PARKER
COLORADO

PLANNING COMMISSION MINUTES
March 12, 2020

Vice Chair John Howe called the meeting to order at 7:00 p.m.

The Planning Commission and audience joined in saying the Pledge of Allegiance.

Also, present were Commissioners Richard Foerster, Ruth Ann Nelson and Eliana Burke. Alternate Kimberly Rodell was seated for the vacant position and Alternate Susan Caudill was seated for the absent Commissioner Erik Frandsen. Chair Gary Poole and Alternate Tracie Manske were absent.

ADDITIONS TO OR DELETIONS FROM THE AGENDA
None

APPROVAL OF MINUTES
Commissioner Ruth Ann Nelson moved to approve the February 13, 2020 meeting minutes. Vice Chair John Howe seconded; a vote was taken and passed 6:0.

PUBLIC HEARING: OPENED: 7:02 P.M. PARKER POINTE FILING NO. 1 - Minor Development Plat
Applicant: Parker and Stroh, LLC
Location: Southeast Corner of Parker Road and Stroh Road
Department: Community Development, Paul Workman
TRAKiT No.: SUB19-052

Paul Workman, Planner, presented the staff report for the Parker Pointe Filing No. 1 – Minor Development Plat request. Mr. Workman concluded with the determinations in the staff report and recommended the Planning Commission recommend Town Council approve the minor development plat request.

Commissioners discussed with staff:

- if there were any different referral comments from the previous approval; (*Staff said no, there were not.*)
- if there were any major changes in the request from when last heard; (*Staff said no, there were not.*)

APPLICANT PRESENTATION
None

Commissioners had no questions for the applicant.

PUBLIC COMMENT OPENED

- Michelle Hinerman, 5318 S Telluride Way, Centennial, CO wanted to know if there are prairie dogs on the property and if there will be consideration given to relocation
- Amanda Steinhauser, 9157 Bayou Gulch Road, Parker, CO wanted to know the plan to address red-tailed hawks nesting in trees on the property

PUBLIC COMMENT CLOSED

Staff said the applicant needs to comply with all local, state and federal requirements for prairie dog mitigation; and deferred to the applicant to address the mitigation process.

Staff said the Town and the applicant are aware of the red-tailed hawks' nesting and have been working with the Colorado Parks and Wildlife to determine if and when construction will stop or not occur.

Jerry Davidson, Perception Design Group, Inc., 6901 S Pierce Street, Suite 315, Littleton, CO 80123 said they are aware of the prairie dogs on the property and will comply with local, state and federal regulations. Mr. Davidson said they are working closely with an environmental consultant and the Division of Wildlife concerning the red-tailed hawk; they are aware that if nesting is in progress, construction will need to stop until nesting is completed.

PUBLIC HEARING: CLOSED: 7:13 P.M. PARKER POINTE FILING NO. 1 - Minor Development Plat

PLANNING COMMISSION DISCUSSION

Planning Commissioners discussed the proposed minor development plat request:

- was previously recommended for approval
- meets the Parker 2035 Master Plan criteria and Town standards
- needs to comply with Colorado Parks and Wildlife and US Fish and Wildlife Service requirements

Commissioner Eliana Burke moved that the Planning Commission recommend Town Council approve the Parker Pointe Filing No. 1 – Minor Development Plat. Commissioner Richard Foerster seconded; a vote was taken and passed 6:0.

PUBLIC HEARING: OPENED: 7:15 P.M. DRAFT ORDINANCE - A Bill for an Ordinance to Amend Title 13 of the Parker Municipal Code by the Addition Thereto of a New Section 13.10.250 Entitled Prairie Dog Management

Location: Townwide
Department: Community Development, Bryce Matthews
TRAKiT No.: SUB19-052

John Fussa, Community Development Director, presented the staff report for the draft ordinance regarding prairie dog management. Mr. Fussa concluded with the determinations in the staff report and recommended the Planning Commission recommend Town Council approve the proposed ordinance.

Commissioners discussed with staff:

- the effective date for the ordinance; (*Staff said if Town Council approves the ordinance at the April 6, 2020 meeting, the ordinance will be effective 10 days after that.*)
- if previous applicants are grandfathered prior to the effective date; (*Staff said there will be no grandfathering; upon the effective date, applicants will be bound by the ordinance.*)
- if the proposed ordinance, once effective, would be applicable to previously approved projects, prior to the ordinance effective date, with a subsequent grading permit after the ordinance effective date; (*Staff said in that case, the applicant would be bound by the proposed ordinance for the grading permit, if approved.*)
- who determines relocation is not feasible and give an example; (*Staff said the applicant will be responsible for providing documentation on the infeasibility to relocate for staff review and approval; an example of infeasibility to relocate would be if there is a lack of a proper receiving ground for the prairie dogs.*)
- the time-frame for developer compliance to relocate or use humane extermination; (*Staff said there is no specified time-frame within the ordinance for compliance; Town Council is establishing this first step in prairie dog management in an attempt to strike a balance between relocation and humane extermination. Staff is looking for good faith efforts by developers, realizing implementation of the ordinance will necessitate amendments in the future.*)
- if prior to extermination determination, Colorado Parks and Wildlife and US Fish and Wildlife will be consulted for impacts to other wildlife, as well as prairie dogs and once requirements are met, extermination would be possible; (*Staff said the ordinance states, through referral and in accordance with state and federal designated endangered or threatened species, extermination shall not occur. Staff said if Town Council approves the ordinance staff will create administrative provisions for implementation through certification, check-list and an in-take tracking form available online to ensure applicants take the standards seriously and in a timely manner.*)
- where this ordinance stands relative to peer communities in Douglas County; (*Staff said based on research, the Town of Parker is the first municipality within Douglas County to have prairie dog management regulations directly related to the development process as conditions for approval.*)

