

TOWN OF LYONS, COLORADO
PLANNING AND COMMUNITY DEVELOPMENT COMMISSION

AGENDA

7:00 p.m. Tuesday, March 10, 2020
SHIRLEY F. JOHNSON COUNCIL CHAMBERS
LYONS TOWN HALL
432 5TH AVE, LYONS, CO

I. Roll Call: 7:03

Present: Commissioner Petrey, Commissioner Rogin, Commissioner Dusel, Commissioner Schnabel, Chair Oetting **Absent:** Commissioner Hamrick

II. Audience Business: None

III. General Business

Approval of the February 24, 2020 Meeting Minutes **Motion:** Motion to Approve February 24, 2020 Meeting Minutes, **Action:** Approve, **Moved by** Commissioner Rogin, **Seconded by** Commissioner Schnabel **Motion Passed Unanimously 5-0**

IV. Public Hearing

RESOLUTION # 2020-03 A RESOLUTION OF THE TOWN OF LYONS APPROVING THE SUMMIT HOUSING DEVELOPMENT PLAN Chair Oetting opened the **public hearing at 7:05 pm**. Chair Oetting discussed the process and what has been done to this point. Attorney Dittman explained that this is a Quasi-judicial process. There is a certain order to the process. The staff will talk about the application then the applicant will present and speak, then it will be open for public comment, then the applicant can rebuttal then the board will deliberate.

Summit Housing - Development Plan – Staff Report

Planner Glasgow looking at development plan, that is the site plan, design utilities, landscape and elements of operation. This is only for Tract A. This development has 21 multi-family homes. The single-family homes that are part of the Summit proposal are not what we are looking at tonight. The Planning and Community Development Commission is the decision-making body and are the final decision on the Development Plan. Neighbors within 300 feet, the applicant and the Board of Trustees can appeal. We are not looking at zoning type and not discuss whether affordable housing is good in Lyons or not. Fiscal impact would be more for the Board of Trustees. That will be identified in the development plan agreement. This is how we pay for? When they are accepting. Development plan agreement can apply more than what is in review here. The Town lost about 100 homes in 2013 flood and since that time has been trying to find a way to replace and to date has replaced many which were affordable and to date has replaced six with the Habitat for Humanity homes. The Town has received a Community Development Block Grant after the flood for affordable housing. The Town went into a purchase and sale agreement with Keith Bell for Tract A and issued an RFP to put up to 43 homes on that Tract and Summit responded to that RFP and was selected by the Board of Trustees. Since that time, we have been working with them through the process on the development plan. The development is in the Lyons Valley Park subdivision and is filing 8. This is the last filing of this subdivision and is entitled to all the single and multi-family homes. This is within walking distance of the Lyons high School and nearby recreation and close to downtown. After summit was awarded there was two listening session in town, and they reduced the number of houses on Tract A and reduced again down to 21 multifamily homes. There were once all multi family. The rest will be single family. Summit Housing has agreed to develop the utilities and infrastructure for that sight. In the listening sessions there was concern about the light pollution and several other things. They have addressed

these things and we will look at them with the design in a little bit. They moved away from the hill and preserved that as open space and open areas, so it isn't an imposing view from the development that is already there. When we look at development, we want to look how it aligns with our policy goals and we went through the comprehensive plan and recovery action plan and this was in the staff report and aligns with the housing goals and sustainably design goals in these. We have heard a number of community concerns and I will highlight some of them. I will highlight some of the bigger ones in regard to Density and visual impact. Tract A is allowed to develop at a much higher density. 7.7 units per acre and developing closer to 5.5 units per acre and has reduced that density substantially. There are concerns about visual impact. They moved a lot of the multi-family development off of the hill down into Carter so it is not as visible. They are using colors and materials to match the Lyons Valley Park HOA guidelines. There was some concern about lighting on the sight, but one of the criteria that Colorado Housing and Finance Authority (CHAFA) has it that they require dark skies. We looked at the photometric plan and the lighting will not intrude on the existing lighting there. We did a traffic study and the roadway was designed for the density that was approved prior to us reducing that density. The impact has been reduced from what has been designed to accommodate. The Town Engineer and CDOT have accepted the traffic analysis. They have indicated that this will not be a major impact to traffic in the area. The Town is also purchasing temporary speed bumps that when they need to be installed, they can. It was a concern about drainage on the site because the subdivision was designed from storm drainage criteria from awhile ago from 2002. We did adopt a Drainage Master Plan in 2017 and the Town Engineer is working with applicant to revise the development plan to include a detention to provide water quality and capture the 100-year flood event on site. So, we will look at that in the conditions of approval. There was concerns on financial impact that was associated with the development. We reviewed this with our finance director. It is not expected that with this addition the residents of Lyons will incur a significant tax increase or a decrease in service. There was concern with sewer plant capacity because of the ongoing issues with the sewer. The Town Utility Director addressed these in the memo. There was concern about the copper, BOD and general over capacity of the plant. This memo said that the copper would not have an impact, the BODs are not typically a concern for residential, the sewer plant has ample capacity for these additional homes. As part of the development review process we sent out referrals to Boulder County who voiced their support for this. We entered into an IGA to increase the amount of affordable housing in Lyons by 12% for the next 20 years. We sent to CDOT and they have no issues, and this will not impact the intersection of McConnell and Highway 66. The Lyons Ecology Board had questions about water quality which I think we are addressing and the flood damage lots along the edge of the first cul-de-sac when you enter in the North side of Carter Drive. We are addressing these issues. This review is for Tract A and we have not full addressed these tonight. Lyons Fire Protection District reviewed the plan and requested submit construction plans prior to receiving a building permit. The applicant worked with Fire at the initial design. Due to Fires concerns about service and traffic we removed the cul-de-sac and it will be a full loop. Town Engineer Murray Smith referrals major concerns are being address and incorporated into development plan. It would be a recommendation with condition of approval. This will address issues with the storm water detention area. It a concept that has been played out by calculations there are some refinements to the contouring that need to occur. NLine Electric has also submitted comments. There are a few outstanding issues regarding easements that are in the recommendations for approval that will need to be added to the development plan agreement and taken to the Board of Trustees if approved. Parks and Recreation Commission wanted to preserve access to a social trail and access to south ledge ditch and we looked at an easement for this and will be recommending we work on an easement. There is desire to have access this area by the Loukenon's as well. We have been advised not to make a true connect to this until this is formalized with the town because it could create liability. St. Vrain Valley School District sent back a referral and there should be no substantial impacts on schools, they do require a cash in lieu fee for single and multi-family. For this site it would be \$7,413 for a multi-family in fee site. These are capital funds used for expansion if they ever do that. The Utility

and Engineering Board also identified the Icon report and updated drainage report. The consultant has committed to address these concerns. Comments from Utility Coordinator need electric system design needs submitted, and NLine our electrical contractor needs to review. The sewer laterals cannot connect to manhole. Xcel require to submit plans through them. LMC 16-17-40 development plan review criteria must be met. We have found all criteria has been met. These are all in the staff report

STAFF PROPOSED MOTION: "I MOVE TO APPROVE RESOLUTION 2020-3 PCDC WITH THE FOLLOWING CONDITIONS"

Recommended conditions:

Condition 1) The applicant will submit and the staff will review for approval the development plan with bike racks for multifamily units, include 1 bike parking area per each unit. Space per spot should be approximately 30" x 72" x 48".

