The Mission of the Town of Estes Park is to provide high-quality, reliable services for the benefit of our citizens, guests, and employees, while being good stewards of public resources and our natural setting.

The Town of Estes Park will make reasonable accommodations for access to Town services, programs, and activities and special communication arrangements for persons with disabilities. Please call (970) 577-4777. TDD available.

BOARD OF TRUSTEES - TOWN OF ESTES PARK
Tuesday, July 26, 2022
7:00 p.m.

In Person Meeting – Mayor, Trustees, Staff and Public

ADVANCED PUBLIC COMMENT

By Public Comment Form: Members of the public may provide written public comment on a specific agenda item by completing the Public Comment form found at https://dms.estes.org/forms/TownBoardPublicComment. The form must be submitted by 12:00 p.m., Tuesday, July 26, 2022. All comments will be provided to the Board for consideration during the agenda item and added to the final packet.

REMOTE PUBLIC PARTICIPATION DURING BOARD MEETING

Remote participation in the meeting will be available by call-in (telephone) or online via Zoom Webinar which will be moderated by the Town Clerk’s Office. Instructions are also available at www.estes.org/boardsandmeetings by clicking on “Virtual Town Board Meeting Participation”. Individuals participating in the Zoom session should also watch the meeting through that site, and not via the website, due to the streaming delay and possible audio interference.

CALL-IN (TELEPHONE): 877-853-5257 (toll-free) Webinar ID: 982-1690-2040

PLEDGE OF ALLEGIANCE.
(Any person desiring to participate, please join the Board in the Pledge of Allegiance).

PROCLAMATION – ESTES RECYCLES DAY.

AGENDA APPROVAL.

PUBLIC COMMENT. (Please state your name and address).

TOWN BOARD COMMENTS / LIAISON REPORTS.

TOWN ADMINISTRATOR REPORT.

CONSENT AGENDA:

1. Bills.

2. Town Board Minutes dated July 12, 2022 and Town Board Study Session Minutes dated July 12, 2022.

3. Estes Park Board of Adjustment Minutes dated April 5, 2022 (acknowledgment only).

4. Resolution 59-22 Memorandum of Understanding to Provide Mutual Aid and Assistance in Investigations and Intervention Concerning Allegations of Child Abuse and Neglect with Larimer County and Local Law Enforcement Agencies
5. Revised Policy 306 Leave – To Provide Sick Leave to All Employees Including Season Employees and Employees Working Fewer Than 20 Hours Per Week as Required by the Colorado Healthy Families and Workplaces Act.

REPORTS AND DISCUSSION ITEMS: (Outside Entities).

1. DISCUSS REQUEST FROM THE ESTES PARK HOUSING AUTHORITY TO PROVIDE FINANCIAL SUPPORT FOR LAND-BANKING OPPORTUNITY. Assistant Town Administrator Damweber.

To consider a request for financial support from the Town in order to purchase a property located at 0 Mary’s Lake Road to be used for a future workforce and/or attainable housing development

PLANNING COMMISSION ITEMS: Items reviewed by Planning Commission or staff for Town Board Final Action.

1. ACTION ITEMS:

A. ORDINANCE 11-22 REZONE TOWN-OWNED PARCEL 3522400923 FROM RURAL ESTATE RE-1 TO TWO-FAMILY RESIDENTIAL R-2. Director Garner.

To consider a request to rezone 800 Castle Mountain Road.

B. ORDINANCE 12-22 PARCEL DISCONNECTION REQUESTS FROM ROCKY MOUNTAIN NATIONAL PARK PER §31-12-501(3), C.R.S. Director Garner.

To consider a petition to disconnect 91+ acres from the Town of Estes Park for jurisdictional, planning and law-enforcement purposes.

C. ORDINANCE 13-22 ESTES PARK DEVELOPMENT CODE AND ESTES PARK MUNICIPAL CODE AMENDMENTS TO REMOVE RURAL ESTATE RE-1 ZONE DISTRICT. Director Garner.

To consider an amendment eliminating the Rural Estate RE-1 Zone District.

ACTION ITEMS:

1. ORDINANCE 14-22 AMENDING CHAPTER 8.06 OF THE ESTES PARK MUNICIPAL CODE REGARDING NOISE. Director Muhonen.

To consider amendments to allow nighttime construction during the summer hours of 9:00 p.m. to 7:00 a.m. to expedite the Downtown Estes Loop construction.

2. PUBLIC WORKS REORGANIZATION. Director Muhonen.

One new staff position is needed to facilitate the administrative restructuring of the Public Works Department.


Increases Town contribution to the Downtown Estes Loop by up to $500,000.

ADJOURN.
Minutes of a Regular meeting of the Board of Trustees of the Town of Estes Park, Larimer County, Colorado. Meeting held in the Town Hall in said Town of Estes Park on the 12th day of July, 2022.

Present: Wendy Koenig, Mayor
Scott Webermeier, Mayor Pro Tem
Trustees Marie Cenac
Kirby Hazeltan
Barbara MacAlpine
Patrick Marchink
Cindy Younglund

Also Present: Travis Machalek, Town Administrator,
Jason Damweber, Assistant Town Administrator
Dan Kramer, Town Attorney
Jackie Williamson, Town Clerk
Bunny Victoria Beers, Deputy Town Clerk

Absent: None

Mayor Koenig called the meeting to order at 7:00 p.m. and all desiring to do so, recited the Pledge of Allegiance.

AGENDA APPROVAL.
It was moved and seconded (Webermeier/Marchink) to approve the Agenda as presented, and it passed unanimously.

PUBLIC COMMENTS.
John Meissner/Town citizen commended Jason Van Tatenhove for his testimony to the January 6th Congressional Committee and recommended commendation of his citizen duty.

TRUSTEE COMMENTS.
Board comments have been summarized: Board of Adjustment elected officers with Jeff Moreau/Chair and Wayne Newsom/Vice Chair; another successful Rooftop Rodeo was held at the fairgrounds by Western Heritage; Linda Volker announced as the new Larimer County Manager; the new facility off Trilby has been named the Larimer County Behavioral Health Services at Longview; new round of grant funding from Larimer County Behavioral Health announced; thanked the Police Auxiliary for their assistance at the rodeo; the Family Advisory Board met and discussed responses in the event of a crisis and resources available to the community; the community has access to a licensed clinician to assist with mental health issues through SummitStone; Board members, staff, and community members attended the Thumb Open Space ribbon cutting; and Mayor Koenig would represent Larimer County on the Regional Air Quality Committee.

TOWN ADMINISTRATOR REPORT.

Town Administrator Machalek stated compliance in all areas.

CONSENT AGENDA:

1. Bills.


3. Comprehensive Plan Advisory Committee Minutes dated June 9, 2022 (acknowledgment only).

4. Estes Park Planning Commission Minutes dated April 19, 2022 (acknowledgment only).
5. Parks Advisory Board Minutes dated May 19, 2022 (acknowledgement only).

6. Transportation Advisory Board Minutes dated May 18, 2022 (acknowledgement only).

7. Consider the Donation and Installation of Wildfire Educational Signs.


9. Resolution 54-22 Intergovernmental Agreement for State of Colorado Senate Bill 267 Grant Funding to Redesign the Visitor Center Parking Lot with CDOT, $250,000 - Budgeted. (CDOT PO #491002882).

10. Appointments to the Parks Advisory Board:
   - Elizabeth Kostiuk to fulfill the remainder of Rex Poggenpohl’s term expiring December 31, 2022.
   - Donovan Colegrove to fulfill the remainder of Kirby Hazelton’s term expiring December 31, 2023.


It was moved and seconded (Hazelton/Younglund) to approve the Consent Agenda, and it passed unanimously.

LIQUOR ITEMS:

1. RESOLUTION 55-22 TRANSFER OF A HOTEL AND RESTAURANT LIQUOR LICENSE FROM URIBE, LLC DBA EL MEX-KAL TO APOLUNA LLC DBA EL MEX-KAL, 160 1ST STREET, ESTES PARK, CO 80517. Mayor Koenig opened the public hearing. Town Clerk Williamson presented a transfer of a Hotel and Restaurant liquor license located at 160 1st Street. The application was received on June 13, 2022 and all necessary paperwork and fees were submitted. A background check was completed for members of the LLC. The members of the LLC have assisted with the operation of the business and are now the owner/operators. A temporary liquor permit has been issued to allow operation of the business during the transfer process. The applicant was presented and stated she and her husband have been managing the business for the past 11 years. Mayor Koenig closed the public hearing and it was moved and seconded (Webermeier/MacAlpine) to approve Resolution 55-22, and it passed unanimously.

2. RESOLUTION 56-22 TRANSFER OF A LODGING AND ENTERTAINMENT LIQUOR LICENSE FROM BOWL FORT COLLINS LLC DBA CHIPPERS ESTES PARK LANES TO EP LANES LLC DBA THE BULL PIN, 555 S. ST. VRAIN AVENUE, ESTES PARK, CO 80517. Mayor Koenig opened the public hearing. Town Clerk Williamson presented the transfer of a Lodging and Entertainment liquor license at 555 S St Vrain Avenue. The application was received on June 24, 2022 and all necessary paperwork and fees were submitted. A background check was completed for members of the LLC. A temporary liquor permit has been issued to allow operation of the business during the transfer process. The applicant was present to answer questions and stated he and his business partners have begun to make improvements to the property. He stated all bar staff and members of the LLC are or would become TIPS certified. Mayor Koenig closed the public hearing and it was moved and seconded (Hazelton/MacAlpine) to approve Resolution 56-22, and it passed unanimously.

3. RESOLUTION 57-22 TRANSFER OF A LODGING AND ENTERTAINMENT LIQUOR LICENSE FROM CS & CS LLC DBA COFFEE ON THE ROCKS TO CS & MS INC. DBA COFFEE ON THE ROCKS, 510 MORAINE AVENUE, ESTES PARK, CO 80517. Mayor Koenig opened the public hearing. Town Clerk Williamson presented the transfer of a Lodging and Entertainment liquor license at 510 Moraine
Avenue. The application was received on June 27, 2022 and all necessary paperwork and fees were submitted. A background check was completed for the members of the Corporation. A temporary liquor permit has been issued to allow operation of the business during the transfer process. The change in structure from an LLC to a Corporation required the transfer of the current license. Chuck Scott continues to be a member of the new corporation along with the addition of his daughter Mackenzie Scott. TIPS training was completed previously. The applicant was present to answer questions. Mayor Koenig closed the public hearing and it was moved and seconded (Younglund/Hazelton) to approve Resolution 57-22, and it passed unanimously.

**ACTION ITEMS:**

1. **ORDINANCE 08-22 AMENDING CHAPTER 10.04 OF THE ESTES PARK MUNICIPAL CODE REGARDING THE MODEL TRAFFIC CODE FOR COLORADO REVISED 2020.** Mayor Koenig opened the public hearing and Interim Captain Polucha presented the ordinance to adopt the latest version of the Model Traffic Code (MTC). He stated the Town adopted the 2018 revision to the MTC in 2019, however, the department recently became aware the revision was only a draft. Adopting the most recent MTC ensures the safety and traffic laws are being met by citizens and visitors of the community. As the MTC would be adopted as a code by reference the Town set the public hearing on June 14, 2022 and published notices as required by state statute. Mayor Koenig closed the public hearing and it was moved and seconded (Martchink/Webermeier) to approve Ordinance 08-22, and it passed unanimously.

2. **ORDINANCE 10-22 AMENDING CHAPTER 5.20 OF THE ESTES PARK MUNICIPAL CODE PROHIBITING THE USE OF SOLID FUEL BURNING EXTERIOR APPLIANCES ON VACATION HOME AND BED AND BREAKFAST INN PROPERTIES.** Mayor Koenig opened the public hearing. Town Clerk Williamson presented the ordinance to prohibit the use of solid fuel burning appliance by renters of short-term rentals to align with the current Larimer County Land Use Code. The proposed ordinance would provide consistency throughout the Estes Valley for the Estes Valley Fire Protection District (EVFPD). The restriction would not prohibit the use of such devices by the owners of a vacation home and/or operators of a bed and breakfast. Fire Chief Wolf provided a letter of support and stated in the letter that 60% of the residential fires in the Estes Valley involve short-term vacation rentals over the past five years. It was further noted the Town and the valley have seen a significant increase in fire danger over the years and as such the ordinance includes an emergency order to take effect immediate upon passage by the Board. All owners, operators and property managers of short-term rentals were notified of the proposed regulation and general feedback received by the Clerk’s office was in support. As there was no further comments Mayor Koenig closed the public hearing. It was moved and seconded (Younglund/MacAlpine) to approve Ordinance 10-22, and it passed unanimously.

Whereupon Mayor Koenig adjourned the meeting at 7:51 p.m.

______________________________
Wendy Koenig, Mayor

Bunny Victoria Beers, Deputy Town Clerk
Town of Estes Park, Larimer County, Colorado, July 12, 2022

Minutes of a Study Session meeting of the TOWN BOARD of the Town of Estes Park, Larimer County, Colorado. Meeting held at Town Hall in said Town of Estes Park on the 12th day of July, 2022.

Board: Mayor Koenig, Trustees Cenac, Hazelton, MacAlpine, Marchink, Webermeier and Younglund

Attending: Mayor Koenig, Trustees Cenac, Hazelton, MacAlpine, Marchink, Webermeier and Younglund

Also Attending: Town Administrator Machalek, Assistant Town Administrator Damweber, Attorney Kramer, Town Clerk Williamson, and Deputy Town Clerk Beers

Absent: None.

Mayor Koenig called the meeting to order at 4:30 p.m.

LIQUOR CODE AMENDMENTS.

Town Clerk Williamson stated Municipal Code related to liquor licensing requires updates to bring the code current with the Colorado State Liquor Code. Prosecuting Attorney Kristen Brown assisted the Town with liquor violation prosecutions in 2021 and 2022 and was retained by the Town to identify Municipal Code amendments for Board consideration. She stated the Town Board acts as the Liquor Licensing Authority (LLA) for new, transfer and change of locations. Ordinance 01-22 passed by the Board identified the Municipal Judge as the Authority for show cause orders and hearings on suspensions, revocations, and other disciplinary actions. Prosecutor Brown reviewed the requirements of the LLA recommending amendments to the code, and creating a new chapter to identify unlawful acts to include open container and underage possession. Items for consideration included: local control of special event licensing, codify tastings, eliminate the 500’ school zone; entertainment district/festival permits and updates to the fee schedule. Staff requested Board interest in moving all functions of the LLA to the Municipal Judge and highlighted benefits including: Municipal Judge can build an initial rapport with licensee’s during the application process, establishing a relationship of trust and a desire to not disappoint, consistency with approach to liquor licensing and violations, and removing responsibility from the Board to meet statutory liquor code requirements. Attorney Kramer stated the current Board would have ultimate authority over the ordinances and changes to the code. Town Clerk Williamson stated if the LLA was moved to the Municipal Judge minutes would be produced and a report would be provided to the Board to keep them informed. Staff requested direction on the code amendments.

Board comments have been summarized: Whether there are any identified disadvantages to moving the LLA to the Municipal Judge; financial implications; how the administrative processing would be handled in the Clerk’s office; undue hardship for applicants being required to attend the LLA with the Municipal Judge instead of the Board such as the time of day; how other communities handle the needs and desires; how the 500’ limit impacts the Town; how special events are handled and whether they would be moved to the LLA or handled administratively; and questioned whether outreach to current licensees had been conducted. The Board requested more information before determining a decision on continuing to act as the LLA for new, transfer, and change of location licenses or moving all functions to the Municipal Judge. Staff would bring recommended code changes to the Board at a future meeting.

CLASSIFICATION & COMPENSATION PLAN OVERVIEW & CURRENT TRENDS.

Consultant Laurie Graves with Graves Consulting LLC provided an overview of the compensation process, classification, and current trends. Highlights of her presentation included: the Town’s defined market; data sources and job matching, placement in range; classification and reclassification; pay structure; annual market update process.
and the current labor market. The Estes Park defined market was proposed to include Arvada and several markets were proposed to be removed to maintain a fair market area primarily due to size and lower pay structures. She presented the identified smaller previously defined market for sworn police officers and did not recommend any changes. She discussed moving the administrative pay family into technical and professional due to negative perceptions for the classification ‘administrative’. She stated each pay structure would be adjusted annually based on the average market increase of the positions in one of the six pay families. Changes in the labor market has placed stress on hiring and has forced municipalities to revise their compensation practices. She stated any recommendations would include data which has been aged forward to ensure pay ranges stay competitive through 2023. The Board requested a benefits comparison along with the market review. Staff would bring forward changes to the compensation philosophy and the policy to help address challenges identified by the Retention and Recruitment Task Force.

QUARTERLY COMPREHENSIVE PLAN ADVISORY COMMITTEE UPDATE.
Director Garner introduced Jeremy Call, Logan Simpson Consultant for Estes Forward and Planning Commissioners in attendance for the presentation. He presented the draft vision, nine guiding principles, and the draft future land use plan. Conversations are ongoing to identify recommendations in the land use plan to address the needs identified in the Housing Needs Assessment. Board questions have been summarized: how property owners can request zoning corrections; clarification was requested on removing density limits in mixed-use zones; zoning limitations for allowing large single-family homes to be converted into multiple units; and the hierarchy of regulations established by homeowner associations or covenants and whether they can further restrict areas.

The Board and members of the Estes Park Comprehensive Plan Advisory Committee participated in a survey to provide feedback on the proposed future land use categories, goals and priorities. Staff and CompPAC would meet to further review the land use draft and would host community outreach events to obtain additional feedback.

TRUSTEE & ADMINISTRATOR COMMENTS & QUESTIONS.
None.

FUTURE STUDY SESSION AGENDA ITEMS.
Mayor Koenig requested a discussion prior to the budget hearing reviewing recession and inflation implications, to which the Board were in agreement to add a discussion to future unscheduled items.

There being no further business, Mayor Koenig adjourned the meeting at 6:39 p.m.

Bunny Victoria Beers, Deputy Town Clerk
Minutes of a Regular meeting of the ESTES PARK BOARD OF ADJUSTMENT of the Town of Estes Park, Larimer County, Colorado. Meeting held virtually in said Town of Estes Park on this 5 day of April 2022.

Committee: Chair Wayne Newsom, Vice-Chair Jeff Moreau, Board Member Joe Holtzman

Attending: Chair Newsom, Vice-Chair Moreau, Board Member Holtzman, Community Development Director Jessica Garner, Senior Planner Woeber, Planner II Bergeron, Recording Secretary Karin Swamlund, Town Board Liaison Barbara MacAlpine

Absent: Newsom

Vice-Chair Moreau called the meeting to order at 9:00 a.m.

PUBLIC COMMENT.

None

APPROVAL OF AGENDA

It was moved and seconded (Holzman/Moreau) to approve the agenda. The motion passed 2-0.

APPROVAL OF CONSENT AGENDA

It was moved and seconded (Holtzman/Moreau) to approve the Consent Agenda. The motion passed 2-0.

VARIANCE REQUEST 460 Valley Road Planner II Bergeron

Planner Bergeron reviewed the staff report. The applicants seek a 23-foot setback variance to construct an accessory structure two feet from the northern property line. The accessory structure would contain garage space on the lower level and, if authorized through the Conditional Use Permit (CUP) process outlined in EPDC §3.16 and §5.2, an Accessory Dwelling Unit (ADU).

Staff recommended the Board of Adjustment approve the variance request, subject to the findings described in the staff report.

DISCUSSION: Lonnie Sheldon, Van Horn Engineering, was available for questions. Owner Mary Peterson thanked the Board for their consideration and confirmed that the ADU would not be used as a short-term rental.

PUBLIC COMMENT: none

It was moved and seconded (Moreau/Holtzman) to approve the variance request as written with the requirement of an approved setback certificate from a licensed engineer. The motion passed 2-0.

VARIANCE REQUEST Estes Village Inn Senior Planner Woeber

Senior Planner Woeber reviewed the staff report. This request is to grant a variance to allow 50 Accommodation Units, four more units than the existing 46. The subject property contains a lodging/motel use within an A (Accommodations) Zone District. The original owner received approval of a Development Plan in 1985, approving 43 Accommodation Units (rooms). Three additional units were added during the following 37 years without documentation or record of when they were constructed.

Staff does not find special circumstances or conditions of the type described nor practical difficulty. The applicant does indicate problems in adding ADA-accessible units, but it is unclear what the difficulties are. Staff recommended the Board of Adjustment deny the variance request, subject to the findings described in the report.

DISCUSSION: Vice-Chair Moreau suggested combining smaller rooms into one to make them ADA accessible. Applicants Craig Middleton and David Rochefort explained the reasons for their variance request. Architect Marissa Richen discussed the challenges involved in working with the constraints of the existing structure. The footprint of the
building is not changing, and the addition of sprinklers and landscaping would bring the property up to current building codes, meeting the City's standards. There is adequate parking, with 52 spaces.

Moreau stated that this variance goes against the intent of the code, and just because it has been non-conforming doesn't mean that it should be granted.

PUBLIC COMMENT: Hannah Breining, 232 Big Horn Dr., noted that this will set the precedence for future hotels wanting the same.

It was moved and seconded (Moreau/Holtzman) to deny the variance request as written. The motion passed 2-0.

REPORTS
Members Newsom and Holtzman have been reappointed to their positions on the Board of Adjustment. Since not all members are present today, the Board Elections will be held at the next meeting date.

The Members desire to return to in-person meetings. Training will be provided.

The Comprehensive Plan is on track and on schedule. There will be a community event on April 28 to get the public's opinion.

There being no further business, Vice-Chair Moreau adjourned the meeting at 10:20 a.m.

Jeff Moreau, Vice-Chair

Karin Swanlund, Recording Secretary
Memo

To: Honorable Mayor Koenig  
   Board of Trustees

Through: Town Administrator Machalek

From: Corey P. Pass - Interim Chief of Police

Date: July 26, 2022

RE: Resolution 59-22 Memorandum of Understanding to Provide Mutual Aid and Assistance in Investigations and Intervention Concerning Allegations of Child Abuse and Neglect with Larimer County and Local Law Enforcement Agencies

(Mark all that apply)

☐ PUBLIC HEARING  ☐ ORDINANCE  ☐ LAND USE  ☒ CONTRACT/AGREEMENT  ☒ RESOLUTION  ☐ OTHER______________

QUASI-JUDICIAL ☐ YES  ☒ NO

Objective:
The purpose of this MOU is to define the agreement by which the Estes Park Police Department and Larimer County Department of Human Services will cooperate in providing mutual aid and assistance in investigation and intervention concerning allegations of child abuse and neglect occurring within the territorial limits of Larimer County, Colorado.

Present Situation:
LCDHS and EPPD have previously entered into an agreement, in which we had agreed to cooperate with one another in providing mutual aid and assistance in investigation and intervention concerning allegations of child abuse and neglect occurring within the territorial limits of the Town of Estes Park. The past agreement and this one moving forward includes all law enforcement agencies in Larimer County. LCDHS and EPPD now desire to enter into this MOU and intend for it to supersede in all respects and revoke their previous Intergovernmental Agreements related to child abuse investigations.

Proposal:
To enter into this agreement.

Advantages:
The advantage of this MOU is to ensure that both LCDHS and EPPD are providing the best services possible to the victims of Child Abuse and Neglect.
**Disadvantages:**
None

**Action Recommended:**
The Board approves, and authorizes the mayor to sign the agreement in the title of this resolution in substantially the form now before the Board.

**Finance/Resource Impact:**
None

**Level of Public Interest**
Low

**Motion:**
I move to approve Resolution 59-22.

**Attachments:**
1. Resolution 59-22
2. Memorandum of Understanding Between Larimer County Department of Human Services and the Estes Park Police Department
RESOLUTION 59-22

APPROVING A MEMORANDUM OF UNDERSTANDING WITH LARIMER COUNTY AND LOCAL LAW ENFORCEMENT AGENCIES TO PROVIDE MUTUAL AID AND ASSISTANCE IN INVESTIGATION AND INTERVENTION CONCERNING ALLEGATIONS OF CHILD ABUSE AND NEGLECT

WHEREAS, the Town Board wishes to enter the memorandum of understanding referenced in the title of this resolution for the purpose of providing mutual aid and assistance in investigation and intervention concerning allegations of child abuse and neglect.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF ESTES PARK, COLORADO:

The Board approves, and authorizes the Mayor and Chief of Police to sign, the agreement referenced in the title of this resolution in substantially the form now before the Board.

DATED this _____ day of _____________, 2022.

TOWN OF ESTES PARK

________________________________________
Mayor

ATTEST:

________________________________________
Town Clerk

APPROVED AS TO FORM:

________________________________________
Town Attorney
MEMORANDUM OF UNDERSTANDING BETWEEN
LARIMER COUNTY DEPARTMENT OF HUMAN SERVICES AND LARIMER COUNTY SHERIFF’S
OFFICE, CITY OF FORT COLLINS POLICE DEPARTMENT, CITY OF LOVELAND POLICE
DEPARTMENT, COLORADO STATE PATROL, COLORADO STATE UNIVERSITY POLICE
DEPARTMENT, ESTES PARK POLICE DEPARTMENT, TIMNATH POLICE DEPARTMENT,
JOHNSTOWN POLICE DEPARTMENT, WINDSOR POLICE DEPARTMENT, AND
EIGHTH JUDICIAL DISTRICT ATTORNEY’S OFFICE

I. **Parties.** The parties to this Memorandum of Understanding (MOU) are Larimer County Department of Human Services (LCDHS) whose address is 1501 Blue Spruce Drive, Fort Collins, Colorado 80524 and Larimer County Sheriff's Office (LCSO) whose address is 2501 Midpoint Drive, Fort Collins, Colorado 80525; City of Fort Collins Police Department, whose address is: 2221 South Timberline Road, Fort Collins, Colorado 80525; City of Loveland Police Department, whose address is: 810 East 10th Street, Loveland, Colorado 80537; Colorado State Patrol, whose address is: 3832 I-25, Fort Collins, Colorado 80525; Colorado State University Police Department, whose address is: Green Hall, Fort Collins, Colorado 80521; Estes Park Police Department, whose address is: 170 MacGregor Avenue, Estes Park, Colorado 80517; and Timnath Police Department, whose address is, 4800 Goodman Road, Timnath, Colorado 80547; Johnstown Police Department, whose address is 430 South Parish Avenue, Johnstown, Colorado 80534, Windsor Police Department, whose address is 200 North 11th Street, Windsor, Colorado 80550, Eighth Judicial District Attorney’s Office, whose address is 201 LaPorte Avenue, #200, Fort Collins, Colorado 80521, collectively referred to as Local LE (Law Enforcement) in this MOU.

II. **Purpose.** The purpose of this MOU is to define the agreement by which Local LE and LCDHS will cooperate in providing mutual aid and assistance in investigation and intervention concerning allegations of child abuse and neglect occurring within the territorial limits of Larimer County, Colorado.

III. **Background.**

1. LCDHS is a governmental agency which exists for several purposes including assessment and intervention, regarding allegations of child abuse and neglect within the territorial limits of Larimer County, Colorado; and

2. The Local LE exist for the purposes of providing law enforcement protection services within the geographical limits of Larimer County, Colorado which services include investigation and referral of allegations of child abuse and neglect; and

3. The District Attorney’s Office is a law enforcement agency and is involved in the on-going investigation and prosecution of cases involving child abuse and neglect, and

4. The General Assembly, as stated in CRS 19-3-308(5.5), expects that Human Services and Local LE agencies develop and implement cooperative agreements to coordinate the investigation of child abuse and neglect cases; and

5. LCDHS and the Local LE have previously entered into an agreement, in which they have agreed to cooperate with one another in providing mutual aid and assistance in investigation and intervention concerning allegations of child abuse and neglect occurring within the territorial limits of Larimer County; and
6. LCDHS and the Local LE now desire to enter into this MOU and intend for it to supersede in all respects and revoke their previous Intergovernmental Agreements related to child abuse investigations.

7. NOW THEREFORE, in consideration of the mutual covenants herein contained and any other good and valuable consideration the receipt and adequacy of which are hereby acknowledged, the parties hereto agree as follows:

IV. **Term of MOU.** This MOU shall commence upon the day and date last signed and executed by the duly authorized representatives of the parties to this MOU and shall remain in full force and effect until terminated. This MOU may be terminated, without cause, by any party. Termination shall become effective immediately upon notification being received in writing by the other party. Notice must be sent to the chief law enforcement officer for the Local LE and the Director of LCDHS.

V. **Payment.** No payment shall be made to any party by the other parties as a result of this MOU.

VI. **Guidelines For Contact Between LCDHS and Local LE** - LCDHS shall as soon as possible notify law enforcement when LCDHS becomes aware of a case of child abuse or neglect.

1. When Local LE is not easily identified:

   (a) LCDHS employees may contact the communications division of the relevant law enforcement agencies to determine whether the Local LE is in possession of the necessary information. LCDHS employees will provide an address representing where the incident occurred, and if that is not known, the LCDHS employee will provide an address of relevant family members. When jurisdiction is not known or out of state, the LCDHS employee will contact the LCSO who will coordinate primary jurisdiction.

VII. **Guidelines for the Investigation of Intra-Familial Abuse or Neglect**

1. **Mandated Referrals by Local LE –** LCDHS shall be responsible for coordination of all investigations of all reports of suspected intra-familial abuse or neglect.

   (a) Local LE shall contact LCDHS to refer a case for investigation by contacting an Intake Specialist at the Hub to make an intake report, 970-498-6990. If Local LE need to make a referral between the hours of 1900 hours and 800 hour, the Local LE will call 1-844-264-5437.

