

CITY OF STEAMBOAT SPRINGS

AGENDA

REGULAR MEETING NO. 2009-10 TUESDAY, APRIL 7, 2009

5:00 P.M.

MEETING LOCATION: Citizens' Meeting Room, Centennial Hall;
124 10th 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 10th 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.**

A. ROLL CALL

B. PROCLAMATIONS AND RECOGNITIONS:

- 1. Month of the Young Child.** (Franklin)

C. COMMUNITY REPORTS/COUNCIL DISCUSSION TOPICS:

2. **Joint Meeting with the Rural Fire Protection District. (30 minutes)**
 3. **Annexation Update: Steamboat 700 & 360 Village.**
(Eastman/ Peasley) **(30 minutes)**
 4. **West Steamboat Springs build-out discussion (1.5 hours).**
(Eastman)
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D. 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.**

5. **PROJECT: Ski Hill Subdivision, Parcel D. (Thunderhead)**

PETITION: Final development plan application for two condo/hotel buildings with 100 residential units, seven commercial/retail units, and associates improvements within the proposed 390,112 square feet of floor area. The applicant is requesting a height variance for Building A.

LOCATION: Ski Hill Subdivision, Parcel D.

APPLICANT: The Atira Group, P.O. Box 880639, Steamboat Springs, CO; 970-870-9800.

PLANNING COMMISSION VOTE: Approved 5-1 on 1/22/09.

This item was postponed from the February 17, 2009 City Council meeting.

E. CONSENT CALENDAR: MOTIONS, 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

6. **MOTION:** Motion to approve the 2009 Contract between the City and the Steamboat Springs Chamber Resort Association for marketing services. (Lettunich)

7. **MOTION:** To acknowledge that the joint City/County application for \$51,681 in funding from the Recovery Act: Justice Assistance Grant Program for law enforcement equipment and supplies is hereby available for public review and to direct staff to submit the joint City/County application to the US Department of Justice after a 30 day review period. (DelliQuadri)
8. **RESOLUTION:** A resolution to repeal Resolution 2008-32 and re-adopt the Community Housing Guidelines and Deed Restriction and Covenants. (Engelken/Foote)

This item was postponed from the January 20, 2009, the February 3, 2009, the February 17 and the March 17, 2009 meetings.

9. **RESOLUTION:** A resolution of the City of Steamboat Springs approving an agreement between the City of Steamboat Springs and Caxton Street LLC (Bear Lodge) for the payment of a fee in lieu of the provision of six deed restricted affordable housing units. (Foote)
10. **RESOLUTION:** A resolution approving the Intergovernmental Agreement between the City of Steamboat Springs, and County of Routt, regarding the Recovery Act: Justice Assistance Grant (JAG) Program Award. (DelliQuadri)
11. **FIRST READING OF ORDINANCE:** An ordinance creating a regulatory framework authorizing the City to review and monitor service plans prepared pursuant to the Special District Act codified in Title 32, Colorado Revised Statutes; repealing all conflicting ordinances; providing for severability; and providing an effective date. (Lettunich)
12. **FIRST READING OF ORDINANCE:** An ordinance creating a water dedication policy to ensure that water service required for new development outside of the existing City municipal water system does not interfere with service to existing customers and does not interfere with the City's ability to meet reasonably anticipated future water supply needs; repealing all conflicting ordinances; providing for severability; and providing an effective date. (Lettunich)

- 13. FIRST READING OF ORDINANCE:** An ordinance creating a policy requiring adequate water supply for new development; implementing the requirements of House Bill 08-1141, which directs local governments to deny development applications where there is not a demonstration of adequate water supply to serve the proposed development; repealing all conflicting ordinances; providing for severability; and providing an effective date. (Lettunich)
 - 14. FIRST READING OF ORDINANCE:** An ordinance of the City of Steamboat Springs, Colorado, extending the vesting period for a site specific development plan originally approved as "Montenero at Steamboat Springs" for an additional time period of six months, repealing all conflicting ordinances; providing for severability; and providing an effective date. (Leeson)
 - 15. FIRST READING OF ORDINANCE:** An ordinance approving the purchase of property from Union Pacific Railroad Company by the City of Steamboat Springs, and authorizing the City Council President to sign all documents necessary for purchasing the property; repealing all conflicting ordinances; providing for severability; and providing an effective date. (Lettunich)
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F. 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.

- 16. SECOND READING OF ORDINANCE:** Third 2008 supplemental appropriation ordinance. (Litzau)
 - 17. SECOND READING OF ORDINANCE:** First 2009 supplemental appropriation ordinance. (Litzau)
 - 18. SECOND READING OF ORDINANCE:** An ordinance approving an amendment to the lease agreement with Sensis Corporation; establishing an effective date; repealing all conflicting ordinances and resolutions; and providing for severability. (Small)
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- G. 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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H. PLANNING COMMISSION REPORT

I. CONSENT CALENDAR - PLANNING COMMISSION REFERRALS

- 19. PROJECT: Copper Ridge Business Park, Filing 4, Lot 3**
PETITION: Development and final development plan for the new Western Security System Live/Work building, total gross square footage: 6,620.
LOCATION: 1716 Copper Ridge Spur.
APPLICANT: Frank and Clara Bradley, c/o Jan Kaminski, P.O. Box 770542, Steamboat Springs, CO 80477.
PLANNING COMMISSION VOTE: Approved 7/0 on March 12, 2009.
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J. REPORTS

20. 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.

21. Reports

- a. Agenda Review (Franklin):
 - 1.) Council agenda for April 14, 2009.
 - 2.) Council agenda for April 21, 2009.
 - 3.) SSRA agenda for April 21, 2009.
 - b. Staff Reports
 - 1.) Motion to accept the formal appointment of Lorraine Johnson as the Hayden representative to the Yampa Valley Airport Commission. (Franklin)
 - c. City Attorney's Update/ Report. (Lettunich)
 - d. Manager's Report: Ongoing Projects. (Roberts)
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K. OLD BUSINESS

22. Minutes (Franklin)

- a. Regular Meeting 2009-07, March 3, 2009.
 - b. Regular Meeting 2009-08, March 10, 2009.
 - c. Regular Meeting 2009-09, March 17, 2009.
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L. ADJOURNMENT

BY: JULIE FRANKLIN, CMC
INTERIM CITY CLERK

AGENDA ITEM # 1

CITY COUNCIL COMMUNICATION FORM

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

THROUGH: Jon B. Roberts, City Manager (Ext. 228)

DATE: April 7, 2009

ITEM: A proclamation recognizing April as the Month of the Young Child in Steamboat Springs, Routt County.

NEXT STEP: To support the proclamation recognizing April as the Month of the Young Child in Steamboat Springs, Routt County.

DIRECTION
 INFORMATION
 ORDINANCE
 MOTION
 PROCLAMATION

I. **REQUEST OR ISSUE:**

A proclamation recognizing April as the Month of the Young Child in Steamboat Springs, Routt County.

II. **BACKGROUND INFORMATION:**

Stephanie Howle, First Impressions, and several “young children” will be present to accept the proclamation.

III. **SUMMARY AND ALTERNATIVES:**

Staff recommends City Council support the above noted proclamation.

*A PROCLAMATION RECOGNIZING APRIL 2009 AS THE MONTH OF THE YOUNG CHILD IN
STEAMBOAT SPRINGS, COLORADO*

WHEREAS, children are our most precious resources and our hope for the future; and

WHEREAS, children are dependent upon caring and nurturing adults to help them grow and develop in positive directions; and

WHEREAS, by calling attention to the need for quality childcare and early child education for all young children and families, these childcare professionals hope to improve the quality and availability of such services; and

WHEREAS, the work of these early childcare professionals is an intricate facet of our working community; and

WHEREAS, quality childcare and early childhood education services can provide the basis for a good beginning for children's sound growth and development.

NOW, THEREFORE, BE IT PROCLAIMED, by the City Council of the City of Steamboat Springs, Colorado, that the month of April, 2009 is hereby declared "THE MONTH OF THE YOUNG CHILD IN STEAMBOAT SPRINGS, ROUTT COUNTY".

ADOPTED THIS 7th **day of** APRIL, 2009.

Attest:

Julie Franklin, CMC
Interim City Clerk

Paul Antonucci
Steamboat Springs City Council President

AGENDA ITEM # 2



Steamboat Springs Rural Fire
Protection District
and
City of Steamboat Springs

Joint Meeting
Tuesday April 7, 2009

Ideas for Today and Tomorrow



SSRFPD Board Members

- **Kathy Connell**- Past city council president
- **Scott Havener**- RCSAR
- **Cliff Heltzel**- Retired firefighter
- **Jim Ficke**- Retired USFS w/ wild land fire experience
- **Bob Kuusinen**- SSRFPD board member since 2000

SSRFPD Vision Statement

- Provide high quality fire and EMS response to the Steamboat Springs Rural Fire Protection District

SSRFPD Goals and Objectives

- Partner with the City of Steamboat Springs through the IGA to design, build, and operate a fire and EMS department responsive to City and District needs.
 - Anticipate changing needs and plan ahead for those needs
 - Plan for continued growth in the District
 - District has different challenges with it's much larger footprint than exists within the City's boundary

Today's Situation

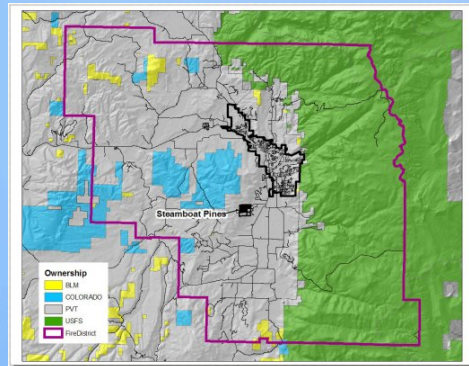
- Fire and EMS call volume continues to increase
 - Second and third out calls reaching critical level
 - Fourth out calls are more frequent and very difficult to respond to with two stations
- *(Insert chart of second & third out call volume for 2005 – 2008 when information is received)*
- *Compare staffing levels 2005 - 2008*

Today's Situation

- Population increases have occurred and will continue to occur west of Steamboat
 - Mountain fire station provides primary fire / EMS response to the City and District
 - Response times adequate to the mountain area and portions of the south SSRFPD District but are inadequate to west of Steamboat
 - Add calls from west Steamboat

Today's Situation

- SSRFPD extends almost to Stagecoach, past Mad Creek, and to west of Milner
- Definition of Fire / EMS service quality includes emergency response time

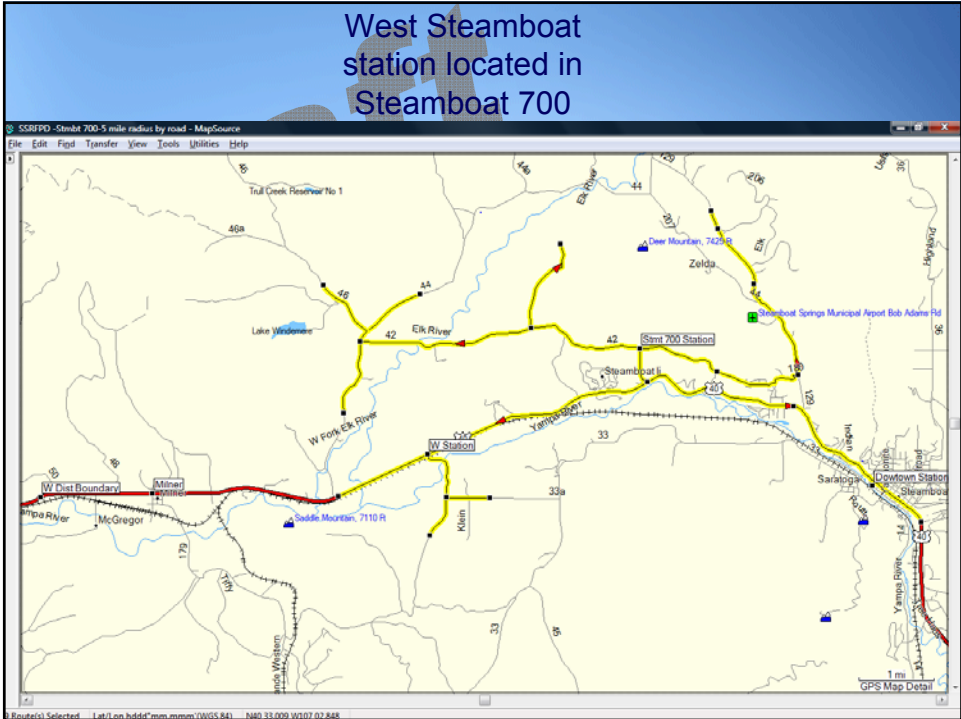


Why the sense of urgency?

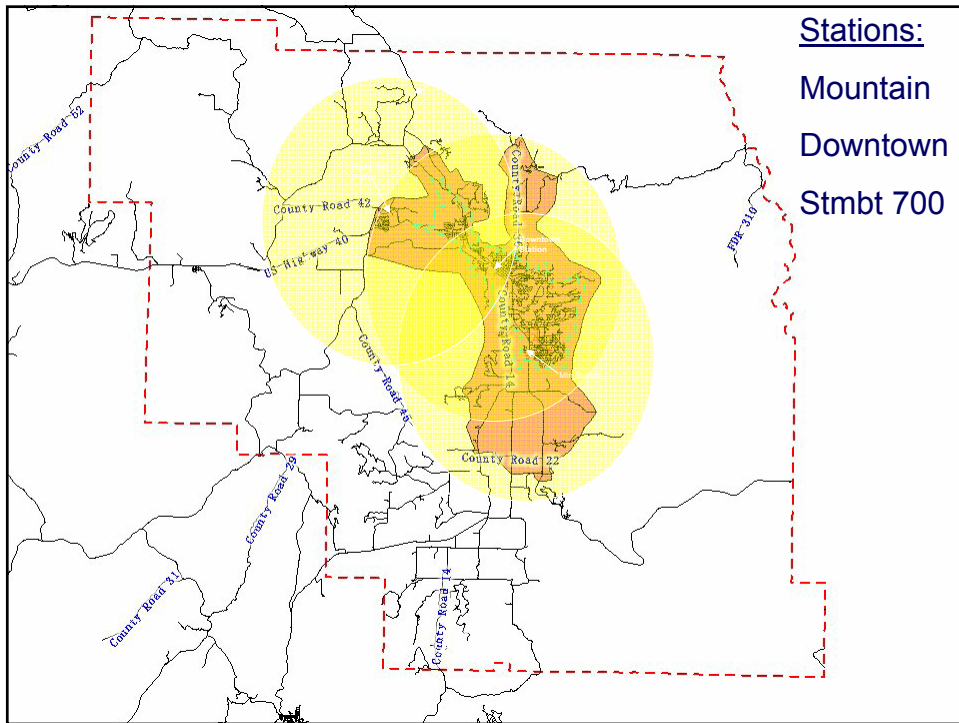
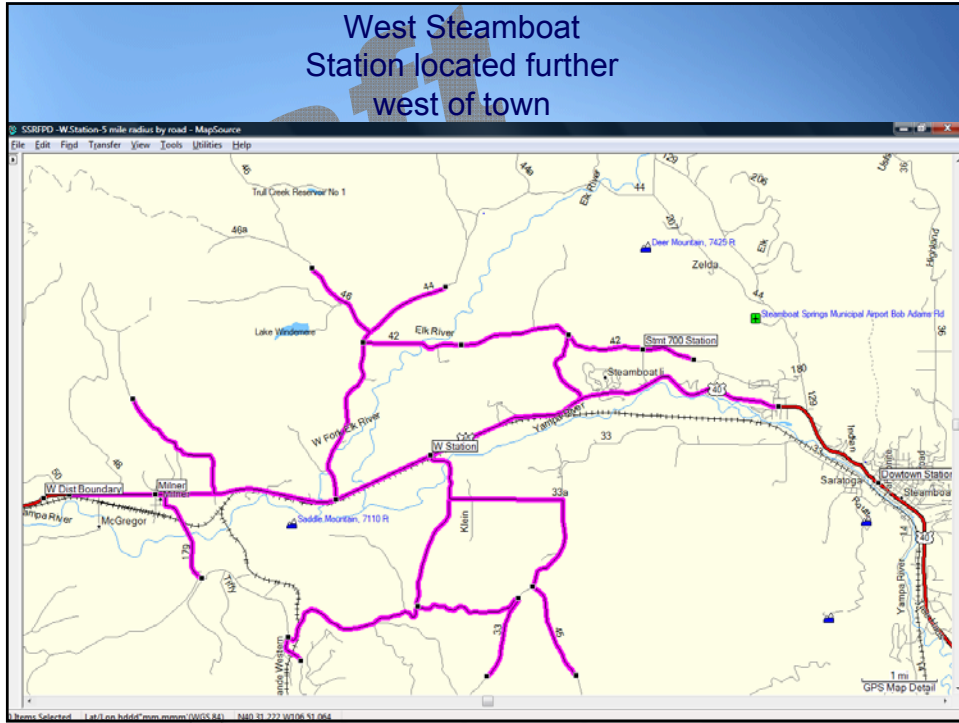
- Community Fire / EMS response capacity needs are driven by call volume and associated multiple calls demands, and is also driven by response time
 - An example of this is in metropolitan areas fire stations are not expanded, instead additional stations are strategically located to provide mutual aid for multiple calls in any part of a city
- Increasing call volumes will dictate that a station west of Steamboat needs to be built sooner rather than later
- The City and the District need to plan now for the location and funding of a west of Steamboat station (City funding needs to be added to the five year CIP and operation budget)
- The District recently received voter authorization to fund its portion of future capital and operating expenses

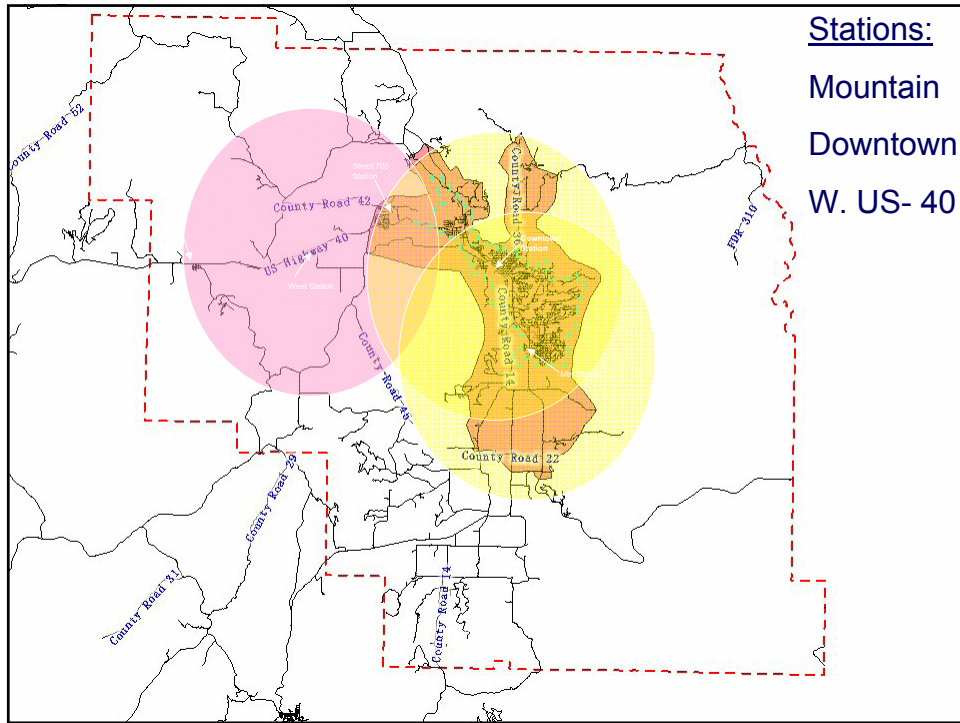
Available Options

- Build station in conjunction with Steamboat 700 annexation
 - Pro: provides better response times to north portion of District and future growth in Steamboat 700
 - Con: increased response time to the west US 40 corridor
- Build station further west on US 40 to provide reduced response times to Steamboat II, Heritage Park, Marabou, and Milner / Saddle Mountain Ranch



West Steamboat
Station located further
west of town





Recommendation

- Short term
 - Maintain critical, essential service levels of public safety departments including Fire / EMS
- Long term
 - A mountain station, downtown station, and west of Steamboat station will provide multiple call capacity for the City and District for many years to come
 - **Location of the west of Steamboat station critical in terms of long term emergency services planning for this area of Routt County**
 - Utilize the City / District Oversight Committee with staff input to determine the best long term location of this station
 - Next steps for discussion: _____

AGENDA ITEM # 3

CITY COUNCIL COMMUNICATION FORM

FROM: John Eastman, Planning Services Manager (Ext. 275)
Jason K. Peasley, City Planner (Ext. 229)
Tom Leeson, Director of Planning and Community Development (Ext. 244)

THROUGH: Jon Roberts, City Manager (Ext. 228)

DATE: April 7, 2009

RE: Steamboat 700 and 360 Village Annexations: Monthly Update

NEXT STEP: **Steamboat 700:** Annexation review
360 Village: Pre-Annexation Agreement

ORDINANCE
 RESOLUTION
 MOTION
 DIRECTION
 INFORMATION

BACKGROUND:

In order to facilitate an orderly and efficient annexation review process, monthly meetings have been scheduled with City Council to the current status of the Steamboat 700 and 360 Village applications. The purpose of the meetings is to obtain direction from Council regarding process and policy questions related to the annexation proposals. These meetings provide a regular opportunity for Council to discuss current issues with the City negotiating team.

I. STEAMBOAT 700 (ANX-08-01)

SCHEDULE UPDATE:

Upcoming Public Meetings

Date	Meeting	Description
04/07/09	City Council	<u>Annexation Update</u> : Monthly update and discussion of current issues
04/07/09	City Council	<u>West Steamboat Buildout</u> : Direction regarding residential buildout target for West Steamboat infrastructure planning.
04/07/09	City Council	<u>Metro/Special District Regulations</u> : First reading of an ordinance to provide regulatory oversight of Metro/Special districts.
04/21/09	City Council	<u>Metro/Special District Regulations</u> : Second reading
04/30/09	Planning Commission	<u>Annexation Review (part I)</u> : Presentation and review of proposed land use plan, community housing plan, sustainability plan and related issues.
05/05/09	City Council	<u>Steamboat 700 Fiscal Impact</u> : Review fiscal impact model scenarios and provide direction regarding operating and capital impacts related to proposed annexation.
05/14/09	Planning Commission	<u>Annexation Review (part II)</u> : Provide recommendation to City Council on proposed land use plan, community housing plan, sustainability plan and related issues.
05/20/09	Hwy 40 Cat-Ex	<u>Hwy 40 Recommendation on Preferred Alternative</u> : Open House meeting that will include study update, range of alternatives studied, and project team recommendations
05/28/09	Planning Commission	<u>Traditional Neighborhood Design (TND) amendments (part I)</u> : Worksession to begin review of changes to Community Development Code (CDC) to adopt new zone districts and design standards for West Steamboat annexations .
06/02/09	City Council	<u>Annexation Review (part I)</u> : Presentation and review of proposed land use plan, community housing plan, sustainability plan and related issues.
06/11/09	Planning Commission	<u>Traditional Neighborhood Design (TND) amendments (part II)</u> :
06/14/09	City Council	<u>Annexation Review (part II)</u> : Provide direction on proposed land use plan, community housing plan, sustainability plan, and related issues for inclusion in draft annexation agreement.

CITY COUNCIL COMMUNICATION FORM

Steamboat 700 & 360 Village Annexation Update

04/07/2009

NEGOTIATING TEAM UPDATE:

The City negotiating team meets with representatives of Steamboat 700 to work through issues associated with the annexation. Each meeting focuses on one or two major issues that have been identified as priorities by Steamboat 700 and the City. City negotiating team members include: Loui Antonucci, Cari Hermacinski, Jon Roberts, Gerald Dahl, Wendy DuBord, Tony Lettunich, Bob Litzau, Philo Shelton, Tom Leeson and John Eastman.

Date	Topic	Overview and <i>Action Items</i>	Current Status
03/11/09	Annexation Agreement	Review of annexation agreement outline prepared by the City Annexation Attorney Gerald Dahl. There was general agreement on the outline and that Gerald Dahl and will work with Jim Johnson, Attorney for Steamboat 700 to begin drafting the general sections of the agreement immediately. Detailed sections will be drafted as outstanding items are resolved.	Ongoing; followup negotiating team meeting tentatively scheduled for 04/08/09.
03/25/09	Water Rights Enhancement	Based on the draft Steamboat 700 Water demand report submitted 03/20/09 (attachment 1) Fritz Holleman and Philo Shelton prepared a proposed cost estimate of \$960,000 for water firming projects (attachment 2) proportional to the increased demand from Steamboat 700.	Steamboat 700 to provide response in conjunction with overall fiscal impact analysis (scheduled for 05/05/09 City Council meeting)

DISCUSSION ITEM – Steamboat 700

Alternative approach to Community Housing Plan:

Steamboat 700, representatives of the Yampa Valley Housing Authority, and City staff met recently to discuss simplified approach for Steamboat 700 to meet the affordable housing requirements of the West Steamboat Springs Area Plan (WSSAP). The new approach is designed to address the issues experienced with recent Inclusionary Zoning projects within the city limits by providing developers certainty regarding affordable housing obligations. It eliminates the difficult and time consuming process of negotiating requirements related to number of units, unit size, target AMI, design standards, unit pricing etc. Instead it creates a simple two part plan which includes dedication of developable land and a real estate transfer fee to provide a permanent revenue stream.

CITY COUNCIL COMMUNICATION FORM

Steamboat 700 & 360 Village Annexation Update

04/07/2009

Land Dedication:

At time of Final Plat, the developer will dedicate land to the City equivalent in value to the land developer's share of the affordable housing requirements of the WSSAP. The lots will be dedicated on a pro rata basis to meet WSSAP requirements as development progresses. The lots will be primarily multi-family lots suitable for community housing development. The City will then work with YVHA to develop and/or issue an RFP for affordable housing development on the dedicated land that targets specified affordable housing needs including unit type, unit size and household income. *This represents the land developer's primary contribution to community housing.*

Real Estate Transfer Fee:

The Steamboat 700 developer has proposed a "community enhancement and affordable housing fund" financed through a voluntary real estate transfer fee to be used, in part, for affordable housing development. The assessed amount of that real estate transfer fee on any one transaction dedicated to affordable housing needs to be researched and agreed to by the City and the developer. *This represents the vertical developer's primary contribution to community housing.*

City Council Feedback Requested: Should staff move forward in cooperation with Steamboat 700 and the YVHA to prepare a specific proposal regarding the formula for land dedication and real estate transfer fee that meets the requirements of the WSSAP?

II. **360 VILLAGE**

The City Negotiating Team met with the 360 Village Team last week to continue the Pre-Annexation Agreement negotiation process. The negotiation process will continue with meetings on the 1st and 3rd Wednesdays of each month. It is anticipated that the next annexation update on May 5, 2009 will involve a discussion with City Council on negotiation items that have yet to be resolved through the Negotiation Team meetings.

ATTACHMENTS

Note: The attachments are provided for information only; direction from City Council is not required on these items. Philo Shelton will be available during the meeting to answer any questions related to these attachments.

- 1) Steamboat 700 Water Demand report
- 2) Water Rights enhancement proposal prepared by Fritz Holleman and Philo Shelton

Introduction

This report has been prepared in support of the Steamboat 700 Annexation Application submittal to the City of Steamboat Springs, Colorado. The City has requested the report as part of its negotiations with the applicant, Steamboat 700, LLC, regarding water issues. Specifically, the City desires to determine whether there is an adequate water supply to serve the proposed development. This report is intended to provide a preliminary estimate of the projected water demands for the project at full buildout for the purpose of comparing these demands with the City's available supply.

Background

The Steamboat 700 Master Planned Community (Steamboat 700) is the result of over ten years of community planning for the area west of the current Steamboat Springs city boundary. The over-arching document guiding growth in the area is the 2006 West of Steamboat Springs Area Plan (WSSAP). The purpose of the WSSAP was to master plan the only remaining area adjacent to Steamboat Springs suitable for higher density, local resident-oriented development to help provide much needed housing for the community's working class. The working class is increasingly seeking housing relief by relocating to outlying communities, resulting in increased commuting times, road and infrastructure costs, increased pollution, reduced time for family and other social endeavors, and a higher cost of recruiting and maintaining work force.

Steamboat 700 is based on Traditional Neighborhood Design principles emphasized in the WSSAP and will be designed around the full time resident as opposed to the second home owner, offering a full range of housing choices. It is intended to be a transit-friendly community with employment, shopping, entertainment and recreation facilities connected by extensive, interconnected sidewalks, bike lanes and trails, and a parks and open space network. To promote affordability and sustainability, the land use plan has been designed to accommodate a compact design in a mixed use manner and will include a high proportion of multi-family and small detached single family lots (see Attachment A, Land Use Plan).

An Infrastructure Plan has been prepared for Steamboat 700 and was submitted to the City in support of the October 2008 Annexation Impact Report for the subject property. The plan is conceptual in nature and intended to provide review authorities with a general understanding of the proposed concepts for serving the site with transportation and drainage facilities, including streets, sidewalks, trails and stormwater management systems; as well as utilities such as water, sanitary sewer, natural gas, electric, telephone, cable television and internet access. It was prepared based on concepts presented in the WSSAP, our understanding of the available infrastructure, existing treated water and wastewater master plans prepared for the City, and numerous meetings with representatives of the various public utility companies (see Attachment B, Infrastructure Plan).

An existing 12-inch diameter water trunk line traverses the project site from east to west to supplement the water demands of the Steamboat II Metropolitan District (District) consisting of the Steamboat II, Heritage Park and Silver Spur Estates neighborhoods. This trunk line also feeds the jointly owned City/District one-million gallon treated water storage tank, which provides fire flow, flow equalization and standby capacity for the District. Although significant portions of the trunk line will require replacement in order to accommodate the requirements of the Steamboat 700 land development plan, it will continue to serve as the backbone for expansion of the City's water distribution system into the West Steamboat Springs area. In order to meet anticipated fire flow requirements of the project site and provide for distribution system redundancy, new water mains will be extended throughout each neighborhood.

As identified in the City's Draft Treated Water Master Plan, the development area is located within the water service area for the City's proposed West Valley pressure zone. The West Valley Zone establishes the upper limit for structures to an elevation of approximately 6,770 feet. A new, offsite control valve station is required to hydraulically establish the West Valley Zone. To provide water line looping, a new water main will be constructed from the south entrance of the project site, east along US 40 for connection to an existing 12-inch line.

Water Demand & Consumptive Use

A Preliminary Estimate of Projected Water Demands spreadsheet was provided to the City April 8, 2008, for the conceptual land use plan included in the project's October 2007 Initial Submittal. This summary has now been updated to represent the current land use plan and has been expanded to present both demands and consumptive use in a format which includes monthly totals, as requested by the City. It is important to note that the 2008 demands summary was the source of the Steamboat 700 portion of the projected water demands included in the City's November 2008 Water Supply Master Plan. The numbers provided in the spreadsheets, and now incorporated into this report, have apparent inconsistencies when summing that can be explained by realizing that decimal places beyond those displayed are carried forward in calculations for the purposes of overall accuracy.

Figure 1 provides a preliminary estimate of the projected water demands and consumptive use for the types and number of uses represented at full buildout in the Steamboat 700 Land Use Program prepared by project planner Patten & Associates, Inc. (see Attachment C). The general location of these uses is indicated by the development pods, which are identified on the Land Use Plan (Attachment A). In estimating water demands, it is a generally accepted planning practice to utilize local use data if available. Alternatively, industry standards for typical unit flows may be applied. Once actual use data from the water supply becomes available, this may serve as a monitoring tool for updating planning estimates and thereby assuring that development does not outpace infrastructure capacity and water supply availability.

In the case of the City of Steamboat Springs, actual water use records are available for both of its water purveyors, the City Water & Sewer Utilities and Mt. Werner Water & Sanitation District. The District prepared an evaluation of its winter (non-irrigation influenced) use records in 2003 and determined a domestic unit flow rate of 60 gallons per capita per day (gpcd). Multiplying this figure by a typical average residential occupancy of 3.5 people per residence results in a residential domestic unit flow of 210 gpd. This planning figure was utilized in determining the estimated domestic demand for each of the Residential Uses of Figure 1 as 3.5 people per residence is considered by the developers of Steamboat 700 to represent a reasonable average occupancy for the higher density nature of the proposed development. By comparison, the City's July 1, 2007 population estimates identified an average household size of 2.33 residents. Non-residential domestic unit flows are less readily available from local use data and have instead been incorporated into Figure 1 from standard per-acre figures provided in the American Water Works Association Handbook¹.

Irrigation unit flows in gallons per square foot per day (gal/ft²/d) are multiplied by landscaped areas of both the Residential and Non-Residential Uses of Figure 1 to generate estimates of irrigation demand. A six-month average unit flow of 1.33 inches per week was determined from an analysis of the Steamboat 700 October 2007 Initial Submittal land use plan by project landscape architect MGC Design, Inc., based upon typical area application rates. This analysis also included a summary of anticipated landscaped area square footage for each of the uses identified through site testing of similar types of development (see Attachment D). Light Industrial landscaped areas were assumed to represent a similar 5% portion of the total lot size as Mixed Use and multi-family residential units are assumed to be higher density, multi-story buildings typical of the Traditional Neighborhood Design and mixed use nature of the proposed development.

Unaccounted for Water constitutes the third and final component of projected water demands shown in Figure 1. This is represented by a typical planning rate of 10% of all uses, to account for water that is either physically lost through leaks and maintenance operations, such as system flushing through fire hydrants, or simply unaccounted for through service meter inaccuracies.

Consumptive uses are a measure of the amount of water use estimated to not be returned to the natural watershed. These are represented in Figure 1 as a uniform portion of both the domestic and irrigation components of the Residential and Non-Residential Uses. In the case of domestic uses, consumptive use is based upon a standard 5% factor commonly used for municipal systems, according to sample reports provided by City officials. The remainder of the domestic uses is assumed to be returned to the receiving waters of the Yampa River following treatment of all wastewater collected from the project site, which will be served entirely by the City's sewer system. Irrigation consumptive use is based upon an efficiency rate of 90% suggested by City officials for the anticipated amount of xeriscaping and drought-tolerant plantings of the proposed development.

¹ Referenced as Mays, W. Larry ed. Water Distribution Systems Handbook. New York: McGraw-Hill: 1999.

Figure 1
Steamboat 700
Preliminary Estimate of Projected Water Demands & Consumptive Use

Residential Uses	Unit areas and flowrates			Ultimate Buildout						
	Domestic unit flow (gpd)	Unit landscaped area (ft ²)	Irrigation unit flow (gal/ft ² /d)	Number of units	Domestic demand (gpd)	Irrigation demand (gpd)	Total water demand (gpd)	Domestic consumption (gpd)	Irrigation consumption (gpd)	Total water consumption (gpd)
Condominiums and Apartments	210	95	0.1184	973	204,330	10,944	215,274	10,217	9,850	20,068
Townhomes	210	545	0.1184	433	90,930	27,941	118,871	4,547	25,147	29,693
Single Family, Small Lot	210	1340	0.1184	328	68,880	52,039	120,919	3,444	46,835	50,279
Single Family, Medium Lot	210	2360	0.1184	234	49,140	65,385	114,525	2,457	58,847	61,304
Single Family, Large Lot	210	3455	0.1184	76	15,960	31,089	47,049	798	27,981	28,779
RESIDENTIAL TOTAL				2044	429,240	187,399	616,639	21,462	168,659	190,121
Non-Residential Uses	Domestic unit flow (gpad)	Total landscaped area (ft ²)	Irrigation unit flow (gal/ft ² /d)	Acreage	Domestic demand (gpd)	Irrigation demand (gpd)	Total water demand (gpd)	Domestic consumption (gpd)	Irrigation consumption (gpd)	Total water demand (gpd)
Mixed Use - Commercial/Retail/Office/Hotel	5,100	89,516	0.1184	41.1	209,610	10,599	220,209	10,481	9,539	20,019
Light Industrial	1,620	9,583	0.1184	4.4	7,128	1,135	8,263	356	1,021	1,378
Community Facilities	1,700	47,045	0.1184	2.7	4,590	5,570	10,160	230	5,013	5,243
Parks	400	1,014,948	0.1184	23.3	9,320	120,170	129,490	466	108,153	108,619
NON-RESIDENTIAL TOTAL					230,648	137,473	368,121	11,532	123,726	135,258
Unaccounted for Water							Total (gpd)			
Allowance for pipe losses, fire hydrant flushing, meter inaccuracies, etc. (10% of average annual water use)							82,232			
UNACCOUNTED FOR WATER TOTAL							82,232			

The total daily water demand and consumption estimated for the ultimate buildout of the proposed Steamboat 700 project is summarized in Figure 2. It is important to note that this table provides a breakout of domestic and irrigation components of these totals for an easy comparison of the irrigation and non-irrigation seasons.

Figure 2
Steamboat 700
Water Demand & Consumption Summary

Water Demand & Consumption Summary	Ultimate Buildout Demand (gpd)			Ultimate Buildout Consumption (gpd)		
	Domestic	Irrigation	Total	Domestic	Irrigation	Total
Residential Total	429,240	187,399	616,639	21,462	168,659	190,121
Non-Residential Total	230,648	137,473	368,121	11,532	123,726	135,258
Unaccounted for Water Total			82,232			-
TOTAL	659,888	324,872	1,066,992	32,994	292,385	325,379

In an effort to present the preliminary estimate of the projected water demands and consumptive use for the ultimate buildout of Steamboat 700 in a variety of other useful terms, a flowrate summary is provided in Figure 3. For the purposes of infrastructure supply availability planning, the Average Day Demand is shown for the irrigation season, the non-irrigation season and on an annual basis to range from 458 to 741 in units of gallons per minute (gpm) and 0.66 to 1.07 in units of million gallons per day (MGD). The annual average is based upon a six month irrigation season, using a relative application rate for June, July and August that is twice that of May, September and October as identified in the analyses found in Attachment D. The peak demand flowrates of Max Day and Peak Hour are based upon standard Average Day multiplication rates

shown in the American Water Works Association Handbook² and range from 1,349 to 2,398 gpm and 1.94 to 3.45 MGD, respectively.

Monthly totals shown for demand and consumption in Figure 3 are useful for comparing with water supply and water rights availability in typical units of acre-feet (af). The monthly demand flowrates were developed by applying the assumed double application rate ratio for June, July and August compared to May, September and October, as identified in the analyses found in Attachment D, to the difference in irrigation and non-irrigation Average Day Demands for the purpose of presenting a reasonable monthly distribution of seasonal totals. The total annual water demand and consumption for the ultimate buildout of Steamboat 700 are estimated at 966 and 200 af, respectively.

**Figure 3
Steamboat 700
Water Flowrate Summary**

	Max Day/Avg Day ratio Peak Hour: Avg Day ratio	2.25 4.0	Ultimate Buildout Demand Flowrates			Ultimate Buildout Consumption (af)		
			gpm	MGD	af	Domestic	Irrigation	Total
Average Day Demand								
Irrigation Season			741	1.07				
Non-Irrigation Season			458	0.66				
Annual ⁵			600	0.86				
Max Day Demand ⁶			1349	1.94				
Peak Hour Demand ⁷			2398	3.45				
Monthly Totals								
January				0.66	62.8	3.1		3.1
February				0.66	56.7	2.8		2.8
March				0.66	62.8	3.1		3.1
April				0.66	60.7	3.0		3.0
May				0.93	88.3	3.1	18.4	21.5
June				1.20	110.0	3.0	35.5	38.6
July				1.20	113.7	3.1	36.7	39.9
August				1.20	113.7	3.1	36.7	39.9
September				0.93	85.5	3.0	17.8	20.8
October				0.93	88.3	3.1	18.4	21.5
November				0.66	60.7	3.0		3.0
December				0.66	62.8	3.1		3.1
Annual Total					966.0	37.0	163.5	200.4

Water Conservation and Drought Mitigation Plans

It is our professional opinion that this report represents a reasonable approach to quantifying demands at this conceptual level of the Steamboat 700 development planning. However, we believe that there are opportunities for reduction of these water demands, as well as water demands throughout the City, by implementation of the project’s Sustainability Master Plan (see Attachment E), development of a city-wide Water Conservation Plan concepts and generally accepted municipal water conservation measures by, and implementation of the following strategies and policies:

- Minimize the amount of water needed on the property by designing public green spaces, streetscapes and commercial areas to incorporate xeriscaping techniques, low water use landscapes, and drought-resistant vegetation.
- Issue design guidelines in order to limit the amount of turf areas allowed in public landscapes and allow bluegrass turf only where necessary in recreational areas.
- Issue design guidelines in order to specify the use of high efficiency irrigation systems and evapotranspiration controllers in all irrigated areas.

² Referenced as Mays, W. Larry ed. Water Distribution Systems Handbook. New York: McGraw-Hill: 1999.

- Issue design guidelines in order to stipulate water-efficient fixtures and appliances, including toilets, urinals, showerheads, and faucets in both commercial and residential buildings.
- Pursue options for the development and operation of a separate untreated raw water source for irrigation supply that could reduce the development's irrigation demand on public landscapes and parks, thereby potentially reducing the annual consumptive amount of water needed from the City's treated water supply by as much as 200 af.
- Support water main distribution and service line leak identification.
- Support dissemination of information regarding water use efficiency measures, through public education, customer water audits, and water-saving demonstrations.
- Support water rate structures and billing systems designed to encourage water conservation.
- Support regulatory measures designed to encourage water conservation.
- Support incentives to implement water conservation techniques, including rebates to customers to encourage the installation of water conservation measures.
- Support steps to develop, implement, monitor, review, and revise a City-wide Water Conservation Plan that outlines how the City will improve water efficiency over the long-term.
- As suggested in the Steamboat 700 Sustainability Master Plan commit to creating a "Climate Ready" Community through such measures as planning and designing for a general increase in drought and flooding by reducing water use, minimizing the need for irrigation and promoting effective stormwater management.
- Support steps to develop, implement, monitor, review, and revise a City-wide Drought Mitigation Plan that addresses the curtailment measures and actions needed in an emergency to prepare, monitor, and mitigate the effects of a forecasted or existing drought; or equipment malfunction.
- Support establishment of a Drought Planning Advisory group that combines entities and stakeholders that can influence preparation and implementation.
- Support development of an on-going public education and awareness program related to water supply, water conservation and drought preparedness.

STEAMBOAT 700 – WATER FIRING TERM SHEET

The City proposes that Steamboat 700 agree to fund the items set forth below to meet its “water firming” obligation. The most recent water demand analysis from Steamboat 700 shows that the project will need about 966 AF of delivery. The firming work suggested below is proportional to the increased water demand that the Steamboat 700 development will place on the City system.

1. Stagecoach water – plan for augmentation. The City has a contract right for 552 acre-feet of Stagecoach water. The Division Engineer has advised that the City will likely need a plan for augmentation/exchange to divert this water at its existing infiltration gallery.

- Steamboat 700 to pay for all engineering and legal work necessary to fully incorporate this water into the City system, including the cost to prosecute the water court application through to a final decree, including the cost of any appeal, if necessary.

2. Change of Hoyle and Knight senior water right. The City was conveyed 0.5 cfs of the Senior Hoyle and Knight water right on Fish Creek. The decreed purpose of use, place of use, and point of diversion for this water right will need to be changed for it to be used in the City’s municipal water supply system. Such a change will likely be limited to the historic consumptive use of this water right, which is not likely to exceed 50 AF, and could be much lower. The instream flow water rights on Fish Creek complicate and possibly limit the amount of this right that can be changed for use by the City.

- Steamboat 700 to pay for all legal and engineering necessary to investigate the feasibility of the change as well as analyze the best change alternatives.
- Steamboat 700 to pay for all engineering and legal work necessary to fully and most completely incorporate this water into the City system, including the cost of any change case, plan for augmentation, and exchange, through final decree, including the cost of appeal, if any.

3. Assist with development of Elk River storage. Assuming items #1 and #2 above successfully incorporate an additional 560 to 600 AF of water into the municipal system, there is still 366 – 406 AF of the 966 AF of increased demand from the Steamboat 700 development that needs to be addressed by additional water firming. The City’s Water Supply Master Plan identifies storage in the Elk River Basin as the most certain way to develop that supply, and indicates that with 3,000 AF of storage, the City could realize a firm annual yield from the Elk of 2,700 AF. The cost of securing this additional storage at this time is not known, but could be tens of millions of dollars.

- Steamboat 700 to pay part of the cost for engineering, legal analysis, permitting, negotiation and other costs related to lease, purchase, develop or otherwise secure right to storage in the Elk Basin above the City’s conditional point of diversion.

Proposal:

- Legal and engineering for full development of Stagecoach water: \$175,000
- Legal and engineering for full development of Hoyle and Knight: \$175,000
- Legal and engineering for part development of Elk River – proportional to 400 AF of additional need: \$600,000.
 - Cost to develop Fish Creek Reservoir expansion was roughly \$10,000/AF.
 - Fish Creek completed in 1996, City is still paying.
 - $400 \text{ AF} \times \$10,000 = 4,000,000.00$
 - Legal and engineering together has averaged 15% of reservoir costs on recent comparable reservoirs.
 - Charging Steamboat 700 for a proportional share based on legal and engineering costs only: $\$4,000,000 \times 15\% = \$600,000$
- Total Steamboat 700 obligation calculated in rational proportion to its increased delivery demand on the system = $175k + 175k + 600k = \$950,000.00$
- Though broken down by category above, the deposited funds are to be fully fungible, and can be used for any of the items included within paragraphs 1-3 above, in any amount and at any time.

Additional terms:

- Steamboat 700 must update water demand report to the satisfaction of the City's water resources consultant, Mr. Gary Thompson.
- Steamboat 700 water firming obligation finalized and incorporated into annexation agreement.
- Total water firming obligation must be deposited with the City within 30 days following annexation.
- City will deposit the funds into a dedicated water rights improvement project account, and will use the deposited funds only for the work identified in items 1-3 above. The City will keep records to account for the amount that is spent.
- The deposited funds will not be refundable to Steamboat 700.
- City's staff and or expert water consultants to perform all engineering and legal work.
- Absent material changes to the expected water demand of the development as indicated by the updated water demand report, Steamboat 700 will not be subject to the City's proposed water dedication policy, or any additional obligation to dedicate water rights to the City in exchange for water service.
- Adequacy of the water supply to serve the Steamboat 700 development will still be subject to review under the requirements of House Bill 2008-1141, and the City's ordinances implementing that Act, at development permit application.

AGENDA ITEM # 4

CITY COUNCIL COMMUNICATION FORM

FROM: John Eastman, AICP, Planning Services Manager (Ext. 275)
Tom Leeson, AICP, Director of Planning and Community Development
(Ext. 244)

THROUGH: Jon Roberts, City Manager (Ext. 228)

DATE: April 7, 2009

RE: West Steamboat buildout

NEXT STEP: Continue infrastructure planning and studies.

ORDINANCE
 RESOLUTION
 MOTION
 DIRECTION
 INFORMATION

CITY COUNCIL COMMUNICATION FORM

West Steamboat buildout

04/07/2009

PROJECT NAME: West Steamboat buildout

ISSUE: Higher than expected rates of residential infill within the existing city limits west of 13th street; combined with annexation proposals with residential numbers that cumulatively exceed WSSAP targets have the potential to result in significantly more dwelling units in the West Steamboat area than was anticipated in the West Steamboat Springs Area Plan (WSSAP). The increased number of dwelling units results in impacts not originally contemplated related to transportation, community character, and utility infrastructure.

To provide guidance in the review of the annexation proposals and associated studies, feedback on the following question is requested:

1. What is the appropriate target residential buildout of the West Steamboat annexation area after accounting for residential infill within the existing city limits west of 13th Street?

APPLICANT: City of Steamboat Springs, Department of Planning Services, c/o Planning Services Manager John Eastman, Centennial Hall, 124 10th Street, PO Box 775088, Steamboat Springs, CO 80477 970-871-8275

EXECUTIVE SUMMARY

1. Planning Commission Discussion:

Planning Commission held a work session on March 12, 2009 to review this issue; due to the length of the discussion a followup meeting was held on March 26, 2009. At the second meeting a majority of Planning Commissioners recommended that infrastructure planning should move forward based on a potential residential buildout of 2,600+ dwelling units in the annexation areas; with a total buildout including infill of 3,500+ units. That buildout number should accommodate 25 years of growth from the 360 Village and Steamboat 700 annexation proposals and from infill development. Commissioner Beauregard was not in agreement with that position and argued that until the 13th Street bottleneck is addressed residential development west of 13th Street should be limited to 1,100 units.

There was an extensive and wide ranging discussion at the two meetings that included the following:

- Actual buildout will be the result of approval of individual developments each of which will be reviewed on their own merits.
- Density of proposed developments is not the issue since high density mixed used development is encouraged by WSSAP and SSACP. The issue is the total number of units resulting from developing large areas at high density.
- Level of residential infill can be realistically expected within the existing city limits.

CITY COUNCIL COMMUNICATION FORM

West Steamboat buildout

04/07/2009

- Neighborhood design and the critical mass needed to achieve efficient transit and pedestrian oriented development.
- Traffic impacts and alternative modes including detailed discussions regarding existing and projected transit usage. Traffic engineering research indicates that achieving a walkable mixed use development has four to five times as much impact on trip generation as transit usage.
- How the West Steamboat buildout target will be used in the Hwy 40 Categorical Exclusion study (Cat-Ex). Laura Anderson, Public Works Engineer and Cat-Ex project manager explained that a preferred alternative for Hwy 40 improvements will be created based on “reasonable expectations” for future development over the 20 – 25 year planning horizon. The Cat-Ex study is not designed to analyze alternative development scenarios; which is the reason that Planning Commission and City Council are being asked to provide input now on reasonable expectations for future development.
- Alternatives to the 13th Street bottleneck and how it relates to the Cat-Ex study and West Steamboat buildout. Cat-Ex study is limited to Hwy 40 corridor and will not include recommendations regarding possible extensions to local roads (Oak, Yampa, or Howelson Parkway) which could add capacity through the bottleneck.

2. **Public Comment:**

Public comment included the following topics:

- Presentation by representatives of Steamboat 700 covering traffic issues and proposed density (copies of powerpoint presentations included in attachment 2)
- Presentation by 360 Village including discussion of project costs
- The need to take a long-term perspective during infrastructure planning

Written public comment received prior to the Planning Commission meetings is included in the attachments.

3. **New Information:**

None

4. **Recommendation from Planning Commission:**

During roundtable discussion on March 26th each Planning Commission member made an individual recommendation on the target residential buildout west of 13th Street. While the numbers varied the majority recommended a target residential buildout of 2,600+ units in the annexation areas which combined with up to 925 possible units of infill could result in 3,500+ new units west of 13th Street. Those recommendations provide clear direction that infrastructure planning should be done on a conservative basis that accommodates long-term development potential including infill development and the 360 Village and Steamboat 700 annexation proposals.

CITY COUNCIL COMMUNICATION FORM
West Steamboat buildout
04/07/2009

LIST OF ATTACHMENTS:

1. 03/12/09 Planning Commission (PC) staff report and attachments
2. Supplemental materials package #1 for 03/12/09 and 03/26/09 PC meetings
3. Supplemental materials package #2 for 03/12/09 and 03/26/09 PC meetings
4. Staff PowerPoint from 03/12/09 and 03/26/09 PC meetings
5. 03/12/09 draft PC minutes
6. 03/26/09 draft PC minutes

AGENDA ITEM # 6

PLANNING COMMISSION COMMUNICATION FORM

FROM: John Eastman, AICP, Planning Services Manager (Ext 275)

THROUGH: Tom Leeson, AICP, Director of Planning & Community Development (Ext. 244)

DATE: March 12, 2009

ITEM: West Steamboat buildout work session

NEXT STEP: City Council review

- ORDINANCE
 - RESOLUTION
 - MOTION
 - DIRECTION
 - INFORMATION
-

ISSUE: Higher than expected rates of residential infill within the existing city limits west of 13th street; combined with annexation proposals with residential numbers that cumulatively exceed WSSAP targets have the potential to result in significantly more dwelling units in the West Steamboat area than was anticipated in the West Steamboat Springs Area Plan (WSSAP). Accommodating the increased number of residences would require expanding portions of Hwy 40 to six (6) lanes instead of the four (4) lanes anticipated in the Steamboat Springs Area Community Plan (SSACP) and WSSAP.

To provide guidance in the review of the annexation proposals and associated studies, feedback on the following question is requested:

1. What is the target residential buildout of the West Steamboat annexation area after accounting for residential infill within the existing city limits west of 13th Street?

APPLICANT: City of Steamboat Springs, Department of Planning Services, c/o Planning Services Manager John Eastman, Centennial Hall, 124 10th Street, PO Box 775088, Steamboat Springs, CO 80477 970-871-8275

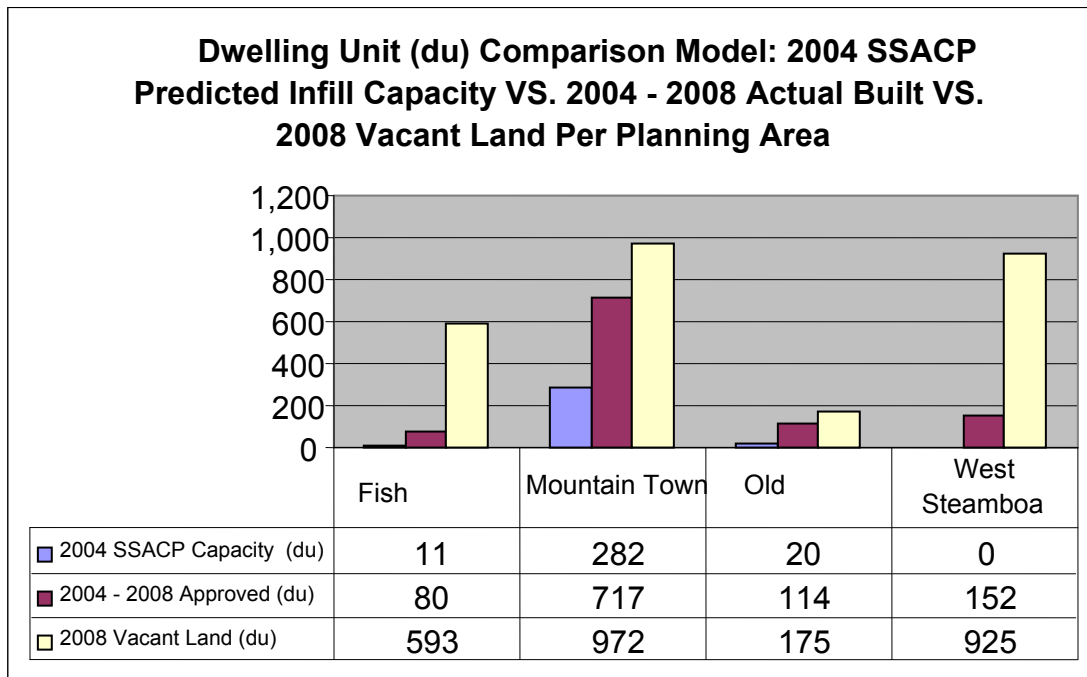
I. BACKGROUND INFORMATION

City of Steamboat Springs – Residential growth and infill potential

The 2008 population study by Department of Planning and Community Development estimates that as of July 1, 2008 the population of Steamboat Springs is 12,130 full-time residents. In addition the study estimates there are 9,180 housing units in Steamboat Springs with a 44.78% vacancy rate.

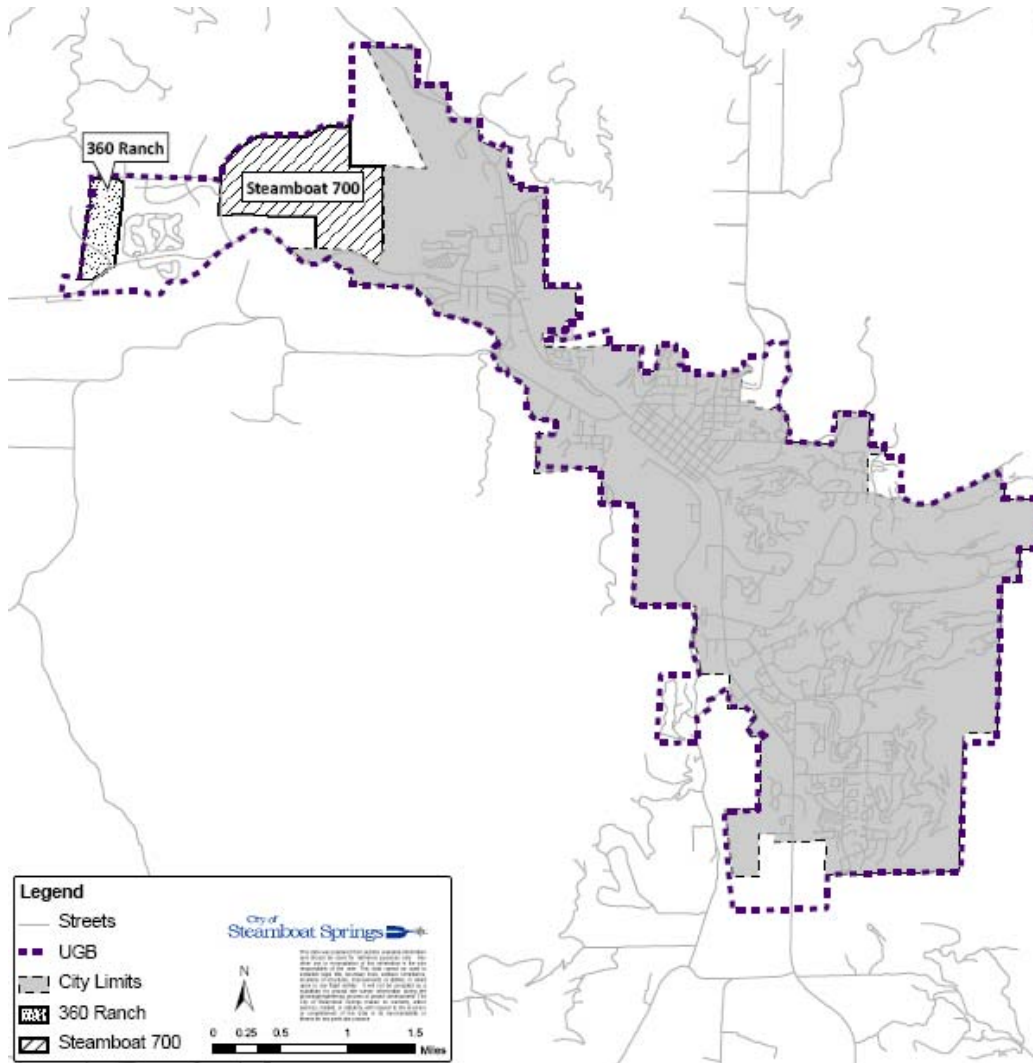
The State Demography office projects the full time resident population will more than double over the next 25 years to 22,333 people by 2035. This represents population growth of approximately 2.4% per year. If the vacancy rate of 44.78% and occupancy rate of 2.33 people/dwelling unit were to remain the same (significant assumptions) the community will have a total of 17,427 dwelling units in 2035. This represents an increase of 8,247 housing units over the next 25 years. Based on an analysis done by staff (Attachment A) recent approvals and vacant parcels within the existing city limits have the potential to provide 3,728 new dwelling units. There is also significant redevelopment potential that could add additional units within the city limits but that number is difficult to quantify.

The following chart provides a summary of the potential residential infill within the existing City limits. The second line of the chart which shows projects approved since 2004 clearly demonstrates that the SSACP estimates shown in the first line underestimated infill potential. This is a positive development which indicates that the SSACP goals of infill and increased density are being achieved; but it may change the assumptions about how much development is needed in West Steamboat.



Why is it necessary to have a buildout target?

Design, engineering, and cost estimates for the infrastructure to serve West Steamboat will be based on the buildout target. The required infrastructure includes water and sewer trunk lines, upgraded electric transmission lines (Milner to West Steamboat), parks and



recreational facilities, schools, transit facilities, local and collector roads, and improvements to Hwy 40. Two studies in particular require a buildout target: 1) Hwy 40 National Environmental Protection Act (NEPA) study; and 2) Steamboat 700 fiscal impact model. In addition, the buildout target and allocation will inform the review of the land use plans for all proposed annexations.

Doesn't the West Steamboat Springs Area Plan have a buildout target?

Yes; The West Steamboat Springs Area Plan (WSSAP) includes approximately 1,100 acres of vacant land and a target buildout of between 1,100 and 2,635 dwelling units (du). This target buildout was based on the transportation constraints in the Hwy 40 corridor. This translates to a gross residential density of 1.0 to 2.4 du/acre. The 360 Village and Steamboat 700 applications have proposed over 2,900 units on 620

acres, which is a gross density of 4.8 du/acre; significantly higher than anticipated in the WSSAP.

In addition to the increased number of units from development proposals, Steamboat Springs is experiencing high levels of residential infill within the existing City limits. While this is a positive trend that is encouraged by the SSACP the levels of infill development the community has experienced was not anticipated by the WSSAP. Based on recent trends and land availability, up to 925 additional dwelling units can be anticipated west of 13th street within the existing city limits.

The WSSAP- Low and WSSAP-High distribution of dwelling units shown in Table 1 below are for illustrative purposes only. They provide a simplified “fair share” distribution of residential units across vacant parcels within the Urban Growth Boundary (UGB) in West Steamboat. Actual development will include areas of higher and lower density based on site constraints, proximity to transit, open space etc consistent with the policies of the WSSAP and SSACP.

Table 1 - West Steamboat - Potential Residential Development					
Land Owner	Acres		Dwelling Units (du)		
	Total	% WSSAP	WSSAP Low	WSSAP High	Proposed
Steamboat 700, LLC	508	51.3%	564	1,352	2,325
360 Village	112	11.3%	124	298	650
P.A. Scott Family Trust	186	18.8%	207	495	Estimated 223*
Rifle Club	40	4.0%	44	106	192
Stok	22	2.2%	24	59	106
Barber	33	3.3%	37	88	158
Selbe	12	1.2%	13	32	58
Steamboat School District	36	3.6%	40	96	43*
Burgess	20	2.0%	22	53	96
Stephenson	5	0.5%	6	13	24
Robinson	1	0.1%	1	3	5
Dolan	1	0.1%	1	3	5
Farrow	11	1.1%	12	29	53
Olson	3	0.3%	3	8	14
Sub-Total	990		1,100	2,635	3,951
Within City limits - west of 13th St	1,557		925	925	925
Total dwelling units (du)			2,025	3,560	4,876
% of WSSAP low buildout (1,100 du)			184%	324%	443%
% of WSSAP high buildout (2,635 du)			77%	135%	185%

* 75% residential reduction applied due to site constraints or landowner

What about Commercial Development?

The West Steamboat Springs Area Plan used the SSACP assumption of 2.4 million square feet of new commercial development west of 13th at full buildout. That projection is consistent with recent development trends, existing zoning, and the proposed Steamboat 700 and 360 Village applications including the possibility of a large format retail development west of 13th Street.

Density (units/acre)

The proposed Steamboat 700 and 360 Village annexations are consistent with SSACP and WSSAP policies that encourage high density development in order to create walkable and transit friendly residential development. They are also consistent with policies that promote the inclusion of mixed used areas in each neighborhood. The higher residential unit counts proposed by 360 Village and Steamboat 700 are in part due to applying the high density encouraged by the WSSAP over larger areas than anticipated. The WSSAP anticipated more open space, institutional use, and industrial use than has been included in the 360 Village and Steamboat 700 proposals.

Highway 40 –NEPA study

The initial traffic analysis confirms much of the work done previously in the West US 40 Needs Study that recommended a 6 lane section of US 40 between Kamar Plaza and Downhill Drive. Based on historic growth rates, projected 2035 traffic volumes west of 13th would be around 45,000 vehicles/day. This projection includes historic growth trends but does not include additional density incorporated in recently proposed developments (Steamboat 700 and 360 Village). Incorporating these densities raises our traffic volumes in 2035 to 60,000 + vehicles/day. [A general rule is that 40,000 trips/day will require a 4 lane design; 60,000 trips/day for a 6 lane design.] In addition to considering the general laneage needs of West US 40 along the 5 mile study corridor, the NEPA Study will analyze the critical intersections at Elk River Road and W. 13th Street. The NEPA study will result in the selection of a preferred alternative for multi-modal (cars, transit, bikes, and pedestrians) enhancements to Hwy 40 in order to address the long-term (25-year) needs in the corridor. The study will also include preliminary design work and cost estimates for the preferred alternative.

II. STEAMBOAT SPRINGS AREA COMMUNITY PLAN (SSACP)

Applicable sections of the SSACP include but are not limited to:

Section 3 – Land Use

Goal LU-1: Our community will promote a functional, compact, and mixed-use pattern that integrates and balances residential and non-residential land uses.

Policy LU-1.2: Future development will be in compact mixed-use neighborhoods.

The Future Land Use Plan directs new development to existing and new mixed-use neighborhoods within the UGB, while reducing the potential for dispersed growth not conducive to pedestrian and transit activity that is outside the UGB.

Goal LU-2: Our community will supports infill and redevelopment of core areas.

Policy LU-3.2: New development will be designed to promote distinct new mixed-use neighborhoods.

New neighborhoods should be designed as walkable, mixed-use areas. They are intended to be a setting for a variety of housing types combined with complementary and supporting non-residential uses that serve the neighborhood, including neighborhood commercial services. They shall be designed to include a network of direct and interconnected streets, pedestrian, and bicycle connections. Mixed-use development shall be encouraged within new urban residential neighborhoods. New neighborhoods should include a center that serves as a focal gathering space. Such a center may include a school, park, or other public or private recreation facility, or neighborhood services.

Goal LU-5: Our community will plan and implement land use patterns that support an efficient transportation system and alternative transportation modes.

Section 4 – Growth Management

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

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)).

Chapter 5 – Community Design and Image

Goal CD-1: Our community will preserve its small town character and the image of neighborhoods and the community.

Section 6 – Transportation, Mobility, and Circulation (pages 6-22 through 6-25)

Road Capacity and Operational Improvements

Throughout the plan development process, the working group emphasized that road capacity improvements should take a back seat to developing alternate mode facilities such as an improved transit system and an improved sidewalk and trail system. Thus, the focus of the plan was to provide improvements to these systems. These improvements were then included as part of the background assumptions in the travel demand model developed for the project, and the future traffic forecasts generated by the model reflect aggressive use of these systems by area residents and guests. Up to 25 percent of all resident and guest trips were assumed to use some mode other than their vehicle, depending on housing type, trip type, and housing location, and up to 60

percent of all commercial trips were assumed to use an alternate mode, again depending on business type and location.

However, despite these significant mode shifts, there would be still a significant increase in vehicle travel as the community grows, and therefore there remains a need for road capacity improvements in key areas of the community to ensure this growth can occur without resulting in undue delays on the road system.

For example, while growth is anticipated in each of the six planning areas within the community, the largest portion of it is expected to occur in the West of Steamboat Springs area (2,635 housing units and 2,430,000 SF of commercial and industrial space). As a result of this growth, even if the community-wide transit improvements identified previously are implemented, the Steamboat Springs area evolves into transit-oriented community, and West of Steamboat Springs is developed as a transit-oriented community, the existing road system between West of Steamboat Springs and the Old Town could accommodate up to 600 housing units and 580,000 SF of commercial space in the West of Steamboat Springs area before congestion would become severe, and travel times would increase significantly. At that point, additional road improvements would be needed to accommodate additional development.

Without transit improvements, only 300 housing units and 290,000 SF of commercial space could be developed before heavy congestion occurs.

Unfortunately, no one single improvement would fix the system so that development can occur unchecked until buildout. Instead, the following series of incremental improvements are required to accommodate the full buildout forecast for the area (in West of Steamboat Springs and in the other five planning areas). Each would need to be implemented in the year identified to ensure that growth can occur without significant increases in congestion (see figure T-3 below):

- US 40 from 13th to Elk River Road - construct two additional travel lanes through this section (four lanes total). Currently, there are four total travel lanes between West of Steamboat Springs and Old Town through this section (two on 13th Street and two on US 40, as well as through the bottleneck (US 40 between 12th and 13th Streets). However, the capacity of this segment is slightly less than the bottleneck (2 two-lane roads have less capacity than one four lane road because vehicles traveling in the same direction on a two lane roads cannot pass each other freely), thus, the need for additional lanes here is slightly higher. Based on historical growth rates, this improvement would be required in 2008.
- US 40 between Elk River Road and Steamboat II - construct two additional travel lanes through this section (2022). Four lanes on the highway through West of Steamboat Springs are required to move local and through traffic through the area.
- Elk River Road between US 40 and Downhill Drive - construct two additional travel lanes through this section (2027). Four lanes on this road are required to move

traffic from New Victory Parkway, which terminates at Downhill Drive, down to US 40.

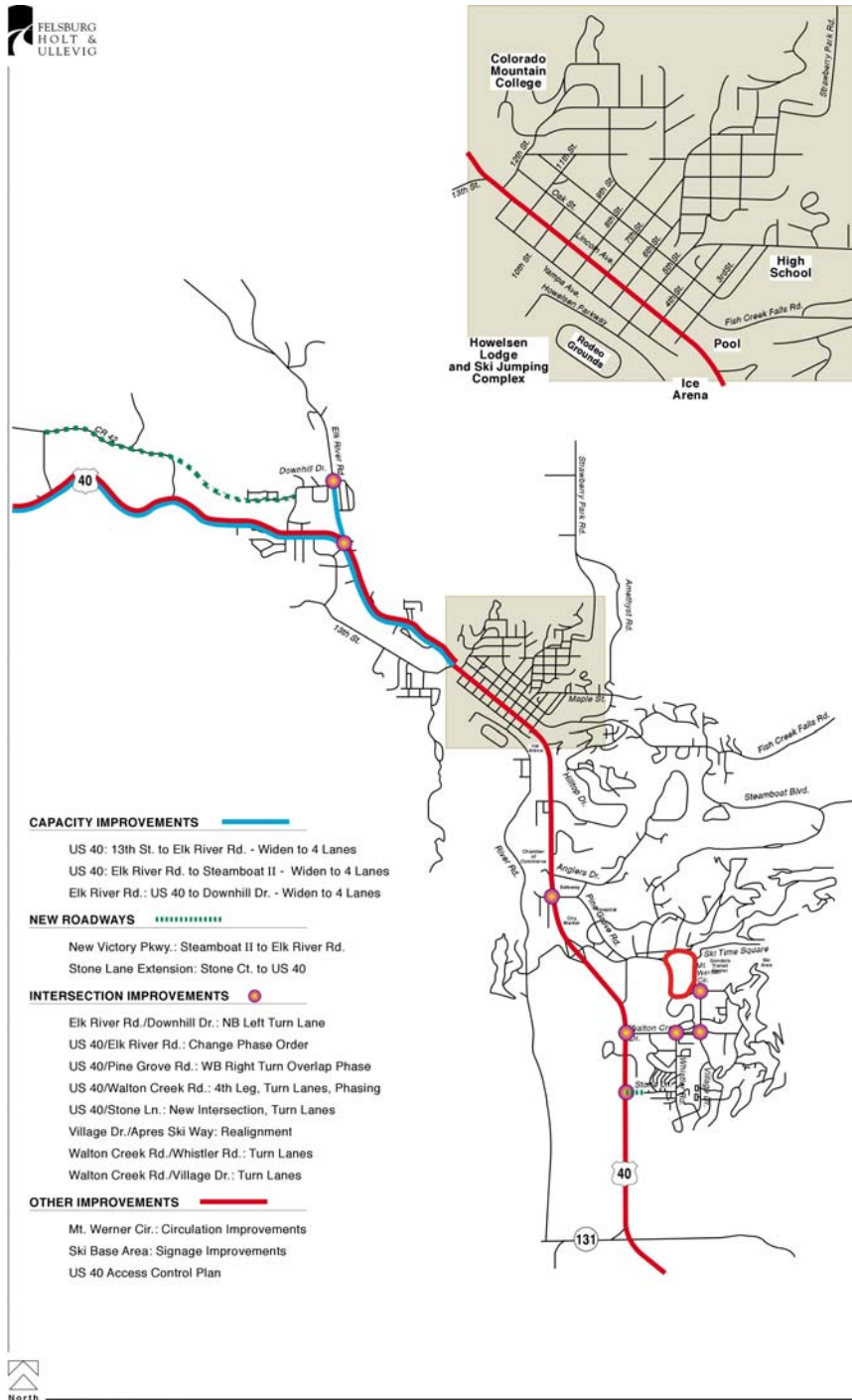


Figure T-3 Recommended Road System Improvements

It should be stressed that the above improvements represent incremental roadway widening steps that would be necessary to incrementally increase the development

potential in West of Steamboat Springs. These improvements address congestion locations in the order they would occur as development in the area progresses (i.e., US 40 north of 13th would be the first segment of roadway to become congested, followed by the bottleneck, followed by US 40 west of Elk River Road, followed by Elk River Road). As such, if an earlier improvement is skipped, the incremental development increase gained by a later improvement is not realized.

Table T-2 shows the incremental increase in development that is gained by each improvement. At this time, due to potential impacts to the environment and community character, neither the Yampa Extension nor any other capacity improvements through the bottleneck have been included in this Plan. Improvements through that area would become necessary once development in West of Steamboat Springs reaches 1,100 units and 1.1 million square feet of commercial space. **Because no improvements have been identified, and any development beyond these limits would increase delay through that area (in excess of 10 minutes at buildout). As a result, the development potential linked to the improvements to US 40 (Elk River Road to Steamboat II) and Elk River Road (US 40 to Downhill Drive) identified in Table T-2 should be viewed with caution; while these improvements would improve mobility within West Steamboat, they would merely allow vehicles to arrive at the bottleneck a little faster. (Emphasis added)**

Table T-2: West of Steamboat Springs Road System Improvements

Improvement	Development Potential¹
No Improvements (Existing Road System)	2008 600 Residential 580,000 SF Commercial
US 40 13 th - Elk River Road	2013 1,100 Residential 1.1 million SF Commercial
US 40 Elk River - Steamboat II	2022 1,900 Residential ² 1.9 million SF Commercial
Elk River Road US 40 - Downhill Drive	2027 (Buildout) 2,635 Residential 2.4 million SF Commercial

1. Level of development that could occur in West of Steamboat Springs (and projected year) before road system would require additional improvement. Development potential assumes all transit and pedestrian improvements identified previously are implemented and the community shifts to a higher reliance on alternative modes.
2. Because no capacity improvements through the bottleneck have been included in this Plan, any development beyond 1,100 residential units and 1.1 million SF of commercial space would increase the delay through that area.

It should also be noted that each of the above improvements would include transit stops, pedestrian, and bicycle facilities in their design to enforce the emphasis travel via alternate modes.

III. WEST STEAMBOAT SPRINGS AREA PLAN (WSSAP)

Applicable sections of the WSSAP include but are not limited to:

3.1 Total Residential Units and density – A Function of Multiple Considerations

How many total residential units should be developed in West Steamboat Springs? Simply based on land area with only moderate densities, the cumulative total could be quite large.

Given the desire to minimize traffic impacts on US Hwy 40, a goal for West Steamboat Springs is to create the lowest density possible that will achieve the other primary West Steamboat Springs objectives:

1. *Achieve significant affordable housing, and*
2. *Minimize costs to the public (the City, County, and Special Districts).*

3.2.3 Buildout Summary

The target buildout of West Steamboat is between 1,100 and 2,600 dwelling units, with a minimum of 20% meeting the affordable housing requirements of this Plan. The final number will depend largely on the effectiveness of traffic and transit improvements to the US Hwy 40 corridor over the next 10 to 20 years.

3.2.4 Residential

1. Place higher density housing adjacent to and near the Village Center.

IV. STAFF SUMMARY

There is no right or wrong answer to the question of how much residential development should be planned in West Steamboat. It is a policy question that should be answered with reference to adopted community plans and the best current information available, as well as taking into account the impacts and costs.

The decision about total buildout should acknowledge the need for a “critical mass” of units in each new neighborhood to achieve benefits of a high density, walkable development. If there is a decision to limit residential buildout below what has been proposed by 360 Village and Steamboat 700 it is unlikely that the critical mass could be achieved in both locations.

The WSSAP balanced community concerns about affordable and workforce housing, maintaining a sense of community, growth management, and transportation constraints by setting a target buildout based on what could be accommodated by expanding Hwy 40 to four lanes and aggressively pursuing alternative transportation modes. Recent development trends have challenged the assumptions in that plan and raised questions about future infrastructure decisions. The decision making model from the WSSAP was to base the decision on community character issues (affordable housing, growth management etc) but to use the logical increment presented by Hwy 40 capacity

constraints to determine the actual number. If that same methodology is used the question of the target residential buildout could be framed in the following ways:

Decision framework	Pros	Cons
Allow as much development as can be accommodated by a 6-lane Hwy 40 between 13 th Street and Downhill Drive; Approximately 4,876 units total (925 du within city limits and 3,951 du from annexation)	<ul style="list-style-type: none"> • Accommodates both SB700 and 360 Village buildout • Increased # of affordable housing units • Accommodates anticipated growth 	<ul style="list-style-type: none"> • Higher cost to community • Right of Way (ROW) acquisition may negatively impact some landowners • 6-lane road will present significant barrier to pedestrians and cyclists • Small town character
Allow as much development as can be accommodated by a 4-lane Hwy 40; Approximately 2,635 units total (925 du within city limits and 1,710 du from annexation)	<ul style="list-style-type: none"> • Lower cost to community • Less ROW impacts 	<ul style="list-style-type: none"> • Likelihood of future congestion/travel delay on Hwy 40 increased • Will likely result in some limitations on development within existing West Steamboat urban growth boundary. • Limits affordable/workforce housing development

V. DIRECTION REQUESTED

Provide feedback on the following question:

1. What is the target residential buildout of the West Steamboat annexation area after accounting for residential infill within the existing city limits west of 13th Street?

VI. ATTACHMENTS:

- Attachment A – 2008 Steamboat Springs Buildout analysis
- Attachment B – Excerpts from SSACP Chapter 4 – Growth Management
- Attachment C – Excerpts from Steamboat 700 Pre-Annexation Agreement
- Attachment D – Memo from 360 Village
- Attachment E – Memo from Steamboat 700
- Attachment F – Excerpts from Steamboat 700 application

City of Steamboat Springs

Buildout Analysis- January 1, 2008

Prepared by:

Jason K. Peasley, City Planner

Seth E. Lorson, City Planner

October 21, 2008

Attachment A

Introduction:

The 2004 Steamboat Springs Area Community Plan (SSACP) contained a buildout analysis of the existing City of Steamboat Springs as well as the areas contained within the Urban Growth Boundary (UGB). The 2004 buildout analysis predicted a relatively small amount of growth within the City and anticipated the vast majority of growth to occur via annexation of land within the UGB. Since 2004, no land has been annexed into the City of Steamboat Springs, while new development has continued within the City limits. The rate and intensity of development within the City limits appears to have outpaced the growth projections in the 2004 SSACP buildout analysis. In preparation for the 2009 SSACP update, a buildout analysis of the existing City of Steamboat Springs to January 1, 2008 has been produced and compared to the findings of the 2004 SSACP buildout analysis.

Development from 2004-2008:

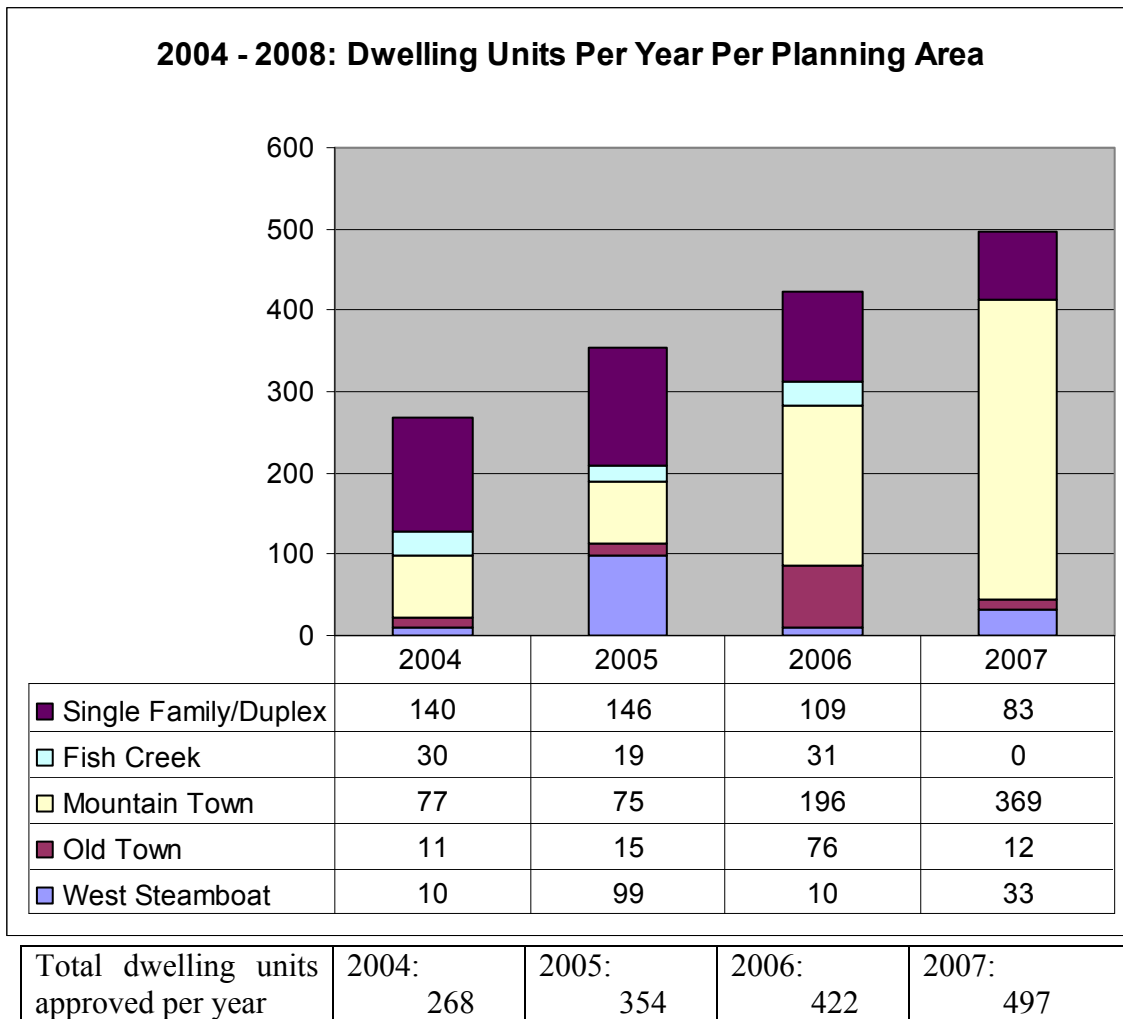
Methodology:

Department of Planning and Community Development staff prepared this report by gathering data from project files for commercial and multi-family developments. This data is merely approved entitlements for development and not necessarily completed construction as of this report. The duplex and single family data was provided by the Routt County Building Department as part of the 2008 Population Study. This data was not divided between planning areas and hence included under its own category in Chart 1. Multi-family and commercial developments have been divided into the following categories: dwelling units, office square footage, retail square footage, and industrial square footage. Additionally these categories have been cross referenced with year of development approval and Special Planning Area (as defined in the SSACP).

Summary:

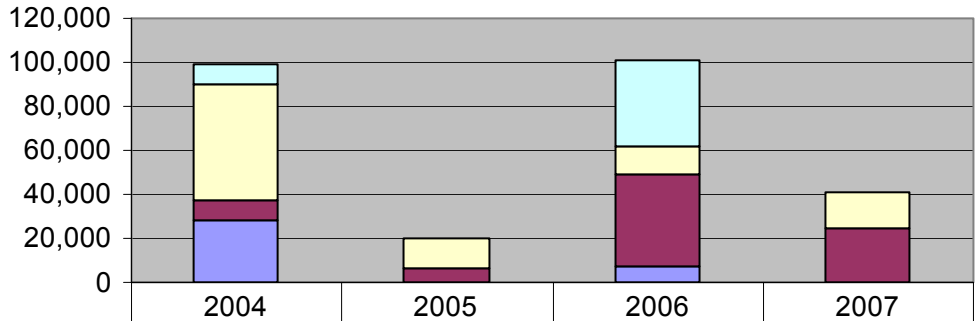
The following is an analysis of the development approved between 2004 and 2008 within the City of Steamboat Springs.

