



TOWN COUNCIL STUDY SESSION AGENDA
March 29, 2021
5:00 PM

I. Town Council Items

II. Study Session Items

1. Colorado Senate Bill 21-062 - Tsurapas/Wynn - 10 minutes
2. Engineering/Public Works Contracts Over \$100,000 - Raish - 10 minutes.
3. CDOT/DRCOG Safer Main Streets Grant Update - Hudson - 10 minutes.
4. Wildlife Management Discussion-Environmental Assessment & Prairie Dog Management Ordinance Update - Fussa - 30 minutes
5. Review of Future Council Agendas - Maloney - 30 minutes



MEMORANDUM

TO: Honorable Mayor and Members of Town Council

FROM: Jim Tsurapas, Chief of Police
Jamie Wynn, Assistant Town Attorney

DATE: March 29, 2021

SUBJECT: Colorado Senate Bill 21-062

ISSUE:

To advise Town Council regarding Colorado Senate Bill 21-062 - "Concerning Measures to Reduce Jail Populations"

FISCAL/BUDGET IMPACT:

None.

BACKGROUND:

The Colorado Senate has introduced SB 21-062 - "Concerning Measures to Reduce Jail Populations." This bill effectively eliminates officers' ability to arrest any individuals who have committed a crime unless it is a high-level Felony crime, even if the lower-level crime is serious in nature and potentially even if it is a violent crime. It also prohibits Judges from issuing a monetary bond until a defendant has failed to appear for court proceedings at least 3 times.

There are a number of concerns with respect to increased crime rates if this law passes. Law Enforcement around the state is in opposition to this Bill. The Chiefs and Sheriffs of the 18th Judicial District, which includes the Town of Parker, have signed a position statement opposing Senate Bill 21-062.

RECOMMENDATION:

For informational purposes only.

REQUESTED DIRECTION:

No action necessary. For informational purposes only.

ATTACHMENT:

1. Colorado Senate Bill 2021a_062_01

**First Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 21-0193.02 Michael Dohr x4347

SENATE BILL 21-062

SENATE SPONSORSHIP

Lee,

HOUSE SPONSORSHIP

Benavidez,

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 **CONCERNING MEASURES TO REDUCE JAIL POPULATIONS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill gives a peace officer the authority to issue a summons and complaint for any offense committed in the officer's presence, or if not committed in the officer's presence, for any offense that the officer has probable cause to believe was committed and probable cause to believe was committed by the person charged, unless arrest is statutorily required or the offense is a crime of violence.

The bill prohibits a peace officer from arresting a person based solely on the alleged commission of a traffic offense; petty offense;

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

municipal offense; misdemeanor offense; a class 4, 5, or 6 felony; or a level 3 or 4 drug felony unless:

- A custodial arrest is statutorily required;
- The officer is unable to sufficiently verify the individual's identity absent a custodial arrest;
- The person was convicted for a violation of section 42-4-1301, Colorado Revised Statutes, in the previous 12 months; or
- The offense is a felony or a victims' rights crime, the offense includes an element of illegal possession or use of firearm, the offense constitutes unlawful sexual behavior, or the offense is a violation a temporary or regular extreme risk protection order, a violation of a credible threat to a school, or a violation of eluding in a vehicle and:
 - The arresting officer records in the arrest documents a reasonable suspicion to conclude the person poses a threat to the safety of another, absent custodial arrest; or
 - The arresting officer records in the arrest documents a reasonable suspicion to conclude the person has indicated a clear unwillingness to cease and desist in criminal behavior, absent custodial arrest.

The bill prohibits a court from issuing a monetary bond for a misdemeanor offense; municipal offense; class 4, 5, or 6 felony; or level 3 or 4 drug felony unless the court finds the defendant will flee prosecution or threaten the safety of another and no other condition of release can reasonably mitigate the risk. The bill requires the court to issue a personal recognizance bond when the defendant fails to appear unless the defendant has failed to appear 3 or more times in the case. The bill requires the court to issue a personal recognizance bond in a failure to comply with conditions probation hearing unless it is based on a commission of a new crime.

The bill authorizes sheriffs to actively manage their jail populations in order to keep the population as low as possible while maintaining community safety, including the authority to establish jail admission standards that include offense-based admission standards that limit jail admissions.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 16-2-104 as
3 follows:

4 **16-2-104. Issuance of summons and complaint.** (1) (a) **A**

1 ~~summons and complaint may be issued by any peace officer for an~~
2 ~~offense constituting a misdemeanor, or a petty offense committed in his~~
3 ~~presence or, if not committed in his presence, which he has probable~~
4 ~~cause to believe was committed and probable cause to believe was~~
5 ~~committed by the person charged~~ A SUMMONS AND COMPLAINT MAY BE
6 ISSUED BY ANY PEACE OFFICER FOR ANY OFFENSE COMMITTED IN THE
7 OFFICER'S PRESENCE, OR IF NOT COMMITTED IN THE OFFICER'S PRESENCE,
8 FOR ANY OFFENSE THAT THE OFFICER HAS PROBABLE CAUSE TO BELIEVE
9 WAS COMMITTED AND PROBABLE CAUSE TO BELIEVE WAS COMMITTED BY
10 THE PERSON CHARGED, UNLESS ARREST IS STATUTORILY REQUIRED OR THE
11 OFFENSE IS A CRIME OF VIOLENCE, AS DEFINED IN SECTION 16-1-104 (8.5).

12 (b) A PEACE OFFICER SHALL NOT SUBJECT A PERSON TO A
13 CUSTODIAL ARREST BASED SOLELY ON THE ALLEGED COMMISSION OF A
14 TRAFFIC OFFENSE; PETTY OFFENSE; MUNICIPAL OFFENSE; MISDEMEANOR
15 OFFENSE; A CLASS 4, 5, OR 6 FELONY; OR A LEVEL 3 OR 4 DRUG FELONY
16 UNLESS:

17 (I) A CUSTODIAL ARREST IS STATUTORILY REQUIRED;

18 (II) THE OFFICER IS UNABLE TO SUFFICIENTLY VERIFY THE
19 INDIVIDUAL'S IDENTITY ABSENT A CUSTODIAL ARREST;

20 (III) THE OFFICER HAS PROBABLE CAUSE TO BELIEVE THE PERSON
21 VIOLATED SECTION 42-4-1301 AND PERSON WAS CONVICTED FOR A
22 VIOLATION OF SECTION 42-4-1301 IN THE PREVIOUS TWELVE MONTHS; OR

23 (IV) THE OFFENSE IS A FELONY, A CRIME, AS DEFINED IN SECTION
24 24-4.1-302 (1), THE OFFENSE INCLUDES AN ELEMENT OF ILLEGAL
25 POSSESSION OR USE OF FIREARM, THE OFFENSE CONSTITUTES UNLAWFUL
26 SEXUAL BEHAVIOR AS DEFINED IN SECTION 16-22-102 (9), OR THE OFFENSE
27 IS A VIOLATION SECTION 13-14.5-111, SECTION 18-9-109 (6), OR SECTION

1 42-4-1413 AND:

2 (A) THE ARRESTING OFFICER RECORDS IN THE ARREST DOCUMENTS
3 A REASONABLE SUSPICION TO CONCLUDE THE PERSON POSES A THREAT TO
4 THE SAFETY OF ANOTHER, ABSENT CUSTODIAL ARREST; OR

5 (B) THE ARRESTING OFFICER RECORDS IN THE ARREST DOCUMENTS
6 A REASONABLE SUSPICION TO CONCLUDE THE PERSON HAS INDICATED A
7 CLEAR UNWILLINGNESS TO CEASE AND DESIST IN CRIMINAL BEHAVIOR,
8 ABSENT CUSTODIAL ARREST.

9 (c) THIS SECTION CREATES OBLIGATIONS UPON ARRESTING
10 OFFICERS. THIS SUBSECTION (1) DOES NOT REQUIRE A COURT OR A SHERIFF
11 TO PERFORM A REVIEW TO ENSURE COMPLIANCE WITH THIS SECTION AS IT
12 RELATES TO JAIL ADMISSIONS. THIS SUBSECTION (1) DOES NOT CREATE A
13 PRIVATE RIGHT OF ACTION FOR VIOLATIONS OF THIS SUBSECTION OR
14 PROVIDE A BASIS TO SEEK DISMISSAL OR SUPPRESSION OF EVIDENCE IN A
15 CRIMINAL CASE.