Condition 2) Modify the development plan to be electrical vehicle ready add provision to development agreement that requires installation of electrical vehicle charging station if a resident has a vehicle that needs one.

Condition 4) Modify the development plan to include storage units are so each unit has enclosed and shielded storage areas.

5) Add general not one development plan that the proposed development shall conform all applicable Local, state and federal regulations (SEE 7 Below)

Condition 6) Applicant will submit and the Town will include a road access easement from carter drive to adjacent 12993 N. Foothills Highway (see image below).

Condition 7) Add general note on development plan that the proposed development shall conform with all applicable local, state and federal regulations.

Condition 8) Applicant will submit and Staff will review a draft development with a provision for Board of Trustees to maintains permanent affordability.

Condition 9) Applicant will work with Town staff to develop, submit the modifications requested in the referrals from MurrySmith and NLine Electric and identified in the Site Plan – Comment Response Letter, Lyons Valley Park – Filing No. 7 – Tract A – Lyons, Colorado, Scott, Cox & Associates Project No. 19165A. Town Staff will provide a certification of completeness prior to issuance of a building permit.

Condition 10) All outdoor trash facilities will be stored in bear proof trash bins.

Condition 11) Based on feedback from the Town Staff the applicant will refine the landscape maintenance plan into a final maintenance plan. The applicant will submit, and the Town Staff will determine completeness of the modification prior to certificate of occupancy. (11 should be 100 year flood drainage report) (11) should be 12)

Condition 12) Applicant and Town Staff will modify the development plan and the certified drainage report to fully implement the detention concept submitted by the applicant including detention of 100-stormwater event. The Town Engineer will determine completeness of the detention concept and modified development plan prior to issuance of a building permit.

Condition 13) Applicant will submit and staff review for approve a final landscape plan and a landscape irrigation plan, *prior to issuance of certificate of occupancy*.

These are the conditions we are recommending for approval. Chair Oetting can we ask staff questions? Attorney Dittman Yes, at this point you can ask staff a couple of questions. Chair Oetting This is affordable housing, is affordable housing protected under fair housing act? Attorney Dittman Yes, it is so you cannot base your decision on the status needs of the housing. Your decision is limited LMC16-17-40 (12) Chair Oetting So, we should stay clear of amount of people and low income. Attorney Dittman This is not a basis of your decision tonight. Chair Oetting Second question, this property was zoned and platted in 2008. Is that correct? Planner Glasgow No, so, I believe it was 1978, the subdivision improvement agreement in 2008. Chair Oetting so that is the point in which the zoning was laid down? Planner Glasgow yes Chair Oetting So the platting and zoning has been our there along time. Planner Glasgow Yes Chair Oetting So this is stuff we cannot arbitrarily take away. So, what we are doing here tonight we are discussing how this should be platted or zoned we are discussing how this should be developed. Planner Glasgow correct. Commissioner Schnabel Can you elaborate on lighting requirements that were not fully achieve and what the plan is for this. Planner Glasgow I will, and the applicant will as well. The Green Sky Communities criteria in 2015 mandates dark sky compliance and this is achieved. In 6A it indicates the maximum luminate of the property line should be 2 ft candles. These don't protrude out of the development or purchased are and does not exceed the area. From what I read it would have to go out beyond that. Commissioner Schnabel Thank you. refinement to the contouring that needed to accommodate to the retention pond. Can you discuss further? Planner Glasgow I will leave this up to the application to explain in more detail. The Town Engineer has reviewed this and says it will accommodate the 100-year flood plan. There are some adjustments to make the landscape better. The engineer is confident we can do that and we can do water quantity there. Commissioner Dusel The discussion to preserving and access to 12993 North Foothills Highway? Is this South Ledge or Loukenon? Planner Glasgow it is both. The Parks and Recreation Commission wants to retain access through there to potentially to the south ledge ditch for a possible connection in the future. This will be graded substantially for road improvement. This will be a little more accessible. I can't say it will be accessible, but it will be a little more accessible. Commissioner Dusel What confused me was preserve trail and road access. Planner Glasgow So vehicle access Commissioner Dusel We are not planning on annexation anything else in? Planner Glasgow The Loukenon's wanted something to preserve access to their property. Commissioner Dusel To the west of lot 17 there appears to be a gap in the lot plotting? It appears to be an easement. C1.02 drawing? Maybe a better question for developer. Planner Glasgow there is and access point to the west of lot 17. The grading will be substantial and there will be stairs. On request of the Parks and Recreation Commission we asked the applicant if they would be willing to put in stairs. They would and we have been advised not to because this would formalize a connection to a social trail and may create liability. Commissioner Dusel Let's say we if we were ok with this spot we would qualify this as the assess spot to 12993 North Foothill Highway. Planner Glasgow That spot the one to the west of 17. That is open space. That is a town owned parcel. Petrey I have a question pertaining to the fiscal impact analysis. This report shows a \$2,558 deficit per household per year. You can group this in utilities and non-utilities. The utilities show a deficit of \$795 per unit per year meaning we are collecting less than the cost to deliver the actual utilities. The other is the general fund and PRC fund which is the non-utilities and that is deficit of \$1,763 per unit per year times the 40 units. This gets a little over \$100,000. The staff produced a memorandum and pointed out some go things that were not included in a fiscal analysis, but it is not quantitative it is just qualitative. It did not appear or did attempt to show that this would represent so much reduction of that deficit to make the deficit smaller. These numbers from what I can tell are just generically residential. This would apply to ant residential development in town not specifically this one. I am scratching my head wondering I would think the deficit if there is one would be as big as this. I am curious if this staff is buying into the fiscal analysis. The easiest to

