The special meeting of the Hayden Planning Commission was called to order by Chair Angie Robinson via Zoom at 7:03 p.m. Other members present via Zoom were Vice Chair Amy Williams, Emily Waldron, Michelle Lewis 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 via Zoom.

**Moment of Silence and Pledge of Allegiance**

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

**Consideration of Minutes**

Vice Chair Williams moved to approve the minutes for the regular meeting held on March 12, 2020 as written. Chair Robinson seconded the motion. Motion approved unanimously.

**Public Comments**

None.

**Old Business**

None.

**New Business**

**Public Hearing: Old Farm Village Subdivision Sketch Plan**

Mary Alice stated that several letters or emails have been received on this proposal since the staff report was published, noting that they were distributed to the Planning Commission members and Applicant via email. She stated correspondence has been received from Jim Caukins, Lorna Hamilton, 609 E Washington Street; Tom Rogalski, 641 E Washington Street; Bonnie Steele, 555 & 557 E Washington Street; and Jo Webster, 689B E Washington Street.

In addressing the identified concern regarding moving forward with an application at a meeting that must be held virtually, Mary Alice noted that any submitted application that meets the criteria for being deemed complete in conformance with the Code’s requirements must be scheduled for consideration and the Town of Hayden has authorized virtual meetings. She added that the Applicant has followed the process outlined in the 2007 Annexation Agreement between the Town and Martha Cannon.

Mary Alice stated that another concern identified in the correspondence as well as in the staff report is the lack of elevation and building plans that show the look, height and building concept designs for the development. She noted that the Planning Commission has a couple of options to consider in this regard. The first is what is outlined in the recommendation conditions of approval included in the staff report and requires the Applicant to submit the elevation and building plans for the Town Council’s consideration. Another option is for the Planning Commission to table their consideration to allow the Applicant to submit the elevation and building plans information for the Planning Commission’s consideration. She noted that if the Planning Commission determined that tabling was appropriate, tabling it to May 14th.
would not serve to delay the May 21st Town Council hearing. She added that the May 14th Planning Commission meeting may also be able to be convened in an in-person format and such could accommodate neighborhood residents who wish to comment in person.

Public Hearing opened at 7:13 p.m.

Lorna Hamilton stated that they are not anti-development, but that this proposal is over-the-top, that it is only 20 feet from their backyard, and questioned why the housing would be shoved right up against their backyard. She commented that they have worked very hard towards retirement, and then this happens – paradise lost. She continued that they believe the developer should think about accommodating all of the neighbors that have lived in this location for decades.

Jim Caulkins asked what Hayden's definition for multi-family residential. Mary Alice explained in general terms that the Code identifies high density residential development as development in excess of one unit per 6,000 sq. ft. of land area, equating to 7+ units per acre. Vice Chair Williams confirmed, in response to Mr. Caulkins’ question, that the calculation is based on the number of dwelling units and not the typ.

Ms. Hamilton asked whether the units would be for sale or rental units, expressing concern with having rental units. Chair Robinson commented that she understood what was being asked, but discriminating between owners and renters is not something the Planning Commission can ask. Mary Alice confirmed that such is not permissible.

Tom Rogalski noted he wrote a letter as well that has been provided to members. He stated that it is his hope that ultimately there can be a better understanding of what this proposal will be. Mr. Rogalski commented that as has been alluded to, the drawings are incomplete and vague and asked if there was additional information which was provided to the Planning Commission. Chair Robinson said the Planning Commission members do not have elevation or building plan information either.

Mr. Rogalski asked if there was information about items such as emergency services and access or other infrastructure, noting that no staff was present from those agencies. Mary Alice replied that those matters have been identified and included in the staff report, and that the more specific information is typically submitted at the preliminary plan stage of the process. Mr. Rogalski noted that the narrative is vague with regard to whether the road serving the development will be public or private. Mary Alice replied that, while the alley is publicly dedicated, whether the full extents of the road with regard to maintenance or snow removal would be handled publicly or privately is information that is still needed from the Applicant. She added that
at the minimum emergency service access will need to be dedicated over a roadway built to the Town's required standards. Mr. Rogalski asked if his property abuts the public alley would he have access as well. Mary Alice replied yes.

Mr. Rogalski expressed his concerns with the proposed snow storage plan and the impacts to his fence and property if such is stored along the north line of the alley. He questioned what type of buildings are being proposed, whether they are one- or two-story buildings and why no articulation of the building walls are being considered. Mary Alice noted that elevation and building plans have not been submitted, adding that the Applicant can speak to this question at their turn. She added that this is a concept plan for input and feedback to these and other concerns. Mr. Rogalski added that he is not excited about crowding to north side, felt that the plan completely ignores existing neighborhood and privacy, and pales horribly to showing respect to the existing neighborhood design elements.