   (b) If a Local LE is investigating a case without LCDHS and it becomes aware of an intra-familial abuse or neglect situation, including domestic violence situations as such is defined in CRS 18-6-800.3 and there are indications that a child is in the home, the Local LE shall report the incident to LCDHS as soon as practicable, as set forth in Section VII 2.(a) above.

2. **Intake Reports and Assignment - Differential Response** – Pursuant to CRS 19-3-308.5.3, LCDHS has been designated to respond to allegations of child abuse and neglect with a Differential Response Model. A Differential Response Model allows for County Departments to use more than one approach to address reports of alleged child abuse or neglect. Response assignment is determined by; presence of imminent danger, level of risk, number of previous reports, and presenting case characteristics such as type of alleged maltreatment and age of alleged victim.
(a) High Risk Assessment Approach - is required for circumstances alleging allegations of egregious harm, near fatal, fatal child abuse, and sexual abuse. Intake reports assigned for High Risk Assessment will be conducted jointly in accordance with this MOU. All intake reports that meet LCDHS requirements for High Risk assessment will be assigned to an intake child protection caseworker, who must coordinate the investigation with the appropriate Local LE. Prior to contacting family, the caseworker must make direct contact with the Local LE to discuss coordination of the assessment and investigation.

(b) Services offered through a Child Advocacy Center (CAC) will be utilized when deemed appropriate by the lead Local LE.

(c) The parties recognize that Local LE may not be able to immediately respond, but LCDHS will make all efforts to coordinate its assessment with the Local LE.

(d) LCDHS is required by state regulation to respond to reports of abuse and neglect, which includes face to face contact with the alleged victim(s), within the following time frames: (Response time begins at the point of referral being called into the Hub):
   i. **Immediate (response within 8 hours)** – Child is in imminent danger and there is a significant and clearly observable threat to child safety that is actively occurring and will likely result in severe harm to child.
   ii. **3 calendar days** – Threats to child are not occurring presently, but likely to occur in near future and likely to result in severe harm to child.
   iii. **5 Working Days** – Maltreatment or risk of maltreatment indicating an absence of present or impending danger
   iv. **Response times for Institutional abuse or neglect** is the same as Intra-Familial response times.

(e) Family Assessment Response Approach – will be initiated for family circumstances involving low to moderate risk and includes a family risk assessment, service need determination and non-court involved case services.

3. **Egregious Harm Near Fatal and Fatal Child Abuse Cases:**
   (a) **7.106.1 Egregious incidents of abuse and/or neglect, near fatalities, or child fatalities:** An incident of suspected abuse and/or neglect involving any of the following:
      i. Significant violence, torture, use of cruel restraints, or other similar, aggravated circumstance
      ii. A child has died; or,
      iii. A physician has determined that a child is in serious, critical, or life-threatening condition as a result of sickness or injury.

   (b) If a Local LE is investigating an egregious harm, near fatal or fatal child abuse case, immediate notification shall be made to LCDHS. LCDHS shall respond and coordinate their efforts on cases when the egregious harm, near fatal situation or death of a child is suspected to be the result of non-accidental trauma or there are suspicious circumstances surrounding the death.
(c) In the event a child death occurs with no surviving siblings, LCDHS will, through the records custodian, provide all known information regarding the immediate family to the Local LE. The requesting party must state in writing that they are investigating allegations of abuse and neglect.

4. Sexual Child Abuse Victim Interviews

(a) Minimal Facts: Minimal facts should be obtained from someone other than the child victim, whenever possible. Multiple "minimal facts" interviews with a child victim should be avoided. The main forensic interview of the child shall be conducted as provided below.

(b) Pursuant to CRS 19-3-308.5(3) sexual child abuse victim interviews are strongly encouraged to be video recorded and shall be conducted by a competent interviewer, preferably at a CAC. Only one interview is required so long as both LCDHS and the Local LE have the opportunity to be present.

(c) LCDHS and the Local LE shall jointly schedule the interview at the CAC, or an alternative location, so that both parties can be present for the interview. Each agency will use their best efforts to schedule the interview so that both agencies are present at the interview. However, if scheduling conflicts occur, the lead Local LE shall make the final scheduling decision but take into consideration the Department of Human Service’s response timeframes and need to interview the child within that time frame. Each party shall receive a copy of the recorded forensic interview.

(d) In some circumstances, law enforcement may decide to conduct a forensic interview with a victim without utilizing the CAC.

(e) If additional interviews are deemed necessary, they should be done by the same interviewer whenever possible. LCDHS and Local LE shall give notice to the other prior to scheduling additional interviews and will consult with the District Attorney’s Office. Each party shall receive a copy of the additional interview.

5. Human Trafficking

(a) Pursuant to C.R.S. 19-3-317, LCDHS will conduct uniform screening of children/youth to identify victims of human trafficking. If LCDHS becomes aware of a child/youth being a victim of human trafficking they will notify local law enforcement immediately but no later than 24 hours. If law enforcement identifies a victim of Human Trafficking, they shall report to LCDHS.

6. Investigation and Assessment of Risk

(a) LCDHS will be responsible for the safety and risk assessment of the child, the capacity of the parents to properly care for the child, and the need for filing of a Petition in Dependency and Neglect with the Juvenile Court. LCDHS may request the issuance of a protective custody or “police hold” (hereinafter a “Hold”) which will be placed pursuant to the criteria set forth in CRS 19-3-401 and remain at the discretion of the Local LE. If necessary, LCDHS shall be responsible for arranging out-of-home placement for the child. LCDHS may request the Local LE conduct a criminal history check on persons in whose custody emergency placement of a child may be placed pursuant to CRS 19-3-406. The Local LE will provide LCDHS a verbal response regarding the person’s criminal history.

(b) The Local LE may conduct criminal history checks in compliance with CRS 19-3-406, on its own initiative.

(c) Placement of Children – LCDHS will conduct background checks to include Trails, Colorado Courts, National and Colorado Sex Offender Registry and will have the
Alternative Sentencing Unit conducts NCIC checks on any person being considered for placement of a child.

i. LCDHS will be responsible for having the person with whom the child is placed satisfy the fingerprinting requirement; the fingerprinting may be done at Larimer County Sheriff's Office, Loveland Police Department or a county law enforcement agency where the care provider resides. The cost of the fingerprinting and submittal to CBI will not be borne by the Local LE. LCDHS or LCDHS's contracted vendor will be responsible for submitting fingerprint cards to CBI regardless of where they are completed.

7. Criminal Investigations

(a) The Local LE will be responsible for conducting any criminal investigation; determining if cases should be referred to the District Attorney’s office for prosecution; and providing, when law enforcement resources are available, security in situations where the parents or alleged perpetrators are threatening or dangerous.

(b) LCDHS will, through the records custodian, provide information to the District Attorney's Office during the ongoing investigation of these abuse and neglect cases.

VIII. Guidelines for the Investigation of Institutional Abuse or Neglect: The procedural guidelines for the investigation of cases involving allegations of institutional abuse or neglect shall be the same as those delineated for investigation of allegations of intra-familial abuse or neglect. In addition, LCDHS will be responsible for coordinating any investigation with the licensing authority responsible for the specific childcare facility.

IX. Guidelines for the Investigation of Third-Party Abuse or Neglect

1. Completed Investigations – The Local LE shall be responsible for coordination and investigation of all reports of third-party abuse or neglect. Upon the completion of an investigation, the Local LE shall forward a copy of its investigative report to the Hub Manager at LCDHS in compliance with the requirements of state records release laws, for its review to determine whether the report should be filed with the State in accordance with CRS 19-3-308.(5.3)(a), which report, upon such determination, shall be filed with the State within sixty days of the receipt of the report by LCDHS.

2. LCDHS Reports of Crimes to Law Enforcement – If LCDHS is assessing a case without law enforcement and during such assessment it becomes aware of incidents of criminal child abuse or neglect, or any other criminal conduct, LCDHS shall immediately report such incidents by contacting the dispatch unit of the appropriate Local LE.

3. Requests for Services or Referrals by Law Enforcement – A Local LE may request that LCDHS provide services or referrals for appropriate services for the child and/or family in third-party cases. Such requests will be initiated by either the Local LE or the parents by contacting the Intake Specialist the HUB. Services shall be contingent upon service and funding availability and family eligibility.

4. Requests for Assistance by Law Enforcement – A Local LE may request assistance from LCDHS in the investigation in cases that may include third-party abuse or neglect cases. All such requests will be given serious consideration and prioritized based
upon the need for LCDHS involvement to ensure the success of the investigation, however LCDHS participation shall be at the discretion of LCDHS.

X. Law Enforcement Guidelines for Taking a Child into Protective Custody

1. Notification by LCDHS – If LCDHS believes that a child needs protective custody, the LCDHS caseworker shall provide all relevant facts to the Local LE in order for them to determine whether to sign the requested Hold.

2. Notification by Law Enforcement – The parties acknowledge that, pursuant to CRS 19-3-401, Hold decisions are at the sole discretion of the Local LE. However, whenever practicable, the Local LE shall notify LCDHS prior to taking a child into protective custody to allow LCDHS to provide input regarding the need for protective custody. When prior notification is not possible, the Local LE shall, as soon as practicable, notify LCDHS of the Hold and the grounds for it. The names and ages of the children shall be given to LCDHS, as well as any information regarding potential out-of-home placements. The guidelines contained in Section VII, 6. Investigation and Assessment of Risk set forth above will then be implemented.

3. Release Conditions – On each Hold, the Local LE shall specify under what conditions or to whom the child may be released. Such release does not terminate the Hold, but simply specifies conditions regarding the child’s care during the 72-hour hold period.

4. To Rescind Holds – At times, LCDHS or the Local LE after consultation with LCDHS may deem it necessary to rescind the Hold. A rescission is a termination of the Hold. A rescission must be indicated on the written form placing the Hold and may only be rescinded by the issuing peace officer, the peace officer’s supervisor, or anyone else superior in the Local LE’s chain of command.

XI. Mutual Training of Law Enforcement and Child Protection

1. Responsibility for Training – It is the responsibility of each party to train their investigators and other staff of their respective responsibilities. To assure training opportunities and to facilitate mutual understanding, LCDHS and the Local LE may coordinate, plan, and implement joint trainings. The organizing agency shall be responsible for funding such training.

XII. Release of Reports, Documents, Evidence and Recordings to Persons or Entities who are not Parties to this MOU: Each agency will agree to use its best efforts to keep records confidential.

1. Release of Records – Shall be governed by this MOU and CRS 19-1-303 and 307 and the appropriate sections of the Colorado Criminal Justice Records Act (§ 24-72-301 et.seq., C.R.S.) regarding confidentiality.

2. The Official Custodian – The official custodian for purposes of the release of information of any Local LE reports referred to in this MOU (and all accompanying documents, recordings, and evidence) is the Local LE’s Records Custodian.

(a) Requests to a Local LE for LCDHS records – Requests for any LCDHS materials, including reports, documents, recordings and evidence, shall be referred to the
LCDHS Records Custodian or released to persons authorized by state statute or court ruling.

(b) Requests from a Local LE for LCDHS records – Requests for any LCDHS materials, including reports, documents, recordings and evidence shall be referred to the LCDHS Records Custodian and released in accordance with CRS 19-1-303 and 307. If the District Attorney’s Office (DA) makes a request for LCDHS materials and states that the records request is part of an investigation into child abuse or neglect those records shall be provided by LCDHS.

(c) Requests from LCDHS for Law Enforcement Records – Any requests made to the LCDHS custodian for the law enforcement records shall be referred by the LCDHS custodian to the relevant law enforcement records custodian. However, upon request by LCDHS to the Law enforcement custodian, LCDHS will receive a courtesy copy of the records.

(d) Requests to LCDHS or Law Enforcement Records for Third Party Records – Requests for any records, including reports, documents, recordings, and evidence, that were created by a third party and not LCDHS or the Local LE shall be referred to that third party’s records custodian.

XIII. Guidelines for Problem Solving and Evaluation of this MOU

1. Conflict Resolution – The Local LE’s Officer and LCDHS Caseworker may at any time request assistance of a Supervisor to discuss differing opinions on cases and to obtain clarification on departmental policies and procedures. Supervisors of respective agencies are committed to resolving disputes.

XIV. General Provisions

1. Amendments. Any party may request changes in this MOU. Any changes, modifications, revisions, or amendments to this MOU which are mutually agreed upon by the parties to this MOU shall be incorporated by written instrument, executed and signed by all parties to this MOU.

2. Choice of Law, Jurisdiction, and Venue. Colorado law shall be applied in the interpretation, execution, and enforcement of this Contract. All suits or actions related to this Contract shall be filed and proceedings held in the State of Colorado and the venue shall be in Larimer County, Colorado.

3. Entirety of Agreement. This MOU, consisting of eleven (11) pages and represent(s) the entire and integrated agreement between the parties and supersede(s) all prior negotiations, representations and agreements, whether written or oral.

4. Prior Approval. This MOU shall not be binding upon either party unless this MOU has been reduced to writing before performance begins as described under the terms of this MOU, and unless this MOU is approved as to form by the County Attorney or their representative.

5. Prohibition of Pledging Credit and No Aid to Corporations. Pursuant to Colorado Constitution Article XI, Sections 1 and 2 and Article X, section 20, the County shall not...
indemnify or hold harmless any party related or operating under this MOU. No provision in the MOU shall limit or set the amount of damages available to the County to any amount other than the actual direct and indirect damages to the County, regardless of the theory or basis for such damages. Any provision included or incorporated herein by reference which purports to negate this provision in whole or in part shall not be valid or enforceable or available in any action at law or equity, whether by way of complaint, defense, or otherwise. Any provision rendered null and void by this provision shall not invalidate the remainder of the MOU.

6. Separate Entities. All parties shall perform its duties hereunder as independent entities, and neither shall be deemed an employee or agent of the other.

7. Severability. Should any portion of this MOU be judicially determined to be illegal or unenforceable, the remainder of the MOU shall continue in full force and effect, and the parties may renegotiate the terms affected by the severance.

8. Signature Authority. This MOU shall not be valid unless it has been approved and signed by someone authorized by Larimer County Administrative Policy and Procedure 100.2N. This Contract may be executed in two (2) or more counterparts, each of which shall be deemed an original. The parties approve the use of electronic signatures, which shall be governed by the Uniform Electronic Transactions Act, C.R.S. §24-71.3-101 et seq. If this Contract is electronically signed it:

(a) Is considered a "writing" or "in writing";

(b) Is deemed for all purposes as physically "signed";

(c) Is deemed an "original" when printed or copied from electronic files or records established and maintained in the normal course of business; and

(d) Satisfies any legal formalities requiring agreements be in writing.

Neither party will contest the admissibility of copies (or printed versions) of this Contract under either the business records exception to the hearsay rule, the best evidence rule or otherwise on the basis the Contract was originated, signed, or maintained in electronic form. Other than an original hand-written signature or an electronic signature of the same formality used to originally execute this Contract, no other communication between the parties (such as email, voice mail, or fax without a signature) shall be construed as a signature to this Contract (or any amendments to it or waiver of it).

9. Sovereign Immunity. Larimer County, LCDHS and Local LE do not waive sovereign or governmental immunity by entering into this MOU, and each fully retains all immunities and defenses provided by law with respect to any action based on or occurring as a result of this MOU. This includes, but is not limited to, the understanding that no term or condition of this Contract shall be construed or interpreted as a waiver, express or implied, of any of the immunities, rights, benefits, protections, notice requirements, or other provisions, of the Colorado Governmental Immunity Act, C.R.S. 24-10-101 et seq. as applicable now or hereafter amended. There is no intent to waive or restrict governmental immunity.

10. Third Party Beneficiary Rights. The parties do not intend to create in any other individual or entity the status of third party beneficiary, and this MOU shall not be construed so as to create such status. The rights, duties, and obligations contained in this MOU
shall operate only between the parties to this MOU and shall inure solely to the benefit of the parties to this MOU. The provisions of this MOU are intended only to assist the parties in determining and performing their obligations under this MOU.

THE REMAINDER OF THIS PAGE WAS INTENTIONALLY LEFT BLANK.
XV. **Signatures.** The parties to this MOU, through their duly authorized representatives, have executed this MOU on the dates set out below, and certify that they have read, understood, and agreed to the terms and conditions of this MOU as set forth herein.

The effective date of this MOU is the date of the signature last affixed to this page.

**LCDHS:**
Larimer County Department of Human Services

Heather J. O’Hayre, Director  
_________________________  
Date

**Local LE:**

Justin Smith, Larimer County Sheriff’s Office, Sheriff  
_________________________  
Date

Jeff Swaboda, City of Fort Collins Police Department, Chief of Police  
_________________________  
Date

Eric Stewart, City of Loveland Police Department, Acting Chief of Police  
_________________________  
Date

Frank Johnson, Colorado State University, Captain  
_________________________  
Date

Rob Marone, Colorado State Patrol  
_________________________  
Date

Corey Pass, Estes Park Police Department, Interim Chief of Police  
_________________________  
Date

Terry Jones, Timnath Police Department, Chief of Police  
_________________________  
Date

Brian Phillips, Johnstown Police Department, Chief of Police  
_________________________  
Date

Rick Klimeck, Windsor Police Department, Chief of Police  
_________________________  
Date

Gordon McLaughlin, District Attorney Eighth Judicial District  
_________________________  
Date

County Attorney Approval  
_________________________
TOWN OF ESTES PARK

________________________________________________________  __________________
Wendy Koenig, Mayor  Date

ATTEST:

________________________________________________________  __________________
Jackie Williamson, Town Clerk  Date

APPROVED AS TO FORM:

________________________________________________________  __________________
Dan Kramer, Town Attorney  Date
Memo

To: Honorable Mayor Koenig  
   Board of Trustees

Through: Town Administrator Machalek

From: Jackie Williamson, HR Director

Date: May 24, 2022

RE: Revised Policy 306 - Leave

Objective: 
To amend Policy 306 Leave to address new sick leave requirements enacted by the Colorado Healthy Families and Workplaces Act.

Present Situation: 
The Town’s current policy does not provide seasonal and employees working less than 20 hours a week leave accruals such as vacation or sick leave. Employees working part-time (20 – 30 hours per week) and full-time (30+ hours per week) receive sick leave on a prorated basis, up to eight (8) hours per month, based on the hours worked per week, i.e. employees working 20 hours a week receive four (4) hours of sick leave per month.

Proposal:
The Colorado Department of Labor and Employment issued a notice for the revisions to the Colorado Healthy Families and Workplaces Act which outlined the requirement for employers with 16 or more employees to provide sick leave for all employees regardless of their status with the Town. The Act more specifically states, “Each employee earns at least one hour of paid sick leave for every thirty hours worked by the employee; except that an employee is not entitled under this section to earn or use more than forty-eight hours of paid sick leave each year…”

As the current policy does not address employees working seasonally or less than 20 hours per week a revision is required to be compliant with the new Act. The revisions provide one (1) hour of sick leave per 30 hours worked as required by the Act for this group of employees with a maximum accrual of 48 hours. Any hours not used upon separation of employment would not be paid out, however, a seasonal employee returning within six (6) months would retain their accruals upon rehire.
Advantages:
- To bring the Town into compliance with the Colorado Healthy Families and Workplaces Act.
- Provides sick leave for all employees to be used if they or a family member gets sick
- Increase productivity and morale
- Sick employees are not coming to work and possibly infecting others further impacting Town operations.

Disadvantages:
- Impacts the business operations when an employee has an unplanned absence and has to use sick leave.
- Potential abuse of time off.

Action Recommended:
Approve the revisions to Policy 306 Leave as outlined and bring the Town into compliance with the Act.

Budget:
Cost of sick time used by employees.

Level of Public Interest:
Low

Sample Motion:
I approve/deny revisions to Policy 306 Leave.

Attachments:
1. Revised Policy 306 Leave with redlines.
1. PURPOSE
The Town recognizes and respects its employees’ need for leave time away from work. Such leave time is important in allowing employees to renew their physical and mental capabilities and remain productive. To this end, the Town strives to create and maintain a balanced work schedule for its employees by promoting quality of life through leave time.

2. POLICY
In accordance with state and federal laws, the Town provides leave time to eligible employees as set forth in the following procedure. Leave accountability is the responsibility of the employee and the supervisor.

3. PROCEDURE
a. Reporting Absences and Tardiness
   i. Expectations
   Employees are expected to report to their place of work every day as scheduled, unless on approved leave. Time off of any kind must be taken in accordance with this policy and other applicable Town policies.

   ii. Absent or Tardy Notifications
   Employees who will be absent or late to work must notify their immediate supervisor (or the supervisor’s designee) as soon as they learn of the need to be absent or late. Failure to provide prompt notice of an absence or tardiness is an unapproved absence and may result in disciplinary action.

   iii. Process for Reporting Absences or Tardiness
   Unless otherwise directed in written departmental work rules, employees must notify their immediate supervisor no later than fifteen (15) minutes after the start of the employee’s work shift if they will be absent or late. When notifying the supervisor of the need to be absent or late, the employee must report:
   1) The reason for the absence (or tardiness).
   2) The date (or time) when the employee expects to return to work.
iv. Exceptional Circumstances
The Town recognizes that under exceptional circumstances, neither the employee nor someone on his or her behalf may reasonably be able to call within the time required. In such a case, the employee or representative must contact the employee’s supervisor as soon as possible after the beginning of the shift. If the supervisor, at his or her discretion, believes the employee had a compelling reason which prevented the employee from obtaining prior approval for the absence, or from calling in on time, the supervisor may approve pay for the period of absence or tardiness.

b. Use of Leave
1. The intent of the leave types outlined in this policy are to provide employees with accrued and other leave to backfill any time away from work and complete their timecards with their normal work hours for the week, and are not to be used outside of the employee’s normal work schedule in order to create overtime.
2. As the Police Department is required to be staffed on a 24/7/365 basis, Town-observed, sworn officers and dispatchers may be called in for duty when on leave and may not utilize both leave and work on the same day in excess hours of a normal work day. In this circumstance the employee’s leave time would be adjusted to account for the hours worked when called in by their supervisor. (i.e., if an employee were scheduled to take 10 hours of vacation leave and got called in to work for 5 hours, their vacation time would be adjusted to 5 hours)

c. Vacation Leave
i. Eligibility
Vacation leave is accrued by all full-time, part-time employees and eligible contract employees. Vacation leave is pro-rated for part time employees (50% for 20-29 hour part-time employees, 75% for 30-39 hour part-time employees).

ii. Amount of Hours Earned
Vacation accrual begins upon initial date of hire and hours are earned for the first two pay periods of each month according to the schedule below. The date of initial hire does not change with changes in employment within the Town organization (i.e., promotions and transfers). However, if an employee leaves employment with the Town, the initial date of hire will change for the purposes of vacation accrual should the employee return to work for the Town. The amount of hours earned per pay period is pro-rated for eligible part-time employees. The maximum vacation leave carry over allowed is equal to double the amount of hours that can be earned in a year. An employee moves through the “Years of Service” brackets at the completion of the final year in the bracket. For example, an employee would move from the “0 through 23” bracket into the “34 through 57” bracket at the completion of the employee’s third-second year of service (end of month 2536).
### Years of Service

<table>
<thead>
<tr>
<th>Years of Service</th>
<th>Hours Earned per Month</th>
<th>Maximum Carry Over</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 through 2 (0 months – 24 months)</td>
<td>8.00</td>
<td>192 Hours</td>
</tr>
<tr>
<td>3 through 5 (25 months through 60 months)</td>
<td>10.00</td>
<td>240 Hours</td>
</tr>
<tr>
<td>6 through 12 (61 months through 144 months)</td>
<td>12.00</td>
<td>288 Hours</td>
</tr>
<tr>
<td>13 or more (145 months or more)</td>
<td>14.00</td>
<td>336 Hours</td>
</tr>
</tbody>
</table>

### iii. Amount of Hours Earned by At-Will Employees

<table>
<thead>
<tr>
<th>Years of Service</th>
<th>Hours Earned per Month</th>
<th>Maximum Carry Over</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 through 2 (0 months – 24 months)</td>
<td>10.00</td>
<td>240 Hours</td>
</tr>
<tr>
<td>2 through 5 (25 months through 60 months)</td>
<td>12.00</td>
<td>288 Hours</td>
</tr>
<tr>
<td>6 through 12 (61 months through 144 months)</td>
<td>14.00</td>
<td>336 Hours</td>
</tr>
<tr>
<td>13 or more (145 months or more)</td>
<td>16.00</td>
<td>384 Hours</td>
</tr>
</tbody>
</table>

### iv. Authorization of Vacation Leave

1) Vacation leave shall be requested in advance and is granted at the discretion of each employee’s supervisor.

2) Requests for vacation leave may be deferred based upon workload. Supervisors and Department Directors shall ensure that every effort is made for the employee to use vacation leave requests previously cancelled due to department workload.

### v. Forfeiting of Vacation Leave

1) On the employee’s anniversary date (date of hire), they will forfeit any accrued vacation leave exceeding the maximum carry over articulated in Section 3.b.ii and 3.b.iii of this policy.

2) An employee may request reinstatement of forfeited accrued vacation leave of up to 80 hours for up to one (1) year from their anniversary date at the discretion of the Town Administrator. The request must justify why the employee was unable to use forfeited accrued vacation leave. All requests
must be submitted within 30 days from the date accrued vacation leave was forfeited. Reinstated hours shall not be subject to payout if the employee terminates employment prior to their next anniversary date.

vi. Pay Out of Vacation Leave
1) At the sole discretion of the Town Administrator, payout of an employee’s vacation leave prior to separation of employment may be approved. This is approved only in extraordinary circumstances. Such payment will be taxed at the supplemental earnings rate.

vii. Use of Vacation Leave
Vacation leave shall be taken in no less than 30 minute increments. At no time may an employee have a negative vacation leave balance.

viii. Separation of Employment Payout
Upon separation of employment, an employee receives payment for all accrued vacation leave. The payment for accrued vacation will be based on the employee’s pay rate at the time of separation. This payment is taxed at the supplemental earnings rate.

d. Holiday Leave
i. Eligibility
Holiday leave is granted to all full-time, part-time employees and eligible contract employees. Holiday leave is pro-rated for part time employees (50% for 20-29 hour part-time employees, 75% for 30-39 hour part-time employees).

ii. Holidays Observed
Holiday leave is observed and granted for the following holidays:

<table>
<thead>
<tr>
<th>Nominal Date</th>
<th>Holiday</th>
</tr>
</thead>
<tbody>
<tr>
<td>January 1st</td>
<td>New Year's Day</td>
</tr>
<tr>
<td>January (Third Monday)</td>
<td>Martin Luther King Day</td>
</tr>
<tr>
<td>May (Last Monday)</td>
<td>Memorial Day</td>
</tr>
<tr>
<td>June 19th</td>
<td>Juneteenth Day</td>
</tr>
<tr>
<td>July 4th</td>
<td>Independence Day</td>
</tr>
<tr>
<td>September (First Monday)</td>
<td>Labor Day</td>
</tr>
<tr>
<td>November 11th</td>
<td>Veterans Day</td>
</tr>
<tr>
<td>November (Fourth Thursday)</td>
<td>Thanksgiving Day</td>
</tr>
<tr>
<td>December 24th</td>
<td>Christmas Eve Day</td>
</tr>
<tr>
<td>December 25th</td>
<td>Christmas Day</td>
</tr>
</tbody>
</table>

Holidays that occur on a Saturday will be observed on the preceding Friday, and those that occur on a Sunday will be observed on the following Monday.
If an employee is not normally scheduled to work on the day that a Town-observed holiday lands (i.e., a Friday for an employee working a 4/10 schedule), then such employee shall receive one additional eight (8) hour floating holiday.

If an employee is normally scheduled to work on the day that a Town-observed holiday lands, and does not work the holiday, such employee receives eight (8) hours of holiday pay.

iii. Use of Holiday Leave
Holiday leave granted by the Town shall be used in the following manner:
1) Holidays must be taken unless the employee is scheduled to work by the employee’s supervisor.
2) Holidays which occur during an employee’s absence due to vacation or sickness shall not be counted as vacation or sick leave.
3) Employees, other than Department Directors and Police Department personnel, who are required to work on a holiday will receive pay for the hours worked as well as holiday pay.

iv. Use of Holiday Leave – Police Department
As the Police Department is required to be staffed on a 24/7/365 basis, Town-observed holidays will be handled by the Police Department as described below:
1) Non-exempt patrol personnel and non-exempt dispatch personnel will receive eight (8) hours of straight holiday pay for every holiday, regardless of whether the day is worked or not. These hours will not count towards overtime.
2) Non-exempt police personnel on an administrative schedule will receive eight (8) hours of holiday pay for each Town-observed holiday. These hours will count towards overtime.

v. Floating Holidays
In addition to the Town-observed holidays above, employees are allotted four (4) floating holidays to be taken at their discretion, with supervisor approval. Floating holidays must be used during the year accrued or they will be forfeited on December 31st. Floating holidays are pro-rated for new employees. Floating holidays are pro-rated for part-time employees (50% for 20-29 hour part-time employees, 75% for 30-39 hour part-time employees).

e. Sick Leave
i. Eligibility
Sick leave is accrued by all full-time, part-time employees, seasonal employees, and eligible contract employees. Sick leave is pro-rated for part-time employees (50% for 20-29 hour part-time employees, 75% for 30-39 hour part-time employees).
working fewer than 20 hours per week, earning (one) 1 hour of sick leave for every 30 hours worked.

ii. Amount of Hours Accrued
Sick leave will be accrued at the rate of four (4) hours for the first two bi-weekly pay periods of each month (pro-rated for eligible part-time employees). Sick leave accumulation is capped at 480 hours. When any employee accumulates more than 480 hours of sick leave, all excess sick leave will be converted to vacation leave (on a two-for-one basis) on that employee’s anniversary date.