16 (2) Except for penalty assessment notices, which ~~shall~~ MUST be
17 handled according to the procedures set forth in section 16-2-201, a copy
18 of a summons and complaint ~~so issued shall~~ PURSUANT TO THIS SECTION
19 MUST be filed immediately with the county court before which appearance
20 is required, and a second copy ~~shall~~ MUST be given to the district attorney
21 or deputy district attorney for the county.

22 (3) (a) AS USED IN THIS SECTION, "CUSTODIAL ARREST" MEANS
23 WHEN A PEACE OFFICER ARRESTS A PERSON AND TAKES THE PERSON INTO
24 PHYSICAL CUSTODY FOR THE PURPOSE OF TRANSPORTING THE PERSON TO
25 BE HELD IN A CITY, CITY AND COUNTY, OR COUNTY JAIL OR DETENTION
26 FACILITY UNTIL SUCH TIME AS THE PERSON EITHER APPEARS BEFORE A
27 COURT OR IS RELEASED ON BOND.

1 (b) "CUSTODIAL ARREST" DOES NOT INCLUDE:

2 (I) WHEN A PEACE OFFICER TRANSPORTS A PERSON TO A CITY, CITY
3 AND COUNTY, OR COUNTY JAIL OR DETENTION FACILITY IN ORDER TO HAVE
4 THE PERSON SUBMIT TO FINGERPRINTING, PHOTOGRAPHING, DNA TESTING,
5 OR BREATH ALCOHOL TESTING PRIOR TO BEING RELEASED ON A SUMMONS
6 AND COMPLAINT;

7 (II) WHEN A PEACE OFFICER TRANSPORTS A PERSON FOR ANY
8 OTHER LAWFUL PURPOSE OR TO ANY OTHER FACILITY TO WHICH A PEACE
9 OFFICER HAS STATUTORY OR COURT ORDERED AUTHORITY TO TRANSPORT
10 SUCH AS A HOSPITAL OR BEHAVIORAL OR MENTAL HEALTH FACILITY,
11 UNLESS THE PEACE OFFICER INTENDS TO HAVE THE PERSON TRANSPORTED
12 TO BE HELD IN JAIL UPON DISCHARGE FROM SUCH FACILITY.

13 **SECTION 2.** In Colorado Revised Statutes, 16-4-113, **add** (3) as
14 follows:

15 **16-4-113. Type of bond in certain cases.** (3) (a) EXCEPT AS
16 PROVIDED FOR IN SUBSECTION (2) OF THIS SECTION, FOR A DEFENDANT
17 CHARGED WITH A CLASS 4, 5, OR 6 FELONY; A LEVEL 3 OR 4 DRUG OFFENSE;
18 A MISDEMEANOR; OR A MUNICIPAL OFFENSE, A COURT SHALL NOT IMPOSE
19 A MONETARY CONDITION OF RELEASE UNLESS THE COURT FINDS ON THE
20 RECORD THAT THERE IS A SUBSTANTIAL RISK THAT THE DEFENDANT WILL
21 FLEE PROSECUTION OR THREATEN THE SAFETY OF ANOTHER PERSON AND
22 NO OTHER CONDITION OF RELEASE CAN REASONABLY MITIGATE THE RISK.

23 (b) WHEN A DEFENDANT APPEARS BEFORE THE COURT BASED ON
24 A FAILURE TO APPEAR WARRANT, THE COURT SHALL GRANT THE
25 DEFENDANT A PERSONAL RECOGNIZANCE BOND UNLESS THE DEFENDANT
26 HAS FAILED TO APPEAR THREE OR MORE TIMES IN THE CASE OR THE COURT
27 FINDS ON THE RECORD THAT THE DEFENDANT IS LIKELY TO FLEE

1 PROSECUTION.

2 (c) (I) WHEN A PROBATIONER APPEARS BEFORE THE COURT ON A
3 WARRANT FOR FAILURE TO COMPLY WITH CONDITIONS OF PROBATION FOR
4 WHICH THE UNDERLYING BEHAVIOR IS NOT A CRIMINAL OFFENSE, THE
5 COURT SHALL GRANT THE PROBATIONER A PERSONAL RECOGNIZANCE
6 BOND.

7 (II) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (3)(c)(I)
8 OF THIS SECTION, A COURT MAY ISSUE A MONETARY BOND IF THE
9 DEFENDANT HAS ALREADY HAD PROBATION REVOKED FOR FAILURE TO
10 COMPLY IN THAT CASE. NOTHING IN THIS SUBSECTION (3) LIMITS A
11 COURT'S AUTHORITY TO REVOKE PROBATION BASED ON FAILURE TO
12 COMPLY PURSUANT TO SECTION 16-11-206.

13 **SECTION 3.** In Colorado Revised Statutes, **add** 30-10-528 as
14 follows:

15 **30-10-528. Sheriff- jail population management.** THE GENERAL
16 ASSEMBLY ENCOURAGES AND AUTHORIZES SHERIFFS TO ACTIVELY
17 MANAGE THEIR JAIL POPULATIONS IN ORDER TO KEEP THE POPULATION AS
18 LOW AS POSSIBLE WHILE MAINTAINING COMMUNITY SAFETY, INCLUDING
19 THE AUTHORITY TO ESTABLISH JAIL ADMISSION STANDARDS THAT INCLUDE
20 OFFENSE-BASED ADMISSION STANDARDS THAT LIMIT JAIL ADMISSIONS.

21 **SECTION 4.** In Colorado Revised Statutes, 16-5-206, **repeal**
22 (1.5) as follows:

23 **16-5-206. Summons in lieu of warrant.** (1.5) ~~(a) Except in class~~
24 ~~1, class 2, class 3, and class 4 felonies; in crimes described in section~~
25 ~~24-4.1-302 (1), C.R.S.; and in unclassified felonies punishable by a~~
26 ~~maximum penalty of more than ten years, a law enforcement officer may~~
27 ~~issue a summons commanding the appearance of the defendant in lieu of~~

1 a warrant for his or her arrest based on probable cause if:

2 (I) ~~The local district attorney consents to such procedure and has~~
3 ~~developed and approved criteria for the issuance of such a summons~~
4 ~~pursuant to this subsection (1.5);~~

5 (II) ~~There is a reasonable likelihood that the defendant will~~
6 ~~appear;~~

7 (III) ~~The defendant has had no felony arrests during the preceding~~
8 ~~five years;~~

9 (IV) ~~There is no allegation that the defendant used a deadly~~
10 ~~weapon as defined in section 18-1-901 (3)(c), C.R.S., in the commission~~
11 ~~of the crime; and~~

12 (V) ~~There are no outstanding warrants for the defendant's arrest.~~

13 (b) ~~No later than ten days after a law enforcement officer issues~~
14 ~~a summons pursuant to this subsection (1.5), he or she shall deliver a copy~~
15 ~~to the court and to the office of the district attorney where jurisdiction~~
16 ~~lies.~~

17 (c) ~~When the procedure described in this subsection (1.5) is used,~~
18 ~~an information or complaint may be filed in open court on the date~~
19 ~~specified in the summons.~~

20 **SECTION 5. Act subject to petition - effective date.** This act
21 takes effect January 1, 2022; except that, if a referendum petition is filed
22 pursuant to section 1 (3) of article V of the state constitution against this
23 act or an item, section, or part of this act within the ninety-day period
24 after final adjournment of the general assembly, then the act, item,
25 section, or part will not take effect unless approved by the people at the

1 general election to be held in November 2022 and, in such case, will take
2 effect on the date of the official declaration of the vote thereon by the
3 governor.



MEMORANDUM

TO: Honorable Mayor and Members of Town Council
FROM: Spencer Raish, Assistant Traffic Engineer
DATE: March 29, 2021
SUBJECT: Engineering/Public Works Contracts Over \$100,000

ISSUE:

Engineering and Public Works is presenting information related to a contract in excess of \$100,000 for the Townwide Pavement Markings - Crosswalks/Symbols Project. This contract will be included in the Consent Agenda at the April 5, 2021 Council Meeting with a request to approve the contract.

FISCAL/BUDGET IMPACT:

The costs for the contract is included and has been approved through the 2021 budget process. No additional impacts are anticipated at this time.

