AGENDA
HAYDEN PLANNING COMMISSION

THURSDAY, APRIL 30, 2020
7:00 P.M.

HAYDEN TOWN HALL –PLEASE NOTE DUE TO COVID-19 PANDEMIC MEETINGS UNTIL MAY 7, 2020 WILL BE CONDUCTED AS A VIRTUAL MEETINGS VIA ZOOM WITH THE INFORMATION BELOW:

Join Zoom Meeting
https://us02web.zoom.us/j/85470329220
Meeting ID: 854 7032 9220
One tap mobile
+13462487799,,85470329220# US (Houston)
+16699006833,,85470329220# US (San Jose)

SPECIAL MEETING

1. CALL TO ORDER
2. MOMENT OF SILENCE
3. PLEDGE OF ALLEGIANCE
4. ROLL CALL

5. CONSIDERATION OF MINUTES
   a. Regular Meeting March 12, 2020

6. PUBLIC COMMENTS

7. OLD BUSINESS

8. NEW BUSINESS
   A. OLD FARM VILLAGE
      a. Public Hearing: Old Farm Village Subdivision Sketch Plan, a 38-unit residential subdivision development in the Residential High Density (RHD) zone district located generally south of Washington Avenue and west of Shelton Lane
      b. Review and consideration of recommendation for approval of Old Farm Village Subdivision Sketch Plan

9. STAFF AND COMMISSION MEMBER REPORTS

8. ADJOURNMENT

NOTICE: Agenda is subject to change. If you require special assistance in order to attend any of the Town’s public meetings or events, please notify the Town of Hayden at (970) 276-3741 at least 48 hours in advance of the scheduled event so the necessary arrangements can be made.
The regular meeting of the Hayden Planning Commission was called to order by Chair Angie Robinson at 7:00 p.m. Other members present were Vice Chair Amy Williams, Emily Waldron and Melinda Dudley, Alternate. It was noted that Ms. Dudley was a voting member this evening. Town Planner Mary Alice Page-Allen were also in attendance.

**Moment of Silence and Pledge of Allegiance**

Chair Robinson asked for a moment of silence and led the Pledge of Allegiance.

**Consideration of Minutes**

Commissioner Waldron moved to approve the minutes for the regular meeting held on February 13, 2020 as written. Commissioner Williams seconded the motion. Motion approved unanimously.

**Public Comments**

None.

**Old Business**

None.

**New Business**

**Public Hearing: Yampa Valley Regional Airport - Major Site Plan**

Public Hearing opened at 7:12 p.m.

No public was in attendance; no comments received.

Public Hearing closed at 7:13 p.m.

**Review and Consideration for Approval of Yampa Valley Regional Airport Site Plan**

Mary Alice Page-Allen reviewed the information contained in the staff report.

Kevin Booth, Manager, Yampa Valley Regional Airport (YVRA), introduced Mitchell Walker and Jeremy Lee, with Mead & Hunt, the architectural firm working on the airport project. Mr. Booth reviewed the proposed terminal expansion project at YVRA to accommodate an additional ticketing area, passenger holding area and some other minor renovations to the terminal building.

There was discussion between Mr. Booth and Planning Commissioners regarding current, future and expanded marketing efforts related to the airport.

Commissioner Williams moved to approve the Yampa Valley Regional Airport Site Plan with the findings of fact that:

1. The proposal meets the standards of the Town of Hayden’s Development Code, is in general conformance with the intent and purpose of the Town of Hayden Comprehensive Plan and preserves
the health, safety and welfare of the citizens of the Town of Hayden; and

Subject to the following conditions of approval:

1. The effective date of this approval is the date upon which the Planning Commission approves the application. The approval shall expire three (3) years from its effective date, unless application for a building permit is made within the term of the approval or unless application for renewal of the Site Plan approval is approved pursuant to Section 7.16.020, Hayden Development Code (HDC).

2. Future terminal expansion site plans equal to or less than 5,000 sq. ft. and that conform to the current Yampa Valley Regional Airport (YVRA) Airport Master Plan may be approved by the Town Manager after review and recommendation by Town Planning staff.

Commissioner Dudley seconded the motion; passed unanimously.

Mary Alice Page-Allen updated the Planning Commission on current activities.

Chair Robinson adjourned the meeting at 7:54 p.m.

Recorded by:

___________________________
Mary Alice Page-Allen

APPROVED THIS DAY OF APRIL 30th, 2020

___________________________
Angie Robinson, Chair
Planning Commission Agenda Item

MEETING DATE: April 30, 2020

AGENDA ITEM TITLE: Public Hearing & Review and Consideration of Recommendation: Old Farm Village Subdivision Sketch Plan, a 38-unit residential subdivision development in the Residential High Density (RHD) zone district located generally south of E Washington Avenue and west of Shelton Lane

AGENDA SECTION: New Business

PRESENTED BY: Mary Alice Page-Allen
Planning & Economic Development Director

CAN THIS ITEM BE RESCHEDULED: Not Recommended

ATTACHED: Applicant Narrative
Hoffman E-Mail, April 27, 2020
Town Council Minutes – February 21, 2019 (RHD Zoning Amendment)
Dal Leck, West Routt Fire Protection, E-Mail, April 22, 2020
Greg Tuliszewski, Hayden Police Department, E-Mail, April 21, 2020
Christy Sinner, Hayden School District, E-Mail, April 22, 2020
Martha Cannon Letter, April 27, 2020
Annexation Agreement, October 4, 2007
Existing Conditions Plan
Old Farm Village Site Plan (Sketch Plan)
Hayden Water & Sewer Area Plan

BACKGROUND REVIEW:

The Applicant, Old Farm Village LLC, are under contract on the 9.90 acre property currently owned by Ted Hoffman and Stephen Zittel. The property was part of the former dairy farm operation owned by Martha Cannon located south of E Washington Avenue and west of Shelton Lane, and was annexed to Hayden in 2007.
Pursuant to the terms of the Annexation Agreement, the property was zoned Open District (O) until such time development occurred, and the north 5.9 acres was approved for the Residential High Density (HDR) zone district in February, 2019. Finalization of the rezoning is pending the Town Council’s consideration of a zoning amendment ordinance, anticipated to occur concurrently with any Final Plat consideration. No phasing plan, or a "master development plan" as is called out for a phasing plan in the Annexation Agreement, has been discussed or noted in the submittals, so it is assumed for the purposes of this report that all 38 units/16 buildings will move to Final Plat all at once.

The Sketch Plan proposes 38 residential units in 16 buildings consisting of one-, two-, and three-bedroom units with a garage or covered parking located on the north 2.24 acres of the property located north of the Shelton Ditch. No elevation plans or other information is included in the submittals, so it is unknown whether the units will be townhomes, condominiums or a combination of both. This remaining 6.75 acres is designated as open space (Applicant Narrative, pg. 2) with the portion located between the Shelton Ditch and Walker Ditch identified as a common community garden area with the potential for a “small common greenhouse and tool shed” (Hoffman E-mail). Oak Street and Ash Street access the alley along the north line of the property from the north, and provide dedicated rights-of-way to serve the property. Water, sewer and electricity are adjacent and/or proposed to be extended into the development. The Applicant is also proposing to develop trails within and extending/connecting to surrounding neighborhoods.

The analysis below considers the applicable provisions of the Hayden Development Code as well as those contained in the Annexation Agreement.

COMPLIANCE WITH HAYDEN COMPREHENSIVE PLAN:

Section 7.16.020(f)(l)(iii) of the Hayden Development Code (Code) states that “[t]he reviewing authority shall review development applications for compliance with all relevant standards and criteria as set forth in the specific procedures for the particular application in [the Code]” as well as general criteria which apply including compliance “with the goals and policies of the Comprehensive Plan” (Plan). Therefore, any proposal should be considered in light of the applicable policies of the Plan. While the Plan contains numerous policies regarding land use and development, staff has selected the following checklist to highlight the policies most directly applicable to this application. Interested parties are encouraged to review the Plan to determine if there are other policies that may be applicable to the review of this application.

Section 5.3 – Specific Policies and Actions to Implement the Policies of the Comprehensive Plan

Section 1 – Comprehensive Plan

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<tr>
<th>Complies</th>
<th>Section Policies</th>
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<tr>
<td>Yes</td>
<td>1.3 New development shall demonstrate that adequate public facilities are available to serve its needs. <strong>Staff Comment: Comments from Public</strong></td>
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</table>
Works, West Routt Fire Protection District, Hayden Police Department and Hayden School District do not identify any limitations on serving the proposed development, only concerns about the design of proposed infrastructure and facilities. These items are identified and any measures to address them are summarized in the recommended conditions of approval.

1.4 Growth should pay its own way; i.e. the costs for new public infrastructure should be paid by development. **Staff comment:** The Annexation Agreement outlines the terms and conditions of development including that development-related infrastructure shall be paid by the Developer. Additionally, the provisions of the Code place this burden on the Developer as well.

Section 5 – Residential

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<tr>
<th>Complies</th>
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<tbody>
<tr>
<td>Yes</td>
<td>5.2</td>
<td>The Town will support residential development ... that allows a mix of residential uses that is consistent with the existing community. <strong>Staff comment:</strong> While the surrounding uses are predominantly single-family residential, there are several properties in the E Washington Avenue area that are developed at more intense levels, have the zoning in place to allow such, or are slated for medium density residential development on the Comprehensive Plan’s Future Land Use Map.</td>
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<td>√</td>
<td>5.3</td>
<td>The Town will support a street system ... that is consistent with the existing grid road system. <strong>Staff comment:</strong> The proposed development makes use of existing dedicated road rights-of-way that conform to the grid road system platted for the Town.</td>
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<td>√</td>
<td>A5.7</td>
<td>Require development to be designed for an efficient arrangement for public services and facilities. <strong>Staff comment:</strong> The proposed development will access existing infrastructure located in proximity to the development.</td>
</tr>
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<td>√</td>
<td>A5.14</td>
<td>Include usable parks, open space and convenient pedestrian access within each portion development (sic). <strong>Staff comment:</strong> The development includes community garden area, open space and neighborhood trails.</td>
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Section 7 – Parks, Trails and Recreation

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<th>Complies</th>
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<td>Yes</td>
<td>7.2</td>
<td>New development shall provide neighborhood park facilities or impact fees-in-lieu to meet the demand created by the residents of the development. <strong>Staff comment:</strong> There is 6.75 acres of open area south of the Shelton Ditch within the development. The area between the Shelton Ditch and Walker Ditch is identified for community garden use. There is also greenspace located on the south side of the units north of the Shelton Ditch noted on the plan.</td>
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<td>√</td>
<td>A7.3</td>
<td>Included in each residential zoning district requirements for pedestrian trails that connect major destinations (shopping, schools) with parks and open space corridors and take advantage of street and utility rights-of-way when available. <strong>Staff comment:</strong> Both Internal trails and trails that connect with existing road rights-of-ways are shown on the plan.</td>
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Section 8 – Roadways and Land Use

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<td>Yes</td>
<td>8.2</td>
<td>Traffic analysis for development approval shall be based upon a traffic study in accordance with traffic engineering principles accepted by the Town. <strong>Staff comment:</strong> A condition is recommended below that requires the development and submittal of a Traffic Study completed by a qualified traffic engineer with the preliminary plat submittals.</td>
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<td>No</td>
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<td>No</td>
<td>8.2</td>
<td>The Town will consider the off-site and cumulative traffic impacts to existing residential street[s] based on the existing character and use of the streets rather than strictly by street design capacities. <strong>Staff comment:</strong> See above comment regarding the requirement for a Traffic Study.</td>
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Section 10 – Water and Land Use

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<th>Policies</th>
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<td>Yes</td>
<td>10.1</td>
<td>The Town shall only allow development that can demonstrate a physical water supply adequate to supply all future water demand within the project. <strong>Staff comment:</strong> The Applicant will be dedicating .2 cfs of water in conjunction with the approval of the zone district change to RHD. Information on water rights was submitted with the application.</td>
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A condition is included below recommending that an engineering report be provided at the time of preliminary plan submittal that demonstrates the adequacy of these water rights to supply future water demands of the project.

