The regular meeting of the Hayden Planning Commission was called to order by Chair Angie Robinson at 7:03 p.m. Other members present were Vice Chair Amy Williams, Emily Waldron, Michelle Lewis, Tim Frentress and Melinda Dudley, Alternate. It was noted that Ms. Dudley was not 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 special meeting held on April 30, 2020 as written. Commissioner Frentress seconded the motion. Motion approved unanimously.

**Public Comments**
None.

**Old Business**

**Public Hearing: Old Farm Village Subdivision Sketch Plan (TABLED FROM APRIL 30, 2020)**
Walter Magill, Four Points Surveying and Engineering, reviewed the changes to the plans made in response to the comments received at the April 30th meeting including moving the road, shifting the buildings, adding snow storage area, identifying the road area that will be dedicated to the Town, and plans for Ash and Oak Street development.

Chair Robinson reopened the public hearing at 7:10 p.m.

Beverly Raper, President, Shelton Ditch Company, stated that there are concerns with the project's impacts to the Shelton Ditch. She stated they would like a 30 foot right-of-way for maintenance, fencing to keep children out of the ditch, and avoidance of pushing snow into the ditch. She stated that the old bridge crossing the ditch must be removed to avoid continued encroachment and specifications must be provided to the Ditch Company for any new bridges.

Jim Caulkins, 609 E Washington St, urged the Planning Commission members to come to the site to assess whether views are restricted by vegetation, noted that while Vista Verde has some similarities to this project it is 250 yards away and only a bit can be seen, and suggested that 35 foot high balloons be set out for a visualization of the view impacts. Mr. Caulkins noted that the development site experiences a 100 yard long, 30 foot wide pond.

Tom Rogalski, 641 E Washington St., stated that the project fails to respect or have regard for the E Washington St. residents, that the road being proposed is a platted alley, and that he doesn't understand how this development can go forward. He stated that it is the Planning Commission's job to protect those on both sides of an issue, giving a fair shake, and to ask how it could make things worse or better. He stated that this development is not fair and
is wrong from the get go, making the rest moot. Mr. Rogalski noted that there is no demonstration of mitigation with regard to the maximum height, crowding, the location of the street where the applicant should consider moving it south of the buildings. He continued stating that this proposal is a cruel use of the property and there is much more potential for the property. He stated that the Planning Commission is under no obligation to say yes, and that the E Washington St. residents were here first.

Jo Webster, 689 B E Washington St., via Zoom asked if there were still plans for development of the Maple St. road. Mary Alice replied that the revised plans do not show the road being developed with the emergency services turnaround being located within the development property.

Dallas Robinson, 300 S Spruce St., stated his biggest concern if for the residents of the Town and concern with the existing residents who have devoted their lives in the current environment. He stated that there should not be two frontages, particularly high-density frontages, and effort should be made to still have some privacy suggesting that the road be placed on the other side of the buildings. He noted concerns with drainage as water runs downhill and snow should be plowed towards the ditch not winged into fences. He stated that the development will back up to others’ backyards and they will lose all privacy, that they have invested in their homes, that the development will cause real traffic, and that the development is appalling and the impacts have not been considered. He stated that this type of development divides a community, that effort should be made to protect things and avoid trampling, and that the design should be reconsidered to avoid impacts to people and their investments, adding that development is supposed to improve not impact.

The public hearing was closed at 7:40 p.m.

Mary Alice reviewed the changes to the staff report based on the additional information supplied by the applicant and in follow-up to some of the concerns identified at the April 30th meeting. She noted the Colorado Geologic Survey Geologic Hazard Mapping information that identifies the area below the Shelton Ditch as Unstable Slope or Potentially Unstable Slope.

Ms. Raper asked about the water rights. Mary Alice referred to the information included in the staff report indicating that there are 0.2 cfs that are to be dedicated to the Town and that the project proposes only use of municipal water. Ms. Raper stated that this project does not look at the long-term effect and existing families and she is not in favor. She added that the proposed garden area will cause erosion and impacts to the ditches.
Chair Robinson asked what the plan was for addressing the ground water. David Turcotte stated that a hydrology study will be conducted as part of the next steps and the development will follow engineering guidance.

Commissioner Frettress commented that there is lots of run-off towards the ditch during a normal winter.