consider is utilities The EBC research consulting deliver if every resident in the Town of Lyons pay \$795 less than the cost of the town to deliver utilities. I find this hard to believe. Does this fiscal analysis need to be updated? Can the town staff quantify stuff in the memorandum so that we have a better idea of the situation of the fiscal analysis? I am not confident this is accurate. Planner Glasgow We looked at this with the finance director who is here tonight. We went through the analysis and there are gross numbers you apply to home vs commercial development. In general, this does affect what is in our budget, but the is cost to residential development. Jill do you want to come up and speak to this. Jill Johnson Finance Director Thank you for your question. This is a great observation. I didn't quantify the deficit that is put into the report. The reason why is we don't budget that way. We budget looking at the whole resources of the town. This is not just what a consumer puts forth or what a commercial business puts forth or the tourism. This is the whole economic health of the town. Then we look at that and as far of revenue and then we look at that as what kind of expenses we can cover. I didn't quantify because of this. There are lots of pieces and part to how do you determine how much of a deficit you would have. It would depend on population, on household, which population you want to pick. This is great question and we don't budget this way. We don't budget saying if we have another 40 homes in Lyons and we have a deficit we would not go out and look for additional revenue. We will provide this service no matter how many houses. As far as the utilities. The utilities are designed to cover their own expenses so if somebody is using more water they will pay more. We did have some rate increases. There was a deficit because of the problems with our wastewater plant we are generating a lot of extra expense at this time, so the rates were increased to cover the expenses. I don't know if this answers your questions and concerns? But that is why the deficit numbers are not quantified. Commissioner Petrey So is it correct to assume as far as the utilities are concerned the \$795 per year per household deficit in the report is not accurate it us really 0. Finance Director Johnson it is designed to be 0 and we have been increasing the rates and currently we do have in two of our funds which is why we are increasing rates. Commissioner Petrey on the non-utilities the \$1763 per year. Is there not a way to make a guess to the items that you laid out in the memorandum? Finance Director Johnson Absolutely. This is in our budget online. We have fines that come in through court by people coming through town speeding. There are a lot of fee and other revenues that come in with fees. Sales taxes had some additional revenue that came in mid year through the end of last year. It depends on when report comes in. So that can determine what that deficit looks like. Commissioner Petry If we don't know costs and there is a deficit then we are going down a road of continually squeezing the other expense of the Town Budget. So if we are not cognizant of what we are doing what is the fiscal impact to Town Budget. To some extent you might be able to look around and see where that is happening. My suggestion is to add this to the list to do. I do recognize that this has nothing to do with summit exactly. I do think that this needs to be looked at for the health of the town to better understand these numbers. Finance Director Johnson like We don't budget based on how many households we have we budget on how many services we provide and how much revenue we receive from all different sources. Commissioner Petry what guarantees that once the town approves the development what guarantees the development will be completed and complete on time and get stalled because of loss for financing or loss of interest. How do we protect ourselves? Town Planner Glasgow One was is the development plan agreement. In that the board of trustees reviews this and there are assurances in that. It will insure the public infrastructure not the private. The utilities the roads are typically assured as part of this process. The assured in the form of a letter of credit or something like that we can pull and complete roadway and utilities. This would be a benefit if we had to get someone else in, we don't have guarantees to our side that the development will occur. There are significant things that the applicant will discuss. We make sure we can repair as needed. Commissioner Rogin Can you explain affordability piece one more time. Planner Glasgow the applicant will go into more detail. We discussed this and the concern of permanent affordability. The tax credit program and the land use rental agreement. Commissioner Rogin if applicant is going over we don't need to address. Planner Glasgow They will but I wanted to address how we are bringing permanent affordability. The tax credit

programs is a 40 year program and at that time you can fall out of the affordability tax credit then it could go to the regular market. You could add a provision if you want to preserve affordability and we want to bring this to the BOT if it falls out and when it would fall out of the tax payer affordability program. Commissioner Rogin Can we make this deed restricted for affordability housing? Planner Glasgow this is possible and looking at this and we would need to bring this to the Board of Trustees. Chair Oetting next is applicant's presentation (7:54pm) (slide show attached) Rusty Snow president of summit housing and here with us are Hope Fisher and Don Ash part of the design team. We appreciate the time and this opportunity. I did set this up about information with the tax credits and affordability. They have done numerous projects across the United States. Lyons Valley Town homes this would be the first housing tax credit in Lyons. There are other types of affordable housing in Lyons. This project will be limited for tract a will be 21 – 2 bedroom multi family units and they would all be set for 60% AMI with a max rent of \$1534 and we subtract out utility allowance. With a tax credit rate of \$1448. The tract A will be consisting of 4- 2 story complexes and 1- 2 story bi plex. They are typical amenities for us. We have to meet green community standard by CHAFA. We are looking at about 14.5-million-dollar project. This development will pay for all required development fees. Will not be receiving any tax exemption for this project. This is need because of flood and lost around 100 units. There is not a lot of other available sites not in the flood zone. Affordability is 35 year's this needs to be updated in slide show. This will be 30 years. Commissioner Petrey do the tax credit agencies and the bond holder have liability or does the town have liability? Rusty Snow it is on use. Really it is 3-fold it is the state agency, the lender and the investor. This make sure we deliver these credits and expect us to get their tax credit over 15 years. Commissioner Petrey The town has no liability? Attorney Dittman The Town has no liability. Rusty Snow There was an agreement with Keith Bell and the Town but is now is with us. Commissioner Petry Is this under the Lyons Valley Park Homeowners association? What if maintenance is not conducted. What right does the town have? Looking to protect the Town. Planner Glasgow We have adopted property maintenance standards and we can enforce this. If there is a code compliance that we can identify when there is this oversight, we don't need to. We have the right to do coded compliance. Rusty Snow The owner would be removed if this didn't get maintained in order to keep up while the investors and loans are in place. (Back to presentation) Hope Fisher I am with Encompass. we were brought on as part of the design team we are about affordable housing and know the benefits. I will keep this brief and it will be better for me to answer questions. When we began this project. The development was in a different place and the density. We tried to move it to preserve the hill with doing as little demolition into the hillside. (See slide show) Chair Oetting I understand the original design was a cul-de-sac. Hope Fisher Yes, we spoke with fire and he was concerned with getting in and out safely. We now have a thru road to have access to keep is more fire safe. Chair Oetting Did this have any bearing in your decision to reduce density? Hope Fisher The reduction in the density we moved to single family because we had to dig in the hill more and would see from the neighborhood on the hill more. So, we eliminated and put into single family to see the top half of the top story. Now the viewsheds will only see the top story. (Slideshow) This is a 3d visual of the project. Carter Drive and Sullivan way are the street names. We looked at the design we looked at the surrounding neighborhood and using similar materials. Looking at the Lyons Valley Park Homeowners Association and using the existing color pallet. Trying to prevent damage to hillside. Building C This is limited on parking so we made it have a carport. Building D is similar to Building A. There will be a playground area. As Paul spoke to, we have a landscape plan and irrigation. Shade and deciduous trees. They are all native and drought sensitive. Wanted to speak to lights in and original had more lighting and these are in for safety. This is so the user has light at the playground. There will only be a few that you can see. Commissioner Dusel Is dark skies compliant street light a thing? Hope Fisher Yes, they will be dark sky compliant. There will be one 1 overhead a 1 foot candle. Over here will be 0 so there won't be any spill on the existing neighborhood on McConnell Commissioner Dusel Do you