Section 11 – Wastewater and Land Use

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<th>Complies</th>
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<tr>
<td>Yes</td>
<td>11.1</td>
<td>Any new development must demonstrate adequate sewage treatment and sewer line capacity from the proposed development to the sewage treatment plant. <strong>Staff comment:</strong> A condition is included below recommending that an engineering report be provided at the time of preliminary plan submittal that demonstrates the adequacy of the sewage treatment and collection facilities for the project.</td>
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Section 12 – Fire and Emergency Services

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<tr>
<td>Yes</td>
<td>12.2</td>
<td>The Fire District and ambulance service may accept offers of land or [fee-in-lieu] from developers in order to meet [Policy 12.1]. <strong>Staff comment:</strong> The Annexation Agreement requires the Developer to pay the Fire District the amount of $100.00 per residential lot/unit payable at Final Plat for the first phase of any development (Section 11.4) to satisfy this requirement. A condition is recommended below in this regard.</td>
</tr>
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Section 15 – Ridgelines, Hillsides and Geologic Hazards

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<td>Yes</td>
<td>15.1</td>
<td>Where hillsides are in private ownership and development rights exist, the Town will reduce the impact of development on steep hillsides through measures such as low density zoning, clustering or transfer of development rights. <strong>Staff comment:</strong> The proposed development clusters the 38 units in the northern, flat portion of the property avoiding the steep southern areas.</td>
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Section 16 – Floodplains and Drainage

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<th>Complies</th>
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<tr>
<td>Yes</td>
<td>A16.2</td>
<td>Require all proposed development to include a detailed analysis of impacts to drainage and floodplains including adequate mitigation for impacts. <strong>Staff comment:</strong> While the property is not within any mapped Zone A floodplain, it does see significant water and associated drainage impacts, mainly due to the presence of the Shelton and Walker Ditches. A condition is recommended below that stipulates that a detailed drainage analysis be submitted with the preliminary plan.</td>
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<tr>
<td>No</td>
<td>16.4</td>
<td>In the layout and design of new developments, adequate drainage ways and erosion protection should be provided. <strong>Staff comment:</strong> See above comment requiring a detailed drainage analysis.</td>
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Chapter 6 – 2007 Amendment to Comprehensive Plan

Section 6.5 – Future Land Use Map

Section 1 – Summary

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<td>Yes</td>
<td></td>
<td>The Future Land Use Map ... reflects current consensus on proposed land uses in the Hayden area. <strong>Staff Comment:</strong> The Future Land Use Map identifies this parcel as Medium Density Residential defined as 2-4 units/acre, and a RHD zoning designation was approved by the Town Council in accordance therewith in February, 2019. The Applicant is proposing 38 units on 9.90 acres equating to 3.84 units per acre.</td>
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COMPLIANCE WITH THE TOWN OF HAYDEN DEVELOPMENT CODE

While the Hayden Development Code (Code) contains numerous regulations regarding land use, staff has selected the following checklist to highlight the regulations directly applicable to this application. Interested parties are encouraged to review the Code to determine if there are other regulations that may be applicable to the review of this application.
Chapter 7.16 – Development Review Procedures

Section 7.16.020 – General Procedures and Requirements.

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<tr>
<th>Complies</th>
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<tr>
<td>Yes</td>
<td>f.</td>
<td>Step 6: Review and Decision</td>
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<td>No</td>
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<td>(3)</td>
<td>Findings. The reviewing authority shall adopt written findings which document that a recommendation or decision is based upon a determination of whether the development application complies with the applicable review criteria. The written findings shall state the conditions or mitigation. <strong>Staff comment:</strong> Recommended findings of fact and conditions are included below for the Planning Commission’s consideration.</td>
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Section 7.16.090 – Subdivisions.

The purpose of the subdivision review procedures is to ensure compliance with all the standards and requirements in this Development Code and encourage quality development consistent with the goals, policies and objectives in the Comprehensive Plan and purposes of the Development Code.

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<tr>
<td>Yes</td>
<td>(d)</td>
<td>Review Authority. The review authority for a subdivision application shall be determined by the subdivision category. <strong>Staff comment:</strong> This project is being considered under the Major Subdivision standards as it creates more than six (6) parcels, subdivides in excess of six (6) acres; and involves the dedication of public rights-of-way or construction of public improvements. As such, the Planning Commission reviews the Sketch Plan and Preliminary Plan and provides a recommendation to Town Council on each after conducting public hearings on the proposal.</td>
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<td>No</td>
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<td>(e)</td>
<td>Sketch Plan Review Criteria. The reviewing authority will use the following review criteria as the basis of recommendations and decisions on subdivision applications:</td>
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<td>(1)</td>
<td>The land use mix within the project conforms to Official Zoning Map and/or Comprehensive Plan Future Land Use Map and furthers the goals and policies of the Comprehensive Plan; <strong>Staff comment:</strong> See the analysis above. The Town Council has approved 5.91 acres of the site for RHD zoning, and such is pending their consideration of the zoning amendment ordinance concurrently with the Final Plat.</td>
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<td>(2)</td>
<td>The Sketch Plan represents a functional system of land use and is</td>
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consistent with the rationale and criteria set forth in this Development Code and the Comprehensive Plan; **Staff comment:** See analysis contained herein.

(3) The utility and transportation design is adequate given existing and planned capacities of those systems; **Staff comment:** Subject to the recommended submittal requirements for preliminary plan identified below as well as submission of designs that meet the standards of this Code and utility providers standards, the development will meet this criteria.

(4) Negative impacts on adjacent land uses have been identified and proposed mitigation is adequate; **Staff comment:** The Fire Chief and an adjacent landowner have requested that privacy fencing be installed along the east line of this property. A condition in this regard is recommended below.

(5) There is a need or desirability within the community for the applicant’s development and the development will help achieve a balance of land use and/or housing types according to the Comprehensive Plan goals and purposes of this Development Code. **Staff comment:** See the analysis herein with regard to the Comprehensive Plan. A finding is suggested below that compliance with this standard is met.

Chapter 7.20 – Zone Districts and Official Zoning Map

Section 7.20.090 – RHD Residential High Density District

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<tr>
<th>Complies</th>
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<tr>
<td>Yes</td>
<td>Intent. This is a single-family residential district of greater than 6 units per acre provided: <strong>Staff comment:</strong> Density is proposed at 3.84 residential units per acre.</td>
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<tr>
<td>No</td>
<td>The site must integrate a minimum of twenty percent (20%) of the gross acreage into a combination of public and private open space and/or parks, common areas and common elements within the [RHD] District as an integral part of the site design. Cluster homes, zero lot line homes, and attached single-family homes may be designed as an alternative to individual lots provided the intent and development standards as specified in this district are adhered to. This is a higher-density residential zone that is also intended for multi-family dwellings</td>
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on individual lots. Multi-family buildings are generally encouraged near neighborhood commercial centers. Street and open space designs in these areas shall be used to encourage pedestrian interaction and discourage high automobile speeds. Multi-family residential developments shall also be designed around, or adjacent to, open space.  **Staff comments:**  Sixty-eight percent (68%) of the site is proposed for open space and trails are proposed. The submittals identify 19 building sites containing 38 units in a “cluster/zero lot line home” type of configuration, however insufficient information is provided as to how such will lay out on the site, e.g. no elevations or unit layouts have been provided. The development is located close to the downtown commercial center, and trails tie into the local streets and rights of way. **Conditions are recommended below that elevation and unit layout plans be included in the preliminary plan submittal and that the trails and the southern 4 acres are dedicated as public open space.**

(b) **Principal Uses.** Permitted principal uses in the RHD District shall include:

1. All permitted principal uses in the RLD zone.

2. Multiple-family dwellings with no more than twenty-four (24) units per building, provided that the density and dimensional standards for the RHD Zone District are met and the lot upon which any such dwelling is located is of sufficient size so that twenty percent (20%) thereof shall be devoted to functional open space.

4. Two (2) family dwellings.

5. Cluster, zero lot line and attached single-family dwellings.

(d) **Development Standards.**

1. Detached dwelling unit. Minimum open space on each lot: At least one-third of each lot shall be devoted to outdoor living areas, including, but not limited to landscaped areas, patios, walkways, fences, gardens and similar features, but excluding driveways and parking
spaces.

(2) Attached cluster home.

(i) Minimum lot area: none

(ii) Minimum lot width and depth: none.

(iii) Minimum common areas and elements: a minimum of twenty percent (20%) of the total project area shall be devoted to common areas and elements, including but not limited to, landscaped areas, walkways, swimming pools, tennis courts, play areas, fountains, and patio areas, but excluding driveways and all off-street parking facilities.

(e) Building height limit. Three and one-half stories or thirty-five fee (35’) in height.

(f) Area regulations. Staff comment: The plans only show the location of the buildings. Depending on the type of subdivision, e.g. townhome, cluster, zero lot line, the "lot" boundaries will need to be defined.

(1) Minimum floor area shall be four hundred square feet per dwelling unit, except for single-family detached dwellings the minimum floor area shall be eight hundred square feet.

(2) Gross density is greater than six (6) units per acre. Staff comment: The development area of 5.9 acres – which excludes the 4.0 acres identified for public dedication – would calculate to a development density of 6.73 units per acre. If the full 9.9 acres is included, density would equate to 3.84 units/acre. The Comprehensive Plan identifies this site as Medium Density Residential, slated for 2-4 units/acre.

(3) Minimum lot frontage shall be fifty (50) feet.

(4) Minimum front yard or setback. Measured from the front property line, there shall be a front yard or setback of not less than twenty feet for all principal structures.

(5) Minimum rear yard or setback. Measured from the rear property line, every principal or accessory structure shall have a rear yard or setback of not less than ten feet.
6. Minimum side yard or setback. Measured from the side property lines, there shall be side yards or setbacks of not less than ten feet. Multifamily, cluster, zero lot line or attached single-family dwelling setbacks will be per an approved Site Plan. **Staff comment:** It is recommended below that all setbacks be determined by an approved Site Plan.

### Chapter 7.24 – Development Standards

#### Section 7.24.020 – Application of Community Design Standards

The Planning Commission and the Council will evaluate each proposal based on these principles and the context within which each project is located. The principles are intended to be specific enough to guide development, but not to preclude creative design solutions. Applicants must substantially conform to the design principles in this Section.

#### 7.24.040 – Compact Urban Growth

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<th>Complies</th>
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<td><strong>Yes</strong></td>
<td><strong>General Provisions.</strong></td>
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(1) No development shall be approved unless it is located within the establish Growth Management Area and is consistent with the Town Comprehensive Plan. **Staff comment:** See the analysis herein.

(2) The Town shall grow by designing interconnected neighborhoods. The original downtown area needs to be strengthened by the development of commercial, service and mixed use projects. **Staff comment:** *This project is located directly adjacent to the downtown area and connected via existing platted rights-of-way.*


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<td><strong>Yes</strong></td>
<td><strong>Intent.</strong> To encourage the creation of viable neighborhoods that connect to each other and the integration of new projects into the existing community. New streets, bikeways, sidewalks, paths and trails should connect adjacent neighborhoods. <strong>Staff comment:</strong> <em>The projects proposed roadways and trails will connect into the existing road, alley and trail rights-of-way.</em></td>
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(b) **Neighborhood structure.** Elements to consider integrating into new neighborhoods include:
(1) Streets, sidewalks and trails within new neighborhoods should connect to adjacent neighborhoods and the existing town.

(2) Streets that encourage pedestrian activity by creating an inviting atmosphere through attention to the details of landscaping and tree locations, sidewalks, lighting, building architecture, etc. **Staff comment:** The trails, along with the street, provides a walkable area given their tie in with existing area streets and walkways. The Annexation Agreement requires that lighting along streets and trails be installed in accordance with approved plans (Section 4.2). The site plan includes a landscape plan for the area to the south of the buildings. No elevation plans have been provided, however a condition is recommended below in this regard.