Chart 1



Total dwelling units built 2004 – 2008: 1,541

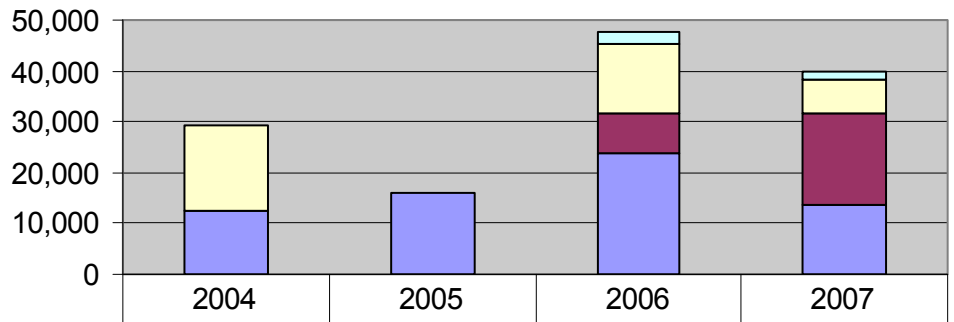
2004 - 2008: Approved Retail Square Footage Per Year Per Planning Area



	2004	2005	2006	2007
Fish Creek	9,295	0	38,735	0
Mountain Town	52,425	13,572	12,565	17,000
Old Town	9,652	6,311	41,743	24,347
West Steamboat	27,980	0	7,687	0

Total retail square footage approved per year	2004: 99,352	2005: 19,883	2006: 100,730	2007: 41,347
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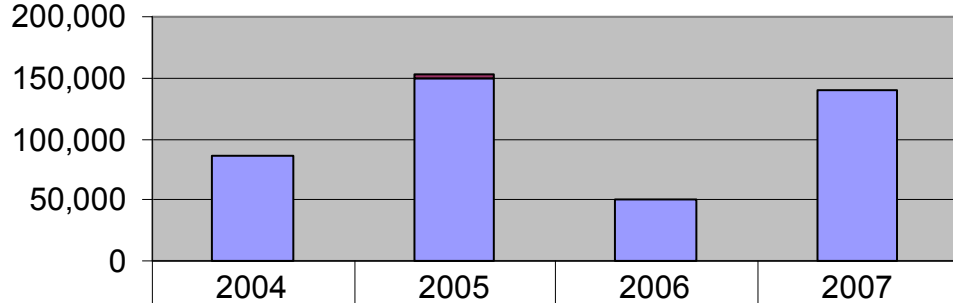
2004 - 2008: Approved Office Square Footage Per Year Per Planning Area



	2004	2005	2006	2007
Fish Creek	0	0	2,170	1,481
Mountain Town	17,061	0	13,905	6,564
Old Town	0	0	7,700	18,150
West Steamboat	12,319	15,954	23,789	13,519

Total office square footage approved per year	2004: 29,380	2005: 15,954	2006: 47,564	2007: 39,714
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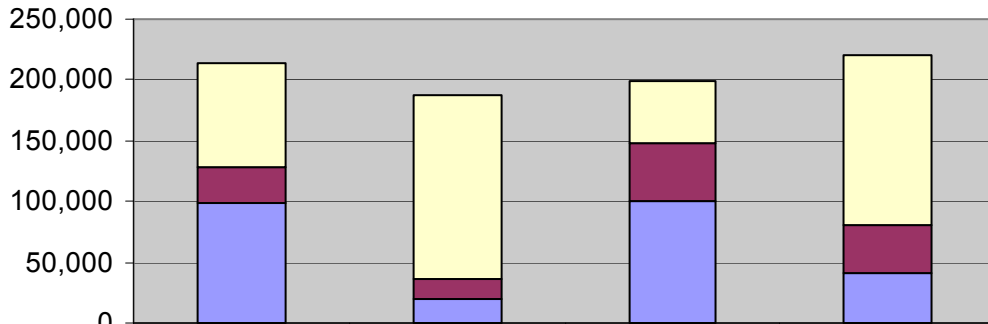
**2004 - 2008: Approved Industrial Square Footage Per Year
Per Planning Area**



Fish Creek	0	0	0	0
Mountain Town	0	0	0	0
Old Town	0	2,888	0	0
West Steamboat	85,640	149,329	50,449	139,510

Total dwelling units approved per year	2004: 85,640	2005: 152,217	2006: 50,449	2007: 139,510
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**2004 - 2008: Approved Non-Residential Square Footage
Per Use**



Total Industrial	85,640	152,217	50,449	139,510
Total Office	29,380	15,954	47,564	39,714
Total Retail	99,352	19,883	100,730	41,347

Total non-residential square footage approved per year	2004: 214,372	2005: 188,054	2006: 198,743	2007: 220,571
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Vacant Land Analysis

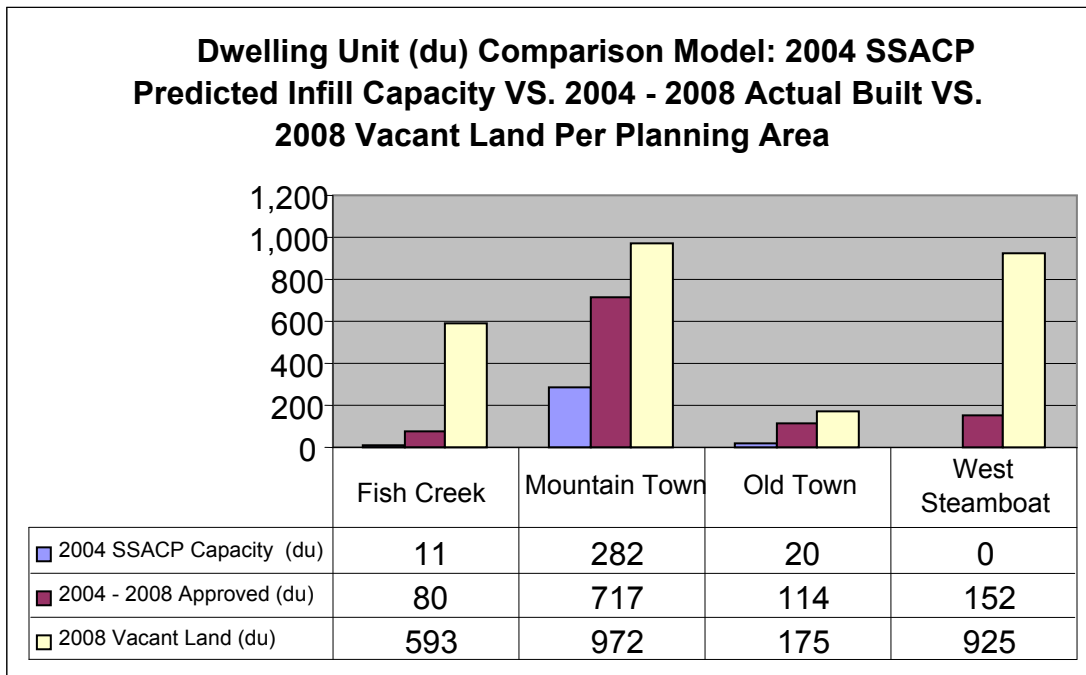
The following is an analysis of the vacant land within each Special Planning Area and the anticipated development thereon.

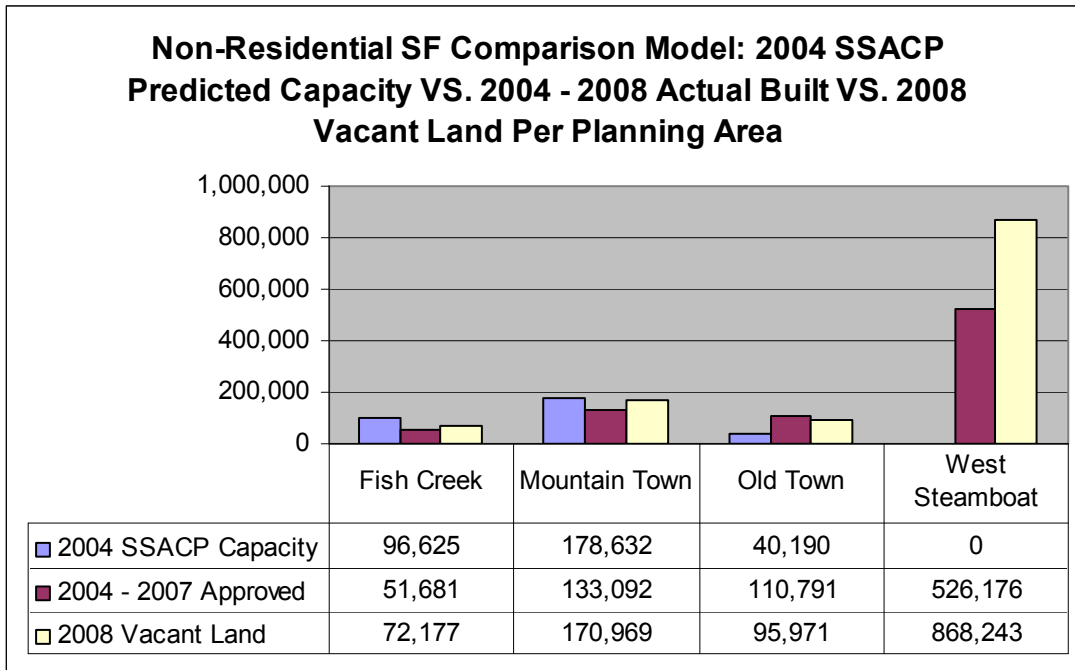
Summary	Units	Non-Res SF
Fish Creek SPA	593	72,177
Old Town SPA	175	95,971
Mountain Town SPA	972	170,969
West Steamboat SPA (within existing City limits)	1,371	868,243
Total	3,112	1,207,359

The capacity described in the above chart is based on the assumption that each project will maximize its residential square footage via a mixed use project utilizing 70 percent of the maximum Floor Area Ratio. Redevelopment has not been analyzed at this point, but should be considered in a more thorough Buildout Analysis.

Development Comparison-2004 Buildout, 2008 Buildout and Vacant Land Analysis:

The following is a comparison of the 2004 SSACP Buildout Analysis conclusions, the development in the past four years and the additional capacity from vacant land within the City of Steamboat Springs.





Findings:

Development in the City of Steamboat Spring has dramatically out paced the anticipated development in the 2004 SSACP Buildout Analysis. This increase can be attributed to the low estimates provided in the 2004 SSACP and the intense, mixed use development that has taken place over the past four years. This trend of mixed use development, particularly in the industrial zone district and downtown, was not anticipated in the 2004 SSACP Buildout Analysis. It is recommended that a new Buildout Analysis be conducted as part of the 2009 SSACP Update, to better reflect the anticipated development within the City of Steamboat Springs.

Chapter 4: Growth Management

Growth Management Vision

The Steamboat Springs community will use innovative growth management that encourages economic stability in a diverse social community while preserving our natural, historic and visual values.

Background and Intent

The 2003 Steamboat Springs Community Survey respondents identified Growth Management as a "top-five" priority issue, with more than 72 percent indicating that growth management is "very important." Generally residents would like to see the city do more to manage growth and its impacts.

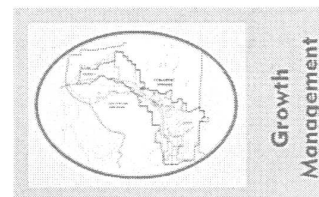
While the 1995 Plan did not include a Growth Management element, it did address growth management through the establishment of an Urban Growth Boundary (UGB) that proposes to direct growth and development within the boundary (note: in the 1995 Plan, this is called the "Urban Boundary"). The community has also taken a number of actions since the adoption of the 1995 Plan to strengthen its approach to growth management, including the following:

- Land Preservation Subdivisions (County);
- Revised Community Development Code (City);
- Intergovernmental Agreement addressing growth issues (City and County);
- Excise Tax Ordinance (City);
- West of Steamboat Springs Plan (City and County);
- Mountain Town Sub-Area Plan (City); and
- Purchase of Development Rights Program (County).

To be effective, growth management requires a comprehensive and balanced approach and mix of tools. Tools that are available to a community include five potential approaches: (1) manage rate/timing, (2) manage location, (3) manage amount and density, (4) manage cost, and (5) manage the quality of development. The next few sections briefly review the community's approach to each of these five potential growth management tools:

(1) Rate/Timing - During the initial stages of preparation of the Community Area Plan Update, the Growth Management Working Group did not reach consensus on a recommendation for managing the community's rate of growth. During review of the draft Area Plan Update, this topic was discussed at length by City and County Planning Commission members, City Council, and the Board of County Commissioners, without a

May 2004



What is Growth?

Growth means development and/or an increase in size or area of a community over time.

What is Urban Growth?

Growth with physical characteristics and land uses typically associated with more densely populated areas, such as paved streets; curb, gutter, and sidewalks; public water and sewer; storm drainage infrastructure; and high levels of police and fire protection services.

What is Growth Management?

Government programs intended to influence the rate, amount, type, location, and/or quality of future development within a jurisdiction.

What is an Urban Growth Boundary?

A line on a map that is used to mark the separation of land suitable for urban development from rural land, and within which urban development should be encouraged and contained and outside of which urban development should not occur.

Steamboat Springs Community Area Plan

clear consensus for direction. For these reasons, the Area Plan Update does not include recommendations for actions to be taken at this time to manage the rate of growth, and focuses its efforts instead on the appropriate types and patterns of land uses; the balance among uses; and the ultimate character and form of the community. City and County elected officials have agreed to jointly appoint a Growth Management Advisory Group, to engage the public in developing a recommendation for additional growth management measures to be considered, including controls on the rate of growth through placing a limit on the number of residential building permits that are issued annually (see Strategy 2.1(b) below).

(2) **Location** - The city and county have already taken steps to manage the location of growth by adopting an UGB that is basically contiguous with an urban service area. They also effectively use zoning to manage the location of growth (see GM-1 above).

(3) **Amount and Density** - The Steamboat Springs community already manages the amount and density of growth through its Future Land Use Plan and zoning regulations. This plan includes estimates of the community's buildout population based on current policies and regulations, and includes recommendations to refine these measures as needed to achieve the community's objectives.

(4) **Cost** - The city has recently adopted an excise tax as a means of funding for needed facilities and services. The city and county coordinate payment of fees through development agreements. The Steamboat Springs community has opportunities to better coordinate fiscal planning for growth and development through a Capital Improvements Program (CIP), as discussed in the Capital Facilities section of this plan. Currently the city and county CIP programs are not coordinated with development proposals.

(5) **Quality** - The city and county both use guidelines and standards to help manage the quality of new development. This plan includes recommendations for additional resource protection standards (see Chapter 7: Natural, Scenic, and Environmentally Sensitive Areas) and design guidelines and standards (see Chapter 5: Community Design).

**PREANNEXATION AGREEMENT
STEAMBOAT 700 ANNEXATION**

THIS PREANNEXATION AGREEMENT (this “**Agreement**”) is made and entered into this 5th day of August, 2008, by and between the CITY OF STEAMBOAT SPRINGS, COLORADO, a Colorado municipal corporation (the “**City**”); STEAMBOAT 700, LLC, a Nevada limited liability company (“**Steamboat 700**”); and STEAMBOAT VICTORY, LLC, a Colorado limited liability company (“**Steamboat Victory**”). Steamboat 700 and Steamboat Victory are collectively referred to as the “**Applicant**.” The City, Steamboat 700 and Steamboat Victory shall hereinafter be referred to collectively as “**the Parties**.”

WITNESSETH:

WHEREAS, Steamboat 700 is the owner of approximately 550 acres of real property located in Routt County, Colorado, legally described in Exhibit A attached hereto and incorporated herein by this reference, and Steamboat Victory is the owner of approximately 150 acres of real property located in Routt County, Colorado, legally described in Exhibit B attached hereto and incorporated herein by this reference (collectively the “**Property**”); and

WHEREAS, Steamboat 700, with the permission of Steamboat Victory, has proposed to the City that the Property be annexed into the City for development of a transit-oriented residential project including affordable housing and retail, office, civic, light industrial and recreational uses (the “**Project**”); and

WHEREAS, the Parties therefore desire to set forth in this Agreement the terms and conditions pursuant to which Steamboat 700 will file a petition for annexation of the Property to the City (the “**Petition**”), subject to the terms and conditions of this Agreement, which terms and conditions the Parties also intend to include in a future annexation agreement (the “**Annexation Agreement**”) to be considered in connection with the City Council’s annexation of the Property.

AGREEMENT

NOW, THEREFORE, in consideration of the promises and covenants contained herein, and other good and valuable consideration, the receipt and adequacy of which the Parties acknowledge, the Parties agree as follows:

1. Effective Date and Term. This Agreement shall become effective on the date it has been signed by the Parties. If on or before the date shown on **Exhibit C** (“Annexation Schedule”) for approval of the Annexation Agreement, the Annexation Agreement has not been negotiated and executed by the Parties, this Agreement shall thereupon terminate and will be null and void and the Parties shall be released from all further obligations under this Agreement.

2. Petition for Annexation. No later than October 31, 2008, Steamboat 700 shall submit to the City a Petition for annexation of the Property, fully executed by Steamboat 700 and Steamboat Victory (the “**Petition**”), along with a complete annexation application in compliance with the requirements of Article III of the Community Development Code for the City (the “**Code**”). Thereafter, the Petition shall be expeditiously scheduled for a City Council meeting at which time the City Council shall determine whether the Petition is deemed to be in

substantial compliance with the Colorado Municipal Annexation Act of 1965, C.R.S. 31-12-101, et seq. (the "Annexation Act"), and in accordance with Article III of the Code, and if so, the City Council shall by adoption of a resolution set the date, time and place for a public hearing on the Petition in accordance with the Annexation Act. Annexation of the Property shall occur, if at all, by ordinance concurrently with City Council approval of the Annexation Agreement and the zoning described in Section 4.A. below.

If the Parties have not executed an Annexation Agreement consistent with the terms of this Agreement on or prior to the effective date of the ordinance annexing the Property, or if the City Council does not approve the zoning of the Property as provided in Section 4.A below, or if there is any legal challenge to the City's approvals related to the Property (including without limitation those ordinances approving the Annexation Agreement, the zoning described in Section 4.A below, or the annexation (the "**Ordinances**")), or if any pre-condition to annexation described in the Annexation Agreement has not occurred, Steamboat 700 may withdraw the Petition at any time prior to the latest effective date of the Ordinances. The effective date of each of the Ordinances shall be not less than thirty-one (31) days following final adoption of the same.

3. Annexation Agreement: Procedure.

A. *Good Faith Negotiations.* The Parties agree that after the execution of this Agreement, they will proceed in good faith and with due diligence to negotiate the Annexation Agreement for the annexation of the Property, the terms and conditions of which shall be consistent with the terms and conditions of this Agreement. The terms and conditions of the Annexation Agreement, unless expressly provided otherwise therein, shall supersede in all respects the terms and conditions of this Agreement. Nothing herein shall obligate the Parties to execute the Annexation Agreement.

B. *Negotiation Process.* The City shall be represented by the City staff negotiating team, which shall take direction from the City Council from time to time as appropriate. Steamboat 700 shall be represented by its negotiating team, as constituted from time to time. Together, the City staff negotiating team and the Steamboat 700 negotiating team shall be referred to as the "Negotiating Group." The Negotiating Group shall meet as frequently as the Parties deem necessary. The Steamboat City Council shall take reports on a monthly basis, and may, in its sole discretion, conduct such executive sessions with the City staff negotiating team as it deems necessary. The Parties expressly agree that there shall be no contact between representatives of Steamboat 700 and individual Council members, such contact being exclusively restricted to presentations by Steamboat 700 representatives at public meetings of the Council. The City further recognizes that the prohibition against ex parte contacts shall also apply to communications between City Council members and third-party interest groups and members of the public outside the formal public hearing process. The Parties agree these restrictions are necessary to protect the integrity of the negotiation process and to avoid any claim of bias, prejudice or ex parte contact in the land use review process contemplated for the Project.

C. *Timeline.* The Parties anticipate that the Annexation, together with Annexation Agreement, will be finalized on or before twelve (12) months following the date of execution of the reimbursement agreement referenced at Paragraph 4.F(1) below, and within the schedule attached as Exhibit C, contingent upon, among other things:

- Completion of studies required by Section 4.E
- Revised Master Plan in form acceptable for final approval
- Decision made concerning the necessity of an Urban Growth Boundary amendment

4. Terms and Conditions of Annexation. The Parties agree that the Annexation Agreement shall include provisions consistent with the following:

A. *Land Use and Residential Density.* The City will adopt zone districts with minimum and maximum density ranges, as informed by the West Steamboat Springs Area Plan ("WSSAP"). Section 3.2.3 of the WSSAP states that "The target buildout of West Steamboat is between 1,100 and 2,600 dwelling units, with a minimum of 20% meeting the affordable housing requirements of this Plan. The final number will depend largely on the effectiveness of traffic and transit improvements to the US Hwy 40 corridor over the next 10 to 20 years." Four hundred (400) units have since been platted or built within the West Steamboat Springs Area, primarily in Steamboat II subdivision, including Heritage Park, and Silver Spur subdivision, reducing the upper limit of the range to 2200 new units. The maximum permitted density for the Project shall be determined with reference to the following criteria, all of which will establish the public benefit of the Project to the City:

- Recommendations of the WSSAP
- Number and affordability mix (as measured by area median income "AMI") of the Community Housing Units to be included in the Project
- Results of Community Housing Demand Analysis
- Degree to which the Project exceeds the minimum number and affordability index of affordable housing units, as recommended by the WSSAP
- Degree to which the Project includes a viable village center, with commercial uses compatible with and accessible to the surrounding residential development
- Proximity of the Project to the City, in comparison to the other properties within the West Steamboat Area
- Location, design and construction of New Victory Parkway
- The appropriate density to be accorded to other properties in the West Steamboat Area
- Provision of additional residential lots for use by the City and nonprofit organizations for affordable housing
- Amount and location of public land dedications
- Degree to which the Project design provides for, accommodates and encourages use of transit

- Degree to which the Project provides for transit infrastructure, capital facilities and equipment
- Degree to which the Project provides for the financing and construction of the infrastructure and, in particular, the roadway improvements to US Highway 40, necessary to support the residential units and other uses proposed.

The Project shall include adequate land area for commercial uses and may include "light industrial" uses as determined through the annexation review process and as recommended by the WSSAP. Commercial land use requirements may include a reservation of sufficient land in an appropriate location for a grocery store and/or other large format retail uses. "Light industrial" uses shall be restricted to those uses of a category which are or can be made compatible with adjacent residential uses.

The Parties understand and acknowledge that the zoning districts to be proposed for the Property have not yet been adopted by the City, and that the City is presently working with Steamboat 700 to establish the parameters of such zone districts. Steamboat 700 shall submit to the City for review the language establishing proposed zone districts for the Project no later than September 22, 2008 and City Staff shall review such proposed zone district language and schedule it for preliminary consideration by the Planning Commission and the City Council when appropriate following TAC review.

B. *Affordable Housing.*

The WSSAP establishes a benchmark standard of 20% deed restricted affordable housing at an average of 80% AMI. The Parties agree this standard of affordable housing public benefit is the minimum standard applicable to the Project. To the degree that Steamboat 700 commits to an increased amount of affordable housing above this standard, the City may increase the allowed density under Section 4.A. The required AMI level may be adjusted in response to the Community Housing Demand Analysis. The Parties will consider alternative solutions for the provision of affordable housing, depending upon the results of the Community Housing Demand Analysis.

C. *Vested Rights*

The City will approve the creation of vested property rights for the Project pursuant to CRS 24-68-101 *et seq.* and Article III of the Code under the following conditions: the rights to be vested shall extend only to the permitted uses and densities set forth in the zone districts adopted and approved by the City as described in Section 4.A and to the public land dedication, infrastructure, financing, exactions, community housing and other requirements set forth in the Annexation Agreement. The term of vesting shall be as follows:

- 10 years commencing upon the effective date of annexation and initial approval of zoning;
- An additional 10 years upon: (a) the issuance of building permits for no less than 25% of the required affordable housing units, and (b) approval

of final plats or issuance of building permits for no less than 20% of the market rate units, all as shown on the approved final Master Plan, for a total of 20 years.

The vested rights shall not preclude the application of regulations of general city-wide applicability including, but not limited to control of special districts, building, fire, plumbing, engineering, electrical and mechanical codes, or the application of regional state or federal regulations, as all of the foregoing exist on the effective date of the Annexation Ordinances or as the same may be enacted or amended after the date thereof, except as otherwise provided therein. No development moratorium or growth control limitation shall be applied against the Project unless the same is applied throughout the City generally, and which does not, in its structure or application, have a disproportionate impact upon the Project as compared to other properties. For example, but not by way of limitation, a moratorium or growth control limitation on processing of building permits to ten percent (10%) of approved units per year, which would restrict a project with 100 approved units to 10 building permits, and the Steamboat 700 Project (assuming for this example only, 2000 approved units) to 200 units, would not be disproportionately applied to the Project, as the impact of the moratorium is equally felt as a percentage of total approved units.

D. *Developer Financing and Revenue Neutrality.*

The Parties recognize that given the size of the Property and the mixed use nature of the Project, coordinated development of the Property will require the installation of major infrastructure improvements, many of which will be required to be installed in the early phases of development. The Annexation Agreement shall include provisions which address potential methods for the financing of these public improvements. By way of example and not limitation, the Parties anticipate using some or all of the following financing mechanisms to finance public improvements:

- formation of approximately five metropolitan districts for the purpose of levying a property tax on the Property in order to fund specific public improvements with the expectation that the Annexation Agreement will set a limit on the total mill levy of approximately 50 mills. Creation of the metropolitan districts is hereby approved in concept, subject to City oversight as follows:
 - Code requirements for review and approval of district service plans and amendments
 - Intergovernmental agreement between the City and the metropolitan district(s) providing additional remedies to and control for the City.
- A public improvement fee on retail sales within the Project, the revenue from which may be used for required infrastructure construction and

maintenance of amenities, in accordance with the terms of the Annexation Agreement; and

- Reimbursement for costs of infrastructure to serve properties other than the Project. The City will require, as a condition of annexation and/or development of any portion of such properties ("Benefited Properties"), that Steamboat 700 shall be reimbursed by the developer of the same, a proportionate share of the construction costs of such additional infrastructure which serves such property. The proportionate share shall be reasonably determined by the City based upon, without limitation, the benefits received by the Benefited Property, the cost savings to the Benefited Property by Steamboat 700's construction of the additional infrastructure, the respective size of the Benefited Property served, physical condition of the infrastructure, prior pro rata allocation to other Benefited Properties of the use of the infrastructure, length and capacity of utilities and roadways infrastructure used by the Benefited Property, and the benefit to Steamboat 700 of such infrastructure.

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 Applicant's choice except to satisfy its obligations under this Agreement or the approved Master Plan for the Project. The real estate transfer fee imposed for the benefit of the City shall apply to all sales of platted lots to prospective individual owners. In no event shall either of the real estate transfer fees apply to: (1) transfer of any affordable housing unit; or (2) any bulk sale of all or any portion of the Property.

E. *Costs of Consultants, Required Studies and City Staff.*

The Parties agree that Steamboat 700 shall bear all costs of the studies required by this Section (except to the extent the City otherwise agrees to cost sharing on an individual study, the results of which may be of benefit to the community at large), and of the City's negotiation of this Agreement, the Annexation Agreement, the City's processing and review of the annexation and land use applications and all related applications, permits, and procedures required for or necessitated by the City's review and approval, conditional approval, or rejection of the Project.

City staff time shall be charged to Steamboat 700 at \$50 per hour; consultants to the City shall be charged to Steamboat 700 at the City's cost for the same. The City agrees to provide estimates of expected expenses for which Steamboat 700 is responsible under this Section 4.E simultaneously with execution of this Agreement.

The scope of services for required studies and consultants shall be mutually agreed upon between the Parties prior to the consultant commencing work or the study being initiated. The City may agree to cost sharing on any study, the results of which may be of benefit to the community at large. In addition, the City may agree to a not-to-exceed amount for certain studies, only after the consultants involved have estimated fees based upon an agreed scope of work. The Parties agree that the following studies are required and that the responsibility for contracting for the same shall be allocated to Steamboat 700 and/or to the City as indicated:

Required Studies/Consultants	Responsibility for Contract
	A = Steamboat 700; C = City
• Floodplain study	A
• Visual impact analysis	A & C
• US Highway 40 Environmental Assessment	C
• Walkability analysis/transit accessibility report	A
• Traffic study (within the Property)	A & C
• Fiscal Impact/Public Facilities analysis	C
• Build-out analysis	A & C
• Sustainable design program	A
• Phasing plan	A
• Wetlands study	A
• Slope analysis	A
• Wildlife study	A
• Community Housing Demand analysis	Yampa Valley Housing Authority and A & C
• Water and wastewater capacity analysis	C

The procedure for Steamboat 700's payment of these agreed costs shall be as follows: Steamboat 700 shall deposit 10% of the total estimated cost of \$1,347,516.00 with the City upon signature of this Agreement. The City shall draw upon the account as needed for the purposes permitted by this Section, and Steamboat 700 shall replenish the account as necessary. If at any time the available balance in the account shall be insufficient to pay any cost, expense, bill or invoice incurred or received by the City which is reimbursable to the City as provided herein, the City shall cease all negotiation, review and processing of the annexation and land use applications for the Project until the account has been replenished. The City shall maintain these funds in a separate account, the interest upon which shall be credited to the account; the excess, if any, following annexation and development review and approval of the Project, to be returned to Steamboat 700. The City agrees to require reimbursement by other developers outside the present City limits to Steamboat 700 as a condition of annexation, development approvals, and other land use approvals for an equitable share of the cost of studies incurred by Steamboat 700 which benefit such other development, such reimbursement to take place in the manner described in Section 4.D.

F. *Transportation and Transit.*

(1) Environmental Assessment. Steamboat 700 agrees to fully fund the US Highway 40 environmental assessment and/or other CDOT-required study (the “EA”) required to evaluate the Project. The Parties agree to execute a separate agreement whereby the City, as lead agency for the EA, will be reimbursed by Steamboat 700 for the costs of the same. The City will initiate the EA promptly upon execution of that agreement and receipt of the required initial deposit. The Parties acknowledge that the time to complete the EA will be approximately 18 months from the commencement of work by the consultant and that the study will detail what improvements are needed for full build out of the West Steamboat area. The Parties agree that the cost of the EA shall be shared with other developments in the West Steamboat area which will rely upon the results of the study, and that Steamboat 700 shall be entitled to reimbursement from those developments, using the reimbursement mechanism described at Section 4.D and/or other agreed method. The City will manage the EA in consultation with CDOT and will assign a full-time public works employee to that project.

(2) Construction of EA Improvements. Steamboat 700 agrees to fully pay for that portion of the design and construction of the transportation and transit improvements identified in the EA (the “EA Improvements”) which represent the pro rata share of the incremental increase in traffic generated by the Project. The Parties agree that these costs shall not be borne by the City at large. Such costs may include transit, design and other non-capital improvements. Steamboat 700 shall provide requirements for long term transit and funding for the same. The Parties agree to jointly develop a formula (the “Formula”) to calculate their respective shares of the total cost of the EA Improvements. The Parties shall apply the Formula to realistic example Improvements in order to test its validity. The Parties agree that as a precondition to the approval of final plats for the construction of the units which make those Improvements necessary, the EA Improvements must be completed or, if such Improvements are not defined as “critical improvements” for that phase of the Project in accordance with the phasing plan approved for the Project, the completion of such Improvements must be financially secured to the satisfaction of the City in the manner customarily required by the City for similar improvements. Steamboat 700 agrees to fully fund such Improvements, subject to reimbursement of the excess in cost above its Formula share, if necessary to enable approval of final plats.

To the extent Steamboat 700 agrees to fully fund (in accordance with the Formula and subject to reimbursement as provided herein) construction of the EA Improvements, the City shall not condition the Annexation upon completion of the EA.

Notwithstanding anything to the contrary herein, the City will not approve the Annexation Agreement or the Annexation without an identified funding source to pay for, or to reimburse Steamboat 700 for, that portion of the EA Improvements, which is not the sole obligation of Steamboat 700. Understanding the importance of the non-Steamboat 700 sources of funding for the EA Improvements, Steamboat 700 and the City agree to closely cooperate to identify such sources as soon as possible.

Recommendation for meeting or increasing density targets related to the West Steamboat Springs Area

Higher density is critical for:

- Affordable, Attainable Housing
- Transit
- True Mixed-Use Urban Land Patterns
- Funding Major Public Improvements
(i.e. Revenue Neutrality)

Affordable and Attainable Housing

- A. Since 1995, community planning documents have targeted the West Steamboat area for urban growth and as the primary source of affordable housing. Over the past 14 years there have been no affordable units built in this area.

- B. Capping density at 2,200 units will not achieve plan goals:
 - 1) The 2009 Yampa Valley Community Indicators Report¹ and the 2008 City of Steamboat Population 8 year growth estimate both average approximately 2.5%² annually. At that rate the population will double in 25 to 30 years.

 - 2) Currently, there are approximately 9,200 total housing units in Steamboat Springs³. The Economic Development Assessment⁴ projects that almost 75% of the new housing units will be purchased or built by second homeowners/resort, which leaves only 25% of the new units expected to meet workforce and full-time residential needs. What will happen if you apply density caps in West Steamboat area to those estimates?

¹ 2009 Yampa Valley Community Indicators Report Page 3

² 2008 City of Steamboat Population Report Page 16

³ 2008 City of Steamboat Population Report Page 10

- 3) You will get the absolute minimum of affordable housing and no diversity in housing mix. At the high end range of 2200 units of density in 25 years and a 20% rate of affordable housing, the WSSAP will produce only 440 units of workforce affordable units within the next 25 years – this equates to less than 5% of the total units which are predicted to be built within Steamboat Springs in the next 25 years.
- 4) The community will fall further behind in its supply of affordable housing. The Workforce Housing Demand Analysis states that Steamboat Springs is already behind by 600 units of affordable housing supply.
- 5) Land owners will opt out and develop 35-acre parcels or LPS. Tremendous off-site infrastructure costs combined with minimal density provides little motivation for a developer to annex. The plan fails.

C. WSSAP recognizes the connection between higher density and affordable housing:

1. WSSAP Section 4.2.2 “Higher density can reduce the per unit cost of land and infrastructure. Higher density can be achieved with a variety of unit types...”
2. WSSAP Section 1.1 “An important goal of this plan, is to bring about affordable housing for the working people of Steamboat Springs. This goal will be achieved through a combination of regulation and incentives including but not limited to density which can be a significant means to lessen the cost of a home.”

Transit

A. Transit is a key community goal -- requires higher densities:

1. SSACP Strategy LU-5.1(a) “Establishing minimum density targets for new development areas that will be served by transit, in order to ensure that service to these areas will be viable. Typically, residential densities need to average at least 7 dwelling units per acre to support viable feeder bus service and an average of 15 dwelling units per acre to support high-frequency bus service.”
2. WSSAP Section 2.5 E. “Design all development to be transit-friendly, that is, locate higher densities and commercial areas close (within 1/8th mile, optimally) to central bus collection points....”
3. WSSAP Section 2.5 G “Improve transit service to the West Steamboat Springs Area”
4. SSACP page 3-5 states “The Future Land Use Plan also illustrates the concept of developing new urban neighborhoods with activity centers, primarily in the West of Steamboat Springs area. The pattern of new neighborhoods should be based generally on historic land use and street patterns. In addition, the density of new residential neighborhoods should be appropriate to support a multi-modal transportation system that includes transit, automobiles, pedestrian, and bicycle mobility.”

Urban Mixed-Use Land Pattern

- A. Density within the UGB is the answer to sprawl. Increased density within the UGB is significantly better than the current condition where growth and sprawl is occurring in unincorporated parts of Routt County due to land and housing costs within the City of Steamboat Springs.
- B. Higher densities support more variety and options in housing types and products.
- C. Density is key to achieving the Urban Design goals for West Steamboat Springs set forth in WSSAP Section 6.1, including a “walkable, tree-lined street, an intimate street-to-house relationship and a mix of building types that fosters social interaction and neighborliness.”

Public Infrastructure

The projected highway and other infrastructure and off-site costs are big numbers. As a result, the viability of any annexation depends either on very high lot prices or a significant number of lots. The direction from the community has been that very high lot prices are not desired, therefore high density is critical.

WSSAP Flexibility

WSSAP Section 3.2.3 states “The target buildout of West Steamboat is between 1100 and 2600 dwelling units....” The word target implies flexibility rather than a firm cap.

WSSAP Goals

A. Other WSSAP goals can be met with higher densities:

Goals of West of Steamboat Plan and impact of increased density

Goal	Impact of Density – Positive	Impact of Density – negative	To Be Determined	Notes
#1 – Affordable/Attainable Housing	X Lower costs, more supply, variety of housing types			
Develop Neighborhoods – new urbanism principals	X Variety, walkability, mixed uses, parks, recreation			
Reduce Highway 40 Congestion	X Can provide needed infrastructure to mitigate	X More people may equal more congestion		Growth in outlying areas may have same impact on congestion if development in West Steamboat not realized
Highway Improvements	X Spread significant costs over more units			
Transit and Multimodal	X Need 7 to 14 units per acre to be feasible			
Recreation and Trails	X Financial support to construct and maintain more trails and recreational facilities			
Visual/Scenic Corridors		X Less agriculture		No loss of key scenic resources
Community Character	Affordable/attainable housing will preserve working/middle class populations		X Growth Control vs. continuing to lose middle class	Employer impact on efficiency, competitiveness, ability to expand is significant

B. Changed conditions since 2006 Update support flexibility in granting higher densities to make affordable/attainable housing achievable:

Additional Elements/Considerations since 2006

Goal	Impact of Density – Positive	Impact of Density – negative	To Be Determined	Notes
Economy – Employment	X 25% of economy in construction stagnated			
NEPA – highway preferred direction	X No funding source for needed improvements without developers			
Public Infrastructure – sewer and water systems	X Capital funds depleted for necessary expansions and upgrades			
Sales tax reliance	X Developments propose diversity of employment and sales tax capture			

360 Village Project

- Committed to affordable, attainable housing
- Transit and multi-modal oriented
- Adjacent to existing developments and will provide public improvements which benefit three developments
- 360 Village will supply 7 different types of housing units of which many will be rental apartment units, a product desperately needed
- 650-700 units needed to achieve affordable housing/transit goals (depending on quantity and type of affordable/attainable housing units and public improvement and operational costs/fees imposed on project).



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

MEMORANDUM

TO: JOHN EASTMAN AND TOM LEESON, CITY OF STEAMBOAT SPRINGS DEPT. OF PLANNING AND COMMUNITY DEVELOPMENT
FROM: PETER PATTEN AND SCOTT WOODFORD, PATTEN ASSOCIATES, INC.
RE: BACKGROUND INFORMATION FOR PLANNING COMMISSION PACKET FOR HEARING MARCH 12, 2009 RELATIVE TO STEAMBOAT 700 AND OVERALL WSSAP DENSITY

The purpose of the memo is to provide Planning Commission with guidance in answering the following questions at the upcoming public hearing on West of Steamboat Springs Area Plan (WSSAP) overall density:

1. Is the Steamboat 700 proposed density, generally consistent with the policies found in the WSSAP?
2. Is the Steamboat 700 proposed density appropriate within the overall context of the WSSAP?

Regarding question #1, the WSSAP makes it clear that it desires to implement the principles of Traditional Neighborhood Design (TND). Section 3.2.1, entitled "Traditional Urban Patterns of Steamboat Springs" states: "The vision for West Steamboat is one that integrates the historic pattern of Old Town Steamboat with the topography of west Steamboat to create a livable community with a true sense of place". This section goes on describe the characteristics of Old Town that are desired for development in the WSSAP, including:

1. grid street pattern
2. mixture of densities within neighborhoods
3. residential uses in close proximity to open spaces/parks
4. Integration of natural areas within the urban fabric
5. Street trees and detached sidewalks and a public realm that encourages walking and a lively social atmosphere
6. Garages setback from the front facade of homes or located off alleys

All of these design features are embraced by the Steamboat 700 Land Use Plan and Form Based Code.

Steamboat 700 Density Memo for PC	3/4/2009	1
<p>PATTEN associates, inc. Development & Land Planning Consultants</p>		
First Financial Center (970) 871-9111	2145 Resort Drive Suite 110 Fax (970) 871-9797	Steamboat Springs, CO 80487 ppatten or swoodford@pattenassociates.com

TND successfully integrates higher densities that are crucial in providing walkable communities with better access to transit, as well as higher quality public and private amenities/benefits. Some of the specific benefits of providing higher densities at TND levels within Steamboat 700 include:

- Increased number of community/affordable housing units
- More accessibility and more effective transit
- Higher quality and amount of public amenities such as community parks, trails, civic spaces, community center, day care, etc.
- Ability to fund more off-site improvements
- Additional funds for the Real Estate Transfer Fee to fund enhancements for affordable housing, sustainability and community facilities.
- Reduction in urban sprawl and carbon footprint by accommodating more units in closer proximity to employment centers.

At a total of approximately 4 units/gross acre and 6.2 units/net acre (2,044 units + approximately 340,000 of commercial total), Steamboat 700 is proposing density that is high enough to provide the type of development desired with mixed use village centers and a high proportion of multi-family and small lot single family/duplex to provide the high quality, walkable environment desired. Creating a high quality TND project with all of the amenities and benefits proposed would be difficult or impossible to achieve at a lower densities.

To address question #2, it is important to note that the WSSAP designates the Steamboat 700 property as the site for the primary village center in the West Steamboat area, and it further calls for higher densities on Steamboat 700 than in other WSSAP areas. Some of the WSSAP’s policies on this are:

Section 3.5.1: “2. The property currently platted as the “540 Subdivision” will be required to include a designated area for a Village Center and areas for, commercial/light industrial uses, schools, emergency services, parks, trails, and open space as necessary to ensure orderly development in conformance with this plan.”

Section 3.5.2: “6. Include high density housing within and adjacent to the Village Center to provide sufficient population to ensure cost effective transit.”

Section 3.5.3: “1. Place higher density housing adjacent to and near the Village Center.”

Section 3.3.6 Summary - Features of the WSSAP: “B. A transit-friendly layout, with higher densities concentrated along the proposed New Victory Parkway and Slate Creek Road to allow walking-distance access to bus routes for a majority of the residents.”

Thus, Steamboat 700 should have densities higher relative to other WSSAP properties based upon the location of the primary village center.



Another aspect of the second question is whether the proposed Steamboat 700 density is appropriate in relation to the build out of the entire WSSAP area. The WSSAP has a number of different references to overall densities that require revisiting based upon the current US 40 Documented Categorical Exclusion NEPA study that Steamboat 700 is funding. This study will identify and cost out improvements required for higher traffic volumes on US 40, allowing additional, as yet undetermined, density in the WSSAP area.

Regarding the actual “carrying capacity” of the WSSAP based on reasonable assumptions for the location of appropriate land uses, residential densities and amount of commercial, both City planning staff and Patten Associates have prepared studies. Our study concluded that approximately 3,100 residential units and 1.9 million square feet of non-residential space could be adequately accommodated. We can provide our assumptions and additional detail on our study if appropriate. These numbers would provide for approximately 1,050 residential units and 1.36 million square feet of non-residential space on non-Steamboat 700 properties within the WSSAP area. Again assuming that traffic can be accommodated with improvements to US 40, this appears to be a reasonable “density allocation” for the WSSAP for both Steamboat 700 and non-Steamboat 700 properties.



Steamboat 700 Land Use Program Annexation Submittal October 31, 2008

Residential Uses	Residence Type	% of Total																								
		Total	Pod 1a	Pod 1b	Pod 1c	Pod 2	Pod 3a	Pod 3b	Pod 3c	Pod 3d	Pod 4	Pod 4b	Pod 5a	Pod 5b	Pod 6	Pod 7	Pod 8	Pod 9a	Pod 9b	Pod 9c	Pod 9d	Pod 10a	Pod 10b	Pod 10c	Pod 11a	Pod 11b
Apartments		428	0	0	0	0	48	0	0	0	96	0	0	0	0	0	0	144	86	24	30	0	0	0	0	0
Condominiums		546	0	0	0	0	160	0	0	0	20	0	0	0	0	0	0	35	97	40	24	0	40	0	0	40
Townhomes/Courtyard Homes		433	0	0	0	31	18	23	74	0	23	79	55	0	0	0	0	61	36	25	0	8	0	0	0	0
Single Family - Small Lot (4,600-7,999 SF)		328	0	0	0	90	0	0	0	23	0	0	0	0	0	0	0	0	0	0	0	0	0	0	41	0
Single Family - Medium Lot (8,000-19,999)		11%	0	3	2	22	0	0	0	0	7	10	1	0	0	0	0	40	0	0	0	52	0	0	42	0
Single Family - Larger Lot (20,000 + SF)		76	6	4	4	0	0	0	0	0	7	0	3	5	5	7	24	0	0	0	0	0	0	16	0	
Pod Total		2,044	6	7	19	143	226	23	74	119	89	89	59	5	199	139	179	219	89	89	54	140	40	99	40	
Non-Residential Uses																										
Commercial - #Sq. Ft. of Retail, Office, Restaurant, Services)		340,000					150,000																			
Hotel - #Sq. Ft. (approx. 80 Rooms)		40,000								40,000																
Light Industrial Total (In Acres):		4.6 ac																								
Fire Station		1.5 ac																								1.5
V/EA Electric Substation		1 ac																								1
City Public Works Maintenance Yard		1 ac																								1
Homeowners Association Maintenance Yard		1 ac																								1
Community/Day Care Center Site		1.2 ac																								1
Acreeage by Land Use																										
	% of Total	Total	Pod 1a	Pod 1b	Pod 1c	Pod 2	Pod 3a	Pod 3b	Pod 3c	Pod 3d	Pod 4a	Pod 4b	Pod 5a	Pod 5b	Pod 6	Pod 7	Pod 8	Pod 9a	Pod 9b	Pod 9c	Pod 9d	Pod 10a	Pod 10b	Pod 10c	Pod 11a	Pod 11b
Acreeage Type		278.8	6.4	4.3	3.1	38.8	21.5	1.5	6.8	1.1	9.2	21.6	12.6	7.1	2.5	44.4	39.3	10.6	16.1	5.8	2.0	39.0	1.9	6.9	38.3	3.6
Residential	64%	278.8	6.4	4.3	3.1	38.8	21.5	1.5	6.8	1.1	9.2	21.6	12.6	7.1	2.5	44.4	39.3	10.6	16.1	5.8	2.0	39.0	1.9	6.9	38.3	3.6
Mixed Use	8%	40.1																4.0	10.1	5.0	1.0	37.4		1.9		4.4
Light Industrial	1%	4.4																5.4	6.0	0.8	1.0					1.5
Community Facilities	0%	2.7																								
Accommodations	0%	1.1																								
Primary Streets Right of Way	7%	34.3																								3.9
Natural Open Space	24%	123.2																								
Parks	5%	23.2																								
Total	100%	508	6.4	4.3	3.1	38.8	21.5	1.5	6.8	1.1	9.2	21.6	12.6	7.1	2.5	44.4	39.3	10.6	16.1	5.8	2.0	39.0	1.9	6.9	38.3	3.6

- Notes:**
- This Land Use Program was approved and adopted and shall be interpreted, applied and amended only pursuant to the terms and provisions of the Steamboat 700 Annexation Agreement adopted by the Steamboat Springs City Council by Ordinance No. _____ on _____, 2009.
 - This Land Use Program is based specifically on the Steamboat 700 Land Use Plan that is part of the Annexation Application dated October 31, 2008. The Acreeage by Land Use Information shown is not intended to reflect "build-out" conditions.
 - Please see Steamboat 700 Community Housing Plan for Community Housing Units Information.



Steamboat 700

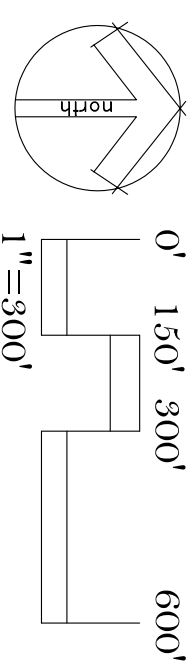
Annexation Application

Land Use Plan

October 2008

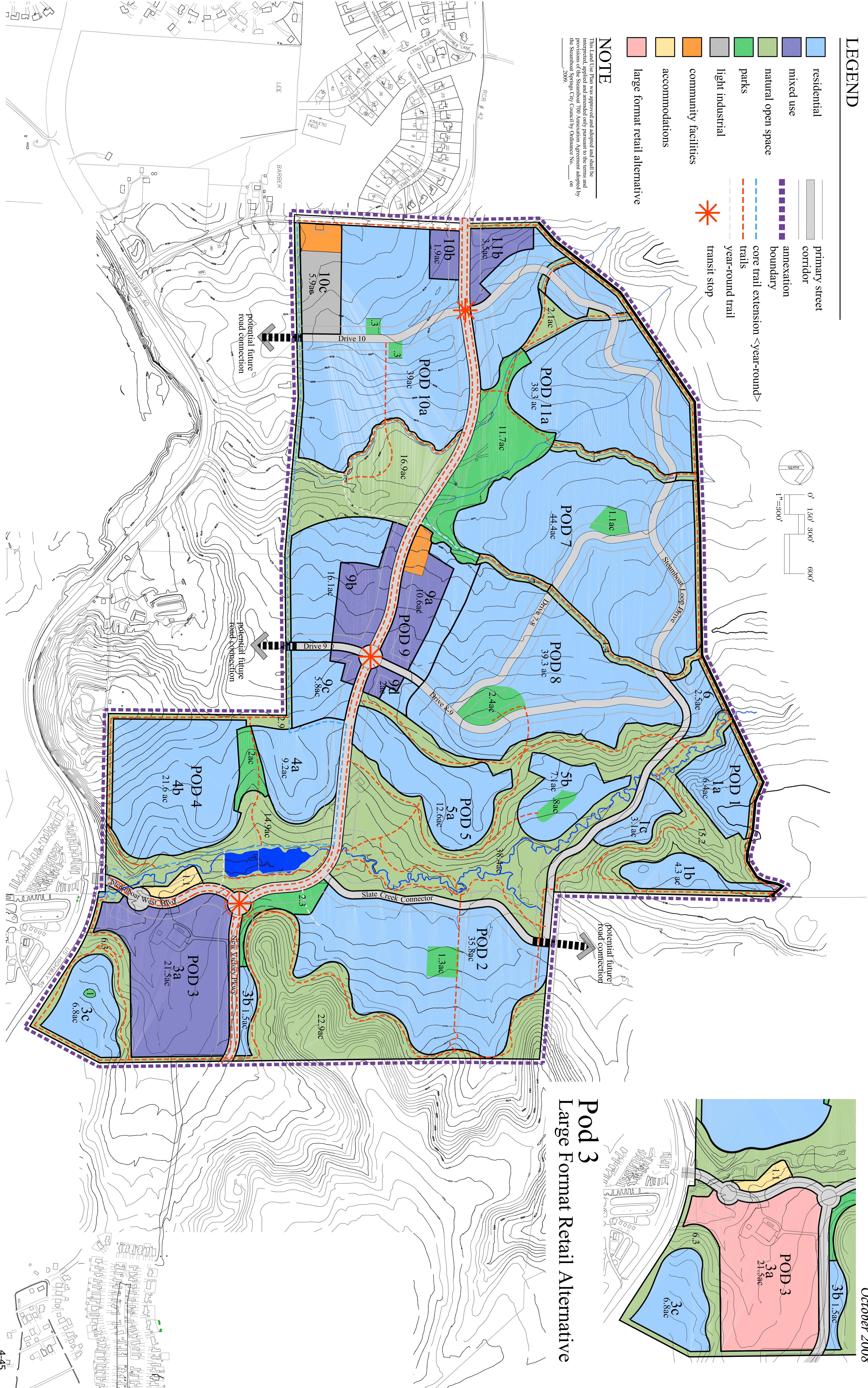
LEGEND

- residential
 - mixed use
 - natural open space
 - parks
 - light industrial
 - community facilities
 - accommodations
 - large format retail alternative
-
- primary street
 - corridor
 - annexation boundary
 - core trail extension <year-round>
 - trails
 - year-round trail
 - transit stop



NOTE

This Land Use Plan was approved and adopted and shall be interpreted, applied and amended only pursuant to the terms and provisions of the Steamboat 700 Annexation Agreement adopted by the Steamboat 700 City Council by Ordinance No. _____ on _____, 2008.



Pod 3
Large Format Retail Alternative

Supplemental Information for 03/26/2009 Meeting
AGENDA ITEM # 4
PLANNING COMMISSION COMMUNICATION
FORM

FROM: John Eastman, AICP, Planning Services Manager (Ext 275)

DATE: March 19, 2009

ITEM: West Steamboat buildout work session

NOTE: Please bring the 03/12/2009 staff report and supplementary materials for the West Steamboat Buildout discussion to the 03/26/2009 meeting.

ATTACHMENTS:

1. Multi-modal and trip reduction background; prepared by Laura Anderson, Public Works Engineer
2. Hwy 40 NEPA study – Previously studied transportation improvements diagram
3. Roadway and Intersection Levels of Service from 2004 SSACP transportation study
4. Excerpts from 1998 Steamboat Springs Mobility and Circulation Plan

Steamboat Springs Chamber of Commerce – Transportation Solutions Group
Highway 40 Congestion Recommendations

1. Implement traffic solutions in community plans
2. Educate community on current traffic levels and project future levels based on growth patterns
3. Educate community on all potential Highway 40 options
4. Commit to the funding and implementation of Transportation Solutions recommendations

Multi-lane road examples

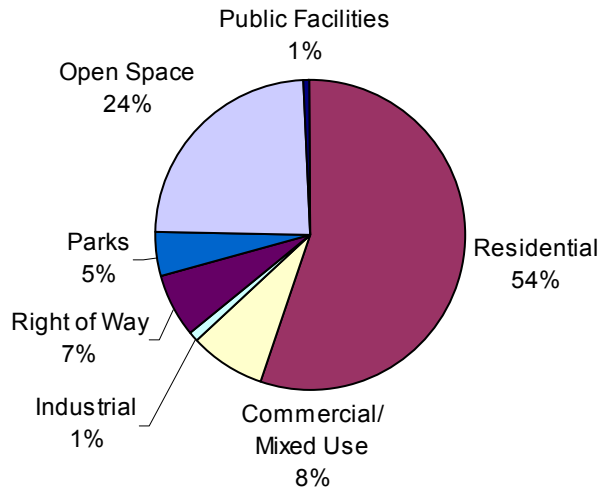
prepared by Mike Gill, Traffic Engineer with Jacobs Consulting

Roadway	Location	Lanes	approx. ADT (Average Daily Traffic)
I-70b (business loop)	Grand Junction	6	45,000
SH 9	Breckenridge	4	20,000
SH 9	Frisco	4	25,000
SH 82	Aspen	4	23,000
Broadway North of Mississippi Ave.	Denver	6	38,000
Colorado Blvd. at Colfax Ave.	Denver	6	60,000
Colorado Blvd. at Alameda Ave.	Denver	6	65,000
Alameda Ave at Colorado Blvd.	Denver	6	40,000
University Blvd at Cherry Creek Dr.	Denver	6	45,000
1st Ave. at University Blvd.	Denver	6	65,000

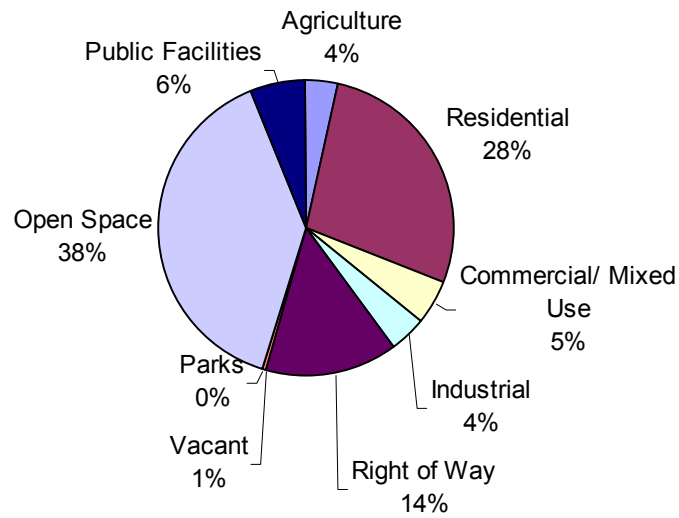
Steamboat 700 and Old Town Steamboat Land Use Comparison

Land Uses	Steamboat 700		Old Town	
	Acres	%	Acres	%
	Agriculture	0	0.0%	51
Residential	278.8	54.9%	396	27.6%
Commercial/ Mixed Use	41.2	8.1%	67	4.7%
Industrial	4.4	0.9%	63	4.4%
Right of Way	34.3	6.8%	200	13.9%
Vacant		0.0%	9	0.6%
Parks	23	4.6%	0	0.0%
Open Space	123	24.3%	565	39.3%
Public Facilities	2.7	0.5%	86	6.0%
TOTAL	508	100.0%	1436.6	100.0%
Densities	Steamboat 700		Old Town	
	Acres	%	Acres	%
Dwelling Units	2044		1457	
Gross Acres	508	100.0%	1437	100.0%
Parks/Open Space/Ag/ROW/etc	188	37.0%	974	67.8%
Net Acres (Residential & Mixed Use)	320	63.0%	463	32.2%
Gross DU/ Acre	4.0		1.0	
Net DU/Acre	6.4		3.1	

Steamboat 700 Land Use



Old Town Land Use



Multimodal Options

The Steamboat Springs Area Community Plan and the WSSAP set goals for a stronger Transit system to “shift away from heavy reliance on the private automobile as the primary mode of travel”. Both the NEPA Study and the Steamboat 700 Development are proposing options that encourage walking, biking and increased bus use along the West US 40 corridor.

The **Steamboat 700 Development** will have an extensive network of trails and sidewalks along all their proposed streets that will be maintained during the winter months by their Metro District. City staff continues to work with the development team to ensure a well connected and integrated street network as part of their land use plan. Our goal is to create a neighborhood where the residents do not have to use an automobile for their local conveniences. The Traffic Report is using a 15% **multimodal reduction**. It is their intent to get 5% of all trips on a bus (typical service in Steamboat is less than 2%) and 10% of all trips via bikes and walking. For example, if you live near your work (less than ½ mile), you are more likely to bike or walk instead of driving. The City anticipates 20 minute transit service for this new area with the development team’s participation in continuing transit service discussions.

The total trips estimated for any site fall into three categories: pass-by trips, internal/multi-use trips, and new trips. The S700 land use proposal is designed to reduce new vehicle trips by a) providing services that attract existing traffic passing by the site and b) locating commercial uses in close proximity to residential uses with strong pedestrian/bicycle connections so that some trips will be internal to the site not using US 40 and some trips can be combined. The Steamboat 700 development estimates a 25% **pass-by reduction** for trips that may already be on US 40 and decide to stop at the grocery store or a local restaurant. These are not new trips to the road network, but rather pass-by or diverted trips from the existing traffic. This reduction is only applied those types of commercial uses that “attract” trips and not the residential trips generated by this development. The Traffic Report also lists an approximate 22% reduction for “**internal and multi-purpose trips**”. These are trips that remain within the development; for example a resident could drive to the grocery store, and then stop at the local dry cleaners before getting a cup of coffee and returning home. The trip is made, but is internal to the site and never enters US 40.

The overall purpose of the **NEPA Study** “is to best accommodate future travel on West Highway 40 between 12th Street and the Urban Growth Boundary by reducing congestion, **balancing multimodal** use and providing effective access.” We anticipate our preferred alternative to include paved shoulders, separated multi-use sidewalks and a specific transit plan. These design elements should provide for safe bicycle and pedestrian use as well as a more robust transit service.

Multimodal options are certainly a part of the traffic solution, as highlighted in the Steamboat Springs Area Community Plan and WASSAP, to improve long-term transportation through the City. However, rarely are shifts to alternate modes

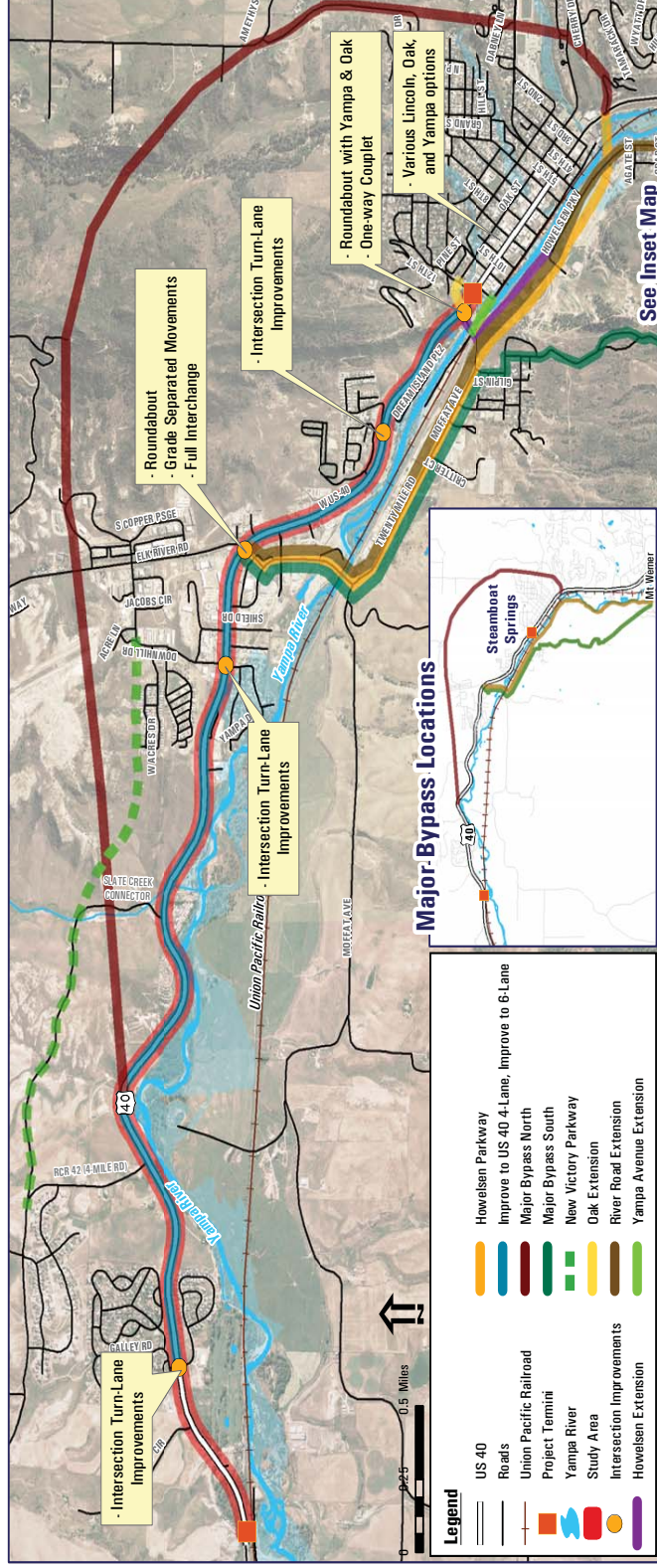
accomplished at such a significant level that result in actual lane reductions. Instead, the benefit is slightly improved operations and enhancements to quality of life. For example, a typical traffic lane carries up to 2,000 vehicles in the peak hour; it would take 40 full busses just to carry the same number of passengers in addition to our regular peak hour transit service. At this time our current fleet of busses numbers 24 (including regional service busses and the new hybrid).

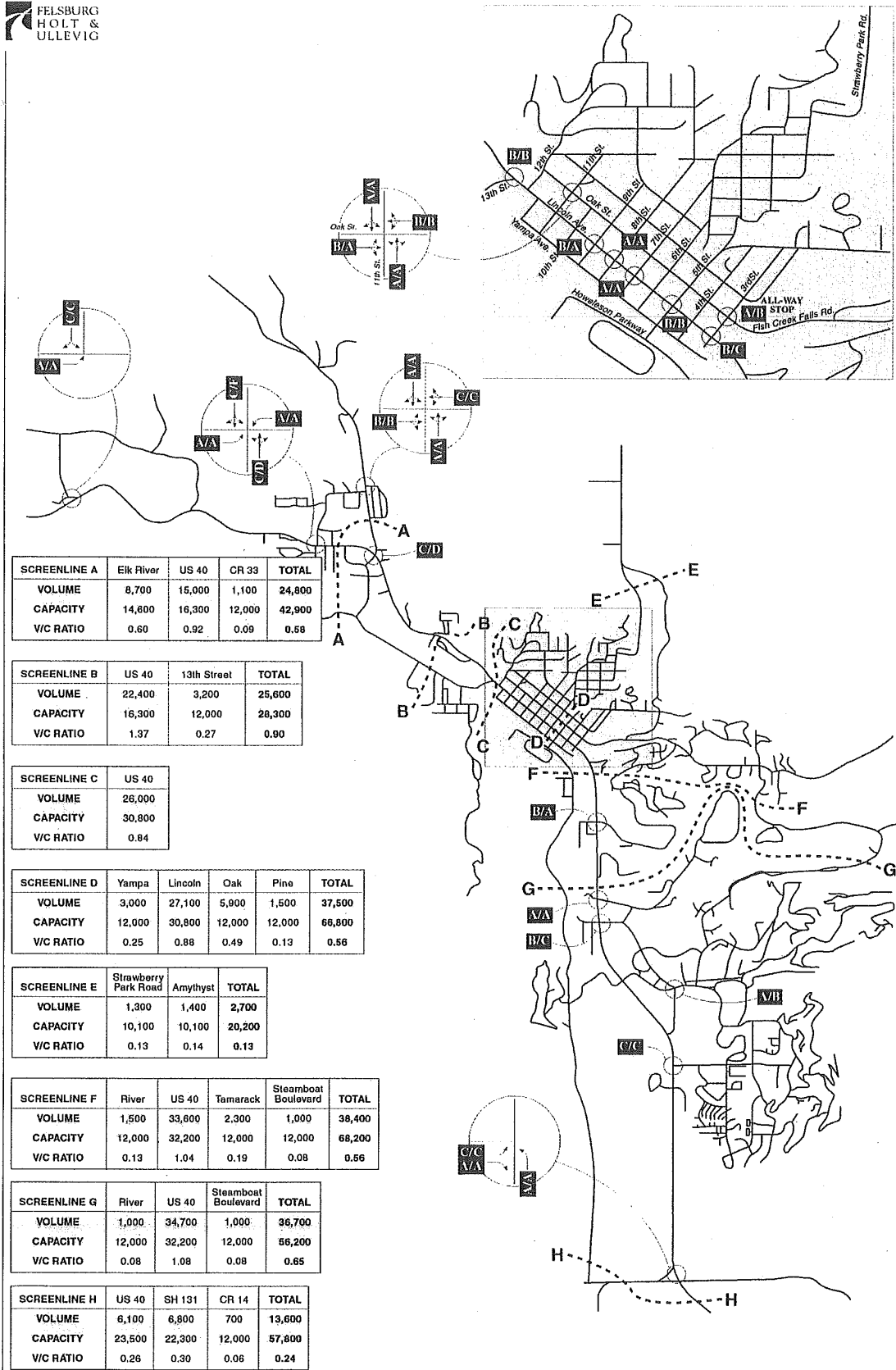
40

WEST OF STEAMBOAT SPRINGS

US HIGHWAY 40 - NEPA STUDY

PREVIOUSLY STUDIED TRANSPORTATION IMPROVEMENTS





LEGEND
 = AM/PM Peak Hour Level of Service

Figure 1
 Roadway and Intersection Levels of Service

5.0 PHASING OF MULTI-MODAL IMPROVEMENTS AND EXPANSIONS

A phased approach to the implementation of mobility and circulation enhancements is recommended given the uncertainty of the land use development pattern that will evolve, the effectiveness of initial efforts to minimize growth in automobile traffic congestion, and the availability of funding. The recommended Phase 1 enhancements include completing currently planned missing roadway segments and embarking on an aggressive approach to improving pedestrian, bicycle, and transit facilities. Phase 1 also focuses attention on critical land use planning issues. Phases 2 and 3 continue the aggressive implementation of alternative mode facilities, but have also considered selected roadway system expansion if and when warranted and desired in the community, although no time line has been attached.

The Steamboat Springs City Council has acknowledged the potential for increased traffic congestion in the future, but has directed that only Phase 1 and the non-roadway components of Phases 2 and 3 be implemented. A primary consideration in this direction is that all of the roadway system expansion alternatives identified in these later phases that would increase traffic capacity have significant impacts on the community. For this reason, all specific roadway expansion information related to Phases 2 and 3 has been included in the Appendix as reference material only in the event that this issue is raised again in future community discussion.

5.1 Phase 1 Mobility Enhancement

First phase mobility improvements and expansions are detailed by category below and are illustrated on Figure 5.1.

Planning

- pursue cooperative land use planning efforts in the region to address the following:
 - reduction of the land use increase that generates the demand for travel
 - development patterns that support the use of alternative modes to the automobile
 - development patterns that include alternative mode facilities
 - development patterns that provide a mix and proximity of uses that reduce the number of unique trips needed and

reduce the length of those trips that are made (particularly in the hope of pedestrian or bicycle trips becoming the mode of choice)

- development patterns that intercept trips before they reach "bottleneck" areas
- recognize the limitations of the roadway system when considering the location, type and intensity of additional development
- complete a detailed travel survey within the community to refine estimates of travel demand particularly relative to future roadway expansion needs (including household survey component, employee survey component, and roadside component)
- continue to pursue incorporation of local transportation improvements into regional and statewide plans to maximize potential for state and federal funding
- pursue additional cluster box mail delivery

Roadways

- complete missing roadway links that are either currently planned or under consideration (Hillside, Stone Court, Steamboat Blvd. across Fish Creek, Fairway Trail) - completing missing links will increase the connectivity of the system and will reduce dead end roadways that require out of direction travel
- complete traffic signal progression improvements on Lincoln Avenue
- stripe westbound right turn lane on Lincoln Avenue at 3rd Street

Pedestrian and Bicycle Facilities

- enhance pedestrian signalization with pedestrian push buttons and refine traffic signal progression along Lincoln Avenue
- pursue creation of pedestrian districts (Downtown, Curve, Mountain, Pine Grove)
- pursue sidewalk and trail improvements system wide
- pursue bicycle route system

Transit Facilities

- implement a high frequency Lincoln Avenue Shuttle, year round, along Lincoln Avenue/US 40 between the Curve area and the Central Park Plaza area
- continue to pursue general SST system improvements and winter season transit system

- improvements as identified in the Transit Development Plan (TDP)
- expand emphasis of SST on summer service (including the Mountain area where summertime visitors are oriented toward automobile use)
- investigate a dedicated funding source for SST
- pursue improvements to the Gondola transit center
- pursue a transit shuttle vehicle in the Ski Time Square corridor to prevent all SST routes from having to traverse the length of the corridor
- pursue development of downtown and outlying transit/multi-modal centers, coupled with park-n-ride facilities in the Curve and Central Park Plaza areas and a parking structure downtown at 8th/Lincoln

5.2 Phase 2 Mobility Enhancement

Second phase mobility improvements and expansions are detailed by category below.

Planning

- continue cooperative land use planning in the region

Pedestrian and Bicycle Facilities

- continue all Phase 1 pedestrian and bicycle facility improvements

Transit Facilities

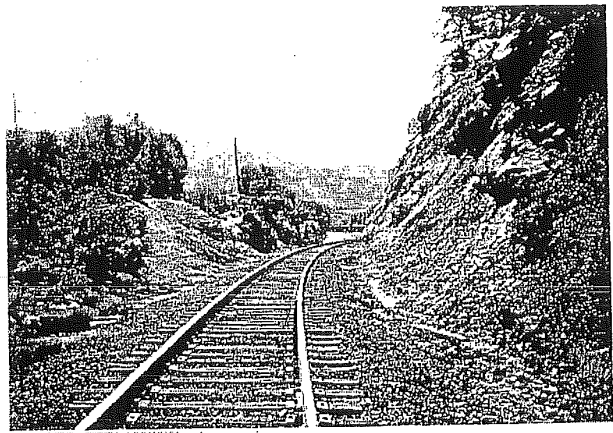
- continue Phase 1 transit system improvements
- pursue extension of transit service to newly developing areas to the south and west as appropriate

Roadways

- Figure A-15 in Appendix A illustrates potential expansion of roadway capacity through the bottleneck. This information has been included in the Appendix to aide in future discussions if necessary. However, it should be noted that the Steamboat City Council did not support the addition of roadway capacity given the impacts on the community.

5.3 Phase 3 Mobility Enhancement

Third phase mobility improvements and expansions are detailed by category below.



Planning

- continue cooperative land use planning in the region
- coordinate local mobility and circulation planning with regional efforts

Pedestrian and Bicycle Facilities

- continue all Phase 2 pedestrian and bicycle facility improvements

Transit Facilities

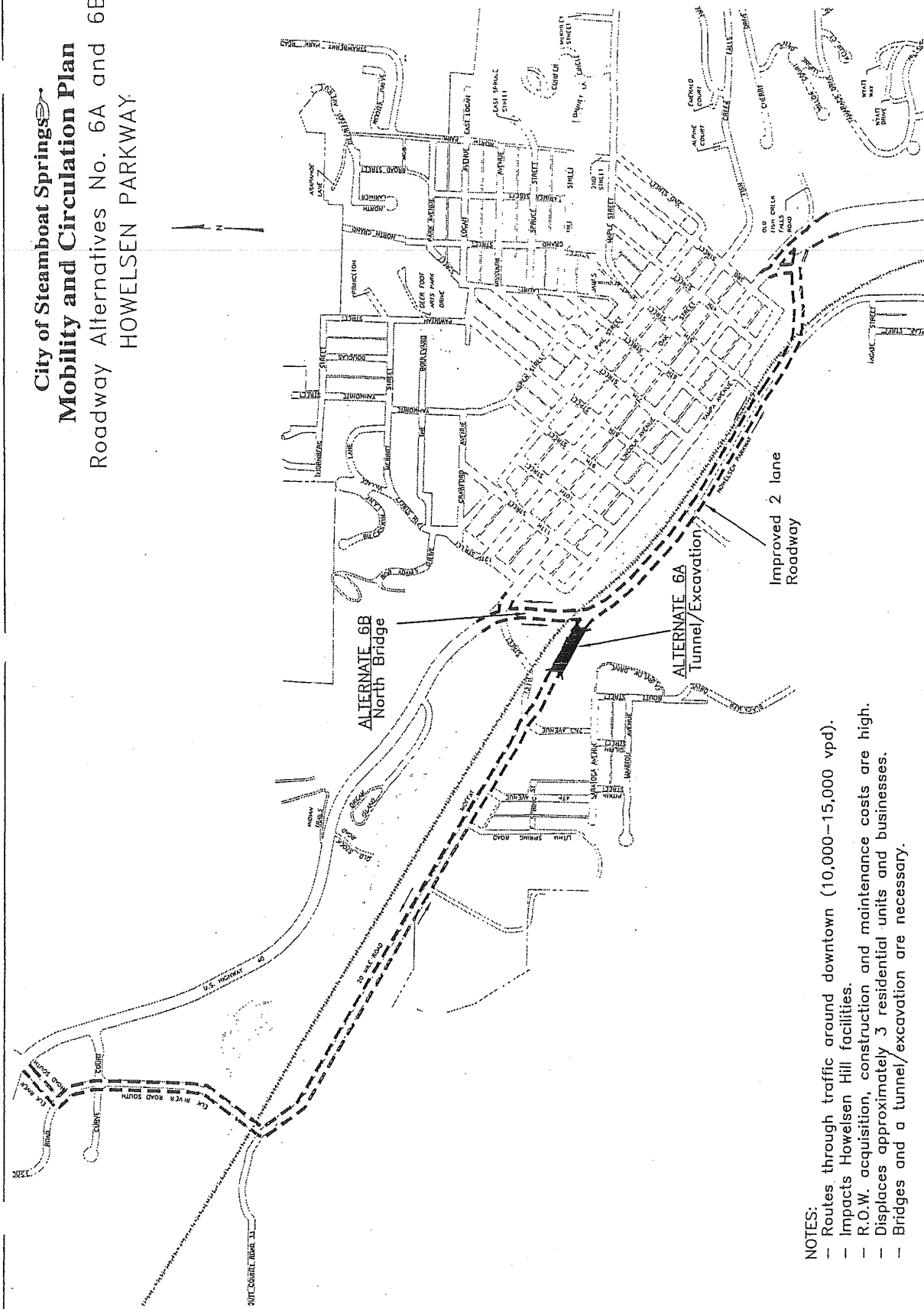
- continue mid-term transit system improvements
- pursue extension of transit service to newly developing areas to the south and west as appropriate
- facilitate connections with regional transit improvements such as passenger rail if implemented along the existing rail line

Roadways

- Figure A-16 in Appendix A illustrates potential expansion of roadway capacity through the community. This information has been included in the Appendix to aide in future discussions if necessary. However, it should be noted that the Steamboat City Council did not support the addition of roadway capacity given the impacts on the community.

**City of Steamboat Springs
Mobility and Circulation Plan**

Roadway Alternatives No. 6A and 6B
HOWELSEN PARKWAY



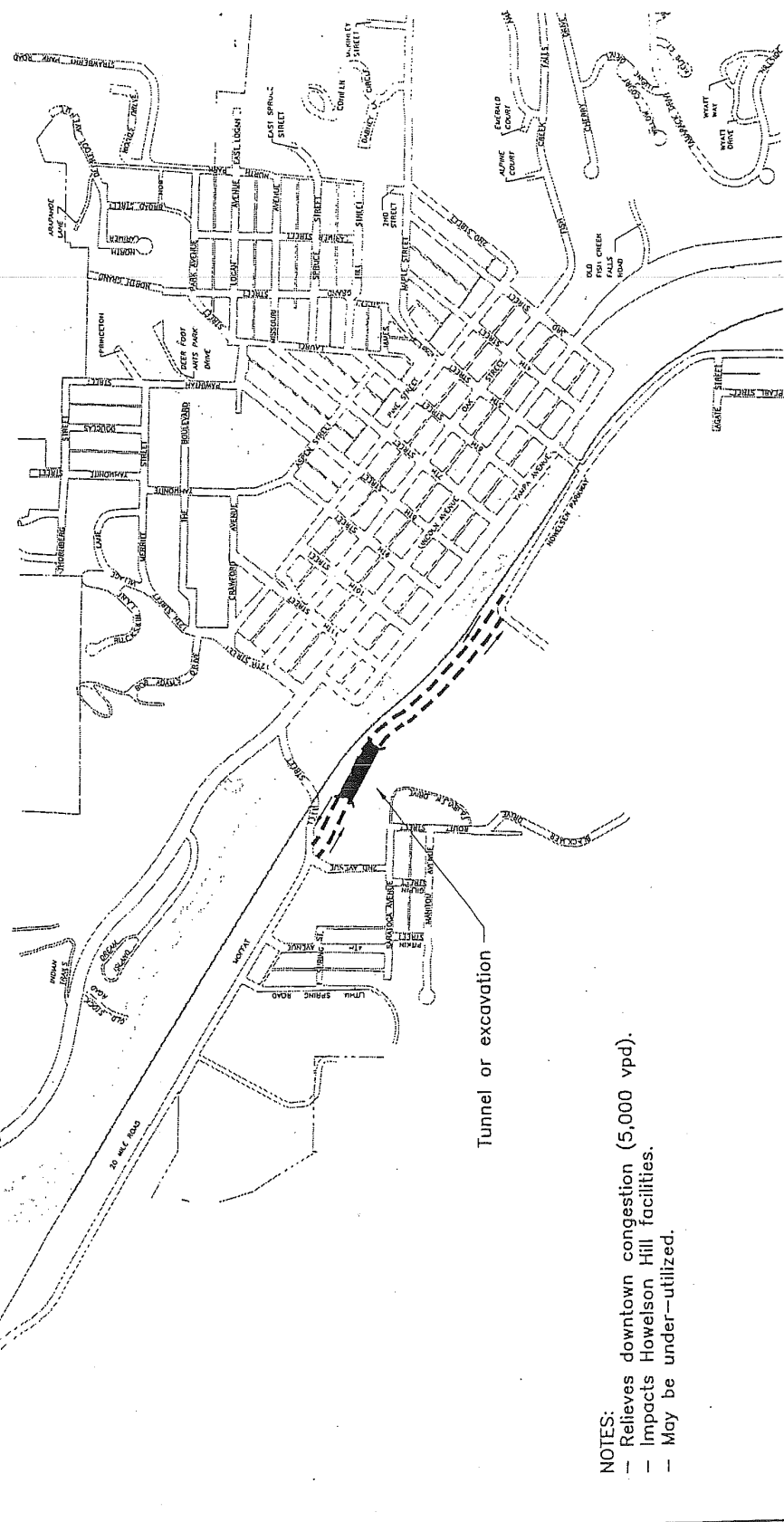
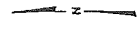
- NOTES:**
- Routes through traffic around downtown (10,000-15,000 vpd).
 - Impacts Howelsen Hill facilities.
 - R.O.W. acquisition, construction and maintenance costs are high.
 - Displaces approximately 3 residential units and businesses.
 - Bridges and a tunnel/excavation are necessary.



STEAMBOAT SPRINGS MOBILITY AND CIRCULATION PLAN
ROADWAY ALTERNATIVES NO. 6A AND 6B - HOWELSEN PARKWAY

Scale	NITS	Date	12/30/97	Drawn by	RAC	Job #	9724	Figure	A-5
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City of Steamboat Springs
Mobility and Circulation Plan
 Roadway Alternative No. 7
HOWELSEN PARKWAY
 (initial phase of 5A, 5B, or 6A)



Tunnel or excavation

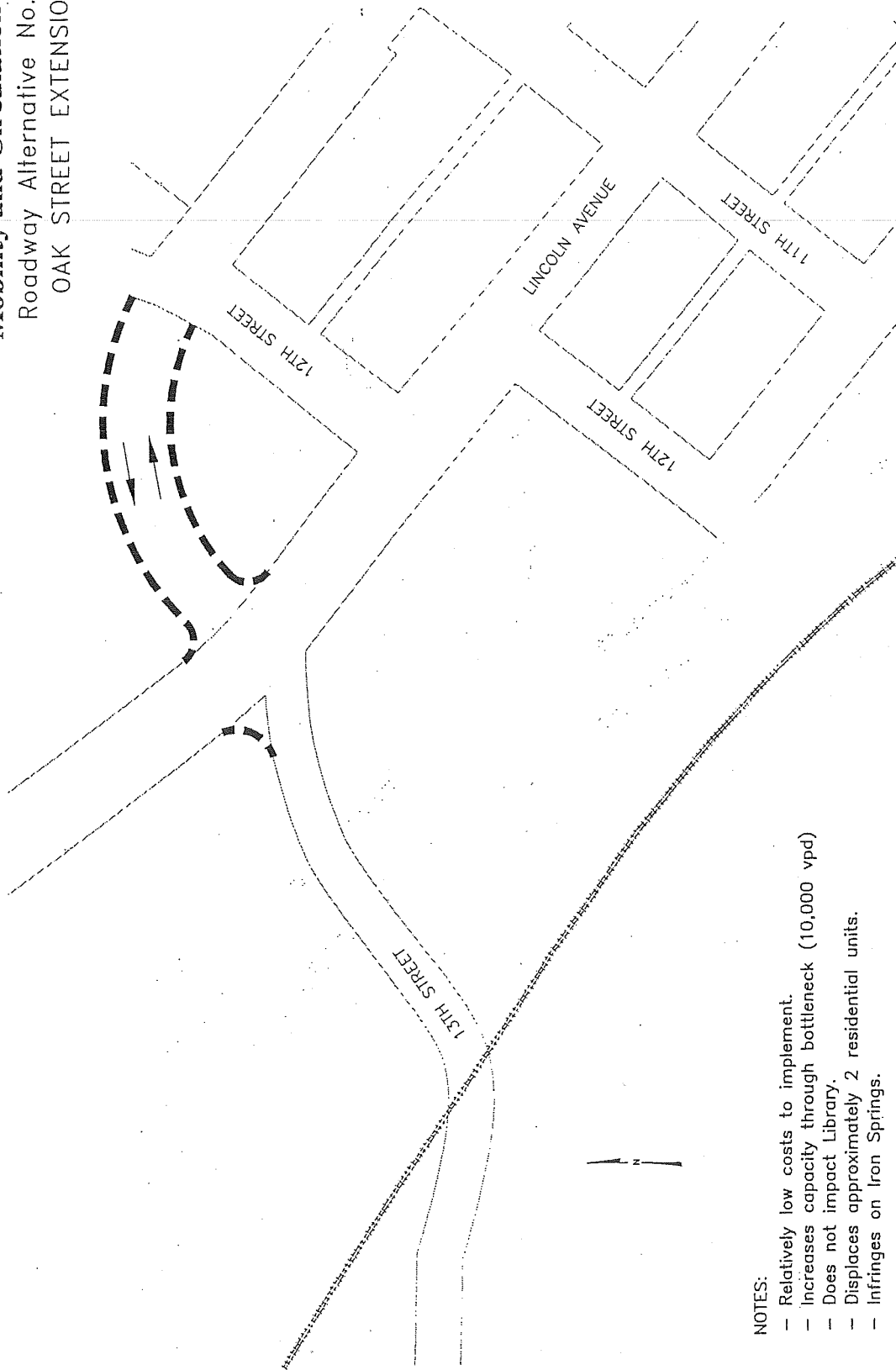
- NOTES:
- Relieves downtown congestion (5,000 vpd).
 - Impacts Howelson Hill facilities.
 - May be under-utilized.