get have a visual of the lights? Concern is at the HS and they are not dark sky compliant. I would like to look at a point of reference. Hope Fisher This depends on general contractor this. This is the fixture we have specified. They have a choice to substitute brands or type but in general have to meet all of the specs in the contract. It may not be this exact fixture but it will be very similar. Commissioner Petrey Haven't seen landscape plan but is is feasible to screen view from McConnell. You showed some trees and shows some screening. Do you have the opportunity to screen upper half of this? Hope Fisher this image is screening, and we can add more if desired and we are trying to not touch the hill. What isn't shown is the shrubs. Commissioner Petrey Is the playground available for use by other Lyons residents? Or only the Lyons Valley Town home residents. Rusty Snow technically it is supposed to be for the units to meet the tax credits. It is difficult to police though. Chair Oetting One of the conditions the staff is recommending is the outdoor storage and this is mistake we made in the past with the habitat housing. Can you talk about this? Hope Fisher Pulling up a new plan to view on the screen. This is a typical floor plan. We also have this mechanical room and we could use the front have for storage an move mechanical to the back. Chair Oetting This is not in the Lyons Valley Park homeowner's association. Will this be in its own homeowner's association? Rusty Snow No, that not the intent Chair Oetting One thing we regulate in town is short term rentals and accessory dwelling units are not allow and not allowed in other homeowners association. How will this be regulated? Rusty Snow this is forbidden in order to meet tax credit requirement. We have to have 6-month leases otherwise we risk tax credits. There is a true financial impact to do something like this. They have to have qualified residents Chair Oetting. If they leave for a weekend and put it in AirBNB for a weekend. Then what? Rusty Snow we can put **this** in the lease. There is specific language in the lease. We talk about how long family member can stay there Commissioner Rogin Is the bike rack covered? Hope Fisher Not usually they are usuallylike and outdoor wavy one that fits 5-7 bikes. Commissioner Rogin Ok, Electric Vehicle charging stations, is there a timeframe of how long it would talk to install once someone requests one? What happens if you default on this installation? Rusty Snow I will push back because we are required to do this and in other developments nobody use them or people park and knock them down. It is and ongoing maintenance issue to continue to buy this station we can have one site and placed if needed. It is not something to have up there all the time if it is not needed. Commissioner Rogin What is the timeframe? Rusty Snow We can work this in the development agreement. Commissioner Rogin Is it possible to give 1st right of refusal for folks displaced by the flood. Rusty Snow Yes and it is part of our CHAFFA Application then it must open to the general public. The idea would be to bring flood people back. Commissioner Dusel there is a lot of affordable housing. Would list be its own list or would you pull from the county list? Rusty Snow The state provides CHAFFA list and is a specific list. Commissioner Dusel at some point this goes out to the public. Rusty Snow Yes. We prelease 120 prior to construction complete. This is a pretty rigorous process. There is 3rd party compliance and our own internal review Chair Oetting Any more questions.

Public Questions (8:38pm)

Mike Schweiger 309 McConnell- in reference to community concerns on financial. I know you are all familiar with the BBC memo that states Summit has required a report to the town They provided an unbiased opinion and the summary of the fiscal impact. From their report the Lyons Valley Townhome project may result in a Net operational deficiency in the general fund and other finds. On all the funds there is a net deficiency of \$2558. That is there expert opinion is there so way to reduce cost this and show we are not operating at a deficit and no going to the services that the town is providing and showing that the town is not operation at a deficit. I do believe that part of the deficit is show that the 40 units is equating to \$10,000 in annual property taxes. So obviously that \$10,000 is minimal. Have you engaged audit committee because my understanding is that per resolution 2014-26? The audit committee was specifically established to have an independent review of financial decisions that are impacting the town use of resources and how it impacts the budget. In review of the BCC report there is a one time revenue of 1.4 million it says that 18k is new revenue because the 1.4 million is for the

capital investments that need to be made for water, sewer, electrical. Hoping you have considered that report in the budgets. The school report says while fees for board and county and St Vrain schools will not contribute to the town finances. These are not part of the town.

Jim Crowder 104 Bohn Ct.- Shannon Sharpe once said what you get when you beat a dead horse you beat flies. Well the fellow before me already stated some of the things I am already going to address. But I think is still has some bearing. I go back to original concept to consider. I was part of the group that was tasked with reviewing these proposals. I am audit committee and we were not consulted. And the original concept was the primary market area was Main Street in Longmont, Oxford road to the south, HWY 66 to the north, and St. Vrain creek to the west. In that area there are about 53,000 people and Lyons would be lucky if it had 1800 today, but let's use the last census which is about 2200. This is less than 4% of the market area and in that same report they go on to say that that reports and projects draw people from out of state. The logical assume probably most will not work in Lyons. They will work in nearby communities, where will they shop? They won't use the St. Vrain market and we won't get the sales taxes they will use Walmart, Target, King Soopers and other places like that. So, I think the sales tax projects are a little rosy. For being on the audit committee that the towns sales taxes and property taxes for the last few years have been \$1,750,000. It will cost the Town \$102,000 for this development. From a fiscal standpoint this is a significant cost. This is almost 6% of the towns budget. The last time I checked town didn't have a code enforcement officer. Lets try and enforce the regulations that we already have before we add more. Thanks very much.

Betsy Wagnor- 511 Goranson Ct. Not here to argue this should happen. I was concerned by a few things and happy that Paul addressed in his staff report. Happy to see fire addressed the cul-de-sac and hopes this happened immediately to dissipate the construction traffic as well as the future traffic that will happen as the result of the new development. I had some other facts based on this that have already been addressed and I don't need to read. Lighting I would like to see summit exceed the dark sky lighting and limit the number of street lights. The only lights that are on currently are over by the High School and as far as I know they are on all night long. But, no other lights are on and should not need more lights on because of high risk. I worked at boulder housing partners and I will say the people that we will be hosing will be an asset and I hope this will be a positive impact on our community.

Sarah Vasel 307 McConnell- Traffic impact study done on a single day in December and were done in 7:30-8:30am and 4:30-5:30 pm and these don't account for High School and Elementary School traffic let out times. Feels like the town engineer did there due diligence in late 2018 requesting this study, Feels traffic impact study is not sufficient. They statement says traffic would be less than 5 vehicles per hour. They analysis late December was to do a study in the summer to account for midday concerts, cross country and other events. Engineer said that was 6 months away and felt like he was saying we don't have time for that. The cover letter was 2 months ago. I feel like Impact area is HWY 66 and McConnell and does not account for the 2nd Ave. traffic. I have 2 small children that are elementary school kids that take 2nd ave. My husband is on Lyons fire and happy to see the street go thru versus the cul-de-sac, Plans are 2 and 3 story's look like that are 3 story and we don't trucks for this and ask this be considered.