(4) A variety of housing types, sizes, densities and price ranges. **Staff comment:** Insufficient information is provided in this regard. A condition is recommended below that such information be provided prior to the Town Council’s consideration of the Sketch Plan.

(6) Pedestrian and bike connections throughout residential neighborhoods that are linked to commercial or civic centers and open space systems. **Staff comment:** The project is located just south of the Town’s downtown area.

(7) Parks, open space and public plazas that are well integrated into the neighborhood. **Staff comment:** A condition is recommended below that the trails and 4 acre open space be dedicated to the public.

(c) General provisions.

The following principles contribute to Hayden’s small town character. New projects will be evaluated with consideration to these existing neighborhood design principles and the context within which a project is located. Failure to incorporate these design principles into a project may be cause for denial of the project by the Town.

(1) Each neighborhood has a center. It is important that every neighborhood have activity centers that draw people together. Activity centers include natural features, park areas and public buildings. **Staff comment:** The project is located close to the downtown area. Additionally, the project includes a community garden area and several acres of open space.

(2) Mix of types of dwelling units. A mix of dwelling unit types shall be
distributed through the development. Housing types and the size of lots shall be varied to enable people to remain in the neighborhood as their needs change. **Staff comment:** In a development of this size, there appears to be several different types of units.

(3) **Focal points.** Focal points, or points of visual termination, shall generally be occupied by more prominent, monumental buildings and structures that employ enhanced height, massing, distinct architectural treatments, or other distinguishing features, as well as landscape features. **Staff comment:** As part of the former dairy farm, there are visual agricultural features directly adjacent to the site as well as other wide open spaces adjacent to the municipal limits.

(4) **Public space as development framework.** Public space is used to organize blocks and circulation patterns and to enhance surrounding development. Public open space must be functional and easily accessible and shall be designed to organize the placement of buildings to create an identity for each neighborhood. Buildings should face public open space. **Staff comment:** The southern 4 acres and trails are recommended to be dedicated as public open space. Insufficient building elevation information is provided to determine whether the buildings will face the open space.

(7) **Define the transition between public and private spaces.** Buildings shall be located to front towards and relate to public streets or parks, both functionally and visually, to the greatest extent possible. Wherever possible, buildings shall not be oriented to front towards a parking lot.

(8) **Encourage walking and bicycling.** Sites shall be designed to minimize conflicts between vehicles, bicycles and pedestrians. Pedestrian and bicycle access and connections shall be designed to make it safe and easy to get around on foot and by bicycle.

(10) **Fit within the environment rather than on top of it.** New development shall be designed to respond to the natural environment, fit into the setting and protect scenic view corridors. **Staff comment:** The clustering of the homesites avoids many of the water-related environmental constraints on the site, as well makes use of proximity to infrastructure in a less intrusive manner. Vistas to the north and east are not impacted for most of the adjacent area, and height restrictions may be appropriate to mitigate these issues. A condition is recommended below that buildings do not exceed two stories in height to avoid visual impacts to adjacent landowners.
<table>
<thead>
<tr>
<th>Complies</th>
<th>Section</th>
<th>Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>7.24.070 – Streets</td>
<td>(b) General provisions. The local street system of any proposed development shall be designed to be safe, efficient, convenient, attractive, and consider all modes of transportation that will use the system. Street should be an inviting public space and an integral part of community design. Local streets shall provide for both intra- and inter-neighborhood connections to knit developments together. All streets should interconnect to help create a comprehensive network of public areas to allow free movement of cars, bicycles and pedestrians.</td>
</tr>
<tr>
<td>Yes</td>
<td>7.24.070 – Streets</td>
<td>(1) Street connections. All streets shall be aligned to join with planning or existing streets consistent with the Town Comprehensive Plan. All streets shall be designed to bear a logical relationship to the topography of the land. Intersections of streets shall be at right angles unless otherwise approved by the Town. <strong>Staff comment:</strong> All roadways, existing and proposed, connect in accordance with this provision.</td>
</tr>
<tr>
<td>Yes</td>
<td>7.24.070 – Streets</td>
<td>(3) Street layout. The street layout shall form an interconnected system of streets, where feasible primarily in a grid or modified pattern adapted to the topography, unique land features, environmental constraints, and peripheral open space areas. The street layout shall emphasize the location of neighborhood focus points, other internal open space areas, gateways, and vistas. The use of cul-de-sacs and other roadways with a single point of access shall be minimized. The integration of traffic calming features within and adjacent to residential areas shall be utilized when appropriate. <strong>Staff comment:</strong> The Public Works Department has commented that they want to see a looped road system over Oak Street and Ash Street and a turnaround located within the Maple Street right-of-way to ensure that there is sufficient access to the development. A condition is included below that recommends that Oak Street, Ash Street and Maple Street be developed to access the development in accordance with the Public Works Department requirements and meeting all applicable standards.</td>
</tr>
<tr>
<td>Yes</td>
<td>7.24.070 – Streets</td>
<td>(8) Street right-of-way dedication. The full width of right-of-way for all streets being platted must be conveyed to the Town after final acceptance unless otherwise approved by the Town. <strong>Staff comment:</strong> A condition in this regard is recommended below.</td>
</tr>
<tr>
<td>Yes</td>
<td>7.24.070 – Streets</td>
<td>(10) Street names. Names of new streets shall not duplicate names of existing streets in Hayden. However, new streets which are extensions</td>
</tr>
</tbody>
</table>
of, or which are in alignment with, existing streets within the Town shall bear the names of such streets. Street naming and property address numbering will be coordinated between the Applicant, Town of Hayden and Routt County. **Staff comment:** A condition is recommended below in this regard.

<table>
<thead>
<tr>
<th>Street standards. Streets shall conform to the adopted Town of Hayden Construction Specifications for Public Improvements and all other applicable laws, rules and regulations. <strong>Staff comment:</strong> A condition is recommended below that requires that the roadway meet the standards for a Local Street as such is outlined in Section 7.24-070(c)(i) and (iv), Local Streets.</th>
</tr>
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</table>

### 7.24.080 – Parking

<table>
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<tr>
<th>Complies</th>
<th>Section</th>
<th>Standards</th>
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</thead>
<tbody>
<tr>
<td>Yes</td>
<td>(a)</td>
<td>Intent. The intent of this section is to provide adequate parking for motor vehicles while minimizing the visual impact of parking lots and structures.</td>
</tr>
<tr>
<td></td>
<td>(b)</td>
<td>General provisions. In all zone districts, off-street parking facilities for the storage of motor vehicles for the use of occupants, employees and patrons of the building or structures hereinafter erected, altered or extended shall be provided and maintained as herein prescribed.</td>
</tr>
<tr>
<td></td>
<td>(c)</td>
<td>Paved off-street parking requirements.</td>
</tr>
<tr>
<td></td>
<td>(1)</td>
<td>Paved off-street parking shall be provided according to the minimum requirements as specified:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Single-family detached 2 spaces</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Townhouse and duplex 1 space per bedroom, up to 2 per unit</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Apartment dwellings 1 space per bedroom, up to 2 per unit</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Accessory dwellings 1 space per bedroom, up to 2 per unit</td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>Staff comment:</strong> As the unit layout is an unknown, a calculation cannot be made at this time.</td>
</tr>
<tr>
<td></td>
<td>(d)</td>
<td>Location of spaces for residential uses.</td>
</tr>
<tr>
<td></td>
<td>(2)</td>
<td>Required off-street parking in residential zones shall not lie within the front yard setback or within any required side yard setback adjacent to</td>
</tr>
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a street (Driveway spaces within these setbacks cannot be counted for required off-street parking.)

(i) Except within a garage or in conjunction with an approved affordable housing project, tandem parking is not allowed to meet required off-street parking requirements. **Staff comment:** It appears that the parking requirements are being met with one (1) space located within the garage and one space in the driveway area. As the “front setback” is unknown, it cannot be determined whether this standard is met. No proposal that meets the requirement of the Code for “affordable housing” has been identified.

(ii) Front-loading garages shall be set back not less than twenty-two (22) feet from the back of the sidewalk and required off-street parking spaces shall not encroach upon the sidewalk or road right-of-way. **Staff comment:** Plans show the driveway to be generally 20 feet in depth from the proposed edge of a 24 foot wide right-of-way.

(e) Handicap parking spaces

(1) Handicap parking spaces shall be required for all retail, office, business, multi-family, industrial and institutional uses. **Staff comment:** It is unknown how this project will be designed and whether compliance with the International Residential Code (IRC) or International Building Code (IBC) will be required. Each code has different requirements for accessibility. It is staff’s understanding that if the IBC is applicable, accessible units will need to be designated and associated handicapped parking spaces will be necessary. A condition is recommended that requires that any accessible parking spaces shall be provide directly adjacent to accessible units and in accordance with the applicable provisions of Section 7.24.080 of the Code.

7.24.090 – Sidewalks

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<tr>
<th>Complies</th>
<th>Section</th>
<th>Standards</th>
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</thead>
<tbody>
<tr>
<td>Yes</td>
<td>(a)</td>
<td>Intent. The intent of the standards for sidewalks, multi-use pathways and trails is to assure a safe, convenient and attractive pedestrian/bicycle system that minimizes conflicts between vehicles, bicycles and pedestrians.</td>
</tr>
<tr>
<td></td>
<td>(2)</td>
<td>Sidewalks required. In all zone districts, except for the O district, sidewalks are required along both sides of a street. With the O district, sidewalks are required along one side of the street unless the</td>
</tr>
</tbody>
</table>
development is served by rural streets. **Staff comment:** No sidewalks are shown in the submitted plans. A condition is recommended below that requires that sidewalks meeting the standards of Section 7.24.090 of the Code be included in the submitted with the preliminary plan application for the rights-of-way dedicated to the public.

### 7.24.100 – Easement and Utility Standards

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<tr>
<th>Complies</th>
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<th>Standards</th>
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<tbody>
<tr>
<td>Yes</td>
<td>(c) Underground utilities.</td>
<td>Telephone lines, electric lines, cable television lines and other like utility services shall be placed underground. The subdivider shall be responsible for complying with the requirements of this Section, and shall make the necessary arrangements including any construction or installation charges with each utility provider for the installation of such underground facilities. Transformers, switching boxes, meter cabinets, pedestals, ducts and other facilities necessarily appurtenant to such underground utilities shall be placed underground or on the surface but not on utility poles. Screening or fencing is required to the satisfaction of the Council. Electric transmission and distribution feeder lines and necessary appurtenances thereto may not be placed above ground unless they are carrying greater than 115 KV. Upon approval of the Town, such facilities shall be placed within easements or rights-of-way provided for particular facilities. <strong>Staff comment:</strong> No plans for electric, telephone or cable infrastructure has been provided. There is also an overhead YVEA line of unknown size. A condition is recommended below that requires that all infrastructure plans show that lines are located underground unless otherwise exempted.</td>
</tr>
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<td>No</td>
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### 7.24.120 – Parks and Open Space

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<tr>
<th>Complies</th>
<th>Section</th>
<th>Standards</th>
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<tbody>
<tr>
<td>Yes</td>
<td>(3) Neighborhood parks.</td>
<td>Every Residential development, at Town discretion, either provide land for a neighborhood park or provide a fair share, cash-in-lieu contribution for land or improvements in a nearby park that will serve the neighborhood. This can be credited toward the land dedication requirement at the time of subdivision. A Homeowner’s Association, the landowner or the Town at its discretion shall be responsible for the development and maintenance of the park. A neighborhood park shall be at least 5 acres and include active play areas and sprinklered landscaping. <strong>Staff comment:</strong> The proposed open space is 6.75 acres of which 4.0 acres is proposed to be dedicated to the</td>
</tr>
<tr>
<td>No</td>
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public plus the trail rights-of-way. A condition is recommended below that the developer provide a proposal for the development and maintenance of the open space and trails acceptable to the Town.

