

The regular meeting of the Hayden Planning Commission was called to order by Chair Amy Williams at 6:04 p.m. Other members present were Commissioner Tim Frentress and Commissioner Carly Kelly. Community Development Director Tegan Ebbert and Project Management Specialist Kevin Corona were also present.

**Pledge of Allegiance**

**Chair Williams** led the Pledge of Allegiance.

**Approval of the Minutes**

Tim Frentress moved to approve the October 26, 2023 meeting minutes, Commissioner Kelly seconded; the motion was approved unanimously.

**Prairie Run Subdivision Preliminary Plan**

Kimball Crangle, Gorman and Company, and Elena Scott, Norris Design, presented the proposed Prairie Run Subdivision Preliminary plan, a 135 residential unit subdivision development in the Commercial (C) Zone district spread across a mixture of two-story multifamily and town home buildings and 8.2 acres of area dedicated to future commercial and mixed-use development. Ms. Crangle explained the project coincides with Hayden's Master Plan and they are in alignment with their use of the property. Gorman presented the proposed side walk improvements as well a vicinity map of the pedestrian and multi modal pathways. The proposed plan was updated and revised since the last meeting on 10/26/23 specifically to move the development south to avoid the Moon Ditch to ensure they are not interfering with the operations of the ditch. As such the layout of the building have remained the same. The future park is approximately 2.3 acres in area within the future development zone while Gorman continues to work with the Town to determine what the appropriate uses are going to be and what the Town interest will be. Proposed plan for dedicated for snow storage was also presented. It has been noted that 25% of their paved area will be dedicated for snow storage. All snow removal will be under Gorman's management and responsibility. A 60 foot right of way is included to be dedicated to the Town and will be stubbed out to allow for any future connection to Breeze Basin if additional development occurs in the vicinity. At timeline of the project was also presented, showing construction should start sometime in spring 2024

**Planning Commission Questions**

Commissioner Frentress questioned what the liability will be for the town concerning the open irrigation ditch running through the property. Ms. Crangle responded that Gorman worked with members of the ditch however an agreement couldn't be met so this is why this new plan was moved South to avoid the ditch entirely.

Chair Williams questioned if the ditch is left open, will the maintenances and management of the ditch remain with the owners. Ms. Crangle responded that is correct.

Commissioner Frentress inquired as to the issue that resulted in the ditch not being piped. Ms. Crangle responded that she didn't think there is difference in goals but once legal jargon came in it felt muddled with what the expectations were for cleaning and cleaning access. They just don't want to

make thing complicated and difficult as Gorman is in affordable housing business not irrigation ditches. She indicated that they are aware the ditch is very important for the users and Gorman would rather not screw it up. Commissioner Kelly requested clarification on the access. Ms. Scott responds Gorman can only control the collector street on their property and any access to US Highway 40 is subject to CDOT's conditions through an access permit.

Andrew Bowen with CPS presented and discussed parcel information, process, approved sketch plan, proposed preliminary plan, and changes between the sketch plan and the preliminary plan. Andrew states that because the design has been moved south the subdivision does not fully comply with **Sec. 10.24.20 Dimensional and Setback Standards**. For lots under 1,5 acres (Lots 1,3,6,8,9 and 10) there are no setback requirements. However, lots (2,4,5,7, and 11) must all be designed with a 25' setback as they are 1,5 acres or larger. The applicant is requesting to utilize **Sec. 10.16.130 Alternative Design** to pull all development south, which allows the Moon Ditch to remain unaffected by this phase. This allowance will ease all setbacks to 20'

#### Public Comment

Representing Moon Ditch owners, Mynon Woodley questioned if children will play in the ditch if it is left open. Chair Williams asked if being left open is better or worse for maintenance. Moon Ditch owners responded its better however it leaves it vulnerable for garbage and debris getting in the ditch. Moon Ditch owners stated they wanted to come to an agreement with Gorman so the ditch could be piped but felt that they weren't responsive. They involved an attorney but then Gorman stated they will not pipe the ditch.

Ms. Crangle responded that Gorman desired to come to an agreement with the Moons however the Moon's attorney started adding new things to the agreement such as annual maintenance fees, cleaning out to the ditch "to their satisfaction", and ultimately Gorman could not agree to the vague language or maintenance of the ditch that they had no ownership of. This is when Gorman decided to leave the ditch alone and redesign the site plan.

Kraig Copeland asked if this project will be built without any sidewalks to the development and expressed his concern for pedestrian safety regarding sidewalks adjacent to fast driving vehicles as well as general vehicular speeds in combination with the access proposed. Ms. Ebbert indicated that the Town is seeking grant funding for sidewalks to the development.

Ms. Ebbert clarifies that the highway alterations would be a condition of CDOT and CDOT will not provide formal comment until an access permit is submitted. The requirement for US Highway 40 improvements are in the hands of CDOT, not in the hands of Planning Commission, Town Staff, or the applicant.

Mr. Howard Stees ask if this will affect his private water line that cross through the Northwest side of the property. Ms. Scott stated it will not affect the easement of his property and no buildings will top that easement.

Kevin Copeland letter is read by Ms. Woodley. He has concerns about false promises of affordable houses and community meeting area. This only has a primary collector street access on to Highway 40. He also has concerns that there is an influx of illegal migrants flooding our state that this will house Steamboat's labor force which in turn would overwhelm our schools and police department bandwidth.

Susan Signs letter read by Ms. Karen Hughes. She has concerns about notices and not getting notified about this meeting. Susan states she lives 400' from the property therefore was not informed. She also has concerns about the danger of Prairie Run being close to highway 40.