Seasonal employees and employee working fewer than 20 hours per week may accrue up to 48 hours of sick leave. When any employee accumulates more than 48 hours of sick leave, all excess sick leave will be cleared after each pay period. If a seasonal employee is re-hired within 6 months of separating employment with the Town, they shall retain the sick leave banks they had upon separating employment.

iii. Use of Sick Leave
Sick leave shall be used in the following manner:

1) Sick leave may only be used for:
   a. A non-occupational personal illness that renders an employee unable to perform their job.

   b. Non-occupational, necessary medical, optical, and dental health examinations and treatments, including reasonable travel time, when such appointments cannot be scheduled outside of regularly scheduled work hours.

   c. When an employee’s family member has a medical appointment or is ill and requires the care of the employee. For the purposes of this policy, “family member” is defined as an employee’s child, spouse, sibling, parent, grandparent, or grandchild, including natural, step, in-law, and foster relatives, regardless of whether or not said relative is living within the employee’s home.

   d. For a Family Medical Leave Act (FMLA) qualifying event as outlined in Policy 311.

   e. For a single day, weather-related closure of Town facilities as determined by the Town Administrator.

   e.f. For the first 3 days of missed shifts following a qualifying workers compensation injury.

2) Sick leave may not be used during a scheduled vacation or compensatory time off.
3) Employees who are eligible for holiday time and who are on sick leave during a designated holiday must record holiday time for that day and not sick leave. An employee who is scheduled to work on a holiday and becomes sick must record holiday time only for the day.

4) During paid sick leave under the terms of this policy, all benefits will continue as though the employee were at work.

5) Sick leave shall be taken in no less than 30-minute increments.

6) At no time may an employee have a negative sick leave balance.

7) A Department Director may require an employee to take sick leave for any of the reasons specified in 306.3.d(iii)(1).

8) Employees are prohibited from using sick leave except under the circumstances described above. Employees who, in the Town’s judgment, misuse sick leave are subject to disciplinary action. When there appears to be a possibility that sick leave is being misused, the Department Director or supervisor may:
   a. Make further inquiry of the employee about past or ongoing use of the leave time.
   b. Require the employee to provide the type of information or submit to medical examinations as provided in the “Medical Certification” section of this policy (3.c.vi).
   c. Require the employee to provide written medical verification or be seen by the Town’s designated physician in order to use any further sick leave.

iv. Notice of Brief Absence (3 days or less)
   This portion of the leave policy applies to non-occupational absences for brief illnesses, injuries, and minor medical procedures where the employee reasonably expects to be absent three (3) days or less, even if the absence ends up being longer.
   1) Employees who need to use sick leave for an unexpected, brief illness or injury must contact their supervisor within 15 minutes after the beginning of the shift each day of the absence, or within a time frame set by the employees’ Department Director.
   2) Employees who need to be absent for a scheduled medical procedure or short-term treatment must notify their supervisor as soon as the need for the absence is scheduled with the health care provider.
v. Notice of Prolonged Absence (More than 43 Days) or Intermittent Leave
This portion of the leave policy applies to employees who need to be absent for non-occupational illnesses or medical procedures for more than three-four days, or who need to use sick leave intermittently. Employees seeking job protection under the Family and Medical Leave Act (FMLA) should refer to Policy 311.

vi. Medical Certification
1) The Town reserves the right to require employees to substantiate and/or document their need for sick leave, whether it is based on their own physical condition or the condition of an immediate family member.

2) The Town reserves the right to evaluate requests for, and extensions of, sick leave by consulting with the physician of the employee, or with the Town’s own medical consultants, and retains the right to request that the employee seek a second opinion of the illness/disability from a physician of the Town’s choice. Employees who request sick leave, or who have used sick leave, may be required by their supervisor (in consultation with Human Resources) to provide written verification of the following from the physician or other health care provider treating the employee:
   a. Date on which the condition commenced;
   b. Nature and extent of illness or injury, but only as is necessary to determine the employee’s ability to perform job functions;
   c. Probable duration of illness or injury;
   d. Confirmation that the employee is unable to perform essential job functions;
   e. Anticipated date on which the employee may return to work; and/or
   f. Release stating that the employee is able to return and perform his or her duties without endangering the health and safety of himself/herself or others, and describing restrictions on the employee’s work activities.

3) Any illness or injury of an employee or an employee’s immediate family member requiring an employee to miss more than three-four (43) regularly scheduled work days shall be required to submit at the discretion of the Department Director, a physician’s statement verifying the condition of the person under the physician’s care.

4) At the end of any sick leave, the Town may require a physician’s statement verifying the employee’s fitness to return to work.
vii. Payment upon separation
A terminating employee that has completed 20 years of continuous service shall be compensated for fifty percent (50%) of their accumulated sick leave hours. Said compensation will be computed at the employee’s rate of pay at time of termination. This payment is taxed at the supplemental earnings rate.

f. Family and Medical Leave Act
The Town of Estes Park complies with the Family and Medical Leave Act of 1993, as amended. The Town posts the mandatory FMLA Notice and, upon hire, provides all new employees with notices required by the United States Department of Labor (DOL) on Employee Rights and Responsibility under the Family and Medical Leave Act. For more details on the Town’s compliance with FMLA, please see Policy 311.

g. Jury Duty and Witness Appearance Leave
The Town recognizes jury duty as an important civic obligation. If called to report to jury duty or required to serve on a jury, an employee will be granted the necessary time required and will be compensated at his or her regular pay rate.

i. Notification
If an employee is served with a summons to jury duty, the employee must inform his or her supervisor by the next regular work day and provide a copy of their summons (in electronic format or otherwise).

ii. Exempt Employee Compensation
Exempt employees will receive their regular wages for regularly scheduled work hours for jury duty.

iii. Non-Exempt Employee Compensation
Non-exempt employees will receive their regular wages for regularly scheduled work hours during each of the first three days of jury duty served during regular work hours. Thereafter, any pay they receive for jury duty is paid by the governmental entity requesting the employee to participate in the jury service.

iv. Compensation Requirements
The Town has no obligation to pay wages for time spent on jury duty until and unless the employee’s supervisor verifies on the Court website that the employee was on jury duty during that period.

v. Return to Work
Employees are expected to return to work on any day or portion of a day they are released from jury duty as reasonable.

vi. Witness Appearance Leave
1) Exempt employees will be paid during time they are subpoenaed or otherwise required by law to appear as a witness in any personal matter that overlaps with scheduled work time up to a maximum of two working days in any 12-month period. To receive this pay, the employee must pay
to the Town any witness pay received by the employee, excluding mileage reimbursement. Any further time that an employee is required to appear as a witness is unpaid by the Town unless the employee chooses to use accrued paid leave time. A matter is considered personal if, in the discretion of the supervisor, it is not directly related to the employee’s essential job functions. An employee’s appearance as a witness in non-personal matters is considered regular working time and will be compensated accordingly.

2) Non-exempt employees will be granted all necessary time off when required to appear as a witness in personal matters, but such time is unpaid by the Town unless the employee chooses to use accrued paid leave time. An employee’s appearance as a witness in non-personal matters is considered regular working time and will be compensated accordingly.

h. Voting Leave
   i. Eligibility
      To qualify for voting leave, employees must:
      1) Be a registered, eligible elector entitled to vote at an election.
      2) Advise their manager of the leave of absence prior to the day of the election.
      3) Have less than three (3) hours between the time the polls open and the time the polls close during which they are not required to be on the job for the Town.
   ii. Benefit
      Eligible employees shall be entitled to up to two hours off, with pay, for the purpose of voting on the day of the election during the time the polls are open. The Town may specify the hours during which the employee may be absent.

i. Workers’ Compensation
   The Town complies with all applicable federal and state laws pertaining to Workers’ Compensation. Employees who are injured on the job may be eligible for leave time and other benefits. Any employee who suffers an occupational injury must report the injury to Human Resources and follow the incident reporting policy. Questions about workers’ compensation should be directed to Human Resources.

j. Military Leave
   i. Eligibility
      All Town employees, regardless of employment category, are eligible to take military leave for active duty or active or inactive duty training if they are members of the reserves or enlisted in any branch of the United States Armed Forces, or are members of the National Guard of any state in the United States. Employees must present official documentation of the military duty prior to the leave and upon returning from leave.
ii. Length of Paid Military Leave

1) Employees are provided with paid leave for a maximum of 15 working days (120 hours for full-time employees, pro-rated for less than full-time employees) per calendar year for active duty or active or inactive duty training with the National Guard or any branch of the United States Armed Forces. If the intermittent schedule of a part-time employee makes it difficult to determine the number of hours the employee would have worked during the leave period for proration purposes, the number of hours the employee actually worked during the 21 calendar day immediately preceding the leave shall be used to calculate the maximum length of the paid military leave.

2) After exhausting the 15 days of paid military leave, an employee may choose to use accrued vacation time, compensatory time, accrued but unused holiday time, and/or take leave without pay for active duty or active or inactive duty training with the National Guard or any branch of the United States Armed Forces. If an employee chooses to use the above described accrued paid leave, such use must be at the rate of 40 hours per week (prorated for part-time employees based on their FTE) and can only be used during the initial portion of the leave. Once the leave becomes unpaid, and employee cannot begin using accrued paid leave. An employee may not use any other type of paid leave during military leave, including, but not limited to, sick leave or injury leave.

iii. Continuation of Medical, Dental, and Vision Insurance

1) After the first 30 continuous calendar days of unpaid leave for active military service, the Town-sponsored medical, dental, and vision insurance for the employee and covered dependents will terminate. After coverage terminates, the employee may elect to continue coverage at his or her own expense, and will be provided with detailed notice of the right to continue coverage.

2) Employees who are reinstated after completing active duty or active or inactive duty training will be eligible for immediate coverage under any applicable medical insurance plans existing at the time without a waiting period.

iv. Retirement Plans

Employees who are participants in any Town-sponsored retirement plan will continue to accrue service credits during military leave, and such leave will not constitute a break in service, so long as the employee complies with requirements for reinstatement after completing active duty or active or inactive duty training.

v. Life and Disability Insurance

After the first 30 continuous calendar days of unpaid leave for active military service, coverage under the life and disability insurance plans sponsored by the Town will terminate. These plans may contain limitations on coverage for death.
and disabilities which occur during a declared or undeclared war. For more information about the policy provisions of these plans, contact Human Resources for a copy of the summary plan descriptions or policies.

vi. Reinstatement
When all of the following conditions for reinstatement are met, an employee will be reinstated to the same position they had at the time the military leave commenced, or to a position of like status and pay, provided that:

1) The cumulative period of military service was no longer than five years, unless a longer period is required by federal or state law.

2) The individual employee must return to work, or apply in writing, for reinstatement in a timely manner as defined by federal and state law. While these laws contain exceptions, which could extend the time an employee has to return to work, they generally define timely manner as follows:
   a. **Military service time of less than 31 days**: reporting for work the next regularly scheduled work day following safe travel time plus eight (8) hours.
   b. **Military service time of more than 30 days but less than 181 days**: submitting an application for reinstatement within 14 days after release from military service.
   c. **Military service time of more than 180 days**: submitting an application or reinstatement within 90 days after release from military service.

3) The employee must provide documentation from the National Guard or United States Armed Forces that he or she honorably completed military service or active or inactive duty training, such as discharge papers.

4) An employee has the same right to reinstatement as if he or she had been continuously employed during the leave period. For example, the employee is not eligible for reinstatement if the job for which he or she was hired was for a specific time period which expired, or for a project which was completed during the absence, or if the position has been eliminated.

5) The employee is qualified to perform the duties of the pre-service position. If the employee is no longer qualified to perform the job with reasonable accommodations, he or she will be re-employed in another existing job that he or she is capable of performing.

k. Administrative Leave
i. Imposition of Administrative Leave
   1) All Town employees, regardless of employment category, may be placed on administrative leave at any time, with or without cause or notice, at the sole discretion of the Town Administrator. Placement on administrative
leave is not disciplinary in nature. Circumstances under which such a leave may occur include, but are not limited to, the following:

a. To make inquiries into or investigate a work-related matter;

b. To remove the employee from the workplace pending a determination of job action;

c. To protect the employee;

d. To protect the public;

e. To protect other employees or property in the workplace; or

f. To further any other work-related or business-related purpose.

2) Unless it would harm an administrative or criminal investigation, and after consultation with Human Resources, the supervisor or manager shall place an employee on administrative leave as soon reasonably practical upon determination that such leave is appropriate under Section 306.j.ii of this policy.

ii. Paid and Unpaid Administrative Leave

1) Administrative leave shall be with pay except under that following circumstances, in which case administrative leave may be without pay:

a. The employee has been formally charged or indicted for a felony or misdemeanor and:

i. The employee occupies a position of public trust and public visibility; or

ii. The felony or misdemeanor relates to the performance of the employee’s official duties

b. The employee has been formally charged or indicted for a crime of theft, a sex offense, or an offense that involves minors.

2) Before an employee is placed on unpaid administrative leave, the employee must be provided with a pre-determination hearing pursuant to Policy 308 for the purpose of providing the employee with the opportunity to be heard and present information concerning whether or not there are reasonable grounds to support the placement on unpaid administrative leave.

3) During paid administrative leave, an employee will continue to receive their regular, straight-time wages and benefits based on their position’s designated FTE. An employee eligible for holiday time and on paid
administrative leave during a designated holiday will receive holiday pay for that day in lieu of pay for administrative leave.

iii. Employee Required to Remain Available
An employee on paid or unpaid administrative leave must remain available during their regular working hours, and be available to return to work within one (1) day if requested to do so. This means that an employee on administrative leave may not consider the leave time as vacation or personal time. The employee must provide his or her supervisor with telephone numbers where he or she can be reached during regular working hours and must promptly return calls from the supervisor or Human Resources. In addition, the employee must obtain the prior permission of the supervisor and use accrued vacation time, compensatory time, or other leave time in order to be out of contact with his or her supervisor for longer than a single workday.

iv. Employee Restrictions during Administrative Leave
During administrative leave, an employee may not contact other employees or be at the work site unless directed to do so by their supervisor.

I. Bereavement Leave
i. Eligibility
In the event of a death in an employee's immediate family (defined in Section iii below), the Department Director may authorize paid leave of up to 40 hours for full-time employees to manage family affairs and attend the funeral. Part-time employees may be authorized paid leave at a prorated rate of 20 hours for an employee working on average 20 – 29 hours and 30 hours for an employee working on average 30 – 39 hours by their Department Director.

ii. Requesting Bereavement Leave
In order to request bereavement leave, an employee shall submit a written request to his or her Department Director, who shall approve, deny, or reduce of leave requested by the employee. In authorizing any requests for bereavement leave, consideration shall be given to the distance to be travelled and personal demands placed on the employee.

iii. Immediate Family
For the purposes of bereavement leave, the Town defines “Immediate Family” to include a spouse, a child, a parent, a parent in-law, a sibling, a brother or sister in-law, a grandparent, a grandchild, a stepparent, a stepchild, a stepbrother, a stepsister, a legal guardian, or a person with whom the employee shares a household with in a personal relationship.

m. Domestic Violence Leave
The Town complies with C.R.S. 24-34-402.7 as it relates to leave for victims of domestic violence. An employee eligible for leave under C.R.S. 24-34-402.7 will
receive up to three (3) working days of unpaid leave from work in any twelve-month period.

n. Emergency Volunteer Service Leave
   The Town complies with C.R.S. 24-33.5-801 through C.R.S. 24-33.5-828 as it pertains to emergency volunteer service leave for employees.

o. Volunteer Firefighter Leave
   The Town complies with C.R.S. 31-30-1131 as it pertains to the employment of volunteer firefighters.

p. Volunteer Leave
   The purpose is to create community engagement opportunities for Town staff that support the Estes Valley. In addition, the Town recognizes that participating in volunteer projects and encouraging philanthropy will also enrich and inspire the lives of our employees and build strong work teams. Activities performed in the use of Volunteer Leave are considered personal in nature and not representative of the Town.

   i. Eligibility: Eight hours is granted to all full-time and part-time employees annually. Volunteer leave is pro-rated for part-time employees (50% for 20 - 29-hour part-time employees, 75% for 30 - 39-hour part-time employees).

   ii. Ineligibility:
      1) Employees are ineligible if their employment terminates for any reason.
      2) If the Volunteer leave program is discontinued for any reason, all leave previously granted and unused will become null and void.
      3) The Town reserves the right to modify, amend, suspend or discontinue the program at any time without prior notice.
      4) The Town reserves the right to revoke previous approval if it is determined the employee is misusing the program.

   iii. Leave Authorization:
      1) Volunteer leave shall be requested in advance and is granted at the discretion of each employee’s supervisor.
      2) Employees must receive the approval of their supervisor for the use of volunteer leave. It is the responsibility of the supervisor to ensure the leave approved is in compliance with the requirements of this policy.
      2) Work demands shall take priority over the volunteer leave request.
      3) Volunteer leave may be used individually or with other employees as a team volunteer activity.
      4) Volunteer leave shall not be used in the computation of overtime and compensatory time.

   iv. Use of Volunteer Leave:
      1) Volunteer leave must be used during the year accrued or it will be forfeited on December 31st.
      2) Employees will be paid at their regular wage for volunteer leave hours.
3) Following the use of volunteer leave, the employee must enter the time into Paylocity using the Volunteer Leave code and insert a note regarding the project.

4) Examples of appropriate volunteer leave include but are not limited to:
   a. Working with an organization to clean up a road or trail.
   b. Performing restoration work in a natural area.
   c. Volunteering at a food bank.
   d. Participating in childhood mentoring or educational programs.

5) Examples of inappropriate volunteer leave include but are not limited to:
   a. Taking a ski vacation and charitably giving ski lessons.
   b. Attending your child’s PTA conference.
   c. Canvassing for a political campaign.
   d. Religious, professional, or political activities.
   e. Town events associated with an employee’s normal job duties per the Fair Labor Standards Act (FLSA).

6) Volunteer Leave may be used in one day or spread over the calendar year in one (1) hour increments, depending on the work needs of the employee’s department and supervisor approval.

7) Volunteer Leave shall be used for nonprofits and taxing districts within the Park R-3 School District boundary. The organization must serve the Estes Valley.

8) Situations not addressed in this policy would require the approval of the Town Administrator.

q. Education Leave
   Eligible employees, when necessary, and upon approval of the Department Director, may be granted a maximum of four hours per week of paid educational leave to attend classes (see Policy 305.f for more information). For the purposes of this policy, Town-sponsored and/or mandatory training is not considered education leave.

r. Leave without Pay
   i. Eligibility
      Any full-time, part-time employee and contract employee in good standing is eligible for leave without pay.

   ii. Benefit
      When in the best interests of the Town and the employee, the Town Administrator may grant a leave without pay to any eligible employee for a period of up to three (3) months. Such leave shall not constitute a break in employment, and the employee shall return to his or her position at the expiration of the leave period. Temporary help may be obtained during the employee’s absence.

   iii. Interaction with other Benefits
      Annual and sick leave shall not accrue while the employee is on leave without pay. Failure to return to work at the expiration of a leave of absence shall be considered
a resignation. If applicable, leave without pay may run concurrently with FMLA leave subject to required medical certification. The employee will be responsible for all insurance premiums, and must pay these in advance of leave.

iv. Requesting Leave without Pay
In order to request a leave without pay, an employee shall submit a written request to his or her Department Director. Requests for leave without pay will be considered in the following manner:

1) If the request is for two (2) days or less, and will not exceed the two (2) days per month limitation, the Department Director may approve, deny, or change the requested leave.

2) If the request is for three (3) or more days, or if the two (2) days per month limitation is to be exceeded, the Department Director shall forward this request to Human Resources and the Town Administrator along with a recommendation to approve, deny, or change the requested amount of leave. In this case, the Town Administrator makes the final determination on whether to approve, deny, or change the requested amount of leave without pay.

Approved:

_____________________________
Wendy Koenig, Mayor

___________
Date
Report

To: Honorable Mayor Koenig
   Board of Trustees

Through: Town Administrator Machalek

From: Jason Damweber, Assistant Town Administrator

Date: July 26, 2022

RE: Discuss Request from the Estes Park Housing Authority to Provide Financial Support for Land-Banking Opportunity

Objective:
Discuss the potential use of Town funds to assist the Estes Park Housing Authority with the purchase of a property located at 0 Mary’s Lake Road, which would eventually be used to develop workforce and/or attainable housing.

Present Situation:
A property located at 0 Mary’s Lake Road recently became available for sale. The property is 11.35 acres with an asking price of $1,375,000. Located in the County (outside of Town limits), the property is currently zoned E (Estate). The market listing with additional details is attached to this memo.

Upon learning of this opportunity, the Estes Park Housing Authority approached Town staff to discuss the potential for financial assistance to purchase the property as a land-banking opportunity for future workforce housing and, depending on the financing options available, possibly for other required pre-development costs.

Attached to this Report is the formal written request sent to the Town Board from the Housing Authority on July 14. The memo outlines four potential “partnership opportunities” for consideration.

Proposal:
Staff proposes that the Town Board discuss whether to provide financial assistance to the Estes Park Housing Authority to purchase the property located at 0 Mary’s Lake Road (assuming it is still on the market at the time the Board is considering the request or will be back on the market in the near future). If the Board indicates a desire to proceed, formal approval and allocation of funds would occur through a budget amendment.

Per Town Policy 227: Workforce Housing Guidelines, the Town’s role with respect to workforce housing includes:
Support the Estes Park Housing Authority both financially and as an active partner and participant in its housing development and strategic planning efforts.

- Provide financial support for the development of workforce housing.
- Work with Larimer County to further the Town’s workforce housing goals within the school district in areas that fall outside of Town limits.

Regarding the use of funds from the Workforce Housing Reserve, Policy 227 states that funds can be used for the “acquisition of real property to be used for workforce housing,” and for “pre-development activities for developments that offer workforce housing.”

The Town’s Workforce Housing Reserve currently has a balance of $500,000.

**Advantages:**
- Land-banking property as it becomes available is a common method of securing property for future development.

**Disadvantages:**
- Because the property is located outside of Town limits, there is uncertainty regarding the amount of density that could be permitted on the site.

**Action Recommended:**
Staff recommends approval of the use of up to $415,000 from the Workforce Housing Reserve to assist the Estes Park Housing Authority with the purchase of the property at 0 Mary’s Lake Road for land-banking, recognizing that there may be further opportunities to assist financially with the development of workforce and/or attainable housing on the property in the future.

**Finance/Resource Impact:**
_Budget account number: 101-1945-419-37-98  
Account name: Workforce Housing Reserve_

**Level of Public Interest**
High

**Attachments:**
1. Market Listing for 0 Mary’s Lake Road
2. Written Request from the Estes Park Housing Authority
0 Mary's Lake Rd Estes Park, CO 80517

Vacant Land/Lots

$1,375,000

- Est. Payment: $5,674.05

11.35 Acres

EV E Zoning

Larimer County

Has 1st HOA: No
NA Subdivision

Rarely does one see an opportunity like this one come on the market... Over 11 acres of pristine, level land with panoramic views into Rocky Mountain National Park, private spring-fed ponds, mature Ponderosa pines and 5 minutes to just about anything you’ll need. Lots of peace & quiet, abundant wildlife & those big blue Colorado skies. Multiple access points, all city utilities available and ready for subdividing or to create your own private oasis. Act sooner than later, as this is a once-in-a lifetime offering at $1,375,000.

View this property on Google Maps

General Features

# Living Units Allowed: See Remarks
Lot Improvements: Street Paved, Fire Hydrant within 500 Feet
Dev Status: Undeveloped, Zoned for Development
Horse Property: Horse(s) Allowed
Fences: Partially Fenced
Legal Description: BEG AT PT 469.19 FT E OF CEN 35-5-73, TH N 89 16' 34" E 446.86 FT; TH S 01 45' 33" W 637.5 FT; TH S 89 16' 34" E (W) 420 FT; TH S 01 45' 33" W 652.26 FT; SD PT BEING SE COR FERGUSON; TH S 89 25' 44" W 980.31 FT; TH IN N

Schools

School District: Estes Park District
Elementary: Estes Park Estes Park
Middle/Jr High: Estes Park
High: Estes Park

Resource Rights

Has Irr Water Rights: No
Has Irr Ditches: No

Taxes and Fees

Taxes/Tax Year: $5,069.81 / 2021

Utilities

https://www.iresis.com/cwa/link/listing?llid=ybp8xng3r4w&lid=1272425
Water/Sewer: City Water, City Sewer
Utilities: Electric, Cable TV Available, Electricity at Property, Satellite Avail, High Speed Avail

Documents / Floor Plans
Additional Property Remarks/Brochure
Surveys & Plat Maps (Copyright Release Required)
Surveys & Plat Maps (Copyright Release Required)
Surveys & Plat Maps (Copyright Release Required)
Wire Disclosure Form

Additional Features
Possible Usage: Single Family, Farm/Ranch
Location Description: Corner Lot, Wooded Lot, Evergreen Trees, Deciduous Trees, Native Grass, Level Lot, Rock Out-Croppings, Abuts Pond/Lake, Meadow, House/Lot Faces N, House/Lot Faces S, House/Lot Faces W, Mountains

Driving Directions
South of Spring Street along Marys Lake Road

Walkscore
Visit Office Website

Listing Agent: Christian J. Collinet | Listing Office: First Colorado Realty

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July 8, 2022

Town of Estes Park
Board of Trustees and Staff

RE: Request of Funds for Housing Development Opportunity ‘0 Mary’s Lake Rd.’

Dear Board of Trustees and Staff,

The Estes Park Housing Authority is formally requesting funds on behalf of the Estes Park community to further the development of attainable housing in the Estes Valley. Outlined below is a description of the opportunity, along with the funding request partnership opportunities which would be used to fund the acquisition of ‘0 Mary’s Lake Rd.’ The funding request ranges from $412,500 to $1,375,000 in a combination of direct funding and/or loan structures.

**Historical Context and Example**

During consideration of this partnership opportunity, please reflect on the positive impact a partnership enacted in 2006 between the Estes Park Housing Authority (EPHA) and the Town of Estes Park (TOEP) had. In 2006 EPHA borrowed $2.7 million dollars to purchase and redevelop 48 units. Half of the development was set aside to serve as income-qualified rentals for our 55+ population. The other half was repositioned and offered ownership opportunities. The original loan was paid back in full with interest to the Town of Estes Park. Fast forward 14 years, in 2020 EPHA leveraged this fully owned asset for $700,000 to use as part of the equity investment in the development of Peak View, our 26-unit workforce apartment complex. Financial partnerships of this nature highlight the residual positive impact potential. The original loan provided by the Town of Estes Park resulted in the development of 23 condo ownership opportunities, 24-age & income-restricted rental opportunities, and 26 below-market rate workforce rental opportunities in the Estes Valley.

**Property Details – ‘0 Mary’s Lake Rd.’**

- **Listing price:** $1,375,000 | 11.35 Acres | Located in Larimer County | Zoning: EV E (two dwellings per acre)

**Preliminary Development Vision**

The Estes Park Housing Authority’s preliminary vision and intent are to complete the acquisition and due diligence for a single-family home ownership development. Market research has indicated residents of the Estes Valley desire additional homeownership opportunities. The goal of the development would be to provide single-family detached dwellings for purchase with an income cap target of 150% or less of Area Median Income (AMI) (2022 = $144,900 3-person household). This vision and plan are subject to revision as the land could possibly support an increase in density allowing for multiple housing styles on the same site. (subject to rezoning or other land use amendment/approval process through Larimer County).

**Established Need**

Housing needs in the Estes Valley cover the ENTIRE housing spectrum from income-qualified to ownership up to and beyond the 200% AMI level. Solutions are needed across the spectrum. According to the 2016 Housing Needs Assessment (2016 HNA) about 39% of units needed should be for homeownership. This would equate to between 590 – 650 based on the 2016 needs assessment. Also according to the 2016 needs assessment, affordable homeownership prices should range between $300,000 to $700,000 (based on 2016 figures 8% appreciation annually). Preferred product types identified in the 2016 HNA are single-family, townhomes, and duplexes. A key recommendation from the 2016 HNA was, “Pursue the development of additional ownership housing immediately…” Also taken from the 2016 HNA, “…entry-level ownership seems to be the most in-demand, but the shortage is extensive.”
The Estes Park Housing Authority’s first preference is to pursue the most secure financing for the acquisition of this development opportunity. This would be complete funding of $1,375,000 (Option 1) in any combination of direct cash or loan. While obtaining financing through private lenders is possible, it typically requires 50% down for an undeveloped parcel and carrying cost protection. Therefore, a cash contribution or loan amount of $883,500 (Option 2) would be the next best option. A direct funding or loan option for $644,500 (Option 3) will provide a decent path forward in combination with other financing. A path forward still exists if the only funding available through TOEP is in the $400,000 (Option 4) range, however that path becomes much more difficult to navigate as additional funding would be necessary to carry the property through predevelopment and construction.