(5) Trails. The trail system shall link neighborhoods, parks, schools, open spaces, employment centers, community facilities and neighboring communities and thus provide important transportation connections as well as recreational opportunities and access. Developers must provide trail connections to both the Town’s trail system and destinations within the neighborhood. **Staff comment:** A trail system is proposed and such ties into area streets accessing the downtown area and proposed dedicated open space.

(7) Storm drainage facilities. Storm drainage facilities, including stormwater detention and stormwater retention ponds, may function as open space for active recreation, trail corridors or habitat enhancement areas if they are designed appropriately. Credit toward the open space dedication requirements will be considered on a case-by-case basis by the Council at the time of platting.

(c) General provisions.

(2) Public access. Areas designated as public open space shall be both visibly and physically accessible to the community. Adequate public access shall be provided to all public open space, natural and developed, directly from the public street and trail system. Pocket park and plazas shall be integrated into the neighborhood design and be accessible to pedestrians and bicyclists. **Staff comment:** A condition requiring such is proposed below.

(3) Buildings shall front public open space. Development adjacent to open spaces shall front onto the areas as much as possible, so that the open space areas are not enclosed by back yards. Open space and trail areas shall have a minimum of three hundred (300) feet of street frontage unless otherwise authorized by the County. **Staff comment:** A finding of fact is included below that the configuration of the public open space property does not allow for three hundred (300) feet of street frontage due to the property’s environmental constraints and a waiver of such standard is appropriate.

(5) Ownership and maintenance of open space. Ownership and maintenance of public open space shall be determined by the Town on a case-by-case basis through the review process. **Staff comment:** A determination of the appropriate ownership structure must be made by
the Town Council, and a condition is recommended in this regard is included below.

(i) Generally, the Town shall own and maintain neighborhood parks, community parks and public trails.

(iv) Stormwater detention and retention areas that function as open space shall be owned and maintained by a homeowner’s association or the landowner, unless otherwise approved by the Town.

(iv) Open space protection. Areas designated as open space shall be protected by conveyance to the Town as provided on the plat and by this Chapter, deed restriction or other appropriate method to ensure that they remain open in perpetuity and cannot be subdivided or developed in the future without the approval of the Town.

7.24.130 – Contribution for Public School Site
To meet the increased need for schools as a result of increased housing, the subdivider shall dedicate land areas or sites suitable for school purposes, or provide cash-in-lieu of land of the amount specified for every dwelling unit which may be constructed within the subdivision to serve the elementary, middle and high school public school needs of the residents of such dwelling units. **Staff comment:** Additional information is needed to calculate the appropriate fee-in-lieu for this development. A condition is recommended below that a fee-in-lieu equivalent to the standards of this section be paid prior to the recording of the Final Plat.

<table>
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<tr>
<th>Complies</th>
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<th>Standards</th>
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<tbody>
<tr>
<td>Yes</td>
<td>(a)</td>
<td>For single-family dwelling units, the amount of land shall be 1.84 acres per 100 dwelling units.</td>
</tr>
<tr>
<td>Yes</td>
<td>(b)</td>
<td>For duples or triplex dwelling units, the amount of land shall be 1.40 acres per 100 dwelling units.</td>
</tr>
<tr>
<td>Yes</td>
<td>(c)</td>
<td>For multi-family dwelling units, other than duplex or triplex units, the amount of land shall be 0.64 acres per 100 dwelling units</td>
</tr>
<tr>
<td>Yes</td>
<td>(d)</td>
<td>For condominium and townhome units, the amount of land shall be 0.82 acres per 100 dwelling units.</td>
</tr>
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</table>

7.24.140 – Public sites and dedication requirements
The developer of residential projects shall dedicate public sites for open space, parks, schools, or other civic purposes in accordance with the requirements of this Section to serve the proposed subdivision and future residents thereof.
Fee-in-lieu of dedication. If there is not sufficient property on the plat to provide land for the entire school or park facility required, with the approval of the Council, the subdivider may, in lieu of dedication of all or part of the land requirements, pay fees in lieu of the equivalent land areas which would have been dedicated to public facilities. Fees are to be calculated in [accordance with the provision of this section].

Staff comments: Given the calculation resulting in a small parcel for the school dedication, it is appropriate to accept fee-in-lieu of dedication. A finding and condition in this regard are recommended below.

RECOMMENDATION:

Findings of Fact:
1. The proposal meets the standards of the Town of Hayden's Development Code (Code), is in general conformance with the intent and purpose of the Town of Hayden Comprehensive Plan and preserves the health, safety and welfare of the citizens of the Town of Hayden.
2. There is a need or desirability within the community for the applicant’s development and the development will help achieve a balance of land use and/or housing types in conformance with the applicable provisions of the Town of Hayden Comprehensive Plan and Hayden Development Code.
3. The configuration of the public open space property does not allow for three hundred (300) feet of street frontage due to the property’s environmental constraints, and a waiver of such standard is appropriate.
4. Given the small acreage for dedication for school site, fee in lieu is appropriate and such shall be paid in accordance with the provisions of Section 7.24.140, Hayden Development Code.

Subject to the following conditions:
1. Prior to consideration for approval of the Sketch Plan by the Town Council, the Applicant shall provide information regarding the type and locations of units in clarification that the project meets the RHD Zone District use standards.
2. The following shall be included with the submittal materials for Preliminary Plan consideration:
   a. A Traffic Study completed by a qualified traffic engineer with the preliminary plat submittals;
   b. An engineering report that demonstrates the adequacy of the proposed dedication of water rights for the Town to supply future water demands of the project;
   c. An engineering report that demonstrates the adequacy of the Town’s sewage treatment and collection facilities for the project;
   d. A detailed drainage analysis prepared by a qualified professional;
3. In accordance with Section 11.4, Annexation Agreement, the Developer shall pay the West Routt Fire Protection District the amount of $100.00 per residential lot/unit ($3,800) prior to recording of any Final Plat for the development.
4. Plans submitted for preliminary plan shall show privacy fencing installation along the east line of the property.

5. Elevation and unit layout plans shall be included in the preliminary plan submittal; buildings do not exceed two stories in height; all setbacks shall be shown or noted for review and approval by the Town Council.

6. The trails and the southern 4 acres shall be dedicated as public open space.

7. Oak Street, Ash Street and Maple Street be developed to access the development in accordance with the Public Works Department and Hayden Development Code requirements and meeting all other applicable standards including a looped roadway system over Oak and Ash Streets and a Fire District-compliant turnaround in Maple Street.

8. The right-of-way for all streets being platted must be conveyed to the Town after final acceptance unless otherwise approved by the Town. The Town Council shall determine whether the Town or a Homeowner’s Association will accept maintenance of the road right-of-way.

9. Street naming and property address numbering will be coordinated between the Applicant, Town of Hayden and Routt County.

10. All roadway improvements shall meet the standards for a Local Street as such is outlined in Section 7.24.070(c)(i) and (iv), Local Streets.

11. Any accessible parking spaces shall be provided directly adjacent to accessible units and in accordance with the provisions of Section 7.24.080 of the Code.

12. Sidewalk plans meeting the standards of Section 7.24.090 of the Code shall be included in the plans submitted with the preliminary plan application.

13. All infrastructure plans show that lines are located underground unless otherwise exempted by the Town Council or under the provisions of the Code.

14. The Applicant shall provide a proposal for the development and maintenance of the open space and trails acceptable to the Town.

15. The determination of the appropriate ownership structure meeting the standards of Section 7.24.120, Parks and Open Space shall be determined by the Town Council prior to the submittal of the preliminary plan application.

16. A fee-in-lieu for public school site equivalent to the standards of Section 7.24.140 shall be paid prior to the recording of the Final Plat.

MANAGER’S RECOMMENDATION/COMMENTS: I concur with this recommendation.
April 3, 2020

Town of Hayden, Colorado
Planning Director – Mary Alice Page-Allen

RE: Sketch Plan Application - Old Farm Village
Old Farm Village – Parcel 940102001
Town of Hayden
Four Points Surveying Job #1692-009
Sketch Plan Narrative

Dear Mrs. Page-Allen,

Please accept this letter as a project narrative for a new multi-family development proposed for a vacant parcel on the east side of the Town of Hayden. The owners of the parcel, Mr. Ted Hoffman and Mr. Stephan Zittel request a sketch plan review of the attached documents.

Introduction/Concept/History:

Old Farm Village, LLC has a pending contract on the subject property and is a joint venture between Dave Turcotte of Turcotte Construction as builder/developer and Ted Hoffman/proprietor/broker. We are due to close on the purchase in mid-July and hope to break ground in August of this year. The 9.90 acres was purchased by Ted Hoffman and Stephan Zittel from Martha Cannon approximately 12 years ago and represents a portion of her property that was 15.90 acres and was an old dairy farm. It is our goal to receive the proper Sketch Plan approvals from the Town of Hayden as the first step towards preliminary planning and final platting of the property per Section 3.1 of the Annexation Agreement (see attached).

The rationale is that the Annexation Agreement between the parties (Town of Hayden and Cannon) clearly states the Town anticipated multi-family development on the parcel as shown in the Conceptual Development Map (Section 3.2 Annexation Agreement), and the town Planning Commission and Town Council further supported this by approving a zoning amendment change last year to zone 5.91 acres as High Density Residential.

We are proposing to develop 38 units on the northernmost portion of the property, consisting of 16 two-bedroom units, 16 three-bedroom, and 6 one-bedroom units. All units would have garage or covered parking. The units could be available for purchase or rent and would be priced in the $200,000-$300,000 price point in the current market. We consider this to be an “attainable housing” project offering quality housing to those in need during a serious housing shortage and most likely a looming
housing crisis in Routt County. The residents living at Old Farm Village will be working individuals and will form a community around the proposed open space trails and park. 

The Sketch Plan concept would be to develop only 2.24 acres of the 5.91 acres that were approved for High Density Residential last year. This is consistent with the Town Comprehensive Plan that shows medium density development on the Future Land Use Map, along with open space and/or agricultural use between the two ditches. We are proposing to concentrate the development on the north portion of the property, north of the Shelton Ditch, as it minimizes the impact or need for additional roads, addresses the Shelton Ditch’s concerns regarding crossing the ditch by any roadway for future development, and most importantly preserves 6.75 acres of open space essentially in the middle of town.

Street layouts:
We anticipate designing only one new town street/private drive within the development, running East to West and perpendicular to and connecting to Oak Street. The new town street would conform with existing neighborhood street plans, and pursuant to Development Code 16.12.030, the streets will be laid out in such a manner that “their use by through traffic will be discouraged” and the objective would be to minimize roads and services consistent with the Comprehensive Plan. There are two access points on the northern property line, those are Oak Street and Ash Street, that are logical access points for the portion of the property north of the Shelton Ditch. Oak Street is the most centrally located and the most logical access point as shown on our current Sketch Plan. We plan to cross the Shelton Ditch with just one pedestrian bridge (where an old wooden bridge exists now) for passive recreation, and to not creating any crossings for the Walker Ditch at all.

Infrastructure/Utilities:
As a practical matter, the subject parcel is an inholding within existing city limits of Hayden; thus substantial infrastructure exists throughout the property. For example, the Cannon property just east of the subject property, currently uses city water, and a sewer main intersects the middle of the property. There is also a sewer main that runs along the north boundary of the property in the unconstructed twenty foot wide alley. In addition, there are gas and water mains on Shelton Lane, which is the eastern border of the Cannon property east of the subject property, as well as substantial electrical power mains running across and surrounding the property. Pursuant to the Comprehensive Plan, our objectives in relation to technical services are:

- Plan the location of new development near existing infrastructure and services or in areas where extension of services can occur in an easy, logical, and cost-effective manner.
- Encourage a logical and economical extension of service lines.
- Encourage growth in areas where water and sewer services have available capacity.
- Encourage development patterns which minimize service line extensions.

