

# CITY OF STEAMBOAT SPRINGS

## **AGENDA**

### REGULAR MEETING NO. 2009-03 TUESDAY, JANUARY 20, 2009

4:00 P.M.

**MEETING LOCATION:** Citizens' Meeting Room, Centennial Hall;  
124 10<sup>th</sup> Street, Steamboat Springs, CO

**MEETING PROCEDURE:** Comments from the Public are welcome at two different times during the course of the meeting: 1) Comments no longer than three (3) minutes on items **not** scheduled on the Agenda will be heard under Public Comment; and 2) Comments no longer than three (3) minutes on all scheduled public hearing items will be heard **following** the presentation by Staff or the Petitioner. Please wait until you are recognized by the Council President. With the exception of subjects brought up during Public Comment, on which no action will be taken or a decision made, the City Council may take action on, and may make a decision regarding, ANY item referred to in this agenda, including, without limitation, any item referenced for "review", "update", "report", or "discussion". It is City Council's goal to adjourn all meetings by 10:00 p.m.

A City Council meeting packet is available for public review in the lobby of City Hall, 137 10<sup>th</sup> Street, Steamboat Springs, CO.

**PUBLIC COMMENT: Public Comment will be provided at 7 p.m., or at the end of the meeting, (whichever comes first).** CITY COUNCIL WILL MAKE NO DECISION NOR TAKE ACTION, EXCEPT TO DIRECT THE CITY MANAGER. **THOSE ADDRESSING CITY COUNCIL ARE REQUESTED TO IDENTIFY THEMSELVES BY NAME AND ADDRESS. ALL COMMENTS SHALL NOT EXCEED THREE MINUTES.**

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#### **A. ROLL CALL (4:00PM)**

- 1. INTERVIEWS:** Summer Marketing Committee.
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## 2. Community Reports (6:00PM)

- a. **PROCLAMATION:** A proclamation recognizing David Kissane for an heroic act on November 11, 2008 in Steamboat Springs, Colorado. (Funston)

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## B. CONSENT CALENDAR: RESOLUTIONS AND ORDINANCES FIRST READINGS

ITEMS ON THE CONSENT CALENDAR GENERALLY REQUIRE LITTLE COUNCIL DELIBERATION AND MAY BE APPROVED WITH A SINGLE MOTION. ANY MEMBER OF THE COUNCIL OR THE PUBLIC MAY WITHDRAW ANY ITEM FROM THE CONSENT CALENDAR FOR FURTHER DISCUSSION AT ANY TIME PRIOR TO APPROVAL.

LEGISLATION

3. **RESOLUTION:** Community Housing Deed Restriction. (Engelken/Foote)
4. **RESOLUTION:** A resolution adopting the 2008 Yampa River Structural Master Plan. (Robinson)
5. **RESOLUTION:** A resolution approving the execution of a grant from Great Outdoors Colorado for the Howelsen Hill Rodeo/Equestrian Facility Master Plan, expressing intent to provide matching funds and assurances, and to authorize the City Manager to sign and execute the grant contract. (DelliQuadri)
6. **FIRST READING OF ORDINANCE:** An ordinance revising Revised Municipal Code Section 25-218, relating to City sewer service rates as it applies to the Mount Werner Water and Sanitation District, Tree Haus District and the Steamboat II Metropolitan District. Providing an effective date and repealing all conflicting ordinances. (Litzau/Shelton)

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## C. PUBLIC HEARING: ORDINANCE SECOND READINGS

THE CITY COUNCIL PRESIDENT OR PRESIDENT PRO-TEM WILL READ EACH ORDINANCE TITLE INTO THE RECORD. PUBLIC COMMENT WILL BE PROVIDED FOR EVERY ORDINANCE.

7. **SECOND READING OF ORDINANCE:** An ordinance approving a lease agreement with the Federal Aviation Administration; establishing an effective date; repealing all conflicting ordinances and resolutions; and providing for severability. (Small)

8. **SECOND READING OF ORDINANCE:** An ordinance approving a lease to the Steamboat Springs Figure Skating Club for office space at the Howelsen Ice Arena and authorizing City Council President to sign lease documents; repealing all conflicting ordinances; providing for severability; and providing an effective date. (Small)
  9. **SECOND READING OF ORDINANCE:** An ordinance approving a lease to the Steamboat Springs Youth Hockey Association for office and storage space at the Howelsen Ice Arena and authorizing City Council President to sign lease documents; repealing all conflicting ordinances; providing for severability; and providing an effective date. (Small)
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- D. PUBLIC COMMENT: Public Comment will be provided at 7 p.m., or at the end of the meeting, (whichever comes first).** CITY COUNCIL WILL MAKE NO DECISION NOR TAKE ACTION, EXCEPT TO DIRECT THE CITY MANAGER. **THOSE ADDRESSING CITY COUNCIL ARE REQUESTED TO IDENTIFY THEMSELVES BY NAME AND ADDRESS. ALL COMMENTS SHALL NOT EXCEED THREE MINUTES.**
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**10. Staff Report: Annexation Draft Fiscal Impact Model.**

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**PLANNING  
PROJECTS**

- E. CONSENT CALENDAR - PLANNING COMMISSION REFERRALS:**  
ITEMS ON THE CONSENT CALENDAR GENERALLY REQUIRE LITTLE OR NO COUNCIL DELIBERATION AND MAY BE APPROVED WITH A SINGLE MOTION. A CITY COUNCIL MEMBER MAY REQUEST AN ITEM(S) BE REMOVED FROM THE CONSENT CALENDAR FOR FURTHER DISCUSSION. **ALL ORDINANCES APPROVED BY CONSENT SHALL BE READ INTO THE RECORD BY TITLE.**
11. **FIRST READING OF ORDINANCE:** An ordinance amending Chapter 26, Article 84 of the Steamboat Springs Revised Municipal Code pertaining to the historic preservation review process for the designation, alteration or demolition of the community's historic resources; establish an effective date; repealing all conflicting ordinances; and providing for severability. (Leeson)

- 12. FIRST READING OF ORDINANCE:** An ordinance of the City of Steamboat Springs, Colorado, amending Section 26-3 of the Steamboat Springs Revised Municipal Code, amending the Steamboat Springs Community Development Code relative to enforcement of Secondary Units, and amending Section 26-402 of the Steamboat Springs Revised Municipal Code, amending the Steamboat Springs Community Development Code relative to the definition of Secondary Unit, repealing all conflicting ordinances; providing for severability; and providing an effective date. (Leeson)
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**F. PUBLIC HEARING – PLANNING COMMISSION REFERRALS**

**PUBLIC HEARING FORMAT:**

- **Presentation by the Petitioner (estimated at 15 minutes). Petitioner to state name and residence address/location.**
- **Presentation by the Opposition.** Same guidelines as above.
- **Public Comment by individuals (not to exceed 3 minutes). Individuals to state name and residence address/location.**
- **City staff to provide a response.**

- 13. SECOND READING OF ORDINANCE:** An ordinance amending Chapter 26 of the Steamboat Springs Revised Municipal Code to allow for decks, covered porches and other similar appurtenances to encroach onto common area established by condominium or townhome subdivision by amending Dimensional Standards Sec. 26-132, standards for all subdivisions Sec. 26-183 and Definitions Sec. 26-402. (Peasley)
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**G. REPORTS**

**14. City Council**

**INTRODUCTION OF TOPICS FOR FUTURE WORK SESSION AGENDAS:**

a. **City Council Introduction and Discussion:**

*Any Council Member may request discussion of any issue. Items cannot be added for action at this meeting.*

b. **City Staff Introduction and Discussion:**

*Any staff member may request discussion of any issue at a future meeting only. Items cannot be added for action at this meeting. Staff will forward a specific request, stating the issue, anticipated outcome, time frame and requested direction from a majority of the Council.*

**15. Reports**

- a. Agenda Review:
    - 1.) City Council agenda for February 3, 2009 (Franklin)
    - 2.) City Council agenda for February 10, 2009. (Franklin)
    - 3.) SSRA agenda for February 10, 2009. (Franklin)
  - b. Staff Reports
  - c. City Attorney's Update/Report. (Lettunich)
  - d. Manager's Report: Ongoing Projects. (DuBord)
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**H. OLD BUSINESS**

**16. Minutes**

- a. Special Meeting SP-2008-18, December 4, 2008. (Franklin)
  - b. Special Meeting SP-2008-19, December 10, 2008. (Franklin)
  - c. Special Meeting SP-2008-20, December 11, 2008. (Franklin)
  - d. Special Meeting SP-2008-21, December 12, 2008. (Franklin)
  - e. Special Meeting SP-2008-22, December 15, 2008. (Franklin)
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**I. ADJOURNMENT**

**BY: JULIE FRANKLIN, CMC**  
**INTERIM CITY CLERK**

# AGENDA ITEM # 1

Interview Schedule for Tuesday, January 20, 2009			
<b>Board/Commission</b>	<b>Name</b>	<b>Time</b>	<b>notes</b>
Summer Marketing	Louise Wu	4:00 PM	
Summer Marketing	Blair McNamara	4:10 PM	
Summer Marketing	Heidi Shurtleff	4:20 PM	Left msg. saying this is the time we scheduled her for.
Summer Marketing	Rob Perlman	4:30 PM	Cowboy Downhill. This time may be a problem. Will not know until that day.
Summer Marketing	Kristal Eckley	4:40 PM	Left msg. saying this is the time we scheduled her for.
Summer Marketing	Scott Flower	4:50 PM	Will be flying in from Chicago on this day. If plane is late he may not make interview.

# Ballot Summer Marketing Committee

Interviews 1/20/2009

Kristal	Eckley	_____
Scott	Flower	_____
Blair	McNamara	_____
Rob	Perlman	_____
Heidi	Shurtleff	_____
Louise	Wu	_____

Applicants are listed in alphabetical order of last name for administrative purposes only.

There are 4 positions open:  
2 seats with marketing background  
and 2 business owner seats

# AGENDA ITEM # 2

## CITY COUNCIL COMMUNICATION FORM

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**FROM:** Julie Franklin, Interim City Clerk (Ext. 248)

**THROUGH:** Wendy DuBord, Interim City Manager (Ext. 219)

**DATE:** January 20, 2009

**ITEM:** A proclamation recognizing David Kissane for an heroic act of saving a fellow class mate by performing the Heimlich maneuver on November 11, 2008 in Steamboat Springs, Colorado.

**NEXT STEP:** To support the proclamation recognizing David Kissane for an heroic act on November 11, 2008 in Steamboat Springs, Colorado.

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DIRECTION  
 INFORMATION  
 ORDINANCE  
 MOTION  
 PROCLAMATION

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I. **REQUEST OR ISSUE:**

A proclamation recognizing David Kissane for an heroic act on November 11, 2008 in Steamboat Springs, Colorado.

II. **BACKGROUND INFORMATION:**

David Kissane and his family will be present to accept the proclamation.

III. **SUMMARY AND ALTERNATIVES:**

Staff recommends City Council support the above noted proclamation.



***A PROCLAMATION RECOGNIZING DAVID KISSANE FOR AN HEROIC ACT ON  
NOVEMBER 11, 2008 IN  
STEAMBOAT SPRINGS, COLORADO***

**WHEREAS**, David Kissane recognized that fellow student Cole Sittig was choking and in trouble during lunchtime at Steamboat Springs Middle School on November 11, 2008; and

**WHEREAS**, David Kissane acted upon the emergency by performing the Heimlich maneuver on Cole Sittig; and

**WHEREAS**, David Kissane's heroic act saved the life of Cole Sittig; and

**WHEREAS**, David Kissane's actions have encouraged and motivated others to act when another member of our community is in need of help; and

**WHEREAS**, David Kissane has set an example of a Good Samaritan approach amongst his peers and towards our community.

**NOW, THEREFORE, BE IT PROCLAIMED**, by the City Council of Steamboat Springs, Colorado, this 20th day of January, 2009 to recognize David Kissane and to thank him for his heroic deed and for this inspiring act in Steamboat Springs, Colorado.

**Attest:**

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Julie Franklin  
Interim City Clerk

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Paul Antonucci, President  
Steamboat Springs City Council

## **AGENDA ITEM # 3**

### **Community Housing Deed Restriction**

This item will be provided under separate cover.

# AGENDA ITEM # 4

## CITY COUNCIL COMMUNICATION FORM

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**FROM:** Craig Robinson, Open Space Supervisor (Ext. 334)  
Chris Wilson, Director Parks, Open Space and Recreational Services (Ext. 317)

**THROUGH:** Wendy Dubord, Interim City Manager (Ext. 219)

**DATE:** January 20, 2009

**ITEM:** Requested Adoption of the Yampa River Structural Master Plan (Plan)

**NEXT STEP:** City Council - Make a motion to adopt the Plan via Resolution.

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DIRECTION  
 INFORMATION  
 ORDINANCE  
 MOTION  
 RESOLUTION

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**I. REQUEST OR ISSUE:**

The Yampa River Structural Master Plan (Plan) provides a framework for in channel and riparian area improvements on the Yampa River. These improvements are designed to benefit the health of the river and the recreation that occurs on it. Ecological Resource Consultants (ERC), the City and the general public have worked through the planning process with public meetings, input and review of a first draft.

Parks and Recreation Commission has reviewed the Plan and made a motion recommending City Council adopt the Plan via Resolution.

The Plan can be viewed at:

[http://steamboatsprings.net/departments/parks\\_recreation/open\\_space\\_trails/open\\_space/](http://steamboatsprings.net/departments/parks_recreation/open_space_trails/open_space/)

**II. RECOMMENDED ACTION:**

City Council should review the Plan, the recommendation for adoption from the

Parks and Recreation Commission (see “Attachment 1”) and make a motion to adopt the Plan via Resolution.

**III. FISCAL IMPACTS:**

**Proposed Expenditure:** The adoption of the Plan via Resolution would not have any proposed expenditures. The Plan cost \$68,710 and was paid for with 2007 CIP funds. Currently, \$50,000 is in the 2009 CIP budget for project design/engineering. If approved to spend, this money will be spent on project design and possible river work on a prioritized section of river along Dr. Rich Weiss Park.

**Funding Source:** No funds are necessary for adoption of the Plan. Future river improvement projects funding sources have not been identified.

**IV. BACKGROUND INFORMATION:**

In 2007, the Parks, Open Space and Recreational Services Department received funding to complete an evaluation of City owned portions of the Yampa River corridor. The goal of the project was to identify problem areas that negatively impacted river health and recreation and provide a plan for improving these areas. The objectives included: identifying and evaluating the condition and functionality of the existing river and man made structures (weirs, kayak structures, etc.) that have been constructed within the project area, assess their function and identify opportunities for improvements, creating new features as necessary. Additionally identified were areas where bank erosion, water quality and man made debris concerns occurred.

Ecological Resource Consultants was chosen as the consultant and has worked with the City through the public process to produce the Yampa River Structural Master Plan. Media releases and updates on the City Page were done to invite the public to three public meetings and to review and comment on the DRAFT Plan. Members of the Yampa River Steering group, Friends of the Yampa, Yampa Valley Fly Fishers, Routt County Planning and the Colorado Division of Wildlife were invited to participate in this process. Additionally, a letter was sent to all property owners that own river frontage within the study area informing them of the project and inviting them to participate if desired. No private property owners chose to have their property included in the assessment which could have been done at their own cost. Public comment at the meetings was generally supportive and written comments from Public Workshop #1 can be reviewed in the appendix of the Plan beginning on page 53.

The Plan identifies areas of interest for improvements on City parcels, prioritizes these areas and recommends remedies. Additionally, a cost breakdown has

been provided for City budgeting purposes to complete the engineering and physical improvements.

The Plan will be used by the City's Open Space Division to plan for budgeted river projects that improve the health of the river and the recreation that occurs on it. Final designs will be engineered by specialists for each area of interest and the appropriate permitting will be acquired from the Army Corp of Engineers while complying with the City's No Rise certification.

The Plan will not impact private property owners and does not impact existing or proposed City policy or Codes. City staff may refer to the Plan as a point of reference when discussing river improvements for development along waterways in general.

**V. LEGAL ISSUES:**

City Council would need to adopt this Plan via resolution.

**VI. CONFLICTS OR ENVIRONMENTAL ISSUES:**

There are no known conflicts or environmental issues.

**VII. SUMMARY AND ALTERNATIVES:**

City staff, ERC and the general public have worked diligently to produce the Yampa River Structural Master Plan. The Plan is intended to serve as a planning tool for City staff in determining Yampa River improvement projects that would benefit the health of the river and the recreation that occurs on it.

A motion to support one of the following recommendations is requested:

1. Make a motion to adopt the Plan via Resolution.
2. Make a motion to adopt the Plan via Resolution with changes
3. Make a motion to deny staffs request.

**Attachments:**

Attachment 1: December 10, 2008 Parks and Recreation Commission Minutes



## Parks & Recreation Commission

### MINUTES - REGULAR MEETING

Wednesday, December 10, 2008, 5:30 P.M.

- I. **CALL TO ORDER:** The meeting was called to order at 5:37 P.M. Commissioners in attendance were Jack Trautman, Regan Spindler, Curtis Church, Daniel Brabec and JoEllen Heydon. Erin Namac and Darcy Trask were absent. City staff members present were Craig Robinson and Chris Wilson.

**Items on the agenda have been deleted to only show the discussion and motion relating to the Yampa River Structural Master Plan.**

#### IV. NEW BUSINESS:

##### B. Yampa River Structural Final Master Plan - Advisory Recommendation for Adoption

Craig Robinson, Open Space Supervisor outlined the process that staff has been through to development the Yampa River Structural Final Master Plan. The public process has been ongoing over the last eighteen months with minor changes made and the addition of an executive summary. The next step is a motion from Parks and Recreation Commission recommending City Council adopt the Yampa River Structural Master Plan via resolution.

**MOTION:** Jack Trautman moved and Daniel Brabec seconded a motion to take the recommended next step to present the Yampa River Structural Master Plan to City Council for adoption at your earliest convenience, as soon as you can schedule it on an agenda. The motion passed 5-0.

- VIII. **ADJOURNMENT:** A motion was made to adjourn the meeting at 8:00 P.M.

**CITY OF STEAMBOAT SPRINGS, COLORADO**

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION ADOPTING THE 2008 YAMPA RIVER STRUCTURAL MASTER PLAN.**

**WHEREAS**, the Yampa River is a vital community natural resource enjoyed by local citizens and visitors to the Steamboat Springs area; and

**WHEREAS**, City Council approved Capital Improvement Project Funding in 2007 to hire a consultant, working with City staff and the public, to assess existing conditions of City owned portions of the Yampa River; and

**WHEREAS**, the 2008 Yampa River Structural Master Plan (YRSMP), attached hereto as Exhibit 1, provides a plan for City staff to improve City owned stretches of the river, benefiting the health of the river and the recreation that occurs on it; and

**WHEREAS**, the Parks and Recreation Commission unanimously recommended adoption of the YRSMP, in December 2008.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF STEAMBOAT SPRINGS, COLORADO, THAT:**

Section 1. The City of Steamboat Springs 2008 Yampa River Structural Master Plan be adopted.

**PASSED, ADOPTED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
**Paul Antonucci, President  
Steamboat Springs City Council**

**ATTEST:**

\_\_\_\_\_  
**Julie Franklin, CMC  
Interim City Clerk**

## **Exhibit 1**

# **Yampa River** **Structural Master Plan**

This item can be viewed at  
[http://steamboatsprings.net/departments/parks\\_recreation/open\\_space\\_trails/open\\_space/](http://steamboatsprings.net/departments/parks_recreation/open_space_trails/open_space/)



# AGENDA ITEM # 5

## CITY COUNCIL COMMUNICATION FORM

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**FROM:** Winnie DelliQuadri, Grants Analyst (Ext. 157)  
Chris Wilson, Director, Parks, Open Space, and Recreation Svcs (x317)  
Bob Litzau, Interim Finance Director (x239)

**THROUGH:** Wendy B. DuBord, Interim City Manager (Ext. 219)

**DATE:** January 20, 2009

**RE:** Resolution supporting the agreement between the City of Steamboat Springs and the State Board of the Great Outdoors Colorado Trust Fund for a \$10,000 grant for funding a rodeo/equestrian facility master plan.

**NEXT STEP:** Motion: To approve a Resolution supporting the agreement between the City of Steamboat Springs and the State Board of the Great Outdoors Colorado Trust Fund for a \$10,000 grant for the Howelsen Hill Rodeo/Equestrian Facility Master Plan, expressing intent to provide matching funds and to authorize the City Manager to sign and execute the grant contract.

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DIRECTION  
 INFORMATION  
 ORDINANCE  
 MOTION  
 RESOLUTION

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**I. REQUEST OR ISSUE:**

The City has been awarded \$10,000 in grant funds from Great Outdoors Colorado (GOCO) to enable the City to contract with consultants to develop a master plan for the Howelsen Hill Equestrian/Rodeo facility. GOCO requires the City to pass a Resolution approving the grant as a part of its contract execution process.

**II. RECOMMENDED ACTION / NEXT STEP:**

Given the benefit of the project to the city and community, staff recommends approval of the attached Resolution through the following motion:

**Motion: To approve a Resolution supporting the agreement between the City of Steamboat Springs and the State Board of the Great Outdoors Colorado Trust Fund for a \$10,000 grant for the Howelsen Hill Rodeo/Equestrian Facility Master Plan, expressing intent to provide matching funds and to authorize the City Manager to sign and execute the grant contract.**

**III. FISCAL IMPACTS:**

**Proposed Revenues:**

Grant Request:	\$ 10,000	Great Outdoors Colorado
City Match:	\$ 5,000	POSR budget
Total Project Cost:	\$ 15,000	

**Proposed Expenditure:**

Rodeo Master Plan	\$ 15,000
Total Project	\$ 15,000

City Department: Parks, Open Space, and Recreational Services  
Project Manager: Chris Wilson, Director

**IV. BACKGROUND INFORMATION:**

**Great Outdoors Colorado:** At the direction of City Council, staff applied for and received grant funding from GOCO. This project will utilize GOCO grant dollars to develop a master plan for the City’s rodeo facility at Howelsen Hill. A Master Plan for the rodeo facility is needed in order to plan for future enhancements and development of the multi-use facility. GOCO grant policies require that city council pass a resolution authorizing the city to enter into a grant contract with GOCO.

GOCO provides funding to help communities and organizations to develop new outdoor recreational opportunities in Colorado. Since the inception of GOCO in 1994, the City of Steamboat Springs, GOCO, and public and private partners have received substantial grant funding to help acquire, protect, and provide public access to greenways, stream corridors, scenic corridors, and natural areas in our community and region.

**V. LEGAL ISSUES:**

None at this time. The Division of Intergovernmental Services works closely with Legal Services on issues associated with grant-funded projects.

**VI. CONFLICTS OR ENVIRONMENTAL ISSUES:**

None at this report

**VII. SUMMARY AND ALTERNATIVES:**

City Council may choose to:

- Approve the Resolution to support the Agreement for a \$10,000 grant from GOCO
- Decline to approve the Resolution and not accept the GOCO grant of \$10,000

**CITY OF STEAMBOAT SPRINGS, COLORADO**

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION APPROVING THE EXECUTION OF A GRANT FROM GREAT OUTDOORS COLORADO FOR THE HOWELSEN HILL RODEO/EQUESTRIAN FACILITY MASTER PLAN, EXPRESSING INTENT TO PROVIDE MATCHING FUNDS AND ASSURANCES, AND TO AUTHORIZE THE CITY MANAGER TO SIGN AND EXECUTE THE GRANT CONTRACT.**

**WHEREAS**, the City of Steamboat Springs supports the development of a master plan for the Howelsen Hill Rodeo/Equestrian Facility; and

**WHEREAS**, the City of Steamboat Springs has received a grant award of \$10,000 from Great Outdoors Colorado for the project; subject to the execution of a grant agreement; and

**WHEREAS**, the City of Steamboat Springs will provide the required cash match to meet the terms and obligations of the grant agreement and application; and

**WHEREAS**, the City Council of the City of Steamboat Springs, Colorado, desires to enter into a grant contract with Great Outdoors Colorado to complete the project.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF STEAMBOAT SPRINGS, COLORADO, THAT:**

Section 1. The City Council of the City of Steamboat Springs hereby approves of the grant from Great Outdoors Colorado for the Howelsen Hill Rodeo/Equestrian Facility Master Plan; and

Section 2. The City has appropriated or will appropriate or otherwise make available in a timely manner all funds, if any, that are required to be provided for this project under the terms and conditions of the grant Contract; and

Section 3. The City Council hereby authorizes the City Manager to execute the grant contract on behalf of the City.

Section 4. This resolution to be in full force and effect from and after its passage and approval.

**PASSED, ADOPTED AND APPROVED** this \_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
**Paul Antonucci, President  
Steamboat Springs City Council**

**ATTEST:**

\_\_\_\_\_  
**Julie Franklin, CMC  
Interim City Clerk**

# AGENDA ITEM # 6

## CITY COUNCIL COMMUNICATION FORM

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**FROM:** Philo Shelton, Director of Public Works (Ext. 204)  
Robert J. Litzau, Interim Finance Director (Ext. 239)

**THROUGH:** Wendy DuBord, City Manager (Ext. 219)

**DATE:** January 20, 2009

**RE:** An ordinance increasing Mount Werner Water and Sanitation District, Tree Haus District, and Steamboat II Metropolitan District's wastewater service charges.

**NEXT STEP:** Approve first reading.

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DIRECTION  
 INFORMATION  
 **ORDINANCE**  
 MOTION  
 RESOLUTION

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I. **REQUEST OR ISSUE:**

This communication form is to let you know that when the ordinances were passed for the water and sewer rate increase for 1/1/2009 it did not include the sections that pertain to the special water districts. The increases for the special water districts are proportionate with the increases approved November 18, 2008.

II. **RECOMMENDED ACTION:**

Approve first reading of the proposed ordinance.

III. **FISCAL IMPACTS:**

The fiscal impact would be an increase of approximately \$98,000 in revenue per year for the Utility Fund.

IV. **BACKGROUND INFORMATION:**

Mount Werner Water and Sanitation District and Tree Haus District are billed for wastewater treatment and sewer interceptor operations. Steamboat II Metropolitan District is billed for wastewater treatment. These rates are stated separately in the ordinance.

V. **LEGAL ISSUES:**

None noted.

VI. **CONFLICTS OR ENVIRONMENTAL ISSUES:**

None noted.

VII. **SUMMARY AND ALTERNATIVES:**

Any alternatives would entail charging different rates to the special districts than we charge to the residents that are our customers.

**CITY OF STEAMBOAT SPRINGS, COLORADO**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE REVISING REVISED MUNICIPAL CODE SECTION 25-218, RELATING TO CITY SEWER SERVICE RATES AS IT APPLIES TO THE MOUNT WERNER WATER AND SANITATION DISTRICT, TREE HAUS DISTRICT AND THE STEAMBOAT II METROPOLITAN DISTRICT. PROVIDING AN EFFECTIVE DATE AND REPEALING ALL CONFLICTING ORDINANCES.**

**WHEREAS**, the City Council approved an Ordinance 2216 on November 18, 2008 to increase sewer service charges. However, the wastewater service charges paid by the special districts were inadvertently omitted from the ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STEAMBOAT SPRINGS, COLORADO:**

Section 1. Subsection 25-218(c) of the City of Steamboat Springs Revised Municipal Code is hereby revised to read as follows:

“(c) The Mount Werner Water and Sanitation District and the Tree Haus District (Districts) shall pay wastewater services charges as follows:

The Districts shall pay for each Residential wastewater user within their respective Special District Boundary a monthly service charge of ten dollars and fifty-nine cents (\$10.59) per dwelling unit.

The Districts shall pay for each Commercial wastewater user within their respective Special District Boundary a quarterly service charge in the amount of two dollars and sixty-seven cents (\$2.67) per thousand gallons of water used per quarter, provided, however that for the months of April through September the Districts shall pay a quarterly charge for each commercial customer in the amount of two dollars and sixty-seven cents (\$2.67) per thousand gallons of the customer’s average quarterly water use for the months of October through March of the preceding year.

For each commercial wastewater user that also contains residential units within the same structure, the Districts shall pay the greater of 1) an amount equal to the number of dwelling units times thirty-one dollars and seventy-seven cents (\$31.77); or 2) two dollars and sixty-seven cents (\$2.67) per thousand

gallons of water used. The greater amount per user shall be determined and remitted to the City quarterly.”

Section 2. Subsection 25-218(d) of the City of Steamboat Springs Revised Municipal Code is hereby revised to read as follows:

“(d) The Steamboat II Metropolitan District (Steamboat II) shall pay wastewater services charges as follows:

Steamboat II shall pay for each Commercial wastewater user within its Special District Boundary a quarterly service charge in the amount of two dollars and sixty-seven cents (\$2.67) per thousand gallons of water used per quarter, provided, however, that for the months of April through September the District shall pay a quarterly charge for each commercial customer in the amount of two dollars and sixty-seven cents (\$2.67) times the customer’s average quarterly water use for the months of October through March of the preceding year.

For each commercial wastewater user that also contains residential units within the same structure, Steamboat II shall pay the greater of 1) an amount equal to the number of dwelling units times thirty-one dollars and seventy-seven cents (\$31.77); or 2) two dollars and sixty-seven cents (\$2.67) per thousand gallons of water used. The greater amount per user shall be determined and remitted to the City quarterly.”

Section 3. The City Council hereby finds, determines and declares that this ordinance is necessary for the immediate preservation of the public peace, health, and safety.

Section 4. That pursuant to Section 7-11 of the Charter of the City of Steamboat Springs, Colorado, the second publication of this ordinance may be by reference, utilizing the ordinance title.

Section 5. This ordinance shall take effect on April 1, 2009.

Section 6. All ordinances heretofore passed and adopted by the City Council of the City of Steamboat Springs, Colorado, are hereby repealed to the extent that said ordinances, or parts thereof, are in conflict herewith.



**INTRODUCED, READ AND ORDERED** published, as provided by law, by the City Council of the City of Steamboat Springs, at its regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2009.

**ATTEST:**

\_\_\_\_\_  
**Paul Antonucci, President  
Steamboat Springs City Council**

\_\_\_\_\_  
**Julie Franklin, CMC  
Interim City Clerk**

**FINALLY READ, PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

**ATTEST:**

\_\_\_\_\_  
**Paul Antonucci, President  
Steamboat Springs City Council**

\_\_\_\_\_  
**Julie Franklin, CMC  
Interim City Clerk**

# AGENDA ITEM # 7

## COUNCIL COMMUNICATION FORM

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**FROM:** Melvin Baker, Airport Manager (879-9042)  
Philo Shelton, Public Works Director (Ext. 204)

**THROUGH:** Wendy DuBord, Interim City Manager (Ext. 219)

**DATE:** January 20, 2009

**ITEM:** Lease agreement between City of Steamboat Springs & Federal Aviation Administration

**NEXT STEP:** Motion to approve the second reading of an Ordinance approving a lease agreement with the Federal Aviation Administration; authorizing the City Council President to sign lease documents; repealing all conflicting ordinances; providing for severability; and providing an effective date. (Baker).

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MOTION  
 INFORMATION  
 ORDINANCE

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**I. REQUEST OR ISSUE:**

City Council approval of the second reading of an ordinance approving a lease agreement between the City of Steamboat Springs and the Federal Aviation Administration (FAA).

**II. RECOMMENDED ACTION / NEXT STEP**

Approve the second reading of the ordinance.

**III. FISCAL IMPACTS:**

Proposed Revenue: \$650 monthly for a total of \$39,000 during the initial lease term of five (5) years. If City desires, lease will automatically renew for up to four (3) terms of five (5) years each with an increase of 10% per renewal term.

**IV. BACKGROUND INFORMATION:**

In October, 2007, City Council passed an ordinance approving a lease agreement between the City and Sensis Corporation for approximately 4 square feet of interior space to house racks and equipment and building exterior space to attach the antennas at the Steamboat Springs Airport. Sensis provided and installed the equipment and antennas associated with a statewide Wide Area Multilateration System Project (WAM) The equipment has also been installed in various mountain airports throughout the state and operates under the control of the Denver air-traffic center. The system provides the following:

- Increases safety by being able to see aircraft that are currently outside radar coverage.
- Improves arrival and departure efficiency into and out of DIA, as well as mountain airports.
- Reduces lost revenue at Colorado ski areas due to diversions of flights to other than destination airports. Improved surveillance translates into more efficient flight tracks, which means less fuel burned and increased hourly capacity at Colorado's mountain airports. The total economic benefit is \$132 Million.
- Reduces traffic on highways due to flights being diverted to other than destination airports.

The equipment under this lease is to be incorporated into the National Airspace System (NAS) for continued operation in direct support of the state of Colorado. Due to the differences in the coverage needed and federal laws and regulations governing federal leased space, it is now necessary to reassign this lease to the FAA. Upon execution of this agreement, the lease with Sensis will terminate.

**V. LEGAL ISSUES:**

The lease document has been reviewed and approved by the City's Legal Department.

**VI. CONFLICTS OR ENVIRONMENTAL ISSUES:**

There are no environmental issues associated with this communication.

**VII. SUMMARY AND ALTERNATIVES:**

Council may elect to:

1. Approve the second reading of the ordinance
2. Decline to approve the second reading of the ordinance
3. Table the item and provide direction to staff on changes

**CITY OF STEAMBOAT SPRINGS, COLORADO**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE APPROVING A LEASE AGREEMENT WITH THE FEDERAL AVIATION ADMINISTRATION; ESTABLISHING AN EFFECTIVE DATE; REPEALING ALL CONFLICTING ORDINANCES AND RESOLUTIONS; AND PROVIDING FOR SEVERABILITY.**

**WHEREAS**, the City of Steamboat Springs owns and operates a municipal airport known as the Steamboat Springs Airport; and

**WHEREAS**, the Colorado Aeronautics Division of the Colorado Department of Transportation (CDOT) in conjunction with the Federal Aviation Administration (FAA) developed an Automated Dependent Surveillance-Broadcast and Wide Area Multi-Lateration System to improve air travel to the mountain airports; and

**WHEREAS**, the FAA provided the majority of the required funding for the program and the City committed to participate in this program in 2006 by contributing \$50,000 towards the matching funds for a grant to Routt County from the Department of Local Affairs Energy Impact and Mineral Assistance Fund; and

**WHEREAS**, Sensis Corporation, a New York corporation, supplied and installed the equipment at the various airports participating in this program, including the Steamboat Springs Airport; and

**WHEREAS**, the City of Steamboat Springs entered into an agreement with Senis to lease interior and exterior space to house the equipment and antennas at the Steamboat Springs Airport for a monthly rent of \$650; and

**WHEREAS**, the equipment is to be incorporated into the National Airspace System and the lease must be reassigned to the Federal Aviation Administration; and

**WHEREAS**, the City desires to reassign the lease agreement to the Federal Aviation Administration for continued support, operation and maintenance of this equipment on the terms contained in the attached Lease Agreement.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STEAMBOAT SPRINGS, COLORADO:**

Section 1. The Lease Agreement between the City of Steamboat Springs and the Federal Aviation Administration, which is attached hereto, and by this reference made a part hereof, is hereby approved.

Section 2. All resolutions and ordinances heretofore passed and adopted by the City Council of the City of Steamboat Springs, Colorado, are hereby repealed to the extent that said resolution or ordinance, or parts thereof, are in conflict herewith.

Section 3. That pursuant to Section 7-11 of the Charter of the City of Steamboat Springs, Colorado, the second publication of this ordinance may be by reference, utilizing the ordinance title.

Section 4. This ordinance shall take effect immediately upon the expiration of five (5) days from and after the final date of publication, as provided by Charter.

Section 5. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 6. A public hearing on this ordinance shall be held on Tuesday, \_\_\_\_\_, 2009 at 5:00 PM in the Citizen's Meeting Room at Centennial Hall, 124 10<sup>th</sup> Street, Steamboat Springs, Colorado.

**INTRODUCED, READ AND ORDERED PUBLISHED** as provided by law, by the City Council of the City of Steamboat Springs at its regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
**Paul Antonucci, President  
Steamboat Springs City Council**

**ATTEST:**

\_\_\_\_\_  
**Julie Franklin, CMC  
Interim City Clerk**

**FINALLY READ, PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
**Paul Antonucci, President  
Steamboat Springs City Council**

**ATTEST:**

\_\_\_\_\_  
**Julie Franklin, CMC  
Interim City Clerk**

**FEDERAL AVIATION ADMINISTRATION**

**ANTENNA RACK SPACE LEASE**

**FOR REAL PROPERTY**

**LEASE NUMBER**

**DTFANM-09-L-00031**

**Site ID - H2 – Steamboat Springs Airport**

**Date of Lease: \_\_\_\_\_**

**1. THIS LEASE (9/98)**, entered into by and between The CITY OF STEAMBOAT SPRINGS, Colorado, 137 10<sup>th</sup> St, P.O. Box 775088, City of Steamboat Springs, County of Routt, State of Colorado, 80477 whose interest in the property hereinafter described is that of OWNER, hereby referred to as LESSOR, and the United States of America, FEDERAL AVIATION ADMINISTRATION, 1601 Lind Avenue, SW, WLSA – Suite 350, Renton, WA 98057, hereinafter referred to as the GOVERNMENT OR FAA: WITNESSETH: The Parties hereto, and for the consideration hereinafter mentioned, covenant and agree as follows:

**2. DESCRIPTION (10/96)** - The LESSOR hereby leases to the GOVERNMENT the following described premises that shall be related to the FAA's activities in support of Air Traffic operations: Building interior space consisting of approximately 4 square feet for placement of secured and locked rack for base station equipment, and building exterior space for attachment of antennas, located at 3495 Airport Circle, City of Steamboat Springs, County of Routt, State of Colorado, 80477, together with non-exclusive easements for reasonable access thereto, for placement of an underground grounding system, and for access to the appropriate source of electric and telephone facilities (the "Site"). The Site is further described in Exhibit A attached hereto.

**3. TERM (1/01)** - To have and to hold, for the term commencing on \_\_\_\_\_ and continuing through 09/30/2013 inclusive, PROVIDED, that adequate appropriations are available from year to year for the payment of rentals.

**3a. OPTION(S) TO EXTEND TERM (7/07)** – The lease may, at the option of the Government, be extended beyond 09/30/2013 at the rental rate established in Clause 5 herein and upon the terms and conditions herein specified and no extension shall extend beyond 09/30/2029. This Lease will be automatically renewed for 3 additional terms of 5 years each (each a "Renewal Term"). The Government shall notify the lessor no later than sixty (60) days before the expiration of the lease term, of its intent to exercise the option(s) or of its intent to vacate the premises at the end of the lease term. Any extension exercised by the Government pursuant to this clause shall be subject to the availability of adequate appropriations from year to year for the payment of rentals.

DTFANM-09-L-00031

1

4. CANCELLATION (8/02) -The GOVERNMENT may terminate this lease at any time, in whole or in part, if the Real Estate Contracting Officer (RECO) determines that a termination is in the best interest of the Government, on or after \_\_\_\_\_ by giving at least 30 days notice in writing to the LESSOR. No rental will accrue after the effective date of termination. Said notice will be computed commencing with the day after the date of mailing.

5. RENTAL (10/96) - Rent in the amount of \$650.00 per month (\$7,800.00 annually) will be payable to the LESSOR in arrears and will be due on the first workday of each month, without the submission of invoices or vouchers. Rent for each Renewal Term will increase on 10/01/2013 to \$715.00 per month (\$8,580 annually), 10/01/2018 to \$786.50 per month (\$9,438.00 annually), and 10/01/2023 to \$865.15 per month (10,381.80 annually). Subject to available appropriations. Rent will be considered paid on the date a check is dated or an electronic funds transfer is made. Rent for a period of less than a month will be prorated. Checks will be made payable to: CITY OF STEAMBOAT SPRINGS, CO

6. SERVICES AND UTILITIES (To be provided by LESSOR as part of rent. Services will be Building Standard, unless level of service is prescribed elsewhere in the lease.) (10/96)

Services, utilities, and maintenance will be provided daily, extending from 7:00 a.m. to 6:00 p.m. except Saturday, Sunday, and Federal holidays. Services supplied to technical equipment will be supplied 24 hours a day, and seven days a week. The GOVERNMENT will have access to the leased premises at all times, including the use of electrical services, toilets, lights, elevators, and GOVERNMENT office machines without additional payment.

- ELECTRICITY
- WATER (hot & cold if applicable)
- SNOW REMOVAL
- GROUND MAINTENANCE

Utilities Not Provided by the Lessor (10/96)

If the cost of utilities is not included as part of the rental consideration, the LESSOR must specify which utilities are excluded. The LESSOR will provide separate meters for utilities to be paid for by FAA. When FAA is to pay for utilities, the LESSOR will furnish the RECO, prior to occupancy by the FAA, written verification of the meter numbers and certification that these meters will measure FAA usage only. Proration is not permissible. If the cost of utilities for heating, ventilation, and air conditioning is not included as part of the rental considerations, an automatic control system will be provided to assure compliance with heating and air conditioning provisions included in this specifications package.



7. GENERAL CLAUSES:

a. DAMAGE BY FIRE OR OTHER CASUALTY (10/96) - If the building or structure is partially or totally destroyed or damaged by fire or other casualty or if environmentally hazardous conditions are found to exist so that the leased premises is untenable as determined by the GOVERNMENT, the GOVERNMENT may terminate the lease, in whole or in part, immediately by giving written notice to the LESSOR and no further rental will be due.

b. MAINTENANCE OF THE PREMISES (10/96) - The LESSOR will maintain the demised premises, including the building, grounds, and all equipment, fixtures, and appurtenances furnished by the LESSOR under this lease, in good repair and tenantable condition.

c. FAILURE IN PERFORMANCE (10/96) - In the event the LESSOR fails to perform any service, to provide any item, or meet any requirement of this lease, the GOVERNMENT may perform the service, provide the item, or meet the requirement, either directly or through a contract. The GOVERNMENT may deduct any costs incurred for the service or item, including administrative costs, from the rental payments. No deduction of rent pursuant to this clause will constitute default by the GOVERNMENT on this lease.

e. CONTRACT DISPUTES (11/03)

All contract disputes and arising under or related to this lease contract will be resolved through the Federal Aviation Administration (FAA) dispute resolution system at the Office of Dispute Resolution for Acquisition (ODRA) and will be governed by the procedures set forth in 14 C.F.R. Parts 14 and 17, which are hereby incorporated by reference. Judicial review, where available, will be in accordance with 49 U.S.C. 46110 and will apply only to final agency decisions. A LESSOR may seek review of a final FAA decision only after its administrative remedies have been exhausted.

All Contract Disputes will be in writing and will be filed at the following address:

Office of Dispute Resolution for Acquisition, AGC-70,  
Federal Aviation Administration,

800 Independence Ave, S.W. ,  
Room 323,  
Washington , DC 20591 ,  
Telephone: (202) 267-3290,  
Facsimile: (202) 267-3720

A contract dispute against the FAA will be filed with the ODRA within two (2) years of the accrual of the lease contract claim involved. A contract dispute is considered to be filed on the date it is received by the ODRA.

The full text of the Contract Disputes clause is incorporated by reference. Upon request the full text will be provided by the RECO.

DTFANM-09-L-00031

3

f. PROTEST (11/03)

Protests concerning Federal Aviation Administration Screening Information Requests (SIRs) or awards of lease contracts will be resolved through the Federal Aviation Administration (FAA) dispute resolution system at the Office of Dispute Resolution for Acquisition (ODRA) and will be governed by the procedures set forth in 14 C.F.R. Parts 14 and 17, which are hereby incorporated by reference. Judicial review, where available, will be in accordance with 49 U.S.C. 46110 and will apply only to final agency decisions. A protestor may seek review of a final FAA decision only after its administrative remedies have been exhausted.

Offerors initially will attempt to resolve any issues concerning potential protests with the RECO.

Protests will be in writing and will be filed at:

Office of Dispute Resolution for Acquisition, AGC-70,  
Federal Aviation Administration,

800 Independence Ave., S.W. ,  
Room 323,  
Washington , DC 20591  
Telephone: (202) 267-3290; or  
Facsimile: (202) 267-3720

At the same time as filing the protest with the ODRA, the protestor will serve a copy of the protest on the RECO.

A protest is considered to be filed on the date it is received by the ODRA and will be filed: (1) Not later than seven (7) business days after the date the protestor knew or should have known of the grounds for the protest; or (2) If the protestor has requested a post-award debriefing from the RECO, not later than five (5) business days after the date on which the RECO holds that debriefing.

The full text of the Contract Protest clause is incorporated by reference. Upon request the full text will be provided by the RECO.

g. INTERFERENCE (10/08):

Should interference with the lessor's facility due to the FAA operations, FAA shall correct the problem immediately. If the lessor's facility interferes with FAA's equipment then the lessor will correct the problem immediately.

h. COORDINATION (10/08):

The FAA will receive permission from the lessor prior to installing any new equipment at the site.

i. NOTICES (10/96):

All notices/correspondence shall be in writing, reference the Agreement number, and be addressed as follows:

ADMINISTRATIVE POINT OF CONTACT

CITY OF STEAMBOAT SPRINGS  
Ann Small, Contracts Administrator  
137 10<sup>th</sup> St  
P.O. Box 775088  
Steamboat Springs, CO 80477  
(970) 879-2060

TECHNICAL POINT OF CONTACT

STEAMBOAT SPRINGS AIRPORT  
Mel Baker, Airport Manager  
P.O. Box 775088  
Steamboat Springs, CO 80477  
(970) 879-9042

ADMINISTRATIVE POINT OF CONTACT

FEDERAL AVIATION ADMINISTRATION  
Real Estate & Utilities Branch  
Attn: Patrick Dicks – ANM-53  
1601 Lind Ave SW  
Renton, WA 98057  
(425) 227-1060

TECHNICAL POINT OF CONTACT

FEDERAL AVIATION ADMINISTRATION  
FAA Grand Junction SSC  
Attn: John Urbin  
805 Eagle Dr,  
Grand Junction, CO 81506  
(970) 986-3302

j. THE FOLLOWING CLAUSES ARE INCORPORATED BY REFERENCE: The full text of these clauses can be found in Standard Space Lease Form via the Internet at <http://fast.faa.gov>

1. DEFAULT BY LESSOR (10/96)
2. COMPLIANCE WITH APPLICABLE LAWS (10/96)
3. OFFICIALS NOT TO BENEFIT (10/96)
4. COVENANT AGAINST CONTINGENT FEES (8/02)
5. ANTI-KICKBACK (10/96)
6. EXAMINATION OF RECORDS (10/96)

DTFANM-09-L-00031

5

7. SUBORDINATION, NONDISTURBANCE AND ATTORNMENT (10/96)
8. LESSOR'S SUCCESSOR (10/96)
9. CCR (10/06)
10. EFT (10/06)

The following Exhibits are attached to and made a part of this Agreement: Exhibit A.

IN WITNESS WHEREOF, the parties hereto have signed their names:

<b>9a. NAME AND TITLE OF LESSOR/OWNER</b> <i>(Type or Print)</i>  Paul Antonucci Title: City Council President 3495 Airport Circle P.O. Box 775088 Steamboat Springs, CO 80477	<b>9b. SIGNATURE OF OWNER</b>	<b>9c. DATE</b>   (10/96)
<p align="center"><b>THIS DOCUMENT IS NOT BINDING ON THE GOVERNMENT OF THE UNITED STATES OF AMERICA UNLESS SIGNED BELOW BY AUTHORIZED CONTRACTING OFFICER.</b></p>		
<b>10a. NAME OF REAL ESTATE CONTRACTING OFFICER</b> <i>(Type or Print)</i>  PATRICK S. DICKS	<b>10b. SIGNATURE OF REAL ESTATE CONTRACTING OFFICER</b>	<b>10c. DATE</b>   (10/96)

**CITY CERTIFICATE**

If agreement is made with a City, the Secretary, Assistant Secretary or City Clerk shall execute the following certificate:

I, \_\_\_\_\_, certify that I am the \_\_\_\_\_ of the  
City named in the attached agreement; that \_\_\_\_\_ who signed said agreement on  
behalf of the City was then \_\_\_\_\_ of said City; that said agreement was duly signed  
for and in behalf of said City by authority of its governing body, and is within the scope of its City powers.

\_\_\_\_\_  
CORPORATE / CITY SEAL

**EXHIBIT A  
TO SITE AGREEMENT**

**Site Description**

Site located at 3495 Airport Circle, situated in the City of Steamboat Springs, County of Routt, State of Colorado commonly described as follows:

**Legal Description**

Steamboat Airport parcel – TR IN 1-6-85 & 36-7-85, AKA Parcels 2C, 7D, 9, A, D, & E, and part of Parcels 2A, 2B, 7A & B per plat File # 11243 Total of 146.61 Acres.

# AGENDA ITEM # 8

## CITY COUNCIL COMMUNICATION FORM

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**FROM:** Mike Albrecht, Ice Arena Manager, (Ext. 339)

**THROUGH:** Wendy DuBord, Interim City Manager (Ext. 228)

**DATE:** January 20, 2009

**ITEM:** Office Space Lease Agreement

**NEXT STEP:** **Second Reading of Ordinance:** An ordinance approving a Lease Agreement between the City of Steamboat Springs and the Steamboat Springs Figure Skating Club; authorizing the City Council President to sign lease documents; repealing all conflicting ordinances; providing for severability; and providing an effective date. (Albrecht)

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ORDINANCE  
 MOTION  
 INFORMATION

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**I. REQUEST OR ISSUE:**

Staff requests approval on second reading, an ordinance authorizing a lease agreement between the City of Steamboat Springs and the Steamboat Springs Figure Skating Club for the purpose of leasing office and storage space at the Howelsen Ice Arena.

**II. RECOMMENDED ACTION / NEXT STEP:**

Motion to approve the ordinance on second reading.

**III. FISCAL IMPACTS:**

Expected Revenue: \$175 per month, yielding \$2,100 annually.

**IV. BACKGROUND INFORMATION:**

Since the completion of the Phase III Improvements to the Howelsen Ice Arena in



2003, the Steamboat Springs Figure Skating Club has leased available office space at the rink. The current lease has expired and a new lease and ordinance is required. The Steamboat Springs Figure Skating Club (SSFSC) works closely with the Learn to Skate personnel and requested to lease part of the Learn to Skate office space and additional storage space. Ice Arena staff feel this is a beneficial arrangement for both the SSFSC and the Learn to Skate program staff. SSFSC is a non-profit organization providing figure skating instruction, coaching and team management for many local Steamboat Springs youth. The City desires to support this organization by providing office space for the administrative staff on-site at the arena.

**V. LEGAL ISSUES:**

Legal staff has reviewed the Ordinance and Lease Agreement.

**VI. CONFLICTS OR ENVIRONMENTAL ISSUES:**

None associated with this communication.

**VII. SUMMARY AND ALTERNATIVES:**

Council can choose one of the following options:

1. Approve the second reading of the ordinance.
2. Decline to approve the ordinance.
3. Table the item and provide alternate direction to staff

**CITY OF STEAMBOAT SPRINGS, COLORADO**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE APPROVING A LEASE TO THE STEAMBOAT SPRINGS FIGURE SKATING CLUB FOR OFFICE SPACE AT THE HOWELSEN ICE ARENA AND AUTHORIZING CITY COUNCIL PRESIDENT TO SIGN LEASE DOCUMENTS; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Steamboat Springs owns the Howelsen Ice Arena;  
and

**WHEREAS**, the Steamboat Springs Figure Skating Club desires to lease office and storage space for use by the administrative staff; and

**WHEREAS**, the City Council desires to lease such office space to the Steamboat Springs Figure Skating Club.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STEAMBOAT SPRINGS, COLORADO:**

Section 1. The City Council of the City of Steamboat Springs hereby approves the Lease at the Howelsen Ice Arena to the Steamboat Springs Figure Skating Club for the term provided in the Lease, a copy of which is attached hereto as Exhibit 1 and by this reference made part of.

Section 2. The City Council of the City of Steamboat Springs authorizes the City Council President to execute such Lease Agreement.

Section 3. In accordance with Section 13.6 of the Home Rule Charter of the City of Steamboat Springs, the effective date of the Lease Agreement shall be at least thirty (30) days after the passage of this Ordinance, and the City Council President shall not sign the Lease Agreement prior to this thirty (30) day period.

Section 4. All ordinances heretofore passed and adopted by the City Council of the City of Steamboat Springs, are hereby repealed to the extent that said ordinances, or parts thereof, are in conflict herewith.

Section 5. If any section, subsection, clause, phrase or provision of this Ordinance, or the application thereof to any person or circumstance, shall to any extent, be held by a court of competent jurisdiction to be invalid, void or

unconstitutional, the remaining sections, subsections, clauses, phrases and provisions of this Ordinance, or the application thereof to any person or circumstance, shall remain in full force and shall in no way be affected, impaired or invalidated.

Section 6. The City Council hereby finds, determines and declares that this Ordinance is necessary for the immediate preservations of the public peace, health and safety.

**INTRODUCED, READ AND ORDERED PUBLISHED**, as provided by law, by the City Council of the City of Steamboat Springs, at its regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
**Paul Antonucci, President  
Steamboat Springs City Council**

**ATTEST:**

\_\_\_\_\_  
**Julie Franklin, CMC  
Interim City Clerk**

**FINALLY READ, PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
**Paul Antonucci, President  
Steamboat Springs City Council**

**ATTEST:**

\_\_\_\_\_  
**Julie Franklin, CMC  
Interim City Clerk**

**LEASE AGREEMENT  
HOWELSEN ICE ARENA**

THIS LEASE AGREEMENT, entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2009, by and between the City of Steamboat Springs, a Colorado Municipal Corporation, as owner of the Howelsen Ice Arena ("Lessor") and Steamboat Springs Figure Skating Club, ("Lessee").

In consideration of the mutual covenants contained herein, and for other good and valuable consideration, the parties hereto agree as follows:

1. PREMISES. Lessor agrees to lease to Lessee one-hundred ninety (190) square feet of office space and one storage bay in the Howelsen Ice Arena for use by the Lessee.
2. TERM. This Agreement shall commence on January 1, 2009 and shall remain in effect for a period of two (2) years, terminating on December 31, 2011. This Agreement can be renewed for two, 2-year terms at the sole discretion of the City.
3. RENT. In consideration of the lease granted herein, Lessee shall pay to Lessor, to the Ice Arena Manager or at the Steamboat Springs Finance Office, 137 10th Street, P.O. Box 775088, Steamboat Springs, Colorado, 80477, the sum of one hundred fifty dollars (\$175.00) per month, such amount to be payable in advance. Such rent shall be due and payable without notice from Lessor on the first day of each and every month during the term hereof and Lessee shall be deemed to be in default if such rent has not been received by lessor when due. Should the term of the agreement be renewed, the amount of rent shall be negotiated by the Lessor and the Lessee.
4. TAXES AND UTILITES. The Lessor shall arrange for the provision of all utilities to the premises, including water, sewer, heat, gas, electricity, snow removal, and garbage collection. All charges for utilities supplied to the Lessee shall be included in the monthly rent. Lessee shall be responsible for obtaining and paying for long distance telephone service, additional programming, internet connectivity, and any other charges related to additional service beyond basic telephone service provided by the Lessor.
5. SUBLEASE OR ASSIGNMENT. Lessee shall have no right to sublease the premises or to assign this Agreement.
6. NOTICES. Any notice given by one party to the other in connection with this Agreement shall be in writing and shall be sent by certified or registered mail, return receipt requested. All notices required to be give to Lessor hereunder shall be in writing and sent certified mail to:

Ice Arena Manager  
Howelsen Ice Arena  
PO Box 775088  
Steamboat Springs, CO 80477

All notices required to be given Lessee hereunder shall be in writing and sent certified mail to:  
Steamboat Springs Figure Skating Club  
PO Box 771933  
Steamboat Springs, CO 80477

Notice shall be deemed to have been given on the date of receipt as shown on the return receipt.

7. **INSURANCE.** Lessee shall obtain and maintain comprehensive liability insurance coverage against liability for personal injury or death, arising from acts or omission of Lessee or its agents and employees. Such policy or policies shall be in the amount of at least one million (\$1,000,000) per occurrence and shall contain a provision whereby Lessee's insurer waives any right of subrogation against lessor, its agents and employees, and providing that lessor must receive at least ten (10) days prior written notice of any cancellation of Lessee's insurance coverage. Such policy shall name Lessor as additional insured. Prior to the commencement of this Agreement, Lessee shall deliver to Lessor certificates of insurance evidencing the required coverages. In addition, Lessee shall obtain and maintain a policy insuring payment of any and all obligations under the Worker's Compensation Act of Colorado, Article 40 to 47, Chapter 8, C.R.S. Said insurance policy shall comply with C.R.S. 8-44-101 et seq. Lessee shall provide a certificate of insurance to the City evidencing Lessee's compliance with this paragraph. Failure to maintain or provide proof of insurance pursuant to this Section shall constitute a breach of this Agreement.

8. **RIGHT OF ENTRY.** Lessor shall have the right to permit his officers, employees and authorized representatives to enter the premises for the purpose of inspecting or protecting such premises and for the purpose of doing any act, which Lessor may deem necessary or appropriate for the proper conduct and operation of the Ice Arena.

9. **INDEMNITY.** Lessee agrees to release, indemnify and hold Lessor, its officers, agents and employees harmless from and against any and all liabilities, losses, claims, and judgments, of any kind whatsoever, including all costs, attorney's fees, and expenses incidental thereto, for any loss of or damage to any property or injury to or death of any person arising out of, or claimed to arise out of, Lessee's use of the premises, or any breach or violation or nonperformance by Lessee or its officers, employees or agents of any covenant or condition of this Agreement, or by any act or failure to act of those persons.

10. **IMMUNITIES.** The parties hereto understand and agree that the City is relying on, and does not waive or intend to waive by any provision of this contract, the monetary limitations (presently \$150,000 per person and \$600,000 per occurrence) or any other rights, immunities, and protections provided by the Colorado Governmental Immunity Act, 24-10-101 et seq., as from time to time amended, or otherwise available to the City, its officers, or its employees.

11. **CONDITION OF PREMISES.** Lessee shall accept the premises in their present condition without any liability of obligation on the part of Lessor (except for routine pavement maintenance) to make any alterations, improvements or repairs of any kind to the premises. Upon the termination or expiration of this Agreement, Lessor shall have the option to request Lessee to leave all such alterations, improvements and fixtures in place or to remove all such

alterations, improvements and fixtures at Lessee's expense. Repairs of any damages resulting from the removal of such improvements, alterations and fixtures shall be the sole responsibility of the Lessee.

12. **DEFAULT.** In the event that either party shall be in default in the performance of any of the terms or conditions of this Lease, then the party not in default must serve the defaulting party thirty (30) days to cure the default. In the event the default is not cured within the thirty (30) day period, or if the default is of such a nature that it cannot reasonably be cured within such thirty (30) day period, if the defaulting party has not commenced curing such default within such thirty (30) day period and diligently taken all steps necessary to complete the curing of such default within a reasonable time thereafter, then the party not in default may give the defaulting party written notice of the termination of this Lease. Any such termination shall be effective only after fourteen (14) days from the date of notice from the party not in default.

13. **TERMINATION.** Either party to this Agreement shall have the right to terminate this Agreement with or without cause by giving sixty (60) days' written notice to the other party.

14. **DISCLAIMER AND RELEASE.** Lessor hereby disclaims, and Lessee hereby releases Lessor from any and all liability whether in contract or tort (including strict liability and negligence) for any loss, damage or injury of any nature whatsoever sustained by Lessee, its employees, agents, or invitees during the term of this Agreement, including but not limited to loss, damage or injury to the property of Lessee that may be located within the Office Space, unless such loss, damage or injury is caused by Lessor's gross negligence. The parties hereby agree that under no circumstances shall Lessor be liable for indirect, consequential, special or exemplary damages, whether in contract or tort (including strict liability and negligence), such as, but not limited to, loss of revenue or anticipated profits or other damage related to the leasing of the Office/Retail Space under this Agreement.

15. **CHOICE OF LAW.** This Agreement shall be construed in accordance with the laws of the State of Colorado.

16. **WAIVER.** The waiver by either party of any covenant or condition of this Agreement shall not thereafter preclude such party from demanding performance of said covenant or condition or of any other term of this Agreement.

17. **RELATIONSHIP OF PARTIES.** The relationship between Lessor and Lessee shall always and only be that of lessor and lessee. Lessee shall never at any time during the term of this Agreement become the agent of Lessor, and Lessor shall not be responsible for the acts or omissions of Lessee or its agents.

18. **REMEDIES CUMULATIVE.** The rights and remedies with respect to any of the terms and conditions of this Agreement shall be cumulative and not exclusive and shall be in addition to all other rights and remedies.

19. **INTEGRATION.** This Agreement constitutes the entire agreement between the parties, and as of its effective date supersedes all prior independent agreements between the parties

covering the Office Space. Any change or modification to this Agreement must be in writing and signed by both parties.

20. SUCCESSORS BOUND. This Agreement shall be binding on and shall inure to the benefit of the heirs, legal representatives, successors and assigns of the parties hereto.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year first above written.

LESSOR: CITY OF STEAMBOAT SPRINGS,  
a Colorado Municipal Corporation,

BY: \_\_\_\_\_  
Paul Antonucci  
City Council President

ATTEST:

\_\_\_\_\_  
Julie Franklin, Interim City Clerk

LESSEE: STEAMBOAT SPRINGS FIGURE SKATING  
CLUB

BY: \_\_\_\_\_  
Kim Haggarty, Director

# AGENDA ITEM # 9

## CITY COUNCIL COMMUNICATION FORM

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**FROM:** Mike Albrecht, Ice Arena Manager, (Ext. 339)

**THROUGH:** Wendy DuBord, Interim City Manager (Ext. 228)

**DATE:** January 20, 2009

**ITEM:** Office Space Lease Agreement

**NEXT STEP:** Second Reading of Ordinance: An ordinance approving a Lease Agreement between the City of Steamboat Springs and the Steamboat Springs Youth Hockey Association; authorizing the City Council President to sign lease documents; repealing all conflicting ordinances; providing for severability; and providing an effective date. (Albrecht)

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ORDINANCE  
 MOTION  
 INFORMATION

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**I. REQUEST OR ISSUE:**

Staff requests approval on second reading, an ordinance authorizing a lease agreement between the City of Steamboat Springs and the Steamboat Springs Youth Hockey Association for the purpose of leasing office and storage space at the Howelsen Ice Arena.

**II. RECOMMENDED ACTION / NEXT STEP:**

Motion to approve the ordinance on second reading.

**III. FISCAL IMPACTS:**

Expected Revenue: \$345 per month, yielding \$4,140 annually.

**IV. BACKGROUND INFORMATION:**

The Phase III Improvements to the Howelsen Ice Arena was designed to include office space for the Steamboat Springs Youth Hockey Association (SSYHA). SSYHA has leased office and storage space from the City since 2003. The current



lease has expired and a new lease and ordinance is required. SSYHA is a non-profit organization providing hockey coaching and team management for many local Steamboat Springs youth. Because this organization is the largest user of the arena who purchases approximately \$100,000 in ice time annually, the City desires to support this organization by providing office space for the non-profit's administrative assistant and director of coaching on-site at the arena.

**V. LEGAL ISSUES:**

Legal staff has reviewed the Ordinance and the Lease Agreement.

**VI. CONFLICTS OR ENVIRONMENTAL ISSUES:**

None associated with this communication.

**VII. SUMMARY AND ALTERNATIVES:**

Council may choose one of the following options:

1. Approve the second reading of the ordinance.
2. Decline to approve the ordinance.
3. Table the item and give alternate direction to staff.

**CITY OF STEAMBOAT SPRINGS, COLORADO**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE APPROVING A LEASE TO THE STEAMBOAT SPRINGS YOUTH HOCKEY ASSOCIATION FOR OFFICE AND STORAGE SPACE AT THE HOWELSEN ICE ARENA AND AUTHORIZING CITY COUNCIL PRESIDENT TO SIGN LEASE DOCUMENTS; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Steamboat Springs owns the Howelsen Ice Arena;  
and

**WHEREAS**, the Steamboat Springs Youth Hockey Association desires to lease office and storage space for use by the director of coaching; and

**WHEREAS**, the City Council desires to lease such space to the Steamboat Springs Youth Hockey Association.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STEAMBOAT SPRINGS, COLORADO:**

Section 1. The City Council of the City of Steamboat Springs hereby approves the Lease at the Howelsen Ice Arena to the Steamboat Springs Youth Hockey Association for the term provided in the Lease, a copy of which is attached hereto as Exhibit 1 and by this reference made part of.

Section 2. The City Council of the City of Steamboat Springs authorizes the City Council President to execute such Lease Agreement.

Section 3. In accordance with Section 13.6 of the Home Rule Charter of the City of Steamboat Springs, the effective date of the Lease Agreement shall be at least thirty (30) days after the passage of this Ordinance, and the City Council President shall not sign the Lease Agreement prior to this thirty (30) day period.

Section 4. All ordinances heretofore passed and adopted by the City Council of the City of Steamboat Springs, are hereby repealed to the extent that said ordinances, or parts thereof, are in conflict herewith.

Section 5. If any section, subsection, clause, phrase or provision of this Ordinance, or the application thereof to any person or circumstance, shall to any

extent, be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases and provisions of this Ordinance, or the application thereof to any person or circumstance, shall remain in full force and shall in no way be affected, impaired or invalidated.

Section 6. The City Council hereby finds, determines and declares that this Ordinance is necessary for the immediate preservations of the public peace, health and safety.

**INTRODUCED, READ AND ORDERED PUBLISHED**, as provided by law, by the City Council of the City of Steamboat Springs, at its regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
**Paul Antonucci, President  
Steamboat Springs City Council**

**ATTEST:**

\_\_\_\_\_  
**Julie Franklin, CMC  
Interim City Clerk**

**FINALLY READ, PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
**Paul Antonucci President  
Steamboat Springs City Council**

**ATTEST:**

\_\_\_\_\_  
**Julie Franklin, CMC  
Interim City Clerk**

**LEASE AGREEMENT  
HOWELSEN ICE ARENA**

THIS LEASE AGREEMENT, entered into this \_\_\_ day of \_\_\_\_\_, 2009, by and between the City of Steamboat Springs, a Colorado Municipal Corporation, as owner of the Howelsen Ice Arena ("Lessor") and Steamboat Springs Youth Hockey Association, ("Lessee").

In consideration of the mutual covenants contained herein, and for other good and valuable consideration, the parties hereto agree as follows:

1. PREMISES. Lessor agrees to lease to Lessee 95 square feet of office space and two (2) storage bays in the Howelsen Ice Arena for use by Lessee.
2. TERM. This Agreement shall commence on January 1, 2009 and shall remain in effect for a period of two (2) years, terminating on December 31, 2011. This Agreement can be renewed for two 2-year terms at the sole discretion of the City.
3. RENT. In consideration of the lease granted herein, Lessee shall pay to Lessor, to the Ice Arena Manager or at the Steamboat Springs Finance Office, 137 10th Street, P.O. Box 775088, Steamboat Springs, Colorado, 80477, the sum of three hundred forty-five dollars (\$345.00) per month, such amount to be payable in advance. Such rent shall be due and payable without notice from Lessor on the first day of each and every month during the term hereof and Lessee shall be deemed to be in default if such rent has not been received by lessor when due. The amount of rent shall be negotiated by the Lessor and the Lessee at each 2-year renewal period.
4. TAXES AND UTILITES. The Lessor shall arrange for the provision of all utilities to the premises, including water, sewer, heat, gas, electricity, snow removal, and garbage collection. All charges for utilities supplied to the Lessee shall be included in the monthly rent. Lessee shall be responsible for obtaining and paying for long distance telephone service, additional programming, internet connectivity, and any other charges related to additional service beyond basic telephone service provided by the Lessor.
5. SUBLEASE OR ASSIGNMENT. Lessee shall have no right to sublease the premises or to assign this Agreement.
6. NOTICES. Any notice given by one party to the other in connection with this Agreement shall be in writing and shall be sent by certified or registered mail, return receipt requested. All notices required to be give to Lessor hereunder shall be in writing and sent certified mail to:

Ice Arena Manager  
Howelsen Ice Arena  
PO Box 775088  
Steamboat Springs, CO 80477

All notices required to be given Lessee hereunder shall be in writing and sent certified mail to:

Steamboat Springs Youth Hockey Association  
PO Box 776010  
Steamboat Springs, CO 80477

Notice shall be deemed to have been given on the date of receipt as shown on the return receipt.

7. **INSURANCE.** Lessee shall obtain and maintain comprehensive liability insurance coverage against liability for personal injury or death, arising from acts or omission of Lessee or its agents and employees. Such policy or policies shall be in the amount of at least one million dollars (\$1,000,000) per occurrence and shall contain a provision whereby Lessee's insurer waives any right of subrogation against lessor, its agents and employees, and providing that lessor must receive at least ten (10) days prior written notice of any cancellation of Lessee's insurance coverage. Such policy shall name Lessor as additional insured. Prior to the commencement of this Agreement, Lessee shall deliver to Lessor certificates of insurance evidencing the required coverages. In addition, Lessee shall obtain and maintain a policy insuring payment of any and all obligations under the Worker's Compensation Act of Colorado, Article 40 to 47, Chapter 8, C.R.S. Said insurance policy shall comply with C.R.S. 8-44-101 et seq. Lessee shall provide a certificate of insurance to the City evidencing Lessee's compliance with this paragraph. Failure to maintain or provide proof of insurance pursuant to this Section shall constitute a breach of this Agreement.

8. **RIGHT OF ENTRY.** Lessor shall have the right to permit his officers, employees and authorized representatives to enter the premises for the purpose of inspecting or protecting such premises and for the purpose of doing any act, which Lessor may deem necessary or appropriate for the proper conduct and operation of the Ice Arena.

9. **INDEMNITY.** Lessee agrees to release, indemnify and hold Lessor, its officers, agents and employees harmless from and against any and all liabilities, losses, claims, and judgments, of any kind whatsoever, including all costs, attorney's fees, and expenses incidental thereto, for any loss of or damage to any property or injury to or death of any person arising out of, or claimed to arise out of, Lessee's use of the premises, or any breach or violation or nonperformance by Lessee or its officers, employees or agents of any covenant or condition of this Agreement, or by any act or failure to act of those persons.

10. **IMMUNITIES.** The parties hereto understand and agree that the City is relying on, and does not waive or intend to waive by any provision of this contract, the monetary limitations (presently \$150,000 per person and \$600,000 per occurrence) or any other rights, immunities, and protections provided by the Colorado Governmental Immunity Act, 24-10-101 et seq., as from time to time amended, or otherwise available to the City, its officers, or its employees.

11. **CONDITION OF PREMISES.** Lessee shall accept the premises in their present condition without any liability of obligation on the part of Lessor (except for routine pavement maintenance) to make any alterations, improvements or repairs of any kind to the premises. Upon the termination or expiration of this Agreement, Lessor shall have the option to request Lessee to leave all such alterations, improvements and fixtures in place or to remove all such alterations, improvements and fixtures at Lessee's expense. Repairs of any damages resulting

from the removal of such improvements, alterations and fixtures shall be the sole responsibility of the Lessee.

12. **DEFAULT.** In the event that either party shall be in default in the performance of any of the terms or conditions of this Lease, then the party not in default must serve the defaulting party thirty (30) days to cure the default. In the event the default is not cured within the thirty (30) day period, or if the default is of such a nature that it cannot reasonably be cured within such thirty (30) day period, if the defaulting party has not commenced curing such default within such thirty (30) day period and diligently taken all steps necessary to complete the curing of such default within a reasonable time thereafter, then the party not in default may give the defaulting party written notice of the termination of this Lease. Any such termination shall be effective only after fourteen (14) days from the date of notice from the party not in default.

13. **TERMINATION.** Either party to this Agreement shall have the right to terminate this Agreement with or without cause by giving sixty (60) days' written notice to the other party.

14. **DISCLAIMER AND RELEASE.** Lessor hereby disclaims, and Lessee hereby releases Lessor from any and all liability whether in contract or tort (including strict liability and negligence) for any loss, damage or injury of any nature whatsoever sustained by Lessee, its employees, agents, or invitees during the term of this Agreement, including but not limited to loss, damage or injury to the property of Lessee that may be located within the Office Space, unless such loss, damage or injury is caused by Lessor's gross negligence. The parties hereby agree that under no circumstances shall Lessor be liable for indirect, consequential, special or exemplary damages, whether in contract or tort (including strict liability and negligence), such as, but not limited to, loss of revenue or anticipated profits or other damage related to the leasing of the Office/Retail Space under this Agreement.

15. **CHOICE OF LAW.** This Agreement shall be construed in accordance with the laws of the State of Colorado.

16. **WAIVER.** The waiver by either party of any covenant or condition of this Agreement shall not thereafter preclude such party from demanding performance of said covenant or condition or of any other term of this Agreement.

17. **RELATIONSHIP OF PARTIES.** The relationship between Lessor and Lessee shall always and only be that of lessor and lessee. Lessee shall never at any time during the term of this Agreement become the agent of Lessor, and Lessor shall not be responsible for the acts or omissions of Lessee or its agents.

18. **REMEDIES CUMULATIVE.** The rights and remedies with respect to any of the terms and conditions of this Agreement shall be cumulative and not exclusive and shall be in addition to all other rights and remedies.

19. **INTEGRATION.** This Agreement constitutes the entire agreement between the parties, and as of its effective date supersedes all prior independent agreements between the parties covering the Office Space. Any change or modification to this Agreement must be in writing and signed by both parties.

20. SUCCESSORS BOUND. This Agreement shall be binding on and shall inure to the benefit of the heirs, legal representatives, successors and assigns of the parties hereto.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year first above written.

LESSOR: CITY OF STEAMBOAT SPRINGS,  
a Colorado Municipal Corporation,

BY: \_\_\_\_\_  
Paul Antonucci  
City Council President

ATTEST:

\_\_\_\_\_  
Julie Franklin, Interim City Clerk

LESSEE: STEAMBOAT SPRINGS YOUTH HOCKEY  
ASSOCIATION

BY: \_\_\_\_\_  
Name, Title

# AGENDA ITEM # 10

## CITY COUNCIL COMMUNICATION FORM

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**FROM:** John Eastman, Planning Services Manager (Ext. 275)  
Tom Leeson, Director of Planning and Community Development (Ext. 244)  
Bob Litzau, Interim Finance Director (Ext. 239)

**THROUGH:** Wendy DuBord, Interim City Manager (Ext. 228)

**DATE:** January 20, 2009

**RE:** Annexation Fiscal Impact - Presentation of Draft Model

**NEXT STEP:** Finalize model based on direction from City Council

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**ORDINANCE**  
 **RESOLUTION**  
 **MOTION**  
 **DIRECTION**  
 **INFORMATION**

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**I. REQUEST OR ISSUE:**

City Council review and feedback on the draft Annexation Fiscal Impact Model with regards to format, methodology and assumptions. The model has been prepared by Economic Research Associates (ERA) in consultation with City staff and Steamboat 700. Once a final version of the model is approved by City Council it will be used to analyze the fiscal impacts of annexation requests including but not limited to Steamboat 700 and 360 Village.