BACKGROUND:

On an annual basis, the Town of Parker updates/replaces the crosswalk and symbols pavement markings on those streets that show the most wear. The Town's crosswalk and symbols pavement markings inventory includes, but is not limited to, crosswalk bars, lane use arrows and bike symbols. These pavement markings require annual maintenance to ensure their quality and retro-reflectivity due to damage from vehicle tire wear and environmental damage (sun and weather).

The Town specifies thermoplastic and plastic pavement marking materials for crosswalks and symbols due to its superior durability over paint. Installation requires specialty equipment the Town does not possess due to the high capital expense. Therefore, the Town bids this work through qualified area contractors.

Staff identified the roadway segments that required this maintenance and estimated the areas requiring maintenance. These quantities were used as a basis for the public bid process. This contract allows the Town the option to renew for two (2) additional one-year periods subject to a price adjustment.

The Town publicly opened bids on March 16, 2021. Three (3) contractors submitted bids with Kolbe Striping being the lowest responsible bidder at \$176,054.00. Kolbe Striping has completed prior projects for the Town with satisfactory results. Therefore, staff recommends award of this contract.

The bids the Town received were as follows:

Kolbe Striping - \$176,054.00
American Striping - \$176,187.00
Colorado Barricade - \$185,000.00
Engineer's Estimate - \$170,000.00

RECOMMENDATION:

Approve staff placing this item on the Town Council consent agenda for consideration.

REQUESTED DIRECTION:

Approve staff placing this item on the Town Council consent agenda for consideration.

ATTACHMENT:

None



MEMORANDUM

TO: Honorable Mayor and Town Council
FROM: Chris Hudson, Deputy Director of Engineering
DATE: March 29, 2021
SUBJECT: Safer Main Streets Grant Initiative

ISSUE:

Town staff has received feedback from CDOT/DRCOG regarding the Safer Main Streets Initiative Round 1.5 grant application that was made earlier this year. Town Council should decide if they want to accept this funding. If the plan is to accept the funding, design funding should be appropriated mid-2021 so that design can commence in the second half of 2021 in order that the project could be constructed in 2023.

FISCAL/BUDGET IMPACT:

Assuming that the project is something that Town Council wants to proceed with, a mid-year (2021) supplemental budget request would be needed to start design. Design would continue through 2022 with construction anticipated for 2023. The proposed funding is for construction only and is based on a 80/20 (CDOT/Town) split. The Town would be responsible for design and construction management costs, but the bulk of the overall project cost is in the construction of the capital improvements. In addition, the Town would be responsible for the long term maintenance of the proposed sidewalk/trail and pedestrian bridge along Parker Road.

BACKGROUND:

At the July 27, 2020 Study Session, Town staff discussed with Town Council the proposed CDOT/DRCOG Safer Main Streets Initiative grant opportunity. The direction received from Town Council was to apply for \$4 million dollar sidewalk/trail improvement along the east side of Parker Road (State Highway 83) from the Sulphur Gulch Trail to south of Parker Square Drive and this project would include a pedestrian bridge over Sulphur Gulch. This application was done with a 80% (\$3.2-million) CDOT/Federal funding/20% (\$0.8 million) Parker (local) funding split and was submitted to DRCOG in August.

At the September 28, 2020 Study Session, Town staff followed up with Town Council on the initial feedback received from DRCOG/CDOT that the application might receive funding, but it was not in the initially approved list. Later in the fall of 2020, CDOT staff went back and did a "deeper dive" on the safety aspects of the applications. This "deeper dive" resulted in a different approved initial projects list with the Town's project not being on the initial list. CDOT did not utilize all of their funding with this initial project list and ultimately created a Round 1.5 process for reapplication of non-selected projects or requesting additional funding of the selected projects (some of the initially selected projects were not funded at their full requested amounts).

In early-2021, Town Staff did apply for Round 1.5 consideration with the same project but with additional information on the anticipated safety aspects of the project. Town Staff was informed that the Town's project was selected (along with several other projects). On March 17, the DRCOG Board approved the Round 1.5 projects.

This project is not planned to be constructed until 2023 but design funding will be needed mid-year of 2021 if the project is to be constructed in 2023. The CDOT/DRCOG funding is for construction only and the Town will be funding the design and construction management/inspection for this project. Town Council will need to decide to accept this grant funding. This funding split is better than the 50/50 split that came out of the last DRCOG transportation improvement program (TIP) process for Douglas County projects. It is not currently anticipated that the next TIP cycle will have better than a 50/50 funding split based on current projections for federal and/or state funding.

RECOMMENDATION:

This is a long-term planned Town capital improvement project that was being targeted for the next TIP cycle (2024-2027). It is not anticipated that this funding split will be as advantageous to the Town in the future and staff is recommending that we accept the grant.

REQUESTED DIRECTION:

Direction to follow-up with CDOT/DRCOG.

ATTACHMENT:

None



MEMORANDUM

TO: Honorable Mayor and Members of Town Council
FROM: John Fussa, Community Development Director
DATE: March 29, 2021
SUBJECT: Wildlife Management Discussion-Environmental Assessment & Prairie Dog Management Ordinance Update

ISSUE:

Community Development staff will update the Town Council about wildlife management including a proposed minor revision to the Prairie Dog Management Ordinance and the concept for an Environmental Assessment provision in connection with certain types of development. Staff last discussed wildlife management with the Council at the August 10, 2020 and November 9, 2020 Town Council Study Sessions. The Council took no action at that time, but gave staff the following direction:

1. Prepare a recommendation for the due diligence period in which an applicant shall make a good faith effort to relocate prairie dogs consistent with the Prairie Dog Management Ordinance.
2. Meet with the Developer Liaison Committee to seek their comments and input regarding the concept for an Environmental Assessment provision.
3. Follow-up with Town Council for a continued discussion of #1 - 2 above and direction regarding same.

FISCAL/BUDGET IMPACT:

None

BACKGROUND:

Prior Discussion

Community Development staff has discussed wildlife management with Town Council at the Council's request multiple times during the past two (2) years including at the following Study Sessions:

- July 22, 2019
- September 9, 2019
- September 23, 2019
- February 10, 2020
- August 10, 2020
- November 9, 2020

Context

The Town has experienced substantial growth and development during the past ten (10) years like many communities in the Denver Metro region since the end of the Great Recession. This growth and development has the potential to impact wildlife and wildlife habitat as development proposals are approved and land is disturbed by construction activities. This issue is of concern to a segment of Parker and Douglas County residents who have commented upon it at several Town Council meetings in 2019 - 2020 in connection with public hearings for development projects.

In response, the Town Council directed the Community Development Department to research potential options for how to mitigate the impact of development upon prairie dogs and other wildlife as well as wildlife habitat. Community Development staff presented several options at the July 22, 2019; September 23, 2019; February 10, 2020 and August 10, 2020 Town Council Study Sessions (copies attached). The Town Council gave staff the following direction:

1. Prepare a Prairie Dog Management Ordinance with an emphasis upon humane management and relocation. Staff prepared the Ordinance and it was adopted by Town Council at public hearing on April 6, 2020 (copy attached).
2. Prepare a concept for an Environmental Assessment (EA) provision in the Land Development Ordinance that would apply to certain types of development with the goal of identifying, evaluating and mitigating potential impacts to environmentally sensitive land, wildlife and wildlife habitat (copy attached)
3. Convene a meeting of the Developer Liaison Committee (DLC) to seek their comments and input regarding the concept for an Environmental Assessment. Staff met with the DLC on October 1, 2020 and has had several subsequent conversations with individual members since then.

Staff has also researched the Town Council's question about whether there are other communities in Colorado that have an EA provision and has confirmed that there are other jurisdictions in the State that utilize this planning and environmental assessment tool. This list includes Broomfield, Fountain and Summit County.