### Partnership Opportunity One - Loan Option

<table>
<thead>
<tr>
<th>Sales Price</th>
<th>$ 1,375,000</th>
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<tbody>
<tr>
<td>TOEP to EPHA Loan</td>
<td>$ 1,375,000</td>
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<tr>
<td>2.75% defer 36 months 15</td>
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<td>10 year Amortization</td>
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</tr>
<tr>
<td>*** Or other agreeable terms with TOEP</td>
<td></td>
</tr>
<tr>
<td>Total Loan Commitment</td>
<td>$ 1,375,000</td>
</tr>
</tbody>
</table>

### Partnership Opportunity Two - Direct/Cash Funding

<table>
<thead>
<tr>
<th>Sales Price</th>
<th>$ 1,375,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Down Payment (50%)</td>
<td>$ 687,500</td>
</tr>
<tr>
<td>Carrying Cost (24 months)</td>
<td>$ 96,000</td>
</tr>
<tr>
<td>Pre-development</td>
<td>$ 100,000</td>
</tr>
<tr>
<td>Total Cash Commitment or Loan Option</td>
<td>$ 883,500</td>
</tr>
</tbody>
</table>

### Partnership Opportunity Three - Direct/Cash Funding

<table>
<thead>
<tr>
<th>Sales Price</th>
<th>$ 1,375,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Down Payment (30%)</td>
<td>$ 412,500</td>
</tr>
<tr>
<td>Carrying Cost (24 months)</td>
<td>$ 132,000</td>
</tr>
<tr>
<td>Pre-development</td>
<td>$ 100,000</td>
</tr>
<tr>
<td>Total Cash Commitment or Loan Option</td>
<td>$ 644,500</td>
</tr>
</tbody>
</table>

### Partnership Opportunity Four - Direct Funding

<table>
<thead>
<tr>
<th>Sales Price</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Down Payment (30%)</td>
<td>$ 412,500</td>
</tr>
<tr>
<td>Carrying Cost (24 months)</td>
<td>$ 5,500 Per Month</td>
</tr>
<tr>
<td>Pre-development</td>
<td>$ 100,000</td>
</tr>
<tr>
<td>Total Commitment</td>
<td>$ 412,500</td>
</tr>
</tbody>
</table>

The Estes Park Housing Authority seeks to partner with the Town of Estes Park and Larimer County with the underlying goal of furthering the availability of attainable for purchase single-family homes. The benefits of home ownership and the impact on community stability and cohesiveness cannot be understated. The Estes Park Housing Authority looks forward to the opportunity to develop this much-needed home ownership opportunity on behalf of our community and leveraging current and potential future funding sources for this potential development and others.

The Housing Authority walks in-step with the Town’s mission to provide high-quality, reliable services for the benefit of our residents, guests and employees, while being good stewards of public resources and our natural setting.

Should you have any questions or concerns I am available to answer them. Please do not hesitate to contact me.

Sincerely,

Scott Moulton
Executive Director
Estes Park Housing Authority
SMoulton@Estes.org
970.591.2537
PROCEDURE FOR LAND USE PUBLIC HEARING

Applicable items include: Annexation, Amended Plats, Boundary Line Adjustments, Development Plans, Rezoning, Special Review, Subdivision

1. **MAYOR.**

   The next order of business will be the public hearing on **PLANNING COMMISSION ACTION ITEM 1.A, ORDINANCE 11-22 REZONE TOWN-OWNED PARCEL 3522400923 FROM RURAL ESTATE RE-1 TO TWO-FAMILY RESIDENTIAL R-2.**

   - At this hearing, the Board of Trustees shall consider the information presented during the public hearing, from the Town staff, from the Applicant, public comment, and written comments received on the application.
   - Has any Trustee had any ex-parte communications concerning this application(s) which are not part of the Board packet.
   - Any member of the Board may ask questions at any stage of the public hearing which may be responded to at that time.
   - Mayor declares the Public Hearing open.

2. **STAFF REPORT.**

   - Review the staff report.
   - Review any conditions for approval not in the staff report.

3. **APPLICANT.**

   - The applicant makes their presentation.

4. **PUBLIC COMMENT.**

   - Any person will be given an opportunity to address the Board concerning the application. All individuals must state their name and address for the record. Comments from the public are requested to be limited to three minutes per person.

5. **REBUTTAL.**
The applicant will be allowed a rebuttal that is limited to or in response to statements or questions made after their presentation. No new matters may be submitted.

6. **MAYOR.**
   - Ask the Town Clerk whether any communications have been received in regard to the application which are not in the Board packet.
   - Ask the Board of Trustees if there are any further questions concerning the application.
   - Indicate that all reports, statements, exhibits, and written communications presented will be accepted as part of the record.
   - Declare the public hearing closed.
   - Request Board consider a motion.

7. **SUGGESTED MOTION.**
   - Suggested motion(s) are set forth in the staff report.

8. **DISCUSSION ON THE MOTION.**
   Discussion by the Board on the motion.

9. **VOTE ON THE MOTION.**
   Vote on the motion or consideration of another action.
To: Honorable Mayor Koenig  
Board of Trustees

Through: Town Administrator Machalek

From: Jessica Garner, AICP, Community Development Director

Date: July 26, 2022

RE: Ordinance 11-22 Rezone Town-Owned Parcel 3522400923 from Rural Estate RE-1 to Two-Family Residential R-2

(Mark all that apply)

☑ PUBLIC HEARING  ☑ ORDINANCE  ☑ LAND USE
☐ CONTRACT/AGREEMENT  ☐ RESOLUTION  ☐ OTHER________________

QUASI-JUDICIAL □ YES □ NO

Objective:
Conduct a public hearing to review a Town-initiated Code Amendment (Rezoning) from the RE-1 (Rural Estate) Zoning District to R-2 (Two-Family Residential) Zoning District for a Town-owned parcel at 800 Castle Mountain Road, review the request for compliance with the Estes Valley Comprehensive Plan and Estes Park Development Code (EPDC), and render a decision to approve, deny, or continue the item.

Present Situation:
The RE-1 Zoning District is a low-density, large-lot residential zoning district with a very small presence in Estes Park. Only three parcels are zoned RE-1 in Town, and none of them are developed for single-family use. Of the three parcels zoned RE-1, two are owned and managed by the National Park Service, which is petitioning to disconnect the parcels from Estes Park.

The one remaining westernmost parcel (800 Castle Mountain Road) above the Castle Mountain Road cul-de-sac is owned by the Town of Estes Park, and is the site of a large water tank.

The Zone District’s creation pre-dates the Joint Planning Area and the adoption of the former Estes Valley Development Code (EVDC) in Nov. 1999, and the wholesale Valley-wide rezoning that accompanied those changes. Although the history is unclear, staff has anecdotal evidence that the Zoning District was originally created by Larimer County in the early- to mid-1990s – pre-dating the EVDC, although not by many years. Before Nov. 1999, RE-1 zoning only applied to land in unincorporated Larimer County, as the Town had no RE-1 or equivalent Zoning District.
Staff has also submitted a request to amend the Estes Park Development Code to eliminate the RE-1 Zoning District, which affects the three parcels mentioned above. Since The National Park Service is petitioning to disconnect the two parcels (and an additional parcel not associated with this request) from the Town, the only affected parcel is Parcel 3522400923, which if approved, would be zoned as R-2 to reflect the adjacent parcel zoning designations.

**Proposal:**
Staff is seeking approval to rezone the RE-1-zoned parcel to R-2. The purpose for rezoning the parcel is also detailed in the accompanying staff request for a Code Amendment to eliminate the RE-1 Zone District, and staff requests to change the zoning of the Town-owned parcel from RE-1 to R-2 to remove the defunct Zoning designation and reflect the surrounding zoning of the adjacent parcels.

An additional rationale for the rezone request pertains to the acreage of the parcel, which does not meet the development standards for RE-1 currently. RE-1-zoned sites require a maximum of one unit per ten acres, and the site acreage is 4.07 acres, which falls below the minimum threshold for development.

The Town has no stated intention to redevelop the parcel, and anticipates the site being used indefinitely for water storage.
**Location and Context: Map 1**

**Zoning Map**

- Accomodations (A)
- Accomodations (A-1)
- Commercial Outlying (CO)
- Commercial Downtown (C/D)
- Commercial Heavy (CH)
- Office (O)
- Restricted Industrial (R-I)
- Rural Estate: 10 acre min. (R-E-1)
- Rural Estate: 2 1/2 acre min. (R-E)
- Estate: 1 acre min. (E-1)
- Estate: 1/2 acre min. (E)
- Residential: 1/4 acre min. (R)
- Residential: 5000 sqft min. (R-1)
- Two Family: 27,000 sqft min. (R-2)
- Multi-Family: 3-8 du/acre (RM)

**Map 2**

**Project Location**
### Table 1: Zoning and Land Use Summary

<table>
<thead>
<tr>
<th>Parcel 3522400923</th>
<th>Comprehensive Plan</th>
<th>Zone</th>
<th>Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>North</strong></td>
<td>Public (INS)</td>
<td>RE-1 (Rural Estate)</td>
<td>Water Storage</td>
</tr>
<tr>
<td><strong>South</strong></td>
<td>Residential</td>
<td>R-2</td>
<td>Residential</td>
</tr>
<tr>
<td><strong>East</strong></td>
<td>Rural Estate</td>
<td>RE-1 (Rural Estate)</td>
<td>RMNP</td>
</tr>
<tr>
<td><strong>West</strong></td>
<td>Rural Estate</td>
<td>R-2</td>
<td>Residential</td>
</tr>
</tbody>
</table>

**Project Analysis:**
The text amendments comply with EPDC §3.3.D (Code Amendments – Standards for Review).

All applications for Town-Initiated Code Amendments (Rezonings) shall be reviewed by the Estes Park Planning Commission and Board(s) for compliance with the relevant standards and criteria set forth below and with other applicable provisions of the EPDC.

In accordance with Section 3.3.D. “Standards for Review”, all applications for rezoning shall demonstrate compliance with the applicable standards and criteria as follows:

1. **The amendment is necessary to address changes in conditions in the areas affected.**

   **Staff Finding:** Affirmative. Staff recommends the Planning Commission and Town Board eliminate the RE-1 Zoning District from the EPDC, and if approved, this parcel will require a new Zoning designation to complement the surrounding parcels, which is R-2.

2. **The development plan, which the proposed amendment to this Code would allow, is compatible and consistent with the policies and intent of the Comprehensive Plan and with the existing growth and development patterns in the Estes Valley.**

   **Staff Finding:** Not applicable. The development plan for this application has been waived as there are no changes in use or intensity of use to the site being proposed with this application. Staff has routinely waived this requirement in recent years, per authority of EPDC §3.3.B.1.

3. **The Town, County or other relevant service providers shall have the ability to provide adequate services and facilities that might be required if the application were approved.**
Staff Finding: Affirmative. Staff finds that the Town maintains the ability to provide adequate services and facilities to this location, and comments received from affected agencies indicate no concern with the proposal, including the Utilities Department.

Reviewing Agency Comments:
Staff consulted with the Town Utilities Department regarding the proposed amendment.

The Town has no other identified uses for its property, aside from the storage tank. Water tanks and similar utility infrastructure are an allowed use by right in all zoning districts. Based on discussions with the Town Utilities Dept., the Town-owned parcel is not likely to redevelop, and if this changes, the Zoning designation will mirror adjacent parcels (R-2). No objection or concern about zoning changes to the remaining one parcel has been noted.

Advantages:
• Generally complies with the EPDC §3.3.D Code Amendments, Standards for Review.
• Rezones a parcel to align with adjacent surroundings and to remove a Zoning designation that will no longer be in effect, if approved.
• Provides for the opportunity to simplify the Development Code and rezone the Town-owned parcel to a more complementary designation in the area.

Disadvantages:
• There may be the impression that “it’s not broken, so why fix it?” Staff would suggest that waiting until something breaks, and then trying to fix it, isn’t good planning. If the Code Amendment request is approved, there is no RE-1 Zone District, and this site will require a new Zoning designation.

Action Recommended:
Staff recommends approval of the Rezoning request as proposed.

Budget:
None.

Level of Public Interest:
Medium, in conjunction with the proposed Code Amendment. Staff held an online neighborhood meeting via Zoom on Monday, November 1, 2021. To review the meeting recording, please use this link: https://drive.google.com/file/d/1-Z__boustY8jeDK0zHB63Rhz5i57GJJ_/view?usp=sharing

The meeting was attended by seven community members, and questions ranged from the use of the Town-owned parcel and if it would change, and if the National Park Service had plans for their parcels, which the NPS does not have plans to develop, but in the current circumstances, they are not required to comply with local codes and regulations. A question was posed about how people would be notified about the RMNP disconnection when it goes to the Town Board for review, and the sites will be posted
with a sign, along with a notification to adjacent property owners, on the Town’s website, and in the newspaper.

Staff provided public notice of the application in accordance with Town and State public noticing requirements. As of the time of writing this report no other public inquiries were received aside from the inquiries during the neighborhood meeting, noted above.

• Legal notice was published in the Estes Park Trail-Gazette on July 1, 2022.
• Information was posted on the Town’s “Code Amendments” webpage as of June 3, 2022.

Staff provided public notice of the application in accordance with EPDC public noticing requirements. As of the time of writing this report, no written comments have been received for the application.

Written comments will be posted to www.estes.org/currentapplications, if received after finalization of this staff memo.

Sample Motions:
- I move to approve Ordinance 11-22.
- I move to deny Ordinance 11-22, finding that … [state findings for denial].
- I move to continue Ordinance 11-22 to the next regularly scheduled meeting.

Attachments:
1. Ordinance 11-22
2. Water Division email
3. Exhibit A: Photos of Public Notice Signs
ORDINANCE NO. 11-22

AN ORDINANCE REZONING A PROPERTY AT 800 CASTLE MOUNTAIN ROAD FROM RE-1 (RURAL ESTATE) TO R-2 (TWO-FAMILY RESIDENTIAL)

WHEREAS, Town-owned parcel 3522400923, located at 800 Castle Mountain Road and described in the attached Exhibit A, is currently zoned RE-1 (Rural Estate); and

WHEREAS, the Town is proposing a Code Amendment to eliminate the RE-1 zoning district also at the July 26, 2022 Town Board meeting; and

WHEREAS, the Town (as owner/applicant) has requested that the property be rezoned to R-2 (Two-Family Residential) to reflect the adjacent parcel zoning designations; and

WHEREAS, the Estes Park Planning Commission has recommended approval of the rezoning as proposed; and

WHEREAS, the Board of Trustees of the Town of Estes Park has determined that the rezoning application meets all review criteria of the Estes Park Development Code.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF ESTES PARK, COLORADO AS FOLLOWS:

Section 1: The application for rezoning from RE-1 to R-2 is hereby approved. The Town Administrator or designee shall record this Ordinance with the County Clerk and Recorder. The effective date of this rezoning shall be the date that this Ordinance is recorded with the County Clerk and Recorder. To the extent only that they conflict with this Ordinance, the Council repeals any conflicting ordinances or parts of ordinances.

Section 2: This Ordinance shall take effect and be enforced 30 days after its adoption and publication.

PASSED AND ADOPTED by the Board of Trustees of the Town of Estes Park, Colorado this ___ day of ______________, 2022.

TOWN OF ESTES PARK

By: ________________________________
Mayor

ATTEST:

______________________________
Town Clerk

I hereby certify that the above Ordinance was introduced at a regular meeting of the Board of Trustees on the ____ day of __________, 2022 and published by title in a newspaper of general circulation in the Town of Estes Park, Colorado, on the ___ day of __________, 2022, all as required by the Statutes of the State of Colorado.

______________________________
Town Clerk

APPROVED AS TO FORM:

______________________________
Town Attorney
EXHIBIT A
Legal Description

BEG AT E 1/4 COR 22-5-73, S 0 36' W ALG SEC LN 221.07 FT, S 72 30' W 527.48 FT, N 17 30' W 409.13 FT TO N LN SE 1/4, S 89 1' 30" E ALG SD N LN 628.57 FT TPOB
Hi Randy,
The Water Division has no issues with the zoning change. At this time, we have no plans to develop for a different use. Please let me know if you have any further questions.

Chris

On Wed, Sep 29, 2021 at 8:51 AM Randy Hunt <rhunt@estes.org> wrote:
Reuben, Steve, Chris,
As noted last week, Planning Commission has asked that we move ahead on eliminating the RE-1 Zoning District. Doing so would be we have to rezone the water tank property to another zoning district, since we can't legally have property zoned for a district that doesn't exist.

The water tank site is the only Town property affected. The other two parcels on the attached map are National Park; we're working with them on rezoning for those.

All Estes Park zoning districts allow utility infrastructure, so in one sense the choice doesn't matter. Other things equal, it's a best practice to have zoning districts match the zoning around them and nearby. The map shows adjacent properties in Town are all zoned R-2 (Two Family Residential.) Rezoning the tank property would not change any existing land-use permissions for the property or structure, and wouldn't involve any changes on the ground.

Do you have any concerns if the tank property is rezoned to R-2?
If no concerns, could one of you please email planning@estes.org with a statement that Utilities / Water Division has no objection to this rezoning?
I would say it's also helpful if you can state in the email that Utilities has no plans to develop the property for two-family residential use. That will help calm community concerns if any emerge.

We're looking at holding a neighborhood meeting in early November, and we'll invite you to attend. The Planning Commission public hearing is expected on Nov. 16, and Town Board will hold a final hearing later - the Dec. 14 TB seems to be a likely date.
None of these would be mandatory attendance, but I think it wouldn't be a bad idea, especially the neighborhood meeting.

We're happy to answer any questions or discuss further as you wish.

Thanks,
RAH

-----

Randy Hunt
Community Development Director
Town of Estes Park
170 MacGregor Ave.
PO Box 1200
Estes Park, CO 80517
direct: 970-577-3719  (working remotely; email is preferred)
main: 970-577-3721
eemail: rhunt@estes.org
http://www.estes.org

--

Chris Eshelman
Water Superintendent, Town of Estes Park
970-577-3630
ceshelman@estes.org
PROCEDURE FOR LAND USE PUBLIC HEARING

Applicable items include: Annexation, Amended Plats, Boundary Line Adjustments, Development Plans, Rezoning, Special Review, Subdivision

1. **MAYOR.**

The next order of business will be the public hearing on **PLANNING COMMISSION ACTION ITEM 1.B, ORDINANCE 12-22 PARCEL DISCONNECTION REQUESTS FROM ROCKY MOUNTAIN NATIONAL PARK PER §31-12-501(3), C.R.S.**

- At this hearing, the Board of Trustees shall consider the information presented during the public hearing, from the Town staff, from the Applicant, public comment, and written comments received on the application.

- Has any Trustee had any ex-parte communications concerning this application(s) which are not part of the Board packet.

- Any member of the Board may ask questions at any stage of the public hearing which may be responded to at that time.

- Mayor declares the Public Hearing open.

2. **STAFF REPORT.**

- Review the staff report.

- Review any conditions for approval not in the staff report.

3. **APPLICANT.**

- The applicant makes their presentation.

4. **PUBLIC COMMENT.**

- Any person will be given an opportunity to address the Board concerning the application. All individuals must state their name and address for the record. Comments from the public are requested to be limited to three minutes per person.

5. **REBUTTAL.**
The applicant will be allowed a rebuttal that is limited to or in response to statements or questions made after their presentation. No new matters may be submitted.

6. **MAYOR.**

- Ask the Town Clerk whether any communications have been received in regard to the application which are not in the Board packet.
- Ask the Board of Trustees if there are any further questions concerning the application.
- Indicate that all reports, statements, exhibits, and written communications presented will be accepted as part of the record.
- Declare the public hearing closed.
- Request Board consider a motion.

7. **SUGGESTED MOTION.**

- Suggested motion(s) are set forth in the staff report.

8. **DISCUSSION ON THE MOTION.**

Discussion by the Board on the motion.

9. **VOTE ON THE MOTION.**

Vote on the motion or consideration of another action.
To: Honorable Mayor Koenig  
Board of Trustees  
Through: Town Administrator Machalek  
From: Jessica Garner, AICP, Community Development Director  
Date: July 26, 2022  
RE: Ordinance 12-22 Parcel Disconnection Requests from Rocky Mountain National Park per §31-12-501(3), C.R.S.

(Mark all that apply)
- PUBLIC HEARING
- ORDINANCE
- LAND USE
- CONTRACT/AGREEMENT
- RESOLUTION
- OTHER

QUASI-JUDICIAL  YES  NO

Objective:
Conduct a public hearing to consider a Disconnection petition for compliance with Colorado Revised Statutes (C.R.S.).

Present Situation:
The National Park Service acquired three parcels, approximately 91.7 acres in size, in the mid-2000s in order to protect bighorn sheep habitat and prevent further development adjacent to Rocky Mountain National Park. Two of the lots are zoned RE-1, and one is zoned RE, and all three parcels border the Town boundaries on the north side of Fall River Road. The Park Service is petitioning the Town to disconnect the three parcels from the Town, and has already completed a minor boundary revision to incorporate the sites into the Park. None of the parcels have been developed, and all are vacant of structures.

Two of the three parcels are incorporated in the Town’s proposal to eliminate the RE-1 Zoning District from the Development Code, and more information regarding that request will be considered by the Town Board on July 26th, and is included in the packet.
Location and Context:

Map 1
Project Location

Map 2
Zoning Map
Table 1: Zoning and Land Use Summary

<table>
<thead>
<tr>
<th>Parcel 352318901</th>
<th>Comprehensive Plan</th>
<th>Zone</th>
<th>Uses</th>
</tr>
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<tr>
<td>North</td>
<td>Parks, Recreation, Open Space</td>
<td>Federal Land (N/A)</td>
<td>RMNP</td>
</tr>
<tr>
<td>South</td>
<td>Accommodations</td>
<td>MF (Multi-Family)</td>
<td>Residential</td>
</tr>
<tr>
<td>East</td>
<td>Rural Estate</td>
<td>RE (Rural Estate)</td>
<td>RMNP</td>
</tr>
<tr>
<td>West</td>
<td>Rural Estate</td>
<td>R-2</td>
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</table>

Table 1a: Zoning and Land Use Summary

<table>
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<tr>
<th>Parcel 3523322901</th>
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<th>Zone</th>
<th>Uses</th>
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<td>Parks, Recreation, Open Space</td>
<td>Federal Land (N/A)</td>
<td>RMNP</td>
</tr>
<tr>
<td>South</td>
<td>Accommodations</td>
<td>RM, A</td>
<td>Residential, Accommodations</td>
</tr>
<tr>
<td>East</td>
<td>Rural Estate</td>
<td>RE-1 (Rural Estate)</td>
<td>RMNP</td>
</tr>
<tr>
<td>West</td>
<td>Rural Estate</td>
<td>RE-1</td>
<td>RMNP</td>
</tr>
</tbody>
</table>

Table 1b: Zoning and Land Use Summary

<table>
<thead>
<tr>
<th>Parcel 3523400914</th>
<th>Comprehensive Plan</th>
<th>Zone</th>
<th>Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Parks, Recreation, Open Space</td>
<td>Federal Land (N/A)</td>
<td>RMNP</td>
</tr>
<tr>
<td>South</td>
<td>Accommodations</td>
<td>A (Accommodations)</td>
<td>Accommodations</td>
</tr>
<tr>
<td>East</td>
<td>Rural Estate</td>
<td>Larimer County</td>
<td>Vacant</td>
</tr>
<tr>
<td>West</td>
<td>Rural Estate</td>
<td>RE</td>
<td>RMNP</td>
</tr>
</tbody>
</table>
Proposal:
The Applicant submitted a petition to disconnect the 91+ acres from the Town of Estes Park, for jurisdictional, planning and law-enforcement purposes. The land was acquired by the Park Service in order to extend the Park’s boundaries further south, protect bighorn sheep habitat, and prevent development from advancing closer to the Park. The parcels are not developed, and the Park Service states in their application that there are no plans to develop the sites.

Per Colorado Revised Statutes, the Town is obligated to "give due consideration to the disconnection application, and, if such governing body is of the opinion that the best interests of the municipality will not be prejudiced by the disconnection of such tract, it shall enact an ordinance effecting such disconnection."  (§ 31-12-501(3), C.R.S.)

Town staff referred the petition to reviewing agencies, including Larimer County, in accordance with CRS § 31-12-501(1)-(2). The statute requires the following: “The owner shall also provide notice and a copy of the application [for disconnection] to the board of county commissioners of the county in which the tract of land that is the subject of the application is located and to the board of directors of any affected special district. . .. Not more than thirty days after receiving the notice required by subsection (1) of this section, either the board of county commissioners or the board of directors of any affected special district may request a meeting with the owner and the governing body of the municipality, or its appointee, to discuss and address any negative impacts on the county that would result from the disconnection. If such meeting is requested, the owner and the governing body or its appointee shall meet with either the board of county commissioners, or its appointee, or the board of any affected special district, or its appointee, not more than thirty days after the meeting was requested. Failure by either the board of county commissioners or the board of any affected special district to request a meeting constitutes an acknowledgment by the particular board that the disconnection will not adversely affect the county or an affected special district, as applicable.” Larimer County staff had no comments on the request, and did not request a meeting.

Advantages:
• The disconnection doesn’t negatively impact adjacent property owners, and has no financial impact on the Town.
• The parcels will not be developed, which provides additional open space on the north side of Fall River Road.

Disadvantages:
• There aren’t any discernable disadvantages to the disconnection.

Action Recommended:
Staff recommends approval of the Disconnection request, per § 31-12-501(3), of the Colorado Revised Statutes.

Budget:
None.
**Level of Public Interest:**
Medium. Staff held an online neighborhood meeting via Zoom on Monday, November 1, 2021. To review the meeting recording, please use this link: [https://drive.google.com/file/d/1-Z_boustY8jeDK0zHB63Rhz5i57GJJ/view?usp=sharing](https://drive.google.com/file/d/1-Z_boustY8jeDK0zHB63Rhz5i57GJJ/view?usp=sharing)

The meeting was attended by seven community members, and questions ranged from the use of the Town-owned parcel and if it would change, and if the National Park Service had plans for their parcels, which the NPS does not have plans to develop, but in the current circumstances, they are not required to comply with local codes and regulations. A question was posed about how people would be notified about the RMNP disconnection when it goes to the Town Board for review, and the sites will be posted with a sign, along with a notification to adjacent property owners, on the Town’s website, and in the newspaper.

Staff provided public notice of the application in accordance with Town and State public noticing requirements. As of the time of writing this report no other public inquiries were received aside from the inquiries during the neighborhood meeting, noted above.

- Legal notice was published in the Estes Park Trail-Gazette on July 1, 2022.
- Information was posted on the Town’s “Code Amendments” webpage as of June 3, 2022.

Staff provided public notice of the application in accordance with EPDC public noticing requirements. As of the time of writing this report, no written comments have been received for the application.

Written comments will be posted to [www.estes.org/currentapplications](http://www.estes.org/currentapplications) if received after finalization of this staff memo.

**Sample Motions:**
- I move to approve Ordinance 12-22.
- I move to deny Ordinance 12-22, finding that … [state findings for denial].
- I move to continue Ordinance 12-22 to the next regularly scheduled meeting.

**Attachments:**
1. Ordinance 12-22
2. Application Packet
3. Application Comments
4. Plat
ORDINANCE NO. 12-22

AN ORDINANCE APPROVING THE DISCONNECTION FROM THE TOWN OF ESTES PARK OF THREE PARCELS GENERALLY LOCATED NORTH OF FALL RIVER ROAD AND OWNED BY THE NATIONAL PARK SERVICE

WHEREAS, the National Park Service has applied for disconnection of the three parcels described in Exhibit A from the Town of Estes Park.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF ESTES PARK, COLORADO AS FOLLOWS:

Section 1: The Board hereby finds and determines that the best interests of the Town will not be prejudiced by the requested disconnection, that this disconnection does not conflict with any state statute, and that this disconnection is authorized under section 31-12-501, C.R.S. The Board therefore approves and ratifies the application to disconnect the land described in the application.

Section 2: The disconnection of property described in Exhibit A is hereby approved, and said property is hereby disconnected from within the boundaries of the Town of Estes Park. Upon approval, the Town Administrator or designee shall record this Ordinance with the County Clerk and Recorder and provide them copies thereof. The effective date of this disconnection shall be the date this Ordinance is recorded with the County Clerk and Recorder.

Section 3: This Ordinance shall take effect and be enforced thirty (30) days after its adoption and publication by title.

PASSED AND ADOPTED by the Board of Trustees of the Town of Estes Park, Colorado this ____ day of ______________, 2022.

TOWN OF ESTES PARK, COLORADO

By: ________________________________
Mayor

ATTEST:

___________________________________________________
Town Clerk

I hereby certify that the above Ordinance was introduced at a regular meeting of the Board of Trustees on the _____ day of __________, 2022 and published by title in a newspaper of general circulation in the Town of Estes Park, Colorado, on the ___ day of __________, 2022, all as required by the Statutes of the State of Colorado.

___________________________________________________
Town Clerk

APPROVED AS TO FORM:

___________________________________________________
Town Attorney
EXHIBIT A
Legal Descriptions

Parcel Number 3523318901:
TRACT 69A, REPLAT TRACT 69, FALL RIVER ADDITION, EP

Parcel Number 3523400914:
TR IN SE1/4 OF 23-5-73, COM AT S1/4 COR OF SD SEC, TH N 0 21’ 34” E 1493.40 FT TO PT ON ROW LN OF HWY 34 AND TPOB; TH N 0 21’ 34” E 1175.37 FT TO C1/4 COR; TH N 89 59’ 43” E 1252.08 FT; TH S 0 37’ 52”

 Parcel Number 3523322901:
LOT 1, CASTLE RIDGE MINOR SUBDIVISION, EP
Dear Ms. Williamson:

Rocky Mountain National Park is requesting that three Larimer County parcels be disconnected from the Town of Estes Park. These parcels were acquired in the mid 2000s and are wholly within the boundary of Rocky Mountain National Park. A map is enclosed showing the location of these parcels and our overlapping boundaries. This letter serves as our statement of intent.