The model includes a draft analysis of Steamboat 700 for illustrative purposes only. The purpose of the current City Council meeting is to review the model, not to analyze the fiscal impacts of the Steamboat 700 annexation proposal. The Steamboat 700 annexation application is currently undergoing initial Technical Advisory Committee (TAC) review. Revisions to the application resulting from TAC review will likely impact the fiscal impacts associated with the project. Analysis and review of the fiscal impacts of Steamboat 700 using the model will take place at subsequent public meetings over the next several months.



## CITY COUNCIL COMMUNICATION FORM

Annexation Fiscal Impact Model

01/20/2009

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### II. **RECOMMENDED ACTION:**

Provide feedback and direction to staff/consultants regarding the format, methodology and assumptions used in the model. Taking into account the scope of any proposed changes set a date to formally “accept” the fiscal impact model.

### IV. **BACKGROUND INFORMATION:**

The fiscal impact model was developed by ERA associates working in partnership with Steamboat 700 and City staff. The study includes analysis of two land use scenarios, one which includes regional large format retail development (Big box), and one which includes only limited local retail. The Fiscal Impact Model Documentation has been included for reference as Attachment 1 to this report. At the City Council meeting project managers from ERA will provide an overview and presentation of the model ((30 – 45 minutes) and will be available to answer questions.

The development of an annexation fiscal impact model is a major aspect of the annexation review for Steamboat 700 and 360 Village. It will provide the framework for fiscal analysis and planning required by the following Master Plan Goals and Policies:

#### **Steamboat Springs Area Community Plan (SSACP)**

##### **Growth Management**

**Strategy GM 1.2(b)(4) Fiscal Impacts** - As determined by the City, actual financial impact on the community for providing police, fire and road maintenance and other public improvements that would have to be funded by the community would be judged as to whether or not the tax base or overall benefit coming to the community would offset those necessary costs, as measured over time and not just at initial development.

##### **Policy GM 2.3 Development will pay its fair share of the cost to provide needed facilities and services.**

The city and county will have an efficient and fair system of fees and requirements that assesses the costs and benefits of public facilities and services, the need for which is generated by new development. Determining what a development’s fair share is can be complex. Public improvements may be necessary to serve demands from existing development, demands from a specific new development, cumulative demands from all new development, or combinations of all three. Toward this end, this policy identifies the need to bring the regulations regarding public improvement responsibilities and reimbursements into as clear and predictable a process as possible.

**Policy GM 2.4: New development should not cause a reduction in the level or quality of services offered to taxpayers and residents.**

## CITY COUNCIL COMMUNICATION FORM

### Annexation Fiscal Impact Model

01/20/2009

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The city and county will ensure that new development does not result in reduced level of service standards as new development occurs, unless mitigation is provided to offset this impact on existing services. This approach is necessary to perpetuate a high quality of life for existing residents as well as for new ones (Refer to CF-1.2(a)).

#### **Capital Facilities**

**Strategy CF-1.3(c): Consider Special Districts for New Development** - Special Districts are a cost recovery method that shifts costs for new urban services to the developers and property owners within new development. The services provided by a Special District may include, but need not include all of: street improvements, central water and sanitary sewer, parks and recreational facilities, police and fire protection, transportation, certain telecommunications services, and mosquito abatement. In this way, funding for other capital projects can be preserved under existing plans. Special Districts that are formed outside of the Urban Service Boundary should include sunset clauses.

### **West Steamboat Springs Area Plan (WSSAP)**

#### **Chapter 5 – Fiscal Impact**

**Goal:** Ensure the fiscal impacts on the citizens of Steamboat Springs are minimized and the benefits to the community are commensurate with or greater than the impacts on the community. *(Note: this is the only goal in the fiscal impact section of the WSSAP)*

**Policy:** Each landowner and/or developer in the Plan area will be responsible for construction of all necessary (on-site or off-site) infrastructure at his/her own expense unless the benefits to the City of participating are clearly demonstrated as outlined in Section 4.3. Furthermore, each landowner and developer may be required to participate in a special district or other mechanism to finance and construct any necessary community or offsite infrastructure (fire station, collector roads, utility lines, etc.). *(Note: this is the only policy in the fiscal impact section of the WSSAP)*

#### **Steamboat 700 Pre-Annexation Agreement**

Steamboat 700 has agreed as part of the Pre-annexation agreement offset any negative fiscal impact to the City. The “Developer Financing and Revenue Neutrality” section of the agreement includes the following language:

*“To the extent the fiscal impact study required under Section 4.E demonstrates that the Project will be revenue negative to the City, the Annexation Agreement will provide that the Applicant shall impose a real estate transfer fee not to exceed 1.5% to be used by the City to offset the fiscal impacts on the taxpayers within the existing City limits. Applicant may investigate various other methodologies to defray some or all of the City’s projected operating deficit to provide services to the Project. Applicant may also impose a real estate transfer fee, in an amount of its choosing, the proceeds to be used for any purpose of*

**CITY COUNCIL COMMUNICATION FORM**

**Annexation Fiscal Impact Model**

**01/20/2009**

*Applicant’s choice except to satisfy its obligations under this Agreement or the approved Master Plan for the Project.”*

It is expected that any other annexation requests would have to meet the same standard of revenue neutrality. As a consequence it is important that fiscal impacts are fully evaluated in order to provide a rational basis for negotiating an annexation agreement that protects the existing residents of Steamboat Springs from negative fiscal impacts without placing an undue financial burden on the future residents in the annexing area.

**VI. OUTSTANDING ISSUES:**

ERA, Steamboat 700, and City staff worked hard to achieve consensus on the format, methodology and assumptions in fiscal impact model. The collaborative process has been highly successful, the fiscal impact model includes dozens of different assumptions and decisions about how to evaluate and analyze fiscal impacts. ERA, Steamboat 700, and City staff are in general agreement on the vast majority of those assumptions and decisions. However there are a few outstanding issues where consensus has not been reached or which will require policy decisions by City Council during the review of annexation proposal. In order to facilitate easier review of these issues the following table includes comments from both City Staff and Steamboat 700. Unless noted in the staff comments section City Staff is satisfied with the model as currently configured.

Issue	City Staff Comments
Two versions of model: <u>Big Box</u> or <u>Steamboat 700 preferred land use plan</u> (no big box)	<p>The Steamboat 700 preferred land use plan does not include large format retail development; an alternative land use plan that accommodates big box was included as required by the City of Steamboat Springs.</p> <p>Further discussion of whether to incorporate large format retail in West Steamboat is tentatively scheduled with Planning Commission on 02/12/2009 and with City Council on 03/03/2009. Until such time as large format retail development actually occurs it is anticipated that the fiscal impact model will continue to include both scenarios. <u>Recommended Action:</u> <i>No Change</i></p> <p>Note: Steamboat 700 did not provide comments on this issue</p>

Issue	City Staff Comments	Steamboat 700 Comments
Grant Revenues	The model incorporates revenue from government grants however staff has not yet finalized input data. It is anticipated that some refinement to this government grant information may occur based on further discussion between ERA, Finance Dept and Steamboat 700. <u>Recommended Action:</u> <i>Staff will work with consultants and Steamboat</i>	We are assured that additional grant revenues from two formula-driven grants, the Conservation Trust Fund and the Highway Users Tax Fund will be incorporated into the fiscal impact model revenues.

**CITY COUNCIL COMMUNICATION FORM**

**Annexation Fiscal Impact Model**

**01/20/2009**

	<i>700 to refine mode to ensure grant revenues are included in model as appropriate.</i>	
Planning Fee Revenue Estimates	The model uses Equivalent Dwelling Units (EDU) to project fee revenue for the Department of Planning and Community Development. After exploring an alternative method proposed by Steamboat 700 staff determined that the EDU originally proposed by ERA was the most reasonable. <u>Recommended Action: No Change</u>	Planning fee revenues are generated by new development. Patten Associates, Inc. has taken a careful look at Steamboat 700 planning fee revenues, using the 2007 planning fee schedule, as required in the fiscal impact model. Patten Associates' figures show an average of \$40,300 per year for the Land Use Program and \$29,600 per year for the Large Format Retail Alternative. ERA's figures are based on a more generalized and less accurate technique of revenue forecasting; City staff's figures assume form-based code review, which was not in place in 2007 and remains undefined. We request that our more accurate figures used in the next edition of the fiscal impact model.
Second Homes	The model assumes that 8% of the residential units in Steamboat 700 will be second homes. This figure is based on analysis of Assessor records for Steamboat II, Silver Spur, Heritage Park, and West End Village. Staff has reviewed a submittal from Steamboat 700 that provides rationale for assuming 15% second homes. The discussion presented was not compelling, in particular since increasing the second home percentage reduces the apparent fiscal impact; staff reasoned that it was more prudent to use a more fiscally conservative assumption. <u>Recommended Action: No Change</u>	City planning staff instructed ERA to change the fiscal impact model to reflect an 8% seasonal household estimate based on its review of Silver Spur, Heritage Park, Steamboat II, West End Village and three mobile home parks. Our market analyst forecasts a 15% seasonal household estimate based on our residential market program, pricing mix, unit sizes, room configurations, and mixed use amenities, which are substantially different from other existing West Steamboat developments. Our position is outlined more completely in the attached memo from Peter Patten to Lance Harris, <i>et al.</i> The percent of seasonal housing impacts several revenue and expenditure equations in the fiscal impact model. Steamboat 700 requests that its seasonal housing figure be used as it is a more reasonable than the City staff estimate. The fiscal impact model should provide information as accurately as possible. <i>Our request is that the fiscal model reinstates the 15% seasonal housing estimate.</i>
School Construction & Student Yield	The Steamboat School District has requested that the City negotiate a fee to cover the cost of construction of an elementary school as part of the annexation agreement. That issue will be an early topic during the annexation negotiation. Projected student yield, the number of students for each new dwelling units, will likely be part of the discussion.	City planning staff has put forth student yield parameters (0.39 per household) that are double the School District's expert demographer's (Western Demographics) estimates (0.19 per household). City staff figures are based on its analysis of students from Silver Spur, Heritage Park, Steamboat II, West End Village and three mobile home

**CITY COUNCIL COMMUNICATION FORM**

**Annexation Fiscal Impact Model**

**01/20/2009**

	<p>Recent data compiled by the School District and the Department of Planning and Community Development for existing subdivisions in West Steamboat indicate that student yield rates for Steamboat 700 could be significantly higher than previously estimated. The Steamboat Springs school district has specifically asked that both estimates be included in the fiscal impact model.</p> <p>This issue will be discussed in greater detail during the annexation negotiations.  <u>Recommended Action:</u> <i>No Change</i></p>	<p>parcs. In our judgment, City staff has used non-comparable subdivisions in its analysis.</p> <p>For example, in the Steamboat 700 Land Use Program, 62% of the units will be multi-family products which generate fewer students than single-family products. Among the 28% single-family products, approximately 60% are small units with few bedrooms on small lots; again, these units will not attract as many students as other West Steamboat developments. In addition, we anticipate that 15% of the homes will be purchased or rented by seasonal residents. For these reasons, we believe that Western Demographics' expert application of comprehensive information throughout Colorado mountain communities is more reliable than the City planning staff's estimates. Our position is outlined more completely in the attached memo from Peter Patten to Lance Harris, <i>et al.</i> <i>Our request is that the School District continues to rely on its demographic expert.</i></p>
<p>Fire Station</p>	<p>A new fire station is required in the West Steamboat area to provide adequate response times for development in West Steamboat. This could be accomplished by either relocating the downtown fire station to an area near the Routt County jail where it could provide adequate response to both downtown and West Steamboat, or a new fire station could be constructed in the West Steamboat area. Based on the WSSAP and current Capital Improvement Program (CIP) the fiscal impact model assumes an additional station will be built in West Steamboat. The fiscal impacts of this station are shown in two ways, the more conservative shows the full fiscal impact associated with operating a new station. The second shows a pro rata cost calculation based on the idea that the new fire station will provide service to more than just the Steamboat 700 development; the problem with the second method is that no other parties have stepped forward to pay the difference between what is attributable to Steamboat 700 and the full cost of operating</p>	<p>In our first meeting on the fiscal impact model in September 2007, the Assistant Fire Chief stated clearly that, in his judgment, the community needs a West Steamboat fire station right now, prior to any development at Steamboat 700 or on any other West Steamboat property. While development of Steamboat 700 will increase the need for fire protection services over time, it has not triggered the need. A new fire station is a community wide need; thoughtful collaboration and partnering is needed solve this situation.</p> <p>The fiscal impact model includes two methods to attribute fire protection operations and maintenance costs to Steamboat 700. <i>Our request is to use the "EDU" method described below.</i></p> <p><i>"EDU" Method.</i> This method attributes our fair share, based on equivalent dwelling units (EDUs), which is used as a proxy for fire protection services. We support this method</p>

**CITY COUNCIL COMMUNICATION FORM**

**Annexation Fiscal Impact Model**

**01/20/2009**

	<p>the station.</p> <p>This issue will be discussed in greater detail during the annexation negotiations.  <u>Recommended Action:</u> <i>No Change</i></p>	<p>as long as Steamboat 700 does not double pay for services by also remaining in the Rural Fire Protection District and paying its operating mill levy.</p> <p><i>100% Method.</i> This method attributes 100% of the operations and maintenance cost of a new fire station to Steamboat 700, less the cost share attributable to the Rural Fire Protection District. In our judgment, this method is disproportionate and unfair. Steamboat 700 did not create the need; it should pay for its fair contribution to future need but not also pay for service to all of West Steamboat and portions of unincorporated Routt County. This method, in our judgment, should be excluded from further consideration.</p> <p>The Steamboat 700 annexation application sets aside 1.5 acres of land which is available for a fire station.</p>
<p>Transit Service</p>	<p>Steamboat 700 has suggested that this item should be presented in two ways similar to the fire station. However unlike the fire station the estimated fiscal impact on transit service is based on a projected new/expanded route that would serve primarily the Steamboat 700 and would not provide service to Steamboat II or 360 Village. This issue will be discussed in much greater detail during the annexation negotiations.  <u>Recommended Action:</u> <i>No Change</i></p>	<p>See Attached Memo from Steamboat 700</p>
<p>Alley Snow Removal</p>	<p>Under Current Policy the City will not accept maintenance responsibility for new alleys. The recently approved Steamboat Barn Village subdivision includes alleys which will be privately maintained. The Steamboat 700 application proposes that alleys will be maintained by the City. Based on the Steamboat 700 proposal the model does include an analysis of the fiscal impact of the city maintaining alleys.  <u>Recommended Action:</u> <i>City Council support of existing policy, change model to be consistent with city policy</i></p>	<p>Consistent with the West Steamboat Plan (WSSAP) objectives, our commitment to a development with new urbanism principles, and City planning staff requirements, our development contains 5.0 lane miles of alleys in the Land Use Program and 4.5 lane miles of alleys in the Large Format Retail Alternative. In our judgment, alley maintenance and snow removal should be a service provided by the City, similar to that provided to Old Town properties. We find it inherently inconsistent that City staff requires our plan to provide alleys (WSSAP §6.3.3) and then the City refuses to maintain them. The fiscal model is consistent with our recommendation that alley maintenance and</p>

**CITY COUNCIL COMMUNICATION FORM**

**Annexation Fiscal Impact Model**

**01/20/2009**

		<p>snow removal is a City responsibility. <i>Our request is no further change.</i></p>
<p>Street Snow Removal</p>	<p>The fiscal model takes the existing snow removal budget and breaks it into three categories “normal”, “high”, and “very high”. Normal is City Streets that have sufficient snow storage and can be plowed with the regular equipment, generally graders. “High” is City street that have insufficient snow storage and/or require specialized equipment, downtown streets and alleys fall into this category. “Very High” are Lincoln Avenue downtown and a portion of Ski Time Square Drive that require snow to be trucked out after every significant snow event. <u>Recommended Action:</u> <i>No Change(staff will work with Steamboat 700 to provide rationale and data incorporated in the model)</i></p>	<p>We expect City staff will provide backup information that shows its snow removal cost calculations for “very high”, “high” and “normal” roads. At this time, we are not comfortable that snow removal on streets with on-street parking costs five times more than “normal” but we look forward to reviewing staff’s backup calculations. Our request at this time is to review the City staff backup information.</p>
<p>Capital Facilities</p>	<p>Cost estimates have not yet been generated for the majority of items listed in the Capital Facilities table. City staff will be working with Steamboat 700 through the Technical Advisory Committee (TAC) process to determine the most accurate and effective way to provide these figures. In addition to estimating cost staff will be working with Steamboat 700 to provide an estimate of reasonable cost allocation for items which have community-wide benefit.</p>	<p>Supplementary Table 2 itemizes 24 capital projects that the City staff believes must be phased in over time in connection with development in the West Steamboat Area as envisioned in the WSSAP. Four of the 24 projects have estimated capital costs and 20 do not. Many of these are of community-wide benefit.</p> <p>Nevertheless, Steamboat 700 will take this list into serious consideration. Excluding US 40 capacity improvements, Steamboat 700 needs this list completed with cost estimates before the City and Steamboat 700 can discuss a fair allocation of these costs and develop comprehensive financing recommendations for the community’s consideration. We want to move quickly to prepare our recommendations because we and the Steamboat community need ample time to collaborate together on viable and cost effective solutions. Except for US 40 improvements, we cannot consider these requests one-at-a-time. When may we have a complete list?</p> <p>At Council’s direction, Steamboat 700, the City and County representatives have formed a US 40 Capacity Funding Task Force. Together, we are working on financing</p>

**CITY COUNCIL COMMUNICATION FORM**

Annexation Fiscal Impact Model

01/20/2009

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		solutions. <i>Our request at this time is to have a complete list of capital projects needed for the WSSAP Plan area with estimated costs.</i>
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**VII. SUMMARY AND ALTERNATIVES:**

Provide feedback and direction to Staff and Consultants on the following:

1. Is the methodology used for analyzing the fiscal impacts of annexation understandable and useful as presented? If not please provide specific direction on which parts of the model need additional work.
2. Are there any assumptions used in the model that need additional research or analysis? Please provide specific direction to staff and/or consultants.
3. Should model be revised to reflect current City Policy that new alleys shall be privately maintained?
4. Any other questions, concerns etc

**VIII. ATTACHMENTS:**

- 1) Fiscal Impact Model Documentation
- 2) Fiscal Impact Model – Steamboat 700 Land Use Proposal
- 3) Fiscal Impact Model – Large Format Retail (Big Box) Alternative
- 4) Steamboat 700 – 01/13/09 Fiscal Impact Memo prepared by Jean Townsend
- 5) Steamboat 700 – 01/05/09 Second Home and Student Yield memo prepared by Peter Patten.





**Economics Research Associates**

Project Report

**Fiscal Impact Model Documentation**

Prepared for

**City of Steamboat Spring  
Steamboat Springs, CO**

Submitted by

**Economics Research Associates**

**January, 2009**

**ERA Project No. 17998**

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## Table of Contents

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<b>I. Introduction</b> .....	<b>1</b>
Basic Modeling Methodology.....	1
<b>II. Fiscal Model</b> .....	<b>2</b>
Introduction.....	2
Title Page.....	3
Table of Contents .....	3
Assumptions.....	4
Revenue Data.....	5
Expenditure Data .....	7
EDU Calculation – Steamboat Springs.....	8
EDU Calculation – Project.....	9
Project Absorption .....	11
Revenue Projection .....	14
Expense Projection .....	16
Summary of Results .....	17
<b>III. Case Studies</b> .....	<b>19</b>
Transit.....	19
Public Works .....	22
Fire.....	23
Police.....	24
Parks & Recreation .....	26
Sales Tax .....	28
<b>IV. Other Calculations</b> .....	<b>31</b>
Capital Projects Fund .....	31
Capital Costs .....	32
SSRFP.....	33
Student Generation .....	34

### Appendices

Appendix A – Assumption Documentation



## **General & Limiting Conditions**

Every reasonable effort has been made to ensure that the data contained in this report are accurate as of the date of this study; however, factors exist that are outside the control of Economics Research Associates and that may affect the estimates and/or projections noted herein. This study is based on estimates, assumptions and other information developed by Economics Research Associates from its independent research effort, general knowledge of the industry, and information provided by and consultations with the client and the client's representatives. No responsibility is assumed for inaccuracies in reporting by the client, the client's agent and representatives, or any other data source used in preparing or presenting this study.

This report is based on information that was current as of January 2009 and Economics Research Associates has not undertaken any update of its research effort since such date.

Because future events and circumstances, many of which are not known as of the date of this study, may affect the estimates contained therein, no warranty or representation is made by Economics Research Associates that any of the projected values or results contained in this study will actually be achieved.

Possession of this study does not carry with it the right of publication thereof or to use the name of "Economics Research Associates" in any manner without first obtaining the prior written consent of Economics Research Associates. No abstracting, excerpting or summarization of this study may be made without first obtaining the prior written consent of Economics Research Associates. This report is not to be used in conjunction with any public or private offering of securities, debt, equity, or other similar purpose where it may be relied upon to any degree by any person other than the client, nor is any third party entitled to rely upon this report, without first obtaining the prior written consent of Economics Research Associates. This study may not be used for purposes other than that for which it is prepared or for which prior written consent has first been obtained from Economics Research Associates.

This study is qualified in its entirety by, and should be considered in light of, these limitations, conditions and considerations.

## **I. Introduction**

Economics Research Associates (ERA) was retained by the City of Steamboat Springs (City) to prepare a fiscal impact analysis framework (Fiscal Model) to analyze the fiscal impacts related to future annexations to the City. This report presents a summary of the analysis methodology developed by ERA using an existing development plan as an illustrative case example.

It is important to note that this model should be viewed as a generic “analysis framework” that serves as a guide to conducting fiscal impact analysis<sup>1</sup>. Future fiscal analyses may call for additional adjustments and customization to best reflect the nuances of each unique project. This analysis framework, however, provides a consistent approach combining:

- 1) Land use variables - use, population, employment;
- 2) Market variables - real estate values and market competitiveness; and
- 3) The City’s current cost and revenue patterns - net city costs and discretionary revenues.

### **Basic Modeling Methodology**

This analysis framework is designed to analyze large scale annexations impacts to the City’s operating budget, i.e. the General Fund only. In this report, the term “Fiscal Impact” is defined as the net annual fiscal revenue or cost to the City’s General Fund during isolated years of the project absorption. In other words, the analysis quantifies the anticipated fiscal status of the City, taking into account the net impacts from the project, assuming that the City continues under the current pattern of growth without any major changes in its fiscal policies, (other) revenue sources, or expenditure items. The reason for considering only the General Fund is because in most cases this is the only fund source that allows the City to make discretionary expenditures, especially related to major public services.

The model also includes supplementary information regarding the estimated impacts on the City’s Capital Projects Fund, Steamboat Springs Rural Fire Protection District, capital costs associated with the project, and the anticipated student generation from new households. The information presented in Section IV can be used as an additional tool to help evaluate the total impacts of the proposed development program. The following Sections II and III will illustrate the broad modeling methodology, basic assumptions, and unique steps applied to the overall fiscal analysis.

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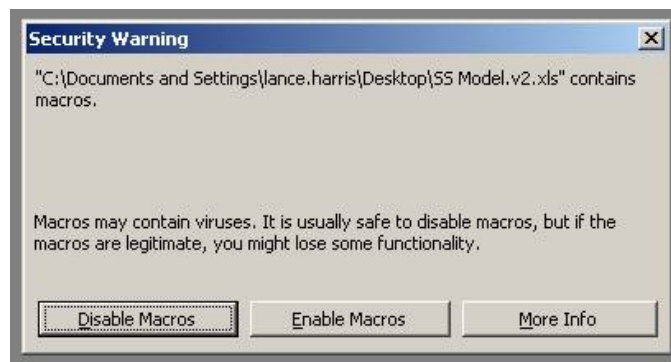
<sup>1</sup> Tables within this documentation may not match actual results due revisions made in the modeling process.

## II. Fiscal Model

This section provides documentation on how to use the Fiscal Model. The following provides a summary of the modeling steps and the derived results.

### Introduction

It is recommended that the illustrative Fiscal Model (.xls) is opened for reference as the user refers to specific instructions listed below. Upon opening the model, the user will read the following security warning:



In order to use the “ print output table” function, the user must choose to enable macros.

The model includes various areas where the user is expected to enter or update relevant information. In the model, all “ yellow” fields are intended to be entered by the user and the information is anticipated to come from the City. All “ green” fields are also entered by the user, but in this case, the relevant data is expected to be provided by the developer or another associated party. With the exception of various fields noted in the Assumption tab, no other data entry is needed to run the Fiscal Model. Individual tabs may include duplicative information, as some areas are designed for data entry and other areas are formatted for printing.

While described in more detail in following sections of this report, the user should follow these basic steps to run the Fiscal Impact model:

- 1) Enter required inputs in the Title Page tab;
- 2) Enter required inputs in the Assumption tab;
- 3) Enter required inputs in the Revenue Data tab;
- 4) Enter required inputs in the Expenditure Data tab; and
- 5) Enter required inputs in the Project Absorption tab.

## Title Page

The Title Page tab includes seven input fields that flow through the Fiscal Model (please see below). They include the project name, developer, base year, fiscal year, scenario, source, and user name<sup>2</sup>. The base year refers to the current year in which the model is being run. In some instances, this may differ from the fiscal year that the financial data (specifically City costs and revenues) are based. The model will inflate all non-base year monetary amounts to constant base year dollars. The scenario field should be used to distinguish alternative development proposals. The source field refers to the document used to report the City' s financial data.

**In order to prepare the Title Page for the model follow this step:**

Enter the project name, developer, base year, fiscal year, scenario, source, and user name.

<b>Project Name</b>	Steamboat 700
<b>Developer</b>	Steamboat 700
<b>Base Year</b>	2008
<b>Fiscal Year</b>	2007
<b>Scenario</b>	Land Use Program
<b>Source</b>	CAFR 2007
<b>User Name</b>	Lance Harris

## Table of Contents

The Fiscal Model is divided into a series of tabs that are referenced on the Table of Contents (TOC) tab. Each table referenced in the TOC includes a hyperlink that will take the user to the referenced table' s tab within the model. The Fiscal Model TOC is shown below. Subsequent sections of this model documentation identify the source of information and responsible group within the City necessary to update the model in the future. No user input is necessary in the TOC, unless the naming conventions for the model need to be altered.

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<sup>2</sup> The date field is automatically updated by excel and listed in the printout.

Table of Contents	
Table	Tab Name

**Fiscal Impact Model**

- 1 [Revenue Data](#)
- 2 [Expenditure Data](#)
- 3 [EDU Calculation - Steamboat Springs](#)
- 4 [EDU Calculation - Project](#)
- 5 [Project Absorption](#)
- 6 [Revenue Projections](#)
- 7 [Expense Projections](#)
- 8 [Summary of Results](#)
- 9 [Transit Case Study](#)
- 10 [Public Works Case Study](#)
- 11 [Fire Case Study](#)
- 12 [Police Case Study](#)
- 13 [Parks and Recreation Case Study](#)
- 14 [Sales Tax Case Study](#)

Appendix [Model Assumptions](#)

**Supplementary Data Tables**

- 1 [Capital Projects Fund](#)
- 2 [Capital Costs](#)
- 3 [SSRFP Levy Estimate](#)
- 4 [Student Generation Estimate](#)

## Assumptions

While listed as the Appendix in the table of contents, ERA recommends that the user continue to this tab to revise for project analysis. There are numerous assumptions that will require constant updating in future iterations of the model use. Due the number of assumptions needed to be considered in the Assumptions tab, ERA will not review them all as most should be self explanatory. Each line item has a descriptive title and corresponding “ Source.” Any field without a “ Box” does not and should not be changed. However, some fields have a box without a green or yellow source indicator. In these cases the source of the data is neither the City nor developer. Future runs of the model will likely require updates to some of these fields (please reference the appendix to review all model assumptions).

### *Steamboat Springs Assumptions*

There are a number of key assumptions that are taken from the Steamboat Springs Economic Development Plan authored by EPS (EPS Study). Such key assumptions focus on the number of

“ cold beds” , occupancy rates, and specific visitor assumptions. In future runs of the model, it is recommended that the City work with EPS or determine independent methods to update these assumptions. The equivalent dwelling unit calculation factor, established by ERA, does not need to be altered for future use. Similarly, employment generation factors are “ industry standards” and do not require to be changed unless more specific City data is available. The “ in place” employment estimate, as provided by infoUSA, can be updated by contacting ERA. All other assumptions should be provided by the Planning Department or other public data sources. It is important to note that all assumptions related to the City must be presented in the same year as the City’ s financial data.

### *Developer Assumptions*

The development assumptions are to be provided by the annexation applicant in order to evaluate the fiscal impacts of the project. Please distribute the Project Absorption template (.xls) and ask the developer or respective party to provide inputs for the referenced items in five year increments until the project is anticipated to be fully absorbed.

### *Case Study Assumptions*

Key assumptions for specific case studies will be described in Section III (Case Studies). Most of these inputs will require updates from the departments listed in the source column in future model use.

## **Revenue Data**

The revenue data tab includes an extract from the City’ s budget for all revenues during the fiscal year of analysis. The model is based on the major revenue sources as presented in the Comprehensive Annual Financial Report (CAFR) for the year ended December 31<sup>st</sup>, 2007. The revenue data is organized in a table format with each account in its own row. The user is expected to enter all the yellow highlighted fields. If there is a difference in the base and fiscal year, the model will inflate the dollar amounts based on the model’ s inflation assumption. As a result, the summary revenue data (Table 1) may not match the numbers presented in the budget or given by the finance department (please see below).





In order to prepare the Revenue Data for the model follow this step:

Refer to the latest adopted budget or contact the finance department directly to get the “ City of Steamboat Springs General Fund Revenues by Source.” The Fiscal Model print out will include only a summary table with sources of revenue based on Taxes and Assessments, Licenses and Permits, Intergovernmental, Charges for Service, Fines and Forfeits, Other, and Transfers to the General Fund, presented in base year dollars.

A sample, illustrative input table for revenue data will look like this:

Revenue Data		
Fiscal Year	2007	
Source of Revenue	Total	
<b>Taxes and Assessments</b>		
Sales Tax	\$19,117,400	\$19,595,335
Vehicle Use Tax	\$648,514	\$664,727
Franchise Fees	\$912,328	\$935,136
Special Assessments	\$38,131	\$39,084
Other Taxes and Assessments	\$91,701	\$93,994
<b>Total</b>	<b>\$20,808,074</b>	<b>\$21,328,276</b>

Inflation Rate	2.50%
Year Adjustment	1
Conversion to Base Year	2008

The print output summary table will look like this:

**Table 1**  
**Revenue Data (\$2008)**

Source of Revenue	Total
Taxes and Assessments	\$21,328,276
Licenses and Permits	\$33,575
Intergovernmental	\$1,924,277
Charges for Services	\$2,310,131
Fines and Forfeits	\$285,469
Other	\$1,563,930
<b>Total</b>	<b>\$27,445,656</b>

Source: CAFR 2007

## Expenditure Data

The expenditure data tab includes an extract from the City’ s budget, similar to the revenue data. The expenditure data is organized in a table with specific information regarding each departments costs broken into unique categories. While the model can be altered to examine any department by detailed or total cost information, the current version of the model only examines costs associated with Transportation Services, Public Works, Streets, Fire Services, Police Services, and Parks and Recreation on a case study basis. The information entered for these departments will flow into the special models and will be analyzed differently than the costs associated with General Government, Legal and Municipal, Community Development in the City. While the costs of Debt Service and Transfers are entered into the model, they have no impact on the Fiscal Model. If there is any difference in the base and fiscal year, the model will inflate the dollar amounts based on the model’ s inflation assumption. As a result, similar to the revenue data, the City’ s expenditures may not match the numbers presented in the budget (Table 2) or given by the finance department (please see below).

### In order to prepare the Expenditure Data for the model follow this step:

Refer to the latest adopted budget or contact the finance department directly to get the required inputs by department for costs items presented in the model. The Fiscal Model print out will include only a summary table with sources of expenditure based on General Government, Transportation Services, Public Works, Public Safety Services, Legal and Municipal Court, Parks and Recreation, Community Development, Debt Services and Transfers, presented in base year dollars.

*A sample, illustrative input table for expenditure data will look like this:*

Expenditure Data		2007	
Fiscal Year			
Source of Expenditure	Total		
<b>General Government</b>			
City Council	\$443,739		\$454,832
Office of the City Manager	\$893,451		\$915,787
Intergovernmental Services	\$436,152		\$447,056
Community Support	\$2,502,618		\$2,565,183
Financial Services	\$1,246,276		\$1,277,433
<b>Total</b>	<b>\$5,522,236</b>		<b>\$5,660,292</b>

Inflation Rate	2.50%
Year Adjustment	1
Conversion to Base Year	2008

*The print output summary table will look like this:*



**Table 2**  
**Expense Data (\$2008)**

<b>Source of Expenditure</b>	<b>Total</b>
General Government	\$5,660,292
Transportation Services	\$2,803,833
Public Works	\$2,598,055
Public Safety Services	\$5,762,758
Legal and Municipal Court	\$581,938
Parks and Recreation	\$5,073,254
Planning Services	\$1,039,518
Debt Service	\$1,058,622
<b>Total</b>	<b>\$24,578,270</b>

Source: CAFR 2007

## **EDU Calculation – Steamboat Springs**

An important component of the model is establishing the appropriate equivalent dwelling units (EDU) for the City. The EDU calculation incorporates a variety of data inputs to establish a factor that represents the City’s population (defined as year-round occupied dwelling units), “in-place” employment, second homes (cold beds) and rental rooms (visitor population). Each of these categories is adjusted based on their “equivalency” to the City’s year-round population based on their respective effect on the General Fund. In the case of “in place” employment, the model equates employees working in the City to require 35% of the services that year-round occupied dwelling unit would require. All other sources of demand for City services are related to occupancy levels and the persons/visitors per units as established in the model’s assumption tab.



Presented below is an illustrative example of the EDU table (Table 3) in the model:

**Table 3**  
**EDU Calculation - Steamboat Springs**

<b>Steamboat Springs EDU Calculation:</b>	
Population	11,608
<b>Occupied Dwelling Units</b>	<b>4,982</b>
Persons Per Dwelling Unit	2.33
Employees (less hotel employees)	10,707
Employment Resident Equivalent	35%
Employment Resident Equivalents	3,747
<b>Employment Resident / Persons Per DU</b>	<b>1,608</b>
Second Homes	
Second Homes (Cold Beds)	1,379
Occupancy	16%
Persons Per Unit	2.6
Occupied Second Homes	221
Second Home Residents per Unit	574
<b>Second Home Residents / Persons per DU</b>	<b>246</b>
Rental Rooms	
Rental Room Supply	3,495
Occupancy	50%
Visitors per Room	3.4
Occupied Hotel Rooms	1,732
Visitors per Occupied Hotel Room	5,911
<b>Visitors / Persons per DU</b>	<b>2,537</b>
<b>Equivalent Dwelling Units (EDU)</b>	<b>9,373</b>

Source: City of Steamboat Springs, infoUSA, EPS, and ERA

Please note that no data entry is required in this table (tab). All information flows from the Fiscal Model' s Assumption tab.

## EDU Calculation – Project

The EDU calculation for the project (Table 4) uses the same assumptions as described above for the City based on the proposed development plan. Once again, no data entry is required as all information flows from the Fiscal Model' s Assumption tab (please see below).



**Table 4**  
**EDU Calculation - Project**

<b>EDU Calculation for Steamboat 700</b>	
<b>Occupied Dwelling Units</b>	<b>1,880</b>
Employees (less hotel employees)	733
Employment Resident Equivalent	0.35
Employment Resident Equivalents	257
<b>Employment EDU</b>	<b>110</b>
Second Homes	
Second Homes (Cold Beds)	164
Occupancy	16%
Persons Per Unit	2.6
Occupied Second Homes	26
Second Home Residents per Unit	68
<b>Second Home EDU</b>	<b>29</b>
Rental Rooms	
Rental Room Supply	80
Occupancy	50%
Visitors per Room	3.4
Occupied Hotel Rooms	40
Visitors per Occupied Hotel Room	135
<b>Rental Room EDU</b>	<b>58</b>
<b>Equivalent Dwelling Units (EDU)</b>	<b>2,078</b>

Source: City of Steamboat Springs, Steamboat 700, infoUSA, EPS, and ERA

## Project Absorption

In this illustrative model, the project absorption is broken into three five year increments beginning in 2015. Some of the required inputs are duplicative to information already provided in the Assumptions tab. However, they are required to provide a “ double check” to validate that the development program information is being inputted correctly. Key inputs include the following:

- Residential housing (by single and multi-family units)
- Streets (Lane Miles)
- Alley (Miles)
- Parks (Acres)
- Trails (Miles)
- Open Space (Acres)
- Local Serving Retail (Square Feet)
- Regional Serving Retail (Square Feet)

If the sum of the absorption inputs matches the total project estimates, the model will indicate that the input has “ passed.” Conversely, if the user’ s input does not match the total land use program inputted in the Assumption table the model will indicate to the user the input has “ failed.” If the model indicates that any element has failed, please double check both the Project Absorption tab and Assumptions tab to remedy the problem. This is the last tab that requires user input<sup>3</sup>. At this point the user can choose to use the “ print output tables” feature to review a summary version of the proposed developments Fiscal Impact on the City.

### **In order to prepare the Project Absorption for the model follow this step:**

Distribute the Project Absorption template (.xls) and ask the developer or respective party to provide inputs for the above referenced items in five year increments until the project is anticipated to be fully absorbed. This is a planning tool so actual absorption may differ from the

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<sup>3</sup> The capital cost estimates will still require data input but does not change the results in the Fiscal Model.



projections being made by the developer. Once this template has been received, please enter the appropriate information into the Project Absorption tab. Please see below for an example of the required inputs.

**Project Absorption**

	2015	2020	2025	Input Test
<b>Development Program (by Year)</b>				
Retail (SF)	25,000	115,000	30,000	PASS
Office (SF)	15,000	65,000	15,000	PASS
Industrial/Service (SF)	10,000	20,000	5,000	PASS
Lodging (Rooms)	0	80	0	PASS
<b>Residential Housing (Dwelling Units)</b>				
Single Family	338	371	62	PASS
Multi Family	585	470	218	PASS
<b>Occupied Housing (Dwelling Units)</b>				
Single Family	311	341	57	
Multi Family	538	432	201	
<b>Second Home Units (Cold Beds)</b>				
	74	67	22	
<b>Population</b>				
Single Family	760	834	139	
Multi Family	1,192	958	444	
<b>Employment</b>				
	117	494	122	
<b>EDU</b>				
	880	918	280	
<b>Other Development Elements</b>				
Streets (Lane Miles)	6.0	8.0	9.0	PASS
Alley (Miles)	2.0	2.0	1.0	PASS
Parking Lot (Square Feet)	0.0	0.0	0.0	PASS
Parks (Acres)	14.0	6.0	2.0	PASS
Trails (Miles)	6.0	6.0	1.0	PASS
Open Space (Acres)	63.0	52.0	10.0	PASS
<b>Local Serving Retail (SF)</b>				
Convenience Goods	2,500	50,000	3,000	PASS
Shopper Goods	12,500	55,000	15,000	PASS
Eating and Drinking	10,000	10,000	12,000	PASS
Building Material & Garden	0	0	0	PASS
<b>Regional Serving Retail (SF)</b>				
Convenience Goods	0	0	0	PASS
Shopper Goods	0	0	0	PASS
Eating and Drinking	0	0	0	PASS
Building Material & Garden	0	0	0	PASS

Print Output Tables

Source: Steamboat 700

The printout will only present the cumulative project absorption by chosen years of analysis.



Table 5 is presented below for reference:

**Table 5**  
**Project Absorption**

	2015	2020	2025
<b>Development Program (Cumulative)</b>			
Retail (SF)	25,000	140,000	170,000
Office (SF)	15,000	80,000	95,000
Industrial/Service (SF)	10,000	30,000	35,000
Lodging (Rooms)	0	80	80
<b>Residential Housing (Dwelling Units)</b>			
Single Family	338	709	771
Multi Family	585	1,055	1,273
<b>Occupied Housing (Dwelling Units)</b>			
Single Family	311	652	709
Multi Family	538	971	1,171
Second Home Units (Cold Beds)	74	141	164
<b>Population</b>			
Single Family	760	1,595	1,734
Multi Family	1,192	2,150	2,594
Employment	117	611	733
EDU	880	1,798	2,078
<b>Other Development Elements (Cumulative)</b>			
Streets (Lane Miles)	6.0	14.0	23.0
Alley (Miles)	2.0	4.0	5.0
Parking Lot (Square Feet)	0.0	0.0	0.0
Parks (Acres)	14.0	20.0	22.0
Trails (Miles)	6.0	12.0	13.0
Open Space (Acres)	63.0	115.0	125.0
<b>Local Serving Retail (SF)</b>			
Convenience Goods	2,500	52,500	55,500
Shopper Goods	12,500	67,500	82,500
Eating and Drinking	10,000	20,000	32,000
Building Material & Garden	0	0	0
<b>Regional Serving Retail (SF)</b>			
Convenience Goods	0	0	0
Shopper Goods	0	0	0
Eating and Drinking	0	0	0
Building Material & Garden	0	0	0

Source: Steamboat 700



## Revenue Projection

The Revenue Projections tab describes the method used to project future revenues for the development scenario for each revenue item. The following lists the methods used for each item in the current model. As additional information is obtained, the revenue methods can be modified.

For those lines items that use a “per” method (per capita, EDU, etc.), the model calculates the base year rate and then applies the base year rate to the projected growth of the given factor. For more complicated accounts, such as Sales Tax, a case study approach is used. The primary objective of the revenue calculation component is to determine the annual discretionary revenue generated from incremental development to the City’s General Fund. The following forecast methods are currently used in the model:

- *Sales Tax Case Study*: Please see the Case Study section of this report for a detailed discussion of this calculation.
- *Per Capita*: Residents (year-round occupied units) of Steamboat Springs.
- *EDU*: Equivalent dwelling units.
- *Zero Forecast*: Based on discussions with the City’s finance department, ERA has estimated that the project will have no impact on that revenue source.
- *Percent of Fire Costs*: This calculation draws from the assumptions tab and takes the total Fire costs allocated to the project and then assumes that some share (in this case 31%) will be paid for by the Steamboat Springs Rural Fire Protection District (SSRFPD).

*Table 6 will be presented as follows:*



**Table 6**  
**Revenue Projections**

	<b>\$2008</b>	<b>Forecast Method</b>	<b>Base Year Rate</b>	<b>2015</b>	<b>2020</b>	<b>2025</b>
<b>Taxes and Assessments</b>						
Sales Tax	\$19,595,335	<a href="#">Sales Tax Case Study</a>		\$844,126	\$2,167,304	\$3,032,154
Vehicle Use Tax	\$664,727	Per Capita	\$57.26	\$111,808	\$214,445	\$247,873
Franchise Fees	\$935,136	Per EDU	\$99.77	\$87,780	\$179,372	\$207,303
Special Assessments	\$39,084	Per EDU	\$4.17	\$3,669	\$7,497	\$8,664
Other Taxes and Assessments	\$93,994	Per EDU	\$10.03	\$8,823	\$18,029	\$20,837
<b>Licenses and Permits</b>	\$33,575	Per EDU	\$3.58	\$3,152	\$6,440	\$7,443
<b>Intergovernmental</b>						
County Road & Bridge	\$235,335	Per EDU	\$25.11	\$22,091	\$45,141	\$52,169
Mineral Lease	\$30,904	Zero Forecast		\$0	\$0	\$0
Mineral Severance	\$16,465	Zero Forecast		\$0	\$0	\$0
Highway Users Taxes	\$365,750	Per Capita	\$31.51	\$27,723	\$56,651	\$65,472
Government Grants	\$451,858	Zero Forecast		\$0	\$0	\$0
Additional Motor Vehicle Taxes	\$50,545	Per Capita	\$4.35	\$3,831	\$7,829	\$9,048
Fire Protection Services	\$592,205	Percent of Fire Costs		\$329,999	\$329,999	\$329,999
County Animal Shelter Charge	\$33,135	Per Capita	\$2.85	\$5,573	\$10,690	\$12,356
Other Intergovernmental	\$148,081	Zero Forecast		\$0	\$0	\$0
<b>Charges for Services</b>						
Ski Complex Fees	\$417,445	Per Capita	\$35.96	\$70,215	\$134,670	\$155,663
Park User Fees and Concessions	\$211,697	Per Capita	\$18.24	\$35,608	\$68,295	\$78,941
Recreation Program Fees	\$62,584	Per Capita	\$5.39	\$10,527	\$20,190	\$23,337
Ice Rink Fees	\$470,139	Per Capita	\$40.50	\$79,078	\$151,669	\$175,312
Tennis Center Fees	\$546,046	Per Capita	\$47.04	\$91,846	\$176,158	\$203,617
Transit Fees	\$36,183	Zero Forecast or EDU	\$3.86	\$0	\$0	\$0
Planning Fees	\$152,380	Per EDU	\$16.26	\$14,304	\$29,229	\$33,780
Emergency Medical Services	\$226,433	Per EDU	\$24.16	\$21,255	\$43,433	\$50,196
Other Charges for Services	\$187,224	Per EDU	\$19.97	\$17,574.59	\$35,912.29	\$41,504.22
<b>Fines and Forfeits</b>	\$285,469	Per EDU	\$30.46	\$26,797	\$54,757	\$63,283
<b>Other</b>						
Investment Income	\$750,629	Zero Forecast		\$0	\$0	\$0
Affordable Housing Loan Repayment	\$85,416	Zero Forecast		\$0	\$0	\$0
Contributions	\$237,479	Zero Forecast		\$0	\$0	\$0
Voluntary Assessment	\$239,695	Zero Forecast		\$0	\$0	\$0
Proceeds from Issuance of Debt	\$0	Zero Forecast		\$0	\$0	\$0
Miscellaneous	\$250,710	Zero Forecast		\$0	\$0	\$0
<b>Total Revenues</b>	\$27,445,656			\$1,815,778	\$3,757,708	\$4,818,950

Source: CAFR 2007 and ERA



## Expense Projection

The expense projections (Table 7) are organized in the same general manor as the revenue projections. The Expense Projections tab shows the base year expenditures by department. Five case studies were used to estimate the development' s relative cost to the city. For three departments - General Government, Legal and Municipal Court, and Community Development - ERA estimated costs using an EDU factor while assuming that 50 percent of department' s cost increased with the projected increase in EDU within the City. Case studies for Transportation Services, Public Safety Services, and Parks and Recreation are presented in Section III of this report. Debt Service was not evaluated because the project would not have an affect on this cost.

Table 7  
Expenditures Projection

	\$2008	Percent Variable	Forecast Method	Base Year Rate	2015	2020	2025
<b>General Government</b>	\$5,660,292	50%	% Variable & EDU	\$301.94	\$265,663	\$542,862	\$627,391
<b>Transportation Services</b>	\$2,803,833		<a href="#">Transit Case Study</a>		\$707,985	\$707,985	\$707,985
<b>Public Works</b>	\$2,598,055		<a href="#">Public Works Case Study</a>		\$146,225	\$329,990	\$515,751
<b>Public Safety Services</b>	\$5,762,758		Police and Fire Case Study		\$1,351,115	\$1,650,164	\$1,741,356
<i>Police</i>			<a href="#">Police Case Study</a>		\$286,604	\$585,652	\$676,844
<i>Fire</i>			<a href="#">Fire Case Study</a>				
			EDU		\$199,850	\$408,377	\$471,965
			Station		\$1,064,512	\$1,064,512	\$1,064,512
<b>Legal and Municipal Court</b>	\$581,938	50%	% Variable & EDU	\$31.04	\$27,313	\$55,812	\$64,502
<b>Parks and Recreation</b>	\$5,073,254		<a href="#">Parks and Recreation Case Study</a>		\$334,984	\$624,329	\$713,965
<b>Community Development</b>	\$1,039,518	50%	% Variable & EDU	\$55.45	\$48,789	\$99,697	\$115,221
<b>Debt Service</b>	\$1,058,622		Not Evaluated		\$0	\$0	\$0
<b>Total</b>	\$24,578,270				\$2,882,074	\$4,010,838	\$4,486,172

Source: CAFR 2007 and ERA

## Summary of Results

The summary of results, presented in Table 8, presents the project' s revenues and expenses by year of analysis during absorption. The Net Fiscal Impact reflects the total revenues less the associated costs of development. As presented in five year increments, the number reflects the project' s net fiscal impact in that given year of analysis. As a result, the number can be viewed as a snapshot of the projects fiscal impact at that given time. The line item listed under Net Fiscal Impact, which includes a “ pro rata share of fire costs” reflects the fact that a project may trigger one or more significant costs to the City (in this instances a fire station), but will not use 100 percent of the anticipated cost of service<sup>4</sup>.

*The next page presents Table 8, the summary of results, as presented in this illustrative example:*

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<sup>4</sup> In some cases, such as a required Fire Station, the City cannot operate “half-a-facility” or provide “half-a-service.” In cases where large costs are triggered by a project, but future users of the facility or service are expected to benefit from its creation, a separate line item is recommended to demonstrate the relative net fiscal impact of these alternative view points for planning consideration.



Table 8  
Summary of Results

	2015	2020	2025
<b>Revenues</b>			
<b>Taxes and Assessments</b>			
Sales Tax	\$844,126	\$2,167,304	\$3,032,154
Vehicle Use Tax	\$111,808	\$214,445	\$247,873
Franchise Fees	\$87,780	\$179,372	\$207,303
Special Assessments	\$3,669	\$7,497	\$8,664
Other Taxes and Assessments	\$8,823	\$18,029	\$20,837
<b>Licenses and Permits</b>	\$3,152	\$6,440	\$7,443
<b>Intergovernmental</b>			
County Road & Bridge	\$22,091	\$45,141	\$52,169
Mineral Lease	\$0	\$0	\$0
Mineral Severance	\$0	\$0	\$0
Highway Users Taxes	\$27,723	\$56,651	\$65,472
Government Grants	\$0	\$0	\$0
Additional Motor Vehicle Taxes	\$3,831	\$7,829	\$9,048
Fire Protection Services	\$329,999	\$329,999	\$329,999
County Animal Shelter Charge	\$5,573	\$10,690	\$12,356
Other Intergovernmental	\$0	\$0	\$0
<b>Charges for Services</b>			
Ski Complex Fees	\$70,215	\$134,670	\$155,663
Park User Fees and Concessions	\$35,608	\$68,295	\$78,941
Recreation Program Fees	\$10,527	\$20,190	\$23,337
Ice Rink Fees	\$79,078	\$151,669	\$175,312
Tennis Center Fees	\$91,846	\$176,158	\$203,617
Transit Fees	\$0	\$0	\$0
Planning Fees	\$14,304	\$29,229	\$33,780
Emergency Medical Services	\$21,255	\$43,433	\$50,196
Other Charges for Services	\$17,575	\$35,912	\$41,504
<b>Fines and Forfeits</b>	\$26,797	\$54,757	\$63,283
<b>Other</b>			
Investment Income	\$0	\$0	\$0
Affordable Housing Loan Repayment	\$0	\$0	\$0
Contributions	\$0	\$0	\$0
Voluntary Assessment	\$0	\$0	\$0
Proceeds from Issuance of Debt	\$0	\$0	\$0
Miscellaneous	\$0	\$0	\$0
<b>Total Revenues</b>	<b>\$1,815,778</b>	<b>\$3,757,708</b>	<b>\$4,818,950</b>
<b>Expenses</b>			
<b>General Government</b>	\$265,663	\$542,862	\$627,391
<b>Transportation Services</b>	\$707,985	\$707,985	\$707,985
<b>Public Works</b>	\$146,225	\$329,990	\$515,751
<b>Public Safety Services</b>	\$1,351,115	\$1,650,164	\$1,741,356
Police	\$286,604	\$585,652	\$676,844
Fire	\$1,064,512	\$1,064,512	\$1,064,512
<b>Legal and Municipal Court</b>	\$27,313	\$55,812	\$64,502
<b>Parks and Recreation</b>	\$334,984	\$624,329	\$713,965
<b>Community Development</b>	\$48,789	\$99,697	\$115,221
<b>Debt Service</b>	\$0	\$0	\$0
<b>Total General Fund Expenses</b>	<b>\$2,882,074</b>	<b>\$4,010,838</b>	<b>\$4,486,172</b>
<b>Net Fiscal Impact</b>	<b>(\$1,066,297)</b>	<b>(\$253,130)</b>	<b>\$332,778</b>
<i>Net Fiscal Impact (Pro Rata Share of Fire Costs)</i>	<b>(\$201,635)</b>	<b>\$403,005</b>	<b>\$925,324</b>

Source: CARR 2007, ERA, and Steamboat 700

### **III. Case Studies**

The following section explains the general methodology used to estimate the costs or revenues associated with the fiscal model case studies. As previously noted, no user input is required for these case studies. The case studies are based on specific assumptions, discussed in detail below, which the user inputs in the Assumptions tab.

#### **Transit**

The cost projection for the transportation services department is presented in Transit Case Study tab. The cost allocation in the model is based on two factors: total hours of transit operations during the fiscal year of analysis and an EDU factor for regional bus service (if applicable)<sup>5</sup>. Another factor that is included in the model relates to the rise or decrease in fuel costs. If desired, the transit department can provide a fuel factor adjustment that will uniformly increase or decrease anticipated operating costs. In the assumptions tab, the following information must be entered by the user as provided by the Transportation Services Department based on the anticipated level of service requirement of the project:

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<sup>5</sup> To be determined by Transportation Services.

**Transportation Services**

Hours of Operation (System Wide) 36,901

**Transportation Analysis for Steamboat 700**

Service Days	
Summer Regular	223
Summer Peak (S-Peak)	0
Winter Regular	142
Winter Peak	142
Service Hours/Day	
Summer Regular	20
Summer Peak (S-Peak)	0
Winter Regular	22
Winter Peak	10
Required Buses	
Summer Regular	4
Summer Peak (S-Peak)	2
Winter Regular	0
Winter Peak	2
Existing Service Adjustment	(7,584)
Impact on Regional Service (1 = Yes , 0 = No)	0
Fuel Inflation Factor	1

*Once these variables are entered the model will run the estimated costs for the City. The Case study model will appear as follows:*



**Table 9**  
**Transit Case Study**

<b>Expenditure Assumptions</b>	<b>Cost</b>	<b>Factor</b>	<b>Percent Variable</b>	<b>Cost Per Factor</b>	<b>Fuel Factor Adjustment</b>
<b>Transportation Services</b>					
Transportation Administration	\$423,389	Hours of Operations	50%	\$5.74	\$5.74
Regional Bus Service	\$17,483	EDU	100%	\$0.00	\$0.00
Local Bus Service	\$1,966,341	Hours of Operations	100%	\$53.29	\$53.29
Vehicle Maintenance	\$263,308	Hours of Operations	100%	\$7.14	\$7.14
Parking Management	\$59,966	Hours of Operations	100%	\$1.63	\$1.63
Stockbridge Center	\$4,960	Hours of Operations	100%	\$0.13	\$0.13
<b>Total</b>	<b>\$2,735,447</b>			<b>\$67.92</b>	<b>\$67.92</b>

<b>Project Analysis</b>	<b>Buses</b>	<b>Hours</b>	<b>Total</b>	<b>2015</b>	<b>2020</b>	<b>2025</b>
<b>Service</b>						
Summer Regular	2	4,460	8,920	8,920	8,920	8,920
Summer Peak	0	0	0	0	0	0
Winter Regular	2	3,124	6,248	6,248	6,248	6,248
Winter Peak	2	1,420	2,840	2,840	2,840	2,840
<b>New Service Total</b>			18,008	18,008	18,008	18,008
<b>Existing Service</b>			(7,584)	(7,584)	(7,584)	(7,584)
<b>Total (New + Existing)</b>			10,424	10,424	10,424	10,424
<b>Transportation Services Cost Estimate</b>						
Transportation Administration				\$59,801	\$59,801	\$59,801
Regional Bus Service				\$0	\$0	\$0
Local Bus Service				\$555,463	\$555,463	\$555,463
Vehicle Maintenance				\$74,381	\$74,381	\$74,381
Parking Management				\$16,940	\$16,940	\$16,940
Stockbridge Center				\$1,401	\$1,401	\$1,401
<b>Total Transit Costs</b>				<b>\$707,985</b>	<b>\$707,985</b>	<b>\$707,985</b>

Source: ERA and Transportation Services



## Public Works

Presented in the Public Works Case Study tab, the cost projection for associated Public Works costs is based on the number of lane miles in the City (broken out by streets and alleys). The following fields in the Assumptions tab reflect the City’ s street infrastructure during the year of financial analysis:

Public Works		
Streets (Lane Miles)	149	Public Works Department
Alleys (Miles)	6	Public Works Department
Streets & Alley Snow Removal Factor		
Very High	5	Public Works Department
High	2	Public Works Department
Normal	1	Public Works Department
Parking Lot (Square Feet)	658,950	Public Works Department
City Responsible for Alley (1 = Yes, 0 = No)	0	Public Works Department

The model includes a special factor to estimate the snow removal cost by street type (very high, high, and normal). These factors generate a cost projection that helps more accurately reflect the fact that different types of streets have different costs associated with snow removal<sup>6</sup>. If the City is responsible for alley maintenance, the user should enter the number one in the associated field (zero reflects that the City will not be conducting snow removal on the project’ s alleys).

*An illustrative printout of Table 10 is provided on the next page.*

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<sup>6</sup> The numbers reflect the magnitude of additional costs associated with different street typologies. For example, Very High (or 5 times the cost) reflects streets that will require snow plowing requirements analogous to the current snow removal and sanding requirements in areas such as of Lincoln Ave, Downtown side streets, Yampa Ave., Oak St. (sometimes), and Ski Time Square.



**Table 10**  
**Public Works Case Study**

Expenditure Assumptions	Cost	Factor	Percent Variable	Cost Per Factor
<b>Public Works</b>				
Public Works Administration	\$156,270	Streets & Alley	50%	\$504.10
Engineering	\$240,440	Streets & Alley	50%	\$775.61
<b>Streets</b>				
Streets Administration	\$305,730	Streets & Alley	50%	\$986.23
Snow Removal	\$648,281	Streets & Alley	100%	\$4,182.46
Pavement Management	\$393,631	Streets & Alley	100%	\$2,539.55
Traffic Control	\$161,878	Streets & Alley	100%	\$1,044.38
Storm Water Management	\$123,641	Streets & Alley	100%	\$797.68
General Services	\$568,184	Streets & Alley	100%	\$3,665.70
<b>Total</b>	<b>\$2,598,055</b>			<b>\$14,495.71</b>

Project Analysis	2015	2020	2025
Streets (Lane Miles)	6.00	14.00	23.00
Alley (Miles)	2.00	4.00	5.00
Distribution of Streets & Alley			
Very High	0.82	1.96	3.37
High	4.85	10.45	15.00
Normal	2.33	5.59	9.63
Parking Lot (Square Feet)	0.00	0.00	0.00
<b>Public Works</b>			
Public Works Administration	\$4,032.79	\$9,073.77	\$14,114.75
Engineering	\$6,204.91	\$13,961.06	\$21,717.20
<b>Streets</b>			
Streets Administration	\$7,890	\$17,752	\$27,614
Snow Removal (equivalent miles)			
Very High	\$17,076	\$40,900	\$70,425
High	\$40,564	\$87,430	\$125,482
Normal	\$9,762	\$23,389	\$40,283
Pavement Management	\$20,316	\$45,712	\$71,107
Traffic Control	\$6,266	\$14,621	\$24,021
Storm Water Management	\$4,786	\$11,168	\$18,347
General Services	\$29,326	\$65,983	\$102,640
<b>Total Public Works Costs</b>	<b>\$146,225</b>	<b>\$329,990</b>	<b>\$515,751</b>

Source: ERA and Public Works

## Fire

The cost of fire services are projected in the model on either a “ per station” or per EDU basis as indicated in the Fire Case Study tab. The decision that a proposed project will require a new fire station should be determined by the City’ s fire department. Alternatively, the project has been evaluated on a per EDU basis. The two different analysis tools help present the full cost for the City to operate a new station, as well as the development’ s pro rata cost allocation. The share of



the development's cost is also presented with the variance (station costs less EDU costs) to better understand the total share allocation of the project in relation to the full costs of operating a new fire station. If the development does not require a new station, ERA recommends using the EDU methodology to estimate costs to the City (please see Table 11).

**Table 11**  
**Fire Case Study**

Expenditure Assumptions	Cost	Factor	Percent Variable	Cost Per Factor
<b>Fire Services</b>				
Fire Services Administration	\$275,762	Per EDU	50%	\$14.71
Fire Prevention	\$419,873	Per EDU	100%	\$44.79
Fire Safety & Education	\$54,278	Per EDU	100%	\$5.79
Fire Suppression and EMS	\$1,516,992	Per EDU	100%	\$161.84
<b>Total</b>	<b>\$2,266,904</b>			<b>\$227.14</b>
<b>Fire Services</b>				
Fire Services Administration	\$275,762	by Station	50%	\$68,940.48
Fire Prevention	\$419,873	by Station	100%	\$209,936.40
Fire Safety & Education	\$54,278	by Station	100%	\$27,138.93
Fire Suppression and EMS	\$1,516,992	by Station	100%	\$758,495.90
<b>Total</b>	<b>\$2,266,904</b>			<b>\$1,064,511.70</b>
<b>Project Analysis</b>				
	<b>2015</b>	<b>2020</b>	<b>2025</b>	
EDU	880	1,798	2,078	
Station	1	1	1	
<b>Fire Services (EDU)</b>				
Fire Services Administration	\$12,943	\$26,448	\$30,566	
Fire Prevention	\$39,413	\$80,538	\$93,078	
Fire Safety & Education	\$5,095	\$10,411	\$12,032	
Fire Suppression and EMS	\$142,399	\$290,980	\$336,289	
<b>Total Fire Costs</b>	<b>\$199,850</b>	<b>\$408,377</b>	<b>\$471,965</b>	
<i>EDU Share of Total Station Cost</i>	19%	38%	44%	
<b>Fire Services (Station)</b>				
Fire Services Administration	\$68,940	\$68,940	\$68,940	
Fire Prevention	\$209,936	\$209,936	\$209,936	
Fire Safety & Education	\$27,139	\$27,139	\$27,139	
Fire Suppression and EMS	\$758,496	\$758,496	\$758,496	
<b>Total Fire Costs</b>	<b>\$1,064,512</b>	<b>\$1,064,512</b>	<b>\$1,064,512</b>	
<b>Variance (Station - EDU)</b>				
Fire Services Administration	\$55,998	\$42,493	\$38,375	
Fire Prevention	\$170,523	\$129,399	\$116,858	
Fire Safety & Education	\$22,044	\$16,728	\$15,107	
Fire Suppression and EMS	\$616,097	\$467,515	\$422,207	
<b>Total Fire Costs</b>	<b>\$864,662</b>	<b>\$656,135</b>	<b>\$592,546</b>	

Source: ERA and Fire Department

## Police

The cost projection for the Police department is shown on the Police Case Study tab. The model uses an EDU and officer cost factor. Within the case study the EDU cost of the development is presented in comparison to the current planning factor (2.5 sworn officers per thousand-



population) to project the number of officers required based on the anticipated number of year round residents. The Fiscal Impact model uses the EDU factor as the cost associated with future development as a default setting. No specific assumptions are necessary unless alternative cost allocation is desired. Similar to Fire, the alternative methodologies are presented for comparison purposes only. Please reference Table 12 below to examine the specific calculations in more detail.

**Table 12**  
**Police Case Study**

Expenditure Assumptions	Cost	Factor	Percent Variable	Cost Per Factor
<b>Police Services</b>				
Police Administration	\$468,964	Per EDU	50%	\$25.02
Records Management	\$416,290	Per EDU	50%	\$22.21
Police Patrol	\$1,728,956	Per EDU	100%	\$184.45
Investigations	\$421,410	Per EDU	100%	\$44.96
Animal Control	\$199,470	Per EDU	100%	\$21.28
Community Services Parking Enforcement	\$260,763	Per EDU	100%	\$27.82
<b>Total</b>	<b>\$3,495,854</b>			<b>\$325.73</b>
<b>Police Services</b>				
Police Administration	\$468,964	Officers	50%	\$10,085.25
Records Management	\$416,290	Officers	50%	\$8,952.48
Police Patrol	\$1,728,956	Officers	100%	\$74,363.68
Investigations	\$421,410	Officers	100%	\$18,125.17
Animal Control	\$199,470	Officers	100%	\$8,579.36
Community Services Parking Enforcement	\$260,763	Officers	100%	\$11,215.62
<b>Total</b>	<b>\$3,495,854</b>			<b>\$131,321.57</b>
<b>Project Analysis</b>				
	<b>2015</b>	<b>2020</b>	<b>2025</b>	
EDU	880	1,798	2,078	
Occupied Housing Population	1,952	3,745	4,329	
New Officers (Desired Level of Service)	4.9	9.4	10.8	
<b>Police Services (EDU)</b>				
Police Administration	\$22,011	\$44,977	\$51,980	
Records Management	\$19,538	\$39,925	\$46,142	
Police Patrol	\$162,296	\$331,638	\$383,278	
Investigations	\$39,557	\$80,832	\$93,419	
Animal Control	\$18,724	\$38,261	\$44,219	
Community Services Parking Enforcement	\$24,478	\$50,018	\$57,806	
<b>Total</b>	<b>\$286,604</b>	<b>\$585,652</b>	<b>\$676,844</b>	
<i>EDU Share of Total Office Planning Factor</i>	45%	48%	48%	
<b>Police Services (Desired Officers)</b>				
Police Administration	\$49,228	\$94,418	\$109,136	
Records Management	\$43,699	\$83,813	\$96,878	
Police Patrol	\$362,982	\$696,191	\$804,713	
Investigations	\$88,472	\$169,687	\$196,138	
Animal Control	\$41,877	\$80,320	\$92,840	
Community Services Parking Enforcement	\$54,745	\$105,000	\$121,368	
<b>Total</b>	<b>\$641,004</b>	<b>\$1,229,429</b>	<b>\$1,421,073</b>	
<b>Variance (Desired Officers - EDU)</b>				
Police Administration	\$27,217	\$49,441	\$57,155	
Records Management	\$24,160	\$43,888	\$50,736	
Police Patrol	\$200,687	\$364,552	\$421,436	
Investigations	\$48,915	\$88,855	\$102,719	
Animal Control	\$23,153	\$42,059	\$48,621	
Community Services Parking Enforcement	\$30,268	\$54,982	\$63,561	
<b>Total</b>	<b>\$354,400</b>	<b>\$643,777</b>	<b>\$744,229</b>	

Source: ERA and Police Department

## Parks & Recreation

The cost projection for the Parks and Recreation department is shown on the Parks & Rec Case Study tab. The model uses cost per capita, park acre, trail mile, and open space acre to forecast the cost of the department (see below). Variable costs were altered to reflect the project's relative demand for some recreational facilities. Table 13, presented below, illustrates how the costs are allocated based on the projects development plan.

*The following assumption inputs will include the parks and recreation information for the cost allocation factors during the fiscal year of analysis:*

**Parks and Recreation**

Parks (Acres)

Trails (Miles)

Open Space (Acres)

566
34
1,946

Parks and Rec

Parks and Rec

Parks and Rec

*Table 13, will look like this:*



**Table 13**  
**Parks and Recreation Case Study**

Expenditure Assumptions	Cost	Factor	Percent Variable	Cost Per Factor
<b>Parks and Recreation</b>				
Parks, Open Space and Rec. Administration	\$339,733	Per Capita	50%	\$14.63
Recreational Programs	\$925,833	Per Capita	100%	\$79.76
Parks	\$1,648,861	Per Parks	100%	\$2,913.18
Trails	\$151,822	Per Trails	100%	\$4,465.35
Howelsen Ski Complex	\$1,043,282	Per Capita	25%	\$22.47
Rodeo Facilities	\$136,920	Per Capita	25%	\$2.95
Ice Arena	\$693,853	Per Capita	25%	\$14.94
Open Space	\$132,950	Per Open Space	100%	\$68.32
<b>Total</b>	<b>\$5,073,254</b>			<b>\$7,581.61</b>

Project Analysis	2015	2020	2025
Occupied Housing Population	1,952	3,745	4,329
Parks (Acres)	14.0	20.0	22.0
Trails (Miles)	6.0	12.0	13.0
Open Space (Acres)	63.0	115.0	125.0

<b>Parks and Recreation</b>			
Parks, Open Space and Rec. Administration	\$28,572	\$54,800	\$63,342
Recreational Programs	\$155,726	\$298,679	\$345,238
Parks	\$40,785	\$58,264	\$64,090
Trails	\$26,792	\$53,584	\$58,050
Howelsen Ski Complex	\$43,870	\$84,142	\$97,258
Rodeo Facilities	\$5,758	\$11,043	\$12,764
Ice Arena	\$29,177	\$55,960	\$64,683
Open Space	\$4,304	\$7,857	\$8,540
<b>Parks and Recreation Total</b>	<b>\$334,984</b>	<b>\$624,329</b>	<b>\$713,965</b>

Source: ERA

## Sales Tax

Sales tax is the major revenue source for the City. The projection of taxable sales and resulting sales tax revenue is set forth on the Sales Tax Case Study tab. Retail sales tax is divided into two major categories - sales generated from resident, second home, and visitor accommodations (on-site units) as well as retail sales generated from on-site retail development. The following methodologies summarize the retail sales generated by these groups.

*Occupied Residential Units (year-round population):* The year-round household retail spending is based on a number of critical assumptions. First, the average unit sales price is utilized to estimate the average household income of the new residents. The assumptions that influence this calculation can be found in the Assumptions tab in the “ average household gross income calculation.” The model uses standard lending assumptions to calculate the income qualifications for the units based on the projected sales price. Any of the assumptions (down payment, lending rate, etc.) can be changed based on current lending conditions. With long-term absorption periods, it is recommended the user use conservative assumptions. ERA utilizes a number of retail spending assumptions as documented in the EPS Study to determine the estimated amount of sales tax generated by residents in the project. The total retail spending of the year-round residents is reduced by a capture estimate for retail spending within the City.

*Second Home Units (Cold Beds):* The spending estimates associated with second home units are based on assumptions documented in the EPS Study. Any of these assumptions can be changed in the Assumptions tab based on new survey data or follow up studies.

*Rental Rooms:* The spending estimates associated with second home units are based on assumptions documented in the EPS Study. Any of these assumptions can be changed in the Assumptions tab based on new survey data or follow up studies.

*On-Site Retail Development:* On-site retail development refers to any retail being constructed in the development program. The total square feet of retail, by type, is multiplied by an assumed sale per square foot estimate to determine the sales tax potential.

*On-Site Hotel Development:* The model uses the anticipated average daily rate and contemporary annual occupancy estimate to determine the projected revenue per occupied room (RevPAR). This is then used to determine the sales tax associated with annual hotel room revenues.

Table 14, presented below, presents the total sales tax generation of the illustrative development scenario. The model differentiates between local retail sales and regional retail sales for the on-site retail development. The differing retail orientations require different assumptions based on their attraction potential.

First, the model displays the total potential retail spending based on on-site units. Next, the model presents an assumed level of spending being attracted from outside the City. Assuming the on-site units' demand along with the spending from residents outside of the City is greater than the amount of projected retail sales from the on-site retail development, the sales tax generated by on-site units is estimated. Any excess spending potential generated by the on-site units will be accounted for in the next set of calculations. However, if the on-site units' spending is less than the demand required by local retail sales, the model will only count the retail spending by the on-site units and will quantify the level of cannibalization based on the new retail' s assumed sales performance.

If applicable, the regional retail model functions similarly with a few of notable differences. First, it assumes a higher level of spending from residents outside the City because large format retail has the ability to attract residents from a larger market shed (region). Second, ERA has included a level of retail spending that can be captured by future projected residents in the City (due to its format). Finally, per the EPS Study, ERA has included a recapture estimate of retail spending that is currently being lost to areas outside the City.

It is important to note that the retail assumptions, in particular, will need to be revised as new retail products are delivered to the market. All assumptions are currently based on 2007 year-end retail conditions. The development of new large-scale retail in the City or in near by communities are likely to dramatically alter specific assumptions within the model. As a result, the user may choose to use a different method to calculate retail spending by considering only project related support based on the projected demand from on-site units and the anticipated sales level of purposed on-site retail development. In essence, this approach would likely identify (given the appropriate mix of retail offerings) if the proposed on-site units could support the proposed level of retail development or if it will require attracting additional sales from the City.





Table 14  
Sales Tax Case Study

Project Analysis	2015	2020	2025
<b>Local Retail Sales</b>			
Total Potential Retail Spending from Project	\$15,487,356	\$36,689,397	\$50,607,046
Taxable Sales from Outside Steamboat	\$1,104,375	\$6,733,125	\$8,058,375
<b>Local Retail Support (On-Site Sales Only If Excess Demand)</b>	<b>\$7,362,500</b>	<b>\$43,422,522</b>	<b>\$58,665,421</b>
<b>Total Local Retail Tax Revenue</b>	<b>\$294,500</b>	<b>\$1,736,901</b>	<b>\$2,346,617</b>
<b>Local Cannibalization Analysis (Illustrative)</b>			
Regional Taxable (On-Site Retail Development) Sales	\$7,362,500	\$44,887,500	\$53,722,500
Total Potential Retail Spending from Project	\$16,591,731	\$43,422,522	\$58,665,421
Cannibalization	\$9,229,231	(\$1,464,978)	\$4,942,921
<b>Excess Retail Demand from Project</b>	<b>\$9,229,231</b>	<b>\$0</b>	<b>\$4,942,921</b>
<b>Total Excess Retail Demand Tax Revenue</b>	<b>\$369,169</b>	<b>\$0</b>	<b>\$197,717</b>
<b>Regional Retail</b>			
Taxable Sales from Outside Steamboat	\$0	\$0	\$0
Demand from Natural Increase	\$15,822,508	\$28,177,638	\$41,487,621
Demand Generated from Recapture of Leakage	\$0	\$0	\$0
<b>Regional Retail Support</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Total Regional Retail Tax Revenue</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Regional Cannibalization Analysis (Illustrative)</b>			
Regional Taxable (On-Site Retail Development) Sales	\$0	\$0	\$0
Project and Regional Demand	\$9,229,231	\$0	\$4,942,921
Cannibalization	0	0	0
<b>Total Retail Tax Revenue</b>	<b>\$663,669</b>	<b>\$1,736,901</b>	<b>\$2,544,334</b>
<b>Utilities and Room Tax Revenue</b>			
Project EDU	880	1,798	2,078
<b>Total Utility Tax Revenue</b>	<b>\$180,456</b>	<b>\$368,748</b>	<b>\$426,166</b>
Rental Rooms	0	80	80
Annual RevPAR	0	\$1,541,368	\$1,541,368
<b>Total Hotel Sales Tax Revenue</b>	<b>\$0</b>	<b>\$61,655</b>	<b>\$61,655</b>
<b>Total Sales Tax Revenues</b>	<b>\$844,126</b>	<b>\$2,167,304</b>	<b>\$3,032,154</b>

Source: ERA

Utility tax revenue is calculated on a EDU basis, while hotel sales tax revenue is based on the annual RevPAR.