The owners will be upgrading the existing infrastructure and building new infrastructure to serve the proposed units with access, water and sewer services. The project proposes to construct a twenty foot wide access roadway into the project from Washington Street within the platted eighty foot wide Oak Street right of way, including a detached sidewalk and constructing a twenty four foot wide roadway in portions of the existing platted alley and on the north portion of the parcel. The alleyway is currently undeveloped except for the existing public sewer main in the right of way. The project will construct a twenty-four foot wide public road utilizing the existing twenty foot wide alley right of way and the north portion of the project. The proposed north edge of the alley roadway is offset from the rear property line.
of Adair Subdivision to provide snow storage. The owners will also extend the existing 8” domestic water main from Washington Street into the project including fire hydrants and individual water services. The completion of new infrastructure to serve the project meets the one of the goals of the comprehensive plan in that the development will be paying for services and upgrading existing infrastructure.

Waterways:
The defining characteristic of the property is no doubt the two ditches running the length of the property, east to west. This is both a hindrance and an asset in our opinion. We intend to incorporate as much of the land between the ditches as open space or agricultural use, and we intend to develop a trail system and other walkways throughout the northern portion of the property north of the Shelton Ditch encouraging pedestrian activity, community interaction, and connectivity to the adjoining neighborhoods and the Historic Downtown Commercial District. To protect the existing irrigation ditches crossing the property the owners would plat a forty (40’) foot waterbody setback and adhere to no disturbance in this area.

We realize one of the most important pieces to the future development will be good communication with the ditch companies to preserve their water rights and maintenance rights. We are sensitive to this issue and plan to have a good working relationship with the ditch companies to accommodate their requests through the preliminary platting and site plan process.

Open Space/Trails:
It is our hope that a significant portion of the property can be used for parks, open space, or agricultural use to help preserve the heritage and character of the Town with its future vision. A PUD requires the highest level of open space, at 25%. We intend to have a greater emphasis on open space, in the range of 60-70% of the total acreage and an increased amount of walkways throughout the development adding connectivity to the neighborhoods and nearby Historic Downtown District. Currently, the Sketch Plan concept would develop only 3.15 acres north of the Shelton Ditch, leaving 2.75 acres in between the ditches as additional open space along with the 4 acres of open space south of the Walker Ditch (hillside).

Although the Comprehensive Plan future Trail System Map shows a trail running along the south side of the Walker Ditch east to west, we propose a trail running along the north side of the Shelton Ditch, running the entire length of the property east to west, where a current foot trail exists. We feel we could further enhance the existing trail to better serve the Old Farm Village community and the surrounding neighborhoods. Pursuant to the Comprehensive Plan, our objectives in relation to the trail system are to:

- Provide a trail system that connects residential developments to major interest points and public facilities throughout the Town.
- Provide a trail system which is separate from major streets and roads.
- Provide a trail system which is concentrated along streams, canals, or other scenic areas.
- Provide park facilities near residential communities, both existing and proposed.

Wetlands/Floodplain:
Based on information from the previous developer who consulted with Western Bionomics Services, it was determined that there are no jurisdictional wetlands on the property.

Based on information from the Routt County Flood Plain Administrator, it has been determined the subject property does not lie within the 100- or 500-year flood plain.
Summary:
It is our hope that the Hayden town Planning Commission and Town Council will grant the necessary approvals for this Sketch Plan application so that we can move swiftly towards preliminary plat approval and final platting. Current market conditions would allow us all to use this downtime to get the development approved so that when we come out of this economic downtown turn, which we will, we will have a new project coming online and some positive news for the market and town of Hayden. By concentrating the density on the area north of the Shelton Ditch, we feel we have come up with a viable plan that is economically feasible, which has been proven difficult given the two ditches running through the middle of the property.

Thank you;

Walter N. Magill, P.E.                             Ted Hoffman
Four Points Surveying and Engineering             Old Farm Village, LLC
Good morning,
There is one thing we wanted to interject into the narrative after walking the property with Dave late last week.
I've always wanted to do something productive with the ground between the ditches and think there is a great opportunity to add an agricultural component to this development. We'd like to offer 38 individual small garden plots for use by each resident to grow seasonal organic vegetables and herbs, as well as have a small common greenhouse and tool shed. We feel this adds a ton of value to the consumer and is a great amenity literally out their backdoor. Just wanted to give you a heads up on this as we feel it is an important part of the Old Farm Village story.
Kindly,
Ted and Dave

-------- Original Message --------
Subject: RE: Old Dairy Farm - Sketch Plan Submittal
From: Mary Alice Page-Allen <mary.alice@haydencolorado.org>
Date: Fri, April 24, 2020 9:16 am
To: "ted@hoffmanpropertygroup.com" <ted@hoffmanpropertygroup.com>
Cc: Dave Turcotte <turcottellc@gmail.com>

Ted & Dave,

Received, thank you. Know that because the entity wasn’t formed and in good standing when the notices were sent and published, the property owners names were used instead. Going forward we’ll use Old Farm Village LLC as the applicant.

Mary Alice

Mary Alice Page-Allen, MPA AICP CMC
Planning & Economic Development Director
“Small Town, Big Heart: Welcome Home”

Hayden Colorado

Town of Hayden
P.O. Box 190
Approval of Old Farm Village Rezoning

Administrative staff have evaluated the project. The applicant has met all the required submittals for a rezoning project. We have heard from the ditch companies and individuals. We received a letter today from Ernie Wright which states the concerns we have heard tonight. We recognize the citizen input. The proposal is 9.90 acres. It was zoned and annexed into the Town of Hayden in 2007; 15.36 acres were zoned Open District, yet the agreement included a concept map indicating a future development pattern of high density and low density residential within the property access on Oak and Ash Streets. The annexation agreement is in the packet for all details. The surrounding zoning; directly north is zoned high density district, east of the property is open space, Cannon Trust Property, as Mrs. Cannon spoke to, south of the property is the Walker Ditch, Track A is open district, vacant land and owned by the applicant, west of the property is low density residential and high density district including single family homes, a public pump house facility and vacant land. In the Comprehensive Plan this was designated as medium density that can include up to 6 and 8 units per acre. All these documents have been reviewed. The Planning Commission met on Thursday, January 24, 2019, and voted 5-0 in recommending approval to the Town Council regarding the rezoning of 5.91 acres from Open District (O) to Residential High Density (RHD) with the following staff conditions:

1. The Town requires the applicant to dedicate all water rights owned by the property to the Town for future service to the property at the time of a future final subdivision plat.
2. The applicant shall work with the Shelton and Walk Ditch Companies for any access across or modifications to the ditch easements (if necessary) for future development.

I will reiterate Mrs. Booco’s statement; it is correct. The Shelton Ditch does have a recorded easement. The applicant would not be allowed to build within the easement if they did not receive consent from the ditch company. The water right dedication is something the Town always does with a subdivision annexation. Based on the above observations and the Planning Commission recommendation, the staff recommends the approval of 5.91 acres rezoned from open space to residential high density with the conditions as stated.

Councilmember Engle inquired about the zoning on Washington Street. Mathew Mendisco responded that the south side of Washington is zoned high density and the north side of Washington is low density. Mathew thought it is probably why the comprehensive plan designated it as high density; typically zoning is continuous with existing zoning. He was not around at the time, but that makes sense. Councilmember Meek asked if zoned low density, would only single family homes be allowed, not duplexes and apartments. Mathew Mendisco answered that all the uses of low density would be allowed in high density. High density is in regards to plat lines and setbacks. Councilmember Meek asked if the Planning Commission was concerned that the applicant is coming to the table a little early asking for rezoning even though there is no planning. Mathew Mendisco responded that they voiced the opinion that the applicant has met all the requirements within the development code for a rezoning application; based on that as well as the annexation agreement and the comprehensive plan designating the area as higher density. Councilmember Meek inquired about the ability for the
applicant to build on the easement without the ditch company approval. Mathew Mendisco indicated the ditch company does not control anything outside of the easement that would be the Town. The next step would be for the applicant to submit a site plan, final plat and all the conditions required prior to applying for a building permit. Councilmember Meek confirmed that there are additional approvals before any construction may occur. Mathew Mendisco explained that the Development Code has very specific guidelines to evaluating the character of the community and that would need to be taken into consideration when the evaluation is completed. Councilmember Engle asked about the size of the easement for the ditches. Mathew Mendisco explained it is a typical irrigation ditch easement measured from the center line and is specific for the Shelton Ditch; the easements are recorded and would need to be adhered to unless there was consent from the ditch company. Councilmember Hagins asked Councilmember Wuestewald who attended the Planning Commission meeting to share his thoughts. He indicated there were a lot of the same discussions. A few of the commissioners would have liked to see the plan prior to approval. The commissioners also stated that it was in the making for years to be zoned this way and with roads going that way it was platted to go in this direction. Commissioners also talked about the easements. Councilmember Hagins stated that this was the same type of conversation in 2007 and there were thoughts about how to move forward and the time wasn’t right then but it is now. The property wasn’t purchased to leave as an open space. Councilmember Engle added that the annexation really showed the intent of the property, for it to be rezoned. Mayor Redmond addressed meeting attendees indicating that the Town still has control; the planning commission and town council approving the change in zoning is not throwing the door open. The Town is an owner in the Walker Ditch and Shelton Ditch; we will protect our investment too. Mayor said he is a firm believer in property rights. He will not see private property rights trampled. At the same time, he doesn’t know if the land is developable or not, but believes that the person who purchased the land has a right to investigate and move forward. Councilmember Hagins commented on the flooding issue from earlier comments indicating there is earth moving equipment for that issue; Dry Creek Park is an example. Mayor Redmond indicated that the flooding would be a concern of the applicant; civil engineering plans will be required in the plan review process to address drainage. At the same time he doesn’t want to tell somebody, this is your property and you can’t do something with it. Councilmember Gann indicated that he thought that there were too many variables and uncertainties to make him comfortable with moving forward with something like this. He also thought that whatever the intent of the owner is to develop it, there is a lot of uncertainty around who might be attracted to that area and stress an already stressed waterway and ecosystem. Mayor Redmond indicated that he thought there was good discussion and would entertain a motion.

Good Morning Mary Alice,
I would like to see a 10” main instead of the 8” that they are talking about. With the close quarters the possibility of fire spread is greater. I would be interested in knowing where the rest of the residential structures will be built in the future. Where do they plan to have access? I would like to see the spacing between the structures increased to the recommended road way and kept clear of obstructions to accommodate our trucks for fire suppression such a grass fires, EMS and future expansion. I’m not seeing where they plan to put hydrants I would like to see one near the entrance and at 300’ intervals. Also with animals being present in the pasture to the East I would request a privacy fence to separate the properties.

Thank you,
Dal Leck
Chief / WRFPD
westroutt77@aol.com
Office 970-276-3511
Cell 970-457-7994

Sent from my iPad
Mary Alice Page-Allen

From: Greg Tuliszewski  
Sent: Tuesday, April 21, 2020 6:34 PM  
To: Mary Alice Page-Allen; Alex Evonitz; Frank Case; Dal Leck; Trevor Guire; Nicole Rietz; jill.carlson@state.co.us; Christy Sinner; Josh Jones  
Subject: RE: Old Farm Village - 38 Unit Sketch Plan Subdivision

Mary Alice,

I have reviewed and feel the platting is consistent with the zoning change in the beginning of 2019.

I have concerns about the parking availability with 38 units being placed on / in this lot, with most of the unit’s being multi roomed units. With the winter restrictions this may be a concern due to the number of vehicles that will probably be associated to the property. Also while snow storage is designated what is their plan for moving the snow from the front of the residences (assuming this is the parking area for the units) to the snow storage? As these units are set up as high density and given the snows of the past couple of years and in the future snow storage at the unit locations may not be feasible thus….. how is the snow getting to the snow storage location if these are being sold as individual units as noted? Are these pre-fab units, do we know yet? Also are these single story or two story?