STEAMBOAT SPRINGS MOBILITY AND CIRCULATION PLAN
 ROADWAY ALTERNATIVE NO. 7 - HOWELSEN PARKWAY

Scale	NTS	Date	12/30/97	Drawn by	RAC	Job #	9724	Figure	A-6
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City of Steamboat Springs
Mobility and Circulation Plan
 Roadway Alternative No. 12
 OAK STREET EXTENSION



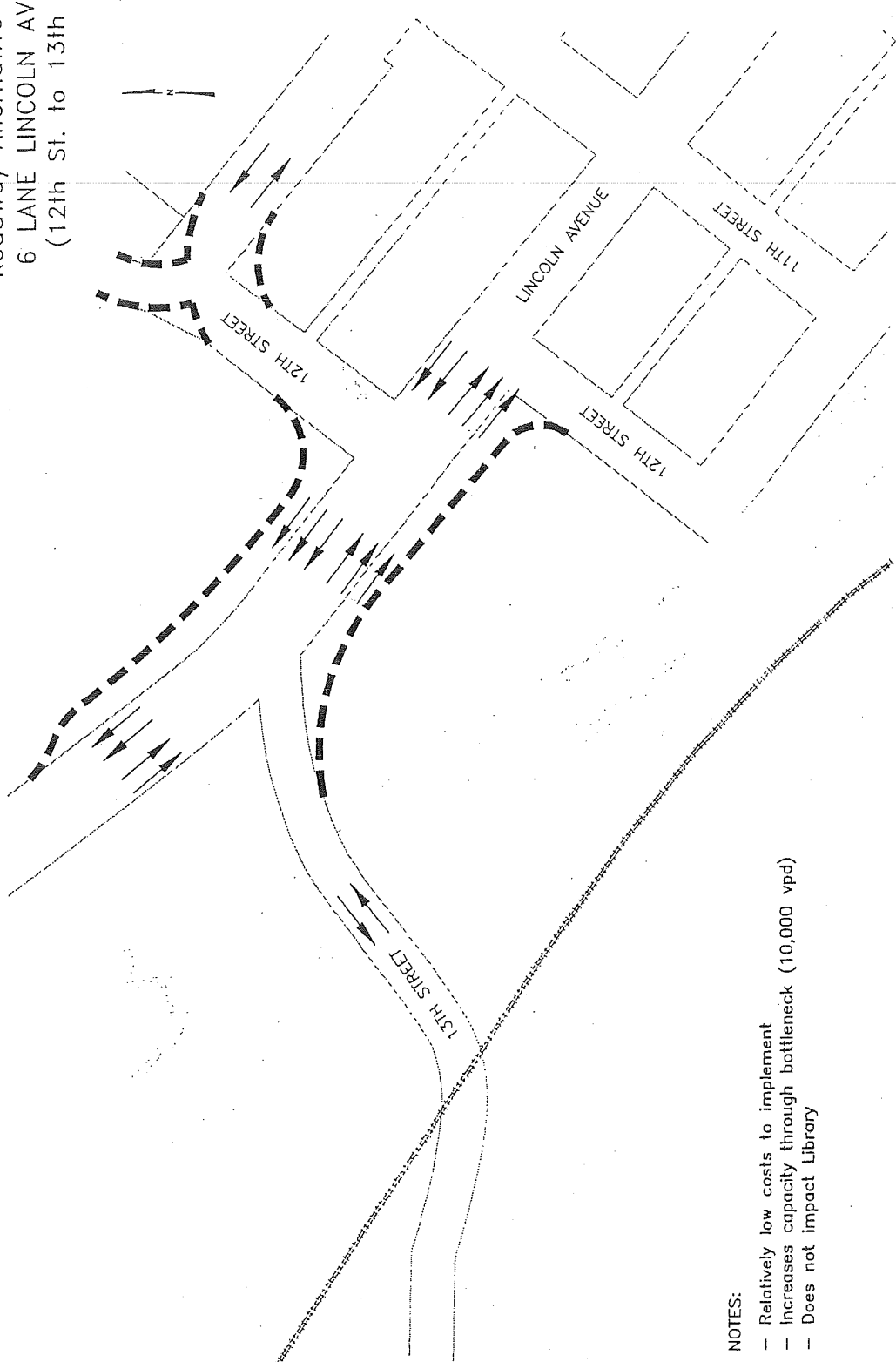
- NOTES:**
- Relatively low costs to implement.
 - Increases capacity through bottleneck (10,000 vpd)
 - Does not impact Library.
 - Displaces approximately 2 residential units.
 - Infringes on Iron Springs.



STEAMBOAT SPRINGS MOBILITY AND CIRCULATION PLAN
 ROADWAY ALTERNATIVE NO. 12 - OAK STREET EXTENSION

Scale	NTS	Date	12/24/97	Drawn by	RAC	Job #	9724	Figure	A-11
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City of Steamboat Springs
Mobility and Circulation Plan
 Roadway Alternative No. 13
 6 LANE LINCOLN AVENUE
 (12th St. to 13th St.)

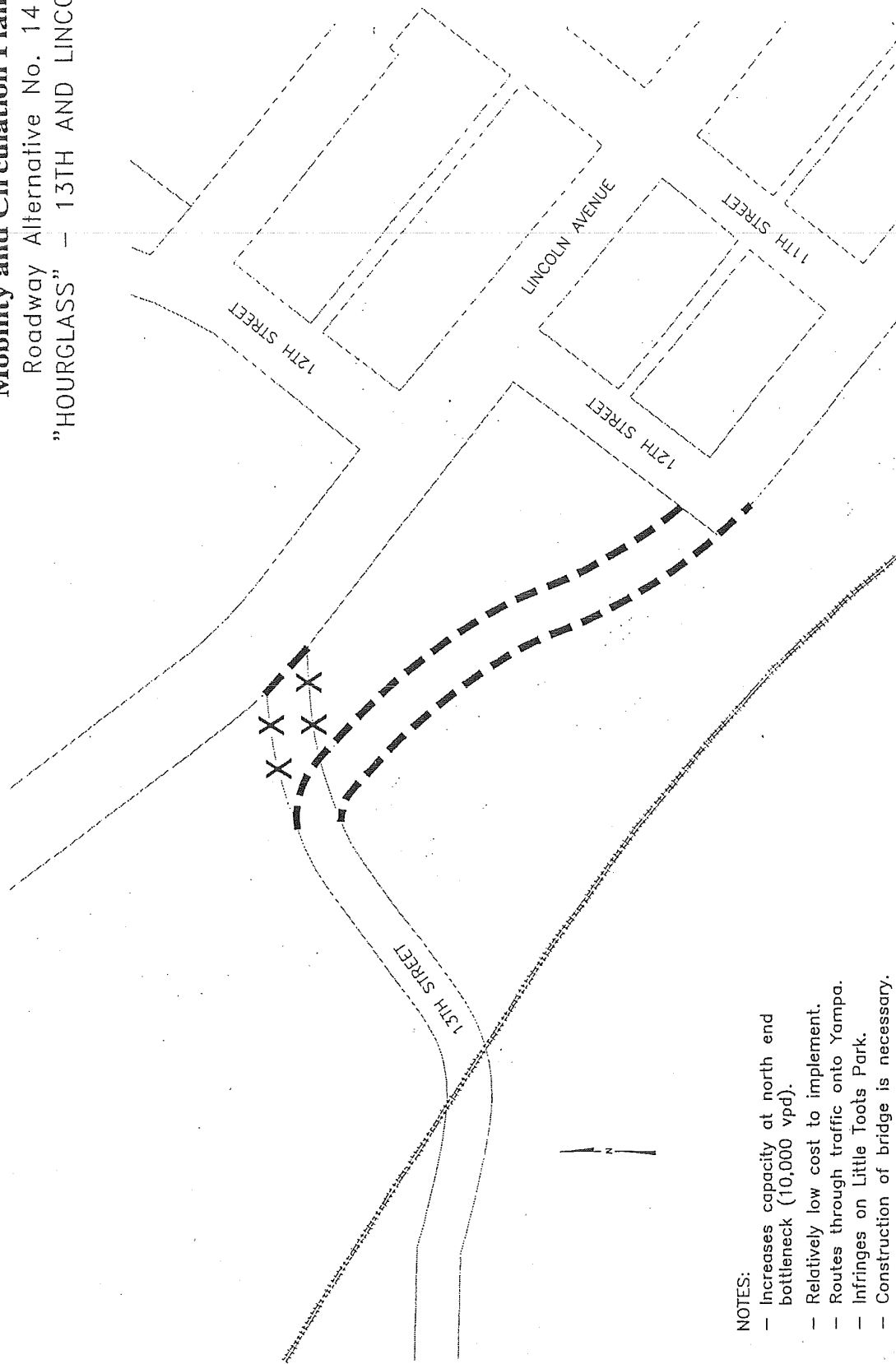


- NOTES:
- Relatively low costs to implement
 - Increases capacity through bottleneck (10,000 vpd)
 - Does not impact Library



STEAMBOAT-SPRINGS MOBILITY AND CIRCULATION PLAN		Job #	9724	Figure	A12
ROADWAY ALTERNATIVE NO. 13 - 6 LANE LINCOLN AVE. (12TH ST. TO 13TH ST.)		Drawn by	RAC	Date	12/24/97
Scale	NTS				

City of Steamboat Springs
Mobility and Circulation Plan
 Roadway Alternative No. 14
 "HOURGLASS" - 13TH AND LINCOLN



- NOTES:
- Increases capacity at north end bottleneck (10,000 vpd).
 - Relatively low cost to implement.
 - Routes through traffic onto Yampa.
 - Infringes on Little Toots Park.
 - Construction of bridge is necessary.

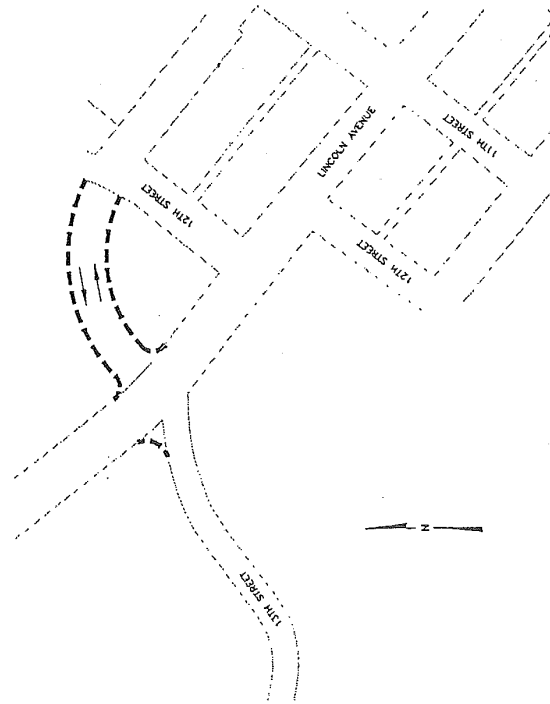


STEAMBOAT SPRINGS MOBILITY AND CIRCULATION PLAN
 ROADWAY ALTERNATIVE NO. 14 - "HOURGLASS" - 13TH STREET AND LINCOLN AVENUE

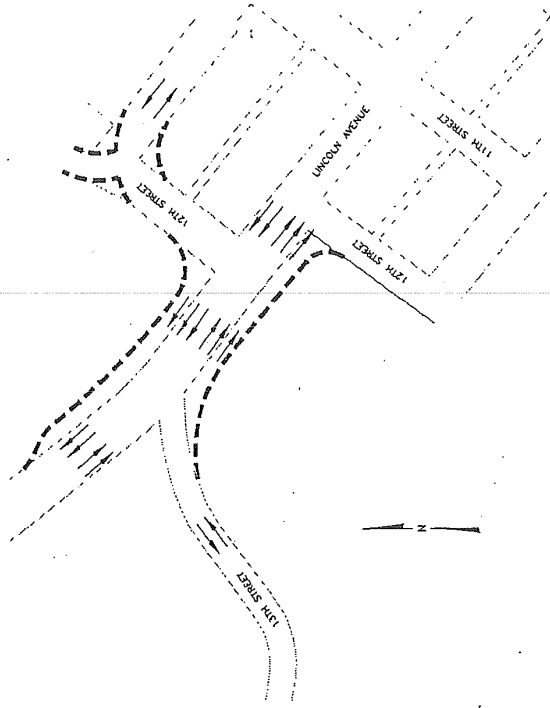
Scale	NTS	Date	12/24/97	Drawn by	RAC	Job #	9724	Figure	A-13
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City of Steamboat Springs
Mobility and Circulation Plan

OAK STREET EXTENSION (preferred)



6-LANE SECTION OF LINCOLN AVENUE

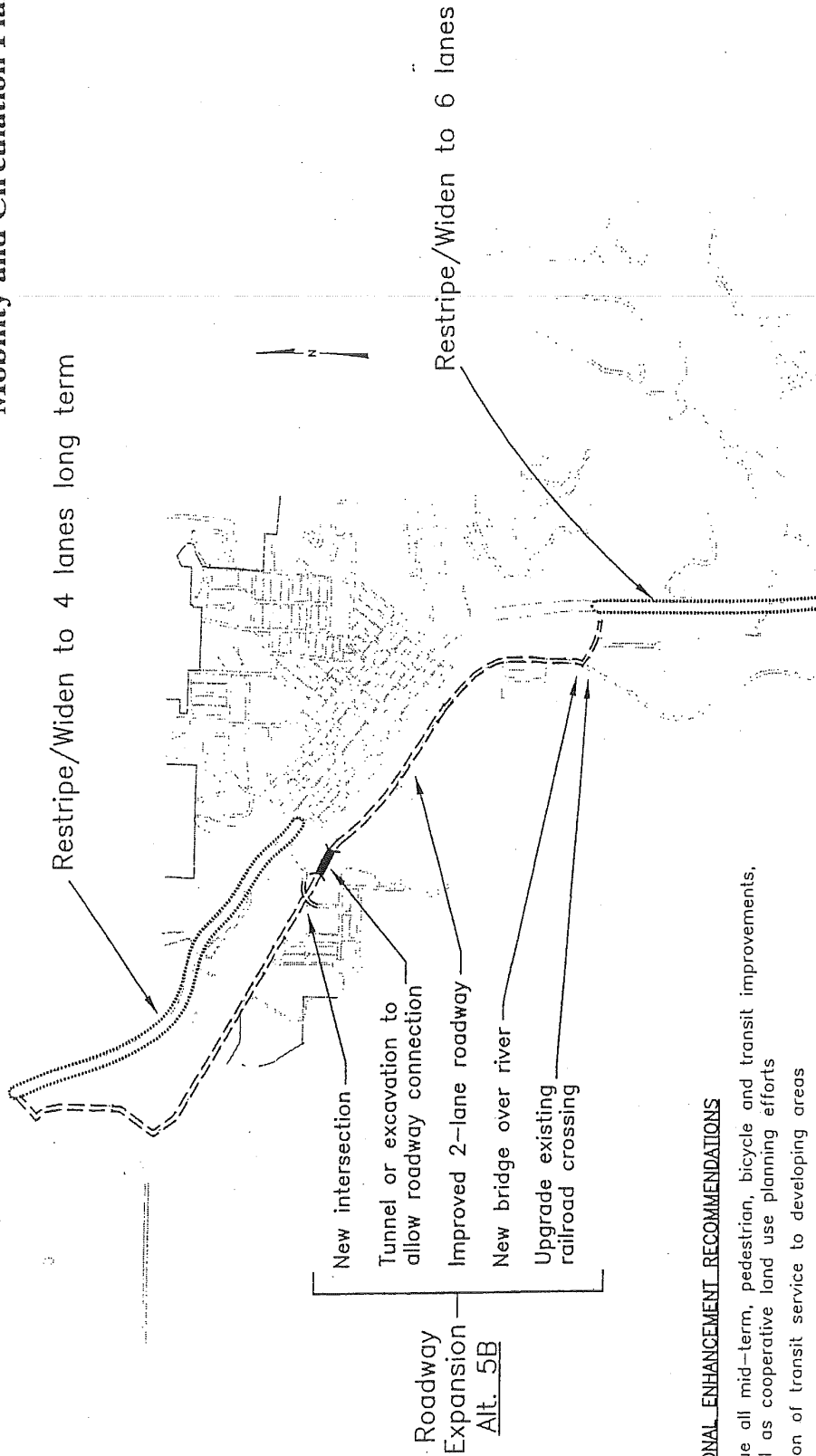


ADDITIONAL ENHANCEMENT RECOMMENDATIONS

- Continue all near term pedestrian, bicycle, and transit system improvements and cooperative land use planning efforts
- Pursue extension of transit service to newly developing areas to the north and west
- Coordinate local mobility and circulation planning with regional efforts
- Dependent upon growth, traffic congestion, results of travel survey and effectiveness of Phase 1 enhancements, the community may want to consider one of the alternatives above to increase capacity through downtown bottleneck

PHASE 2 MOBILITY ENHANCEMENTS

Figure A-15



ADDITIONAL ENHANCEMENT RECOMMENDATIONS

- Continue all mid-term, pedestrian, bicycle and transit improvements, as well as cooperative land use planning efforts
- Extension of transit service to developing areas
- Coordinate local mobility and circulation planning with regional efforts
- Facilitate connections with regional improvements, such as passenger rail if implemented along existing rail line
- Depending on land use/traffic growth and the effectiveness of Phase 1 and 2 enhancements, a bypass of downtown may be reconsidered. If additional roadway capacity is to be added, the following should be considered: Alt. 5B / as well as widening US 40 to 4 lanes from 13th to Elk River Rd. or US 40 to 6 lanes from Trafalger to Pine Grove Rd.

PHASE 3 MOBILITY ENHANCEMENTS

Figure A-16

* Diagram provided

Steamboat Springs Mobility and Circulation Plan
Table A-1. Roadway Expansion Alternative Analysis Matrix

Alt.	Description	Estimated Traffic Capacity Increase Through Downtown (1)	Approximate # of Residences Displaced	Approximate # of Businesses Displaced	Estimated Cost (\$000K)	Advantages / Changes	Issues
1	Null Alternative	None	None	None	\$000	• No additional costs required	• Provides no solution to current or future problems
2	Planned Roadway Connections and General Improvements	+ 5,000	—	—	Various Fund Sources	• Increased mobility • Reduced demand on Lincoln at 3rd St. • Increased capacity / decreased delay at downtown intersections	• Requires pedestrian push buttons and side street loop detectors at traffic signals downtown • Construction of curb extensions along Lincoln Ave. • Reduces demand along Mt. Werner Rd. at Pine Grove Rd. and Steamboat Blvd.
3	Major Bypass - North	< 5,000	45	10	\$18,400	• Routes some thru-traffic around downtown • Reduces Lincoln ADT by < 5,000 vpd	• May not reduce travel time, thus could be under-utilized • Extensive right-of-way acquisition and removal of existing land use required • Route cuts through developed residential areas and is inconsistent with Visual Unit Management Areas • Increased VMT and pollution • Crosses previously identified potentially unstable slope areas and severe grades • High costs to build and maintain
4	Major Bypass - South	< 5,000	20	0	\$8,800	• Routes some thru-traffic around downtown • Reduces Lincoln ADT by < 5,000 vpd	• Extensive right-of-way acquisition and removal of existing land use required • Route is inconsistent with Visual Unit Management Areas • Crosses previously identified slope failure complex areas • Requires bridges at north and south Yampa River crossings • May require additional signalization • High costs to build and maintain • Increases VMT and pollution • Will not solve downtown bottleneck
5A	River Road Extension	+ 5,000	0	0	\$4,900	• Provides alt. thru-route around downtown • Decreases traffic on Lincoln Ave.	• May not reduce travel time, thus could be under-utilized • Right-of-way acquisition and removal of existing land use required • Encroaches flood-prone areas and wetlands, and unstable slope areas
5B	River Road Extension to Trafalgar	+ 5,000	0	0	\$4,500	• Provides alt. thru-route around downtown • Decreases traffic on Lincoln Ave. (bottleneck)	• Extensive costs to construct and maintain tunnel and bridge • Increases noise and pollution along the corridor • Does not alleviate congestion at Pine Grove Rd./US 40
6A	Howelsen Pkwy. - w/ tunnel	+ 10,000	3	0	\$6,100	• Routes thru-traffic around downtown • Reduces traffic on Lincoln Ave.	• Impact on facilities at Howelsen Park • Encroaches flood-prone areas and potential wetlands • Right-of-way acquisition and removal of existing land use required • Requires bridge at south Yampa River crossing and tunnel through hill south of 13 th St. • Will require additional traffic signals
6B	Howelsen Pkwy. - w/ bridge	+ 15,000	3	1	\$6,900	• Routes thru-traffic around downtown • Reduces traffic on Lincoln Ave.	• Impact on facilities at Howelsen Park • Encroaches flood-prone areas and potential wetlands • Right-of-way acquisition and removal of existing land use required • Requires bridges at north and south Yampa River crossings • Will require additional traffic signals
7	Howelsen Pkwy. - short section w/ tunnel	+ 5,000	0	0	\$2,900	• Relieves congestion at bottleneck through majority of downtown • Increases capacity thru bottleneck by 10,000 vpd	• Extensive construction and maintenance costs with the tunnel • Impacts Howelsen Hill facilities • may be under-utilized
8	Yampa Ave. Extension/Widening	+ 20,000	20	2	\$2,600	• Distributes traffic capacity onto Yampa • Will reduce traffic on Lincoln	• Right-of-way acquisition and removal of existing land use required • Will require additional traffic signals • Negative impact on pedestrian character along Yampa • Infringes on historic hot springs area, park, and Library
9	One-Way Couplet - Lincoln & Yampa	+ 5,000	20	6	\$4,500	• Directs southbound thru-traffic off of Lincoln • Decreases traffic on Lincoln Ave. (bottleneck)	• Right-of-way acquisition, bridge construction, and removal of existing land use required • Increases traffic along Yampa Ave. • Decreases on-street parking capacity on Yampa Ave. • Negative impact on ped. character along Yampa Ave. and causes relocation of Library
10	One-Way Couplet - Yampa & Oak with Roundabouts	+ 10,000	20	10	\$8,000	• Distributes thru-traffic onto 3 streets versus 1 • Increases traffic flow efficiency through town on one-way segments	• Right-of-way acquisition and removal of existing land use required • Relocation of Library and Post Office is eminent • Increases traffic volumes, noise, pollution, and congestion on Oak and Yampa
11	One-Way Couplet - Lincoln Ave. & Oak St.	+ 5,000	1	5	\$6,300	• Directs northbound thru-traffic off of Lincoln • Decreases traffic on Lincoln Ave.	• Right-of-way acquisition and removal of existing land use required • Increases traffic along Oak St. • Decreases on-street parking capacity on Oak St. • Extensive construction and ROW costs involved • Infringes upon Iron Springs
12	Oak St. Extension	+ 5,000	2	1	\$1,100	• Decreases traffic on Lincoln Ave. at north end • Adds 10,000 vpd capacity through the "bottleneck"	• Infringes upon Iron Springs • Right-of-way acquisition required • Displaces residential and commercial uses • Grade Issues
13	6-Lane Lincoln - 12 th to 13 th	+ 5,000	2	0	\$740	• Adds 10,000 vpd capacity through the "bottleneck" • Relatively low costs to implement	• Right-of-way acquisition required and modification of existing land use/park • No impact to the Library
14	"Hourglass" - 13 th St. and Lincoln Ave. (Routt County staff alternative)	+ 5,000	0	0	\$500	• Decreases traffic on Lincoln Ave. • Relatively low implementation costs • Adds 10,000 vpd capacity through the "bottleneck"	• Infringes on Little Toots Park • Will require additional signalization • Routes thru-traffic onto Yampa Ave. • Requires construction of a bridge over creek
15	Remove Lincoln Ave. On-Street Parking and Create 6-Lane Section	+ 15,000	None	None	\$10	• Increases pedestrian exposure and crossing time • Potential solution to congestion problem on Lincoln	• Eliminates 200 spaces from the downtown parking inventory • Negatively affects downtown commerce, character, access, etc. • No center left turn lane • Will not solve the downtown bottleneck
OTHER RELATED ROADWAY EXPANSION PROJECTS THAT MAY BE NEEDED DEPENDING UPON FUTURE TRAFFIC GROWTH IF CAPACITY THROUGH OLD DOWNTOWN IS ADDED:							
A	Widen US 40 to 4 lanes - 13 th to Elk River	—	—	—	\$100		• Assumes that virtually all needed roadway width currently exists
B	Widen US 40 to 6 Lanes - 3 rd to Pine Grove	—	—	—	\$2,500		• Assumes that needed ROW exists • Some retaining wall/structure required

(1) Assume that the 4-lanes through downtown currently have a capacity of 30,000 vpd.

**Supplemental Information #2 for 03/26/2009
Meeting
AGENDA ITEM # 4
PLANNING COMMISSION COMMUNICATION
FORM**

FROM: John Eastman, AICP, Planning Services Manager (Ext 275)

DATE: March 25, 2009

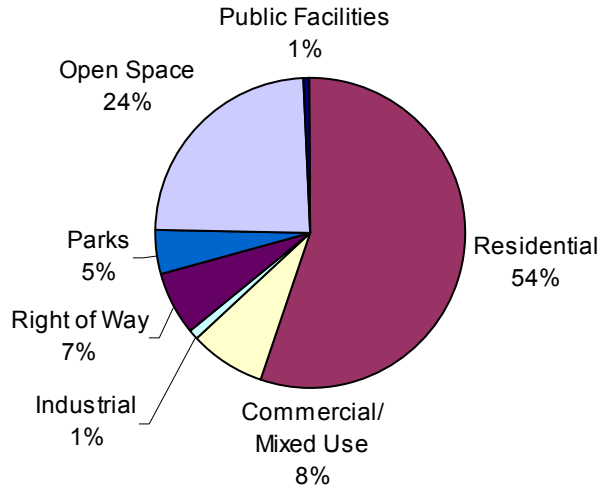
ITEM: West Steamboat buildout work session

ATTACHMENTS:

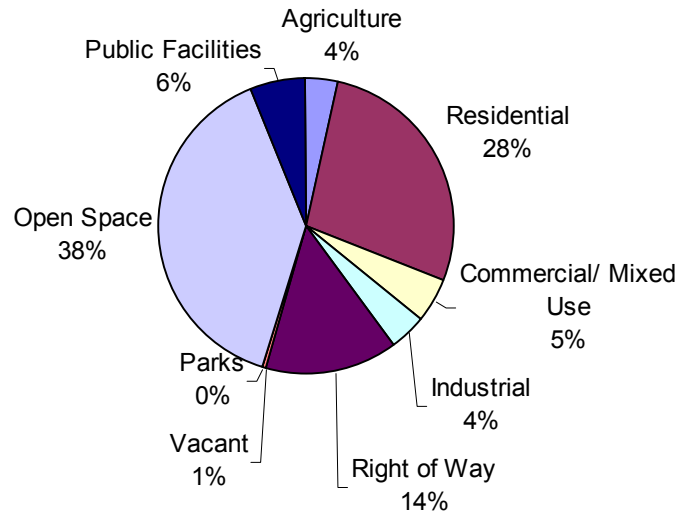
1. Steamboat 700 Powerpoint from 03/12/2009
2. Steamboat 700 Powerpoint for 03/26/2009
3. 03/2309 /Handout from Brian Hanlen

	Steamboat 700		Old Town		Stapleton	
	<i>Acres</i>	<i>%</i>	<i>Acres</i>	<i>%</i>	<i>Acres</i>	<i>%</i>
Agriculture	0	0%	51	3.6%	0	0%
Residential	279	55%	396	28%	338	25%
Commercial/ Mixed Use	41	8%	67	5%	291	22%
Industrial	4	1%	63	4%	0	0%
Right of Way	34	7%	200	14%	235	18%
Vacant		0%	9	1%	0	0%
Parks	23	5%	0	0%	0	0%
Open Space	123	24%	565	39%	405	31%
Public Facilities	3	1%	86	6%	59.2	5%
TOTAL	508	100%	1437	100%	1328	100%
Densities						
	Steamboat 700		Old Town		Stapleton	
Dwelling Units	2044		1457		13000	
Gross Acres	508	100%	1437	100%	4700	
Parks/Open Space/Ag/ROW/etc	188	37%	974	68%		
Net Acres (Residential & Mixed Use)	320	63%	463	32%		
Gross DU/ Acre	4.0		1.0		2.8	
Net DU/Acre	6.4		3.1			

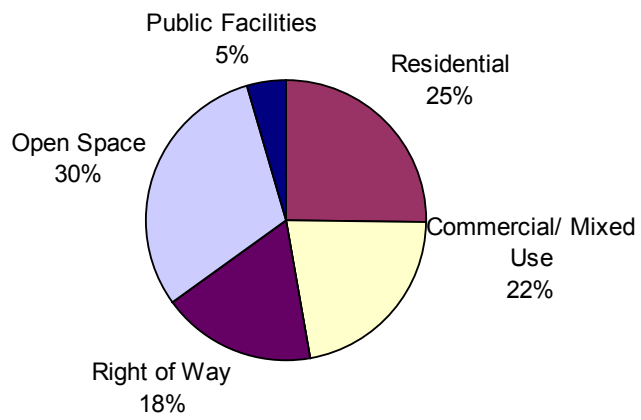
Steamboat 700 Land Use



Old Town Land Use



Stapleton Land Use



Steamboat 700
Presentation to Planning
Commission
West Steamboat Buildout
March 12, 2009

Attachment 1



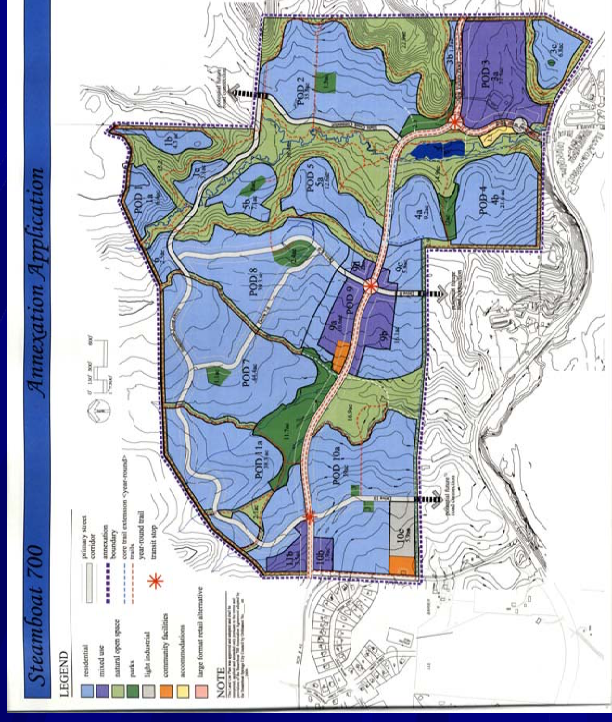
4-66

Steamboat 700 Recommendation to the Planning Commission:

- Mitigate the environmental, social and capital costs of sprawl by encouraging higher density development in the WSSAP area which assists in the funding and construction of the corresponding road and multi-modal improvements
 - Increases # of affordable housing units
 - Accommodates anticipated growth in the area the community has planned for it
 - Achieve critical mass for a successful TND (vibrant commercial, effective transit, bike/pedestrian, etc.)
 - Growth is going to come, so traffic impacts will come with that growth regardless. Steamboat should locate and plan for the growth to mitigate the impacts and have revenues to fund the necessary improvements.

WSSAP Policies Supporting Steamboat 700 Proposed Density

- Section 3.5.1: “2. The property currently platted as the “540 Subdivision” will be required to include a designated area for a Village Center and areas for, commercial/light industrial uses, schools, emergency services, parks, trails, and open space as necessary to ensure orderly development in conformance with this plan.”



That concludes our presentation Thank You for your time and consideration



Steamboat 700

Annexation Application

October 31, 2006



Steamboat 700
Presentation to Planning
Commission
West Steamboat Buildout
March 12, 2009



WS Build-out: Steamboat 700 – Related Questions

1. Is the Steamboat 700 proposed density, generally consistent with the policies found in the WSSAP?
2. Is the Steamboat 700 proposed density appropriate within the overall context of the WSSAP and Community Goals as found in the SSACP?

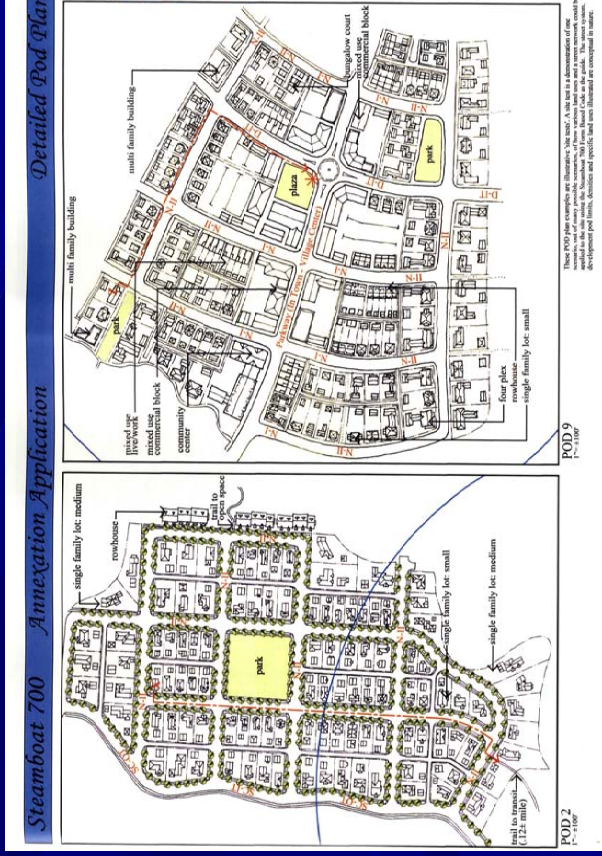
WSSAP Requires Traditional Neighborhood Design (TND).

■ Section 3.2.1, entitled “Traditional Urban Patterns of Steamboat Springs” states: “The vision for West Steamboat is one that integrates the historic pattern of Old Town Steamboat with the topography of west Steamboat to create a livable community with a true sense of place”. This section goes on describe the characteristics of Old Town that are desired for development in the WSSAP, including:

- grid street pattern
- mixture of densities within neighborhoods
- residential uses in close proximity to open spaces/parks
- Integration of natural areas within the urban fabric
- Street trees and detached sidewalks and a public realm that encourages walking and a lively social atmosphere
- Garages setback from the front facade of homes or located off alleys

Characteristics of Old Town/New Urbanism that are desired for development in the WSSAP

- grid street pattern
- mixture of densities within neighborhoods
- residential uses in close proximity to open spaces/parks



Characteristics of Old Town/New Urbanism that are desired for development in the WSSAP

- mixture of densities within neighborhoods



Specific benefits of providing higher densities at TND levels within Steamboat 700 include

- Increased number of community/affordable housing units
- More accessibility and more effective transit
- Higher quality and amount of public amenities such as community parks, trails, civic spaces, community center, day care, etc.
- Ability to fund more off-site improvements
- Additional funds for the Real Estate Transfer Fee to fund enhancements for affordable housing, sustainability and community facilities.
- Reduction in urban sprawl and carbon footprint by accommodating more units in closer proximity to employment centers.

Steamboat 700 Proposes Typical TND Densities

- Approximately 4 units/gross acre and 6.2 units/net acre (2,044 units + approximately 340,000 of commercial total)
- Density that is high enough to provide the type of development desired with mixed use village centers and a high proportion of multi-family and small lot single family/duplex to provide the high quality, walkable environment desired.
- Creating a high quality TND project with all of the amenities and benefits proposed would be difficult or impossible to achieve at a lower densities.

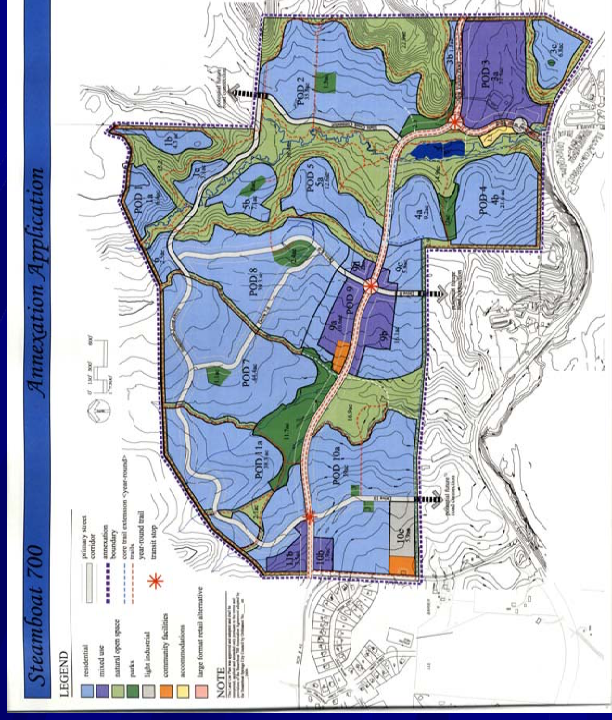
Critical Mass is Critical

- Staff Report: “The decision about total buildout should acknowledge the need for a “critical mass” of units in each new neighborhood to achieve benefits of a high density, walkable development. If there is a decision to limit residential buildout below what has been proposed by 360 Village and Steamboat 700 it is unlikely that the critical mass could be achieved in both locations.”

To address question #2, it is important to note that the WSSAP designates the Steamboat 700 property as the site for the primary village center in the West Steamboat area, and it further calls for higher densities on Steamboat 700 than in other WSSAP areas. Some of the WSSAP's policies on this are:

WSSAP Policies Supporting Steamboat 700 Proposed Density

- Section 3.5.1: “2. The property currently platted as the “540 Subdivision” will be required to include a designated area for a Village Center and areas for, commercial/light industrial uses, schools, emergency services, parks, trails, and open space as necessary to ensure orderly development in conformance with this plan.”



WSSAP Policies Supporting Steamboat 700 Proposed Density

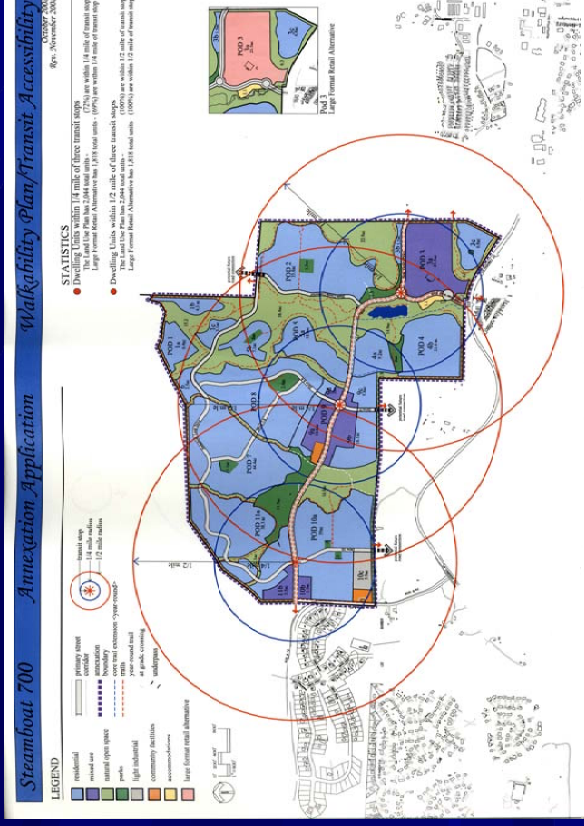
- Section 3.5.2: “6. Include high density housing within and adjacent to the Village Center to provide sufficient population to ensure cost effective transit.”
- Section 3.5.3: “1. Place higher density housing adjacent to and near the Village Center.”



WSSAP Policies Supporting Steamboat 700 Proposed Density

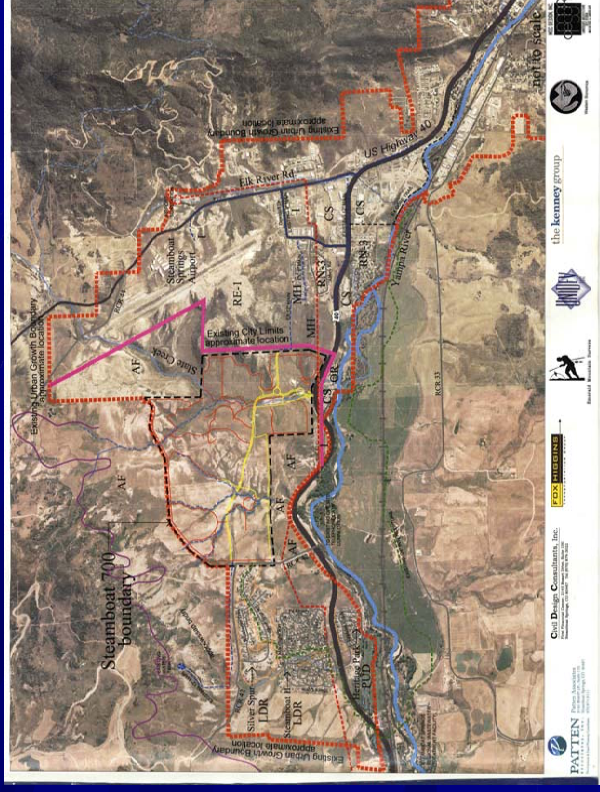
Section 3.3.6 Summary -
Features of the WSSAP:
“B. A transit-friendly
layout, with higher
densities concentrated
along the proposed New
Victory Parkway and Slate
Creek Road to allow
walking-distance access to
bus routes for a majority of
the residents.”

- Within 1/4 mile: 72%
- Within 1/2 mile: nearly 100%
- Neighborhoods on both sides will now have transit within 1/4 - 1/2 mile



Conclusion: Steamboat 700 should be allowed higher density relative to other WSSAP properties because:

- Required location of Village Center
- Required location of non-residential/community uses
- Largest property adjacent to city boundary within WSSAP: closest to other employment/commercial centers



Traffic Growth on US 40 in the West Steamboat Area

■ *Two fundamental Questions:*

1. Can the City of Steamboat control traffic growth on US 40?
2. Should the City of Steamboat impose residential development limits within the WSSAP area to *try* and limit traffic growth on US 40?

Controlling Traffic Growth on US 40 by limiting development

- Historic traffic growth suggests that traffic is growing even without significant development west of the “Curve” area.
- Housing demand causes folks to live in other communities and drive to Steamboat to work, shop, and recreate.
- Trend likely to continue without development in the WSSAP area.
- Not a local roadway such as Walton Creek Road.

For a given amount of development west of the “Curve”:

- The choice becomes “where does it occur”?
- Development in the WSSAP area, and particularly at Steamboat 700 will:
 - maximize transit utilization
 - maximize bicycle and pedestrian trips
 - maximize internal trip making
 - minimize the traffic on US 40

It also maximizes the potential to fund improvements to US 40

- Widening is already needed in a portion of the corridor
- No near term funding identified
- WSSAP development has the potential to help fund near term and longer term capacity improvements on US 40
- US 40 Funding Task Force
- Development pushed to other communities will fund those community's roadway needs and....
- Will still add traffic to US 40 in Steamboat Springs

Steamboat 700 Recommendation to the Planning Commission:

- Mitigate the environmental, social and capital costs of sprawl by encouraging higher density development in the WSSAP area which assists in the funding and construction of the corresponding road and multi-modal improvements
 - Increases # of affordable housing units
 - Accommodates anticipated growth in the area the community has planned for it
 - Achieve critical mass for a successful TND (vibrant commercial, effective transit, bike/ped etc.)
 - Growth is going to come, so traffic impacts will come with that growth regardless. Steamboat should locate and plan for the growth to mitigate the impacts and have revenues to fund the necessary improvements.

That concludes our presentation Thank You for your time and consideration



Steamboat 700

Annexation Application

October 31, 2006



“Carrying Capacity” of the WSSAP

- Patten Associates prepared a “Developability Analysis” of the WSSAP area based on reasonable assumptions for the location of appropriate land uses, residential densities and amount of commercial
- Our study concluded that approximately 3,100 residential units and 1.9 million square feet of non-residential space could be adequately accommodated.
- Assumptions and additional detail can be provided.
- These numbers would provide for approximately 1,050 residential units and 1.36 million square feet of non-residential space on non-Steamboat 700 properties the WSSAP within the WSSAP area.
- This appears to be a reasonable “density allocation” for both Steamboat 700 and non-Steamboat 700 properties.

PAI WSSAP Build Out Table

West of Steamboat Springs Area Plan Build Out Study

Prepared by Patten Associates, Inc., March 2009

Parcel #	Parcel Name	Acres in '06		PAI Opinion on Density		Notes:
		WSSAP ¹	Res'l.	Non-Resid'l.		
1	Steamboat 700	508	2,044	380,000		Numbers based on Steamboat 700 annexation proposal
2	Steamboat 700 (OUGB)	185	5	0	0	OUGB, but within WSSAP; assumed 1 unit/35 acre
3	Scott	183	94	929,918		Land use/density based on '99 WSSAP refined with specific site data
4	Zimmerman (OUGB)	37	1	0	0	Land use/density based on '99 WSSAP recommendations (1 unit/35 acre)
5	Rifle Club	38	89	196,020		Land use/density based on '99 WSSAP refined with specific site data
6	Stokes	37.6	95	30,108		Land use/density based on '99 WSSAP refined with specific site data
7	Barber	40.5	86	0	0	Land use/density based on '99 WSSAP refined with specific site data
8	Selbe	11.2	13	0	0	Land use/density based on '99 WSSAP recommendations
9	School Board Property	35.15	0	0	0	This study assumes that this will develop as a school site
10	Donham Property	19.2	13	0	0	Land use/density based on '99 WSSAP recommendations
11	Golf House	2.86	0	0	0	Site has park/institutional designation per '99 Plan
12	Stephenson	4.7	30	58,606		Land use based on '99 WSSAP; density based on recent, actual development
13	Robinson	0.88	1	0	0	Currently in UGB and contains one existing single-family
14	Dolan	0.53	1	0	0	Currently in UGB and contains one existing single-family
15	Stmbt. II Metro District (OUGB)	22	0	0	0	In WSSAP, but OUGB; current and future use; park & open space
16	Farrow	14.3	15	29,403		Land use/density based on '99 WSSAP recommendations
17	Sandelin (OUGB)	53	1	0	0	Assumed 1 unit/35acres
18	360 Village	112	650	300,000		Numbers based on 360 Village annexation proposal
19	360 Village (OUGB)	29	1	0	0	Approx. 29 ac of 360 Village is OUGB, but in WSSAP; 1 unit allowed on parcels of less than 35 ac.
20	Marabou (OUGB)	28	0	0	0	In WSSAP, but OUGB; LPS already approved with no units on this portion of land
21	Vista Ranch (OUGB)	51.8	3	0	0	In WSSAP, but OUGB; 3 single family units already exist so no add'l density allowed
	Total:	1,414	3,142	1,924,055		

OUGB=Outside of Urban Growth Boundary, but within WSSAP
WSSAP=West of Steamboat Springs Area Plan boundary
PAI=Patten Associates, Inc.

FOOTNOTE:

¹ Total Acreage: total acreage is as defined by the Routt County Assessor website. Where only portions of properties are in the '06 WSSAP boundaries, only approximated acreage within the Plan boundaries is included.



How will Steamboat 700 minimize car trips on US 40?

- It is a complex puzzle
- You have to consider all of the pieces
- Keep in mind that we are projecting what can be achieved at buildout of this development
- We are forecasting a scenario that is over 20 years into the future
- Success will be influenced by community wide factors
- Let's look at the individual components

Attachment 2

How will Steamboat 700 minimize car trips on US 40?

- Start with Institute of Transportation Engineers (ITE) trip rates
- Make it easy to travel as a pedestrian, bicyclist, or on a bus – *MULTI-MODAL TRIP REDUCTION*
- Provide trip destinations on-site that will serve home based trips – *INTERNAL TRIP CAPTURE*
- Provide a mix of uses so that a single trip will have multiple destinations – *MULTI-PURPOSE TRIP REDUCTION*
- Serve traffic already on US 40 – *PASS-BY TRIP REDUCTION*

Multi-Modal Trip Reduction

Pedestrian Trips

- Pedestrian travel - encouraged by development density, mix of uses, proximity of destinations and a network of sidewalks, trails, and safe roadway crossings
- Shorter trips that may be
 - between home and work
 - between home and shopping
 - between home and recreation
 - between businesses, such as walking to lunch

Multi-Modal Trip Reduction

Bicycle Trips

- Bicycle travel - encouraged by development density, mix of uses, proximity of destinations and a network of on-street and off-street bike routes, bike lanes, shoulders, trails (including core trail extension), and safe crossings of major roadways
- Multiple trip purposes
- Steamboat 700 is at a bikeable distance to the rest of the community
- Shoulders on US 40 and Core Trail extension will allow bicycle travel to/from the Downtown area

Multi-Modal Trip Reduction Bicycle and Pedestrian Trip Reduction

- 5% to 10% trip reduction taken, depending on the type of use and location within the Steamboat 700 site
- Comparable data from City of Boulder survey:
 - Pedestrian travel: 19% of all trips
 - Bicycle travel: 14% of all trips

Multi-Modal Trip Reduction

Transit Trips

- Bus travel - encouraged by:
 - frequency of transit service
 - proximity of transit stops to origins and destinations
 - pedestrian facilities connecting to the stops
 - amenities at the stops
 - direct and efficient bus routes
- Steamboat 700 will:
 - provide bus stops at a walkable scale
 - 20 minute service frequency
 - access bus routes that will serve the Downtown and the Mountain
 - provide a high level of pedestrian connectivity and stop amenities
 - access transit improvements along US 40 (per ultimate recommendation of the NEPA study)

Multi-Modal Trip Reduction

Transit Trip Reduction

- 4% to 5% transit trip reduction assumed for most land uses at Steamboat 700
- Comparable data from City of Boulder survey:
 - All trips by Boulder residents: 4%
 - By employees who live and work in Boulder: 15%

Multi-Modal Trip Reduction

EXAMPLE: Transit Trip Reduction

- If one person from every 6 or 7 townhome dwelling units rides the bus to work each day then the 5% transit trip reduction will be achieved for those 6 dwellings
- 1 round trip work commute (2 trips) divided by 6 trips per day for each of the 6.5 households = .05

Multi-Modal Trip Reduction

Total Multi-Modal Trip Reduction

- Steamboat 700 Pedestrian, Bicycle and Transit trips:
 - 15% for residential
 - 10% for offices and restaurants
 - 5% for hotel, industrial and larger format retail uses
 - 12% for all land uses combined
- Comparable data from City of Boulder survey:
 - All trips by Boulder residents: 37%
 - By employees who live and work in Boulder: 36% (includes telecommuting)

Internal Trip Reduction

- Home based trips that travel to and from a destination within the Steamboat 700 project without having to access US 40
- Encouraged by development density and mix of uses
- We have taken a 22% reduction for home based trips on-site that access jobs, shopping, restaurants, recreation, etc.
- Successful “new urban” mixed use projects have been shown to achieve internal capture reductions of more than 30% (see New Urban News article in packet materials)

Multi-Purpose Trip Reduction

- A single trip (such as between home and work, or a shopping trip) will have more than one trip destination within the Steamboat 700 site.
- Reduces travel on US 40 and vehicle miles traveled
- Encouraged by development density and mix of uses
- We have taken a reduction ranging between 5% and 25% applied to the non-residential land uses depending on their type and location
- Successful “new urban” mixed use projects have been shown to achieve internal capture reductions of more than 30% (see New Urban News article in packet materials)

Total Multi-Purpose and Internal Capture Trip Reduction

- The aggregate reduction combined for all residential and non-residential land uses is 20%
- Supported by information in both ITE and New Urban News publications

Pass-By Trip Reduction

- It is critical to serve traffic already on US 40
- Pass-By trips are not new to the corridor yet they help meet the needs of commercial uses on site.
- Every existing trip served at Steamboat 700 may not need to travel through the existing “bottleneck” farther east.
- We project that 25% of trips to/from commercial uses along US 40 are already on the road today (consistent with ITE trip rates)
- This Pass-By trip reduction represents 5% of all site generated trips per day

Total Trip Reduction – All Types

- Alternate Mode: 12%
- Internal Capture and Multi-Purpose: 20%
- Pass By: 5%
- Total: 37%
- An appropriate goal for the Village Center area of the WSSAP

Community Wide Measures to Support Automobile Trip Reduction

- Alternative mode improvements in the US 40 corridor such as bike lanes, transit priority lanes, etc. per NEPA
- Continued extension of the Core Trail
- Parking management in the Downtown area and on the Mountain (transit ridership is most successful when it is difficult or costly to park your car)
- City-wide improvements to transit stops and the pedestrian connections that serve them
- Continued improvement to SST service city-wide
- Continued improvement to the city-wide bicycle system.

Steamboat Springs

Goal for Sustainable Density

Based on Transit Oriented Development Models
March 2nd, 2009

All unit #'s are net per acre

Du = dwelling units per acre

Cu = commercial units per acre

Zone City Standards

Steamboat Zoning Lexicon Equivalent Example Neighborhood	Open Space Rec		Routt County		RE		RO		MF		CC		CY, CO		RR, GI		G2	
	T1 Natural Zone	T2 Rural zone	T2 Rural zone	T3 Sub-Urban Zone Sanctuary	T3 Sub-Urban Zone Sanctuary	T4 General Urban Zone Old Town	T4 General Urban Zone Old Town	T4 General Urban Zone Old Town	T4 General Urban Zone The Pines	T4 General Urban Zone The Pines	T5 Urban Center Zone Varies	T5 Urban Center Zone Varies	T5 Urban Center Zone Varies	T5 Urban Center Zone Varies	T5 Urban Center Zone Base Area	T5 Urban Center Zone Base Area	T5 Urban Center Zone Base Area	T5 Urban Center Zone Base Area
Du / Acre	NA	1 per 35 acres	1 per 35 acres	1-2 du / acre	1-2 du / acre	7-15 du / acre	7-15 du / acre	7-15 du / acre	20 du/ acre	20 du/ acre	20-25 du/ acre	20 du/ acre	20 du/ acre	20 - 30 units per acre	20 - 30 units per acre	20 - 30 units per acre	20 - 30 units per acre	50-80 du / acre
Cu / acre	NA	NA	NA	NA	NA	NA	NA	NA	Average of 2 cu / acre	Average of 2 cu / acre	Average of 5 cu / acre	Average of 10 cu / acre	Average of 10 cu / acre	Average of 3 cu / acre	Average of 3 cu / acre	Average of 3 cu / acre	Average of 3 cu / acre	Average of 10 cu / acre
% Commercial / Residential	NA	0% / 100%	0% / 100%	0% / 100%	0% / 100%	0% / 100%	0% / 100%	0% / 100%	0% / 100%	0% / 100%	30% / 70%	40% / 60%	40% / 60%	5% / 95%	5% / 95%	5% / 95%	5% / 95%	10% / 90%
FAR Goal per area	NA	NA	NA	NA	NA	0.50	0.50	0.50	0.85	0.85	1.75	2.00	2.00	3.25	3.25	3.25	3.25	4.50
Maximum Height	NA	34'-0"	34'-0"	40'-0"	40'-0"	34'-0"	34'-0"	34'-0"	57'-0"	57'-0"	45'-0" to 67'-0"	45'-0" to 67'-0"	45'-0" to 67'-0"	75'-0"	75'-0"	75'-0"	75'-0"	67'-0" to 105'-0"
Lot Coverage	NA	NA	NA	0.35	0.35	0.35	0.35	0.35	0.50	0.50	0.75	.8 and 1.00	.8 and 1.00	0.60	0.60	0.60	0.60	0.60

RN, MH, CN, CS,

T6 Urban Core Zone, not applicable

I,
SD Special District
Copper Ridge
6 du / acre
Average of 6 cu / acre
70% / 30%
1.00
50'-0"
0.6

Transit Stop Distances

March 4th, 2009

The current bus routes must be changed to allow greater penetration into the individual areas of town

Steamboat Zoning	Open Space Rec		Routt County		RE		RO		MF		CC		CY, CO		RR, G1		G2		I,
	T1 Natural Zone	T2 Rural zone	T2 Sub-Urban Zone	T3 Sub-Urban Zone	T4 General Urban Zone	T4 General Urban Zone	T4 General Urban Zone	T4 General Urban Zone	T4 General Urban Zone	T4 General Urban Zone	T5 Urban Center Zone	T5 Urban Center Zone	T5 Urban Center Zone	T5 Urban Center Zone	T5 Urban Center Zone	T5 Urban Center Zone	T5 Urban Center Zone	T5 Urban Center Zone	
Example Neighborhood			Sanctuary		Old Town	The Pines					Varies			Varies		Base Area	Base Area	Copper Ridge	
Distance to 10 min bus stop	NA	NA	5,280 ft		1750 ft	500 ft					1000 ft			750 ft		750 ft	500 ft	1,300 ft	
Distance to 15 min bus stop	NA	NA	5,280 ft		1400 ft	500 ft					1000 ft			750 ft		750 ft	500 ft	1,300 ft	
Distance to 20 min bus stop	NA	NA	5,280 ft		1000 ft (2-1/2 blocks)	500 ft					1000 ft			750 ft		750 ft	500 ft	1,300 ft	

From: lewerboys@comcast.net
Sent: Wednesday, March 25, 2009 10:58 AM
To: Kathryn Kelly
Subject: West Steamboat buildout, 360 & 700 projects
Dear Planning Commissioners:

Please allow me to introduce myself, my name is Scott Lewer and I live on the Sheraton Golf Course (now Rollingstone Ranch GC). Based on my proximity, the related development projects (360 & 700) will have relatively no impact on me, nor do I have any fiscal interest in the projects - other than being a concerned full time resident and citizen of Steamboat Springs. I was present at the meeting Thursday, March 12th but had to leave to pick up one of my sons before public comment took place. As a result, I thought it would be appropriate to voice my support, which reflects the support of countless others, for the 360 & 700 projects via email. Again, I support the projects passionately for several reasons. Since Steamboat is growing and bound to grow more, we must anticipate this growth proactively instead of reactively. I feel that the projection of an additional 10,000 residents in the next 10 years is conservative at best, but in any case, we need to avoid the mistakes that other resort valley's have made (I am sure you are aware of the historical growth mistakes that the Vail and Aspen Valley's have made). Both of these projects (360 & 700) are well thought out, taking into consideration neighborhood infrastructure including localizing the post office, grocery, schools etc., hence reducing the traffic and overall impact of the new residents.

Steamboat is a resort gem, which is being discovered more and more every season, so it only makes sense to have forethought enough to allow our working class and others the chance to live in an area close to Steamboat Springs. In doing so, the city of Steamboat Springs keeps the density near town and better mitigates the impact of traffic and roadways while preserving wildlife and the extended natural beauty of the sprawling county. The city also reduces the lengthy commute situation from cities like Hayden, or even Craig, by keeping commuting residences in an area which enables them to take public transportation.

My suggestion would be to give the developers what they want, and then tell them what you need. In other words, allow them to build these well conceived projects and then ask them to provide what the planning commission feels is necessary to make them work best, in order to make the best Steamboat Springs possible. Please accept my comments and feel free to call or email with questions, concerns or clarifications, and thank you for your consideration.

Sincerely,

Scott

Scott Lewer
970.870.8811 home
970.870.6622 office
LewerBoys@comcast.net

West Steamboat Target Buildout

03/12/2009 City of Steamboat Springs Planning Commission meeting



Question: What is the target residential buildout of the West Steamboat annexation area after accounting for residential infill within the existing city limits west of 13th Street?



Doesn't the West Steamboat Springs Area Plan have a buildout target?



WSSAP Buildout Summary

The target buildout of West Steamboat is between 1,100 and 2,600 dwelling units, with a minimum of 20% meeting the affordable housing requirements of this Plan. The final number will depend largely on the effectiveness of traffic and transit improvements to the US Hwy 40 corridor over the next 10 to 20 years.



Table 1 - West Steamboat - Potential Residential Development

Land Owner	Acres		Dwelling Units (du)		
	Total	% WSSAF	WSSAP Low	WSSAP High	Proposed
Steamboat 700, LLC	508	51.3%	564	1,352	2,325
360 Village	112	11.3%	124	298	650
					Estimated
F. A. Scott Family Trust	198	19.8%	207	495	223
Rifle Club	40	4.0%	44	106	192
Stok	22	2.2%	24	59	106
Barber	33	3.3%	37	88	158
Selbe	12	1.2%	13	32	58
Steamboat School District	36	3.6%	40	96	43
Burgess	20	2.0%	22	53	96
Stephenson	5	0.5%	6	13	24
Robinson	1	0.1%	1	3	5
Dolan	1	0.1%	1	3	5
Harrow	11	1.1%	12	29	53
Dison	3	0.3%	3	8	14
Sub-Total	990		1,100	2,635	3,951
Within City limits - west of 13th St	1,557		925	925	925
Total dwelling units (du)			2,025	3,560	4,876
% of WSSAP low buildout (1,100 du)			184%	324%	443%
% of WSSAP high buildout (2,635 du)			77%	135%	185%



SSACP Vision

- Concentrate Urban and Infill Development
- Improve the Community's Core Areas
- Maintain the Area's "Sense of Community"
- Diversify and Balance the Economic Base
- Provide Infrastructure and Public Services Efficiently and Equitably
- Develop a comprehensive, Integrated Transportation System
- Promote Stewardship of Natural, Scenic, and Environmentally Sensitive Areas
- Provide Affordable Housing
- Preserve Historic Resources
- Develop an Open Lands Program



WSSAP Buildout Summary

The target buildout of West Steamboat is between 1,100 and 2,600 dwelling units, with a minimum of 20% meeting the affordable housing requirements of this Plan. The final number will depend largely on the effectiveness of traffic and transit improvements to the US Hwy 40 corridor over the next 10 to 20 years.



Theory of Neighborhood Design



- Essay by Clarence Perry published in 1929
- 160 acres: based on a 10-minute walk (1/2 mile)
- Mix of uses including schools

"Life Takes Place on Foot" Jan Gehl

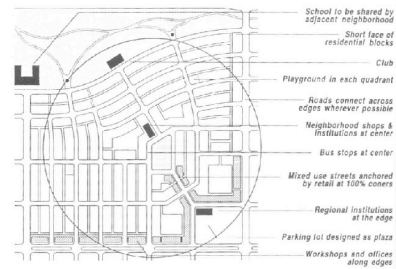
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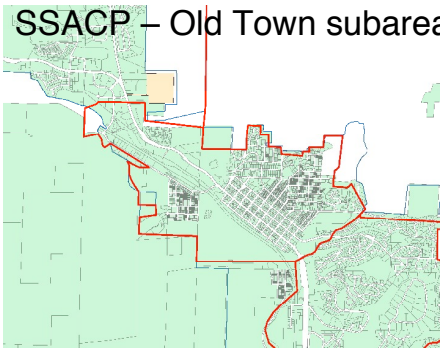
"Life Takes Place on Foot" Jan Gehl

Neighborhood Design by DPZ



66 The neighborhood unit as rethought by Andres Dumas and Elizabeth Plater Zylberk.

SSACP – Old Town subarea



Question: What is the target residential buildout of the West Steamboat annexation area after accounting for residential infill within the existing city limits west of 13th Street?



Decision vs Decision Framework

Decision

What is the target residential buildout of the West Steamboat annexation area after accounting for residential infill within the existing city limits west of 13th Street?

Decision Framework

A systematic approach to decision making

A particular set of beliefs, ideas, or rules referred to in order to solve a problem

SSACP Vision can be used as a Decision Framework

- Concentrate Urban and Infill Development
- Improve the Community's Core Areas
- Maintain the Area's "Sense of Community"
- Diversify and Balance the Economic Base
- Provide Infrastructure and Public Services Efficiently and Equitably
- Develop a comprehensive, Integrated Transportation System
- Promote Stewardship of Natural, Scenic, and Environmentally Sensitive Areas
- Provide Affordable Housing
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City of
Steamboat Springs 

DRAFT**West Steamboat Buildout discussion and recommendation to City Council regarding target buildout for West Steamboat Area**

Discussion on this agenda item started at approximately 7:38 p.m.

Disclosure:

Commissioner Ernst stepped down.

STAFF PRESENTATION

John Eastman –

This worksession is the result of some ongoing annexation proposals. We need to check in with Planning Commissioner and ultimately City Council relative to the target build out for West of Steamboat. The total numbers that we're seeing are completely different than what was originally envisioned in the WSSAP.

What is the target build out of West Steamboat annexation area? The target build out of West Steamboat is between 1,100 and 2,600 residential dwelling units (du). There's been a lot of discussion of how we came up with the target build out number. There's a lot of background material in the staff report that goes into that. The reason for the limits relates to the SSACP Vision. I think that this is what we should be focusing on tonight. It is going to have a strong transportation flavor, but by the end of the day this vision and all of the policies and goals in the CDC should be guiding and helping us to make these decisions.

The original chart in the staff report the final column is an error. A revised set was handed out today. The reason why we're here tonight is because the WSSAP calls for 1,100 to 2,600 du at build out. If you take all of the vacant properties in West Steamboat and take the low number from the WSSAP you would get to a total of 1,100 with 925 du occurring within the city limits. He gave an example of what the densities could potentially look like if annexed properties were to include 1,100 new du. With the anticipated 925 du within the City limits west of 13th street the total would be 2,025 du, which is higher than the original low target. He discussed how he did the calculation to get to the proposed numbers. He gave some more examples in the area regarding density and how they came up with the calculations in the chart. Staff has not made a recommendation regarding total buildout .

He then spent time answering questions that had been raised by Planning Commission at the Monday worksession or in a subsequent email.

Why doesn't NEPA study cover old town and the bottleneck? You are required to do a NEPA study in order to obtain federal funds in order to expand and improve the hwy. One reason why not to include the bottleneck is that those are really local road connections. You make those building alternatives more expensive and cumbersome when you include them in the NEPA study because they become subject to federal regulations that local road expansions don't normally have to meet.

3/12/09

DRAFT

The next question was what's the critical mass for transit? Really the question is what level of transit service do you want to provide? He explained how a neighborhood is created. The generally accepted principle for neighborhood design is based on a ½ mile walking distance which results in approximately 160-acre neighborhoods. This has been the basis for Traditional Neighborhood Design going back to the 1920's as outlined by Clarence Perry and is still used by "New Urbanists" like Duany Plater Zyberk (DPZ) today. What is the target residential build out?

Commissioner Dixon –
Within that 160 acres how many units?

John Eastman –
You're looking for a gross density. DPZ's projects are running in the 4-5 units per gross acre. Perry went for something higher with 10-20 units per gross acre. You're looking at 800-1,600 dwelling units per 160 acres.

Commissioner Curtis –
Could we back up to the residential development chart? Is the Overland Park included?

John Eastman –
They would be within the 925 du.

Commissioner Curtis –
It's still West Steamboat, right?

John Eastman –
Yes, everything west of 13th.

Commissioner Beauregard –
You've taken the 1,100 and put it under the new annexed properties. In the original WSSAP it was in the total build out. You would subtract that 925 from the 1,100 in the WSSAP and you're going with 300 as their low number. You've leap frogged it. You've taken their total build out and you've made it their new annexed build out.

John Eastman –
Correct. We're assuming that the land within the city limits will build out to something close to their maximum number of density.

Commissioner Beauregard –
You're saying that's the low end of the WSSAP when in reality that's 1,000 units over their low number.

John Eastman –
Right. The reason why we did this was because people have been assuming that the 1,100 units was the area to be annexed.

Commissioner Beauregard –
I just wanted to make that point.

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John Eastman –

If you want to take the absolute strictest interpretation then you would take the 1,100 and subtract the 925 and you get 175 still to be annexed.

A question came up regarding the local percentage of alternative modes. We haven't tracked that. I did include in your report a newsletter from New Urban News. It starts on pg 23 of the staff report. There are some pretty impressive numbers. On page 27 there are some numbers on what numbers of trips were they capturing on the hilltop bus route. There is less than 2% capture, which is an in town bus service. I'm trying to give you an idea of some examples of what kind of transit services we've achieved in town.

Commissioner Dixon –

The buses were running every thirty minutes?

John Eastman –

They were running every thirty minutes when these numbers and percentages were obtained.

The traffic background is in your supplements. This corresponds to pg 9 of the handout. It looks at future development and needs and what they might look like. We also included an analysis of Steamboat 700.

Commissioner Curtis –

Can you tell us where those physical locations of the map goes?

John Eastman –

I can't.

Mike Gill –

Traffic Engineer for Jacobs working on the Hwy 40 NEPA study
It's west of Downhill Dr. and milepost 132 between Elk River Rd and 13th.

Commissioner Curtis –

Where was 126 again?

Mike Gills –

126 is outside the UGB boundary.

John Eastman –

On pg 32 of the supplement shows Elk River Rd. to 13th St, which is the area of most concern. There are about 50,000 vehicles in that area per day.

Commissioner Fox –

Doesn't it say future?

John Eastman –

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This is a 25-year prediction. Today Elk River Rd to 13th is running around 25,000 vehicles per day.

Commissioner Dixon –
So that 30,410 is really only 25,000?

John Eastman –
No, it's 30,000 today. I'm just saying that on the other side of the bottleneck it's down to 25,000.

Commissioner Dixon –
We haven't had time to read all of this text. What's the methodology in arriving at that number?

John Eastman –
It takes the existing volumes and applies a growth rate that corresponds and matches the rate that we've seen over the last 20-30 years.

Commissioner Dixon –
There's no trip reduction?

John Eastman –
No, it's just a projection based on the professional's point of view and correlates with the growth rates that we've seen.

Commissioner Levy –
Do you have examples of a road that will accommodate 21,700?

John Eastman –
Mike Gill will talk to you about some examples in Colorado.

Commissioner Levy –
In table 11, did staff or CDOT create that?

John Eastman –
This was created by a Consultant: Stolfus and Associates.

Commissioner Levy –
We were talking earlier and I thought that Mike Gill had said that the actual formula that even if population goes up a certain percentage that trips don't go up correspondingly. Actually there's a lower growth acceleration rate the bigger a community gets. So there is some built in trip reduction.

John Eastman –
The average population growth rate is 5% each year. The projected traffic growth rate is lower.

Commissioner Dixon –

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We'll get into this chart that you emailed us from Steamboat 700?

John Eastman –
We certainly can.

Laura Anderson –
This is background traffic and so this is not based on specific development. They look at the historic numbers from CDOT. That reports traffic and gives us some data. We have actual data that we base this stuff on.

Commissioner Beauregard –
When you say background, it's kind of like background noise and it's there regardless?

Laura Anderson –
Yes, but it's a reflection of what's happening in our community. They smooth out that curve to accommodate those situations. When we do a factor to get from existing to future and in this case with the NEPA study it was a number 2 and so that's why it's double the number. It's the traffic on hwy 40 and is not based off of the number of houses.

Commissioner Dixon –
Regardless of any particular development there's going to be this amount of traffic is what's predicted. We have to do something about it regardless?

Laura Anderson –
Correct, it is a safe assumption. Most of that traffic is accommodated in that background number. If there is a significant piece that's big enough that might be in addition to the background traffic.

Commissioner Dixon –
That's why we jump from 60,900 to 71,700 to accommodate the potential addition?

Laura Anderson –
Absolutely.

John Eastman –
This is an independent traffic consultant. In addition we've got the Steamboat 700 traffic report. If you take the total external trips with trip reductions it's over 17,000. If you look at it with no trip reductions it's around 28,000. If took that 17,000 number and add it to the 30,000 you get around 47,000. If you added it to 24,000 instead of 30,000 it would get you to 42,000. The different traffic studies are producing similar results.

Commissioner Dixon –
I do have questions on the Fox Higgins chart, but I don't think that we want to get bogged down on that quite yet.

John Eastman –
Ok, we'll just leave it up to you.

Mike Gill –

Looking at some 6 laned sections and some mountain roadways. The State Hwy 9 in Breckenridge is a 4 laned section and is carrying about 20,000 vehicles/day. When it gets to about Frisco it goes up to about 29,000. Hwy 82 in Aspen carries about 23,000. I-70 B in Grand Junction was just widened to 6 lanes and it's carrying about 45,000 vehicles/day. Broadway around Mississippi carries about 40,000/day. Colorado at Colfax carries between 55,000-60,000/day. At Alameda it's 65,000. At Alameda and Colfax it's around 40,000. 1st and University carries 65,000. The amount of cross traffic will affect it and there is a wide variation to what different sections are carrying.

Commissioner Beauregard –

Did you mention Glenwood to Aspen?

Mike Gills –

It was 82 in Aspen itself.

Commissioner Beauregard –

It was 82,000?

Mike Gill –

No, hwy 82 in Aspen carries about 23,000.

Commissioner Beauregard –

That's basically between Snowmass and Aspen?

Mike Gills –

No, it's in the town of Aspen.

Commissioner Dixon –

What did you say for I-70 B?

Mike Gills –

I-70 B was 45,000.

Commissioner Dixon –

That's between Glenwood and Grand Junction?

Mike Gills –

That's in Grand Junction.

Commissioner Dixon –

It's not a freeway section?

Mike Gill –

Right, it's the business loop.

Commissioner Dixon –

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How many lanes is that?

Mike Gill –
It has been widened to 6 lanes.

Commissioner Dixon –
Colfax and Colorado is around 65,000?

Mike Gill –
Colorado just north of Colfax.

Commissioner Curtis –
55 you said?

Mike Gills –
That was between 55,000 and 65,000.

Commissioner Dixon –
Between I-70 and Colfax?

Mike Gill –
There are specific count locations.

Commissioner Meyer –
Mike Gills, I'm going to ask that you provide that in writing. That's a lot of numbers that you just threw out.

Commissioner Dixon –
I'm trying to process the number of people that live within that area that use that road. That's a really high-density area.

Commissioner Levy –
They have other route options. That's why it's hard to make a comparison. Sure the number is the same, but not the density since they have alternate routes.

Commissioner Curtis –
Just to get these numbers in perspective. We looked at a lot of them over the past couple of days and we got a whole bunch of new ones in. It's going to be really confusing. The first question that I have on this chart; the 17,400 background plus development of West Steamboat said that was Steamboat 700 only at what percent build out?

John Eastman –
At full build out. That's out west of Steamboat II past the River Bend.

Commissioner Dixon –
You can say that is out west such as Hayden or Craig?

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John Eastman –
From Milner, Hayden and Craig.

Commissioner Curtis –
What's the Steamboat 700's numbers then?

John Eastman –
They will include CR 42 since some of that project will access that road. Once you get past Elk River Rd you run into people who are trying to get into down town.

Commissioner Dixon –
How do you come up with 6 lanes to serve 60,000 people or 4 lanes to serve 40,000 people? Where does that science come from?

John Eastman –
I don't come up with the science.

Mike Gills –
That's a rule of thumb. A lane of traffic can carry around 10,000 vehicles/day.

John Eastman –
He went over the Stolfus study in the packet.

Commissioner Beauregard –
What's this 54 minutes future build model?

John Eastman –
That's the projected time it would take to get from Steamboat II to Downtown if you did not expand the existing road.

Commissioner Curtis –
What does flyover mean?

John Eastman –
A flyover is a type of intersection.

Commissioner Beauregard –
It might sound crazy, but we spent 45 minutes in Kuaii going 2 miles.

Laura Anderson –
A flyover is a grade separation.

Commissioner Dixon –
An example is Foothills Parkway onto Hwy 36 outside of Boulder.

John Eastman –
In response to a question about 60% trip reduction for commercial trips on page 6-6 of the staff report he noted that section is straight out of the SSACP. It talks about up to

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60% of traffic use an alternative mode. Mike Gill and Laura Anderson did not find that credible.

Commissioner Meyer –

How do you differentiate between a commercial trip and a residential trip? What is a commercial trip? When you said they disagree up or down?

Laura Anderson –

A trip is a vehicle passing an imaginary line on a road. We use commercial and residential as more where they generate from. A commercial office use will generate a different number of trips a day than a residential. They all go into the total number of cars. We apply different reduction factors based on those different uses. That's when we're talking about impacts from a specific development onto a roadway.

John Eastman –

Another question that was whether two 2-lane roads more efficient than one 4 lane road?

Laura Anderson –

They can be just as efficient.

Commissioner Beauregard –

If we were to connect 20-mile road versus 4 lanes or 6 lanes through down town, would that carry more traffic?

Laura Anderson –

It would certainly help. It depends on where they go.

Commissioner Beauregard –

It was just a reference to the SSACP. They said that 4 lanes were more efficient than 2 separate 2 lanes.

Laura Anderson –

We can't say that one is more efficient than the other.

Commissioner Beauregard –

Maybe on the same train of thought you can answer how do you take 4 lanes coming into the bottleneck, 2 lanes coming in from 20 mile, where does that go?

Laura Anderson –

A lot of those lanes become turn lanes or transitional lanes that merge down. We're talking a macro level of traffic. You're density discussion tonight will feed into our traffic model. Our recommendations may change.

Commissioner Dixon –

The tail is the traffic and the dog is the density. I just want to make sure that we don't get out of focus that the tail is going to wag the dog. What you need from us tonight is a number.

John Eastman –

Yes, that's absolutely right. Why are we asking this question? We've got to know how big of development are we trying to serve. How does this fit into the background traffic? There are 5,000 year round occupied dwelling units year round within the city limits. We have a total of 9,000 dwelling units within Steamboat Springs; due to the high rate of second homes and resort dwelling units. The cumulative impact of the current proposals and development trends is for almost 5,000 additional dwelling units in West of Steamboat. That's equivalent to all the occupied dwelling units in Steamboat right now.

Commissioner Dixon –

We're bogging down on traffic. We really need to get to density. I know that I asked a lot of questions about the traffic. I just want to make sure that we weren't being explanatory. I just wanted to make sure where the numbers were coming from.

John Eastman –

Transportation capacity became the framework of what we're working on right now. How does CDOT limit development? Whenever you put a new access road onto a hwy you need an access permit. Traffic is going to be generated out of that to an extent that you're proposing a development. If they were to try to come in and get an access permit and they didn't go through all the work of the NEPA study and we didn't have any access plans then CDOT would probably deny their request.

Commissioner Beauregard –

How does that apply to old town and the bottleneck? CDOT consider that it's a federal hwy. Where do they get involved in us solving those problems?

John Eastman –

That one's more area we're getting questions. The idea is we do planning and master planning to address those issues.

Commissioner Beauregard –

There's no over site as to whether or not we can create a 1 hr. delay?

John Eastman –

The answer is that we're not doing that; there have been significant planning efforts that identify what additional capacity will be needed including the Circulation and Mobility Plan. In addition there are organizations like Transportation Solution Group (TSG) that have concerns about congestion downtown. There have been a lot of organizational efforts by the chamber. They are creating a good community dialogue.

Another Planning Commission question: What is the NEPA study? There are different kinds of NEPA studies and this is a categorical exclusion. It's required if you're going to get the use of federal funds. It's the next step before you go to actually acquiring right of way and going to full construction documents. It will identify the preferred alternative and will be signed on by CDOT and Federal Hwy Administration.

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Question from PC email: Are they Jacobs really predicting that 6 to 8 driving lanes be provided and if so why? Please explain the methodology. Jacobs doesn't predict solutions. They're facilitating the NEPA process.

Commissioner Dixon –

What is the trip estimation per rooftop? On the Fox Higgins chart without trip reductions you're at 9.57 for a single family. That's a person going and coming 5x a day, correct? Through the West of Steamboat, the whole back and forth from their house?

Bill Fox –

That's leaving your driveway. Some of it disburses. Some large fraction will get onto US Hwy 40. You won't find it all on US Hwy 40.

Commissioner Dixon –

That's what I was getting at. So 27,797 with no trip reduction, if we add that column up it's not what we necessarily see on hwy 40.

Bill Fox –

I certainly hope not.

Commissioner Dixon –

I just want to make that understood. Let's just look at your supermarket example on this. 5,521 total trips to and from a supermarket, which would equate to about 2,200-2,800 customers?

Bill Fox –

Yes, that numbers around 2,750.

Commissioner Dixon –

Where that number comes from is that just a model base? I went to one of the local grocery stores to find out if that was something that's a realistic number. If they have 2,300 customers a day. The person I talked to told me that he couldn't give me any actual data because it's not something that they give out. I asked them to tell me if that's high or low and they said that's way high. Even between the 2 grocery stores you're combined that was a high number. Can you explain that?

Bill Fox –

Those are ITE national averages.

Commissioner Dixon –

These are not our absolutes by any means.

Bill Fox –

They're a starting point.

John Eastman –

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Another PC question: Explain the growth production. Is it a reasonable assumption that the rate will remain the same? Whether we choose to accommodate it in the West of Steamboat or it will default to Milner or Hayden. If that's not a reasonable assumption then why? I don't think that we can answer that question. I think that it is a reasonable question. I think that is not a reasonable assumption. Is there a reasonable assumption to say that some percentage will go to Hayden? Yes, absolutely. If you really tightly restrict growth in a high value resort economy that generates a lot of jobs then the workers primarily with no other place to go will locate down valley. If there are not sufficient units for the second homeowners then no they won't relocate to Hayden.

Commissioner Dixon –

This is why I'm trying to base this off of historical data. If we're predicting a certain amount of growth than how we have grown in the past then we're saying that whether we accommodate it or not we're going to grow by that amount. The question is more about that we should plan for that growth if it's going to be the assumption based off of history that it will happen. We should do it smartly. We should not just let it happen wherever someone chooses to because of our economy. Say we want 10,000 dwelling units in the next 50 years. Add that to our housing unit base. I'm not saying that's any other number other than a schematic. Are we going to plan for that or just use up all of our available land and it's going to have to be found somewhere else?

John Eastman –

Steamboat has had some amount of vacant land. When we start to get to the limits of that then the community said that we are going to continue to accommodate that growth. I would say that the historical traffic patterns are based on Steamboat Springs accommodating a fair amount of growth.

Another PC question: How would destination retail, major entertainment, venues, and movie theatre impact traffic in terms of critical masses? Would the moviegoers affect traffic from west of 13th all the way to Hayden? We're not at that detailed level of traffic study. The level of traffic study currently underway is more at the level of 2,600 du versus 4,800 du then yes that would have a tremendous impact. How would traffic differ if office space and employment centers were accommodated? That's why we use the ITE codes and office space is in there. Are you trying to ask if we had housing in there as well how that would be accommodated?

Commissioner Dixon –

The traffic models bother me because it seems to say that if there was a destination job or employment based center that it would be generating all of this traffic. In my mind it would be lessening the traffic on US 40 because it would be accommodating some of the people out there. They wouldn't be coming into town.

Laura Anderson –

You're right. Bill Fox accommodates those types of uses in his report.

John Eastman –

What is being assumed will be the emphasis for a mode shift. People are rational decision makers. The classic example is when you get into Denver and you're sitting in

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traffic and you see the light rail go by the next time you might hop on the light rail instead of sitting in traffic. You make the bus free so you support the transit system. What density levels are necessary to support bus system? For the most part you provide transit. You want some empty seats on the bus. How often do you want to run a bus? There's regular riders and there's choice riders. We get a significant number of choice riders over in the condo area and on the mountain. It's easier to just hop on the bus then to find parking in the base area.

Commissioner Dixon –

You took us on a trip to Stapleton and Lowry. We visited those as examples of the type of development that the City is encouraging the applicant to support. Is that a correct statement?

John Eastman –
Absolutely.

Commissioner Dixon –

What's the gross density at Stapleton?

John Eastman –

I want to say that it's in the range of 4-6 units per acre. There really is no disagreement about the density. We all agree that we're looking for that higher level of gross density. It's not how dense you make it; it's how much you make dense. It's how many of those 160-acre neighborhoods that you're going to create.

Bill Fox –

If we go to table 9 it shows historic posts at mile growth. Today there are about 24,000. It doubled in 20 years. Twice as much growth has to happen for that growth rate to occur for the next 20 years. We find an aerial photo from 20 years and then look at a photo from today. I don't think that you can do that. When you use a percentage or a growth rate you can sometimes get some scary results. We're saying that there are 25,000 cars a day. Without any new development in Steamboat that's going to somehow go up to 55,000 cars a day. How does that work? How is West of Steamboat going to be a part of that traffic? We're going to double the traffic because there has been a factor of 2 in the growth rate for the next 20 years. We're going to get these numbers in the 70,000 cars a day on US 40. I don't get the math. I want you to think critically. Yes, you need a 6-lane road. We're talking about traffic growth.

There are 2 questions that we need to think about. Can the City of Steamboat control traffic growth on US 40? Should the City of Steamboat impose residential limits within the WSSAP in controlling traffic on US 40? It continues to grow without significant development within Steamboat west of the curve. There are a lot of people driving here in the morning and then driving out to surrounding areas in the afternoon. Without housing in the WSSAP there's cheaper housing out further west of the city. US 40 is not a local road. We're going to only allow a certain amount of houses. You can't completely control the amount of traffic on US 40.

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If you allow development to occur in the WSSAP area you're going to maximize the ability to serve transit and you can serve high frequency transit out in the WSSAP area. You can't serve it in Hayden and Craig. You could commute to town on a bike. If you manage the growth and you put it in a place in a new urbanist type of development that you have asked for in the WSSAP plan then you maximize the ability for there to be internal trip linking. This way traffic can leave US 40 and never have to come into the city and get their needs met. All of these things help to minimize the amount of traffic on US 40. You'll get more traffic on US 40 if you don't allow development to occur in the WSSAP area.

Allowing development to occur in the WSSAP area and allowing it to become successful in the image that you've created you maximize the potential to fund the improvements that you already need. One example is the road between Elk River Rd and 13 that's a 2 laned road that needs to be widened. The WSSAP plan gives the potential to fund the deficiencies in the US 40 corridor. There's this US 40 enhancement funding task force. This task force is coming up with ways on how to fund transportation projects. All of that goes away if the development goes to another town. Most of their traffic will still come to Steamboat Springs.

Lucia Liley –

Speaking on behalf of 360 Village; We were asked to identify the key issues. The number 1 issue for this project was density. Why is density critical to the 360 Village? In familiarizing myself with the WSSAP and how far they go back in terms of identifying this area not only for annexation and development, but also as the prime area in providing affordable housing. None of those projects have occurred and no affordable housing units have been built in that area yet. Now you have 2 projects. It allows us to spread significant infrastructure costs. With competition it helps to stabilize the price. It is easy to provide a minimum amount of affordable housing. We plan to provide more than the minimum for affordable housing. There is a market force that helps to stabilize those prices. They're going to offer different kinds of things. It is an urban mixed-use project. There are also 7 different housing types including much-needed apartments. There area also significant capital improvement challenges with these projects. It needs to be revenue neutral to the city. The critical density is between 650-700 dwelling units. Goals come with a price.

If you turn to the affordable workforce housing issue they're all desirable communities. True affordable housing is well below market rate housing price. We look at the tools to help fill in this gap. We have had public private sponsorships, URA funding, sales tax rebates, and credit. You don't have that tool here and you have to look elsewhere. The only other tool you have in order to be revenue neutral is density.