#### **IV. Other Calculations**

The following models are for planning purposes only and will not change the net fiscal impact of the development to the City.

##### **Capital Projects Fund**

The projects anticipated contribution to the Capital Projects Fund is based on the development program' s construction cost estimates and the existing Excise Tax and Use Tax rate calculation. All fund revenues are based on one-time construction costs and will not reoccur in years past the construction period (S-Table 1).



**Table 1**  
**Capital Projects Fund**

	2015	2020	2025	Total
<b>Development Program Elements</b>				
Retail (SF)				
Retail/Mixed Use (per SF)	25,000	115,000	30,000	170,000
Retail/Large Format (per SF)	0	0	0	0
Office (SF)	15,000	65,000	15,000	95,000
Industrial/Service (SF)	10,000	20,000	5,000	35,000
Lodging (SF)	0	40,000	0	40,000
Single Family (SF)	804,102	867,027	177,382	1,848,511
Multi Family (SF)	569,205	502,900	261,600	1,333,705
<b>Construction Cost Estimate (per SF)</b>				
Retail (per SF)				
Retail/Mixed Use (per SF)	\$100	\$100	\$100	\$100
Retail/Large Format (per SF)	\$75	\$75	\$75	\$75
Office (per SF)	\$120	\$120	\$120	\$120
Industrial/Service (per SF)	\$135	\$135	\$135	\$135
Lodging (per SF)	\$95	\$95	\$95	\$95
Single Family (per SF)	\$200	\$200	\$200	\$200
Multi Family (per SF)	\$175	\$175	\$175	\$175
<b>Construction Cost Estimate</b>				
Retail				
Retail/Mixed Use (per SF)	\$2,500,000	\$11,500,000	\$3,000,000	\$17,000,000
Retail/Large Format (per SF)	\$0	\$0	\$0	\$0
Office	\$1,800,000	\$7,800,000	\$1,800,000	\$11,400,000
Industrial/Service	\$1,350,000	\$2,700,000	\$675,000	\$4,725,000
Lodging	\$0	\$3,800,000	\$0	\$3,800,000
Single Family	\$160,820,400	\$173,405,400	\$35,476,400	\$369,702,200
Multi Family	\$99,610,875	\$88,007,500	\$45,780,000	\$233,398,375
<b>Total</b>	<b>\$266,081,275</b>	<b>\$287,212,900</b>	<b>\$86,731,400</b>	<b>\$640,025,575</b>
<b>Excise Tax</b>	<b>\$5,986,829</b>	<b>\$6,462,290</b>	<b>\$1,951,457</b>	<b>\$14,400,575</b>
<b>Use Tax</b>	<b>\$3,192,975</b>	<b>\$3,446,555</b>	<b>\$1,040,777</b>	<b>\$7,680,307</b>
<b>Total</b>	<b>\$9,179,804</b>	<b>\$9,908,845</b>	<b>\$2,992,233</b>	<b>\$22,080,882</b>

Source: ERA

## Capital Costs

The capital costs reflect the City' s estimate, by department, of the various capital costs associated with the project. These items are made based on the City' s expectation of certain capital costs required to maintain the current level of City services existing in the year of analysis. In some cases the capital cost assumptions are made in the Assumptions tab. This is currently designed as a blank worksheet that will require the user to collect the cost estimates and manually input them into the model.



**Table 2  
Capital Costs**

Note: This table contains a list of capital improvements identified in the West Steamboat Springs Area Plan (2006 update) ("WSSAP"). According to the WSSAP, "potential" funding sources for these capital items include a "special district, impact fees, land dedication or other mechanisms." The WSSAP further states that the "most appropriate financing/contribution mechanism(s) shall be negotiated between the major developer(s) and the City, possibly during the annexation and development review process." The source of funds to finance the capital improvements identified, and the phasing of such improvements is expected to be determined in negotiations between the City and developers within the WSSAP plan area and set forth in the applicable annexation agreements entered into between the City and such developers.

Capital Items	Estimated Cost	Project Cost Allocation	Year
<b>Steamboat Springs</b>			
<b>Transit</b>			
a) Heated Bus Stops/shelters			
c) Buses	\$2,080,000		
b) Replacement Reserve per Year		\$58,236	
<b>Roads</b>			
a) Gun Club connector			
b) Realignment of CR 42 at intersection with New Victory Parkway			
c) Main/2ndary collectors including on-site portions of New Victory Parkway			
d) New Victory Parkway – Downhill to Overlook subdivision			
e) Downhill Drive improvements			
f) Downhill Dr/Hwy 40 intersection improvements			
g) State Creek Connector – outside City limits			
h) Hwy 40 Capacity Improvements			
<b>Parks</b>			
a) Athletic Fields			
i) Soccer fields (# TBD)			
ii) Softball fields (# TBD)			
b) Community Parks			
<b>Parks/Public Works/Utilities maintenance and snow storage facility</b>			
a) Land– 3-4 acres			
b) Building (? sf)			
<b>Trails</b>			
a) CR 42 pedestrian underpass			
b) Route 40 Pedestrian over/underpass at Sleepy Bear/KOA			
<b>Fire Station</b>			
a) Land for station: 0.5 - 2 acres			
b) Station (15,000 sf)	\$5,777,500		
c) Fire Equipment	\$1,000,000		
<b>Police Station</b>			
a) Office Space			
<b>Community Space</b>			
Community Center			
<b>Steamboat Springs School District</b>			
<b>Schools</b>			
Elementary school construction cost			
<b>Total</b>			

Source: City of Steamboat Springs

## SSRFP

The SSRFP levy estimate is based on the anticipated assessed valuation of the project (using the County Assessor's assessed valuation methodology). Specific assumptions regarding the current mill levy are located in the Assumptions tab. All valuation estimates are provided by the developer and are also located in the Assumption tab (please see appendix).



**Table 3**  
**Steamboat Springs Rural Fire Protection District Levy Estimate**

	2015	2020	2025
<b>Development Program Elements</b>			
Retail (SF)			
Retail/Mixed Use (per SF)	25,000	140,000	170,000
Retail/Large Format (per SF)	0	0	0
Office (SF)	15,000	80,000	95,000
Industrial/Service (SF)	10,000	30,000	35,000
Lodging (SF)	0	40,000	40,000
Single Family (SF)	338	709	771
Multi Family (SF)	585	1,055	1,273
<b>Valuation Estimate (per SF)</b>			
Retail (per SF)			
Retail/Mixed Use (per SF)	\$300	\$300	\$300
Retail/Large Format (per SF)	\$200	\$200	\$200
Office (per SF)	\$300	\$300	\$300
Industrial/Service (per SF)	\$300	\$300	\$300
Lodging (per SF)	\$300	\$300	\$300
Single Family (per unit)	\$573,726	\$626,557	\$808,221
Multi Family (per unit)	\$220,593	\$262,301	\$311,425
<b>Assessed Valuation Estimate</b>			
Retail			
Retail/Mixed Use (per SF)	\$2,175,000	\$12,180,000	\$14,790,000
Retail/Large Format (per SF)	\$0	\$0	\$0
Office	\$1,305,000	\$6,960,000	\$8,265,000
Industrial/Service	\$870,000	\$2,610,000	\$3,045,000
Lodging	\$0	\$3,480,000	\$3,480,000
Single Family	\$15,435,982	\$35,360,618	\$49,601,839
Multi Family	\$10,272,112	\$22,027,530	\$31,556,919
<b>Total</b>	<b>\$30,058,094</b>	<b>\$82,618,148</b>	<b>\$110,738,758</b>
<b>Levy Per Fund (2008)</b>			
Operating	\$0	\$0	\$0
Capital	\$0	\$0	\$0
Debt	\$96,036	\$263,965	\$353,810
<b>Total</b>	<b>\$96,036</b>	<b>\$263,965</b>	<b>\$353,810</b>

Source: ERA

## Student Generation

The Student generation is based on two estimates regarding the anticipated level of new student generation by occupied (year-round) dwelling unit (S-Table 4).

**Table 4**  
**Student Generation Estimate**

	2015	2020	2025
Occupied Dwelling Units			
Single Family (units)	311	652	709
Multi Family (units)	538	971	1,171
<b>Total</b>	<b>849</b>	<b>1,623</b>	<b>1,880</b>
Student Generation Factor			
Planning Department	0.39	0.39	0.39
Western Demographic	0.19	0.19	0.19
Student Generation (Planning Department)			
Single Family (units)	121	254	277
Multi Family (units)	<u>210</u>	<u>379</u>	<u>457</u>
<b>Total</b>	<b>331</b>	<b>633</b>	<b>733</b>
Student Generation (Western Demographic)			
Single Family (units)	59	124	135
Multi Family (units)	<u>102</u>	<u>184</u>	<u>223</u>
<b>Total</b>	<b>161</b>	<b>308</b>	<b>357</b>

Source: ERA

Fiscal Impact Model
---------------------

Project Name	Steamboat 700
Developer	Steamboat 700
Base Year	2008
Fiscal Year	2007
Scenario	Land Use Program
Source	CAFR 2007
User Name	Lance Harris
Date	1/13/2009

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Table of Contents	
Table	Tab Name

**Fiscal Impact Model**

- 1 [Revenue Data](#)
- 2 [Expenditure Data](#)
- 3 [EDU Calculation - Steamboat Springs](#)
- 4 [EDU Calculation - Project](#)
- 5 [Project Absorption](#)
- 6 [Revenue Projections](#)
- 7 [Expense Projections](#)
- 8 [Summary of Results](#)
- 9 [Transit Case Study](#)
- 10 [Public Works Case Study](#)
- 11 [Fire Case Study](#)
- 12 [Police Case Study](#)
- 13 [Parks and Recreation Case Study](#)
- 14 [Sales Tax Case Study](#)

Appendix [Model Assumptions](#)

**Supplementary Data Tables**

- 1 [Capital Projects Fund](#)
- 2 [Capital Costs](#)
- 3 [SSRFP Levy Estimate](#)
- 4 [Student Generation Estimate](#)



**Table 1**  
**Revenue Data (\$2008)**

<b>Source of Revenue</b>	<b>Total</b>
Taxes and Assessments	\$21,328,276
Licenses and Permits	\$33,575
Intergovernmental	\$1,924,277
Charges for Services	\$2,310,131
Fines and Forfeits	\$285,469
Other	<u>\$1,563,930</u>
<b>Total</b>	<b>\$27,445,656</b>

*Source: CAFR 2007*

**Table 2**  
**Expense Data (\$2008)**

<b>Source of Expenditure</b>	<b>Total</b>
General Government	\$5,660,292
Transportation Services	\$2,803,833
Public Works	\$2,598,055
Public Safety Services	\$5,762,758
Legal and Municipal Court	\$581,938
Parks and Recreation	\$5,073,254
Planning Services	\$1,039,518
Debt Service	<u>\$1,058,622</u>
<b>Total</b>	<b>\$24,578,270</b>

Source: CAFR 2007

**Table 3**  
**EDU Calculation - Steamboat Springs**

**Steamboat Springs EDU Calculation:**

Population	11,608
<b>Occupied Dwelling Units</b>	<b>4,982</b>
Persons Per Dwelling Unit	2.33
Employees (less hotel employees)	10,707
Employment Resident Equivalent	35%
Employment Resident Equivalents	3,747
<b>Employment Resident / Persons Per DU</b>	<b>1,608</b>
Second Homes	
Second Homes (Cold Beds)	1,379
Occupancy	16%
Persons Per Unit	2.6
Occupied Second Homes	221
Second Home Residents per Unit	574
<b>Second Home Residents / Persons per DU</b>	<b>246</b>
Rental Rooms	
Rental Room Supply	3,495
Occupancy	50%
Visitors per Room	3.4
Occupied Hotel Rooms	1,732
Visitors per Occupied Hotel Room	5,911
<b>Visitors / Persons per DU</b>	<b>2,537</b>
<b>Equivalent Dwelling Units (EDU)</b>	<b>9,373</b>

Source: City of Steamboat Springs, infoUSA, EPS, and ERA

**Table 4**  
**EDU Calculation - Project**

<b>EDU Calculation for Steamboat 700</b>	
<b>Occupied Dwelling Units</b>	<b>1,880</b>
Employees (less hotel employees)	733
Employment Resident Equivalent	0.35
Employment Resident Equivalents	257
<b>Employment EDU</b>	<b>110</b>
Second Homes	
Second Homes (Cold Beds)	164
Occupancy	16%
Persons Per Unit	2.6
Occupied Second Homes	26
Second Home Residents per Unit	68
<b>Second Home EDU</b>	<b>29</b>
Rental Rooms	
Rental Room Supply	80
Occupancy	50%
Visitors per Room	3.4
Occupied Hotel Rooms	40
Visitors per Occupied Hotel Room	135
<b>Rental Room EDU</b>	<b>58</b>
<b>Equivalent Dwelling Units (EDU)</b>	<b>2,078</b>

Source: City of Steamboat Springs, Steamboat 700, infoUSA, EPS, and ERA

**Table 5**  
**Project Absorption**

	2015	2020	2025
<b>Development Program (Cumulative)</b>			
Retail (SF)	25,000	140,000	170,000
Office (SF)	15,000	80,000	95,000
Industrial/Service (SF)	10,000	30,000	35,000
Lodging (Rooms)	0	80	80
<b>Residential Housing (Dwelling Units)</b>			
Single Family	338	709	771
Multi Family	585	1,055	1,273
<b>Occupied Housing (Dwelling Units)</b>			
Single Family	311	652	709
Multi Family	538	971	1,171
Second Home Units (Cold Beds)	74	141	164
<b>Population</b>			
Single Family	760	1,595	1,734
Multi Family	1,192	2,150	2,594
Employment	117	611	733
EDU	880	1,798	2,078
<b>Other Development Elements (Cumulative)</b>			
Streets (Lane Miles)	6.0	14.0	23.0
Alley (Miles)	2.0	4.0	5.0
Parking Lot (Square Feet)	0.0	0.0	0.0
Parks (Acres)	14.0	20.0	22.0
Trails (Miles)	6.0	12.0	13.0
Open Space (Acres)	63.0	115.0	125.0
<b>Local Serving Retail (SF)</b>			
Convenience Goods	2,500	52,500	55,500
Shopper Goods	12,500	67,500	82,500
Eating and Drinking	10,000	20,000	32,000
Building Material & Garden	0	0	0
<b>Regional Serving Retail (SF)</b>			
Convenience Goods	0	0	0
Shopper Goods	0	0	0
Eating and Drinking	0	0	0
Building Material & Garden	0	0	0

Source: Steamboat 700

**Table 6**  
**Revenue Projections**

	\$2008	Forecast Method	Base Year Rate	2015	2020	2025
<b>Taxes and Assessments</b>						
Sales Tax	\$19,595,335	<a href="#">Sales Tax Case Study</a>		\$844,126	\$2,167,304	\$3,032,154
Vehicle Use Tax	\$664,727	Per Capita	\$57.26	\$111,808	\$214,445	\$247,873
Franchise Fees	\$935,136	Per EDU	\$99.77	\$87,780	\$179,372	\$207,303
Special Assessments	\$39,084	Per EDU	\$4.17	\$3,669	\$7,497	\$8,664
Other Taxes and Assessments	\$93,994	Per EDU	\$10.03	\$8,823	\$18,029	\$20,837
<b>Licenses and Permits</b>	\$33,575	Per EDU	\$3.58	\$3,152	\$6,440	\$7,443
<b>Intergovernmental</b>						
County Road & Bridge	\$235,335	Per EDU	\$25.11	\$22,091	\$45,141	\$52,169
Mineral Lease	\$30,904	Zero Forecast		\$0	\$0	\$0
Mineral Severance	\$16,465	Zero Forecast		\$0	\$0	\$0
Highway Users Taxes	\$365,750	Per Capita	\$31.51	\$27,723	\$56,651	\$65,472
Government Grants	\$451,858	Zero Forecast		\$0	\$0	\$0
Additional Motor Vehicle Taxes	\$50,545	Per Capita	\$4.35	\$3,831	\$7,829	\$9,048
Fire Protection Services	\$592,205	Percent of Fire Costs		\$329,999	\$329,999	\$329,999
County Animal Shelter Charge	\$33,135	Per Capita	\$2.85	\$5,573	\$10,690	\$12,356
Other Intergovernmental	\$148,081	Zero Forecast		\$0	\$0	\$0
<b>Charges for Services</b>						
Ski Complex Fees	\$417,445	Per Capita	\$35.96	\$70,215	\$134,670	\$155,663
Park User Fees and Concessions	\$211,697	Per Capita	\$18.24	\$35,608	\$68,295	\$78,941
Recreation Program Fees	\$62,584	Per Capita	\$5.39	\$10,527	\$20,190	\$23,337
Ice Rink Fees	\$470,139	Per Capita	\$40.50	\$79,078	\$151,669	\$175,312
Tennis Center Fees	\$546,046	Per Capita	\$47.04	\$91,846	\$176,158	\$203,617
Transit Fees	\$36,183	Zero Forecast or EDU	\$3.86	\$0	\$0	\$0
Planning Fees	\$152,380	Per EDU	\$16.26	\$14,304	\$29,229	\$33,780
Emergency Medical Services	\$226,433	Per EDU	\$24.16	\$21,255	\$43,433	\$50,196
Other Charges for Services	\$187,224	Per EDU	\$19.97	\$17,574.59	\$35,912.29	\$41,504.22
<b>Fines and Forfeits</b>	\$285,469	Per EDU	\$30.46	\$26,797	\$54,757	\$63,283
<b>Other</b>						
Investment Income	\$750,629	Zero Forecast		\$0	\$0	\$0
Affordable Housing Loan Repayment	\$85,416	Zero Forecast		\$0	\$0	\$0
Contributions	\$237,479	Zero Forecast		\$0	\$0	\$0
Voluntary Assessment	\$239,695	Zero Forecast		\$0	\$0	\$0
Proceeds from Issuance of Debt	\$0	Zero Forecast		\$0	\$0	\$0
Miscellaneous	\$250,710	Zero Forecast		\$0	\$0	\$0
<b>Total Revenues</b>	\$27,445,656			\$1,815,778	\$3,757,708	\$4,818,950

Source: CAFR 2007 and ERA

Table 7  
Expenditures Projection

	\$2008	Percent Variable	Forecast Method	Base Year Rate	2015	2020	2025
General Government	\$5,660,292	50%	% Variable & EDU	\$301.94	\$265,663	\$542,862	\$627,391
Transportation Services	\$2,803,833		<a href="#">Transit Case Study</a>		\$707,985	\$707,985	\$707,985
Public Works	\$2,598,055		<a href="#">Public Works Case Study</a>		\$146,225	\$329,990	\$515,751
Public Safety Services	\$5,762,758		Police and Fire Case Study		\$1,351,115	\$1,650,164	\$1,741,356
Police			<a href="#">Police Case Study</a>		\$286,604	\$585,652	\$676,844
Fire			<a href="#">Fire Case Study</a>				
			EDU		\$199,850	\$408,377	\$471,965
			Station		\$1,064,512	\$1,064,512	\$1,064,512
Legal and Municipal Court	\$581,938	50%	% Variable & EDU	\$31.04	\$27,313	\$55,812	\$64,502
Parks and Recreation	\$5,073,254		<a href="#">Parks and Recreation Case Study</a>		\$334,984	\$624,329	\$713,965
Community Development	\$1,039,518	50%	% Variable & EDU	\$55.45	\$48,789	\$99,697	\$115,221
Debt Service	\$1,058,622		Not Evaluated		\$0	\$0	\$0
<b>Total</b>	<b>\$24,578,270</b>				<b>\$2,882,074</b>	<b>\$4,010,838</b>	<b>\$4,486,172</b>

Source: CAFR 2007 and ERA

**Table 8**  
**Summary of Results**

	2015	2020	2025
<b>Revenues</b>			
<b>Taxes and Assessments</b>			
Sales Tax	\$844,126	\$2,167,304	\$3,032,154
Vehicle Use Tax	\$111,808	\$214,445	\$247,873
Franchise Fees	\$87,780	\$179,372	\$207,303
Special Assessments	\$3,669	\$7,497	\$8,664
Other Taxes and Assessments	\$8,823	\$18,029	\$20,837
<b>Licenses and Permits</b>	\$3,152	\$6,440	\$7,443
<b>Intergovernmental</b>			
County Road & Bridge	\$22,091	\$45,141	\$52,169
Mineral Lease	\$0	\$0	\$0
Mineral Severance	\$0	\$0	\$0
Highway Users Taxes	\$27,723	\$56,651	\$65,472
Government Grants	\$0	\$0	\$0
Additional Motor Vehicle Taxes	\$3,831	\$7,829	\$9,048
Fire Protection Services	\$329,999	\$329,999	\$329,999
County Animal Shelter Charge	\$5,573	\$10,690	\$12,356
Other Intergovernmental	\$0	\$0	\$0
<b>Charges for Services</b>			
Ski Complex Fees	\$70,215	\$134,670	\$155,663
Park User Fees and Concessions	\$35,608	\$68,295	\$78,941
Recreation Program Fees	\$10,527	\$20,190	\$23,337
Ice Rink Fees	\$79,078	\$151,669	\$175,312
Tennis Center Fees	\$91,846	\$176,158	\$203,617
Transit Fees	\$0	\$0	\$0
Planning Fees	\$14,304	\$29,229	\$33,780
Emergency Medical Services	\$21,255	\$43,433	\$50,196
Other Charges for Services	\$17,575	\$35,912	\$41,504
<b>Fines and Forfeits</b>	\$26,797	\$54,757	\$63,283
<b>Other</b>			
Investment Income	\$0	\$0	\$0
Affordable Housing Loan Repayment	\$0	\$0	\$0
Contributions	\$0	\$0	\$0
Voluntary Assessment	\$0	\$0	\$0
Proceeds from Issuance of Debt	\$0	\$0	\$0
Miscellaneous	\$0	\$0	\$0
<b>Total Revenues</b>	<b>\$1,815,778</b>	<b>\$3,757,708</b>	<b>\$4,818,950</b>
<b>Expenses</b>			
General Government	\$265,663	\$542,862	\$627,391
Transportation Services	\$707,985	\$707,985	\$707,985
Public Works	\$146,225	\$329,990	\$515,751
Public Safety Services	\$1,351,115	\$1,650,164	\$1,741,356
Police	\$286,604	\$585,652	\$676,844
Fire	\$1,064,512	\$1,064,512	\$1,064,512
Legal and Municipal Court	\$27,313	\$55,812	\$64,502
Parks and Recreation	\$334,984	\$624,329	\$713,965
Community Development	\$48,789	\$99,697	\$115,221
Debt Service	\$0	\$0	\$0
<b>Total General Fund Expenses</b>	<b>\$2,882,074</b>	<b>\$4,010,838</b>	<b>\$4,486,172</b>
<b>Net Fiscal Impact</b>	<b>(\$1,066,297)</b>	<b>(\$253,130)</b>	<b>\$332,778</b>
<i>Net Fiscal Impact (Pro Rata Share of Fire Costs)</i>	<b>(\$201,635)</b>	<b>\$403,005</b>	<b>\$925,324</b>

Source: CAFR 2007, ERA, and Steamboat 700



**Table 9**  
**Transit Case Study**

Expenditure Assumptions	Cost	Factor	Percent Variable	Cost Per Factor	Fuel Factor Adjustment
<b>Transportation Services</b>					
Transportation Administration	\$423,389	Hours of Operations	50%	\$5.74	\$5.74
Regional Bus Service	\$17,483	EDU	100%	\$0.00	\$0.00
Local Bus Service	\$1,966,341	Hours of Operations	100%	\$53.29	\$53.29
Vehicle Maintenance	\$263,308	Hours of Operations	100%	\$7.14	\$7.14
Parking Management	\$59,966	Hours of Operations	100%	\$1.63	\$1.63
Stockbride Center	\$4,960	Hours of Operations	100%	\$0.13	\$0.13
<b>Total</b>	<b>\$2,735,447</b>			<b>\$67.92</b>	<b>\$67.92</b>

Project Analysis	Buses	Hours	Total	2015	2020	2025
<b>Service</b>						
Summer Regular	2	4,460	8,920	8,920	8,920	8,920
Summer Peak	0	0	0	0	0	0
Winter Regular	2	3,124	6,248	6,248	6,248	6,248
Winter Peak	2	1,420	2,840	2,840	2,840	2,840
<b>New Service Total</b>			18,008	18,008	18,008	18,008
<b>Existing Service</b>			(7,584)	(7,584)	(7,584)	(7,584)
<b>Total (New + Existing)</b>			10,424	10,424	10,424	10,424
<b>Transportation Services Cost Estimate</b>						
Transportation Administration				\$59,801	\$59,801	\$59,801
Regional Bus Service				\$0	\$0	\$0
Local Bus Service				\$555,463	\$555,463	\$555,463
Vehicle Maintenance				\$74,381	\$74,381	\$74,381
Parking Management				\$16,940	\$16,940	\$16,940
Stockbride Center				\$1,401	\$1,401	\$1,401
<b>Total Transit Costs</b>				<b>\$707,985</b>	<b>\$707,985</b>	<b>\$707,985</b>

Source: ERA and Transportation Services

**Table 10**  
**Public Works Case Study**

<b>Expenditure Assumptions</b>	<b>Cost</b>	<b>Factor</b>	<b>Percent Variable</b>	<b>Cost Per Factor</b>
<b>Public Works</b>				
Public Works Administration	\$156,270	Streets & Alley	50%	\$504.10
Engineering	\$240,440	Streets & Alley	50%	\$775.61
<b>Streets</b>				
Streets Administration	\$305,730	Streets & Alley	50%	\$986.23
Snow Removal	\$648,281	Streets & Alley	100%	\$4,182.46
Pavement Management	\$393,631	Streets & Alley	100%	\$2,539.55
Traffic Control	\$161,878	Streets & Alley	100%	\$1,044.38
Storm Water Management	\$123,641	Streets & Alley	100%	\$797.68
General Services	<u>\$568,184</u>	Streets & Alley	100%	<u>\$3,665.70</u>
<b>Total</b>	<b>\$2,598,055</b>			<b>\$14,495.71</b>

<b>Project Analysis</b>	<b>2015</b>	<b>2020</b>	<b>2025</b>
Streets (Lane Miles)	6.00	14.00	23.00
Alley (Miles)	2.00	4.00	5.00
Distribution of Streets & Alley			
Very High	0.82	1.96	3.37
High	4.85	10.45	15.00
Normal	2.33	5.59	9.63
Parking Lot (Square Feet)	0.00	0.00	0.00
<b>Public Works</b>			
Public Works Administration	\$4,032.79	\$9,073.77	\$14,114.75
Engineering	\$6,204.91	\$13,961.06	\$21,717.20
<b>Streets</b>			
Streets Administration	\$7,890	\$17,752	\$27,614
Snow Removal (equivalent miles)			
Very High	\$17,076	\$40,900	\$70,425
High	\$40,564	\$87,430	\$125,482
Normal	\$9,762	\$23,389	\$40,283
Pavement Management	\$20,316	\$45,712	\$71,107
Traffic Control	\$6,266	\$14,621	\$24,021
Storm Water Management	\$4,786	\$11,168	\$18,347
General Services	<u>\$29,326</u>	<u>\$65,983</u>	<u>\$102,640</u>
<b>Total Public Works Costs</b>	<b>\$146,225</b>	<b>\$329,990</b>	<b>\$515,751</b>

Source: ERA and Public Works

Table 11  
Fire Case Study

Expenditure Assumptions	Cost	Factor	Percent Variable	Cost Per Factor
<b>Fire Services</b>				
Fire Services Administration	\$275,762	Per EDU	50%	\$14.71
Fire Prevention	\$419,873	Per EDU	100%	\$44.79
Fire Safety & Education	\$54,278	Per EDU	100%	\$5.79
Fire Suppression and EMS	<u>\$1,516,992</u>	Per EDU	100%	<u>\$161.84</u>
<b>Total</b>	<b>\$2,266,904</b>			<b>\$227.14</b>
<b>Fire Services</b>				
Fire Services Administration	\$275,762	by Station	50%	\$68,940.48
Fire Prevention	\$419,873	by Station	100%	\$209,936.40
Fire Safety & Education	\$54,278	by Station	100%	\$27,138.93
Fire Suppression and EMS	<u>\$1,516,992</u>	by Station	100%	<u>\$758,495.90</u>
<b>Total</b>	<b>\$2,266,904</b>			<b>\$1,064,511.70</b>
Project Analysis	2015	2020	2025	
EDU	880	1,798	2,078	
Station	1	1	1	
<b>Fire Services (EDU)</b>				
Fire Services Administration	\$12,943	\$26,448	\$30,566	
Fire Prevention	\$39,413	\$80,538	\$93,078	
Fire Safety & Education	\$5,095	\$10,411	\$12,032	
Fire Suppression and EMS	<u>\$142,399</u>	<u>\$290,980</u>	<u>\$336,289</u>	
<b>Total Fire Costs</b>	<b>\$199,850</b>	<b>\$408,377</b>	<b>\$471,965</b>	
<i>EDU Share of Total Station Cost</i>	19%	38%	44%	
<b>Fire Services (Station)</b>				
Fire Services Administration	\$68,940	\$68,940	\$68,940	
Fire Prevention	\$209,936	\$209,936	\$209,936	
Fire Safety & Education	\$27,139	\$27,139	\$27,139	
Fire Suppression and EMS	<u>\$758,496</u>	<u>\$758,496</u>	<u>\$758,496</u>	
<b>Total Fire Costs</b>	<b>\$1,064,512</b>	<b>\$1,064,512</b>	<b>\$1,064,512</b>	
<b>Variance (Station - EDU)</b>				
Fire Services Administration	\$55,998	\$42,493	\$38,375	
Fire Prevention	\$170,523	\$129,399	\$116,858	
Fire Safety & Education	\$22,044	\$16,728	\$15,107	
Fire Suppression and EMS	<u>\$616,097</u>	<u>\$467,515</u>	<u>\$422,207</u>	
<b>Total Fire Costs</b>	<b>\$864,662</b>	<b>\$656,135</b>	<b>\$592,546</b>	

Source: ERA and Fire Department

Table 12  
Police Case Study

Expenditure Assumptions	Cost	Factor	Percent Variable	Cost Per Factor
<b>Police Services</b>				
Police Administration	\$468,964	Per EDU	50%	\$25.02
Records Management	\$416,290	Per EDU	50%	\$22.21
Police Patrol	\$1,728,956	Per EDU	100%	\$184.45
Investigations	\$421,410	Per EDU	100%	\$44.96
Animal Control	\$199,470	Per EDU	100%	\$21.28
Community Services Parking Enforcement	<u>\$260,763</u>	Per EDU	100%	<u>\$27.82</u>
<b>Total</b>	<b>\$3,495,854</b>			<b>\$325.73</b>
<b>Police Services</b>				
Police Administration	\$468,964	Officers	50%	\$10,085.25
Records Management	\$416,290	Officers	50%	\$8,952.48
Police Patrol	\$1,728,956	Officers	100%	\$74,363.68
Investigations	\$421,410	Officers	100%	\$18,125.17
Animal Control	\$199,470	Officers	100%	\$8,579.36
Community Services Parking Enforcement	<u>\$260,763</u>	Officers	100%	<u>\$11,215.62</u>
<b>Total</b>	<b>\$3,495,854</b>			<b>\$131,321.57</b>
Project Analysis	2015	2020	2025	
EDU	880	1,798	2,078	
Occupied Housing Population	1,952	3,745	4,329	
New Officers (Desired Level of Service)	4.9	9.4	10.8	
<b>Police Services (EDU)</b>				
Police Administration	\$22,011	\$44,977	\$51,980	
Records Management	\$19,538	\$39,925	\$46,142	
Police Patrol	\$162,296	\$331,638	\$383,278	
Investigations	\$39,557	\$80,832	\$93,419	
Animal Control	\$18,724	\$38,261	\$44,219	
Community Services Parking Enforcement	<u>\$24,478</u>	<u>\$50,018</u>	<u>\$57,806</u>	
<b>Total</b>	<b>\$286,604</b>	<b>\$585,652</b>	<b>\$676,844</b>	
<i>EDU Share of Total Office Planning Factor</i>	45%	48%	48%	
<b>Police Services (Desired Officers)</b>				
Police Administration	\$49,228	\$94,418	\$109,136	
Records Management	\$43,699	\$83,813	\$96,878	
Police Patrol	\$362,982	\$696,191	\$804,713	
Investigations	\$88,472	\$169,687	\$196,138	
Animal Control	\$41,877	\$80,320	\$92,840	
Community Services Parking Enforcement	<u>\$54,745</u>	<u>\$105,000</u>	<u>\$121,368</u>	
<b>Total</b>	<b>\$641,004</b>	<b>\$1,229,429</b>	<b>\$1,421,073</b>	
<b>Variance (Desired Officers - EDU)</b>				
Police Administration	\$27,217	\$49,441	\$57,155	
Records Management	\$24,160	\$43,888	\$50,736	
Police Patrol	\$200,687	\$364,552	\$421,436	
Investigations	\$48,915	\$88,855	\$102,719	
Animal Control	\$23,153	\$42,059	\$48,621	
Community Services Parking Enforcement	<u>\$30,268</u>	<u>\$54,982</u>	<u>\$63,561</u>	
<b>Total</b>	<b>\$354,400</b>	<b>\$643,777</b>	<b>\$744,229</b>	

Source: ERA and Police Department

Table 13  
Parks and Recreation Case Study

Expenditure Assumptions	Cost	Factor	Percent Variable	Cost Per Factor
<b>Parks and Recreation</b>				
Parks, Open Space and Rec. Administration	\$339,733	Per Capita	50%	\$14.63
Recreational Programs	\$925,833	Per Capita	100%	\$79.76
Parks	\$1,648,861	Per Parks	100%	\$2,913.18
Trails	\$151,822	Per Trails	100%	\$4,465.35
Howelsen Ski Complex	\$1,043,282	Per Capita	25%	\$22.47
Rodeo Facilities	\$136,920	Per Capita	25%	\$2.95
Ice Arena	\$693,853	Per Capita	25%	\$14.94
Open Space	<u>\$132,950</u>	Per Open Space	100%	<u>\$68.32</u>
<b>Total</b>	<b>\$5,073,254</b>			\$7,581.61

Project Analysis	2015	2020	2025
Occupied Housing Population	1,952	3,745	4,329
Parks (Acres)	14.0	20.0	22.0
Trails (Miles)	6.0	12.0	13.0
Open Space (Acres)	63.0	115.0	125.0
<b>Parks and Recreation</b>			
Parks, Open Space and Rec. Administration	\$28,572	\$54,800	\$63,342
Recreational Programs	\$155,726	\$298,679	\$345,238
Parks	\$40,785	\$58,264	\$64,090
Trails	\$26,792	\$53,584	\$58,050
Howelsen Ski Complex	\$43,870	\$84,142	\$97,258
Rodeo Facilities	\$5,758	\$11,043	\$12,764
Ice Arena	\$29,177	\$55,960	\$64,683
Open Space	<u>\$4,304</u>	<u>\$7,857</u>	<u>\$8,540</u>
<b>Parks and Recreation Total</b>	<b>\$334,984</b>	<b>\$624,329</b>	<b>\$713,965</b>

Source: ERA

Table 14  
Sales Tax Case Study

Project Analysis	2015	2020	2025
<b>Retail Sales Based on Development</b>			
<b>Local Retail Sales</b>			
Total Potential Retail Spending from Project	\$15,487,356	\$36,689,397	\$50,607,046
Taxable Sales from Outside Steamboat	\$1,104,375	\$6,733,125	\$8,058,375
<b>Local Retail Support (On-Site Sales Only If Excess Demand)</b>	<b>\$7,362,500</b>	<b>\$43,422,522</b>	<b>\$58,665,421</b>
<b>Total Local Retail Tax Revenue</b>	<b>\$294,500</b>	<b>\$1,736,901</b>	<b>\$2,346,617</b>
<b>Local Cannibalization Analysis (Illustrative)</b>			
Regional Taxable (On-Site Retail Development) Sales	\$7,362,500	\$44,887,500	\$53,722,500
Total Potential Retail Spending from Project	\$16,591,731	\$43,422,522	\$58,665,421
Cannibalization	<b>\$9,229,231</b>	<b>(\$1,464,978)</b>	<b>\$4,942,921</b>
<b>Excess Retail Demand from Project</b>	<b>\$9,229,231</b>	<b>\$0</b>	<b>\$4,942,921</b>
<b>Total Excess Retail Demand Tax Revenue</b>	<b>\$369,169</b>	<b>\$0</b>	<b>\$197,717</b>
<b>Regional Retail</b>			
Taxable Sales from Outside Steamboat	\$0	\$0	\$0
Demand from Natural Increase	\$15,822,508	\$28,177,638	\$41,487,621
Demand Generated from Recapture of Leakage	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>Regional Retail Support</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Total Regional Retail Tax Revenue</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Regional Cannibalization Analysis (Illustrative)</b>			
Regional Taxable (On-Site Retail Development) Sales	\$0	\$0	\$0
Project and Regional Demand	\$9,229,231	\$0	\$4,942,921
Cannibalization	0	0	0
<b>Total Retail Tax Revenue</b>	<b>\$663,669</b>	<b>\$1,736,901</b>	<b>\$2,544,334</b>
<b>Utilities and Room Tax Revenue</b>			
Project EDU	880	1,798	2,078
<b>Total Utility Tax Revenue</b>	<b>\$180,456</b>	<b>\$368,748</b>	<b>\$426,166</b>
Rental Rooms	0	80	80
Annual RevPAR	0	<u>\$1,541,368</u>	<u>\$1,541,368</u>
<b>Total Hotel Sales Tax Revenue</b>	<b>\$0</b>	<b>\$61,655</b>	<b>\$61,655</b>
<b>Total Sales Tax Revenues</b>	<b>\$844,126</b>	<b>\$2,167,304</b>	<b>\$3,032,154</b>

Source: ERA

**Appendix Appendix  
Model Assumptions**

Steamboat Springs:		Source:
Retail (SF)	2,669,224	
Local Retail	2,409,224	Planning Department
Regional Retail	260,000	Planning Department
Office (SF)	391,437	Planning Department
Industrial (SF)	760,936	Planning Department
Lodging (Rooms)	3,495	EPS
Residential Housing (Dwelling Units) 2000	7,089	2000 Census
Estimated New Housing Units April 1, 2000 - 2007	1,933	Planning Department
Residential Housing (Dwelling Units)	9,022	Planning Department
Single Family	5,413	
Multi Family	3,609	
Second Homes (Cold Beds)	1,379	EPS
Occupied Housing (Dwelling Units)	4,982	
Single Family	2,989	
Multi Family	1,993	
Household Population	11,608	
Employees	14,446	infoUSA
Employees (Less Hotel Employees)	10,707	infoUSA

Assumptions:		
Steamboat Springs Household Growth Rate	1.5%	Planning Department
Occupied Housing Vacancy Rate	45%	Planning Department
Single Family	60%	Planning Department
Multi Family	40%	Planning Department
Second Home Occupancy Rate	16%	EPS
Second Home Residents per Unit	2.6	EPS
Hotel Room Occupancy Rate	50%	EPS
Visitors per Hotel Room	3.4	EPS
Persons per Occupied Housing (DU)	2.3	Planning Department
EDU Emp. To DU Calc.	35%	ERA
Employment Generation		
Retail SF per Emp.	450	ERA
Office SF per Emp.	300	ERA
Industrial SF per Emp.	900	ERA
Service SF per Emp.	500	ERA
Hotel Room per Emp.	1	ERA

**Appendix Appendix  
Model Assumptions**

Development Program:		Source:
Total Retail (SF)	170,000	
Local Retail	170,000	Steamboat 700
Regional Retail	0	Steamboat 700
Office (SF)	95,000	Steamboat 700
Service/Industrial (SF)	35,000	Steamboat 700
Lodging (SF)	40,000	Steamboat 700
Lodging (Rooms)	80	Steamboat 700
SF per Hotel Room	500	Steamboat 700
Residential Housing (Dwelling Units)	2,044	
Single Family	771	Steamboat 700
Multi Family	1,273	Steamboat 700
Occupied Housing (Dwelling Units)	1,880	
Single Family	709	
Multi Family	1,171	
Household Population	4,329	
Single Family	1,734	
Multi Family	2,594	
Employees	813	
Retail (SF)	378	
Office (SF)	317	
Service/Industrial (SF)	39	
Lodging (Rooms)	80	
Street (Lane Miles)	23	Steamboat 700
Alley (Miles)	5	Steamboat 700
Distribution of Streets & Alley		
2015		
Very High	10.2%	Steamboat 700
High	60.6%	Steamboat 700
Normal	29.2%	Steamboat 700
2020		
Very High	10.9%	Steamboat 700
High	58.1%	Steamboat 700
Normal	31.1%	Steamboat 700
2025		
Very High	12.0%	Steamboat 700
High	53.6%	Steamboat 700
Normal	34.4%	Steamboat 700
Parking Lot (SF)	0	Steamboat 700
Parks (Acres)	22	Steamboat 700
Trails (Miles)	13	Steamboat 700
Open Space (Acres)	125	Steamboat 700
Local Serving Retail (SF)		
Convenience Goods	55,500	Steamboat 700
Shopper Goods	82,500	Steamboat 700
Eating and Drinking	32,000	Steamboat 700
Building Material & Garden	0	Steamboat 700
Regional Serving Retail (SF)		
Convenience Goods	0	Steamboat 700
Shopper Goods	0	Steamboat 700
Eating and Drinking	0	Steamboat 700
Building Material & Garden	0	Steamboat 700
Assumed Value (\$2008)		
Retail (per SF)		
Retail/Mixed Use (per SF)	\$300	Steamboat 700
Retail/Large Format (per SF)	\$200	Steamboat 700
Office (per SF)	\$300	Steamboat 700
Service/Industrial (per SF)	\$300	Steamboat 700
Lodging (per SF)	\$300	Steamboat 700
Single Family Residential (per Unit)	See Below	
Multi Family Residential (per unit)	See Below	
Assumed Construction Cost (\$2008)		
Retail (per SF)		
Retail/Mixed Use (per SF)	\$100	Steamboat 700
Retail/Large Format (per SF)	\$75	Steamboat 700
Office (per SF)	\$120	Steamboat 700
Service/Industrial (per SF)	\$135	Steamboat 700
Lodging (per SF)	\$95	Steamboat 700
Single Family Residential (per Unit)	\$200	Steamboat 700
Multi Family Residential (per unit)	\$175	Steamboat 700
Average Size of Units		
Single Family (2015)	2,379	Steamboat 700
Multi-Family (2015)	973	Steamboat 700
Single Family (2020)	2,337	Steamboat 700
Multi-Family (2020)	1,070	Steamboat 700
Single Family (2025)	2,861	Steamboat 700
Multi-Family (2025)	1,200	Steamboat 700
<b>Assumptions:</b>		
Single Family (% Second Home)	8%	Planning Department
Multi Family (% Second Home)	8%	Planning Department
Single Family Occ Unit Pop Factor	105%	1990 Census
Multi Family Occ Unit Pop Factor	95%	1990 Census



**Appendix Appendix  
Model Assumptions**

Case Studies	Source:
<b>Transportation Services</b>	
Hours of Operation (System Wide)	36,901 Transit Department
<b>Transportation Analysis for Steamboat 700</b>	
Service Days	
Summer Regular	223 Transit Department
Summer Peak (S-Peak)	0 Transit Department
Winter Regular	142 Transit Department
Winter Peak	142 Transit Department
Service Hours/Day	
Summer Regular	20 Transit Department
Summer Peak (S-Peak)	0 Transit Department
Winter Regular	22 Transit Department
Winter Peak	10 Transit Department
Required Buses	
Summer Regular	4 Transit Department
Summer Peak (S-Peak)	2 Transit Department
Winter Regular	0 Transit Department
Winter Peak	2 Transit Department
Winter Peak	2 Transit Department
Existing Service Adjustment	(7,584) Transit Department
Impact on Regional Service (1 = Yes , 0 = No)	0 Transit Department
Capital Cost	
Full Size Bus	\$520,000 Transit Department
25 Passenger Bus	\$140,000 Transit Department
Replacement Reserve	
Full Size Bus (per year - 12 years)	\$58,236 Transit Department
25 Passenger Bus (per year - 7 years)	\$23,895 Transit Department
Fuel Inflation Factor	1 Transit Department
<b>Public Works</b>	
Streets (Lane Miles)	149 Public Works Department
Alleys (Miles)	6 Public Works Department
Streets & Alley Snow Removal Factor	
Very High	5 Public Works Department
High	2 Public Works Department
Normal	1 Public Works Department
Parking Lot (Square Feet)	658,950 Public Works Department
City Responsible for Alley (1 = Yes , 0 = No)	1 Public Works Department
<b>Fire Services</b>	
Existing Fire Stations	2 Fire Department
Calls per Station	1,007 Fire Department
City Area (Square Miles)	10.0 Fire Department
Urban Growth Boundary (Square Miles)	12.5 Fire Department
Fire District Area (Square Miles)	378.0 Fire Department
Steamboat Springs Rural Fire Protection District (% of Costs)	
Operating Fund Levy Rate	31% SSRFPD
Capital Fund Levy Rate	0.000 SSRFPD
Debt Fund Levy Rate	0.000 SSRFPD
Debt Fund Levy Rate	3.195 SSRFPD
State Residential Assessment Rate	7.96% State of Colorado
State Commercial Assessment Rate	29.00% State of Colorado
Cost of Fire Station	\$5,777,500 Fire Department
Cost of Fire Equipment	\$1,000,000 Fire Department
<b>Police Services</b>	
Police Officers (Patrol & Investigation)	23.25 Police Department
Police Officers per 1,000 Residents (Desired Level)	2.5 Police Department
Police Officers per 1,000 Residents (Existing Level)	2.0
<b>Parks and Recreation</b>	
Parks (Acres)	566 Parks and Rec
Trails (Miles)	34 Parks and Rec
Open Space (Acres)	1,946 Parks and Rec

**Appendix Appendix  
Model Assumptions**

Case Studies	Source:
<b>Sales Tax</b>	
Occupied Units Percent Retail Spending of Total Potential Income	32% Colorado Economic Census
Local Retail Vacancy Rate	5% ERA
<b>Retail Sales Distribution - Occupied Units</b>	
Convenience Goods	27% EPS
Shopper Goods	45% EPS
Eating and Drinking	16% EPS
Building Material & Garden	12% EPS
<b>Occupied Units Retail Capture</b>	
Convenience Goods	83% EPS
Shopper Goods	51% EPS
Eating and Drinking	80% EPS
Building Material & Garden	70% EPS
<b>Retail Sales Distribution - Second Home Units</b>	
Convenience Goods	29% EPS
Shopper Goods	40% EPS
Eating and Drinking	22% EPS
Building Material & Garden	9% EPS
Second Home Spending Per Day	57.78 EPS
Second Home Units Retail Capture	100% EPS
<b>Retail Sales Distribution - Rental Units</b>	
Convenience Goods	22% EPS
Shopper Goods	48% EPS
Eating and Drinking	30% EPS
Building Material & Garden	0% EPS
Rental Units Spending Per Day	47.08 EPS
Rental Units Retail Capture	100% EPS
<b>Local Sales per SF Estimate</b>	
Convenience Goods	\$400 EPS
Shopper Goods	\$300 EPS
Eating and Drinking	\$300 EPS
Building Material & Garden	\$300 EPS
<b>Regional Sales per SF Estimate</b>	
Convenience Goods	\$300 EPS
Shopper Goods	\$300 EPS
Eating and Drinking	\$300 EPS
Building Material & Garden	\$300 EPS
<b>Average Sales Price (\$2011)</b>	
Single Family (2015)	\$619,000 Steamboat 700
Multi-Family (2015)	\$238,000 Steamboat 700
Single Family (2020)	\$676,000 Steamboat 700
Multi-Family (2020)	\$283,000 Steamboat 700
Single Family (2025)	\$872,000 Steamboat 700
Multi-Family (2025)	\$336,000 Steamboat 700
Constant Year of Housing Price	2011 Steamboat 700
Number of Years Adjustment	3.0
Rate of Inflation	2.5% ERA

**Appendix Appendix  
Model Assumptions**

**Case Studies**

**Source:**

**Sales Tax**

Average Sales Price (\$2008)			
Single Family (2015)	\$573,726		
Multi-Family (2015)	\$220,593		
Single Family (2020)	\$626,557		
Multi-Family (2020)	\$262,301		
Single Family (2025)	\$808,221		
Multi-Family (2025)	\$311,425		
City Tax Rate	4.0%	Finance Department	
Hotel ADR - Winter	\$130	Steamboat 700	
Hotel ADR - Rest of Year	\$90	Steamboat 700	
Days in Winter	151		
Days in Rest of Year	214		
Average Annual ADR	\$106.55		
Utilities Share of Sales Tax in Base Year	10%	Finance Department	
Utilities Sales Tax per EDU	\$205.09		
Assumed Level of Support from Outside Steamboat (Local)	15%	EPS	
Assumed Level of Support from Outside Steamboat (Regional)	25%	EPS	
Average Household Income (\$2007)	\$86,000	EPS	
Average Household Income (\$2008)	\$90,354	EPS and Inflation Rate	
City Sales Leakage	33%	EPS	
Potential Sales Recapture	55%	EPS	
Regional Spending Potential	36.2%	EPS	

**Household Mortgage Assumptions**

Down payment	20%	ERA
Rate	8.0%	ERA
Years	30	ERA
Payments per Year	12	ERA

**Average Household Gross Income Calculation**

	2015		2020		2025	
	Single Family	Multi Family	Single Family	Multi Family	Single Family	Multi Family
Price	\$573,726	\$220,593	\$626,557	\$262,301	\$808,221	\$311,425
Down payment	20%	20%	20%	20%	20%	20%
Loan	\$458,981	\$176,474	\$501,246	\$209,841	\$646,577	\$249,140
Rate	8.0%	8.0%	8.0%	8.0%	8.0%	8.0%
Years	30	30	30	30	30	30
Payments per Year	12	12	12	12	12	12
Total Payments	360	360	360	360	360	360
Monthly Payments	\$3,367.84	\$1,294.90	\$3,677.96	\$1,539.74	\$4,744.35	\$1,828.10
Estimated % of HH Income	30%	30%	30%	30%	30%	30%
Estimated Gross HH Income	\$134,713.53	\$51,796.16	\$147,118.49	\$61,589.55	\$189,774.15	\$73,123.98

**Additional Sources of Retail Demand**

**Leakage / Recapture (Regional Only)**

Total Retail Spending	144,044,070
Total Retail Leakage	48,075,878
<b>Total Retail Recapture</b>	<b>\$26,292,614</b>

Total Retail Spending	\$150,613,735
Total Retail Leakage	\$55,800,805
<b>Total Retail Recapture</b>	

**Natural Increase in Steamboat Population**

New Household Growth (2015)	547
<b>Total Potential Retail Spending</b>	<b>\$15,822,508</b>
New Household Growth (2020)	975
<b>Total Potential Retail Spending</b>	<b>\$28,177,638</b>
New Household Growth (2025)	1,435
<b>Total Potential Retail Spending</b>	<b>\$41,487,621</b>

**Capital Projects Fund**

Excise Tax	1.2%	Finance Department
Use Tax	4.0%	Finance Department

**Student Yields**

	0.39	Planning Department
	0.19	Western Demographic

Source: City of Steamboat Springs, Steamboat 700, infoUSA, EPS, ERA

Supplementary Data
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Project Name	Steamboat 700
Developer	Steamboat 700
Scenario	Land Use Program

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**Table 1**  
**Capital Projects Fund**

	2015	2020	2025	Total
<b>Development Program Elements</b>				
Retail (SF)				
Retail/Mixed Use (per SF)	25,000	115,000	30,000	170,000
Retail/Large Format (per SF)	0	0	0	0
Office (SF)	15,000	65,000	15,000	95,000
Industrial/Service (SF)	10,000	20,000	5,000	35,000
Lodging (SF)	0	40,000	0	40,000
Single Family (SF)	804,102	867,027	177,382	1,848,511
Multi Family (SF)	569,205	502,900	261,600	1,333,705
<b>Construction Cost Estimate (per SF)</b>				
Retail (per SF)				
Retail/Mixed Use (per SF)	\$100	\$100	\$100	\$100
Retail/Large Format (per SF)	\$75	\$75	\$75	\$75
Office (per SF)	\$120	\$120	\$120	\$120
Industrial/Service (per SF)	\$135	\$135	\$135	\$135
Lodging (per SF)	\$95	\$95	\$95	\$95
Single Family (per SF)	\$200	\$200	\$200	\$200
Multi Family (per SF)	\$175	\$175	\$175	\$175
<b>Construction Cost Estimate</b>				
Retail				
Retail/Mixed Use (per SF)	\$2,500,000	\$11,500,000	\$3,000,000	\$17,000,000
Retail/Large Format (per SF)	\$0	\$0	\$0	\$0
Office	\$1,800,000	\$7,800,000	\$1,800,000	\$11,400,000
Industrial/Service	\$1,350,000	\$2,700,000	\$675,000	\$4,725,000
Lodging	\$0	\$3,800,000	\$0	\$3,800,000
Single Family	\$160,820,400	\$173,405,400	\$35,476,400	\$369,702,200
Multi Family	<u>\$99,610,875</u>	<u>\$88,007,500</u>	<u>\$45,780,000</u>	<u>\$233,398,375</u>
<b>Total</b>	<b>\$266,081,275</b>	<b>\$287,212,900</b>	<b>\$86,731,400</b>	<b>\$640,025,575</b>
<b>Excise Tax</b>	<b>\$5,986,829</b>	<b>\$6,462,290</b>	<b>\$1,951,457</b>	<b>\$14,400,575</b>
<b>Use Tax</b>	<b>\$3,192,975</b>	<b>\$3,446,555</b>	<b>\$1,040,777</b>	<b>\$7,680,307</b>
<b>Total</b>	<b>\$9,179,804</b>	<b>\$9,908,845</b>	<b>\$2,992,233</b>	<b>\$22,080,882</b>

Source: ERA

**Table 2  
Capital Costs**

Note: This table contains a list of capital improvements identified in the West Steamboat Springs Area Plan (2006 update) ("WSSAP"). According to the WSSAP, "potential" funding sources for these capital items include a "special district, impact fees, land dedication or other mechanisms." The WSSAP further states that the "most appropriate financing/contribution mechanism(s) shall be negotiated between the major developer(s) and the City, possibly during the annexation and development review process." The source of funds to finance the capital improvements identified, and the phasing of such improvements is expected to be determined in negotiations between the City and developers within the WSSAP plan area and set forth in the applicable annexation agreements entered into between the City and such developers.

Capital Items	Estimated Cost	Project Cost Allocation	Year
<b>Steamboat Springs</b>			
<b>Transit</b>			
a) Heated Bus Stops/shelters			
c) Buses	\$2,080,000		
b) Replacement Reserve per Year		\$58,236	
<b>Roads</b>			
a) Gun Club connector			
b) Realignment of CR 42 at intersection with New Victory Parkway			
c) Main/2ndary collectors including on-site portions of New Victory Parkway			
d) New Victory Parkway – Downhill to Overlook subdivision			
e) Downhill Drive improvements			
f) Downhill Dr/Hwy 40 intersection improvements			
g) Slate Creek Connector – outside City limits			
h) Hwy 40 Capacity Improvements			
<b>Parks</b>			
a) Athletic Fields			
i) Soccer fields (# TBD)			
ii) Softball fields (# TBD)			
b) Community Parks			
<b>Parks/Public Works/Utilities maintenance and snow storage facility</b>			
a) Land– 3-4 acres			
b) Building (? sf)			
<b>Trails</b>			
a) CR 42 pedestrian underpass			
b) Route 40 Pedestrian over/underpass at Sleepy Bear/KOA			
<b>Fire Station</b>			
a) Land for station: 0.5 - 2 acres			
b) Station (15,000 sf)		\$5,777,500	
c) Fire Equipment		\$1,000,000	
<b>Police Station</b>			
a) Office Space			
<b>Community Space</b>			
Community Center			
<b>Steamboat Springs School District</b>			
<b>Schools</b>			
Elementary school construction cost			
<b>Total</b>			

Source: City of Steamboat Springs

**Table 3**  
**Steamboat Springs Rural Fire Protection District Levy Estimate**

	2015	2020	2025
<b>Development Program Elements</b>			
Retail (SF)			
Retail/Mixed Use (per SF)	25,000	140,000	170,000
Retail/Large Format (per SF)	0	0	0
Office (SF)	15,000	80,000	95,000
Industrial/Service (SF)	10,000	30,000	35,000
Lodging (SF)	0	40,000	40,000
Single Family (SF)	338	709	771
Multi Family (SF)	585	1,055	1,273
<b>Valuation Estimate (per SF)</b>			
Retail (per SF)			
Retail/Mixed Use (per SF)	\$300	\$300	\$300
Retail/Large Format (per SF)	\$200	\$200	\$200
Office (per SF)	\$300	\$300	\$300
Industrial/Service (per SF)	\$300	\$300	\$300
Lodging (per SF)	\$300	\$300	\$300
Single Family (per unit)	\$573,726	\$626,557	\$808,221
Multi Family (per unit)	\$220,593	\$262,301	\$311,425
<b>Assessed Valuation Estimate</b>			
Retail			
Retail/Mixed Use (per SF)	\$2,175,000	\$12,180,000	\$14,790,000
Retail/Large Format (per SF)	\$0	\$0	\$0
Office	\$1,305,000	\$6,960,000	\$8,265,000
Industrial/Service	\$870,000	\$2,610,000	\$3,045,000
Lodging	\$0	\$3,480,000	\$3,480,000
Single Family	\$15,435,982	\$35,360,618	\$49,601,839
Multi Family	\$10,272,112	\$22,027,530	\$31,556,919
<b>Total</b>	<b>\$30,058,094</b>	<b>\$82,618,148</b>	<b>\$110,738,758</b>
<b>Levy Per Fund (2008)</b>			
Operating	\$0	\$0	\$0
Capital	\$0	\$0	\$0
Debt	\$96,036	\$263,965	\$353,810
<b>Total</b>	<b>\$96,036</b>	<b>\$263,965</b>	<b>\$353,810</b>

Source: ERA

**Table 4**  
**Student Generation Estimate**

	2015	2020	2025
Occupied Dwelling Units			
Single Family (units)	311	652	709
Multi Family (units)	<u>538</u>	<u>971</u>	<u>1,171</u>
<b>Total</b>	<b>849</b>	<b>1,623</b>	<b>1,880</b>
Student Generation Factor			
Planning Department	0.39	0.39	0.39
Western Demographic	0.19	0.19	0.19
Student Generation (Planning Department)			
Single Family (units)	121	254	277
Multi Family (units)	<u>210</u>	<u>379</u>	<u>457</u>
<b>Total</b>	<b>331</b>	<b>633</b>	<b>733</b>
Student Generation (Western Demographic)			
Single Family (units)	59	124	135
Multi Family (units)	<u>102</u>	<u>184</u>	<u>223</u>
<b>Total</b>	<b>161</b>	<b>308</b>	<b>357</b>

Source: ERA



Fiscal Impact Model
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Project Name	Steamboat 700
Developer	Steamboat 700
Base Year	2008
Fiscal Year	2007
Scenario	Large Format Retail Alternative
Source	CAFR 2007
User Name	Lance Harris
Date	1/13/2009

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Table of Contents	
Table	Tab Name

### Fiscal Impact Model

- 1 [Revenue Data](#)
- 2 [Expenditure Data](#)
- 3 [EDU Calculation - Steamboat Springs](#)
- 4 [EDU Calculation - Project](#)
- 5 [Project Absorption](#)
- 6 [Revenue Projections](#)
- 7 [Expense Projections](#)
- 8 [Summary of Results](#)
- 9 [Transit Case Study](#)
- 10 [Public Works Case Study](#)
- 11 [Fire Case Study](#)
- 12 [Police Case Study](#)
- 13 [Parks and Recreation Case Study](#)
- 14 [Sales Tax Case Study](#)

Appendix [Model Assumptions](#)

### Supplementary Data Tables

- 1 [Capital Projects Fund](#)
  - 2 [Capital Costs](#)
  - 3 [SSRFP Levy Estimate](#)
  - 4 [Student Generation Estimate](#)
-

**Table 1**  
**Revenue Data (\$2008)**

<b>Source of Revenue</b>	<b>Total</b>
Taxes and Assessments	\$21,328,276
Licenses and Permits	\$33,575
Intergovernmental	\$1,924,277
Charges for Services	\$2,310,131
Fines and Forfeits	\$285,469
Other	<u>\$1,563,930</u>
<b>Total</b>	<b>\$27,445,656</b>

*Source: CAFR 2007*

**Table 2**  
**Expense Data (\$2008)**

<b>Source of Expenditure</b>	<b>Total</b>
General Government	\$5,660,292
Transportation Services	\$2,803,833
Public Works	\$2,598,055
Public Safety Services	\$5,762,758
Legal and Municipal Court	\$581,938
Parks and Recreation	\$5,073,254
Planning Services	\$1,039,518
Debt Service	<u>\$1,058,622</u>
<b>Total</b>	<b>\$24,578,270</b>

*Source: CAFR 2007*

**Table 3**  
**EDU Calculation - Steamboat Springs**

**Steamboat Springs EDU Calculation:**

Population	11,608
<b>Occupied Dwelling Units</b>	<b>4,982</b>
Persons Per Dwelling Unit	2.33
Employees (less hotel employees)	10,707
Employment Resident Equivalent	35%
Employment Resident Equivalents	3,747
<b>Employment Resident / Persons Per DU</b>	<b>1,608</b>
Second Homes	
Second Homes (Cold Beds)	1,379
Occupancy	16%
Persons Per Unit	2.6
Occupied Second Homes	221
Second Home Residents per Unit	574
<b>Second Home Residents / Persons per DU</b>	<b>246</b>
Rental Rooms	
Rental Room Supply	3,495
Occupancy	50%
Visitors per Room	3.4
Occupied Hotel Rooms	1,732
Visitors per Occupied Hotel Room	5,911
<b>Visitors / Persons per DU</b>	<b>2,537</b>
<b>Equivalent Dwelling Units (EDU)</b>	<b>9,373</b>

Source: City of Steamboat Springs, infoUSA, EPS, and ERA

**Table 4**  
**EDU Calculation - Project**

<b>EDU Calculation for Steamboat 700</b>	
<b>Occupied Dwelling Units</b>	<b>1,673</b>
Employees (less hotel employees)	1,138
Employment Resident Equivalent	0.35
Employment Resident Equivalents	398
<b>Employment EDU</b>	<b>171</b>
Second Homes	
Second Homes (Cold Beds)	145
Occupancy	16%
Persons Per Unit	2.6
Occupied Second Homes	23
Second Home Residents per Unit	61
<b>Second Home EDU</b>	<b>26</b>
Rental Rooms	
Rental Room Supply	80
Occupancy	50%
Visitors per Room	3.4
Occupied Hotel Rooms	40
Visitors per Occupied Hotel Room	135
<b>Rental Room EDU</b>	<b>58</b>
<b>Equivalent Dwelling Units (EDU)</b>	<b>1,928</b>

Source: City of Steamboat Springs, Steamboat 700, infoUSA, EPS, and ERA

**Table 5**  
**Project Absorption**

	2015	2020	2025
<b>Development Program (Cumulative)</b>			
Retail (SF)	25,000	386,600	401,600
Office (SF)	15,000	51,950	61,950
Industrial/Service (SF)	10,000	30,000	35,000
Lodging (Rooms)	0	80	80
<b>Residential Housing (Dwelling Units)</b>			
Single Family	338	705	771
Multi Family	585	968	1,047
<b>Occupied Housing (Dwelling Units)</b>			
Single Family	311	649	709
Multi Family	538	891	963
Second Home Units (Cold Beds)	74	134	145
<b>Population</b>			
Single Family	760	1,586	1,734
Multi Family	1,192	1,973	2,134
Employment	117	1,066	1,138
EDU	880	1,781	1,928
<b>Other Development Elements (Cumulative)</b>			
Streets (Lane Miles)	5.0	13.0	22.0
Alley (Miles)	1.5	3.5	4.5
Parking Lot (Square Feet)	0.0	0.0	0.0
Parks (Acres)	13.5	19.5	21.5
Trails (Miles)	6.0	12.0	13.0
Open Space (Acres)	63.0	115.0	125.0
<b>Local Serving Retail (SF)</b>			
Convenience Goods	2,500	48,000	48,000
Shopper Goods	12,500	63,000	68,000
Eating and Drinking	10,000	19,000	29,000
Building Material & Garden	0	0	0
<b>Regional Serving Retail (SF)</b>			
Convenience Goods	0	42,800	42,800
Shopper Goods	0	128,300	128,300
Eating and Drinking	0	2,000	2,000
Building Material & Garden	0	83,500	83,500

Source: Steamboat 700

**Table 6**  
**Revenue Projections**

	\$2008	Forecast Method	Base Year Rate	2015	2020	2025
<b>Taxes and Assessments</b>						
Sales Tax	\$19,595,335	<a href="#">Sales Tax Case Study</a>		\$886,157	\$5,068,738	\$6,335,970
Vehicle Use Tax	\$664,727	Per Capita	\$57.26	\$111,808	\$203,776	\$221,496
Franchise Fees	\$935,136	Per EDU	\$99.77	\$87,780	\$177,702	\$192,299
Special Assessments	\$39,084	Per EDU	\$4.17	\$3,669	\$7,427	\$8,037
Other Taxes and Assessments	\$93,994	Per EDU	\$10.03	\$8,823	\$17,861	\$19,329
<b>Licenses and Permits</b>	\$33,575	Per EDU	\$3.58	\$3,152	\$6,380	\$6,904
<b>Intergovernmental</b>						
County Road & Bridge	\$235,335	Per EDU	\$25.11	\$22,091	\$44,720	\$48,394
Mineral Lease	\$30,904	Zero Forecast		\$0	\$0	\$0
Mineral Severance	\$16,465	Zero Forecast		\$0	\$0	\$0
Highway Users Taxes	\$365,750	Per Capita	\$31.51	\$27,723	\$56,123	\$60,733
Government Grants	\$451,858	Zero Forecast		\$0	\$0	\$0
Additional Motor Vehicle Taxes	\$50,545	Per Capita	\$4.35	\$3,831	\$7,756	\$8,393
Fire Protection Services	\$592,205	Percent of Fire Costs		\$329,999	\$329,999	\$329,999
County Animal Shelter Charge	\$33,135	Per Capita	\$2.85	\$5,573	\$10,158	\$11,041
Other Intergovernmental	\$148,081	Zero Forecast		\$0	\$0	\$0
<b>Charges for Services</b>						
Ski Complex Fees	\$417,445	Per Capita	\$35.96	\$70,215	\$127,970	\$139,098
Park User Fees and Concessions	\$211,697	Per Capita	\$18.24	\$35,608	\$64,897	\$70,541
Recreation Program Fees	\$62,584	Per Capita	\$5.39	\$10,527	\$19,186	\$20,854
Ice Rink Fees	\$470,139	Per Capita	\$40.50	\$79,078	\$144,124	\$156,657
Tennis Center Fees	\$546,046	Per Capita	\$47.04	\$91,846	\$167,394	\$181,950
Transit Fees	\$36,183	Zero Forecast or EDU	\$3.86	\$3,396	\$6,876	\$7,440
Planning Fees	\$152,380	Per EDU	\$16.26	\$14,304	\$28,956	\$31,335
Emergency Medical Services	\$226,433	Per EDU	\$24.16	\$21,255	\$43,028	\$46,563
Other Charges for Services	\$187,224	Per EDU	\$19.97	\$17,574.59	\$35,577.78	\$38,500.39
<b>Fines and Forfeits</b>	\$285,469	Per EDU	\$30.46	\$26,797	\$54,247	\$58,703
<b>Other</b>						
Investment Income	\$750,629	Zero Forecast		\$0	\$0	\$0
Affordable Housing Loan Repayment	\$85,416	Zero Forecast		\$0	\$0	\$0
Contributions	\$237,479	Zero Forecast		\$0	\$0	\$0
Voluntary Assessment	\$239,695	Zero Forecast		\$0	\$0	\$0
Proceeds from Issuance of Debt	\$0	Zero Forecast		\$0	\$0	\$0
Miscellaneous	\$250,710	Zero Forecast		\$0	\$0	\$0
<b>Total Revenues</b>	\$27,445,656			\$1,861,206	\$6,622,895	\$7,994,238

Source: CAFR 2007 and ERA



Table 7  
Expenditures Projection

	\$2008	Percent Variable	Forecast Method	Base Year Rate	2015	2020	2025
General Government	\$5,660,292	50%	% Variable & EDU	\$301.94	\$265,663	\$537,805	\$581,985
Transportation Services	\$2,803,833		<a href="#">Transit Case Study</a>		\$727,428	\$727,428	\$727,428
Public Works	\$2,598,055		<a href="#">Public Works Case Study</a>		\$117,325	\$298,381	\$480,682
Public Safety Services	\$5,762,758		Police and Fire Case Study		\$1,351,115	\$1,644,708	\$1,692,370
Police			<a href="#">Police Case Study</a>		\$286,604	\$580,197	\$627,858
Fire			<a href="#">Fire Case Study</a>				
			EDU		\$199,850	\$404,573	\$437,807
			Station		\$1,064,512	\$1,064,512	\$1,064,512
Legal and Municipal Court	\$581,938	50%	% Variable & EDU	\$31.04	\$27,313	\$55,292	\$59,834
Parks and Recreation	\$5,073,254		<a href="#">Parks and Recreation Case Study</a>		\$333,527	\$597,767	\$650,441
Community Development	\$1,039,518	50%	% Variable & EDU	\$55.45	\$48,789	\$98,768	\$106,882
Debt Service	\$1,058,622		Not Evaluated		\$0	\$0	\$0
<b>Total</b>	<b>\$24,578,270</b>				<b>\$2,871,160</b>	<b>\$3,960,149</b>	<b>\$4,299,621</b>

Source: CAFR 2007 and ERA

Table 8  
Summary of Results

	2015	2020	2025
<b>Revenues</b>			
<b>Taxes and Assessments</b>			
Sales Tax	\$886,157	\$5,068,738	\$6,335,970
Vehicle Use Tax	\$111,808	\$203,776	\$221,496
Franchise Fees	\$87,780	\$177,702	\$192,299
Special Assessments	\$3,669	\$7,427	\$8,037
Other Taxes and Assessments	\$8,823	\$17,861	\$19,329
<b>Licenses and Permits</b>	\$3,152	\$6,380	\$6,904
<b>Intergovernmental</b>			
County Road & Bridge	\$22,091	\$44,720	\$48,394
Mineral Lease	\$0	\$0	\$0
Mineral Severance	\$0	\$0	\$0
Highway Users Taxes	\$27,723	\$56,123	\$60,733
Government Grants	\$0	\$0	\$0
Additional Motor Vehicle Taxes	\$3,831	\$7,756	\$8,393
Fire Protection Services	\$329,999	\$329,999	\$329,999
County Animal Shelter Charge	\$5,573	\$10,158	\$11,041
Other Intergovernmental	\$0	\$0	\$0
<b>Charges for Services</b>			
Ski Complex Fees	\$70,215	\$127,970	\$139,098
Park User Fees and Concessions	\$35,608	\$64,897	\$70,541
Recreation Program Fees	\$10,527	\$19,186	\$20,854
Ice Rink Fees	\$79,078	\$144,124	\$156,657
Tennis Center Fees	\$91,846	\$167,394	\$181,950
Transit Fees	\$3,396	\$6,876	\$7,440
Planning Fees	\$14,304	\$28,956	\$31,335
Emergency Medical Services	\$21,255	\$43,028	\$46,563
Other Charges for Services	\$17,575	\$35,578	\$38,500
<b>Fines and Forfeits</b>	\$26,797	\$54,247	\$58,703
<b>Other</b>			
Investment Income	\$0	\$0	\$0
Affordable Housing Loan Repayment	\$0	\$0	\$0
Contributions	\$0	\$0	\$0
Voluntary Assessment	\$0	\$0	\$0
Proceeds from Issuance of Debt	\$0	\$0	\$0
Miscellaneous	\$0	\$0	\$0
<b>Total Revenues</b>	<b>\$1,861,206</b>	<b>\$6,622,895</b>	<b>\$7,994,238</b>
<b>Expenses</b>			
General Government	\$265,663	\$537,805	\$581,985
Transportation Services	\$727,428	\$727,428	\$727,428
Public Works	\$117,325	\$298,381	\$480,682
Public Safety Services	\$1,351,115	\$1,644,708	\$1,692,370
Police	\$286,604	\$580,197	\$627,858
Fire	\$1,064,512	\$1,064,512	\$1,064,512
Legal and Municipal Court	\$27,313	\$55,292	\$59,834
Parks and Recreation	\$333,527	\$597,767	\$650,441
Community Development	\$48,789	\$98,768	\$106,882
Debt Service	\$0	\$0	\$0
<b>Total General Fund Expenses</b>	<b>\$2,871,160</b>	<b>\$3,960,149</b>	<b>\$4,299,621</b>
<b>Net Fiscal Impact</b>	<b>(\$1,009,955)</b>	<b>\$2,662,746</b>	<b>\$3,694,617</b>
<i>Net Fiscal Impact (Pro Rata Share of Fire Costs)</i>	<b>(\$145,293)</b>	<b>\$3,322,684</b>	<b>\$4,321,321</b>

Source: CAFR 2007, ERA, and Steamboat 700

**Table 9**  
**Transit Case Study**

Expenditure Assumptions	Cost	Factor	Percent Variable	Cost Per Factor	Fuel Factor Adjustment
<b>Transportation Services</b>					
Transportation Administration	\$423,389	Hours of Operations	50%	\$5.74	\$5.74
Regional Bus Service	\$17,483	EDU	100%	\$1.87	\$1.87
Local Bus Service	\$1,966,341	Hours of Operations	100%	\$53.29	\$53.29
Vehicle Maintenance	\$263,308	Hours of Operations	100%	\$7.14	\$7.14
Parking Management	\$59,966	Hours of Operations	100%	\$1.63	\$1.63
Stockbride Center	\$4,960	Hours of Operations	100%	\$0.13	\$0.13
<b>Total</b>	<b>\$2,735,447</b>			<b>\$69.78</b>	<b>\$69.78</b>