Revision to Prairie Dog Management Ordinance

Community Development staff has discussed with the Town Council the need to revise the Prairie Dog Management Ordinance to incorporate a due diligence period in which an applicant should make a good faith effort to relocate prairie dogs consistent with the Prairie Dog Management Ordinance. The recommended concept is summarized as follows:

- Applicant(s) shall indicate with a development application whether the property that is the subject of a proposed development contains prairie dogs
- If the property contains prairie dogs, applicant(s) shall address the Prairie Dog Management Ordinance and indicate how they will comply with the Ordinance during the course of the processing of the application(s). The applicant(s) and/or property owner(s) shall not exterminate prairie dogs located on the property during the course of the processing of an application(s).
- If the relocation of prairie dogs on the property is feasible, the applicant(s) and/or property owner(s) may relocate prairie dogs located on the property in accordance with the Prairie Dog Management Ordinance during the course of the processing of an application(s), but should take care to time the relocation to limit the possibility of prairie

dogs reestablishing on the property.

- If the relocation of prairie dogs on the property is feasible, the applicant(s) and/or property owner(s) may request and obtain administrative approval of their development application for a period not to exceed six (6) months to allow time for the relocation effort and in recognition of the difficulty of obtaining a relocation site.
- If the relocation of prairie dogs on the property is infeasible, the applicant(s) shall comply with the Prairie Dog Management Ordinance regarding humane extermination and shall not humanely exterminate the prairie dogs prior to Town approval of a development application(s) and for a period of not less than 30 days after Town approval of a development application(s). The applicant(s) and/or property owner(s) shall not obtain a grading permit prior to Town approval of a development application(s) and for a period of not less than 30 days after Town approval of a development application(s).

Concept for Environmental Assessment (EA) Provision

Community Development staff has provided a draft of the concept for an EA provision for Town Council review and discussion on March 29, 2021 with this staff memorandum. This topic will constitute the majority of the staff presentation and planned discussion on Monday evening.

The EA concept is summarized as follows:

- The EA provision is a common planning and environmental assessment tool in fairly wide use throughout the U.S. including in Colorado.
- The Town Council directed staff to prepare a concept for an EA provision for review and consideration in 2020. The EA is a mid-way approach between maintaining the status quo, using a limited Phase 1 Assessment approach or considering a complex, potentially burdensome Environmental Impact Statement (EIS) approach. The EA approach was recommended by the Community Development Department after multiple discussions about wildlife management in 2019 and 2020.
- The draft EA is a tool used for assessment, evaluation and mitigation of potential environmental impacts arising from development. It is not intended to slow or stop the Town's future growth and development.
- The draft EA applies to private development proposals only subject to the proposed criteria for applicability.
- The draft EA applies to certain private development proposals only that have potential impacts upon environmentally sensitive areas, land or natural features as well as property with State or Federally designated endangered, threatened or protected species.
- The draft EA requires an applicant(s), with a development proposal(s) that is subject to the provision, to prepare and submit a professionally prepared, technical study to be reviewed concurrently with a development application(s) to the Town.
- The draft EA will have the potential benefit of providing the Town with an additional planning and environmental assessment tool with which to review proposed development applications and identify potential environmental impacts, avoid such impacts where feasible and mitigate such impacts where avoidance is not possible.
- The draft EA will have the potential detriment of affecting the Town's development process by creating additional submittal requirements, increasing the cost of submittals, extending the time frame for development review and potentially creating greater uncertainty in the Town's development process for an applicant(s) who may be subject

to the EA provision.

Staff requests that the Town Council consider the merits of an EA provision; how it affects the Council's goals for future growth and development; and balance or weigh the potential benefits and detriments of such an approach. If Town Council directs that staff proceed with the EA provision, the Community Development Department will work with the Town Attorney's Office, Engineering/Public Works Department and Parks and Recreation Department to prepare an ordinance for Town Council consideration in Q3. It will also be necessary to update the two (2) new Town Council members who will be seated in late May after the April 20, 2021 special election. As a courtesy, staff will also update the DLC once we receive Town Council direction.

RECOMMENDATION:

Request direction to proceed with amendment to Prairie Dog Management Ordinance in Q2 and concept for Environmental Assessment in Q3 (after updating new Town Council Members)

REQUESTED DIRECTION:

Staff requests direction about how to proceed

ATTACHMENT:

1. EA_Revised Draft Concept_TC-SS 3-29-21_PDF.docx
2. Ordinance No. 3.353
3. CD Update_Wildlife_TC SS_9-23-19
4. Staff Memo_Wildlife_TC SS_2-10-20
5. CD_Mid Yr Update_TC_8-10-20_PDF

DRAFT Concept

Town of Parker Environmental Assessment

- (a) Adoption of Environmental Assessment Standards.
- (b) Compliance with Environmental Assessment Standards. The Environmental Assessment Standards shall be applicable to and require the preparation of an Environmental Assessment Study in connection with the following:
 - 1. Properties with environmentally sensitive features such as steep slopes, ridgelines, natural water bodies, wetlands, 100-year floodplain, etc...
 - 2. Properties with federal state designated endangered, threatened or protected wildlife species
 - 3. Properties with known or potential site contamination arising from prior use
 - 4. Properties of 100 acres or greater where a development proposal for Preliminary Site Plan, Site Plan, Minor Development Plat and Sketch or Preliminary Plat will cause disturbance on 50 percent or more of the property.
 - 5. Properties or proposals that involve or raise substantive environmental considerations as determined by the Planning Director
- (c) The Environmental Assessment Standards shall be used by the Town, Planning Commission and Town Council as a tool to evaluate development submittals for the type of projects described herein. The Assessment Standards shall be satisfied by the applicant prior to receiving approval for a development application or proposal subject to the standards herein.

ENVIRONMENTAL ASSESSMENT STANDARDS

Purpose

- A. The purpose of an Environmental Assessment is to determine if a development proposal may have a detrimental impact to the environmental condition and character of the Town or a subarea of the Town. The provisions of this Chapter are intended to achieve the following goals:
 - 1. Implement the Parker 2035 Master Plan Natural Resource Protection policies and recommendations.
 - 2. To ensure that complete information on the potential impacts of the proposed development are available to the Town, Town Council, Planning Commission, Town staff and the public.
 - 3. To ensure that future conservation of the environment, protection of natural resources and mitigation of impacts is considered in the review and approval of certain development proposals. This review should utilize clear and transparent procedures for municipal review and evaluation of the impacts of proposed projects include the consideration of potential alternatives and mitigation measures where deemed necessary.

B. Reserved

Requirements and Applicability

- A. Where required, applications for development shall include the preparation and submission of an Environmental Assessment Study pursuant to Section 13.10.250(b).
- B. When an Environmental Assessment is required, the study should address the following considerations where applicable:
 - 1. A substantial alteration of terrain, environmentally sensitive feature or unique landform such as a peak, ridgeline, steep slope, water body or wetlands as identified in the Parker 2035 Master Plan and associated plans.
 - 2. A direct impact on an identified wildlife habitat, migration corridor, feeding ground or birthing/nesting area where designated endangered, threatened or protected wildlife species exist.
 - 3. Activity or development that will block or substantially diminish view corridors to the west of the Front Range of the Rocky Mountains from adjacent properties and publicly accessible facilities such as parks, open space and Town-owned facilities.
 - 4. Property conditions where there is known or potential site contamination arising from prior use.
 - 5. Commercial or industrial uses where activities or processes result in the discharge of hazardous or toxic substances; excessive emission of smoke, gas, steam, dust or other particulate matter; or substantive impacts related to noise, vibration, odor, discharge of waste or other nuisances.

Section 1.3 - Preparation

- A. An independent, qualified consultant or professional shall prepare the Environmental Assessment Study.
- B. The range of studies needed to develop the technical data for an Environmental Assessment Study shall be determined by the Town in consultation with the applicant and interested parties. Where appropriate, studies may include data from sources such as Colorado Parks and Wildlife, U.S. Fish and Wildlife Service, Parker Water and Sanitation District, Cherry Creek Basin Water Quality Authority, etc....
- C. The Environmental Assessment Study shall summarize the findings and recommendations of the technical and other supporting studies in terms that can be assessed and evaluated by Town officials, external referral review partners, stakeholders and the public. Technical data shall be submitted as supporting documentation. Technical data prepared as a part of any other procedure or requirement of this or of any ordinances or federal, state, county or city regulations also may be used to support the Study.
- D. Contents:
 - 1. The Environmental Assessment Study shall contain information and analysis, in sufficient detail and adequately supported by technical studies to determine if the proposal has a substantial detrimental impact and to evaluate measures to reduce or mitigate such impact(s).