Another item of note is what landscaping and / or safety barriers will be protecting the units that sit directly across from where Oak Street ends on Washington? From the drawings there are 2 ½ units that if a vehicle slides through the intersection or some similar situation might end up striking or hitting one of these units.

Will the final plans include additional downward facing lighting due to the high density set up? This may be helpful giving the increase in housing here.

Those are the items noted from the Public Safety review.

Take care and Stay Healthy

Chief

Greg Tuliszewski  
Chief of Police  
Town of Hayden

Hayden, Heart of the Yampa Valley  
“Small Town, Big Heart: Welcome Home”

From: Mary Alice Page-Allen <mary.alice@haydencolorado.org>  
Sent: Monday, April 20, 2020 12:34 PM  
To: Alex Evonitz <Alex.Evonitz@haydencolorado.org>; Frank Case <frank.case@haydencolorado.org>; Dal Leck <westroutt77@aol.com>; Trevor Guire <trevor_guire@msn.com>; Nicole Rietz <NRietz@yvea.com>; jill.carlson@state.co.us; Christy Sinner <csinner@haydenschools.org>; Josh Jones <josh.jones@haydencolorado.org>; Greg Tuliszewski <greg.tuliszewski@haydencolorado.org>  
Subject: Old Farm Village - 38 Unit Sketch Plan Subdivision

All,
Thank you Mary Alice for sending this along.
Thank you Greg for your insight and perspective.

While I support new "affordable" housing in our area, I share some of the same concerns that Greg stated. Where I currently live has limited parking. We all have a one car garage and one space in front of our place. These are all 3 bedroom spaces and there is not enough parking. Yes, if you are a single family with kids. But, several are rented and have 3 different driving individuals. While you can't solve all problems, this is a concern.

Also, is this part of a Home Owners situation with dues being assessed and collected? Sorry if I missed that in the reading. That is also an issue where I live and needs solved before approval.

Christy

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On Tue, Apr 21, 2020 at 6:33 PM Greg Tuliszewski <greg.tuliszewski@haydencolorado.org> wrote:

Mary Alice,

I have reviewed and feel the platting is consistent with the zoning change in the beginning of 2019.

I have concerns about the parking availability with 38 units being placed on / in this lot, with most of the unit’s being multi roomed units. With the winter restrictions this may be a concern due to the number of vehicles that will probably be associated to the property. Also while snow storage is designated what is their plan for moving the snow from the front of the residences (assuming this is the parking area for the units) to the snow storage? As these units are set up as high density and given the snows of the past couple of years and in the future snow storage at the unit locations may not be feasible thus….. how is the snow getting to the snow
April 27, 2020

Hayden Town Planner
P.O. Box 190
Hayden, Co.

Mary Alice Page-Allen.

This is a response to the letter regarding the Alde Farm Village sub-division project.

I have voiced my concern in the past regarding safety & privacy issues between the properties. I have had people (especially children) inside my buildings, going through land over fences, setting off fireworks, etc. A privacy fence would make it less accessible for trespass or injury. I ask the board to consider this very important safety issue for privacy fencing.

Also when the hay field is irrigated, the whole field is under water, and the lay of the land naturally flows that direction to flood the meadows. This project will have to take care of any water flow on their land.

Thank you
Martha Cannon
ANNEXATION AGREEMENT
for
CANNON ANNEXATION

THIS AGREEMENT made and entered into this ___th day of ___ , 2007 by and between the Martha J. Cannon Trust, hereinafter collectively referred to as "ANNEXOR," and the TOWN OF HAYDEN, a statutory town, State of Colorado, hereinafter referred to as "TOWN."

WITNESSETH:

WHEREAS, the ANNEXOR is the owner of the property described in Exhibit A, attached hereto (the "PROPERTY") and has filed a petition to annex said PROPERTY to the TOWN; and

WHEREAS, the TOWN wishes to control its growth in a planned and orderly fashion, maintaining and improving quality of life and the Town's ability to provide and enhance environmental amenities, services and local opportunity for its citizens; and

WHEREAS, ANNEXOR acknowledges that upon annexation, the PROPERTY will be subject to all ordinances, resolutions, and other regulations of the Town of Hayden, as they may be amended from time to time; and

WHEREAS, the parties mutually recognize and agree that it is necessary and desirable for orderly development that the TOWN be the source of necessary urban services for PROPERTY to be developed, such as police protection, water and wastewater services and local government administration; and

WHEREAS, the ANNEXOR recognizes that the TOWN has established goals and policies intended to maintain fiscal self-sufficiency and that every annexation proposal has a responsibility to address the public interest to be served by annexation; and

WHEREAS, ANNEXOR does not wish to begin DEVELOPMENT of the PROPERTY or act as a DEVELOPER of the PROPERTY; and

WHEREAS, any applicant wishing to develop the PROPERTY and act as DEVELOPER on this PROPERTY will do so in a manner compatible with the objectives of the TOWN; and

WHEREAS, the parties agree that it is in the public interest of the parties hereto to enter into a written agreement as to the overall plan of development, including location and dedication of public ways and public areas, zoning, dedication of water rights and location and payments regarding roads, utilities and other improvements; and

October 1, 2007
WHEREAS, ANNEXOR acknowledges that the need for improvements, conveyances and dedication of certain PROPERTY, including but not limited to PROPERTY for streets, rights-of-way and easements, parks, trails and open space, schools, utility facilities and other public improvements; studies related to traffic, stormwater and fiscal impacts; and fees and payments to TOWN as contemplated in the AGREEMENT are directly related to and generated by the development intended to occur within the PROPERTY and that no taking thereby will occur requiring any compensation;

NOW THEREFORE, in consideration of the foregoing premises and the covenants, promises, and agreements of each of the parties hereto, to be kept and performed by each of them, IT IS AGREED:

1. DEFINITIONS.

1.1 “Annexor” shall mean and refer to the ANNEXOR, and their heirs, successors, assigns, and designees.

1.2 “Crossings” shall mean and refer to all bridges, culverts, or other types of facilities or structures used to cross roadways, drainage ways, or storm drainage areas.

1.3 “Developer” shall mean any person, partnership, joint venture, limited liability company, association or corporation who participates as owner, promoter, DEVELOPER or sales agent in the planning, platting, development, promotion, sale or lease of a development.

1.4 “Development” shall mean a request for a change in Zoning category from O - Open, the carrying out of any building activity or mining operation, the making of any material change to the historic use of any structure or land, the dividing of land into two or more parcels, any change in the intensity of use of the land and any change in the use of the land.

1.5 “Water Impact Fee” shall mean the TOWN’s fee calculated in accordance with Chapter 16-13 of the Hayden Municipal Code.

1.6 “Reimbursement Agreement” means an agreement between the Town and/or third parties with ANNEXOR, a DEVELOPER and/or an applicable District wherein the Town and/or third parties will be obligated to reimburse ANNEXOR, DEVELOPER and/or such District on an equitable pro rata basis (pursuant to a formula to be set forth in the agreement) for a portion of the costs to design and construct public improvements that are oversized and/or provide a benefit including without limitation, water and sewer lines, streets, drainage facilities and other improvements and facilities to be used by other DEVELOPERS or landowners.
1.7 “Sewer Interceptor Lines” shall mean and refer to sewer lines larger than twelve inches (12") in diameter.

1.8 “Streets” shall mean and refer to residential, commercial, collector, minor, and principal arterial streets, highways, expressways, and roadways.

1.9 “Water Transmission Lines” shall mean and refer to waterlines larger than twelve inches (12") in diameter.

2. BASIC INTENT. The intent of the AGREEMENT is to set forth the basic requirements for annexation and development of the PROPERTY described above. This AGREEMENT shall be binding upon the parties and may not be modified except by further written agreement.

3. DEVELOPMENT. The PROPERTY annexed shall be developed in general conformity with TOWN comprehensive plans, subdivision regulations, zoning code building codes and other applicable statutory and local requirements.

3.1 Zoning. The ANNEXOR desires O – Open District zoning, in accordance with the zoning categories contained in Title 16, Article 3 of the Hayden Municipal Code and as shown in Exhibit C. The parties recognize that it is the intent and desire of the ANNEXOR to retain the PROPERTY in its current condition until DEVELOPMENT occurs. In addition to the provisions of Sections 1.3 and 1.4 above, DEVELOPMENT of the PROPERTY is anticipated to begin at a time when a change in zoning category from O-Open to another zone district would occur. DEVELOPMENT of the PROPERTY would then occur in a manner generally consistent with the zoning requested at that time. The granting of O - Open zoning by the Town of Hayden is a condition to annex the PROPERTY. ANNEXOR shall take all action necessary to permit zoning by the TOWN of the annexed area within the time prescribed by state statutes.

3.2 Land Use. All construction will be subject to the types and intensities of land use permitted pursuant to Title 16, Article 3 of the Hayden Municipal Code in effect on the date of submittal of a completed building permit application to the TOWN. It is anticipated that development will occur as shown on the Conceptual Development Map (Exhibit D).

3.3 Master Development Plan. TOWN and the ANNEXOR/DEVELOPER recognize that PROPERTY development is subject to market conditions. To assure TOWN that the development of the PROPERTY proceeds in an orderly manner, DEVELOPER may phase the development, subject to review and approval by the TOWN of the phasing plan. If phased development is utilized, a “master development plan” for the PROPERTY will be submitted at the time the first preliminary plat is submitted and will be subject to review and approval by the Hayden Planning Commission and the Board of Trustees. For each development phase, a “site specific development plan” in the form and substance of a “final subdivision plat” will be submitted to the Hayden Planning Commission and the Board of Trustees for review and approval. The “site specific
development plan” shall be in general conformance with the “master development plan” for the PROPERTY, as approved and/or amended by the Board of Trustees and the TOWN Comprehensive Plan and Town of Hayden Land Use Code.

4. PUBLIC IMPROVEMENTS. DEVELOPER agrees to design, construct and install at his sole cost and expense, in accordance with TOWN approved plans, all public improvements within or adjacent to the PROPERTY and serving the PROPERTY including but not limited to water distribution, sewage collection, gas service, electric service, streets, curb, gutter, sidewalks, storm sewer lines, storm drainage improvements, fire hydrants, pedestrian and non-motorized trails, street median/boulevard and subdivision entryway landscaping and parks and park improvements. All the above described public improvements shall be constructed to the Town standards, or where applicable, to the standards of the utility providing the service. All utilities will be placed underground.

   4.1 All public and private roads shall be constructed to TOWN standards. Trails shall be constructed as an integral feature of the development, in accordance with TOWN construction standards. All public roads, trails and right-of-ways shall be dedicated to TOWN. TOWN will install, at DEVELOPER’s expense, street name signs, striping, stop signs, speed limit and other signs on all streets, in accordance with the Model Traffic Code, as from time to time amended, and other applicable legal requirements.

   4.2 Lights along streets and trails shall be installed in accordance with plans approved by the electric service provider and the TOWN. The type of lighting shall be chosen by the Yampa Valley Electric Assn.

   4.3 Utilities and streets shall be sized to provide for development of the PROPERTY and to accommodate the development of adjacent PROPERTY. DEVELOPER may be required to oversize utilities and construct off-site improvements to utilities and transportation infrastructure benefiting the PROPERTY or to accommodate future development within the area. Said oversizing of utilities and off-site improvements to utilities and transportation infrastructure may be eligible for reimbursement by other users of the facilities. Any reimbursements to the DEVELOPER will be subject to a separate Reimbursement Agreement.

   4.4 DEVELOPER agrees to provide to TOWN, a one (1) year guarantee, from the time of conditional acceptance of construction, for all improvements. If requested by TOWN, DEVELOPER agrees to dedicate to TOWN any or all required improvements.