Jo Webster stated that she brought up several points in her email, but had failed to bring up her concerns with the substantial traffic increase that will be experienced on Washington Street with 38 additional units and how this will conflict with the quiet neighborhood it currently is.

Public Hearing closed at 7:29 p.m.

Walter Magill, Four Points Surveying & Engineering, spoke to the project stating that this is a concept/sketch plan on property owned by a local developer for the last thirteen years. He referred to the existing conditions plan noting that the property is crossed by the Walker and Shelton Ditches and the north portion of the property was approved for Residential High Density (RHD) zoning approximately one year ago. Mr. Magill stated that the buildings will be setback twenty feet from the south line of the alley to accommodate driveways, and if the Planning Commission wants to see something different regarding snow storage they would like to hear such. He noted that a traffic study has been recommended, and acknowledged the public comments from E Washington Street neighbors which is to be expected as this project is in their backyards. Mr. Magill stated that the projects includes the extension of public rights-of-way, though the recommendation in the staff report that Ash, Oak, and Maple Streets all need to be developed needs to be further discussed as the developer’s intention was to only develop one of the roads. He continued stating that the concept is to cluster development as it lessens infrastructure costs and impacts to Shelton Ditch, largely preserves the site, includes a community garden, and provides an infill project in downtown Hayden that will have a variety of housing units to serve families and singles as Hayden grows. He noted the comments that have been received about obstructing views to the south, and noted that the existing vegetation already in place as well as the Vista Verde
Subdivision located to the south. He added that the preservation of open space including the trails tying into the neighborhood provides benefit to the overall area. Mr. Magill expressed concern with the staff report recommendation that the buildings be limited to two stories in height when the RHD zone district allows 3-1/2 stories/35 feet in height.

Ted Hoffman, property owner/Applicant, stated he has owned the property for thirteen years and when it was purchased a condition of that sale was that Martha Cannon had completed the annexation including having an approved Annexation Agreement. He referred to the concept plan included in the Annexation Agreement and noted that it anticipated multi-family development in the north portion and between the two ditches, and single-family in the west portion and along the base of the hillside in the south. Mr. Hoffman noted that changes made in this submittal are based on feedback at the time of the zoning amendment hearing and include the designation of the southern four acres as open space, avoiding major crossing(s) of the Shelton Ditch, and preservation of wildlife corridors, all serving to cluster the development on less than three acres of the almost ten acre site. He stated that there are lots of positives, including preserving history, heritage and agricultural elements in accordance with the Comp Plan’s guidance. He noted that he understands and respects the difficulty expressed by the neighbors, but it is not feasible to spread across the full acreage and wants to work with Town and neighbors to get something viable. Mr. Hoffman stated that a review of the information included in the staff report packet shows that the project complies with the applicable regulations, noting the oversight of not including the floor plan information. He closed stating that it is remarkable that he has been able to hang on to the property, and would like to do something that makes sense for Routt County and Hayden, that it is a beautiful piece of property that is significantly constrained for development by the two ditches, and the current proposal clustering the units works.

Dave Turcotte, partner of Old Farm Village LLC with Mr. Hoffman, stated that one of the biggest points of contention is the allowable 35-foot height allowed in the RHD zone district and the proposed 2-story limitation. He noted that he didn’t see the difference with a 2-story limitation that could still be 35 feet in height versus a 3-story limited to 35-feet. Mary Alice clarified that the intent of the proposed 2-story limit was to also limit the height of the building.

Ida Booco spoke regarding the proposed plan, the need to replace the bridge across the ditch, and the impacts to the adjacent ditch. She stated that it would be necessary to fence the ditch to assure the safety of children living in the development and to maintain an adequate setback from the ditch. Chair Robinson noted that the Applicant will need to work with the ditch companies to figure things out in these regards.
Mr. Turcotte stated that they have put a lot into the development of the project for the community including trails, common greenhouse, and gardening plots for residents to make a beautiful development. He added that development is their job and, while it may be distasteful to some, it is how they make their living and in order to have some profit in the project it is necessary to do 3-story buildings. He continued that clustering the homes provides protection to the ditches, adds to greenspace, and preserves adequate distance between the homes while also providing backyards/greenspace to those living there. Mr. Turcotte stated that they don’t want to come in and ruin any community, that their intent is to make it a community and provide a nice, beautiful development with an infill project within the Town limits.

