direct feedback from the Director. Impervious coverage of the proposed subdivision would be approximately 8.1 percent. The applicant does not feel sidewalks are necessary or needed.

The upper two lots are proposed in areas of 35% and 36% cross-slope. Mr. Sheldon stated the EVDC does not prohibit development on slopes this steep but does provide standards that must be met. The applicant proposes small building envelopes, the development is not on a ridgeline, fill and retaining walls will be minimized, foundation walls will be stepped to follow the natural terrain, and no more than ten feet of cut will be made. Mr. Sheldon showed several drawings illustrating how homes could be situated on the proposed lots.

Director Joseph noted that future homeowners will not want a driveway apron steeper than 8%; most prefer 3%. This will compound the difficulty of locating future residences on this slope. Mr. Sheldon agreed it would be difficult to do so and stated there will be site-specific plans for each residence with opportunity for further review, noting that problems will be the problems of the person who purchases the lot and can be worked out. Director Joseph went on to state that the level of site disturbance that would result can easily be seen by looking at existing residences in this subdivision and suggested Mr. Sheldon was painting a rosier picture than the final project would yield. He stated the necessary amount of cut and fill, retaining walls, and the overall site impact would be greater than what Mr. Sheldon described.

In response to questions from Commissioners, Mr. Sheldon provided the following information. Additional cut will be made on the mountainside to provide the required 24-foot width for Curry Drive. Proposed limits of disturbance on the lots are small, are on the less-steep portions of the lots, and would result in the future homes on proposed Lots 1 and 2 being located directly below large, stable rock outcroppings to protect them from rockfall hazard. Ongoing geohazard maintenance will be the responsibility of the homeowners' association, as is currently the case for the existing Prospect Highlands Subdivision HOA. All rocks at the site are lichen-covered, indicating that rockfall is infrequent. An existing sewer main is located southeast of the property; the applicant proposes a sewer-line connection that would run directly down the slope along the proposed lot line between Lots 3 and 4 to this existing main. Electric lines would also be placed in this location. Staff has suggested the utility lines be placed in the road but this would greatly increase the length of the lines and cost of installation. Planner Shirk clarified that placement of utilities in the road is a requirement of the EVDC. Mr. Sheldon went on to state the lots will connect to town water and will not be part of the Prospect Mountain water system. The applicant proposes a natural gas connection from Prospect Highlands Subdivision; if propane is used, the tanks would be buried. The proposed lots meet density, lot size, and setback requirements and residences could be designed to meet the height limit and limits of disturbance standards. The applicant proposes the new lots join the existing Prospect Highlands homeowners' association and participate in the annual geohazard rockfall mitigation efforts undertaken by the HOA. Mr. Sheldon stated the proposed subdivision fits the character of the existing neighborhood, would be less dense, and would provide a secondary access that would be beneficial to many entities.

Mr. Sheldon stated the applicant's willingness to continue this request to the September 16, 2008 Planning Commission meeting and to work with the Public Works Department to get feedback on the proposal.

Public Comment:

Rick Warren/Neighboring Property Owner expressed concern about potential rockfall and drainage problems that may result from the proposed subdivision. He stated that a neighbor's residence has flooded twice from an underground spring and expressed

concern that surface drainage may increase, groundwater flows may be altered, or the entire hydrologic system for the mountain may change as a result of development as proposed. He stated the proposed subdivision is in a scenic area in the middle of the mountain with large rocks and boulders; this area should not be disturbed. He stated a variety of wildlife use the area proposed for development, including deer, elk, coyotes, and bobcats; this should not be a minor consideration. In response to questions from Commissioner Amos, he stated rockfall has not occurred on his property but has on a neighboring property during periods of rainy weather. He stated groundwater is the biggest concern.

Kim Comstock/Adjoining Property Owner stated his lot is located directly below the proposed development and expressed concern about surface and underground water flows from the mountain, particularly during torrential storms. He stated his belief that it is absurd to say there will be no changes given the proposed changes to the road and the increased number of houses; he requested hard data that no changes would occur. He stated the proposed development might change the path of an underground spring and cause flooding where there has been no prior flooding. He stated any change to groundwater flows could flood his home and noted that homeowners insurance and flood insurance does not cover this type of event.

Tom Kuepers/Neighboring Property Owner stated he lives below the proposed subdivision. He requested the opportunity to address the Commissioners prior to the applicant if the proposal is continued to the next meeting. He stated the proposed secondary access road would not result in a connecting road; Curry Drive will remain a cul-de-sac.

Commissioner Hull stated her desire to hear additional public comment, noting the applicant's presentation had gone on for 65 minutes. Commissioner Amos suggested continuance of this item to the next meeting. He specifically stated his desire to hear the objections staff may have to the accommodations the applicant has suggested in order to address staff's concerns regarding the ways the proposal does not meet EVDC standards. Mr. Sheldon indicated his agreement to a continuance. Commissioner Kitchen assured those in attendance that there would be an opportunity to speak at the next Planning Commission meeting.

Commissioner Amos moved to continue this item to the September 16, 2008 Planning Commission meeting. The motion was seconded by Commissioner Hull, who amended the motion to clarify that the applicant's presentation has been completed; public comment and a short rebuttal by the applicant will be heard at the September meeting.

It was moved and seconded (Amos/Hull) to CONTINUE the Preliminary Subdivision Plat, Solomon Subdivision, Outlots A & B, Prospect Highlands Subdivision, to the September 16, 2008 Estes Valley Planning Commission meeting, with the understanding that the applicant's presentation has been completed and public comment and a short rebuttal by the applicant will be heard at this meeting, and the motion passed unanimously with one absent.

6. REPORTS:

None.

Chair Eisenlauer adjourned the meeting at 5:01 p.m.

Ike Eisenlauer, Chair

Julie Roederer, Recording Secretary