   4.5 DEVELOPER agrees to enter into a Subdivision Improvement Agreement (SIA) pertaining to such improvements and other matters prior to any development of the PROPERTY. The construction of oversized public improvements shall be subject to reimbursement which may be provided for in the SIA or in a Reimbursement Agreement.
4.6 DEVELOPER agrees to pay the full cost of relocating existing utilities that may be required by the development of the PROPERTY. All existing overhead utilities within the PROPERTY or in road right-of-ways adjacent to the PROPERTY, including but not limited to electric or telecommunications lines and cables shall be relocated underground. Facilities designed for the transmission or distribution of electric energy at voltages greater than 15,000 volts shall be exempt from this requirement.

4.7 If the DEVELOPER cannot acquire an off-site easement or rights of way necessary to develop the PROPERTY, the DEVELOPER may request the TOWN’s assistance in acquiring the easements or rights-of-way. If Town decides to assist DEVELOPER in the acquisition of such easements or rights of way, such assistance by the TOWN shall be in compliance with Colorado law authorizing the TOWN’s use of eminent domain. The DEVELOPER shall advance to the TOWN all acquisition costs, including any settlement amounts, condemnation award amounts, court costs and attorneys’ fees that the TOWN may incur in providing assistance.

4.8 DEVELOPER agrees to design, construct and install at his sole cost and expense all landscaping and park improvements, in accordance with a landscaping and park development plan approved by the TOWN, to be included as part of any subdivision final plat.

(a) The TOWN will review and request and may permit the formation of a special district or special districts in accordance with C.R.S § 31-25-601 et. seq., or C.R.S § 32-1-1004 affecting all or part of the PROPERTY as well as other properties, upon review and approval of any Special District service plans as a means of financing the construction and installation of infrastructure, and TOWN shall take any action reasonably necessary to assist and cooperate in the formation of such districts.

5. TRANSPORTATION FACILITIES. The DEVELOPER shall provide the TOWN a traffic impact study in accordance with the criteria as specified by the TOWN at the time of submittal of preliminary plats, unless the TOWN waives the requirement.

5.1 For full development of the PROPERTY to occur, the DEVELOPER may need to acquire certain off-site rights-of-way for the construction of off-site improvements, as identified in the approved traffic study or future updates to the study. All acquisition costs of off-site rights-of-way necessary to serve the PROPERTY shall be the DEVELOPER’s sole responsibility, subject to potential reimbursement as detailed in a Reimbursement Agreement.

5.2 For full development of the PROPERTY to occur, certain on-site and off-site transportation improvements, as identified in the approved traffic study, may be necessary. The DEVELOPER shall construct such improvements in a sequence acceptable to the TOWN to meet the demands that development of each phase of the PROPERTY will generate. The DEVELOPER agrees to construct or contribute to the
construction of all on-site and off-site transportation improvements to accommodate needs that development of each phase of the PROPERTY will generate.

5.3 The DEVELOPER is solely responsible for construction of all transportation improvements to accommodate development of the PROPERTY that do not directly benefit other properties.

5.4 DEVELOPER shall dedicate, free and clear of all liens and encumbrances of any kind, all rights-of-way for public streets for the full width thereof, as required by the TOWN. Such dedication of streets shall occur at the time of TOWN approval of each subdivision final plat within the PROPERTY; however, DEVELOPER agrees to dedicate such rights-of-way at an earlier time when determined by TOWN to be required for commencement of construction of such streets or for extension of utilities. An earlier dedication shall not relieve DEVELOPER of the obligation to improve streets as provided herein. A title policy for any dedicated rights of way will be provided to the TOWN upon dedication.

5.5 DEVELOPER agrees to convey to TOWN an easement in gross for adjoining roadways to provide necessary cut and fill to establish the grade on a one foot incline for every three feet (3') of distance. Said easement shall be released to DEVELOPER at such time as the adjacent PROPERTY is filled and maintained at grade. A title policy for any dedicated rights of way will be provided to the TOWN upon dedication.

6. WATER SERVICE. Water service to the PROPERTY shall be provided by the TOWN. DEVELOPER hereby acknowledges the TOWN policies with respect to obtaining water service from the TOWN, the dedication of water rights to the TOWN in connection with annexations, the extension of water lines to the PROPERTY and the provision of pumping and storage facilities to serve the PROPERTY. DEVELOPER agrees to comply with TOWN ordinances and policies and with any amendments thereto, including any applicable amendments adopted subsequent to the annexation of the PROPERTY.

6.1 Water Availability. DEVELOPER shall prove and provide adequate quantity and quality water to the TOWN to serve all of the development proposed for the PROPERTY in accordance with DEVELOPER’S Master Development Plan. Engineering studies identifying available supplies and flows must be provided to the TOWN and water must be adjudicated for municipal use. TOWN retains sole discretion in accepting water flows from the DEVELOPER or requiring cash-in-lieu of such water. DEVELOPER will convey and dedicate direct flow and/or water rights to the TOWN in accordance with Ordinance 530 adopted September 18, 2003 and other TOWN regulations, as appropriate.

6.2 Extension of Water Services. DEVELOPER shall install at his sole cost and expense, all the water mains, trunk lines, pumping and storage facilities and appurtenances necessary to provide service from the TOWN’s system to the

October 1, 2007
PROPERTY. These extensions may include the oversizing of lines and pumping and storage facilities for future development of adjacent PROPERTY. DEVELOPER shall install at his sole cost and expense, all the water lines, fire hydrants and appurtenances within the PROPERTY. Water lines lying within the dedicated right-of-way shall be dedicated to TOWN after construction. Any reimbursements to the DEVELOPER for oversizing of water lines and other water facilities will be subject to a Reimbursement Agreement.

6.3 Water Service Availability. TOWN does not warrant the availability of water service to the DEVELOPER for any phase of development. A determination of water service availability by TOWN shall be made by a water system analysis at the time the DEVELOPER requests water taps. In the event that the TOWN determines that it has insufficient water service availability, no water taps shall be issued until such time as there is water service availability.

6.4 Plant Investment Fee. The TOWN shall collect at the time of submittal of each completed building permit application to the TOWN, a Plant Investment Fee of $5,700.00 per Equivalent Residential Unit (EQR) as defined in Chapter 13.08 of the Hayden Municipal Code as amended, and subject to change by amendment to Chapter 13.08.

6.5 DEVELOPER agrees to dedicate all necessary unobstructed rights-of-way for utility easements needed for water and sewer lines to serve the area described herein, or for transmission through the area described herein, not less than 20 feet in width for a sanitary sewer or water line, and not less than 30 feet in width when a parallel water and sewer line must be installed. The DEVELOPER shall grant additional temporary construction easements for installation of water and sewer mains where required by the TOWN. DEVELOPER agrees to develop and provide to the TOWN for review and approval, prior to platting of the PROPERTY, a master utilities plan for the annexed area. The master utilities plan shall describe transmission facilities and distribution facilities.

6.6 There shall be no duty or obligation upon the TOWN to furnish water or facilities to the area sought to be annexed until such time as, in the sole discretion of TOWN, satisfactory extension of water facilities to the PROPERTY has been completed.

7. SANITARY SEWER SERVICE. DEVELOPER will design and construct all sanitary sewer mains, and DEVELOPER will design and construct all sanitary sewer collector lines in accordance with TOWN standards and specifications as set forth in the Municipal Code, as it may be amended from time to time. The cost of constructing any oversized sanitary sewer mains or any sanitary sewer mains that benefit land owned by others will be recovered by DEVELOPER pursuant to a Reimbursement Agreement.

7.1 Dedication. Prior to dedicating sewer lines to the TOWN, DEVELOPER or Developers, as appropriate, will dedicate by special warranty deed all necessary

October 1, 2007
easements within the PROPERTY for utility easements to serve the PROPERTY. Such easements will be free and clear of all liens and encumbrances and DEVELOPER will obtain, at its sole cost, an owner’s title insurance policy insuring such easements free and clear of all liens and encumbrances naming the TOWN as the insured. DEVELOPER will grant temporary construction easements for installation of sewer facilities where required by the TOWN. To the extent that any easements are required for sewer facilities, through the PROPERTY of others, TOWN, at its sole discretion, may provide or obtain such easements as required at DEVELOPER’s cost, as appropriate, under its powers of condemnation, as permitted by law, in order to acquire the same. The cost of acquiring easements outside of the boundaries of the PROPERTY, including settlement amount, condemnation awards, reasonable attorneys’ fees, court costs, expert witness costs and appraisals shall be paid by the DEVELOPER, as appropriate, and all or a portion of such costs may be recovered under a Reimbursement Agreement, in the event the easement provides services to lands owned by others.

7.2 Service Charges. The TOWN will assess sewer service or user fees and charges at rates no less favorable to those rates charged to other users within the TOWN.

8. DRAINAGE. In conformance with TOWN standards and specifications, the DEVELOPER shall make provisions to control all storm water runoff generated from the PROPERTY. The DEVELOPER shall not alter historic flows in a manner that would adversely affect upstream or downstream properties.

8.1 Drainage Plan. The DEVELOPER, at his sole expense shall prepare a master drainage plan for the PROPERTY. The master drainage plan shall show the location and extent of all drainage system improvements, including but not limited to collection and detention facilities. If the master drainage plan results in changes to drainage or irrigation facilities affecting other PROPERTY or facility owners, the TOWN may require the DEVELOPER to obtain written consent and easements from each PROPERTY or facility owner for the changes before the TOWN will approve of the plan. The DEVELOPER shall construct all improvements in an appropriate sequence to meet the demands that development of the PROPERTY generates. The DEVELOPER shall meet all TOWN standards and specifications in effect at the time of construction. The TOWN may require the DEVELOPER to update the master drainage plan for the PROPERTY for the review of each final plat to determine the configuration, timing, and responsibility for the improvements.

8.2 Drainage Improvements. The master drainage plan, as approved by the TOWN, shall state the DEVELOPER’s responsibility for on-site drainage improvements. The master drainage plan may include construction of facilities to convey, collect and detain irrigation and storm water. The master drainage plan shall also state the DEVELOPER’s responsibility for off-site improvements. A Subdivision Improvement Agreement (“SIA”) will address these responsibilities in detail. A Reimbursement Agreement will describe, if any, proportionate reimbursements from other property owners benefiting from these off-site improvements.

October 1, 2007
8.3 Flood Plain. Portions of the PROPERTY may lie within a floodplain and DEVELOPERS are responsible for all the necessary design and submittal materials to FEMA for any proposed changes to the floodplain designation. Any submittal to FEMA must be reviewed and approved by the TOWN before submittal to FEMA. Development on any lots within any floodplain must conform to the Chapter 16, Article 8 of the Hayden Land Use Code and applicable State and Federal regulations.

8.4 Maintenance of Drainage Facilities. Detention ponds, private storm sewers, underdrains, and other drainage facilities will be owned and maintained by the DEVELOPER or a Homeowners’ Association unless otherwise stated in an SIA.

9. CROSSINGS.

9.1 The parties mutually agree that whenever it is found and determined by TOWN that a crossing of a drainage way, existing or proposed roadway, railroad, or any impediment to a roadway is required within the PROPERTY, TOWN shall specify design criteria, and DEVELOPER shall construct the crossing, including transition improvements, in conjunction with the development of the PROPERTY. The crossings required for the described PROPERTY shall be constructed in conformance with TOWN standards.

9.2 If a crossing is required on the exterior boundary of the PROPERTY, DEVELOPER shall be responsible for his proportionate share of the construction cost as determined by TOWN.

10. PUBLIC LAND DEDICATION.

10.1 Dedication of lands for parks, open space, schools or other civic purposes will be required per Title 16, Article 2 of the Hayden Land Use Code.