Ida Booco noted that the irrigation ditch drains into the lower half of the property.

Commissioner Williams asked what distance the building would be from the north line of the alley. Mary Alice replied 60 feet.

Commissioner Waldron stated such is still a minimal distance between home lot lines to beginning of structures.

Commissioner Williams stated there is some distance between the lot lines and the houses on E Washington St., and that it was appropriate to push buildings back. She stated that the Town has known this project was coming for a long time, that she disagrees with Mr. Rogalski’s comments, and there is a case to be made that a denial is potentially equivalent to a taking.

Commissioner Waldron stated that the proposed project has the wrong feel and is not in keeping with the character of the neighborhood.

Commissioner Frettress stated that three stories is too high but two stories are OK.

Commissioner Lewis stated that she respects the values and opinions expressed, but that change has to happen and help Hayden to survive. She added the density will make them affordable, bring people and support the economy. She stated that the project meets the Development Code criteria.

Chair Robinson stated that she hears what’s being said, that there should be fewer units, they should be turned around and the height should be reduced.

Commissioner Williams commented that when the issue of views comes up it is a scary matter when considering property rights and the lack of any regulatory basis to impose such standards. She continued that this development is legal and allowed, and there is no valid basis for denial. She added that just considering E Washington St. is too small to consider as the neighborhood, that this area is part of the downtown neighborhood and a variety of housing makes up the downtown. She stated that the applicant meets the Town’s guidelines and this project shouldn’t be tossed aside.
Chair Robinson noted that three stories is too high. Commissioner Williams noted that the code allows them to go to this height.

Commissioner Lewis noted that if the building was flipped the balconies would look into backyards versus looking into the open space.

Commissioner Williams stated that it is not possible to get away from being neighbors, and that reducing the buildings to two stories is potentially a taking.

Commissioner Waldron noted that the residences on E Washington St. are one-story buildings. Commissioner Williams noted that the new buildings in Dry Creek are all three-stories.

Commissioner Lewis noted that the development proposal maximizes what’s allowed and complies with the Development Code criteria.

Mr. Turcotte stated that if they limited development to a few duplexes they would cost $2 million each, and affordability wouldn’t be maintained. He noted that the geologic hazard information requires the development to be clustered and doing so leaves 6 acres of open space. He stated that backyard to backyard doesn’t work and the development complies with the requirement to face towards open space. He continued that the project is infill and already zoned, that stripping the project of any profit is a potential taking, that the density is required to maintain affordable but it should be understood that they are making a huge investment. He added that it is their intention to provide good houses for good people, and it will be a beautiful development.

Commissioner Williams noted that the Town has expressed its preference for infill versus sprawl, so this development should come as no surprise.

Mr. Turcotte noted that the property has been for sale for ten years, and there are limits on controlling land not owned.

Commissioner Frentress asked about snow removal, and Mr. Turcotte noted the areas on the plan identified for storage.

Review and Consideration for Approval of Old Farm Village Sketch Plan

Commissioner Williams moved to recommend approval of the Old Farm Village Sketch Plan with the findings of fact that:

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. The proposed improvement site for the residential units is appropriate as it avoids mapped Unstable Slopes and Potentially Unstable Slope areas on the property.

3. 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.

4. 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. 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. All setbacks be determined by an approved Site Plan, and the Applicant shall submit such Site Plan with the preliminary plan application.

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; all setbacks shall be shown or noted for review and approval.

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

7. Oak Street and Ash Street shall 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.

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, and any request for an exception to those standards, 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.

Commissioner Lewis seconded the motion. Motion failed by a vote of 2 in favor, 3 opposed.

Commissioner Waldron moved to recommend denial of the Old Farm Village Sketch Plan. Commissioner Frentress seconded the motion. Motion passed by a vote of 3 in favor, 2 opposed.

New Business

None.
Staff and Commission Member Reports

Mary Alice Page-Allen updated the Planning Commission on current activities, and stated that there will be a Planning Commission meeting on May 28th.

Adjournment

Chair Robinson adjourned the meeting at 8:10 p.m.

APPROVED THIS DAY OF MAY 28th, 2020

Amy Williams, Chair

Recorded by:

Mary Alice Page-Allen