Karen Hughes continues to ask if trails are being proposed onto adjacent properties. Ms. Ebbert confirms that all proposed trails are on the Prairie Run property and do not encroach onto adjacent properties. Tegan also clarifies that the right of way being stubbed out to the south, towards Breeze Basin, is part of the 2020 Hayden Master Plan and Future Land Use Map. The Town is asking for this stub out for future road connectivity if/when adjacent parcels are developed.

An audience member asked if traffic on CR-65 been evaluated and has it been studied. Chair Williams Responded that there is no need to do a traffic study at the moment as no access is being proposed there currently. If/when that area gets developed then it will go through that process because it is all upon development. Commissioner Tim Frentress reiterated the 60' ROW is part of the Hayden Master Plan and this is all contingent upon redevelopment.

Ms. Dana Haskins asked if the Master Plan Is legally binding. Commissioner Frentress answer it is not legal binding however, it is a guide for decision making.

Ms. JJ Pike states she asked Ms. Ebbert for a review regarding our public notice requirements. She would like to see an increase in the radius of adjacent homeowners and an increase in the amount of day of the notice. Tegan Ebbert responded consideration of public notice requirements are on the agenda for tonight and Planning Commission has work sessions leading up to this code text amendment.

Chair Williams closes public comment at 7:11 PM

**Roundtable**

Commissioner Frentress indicated his concerns on trash within the ditch and how cleaning mitigation will follow now that piping the ditch is no longer included this project. Chair Williams questioned if leaving it open is truly any different than the open ditches that run through town, private residential properties, and parks in the community.

Andrew Bowen with CPS: reiterates that it is a code requirement that these developments meet the Master Plan. He discussed the recommended conditions of approval:

1. Referral Agency comments shall be addressed prior of Final Plat.
2. Proof of formal submission of the Transportation Impact Study shall be required at the time of Final Plat submittal.
3. Proof of compliance with sections **7.24.140 Contribution for Publix School Sites and Dedication requirements, and 7.24.290 Conveyance of Water Rights as Part of Subdivision and/or Annexation** shall be required at the time of Final Plat submittal.
4. A Subdivision Improvement Plan shall be submitted at the time of Final Plat submittal
5. A timeline for the development of the main park on Lot 7 shall be required at the time of Final Plat submittal

Chair Williams noted she does not see a reason why not to approve. Also, we should keep in mind that the property will be owned and managed by Gorman. And she hopes that both parties can get to a workable agreement ditch.

**Motion to approve**

Chair Williams moved to recommend approval of the Prairie Run Preliminary Plan with five (5) conditions, based upon the following finding of fact:

The proposal meets the standards of the Town of Hayden's Development Code, is in general conformance with the intent and purpose of the Hayden Forward Master Plan and preserves the health, safety, and welfare of the citizens of the Town of Hayden.

Conditions of approval:

1. Referral agency comments shall be addressed prior to the submittal of a Final Plat.
2. Proof of formal submission of the Transportation Impact Study shall be required at the time of Final Plat submittal.
3. Proof of compliance with Sections 7.24.140 Contribution for Public School Site, 7.24.150 Public Sites and Dedication Requirements, and

7.24.290 Conveyance of Water Rights as Part of Subdivision and/or Annexation shall be required at the time of Final Plat submittal.

4. A Subdivision Improvement Plan shall be submitted at the time of Final Plat submittal.
5. A timeline for the development of the main park on Lot 7 shall be required at the time of Final Plat submittal.

Commissioner Frentress seconds the approval. The motion passed unanimously.

### Code Text Amendments

Ms. Ebbert discussed proposed code amendments for:

1. Amendments to the public notice requirements (see attached) including a site signage requirement.
2. Requirement for a "public meeting" for developments of 24 or more dwelling units in which the applicant provides information to the public prior to the submittal of a formal application. This language will be included in Section 10.16.020, General Procedures and Requirements, after the Pre-Application Conference step. Suggested language is "Community Meeting: Development projects proposing to construct 24 (twenty-four) or greater dwelling units will be required to hold a community meeting to provide information regarding the public prior to the submittal of an application. This meeting is not a public hearing. Information and materials must be produced and provided by the prospective applicant and solely at their expense."
3. Reintroduction of the "Site Plan" standards in the Development Review Procedures section of the Development Code with amendments (as attached).

Ms. Ebbert indicated that some of these numbers were derived from prior work sessions with Planning Commission. She also indicated that the "Community Meeting" is not meant to be legally binding, rather it is a chance for prospective developers to have a less formal opportunity to interact with the public prior to a public hearing. It also gives the public the chance to make suggestions or ask questions.

### Public Comment

Ms. JJ Pike indicated that she prefers to have the public notice area for a Site Plan application to be extended to 400' instead of 300'. Commissioner Williams indicated that the distance is being doubled and there are several other mediums in which people can find information. If it continues to be a concern after these changes are implemented, then it can be revisited.



**Motion** Commissioner Frentress moved to recommend approval of the Code Text Amendments. Commissioner Kelly Seconded; the motion passed unanimously.

**Staff Updates** Ms. Ebbert indicated that there are no upcoming scheduled Planning Commission meetings on the radar. Code Text amendments will go to Town Council on December 7<sup>th</sup> and December 14<sup>th</sup>. Prairie Run Preliminary Plan will go to Town Council on December 14<sup>th</sup>.  
Town of Hayden Holiday Party for staff, elected, and appointed officials will take place at the Haven on December 15th at 4PM  
Planning Commission members and their immediate families are now eligible to receive free memberships to the Hayden Center as Town Council voted to approve this benefit for all Town Board and Commission volunteers.

**Adjournment** The meeting was adjourned at 7:44PM

Recorded by:

\_\_\_\_\_  
Tegan Ebbert

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023

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Amy J. Williams, Chair