10.2 The DEVELOPER agrees that lands to be donated for public purposes shall include all site and public improvements including, but not limited to water, sewer, curb, gutter, streets, and sidewalks. DEVELOPER shall install such improvements, when determined by the TOWN to be necessary. (Or, if determined by the TOWN at the time of conveyance that the improvements are not needed at that time, then DEVELOPER shall enter into a separate agreement specifying when and how the improvements will be made). No lands to be dedicated for public purposes shall be disturbed by DEVELOPER in any manner to disrupt the natural landscape, unless first approved by the TOWN. DEVELOPER agrees that all lands donated to the TOWN shall not be used as a borrow or fill area. Any sites dedicated for public purposes, but disturbed due to grading of adjacent sites, or lands within the flood plain disturbed due to storm drainage improvements, must be successfully planted or seeded by DEVELOPER with native grasses acceptable to TOWN to prevent erosion.

October 1, 2007
10.3 ANNEXOR agrees that there is a rational nexus between the development of the PROPERTY and the dedication of lands for parks, open space, schools, civic purposes and public improvements and/or the payment of cash-in-lieu for those purposes.

11. URBAN SERVICES

11.1 If the proposed development will result in new burdens on the Town’s existing public facilities and services, the development shall be responsible for mitigating such impacts through compliance with standards adopted by the Town Board now and in the future. The standards will include fees which have been and will continue to be calculated and imposed to provide adequate public facilities and services based on objective criteria.

11.2 ANNEXOR acknowledges that the PROPERTY is partially located beyond the area of existing TOWN services.

11.3 It is expressly understood that the TOWN does not provide fire protection to any of the annexed land.

11.4 DEVELOPER agrees to pay cash to the Town in lieu of land in the amount of $100.00 per residential lot/unit payable at Final Plat for the first phase of any development on the PROPERTY for Fire District purposes.

12. PUBLIC FACILITY EXTENSION

12.1 The payment, by DEVELOPER of the costs of extension of water and sewer lines, streets, storm drainage, street lighting, traffic control devices, and other public improvements from the developed areas of the TOWN to the PROPERTY may be pursuant to Reimbursement Agreement as provided in the Town Code to reimburse DEVELOPER from lands abutting such facilities for DEVELOPER’s costs to extend public facilities which benefit such intervening lands.

13. INDEMNIFICATION.

13.1 ANNEXOR agrees to indemnify and hold harmless the TOWN and the TOWN’s officers, employees, agents, and contractors, from and against all liability, claims, and demands, including attorney’s fees and court costs, which arise out of or are in any manner connected with the annexation of the PROPERTY, or with any other annexation or other action determined necessary or desirable by the TOWN in order to effectuate the annexation of the PROPERTY, or which are in any manner connected with TOWN’s enforcement of this Agreement. ANNEXOR further agrees to investigate, handle, respond to, and to provide defense for and defend against or at the TOWN’s option to pay the attorney’s fees for defense counsel of the TOWN’s choice for any such liability, claims, or demands.

October 1, 2007
14. GENERAL PROVISIONS

14.1 This agreement shall be recorded with the Clerk and Recorder in Routt County, Colorado, shall run with the land, and shall be binding upon and inure to the benefit of the heirs, successors, and assigns of the parties hereto. ANNEXOR shall notify TOWN of assignments and the names of assignees. Every part of the PROPERTY and all present and future owners of the PROPERTY shall at all times remain subject to all the obligations of this agreement with respect to each and every part of the PROPERTY.

14.2 Nothing contained in this agreement shall constitute or be interpreted as a repeal of existing codes or ordinances or as a waiver or abnegation of TOWN’s legislative, governmental, or police powers to promote and protect the health, safety, or general welfare of the municipality or its inhabitants; nor shall this agreement prohibit the enactment by TOWN of any fee which is of uniform or general application.

14.3 No right or remedy of disconnection of the described PROPERTY from the TOWN shall accrue from this agreement. In the event the PROPERTY or any portion thereof is disconnected at ANNEXOR’s request, TOWN shall have no obligation to serve the disconnected PROPERTY and this agreement shall be void and of no further force and effect as to such PROPERTY.

14.4 If the annexation of the PROPERTY or any portion thereof is challenged by a referendum, all provisions of this agreement, together with the duties and obligations of each party, shall be suspended pending the outcome of the referendum election. If the referendum challenge to the annexation results in disconnection of the PROPERTY from the TOWN then this annexation agreement and all provisions contained herein shall be null and void and of no further effect. If the referendum challenge fails, then ANNEXOR and TOWN shall continue to be bound by all the terms and provisions of this annexation agreement.

14.5 In the event that the annexation of the PROPERTY or any portion thereof is voided by final action of any court, TOWN and ANNEXOR shall cooperate to cure the legal defect which resulted in disconnection of the PROPERTY, and upon such cure this annexation agreement shall be deemed to be an agreement to annex the PROPERTY to TOWN pursuant to Section 31-12-121 of the Colorado Revised Statutes. ANNEXOR shall reapply for annexation as when the PROPERTY becomes eligible for annexation as determined by TOWN.

14.6 It is understood and agreed by the parties hereto that if any part, term, or provision of this agreement is by the courts held to be illegal or in conflict with any law of the State of Colorado, the validity of the remaining portions or provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the agreement did not contain the particular part, term, or provision held to be invalid.

14.7 All fees recited in this agreement shall be subject to amendment by Town Board. Any amendment to fees shall be incorporated into this agreement as if originally
set forth herein. Nothing in this agreement shall prevent, prohibit, diminish, or impair the Town’s governmental authority to adopt fees or regulations to address the impact of development.

14.8 ANNEXOR agrees to include the PROPERTY in public improvement districts as may be organized by the TOWN pursuant to the provisions of Title 31, Article 25, Part 6, of the Colorado Revised Statutes.

14.9 This instrument embodies the whole agreement of the parties. There are no promises, terms, conditions, or obligations other than those contained herein; and this agreement shall supersede all previous communications, representations, or agreements, either verbal or written, between the parties hereto. Except as provided in Section 14.7 there shall be no modification of this agreement except in writing, executed with the same formalities as this instrument. Subject to the conditions precedent herein, this agreement may be enforced in any court of competent jurisdiction.

14.10 This agreement shall terminate and expire upon the completion of the development of the PROPERTY and satisfaction of all the obligations herein. Thereafter, so long as the PROPERTY is located within the municipal boundaries of TOWN, it shall continue to be subject to the ordinances, and rules and regulations of the TOWN.

14.11 It is expressly understood and agreed that enforcement of the terms and conditions of this Agreement, and all rights of action relating to such enforcement, shall be strictly reserved to the Parties hereto, their successors and assigns, and nothing contained in this Agreement shall give or allow any claim or right of action by any other or third person under this Agreement. It is the express intention of the Parties that any person other than the Parties receiving services or benefits under this Agreement shall be deemed to be an incidental beneficiary only.

14.12 In the event of breach or default by the Town, the sole remedies hereunder shall be the equitable remedies of specific performance or injunction. ANNEXOR, its successors and assigns, hereby waive any rights to money damages for any such breach or default.

14.13 No vested rights shall accrue to ANNEXOR by virtue of annexation of the PROPERTY or this Annexation Agreement. Any such vested rights for the PROPERTY shall be acquired only in compliance with C.R.S. 24-68-101, et.seq., and approval of a specific development plan for the PROPERTY.

IN WITNESS WHEREOF, the parties hereto have executed this agreement the day and year first above written.

October 1, 2007
By: Martha J. Cannon
Martha J. Cannon, Trustee for Martha J. Cannon Trust
ANNEXOR

State of Colorado
County of Routt

Subscribed before me this 21st day of NOVEMBER, 2007, by

[Signature]

My commission expires: 3-16-2011

[Signature]
Notary Public

TOWN OF HAYDEN, COLORADO

[Seal]

By: Charles G. Grobe,
MAYOR PRO-TEM

ATTEST:

[Signature]
Susan Irvine, Town Clerk

APPROVED AS TO FORM:

Michael Holloran
Town Attorney

October 1, 2007
EXHIBIT A
LEGAL DESCRIPTION OF CANNON ANNEXATION

PARCEL A

A TRACT OF LAND LOCATED IN THE SE 1/4 NW 1/4 SECTION 10, T6N R88W, 6TH P.M., ROUTT COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF A TRACT OF LAND DESCRIBED BY DEED IN BOOK 449 AT PAGE 591 WITH THE ROUTT COUNTY CLERK AND RECORDER, ALSO BEING THE NORTHEAST CORNER OF VISTA VERDE SUBDIVISION, FILING No. 2, AND ALSO THE NORTHWEST CORNER OF THE HAYDEN CEMETERY; THENCE N 01° 02' 27"E FOR A DISTANCE OF 719.40 FEET TO A POINT ON THE SOUTH LINE OF THE S.A. ADAIR ADDITION TO HAYDEN; THENCE S80° 02' 07"W ALONG SAID SOUTH LINE FOR A DISTANCE OF 334.00 FEET; THENCE S 01° 02' 27"W FOR A DISTANCE OF 608.69 FEET TO A POINT ON THE NORTH LINE OF SAID TRACT IN BOOK 449 AT PAGE 591, AND THE NORTH LINE OF SAID VISTA VERDE SUBDIVISION, FILING No. 2; THENCE S 80° 48' 37"E ALONG SAID NORTH LINES FOR A DISTANCE OF 331.20 TO THE POINT OF BEGINNING, CONTAINING 5.0 ACRES, MORE OR LESS.

BASIS OF BEARING--THE MONUMENTED NORTH LINE OF A TRACT OF LAND DESCRIBED IN BOOK 449 AT PAGE 591, BOTH ENDS BEING ALUMINUM CAPPED REBAR, PLS #16422-S80° 48' 37"E.

And

PARCEL B

A TRACT OF LAND LOCATED IN THE SE 1/4 NW 1/4 SECTION 10, T6N R88W, 6TH P.M., ROUTT COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE WEST LINE OF SAID SE 1/4 NW 1/4 WHICH LIES N80° 43' 38"E A DISTANCE OF 608.00 FEET FROM THE SOUTHWEST CORNER THEREOF AND ALSO BEING THE NORTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN A DEED RECORDED APRIL 5, 1978 IN BOOK 449 AT PAGE 591 OF THE ROUTT COUNTY RECORDS AND ALSO BEING THE NORTHWEST CORNER OF VISTA VERDE FILING No. 2; THENCE N00° 43' 38"E ALONG SAID WEST LINE FOR A DISTANCE OF 281.16 FEET TO A POINT ON THE SOUTH CITY LIMITS OF THE TOWN OF HAYDEN; THENCE N80° 02' 07"E ALONG SAID SOUTH CITY LIMITS FOR A DISTANCE OF 988.82 FEET; THENCE S01° 02' 27" W FOR A DISTANCE OF 608.69 FEET TO A POINT ON THE NORTH LINE OF TRACT DESCRIBED IN BOOK 449 AT PAGE 591 AND THE NORTH LINE OF VISTA VERDE FILING No. 2; THENCE N80° 48' 37"W ALONG SAID NORTH LINE FOR A DISTANCE OF 978.98 FEET TO THE POINT OF BEGINNING. CONTAINING 9.90 ACRES MORE OR LESS.

October 1, 2007
BASIS OF BEARING—THE MONUMENTED NORTH LINE OF A TRACT OF LAND DESCRIBED IN DEEDRecorded APRIL 5, 1978 IN BOOK 449 AT PAGE 591. BOTH ENDS BEING ALUMINUM CAPPED REBAR PLS #16422: S80° 48' 37" E.
EXHIBIT B
ANNEXATION MAP – CANNON ANNEXATION
EXHIBIT D
CONCEPTUAL DEVELOPMENT MAP – CANNON ANNEXATION
OLD FARM VILLAGE
SITE PLAN
A TRACT OF LAND LOCATED IN THE SE 1/4, NW 1/4 OF SECTION 10, TOWNSHIP 6 NORTH, RANGE 88 WEST OF THE 6TH P.M., TOWN OF HAYDEN, ROUTT COUNTY, COLORADO

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<th>LAND USE TABLE</th>
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