2. The Environmental Assessment Study shall include a general statement identifying and describing the proposed project and its purpose.
3. The Environmental Assessment Study shall include descriptive materials, maps and plans showing the following information:
 - a. Summary of existing conditions as to environmentally sensitive features, wildlife habitat and corridors and view corridors.
 - b. Project boundaries and boundaries of the area within which environmental impact may be substantial. This may include areas outside of the project boundaries if there is reasonable cause to believe the project is likely to have impacts beyond the project boundaries.
 - c. Present and proposed uses of the site.
 - d. Present and proposed zoning of the site.
 - e. A summary of the proposed site development as to number and location of structures, bulk/mass of development, intensity of development, areas to be disturbed and areas to be protected or left undisturbed.
 - f. A list of regulatory or review agencies and approvals or permits to which the proposed development is subject.
4. The analysis portion of the Environmental Assessment Study shall assess the following items in reasonable detail:
 - a. Substantial and adverse impacts that cannot be avoided if the proposal is implemented.
 - b. Possible alternatives to the proposed action.
 - c. Mitigation measures proposed to minimize the impact if alternatives are not feasible.
 - g. Cumulative and long-term effects of the proposal that substantially impact environmentally sensitive features, wildlife habitat and corridors and view corridors.
 - h. A summary indicating whether, on balance, the benefits of the proposed development outweigh any identified substantial, detrimental impacts including consistency with Town development criteria and standards as well as the Parker 2035 Master Plan.
- E. Cost. The applicant shall pay the cost of preparing the Environmental Assessment Study for the proposed development.
- F. Submission. When required, the Environmental Assessment Study shall be submitted to the Town with all required development applications. The Town shall transmit the Study to all applicable federal, state or local agencies for review and comment as deemed necessary.

ORDINANCE NO. 3.353, Series of 2020

TITLE: 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

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF PARKER, COLORADO, ORDAINS:

Section 1. Chapter 13.10 of the Parker Municipal Code is amended by the addition thereto of a new Section 13.10.250, entitled prairie dog management, to read as follows:

13.10.250 Prairie dog management.

(a) Intent. The purpose of this Section is to provide for the humane management of prairie dogs in connection with development. It is the intent of the Town of Parker that prairie dogs shall be managed humanely, with preference given to relocation, if feasible, and if not, humanely exterminated.

(b) Applicability. The provisions contained in this Section are in addition to, and do not supersede, any state or federal rules, regulations or standards concerning the management of prairie dogs. They shall apply to the following application types when prairie dogs are present on a site:

- (1) Demolition permit;
- (2) Grading plan;
- (3) Sketch/preliminary plan;
- (4) Minor development plat;
- (5) Replat; and
- (6) Site plan or preliminary site plan

(c) Relocation. Applicants are encouraged to partner with nonprofit conservation and public interest groups to relocate existing prairie dogs; provided, however, no relocation of prairie dogs shall occur between April 1 and June 1, which is the birthing season.

(d) Use of humane extermination. If relocation of prairie dogs is infeasible or prohibited, except as provided in Subsection (c) above, the applicant shall utilize humane extermination using a licensed professional exterminator to eradicate all or part of a prairie dog colony. All products shall be approved for use by the Colorado Department of Agriculture, U.S. Fish and Wildlife Service, and U.S. Environmental Protection Agency. Humane extermination shall not occur when endangered or threatened species such as the Western Burrowing Owl or Black-Footed Ferret are

present on a site until such species are protected or relocated in accordance with the requirements of the U.S. Fish and Wildlife Service. For purposes of this Section, humane extermination shall include the use of products that (1) are nontoxic (such as carbon dioxide and carbon monoxide); (2) eliminate secondary poisoning; and (3) eliminate impacts to nontarget species.

(e) Certification. As a condition of approval and prior to the commencement of site development, the applicant shall provide a certification in a form acceptable to the Town indicating compliance with the provisions of this Section.

Section 2. Safety Clause. The Town Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Parker, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained. The Town Council further finds that the title to this Ordinance was posted in two public places two days before the Town Council meeting, as provided by Section 7.5e. of the Town of Parker Home Rule Charter.

Section 3. Severability. If any clause, sentence, paragraph or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 4. This Ordinance shall become effective ten (10) days after final publication.

INTRODUCED AND PASSED ON FIRST READING this ____ day of _____, 2020.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

ADOPTED ON SECOND AND FINAL READING this ____ day of _____, 2020.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

APPROVED AS TO FORM:

James S. Maloney, Town Attorney

Town Council Study Session

September 23, 2019

Follow-up Discussion of Wildlife Management



Prairie Dog Management

July 22, 2019 Recommendation

- **Issue:** Growth and development is impacting existing prairie dog colonies and habitat. How to effectively and humanely manage the impacts?
- **Option 1:** Status quo
- **Option 2:** Encourage relocation
- **Option 3:** Encourage relocation, require humane mitigation *Staff recommendation*
- **Option 4:** Require relocation, require humane mitigation



Prairie Dog Management - Potential Approach

- **Intent:** Criteria and standards for the preservation of prairie dogs where appropriate and effective management of prairie dogs in connection with development inc. humane management
- **Applicability:** Applications for property where prairie dogs are present and certain Town approvals sought
- **Mechanism:** Applicant prepares a management plan (MP)
- **Relocation:** Good faith effort required, document in MP
- **Humane Management:** Lethal extermination permitted after good faith effort to relocate as documented in MP
- **Public Notice:** Standard notice w/all applications or additional notice? If additional notice recommend linked to MP
- **Alternative:** Limited text amendment encouraging prairie dog relocation and humane management

Wildlife Management

July 22, 2019 Recommendation

- **Issue:** Growth and development is impacting existing wildlife, wildlife habitat and natural ecosystems. How to protect animals, preserve habitat and provide opportunity for wildlife to re-establish?
- **Option 1:** Status quo
- **Option 2:** Status quo but seek greater review by C.P.W., U.S.F.W. and other relevant entities
- **Option 3:** Create Environmental Assessment Requirement **Staff recommendation**
- **Option 4:** Create Environmental Impact Statement Requirement

Wildlife Management – Environmental Assessment

- **Purpose:** Evaluation of proposal to determine potential to cause significant environmental effects inc. upon wildlife.
- **Threshold:** Significant environmental effects
- **Major Elements:**
 - Need for proposal
 - Alternatives
 - Environmental impact of proposal and alternatives
 - Mitigation of impacts
- **Applicability:** Presence of threatened/endangered wildlife, environmentally sensitive land, migration corridors, site contamination, etc...
- **Other Issues TBD:** Corridor preservation, land use conflicts, mating season protection, mitigation of construction impacts, review by other agencies, etc...
- **Administrative Considerations:** Cost to implement, inter-agency coordination, professional expertise, land use process, staff capacity, etc.

Wildlife Management – Potential Approach #1

- **Environmental Assessment** *Light*
- **Approach:** Modeled on Phase 1 Site Assessment
- **Basis:** Standard scope inc. consultation w/ property owner and stakeholders, review of records, site inspection, governmental regulations review, use analysis w/mapping, etc...
- **Outcome:** If known or likely environmental effects, proceed to version of Phase II Site Assessment
- **Phase II Site Assessment:** Further analysis of environmental effects, alternatives and mitigation

Wildlife Management – Potential Approach #2

- **Standard Environmental Assessment**
- **Approach:** General project review w/a more detailed analysis of proposal for potential environmental effects. Originated from NEPA
- **Major Elements of Review:**
 - Project purpose
 - Project need
 - Alternatives analysis
 - Potential environmental effects, impacts
 - Mitigation options
 - Additional approvals, clearances and permits required
 - Public comment and input
 - Mapping and supporting information
- **Outcome:** If known or likely environmental effects, identify mitigation actions or alternatives to address effects
- **Follow-up:** Coordinate w/development application review and incorporate mitigation where feasible



Wildlife Management

Next Steps if Town Council directs action:

Prairie Dog Management

- Draft ordinance w/Town Attorney's Office
- Consult w/Council
- Public hearing on proposed ordinance(s)

Wildlife Management

- Draft ordinance w/Town Attorney's Office
- Determine public outreach inc. DLC, other stakeholders
- Consult w/Council
- Public hearing on proposed ordinance(s)

Proposed Completion

- Q1 2020





MEMORANDUM

TO: Honorable Mayor Waid and Members of Town Council
FROM: John Fussa, Community Development Director
DATE: February 10, 2020
SUBJECT: Wildlife Management/Environmental Assessment Follow-Up

ISSUE:

Community Development staff last presented on the topic of wildlife management and Environmental Assessment (EA) at the September 23, 2019 Town Council Study Session. The Council took no action at that time but gave staff the following direction:

1. Revise the concept for management of prairie dogs to be simpler with an emphasis upon humane management;
2. Address several comments and questions about the concept for an EA provision in the Land Development Ordinance.