Keith McGuire 413 Raymond- I am concerned about the intersection between Raymond an Carter and McConnell this intersection is hazardous in my opinion. I think that the traffic study is ridiculous especially because of curve of road. Please consider a 4 way stop there. Because cars coming down race through and is the same coming up. I Had someone pass me on McConnell.

John Honnemann 503 Goranson Ct.- Thank you for the great presentation and you have answered most of my questions. Can you indulge me on what homes will look like? Will they have garages? Carport? Is this outside of this prevue. After two years of this process I think it would be fair to talk in

its entirety. Attorney Dittman The applicant has a chance for rebuttal after this and they can respond. John Honneman- A few other issues that were shared with me. St. Vrain creek bank is eroded and needs to be fixed. Is there any possibility of future expansion or will this be restricted? Attorney Dittman this is not the time for question and answer this is purely for public comment. John Honneman The sewage pump on McConnell has had capacity issues with continued construction with this add to it. If we have problems now will we have problems in the future. Known debris flow hazard on Carter drive according to Colorado water conservation and needs to be addressed. Water treatment plant is a very different message in the candidate forum last night. This is a 9 million dollar repair. I am not sure if this will hurry it up with more demand.

Todd Anderson 400 Carter Drive- I will be directly impacted by the housing project. Michael Markel at a 2015 Lyons Valley Park homeowners meeting said he would not be developing this tract a because of the ledge and difficulty building the road. At a community meeting with summit said represent said they can mitigate anything which was taken that they would blast out the ledge if necessary. Will there be blasting? Will there be a survey of Lyons Valley Park homes before the blasting is done to ensure that any damage done to the neighbors homes will be repaired.

Kriya Goodman 4595 14th Boulder- Flood refugee I am taken by this and only been able to come back to Lyons this this year. I was living on Apple Valley and I was living in my dream house and my dream job in Montessori and this all ended with the flood and I have moved 7 times since. When the FEMA program ended I moved back to a family home in Detroit and moved back on the account on affordable housing. I applied all over and finally got into a thistle hosing in boulder where I am living now. Because of my job ending at the same time I am considered affordable which means low income. You mention that to apply you have to make less than \$40,000 my income is \$20,000 living on social security. Will that be the lowest income because it looks like the lowest rent will be \$1400 per month. 2 weeks ago came back to walk the ridge behind the High School and I couldn't get there. Victoria and her husband just happen to be walking and showed me how to get to the trail. I explained to her how things have changed since the flood and my story. She said please come to the meeting. Singing a Song. – Take me Home Lyons.

Patrick Slotter 328 McConnell- Actually learning to play guitar. I would like talk about the bank along the St. Vrain Creek and seems unsafe. What I am not clear about in this process is we have review the plans for multifamily not single family. Are they together. When do we get to review this? What are we going to do to mitigate some of the problems in that area.

LaVern Johnson 306 Evans- Been on parks and recreation commission. We are concerned about shutting off south ledge ditch access and want you to remember this when we go through the process. I don't think its possible to say we can do that now that isn't the towns property but we as a community should get busy and do the trails. I hope we can welcome her back.

Nick Dudas 425 Raymond Court- Most concerns have been alleviated but the report and looks good. I want to thank the builder for putting into consideration some of the design guidelines of Lyons Valley Park.

Caitlyn Dudas 425 Raymond Ct.- I am in agreement I like the update to the design and th visible separate. My question is connection to open space and how plan to connect open space including the river and the eroded ledge. Tract a may not immediate address these today but I would like these to be consider and what we can do to protect these in the future.

Justin Spencer 234 Welch Drive- I am very impressed with project. It addresses housing affordable this is why I moved to Lyons. I wanted my kids to grow up in a mixed income like I did. I use the area of the project today running and walking the dog. If it were up to me, I would suggest higher density

with 30 ami units and the Town would subsidize those, but I am not in charge. I am impressed with plan. I would be in favor of adding more traffic calming and parking to the area. I encourage you all to approve this project.

Amy Reinholds 141 Kelling Dr.- I have following this project for 2 years worked on several documents and can't name them all having worked on several documents and and can't name them all. This proposal from summit is in agreement with all of these. I was pleased to see the amount of time went into this. I did some research on low income tax credit compliance and longer that I expected it is a minimum of 30 year and this is over. It is 35 and ever more if they do reinvestment. Pleased to hear this. Thanks for the plans and thanks for showing for the public hearing I currently volunteer on the Lyons Housing and Humans Services commission and I encourage you to join we currently have and open seat.

Jeff Baltrush 349 McConnel Drive- Pleased summit took the neighborhood feedback into account. I had one concerned that I emailed about. It was the lighting, and this has been addressing one area has 3 and thought it would make sense to bring this down to 1. It has a 30% impact versus a 3.8 in that area. I do have a personal interest as I live in the area. My comments were the financial impact has been addressed earlier, lighting, and also the flow of traffic is balances since I am at the bottom of this.

Closed public comments at 9:07pm

Chair Oetting it is time for the applicant rebuttal Rusty Snow one gentleman asked about expansion. Technically from and entitlement standpoint there could be a opportunity to that be because of financially it would not be possible for us to go back in and add at a later date. Single family we do expect there to be difference colors patterns and as well as architect as you go down carter drive. It is one bond issue and tax credit project and between tract a and the single-family lots. The entitlement process is different for those lots tract a is why we are here tonight. It is my understanding that single family goes straight to permit. We don't know about blasting yet. If there is we would be required to submit a plan. This would include making necessary repairs if it was damaged because of blasting. If you are below those incomes, you are capable. This is the max rent is 1400. Anyone below that income level would be in compliance. Hope Fisher single family is to utilize same materials in the homeowner's association they will be brighter that the multi family. We are trying to make the multifamily blend with the hill. The single family we are trying to make it like the community nothing that will be bright or crazy it will be earth tones. The street lights. We had a plan with 3 streetlights but now only has 1 and are all dark sky complaint. There is a total of 5 in the project. The only one visible is at the playground. We can look into and occupancy sensor or timer. Chair Oetting one point of order is people wrote in public comments and we are not reading them all. Do we acknowledge them? Attorney Dittman I wouldn't take time to read them outloud, but I would read them privately and we will include with the record. Chair Oetting Comments came in through today? Planner Glasgow Came in through 6pm. If you would like to take time to digest them you can they are in front of you. Chair Oetting would like to take time to read them? All commissioners have had time to read them. Chair Oetting we will consider this good. **9:13 closed public hearing**

Motion: Motion to approve Resolution 2020-03 the Development Plan, **Action:** Approve, **Moved by** Commissioner Rogin, **Seconded by** Commissioner Dusel **Motion Passed Unanimously 5-0**