Project Analysis	Buses	Hours	Total	2015	2020	2025
<b>Service</b>						
Summer Regular	2	4,460	8,920	8,920	8,920	8,920
Summer Peak	0	0	0	0	0	0
Winter Regular	2	3,124	6,248	6,248	6,248	6,248
Winter Peak	2	1,420	2,840	2,840	2,840	2,840
<b>New Service Total</b>			18,008	18,008	18,008	18,008
<b>Existing Service</b>			(7,584)	(7,584)	(7,584)	(7,584)
<b>Total (New + Existing)</b>			10,424	10,424	10,424	10,424
<b>Transportation Services Cost Estimate</b>						
Transportation Administration				\$59,801	\$59,801	\$59,801
Regional Bus Service				\$19,443	\$19,443	\$19,443
Local Bus Service				\$555,463	\$555,463	\$555,463
Vehicle Maintenance				\$74,381	\$74,381	\$74,381
Parking Management				\$16,940	\$16,940	\$16,940
Stockbride Center				\$1,401	\$1,401	\$1,401
<b>Total Transit Costs</b>				<b>\$727,428</b>	<b>\$727,428</b>	<b>\$727,428</b>

Source: ERA and Transportation Services

**Table 10**  
**Public Works Case Study**

Expenditure Assumptions	Cost	Factor	Percent Variable	Cost Per Factor
<b>Public Works</b>				
Public Works Administration	\$156,270	Streets & Alley	50%	\$504.10
Engineering	\$240,440	Streets & Alley	50%	\$775.61
<b>Streets</b>				
Streets Administration	\$305,730	Streets & Alley	50%	\$986.23
Snow Removal	\$648,281	Streets & Alley	100%	\$4,182.46
Pavement Management	\$393,631	Streets & Alley	100%	\$2,539.55
Traffic Control	\$161,878	Streets & Alley	100%	\$1,044.38
Storm Water Management	\$123,641	Streets & Alley	100%	\$797.68
General Services	<u>\$568,184</u>	Streets & Alley	100%	<u>\$3,665.70</u>
<b>Total</b>	<b>\$2,598,055</b>			<b>\$14,495.71</b>

Project Analysis	2015	2020	2025
Streets (Lane Miles)	5.00	13.00	22.00
Alley (Miles)	1.50	3.50	4.50
Distribution of Streets & Alley			
Very High	0.59	1.49	2.67
High	3.83	9.72	14.40
Normal	2.08	5.29	9.43
Parking Lot (Square Feet)	0.00	0.00	0.00
<b>Public Works</b>			
Public Works Administration	\$3,276.64	\$8,317.62	\$13,358.61
Engineering	\$5,041.49	\$12,797.63	\$20,553.78
<b>Streets</b>			
Streets Administration	\$6,410	\$16,273	\$26,135
Snow Removal (equivalent miles)			
Very High	\$12,293	\$31,253	\$55,760
High	\$32,063	\$81,292	\$120,453
Normal	\$8,696	\$22,114	\$39,457
Pavement Management	\$16,507	\$41,903	\$67,298
Traffic Control	\$5,222	\$13,577	\$22,976
Storm Water Management	\$3,988	\$10,370	\$17,549
General Services	<u>\$23,827</u>	<u>\$60,484</u>	<u>\$97,141</u>
<b>Total Public Works Costs</b>	<b>\$117,325</b>	<b>\$298,381</b>	<b>\$480,682</b>

Source: ERA and Public Works

Table 11  
Fire Case Study

Expenditure Assumptions	Cost	Factor	Percent Variable	Cost Per Factor
<b>Fire Services</b>				
Fire Services Administration	\$275,762	Per EDU	50%	\$14.71
Fire Prevention	\$419,873	Per EDU	100%	\$44.79
Fire Safety & Education	\$54,278	Per EDU	100%	\$5.79
Fire Suppression and EMS	<u>\$1,516,992</u>	Per EDU	100%	<u>\$161.84</u>
<b>Total</b>	<b>\$2,266,904</b>			<b>\$227.14</b>
<b>Fire Services</b>				
Fire Services Administration	\$275,762	by Station	50%	\$68,940.48
Fire Prevention	\$419,873	by Station	100%	\$209,936.40
Fire Safety & Education	\$54,278	by Station	100%	\$27,138.93
Fire Suppression and EMS	<u>\$1,516,992</u>	by Station	100%	<u>\$758,495.90</u>
<b>Total</b>	<b>\$2,266,904</b>			<b>\$1,064,511.70</b>
<b>Project Analysis</b>				
	<b>2015</b>	<b>2020</b>	<b>2025</b>	
EDU	880	1,781	1,928	
Station	1	1	1	
<b>Fire Services (EDU)</b>				
Fire Services Administration	\$12,943	\$26,201	\$28,354	
Fire Prevention	\$39,413	\$79,787	\$86,342	
Fire Safety & Education	\$5,095	\$10,314	\$11,162	
Fire Suppression and EMS	<u>\$142,399</u>	<u>\$288,270</u>	<u>\$311,951</u>	
<b>Total Fire Costs</b>	<b>\$199,850</b>	<b>\$404,573</b>	<b>\$437,807</b>	
<i>EDU Share of Total Station Cost</i>	19%	38%	41%	
<b>Fire Services (Station)</b>				
Fire Services Administration	\$68,940	\$68,940	\$68,940	
Fire Prevention	\$209,936	\$209,936	\$209,936	
Fire Safety & Education	\$27,139	\$27,139	\$27,139	
Fire Suppression and EMS	<u>\$758,496</u>	<u>\$758,496</u>	<u>\$758,496</u>	
<b>Total Fire Costs</b>	<b>\$1,064,512</b>	<b>\$1,064,512</b>	<b>\$1,064,512</b>	
<b>Variance (Station - EDU)</b>				
Fire Services Administration	\$55,998	\$42,739	\$40,587	
Fire Prevention	\$170,523	\$130,149	\$123,595	
Fire Safety & Education	\$22,044	\$16,825	\$15,977	
Fire Suppression and EMS	<u>\$616,097</u>	<u>\$470,226</u>	<u>\$446,545</u>	
<b>Total Fire Costs</b>	<b>\$864,662</b>	<b>\$659,939</b>	<b>\$626,704</b>	

Source: ERA and Fire Department

Table 12  
Police Case Study

Expenditure Assumptions	Cost	Factor	Percent Variable	Cost Per Factor	
<b>Police Services</b>					
Police Administration	\$468,964	Per EDU	50%	\$25.02	\$117,069
Records Management	\$416,290	Per EDU	50%	\$22.21	\$103,920
Police Patrol	\$1,728,956	Per EDU	100%	\$184.45	\$863,209
Investigations	\$421,410	Per EDU	100%	\$44.96	\$210,396
Animal Control	\$199,470	Per EDU	100%	\$21.28	\$99,589
Community Services Parking Enforcement	<u>\$260,763</u>	Per EDU	100%	<u>\$27.82</u>	\$130,190
<b>Total</b>	<b>\$3,495,854</b>			<b>\$325.73</b>	\$1,524,373
<b>Police Services</b>					
Police Administration	\$468,964	Officers	50%	\$10,085.25	
Records Management	\$416,290	Officers	50%	\$8,952.48	
Police Patrol	\$1,728,956	Officers	100%	\$74,363.68	
Investigations	\$421,410	Officers	100%	\$18,125.17	
Animal Control	\$199,470	Officers	100%	\$8,579.36	
Community Services Parking Enforcement	<u>\$260,763</u>	Officers	100%	<u>\$11,215.62</u>	
<b>Total</b>	<b>\$3,495,854</b>			<b>\$131,321.57</b>	
<b>Project Analysis</b>					
	<b>2015</b>	<b>2020</b>	<b>2025</b>		
EDU	880	1,781	1,928		
Occupied Housing Population	1,952	3,558	3,868		
New Officers (Desired Level of Service)	4.9	8.9	9.7		
<b>Police Services (EDU)</b>					
Police Administration	\$22,011	\$44,558	\$48,218		
Records Management	\$19,538	\$39,553	\$42,802		
Police Patrol	\$162,296	\$328,549	\$355,538		
Investigations	\$39,557	\$80,080	\$86,658		
Animal Control	\$18,724	\$37,905	\$41,019		
Community Services Parking Enforcement	<u>\$24,478</u>	<u>\$49,552</u>	<u>\$53,623</u>		
<b>Total</b>	<b>\$286,604</b>	<b>\$580,197</b>	<b>\$627,858</b>		
<i>EDU Share of Total Office Planning Factor</i>	45%	50%	49%		
<b>Police Services (Desired Officers)</b>					
Police Administration	\$49,228	\$89,720	\$97,523		
Records Management	\$43,699	\$79,643	\$86,569		
Police Patrol	\$362,982	\$661,554	\$719,084		
Investigations	\$88,472	\$161,245	\$175,267		
Animal Control	\$41,877	\$76,324	\$82,961		
Community Services Parking Enforcement	<u>\$54,745</u>	<u>\$99,776</u>	<u>\$108,453</u>		
<b>Total</b>	<b>\$641,004</b>	<b>\$1,168,263</b>	<b>\$1,269,857</b>		
<b>Variance (Desired Officers - EDU)</b>					
Police Administration	\$27,217	\$45,162	\$49,304		
Records Management	\$24,160	\$40,090	\$43,766		
Police Patrol	\$200,687	\$333,005	\$363,546		
Investigations	\$48,915	\$81,166	\$88,610		
Animal Control	\$23,153	\$38,419	\$41,942		
Community Services Parking Enforcement	<u>\$30,268</u>	<u>\$50,224</u>	<u>\$54,830</u>		
<b>Total</b>	<b>\$354,400</b>	<b>\$588,067</b>	<b>\$641,999</b>		

Source: ERA and Police Department

Table 13  
Parks and Recreation Case Study

Expenditure Assumptions	Cost	Factor	Percent Variable	Cost Per Factor
<b>Parks and Recreation</b>				
Parks, Open Space and Rec. Administration	\$339,733	Per Capita	50%	\$14.63
Recreational Programs	\$925,833	Per Capita	100%	\$79.76
Parks	\$1,648,861	Per Parks	100%	\$2,913.18
Trails	\$151,822	Per Trails	100%	\$4,465.35
Howelsen Ski Complex	\$1,043,282	Per Capita	25%	\$22.47
Rodeo Facilities	\$136,920	Per Capita	25%	\$2.95
Ice Arena	\$693,853	Per Capita	25%	\$14.94
Open Space	<u>\$132,950</u>	Per Open Space	100%	<u>\$68.32</u>
<b>Total</b>	<b>\$5,073,254</b>			\$7,581.61

Project Analysis	2015	2020	2025
Occupied Housing Population	1,952	3,558	3,868
Parks (Acres)	13.5	19.5	21.5
Trails (Miles)	6.0	12.0	13.0
Open Space (Acres)	63.0	115.0	125.0
<b>Parks and Recreation</b>			
Parks, Open Space and Rec. Administration	\$28,572	\$52,074	\$56,602
Recreational Programs	\$155,726	\$283,820	\$308,501
Parks	\$39,328	\$56,807	\$62,633
Trails	\$26,792	\$53,584	\$58,050
Howelsen Ski Complex	\$43,870	\$79,956	\$86,909
Rodeo Facilities	\$5,758	\$10,493	\$11,406
Ice Arena	\$29,177	\$53,176	\$57,800
Open Space	<u>\$4,304</u>	<u>\$7,857</u>	<u>\$8,540</u>
<b>Parks and Recreation Total</b>	<b>\$333,527</b>	<b>\$597,767</b>	<b>\$650,441</b>

Source: ERA

Table 14  
Sales Tax Case Study

Project Analysis	2015	2020	2025
<b>Retail Sales Based on Development</b>			
<b>Local Retail Sales</b>			
Total Potential Retail Spending from Project	\$16,538,145	\$35,728,004	\$46,034,537
Taxable Sales from Outside Steamboat	\$1,104,375	\$6,241,500	\$6,882,750
<b>Local Retail Support (On-Site Sales Only If Excess Demand)</b>	<b>\$7,362,500</b>	<b>\$41,969,504</b>	<b>\$52,917,287</b>
<b>Total Local Retail Tax Revenue</b>	<b>\$294,500</b>	<b>\$1,678,780</b>	<b>\$2,116,691</b>
<b>Local Cannibalization Analysis (Illustrative)</b>			
Regional Taxable (On-Site Retail Development) Sales	\$7,362,500	\$41,610,000	\$45,885,000
Total Potential Retail Spending from Project	\$17,642,520	\$41,969,504	\$52,917,287
Cannibalization	<b>\$10,280,020</b>	<b>\$359,504</b>	<b>\$7,032,287</b>
<b>Excess Retail Demand from Project</b>	<b>\$10,280,020</b>	<b>\$359,504</b>	<b>\$7,032,287</b>
<b>Total Excess Retail Demand Tax Revenue</b>	<b>\$411,201</b>	<b>\$14,380</b>	<b>\$281,291</b>
<b>Regional Retail</b>			
Taxable Sales from Outside Steamboat	\$0	\$19,245,000	\$19,245,000
Demand from Natural Increase	\$15,822,508	\$28,177,638	\$41,487,621
Demand Generated from Recapture of Leakage	\$0	<u>\$26,292,614</u>	<u>\$26,292,614</u>
<b>Regional Retail Support</b>	<b>0</b>	<b>\$73,715,252</b>	<b>\$87,025,235</b>
<b>Total Regional Retail Tax Revenue</b>	<b>\$0</b>	<b>\$2,948,610</b>	<b>\$3,481,009</b>
<b>Regional Cannibalization Analysis (Illustrative)</b>			
Regional Taxable (On-Site Retail Development) Sales	\$0	\$76,980,000	\$76,980,000
Project and Regional Demand	\$10,280,020	\$74,074,756	\$94,057,522
Cannibalization	0	<b>(\$2,905,244)</b>	0
<b>Total Retail Tax Revenue</b>	<b>\$705,701</b>	<b>\$4,641,770</b>	<b>\$5,878,992</b>
<b>Utilities and Room Tax Revenue</b>			
Project EDU	880	1,781	1,928
<b>Total Utility Tax Revenue</b>	<b>\$180,456</b>	<b>\$365,313</b>	<b>\$395,323</b>
Rental Rooms	0	80	80
Annual RevPAR	0	<u>\$1,541,368</u>	<u>\$1,541,368</u>
<b>Total Hotel Sales Tax Revenue</b>	<b>\$0</b>	<b>\$61,655</b>	<b>\$61,655</b>
<b>Total Sales Tax Revenues</b>	<b>\$886,157</b>	<b>\$5,068,738</b>	<b>\$6,335,970</b>

Source: ERA



**Appendix Appendix  
Model Assumptions**

Steamboat Springs:		Source:
Retail (SF)	2,669,224	
Local Retail	2,409,224	Planning Department
Regional Retail	260,000	Planning Department
Office (SF)	391,437	Planning Department
Industrial (SF)	760,936	Planning Department
Lodging (Rooms)	3,495	EPS
Residential Housing (Dwelling Units) 2000	7,089	2000 Census
Estimated New Housing Units April 1, 2000 - 2007	1,933	Planning Department
Residential Housing (Dwelling Units)	9,022	Planning Department
Single Family	5,413	
Multi Family	3,609	
Second Homes (Cold Beds)	1,379	EPS
Occupied Housing (Dwelling Units)	4,982	
Single Family	2,989	
Multi Family	1,993	
Household Population	11,608	
Employees	14,446	infoUSA
Employees (Less Hotel Employees)	10,707	infoUSA

Assumptions:		
Steamboat Springs Household Growth Rate	1.5%	Planning Department
Occupied Housing Vacancy Rate	45%	Planning Department
Single Family	60%	Planning Department
Multi Family	40%	Planning Department
Second Home Occupancy Rate	16%	EPS
Second Home Residents per Unit	2.6	EPS
Hotel Room Occupancy Rate	50%	EPS
Visitors per Hotel Room	3.4	EPS
Persons per Occupied Housing (DU)	2.3	Planning Department
EDU Emp. To DU Calc.	35%	ERA
Employment Generation		
Retail SF per Emp.	450	ERA
Office SF per Emp.	300	ERA
Industrial SF per Emp.	900	ERA
Service SF per Emp.	500	ERA
Hotel Room per Emp.	1	ERA

**Appendix Appendix  
Model Assumptions**

Development Program:		Source:
Total Retail (SF)	401,600	
Local Retail	145,000	Steamboat 700
Regional Retail	256,600	Steamboat 700
Office (SF)	61,950	Steamboat 700
Service/Industrial (SF)	35,000	Steamboat 700
Lodging (SF)	40,000	Steamboat 700
Lodging (Rooms)	80	Steamboat 700
SF per Hotel Room	500	Steamboat 700
Residential Housing (Dwelling Units)	1,818	
Single Family	771	Steamboat 700
Multi Family	1,047	Steamboat 700
Occupied Housing (Dwelling Units)	1,673	
Single Family	709	
Multi Family	963	
Household Population	3,868	
Single Family	1,734	
Multi Family	2,134	
Employees	1,218	
Retail (SF)	892	
Office (SF)	207	
Service/Industrial (SF)	39	
Lodging (Rooms)	80	
Street (Lane Miles)	22	Steamboat 700
Alley (Miles)	5	Steamboat 700
Distribution of Streets & Alley		
2015		
Very High	9.0%	Steamboat 700
High	59.0%	Steamboat 700
Normal	32.0%	Steamboat 700
2020		
Very High	9.1%	Steamboat 700
High	58.9%	Steamboat 700
Normal	32.0%	Steamboat 700
2025		
Very High	10.1%	Steamboat 700
High	54.3%	Steamboat 700
Normal	35.6%	Steamboat 700
Parking Lot (SF)	0	Steamboat 700
Parks (Acres)	22	Steamboat 700
Trails (Miles)	13	Steamboat 700
Open Space (Acres)	125	Steamboat 700
Local Serving Retail (SF)		
Convenience Goods	48,000	Steamboat 700
Shopper Goods	68,000	Steamboat 700
Eating and Drinking	29,000	Steamboat 700
Building Material & Garden	0	Steamboat 700
Regional Serving Retail (SF)		
Convenience Goods	42,800	Steamboat 700
Shopper Goods	128,300	Steamboat 700
Eating and Drinking	2,000	Steamboat 700
Building Material & Garden	83,500	Steamboat 700
Assumed Value (\$2008)		
Retail (per SF)		
Retail/Mixed Use (per SF)	\$300	Steamboat 700
Retail/Large Format (per SF)	\$200	Steamboat 700
Office (per SF)	\$300	Steamboat 700
Service/Industrial (per SF)	\$300	Steamboat 700
Lodging (per SF)	\$300	Steamboat 700
Single Family Residential (per Unit)	See Below	
Multi Family Residential (per unit)	See Below	
Assumed Construction Cost (\$2008)		
Retail (per SF)		
Retail/Mixed Use (per SF)	\$100	Steamboat 700
Retail/Large Format (per SF)	\$75	Steamboat 700
Office (per SF)	\$120	Steamboat 700
Service/Industrial (per SF)	\$135	Steamboat 700
Lodging (per SF)	\$95	Steamboat 700
Single Family Residential (per Unit)	\$200	Steamboat 700
Multi Family Residential (per unit)	\$175	Steamboat 700
Average Size of Units		
Single Family (2015)	2,379	Steamboat 700
Multi-Family (2015)	973	Steamboat 700
Single Family (2020)	2,341	Steamboat 700
Multi-Family (2020)	1,084	Steamboat 700
Single Family (2025)	2,806	Steamboat 700
Multi-Family (2025)	1,216	Steamboat 700
<b>Assumptions:</b>		
Single Family (% Second Home)	8%	Planning Department
Multi Family (% Second Home)	8%	Planning Department
Single Family Occ Unit Pop Factor	105%	1990 Census
Multi Family Occ Unit Pop Factor	95%	1990 Census

**Appendix Appendix  
Model Assumptions**

Case Studies	Source:
<b>Transportation Services</b>	
Hours of Operation (System Wide)	36,901 Transit Department
<b>Transportation Analysis for Steamboat 700</b>	
Service Days	
Summer Regular	223 Transit Department
Summer Peak (S-Peak)	0 Transit Department
Winter Regular	142 Transit Department
Winter Peak	142 Transit Department
Service Hours/Day	
Summer Regular	20 Transit Department
Summer Peak (S-Peak)	0 Transit Department
Winter Regular	22 Transit Department
Winter Peak	10 Transit Department
Required Buses	
Summer Regular	4 Transit Department
Summer Peak (S-Peak)	2 Transit Department
Winter Regular	0 Transit Department
Winter Peak	2 Transit Department
Winter Peak	2 Transit Department
Existing Service Adjustment	(7,584) Transit Department
Impact on Regional Service (1 = Yes , 0 = No)	1 Transit Department
Capital Cost	
Full Size Bus	\$520,000 Transit Department
25 Passenger Bus	\$140,000 Transit Department
Replacement Reserve	
Full Size Bus (per year - 12 years)	\$58,236 Transit Department
25 Passenger Bus (per year - 7 years)	\$23,895 Transit Department
Fuel Inflation Factor	1 Transit Department
<b>Public Works</b>	
Streets (Lane Miles)	149 Public Works Department
Alleys (Miles)	6 Public Works Department
Streets & Alley Snow Removal Factor	
Very High	5 Public Works Department
High	2 Public Works Department
Normal	1 Public Works Department
Parking Lot (Square Feet)	658,950 Public Works Department
City Responsible for Alley (1 = Yes , 0 = No)	1 Public Works Department
<b>Fire Services</b>	
Existing Fire Stations	2 Fire Department
Calls per Station	1,007 Fire Department
City Area (Square Miles)	10.0 Fire Department
Urban Growth Boundary (Square Miles)	12.5 Fire Department
Fire District Area (Square Miles)	378.0 Fire Department
Steamboat Springs Rural Fire Protection District (% of Costs)	
Operating Fund Levy Rate	31% SSRFPD
Capital Fund Levy Rate	0.000 SSRFPD
Debt Fund Levy Rate	3.195 SSRFPD
State Residential Assessment Rate	7.96% State of Colorado
State Commercial Assessment Rate	29.00% State of Colorado
Cost of Fire Station	\$5,777,500 Fire Department
Cost of Fire Equipment	\$1,000,000 Fire Department
<b>Police Services</b>	
Police Officers (Patrol & Investigation)	23.25 Police Department
Police Officers per 1,000 Residents (Desired Level)	2.5 Police Department
Police Officers per 1,000 Residents (Existing Level)	2.0
<b>Parks and Recreation</b>	
Parks (Acres)	566 Parks and Rec
Trails (Miles)	34 Parks and Rec
Open Space (Acres)	1,946 Parks and Rec

**Appendix Appendix  
Model Assumptions**

Case Studies	Source:
<b>Sales Tax</b>	
Occupied Units Percent Retail Spending of Total Potential Income	32% Colorado Economic Census
Local Retail Vacancy Rate	5% ERA
<b>Retail Sales Distribution - Occupied Units</b>	
Convenience Goods	27% EPS
Shopper Goods	45% EPS
Eating and Drinking	16% EPS
Building Material & Garden	12% EPS
<b>Occupied Units Retail Capture</b>	
Convenience Goods	83% EPS
Shopper Goods	51% EPS
Eating and Drinking	80% EPS
Building Material & Garden	70% EPS
<b>Retail Sales Distribution - Second Home Units</b>	
Convenience Goods	29% EPS
Shopper Goods	40% EPS
Eating and Drinking	22% EPS
Building Material & Garden	9% EPS
Second Home Spending Per Day	57.78 EPS
Second Home Units Retail Capture	100% EPS
<b>Retail Sales Distribution - Rental Units</b>	
Convenience Goods	22% EPS
Shopper Goods	48% EPS
Eating and Drinking	30% EPS
Building Material & Garden	0% EPS
Rental Units Spending Per Day	47.08 EPS
Rental Units Retail Capture	100% EPS
<b>Local Sales per SF Estimate</b>	
Convenience Goods	\$400 EPS
Shopper Goods	\$300 EPS
Eating and Drinking	\$300 EPS
Building Material & Garden	\$300 EPS
<b>Regional Sales per SF Estimate</b>	
Convenience Goods	\$300 EPS
Shopper Goods	\$300 EPS
Eating and Drinking	\$300 EPS
Building Material & Garden	\$300 EPS
<b>Average Sales Price (\$2011)</b>	
Single Family (2015)	\$692,000 Steamboat 700
Multi-Family (2015)	\$238,000 Steamboat 700
Single Family (2020)	\$678,000 Steamboat 700
Multi-Family (2020)	\$288,000 Steamboat 700
Single Family (2025)	\$851,000 Steamboat 700
Multi-Family (2025)	\$325,000 Steamboat 700
Constant Year of Housing Price	2011 Steamboat 700
Number of Years Adjustment	3.0
Rate of Inflation	2.5% ERA

**Appendix Appendix  
Model Assumptions**

**Case Studies**

**Source:**

**Sales Tax**

Average Sales Price (\$2008)			
Single Family (2015)	\$641,387		
Multi-Family (2015)	\$220,593		
Single Family (2020)	\$628,411		
Multi-Family (2020)	\$266,936		
Single Family (2025)	\$788,757		
Multi-Family (2025)	\$301,229		
City Tax Rate	4.0%	Finance Department	
Hotel ADR - Winter	\$130	Steamboat 700	
Hotel ADR - Rest of Year	\$90	Steamboat 700	
Days in Winter	151		
Days in Rest of Year	214		
Average Annual ADR	\$106.55		
Utilities Share of Sales Tax in Base Year	10%	Finance Department	
Utilities Sales Tax per EDU	\$205.09		
Assumed Level of Support from Outside Steamboat (Local)	15%	EPS	
Assumed Level of Support from Outside Steamboat (Regional)	25%	EPS	
Average Household Income (\$2007)	\$86,000	EPS	
Average Household Income (\$2008)	\$90,354	EPS and Inflation Rate	
City Sales Leakage	33%	EPS	
Potential Sales Recapture	55%	EPS	
Regional Spending Potential	36.2%	EPS	

**Household Mortgage Assumptions**

Down payment	20%	ERA
Rate	8.0%	ERA
Years	30	ERA
Payments per Year	12	ERA

**Average Household Gross Income Calculation**

	2015		2020		2025	
	Single Family	Multi Family	Single Family	Multi Family	Single Family	Multi Family
Price	\$641,387	\$220,593	\$628,411	\$266,936	\$788,757	\$301,229
Down payment	20%	20%	20%	20%	20%	20%
Loan	\$513,109	\$176,474	\$502,729	\$213,548	\$631,006	\$240,983
Rate	8.0%	8.0%	8.0%	8.0%	8.0%	8.0%
Years	30	30	30	30	30	30
Payments per Year	12	12	12	12	12	12
Total Payments	360	360	360	360	360	360
Monthly Payments	\$3,765.01	\$1,294.90	\$3,688.84	\$1,566.94	\$4,630.10	\$1,768.25
Estimated % of HH Income	30%	30%	30%	30%	30%	30%
Estimated Gross HH Income	\$150,600.59	\$51,796.16	\$147,553.75	\$62,677.70	\$185,203.90	\$70,730.04

**Additional Sources of Retail Demand**

**Leakage / Recapture (Regional Only)**

Total Retail Spending	144,044,070
Total Retail Leakage	48,075,878
<b>Total Retail Recapture</b>	<b>\$26,292,614</b>

Total Retail Spending	\$143,981,290
Total Retail Leakage	\$53,428,965
<b>Total Retail Recapture</b>	

**Natural Increase in Steamboat Population**

New Household Growth (2015)	547
<b>Total Potential Retail Spending</b>	<b>\$15,822,508</b>
New Household Growth (2020)	975
<b>Total Potential Retail Spending</b>	<b>\$28,177,638</b>
New Household Growth (2025)	1,435
<b>Total Potential Retail Spending</b>	<b>\$41,487,621</b>

**Capital Projects Fund**

Excise Tax	1.2%	Finance Department
Use Tax	4.0%	Finance Department

**Student Yields**

	0.39	Planning Department
	0.19	Western Demographic

Source: City of Steamboat Springs, Steamboat 700, infoUSA, EPS, ERA

**Supplementary Data**

Project Name	Steamboat 700
Developer	Steamboat 700
Scenario	Large Format Retail Alternative

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**Table 1**  
**Capital Projects Fund**

	2015	2020	2025	Total
<b>Development Program Elements</b>				
Retail (SF)				
Retail/Mixed Use (per SF)	25,000	105,000	15,000	145,000
Retail/Large Format (per SF)	0	256,600	0	256,600
Office (SF)	15,000	36,950	10,000	61,950
Industrial/Service (SF)	10,000	20,000	5,000	35,000
Lodging (SF)	0	40,000	0	40,000
Single Family (SF)	804,102	859,147	185,196	1,848,445
Multi Family (SF)	569,205	415,172	96,064	1,080,441
<b>Construction Cost Estimate (per SF)</b>				
Retail (per SF)				
Retail/Mixed Use (per SF)	\$100	\$100	\$100	\$100
Retail/Large Format (per SF)	\$75	\$75	\$75	\$75
Office (per SF)	\$120	\$120	\$120	\$120
Industrial/Service (per SF)	\$135	\$135	\$135	\$135
Lodging (per SF)	\$95	\$95	\$95	\$95
Single Family (per SF)	\$200	\$200	\$200	\$200
Multi Family (per SF)	\$175	\$175	\$175	\$175
<b>Construction Cost Estimate</b>				
Retail				
Retail/Mixed Use (per SF)	\$2,500,000	\$10,500,000	\$1,500,000	\$14,500,000
Retail/Large Format (per SF)	\$0	\$19,245,000	\$0	\$19,245,000
Office	\$1,800,000	\$4,434,000	\$1,200,000	\$7,434,000
Industrial/Service	\$1,350,000	\$2,700,000	\$675,000	\$4,725,000
Lodging	\$0	\$3,800,000	\$0	\$3,800,000
Single Family	\$160,820,400	\$171,829,400	\$37,039,200	\$369,689,000
Multi Family	<u>\$99,610,875</u>	<u>\$72,655,100</u>	<u>\$16,811,200</u>	<u>\$189,077,175</u>
<b>Total</b>	<b>\$266,081,275</b>	<b>\$285,163,500</b>	<b>\$57,225,400</b>	<b>\$608,470,175</b>
<b>Excise Tax</b>	<b>\$5,986,829</b>	<b>\$6,416,179</b>	<b>\$1,287,572</b>	<b>\$13,690,579</b>
<b>Use Tax</b>	<b>\$3,192,975</b>	<b>\$3,421,962</b>	<b>\$686,705</b>	<b>\$7,301,642</b>
<b>Total</b>	<b>\$9,179,804</b>	<b>\$9,838,141</b>	<b>\$1,974,276</b>	<b>\$20,992,221</b>

Source: ERA

**Table 2  
Capital Costs**

Note: This table contains a list of capital improvements identified in the West Steamboat Springs Area Plan (2006 update) ("WSSAP"). According to the WSSAP, "potential" funding sources for these capital items include a "special district, impact fees, land dedication or other mechanisms." The WSSAP further states that the "most appropriate financing/contribution mechanism(s) shall be negotiated between the major developer(s) and the City, possibly during the annexation and development review process." The source of funds to finance the capital improvements identified, and the phasing of such improvements is expected to be determined in negotiations between the City and developers within the WSSAP plan area and set forth in the applicable annexation agreements entered into between the City and such developers.

Capital Items	Estimated Cost	Project Cost Allocation	Year
<b>Steamboat Springs</b>			
<b>Transit</b>			
a) Heated Bus Stops/shelters			
c) Buses	\$2,080,000		
b) Replacement Reserve per Year		\$58,236	
<b>Roads</b>			
a) Gun Club connector			
b) Realignment of CR 42 at intersection with New Victory Parkway			
c) Main/2ndary collectors including on-site portions of New Victory Parkway			
d) New Victory Parkway – Downhill to Overlook subdivision			
e) Downhill Drive improvements			
f) Downhill Dr/Hwy 40 intersection improvements			
g) Slate Creek Connector – outside City limits			
h) Hwy 40 Capacity Improvements			
<b>Parks</b>			
a) Athletic Fields			
i) Soccer fields (# TBD)			
ii) Softball fields (# TBD)			
b) Community Parks			
<b>Parks/Public Works/Utilities maintenance and snow storage facility</b>			
a) Land– 3-4 acres			
b) Building (? sf)			
<b>Trails</b>			
a) CR 42 pedestrian underpass			
b) Route 40 Pedestrian over/underpass at Sleepy Bear/KOA			
<b>Fire Station</b>			
a) Land for station: 0.5 - 2 acres			
b) Station (15,000 sf)		\$5,777,500	
c) Fire Equipment		\$1,000,000	
<b>Police Station</b>			
a) Office Space			
<b>Community Space</b>			
Community Center			
<b>Steamboat Springs School District</b>			
<b>Schools</b>			
Elementary school construction cost			
<b>Total</b>			

Source: City of Steamboat Springs



**Table 3**  
**Steamboat Springs Rural Fire Protection District Levy Estimate**

	2015	2020	2025
<b>Development Program Elements</b>			
Retail (SF)			
Retail/Mixed Use (per SF)	25,000	130,000	145,000
Retail/Large Format (per SF)	0	256,600	256,600
Office (SF)	15,000	51,950	61,950
Industrial/Service (SF)	10,000	30,000	35,000
Lodging (SF)	0	40,000	40,000
Single Family (SF)	338	705	771
Multi Family (SF)	585	968	1,047
<b>Valuation Estimate (per SF)</b>			
Retail (per SF)			
Retail/Mixed Use (per SF)	\$300	\$300	\$300
Retail/Large Format (per SF)	\$200	\$200	\$200
Office (per SF)	\$300	\$300	\$300
Industrial/Service (per SF)	\$300	\$300	\$300
Lodging (per SF)	\$300	\$300	\$300
Single Family (per unit)	\$641,387	\$628,411	\$788,757
Multi Family (per unit)	\$220,593	\$266,936	\$301,229
<b>Assessed Valuation Estimate</b>			
Retail			
Retail/Mixed Use (per SF)	\$2,175,000	\$11,310,000	\$12,615,000
Retail/Large Format (per SF)	\$0	\$14,882,800	\$14,882,800
Office	\$1,305,000	\$4,519,650	\$5,389,650
Industrial/Service	\$870,000	\$2,610,000	\$3,045,000
Lodging	\$0	\$3,480,000	\$3,480,000
Single Family	\$17,256,381	\$35,265,149	\$48,407,299
Multi Family	\$10,272,112	\$20,568,128	\$25,104,811
<b>Total</b>	<b>\$31,878,492</b>	<b>\$92,635,727</b>	<b>\$112,924,560</b>
<b>Levy Per Fund (2008)</b>			
Operating	\$0	\$0	\$0
Capital	\$0	\$0	\$0
Debt	\$101,852	\$295,971	\$360,794
<b>Total</b>	<b>\$101,852</b>	<b>\$295,971</b>	<b>\$360,794</b>

Source: ERA

**Table 4**  
**Student Generation Estimate**

	2015	2020	2025
Occupied Dwelling Units			
Single Family (units)	311	649	709
Multi Family (units)	<u>538</u>	<u>891</u>	<u>963</u>
<b>Total</b>	<b>849</b>	<b>1,539</b>	<b>1,673</b>
Student Generation Factor			
Planning Department	0.39	0.39	0.39
Western Demographic	0.19	0.19	0.19
Student Generation (Planning Department)			
Single Family (units)	121	253	277
Multi Family (units)	<u>210</u>	<u>347</u>	<u>376</u>
<b>Total</b>	<b>331</b>	<b>600</b>	<b>652</b>
Student Generation (Western Demographic)			
Single Family (units)	59	123	135
Multi Family (units)	<u>102</u>	<u>169</u>	<u>183</u>
<b>Total</b>	<b>161</b>	<b>292</b>	<b>318</b>

Source: ERA



990 S. ADAMS WAY, DENVER, CO 80209  
PO BOX 2787, WINTER PARK, CO 80482  
jtownsend@coleyforrest.com

Date: January 13, 2009

To: President and Members, Steamboat Springs City Council

From: Jean Townsend, Coley/Forrest, Inc.

**RE: RESPONSE TO CITY STAFF REPORT ON FISCAL IMPACT MODEL  
AND ITS APPLICATION TO STEAMBOAT 700**

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I am an economist and public finance specialist and have been retained by Steamboat 700 to be its representative in work on the fiscal impact model. Since last June, I have been working with City staff and later, its consultant, on the construction and output of the model. This memorandum summarizes Steamboat 700's comments on the draft work product which will be presented to you on January 20<sup>th</sup>.

**Introduction.** The former City Manager, Alan Lanning, and Steamboat 700 entered into an oral agreement to retain one consultant who would build a single fiscal impact model that both parties could technically support. The hope was to avoid competing fiscal models and projections. On these terms, Steamboat 700 agreed to pay for preparation of the model. ERA was selected by the City with the consent of Steamboat 700. The scope of services was developed by the City with input from and approval by Steamboat 700.

For many technical components of the model, Steamboat 700, City staff and ERA are in agreement. This memorandum only highlights the areas of disagreement and the areas requiring continuing work. Each item relates to a proposed policy position of City staff that is reflected in the model. We have no issues with ERA's work at this time; ERA has reflected City staff's positions accurately.

**Levels of Service.** The fiscal impact model contract states that the consultant should "Develop baseline cost equations on existing levels of service, based on current or actual costs and revenues. If a reason emerges to consider higher, desired or planned level of service standards than the baseline or actual cost parameters, then provide model flexibility to quantify the incremental differences between existing and higher levels of service."

The idea was to estimate City cost and revenues based on current service levels provided by the City. In most instances, our areas of difference relate to existing versus “higher or desired” levels of service or a disproportionate assignment of costs to Steamboat 700. In our opinion, Steamboat 700 residents and businesses should not have to pay more for City services than any other resident or business in the City.

**Results in Perspective.** As planned, the model results are presented in three future years (2015, 2020 and 2025). Whether the results are positive or negative, they should be put in context and compared against a backdrop of future citywide fiscal conditions in 2015, 2020 and 2025. They should not be compared with current (2009) City conditions.

**January 20<sup>th</sup> Presentation.** We understand that City staff and ERA intend to direct Council’s focus on the model methodology and that staff has committed to continue work on several revenue and expenditure entries of concern to Steamboat 700. We are all aware that Steamboat 700 was used as the case example. So, our remarks focus not only on the model methodology and future model refinements, but also on the model’s application and policy implications relative to Steamboat 700.

**Fire Protection Services.** In our first meeting on the fiscal impact model in September 2007, the Assistant Fire Chief stated clearly that, in his judgment, the community needs a West Steamboat fire station right now, prior to any development at Steamboat 700 or on any other West Steamboat property. While development of Steamboat 700 will increase the need for fire protection services over time, it has not triggered the need. A new fire station is a community wide need; thoughtful collaboration and partnering is needed solve this situation.

The fiscal impact model includes two methods to attribute fire protection operations and maintenance costs to Steamboat 700. *Our request is to use the “EDU” method described below.*

- *“EDU” Method.* This method attributes our fair share, based on equivalent dwelling units (EDUs), which is used as a proxy for fire protection services. We support this method as long as Steamboat 700 does not double pay for services by also remaining in the Rural Fire Protection District and paying its operating mill levy.
- *100% Method.* This method attributes 100% of the operations and maintenance cost of a new fire station to Steamboat 700, less the cost share attributable to the Rural Fire Protection District. In our judgment, this method is disproportionate and unfair. Steamboat 700 did not create the need; it should pay for its fair contribution to future need but not also pay for service to all of West Steamboat and portions of

unincorporated Routt County. This method, in our judgment, should be excluded from further consideration.

The Steamboat 700 annexation application sets aside 1.5 acres of land which is available for a fire station.

**Transit Services.** The fiscal model assigns 100% of the operations and maintenance costs of a transit circulator that would extend beyond the KOA Campground and through Steamboat 700; the model attributes the Steamboat 700 cost at \$707,985 per year. It calls for 10 minute headways during the peak winter hours and 20 minute headways throughout the rest of the year. Steamboat 700 is committed to reducing reliance on private vehicles and reducing vehicle miles traveled through its mixed use design, its commitment to provide enhanced transit station stops, and its commitment to transit services. However, the phasing and routing of this level of transit service seems excessive and unnecessary, particularly in the early years of development.

- *Route.* The current circulator route in West Steamboat is about 3.8 miles from the Stock Bridge Transit Center to KOA and back through the congested “Curve” area, with 13 stops. The proposed route extension through Steamboat 700, which doubles the cost of the existing 20 minute service, is an additional 2.8 miles with less congestion and fewer stops (3 serving Steamboat 700). It seems reasonable that either the shorter and quicker route extension could serve more than Steamboat 700 or the service costs should be less than double the cost of the current service. If the route extension serves more than Steamboat 700, then the incremental service costs should be shared rather than burdening Steamboat 700 with 100%.
- *Excess Capacity.* In the earlier years of service, the excess capacity to Steamboat 700 is substantial. The consumptive use of fossil fuels and operator costs for low ridership in early years is contrary to other community environmental goals, particularly if 80-passenger busses are used.
- *Phasing.* Within Steamboat 700, transit riders will be primarily permanent residents with some seasonal residents. Providing 10 minute headways during winter peak service, which is designed for visitors, is unnecessary. Since winter peak service is not currently offered west of the Transit Center, this would be an enhanced service level, not an existing service level. This 10 minute winter peak service would be available to all transit riders between the KOA and the Stock Bridge Transit Center (not just Steamboat 700 riders).

In our judgment, layering in transit service in proportion to the pace of development, excluding winter peak service, and using appropriately sized transit vehicles makes

more sense than the proposed transit service that is implicit in the fiscal impact model. *Our request is to make these adjustments to the fiscal impact model.*

**Alley Maintenance Service.** Consistent with the West Steamboat Plan (WSSAP) objectives, our commitment to a development with new urbanism principles, and City planning staff requirements, our development contains 5.0 lane miles of alleys in the Land Use Program and 4.5 lane miles of alleys in the Large Format Retail Alternative. In our judgment, alley maintenance and snow removal should be a service provided by the City, similar to that provided to Old Town properties. We find it inherently inconsistent that City staff requires our plan to provide alleys (WSSAP §6.3.3) and then the City refuses to maintain them. The fiscal model is consistent with our recommendation that alley maintenance and snow removal is a City responsibility. *Our request is no further change.*

**Student Yield Parameters.** City planning staff has put forth student yield parameters (0.39 per household) that are double the School District's expert demographer's (Western Demographics) estimates (0.19 per household). City staff figures are based on its analysis of students from Silver Spur, Heritage Park, Steamboat II, West End Village and three mobile home parks. In our judgment, City staff has used non-comparable subdivisions in its analysis.

For example, in the Steamboat 700 Land Use Program, 62% of the units will be multi-family products which generate fewer students than single-family products. Among the 28% single-family products, approximately 60% are small units with few bedrooms on small lots; again, these units will not attract as many students as other West Steamboat developments. In addition, we anticipate that 15% of the homes will be purchased or rented by seasonal residents. For these reasons, we believe that Western Demographics' expert application of comprehensive information throughout Colorado mountain communities is more reliable than the City planning staff's estimates. Our position is outlined more completely in the attached memo from Peter Patten to Lance Harris, *et al.* *Our request is that the School District continues to rely on its demographic expert.*

**Seasonal Housing.** City planning staff instructed ERA to change the fiscal impact model to reflect an 8% seasonal household estimate based on its review of Silver Spur, Heritage Park, Steamboat II, West End Village and three mobile home parks. Our market analyst forecasts a 15% seasonal household estimate based on our residential market program, pricing mix, unit sizes, room configurations, and mixed use amenities, which are substantially different from other existing West Steamboat developments. Our position is outlined more completely in the attached memo from Peter Patten to Lance Harris, *et al.* The percent of seasonal housing impacts several revenue and

expenditure equations in the fiscal impact model. Steamboat 700 requests that its seasonal housing figure be used as it is a more reasonable than the City staff estimate. The fiscal impact model should provide information as accurately as possible. *Our request is that the fiscal model reinstates the 15% seasonal housing estimate.*

**Additional Fiscal Impact Model Refinements.** City staff has stated its willingness to continue to work on these additional model refinements that are excluded from the January 14<sup>th</sup> submittal.

(1) **Grant Revenues.** We are assured that additional grant revenues from two formula-driven grants, the Conservation Trust Fund and the Highway Users Tax Fund will be incorporated into the fiscal impact model revenues.

(2) **Planning Fees Revenue Estimates.** Planning fee revenues are generated by new development. Patten Associates, Inc. has taken a careful look at Steamboat 700 planning fee revenues, using the 2007 planning fee schedule, as required in the fiscal impact model. Patten Associates' figures show an average of \$40,300 per year for the Land Use Program and \$29,600 per year for the Large Format Retail Alternative. ERA's figures are based on a more generalized and less accurate technique of revenue forecasting; City staff's figures assume form-based code review, which was not in place in 2007 and remains undefined. *We request that our more accurate figures used in the next edition of the fiscal impact model.*

(3) **Capital Projects and Costs.** Supplementary Table 2 itemizes 24 capital projects that the City staff believes must be phased in over time in connection with development in the West Steamboat Area as envisioned in the WSSAP. Four of the 24 projects have estimated capital costs and 20 do not. Many of these are of community-wide benefit.

Nevertheless, Steamboat 700 will take this list into serious consideration. Excluding US 40 capacity improvements, Steamboat 700 needs this list completed with cost estimates before the City and Steamboat 700 can discuss a fair allocation of these costs and develop comprehensive financing recommendations for the community's consideration. We want to move quickly to prepare our recommendations because we and the Steamboat community need ample time to collaborate together on viable and cost effective solutions. Except for US 40 improvements, we cannot consider these requests one-at-a-time. When may we have a complete list?

At Council's direction, Steamboat 700, the City and County representatives have formed a US 40 Capacity Funding Task Force. Together, we are working on financing solutions. *Our request at this time is to have a complete list of capital projects needed for the WSSAP Plan area with estimated costs.*

(4) **Snow Maintenance Costs.** We expect City staff will provide backup information that shows its snow removal cost calculations for “very high”, “high” and “normal” roads. At this time, we are not comfortable that snow removal on streets with on-street parking costs five times more than “normal” but we look forward to reviewing staff’s backup calculations. *Our request at this time is to review the City staff backup information.*

(5) **Population.** We are assured that the model will be amended to include the correct City 2007 population estimate of 11,739.

**Additional Revenues.** In addition to General Fund revenues to finance on-going operations and maintenance, Steamboat 700 builders will pay substantial additional taxes and fee revenues as development occurs. Supplementary Table 1 of the Fiscal Impact Model estimates Steamboat 700 use tax and excise tax revenues. The Steamboat 700 Land Use Program at build-out will have generated \$7.7 million in use tax and \$14.4 million in excise tax revenues. The Large Format Retail Alternative at build-out will have generated \$13.7 million in use tax and \$7.3 million in excise tax revenues. The City has traditionally used these revenues for capital projects.

In addition to the two revenues sources provided in the Fiscal Impact Model, Steamboat 700 will also generate between \$2.2 and \$2.3 million in incremental City building permit fee revenues. These building fees are appropriately excluded from the model, since the model mirrors 2007 conditions and these fees were adopted in late 2008. However, they are real dollars to the City if Steamboat 700 is annexed and developed.

USE TAX, EXCISE TAX AND CITY BUILDING PERMIT FEE REVENUES – STEAMBOAT 700				
Land Use Alternative	Use Tax (1)	Excise Tax (1)	Building Fees (2)	Total
Land Use Program	\$7,680,307	\$14,400,575	\$2,398,231	\$24,479,113
Large Format Retail Alternative	\$7,301,642	\$13,690,579	\$2,205,175	\$23,197,396
(1) Fiscal Impact Model, Supplementary Table 1 (2) Steamboat 700 calculations				

We appreciate the opportunity to share these remarks with City Council and look forward to your direction.

ATTACHMENT: Memorandum from Peter Patten, Patten Associates, Inc. to Lance Harris, Tom Leeson and John Eastman, *Comparison of Steamboat 700 and Other West Steamboat Developments, Seasonal Home Estimates and Student Yield Forecasts*, January 5, 2009.





◆ Project Management                      ◆ Site Design                      ◆ Government Approvals  
2145 Resort Drive Suite 110 Steamboat Springs Colorado 80487 (970) 871-9111

## MEMORANDUM

**TO:** Lance Harris, ERA; Tom Leeson and John Eastman, City of Steamboat Springs Planning and Community Development Department  
**FROM:** Peter Patten, Patten Associates, Inc.  
**RE:** Comparison of Steamboat 700 and Other West Steamboat Developments, Second Home Estimates and Student Yield Forecasts  
**DATE:** January 5, 2009

### **BACKGROUND**

The purpose of this memorandum is to provide supporting information regarding estimates of second homes and student yield forecasts. In our judgment, our estimate of second homes (15% of the total) remains valid and should be reinstated. Also, the Planning Staff's estimate of students from Steamboat 700 is overstated and should be revisited.

### **COMPARING STEAMBOAT 700 MASTER PLANNED COMMUNITY AND EXISTING WEST STEAMBOAT SINGLE FAMILY SUBDIVISIONS**

There are significant differences in the New Urbanist land uses and real estate product types proposed at the Steamboat 700 Master Planned Community (SB 700) relative to the existing suburban-type subdivisions in the West Steamboat Area. As indicated in the table below, SB 700 MPC proposes a large variety of land uses and real estate products. Many of these land uses occur in pedestrian-oriented mixed use village centers.

## Steamboat 700 MPC Land Uses

	% of	
	Total	Total
<b>Residential Uses</b>		
<b>Residence Type</b>		
Apartments	21%	428
Condominiums	27%	545
Townhomes/Courtyard Homes	21%	433
Single Family - Small Lot (4,500-7,999 SF)	16%	328
Single Family - Medium Lot (8,000-19,999)	11%	234
Single Family - Larger Lot (20,000 + SF)	4%	76
<b>Total</b>	<b>100%</b>	<b>2,044</b>
<b>Pod Total</b>		

### Non-Residential Uses

	Total SF/AC
<b>Commercial - #Sq. Ft. of Retail, Office, Restaurant, Services)</b>	
<b>Total Sq. Ft.</b>	<b>340,000</b>
<b>Hotel - #Sq. Ft. (approx.80 Rooms)</b>	<b>40,000</b>
<b>Light Industrial Total (in Acres):</b>	<b>4.5 ac</b>
Fire Station	1.5 ac
YVEA Electric Substation	1 ac
City Public Works Maintenance Yard	1 ac
Homeowners Association Maintenance Yard	1 ac
<b>Community/Day Care Center Site</b>	<b>1.2 ac</b>

All existing West Steamboat subdivisions utilized in planning staff's student yield and second home analysis (e.g. Silver Spur, Heritage Park, Steamboat II, West End Village and three mobile home parks) have essentially only single family land uses and, thus, cannot be used for comparison to SB 700 MPC's vastly more diversified and mixed land uses and building types as illustrated above.

## SECOND HOME CHARACTERISTICS

The primary factors important to second home owners in choosing real estate include:

1. Proximity or availability of transit to recreational/community amenities
2. Proximity or availability of transit to retail, restaurants and services
3. Proximity to airport/driving distance from primary home to second home
4. Size and type of residential unit

Each one of these factors is discussed in more detail below relative to SB 700 and the existing subdivisions in the West Steamboat area (existing subdivisions).

### **1. Proximity or availability of transit to recreational/community amenities**

The primary mixed use village center proposed at SB 700 is approximately two miles closer to the ski mountain or Old Town/Howleson Hill than Heritage Park or Steamboat II. SB 700 proposes new transit service to the other areas/facilities in the City. The existing subdivisions have no transit service as the existing city transit service ends at Sleepy Bear Mobile Home Park.

## **2. Proximity or availability of transit to retail, restaurants and services**

The primary difference between the existing subdivisions and SB 700 is the total lack of mixed use/commercial areas in the existing subdivisions vs. the proposed three mixed-use areas within SB 700. The SB 700 Land Use Plan/Program includes 340,000 square feet of commercial/retail/restaurant/service uses in three separate village center areas, providing the small scale, walkable environment second home owners desire.

## **3. Proximity to airports**

SB 700's location relative to the regional and city airports provides good access for potential second home owners. This factor is important because Steamboat is beyond the standard 2.5 hours driving time threshold for second home owners, making proximity to airports an important criteria for second home owners.

## **4. Size and type of residential unit**

The product mix of SB 700 calls for 60-70% of the planned dwelling units to be attached, and 74% are smaller units at densities ranging from 7.3 to 28.0 DU's/acre. Again, this is very different from the largely lower density single family housing found in the existing subdivisions. This is important because people who buy second homes or invest in vacation rental homes greatly prefer smaller attached units to detached units because, among other reasons, they are easier to maintain. Consequently, in a market like Steamboat Springs single family home ownership will exhibit between 5% and 10% second home ownership and seasonable occupancy, which is the range that planning staff has found in the existing subdivisions. However, smaller attached units - and even the small detached cluster units - will exhibit between 10% and 30% second home and vacation rental unit ownership even though the main market appeal is toward young full time residents. While it is true that several hundred units will be Permanently Affordable Community Housing Units (PACHU's) which will be 100% restricted to full-time residents, the large majority of attached units will not be restricted and will have substantial levels of seasonal occupancy despite efforts to market them to full-time residents.

The planned New Urbanist character of SB 700 provides a much greater level of mixed land uses with convenient amenities (like restaurants, coffee shops and shopping) in close proximity to condominiums and apartments, which will be an additional inducement for second home and investment buyers to buy units in these activity centers.

Finally, one particular product, the upscale condominiums, will be marketed directly to second home and investment buyers because their high cost per square foot and smaller living space will not be attractive to local residents seeking a primary residence. This product which alone accounts for 13% of all SB 700 units will be almost 100% seasonally occupied.

Considering the above factors, SB 700 is confident that at least 15% of the total dwelling units will be second homes or seasonally occupied.

## **STUDENT GENERATION RELATIVE TO REAL ESTATE PRODUCT TYPE**

As demonstrated above in the proposed land use program nearly 50% of the dwelling units are apartments or condos, which will likely be studio or 1-2 bedroom units. This demonstrates how different SB700 is from the existing subdivisions it is being compared to. These products typically do not house families but rather retirees and young workers.

Second homes generate essentially no students for local schools but pay property taxes at the same rate that primary homes pay. This benefits the local school district relative to capital costs.

The Western Demographics report entitled *Updated Enrollment Projections, Student Yield And Steamboat 700 Development Impact* dated April 6<sup>th</sup>, 2008 estimated that approximately 22% of the SB 700 units would be second homes and generate no school-aged children. The report determined the number of second homes based on housing prices, concluding that many of the higher priced homes would likely be second homes.

Student generation rates for primary homes are higher in the lower priced categories of homes. The planning staff's analysis included three mobile home parks and one affordable housing project in their analysis of student generation rates, resulting in a high rate of students per household relative to the Western Demographics report. Indeed, Western Demographics states in their report, regarding "Key observations of growth issues": "*Affordable housing areas, especially mobile home parks, have dramatically increased in bus ridership and school attendance*" (*underline added*).

## **CONCLUSION**

Thus, while SB 700 is proposed as a locals and affordable housing-oriented community and certainly will have more "affordable" and lower priced units than other Steamboat Springs-area developments, there will be a significantly higher number and percentage of second homes within SB 700 than the existing subdivisions in the West Steamboat area. The Fiscal Impact Model should not utilize information that draws a direct comparison with existing subdivisions in the West Steamboat area. These subdivisions do not have the land uses and real estate product types that are conducive to second home ownership and they generate higher average student yields than will likely occur at SB 700.

# AGENDA ITEM # 11

## CITY COUNCIL COMMUNICATION FORM

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**FROM:** Tom Leeson, AICP, Director of Planning & Community Development  
Jim Moylan, Chair, Historic Structures Policy Review Committee

**THROUGH:** Wendy DuBord, Interim City Manager

**DATE:** January 20, 2009

**ITEM:** Text Amendment to the Community Development Code  
#TXT-08-05: An ordinance amending Chapter 26, Article 84 of the Steamboat Springs Revised Municipal Code pertaining to the historic preservation review process for the designation, alteration or demolition of the community's historic resources.

**NEXT STEP:** If the First Reading of the Ordinance is passed, a Second Reading is scheduled for February 3, 2009

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ORDINANCE  
 RESOLUTION  
 MOTION  
 DIRECTION  
 INFORMATION

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**PROJECT NAME:** Text Amendment to the Community Development Code #TXT-08-05

**PETITION:** An ordinance amending Chapter 26, Article 84 of the Steamboat Springs Revised Municipal Code pertaining to the historic preservation review process for the designation, alteration or demolition of the community's historic resources.

**APPLICANT:** City of Steamboat Springs, Department of Planning & Community Development, c/o Tom Leeson, AICP, Director of Planning & Community Development, Centennial Hall, 124 10<sup>th</sup> Street, PO Box 775088, Steamboat Springs, CO 80477 970-879-2060

**PC ACTION:** On January 8, 2009 the Planning Commission recommended approval of the Text Amendments to the Community Development Code, #TXT-08-05 by a vote of 4-2. The January 8, 2009 Planning Commission minutes are included as Attachment 2.

## CITY COUNCIL COMMUNICATION FORM

Text Amendment to the Community Development Code #TXT-08-03

January 20, 2009

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### **I. RECOMMENDED MOTION**

The Planning Commission recommends approval of the draft ordinance to amending Chapter 26, Article 84 of the Steamboat Springs Revised Municipal Code pertaining to the historic preservation review process for the designation, alteration or demolition of the community's historic resources.

### **II. BACKGROUND INFORMATION**

The City Council of Steamboat Springs, Colorado, created the Historic Structure Policy Review Committee ("HSPRC") in October, 2007. HSPRC's task was to engage in a public process to review the City's existing historic structure preservation regulations and provide recommendations to City Council on regulations pertaining to the renovation, remodel or demolition of structures that exceed 50 years in age.

The Historic Structure Policy Review Committee produced an "Interim Report" as well as a "Final Report" which details the committee makeup, process and findings. Those reports have been included as attachments.

### **III. PRINCIPAL DISCUSSION ITEMS:**

The existing Steamboat Springs Historic Preservation Ordinance ("Ordinance") provides for mandatory review of all structures fifty (50) years of age by the Historic Preservation Advisory Commission ("HPAC") before a building, alteration or demolition permit can be issued. HPAC is authorized to implement up to a 90-day delay in the issuance of a demo permit to provide a period where HPAC and others can try to persuade the owners that their proposed plans under the application for permit would disrupt or destroy the historic character of their structure. While this advice is sometimes successful, at the end of the day, the owners are free to disregard entirely HPAC's recommendations and proceed with the alteration or demolition, because HPAC review is mandatory, owner compliance is voluntary. The process causes considerable consternation and frustration in the community and especially on the part of the permit applicants.

In 2007, there was an increase of demolition permits filed affecting buildings over 50 years of age, which in some cases were only filed to get the 90-day clock ticking. Concurrently, there was an out-cry from certain members of the community that many of Steamboat Springs' historic structures would be lost, adversely affecting the community character. In order to allow the dust to clear and get a handle on the problem, City Council enacted a Moratorium on the issuance of building permits for structures of that vintage within Old Town. Following the enactment of the Moratorium, this citizens' Committee was formed to study the issues and provide recommendations to City Council on the policies to consider regarding historic preservation issues in the Steamboat Springs community.

There are several important points that should be considered in reviewing the proposed new H.P. Ordinance.

First, the entire Historic Preservation process in Steamboat Springs remains completely voluntary.

CITY COUNCIL COMMUNICATION FORM

Text Amendment to the Community Development Code #TXT-08-03

January 20, 2009

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Second, the HSPRC is recommending the creation of a Steamboat Springs Historic Register (“Local Register”). Depending on the historic significance of the structure, the owner can apply for listing as a “Local Landmark” or “Historic Resource,” as finally designated by the proposed Historic Preservation Commission.

If the owner applies for listing the property and HPC deems it a Local Landmark or Historic Resource, the benefits and privileges of such listing, e.g., public recognition, economic and other financial incentives, etc., accrue to the owner and constitute one side of the historic preservation equation. On the other side of the equation, any proposed alteration to the Local Landmark or Historic Resource must be approved by HPC applying the Steamboat Springs Historic Preservation Design Guidelines adopted in November 2001, (“Design Guidelines”). While Historic Resources, in certain cases could still be demolished, demolition of a Local Landmark would be prohibited.

It is the creation of the Local Register that is the pivot point in the proposed ordinance and differentiates the proposed ordinance from the existing Ordinances in Steamboat Springs. Voluntary listing protects the rights of private property owners. Once the owner chooses to list and the property is designated for listing, the property is protected serving the historic preservation interests of the community.

People are certain to ask that if there already exists a National, State and Routt County Historic Register why do we need a separate historic register for Steamboat Springs?

The answer is two fold.

First, the foregoing historic registers are honorary. They do not provided any historic preservation protections to the buildings, structures or sites listed on those Historic Registers.

Second, by having a Local Register, albeit voluntary, once owners of such properties apply for listing and are designated Local Landmarks or Historic Resources by the proposed HPC, they receive protection under the law.

Another primary consideration in considering the proposed Ordinance is that it removes the time-consuming and onerous task for the City’s Historic Preservation Staff and the members of the current HPAC from reviewing every structure fifty years of age or older, subject to an application for a permit, regardless of its historic merit.

The Committee strongly felt that the current HPAC’s time would be more profitably spent on public out-reach and historic preservation education within the community.

However, to enhance this process, the HSPRC strongly recommends expediting the cultural resource survey of the approximately 150 remaining structures within the Old Town Area, which includes the Brooklyn and Fairview neighborhoods, to determine their eligibility for listing on the Local Register.

## CITY COUNCIL COMMUNICATION FORM

Text Amendment to the Community Development Code #TXT-08-03

January 20, 2009

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The parallel benefit derived from concluding the cultural resource survey in an expedited fashion is it provides the property owners within the community notice of whether their property is eligible or not eligible for listing on the Local Register. If a property is deemed “not eligible” by the survey, those owners of such properties are completely outside the provisions of this Ordinance in connection with any future application such an owner might file for a building, alteration or demolition permit.

Further, by way of summary and overview, the HSPRC believes the proposed Ordinance provides the community with clear direction on the historic preservation process and strikes a balance the community has clearly expressed between protecting our historic resources while not trampling on the rights of private property owners.

Finally, through this process the HSPRC detected related areas of concern but were deemed outside the Committee’s charge. Accordingly, these issues are addressed (Key Recommendations) below.

### Executive Summary:

The proposed new Historic Preservation Ordinance complements and differs from the existing Steamboat Springs Historic Preservation Ordinances in the following material respects:

- There is an entire section on Definitions.
- The Ordinance provides two voluntary levels of historic recognition by HPC:
  - A. “Local Landmarks” as defined in the ordinance, to which any alteration would be subject to mandatory and strict adherence to the Steamboat Historic Design Guidelines (“Design Guidelines”) and demolition would be prohibited except in cases of public safety. This provision is designed to protect those Historic Resources that are so critical to the history and heritage of Steamboat Springs that their non-conformance, alteration or demolition would be a devastating loss to the entire community.
  - B. “Historic Resources” as defined in the Ordinance enables owners of such structures to avail themselves of the incentives provided for in the ordinance while also voluntarily subjecting their properties to regulation by mandatory adherence to the Design Guidelines in connection with any alteration or “demolition” as defined in the ordinance.
- Creation of a Local Historic Register.
- Two or more property owners have the ability to apply for the creation of a Historic District, and the process is driven from the property owners.
- Creation of Historic Preservation Funds, which is administered by the Director of Planning and Community Development and is part of the Planning and Community Development’s operating budget.



## CITY COUNCIL COMMUNICATION FORM

Text Amendment to the Community Development Code #TXT-08-03

January 20, 2009

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- Elimination of the advisory role of the Historic Preservation Advisory Commission (“HPAC”) to a Commission with designated powers, duties and obligations, not the least of which includes public out-reach and education, to be known as the Historic Preservation Commission (“HPC” or “Commission”).
- Penalties and Sanctions for violations of the ordinance, demolition of Local Landmarks, demolition of Historic Resources, without a permit, etc.
- Provides Economic, Regulatory and Recognition Incentives for Historic Preservation.
- Provides for a Hardship Exemption.
- Appeal process from HPC decisions to City Council.

### Key Recommendations:

- Direct staff to conduct study of zoning regulations in the Old Town Area, including Brooklyn and Fairview neighborhoods, to assure preservation of community character and integrity. During our public meetings, community members expressed concern regarding mass and scale in their neighborhoods. This recommendation is also consistent with those in the Steamboat Springs Area Community Plan.
- Consider Historic Preservation as a public benefit for PUD applications.
- Review Demolition Permit process to eliminate abuse of multiple extensions of such permits.
- Encourage the City Council to take the lead and set the example to list the City owned properties as Local Landmarks.
- Advise Routt County officials that the properties listed on the Routt County Register of Historic Places will be accepted for listing on the proposed Local Register. Advise Routt County officials that Routt County should become a CLG in order to provide local review of State Income Tax Credit applications. Initiate discussions with Routt County about whether they want to continue listing properties within the City boundaries on the County Register.
- Recommend the City fund the Historic Preservation Fund at a meaningful level and consider a dedicated funding source.

CITY COUNCIL COMMUNICATION FORM

Text Amendment to the Community Development Code #TXT-08-03

January 20, 2009

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**IV. LIST OF ATTACHMENTS**

Attachment 1– January 8, 2009 Planning Commission Report

Attachment 2 – January 8, 2009 Draft Planning Commission Minutes

Attachment 3 – HSPRC Interim Report

Attachment 4 – Letter from Dan Corson, Office of Archeology and Historic Preservation

Attachment 5 – Secretary of the Interior’s Professional Qualification Standards

Attachment 6 – Redlined Ordinance from “Partners in Preservation”

Attachment 7 – Memo regarding Certified Local Governments

Attachment 8 – Public Comment letters



**AGENDA ITEM #**  
**PLANNING COMMISSION COMMUNICATION FORM**

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**FROM:** Tom Leeson, AICP, Director Planning & Community Development (Ext. 244)  
Jim Moylan, Chair, Historic Structures Policy Review Committee

**DATE:** January 8, 2009

**ITEM:** #TXT-08-05: An ordinance amending Chapter 26, Article 84 of the Steamboat Springs Revised Municipal Code pertaining to the historic preservation review process for the designation, alteration or demolition of the community’s historic resources.

**NEXT STEP:** If recommended for approval, the first reading of the ordinance will be heard by City Council on January 20, 2009.

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- ORDINANCE
  - RESOLUTION
  - MOTION
  - DIRECTION
  - INFORMATION
- 

**PROJECT NAME:** Historic Preservation Review Process; #TXT-08-05

**PETITION:** An ordinance amending Chapter 26, Article 84 of the Steamboat Springs Revised Municipal Code pertaining to the historic preservation review process for the designation, alteration or demolition of the community’s historic resources.

**APPLICANT:** City of Steamboat Springs, Department of Planning & Community Development, Centennial Hall, 124 10<sup>th</sup> Street, PO Box 775088, Steamboat Springs, CO 80477, (970) 879-2060

## **I. RECOMMENDED MOTION**

Staff finds the proposed ordinance furthers the community's health, safety and welfare and recommends the Planning Commission recommend approval of the attached ordinance amending Chapter 26, Article 84 of the Steamboat Springs Revised Municipal Code pertaining to the historic preservation review process for the designation, alteration or demolition of the community's historic resources.

## **II. BACKGROUND INFORMATION**

The City Council of Steamboat Springs, Colorado, created the Historic Structure Policy Review Committee ("HSPRC") in October, 2007. HSPRC's task was to engage in a public process to review the City's existing historic structure preservation regulations and provide recommendations to City Council on regulations pertaining to the renovation, remodel or demolition of structures that exceed 50 years in age.

The Historic Structure Policy Review Committee produced and "Interim Report" as well as a "Final Report" which details the committee makeup, process and findings. Those reports have been included as attachments.

## **III. DESCRIPTION**

The existing Steamboat Springs Historic Preservation Ordinance ("Ordinance") provides for mandatory review of all structures fifty (50) years of age by the Historic Preservation Advisory Commission ("HPAC") before a building, alteration or demolition permit can be issued. HPAC is authorized to implement up to a 90-day delay in the issuance of a demo permit to provide a period where HPAC and others can try to persuade the owners that their proposed plans under the application for permit would disrupt or destroy the historic character of their structure. While this advice is sometimes successful, at the end of the day, the owners are free to disregard entirely HPAC's recommendations and proceed with the alteration or demolition, because HPAC review is mandatory, owner compliance is voluntary. The process causes considerable consternation and frustration in the community and especially on the part of the permit applicants.

In 2007, there was an increase of demolition permits filed affecting buildings over 50 years of age, which in some cases were only filed to get the 90-day clock ticking. Concurrently, there was an out-cry from certain members of the community that many of Steamboat Springs' historic structures would be lost, adversely affecting the community character. In order to allow the dust to clear and get a handle on the problem, City Council enacted a Moratorium on the issuance of building permits for structures of that vintage within Old Town. Following the enactment of the Moratorium, this citizens' Committee was formed to study the issues and provide recommendations to City Council on the policies to consider regarding historic preservation issues in the Steamboat Springs community.

There are several important points that should be considered in reviewing the proposed new H.P. Ordinance.

First, the entire Historic Preservation process in Steamboat Springs remains completely voluntary.

Second, the HSPRC is recommending the creation of a Steamboat Springs Historic Register (“Local Register”). Depending on the historic significance of the structure, the owner can apply for listing as a “Local Landmark” or “Historic Resource,” as finally designated by the proposed Historic Preservation Commission.

If the owner applies for listing the property and HPC deems it a Local Landmark or Historic Resource, the benefits and privileges of such listing, e.g., public recognition, economic and other financial incentives, etc., accrue to the owner and constitute one side of the historic preservation equation. On the other side of the equation, any proposed alteration to the Local Landmark or Historic Resource must be approved by HPC applying the Steamboat Springs Historic Preservation Design Guidelines adopted in November 2001, (“Design Guidelines”). While Historic Resources, in certain cases could still be demolished, demolition of a Local Landmark would be prohibited.

It is the creation of the Local Register that is the pivot point in the proposed ordinance and differentiates the proposed ordinance from the existing Ordinances in Steamboat Springs. Voluntary listing protects the rights of private property owners. Once the owner chooses to list and the property is designated for listing, the property is protected serving the historic preservation interests of the community.

People are certain to ask that if there already exists a National, State and Routt County Historic Register why do we need a separate historic register for Steamboat Springs?

The answer is two fold.

First, the foregoing historic registers are honorary. They do not provided any historic preservation protections to the buildings, structures or sites listed on those Historic Registers.

Second, by having a Local Register, albeit voluntary, once owners of such properties apply for listing and are designated Local Landmarks or Historic Resources by the proposed HPC, they receive protection under the law.

Another primary consideration in considering the proposed Ordinance is that it removes the time-consuming and onerous task for the City’s Historic Preservation Staff and the members of the current HPAC from reviewing every structure fifty years of age or older, subject to an application for a permit, regardless of its historic merit.

The Committee strongly felt that the current HPAC’s time would be more profitably spent on public out-reach and historic preservation education within the community.

However, to enhance this process, the HSPRC strongly recommends expediting the cultural resource survey of the approximately 150 remaining structures within the Old Town Area, which

includes the Brooklyn and Fairview neighborhoods, to determine their eligibility for listing on the Local Register.

The parallel benefit derived from concluding the cultural resource survey in an expedited fashion is it provides the property owners within the community notice of whether their property is eligible or not eligible for listing on the Local Register. If a property is deemed “not eligible” by the survey, those owners of such properties are completely outside the provisions of this Ordinance in connection with any future application such an owner might file for a building, alteration or demolition permit.

Further, by way of summary and overview, the HSPRC believes the proposed Ordinance provides the community with clear direction on the historic preservation process and strikes a balance the community has clearly expressed between protecting our historic resources while not trampling on the rights of private property owners.

Finally, through this process the HSPRC detected related areas of concern but were deemed outside the Committee’s charge. Accordingly, these issues are addressed (Key Recommendations) below.

**Executive Summary:**

The proposed new Historic Preservation Ordinance complements and differs from the existing Steamboat Springs Historic Preservation Ordinances in the following material respects:

- There is an entire section on Definitions.
- The Ordinance provides two voluntary levels of historic recognition by HPC:
  - A. “Local Landmarks” as defined in the ordinance, to which any alteration would be subject to mandatory and strict adherence to the Steamboat Historic Design Guidelines (“Design Guidelines”) and demolition would be prohibited except in cases of public safety. This provision is designed to protect those Historic Resources that are so critical to the history and heritage of Steamboat Springs that their non-conformance, alteration or demolition would be a devastating loss to the entire community.
  - B. “Historic Resources” as defined in the Ordinance enables owners of such structures to avail themselves of the incentives provided for in the ordinance while also voluntarily subjecting their properties to regulation by mandatory adherence to the Design Guidelines in connection with any alteration or “demolition” as defined in the ordinance.
- Creation of a Local Historic Register.
- Two or more property owners have the ability to apply for the creation of a Historic District, and the process is driven from the property owners.

- Creation of Historic Preservation Funds, which is administered by the Director of Planning and Community Development and is part of the Planning and Community Development's operating budget.
- Elimination of the advisory role of the Historic Preservation Advisory Commission ("HPAC") to a Commission with designated powers, duties and obligations, not the least of which includes public out-reach and education, to be known as the Historic Preservation Commission ("HPC" or "Commission").
- Penalties and Sanctions for violations of the ordinance, demolition of Local Landmarks, demolition of Historic Resources, without a permit, etc.
- Provides Economic, Regulatory and Recognition Incentives for Historic Preservation.
- Provides for a Hardship Exemption.
- Appeal process from HPC decisions to City Council.

**Key Recommendations:**

- Direct staff to conduct study of zoning regulations in the Old Town Area, including Brooklyn and Fairview neighborhoods, to assure preservation of community character and integrity. During our public meetings, community members expressed concern regarding mass and scale in their neighborhoods. This recommendation is also consistent with those in the Steamboat Springs Area Community Plan.
- Consider Historic Preservation as a public benefit for PUD applications.
- Review Demolition Permit process to eliminate abuse of multiple extensions of such permits.
- Encourage the City Council to take the lead and set the example to list the City owned properties as Local Landmarks.
- Advise Routt County officials that the properties listed on the Routt County Register of Historic Places will be accepted for listing on the proposed Local Register. Advise Routt County officials that Routt County should become a CLG in order to provide local review of State Income Tax Credit applications. Initiate discussions with Routt County about whether they want to continue listing properties within the City boundaries on the County Register.
- Recommend the City fund the Historic Preservation Fund at a meaningful level and consider a dedicated funding source.