The infill redevelopment projects add to the character of a community. They don't provide much if any affordable housing. The reason is clear since the land cost is higher. The West Steamboat area is the primary area for this type of housing.

The density is critical to transit. If you're going to have a transit-oriented project then you need a minimum amount of density. There's another reality and that is that you can't have several small pockets of populations and expect transit to work. It's kind of a

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function of both of those elements if you want transit to work. Several of the other communities are looking at transit seriously. Another thing that they are looking at is intensifying their land use. It makes for a better product that meets more of your goals than if you have lower density and less intense land use, which does not accomplish those goals.

Eric Smith –

Speaking on behalf of 360 Village: If we take a land acquisition cost at \$7 million and if we add to that US Hwy 40 improvements. Then you add to that the water infrastructure. You add offsite and onsite water costs to get water lines and water tanks. Add sewer stations and lift stations onsite. You add dry utilities such as electric and telephone. Interest can carry over that period of time. He went over the calculations of the costs of the above and how the calculation was made for the costs of offsite improvement costs. If you take the acquisition cost out of our calculation then we reduce our per lot cost. The density is extremely significant in what it does to the economic performance. The density is critical not only for the land use costs, but for the transportation. It has a huge impact on our retail and commercial space out there. The 360 Village feels strongly on doing rental apartments. We really should be encouraged to put more density out there.

Commissioner Dixon –

What was that number with increased density?

Eric Smith –

It brings it down to \$120,000 land cost per unit. Those costs do go down as you put higher density on those lots.

John Eastman –

I had a phone call from Carolyn Sandstrom and she expressed her concerns about where the water would be found for the proposed number of residences.

PUBLIC COMMENTS

Bill Jameson –

I think that probably what needs to be done is that the WSSAP plan needs to be amended. The 1,100-2,600 included the property within the city limits. If you've already taking 925 out of it then you have some real problems with any number that you work with. You're going to greatly exceed the WSSAP plan. The numbers aren't going to work. Given what Eric Smith just said his costs are going to be relatively low. To say that we're going to say that there can be 5,000-10,000 units out there and ignore your traffic limitations is just unreal. You need to look at what your capacity is in traffic.

You can't give them a pass on water. Water wars have been fought in the past. I don't want to see this end up as a water war of whether or not to annex this or not. Our guaranteed water rights are half of what our current usage is. We only have dedicated water rights. The more units and the more population you put out there the worse those numbers will work. If there's no call then there is lots of water capacity. We don't have treatment capacity and we don't have storage capacity. Those costs are huge. Those are the 2 things when you look at WSSAP and what kind of development you want then the annexed property is going to have to be addressed. People say that we have all of

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these annexations. Most of the development of the city has an impact on the City's water rights. All of that development isn't being provided water rights by the city it's Mt. Werner Water and Sanitation. I would hope that we would look not at what our needs are, but rather what's the capacity of our infrastructure?

COMMISSIONER QUESTIONS

John Eastman –

This is scheduled to go to City Council April 7.

Commissioner Curtis –

This is billed as a work session. We have received a lot of new information tonight. We have a lot of numbers here to absorb. I don't feel that we are ready to make any decisions tonight at all. I think that it would be more prudent to hear general comments by Planning Commission to make any sound decisions. I don't think that we're at that point right now.

Commissioner Meyer –

Commissioner Curtis, I generally agree with you. It's going to require an awful lot of discussion on our part and a lot more reading and discussions. On the NEPA study is there a reason why it has to be 1 number. Can that NEPA study be run on a low, medium and high? Why does it have to be what staff calls a plug number? Why can't we run more than 1 scenario? That's what the staff report is implying. There's only 1 number or density based on all of these variables.

John Eastman –

The NEPA study is not designed to be an alternatives analysis. It's our job is to come up with a buildout number. You have some relatively solid numbers. The range we're experiencing is so broad that it becomes very difficult to move forward with the NEPA study which is why the issue has been brought to Planning Commission and City Council for direction.

Laura Anderson –

The NEPA study is set up so that it looks at the most reasonable and expected land use scenario 25 years out. I have a limited number of dollars. In this case we don't have unlimited number of money.

Commissioner Meyer –

Two weeks ago we didn't even really know that this was on our agenda. We had a staff report that we received on Friday. We have a tremendous amount of information that we just received today. We've asked a lot of questions and have probably spent about 1-½ hours at work session. We're just now trying to absorb what you all have lived with for an awful long time now. To expect us to come up with a number with some really good science and certainty tonight I think that was a rather tough expectation.

Tom Leeson –

That was my fear with coming into this meeting tonight. If you want to have another meeting the 26th is still open. City Council will be having the same problems that you're having.

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Commissioner Dixon –

We're being asked to come up with a number? I don't think that we're going to be able to do that tonight. Do we have to move forward? We are being asked to give some general direction in terms of level of density. We might be able to answer that tonight.

Commissioner Levy –

I think that the information that we've gotten is all over the radar. None of it is really what I focused on with looking through this packet. I would like us to have a discussion about what it is that we're thinking of basing our decision on. That way we can inform on where our next meeting is going to go. I don't really want to hear more traffic numbers. Personally it's almost irrelevant when I look at the WSSAP. There's a separate category that says that you can only build what traffic can accommodate. That's not part of my planning process. My planning process is how well this number fits in with what the community has said they want to see in West Steamboat.

Commissioner Beauregard –

I wish that I could be a confident as you. I think that it's going to be stopped at some point because the traffic doesn't get accommodated. That's a leap of faith that I don't feel comfortable taking. There are a lot of assumptions and hopes and a lot of questions. I adore this community. I think it's a fine wine. We diluted out with grape juice by adding standstill traffic at certain points it's unacceptable. That's why traffic for me comes back every time. That's a leap of faith to think that they're going to build it or that we're going to be able to stop it if they can't accommodate it.

Commissioner Dixon –

I think that traffic is worse to have suburban level densities that are called out in the WSSAP plan. I don't want to go through the whole process of reopening the WSSAP plan like Bill Jamison suggested that we do. It states that if we didn't have an annexation application 2 years after its adoption date that it would be reopened. Just because the plan says 1,100-2,300 doesn't necessarily mean that we've got that. We haven't gotten that. We didn't get an application within the 2-year period. We were talking to them, but it was after the 2-year period that we got something. As far as I'm concerned the numbers in the WSSAP plan are suburban level densities that are going to cause traffic to be much worse. Retail won't survive at that level out there.

Commissioner Beauregard –

That's not what we're talking about. We're talking about concentrating it in one portion. We don't have to annex all of the build out. We annex a small portion and create any kind of density on that small portion. You keep coming back to density, but what it really is total build out. Isolate the density in any portion that we want to annex.

Commissioner Dixon –

You have to be able to compare. You have to know what your density level is on a gross or net number in order to compare it. 2,000 units on 2,000 acres are much different than 2,000 units on 500 acres. That's a suburban level density versus an urban level density. I think what the WSSAP plan wants I think is a responsible and sustainable pattern of growth of urban level densities. At least 10 years ago or more it

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was decided that West Steamboat is the target not Strawberry Park, South Valley, or Emerald. If we don't use that land responsibly that we targeted for growth then we're wasting the value of the land. We're wasting the land in general and it's going to be built out sooner than later and then we're going to have to look for land elsewhere. This is an irresponsible way to grow. If you're going to do it, which we've said that we're going to do and I wish that we never said that we're going to do it. I wish that we would have said that we would accommodate it with infill. Tonight we denied an infill. Granted it was only 2 units that were possible there, but we denied it. We put up all of these roadblocks to infill. Now we're going to put up roadblocks to what we've said we wanted to grow, which is that area. If we're going to grow it then it has to be dense. What is density? That's measured on a per unit per acre.

Commissioner Levy –

I disagree. The community has not said they want to see urban level density. Specifically called out on pg 40 of the WSSAP continually says that they want to mimic what goes on in old town. Old town includes 40% open space. That's for recreation whether it's for a rodeo ground, etc. That's where the WSSAP numbers come from is mimicking the developing patterns in old town. Not urban level and I probably lean towards wanting that, but that's not what the WSSAP plan says. This is what the community has approved is that we want to see the same densities as we see in old town.

Commissioner Dixon –

Old town is 4 du/acre, correct?

Commissioner Levy –

Correct.

Commissioner Dixon –

3.4 isn't that much different than 4.

Commissioner Beauregard –

Commissioner Dixon if I could bring you to the graph on 6-2, which is the analysis that's really brought us here today. It shows the amount of infill we've had since the last WSSAP plan when it was adopted. If you add those totals up the amount of infill that we've seen since 2004 I come up with 3,728 units. When I add up all of the infill that we've seen on Fish Creek, Mountain town, Old town, and West Steamboat. What the WSSAP plan expected was close to 3,000 units. We're close to 3,400 units above and beyond what we anticipated at that time. To say that we haven't been able to accommodate infill is false. We've put 3,400 units that are 1,000 units more than we anticipated putting in all of West of Steamboat.

Commissioner Dixon –

At what price though?

Commissioner Beauregard –

We just did the cost analysis. If you talk about building all of these new roads and all of these things that we're requiring. The land costs aren't going to be cheap out there.

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Commissioner Dixon –

At a low density the cost per unit as Eric Smith pointed out that the cost per unit at a low density is much greater. You're not going to get attainable housing if you have low density. The whole point is to get attainable, affordable housing.

Commissioner Beauregard –

To what cost to the town of Steamboat?

Commissioner Dixon –

There are a lot of studies that show that the costs are less the higher the density.

Commissioner Beauregard –

Dollar costs. I'm talking about social, enjoy ability, sitting in traffic, the community that I was raised in and adore.

Commissioner Dixon –

You're going to get worse traffic, character, and social problems.

Tom Leeson –

You guys are on a roll.

Commissioner Dixon –

To get to a number you have to talk about it in terms of units per acre.

Commissioner Beauregard –

No you don't.

Commissioner Levy –

What I brought up and the main sticking point that I had is open space, institutional, and industrial uses. It seems so far that the projects we've seen under utilize those requirements. They help increase your density by not putting residential units on a lot of acreage. You create that density in certain areas. That's why I'm closer to the number that's in the WSSAP as being closer to accurate than the numbers that we're seeing with this proposed exponential growth. I'm closer to having some kind of number in my head than some of you. I haven't heard a reason why we need this certain number of units on the land. The studies had previously said 40% for open space, 10% for infrastructure, roads and things like that. Do we have a basic formula of how much infrastructure takes up of a development?

John Eastman –

15-20%

Commissioner Levy –

That's even higher. Now you're looking at taking 60% of the acreage out of your formula to figure out how many units you should get. I was starting to do some of that math. I did 5 units per dwelling acre. I started with 990 acres and I think that is identified in one of the charts and multiply it by 0.6 just to take out the open space. Now

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you've got 594 developable acres. You can take out another 100 acres for infrastructure and multiply that by 5 then you're right around those 2,500 dwelling units. That's with 5 units per acre.

Commissioner Dixon –

What we're missing is the pie chart of all the land distributed. If we're going to come up with a number of units and know that is a target level of density then that will give us the walk able and official neighborhood design. How is the total land distributed between infrastructure, open space, and any other uses that come up such as institutional uses?

Commissioner Meyer –

I think that we're flopping back and forth between gross densities and net densities. What your saying Commissioner Levy is absolutely correct. You've got to take out all of the things that will be required such as open space, roads, sidewalks, etc. I agree with Commissioner Dixon about net densities and having compact. That was to me the original intent of WSSAP and where growth should go and to the revision of the plan. I also know that when that chart was put up the list of all of the things expected of a development. That wasn't a ranking. That was a list. You and I could argue whether community character on any particular development changes the community character. The things that are much more scientific such as traffic studies, etc those are more objective formulas as opposed to subjective that I think that we'll also have an argument about.

Commissioner Beauregard –

I come up with 1,100 and according to all of the studies that I've read and what we're looking at that's the point where the bottleneck stops up. I'm not willing to make that leap of faith that this will magically solve that issue. We talked about the road in Denver that holds 60,000 cars now. It's always held 60,000 cars. That's all it can hold. We have one road through one valley. We can't accommodate another 20,000. That's why I bring up the example of Hawaii that have 1 road that sits there at a stand still for 1 ½ hours. It's a \$200 million problem for that island to solve. 5% of the tourists that visit that island miss their plane all because they were sitting in stand still traffic for a lot longer than they anticipated. Those are all issues that we're going to have. We've got people living down valley and working down valley. They take their 45-minute commute from Hayden and it turns into a 2-hour commute to get into town. That's a huge issue. Once these developers are long gone then we're going to have to try to pay for it. I'm not willing to make that leap of faith on hopes and assumptions.

Commissioner Fox –

I'm not in any position to make any final decision tonight. I agree with high densities. I understand where Commissioner Dixon is coming from. I agree more with what Commissioner Beauregard is saying. The fact that we need to be careful with where we put those and how much of the area gets that high density so that we don't ruin the community character. I'm not sure that I think the 6 lane would work with Steamboat's community character. I like the idea of having a maximum of 4 lanes and whatever the densities are for that. There's the huge green movement going on right now. For us to project 25 years from now with the maybe new modes of transportation, more efficient ways, less expensive we don't know for sure what that's going to do for us. If we go

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with 6 lanes I feel like that's just allowing people to drive and make that decision rather than look for alternative modes. I agree with the community with the density in old town and I think that is a good kind of density.

Commissioner Meyer –

The discussion tonight is mainly focused on Hwy 40. If the roads change then we change our driving habits. Instead of driving down Lincoln I might drive down Oak St. and still get to the same place with may a couple of seconds or minutes added to my travel time. We tend to change our driving patterns, biking patterns, transportation patterns based on where a network of roads are. I would really like a much broader discussion. Transportation to me is not just US 40 and how many cars you put on it.

Commissioner Curtis –

We haven't really focused at all on alternative modes of transportation be it bus service, biking, ride sharing, etc. I believe that it's all of our responsibility, City Council, City staff, etc to come up with some creative ideas and project designs that will force people to use alternate forms of transportation other than their vehicles. That's the key. Community character and quality of life as indicated in SSACP is of the utmost importance. The numbers that we're seeing tonight and the numbers that Eric Smith gave us for dollar figures I am very concerned of the affordability issue. You need to also look at those factors. There's a lot more to discuss. The rest of the community needs to be involved. It's not just a decision to be made by just us and City Council. We need to get the rest of the community involved. Maybe they can come up with some creative ideas as well. I would truly like to see some of the densities that we're talking about tonight. If we don't come up with something different I don't think it's going to happen.

Commissioner Levy –

I agree with Commissioner Beauregard that bumper-to-bumper traffic is not in any of the community characteristics. I would also agree with what Commissioner Curtis said that the only way you're going to be able to get people to change their mode is to change their experience. The only way you can encourage people to use alternative modes is if you pay them. You can either pay them positively or negatively. Unfortunately traffic is one of the negative ways to pay them. I'm a little bit torn about how bad traffic is going to be if it's completely negative or has some potential positive solutions to it. I can't imagine a 6-lane road meeting any of our community characteristics. We have other alternative roads in order to get them to 13th St. I can't imagine approving something saying that we're going to allow a 6-lane road in the next 20-25 years. That's really our time frame. We're not planning for 100 years from now. Although cost concerns me I don't think that's my job. My job is to protect the vision of Steamboat Springs and all of the characteristics. If it's not affordable to do it now, that's not my problem. The community can come back and we can change the WSSAP plan just like when we changed that when that didn't work. Right now that's my vision.

Commissioner Dixon –

The document is about affordable and attainable housing. If the costs are such that at this density or that density we can't get attainable housing, we'll probably get affordable since that is required, but that cost goes into the market rate goes up. You won't get

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attainable housing from anyone at 120%AMI. They are still not going to have a place to live. The whole point of developing out there is to provide both attainable and affordable housing for full time residences. If that can't be done and the densities that are described in WSSAP then we have to revisit. That's the primary goal. That's the dog and the tail is everything else. The dog is attainable and affordable housing. Whatever it takes to get that I'm in support of. The numbers are being brought to us. I did a lot of research on character driven design. This week looking through books that I have and websites in trying to figure out how to achieve the type of community and character that we want in this valley. The only that you have to compare it is through is either net or gross density. Right now we can't do the net since we don't have a pie chart. Looking at everything that I looked at this weekend they ranged from a low of 1.6 to a high of 5 and averaging 4. It's not out of line with what's being proposed. If the community character is a big issue then I think that's a model worth looking at for comparison. We went down to Stapleton and Lowry. Stapleton is 4.3 and if you take out the big box and focus on just their housing area and small amount of open space then all of that is 4.3, which is not out of line with what's being proposed. Lowry is lower at 2, but they have huge office buildings and they employ 7,000 people. Their gross density is lower. That's something worth looking at to know whether or not our land use planning is appropriate for what we're trying to do. The biggest thing for me is attainability. It's very difficult to live in this town. The whole point of trying to grow in that side of town is attainability. The traffic is the tail that needs to be resolved, but it's not it's not the dog.

Commissioner Meyer –

Water is an expectation. What we really need to focus on is the range, the land use, and the development in West Steamboat. If our vision is 25 years then lets go back and look at all of the information. I went around to some of the other property owners and staff is making some assumptions to how those will build out. They may or may not build out. The whole thing is that pie, how big is that pie, and how many slices. I will ask that we table.

John Eastman –

In reviewing additional information requests for the meeting on the 26th: I didn't hear Commissioner Curtis asking staff for information on additional modes, but I did hear you asking the applicants that are here tonight.

Commissioner Curtis –

No, I would like it from you. If the numbers that we saw tonight include alternative modes of transportation?

John Eastman –

They absolutely do. He explained the chart from Fox Higgins. Is there something beyond that that you're looking for?

Commissioner Curtis –

Maybe a brief synopsis of rather than talking about bus service numbers, share ride numbers, any other alternative mode to get people out of their cars and maybe not to even use their cars. If we're talking 2-3 trips everyday with these numbers how do we

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get those people to minimize those trips a day? It's going to be a change of lifestyle, but I would like to see what we need to do to change that lifestyle within reason. They've talked about a monorail from Denver to the mountains and that sounded like a great idea. It was too expensive back then in 1970.

John Eastman –

We have the entire Fox Higgins transportation report online. I would encourage you to look at that. He's an aggressive mode shift plan as was encouraged by the SSACP.

Commissioner Curtis –

What I'm trying to get at is if we're asking the community to change their driving habits then they need to know what that change needs to be. If we can give them some idea of what we're expecting then we can discuss that further.

Commissioner Fox –

What have other communities have done as far as incentives or things like that that have created people to use more different modes of transportation. What have other communities done that have worked?

John Eastman –

We don't know of any other communities that have achieved at this level that we're trying to achieve.

Laura Anderson –

We're looking at as many creative strategies as possible. They're working with us to buy more buses. We're doing everything to support and achieve that.

John Eastman –

The second thing that you requested is a pie chart. Pg 6-40 of the staff report it does break out in total acreages by land use plan.

Commissioner Dixon –

I'm better with graphics.

John Eastman –

So you're looking for that, but in the form of a pie chart?

Commissioner Levy –

When we were talking about it I thought that you were looking for also what the WSSAP plan had envisioned so that we could apply that for these other applications.

Commissioner Dixon –

Not everybody in the WSSAP is going to develop at these densities. While we might make that assumption now that's not realistic. I think that what we have to temper is some legalities.

John Eastman –

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From my experiences what I expect is that your subsequent applications will be similar to or beyond those density expectations. Everybody designs their development off of what's been approved in the past. I can provide the pie charts for Steamboat 700 and the design guidelines for WSSAP.

Commissioner Levy –

If it were easier could you just analyze the existing city limits or old town for commercial space, institutional, etc.? That's specifically what's called out in the plan, but isn't what's called out in the WSSAP plan anything different.

John Eastman –

Yes, we can do that.

Commissioner Dixon –

Please break out right of ways if you can. If it's dedicated to road and open space, just say open space since you don't know what's going to be road or open space.

Commissioner Beauregard –

John Eastman, what you just said is that if we decide the density that we have to assume that we're going to approve or that precedence is set and we have to allow that density throughout the rest of the area?

John Eastman –

No, I would assume that the applications that we receive would be commensurate with what we've approved.

Commissioner Beauregard –

I thought that was the beauty of the annexation process is that we don't have to annex everything. We can annex portions that we want and need and we can apply densities that we want and need to those specific annexations. Not set a precedence and have it carry out to a total build out that we might not be able to accommodate.

John Eastman –

If you're going to place some limits then it's important to convey those expectations to those landowners.

Commissioner Beauregard –

The limitations never changed the applicants reference the WSSAP all day long when they talk about their annexations. Why do we have to ignore the total build outs that were in that plan?

John Eastman –

We don't. We're not making any recommendations. The ultimate decision is your recommendation and City Council's final decision. We'll get those requested materials to you by the next meeting.

Commissioner Curtis –

I would like to see every single breakout category just as you've mentioned.

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John Eastman –

Ok, we'll get that for you. Also Mike Gill won't be here the next time so if you have any questions please email them to me.

This agenda item will be continued on the 26th of March.

Discussion on this agenda item concluded at approximately 10:05 p.m.

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West Steamboat Buildout Discussion - Discussion and recommendation to City Council regarding target buildout for West Steamboat Area
CONTINUED FROM 3/12/09 PUBLIC HEARING

Discussion on this agenda item started at approximately 6:31 p.m.

Deliberation

Commissioner Ernst stepped down.

Commissioner Hanlen showed up during this agenda item.

STAFF PRESENTATION

John Eastman –

This is a second hearing. New public comment was received in an email from Scott Lewer which has been distributed to PC.

Based on PC requests there is additional information in the staff report about the 2004 SSACP and the Old Town Sub Area. He showed a map of the area, which doesn't include the Brooklyn neighborhood.

The reason why we're here tonight is provide direction on infrastructure planning in particular with regards to the target residential buildout of the West Steamboat annexation area after accounting for residential infill within the existing city limits west of 13th Street. There are numerous studies being done and the big one is NEPA. There are others such as water studies, etc.

There was a question from PC about transportation capacity through the city of Steamboat Springs. He showed a diagram that showed different alternative routes that you can take besides hwy 40. Once you get into town there's more opportunity for the traffic to disburse.

Peter Patten –

Is the Steamboat 700 proposed density consistent with the policies set up in the WSSAP? Is our proposed density within the overall context of the larger boundaries of the WSSAP? As we all know that the WSSAP requires more of a traditional neighborhood design/new urbanism. The policy statement is very specific and says that the vision is one that integrates the historic pattern of Old Town Steamboat with topography of West Steamboat, which is different to create a livable community in a limited amount of space. He showed a list of characteristics of Old Town that they are striving for.

How are we implementing that? He showed 2 examples that they came up with for form-based code in Steamboat 700. He showed a graphic of how they're achieving these different types of buildings.

What are the benefits of higher densities? They are increased number of affordable housing, more effective transit, and more public amenities. We're proposing a community center, a day care center, lots of open space, the ability to fund more offsite improvements, and more money into our real estate transfer fee. What the WSSAP is

all about is reducing the amount of urban sprawl.

What are our densities? Our gross density is about 4 units per acre. The net density is over 6 units to an acre. That density is high enough to provide the type of development that we're looking for. A high proportion is in the multifamily and small single-family products.

If there is a decision to limit residential buildout below what's been proposed by 360 and 700 then it's unlikely that the critical mass can be achieved. What's important here is what the WSSAP says where the village center goes. What it says is that our sites are required to include a designated area for the village center. It's required to include all of the nonresidential uses.

The schools decided that they want to build on their own site here. All of these uses are included in our plan with exception to the school. These nonresidential uses represent 45% of our site. The other 55% is in our residential.

The other policies in the WSSAP that support our density are having high density around the village center. There's another policy about transit in the WSSAP that says that the higher densities should be along New Victory Parkway and along the Slate Creek connectors.

What about walkability? 72% of the units within ¼ mile and 99.5% are within ½ mile. The conclusion is that our density is appropriate and should be higher than other WSSAP densities. We're required to have the village center and all of those other nonresidential uses. We're the largest property adjacent to the current town boundary.

Bill Fox –

How can this development pattern effect travel choices and mode choices? How that will ultimately affect traffic on US hwy 40. We just didn't pick a number it's a little bit more involved than that. We're looking 20 years into the future for the buildout of this site and for the community as well.

How can we reduce the amount of traffic on Hwy 40? They can walk, bike, or ride a bus. We can provide destinations so they can start and end a trip without ever getting out onto the hwy. We can have a mix of uses that provides multiple trip destinations. We can also serve traffic that is already driving by this site. There are 4 different types of trip reductions that we're proposing. One is pedestrians will have shorter trips. Bicycle trips will have the same thing. Steamboat 700 is still bikable to down town. There will be US 40 improvements. There will be an extension of the core trail. There will be 5-10% trip reduction taken, depending on the type of use and location within the Steamboat 700 site.

To make transit successful you need frequent amount of trips. We have projected that if we do this we'll get 4-5% of transit trip reduction assumed for most land uses at Steamboat 700.

What does a 5% reduction feel and look like? If we have 5-6 units on a single acre and

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1 of those units takes the bus then we will have met the 4-5% trip reduction. If we take total multi-modal trip reduction then we get 15% for residential, 10% for offices and restaurants, and 5% for hotels. If we take all of these and add them up then we get about 12% aggregate trip reductions. He gave some examples of this. We think that the 12% aggregate that we've projected is very thinkable and achievable.

The big part of the pie is internal trip making and multi-trip making within this site. We have taken a 22% reduction for home-based trips on-site that access jobs. Another consideration is multi-purpose trip making. If you add up the total multi-purpose and internal capture trip reduction we have taken an aggregate of 20% when applied to all uses on this site.

We really want to capture the trips that are already driving by. The commercial use is right along the highway in that lower village center area and we have projected a 25% capture of trips from people that are already on the road.

If you look at all of these types of reductions you get an alternative mode of 12%, internal and multipurpose capturing of 20%, pass by aggregate of 5%. Add all of these up you get a total of 37%. This is an appropriate goal of the village center in the WSSAP area. It won't happen in a vacuum or overnight this is a community wide discussion.

The NEPA study is going to identify those alternative modes. There will be many community wide improvements that will be happening that we will be linking into. There will be continued improvements to your bicycling roadways and paths as well. All of these reductions will help to limit the traffic on US 40 given the amount of development. All of those are achievable in this community.

Eric Smith –

There is a discussion about the transportation infrastructure especially on hwy 40. There are also numerous references to this. The primary areas suitable for higher density residential growth is in the Steamboat Springs area is the WSSAP. The original link to the '95 plan did designate the West Steamboat area as being the area for future urban growth and affordable housing.

An important goal for WSSAP was to bring about affordable housing for the working people in Steamboat Springs. This goal will be achieved through regulation and incentives including limits to density to a means to lessen the cost of a home as it relates to the entire infrastructure versus the development.

Another goal of WSSAP was to develop this community housing with a high degree of sufficiency. The goal is that 20% of this housing will be affordable.

The Urban Land Institute publishes different articles related to transportation that I think is a key to the hwy 40 issue. One of the things that the Urban Land Institute included was that when they talk about dwelling units per acre that to successfully drive a transit oriented development they looked at transit as far as light rail type transit, general heavy rail, and buses.

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When they look at bus traffic they gave 2 different statistics. They call this intermediate service and frequent service. If you look at intermediate service development the minimum dwelling units per acre is 7 units in order for this to be successful. That won't sustain the transit service. This is more for sites that are over 100 acres. When you get into frequent bus service they talk about having 15 units per acre.

In the lack of residential density the only thing that can substitute is really commercial. When you look at these they are very light on the residential side, but when you look at the number of people that work in those places they are more on the arrival side of the bus traffic. Dropping off at a fairly intense office area can also affect the transit. You have big commercial office area with little residential, but have enough offices to support the transit stops. When you start dealing with these densities I think that it is very important to keep in mind that to make the transit components successful you've got to have the density to justify the ridership.

One of the key components for the 360 plan is to provide apartment housing. The developers of this project are very familiar and experienced in apartment development. Apartments create a high ridership capability for transit since you have fewer cars. The apartments generally generate lower trip factors as well. It is very important for this transit work for all of West Steamboat and we believe that density is very important in achieving that goal.

COMMISSIONER QUESTIONS

Commissioner Curtis –

You are asking us to give you density buildout mainly for residential, however looking at the WSSAP. They also include nonresidential such as commercial, industrial, etc. Are we to take that into consideration also in our numbers or how should we address tonight the nonresidential in West Steamboat?

John Eastman –

I would refer you to pg 6-5 in the staff report. Discussion is not just about density. Yes, the development out there needs to be as efficient as possible. Really the question is the total number of units. We've been more successful with infill than anticipated. We have a residential number that is different than what was originally in the WSSAP. The proposals and plans have so far been consistent with the WSSAP. For residential the numbers are larger than what we anticipated them to be. We have to plan for the largest amount of units. So far in our infrastructure planning we've been using the larger number.

Commissioner Curtis –

Following up on our extensive discussion regarding traffic we had a brief discussion at our work session regarding 4 lanes versus 6 lanes. As part of our decision framework tonight we're going to comment on whether it's appropriate to have a 4 lane or 6 lane extensions on hwy 40. We also discussed that there could be other options via Victory hwy for there to be additional lanes. Possibly 20-mile road to consider additional lanes. How are we to look at that scenario if we're going to make comments on how many lanes specifically should be on hwy 40?

John Eastman –

We have not asked you to decide on the number of lanes on hwy 40. All that we're asking you is how many units should we should plan for.

Commissioner Curtis –

A lot of the comments that were received from Steamboat 700 and 360 Village relate to density, which relates directly to site design. I know that we're not here tonight to decide on site design, but are going to have extensive discussions on density. My question is that we're also talking about a form based code regarding a new design concept. Could you just tell us what the status of that form based code is and when we might be working on that?

John Eastman –

There has been extensive discussion about the form based code public meetings with PC are anticipated in the next couple of months.

Commissioner Dixon –

How much density? We're not arguing over, we're talking about density itself. We're all in agreement on how dense it needs to be. We're talking about how much of it needs to be dense. If we were to stick with the prescription in the WSSAP with 2,600 houses then the only other number in that equation is how much land. Are you suggesting that we reduce the UGB?

John Eastman –

If there is a decision to limit the total number of units additional meetings will have to be scheduled to determine how that should be done.

Commissioner Dixon –

If we don't change our land allocation then we say 1,100 acres with a 900 calculation in here. If we use that then can we use our density of what everybody has agreed on that's the right density that we are looking for? Can the NEPA number be the ultimate density or can there be 2 different answers or 2 different answers to this question? Can we have a high number for the NEPA study in order to cover our future growth and the annexations will flush out for the individual parcels?

Laura Anderson –

We've been talking about that in the last couple of days. The NEPA study wants it to be an expected build number for the next 20 years. You can do a strategy where you take a worse case scenario number. What would end up happening then is that you would end up designing a worse case scenario section of road then. We're trying to find a reasonable middle ground.

Commissioner Dixon –

Could we hurt ourselves by going higher than expected?

Laura Anderson –

Possibly. We want to build what we need in order to have safe travel through

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Steamboat Springs. The approach that we're trying to take is that we'll take the number that you come up with and analyze some alternatives. There is a risk if we take a worse case number.

Commissioner Dixon –

The trip generation numbers that's not the reductions, but the original number from the ITE. The New Urban article that was in our packet seems to suggest that those numbers were based on suburban models originally in 6 cities in Florida and that they are possibly based off of some new research and are going to be under revision. Has that happened or is that going to happen? Are we going to have new numbers come out that are lower than 9.57 for residential units?

Bill Fox –

The 9.57 is not based off of studies done on 6 cities in Florida. 10 trips per household is probably the most documented number. What that study is saying is what the effects of having these mixes of uses with commercial and residential all in one community will have and what type of reductions can we expect. Some of the ITE projections are too high.

Commissioner Dixon –

Are they going to change the base or the trip reduction factor?

Bill Fox –

They will definitely lower the trip reduction number.

Commissioner Hanlen –

Can you give us some examples of population numbers that would be required to make a small coffee shop or a retail store viable? My concern is achieving density, but not maintaining critical mass in order to support commercial. At what point are we mimicking the condos in Stagecoach where for years they've tried to get something as simple as a gas station and they can't justify the numbers on that? When the Clark's marketplace was put out west of town and it ended up having to close its doors after x number of years because we again couldn't achieve the critical mass and it didn't have the necessary population numbers. If we start with a basic assumption of a basic coffee shop then what is that population number? Obviously it needs to feed off of more than just that, but what kinds of numbers are we talking about. To have an isolated pocket of 7-15 units per acre doesn't do any good if we still can't support the commercial that we're telling them that they need to have there.

John Eastman –

There's been a lot of research about what's a neighborhood. A neighborhood is something that supports some retail and is walkable to that retail.

Commissioner Hanlen –

The example that I will go further is that when we talk about the retail in the greater Steamboat area and we've isolated it into 3 major pockets on the mountain, down town, and West Steamboat. Are they complimenting each other and are they in competition with each other? When they talk about a million plus square feet of commercial out

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there that's a substantial number and to think of how long the Clark's market strip area sat vacant and it wasn't until just recently that they started to fill up. There were a lot of spaces that sat vacant for nearly a decade.

John Eastman –

The theory is about 160 acres. It's a 5-minute walk about ½ mile. You're looking at 800-1,600 residences. An example is Milner. The roadhouse comes and goes, but never quite gets there.

Commissioner Hanlen –

When you're saying 800-1,600 residents or units?

John Eastman –

800-1,600 residents.

Commissioner Hanlen –

How many units in 160 acres?

John Eastman –

Divide that by 2.3.

Tom Leeson –

About 500.

Commissioner Hanlen –

One of the things that I noticed off of both this one as well as from the old textbook was that there's no topography conflict, there's no river channels through that. They've got a specific constrained and purposeful parks with pretty much any site. In Steamboat you have a substantial amount of open space that dilutes that due to topography, rivers, and parcels that would be considered undevelopable. This is a flat site and everything is usable. I just wonder that when we say 160 acres what is that number turn into by the time we require open space and larger park system that we claim that we want to see.

John Eastman –

Steamboat 700 and 360 Village are following the WSSAP with their core designs and they're providing open space. When we look at old town you still get open space on the edges and within the different neighborhoods.

Tom Leeson –

It is more than just density. It's the critical mass that we need to achieve in order to achieve successful commercial and transit. It needs to be 6.8 units per acre consistently in a concentrated area in order to achieve some of the goals of the WSSAP.

Commissioner Hanlen –

What's that number, because right now I haven't heard what that number is? Can any of the applicants speak to that?

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John Eastman –

About 500 units is the minimum critical mass based on the math that we're doing. That's equal to about 800-1,000 residents.

Commissioner Hanlen –

That's just barely over 3 units per acre gross. If we're talking about having 7-15 units in order for transit to work then there's a disparity there. What am I missing?

Eric Smith –

An urban block, which is one block in Steamboat Springs you need about 3,000 people within that one block to make that retail work. You might have an average of 2.5-3 people per unit you go back to the model of 160 acres of a 5 unit per acre density where you might have 800 rooftops in that area. You multiply that by 3 people and you get 2,400 people. You really need 3,000 people within 1 block in order to make that retail survive there otherwise you'll have to pay people in order for them to survive.

Commissioner Dixon –

At 2,600 units in West Steamboat area and any pass by traffic that's almost 6,000 people at 2.3 people per house. That's 2 blocks of retail according to those statistics.

Eric Smith –

If we want people to survive with the residential that's in that area then those numbers are pretty accurate.

Commissioner Dixon –

Does that count for a grocery store too or is that an anomaly?

Eric Smith –

You won't be supporting a big grocery store if you had those kinds of numbers. It takes a lot of population to support those smaller retail stores. You need 10-12,000 people in order to support a large grocery store.

Commissioner Hanlen –

We still have a disparity between with Eric saying 3,000 residences to support 1 block of what we would consider down town commercial. We keep talking about the Village Center. When we started these discussions a year ago I had concerns that any volume of retail would be successful out there. When we talk about reducing those densities even further than what they were proposing then I'm suspect that it would survive. It seems like this goes hand in hand that if we want them to be successful then we need the critical mass in order to make the commercial work if the trip reduction is in place and for all of this to work. I'm almost suspecting that the densities that they're proposing are barely enough. At what point are we removing the tools that were still required in the WSSAP beyond just the minimum requirements of units? It seems like there's an inherent conflict with the WSSAP and the SSAP that it seems like if you fulfill all of the bullet points you won't have a successful project.

Tom Leeson –

This is why we brought this back to you to see what you think.

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Commissioner Hanlen –

We've got 2 applicants in place right now. If we were to buildout at their proposed densities we still haven't met the top mark that's set forward in the WSSAP. Does their development necessarily kick us into needing to revise the plan or is it the next guy in the door that needs us to revise the plan?

Tom Leeson –

What do you mean by top mark?

Commissioner Hanlen –

It's just the number of units that we're envisioning in West Steamboat. Let's say that only 1 of these projects was to move forward and fulfilling all of the units that's being proposed in the WSSAP. Was the WSSAP envisioned to be this document that once Steamboat 700 were to get started that we keep revising this every 5 years and that this is supposed to accompany this stuff? Once the annexation occurs and the majority of the land has been annexed we envisioning just the CAP plan taking over and that it's just a subset within the next CAP?

Tom Leeson –

The latter.

Commissioner Hanlen –

Based off of the lapse from the fact that we didn't hit our 2-year target for an application. It seems like just as the first WSSAP came forward and due to the constraints that were placed on it and nobody stepped forward to do the development and then another couple of years lapse and now we're at this point again. It seems like due to the inherent conflicts that we're asking for something that can't be achieved unless I'm missing something.

Tom Leeson –

In terms of the lower numbers.

Commissioner Hanlen –

The conflicting requirements.

Tom Leeson –

This is why we do the public process.

Commissioner Hanlen –

I guess what I'm saying is that we have to comply with the WSSAP.

Tom Leeson –

No we don't. We're just recognizing that the plan has these particular numbers in it. We're just bringing this back through the public process and what we're seeing is different than we expected.

Commissioner Beauregard –

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You're saying that they're not achieving the top marks. What's your top mark?

Commissioner Hanlen –

What I'm saying is that when we take all of the properties and when we talk about an equitable share and the total number of units that in theory would be allowed in the WSSAP to hit that total number assuming densities across every single property. Right now we have 2 applicants and if only 1 of them were to go we might hit only half of the number that was originally envisioned in WSSAP. I'm not saying that it's wrong or right.

Commissioner Dixon –

If you backed it up based on the WSSAP number and gave everyone an equitable share.

Commissioner Hanlen –

One development by itself doesn't achieve this.

Commissioner Beauregard –

Isn't that answered in the what happens next to actually isolate annexations and certain portions? That's what I think the what's next section in this supplement says.

Commissioner Meyer –

I think that I would like to see some clarification. At our Monday meeting that was the first time that we saw not only the outcomes and possible scenarios then under the what happens next new sections and new decision tree. What I'm concerned about is the new section we never had an opportunity to talk about whether we do it tonight or when it's appropriate and that is specifically talking about projects that are within the buildout limits that best meets the criteria will move forward. Staff said that other projects would not be allowed to move forward. We talked about infrastructure planning and requiring a community plan update.

Tom Leeson –

If we decide to stick with the numbers that we already have then we would need to figure out how to do that. If we go with 2,600 units then we would not be able to move forward. You either need to come back and revisit everything or revisit the projects. I think that you need to decide what you think is appropriate then we can deal with that concept.

John Eastman –

We didn't feel that it was necessary. The real question is what number of units should we plan for.

Commissioner Meyer –

I would like to follow up on that and to go back to something that I said at the first hearing. It's looking at that table 1 and identifying not only potential residential development, but specifically the top line where of the 700 and 360. Then there were approximately 10 other properties. When the Planning staff says that part of the reason why we are here is because we are seeing a potential higher residential development in some of those parcels. One of the things we talked about is taking a look on a parcel-

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by-parcel basis. I know that the Planning staff had to make an estimate on what is proposed. On several of those properties we don't have anything proposed. In addition some of them will have environmental restrictions, side constraints, so that focusing on that 925 number, which is causing more of an uh oh moment instead of a yes moment. Many of those properties may or may not be developed. They may not even be currently zoned residential. I realize that there are an awful lot of assumptions about why we're here based on best information.

Tom Leeson –

These may be the only 2 projects that we see in West Steamboat. We get to look at this over time. We will reevaluate the information that we have. The last 5 years have been intense with development. Financing is different now. We might see something completely different in terms of this 925 number. You have to base your decision off of the information that you have currently. We're making decisions off of the information we have tonight.

Commissioner Hanlen –

You guys through in the example of Hilltop connector loop on the bus services as an example of transit use. I would point to that as something that we don't want to have, which is isolated pockets of condos and apartments. That's one of the most inefficient bus services that we have in the city. I'm still a little bit confused about why it was in the packet. What would be our population minimums to make transit work especially when there's the hiccup that occurs in our downtown core then we won't have any real density until we get out west. What's that magic number?

Laura Anderson –

We're in the middle of those discussions right now. At what number of rooftops will we be expecting efficient transit service and at what number of rooftops will we want to expand in order to have peak hour service? I don't have a set number for you.

Commissioner Hanlen –

I don't need a set number, what's a range?

Laura Anderson –

We discussed that we might start bus service at about 300-400 rooftops.

Commissioner Hanlen –

That's half hour bus service?

Laura Anderson –

20 min. service is what we would be hoping for.

Commissioner Hanlen –

We have this dichotomy occurring with the obvious ideal place to put apartment buildings down town. The land prices are so high that any condos or apartment buildings that get built down town are going to be far too expensive for really anybody working in Steamboat to afford. We go outside of town to an isolated pocket. Does the isolation increase the necessary density to make transit work? If you were comparing

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the two sites apples to apples it seems like the more remote the site gets the more density you need in order to make it work.

Laura Anderson –

I would say that we have Sleepy Bear, which is near the Steamboat 700 entrance.

Commissioner Hanlen –

Just because we send bus service out there doesn't mean that it works.

Laura Anderson –

We struggle with that right now. We're trying to figure that out ourselves. The more buses we can get on the road the more efficient we can get the time for people to get to places that they need to get to and the more service we're going to get.

Tom Leeson –

It does include factors such as are your sidewalks efficient to get to your bus stop?

Commissioner Hanlen –

We seem to be hang our hat on gut feels or vague ideas of what we think works and I was hoping that there was some science behind it that really would nail it to a post and say here is a target. That's where I was hoping that the city can start delivering minimum numbers to developers where we have a goal to shoot from instead of assuming that more is better. I just feel like that we don't have something specific to shoot for so it's tough to know what we're aiming for.

Commissioner Curtis –

When we look at the pods, just talking about Steamboat 700 I think that we need to talk about where the potential development is and what the potential density may be. We're talking about transit oriented being bus service, walkability, and bikability. If the village center is next to hwy 40 then where would the first phasing of development be? Would it be around the village center or would it be some place else?

Peter Patten –

The pod next to the village center would most likely be where we start.

Commissioner Curtis –

You have a dwelling unit acre number on that?

Peter Patten –

It's in the 8-15 range.

Commissioner Curtis –

8-15 dwelling units/acre.

Peter Patten –

343 units on 22 acres.

Commissioner Curtis –

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Could you make that density be greater or a maximum size?

Peter Patten –
Yes.

Commissioner Curtis –
Let's look at pod 4. What's the dwelling unit number on that?

Peter Patten –
There's 89 units in 4a.

Commissioner Curtis –
What about the pod that's at the lower right hand corner of the property?

Peter Patten –
This is about 7 feet above the village center and is about 74 units.

Commissioner Curtis –
Just talking about those 3 pods for now. Those would be the first 3 to be developed?

Peter Patten –
Not necessarily. We have no chronological phasing plan.

Commissioner Curtis –
Steamboat 700 had a meeting with County Commissioners. There was an article in the paper. Is there anything that we need to know that came out of that meeting?

Peter Patten –
Relevant to this discussion, probably not.

Commissioner Dixon –
What was 3a?

Peter Patten –
226 units.

Commissioner Curtis –
If we're talking about transit oriented development and we're looking at this site plan. We're talking about what's going to be built up first. I think that it's going to be very important once we get to looking at the actual design to make sure that it complies with what all of our ideas are transit oriented development. I think that all of us may have a little bit of a different idea the way it should be. If we're looking at those 3 pods I can see that's a good walkability potential and transit potential, but you get out further to the west then it's very questionable. I tie that back into Commissioner Beauregard's thoughts at the last meeting that we really need to think about the pods. When we see them what kind of density might be on those pods?

Tom Leeson –

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You're going to have a lot of opportunity to do that.

Peter Patten –

It's not correct. We actually have more density in pod 9 with 540 units than in pod 3 with 343 units.

Commissioner Curtis –

That might not be developed until a later date.

Peter Patten –

We don't know that.

Commissioner Curtis –

We still haven't fixed the specific location of the village center yet.

Peter Patten –

The primary village center is fixed.

Commissioner Curtis –

You're recommending this location now, but to my understanding this is still in discussion?

Tom Leeson –

It has been agreed upon that the primary village center will be located in pod 3.

Commissioner Curtis –

That gets into the nonresidential buildout numbers that we're talking about today, which really needs to be factored into what is known.

Jason Peasley –

We keep focusing on what's necessary for transit. We might want to look at what's a critical mass to make a quality mix of uses work. That may help make transit work as well.

Commissioner Hanlen –

I was just asking about the transit to see if there was a quantifiable number that we could allocate to it. I totally agree with the mix of uses and the component of it. If you take care of the mixed use and the density then transit will take care of itself. We just hadn't seen hard numbers.

Jason Peasley –

Eric Smith was able to give us some of those quantifiable numbers regarding what would make a block of commercial work.

5-minute break was taken.

Public Comment was taken.

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PUBLIC COMMENTS

Fred Duckels –

We are only getting about 5% out of the bus. My concern is that you're thinking big. It's so much easier if you think big the first time. If I were to error on one side or the other then I would rather error on the heavy side.

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Commissioner Dixon –

I have a number. I thought that I was thinking big. The discussion of critical mass was an important one. I don't want to see the recipe go to failure because we don't have minimum density or critical mass. I don't want to see that happen. If we don't get a minimum then we don't need to go forward with it at all. I don't think that there is a middle ground that we can shoot for. The discussion framework that you had given us in our staff report has been so troublesome, because rather than using the WSSAP goals as a filter for the discussion it framed it in using the obstacles as the filter. I understand after rereading the WSSAP and after you stated I understand why you did that. That's the direction that the WSSAP took. That was an important thing for me to come to grips with. The WSSAP like every good plan it states its primary goal very clearly. It states subordinate goals clearly. Like every good plan it identifies obstacles in achieving those goals. One major one in particular is traffic congestion. That's where in my opinion it ceases to be a good plan. I say that because it uses an obstacle to limit rather than providing solutions to overcome the obstacle in order to achieve the goal. I had an analogy here. Lance Armstrong had an amazing goal. Not to become a writer or an adequate writer, but to become the best writer. He was faced with cancer. Did he let him, did he change, did he alter, or did he limit his goal based on that obstacle? No, he didn't. He used everything in his power to overcome that obstacle. He set out a plan to do that. If attainable and affordable housing is our tour to France then I don't want traffic (our cancer) to limit the goal of winning that race. I'm not willing to accept the limits that are set out by the WSSAP, because I think that it is clear that they were derived out of limits. I think that we have sponsors at the table now to help us overcome those obstacles. I think that we need to give them their money to do that. We've got to embrace these sponsors and have a minimum target, have a minimum goal to achieve. Back to the table of decision-making. There's another one in our packet on pg 6-34. It frames it in a way, which is what I want to base my decision off of, which are looking at all of the goals. Looking at the primary goals, subordinate goals, and seeing what level of density it's going to take to accomplish those. Let the experts figure out how to overcome the problems and making commitments that both from the City, County, from the sponsors, developers to overcome those obstacles so we can get to our goals. A couple of things that I want to add to what is listed here is the first primary goal that's identified is affordable, attainable housing. The second one that is not listed in the WSSAP is to minimize the costs to the public. That can be looked at in the chart that John Eastman had in the opposite of pro's and con's. Low density disbursed growth usually costs the community. There's more land consumption and greater infrastructure costs, less efficient use of infrastructure, greater automobile dependency, greater cost of municipal services, etc. That's not a mystery. The tighter the more dense per mile of road that you have houses the less per capita it costs to serve that road. That's important. I don't want to squander our land. I don't want to have 1,100 acres out there that we put a cap on the housing and then are stuck with

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whatever that is. We've created a worse problem for ourselves. It doesn't satisfy our goals and we end up looking for more land later. The reason why I'm so passionate about a dense built environment is because I'm passionate about preserving our natural environment. You can't do one without doing the other. It's irresponsible, as this country has seen over the past 60 years. The other thing regarding this chart is that there's a mandate in the WSSAP, which is achievability right in the first chapter. We have to assure that this plan is achievable. It goes on to defeat itself. That's been my whole problem. I think that the lower density numbers that it prescribes are based on obstacles. They defeat the goal. What I would like to do is to use the model that we think is going to solve our problems to end the paradigm. I think that we can do that if we're going to say that's our preferred. If that's our preferred paradigm then we have to see what it says about density. Take that density number and multiply it by the land we have available and that's the number that we need to plug in. I took your 990 acres identified in the chart. We agreed in our last hearing and I think that you said between 4 and 5 per ratios is a higher number, but I think that the model that we're looking at is between 4 and 5. The research that I've done comes out to 4.5. Take 990 acres and multiply that by 4.5 just in the WSSAP area and I come up with 4,455 housing units. That's just in that boundary. It's clear the WSSAP meets that boundary. That's not subtracting out any existing city limits. For existing city limits we have 1,557 acres. This is gross density and when you multiply that by 4.5 you get 7,007 units potentially. For a NEPA study I would say that 11,462 houses is not an unrealistic number to plug in. That goes along with what Fred Duckels was saying that we need to think big. All land is not created equally. This equitable share business has had me going crazy as well, because there's a lot of constraints out there. The topography is different, there's some utility constraints. With good land planning you might not want to put residences right along hwy 40 that may need to be another use. In addition to that number it's very important to remember that we need to allocate the highest densities that transit is going to need. Between 7 and 15 that's what the area plan calls out and what we're hearing in all of our evidence. Not only do we need to see a 4.5 density rate gross for the entire acreage, but we need to make sure that in the future that we're between 7 and 15 at places where we can accommodate that for transit.

Commissioner Curtis –
What was your total number?

Commissioner Dixon –
For the WSSAP area my number is 4,455.

Commissioner Curtis –
You said that it doesn't include existing?

Commissioner Dixon –
Yes, so you would add in 1,557 acres at 4.5 and the number is 7,007. The total number is 11,462 for the NEPA study. I think that aligns with John Eastman's 11,000 number. In the new decision framework the 'what happens next' section.

John Eastman –
The number in the staff report is 11,000 residents as opposed to dwelling units.

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Commissioner Dixon –

That may never get realized or absorbed. The absorption rate isn't going to change. If it can't be absorbed then it can't be built, because nobody wants to lose money. For planning purposes think big.

Commissioner Beauregard –

The way it works is if we take the existing annexed City of Steamboat and we visualize it as a colonial 5 bedroom home. It could be a 9-bedroom home, but with 5 lived in bedrooms for the 5,000 homes in Steamboat. You have this 5-bedroom home and in 2004 the residence decided that they needed to add more bedrooms to the home. They said let's build 2 new bedrooms, but the only place where we feel comfortable building them on our lot is at the front of our house. We're comfortable with building a couple of bedrooms on the front of our house, but the consequence is that we have to use the front door to access those 2 bedrooms. They are comfortable with the new bedrooms sharing their front door to access the house, but they drop a plan to say that we don't want to exceed 1 bedroom on the front of the house sharing the front door. That's just going to cause too much congestion on our front door. If we want to go to 2 bedrooms on the front of our house we need to have a new door in the front of our house and have a separate access so the bedroom isn't sharing the same access or limiting the livability of the house. Those are the limitations that you're talking about Commissioner Dixon. The limitation would be the front door. For me it's all about the bottleneck and the front door. Whether our family decides that we want 2, 4, 7, or 10 bedrooms is irrelevant to me. What's concerning to me is the fact that we're deciding that those residences live outside our front door in that 1 sole access. The congestion is going to happen at that front door. If we decide to go to 2 bedrooms on the front of the house then we need to make a coinciding decision for another door into the building. Meaning that we need to solve the bottleneck issues. We need a bypass. We need to create access to this building. I look at that chart and we have a capacity of 30,000-vehicle trip at the bottleneck. I don't know how capacity is defined in traffic, but it sounds like limitation. We're at capacity now. The front door is busy and done. When WSSAP was envisioned they envisioned another 6,000 vehicle trips. They had access and room for that 1 bedroom at the front to go through the bottleneck. That's gone. I totally agree with what Steamboat 700 has to offer and where it should happen and to think big. We need to solve the bottleneck. We need to core another hole in the building to accommodate this extended family that we're going to have. My 1,100 units is me putting my foot down saying we need to put another door in the building to accommodate these bedrooms. If we're going to go over 1 bedroom then we need to do that. That's the house and the 2 bedrooms within the WSSAP. Currently we have a situation where we've found 3 bedrooms in our current house. We've also put little Johnny on the front porch. We've got all of that that we've accommodated before we've even built on the edition. That's why we need another door already. Unfortunately our bedroom is linked to the front door. It's not that I don't like development. It's not that we don't need the bedrooms. I think that we need to solve the access issue.

Commissioner Curtis –

You're figure is 1,100?

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Commissioner Beauregard –
Yes, unless we make a new door.

Commissioner Curtis –

I used to live in New York City. I lived there for 5 years. It was fairly miserable. Thank god I moved to Denver and then Steamboat. I don't want to see density like New York City. I think that we have a wonderful design here in town and I think that we have a wonderful model that we've established in the WSSAP that has wonderful potential. I don't want to see every single acre out there built to maximum density. What I do want to see is the pods that we looked at kept in place, but maximize the density within all of those pods. What do we gain? We gain the open space between the pods and we gain the density within the pods themselves. I worked on the first update of the WSSAP and I was involved in the 1995 comp plan and its update. I think the community really has spoken to what we want. I think that there are still people in the community that aren't happy with some of the densities that are proposed in the WSSAP. I truly do feel that we do need them and will need them in the future. I support that. My number is somewhat of a conservative number, but I'm open to having that number substantially enlarged if we can in fact keep a transit-oriented development. The more I think about this the more I actually look forward to the designs and make sure that it is a transit oriented development. I'm going to base my numbers off of the fact that the numbers are the recommended 1.) of the WSSAP 2.) that are recommended by the chart that Patten and Associates provided to us. Looking at the preannexation agreement and the city is going to be looking at and the numbers in there. What are those numbers? The total buildout numbers are between 2,600 units and 3,100 units. I'm maybe hearing that those aren't viable numbers. That's all that I can give you right now. I can't look into the future and say we need 4,500 units or that we need 1,100 units. I'm going to stick with the scenario that everyone has agreed to. I'm certainly open to more if we can keep our design principles, if we can keep our community character and if we can still maintain our quality of life. I didn't have a very good quality of life in New York City and I don't want that same scenario to happen here.

Commissioner Dixon –

Is your number within the WSSAP boundary?

Commissioner Curtis –

Yes.

Commissioner Fox –

This one is tough for me. I have similar opinions as other Commissioners. I think that eventually this area has to be very dense in certain properties in West Steamboat, because everything says that the density is slated to be west of Steamboat. People don't want the south valley floor to be built out, etc. so we don't lose our community character. I know that we aren't supposed to talk about how many lanes of hwy, but what I'm afraid of is that with the higher density that we're going to have to do a 6-lane hwy. That's what deters me away from that. It's going to ruin the community character so much that I'm not sure that I can support having it as dense as possible right now. It needs to be revisited after a certain portion of time. I'd say at this point I can support over what the 4 lane hwy can accommodate, which is right around the 2,600 units. I

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would be in favor of doing a little bit more as Commissioner Curtis had said to 3,000. I grew up in Steamboat and it's very important to me that we keep the community character and keep Steamboat the way it is. The down town density of Steamboat I like that. I think that it has a good character to it and I think that we can make it a little bit denser. That would be fine with me. Interdisbursing some retail in there so it's self-sustaining is really important. At this point I'm between 2,600 and 3,000.

Commissioner Meyer –

The question is what's the target number of buildout after accounting for the residential infill? The number that I still have a problem with is that 925 as staff had said earlier is within the city limits and may or may not be developed or properly zoned. I don't know whether that's going to happen or not. Is the vision based on West Steamboat? For me is that still in tact based on the core values in the plan as Commissioner Dixon had talked about earlier? I think it is. As Fred Duckels said think big. If you don't build all of the infrastructure and not just roadways and we keep going back to just US 40. I understand that there is a whole network of roadways that will help and disperse traffic over time as things are built and developed. I would support the highest level of dwelling units based on the potential buildout in the West of Steamboat, which is outside the city limits is that 3,951 units or approximately 4,000 units. I'm on the high side. It isn't to meet just transit, or how many rooftops to make to make a portion of retail work. We don't know what the phasing is. We're going to be seeing a lot of that in the future, but if we don't build the potential in the beginning then you have a plan that is doomed. I would be supporting the approximate 4,000 units.

Commissioner Hanlen –

To me this is a relatively simple question. If we are to annex any property it must be done well or not at all. When I say that I'm not recommending for or against an annexation of any property. I think we need to realize that there is no successful middle ground. The community plan seems to have inherit contradictions in them and to require specific types of development such as highway contributions, water contributions, trail contributions, etc. but not to allow the density creates a self-defeating plan. This next comment isn't directed at staff, but more towards the community. With the way these plans have been put together and we seem to have a 2-sided thing here. In order to engage in these discussions with the developers and not allowing them the tools they need for success is disingenuous at best. Each parcel has to prove to us that they have merit. To proceed on generalizations blanketed over the whole area is blind. I think that we'll create nothing more than what's to date. I think that there is a tough reality that Steamboat faces and that's the only way that the population will change its habits is through some form of inconvenience. That's a lack of parking, or traffic, etc. To have a real emphasis for change it has to come in a form of inconvenience. One of the things that we haven't talked about is one of the options with the highway study is to do nothing at all. While that may not be an attractive option it's probably one of the only ways to force change at a massive scale. Everybody always talks about somebody else riding the bus and not themselves. I don't know how we're ever going to get there if we expand our lanes to 6 lanes. Everybody always thinks that it's going to be somebody else to make the adjustment. I don't know what that turns into as far as a gross number it's probably between 4-5,000 units, but without examining each parcel and it's own merit it's near impossible to arrive at a specific number.

DRAFT

Commissioner Dixon –

One more thing about community character. It's not a secret that I've only been here for 2 ½ years. Part of the reason was that as soon as I came over Rabbit Ears it was all green and I fell in love with this place. We were drawn here by the rural atmosphere and relaxation. Our community is made up of the people. If we do not embrace those people then people who live and work here and homeowners, but really people who make this place. If we don't realize now that we're pricing this out for people who work here. If we don't do something about it then our character is going to be completely destroyed. It's irrelative of a 4 lanes or 6-lane hwy, or what buildings look like. We have to accommodate it. We have to be able to achieve attainable housing. Affordable housing will be required maybe. We need achieve attainable housing for the people who make the 121`%AMI.

Commissioner Dixon –

Thank you for going through this process and not sticking with the WSSAP.

John Eastman –

Our goal was to ensure that decisions are made in this type of public forum.

Discussion on this agenda item concluded at approximately 8:53 p.m.

AGENDA ITEM # 5

CITY COUNCIL COMMUNICATION FORM

FROM: Jonathan Spence, Senior Planner (Ext. 224)
John Eastman AICP, Planning Services Manager (Ext. 275)

THROUGH: Jon Roberts, City Manager, (Ext.228)

DATE: April 7, 2009

ITEM: Thunderhead #DPF-08-04

NEXT STEP: Building Permits can be issued contingent on compliance with CDC and applicable conditions of approval.

ORDINANCE
 RESOLUTION
 MOTION
 DIRECTION
 INFORMATION

PROJECT NAME: Thunderhead #DPF-08-04

PETITION: Development Plan/Final Development Plan concurrent review of two condo/hotel buildings with 100 residential units, 7 commercial/retail units, and associated improvements within the proposed 390,112 square feet of floor area. The applicant is requesting a height variance to allow for building A to be 104'-6" and building B to be 102'-10" at their highest points.

LOCATION: Former site of the Thunderhead Lodge and Condominium buildings

APPLICANT: The Atira Group, Mark Matthews, VP of Development, P.O. Box 880639, Steamboat Springs, CO 80488 (970) 870-9800
email: mmatthews@theatiragroup.com

PC ACTION: January 22, 2009: The Planning Commission recommended approval by a vote of 5-1. **Commissioners voting for approval:** Meyer, Curtis, Fox, Hanlen and Dixon. **Commissioners voting against motion to approve:** Levy; **Commissioners Absent:** Ernst, Beauregard

This is a continuation of the February 17, 2009 Public Hearing for the proposed redevelopment of the Thunderhead site. The meeting was tabled to give the applicant the opportunity to revise the proposed public benefit to be commensurate with the level of variances requested. This revised proposal for public benefit is included as Attachment 1.

CITY COUNCIL COMMUNICATION FORM

Thunderhead #DPF-08-04

04/07/2009

Also included as attachments are four letters of correspondence received since the prior public hearing.

Planning Commission recommends APPROVAL of the Thunderhead Lodge Development Plan/Final Development Plan, # DPF 08-04 which consists of:

- 100 residential units
- Total gross building area of 390,112 square feet
- 229,643 net square feet of residential space
- 13,339 square feet of commercial space including the YVMC Triage and Transfer facility
- 33,181 square feet of amenity space
- 183 parking spaces
- Turn around at the terminus of Ski Times Square
- Enhanced multi-use corridor connecting the promenade to Ski Times Square
- Pedestrian promenade along ski base frontage consistent with Steamboat Springs Redevelopment Authority plans
- Conditional Use to allow residential units along a pedestrian frontage
- Conditional Use to allow a sales center along a pedestrian frontage for a period of time not to exceed two years.

with the required findings for approval for as a Planned Unit Development with the following conditions:

1. Civil construction plans prepared by a licensed Colorado civil engineer must be submitted to Public Works for review by Public Works, Planning, and Mt. Werner for review and approval prior to approval of any improvements agreement, building permit, or final plat and prior to the start of any construction. We recommend submitting the construction plans a minimum of five weeks prior to building permit application to allow time for review, comment response, and approval
2. Prior to approval of civil drawings the following items must be completed and approved by the City:
 - a. Adjust the grades and provide sufficient detail as needed so the new turnaround matches existing roads and meets City road design standards.
 - b. Adjust the travel lane width to meet City requirements– it should be 12 ft exclusive of the 2 ft pan. (i.e. 26 ft curb to curb min along Ski Times Square).
 - c. Modify storm drain to provide drainage system for Ski Times Square and Multi-use alley that is acceptable to City and does not require 90 degree turn of water in a valley pan and the length of storm drain shown in master plan.
 - d. Provide construction easement for grading onto adjacent property or provide acceptable design to accommodate all work on project site.

CITY COUNCIL COMMUNICATION FORM

Thunderhead #DPF-08-04

04/07/2009

- e. Provide turning template showing multi-use alley and site's sloped sidewalk (little promenade) provide adequate turnaround for fire and delivery vehicles.
 - f. Provide Soils Report amendment to
 - i. Confirm adequacy of soils under new turnaround
 - ii. support proposed turnaround pavement design, and
 - iii. support proposed multi-use alley pavement design
 - g. Revise the site lighting plan to provide a plan consistent with the Base area design guidelines and pattern book including such changes as removing the street lighting and adding sidewalk lighting.
 - h. Revise the snow melt on the little promenade to extend to the stairs (it currently stops short).
 - i. Coordinate with Fire Marshall to remove/ adjust the gates shown on the internal walk to comply with Fire requirements.
3. In conjunction with final plat dedicate revised existing utility and access easement to Parcel B to match proposed driving surface, unless other agreement has been reached with Parcel B and the easement can be vacated with the plat
 4. In conjunction with the final plat provide public access easements over the public pedestrian walkways (the multi-use alley, the promenade extension along the ski frontage, the public walkway along Parcel B, and the ada access through the building).
 5. Provide 24 hour ADA access through the site to serve those who cannot utilize the stairs shown on the little promenade.
 6. The developer shall pay his proportionate share of potential future traffic improvements in the base area as identified in the Base Area Master Transportation Study, calculated at \$ 93,676. Payment shall be submitted prior to issuance of building permit.
 7. The owner shall be responsible for constructing and maintaining snow-melt and other private features located in the City ROW per the approved construction plans.
 8. The public turnaround must be constructed prior to issuance of a full building permit; with the fire departments approval a foundation only (no vertical construction) permit may be issued in conjunction with the grading permit for the public turnaround.
 9. The following items to be identified for each phase on the construction plans and /or building permit are considered critical improvements and must be constructed prior issuance of any TCO or CO; they cannot be bonded:
 - Public drainage improvements
 - Public sidewalk improvements

CITY COUNCIL COMMUNICATION FORM

Thunderhead #DPF-08-04

04/07/2009

- Installation of street and traffic control signs
 - Access drive, driveway, and parking areas
 - Construction and preliminary acceptance of the public turnaround and associated improvements.
 - Storm water quality features. (Vegetation must be established prior to CO when required as part of the feature design.)
10. Correct Fire Command Center floor plan to meet Section 509.1 of 2003 International Fire Code. Note, 8 foot minimum dimension requirement and work with Fire Protection Engineer to insure adequate room to contain required items in section 509.1.
 11. On sign plan include “No Parking, Fire Lane, Tow Away Zone” signs on Burgess Creek Access and at or near the entrance to the two other Emergency Accesses.
 12. No gates or any other obstructions are allowed on the Emergency Accesses. The pop jet fountain is shown in the Emergency Access. This would have to be examined and approved by the Fire Dept to be allowed.
 13. Keep tree circles on the planting plan out of the emergency access widths.
 14. A revocable permit for any and all items located within the ROW will be required prior to building permit approval.
 15. The walkway/cover between buildings shown on page 2 must have a minimum 13 foot 6 inch vertical clearance and 16 foot clear width.
 16. Final plat will include easements acceptable to Mount Werner Water for any new water or sewer mains installed for the project as well as existing water or sewer mains that are not within easements.
 17. Clearly demonstrate on Building Permit application ADA Access routes on public access areas.
 18. Promenade design and construction including the multi-use corridor shall meet or exceed any applicable Redevelopment Authority design standards. Promenade shall be designed to accommodate future expansion on the north and east ends. Site elevations and grading to be coordinated with SSRA.
 19. Applicant agrees to contribute \$80,000.00 to the URA plan for landscaping and hardscape along Burgess Creek adjacent to the Thunderhead property (but located on Torian property). Payment will be due once the permitted and agreed upon plan begins construction.

CITY COUNCIL COMMUNICATION FORM

Thunderhead #DPF-08-04

04/07/2009

20. A Master Sign Plan shall be submitted and approved prior to the issuance of a Building Permit.
21. Clear directional signs to the Public Parking in the underground garage for the commercial uses will be provided. Spaces available to the public will not be tandem spaces.
22. Pending bonding approval, provide construction access from STS Drive to base area between Slopeside and Thunderhead for SSRA work from approximately 1 Aug 2009 to 15 Nov 2009.
23. Applicant shall submit all necessary design and construction credit documentation to the United States Green Build Council (USGBC) prior to certificate of occupancy. Applicant acknowledges that the City of Steamboat Springs and the Routt County Regional Building Department will conduct inspections of the project during its construction and that said inspections will not relate to the project's compliance with LEED standards. Applicant agrees that notices of satisfactory conditions given as a result of said inspections shall not be construed by Applicant as representations by the City of Steamboat Springs or the Routt County Regional Building Department regarding the project's LEED compliance. Applicant acknowledges that inspections for LEED compliance will be conducted only by the United States Green Building Council or other third party contracted for by Applicant.
24. Prior to the issuance of any grading or building permit, the Final Plat reflecting the consolidation of the Thunderhead parcels with the Ski Corp tract must be recorded. The plat must also remove any existing interior lot lines on the Thunderhead parcel.
25. Board and Batten The base material (simulating the board) shall be of fiber-cement material sheet a minimum of 5/16" thickness with faux wood grain.

(Example: Hardie panel with cedar mill pattern by James Hardie)

The batten material shall be of a fiber-cement material or similar with a minimum thickness of 3/4" and a minimum width of 3-1/2". The battens shall be placed generally 24" on center with limited occurrences of a greater separation.

(Examples: Hardie Trim Board with rustic graining or Miratec with a textured finish)
26. The roof pitch identified on the upper roof of Building B as 3:12 adjacent to a 2:12 shall be revised to be 2:12.

CITY COUNCIL COMMUNICATION FORM

Thunderhead #DPF-08-04

04/07/2009

27. Prior to Building Permit approval the applicant is required to enter into a Development Agreement with the City that shall stipulate:

- Allowance of interior reprogramming including alterations in unit count and private amenity space and floor to floor/overall height reduction. (Any alterations in private amenity space must maintain compliance with CDC requirements)
- The extended approval period from three (3) years to five (5) years.
- Promenade construction and maintenance
- Community Housing Plan requirements
- Payment of \$235, 000.00 due prior to CO

The development agreement shall be subject to the review and approval of the City Attorney prior to execution.

LIST OF DOCUMENTS:

Attachment 1 – Revised public benefit proposal

Attachment 2 – Correspondence, John W. Hawkins, March 19, 2009

Attachment 3–Correspondence, Margaret S Bassion and Kenneth B Bassion, MD, March 18, 2009

Attachment 4–Correspondence, Karl Gills, YVMC, March 30, 2009

Attachment 5–Correspondence, Ron Smith, April 1, 2009

Attachment 6–Correspondence, Thomas Clayton, April 1, 2009

Attachment 7–Correspondence, Paul Sachs, Kutuk, April 1, 2009

Attachment 8–Correspondence, Julien Hradecky, April 1, 2009

Thunderhead Public Benefit Summary

April 7, 2009 - City Council

Prepared by The Atira Group

Public Benefit	Priority per Applicable CDC	Description
Economic Sustainability: Hot Beds*	1	Facilities supporting nightly rental; 43.8% increase in pillow count over former use; unit mix meeting current market demand. Average size: 2,296 SF; 10 1-BR, 23 2-BR; 41 3-BR, 18 4-BR, 4 5-BR, 4 PH.
NEW -- Additional Affordable Housing: Contribution	1	\$235,248.00 contribution for affordable housing exceeding approved Community Housing Plan. Equal to Payment in Lieu for two IZ units at July 2008 rates.
Energy Efficiency and Sustainable Design: LEED Silver	2	LEED Silver projected annual public benefit includes savings of 60,000 gallons of potable water for landscaping, 300,000 gallons of potable water and treated wastewater (30% savings); reduction of 1,000 tons of CO2 into the atmosphere (equivalent carbon offset of 6,000 trees annually) at a construction cost premium of \$3.8 million; 30% of power from renewable energy (equivalent of taking 200 cars off the road or saving 7,200 trees annually) at annual cost of \$5000 today; 1,000 tons of new construction waste diverted from landfills (in addition to demolition recycling). Basic LEED certification adds 4-5% to construction cost with an additional cost of \$250,000-300,000 to attain LEED Silver. Under the revised CDC code adopted 11/4/08, LEED Silver is a Priority 1 Public Benefit.
Community Facilities: Yampa Valley Medical Center Transfer Center	2	Grant of 1,146 SF of space for transfer of patients from Ski Patrol to non-profit YVMC - market value of \$1,375,200. Allows delivery of essential service of non-profit hospital to locals and resort guests.
Community Facilities: Public Turnaround - 25%	2	Public turnaround and associated utilities and streetscape consistent with Base Area Plan concept (all plan options), needed with or without Thunderhead redevelopment. Public benefit allocated 25% to Thunderhead and 75% to future Ski Time Square project.
REVISED -- Additional Community Amenities: Off-site Burgess Creek Landscaping (Cost Added), Promenade, Public Restrooms, Public Site Amenities	3	Added \$79,966 contribution to URA to offset URA costs for landscaping on Torian property in Burgess Creek corridor. New Community Amenity total of \$1.87 million equals 1.6% of estimated construction value. Community Amenity total also includes private funding of Promenade, public restrooms, and public site amenities beyond 1/2% required by code.

Note

* In addition to the economic sustainability delivered by hot beds, the Thunderhead project fulfills the Base Area Plan goal to renovate or redevelop obsolete buildings. Demolition of the obsolete Thunderhead Lodge and Condominiums and associated asbestos abatement, adding \$3.2 million to the cost of redevelopment, is key to fulfilling Base Area Plan revitalization goals, allowing delivery of residential and commercial space meeting current market demand.

John W. Hawkins
3050 Scenic Hwy. 98 Unit 2
Destin, Florida 32541

March 19, 2009

Jonathan Spence, Sr. Planner
Steamboat Springs Dept. of Planning
and Community Development
P.O. Box 775088
124 10th Street
Steamboat Springs, CO 80477

Via email to jspence@steamboatsprings.net
and Regular U.S. Mail

Re: Ski Hill Subd. Parcel D (Thunderhead) #ZMA-08-04,
#CHP-08-06 and DPF-08-04

Dear Mr. Spence,

My wife and I are the owners of Unit 607 at Bronze Tree Condominiums, a "Surrounding Property Owner" for purposes of the instant application, and I am reiterating my objection on the plans as submitted. I previously corresponded with you in this regard, but wanted to update my objection based on yesterday's Steamboat Pilot article which reports that the Atira Group has increased the affordable housing component of its application by \$235,000.00. The article also reports that Mark Mathews, Atira's Vice-President, states that "The requested height we have is necessary to create a feasible project", that some Council member's request to reduce the height of the buildings by one story "could not be accommodated", and that City Council members who voted against approval now believe the applicant is on the right track for approval. I have been involved in real estate development and the regulatory approval process for many years, and this is the first project I have opposed. It is my understanding that redevelopment of the Thunderhead parcel is subject to a 73 foot height limitation, and that the plans as submitted show a height for the proposed buildings of 104 feet, which is a variance of 31 feet or approximately 43%. The applicant had to be well aware of the existing code restrictions at the time the property was purchased, and the economics for its acquisition should have been based on same. It is routine (and understandable) for developers to seek variances to enhance their profits, and it is routine for a negotiated agreement to be the result of the application approval process. It is very unlikely that the developer's profit margin on one floor jeopardizes the economic viability of the entire project. The proposed height of the project, as the first of several slopeside projects which will be seeking similar variances, unnecessarily puts Steamboat Springs' unique cultural heritage further at risk, which should not be traded for any amount of money. I urge the Council to hold firm regarding the requested height reduction. Please forward my letter to the Council, and I thank you for your professional assistance in this regard.

Sincerely,


John W. Hawkins

Jonathan Spence

From: kenbassion@pol.net
Sent: Wednesday, March 18, 2009 6:00 PM
To: Jonathan Spence
Subject: Thunderhead

Dear City Council Members,

In reviewing the proposed additional contribution to public benefit of \$235,000 for public housing, I am impressed with the arrogance of Atira. This amount of money would not buy one room in their new building, no less a whole condo & it would not buy nor build much elsewhere in town. They are willing to offer a pittance of public benefit to build their very profitable development. Please don't let them get away with this.

Steamboat is a lovely ski town, unlike any other. Please keep the character of our lovely mountain village! A mountain of highrise multi million dollar condos would ruin the pure western nature of Steamboat. Please insist that Atira compromise on their height variance. The proposal they have given you is their wish to make incredible profits. Please don't let the town suffer for the benefit of one powerful developer. A responsible, less greedy developer would consider the nature of the mountain as a whole over their own personal gain. As pointed out many times by Ron Smith & others, they are using some public land for their turn around, the medical center already has land allocated to it & indoor public restrooms without signage & with difficult access are a sham. We are giving up so much to Atira & gaining so little. Once this is built, there is no turning back.

Thank you to those of you who have been very forward thinking about what this project would do to the town & mountain character. We welcome Atira but think it irresponsible of them to demand so much. Once we cave into their demands here, what will they demand in Ski Time Square? Please reconsider both the height variance & the 2 year permit extension.

Sincerely,

Margaret S Bassion
Kenneth B Bassion, MD


YAMPA VALLEY
MEDICAL CENTER

March 30, 2009

Steamboat Springs City Council
P.O. Box 775088
Steamboat Springs, CO 80477

Dear City Council,

Yampa Valley Medical Center remains in support of the Thunderhead replacement project being proposed by the Atira Group. Their commitment to contribute to YVMC a 1,000 square foot permanent location for the injured skier transfer center, also known as Fetcher Base, is a benefit to YVMC and the community.

Options for this use are very limited in accessible areas of the ski area. While there are other possibilities in the future, no one else has put forth a foreseeable timeline, nor committed the space without the burden of market price purchase.

YVMC has provided this service to our community and visitors for many years, and looks forward to doing so in the future with the support of the Atira Group's project.

Sincerely,



Karl B. Gills, FACHE
Chief Executive Officer

KBG/ljk



RON SMITH

Attorney At Law
610 Oak Street
P.O. Box 774446
Steamboat Springs, CO 80477

(970) 879-5313
(970) 879-5501 (fax)
E-mail: rsmith16673@earthlink.net

April 1, 2009

Steamboat Springs City Council
Steamboat Springs, Colorado

Re: Thunderhead Project (Ski Hill Subd., Parcel D) CHP-08-06 and DPF-08-04

Dear City Council Members:

I represent the 37 Condominium Unit Owners at the Bronze Tree Condominiums (hereinafter "Bronze Tree"). Bronze Tree is located directly northeast of the proposed Thunderhead development.

Position Statement

Bronze Tree recognizes the need for and supports the redevelopment of Ski Time Square; however, the owners of the Bronze Tree Condominiums *strongly oppose* the Thunderhead Development Plan and height variance proposed by the Applicant, Atira Group.

Opposition to Requested Height Variances

Bronze Tree's primary opposition to the Thunderhead Development is the height of the proposed buildings and to the two requested height variances.

The Overall Height with a 6 foot additional allowance for underground parking, according to the Community Development Plan ("CDC"), is 73 feet. The Applicant proposes a variance, to increase the height to 104 1/5 feet, *43% higher than allowable by the CDC.*

The CDC authorizes an Average Plate Height of 46 feet. The Average Plate Height proposed by the Applicant is 75 feet 2 inches. The Applicant is proposing a variance for the Average Plate Height of *63% higher than allowable by the CDC.*

Bronze Tree opposes the requests for these very extraordinary height variances.

Analysis

The Applicant must prove a significant Public Benefit for the approval of the height variances. To grant the requested variances the City Council must make two findings:

1. That the proposed variation to the Average Plate Height and the Overall Height is *necessary* for the purpose to be achieved, and
2. That the extent of the variation requested *has a direct and proportional relationship to the magnitude of the benefit* that is received by the community at large and the users of the project.

Bronze Tree's specific arguments with regard to the Public Benefits proposed by the Atira Group are set forth in my letter to the City Council of February 11, 2009 which I would request be incorporated into this letter.

February 17, 2009 City Council Meeting

At the conclusion of the February 17, 2009 City Council meeting, Council tabled this application to April 7, 2009 and directed the staff to work with the Atira Group on:

- 1) the turnaround;
 - 2) the height;
 - 3) the public benefit to vary the height;
 - 4) more commercial space;
 - 5) vesting period from 5 years to 3 years.
- (Minutes of Steamboat Springs City Council meeting regular meeting 2009-06 February 17, 2009).

Applicants Current Position

It appears from the Applicants submittal that the Applicant has chosen not to address 4 of the 5 issues which it was directed to work with staff on by City Council on February 17, 2009. The Atira Group has chosen *not* to address:

- 1) the turn around;
- 2) the height;
- 3) more commercial space; and
- 4) vesting period from 5 years to 3 years.

Atira Group has chosen not to address the height issue which is critical to Bronze Tree, but to "throw money at the problem" by increasing their Public Benefit by contributing \$235,248.00 for affordable housing.

By not addressing 4 of 5 significant matters that it was directed to address by the City Council on February 17, 2009, Atira Group appears to be making its current proposal

without regard to the directions from Council.

While a \$235,248.00 contribution for affordable housing is significant to the City of Steamboat Springs, it is extremely insignificant to the Thunderhead Project. According to the Atira Group, there are 229,643 square feet of saleable residential space and 11,342 square feet of saleable commercial space in the Thunderhead Project. Atira Group has provided the City with its estimated selling price of \$1,200.00 per square foot. It would appear then that the Thunderhead Project has a gross sales value of \$289,182,000.00.

Atira Group's proposal of contributing an additional \$235,248.00 for affordable housing is approximately .08% of the gross sales value of this project.

The proposed project has 8 levels of saleable square footage and while the saleable square footage on each floor may vary, 1/8th of the gross sales value of \$289,182,000.00 exceeds \$36,000,000.00.

Is it any surprise to Council that Atira would agree to contribute \$235,248.00 to allow an extra story that it will be able to sell for approximately \$36,000,000.00?

Is this the best deal that Council can negotiate for Public Benefits on behalf of the residents of our community?

Bronze Tree would submit that under any type of a reasonable objective analysis that this additional Public Benefit does not justify the height variances requested by Atira Group.

Additionally, the Atira Group has provided absolutely no justification to prove that the variation to the Overall Height Variance and to the Average Plate Height is necessary to achieve the Public Benefit. The Atira Group has simply made that bold conclusionary statement and has not provided any evidence or documentation to support it.

Summary

The burden is on the Applicant to prove that the Height Variance requested is necessary to achieve the goals of the Base Area Plan and public purposes including Residential Density, Commercial Vitality, Community Facilities, and additional community amenities. ***The Applicant has failed to present any evidence or documentation to demonstrate that this height variation is necessary to achieve any of these goals.*** Bronze Tree would assert that all of these goals can be obtained without the height variation being requested. This Applicant has failed to prove otherwise and it is their burden of proof. Bronze Tree would remind the City Council that the Applicant's original proposal submitted for conceptual review of this Thunderhead Project was only 90 feet high.

The burden of proof is also on the Atira Group to prove that the extent of the variances requested have a direct and proportional relationship to the magnitude of the benefit that is received by the community at large and users of this project. ***Again, the Atira Group***

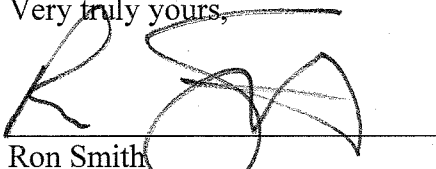
has failed to present any evidence that the Overall Height variance of 43% and the Average Plate Height variance of 63% has any relationship to the public benefits received by the community at large and users of this project or that these same benefits could not be achieved without the height variances requested.

Atira Group's offer to contribute \$235,248.00 for affordable housing is extremely minimal when considering that the gross sales value of the residential and commercial property at the Thunderhead Project is in excess of \$289,000,000.00 and each floor has a gross sales value of approximately \$36,000,000.00.

The 37 unit owners of Bronze Tree Condominiums respectfully request that the City Council vote to deny the height variance requested by the Applicant and the application for a final development permit.

Thank you.

Very truly yours,



Ron Smith

Attorney for Bronze Tree Condominium Association, Inc.

To: Steamboat Springs City Council

Fr: Clayton Thomas, Bronze Tree 505

Re: Thunderhead Project, April 7, 2009 Council meeting

Date: April 1, 2009

I addressed the Planning Commission previously regarding my concerns for the Thunderhead proposal and the way that Atira's plans disregard so many different aspects of the Mountain Base Area Design Standards, so I will try not to repeat myself too much.

As I watch the current national political and economic scenes unfold, I am getting very cynical, for which I apologize in advance. Now comes a local financial "incentive" from Atira for affordable housing. I have always felt that they have a responsibility for affordable housing, as do other developers who need workers and who profit from the community. However, those added dollars should not be a quid pro quo to set aside all the diligent work of previous planners who have a vision for how the mountain should look and even feel.

Totally ignored are the Base Area Design Standards that recommend buildings be like "ranch complexes and farmsteads" or National Park lodges such as "Old Faithful Inn." Also ignored are notions of "context and scale." The most obvious variance request is for a height variance, but there are others. Atira's response to the height variance has been "but everyone else is doing it." How many times have parents heard that line? If the Council doesn't stand up against this kind of thinking who is going to?

The fact that Atira believes that their egregious violation of the codes, ordinances, and the visions of others can be bought and that they now only have to agree on a price should be an insult to Council. It certainly is to me! I have heard a lot of jokes that use this same concept to point out the frailties of human nature.

Now for my "tongue-in-cheek" cynicism, consider the following analogy. If we as a community have reached the point where we will consider selling exceptions to our codes, ordinance, laws and visions, I have another money-making idea. We could sell passes to exceed the local speed limits by 5 mph in residential area and 10 mph on the highway. By doing this we could raise money that would be for the "public benefit", especially if we spent it on new police cars, personnel, and even radar cameras to catch those who don't have passes. Everybody is already going those speeds anyway. Besides, those previous planners who set those speed limits probably just offered them as rough guidelines and without much thought. All we have to do now is agree on how much a pass is going to cost so that it will yield the greatest "public benefit."

Council members, please adhere to the long-range vision for the mountain on this proposal.