Commissioner Dusel Thank you for showing and sending emails. This is where it happens. I partially care about this issue a lot. I have been on this board for 3 plus years this is 1st public hearing about it. I live in Lyons Valley Park, I bought my first house in 2006 and a couple years ago I moved to Estes court. I can see this from my house. The ridge is scared. During the flood there was rumors that button rock dam might burst and people drugged campers there and slept there overnight. Obviously, this didn't happen. We walk there weekly. I walk to the ditch. Turns out we are all trespassing when we do this. There is issue there

with the connectivity. Another social trial might get created there outside of the towns interest. Speaking of this there are comments about floods and storm water. The south ledge ditch is a liability. I have lived in Lyons Valley Park 14 years and it has overflowed 3 times. The biggest event was in 2014 or 2015 it has been flooded. 2 house that are on McConnell Drive were built there since then and I personally would not feel comfortable living in. I hope they realize it. There is a hazard there that somebody did with some old telephone poles and it's not a good situation. It is not summit's issue. South ledge ditch owners need to have a conversation. On that note the hillside I can't believe there is a cliff there for 7 plus year's and no one has gotten hurt. In a tradition development situation, a developer would build and sell. This is to keep costs low and sell. They wouldn't fix the ditch. Summit will own this property will own this for 35 and have a strong interest in doing the hillside right. The comments from the ecology board were good and how to build the hillside well. I can tell you anything concrete will fail, and tree roots are good. The ecology board would agree with this. There has been ad behavior to the town and not to Paul the town's zoning map had this in R-1. When I bought my house, Markel told me this would be multi family. Do you have a comment Paul? Planner Glasgow the underlying zoning is R-1, but the overlay the PRD is the thing that augments that. Commissioner Dusel this is confusing. I hope we don't have more of this in town. Overall, this is a win for our community. I think we are lucky this is happening this way. Use by right one of the things that we have talked about is that there is not going to be a hearing for the single-family homes because there is certain things that they are allowed to do by code. There are certain height restrictions there are setbacks and if they stay within that they can do it. Just like you and I can put an addition on my house and if my addition is within code, I can do it as long as it is within code. There wouldn't be a hearing and my neighbors would not get notified. This is private property rights. Kind of at the base of society. The reason that I bring this up is if I went to a for profit developer. There is view that the developer put up that seem like it was about at McConnell and Goranson. If I was a private developed there would be a row of multi-story houses that go right a long there with view straight to Longs Peak. Because we have all been up there and it is nice. First Avenue is up their whole row of house, and this would look quite a bit like that without a benefit of a street in front of it. So, for all of that live in the valley we are very lucky that this hasn't gone to a private developer because there would be very little that any of us could do to stop that. Because it was zoned multi-family there could be a row of soviet style block houses and we couldn't stop it because summit had to go through this process and they talked to the town and they had meetings and they got feedback. They pushed things down. When I saw this plan a couple weeks ago. I thought oh my what a win we can still walk our dog on the ridge. There is houses on McConnell that back up to that cliff side. Could you image where I live, we have a 35 ft height limit. They could be a 30-foot structure up there looming over our houses. There is not and they have it tucked it down low. This is not the most profitable thing to do. If this what happening his way you could be there would be a row of houses with a massive view to Longs Peak. There is 198 ft on one of the corners to the nearest property line if you were for profit you would be nuts to a 190ft setback. Because this is affordable housing and summit had to listen to us and they did. Initial plans scared me, and my neighbors were upset. I thought will this be a giant fight. I get the feeling that people are relatively happy with the design. Yes, I would rather it remain open space forever. But we are lucky we have Heil and Hall and lots of open space. I see I as a win. I would like to see Carter drive as a cul-de-sac which was in the original plan mostly, so we don't have to blast a roadway through the beautiful hillside. Obviously, experts thought otherwise fire and traffic people. I do get the point thought. I would like to see in the plan 2 areas ready for electric vehicle chargers it is a big space and would like to encourage this. Maybe all this means is you have to pull a conduit from point A to point B. Maybe that is it for now. I personally believe that in 20 years we will all be driving electric cars. So, let's set ourselves up for success. I would like to see bike parking would like it to be covered. I would like to encourage bikes. Otherwise we might see people locking bikes up on their porches. Golf carts are a large part of our town. Can we have golf cart charging? Probably my biggest thing is a 4 way stop at McConnell, Carter and Raymond because people whip right through there. This seems like a lost cost solution. Overall, I like. Attorney Dittman the comment you heard from a neighbor did you hear this before the application was submitted? Commissioner Dusel Yes, I did after one of the initial meetings at the High

School. Attorney Dittman So these we before the application was submitted. Did this influence your decision? What we heard here tonight is the basis of your decision? Commissioner Dusel Yes, this is the basis of my decision. Commissioner Rogin You all did a great job and thank you for a great presentation. I would like to address Wastewater treatment plant there is confusion. The problem is high concentration of BODs and a low amount of water in the system. More water would help the solution to dilute those. So, it is kind of like when we are dehydrated, we feel lousy because the concentration of icky stuff is really high. So, having more homes will help the wastewater treatment plant. I want to make that clear. I would love to see conditions be right of first refusal for 2013 flood victims, covered bike parking, and 2 electric vehicle charging stations. I am curious about the number of bedrooms. These are all 2-bedroom units and I wanted to know the possibility of housing a family that needs more than 2 bedrooms. Or a single person that wants 1 bedroom or is it too late in the process to change this? Rusty Snow There are other 3-bedroom units in the single-family portion of the development. Our market research shows that there is a greater need for 2 bedroom units. There are 11 3-bedroom units and 29 2-bedroom units. We are too far along to add a 1 bedroom or 3 bedrooms. There are at least 11 units for the families that are a little larger. Hope Fisher I wanted to clarify that they are 3 bedroom 2 baths as opposed to 1 bath. Commissioner Rogin I would add a condition to the prohibition against short term rentals in lease. Commissioner Petrey I would like to see summit work with Lyons Valley park Homeowners Association on landscape screening on McConnel Drive and lighting. Not quite sure if the residents are satisfied with the lighting. Community is in favor of this project and there are pockets of areas where people are not satisfied yet their voices have been heard but maybe not satisfied yet. I would feel more comfortable to take 2 more weeks to finalized this. Maybe the Audit committee to look at non quantitative things, fiscal impact analysis and get this number down so we know what we are going into. I would feel more comfortable if this was finalized. The traffic study maybe needs to look at and getting the Lyons Valley Park neighbors and the traffic people and getting them in a room together for them to go over this. Projects are more successful if everyone is onboard. My sense is that we are rushing this in. In another couple of weeks, you could get more people's concerns addressed. Then people would feel they have a good opportunity to have voices heard. Stormwater drainage it seems to be still open. It looked like in one of the reports someone was going to go back in and look at this to make is work for the stormwater master plan. I would feel more comfortable if everyone as close to satisfied. Can summit comply to Lyons Valley Park homeowner's association covenant and restrictions that this adjacent road and development will remain congruent with Lyons Valley Park over time. I don't know how feasible this is. The risk of default and impact to the town, the last thing that anyone wants to see is to see this project get halfway done then fall through. Maybe this is educating me more. I don't think this will happened but would like reassurance. Attorney Dittman The code does have a requirement that this project has to be built within three years of the development plan so they can't sit on it and can start or stop this and then not finish this. It is up to the Board of Trustees but there would be requirements in the development plan agreement. There is phasing and financial guarantees behind making sure the road and the utilities are all built. Commissioner Petrey It's the guarantee that I am most concern with. There are things in history when the developer files bankruptcy in the middle of the project and good luck getting anything from them in court for year. I don't think this will happen I just want to see the Town protected Attorney Dittman Town staff can discuss the financial guarantees on their part. Planner Glasgow financial guarantees are within public improvement estimate to complete the projects. Buildings are concern it becomes more attractive for other development. Not familiar with letter of credit is pulled if someone files for bankruptcy. I think the banks backs it. I have to look into more. We could make the traffic impact and the fiscal analysis a condition of improvement. So we could move forward. Attorney Dittman This is up to commission. Chair Oetting You can speak Rusty Snow Irrevocable letter of credit which is put in place and 15% on top of cost estimates done by engineering. We go to a bank and do a lot with our lenders. We put up collateral for that. The city had rights to negotiate as part of that. If we default the city gets the money from the bank and the bank comes after us Commissioner Petrey So the city gets the money from the back to finish this? Rusty Snow yes that is correct. Commissioner