The parcels are known as:

Parcel Number: 3523318901 (the National Park Service calls this Tract 06-142)
  - TRACT 69A, REPLAT TRACT 69, FALL RIVER ADDITION, EP
  - First Replat of Tract 69 is enclosed; we did not locate a metes and bounds description in our files

Parcel Number: 3523400914 (the National Park Service calls this Tract 10-110)
  - TR IN SE1/4 OF 23-5-73, COM AT S1/4 COR OF SD SEC, TH N 0 21' 34" E 1493.40 FT TO PT ON ROW LN OF HWY 34 AND TPOB; TH N 0 21' 34" E 1175.37 FT TO C1/4 COR; TH N 89 59' 43" E 1252.08 FT; TH S 0 37' 52"
  - Metes and bounds description is enclosed, which includes both parcel 3523400914 and 3523322901; it references Amended Plat of Tracts 65 & 66 Fall River Addition, which is enclosed

Parcel Number: 3523322901 (the National Park Service calls this Tract 10-110)
  - LOT 1, CASTLE RIDGE MINOR SUBDIVISION, EP (2001063951)
  - Plat of Castle Ridge Minor Subdivision is enclosed
  - Metes and bounds description is enclosed, which includes both parcel 3523400914 and 3523322901; it references Amended Plat of Tracts 65 & 66 Fall River Addition, which is enclosed

All parcels are undeveloped and the park has no plans to develop them. The park acquired these parcels to protect bighorn sheep habitat and to prevent additional development adjacent to the park boundary. We completed a minor boundary revision that incorporated them into the park. The disconnection is necessary for jurisdictional purposes in both planning and law enforcement.
If you have any questions about this request for disconnection, contact Cheri Yost, Park Planner, at cheri_yost@nps.gov or (970) 586-1320.

Sincerely,

Darla Sidles
Superintendent

Enclosures: map, application, petition, plats,
Disconnection of U.S. Government Parcels from the Town of Estes Park

This is not a legal document. It is not intended to replace official survey plans. It is to be used for basic reference only.

- NPS Tracts included in Petition
- Larimer County Parcel
- Highway
- Roads
- Park Boundary

1 inch equals 600 feet

Rocky Mountain National Park
National Park Service
November 2021
Produced by ROMO Geospatial Program
Data Source: NPS Park Data, Larimer County NAD 1983 2011 UTM Zone 13N

Map Area
TOWN OF ESTES PARK
ANNEXATION APPLICATION

Date Submitted to Town Clerk: __12·16·21__ (For office use only)

GENERAL INFORMATION

Annexation Name: Disconnection of U.S. Government Parcels from the Town of Estes Park
Street Address: 1000 US Highway 36, Estes Park, CO 80517
Legal Description: Disconnection of U.S. Government Parcels from the Town of Estes Park
Parcel ID No.: 3523318901; 3523400914; 3523322901
Section: 14 (PID: 3523318901); 23 (PIDs: 3523400914; 3523322901)
Township: Estes Park Range: R73W
Property Owner: United States of America, Rocky Mountain National Park
Mailing Address: 1000 US Highway 36, Estes Park, CO 80517
Phone #: (970) 586-1320
Consultant/Engineer: __________________ Contact Person: __________________
Mailing Address: __________________ Phone#: _____ Fax: _______ e-mail: _____

LAND USE INFORMATION

Total Development Area (acres): Open Space Area (acres): 91.71 acres, more or less
Existing Water Service: none Proposed Water Service: na
Existing Sanitary Sewer Service: none Proposed Sanitary Sewer Service: na
Existing Zoning Designation: RE and RE-1, Town of Estes Park Proposed Zoning Designation: _____________________
Site Access (if not on public street): _____________________

REQUIRED ATTACHMENTS

X Annexation Petition X Plat Digital File
X Statement of Intent X Digital File of Legal Description

Property Owner Signature 12·16·21

Date
PETITION FOR DISCONNECTION

TO THE BOARD OF TRUSTEES OF THE TOWN OF ESTES PARK, COLORADO:

In accordance with Article 12, Title 31, CRS, 1973, as amended, the undersigned hereby petition the Board of Trustees of the Town of Estes Park, Colorado disconnection from the Town of Estes Park, Colorado, the following described unincorporated territory located in the County of Larimer, State of Colorado, to-wit:

LEGAL DESCRIPTION:

Parcel Number 3523318901
• TRACT 69A, REPLAT TRACT 69, FALL RIVER ADDITION, EP

Parcel Number 3523400914
• TR IN SE1/4 OF 23-5-73, COM AT S1/4 COR OF SD SEC, TH N 0 21' 34" E 1493.40 FT TO PT ON ROW LN OF HWY 34 AND TPOB; TH N 0 21' 34" E 1175.37 FT TO C1/4 COR; TH N 89 59' 43" E 1252.08 FT; TH S 0 37' 52"

Parcel Number 3523322901
• LOT 1, CASTLE RIDGE MINOR SUBDIVISION, EP (2001063951)

AND, in support of said Petition, petitioners state that:

1. It is desirable and necessary that the above-described territory be disconnected from the Town of Estes Park, Colorado.

2. The petitioner requests that the Town of Estes Park approve the disconnection of said property from the Town of Estes Park, Colorado.

3. The mailing address of the petitioner, the legal description of the land owned by the petitioner, and the date of signing are all shown on this petition.

4. Accompanying this petition are four (4) copies of an annexation map and digital file of the map containing the following information:
   a. A written legal description of the boundaries of the area proposed to be annexed.
   b. A map showing the boundary of the area proposed to be disconnected.
Property Owner Signature

Printed Name: DARLA SIDLES

Address: ROCKY MT NATIONAL PARK
          1000 Hwy 36
          ESTES PARK, CO 80517

STATE OF COLORADO
COUNTY OF LARIMER

The foregoing instrument was acknowledged before me this 110th day of DECEMBER, 2021 by DARLA SIDLES

Witness my hand and official seal this 110th day of DECEMBER, 2021.

My commission expires: 07-29-2024

SEAL
Notary Public

Annexation Petition

Page 2 of 2
WARRANTY DEED

ESTES VALLEY LAND TRUST, a Colorado Non-profit Corporation, GRANTOR, for and in consideration of the sum of SEVEN HUNDRED FIFTY THOUSAND AND NO/100 DOLLARS ($750,000.00), cash in hand paid to it by the UNITED STATES OF AMERICA, GRANTEE, and receipt of which is hereby acknowledged, has GRANTED, SOLD AND CONVEYED, and by these presents does hereby GRANT, SELL AND CONVEY unto the said GRANTEE, and unto its assigns forever, the following described lands lying in the County of Larimer and State of Colorado, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

TOGETHER WITH all and singular the tenements, hereditaments, and appurtenances thereunto belonging, or in anywise appertaining and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof, and all the estate, title, claim or demand whatsoever of the GRANTOR.

TOGETHER WITH the buildings and improvements thereon and all rights and appurtenances thereto.

SUBJECT TO: (1) Existing easements of record for public roads and highways, public utilities, railroads, pipelines, ditches, and canals; (2) Any oil, gas or mineral rights of record reserved to or outstanding in third parties.

TO HAVE AND TO HOLD the above-described premises, together with all and singular the rights and appurtenances thereto in anywise belonging, unto the said GRANTEE, and unto its assigns forever; and GRANTOR does hereby bind itself, its successors and assigns, to WARRANT AND FOREVER DEFEND all and singular the said premises unto the said GRANTEE, and unto its assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

The GRANTOR further remises, releases, and forever quitclaims to the UNITED STATES OF AMERICA and its assigns, all right, title, and interest which the GRANTOR may have in and to water rights, banks, beds, and waters of any stream or river bordering or traversing the said land to be conveyed and
also all interest in and to any alleys, roads, streets, ways, strips, gores, or railroad rights-of-way abutting or adjoining said land, and in any means of ingress or egress appurtenant thereto.

The land is being acquired by the Department of the Interior, National Park Service.

IN WITNESS WHEREOF, the said GRANTOR, through its duly appointed officer, has hereunto set hand and seal this 2nd day of SEPTEMBER, 2003.

ESTES VALLEY LAND TRUST,
a Colorado Non-profit Corporation

By: James V. White, Vice President

ACKNOWLEDGMENT

State of COLORADO )
) ss.
County of LAVALIER )

Before me, the undersigned authority, on this day personally appeared JAMES V. WHITE, Vice President of ESTES VALLEY LAND TRUST, a Colorado Non-profit Corporation, known to me to be the person whose names is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal on this 2nd day of September, 2003

My Commission Expires: 11/10/03
ARBA: 63.38 ACRES

ROCKY MOUNTAIN NATIONAL PARK

AREA: 63.38 ACRES

DATE: February 25, 2002

INTEREST TO BE ACQUIRED: PRE-O

TRACT NO. 10-110

Situated in the State of Colorado, County of Larimer, in a portion of the South half of Section 23, of Township 5 North, Range 73 West of the 6th Principal Meridian, being more particularly described as follows:

Parcel A

Beginning at the center 1/4 corner of Section 23;

Thence S.89°53'32"W., 320.00 feet;

Thence S.00°12'07"W., 1096.84 feet to the northerly right-of-way of U.S. Highway 34;

Thence S.80°13'01"E., 103.92 feet along said right-of-way;

Thence continuing along said right-of-way S.73°55'01"E., 226.16 feet to the north-south centerline of said Section 23;

Thence N.00°12'07"E., 1175.70 feet to the Point of Beginning of Parcel A.

Containing 8.32 acres, more or less.

Parcel B

The Wasterly 300.00 feet and the Northerly 570.00 feet of Tract 65A, Fall River Addition, except the Masterly 320.00 feet thereof.

Containing, after exception, 14.70 acres, more or less.

Parcel C

Beginning at the center 1/4 corner of Section 23;

Thence N.89°59'43"E., 1252.08 feet along the east-west centerline of said Section 23;

Thence S.00°37'52"W., 1364.10 feet;

Thence S.89°53'33"E., 154.59 feet;

Thence S.27°24'00"E., 304.30 feet to the northerly right-of-way of U.S. Highway 34;

Thence N.66°21'00"W., 603.53 feet along said right-of-way line;

Thence N.67°22'00"W., 153.60 feet along said right-of-way line;

Thence 115.50 feet along said right-of-way line on the arc of a curve concave to the southwest, said curve has a radius of 790.95 feet, a delta angle of 08°22'00", and is subtended by a chord which bears N.71°33'W., 115.40 feet;

Thence N.75°44'00"W., 153.60 feet along said right-of-way line;

Thence N.76°45'00"W., 272.10 feet along said right-of-way line;

Thence N.73°53'22"W., 74.09 feet;

Thence N.00°12'34"E., 1175.37 feet along the north-south centerline of said Section 23 to the Point of Beginning of Parcel C.

Containing 40.36 acres, more or less.

The above-described parcel, designated as Tract 10-110 of Rocky Mountain National Park, is intended to be all that land described in a Warranty Deed to ESTES VALLEY LAND TRUST, from James F. Cook Family Trust, recorded April 13, 2001 as records #2001037612 and #2001027413, and all that land described in a Quit Claim Deed to ESTES VALLEY LAND TRUST, from Pieter Honlius and Helen R. Honlius, recorded December 27, 2000 as RCP11 #2000087532, Larimer County.

Reference is made to a survey entitled "Amended Plat of Tracts 65 & 66 Fall River Addition, Subdivision of Portions of the NW1/4 of the SW1/4 of Section 23-" by William G. Van Horn, RCE 5485.
AMENDED PLAT
OF TRACTS 65 AND 66 FALL RIVER ADDITION,
A SUBDIVISION OF PORTIONS OF THE NE 1/4 OF THE
SW 1/4 OF SECTION 23, T5N, R73W, OF THE 6TH P.M.,
FALL RIVER ADDITION TO THE TOWN OF
ESTES PARK, LARIMER COUNTY, COLORADO.
CASTLE RIDGE MINOR SUBDIVISION
OF TRACT 65A OF THE AMENDED PLAT OF TRACTS 65 AND 66
FALL RIVER ADDITION TO THE TOWN OF ESTES PARK, LOCATED
IN THE NE 1/4 OF THE SW 1/4 OF SECTION 23, T5N, R73W
OF THE 6th P.M., COUNTY OF LARIMER, STATE OF COLORADO.
FIRST REPLAT
OF TRACT 69, FALL RIVER ADDITION
TO THE TOWN OF ESTES PARK,
LOCATED IN THE NW 1/4 OF THE SW 1/4
OF SECTION 23, T5N, R73W, OF THE 6TH P.M.,
LARIMER COUNTY, COLORADO.
Good morning,

Your application for the “RMNP Disconnection” request yielded the following comments after the first review:

Advisory Comments. These comments are intended for future consideration and no immediate action is necessary.

ESTES PARK PLANNING

“The Estes Park Community Development Department (EP ComDev) notified Larimer County of the disconnection request by routing the application to the County’s planning, building, and engineering divisions. No comments objecting the disconnection were received, and EP ComDev generally sees little impact on the County given the location of the subject parcels within the federally owned and managed National Park. At any rate, be advised that C.R.S. 31-12-501 (Disconnection/Notification of Board of County Commissioners) may apply to the application, and if so, ultimate compliance with this statute may be the responsibility of the applicant.”

ESTES PARK ENGINEERING

“Public Works finds that the application from RMNP to disconnect three parcels from the Town is acceptable. The resulting jurisdiction boundary change is logical. The following comments are applicable:

- Parcels 3523322901 and 3523400914 include frontage adjacent to Fall River Rd and W Wonderview Ave (same as State Highway 34). The [Colorado Department of Transportation] CDOT label for this highway is 034A (see attached map). Both currently and with the deannexation, the CDOT ROW boundary is expected to occur at the frontage property line for the parcels. [graphic representation attached]
- Upon official completion of the deannexation, FEMA will be notified that NFIP Flood Insurance Rate Map (FIRM) Number 08069C1093G should be updated with the new Jurisdiction Boundary. The SFHA does not occur on these parcels.”

CDOT

“Annexation, or in this case having parcels leave the town, typically is not a concern for the highway department… Nothing here changes any of our jurisdiction.”

LARIMER COUNTY ENGINEERING

“Larimer County engineering does not have any comments with this request. We would review any future proposals for development under the applicable planning process and associated Engineering standards at the time of the proposal.”

LARIMER COUNTY BUILDING

“Since these parcels reportedly ‘are undeveloped and the park has no plans to develop them,’ this proposal raises no building code issues. The Larimer County Building Division has no concern or objection to the application.

Whether the parcels were inside Town boundaries and subject to Estes Park and National Park Service (NPS) administration, or in unincorporated Larimer County and subject only to NPS administration, either way Larimer County Building would not be the authority having jurisdiction over building codes.”

“No comments or objections” was also written by Upper Thompson Sanitation District, Estes Valley Park and Recreation District, and Northern Water.
**Action comments.** Please make the changes outlined in the comments below and resubmit the relevant materials prior to **5:00PM on Friday, January 28, 2022.**

**ESTES PARK PLANNING**

"The review did not identify a clear dimensional representation of Parcel 3523400914. The included "Amended Plat of Tracts 65 and 66 Fall River Addition..." is hard to read, and does not readily show the boundary as it exists today. The metes and bounds description - while valuable - is difficult to interpret for lay people, and does not adequately depict the legal boundaries of the parcel in question. Please provide a survey, plat, or like instrument clearly showing the dimensions of this parcel. The other two parcels are adequately represented."

Thank you,

- Alex Bergeron

Planner II
Community Development Department
Town of Estes Park
970-577-3729
PLAT OF THE ELEANOR E. HONDIUS PROPERTY
LOCATED IN THE SE 1/4 OF SECTION 23, T5N,
R75W OF THE 6TH P.M., LARIMER COUNTY,
COLORADO.

I, CHARLES T. BROWN, LICENSED IN THE STATE OF COLORADO,
DO HEREBY CERTIFY THAT I HAVE SURVEYED THE ELEANOR E.
HONDIUS PROPERTY LOCATED IN THE SE 1/4 OF SECTION 23, T5N,
R75W OF THE 6TH P.M., LARIMER COUNTY, COLORADO, ACCORDING TO
THE LEGAL DESCRIPTION AND SURVEYING WITH THE HIGHWAY R.O.W.
BORDERING TOWN.

I. CHARLES T. BROWN
LICENSED IN THE STATE OF COLORADO
12/23/1994
REV. DEC. 8, 1994

100 ACRE TRACT - TOWN PARK

TOTAL ACREAGE NORTH OF U.S.34 BY-PASS

LESS THAN PORTION BEING ENCROACHED

TOTAL ACREAGE WITHOUT ANY ENCROACHMENTS OR INFRINGEMENTS NORTH OF U.S.34 BY-PASS

HONDIUS PARCEL "A"

190.04 ACRES - TOTAL ACREAGE NORTH OF U.S.34 BY-PASS

- 1.25 ACRES - LESS THAN PORTION BEING ENCROACHED

- 188.79 ACRES - TOTAL ACREAGE WITHOUT ANY ENCROACHMENTS OR INFRINGEMENTS NORTH OF U.S.34 BY-PASS

ENLARGEMENT OF THE HONDIUS PROPERTY, LOCATED IN SECTION 23-5-73,
SHOWING THE ENCROACHMENT ONTO THE HONDIUS PROPERTY ALONG THE

NOTE: THE HIGHWAY R.O.W. IS SURVEYED ACCORDING TO THE LEGAL DESCRIPTION AND SURVEYING WITH THE HIGHWAY R.O.W. BORDERS.

SCALE 1" = 100'
PROCEDURE FOR PUBLIC HEARING

Applicable items include: Rate Hearings, Code Adoption, Budget Adoption

1. MAYOR.

The next order of business will be the public hearing on **PLANNING ACTION ITEM 1.C. ORDINANCE 13-22 ESTES PARK DEVELOPMENT CODE AND ESTES PARK MUNICIPAL CODE AMENDMENTS TO REMOVE RURAL ESTATE RE-1 ZONE DISTRICT.**

☐ At this hearing, the Board of Trustees shall consider the information presented during the public hearing, from the Town staff, public comment, and written comments received on the item.

☐ Any member of the Board may ask questions at any stage of the public hearing which may be responded to at that time.

☐ Mayor declares the Public Hearing open.

2. STAFF REPORT.

☐ Review the staff report.

3. PUBLIC COMMENT.

☐ Any person will be given an opportunity to address the Board concerning the item. All individuals must state their name and address for the record. Comments from the public are requested to be limited to three minutes per person.

4. MAYOR.

☐ Ask the Town Clerk whether any communications have been received in regard to the item which are not in the Board packet.

☐ Ask the Board of Trustees if there are any further questions concerning the item.

☐ Indicate that all reports, statements, exhibits, and written communications presented will be accepted as part of the record.

☐ Declare the public hearing closed.

☐ Request Board consider a motion.

7. SUGGESTED MOTION.
☐ Suggested motion(s) are set forth in the staff report.

8. **DISCUSSION ON THE MOTION.**
   Discussion by the Board on the motion.

9. **VOTE ON THE MOTION.**
   Vote on the motion or consideration of another action.

*NOTE:* Ordinances are read into record at the discretion of the Mayor as it is not required to do so by State Statute.
Memo

To: Honorable Mayor Koenig
   Board of Trustees

Through: Town Administrator Machalek

From: Jessica Garner, AICP, Community Development Director

Date: July 26, 2022


---

(Mark all that apply)

☑ PUBLIC HEARING ☑ ORDINANCE ☑ LAND USE
☐ CONTRACT/AGREEMENT ☐ RESOLUTION ☐ OTHER________________________

QUASI-JUDICIAL ☑ YES ☐ NO

Objective:
Amend the Development and Municipal Codes to eliminate the RE-1 (Rural Estate) Zoning District.

Note: This Code amendment is accompanied by a rezoning ordinance that rezones one Town-owned parcel currently zoned RE-1 to another Zoning District (R-2), following the standard protocols for the rezoning process.

Present Situation:
The RE-1 Zoning District is a low-density, large-lot residential zoning district with a very small presence in Estes Park. Only three Town parcels are zoned RE-1, and none of them are developed for single-family use. Of the three parcels zoned RE-1, two are owned and managed by the National Park Service, and are petitioning to disconnect from Estes Park. In the Joint Planning Area era, the RE-1 District was almost completely a Larimer County zoning district, which is still the case today.

The Zone District’s creation pre-dates the Joint Planning Area and the adoption of the former Estes Valley Development Code (EVDC) in Nov. 1999, and the wholesale Valley-wide rezoning that accompanied those changes. Although the history is unclear, staff has anecdotal evidence that the Zoning District was originally created by Larimer County in the early- to mid-1990s – pre-dating the EVDC, although not by many years. Before Nov. 1999, RE-1 zoning
only applied to land in unincorporated Larimer County, as the Town had no RE-1 or equivalent Zoning District.

Around the time of the Valley-wide rezoning in 1999, RE-1 zoning was applied to the three parcels inside Town. From older County and EVDC zoning maps, it appears the RE-1 District remained fairly unchanged on the map from its creation until the IGA dissolution in 2020. See Attachment 3 for the Estes Valley Zoning Map as it existed in January 2018 - not long before the IGA ended on April 1, 2020.

The vast majority of land zoned RE-1 during the Joint Planning Area timeframe was in unincorporated Estes Valley, as the 2018 Zoning Map shows. Judging from spot-checks of Town zoning maps over the years, it seems not much land inside Town was ever zoned RE-1.

Presently, only three parcels inside the Town currently are zoned RE-1. Map 1 below is a close-up of the Town’s Zoning Map in the upper Fall River corridor, showing all three of the parcels, which are very near each other. The light greenish-gray color is RE-1, with three asterisks showing each of the three parcels. A more detailed map and discussion is found in the exhibits.

All three parcels are publicly owned. The westernmost parcel above the Castle Mountain Road cul-de-sac is owned by the Town and is the site of a large water tank. The two larger parcels to the east are part of Rocky Mountain National Park and are undeveloped.

Proposal:
Staff is seeking approval to amend both the Development and Municipal Codes to eliminate the RE-1 Zoning District.

The Purpose for eliminating RE-1 zoning is twofold:
1. The amendment will remove a Zoning District that serves no useful purpose inside the Town of Estes Park. It is a residential Zoning District that requires a 10-acre minimum lot size. As noted, (a) there are only three parcels currently zoned RE-1; (b) all are essentially undeveloped; (c) none are likely to ever develop as RE-1 parcels; and (d) the one viable parcel is easily shifted to the R-2 Zoning District. Otherwise, there aren’t many eligible 10-acre parcels feasible to rezone to RE-1. Essentially, eliminating the RE-1 District declutters the Development Code.
2. A second reason is more fundamental. In an environment in which attainable and workforce housing is a critical need, it is hard to see how a 10-acre lot, single-family-only Zoning District has a role to play in the Town of Estes Park. Estes Park and vicinity have no shortage of sizeable single-family houses on large individual lots - i.e., unattainable housing for most citizens or families. Additionally, in many planning textbooks and research articles and papers, 10-acre-lot residential zoning is identified as sprawl development. For an example, please refer to the following link from the US Environmental Protection Agency: https://www.epa.gov/sites/default/files/documents/essential_smart_growth_fixes_rural_0.pdf (see especially Section 6 [p. 30] forward.)
It is important to note that nothing in the Town’s proposal to eliminate RE-1 zoning is designed to push the same proposal in unincorporated Estes Valley. Discussion and decisions about that are Larimer County’s choice and prerogative.

Other parcels measuring 10 acres or more do exist inside the Town in various locations. Attachment 4 is a list of all the 27 parcels inside the Town measuring 10 acres or more. Of the 27 such parcels, seven are residentially zoned and the other 20 are various types of commercial zoning. A review of this list reveals the following:

- Approx. 40 percent of the parcels (12 out of 27) are owned by a public or quasi-public entity (Town, Federal, etc.) – entities that are highly unlikely to propose a single house on a 10-acre or larger lot;
- As the Comments column shows, nearly all are already developed, and most in ways that would almost certainly preclude (re)developing them under single-family 10-acre zoning.

Theoretically, any of these 27 properties could someday be rezoned to RE-1 under current Code. In practice, the odds of that happening are very small. Staff would conclude that few or none of our current 10-acre-plus parcels in Town would likely need or benefit from rezoning to RE-1.

Attachments 1 and 2 (Exhibits A and B) are the proposed actual Code language for the Development Code and the Municipal Code respectively. Both exhibits consist almost entirely of struck-through language; nothing is added except a few conjunctions and commas to keep the grammar and syntax appropriate.

**Location and Context:**

**Map 1**

**Project Location**
### Table 1: Zoning and Land Use Summary

<table>
<thead>
<tr>
<th>Parcel 3522400923</th>
<th>Comprehensive Plan</th>
<th>Zone</th>
<th>Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Public (INS)</td>
<td>RE-1 (Rural Estate)</td>
<td>Water Storage</td>
</tr>
<tr>
<td>North</td>
<td>Parks, Recreation, Open Space</td>
<td>Federal Land (N/A)</td>
<td>RMNP</td>
</tr>
<tr>
<td>South</td>
<td>Residential</td>
<td>R-2</td>
<td>Residential</td>
</tr>
<tr>
<td>East</td>
<td>Rural Estate</td>
<td>RE-1 (Rural Estate)</td>
<td>RMNP</td>
</tr>
<tr>
<td>West</td>
<td>Rural Estate</td>
<td>R-2</td>
<td>Residential</td>
</tr>
</tbody>
</table>

### Table 1a: Zoning and Land Use Summary

<table>
<thead>
<tr>
<th>Parcel 352318901</th>
<th>Comprehensive Plan</th>
<th>Zone</th>
<th>Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Rural Estate</td>
<td>RE-1 (Rural Estate)</td>
<td>RMNP</td>
</tr>
<tr>
<td>North</td>
<td>Parks, Recreation, Open Space</td>
<td>Federal Land (N/A)</td>
<td>RMNP</td>
</tr>
<tr>
<td>South</td>
<td>Accommodations</td>
<td>MF (Multi-Family)</td>
<td>Residential</td>
</tr>
<tr>
<td>East</td>
<td>Rural Estate</td>
<td>RE (Rural Estate)</td>
<td>RMNP</td>
</tr>
<tr>
<td>West</td>
<td>Rural Estate</td>
<td>R-2</td>
<td>Residential</td>
</tr>
</tbody>
</table>

### Table 1b: Zoning and Land Use Summary

<table>
<thead>
<tr>
<th>Parcel 352342014</th>
<th>Comprehensive Plan</th>
<th>Zone</th>
<th>Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Rural Estate</td>
<td>RE-1 (Rural Estate)</td>
<td>RMNP</td>
</tr>
<tr>
<td>North</td>
<td>Parks, Recreation, Open Space</td>
<td>Federal Land (N/A)</td>
<td>RMNP</td>
</tr>
<tr>
<td>South</td>
<td>Accommodations</td>
<td>A (Accommodations)</td>
<td>Accommodations</td>
</tr>
<tr>
<td>East</td>
<td>Rural Estate</td>
<td>Federal Land (N/A)</td>
<td>RMNP</td>
</tr>
<tr>
<td>West</td>
<td>Rural Estate</td>
<td>RE</td>
<td>RMNP</td>
</tr>
</tbody>
</table>
**Project Analysis:**
The text amendments comply with EPDC §3.3.D (Code Amendments – Standards for Review).

**§3.3.D Code Amendments, Standards for Review**
“All rezoning and text amendments to the EPDC shall meet the following criteria:”

1. “The amendment is necessary to address changes in conditions in the areas affected;”
   **Staff Finding:**
   The amendment to the Code is limited to eliminating one Zoning District that demonstrably serves no useful purpose in the Town, and may serve to undercut efforts to resolve the workforce and attainable housing shortage.

2. “The development plan, which the proposed amendment to this Code would allow, is compatible and consistent with the policies and intent of the Comprehensive Plan and with existing growth and development patterns in the Estes Valley:”
   **Staff Finding:**
   There is no specific “development plan” associated with this Code Amendment. Rather, the amendment addresses specific policy goals arising from various adopted policies, including the 2022 Town Board Strategic Goals and the 2016 Housing Needs Assessment.

3. “The Town, County or other relevant service providers shall have the ability to provide adequate services and facilities that might be required if the application were approved.”
   **Staff Finding:**
   Town, County, or other relevant service providers would not be significantly impacted regarding their respective services and facilities if this Code Amendment is approved.

**Advantages:**
- Generally complies with the EPDC §3.3.D Code Amendments, Standards for Review.
- Removes a Zoning District that serves no discernible purpose in Town, which simplifies the Development Code.
- Provides for the opportunity to create much needed housing units by eliminating a Zoning District that could result in less-affordable housing in Town.

**Disadvantages:**
- There may be the impression that removing a large-lot, low-density residential district will compromise the Town’s image and character as a “small mountain village.” This term does not accurately characterize Estes Park in 2021, and in any case, there is nothing inherently “village-like” about 10-acre single-family lots.
- There may be the impression that “it’s not broken, so why fix it?” Staff would suggest that waiting until something breaks, and then trying to fix it, isn’t good planning.