Paul Sachs, P.C.
75 Fifth Street, Suite 3
P.O. Box 773554
Steamboat Springs, CO 80477
psachs@paulsachspc.com
(970) 879-8600 (970) 846-9777 (cell)
(970) 879-8601 (fax)

April 1, 2009

Via Hand-Delivery
Steamboat Springs City Council
Steamboat Springs, Colorado

Re: Thunderhead Project (Ski Hill Subdivision, Parcel D)

Dear City Council Members:

I represent The Kutuk Condominium Owners Association, Inc. (hereinafter "Kutuk"). Kutuk is located across Ski Time Square Drive from the proposed Thunderhead development and contains 32 residential units and one commercial unit. As previously expressed, Kutuk is pleased that the Atira Group (hereinafter "Atira") is proceeding with the development of the Ski Time Square Drive area. I will not reiterate the points made in my letter of February 11, 2009 prior to the City Council meeting on February 17, 2009, but trust that you will take those points and the points made at the meeting into consideration in your deliberations. At that meeting, by a three to three vote, Council denied Atira's petition for a Final Development Plan approval and then subsequently tabled the petition to this April 7, 2009 meeting.

The minutes of the February 17, 2009 City Council meeting state that the reasons the petition was denied were:

- Lack of public benefit to justify the variances requested.
- Lack of commercial space.
- The buildings are one level too high.
- The vesting period requested is too long.
- The public right of way.
- The wayfinding tower.

Consequently, the motion to table directed "staff to work with the applicant on 25% turnaround, height, public benefit to vary the height, more commercial space, vesting period from 5 years to 3."

Atira has responded to this direction by changing its proposal in the following manner:

- Contributing \$235,248 for affordable housing.

Kutuk would respectfully suggest to Council that this is a completely inadequate response to the concerns Atira was asked to address.

- Council asked Atira to reduce the height of the proposal. **It did not.**
- Council asked Atira to address the lack of commercial space. **It did not.**
- Council asked Atira to address the lengthened vesting period. **It did not.**
- Council asked Atira to address the public right of way. **It did not.**
- Council asked Atira to remove the wayfinding tower. **It did not.**

Instead of addressing Council's concerns, Atira responded by offering the City \$235,248 to let it proceed in exactly the manner it originally proposed.

A few additional points, again, without rehashing those made in prior correspondence, that Kutuk feels Council should consider prior to making a decision on the proposal:

Atira is offering the City \$235,248 to let it proceed **exactly as it initially proposed**. For simplicity, if Council only considers the residential square footage of the buildings, that amounts to a contribution of less than one tenth of one percent of Atira's conservative projections for sales of residential units (there are 229,643 residential square feet and Atira has used the sales figure of \$1200/s.f. to calculate the value of its contribution of the medical clinic, which is a gross sales figure of \$275,571,600, of which \$235,248 represents 0.08%).

Kutuk's principal concern, which Atira completely failed to address, is the location of the proposed turnaround. This location allows Atira to have a private turnaround in front of the Thunderhead (in the public right of way) but destroys the ambiance and amenities that currently exist in front of Kutuk. To accomplish the proposed turnaround the City of Steamboat Springs is gifting public property to a private developer without consideration. The grant of this public property to a private developer will allow Atira to increase the size of their proposed buildings and in essence accomplish a variance of any set back requirements. Atira owns a significant amount of property that it could use to easily and effectively accommodate its own turnaround and disembarkment area.

In short, Atira has completely failed to address the concerns previously raised by Council. Instead, it has offered a small amount of money and requested that it be allowed to proceed exactly as it initially proposed. Kutuk would respectfully request that Council not accept this token payment, but demand that Atira come back with a revised proposal that addresses the issues they were asked to address.

Most Sincerely,



Paul Sachs

Cc: Kutuk Board of Directors

Anja Tribble

From: Carl Vail [cvail@springsips.com]
Sent: Wednesday, April 01, 2009 3:39 PM
To: Anja Tribble
Subject: Fw: For council packet for April 7 meeting

----- Original Message -----

From: [Julien J. Hradecky](mailto:Julien.J.Hradecky)
To: atribble@steamboatsprings.net
Sent: Wednesday, April 01, 2009 11:08 AM
Subject: For council packet for April 7 meeting

As a resident of Bronze Tree, I would like to be on record as completely against the developers of the Thunderhead property being granted their requested variance to the height restriction. There is a reason why the allowed height of 73 feet is in effect. The requested height variance of 109 feet will forever change the character of the slope side and block the views of existing properties. The proposal is mind-boggling in its degree of proportion to everything around it. Torian Plum and Creekside are pretty good size buildings, and they will look like garden sheds beside the proposed monstrosities.

Of course, any developer needs to try to get the maximum that they think the community can endure all the while tantalizing them with dreams of bigger tax revenue and so-called "public benefits" but Council must stick to its guns and insist upon compliance. The developers can certainly come up with a plan to maximize their own profits and still create an attractive and viable development within the allowable regulations.

It is a dangerous precedent for council to allow Atira to keep upping their cash "public benefits". It will be seen as a kind of "bribe" that all future developers will simply add to their budgets. If passed, developers will soon realize if they just keep adding "public benefit" incentives, even in the form of cash towards "affordable housing", that Steamboat council will approve most anything. This is not the way councilors should be perceived by their constituents. It is certainly a good thing if developers includes real "public benefits" in their proposals, but that should not be quid pro quo for ramming through any and all variances, especially grossly over-height and out of proportion ones. By no stretch of the imagination is this a "minor variance" if it allows four additional storeys for no reason other than inflating Atira's bottom line. Even if they cut it off at 73', these 2 proposed buildings are like a pair of elephants sitting on a table cloth, with a tiny fringe around them.

If we imagine what Vail looked like in the 60s when the original Bavarian theme was developed around Bridge Street, it was just a delightful plan. Well, certain declines in the economy over the 70s and 80s necessitated all kinds of lax and negligent interpretations of the plan and the code in Vail and subsequently some absolutely atrocious and hideous buildings were allowed to be built westward toward and including Lionshead. Vail lost control and developers built whatever they wanted, small or massive, ugly, and without exception completely unsympathetic to the Bavarian architecture of the original plan. Compare that with Whistler Village which is extremely controlled architecturally, and you see why it is a jewel that even non-skiers from around the world come to see and appreciate for its beauty and integrity.

There is some discussion that Atira, the developer, is courting Ritz-Carlton to manage this property upon completion. If so, I do not doubt that the overall project will be beautifully executed. Apparently Ritz-Carlton insists on 9' foot ceilings in all units and if true, so be it, but Atira ought to be obliged to live with fewer storeys on the building and produce a design with the maximum 73' height in the code. Atira simply has to lower its profit expectations.

There is no reason other than a huge profit-grab for the project to exceed the height allowable under existing code. There was obviously a reason for this maximum height in the past and there is no justification for the municipality to allow such a gross variance.

Sincerely,
Julien Hradecky
Bronze Tree #406
jjhrad@golden.net

AGENDA ITEM # 6

CITY COUNCIL COMMUNICATION FORM

FROM: Anthony B. Lettunich, City Attorney (879-0100)

THROUGH: Jon Roberts, City Manager (Ext. 228)
Wendy DuBord, Deputy City Manager (Ext. 219)
Bob Litzau, Acting Finance Director (Ext. 237)

DATE: Tuesday, April 7, 2009

RE: **Motion: Approve 2009 the Contract between the City and the Steamboat Springs Chamber Resort Association for marketing services.** (Lettunich)

 X Motion

I. PURPOSE FOR AGENDA ITEM:

To approve the 2009 Contract between the City and the Steamboat Springs Chamber Resort Association ("Chamber") for marketing services.

II. BACKGROUND:

For a number of years the City and the Chamber have entered into annual contracts in which the City would provide funds to the Chamber in exchange for which the Chamber would market and promote the City as a year-round resort community. In prior years the City made payments to the Chamber equal to 3.3% of all sales tax collected by the City in the calendar year the Contract was in effect. This figure was based on the amount of "Vendor's Fee" that the City formerly allowed vendors to keep as a fee for collecting and remitting sales tax to the City.

The 2009 Contract reflects the City Council's decision to move away from a percentage of sales tax collected to a flat payment to the Chamber. For 2009, the City has budgeted a total payment to the Chamber of \$564,200 for marketing and promotional services. This agreement requires the City to make ten equal monthly payments of \$56,420 to the Chamber beginning in February and ending in November.

III. NEXT STEPS:

To approve the 2009 Contract for Services.

End of Communication

2009 CONTRACT FOR SERVICES

This Agreement (“Agreement”) is made and entered into effective the first day of January 2009, by and between the City of Steamboat Springs, Colorado (“City”) and the Steamboat Springs Chamber Resort Association, Inc. (“SSCRA”).

WHEREAS, the City of Steamboat Springs has made funds available in the City’s 2009 annual budget for the purpose of marketing and promoting the City as a year-round resort community, and to promote and market activities, attractions, conferences, meetings and events beneficial to the economic vitality of the community; and

WHEREAS, the City and SSCRA desire to establish the terms and conditions under which the SSCRA will provide marketing, promotional, advertising, coordination and other related services as are hereafter described for the benefit of the Steamboat Springs community;

WHEREAS, the businesses collecting sales tax gave up their 3.3% vendors fees in 1984 for the express purpose of funding community marketing in the non-ski season of the year; and

WHEREAS, the money in the City’s general fund referred to as the Former Vendors Fees, has been used for funding community marketing in the non-ski season of the year since the fee-rescinding ordinance passed in 1984; and

WHEREAS, the City has determined that for the 2009 budget year it would be more appropriate to designate a specific amount to fund the year-round marketing and promotion program, rather than a percentage of the sales tax collected;

NOW, THEREFORE, the parties hereby agree that the SSCRA shall perform the services set forth in this Agreement, and the City shall compensate SSCRA for those services, all according to the following terms and conditions:

1. Scope of Services

- 1.1 SSCRA agrees to provide marketing services for the City that promote and market the City as a year-round resort community. SSCRA’s marketing program and services are to be designed and implemented to benefit the Steamboat Springs community, not just SSCRA members. Attached hereto and by this reference made a part of this Agreement is Exhibit “A,” which is the Marketing Plan of the SSCRA for the year 2009.
- 1.2 SSCRA further agrees to attract, promote, coordinate and facilitate those activities, programs and events that are most compatible with the unique character and traditions of the Steamboat Springs community, and whose impacts upon the community’s facilities and services are within the

capacity of those facilities and services to absorb those impacts as may be determined from time to time by the Steamboat Springs City Council.

2. Contractual Relationship

The SSCRA is a non-exclusive independent contractor to the City under the terms of this Agreement. It is not the intent of this Agreement to form any other legal relationship beyond this Agreement, and it is expressly understood and agreed that the City and SSCRA are not engaged in a partnership or joint venture and that the SSCRA is at all times acting and performing hereunder as an independent contractor and not as an employee of the City. As an independent contractor, SSCRA is not entitled to workers' compensation benefits except as may be provided by SSCRA, nor to unemployment insurance benefits unless unemployment compensation coverage is provided by SSCRA or some other entity. The SSCRA is obligated to pay all federal and state income tax, if any, on any monies earned or paid pursuant to this contract.

3. Term

The term of this Agreement shall be for a period of twelve (12) months commencing as of the 1st day of January 2009 and ending the 31st day of December 2009, unless sooner terminated as provided herein. This Agreement shall not be renewed automatically, but may be renegotiated during every budget year. For example, the City and the SSCRA may revisit the terms of this agreement in the summer and fall of 2009 as the City prepares its 2010 budget.

4. Budget Approval

As a condition of payment to the SSCRA, SSCRA agrees to expend monies in accordance with its approved marketing budget, which budget will be submitted to Council following Chamber Board approval in December. Prior to any deviation of more than 20% per line item on a year-to-date basis from its marketing budget as set forth in the Plan, SSCRA shall notify the City Council and City Manager in writing of the proposed deviation. Proposed budget deviations shall be deemed approved unless the City, through the City Manager, files written objection to the SSCRA proposed deviation within fifteen (15) days of receipt of the SSCRA's written notice of its proposed marketing budget deviation. It is specifically understood and agreed that the monies paid by the City shall be used solely in accordance with SSCRA's marketing budget and shall not be expended for other SSCRA activities. Unauthorized deviations in budgeted marketing expenditures by SSCRA shall be grounds for immediate termination of this Agreement. All decisions made by SSCRA concerning the adoption, implementation or modification of the SSCRA Marketing Plan or budget shall be made at meetings open to the general public.

5. Accounting Records

The SSCRA agrees to keep current, accurate books of account in accordance with generally accepted accounting principles. Said books of account shall be kept at the SSCRA's principal place of business and shall be open for inspection by the City during regular business hours. Such books shall be closed and balanced at the end of the fiscal year, and an audit shall be made as of the closing date by an independent auditing firm, with a copy thereof to be supplied to the City no later than September 1, 2010 detailing expenditure of all marketing funds by the SSCRA during the term of this Agreement. The cost of the audit shall be paid by SSCRA out of its general budget.

6. Non-Appropriation

Each party hereto agrees that the revenues and expenditures hereunder shall constitute current expenditures and revenues payable and receivable in the fiscal year for which funds are appropriated for the payment thereof. The obligations of the City under this Agreement shall be from year to year only and shall not constitute a multiple-fiscal-year direct or indirect debt or other financial obligation or any obligation payable in any fiscal year beyond the fiscal year for which funds are appropriated for the payment thereof or payable from any funds other than funds appropriated for the payment of current expenditures. No provision of this Agreement shall be construed to pledge credit or to create a lien on any class or source of the City's monies.

7. Consideration

- 7.1 In consideration of the SSCRA performing marketing and promotion services under this Agreement, the City agrees to pay to SSCRA \$564,200 in calendar year 2009.
- 7.2 Payment to SSCRA for the services described herein shall be made in ten monthly installments of \$56,420, commencing in February 2009 and ending in November 2009. The City shall pay the monthly installments as soon after the 15th of each calendar month as is possible.
- 7.3 So long as the City is not in default under the terms of this Agreement, it shall be a regular voting member of the SSCRA without further payments of dues or assessments.

8. Termination

Either party may terminate this Agreement for breach by the other party or for the other party's failure to comply with any provision of this Agreement. Written notice shall be given to the breaching or violating party within 3 days of the discovery of the breach or violation. The breaching or violating party shall have 10 days from receipt

of the written notice to cure said breach or violation. Should the breach or violation remain after the completion of the 10-day cure period, this Agreement shall automatically and immediately become null and void. Should the City terminate this Agreement because of the uncured breach or violation by the SSCRA, all monies paid under this Agreement to the SSCRA and not already forwarded or committed to subcontractors, employees, or others as payment for services rendered or to be rendered or supplies received or to be received by the SSCRA, shall be returned to the City within 3 working days.

9. Non-Assignability

It is understood that the City enters into this Agreement based on the special abilities and resources of SSCRA, and accordingly, SSCRA may not assign this Agreement without the prior written consent of the City.

10. Reports

- 10.1 Not less than monthly during the term of this Agreement, SSCRA shall submit to the City a written report comparing actual marketing expenditures against budgeted marketing expenditures both for the month of the report and on a year-to-date basis, plus such additional information as the City may request.
- 10.2 Not less than semi-annually during the term of this Agreement, once following the winter season and once following the summer season, SSCRA shall submit to the City a written report containing the following information:
 - An outline of marketing services performed to date;
 - The status of future marketing services to be performed by SSCRA during the remainder of the term of this Agreement;
 - Comparisons of actual marketing expenditures against budgeted marketing expenditures on a year-to-date basis;
 - Such additional information as the City may request.
- 10.3 Not less than annually, SSCRA shall submit to the City a written report analyzing and demonstrating the effectiveness of its various marketing activities for the preceding year and its success in attaining the goals set forth in the approved Marketing Plan.

11. Insurance

The SSCRA shall procure and maintain, and shall cause each subcontractor of SSCRA to procure and maintain, the minimum insurance coverages listed below. All coverages shall be continuously maintained to cover all liability, claims, demands, and other obligations assumed by SSCRA pursuant to this Agreement. In the case of

any claims-made policy, the necessary retroactive dates and extended reporting periods shall be procured by SSCRA to maintain such continuous coverage.

- 11.1 Workers Compensation insurance as required by the Labor Code of the State of Colorado, and Employers Liability Insurance. Evidence of qualified self-insured status may be substituted.
- 11.2 General Liability insurance with minimum combined single limits of ONE MILLION DOLLARS (\$1,000,000.00) each occurrence and ONE MILLION DOLLARS (\$1,000,000.00) aggregate. The policy shall include the City of Steamboat Springs, all public officials, including elected officials, its officers and its employees, as additional insured, with primary coverage as respects the City of Steamboat Springs, its public officials, its officers and its employees, and shall contain a severability of interests provision.
- 11.3 Comprehensive Automobile Liability insurance with minimum combined single limits for bodily injury and property damage of not less than FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00) per occurrence; or split limits of not less than ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000.00) for bodily injury to any one person and SIX HUNDRED THOUSAND DOLLARS (\$600,000.00) for bodily injury in any one occurrence, and FIFTY THOUSAND DOLLARS (\$50,000.00) for property damage in any one occurrence, with respect to each of SSCRA's owned, hired or non-owned vehicles assigned to, or used in, performance of its services.
- 11.4 A certificate of insurance shall be completed by SSCRA's insurance agent(s) as evidence that policies providing the required coverages, conditions, and minimum limits are in full force and effect, and shall be subject to review and approval by the City's Internal Services Director prior to commencement of any services under the Agreement.
- 11.5 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 Agreement, 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., 10 C.R.S. as from time to time amended, or otherwise available to the City, its officers, or its employees.

12. Indemnification

The SSCRA agrees to indemnify and hold harmless the City, and its public officials, including elected officials, officers and employees, from and against all liability, claims, demands, and expenses, including court costs and attorney fees, on account of

any injury, loss, or damage which arise out of or are in any manner connected with the work to be performed under this Agreement, if such injury, loss, or damage is caused by, or is claimed to be caused by, the act, omission, or other fault of SSCRA or any officer, employee, agent, contractor, or sub-contractor of SSCRA. The obligations of this Section 12 shall not extend to any injury, loss, or damage that is caused by the act, omission, or other fault of the City.

13. Equal Opportunity Employer

- 13.1 SSCRA will not discriminate against any employee or applicant for employment because of race, color, religion, age, sex, disability, or national origin. SSCRA will take affirmative action to ensure that applicants are employed and that employees are treated during employment without regard to their race, color, religion, age, sex, disability, or national origin. Such action shall include but not be limited to the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. SSCRA agrees to post in conspicuous places, available to employees and applicants for employment, notice to be provided by an agency of the federal government, setting forth the provisions of the Equal Opportunity Laws.
- 13.2 SSCRA shall be in compliance with the applicable provisions of the Americans with Disabilities Act of 1990 as enacted and from time to time amended and any other applicable federal, state, or local laws and regulations. A signed written certificate stating compliance with the Americans with Disabilities Act may be requested at any time during the life of this Agreement or any renewal thereof.

14. Attorney's Fees

It is agreed by the parties that if any action is brought in a court of law by either party to this Agreement as to the enforcement, interpretation or construction of this Agreement, or any document provided for herein, each party shall be responsible for its own attorney's fees and costs and shall not be entitled to seek recovery of such attorney's fees and costs from the other party.

15. Constitutional Amendment 54 adopted November 4, 2008

To the extent this contract may be construed to be a "sole source contract" within the meaning of sections 15 through 17 of Article XXVIII of the Colorado Constitution, and to the extent these constitutional provisions have not been enjoined or invalidated by a court of competent jurisdiction, the requirements and limitations of these constitutional provisions are hereby incorporated in this contract.

16. Entire Agreement; Amendment

This written Agreement contains the entire understanding of the parties, and no oral statements or representations not contained herein shall be of any force and effect between the parties. This Agreement shall not be modified or amended in any manner except by written instrument executed by the parties.

17. Notice and Communications

Any notice required or permitted hereunder shall be in writing and shall be sufficient if personally delivered or mailed by certified mail, return receipt requested, addressed as follows:

If to the City: City Manager
 City of Steamboat Springs
 PO Box 775088
 Steamboat Springs, CO 80477-5088

If to the SSCRA: Executive Vice President
 Steamboat Springs Chamber Resort Association, Inc.
 PO Box 774408
 Steamboat Springs, CO 80477

Notices mailed in accordance with the provisions of this Paragraph 12 shall be deemed to have been received on the second work day after the day of mailing. Notices personally delivered shall be deemed to have been received upon delivery. Nothing herein shall prohibit the giving of notice in the manner provided for in the Colorado Rules of Civil Procedure for the service of civil process.

IN WITNESS WHEREOF, the parties have executed this Agreement.

CITY OF STEAMBOAT SPRINGS

By: _____
 City Council President

ATTEST:

 Julie Franklin, City Clerk

STEAMBOAT SPRINGS CHAMBER RESORT ASSOCIATION, INC.

By: _____
President, Board of Directors

ATTEST:

Executive Vice President



2009 Integrated Marketing Proposal

Prepared By: Lynna Broyles, Director of Marketing

Date: April 1, 2009

Executive Summary

As a Resort Association, the Steamboat Springs Chamber is responsible for the marketing and promotion of the community of Steamboat Springs during the non-ski season months to ensure a viable year round economy. This effort includes print, broadcast and online advertising, public relations, and the development of signature events. In addition, the Steamboat Springs Chamber Resort Association operates the Visitor and Information Center providing a host of data on the community for visitors and businesses.

The Steamboat Springs Chamber Resort Association has also been able to significantly leverage its funding dollars to better support its comprehensive marketing plan. In the past four years, we have extended our dollars through cooperative advertising opportunities with the Denver Newspaper Agency, other regional markets and Colorado Official State Vacation Guide. We have also developed a significant amount of trade for advertising via promotions and giveaways. Local and national sponsors have enabled the SSCRA to maintain and develop key signature events for the community of Steamboat Springs. Our proactive public relations strategy ensures that we work diligently with national and regional publications, providing story ideas and photography-increasing the awareness of Steamboat Springs as a year-round destination. In 2009, we will continue working with Hill and Company advertising agency to develop a strong and enticing creative campaign. We will continue to integrate the creative concepts developed for the print campaign into all marketing applications including print, web, broadcast media and outdoor advertising.

Market Analysis

Past Environment

Lack of amenities to entertain summer guests, strong dependency on events to motivate travel, fewer Triple Crown teams, limited target market with focus on Front Range, families with children, consumers booked vacations through travel agents

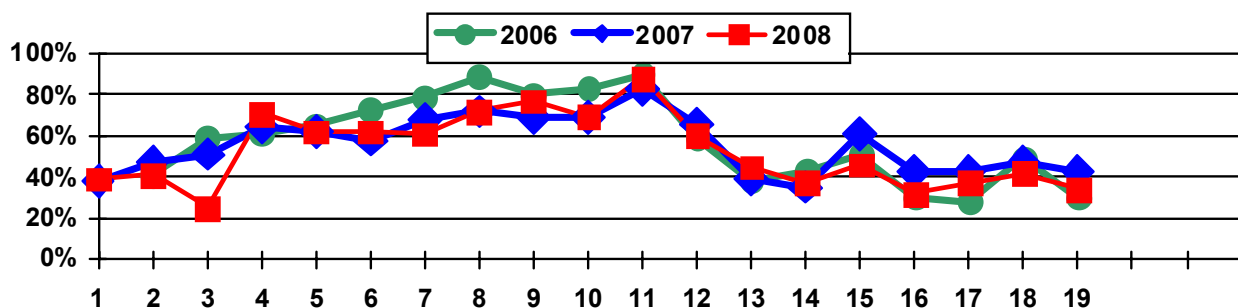
Present Environment

Challenges in current economic climate, growth of cultural amenities and tourism interest in the product, expanded market to include key states nationwide, more diverse summer product offerings, retaining Triple Crown tournaments and teams, still families with children but growing empty nesters, consumers shop, obtain information and make reservations through Internet, conference space, competitive air service, "Consumers trading down, not out"

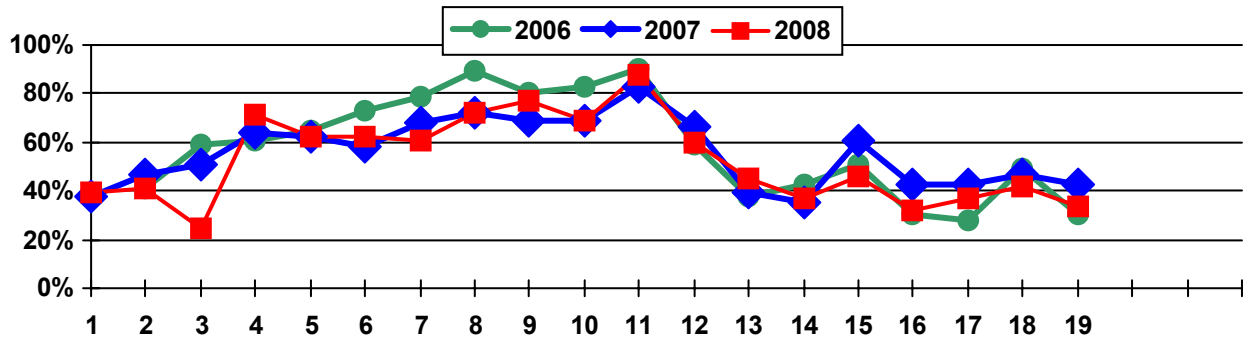
Future Environment

New consumerism caused from economic recession, changing demographics, continued increase in Internet use, "Value is King" will remain in pricing wars

Market Cycle



Summer Saturday Lodging Total Occupancy Graph

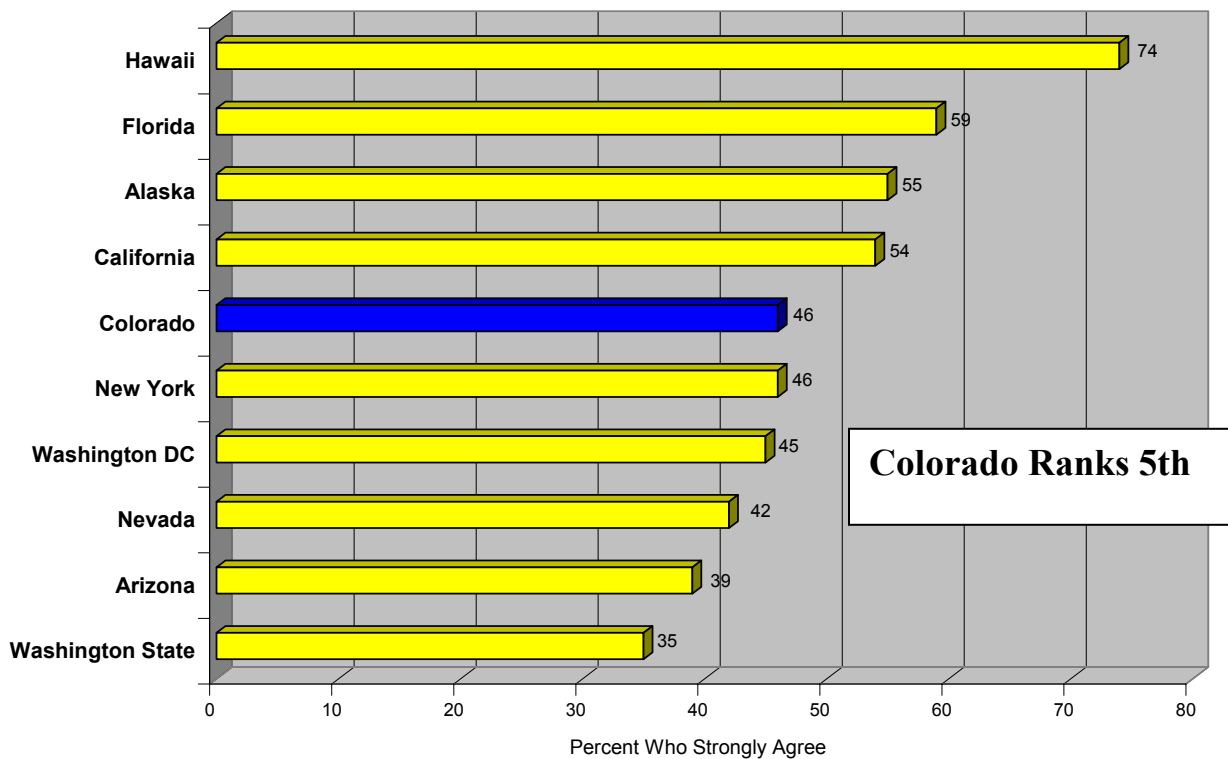


Summer Wednesday Lodging Total Occupancy Graph

Competitive Landscape

National Competition

Why Choose Colorado? 2004 Longwoods International Research showed that consumers surveyed would enjoy visiting the following states:



State Competition

Denver Metro Area
 Colorado Springs
Estes Park/ Rocky Mountain National Park
Breckenridge
 Glenwood Springs
 Vail/ Beaver Creek
 Winter Park

Crested Butte/ Gunnison
Aspen/ Snowmass
 Keystone/ Summit County
Durango
Telluride/ Ouray/ Silverton
 Buena Vista/ Leadville
 Pagosa Springs

*Bold indicates those with the closest product offering and show up high on our 2005 summer perception survey

Brand Image and Positioning

Brand: Western, Friendly, Open Space, Cultural Heritage & History
Positioning (Target Audience):
Age Demographic:
Primary- 28-54 years of age
Secondary- 54+ years of age
Income Level:
Primary- \$75,000 - \$150,000
Secondary- \$150,000 - \$250,000
Family Status:
Use a multi-generational approach
Primary- Families with children
Secondary- Baby Boomers / Empty Nesters
Education Level: College educated, determined in part by income level
Activity Level and Interests: Outdoorsy, Healthy, Leisure Activities

Long Term Strategic Goals

- Increase trip spend - 2004 Research average daily spend = \$70; 1998 Research average daily spend = \$54 (average trip spend = \$1128); 2006 Research average daily spend = \$76 (average trip spend = \$1279); 2008 Research average daily spend = \$73 (average trip spend = \$1407). Daily spend went up almost 30% from 1998 with an average annual increase of 5% (factored with inflation). Based on past years' increases and the current economic environment, we will strive for 3% average annual increase in trip spends over the next 5 years.
- Increase length of stay - 2004 Research average length of stay = 4.5 nights; 1998 Research average length of stay = 4.3 nights; 2006 Research average length of stay = 5 nights; 2008 Research average length of stay = 5.3 (longest stay ever). Length of stay went up 23% from 1998 to 2008 with an average 2.3% annual increase. Based on this information but given the current economic environment, we look to maintain the current length of stay by our visitors.
- Maximize Marketing Funding - Make use of all potential funding mechanisms and investigate any new opportunities or sources. Examples could be: sponsorships, cooperative advertising, Central Res. contribution, enhanced website listings and various public funding mechanisms.

2009 Marketing Plan Objectives

2009 PRINT MEDIA BUDGET

\$112,500

- ◆ Two-tiered marketing approach with destination marketing focusing on the out-of-state traveler and regional marketing focusing on the Front Range and in-state traveler. Larger push in regional drive market for 2009 economic environment
- ◆ Includes agency retainer for management of creative components of campaign and media buyer for all media purchases and to secure the best possible pricing and placement
- ◆ Diversify print campaign to meet the long standing strategic goal of appealing to a higher income clientele, while maintaining family friendly brand image and appeal
- ◆ Placement in magazines and newspaper inserts that are cooperative advertising sections coordinated by the Colorado Tourism Office to increase effectiveness
- ◆ Continue to manage cooperative advertising opportunities in Front Range and regional markets to leverage total advertising dollars
- ◆ Utilize promotional tactics with Denver Newspaper Agency, PrePrint state insert (CTO coop) and others (win a trip to Steamboat Springs) for additional exposure at no hard dollar cost

2009 BROADCAST MEDIA BUDGET

\$500

- ◆ Cut from 2009 budget due to budgetary constraints
- ◆ Dollars remaining spent on local radio to promote events

2009 OUTDOOR ADVERTISING

\$32,000

- ◆ Work in cooperation with Steamboat Ski and Resort Corporation to rent space for a 4 month period on the Denver/Front Range I-70 billboard
- ◆ Utilize the same design from summer 2008 to save money
- ◆ Compliment the Front Range print and broadcast media in the Front Range with this medium

2009 INTERNET BUDGET

\$66,000

- ◆ Manage, maintain content and technologies on steamboatcchamber/steamboatsummer.com
- ◆ Expand online advertising through tools such as search engine marketing, strategic banner ad placement and e-newsletter participation (Example: Colorado.com)
- ◆ Continue to improve organic positioning of website in search engines
- ◆ Continue to drive prospective visitors to website for comprehensive information
- ◆ Continue to develop landing-pages to track effectiveness of targeted marketing campaigns
- ◆ Monitor traffic to website and track consumer navigation behaviors within website in an effort to improve navigation and information on website
- ◆ Launch an aggressive email marketing campaign with customized content and expand campaign to discount offer emails
- ◆ Develop more avenues for data capture from website visitors

2009 PUBLIC RELATIONS/PROMOS BUDGET

\$10,000

- ◆ Develop relationships with in-state and regional media, in both short lead and long lead publications through direct visits and timely communication
- ◆ Host prominent journalists throughout the spring, summer and fall to highlight activities and events
- ◆ Increase Steamboat's exposure in Front Range and other target area news casts and print media by actively pitching stories promoting family activities, adventure tourism, heritage and cultural tourism, climate, lifestyle and events

2009 FULFILLMENT AND DISTRIBUTION BUDGET

\$48,000

- ◆ Based on tracking results from 2007 online traffic, increase printing and distribution of collateral pieces
- ◆ Fulfill all leads collected off of print and online publications and build database
- ◆ Utilize tracking mechanisms on all collateral efforts to help determine ROI
- ◆ Lower total per unit cost by partnering with local properties to feature their property on back panel of the lure brochure

2009 SPECIAL EVENTS BUDGET

\$39,000

- ◆ Salary and fixed costs
- ◆ Covers administrative overhead
- ◆ Continued support for a wide-variety of cultural, recreational and shoulder-season events

2009 RESEARCH BUDGET

\$0

- ◆ Conduct intercept survey both in the Steamboat area as well as at the Yampa Valley Regional Airport
- ◆ Identify customer demographic profile for more effective advertising efforts
- ◆ Identify expectations of visitors on their trip to Steamboat and trip expenditures for improved amenities and services for the Steamboat customer
- ◆ Seek information on choice criteria from upscale visitors
- ◆ Refine questionnaire for expanded cross-tabulation

2009 NEW EVENT DEVELOPMENT

\$75,000

- ◆ Special Event Funding Committee- 1 city council rep, 2 marketing committee, 1 BOD member, 1 at-large
- ◆ Help seed and promote new events such as: Steamboat Wine Festival, Wild West Relay, Tour de Steamboat, 12 Hours of Steamboat, Wild West Air Fest and Steamboat Stock Dog Challenge

2009 Budget

City of Steamboat Marketing Contract \$	\$564,200
New Event	\$75,000
Total	\$639,200

Marketing Expenses

Employee Expenses	\$220,000
Office Expenses	\$30,200
Print Media Expenses	\$112,500
Broadcast Media Expenses	\$500
Outdoor Advertising	\$32,000
Committee Expenses	\$6,000
Internet Expenses	\$66,000
Public Relations/Promos	\$10,000
Fulfillment	\$48,000
Special Events	\$39,000
Marketing Research	\$0
New Event Development	\$75,000
Total	\$639,200

AGENDA ITEM # 7

CITY COUNCIL COMMUNICATION FORM

FROM: Winnie DelliQuadri, Grants Analyst (Ext. 257)
Bob Litzau, Interim Director of Financial Services (Ext. 239)
JD Hays, Director of Public Safety (x113)

THROUGH: Jon Roberts, City Manager (Ext. 228)

DATE: April 7, 2009

RE: 1) Providing formal public review of the joint City / County application for funding from the Recovery Act: Justice Assistance Grant Program and 2) Direction to submit the joint City / County application for \$51,681 in funding from the Recovery Act: Justice Assistance Grant Program to the US Department of Justice for law enforcement equipment and supplies. No matching funds are required.

NEXT STEP: MOTION: To acknowledge that the joint City / County application for \$51,681 in funding from the Recovery Act: Justice Assistance Grant Program for law enforcement equipment and supplies is hereby available for public review and to direct staff to submit the joint City / County application to the US Department of Justice after a 30 day review period.

DIRECTION
 INFORMATION
 ORDINANCE
 MOTION
 RESOLUTION

I. REQUEST OR ISSUE:

As part of the Federal Recovery Act, the U.S. Department of Justice, Office of Justice Programs' (OJP) Bureau of Justice Assistance (BJA) has announced funding for both the City and Routt County under the Edward Byrne Memorial Justice Assistance Grant (JAG) Local Government Program. The grant application process requires that the City and County (as joint applicants) have a formal 30 day public review period for the grant and that the City and County approve the grant submittal.

II. RECOMMENDED ACTION:

Given the substantial benefit of the grant and project to the City and the Yampa Valley, staff recommends that City Council make the grant application available for

public review for 30 days and approve submittal of the application for funding.

MOTION: To acknowledge that the joint City / County application for \$51,681 in funding from the Recovery Act: Justice Assistance Grant Program for law enforcement equipment and supplies is hereby available for public review and to direct staff to submit the joint City / County application to the US Department of Justice after a 30 day review period.

III. FISCAL IMPACTS:

Proposed Revenues:

Grant Amount: \$ 51,681

Proposed Expenditure:

Equipment/supplies \$51,681

IV. BACKGROUND INFORMATION:

JAG allocations are available through the Federal Recovery Act and the amounts available are \$11,961 for Routt County and \$39,720 for the City of Steamboat Springs. These allocations are based on crime statistics reports as certified by the State Attorney General's Office. Since the JAG allocation amount is more for the City than the County the grant stipulates that the application be submitted jointly along with approval of the intergovernmental agreement. The County has determined that they do not want to utilize their share of the allocated funding and they have reallocated their share of the funds to the City in the attached intergovernmental agreement.

The JAG program requires a 30 day public review of the grant document, including the Intergovernmental Agreement. The due date for applying for funding under this announcement is 8:00 p.m. Eastern Time on May 18, 2009. The Steamboat Springs Police Department intends to utilize all grant funds to purchase equipment and supplies which have been cut out of the Department's current budget.

JAG funds may be used for state and local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support, information systems for criminal justice, and criminal justice-related research and evaluation activities that will improve or enhance law enforcement programs, prosecution and court programs, prevention and education programs, corrections and community corrections programs, drug treatment and enforcement programs, planning, evaluation, and technology improvement programs, and crime victim and witness programs (other than compensation).

V. LEGAL ISSUES:

None at this time. The Intergovernmental Services Division continues to work 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 submittal of the grant application
- decide not to submit the grant application
- defer until a future round of funding.

Attachment: Grant application

Application for Federal Assistance SF-424		Version 02
*1. Type of Submission: <input type="checkbox"/> Preapplication <input checked="" type="checkbox"/> Application <input type="checkbox"/> Changed/Corrected Application	*2. Type of Application <input checked="" type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision	* If Revision, select appropriate letter(s) *Other (Specify) _____
3. Date Received: 5/7/2009		4. Applicant Identifier:
5a. Federal Entity Identifier:		5b. Federal Award Identifier:
State Use Only:		
6. Date Received by State:		7. State Application Identifier:
8. APPLICANT INFORMATION:		
*a. Legal Name: City of Steamboat Springs		
*b. Employer/Taxpayer Identification Number (EIN/TIN): 846000721		*c. Organizational DUNS: 076452366
d. Address:		
*Street 1:	<u>124 10th Street</u>	
Street 2:	<u>PO Box 775088</u>	
*City:	<u>Steamboat Springs</u>	
County:	_____	
*State:	<u>CO</u>	
Province:	_____	
*Country:	_____	
*Zip / Postal Code	<u>80477</u>	
e. Organizational Unit:		
Department Name: Public Safety		Division Name: Police Services
f. Name and contact information of person to be contacted on matters involving this application:		
Prefix: _____	*First Name: <u>Joell</u>	
Middle Name: _____		
*Last Name: <u>Rae</u>		
Suffix: _____		
Title:	<u>Captain</u>	
Organizational Affiliation:		
*Telephone Number: 9708791144		Fax Number: 9708701271
*Email: <u>jrae@steamboatsprings.net</u>		

Application for Federal Assistance SF-424

Version 02

***9. Type of Applicant 1: Select Applicant Type:**

C. City or Township Government

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

*Other (Specify)

***10 Name of Federal Agency:**

U.S. Department of Justice

11. Catalog of Federal Domestic Assistance Number:

CFDA# = 16.804 _____

CFDA Title:

Recovery Act: Edward Byrne Memorial Justice Assistance Grant (JAG) Program/Grants to units or local territories _____

***12 Funding Opportunity Number:**

*Title:

13. Competition Identification Number:

Title:

14. Areas Affected by Project (Cities, Counties, States, etc.):

Steamboat Springs (Routt County, Colorado)

***15. Descriptive Title of Applicant's Project:**

Steamboat Springs Basic Law Enforcement Project

Application for Federal Assistance SF-424

Version 02

16. Congressional Districts Of:

*a. Applicant: CO-003

*b. Program/Project: CO-003

17. Proposed Project:

*a. Start Date: 6/1/2009

*b. End Date: 5/31/2010

18. Estimated Funding (\$):

*a. Federal	_____	51,681
*b. Applicant	_____	
*c. State	_____	
*d. Local	_____	
*e. Other	_____	
*f. Program Income	_____	
*g. TOTAL	_____	51,681

***19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

- a. This application was made available to the State under the Executive Order 12372 Process for review on _____
- b. Program is subject to E.O. 12372 but has not been selected by the State for review.
- c. Program is not covered by E. O. 12372

***20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes", provide explanation.)**

Yes No

21. *By signing this application, I certify (1) to the statements contained in the list of certifications** and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U. S. Code, Title 218, Section 1001)

** I AGREE

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions

Authorized Representative:

Prefix: _____ *First Name: Jon _____

Middle Name: _____

*Last Name: Roberts _____

Suffix: _____

*Title: City Manager

*Telephone Number: 9708792060

Fax Number: 9708798851

* Email: jroberts@steamboatsprings.net

*Signature of Authorized Representative: i

*Date Signed: 4/7/2009

Application for Federal Assistance SF-424

Version 02

***Applicant Federal Debt Delinquency Explanation**

The following should contain an explanation if the Applicant organization is delinquent of any Federal Debt.

INSTRUCTIONS FOR THE SF-424

Public reporting burden for this collection of information is estimated to average 60 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0043), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

This is a standard form (including the continuation sheet) required for use as a cover sheet for submission of preapplications and applications and related information under discretionary programs. Some of the items are required and some are optional at the discretion of the applicant or the Federal agency (agency). Required items are identified with an asterisk on the form and are specified in the instructions below. In addition to the instructions provided below, applicants must consult agency instructions to determine specific requirements.

Item	Entry:	Item	Entry:
1.	Type of Submission: (Required): Select one type of submission in accordance with agency instructions. <ul style="list-style-type: none"> • Preapplication • Application • Changed/Corrected Application – If requested by the agency, check if this submission is to change or correct a previously submitted application. Unless requested by the agency, applicants may not use this to submit changes after the closing date. 	10.	Name Of Federal Agency: (Required) Enter the name of the Federal agency from which assistance is being requested with this application.
2.	Type of Application: (Required) Select one type of application in accordance with agency instructions. <ul style="list-style-type: none"> • New – An application that is being submitted to an agency for the first time. • Continuation - An extension for an additional funding/budget period for a project with a projected completion date. This can include renewals. • Revision - Any change in the Federal Government's financial obligation or contingent liability from an existing obligation. If a revision, enter the appropriate letter(s). More than one may be selected. If "Other" is selected, please specify in text box provided. <ul style="list-style-type: none"> A. Increase Award B. Decrease Award C. Increase Duration D. Decrease Duration E. Other (specify) 	11.	Catalog Of Federal Domestic Assistance Number/Title: Enter the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested, as found in the program announcement, if applicable.
		12.	Funding Opportunity Number/Title: (Required) Enter the Funding Opportunity Number and title of the opportunity under which assistance is requested, as found in the program announcement.
		13.	Competition Identification Number/Title: Enter the Competition Identification Number and title of the competition under which assistance is requested, if applicable.
		14.	Areas Affected By Project: List the areas or entities using the categories (e.g., cities, counties, states, etc.) specified in agency instructions. Use the continuation sheet to enter additional areas, if needed.
3.	Date Received: Leave this field blank. This date will be assigned by the Federal agency.	15.	Descriptive Title of Applicant's Project: (Required) Enter a brief descriptive title of the project. If appropriate, attach a map showing project location (e.g., construction or real property projects). For preapplications, attach a summary description of the project.
4.	Applicant Identifier: Enter the entity identifier assigned by the Federal agency, if any, or applicant's control number, if applicable.	16.	Congressional Districts Of: (Required) 16a. Enter the applicant's Congressional District, and 16b. Enter all District(s) affected by the program or project. Enter in the format: 2 characters State Abbreviation – 3 characters District Number, e.g., CA-005 for California 5 th district, CA-012 for California 12 th district, NC-103 for North Carolina's 103 rd district. <ul style="list-style-type: none"> • If all congressional districts in a state are affected, enter "all" for the district number, e.g., MD-all for all congressional districts in Maryland. • If nationwide, i.e. all districts within all states are affected, enter US-all. • If the program/project is outside the US, enter 00-000.
5a.	Federal Entity Identifier: Enter the number assigned to your organization by the Federal Agency, if any.		
5b.	Federal Award Identifier: For new applications leave blank. For a continuation or revision to an existing award, enter the previously assigned Federal award identifier number. If a changed/corrected application, enter the Federal Identifier in accordance with agency instructions.		
6.	Date Received by State: Leave this field blank. This date will be assigned by the State, if applicable.		
7.	State Application Identifier: Leave this field blank. This identifier will be assigned by the State, if applicable.		
8.	Applicant Information: Enter the following in accordance with agency instructions:	17.	Proposed Project Start and End Dates: (Required) Enter the proposed start date and end date of the project.
a.	Legal Name: (Required): Enter the legal name of applicant that will undertake the assistance activity. This is the name that the organization has registered with the Central Contractor Registry. Information on registering with CCR may be obtained by visiting the Grants.gov website.		
b.	Employer/Taxpayer Number (EIN/TIN): (Required): Enter the Employer or Taxpayer Identification Number (EIN or TIN) as assigned by the Internal Revenue Service. If your organization is not in the US, enter 44-4444444.		
c.	Organizational DUNS: (Required) Enter the organization's DUNS or DUNS+4 number received from Dun and Bradstreet. Information on obtaining a DUNS number may be obtained by visiting the Grants.gov website.		
d.	Address: Enter the complete address as follows: Street address (Line 1 required), City (Required), County, State (Required, if country is US), Province, Country (Required), Zip/Postal Code (Required, if country is US).		
e.	Organizational Unit: Enter the name of the primary organizational unit (and department or division, if applicable) that will undertake the	18.	Estimated Funding: (Required) Enter the amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines, as applicable. If the action will result in a dollar change to an existing award, indicate only the amount of the change. For decreases, enclose the amounts in parentheses.
		19.	Is Application Subject to Review by State Under Executive Order 12372 Process? Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the

	assistance activity, if applicable.		State intergovernmental review process. Select the appropriate box. If "a." is selected, enter the date the application was submitted to the State																								
	f. Name and contact information of person to be contacted on matters involving this application: Enter the name (First and last name required), organizational affiliation (if affiliated with an organization other than the applicant organization), telephone number (Required), fax number, and email address (Required) of the person to contact on matters related to this application.	20.	Is the Applicant Delinquent on any Federal Debt? (Required) Select the appropriate box. This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes. If yes, include an explanation on the continuation sheet.																								
9.	Type of Applicant: (Required) Select up to three applicant type(s) in accordance with agency instructions.	21.	Authorized Representative: (Required) To be signed and dated by the authorized representative of the applicant organization. Enter the name (First and last name required) title (Required), telephone number (Required), fax number, and email address (Required) of the person authorized to sign for the applicant. A copy of the governing body's authorization for you to sign this application as the official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.)																								
	<table border="0"> <tr> <td>A. State Government</td> <td>M. Nonprofit with 501C3 IRS Status (Other than Institution of Higher Education)</td> </tr> <tr> <td>B. County Government</td> <td>N. Nonprofit without 501C3 IRS Status (Other than Institution of Higher Education)</td> </tr> <tr> <td>C. City or Township Government</td> <td>O. Private Institution of Higher Education</td> </tr> <tr> <td>D. Special District Government</td> <td>P. Individual</td> </tr> <tr> <td>E. Regional Organization</td> <td>Q. For-Profit Organization (Other than Small Business)</td> </tr> <tr> <td>F. U.S. Territory or Possession</td> <td>R. Small Business</td> </tr> <tr> <td>G. Independent School District</td> <td>S. Hispanic-serving Institution</td> </tr> <tr> <td>H. Public/State Controlled Institution of Higher Education</td> <td>T. Historically Black Colleges and Universities (HBCUs)</td> </tr> <tr> <td>I. Indian/Native American Tribal Government (Federally Recognized)</td> <td>U. Tribally Controlled Colleges and Universities (TCCUs)</td> </tr> <tr> <td>J. Indian/Native American Tribal Government (Other than Federally Recognized)</td> <td>V. Alaska Native and Native Hawaiian Serving Institutions</td> </tr> <tr> <td>K. Indian/Native American Tribally Designated Organization</td> <td>W. Non-domestic (non-US) Entity</td> </tr> <tr> <td>L. Public/Indian Housing Authority</td> <td>X. Other (specify)</td> </tr> </table>	A. State Government	M. Nonprofit with 501C3 IRS Status (Other than Institution of Higher Education)	B. County Government	N. Nonprofit without 501C3 IRS Status (Other than Institution of Higher Education)	C. City or Township Government	O. Private Institution of Higher Education	D. Special District Government	P. Individual	E. Regional Organization	Q. For-Profit Organization (Other than Small Business)	F. U.S. Territory or Possession	R. Small Business	G. Independent School District	S. Hispanic-serving Institution	H. Public/State Controlled Institution of Higher Education	T. Historically Black Colleges and Universities (HBCUs)	I. Indian/Native American Tribal Government (Federally Recognized)	U. Tribally Controlled Colleges and Universities (TCCUs)	J. Indian/Native American Tribal Government (Other than Federally Recognized)	V. Alaska Native and Native Hawaiian Serving Institutions	K. Indian/Native American Tribally Designated Organization	W. Non-domestic (non-US) Entity	L. Public/Indian Housing Authority	X. Other (specify)		
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City of Steamboat Springs

Recovery Act: Edward Byrne Memorial Justice Assistance Grant (JAG)

Program Narrative (Attachment 1)

Problem Statement: The City of Steamboat Springs is facing severe budget shortages which have resulted in the almost total elimination of funding for equipment and supplies from the Steamboat Springs Police Department’s 2009 budget. Past budget shortages, combined with the current elimination of funding for equipment and supplies, means that the Steamboat Springs Police Department lacks basic equipment and supplies that are critical to daily law enforcement activities. The Department lacks the number of firearms, tasers, body armor, Portable Breath Testers, and shoulder microphones needed to fully equip each of the deployed officers. Grant funds will enable us to remedy this situation by purchasing the equipment that is necessary in order for Police Officers to perform the basic functions of the job. In addition, fire arms training and other training have also been curtailed due to lack of supplies. Grant funds will enable us to purchase the supplies needed to enable the Steamboat Springs Police Department to reinstitute basic training that has been eliminated.

Milestones within this project will consist of Procurement of each of the identified items, training (as needed) to deploy equipment, and finally, deployment of all items.

Project Objectives:

The chart below outlines goals and objectives for this project. As a whole, this project will aid the Steamboat Springs Police Department in its efforts to preserve officer jobs, provide for quality public safety to the community and ensure for officer safety in the provision of these services.

Goals/Objectives	Output/Outcome Measure and Timeframe
GOAL 1: Every Steamboat Springs Police Department Officer will have all needed basic equipment when deployed.	Number of police officers Percent of police officers with full basic equipment before and after project.
OBJECTIVE 1.1: All sworn police officers will have a patrol rifle as part of their standard equipment. Activity: Purchase and deploy nine (9) AR-15 patrol rifles and related accessories.	Number of sworn officers. Percent of sworn officers with a patrol rifle before and after project.
OBJECTIVE 1.2: All police officers working on patrol will have a Taser as part of their standard equipment. Activity: Purchase and deploy four (4) M-26 Tasers and related accessories to the Patrol Division.	Number of police officers in the patrol division. Percent of police officers in the patrol division deployed with a Taser before and after project.

OBJECTIVE 1.3: Ensure the life safety of ERT officers. Activity: Purchase seven (7) new Threat Level III vests for each member of our Emergency Response Team.	Number of ERT officers. Percent of ERT officers with a compliant / certified level III vest before and after project.
OBJECTIVE 1.4: All police officers on patrol duty will have a PBT as part of their standard equipment. Activity: Purchase (4) Alco-Sensor IV Portable Breath Testers.	Number of police officers on patrol duty at one time. Percent of police officers on patrol duty at one time deployed with a PBT before and after project.
OBJECTIVE 1.5: All police officers will have a reliable communication microphone. Activity: Purchase and deploy (30) Motorola XTS Noise Canceling 800 MHZ microphones.	Number of police and community service officers Percent of police and community service officers with a reliable communication microphone before and after project.
GOAL 2: Ensure that all police officers are trained and certified in use of basic equipment.	16 officers patrol rifle certified within 30 days of receiving rifles
OBJECTIVE 2.1: Provide supplies necessary to perform training activities. Activity: purchase ammunition / supplies needed for firearms training.	Supplies available for training before project. % Increase in supplies after project.
OBJECTIVE 2.2: Provide firearms and Taser training to all officers.	Number of officers. Percent of officers who engage in training on a monthly basis.
GOAL 3: The Steamboat Springs Police Department will develop new capabilities.	Number of capabilities before and after project.
OBJECTIVE 3.1: The SSPD will develop new capabilities in forced entry in lock down and other crisis situations. Activity: purchase a Ratspreader Hydraulic Breaching Tool.	Forced entry capability before and after project.
OBJECTIVE 3.2: The SSPD will enhance its capabilities in interview/interrogation. Activity: Purchase digital video recorders for detectives.	Digital video recording capability before and after project.
GOAL 4: The Steamboat Springs Police Department will preserve jobs. Activity: The SSPD will sustain funding of existing officer positions.	Number of officers before and after project.

Activities that can be started and completed expeditiously:

The need for the equipment and supplies identified in this proposal is immediate. All equipment and supplies will be purchased from vendors in the Western United States immediately upon grant award and we anticipate that funds will be encumbered within a month of receiving the grant contract / notice to proceed. We anticipate that all supplies and equipment will be delivered and paid for within a 9 month period.

Proposed Program Activities:

This proposed project focuses on procuring equipment and supplies needed for basic law enforcement activities by deployed sworn officers of the Steamboat Springs Police Department. All project activities will be carried out under the supervision of Captain Joel Rae. Captain Rae has managed several other federal grants, including grant funding from the US Department of Justice. Captain Rae will be assisted in procurement activities by Anne Small, the City's Purchasing, Contracts and Risk Manager. Ms. Small has 15 years of experience in this arena and is extremely experienced in procurement which meets federal procurement requirements, including Davis Bacon, Buy American, DBE, and other requirements of the ARRA funds.

Specific items to be purchased within this project includes:

- Nine (9) AR-15 Patrol rifles and related accessories which will enable our Department to have a sufficient number of Patrol Rifles in order for every SSPD officer working to be able to deploy on duty.
- Four (4) M-26 Tasers and related accessories will allow for every officer working the street to have a Taser. We currently only have four Tasers in our inventory and at times we have up to 8 police officers working on a shift. All patrol officers are currently certified Taser end users.
- Seven (7) new Threat Level III vests for each member of our Emergency Response Team. Current vests are 7 years old and have exceeded their shelf life, creating a safety and protection concern.
- Four (4) Alco-Sensor IV Portable Breath Testers which will enable every officer on the street to have a PBT. The SSPD currently has 3 PBT's in its inventory and we have up to 8 officers working at any given time which creates a basic equipment shortage.
- Thirty (30) Motorola XTS Noise Canceling 800 MHZ microphones will enable all police and community service (support) officers to have a shoulder microphone to ensure reliable communication. All Law Enforcement personnel within Routt County received a Department of Homeland Security Grant in 2008 that resulted in the purchase of thirty (30) 800 MHZ portable radios for the Steamboat Springs Police Department. The grant did not include shoulder microphones and it is essential to purchase shoulder microphones to insure reliable communication using the radios.
- One (1) Ratspreader Hydraulic Breaching Tool will enable our Department to conduct a forced entry in a lock down or other crisis situation. Our Department currently lacks this tool and capability.
- Three (3) Digital Video Recorders. Three concealable digital video recorders for use by the Departments three Detectives. We currently only have one digital video recorder in our inventory, which means that two of our Detectives are not deployed with this tool.
- Ammunition and other supplies needed to carry out training on equipment purchased through this project.

Activities that will maximizes job creation and economic benefits:

This project focuses on purchasing equipment and supplies needed for basic law enforcement duties and the items purchased through this grant will enable the City of Steamboat Springs to adequately support police officers in the Steamboat Springs Police Department. Purchase of these items will create economic benefits for the distributors and manufacturers of the items purchased, however we do not have the capacity to forecast or predict the number of jobs that will be sustained or created due to the impact of this small supply procurement. The Steamboat Springs Police Department has a limited budget and must make trade offs between personnel and other expenses such as equipment, supplies, and training. Grant funds spent on equipment and supplies mean that internal tradeoffs between spending funding on personnel versus equipment and supplies can be eliminated. Thus, these grant funds enable existing dollars within the SSPD budget to continue to fund police and community service officer positions. Grant funds in this project approximately represent the cost of one entry level sworn police officer position for one year.

Timeline / Project Plan:

Upon grant contracting / notice to proceed, the City of Steamboat Springs will begin procurement of the identified supplies. All procurement activities will comply with the requirements of ARRA funding. Items (firearms, Tazers, etc) purchased will be identical to existing gear in order to eliminate any safety issues that result from having officers train on or deploy with gear/equipment that is different than what is currently issued and deployed by the Steamboat Springs Police Department.

This project will take place in one year or less. The timeline for this project is:

Grant Contract / Notice to Proceed

- Month 1 Order all items outlined in the budget and budget narrative.
- Month 2-9 Receive all items.
Initiate officer training, as necessary. (Steamboat Springs Police Officers are already training and/or certified to use all the items listed within this grant request).
Deploy all items, as it is received.
Re-implement a monthly Firearms training schedule, which will account for approximately 2,000 rounds of AR-15 rifle ammunition per month.
- Month 10 Close out project and grant

Performance Measures:

Defining Success: Success in this project will be determined by success in meeting the goals outlined in this project. Baseline data is already in place, and additional data will be gathered once the items are procured, personnel are trained, and items are deployed. The project evaluation will focus on determining if the project goals have been met based on measurement of the outcomes identified with each goal and objective.

Anticipated results: We anticipate that we will be able to achieve the goals of having every Steamboat Springs Police Department Officer have all needed basic equipment when deployed,

having every Steamboat Springs Police Department have regular training, and having the Steamboat Springs Police Department expand its capabilities in forced entry and investigation.

Assessing Impact: The Steamboat Springs Police Department will assess the impact of this project in assisting the department to provide for quality public safety to the community while ensuring for officer safety in the provision of these services through tracking the items acquired, deployed, and utilized in this project, and by gathering officer feedback regarding public and officer safety improvements enable by the new equipment and supplies.

Organization Capabilities and Competencies

The City of Steamboat Springs has written financial policies and procedures and internal accounting controls that will enable us to meet all federal grant management requirements. The City undergoes a financial audit that meets A-133 standards each year. The Finance Department of the City of Steamboat Springs will maintain adequate financial records with all required source documents and backup materials to meet the requirements of the grant. Grant funds are accounted for separately and grant-specific reports may be run. All revenues and expenditures are separated by funding source and we track revenues and expenditures for each grant award separately through a sub-ledger system. Sub-ledgers to the general ledger are reconciled monthly. Expenditures are classified by broad budget categories which correspond to the budget proposed in this proposal. Invoices are processed with specific grant project coding. Timesheets are maintained for all employees and are signed by the employee and supervisor. The City of Steamboat Springs maintains grant files within the accounting department and those files are always available for audit.

BUDGET DETAIL WORKSHEET

A. PERSONNEL	(1) Annual Full-time Salary	(2) Annual Fringe Benefit Cost	(3) Sub-Total	(4) % to be paid by grant funds	TOTAL
	+		=	X %	\$
TOTAL PERSONNEL COST to be charged to this grant					\$ 0

B. SUPPLIES AND OPERATING	TOTAL
Taser and Taser accessories	\$4,772.20
Alco-Sensor IV Portable Breath Tester	\$3,060.00
Non-Concealable Threat Level III Body Armor Vest	\$9,800.00
800 MHZ Noise Cancelling Shoulder Microphones	\$2,910.00
Rifles and Pistols	\$14,252.00
Ammunition	\$11,638.80
.223 Sims Conversion Kits	\$2,890.00
JS44-2BP 2 in 1 Ratspreader Hydraulic Breaching Tool	\$1,890.00
Audio/Video Microphone	\$468.00
	\$
TOTAL SUPPLIES AND OPERATING COST to be charged to this grant	
	\$51,681.00

C. TRAVEL (Designate specifically in-state and out-of-state travel.)	TOTAL
	\$
TOTAL TRAVEL COST to be charged to this grant	
	\$ 0

D. EQUIPMENT (Items costing \$5,000 or more - see Instruction Manual)	TOTAL
	\$

TOTAL EQUIPMENT COST to be charged to this grant	\$ 0
---	------

E. CONTRACTED, CONSULTANT AND PROFESSIONAL SERVICES	TOTAL
	\$
TOTAL CONTRACTED CONSULTANT AND PROFESSIONAL SERVICES COST to be charged to this grant	\$ 0

F. CONFIDENTIAL FUNDS	TOTAL
	\$
TOTAL CONFIDENTIAL FUNDS COSTS to be charged to this grant	\$ 0

G. TOTAL OF ALL PROJECT COSTS (A through F)	\$51,681.00
--	-------------

Budget Summary

Budget Category	Amount
A. Personnel	\$0.00
B. Fringe Benefits	\$0.00
C. Travel	\$0.00
D. Equipment	\$0.00
E. Supplies	\$51,681.00
F. Construction	\$0.00
G. Consultants/Contracts	\$0.00
H. Other	\$0.00
Total Direct Costs	\$51,681.00
I. Indirect Costs	\$0.00
TOTAL PROJECT COSTS	\$51,681.00

Federal Request \$51,681

Non-Federal Amount 0

2. BUDGET NARRATIVE:

B. SUPPLIES AND OPERATING

1. Taser and Taser accessories	
X-26E Taser (4 @ \$809.95/ea.)	= \$3,239.80
Taser 21 ft. Duty Cartridges (24 @ \$20.95/ea.)	= \$502.80
Taser 25 ft. Extra Penetration Cartridges (24 @ 23.95/ea.)	= \$574.80
Taser 15 ft. Training Cartridges (24 @ \$18.95/ea.)	= <u>\$454.80</u>
	\$4,722.20
2. Alco-Sensor IV Portable Breath Tester (4 @ \$765.00/ea.)	= \$3,060.00
3. Non-Concealable Threat Level III Body Armor Vest (7 @ \$1,400/ea.)	= \$9,800.00
4. 800 MHZ Noise Cancelling Shoulder Microphone (30 @ \$97.00/ea.)	= 2,910.00
5. Rifles and Pistols	
AR-15 Patrol Rifles w/Tactical lights and slings (9 @ \$900.00/ea.)	= \$8,100.00
Ram Combat Training Pistols (10 @ \$264.00/ea.)	= \$2,640.00
EO Tech AR-15 Sights for Emergency Response Team (8 @ \$439.00/ea.)	= <u>\$3,512.00</u>
	\$14,252.00
6. Ammunition	
.40 ca. and 45. ACP Training Ammunition (21 cases @ \$245/case)	= \$5,145.00
.223 caliber training ammunition (20 cases @ \$273/case)	= \$5,460.00
Ram Combat Pistol Magazines (10 @ \$23.00/ea.)	= \$ 230.00
Simmunition Ammo (1,000 rounds .223)	= <u>\$ 803.80</u>
	\$11,638.80
7. .223 Sims Conversion Kits (10 @ \$289.00/ea.)	= \$2,890.00
8. JS44-2BP 2 in 1 Ratspreader Hydraulic Breaching Tool (1 @ \$1,890.00)	= \$1,890.00
9. Audio/Video Microphone (3 @ \$156.00/ea.)	= \$468.00
	TOTAL=\$51,681

City of Steamboat Springs
Recovery Act: Edward Byrne Memorial Justice Assistance Grant (JAG)

Review Narrative (Attachment 3)

The City of Steamboat Springs is part of a disparate jurisdiction. This application is a joint application between the City of Steamboat Springs and Routt County. Please see the attached Intergovernmental Agreement, which has been signed by each jurisdiction's Authorized Representative, which allocates all of the funding from the grant (both City and County portions) to the City of Steamboat Springs and indicating that the City of Steamboat Springs will serve as the applicant and fiscal agent for the joint funds.

The City of Steamboat Springs made this grant application available to the City Council of the City of Steamboat Springs, and to the public, on April 7, 2009, during its regularly scheduled City Council meeting. The public was given 30 days to comment on the application. Routt County made this grant application available to the Routt County Board of County Commissioners, and to the public, on April 7, 2009 during its regularly scheduled Board of County Commissioners meeting. The public was given 30 days to comment on the application.

Comments received include: (insert comments)

THE STATE OF COLORADO
COUNTY OF ROUTT

KNOW ALL BY THESE PRESENT

INTERGOVERNMENTAL AGREEMENT

**BETWEEN THE CITY OF STEAMBOAT SPRINGS, AND COUNTY OF ROUTT,
RECOVERY ACT: JUSTICE ASSISTANCE GRANT (JAG) PROGRAM AWARD**

This Agreement is made and entered into this 31st day of March, 2009, by and between The COUNTY of Routt, hereinafter referred to as County, acting by and through its Board of County Commissioners, and the CITY of Steamboats Springs, acting by and through its governing body, the City Council, hereinafter referred to as CITY, both of Routt County, State of Colorado witnesseth:

WHEREAS, this Agreement is made under the authority of Sections 29-1-201 et seq.; C.R.S. and Colorado Constitution Article XI, Section 2 and Article XIV, Section 18(2)(a) and (2)(b); and

WHEREAS, each governing body, in performing governmental functions or in paying for the performance of governmental functions hereunder, shall make that performance or those payments from current revenues legally available to that party: and

WHEREAS, each governing body finds that the performance of this Agreement is in the best interests of both parties, that the undertaking will benefit the public, and that the division of costs fairly compensates the performing party for the services or functions under this agreement: and

WHEREAS, the County agrees to relinquish to the City the \$11,961 from the JAG award for the City to use in addition to the JAG award to the City of \$39,720: and

WHEREAS, the CITY and COUNTY believe it to be in their best interests to reallocate the County's JAG fund award of \$11,961 to the City.

NOW THEREFORE, the COUNTY and CITY agree as follows:

Section 1.

City agrees to sponsor and administer the JAG procedures for timely procurement, reporting and submission of administrative reporting to JAG.

Section 2.

Nothing in the performance of this Agreement shall impose any liability for claims against COUNTY other than claims for which liability may be imposed by the Colorado Governmental Immunity Act, Section 24-10-101, et seq., C.R.S.

APPROVED AS TO FORM
ROUTT COUNTY ATTORNEY'S OFFICE
Date 3/31/2009 By: [Signature]
7 19

Section 3.

Nothing in the performance of this Agreement shall impose any liability for claims against CITY other than claims for which liability may be imposed by Colorado Governmental Immunity Act, Section 24-10-101, et seq., C.R.S.

Section 4.

County shall have no further responsibilities with respect to the JAG award and City will be responsible for its own actions in providing services under this agreement and County shall not be liable for any civil liability that may arise from the furnishing of the services by the City.

Section 5.

The parties to this Agreement do not intend for any third party to obtain a right by virtue of this Agreement.

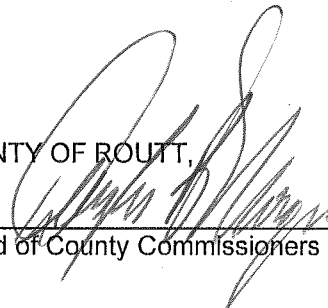
Section 6.

By entering into this Agreement, the parties do not intend to create any obligations express or implied other than those set out herein; further, this Agreement shall not create any rights in any party not a signatory hereto.

CITY OF STEAMBOAT SPRINGS,

COUNTY OF ROUITT,

City Manager

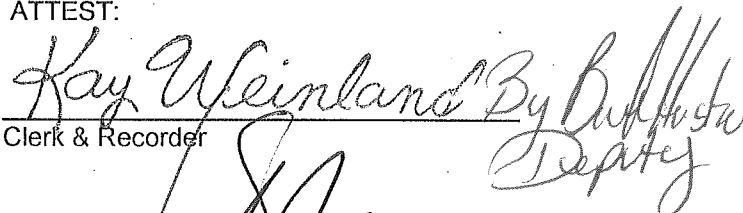


Board of County Commissioners

ATTEST:

ATTEST:

City Clerk



Clerk & Recorder

City Attorney



County Attorney

*By law, the District Attorney's Office may only advise or approve contracts or legal documents on behalf of its clients. It may not advise or approve a contracts or legal document on behalf of other parties. Our view of this document was conducted solely from the legal perspective of our client. Our approval of this document was offered solely for the benefit of our client. Other parties should not rely on this approval and should seek review and approval by their own respective attorney(s).

City of Steamboat Springs
Recovery Act: Edward Byrne Memorial Justice Assistance Grant (JAG)

Abstract (Attachment 4)

Applicant Name: City of Steamboat Springs
Project Title: Steamboat Springs Basic Law Enforcement Project

Goals of the Project: As a whole, this project will aid the Steamboat Springs Police Department in its efforts to preserve officer jobs, provide for quality public safety to the community and ensure for officer safety in the provision of these services. Specific sub-goals include:

- Ensuring that every Steamboat Springs Police Department Officer will have all needed basic equipment when deployed.
- Ensuring that all police officers are trained and certified in use of basic equipment.
- The Steamboat Springs Police Department will develop new capabilities.

Strategies to be used: This project focuses on purchasing basic equipment and supplies needed for basic law enforcement duties and the items purchased through this grant will enable the City of Steamboat Springs to adequately support police officers in the Steamboat Springs Police Department.

Major Deliverables: A list of items purchased through the project
Date of deployment of firearms/equipment/supplies acquired through this project.

Coordination Plans: All project activities will be carried out by the City of Steamboat Springs. The Steamboat Springs Police Department will communicate its activities under this grant to the community through the City's electronic newsletter and through press releases to the community.

U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS

Recovery Act – Justice Assistance Grant (JAG) Program

Certification as to Recovery Act Reporting Requirements

On behalf of the applicant entity named below, I certify the following to the Office of Justice Programs, U.S. Department of Justice:

I have personally read and reviewed the section entitled "Accountability and Transparency under the Recovery Act" in the program announcement for the Recovery Act grant program identified above. I have also read and reviewed section 1512(c) of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), concerning reporting requirements for grants. I agree that the applicant will comply with the reporting requirements set forth therein with respect to any grant the applicant may receive under the Recovery Act grant program identified above.

I acknowledge that a false statement in this certification may be subject to criminal prosecution, including under 18 U.S.C. § 1001. I also acknowledge that Office of Justice Program grants, including certifications provided in connection with such grants, are subject to review by the Office of Justice Programs, and/or by the Department of Justice's Office of the Inspector General.

I have authority to make this certification on behalf of the applicant entity (that is, the entity applying directly to the Office of Justice Programs).

Signature of Certifying Official

Paul Antonucci

Printed Name of Certifying Official

City Council President

Title of Certifying Official

City of Steamboat Springs

Full Name of Applicant Entity

Date

U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS

Recovery Act – Justice Assistance Grant (JAG) Program

General Certification as to Requirements for Receipt of Funds
for Infrastructure Investments

On behalf of the applicant State or unit of local government (including tribal government) named below, I certify the following to the Office of Justice Programs (“OJP”), U.S. Department of Justice:

I have personally read and reviewed the section entitled “Eligibility” in the program announcement for the Recovery Act grant program named above. I also have personally read and reviewed section 1511 of the American Recovery and Reinvestment Act of 2009 (the “Recovery Act”), which requires a specific certification prior to receipt of Recovery Act funds for infrastructure investments.

Initial the statement that applies:

_____ The applicant identified below **does not intend to use** any portion of any funds received under this Recovery Act grant program for any infrastructure investment. Should this intention change, the applicant will promptly notify OJP, and (except to the extent, if any, that OJP has given prior written approval to expend funds to conduct the review and vetting required by law) will not draw down, obligate, or expend any funds received under this Recovery Act program for any infrastructure investment project until section 1511 of the Recovery Act has been satisfied, and an adequate project-specific certification has been executed, posted, and submitted to OJP.

_____ The applicant identified below **does intend to use** some or all of any funds received under this Recovery Act grant program for one or more infrastructure investment projects. Except to the extent, if any, that OJP has given prior written approval to expend funds to conduct the review and vetting required by law, I agree that the applicant entity will execute, post, and submit to OJP, prior to obligating, expending, or drawing down funds for such project, a project-specific certification that satisfies all of the requirements of section 1511 (including execution by the Governor, mayor, or other chief executive, as appropriate) for each such infrastructure investment project.

U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS

General Certification as to Requirements for Receipt of Funds
for Infrastructure Investments _____

I acknowledge that a false statement in this certification may be subject to criminal prosecution, including under 18 U.S.C. § 1001. I also acknowledge that Office of Justice Program grants, including certifications provided in connection with such grants, are subject to review by the Office of Justice Programs and/or by the Department of Justice's Office of the Inspector General.

I have authority to make this certification on behalf of the applicant (that is, the governmental entity applying directly to the Office of Justice Programs).

Signature of Certifying Official

Paul Antonucci

Printed Name of Certifying Official

City Council President

Title of Certifying Official

City of Steamboat Springs

Full Name of Applicant Government Entity

Date

AGENDA ITEM # 8

CITY COUNCIL COMMUNICATION FORM

FROM: Dan Foote, Staff Attorney (Ext. 223)
Nancy Engelken, Community Housing Coordinator (Ext. 253)

THROUGH: Tony Lettunich, City Attorney
Tom Leeson, AICP, Director of Planning & Community Development (Ext. 244)

DATE: April 7, 2009

ITEM: Resolution to approve revisions to the City's Community Housing Deed Restriction and Community Housing Guidelines for FHA Compliance.

NEXT STEP: Developments that have received FHA condominium approval may proceed to secure financing for eligible homebuyers.

DIRECTION
 INFORMATION
 ORDINANCE
 MOTION
 RESOLUTION

I. REQUEST OR ISSUE:

City Staff has worked with the U.S. Department of Housing and Urban Development to revise our Community Housing Deed Restriction for Federal Housing Administration (FHA) compliance to allow FHA financing for homebuyers at the First Tracks Development and other community housing developments. HUD has approved the revised City deed restriction and Community Housing Guidelines. City Council needs to adopt those revisions by Resolution.

II. RECOMMENDED ACTION:

Adopt the revisions to the Community Housing Guidelines and Deed Restriction by Resolution.

III. FISCAL IMPACTS:

None at this report.

IV. BACKGROUND INFORMATION:

Staff is submitting a revised Deed Restriction and Covenants that will replace the existing Deed Restriction and Covenants and be applicable for all households that purchase housing created under the City's Community Housing regulations.

This new deed restriction has been approved by the Federal Housing Administration (FHA). While FHA financing is only applicable for households at or below 115% AMI, the revised Deed Restriction and Covenants may still be used for households above that income level.

FHA approval of the City's Deed Restriction and Covenants and Community Housing Guidelines was sought to expedite and increase financing opportunities for affordable housing developments and homebuyers. Staff believes the amended Deed Restriction and Covenants also provides additional protections to the City in the event of a non-compliant re-sale or foreclosure.

The Federal Housing Administration (FHA) is considered a secondary market lender. (Other secondary market lenders include Fannie Mae, Freddie Mac and Ginnie Mae.) FHA financing offers benefits to lower income homebuyers including low down payment assistance requirements and options for first time homebuyers that exceed other secondary market lenders. FHA approval also makes homebuyers eligible for USDA loans, a low-interest loan for households at or below 115% AMI. Because USDA guarantees the loan, homebuyers do not need mortgage insurance. As a result, homebuyer debt to income ratios will be more favorable for purchase than if mortgage insurance was required by a lender. USDA requires secondary market approval prior to considering a loan.

FHA has stringent requirements for affordable housing deed restrictions. In order to comply with these requirements, several changes have been made to the City's Community Housing Guidelines and Deed Restriction and are outlined below:

1. FHA requires housing be affordable to households at or below 115% AMI (only) for a minimum of 30 years. The City's Deed Restriction and Covenant allows application to households at different income levels, i.e. a fill-in-the-blank section that can be modified for affordable housing developments and units with different income requirements. *To comply with FHA's income requirements, the definition of qualified resident has been modified to specify cases in which a loan is insured by HUD. (Appendix B: Affordable Housing Deed Restriction and Covenants, 2.f. Qualified Residents)*

2. FHA will not approve a deed restriction that requires a lender notify the City in the event of foreclosure or re-sale of a unit. To comply with this requirement, Staff recommends use of a \$10 nominal fee first deed of trust that would be recorded with each community housing deed restriction. This nominal fee deed of trust means the City is a senior lien holder and it insures City notification of foreclosure and re-sales of units in a manner better guaranteed than the current requirement of lender notice. This provision meets FHA requirements. *This nominal fee deed of trust is noted in the revised Community Housing Guidelines under Application and Certification on page 11. Additional modifications to the Deed Restriction to meet FHA requirements for notification of foreclosure and cure procedures are specified in Appendix B: Deed Restriction and Covenants Sections 5. Non-Qualified Owner(s)/Defaults; 7. Remedies; 8. Release of Deed Restriction in the Event of Foreclosure; and 9. Option to Purchase.*

3. FHA requires homeowners be allowed to recoup capital improvements to units, sales commission, and accrued negative amortization if the property was financed with a graduated payment mortgage. *To comply with this requirement, modifications in the following sections have been made to the Deed Restriction: 2.i. Definition of Qualifying Improvements; 10. Re-Sale Price Restrictions.*

This FHA-compliant deed restriction is a critical component for financing community housing developments. While FHA financing is not compatible with all the existing YVHA deed restrictions (because FHA requires a return on capital improvements at the point of sale which a YVHA deed restriction based upon homebuyer income will not allow) and is not applicable for City community housing or YVHA units for households above 115% AMI, it is an important option for affordable housing development. For example, applications for federal housing funding require approval of provisions for permanent affordability. Given FHA approval of the City's deed restriction, those provisions are met. This deed restriction becomes another tool for YVHA, developers and the City to use in meeting community housing goals.

V. LEGAL ISSUES:

None at this report.

VI. CONFLICTS OR ENVIRONMENTAL ISSUES:

None at this report.

VII. SUMMARY AND ALTERNATIVES:

Motion to approve the Resolution.

Provide Direction to Staff.

CITY OF STEAMBOAT SPRINGS, COLORADO

RESOLUTION NO. _____

A RESOLUTION TO REPEAL RESOLUTION 2008-32 AND RE-ADOPT THE COMMUNITY HOUSING GUIDELINES AND DEED RESTRICTION AND COVENANTS.

WHEREAS, the City of Steamboat Springs sought and received Federal Housing Administration (FHA) approval of an amended version of its adopted Community Housing Guidelines and Deed Restriction and Covenants in order to provide more options to homebuyers and developers of the City's community housing; and

WHEREAS, FHA has stringent requirements for affordable housing deed restrictions that required significant amendments to the City's existing Community Housing Guidelines and Deed Restriction and Covenants; and

WHEREAS, the Community Housing Guidelines and Deed Restriction and Covenants establish policy and procedures for administering the City's Community Housing programs and are a critical component of the community's strategies to address affordable housing.

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

Section 1. The amended Community Housing Guidelines, as attached hereto as Exhibit A, and Deed Restriction and Covenants, as attached hereto as Exhibit B, and incorporated herein, are hereby adopted.

PASSED, ADOPTED AND APPROVED this _____ day of _____, 2009.

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

ATTEST:

**Julie Franklin, CMC
Interim City Clerk**

Steamboat Springs Community Housing Guidelines - 2008

INTRODUCTION

Program Purpose

The purpose of the Steamboat Springs Community Housing Program is to provide a diverse inventory of permanently affordable housing units for sale and for rent. Housing conditions and needs, as documented in the Housing Element of the Steamboat Springs Area Community Plan, are such that the majority of free-market housing opportunities, especially homeownership, is not affordable to low- to middle-income households. In addition to high housing costs, difficulty attracting and retaining employees, traffic congestion from commuting workers, overcrowded living conditions, and inability to foster a sense of neighborhood are all related to inadequacies in the housing supply. Information on housing conditions and needs, and on goals and objectives for Community Housing, are found in the Community Plan.

Overview of Requirements

The Community Housing Program seeks to provide lower-cost housing units and to distribute community housing in new residential and commercial developments. This goal is to be accomplished by requiring new residential and non-residential development to provide housing based on established rates and/or determined number of jobs to be generated as a result of the development.

The City of Steamboat Springs recognizes that affordable housing is a valuable community resource that needs to remain available not only for current residents and employees, but also for those who may come to Steamboat Springs in the future. For this reason, units that are constructed or otherwise provided through the Community Housing Program will be deed restricted or, through other methods, regulated to remain affordable over time and will be made permanently protected community assets.

Program Administration

The City Council shall make all decisions concerning compliance with regulations through the development application process and construction, taking into consideration comments from the Planning Commission. The City Council, or its designee, shall be responsible for day-to-day administration of Community Housing units once they have been completed and are available for sale or resale.

Organization of the Document

These Guidelines consist of four sections:

1. DEVELOPMENT OF COMMUNITY HOUSING UNITS, which instructs land developers and builders on mechanisms for satisfying the Community Housing requirements associated with residential and commercial development.

2. PURCHASING, RENTING AND SELLING COMMUNITY HOUSING, which provides guidance to persons interested in applying for community housing, administrators of the program, realtors and leasing agents, mortgage officers and others interested in the sale, rental and occupancy of Community Housing Units.
3. FEE COLLECTION AND ADMINISTRATION, which specifies how fees in lieu will be collected and managed.
4. APPEAL PROCEDURES, which define the procedures by which developers, applicants or occupants of Community Housing may dispute the administration of the requirements.

These Guidelines will be updated annually by March 31st or the earliest date thereafter following publication of Median Family Incomes by the U.S. Department of Housing and Urban Development.

Definitions applicable to words and phrases used in these Guidelines are contained in Appendix A.

DEVELOPMENT OF COMMUNITY HOUSING UNITS

Community Housing shall be required as a condition of approval as specified below:

Inclusionary Zoning Minimum Requirements

All development that contains the addition of three (3) or more residential units, including, without limitation: annexations, development plans, final development plans, preliminary plats, and final plats shall set aside units for Community Housing, as follows:

1. Fifteen percent (15%) of all single-family units shall be developed as Community Housing for sale or rent to eligible households;
2. The following percentages of all new multi-family units shall be developed as Community Housing either for sale or rent to eligible households:

Market Rate Unit Size (Gross Floor Area)	Number of Affordable Housing Units to be Provided Per Market Rate Unit
≤ 2,000	.15
2,001-3,000	.17
3,001-4,000	.20
≥ 4,001	.25

Commercial and Residential Linkage Minimum Requirements

All new non-residential buildings, new residential units over 500 square feet (excluding garage space), and non-residential and residential additions increasing size by more than 500 square feet (excluding garage space) for which a building permit is required shall be subject to linkage requirements. For non-residential development, an applicant shall be required to complete development or ensure the completion of development of

5% (for the first 5,000 square feet of development) and 10% (for any square footage over 5,000) of the workforce housing units for which demand is generated by the proposed development. For additions of 500 hundred square feet or greater, the employee generation rate shall be based on the size of the addition in excess of 500 hundred square feet rather than the total size of the unit or development on which the addition is being made.