Chair Robinson stated that the next step is to discuss the project among the Planning Commission members.

Vice Chair Williams asked for clarification of the location of the buildings from the south line of the alley as to the distance. Mr. Magill replied that from the north line of the alley it is 50 feet, and such will include a 24-foot wide roadway and a 20-foot long driveway leaving 6 feet for snow storage in the north 6-feet of the platted alley.

Vice Chair Williams asked for clarification on the 2-story versus 3-story. Mary Alice replied that a condition was posed to limit the height to less than what the Code allows in an effort to respond to the concerns expressed about view impacts. Vice Chair Williams expressed her concern about being more restrictive than the Code and the property rights issues involved.

Vice Chair Williams noted that they are planning for two parking spaces per unit with one in the garage and one in the driveway. She asked if there was any ability to create guest parking. Mr. Turcotte replied that the garages would be tandem garages with space for two cars and the driveway area would give space for guest parking. Mary Alice noted that the Code doesn’t permit tandem garages to be counted for both spaces, but the driveway and one car garage meets the Code requirements for two parking spaces per residential unit. Vice Chair Williams noted that it is a nice amenity to have guest parking, and such could alleviate people’s legitimate concerns about the sufficiency of the parking areas.

Mr. Hoffman asked about the parking provided in the Vista Verde development. Vice Chair Williams and Commissioner Dudley outlined the different parking configurations in Vista Verde, and it was noted that the units are three stories in height. Mr. Hoffman noted that it is not a unique use in Town. Commissioner Dudley noted that the topography of the land made it such that the garages are built into the hillside and one walks out into the
yard area from the residential part of the unit. Vice Chair Williams noted Creekview Condos are 3-story buildings.

Commissioner Dudley, noting that it appears that all the units will be multi-story of some type, asked if there were any plans for accessible units. Mary Alice noted that they will be required to have some that meet accessibility rules on a calculated basis, and such is determined at the time of building permit.

Martha Cannon asked if the Planning Commission has received the letter requesting the privacy fence. Mary Alice noted that there is a recommended condition that such be built along the east line of the development.

Commissioner Waldron asked for clarification about the public right-of-way status of the alley, and asked if there was a separate process that the widened roadway would have to undergo. Mary Alice replied that dedicating the roadway as public is part of the subdivision platting process.

Commissioner Waldron noted the Police Chief's comments regarding the traffic increases associated with the development, and stated she was glad to see the requirement for a traffic study. She asked why there was not a recommendation for a hydrologic study as well. Mary Alice replied that the provision of a drainage analysis is a recommendation. She noted that additionally a jurisdictional wetlands study was completed several years ago which made a finding that there were no wetlands under the Corps purview as anything that was there was related to the two irrigation ditches, that a NRCS soils study was submitted with the sketch plan application, and a site specific soils report is required at the time of building permit. Commissioner Waldron asked if there was any requirement for geotechnical analysis related to the stability of the irrigation canal and, if so, when such would happen during the Planning Commission’s review. Mary Alice replied that such could be requested.

Commissioner Waldron asked for clarification regarding the density of units per acre and how the calculation occurred when there was a dedication of open space. Mary Alice replied that the density calculation is based on the entire 9.90 acres dived by the 38 units which equates to 3.84 units per acre, which conforms to the medium density residential envisioned in the Comp Plan of between 2-4 units/acre. She added that the RHD zone district allows approximately 7 units/acre.

Vice Chair Williams asked if they were giving up all the water rights on the property to the Town or were some retained. Mary Alice replied that it is her understanding that they have been required to dedicate .2cfs and that is all that is owned with the property. She added that the zoning amendment approval required the dedication of water rights.
Ms. Booco stated that the ditch company will require fencing along the ditch. Vice Chair Williams asked if the ditch company can require such, noting that there isn’t fencing around Dry Creek or other unfenced ditches. Ms. Booco asked who would be responsible for children that go into the ditch. Vice Chair Williams noted that there’s a large open ditch at Dry Creek Park.

Chair Robinson commented that it would be really nice to reconfigure the proposal so that the greenspace now shown behind the units could be placed to the north of the units to provide additional space between the neighbors and these units. She added that she is also concerned about the sufficiency of snow storage, shoveling between units is going to be difficult, and pushing snow across the trails is going to mean the trail is going to have to be redone each year as well as creating a muddy mess.