**V. LIST OF ATTACHMENTS**

Attachment A – Draft Ordinance

Attachment B – HSPRC Interim Report

Attachment C – Letter from Dan Corson, Office of Archeology and Historic Preservation



**DRAFT****CDC Text Amendment – Historic Preservation Ordinance #TXT-08-05**

Discussion on this agenda item started at approximately 7:05 p.m.

**STAFF PRESENTATION**

Tom Leeson –

There has been significant discussion on both sides of the issue. What I mean are those that are property rights and don't agree with historic preservation and those that do agree with historic preservation. The creation of a local register, which is the Steamboat Springs register and not the Routt county register, which is a voluntary program. Once they are registered there are guidelines that have to be met. The process does require a review of the properties that are eligible. If it is a demolition then that meeting is to be held within 30 days. If it is a renovation and it is found that you do not meet the design guidelines then you may proceed anyways. If it's a demolition then we would explain the benefits and perhaps save the structure or there is a 30-day delay before the building is to be demolished for recording purposes. The process currently is 0-90 days. With the newly proposed change it only narrows that down to 30 days. This also has a historic preservation fund. This was going to be a separate fund in the City budget. That has been changed in that it is an operative budget and is managed by the Director. The purpose of that fund is that it's part of the incentive package and education.

Jim Moylan –

We try to get a balance. While not everyone is going to be happy it's a compromise that allows us to meet the needs of the community by preserving a lot of historic structures.

**COMMISSIONER QUESTIONS**

Commissioner Meyer –

There was something that was handed out today. This is what I would call a redline copy.

Tom Leeson –

That came to us just this afternoon. These are people who took the ordinance and reviewed them and gave recommendations regarding the changes that have been made.

Commissioner Meyer –

Since at our work session we did point out based off of what was in our packets, which were some typos and inconsistencies.

Tom Leeson –

There are some that may have also have been found by these people.

Commissioner Meyer –

We'll want to talk about those to get those fixed.

Commissioner Levy –

1/08/09

## **DRAFT**

Unless we change it during the motion we're going to be approving the ordinance that's in our packet, correct? Not the one that was just handed to us.

Tom Leeson –

Correct. Also you're missing definitions 3-6 and those are currently being copied right now and will be handed out shortly.

Commissioner Levy –

On pg 4-13 number 9 contributing properties basically talking about when a historic district is created if the property is at the time of when the historic district is created is considered noncontributing or not eligible over the lifetime of that district it's entirely possible for that unit to become eligible. How is that addressed in this ordinance? To get it past a homeowner that doesn't want it to be included and would want to remain out and having the rules change in the future that he has no control over it would be detrimental.

Tom Leeson –

Ask that question again when Laureen Schaffer returns.

Commissioner Levy –

On pg 4-27 number 7 infill development it says that a lot owner district. Obviously a lot will be not eligible or noncontributing. That they're going to be forced to adhere to the historic district's standards. I was wondering how much of a burden that becomes or a takings on a property owner who doesn't have a historic structure and aren't required to build there be in a certain way.

Tom Leeson –

That was placed in there specifically because there are instances where a historic district will be started, but there won't be a structure built there. If a structure is in place there then it's eligibility will be based off of the historic contegrity of that structure. Since it is a new structure it won't be eligible for 50 years, but will still be part of a historic district.

Commissioner Levy –

You're saying that you feel that the design guidelines are flexible enough that someone building there wouldn't have any additional burdens? They aren't getting too many additional benefits for being in that historic district at that time.

Tom Leeson –

Yes.

Commissioner Curtis –

Could you explain how the proposed new historic preservation commission will differ from the current historic advisory commission?

Jim Moylan –

The HPC would be the body that would determine if the historic preservation of a structure or land use criteria was met and they would certify that. It would proactively

1/08/09

## **DRAFT**

engage in outreach with respect to issues that involve only Steamboat Springs. They do that now, but this would be more of a proactive form of their legislative duties.

Commissioner Curtis –

Would the new commission still be required to be reviewing designated historic structures or additions or alterations other than the Secretary of Interior standards?

Jim Moylan –

Yes, along with the design guidelines of Steamboat Springs.

Commissioner Meyer –

I thought that would not require a change to the City Charter? We've talked about what roles the Planning Commission has, which is an advisory and there are no other boards of commissions.

Tom Leeson –

It's appealable to City Council.

Commissioner Meyer –

We as a community have goals and one of them is energy efficiency. I know that there have been some well-known cases both at the state and national level where some of the guidelines based on alterations to existing structures. As people try to upgrade windows, solar panels on roofs. In reading this it looked like the commission would have sole authority so that if somebody was trying to do geoefficiency enhancements that no you're going to alter the structural nature of the building and it would get turned down. I have a competing interest in that area.

Jim Moylan –

I think that the ordinance reflects the fact that there would be some kind of reasonable standard that would be applied by the commission. It's ordained that way. It's designed so that you wouldn't object to a more environmental friendly or more efficient window treatment. You would be able to install a more efficient window.

Alexis Casale –

It's not historical preservation versus energy efficiency. I think that they are one in the same. Although we don't have a section on this we do have in a window and door section some paragraphs regarding energy efficiency. It is something that we do see in our guidelines. It doesn't say no to solar panels and as long as it doesn't alter the structure then I'm sure that staff would allow that.

Commissioner Levy –

Do we know for sure that there are energy efficient windows in the Historic Preservation Guidelines?

Alexis Casale –

New ones?

Commissioner Levy –

1/08/09

**DRAFT**

Yes, new ones.

Alexis Casale –

I can't say off hand if there are any. We may recommend alternatives that would allow a window to be more energy efficient.

Commissioner Levy –

To my understanding it's not the window, but the window frame that's not energy efficient and may need some upgrading. Do you believe that there are new things that can be purchased to meet those guidelines?

Alexis Casale –

We would recommend repairing the frame, but if that's not possible then replacing it with a different wood frame. I'm not saying definitely yes, but we would look at different options if it weren't viable to build it.

Commissioner Fox –

You said your hoping to get green guidelines to go in and efficiency guidelines to go in some day. Why have they not been included so far? You said that they are in doors and windows, but things like solar that you said maybe someday. Why haven't they been included in this? Is there a specific reason?

Alexis Casale –

What we have already was adopted in 2001 and energy efficiency wasn't thought about at that time.

Jim Moylan –

We were working off of the existing guidelines. We weren't going to do anything with that, but only with what were involved in the ordinance of historical structures.

Commissioner Meyer –

Why not have some sort of acknowledgment without going into detail. There should be a specific allowable exemption where it isn't just doors and windows. Buildings that were constructed even the technology of insulation and wind. I'm not going to sit here and I'm not an expert either. If this committee has the ability to turn something down based on historic alteration then I think that there needs to be an acknowledgment that would be one of the criteria that I would really like to see.

Tom Leeson –

This isn't the criteria that they're looking at, this is the process. That could be a recommendation for City Council that it be included in the standards.

Jim Moylan –

We want to address issues regarding green and sustainability. If the design guidelines are to reflect those then they will be put into this ordinance.

Commissioner Meyer –

1/08/09

## **DRAFT**

Under some of the key recommendations what we're saying is that it very well may be a recommendation that this group recommends to City Council to update those guidelines. One of the key recommendations was to encourage City Council to take the lead and to list the City owned properties and landmarks. What came to mind is that the City owns a bus barn, animal shelter, many public buildings or what I would call very utilitarian design. The Ice Rink is one. I'm looking at one of the recommendations and there are some City buildings that should be considered for listing on a local registry and protected including the building that we're in right now. This building is listed in the Routt County register and not the National register. I want to talk a little bit about some of the criteria because I think that there are some things in here that I thought that were very broad. On pg 4-16 you're talking about the criteria for the purpose of creating this register item 4 to promote good urban design. I can think of some buildings that are brand new or older that would be considered. Some architects would say that's good urban design, but they wouldn't be considered historic. All of the other items 1, 2, 3, 4 and 5 would be specific to encouraging historical places or concept of this historical register. I just see that one being very inconsistent.

Commissioner Curtis –  
What if we change the promote good historic?

Commissioner Meyer –  
I just say delete it. To me urban design is a different concept than historic design.

Jim Moylan –  
We reviewed numerous historic preservations around the country and this seemed to be a common denominator in almost every one of them.

Commissioner Meyer –  
On pg 4-20 under eligibility criteria again we really are looking at in this ordinance being specific as to criteria. When I was looking at number 3 we're not only talking about a building, we're talking about a site, structure, or object. If it has geographic importance. What I'm concerned about is that this is so broad. Does that mean something has to be located next to a site or how far does the geography actually is impacted? Can you say anything in the City of Steamboat Springs is historically important?

Jim Moylan –  
What's designed here is 3 issues historical nature of the structure, architectural significance, and geographic aspect to it.

Commissioner Meyer –  
Since only 1 criteria is required let me give you an example. If we agree that Howelsen Hill is a historical place and you have a property that's adjacent to Howelsen Hill maybe in the Fairview area or on private property. What I'm concerned about is that you only need 1 criteria in any of the categories and to me just being adjacent to a historic site would trigger. This is too broad.

Laureen Schaffer –

1/08/09

## **DRAFT**

There are 3 areas of significance the historic, the architectural and geographic. Geographic is usually the hardest to achieve and significance is usually the easiest. With geographic you have to have the highest significance of integrity. If you were not related to the geographic area then you wouldn't fit into that category.

Commissioner Meyer –  
What about our skateboard park?

Laureen Schaffer –  
That's not within our Howelsen Hill area.

Commissioner Beauregard –  
You had deemed the Steamboat Bed and Breakfast as relevant because of geographic.

Laureen Schaffer –  
That building is not eligible to any of the historic registers. The commissioners felt that it had geographic significance and a certain identity to the community, but it was not eligible to any of the registers.

Commissioner Beauregard –  
You had deemed it geographic though.

Laureen Schaffer –  
If I remember correctly we had a survey done on it and it wasn't eligible.

Commissioner Meyer –  
On pg 4-21 what I was looking at what the eligibility criteria of the landmark designation. This is one that I think I know the answer and you're probably using language that other communities are using. This says that you have 2 of the following additional criteria. When I was reading items 3,4, and 5 to me they were so vague. Specifically number 3 the property contains the possibility of important discoveries related to prehistory or history. To me I understand a potential Indian burial site, which I think is the classic example. There are certain parts of the county that might have dinosaur bones. I'm really concerned about somebody saying I don't want you to develop or demolish something, because there's a possibility of discovery.

Jim Moylan –  
We're not in Routt County we're in the City of Steamboat Springs.

Commissioner Levy –  
That's the justification of someone who wants to be included on the register.

Commissioner Meyer –  
What I'm trying to get at is the burden of proof. I say that there's the possibility of something being underneath and that meets one of the 2 criteria.

Tom Leeson –  
They would get a demo permit in 30 days.

1/08/09

## **DRAFT**

Commissioner Meyer –

I had the same concerns about items 4 and 5. In reading they seemed somewhat vague. The second part of number 4 even though the property represents a significant and distinguishable entity whose components may lack individual distinction yet represents and establishes a familiar community. Can you give me an example of this?

Laureen Schaffer –

Both 4 and 5 come from the Parks service or what they consider a national register. 4 may not qualify as an architectural type or specimen, but that's the part where the components lack a significant distinction. An example would be the Rabbit Ears Motel sign.

Commissioner Meyer –

Are you saying the sign itself or the proximity to the sign?

Laureen Schaffer –

It would have to be the sign itself.

Commissioner Meyer –

That's why I'm saying that this says property.

Laureen Schaffer –

You have to justify your boundary.

Commissioner Meyer –

The sign we're talking about is within the City of Steamboat Springs, correct?

Tom Leeson –

Correct.

Commissioner Meyer –

This section keeps referring to property.

Laureen Schaffer –

She explained the process in applying for a piece of property to be put in the register and whether or not it has any significance to what's being designated as historic.

Commissioner Meyer –

As opposed to the motel itself, correct?

Laureen Schaffer –

If it were something like the Routt County courthouse, they would probably do the whole block.

Commissioner Meyer –

Number 5 in terms of the communities' history I'm getting hung up on other places you're referring to. A building site structure or object where in this section it continues to

1/08/09

## **DRAFT**

refer to property to the extent that it's not historic today, but based on a person that may have lived there. Jim Moylan gets appointed to the Supreme Court for example and we want to preserve his house. It's not just our past, but our current as well as future as a community.

Laureen Schaffer –

If Jim Moylan were appointed to the Supreme Court then his house would not qualify under 5. Number 5 qualifies for something more like Howelsen Hill. It has to be something that's collectively defined our community and a single person probably didn't define our community.

Tom Leeson –

Get rid of the word property and you will understand the language better.

Commissioner Meyer –

That would make sense to me.

Commissioner Curtis –

Are we saying that we're eliminating the word 'property'?

Commissioner Meyer –

No, what we're saying is that it would be rewritten at least 2 of the following criteria and it would say must be overwhelming or just delete the word 'the property'. The only other thing that I have a concern about is the penalty and sanction. On pg 4-31 does moratorium on development of re-development of the Historic Resource, Landmark or Contributing Property for up to the recommendation is 5 years. I don't know if 5 years is a good or bad number. Are you saying that once it's on the local landmark that there's no way of taking it off? Someone comes along and buys a property and alter it or demo it and they demo it they can't redevelop their property for 5 years.

Jim Moylan –

It's up to.

Commissioner Meyer –

If a garage fell down or there was a dispute about whether or not an accessory structure that's already on a site that's on the registry. City Council does have a final say in this?

Tom Leeson –

In addition City Council has some say in this.

Jim Moylan –

It became a cost of doing business.

Tom Leeson –

If someone came along and purchased a property they would already know that the structure was on the registry.

Commissioner Fox –



1/08/09

## **DRAFT**

With the way that this is written there are no variances that go along with this. You sign on to be registered and therefore if a new property owner buys this down the road there are no variances allowed, correct?

Tom Leeson –  
Correct.

Commissioner Fox –  
How involved is the county on this in creating if they were asked to participate or anything and why it's only based on the City and not throughout the County? I thought that the County has a registry already? Is there any discussion in having them combine the 2 mainly saying make Routt County's registry follow these guidelines if you registered?

Jim Moylan –  
The County register in not honorable. There is no form of enforcement there. In order to provide the types of incentives that we've put into this ordinance you must be a certified local government. Steamboat Springs is and Routt County is not.

Commissioner Fox –  
Someone had brought up the historical preservation fund administered by the Director. I'm curious to where the money is coming from?

Tom Leeson –  
Comes from sales tax.

Commissioner Beauregard –  
Can you pick properties out? How do you create a district? It says 2 or more properties. Do they have to be touching each other?

Laureen Schaffer –  
There has to be a theme.

Commissioner Beauregard –  
My concern is that if you had one property owner that didn't want to be in you can just draw him out. Every other part of this seems voluntary other than when a district is created in your neighborhood and you're part of the 20% that doesn't want to be involved. It all of a sudden becomes involuntary. There's not a lot of language in here on how that all takes place.

Laureen Schaffer –  
There's not a lot of language in here. It wouldn't make sense to just draw people out just because they don't want to be in.

Commissioner Beauregard –  
Say you have 70% and you need 80% and you just cut out another 10%.

Laureen Schaffer –

1/08/09

**DRAFT**

That would be more up to the applicant.

Commissioner Beauregard –  
I'm just raising a concern with that.

Laureen Schaffer –  
You're concern is that people might be being drawn out.

Commissioner Levy –  
You're meandering, that's the term.

Commissioner Meyer –  
There's nothing in the ordinance that says 80%.

Laureen Schaffer –  
For districts there is.

Commissioner Levy –  
I don't think that there's anything to what Commissioner Beauregard is saying in that the boundaries have to be drawn in a logical manner. You create a boundary that meets your needs not a true boundary. How can that be prevented?

Laureen Schaffer –  
Then it won't qualify for the register.

Commissioner Beauregard –  
I'm concerned with the power that potentially gives. Say you have 50 people in town that want to register and they arbitrarily make it into a historical district. Then they pull in 5% more than they wanted.

Laureen Schaffer –  
That would have to be the applicant not the commissioner that does that.

Jim Moylan –  
This is neighborhood driven.

Commissioner Beauregard –  
I understand that, but in this you're saying that you only need 80% of them to agree on it. You have 20% that may not want to be in this and that's what I'm saying.

Jim Moylan –  
They can oppose this to City Council.

Tom Leeson –  
There were several members of the group that felt that 20% was a good number since at 100% a district would be less likely to happen. We could feel comfortable with a lower percentage if you would like.

1/08/09

## **DRAFT**

Commissioner Hanlen –

My biggest concern is that if this ordinance gets adopted and it's making a reference to the Historic Preservation Guidelines I've seen so many inherent conflicts with the CDC and now we have to comply with the National Energy Code and coming soon will be the Steamboat Green Building Code. Right now you have so many conflicts where they can be in direct opposition with that if we're tailoring not only this ordinance, but also the design guidelines for our community yet we keep referencing that this is how the Secretary of Interior guidelines read. We need to tailor our guidelines so they're in compliance, because from an applicant standpoint people are coming in and feeling like they are meeting the intent and the City lays out all of these different things and you can meet 3 of the 4 and all of a sudden be denied based off of historical requirements. To echo what Commissioner Meyer was saying so many of the historical criteria are so vague for interpretation as far as when we get into fabric and context, etc. I think that from an applicant's standpoint it can feel very arbitrary. I'm not trying to say that I'm against historic preservation, but there has to be a line drawn. If someone is doing a major renovation then they're going to have to comply with the International Energy Code. I have a big problem of approving this ordinance if it's making reference to those guidelines. How the survey hasn't been completed yet. Not all property owners are aware of their status and yet we're trying to adopt an ordinance where we still haven't identified what those properties are.

Tom Leeson –

This is completely voluntary. The applicant would clearly be someone that cares about historical preservation.

Commissioner Hanlen –

The example that I would give would be not necessarily the person that placed it on the register. I realize that it will be recorded and that the second person in line that buys that property will be fully aware that it's historic. My concern would be and I single out some of the structures downtown. An example of it was an office building with retail downstairs and somebody buys it from a property owner and they would like to convert the second story to condos and so changing the use. Through the Interior's guidelines they talk a lot about changing the use as being a big issue. We go from our guidelines to their guidelines and it's so vague. What concerns me and drives this to what I hope is part of this preservation is that we want to preserve this building at the point where you're getting the highest and best use of that property. Issues like what we're seeing with the Reader Building they've been given a building for free and they're having trouble making ends meet still versus if there's some balance that can be achieved. I think what I'm concerned about is how arbitrary the things are in combination with the conflict that occurs. We're creating something that goes in perpetuity with and if you have something that the first owner entered into willingly then it's just creating an entanglement that you're going to be dealing with for decades to come.

Tom Leeson –

Even when you finish the survey you still aren't done. It is an ongoing process all the time.

Commissioner Hanlen –

1/08/09

## **DRAFT**

I just get concerned about putting the cart before the horse. A document that refers to things that aren't done or completed and we're making them law in the meantime until it is updated. If we make a recommendation tonight to update the guidelines it could be a year at the soonest when those things are done. In the meantime if this ordinance gets recommended for approval it's in place, but it's still referring to the old document. I have a problem with getting this approved before the others are in place and ready for it.

Jim Moylan –

It will never get done then. This ordinance is designed to flow smoothly. Once it's approved it's adaptable to other design guidelines. This ordinance will apply when those structures reach the eligibility criteria.

Commissioner Hanlen –

I agree with that in theory, but we're imposing a very imperfect document. There are a lot of things that need to be straightened out before this gets approved.

Commissioner Levy –

One thing that I heard Commissioner Hanlen bring up, but didn't ask the question was does staff know of any conflicts between the Historic Preservation Architectural Guidelines and the community's architectural guidelines?

Tom Leeson –

No.

Commissioner Hanlen –

Where I've seen conflicts come up is when you get into Items such as what the City allows versus what the guidelines recommend. The small cases might be when we approved the new insurance building on Oak Street. Historic was recommending that all of the new structure get built to the same line, as the other buildings on the block versus what we approved is tighter to the street. Another example would be that the City allows caretaker units over the top and I've seen instances where HPAC has recommended against the accessory structures just because they're not historical to Steamboat. You get into these conflicts where one is asking for something different.

Commissioner Levy –

I'd only be concerned if they were HPAC guidelines and they were something that was not allowed by the City. The historic guidelines should be tougher than City ones as long as what they require is not in conflict with the City's code.

Commissioner Hanlen –

You get into the Green Building Code and then you get into windows and doors.

Commissioner Levy –

Do you have any specific conflicts that are recommended from the historic guidelines, but aren't allowed by the City?

Commissioner Hanlen –

Well, until the City's Green Code goes into affect.

1/08/09

## **DRAFT**

Commissioner Levy –

We'll keep that in mind when that goes before us. This is in regards to the creation of historic districts and that we establish contributing and noncontributing properties at that time. Is that locked in place during the time of the district? Can a property that is not contributing at the time become contributing later? This could really change your 20%/80% vote. Down the road they get thrown in. They get caught off guard and figure out that this affects them and they would have fought this earlier if they had known.

Laureen Schaffer –

We don't have that in this text. If someone wanted to change then we would need the owner's consent. They would have to go through the process.

Commissioner Levy –

You're saying they are noncontributing at the creation of the district unless agreed upon by the property owner. Where does that state that?

Laureen Schaffer –

We don't have a process for changing the district.

Commissioner Levy –

You're not changing the district. We're in agreement that this is something that needs to be added. If this Planning Commission decides that we want to fix that at a certain time and that we should recommend. I didn't see it in the ordinance either.

Laureen Schaffer –

If you want to allow changes within the historic district then you need additional recommendation.

Commissioner Levy –

If we make no changes then those that are noncontributing originally will remain noncontributing in perpetuity unless they particularly apply.

Laureen Schaffer–

They would be eligible, but not designated as contributing.

Commissioner Levy –

Throughout the document it talks about how the eligible resources.

Tom Leeson –

In order to amend it you would have to go back through the process.

Commissioner Levy –

Contributing and noncontributing factors are identified in the creation of a historic district. Throughout the document we talked about eligible resources that are required to go through the same process. Tom Leeson mentioned earlier that they aren't binding for those resources. Could you tell me where in this ordinance it states that? If you're an eligible resource, but you never applied the rules still apply to them in an advisory

1/08/09

## **DRAFT**

structure. I don't see those words anywhere in the ordinance and it's referenced in 4-18 (e) and (f), 4-20 two paragraphs. All say that eligible resources have to jump through the same loops as properties that are requesting to be designated. I don't see where it says those recommendations from the historic committee are only advisory words to them where it's binding only to those that have applied.

Tom Leeson –  
There's a process for demolition.

### **PUBLIC COMMENTS**

Towny Anderson –  
From a historic preservation's point of view the historic preservation has contributed far more than 50% than the quote property advocates. The fundamental premises of being voluntary, which means that they aren't obligated. Then the marketplace works so any the buyer knows that it's listed. It's eligible for certain incentives. The National Historic Preservation is working with the US Green Building Council and the LEED certification to come up with guidelines so properties can meet the LEED certification at the designated levels. You can definitely put in more efficient windows. There are products available to be put into jams to tighten windows, etc. They have a section for historic buildings. If a person that buys the property that's listed and tears it down then clearly that's a violation. The only impact for right now is that those properties would have to wait 90 days to be torn down. The survey is continuing it won't ever end. He gave some examples of historical buildings that have had a change of use and work out very well. One of the things that the GBC is recognizing is that historical buildings have embedded energy. The most efficient thing to do is to work with the building that's already in place. I encourage you to recommend this to City Council.

Pam Duckworth –  
On historic districts it seems like there's some confusion on how those work. There are national standards that do apply. It might make sense to add language here saying that the local commission will apply national standards. I think that both the contributing and noncontributing property owners will vote. There should be some incentives. The noncontributing property owners should have some incentives since they do have to comply by the design guidelines that are in place. It's important to note that districts are the ways things are done these days. Regarding Commissioner Hanlen's comments about the vagueness of the standards. A lot of what comes out of here are from the national standards. There's a lot out there that explain what these standards mean. A discrepancy about the number of Commissioner Members is 6 versus 7. When we did talk about districts there isn't a list of contributing and noncontributing properties and there should be. When a district is proposed and nominated. That language is not in here. In the list of regulatory incentives we suggest that there be incentives for landmarks and nothing lesser than those. There's nothing in here stating this.

### **DISCUSSION**

Tom Leeson –  
Jim and I can work to make those changes to the document.

Commissioner Meyer –

1/08/09

## **DRAFT**

The major difference that was pointed out is talking about 7 members of the commission or is it 5 plus the 1 alternate?

Tom Leeson –

It says that the Commissioner shall be comprised of 5 members plus 1 alternate.

Commissioner Levy –

The one Commissioner Meyer brought up about removing the properties from 26-84 (g) numbers 1-5. That's a clerical correction Tom Leeson. Do you agree to that?

Tom Leeson –

Yes.

Commissioner Levy –

What about the one that Pam Duckworth brought up and we talked about? About identifying contributing and noncontributing properties at the time of application. Is that agreed upon?

Commissioner Meyer –

My problem is that we haven't been given a chance to review this since we just received this tonight. I don't know whether I agree with the editorial comments or not. When you're adopting an ordinance, when the Planning Commission is being asked to adopt an ordinance as Tom Leeson and Jim Moylan said you've been through this so many times and each time you go through this you find something else. I think that there are some concepts here that we need to talk about and then decide whether or not we want to see those concepts again. What I would like to talk about is the concepts. We expressed some concerns and there were some public comments. I would like to open it up for some discussion.

Commissioner Levy –

The only thing that intrigued me was the penalties. I can just imagine a scenario where 5 years may seem insufficient. There are property owners that have come forward and asked about demolishing a property and been told that no it's listed and you can't demo it. A 5-year penalty seems a little bit slim for these circumstances. I would like to hear another number besides 5 years.

Tom Leeson –

The group originally proposed 10 years.

Commissioner Beauregard –

I generally liked the whole document in the fact that it gives property owners a chance to preserve their property without having to give it to the City like the Ryder Building. You could leave it in the public market and change use and be a functioning building. In that sense a longer period might give them more incentive to preserve their property since these are the people that it's going to appeal to. I agree with a longer period. Those are the types of people that will be using this document and they really want to preserve their building.

1/08/09

## **DRAFT**

Commissioner Fox –

Remember it says up to 5 years so they could put it at 10 even though it doesn't have to wait that long.

Commissioner Curtis –

I would also support.

Commissioner Hanlen –

I'm fine with 5 years.

Commissioner Meyer –

I think that 5 years is a long time and it's up to. One of several penalties by City Council would impose on the facts of the situations. It's not 5 or 10 years it's up to.

4-2 voted for the 10-year period.

Commissioner Meyer –

My concern is the fact that so much of this is based off of design guidelines that have not been updated since 2001. I don't know how often the Secretary of Interior updates its guidelines. I do understand the voluntary nature of this and I'm much more comfortable after having the explanation from Tom Leeson and Jim Moylan about the history of the compromises. I'm still having some difficulty with some of the details. I'd really like to see the coordinated recommendations from Partners in Preservation other than with what was in our staff report. I would prefer to see a tabling.

Commissioner Beauregard –

I have a big concern with the 80%. That's a portion of it that's not voluntary. You have a situation on 7<sup>th</sup> street where you have 4 homeowners who have historical houses and they all decide to have a district and you have a circle around the 5<sup>th</sup> home in the line. They have a district and they impose this ordinance on someone that might not be willing. From there I can see a situation where they have 5 homes and they can rally another person and end up with a different percentage and they grow their district. That portion of it troubles me a lot.

Commissioner Levy –

When I look at 4-24 in the last paragraphs it does say that a significant concentration and continuity of sites, buildings, etc. have to exist. It says that it has to include all of them. That's different than what I heard in the presentation. You have to include all of them to be a district. I don't see that in this language. Even though they are historically tied to that district they are left out.

Commissioner Beauregard –

You could have a row of 4 homes and not include the 5<sup>th</sup> home. The person in the 5<sup>th</sup> home may be historically tied, but may want to tear it down and the district protects that home so they can't tear it down.

Commissioner Levy –



1/08/09

## **DRAFT**

That person that doesn't want to be a part of the district can make a statement to City Council, correct?

Commissioner Beauregard –

They get to oppose it, but they still get dragged through the process. I don't mind if it's voluntary. I think it's a great thing and it's a great vehicle for property owners. I don't like how neighbors can reach across and impose this on someone that doesn't want to be included.

Commissioner Meyer –

I thought somewhere it had said 2 or more. When I'm reading 4-24 it says 1 or more owners of an eligible resource in order to create a district.

Laureen Schaffer –

In the definitions you have to have 2 or more properties.

Commissioner Levy –

Are there additional benefits for a district that aren't available for individual historic properties?

Laureen Schaffer –

No.

Commissioner Meyer –

I'm with Commissioner Beauregard. I think this is the biggest component of this right now. If the intent of this ordinance is to voluntarily designate an individual property so it can be eligible for the incentives. It may be the district that's having the most problem.

Jim Moylan –

The definition of a historic district talks about 2 contiguous properties.

Commissioner Meyer –

What benefit would you have by going through this historic district process that would be different than if you voluntarily allow your property to be listed on the local register?

Commissioner Levy –

One person can petition, but there has to be 2 or more properties in a district. For example I want my house and Commissioner Curtis's house to be part of a district, but he doesn't have to come and petition it.

Laureen Schaffer –

You have to get a signature.

Commissioner Meyer –

What is the benefit of creating a district versus having individual properties put on the registry?

Laureen Schaffer –

1/08/09

## **DRAFT**

When you're evaluating them you're evaluating them as a group. It's based on the significance not the benefit. They may not be eligible individually, but may be eligible as a group.

Commissioner Levy –

It has to get approved, but I think to start the process. According to this it says that presume with the procedures of 1 or more owners may petition in order to create a district invited that it has these other things. I don't think that it will get approved without that 80%, but you could get the ball rolling without having all of the votes counted. That paragraph doesn't say anything about 80%. That's part of the approval process and not the petition process.

Tom Leeson –

It states that on pg 19 (b).

Commissioner Levy –

This is for designating historic districts.

Commissioner Meyer –

The benefit to create the historic district is not federal tax dollars. You're asking for the benefits that would be eligible and adapted to individual properties.

Laureen Schaffer –

As individuals they may not be eligible, but as a group they could form a district.

Commissioner Meyer –

Give me an example.

Laureen Schaffer –

The Lorenz building is not individually eligible since it's changed so much, but it would be eligible in a historic district.

Commissioner Curtis –

It's the opposite scenario of what Commissioner Beauregard is concerned about. He's concerned about the 20% that doesn't want to be included. The purpose of this is to include that 80%. I understand the concept.

Commissioner Meyer –

I understand the concept.

Commissioner Beauregard –

The other thing that may be of concern is that once that district is drawn. This whole downtown is a historical district. In here they want to be able to regulate Bob's Conoco according to those rules.

Commissioner Levy –

They may have said that, but according to both on pg 4-26 (4) demolition the provisions of this section do not apply in the historic district to those who are noncontributing. (5)

1/08/09

## **DRAFT**

same thing provisions do not apply. Even if you're in the district if you're noncontributing all of those guidelines do not apply. Vacant lots it does apply to.

Commissioner Meyer –

Going back to process this ordinance would then create the HPC committee. If it gets redeveloped into something else and they deny it then the appeal would go to City Council?

Tom Leeson –

Correct.

Commissioner Beauregard –

I would be ok with the whole concept of creating a district if you could pull certain properties out. It's the whole wrangling in that 20% that bothers me. The historical district won't be created unless you have 100% and you won't ever get that. Could we create a district and eliminate certain properties. Can we have holes in the district? Did you discuss that?

Jim Moylan –

Yes, we did. We made it property owner driven.

Commissioner Levy –

I don't have Commissioner Beauregard's concern, but it is possible that 1 property in the middle of a historic district that it doesn't want to be in. We already have 100%, but let's get 1 more property and so we still have only 80%. I think that someone could be in the middle of that district and this would be over their objection.

Commissioner Beauregard –

If they were in the middle then they would be in the district.

Commissioner Levy –

Exactly so I think that is a possibility. I would like to see this ordinance move on to City Council. Whether it is 100% or 80% if there's something that makes us all more comfortable.

Commissioner Meyer –

My problem is that we're dealing with percentages. Is there a minimum number that isn't just that you're dealing with properties that would go through the process to create a historic district?

Laureen Schaffer –

2 properties.

Commissioner Levy –

I don't have a problem.

Commissioner Curtis –

1/08/09

## **DRAFT**

I think that we're rehashing. It's new stuff to us, but the historic committee did debate this quite a bit. They went back and forth just like we are. They came to the conclusion and recommendation of 80%. I feel that I trust their judgment and even though we may not be totally comfortable with 80%. It's a number that they came up with and I will support it.

Commissioner Beauregard –

I just wanted to bring up the point since everybody talks about how voluntary this is, but it's not 100% voluntary for that 20%. I'd rather see it 100% voluntary. Otherwise I don't really like it.

Commissioner Fox –

I would like to see this go before City Council. They have every opportunity to say that it's not fair and that they don't want to participate. They do have a little bit of an out not to say that City Council will listen to them.

Commissioner Meyer –

There really is no way to opt out in this case if 2 properties were to create a district. It's the lack of an option.

Commissioner Beauregard –

You would have to have at least 4 to wrangle another one to get the 80/20.

Commissioner Curtis –

I think that we're looking at the extreme.

Commissioner Beauregard –

I'm looking at it potentially negatively, but I'm looking that there is that potential reaching across the property line to force someone into doing something that they don't want to do.

Commissioner Meyer –

I think that it might have greater significance. On commercial properties or downtown where you typically see as I think of a historical district versus I know there are a lot of examples of neighborhood, but we're talking about starting from an ordinance of 0 to a regulation. I think that I'm having more of a problem with residential than I would if a block or a street of commercial properties got together and created a historic district. You've had these discussions and this is our first time.

Commissioner Beauregard –

Other than that I really like the document and I really feel the work that's gone into it. You can see that it's been worked a lot.

### **FINAL STAFF COMMENTS**

### **RECOMMENDED MOTION:**

### **MOTION**

1/08/09

## **DRAFT**

Commissioner Levy moved to approve TXT-08-05 with the agreed upon technical corrections and changing of the historical district to 100% agreement among all property owners and increasing the penalties of option 1 up to 10 years section 26-84 (r) (1) and Commissioner Beauregard seconded the motion.

### **DISCUSSION ON THE MOTION**

Commissioner Levy –

I would like to see it move forward to City Council. A lot of work has been done on it. If we table it then it goes back for another cycle. I think that enough work has been done and enough good things about it that City Council can hash out some things about it.

Commissioner Curtis –

I support the ordinance. With the changes that Commissioner Levy mentioned with exception to the 100%, I feel that we should stick with the 80% as was originally recommended.

Commissioner Fox –

I agree with Commissioner Curtis. I like the 80%. It's going to be really hard to get historic districts if we're requiring 100%. I would disagree with Commissioner Levy. I'm in favor of the 10 years, but if we drop back down to 5 years I would also be in favor of that.

Commissioner Beauregard –

I'd be in favor of the motion, because I think that if it's going to be voluntary it should be 100% voluntary.

Commissioner Hanlen –

I won't be supporting the motion. To speak directly to Towny Anderson's comment I realize that there are a lot of examples around about adaptive use. My concern isn't so much of what's been done around the country, but how do rules get implemented in Steamboat. I'm basing this off of things that I've witnessed in Steamboat over the years. This application of rules is my biggest concern.

Commissioner Meyer –

I will not be supporting the motion. I would really like to see a reconciliation of some of the concepts. Whether we see a final version. The fact that this has been in the working for almost a year I think for Planning Commission to see all of these different changes we're still recommending slightly different approaches. I fully support the work of the committee. I just don't like approving something that I don't know what I'm approving.

Commissioner Beauregard –

Commissioner Hanlen would you be in favor of any ordinance at all? Are you denying it out of principle or are you denying it because of different aspects? I just wanted to ask Commissioner Hanlen what he is wanting.

Commissioner Hanlen –

1/08/09

## **DRAFT**

I've worked on a lot of historical homes, I've done a lot of renovation and I believe in it. The thing that concerns me is how does it apply. My problem is the ambiguity of this in not only this ordinance in addition to the design guidelines there's a lot of room for interpretation. I just don't like to see where people can take that if they so choose. I would love to approve this and the guidelines in one move instead of approving this and leaving the guidelines out. In the meantime the current guidelines are in place.

### **VOTE**

Vote: 2-4

Voting for approval of motion to approve: Beauregard and Levy.

Against: Meyer, Fox, Hanlen, and Curtis.

Absent: Dixon and Ernst.

Motion Failed

### **Motion**

Commissioner Levy moved to approve TXT-08-05 with the technical corrections agreed to by staff and Commissioner Curtis seconded the motion.

### **VOTE**

Vote: 3-3

Voting for approval of motion to approve: Fox, Curtis and Levy.

Against: Meyer, Beauregard, and Hanlen.

Absent: Dixon and Ernst.

Motion Failed

### **Motion**

Commissioner Hanlen moved to recommend denial of TXT-08-05 and Commissioner Meyer seconded the motion.

Commissioner Hanlen –

The reason why I made the motion was because I believe that I think that the language needs to be tightened up. I think that the design guidelines need to be revised and accompany the ordinance.

Commissioner Meyer –

That's exactly why I would be denying it with no lack of support to the historic preservation or committee.

### **Vote**

Vote: 3-3

Voting for approval of motion to approve: Meyer, Hanlen, and Beauregard.

Against: Levy, Fox, and Curtis.

Absent: Dixon and Ernst.

Motion Failed

1/08/09

## **DRAFT**

### **Motion**

Commissioner Fox moved to approve TXT-08-05 with the staff's technical changes and a recommendation to City Council that we have a certain time frame to go by so we review and make changes to the historic preservation guidelines within 6 months and Commissioner Levy seconded the motion.

Commissioner Fox –

It's better to keep it broader. It's better to keep it open for discussion rather than telling them exactly what they need to do. I feel that the historic preservation committee has worked on this for a long time. I think that the wait is now to be able to revise the historic guidelines from 2001. I think that this will help all of us with what we're looking for.

Commissioner Levy –

With all of the motions I think that City Council will know where we stand and understand the difficultness in getting a vote through.

Commissioner Beauregard –

I personally can't vote for the motion unless it's 100% voluntary.

### **VOTE**

Vote: 4-2

Voting for approval of motion to approve: Meyer, Fox, Levy, and Curtis.

Against: Beauregard and Hanlen

Absent: Dixon and Ernst.

Discussion on this agenda item concluded at approximately 9:26 p.m.

**Historic Structure Policy  
Review Committee**

**Interim Report**

**To**

**City Council  
Steamboat Springs, CO.**

**Dated: February 26, 2008**



## **I. Introduction**

The City Council of Steamboat Springs, Colorado created the Historic Structure Policy Review Committee (“HSPRC”) in October 2007.

HSPRC’s task is to engage in a public process to review the City’s existing historic structure preservation regulations and provide a recommendation to City Council on regulations pertaining to the renovation, remodel or demolition of structures that are older than 50 years old.

The HSPRC is pleased to present its Interim Report (“Report”) to City Council. This Report will advise you on the procedures and processes employed for our task, the progress of our work to date, and what remains to be done within our March 31, 2008 time-frame.

## **II. HSPRC Membership**

A. When the members of the HSPRC were publicly announced, the members were selected by City staff as: two being “Historic Preservation” oriented, two being “Property Rights” oriented, two being “Neutral” and one Chairman.

At the Committee’s first meeting on November 14, 2007, following discussion, the Committee members unanimously agreed that the labels attached to each of them would be discarded and we would work together on the Historic Preservation issues facing the City of Steamboat Springs, Colorado, in the best interests of, and for the benefit of, the entire Community.

B. HSPRC - Members

Anita Hawkins	David Patterson
Tim McCarthy	Garrett Simon
Kathe McCoy	Arianthé Stettner

Jim Moylan - Chair

Staff Liaisons: Tom Leeson, Laureen Schaffer, Ginger Scott

## **III. Overview**

The HSPRC has arrived at a number of conclusions which will be reflected in the Historic Preservation Ordinance we will recommend to City Council for consideration and ultimately, adoption. These conclusions currently are:

1. The current Steamboat Springs Historic Preservation Ordinance(s) does not serve the Community well.

2. The first historic preservation ordinance was enacted by the Steamboat Springs City Council on April 6, 1999. Additional ordinances were enacted, specifically ordinance numbers 1694, 1784, 1793, 1821, 1844, 1999, 2001, 2033 in ensuing years. HSPRC will be recommending sweeping revisions to these historic preservation ordinances in a comprehensive new Historic Preservation Ordinance.
3. Historic Preservation of worthy residential, commercial and other properties is in the Community's interest and is supported by 72% of the Steamboat Springs Community according to the 1999-2000 Steamboat Springs Community Survey.
4. Not all buildings 50 years of age or greater have historic significance. Indeed, by having all structures of 50 years or older go through a review process before an owner can alter or "demolish" the structure creates unnecessary angst among owners of such structures in the Community and is an unnecessary burden on City Staff and members of the Historic Preservation Advisory Committee, ("HPAC").
5. Thus, HSPRC is recommending a new approach to the designation of a "Historic Structure" in Steamboat Springs. We will be recommending a definition of "Historic Structure" that is limited to those Historic Structures that are truly of historical merit to our Community, by virtue of, among other things: (1)Historical Importance, (2)Architectural Importance or (3)Geographic Importance, using standards consistent with the National and State Historic Register language.
6. The HSPRC will recommend that City Council authorize creation of a local City Historic Register.
7. The HSPRC will recommend that City Council appropriate sufficient funds (not to exceed \$100,000) in the 2009 budget cycle to fund completion of the inventory of structures eligible for listing on the (to be created) City Historic Register.
8. The HSPRC will recommend that the inventory be completed by December 31, 2009 and periodically updated thereafter.
9. The HSPRC will recommend that the Ordinance provide for voluntary owner consent to listing on the City Historic Register.
10. In addition, the HSPRC will recommend the creation of meaningful honorary and financial incentives to encourage owners of eligible structures to apply for listing on the City Historic Register.
11. HSPRC will recommend that HPAC no longer be "Advisory." Rather, that HPAC be re-named the "Historic Preservation Commission." In addition, the re-named Commission will be charged with, among other things: (1) an obligation to present educational programs on Historic Preservation to the Community, (2) an obligation to engage in outreach for raising the level of awareness for Historic Preservation in our Community, (3) solicit, recommend and review applications for listing a structure on the City Historic Register, (4) the authority to grant/deny listing on the City Historic Register, (5) the obligation to review applications for Alteration, Modification or Demolition of locally designated Historic Structures, (6) the authority to issue a Certificate of Appropriateness for any modification to the exterior of a designated Historic Structure, consistent with the Community Design Guidelines, which in the case of a listed Historic Structure, would become mandatory, (7) establish procedures for review of eligible Historic Structures, (8)

establish procedures for Historic Structures that are designated on a historic register, (9) the obligation to enforce the Ordinance and mete out significant penalties for altering or demolishing a listed Historic Structure without the appropriate permit, including, but not limited to: assessing the maximum fine allowed for violation of a municipal ordinance in Colorado, a moratorium on building on the lot where the Historic Structure was located for a significant period of years, requirements to: restore, remediate, or rehabilitate the structure with mandatory Design Standards and other appropriate sanctions, (10) the ability to provide exceptions and exclusions in cases of economic hardship for Historic Designation, as well as in the Certificate of Appropriateness.

12. All decisions of the Commission would be appealable to City Council, then to the courts, under the procedures provided in Colorado law.
13. Evaluation of review of commercial properties is in process.
14. In summary, the HSPRC believes the City and its citizens will be best served by a more limited Historic Preservation Ordinance drafted in conjunction with:
  1. Conservation Overlay Zoning, to protect and preserve neighborhood character.
  2. Historic District Zoning (still under consideration by HSPRC)

#### **IV. Process**

##### **A. Organizational Meetings**

The first two meetings of the HSPRC were organizational and somewhat experimental at City Manager Alan Lanning's request.

Gary Seversen and Liz Mullen of the Northwest Colorado Council of Governments ("NWCCOG") facilitated our first two meetings. The experimental part was to determine if availing ourselves of the talents of such people as Mr. Seversen and Ms. Mullen was beneficial and should become a model for all new City Council created committees.

Our first organizational meeting involved:

- Getting to know each other, our backgrounds, experiences, etc.
- To understand the purpose of the Committee, its tenure and authority as defined by City Council and communicated to us by City Manager, Alan Lanning.
- Determining how we would work together in meetings, clarify expectations, and establish principles for ourselves and for our work.
- Logistical issues such as: meeting times, frequency, structure, staff support, etc.
- Determining how we would communicate with each other in meetings and outside meetings.

- Articulate the Committee’s responsibilities: What to do (Product). How to do it (Process).

The second organizational meeting facilitated by Mr. Seversen and Ms. Mullen was devoted primarily to creating a “Work Plan” to enable us to develop the Process to create our Product, in the time available, with persons identified to be responsible for completing those tasks as they arise.

The HSPRC is unanimous in endorsing this process for future Steamboat Springs Committees. Our facilitators were professional, knew their assignment and got us up and running much quicker and better organized than had we been left to our own devices.

## B. Education

1. Also, at the first meeting, Laureen Schaffer of the City’s Planning Department staff had prepared a large 3 ring binder/notebook. Our first “homework” assignment was to become familiar with the materials in the binder.

The materials included:

- Historic Preservation Organizations – contact information.
- U.S. Department of the Interior’s Certified Local Government Program (“CLG”). [Steamboat Springs, Colorado is a CLG and nothing the HSPRC intends to recommend will affect that designation.]
- Colorado Local Governments Historic Preservation Ordinances
- Steamboat Springs Historic Preservation Ordinances, later supplemented so the Committee has all the Ordinances related to Historic Preservation in Steamboat Springs, Colorado.
- Historic Preservation Advisory Committee (“HPAC”) Mission Statement.
- A summary of the principal provisions of other Colorado Historic Preservation Ordinances.
- Memo Background on HPAC and CLG.
- Memo – Historic Districts.
- Memo – Summary of foregoing 2 memos.

- Historic Preservation – Design Guidelines – Steamboat Springs.
    - a) Residential
    - b) Commercial
  - U.S. Department of the Interior – Design Guidelines.
  - Historic Context – Steamboat Springs (February, 2001).
  - Tax credits – Incentive Programs (National, State and local).
  - Community Area Plan – Chapter 11.
  - Local Styles – Architecture – (Power Point).
  - Articles on Historic Preservation.
2. In subsequent meetings Laureen Schaffer presented on particular topics such as:
- Big Picture Look at Historic Preservation
  - Eligible Properties and the “Historic Designation” Process
  - Surveys/Inventory of Historic Structures
  - Conservation Overlay Zoning and Historic Districts
3. Pam Duckworth – Chair of HPAC, presented on the background and work of HPAC. In addition, HPAC was requested to provide and did provide its “wish list” for the Ordinance.
4. Additional Educational Sessions
- Laureen Schaffer and Pam Duckworth presented a variety of case histories of properties considered by the staff and HPAC under the current Historic Preservation Ordinance.
  - Tom Leeson presented on the current Ordinances governing Historic Preservation in Steamboat Springs, Design Guidelines, Zoning issues, etc.
  - In addition, members of the public have attended almost every meeting. The public’s commentary and questions during the process have also been very educational for the Committee.
  - Committee member Arianthé Stettner has provided the other members of the Committee with a wealth of Historic Preservation materials to review.

## V. Public Outreach

- All meetings are open to the public.
- All meeting times and locations are publicized on the City Page in Steamboat Today.
- 30 minutes are reserved at the end of each meeting for public comment. [Note, in the educational meetings, public members present asked questions of the presenters just at HSPRC members were able to do on the theory that such persons might ask a question an HSPRC member has not thought of and, more important, the questions from the public provided insight into the community's concerns on Historic Preservation, the existing Ordinance, etc.]
- Meeting minutes are available on the City's web-site.
- Public Hearings:
  - a) March 6, 2008 – 6:00 – 8:00 p.m.
  - b) March 17, 2008 – 6:00 – 8:00 p.m.

## VI. Meeting Format

### A. Introduction

Since its first meeting on November 14, 2007, with a few exceptions, the Committee has met for two hours weekly. Also, with very few exceptions, all HSPRC members have been present and actively participating.

The meetings typically begin with any announcements or other miscellaneous items that need to be called to the attention of the Committee members.

Minutes from the preceding meeting are discussed, corrections and amendments made, if warranted, then voted upon for approval and posting on the City's web-site.

At the end of each meeting we identify topics for discussion at the following meeting, as more fully discussed below.

### B. Broad Picture

As the Committee began to “stand on its own two feet” we went through the following process which has integrated itself into almost every meeting:

- Each Committee member identified 3 good things and 3 bad things about the current Ordinance.

- The foregoing enabled us to identify what is worth preserving in the current Ordinance, at least in terms of concepts, and what needs to be re-considered and why.
- The above, over time, was then expanded into each Committee member’s “wish list” for a future Ordinance.
- Areas of consensus from the “wish list” have been identified and preserved.
- The above process also enabled us to identify the controversial “big rocks” that we need to consider and resolve as a Committee. (See, below.)

C. The Ordinance

We then began to analyze the current Steamboat Springs Historic Preservation Ordinance(s), section by section.

This analysis was performed with an identification of the section to be analyzed, the general purpose of that section in any Historic Preservation Ordinance, the exact language of that section in the current Steamboat Springs Historic Preservation Ordinance and then sections of several other Historic Preservation Ordinances on the same topic were presented for comparison.

In this fashion, the HSPRC has studied the following sections of the Steamboat Springs Historic Preservation Ordinance in the context of:

1. Purpose Clause
2. Definitions (The Current Ordinance does not have a “Definitions” section. HSPRC will recommend adoption of a “Definitions” section in its proposed Ordinance).
3. HPAC Composition
4. HPAC - Duties and Responsibilities
4. Etc.

D. “Big Rock” Items

The following items are on the Committee’s agenda and frankly are toward the end of the process because these present the controversial issues:

1. Mandatory Review vs. Voluntary Compliance – Mandatory Review v. Mandatory Compliance (Scope, Enforcement, etc.)
2. Incentive Based v. Regulatory System
3. Definitions of:

- a) Historic Structure
  - b) Historic Site
  - c) Demolition
  - d) Etc.
4. HPAC – Advisory or give it “teeth”?
  5. Owner consent requirement
  6. Enforcement
  7. Penalties/Sanctions
  8. Economic Hardship
  9. Appeals
  10. Commercial

## **VII. Game Plan Going Forward**

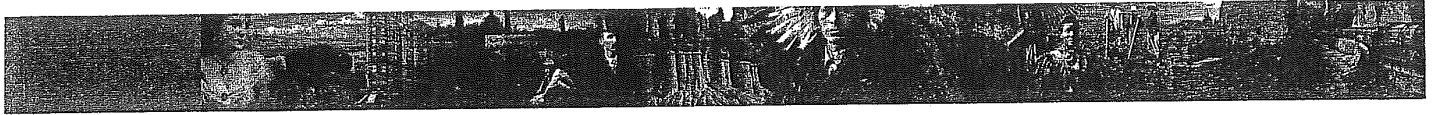
- Public Hearings
  - a) 3/6/08
  - b) 3/17/08
- Continue to meet weekly for two hours, with 30 minutes reserved for public comment.
- Continue to solicit public input, inside and outside the regular weekly meeting.
- Analyze remaining sections of Steamboat Springs H.P. Ordinance(s) in relation to same sections in H.P. Ordinances from other municipalities within and outside Colorado.


## **VIII. Final Report**

- Due March 31, 2007 – HSPRC feels it will meet deadline
- Contents
  1. Executive Summary
  2. Narrative discussion



3. Recommended new ordinance
4. Recommended new ordinance - (Annotated i.e., summary of reason(s) why we are recommending what we recommend by section/provision.)
5. Zoning
6. Funding
7. Etc.



 OFFICE of ARCHAEOLOGY and HISTORIC PRESERVATION

December 8, 2008

Diane Mitsch Bush, Chair, Routt County Board of Commissioners  
 Nancy J. Sahoviak, Routt County Commissioner  
 Douglas B. Monger, Routt County Commissioner  
 522 Lincoln Avenue  
 P. O. Box 733598  
 Steamboat Springs, Colorado 80487

RE: Proposed Revisions to Steamboat Springs' Historic Preservation Ordinance

Dear Ms. Bush, Ms. Sahoviak and Mr. Monger:

Steamboat Springs' city staff requested I write to you explaining why a more traditional historic preservation ordinance makes sense for the city at this stage of development of its preservation program.

Part of my job with the Office of Archaeology and Historic Preservation is as local government liaison to the 109 Colorado local governments with a preservation ordinance. I also provide technical advice to communities interested in enacting a preservation ordinance. I am acquainted with the preservation ordinances and programs of most of these 109 local governments.

Forty-two of these 109 local governments have opted to become Certified Local Governments [CLG]. I serve as the Colorado CLG coordinator. Each state has a person with this title and job responsibilities. A CLG is one entering into a contractual arrangement with my office and approved by the National Park Service agreeing to maintain a local preservation ordinance and commission meeting certain minimum standards. CLGs agree to undertake several obligations and receive as benefits eligibility for match-free grants from a federally derived allocation, eligibility for local designation for the 20% state rehabilitation tax credit, and training and technical advice from my office.

When Steamboat Springs applied to become a CLG in 1999, my office worked with the city to develop a program meeting CLG standards. With reservations we approved a hybrid program in which designations are made through the Routt County program for properties with the city limits. Designated properties are not subject to design review for exterior alterations unless they meet a city regulated category. We have found in resort communities with high land values that owners of properties not subject to mandatory design review compliance increasingly do not take into consideration the comments of the historic preservation commission often resulting in a designated property no longer

Diane Mitsch Bush, Nancy J. Sahoviak and Douglas B. Monger  
December 8, 2008  
Page 2

being eligible for designation. Steamboat Springs is the only Colorado CLG with the hybrid system outlined above. Its current program has not worked very well to actually preserve the integrity of historic properties. As a result it desires to enact a more traditional historic preservation ordinance.

Please feel free to contact me if you have any questions at [303] 866-2673.

Sincerely,



Dan W. Corson  
Intergovernmental Services Director  
Office of Archaeology and Historic Preservation

cc: City of Steamboat Springs, Attention: Laureen Schaffer

## COLORADO HISTORICAL SOCIETY, STATE HISTORICAL FUND

**Secretary Of The Interior's Professional Qualifications Standards (36 CFR Part 61)**

In the following definitions, a year of full-time professional experience need not consist of a continuous year of full-time work but may be made up of discontinuous periods of full-time or part-time work adding up to the equivalent of a year of full-time experience.

HISTORY - The minimum professional qualifications in history are a graduate degree in history or closely related field; or a bachelor's degree in history or closely related field plus one of the following:

- (1) At least two years of full-time experience in research, writing, teaching, interpretation or other demonstrable professional activity with an academic institution, historical organization or agency, museum, or other professional institution; or
- (2) Substantial contribution through research and publication to the body of scholarly knowledge in the field of history.

ARCHAEOLOGY - The minimum professional qualifications in archaeology are a graduate degree in archaeology, anthropology, or closely related field plus:

- (1) At least one year of full-time professional experience or equivalent specialized training in archaeological research, administration or management;
- (2) At least four months of supervised field and analytic experience in general North American archaeology; and
- (3) Demonstrated ability to carry research to completion.

In addition to these minimum qualifications, a professional in prehistoric archaeology shall have at least one year of full-time professional experience at a supervisory level in the study or archaeological resources of the prehistoric period. A professional in historic archaeology shall have at least one year of full-time professional experience at a supervisory level in the study of archaeological resources of the historic period.

ARCHITECTURAL HISTORY - The minimum professional qualifications in architectural history are a graduate degree in architectural history, art history, historic preservation, or closely related field, with course work in American architectural history; or a bachelor's degree in architectural history, art history, historic preservation, or closely related field plus one of the following:

- (1) At least two years of full-time experience in research, writing, or teaching in American architectural history or restoration architecture with an academic instruction, historical organization or agency, museum, or other professional institution; or
- (2) Substantial contribution through research and publication to the body of scholarly knowledge in the field of American architectural history.

ARCHITECTURE - The minimum professional qualifications in architecture are a professional degree in architecture plus at least two years of full-time experience in architecture, and a State license to practice architecture.

HISTORIC ARCHITECTURE - The minimum professional qualifications in historic architecture are a professional degree in architecture and State license to practice architecture, plus one of the following:

- (1) At least one year of graduate study in architectural preservation, American architectural history, preservation planning, or closely related field; or
- (2) At least one year of full-time professional experience on historic preservation projects.

Such graduate study or experience shall include detailed investigations of historic structures, preparation of historic structures research reports, and preparation of plans and specifications for preservation projects.

**CITY OF STEAMBOAT SPRINGS**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING CHAPTER 26, ARTICLE 84 OF THE STEAMBOAT SPRINGS REVISED MUNICIPAL CODE PERTAINING TO THE HISTORIC PRESERVATION REVIEW PROCESS FOR THE DESIGNATION, ALTERATION OR DEMOLITION OF THE COMMUNITY'S HISTORIC RESOURCES; ESTABLISH AN EFFECTIVE DATE; REPEALING ALL CONFLICTING ORDINANCES; AND PROVIDING FOR SEVERABILITY.**

**WHEREAS**, the City Council has determined that the cultural, historic, and architectural heritage of the City of Steamboat Springs and Routt County, Colorado is a source of civic pride, and an asset to this community; and

**WHEREAS**, the City Council of the City of Steamboat Springs has determined that the preservation of certain meritorious governmental, commercial, and residential buildings, as well as other private and public structures, objects and sites within the City boundaries, associated with the cultural, historic, and architectural heritage of the region is essential to maintaining the vitality of that heritage and that the rehabilitation, restoration, renovation, repair and preservation of these buildings, structures, sites and other objects benefits not only the private owner, but the general public as well; and

**WHEREAS**, the City of Steamboat Springs is the first city in Colorado to be recognized nationally as a Preserve America Community in 2004; and

**WHEREAS**, the citizens of the City of Steamboat Springs have expressed their dedication to historic preservation in Chapter 11 of the Steamboat Springs Community Area Plan adopted in May, 2004; and

**WHEREAS**, the City Council of Steamboat Springs recognizes that to promote harmony within the community a balance must be struck between preserving the historic resources existing in the community with the rights of private property owners, accordingly, this ordinance establishes a voluntary system for historic preservation of properties in the City of Steamboat Springs; and

**WHEREAS**, the City of Steamboat Springs is a Certified Local Government under the Federal Historic Preservation Act of 1966, as amended, which requires the City to establish protections for historic buildings and structures.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STEAMBOAT SPRINGS.**

**SECTION 1**

The City Council finds that this ordinance is necessary for the health, safety, welfare, peace and prosperity of the community.

**SECTION 2**

Section 26-42 of the Municipal Code of the City of Steamboat Springs shall be amended as follows:

**Table 26-42 Review Procedures Table**

X	Required notice	CU	Call Up	PC	Planning Commission	TAC	Technical advisory committee
A	Appeal body	Dir	Director of Planning and Community Development	PUD	Planned Unit Development	()	An extra review that may be required by the Director or requested by the applicant
	Board of Adjustment	DM	Decision Maker	R	Reviewing body	<>	Public hearing
	City Council	<del>HPAC</del> HPC	Historic Preservation Commission <del>advisory committee</del>	SPO	Surrounding property owner	{ }	Consent agenda

**Requirements for all applications**

- 1) A complete submittal in accordance with subsections (d) and (f) of Section 26-42 is required prior to review.
- 2) Additional Technical submittals - During the processing of a complete application, if the city or any review agency identifies any additional materials that are needed to accurately evaluate the potential impacts of the proposed application the additional materials will be provided In accordance with subsection (g) of Section 26-42
- 3) *Burden of proof.* The applicant for development approval shall bear the burden of presenting sufficient competent evidence to support the standards for approval set forth by this article.

**Review Procedures**

Types of Applications		Public Notice Requirements					Admin Review			Public Review				Final Document
		SPO Notice (26-51(e))		Post	Publish	Mineral Rights	Pre-submittal	TAC	Dir	HPAC HPC	PC	BOA	CC	
		Application	Public hearing /final decision											
L a n d U s e/ S i t e D e v e l o p m e n t	Community plan land use map amendment (§ 26-32)	X	X		X		X	(R)			<R>			Resolution
	Pre-application review (§ 26-46)	X	X	X	X	X	X	(R)			<R>		<R>	Letter
	CDC text amendments (§ 26-61)				X		X	(R)		<R>	<R>	<R>	<DM>	Ordinance
	Official Zoning map amendment (§ 26-62)	X	X	X	X	X	X	R			<R>		<DM>	Ordinance
	Annexations (§ 26-63)	X	X	X	X	X	X	R			<R>		<DM>	Ordinance
	Use with criteria (§ 26-64)								DM				A	Signed form
	Development plan (§ 26-65)	X	X	X	X	X	X	R		<R>	<R>		{DM}	Approval letter
	Development Plan with PUD (§§ 26-65 & 26-81)	X	X	X	X	X	X	R		<R>	<R>		<DM>	Approval letter
	PUD – minor amendment	X	X	X	X			(R)	DM					Approval letter
	Final development plan (FDP) (§ 26-66)	X	X	X	X	X	X	R		<R>	<R>		<DM>	Signed FDP
	Minor adjustment (§ 26-69)		X	X	X			(R)	DM				A	See 26-69(f)
	Variance (§ 26-70)	X	X	X	X		X	(R)				<DM>	A	Bldg Permit
	Waterbody setback variance (§ 26-71)		X	X	X		X	(R)			<R>		{DM}	Bldg Permit
	Floodplain development permit (§ 26-72)							(R)	DM				A	Permit
	Written interpretation (§ 26-73)												A	Letter
	Master sign plan (§ 26-75)							(R)	DM				A	Approval letter
	Sign permit (§ 26-76)							(R)	DM				A	Permit
Change of use (§ 26-77)	X	X	X	X				DM				A	Signed form	
Minor exterior modification (§ 26-78)		X	X	X		X	(R)	DM				CU	Approval letter	
Vacation Home Rental Permit (§ 26-89)			X	X				DM				A	License	
Telecommunication Facility (§ 26-147(g))		X	X	X		X	(R)	DM		<R>		<R>	Approval letter	
Building Permit							(R)	DM				A	Bldg Permit	
S u	Preliminary plat (§ 26-67)	X	X	X	X	X	X	R					<DM>	Approval letter
	Preliminary plat/PUD (§ 26-67 & §26-81)						X						<DM>	Approval letter

b	Final plat (§ 26-68)		X	X	X	X		(R)	DM				CU	Plat
di	Lot line adjustment (§ 26-79)							(R)	DM				A	Plat
v.	Lot line elimination (§ 26-80)							(R)	DM				A	Plat



### SECTION 3

Section 26-45 of the Municipal Code of the City of Steamboat Springs shall be amended as follows:

~~Sec. 26-45. Historic preservation advisory commission role and procedures.~~

~~(a) — Historic preservation advisory commission powers and duties.~~

~~(1) — The historic preservation advisory commission shall have those powers and duties to review building permits, demolition permits, and new development applications for their impacts on historic resources as stated in the Steamboat Springs Revised Municipal Code, section 2-388, as amended.~~

~~(2) — Review by the historic preservation advisory commission (HPAC) is required for development proposals that affect the exterior of any principal or accessory structure which is in excess of fifty (50) years old, and/or that are historic buildings, buildings listed on a local, state or national historic register, or for sites immediately adjacent to a historic building or building listed on a local, state or national historic register and shall be reviewed during a public hearing.~~

~~(b) — Historic preservation advisory commission review.~~

~~(1) — Public hearing. The HPAC shall hear the request in accordance with the procedures and guidelines set forth in chapter 2 of the Steamboat Springs Revised Municipal Code regarding quasi-judicial hearings and the procedures contained in section 26-52.~~

~~(2) — The director shall have the discretion to schedule review by the HPAC concurrent with, or subsequent to TAC review. The director shall forward copies of the plans to the planning commission, or board of adjustment.~~

~~(3) — After review, the HPAC shall have the authority to recommend approval, approval with conditions, or denial of the project to the planning commission and city council based on the project's compliance with the adopted review standards of HPAC and the project's impact on structures listed on the national register of historic places, the state register of historic places, or the county register of historic properties.~~

### SECTION 4

Section 84 of the Municipal Code of the City of Steamboat Springs shall be replaced in its entirety as follows:

## CHAPTER 26-84 HISTORIC PRESERVATION

### SECTION:

- 26-84(a): Purpose
- 26-84(b): Definitions
- 26-84 (c): Local Register
- 26-84 (d): Historic Preservation Commission
- 26-84 (e): Administrative Review
- 26-84(f): Eligibility Criteria, Historic Resource Designation
- 26-84 (g): Eligibility Criteria, Local Landmark Designation
- 26-84 (h): Procedure for Historic Resource Designation; Demolition and Alteration of Historic Resources; Benefits of Historic Resources
- 26-84 (i): Procedure for Local Landmark Designation; Demolition and Alteration of Local Landmarks; Benefits for Local Landmarks
- 26-84 (j): Procedure for Designation of Historic Districts: Demolitions and Alterations of Resources in Historic Districts; Benefits for Contributing Properties
- 26-84 (k): Amendment of Designation
- 26-84 (l): Notifications
- 26-84 (m): Revocation of Designation
- 26-84 (n): Demolition or Alteration of Eligible Resources Not on the Local Register
- 26-84 (o): Demolition by Neglect
- 26-84 (p): Hardship Exemption
- 26-84 (q): Historic Preservation Fund and other Incentives
- 26-84 (r): Penalties and Sanctions
- 26-84 (s): Appeals

### **Sec. 26-84 (a): Purpose.**

The purpose of the Section is to:

1. Preserve, protect, enhance and perpetuate the exteriors of those buildings, structures, objects, sites and districts that reflect outstanding ["outstanding" is what distinguishes Landmarks from other Historic Resources, so it may not be the appropriate adjective here—how about "distinctive?"] elements of the City's cultural, artistic, social, economic, political, architectural, historic or other heritage;
2. Stabilize or improve aesthetic and economic vitality and the values of such buildings, structures, objects, sites and districts;
3. Enhance the visual character of the City by encouraging new design and construction that complements the City's historic buildings, structures, objects, sites and districts;
4. Promote the use of outstanding [Ditto—how about replacing "outstanding historical or architectural" with "historically significant?"] historical or architectural buildings,

structures, objects, sites and districts for the education, stimulation and welfare of the ~~people~~residents of and the visitors to the City;

5. Conserve valuable material and energy resources by the ongoing use and maintenance of the existing built environment;
6. Increase the economic benefits of historic preservation to the City and its inhabitants;
7. Protect property values within the City; and
8. Promote and encourage continued private ownership and use of such buildings, structures, objects, sites or districts now so owned and used "now so owned and used" seems limiting—with passage of time additional buildings, etc. will qualify, to the extent that the objectives listed above can be attained under such a policy.

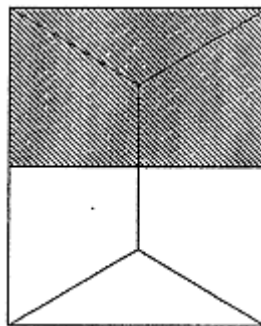
**Sec. 26-84 (b): Definitions.**

The following words and phrases shall have the definitions and meanings set forth below. They shall be capitalized to indicate their special definitions. If any of the words or phrases are defined elsewhere in this code, and there is a disagreement as to their intended meaning, the definitions and meanings set forth in this section shall control the Historic Preservation Chapter.

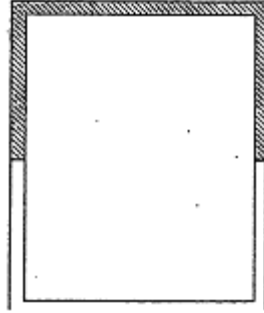
1. *Affected Property* shall mean a governmental, commercial, institutional or residential building or other public or private structure, object, site or district covered by this ordinance.
2. *Alteration* shall mean any exterior change, addition, or modification to an Affected Property located within the City boundaries, or the site upon which such property is located including, but not limited to:
  - a. Exterior changes including additions to, or modifications of, a structure's Architectural Features or visual characteristics;
  - b. Disturbance of archaeological sites or areas; and
  - c. The placement or removal of any exterior objects including signs, plaques, light fixtures, street furniture, walls, fences, and steps that alter the exterior visual qualities of the Affected Property.
3. *Architectural Feature* shall mean the architectural elements embodying style, design, general arrangements and components of the exterior of any building or structure, including, but not limited to, the kind of building material and the style and type of all windows, doors, lights, signs and other fixtures.
4. *Building Department* shall mean the Routt County Regional Building Department.
5. *Business Day* shall mean any day when the City's offices are open for business.

6. *Certificate of Approval* shall mean a certificate issued by the Commission pursuant to this ordinance approving any proposed alteration, modification, repair, rehabilitation, restoration, renovation or demolition of an Affected Property located within the City boundaries.
7. *Commission or HPC* shall mean the Historic Preservation Commission created under this ordinance.
8. *Community Development Code or CDC* shall mean the Community Development Code of Steamboat Springs, as amended.
9. *Contributing Property* shall mean a parcel or lot containing a building, structure, site, feature or object within an Historic District that embodies significant physical characteristics and features, or adds to the historic associations, historic architectural qualities or archaeological values identified for the Historic District, and was present during the period of significance, relates to the documented significance of the district, and possesses historic integrity or is capable of yielding important information about the period.
10. *Dangerous Building* shall mean as defined in the 2003 International Building Code as adopted by Routt County.
11. *Demolition*
  - (a) *Demolition:* "Demolition" or "demolish" means an act or process which removes one or more of the following. The shaded area illustrates the maximum amount that may be removed without constituting demolition.

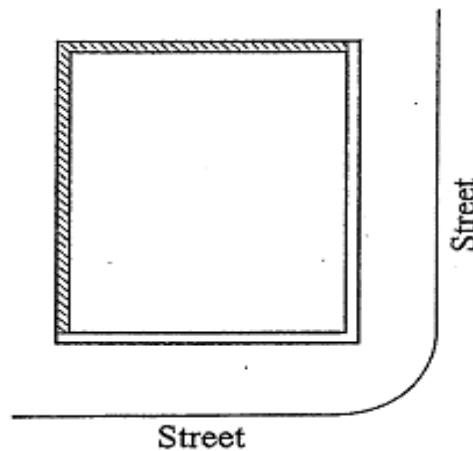
1. Fifty percent or more of the roof area as measured in plan view (see diagram);



2. Fifty percent or more of the exterior walls of a building as measured contiguously around the "building coverage" as defined in this section (see diagram); or



3. Any exterior wall facing a public street, but not an act or process which removes an exterior wall facing an alley (see diagram).



A wall shall not be considered removed if it meets the following:

- (i) The wall shall retain 75% of studs or other structural elements, the exterior wall finish, and the fully framed and sheathed roof above that portion of the remaining building to which such wall is attached;
  - (ii) The wall shall not be covered or otherwise concealed by a wall that is proposed to be placed in front of the retained wall; and
  - (iii) Each part of the retained exterior walls shall be connected contiguously and without interruption to every other part of the retained exterior walls.
- (b) *Demolition by Neglect:*
- 1. "Demolition by neglect" means any total or partial destruction of or damage to a structure or any portion thereof, due to the failure of the structure's owner(s) or lessee(s) to adequately maintain or repair the structure, excepting acts of God, Force Majeure, natural or man-made disasters.
  - 2. See also, Section 5-9 of the Municipal Code.

12. *Design Guidelines* shall mean the Steamboat Springs Historic Preservation Design Guidelines adopted by the City Council in November, 2001, and as may be amended from time to time.
13. *Eligible Resource* shall mean any governmental, commercial, institutional or residential building or other private or public structure, object or site 50 years of age or older, identified and deemed eligible by the City's Historic Preservation Staff for listing on the Local Register by the criteria set forth in this ordinance.
14. *Exterior* shall mean the character and general composition of the outside of an Affected Property, as defined herein, including, but not limited to, the kind the building material and the type, design and character of all windows, doors, light fixtures, and appurtenant elements.
15. *Hardship Exemption* – See Sec. 26-84 (p).
16. *Historic District* shall mean an area of two or more contiguous Eligible Resources designated by the City Council on recommendation of the Commission, following a petition for the creation of an Historic District by ~~the~~one or more owners of those properties. [The definition here conflicts with that in 26-84(j) below; the latter is a more traditional definition. This definition should replace "an area of two or more contiguous Eligible Resources" with "a significant concentration, linkage, or continuity of sites, buildings, structures or objects united historically or aesthetically by plan or physical development, as defined by the criteria for inclusion as an historic district in the National Register of Historic Places."]
17. *Historic Resource* shall mean any public or private resource in the City, including, any governmental, commercial, institutional or residential building or other structure, object or site that has importance in the history, architecture, archeology or culture of the City, State or Nation and is listed on the Local Register. Historic Resources may only be listed on the Local Register with the written and recorded consent of the owner(s).
18. *Historic Site* shall mean any place or parcel of land of historic significance due to a substantial value in tracing the history or prehistory of man, or upon which an historic event has occurred, and which has been designated as an Historic Site under this ordinance. Historic Sites may ~~only~~ be listed on the Local Register only with the written and recorded consent of the owner(s).
19. *Improvement* shall mean any building, structure, place, work of art or other object constituting a physical betterment of real property, or any part of such betterment, including streets, alleys, sidewalks, curbs, lighting fixtures, signs and the like.
20. *Local Landmark* shall mean any public or private resource in the City, including any governmental, commercial, institutional or residential building, or other structure, object or site, that has outstanding importance in the history, architecture, archaeology or culture of the City, State or Nation and is listed on the Local Register individually as a Local

Landmark, pursuant to the criteria set forth in Sec. 26-84(g) of this ordinance. Local Landmarks may only be listed on the Local Register with the written and recorded consent of the owner(s).

21. *Local Register* shall mean the Steamboat Springs Register of Historic Places, containing Local Landmarks, Historic Resources, and Historic Districts approved for listing by the Commission, with the written and recorded consent of the owner(s).
22. *New Construction* shall mean the construction of a new Improvement on a previously undeveloped parcel of land, or the development of a new Improvement on a previously developed parcel.
23. *Planning Department* shall mean the Steamboat Springs Planning & Community Development Department.
24. *Secretary's Standards* shall mean the Secretary of the Interior's Standards for the Treatment of Historic Properties.
25. *Survey* shall mean the cultural resource survey of buildings and structures within the City boundaries, updated from time to time by qualified third party independent contractors, and/or by the City's historic preservation staff.

**Sec. 26-84 (c): Local Register.**

There is hereby created the Steamboat Springs Register of Historic Places ("Local Register").