Calculation of Requirement: To calculate the number of Community Housing units to be provided in accordance with commercial linkage, the developer shall utilize the following formulas:

Non-Residential Uses (Industrial and Institutional Uses Exempted)

Leasable square feet of development
 X 2.8 (average number of employees per 1,000 square feet)
 ÷ 1,000 square feet
 ÷ 1.20 (average number of jobs per employee)
 ÷ 1.64 (average number of employees per unit)
 x applicable mitigation percentage (see above)
 = Community Housing Units Required

Accommodations

Number of rooms
 x .5 average number of employees per room
 ÷ 1.20 (average number of jobs per employee)
 ÷ 1.64 (average number of employees per unit)
 x applicable mitigation percentage (see above)
 = Community Housing Units Required

Residential Uses

A residential development, including single family and/or multi-family units, shall be required to develop or ensure the development of a percentage of the housing units for which demand is generated by the development according to the following mitigation rates based on unit size:

**Table 1
 Residential Mitigation Rate by Size of Unit**

Sq Ft. of Proposed Units	Mitigation Rate	Sq Ft. of Proposed Units	Mitigation Rate
<500 SF	0%	3,500 - 3,999	20%
500 - 1,499	1%	4,000 - 4,499	25%
1,500 - 1,999	1%	4,500 - 4,999	25%
2,000 - 2,499	5%	5,000 - 5,499	30%
2,500 - 2,999	10%	5,500 - 5,999	30%
3,000 - 3,499	15%	6,000 +	35%

Calculation of Requirement: For residential development, the number of Community Housing units required by the application shall be calculated using the following formula:

Number of residential units
 x appropriate FTE employees per unit (Table 2)

x mitigation rate applicable for size of units proposed (Table 1)
 ÷ average number of employees per unit
 = Community Housing Units Required

Table 2
Employee Generation Rates Per Size of Residential Unit

Square feet	FTE Employees	Square feet	FTE Employees
< 500	0.17	6,000 – 6,499	0.55
500– 999	0.18	6,500 – 6,999	0.61
1,000 – 1,499	0.20	7,000 – 7,499	0.67
1,500 – 1,999	0.22	7,500 – 7,999	0.74
2,000 – 2,499	0.25	8,000 – 8,499	0.82
2,500 – 2,999	0.27	8,500 – 8,999	0.91
3,000 – 3,499	0.30	9,000 – 9,499	1.00
3,500 – 3,999	0.33	9,500 – 9,999	1.11
4,000 – 4,499	0.37	10,000 – 10,499	1.23
4,500 – 4,999	0.41	10,500 – 10,999	1.36
5,000 – 5,499	0.45	11,000 – 11,499	1.50
5,500 – 5,999	0.50	11,500 – 12,000	1.66

Compliance Methods

There are multiple ways by which each of the housing requirements can be satisfied. Options are provided to allow flexibility, maximize project-financing alternatives, and provide opportunities to creatively achieve the City’s goals and objectives for housing. These compliance methods describe the types of units required and the ways by which units are to be produced. Units are to be constructed as a part of the development unless existing units are approved in accordance with these guidelines. Payment of fees in lieu is mandatory when less than one unit is required, for any fractional units when multiple units are required, and under other circumstances as may be allowed.

1. Develop Units. In the case of single-family/duplex subdivisions, directly develop the lots with single-family detached or duplex units priced initially in targeted range, or transfer ownership of lots to builders who, in accordance with the interim covenants filed on the lots, must develop them in accordance with this Section. In the case of multi-family developments, directly develop the multi-family dwellings priced for sale to eligible households.
2. Develop Units Off-Site. In the case of single-family/duplex subdivisions, develop single-family detached or duplex units priced initially in targeted range off-site, but within the municipal boundaries of the City of Steamboat Springs. In the case of multi-family developments, develop the multi-family dwellings off-site, but within the municipal boundaries of the City of Steamboat Springs priced for sale to eligible

households. The number of lots/units developed must equal 125% of the required number of Community Housing units.

3. Dedication of Lots On-Site. Dedicate single-family lots on site to the City of Steamboat Springs provided that there are no covenants, restrictions, or issues that would limit the construction of Community Housing units on the lots. Land dedicated in lieu of Community Housing Units must be of an equivalent or greater value to the payment in lieu contribution.
4. Dedication of Lots Off-Site. Dedicate lots off-site, provided lots are within the municipal boundaries of the City of Steamboat Springs, to the City of Steamboat Springs, provided that there are no covenants, restrictions, or issues that would limit the construction of Community Housing units on the lots. Land dedicated in lieu of Community Housing Units must be valued at 125% of the payment in lieu contribution.
5. Dedication of Land. With the approval of the City Council, dedicate land to the City of Steamboat Springs. The land may be off site but within the municipal boundaries of the City of Steamboat Springs provided there are no covenants or other restrictions placed on, or issues associated with the land that would limit the appropriateness for Community Housing. Land dedicated in lieu of Community Housing Units must be valued at 125% of the payment in lieu contribution.
6. Payment in Lieu. Payment in-lieu fees are accepted as a right to satisfy the Commercial and Residential Linkage Requirements. For the Inclusionary Zoning requirements, payment in-lieu fees are accepted only for any partial unit when the calculation to determine the number of units to be produced to meet Community Housing requirements results in a fractional unit, except for those properties located within the Base Area and highlighted in Appendix C, where payment in-lieu fees are accepted as a right to satisfy the Inclusionary Zoning requirements at 125% of the calculated amount.
 - a. The fees are to be based on the difference between the market rate cost per unit and the purchase prices that are affordable for income-eligible households, plus an administration fee of up to 15%. The fee per unit of Community Housing shall be updated semi-annually.
 - b. Unless otherwise agreed to, fees shall be due and payable anytime after development approvals and prior to the issuance of a building permit for the development that triggered the requirement at the option of the applicant. The payment in lieu amount shall be established at the time of payment. Should a development not proceed according to approvals, payment in lieu shall be credited to the property and any future redevelopments of said property and corresponding Inclusionary Zoning and/or Linkage requirements.
7. Alternative Compliance Methods. The City Council shall have the discretion to accept in-lieu consideration in any form so long as the value of that consideration is equivalent to or greater than the payment-in-lieu contribution required by this Section and that the acceptance of an alternative form of consideration will result in additional benefits to the City of Steamboat Springs consistent with the purpose of this Section.

Exit Strategy

In the event buyers cannot be found for the Community Housing Units that meet the income eligibility requirements of this program within twelve (12) months of the date the Community Housing units are made available for contract, and no less than twelve (12) months after issuance of Certificate of Occupancy, in accordance with the Community Housing Guidelines, any unsold Community Housing units may be offered to the City of Steamboat Springs or the Yampa Valley Housing Authority, subject to Community Housing price and deed restrictions. The offer price to the City or the Yampa Valley Housing Authority shall be equivalent to the purchasing ability of a purchaser at either 50% AMI, or 100% AMI, whichever is applicable (a 2.5 person household size shall be utilized to determine the appropriate AMI). If the City or the Yampa Valley Housing Authority does not agree in writing to purchase the units within sixty (60) days of the offer, the units may be sold without deed restrictions and at the time of closing a payment-in-lieu shall be made at 100% of the rate in effect at the time of closing.

Location

It is preferred that Community Housing be provided on the same site as the units within the proposed development that triggers the requirements (on-site housing). These units can be distributed throughout the proposed development if appropriate; however, to foster a sense of neighborhood, clustering of Community Housing units is permissible.

Developing units off site does not alter requirements concerning when Community Housing units must be developed relative to the construction of the free-market housing or commercial development that triggered the requirement.

Size Requirements

The Community Housing units shall meet the minimum and average size requirements as specified below, and when multiple Community Housing Units are provided a diversity of sizes and product type should be developed:

- 1) Inclusionary Requirements: a minimum of five-hundred (500) square feet, with an average of nine-hundred (900) square feet.
- 2) Commercial and Residential Linkage: a minimum of four hundred (400) square feet, with an average of seven hundred, fifty (750) square feet.

Quality Standards

Community Housing units are assets that the City of Steamboat Springs hopes to have available for years to come. Because of this, the quality of the housing is very important. It is expected that the Community Housing units will address livability, health and safety concerns; costly-to-operate amenities are strongly discouraged. Energy efficient designs, appliances and heating systems are encouraged so that the long-term affordability of Community Housing is enhanced. Designs should take into consideration the lifestyle and needs of the types of households the units are intended to serve. The program administrator will review the plans for the units to assure that the Community

Housing units meet the standards set forth herein, and inspect them upon completion to assure all promised features are included in the units.

Deed Restrictions

All Community Housing units are required to have a deed restriction or covenant that will control the occupancy, price and re-sale price of owner-occupied units and the occupancy of renter-occupied units.

The deed restriction will be provided to the developer for review upon approval of the Community Housing Plan. Prior to issuance of any building permit for a project, the Director of Planning Services shall have an approved, executed and recorded deed restriction for the required commitment by the applicant. A copy of the recorded deed restriction and approved Community Housing Plan shall be sent to the Program Administrator.

For developments that require change in ownership of lots between DP/FDP or subdivision approval and the construction of required Community Housing units, an interim covenant shall be placed on the lots requiring units that are to be constructed to be deed restricted. A copy of the standard deed restriction is included in Appendix B.

Community Housing Plan

Any development which is required to provide Community Housing shall be required to submit a Community Housing Plan as a component of the development approval process. The Community Housing Plan shall be submitted to and approved by the City of Steamboat Springs prior to, or concurrent with, application to the City of Steamboat Springs for the development. After review and recommendation by the Planning Commission, the City Council shall approve, approve with revisions, or deny the Community Housing Plan.

At a minimum, the Community Housing Plan must include the following information:

Calculation Method. The calculation and method by which housing is to be provided.

Unit Descriptions. A site plan and building floor plans (if applicable), illustrating the number of units proposed, their location, the number of bedrooms and size (s.f.) of each unit, the rental/sale mix of the development, and the categories to which each unit is proposed to be restricted. A tabulation of this information shall also be submitted.

Lot sizes. Average lot size of proposed Community Housing units and average lot size of market rate housing units.

Schedules. The timeline for construction of Community Housing units shall be proposed accompanied by the schedule for the entire development and a description of any performance factors that are to be used to set the schedule for satisfaction of Community Housing requirements.

Terms. Terms for the development agreement that would provide surety to insure that any Community Housing units scheduled for future development ultimately get developed.

Sale Price or Rent Rates. Computation that clearly delineates how the initial sales price or rent rates for the Community Housing units were derived to meet the requirement of this Section.

Payment-in-lieu. Computation for any payment-in-lieu for fractional units, or in the case of linkage where applicants have chosen to make payment-in-lieu, all required units plus any fraction thereof.

Variations. A description of any requested variance, as well as an explanation as to how the overall outcome will advance the goal of obtaining community housing in a manner which meets or exceeds the requirements herein.

An approved Community Housing Plan will become part of the development agreements executed by the City of Steamboat Springs for any approved project. Any amendment deemed to be significant by the Director of Planning Services to the Community Housing Plan shall require the approval of City Council.

II. PURCHASING AND SELLING COMMUNITY HOUSING

This section of the report covers administration of Community Housing units once they have been produced. The City of Steamboat Springs or its designee shall be responsible for program administration, including qualifying applicants, requiring that appropriate deed restrictions are filed, and ensuring compliance with the deed restrictions over time.

Eligibility

In order to be eligible to purchase a dwelling under this program, the household must include at least one person who is:

An employee or a self-employed person working in Routt County with first priority given to persons who work in Steamboat Springs and second priority to persons working in Routt County outside the City of Steamboat Springs;

A retired person who has been a full-time employee in Routt County for a minimum of two years immediately prior to his or her retirement;

A disabled person who, if able to work, is an employee in Routt County and, if unable to work, had been an employee in Routt County and/or has been a resident of Routt County for a minimum of two years; or,

The spouse or dependent of any such qualified employee, retired person, or disabled person.

In addition, the applicant's household:

Must earn 80% of its income in Routt County through wages, salaries or distribution of profits from business operations within Routt County unless headed by a person age 65 or older;

Cannot own any other residential dwelling; if applicant owns a residence in Routt County, applicant must sell said residence to a non-related person or entity, prior to closing on an affordable housing unit or prior to receiving a certificate of occupancy for a newly-constructed unit on an affordable housing lot; and,

May own not more than one vacant residential lot within Routt County, thereby assisting affordable housing residents to eventually "move up" to free-market housing on their land.

The applicant must satisfy the maximum program income limits published in these guidelines. It is the responsibility of the individual or household to demonstrate eligibility. A household seeking to purchase a Community Housing unit shall submit a completed application form with the documents indicated above at least 30 days prior to the purchase of a Community Housing unit.

Priorities

Priority for Community Housing will be made without regard to race, color, creed, religion, sex, disability, national origin, familial status or marital status. The primary intent of the Community Housing Program is to provide housing opportunities for households that live and/or work in Steamboat Springs. To that end, units or lots are to be sold or rented to eligible households in conjunction with Program Administrator's system that gives priority to persons who already live in Steamboat Springs, work there or are accepting employment there.

Community Housing units produced under Inclusionary Zoning and Housing Linkage requirements or with public financing or land shall be equally available to all households that meet eligibility and priority criteria. Units produced under Housing Linkage requirements, however, can be preferentially sold to employees holding jobs produced as a result of the residential or commercial development that triggered the requirement to produce Community Housing.

Income Limits

The Area Median Incomes for Routt County for each income category are set forth in the following table:

Area Median Incomes by Category for 2008

Household Size	Area Median Income 100% AMI	Category 1: Linkage 50% AMI	Category 2: Inclusionary Zoning 100% AMI
1 Person	\$53,000	\$26,500	\$53,000
2 Persons	\$60,600	\$30,300	\$60,600
3 Persons	\$68,100	\$34,050	\$68,100
4 Persons	\$75,700	\$37,850	\$75,700
5 Persons	\$81,800	\$40,900	\$81,800
6 Persons	\$87,800	\$43,900	\$87,800
7 Persons	\$93,900	\$46,950	\$93,900
8 Persons	\$99,900	\$49,950	\$99,900

Source: HUD

Income figures are updates annually, usually the end of March, and are available at: <http://www.huduser.org/datasets/il/il08/index.html>

Application and Certification

A person seeking to occupy a Community Housing unit must apply to the Program Administrator to receive a certification that they are eligible to purchase or rent a unit. The Program Administrator must determine the eligibility and priority of the applicant. Households entering into a contract to purchase a Community Housing unit must be income eligible at the time the contract is signed. To verify that an individual or household satisfies these requirements, the following information will be required, in addition to a completed application form:

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- Copies of federal and state income tax returns for the previous year with W-2's;
 - Verification of employment or an offer of employment;
 - Verification of length of Steamboat Springs residency, if applicable;
 - Copies of pay check stubs for the previous two months;
 - Credit report; and,
 - A current statement from each bank account or other income-producing asset.

All required documentation submitted to verify household income shall be kept confidential and is not subject to public disclosure.

Upon submission of all completed information, the applicant will receive a letter stating that they are eligible to purchase or rent a Community Housing unit. The purpose of this letter is to assure the developer/realtor that the applicant has been pre-qualified for the program. It is the responsibility of the applicant to locate and enter into a contract to purchase or rent a Community Housing unit; a waiting list will not be maintained. The program administrator will maintain a list of qualified applicants that includes the income category in which they were deemed to be eligible. A copy of the signed purchase contract shall be provided to the program Administrator along with the company name and closer of the Title Company performing the closing.

A lottery will *not* be held for Community Housing units unless, at the recommendation of the Program Administrator and the approval of the City of Steamboat Springs City Council, it is determined that a lottery is in the best interests of those households seeking to purchase or rent Community Housing units. The City of Steamboat Springs will decide whether or not a lottery will be held within 30 days of the commencement of marketing efforts.

A determination of eligibility is subject to the applicant's obligation at closing to execute a promissory note with a principal amount of \$10 in favor of the City and a deed of trust securing the performance of the applicant's obligations of such note. The note and deed of trust shall be on forms provided by the Program Administrator.

Upon closing, the deed restriction shall be recorded and a copy of the warranty deed forwarded to the Program Administrator to verify the sale of the unit.

Renting Community Housing

Rental units will be managed by developers, property owners or private management companies hired for the task. Regardless of who manages the units, it will be their responsibility to insure that they are rented to eligible households by obtaining a copy of the household eligibility certification provided by Program Administrator. Managers are required to insure that tenants are re-qualified on an annual basis.

Selling Community Housing -- Initial Sales Procedure

Several steps are involved in the initial sales of Community Housing units:

The developer is required to provide Program Administrator with a schedule that indicates the proposed date for when the Community Housing units will become available for sale within ninety (90) days of the development permit approval, and at least thirty (30) days prior to initiating the marketing program. The schedule must indicate when pre-marketing activities will begin, when a model may be available and the name of the real estate agent/office representing the developer;

The initial marketing schedule should also include the unit type(s), bedroom configuration(s), square footage(s), address and sales price for these homes;

The Program Administrator will provide information to prospective buyers. This may be done through a website dedicated to listing Community Housing unit sales, as well as by distributing literature (provided by the developer), to prospective buyers who stay in contact with the Program Administrator;

Evidence that an interim covenant dictating the terms of the deed restriction has been recorded against the property will be provided by the developer to the Program Administrator;

A good faith marketing effort (which includes the unit sales prices) to attract eligible buyers or renters will be conducted by the developer in consultation with the Program Administrator;

Only buyers who present a letter of qualification from the Program Administrator may purchase a unit. It is the responsibility of the developer to assure that buyers have this certification prior to closing the sale;

The Program Administrator will provide the developer and buyers an approved deed restriction prior to entering into a contract to purchase the unit. Buyers will be advised by the Program Administrator to consult legal counsel prior to consummating the purchase agreement; and,

The developer must notify the Program Administrator at least 15 days prior to the closing of the date and location of the closing, the address of the unit being purchased, the sales price and name of the household purchasing the home. The developer must present the final deed restriction to the buyer at the closing for signature and recordation.

Re-Sale of a Community Housing Unit

An owner of a Community Housing unit who intends to sell their home should contact the Program Administrator to review the deed restriction covering the unit to determine the maximum sales price permitted and other applicable provisions concerning a sale. Each time a Community Housing unit is sold, the seller shall engage in good faith marketing efforts, such that members of the public who are qualified to purchase such units have a fair chance to be informed of the availability of such units. The Program Administrator shall assist the seller (or seller's agent) by receiving applications from potential buyers and certifying that each potential buyer meets the requirements listed above.

At the discretion of the City of Steamboat Springs, a lottery may be held if it is determined that there are a number of priority households who would purchase the unit and where a lottery would be in the best interest of the community.

The Program Administrator will be acting on behalf of the City of Steamboat Springs. It should be clearly understood by and between all parties to a sales transaction that the staff members are not acting as licensed brokers to the transaction, but as representatives of Program Administrator and its interests. They shall nevertheless attempt to help both parties to consummate a fair and equitable sale in accordance with the current Community Housing Guidelines.

All purchasers and sellers are advised to consult legal counsel regarding examinations of the title and all of the contracts, agreements, and related documents. The retention of counsel, licensed real estate brokers, or such related services, shall be at the purchaser's or seller's own expense.

Renting Community Housing Units Listed for Sale

If a unit is listed for sale and the owner must relocate to another area prior to completing the sale, the unit may, upon approval of the Program Administrator, be rented to an eligible household, at the owner's cost as described in *Section F- Leave of Absence* for a maximum period of two years. A written request must be sent to the Program Administrator seeking permission to rent the unit until sold. A minimum six-month written lease must be provided to the tenant with a sixty-day move out clause upon notification that the unit is sold. The lease must stipulate that the Community Housing unit is listed for sale and that the tenant will be required to allow showings of the property, with sufficient notice. The lease must also stipulate that the agreement may be terminated after six months, with sixty days notice, due to the sale of the property.

Co-ownership and Co-Signing

Any co-ownership interest, other than joint tenancy or tenancy in common, must be approved by the program administrator. Co-signers may be approved for ownership of the affordable housing unit, but shall not occupy the unit unless qualified under this program. Purchasers of a Community Housing unit who desire to purchase a home and use a co-signer must earn at least 75% of the income needed to qualify for the purchase of the unit.

Occupancy

The purchaser of a Community Housing unit must occupy the unit as his or her primary residence. The owner shall be deemed to have ceased to use the unit as his or her primary residence by accepting permanent employment outside of Routt County, or residing in the unit for fewer than nine (9) months out of any twelve (12) months.

Leave of Absence

If an owner must leave Routt County for a limited period of time and desires to rent the unit during their absence, a leave of absence may be granted by the Program Administrator for up to one year. The owner must submit a request to rent the unit at least 30 days prior to when the owner plans to leave the area. The request shall include the reason(s) for the leave of absence, expected duration and the intent of the owner to

rent the unit. A leave of absence for more than one year may be approved; however, such leave of absence may not extend for longer than two years.

The owner shall rent to a household that meets the eligibility and income provisions of the Community Housing guidelines. The tenant must complete an application form to certify eligibility and agree to abide by the homeowner's association covenants, rules and regulations for the unit. Both the owner and tenant must sign a statement indicating that the covenants have been provided to the tenant and the tenant has received these covenants for his/her review. In addition, a copy of the lease agreement executed between the owner and tenant shall be provided to the Program Administrator.

Improvements to Community Housing Units

Owners are allowed to take into consideration only the value of qualified improvements when setting the sales price of deed-restricted units. Qualifying improvements shall be those improvements constructed or installed pursuant to a valid building permit. The cost of such improvements shall be presumed to be equal to the building department cost estimate plus the estimated use tax paid. The cost of qualifying improvements shall not be adjusted by the three percent (3%) annual increase applicable to the Owner's purchase price.

Deed Restrictions

In order to assure that there is an on-going supply of housing that is affordable in Steamboat Springs, all Community Housing units will carry a deed restriction or other form of covenant that guides the future sales of these homes. The purchaser(s) of a Community Housing unit must sign a document acknowledging the purchaser's agreement to be bound by the recorded deed restriction. This document must be executed concurrently with the closing of the sale and will be recorded, along with the deed restriction.

Future buyers will be bound by the terms of the deed restriction. They may, however, at their option, agree to a different form of deed restriction or covenant that may be created by the City of Steamboat Springs to meet the changing interests of the community and/or lender requirements.

Deed restrictions shall include a provision giving the City of Steamboat Springs the first right of refusal in the case of foreclosure.

III. FEE COLLECTION AND ADMINISTRATION

Payment In-Lieu

Payment of in-lieu fees are required when the calculation to determine the number of units to be produced to meet inclusionary zoning or housing linkage requirements results in a partial unit. The amount of per unit in-lieu fees is to be updated at least annually with changes in the median income figures published by HUD and free-market housing costs. For 2007, the per unit fee is \$144,497 for housing linkage programs serving

Category 1 households and \$89,162 for inclusionary zoning requirements serving Category 2 households.

Calculation of Fees in Lieu – March 2008

	Category 1: Linkage 50% AMI	Category 2: Inclusionary Zoning 100% AMI
Income (2.5-person households)	\$ 32,175	\$64,350
Affordable Monthly Housing Payment @30% of Monthly Gross Income	\$804	\$1,609
Property Taxes/Insurance/HOA estimate (20% of Affordable Hsg. Pmt.)	\$161	\$322
Mortgage Payment/mo@ 6.25 % APR, 30-yr fixed- 95% LTV	\$643	\$1,287
Affordable Purchase Price with 5% down	\$109,738	\$219,476
Average Sq. Ft of Units	750	900
Cost per Sq Ft.*	\$369	\$369
Cost per Unit	\$276,750	\$332,100
Difference between Affordable Purchase Price and Market Rate Cost per Unit	\$167,012	\$112,624
Administrative fee	\$5,000	\$5,000
Affordability Gap/ Payment per Unit in Lieu	\$172,012	\$117,624

**Median sales price sq. ft. of SF, condo and TH units from March 1. 2007 year to March 1, 2008 - \$369

If the requirement is for less than one unit, the fraction required is to be applied to the per unit subsidy amount to determine the fee. For example, under the housing linkage regulations serving Category 1 households, a project that results in .25 Community Housing units being required would have to pay \$43,003 (25% of \$172,012).

For projects that result in multiple units including a fraction being required, the number of Community Housing units produced could be rounded upward with no credit given for the fraction or the developer could pay a fee in lieu to satisfy the fractional requirement.

Time of Payment

Fees in lieu must be paid to the City of Steamboat Springs at a time specified by the City in the notification of approval of the Community Housing Plan. The applicant is encouraged to make a case in the Community Housing Plan as to when it will be financially feasible and appropriate for them to pay the fees. Unless otherwise agreed to, fees shall be due and payable upon the issuance of a building permit for the development that triggered the requirement.

Authorized Uses of Fees

The funds shall be used only for the purpose of planning, subsidizing, developing and administering Community Housing. The City may allocate these funds to an entity that agrees to acquire land or units that will be devoted to the Community Housing Program.

V. APPEAL PROCEDURES

An appeal is any dispute that a unit owner, purchaser or developer may have with the City of Steamboat Springs or the program's designated administrator with respect to action or failure to act in accordance with the rights, duties, welfare or status of these persons or entities.

Development

Upon final approval or denial of the Community Housing Plan an appeal may be made in accordance with the provisions of Sec. 26-50 of the Municipal Code of the City of Steamboat Springs.

A written appeal that relates to program administration shall be submitted to the program administrator, with a copy provided to the City of Steamboat Springs City Manager. The grievance or appeal must state the grounds upon which the grievance/appeal is made and indicate the course of action that the developer believes should be taken to resolve the issue.

The staff of the program administrator will attempt to resolve the issue by discussing the concerns with the developer or their representative. Following the resolution of the issue, the program administrator will provide a brief to the City of Steamboat Springs that describes the nature of the appeal, the factors considered in addressing the issue(s) and the resolution of the issue.

Buyers/Sellers/Renters

A written appeal must be presented to the program administrator. It shall specify:

- a. The particular ground(s) upon which it is based;
- b. The action requested; and,

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- c. The name, address, telephone number of the complainant and similar information about his/her representative, if any.

Upon presentation of a written appeal, the staff of the program administrator shall meet with complainant to review the appeal and resolve the issue, if possible.

If the issue is not resolved, the complainant may request a hearing before the board of the program administrator. The staff will provide written materials to the board that includes:

- a. The written appeal;
- b. The factors affecting a successful resolution of the appeal;
- c. Any documents provided by the complainant; and,
- d. A recommended course of action.

Upon presentation of these materials, a hearing before the board of the program administrator shall be scheduled as soon as reasonably practical. The complainant shall be afforded a fair hearing, providing the basic safeguard of due process, including notice and an opportunity to be heard in a timely, reasonable manner.

The complainant has the right to be represented by counsel.

Conduct of the Hearing

If the complainant fails to appear at the scheduled hearing, the board may make a determination to postpone the hearing or make a determination based upon the written documentation and the evidence submitted.

The hearing shall be conducted by the board as follows:

Oral or documentary information may be received with compliance to the rules of evidence applicable to judicial proceedings;

The board shall have the opportunity to ask questions of the complainant and his/her counsel, if present, and staff regarding the information and attempts to resolve the issue; and,

Based upon the records of the hearing, including verbal and written information, the board shall provide a written decision and include their reasons for this decision. A written copy will be provided to the complainant and staff.

APPENDIX A

Definitions

When used in these guidelines, the following words and phrases shall have the specific meaning as defined in this section:

Accommodations shall mean any hotel, lodge or similar building in which rooms without kitchens are rented on a nightly basis; each room in which beds are located shall be considered a room. If a room has a kitchen then it would be required to meet residential linkage requirements

Affordable shall mean the total monthly housing payment that can be managed comfortably by low to moderate income households so as not to encounter financial difficulties that jeopardize their overall financial status or lead to foreclosure.

AMI shall mean the area median income for Routt County as published annually by the Department of Housing and Urban Development and updated annually.

Community Housing shall mean units restricted for occupancy by eligible households that meet size, rental and for-sale price requirements and that are deed restricted in accordance with a covenant approved by the City Council of the City of Steamboat Springs.

Community Housing Fund shall mean the fund in which monies collected shall be deposited and from which they shall be expended, to plan, design, construct, purchase, maintain and administer Community Housing Units.

Commercial Linkage shall mean the mandatory provision of Community Housing units, or financial set-aside, to satisfy a certain percentage of the demand for work force housing that is generated by the proposed development.

Community Housing Guidelines (the Guidelines) shall mean the document that contains the procedures and guidelines for complying with the requirements of Chapter 22 of the Code of the City of Steamboat Springs, updated annually.

Deed Restriction shall mean an enduring covenant placed on units that identifies the conditions of ownership and occupancy of the units to eligible households, and may control the prices of for-sale units, initially and/or upon resale. Deed Restrictions for rental units shall include a provision conveying an interest in the unit or units to the Program Administrator meeting the requirements of §38-12-301, 10 C.R.S. (1999). Such interest may include:

A fractional undivided ownership or trustee interest provided that Program Administrator shall be indemnified against any and all liability by reason of its interest.

A lease to Program Administrator of the unit or units with authorization to Program Administrator to sublet pursuant to Community Housing Guidelines, provided that Program Administrator assumes no liability by reason thereof. Program Administrator may in its sole discretion accept or reject any proposed conveyance or lease pursuant to these guidelines.

Development shall mean the construction, improvements, alterations, installation, erection, restoration, change of color or building materials, or expansion of any building, structure or other improvement including utility facilities;

The demolition or destruction by voluntary action of any building, structure, or other improvement;

The grading, excavation, filling or similar disturbance to the ground level, change of drainage without limitation, change of grade, change of ground level, change of drainage pattern, or change of stream bed;

Landscaping, planting, clearing, or removing of natural vegetation or revegetation including trees, shrubs, grass, or plants; or

Any change in use that may alter the character, use, or appearance of a parcel of land.

Eligible Household shall mean a household that is comprised entirely of one or more residents of Routt County with gross income that does not exceed guidelines established annually based upon the AMI; 80% of the household's income must consist of wages and salaries earned within Routt County or distribution of profits from business operations within Routt County unless the household is headed by a retired resident.

Employee Unit shall mean a unit that is rented and that is restricted on the deed of the property, for continuous occupation by at least one employee employed at least 30 hours per week at one or more businesses (or self employed) located within Routt County, or a retired employee who has ceased active employment was a full-time employee in Routt County for a minimum of two years immediately prior to his or her retirement.

Existing Unit shall mean a unit located within the City, which existed prior to the development which requires Community Housing.

Full Time Equivalent (FTE) shall mean the conversion of part-time work hours to the equivalent number of full-time work hours based on a forty (40) hour work week

Free Market Units shall mean residential units upon which there are no restrictions on the occupancy, price or resale.

Gross Income shall mean the total income of a household derived from employment, business, trust or other income producing assets include wages, alimony and child support, distributions and before deductions for expenses, depreciation, taxes and similar allowances.

Household shall mean all individuals who will be occupying the unit regardless of legal or familial status.

HUD shall mean the US Department of Housing and Urban Development

Inclusionary Zoning shall mean the mandatory provision of Community Housing units, or financial set-aside, as a quid pro quo for development approval.

Income Limits shall mean the income amounts on which the eligibility of households is based expressed as percentages of the AMI and in absolute dollar amounts, updated annually and contained in the Community Housing Guidelines.

Infrastructure shall mean water, sewer, telephone, natural gas, electric, cable television and any other utility installations; streets, curb and gutters; storm drainage systems.

Interim Covenant shall mean a covenant placed on lots or parcels that conveys the conditions of the deed restrictions that will be filed upon Community Housing units built on the lots or parcels.

Leasable Square Feet shall mean the sum of the gross horizontal floor areas of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings minus the gross floor area of bathrooms, storage areas, garages, mechanical rooms, staircases, elevators, loading docks, and distribution or processing areas in which employees are present on average no more than ten (10) percent of time that the space is used for commercial operations.

Off Site shall mean a location for Community Housing units other than the parcel, lot or PUD where the residential or commercial development that generates the requirement for Community Housing units is located.

Permanently Affordable shall mean a unit that is deed-restricted and available to households earning no more than 120% of the AMI. This may be accomplished through income limitations, contractual agreements, restrictive covenants, and resale restrictions, subject to reasonable exceptions, including, without limitation, subordination of such arrangements, covenants, and restrictions to a mortgagee. No unit shall be considered as permanently affordable until the City Council has approved the location and techniques used to ensure that the unit will remain affordable.

Plat shall mean a map and supporting materials of described land prepared in accordance with subdivision regulations as an instrument for recording of real estate interests with the county clerk and recorder.

Price-Cap shall mean a deed-restriction limiting maximum resale profits to an annual increase of 3%.

Program Administrator shall mean the City of Steamboat Springs, or its designee.

Redevelopment shall mean the removal or demolition of existing structures buildings, residential units, rental units, and commercial units for the purpose of reconstruction of a new development on the same site.

Resale Controls shall mean deed restrictions or mortgage provisions that limit the maximum resale price of a Community Housing unit.

Unit shall mean a structure or portion of a structure, other than a mobile home, that is designed, occupied or intended to be occupied as living quarters and includes facilities for cooking, sleeping and sanitation; but not including hotels, motels, clubs, boarding houses,

or any institution where human beings are housed by reason of illness or under legal restraints.

Duplex Unit shall mean a single building containing two (2) separate single family residential dwelling units where the two units are connected by heated enclosed space, such as a garage, mud-room or other fully enclosed space that results in a common wall a minimum of twelve (12) feet in length.

Multi-family Unit shall mean a residential building designed for or occupied by three (3) or more families, maintaining independent access to each unit and separate living, kitchen and sanitary facilities.

Single-family Unit shall mean 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.

APPENDIX B

AFFORDABLE HOUSING DEED RESTRICTION AND COVENANTS

THIS DEED RESTRICTION is made and executed this ____ day of _____, 200__, by _____ "Owner", whose address is _____, for the benefit of the City of Steamboat Springs ("City") and its duly designated and authorized agent, _____ ("Program Administrator"), their successors or assigns (together "Beneficiaries").

NOW, THEREFORE, for value received, the Owner does hereby declare and impose the following covenants on the real Unit identified below, which covenants shall burden and run with the Unit until modified or released by the Beneficiaries.

COVENANTS

1. The following described parcel of real estate ("Unit") is hereby burdened with the covenants as delineated herein:

According to the recorded plat thereof,
County of Routt,
State of Colorado.

2. **Definitions.** The following definitions shall apply to terms used in this Deed Restriction.

a) **Eligible Household** shall be as defined in Section 26-148(b) of the City of Steamboat Springs Community Development Code.

b) **First Deed of Trust** shall mean a deed of trust or mortgage that is recorded senior to any other deeds of trust or liens encumbering the Unit and that secures a loan the proceeds of which are used to purchase the Unit.

b)c) **Guidelines** shall mean the Steamboat Springs Community Housing Guidelines adopted by the City of Steamboat Springs in effect at the time of closing on a sale or other transfer of the Unit or a Unit, or at the commencement date of a lease or other occupation agreement, or its successor document, as amended from time to time.

d) **HUD** means the United States Department of Housing and Urban Development.

~~e)e)~~ **Non-Qualified Owner** shall mean any person who does not meet the eligibility requirements specified in this Deed Restriction for Unit Ownership, and includes persons or entities that originally qualified as a Qualified Owner.

~~e)f)~~ **Owner** shall mean either a Qualified Owner or a Non-Qualified Owner, as the context requires.

~~e)g)~~ **Qualified Owner** shall mean a person that possesses an ownership interest in the Unit in compliance with the terms and provisions of this Deed Restriction, including, without limitation, being a member of an Eligible Household, and whose qualifications to own the Unit have been certified by Program Administrator, at the time the Qualified Owner takes title to the Unit and/or Unit.

~~f)h)~~ **Qualified Resident(s)** means a person or persons who are member(s) of an Eligible Household ~~whose that has a~~ total household income ~~is~~ no greater than _____% of the median income for Routt County ~~except that a person or persons whose purchase of the Unit is funded by a loan insured by HUD shall have a household income no greater than 115% of the median income for Routt County~~

~~i)~~ **Qualifying Improvements shall be those improvements constructed or installed pursuant to a valid building permit.**

~~e)j)~~ **Sole Residence** of a person means a Unit that is the exclusive residence of the person. Personal use of a dwelling unit other than the Unit shall preclude the Unit from being deemed the person's Sole Residence. Ownership without personal use of an interest in a dwelling unit other than the Unit shall not preclude the Unit from being deemed the person's Sole Residence.

~~h)k)~~ **Unit** shall mean the Lot or an individual residential dwelling unit described above, including any secondary units and rental units contained therein.

3. **Re-Sale Controls.** The Unit may not be sold or otherwise transferred to any person other than a Qualified Resident, who intends to occupy the Unit as that person's Sole Residence. Compliance with the resale restriction shall be verified by the Program Administrator in accordance with the following procedures. Owner may, with prior written approval of Program Administrator and subject to the requirements set forth in these Deed Restrictions, sell the Unit to another Qualified Resident. Such sale shall be subject to the following procedure:

a) Owner must deliver written notice of intent to sell to the Program Administrator prior to offering the Unit for sale.

b) Owner Options for Selling. The Owner may sell the Unit by:

- (i) advertising and selling the Unit directly to a Qualified Resident;
 - (ii) listing the Unit with a real estate broker licensed to do business in the State of Colorado; or
 - (iii) offering the Unit for sale through the Program Administrator, who will either make it available to Qualified Residents on an existing waiting list or advertise the Unit for sale on a general basis.
- c) Prior to the closing of the sale of the Unit, any prospective owner must be certified in writing as a Qualified Resident by the Program Administrator in accordance with the qualifications and procedures established in these Deed Restrictions.
- d) In all cases, the Owner shall be responsible for the costs of advertising, marketing and selling, including real estate commissions or fees paid to the Program Administrator or a licensed real estate broker.

4. Sole and Exclusive Residence.

a) The Unit shall be occupied by the Owner who was approved by the Program Administrator as a Qualified Resident and the Unit shall be the Sole Residence of that Owner. The preceding notwithstanding, the Owner of a Unit may temporarily vacate the Unit in the event the Owner's business or personal affairs requires the Owner's temporary relocation. Temporary vacations shall not exceed an aggregate total of one year in any five-year period.

b) The Unit may be leased in whole, but only if the Owner leases the Unit in conjunction with a temporary vacation of the Unit as described in the preceding section (a). Units shall only be leased to Qualified Residents. An Owner may lease rooms in the Owner's Unit, and may lease separate secondary or rental units, but the Owner must continue to reside in the Unit and any lessees or tenants of the Owner must also be Qualified Residents.

5. **Non-Qualified Owner(s)/Defaults.** Any breach of the covenants set forth herein, including without limitation a transfer in violation of the covenants set forth herein shall constitute a default. Further, breach by Owner of the terms of any deed of trust or other lien encumbering the Unit or of the terms of any obligation secured by such a deed of trust or other lien shall constitute a default. ~~The holder of a deed of trust or other lien encumbering the Unit shall give to the Program Administrator any notice relating to Owner's breach to which Owner is entitled. The notice shall include the following information at a minimum:~~

- ~~a) the legal description and physical address of the Unit;~~
- ~~b) the Owner's name;~~

~~c) the name, mailing address, phone number and contact person of the lien holder;~~

~~Owner agrees that he or she will give immediate notice to the Program Administrator of any instance of either a) Owner's receipt of notice of the commencement of foreclosure proceedings relating to the Unit or b) of any delinquency of twenty one days or more in Owner's payment on any indebtedness secured by a deed of trust or other lien encumbering the Unit.~~

In the event of a default, following notice and opportunity to cure as provided in Section 6, the Program Administrator shall have all rights and remedies available at law or equity set forth herein, ~~including the remedies set forth in Section 7.~~

6. **Notice and Cure.** The Program Administrator, in the event a violation of this Deed Restriction is discovered, shall send a notice of violation to the Owner detailing the nature of the violation and allowing the Owner thirty (30) days to cure ("Cure Period"). Said notice shall state that the Owner may request a hearing before the hearings officer or board designated by the Program Administrator ("Decision-Maker") within fifteen (15) days to determine the merits of the allegations. If no hearing is requested and the violation is not cured within the thirty (30) day period, the Owner shall be considered in violation of this Deed Restriction. If a hearing is held before the Decision-Maker, the decision of the Decision-Maker based on the record of such hearing shall be final for the purpose of determining if a violation has occurred.

7. **Remedies.** There ~~is~~ are hereby reserved to the parties ~~hereto any and all the~~ remedies provided by law for violation of this Deed Restriction or any of its terms as set forth below. In the event the parties resort to litigation with respect to any of the provisions of this Deed Restriction, the prevailing party shall not be entitled to recover damages and costs, including reasonable attorneys fees. It is the intent of this language that each party shall pay its own costs, including reasonable attorney fees.

~~a) Non-complying sales. In the event the Unit, as the case may be, is sold and/or conveyed without compliance herewith, such sale and/or conveyance shall be wholly null and void and shall confer no title whatsoever upon the purported buyer. Each and every conveyance of the Unit, for all purposes, shall be deemed to include and incorporate by this reference the covenants herein contained, even without reference therein to this Deed Restriction.~~

ba) Failure to Cure. In the event that the Owner fails to cure any default, the City or the Program Administrator ~~or their authorized successor~~ may resort to any ~~and all available legal action~~ lawful means to enforce the terms of this Deed Restriction, including, but not limited to, specific performance of the terms of this Deed Restriction, ~~a mandatory injunction requiring the sale of the Unit by Owner as specified in Paragraph 3~~ suit for damages, including suit to recover any undue financial benefit resulting from a sale that does not comply with the terms of this Deed Restriction, or exercise of the

option provided for in Section 9. The terms of this Deed Restriction shall not be enforced by either of the following methods:

- i. Subjecting the Owner to contractual liability other than that set forth above;
- ii. Voiding a conveyance by Owner. The costs of such sale shall be paid out of the proceeds of the sale with the balance being paid to Owner.

~~eb)~~ Default as to Deed of Trust. In the event Owner defaults on the terms of any deed of trust or other lien encumbering the Unit or of the terms of any obligation secured by such a deed of trust or other lien the Program Administrator shall have all the rights of ~~an~~ Owner under the deed or trust or other lien and applicable law, including Owner's rights to notice and of redemption. City may, but shall not be required to, make any payment required in order to avoid foreclosure or to redeem the property after foreclosure. The City may make such payments during the notice, cure, and appeal periods set forth in Section 6, in which case City shall be entitled to reimbursement for said payments plus simple interest at a rate of _____ as a condition of Owner's cure.

8. **Release of Deed Restriction In Event of Foreclosure, or Acceptance of a Deed In Lieu, or Assignment.** In the event of foreclosure ~~or,~~ acceptance of deed in lieu of foreclosure by the holder of a ~~first~~ First deed Deed of trust Trust, or assignment of an insured mortgage to the United States Department of Housing and Urban Development ("HUD") this Deed Restriction shall automatically and permanently terminate and be of no further force and effect if either of the following conditions ~~are is~~ satisfied:

~~a) the holder of the deed of trust or other lien has given to the Program Administrator notice of the Owner's default as set forth in Section 5, above; and either~~

~~b)a)~~ the Option Period has expired without exercise of the Option by the Program Administrator; or

~~e)b)~~ the Program Administrator has exercised the Option but failed to close or perform under the Option.

In the event of the termination of the Deed Restriction, the Program Administrator, ~~its authorized successor,~~ or the City shall cause to be recorded in the records of the Clerk and Recorder for Routt County a full and complete release of this Deed Restriction and the Development Agreement.

The City's rights in a foreclosure, including, without limitation, the right of redemption under Section 38-38-303 C.R.S. or any successor statute, shall be the same as if it were the beneficiary of a second deed of trust. The amount of debt secured by such a second deed of trust shall be considered to be the difference between the maximum resale price determined by the formula set forth in Section 10 as of the date of the

notice of election and demand for sale was filed with the public trustee and the fair market value of the Unit at that same time. The fair market value of the Unit may be determined by an appraiser selected by the City or the Program Administrator who is a Member of the Appraisal Institute ("M.A.I.") or a person with equivalent expertise. If and when the Unit is sold through foreclosure, the Owner shall remit to the City that portion of the net proceeds of the foreclosure sale, after payment of all obligations to the holder of the deed of trust and foreclosure costs, that exceeds the maximum resale price that would have applied to the sale of the Unit if the Deed Restriction had continued in effect.

9. Option to Purchase

a) In the event of a default by Owner, which remains uncured for a period of thirty (30) days as set forth above in Section 6, the Program Administrator shall have an option to purchase the Unit as set forth herein ("Option"). The Program Administrator shall have ~~sixty forty five (6045)~~ days after expiration of the Cure Period in which to exercise the Option ("Option Period"). The Program Administrator shall exercise the Option by delivering to Owner written notice of such exercise within the Option Period.

b) The Program Administrator shall be granted entry into the Unit during the Option Period in order to inspect the Unit.

c) If the Unit is vacant, the Owner or lien holder shall maintain utility connections until expiration of the Option Period or closing on the Option.

d) The Program Administrator shall have the option to purchase the Unit for the greater of:

(i) the amount due to any and all holders of a promissory note secured by a ~~First deed-Deed~~ of ~~trust-Trust~~ on the ~~unit-Unit~~ and any reasonable costs incurred by the holder during the option period; or

(ii) the least of the following values: the Fair Market Value of the unit calculated as set forth herein, the maximum affordable price of the Unit as determined by the Guidelines, or the maximum resale price of the Unit pursuant to Section 10, each reduced by the amount of any redemption payment or other payment mayd by the City or Program Administrator pursuant to subsection 7(c)-

e) The Program Administrator may, instead of purchasing the Unit itself, assign its right to purchase the Unit pursuant to the Option to another public agency, or a nonprofit corporation or a Qualified Owner. If the Program Administrator assigns its Option, the assignee shall be bound to purchase the Unit pursuant to the terms of the Option. If the Program Administrator or its assignee elects to purchase the Unit, the parties shall have the following rights and obligations:

(i) the Program Administrator shall engage an appraiser to determine the Fair Market Value and deliver to Owner a copy of the appraisal;

(ii) Owner shall permit a final walk-through of the Unit by the Program Administrator or its assignee in the final three (3) days prior to closing of the purchase of the Unit.

(iii) Upon payment of the Sales Price by the Program Administrator in cash or certified funds, Owner shall deliver to the Program Administrator a general warranty deed for the Unit, free and clear of all monetary liens.

(iv) Normal and customary closing costs shall be shared equally between the Owner and the Program Administrator. The Program Administrator shall be responsible, at its cost, for any and all title insurance fees, document fees, and recording fees for the deed. Taxes shall be prorated based upon taxes for the calendar year immediately preceding closing. Any fees incident to issuance of a letter or statement of assessments by an association shall be shared equally between Owner and the Program Administrator. Owner shall receive a credit for that portion of association assessments paid in advance from date of closing.

(v) Closing of the purchase of the Unit by the Program Administrator shall occur within sixty (60) days of the Program Administrator's exercise of the Option at a date and time to be mutually agreed by the Program Administrator and Owner ("Closing"). The location of the Closing shall be the title company closing the transaction. Possession shall be delivered to the Program Administrator immediately after closing, unless otherwise agreed between Owner and Program Administrator.

~~ef)~~ Fair Market value shall be determined by a qualified real estate appraiser who is an M.A.I. or a person with equivalent experience familiar with Routt County. The appraiser shall be and engaged by the Program Administrator and approved by the Owner, which approval shall not be unreasonably withheld. The appraisal shall consider the sales prices of comparable properties sold in the market area during the preceding three (3) month period. The appraisal shall also consider the effect of the deed restrictions created herein. The cost of the appraisal shall be paid by the Owner at closing. A copy of the appraisal shall be delivered to both the Program Administrator and Owner within seven (7) days of its completion.

~~f) If the Program Administrator fails to exercise its Option during the Option period, or otherwise fails to perform and/or close on its purchase of the Unit within sixty (60) days after exercising the Option, then the Owner shall be entitled to transfer the Unit free and clear of the Option or, if applicable, the lien holder in a foreclosure action may proceed to foreclose or take such other action necessary and allowed by law, in which case this Deed Restriction shall terminate automatically and have no further force and effect, as set forth above in Section 8.~~

gg) Should the City or the Program Administrator or its authorized successor exercise the option pursuant to the terms of that certain Option to Purchase described above, the City or the Program Administrator, or its authorized successor may sell the Unit to Qualified Owners, or rent same to Qualified Residents until sale to a Qualified Owner is effected.

10. **Re-Sale Price Restrictions.** The Unit shall not be sold at a price exceeding the selling Owner's purchase price, plus appreciation at a rate of three percent (3%) annually compounded quarterly, plus the Owner's cost of any ~~qualifying~~ Qualifying improvements, plus any sales commission paid, plus any accrued negative amortization if the property was financed with a graduated payment mortgage. ~~Qualifying improvements shall be those improvements constructed or installed pursuant to a valid building permit.~~ The cost of such improvements shall be presumed to be equal to the building department cost estimate plus the estimated use tax paid. The cost of qualifying improvements shall not be adjusted by the three percent (3%) annual increase applicable to the Owner's purchase price.

11. **General Provisions.** The following General Provisions shall apply to this Deed Restriction.

a) Notices. Any notice, consent or approval, which is required to be given hereunder, shall be given by either: mailing the same, certified mail, return receipt requested, properly addressed and with postage fully prepaid, to any address provided herein; or hand-delivering the same to any address provided herein. Notices shall be considered delivered on the date of delivery if hand-delivered or if both hand-delivered and mailed; or three days after postmarked, if mailed only. Notices, consents and approvals shall be sent to the parties at the following addresses unless otherwise notified in writing:

To Owner:

To Program Administrator:

Copy to:

Steamboat Springs City Attorney
City of Steamboat Springs
137 10th Street
P. O. Box 775088
Steamboat Springs, CO 80477

b) Severability. Whenever possible, each provision of this Deed Restriction and any other related document shall be interpreted in such manner as to be valid under applicable law; but if any provision of any of the foregoing shall be invalid or prohibited under said applicable law, such provisions shall be ineffective only to the extent of such invalidity or prohibition without invalidating the remaining provisions of such document.

c) Choice of Law. This Deed Restriction and each and every related document is to be governed and construed in accordance with the laws of the State of Colorado. Venue for any legal action arising from this Deed Restriction shall be in Routt County, Colorado.

d) Successors. Except as otherwise provided herein, the provisions and covenants contained herein shall inure to and be binding upon the heirs, successors and assigns of the parties. The covenants shall be a burden upon and run with the Unit and/or Unit(s), as the case may be, for the benefit of the Beneficiaries, their successors and assigns, who may enforce the covenants and compel compliance therewith through the initiation of judicial proceedings for, but not limited to, specific performance, injunctive relief, reversion, eviction, and damages.

e) Section Headings. Paragraph or section headings within this Deed Restriction are inserted solely for convenience of reference and are not intended to and shall not govern, limit or aid in the construction of any terms or provisions contained herein.

f) Waiver. No claim of waiver, consent or acquiescence with respect to any provision of this Deed Restriction shall be valid against any party hereto except on the basis of a written instrument executed by the parties. However, the party for whose benefit a condition is inserted herein shall have the unilateral right to waive such condition in writing.

g) Gender and Number. Whenever the context so requires herein, the neuter gender shall include any or all genders and vice versa and the use of the singular shall include the plural and vice versa.

IN WITNESS WHEREOF, the Owner has executed this instrument on the day and year above first written.

OWNER

AGENDA ITEM # 9

CITY COUNCIL COMMUNICATION FORM

FROM: Dan Foote, Staff Attorney (Ext. 223)

THROUGH: Jon Roberts, City Manager (Ext. 228)

DATE: April 7, 2009

ITEM: A RESOLUTION OF THE CITY OF STEAMBOAT SPRINGS APPROVING AN AGREEMENT BETWEEN THE CITY OF STEAMBOAT SPRINGS AND CAXTON STREET LLC FOR THE PAYMENT OF A FEE IN LIEU OF THE PROVISION OF SIX DEED RESTRICTED AFFORDABLE HOUSING UNITS.

NEXT STEP: ADOPT THE RESOLUTION.

ORDINANCE
 RESOLUTION
 MOTION
 DIRECTION
 INFORMATION

I. REQUEST OR ISSUE:

Adopt a resolution ratifying and approving the City's recent agreement to modify the Bear Lodge development approval and community housing plan to allow the payment of a fee in lieu of providing six affordable housing units.

II. RECOMMENDED ACTION:

Adopt the resolution.

III. BACKGROUND INFORMATION:

The City Council has previously approved by motion the modification of the community housing plan and execution of documents to secure the payment of the fee in lieu. The transaction is complete except for the issuance of a policy of title insurance on the property that secures the developer's obligation to pay the fee in lieu. The title company is requiring that Council's approval be ratified by a resolution.

IV. LEGAL ISSUES.

None.

V. FISCAL IMPACTS.

None.

CITY OF STEAMBOAT SPRINGS, COLORADO

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF STEAMBOAT SPRINGS APPROVING AN AGREEMENT BETWEEN THE CITY OF STEAMBOAT SPRINGS AND CAXTON STREET LLC (BEAR LODGE) FOR THE PAYMENT OF A FEE IN LIEU OF THE PROVISION OF SIX DEED RESTRICTED AFFORDABLE HOUSING UNITS.

WHEREAS, Caxton Street, LLC ("Caxton") is the owner of the Bear Lodge project, which was approved on the condition that Caxton provide six deed restricted affordable housing units to satisfy its obligations pursuant to the City's affordable housing policies and regulations; and

WHEREAS, after constructing the affordable housing units and unsuccessfully attempting to sell them, Caxton on February 17, 2009 obtained the consent of the City Council to modify its housing plan to allow Caxton to sell the affordable units at market rates without the affordable housing deed restriction in exchange for its promise to pay a fee in lieu of providing such units, which obligation was secured by Caxton's execution of a Notice and Acknowledgement of Fee in Lieu obligation; and

WHEREAS, pursuant to the Council's direction on February 17, 2009, City officials and Caxton executed a Notice of Acknowledgement of Fee in Lieu obligation, a copy of which is attached hereto as Exhibit "A", (hereafter "Notice"), which included a provision requiring Caxton secure its obligations to pay the fee in lieu by executing a promissory note and deed of trust encumbering other property located in the City, which Caxton has identified as Unit 5104, Emerald Lodge at Trappeur's Crossing Resort Condominium ("Security Property"); and

WHEREAS, the transaction between the City and Caxton is complete and Caxton is obligated to pay fees in lieu to the City per the terms of the Notice, but adoption of this resolution is necessary to ratify the transaction and allow the Lawyer's Title Insurance Corporation to issue a policy of title insurance covering the City's interest in the Security Property.

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

Section 1. The execution of the Notice is hereby ratified and approved.

PASSED, ADOPTED, AND APPROVED this ____ day of _____, 2009.

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

ATTEST:

**Julie Franklin, CMC
Interim City Clerk**

AGENDA ITEM # 10

CITY COUNCIL COMMUNICATION FORM

FROM: Winnie DelliQuadri, Grants Analyst (Ext. 257)
Bob Litzau, Interim Director of Financial Services (Ext. 239)
JD Hays, Director of Public Safety (x113)

THROUGH: Jon Roberts, City Manager (Ext. 228)

DATE: April 7, 2009

RE: Resolution approving an Intergovernmental Agreement between the City of Steamboat Springs and Routt County concerning a joint application for \$51,681 Recovery Act Funds through the Justice Assistance Grant Program Award.

NEXT STEP: RESOLUTION: To approve an Intergovernmental Agreement between the City of Steamboat Springs and Routt County concerning a joint application for Recovery Act Funds through the Justice Assistance Grant Program Award.

DIRECTION
 INFORMATION
 ORDINANCE
 MOTION
 RESOLUTION

I. REQUEST OR ISSUE:

As part of the Federal Recovery Act, the U.S. Department of Justice, Office of Justice Programs' (OJP) Bureau of Justice Assistance (BJA) has announced funding for both the City and Routt County under the Edward Byrne Memorial Justice Assistance Grant (JAG) Local Government Program. In order to receive the allocated funds, the City and County have to apply jointly and have to have an intergovernmental agreement that outlines the roles and funding allocations within the joint application. The attached intergovernmental agreement has been signed by the County and basically provides acknowledgement by County that it is reallocating its funding to the City.

II. RECOMMENDED ACTION:

Given the substantial benefit of the grant and project to community, staff recommends that City Council approve the Intergovernmental Agreement between the City of Steamboat Springs and Routt County concerning a joint application for Recovery Act Funds for the Justice Assistance Grant Program Award.

RESOLUTION: To approve an Intergovernmental Agreement between the City of Steamboat Springs and Routt County concerning a joint application for Recovery Act Funds through the Justice Assistance Grant Program Award.

III. FISCAL IMPACTS:

Proposed Revenues:

Grant Amount: \$51,681

Proposed Expenditure:

Equipment/supplies \$51,681

IV. BACKGROUND INFORMATION:

JAG allocations are available through the Federal Recovery Act and the amounts available are \$11,961 for Routt County and \$39,720 for the City of Steamboat Springs. These allocations are based on crime statistics reports as certified by the State Attorney General's Office. Since the JAG allocation amount is more for the City than the County the grant stipulates that the application be submitted jointly along with approval of the intergovernmental agreement. The County has determined that they do not want to utilize their share of the allocated funding and they have reallocated their share of the funds to the City in the attached intergovernmental agreement.

The JAG program requires a 30 day public review of the grant document, including the Intergovernmental Agreement. The due date for applying for funding under this announcement is 8:00 p.m. Eastern Time on May 18, 2009.

JAG funds may be used for state and local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support, information systems for criminal justice, and criminal justice-related research and evaluation activities that will improve or enhance law enforcement programs, prosecution and court programs, prevention and education programs, corrections and community corrections programs, drug treatment and enforcement programs, planning, evaluation, and technology improvement programs, and crime victim and witness programs (other than compensation).

V. LEGAL ISSUES:

The attached Intergovernmental Agreement was follows the template provided by the USDOJ, was reviewed and approved by the County and has been reviewed and approved by the City Attorney.

VI. CONFLICTS OR ENVIRONMENTAL ISSUES:

None at this report

VII. SUMMARY AND ALTERNATIVES:

City Council may choose to:

- approve the intergovernmental agreement
- decide not to approve the intergovernmental agreement

CITY OF STEAMBOAT SPRINGS, COLORADO

RESOLUTION NO. _____

A RESOLUTION APPROVING THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF STEAMBOAT SPRINGS, AND COUNTY OF ROUTT, REGARDING THE RECOVERY ACT: JUSTICE ASSISTANCE GRANT (JAG) PROGRAM AWARD.

WHEREAS, the City of Steamboat Springs and Routt County have been allocated Justice Assistance Grant funding through the American Recovery and Reinvestment Act; and

WHEREAS, the City of Steamboat Springs and Routt County are required to file a joint application for the allocated Justice Assistance Grant funding; and

WHEREAS, the City of Steamboat Springs and Routt County have agreed to an allocation of the available funding;

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 the Intergovernmental Agreement between the City of Steamboat Springs, and County of Routt, Recovery Act: Justice Assistance Grant (JAG) Program Award; and

Section 2. The City Council of the City of Steamboat Springs authorizes the City Manager to execute the Intergovernmental Agreement attached hereto as Exhibit A.

PASSED, ADOPTED AND APPROVED this ____ day of _____, 2009.

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

ATTEST:

**Julie Franklin, CMC
Interim City Clerk**

CITY SECRETARY
CONTRACT NO. _____

THE STATE OF COLORADO

KNOW ALL BY THESE PRESENT

COUNTY OF ROUTT

INTERGOVERNMENTAL AGREEMENT

**BETWEEN THE CITY OF STEAMBOAT SPRINGS, AND COUNTY OF ROUTT,
RECOVERY ACT: JUSTICE ASSISTANCE GRANT (JAG) PROGRAM AWARD**

This Agreement is made and entered into this 31st day of March, 2009, by and between The COUNTY of Routt, hereinafter referred to as County, acting by and through its Board of County Commissioners, and the CITY of Steamboats Springs, acting by and through its governing body, the City Council, hereinafter referred to as CITY, both of Routt County, State of Colorado witnesseth:

WHEREAS, this Agreement is made under the authority of Sections 29-1-201 et seq.; C.R.S. and Colorado Constitution Article XI, Section 2 and Article XIV, Section 18(2)(a) and (2)(b); and

WHEREAS, each governing body, in performing governmental functions or in paying for the performance of governmental functions hereunder, shall make that performance or those payments from current revenues legally available to that party: and

WHEREAS, each governing body finds that the performance of this Agreement is in the best interests of both parties, that the undertaking will benefit the public, and that the division of costs fairly compensates the performing party for the services or functions under this agreement: and

WHEREAS, the County agrees to relinquish to the City the \$11,961 from the JAG award for the City to use in addition to the JAG award to the City of \$39,720: and

WHEREAS, the CITY and COUNTY believe it to be in their best interests to reallocate the County's JAG fund award of \$11,961 to the City.

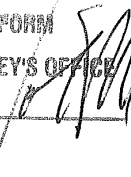
NOW THEREFORE, the COUNTY and CITY agree as follows:

Section 1.

City agrees to sponsor and administer the JAG procedures for timely procurement, reporting and submission of administrative reporting to JAG.

Section 2.

Nothing in the performance of this Agreement shall impose any liability for claims against COUNTY other than claims for which liability may be imposed by the Colorado Governmental Immunity Act, Section 24-10-101, et seq., C.R.S.

APPROVED AS TO FORM
ROUTT COUNTY ATTORNEY'S OFFICE
Date 3/31/2009 By: 

Section 3.

Nothing in the performance of this Agreement shall impose any liability for claims against CITY other than claims for which liability may be imposed by Colorado Governmental Immunity Act, Section 24-10-101, et seq., C.R.S.

Section 4.

County shall have no further responsibilities with respect to the JAG award and City will be responsible for its own actions in providing services under this agreement and County shall not be liable for any civil liability that may arise from the furnishing of the services by the City.

Section 5.

The parties to this Agreement do not intend for any third party to obtain a right by virtue of this Agreement.

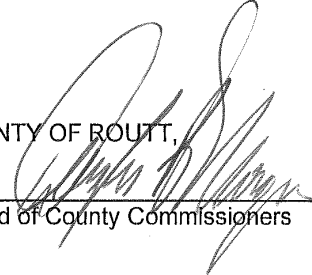
Section 6.

By entering into this Agreement, the parties do not intend to create any obligations express or implied other than those set out herein; further, this Agreement shall not create any rights in any party not a signatory hereto.

CITY OF STEAMBOAT SPRINGS,

COUNTY OF ROUITT,

City Manager

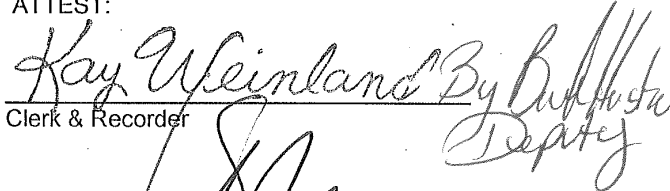


Board of County Commissioners

ATTEST:

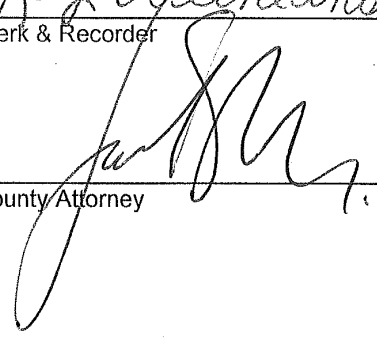
ATTEST:

City Clerk



Clerk & Recorder

City Attorney



County Attorney

*By law, the District Attorney's Office may only advise or approve contracts or legal documents on behalf of its clients. It may not advise or approve a contracts or legal document on behalf of other parties. Our view of this document was conducted solely from the legal perspective of our client. Our approval of this document was offered solely for the benefit of our client. Other parties should not rely on this approval and should seek review and approval by their own respective attorney(s).

AGENDA ITEM # 11

CITY COUNCIL COMMUNICATION FORM

FROM: Gerald Dahl and Kuechenmeister, Special Counsel
Anthony B. Lettunich, City Attorney (879-0100)

THROUGH: John Roberts, City Manager (871-8228)
John Eastman, Planning

DATE: Tuesday, April 7, 2009

RE: **First Reading of Ordinance: AN ORDINANCE CREATING A REGULATORY FRAMEWORK AUTHORIZING THE CITY TO REVIEW AND MONITOR SERVICE PLANS PREPARED PURSUANT TO THE SPECIAL DISTRICT ACT CODIFIED IN TITLE 32, COLORADO REVISED STATUTES: REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.** (Dahl, Kuechenmeister and Lettunich)

NEXT STEP: Introduction and consider adoption of ordinance on first reading

INFORMATION
 RESOLUTION
 ORDINANCE

I. REQUEST OR ISSUE:

To introduce and approve the attached Special District Control Ordinance at first reading.

II. RECOMMENDED ACTION:

Approve the attached Ordinance at first reading.

III. BACKGROUND INFORMATION:

The attached Ordinance amends the Steamboat Springs Municipal Code by the adoption of a new Article VII, entitled "Special Districts," within Chapter 13. City Council has directed staff to bring this ordinance forward to ensure that the City has in place a process for evaluating requests for the formation of special districts, typically used by the development community to finance the construction of public and other infrastructure. The attached Ordinance augments, where appropriate, the existing procedure under state statute for City Council review and approval of the formation of special districts, and their associated service plans and amendments thereto.

IV. SUMMARY AND ALTERNATIVES:

- A. Approve the Ordinance at first reading by motion.
- B. Give direction to Staff as to any changes City Council would like to see for second reading.
- C. Table the Ordinance if any major concerns surface.

V. LIST OF ATTACHMENTS:

- A. Memorandum to Council from Special Counsel Gerald Dahl and Charles Kuechenmeister
- B. Ordinance.



MEMORANDUM

TO: City Council

FROM: Gerald Dahl and Charles Kuechenmeister, Special Counsel

DATE: March 31, 2009

RE: **Special District Regulations**

Council has received for its consideration an ordinance to enact a new Article VII, entitled "Special Districts," within Chapter 13 of the Steamboat Springs Municipal Code.

The regulations contained in new Article VII were prompted by a need to give the City appropriate control over the creation of a group of metropolitan districts (a specific type of special district) which are expected to be used to finance the Steamboat 700 Project, but these regulations are also intended to govern the creation of all special districts to be organized in the City. Their goal is not unreasonably or unnecessarily to inhibit the creation or use of special districts as financing tools for the development community, but rather to ensure that the City Council, in allowing district organization, appropriately protects the interests of present and future residents of the City.

Central to the regulations is the philosophy that growth should pay its own way, and that while the creation of special districts may be allowed by the City Council to permit a developer to raise the funds necessary to construct the various required public infrastructure (water, sewer, roads, etc.), those mechanisms should not result in unfair burdens on existing or future City residents.

Proposed special district ordinance

The primary goal of the regulations is expressed in the first Section, 13-61, which lists three objectives of the legislation:

- (1) To prevent district debt from impairing or adversely affecting the creditworthiness or credit ratings of the city.
- (2) To ensure that the costs of facilities and services furnished by a district are placed upon those who benefit from them.

(3) To minimize the risk of excessive tax and fee burdens being placed upon city residents who reside or own property in districts.

As noted in the proposed regulations, the Colorado Special District Act governs special districts. The board of county commissioners regulates the service plans of districts organized outside of municipalities, but all municipalities have the authority to regulate and exercise approval authority over the service plans of districts organized wholly within their corporate limits. Home rule municipalities like the City have the authority to supersede provisions of that Act and impose additional or different restrictions and requirements. While the proposed regulations follow the Special District Act in most respects, they do change certain elements of the state statute.

Key elements of the proposed ordinance include:

Service Plans: Section 13-63

The service plan of a special district is its organizational charter, identifying the type of district it is, defining its powers, *e.g.*, water, sanitation, recreation, fire protection *etc.*, describing the services and facilities to be furnished by the district, setting out the means by which the district proposes to raise the funds necessary to provide those services and facilities, and specifying any restrictions or limitations to which it is subject. Once a district is organized it is an independent, autonomous local government entity. The approval of its service plan, and the subsequent administration and enforcement of it, is really the one area in which the City can effectively influence and control the activities and undertakings of a special district.

This section provides for Staff review of a proposed service plan, as well as a public hearing before the City Council on it. After consideration of the service plan the Council may approve the service plan, with or without conditions modifications, or disapprove it. Modifications may be necessary to: (1) ensure the ability of the property in the proposed district to discharge district debt on a reasonable basis, (2) enhance the enforceability of the provisions of the service plan, (3) avoid unnecessary duplication of services and facilities, and (4) generally to promote and protect the interests of the present and future residents and property owners of the district.

The Council may impose limitations on the creation of the district and the service plan, including any or all of the following:

- Limits on district debt and mill levies
- Limits on the authority of the district to furnish services and facilities similar to those already furnished by the City
- Geographic limits on the ultimate service area of the district outside of which boundaries it may not furnish services without prior express consent of the City Council

- Requirements for dedication of specific improvements or assets to the City or CDOT
- Limits on the authority of the district to furnish ongoing services of indefinite duration
- Limits on the district's ability to consolidate with other districts
- Limits on the authority of the district to apply for or accept funds from the state Conservation Trust Fund, GOCO or others
- Requirement for the district to provide notice to owners of property regarding its mill levy and other charges
- Indemnification of the City against claims against the city arising out of or based on the district service plan
- Requirement for the district to dissolve upon the defeasance of its indebtedness and the accomplishment of its purposes
- Requirements for access to district park and recreation facilities by persons not residents or owners of property in the district
- Limitations on the exercise of eminent domain by the district
- Limitations on the exercise by the district of its City sales and use tax exemption

Another important condition of approval provided by Article VII is that that upon its organization the district will enter into an intergovernmental agreement with the City to address project- or neighborhood-specific aspects of the district's functions that are too detailed to be placed in such a basic document as the service plan. As provided in Article VII, the IGA (i) affords the parties a flexible framework short of service plan amendment for city review and approval of specified district actions in the future, (ii) provides the city with additional legal and equitable bases for enforcing the provisions of its service plan, (iii) prevents the inclusion into a district of areas outside the city limits, and (iv) provides for elements of the on-going relationship between the city and the district which may not be included in the service plan. As is evident from this, the IGA is an essential element of the service plan approval, and great care should be taken with its preparation. As is also evident, each IGA must be specifically tailored to the circumstances of the particular district to which it pertains, and each will be considered contemporaneously with the service plans of districts as they are proposed.

The ordinance gives the City Council considerable authority in reviewing the service plan and imposing conditions upon its approval. The ordinance specifically permits the City Council in its discretion to disapprove the service plan, and thereby prevent the district from organizing, if it finds the evidence is not sufficient to support all of five key criteria:

- (1) Adequate service is not or will not be available to the area to be served by the proposed district through the county, the city, or some other existing municipal or quasi-municipal corporation, including existing special districts, within a reasonable time and on a comparable basis.

(2) The facility or service standards of the proposed district are compatible with those of the city.

(3) Proposed development within the area of the proposed district is in substantial compliance with the then-current master plan of the city.

(4) The proposal is in compliance with any duly adopted county, regional or state long-range water quality management plan for the area.

(5) The creation of the proposed district will be in the best interests of the area proposed to be served by it.

Monitoring: Section 13-64

This section gives the City tools needed to enforce compliance by the district with the provisions of the service plan, including:

- An annual report to the City Manager containing a detailed description of the activities of the district in the previous year, including financial statements and a complete accounting of expenditures and uses made of the funds
- Notices to the Manager of district board meetings
- Notices of boundary changes
- Financing documents must be provided to the City Manager including ballot issues to be submitted to the district electors, certification of the results of ballot issue elections, preliminary and official statements pertaining to district debt issues, copies of the comprehensive annual financial reports filed by the district and notices of "material events" specified by the Securities and Exchange Commission with respect to outstanding district bonds.

The ordinance permits the City to modify these monitoring requirements to eliminate those not necessary or useful and to impose additional reporting or disclosure requirements in certain cases.

Material departure from service plan: Section 13-65

This section allows the City to enjoin any "material departure" by the district from its approved service plan. This is to ensure that the district abides by the plan which was reviewed and approved by City Council. A material departure would include such things as furnishing services not authorized by the service plan, issuing debt in excess of the limits established in the service plan, failing to furnish any type of or major facility or system or service required by the service plan or at the required level of applicable city standards, or failure to cure any other defect or default under the service plan.

Service plan amendment: Section 13-66

This section provides a process for the district to amend the service plan if necessary following its initial approval. This procedure includes a hearing similar to that conducted for the original service plan.

Remedy for violations: Section 13-67

This section gives the City Council a series of remedies if the district fails to comply with the service plan, state law, or the requirements of the City's Code, as amended by this ordinance.

The Staff has shared its drafts of these regulations with the attorneys for the Steamboat 700 developers for their review and comment, and has received helpful input from them over the last several months. Many of their comments have been included in the regulations. This is a City document, however, and Staff has been careful to preserve those provisions of the regulations which are necessary to protect the interests of the City and the future residents and taxpayers of the districts, notwithstanding objection from the developers' special district counsel.

Staff will be available to discuss any and all issues and any questions City Council may have prior to final adoption of the regulations

CITY OF STEAMBOAT SPRINGS, COLORADO

ORDINANCE NO. _____

AN ORDINANCE CREATING A REGULATORY FRAMEWORK AUTHORIZING THE CITY TO REVIEW AND MONITOR SERVICE PLANS PREPARED PURSUANT TO THE SPECIAL DISTRICT ACT CODIFIED IN TITLE 32, COLORADO REVISED STATUTES; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Steamboat Springs City Council has authority pursuant to Article XX of the Colorado Constitution, the Home Rule Charter and state statute to enact ordinances governing the development of land and for the preservation of the public health, safety and welfare; and

WHEREAS, in light of proposed development within the city and annexation of new territory into the City, the Council finds it necessary and advisable to enact provisions for City review of the creation of proposed new special districts within the City and of proposed service plans for such districts, and amendments thereto; and

WHEREAS, in order to accomplish this goal the Council has directed that this ordinance be drafted and presented to the Council for its consideration.

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

Section 1. Chapter 13 of the Steamboat Springs City Code is hereby amended by the addition of a new Article VII, entitled "Special Districts," in the form attached hereto as Exhibit A and fully incorporated herein by this reference.

Section 2. 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 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. 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 5. 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**

EXHIBIT A

ARTICLE VII

Special Districts

Sec. 13-61. Legislative declaration.

(a) The Special District Act codified in title 32, article 1, C.R.S., and in particular part 2, article 1, title 32, C.R.S. (the “Control Act”), grants municipalities the authority to review, approve, administer and enforce the service plans of districts located entirely within their corporate limits. The Control Act does not contain detailed provisions governing the manner in which such authority shall be exercised. The city council desires by this article to provide a more detailed regulatory framework within which the city will exercise its said authority, and to impose uniform conditions, standards and requirements for district service plans.

(b) In exercising its authority with respect to district service plans, and in furtherance of the best interests of the city and the preservation of the health, safety, prosperity, security and general welfare of the city and its residents, the city council intends to accomplish the following objectives:

- (1) To prevent district debt from impairing or adversely affecting the creditworthiness or credit ratings of the city.
- (2) To ensure that the costs of facilities and services furnished by a district are placed upon those who benefit from them.
- (3) To minimize the risk of excessive tax and fee burdens being placed upon city residents who reside or own property in districts.

(c) This article is necessary and proper for the government and administration of local and municipal matters under the home rule powers granted to the city by Article XX of the Colorado constitution and by the City Charter. The city council specifically finds that it has the authority to perform the functions set forth in this article and that the exercise of such authority within its corporate limits is purely a matter of local concern.

(d) The provisions of this article shall be construed and applied to supplement the Control Act and, to the extent provided herein, shall supersede the Control Act pursuant to the home rule powers granted by Article XX of the Colorado Constitution.

Sec. 13-62. Definitions.

As used in this article, the following terms, phrases and words shall have the following meanings:

Board means the board of directors of a district.

City manager includes any person designated by the city manager to perform the duties and exercise the authority assigned to the city manager under this article.

Contact information means, as to an organization, its name, mailing address, telephone and fax numbers, e-mail address, and the name and title of its chief executive or administrative official to whom correspondence for the organization may be sent. As to an individual, contact information means the individual's name, mailing address, telephone and fax numbers, and e-mail address.

District means a special district organized or organizing under the Special District Act whose service plan is or becomes subject to review, approval, administration and enforcement by the city.

District debt means all financial obligations of a district which are required by state law to be voted prior to issuance.

Interested parties means those persons and entities specified in section 13-63(a)(3).

Material departure refers to a material departure by a district from its service plan; material departure is more fully defined in section 13-65.

Proponent means any and all persons proposing a new service plan.

Publication means printing one time, in one newspaper of general circulation in the district or proposed district if there is such a newspaper and, if not, then in a newspaper of general circulation in Routt County.

Service plan means the document describing the services and facilities to be furnished by a district and containing the other elements specified by this article and by the provisions of the Control Act. It includes amendments duly approved by the approval authority as provided in this article and the Control Act.

Sec. 13-63. Service plans.

(a) Pre-hearing process.

(1) Commencement; staff review. The service plan review process shall be initiated by the proponent filing a service plan meeting the requirements of section 13-63(b), together with all other documents and information required by said section, with the city manager. The city manager shall promptly review the submittal for conformity with the requirements of section 13-63(b) and shall notify the proponent in writing of any and all deficiencies that must be cured before the submittal is deemed complete and conforming. Upon receipt of a complete and conforming submittal the city manager shall promptly forward the same to the city clerk, who shall schedule a public hearing on the service plan before the city council and shall supervise the giving of notice thereof as provided below. The public

hearing shall be scheduled for a date not later than 45 days from the date on which the city clerk receives the submittal from the city manager.

(2) Notice of hearing. This section 13-63(a)(2) shall govern the giving of notice of public hearings on service plans, notwithstanding the provisions of section 13-10.

a. Upon scheduling the public hearing, the city clerk shall direct the proponent to give notice thereof to the Colorado department of local affairs and all interested parties as defined in section 13-63(a)(3). Notice shall be in writing and set forth the following information: (i) the proponent's name and contact information, (ii) the name of the proposed district, (iii) a general description of the boundaries of the proposed district, (iv) for metropolitan districts a generic description of the types of services and facilities (*e.g.*, "water and sanitary sewer," "streets") to be furnished by the proposed district, (v) the place where the proposed service plan may be inspected by the public, (vi) a statement that all protests and objections to the service plan must be submitted in writing to the city manager at or prior to the commencement of the public hearing in order to be considered and that any protest or objection not presented in this time and manner shall be deemed waived, and (vii) the date, time and place of the public hearing. If the proponent owns less than 100% of the taxable real property in the proposed district, the notice shall further state the procedures for filing a petition for exclusion of property set forth in section 13-63(c)(2), and that the city council may not approve the service plan if a petition objecting to it is filed at least ten (10) days prior to the hearing by the owners of taxable property in the proposed district constituting more than 50% of the assessed valuation of all taxable property in the proposed district.

b. Notice shall be given not less than 21 days prior to the date of the public hearing by publication thereof and by certified mail, return receipt requested. Mailed notice to the owners of property within the boundaries of the proposed district shall be addressed as their names and addresses appear in the records of Routt County, except that mailed notice to property owners is not required for the proponent, or for any owner of taxable real property in the proposed district if the proponent owns 100% of such property. Upon the giving of notice, and not less than three days prior to the date of the public hearing, the proponent shall file with the city clerk a sworn statement, including a publisher's affidavit, verifying that notice was given as required by this section.

(3) Interested parties. Interested parties are entitled to notice of and are entitled to present evidence at the public hearing. They shall consist of the proponent, the board of county commissioners of Routt County, the owners of all taxable real property in the proposed district, and the governing body of each special district having territory in the proposed district and within three miles outside its boundaries.

(b) Submittal requirements. All of the items listed below in this section 13-63(b) shall be included in the submittal filed pursuant to this section. The number of copies shall be as determined by the city manager.

(1) A written transmittal which (i) identifies and provides contact information for the proponent, (ii) formally requests review and consideration of the service plan, (iii) provides a general description of the ownership of taxable real property in the proposed district (*e.g.*, the proponent owns 100%), and (iv) contains a statement signed by the proponent attesting to the accuracy of the information contained in the submittal.

(2) A service plan containing the information and documents specified in §32-1-202(2), C.R.S. The map of the proposed district boundaries required by said statute shall be stamped and signed by a land surveyor licensed to practice in the state of Colorado.

(3) A list of the names and addresses of all interested parties. By signing the attestation of accuracy on the transmittal specified in section 13-63(b)(1), the proponent verifies that it conducted or had conducted on its behalf a search of the real property records of the clerk and recorder and assessor of Routt County effective as of not more than 14 days prior to the date of filing, and that the list of interested parties contains, *inter alia*, the names and addresses of all persons having a record ownership interest in all taxable real property in the proposed district as of such effective date, and of all interested-party special districts.

(4) A written legal description of the boundaries of the proposed district, stamped and signed by a land surveyor licensed to practice in the state of Colorado.

(5) Full payment of the review fees specified in section 13-63(i).

(c) Public hearing and determination.

(1) Hearing. The hearing held by city council shall be open to the public. The city manager, the proponent, and any interested party shall be entitled to present evidence. Any evidence which in the discretion of city council is relevant to the organization of the district or to provisions of the service plan shall be considered, including evidence from persons other than interested parties if such evidence is relevant to the said matters, is competent and informed, and pertains to approval of the service plan or a material and substantial element of it. Any written reports, analyses and recommendations prepared for the hearing by the city staff shall be furnished to the proponent not later than the date on which written materials for the meeting at which the hearing will be held are sent or made available to city council members. The hearing shall be conducted in accordance with general rules applicable to public hearings as established by state law and the ordinances, regulations and custom of the city.

(2) Exclusion of property. Any person who owns real property within the boundaries of the proposed district may file a written request to exclude such property from the district with the city manager not later than ten (10) days prior to the date of the hearing. Upon receipt of any such request the city manager shall promptly send a copy thereof to the proponent. The city council shall act on the exclusion request prior to taking final action on the service plan and may in its discretion grant the exclusion request if it finds that such exclusion is in the best interests of the district. The proponents shall have the burden of persuading city council that such exclusion is not in the best interests of the district.

(3) Determination. After consideration of the service plan, reports and evidence accepted at the public hearing, and applying the criteria set forth in sections 13-63(f), (g) and (h), the city council shall approve the service plan without condition or modification, approve it subject to stated conditions or modifications, or disapprove it.

(d) Conditions, modifications.

(1) Authority. The city council is authorized in its discretion to require as conditions of approval any and all measures it reasonably deems necessary or convenient to ensure the ability of the property in the proposed district to discharge district debt on a reasonable basis, to enhance the enforceability of the provisions of the service plan, to avoid unnecessary duplication of services and facilities, and generally to promote and protect the interests of the present and future residents and property owners of the district, who are also residents and property owners of the city. Such measures may include without limitation any or all of the following:

a. Limits on district debt and mill levies (“debt and mill levy caps”), and on the term of district debt mill levies.

b. Limits on the authority of a district to furnish services and facilities of a type furnished by the city or by some other existing provider, and particularly limitations designed to honor and effectuate the provisions of §32-1-107(3), C.R.S.

c. Limits on the authority of a district to furnish services and facilities pursuant to statutory powers authorized by the service plan but as to which the city council determines to require additional detail, such as facility or service descriptions, cost estimates or financing arrangements necessary to the actual exercise of such powers.

d. Geographic limits on the ultimate inclusion or service area of a district, outside of which it may not include property within its boundaries or furnish specified services without the prior express consent of city council.

e. Requirement for the district to dedicate specific improvements or assets constructed or acquired by it to other agencies, *e.g.*, the city, the Colorado department of transportation, *etc.*, for operation and maintenance, and limits on the authority of the district to furnish on-going services of indefinite duration.

f. Limits on any action by the district to consolidate with any other district.

g. Limits on the authority of the district to apply for or accept funds from the state conservation trust fund, the Great Outdoors Colorado Fund, or any other funds (not including specific ownership taxes, which shall be available to the district) available from or through any governmental or nonprofit entities that the city is eligible to apply for.

h. Requirement for the district to use reasonable efforts to assure that all developers of the property located within its boundaries provide written notice to all purchasers of property in the district regarding the existence of the district, its maximum authorized mill levy, as well as a general description of the district's authority to impose and collect rates, fees, tolls and charges, in accordance with § 38-35.7-101, C.R.S.

i. Limits on the rate of interest on district loans to reimburse proponent advances for district organization and other start-up costs, and provision for independent analysis of the reasonableness of interest rates on privately-placed district debt.

j. Indemnity of the city by the proponent and the district (effective upon its organization) against claims against the city arising out of or based upon its approval of the district's service plan.

k. Limits upon the power of the district to issue debt, or provisions for dissolution of the district pursuant to part 7 of the Special District Act, in the event the facilities and services for which the district was organized prove not to be needed, *e.g.*, on account of the failure of the area of the district to develop within a reasonable time after organization of the district.

l. Requirement for the district to dissolve upon the defeasance of its indebtedness and the accomplishment of the purposes for which it was organized, as independently determined by the city council.

m. Provision for access to district park and recreation facilities and services by persons who are not residents or property owners of the district to be available on the same basis as for district taxpayers, without fees or charges higher than the aggregate of fees and taxes paid by district taxpayers, provided that all parks and trails subject to district jurisdiction shall be open to all members of the public without charge.

n. Limitation on the exercise of district powers of eminent domain outside district boundaries or a defined service area without the prior consent of city council.

o. Limits upon the exercise by the district of its city sales and use tax exemption.

p. Requirement for an intergovernmental agreement between the city and the district, to become effective upon the organization of the district, which among other things (i) affords the parties a flexible framework short of service plan amendment for city review and approval of specified district actions in the future, (ii) provides the city with additional legal and equitable bases for enforcing the provisions of its service plan, (iii) prevents the inclusion into a district of areas outside the city limits, and (iv) provides for elements of the on-going relationship between the city and the district which may not be included in the service plan.

(2) Process. If the city council conditionally approves the service plan, it shall by resolution specify the changes or modifications to be made or additional information to be

furnished by the proponent, together with the reasons for such changes, modifications, or additional information, and the date by which such modifications or information shall be submitted to the city. The city council shall continue the public hearing for a reasonable time, set forth in the resolution, pending submission of the required modifications or information, but only for the purpose of determining the conformity of submissions made by proponent with the requirements imposed by city council. Upon a determination that the submission conforms to the stated requirements, the city council shall issue its resolution approving the service plan. Failure by the proponent within the time stated to submit changes, modifications or additional information which conforms to the requirements in the resolution shall constitute grounds for disapproval of the service plan.

(3) Legal effect. Any and all limitations or conditions included in the service plan pursuant to this section 13-63(d) are imposed pursuant to the authority of city council to approve a service plan with conditions and modifications. Further, it is expressly intended that every such limitation, and particularly those imposed as a debt or mill levy cap:

a. Shall not be subject to set-aside for any reason or by any court of competent jurisdiction, absent an amendment to the service plan approved by city council; and

b. Are, together with all other requirements of Colorado law, included in the “Governmental Powers” reserved to the state under the United States Bankruptcy Code, 11 U.S.C. 903, and are also included in the “Regulatory or Electoral Approval Necessary Under Applicable Non-Bankruptcy Law” as required for confirmation of a Chapter 9 bankruptcy plan under 11 U.S.C. section 943(B)(6).