Staff will update the Town Council in follow-up to their direction at the September 23, 2019 meeting.

FISCAL/BUDGET IMPACT:

None

BACKGROUND:

The Town has experienced substantial growth and development during the past five to ten years like many communities in the Denver Metro region since the end of the Great Recession. This growth and development has the potential to impact wildlife and wildlife habitat as development proposals are approved and land is disturbed by construction activities. This issue is of concern to a segment of Parker and Douglas County residents who have commented upon it at Town Council meetings in 2019 in connection with public hearings for development projects.

In response, the Town Council directed the Community Development Department to research potential options for how to mitigate the impact of development upon prairie dogs and other wildlife as well as wildlife habitat. Community Development staff presented several options at the September 23, 2019 Town Council Study Session (copy attached). Council took no action at that time but gave staff the following direction:

1. Revise the concept for management of prairie dogs to be simpler with an emphasis upon humane management;

2. Address several comments and questions about the concept for an Environmental Assessment (EA) provision in the Land Development Ordinance. The principal question was *"Are there other communities in Colorado that have adopted an EA provision to assist in the evaluation of development proposals?"*

Staff has attached a draft of the revised, simpler concept for prairie dog management for Town Council review.

Staff has researched the question of other communities in Colorado that have an EA provision and has confirmed that there are other jurisdictions in the State that utilize this planning and assessment tool. We have provided an example of an EA ordinance from the City of Fountain as an example (copy attached).

The other questions to be discussed include:

1. If Town Council supports the EA concept, should it be developed into an ordinance now or folded into the LDO Modernization project?
2. Should an EA provision be narrowly focused upon wildlife and wildlife habitat or more broadly constructed to address other issues such as contaminated sites, view corridors, ridgeline preservation, etc....?
3. The EA provision should include criteria for applicability but is Town Council supportive of some level of staff discretion?
4. Does the Town Council view the goal of an EA provision as preservation (of wildlife or natural features), mitigation (of impacts) or both depending upon the issue?
5. Does the Town Council wish to have staff discuss the EA provision with the DLC at the appropriate point?

RECOMMENDATION:

1. Staff recommends proceeding with an ordinance implementing the revised, simpler concept for prairie dog management subject to Council revisions and direction.
2. Staff recommends proceeding with the EA concept and preparation of a draft ordinance for further review and discussion.

REQUESTED DIRECTION:

Update to Town Council and request for direction

ATTACHMENT:

1. CD Update_Wildlife_TC SS_9-23-19
2. Final_Concept_Revised_Prairie Dog Mgmt_2-10-20
3. EA_Ordinance_Fountain

Town Council Study Session

September 23, 2019

Follow-up Discussion of Wildlife Management



Prairie Dog Management

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Wildlife Management

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- **Other Issues TBD:** Corridor preservation, land use conflicts, mating season protection, mitigation of construction impacts, review by other agencies, etc...
- **Administrative Considerations:** Cost to implement, inter-agency coordination, professional expertise, land use process, staff capacity, etc.

Wildlife Management – Potential Approach #1

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 - Mitigation options
 - Additional approvals, clearances and permits required
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 - Mapping and supporting information
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Wildlife Management

Next Steps if Town Council directs action:

Prairie Dog Management

- Draft ordinance w/Town Attorney's Office
- Consult w/Council
- Public hearing on proposed ordinance(s)

Wildlife Management

- Draft ordinance w/Town Attorney's Office
- Determine public outreach inc. DLC, other stakeholders
- Consult w/Council
- Public hearing on proposed ordinance(s)

Proposed Completion

- Q1 2020



REVISED DRAFT

Prairie Dog Management

- A. Intent: The purpose of this Section is to provide for the humane management of prairie dogs in connection with development. It is the intent of the Town of Parker that prairie dogs shall be managed humanely, with preference given to relocation, if feasible, and if not, humanely exterminated.
- B. Applicability: The provisions contained in this Section are in addition to, and do not supersede, any state or federal rules, regulations or standards concerning the management of prairie dogs. They shall apply to the following application types when prairie dogs are present on a site:
 - 1. Demolition Permit
 - 2. Grading Plan
 - 3. Sketch/Preliminary Plan
 - 4. Minor Development Plat
 - 5. Replat
 - 6. Site Plan or Preliminary Site Plan
- C. Relocation: Applicants are encouraged to relocate existing prairie dogs, provided however, no relocation of prairie dogs shall occur between April 1 and June 1, which is the birthing season.
- D. Use of Humane Extermination: If relocation of prairie dogs is infeasible or prohibited except as provided in subsection (c), the applicant may utilize humane extermination using a licensed professional exterminator to eradicate all or part of a prairie dog colony. All products shall be approved for use by the Colorado Department of Agriculture, U.S Fish and Wildlife Service and U.S. Environmental Protection Agency. Humane extermination shall not occur when endangered or threatened species such as the Western Burrowing Owl or Black-Footed Ferret are present on a site until such species are protected or relocated in accordance with the requirements of the U.S. Fish and Wildlife Service. For purposes of this section, humane extermination shall include the use of products that (1) are non-toxic (such as carbon dioxide and carbon monoxide), (2) eliminate or reduce secondary poisoning, and (3) eliminate or reduce impacts to non-target species.
- E. Certification: As a condition of approval, the applicant shall provide a certification to the Town indicating compliance with the provisions of this Section.

C. Within thirty (30) days after notification of violation of conditional use approval, the applicant shall rectify the violation. Upon completion of any required changes, the applicant shall notify the Zoning administrator in writing that said changes have been made.

D. Failure of the applicant to rectify said violations within thirty (30) days shall be cause for cancellation and revocation of the conditional use approved by the city council. A revocation hearing shall be conducted by the city council prior to any revocation. Notice of the hearing shall be provided as required by subsection (B) above. The revocation of the conditional use approval shall require the applicant to vacate the premises of or stop the use authorized by the conditional use approval. After revocation, the applicant may reapply for approval of a conditional use pursuant to the procedures outlined in this chapter.

E. Resubmittal of Denied Application. Same as the reconsideration requirements for zoning and rezoning requests.

Chapter 17.57 Environmental Assessment Study

Section 17.570 Purpose of Provisions

A. The purpose of an environmental assessment study is to determine if a land development proposal may affect to any significant degree the quality of the environment in the city. The provisions of this chapter achieve the following objectives:

1. To ensure that complete information on the effects of the proposed development is available to the Zoning administrator, the planning commission, city council and the public.
2. To ensure that long-term protection of the environment is a criterion to be considered in development planning, and that land use and development decisions, both public and private, take into account the relative merits of possible alternative actions.
3. To provide procedures for local review and evaluation of the impacts of proposed projects prior to granting of permits or other authorization for commencement of building and development.

Section 17.571 Required When; Applicable Projects Designated

A. The Zoning administrator, planning commission or Zoning administrator may require an environmental assessment study for any land development application. Conditions under which an environmental assessment study may be necessary include but are not necessarily limited to any significant impact defined as:

1. A major or unnecessary altering of an ecological unit or landform, such as a ridgeline, saddle, draw, ravine, hillside, cliff, slope, creek, marsh, watercourse or other natural landform feature.
2. A direct or indirect affect on an identified wildlife habitat, feeding ground or nesting ground.
3. An impact on the appearance or character of a significant scenic area, cultural or historic resource as identified by the Colorado State Historical Society or other recognized preservation organization.