The purposes of the Local Register are:

1. To preserve, protect, enhance and perpetuate those Local Landmarks, Historic Resources and Historic Districts that reflect outstanding [\[see comment in 26-84\(a\) above re "outstanding"\]](#) elements of the City's cultural, artistic, social, economic, political, architectural, historic or other heritage;
2. To stabilize or improve aesthetic and economic vitality and values of such Local Landmarks, Historic Resources and Historic Districts;
3. To promote the use of outstanding [\[Ditto\]](#) historical or architectural buildings, sites, structures, objects and districts for the education, stimulation and welfare of the people;
4. To promote good urban design; and
5. To promote and encourage continued private and governmental ownership and use of such Local Landmarks and Historic Resources now so owned and used [\[see comment in 26-84\(a\) above re "now so owned and used"\]](#), to the extent that the objectives listed above can be achieved under this ordinance.

**Sec. 26-84 (d): Historic Preservation Commission.**

1. *Established.* There is hereby established an Historic Preservation Commission (“HPC” or “Commission”) for the City. The Commission shall be comprised of five (5) members and one (1) alternate. [NOTE: currently there are 2 alternates; next page, item 2(b), refers to "7" members, so should this say "2" alternates?], with no more than two (2) members residing outside the City boundaries, but within the RE-2 School District. The members shall have the responsibilities set forth in this section.
2. *Membership - Appointment and Term of Members.*
  - (a) All members of the Commission shall have demonstrated interest, knowledge, or formal training in historic preservation and related fields including history, architecture, landscape architecture, architectural history, archaeology, planning, building trades, cultural geography, cultural anthropology, real estate, or law and be supportive of historic preservation. At least two members of the Commission shall be professionals in preservation whose qualifications, to the extent possible, conform to the Secretary of the Interior’s Professional Qualifications Standards [36 C.F.R. Part 61] regarding composition of the Commission.
  - (b) The seven members [see note in 1 above] of the Commission shall be appointed by the City Council. The initial members of the Commission shall be the members of the City's Historic Preservation Advisory Commission as of the effective date of this ordinance, with the term of each member the same as his or her term on the Historic Preservation Advisory Commission. All successive terms shall be three years in duration. Should a position become vacant, City Council may appoint a new member who shall serve out the remainder of the unexpired term.
  - (c) The Commission shall annually elect from its membership a Chairperson. The Chairperson may serve successive terms.
  - (d) In addition to the Commission membership described above, the Commission may invite representatives of the following organizations to participate in Commission meetings as non-voting ex officio members. Their attendance shall be discretionary: Steamboat Springs Planning Commission, Steamboat Springs City Council and the Routt County Regional Building Department.
3. *Duties and Responsibilities.* The Commission shall draw a reasonable balance between the community’s interest in historic preservation and the rights of private property owners. In that connection:
  - (a) The Commission shall advise the City Council regarding the historic preservation aspects of the Steamboat Springs Community Area Plan and regarding other historic preservation issues that may present themselves. [change "that may present themselves" to "affecting the City?"] The Commission’s advice to Council shall include, but is not limited to, recommendations as to the implementation of the



historic preservation aspects of the Steamboat Springs Community Area Plan and facilitation of community discussion relative to the implementation of historic preservation initiatives.

- (b) The Commission shall be responsible for ~~providing~~causing owners of Eligible Resources within the City boundaries to be provided with annual, written notification of their property's eligibility for permanent listing on the Local Register.
- (c) The Commission shall pro-actively solicit public and private property owners to nominate their properties for permanent listing on the Local Register.
- (d) The Commission shall administer and maintain the Local Register or cause such Register to be administered and maintained.
- (e) The Commission shall review all applications for building permits for Alterations and Demolitions relating to the Exterior of any principal or accessory building, structure, object, or site which is designated on the Local Register, or an Eligible Resource, as defined in this ordinance. When reviewing permit requests covered by this ordinance, the Commission shall determine whether the proposed work complies with the requirements of this ordinance, and, if so, it shall issue a Certificate of Approval. If the Commission determines that it cannot issue a Certificate of Approval, or if the Commission otherwise delays such issuance of a Certificate of Approval, it shall cite the historic preservation or other principle(s) upon which it is relying in making its decision. The Commission shall review and render its decision in a public hearing within 30 days of the filing of the application for a permit.
- (f) The Commission shall review all development permit applications that involve Alteration or Demolition of an Eligible Resource in the CN, CO and CY districts as defined by the CDC. Properties with an approved development permit by City Council will be exempt from building permit review for demolition by the Commission. When reviewing development permits covered by this ordinance, the Commission shall determine whether the proposed work complies with the requirements of this ordinance, and, if so, shall issue a Certificate of Approval. If the Commission determines that it cannot issue a Certificate of Approval, or if the Commission otherwise delays such issuance of a Certificate of Approval, it shall cite the requirements of the CDC and the historic preservation or other principle(s) upon which it is relying in making its decision. The Commission shall review and render its decision in a public hearing.
- (g) The Commission shall set a regular meeting time, day and place and cause same to be published to the community at least 72 hours in advance of any such regular ~~or special meeting of the Commission~~meeting of the Commission. The Commission may call a special meeting at any time provided notice of the time, day, place and purpose are published to the community at least 72 hours in advance of such meeting. The Commission shall report to City Council on its activities at six month intervals.

- (h) All decisions by the Commission shall be made in a public forum and applicants shall be notified in writing of the decisions of the Commission. All decisions of the Commission are subject to appeal to the City Council by the affected property owner pursuant to the appeal provisions in this ordinance.
- (i) The Commission shall rely upon the Local Register designation process established in this ordinance for the designation of Local Landmarks, Historic Resources and Historic Districts in the Local Register.
- (j) The Commission shall provide out-reach and educational opportunities, via lectures, conferences, publications, walking tours, work shops, City website, historical marker programs and any other means to educate the community on the importance of historic preservation, and the historic preservation process.
- (k) The Commission shall ~~advise and assist owners of Local Landmarks, Historic Resources, and Historic Districts on the physical and financial aspects of preservation, rehabilitation, restoration, renovation, and re-use of their properties. The Commission shall also assist property owners in pursuing financial and other assistance, including identifying sources of grants, low interest loans and other historic preservation programs available to such property owners to encourage the historic preservation of their properties. In addition, the Commission shall~~ provide conceptual or pre-application reviews to owners of properties and sites on the Local Register and Eligible Resources for historic preservation projects within the City boundaries, ~~as well as assistance in preparing applications for nomination of properties to the Local, State and/or National Registers.~~ [We suggest limiting this item as shown because there can be a conflict of interest with HPC assisting with applications and then making determinations based on those applications. Staff can assist with applications but this section lists HPC duties, not Staff duties. The financial assistance is dealt with elsewhere.]
- (l) The Commission shall establish and publish such administrative rules, regulations and procedures regarding its duties under this ordinance.
- (m) The Commission shall recommend to City Council the removal of properties from the Local Register for reasons the Commission deems appropriate, including, but not limited to: Acts of God, Force Majeure, Hardship, as defined in this ordinance, and for Dangerous Buildings, as defined in this ordinance.
- (n) The Commission shall cause a cultural resource survey of buildings and structures within the City boundaries, to be updated every two years, by qualified, third party independent contractors, and/or by the City's Historic Preservation Staff.
- (o) The Commission shall recommend to City Council the purchase of development rights or the issuance of historic preservation easements for Local Landmark and Historic Resources in appropriate cases.

- (p) Upon the written request of any property owner within the City's boundaries, the Commission shall direct the City's Historic Preservation Staff to determine the eligibility of such property for listing on the Local Register.
- (q) The Commission shall exercise such other roles or duties delegated to it by the Colorado Historical Society of the State Historic Preservation Office, subject to the approval of the City Council.

**Sec. 26-84 (e): Administrative Review.**

Upon receipt of any permit application under Sec. 26-84(h), (i) or (j) for the Alteration to any property ~~and/or~~ site on the Local Register or Eligible Resource, the Historic Preservation Staff shall review the application for compliance with the requirements of this ordinance. Upon a determination by the Historic Preservation Staff that the proposed Alteration will not significantly alter the historic character of such property ~~and/or~~ site ~~on the Local Register or Eligible Resource~~, the Historic Preservation Staff may recommend approval to the HPC without referring the application for public hearing before the HPC.

In determining whether the proposed Alteration will significantly alter the historic character of such property ~~and/or~~ site on the Local Register or Eligible Resource, the Historic Preservation Staff shall apply the Secretary of the Interior's Standards, the Design Guidelines, this ordinance and any other applicable provisions of the CDC.

The Historic Preservation Staff shall notify the HPC in writing of the Historic Preservation Staff's decision to recommend approval without a public hearing by HPC. The Historic Preservation Staff's recommendation shall take effect upon the passage of seven (7) days from the date of notice unless any member of HPC objects thereto in writing prior to the expiration of the 7-day period. An HPC member's objection must be based on an incorrectly applied standard, guideline, or other code provision. In the event of such objection, the proposed Alteration shall be scheduled for a public hearing within thirty (30) days of the written notice from the Historic Preservation Staff to the HPC.

**Sec. 26-84 (f): Eligibility Criteria – Historic Resource Designation.**

A building, site, structure or object may be eligible for designation as an Historic Resource on the Local Register if it meets at least one (1) criterion in one or more of the following categories:

1. Historic Importance. The building, site, structure or object has character, interest or value as part of the development, heritage or cultural characteristics of the City, State or Nation; is the site of an historic event with an effect upon society; is identified with a person or group of persons who had some influence on society; or, exemplifies the cultural, political, economic, social or historic heritage of the community.
2. Architectural Importance. The building, site, structure or object portrays the environment of a group of people in an era of history characterized by a distinctive architectural style; embodies those distinguishing characteristics of an architectural-type specimen; is the

work of an architect or master builder whose individual work has influenced the development of the City or contains elements of architectural design, detail, materials and craftsmanship which represent a significant innovation.

3. Geographic Importance. The building, site, structure or object, because of being part of or related to a square, park or other distinctive area, should be developed or preserved according to a plan based on an historic, cultural or architectural motif; or, due to its unique location or singular physical characteristics, represents an established and familiar visual feature of the neighborhood, community or City.

**Sec. 26-84 (g): Eligibility Criteria - Local Landmark Designation.**

A governmental, commercial, institutional, residential or other private or public building, site, structure, or object within the City's boundaries may be eligible for listing on the Local Register as a Local Landmark by the Commission if it meets the criteria for Historic Resource designation under this ordinance and at least two (2) of the following additional criteria:

1. The property must be of overwhelming historic or architectural importance and significance to the entire community.
2. The property possesses such unusual or uncommon significance that the potential demolition or major alteration would diminish the character and sense of place in the community.
3. The property contains the possibility of important discoveries related to prehistory or history.
4. The property represents a significant and distinguishable entity whose components may lack individual distinction, yet represents an established and familiar feature to the community.
5. The property is significant to the community's history to the extent that it illustrates and commemorates the City's collective past and helps define the community's identity.

**Sec. 26-84 (h): Procedure for Historic Resource Designation; Demolition and Alteration of Historic Resources; Benefits of Historic Resources.**

1. *Recommendations for Designation of Historic Resources.* Pursuant to the procedures set forth in this section, the owner(s) of any governmental, commercial, institutional or residential building or other public or private structure, object, or site meeting the criteria set forth in Sec. 26-84(f), as amended from time to time, or HPC, with the written consent of the owner(s), may propose its designation as an Historic Resource.

Each such designation recommendation shall include a brief description of the characteristics of the building, structure, object, or site that justify its designation and shall include a legal description of the location and boundaries of the Historic Resource.

~~[Delete this section 1 and renumber the following sections. An owner will either apply (next section) or won't. HPC has a duty to encourage listing, stated elsewhere.]~~

2. *Procedures for Designating Historic Resources for Preservation.* Applications for designation as an Historic Resource must be made to the HPC. The HPC may require that such application be made in such form as specified by the HPC. Applications shall be made only by an application signed by the ~~property~~ owner(s) of the property for which ~~an~~the application is submitted, ~~with the written consent of the property owner(s).~~

- (a) *Staff Review.* The City’s Historic Preservation Staff shall review the application for conformance with the criteria for designation established in Section 26-84 (f) hereof, as it may be amended from time to time, and within the purposes of this ordinance. Such review shall be concluded no more than thirty (30) days after the filing of a fully completed application for designation. The staff shall forward the application and its recommendation to HPC.
- (b) *HPC Review.* HPC shall consider the application at a regularly scheduled or special meeting after the completion of the Staff review. HPC shall approve, recommend modifications to, or deny the application. HPC shall notify the owner(s) and City Council in writing immediately following any decision approving or disapproving an application.
3. *Demolitions of Historic Resources.* Once an Historic Resource is listed on the Local Register, ~~demolition~~Demolition of such Historic Resource is prohibited except when maintaining the Resource constitutes a Hardship, as defined in this ordinance, or the Planning or Building Department Staff proves to the Commission that the Historic Resource is a Dangerous Building, as defined in this ordinance. However, the foregoing exceptions shall not apply in the case of Demolition by Neglect. A permit for the Demolition of an Historic Resource shall ~~only~~ be issued only after ~~to~~the issuance of a Certificate of Approval.
4. *Alterations to Historic Resources.* Once an Historic Resource is listed on the Local Register, Alterations to such Historic Resource shall be made in compliance with the Design Guidelines and the Secretary’s Standards as determined by HPC. Alterations need not comply with every applicable Design Guideline, but HPC must determine that there is sufficient compliance that the characteristics that made the Historic Resource an Historic Resource are retained and that following the Alteration, the building, structure, site or object will continue to be an Historic Resource. A permit for the Alteration of an Historic Resource shall ~~only~~ be issued only after ~~to~~the issuance of a Certificate of Approval.
5. *Procedures for Alterations or Demolitions of Historic Resources for Preservation.* Applications for Alterations or Demolitions of an Historic Resource must be made to the HPC. The HPC may require that such application be made in such form as specified by the HPC. Applications shall be made only by an application signed by the ~~property~~ owner(s) of the property for which ~~an~~the application is submitted, ~~with the written consent of the property owner(s).~~
- (a) *Staff Review.* The City’s Historic Preservation Staff shall review the application for conformance with the applicable criteria for Alterations or Demolitions of an Historic Resource, as it may be amended from time to time, and within the purposes of this ordinance. Such review shall be concluded no more than thirty (30) days after the filing of a fully completed application for Alteration or Demolition. The staff shall forward the application and its recommendation to HPC.

(b) *HPC Review.* HPC shall consider the application at a regularly scheduled or special meeting after the completion of the Staff review. HPC shall approve, recommend modifications to, or deny the application. If the application meets HPC approval, HPC shall issue a Certificate of Approval immediately. HPC shall notify the owner(s) and City Council in writing immediately following any decision approving or disapproving an application.

6. *Benefits Available to Historic Resources.* Once an Historic Resource is listed on the Local Register, the applicable incentives listed in Sec.26-84(q) shall be available to the owner(s).

**Sec. 26-84 (i): Procedure for Local Landmark Designation; Demolition and Alteration of Local Landmarks; Benefits for Local Landmarks.**

1. *Recommendations for Designation of Local Landmarks.* Pursuant to the procedures set forth in this section the owner(s) of any governmental, commercial, institutional or residential building, site, structure or object meeting the criteria set forth in Sec.26-84 (g) above, as amended from time to time, or HPC, with the written consent of the owner(s), may propose its designation as a Local Landmark.

Each such designation recommendation shall include a description of the characteristics of the structure, object or site that justify its designation and shall include a legal description of the location and boundaries of the Local Landmark. [Ditto re deleting this section and renumbering balance.](#)

2. *Procedures for designating Local Landmarks for Preservation.* Applications for designation as a Local Landmark must be made to the HPC. The HPC may require that such application be made in such form as specified by the HPC. ~~Application~~Applications shall be made only by an application signed by the owner(s) of the property ~~owner(s) for which the~~ application is submitted, ~~with the written consent of the property owner(s).~~

(a) *Staff Review.* The City's Historic Preservation Staff shall review the application for conformance with the criteria for designation established in Sec.26-84 (g) hereof, as it may be amended from time to time, and within the purposes of this ordinance. Such review shall be concluded no more than thirty (30) days after the filing of a fully completed application for designation. The staff shall forward the application and its recommendation to HPC.

(b) *HPC Review.* HPC shall consider the application at a regularly scheduled or special meeting after the completion of the staff's review. HPC shall approve, recommend modifications to, or deny the application. HPC shall notify the owner(s) and City Council in writing immediately following any decision approving or disapproving an application.

3. *Demolitions of Local Landmarks.* Once a Local Landmark is listed on the Local Register, Demolition of such Local Landmark is prohibited except with proof from the

City that the Local Landmark is a Dangerous Building, as defined in this ordinance. However, the foregoing exceptions shall not apply in the case of Demolition by Neglect. A permit for the Demolition of an Local Landmark shall ~~only~~ be issued only after ~~to~~the issuance of a Certificate of Approval.

4. *Alterations to Local Landmarks.* Once a Local Landmark is listed on the Local Register, Alterations to such Local Landmarks shall be made in compliance with the Design Guidelines and the Secretary of the Interior's Standards as determined by HPC. Alterations need not comply with every applicable Design Guideline, but HPC must determine that there is sufficient compliance that the characteristics that made the Historic Resource a Local Landmark are retained and that following the Alteration the building, structure, site or object will continue to be a Local Landmark. A permit for the Alteration of an Local Landmark shall ~~only~~ be issued only after ~~to~~the issuance of a Certificate of Approval.
5. *Procedures for Alterations or Demolitions of Local Landmarks.* Applications for Alterations or Demolitions of Local Landmark must be made to the HPC. The HPC may require that such application be made in such form as specified by the HPC. Applications shall be made only by an application signed by the ~~property~~ owner(s) of the property for which ~~an~~the application is submitted, ~~with the written consent of the property owner(s).~~
  - (a) *Staff Review.* The City's Historic Preservation Staff shall review the application for conformance with the applicable criteria for Alterations or Demolitions of a Local Landmark, as it may be amended from time to time, and within the purposes of this ordinance. Such review shall be concluded no more than thirty (30) days after the filing of a fully completed application for Alteration or Demolition. The staff shall forward the application and its recommendation to HPC.
  - (b) *HPC Review.* HPC shall consider the application at a regularly scheduled or special meeting after the completion of the Staff review. HPC shall approve, recommend modifications to, or deny the application. If the application meets HPC approval, HPC shall issue a Certificate of Approval immediately. HPC shall notify the owner(s) and City Council in writing immediately following any decision approving or disapproving an application.
6. *Benefits Available to Local Landmarks.* Once a Local Landmark is listed on the Local Register, the applicable incentives listed in Sec.26-84 (q) shall be available to the owner(s). [Note: we believe there should be one or more special incentives for Landmarks that aren't available to Historic Resources. See suggested change in incentives section below.]

**Sec. 26-84 (j): Procedure for Designation of Historic Districts: Demolitions and Alterations of Resources in Historic Districts; Benefits for Contributing Properties.**

1. *Recommendations for Designation of Historic Districts.* Pursuant to the procedures set forth in this section, one or more owners of an Eligible Resource, as defined in this



Ordinance may petition the Commission for the creation of an Historic District, provided the resulting Historic District possesses: “a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development,” as defined by the [criteria for inclusion as an historic district in the](#) National Register of Historic Places. [\[Note: this definition is different from the one in the definitions section; this is a more traditional definition that recognizes that there may be non-contributing as well as contributing properties in the district. Various changes relating to contributing and non-contributing properties may be needed assuming the traditional definition.\]](#) Thereafter, upon recommendation of the HPC, the City Council may designate an area within the City boundaries as an Historic District in accordance with the procedure set forth below.

Each such designation recommendation shall include a description of the characteristic of the proposed Historic District that justify its designation and shall include a legal description of the location and boundaries of the proposed Historic District. [\[should identify contributing properties\]](#)

## 2. *Procedures for Designating Historic Districts.*

- (a) *Preliminary Application.* One or more owners of an Eligible Resource may prepare a Preliminary Application for designation of an area within the City boundaries for presentation to the City’s Historic Preservation Staff. Such Preliminary Application shall be in a form prescribed by the HPC and shall include, among other things, the boundaries of the proposed Historic District ~~and~~, a statement as to why the proposed Historic District meets the definition for Historic District designation, as defined above, [and a list of the Contributing Properties.](#)
- (b) *Preliminary Evaluation.* If the City’s Historic Preservation Staff determines that the Preliminary Application has merit, it will request the Chair of the HPC to appoint a sub-committee to work with the applicant(s), Staff and affected property owners to prepare an Application for Historic District Designation, (“Application”). The HPC may require that such Application be made in such form as specified by the HPC. Application shall be made only with the ~~owner’s~~ written consent [of the owners](#) of at least 80% of the properties within the boundaries of the proposed Historic District.
- (c) *Staff Review.* The City’s Historic Preservation Staff shall review the application for conformance with the definition for designation established in Sec. 26-84(j)(1) hereof, as it may be amended from time to time, and within the purposes of this ordinance. Such review shall be concluded no more than thirty (30) days after the filing of a fully competed Application. Upon determination the application is in conformance with the criteria for designation, staff shall schedule a public hearing and forward the application and its recommendation to HPC. Notice shall be posted and also be sent by first class mail to the property owners within the proposed Historic District’s boundaries.

- (d) *HPC Review.* HPC shall consider the Application at a regularly scheduled or special meeting after the completion of the Staff’s review and recommendations. HPC shall either; approve, recommend modifications to, or deny the Application. HPC shall notify the owner(s) filing the Application, the affected property owner(s) within the proposed Historic District boundaries and City Council, in writing, immediately following any decision approving or denying an Application.
- (e) *City Council Review.* After notice to the property owners in the proposed Historic District, City Council shall schedule a hearing during the next available hearing date, where the Applicant and any non-consenting property owner(s) who may each be represented by counsel, to consider the Petition. After due consideration of the Petition, City Council may approve the creation of the proposed Historic District, modify the proposed Historic District or deny the creation of the proposed Historic District. The non-consenting property owner(s) have such appeal rights to the district court as exist for the appeal of any final City Council action.

If City Council approves the district, the City Council shall adopt an ordinance to that effect establishing the Historic District and its boundaries. Said ordinance shall be recorded with the Routt County Clerk and Recorder, and the City Council may provide for such other recognition, markers and the like to identify the Historic District. [\[specify that the ordinance may, but is not required to, contain special design guidelines for the district?\]](#)

3. *Protection from Demolition while Application for Historic District Designation under Review.* Commencing upon the date set by Staff for the public hearing on the application pursuant to Sec.26-84(j)2.c above [\[shouldn't date be on filing of preliminary application for the district?\]](#), no Demolition or Alteration permit shall be issued for any structure within the boundaries of the proposed Historic District for a period not to exceed ninety (90) days, except for Dangerous Buildings as defined in this ordinance. If HPC denies the application for designation, or if at the end of the 90-day period the Historic District has not been so designated by City Council, the Demolition or Alteration permit for the structure shall be issued, ~~unless structure is listed on Local Register~~ [provided the Demolition or Alteration complies with the requirements of this ordinance and the CDC.](#) If the Historic District has been so designated by City Council within the 90-day period, the properties within the Historic District are subject to the recording, incentive and protective provisions of this ordinance.
4. *Demolition within Historic District.* Once a Historic District is established and is listed in the Local Register, demolition of ~~buildings, structures, objects or sites located within~~ [any](#) Contributing Property [in such District](#) is prohibited except upon written determination that the building, object, or site is a Dangerous Building, as defined in this ordinance. A permit for the Demolition of ~~buildings, structures, objects or sites located within~~ a Contributing Property shall ~~only~~ [only](#) be issued [only](#) after the issuance of a Certificate of Approval. The provisions of this section do not apply to properties within the Historic District that are not Contributing Properties, as defined in this ordinance. [Those non-](#)

Contributing Properties are subject to the provisions of the CDC governing demolitions of buildings, structures, objects or sites in general.

5. *Alterations within Historic District.* Once a Historic District is established and is listed in the Local Register, Alterations to ~~such~~any buildings, structures, objects or sites within such Historic District shall be made in compliance with the Design Guidelines and the Secretary of the Interior's Standards as determined by HPC, or such design guidelines for such Historic District as proposed in the application and approved by City Council. Alterations need not comply with every applicable Design Guideline or customized design guideline for that Historic District, but HPC must determine that there is sufficient compliance that the characteristics that made the Historic District is retained and that following the Alteration the buildings, structures, sites or objects will continue to constitute an Historic District. A permit for the Alteration of buildings, structures, objects or sites located within ~~a Contributing Property~~an Historic District shall ~~only~~ be issued only after the issuance of a Certificate of Approval. The provisions of this section do not apply to properties within the Historic District that are not Contributing Properties, as defined in this ordinance. [This last sentence should be deleted—normally non-contributing buildings and new construction in an historic district are regulated, with the guidelines concerned primarily with mass, scale, property orientation, compatibility with historic structures, etc.]
6. *Procedures for Alterations or Demolitions within Historic District.* Applications for Alterations or Demolitions to a building, structure, site, feature or object within an Historic District must be made to the HPC. The HPC may require that such application be made in such form as specified by the HPC. Applications shall be made only by an application signed by the ~~property~~ owner(s) of the property for which ~~an~~the application is submitted, ~~with the written consent of the property owner(s).~~
  - (a) *Staff Review.* The City's Historic Preservation Staff shall review the application for conformance with the applicable criteria for Alterations or Demolitions to a building, structure, site, feature, or object within an Historic District, as it may be amended from time to time, and within the purposes of this ordinance. Such review shall be concluded no more than thirty (30) days after the filing of a fully completed application for Alteration or Demolition. The staff shall forward the application and its recommendation to HPC.
  - (b) *HPC Review.* HPC shall consider the application at a regularly scheduled or special meeting after the completion of the Staff review. HPC shall approve, recommend modifications to, or deny the application. If the application meets HPC approval, HPC shall issue a Certificate of Approval immediately. HPC shall notify the owner(s) and City Council in writing immediately following any decision approving or disapproving an application.
7. *Infill Development within Historic District.* Once ~~a~~an Historic District is established and is listed in the Local Register, the construction of any new Improvement or Alteration of any existing Improvement, including buildings, structures, objects or sites within the

Historic District that are not Contributing Properties, shall be made in compliance with the Design Guidelines and the Secretary of the Interior's Standards as determined by HPC.

8. *Benefits Available to Historic District.* Once a Historic District is established and listed in the Local Register, the applicable incentives listed in Sec.26-84 (q) shall be available to all the owner(s) of the buildings, structures, sites or objects located within the Historic District's boundaries, whether or not they are Contributing Properties.

**Sec. 26-84 (k): Amendment of Designation.**

Designation of an Historic Resource, a Local Landmark, or an Historic District may be amended to add features or property to the site under the procedures prescribed in Sec.26-84 (h), (i), (j), respectively, for initial designations.

**Sec. 26-84 (l): Notifications.**

1. Any owner(s) filing an application for designation of a property as a Local Landmark, Historic Resource or Historic District under this ordinance shall, as a part of the application, notify property owners within 300 feet of the property to be designated ~~a Local Landmark, Historic Resource or Historic District.~~ [Why needed? A property is eligible or not depending on its own characteristics.]
2. Within thirty (30) days of designation as a Local Landmark, Historic Resource, or Historic District, the City Historic Preservation Staff shall record a notice of such designation with the Routt County Recorder of Deeds. [presumably record for each property in the district—need to say that?]
3. Public Notice requirements for Alteration and Demolition are [shall be?] consistent with the Community Development Code, Section 26-51.

**Sec. 26-84 (m): Revocation of Designation.**

HPC may revoke a Local Landmark, Historic Resource or all or a portion of an Historic District designation if the property is damaged by an Act of God, Force Majeure or otherwise falls below the standards for listing the property or district originally as a Local Landmark, Historic Resource, or Historic District.

**Sec. 26-84 (n): Demolition or Alteration of Eligible Resources Not on the Local Register.**

1. *Demolition.* Upon the receipt by the Planning or Building Department, as the case may be, of an application for a permit for the Demolition of an Eligible Resource that is not listed on the Local Register, the Planning or Building Department shall forward a copy of such application to HPC. HPC shall schedule a hearing with respect to such application at a public meeting to be held within thirty (30) days of receipt of such application. At the hearing, HPC shall advise the owner(s) of the building, structure, site or object about

the benefits of listing such building, structure, site or object on the Local Register and shall discuss alternatives to the proposed Demolition. Provided proof by the owner that the building, structure, site or object is a Dangerous Building or that deferring Demolition would cause a Hardship, as defined in this ordinance, the HPC shall immediately issue a Certificate of Approval to allow the Demolition. Absent such proof, a Certificate of Approval to allow the Demolition will be issued by HPC thirty (30) days [We recommend a minimum of 90 days. More time is needed for a meaningful chance to come up with an alternative.] following the public meeting. A permit for the Demolition of an Eligible Resource shall ~~only~~ be issued only after ~~to~~the issuance of a Certificate of Approval. Notwithstanding the foregoing, the issuance of a final development permit from City Council for a commercial project shall be deemed to be the issuance of a Certificate of Approval from HPC for the Demolition of any structures on the site for which the final development permit is issued, and no public hearing with HPC is required with respect to such Demolitions.

2. *Alteration or Addition.* Upon the receipt by the Planning or Building Department, as the case may be, of an application for a permit for the Alteration of an Eligible Resource that is not listed on the Local Register, the Planning or Building Department shall forward a copy of such application to HPC. HPC shall schedule a hearing with respect to such application at a public meeting to be held within thirty (30) days of receipt of such application. HPC shall review the proposed Alteration for compliance with the Design Guidelines and the Secretary's Standards and shall make a determination as to whether the proposed work complies or would comply with specified changes. At the hearing, HPC shall advise the owner(s) of the building, structure, site or object about the benefits of listing such building, structure, site or object on the Local Register and shall discuss its determination as to compliance with the Design Guidelines and the Secretary of the Interior's Standards. If the application meets HPC approval, HPC shall issue a Certificate of Approval immediately. Notwithstanding the foregoing, the owner may proceed with the original plans without a Certificate of Approval following the scheduled meeting date provided the owner has received all other approvals required under the CDC.

#### **Sec. 26-84 (o): Demolition by Neglect.**

Demolition by Neglect of any Local ~~Landmarks~~Landmark, Historic ~~Resources~~Resource or Contributing Property is prohibited and shall be punishable under the provisions for Penalties and Sanctions as contained in Sec. 26-84 (r) of this ordinance.

#### **Sec. 26-84 (p): Hardship Exemption.**

If the applicant presents facts clearly demonstrating to the satisfaction of the HPC that there are no feasible measures that can be taken that will enable the property owner to make a reasonable beneficial use of the property or derive a reasonable economic return from the property ~~in its current form~~if required to comply with the provisions of this ordinance with respect to Demolition or Alterations, the property owner may apply to the Commission for a Hardship Exemption from the provisions of this ordinance.

**Sec. 26-84 (q): Historic Preservation Fund and other Incentives.**

1. *Historic Preservation Fund.* In order to promote historic preservation of Local Landmarks, Historic Resources and Historic Districts and to encourage the owners of Eligible Resources within the City boundaries to list their properties on the Local Register, an Historic Preservation Fund; (“Fund”); is hereby established as part of the Planning and Community Development Department’s operating budget and will be funded with an annual appropriation from the City’s Budget, as determined by City Council in their discretion, as well as grants to ~~HPC~~the City earmarked for historic preservation from other governmental and private historic preservation organizations, individuals or other sources. These funds shall be used by ~~HPC to pursue its outreach and educational responsibilities to the community, as provided in this ordinance~~the City to provide financial incentives for historic preservation, as well as to purchase, or assist the City in the purchase of, development rights in appropriate cases. [The Fund shouldn't be used for operating HPC or for HPC's regular duties, such as annual mailings, but just for true incentives such as purchase of development rights, a revolving loan fund, etc.] The Director of Planning and Community Development, with recommendations for HPC, will administer the Historic Preservation Fund and account annually to City Council.
  
2. *Other Economic and Regulatory Incentives.* In order to induce owners of Eligible Resources to consider proposing their property for listing on the Local Register as a Local Landmark, Historic Resource or Historic District, ~~HPC~~the City may offer the owner one or more of the following incentives:
  - (a) Owners of Local Landmarks, Historic Resources and Contributing Properties shall be entitled to such Federal and State historic rehabilitation income tax credits as provided by law, with reviews conducted by HPC by virtue of the City’s certification as a Certified Local Government.
  - (b) Owners of Local Landmarks, Historic Resources and Contributing Properties shall be entitled to rebate of City sales taxes on materials purchased locally and used for rehabilitating, renovating and restoring Local Landmarks and Historic Resources in accordance with Sections 22-183(d)(12) and 22-198(g) of the Municipal Code.
  - (c) Owners of Local Landmarks, Historic Resources and Contributing Properties [should this be for all properties in historic districts—non-contributing properties have to follow certain rules too?] shall be entitled to waiver of Planning Department permit fees for work consistent with the Design Guidelines and the Secretary’s Standards and in accordance with Sec. 26-86 of the Municipal Code.
  - (d) Owners of Local Landmarks, Historic Resources and Contributing Properties [Ditto] shall be entitled to waiver of Tap fees for work consistent with the Design Guidelines and the Secretary of Interior Standards.

- (e) The Commission ~~shall~~may recommend resources for architectural, design and technical consultation and assistance to the owners of Local Landmarks, Historic Resources and Contributing Properties ~~at, with, where possible,~~ no or reduced fees.
- (f) The Commission shall attempt to identify and implement other economic incentives for Local Landmarks, Historic Resources and Contributing Properties and shall notify owners of Local Landmarks, Historic Resources and Eligible Resources of those economic opportunities as they become available.
- (g) The Commission may recommend to City Council the purchase of development rights by the City, or the payment by the City ~~cover~~of some or all of the costs associated with the granting of preservation easements, in appropriate cases, (consistent with IRS regulations for “Qualified Organizations”) for Local Landmarks, Historic Resources and Contributing Properties.

(h) Owners of Local Landmarks shall be entitled to an annual payment from the City of an amount equal to fifty percent (50%) of the property taxes paid to the County with respect to the Local Landmark. [Property tax rebates are a very common incentive for historic preservation. Because there are no City property taxes, that can't be done directly, but this is an alternative method to achieve the same benefit for property owners and is a special incentive to encourage listing as a Local Landmark.]

(h) (i) The Commission may recommend to City Council such other and further measures that will promote historic preservation within the City boundaries.

3. *Recognition.* Owners of Local Landmarks, Historic Resources and Contributing Properties within the City boundaries shall be offered the opportunity to have a Commission designed plaque or other appropriate marker placed on their property at the City’s expense identifying their property as listed on the Local Register.

**Sec. 26-84 (r): Penalties and Sanctions.**

In case of Demolition without a Certificate of Approval or for Alterations, additions or modifications without, or beyond the scope of, a Certificate of Approval, or for the failure of the owner(s) of an Eligible Resource to follow the rules and procedures set forth in this ordinance, the owners of such Affected Properties, shall be subject to any and all penalties provided for violation of any other City ordinance, including the maximum fine as provided in Section 1-15 of the Municipal Code. In addition, City Council may impose one or more of the following penalties and sanctions:

1. Moratorium on development or re-development of the Historic Resource, Landmark or Contributing Property for up to [5] years. [We recommend up to 25 years. It's "up to" so a long moratorium could be imposed in an egregious case and a short one in a more sympathetic case. Only the threat of a serious penalty will deter violations. Aspen goes up to 20 years for a moratorium.]

2. Requirement to reconstruct, repair, or rehabilitate the Historic Resource, Landmark or Contributing Property.
3. Up to triple the permit fees for future work on the Affected Property.
4. The issuance of a Stop Work Order or a court ordered Injunction regarding the Affected Property as provided in the CDC.
5. The assessment of the costs and expenses, including reasonable attorney's fees, incurred by the City in enforcing the provisions of this ordinance against the owners of the Affected Property.

**Sec. 26-84 (s): Appeals.**

The owner of a property may appeal any decision of the Commission affecting the property to the City Council in accordance with the following procedures.

1. *Appeal Procedures.*
  - (a) Within thirty (30) days of the Commission's decision affecting the Affected Property, the property owner may file a Notice of Appeal with the City Clerk attaching the Commission's decision and specifying the relief requested.
  - (b) The City Clerk shall calendar the Appeal on the City Council's agenda and notify the property owner in writing when the Appeal will be heard.
  - (c) The property owner may be accompanied, represented and advised by counsel in the Appeal process, at the property owner's expense.
  - (d) If City Council renders a decision adverse to the property owner, the property owner shall have such rights of appeal to the courts as provided in Colorado law.
  - (e) If City Council renders a decision acceptable to the property owner, such decision shall be final and not subject to judicial appeal.

**SECTION 3**

If any section, subsection, clause, phrase or provision of this Ordinance is, or the application thereof to any person or circumstance, shall to any extent, be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases and provisions of this Ordinance, or the application thereof to any person or circumstance, shall remain in full force and shall in no way be affected, impaired or invalidated.

**SECTION 4**



This Ordinance shall take effect immediately upon the expiration of five (5) days from and after its publication following final passage, as provided in Section 7.6 (h) of the Steamboat Springs Home Rule Charter.

**INTRODUCED, READ, AND ORDERED PUBLISHED**, as provided by law, by the City Council of the City of Steamboat Springs, at its regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
Paul Antonucci, President  
Steamboat Springs City Council

ATTEST:

\_\_\_\_\_  
Julie Franklin, MMC  
City Clerk

FINALLY READ, PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
Paul Antonucci, President  
Steamboat Springs City Council

ATTEST:

\_\_\_\_\_  
Julie Franklin, MMC  
City Clerk

[# 5959239\\_v2](#)

Document comparison done by DeltaView on Thursday, January 08, 2009 1:29:24 PM

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Statistics:	
	Count
Insertions	108
Deletions	66
Moved from	1
Moved to	1
Style change	0
Format changed	0
Total changes	176

## MEMORANDUM

**TO:** City Council

**FROM:** Laureen Schaffer, Historic Preservation Program Coordinator  
Tom Leeson, AICP, Director of Planning & Community Development

**SUBJECT:** Benefits of Certified Local Government Status

**DATE:** January 20, 2009

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***The City's Historic Preservation Program and Designation as a Certified Local Government:***

City Council directed staff to research and create a program to accomplish historic preservation goals and benefits. The direction in 1999 resulted in seeking designation as a Certified Local Government, the benefits of which are listed below. The City of Steamboat Springs was certified by the State of Colorado and the United States Department of the Interior as a Certified Local Government (CLG) in August 1999.

***Benefits to the City of Certified Local Government status:***

Certified Local Government status:

- Lends the City significant credibility on a state-wide and national level;
- Enables the City access to additional grant funding sources for City and community projects;
- Enables the City to facilitate greater local access to State Tax Credits for restoration and preservation projects for properties listed on the local register (as opposed to exclusively on the State Register);
- Gives the City greater access to technical assistance on historic preservation issues;
- Provides the City the ability to be involved in the commenting process for nominations of historic properties to the National and State Registers; and
- Provides the City with a degree of local control through the ability to be involved in the commenting process for all Section 106 projects within the City limits.

These benefits are substantial and have already resulted in positive outcomes for our community.

- The City of Steamboat Springs has received \$136,865 in Certified Local Government grants as of December 2008.

CLGs are eligible for an earmarked pool of federal funds. The City of Steamboat Springs has applied for these CLG grants to conduct the ongoing residential cultural resource survey and has also utilized these funds for training of commissioners and staff and to conduct hands-on technical workshops in the past. No cash match is required for CLG grants.

- The City's historic preservation program has approved \$152,257.87 in state income tax credits to property owners.

The City's historic preservation program is able to review rehabilitation projects for state income tax credits locally. If the City were not a CLG, property owners would have to be listed on the State or National historic register (which is more difficult to achieve) and have the applications reviewed by the State. Review of income tax credits locally is a direct benefit to local property owners. In addition to the \$150,000 approved to local tax payers, a project with an estimated \$15,000 tax credit has received preliminary approval.

- The City has received \$1,101,276 in grants from the State Historical Fund.

The State Historical Fund (SHF) was created by the constitutional amendment allowing limited gaming in the towns of Black Hawk, Cripple Creek, and Central City. The amendment directs that a portion of the gaming taxes be used for historic preservation throughout the state. The fund assists a wide variety of preservation projects including restoration and rehabilitation of historic buildings and structures, survey and inventory, and educational projects. The Fund also finances Historic Structure Assessments through a non-competitive process. City Historic Preservation Staff has worked on 42 State Historical Fund sponsored projects in Routt County for a total of \$1,419,941 in grant funds awarded. CLGs receive a higher priority in the scoring process for the SHF grants.

- The City of Steamboat Springs has received numerous grants and awards through its greater credibility as a Certified Local Government.

Additional historic preservation grants received include two Preserve America grants for \$59,000 and a \$10,000 Smart Growth grant through the Department of Local Affairs for survey and inventory. The City has acquired small Colorado Historical Society grants to sponsor Historic Preservation Month activities in the amount of \$750.

Colorado Preservation, Inc awarded the City of Steamboat Springs its State Honor Award in 2001 and 2002. The Colorado Historical Society awarded its Bancroft Award to the City in 2001 and 2007. The City of Steamboat Springs became the first Preserve America Community in Colorado in 2004.

Dear Council Members:

I am contacting you to express my disappointment with the new Historic Preservation Ordinance.

While the advocates, the press, and City Staff all present the theme that the new ordinance is voluntary for preservation, there are holes in this belief. This was confirmed in my conversation with Tom Leeson.

What is true is that the City is not adopting an ordinance which requires mandated conformance, however the new ordinance still requires the owner of an **eligible structure** (see definition in the ordinance) to "go through" the staff & commission with any plans for alteration or demolition, on top of the building department requirements for a building permit. An **Eligible Structure** encompasses all homes in Steamboat 50 years old and older, and meets 1 or more of 3 ideals contained in the ordinance, which arbitrary ideals are determined by Staff, and/or the Commission.

So again the public is being misled, with a public presentation that "all is voluntary", or "not being mandated". That is NOT true.

Forgive me but I need to go back to where I feel all this historic preservation monkey business got its roots and/or foot hold. First there was the decision to become a Certified Local Government made long ago by a totally different set of council members. Purportedly this designation is important and beneficial to the City in assisting in obtaining many grants. I have never seen any evidence as to the benefit because NO ONE has ever put forth a list of grants which the City has obtained because of being a CLG or which grants we would have not gotten had we not been a CLG? If I were in your decision making shoes I would like to know that information, and not from a comment by a paid staff person, which is advocating for the "department" with an obvious conflict of interest. Second I believe was the 2000(?) community survey question, Is historic preservation important? Which the advocates point to as their/the Cities "marching orders" in pursuing regulating historic structures. I have tried in numerous Council appearances to illustrate the difference between that question, and how the answer might have been different if the question in the survey was worded differently. For example: Should the City create a new department, with at least 2 paid staff people, and mandate that property owners whose home is at least 50 years old or older, must go through a separate process in obtaining a permit to alter or demolish their home? I feel strongly that the survey response would not have been the same as the response that the advocated point to. I point to 3 different polls conducted by the Pilot (I'll let you judge if you find any value in these polls). September 7, 2007 Question: Should the City restrict the rights of property owners to renovate or demolish buildings that may have historic value? NO-313 (71%) YES-127 (28%). November 25, 2007 Question: Should the City of Steamboat Springs repeal a moratorium on demolitions of potentially historic structures? YES-162 (56%) NO-128 (43%). **December 28, 2008 Question: Should the City pass an ordinance that makes compliance with historic preservation policies mandatory? YES-75 (33%) NO-150 (66%). A 2 to 1 negative response to a direct question!**

As an outspoken member of the opposition I have asked respectively many, many times for specific numbers of properties that were demolished. I do not feel this is an overwhelming request, those numbers & properties should be readily available from the building department. After all the MORATORIUM is how we all ended up here in the first place. However, NO ONE (city staff) has come

forth with those numbers. Do you know why? BECAUSE THE INFORMATION FROM THE BUILDING DEPARTMENT DOES NOT AND DID NOT SUPPORT THEIR CLAIMS OF "DISASTER". Furthermore I feel strongly that this entire topic and regulating others property for the purpose of historical Preservation has been push upon the community by a relatively small group of citizens, **there has never been a PUBLIC outcry** regarding improving old town properties.

Lastly, I spoke with Tom Leeson about how does this end? In other words, after reading many of the surveys already done on old town residences, most do not qualify for state or federal designations, so how can an "eligible property" navigate through this needless & warrantless regulation? I was hoping that after ones property had been surveyed and was determined it was not worthy of 3<sup>rd</sup> party interference, the city would then issue the property owner a recordable document stating that their old house was not historic and then would never again be burdened by HPC & their ordinances. Oh contraire, according to Tom you never get out of this merry-go-round. Just because your property is not worthy today, that does not mean that in 5-10-20 years your property might become historic. So FOREVER more every property owner who owns a home older than 50 years must go through this process. Just think of the bureaucracy and staff needed to administer this, better hire more people, get more offices. Just really how important is this to our town? Again, it was not Joe Citizen who prompted the moratorium, it is/was a small group of special interests.

I think we all knew this was not going away, but we had hoped it would be all voluntary, which it is not! I beg of you as my elected representatives also, please do not mandate that we all must grovel to a non-elected body to make an alteration to OUR homes. Please give us a recordable release from this regulation when the surveys demonstrate there is nothing historic about our homes.

Many of you were elected in the fall of 2007 when Toney, Susan, and Karen were not re-elected. They who supported the moratorium and supported mandatory regulation. I ask you to stand up against this charade and support the property owners of Steamboat, and support what the community has said via the election and at least 3 Pilot opinion polls and numerous public meetings. Our homes & property are not the communities homes & property. That is the fundamental precept here. We all know about zoning and property regulation. To treat my neighbors home differently than my home just because it is old, is not equal justice or rights for all. Consider the added time and expense under this ordinance for a homeowner who is simply trying to improve his property. I like when my neighbors fix up their property. That shows pride of ownership , care and regard for themselves and their neighbors. I do not want to be trapped in a system that is too costly and burdensome i.e. architects, fees, materials, that hinders private citizens from improving their homes. Lastly, I do not think we will see the demolition of Steamboat anytime soon.

Thanks for your time.

Troy Brookshire

## Anja Tribble

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**From:** Anja Tribble  
**Sent:** Monday, January 12, 2009 12:02 PM  
**To:** chermacinski@steamboatsprings.net; jquinn@steamboatsprings.net; louiotp@yahoo.com; organizedcoach@yahoo.com; smyller@steamboatsprings.net; ivo@springsips.com; wnmpepls@gmail.com; Wendy DuBord; Tony Lettunich; Tom Leeson; Laureen Schaffer; Ginger Scott; Alexis Casale  
**Subject:** FW: [City Council] Historic Preservation Ordinance

Hello

Please see the e-mail comment below. This comment will also be included in the packet for the 1/20/09 meeting.

Thanks,  
Anja

-----Original Message-----

From: Anja Tribble  
Sent: Monday, January 12, 2009 11:57 AM  
To: 'lefreet@comcast.net'  
Subject: RE: [City Council] Historic Preservation Ordinance

Dear Evie

This is to let you know that your e-mail has been forwarded to City Council and the appropriate staff members.

Sincerely,

Anja Tribble-Husi  
Staff Assistant  
City Clerk's Office  
Steamboat Springs, Colorado

(970) 871-8225  
atribble@steamboatsprings.net

-----Original Message-----

From: webmaster@steamboatsprings.net [mailto:webmaster@steamboatsprings.net] On Behalf Of lefreet@comcast.net  
Sent: Sunday, January 11, 2009 10:13 PM  
To: Anja Tribble  
Subject: [City Council] Historic Preservation Ordinance

Evie Freet sent a message using the contact form at [http://steamboatsprings.net/contact/City\\_Council](http://steamboatsprings.net/contact/City_Council).

Dear Council Members,

I would like to express my thoughts on the new Historic Preservation Ordinance. The intent of the ordinance is for a truly voluntary system with a greater focus on educating and informing people of the process and benefits.

On page 19 of this ordinance Historic Districts are addressed. At this point the ordinance will become mandatory for some un-willing property owners. If 4 out of 5, 8 out of 10, 16 out of 20 etc. property owners want to create a District, the 1, 2, or 4 etc. property owners have no choice, and the design guidelines and regulations will apply to all in the District. I read this as the back door into making preservation mandatory. How sneaky is this? But how will this affect neighborhood harmony and character? At what cost to the city will it become enforceable?

I would like you to consider changing this to 100% of the properties must consent to become a District. This change will still allow the individual property owner to list their property as historic, allow those interested in Districts (since 2 properties can become a District) to form one, but most important allow those who appreciate diversity and creativity in their homes and neighborhoods to remain outside the District and to continue

with improvements and modernization without mandated out-dated historic guidelines and regulations. Peace to all! When un-nessary regulations design guidelines, and ordinances become too cumbersome, you only increase the City's cost of governance, and increase the financial burden and mental stress on the property owner.  
Thanks again for your time in representing your constituents!  
Evie Freet



**CITY OF STEAMBOAT SPRINGS, COLORADO**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING CHAPTER 26, ARTICLE 84 OF THE STEAMBOAT SPRINGS REVISED MUNICIPAL CODE PERTAINING TO THE HISTORIC PRESERVATION REVIEW PROCESS FOR THE DESIGNATION, ALTERATION OR DEMOLITION OF THE COMMUNITY'S HISTORIC RESOURCES; ESTABLISH AN EFFECTIVE DATE; REPEALING ALL CONFLICTING ORDINANCES; AND PROVIDING FOR SEVERABILITY.**

**WHEREAS**, the City Council has determined that the cultural, historic, and architectural heritage of the City of Steamboat Springs and Routt County, Colorado is a source of civic pride, and an asset to this community; and

**WHEREAS**, the City Council of the City of Steamboat Springs has determined that the preservation of certain meritorious governmental, commercial, and residential buildings, as well as other private and public structures, objects and sites within the City boundaries, associated with the cultural, historic, and architectural heritage of the region is essential to maintaining the vitality of that heritage and that the rehabilitation, restoration, renovation, repair and preservation of these buildings, structures, sites and other objects benefits not only the private owner, but the general public as well; and

**WHEREAS**, the City of Steamboat Springs is the first city in Colorado to be recognized nationally as a Preserve America Community in 2004; and

**WHEREAS**, the citizens of the City of Steamboat Springs have expressed their dedication to historic preservation in Chapter 11 of the Steamboat Springs Community Area Plan adopted in May, 2004; and

**WHEREAS**, the City Council of Steamboat Springs recognizes that to promote harmony within the community a balance must be struck between preserving the historic resources existing in the community with the rights of private property owners, accordingly, this ordinance establishes a voluntary system for historic preservation of properties in the City of Steamboat Springs; and

**WHEREAS**, the City of Steamboat Springs is a Certified Local Government under the Federal Historic Preservation Act of 1966, as amended, which requires the City to establish protections for historic buildings and structures.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STEAMBOAT SPRINGS, COLORADO:**

Section 1. The City Council finds that this ordinance is necessary for the health, safety, welfare, peace and prosperity of the community.

Section 2. Section 26-42 of the Municipal Code of the City of Steamboat Springs shall be amended as follows:

**Table 26-42 Review Procedures Table**

<b>X</b>	Required notice	<b>CU</b>	Call Up	<b>PC</b>	Planning Commission	<b>TAC</b>	Technical advisory committee
<b>A</b>	Appeal body	<b>Dir</b>	Director of Planning and Community Development	<b>PUD</b>	Planned Unit Development	<b>()</b>	An extra review that may be required by the Director or requested by the applicant
<b>BOA</b>	Board of Adjustment	<b>DM</b>	Decision Maker	<b>R</b>	Reviewing body	<b>&lt;&gt;</b>	Public hearing
<b>CC</b>	City Council	<del>HPAC</del> <b>HPC</b>	Historic Preservation Commission <del>advisory committee</del>	<b>SPO</b>	Surrounding property owner	<b>{}</b>	Consent agenda

**Requirements for all applications**

- 1) A complete submittal in accordance with subsections (d) and (f) of Section 26-42 is required prior to review.
- 2) Additional Technical submittals - During the processing of a complete application, if the city or any review agency identifies any additional materials that are needed to accurately evaluate the potential impacts of the proposed application the additional materials will be provided in accordance with subsection (g) of Section 26-42
- 3) *Burden of proof.* The applicant for development approval shall bear the burden of presenting sufficient competent evidence to support the standards for approval set forth by this article.

**Review Procedures**

Types of Applications		Public Notice Requirements				Admin Review			Public Review				Final Document		
		SPO Notice (26-51(c))		Post	Publish	Mineral Rights	Pre-submittal	TAC	Dir	HPAC HPC	PC	BOA		CC	
Application	Public hearing /final decision														
Land Use/ Site Development	Community plan land use map amendment (§ 26-32)	X	X		X		X	(R)			<R>			Resolution	
	Pre-application review (§ 26-46)	X	X	X	X	X	X	(R)			<R>		<R>	Letter	
	CDC text amendments (§ 26-61)				X		X	(R)			<R>	<R>	<DM>	Ordinance	
	Official Zoning map amendment (§ 26-62)	X	X	X	X	X	X	R			<R>		<DM>	Ordinance	
	Annexations (§ 26-63)	X	X	X	X	X	X	R			<R>		<DM>	Ordinance	
	Use with criteria (§ 26-64)								DM				A	Signed form	
	Development plan (§ 26-65)	X	X	X	X	X	X	R			<R>	<R>	{DM}	Approval letter	
	Development Plan with PUD (§§ 26-65 & 26-81)	X	X	X	X	X	X	R			<R>	<R>	<DM>	Approval letter	
	PUD – minor amendment	X	X	X	X			(R)	DM						Approval letter
	Final development plan (FDP) (§ 26-66)	X	X	X	X	X	X	R			<R>	<R>	<DM>	Signed FDP	
	Minor adjustment (§ 26-69)		X	X	X			(R)	DM				A	See 26-69(f)	
	Variance (§ 26-70)	X	X	X	X		X	(R)				<DM>	A	Bldg Permit	
	Waterbody setback variance (§ 26-71)		X	X	X		X	(R)			<R>		{DM}	Bldg Permit	
	Floodplain development permit (§ 26-72)							(R)	DM				A	Permit	
	Written interpretation (§ 26-73)												A	Letter	
	Master sign plan (§ 26-75)							(R)	DM				A	Approval letter	
	Sign permit (§ 26-76)							(R)	DM				A	Permit	
	Change of use (§ 26-77)	X	X	X	X				DM				A	Signed form	
Minor exterior modification (§ 26-78)		X	X	X		X	(R)	DM				CU	Approval letter		
Vacation Home Rental Permit (§ 26-89)			X	X				DM				A	License		
Telecommunication Facility (§ 26-147(g))		X	X	X		X	(R)	DM			<R>	<R>	Approval letter		
Building Permit							(R)	DM				A	Bldg Permit		
Subdiv.	Preliminary plat (§ 26-67)	X	X	X	X	X	X	R					<DM>	Approval letter	
	Preliminary plat/PUD (§ 26-67 & §26-81)						X						<DM>	Approval letter	
	Final plat (§ 26-68)		X	X	X	X		(R)	DM				CU	Plat	
	Lot line adjustment (§ 26-79)							(R)	DM				A	Plat	
	Lot line elimination (§ 26-80)							(R)	DM				A	Plat	

Section 3. Section 26-45 of the Municipal Code of the City of Steamboat Springs shall be amended as follows:

~~Sec. 26-45. Historic preservation advisory commission role and procedures.~~

~~(a) Historic preservation advisory commission powers and duties.~~

- ~~(1) The historic preservation advisory commission shall have those powers and duties to review building permits, demolition permits, and new development applications for their impacts on historic resources as stated in the Steamboat Springs Revised Municipal Code, section 2-388, as amended.~~
- ~~(2) Review by the historic preservation advisory commission (HPAC) is required for development proposals that affect the exterior of any principal or accessory structure which is in excess of fifty (50) years old, and/or that are historic buildings, buildings listed on a local, state or national historic register, or for sites immediately adjacent to a historic building or building listed on a local, state or national historic register and shall be reviewed during a public hearing.~~

~~(b) Historic preservation advisory commission review.~~

- ~~(1) Public hearing. The HPAC shall hear the request in accordance with the procedures and guidelines set forth in chapter 2 of the Steamboat Springs Revised Municipal Code regarding quasi-judicial hearings and the procedures contained in section 26-52.~~
- ~~(2) The director shall have the discretion to schedule review by the HPAC concurrent with, or subsequent to TAC review. The director shall forward copies of the plans to the planning commission, or board of adjustment.~~
- ~~(3) After review, the HPAC shall have the authority to recommend approval, approval with conditions, or denial of the project to the planning commission and city council based on the project's compliance with the adopted review standards of HPAC and the project's impact on structures listed on the national register of historic places, the state register of historic places, or the county register of historic properties.~~

Section 4. Section 84 of the Municipal Code of the City of Steamboat Springs shall be replaced in its entirety as follows:

## **CHAPTER 26-84 HISTORIC PRESERVATION**

### SECTION:

- 26-84(a): Purpose
- 26-84(b): Definitions
- 26-84 (c): Local Register
- 26-84 (d): Historic Preservation Commission
- 26-84 (e): Administrative Review
- 26-84(f): Eligibility Criteria, Historic Resource Designation
- 26-84 (g): Eligibility Criteria, Local Landmark Designation
- 26-84 (h): Procedure for Historic Resource Designation; Demolition and Alteration of Historic Resources; Benefits of Historic Resources
- 26-84 (i): Procedure for Local Landmark Designation; Demolition and Alteration of Local Landmarks; Benefits for Local Landmarks
- 26-84 (j): Procedure for Designation of Historic Districts; Demolitions and Alterations of Resources in Historic Districts; Benefits for Contributing Properties
- 26-84 (k): Amendment of Designation
- 26-84 (l): Notifications
- 26-84 (m): Revocation of Designation
- 26-84 (n): Demolition or Alteration of Eligible Resources Not on the Local Register
- 26-84 (o): Demolition by Neglect
- 26-84 (p): Hardship Exemption
- 26-84 (q): Historic Preservation Fund and other Incentives
- 26-84 (r): Penalties and Sanctions
- 26-84 (s): Appeals

### **Sec. 26-84 (a): Purpose.**

The purpose of the Section is to:

1. Preserve, protect, enhance and perpetuate the exteriors of those buildings, structures, objects, sites and districts that reflect outstanding elements of the City's cultural, artistic, social, economic, political, architectural, historic or other heritage;
2. Stabilize or improve aesthetic and economic vitality and the values of such buildings, structures, objects, sites and districts;

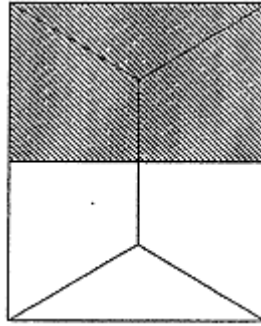
3. Enhance the visual character of the City by encouraging new design and construction that complements the City's historic buildings, structures, objects, sites and districts;
4. Promote the use of outstanding historical or architectural buildings, structures, objects, sites and districts for the education, stimulation and welfare of the people and the visitors to the City;
5. Conserve valuable material and energy resources by the ongoing use and maintenance of the existing built environment;
6. Increase the economic benefits of historic preservation to the City and its inhabitants;
7. Protect property values within the City; and
8. Promote and encourage continued private ownership and use of such buildings, structures, objects, sites or districts now so owned and used, to the extent that the objectives listed above can be attained under such a policy.

**Sec. 26-84 (b): Definitions.**

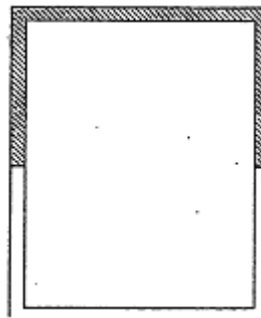
The following words and phrases shall have the definitions and meanings set forth below. They shall be capitalized to indicate their special definitions. If any of the words or phrases are defined elsewhere in this code, and there is a disagreement as to their intended meaning, the definitions and meanings set forth in this section shall control the Historic Preservation Chapter.

1. *Affected Property* shall mean a governmental, commercial, institutional or residential building or other public or private structure, object, site or district covered by this ordinance.
2. *Alteration* shall mean any exterior change, addition, or modification to an Affected Property located within the City boundaries, or the site upon which such property is located including, but not limited to:
  - a. Exterior changes including additions to, or modifications of, a structure's Architectural Features or visual characteristics;
  - b. Disturbance of archaeological sites or areas; and
  - c. The placement or removal of any exterior objects including signs, plaques, light fixtures, street furniture, walls, fences, and steps that alter the exterior visual qualities of the Affected Property.

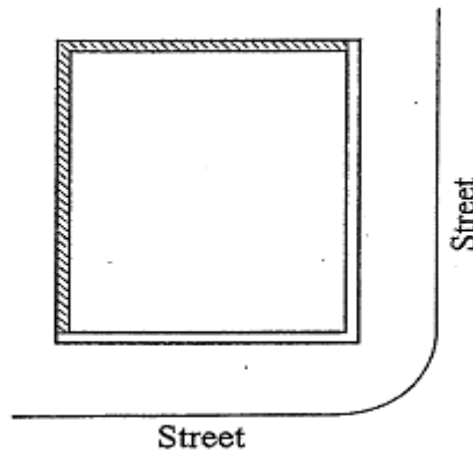
3. *Architectural Feature* shall mean the architectural elements embodying style, design, general arrangements and components of the exterior of any building or structure, including, but not limited to, the kind of building material and the style and type of all windows, doors, lights, signs and other fixtures.
4. *Building Department* shall mean the Routt County Regional Building Department.
5. *Business Day* shall mean any day when the City's offices are open for business.
6. *Certificate of Approval* shall mean a certificate issued by the Commission pursuant to this ordinance approving any proposed alteration, modification, repair, rehabilitation, restoration, renovation or demolition of an Affected Property located within the City boundaries.
7. *Commission or HPC* shall mean the Historic Preservation Commission created under this ordinance.
8. *Community Development Code or CDC* shall mean the Community Development Code of Steamboat Springs, as amended.
9. *Contributing Property* shall mean a parcel or lot containing a building, structure, site, feature or object within an Historic District that embodies significant physical characteristics and features, or adds to the historic associations, historic architectural qualities or archaeological values identified for the Historic District, and was present during the period of significance, relates to the documented significance of the district, and possesses historic integrity or is capable of yielding important information about the period.
10. *Dangerous Building* shall mean as defined in the 2003 International Building Code as adopted by the City of Steamboat Springs.
11. *Demolition*
  - (a) *Demolition*: "Demolition" or "demolish" means an act or process which removes one or more of the following. The shaded area illustrates the maximum amount that may be removed without constituting demolition.
    1. Fifty percent or more of the roof area as measured in plan view (see diagram);



2. Fifty percent or more of the exterior walls of a building as measured contiguously around the "building coverage" as defined in this section (see diagram); or



3. Any exterior wall facing a public street, but not an act or process which removes an exterior wall facing an alley (see diagram).



A wall shall not be considered removed if it meets the following:

- (i) The wall shall retain 75% of studs or other structural elements, the exterior wall finish, and the fully framed and



sheathed roof above that portion of the remaining building to which such wall is attached;

- (ii) The wall shall not be covered or otherwise concealed by a wall that is proposed to be placed in front of the retained wall; and
- (iii) Each part of the retained exterior walls shall be connected contiguously and without interruption to every other part of the retained exterior walls.

(b) *Demolition by Neglect:*

- 1. "Demolition by neglect" means any total or partial destruction of or damage to a structure or any portion thereof, due to the failure of the structure's owner(s) or lessee(s) to adequately maintain or repair the structure, excepting acts of God, Force Majeure, natural or man-made disasters.

- 2. See also, Section 5-9 of the Municipal Code.

- 12. *Design Guidelines* shall mean the Steamboat Springs Historic Preservation Design Guidelines adopted by the City Council in November, 2001, and as may be amended from time to time.
- 13. *Eligible Resource* shall mean any governmental, commercial, institutional or residential building or other private or public structure, object or site 50 years of age or older, identified and deemed eligible by the City's historic preservation staff for listing on the Local Register by the criteria set forth in this ordinance.
- 14. *Exterior* shall mean the character and general composition of the outside of an Affected Property, as defined herein, including, but not limited to, the kind the building material and the type, design and character of all windows, doors, light fixtures, and appurtenant elements.
- 15. *Hardship Exemption* – See Sec. 26-84 (p).
- 16. *Historic District* shall mean an area of two or more contiguous Eligible Resources designated by the City Council on recommendation of the Commission, following a petition for the creation of an Historic District by the owners of those properties. The resulting Historic District shall possess: "a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development," as defined by the criteria for inclusion as an historic district in the National Register of Historic Places.

17. *Historic Resource* shall mean any public or private resource in the City, including, any governmental, commercial, institutional or residential building or other structure, object or site that has importance in the history, architecture, archeology or culture of the City, State or Nation and is listed on the Local Register. Historic Resources may only be listed on the Local Register with the written and recorded consent of the owner(s).
18. *Historic Site* shall mean any place or parcel of land of historic significance due to a substantial value in tracing the history or prehistory of man, or upon which an historic event has occurred, and which has been designated as an Historic Site under this ordinance. Historic Sites may only be listed on the Local Register with the written and recorded consent of the owner(s).
19. *Improvement* shall mean any building, structure, place, work of art or other object constituting a physical betterment of real property, or any part of such betterment, including streets, alleys, sidewalks, curbs, lighting fixtures, signs and the like.
20. *Local Landmark* shall mean any public or private resource in the City, including any governmental, commercial, institutional or residential building, or other structure, object or site, that has outstanding importance in the history, architecture, archaeology or culture of the City, State or Nation and is listed on the Local Register individually as a Local Landmark, pursuant to the criteria set forth in Sec. 26-84(g) of this ordinance. Local Landmarks may only be listed on the Local Register with the written and recorded consent of the owner(s).
21. *Local Register* shall mean the Steamboat Springs Register of Historic Places, containing Local Landmarks, Historic Resources, and Historic Districts approved for listing by the Commission, with the written and recorded consent of the owner(s).
22. *New Construction* shall mean the construction of a new Improvement on a previously undeveloped parcel of land, or the development of a new Improvement on a previously developed parcel.
23. *Planning Department* shall mean the Steamboat Springs Planning & Community Development Department.
24. *Secretary's Standards* shall mean the Secretary of the Interior's Standards for the Treatment of Historic Properties.

25. *Survey* shall mean the cultural resource survey of buildings and structures within the City boundaries, updated from time to time by qualified third party independent contractors, and/or by the City's historic preservation staff.

**Sec. 26-84 (c): Local Register.**

There is hereby created the Steamboat Springs Register of Historic Places ("Local Register").

The purposes of the Local Register are:

1. To preserve, protect, enhance and perpetuate those Local Landmarks, Historic Resources and Historic Districts that reflect outstanding elements of the City's cultural, artistic, social, economic, political, architectural, historic or other heritage;
2. To stabilize or improve aesthetic and economic vitality and values of such Local Landmarks, Historic Resources and Historic Districts;
3. To promote the use of outstanding historical or architectural buildings, sites, structures, objects and districts for the education, stimulation and welfare of the people;
4. To promote good urban design; and
5. To promote and encourage continued private and governmental ownership and use of such Local Landmarks and Historic Resources now so owned and used, to the extent that the objectives listed above can be achieved under this ordinance.

**Sec. 26-84 (d): Historic Preservation Commission.**

1. *Established.* There is hereby established an Historic Preservation Commission ("HPC" or "Commission") for the City. The Commission shall be comprised of five (5) members and one (1) alternate, with no more than two (2) members residing outside the City boundaries, but within the RE-2 School District. The members shall have the responsibilities set forth in this section.
2. *Membership - Appointment and Term of Members.*
  - (a) All members of the Commission shall have demonstrated interest, knowledge, or formal training in historic preservation and related fields

including history, architecture, landscape architecture, architectural history, archaeology, planning, building trades, cultural geography, cultural anthropology, real estate, or law and be supportive of historic preservation. At least two regular members of the Commission shall be professionals in preservation whose qualifications, to the extent possible, conform to the Secretary of the Interior's Professional Qualifications Standards [36 C.F.R. Part 61] regarding composition of the Commission.

- (b) The six members of the Commission shall be appointed by the City Council. The initial members of the Commission shall be the members of the City's Historic Preservation Advisory Commission as of the effective date of this ordinance, with the term of each member the same as his or her term on the Historic Preservation Advisory Commission. All successive terms shall be three years in duration. Should a position become vacant, City Council may appoint a new member who shall serve out the remainder of the unexpired term.
  - (c) The Commission shall annually elect from its membership a Chairperson. The Chairperson may serve successive terms.
  - (d) In addition to the Commission membership described above, the Commission may invite representatives of the following organizations to participate in Commission meetings as non-voting ex officio members. Their attendance shall be discretionary: Steamboat Springs Planning Commission, Steamboat Springs City Council and the Routt County Regional Building Department.
3. *Duties and Responsibilities.* The Commission shall draw a reasonable balance between the community's interest in historic preservation and the rights of private property owners. In that connection:
- (a) The Commission shall advise the City Council regarding the historic preservation aspects of the Steamboat Springs Community Area Plan and regarding other historic preservation issues that may present themselves. The Commission's advice to Council shall include, but is not limited to, recommendations as to the implementation of the historic preservation aspects of the Steamboat Springs Community Area Plan and facilitation of community discussion relative to the implementation of historic preservation initiatives.
  - (b) The Commission shall be responsible for providing owners of Eligible Resources within the City boundaries with annual, written notification of their property's eligibility for permanent listing on the Local Register.

- (c) The Commission shall pro-actively solicit public and private property owners to nominate their properties for permanent listing on the Local Register.
- (d) The Commission shall administer and maintain the Local Register.
- (e) The Commission shall review all applications for building permits for Alterations and Demolitions relating to the Exterior of any principal or accessory building, structure, object, or site which is designated on the Local Register, or an Eligible Resource, as defined in this ordinance. When reviewing permit requests covered by this ordinance, the Commission shall determine whether the proposed work complies with the requirements of this ordinance, and, if so, it shall issue a Certificate of Approval. If the Commission determines that it cannot issue a Certificate of Approval, or if the Commission otherwise delays such issuance of a Certificate of Approval, it shall cite the historic preservation or other principle(s) upon which it is relying in making its decision. The Commission shall review and render its decision in a public hearing within 30 days of the filing of the application for a permit.
- (f) The Commission shall review all development permit applications that involve Alteration or Demolition of an Eligible Resource in the CN, CO and CY districts as defined by the CDC. Properties with an approved development permit by City Council will be exempt from building permit review for demolition by the Commission. When reviewing development permits covered by this ordinance, the Commission shall determine whether the proposed work complies with the requirements of this ordinance, and, if so, shall issue a Certificate of Approval. If the Commission determines that it cannot issue a Certificate of Approval, or if the Commission otherwise delays such issuance of a Certificate of Approval, it shall cite the requirements of the CDC and the historic preservation or other principle(s) upon which it is relying in making its decision. The Commission shall review and render its decision in a public hearing.
- (g) The Commission shall set a regular meeting time, day and place and cause same to be published to the community at least 72 hours in advance of any such regular or special meeting of the Commission. The Commission shall report to City Council on its activities at six month intervals.

- (h) All decisions by the Commission shall be made in a public forum and applicants shall be notified in writing of the decisions of the Commission. All decisions of the Commission are subject to appeal to the City Council by the Affected Property owner pursuant to the appeal provisions in this ordinance.
- (i) The Commission shall rely upon the Local Register designation process established in this ordinance for the designation of Local Landmarks, Historic Resources and Historic Districts in the Local Register.
- (j) The Commission shall provide out-reach and educational opportunities, via lectures, conferences, publications, walking tours, work shops, City website, historical marker programs and any other means to educate the community on the importance of historic preservation, and the historic preservation process.
- (k) The Commission shall advise and assist owners of Local Landmarks, Historic Resources, and Historic Districts on the physical and financial aspects of preservation, rehabilitation, restoration, renovation, and re-use of their properties. The Commission shall also assist property owners in pursuing financial and other assistance, including identifying sources of grants, low interest loans and other historic preservation programs available to such property owners to encourage the historic preservation of their properties. In addition, the Commission shall provide conceptual reviews to owners of properties and sites on the Local Register and Eligible Resources for historic preservation projects within the City boundaries, as well as assistance in preparing applications for nomination of properties to the Local, State and/or National Registers.
- (l) The Commission shall establish and publish such administrative rules, regulations and procedures regarding its duties under this ordinance.
- (m) The Commission shall recommend to City Council the removal of properties from the Local Register for reasons the Commission deems appropriate, including, but not limited to: Acts of God, Force Majeure, Hardship, as defined in this ordinance, and for Dangerous Buildings, as defined in this ordinance.
- (n) The Commission shall cause a cultural resource survey of buildings and structures within the City boundaries, to be updated every two years, by qualified, third party independent contractors, and/or by the City's historic preservation staff.

- (o) The Commission shall recommend to City Council the purchase of development rights or the issuance of historic preservation easements for Local Landmark and Historic Resources in appropriate cases.
- (p) Upon the written request of any property owner within the City's boundaries, the Commission shall direct the City's historic preservation staff to determine the eligibility of such property for listing on the Local Register.
- (q) The Commission shall exercise such other roles or duties delegated to it by the Colorado Historical Society of the State Historic Preservation Office, subject to the approval of the City Council.

**Sec. 26-84 (e): Administrative Review.**

Upon receipt of any permit application under Sec. 26-84(h), (i) or (j) for the Alteration to any property and site on the Local Register or Eligible Resource, the historic preservation staff shall review the application for compliance with the requirements of this ordinance. Upon a determination by the historic preservation staff that the proposed Alteration will not significantly alter the historic character of such property and site on the Local Register or Eligible Resource, the historic preservation staff may recommend approval to the HPC without referring the application for public hearing before the HPC.

In determining whether the proposed Alteration will significantly alter the historic character of such property and site on the Local Register or Eligible Resource, the historic preservation staff shall apply the Secretary of the Interior's Standards, the Design Guidelines, this ordinance and any other applicable provisions of the CDC.

The historic preservation staff shall notify the HPC in writing of the historic preservation staff's decision to recommend approval without a public hearing by HPC. The historic preservation staff's recommendation shall take effect upon the passage of seven (7) days from the date of notice unless any member of HPC objects thereto in writing prior to the expiration of the 7-day period. An HPC member's objection must be based on an incorrectly applied standard, guideline, or other code provision. In the event of such objection, the proposed Alteration shall be scheduled for a public hearing within thirty (30) days of the written notice from the historic preservation staff to the HPC.