(e) Resolution. Any final approval or disapproval of the service plan shall be by written resolution adopted within 20 days after the conclusion of the public hearing which shall set forth in detail the reasons for the action taken. Such resolution shall constitute and document the final action of the city on the service plan for the purpose of any appeal to district court. No action or proceeding at law or in equity to review any acts or proceedings or to question the validity of city council’s determination shall be brought or maintained in district court except as provided by and in accordance with § 32-1-206, C.R.S., and Rule 106, Colorado Rules of Civil Procedure. Any such proceedings not commenced within the times therein provided shall be barred.

(f) Mandatory approval criteria. The proponent has the burden of persuading city council that all of the matters set forth below in this section 13-63(f) are true. The city council shall disapprove the service plan if it finds that the evidence is not sufficient to support any of such matters, or that it supports a contrary finding.

(1) There is sufficient existing and projected need in the area to be served by the proposed district for the organized services and facilities to be furnished by it.

(2) Existing service in the area to be served by the proposed district is inadequate for present and projected needs.

- (3) The proposed district is capable of providing economical and sufficient services and facilities to the area within its proposed boundaries.
- (4) The area to be included in the proposed district has or will have the financial ability to discharge the proposed indebtedness on a reasonable basis.
- (g) Discretionary approval criteria. The city council may in its discretion disapprove the service plan if it finds that the evidence is not sufficient to support any of the following matters, or that it supports a contrary finding.
- (1) Adequate service is not or will not be available to the area to be served by the proposed district through the county, the city, or some other existing municipal or quasi-municipal corporation, including existing special districts, within a reasonable time and on a comparable basis.
- (2) The facility or service standards of the proposed district are compatible with those of the city.
- (3) Proposed development within the area of the proposed district is in substantial compliance with the then-current master plan of the city.
- (4) The proposal is in compliance with any duly adopted county, regional or state long-range water quality management plan for the area.
- (5) The creation of the proposed district will be in the best interests of the area proposed to be served by it.
- (h) Property owner protest. Notwithstanding the provisions of sections 13-63(f) and (g), city council shall disapprove the service plan if a petition objecting to the service plan signed by the owners of taxable real and personal property, which property equals more than fifty percent of the total valuation for assessment of all taxable real and personal property to be included in the district, is filed with the city manager not later than ten (10) days prior to the hearing, unless such property is excluded pursuant to section 13-63(c)(2).
- (i) Review fees. The fee for service plan review shall be an amount established from time to time by resolution of the city council. If city council determines that the circumstances of a particular district or service plan require additional or special review, it may require the proponent to furnish an additional amount to reimburse the city for reasonable actual costs needed for such additional or special review. The city will refund any portion of the additional or special review fee that is not expended by it in connection with the review. The city council may waive all or any portion of the review fee for districts proposed for developed areas.
- (j). Notice of organization. Upon the organization of the district by the district court, the district shall furnish a copy of the decree of the district court declaring the district organized,

at the same time that such decree is recorded in the records of the clerk and recorder pursuant to §32-1-105, C.R.S.

Sec. 13-64. Monitoring. The requirements set forth in sections 13-64(a) through (d), and of any order issued by city council pursuant to section 13-64(e), are imposed in order to enable the city more effectively to exercise its authority to administer and enforce compliance by each district with the provisions of its service plan and any related instruments or documents provided by this article.

(a) Annual report. Not later than August 1 of each year, each district shall file an annual report with the city manager. The annual report shall contain the information and documents set forth in this section 13-64(a) applicable to and covering the fiscal year of the district ended the preceding December 31 (the "report year"), except as expressly stated below for a particular item. The annual report shall include the following:

(1) Contact information for the district, its general counsel, its accountant, and its directors and officers, including the dates on which the current terms of office of each director will expire.

(2) A narrative summary of the progress of the district in implementing its service plan for the report year.

(3) Except when exemption from audit has been granted for the report year under the Local Government Audit Law (part 6, article 1, title 29, C.R.S.), the audited financial statements of the district for the report year. When exemption from audit has been granted for such period the district shall furnish a copy of the request for audit exemption and all documents submitted to the state auditor in connection with such request. If the audit report for the district is not completed and submitted to the board by the due date for the annual report, the district shall include a statement to that effect in the annual report and file a copy of the audit report with the city manager within five (5) days after it is completed and submitted to the board.

(4) A copy of the adopted budget of the district for the current fiscal year, and any amendments or supplements to said budget adopted prior to the date on which the annual report is filed.

(5) Unless disclosed within a separate schedule to the financial statements, a summary of the capital expenditures made by the district in the report year, identifying the major public improvements constructed and the amounts and sources of the funds expended therefor.

(6) Unless disclosed within a separate schedule to the financial statements, a full and complete accounting for all expenditures and uses made during the report year of the proceeds of district debt.

(7) A list of all rates, fees, tolls and charges imposed by the district as of the date on which the report is filed.

- (8) A copy of any and all orders of the district court entered during the report year which change or otherwise affect the legal boundaries of the district, together with a map showing and identifying the areas affected by such orders.
- (b) Board meetings. The district shall file with the city manager a copy of the notice of and the agenda for each meeting of the board at or before the time it posts the same as required by the open meeting law (§24-6-402(2)(c), C.R.S.). Such materials may be provided by electronic means.
- (c) Boundary changes. The district shall file with the city manager a copy of the notice of hearing before the board concerning any inclusion or exclusion of real property into or from the district, at the time it is sent for publication.
- (d) Financing documents. The district shall furnish any and all of the following to the city manager on or before the date specified for each:
- (1) A copy of any and all ballot issues to be submitted to district electors by the district, at the time that such issues are certified to the clerk and recorder.
 - (2) Certification of the results of all district ballot issue elections to incur general obligation debt, as required by § 32-1-1101.5(1), C.R.S., within the times therein provided.
 - (3) At any time after the expiration of five (5) years from the date on which district debt was authorized at an election held by the district for such purpose, the city may require the district to apply for a finding of reasonable diligence with respect to such authorization, as provided by § 32-1-1101.5(1.5), C.R.S. Except as expressly provided herein with respect to timing, the provisions of § 32-1-1101.5(1.5), C.R.S., shall govern and control all aspects of the matter of quinquennial findings of reasonable diligence.
 - (4) A copy of any and all preliminary official statements (POSSs) pertaining to district debt issues, within two days of the date on which they are issued.
 - (5) A copy of each comprehensive annual financial report (CAFR) filed by the district for the report year, at the time it is filed with any nationally recognized municipal securities information repository (“NRMSIR”) or similar entity.
 - (6) Any and all notices of “material events” specified in Rule 15c2-12 of the Securities and Exchange Commission with respect to any outstanding district bonds. This notice shall be filed with the city manager regardless of whether it is required to be filed with any NRMSIR or similar entity, at the time that such notice is or would be required to be furnished to any NRMSIR or similar entity under the rules of the Securities and Exchange Commission.
- (e) Modification of requirements. If the city council, after notice to the district and opportunity for hearing, concludes that one or more of the requirements specified in sections 13-64(a) through (d) above are not necessary or useful to the city in exercising its authority to

administer and enforce district compliance with its service plan, it may waive or suspend any or all of the same for such period of time as it may determine is appropriate under the circumstances. If the city council, after notice to the district and opportunity for hearing, concludes that good cause exists on account of changed or special circumstances affecting a particular district, it may impose additional reporting or disclosure requirements upon and perform expanded monitoring of the actions of such district to determine its compliance or non-compliance with the various provisions of its service plan. The district shall comply with orders of the city council issued pursuant to this section 13-64(e) and shall further be obligated to reimburse the city for the reasonable costs of exercising its authority in connection with such orders.

(f) Sanction for violation. If a district fails to comply with any requirement imposed by sections 13-64(a) through (d) or with an order of city council issued pursuant to section 13-64(e) within nine (9) months after the date it was due, the city council may, after notice to the district, direct the Routt county treasurer to withhold the release of any moneys of the district held by the treasurer until the district complies with the requirements set forth herein.

Sec. 13-65. Material departure from service plan.

(a) Authority to enjoin. The city is authorized to enjoin any material departure by a district from its service plan. If a district has published a notice pursuant to § 32-1-207(3)(b), C.R.S., the city shall bring any such action within 45 days after the date of such publication, but the failure of or omission by a district to publish such notice shall not limit or impair in any way the authority of the city to enjoin a material departure by such district.

(b) Material departure. A district which desires to take any action constituting a material departure as defined in this article shall first obtain city approval of an amendment to its service plan as provided in section 13-66 to accommodate the same. A district which seeks or undertakes to take any such action without such approved amendment shall be subject to any and all remedies provided by this article and by state law. A material departure is conduct of a district which causes or results in a change of a basic or essential nature as regards (i) the territory of the district, (ii) the facilities or services furnished by it, or (iii) its ability and willingness to accomplish the fundamental purposes for which it was organized. For the purposes of defining material departure, the omission or failure to act by a district shall be included in the concept of conduct or action. A material departure shall include, without limitation, any of the following:

- (1) The inclusion into the district of any lands or areas that are not within the corporate limits of the city, or are not within the limits of any ultimate service area established for the district in the service plan.
- (2) The furnishing of types of services or facilities which are not authorized by the service plan.
- (3) The issuance of indebtedness in excess of a debt cap established by the service plan.

(4) The levy of general property taxes in excess of a mill levy cap established by the service plan.

(5) A decrease in the level of services, or a failure without good cause, after notice and reasonable opportunity to cure, to furnish (i) any type of or major facility or system, or (ii) any type of service, which is a significant, material element of the purposes for which the district was organized, as provided in its service plan.

(6) The continued, persistent failure after written notice and a reasonable opportunity to cure, to furnish services or facilities according to city standards or those set forth in the service plan, as applicable. Such failure may consist, by way of illustration and not by way of limitation, of consistent and repeated instances of the following: lack of or unreasonably delayed response to requests from a significant or material number of customers or users for service; failure to cure deficiencies in the design, construction or installation of facilities or equipment; inaccurate, incomplete or late reporting or record keeping; failure to furnish competent, professional, trained personnel; failure to remove violent or insubordinate personnel; negligent or intentional damage to or loss or destruction of property; unusual regulatory agency involvement with or attention to services or facilities, unusual level of customer complaints and the like.

(7) The failure without good cause, after notice and reasonable opportunity to cure, to perform an essential duty, *i.e.* issue debt or participate in the development of new facilities, imposed upon the district by an agreement with another district or other entity, including the city, as part of a general development plan.

(8) The use or pledge of district funds or credit for any improvement or facility which does not furnish a clear and demonstrable benefit to the residents and owners of property in the district. A requirement by the city that any improvement or facility be furnished as a condition of land use or other approval for development of property in the district shall be conclusive evidence that such improvement or facility furnishes a clear and demonstrable benefit to the residents and owners of property in the district.

(9) A material default by the district, after notice and reasonable opportunity to cure, under any intergovernmental agreement with the city.

(c) Process.

(1) The district shall bring to the attention of the city manager any act or circumstance that clearly falls within any of the criteria set forth in section 13-65(b).

(2) If, whether on the basis of information provided by the district pursuant to section 13-65(c)(1) or information from any other source, the city manager believes that a material departure has occurred or is about to occur, he may request information and seek clarification from the district regarding the matters forming the basis for his concern about a potential material departure. The district shall be obligated to furnish the information requested and respond in writing to any requests for clarification from the city manager. If

the district fails to respond to the requests of the city manager, or if following such response the city manager believes that a material departure has occurred or is about to occur, he shall notify city council of the facts which give rise to such belief and furnish city council with any and all additional relevant information.

(3) If the city council finds that good cause exists to believe that a material departure may have occurred or may be about to occur, it shall schedule a hearing to determine the matter and shall notify the district in writing of the date, time and place of such hearing, and of the general bases for the concern about possible material departure. The hearing shall be held between ten (10) and twenty-one (21) days following notice to the district. At said hearing the city manager, the district, and any interested party shall be entitled to present evidence and offer comment on the matters at issue. A *verbatim* record shall be kept of the proceedings. At the conclusion of the hearing, the city council shall by written resolution enter an order making its findings and determination whether a material departure has occurred, or whether specified action would constitute a material departure if taken by the district. Such order shall constitute and document the final action of the city for purposes of appeal to district court. No action or proceeding at law or in equity to review any acts or proceedings or to question the validity of city council's determination shall be brought or maintained in district court except as provided by and in accordance with § 32-1-206, C.R.S., and Rule 106, Colorado Rules of Civil Procedure. Any such proceedings not commenced within the times therein provided shall be barred.

(4) Upon the city council's finding of material departure pursuant to section 13-65(c)(3), the district shall immediately and without further order cease and desist from taking any action found to constitute a material departure and from taking any action in pursuance thereof. The city may immediately take any action it deems appropriate to enjoin or prevent the material departure from occurring or continuing, including without limitation filing a motion for injunction with the district court in the civil action organizing the district.

(5) Nothing in sections 13-65(c)(2) and (3) shall limit or impair the authority of the city to commence proceedings in district court prior to conclusion of the process specified in section 13-65(c)(3) to enjoin conduct it reasonably believes constitutes or would constitute, if taken, a material departure when such action is necessary to prevent irreparable harm or to comply with the 45-day time limit specified in section 13-65(a).

(6) Upon the district's filing with the city manager a service plan amendment that would accommodate or authorize the actions forming the bases for city council's determination of material modification ("proscribed actions"), the city council may in its sole and unfettered discretion permit the district to perform specified preliminary acts in pursuance of the proscribed actions that may be appropriate to avoid or prevent unnecessary hardship or delay for the district without compromising the legitimate interests of the city, or of the residents and property owners of the district.

Sec. 13-66. Service plan amendment.

(a) Pre-hearing process.

(1) Amendment required. City approval of a service plan amendment (“amendment”) is required in order for a district to undertake any action which would constitute a material departure from its service plan within the meaning of section 13-65 in the absence of such approval. Further, a district shall apply for city approval of an amendment if there is a substantial and material decrease in the financial ability of the district to discharge its existing or authorized indebtedness, or if there is a decrease in the existing or projected need for organized service to be provided by the district in the area proposed for such service.

(2) Pre-filing conference. Prior to filing an amendment for review and consideration, a district may schedule a pre-filing conference with the city manager for the purpose of discussing and resolving questions and issues of mutual concern relating to the amendment. Such issues may include without limitation the scope and general content of the amendment, identifying specific portions of the existing service plan that must be amended, determining whether the amendment should consist of changes to isolated or distinct portions of the existing service plan or instead take the form of an amended and restated service plan, identifying the required submittals, identifying the approval criteria to be applied to the amendment, clarifying procedural questions including notices and review fees, and determining any other matters necessary to avoid surprise, confusion or unnecessary delay in the review process.

(3) Formal commencement; staff review. The process to review and consider an amendment shall be initiated by the district filing an amendment meeting the requirements of section 13-66(b), together with all other documents and information required by said section, with the city manager. The city manager shall promptly review the submittal for conformity with the requirements of section 13-66(b) and shall notify the district in writing of any and all deficiencies that must be cured before the submittal is deemed complete and conforming. Upon receipt of a complete and conforming submittal the city manager shall promptly forward the same to the city clerk, who shall schedule a public hearing on the amendment before city council and shall supervise the giving of notice thereof as provided below. The public hearing shall be scheduled for a date not later than 45 days from the date on which the city clerk receives the submittal from the city manager.

(4) Notice of hearing. This section 13-66(a)(4) shall govern the giving of notice of public hearings on amendments, notwithstanding the provisions of section 13-10.

a. Upon scheduling the public hearing, the city clerk shall direct the district to give notice thereof to all interested parties as defined in section 13-63(a)(3). Notice of the hearing shall be in writing and set forth the following information: (i) the name and contact information of the district, (ii) a general description of the nature and purpose of the proposed amendment (*e.g.*, “to authorize the district to exercise park and recreation powers,” “to increase the debt cap of the district”), (iii) the place where the proposed

amendment plan may be inspected by the public, (iv) a statement that all protests and objections to the amendment must be submitted in writing to the city manager at or prior to the commencement of the public hearing in order to be considered and that any protest or objection not presented in this time and manner shall be deemed waived, and (v) the date, time and place of the public hearing.

b. Notice shall be given not less than 14 days prior to the date of the public hearing by publication thereof, and by certified mail, return receipt requested, to the board of county commissioners of Routt County, the Colorado department of local affairs, and the governing body of each special district having territory in the proposed district and within three miles outside its boundaries. Upon the giving of notice, and not less than three days prior to the date of the public hearing, the district shall file with the city clerk a sworn statement, including a publisher's affidavit, verifying that notice was given as required by this section.

(b) Submittal requirements. If the district has failed to comply with the requirements of section 13-64, it shall submit all documents and information necessary to effect a full cure of such failure as part of the submittal required by this section. In addition, all of the items listed below in this section 13-66(b) shall be included in the submittal filed pursuant to this section. The number of copies shall be as determined by the city manager.

(1) A written transmittal which (i) provides an executive summary of the reasons for and the contents of the amendment, (ii) formally requests review and consideration of the amendment, and (iii) contains a statement signed by the district attesting to the accuracy of the information contained in the submittal.

(2) The full text of the amendment, which shall contain all of the information and documents specified in §32-1-202(2), C.R.S, that are relevant and applicable to each portion of the service plan sought to be amended. The financial plan submitted pursuant to §32-1-202(2)(b), C.R.S., shall include actual experience of the district from the date of its organization or the most recent five (5) fiscal years, whichever is less.

(3) A list of the names and addresses of all interested parties, except those persons who are interested parties solely by reason of owning taxable real property in the district.

(4) Full payment of the review fees specified in section 13-66(g).

(c) Public hearing and determination.

(1) Hearing. The hearing held by city council shall be open to the public. The city manager, the district, and any interested party shall be entitled to present evidence. Any evidence which in the discretion of city council is relevant to the provisions of the amendment shall be considered. Any written reports, analyses and recommendations prepared for the hearing by the city staff shall be furnished to the district not later than the date on which written materials for the meeting at which the hearing will be held are sent or made available to city council members. The hearing shall be conducted in accordance

with general rules applicable to public hearings as established by state law and the custom, ordinances and regulations of the city.

(2) Determination. After consideration of the amendment, reports and evidence accepted at the public hearing, and applying the criteria set forth in section 13-66(f), the city council shall approve the amendment without condition or modification, approve it subject to stated conditions or modifications, or disapprove it.

(d) Conditions, modifications. The provisions of section 13-63(d) providing for conditions and modifications of a service plan are fully applicable to amendments.

(e) Resolution. Any final approval or disapproval of the amendment shall be by written resolution which shall set forth in detail the reasons for the action taken. Such resolution shall constitute and document the final action of the city on the service plan for the purpose of any appeal to district court. No action or proceeding at law or in equity to review any acts or proceedings or to question the validity of city council's determination shall be brought or maintained in district court except as provided by and in accordance with § 32-1-206, C.R.S., and Rule 106, Colorado Rules of Civil Procedure. Any such proceedings not commenced within the times therein provided shall be barred.

(f) Approval criteria. In determining its action on the amendment, the city council shall apply those elements of the approval criteria set forth in sections 13-63(f) and (g) that are relevant and applicable to issues raised by or involved with the amendment, as necessarily tailored to the circumstances and conditions relevant to the amendment.

(g) Review fees. The fee for review of an amendment shall be an amount established from time to time by resolution of the city council. If the city council determines that the circumstances of a particular district or amendment require additional or special review, it may require the district to furnish an additional amount to reimburse the city for reasonable actual costs needed for such additional or special review. The city will refund any portion of the additional or special review fee that is not expended by it in connection with the review. The city council may waive all or any portion of the review fee for amendments proposed by districts whose areas are fully developed.

Sec. 13-67. Remedy for violations. If, after written notice to the district and reasonable opportunity for the district to be heard, the city council finds based upon competent evidence that a district has failed to comply with any applicable provision of its service plan, state law or this article, it may, by resolution, authorize any or all of the following actions, as it deems appropriate:

(1) The exercise of any applicable remedy under the Special District Act.

(2) The withholding of any permit, authorization, acceptance or other administrative approval necessary for the district's development, use or occupancy of public facilities or construction.

(3) The exercise of any legal or equitable remedy, expressly including injunctive relief, pursuant to this article or to the terms of any intergovernmental agreement under which the district is in default.

AGENDA ITEM # 12

CITY COUNCIL COMMUNICATION FORM

FROM: Fritz Holleman, Special Water Counsel
Anthony B. Lettunich, City Attorney (879-0100)
Philo Shelton, Director of Public Works (Ext. 204)

THROUGH: Jon Roberts, City Manager (Ext. 228)

DATE: Tuesday, April 7, 2009

RE: Ordinance - First Reading: **AN ORDINANCE CREATING A WATER DEDICATION POLICY TO ENSURE THAT WATER SERVICE REQUIRED FOR NEW DEVELOPMENT OUTSIDE OF THE EXISTING CITY MUNICIPAL WATER SYSTEM DOES NOT INTERFERE WITH SERVICE TO EXISTING CUSTOMERS AND DOES NOT INTERFERE WITH THE CITY'S ABILITY TO MEET REASONABLY ANTICIPATED FUTURE WATER SUPPLY NEEDS; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**(Holleman, Lettunich, and Shelton)

NEXT STEP: Approve the Ordinance at First Reading by Motion

INFORMATION
 MOTION
 ORDINANCE

I. REQUEST OR ISSUE:

To introduce and approve the attached Ordinance at first reading by motion.

II. RECOMMENDED ACTION:

Approve the attached Ordinance at first reading by motion.

III. FISCAL IMPACTS:

None.

IV. BACKGROUND INFORMATION:

Fritz Holleman, special water counsel to the City, has made several presentations to the City Council as to the manner in which other water service providers in the state, including municipalities and special districts, require a dedication of water rights or payments in lieu of water rights to the water service provider as a condition precedent to annexation. The policy has been adopted by a number of such water service providers to ensure that (a) water service required for new development does not interfere with service to existing customers, (b) water service required for new development does not interfere with the City's ability to meet reasonably anticipated future water supply needs, (c) all new development bears an appropriate share of the expense that may be required to provide reliable water service to the new development, and (d) all new development bears an appropriate share of the investment that current and past residents of the City have made in developing a dependable water supply.

V. LEGAL ISSUES:

The Water Rights Dedication Policy would be implemented at the time a developer seeks annexation to the City and would be incorporated in the Annexation Agreement.

VI. SUMMARY AND ALTERNATIVES:

While we are confident that the Water Rights Dedication Policy as presented incorporates the direction previously given by City Council, the introduction of the ordinance at first reading is an opportunity to give further direction for modifications to be made for final adoption at second reading. Staff will need specific direction regarding subsection (h), entitled "Exceptions." Alternatives to subsection (h) are set forth in the attached version.

End of Communication Form

CITY OF STEAMBOAT SPRINGS, COLORADO

ORDINANCE NO. _____

AN ORDINANCE CREATING A WATER DEDICATION POLICY TO ENSURE THAT WATER SERVICE REQUIRED FOR NEW DEVELOPMENT OUTSIDE OF THE EXISTING CITY MUNICIPAL WATER SYSTEM DOES NOT INTERFERE WITH SERVICE TO EXISTING CUSTOMERS AND DOES NOT INTERFERE WITH THE CITY'S ABILITY TO MEET REASONABLY ANTICIPATED FUTURE WATER SUPPLY NEEDS; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Steamboat Springs has determined that it is an important goal of the City to ensure that water service required for new development does not interfere with service to existing customers and does not interfere with the City's ability to meet reasonably anticipated future water supply needs; and

WHEREAS, the City Council of the City of Steamboat Springs has further determined that it is an important goal of the City to ensure that all new development bears an appropriate share of the expense that may be required to provide reliable water service to the new development, as well as an appropriate share of the investment that current and past residents of the City have made in developing a dependable water supply; and

WHEREAS, the City Council desires to adopt a Water Dedication Policy to achieve the goals set forth above,

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

Section 1. Chapter 25 of the Steamboat Springs Municipal Code is hereby amended by the addition of a new Section 25-77, entitled "Water Rights Dedication Policy" in the form attached hereto as Exhibit A and fully incorporated herein by this reference.

Section 2. 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 3. 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 4. 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 5. 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**

Water Rights Dedication Policy

Section 25-77.

(a) Title. This Chapter shall be known and may be cited as the “Water Rights Dedication Policy.”

(b) Purpose. The purpose of this Water Rights Dedication Policy is to ensure that water service required for new development does not interfere with service to existing customers and does not interfere with the City’s ability to meet reasonably anticipated future water supply needs. The policy is intended to ensure that all new development bears an appropriate share of the expense that may be required to provide reliable water service to the new development, as well as an appropriate share of the investment that current and past residents of the City have made in developing a dependable water supply. For the foregoing reasons, and to promote the general welfare of the City and the public, the City adopts a general policy of conditioning new treated or raw water service from the City’s municipal water system upon either a dedication of water rights or a payment of cash in lieu of water rights by the development to be served.

(c) Applicability. This policy shall apply to all new requests for water service from the City’s municipal water system to properties not within the City’s municipal water utility service area as of the effective date of this policy. Any party that seeks water service under this policy is referred to herein as “Applicant.”

(d) Water Demand Report. Every Applicant requesting an extension of municipal water service under this policy must prepare and submit a report by a registered professional engineer detailing the water supply requirements for the development. At a minimum, the report shall address each of the following:

- (1) An analysis of the annual and monthly water requirements in terms of both the total water demand and estimated consumptive use of the proposed development through full build-out conditions, and at any phases of development that are proposed for the project. The report shall identify peak day summer and winter water demands. The report shall identify uses for the water such as domestic, irrigation, industrial, water features, and/or large demand water features. The report shall include completed water demand worksheet forms, which shall be attached to the report as appendices. Acceptable water demand worksheet forms shall be kept on file with the Public Works Director. The sufficiency of the water demand report and water demand worksheets shall be subject to the discretion of the City Manager, in consultation with the Public Works Director and the City’s retained water experts for engineering and legal analysis.
- (2) An analysis of the ability of the City’s municipal water supply to meet the expected demand under various hydrologic conditions, including a description of the physical source of water supply that may be used to serve the development.
- (3) Water conservation measures that may be implemented within the

development.

- (4) Water demand measures that may be implemented within the development to account for hydrologic variability.
- (5) Such other information as the City may require.

(e) *Water Rights Dedication.* The basic dedication requirement for every Applicant under this policy shall be the dedication to the City of a dependable legal supply of water equal to one hundred twenty (120%) of the water rights necessary to meet the requirements identified in the water demand report.

- (1) Applicants must dedicate all direct flow, storage, and groundwater rights and permits historically used on the property to be served (the “appurtenant water”).
- (2) Where there is not appurtenant water on the property, or where the appurtenant water will not provide a dependable legal supply equal to 120% of the estimated water requirement, the Applicant shall dedicate sufficient alternative water rights that can be folded into the City system without unreasonable expense or delay so as to meet the 120% water dedication requirement. A strong preference shall be given to water rights senior in priority to 1922, the date of the Colorado River Compact, provided the dedication of such rights to the City will not directly result in the permanent dry-up of historically irrigated acreage that would not otherwise occur but for the preference accorded such rights under this policy. Applicants seeking alternative water rights under this subparagraph (e)(2) are encouraged to explore rotating fallowing arrangements or other similar arrangements with the owners of senior agricultural water rights so that water rights senior to 1922 can be dedicated to the City without causing historically irrigated agricultural land to be permanently dried-up. If no acceptable water rights senior in priority to 1922 are available for dedication, the City may accept other types of alternative water rights, in the following order of preference:
 - a. Rights to store water upstream from the City’s Elk River diversion;
 - b. Senior historic consumptive use credits that can be changed for direct use at any of the City’s points of diversion, or storage in any City storage facility;
 - c. Stagecoach Reservoir water rights, and/or other storage rights in the Yampa Basin upstream from the City’s Yampa River infiltration gallery.
 - d. Such other alternative water rights that City Staff, in consultation with the City’s retained water experts, determine will meet the 120% dependable legal supply requirement and enhance the firm yield of the City’s water supply.
- (3) “Dependable legal supply” as that term is used in this policy means that the water rights proposed for dedication may reasonably be expected to provide a dependable water supply through the season of use in the amount for which they are decreed. In making this determination, factors to be considered shall include, but not by way of limitation, the adjudication date and appropriation date of the water rights, the

decreed uses, the historic use of the water under the decree, the physical flow available and the administration practices of the office of the State Engineer.

- (4) Determination of the sufficiency of any water proposed for dedication under this policy shall be subject to the discretion of the City Manager or the Public Works Director, in consultation with the City's expert water consultants.

(f) *Cash In Lieu of Water Rights.* As an alternative to the water rights dedication required under paragraph (e) above, Council may, at its discretion, allow an Applicant to provide a cash payment in lieu, or other valuable consideration, the sufficiency of which shall be calculated according to what it would cost the City to acquire 120% of the water requirement for the proposed development. City Council discretion to accept cash in lieu or other valuable consideration under this section is subject to the following conditions:

- (1) The City must have sufficient water rights to meet the estimated water service requirement for the property to be served;
- (2) The Applicant must not have access to the types of preferred water rights identified in paragraph (e)(2) above;
- (3) Any cash in lieu or other alternative arrangement shall be documented in a contemporaneous written agreement.
- (4) Cash payments received by the City under this paragraph (f) shall be used to address the City's most pressing water supply needs. Council may exercise its discretion to dedicate this cash to purchase or develop additional water supplies, but in some cases the cash will be most effectively used to finance further engineering or legal analysis and work directed toward developing the City's existing water supplies.

(g) *Payment of Costs.*

- (1) Every Applicant shall be required to deposit with the City an initial fee of no less than \$10,000 to pay for the cost to the City of the legal and engineering analysis required to determine whether water proposed for dedication will provide a dependable legal supply equal to 120% of the estimated water requirement for the property to be served. The initial deposit shall be used to pay the costs of staff, legal consultants, engineering consultants, and other expenses that may be incurred by the City. This cost reimbursement charge is not related or credited to any other fee required by the City. Deposit amounts in excess of the actual cost of the analysis will be refunded to the Applicant or credited against any agreed upon cash in lieu obligation. A good faith effort will be made to generally account for the costs incurred, but the City shall not be obligated to provide a specific accounting of costs.
- (2) In addition to the dedication of water rights under paragraph (e) or cash in lieu or other arrangement under paragraph (f) above, Applicants shall be required to pay the City for all legal, engineering, and other costs incurred by the City to evaluate and/or

adjudicate any augmentation plan or other water court application, if necessary, to provide new or increased water service to Applicant's property.

(h) Exceptions. The City Council shall have the authority to substitute or waive any conditions or requirements of this policy deemed necessary to meet the purposes of this policy.

Alternatives to paragraph (h) on exceptions:

- (1) There shall be no substitutions or exceptions to the conditions and requirements of this policy.
- (2) The City Council shall have the authority to substitute or waive any of the conditions or requirements of this policy, provided that any such substitution or waiver is consistent with and furthers the purposes of this policy as set forth in paragraph (b) above.
- (3) The City Council shall have the authority to substitute or waive any of the conditions or requirements of this policy, provided that any such substitution or waiver is consistent with and furthers the purpose of this policy as set forth in paragraph (b) above, and further provided that such substitution or waiver is rationally related to the water demand of the proposed development as indicated by the water demand report required under paragraph (d) above.

(i) Phased Water Dedication. Council may exercise its discretion to waive the upfront water dedication and/or cash in lieu requirements of this policy for a phased development subject to a written agreement whereby the Applicant agrees to dedicate water, or make payments in lieu, in phases as the development proceeds and requires water service. Any such phased dedication shall be documented in a written agreement. The sufficiency of the future water dedication, or cash in lieu, shall remain subject to the discretion of the City Council, and must meet the requirements of the water dedication policy, as it exists when water service for any phase of a development is requested. Any such phased dedication agreement should be recorded in the Routt County records so there is clear notice on the contingent nature of future water service.

(j) Open Space Annexation. This Water Rights Dedication Policy shall also apply to property proposed to be annexed to the City for open space, park, aesthetic, recreation or agricultural purposes. In such circumstances, the required dedication shall only be the appurtenant water. If the owner of such property desires to retain the property for open space or agricultural purposes, Council shall allow the owner to lease back any dedicated appurtenant water, on an annual basis, and for irrigation, aesthetic and recreational purposes only. The terms of this lease shall be negotiated with the City Manager.

End of Document

Water Dedication Policy_Holleman_V4_090321_CLEAN(00029806).doc

AGENDA ITEM # 13

CITY COUNCIL COMMUNICATION FORM

FROM: Fritz Holleman, Special Water Counsel
Anthony B. Lettunich, City Attorney (879-0100)
Philo Shelton, Director of Public Works (Ext. 204)

THROUGH: Jon Roberts, City Manager (Ext. 228)

DATE: Tuesday, April 7, 2009

RE: Ordinance - First Reading: **AN ORDINANCE CREATING A POLICY REQUIRING ADEQUATE WATER SUPPLY FOR NEW DEVELOPMENT; IMPLEMENTING THE REQUIREMENTS OF HOUSE BILL 08-1141, WHICH DIRECTS LOCAL GOVERNMENTS TO DENY DEVELOPMENT APPLICATIONS WHERE THERE IS NOT A DEMONSTRATION OF ADEQUATE WATER SUPPLY TO SERVE THE PROPOSED DEVELOPMENT; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**
(Holleman, Lettunich, and Shelton)

NEXT STEP: Approve the Ordinance at First Reading by Motion

INFORMATION
 MOTION
 ORDINANCE

I. REQUEST OR ISSUE:

To introduce and approve the attached Ordinance at first reading by motion.

II. RECOMMENDED ACTION:

Approve the attached Ordinance at first reading by motion.

III. FISCAL IMPACTS:

None.

IV. BACKGROUND INFORMATION:

Fritz Holleman, special water counsel to the City, has made several presentations to the City Council as to the implications of HB 08-1141 ("HB 1141"), which was passed by the Colorado Legislature last year. HB 1141 obligates a local government considering a land use approval to require details of the water demands of the new development sufficient to determine if there is an adequate supply of water to serve the new development. HB 1141 further directs local governments to deny applications for development permit approval where there is not a demonstration of an adequate water supply to serve the new development. HB 1141 gives local governments the discretion to implement the terms and provisions of HB 1141 to further the intent of HB 1141 and to determine at what point in the development process the determination of adequate water supply shall be made and what information the local government may require to make such a determination.

City Council directed Staff to add the language set forth in subsection (d)(4) regarding the adoption of a "water supply plan" and the use of such a plan by the Public Works Director and an Applicant to assist in the recommendation of adequacy or inadequacy of the water supply for the new development. If the City Council adopts this Ordinance at first reading Staff will assume that the language added is sufficient.

V. LEGAL ISSUES:

The Adequate Water Supply for Development Policy, as written, applies to any application for a Development Permit to serve fifty single-family equivalents ("SFEs") or more. HB 1141 authorizes the City to apply this policy to developments of less than fifty SFEs but the ordinance before you limits the applicability of these requirements to fifty SFEs.

VI. SUMMARY AND ALTERNATIVES:

While we believe that the Adequate Water Supply for Development Policy as presented incorporates the direction previously given by City Council, the introduction of the ordinance at first reading is an opportunity to give further direction for modifications to be made for final adoption at second reading.

End of Communication Form

CITY OF STEAMBOAT SPRINGS, COLORADO

ORDINANCE NO. _____

AN ORDINANCE CREATING A POLICY REQUIRING ADEQUATE WATER SUPPLY FOR NEW DEVELOPMENT; IMPLEMENTING THE REQUIREMENTS OF HOUSE BILL 08-1141, WHICH DIRECTS LOCAL GOVERNMENTS TO DENY DEVELOPMENT APPLICATIONS WHERE THERE IS NOT A DEMONSTRATION OF ADEQUATE WATER SUPPLY TO SERVE THE PROPOSED DEVELOPMENT; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, HB 08-1141, titled "An Act Concerning Sufficient Water Supplies for Land Use Approval" was adopted by the Colorado legislature and signed into law by the governor in 2008; and

WHEREAS, HB 08-1141 directed local governments, including the City of Steamboat Springs, to deny applications for development permit approval where there is not a demonstration of an adequate water supply to serve the proposed development; and

WHEREAS, to implement the requirements of HB 08-1141, the City Council has directed Staff to prepare a new section in the Municipal Code to be known as the "Adequate Water Supply for Development Policy"; and

WHEREAS, the City Council desires to adopt the "Adequate Water Supply for Development Policy" to implement the mandates of HB 08-1141,

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

Section 1. Chapter 25 of the Steamboat Springs Municipal Code is hereby amended by the addition of a new Section 25-78, entitled "Adequate Water Supply for Development Policy" in the form attached hereto as Exhibit A and fully incorporated herein by this reference.

Section 2. 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 3. 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 4. 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 5. 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**

Adequate Water Supply for Development Policy
State law reference: C.R.S. §§ 29-20-103 to 306.

Section 25-78

(a) Title. This Chapter shall be known and may be cited as the “Adequate Water Supply for Development Policy.”

(b) Purpose. The purpose of this policy is to implement the requirements of House Bill 08-1141, “Concerning Sufficient Water Supplies for Land Use Approval,” which directs local governments, including municipalities, to deny applications for development permit approval where there is not a demonstration of an adequate water supply to serve the proposed development.

(c) Applicability. This policy applies to every application for a development permit that will require water service in the amount required to serve fifty single-family equivalents (“SFEs”) or more. It applies to any redevelopment that would require an increase over the level of existing water service in this same amount. City Council may, at its discretion, apply this policy to smaller developments.

- (1) “Applicant” as that term is used in this policy means any person or entity seeking development permit approval.
- (2) “Development permit” as that term is used in this policy means any of the permissions granted pursuant to an application for a specific development project under any of the following provisions of the Community Development Code (“CDC”) of the Steamboat Springs Municipal Code:
 - a. Rezoning under section 26-62;
 - b. Use with criteria under section 26-64;
 - c. Development plans under sections 26-65 and 26-66;
 - d. Subdivision under sections 26-67 and 26-68.

(d) Development permit approval. The City shall not approve an application for a development permit unless it first determines, in its sole discretion, after considering a development permit application, and all of the additional information required under this policy, that the water supply for the proposed development will be adequate. In making the adequacy determination, the City shall consider the following information:

- (1) The Applicant’s water demand report. An Applicant for a development permit is required to submit to the City a report prepared by a registered professional engineer that details the development’s water requirements and the water resources that will be used to meet that requirement. At a minimum, the report must address all of the elements identified in the water demand report required under section 25-77(d) of the City’s Water Rights Dedication Policy.
- (2) The City shall take into account whether the applicant has dedicated water rights under the City’s Water Rights Dedication Policy or paid cash in lieu or other fees for the purpose of

acquiring water for or expanding or constructing the water infrastructure to serve the proposed development. See C.R.S. § 29-20-305(1)(c).

(3) The City may request, at its discretion, a letter from the State Engineer commenting on the Applicant's water demand report. See C.R.S. § 29-20-305(1)(b).

(4) If and when the City develops a "water supply plan" that meets the requirements of C.R.S. § 29-20-304(3), and then places that plan on file with the Public Works Director so that it is available for public review, an Applicant's water demand report as required by paragraph (d)(1) above should be prepared by reference to said plan. An Applicant's water demand report may incorporate by reference any provisions of said plan.

~~(4)~~ (5) The City may consider any other information it deems relevant, including any information required under its ordinances and regulations, including, for example and without limitation, the City's Water Dedication Policy. See C.R.S. § 29-20-305(1)(d).

(e) Coordination with the Mount Werner Water District. Any Applicant seeking approval of a development permit for a property located within the area of the City where water service is provided by the Mount Werner Water District ("District") shall submit the water demand report required by subsection (d)(1) above to both the City and District. The City shall confer with the District regarding the adequacy of the water demand report, and the ability of the District to supply the anticipated demand. No development permit shall be granted by the City without a letter from the Mount Werner Water District expressing its ability and commitment to serve the proposed development. The City shall retain its sole discretion to determine whether the proposed water supply will be adequate, and its sole discretion to approve or deny the development permit.

(f) Adequacy determination to be made only once. Where a proposed development is subject to review under more than one of the CDC subsections identified in paragraph (c)(1) above, the adequacy determination required under this policy shall be made at the earliest applicable point in the development approval process, and, once made, shall not be revisited unless the water demands or water supply for the project for which development approval is sought are materially changed.

(g) Payment of Costs. Every Applicant for a development permit shall be required to deposit with the City an initial fee of no less than \$10,000 to pay for the cost to the City of the legal and engineering analysis required to review the water demand report required by subsection (d)(1) of this policy above. The initial deposit shall be used to pay the costs of staff, legal consultants, engineering consultants, and other expenses that may be incurred by the City. This cost reimbursement charge is not related or credited to any other fee required by the City. Deposit amounts in excess of the actual cost of the analysis will be refunded to the Applicant. A good faith effort will be made to generally account for the costs incurred, but the City shall not be obligated to provide a specific accounting of costs.

End of Section

AGENDA ITEM # 14

CITY COUNCIL COMMUNICATION FORM

FROM: Tom Leeson, AICP, Director of Planning & Community Development (Ext. 244)

THROUGH: Jon Roberts, City Manager (Ext. 228)

DATE: April 7, 2009.

ITEM: Vesting Extension for Montenero at Steamboat Springs (Porches II): An ordinance of the City of Steamboat Springs, Colorado, extending the vesting period for a site specific development plan originally approved as "Montenero at Steamboat Springs" for an additional time period of six months, 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 April 21, 2009.

DIRECTION
 INFORMATION
 ORDINANCE
 MOTION
 RESOLUTION

I. REQUEST OR ISSUE:

An ordinance of the City of Steamboat Springs, Colorado, extending the vesting period for a site specific development plan originally approved as "Montenero at Steamboat Springs" for an additional time period of six months, repealing all conflicting ordinances; providing for severability; and providing an effective date.

II. RECOMMENDED ACTION:

Staff recommends City Council pass the ordinance at First Reading.

III. FISCAL IMPACTS:

None.

IV. BACKGROUND INFORMATION:

The City Council approved the Montenero at Steamboat Springs Final Development Plan, a 17-unit townhome project consisting of seven duplexes and one tri-plex, on May 2, 2006. The project's term of approval expires on May 2, 2009.

The project is located at the intersection of Mt. Werner Drive and Steamboat Boulevard, and is currently known as Porches II (See Attachment 1).

The project was approved with multiple buildings in a single phase, and the project has installed the water and sewer infrastructure and received Preliminary Acceptance from the Mt. Werner Water and Sanitation District. Per the Community Development Code, if an active building permit has been obtained for a Final Development Plan or part thereof, and the term of approval for a Final Development Plan expires, the development covered under the active building permit may continue; however, the Final Development Plan approval shall be considered expired and no new building permits may be issued based on the expired approval.

However, the project has four (4) duplexes and one (1) triplex remaining for which building permits will be required and will not be applied for prior to the May 2, 2009 expiration date.

The City of Steamboat Springs is currently reviewing standard vesting periods for all site specific development plans but will not have a final decision prior to May 2, 2009 expiration date for the project. An extension of the project's vesting period would allow any final decision regarding standard vesting to apply to Montenero at Steamboat Springs.

V. LEGAL ISSUES:

None.

VI. CONFLICTS OR ENVIRONMENTAL ISSUES:

None.

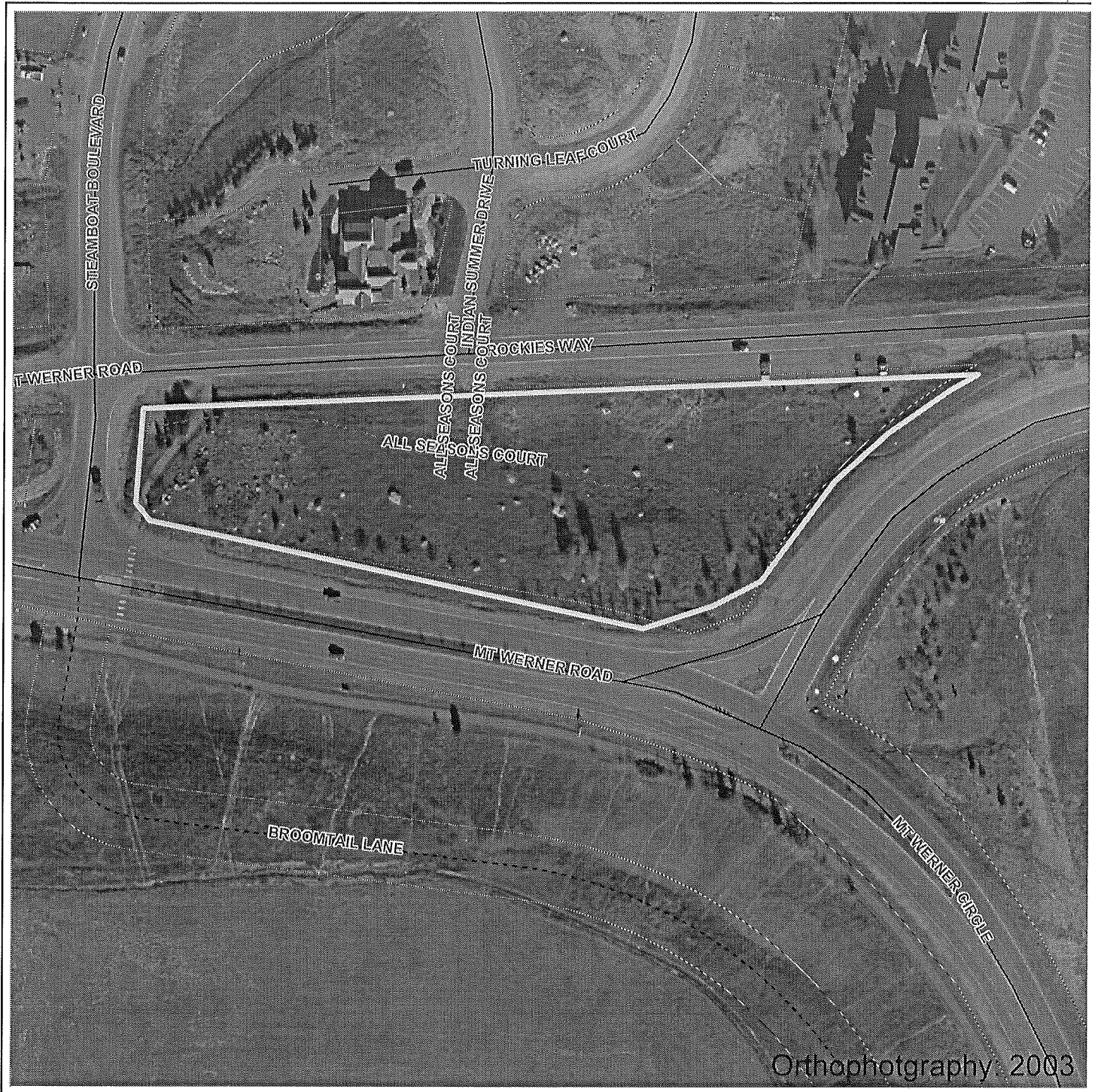
VII. SUMMARY AND ALTERNATIVES:

The ordinance extends the vesting period for a site specific development plan originally approved as "Montenero at Steamboat Springs" for an additional time period of six months while the City of Steamboat Springs reviews standard vesting periods for all site specific development plans.

LIST OF ATTACHMENTS

Attachment 1: Location Map
Attachment 2: Site Plan

Montenero at Steamboat Springs #DP-06-02, #FDP-06-02



City of
Steamboat Springs 
Prepared by: Planning Services

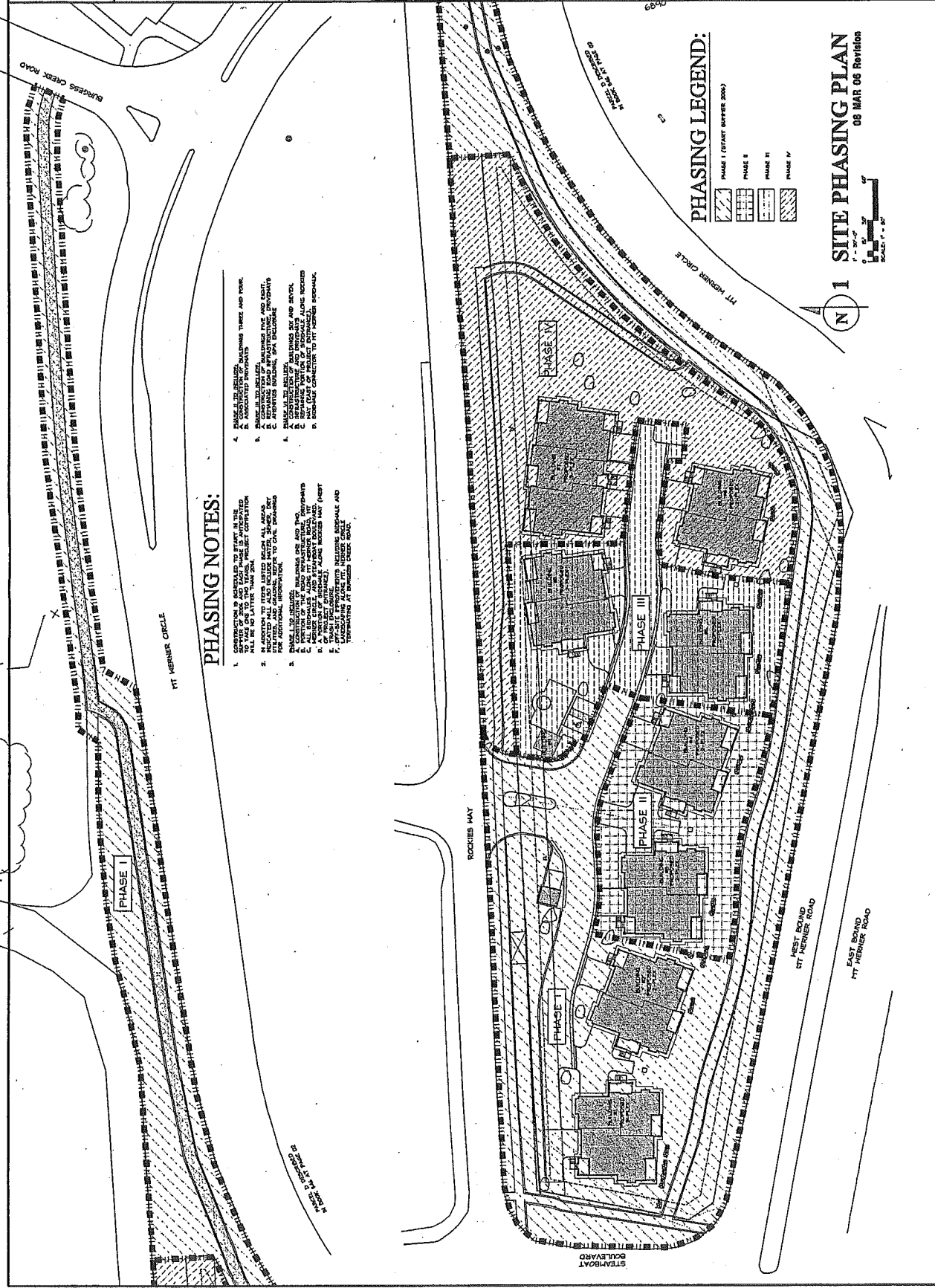
Attachment 1

PS-10
05-08

MONTENERO
A Tomlinson project:
Mt Werner Road
Steamboat Springs, Colorado

STEARNS & ASSOCIATES
ARCHITECTURAL
770 S. 2nd St.
Steamboat Springs, CO 80487
770.874.0819
William J. Ranzetta

THESE DRAWINGS DO NOT INCLUDE THE COMMENTS OR ANY OTHER INFORMATION NECESSARY FOR CONSTRUCTION FOR SAFETY.
10/10/2004 8:44 AM, PJ



PHASING LEGEND:
PHASE I (DIAGONAL HATCHING)
PHASE II (HORIZONTAL HATCHING)
PHASE III (VERTICAL HATCHING)
PHASE IV (CROSS-HATCHING)

N 1
SITE PHASING PLAN
08 MAR 06 Revisions
SCALE: 1" = 20'

PHASING NOTES:

1. CONSTRUCTION SHALL BE LIMITED TO THAT IN THE PHASING LEGEND. ALL OTHER CONSTRUCTION SHALL BE LIMITED TO THE PHASING LEGEND. PROJECT COMPLETION SHALL BE LIMITED TO THE PHASING LEGEND.
2. IN ADDITION TO THE PHASING LEGEND, ALL AREAS OF THE PHASING LEGEND SHALL BE LIMITED TO THE PHASING LEGEND. ALL AREAS OF THE PHASING LEGEND SHALL BE LIMITED TO THE PHASING LEGEND.
3. CONSTRUCTION OF BUILDINGS ONE AND TWO SHALL BE LIMITED TO THE PHASING LEGEND. ALL AREAS OF THE PHASING LEGEND SHALL BE LIMITED TO THE PHASING LEGEND.
4. CONSTRUCTION OF BUILDINGS THREE AND FOUR SHALL BE LIMITED TO THE PHASING LEGEND. ALL AREAS OF THE PHASING LEGEND SHALL BE LIMITED TO THE PHASING LEGEND.
5. CONSTRUCTION OF BUILDINGS FIVE AND SIX SHALL BE LIMITED TO THE PHASING LEGEND. ALL AREAS OF THE PHASING LEGEND SHALL BE LIMITED TO THE PHASING LEGEND.
6. CONSTRUCTION OF BUILDINGS SEVEN AND EIGHT SHALL BE LIMITED TO THE PHASING LEGEND. ALL AREAS OF THE PHASING LEGEND SHALL BE LIMITED TO THE PHASING LEGEND.
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9. CONSTRUCTION OF BUILDINGS THIRTEEN AND FOURTEEN SHALL BE LIMITED TO THE PHASING LEGEND. ALL AREAS OF THE PHASING LEGEND SHALL BE LIMITED TO THE PHASING LEGEND.
10. CONSTRUCTION OF BUILDINGS FIFTEEN AND SIXTEEN SHALL BE LIMITED TO THE PHASING LEGEND. ALL AREAS OF THE PHASING LEGEND SHALL BE LIMITED TO THE PHASING LEGEND.
11. CONSTRUCTION OF BUILDINGS SEVENTEEN AND EIGHTEEN SHALL BE LIMITED TO THE PHASING LEGEND. ALL AREAS OF THE PHASING LEGEND SHALL BE LIMITED TO THE PHASING LEGEND.
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14. CONSTRUCTION OF BUILDINGS TWENTY-THREE AND TWENTY-FOUR SHALL BE LIMITED TO THE PHASING LEGEND. ALL AREAS OF THE PHASING LEGEND SHALL BE LIMITED TO THE PHASING LEGEND.
15. CONSTRUCTION OF BUILDINGS TWENTY-FIVE AND TWENTY-SIX SHALL BE LIMITED TO THE PHASING LEGEND. ALL AREAS OF THE PHASING LEGEND SHALL BE LIMITED TO THE PHASING LEGEND.
16. CONSTRUCTION OF BUILDINGS TWENTY-SEVEN AND TWENTY-EIGHT SHALL BE LIMITED TO THE PHASING LEGEND. ALL AREAS OF THE PHASING LEGEND SHALL BE LIMITED TO THE PHASING LEGEND.
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18. CONSTRUCTION OF BUILDINGS THIRTY-ONE AND THIRTY-TWO SHALL BE LIMITED TO THE PHASING LEGEND. ALL AREAS OF THE PHASING LEGEND SHALL BE LIMITED TO THE PHASING LEGEND.
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22. CONSTRUCTION OF BUILDINGS THIRTY-NINE AND FORTY SHALL BE LIMITED TO THE PHASING LEGEND. ALL AREAS OF THE PHASING LEGEND SHALL BE LIMITED TO THE PHASING LEGEND.
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43. CONSTRUCTION OF BUILDINGS EIGHTY-ONE AND EIGHTY-TWO SHALL BE LIMITED TO THE PHASING LEGEND. ALL AREAS OF THE PHASING LEGEND SHALL BE LIMITED TO THE PHASING LEGEND.
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51. CONSTRUCTION OF BUILDINGS NINETY-SEVEN AND NINETY-EIGHT SHALL BE LIMITED TO THE PHASING LEGEND. ALL AREAS OF THE PHASING LEGEND SHALL BE LIMITED TO THE PHASING LEGEND.
52. CONSTRUCTION OF BUILDINGS NINETY-NINE AND ONE HUNDRED SHALL BE LIMITED TO THE PHASING LEGEND. ALL AREAS OF THE PHASING LEGEND SHALL BE LIMITED TO THE PHASING LEGEND.

CITY OF STEAMBOAT SPRINGS, COLORADO

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF STEAMBOAT SPRINGS, COLORADO, EXTENDING THE VESTING PERIOD FOR A SITE SPECIFIC DEVELOPMENT PLAN ORIGINALLY APPROVED AS "MONTENERO AT STEAMBOAT SPRINGS" FOR AN ADDITIONAL TIME PERIOD OF SIX MONTHS, REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council approved the Final Development Plan for the site specific development plan known as Montenero at Steamboat Springs, a 17-unit townhome project consisting of seven duplexes and one tri-plex, on May 2, 2006; and

WHEREAS, the approval of a Final Development Plan remains effective for a period of three (3) years; and

WHEREAS, if an active building permit has been obtained for a Final Development Plan or part thereof, and the term of approval for a Final Development Plan expires, the development covered under the active building permit may continue; however, the Final Development Plan approval shall be considered expired and no new building permits may be issued based on the expired approval; and

WHEREAS, the site specific development plan known as Montenero at Steamboat Springs has four (4) duplexes and one (1) triplex remaining for which building permits will be required and will not be applied for prior to the May 2, 2009 expiration date, and

WHEREAS, the site specific development plan known as Montenero at Steamboat Springs has installed all the necessary infrastructure for the project and has received Preliminary Acceptance for the infrastructure; and

WHEREAS, the City of Steamboat Springs is currently reviewing standard vesting periods for site specific development plans but will not have a final decision prior to Montenero at Steamboat Springs' May 2, 2009 expiration date; and

WHEREAS, the City of Steamboat Springs City Council finds it in the community's best interest to extend Montenero at Steamboat Springs vesting period to allow any final decision regarding standard vesting to apply to Montenero at Steamboat Springs.

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

Section 1. The term of approval for the site specific development plan originally approved as Montenero at Steamboat Springs (#FDP-06-02) shall be extended to November 2, 2009.

Section 2. 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 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. 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 5. 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 # 15

CITY COUNCIL COMMUNICATION FORM

FROM: Anthony B. Lettunich, City Attorney (879-0100)

THROUGH: Jon Roberts, City Manager (Ext. 228)
Winnie DelliQuadri, Intergovernmental Services
(Ext. 257)
Wendy DuBord, Deputy City Manager (Ext. 219)

DATE: Tuesday, April 7, 2009

ITEM: **FIRST READING OF AN ORDINANCE:** AN ORDINANCE APPROVING THE PURCHASE OF PROPERTY FROM UNION PACIFIC RAILROAD COMPANY BY THE CITY OF STEAMBOAT SPRINGS, AND AUTHORIZING THE CITY COUNCIL PRESIDENT TO SIGN ALL DOCUMENTS NECESSARY FOR PURCHASING THE PROPERTY; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.. **(Lettunich)**

ORDINANCE
 RESOLUTION
 MOTION
 DIRECTION
 INFORMATION

I. REQUEST OR ISSUE:

Introduction and approval of an ordinance at first reading that would approve a Letter of Understanding (hereafter "LOU") between the City and the Union Pacific Railroad Company ("Union Pacific"), providing for the purchase by the City and the sale by Union Pacific of 14.54 acres adjacent to and underneath the Yampa River.

II. RECOMMENDED ACTION:

Adopt the ordinance at first reading approving the LOU and the purchase by the City of the Property.

III. BACKGROUND INFORMATION:

Union Pacific owns real estate up and down the length of its tracks beyond what the company needs to operate the railroad. Union Pacific has been attempting, over time, to inventory its "excess" property and sell it to municipalities such as the City of Steamboat Springs who could utilize such property for open space and river access.

Two parcel parcels comprise the 14.54 acres. The first parcel is 8.34 acres and extends north (downstream) from the Old Stockbridge to a point just south of the James Brown Bridge. A GIS map is attached that shows the 8.34 acre parcel. The second parcel is 6.20 acres and extends north (downstream) from approximately 3rd St. to the 13th St. Bridge. A GIS map is attached that shows the 6.20 acre parcel. All of the land is north and east of a line 50' from and parallel to the main line of the Union Pacific tracks. This is the buffer that Union Pacific feels it needs to safely operate.

In order to use the GOCO grant funds, the City must close this purchase by the end of May 2009. Therefore, if the first reading of the ordinance is approved on April 7th and the second reading is approved on April 21st, we will be able to close the transaction in the last week of may after the expiration of the mandatory 30-day waiting period required by the City Charter.

Please note that the LOU attached to the ordinance has the incorrect acreage and price per square foot (see below in Fiscal Impact section). We are waiting for a revised LOU from Union Pacific but have not yet received the revision as of this writing. Staff is asking that you approve this version at first reading and we can have the properly revised LOU available for the second reading/public hearing on April 21, 2009.

IV. FISCAL IMPACT

Debits to City:

Sales Price -	\$177,341
Stewardship to YVLT -	10,000
Fencing	10,000
Title Insurance/Closing	2,000
Phase I Environmental	3,200
Geologists Letter	<u>1,100</u>
	\$203,641

Credits to City:

GOCO Grant	<u>\$122,000</u>	
	81,641	Total Cost to City

The LOU recites 12.94 acres of land being sold for \$.31/square foot. The revised acreage based on survey work by Skidge Moon at D & D, Inc. is 14.54 acres. The City's most recent appraisal from Valuation Consultants, Inc. indicates a per square foot price of \$.28. The sale price of \$177.341 is based on the revised acreage and revised price per square foot.

VI. LEGAL CONSIDERATIONS

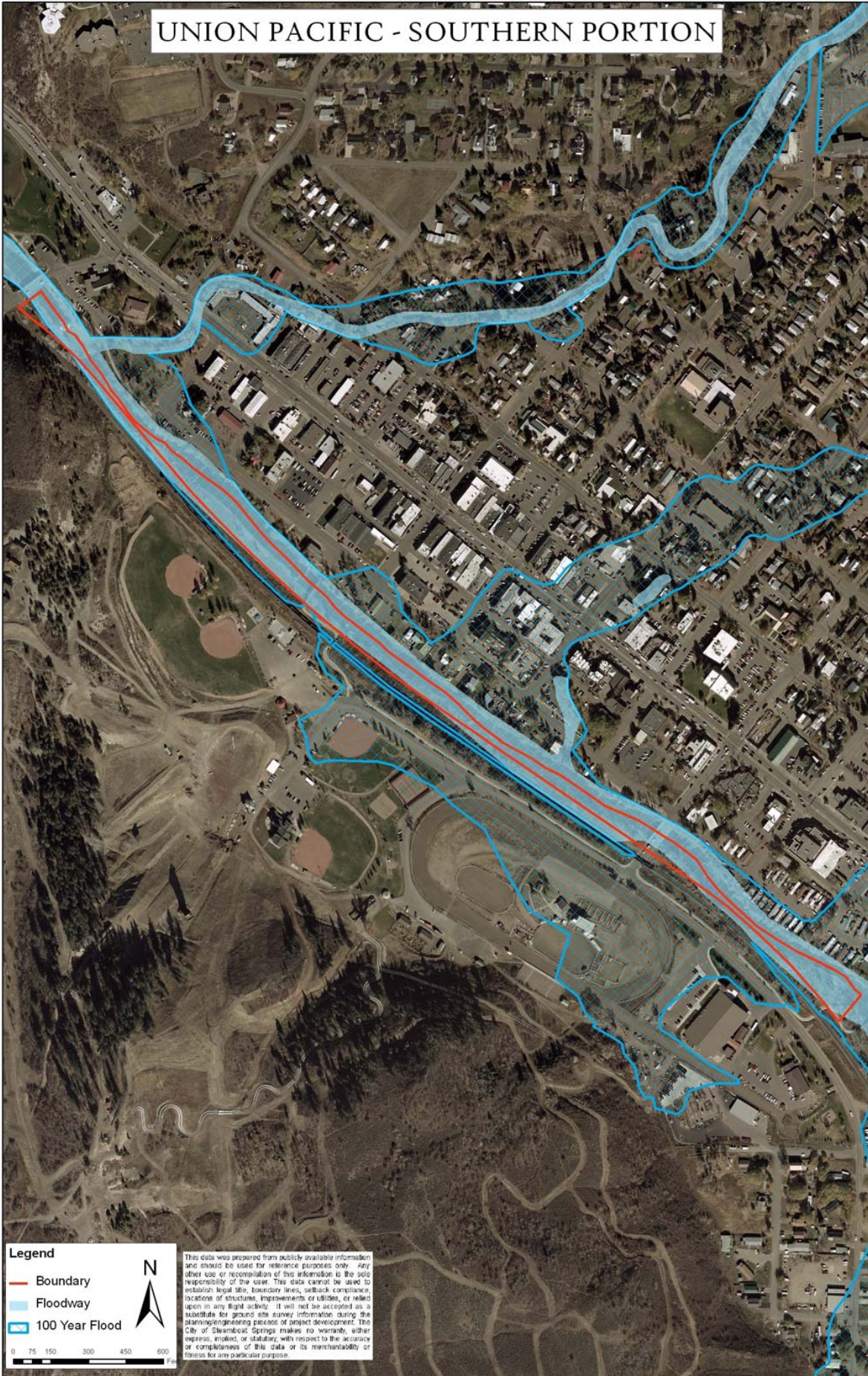
The purchase real property by the City must be pursuant to an ordinance and public hearing. If approved at first reading this evening, it will be set for public hearing at second reading at the regular City Council meeting on Tuesday, April 21, 2009.

END OF COMMUNICATION FORM

UNION PACIFIC - NORTHERN PORTION



UNION PACIFIC - SOUTHERN PORTION



CITY OF STEAMBOAT SPRINGS, COLORADO

ORDINANCE NO. _____

AN ORDINANCE APPROVING THE PURCHASE OF PROPERTY FROM UNION PACIFIC RAILROAD COMPANY BY THE CITY OF STEAMBOAT SPRINGS, AND AUTHORIZING THE CITY COUNCIL PRESIDENT TO SIGN ALL DOCUMENTS NECESSARY FOR PURCHASING THE PROPERTY; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Union Pacific Railroad Company ("Union Pacific") owns approximately 14.54 acres of real property, comprised of two parcels, which parcels are adjacent to and under the Yampa River, and are between 3rd St. on the southeast and James Brown Bridge to the north and west (the "Property"); and

WHEREAS, Union Pacific has determined that they no longer need the Property, which is north and west of a point 50 feet from and parallel to the centerline of the existing railroad tracks; and

WHEREAS, the City of Steamboat Springs ("City") believes that purchasing the Property would provide the City with critical control over and access to the Yampa River and would be in the best interests of the City and its residents; and

WHEREAS, the City already has funds budgeted and available for acquisition of Property.

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 "Letter of Understanding" attached hereto as Exhibit A, which document describes the Property to be purchased and the terms and conditions under which the City will purchase and Union Pacific will sell the Property.

Section 2. The City Council President and the City Council President Pro Tem are hereby authorized to sign all documents necessary to fully execute the attached Letter of Understanding thirty days following the adoption of this ordinance at second reading, if a valid referendum petition has not been filed with the City Clerk's office; and are further authorized to make any non-substantive changes recommended by the City Attorney without the necessity of

bringing this matter back to the City Council; and are further authorized to sign all documents necessary to satisfy the City's obligations under the Letter of Understanding, including, without limitation, and without further action by the City Council, all closing documents and other documents related to the closing on the City's purchase of the Property.

Section 3. 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 4. 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 5. 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 6. This Ordinance shall take effect at least thirty (30) days after passage by Council, as provided in Section 13.6 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**



December 30, 2008
Folder: 02251-18

U.S. CERTIFIED MAIL
RETURN RECEIPT REQUESTED

CITY OF STEAMBOAT SPRINGS
ATTN: LINDA KAKELA
P.O. BOX 5088
STEAMBOAT SPRINGS CO 80477

Dear Ms. Kakela:

This letter ("Agreement") confirms our understandings covering the possible sale by Union Pacific Railroad Company ("Seller") to STEAMBOAT SPRINGS, CITY OF ("Buyer") of Seller's interest in certain real property in Steamboat Springs, Colorado.

The undersigned will recommend to Seller's Management a sale of the Property on the following terms and conditions:

Article 1. Description of Property:

- A. The Property is approximately **12.94 acres** as shown on the prints dated June 9, 2008 and attached hereto as Exhibits A-1 and A-2 and made a part hereof. The legal description of the Property will be determined by Seller. Survey will be at the sole cost and expense of Buyer. Survey will depict all facilities affecting the property.
- B. Before finalizing any survey, Buyer shall submit the draft survey to Seller for review and approval. Computer files of the survey and legal descriptions shall be sent via e-mail to GALARSEN@UP.COM, with a subject line referencing the UPRR Folder Number 02251-18 assigned to this document. Buyer shall deliver a certified copy of the completed survey to Seller within **Forty Five (45) days** after Buyer's execution of this Agreement ("Survey Period"). Delay in obtaining or furnishing the survey to Seller shall in no event give Buyer the right to extend the Closing Date (as defined in the 'Closing - Default:' Article 9).

Article 2. Sale Price:

- A. The sale price ("Sale Price") for the Property shall be **One Hundred Seventy Four Thousand Seven Hundred Forty Six and 46/100 Dollars (\$174,736.46)**.

B. The Sale Price is computed as follows:

12.94 acres (563,666sf) x \$0.31 per square foot = \$174,736.46

C. The Sale Price will be adjusted on the basis set forth in Article 2-B if the area of the Property, as determined by Seller's Senior Manager Engineering Services or his authorized representative, or as determined by the survey, differs from the area set forth in Article 1-A.

Article 3. Feasibility Review/Right of Entry:

A. **From the date of execution of this Agreement by Buyer up to May 30, 2009 ("Feasibility Review Period")**, Buyer and its agents and contractors may enter upon the Property to perform environmental audits, soil tests, engineering and feasibility studies of the Property. If the results of such audits, tests or studies, or Buyer's review of title or any other matters relating to the Property are unsatisfactory, Buyer may terminate this Agreement by giving Seller written notice before the end of the Feasibility Review Period. If no such written notice of termination is given before the end of the Feasibility Review Period, the Property will be deemed suitable for Buyer's purposes. In the event of such termination by Buyer, then Buyer shall surrender to Seller copies of all audits, soils, engineering and any other reports prepared for Buyer pertaining to the Property and such reports will become the sole property of Seller without cost or expense of Seller and this Agreement will terminate without any further force and effect, and without further obligation of either party to the other.

B. Buyer's right to enter upon the Property pursuant to Article 3-A is subject to the following:

1. Buyer will indemnify, defend and save harmless Seller and/or Seller's affiliates (Seller's affiliates means any corporation which directly or indirectly controls or is controlled by or is under common control with Seller), their officers, agents and employees, against and from any and all liability, loss, costs and expense of whatsoever nature growing out of personal injury to or death of persons whomsoever, or loss or destruction of or damage to property whatsoever, where such personal injury, death, loss, destruction or damage arises in connection with the entry upon the Property by Buyer, its agents or contractors prior to Closing.

2. Buyer and Buyer's agents and contractors (collectively "Contractors") will maintain in confidence all information, reports, and evaluations generated in connection with any environmental assessments and will not make disclosure without the prior written consent of Seller. If Buyer discovers hazardous or toxic substances or materials, Buyer will immediately notify Seller.

3. Buyer will promptly deliver to Seller the results and copies of any and all reports, evaluations, tests and studies generated in connection with any environmental assessments. Prior to the issuance of any final environmental report, Seller will have the opportunity to make comments, pose questions and offer recommendations to the Contractor preparing the report.

4. Buyer agrees to indemnify, defend and hold harmless Seller against and from any and all liens, claims, demands, costs and expenses of whatsoever nature in any way connected with or growing out of any work done, labor performed or materials furnished at the Property on behalf of Buyer prior to Closing.
 5. If the sale of the Property does not close, Buyer will, as soon as possible and at Buyer's sole expense, restore the Property to the same condition it was in immediately prior to the time Buyer entered the Property, failing in which Seller may perform the work of restoration and Buyer will reimburse Seller within thirty (30) days after rendition of bill by Seller.
- C. Absence of markers is not a warranty by Seller of no subsurface installations. Fiber optic systems, pipelines, and other structures may be buried on the Property. Before any digging/drilling/excavation, the following procedures will be followed by Buyer and Buyer's Contractors:
1. Protection of any fiber optic cable systems is of extreme importance since any break could disrupt service to users resulting in business interruption and loss of revenue and profits. Buyer will telephone 1-800-336-9193 (a 24-hour, 7-day number for emergency calls) during normal business hours (7 A.M. to 9 P.M., CT, Monday-Friday, except holidays) to determine if any fiber optic cable is buried on the Property. If it is determined that fiber optic cable is buried on the Property, Buyer shall promptly inform Seller, at the address at the top of this Agreement, of the results of its investigation.
 2. Before drilling or excavating with mechanized equipment, Buyer will explore with hand tools to a depth of at least eight (8) feet below the surface or will use suitable detection equipment.
- D. Notwithstanding any provisions in this Agreement to the contrary, if this Agreement is terminated for any reason whatsoever, Buyer will remain obligated to comply with the provisions of Article 3-A and 3-B and Seller will retain all of its remedies for Buyer's default under Article 3-A and 3-B.

Article 4. As Is Sale - Release - Indemnity:

- A. Prior to the Closing Date, Buyer will have the opportunity to make such inspections of the Property and matters related thereto as Buyer desires, including, without limitation, governmental laws and regulations to which the Property is subject, the title to the Property, and the suitability or fitness of the Property for Buyer's proposed use. Buyer acknowledges and agrees that the Property is to be sold and accepted by Buyer in an "AS IS" condition, with all faults, and Buyer acknowledges that the Property may have been used for railroad and/or industrial purposes, among other uses. Buyer agrees that any information Buyer may receive from Seller or its agents concerning the Property (including, but not limited to, any lease or other document, engineering study or environmental assessment) is furnished on the condition that Buyer will make an independent verification of the accuracy of the information. Seller does not make any representations or warranties of any kind whatsoever, either express or implied, with respect to the Property; in particular, without limitation, Seller makes no representations or warranties with respect to the use, condition, title, occupation or management of the Property, or compliance with applicable statutes, laws, codes, ordinances, regulations,

requirements (collectively "Condition of the Property"). Buyer acknowledges that it is entering into this Agreement on the basis of Buyer's own independent investigation of the physical and environmental conditions of the Property. Buyer assumes the risk that adverse physical and environmental conditions may not have been revealed by its investigation.

- B. **FROM AND AFTER CLOSING, BUYER WILL RELEASE SELLER, AND, TO THE MAXIMUM EXTENT PERMITTED BY LAW, INDEMNIFY, DEFEND AND SAVE HARMLESS SELLER, ITS AFFILIATES, THEIR EMPLOYEES, AGENTS, OFFICERS, SUCCESSORS AND ASSIGNS, FROM AND AGAINST ANY AND ALL SUITS, ACTIONS, CAUSES OF ACTION, LEGAL OR ADMINISTRATIVE PROCEEDINGS, CLAIMS, DEMANDS, FINES, PUNITIVE DAMAGES, LOSSES, COSTS, LIABILITIES AND EXPENSES, INCLUDING ATTORNEYS' FEES, IN ANY WAY ARISING OUT OF OR CONNECTED WITH THE KNOWN OR UNKNOWN CONDITION OF THE PROPERTY (INCLUDING, WITHOUT LIMITATION, ANY CONTAMINATION IN, ON, UNDER OR ADJACENT TO THE PROPERTY BY ANY HAZARDOUS OR TOXIC SUBSTANCE OR MATERIAL), OR ANY FEDERAL, STATE OR LOCAL LAW, ORDINANCE, RULE OR REGULATION APPLICABLE THERETO, INCLUDING, WITHOUT LIMITATION, THE TOXIC SUBSTANCES CONTROL ACT, THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION AND LIABILITY ACT, AND THE RESOURCE CONSERVATION AND RECOVERY ACT. THE FOREGOING WILL APPLY REGARDLESS OF ANY NEGLIGENCE OR STRICT LIABILITY OF SELLER, ITS AFFILIATES, OR THEIR EMPLOYEES, AGENTS OR OFFICERS.**
- C. The provisions of this Article 4 will survive the delivery of the deed and will bind and inure to the benefit of the parties hereto, their heirs, successors and assigns.

Article 5. Escrow, Title Insurance and Abstract of Title:

- A. Seller will not furnish title insurance or an abstract of title to the Property. Buyer may, at its sole option and expense, obtain a preliminary title report ("PTR") in order to review the status of title to the Property during the Feasibility Review Period. If Buyer obtains a PTR, a copy will be delivered to Seller. Seller has no obligation to cure any title defects or to assist Buyer in obtaining title insurance.
- B. If Buyer desires title insurance, Buyer shall pay the cost of any title insurance and any endorsements or changes to the title policy desired by Buyer. If an escrow is used, Buyer shall pay any and all fees relating to the escrow, including, but not limited to, any City and/or County Transfer Taxes and recording fees.

Article 6. Form of Deed; Reservations:

- A. At Closing, Seller will transfer Seller's interest in the Property to Buyer by Quitclaim Deed, subject to all outstanding rights, whether or not of record and subject to the restrictions and covenants set forth in Article 7 hereinafter.
- B. Seller will reserve from the transfer all minerals and mineral rights without right of surface entry.

Article 7. Post-Sale Covenants.

The Property shall be conveyed by Seller subject to the following covenants, conditions and restrictions, which Buyer by the acceptance of the Quitclaim Deed shall covenant for itself, its successors and assigns, faithfully to keep, observe and perform:

A. Railroad Proximity Covenant.

(i) Buyer acknowledges that the property abutting the westerly boundary line of the Property is dedicated and used for railroad purposes, that railroad operations may create noise, vibrations, emissions, fumes and odors twenty-four (24) hours a day, and that the amount, nature and intensity of railroad operations may increase or change (collectively, the "Permitted Effects"). Buyer accepts the Property subject to the existence of the Permitted Effects. By acceptance of the Property, Buyer agrees that, at Buyer's sole cost and expense, as part of the development of the Property, Buyer shall design and install and/or construct and thereafter maintain improvements to reduce or limit the Permitted Effects and to comply with all governmental requirements, if any, which may be imposed as a condition to the development and use of the Property because of the Permitted Effects.

(ii) Buyer shall not, and hereby waives all rights to, (1) institute legal proceedings against Seller to reduce or lessen the Permitted Effects, and (2) directly or indirectly participate in petition drives, lobbying efforts or other intentional acts seeking the enactment of federal, state or local laws or ordinances to reduce or lessen the Permitted Effects. Any party breaching such covenant shall reimburse Seller for all costs incurred by Seller to comply with any such orders, laws or ordinances, including, without limitation, damages, attorney fees and court costs.

(iii) If Buyer sells or leases all or any portion of the Property, Buyer shall require all purchasers and tenants to acknowledge the location of the railroad operations abutting the Property and the existence of the Permitted Effects, and to agree in writing, for the benefit of Seller, to comply with the foregoing covenants.

B. Fence Covenant. Buyer, at its sole cost and expense, shall install, within ninety (90) days after the date of delivery of the Quitclaim Deed, and thereafter maintain a forty-inch (40") tall smooth wire tensile fence to prevent access to or encroachment on the railroad right-of-way of Seller adjacent to the trackside boundary of the Property as shown on Exhibits B-1, B-2 and B-3, attached hereto and made a part hereof. The fencing must be of a design and type satisfactory to Seller and in compliance with applicable building codes. Buyer shall submit the plans for the fence construction to:

Vice President-Engineering Management
Union Pacific Railroad Company
1400 Douglas Street, Mail Stop 0910
Omaha, Nebraska 68179

with copy of transmittal to:

Assistant Vice President - Real Estate
Union Pacific Railroad Company
1400 Douglas Street, Mail Stop 1690
Omaha, Nebraska 68179

for review and approval. Seller shall complete such review and make appropriate response to Buyer within twenty (20) days after receipt of such plans by Seller. Seller shall not unreasonably withhold its approval of such plans. Such approval does not constitute a guarantee or warranty that such plans comply with applicable governmental laws, rules, regulations or ordinances, or that the fence as constructed will be structurally sound.

C. Restriction on Use. Buyer, its successors and assigns, may use the Property for natural wildlife habitat only, and for no other purposes whatsoever.

D. Landlocked Parcel.

Buyer acknowledges that a portion of the Property is landlocked and has no access to a public roadway. Buyer further acknowledges that Seller does not convey any express or implied easement to Buyer for access across any lands or rights of way of Seller ("Seller's Property"). Any access to the Property must be secured by Buyer across lands or rights of way owned by persons or entities other than Seller. Accordingly, Seller hereby declares that the Property is subject to the following covenant and restriction:

Buyer, its successors or assigns, shall not seek or claim any access to the Property across Seller's Property from Seller, its successors and assigns, or from any state or federal entity or body or court that may have jurisdiction. This restriction and covenant will run with the land and bind Buyer, its successors and assigns, and benefit Seller, its successors and assigns. Seller is entitled to initiate proceedings at law or in equity against any person(s) who breaches this restriction and covenant, and to collect from the breaching party damages, attorney fees and costs.

The above covenants are covenants which run with the Property, the burdens of which will be binding on the successors and assigns of Buyer, and the benefits of which will inure to the successors and assigns of Seller.

E. Covenants to Run With Land. The foregoing covenants, conditions and restrictions shall run with the Property and be included in the Quitclaim Deed, and a breach of the foregoing covenants, conditions and restrictions, or the continuance thereof, may, at the option of Seller, its successors or assigns, be enjoined, abated or remedied by appropriate proceedings.

Article 8. Existing Agreements:

A. If any lease or "Use Rights" (license or other rights to use the Property) affects only the Property (whether identified by Seller before or after execution of this Agreement), Seller's rights and obligations under any such identified lease or Use Right will be assigned to and assumed by Buyer at or after Closing, to the extent such lease or Use Right affects the Property.

B. Buyer acknowledges that the Property may be subject to unidentified Use Rights. It is the responsibility of Buyer to determine if any of these unidentified Use Rights exist.

Article 9. Closing - Default:

- A. Closing will occur on or before **June 30, 2009 (“Closing Date”)**. The Closing will be deemed to occur upon payment of the Sale Price by a cashier’s or certified check, and delivery of the deed. All Closing costs, including transfer taxes and excise taxes, will be paid by Buyer.
- B. If Closing fails to occur due to default by Seller, Buyer may terminate this Agreement as Buyer’s sole remedy against Seller. In the event of such termination, neither Seller nor Buyer will have any further liability hereunder.
- C. If Closing fails to occur due to default by Buyer, Seller may terminate this Agreement and neither Seller nor Buyer shall have any further obligations or liability hereunder except for any of Buyer’s surviving obligations pursuant to Article 3 (B) hereof. In no event shall Seller have any obligation whatsoever to extend the Closing Date for any reason if Buyer fails to perform.

Article 10. Prorations:

Local property taxes, if any, and other assessments due and payable in the year of Closing, as well as rental under any leases or Use Rights that are being assigned, will be prorated as of the date of Closing. Buyer will assume any installments of assessments not yet due and payable.

Article 11. Negotiations – Brokers and Finders:

Negotiations relative to this transaction have been carried on by both parties without the intervention of any person which will give rise to any valid claim against either of the parties hereto, for brokerage commission or other like payment. Each party hereto shall indemnify and hold harmless the other party against and from any and all claims for brokerage commission or other like payments arising out of the transaction contemplated by this Agreement and occasioned by the indemnifying party.

Article 12. Subdivision/Platting Compliance:

It may be necessary to comply with local or state subdivision or platting laws or regulations prior to Closing. All necessary applications, maps and other requirements to comply with this requirement will be completed by Buyer at Buyer’s sole cost and expense, and are subject to review and approval by Seller before filing. If Buyer fails to comply with subdivision requirements prior to the Closing Date, or if any proposed subdivision plat or parcel map contains conditions affecting Seller, the Property prior to Closing, or other real property owned by Seller, then Seller, in its sole and absolute discretion, may terminate this Agreement. Seller is not obligated to extend the Closing Date due to Buyer’s failure to comply with subdivision or platting requirements prior to the Closing Date.

Article 13. Seller’s Management Approval:

BUYER ACKNOWLEDGES THAT NEITHER THIS AGREEMENT NOR THE NEGOTIATIONS LEADING TO THIS AGREEMENT CREATE ANY OBLIGATION ON THE PART OF SELLER TO SELL THE PROPERTY TO BUYER UNLESS THIS AGREEMENT IS APPROVED IN ACCORDANCE WITH SELLER’S MANAGEMENT

POLICY STATEMENT. IF SUCH APPROVAL IS NOT GIVEN AND COMMUNICATED TO BUYER BY THE CLOSING DATE, THIS AGREEMENT WILL TERMINATE AND NEITHER PARTY WILL HAVE ANY FURTHER OBLIGATION.