**Action Recommended:**
Staff recommends approval of the Code amendment as proposed.
**Budget:**
None.

**Level of Public Interest:**
Medium. Staff held an online neighborhood meeting via Zoom on Monday, November 1, 2021. To review the meeting recording, please use this link: [https://drive.google.com/file/d/1-Z_boustit8jeDK0zHB63Rhz5i57GJJ/view?usp=sharing](https://drive.google.com/file/d/1-Z_boustit8jeDK0zHB63Rhz5i57GJJ/view?usp=sharing)

The meeting was attended by seven community members, and questions ranged from the use of the Town-owned parcel and if it would change, and if the National Park Service had plans for their parcels, which the NPS does not have plans to develop, but in the current circumstances, they are not required to comply with local codes and regulations. A question was posed about how people would be notified about the RMNP disconnection when it goes to the Town Board for review, and the sites will be posted with a sign, along with a notification to adjacent property owners, on the Town’s website, and in the newspaper.

Staff provided public notice of the application in accordance with Town and State public noticing requirements. As of the time of writing this report no other public inquiries were received aside from the inquiries during the neighborhood meeting, noted above.

- Legal notice was published in the Estes Park Trail-Gazette on July 1, 2022.
- Information was posted on the Town’s “Code Amendments” webpage as of June 3, 2022.

Staff provided public notice of the application in accordance with EPDC public noticing requirements. As of the time of writing this report, no written comments have been received for the application.

Written comments will be posted to [www.estes.org/currentapplications](http://www.estes.org/currentapplications) if received after finalization of this staff memo.

**Sample Motions:**
- I move to approve Ordinance 13-22.
- I move to deny Ordinance 13-22, finding that … [state findings for denial].
- I move to continue Ordinance 13-22 to the next regularly scheduled meeting.

**Attachments:**
1. Ordinance 13-22
2. Exhibit A: Proposed text amendment to the Estes Park Development Code
3. Exhibit B: Proposed text amendment to the Estes Park Municipal Code
4. Estes Valley Zoning Map, January 2018
5. List of parcels inside Town boundaries measuring 10 acres or more
ORDINANCE NO. 13-22

AMENDING THE ESTES PARK MUNICIPAL AND DEVELOPMENT CODES TO REMOVE THE RE-1 (RURAL ESTATE) ZONING DISTRICT

WHEREAS, on June 21, 2022, the Estes Park Planning Commission conducted a public hearing on a proposed text amendment to the Estes Park Development Code to eliminate the RE-1 (Rural Estate) Zoning District in the Town of Estes Park; and

WHEREAS, the Estes Park Planning Commission recommends approval of the amendment; and

WHEREAS, the Board of Trustees of the Town of Estes Park finds the text amendment complies with Estes Park Development Code section 3.3.D and has determined that it, and conforming edits to the Municipal Code, are in the best interest of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF ESTES PARK, COLORADO AS FOLLOWS:

Section 1: The Estes Park Development Code and the Estes Park Municipal Code are hereby amended, by adding underlined material and deleting stricken material, as set forth on Exhibits A and B respectively. Ellipses indicate material not reproduced as the Board intends to leave that material in effect as it now reads.

Section 2: This Ordinance shall take effect and be enforced thirty (30) days after its adoption and publication by title.

PASSED AND ADOPTED by the Board of Trustees of the Town of Estes Park, Colorado this ___ day of _____________, 2022.

TOWN OF ESTES PARK, COLORADO

By: ________________________________
Mayor

ATTEST:

___________________________________
Town Clerk

I hereby certify that the above Ordinance was introduced at a regular meeting of the Board of Trustees on the _____ day of ________, 2022 and published by title in a newspaper of general circulation in the Town of Estes Park, Colorado, on the ___ day of ________, 2022, all as required by the Statutes of the State of Colorado.

___________________________________
Town Clerk

APPROVED AS TO FORM:

___________________________________
Town Attorney
EXHIBIT A

ESTES PARK DEVELOPMENT CODE

CHAPTER 4. ZONING DISTRICTS

§ 4.1 - Establishment of Districts

The following zoning districts are hereby established. They may be referred to by their name or their district letter abbreviations.

A. Residential Zoning Districts.

1. RE-1 Rural Estate
21. RE Rural Estate
32. E-1 Estate
43. E Estate
54. R Residential
65. R-1 Residential
76. R-2 Two-Family Residential
87. RM Multi-Family Residential

§ 4.3 - Residential Zoning Districts

A. List of Districts/Specific Purposes.

1. RE-1 Rural Estate Zoning District. This district is established to protect and preserve some of the most rural areas of the Estes Valley in which significant view sheds, woodlands, rock outcroppings, ridgelines, other sensitive environmental areas and low-density residential development comprise the predominant land use pattern. This zone implements the "Rural Estate (RE-1)" future land use designation contained in the Comprehensive Plan. The district regulations allow for the development of low-density single-family residential uses, generally at densities no greater than one (1) dwelling unit per ten (10) acres.

21. RE Rural Estate Zoning District. . .
32. E-1 Estate Zoning District. . .
43. E Estate Zoning District. . .
65. R-1 Single-Family Residential Zoning District. . .
### Table 4-1: Permitted Uses: Residential Zoning Districts

<table>
<thead>
<tr>
<th>Use Classification</th>
<th>Specific Use</th>
<th>Zoning Districts</th>
<th>Additional Regulations (Apply in All Districts Unless Otherwise Stated)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Residential Use Classifications</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Two-family dwelling</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td></td>
<td>Multi-family dwelling</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td></td>
<td>Mobile home park</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Group Living Facility, Large</td>
<td>Senior care facility</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td></td>
<td>Large group living facilities</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Group Living Facility, Small</td>
<td>Single-family dwelling</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td><strong>Institutional, Civic and Public Uses</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Day Care Center (Ord. 6-06 §1)</td>
<td>S2</td>
<td>S2</td>
<td>S2</td>
</tr>
<tr>
<td>Family Home Day Care</td>
<td>S2</td>
<td>S2</td>
<td>S2</td>
</tr>
<tr>
<td>Use Classification</td>
<td>Specific Use</td>
<td>Zoning Districts</td>
<td>Additional Regulations (Apply in All Districts Unless Otherwise Stated)</td>
</tr>
<tr>
<td>--------------------</td>
<td>-------------</td>
<td>-----------------</td>
<td>---------------------------------------------------------------------</td>
</tr>
<tr>
<td><strong>Large</strong> (Ord. 6-06 §1)</td>
<td></td>
<td><strong>RE-1</strong></td>
<td><strong>RE</strong></td>
</tr>
<tr>
<td><strong>Government Facilities</strong></td>
<td>Public Safety Facilities</td>
<td><strong>P</strong></td>
<td><strong>P</strong></td>
</tr>
<tr>
<td></td>
<td>Trail/Trail Head</td>
<td><strong>P</strong></td>
<td><strong>P</strong></td>
</tr>
<tr>
<td></td>
<td>Utility, Major</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td></td>
<td>Utility, Minor</td>
<td><strong>P</strong></td>
<td><strong>P</strong></td>
</tr>
<tr>
<td></td>
<td>All other Government Facilities</td>
<td><strong>P</strong></td>
<td><strong>P</strong></td>
</tr>
<tr>
<td></td>
<td>Hospital</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td></td>
<td>Park and Recreation Facilities—Public</td>
<td><strong>P</strong></td>
<td><strong>P</strong></td>
</tr>
<tr>
<td></td>
<td>Park and Recreation Facilities—Private</td>
<td>$\S\ 2$</td>
<td>$\S\ 2$</td>
</tr>
<tr>
<td>Use Classification</td>
<td>Specific Use</td>
<td>Zoning Districts</td>
<td>Additional Regulations (Apply in All Districts Unless Otherwise Stated)</td>
</tr>
<tr>
<td>--------------------</td>
<td>-------------</td>
<td>-----------------</td>
<td>---------------------------------------------------------------------</td>
</tr>
<tr>
<td></td>
<td></td>
<td>RE-1 RE E-1 E R R-1 R-2 RM</td>
<td></td>
</tr>
<tr>
<td>Park and Ride Facilities</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Religious Assembly</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cultural Institutions</td>
<td>S2 S2 S2 S2 S2 S2 S2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Schools</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Senior Institutional Living</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Congregate Housing</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Skilled Nursing Facility</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**ACCOMMODATION USES**

| Low-Intensity Accommodations | Bed and Breakfast Inn: 8 and under occupants | P P P P P P P | §5.1U |

"P" = Permitted by Right  
"S1 or S2" = Permitted by Special Review  
"—" = Prohibited
<table>
<thead>
<tr>
<th>Use Classification</th>
<th>Specific Use</th>
<th>Zoning Districts</th>
<th>Additional Regulations (Apply in All Districts Unless Otherwise Stated)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Classification</strong></td>
<td><strong>Specific Use</strong></td>
<td><strong>Zoning Districts</strong></td>
<td><strong>“P” = Permitted by Right</strong>&lt;br&gt;<strong>“S1 or S2” = Permitted by Special Review</strong>&lt;br&gt;<strong>“—” = Prohibited</strong></td>
</tr>
<tr>
<td></td>
<td></td>
<td>RE-1</td>
<td>RE</td>
</tr>
<tr>
<td><strong>Bed and Breakfast Inn: 9 and over occupants</strong></td>
<td>S2</td>
<td>S2</td>
<td>S2</td>
</tr>
<tr>
<td><strong>Vacation Home: 8 and under occupants</strong></td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td><strong>Vacation Home: 9 and over occupants</strong></td>
<td>LV</td>
<td>LV</td>
<td>LV</td>
</tr>
</tbody>
</table>

**COMMERCIAL/RETAIL USES**

<table>
<thead>
<tr>
<th>Wireless Telecommunication Facilities</th>
<th>Attached and concealed (stealth) antennas</th>
<th>P</th>
<th>P</th>
<th>P</th>
<th>P</th>
<th>P</th>
<th>P</th>
<th>P</th>
<th>§5.1T</th>
</tr>
</thead>
<tbody>
<tr>
<td>Antenna towers, microcells</td>
<td>P/S</td>
<td>P/S</td>
<td>P/S</td>
<td>P/S</td>
<td>—</td>
<td>—</td>
<td>P/S</td>
<td>P/S</td>
<td>§5.1T</td>
</tr>
</tbody>
</table>

**RECREATION USES**

| Golf Course | P | S2 | S2 | §5.1C |

**ACCESSORY USES:** See §5.2 “ACCESSORY USES AND ACCESSORY STRUCTURES.”

**TEMPORARY USES:** See §5.2, “TEMPORARY USES AND STRUCTURES.”

C. Density/Dimensional Standards.
4. Table 4-2: Base Density and Dimensional Standards Residential Zoning Districts.

Table 4-2
Base Density and Dimensional Standards Residential Zoning Districts

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>RE-1</td>
<td>1/10 Ac.</td>
<td>10 Ac.</td>
<td>200</td>
<td>50</td>
<td>50</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>30</td>
<td>20</td>
</tr>
</tbody>
</table>

D. Additional Zoning District Standards.

Table 4-3
Minimum Private Open Areas

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Minimum Private Open Areas (% of Gross Land Area)</th>
<th>Adjusted Minimum Lot Size/Area (Ord. 2-02 #4)</th>
</tr>
</thead>
<tbody>
<tr>
<td>RE-1</td>
<td>30</td>
<td>7.00 acres</td>
</tr>
</tbody>
</table>

2. Lot Size.

b. Exception for Lots with Private Water/Sewer. The minimum lot size for lots serviced by private wells or private septic systems shall be two (2) acres in all districts, except the RE-1 zoning district.

CHAPTER 5. – USE REGULATIONS

§ 5.1 – SPECIFIC USE STANDARDS

...
F. Day Care Centers and Large Family Home Day Care. Day care centers and large family home day care shall be subject to the following standards:

5. Day care centers in the E, E-1, and RE and RE-1 residential zoning districts shall be adjacent to an arterial street.

§ 5.2 – ACCESSORY USES (INCLUDING HOME OCCUPATIONS) AND ACCESSORY STRUCTURES


1. Table of Permitted Accessory Uses and Structures.

Table 5-1
Accessory Uses and Structures Permitted in the Residential Zoning Districts

<table>
<thead>
<tr>
<th>Accessory Use</th>
<th>Residential Zoning District</th>
<th>Additional Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessory dwelling unit</td>
<td>Yes</td>
<td>§5.2.B.2.a 1.33 times minimum lot area required</td>
</tr>
<tr>
<td>Barns and stables</td>
<td>Yes</td>
<td>None (Ord. 15-03 §1)</td>
</tr>
<tr>
<td>Day care center (Ord. 6-06 §1)</td>
<td>No</td>
<td>§5.1.F; §5.1.O; as accessory to a permitted religious assembly use</td>
</tr>
<tr>
<td>Family home day care, small (Ord. 6-06 §1)</td>
<td>Yes</td>
<td>§5.2.B.2.d Home Occupation As accessory to a principal residential use only</td>
</tr>
<tr>
<td>Fences and walls</td>
<td>Yes</td>
<td>§7.5.H</td>
</tr>
<tr>
<td>Accessory Use</td>
<td>Residential Zoning District</td>
<td>Additional Requirements</td>
</tr>
<tr>
<td>--------------</td>
<td>-----------------------------</td>
<td>-------------------------</td>
</tr>
<tr>
<td></td>
<td>&quot;Yes&quot; = Permitted</td>
<td>&quot;CUP&quot; = Conditional Use Permit</td>
</tr>
<tr>
<td></td>
<td>&quot;No&quot; = Not Permitted</td>
<td></td>
</tr>
<tr>
<td>RE-4</td>
<td>RE</td>
<td>E-1</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Garages, carports, and off-street parking areas used to serve the residents of the property</th>
<th>Yes</th>
<th>Yes</th>
<th>Yes</th>
<th>Yes</th>
<th>Yes</th>
<th>Yes</th>
<th>Yes</th>
<th>§5.2.B.2.d and §7.11</th>
</tr>
</thead>
<tbody>
<tr>
<td>Golf clubhouses, including space for the sale of golf or other sporting equipment, food and refreshments</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>As accessory uses to golf courses only</td>
</tr>
<tr>
<td>Home occupation</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>§5.2.B.2.e (Ord 18-01 §18)</td>
</tr>
<tr>
<td>Kitchen, Accessory (Ord. 08-17 §1)</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>§5.2.B.2.f (Ord. 03-10 §1)</td>
</tr>
<tr>
<td>Kitchen, Outdoor (Ord. 08-17 §1)</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Micro wind energy conversion systems</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>§5.2.B.2.g (Ord. 05-10 §1)</td>
</tr>
<tr>
<td>Office (Ord. 20-18 §1)</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>S2</td>
<td>§5.2.B.2.i</td>
</tr>
<tr>
<td>Private greenhouses</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>*</td>
</tr>
<tr>
<td>Private schools</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>Yes (Ord. 19-11 §1)</td>
<td>Yes</td>
</tr>
<tr>
<td>Accessory Use</td>
<td>Residential Zoning District</td>
<td>Additional Requirements</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>-------------------------------------------------------------------------------</td>
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<tr>
<td></td>
<td>&quot;Yes&quot; = Permitted</td>
<td>&quot;No&quot; = Not Permitted</td>
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<tr>
<td></td>
<td>&quot;CUP&quot; = Conditional Use Permit</td>
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<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>RE-1</td>
<td>CUP</td>
<td>§5.2.B.2.h</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Satellite dish antennas 39 inches (1 meter) or less in diameter</td>
<td>Yes</td>
<td>Yes</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>RE</td>
<td>Yes</td>
<td>Accessory to a principal residential use</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>E-1</td>
<td>Yes</td>
<td>only</td>
<td></td>
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<tr>
<td></td>
<td>E</td>
<td>Yes</td>
<td>•To the maximum extent feasible, but only</td>
<td></td>
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<td></td>
<td>R</td>
<td>Yes</td>
<td>where there is no impairment to</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>R-1</td>
<td>Yes</td>
<td>acceptable signal quality, such</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>R-2</td>
<td>Yes</td>
<td>satellite dish antenna shall be</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>RM</td>
<td>Yes</td>
<td>located in the rear yard of the</td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>residential use</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Satellite dish antennas greater than 39 inches (1 meter) in diameter</td>
<td>Yes</td>
<td>Yes</td>
<td>•Accessory to a principal residential use</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>RE-1</td>
<td>Yes</td>
<td>only</td>
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<td></td>
<td>RE</td>
<td>Yes</td>
<td>•To the maximum extent feasible, but only</td>
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<tr>
<td></td>
<td>E-1</td>
<td>Yes</td>
<td>where there is no substantial impairment</td>
<td></td>
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<tr>
<td></td>
<td>E</td>
<td>Yes</td>
<td>to acceptable signal quality, such</td>
<td></td>
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<td></td>
<td>R</td>
<td>Yes</td>
<td>satellite dish antenna shall be</td>
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<td></td>
<td>R-1</td>
<td>Yes</td>
<td>located in the rear yard of the</td>
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<td></td>
<td>R-2</td>
<td>Yes</td>
<td>residential use</td>
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<tr>
<td></td>
<td>RM</td>
<td>Yes</td>
<td>•To the maximum extent feasible, the</td>
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<td>satellite dish antenna shall be</td>
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<td></td>
<td></td>
<td></td>
<td>screened from view from adjacent public</td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>rights-of-way (including trails)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Small wind energy conservation systems (Ord. 21-10 §1)</td>
<td>CUP</td>
<td>CUP</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accessory Use</td>
<td>Residential Zoning District</td>
<td>Additional Requirements</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td>---------------</td>
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<td></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Solar collector (Ord. 11-11 §1)</td>
<td>&quot;Yes&quot;</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Square footage of ground-mounted solar collectors shall be calculated as the area of the solar panels, not the structure footprint.</td>
</tr>
<tr>
<td>Storage or parking of trucks, cars, or major recreational equipment, including but not limited to boats, boat trailers, camping trailers, motorized homes, and house trailers</td>
<td>&quot;Yes&quot;</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>§5.2.B.2.h</td>
</tr>
<tr>
<td>Swimming pools/hot tubs</td>
<td>&quot;Yes&quot;</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td></td>
</tr>
</tbody>
</table>

### CHAPTER 7. - GENERAL DEVELOPMENT STANDARDS

#### § 7.1 - SLOPE PROTECTION STANDARDS

A. Density Calculation for Residential and Accommodation Development on Steep slopes in Excess of 12%.

1. **Applicability.** These density calculation provisions shall apply to all new residential and accommodation development in the Estes Valley, except for the following:

   a. Single-family residential development on a lot created and approved for such use prior to the effective date of this Code.

   b. Development within the RE-1 Zoning District.

2. **General Rule.** Notwithstanding the maximum densities permitted by the underlying zoning district, the minimum lot area for new residential and
accommodation development on parcels containing slopes twelve percent (12%) or greater shall be determined by the following formulas:

a. All Residential Zoning Districts (Except RM): For each percentage point by which average slope exceeds twelve percent (12%), the base zone minimum lot area requirement shall be increased by one thousand (1,000) square feet, as shown in Table 7-1 below.

### Table 7-1
Density Calculation/Lot Area Adjustment for Steep Slopes by Zoning District

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Base Minimum Lot Area</th>
<th>Adjusted Minimum Lot Area (Square Feet) @ &quot;x&quot;% Slope</th>
</tr>
</thead>
<tbody>
<tr>
<td>RE-1</td>
<td>10 acres</td>
<td>No Slope Adjustment Required</td>
</tr>
</tbody>
</table>

...  

**CHAPTER 10. SUBDIVISION STANDARDS**

**§ 10.4 – LOTS**

C. Flag or Flagpole Lots. Flag lots (also known as flagpole lots) may be allowed subject to the following standards:

1. Permitted Zoning Districts. Flag lots shall be allowed only in the RE-1, RE, E-1, E, R and R-2 Residential Zoning Districts.

**§ 10.5 - SUBDIVISION DESIGN STANDARDS**

D. Sidewalks, Pedestrian Connections and Trails.

2. Sidewalks. Sidewalks shall be required as follows:

a. Sidewalks shall be required on one (1) side of any public or private street in all zoning districts, except in the RE-1 and RE Zoning Districts. Sidewalks may not be required where unusual topographic or environmental conditions make installation infeasible or would result in a significant adverse impact on sensitive natural resources.

b. In all zoning districts, including the RE-1 and RE Zoning Districts, sidewalks on both sides of a street may be required along roads where...
the EVPC Estes Park Planning Commission determines there will be significant pedestrian usage.

c. In all residential zoning districts, including the RE-1 and RE Zoning Districts, when a residential lot abuts an arterial street, sidewalks shall be provided to provide public access and connection to adjacent properties.

CHAPTER 11. – INCENTIVES

§ 11.3 - OPEN SPACE DEVELOPMENTS

B. Eligibility. Residential open space developments are permitted in the RE-1, RE and E-1 zoning districts.

E. Development and Design Standards

2. Lot Size.

   a. General Rule. Subject to the exceptions listed below, the minimum lot sizes for single-family detached lots within approved open space developments shall be as follows:

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Minimum Lot Size/Area for Single-Family Detached Lots</th>
</tr>
</thead>
<tbody>
<tr>
<td>RE-1</td>
<td>2.5 acres</td>
</tr>
</tbody>
</table>

4. Open Areas.

   a. Minimum Amounts Required. Open space developments shall provide the following minimum amount of private and/or public open areas:

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Minimum Open Areas (% of Gross Land Area)</th>
</tr>
</thead>
<tbody>
<tr>
<td>RE-1</td>
<td>70%</td>
</tr>
</tbody>
</table>
Title 5 - Business Regulations and Licenses

Chapter 5.20 - Business Licenses

5.20.110 - Additional provisions for vacation homes and bed and breakfast inns.

(b) Residential zone vacation home cap.

(1) Vacation home licenses in residential zoning districts (designated for the purposes of this Section as zoning districts E, E-1, R, R-1, R-2, RE, RE-1, and RM) shall be held at a maximum total ("cap") of 322 licenses in effect at any given time.

Title 17 – Zoning

17.66.130 - Sign regulations in all single-family residential zones (R-1, R, E-1, E, RE, RE-1).
List of parcels inside Town boundaries measuring 10 acres or more

<table>
<thead>
<tr>
<th>Address</th>
<th>Zoning</th>
<th>Acres</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. 650 Elk Trail Ct.</td>
<td>E-1</td>
<td>10.5</td>
<td>Town-owned open space</td>
</tr>
<tr>
<td>2. 555 Prospect Ave.</td>
<td>RM</td>
<td>10.5</td>
<td>Estes Park Health (hospital)</td>
</tr>
<tr>
<td>3. 1501 David Dr.</td>
<td>RM</td>
<td>12.3</td>
<td>privately owned</td>
</tr>
<tr>
<td>4. 465 W. Wonderview Ave.</td>
<td>E-1</td>
<td>12.4</td>
<td>'Rockside LLP'</td>
</tr>
<tr>
<td>5. 961 Old Ranger Rd.</td>
<td>RE</td>
<td>16.0</td>
<td>privately owned</td>
</tr>
<tr>
<td>6. 1901 Ptarmigan Tr.</td>
<td>RM</td>
<td>17.5</td>
<td>Good Samaritan Society</td>
</tr>
<tr>
<td>7. 1950 Fall River Rd.</td>
<td>E-1</td>
<td>33.0</td>
<td>privately owned</td>
</tr>
<tr>
<td>1. 640 Elm Rd.</td>
<td>I-1</td>
<td>10.3</td>
<td>Town (landfill, recycle)</td>
</tr>
<tr>
<td>2. 1050 Marys Lake Rd.</td>
<td>A</td>
<td>10.5</td>
<td>Spruce Lake RV Park</td>
</tr>
<tr>
<td>3. 189 Twin Owls Ln.</td>
<td>A</td>
<td>13.1</td>
<td>Black Canyon Inn</td>
</tr>
<tr>
<td>4. 451 E. Wonderview Ave.</td>
<td>CO</td>
<td>13.9</td>
<td>Stanley Village S.C.</td>
</tr>
<tr>
<td>5. 3501 Fall River Rd.</td>
<td>A</td>
<td>14.4</td>
<td>Della Terra</td>
</tr>
<tr>
<td>6. 1260 Fall River Rd.</td>
<td>A</td>
<td>16.8</td>
<td>Streamside</td>
</tr>
<tr>
<td>7. 380 Community Dr.</td>
<td>CO</td>
<td>17.0</td>
<td>Community Center EVRPD</td>
</tr>
<tr>
<td>8. 1001 N. Saint Vrain Ave.</td>
<td>CO</td>
<td>17.3</td>
<td>FED - Bur. of Reclamation</td>
</tr>
<tr>
<td>9. 600 W. Elkhorn Ave.</td>
<td>CO</td>
<td>22.0</td>
<td>Elkhorn Lodge</td>
</tr>
<tr>
<td>10. 370 Fish Creek Rd.</td>
<td>CO</td>
<td>27.7</td>
<td>FED - Bur. of Reclamation</td>
</tr>
<tr>
<td>11. 1520 Fall River Rd.</td>
<td>A</td>
<td>28.9</td>
<td>Castle Mtn. Lodge</td>
</tr>
<tr>
<td>12. 1665 Highway 66</td>
<td>A</td>
<td>30.7</td>
<td>Elk Meadow RV Park</td>
</tr>
<tr>
<td>13. 333-A E. Wonderview Ave.</td>
<td>A</td>
<td>34.4</td>
<td>Stanley Hotel Lot 1 campus</td>
</tr>
<tr>
<td>14. 2225 Fall River Rd.</td>
<td>A-1</td>
<td>35.0</td>
<td>privately owned</td>
</tr>
<tr>
<td>15. 1601 Brodie Ave.</td>
<td>CO</td>
<td>37.0</td>
<td>Estes Park R-3 School District</td>
</tr>
<tr>
<td>16. 400 N. Saint Vrain Ave.</td>
<td>CO</td>
<td>39.8</td>
<td>FED - Bur. of Reclamation</td>
</tr>
<tr>
<td>17. 1600 Fish Hatchery Rd.</td>
<td>A</td>
<td>42.1</td>
<td>Harmony Foundation</td>
</tr>
<tr>
<td>18. 220 4th St.</td>
<td>CO</td>
<td>49.0</td>
<td>Fairgrounds</td>
</tr>
<tr>
<td>19. 1754 Fish Hatchery Rd.</td>
<td>A-1</td>
<td>75.5</td>
<td>Town owned tract</td>
</tr>
<tr>
<td>20. 1480 Golf Course Rd.</td>
<td>CO</td>
<td>181.0</td>
<td>EP Golf Course</td>
</tr>
</tbody>
</table>
Please enter your full name. (This information is required to ensure the Town keeps accurate records of public comment.

Name*  G. Wayne Newsom

Stance on item:*  ○ For  ○ Against  ○ Neutral

The Board of Trustees want to hear from members of the community. The following form was created for general public comment or public comment on any agenda items.

The Town Board of Trustees will participate in meetings remotely due to the Declaration of Emergency signed by Town Administrator Machalek on March 19, 2020 related to COVID-19 and provided for with the adoption of Ordinance 04-20 on March 18, 2020.

Regular meetings of the Town Board are held on the second and fourth Tuesdays of each month at 7 p.m. Agendas and the agenda item list below will be posted the Wednesday prior to each meeting.

Click here to view the current Agenda.

Public comment must be received by noon the day of the Town Board meeting. All comments will be compiled for Board distribution prior to the meeting.

Agenda items are available the Wednesday prior to each Town Board meeting. To provide public comment on an upcoming item please use the drop down below to select the Agenda item title.

Agenda Item Title*  Ordinance 13-22.

If you do not see the Agenda Item Title please email public comment to townclerk@estes.org.

Public comment can be attached using the Upload button below or typed into the text box below.

File Upload  Files are limited to PDF or JPG.  25 MB limit. Video files cannot be saved to the final packet and must be transcribed before submitting.

Comments for the Board of Trustees:*  Limited to a maximum of 1000 characters. For comments over 1000 characters please use the Upload feature above.

I am opposed to increasing the density, population and authenticity (character) of Estes Park by reducing lot size to allow construction of more houses.

Please note, all information provided in this form is considered public record and will be included as permanent record for the item which it references.
I am writing to oppose the Staff-initiated proposal on your agenda this week to remove the RE-1 zoning classification from your Development Code. The reason for my opposition is simply that the proposal is not timely. There is no urgent need to undertake this level of strategic change to the Code – no pending or anticipated proposals to rezone anything in Town to RE-1 – and therefore no need to make the change at this time.

In case anyone has missed it, there is a joint Town/County effort ongoing to write a new Comprehensive Plan for the Estes Valley. In addition to elected government, staff and outside expert input, this effort involves careful thought on the public’s view of desirable long-term land use patterns in the Valley. The expected outcome of this effort is the adoption of a new joint Comprehensive Plan by the Town and County, to be followed by enactment of Code revisions, either in separate Town and County Codes or in a single shared Code, implementing the vision of the Plan. The present proposal might make sense as a part of that effort, but it makes no sense now.

The Staff statement that “it is hard to see how a 10-acre lot, single-family-only Zoning District has a role to play in the Town of Estes Park” does not merely anticipate the results of the Comp Plan discussions, it preempts them. It serves to remove what should be an outcome of a planning process that enjoys a high level of public interest and engagement into a premature, minimally visible “housekeeping” process. It is grossly disrespectful to those who have volunteered their time to thoughtfully consider future land use as participants in the Comprehensive Plan Advisory Committee and as public commenters.