570 Schnabel Essentially, I made a pro and con list. Any development has impacts that can be
571 states. This one has a thoughtful design. There is control over this vs have it done for a for profit
572 developer. This is the result of public development and it shows. It is consistent with the existing
573 plans. The benefits for displaced residents and the first right of refusal and this could be a
574 condition. Overall, it is important not to lose site. It has been years in the making and it is to
575 provide a place for the displaced residents first and foremost from the flood survivors and in
576 general housing for the community. There are things we can do to make this better. Condition of
577 approval of traffic analysis, fiscal analysis and having a memo in the file to do our due diligence.
578 Maybe the fiscal analysis was a little too rosy and it would be better to have a clearer picture of
579 the budget impacts. Four way stop and speed bumps were a couple of mitigation measures that
580 might be adequate and there might be others. To the point of lighting. We may want to consider
581 light timers and occupancy sensors. Can we consider hue of lights colors less blue more amber?
582 There is also the issue of the erosion of the creekbank and I think that we keep this in mind for
583 further proposals down the road. Because this is clearly and issue. Chair Oetting I did a history
584 analysis. These platted and zoned in 1970s in 2008 we did the last filing and subdivision
585 improvement agreement. We are at a point that other 19 home not in tract A are use by right. Not
586 going before Planning and Community Development Commission or the Board of Trustees.
587 Planner Glasgow mostly likely yes Chair Oetting Seems like the trail issues that the ecology
588 board came up with lots 25, 26 are not in tract a. The embankment that the ecology board is
589 talking about is not in tract a either. How much power do we have over these? And at what
590 stage? Attorney Dittman Any Conditions that you place on this should relate back to 16-17-40.
591 These things are not really apart of tract a. There needs to be something that relates back to
592 LMC 16-17-40. Chair Oetting So you are saying be careful on the conditions that are placed. The
593 two big issues were stormwater and fire. Planning and Community Development commission
594 considering some of the things for the comprehensive plan. This is typically done every 10 years
595 and we are at 9 years. When we did our first workshop was safety and the two things that we
596 talked about were storm and fire. I am one of these guys believing the next time we all drive out
597 of town and shear panic is probably going to be fire and not water. Happy to see you followed
598 through with the fire departments requests about the through part. I don't want to see the density
599 go down and we just told 9 people you are not living here. But if we lowered it because of fire
600 safety this is an understandable and defensible reason. I would like to push in the next
601 comprehensive plan is an urban wildland interface. I have studied black forest fire. There were
602 512 homes destroy. Colorado Springs went through the urban wildland interface and these are
603 the great regulations. Some of these regulations are removing fuel from the property and the
604 decks had to be composite and this neighborhood will be urban wildlife interface and speculating
605 in the future greater regulations. Can you speak to this? Rusty Snow The first thing as part of the
606 development plan agreement we do have information in there that is general to mitigate and
607 come up with a plan that with staff with what is the best plan. There is additional discussions and
608 criteria that will be part of the development plan agreement. Hope Fisher biggest thing I know
609 with wildland firefighters is defensible space. 30 feet around homes and 70 feet on top of that. 30
610 feet around home we are trying to blend in. Currently we are not doing this and if this is
611 something that is needed, we would have to remove some trees We do have the 70ft defensible
612 space. Within development every build has a fire suppression system. The single family would
613 not have this. There are 5 hydrants and fire could pull off. Attorney Dittman the basis of your
614 decisions should be that it could be protected by fire protection services. Chair Oetting I am glad

615 it is not a cul-de-sac and glad fire Marshall got what he wanted. In reading the stormwater there
616 is a letter dated in January from an engineer Scott and Cox they did recognize stormwater
617 master plan and retention pond. Can you tell me the history of how we got from the first letter to
618 the second letter? Planner Glasgow The Lyons Valley Park subdivision was approved with a
619 master drainage plan for the entire development. It handled the 2-year flood and a detention
620 base for the entire development. When in development review you can see stormwater
621 construction criteria or the adopted stormwater master plan. Because it had a detention base
622 when we're expanding that one and the water quality. There is inundation on roadway. Because
623 of the water quality on site we determine it was better to release it slowly into the system and
624 capturing on site. We went back to the applicant and worked with them in doing the water quality
625 on site and so it doesn't overpower our system and so it doesn't have the over run on the street.
626 Chair Oetting We are not a panel of civil engineers and should not play one. I just want to make
627 sure that this from a certified professional engineer, I see the stamp on the plans. They believe
628 this situation is safe. Planner Glasgow Yes Attorney Dittman for the staff, has our own Town
629 engineer reviewed these plans? Planner Glasgow They have, and we continue to work with
630 them. The applicant will also need to submit the final designs and they will need to be accepted
631 by the Town Engineer. Attorney Dittman and is it permitted under the town code this finalization
632 process to happen? Planner Glasgow yes Chair Oetting We don't have residential design
633 guidelines. I appreciate that you went into the neighborhood and did that. This is not something
634 that we would have to enforce. I don't know if we will talk about this in the next comprehensive
635 plan. I want to say that this is a win because we are working with a great partner. Thank you for
636 that. You have done an enormous amount of stuff. This situation could have not turned out as
637 well if this would have been turned over to a for profit developer. I agree with this. If the safety is
638 met and the density was reduced for valid reasons this is a win. I agree with financial part being
639 reviewed again, but I would like the Board of Trustees to weigh in on that. Attorney Dittman the
640 decision that you make here tonight is a final decision otherwise you would have to postpone.
641 You would have to delay or make it a condition. Chair Oetting, I would like to make it a condition.
642 I do think that a certified engineer should be approving this and not going back to public
643 meetings. I don't want to delay but agree with a condition on the financial part. Commissioner
644 Dusel the financial person for the Town spoke did I understand correctly that all residential
645 development results in a deficit? Planner Glasgow yes Commissioner Dusel All residential
646 development results in a deficit so it is not just this project. Planner Glasgow She also said that
647 the budget is comprised of other elements. They don't analyze residential in the budget. They
648 identify priorities and other inputs into the in budget. Chair Oetting Would it be correct that my
649 house on steamboat is creating a deficit just like a house in Lyons Valley Park. Planner Glasgow
650 her answer was we don't exactly know but there is a financial impact. The offset is unclear
651 because we have not studied each house in detail. Commissioner Rogin If we are talking about
652 making condition about and updated financial analysis. Then it is already approved, and we can't
653 do anything about it so I am unclear as to why we would do that. Planner Glasgow You could
654 make a referral to audit committee. This isn't there preview, but you could have them make a
655 report and have it for the Board of Trustees for the development plan agreement. Attorney
656 Dittman the development plan would be final. The outcome of that report would be indifferent of
657 the development plan. Commissioner Dusel Can we put a condition of a 4 way stop on tract A or
658 is this a recommendation for Town? Planner Glasgow I would like to recommend that staff
659 consider this there. I would like to work with the engineer to see if these fits. Commissioner