- if Douglas County has a similar ordinance; (*Staff said not for development applications but they do have standards, policies and practices with regard to prairie dog management relative to public lands owned and managed by the county.*)

APPLICANT PRESENTATION

None; staff presentation, only.

PUBLIC COMMENT OPENED

The following citizens spoke in support of recommending approval of the ordinance; stating that the ordinance is a good first step that:

- strikes a balance between supporting prairie dogs lives and allowing new development
- stops stigmatizing prairie dogs
- supports attempts to relocate prairie dogs
- supports humane treatment of prairie dog removal
- supports non-toxic prairie dog removal; prevents secondary poisoning of other species
- is a good first effort; suggested establishing clear, relocation criteria and requirements for developers to meet in good faith and eliminate vagueness
- hopefully, will protect other types of wildlife in future ordinances
- suggested in subsection C to modify the word "encourage" to "required to make a good-faith effort"
- suggested put certifications through rigorous review
- encouraged moving forward to strengthen work in environmental conservation

- Mark Snyder, Junior, Ironstone Way, Parker, CO
- LyndaWilson, 11443 E Regency Court, Parker, CO
- Jack Coyne, 19288 E Hickock Drive, Parker, CO
- Jennifer Ready, 11629 Fenwick Circle, Parker, CO
- Alex Austin, 11614 Club Drive, Parker, CO
- Siobhan Roder-Cox, 42943 Vista Ridge Road, Parker, CO
- Peter Ericson, 9272 E Pioneer Drive, Parker, CO

PUBLIC COMMENT CLOSED

Staff response to public comment:

- appreciation for participation and citizen input
- staff researched other Colorado municipalities' prairie dog ordinances to determine various scopes for an ordinance to be adopted by the Town of Parker
- substantive elements in the proposed ordinance are able to be added, deleted or modified in the future
- the proposed ordinance allows for policies and implementation tools to be administratively addressed
- citizen comments will be summarized and forwarded to Town Council for the April 6, 2020 public hearing
- Town Council will be providing future direction

PUBLIC HEARING: CLOSED: 8:02 P.M. DRAFT ORDINANCE - A Bill for an Ordinance to Amend Title 13 of the Parker Municipal Code by the Addition Thereto of a New Section 13.10.250 Entitled Prairie Dog Management

PLANNING COMMISSION DISCUSSION

Planning Commissioners discussed the proposed ordinance:

- by thanking the citizens, staff and Town Council for their participation and input
- takes the first step to create a policy that impacts the humane treatment of prairie dogs
- over time, allows for improvements to the ordinance through policy and implementation tools
- allows for working with the Department of Agriculture, United States Fish and Wildlife Department and Colorado Parks and Wildlife to ensure humane treatment of prairie dogs
- recognizes the reality that relocation of prairie dogs may not always be an option; and in that case provides for non-toxic extermination of prairie dogs
- in commending staff on their work with the proposed ordinance
- looking forward to Town Council's direction regarding the ordinance
- expressing concerns with determining feasibility timing issues for developers
- requesting consideration to changing language from "encourage to" to "required to make a good faith effort"
- by encouraging staff to closely monitor developer's good faith efforts to ensure the effort meets the intent of the proposed ordinance
- as having pride in the Town of Parker taking this first step that shows Town leadership is moving toward keeping harmony with the environment
- as a means to move forward with the ability to improve the language and the ordinance to meet a balance between development and protecting the environment

Commissioner Richard Foerster moved that the Planning Commission recommend Town Council approve an ordinance to Amend Title 13 of the Parker Municipal Code regarding prairie dog management. Commissioner Eliana Burke seconded; a vote was taken and passed 6:0.

PLANNING COMMISSION ITEMS

None

STAFF ITEMS

Bryce Matthews, Planning Manager, advised the Planning Commission that in addition to developing an ordinance on prairie dog management, Town Council directed staff to explore requirements for environmental assessments related to new development applications. Mr. Matthews said that information would be forthcoming to the Planning Commission.

ADJOURNMENT

The meeting was adjourned at 8:08 p.m.

Rosemary Sietsema
Recording Secretary

Gary Poole
Chair