Furthermore, the statement that “There may be the impression that removing a large-lot, low-density residential district will compromise the Town’s image and character as a ‘small mountain village.’ This term does not accurately characterize Estes Park in 2021, and in any case, there is nothing inherently ‘village-like’ about 10-acre single-family lots.” mischaracterizes the public view of Estes Park, where charm, a small town atmosphere and preservation of the natural environment are key attributes that both visitors and residents alike seek to preserve. Image and character are incredibly important. Intentional urbanization of the whole of the Estes Valley is abhorrent as a goal, as will be borne out by the ongoing planning process.

The claim that “nothing in the Town’s proposal to eliminate RE-1 zoning is designed to push the same proposal in unincorporated Estes Valley. Discussion and decisions about that are Larimer County’s choice and prerogative.” is at least naïve and possibly intentionally deceptive. It ignores the Town’s outsized role in setting land use policy for the Valley, a role that is expected to increase under the new Comp Plan. When the now-expired IGA was in place, the County deferred to the Town on virtually all land-use decisions. Are we really to believe that this proposal does not project the Town’s view of future land use Valley-wide?

Please reject this ill-timed proposal.

Best regards,
Fred Barber
2190 Devils Gulch Rd
PROCEDURE FOR PUBLIC HEARING

Applicable items include: Rate Hearings, Code Adoption, Budget Adoption

1. **MAYOR.**

   The next order of business will be the public hearing on **ACTION ITEM 1. ORDINANCE 14-22 AMENDING CHAPTER 8.06 OF THE ESTES PARK MUNICIPAL CODE REGARDING NOISE.**

   □ At this hearing, the Board of Trustees shall consider the information presented during the public hearing, from the Town staff, public comment, and written comments received on the item.

   □ Any member of the Board may ask questions at any stage of the public hearing which may be responded to at that time.

   □ Mayor declares the Public Hearing open.

2. **STAFF REPORT.**

   □ Review the staff report.

3. **PUBLIC COMMENT.**

   □ Any person will be given an opportunity to address the Board concerning the item. All individuals must state their name and address for the record. Comments from the public are requested to be limited to three minutes per person.

4. **MAYOR.**

   □ Ask the Town Clerk whether any communications have been received in regard to the item which are not in the Board packet.

   □ Ask the Board of Trustees if there are any further questions concerning the item.

   □ Indicate that all reports, statements, exhibits, and written communications presented will be accepted as part of the record.

   □ Declare the public hearing closed.

   □ Request Board consider a motion.

7. **SUGGESTED MOTION.**

   □ Suggested motion(s) are set forth in the staff report.
8. **DISCUSSION ON THE MOTION.**
Discussion by the Board on the motion.

9. **VOTE ON THE MOTION.**
Vote on the motion or consideration of another action.

*NOTE: Ordinances are read into record at the discretion of the Mayor as it is not required to do so by State Statute.*
Memo

To: Honorable Mayor Wendy Koenig
   Board of Trustees

Through: Town Administrator Machalek

From: Greg Muhonen, PE, Public Works Director

Date: July 26, 2022

RE: Ordinance 14-22 Amending Chapter 8.06 of the Estes Park Municipal Code Regarding Noise

☐ PUBLIC HEARING   ☑ ORDINANCE   ☐ LAND USE
☐ CONTRACT/AGREEMENT   ☐ RESOLUTION   ☐ OTHER:

QUASI-JUDICIAL ☐ YES   ☑ NO

Objective:
Ordinance 14-22 amends Title 8 of the Estes Park Municipal Code (EPMC) pertaining to noise generated by construction, maintenance, or repair activities.

Present Situation:
The EPMC prohibits the generation of construction-related noise between the hours of 9 p.m. and 7 a.m. A waiver or exception process does not exist.

The Technical Advisory Committee (TAC) representing the three partner agencies working on the Downtown Estes Loop (DEL) have proposed, in the project construction specifications, restrictive seasonal time limitations on the construction activities in the public right of way that may be performed on both Town and CDOT roadways. The intent is to limit the additional adverse business disruption and traffic and pedestrian delays caused by summer construction.

The concept of allowing nighttime construction during the summer in order to expedite project completion was presented to the Transportation Advisory Board on April 20 and May 20, 2022, and to the Town Board at the study session on May 24, 2022.

The TAC has created an estimated sequence of construction activities for the project and concluded that the current restrictions on daytime construction activity will likely extend the completion of the DEL into the summer of 2025. This delay is influenced by the requirements that hot mix asphalt paving and pavement markings be placed only when the air and surface temperatures exceed 50 degrees. This work cannot be pursued in the colder months of late fall, winter, and early spring. The TAC believes the construction completion could be expedited if nighttime construction is permitted.
downtown for this project. No expedited completion date has been identified at this time.

Proposal:
The attached ordinance amends Title 8 of the EPMC pertaining to noises. It gives administrative authority to the Town Engineer to issue a Right of Way Permit that allows construction activity in the public right of way between the hours of 9 p.m. and 7 a.m. The criteria for issuing the discretionary approval are contained in the ordinance and focus on three considerations.

1. A discretionary judgment decision concludes that the nighttime construction will produce fewer cumulative detrimental impacts to the public than delayed completion associated with daytime only construction.

2. The contractor’s work zone illumination plan requires shielded light fixtures to reduce light spillage outside the work zone.

3. The Estes Police Department and the property owners and occupants located within 500 feet of the nighttime work zone receive at least 48 hours’ notice prior to the commencement of nighttime work.

As an additional incentive, CFLHD intends to offer a prorated $1M early completion incentive bonus to the contractor if the work is completed in advance of the completion date to be listed in the contract documents. This will be paid with Federal Land Access Funds, and no additional local match funding is required.

Advantages:
- The proposed code update would empower the Town Engineer to authorize nighttime work to potentially expedite completion of the DEL construction and other future construction activity that meets the eligibility criteria.
- A shorter overall construction disruption period for any project reduces the adverse impacts on roadway users and downtown businesses.
- Shorter construction duration typically translates to lower costs for construction.

Disadvantages:
- Allowing nighttime construction work can frustrate residents living near the construction zone; however, the expedited completion of the project is considered to be a desirable compensation.

Action Recommended:
Public Works staff recommend adoption of Ordinance 14-22 amending Title 8 of the Estes Park Municipal Code pertaining to noises.

Finance/Resource Impact:
This ordinance has no direct cost impact on the Town budget. Implementation of the code change could save construction cost for both the Town on publicly funded projects and residents performing private work in the public right of way. It could also reduce...
revenue losses for businesses impacted by daytime construction activities of long duration near their property.

**Level of Public Interest**
The level of public interest is believed to be low. This may reflect a low level of awareness. After this topic was presented to the Town Board in May, no public feedback was received. Public interest may increase with increased awareness.

**Sample Motion:**
I move for the **approval/denial** of Ordinance 14-22.

**Attachments:**
1. Ordinance 14-22 Amending Title 8 of the Estes Park Municipal Code
ORDINANCE NO. 14-22

AN ORDINANCE AMENDING CHAPTER 8.06 OF THE ESTES PARK MUNICIPAL CODE REGARDING NOISE

WHEREAS, the Board of Trustees of the Town of Estes Park, Colorado has determined that it is in the best interest of the Town to amend certain sections of the Municipal Code of the Town of Estes Park, Colorado.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF ESTES PARK, COLORADO AS FOLLOWS:

Section 1: Ellipses in this ordinance indicate material not reproduced as the Board intends to leave that material in effect as it now reads.

Section 2: Chapter 8.06 of the Estes Park Municipal Code is hereby amended by the addition of underlined material and the deletion of stricken material, to read as follows:

Chapter 8.06 - Noises

8.06.030 - Restrictions on amplified outdoor sound.

It shall be unlawful for any person to make, cause to be made or to permit amplified outdoor sound upon any premises possessed or controlled by such person where such sound occurs between the hours of 10:00 p.m., through 10:00 a.m., of the next day except that on Friday and Saturday nights amplified outdoor sound is permitted until 11:00 p.m. Amplified outdoor sound is also subject to the prohibitions set forth in section 8.06.020.

8.06.040 - Exceptions.

The prohibitions set forth in Subsection 8.06.020(4) shall not apply to sound from:

(6) Any construction, maintenance, or repair activities between 7:00 a.m. and 9:00 p.m., or at other times as may be authorized under section 8.06.045;

8.06.045 - Nighttime construction noise in the right of way.

The prohibitions set forth in section 8.06.020 shall not apply to sound from any construction, maintenance, or repair activities at any time on public right of way, if the Town Engineer specifically approves the sound occurring between 9:00 p.m. and 7:00 a.m. on the permit issued under chapter 12.08 for the work in the right of way. In determining whether to approve such sound, the Town Engineer shall consider:

(a) whether the cumulative detrimental impacts to the public, including
roadway users and adjacent property owners, would be lesser with nighttime construction or, if applicable, with delayed completion of daytime construction; and

(b) whether the nighttime work will comply, as required, with all the Town’s restrictions on exterior lighting, including those applicable to new development under chapter 7.9 of the development code, as shown on a work zone illumination plan.

The permittee must notify the Estes Park Police Department, and the owners and occupants of all properties located within five hundred feet of the work occurring between 9:00 p.m. and 7:00 a.m., of the activities and associated sound. Notice shall be given in the manner identified in the permit, which may include written notice and attempting personal contact at the properties. Notice must be given at least 48 hours prior to the commencement of the work, and the Town Engineer’s approval of the sound shall not be effective until 48 hours after all such notice is given or attempted as specified.

... Section 3: This Ordinance shall take effect and be enforced thirty (30) days after its adoption and publication by title.

PASSED AND ADOPTED by the Board of Trustees of the Town of Estes Park, Colorado this _____ day of __________, 2022.

TOWN OF ESTES PARK, COLORADO

By: ________________________________
    Mayor

ATTEST:

__________________________________
Town Clerk

I hereby certify that the above Ordinance was introduced at a regular meeting of the Board of Trustees on the _____ day of __________, 2022 and published by title in a newspaper of general circulation in the Town of Estes Park, Colorado, on the ___ day of __________, 2022, all as required by the Statutes of the State of Colorado.

__________________________________
Town Clerk

APPROVED AS TO FORM:

______________________________
Town Attorney
Memo

To: Honorable Mayor Wendy Koenig
   Board of Trustees

Through: Town Administrator Machalek

From: Greg Muhonen, PE, Public Works Director

Date: July 26, 2022

RE: Public Works Reorganization

Objective:
The Public Works Department (PWD) purposes an administrative reorganization to structure and resource the Public Works Department to successfully meet the service delivery expectations of the community and the Town Board as set forth in the annual Strategic Plan. The goal is to maintain reasonable and balanced workloads for the Public Works Department staff in order to encourage retention and improve recruitment.

Present Situation:
In 2014 the Public Works Department consisted of 14 employees organized into two Divisions (Operations and Engineering) as shown in the attachment. The passage of the 1A sales tax in 2014 created a new funding stream for street maintenance and trail expansion. This prompted a growth trend in the department that started with adding a new Project Engineer and a new Equipment Operator, and continued with the creation of a Facilities Division supported by a Facilities Manager. The Facilities Division grew to include a Facilities Maintenance worker. A few years later, when floodplain administration was relocated from Community Development to the Public Works Department, the position of Development Review Engineer was added.

The creation and adoption of the Downtown Parking Management Plan in 2018 spawned relocation of transit services from the Events & Visitor Services Department and expanded effort in parking management services, both of which required the support of a new Parking & Transit Manager position.

More recently, the Town adopted a Stormwater Management Plan (2019) and Thumb Open Space Management Plan (2022) which has created a need for more management oversight and long-range planning. Additionally, the Town enacted several operational
changes, such as launching Trailblazer Broadband in the Utilities Department, which expanded the need for Public Works to support the in-house Utilities construction crews. Public Works has expanded equipment maintenance support to the Estes Valley Fire Protection District.

By 2021, the Public Works Department had expanded to 22 employees organized into six Divisions (Parks, Street, Fleet, Facilities, Parking & Transit, and Engineering) as shown in the attachment. The Parks, Street, and Fleet Divisions continued to be overseen by the Operations Manager.

The cumulative impact of these actions is straining the service delivery capabilities of the department. The need to restructure the department has been growing as the department expands to 27 FTE currently in 2022 budget. The existing organizational structure of the Public Works Department has placed all field operations (Fleet, Parks and Streets) under the Operations Manager resulting in work overload and a need for more effective management, planning, and high-level visioning for these three Divisions. Additionally, having one administrative support position does not provide the necessary support breadth and depth of service delivery expected from the department. As a department, we are struggling to complete many of the Strategic Plan Objectives for 2021 and 2022. These performance delivery struggles are expected to compound in the future with the adoption and implementation of a new Facilities Master Plan.

A ripe opportunity to act now exists with increased workload combined with current vacancies in three positions (Facilities Manager, Grants Specialist, Civil Engineer I) and pending vacancies in two other positions due to retirement. The addition of four new positions (three stormwater workers and an engineering inspector/project manager) in the approved 2022 budget further supports the need to evaluate restructuring the department.

**Proposal:**
PWD proposes to reorganize the department into four divisions.

This re-organization will include:

- Eliminating the existing Public Works Operations Manager position and relocating managerial oversight of the three divisions (Parks, Street, Fleet) to other managers.
- Eliminating the existing Parking and Transit Manager position and transitioning responsibilities to:
  - Mobility Services Manager Position (new job description) which will also supervise the Fleet staff and the proposed new Fleet Asset Specialist.
  - Parking and Transit Supervisor Position (new job description)
- Revising the following job descriptions to rebalance and broaden work load responsibility:
  - Facilities Manager position will be restructured to an expanded Facilities and Parks Manager (new job description) who will oversee both the Facilities and Parks staff.
  - The Town Engineer position will have added responsibilities to include oversight of the Streets and Stormwater operations staff.
Grants Specialist job description has been revised to include fiscal as well as administrative duties to support Public Works.

- Adding one new FTE:
  - Fleet Asset Specialist (New position) referenced under Mobility Manager.

The proposal includes the assembly of four primary work groups within the Public Works Department:

1. Administration
2. Mobility Services & Fleet
3. Facilities & Parks
4. Street & Stormwater Engineering & Operations

Overall, a net increase of 1 FTE (Fleet Asset Specialist) is proposed.

<table>
<thead>
<tr>
<th></th>
<th>2022 Budget FTE</th>
<th>Proposed FTE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Operations Manager</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Parking and Transit Manager</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Parking and Transit Supervisor</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Mobility Services Manager</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Facilities and Parks Manager (vacant FM Position)</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Town Engineer</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Grants Specialist</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Fleet Asset Specialist (New Position)</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>5</td>
<td>6</td>
</tr>
</tbody>
</table>

The proposed new FTE for the Fleet Asset Specialist will perform some of the administrative duties once housed under the Operations Manager position, specifically pertaining to fleet management and fleet procurement for the entire organization. The tasks completed by this position are specialized and are not additional duties that can be absorbed by the current positions in Public Works.

Advantages:

- Reassignment of divisional oversight from the Operations Manager to three Managers (Mobility Services Manager, Facilities & Parks Manager, and Town Engineer) is expected to rebalance the workload and deliver greater attention to work groups’ day to day needs, long-term vision, and implementation of annual Strategic Plan Objectives set by the Town Board.
- This structure better fills gaps for service found in our existing structure.
- The additional staff resources reflected in this plan positions the Public Works Department for successful implementation of the recently adopted and pending master plans and interagency agreements.
- This staffing structure equips the Public Works Department to keep pace with growing service demands from internal and external customers.

Disadvantages:

- The proposed restructuring would create a large work team in the Streets & Stormwater Engineering & Operations group. This should be revisited after a
few years of expanded stormwater maintenance efforts and/or in light of creating a potential stormwater utility.

- This plan does not reflect additional staff resources needed to implement the Facilities Master Plan. It may be necessary to hire a limited-term contract Project Manager.

**Action Recommended:**
Public Works recommends the addition of the new Fleet Asset Specialist position and implementation of the new organizational structure in the third quarter of 2022.

**Finance/Resource Impact:**
There are ample funds in the 2022 budget to absorb the cost of the proposed restructuring due to the long duration of vacant positions in the department. The restructuring proposal has an estimated ongoing change in yearly expense up to $100,000 (depending on individual hiring placement in the pay plan and benefits elected).

**Level of Public Interest**
The level of public interest is believed to be low. Existing staff has done an exemplary job of continuing service delivery in spite of the short-staffed condition.

**Sample Motion:**
I move for the approval/denial of one additional staff position, Fleet Asset Specialist in the Public Works Department.

**Attachments:**
1. 2014, 2021, and proposed 2022 organizational charts
2014 Public Works Department Structure

Public Works Director (14 employees)

   Administrative Assistant

   Town Engineer

   Operations Manager

   Street Supervisor

   Parks Supervisor

   Fleet Supervisor

   Two Street Maint Workers

   Three Parks Maint Workers

   Two Mechanics

   Sixteen Seasonal Parks Maint Workers
2021 Public Works Department Structure
Proposed 2022 Public Works Department Structure

DR = direct reports  Blue = existing position  Yellow = future unbudgeted position  Green = revised existing position  Red outline = vacant existing position
Memo

To:          Honorable Mayor Wendy Koenig  
              Board of Trustees
Through:     Town Administrator Machalek
From:        Greg Muhonen, PE, Public Works Director  
              Dan Kramer, Town Attorney
Date:        July 26, 2022
RE:          Resolution 60-22 Amending the Memorandum of Agreement and the  
              Reimbursable Agreement for the Downtown Estes Loop

Objective:
Public Works staff seek Town Board approval of Resolution 60-22, which amends the  
existing Memorandum of Agreement (MoA) and the Reimbursable Agreement (RA) with  
Central Federal Lands Highway Division for the design and construction of the  
Downtown Estes Loop (DEL).

Present Situation:
In 2014 the Town, Central Federal Land Highway Division (CFLHD), Colorado  
Department of Transportation (CDOT), and Rocky Mountain National Park (RMNP)  
Entered into agreements to fund, design, and construct roadway and bridge  
improvements to Elkhorn Avenue, Moraine Avenue, and West Riverside Avenue to  
improve access to RMNP by reducing traffic congestion in downtown Estes Park. This  
route is the primary travel corridor to RMNP. These improvements were to be funded by  
a Federal Lands Access Program (FLAP) grant and CDOT Responsible Acceleration of  
Maintenance and Partnerships (“RAMP”) funds. Construction of the project was  
expected to occur in 2016.

Community controversy and a lengthy process for acquiring additional rights of way for  
the project delayed construction to 2018, then to 2021. New Federal Emergency  
Management Agency (FEMA) modeling and mapping procedures for the revised  
floodplains within the project (triggered by the 2013 flood) further delayed submittal of  
FEMA floodplain permit applications, which has delayed construction to 2022/2023.
In 2019 and 2020, CDOT acquired eight parcels and demolished multiple commercial and residential buildings to provide sufficient area to construct the realignment of West Riverside Avenue and a new bridge over the Big Thompson River. Also in early 2020, the Town requested revisions to the MoA and RA to clarify refinements to the project scope, costs, schedule, and funding responsibility. The Town also requested the insertion of a Taxpayer Bill of Rights (TABOR) clause to confirm in writing that the MoA obligations comply with the provisions of this state law. These changes were approved in Modification 1 to the MoA and Modification 4 to the RA.

At the Town Board Study Session on May 24, 2022, the project Technical Advisory Committee members shared updated estimates on the project’s increased construction cost and extended construction duration expected due to the recent, significant cost escalation of materials and fuel as well as supply chain challenges.

**Proposal:**
The project cannot progress to bidding until sufficient funding is documented to pay for the construction. The attached amended MoA and RA update the project personnel, budget, and schedule, and reflect an increased local funding match in the amount of $500,000 from the Town of Estes Park. The Period of Performance is extended to March 31, 2025. A separate action, under consideration by the Town Board, could allow nighttime construction that could potentially expedite completion of the project. As an additional incentive, CFLHD intends to offer the contractor a prorated bonus payment in the amount of $1M if the project in advance of the completion deadline to be provided in the contract documents. This will be paid with FLAP funds, and no increased local match funding is required. If bids exceed the current revised project budget, another discussion among the project partners will be necessary to determine next steps pertaining to funding and scheduling.

**Advantages:**
- The project benefits are numerous and include relief to the Town’s downtown traffic congestion problems; improved downtown mobility for bicyclists; reduction in downtown flood risk from the Big Thompson River; improved water delivery for fire protection; and closure to property owner uncertainty surrounding the DEL.
- Delaying bidding to September 2022 is expected to deliver more competitive bids for work starting in 2023.

**Disadvantages:**
- Some community members do not support the partner agency’s efforts to build the DEL.
- The construction activity in the heart of downtown is disruptive to businesses and users of the impacted roadways.

**Action Recommended:**
Public Works staff recommend adoption of the amended MoA and RA.
**Finance/Resource Impact:**
The Town has expended no additional funds for this project since the previous quarterly update. The Town remains obligated to pay a local match of $4.2 million (CDOT devolution funds) for the Phase 1 project. An additional contribution from the Town—of up to $500k—is necessary due to a variety of contributing factors discussed at the Study Session on May 24, 202. The additional funds are available in the unallocated General Fund (101) balance. The Town has spent $3,823,977 to date. A total of $10.3 million for this project has been obligated by CFLHD to date.

<table>
<thead>
<tr>
<th>Year</th>
<th>Project Cost</th>
<th>FLAP Share</th>
<th>CDOT Share</th>
<th>Town Share</th>
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<tbody>
<tr>
<td>2014</td>
<td>$17.2 million</td>
<td>$13 million</td>
<td>$4.2 million*</td>
<td>$9,070 (scoping)</td>
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<tr>
<td>2021</td>
<td>$22.58 million</td>
<td>$22 million</td>
<td>$580,000</td>
<td>$4,209,070</td>
</tr>
<tr>
<td>2022</td>
<td>$30.80 million</td>
<td>$25.5 million</td>
<td>$580,000</td>
<td>$4,709,070**</td>
</tr>
</tbody>
</table>

*CDOT RAMP funds donated to Town  **The Town has the option to spend an additional estimated $950k for the milling, overlay, & restriping of West Elkhorn Avenue by this project.

**Level of Public Interest:**
Public Works staff expect a moderate level of public interest in this item.

**Sample Motion:**
I move for the approval/denial of Resolution 60-22.

**Attachments:**
1. Resolution 60-22
2. 2022 Revised Memorandum of Agreement (Modification 2)
3. 2022 Revised Reimbursable Agreement (Modification 5)
4. 2022 Admin Mod #005 signatures for Reimbursable Agreement
RESOLUTION 60-22


WHEREAS, the Town Board desires to amend the existing intergovernmental agreements referenced in the title of this resolution for the purpose of constructing bridge, roadway, and intersection improvements in downtown Estes Park.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF ESTES PARK, COLORADO:

The Board approves, and authorizes the Mayor to sign, the modified intergovernmental agreements referenced in the title of this resolution in substantially the form now before the Board.

DATED this _____ day of ______________, 2022.

TOWN OF ESTES PARK

____________________________
Mayor

ATTEST:

____________________________
Town Clerk

APPROVED AS TO FORM:

____________________________
Town Attorney
FEDERAL LANDS ACCESS PROGRAM
PROJECT MEMORANDUM OF AGREEMENT
Modification 2

Project / Facility Name: Moraine Avenue and Riverside Drive
Project Route: CO FLAP 34(1) & 36(1)
State: Colorado
County: Larimer County

Owner of Federal Lands to which the Project Provides Access: National Park Service
Entity with Title or Maintenance Responsibility for Facility: Town of Estes Park

Type of Work: The project is to include preliminary engineering, construction and construction engineering for the reconstruction on Moraine Avenue and Riverside Drive in the Town of Estes Park. The routes are currently two lane routes at varying widths.

The Schedule A- Downtown Estes Park Loop- Moraine Avenue and Riverside Drive project segment would reconfigure the circulation system through Estes Park by realigning and reconstructing West and East Riverside Drives into a continuous one-way (eastbound) roadway and reconfiguring Elkhorn Avenue/Moraine Avenue to a one-way configuration (westbound) creating one-way couplets through Estes Park that would be US Highway 36. The reconfiguration would also include upgrades to Rockwell Street to accommodate additional traffic from the change of Elkhorn Avenue to one-way in the westbound direction.

In addition, a segment of West Elkhorn Avenue (Option X) was identified as a need following the project application process and programming of Schedule A- Downtown Estes Park Loop- Moraine Avenue and Riverside Drive. The purpose of Option X is to improve the riding surface and to extend the useful life of the pavement as part of the devolution of the U.S. 34 Business Route. This segment of the project will be paid for by the over-match that is provided by the Town of Estes Park. After bids for the construction of Option X are received, if funds are insufficient to cover a minimum match for Schedule A with Option X (17.21% of overall project costs) or if the bids are higher than $1,800,000 for Option X, then the Town will need to fund the additional amount needed to award Option X, if Option X is to be implemented. This Agreement does not obligate (commit to) the expenditure of Federal funds, nor does it commit the parties to complete the project. Rather, this Agreement sets forth the respective responsibilities as the project proceeds through the project development process.
Parties to this Agreement:  Town of Estes Park (TOEP), Colorado Department of Transportation (CDOT), NPS, and Central Federal Lands Highway Division (CFLHD).

The Program Decision Committee approved this project on August 26, 2013.

AGREED:

_________________________________________  Date
Town of Estes Park

_________________________________________  Date
Colorado Department of Transportation

_________________________________________  Date
National Park Service

_________________________________________  Date
Chief of Business Operations,  
Central Federal Lands Highway Division

TOWN OF ESTES PARK

ATTEST:

_________________________________________
Town Clerk

APPROVED AS TO FORM:

_________________________________________
Town Attorney
A. PURPOSE OF THIS AGREEMENT
This Agreement documents the intent of the parties and sets forth the anticipated responsibilities of each party in the development, construction, and future maintenance of the subject project. The purpose of the Agreement is to identify and assign responsibilities for the environmental analysis, design, right-of-way, utilities, acquisition and construction as appropriate for this programmed project, and to ensure maintenance of the facility for public use if improvements are made. The parties understand that any final decision as to design or construction will not be made until after the environmental analysis required under the National Environmental Policy Act (NEPA) is completed (this does not prevent the parties from assigning proposed design criteria to be studied in the NEPA process.) Any decision to proceed with the design and construction of the project will depend on the availability of appropriations at the time of obligation and other factors such as issues raised during the NEPA process, a natural disaster that changes the need for the project, a change in Congressional direction, or other relevant factors.

The modified Memorandum of Agreement for the subject project is further modified by this Modification 2 with additions and deletions displayed as red text and strikethrough text throughout.

If Federal Lands Access Program (FLAP) funds are used for the development or construction of this project, Town of Estes Park, Colorado agrees to provide a matching share equal to 17.21% or more of the total cost of the project, as detailed more fully in Section J below.

B. AUTHORITY
This Agreement is entered into between the signatory parties pursuant to the provisions of 23 U.S.C. 204.

C. JURISDICTION AND MAINTENANCE COMMITMENT
Town of Estes Park, Colorado has jurisdictional authority to operate and maintain the existing facility and will operate and maintain the completed project at its expense.

D. FEDERAL LAND MANAGEMENT AGENCY COORDINATION
Town of Estes Park, Colorado has coordinated project development with the National Park Service. The National Park Service support of the project is documented in the original project application. Each party to this agreement who has a primary role in NEPA, design, or construction shall coordinate their activities with the National Park Service.

E. PROJECT BACKGROUND/SCOPE
Schedule A- Downtown Estes Park Loop- Moraine Avenue and Riverside Drive

The project application for Schedule A was submitted under the FLAP project call for applications in May of 2013.

The project traverses thru the Town of Estes Park via Elkhorn Avenue (US34/36), Moraine Avenue (US 36) and West and East Riverside Drive. The proposed project would reconfigure the circulation system through Estes Park by realigning and reconstructing West and East Riverside Drives into a continuous one-way (eastbound) roadway and reconfiguring Elkhorn Avenue/Moraine Avenue to a one-way configuration (westbound) creating one-way couplets through Estes Park that would be US Highway 36. The reconfiguration would also include upgrades to Rockwell Street to accommodate additional traffic from the change of Elkhorn Avenue to one-way in the westbound direction.
**Roadway.** The West and East Riverside Drive and Ivy Street segments will be reconstructed/realigned using a 25-mph design speed with two 12 foot travel lanes. The application did not include any shoulders but the Town discussed the desire for some sort of on-street bicycle lane, and CDOT standards generally require a minimum 4 foot shoulder. The application shows parallel on street parking on the southern section of the roadway, but no on-street parking on the northern end of Riverside Drive where there are existing driveways, which would lead to backing out onto the US highway.

**Route Segments:**

The project application stated current average daily traffic (ADT) as 10,000 with current seasonal ADT of 17,900 and projected ADT of 14,000 with a projected seasonal ADT of 25,060. These numbers represent the general total ADT through the project area using the existing and proposed roadway segments to travel through Estes Park towards Rocky Mountain National Park. ADT information shown for each roadway segment is an estimation of the current configuration verse proposed project configuration for each segment (Current/Proposed).

**Segment 1: Elkhorn Avenue (US 36/US 34 Business) from E. Riverside Dr. to Moraine Ave.**

Currently two lanes westbound and one lane eastbound with curb and gutter and attached sidewalk/streetscape. The Project will reconfigure this segment by restriping to two lanes in a one-way configuration in the westbound direction expanding to two left turn lanes and one through lane at Moraine Avenue intersection.
Figures 2 and 3 – Existing Elkhorn Avenue
Segment 2: Moraine Avenue (US 36) from Elkhorn Avenue to Crags Dr./W. Riverside Dr.