660 Petrey I would request that the Lyons Valley Park residents are able to have input to this. Chair
661 Oetting we have a motion to approve. Can we the staff recommend conditions? Commissioner
662 Dusel I would like to modify two of these. I would like to see 2 electric vehicle charger sites. What
663 would happen if we wanted covered bike parking Rusty Snow It would take more space. We
664 would have to look at what this would do to overall plan. Hope Fisher due to the space we would
665 have to fire sprinkler them because of the size which would mean you would have to insulate and
666 heat and dry them or use a completely different system. The other option would be make them
667 bigger to store bikes for each tenant. Commissioner Dusel I am glad I asked. This would be very
668 difficult. Attorney Dittman You can add conditions the ability to explore options. Commissioner
669 Schnabel are speed bumps included Planner Glasgow the town has purchased them and will
670 add as needed. Commissioner Dusel this would be out of the discussion of tract A. Planner
671 Glasgow You can add traffic calming as a measure. Attorney Dittman The town has separate
672 ways to manage its own right of way. Chair Oetting I prefer to give the power to the Town. We
673 are not experts and we have a traffic report. Commissioner Schnabel Can we recommend that
674 we consider traffic calming measures? 3:13:34

675 **Motion:** Motion to amend the motion to include the 12 staff recommendations with the
676 adjustment to condition #2 for two electric vehicle spaces upon request from residents, **Action:**
677 Approve, **Moved by** Commissioner Dusel, **Seconded by** Commissioner Schnabel **Motion**
678 **Passed Unanimously 5-0**

679 Commissioner Rogin I propose two conditions. I would like to prohibit short term rentals and I
680 would like to see displaced flood folks get first right of refusal and summit facilitate this. Attorney
681 Dittman Is it fair to say that Summit can do this in any way that achieves this goal?
682 Commissioner Rogin yes Chair Oetting Is this possible within reason? Rusty Snow after
683 additional lease how do you do 1st right of refusal. You get 2 years into it how do you give first
684 right of refusal Attorney Dittman the funding source already requires you to do first right of refusal
685 so this may not be necessary Chair Oetting I would prefer not to confuse the situation Rusty
686 Snow this is what these dollars are meant for Commissioner Rogin may or may not be necessary
687 Attorney Dittman My understanding as that in the first wave of this preference will be given to
688 flood displaced individuals through the funding source. Commissioner Rogin who calls them and
689 facilitates this? Attorney Dittman Summit facilitates this disaster relief funding source, FEMA and
690 DOH enforcing this if they did not do this. Commissioner Dusel There are a number for local
691 groups working for this. My question is we have flood displaced and Lyons residents in general.
692 Can we say this for Lyons people? Attorney Dittman There is no way to legally do that.

693 **Motion:** Motion to prohibit short term rentals, **Action:** Approve, **Moved by** Commissioner Rogin,
694 **Seconded by** Commissioner Petrey **Motion Passed Unanimously 5-0**

695 Commissioner Petrey Town staff determine the fiscal impact is. This not to say the numbers
696 aren't right I just have questions. I think the deficit is too high. Would rather sharpen this.
697 Attorney Dittman This decision is still final. Commissioner Petrey the board will make the final
698 decision. Attorney Dittman This is the final decision the Board of Trustees will look at the
699 development agreement. Commissioner Petrey what is the deficit and fee and will crowd out
700 other fees. Attorney Dittman So you would like Town staff to update this memo and not place a
701 condition on this Commissioner Dusel I would agree. I direct staff to update the memo to
702 determine the fiscal impact Attorney Dittman was the finance director presentation enough

tonight for you to make a decision? Commissioner Petrey the other one is the final landscape plan to consult with the LVP homeowners. I would like to direct staff to consult with Lyons Valley Park homeowners. Attorney Dittman As I understand it is you are directing staff to consult, and this is not a condition. Commissioner Petrey yes Commissioner Schnabel We discussed outdoor lighting. Is this feasible? Hope Fisher we can look into it. I don't know how it works since I am not and electrical engineer. But we can look into it. Commissioner Schnabel I direct staff to include the possibility of use for outdoor lighting photocells and timers and streetlights. Planner Glasgow building lighting or streetlights Attorney Dittman I think this is part of staffs review Commissioner Schnabel recommend that the staff review the possibility of use of outdoor lighting photocells and timers on the street lights. To the extent that is feasible during review of the lighting plan. Attorney Dittman Maybe what is practical not feasible. Commissioner Schnabel yes what is practical. Commissioner Dusel I would like to direct staff to explore traffic calming measuring and working with Lyons Valley Park neighborhood. Attorney Dittman we need to vote on the motion as amended and any findings

Chair Oetting I would like to call a vote on the motion: Motion to vote on as amended, **Action:** Approve, **Moved by** Commissioner Rogin, **Seconded by** Commissioner Dusel **Motion Passed Unanimously 5-0**

Motion: Motion to adjourn 10:37, **Moved by** Commissioner Dusel, **Seconded by** Commissioner Schnabel **Motion Passed Unanimously 5-0**

Adjourn meeting at 10:37pm

Respectfully Submitted by:

Marissa Davis, Deputy Town Clerk

Greg Oetting, Chair