4. Earth moving or other landform change that will cause landslides, or further the siltation, settlement, or flooding and thereby create a greater hazard to health and safety.
5. Hydrologic conditions, such as surface drainage and watershed characteristics, groundwater and soil permeability characteristics, natural water features and characteristics and any potential changes or impacts.
6. Geologic conditions, such as landforms, slope, soil characteristics, potential hazards and any potential changes or impacts.
7. Circulation and transportation conditions, such as volumes and traffic-flow patterns, alternative transit systems and potential changes or impacts to the region's investment or planned investment in transportation systems.
8. The discharge of toxic or thermally abnormal substance or use of herbicides or pesticides, or the emission of smoke, gas, steam, dust or other particulate matter.
9. Any waste treatment, cooling or settlement pond, or transportation of solid or liquid wastes to a treatment or disposal site.
10. The discharging of significant volumes of solid or liquid wastes.
11. A substantial increase in demand on existing or planned sewage disposal, storm drainage or other utility systems to a level, which is likely to cause an adverse impact on the environment or require new plant investments or improvements.

Section 17.572 Preparation

A. An independent, qualified professional consultant or personnel shall prepare the environmental assessment study.

B. The range of studies needed to develop the technical data for an environmental assessment study require natural systems and other studies as determined by the Zoning administrator. Where feasible, studies may include secondary data from such sources as the Colorado Department of Transportation, the Colorado Division of Wildlife, data collected and updated by the Pikes Peak Regional Council of Governments, studies commissioned by the Regional Flood Management District, USGS or other studies.

C. The environmental assessment study shall summarize the findings and recommendations of the technical and other supporting studies in terms that can be assessed and evaluated by city officials and the general public. Technical data shall be submitted as supporting documentation. Technical data prepared as a part of any other procedure or requirement of this or of any ordinances or federal, state, county or city regulation also may be used to support the environmental assessment study.

D. Contents.

1. The environmental assessment report study shall contain information and analysis, in sufficient detail and adequately supported by technical studies, to enable the Zoning administrator, planning commission and the city council to judge the impact of the proposal and to judge measures proposed to reduce or negate any harmful impacts.
2. The environmental assessment study shall include a general statement identifying and describing the proposed project and its purpose.

3. To the extent that such items are not otherwise included in other materials submitted with any application or preliminary site development plan descriptive materials, maps and plans shall be submitted showing the following information:
 - a. Project boundaries and boundaries of the area within which environmental impact is likely to be significant, (may include areas outside of the project boundaries if there is reasonable cause to believe the project is likely to have impacts greater than the project boundaries).
 - b. Present and proposed uses of the site.
 - c. Present and proposed zoning of the site.
 - d. Quantitative information relative to the development, such as site area, numbers of residential units, proposed height and bulk of buildings, building floor area in square feet and such other data as will contribute to a clear understanding of the scale of the development.
 - e. A list of regulatory or review agencies and the specific regulations to which the proposed development will be subject.
4. The environmental assessment study shall include an inventory, providing reasonably complete information on the environmental setting existing prior to the proposed development and containing sufficient information to permit independent evaluation by reviewers of factors that could be affected by the proposed development.
5. The analysis portion of the environmental assessment study shall assess the following items in reasonable detail:
 - a. Adverse effects, which cannot be avoided if the proposal is implemented.
 - b. Mitigating measures proposed to minimize the impact.
 - c. Cumulative and long-term effects of the proposal, which significantly reduce or enhance the state of the environment.
 - d. Possible alternatives to the proposed action.
 - e. Irreversible environmental changes resulting from implementation of the proposal.

E. Cost. The applicant shall pay the cost of preparing the environmental assessment study for the proposed development.

F. Submission. When required, the environmental assessment study, shall be submitted to the Zoning administrator with any land development application. The Zoning administrator shall prescribe the number of copies to be submitted. The Zoning administrator shall transmit the report to applicable federal, state or county agencies for review and comment.

Chapter 17.58 Rezoning Procedures and Amendments

Section 17.580 Initiation of Procedures

A. The procedure for rezoning property may be initiated by the city council, planning commission, Zoning administrator, any citizen of the city, or any landowner within the city.

Town Council Study Session Community Development Update

August 10, 2020

COMMUNITY DEVELOPMENT
DEPARTMENT



PARKER
C O L O R A D O

2020 Mid-Year Summary

- Temp. Patio Extensions: 16 (0 pending)
- Single-Family Permits: 154 (<2019)
- Multi-Family Permits: 9 for 204 MFR (<2019)
- Commercial Permits: 401 (>2019)
- Total Permits: 2,023 (>2019)
- Total Valuation: \$90,967,265 (<2019)
- Total Inspections: 14,195 (<2019)
- Development Applications: 80 (<2019)
- Development Approvals: 66 (>2019)
- Development Pre-Applications: 37 (<2019)



Town Administrator's Report Summer 2020



PARKER
COLORADO

Town of Parker
20120 E. Mainstreet
Parker, CO 80138

Tel: 303.841.0353
Fax: 303.805.3153
townadministrator@parkeronline.org

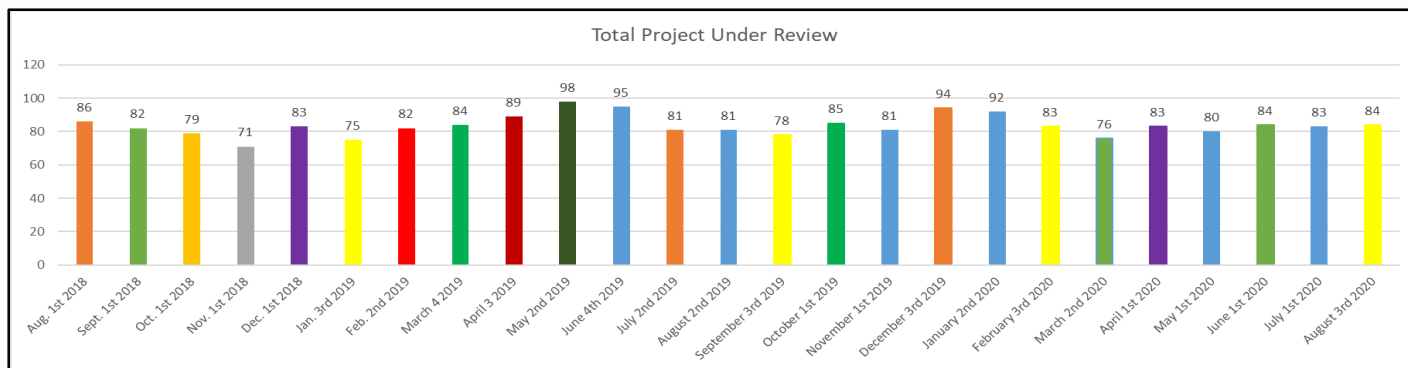
COMMUNITY DEVELOPMENT
DEPARTMENT



PARKER
COLORADO

2020 Mid-Year Trends

- National recession impacting CO
- Impact on development trends uncertain
- All active construction projects continue
- Most approved development projects advancing
- Most submitted development projects advancing
- Continued development interest
- Residential: activity remains strong
- Commercial: activity weakening
- Lt. Industrial: activity weak



Major Project Update – Construction

- Compark: EDGE 470
- Crown Point: Parker Adventist MOB, St. Johns Hotel
- Downtown: No activity
- Parker Rd: Compass CU, Big Tool Box
- Stroh Ranch: Lemn Academy, South Range Crossing, Sunmarke
- Southwest: Meadowlark, Trails@Crowfoot, Looking Glass
- Westcreek: Century Condos



COMMUNITY DEVELOPMENT
DEPARTMENT



PARKER
COLORADO

Planned Commercial Projects

- Douglas 234
- Eisenberg MXD
- E-470 Service Plaza
- Horseshoe Ridge Commercial
- Kaiser Permanente MOB
- NE Corner Parker/Ponderosa
- Havana Café
- Wild Goose Saloon
- QuikTrip Convenience/Gas
- West End MXD
- Chase Bank



COMMUNITY DEVELOPMENT
DEPARTMENT



PARKER
COLORADO

Planned Residential Projects

- Anthology North
- Compark Village South
- Chambers Highpoint
- Looking Glass Segment 2
- Newlin Crossing: SFR
- On Hold: Kime Ranch, Vantage Pt. Phase 2, Senderos Creek North



Community Development Projects

- Land Development Ordinance Modernization
- Chambers-Hess Subarea Plan
- Parker-Pine Subarea Plan
- Updated Parks Dedication Ordinance
- Bowey Annexation
- Noise Ordinance Amendment: consultant procurement
- Parking Fee In-Lieu Ordinance



COMMUNITY DEVELOPMENT
DEPARTMENT



PARKER
COLORADO

Environmental Assessment (EA)

- Discussed w/Town Council 2019-2020
- Issue(s): Growth, development is impacting wildlife, wildlife habitat and natural features
- Options Discussed:
 - No action
 - Increased Coordination w/CPW,USFW
 - **Environmental Assessment**
 - Environmental Impact Statement
- Council directed staff to refine EA concept and return for discussion, direction
- Issues:
 - Applicability? Recommend private development only
 - How Broad? Recommend apply to priority issues only
 - Goal(s)? Recommend identification/mitigation of impacts
 - Next Steps?: Draft ordinance, discuss w/DLC, follow-up w/Council in Sept-Oct.