Currently two lanes southbound and one lane northbound expanded to include an additional northbound lane from Rockwell Street to Elkhorn Avenue. The existing roadway has curb and gutter and attached sidewalk/streetscape. The Project will reconfigure this segment by restriping to two lanes in a one-way configuration in the southbound direction expanded to include a left turn lane in addition to the two through lanes from Elkhorn Avenue to Rockwell Street.

Pedestrian walkway connectivity will be provided by extending the existing sidewalk on the east side of Moraine Ave southward to connect to the proposed sidewalk on the west side of W Riverside Drive described in Segment 3 below. A new enhanced pedestrian crossing equipped with Rectangular Rapid Flash Beacons will be constructed on Moraine Avenue south of Davis Street.

Figures 4 and 5 – Existing Moraine Avenue

Segment 3: W Riverside Dr./Ivy St./E Riverside Dr. (Moraine Ave. to Elkhorn Ave.)
Currently these three roadway segments make up the parallel alternative route to Moraine Avenue/Elkhorn Ave. These segments currently include a northbound and southbound lane with varied on-street and adjacent parking (parallel, diagonal, straight in,
driveways), and sections of curb and gutter and attached sidewalk. The Project will reconstruct and realign these segments into a continuous roadway segment with two northbound lanes with curb and gutter and attached sidewalk, and sections of parallel parking. The proposed project includes creating a new landscaped roundabout intersection of Riverside Drive/Crags Drive/Moraine Avenue to provide eastbound Moraine Avenue traffic a through movement to this segment which will become the northbound section of US 36 through Estes Park.

Figures 6 and 7 – Existing Riverside Drive

Segment 4: Rockwell Street from Moraine Ave to E. Riverside Dr.
Currently one lane from Moraine Avenue for approximately 250 feet to the existing adjacent public parking lots, then one lane eastbound and westbound to East Riverside Drive. The Project will keep this configuration; however, the amount of traffic will greatly increase as this will be the eastbound route for traffic traveling eastbound on Elkhorn Avenue west of Moraine Avenue.

Figures 8 and 9 – Existing Rockwell Street
Segment 5: W. Elkhorn Ave from Moraine Ave to Wonderview Ave
This 1.5 mile long segment of Elkhorn Ave contains one travel lane in each direction and was devolved from CDOT ownership to TOEP ownership to generate local match funds for this project. TOEP has the option to request including in the project design bid drawings a bid alternate consisting of a 2" thick mill-and-overlay hot mix asphalt resurfacing of this segment and the associated restriping. CFLHD is not obligated to award this bid alternate and the Town is not obligated to pay the extra cost if the bid alternate price exceeds $1,800,000. Notwithstanding the foregoing, if this bid alternate would increase TOEP’s local match amount, the Town may agree to further funding of Option X by irrevocably pledging additional present cash reserves toward its additional financial obligations at such time.

Bridge. The project includes the reconstruction of what was the Ivy Street bridge across the Big Thompson River. This new structure will be on a skew and likely need to be raised to provide the same or better clearance above the river. Only roadway resurfacing, striping, and signing changes are proposed at the Rockwell Street and East Riverside Avenue bridges, as they appear to be wide enough to accommodate the project.

![Figure 10 – Existing Ivy Street Bridge](image1.png) ![Figure 11 – Ivy Street Bridge Joint](image2.png)

Roadway segments 1 and 2 are classified as urban minor arterial in rolling terrain with a design and posted speed of 25 mph. Roadway Segments 3 and 4 are classified as urban collector in rolling terrain with a design speed of 25 mph.

Specific areas of concern or areas of required work by functional discipline are as follows:

**Right of Way**
Right of Way mapping of existing parcels/property boundaries is required. There are potentially 5-7 full relocations and 10-20 other partial right-of-way acquisitions, and numerous TCE's. The CDOT will lead the right-of-way acquisition process.

**Utilities**
Numerous utilities will need to be relocated including City wet utilities (water, sanitary sewer) and private dry utilities (electrical, gas, communications). New Street lighting
will be required for the project. Potholes and/or ground penetrating radar will be required to locate utilities.

**Environment and Permits**
Due to the potential for Section 4(f)/6(f), 106 issues and the overall level of change/chance for public concern, an Environmental Assessment is assumed.

**Survey**
Full survey of all roadway segments for this project is required. Use of LIDAR may be used to develop topographical mapping.

**Bridge**
The Ivy Street bridge will be reconstructed on a new alignment; the bridge will be skewed across the Big Thompson River. It is assumed that Ivy Street can be completely closed during construction.

No structural improvements are proposed at the Rockwell Street or East Riverside Road bridges, as they appear to be wide enough to accommodate the project.

**Hydraulics**
The Big Thompson River channel between Ivy St and Rockwell St will be modified to improve hydraulic capacity and provide safe, interactive, recreational human access to the water from the walkway along the west riverbank.

**Highway Design**
This 4R project is short in length but full of challenges from the typical section for a US highway, curvilinear alignment, on-street parking and access, pedestrian movements, and construction phasing.

New traffic signal hardware and software will be installed at four locations: Elkhorn Avenue at Riverside Avenue, Elkhorn Avenue at Moraine Avenue, Moraine Avenue at the Riverwalk pedestrian crossing, and on Riverside Avenue at the Riverwalk pedestrian crossing. A new colored concrete intersection will be provided at Elkhorn/Riverside Avenues.

**Pavements**
E. Elkhorn Ave and Moraine Ave are candidates for mill and overlay. Existing paving should be reused when possible. Pulverized asphalt can be used as high-quality fill or base course in new pavement sections. CDOT design procedures and review will be required for any State Highway pavements.

**Geotechnical**
Field investigations are anticipated for reconfiguration of the Ivy Street bridge and retaining walls at the Moraine Avenue and Riverside Drive intersection. Right-of-entry agreements may be required for the retaining wall boring access. All borings will also
require permitting from the Town of Estes Park and Colorado Department of Transportation (CDOT).

**Option X: Segment 5- West Elkhorn Avenue Pavement Rehabilitation**

This segment was identified as a need following the project application process and programming of Schedule A- Downtown Estes Park Loop- Moraine Avenue and Riverside Drive. The purpose of Option X is to improve the riding surface and to extend the useful life of the pavement as part of the devolution of the U.S. 34 Business Route. Additionally, the installation of signage would improve safety along the roadway.

The Town applied for and received $4.2 million funding under the Colorado Department of Transportation (CDOT) Responsible Acceleration of Maintenance and Partnerships (RAMP) Program for the “devolution” of US 34 Business Route (West Elkhorn) back to Town ownership and maintenance between the Elkhorn/Moraine intersection and Wonderview Avenue. The devolution funds were then used for the required local agency match toward the Downtown Estes Loop FLAP project. The mill and overlay project is proposed to extend the useful life of the pavement as part of the devolution of U.S. 34 Business Route.

**Environment and Permits**
A Categorical Exclusion was performed for this work.
**Survey**
Full survey of all roadway segments for this project is required. Use of LIDAR may be used to develop topographical mapping.

**Highway Design**
The proposed project is composed of milling, overlay, striping, and sign installation within the existing roadway right of way and facility footprint for this 1.3-mile segment along West Elkhorn Avenue. The milling and overlay project is proposed to extend the useful life of the pavement as part of the devolution of U.S. 34 Business Route. New signs would be installed to enhance safety along this segment of the roadway.

**Pavements**
Pavement rehabilitation for West Elkhorn is anticipated to be a mill and overlay. Existing paving should be reused when possible. Pulverized asphalt can be used as high-quality fill or base course in new pavement sections. CDOT design procedures and review will be required for any State Highway pavements.
### F. PROJECT BUDGET

Figures are estimated from assumption in the original Application, Scoping Report, and Project Delivery Documents. Cost(s) are subject to escalation increases, depending on formal programming year.

<table>
<thead>
<tr>
<th>Item</th>
<th>Estimated Cost for CFLHD Performed Services</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preliminary Engineering (PE) and Environmental Compliance PE Subtotal</td>
<td>$4,380,000</td>
<td>Includes $900K for Stream Mitigation</td>
</tr>
<tr>
<td>Schedule A</td>
<td>$4,380,000</td>
<td></td>
</tr>
<tr>
<td>Option X</td>
<td>$400,000</td>
<td></td>
</tr>
<tr>
<td>ROW Acquisition &amp; Utility Relocation ROW Subtotal</td>
<td>$6,920,000</td>
<td>Work conducted under Inter-agency ROW Agreement with CDOT for full acquisition parcels.</td>
</tr>
<tr>
<td>Schedule A</td>
<td>$6,920,000</td>
<td></td>
</tr>
<tr>
<td>Option X</td>
<td>$0</td>
<td>No ROW work required.</td>
</tr>
<tr>
<td>Construction Contract (CN) CN Subtotal</td>
<td>$17,000,000</td>
<td></td>
</tr>
<tr>
<td>Schedule A</td>
<td>$17,000,000</td>
<td></td>
</tr>
<tr>
<td>Option X</td>
<td>$950,000</td>
<td></td>
</tr>
<tr>
<td>Construction Engineering (CE) CE Subtotal</td>
<td>$2,500,000</td>
<td></td>
</tr>
<tr>
<td>Schedule A</td>
<td>$2,500,000</td>
<td></td>
</tr>
<tr>
<td>Option X</td>
<td>$0</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$30,800,000</td>
<td></td>
</tr>
</tbody>
</table>
### Project Budget for Schedule X Only

<table>
<thead>
<tr>
<th>Item</th>
<th>Estimated Cost for CFLHD Performed Services</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preliminary Engineering (PE) and Environmental Compliance</td>
<td>PE Total</td>
<td>$0</td>
</tr>
<tr>
<td>ROW Acquisition &amp; Utility Relocation</td>
<td>ROW Subtotal</td>
<td>$0</td>
</tr>
<tr>
<td>Construction Contract (CN)</td>
<td>CN Subtotal</td>
<td>$1,800,000</td>
</tr>
<tr>
<td>Construction Engineering (CE)</td>
<td>CE Subtotal</td>
<td>$0</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td>$1,800,000</td>
</tr>
</tbody>
</table>

### G. Roles and Responsibilities:

<table>
<thead>
<tr>
<th>Responsible Party</th>
<th>Product/Service/Role</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>CFLHD</td>
<td>• Develop and sign the Project Agreement</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Develop and sign the Reimbursable Agreement</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Manage project development schedule and preliminary engineering costs</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Perform pavement and geotechnical investigations</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Obtain necessary permits</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Prepare environmental documents and make project decisions based on the NEPA documents</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Prepare the PS&amp;E</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Advertise and award the contract. Bids will not be solicited by CFLHD until the TOEP and CDOT have concurred with the plans and specifications.</td>
<td></td>
</tr>
<tr>
<td>Responsible Party</td>
<td>Product/Service/Role</td>
<td>Comments</td>
</tr>
<tr>
<td>----------------------------------------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>-----------------------------------------------------------------------------------------------------</td>
</tr>
</tbody>
</table>
| Town of Estes Park                     | • Review and sign the Project Agreement  
• Review and sign Reimbursable Agreement  
• Review and provide approval for Highway Design Standards  
• Attend reviews and meetings  
• Provide available data on traffic, accidents, material sources, construction costs, and any other relevant information  
• Review the plans and specifications at each phase of the design and provide project development support  
• Public Works Director of TOEP to provide 95% Plans, Specifications, and Estimate Approval for procurement process  
• Provide support to CFLHD, as requested, for the development of environmental documents.  
• Provide ROW and utility information and coordination  
• Provide water source(s) for design and construction use  
• Coordinate utility relocations  
• Obtain permits other than those required for Federal constructed projects                                                                                           | PS&E activities will not commence until agreement(s) are executed                                                                                         |
| Colorado Department of Transportation  | • Review and sign the Project Agreement  
• Attend reviews and meetings  
• Provide available data on traffic, accidents, material sources, construction costs, and any other relevant information  
• Review the plans and specifications at each phase of the design and provide project development support  
• Provide 95% Plans, Specifications, and Estimate Approval                                                                                                  |                                                                                                       |
<table>
<thead>
<tr>
<th>Responsible Party</th>
<th>Product/Service/Role</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• Provide support to CFLHD, as requested, for the development of environmental documents.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Provide ROW and utility information and coordination</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Procure ROW</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Obtain permits other than those required for Federal constructed projects</td>
<td></td>
</tr>
<tr>
<td>National Park Service</td>
<td>• Review and sign the Project Agreement</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Review and comment on environmental documents</td>
<td></td>
</tr>
</tbody>
</table>

H. **ROLES AND RESPONSIBILITIES – SCHEDULE** *(This section may be abbreviated with only a tentative project schedule based on the application pending a more in-depth scoping of the proposed project. If so, a more detailed schedule thereafter should be developed and approved by the parties or the Programming Decisions Committee, as appropriate.)*

<table>
<thead>
<tr>
<th>Responsible Lead</th>
<th>Product/Service/Role</th>
<th>Schedule Start-Finish</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>CFLHD</td>
<td>Project Development Planning</td>
<td>See attached schedule</td>
<td>Project Development Plan</td>
</tr>
<tr>
<td>CFLHD</td>
<td>NEPA</td>
<td></td>
<td>Possible EA</td>
</tr>
<tr>
<td>CFLHD</td>
<td>Engineering Design</td>
<td></td>
<td>Preliminary through Final PS&amp;E</td>
</tr>
<tr>
<td>CFLHD</td>
<td>Geotechnical/ Pavement Investigation and</td>
<td></td>
<td>Perform site investigations and</td>
</tr>
<tr>
<td></td>
<td>Recommendations</td>
<td></td>
<td>provide recommendations</td>
</tr>
<tr>
<td>Responsible Lead</td>
<td>Product/Service/Role</td>
<td>Schedule Start-Finish</td>
<td>Comments</td>
</tr>
<tr>
<td>------------------</td>
<td>----------------------</td>
<td>-----------------------</td>
<td>----------</td>
</tr>
<tr>
<td>TOEP, CDOT</td>
<td>100% PS&amp;E Approval</td>
<td></td>
<td>TEO approval by Public Works Director</td>
</tr>
<tr>
<td>CFLHD</td>
<td>Acquisitions</td>
<td></td>
<td>Design and Construction Contracting</td>
</tr>
<tr>
<td>CFLHD</td>
<td>Construction Administration</td>
<td></td>
<td>Construction Management and Engineering</td>
</tr>
<tr>
<td>TOEP, CDOT</td>
<td>Construction Acceptance</td>
<td></td>
<td>TEO approval by Public Works Director</td>
</tr>
</tbody>
</table>

I. **PROPOSED DESIGN STANDARDS** Final design standards will be determined through the NEPA process.

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Standard CDOT</td>
<td>Possible width exception on Riverside Drive</td>
</tr>
<tr>
<td>Functional Classification</td>
<td>Urban Minor Arterial</td>
</tr>
<tr>
<td>Surface Type</td>
<td>Hot-Asphalt Concrete Pavement</td>
</tr>
<tr>
<td>Design Volume</td>
<td>14,000</td>
</tr>
</tbody>
</table>
### J. FUNDING

<table>
<thead>
<tr>
<th>Funding Source</th>
<th>Estimated Funding</th>
<th>% of Total Project</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal Lands Access Program (FLAP)</td>
<td>$25,510,930</td>
<td>82.8%</td>
<td>FLAP funds are allocated for Schedule A only.</td>
</tr>
<tr>
<td>Town of Estes Park</td>
<td>$4,200,000</td>
<td></td>
<td>Cash Match Contribution:</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Local Matching Share – Town of Estes Park via CDOT RAMP.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Priority of local match is to contribute funds to Schedule A.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Does not include Option X</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Agreement DTFH68-14-E-00004</td>
</tr>
<tr>
<td>Town of Estes Park</td>
<td>$9,070</td>
<td>17.2%</td>
<td>Scoping Agreement DTFH68-13-E-00050 previously contributed to scope the project in 2013.</td>
</tr>
<tr>
<td>Town of Estes Park</td>
<td>$500,000</td>
<td></td>
<td>Shall be paid in the Town Fiscal Year 2022, by December 31, 2022.</td>
</tr>
<tr>
<td>Colorado Department of Transportation</td>
<td>$580,000</td>
<td></td>
<td>In-Kind Contribution:</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Hazardous Material Abatement for Full-Acquisition Parcels</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Demolition of Buildings for Full-Acquisition Parcels</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Legal Fees and Settlement Costs for Seven Full-Acquisition Parcels</td>
</tr>
<tr>
<td><strong>Total For Schedule A</strong></td>
<td><strong>$30,800,000</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total for Option X Paid for by Town of Estes</strong></td>
<td><strong>$1,800,000</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The funding priorities for the project is Schedule A, followed second by Option X. If during the implementation of the project it is determined that the total project cost exceeds $30,800,000, the Central Federal Lands Highway Division, the Town of Estes Park, and the Colorado Department of Transportation mutually agree to award Schedule A if possible within the $30,800,000 funding even if means the Option X cannot be awarded. If insufficient funds exist to award Schedule A, then the Central Federal Lands Highway Division, the Town of Estes Park, and the Colorado Department of Transportation will either mutually agree in writing to reduce the scope of the project, or execute a modification to this agreement to change funding amounts. Currently there is
no funding for Option X. The Town of Estes would need to provide funding prior to award of Option X. Award of this work is optional and contingent upon future written agreement to provide additional funding by the Town of Estes Park prior to award of Option X by CFLHD. In no case will any party’s funding amount be increased without its prior approval.
K. MATCHING SHARE REQUIREMENTS

Town of Estes Park (with previous contribution from the Colorado Department of Transportation) will provide 17.21% of the total Federal Lands Access Program eligible project costs required for the project through construction contract completion, closeout, and resolution of any disputes, in an amount not to exceed that provided in separate funding agreements. Any additional funds that CDOT elects to contribute towards the project will be included as part of the Town of Estes Park’s 17.21% match requirement.

Matching or cost sharing requirements will be satisfied following the obligation of funds to the project as detailed above in Section J.

Matching or cost sharing requirements may be satisfied following the obligation of funds to the project by: allowable costs incurred by the State or local government, cash donations, the fair and reasonable value of third party in-kind contributions (but only to the extent that the value of the costs would be allowable if paid for by the party responsible for meeting the matching share), including materials or services; however no costs or value of third party contributions may count towards satisfying the matching share requirements under this agreement if they have or will be counted towards meeting the matching share requirements under another federal award.

Costs and third party contributions counting toward satisfying a cost sharing or matching requirement must be verifiable from the records of the party responsible for meeting the matching requirements. The records must demonstrate how the value of third party in-kind contributions was derived. Voluntary services sought to be applied to the matching share will be supported by the same methods that the party to this agreement uses to support allocability of personnel costs. Any donated services provided by a third party will be valued at rates consistent with those ordinarily paid by employers for similar work in the same labor market. Supplies furnished will be valued at their market value at the time of donation. Donated equipment or space will be valued at fair rental rate of the equipment or space. All records associated with valuations or costs under section K shall be accessible and be maintained for three years following project close-out.

A Reimbursable Agreement (RA) will be executed to commit the match contribution and initiate project delivery for CO FLAP 34(1) & 36(1). The CFLHD will bill Town of Estes Park upon completion of the work in the RA, as tentatively outlined in the RA. The CFLHD is limited to recovery of the matching share of actual costs incurred, as reflected in the invoice provided by the CFLHD.

The CFLHD shall not incur costs which result in matching funds exceeding the maximum cost stated in the Reimbursable Agreement without authorization by Town of Estes Park in the form of written modification.
L. PROJECT TEAM MEMBERS - POINTS OF CONTACT
The following table provides the points of contact for this project. They are to be the first persons to deal with any issues or questions that arise over the implementation of each party’s role and responsibility for this agreement.

<table>
<thead>
<tr>
<th>Name/Title</th>
<th>Organization</th>
<th>Address/Phone Number/Email</th>
</tr>
</thead>
<tbody>
<tr>
<td>Greg Muhonen</td>
<td>Town of Estes Park</td>
<td>170 MacGregor Avenue Estes Park, CO 80517</td>
</tr>
<tr>
<td>Director of Public Works</td>
<td></td>
<td>(970) 402-7400 <a href="mailto:gmuhonen@estes.org">gmuhonen@estes.org</a></td>
</tr>
<tr>
<td>James Usher</td>
<td>CDOT Region 4</td>
<td>10601 West 10th Street Greeley, CO 80634</td>
</tr>
<tr>
<td>Program Engineer</td>
<td></td>
<td>(970) 350-2176 <a href="mailto:James.usher@state.co.us">James.usher@state.co.us</a></td>
</tr>
<tr>
<td>Cheri Yost</td>
<td>NPS- ROMO</td>
<td>Rocky Mountain National Park Estes Park, CO 80517</td>
</tr>
<tr>
<td>Chief of Planning</td>
<td></td>
<td>(970) 586-1320 <a href="mailto:cheri_yost@nps.gov">cheri_yost@nps.gov</a></td>
</tr>
<tr>
<td>Neil Ogden</td>
<td>CFLHD</td>
<td>12300 W. Dakota Ave. Suite 380 Lakewood, CO 80228</td>
</tr>
<tr>
<td>CFLHD Project Manager</td>
<td></td>
<td>(720) 963-3647 <a href="mailto:neil.ogden@dot.gov">neil.ogden@dot.gov</a></td>
</tr>
</tbody>
</table>

M. CHANGES/AMENDMENTS/ADDENDUMS
The agreement may be modified, amended, or have addendums added by mutual agreement of all parties. The change, amendment, or addendum must be in writing and executed by all of the parties.

The types of changes envisioned include, but are not limited to, changes that significantly impact scope, schedule, or budget; changes to the local match, either in type or responsibility; changes that alter the level of effort or responsibilities of a party. The parties commit to consider suggested changes in good faith. Failure to reach agreement on changes may be cause for termination of this agreement.

A change in the composition of the project team members does not require the agreement to be amended.

It is the responsibility of the project team members to recognize when changes are needed and to make timely notification to their management in order to avoid project delivery delays.

N. ISSUE RESOLUTION PROCEDURES MATRIX
Issues should be resolved at the lowest level possible. The issue should be clearly defined in writing and understood by all parties. Escalating to the next level can be requested by
any party. When an issue is resolved, the decision will be communicated to all levels below.

<table>
<thead>
<tr>
<th>FHWA</th>
<th>Town of Estes Park</th>
<th>CDOT R4</th>
<th>NPS</th>
<th>Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>Neil Ogden, Project Manager</td>
<td>Public Works Director Greg Muhonen</td>
<td>Resident Engineer</td>
<td>Chief of Planning Cheri Yost</td>
<td>30 days</td>
</tr>
<tr>
<td>Wendy Longley, Project Management Branch Chief</td>
<td>Town Administrator Travis Machalek</td>
<td>Program Engineer James Usher</td>
<td>Park Superintendent Darla Sidles</td>
<td>60 days</td>
</tr>
<tr>
<td>Curtis Scott, Chief of Engineering</td>
<td></td>
<td></td>
<td></td>
<td>90 days</td>
</tr>
</tbody>
</table>

**O. TERMINATION**

This agreement will terminate upon 30 calendar days prior written notification to the other party pursuant to the requirements of 2 C.F.R. §200.339. If this agreement is terminated by the Requesting Agency its liability shall extend to 100 percent of actual and reasonable costs of the items/services rendered and the costs of any non-cancelable obligations incurred prior to the effective date of termination. Further, should the Requesting Agency provide notice to terminate this agreement, the Requesting Agency shall, prior to the effective date of the termination, irrevocably pledge funds in the amount of 100 percent of actual and reasonable costs of the items/services rendered and the costs of any non-cancelable obligations incurred prior to the effective date of termination. The irrevocable pledge and repayment of the funds must comply with the provisions of 23 U.S.C. §201(d)(2). If this agreement is terminated by the Servicing Agency its liability shall extend only to the release of its work products and related materials to the Requesting Agency by the effective date of termination.
To: Honorable Mayor Koenig  
Board of Trustees  
Town Administrator  

From: Belle Morris, Chair, Transportation Advisory Board  

Date: July 22, 2022  

RE: Recommendation to Amend Memorandum and Reimbursable Agreements for the Downtown Estes Loop  

Dear Honorable Mayor Koenig and Trustees,  

Since 2013, the Transportation Advisory Board (TAB) has been actively engaged in the process of the Downtown Estes Loop (DEL) funding application, design, planning and public discussions. The partners - Town of Estes Park, Central Federal Land Highway Division (CFLHD), Colorado Department of Transportation (CDOT), and Rocky Mountain National Park (RMNP) - intend to improve access to RMNP by reducing traffic congestion in downtown Estes Park, provide infrastructure improvements, and increase access to Downtown. The Transportation Advisory Board (TAB) recommends the Town pay the increased matching fund of $500,000.

At its regular meeting held on July 20, TAB discussed the history of the project, and its benefits as well as uncertainties. TAB voted 6-1 in favor of amending the agreements to include the Town of Estes Park providing the $500,000 matching fund. The discussion was robust and respectful.

Support:
1. In the past eight years much has already been invested in the DEL, including land acquisition, design and producing construction documents. It would not be prudent to “pull the plug” at this time.
2. The Town would be in breach of contract and would have to make reimbursement payments to cover the engineering and design costs.
3. The Town’s return on investment is substantial. The Town’s share of the total project cost is just over 15 percent while FLAP and CDOT funds amount to almost 85 percent of the total cost.
4. The design and plan include significant improvements to Downtown: reduction of flood risk from Big Thompson River; replacement of two degraded bridges; expansion of Baldwin Park; introduction of bike lanes in the Downtown; reduced congestion; reduced vehicle idling time improves air quality; reduced stop-and-go traffic improves the visitor experience; installation of a roundabout that improves the dangerous Crags Drive intersection; and expanded Downtown area to the south.
5. Encourages competitive construction bids by September 2022.

Concerns:
1. There are uncertainties and potential risks to Downtown businesses with a one-way design encouraging motorists to potentially leave the area.
2. The actual cost of the project is not secured.
3. The return on investment for businesses is uncertain.
TAB is eager for the project to begin the implementation phase. From the beginning, TAB has supported the project and welcomes the final improvements to the Downtown area of Estes Park.

TAB thanks Mayor Koenig and Town Trustees for allowing the opportunity to provide our recommendation.

Sincerely,
Belle Morris

Chair, Estes Park Transportation Advisory Board
Amending Downtown Estes Loop agreement and floodplain risk discrepancies

Rick Grigsby <rg@beyondbb.com>                              Mon, Jul 25, 2022 at 12:06 PM
To: Wendy Koenig <wkoenig@estes.org>
Cc: tmachalek <tmachalek@estes.org>, townclerk <townclerk@estes.org>

July 25, 2022

RE: Amending Downtown Estes Loop agreement and floodplain risk discrepancies

Dear Mayor Koenig,

I hope you are well and thank you for your public service.

I need to brief you of a conflict scenario our community is facing before Resolution xx-22 Amending the Memorandum of Agreement and the Reimbursable Agreement for the Downtown Estes Loop is approved by the Town Board.

AECOM, acting in the capacity as consultant to the Central Federal Lands, has notified me the Downtown Estes Loop Project will elevate flood risks along the Big Thompson River. Specifically, they "identified quantifiable changes to the floodplain limits, floodway limits, and rise in the 1% annual chance water surface elevations along the Big Thompson River as a result of the Estes Park Federal Lands Access Program (FLAP) Loop Project". The elevated flood risk covers our downtown property on East Riverside Drive and vicinity, "generally located between Crags Drive and Riverside Drive along Big Thompson River". AECOM has applied for a Conditional Letter of Map Revision from the Federal Emergency Management Agency on behalf of Central Federal Lands Highway Division to revise Preliminary FIRM Panels 08069C1094G and 08069C1282G to reflect the increases in flood water surface elevations due to the Estes FLAP Loop Project.

Yet in support of the proposed Amendment, Public Works is advising the Board in unequivocal terms that the Downtown Estes Loop is advantageous because the Project will result in "reduction in downtown flood risk from the Big Thompson River".

I can not reconcile these contradictory statements and discrepancies. Can you?

The Preliminary FIRM is presently under review during a 90-day appeal period. The appeal period ends mid August. I’m raising objections in a formal appeal on best available data to show the new flood hazard determinations of the Preliminary FIRM are scientifically or technically incorrect. My appeal includes comments on these federal/local conflicts and requests for review.

By reason of the Downtown Estes Loop Project, at least according to AECOM, the downtown riverside community is facing added risk. It appears the government Project could be taking even more private property and converting it to public use. Please confirm the Amendment provides sufficient funding for additional eminent domain proceedings and related compensation, costs to design and build improvements to minimize the quantifiable increases in flood levels, and Town liabilities for issuing a regulatory floodway permit for an activity that damages private property. Otherwise, before throwing another $500,000 toward a failed agreement, I must object to the Amendment and request you table the Resolution until after the Preliminary FIRM appeal process runs its course and much needed transparency is provided.

Thank you very much in advance for your assistance in sorting out these conflicts and providing me a timely response. Of course, I will be happy to discuss with you and/or the Town Administrator the details of our appeal when complete or at electronic filing.

Rick Grigsby
1950 Cherokee Drive
Estes Park, CO 80517
rkgrigsby@beyondbb.com

Subject: 260 E Riverside Drive
cc: Town Administrator