### **Sec. 26-84 (f): Eligibility Criteria – Historic Resource Designation.**

A building, site, structure or object may be eligible for designation as an Historic Resource on the Local Register if it meets at least one (1) criterion in one or more of the following categories:

1. **Historic Importance.** The building, site, structure or object has character, interest or value as part of the development, heritage or cultural characteristics of the City, State or Nation; is the site of an historic event with an effect upon society; is identified with a person or group of persons who had some influence on society; or, exemplifies the cultural, political, economic, social or historic heritage of the community.
2. **Architectural Importance.** The building, site, structure or object portrays the environment of a group of people in an era of history characterized by a distinctive architectural style; embodies those distinguishing characteristics of an architectural-type specimen; is the work of an architect or master builder whose individual work has influenced the development of the City or contains elements of architectural design, detail, materials and craftsmanship which represent a significant innovation.
3. **Geographic Importance.** The building, site, structure or object, because of being part of or related to a square, park or other distinctive area, should be developed or preserved according to a plan based on an historic, cultural or architectural motif; or, due to its unique location or singular physical characteristics, represents an established and familiar visual feature of the neighborhood, community or City.

### **Sec. 26-84 (g): Eligibility Criteria - Local Landmark Designation.**

A governmental, commercial, institutional, residential or other private or public building, site, structure, or object within the City's boundaries may be eligible for listing on the Local Register as a Local Landmark by the Commission if it meets the criteria for Historic Resource designation under this ordinance and at least two (2) of the following additional criteria:

1. Must be of overwhelming historic or architectural importance and significance to the entire community.
2. Possesses such unusual or uncommon significance that the potential demolition or major alteration would diminish the character and sense of place in the community.



3. Contains the possibility of important discoveries related to prehistory or history.
4. Represents a significant and distinguishable entity whose components may lack individual distinction, yet represents an established and familiar feature to the community.
5. Has significance to the community's history to the extent that it illustrates and commemorates the City's collective past and helps define the community's identity.

**Sec. 26-84 (h): Procedure for Historic Resource Designation; Demolition and Alteration of Historic Resources; Benefits of Historic Resources.**

1. *Recommendations for Designation of Historic Resources.* Pursuant to the procedures set forth in this section, the owner(s) of any governmental, commercial, institutional or residential building or other public or private structure, object, or site meeting the criteria set forth in Sec. 26-84(f), as amended from time to time, or HPC, with the written consent of the owner(s), may propose its designation as an Historic Resource.

Each such designation recommendation shall include a brief description of the characteristics of the building, structure, object, or site that justify its designation and shall include a legal description of the location and boundaries of the Historic Resource.

2. *Procedures for Designating Historic Resources for Preservation.* Applications for designation as an Historic Resource must be made to the HPC. The HPC may require that such application be made in such form as specified by the HPC. Applications shall be made only by the property owner(s) for which an application is submitted, with the written consent of the property owner(s).

(a) *Staff Review.* The City's historic preservation staff shall review the application for conformance with the criteria for designation established in Section 26-84 (f) hereof, as it may be amended from time to time, and within the purposes of this ordinance. Such review shall be concluded no more than thirty (30) days after the filing of a fully completed application for designation. The staff shall forward the application and its recommendation to HPC.

(b) *HPC Review.* HPC shall consider the application at a regularly scheduled or special meeting after the completion of the Staff review.

HPC shall approve, recommend modifications to, or deny the application. HPC shall notify the owner(s) and City Council in writing immediately following any decision approving or disapproving an application.

3. *Demolitions of Historic Resources.* Once an Historic Resource is listed on the Local Register, demolition of such Historic Resource is prohibited except when maintaining the Resource constitutes a Hardship, as defined in this ordinance, or the Planning or Building Department Staff proves to the Commission that the Historic Resource is a Dangerous Building, as defined in this ordinance. However, the foregoing exceptions shall not apply in the case of Demolition by Neglect. A permit for the Demolition of an Historic Resource shall only be issued after issuance of a Certificate of Approval.
4. *Alterations to Historic Resources.* Once an Historic Resource is listed on the Local Register, Alterations to such Historic Resource shall be made in compliance with the Design Guidelines and the Secretary's Standards as determined by HPC. Alterations need not comply with every applicable Design Guideline, but HPC must determine that there is sufficient compliance that the characteristics that made the Historic Resource an Historic Resource are retained and that following the Alteration, the building, structure, site or object will continue to be an Historic Resource. A permit for the Alteration of an Historic Resource shall only be issued after issuance of a Certificate of Approval.
5. *Procedures for Alterations or Demolitions of Historic Resources for Preservation.* Applications for Alterations or Demolitions of an Historic Resource must be made to the HPC. The HPC may require that such application be made in such form as specified by the HPC. Applications shall be made only by the property owner(s) for which an application is submitted, with the written consent of the property owner(s).
  - (a) *Staff Review.* The City's historic preservation staff shall review the application for conformance with the applicable criteria for Alterations or Demolitions of an Historic Resource, as it may be amended from time to time, and within the purposes of this ordinance. Such review shall be concluded no more than thirty (30) days after the filing of a fully completed application for Alteration or Demolition. The staff shall forward the application and its recommendation to HPC.
  - (b) *HPC Review.* HPC shall consider the application at a regularly scheduled or special meeting after the completion of the Staff review. HPC shall approve, recommend modifications to, or deny the

application. If the application meets HPC approval, HPC shall issue a Certificate of Approval immediately. HPC shall notify the owner(s) and City Council in writing immediately following any decision approving or disapproving an application.

6. *Benefits Available to Historic Resources.* Once an Historic Resource is listed on the Local Register, the applicable incentives listed in Sec.26-84(q) shall be available to the owner(s).

**Sec. 26-84 (i): Procedure for Local Landmark Designation; Demolition and Alteration of Local Landmarks; Benefits for Local Landmarks.**

1. *Recommendations for Designation of Local Landmarks.* Pursuant to the procedures set forth in this section the owner(s) of any governmental, commercial, institutional or residential building, site, structure or object meeting the criteria set forth in Sec.26-84 (g) above, as amended from time to time, or HPC, with the written consent of the owner(s), may propose its designation as a Local Landmark.

Each such designation recommendation shall include a description of the characteristics of the structure, object or site that justify its designation and shall include a legal description of the location and boundaries of the Local Landmark.

2. *Procedures for designating Local Landmarks for Preservation.* Applications for designation as a Local Landmark must be made to the HPC. The HPC may require that such application be made in such form as specified by the HPC. Application shall be made only by the property owner(s) for which application is submitted, with the written consent of the property owner(s).

(a) *Staff Review.* The City's historic preservation staff shall review the application for conformance with the criteria for designation established in Sec.26-84 (g) hereof, as it may be amended from time to time, and within the purposes of this ordinance. Such review shall be concluded no more than thirty (30) days after the filing of a fully completed application for designation. The staff shall forward the application and its recommendation to HPC.

(b) *HPC Review.* HPC shall consider the application at a regularly scheduled or special meeting after the completion of the staff's review. HPC shall approve, recommend modifications to, or deny the application. HPC shall notify the owner(s) and City Council in writing

immediately following any decision approving or disapproving an application.

3. *Demolitions of Local Landmarks.* Once a Local Landmark is listed on the Local Register, Demolition of such Local Landmark is prohibited except with proof from the City that the Local Landmark is a Dangerous Building, as defined in this ordinance. However, the foregoing exceptions shall not apply in the case of Demolition by Neglect. A permit for the Demolition of an Local Landmark shall only be issued after issuance of a Certificate of Approval.
4. *Alterations to Local Landmarks.* Once a Local Landmark is listed on the Local Register, Alterations to such Local Landmarks shall be made in compliance with the Design Guidelines and the Secretary of the Interior's Standards as determined by HPC. Alterations need not comply with every applicable Design Guideline, but HPC must determine that there is sufficient compliance that the characteristics that made the Historic Resource a Local Landmark are retained and that following the Alteration the building, structure, site or object will continue to be a Local Landmark. A permit for the Alteration of an Local Landmark shall only be issued after issuance of a Certificate of Approval.
5. *Procedures for Alterations or Demolitions of Local Landmarks.* Applications for Alterations or Demolitions of Local Landmark must be made to the HPC. The HPC may require that such application be made in such form as specified by the HPC. Applications shall be made only by the property owner(s) for which an application is submitted, with the written consent of the property owner(s).
  - (a) *Staff Review.* The City's historic preservation staff shall review the application for conformance with the applicable criteria for Alterations or Demolitions of a Local Landmark, as it may be amended from time to time, and within the purposes of this ordinance. Such review shall be concluded no more than thirty (30) days after the filing of a fully completed application for Alteration or Demolition. The staff shall forward the application and its recommendation to HPC.
  - (b) *HPC Review.* HPC shall consider the application at a regularly scheduled or special meeting after the completion of the Staff review. HPC shall approve, recommend modifications to, or deny the application. If the application meets HPC approval, HPC shall issue a Certificate of Approval immediately. HPC shall notify the owner(s) and City Council in writing immediately following any decision approving or disapproving an application.

6. *Benefits Available to Local Landmarks.* Once a Local Landmark is listed on the Local Register, the applicable incentives listed in Sec.26-84 (q) shall be available to the owner(s).

**Sec. 26-84 (j): Procedure for Designation of Historic Districts: Demolitions and Alterations of Resources in Historic Districts; Benefits for Contributing Properties.**

1. *Recommendations for Designation of Historic Districts.* Pursuant to the procedures set forth in this section, one or more owners of an Eligible Resource, as defined in this Ordinance may petition the Commission for the creation of an Historic District, provided the resulting Historic District possesses: "a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development," as defined by the criteria for inclusion as an historic district in the National Register of Historic Places. Thereafter, upon recommendation of the HPC, the City Council may designate an area within the City boundaries as an Historic District in accordance with the procedure set forth below.

Each such designation recommendation shall include a description of the characteristic of the proposed Historic District that justify its designation and shall include a legal description of the location and boundaries of the proposed Historic District, as well as a list of the Contributing Properties.

2. *Procedures for Designating Historic Districts.*

(a) *Preliminary Application.* One or more owners of an Eligible Resource may prepare a Preliminary Application for designation of an area within the City boundaries for presentation to the City's historic preservation staff. Such Preliminary Application shall be in a form prescribed by the HPC and shall include, among other things; the boundaries of the proposed Historic District and a statement as to why the proposed Historic District meets the definition for Historic District designation, as defined above, and a list of Contributing Properties.

(b) *Preliminary Evaluation.* If the City's historic preservation staff determines that the Preliminary Application has merit, it will request the Chair of the HPC to appoint a sub-committee to work with the applicant(s), Staff and Affected Property owners to prepare an Application for Historic District Designation, ("Application"). The HPC may require that such Application be made in such form as specified by the HPC. Application shall be made only with the owner's written

consent of at least 80% of the properties within the boundaries of the proposed Historic District.

- (c) *Staff Review.* The City's historic preservation staff shall review the application for conformance with the definition for designation established in Sec. 26-84(j)(1) hereof, as it may be amended from time to time, and within the purposes of this ordinance. Such review shall be concluded no more than thirty (30) days after the filing of a fully completed Application. Upon determination the application is in conformance with the criteria for designation, staff shall schedule a public hearing and forward the application and its recommendation to HPC. Notice shall be posted and also be sent by first class mail to the property owners within the proposed Historic District's boundaries.
- (d) *HPC Review.* HPC shall consider the Application at a regularly scheduled or special meeting after the completion of the Staff's review and recommendations. HPC shall either; approve, recommend modifications to, or deny the Application. HPC shall notify the owner(s) filing the Application, the Affected Property owner(s) within the proposed Historic District boundaries and City Council, in writing, immediately following any decision approving or denying an Application.
- (e) *City Council Review.* After notice to the property owners in the proposed Historic District, City Council shall schedule a hearing during the next available hearing date, where the Applicant and any non-consenting property owner(s) who may each be represented by counsel, to consider the Petition. After due consideration of the Petition, City Council may approve the creation of the proposed Historic District, modify the proposed Historic District or deny the creation of the proposed Historic District. The non-consenting property owner(s) have such appeal rights to the district court as exist for the appeal of any final City Council action.

If City Council approves the district, the City Council shall adopt an ordinance to that effect establishing the Historic District and its boundaries. Said ordinance shall be recorded with the Routt County Clerk and Recorder, and the City Council may provide for such other recognition, markers and the like to identify the Historic District.

- 3. *Protection from Demolition while Application for Historic District Designation under Review.* Commencing upon the date set by Staff for the public hearing on the application pursuant to Sec.26-84(j)2.c above, no Demolition or Alteration permit shall be issued for any structure within the

boundaries of the proposed Historic District for a period not to exceed ninety (90) days, except for Dangerous Buildings as defined in this ordinance. If HPC denies the application for designation, or if at the end of the 90-day period the Historic District has not been so designated by City Council, the Demolition or Alteration permit for the structure shall be issued, unless structure is listed on Local Register. If the Historic District has been so designated by City Council within the 90-day period, the Contributing Properties within the Historic District are subject to the recording, incentive and protective provisions of this ordinance.

4. *Demolition within Historic District.* Once a Historic District is established and is listed in the Local Register, demolition of buildings, structures, objects or sites located within a Contributing Property is prohibited except upon written determination that the building, object, or site is a Dangerous Building, as defined in this ordinance. A permit for the Demolition of buildings, structures, objects or sites located within a Contributing Property shall only be issued after the issuance of a Certificate of Approval. The provisions of this section do not apply to properties within the Historic District that are not Contributing Properties, as defined in this ordinance.
5. *Alterations within Historic District.* Once a Historic District is established and is listed in the Local Register, Alterations to such buildings, structures, objects or sites shall be made in compliance with the Design Guidelines and the Secretary of the Interior's Standards as determined by HPC, or such design guidelines as proposed in the application and approved by City Council. Alterations need not comply with every applicable Design Guideline or customized design guideline for that Historic District, but HPC must determine that there is sufficient compliance that the characteristics that made the Historic District is retained and that following the Alteration the buildings, structures, sites or objects will continue to constitute an Historic District. A permit for the Alteration of buildings, structures, objects or sites located within a Contributing Property shall only be issued after the issuance of a Certificate of Approval. The provisions of this section do not apply to properties within the Historic District that are not Contributing Properties, as defined in this ordinance.
6. *Procedures for Alterations or Demolitions within Historic District.* Applications for Alterations or Demolitions to a building, structure, site, feature or object within an Historic District must be made to the HPC. The HPC may require that such application be made in such form as specified by the HPC. Applications shall be made only by the property owner(s) for which an application is submitted, with the written consent of the property owner(s).

- (a) *Staff Review.* The City's historic preservation staff shall review the application for conformance with the applicable criteria for Alterations or Demolitions to a building, structure, site, feature, or object within an Historic District, as it may be amended from time to time, and within the purposes of this ordinance. Such review shall be concluded no more than thirty (30) days after the filing of a fully completed application for Alteration or Demolition. The staff shall forward the application and its recommendation to HPC.
- (b) *HPC Review.* HPC shall consider the application at a regularly scheduled or special meeting after the completion of the Staff review. HPC shall approve, recommend modifications to, or deny the application. If the application meets HPC approval, HPC shall issue a Certificate of Approval immediately. HPC shall notify the owner(s) and City Council in writing immediately following any decision approving or disapproving an application.
7. *Infill Development within Historic District.* Once a Historic District is established and is listed in the Local Register, the construction of any new Improvement or Alteration of any existing Improvement shall be made in compliance with the Design Guidelines and the Secretary of the Interior's Standards as determined by HPC.
8. *Benefits Available to Historic District.* Once a Historic District is established and listed in the Local Register, the applicable incentives listed in Sec.26-84 (q) shall be available to the owner(s) of the buildings, structures, sites or objects located within the Historic District's boundaries.

### **Sec. 26-84 (k): Amendment of Designation.**

Designation of a Historic Resource, Local Landmark, or an Historic District may be amended to add features or property to the site under the procedures prescribed in Sec.26-84 (h), (i), (j), respectively, for initial designations.

### **Sec. 26-84 (l): Notifications.**

1. Any owner(s) filing an application for designation of a property as a Local Landmark, Historic Resource or Historic District under this ordinance shall, as a part of the application, notify property owners within 300 feet of the property to be designated a Local Landmark, Historic Resource or Historic District.



2. Within thirty (30) days of designation as a Local Landmark, Historic Resource, or Historic District, the City historic preservation staff shall record a notice of such designation with the Routt County Recorder of Deeds.
3. Public Notice requirements for Alteration and Demolition are consistent with the Community Development Code, Section 26-51.

**Sec. 26-84 (m): Revocation of Designation.**

HPC may revoke a Local Landmark, Historic Resource or Historic District designation if the property is damaged by an Act of God, Force Majeure or otherwise falls below the standards for listing the property or district originally as a Local Landmark, Historic Resource, or Historic District.

**Sec. 26-84 (n): Demolition or Alteration of Eligible Resources Not on the Local Register.**

1. *Demolition.* Upon the receipt by the Planning or Building Department, as the case may be, of an application for a permit for the Demolition of an Eligible Resource that is not listed on the Local Register, the Planning or Building Department shall forward a copy of such application to HPC. HPC shall schedule a hearing with respect to such application at a public meeting to be held within thirty (30) days of receipt of such application. At the hearing, HPC shall advise the owner(s) of the building, structure, site or object about the benefits of listing such building, structure, site or object on the Local Register and shall discuss alternatives to the proposed Demolition. Provided proof by the owner that the building, structure, site or object is a Dangerous Building or that deferring Demolition would cause a Hardship, as defined in this ordinance, the HPC shall immediately issue a Certificate of Approval to allow the Demolition. Absent such proof, a Certificate of Approval to allow the Demolition will be issued by HPC thirty (30) days following the public meeting. A permit for the Demolition of an Eligible Resource shall only be issued after issuance of a Certificate of Approval. Notwithstanding the foregoing, the issuance of a final development permit from City Council for a commercial project shall be deemed to be the issuance of a Certificate of Approval from HPC for the Demolition of any structures on the site for which the final development permit is issued, and no public hearing with HPC is required with respect to such Demolitions.
2. *Alteration or Addition.* Upon the receipt by the Planning or Building Department, as the case may be, of an application for a permit for the Alteration of an Eligible Resource that is not listed on the Local Register,

the Planning or Building Department shall forward a copy of such application to HPC. HPC shall schedule a hearing with respect to such application at a public meeting to be held within thirty (30) days of receipt of such application. HPC shall review the proposed Alteration for compliance with the Design Guidelines and the Secretary's Standards and shall make a determination as to whether the proposed work complies or would comply with specified changes. At the hearing, HPC shall advise the owner(s) of the building, structure, site or object about the benefits of listing such building, structure, site or object on the Local Register and shall discuss its determination as to compliance with the Design Guidelines and the Secretary of the Interior's Standards. If the application meets HPC approval, HPC shall issue a Certificate of Approval immediately. Notwithstanding the foregoing, the owner may proceed with the original plans without a Certificate of Approval following the scheduled meeting date.

**Sec. 26-84 (o): Demolition by Neglect.**

Demolition by Neglect of Local Landmarks, Historic Resources or Contributing Property is prohibited and shall be punishable under the provisions for Penalties and Sanctions as contained in Sec. 26-84 (r) of this ordinance.

**Sec. 26-84 (p): Hardship Exemption.**

If the applicant presents facts clearly demonstrating to the satisfaction of the HPC that there are no feasible measures that can be taken that will enable the property owner to make a reasonable beneficial use of the property or derive a reasonable economic return from the property in its current form, the property owner may apply to the Commission for a Hardship Exemption from the provisions of this ordinance.

**Sec. 26-84 (q): Historic Preservation Fund and other Incentives.**

1. *Historic Preservation Fund.* In order to promote historic preservation of Local Landmarks, Historic Resources and Historic Districts and to encourage the owners of Eligible Resources within the City boundaries to list their properties on the Local Register, an Historic Preservation Fund, ("Fund"), is hereby established as part of the Planning and Community Development Department's operating budget and will be funded with an annual appropriation from the City's Budget, as determined by City Council in their discretion, as well as grants to HPC from other governmental and private historic preservation organizations, individuals or other sources. These funds shall be used by HPC to pursue its out-reach and educational responsibilities to the community, as

provided in this ordinance, as well as to purchase, or assist the City in the purchase of development rights in appropriate cases. The Director of Planning and Community Development, with recommendations for HPC, will administer the Historic Preservation Fund and account annually to City Council.

2. *Other Economic and Regulatory Incentives.* In order to induce owners of Eligible Resources to consider proposing their property for listing on the Local Register as a Local Landmark, Historic Resource or Historic District, HPC may offer the owner one or more of the following incentives:
  - (a) Owners of Local Landmarks, Historic Resources and Contributing Properties shall be entitled to such Federal and State income tax credits as provided by law, with reviews conducted by HPC by virtue of the City's certification as a Certified Local Government.
  - (b) Owners of Local Landmarks, Historic Resources and Contributing Properties shall be entitled to rebate of City sales taxes on materials purchased locally and used for rehabilitating, renovating and restoring Local Landmarks and Historic Resources in accordance with Sections 22-183(d)(12) and 22-198(g) of the Municipal Code.
  - (c) Owners of Local Landmarks, Historic Resources and Contributing Properties shall be entitled to waiver of Planning Department permit fees for work consistent with the Design Guidelines and the Secretary's Standards and in accordance with Sec. 26-86 of the Municipal Code.
  - (d) Owners of Local Landmarks, Historic Resources and Contributing Properties shall be entitled to waiver of Tap fees for work consistent with the Design Guidelines and the Secretary of Interior Standards.
  - (e) The Commission shall recommend resources for architectural, design and technical consultation and assistance to the owners of Local Landmarks, Historic Resources and Contributing Properties at no or reduced fees.
  - (f) The Commission shall attempt to identify and implement other economic incentives for Local Landmarks, Historic Resources and Contributing Properties and shall notify owners of Local Landmarks, Historic Resources and Eligible Resources of those economic opportunities as they become available.
  - (g) The Commission may recommend to City Council the purchase of development rights, or the City cover the costs associated with the

granting of preservation easements in appropriate cases, (consistent with IRS regulations for "Qualified Organizations") for Local Landmarks, Historic Resources and Contributing Properties.

(h) The Commission may recommend to City Council such other and further measures that will promote historic preservation within the City boundaries.

3. *Recognition.* Owners of Local Landmarks, Historic Resources and Contributing Properties within the City boundaries shall be offered the opportunity to have a Commission designed plaque or other appropriate marker placed on their property at the City's expense identifying their property as listed on the Local Register.

### **Sec. 26-84 (r): Penalties and Sanctions.**

In case of Demolition without a Certificate of Approval or for Alterations, additions or modifications without, or beyond the scope of, a Certificate of Approval, or for the failure of the owner(s) of an Eligible Resource to follow the rules and procedures set forth in this ordinance, the owners of such Affected Properties, shall be subject to any and all penalties provided for violation of any other City ordinance including the maximum fine as provided in Section 1-15 of the Municipal Code. In addition, City Council may impose one or more of the following penalties and sanctions:

1. Moratorium on development or re-development of the Historic Resource, Landmark or Contributing Property for up to [5] years.
2. Requirement to reconstruct, repair, or rehabilitate the Historic Resource, Landmark or Contributing Property.
3. Up to triple the permit fees for future work on the Affected Property.
4. The issuance of a Stop Work Order or a court ordered Injunction regarding the Affected Property as provided in the CDC.
5. The assessment of the costs and expenses, including reasonable attorney's fees incurred by the City in enforcing the provisions of this ordinance against the owners of the Affected Property.

### **Sec. 26-84 (s): Appeals.**

The owner of a property may appeal any decision of the Commission affecting the property to the City Council in accordance with the following procedures.

1. *Appeal Procedures.*

- (a) Within thirty (30) days of the Commission's decision affecting the Affected Property, the property owner may file a Notice of Appeal with the City Clerk attaching the Commission's decision and specifying the relief requested.
- (b) The City Clerk shall calendar the Appeal on the City Council's agenda and notify the property owner in writing when the Appeal will be heard.
- (c) The property owner may be accompanied, represented and advised by counsel in the Appeal process, at the property owner's expense.
- (d) If City Council renders a decision adverse to the property owner, the property owner shall have such rights of appeal to the courts as provided in Colorado law.
- (e) If City Council renders a decision acceptable to the property owner, such decision shall be final and not subject to judicial appeal.

Section 3. If any section, subsection, clause, phrase or provision of this Ordinance is, or the application thereof to any person or circumstance, shall to any extent, be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases and provisions of this Ordinance, or the application thereof to any person or circumstance, shall remain in full force and shall in no way be affected, impaired or invalidated.

Section 4. This Ordinance shall take effect immediately upon the expiration of five (5) days from and after its publication following final passage, as provided in Section 7.6 (h) of the Steamboat Springs Home Rule Charter.

**INTRODUCED, READ, AND ORDERED PUBLISHED**, as provided by law, by the City Council of the City of Steamboat Springs, at its regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
**Paul Antonucci, President  
Steamboat Springs City Council**

**ATTEST:**

\_\_\_\_\_  
**Julie Franklin, MMC  
Interim City Clerk**

**FINALLY READ, PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
**Paul Antonucci, President  
Steamboat Springs City Council**

**ATTEST:**

\_\_\_\_\_  
**Julie Franklin, CMC  
Interim City Clerk**

# AGENDA ITEM # 12

## CITY COUNCIL COMMUNICATION FORM

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**FROM:** Tom Leeson, AICP, Director of Planning & Community Development

**THROUGH:** Wendy DuBord, Interim City Manager

**DATE:** January 20, 2009

**ITEM:** Text Amendment to the Community Development Code  
#TXT-08-03:

An Ordinance of the City of Steamboat Springs, Colorado amending Section 26-3 of the Steamboat Springs Revised Municipal Code, Amending the Steamboat Springs Community Development Code relative to enforcement of Community Development Code violations, and amending Section 26-402 of the Steamboat Springs Revised Municipal Code, amending the Steamboat Springs Community Development Code relative to the definition of Secondary Unit, repealing all conflicting ordinances; providing for severability; and providing an effective date.

**NEXT STEP:** If the First Reading of the Ordinance is passed, a Second Reading is scheduled for February 3, 2009

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<input checked="" type="checkbox"/>	ORDINANCE
<input type="checkbox"/>	RESOLUTION
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<input type="checkbox"/>	DIRECTION
<input type="checkbox"/>	INFORMATION

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**PROJECT NAME:** Text Amendment to the Community Development Code #TXT-08-03

**PETITION:** An Ordinance of the City of Steamboat Springs, Colorado amending Section 26-3 of the Steamboat Springs Revised Municipal Code, Amending the Steamboat Springs Community Development Code relative to enforcement of Community Development Code violations, and amending Section 26-402 of the Steamboat Springs Revised Municipal Code, amending the Steamboat Springs Community Development Code relative to the definition of Secondary Unit, repealing all conflicting ordinances; providing for severability; and providing an effective date.

CITY COUNCIL COMMUNICATION FORM

Text Amendment to the Community Development Code #TXT-08-03

January 20, 2009

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**APPLICANT:** City of Steamboat Springs, Department of Planning & Community Development, c/o Tom Leeson, AICP, Director of Planning & Community Development, Centennial Hall, 124 10<sup>th</sup> Street, PO Box 775088, Steamboat Springs, CO 80477 970-879-2060

**PC ACTION:** On January 8, 2009 the Planning Commission recommended approval of the Text Amendments to the Community Development Code, #TXT-08-03 by a vote of 7-0. The January 8, 2009 Planning Commission minutes are included as Attachment 2.

**I. RECOMMENDED MOTION**

The Planning Commission recommends approval of the draft ordinance to amend the Steamboat Springs Community Development Code relative to enforcement of Community Development Code violations, and to amend the Steamboat Springs Community Development Code relative to the definition of Secondary Unit.

**II. BACKGROUND INFORMATION**

Following a tragic accident involving an illegal Secondary Unit in July, 2008, City Council directed staff to amend the Secondary Unit provisions within the Community Development Code (CDC) to require an inspection process prior to approval and to improve the enforcement procedures to ensure greater compliance.

Refer to Planning Commission Report for a description of the code amendments (Attachment 1).

**III. PRINCIPAL DISCUSSION ITEMS:**

**Enforcement Procedures:** The Planning Commission recommended amending the proposed ordinance to allow the Planning Director to grant an extension of the time to cure an alleged violation from a maximum of ninety (90) days to open ended. The language would read as follows:

“The director may grant an extension of the time to cure an alleged violation, ~~up to a total of ninety (90) days,~~ if the director finds that due to the nature of the alleged violation or other factors, it reasonably appears that it cannot be corrected within fifteen (15) days.”

**Occupancy Criterion:** The Secondary Unit Criteria for Approval currently includes a criterion that requires the property owner to reside on the same property that the secondary unit is located on. This criterion was included in 2001 to help mitigate the proliferation of rental units in neighborhoods, which was a concern of community members when the secondary unit provision was originally drafted.



CITY COUNCIL COMMUNICATION FORM

Text Amendment to the Community Development Code #TXT-08-03

January 20, 2009

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The Planning Commission recommended the Occupancy requirement be removed the Criteria for Approval.

**Carbon Monoxide Detectors:** The concept of requiring Carbon Monoxide detectors in Secondary Units as part of the inspection criteria was discussed by the Planning Commission; however, the Planning Commission did not recommend including Carbon Monoxide detectors as a requirement. It should be noted, however, that the state legislature is currently considering a bill that would require Carbon Monoxide detectors in all rental units.

**IV. LIST OF ATTACHMENTS**

Attachment 1- January 8, 2009 Planning Commission Report

Attachment 2- January 8, 2009 Draft Planning Commission Minutes

Attachment 3- Public Comment letters



**AGENDA ITEM #**  
**PLANNING COMMISSION COMMUNICATION FORM**

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**FROM:** Tom Leeson, AICP, Director Planning & Community Development (Ext. 244)

**DATE:** January 8, 2009

**ITEM:** #TXT-08-03: An Ordinance amending Sec. 26-3 of the Steamboat Springs revised Municipal Code relative to enforcement of Secondary Units, and amending Sec. 26-402 of the revised Municipal Code relative to the definition of Secondary Unit.

**NEXT STEP:** If recommended for approval, the first reading of the ordinance will be heard by City Council on January 20, 2009.

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- ORDINANCE
  - RESOLUTION
  - MOTION
  - DIRECTION
  - INFORMATION
- 

**PROJECT NAME:** Secondary Unit Amendments; #TXT-08-03

**PETITION:** An Ordinance amending Sec. 26-3 of the Steamboat Springs revised Municipal Code relative to enforcement of Secondary Units, and amending Sec. 26-402 of the revised Municipal Code relative to the definition of Secondary Unit

**APPLICANT:** City of Steamboat Springs, Department of Planning & Community Development, Centennial Hall, 124 10<sup>th</sup> Street, PO Box 775088, Steamboat Springs, CO 80477, (970) 879-2060

**I. RECOMMENDED MOTION**

Staff finds the proposed ordinance furthers the community's health, safety and welfare and recommends the Planning Commission recommend approval of the attached ordinance amending Sec. 26-3 of the Steamboat Springs revised Municipal Code relative to enforcement of Secondary Units, and amending Sec. 26-402 of the revised Municipal Code relative to the definition of Secondary Unit.

**II. BACKGROUND INFORMATION**

Following a tragic accident involving an illegal Secondary Unit in July, 2008, City Council directed staff to amend the Secondary Unit provisions within the Community Development Code (CDC) to require an inspection process prior to approval and to improve the enforcement procedures to ensure greater compliance.

**III. DESCRIPTION**

The attached ordinance (See Attachment A) makes the following amendments to the Community Development Code:

Sec. 26-3. Violations, penalties and enforcement.

When a violation of the CDC occurs, Sec. 26-3 of the CDC requires a letter be written to the violator explaining the CDC provisions allegedly being violated, and the letter shall state that the individual has a period of fifteen (15) days from the date of the receipt of the notice in which to correct the alleged violations before further enforcement action shall be taken. In most cases, property owners are able to correct the alleged violations before further enforcement action is taken; however, on several occasions City staff has been made aware of the same violation by the same property owner several months after the corrections were made. Due to the language in the CDC, it was determined that an additional letter was required providing the owner another 15 days to correct the alleged violation. Providing an additional 15 days to correct the same violation has frustrated the enforcement process, so the CDC amendment clarifies that a second notification is not required. This amendment is not specific to secondary units, and applies to all violations of the CDC.

Sec. 26-402. Definitions and use criteria.

Secondary Units are classified as a Use with Criteria in the RE, RN, RO, MF, G1, CY and CN zone districts. The current process for approval requires an applicant to fill out the Use with Criteria application verifying the proposed unit meets all of the criteria for approval. The application can be submitted simultaneously with a building permit (in which case there is no fee), or independently (in which case there is a \$50 application fee), and the application is approved through an administrative review process. The current criteria for approval do not require the secondary unit be inspected for any health and safety issues.

The proposed amendment to the Secondary Unit criteria adds a requirement for an inspection by

the Routt County Regional Building Department for compliance with a set of health and safety criteria. There are two sets of health and safety criteria, depending on if the Secondary Unit is an existing, non-registered unit, or if the Secondary Unit is a new unit constructed after the adoption of this ordinance.

The following criterion is proposed to address the inspection process for existing, non-registered Secondary Units:

“Certificate of inspection. For all existing, non-registered Secondary Units, a Certificate of Inspection shall be provided to the city to demonstrate compliance with the Steamboat Springs Secondary Dwelling Unit Inspection Criteria, which shall be created by the Routt County Regional Building Department. A Certificate of Inspection shall be provided to the applicant by the Routt County Regional Building Department only after the Secondary Unit has been inspected by a Routt County Regional Building Department inspector and deemed to be in compliance with the Steamboat Springs Secondary Dwelling Unit Inspection Criteria.”

The Steamboat Springs Dwelling Unit Inspection Criteria has been developed by the Routt County Regional Building Department and include those items necessary to ensure the Secondary Unit meets basic health and safety standards (The Steamboat Springs Secondary Unit Inspection Criteria is listed in Attachment B and the Certificate of Inspection is Attachment E).

In order to ensure effective communication between the Building Department and the Department of Planning & Community Development, a new approval process for existing, non-registered Secondary Units has been established and is outlined in Attachment C.

The following criterion is proposed to address the inspection process for new Secondary Units, constructed after the approval date of this ordinance:

“Certificate of occupancy/approval. For all new Secondary Units constructed after [ADOPTION DATE], a Certificate of Occupancy or Approval shall be obtained by the applicant and provided to city to demonstrate compliance with the International Codes. A Certificate of Occupancy or Approval shall be provided to the applicant by the Routt County Regional Building Department only after the Secondary Unit has been inspected by a Routt County Regional Building Department inspector and deemed to be in compliance with the International Codes.”

Newly constructed Secondary Units are currently required to meet the International Codes for compliance with health and safety standards to obtain a Certificate of Occupancy or Approval from the Building Department; however, that is currently not a requirement for approval of a Secondary Unit. This proposed amendment requires a Certificate of Occupancy or Approval be included as part of the application.

In order to ensure effective communication between the Building Department and the Department of Planning & Community Development, a new approval process for newly constructed Secondary Units has been established and is outlined in Attachment D.

### Fees & Enforcement

Applicants registering existing, non-registered Secondary Units will be charged a fee by the Routt County Regional Building Department for the required inspection process. Newly constructed Secondary Units are charged a fee for their building permit, which includes the inspection process necessary to obtain a CO/CA.

Additionally, the Department of Planning & Community Development charges a \$50 development permit application fee if the Secondary Unit application is not part of a building permit.

In an effort to incentivize property owners with existing, non-registered to legalize their Secondary Units, the Routt County Regional Building Department has agreed to significantly reduce the inspection fee for a period of eight (8) months (from approximately \$500 to \$100), and the City's Planning & Community Development Department has agreed to waive the \$50 Use with Criteria application fee.

Additionally, the City's Code Enforcement officers have spent the last couple months canvassing neighborhoods to identify Secondary Units that have not been registered with the City and will be sending letters to those property owners notifying them of the new ordinance, as well as the eight month period of reduced fees.

### **V. LIST OF ATTACHMENTS**

Attachment A – Draft Ordinance

Attachment B – Steamboat Springs Secondary Dwelling Unit Inspection Criteria

Attachment C – Secondary Unit Procedures for Existing, Non-registered Units

Attachment D – Secondary Unit Procedures for New Units

Attachment E – Certificate of Inspection

CITY OF STEAMBOAT SPRINGS  
**SECONDARY DWELLING UNIT INSPECTION CRITERIA**

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- **EXITS** — Every dwelling unit shall have access directly to the outside or to an approved exit system. Exits systems shall be of a sufficient size, width, and arrangement to provide a safe and adequate means of egress with access to a public way, directly or through yards, courts or similar spaces.
- **FIRE SEPARATION** – Each dwelling unit shall be separated from another by one hour fire resistive construction.
- **EMERGENCY EGRESS** — Sleeping rooms within dwelling units shall have at least one operable window or door approved for emergency escape or rescue which shall open directly into a yard, court, or roadway. (Detailed egress window information available upon request.)
- **STRUCTURAL SAFETY** — Buildings shall be structurally safe. The building and its individual structural members shall not exceed the limits established by the Dangerous Building Code. (Dangerous Building Code information is available upon request.)
- **WEATHER PROTECTION** — Buildings shall be adequately weather protected by exterior roof and wall coverings so as to provide shelter for the occupants against the elements and to exclude dampness.
- **STAIRS AND HANDRAILS** — Stairs serving dwellings units shall be a minimum of 36 in width, have a maximum rise of 8 inches, and a minimum tread run of 9 inches; with the exception of approved winding or spiral stairways. The largest tread run within any flight of stairs shall not exceed the smallest by more than  $\frac{3}{8}$  inch, and the greatest riser height within any flight of stairs shall not exceed the smallest by more than  $\frac{3}{8}$  inch. Every stairway shall have at least one handrail, with the exception of stairs having less than four risers; spiral and winding stairways shall have a handrail on the outside perimeter. (Detailed handrail information available upon request.)
- **GUARDRAILS** — All unenclosed floor and roof openings, open and glazed sides of stairways, landings and ramps, balconies and porches which are more than 30 inches above grade or floor below, and roof used for other than service of the building shall be protected by a guardrail. Guardrails shall be a minimum of 36 inches high and shall have intermediate rails or an ornamental pattern such that a sphere 4 inches in diameter cannot pass through.
- **SAFETY GLAZING** — Glass located in areas which are hazardous shall be approved safety glazing material (i.e., tempered). The following are considered specific hazardous locations (1) glass in doors; (2) glass in enclosures for hot tubs, whirlpools, saunas, steam rooms, bathtubs and showers where the bottom exposed edge of the glass is less than 60 inches above a standing surface and drain line; (3) glass in fixed or operable panels adjacent to a door and within the same plane as the door whose nearest vertical edge is within 12 inches of the door in a closed position and whose bottom edge is less than 60 inches above the floor or walking surface; and (4) glass in fixed panels other than those covered by item 3 which has an area in excess of 9 square feet and the lowest edge is less than 18 inches above the finished floor level or walking surface within 36 inches of the glass, unless the glass panels are protected with a horizontal member not less than  $1\frac{1}{2}$  inches in width and located between 24 and 36 inches above such walking surfaces.
- **SMOKE DETECTORS** — Smoke detectors shall be installed in each sleeping room and at a point centrally located in the hallway or area giving access to separate sleeping area. Dwelling units with more than one story or a basement shall have a detector installed on each story and in the basement. Where a story or basement is split into two or more levels, the smoke detector shall be installed on the upper level, except that when the lower level contains a sleeping area, a detector shall be installed on each level. Where the ceiling height of a room open to a hallway exceeds that of the hallway by 24 inches or more, smoke detectors shall be installed in the hallway and the sleeping room. Smoke detectors may be solely battery operated.
- **LIGHT AND VENTILATION** — Habitable rooms or spaces used for living, sleeping, eating or cooking shall be provided with adequate natural light and ventilation. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas are not considered habitable space. Habitable rooms should be provided with natural light by means of exterior windows with an area of not less than 8% of the floor area of such rooms, and natural ventilation by means of openable exterior windows or doors that have an openable area of not less than 4% of the floor area of such rooms. Approved mechanical ventilation systems may be used in lieu of natural ventilation.
- **HEATING** — Dwelling units shall be provided with heating facilities capable of maintaining a room temperature of 70 degrees at a point 3 feet above the floor in all habitable rooms.
- **ELECTRICAL** — Electrical systems shall provide adequate convenience outlets, lights and switches. The electrical service, lines, conductors, switches, outlets, fixtures and fixture coverings and supports shall be in good repair and a safe condition. Broken, loose, frayed, inoperable, defective or missing portions shall be repaired or replaced.
- **PLUMBING** — Every dwelling unit shall be provided with a bathroom with a toilet. Every toilet and bathtub or shower shall be in a room which will afford privacy to the occupant. Plumbing fixtures shall be connected to a sanitary sewer or to an approved private sewage disposal system. Plumbing fixtures shall be connected to an approved system of water supply and provided with hot and cold running water necessary to its normal operation. Water supply and drainage piping shall in good repair and a safe condition.
- **MECHANICAL** — Mechanical appliances and equipment such as hot-water boilers, warm-air furnaces, hot water heaters, and wood burning stoves shall be in good repair and a safe condition (i.e., proper clearance to combustibles, adequate combustion air, and safe venting systems). Gas piping systems shall be in good repair and a safe condition.

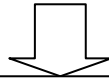
# CITY OF STEAMBOAT SPRINGS

## SECONDARY DWELLING UNIT PROCEDURES

### FOR EXISTING NON-REGISTERED UNITS

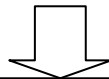
#### STEP 1

Owner files a Use with Criteria Application for a Secondary Dwelling Unit with the Department of Planning and Community Development (P&CD)



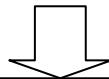
#### STEP 2

P&CD Department reviews the application for compliance with the Criteria for Approval. If secondary unit meets the criteria, P&CD Department informs applicant to proceed with Building Department Inspection process.



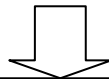
#### STEP 3

Owner files application for secondary dwelling unit inspection with the Building Department. Applicant submits copy of the Use with Criteria application form and the inspection application. An inspection fee is collected from the applicant.



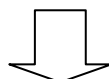
#### STEP 4

Building Department prepares an inspection request form and checklist for the building and electrical inspectors and schedules inspections. Compliance is based on Steamboat Springs Secondary Dwelling Unit Inspection Criteria. Inspectors complete inspection request form and provide necessary comments and return the form to the office for processing.



#### STEP 5

Building Official reviews the inspection form. If safety criteria are met, Building Official issues a Certificate of Inspection. If corrections are required to meet safety requirements, a copy of the inspection form explaining necessary corrections provided to the owner. Building permits may be required for remedial repair work. Applicant completes the items needing correction and has a reinspection and approvals, a Certificate of Inspection sent to the owner.



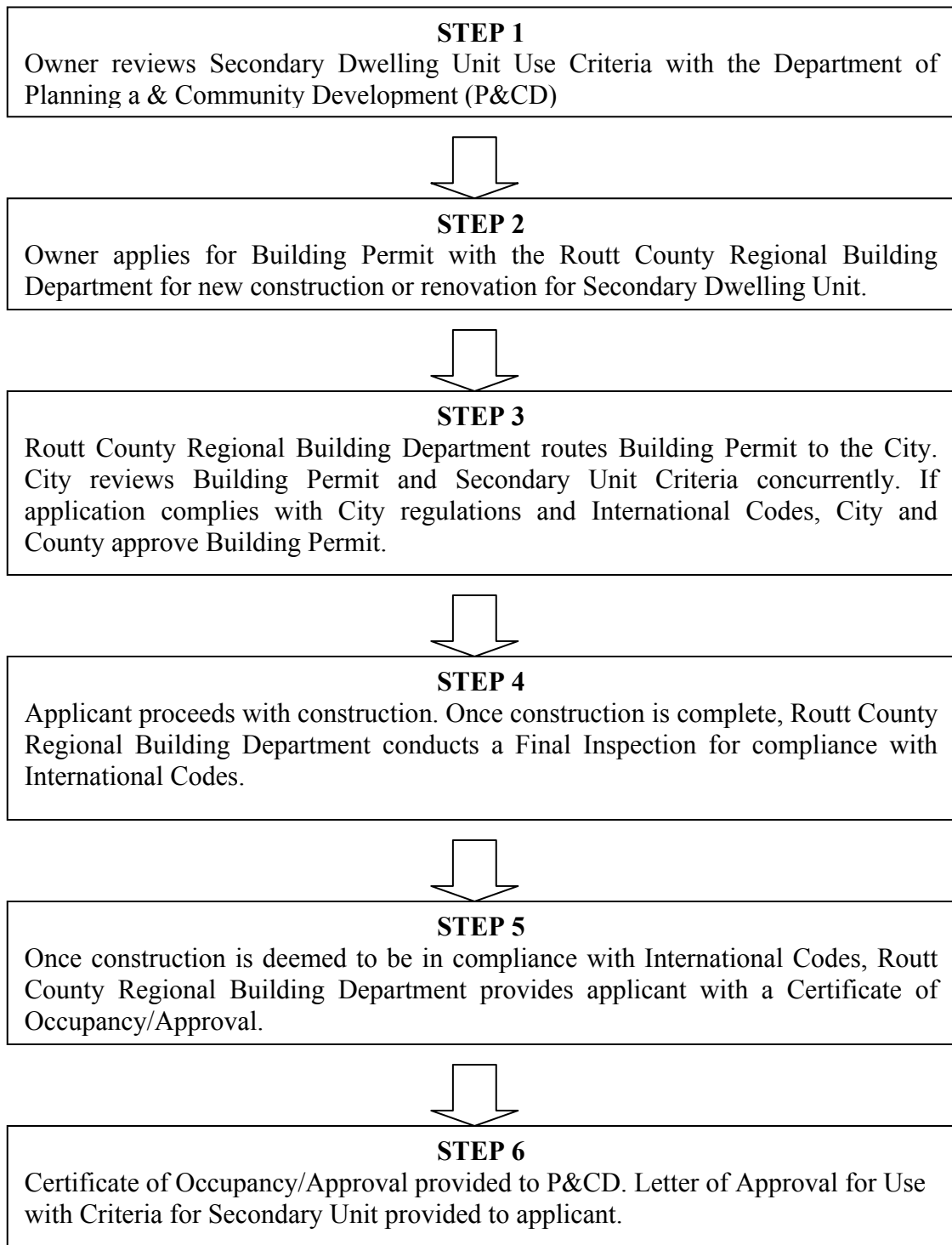
#### STEP 6

Certificate of Inspection provided to P&CD. Letter of Approval for Use with Criteria for Secondary Unit provided to applicant.

# CITY OF STEAMBOAT SPRINGS

## SECONDARY DWELLING UNIT PROCEDURES

### FOR NEW UNITS





**SECONDARY DWELLING UNIT**  
***Certificate of Inspection***  
**City of Steamboat Springs**

**Routt County Regional Building Department**

*This Certificate of Inspection, issued by the Routt County Regional Building Department, certifies that the secondary dwelling unit as listed below has been properly registered, and inspected and approved in reasonable compliance with regulations for secondary dwelling units in the City of Steamboat Springs.*

**Secondary Dwelling Unit Registration No.** \_\_\_\_\_

**Owner of Building** \_\_\_\_\_ **Address** \_\_\_\_\_

**Building Address** \_\_\_\_\_ **Legal Desc.** \_\_\_\_\_

**By:** \_\_\_\_\_

**Date:** \_\_\_\_\_

\_\_\_\_\_  
**Building Official**

**The following signatures certify compliance with requirements for other county agencies:**

**Planning Dept.** \_\_\_\_\_ **Date** \_\_\_\_\_

**Water Dept.** \_\_\_\_\_ **Date** \_\_\_\_\_

**Fire Dept.** \_\_\_\_\_ **Date** \_\_\_\_\_

**DRAFT****CDC Text Amendment – Secondary Unit #TXT-08-03**

Discussion on this agenda item started at approximately 6:22 p.m.

**STAFF PRESENTATION**

Tom Leeson –

This ordinance is due to an accident that happened in 2008. Staff had asked City Council to review a couple of things. One was to close the loop with regards to enforcement. If a violation from the same property owner happened over a period of time then they would be required to remedy the situation. There is a change in the ordinance to that and it says that once you are given a notification of a violation and you are given the same one to the same property owner then that applies to a violation.

The second goal of this ordinance was to require secondary units to go through an inspection process. We worked with Carl Dunham to come up with a set of criteria. We added this to the criteria of approval for secondary units. In the ordinance there are two different types. The first is a requirement for the property owner that has a secondary unit that is not registered. It is considered illegal. For those that exist that are not registered there will be a certificate of inspection required to the City for further applications. The process for that is outlined in attachment C. The owner would be required to submit an application. If it meets those criteria we would inform the applicant to proceed to the Building Department with the inspection process. The owner would then file an application for inspection and would move forward. Once they have completed that and passed inspection then Carl would sign off the application as shown in attachment D.

The second process is a certificate of occupancy. That would be for a newly constructed secondary dwelling unit. That would go through a normal building permit process. The process is also shown in attachment D.

We wanted to give them an incentive to encourage them to come in and register their secondary unit. The Routt County Building Department has agreed to lower their inspection fee down from \$500 to \$100 for a period of 8 months. This does not mean that if the inspection fails that there won't be any cost.

Once this ordinance is passed we will be sending out letters to any properties with illegal secondary homes to be required to come in and register their buildings.

**COMMISSIONER QUESTIONS**

Commissioner Hanlen –

I have some concern with the language on 3-9, which states that the owner shall live on the property. Before this moves forward I would like to see that removed. My biggest concern is that we're going to have a lot of units go unregistered for the same reason that we discussed in work session. Is that something that the City would be willing to remove?

Tom Leeson –

1/08/09

## **DRAFT**

That would be a possibility. There was some concern that both the main unit and the secondary would become rentals.

Commissioner Hanlen –

What would we need to know that whether we remove that or keep it?

Tom Leeson –

Public comment. You can make whatever recommendations you want. There are some criteria that could cause some hardship.

Commissioner Hanlen –

I think that the language needs to be added to give the Director more latitude in approving these secondary units. I think that there is a process that should be handled at the staff level instead of it being bumped into a full development application. I think that if our goal as the City is to improve the safety of these units. To call it bureaucratic entanglement is going to encourage people to stay away then we're defeating the purpose of why we brought this up in the first place. If we needed to we could apply the same time limit of 8 months or whatever time frame works to comply with the application fee reduction that sets a time limit of digression on your part that's expanded temporarily beyond the 5%. I think that size is going to be the toughest ones. I would speculate that most of the people that aren't in compliance with these units have no idea about the size. They probably purchased the property as a rental unit and they just continued renting that unit. Then all of a sudden they find out that their unit is too large. If we create too many what a lot of people will look at as technicalities it's just going to create this movement where people won't register them. Our whole emphasis as a City was to stress safety then hiding in the shadows isn't going to increase the safety of these secondary units. The last one that I wanted to clarify was that when we say 15 days from the day of notice is that just to file the use by criteria application? I was concerned about when we use language such as coming into compliance up to 90 days as allowed by the director. I'm just trying to picture the process that if someone had to do substantial repairs or work and they file an application with the City and Building Department, find an architect and builder, get the work performed and inspected, and go through the whole process this could easily turn into 4-6 months.

Tom Leeson –

If there is clear evidence that they're trying to get things accomplished then we will work with them.

Commissioner Hanlen –

Does that language need to be adjusted? It seemed pretty strict that you will bring this into compliance within 15 days

Tom Leeson –

You could increase that to 90 days or longer.

Commissioner Hanlen –

It just seemed a little bit lacking in the flexibility. It seemed like that was too abrupt.

1/08/09

**DRAFT**

Tom Leeson –

We have the ability to increase that time limit.

Commissioner Hanlen –

Should we just scratch the 90 days?

Tom Leeson –

You could not put a time limit on it.

Commissioner Hanlen –

Do you feel that open ended is the right way to word that since you are the one that will be granting that?

Tom Leeson –

Yes.

Commission Meyer –

I was concerned about the fact that this ordinance was specifically titled amending enforcement of secondary units and revising the municipal code that's in the definition section of secondary units. By putting that written notice revision in the general portion deals with the entire CDC I would be much more comfortable putting the language that is proposed together with the longer digression within the section that's on pg 3-9 where it talks about all of the use by criteria. It's my opinion that when you advertise that you're going to change rules about secondary units and definitions that's when by broadly changing these provisions in the CDC I think that needs to be a separate public hearing. I would support it, but I think that we're trying to solve the secondary issue problem. I think that is really where this whole issue of flexibility needs to be within the section on secondary units.

Tom Leeson –

I talked to Dan about this and he felt comfortable with how it was written.

Commissioner Meyer –

When you talk to people and you tell them that this is what's going to be changed. Before we refer to an ordinance to change something else is much broader within a code text. It's probably legal it's probably more fair to everyone with the notice section on secondary units.

Tom Leeson –

It would not work to put the enforcement language with the secondary language.

Commissioner Meyer –

I understand that there is a broader issue of people violating sections of the code and don't fix it or they do a fix and you assume that it's been taken care of and it's not. My concern is how we advertised it.

Commissioner Curtis –

1/08/09

## **DRAFT**

On pg 3-12, which is attachment D it specifies the secondary dwelling inspection criteria is that the building department's role to inspect these items for exit, fire emergency, guard rails, lighting and ventilation, heating and electrical, plumbing?

Carl Dunham –  
That's correct.

Commissioner Curtis –  
Given the fact that this ordinance was prompted by safety violations. Do you feel that what we have here will help the situation? We haven't really changed that much. I've known tenants to take out smoke detectors. How do we know that they won't take them out? What extent are we at protecting the safety issues that this will lead to?

Carl Dunham –  
If you're specifically referring to smoke detectors we don't know. They are required in all buildings new and old. We have no way to know if they removed them or not.

Commissioner Curtis –  
Is this something that we should think about then?

Carl Dunham –  
That's something that everyone should be thinking about.

Commissioner Curtis –  
Maybe we should add fire extinguishers as well.

Carl Dunham –  
It's not a bad idea. There is no requirement for extinguishers.

Commissioner Beauregard –  
If you were to remodel your house and had to move to a secondary unit would you have to tie the smoke detector to the rest of the house?

Carl Dunham –  
Each unit would have its own smoke detector. It would not be a common system.

Commissioner Beauregard –  
It seems to make sense that if you had the secondary unit were on fire that you would notify the main home.

Carl Dunham –  
It's not a code requirement. There will be a fire separation required between the two units to help slow the fire down.

Commissioner Levy –  
If we do consider removing the occupancy I just want to reinforce that this does not automatically permit a nightly rental situation even if there is no owner on the premises.

1/08/09

## **DRAFT**

It's long term rental only unless they come in with a vacation home rental request, is that correct?

Tom Leeson –

Vacation home rentals are not allowed in a secondary unit only long-term rentals.

Commissioner Levy –

That has to be requested separately?

Tom Leeson –

Yes.

Commissioner Fox –

If you have a unit that's over 600 square feet and it's very hard to get it down to 600 square feet to stay in compliance what would the procedure process be?

Tom Leeson –

I have a 5% digression for square feet. If you don't meet any of the criteria then you're bumped up to an illegal nonconforming unit.

Commissioner Fox –

Is there any way we could do a list of criteria to go by for you to approve it unless it's well beyond the scope up to a certain square footage?

Tom Leeson –

We could look at something like that.

Commissioner Levy –

Do you know secondary units that were built before the 650 square foot on secondary units was required? Unregistered ones.

Tom Leeson –

No not off the top of my head. There may be some out there, but if they were approved then they would be legal nonconforming secondary units.

Commissioner Hanlen –

What is that magic date?

Tom Leeson –

September 11, 2005.

### **PUBLIC COMMENTS**

### **FINAL STAFF COMMENTS**

### **RECOMMENDED MOTION:**

### **DISCUSSION REGARDING RECOMMENDATION**

1/08/09

## **DRAFT**

Commissioner Levy –

I liked Commissioner Hanlen's comment about the idea of removing 26-402 on pg 3-9 under occupancy requirement. I don't even see having a landlord on hand is really going to make that much of a difference of who's renting the units and having parties or anything like that since it's not a nightly rental situation. What Commissioner Meyer brought up about the overall land use change of enforcement that we just recommend that City Council announce it separately and give it 2 titles. If they know that there is a broad CDC change at City Council then I think that would be enough of a notice for them to treat them as separate issues.

Commissioner Fox –

I liked Commissioner Hanlen's idea of adding an extension to the 90-day period for the Director to be able to grant it.

Tom Leeson –

I was planning on changing that.

Commissioner Levy –

What section of the code is that to make that change to?

Tom Leeson –

26-402.

Commissioner Meyer –

That would allow the Director to give greater time frame for any violation?

Tom Leeson –

Correct.

Commissioner Beauregard –

I would also like to agree to eliminate the occupancy requirement. Having a secondary unit I put one in the paper once and I could have rented 50 of these. They are highly desirable and if we eliminate half of them then it would only increase the already high demand for them. This completely displaces these individuals where you're strict with the sizing or whatever they could potentially eliminate a room, but if you're really strict then it will displace all of these people.

Commissioner Hanlen –

An increase in the Director's discretion for a period of time to the reduction of fees with 8 months like Tom Leeson had said and I don't know what appropriate percentage that would be, but something beyond the 5% since it is a miniscule number.

Tom Leeson –

What percentage are you thinking of?

Commissioner Hanlen –

20%.



1/08/09

**DRAFT**

Commissioner Meyer –  
20 feet or 20%?

Commissioner Hanlen –  
20%.

Commissioner Beauregard –  
What would that put it up to 750 square feet?

Commissioner Hanlen –  
Right now we're at 650 square feet.

Tom Leeson –  
30%.

Commissioner Hanlen –  
Ok 25% you talked me into it.

Commissioner Beauregard –  
I don't have a problem with this number of 650. You can get 2 bedrooms and a living area and that could potentially be enough for up to 4 people. With 650 you literally get a bedroom a living area and a kitchen. We're not changing what was there already.

Commissioner Hanlen –  
We're not changing what was there already. This isn't allowing someone to go out there and build one this size. There's going to be a couple of random units around town. The whole idea is that we want these people come forward and register their unit. If they've been renting their unit then the last thing I want to see is the person has to either abandon their house or remodel it because they can't rent it out anymore. The other thing is they either hide from the law and not register their unit.

Commissioner Levy –  
They can come through and ask for a use by right. I can't support the variance the way it's written. I won't be supporting a greater digression for larger units.

Commissioner Meyer –  
I'm going to side with Commissioner Levy I think that the other thing is that once it's adopted in this 8-month time frame. The other thing that staff could do is to come back with a list with further recommendations. I think that I would rather as Tom Leeson said people who have designed and complied with the size limitation. Some of the other items may have significantly less impact. I'd be willing to look at not requiring the owner to live onsite. I'm a little bit worried about just how far we'll go.

Commissioner Hanlen –  
It's not an automatic size increase. It's up to that percentage. I'm just trying to keep this from becoming this huge entanglement of having to go through this whole process, which again would scare people off of bringing the unit into compliance.

1/08/09

## **DRAFT**

Commissioner Meyer –

I understand and we don't know how many are out there. That's why I'm saying that we change too many of these rules. I would like more of a report and recommendation from staff at the end of 6-8 months to further bump that square footage up at a future date.

Commissioner Beauregard –

I don't think there's going to be a lot that vary especially in old town. That's not that big of an area.

Commissioner Hanlen –

We're referring to the whole city. I just think about all of the buildings that were put up in the early '80's that are in use over by the mountain. Would those just be considered legal nonconforming if they were in existence before the code?

Tom Leeson –

Correct.

### **MOTION**

Commissioner Levy moved to approve 08-03 with the following changes removing occupancy requirement from 26-402 (1)(a) recommending that City Council treat the 15 day notice on all land use 26-3 (1)(a) as a separate issue when it comes before them and in 26-3(d)(1)(b) that the Director can grant an extension from the time period shown in that section and seconded by Commissioner Hanlen.

### **DISCUSSION ON THE MOTION**

Commissioner Curtis –

I would like to see if Planning Commission is open for a friendly amendment in regards to the addition of a CO monitor and a fire extinguisher. If we're talking about health and safety these are two issues that are pretty critical. We have all heard about the issue in Aspen and other similar issues. It's more than just common sense for everyone to have at least 1 fire extinguisher in their household at all times. We're looking at \$65-\$75 for both of those items.

Commissioner Levy –

For what reason do you think that they should be in secondary units, but not in primary units?

Commissioner Curtis –

They should be in both. I'm just concerned about the secondary units for now. That would be a Building Department issue regarding the primary unit.

Commissioner Levy –

I agree with you, but it should be addressed at the citywide level. I don't see why we should put this burden on just this one.

Commissioner Curtis –

1/08/09

## **DRAFT**

It's not a burden at all. It's a self and safety issue I would feel very uncomfortable if the whole premise of this ordinance is to prevent issues that have happened in the past. Not only here in Steamboat Springs, but in other communities as well. These would be just two additional items that would go a long way for the health situation that have occurred in the past.

Commissioner Hanlen –

We have this for secondary units? What is the best compliance for citywide? It has to go through the Building Department.

Commissioner Levy –

I'm sure that we can ask staff to ask for direction or have City Council to give staff direction to add that to a citywide CDC update.

Commissioner Curtis –

From a technical standpoint we could add it now to this specific ordinance. Wouldn't that give more emphasis?

Commissioner Hanlen –

This only affects illegal secondary units. We would like to affect all secondary units and all dwelling structures. You're just affecting a small percentage in town.

Commissioner Curtis –

By starting small we could eventually work up to the whole community.

Commissioner Levy –

I think that this ordinance is a great step towards health and safety. I think that there should be some level of an educational component adding why fire extinguishers are needed and why CO monitors and smoke detectors are needed. A community as a whole doesn't sense that or they would be knocking on our door telling us. They would be putting them in without us having to tell them. I think that there is a better outreach to make these kinds of changes. Code wide would be more appropriate rather than just sticking it on a particular item at this point.

Commissioner Meyer –

I'm going to side with Commissioner Levy on this one. This is one that really requires more of a County Building requirement for everybody. I don't have those things so I don't know how well it will improve my life. Your insurance may improve if you're supplying those things. I would rather have it at a broader discussion whether it's required with all new buildings, whether it's primary or secondary. It's a broader issue, but I do support the issue.

Commissioner Curtis –

I'm supporting it because I believe that this will help with the health and safety issue. I would hope that City Council and the entire Routt Building Department would look at these 2 issues regarding CO monitors and fire extinguishers. Let's not have a situation happen before we make an action on it.

1/08/09

***DRAFT***

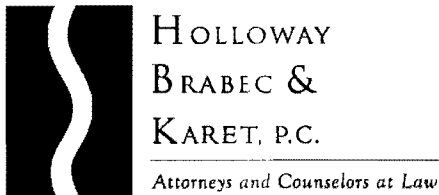
**VOTE**

Vote: 6-0

Voting for approval of motion to approve: Meyer, Beauregard, Curtis, Fox, Hanlen and Levy.

Absent: Dixon and Ernst.

Discussion on this agenda item concluded at approximately 7:05 p.m.



**John P. Holloway, Jr.  
Jill A. Brabec  
Douglas A. Karet**

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January 8, 2009

Tom Leeson  
Director of Planning and Community Development

[tleeson@steamboatsprings.net](mailto:tleeson@steamboatsprings.net)

RE: Secondary Unit Ordinance

Dear Tom:

I have reviewed the proposed changes to the secondary unit regulations within the Community Development Code. I applaud the City's efforts to address the tragedy that occurred as a result of a fire in a secondary unit. I do, however, have concerns with the proposed changes.

I believe that one of the reasons that many secondary units are unregistered is due to the fact that the property owner does not live on the property and thus cannot meet the use criteria. In some cases it appears that the secondary units were created when the property owner lived on site, but the property owner moved to another area and began renting the property and/or the property was sold to a buyer that doesn't live on site.

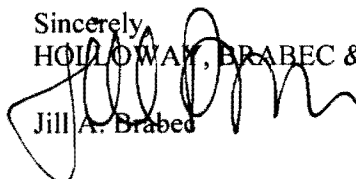
This also creates a problem with enforcement. If the City attempts to enforce a violation of the secondary unit regulations as a result of non-occupancy of the principal residence by the property owner, the property owner is virtually unable to comply within fifteen days, since he either needs to move in to the property or terminate the lease with the secondary unit tenants. I believe the unintended consequences of this will fall on the tenants of these secondary units, which supply a certain amount of affordable housing for the community.

I understand that the reason behind the occupancy requirement is to protect the neighborhoods, however if the City is truly looking to increase registration in order to address the health and safety concerns, I believe that removing the occupancy requirement is necessary. I believe you will have a much greater likelihood of having people register if they can indeed comply with the use criteria.

In addition, I am concerned that the secondary dwelling unit inspection criteria are quite stringent and will discourage many property owners from "opening that can of worms". While the criteria are all safety related, it seems that an overzealous building inspector could make it very difficult to pass inspection without a great deal of cost outlay, particularly for older units. In particular, the weather protection and light and ventilations sections seem problematic.

It is a difficult balancing act of trying to regulate the use and protect the community and health and safety of the community, while not creating such a burdensome regulation that owners will be extremely reluctant to register. I am sure you agree that voluntary registration is the goal as opposed to the costly and unpleasant process of enforcement. I appreciate the opportunity to comment. Thank you.

Sincerely,  
HOLLOWAY, BRABEC & KARET, P.C.



Jill A. Brabec

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**From:** Jane Grogan [mailto:janegro2@gmail.com]

**Sent:** Thursday, January 08, 2009 7:05 AM

**To:** Wendy DuBord

**Subject:** Secondary Units

Hello Wendy: I'm glad to see that the City is addressing the issue of illegal secondary units. This has been a concern for me for a number of years, not only from a safety standpoint, as in the case of David Engle's tragic death, but also from an equity standpoint. We who own legal second units had to purchase twice the amount of land area in order to have the second unit and consequently have more lawn to water, pay double water and sewer bills, etc. in order to provide housing for local employees. Will the newly registered second unit owners be held to the same standards?

We have always kept our rent low with hopes that we can help some young people save to purchase a home of their own, which has happened with 3 renters. As you may recall, Susan Dellinger was our tenant for a number of years while employed by the city. Another city employee, Bob Fraust and his wife Debbie lhave been with us for three years.

Don and I are there only 6 months each year, but we continue to be charged double water and sewer. At the most, there are only four people in the entire structure for six months, and only two the other six months. That's less than most single family residences.

I wish that the City could put some type of rent control on these units that should not be allowed to exist in the first place. There needs to be some sort of equity in the system to reward those who are trying to provide a service and not just make a killing with their illegal units.

Now that I've gotten this off my chest, tell everyone hello for me and I wish you the best with the new city manager coming on board.

- Jane

---

**From:** Jane Grogan [mailto:janegro2@gmail.com]

**Sent:** Thursday, January 08, 2009 9:03 AM

**To:** Wendy DuBord

**Subject:** Secondary Units

Wendy: It appears that my reply to you may not have gone through, so here is a copy of it.

Thanks for getting back to me so soon. Actually, Tim was not our tenant. We were both renters in the same house when we were upon our arrival to Steamboat. I don't know if that was a legal unit or not, but we lived upstairs and Tim and his roommate lived downstairs- separate units. Yes, you can express my concerns to council. It's offered as food for thought. Maybe we could qualify for a tri-plex or four-plex since smaller lots now qualify for duplexes? I imagine Joe Z. will be on top of getting the double water and sewer charges from the units once they become known. He's good at that. Maybe charges should be set at number of people in a household?

- Jane

**CITY OF STEAMBOAT SPRINGS, COLORADO**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF STEAMBOAT SPRINGS, COLORADO, AMENDING SECTION 26-3 OF THE STEAMBOAT SPRINGS REVISED MUNICIPAL CODE, AMENDING THE STEAMBOAT SPRINGS COMMUNITY DEVELOPMENT CODE RELATIVE TO ENFORCEMENT OF SECONDARY UNITS, AND AMENDING SECTION 26-402 OF THE STEAMBOAT SPRINGS REVISED MUNICIPAL CODE, AMENDING THE STEAMBOAT SPRINGS COMMUNITY DEVELOPMENT CODE RELATIVE TO THE DEFINITION OF SECONDARY UNIT, REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council adopted the revised Community Development Code as Ordinance #1802 on July 23, 2001; and

**WHEREAS**, the City Council has identified the need for Secondary units to meet certain health and safety standards; and

**WHEREAS**, the City Council has stated a desire to develop incentives for owners of illegal secondary units to register their units to ensure compliance with health and safety standards, and

**WHEREAS**, the City Council has identified the need to have a separate, more expedited and efficient procedure for the enforcement of Secondary Units;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STEAMBOAT SPRINGS, COLORADO:**

Section 1. Sec. 26-3. Violations, penalties and enforcement shall be amended as follows:

**Sec. 26-3. Violations, penalties and enforcement.**

(a) *Violations of CDC.* Failure to comply with the requirements of this CDC shall constitute a violation of the Steamboat Springs Municipal Code and such violation may be enforced as provided by this article and shall be subject to the penalty provided by chapter 1, section 1-15 of the Municipal Code. Each day during which a violation continues shall be deemed a separate offense and violation. Enforcement action may be taken against a specific property, the



owner, tenant, user of the property where the violation is alleged to occur, or against any other persons as permitted by state or federal law. Violations of the CDC may include, but are not limited to:

- (1) Using any land, or erecting, constructing, enlarging, altering, moving, using, or maintaining any structure (including any sign) in a manner inconsistent with this CDC, except as provided in section 26-112, Legal nonconforming uses and section 26-113, Legal nonconforming structures.
  - (2) Failure to obtain any required approval or permit;
  - (3) Failure to abide by conditions attached to approvals or permits;
  - (4) Obtaining approvals or permits through fraud or misrepresentation;
  - (5) Proceeding with a development without proper approvals or permits;
  - (6) Continuing construction or development activity after approvals have lapsed;
  - (7) Failure to remove any sign installed, created, erected or maintained in violation of this CDC, or for which the sign permit has lapsed;
  - (8) Increase the intensity of use of any land or structure, except in accordance with the procedural and substantive standards of this CDC;
  - (9) Reduce or diminish the lot area, setbacks, or open space below the minimum required by this CDC; and
  - (10) Excavate, grade, cut, clear, or undertake any other land disturbance activity contrary to the provisions of this CDC or without first obtaining all requisite land use approvals required by this CDC or other applicable regulations.
- (b) *Enforcement methods.* In addition to any other action or remedy available by law, the provisions of the CDC may be enforced by the council, the city manager, the city attorney and the director by use of any of the following methods, either individually or in combination, and in any order. The city's choice of any particular method of enforcement shall not preclude later choice of additional methods of enforcement:

- (1) Requiring a land use, subdivision, or site development application pursuant to article III;
- (2) Requiring a building permit, grading permit, demolition permit;
- (3) Requiring a certificate of occupancy;
- (4) Revoking any approval, or permit issued to any property or applicant following a public hearing conducted in general conformance with the notice requirements and procedures required for the initial approval, permit, or variance;
- (5) Inspecting property, structures, or signs, in accordance with section 5-76 of the Steamboat Springs Municipal Code and ordering removal of violations (removal of violations by the city shall only be ordered after direct consultation between the director and the city attorney);
- (6) Issuing a stop work order;
- (7) Proceedings in municipal court and imposition of fine and penalty as provided by chapter 1 of the Steamboat Springs Revised Municipal Code;
- (8) Injunctive proceedings in any court of competent jurisdiction;
- (9) Where permitted by law, assessment of costs and expenses incurred by the city and imposition of a lien as permitted by law for nonpayment of any assessment;
- (10) Enforcement in a court of competent jurisdiction of any contractual agreement executed by the owner or the owner's successor-in-interest and the city; and
- (11) Demand for payment, and receipt and use of collateral held by any person or financial institution which was deposited, to secure in whole or in part the performance of the obligation the city seeks to enforce.
- (12) The director may ensure that improvements required to be constructed as a condition of any approval, permit, or related agreement are completed through the following measures:

- a. Withholding approval of a certificate of occupancy; or
- b. Withholding approval and recordation of a final plat; or
- c. Requiring an improvements agreement.

(c) *Inspections and stop work order.* The chief building official is empowered to cause any structure, use, or tract of land to be inspected and examined, and issue a written stop work order or other order requiring the remedying of any condition found to exist in violation of any provision of this CDC. After any such order has been served, no work shall proceed on any structure or any land covered by such order, except work authorized by the chief building official, such as necessary work to correct or remedy such violation or to ensure the safety or security to adjacent, surrounding, or neighboring properties. If the chief building official determines that the public health, safety and welfare are not immediately at risk, he or she may cause the order to take effect no more than forty-eight (48) hours after it is determined that a violation exists. The chief building official shall make reasonable effort to notify a person of authority, as indicated on the building permit application if such a permit application exists, concurrently with issuance of the stop work order at the site of the violation. Any stop work order issued by the chief building official may be appealed in accordance with section 26-50, Appeal of administrative decision.

(d) *Enforcement procedures, excepting enforcement of Article IX*

(1) *Non-emergency matters.*

- a. In the case of violations of this CDC that do not constitute an emergency or require immediate attention, written notice of the nature of the violation shall be given to the property owner, agent, occupant, or to the applicant for any relevant permit. Notice shall be given in person, or by U.S. Mail, or by posting notice on the premises. The notice shall specify the CDC provisions allegedly being violated, and, unless a shorter time frame is allowed by this section, shall state that the individual has a period of fifteen (15) days from the date of the receipt of the notice in which to correct the alleged violations before further enforcement action shall be taken. The notice shall also state any appeal and/or variance procedures available pursuant to this CDC. **Written notice given hereunder with respect to a particular owner, property, and violation shall satisfy the requirements of this subsection with respect to any repeat violation by the same owner at the same property.**

- b. The director may grant an extension of the time to cure an alleged violation, up to a total of ninety (90) days, if the director finds that due to the nature of the alleged violation or other factors, it reasonably appears that it cannot be corrected within fifteen (15) days.
- (2) *Emergency matters.* In the case of violations of this CDC that constitute an emergency raising safety or public concerns, or violations that will create increased problems or costs if not remedied immediately, the CDC enforcement officer may use the enforcement powers available under this article without prior notice, but the officer shall attempt to give notice simultaneously with beginning enforcement action or as soon thereafter as practicable. Notice may be provided to the property owner, agent, occupant, or to the applicant for any relevant permit.
- (3) *Options upon noncompliance.* In the event a person fails to comply with a notice of violation or stop work order, or to remedy the violation to the satisfaction of the CDC enforcement officer within the required time period, then the CDC enforcement officer, in consultation with the director and city attorney, shall determine whether to subject the violator to one or more of the enforcement methods listed in subsection (b) above.  
(Ord. No. 1802, § 1.3, 7-23-01)
- (e) **Enforcement procedures for Article IX.**
- (1) If the director finds that any sign is in violation of the provisions of Article IX Signs, she/he shall give written notice to the sign owner and/or owner of the property or business on which the sign is located. Such notice shall be sent by regular mail, postage prepaid, to the address for such owner as shown in the City's business and occupational license records or the records of the Routt County Assessor, or personally delivered. Notice mailed in accordance with this subsection shall be conclusively presumed to have been properly delivered and received. As an alternative to a mailed notice, such notice may be personally delivered to the property, business or sign owner. If such sign, business or property owner fails to repair, alter or remove the sign so as to comply with Article IX Signs within seventy two (72) hours after the mailing of the notice (if such notice is mailed) or within twenty four (24) hours after service of such notice (if such notice is personally served) or within such other time as is specified in such notice, the director

shall institute proceedings to enforce this article pursuant to subsection (b) of this section. No written notice shall be required with respect to any violation of Article IX Signs which occurs within twelve (12) months after the sign owner and/or owner of the property has once been given written notice of any violation of Article IX Signs. In addition, the director may cause any sign located on public property including street rights of way not brought into compliance with this article after the service of the notice described above to be removed by City officials (removal of signs by the city shall only be ordered after direct consultation between the director and the city attorney). Signs removed by the City from public property shall be deemed abandoned property and may be disposed of by the city. The City shall not be liable to the sign owner for damage to or loss of any sign removed pursuant to this subsection.