Commissioner Dudley stated that her assumption that the site selected for the units is related to the alley or utility connections, and that it is cost prohibitive to push the units closer to the south hillside. Mr. Magill replied that pushing further south would further impair the ditch, and access must also be preserved for maintenance. He added that the project’s units will be 40 feet from the ditch, adding that there is no standard for separation as the ditch is not considered a waterbody.

Vice Chair Williams asked if there was a law that required a certain distance to be maintained from the ditch. Mr. Magill replied that it is typically to maintain historical access for maintenance. Vice Chair Williams asked Ms. Booco what was needed. Ms. Booco stated that if the wasn’t anything placed in the 40 feet that such would be plenty. Vice Chair Williams asked if that meant 20 feet on each side of the centerline of the ditch. Ms. Booco replied that they would need 16 feet on one side and 8 feet on the other.

Vice Chair Williams stated that in that case a balance and compromise could be struck by pushing the units back, making everybody on the north side happier, and shortening the distance between the building and the ditch. Ms. Booco noted that the state regulations say it is anything that it takes to maintain the ditch. Vice Chair Williams asked if, reasonably, if 20 feet were left would it work. Ms. Booco stated that would probably work. Vice Chair Williams said an additional 10 feet of space offers a great compromise and was very supportive of moving in that direction.

Ms. Booco restated her suggestion that a fence between the homes and ditch was needed to assure children didn’t fall in the ditch. Vice Chair Williams replied that it didn’t appear such could be required, but could be suggested and that it is likely there will be a whole lot of people with dogs that are going to need to fence.
Chair Robinson asked to discuss the height question next. Vice Chair Williams reiterated her concern about impaired property rights that restricts the development more so than the zoning regulations, and garages are necessary. Commissioners Dudley and Lewis concurred with Vice Chair Williams.

Mr. Rogalski noted that while the RHD allows buildings 35-feet tall, there are other regulations that apply including that a development needs to fit in, that there’s nothing similar in this area of Washington Street, and it is something to assess at the discretion of the Planning Commission. Mary Alice noted that the Code

Vice Chair Williams commented that the ditch constraints of the property are a problem. She continued that she is hopeful a reasonable balance can be struck by encouraging additional setback from the south alley boundary, by allowing the 3-story/35-feet height allowed in the RHD, respecting the developer’s right to develop as well as the adjacent properties, and giving the ditch a sufficient distance for maintenance activities.

Commissioner Waldron stated that in doing so it ignores the concerns expressed by Mr. Rogalski particularly regarding the character of the neighborhood regardless of how it is spun, or how much distance is between the existing homes and the proposed 38 units. She added that when she was reviewing the Comp Plan, it planned for 15,000 people by 2020 and the associated change in character. She continued that is not the case, and that given that things have not gone in this direction, perhaps this type of development should not be approved.

Vice Chair Williams noted her concerns with ignoring the zoning, and while the proposal may not fit with the immediate adjacent neighborhood, there are several developments in the entirety of the downtown neighborhood that do. She stated that there’s a reason for 3-story buildings in this location, noting the site constraints.

Chair Robinson asked if there would be a benefit to a mix of types with some 3-story and some other/low types including different garage configurations. Mr. Turcotte noted that there 6 one-bedroom units that are 2-story adjacent to the park, then moving to the 3-story.

Commissioner Waldron asked what the difference between attainable and affordable housing as noted in the narrative. Mary Alice replied that affordable housing is typically deed restricted, and attainable housing is priced for what the market can bear. Mr. Turcotte added that they are just trying to build entry level housing that families can afford at a reasonable price.
In response to a question from Chair Robinson, Mary Alice noted that there is time before the May 21st Town Council meeting to allow the Applicant to submit the elevation and building plans for review if the Planning Commission wishes to table this application to May 14th.

Vice Chair Williams commented that there is some merit to tabling to May 14th, but wanted assurances that there would be a quorum so as to not unduly delay the application. Chair Robinson, Commissioners Waldron, Dudley, and Lewis confirmed their availability. Mary Alice noted that this will be an in-person meeting where anyone wishing to comment in person can be staged to maintain the maximum of 10 people in the room.

Mr. Magill asked for details on the information that is needed for the May 14th meeting.

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

Commissioner Dudley moved to table the review and consideration of a recommendation of Old Farm Village Subdivision Sketch Plan to May 14th. Chair Robinson seconded the motion. Passed unanimously.

Staff and Commission Member Reports

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

Adjournment

Chair Robinson adjourned the meeting at 8:28 p.m.

Recorded by:

Mary Alice Page-Allen

APPROVED THIS DAY OF MAY 14TH, 2020

Amy Williams, Vice Chair