Looking Ahead

- DCSD School Opening: Temporary bldgs.
- LDO Modernization
- Master Plan Update
- Bike/Ped Plan Update
- Parker Rd. Corridor Plan Follow-up



Title 13

Land Development Ordinance (LDO)

Installment #2: Development Standards
June 2020

CLARION

COMMUNITY DEVELOPMENT
DEPARTMENT



Comments, Questions, Follow-up???



TOWN OF PARKER COUNCIL AGENDA
April 5, 2021

Notes:

Town Council meeting packets are prepared several days prior to the meeting. This information is reviewed and studied by the Councilmembers eliminating lengthy discussions to gain a basic understanding. Timely action and short discussion on agenda items does not reflect lack of thought or analysis on the part of Council.

Ordinances listed for first reading are being approved to introduce them. Public comment will be held upon second reading.

Start times for regular agenda items are tentative; some items may be held earlier than scheduled time.

1. TOWN COUNCIL MEETING SCHEDULE

- A. 5:00 P.M. – Call to Order Town Council Meeting and Roll Call**
- B. Executive Session – Immediately following Call to Order/Roll Call – (See Attached)**
- C. Reconvene Town Council Meeting at 7:00 P.M. or as soon thereafter as the regular public meeting can be conducted.**

2. SPECIAL PRESENTATIONS

- **Senator Smallwood Update - 15 minutes**

3. PARKER CHAMBER OF COMMERCE UPDATES

4. DOWNTOWN BUSINESS ALLIANCE UPDATES

- 5. PUBLIC COMMENTS (No action will be taken on these items.)** *Public Comment is an opportunity for Town residents and other interested individuals to speak about items that are NOT on the agenda. This comment period is limited to 30 minutes total time, with each individual allowed a maximum of 3 minutes to speak. You must sign up ahead of time in order to comment, and that sign up begins 30 minutes before the start of the meeting. The Council will accommodate as many speakers as possible during this time—with preference to Town residents—but if public comment extends beyond the allotted 30 minutes, Town Council will continue the comment period at the end of the meeting, prior to adjourning for those who signed up before the meeting.*

6. REPORTS, ITEMS AND COMMENTS FROM MAYOR AND COUNCIL

7. TOWN ADMINISTRATOR

8. CONSENT AGENDA

Consent Agenda Items are considered to be routine and will be enacted by one motion and vote. There will be no separate discussion of Consent Agenda Items unless Council votes to remove an item for individual discussion. Ordinances on the Consent Agenda are for introduction only and will not be removed for discussion.

- A. APPROVAL OF MINUTES - March 22, 2021 (Continued from March 15, 2021)**

B. *CONTRACTS OVER \$100,000*

1. *2021 Townwide Pavement Markings-Crosswalks/Symbols (CIP21-007)*
 Amount: \$176,054
 Contractor: Kolbe Striping
 Department: Engineering and Public Works, Spencer Raish

2. *Lemon Gulch Trail Low-Water Crossing Design Contract*
 Amount: \$129,783
 Contractor: Muller Engineering Company
 Department: Parks, Recreation and Open Space, Dennis Trapp
 Engineering and Public Works, Chris Hudson

3. *2021 Facility Master Plan*
 Amount: \$330,000
 Contractor: Stantec
 Department: Engineering and Public Works, Jim Gilbert

C. *PROCLAMATION - Building Safety Month*

9. PUBLIC HEARINGS

A. **LINCOLN PROFESSIONAL PARK - Annexation Eligibility Hearing**

Applicant: Ryanne Sass, Plaza Street Partners
Location: Generally located on the southeast corner of Lincoln Avenue and Dransfeldt Road
Department: Community Development, Stacey Nerger
TRAKiT No.: ANX20-006

1. **RESOLUTION NO. 21-018**
 A Resolution to Set Forth Town Council's Findings of Fact and Conclusions as to the Eligibility of the Lincoln Professional Park Property for Annexation into the Town of Parker

B. **ROBINSON RANCH - Use By Special Review**

Applicant: Dr. Lindsay Mamula
Location: Generally located southeast of Parker Road and Hess Road
Department: Community Development, Krista Flynt
TRAKiT No.: Z20-015

10. RESOLUTIONS

RESOLUTION NO. 21-019

A Resolution Approving the Form of Intergovernmental District Facilities Construction and Administrative Services Agreement Between Chambers Highpoint Metropolitan District No. 1 and Chambers Highpoint Metropolitan District No. 2

Department: Town Attorney, Kristin Hoffmann

11. ADJOURNMENT

TOWN OF PARKER COUNCIL AGENDA
April 19, 2021

Notes:

Town Council meeting packets are prepared several days prior to the meeting. This information is reviewed and studied by the Councilmembers eliminating lengthy discussions to gain a basic understanding. Timely action and short discussion on agenda items does not reflect lack of thought or analysis on the part of Council.

Ordinances listed for first reading are being approved to introduce them. Public comment will be held upon second reading.

Start times for regular agenda items are tentative; some items may be held earlier than scheduled time.

1. TOWN COUNCIL MEETING SCHEDULE

- A. 5:30 P.M. – Call to Order Town Council Meeting and Roll Call**
- B. Executive Session – Immediately following Call to Order/Roll Call – (See Attached)**
- C. Reconvene Town Council Meeting at 7:00 P.M. or as soon thereafter as the regular public meeting can be conducted.**

2. SPECIAL PRESENTATIONS

- 3. PUBLIC COMMENTS (No action will be taken on these items.)** *Public Comment is an opportunity for Town residents and other interested individuals to speak about items that are NOT on the agenda. This comment period is limited to 30 minutes total time, with each individual allowed a maximum of 3 minutes to speak. You must sign up ahead of time in order to comment, and that sign up begins 30 minutes before the start of the meeting. The Council will accommodate as many speakers as possible during this time—with preference to Town residents—but if public comment extends beyond the allotted 30 minutes, Town Council will continue the comment period at the end of the meeting, prior to adjourning for those who signed up before the meeting.*

4. REPORTS, ITEMS AND COMMENTS FROM MAYOR AND COUNCIL

5. TOWN ADMINISTRATOR

6. CONSENT AGENDA

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- A. *APPROVAL OF MINUTES - April 5, 2021***

- B. *ORDINANCE NO. 9.328 - First Reading***
A Bill for an Ordinance Approving the Intergovernmental Agreement Between the Town of Parker and the Board of County Commissioners of the County of Douglas County Concerning Lincoln Avenue (Jordan to Parker Road)

Department: Engineering and Public Works, Chris Hudson

Second Reading: May 5, 2021

C. *CONTRACTS OVER \$100,000*

1. *2021 Townwide Concrete Replacement Program (CIP21-006)*

Amount:

Contractor:

Department: *Engineering and Public Works, Danny Smith*

7. **PUBLIC HEARINGS**

A. **PARKER HOMESTEAD FILING 1 LOT 1 – Use by Special Review**

Applicant: **Mohan Muthu, Mitrah Investments and Holdings, LLC**

Location: **Generally located on the west side of Chambers Road north of Double Angel Road**

Department: **Community Development, Stacey Nerger**

TRAKiT No.: **Z20-012**

8. **ORDINANCES**

ORDINANCE NO. 9.136.4 - Second Reading (Continued from March 15, 2021)

A Bill for an Ordinance to Approve the Addendum to Amended and Restated Funding Agreement By and Between the Town of Parker and the Douglas County Emergency Telephone Service Authority Concerning the Hosted 911 NICE Recording Services

Department: **Town Attorney, Jamie Wynn**

9. **RESOLUTIONS**

10. **ADJOURNMENT**