- (2) If such sign, business or property owner fails to repair, alter or remove a Temporary Sign so as to comply with Article IX Signs within seventy two (72) hours after the mailing of the notice (if such notice is mailed) or within twenty four (24) hours after service of such notice (if such notice is personally served), the director shall institute proceedings to enforce this article pursuant to subsection (b) of this section.
- (3) In the case of signs advertising real estate for sale or lease in violation of Article IX any complaint, notice, and/or summons to municipal court shall be issued only to the real estate company owning or using such signs.

Section 2. Sec. 26-402. Definitions and use criteria.

(a) *Meanings.* For the purposes of this CDC, the following words shall have the following meanings:

*Secondary Unit.* A residential unit ancillary to a principal dwelling unit, located on the same lot where the principal dwelling unit is located. A secondary unit is allowed on a registered legal non-conforming lot that does not meet minimum lot area for the zone district provided it can meet all other requirements for the development of the registered legal non-conforming lot.

(1) *Use criteria.*

- a. *Review.* Review shall be prior to or concurrently with a development or building permit, as applicable.

- b. *Inclusions.* A secondary unit is an independent dwelling unit with a sleeping area, bathroom and kitchen.
- c. *Zoning.* Secondary Units shall be allowed in RE-1/S, RE-2/S, RN-1, RN-2, RN-3, RO, MF-1, MF-2, MF-3, CN or CY. This criterion is absolute and may not be varied or waived through the public review process. Secondary Units in the I Zone District are allowable only after review and approval as a conditional use.
- d. *Vehicular access.* Lots that share a common access with other lots must submit a signed letter to the Director from all owners or easement holders of such access stating that there is no objection to a secondary unit. The principal unit and secondary unit shall share the same access unless access to the secondary unit is available and feasible from an alley. This criterion shall not apply to lots that have the minimum lot area for a duplex in the RN-1, RN-2, RN-3, RO, CO, or CY Zone Districts.
- e. *Parking.* Parking shall be provided on site for secondary units in accordance with section 26-137 and shall be arranged so that it does not obstruct access to neighboring properties and does not eliminate any existing front yard landscaping.
- f. *Secondary unit appearance and entrances.* Attached principal and secondary units may have only one front entrance and should appear from the street to be a single-family dwelling and not a duplex structure. Other entrances must be on the side or in the rear of the structure or in a location that is concealed when viewed from points along the front setback. A common entrance foyer with entrances leading from the foyer to each of the units is preferred. Detached secondary units in accessory structures are allowed.
- g. *Prohibitions.* No secondary unit shall be allowed in a duplex structure or on the same lot as a duplex structure.
- h. *Size limitation.* The secondary unit shall be no larger than six hundred and fifty (650) square feet whether located in a principal or accessory structure. This size shall be calculated from the interior side of secondary unit walls to the interior side of secondary unit walls excluding mechanical rooms, stairwells and those areas with a height of less than five (5) feet. When located in an accessory structure, the size of the accessory structure is

required to comply with the maximum size of accessory structures as provided in the article.

- i. *Occupancy.* The property owner shall reside on the same property that the secondary unit is located on. Extended vacations for one year or less and/or periods of time including but not limited to such time as sabbaticals for one year or less do not constitute violation of this criterion.
- j. *Terms of rental.* The Secondary Unit may not be leased or rented for periods of time less than twenty-nine (29) days. Rental of secondary unit as a Vacation Home Rental is prohibited.
- k. *Accessory structure.* In RE-1/S, RE-2/S, RN-1, RN-2, RN-3, CN or CY, when a secondary unit is located within an accessory structure, the secondary unit must comply with accessory structure criteria as listed in this section and must also comply with the principal structure setbacks for the applicable zone district. Where a secondary unit is to be located in an existing accessory structure, this criterion shall not be applicable.
- l. *Certificate of inspection.* For all existing, non-registered Secondary Units, a Certificate of Inspection shall be provided to the city to demonstrate compliance with the Steamboat Springs Secondary Dwelling Unit Inspection Criteria, which shall be created by the Routt County Regional Building Department. A Certificate of Inspection shall be provided to the applicant by the Routt County Regional Building Department only after the Secondary Unit has been inspected by a Routt County Regional Building Department inspector and deemed to be in compliance with the Steamboat Springs Secondary Dwelling Unit Inspection Criteria.**
- m. *Certificate of occupancy/approval.* For all new Secondary Units constructed after February 3, 2009, a Certificate of Occupancy or Approval shall be obtained by the applicant and provided to city to demonstrate compliance with the International Codes. A Certificate of Occupancy or Approval shall be provided to the applicant by the Routt County Regional Building Department only after the Secondary Unit has been inspected by a Routt County Regional Building Department inspector and deemed to be in compliance with the International Codes.**

Section 3. The inspection fee to obtain a Certificate of Inspection from the Routt County Regional Building Department shall hereby be established at \$100 until September 30, 2009, and \$500 thereafter. The City's development application fee of \$50 shall be waived until September 30, 2009. Such a reduction is intended to provide an incentive for existing illegal secondary units to register.

Section 4. All ordinances heretofore passed and adopted by the City Council of the City of Steamboat Springs, Colorado, are hereby repealed to the extent that said ordinances, or parts, thereof, are in conflict herewith.

Section 5. If any section, subsection, clause, phrase or provision of this Ordinance is, or the application thereof to any person or circumstance, shall to any extent, be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases and provisions of this Ordinance, or the application thereof to any person or circumstance, shall remain in full force and shall in no way be affected, impaired or invalidated.

Section 6. The City Council hereby finds, determines and declares that this Ordinance is necessary for the immediate preservation of the public peace, health and safety.

Section 7. This Ordinance shall take effect immediately upon the expiration of five (5) days from and after its publication following final passage, as provided in Section 7.6 (h) of the Steamboat Springs Home Rule Charter.

**INTRODUCED, READ, AND ORDERED PUBLISHED**, as provided by law, by the City Council of the City of Steamboat Springs, at its regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2009.

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**Paul Antonucci, President  
Steamboat Springs City Council**

**ATTEST:**

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**Julie Franklin, CMC  
Interim City Clerk**



**FINALLY READ, PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
**Paul Antonucci, President  
Steamboat Springs City Council**

**ATTEST:**

\_\_\_\_\_  
**Julie Franklin, CMC  
Deputy City Clerk**

# AGENDA ITEM # 13

## CITY COUNCIL COMMUNICATION FORM

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**FROM:** Jason K. Peasley, City Planner (Ext. 229)  
John Eastman, AICP, Planning Services Manager (Ext. 275)

**THROUGH:** Wendy DuBord, Acting City Manager, (Ext.219)

**DATE:** January 20, 2009

**ITEM:** Text Amendment to the Community Development Code  
#TXT-08-04

**NEXT STEP:** This is the second and final reading of the ordinance.

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ORDINANCE  
 RESOLUTION  
 MOTION  
 DIRECTION  
 INFORMATION

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**PROJECT NAME:** Text Amendment to the Community Development Code #TXT-08-04

**PETITION:** Text Amendments to the Community Development Code to allow for decks, covered porches and other similar appurtenances to encroach into common area established by condominium or townhome subdivisions.

**APPLICANT:** City of Steamboat Springs, Department of Planning Services, c/o City Planner, Jason K. Peasley, Centennial Hall, 124 10<sup>th</sup> Street, PO Box 775088, Steamboat Springs, CO 80477 970-879-2060

**PC ACTION:** On December 11, 2008 the Planning Commission recommended approval of the Text Amendments to the Community Development Code, #TXT-08-02 by a vote of 7-0. The December 11, 2008 Planning Commission minutes are included as Attachment 2.

CITY COUNCIL COMMUNICATION FORM

Text Amendment to the Community Development Code #TXT-08-04

January 20, 2009

**I. RECOMMENDED MOTION**

The Planning Commission recommends approval of the draft ordinance to allow for decks, covered porches and other similar appurtenances to encroach into common area established by condominium or townhome subdivisions. The portion of this text amendment that pertains to the Industrial Zone District was tabled by the Planning Commission to allow for further refinement and discussion.

**II. BACKGROUND INFORMATION**

The Department of Planning Services has initiated the proposed text amendments to reflect needed regulatory changes within the Community Development Code.

**III. PRINCIPAL DISCUSSION ITEMS:**

The principal discussion item pertains to the appropriateness of the proposed Community Development Code revisions. Please see the Planning Commission Report, Section III for a detailed description of the proposed changes. This report is included as Attachment 1.

**IV. LIST OF ATTACHMENTS**

Attachment 1- December 11, 2008 Planning Commission Report

Attachment 2- December 11, 2008 Draft Planning Commission Minutes

## **AGENDA ITEM # 7**

### **PLANNING COMMISSION COMMUNICATION FORM**

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FROM: Jason K. Peasley, City Planner (Ext. 229)

THROUGH: John Eastman AICP, Planning Services Manager (Ext. 275)

DATE: December 11, 2008

ITEM: Text Amendment to the Community Development Code  
#TXT-08-04

NEXT STEP: If recommended for approval, the first reading of the ordinance will be heard by City Council on January 6, 2009.

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<input checked="" type="checkbox"/>	ORDINANCE
<input type="checkbox"/>	RESOLUTION
<input checked="" type="checkbox"/>	MOTION
<input type="checkbox"/>	DIRECTION
<input type="checkbox"/>	INFORMATION

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PROJECT NAME: Text Amendment to the Community Development Code #TXT-08-04

PETITION: Text Amendments to the Community Development Code to allow for the construction of decks that encroach into common areas formed by townhome or condominium subdivisions, increase the accessory use square footage in the Industrial Zone District to 50% and prohibit single family dwelling units in the Industrial Zone District.

APPLICANT: City of Steamboat Springs, Department of Planning Services, c/o City Planner Jason K. Peasley, Centennial Hall, 124 10<sup>th</sup> Street, PO Box 775088, Steamboat Springs, CO 80477 970-879-2060

**I. RECOMMENDED MOTION**

Staff recommends the Planning Commission approve the attached draft ordinance amending the Community Development Code to allow for the construction of decks that encroach into common areas formed by townhome or condominium subdivisions, increase the accessory use square footage in the Industrial Zone District to 50% and prohibit single family dwelling units in the Industrial Zone District.

**II. BACKGROUND INFORMATION**

The Department of Planning Services has initiated the proposed text amendments to reflect needed regulatory changes within the Community Development Code and to recognize an opportunity to lessen the burden on applicants and provide for more development flexibility.

**III. DESCRIPTION**

**Code Change #1: Deck Encroachment**

**Problem:**

With the recent trend to subdivide duplexes, triplexes and multifamily complexes into townhome or condominium units, many small common interest communities have been formed (ABC Subdivision for example). These subdivisions allow for individual ownership of the particular unit and common ownership of all areas outside the individual units. In many cases the common area is owned by two units in the case of a duplex townhome. When a unit owner wants to add or expand a deck that is attached to their particular unit, they are halted by regulations that do not allow for decks to be built over lot lines. To resolve this issue, the applicant must submit a final plat to amend the original townhome or condominium plat. This process is time consuming and costly in comparison to the development of a deck.

**Solution:**

Allow for decks to encroach into common area established by a townhome or condominium subdivision **with the consent of the owners of the common area.**

**Code Change:**

**CDC Section 26-132 (a) (2)**

- a. *Building features.* Eaves and gutters provided that such projections do not project more than three (3) feet, measured horizontally into a required setback area. Decks of thirty (30) inches or less in height may encroach into any setback area without obtaining a variance. In no case shall a deck encroach onto an adjacent property. [Decks may encroach onto adjacent common area established in a townhome or condominium subdivision with the consent of the owners of the common area.](#)

**CDC Section 26-183 (a)**

- (11) Building across lot lines is prohibited, with the exception of decks that may encroach onto adjacent common area established in a townhome or condominium subdivision with the consent of the owners of the common area. Previously aggregated lots shall be replatted in accordance with this article and section 26-68, final plat, or section 26-80, lot line elimination, concurrent with a request for approval of any land use, subdivision, or site development application.

**CDC Section 26-402 (a)**

*Deck.* A floored outdoor area, typically elevated above grade and adjoining a structure. Decks below thirty (30) inches in height, as measured from finished grade to the top of the deck floor surface from any point five (5) feet out from deck may encroach into a setback without having to obtain a minor adjustment or variance. In no case shall a deck of any height encroach onto adjacent property. Decks may encroach onto adjacent common area established in a townhome or condominium subdivision with the consent of the owners of the common area.

**Code Change #2: Increasing accessory use square footage in the I Zone District and prohibiting single family dwelling units in the I Zone District.**

**Problem:**

Recent mixed use developments in the I Zone District have been developing with the following square footage breakdown:

Industrial	51%
Employee Units	25%
Single Family Dwelling	24%

This has resulted in half of the developments being a true vertical mixed use with industrial warehouse on the ground floor and an employee unit above. The remaining half of the development contains an industrial warehouse with one large “single family dwelling unit” that functions as a multi-family dwelling unit. This development pattern is not consistent with the original intent to allow a single family dwelling unit in the Industrial Zone District. The original intent was to allow for a free-standing single family dwelling unit to accompany a primary industrial use on a large lot in the I Zone District.

**Solution:**

Change the Accessory Use Criteria and Employee Unit Criteria to allow for 50% accessory use (including Employee Units) in the I Zone District. Remove the Single Family Dwelling as a use by right in the I Zone District. This would result in the following square footage breakdown:

PLANNING COMMISSION COMMUNICATION FORM

Text Amendment to the Community Development Code #TXT-08-04

December 11, 2008

Industrial 50%  
 Accessory Use 50%

The result of this change would create an opportunity for completely vertical mixed use projects that contain either employee units, offices or any other accessory use above the ground floor industrial warehouse. In addition, this change will allow for the development of additional Employee Units, furthering Community Plan Policy H-1.2: “Support a variety of affordable housing options that are integrated throughout the community, but protect the character of the existing neighborhoods.”

**Code Change:**

**Table 26-92. Table of Permitted Principal Uses**

R = Use by Right	CR = Use with Criteria	C = Conditional Use	Blank Cell = Prohibited
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Use Classification and Specific Principal Uses	Zoning Districts														
	OR	RE	RN	RO	RR	MH	MF	G-1	G-2	CO	CY	CN	CC	CS	I
<b>RESIDENTIAL USES</b>															
Dormitory							C	C					C		
Duplex			CR	CR	C		C	C			C	CR			
Employee unit	C				CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR
Group home		CR	CR	CR			CR				CR	CR			
Long-term rental		R	R	R	R	R	R	R	R	R	R	R	R	R	R
Mobile home						R									
Multi-family dwelling			C	C	CR		R	CR	CR	CR	CR	CR	CR	C	
Secondary unit		CR	CR	CR			CR	CR			CR	CR			C
Short-term rental		CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	
Single-family dwelling unit		R	R	R	C	CR	C				C	R			<b>RC</b> <b>R</b>

**CDC Section 26-402. Definition and Use Criteria**

*PLANNING COMMISSION COMMUNICATION FORM*

Text Amendment to the Community Development Code #TXT-08-04

December 11, 2008

*Single-family dwelling unit.* A dwelling designed for, or used as a dwelling unit exclusively by one family as an independent housekeeping unit. A single-family dwelling unit contains no more than one dwelling unit and does not include mobile homes.

- (1) *Use criteria.*
  - a. Review shall be concurrent with building permit application.
  - b. Single-family dwelling units shall be allowed in mobile home subdivisions.
  - c. Single-family dwelling units shall not be allowed in mobile home parks.
  - d. ~~In the I Zone District, one single family dwelling unit is allowed when the primary use of the property is for an industrial use.~~

*Accessory use.*

- (1) The use of land or a structure that is ancillary or subordinate to the principal use.
- (2) A use that is located on the same lot or within the same development as the principal use.
- (3) A use that is less than twenty-five (25) percent of the floor area of a structure (if located within a principal structure), or less than twenty-five (25) percent of the lot (if located outside a principal structure), or less than twenty-five (25) percent of a development.
- (4) Where there is more than one accessory use on a property, those uses cumulatively shall occupy less than thirty (30) percent of the land or structure, as applicable, with the exception of those properties in the I Zone District where fifty (50) percent is allowed.
- (5) Accessory uses may be commercial uses provided they are not in conflict with any provisions of the home occupation as provided in this article.
- (6) Private garages (detached or attached), storage areas, recreation amenities (hot tubs, pools, play structures, etc.) and other incidental uses associated with single-family and duplex residential uses shall not be considered accessory uses and shall not be included in any calculation for accessory use square footage.
- (7) A Single Family Dwelling Unit is not an allowable accessory use in the I Zone District.



*Employee unit.* A dwelling unit that is restricted on the deed of the property, for continuous occupation only by an employee employed in the county, or qualified resident as defined in this CDC, in perpetuity.

(1) *Use criteria.*

- a. Review shall be prior to development or building permit, as applicable.
- b. Shall not be permitted in the RE, RN or RO zoning districts. Permitted in the OR zoning district as a conditional use only.
- c. No more than thirty-five (35) percent of the gross floor area of a principal structure can be employee units, with the exception of those properties in the I Zone District where fifty (50) percent of the gross floor area may be employee units.-
- d. Fifty (50) percent of the gross floor area of employee units shall not be considered when determining the floor area ratio.
- e. No employee unit shall be larger than one thousand (1,000) square feet.
- f. Employee units that are within an accessory structure shall meet the setbacks for principal structures.
- g. Employee units shall not be located on the pedestrian frontage in the CO, CN, G-1, G-2 or RO zoning districts, with the exception of along an alley way or to the rear of the development
- h. The required off-street parking for the employee units shall be specifically designated for the employee units. The employee unit parking spaces shall be conveniently located to the employee units; however, shall not impede the required off-street parking for other uses on the site.
- i. Vacation home rentals are prohibited in employee units.
- j. If the employee units are located within the industrial (I) zone district, the following additional criteria shall apply:
  1. The gross floor area of the employee unit(s) shall not exceed ~~twenty five (25)~~ twenty-fivefifty (2550) percent of the total gross floor area of the development on the subject property. The gross floor area of the employee unit(s) may be permitted to exceed ~~twenty five (25)~~ twenty-fivefifty (2550) percent of the total gross floor area of the development on the subject property through the

procedures used to approve conditional uses, section 26-65, development plan.

2. There shall be recorded in the real property records of the county an instrument signed by the director identifying the location and square footage of the employee unit(s) and the location and square footage of the business premises associated with such employee unit(s).
  
- k. At the time of application for a building permit, the deed restriction for the employee unit is required to be submitted to the city by the applicant for the city's review and approval. After approval of the deed restriction by the city, the deed restriction shall be recorded with the county clerk and recorder at the cost of the applicant. The deed restriction shall be recorded prior to issuance of a building permit for the employee unit.

**IV. PRINCIPAL DISCUSSION ITEMS:**

The principal discussion item pertains to the appropriateness of the proposed Community Development Code revisions.

**V. LIST OF ATTACHMENTS**

Attachment A – Comments from Design Professionals

Attachment B – Draft Ordinances (available upon request)

**CDC Text Amendment – Deck Encroachment & Industrial Zone Accessory Use #TXT-08-04**

Discussion on this agenda item started at approximately 8:46 p.m.

**STAFF PRESENTATION**

Jason Peasley –

There are 2 text amendments. The first is the deck encroachment. The second is the change to the accessory use to the IZ district. I will be tackling the deck encroachment first. This amendment is to expand their deck or add a porch. The CDC currently doesn't allow anything to be built over a property line. They have to go through a re-plat process of their townhome subdivision plat. What we have proposed is to allow decks and porches to encroach into common areas that are established by the townhome/condominium subdivision. He handed out some revisions to this language. Some of the language clarifies who can represent the ownership. It identifies that the owners can sign it off, which is everyone. This would be administered through our building process.

**APPLICANT PRESENTATION****COMMISSIONER QUESTIONS**

Commissioner Hanlen –

In a townhome plat with a 5 foot perimeter drawn around each of the 2 plus units would the plat need to be revised if an enclosed heated structure were added, but it didn't exceed the 5 foot line? You added 2 feet, which is still inside the 5-foot line. Does that still need a replat?

Jason Peasley –

I don't know how we have enforced that in the past.

Tom Leeson –

It depends. If there's a significant encroachment we do require a re-plat, but not for very small encroachments.

Commissioner Hanlen –

For right now it's just administrative for which way the decision goes?

Tom Leeson –

Yes.

Commissioner Hanlen –

I do like the language.

**PUBLIC COMMENTS**

**FINAL APPLICANT COMMENTS**

**FINAL STAFF COMMENTS**

**RECOMMENDED MOTION:**

**MOTION**

Commissioner Curtis moved to approve the deck changes and Commissioner Hanlen seconded the motion.

**DISCUSSION ON THE MOTION**

**VOTE**

Vote: 7-0

Voting for approval of motion to approve: Meyer, Beauregard, Curtis, Ernst, Hanlen, Fox and Levy.

Absent: Dixon

**CDC Text Amendment – Industrial Zone Accessory Use #TXT-08-04**

**STAFF PRESENTATION**

Jason Peasley –

He handed out 3 public comments that were received from Robin Pillow, John Holloway, and Robert Ellsworth.

This code revision came about due to a recent trend that we're seeing in the IZ district. This trend included maximizing the residential square footage. 51% of your total square footage needs to be industrial. Right now we currently allow for 25% of your square footage to be an employee unit.

There's a provision in the CDC that allows for a single-family residential unit. The single-family residences were a provision put in to the CDC in 2001. What we are seeing now is an unintended outcome of that provision.

Our industrial land is meant for industrial uses and not so much for residential. The single-family residences are averaging at 1,500 square feet. We're losing the ability for industrial property to do what it's supposed to do, which is to be used for industrial purposes.

We have made this revision to the CDC, which eliminates single-family residences in the IZ district. It then increases the accessory use and the employee units. It eliminates the deed restriction on the employee units in the IZ district. What this results in is a little bit more flexibility in the IZ district to meet that demand of providing housing within the IZ district. What the greatest effect this will have is on the smaller lot industrial parcels.

There are a couple of benefits to having employee units in lieu with single-family residences. The first is that the parking requirement is half. Employ units are exempt.

12/11/08

**DRAFT**

Half of their square footage goes towards FAR. The inclusion of employee units gives you a square footage of bonus that's not counted towards the FAR.

He went over the handout of the industrial zone district development scenarios. We did direct emails to all of the design professionals in Steamboat.

**COMMISSIONER QUESTIONS**

Commissioner Meyer –

Are you saying that we have in our packets is some of those design professionals have changed their mind or are they still having the same concerns as written in their letters.

Jason Peasley –

I wouldn't say that they changed their position on this.

Commissioner Hanlen –

When we're talking about residential in an IZ district you're allowing employee units as the only kind of residential use?

Jason Peasley –

We're allowing employee units without a deed restriction.

Commissioner Levy –

You need to call it something else. An employee unit is defined in the CDC is with a deed restriction.

Jason Peasley –

The language removes the deed restriction from the industrial zone.

Commissioner Levy –

What makes it an employee unit?

Jason Peasley –

Size of the unit.

Commissioner Levy –

Can we call it a market rate employee unit?

Commissioner Beauregard –

They're all market rate.

Commissioner Levy –

Unverified employee unit?

Jason Peasley –

It's small within an IZ district.

Commissioner Beauregard –

12/11/08

**DRAFT**

Why distinguish the difference between an employee unit and a single-family residence? How would you enforce that anyway?

Jason Peasley –

We would base that off of size. When you come through the development process your residential square footage can't exceed 1,000 square feet.

Commissioner Beauregard –

An owner can live in one of these units?

Jason Peasley –

Sure.

Commissioner Beauregard –

What's the definition and how do you distinguish between the two?

Jason Peasley –

The distinguishing factor is size.

Commissioner Beauregard –

You don't need to label either/or.

Jason Peasley –

By identifying them as employee units they still get the benefits of an employee unit, which is the parking standard, FAR bonus, and the size.

Commissioner Levy –

They can't be over 1,000 square feet. That's the biggest bonus.

Commissioner Beauregard –

I'm confused. Why designate it either/or when all you're doing is creating a size restriction? I thought that it was saying that you can't live there if you own the property. I don't know that I feel comfortable saying that. You're not saying that's the case. That's not the distinction between a single family home and an employee unit.

Jason Peasley –

It's strictly on size. Anyone can live there.

Tom Leeson –

If you look at page 7-6 under the used criteria for employee units there are additional criteria that apply to employee units that don't apply to other residential units.

Commissioner Curtis –

What's the minimum size for an employee unit?

Tom Leeson –

There's none. Only for the building code, but that's it.

12/11/08

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Commissioner Curtis –

The first example of a 10,000 square foot lot, if we have a square foot bonus of 1,500 feet could we have 4 750 square foot employee units?

Jason Peasley –

Yes. There could be 5 750 square foot employee units.

Commissioner Curtis –

Could you explain that?

Jason Peasley –

He explained the calculation.

Commissioner Curtis –

Could part of those still be industrial then?

Jason Peasley –

Sure. That bonus could go to industrial.

Commissioner Curtis –

If our overall goal is to try to equalize or create actual industrial use versus housing are we really achieving that goal if we can in fact have those additional employee units?

Jason Peasley –

I do agree that having a 50/50 split isn't getting us any closer. It's shifting the focus more towards the industrial live/work use.

Commissioner Curtis –

It all depends on what we do with that goal. The trend is to have more employee units. With this new proposal if we're granting more employee units potentially.

Jason Peasley –

What's also allowed here is that you could have more office use.

Commissioner Hanlen –

Is retail considered as an accessory use in the IZ district?

Jason Peasley –

Yes.

Commissioner Levy –

Why not restrict the square footage of single-family homes in the IZ district and still allow that flexibility for the builder to build something bigger than 1,000 square foot? Limit the size and put a cap on it since that seems to be what we're trying to achieve.

Jason Peasley –

That's certainly an option.

12/11/08

**DRAFT**

Commissioner Levy –

You could do both. Let them decide if they want office space. I don't understand why you're sacrificing single family for office. Especially in a true IZ district if you have real industrial uses on the first floor it's difficult to run an office at the exact same time. In theory an employee unit is occupied only when the industrial part of the building is not in use. I'm thinking of the noise conflicts. It seems less likely that you would want office space next to a welding factory for example. Did you give consideration to limiting the single family square footage and why take it out completely?

Jason Peasley –

The reason was that the single-family residence wasn't being used as originally intended. There is the potential of creating very large single-family homes along with very large industrial uses.

Commissioner Levy –

Then you're not controlling the industrial uses.

Jason Peasley –

It's warehouse.

Commissioner Levy –

Why do you think that wouldn't happen with an employee unit?

Jason Peasley –

I think that it's less likely.

Commissioner Levy –

Why?

Jason Peasley –

It would function more as a multi family unit versus a single-family unit, which is more compatible with industrial uses.

Commissioner Levy –

How?

Jason Peasley –

Multi family is more compatible and tolerant of noise.

Commissioner Levy –

Other than size I don't see a distinction between single family and employee units. We're not controlling either one and I don't see a distinction.

Tom Leeson –

I don't understand why you're say that the same person is going to be in either one.

Commissioner Levy –



12/11/08

**DRAFT**

They could be. Somebody having the money to buy a bigger one and since you're removing the deed restriction on the employee housing they could buy two units instead of one. I don't see how one is more compatible with industrial than the other.

Tom Leeson –

The reason why the deed restriction was originally on the unit was to ensure that they were occupied by only someone who worked in Routt County. What we're finding is that someone who doesn't work in Routt County is not guaranteed, but won't want to live in an IZ district. These inherently are live/work units. By removing the single family we're removing those situations where you have a significantly larger home clumped in with the industrial. We think that having a bunch of smaller units would be better than having one large single-family unit.

Commissioner Levy –

It would actually be a large single-family unit, but since you're saying that someone not working in Routt County won't want to live here it is still a Routt County residential unit.

Tom Leeson –

Right now it is.

Commissioner Levy –

If we feel that we're getting concerned about the loss of industrial usage then why are we adding a square footage bonus?

Tom Leeson –

It's a square footage bonus.

Commissioner Levy –

That's only for employee units and not single family correct?

Tom Leeson –

Correct.

Commissioner Levy –

Are we seeing employee units proposed with all or most of our industrial?

Tom Leeson –

No, not all of the industrial.

Jason Peasley –

The ones that are 25,000 square foot, yes since it is more practical to have employee units.

Tom Leeson –

The original intent of the bonus was to try to have more employee units.

Commissioner Levy –

Up to that point we weren't getting as many employee units as industrial buildings?

12/11/08

**DRAFT**

Tom Leeson –  
We weren't even allowing it.

Commissioner Beauregard –  
The only distinction between an employee unit and a single family you could still has a single employee unit over the garage?

Tom Leeson –  
Yes, but it would be limited to 1,000 square feet.

Commissioner Beauregard –  
As soon as it goes over 1,000 square feet you're calling it a single-family unit.

Jason Peasley –  
Correct.

Commissioner Meyer –  
Based on the actual language that you provided to us and looking at your staff report and what you're deleting out of the CDC you're still leaving the definition of an employee unit right in the title it is still defined as a dwelling unit that's restricted on the deed of the property for the continuous occupation. In the title it is still defined as an employee unit. You're deleting 1.c so that it still says no more than 35% of the gross FAR of a principle structure can be an employee unit and then you're deleting the 50% in the IZ. I think that when I went through this I looked at what was being deleted versus what the intent was, but I'm still a little bit confused. I'm concerned that we potentially could not end up worse, but this could be another animal. I would really like to give this some thought. I liked Commissioner Levy's comment about if the concern is single family; call them dwellings, because that's what you're seeing. Limit the size of the single-family dwelling. I understand that we have limited industrial land left. We could see redevelopment of industrial properties. It does seem a little bit inconsistent that back in 2001 we created an employee unit, we maxed the size, we gave bonuses. Now we're not happy as a community with what we're getting?

Tom Leeson –  
We're very happy with the employee units.

Commissioner Meyer –  
You're talking about small residential units. At this point if you take off the deed restriction and you say the residential unit can't be no more than 1,000 square feet in an industrial building.

Tom Leeson –  
Correct. What we will get are more employee units.

Commissioner Hanlen –  
If you build an employee unit then you get the density, but you also get the deed restriction with it. Could we have a dwelling unit that is capped at a maximum size of

12/11/08

**DRAFT**

1,000 square feet and it has nothing to do with any potential density bonus. If somebody wants to elect to build an employee unit then along with the deed restriction comes the bonus square footage. That way we're not conflicting with what an employee unit is. You're still allowed dwelling units to equal up to 50% of all usage, but those are capped with a certain square footage. The intent is still there, because with 4,000 square feet we might end up with 4-5 units instead of 1-2 units.

Jason Peasley –

What you're saying is to put a cap on single family instead of deleting the deed restriction on employee units?

Commissioner Hanlen –

Consider them as two separate things. If someone builds a dwelling unit and say we call it the case of one person buys this unit and they do the tenant finish they have shop space downstairs and a residence upstairs. That would be just considered as a dwelling unit. There's no deed restriction and so no density bonus. If they want to elect to build an employ or employee units on the upper level then along with the bonus comes the deed restriction. We don't even touch the employee unit definition and it just stays as is. The only thing that we address is the residential usage is capped at 50% and the residential unit is capped at 1,000 square feet.

Tom Leeson –

I think that is similar to what Commissioner Levy is saying.

Commissioner Hanlen –

Losing the term single family off of the definition. Dwelling unit stays it seems like a single-family unit is being abused.

Jason Peasley –

That's what we're trying to get at with this change.

Tom Leeson –

I think that it is imperative that we limit the residential side of the IZ to no more than 1,000 square feet.

Commissioner Hanlen –

My point was to simplify the language to where we don't touch the definition of an employee unit. All that we're changing is dwelling unit size in the IZ district. Employee units are all the same no matter what zone district you're building in.

Jason Peasley –

I think that we could do that.

Commissioner Hanlen –

Capped at 50% of the total square footage.

Jason Peasley –

Yes.

12/11/08

**DRAFT**

Commissioner Levy –

I wanted to respond to Mike Kortas's comment about the employee housing. I'm pretty sure that our qualified residences include disabled people. We went through this whole thing with inclusionary zoning. If somebody who is employed becomes disabled is not kicked out of an employee unit.

Tom Leeson –

An employee unit in the CDC doesn't have a qualifying aspect to it as long as you work in Routt County. The deed restriction is based off of income.

Commissioner Levy –

It says or qualified residence as defined by the CDC. I thought that maybe there was some more flexibility.

Tom Leeson –

It is addressed as part of the income.

Commissioner Hanlen –

Going back to the comments from work session regarding the sizes. If we've completely pulled the dwelling unit definition for the IZ district away from the employee unit, and if we could increase the size up to 1,200 square feet based off of the average size of units that occur within the IZ district it seems like by fault you end up with a second story. As opposed to 1,000 square feet with this awkward space left over upstairs. Before it was too convoluted when it was being contained within the employee unit definition. If it's separate then I think that it occurs much simpler now.

Tom Leeson –

Ok.

Commissioner Meyer –

When we change rules the question I have is the concept of grandfathering. What's already built or approved we're not going back and changing approvals. Is there any way to grandfather or deal with the fact that if someone already owns an approved unit we're not effecting or going back and changing?

Tom Leeson –

It won't affect any existing units. The single-family homes that are out there now would become legal nonconforming units. That doesn't change their status.

Commissioner Meyer –

Is there anything they would need to do to register with the city to make sure that everyone knows that those are legal nonconforming? Regardless if we change or not, I just want to make sure for the people in the audience what they would have to do.

Tom Leeson –

We encourage owners of legal nonconforming structures to register them so that we have a record of them. It's not required and there is no fee.

Commissioner Beauregard –

I'm starting to question why we want to protect this industrial land so badly. We're not losing it. It's always going to be zoned industrial. We just happen to be in a market situation where single-family residency is more valuable to people than the industrial status. We might end up with a few with a big garage underneath, but ultimately we will have more residential property. The industrial shift might go back to a priority. Those IZ's haven't changed and we haven't lost them. The value of the industrial lot under these residences will become valuable enough that they will transform back into industrial property.

Tom Leeson –

The transformation back into industrial property could take 50-60 years. To say that we have an underlying zoning and that it will always be industrial is true except what is being built isn't really industrial uses, but is residential uses.

Commissioner Beauregard –

What you're saying is that in the lower level of industrial buildings they're building bedrooms. We're not currently allowing that are we?

Tom Leeson –

No.

Commissioner Levy –

How did the unit like Riverfront Park that was true live/work units with obviously more than a single-family residence on top how did they come through the process?

Tom Leeson –

They don't have more than a single family. Most of those have employee units.

Jason Peasley –

They went through a PUD process as well. They went through the conditional process in order to get some of the employee units larger than 1,000 square feet.

Tom Leeson –

By reducing the size they are all rental units. That's not what we have found out, but instead they are being purchased by the owner and lived in.

Commissioner Levy –

Separately than the unit below?

Tom Leeson –

No, they own it together in most cases.

Commissioner Curtis –

With this proposal you can't separate the employee unit from the industrial?

Tom Leeson –

12/11/08

**DRAFT**

No.

Jason Peasley –  
You can't now and when this goes through.

Commissioner Levy –  
Which is the biggest concern do we need more employee space or are we concerned about the loss of industrial space? If it's the loss of industrial space then maybe we shouldn't allow for 50% of industrial space to be residential.

Tom Leeson –  
It's a combination of both.

Commissioner Levy –  
I believe you, but that doesn't really make for efficient regulation making. Where is staff? Does staff think that allowing a square foot limit of a residential unit is more acceptable than you originally thought?

Tom Leeson –  
There's enough confusion that this needs to be either tabled or denied. If you deny it then it will go to City Council, but I would recommend that you table it since you aren't comfortable enough with it.

Commissioner Meyer –  
In a text amendment we don't have to table it to a date certain. We table it and then when staff is ready to come back we would still then re-notice it, advertise it, and have a discussion with it.

Tom Leeson –  
Correct. What we would probably do is to bring it back to you in a different form at a work session for you.

Commissioner Ernst –  
That makes sense.

Commissioner Levy –  
If it gets tabled does it still go to City Council?

Tom Leeson –  
No.

Commissioner Levy –  
I would think that they would want to put their two cents in.

Tom Leeson –  
I don't think that they want to put their two cents in.

12/11/08

**DRAFT**

**PUBLIC COMMENTS**

Chuck Gaertner–

My unit is 1,500 square feet. My office converts to industrial. The other units in my building are the 25% currently being required. I want to have a little bit of control with what is going on around me. I think that it is very beneficial to have residences as well as houses. If you're industrial then go purely industrial. Don't start changing home ownership and my ability to live where I want to. The current situation is not being reinforced. If you're not enforcing what you have now then don't change it. We are going to allow higher density by having smaller units. We will have massive parking problems since there is the potential for building a lot of smaller units. If these are going to be units that are used for an employer to house his employees then he's going to put as many people in there as he can. If this proposal goes through then you will reduce the value of my home. This is affordable for me. I can't afford a house and my shop on two different properties.

Jason Peasley –

An employee unit means that they're an employee working within the county and not necessarily at that shop.

Mike Kortas –

What's the problem with what we have? They want to get rid of owner occupied units. Some changes are initiated by actual residences in the district and others are by the government. Have there been any safety or health issues? Does the existing code provide any negative impacts to the City? I have lived in a single-family unit larger than 1,000 square feet in my masonry shop. If I didn't live in this unit then I would have to drive to my work and create more traffic and fuel consumption than we already have. Do we want less fuel consumption and less traffic? Live/work units are a great benefit to our community. To live in 1,000 square foot home with my family would not be very practical. This proposed down zoning will lower property values. A 2,000 square foot home in an IZ will always be more affordable. The city should do all that it can to encourage business entrepreneurship and not to change existing codes that discourage business operations. If the way the existing code states under an employee unit if I become disabled then I would have to leave my employee unit. If you own a business and you're not actively working at your business then you would have to leave your employee unit.

Jason Peasley –

We're proposing to remove the deed restriction. There would be no recorded deed restriction to the unit. The situation that you're talking about wouldn't be an issue.

Jill Brabec –

I don't see that this proposal solves the problem that we're having with the residential and industrial usage. The live/work concept of having 1,000 square foot cap does not make it practical for an owner with a family to live comfortably. This really doesn't make it practical. You have a language problem with removing the deed restriction from these employee units.

Theo Dexter –

12/11/08

**DRAFT**

I hope to purchase a live/work home. I would like one that is a stand-alone and not a long condo with neighbors. Please try to encourage the use for those who want to live/work there.

**FINAL APPLICANT COMMENTS**

**FINAL STAFF COMMENTS**

**RECOMMENDED MOTION:**

**MOTION**

Commissioner Hanlen moved to table the proposed text amendment regarding the IZ use TXT-08-04 and Commissioner Levy seconded the motion.

Discussion on this agenda item concluded at approximately 10:05 p.m.



**CITY OF STEAMBOAT SPRINGS, COLORADO**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING CHAPTER 26 OF THE STEAMBOAT SPRINGS REVISED MUNICIPAL CODE TO ALLOW FOR DECKS, COVERED PORCHES AND OTHER SIMILAR APPURTENANCES TO ENCROACH ONTO COMMON AREA ESTABLISHED BY CONDOMINIUM OR TOWNHOME SUBDIVISION BY AMENDING DIMENSIONAL STANDARDS SEC. 26-132, STANDARDS FOR ALL SUBDIVISIONS SEC. 26-183 AND DEFINITIONS SEC. 26-402.**

**WHEREAS**, the City Council adopted the revised Community Development Code as Ordinance #1802 on July 23, 2001; and

**WHEREAS**, the City of Steamboat Springs committed to a regular, ongoing review of the Community Development Code so that the provisions contained therein are relevant and applicable to the community at any given point in time; and

**WHEREAS**, the City Council has determined that decks, covered porches and other similar appurtenances are ancillary structures that can be easily constructed or altered without significant alterations to the primary structure.

**WHEREAS**, the City Council has determined that it is necessary and proper to revise the allow for decks, covered porches and other similar appurtenances to encroach onto common area established by condominium or townhome subdivisions, with the consent of the owner(s) of the common area;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STEAMBOAT SPRINGS, COLORADO:**

Section 1. Sec 26-132 Dimensional Standards shall be amended as follows:

**Sec. 26-132. Dimensional Standards.**

(a) *Exemptions*

(1) *Height Limitations*

a. The following building appurtenances of a greater height than otherwise permitted in a zone district are permitted upon

proof that the appurtenances do not, in aggregate, cover more than ten (10) percent of the total roof area of a building and the height of appurtenance does not exceed fifty (50) percent of the maximum height of a building. Appurtenances may include, but are not limited to:

1. Architectural features including but not limited to: domes, cupolas, and spires;
2. Monuments;
3. Mechanical appurtenances provided they are screened from view; and
4. Parapet walls provided they do not exceed four (4) feet.

(2) *Encroachments into setback areas.* The following improvements and features are permitted in setbacks:

a. *Building features.* Eaves and gutters provided that such projections do not project more than three (3) feet, measured horizontally into a required setback area. Decks of thirty (30) inches or less in height may encroach into any setback area without obtaining a variance. In no case shall a deck encroach onto an adjacent property. **Decks, covered porches and other similar appurtenances may encroach onto adjacent common elements (as defined in C.R.S. 38-33.3-101) established in a townhome or condominium subdivision with the consent of (i) the owners association organized to govern such subdivision, if authorized under the subdivision's governing documents or (ii) the owner(s) of the common elements.**

b. *Site improvements.* Public improvements such as utilities, sidewalks, trails and public streets shall be allowed to encroach into setbacks. Private improvements such as utilities, driveways, landscaping, and parking lots, shall be allowed to encroach into setbacks provided they meet all other CDC standards.

Section 2. Sec 26-183 Standards for all subdivision shall be amended as follows:

**Sec. 26-183 Standards for all subdivisions**

(a) *Lots.* No subdivision shall be approved that does not create a legal building site meeting all applicable requirements of the CDC and the applicable zone district unless modified by a development plan variance, preliminary plat variance or PUD.

- (1) For the purpose of calculating individual lot size, public rights-of-way, and private street easements shall not be included.
- (2) A street shall not divide a subdivided lot.
- (3) All lots shall meet or exceed the minimum lot size required by the zone district in which they are located.
- (4) The overall length of a lot shall not exceed five (5) times the width of the lot.
- (5) Lots with two (2) or more sides surrounded by a public or private street are required to have a minimum lot size and useable lot area at least fifteen (15) percent larger than the minimums established for the zone district.
- (6) Remnant parcels with less than the required minimum lot size shall be prohibited unless dedicated to, and accepted by the city as an easement, tract, open space, or other similar public purpose consistent with the requirements of subsection 26-183(e) regarding dedications.
- (7) Lot lines shall be within fifteen (15) degrees of perpendicular to the street or within fifteen degrees (15) degrees of radial to the street on lots with average slopes less than fifteen (15) percent.
- (8) Each lot shall have a contiguous useable lot area equal to or greater than the maximum lot coverage, as multiplied by the minimum lot area for the zone district in which it is located. (For example, if the maximum lot coverage for the zone district is thirty-five (35) percent and the minimum lot area for the zone district is one acre, then the lot shall have at least a minimum contiguous useable lot area of thirty-five (35) percent of one acre.) When a lot has areas of land that do not meet the definition of useable lot

area, building envelopes shall be established on that lot that include only those areas of land that do meet the useable lot area definition. Exceptions to the building envelope portion of this provision shall be allowed only in the following circumstance:

- a. The useable land area on the lot is not appropriate for development due to geologic/soils instability, impacts to environmentally sensitive areas, inability to provide basic utilities to that portion of the site, vehicular access, or visual site sensitivity and overall disturbance of the site from excessive cut or fill. This determination shall be made by the director and the director of public works based upon documentation provided by the applicant.
- (9) Aggregated lots under common ownership shall not be further divided or separated without approval of a subdivision in accordance with this article and section 26-68 final plat.
- (10) Lots must be aggregated by means of a lot line elimination or final plat in accordance with this article, and section 26-68, final plat, or section 26-80, lot line elimination.
- (11) Building across lot lines is prohibited, **with the exception of decks, covered porches and other similar appurtenances may encroach onto adjacent common elements (as defined in C.R.S. 38-33.3-101) established in a townhome or condominium subdivision with the consent of (i) the owners association organized to govern such subdivision, if authorized under the subdivision's governing documents or (ii) the owner(s) of the common elements.** Previously aggregated lots shall be replatted in accordance with this article and section 26-68, final plat, or section 26-80, lot line elimination, concurrent with a request for approval of any land use, subdivision, or site development application.

Section 3. Sec 26-402 Definition and use criteria shall be amended as follows:

**Sec. 26-402. Definition and use criteria**

*Deck.* A floored outdoor area, typically elevated above grade and adjoining a structure. Decks below thirty (30) inches in height, as

measured from finished grade to the top of the deck floor surface from any point five (5) feet out from deck may encroach into a setback without having to obtain a minor adjustment or variance. In no case shall a deck of any height encroach onto adjacent property. **Decks, covered porches and other similar appurtenances may encroach onto adjacent common elements (as defined in C.R.S. 38-33.3-101) established in a townhome or condominium subdivision with the consent of (i) the owners association organized to govern such subdivision, if authorized under the subdivision's governing documents or (ii) the owner(s) of the common elements.**

Section 4. All ordinances heretofore passed and adopted by the City Council of the City of Steamboat Springs, Colorado, are hereby repealed to the extent that said ordinances, or parts, thereof, are in conflict herewith.

Section 5. If any section, subsection, clause, phrase or provision of this Ordinance is, or the application thereof to any person or circumstance, shall to any extent, be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases and provisions of this Ordinance, or the application thereof to any person or circumstance, shall remain in full force and shall in no way be affected, impaired or invalidated.

Section 6. The City Council hereby finds, determines and declares that this Ordinance is necessary for the immediate preservation of the public peace, health and safety.

Section 7. This Ordinance shall take effect immediately upon the expiration of five (5) days from and after its publication following final passage, as provided in Section 7.6 (h) of the Steamboat Springs Home Rule Charter.

**INTRODUCED, READ, AND ORDERED PUBLISHED**, as provided by law, by the City Council of the City of Steamboat Springs, at its regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
**Paul Antonucci, President  
Steamboat Springs City Council**

**ATTEST:**

\_\_\_\_\_  
**Julie Franklin, CMC  
Interim City Clerk**

**FINALLY READ, PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
**Paul Antonucci, President  
Steamboat Springs City Council**

**ATTEST:**

\_\_\_\_\_  
**Julie Franklin, CMC  
Interim City Clerk**

## **AGENDA ITEM # 14**

### **City Council Updates**

A report will be provided at the meeting.

# AGENDA ITEM # 15a1

\*\*\*\*\*TENTATIVE AGENDA FOR TUESDAY, FEBRUARY 3, 2009\*\*\*\*\*

This agenda is tentative and the information is subject to change until the agenda is finalized.

## CITY OF STEAMBOAT SPRINGS

### AGENDA

REGULAR MEETING NO. 2009-04  
TUESDAY, FEBRUARY 3, 2009

5:00 P.M.

**MEETING LOCATION:** Citizens' Meeting Room, Centennial Hall;  
124 10<sup>th</sup> Street, Steamboat Springs, CO

**MEETING PROCEDURE:** Comments from the Public are welcome at two different times during the course of the meeting: 1) Comments no longer than three (3) minutes on items **not** scheduled on the Agenda will be heard under Public Comment; and 2) Comments no longer than three (3) minutes on all scheduled public hearing items will be heard **following** the presentation by Staff or the Petitioner. Please wait until you are recognized by the Council President. With the exception of subjects brought up during Public Comment, on which no action will be taken or a decision made, the City Council may take action on, and may make a decision regarding, ANY item referred to in this agenda, including, without limitation, any item referenced for "review", "update", "report", or "discussion". It is City Council's goal to adjourn all meetings by 10:00 p.m.

A City Council meeting packet is available for public review in the lobby of City Hall, 137 10<sup>th</sup> Street, Steamboat Springs, CO.

**PUBLIC COMMENT: Public Comment will be provided at 7 p.m., or at the end of the meeting, (whichever comes first).** CITY COUNCIL WILL MAKE NO DECISION NOR TAKE ACTION, EXCEPT TO DIRECT THE CITY MANAGER. **THOSE ADDRESSING CITY COUNCIL ARE REQUESTED TO IDENTIFY THEMSELVES BY NAME AND ADDRESS. ALL COMMENTS SHALL NOT EXCEED THREE MINUTES.**

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#### A. ROLL CALL

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#### 1. INTERVIEWS: HPAC and Parks and Recreation Commission.

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#### 2. Community Reports

- a. **Annexation Update: Steamboat 700 & 360 Village.**  
(Eastman/ Peasley)



**b. Vision 2030 Update. (tentative)**

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**C. CONSENT CALENDAR: RESOLUTIONS AND ORDINANCES FIRST READINGS**

**LEGISLATION**

ITEMS ON THE CONSENT CALENDAR GENERALLY REQUIRE LITTLE COUNCIL DELIBERATION AND MAY BE APPROVED WITH A SINGLE MOTION. ANY MEMBER OF THE COUNCIL OR THE PUBLIC MAY WITHDRAW ANY ITEM FROM THE CONSENT CALENDAR FOR FURTHER DISCUSSION AT ANY TIME PRIOR TO APPROVAL.

**3. FIRST READING OF ORDINANCE:**

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**D. PUBLIC HEARING: ORDINANCE SECOND READINGS**

THE CITY COUNCIL PRESIDENT OR PRESIDENT PRO-TEM WILL READ EACH ORDINANCE TITLE INTO THE RECORD. PUBLIC COMMENT WILL BE PROVIDED FOR EVERY ORDINANCE.

**4. SECOND READING OF ORDINANCE:**

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**E. PUBLIC COMMENT: Public Comment will be provided at 7 p.m., or at the end of the meeting, (whichever comes first).** CITY COUNCIL WILL MAKE NO DECISION NOR TAKE ACTION, EXCEPT TO DIRECT THE CITY MANAGER. **THOSE ADDRESSING CITY COUNCIL ARE REQUESTED TO IDENTIFY THEMSELVES BY NAME AND ADDRESS. ALL COMMENTS SHALL NOT EXCEED THREE MINUTES.**

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**PLANNING PROJECTS**

**F. PLANNING COMMISSION REPORT**

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**G. CONSENT CALENDAR - PLANNING COMMISSION REFERRALS**

**5. FIRST READING OF ORDINANCE:** Thunderhead zoning map amendment. (Spence)

**6. PROJECT:**  
PETITION:  
LOCATION:  
APPLICANT:  
PLANNING COMMISSION VOTE:

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**\*\*\*\*\*TENTATIVE AGENDA FOR TUESDAY, FEBRUARY 3, 2009\*\*\*\*\***  
This agenda is tentative and the information is subject to change until the agenda is finalized.

## **H. PUBLIC HEARING – PLANNING COMMISSION REFERRALS**

### **PUBLIC HEARING FORMAT:**

- **Presentation by the Petitioner (estimated at 15 minutes). Petitioner to state name and residence address/location.**
- **Presentation by the Opposition.** Same guidelines as above.
- **Public Comment by individuals (not to exceed 3 minutes). Individuals to state name and residence address/location.**
- **City staff to provide a response.**

- 7. SECOND READING OF ORDINANCE:** Historic Preservation. (Leeson)
- 8. SECOND READING OF ORDINANCE:** Secondary Unit. (Leeson)
- 9. SUBSTANTIAL COMPLIANCE HEARING: Steamboat 700 Annexation.**

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## **I. REPORTS**

### **10. City Council**

#### **INTRODUCTION OF TOPICS FOR FUTURE WORK SESSION AGENDAS:**

a. **City Council Introduction and Discussion:**

*Any Council Member may request discussion of any issue. Items cannot be added for action at this meeting.*

b. **City Staff Introduction and Discussion:**

*Any staff member may request discussion of any issue at a future meeting only. Items cannot be added for action at this meeting. Staff will forward a specific request, stating the issue, anticipated outcome, time frame and requested direction from a majority of the Council.*

### **11. Reports**

- a. Agenda Review (Franklin):
  - 1.) City Council agenda for February 10 and 17, 2009. (Franklin)
  - 2.) SSRA agenda for February 10, 2009. (Franklin)
  - 3.) LLA agenda for February 10, 2009. (Franklin)
- b. Staff Reports
- c. City Attorney's Update/ Report. (Lettunich)
- d. Manager's Report: Ongoing Projects. (DuBord)
  - 1.) Update on Iron Horse (Engelken)

**\*\*\*\*\*TENTATIVE AGENDA FOR TUESDAY, FEBRUARY 3, 2009\*\*\*\*\***  
This agenda is tentative and the information is subject to change until the agenda is finalized.

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**J. OLD BUSINESS**

**12. Minutes**

- a. Regular Meeting 2009-01, January 6, 2009. (Franklin)
  - b. Regular Meeting 2009-02, January 13, 2009. (Franklin)
  - c. Regular Meeting 2009-03, January 20, 2009. (Franklin)
- 

**K. ADJOURNMENT**

**BY: JULIE FRANKLIN, CMC**  
**INTERIM CITY CLERK**

# AGENDA ITEM # 15a2

\*\*\*\*\*TENTATIVE AGENDA FOR TUESDAY, FEBRUARY 10, 2009\*\*\*\*\*

This agenda is tentative and the information is subject to change until the agenda is finalized.

## CITY OF STEAMBOAT SPRINGS AGENDA REGULAR MEETING NO. 2009-05 TUESDAY, FEBRUARY 10, 2009 5:00 P.M.

**WORKSESSION MEETING LOCATION:** Citizens' Meeting Room, Centennial Hall; 124 10<sup>th</sup> Street, Steamboat Springs, CO

**WORKSESSION MEETING PROCEDURE:** Comments from the Public are welcome at two different times during the course of the work session meeting: 1) Comments no longer than three (3) minutes on items **not** scheduled on the Agenda will be heard under Public Comment; and 2) Comments no longer than three (3) minutes on all scheduled work session meeting items will be heard **following** the presentation or the internal deliberation. Please wait until you are recognized by the Council President. With the exception of subjects brought up during Public Comment, on which no action will be taken or a decision made, the City Council may take action on, and may make a decision regarding, ANY item referred to in this agenda, including, without limitation, any item referenced for "review", "update", "report", or "discussion". It is City Council's goal to adjourn all meetings by 9:00 p.m.

A City Council work session meeting packet is available for public review in the lobby of City Hall, 137 10<sup>th</sup> Street, Steamboat Springs, CO.

**PUBLIC COMMENT: Public Comment will be provided at 7 p.m., or at the end of the meeting, whichever comes first.** CITY COUNCIL WILL MAKE NO DECISION NOR TAKE ACTION, EXCEPT TO DIRECT THE CITY MANAGER. **THOSE ADDRESSING CITY COUNCIL ARE REQUESTED TO IDENTIFY THEMSELVES BY NAME AND ADDRESS. ALL COMMENTS SHALL NOT EXCEED THREE MINUTES.**

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**A. ROLL CALL (5:00 P.M.)**

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**B. CITY COUNCIL REVIEW TOPIC**  
**1. Affordable Housing: Council policies and philosophy.**

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**C. ADJOURNMENT**

**BY: JULIE FRANKLIN, CMC  
INTERIM CITY CLERK**

# **AGENDA ITEM # 15a3**

## **STEAMBOAT SPRINGS REDEVELOPMENT AUTHORITY AGENDA**

**MEETING NO. SSRA-2009-01  
TUESDAY, February 10, 2009  
4:00-5:00 P.M.**

**MEETING LOCATION:** Citizens' Meeting Room, Centennial Hall;  
124 10<sup>th</sup> Street, Steamboat Springs, CO

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**A. ROLL CALL (4:00 P.M.)**

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**B. BASE AREA REDEVELOPMENT**

- 1.
  - 2.
  - 3.
  - 4.
  - 5.
  - 6.
  - 7.
  - 8.
  - 9.
  - 10.
- 

**C. APPROVAL OF MINUTES**

**11. MINUTES**

Steamboat Springs Redevelopment Authority Regular Meeting  
SSRA-2009-01, January 20, 2009.

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**D. ADJOURNMENT (5:00 P.M.)**

**BY: JULIE FRANKLIN  
INTERIM CLERK TO THE BOARD**

## **AGENDA ITEM # 15b**

### **Staff Reports**

There are no staff reports scheduled for this meeting.

**AGENDA ITEM # 15c**

**City Attorney's Report**

A report will be provided at the meeting.

## **AGENDA ITEM # 15d**

### **City Manager's Report**

A report will be provided at the meeting.



# AGENDA ITEM # 16a

CITY OF STEAMBOAT SPRINGS

SPECIAL MEETING NO. SP-2008-18

TUESDAY, DECEMBER 4, 2008

## MINUTES

Mr. Loui Antonucci, City Council President, called Special Meeting No. SP-2008-18 of the Steamboat Springs City Council to order at 12:25 pm, Tuesday, December 4, 2008, in Centennial Hall, Steamboat Springs, Colorado.

City Council Members present: Loui Antonucci, Cari Hermacinski, Meg Bentley, Steve Ivancie, Walter Magill, Scott Myller and Jon Quinn.

Staff Members present: Julie Franklin, Interim City Clerk; and John Thrasher, Human Resources.

**NOTE: All documents distributed at the City Council meeting are on file in the Office of the City Clerk.**

### **CITY COUNCIL REVIEW TOPIC**

- 1. City Manager Search meeting with Phil McKenney and Roger Good.**

**EXECUTIVE SESSION:** To discuss the topics set forth below. The specific citation to the provision or provisions of C.R.S. §24-6-402, subsection (4) that authorize(s) the City Council to meet in an executive session are also set forth below. The stated topic identifies the particular matter to be discussed in as much detail as possible without compromising the purpose for which the executive session is authorized.

- a. This discussion is authorized under the following provisions:

For discussion of a personnel matter under C.R.S. Section 24-6-402(2)(f) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees.

**MOTION:** City Council President Pro-Tem Hermacinski moved and Council Member Myller seconded to adjourn Special Meeting No. SP-2008-18 at

**STEAMBOAT SPRINGS CITY COUNCIL MINUTES  
SPECIAL MEETING SP-2008-18  
December 4, 2008**

approximately 12:25pm to go into Executive Session for the reasons set forth above. The motion carried 7/0.

**MOTION:** Council Member Bentley moved and City Council President Pro-Tem Hermacinski seconded to come out of Executive Session and reconvene the Special Meeting SP-2008-18 at approximately 2:00pm. The motion carried 7/0.

Persons attending the Executive Session: Loui Antonucci, Meg Bentley, Steve Ivancie, Walter Magill, Scott Myller, Jon Quinn, Tony Lettunich, John Thrasher, Phil McKenney, Roger Good, Bart Kounovsky, Reed Morris, Rob Mitchell, Rich Tremaine (ex-officio), Steve Dawes, and Robbie Shine.

City Council President Antonucci noted for the record, that if any person who participated in the executive session believes that any substantial discussion of matters not included in the motion to go into the executive session occurred during the executive session, or that any improper action occurred during the executive session in violation of the Open Meetings Law, that person should state his/her concerns for the record.

No concerns were indicated.

**ADJOURNMENT**

**MOTION:** Council Member Bentley moved and City Council President Pro-Tem Hermacinski seconded to adjourn Special Meeting SP-2008-18 at approximately 2:00pm. The motion carried 7/0.

**MINUTES PREPARED, REVIEWED AND RESPECTFULLY SUBMITTED BY:**

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Julie Franklin, CMC  
Interim City Clerk

**APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2008.**

# AGENDA ITEM # 16b

CITY OF STEAMBOAT SPRINGS

SPECIAL MEETING NO. SP-2008-19

TUESDAY, DECEMBER 10, 2008

## MINUTES

Mr. Loui Antonucci, City Council President, called Special Meeting No. SP-2008-19 of the Steamboat Springs City Council to order at 8:00 am, Tuesday, December 10, 2008, in Centennial Hall, Steamboat Springs, Colorado.

City Council Members present: Loui Antonucci, Cari Hermacinski, Meg Bentley, Steve Ivancie, Walter Magill, Scott Myller and Jon Quinn.

Staff Members present: Julie Franklin, Interim City Clerk; and John Thrasher, Human Resources.

**NOTE: All documents distributed at the City Council meeting are on file in the Office of the City Clerk.**

### CITY COUNCIL REVIEW TOPIC

#### 1. Joint Meeting with Phil McKenney.

**EXECUTIVE SESSION:** To discuss the topics set forth below. The specific citation to the provision or provisions of C.R.S. §24-6-402, subsection (4) that authorize(s) the City Council to meet in an executive session are also set forth below. The stated topic identifies the particular matter to be discussed in as much detail as possible without compromising the purpose for which the executive session is authorized.

- a. To interview candidates for the position of City Manager and to discuss those interviews, which action is authorized under the following provisions:

Section 24-6-402(4)(c) Colorado Revised Statutes, which permits executive sessions for matters required to be kept confidential by federal or state law or rules and regulations. The local public body shall announce the specific citation of the statutes or rules that are the basis for such confidentiality before holding the executive session.

The specific citations that form the basis for the confidentiality are § 24-6-402(3.5) and § 24-72-204(3)(a)(XI), which protect the

**STEAMBOAT SPRINGS CITY COUNCIL MINUTES**  
**SPECIAL MEETING SP-2008-19**  
**December 10, 2008**

identity and applications of all applicants who are not "finalists" as that term is defined in the state statute.

City Manager interviews:

8:00am-11:00am: Interview.

11:00am-2:00pm: Interview.

*2:00pm-2:30pm: Lunch.*

2:30pm-5:30pm: Interview.

**MOTION:** City Council President Pro-Tem Hermacinski moved and Council Member Myller seconded to adjourn Special Meeting No. SP-2008-19 at approximately 8:15am to go into Executive Session for the reasons set forth above. The motion carried 7/0.

**MOTION:** Council Member Bentley moved and City Council President Pro-Tem Hermacinski seconded to come out of Executive Session and reconvene the Special Meeting SP-2008-18 at approximately 6:00pm. The motion carried 7/0.

Persons attending the Executive Session: Loui Antonucci, Cari Hermacinski, Meg Bentley, Steve Ivancie, Walter Magill, Scott Myller, Jon Quinn, John Thrasher, and Roger Good.

City Council President Antonucci noted for the record, that if any person who participated in the executive session believes that any substantial discussion of matters not included in the motion to go into the executive session occurred during the executive session, or that any improper action occurred during the executive session in violation of the Open Meetings Law, that person should state his/her concerns for the record.

No concerns were indicated.

**ADJOURNMENT**

**MOTION:** Council Member Bentley moved and City Council President Pro-Tem Hermacinski seconded to adjourn Special Meeting SP-2008-19 at approximately 6:00pm. The motion carried 7/0.

**STEAMBOAT SPRINGS CITY COUNCIL MINUTES  
SPECIAL MEETING SP-2008-19  
December 10, 2008**

**MINUTES PREPARED, REVIEWED AND RESPECTFULLY SUBMITTED BY:**

\_\_\_\_\_  
Julie Franklin, CMC  
Interim City Clerk

**APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2008.**

# AGENDA ITEM # 16c

CITY OF STEAMBOAT SPRINGS

SPECIAL MEETING NO. SP-2008-20

TUESDAY, DECEMBER 11, 2008

## MINUTES

Mr. Loui Antonucci, City Council President, called Special Meeting No. SP-2008-20 of the Steamboat Springs City Council to order at 8:00 am, Tuesday, December 11, 2008, in Centennial Hall, Steamboat Springs, Colorado.

City Council Members present: Loui Antonucci, Cari Hermacinski, Meg Bentley, Steve Ivancie, Walter Magill, Scott Myller and Jon Quinn.

Staff Members present: Julie Franklin, Interim City Clerk; and John Thrasher, Human Resources.

**NOTE: All documents distributed at the City Council meeting are on file in the Office of the City Clerk.**

### **CITY COUNCIL REVIEW TOPIC**

#### **1. Joint Meeting with Phil McKenney.**

**EXECUTIVE SESSION:** To discuss the topics set forth below. The specific citation to the provision or provisions of C.R.S. §24-6-402, subsection (4) that authorize(s) the City Council to meet in an executive session are also set forth below. The stated topic identifies the particular matter to be discussed in as much detail as possible without compromising the purpose for which the executive session is authorized.

a. To interview candidates for the position of City Manager and to discuss those interviews, which action is authorized under the following provisions:

Section 24-6-402(4)(c) Colorado Revised Statutes, which permits executive sessions for matters required to be kept confidential by federal or state law or rules and regulations. The local public body shall announce the specific citation of the statutes or rules that are the basis for such confidentiality before holding the executive session.

The specific citations that form the basis for the confidentiality are § 24-6-402(3.5) and § 24-72-204(3)(a)(XI), which protect the

**STEAMBOAT SPRINGS CITY COUNCIL MINUTES  
SPECIAL MEETING SP-2008-20  
December 11, 2008**

identity and applications of all applicants who are not "finalists" as that term is defined in the state statute.

City Manager interviews:

8:00am-11:00am: Interview.

11:00am-2:00pm: Interview.

*2:00pm-2:30pm: Lunch.*

2:30pm-5:30pm: Interview.

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**MOTION:** City Council President Pro-Tem Hermacinski moved and Council Member Myller seconded to adjourn Special Meeting No. SP-2008-20 at approximately 8:15am to go into Executive Session for the reasons set forth above. The motion carried 7/0.

**MOTION:** Council Member Bentley moved and City Council President Pro-Tem Hermacinski seconded to come out of Executive Session and reconvene the Special Meeting SP-2008-20 at approximately 6:00pm. The motion carried 7/0.

Persons attending the Executive Session: Loui Antonucci, Cari Hermacinski, Meg Bentley, Steve Ivancie, Walter Magill, Scott Myller, Jon Quinn, John Thrasher, and Roger Good.

City Council President Antonucci noted for the record, that if any person who participated in the executive session believes that any substantial discussion of matters not included in the motion to go into the executive session occurred during the executive session, or that any improper action occurred during the executive session in violation of the Open Meetings Law, that person should state his/her concerns for the record.

No concerns were indicated.

**C. ADJOURNMENT**

**MOTION:** Council Member Bentley moved and City Council President Pro-Tem Hermacinski seconded to adjourn Special Meeting SP-2008-20 at approximately 5:45pm. The motion carried 7/0.

**STEAMBOAT SPRINGS CITY COUNCIL MINUTES  
SPECIAL MEETING SP-2008-20  
December 11, 2008**

**MINUTES PREPARED, REVIEWED AND RESPECTFULLY SUBMITTED BY:**

\_\_\_\_\_  
Julie Franklin, CMC  
Interim City Clerk

**APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2008.**



# AGENDA ITEM # 16d

CITY OF STEAMBOAT SPRINGS

SPECIAL MEETING NO. SP-2008-21

TUESDAY, DECEMBER 12, 2008

## MINUTES

Mr. Loui Antonucci, City Council President, called Special Meeting No. SP-2008-21 of the Steamboat Springs City Council to order at 2:00 pm, Tuesday, December 12, 2008, in Centennial Hall, Steamboat Springs, Colorado.

City Council Members present: Loui Antonucci, Cari Hermacinski, Meg Bentley, Steve Ivancie, Walter Magill, Scott Myller and Jon Quinn.

Staff Members present: Anthony B. Lettunich, City Attorney; Julie Franklin, Interim City Clerk; John Thrasher, Human Resources.

**NOTE: All documents distributed at the City Council meeting are on file in the Office of the City Clerk.**

### **CITY COUNCIL REVIEW TOPIC**

#### **1. Joint Meeting with the City Manager Search Committee.**

**EXECUTIVE SESSION:** To discuss the topics set forth below. The specific citation to the provision or provisions of C.R.S. §24-6-402, subsection (4) that authorize(s) the City Council to meet in an executive session are also set forth below. The stated topic identifies the particular matter to be discussed in as much detail as possible without compromising the purpose for which the executive session is authorized.

- a. To review and discuss the results of the candidate interviews for the position of City Manager, which action is authorized under the following provisions:

Section 24-6-402(4)(c) Colorado Revised Statutes, which permits executive sessions for matters required to be kept confidential by federal or state law or rules and regulations. The local public body shall announce the specific citation of the statutes or rules that are the basis for such confidentiality before holding the executive session.

The specific citations that form the basis for the confidentiality are § 24-6-402(3.5) and § 24-72-204(3)(a)(XI), which protect the

**STEAMBOAT SPRINGS CITY COUNCIL MINUTES  
SPECIAL MEETING SP-2008-21  
December 12, 2008**

identity and applications of all applicants who are not "finalists" as that term is defined in the state statute.

**MOTION:** City Council President Pro-Tem Hermacinski moved and Council Member Myller seconded to adjourn Special Meeting No. SP-2008-21 at approximately 2:00pm to go into Executive Session for the reasons set forth above. The motion carried 7/0.

**MOTION:** Council Member Bentley moved and City Council President Pro-Tem Hermacinski seconded to come out of Executive Session and reconvene the Special Meeting SP-2008-21 at approximately 4:30pm. The motion carried 7/0.

Persons attending the Executive Session: Loui Antonucci, Meg Bentley, Steve Ivancie, Walter Magill, Scott Myller, Jon Quinn, Tony Lettunich, John Thrasher, Phil McKenney (via phone), Roger Good, Bart Kounovsky, Reed Morris, Rob Mitchell, Rich Tremaine (ex-officio), Steve Dawes, and Robbie Shine.

City Council President Antonucci noted for the record, that if any person who participated in the executive session believes that any substantial discussion of matters not included in the motion to go into the executive session occurred during the executive session, or that any improper action occurred during the executive session in violation of the Open Meetings Law, that person should state his/her concerns for the record.

No concerns were indicated.

**ADJOURNMENT**

**MOTION:** Council Member Bentley moved and City Council President Pro-Tem Hermacinski seconded to adjourn Special Meeting SP-2008-21 at approximately 4:30pm. The motion carried 7/0.

**MINUTES PREPARED, REVIEWED AND RESPECTFULLY SUBMITTED BY:**

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Julie Franklin, CMC  
Interim City Clerk

**APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2008.**

# AGENDA ITEM # 16e

CITY OF STEAMBOAT SPRINGS

SPECIAL MEETING NO. SP-2008-22

TUESDAY, DECEMBER 15, 2008

## MINUTES

Mr. Loui Antonucci, City Council President, called Special Meeting No. SP-2008-22 of the Steamboat Springs City Council to order at 3:00 pm, Tuesday, December 15, 2008, in Centennial Hall, Steamboat Springs, Colorado.

City Council Members present: Loui Antonucci, Cari Hermacinski, Meg Council Member Bentley, Steve Ivancie, Walter Magill, and Scott Myller. Jon Quinn was absent.

Staff Members present: Julie Franklin, Interim City Clerk; and John Thrasher, Human Resources.

**NOTE: All documents distributed at the City Council meeting are on file in the Office of the City Clerk.**

### **CITY COUNCIL REVIEW TOPIC**

#### **1. Joint Meeting with Phil McKenney.**

**EXECUTIVE SESSION:** To discuss the topics set forth below. The specific citation to the provision or provisions of C.R.S. §24-6-402, subsection (4) that authorize(s) the City Council to meet in an executive session are also set forth below. The stated topic identifies the particular matter to be discussed in as much detail as possible without compromising the purpose for which the executive session is authorized.

- a. To interview candidates for the position of City Manager and to discuss those interviews, which action is authorized under the following provisions:

Section 24-6-402(4)(c) Colorado Revised Statutes, which permits executive sessions for matters required to be kept confidential by federal or state law or rules and regulations. The local public body shall announce the specific citation of the statutes or rules that are the basis for such confidentiality before holding the executive session.

The specific citations that form the basis for the confidentiality are § 24-6-402(3.5) and § 24-72-204(3)(a)(XI), which protect the

**STEAMBOAT SPRINGS CITY COUNCIL MINUTES  
SPECIAL MEETING SP-2008-22  
December 15, 2008**

identity and applications of all applicants who are not "finalists" as that term is defined in the state statute.

City Manager interview:

3:00pm-5:00pm: Interview.

**MOTION:** Council Member Ivancie moved and Council Member Magill seconded to adjourn Special Meeting No. SP-2008-22 at approximately 3:00pm to go into Executive Session for the reasons set forth above. The motion carried 6/0. Council Member Quinn was absent.

**MOTION:** Council Member Bentley moved and City Council President Pro-Tem Hermacinski seconded to come out of Executive Session and reconvene the Special Meeting SP-2008-22 at approximately 5:00pm. The motion carried 6/0. Council Member Quinn was absent.

Persons attending the Executive Session: Loui Antonucci, Meg Bentley, Steve Ivancie, Walter Magill, Scott Myller, John Thrasher, and Roger Good.

City Council President Antonucci noted for the record, that if any person who participated in the executive session believes that any substantial discussion of matters not included in the motion to go into the executive session occurred during the executive session, or that any improper action occurred during the executive session in violation of the Open Meetings Law, that person should state his/her concerns for the record.

No concerns were indicated.

**ADJOURNMENT**

**MOTION:** Council Member Bentley moved and City Council President Pro-Tem Hermacinski seconded to adjourn Special Meeting SP-2008-22 at approximately 5:00pm. The motion carried 6/0. Council Member Quinn was absent.

**STEAMBOAT SPRINGS CITY COUNCIL MINUTES  
SPECIAL MEETING SP-2008-22  
December 15, 2008**

**MINUTES PREPARED, REVIEWED AND RESPECTFULLY SUBMITTED BY:**

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Julie Franklin, CMC  
Interim City Clerk

**APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2008.**