Article 14. Condemnation:

If, prior to Closing, a governmental agency commences or imminently threatens in writing to commence any eminent domain proceedings to take any material portion of the Property, Buyer and Seller shall each have the unilateral right, exercisable by giving notice of such decision to the other party within thirty (30) days after receiving written notice of such actual or threatened condemnation proceedings, to terminate this Agreement. In the event of such termination, this Agreement will be without any further force and effect and without further obligation of either party to the other. If neither party elects to terminate pursuant to this Article 14 - Condemnation, the Sale Price will be determined as though such condemnation had not occurred, and the net proceeds of condemnation awards paid or payable to Seller by reason of such condemnation of the Property shall be paid or assigned to Buyer at Closing.

If you agree with the foregoing terms and conditions with respect to the possible purchase of the Property, please indicate your acceptance of these terms and conditions by signing in the acceptance space provided below and returning one copy to Gregg A. Larsen at the address listed on the bottom of the first page of this letter, in order that it is received by Seller no later than **February 13, 2009**. Please also indicate below how you wish to take title. If you should have any questions, please call Gregg A. Larsen at (402) 544-8552.

Sincerely,

General Director - Real Estate

ACCEPTED AND AGREED THIS ____ DAY OF _____, 2009

CITY OF STEAMBOAT SPRINGS

By: _____
Its: _____

Title to the Property will be taken as follows:

If Corporation, State of incorporation:

Mailing Address: _____



D & D INC.

A PROFESSIONAL LAND SURVEYING AND PLANNING CO.
2145 RESORT DR. SUITE 105, STEAMBOAT SPRINGS, CO 80487
(970) 879-2715 • FAX (970) 879-3028

December 19th, 2004

Description of a parcel of land located in the NW1/4SE1/4, SW1/4NE1/4, and the E1/2NW1/4 of Section 7, T6N, R84W, of the 6th P.M., Routt County, Colorado.

Said parcel being all that part of those certain tracts of land as described as Parcel II in deed recorded with the Routt County Clerk and Recorder appearing in Book 65 at Page 477 and as described by deed recorded with the Routt County Clerk and Recorder appearing in Book 59 at Page 397 lying northerly of a line being northerly of, parallel with and 50 feet distant from the center line of the main line of the Union Pacific Railroad Company railway, and all that part of that certain tract of land as described as Parcel I in deed recorded with the Routt County Clerk and Recorder appearing in Book 65 at Page 477 lying northerly of a line being northerly of, parallel with and 50 feet distant from the center line of the main line of the Union Pacific Railroad Company railway and lying westerly of the following described line;

Beginning at the NW corner of a tract of land as described by deed recorded with the Routt County Clerk and Recorder appearing in Book 750 at Page 1077, and more particularly as Parcel No. 1 in Exhibit A and from which the NW corner of Section 7 bears N 55°15'53" W 4223.65 feet;
Thence S 16°10'26" W 121.53 feet along the west line of said tract;
Thence S 16°25'08" E 91.45 feet along the west line of said tract;
Thence S 31°24'00" W 35.08 feet to the above said line being northerly of, parallel with and 50 feet distant from the center line of the main line of the Union Pacific Railroad Company railway.

Containing 8.34 Acres more or less.

Bearings are based upon the east line of the SE1/4 of Section 7 being N 01°35'16" E.

C:\PW\SSUPAC.LEG

This legal description was prepared by R.C. Moon, Colorado
Registration No. 13221, at D&D Inc., a Professional Land
Surveying and Planning Co., 2145 Resort Drive, Suite 105
Steamboat Springs, CO. 80487-8807
970-879-2715





D & D INC.

A PROFESSIONAL LAND SURVEYING AND PLANNING CO.
2145 RESORT DR. SUITE 105, STEAMBOAT SPRINGS, CO 80487
(970) 879-2715 • FAX (970) 879-3028

August 20th, 2006

A parcel of land located in the S1/2SE1/4 of Section 8 and in the N1/2 of Section 17, T6N, R84W of the 6th P.M., Routt County, Colorado, more particularly described as follows:

Beginning at a point on the northeasterly right-of-way line for the Union Pacific Railroad from which the NW corner of Section 17 bears N 59°34'14" W 4316.96 feet. Said right-of-way line being 50 feet northeasterly of and distant from and parallel with the center line of the existing main track;

Thence N 40°24'00" E 139.96 feet to the center line of the Yampa (Bear) River;

Thence along said center line the following fifty nine (59) calls;

1. Thence N 52°48'01" W 32.00 feet;
2. Thence N 34°54'25" W 62.31 feet;
3. Thence N 57°28'29" W 46.97 feet;
4. Thence N 63°03'13" W 89.58 feet;
5. Thence N 63°56'24" W 88.22 feet;
6. Thence N 58°39'40" W 90.78 feet;
7. Thence N 56°31'17" W 97.76 feet;
8. Thence N 48°17'18" W 114.95 feet;
9. Thence N 45°27'49" W 91.90 feet;
10. Thence N 38°54'25" W 77.63 feet;
11. Thence N 31°05'06" W 76.42 feet;
12. Thence N 52°37'03" W 118.68 feet;
13. Thence N 58°41'00" W 31.77 feet;
14. Thence N 57°40'28" W 66.42 feet;
15. Thence N 58°32'17" W 67.91 feet;
16. Thence N 66°30'30" W 144.82 feet;
17. Thence N 54°44'25" W 149.31 feet;
18. Thence N 56°30'14" W 70.31 feet;
19. Thence N 63°57'25" W 64.77 feet;
20. Thence N 55°57'35" W 65.38 feet;
21. Thence N 61°14'59" W 130.22 feet;
22. Thence N 53°59'37" W 96.60 feet;
23. Thence N 50°05'47" W 57.04 feet;
24. Thence N 43°46'07" W 82.10 feet;
25. Thence N 47°54'21" W 70.42 feet;

26. Thence N 55°24'33" W 77.47 feet;
 27. Thence N 53°21'17" W 114.05 feet;
 28. Thence N 55°02'40" W 92.34 feet;
 29. Thence N 45°02'38" W 55.59 feet;
 30. Thence N 52°50'12" W 166.91 feet;
 31. Thence N 48°15'02" W 52.47 feet;
 32. Thence N 37°17'20" W 60.53 feet;
 33. Thence N 49°34'26" W 100.06 feet;
 34. Thence N 42°40'10" W 105.88 feet;
 35. Thence N 46°01'37" W 109.24 feet;
 36. Thence N 43°36'57" W 67.97 feet;
 37. Thence N 37°28'12" W 76.23 feet;
 38. Thence N 39°55'36" W 66.84 feet;
 39. Thence N 47°05'10" W 74.27 feet;
 40. Thence N 56°31'07" W 66.09 feet;
 41. Thence N 53°00'17" W 79.34 feet;
 42. Thence N 47°41'13" W 50.95 feet;
 43. Thence N 55°14'49" W 51.31 feet;
 44. Thence N 41°37'46" W 49.70 feet;
 45. Thence N 63°43'33" W 38.24 feet;
 46. Thence N 51°10'36" W 71.31 feet;
 47. Thence N 51°14'04" W 36.74 feet;
 48. Thence N 38°54'32" W 43.65 feet;
 49. Thence N 34°28'16" W 61.99 feet;
 50. Thence N 39°15'56" W 51.49 feet;
 51. Thence N 31°21'51" W 75.81 feet;
 52. Thence N 37°25'39" W 70.35 feet;
 53. Thence N 29°20'37" W 66.86 feet;
 54. Thence N 35°25'33" W 51.67 feet;
 55. Thence N 58°40'37" W 33.23 feet;
 56. Thence N 26°03'37" W 44.06 feet;
 57. Thence N 38°17'25" W 52.53 feet;
 58. Thence N 35°01'02" W 93.56 feet;
 59. Thence N 40°55'56" W 7.68 feet to the southerly right-of-way line for 13th Street also known as Twenty Mile Road;
- Thence S 52°22'27" W 113.95 feet along said southerly right-of-way line to the above said northeasterly right-of-way line for the Union Pacific Railroad;
- Thence along said right-of-way line the following
1. Thence S 51°53'00" E 178.20 feet;
 2. Thence S 46°17'12" E 123.15 feet;
 3. Thence S 42°38'13" E 110.07 feet;
 4. Thence S 40°05'00" E 411.53 feet;
 5. Thence S 40°57'11" E 194.56 feet;

6. Thence S 42°52'41" E 125.35 feet;
7. Thence S 44°16'33" E 188.23 feet;
8. Thence S 46°13'38" E 115.73 feet;
9. Thence S 47°39'01" E 231.63 feet;
10. Thence S 49°49'53" E 224.58 feet;
11. Thence S 51°23'29" E 141.13 feet;
12. Thence S 52°49'53" E 92.37 feet;
13. Thence S 54°44'37" E 222.02 feet;
14. Thence S 55°49'28" E 241.91 feet;
15. Thence S 55°38'13" E 297.86 feet;
16. Thence S 55°34'05" E 358.42 feet;
17. Thence S 55°47'52" E 245.21 feet;
18. Thence S 54°26'32" E 143.88 feet;
19. Thence S 54°26'33" E 26.46 feet;
20. Thence S 52°26'50" E 72.31 feet;
21. Thence S 48°46'47" E 163.97 feet;
22. Thence S 45°57'05" E 54.70 feet;
23. Thence S 45°57'05" E 108.42 feet;
24. Thence S 43°33'37" E 54.70 feet;
25. Thence S 40°58'33" E 167.07 feet;
26. Thence S 38°22'11" E 91.43 feet to the Point of Beginning.

Containing 6.20 Acres more or less.

Bearings are based upon the east line of the SE1/4 of Section 7 being N 01°35'16" E.

disk 20 cityeast.leg

This legal description was prepared by R.C. Moon, Colorado Registration No. 13221, at D&D Inc., a Professional Land Surveying and Planning Co., 2145 Resort Drive, Suite 105 Steamboat Springs, CO. 80487-8807 970-879-2715



AGENDA ITEM # 16

CITY COUNCIL COMMUNICATION FORM

FROM: Bob Litzau, Interim Director of Financial Services (Ext 239)
THROUGH: Jon B. Roberts, City Manager (Ext. 228)
DATE: April 7, 2009
ITEM: ORDINANCE – 3rd Supplemental Appropriation Ordinance of 2008
NEXT STEP: Approve at second reading

ORDINANCE
 INFORMATION

I. REQUEST OR ISSUE:

This communication form is to let you know what items are included on the Third Supplemental Appropriation Ordinance of 2008. Changes since first reading are in ***bold italics***.

II. RECOMMENDED ACTION:

Adoption at second reading.

III. FISCAL IMPACTS:

Total expenditures and revenues, all funds: \$ ***1,087,357***

IV. BACKGROUND INFORMATION:

The City has received unanticipated revenue, initiated new projects, and additional funding is required for several ongoing projects.

The item number below corresponds to the item number on the supplemental appropriation ordinance.

Item # Explanation

- 1) Appropriation of transfer of funds for additional costs in Deputy City Manager.
- 2) Appropriation of additional funds for City Clerks Office for 2008.
- 3) Appropriation of transfer of funds for code enforcement costs due to transfer of responsibility.
- 4) Appropriation of Additional funds for Fire Protection Services for 2008.
- 5) Appropriation of additional funds for Legal Services for 2008.
- 6) Appropriation of funds for Streamflow Gauging project.
- 7) Appropriation of additional funds for debt service for 2008.

- 8) Appropriation of funds for CLG grant awards.
- 9) Appropriation of additional funds for 3-D models.
- 10) Appropriation of transfer of funds for Howelsen Hill Amphitheatre.
- 11) Appropriation of grant funds for Recreation program (Pee-Wees).
- 12) Appropriation of grant funds for Share-the-Road project..
- 13) Appropriation of grant funds for the Energy Star program.
- 14) Appropriation of funds for Emerald Mountain Implementation Plan.
- 15) Appropriation of funds for purchase of EMS equipment.
- 16) Appropriation of funds for Save Our Schools grant program.
- 17) Appropriation of funds for Water Supply Assessment project.
- 18) Appropriation of additional funds for Craig Regional Transit Facility.

V. LEGAL ISSUES:

Supplemental Appropriations allowed per section 9.10 of the Home Rule Charter.

VI. CONFLICTS OR ENVIRONMENTAL ISSUES:

None noted.

VII. SUMMARY AND ALTERNATIVES:

Appropriations may be revised, deleted or approved.

CITY OF STEAMBOAT SPRINGS, COLORADO

ORDINANCE NO. _____

**THIRD 2008 SUPPLEMENTAL APPROPRIATION
ORDINANCE.**

WHEREAS, the Steamboat Springs City Council recognizes additional fees and other revenues and wishes to adjust certain revenues for 2008 and to appropriate these funds for various projects including:

General Fund – Government grants, Private Contributions, expenditures for other outside services, training, travel & meetings, equipment acquisition and transfers.

Water Fund - Expenditures for other outside services.

Capital Projects Fund – Government grants, ***equipment acquisition***, and building construction.

WHEREAS, there are adequate revenues and unappropriated reserves for these purposes, and the City Council believes that such appropriations are important to the economic health and welfare of the community.

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

Section 1. Supplemental Revenue. That the following supplemental revenues and unappropriated reserves are available in the stated amounts:

Section 2. Supplemental Appropriation. That pursuant to Section 9.10 (a) of the City of Steamboat Springs Home Rule Charter, the City Council hereby appropriates the following sums of money or that portion necessary for the purposes herein named:

**CITY OF STEAMBOAT SPRINGS
THIRD SUPPLEMENTAL APPROPRIATION ORDINANCE 2008**

Supplemental Revenues

Supplemental Expenditures

General Fund - Revenues

General Fund - Expenditures

		1	City Manager	\$	(22,000)
		1	Deputy City Manager		22,000
		2	City Clerk		27,500
		3	Transit		(20,000)
		3	Police - Code Enforcement		20,000
		4	Fire Services		63,500
		5	Legal Services		115,000
		6	Open Space - Streamflow Gauging		19,700
		7	Debt Service		1,000
Government Grants	41,500	8	Historic Preservation - Other Outside Services		41,500
		9	Planning - Other Outside Services		18,481
		10	Ski Corp Contribution - Pass Through		(1,307)
		10	Howelsen Hill - R&M Buildings and Grounds		1,307
Government Grants	1,200	11	Recreation Operating Supplies		1,200
Government Grants	2,600	12	Share the Road Project		2,600
Government Grants	5,000	13	Planning - Other Outside Services		5,000
Government Grants	30,000	14	Open Space - Other Outside Services		33,000
Government Grants	8,211	15	Fire Suppression - Other Equipment		16,500

		General Fund Expenditures	<u>344,981</u>
		Change in Ending reserves	<u>(256,470)</u>
			<u>\$ 88,511</u>

Water Fund - Revenues

Water Fund - Expenditures

Private Contributions	\$ 21,000	17	Water Supply Assessment	\$ 21,000
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		Water Fund Expenditures	<u>21,000</u>
		Change in Ending reserves	<u>-</u>
			<u>\$ 21,000</u>

Capital Projects Fund - Revenues

Capital Projects Fund - Expenditures

Government Grants	\$ 332,310	18	Craig Regional Transit Facility	\$ 455,388
Government Grants	132,994	16	Save Our Schools Grant	265,988
Private Contributions	132,994	16		

		Capital Projects Fund Expenditures	<u>721,376</u>
		Change in Ending reserves	<u>(123,078)</u>
			<u>\$ 598,298</u>

Section 3. 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 4. 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 5. 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 6. 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 # 17

CITY COUNCIL COMMUNICATION FORM

FROM: Bob Litzau, Interim Director of Financial Services (Ext 239)
THROUGH: Jon B. Roberts, City Manager (Ext. 228)
DATE: April 7, 2009
ITEM: ORDINANCE – 1st Supplemental Appropriation Ordinance of 2009
NEXT STEP: Approve at second reading

ORDINANCE
 INFORMATION

I. REQUEST OR ISSUE:

This communication form is to let you know what items are included on the Second Supplemental Appropriation Ordinance of 2008. Changes since first reading are in ***bold italics***.

II. RECOMMENDED ACTION:

Adoption at first reading.

III. FISCAL IMPACTS:

Total expenditures, all funds:	\$ 3,794,188
Total revenues, all funds:	\$ 994,425
Total 2008 reappropriation, all funds:	\$ 2,777,715
Total 2009 additional appropriation, All funds:	\$ 1,016,473

IV. BACKGROUND INFORMATION:

The City has received unanticipated revenue, initiated new projects, and additional funding is required for several ongoing projects.

The item number below corresponds to the item number on the supplemental appropriation ordinance.

Item # Explanation

- 1) Appropriation of additional funds for uncompleted 2008 projects.
- 2) Appropriation of grant funds for Police LEAF overtime.
- 3) Appropriation of funds for Riverwalk water and wastewater main improvements.

- 4) Appropriation of funds form 2008 contribution received.
- 5) Appropriation of funds for GIS server development.
- 6) ***Appropriation of funds for Yampa River Water Quality Grant jointly with Routt County.***
- 7) ***Appropriation of grant funds for Historic Structures Assessment for Community House in Little Toots Park.***
- 8) ***Appropriation of additional funds for 3-D modeling projects.***
- 9) ***Appropriation of restricted funds for animal crematorium repairs.***
- 10) ***Appropriation of funds for Water Master Plan and rate study.***
- 11) ***Appropriation of additional funds for photography for planimetrics project.***
- 12) ***Appropriation of additional transit grants for coach and equipment replacement.***
- 13) ***Appropriation of additional funds for completion of 2006 utility undergrounding project billed by contractor in 2009.***

V. LEGAL ISSUES:

Supplemental Appropriations allowed per section 9.10 of the Home Rule Charter.

VI. CONFLICTS OR ENVIRONMENTAL ISSUES:

None noted.

VII. SUMMARY AND ALTERNATIVES:

Appropriations may be revised, deleted or approved.

CITY OF STEAMBOAT SPRINGS, COLORADO

ORDINANCE NO. _____

FIRST 2009 SUPPLEMENTAL APPROPRIATION ORDINANCE.

WHEREAS, the Steamboat Springs City Council recognizes additional fees and other revenues and wishes to adjust certain revenues for 2008 and to appropriate these funds for various projects including:

General Fund – Government grants, police overtime, *repairs and maintenance, transfers*, and expenditures for uncompleted projects from 2008.

Wastewater Fund – Expenditures for uncompleted projects from 2008 and capital projects.

Water Fund - Expenditures for uncompleted projects from 2008 and capital projects.

Airport Fund – Expenditures for uncompleted projects from 2008

Ice Rink Fund – Expenditures for building repairs.

Central Services Fund – Expenditures for uncompleted projects from 2008 and for equipment acquisitions.

Capital Projects Fund – *Government grants, and expenditures for additional projects and* for uncompleted projects from 2008

WHEREAS, there are adequate revenues and unappropriated reserves for these purposes, and the City Council believes that such appropriations are important to the economic health and welfare of the community.

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

Section 1. Supplemental Revenue. That the following supplemental revenues and unappropriated reserves are available in the stated amounts:

Section 2. Supplemental Appropriation. That pursuant to Section 9.10 (a) of the City of Steamboat Springs Home Rule Charter, the City Council hereby appropriates the following sums of money or that portion necessary for the purposes herein named:

**CITY OF STEAMBOAT SPRINGS
FIRST SUPPLEMENTAL APPROPRIATION ORDINANCE 2009**

Supplemental Revenues

Supplemental Expenditures

General Fund - Revenues

Government Grants	\$ 4,351
Government Grants	13,250
Government Grants	10,000
Government Grants	5,385
Planning Fees	5,296
	<hr/>
	\$ 38,282

General Fund - Expenditures

1 Historic Preservation - Other Outside Services	\$ 4,351
1 Historic Preservation - Other Outside Services	4,100
1 Historic Preservation - Other Outside Services	13,250
1 Ski Corp Contribution - Pass Through	10,000
1 Deputy City Manager - Other Outside Services	9,840
2 Police Patrol - Overtime	10,000
6 Yampa River Water Quality Grant Match	53,600
1 Transfer to Airport Fund	21,725
7 Historic Preservation - Other Outside Services	5,385
8 Planning - Other Outside Services	5,296
9 Animal Control - Crematorium Repairs & Maintenance	5,893
4 Transfer to Ice Rink Fund	4,500
	<hr/>
General Fund Expenditures	147,940
Change in Ending reserves	(109,658)
	<hr/>
	\$ 38,282

Wastewater Fund - Revenues

	<hr/>
	\$ -

Wastewater Fund - Expenditures

1 Lower Field Improvements	\$ 110,000
3 Riverwalk Wastewater Main Improvements	115,144
1 Master Plan and Rate Study	55,000
	<hr/>
Wastewater Fund Expenditures	280,144
Change in Ending reserves	(280,144)
	<hr/>
	\$ -

Water Fund - Revenues

	<hr/>
	\$ -

Water Fund - Expenditures

1 Aerial Photo Project	\$ 17,975
1 Yahmonite Water Main	8,300
1 SCADA System	1,598
1 Skyline Interconnect Meter	24,000
3 Riverwalk Water Main Improvements	115,144
10 Master Plan and Rate Study	55,000
	<hr/>
Water Fund Expenditures	222,017
Change in Ending reserves	(222,017)
	<hr/>
	\$ -

Airport Fund - Revenues

Transfer from General Fund	\$ 21,725
	<hr/>
	\$ 21,725

Airport Fund - Expenditures

1 FBO - Other Outside Services	\$ 21,725
	<hr/>
Airport Fund Expenditures	21,725
Change in Ending reserves	-
	<hr/>
	\$ 21,725

Ice Rink Fund - Revenues

	<hr/>
	\$ -

Ice Rink Fund - Expenditures

4 R&M - Buildings & Grounds	\$ 4,500
	<hr/>
Airport Fund Expenditures	4,500
Change in Ending reserves	(4,500)
	<hr/>
	\$ -

Central Services Fund - Revenues

\$ -

Rehder Building Fund - Revenues

\$ -

Capital Projects Fund - Revenues

Government Grants 421,462
 Government Grants 75,090
 Government Grants 437,866

\$ 934,418

Central Services Fund - Expenditures

1 Aerial Photo Project/Planimetrics \$ 20,345
 11 **Aerial Photo Project/Planimetrics** **20,000**
 5 Equipment 8,290

Central Services Fund Expenditures 48,635
 Change in Ending reserves (48,635)
\$ -

Rehder Building Fund - Expenditures

1 Buildings and Facilities \$ 545,159

Rehder Building Fund Expenditures 545,159
 Change in Ending reserves (545,159)
\$ -

Capital Projects Fund - Expenditures

1 Cultural Heritage Tourism - Signage \$ 7,500
 1 Parks & Recreation Building Remodel 740,000
 1 Fish Creek Falls Underpass 122,381
 1 Engineering Specifications 21,100
 1 Sidewalk Improvements 20,000
 1 Yahmonite Bridge Replacement 6,500
 1 Riverwalk Improvements 175,000
 12 **Transit Coach Replacement** **351,828**
 12 **Bus Washing Machine Replacement** **93,862**
 1 South Core Trail Extension 575,766
 1 **Highway 40 Underpass Sidewalk** **91,187**
 1 **Skatepark Design** **50,000**
 1 **Parks & Recreation Master Plan** **11,100**
 1 **Downtown Streetscape** **124,000**
 1 **Stormwater Modifications** **57,000**
 13 **Electric Undergrounding - 2006 Project** **76,844**

Capital Projects Fund Expenditures 2,524,068
 Change in Ending reserves (1,589,650)
\$ 934,418

Section 3. 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 4. 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 5. 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 6. 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 # 18

COUNCIL COMMUNICATION FORM

FROM: Melvin Baker, Airport Manager (879-9042)
Philo Shelton, Public Works Director (Ext. 204)
Anne Small, Purchasing/Contracts & Risk Manager (Ext. 249)

THROUGH: Jon B. Roberts, City Manager (Ext. 228)

DATE: April 7, 2009

ITEM: Amendment to lease agreement between City of Steamboat Springs & Sensis for installing equipment at the Steamboat Springs Airport.

NEXT STEP: Motion to approve the second reading of an Ordinance amending the lease agreement with Sensis; authorizing the City Council President to sign lease documents; repealing all conflicting ordinances; providing for severability; and providing an effective date.

MOTION
 INFORMATION
 ORDINANCE

I. REQUEST OR ISSUE:

City Council approval of the second reading of an ordinance amending a lease agreement between the City of Steamboat Springs and Sensis for installing equipment at the Steamboat Springs Airport.

II. RECOMMENDED ACTION / NEXT STEP

Approve the second reading of the ordinance.

III. FISCAL IMPACTS:

Proposed Revenue: The monthly lease amount will increase by \$500 for a monthly revenue total of \$1,150 resulting in total revenue is \$69,000 for the initial five-year term of the lease. If City desires, lease will automatically renew for up to four (4) 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 Federal Aviation Administration (FAA), through Sensis Corporation, desires to lease an additional six (6) square feet of space at the Steamboat Springs Airport to install one (1) UPS cabinet to provide backup power for the equipment. In May, 2009, all 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. At that time, the lease agreement will be assigned from Sensis Corporation to the FAA.

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 AN AMENDMENT TO THE LEASE AGREEMENT WITH SENSIS CORPORATION; 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 Sensis 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 Federal Aviation Administration, through Sensis, desires to lease an additional six square feet of space to install one UPS cabinet for an additional monthly rent of \$500; and

WHEREAS, all the equipment under this lease is to be incorporated into the National Airspace System and the lease must be reassigned to the Federal Aviation Administration in May, 2009; and

WHEREAS, the City approves reassigning the lease agreement to the Federal Aviation Administration in May, 2009 for continued support, operation and maintenance of this equipment on the terms contained in the Lease Agreement attached hereto as Exhibit A.

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

Section 1. The amendment to the Lease Agreement between the City of Steamboat Springs and Sensis, which is attached hereto as Exhibit A, and by this reference made a part hereof, is hereby approved. The lease shall be assigned to the Federal Aviation Administration upon execution of the assignment documents in May, 2009.

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 _____, 2009 at 5:00 PM in the Citizen's Meeting Room at Centennial Hall, 124 10th 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**

Site Number: H-2

Site Name: Steamboat Airport Main.

Amendment of Site Agreement
Steamboat Airport Maintenance Site

This Amendment of Site Agreement is entered into by and between **City of Steamboat Springs, CO** with an address of **PO Box 775088, Steamboat Springs, Colorado 80477** ("Owner"), and **SENSIS**, a New York Corporation, duly registered to do business in the State of Colorado, with an address of **5717 Enterprise Parkway, East Syracuse, NY 13057** ("Sensis").

Background

By a certain agreement dated **January 3, 2008** (the "Agreement"), Owner leased to Sensis the premises as depicted in Exhibit A (the "Original Leased Area"); and

The Agreement or a memorandum thereof was recorded in **Routt County, Colorado** and

Owner and Sensis both desire to amend the Agreement.

Therefore, in consideration of the mutual covenants contained herein and other valuable consideration received, and with the intent to be legally bound, Owner and Sensis amend the Agreement as follows:

- 1) Owner agrees to lease to Sensis Six square feet (6 Sq/Ft) of additional space for the installation of one (1) UPS cabinet.
- 2) The monthly rent shall be increased by \$500.00 per month. The new monthly rent will be \$1,150.00.
- 3) Exhibit A (the "Original Leased Area") shall be replaced in its entirety by Exhibit B (the "Revised Leased Area") attached hereto.

Except as specifically modified herein, all other terms, covenants and conditions of the Agreement will continue in full force and effect.

In the event of any conflict between the provisions of the Agreement and this Amendment, the provisions of this Amendment shall control.

This Amendment shall be binding upon and shall inure to the benefit of the parties and their respective heirs, legal representatives, successors and assigns.

(SIGNATURES ON THE FOLLOWING PAGE)

Site Number: H-2

Site Name: Steamboat Airport Main.

IN WITNESS WHEREOF, this Amendment of Agreement is executed under seal on this ____ day of _____, 2009.

Executed in the presence of:

WITNESS

OWNER

[witness]

[owner] (Seal)

STATE OF _____

COUNTY OF _____

On the _____ day of _____, _____, before me, a Notary Public in and for the above state and county, personally appeared _____, of the **City of Steamboat Springs, CO**, known to me or proved to be the person named in and who executed the foregoing instrument, and being first duly sworn, such person acknowledged that he or she executed said instrument for the purposes therein contained as his or her free and voluntary act and deed.

NOTARY PUBLIC

My Commission Expires: _____

(SEAL)

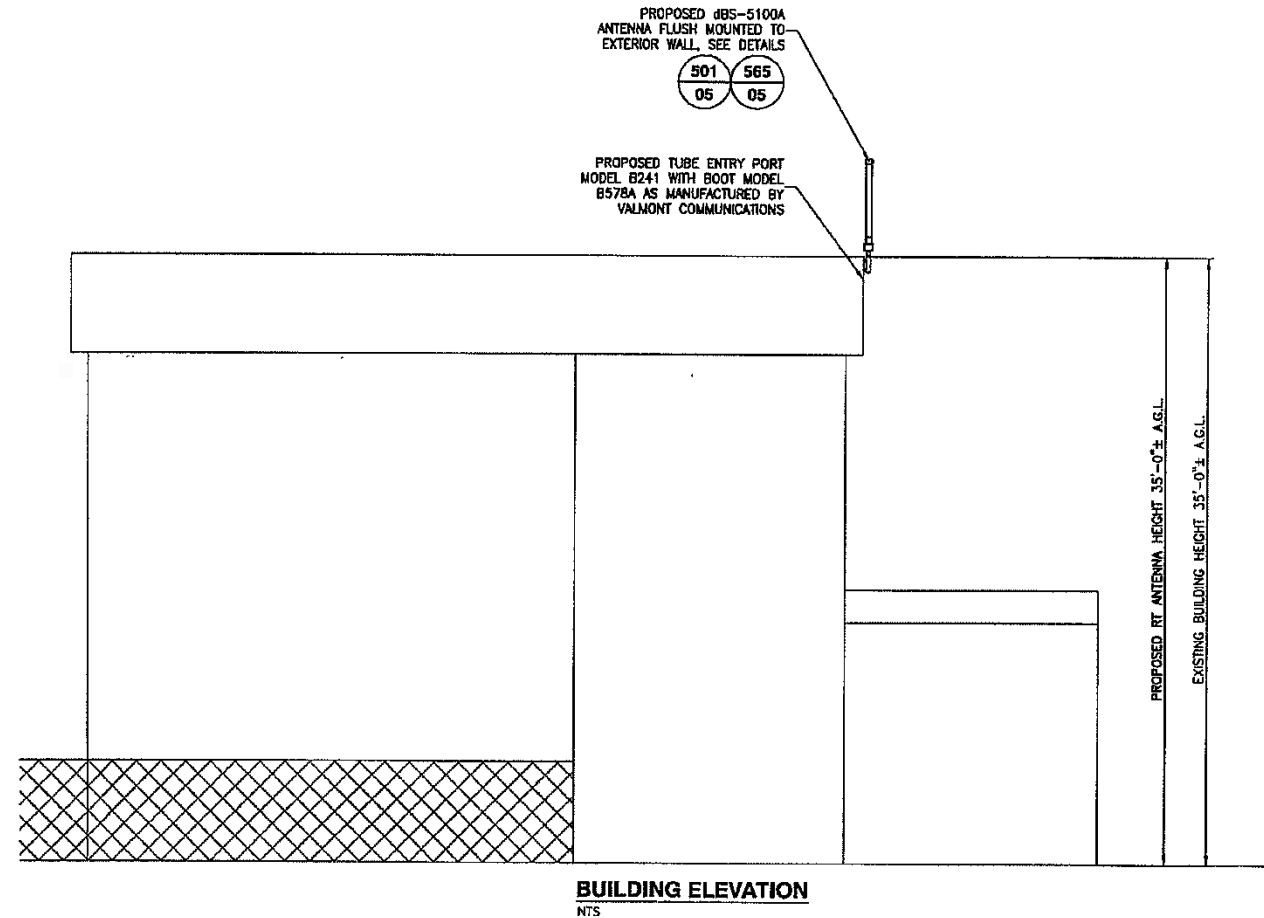
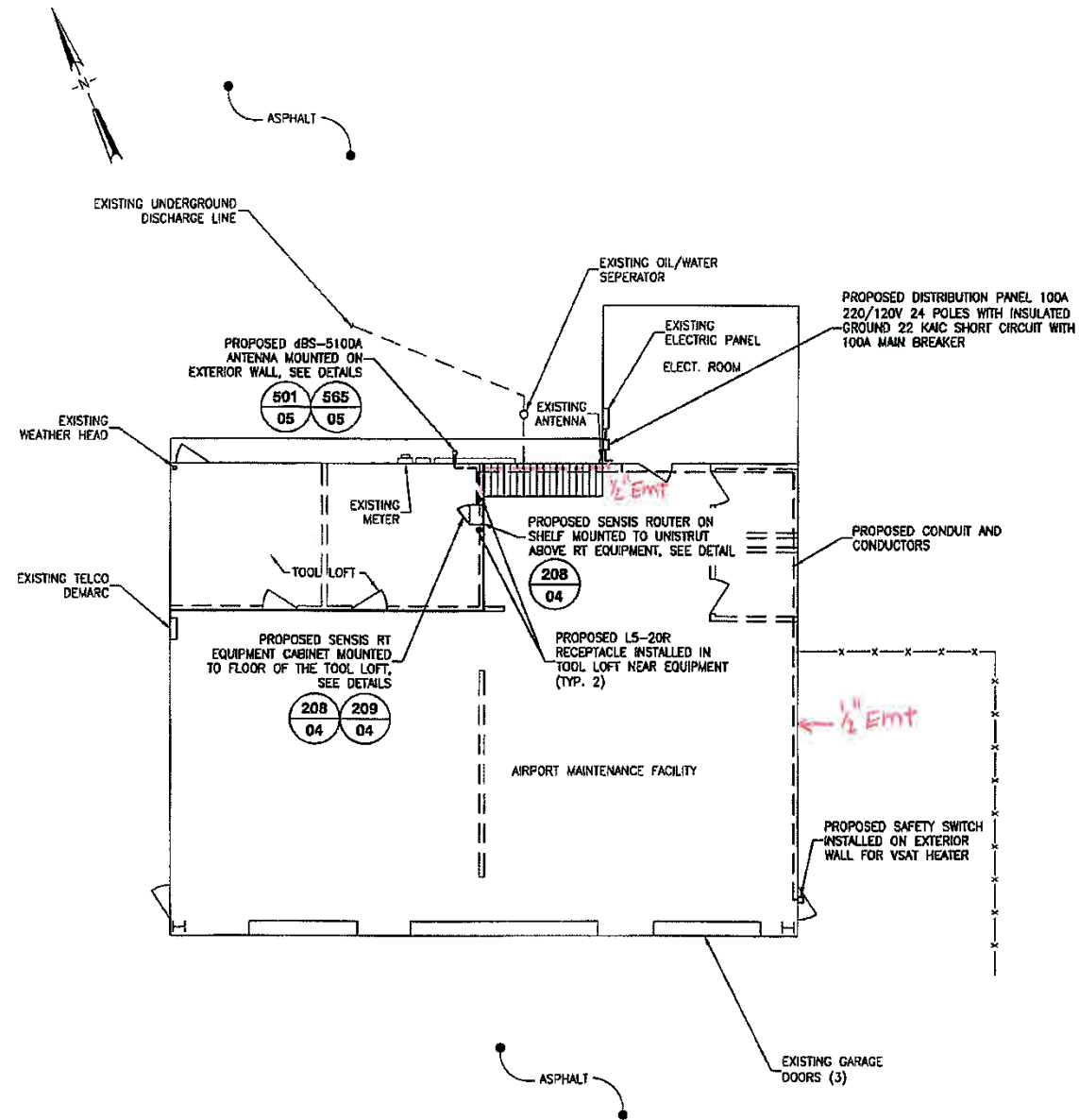
Site Number: H-2

Site Name: Steamboat Airport Main.

EXHIBIT A

Original Leased Area

(SEE ATTACHED)



SITE PLAN
SCALE: 1" = 16'-0"

BUILDING ELEVATION
NTS

Oct. 21, 2007 -- 10:28am F:\Project\060 - Pyramid\Network Services\SENSIS\CADD\SENSIS\H2 STEAMBOAT-AR\Construction\02.DWG



499 Col. Eileen Collins Blvd.
Syracuse, New York 13212
Phone 315-455-2000
Fax 315-455-9667
www.cscos.com



SITE NAME: STEAMBOAT AIRPORT MAIN.
SITE I.D. NUMBER: H2
3393 AIRPORT CIRCLE
STEAMBOAT SPRINGS, CO 80477-5088



NO.	DATE	REVISIONS	BY	CHK	APP'D
10-19-07		SENSIS REVISIONS	SDL	JAD	RND
10-27-07		GENERAL REVISIONS	JAO	JAD	RND
SCALE: AS SHOWN		DESIGNED BY:	DRAWN BY:		



SENSIS
SITE PLAN AND
BUILDING ELEVATION
DRAWING NUMBER
CO-ATCBI-H2-02

REV 2

11 x 17" B SIZE

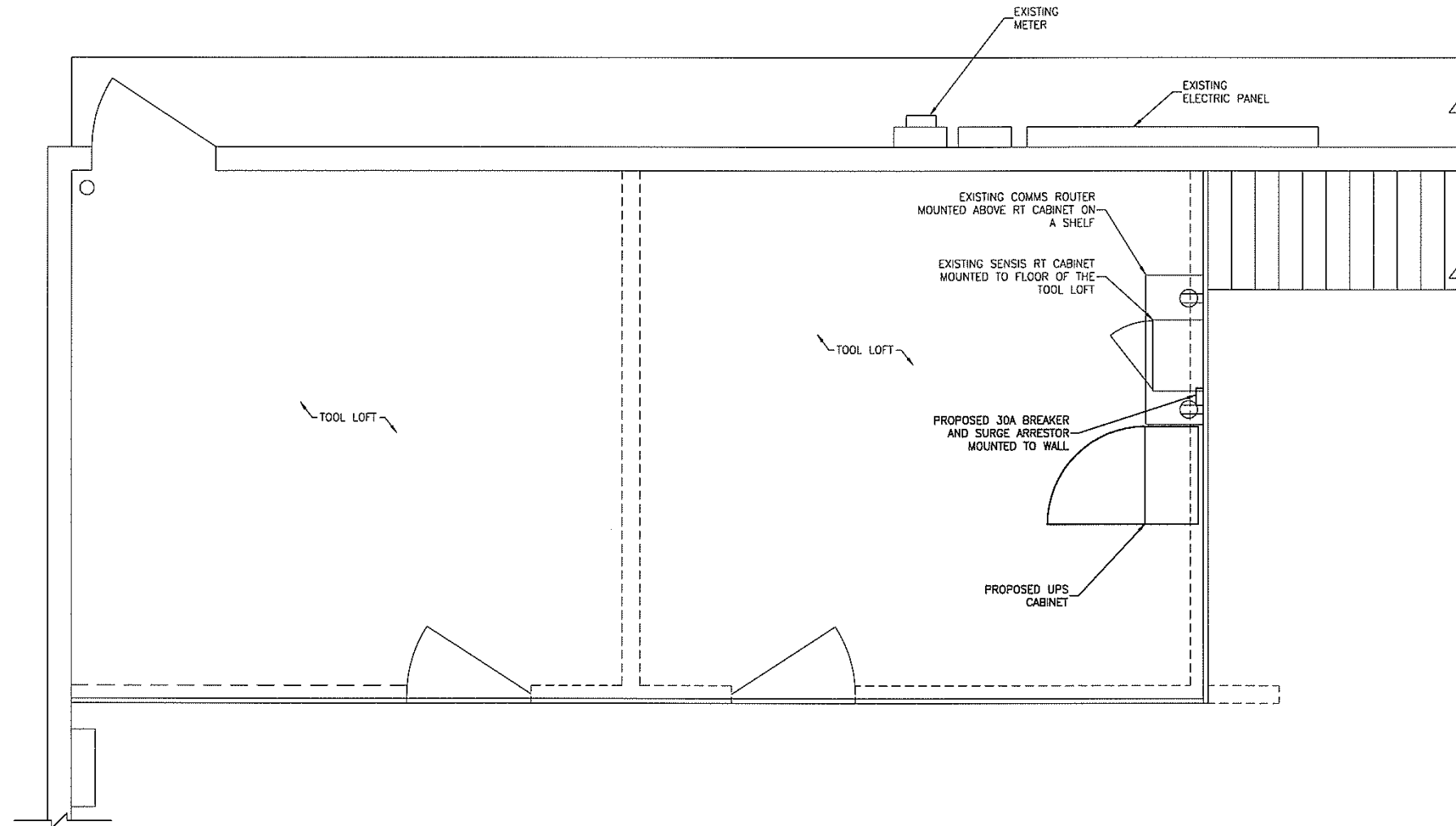
Site Number: H-2

Site Name: Steamboat Airport Main.

EXHIBIT B

Revised Leased Area

(SEE ATTACHED)



EQUIPMENT LAYOUT PLAN

SCALE: 1/4" = 1'-0"



Nov 14, 2008 -- 2:59pm F:\Project\060 - Pyramid\060007001 - Sensis Colorado\CADD\SENSIS\H2 STEAMBOAT-AIR\UPS Lease Exhibit\01.DWG



499 Col. Eileen Collins Blvd.
Syracuse, New York 13212
Phone 315-455-2000
Fax 315-455-9667
www.cscos.com



Pyramid Network Services, LLC
6519 TOWNPATH ROAD
EAST SYRACUSE, NEW YORK 13057

SITE NAME: STEAMBOAT AIRPORT MAIN.
SITE I.D. NUMBER: H2
3393 AIRPORT CIRCLE
STEAMBOAT SPRINGS, CO 80477-5088



NO.	DATE	REVISIONS	BY	CHK	APP'D

SCALE: AS SHOWN DESIGNED BY: DRAWN BY:

SENSIS	
EQUIPMENT LAYOUT PLAN	
DRAWING NUMBER	REV
CO-ATCBI-H2-01	0

11 x 17 "B" SIZE

AGENDA ITEM # 19

CITY COUNCIL COMMUNICATION FORM

FROM: Seth Lorson, City Planner (Ext. 280)
Tom Leeson, AICP, Director of Planning Services (Ext. 244)

THROUGH: Jon Roberts, City Manager, (Ext. 228)

DATE: April 7, 2009

ITEM: Development Plan/Final Development Plan for Western Security Systems Building at 1716 Copper Ridge Spur.

NEXT STEP: If City Council approves the application, the applicant can apply for a building permit and begin construction.

ORDINANCE
 RESOLUTION
 MOTION
 DIRECTION
 INFORMATION

PROJECT NAME: Copper Ridge Business Park Filing 4, Lot 3 - #DPF-08-06

PETITION: Approval of a Development Plan/Final Development plan for a 6,602 gross square foot mixed use industrial building.

LOCATION: Physical Address: 1716 Copper Ridge Spur. Legal Description: Copper Ridge Business Park Filing 4, Lot 3

APPLICANT: Frank and Clara Bradley c/o Jan Kaminski, Mountain Architecture, P.O. Box 770420, Steamboat Springs, CO 80477

PC ACTION: Approved unanimously on March 12, 2009: 7-0

EXECUTIVE SUMMARY:

1. Planning Commission Discussion:

The proposed development received a favorable review by the Planning Commission with very little discussion on the nature of the proposal.

2. Public Comment:

Planning Staff did not receive any public comment before the Planning Commission hearing and there was not any public comment at the hearing.

3. New Information:

No new information has been provided since the Planning Commission hearing.

4. Recommended Motion:

Motion #1:

Planning Staff and Planning Commission recommend **approval** this Development Plan/Final Development Plan for a 6,602 square foot mixed-use building with warehouse space, office space, one employee unit and one single-family unit at Copper Ridge Business Park Filing 4, Lot 3 (1716 Copper Ridge Spur) with the following conditions:

1. Any change to the grade within a utility easement for purposes of this development resulting in alteration of burial depth or damage to YVEA facilities, the developer will assume responsibility for the cost of replacement (which could include the existing surface cubicle). It is recommended to pot hole to verify depth of lines in key areas to determine if there will be additional costs associated with proposed site improvements.
2. The applicant shall enter into a revocable permit with the City acknowledging private liability for the removal, relocation, and/or replacement of all improvements (included but not limited to the dumpster and trash enclosure in the NE utility easement, retaining wall in the SW utility easement, and landscaping improvements required by the CDC) located within the utility easement that are damaged, destroyed, or removed by the City or other authorized parties operating or maintaining public utilities within the utility easement. This agreement must be finalized prior to application for a building permit.
3. Prior to issuance of any Certificate of Occupancy or TCO, or at time of first final plat, the applicant must dedicate an additional common access easement to Lot 4 for the driveway and drainage easements at the SW corner of the property.
4. Any construction modification which alters the alignment of proposed access and roadside drainage designs within proposed, dedicated easements may require changes to dedication of easements at time of condo plat.
5. The applicant is required to complete an Indemnification Agreement for parking within snow storage easement prior to a building permit or grade and fill permit. See Public Works for application.
6. At time of building permit or grade and fill permit, the applicant must provide written permission from adjacent property owners for any proposed grading off-site.

7. The following items to be identified for each phase on the building permit are considered critical improvements and must be constructed prior issuance of any TCO or CO; they cannot be bonded:
- i. Public drainage improvements (Access drive culvert may need to be replaced or repaired).
 - ii. Access drive, driveway, and parking areas
 - iii. Storm water quality features. (Vegetation must be established prior to CO when required as part of the feature design.)

LIST OF ATTACHMENTS

Attachment A – Planning Commission Report

Attachment B – Draft 3/12/09 Planning Commission Minutes



PLANNING AND COMMUNITY DEVELOPMENT STAFF REPORT

PLANNING COMMISSION AGENDA ITEM # 5: DPF-08-06	
Project Name:	Western Security Systems Live/Work Building - 1716 Copper Ridge Spur (Copper Ridge Business Park Filing 4, Lot 3)
Prepared By:	Seth E. Lorson, City Planner (Ext. 280)
Through:	John Eastman, AICP, Planning Services Manager (Ext. 275)
Planning Commission (PC):	March 12, 2009
City Council (CC):	April 7, 2009
Zoning:	Industrial (I)
Applicant:	Frank and Clara Bradley c/o Jan Kaminski, Mountain Architecture P.O. Box 770420 Steamboat Springs, CO 80477
Request:	Development Plan/Final Development Plan (DPF) for a mixed use warehouse – Two (2) Variances: single-frontage instead of double-frontage property; five (5') foot instead of ten (10') foot landscape buffer.

Development Statistics – Overview	
Lot Area:	13,939 square feet (.32 acres)
Lot Coverage:	3,345 square feet (24%)
Floor Area Ratio:	.47 (6,602 gross SF)
Residential Units:	2 (1 single-family – 1,043 SF, 1 employee – 608 SF)
Parking Spaces:	9
Building Height	
Average Plate Height (APH):	26'-6"
Overall Height (OH):	31'-10"

Staff Report - Table of Contents		
Section		Pg
I.	CDC –Staff Analysis Summary	5-2
II.	Introduction	5-3
III.	Background	5-3
IV.	Project Description	5-3
V.	Principal Discussion Items	5-4
VI.	Overview of Dimensional & Development Standards	5-4
VII.	Project Analysis	5-5
VIII.	Community Housing Plan	5-7
IX.	Staff Findings & Conditions	5-8
X.	Attachments	5-9

I. COMMUNITY DEVELOPMENT CODE (CDC) – STAFF ANALYSIS SUMMARY

CDC - SECTION 26-66 (D): No FINAL DEVELOPMENT PLAN SHALL BE APPROVED UNLESS THE PLANNING COMMISSION AND CITY COUNCIL FIND THAT THE PLAN MEETS ALL OF THE FOLLOWING CRITERIA [THESE CRITERIA ALSO COVER THE DEVELOPMENT PLAN CRITERIA IN SECTION 26-65 (D)]:

Subsection		Consistent			Notes
		Yes	No	NA	
1)	Conformity with Community Plan and other approved Master Plans	<input checked="" type="checkbox"/>			
2)	Consistency with Surrounding Uses	<input checked="" type="checkbox"/>			
3)	Conformity with Building and Architectural Standards (FDP only)	<input checked="" type="checkbox"/>			
4)	Minimize Adverse Impacts	<input checked="" type="checkbox"/>			
5)	Access	<input checked="" type="checkbox"/>			
6)	Minimize Environmental Impacts	<input checked="" type="checkbox"/>			
7)	Phasing			<input checked="" type="checkbox"/>	
8)	Compliance With Other Standards	<input checked="" type="checkbox"/>			
9)	Variance Criteria (DP only)	<input checked="" type="checkbox"/>			

Staff Finding:
 Staff finds the Development Plan/Final Development Plan for the Western Security Systems building **consistent** with the criteria for approval in Sections 26-65 (e) and 26-66 (d).



II. INTRODUCTION

The proposed project is located in Copper Ridge Business Park which is zoned Industrial (I). The Industrial zone district allows for industrial uses by right with one (1) single-family residence and one (1) employee unit per development as a *Use with Criteria* as long as the primary use of the property remains industrial. Specifically, accessory uses (including single-family residence and employee units) must be less than half of the overall square footage for the property. The Employee unit must not exceed thirty-five (35%) percent of the overall gross floor area and must be less than one thousand (1,000) square feet.

This project is being reviewed as a concurrent Development Plan / Final Development Plan. Two motions are required for any action on the Development Plan and Final Development Plan.

III. BACKGROUND

The Copper Ridge Subdivision Filing 4 was approved in 2002 (FP-02-23). The Final Plat for Filing 4 was approved without sidewalks and the Sidewalks Master Plan indicates no plans for sidewalks in this subdivision. According to the Routt County Assessor, Frank and Clara Bradley purchased Lot 3 in 2007.

IV. PROJECT DESCRIPTION

Building/Use

The proposed building has a gross floor area of 6,602 square feet. It is proposed to have three (3) units: Unit A is 2,269 SF total: warehouse/storage (industrial use) and office (accessory use); Unit B is 1,966 SF total: warehouse/storage (industrial use) and office and employee unit (accessory use); Unit C is 2,367 SF total: warehouse (industrial use) and office and single-family residence (accessory use). [See Attachment 5 – Floor Plans]

The building is primarily stucco with wood trim and flat metal roofing (see material board). Each unit is modulated to appear separate and has a prominent garage door, second story balcony, and entry way roof facing the front. Unit A has a sign for “Western Security Systems” on its roof facing the front.

Lot/Site Plan

Lot 3 of Copper Ridge Business Park is located at the corner of Copper Ridge Circle and Copper Ridge Spur. This .32 acre lot is awkwardly shaped with double frontage and 5 sides. The access was platted with Copper Ridge Business Park Filing 4 Lot 3 having a shared access with Lot 4 to its Northeast. Lot 4 has yet to develop and refused the applicant permission to extend the access easement deeper into both lots. To ease access the applicant is widening their side of the driveway to twenty five (25') feet. [See Attachment 1 – Site Plan]

One of the requested variances is to consider the lot a single frontage lot from its double frontage classification. This is to allow them to use the long side (West) of the lot for the building as opposed to the corner adjacent to the two streets as dictated in CDC Sec. 26-143 Site Planning. To utilize the long side of the lot the building will be turning its back to the adjacent property. To mitigate this, the applicant has agreed to put in additional windows in order to break up the expansive wall.

V. PRINCIPAL DISCUSSION ITEMS

Variations

Variance 1 is requested to classify the subject property as single frontage as opposed to double frontage as it is due to being on the corner of Copper Ridge Circle and Copper Ridge Spur. This allows the applicant to utilize the long side of their lot for the building and provide parking along Copper Ridge Spur, please see Section VII Project Analysis of this report.

Variance 2 is requested to have a five (5') foot landscape buffer along Copper Ridge Spur as opposed to the required ten (10') foot landscape buffer. This is requested to allow for the required parking, loading and maneuvering aisles. The applicant has agreed to provide 'dense' (1 tree/200 SF) landscaping in both buffers (Copper Ridge Circle and Copper Ridge Spur) as opposed to the required 'moderate' (1 tree/400 SF) landscaping. The calculations for landscaping are still measured as though there were a ten (10') landscape buffer on both Copper Ridge Circle and Copper Ridge Spur. Copper Ridge Spur Landscape Buffer: 965 SF / 200 = 5 trees (2 more than 'moderate'); Copper Ridge Circle Landscape Buffer: 670 SF / 200 = 4 trees (2 more than 'moderate'). See Attachment 2 – Landscape Plan.

VI. OVERVIEW OF DIMENSIONAL AND DEVELOPMENT STANDARDS – INDUSTRIAL (I) ZONE DISTRICT

The following list was compiled by the project planner to provide an overview of key standards applicable to the project. Items in **bold do not comply** with applicable standards; refer to Project Analysis section for additional information. Interested parties are encouraged to review the Community Development Code (CDC) or contact the project planner for a comprehensive list of all applicable standards.

DIMENSIONAL STANDARDS – CDC Section 26-132			
Standard	Maximum	Minimum	Proposed
<i>Lot Area</i>	No Max.	No Min.	13,939 SF (.32 acres)
<i>Lot Coverage</i>	0.60 (8,035.8 SF)	No Min.	0.24 (3,345 SF)
<i>Floor Area Ratio (FAR)</i>	0.60 (8,035.8 SF)	No Min.	0.47 (6,602 SF)

DIMENSIONAL STANDARDS – CDC Section 26-132			
Standard	Maximum	Minimum	Proposed
<i>Building Height</i>	APH – 28'	No Min.	26'-6"
	OH – 32'	No Min.	31'-10"
<i>Setbacks</i>			
<i>Front</i>	No Max.	P – 15'	20'4"
<i>Side</i>	No Max.	P – 10'	10'
<i>Rear</i>	No Max.	P – 10'	10'

DEVELOPMENT STANDARDS – CDC Article V.		
Standard	Requirement	Proposed
<i>Parking and Loading Design Standards (Sec. 26-139).</i>	9 Spaces	9 Spaces
<i>Landscaping standards and revegetation (Sec. 26-137)</i>	Moderate landscaping in 10' buffer adjacent to any public right-of-way (ROW)	Variance Requested
<i>Site planning (Sec. 26-143)</i>	Lots with two (2) street frontages, the building shall be situated so that there is no parking between the structure and the adjacent street frontages.	Variance Requested
<i>Snow storage (Sec. 26-144)</i>	One square foot of snow storage is required for every two (2) square feet of paved area. [5,528 SF paved/2 = 2,764 SF required snow storage]	2,772 SF snow storage provided

VII. PROJECT ANALYSIS

A) CRITERIA FOR APPROVAL

CDC - Section 26-65 (d) – Development Plan: No development plan shall be approved unless the Planning Commission and City Council find that the plan meets all of the following criteria:

The following section provides staff analysis of the application as it relates to key sections of the CDC. It is intended to highlight those areas that may be of interest or concern to Planning

Commission, City Council, staff or the public. For a comprehensive list of standards and requirements applicable to this proposal please refer to the CDC or contact the staff planner.

CDC - Section 26-65/66(d)(1): Conformity with Community Plan.

Staff Analysis: **Consistent;** The proposed development conforms with the Steamboat Springs Community Area Plan and all other applicable plans.

CDC – Section 26-65/66(d)(2): Consistency with Surrounding Uses.

Staff Analysis: **Consistent;** The proposed development is in an industrial district and is surrounded by light industrial uses. Its proposed use is warehouse/storage and residential.

CDC – Section 26-66 (d)(3): Conformity with the building and architectural standards.

Staff Analysis: **Consistent;** The proposed development provides modulations and stone projections breaking up the mass of the building.

CDC – Section 26-65/66(d)(3): Minimize Adverse Impacts.

Staff Analysis: **Consistent;** The applicant has agreed to add additional windows to the wall that faces the adjacent property to break up its expanse.

CDC – Section 26-65/66(d)(4): Access.

Staff Analysis: **Consistent;** Access for this property was platted during Filing 4 in 2002. With a small increase in width the access is fit to accommodate the planned use for this development.

CDC – Section 26-65/66(d)(6): Minimize Environmental Impacts.

Staff Analysis: **Consistent;** The proposed development conforms with all applicable standards as reviewed by City Public Works for storm water quality. The proposed use for this development should not create adverse environmental impacts.

CDC – Section 26-65/66(d)(7): Phasing.

Staff Analysis: **Consistent;** The project will be developed in one phase.

CDC – Section 26-65(d)(8): Variance criteria.

Staff Analysis: **Consistent;** See below.

Development Plan Variance Criteria – CDC Section 26-65(d)(8)	
Variance 1: CDC Section 26-143. Site planning. – The applicant is proposing a single frontage on a corner lot that is classified as a double frontage. Specifically this allows them to place the parking between the street and the building creating a variation from Development Standard CDC Section 26-143 Site Planning.(c)(1)Building location.	
Criteria:	Proposed:
a. <i>Legal use.</i>	Consistent. The proposed variance does not change the use of the property.

b. <i>Injury to adjoining property mitigated.</i>	Consistent. The applicant has worked with staff to mitigate the expanse of wall facing the neighboring property by providing additional windows.
c. <i>Advantages outweigh disadvantages.</i>	Consistent. Due to the awkward shape of the lot this variance allows for the applicant to build along the long side of the lot and provide for adequate parking and room for trucks to turn around.
d. <i>Superior development.</i>	Consistent. This variance allows the applicant to build a mixed use building on a lot that would (if conforming with code) limit the size of the building and parking.
e. <i>Minimum relief.</i>	Consistent. With the access from Copper Ridge Spur, this variance to allow the building to be situated differently is precisely what is needed to be able to develop this lot.

Variance 2: CDC Section 26-137. Landscaping standards and revegetation. – The applicant is proposing a five (5’) foot landscape setback along Copper Ridge Spur. Specifically this allows them to allow the parking lot to be bigger to conform to parking standards. CDC 26-137. Landscaping standards and revegetation.(c)Zone district specific standards. Requires ten (10’) foot landscape buffer for all properties in the Industrial zone district.

Criteria:	Proposed:
a. <i>Legal use.</i>	Consistent. The proposed variance does not change the use of the property.
b. <i>Injury to adjoining property mitigated.</i>	Consistent. The required landscape category for the Industrial zone district is ‘moderate’, the applicant is proposing ‘dense’ landscaping to mitigate the proposed smaller size of the buffer.
c. <i>Advantages outweigh disadvantages.</i>	Consistent. This variance allows the necessary parking lot for this development for the loading standards and drive aisles consistent with parking requirements.
d. <i>Superior development.</i>	Consistent. In addition to ‘dense’ landscaping in the buffer that is requesting the variance the applicant has agreed to provide ‘dense’ landscaping along the other (conforming) landscape buffer.
e. <i>Minimum relief.</i>	Consistent. With this variance the parking lot drive aisles and loading zones for the garages are at the bare minimum required by the CDC.

VIII. COMMUNITY HOUSING PLAN

CDC Section 26-148

Staff Analysis: The single family residence on this property is subject to residential linkage fees in the amount of \$210.00. Industrial uses are exempt from linkage requirements; however, residential uses in an industrial zone are subject to residential linkage.

IX. STAFF FINDING & CONDITIONS

Recommended Finding

Staff finds the Western Security Systems building is **consistent** with the findings for approval. Staff recommends the Planning Commission **APPROVE** the Western Security Systems building at 1716 Copper Ridge Spur - #DPF-08-06.

Motion #1

Planning Commission recommends approval of the Western Security Systems building - #DPF-08-06 with the findings that the proposal is consistent with the Development Plan criteria for approval in Sections 26-65 (d) with the following conditions of approval:

1. Any change to the grade within a utility easement for purposes of this development resulting in alteration of burial depth or damage to YVEA facilities, the developer will assume responsibility for the cost of replacement (which could include the existing surface cubicle). It is recommended to pot hole to verify depth of lines in key areas to determine if there will be additional costs associated with proposed site improvements.
2. The applicant shall enter into a revocable permit with the City acknowledging private liability for the removal, relocation, and/or replacement of all improvements (included but not limited to the dumpster and trash enclosure in the NE utility easement, retaining wall in the SW utility easement, and landscaping improvements required by the CDC) located within the utility easement that are damaged, destroyed, or removed by the City or other authorized parties operating or maintaining public utilities within the utility easement. This agreement must be finalized prior to application for a building permit.
3. Prior to issuance of any Certificate of Occupancy or TCO, or at time of first final plat, the applicant must dedicate an additional common access easement to Lot 4 for the driveway and drainage easements at the SW corner of the property.
4. Any construction modification which alters the alignment of proposed access and roadside drainage designs within proposed, dedicated easements may require changes to dedication of easements at time of condo plat.
5. The applicant is required to complete an Indemnification Agreement for parking within snow storage easement prior to a building permit or grade and fill permit. See Public Works for application.
6. At time of building permit or grade and fill permit, the applicant must provide written permission from adjacent property owners for any proposed grading off-site.
7. The following items to be identified for each phase on the building permit are considered critical improvements and must be constructed prior issuance of any TCO or CO; they cannot be bonded:
 - i. Public drainage improvements (Access drive culvert may need to be replaced or repaired).
 - ii. Access drive, driveway, and parking areas

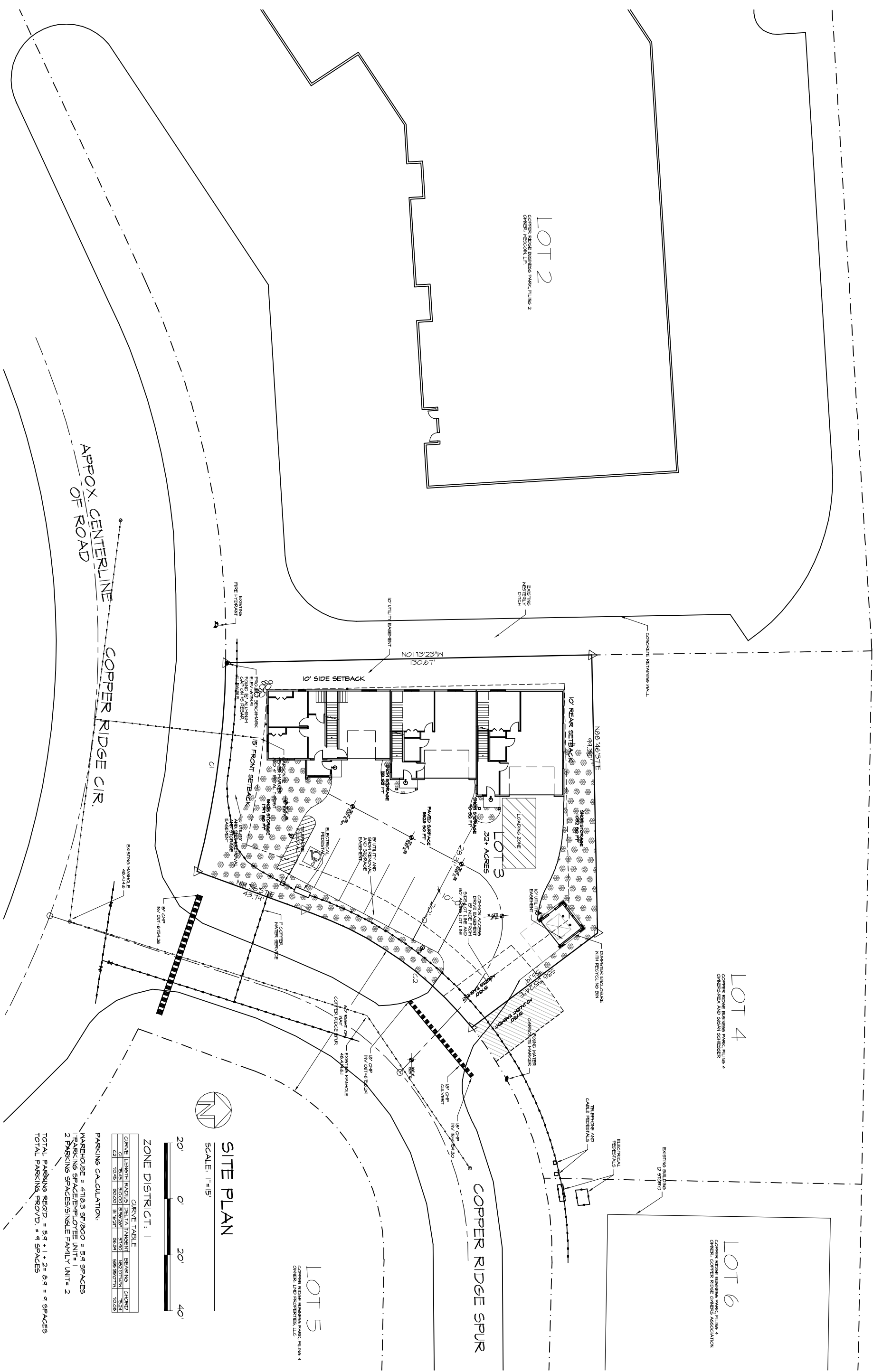
-
- iii. Storm water quality features. (Vegetation must be established prior to CO when required as part of the feature design.)
 - 8. Residential linkage fee is due before a building permit shall be issued. The single family residence on this property is subject to residential linkage fees in the amount of \$210.00.

Motion #2

Planning Commission recommends approval of the Western Security Systems building #DPF-08-06 with the findings that the proposal is consistent with the Final Development Plan criteria for approval in and 26-66 (d) with the same conditions of approval as noted above for the Development Plan.

X. ATTACHMENTS

- Attachment 1 – Site Plan
- Attachment 2 – Landscape Plan
- Attachment 3 – Elevations
- Attachment 4 – Color Elevation
- Attachment 5 – Floor Plans



ZONE DISTRICT: I

CURVE TABLE	CHORD
CL1	75.24
CL2	55.27
CL3	55.27
CL4	55.27
CL5	55.27
CL6	55.27
CL7	55.27
CL8	55.27
CL9	55.27
CL10	55.27
CL11	55.27
CL12	55.27
CL13	55.27
CL14	55.27
CL15	55.27
CL16	55.27
CL17	55.27
CL18	55.27
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CL94	55.27
CL95	55.27
CL96	55.27
CL97	55.27
CL98	55.27
CL99	55.27
CL100	55.27

PARKING CALCULATION:
 1. MAKEHOUSE = 4718.3 SF/BOO = 54 SPACES
 2. PARKING SPACES/EMPLOYEE UNIT = 1
 3. PARKING SPACES/SINGLE FAMIL. V. UNIT = 2
 TOTAL PARKING REQ'D = 54 + 1 + 2 = 57 = 4 SPACES
 TOTAL PARKING PROVD. = 4 SPACES

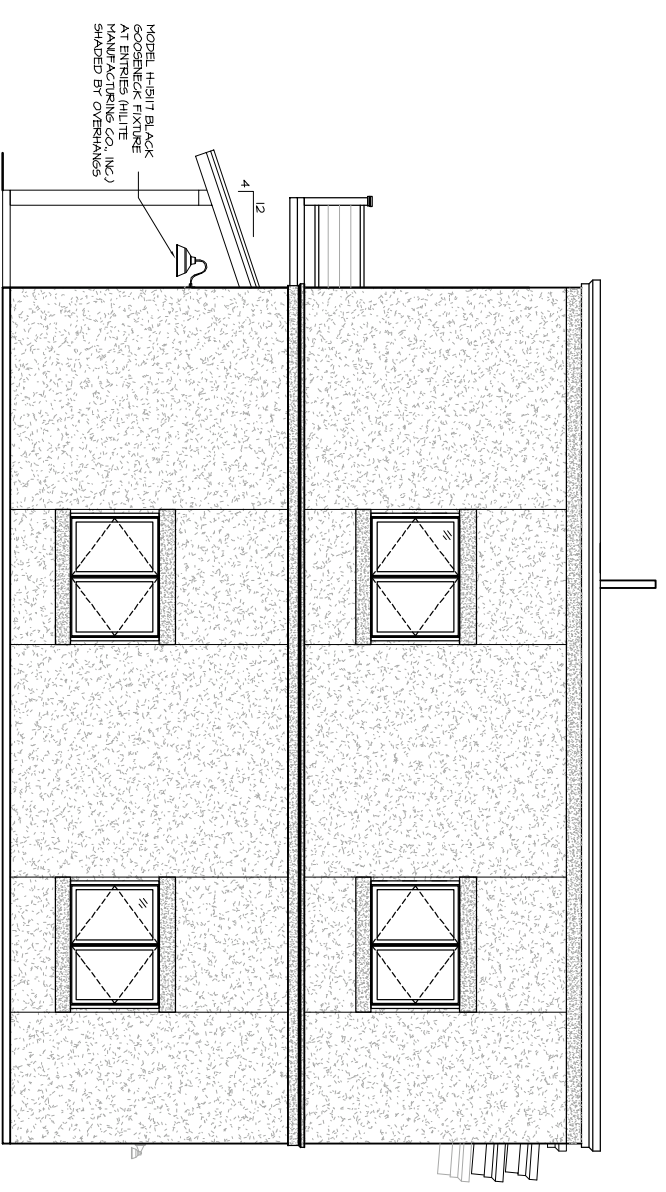
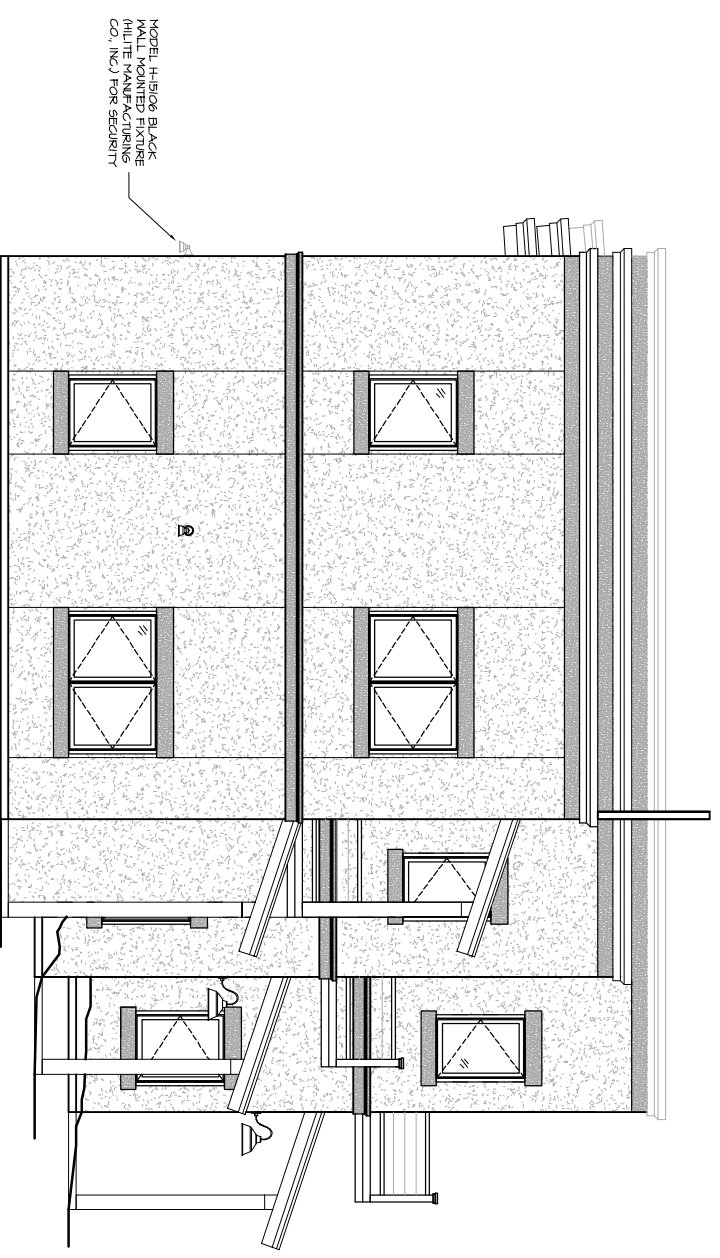
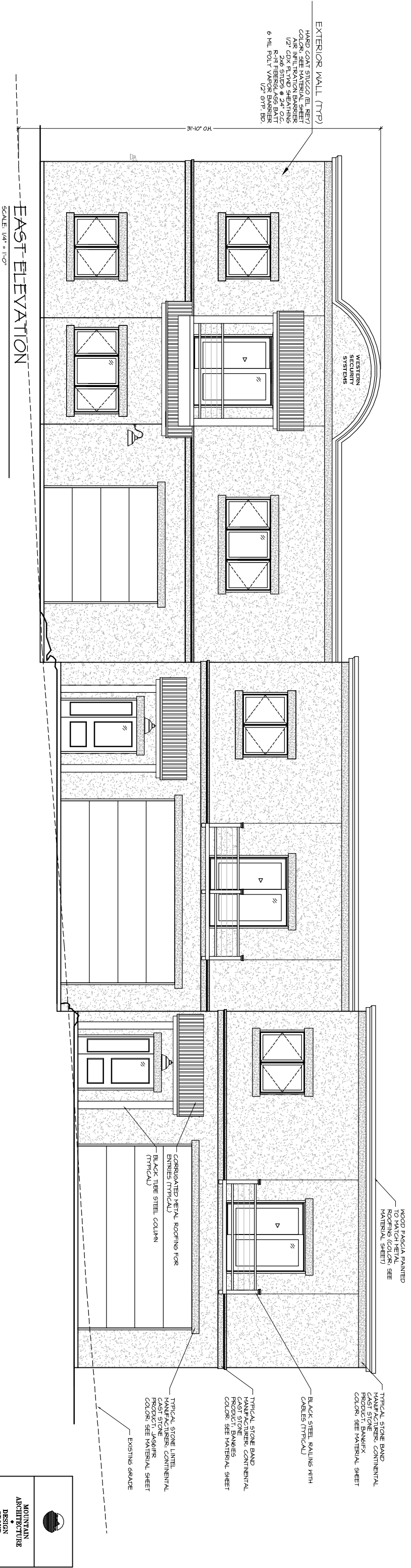
SITE PLAN
 SCALE: 1"=15'
 20' 0' 20' 40'

A Live Work Building Design for:
WESTERN SECURITY SYSTEMS
 1716 Copper Ridge Spur
 LOT 3, FILING 4, COPPER RIDGE BUSINESS PARK
 Steamboat Springs, Colorado

MOUNTAIN ARCHITECTURE DESIGN GROUP P.C.
 135 MICHAEL LAMBERT, PRINC. ARCHITECT
 PROJECT NUMBER: 02-0000-0011
 DESIGN NUMBER: 02-0000-0011
 DATE: 02/21/08
 DRAWING NUMBER: 2

TITLE
 Section 2:
SITE PLAN

JOB NO. 0745
 DRAWN: DBS
 CHECKED: JLD/DBS
 DATE: 4/21/08
 REVISED: 12/1/08
 01/16/09 02/21/08
 2/19/09 01/24/09
 DRAWING NUMBER
2



Attachment 3

19-15

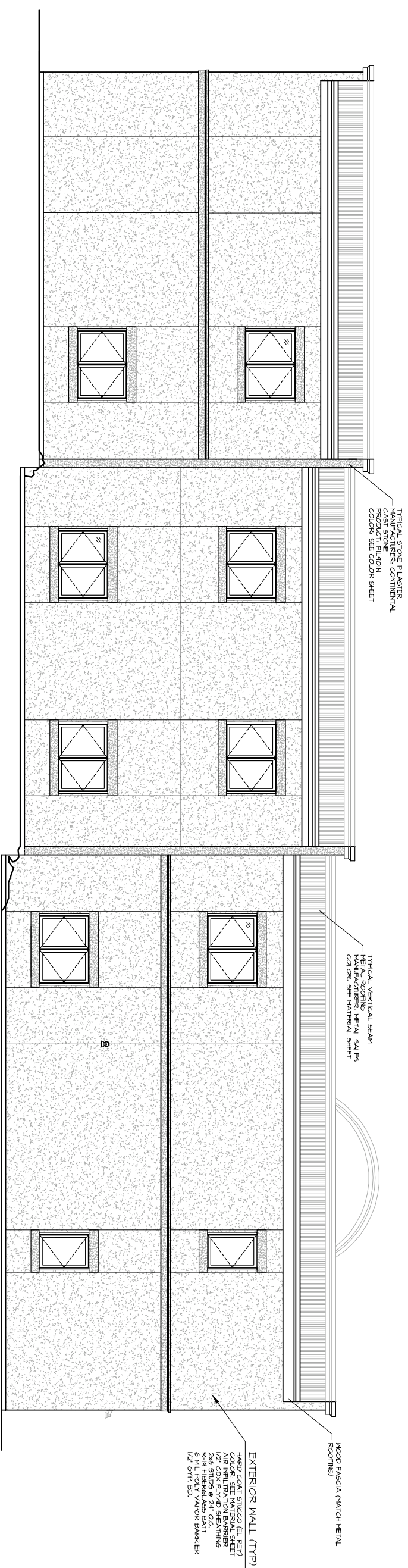
TITLE	A Live Work Building Design for: WESTERN SECURITY SYSTEMS 1716 Copper Ridge Spur LOT 3, FILING 4, COPPER RIDGE BUSINESS PARK Steamboat Springs, Colorado
DESIGNER	MOUNTAIN ARCHITECTURE DESIGN GROUP P.C.
DATE	2/14/08
REVISIONS	1/24/08 10/24/08 2/14/08 01/24/09
DRAWING NUMBER	3
OF 13 DRAWINGS	

Section 3:
BUILDING ELEVATIONS

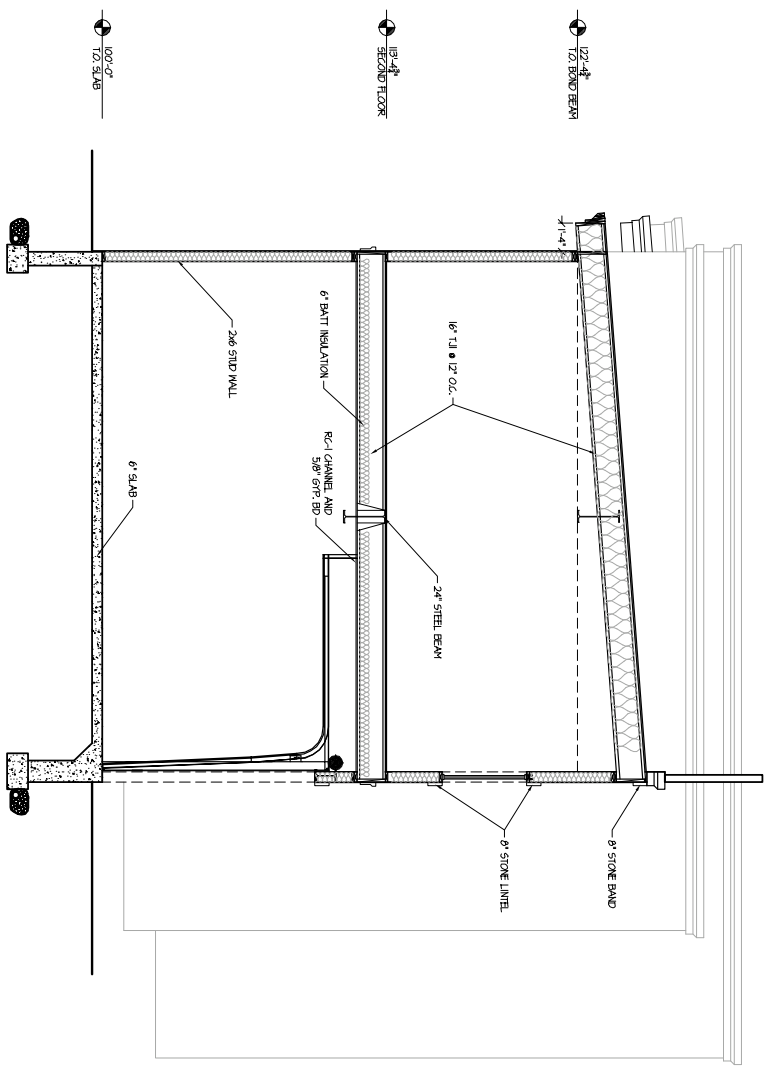
SCALE: 1/4" = 1'-0"

Section 3:
BUILDING ELEVATIONS

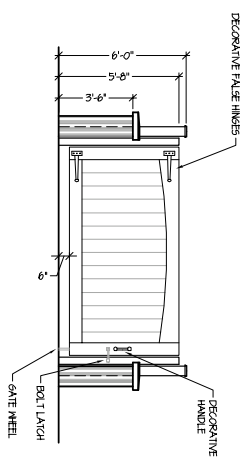
SCALE: 1/4" = 1'-0"



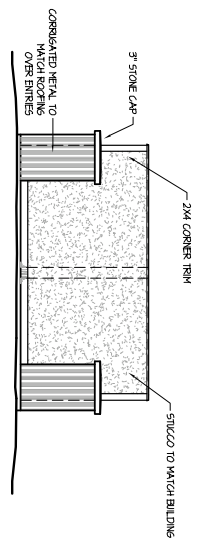
WEST ELEVATION
SCALE 1/4" = 1'-0"



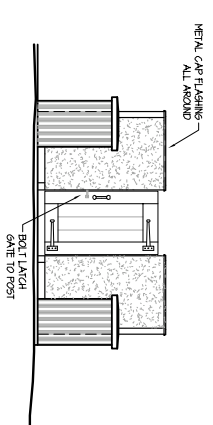
TYPICAL SECTION
SCALE 1/4" = 1'-0"



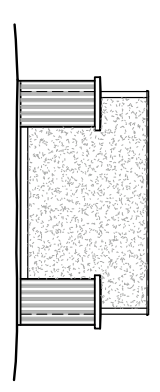
TRASH ENCLOSURE
FRONT ELEVATION
SCALE 1/4" = 1'-0"



TRASH ENCLOSURE
REAR ELEVATION
SCALE 1/4" = 1'-0"

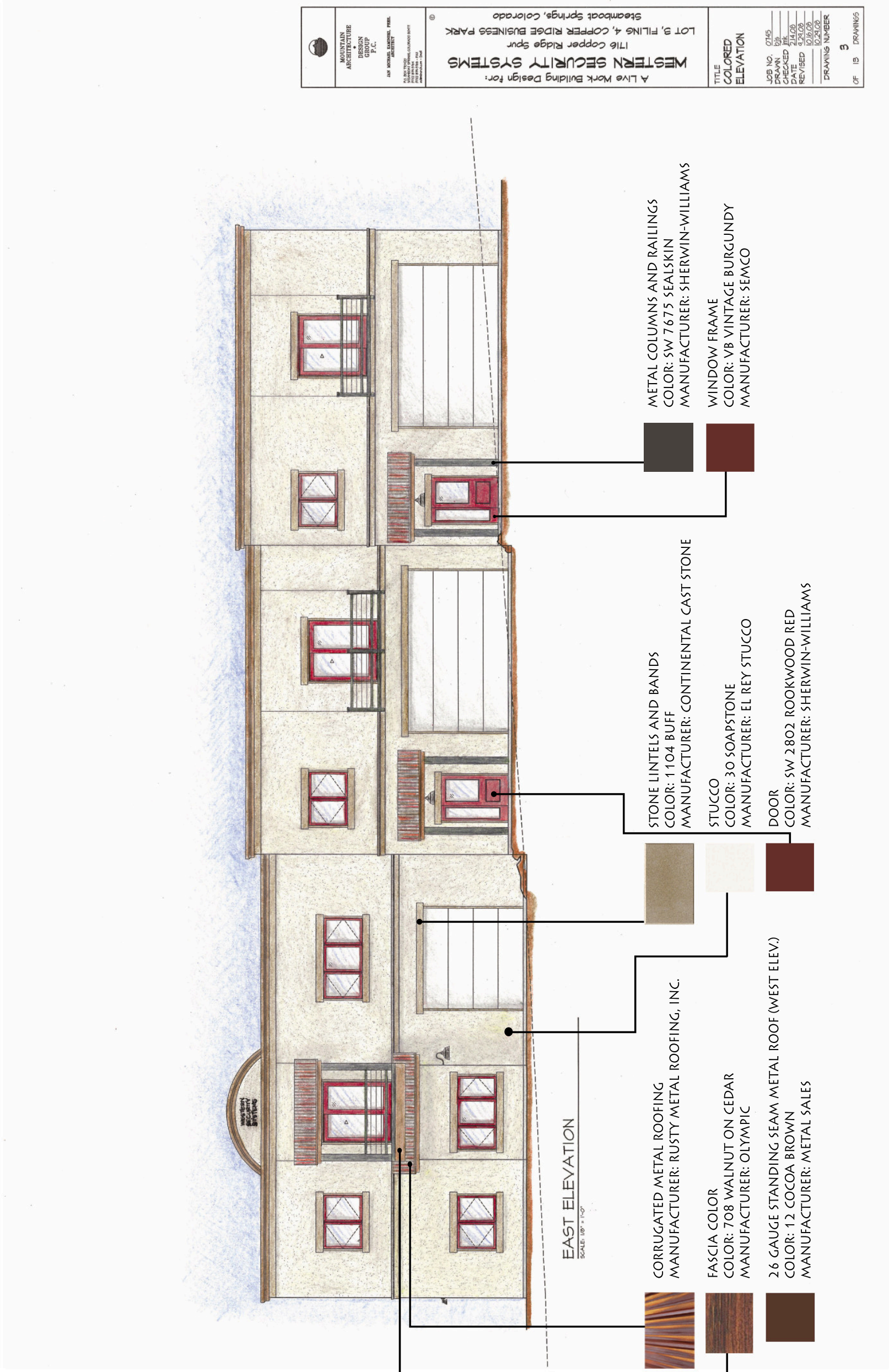


TRASH ENCLOSURE
LEFT SIDE ELEVATION
SCALE 1/4" = 1'-0"



TRASH ENCLOSURE
RIGHT SIDE ELEVATION
SCALE 1/4" = 1'-0"

<p> MOUNTAIN ARCHITECTURE DESIGN GROUP P.C. JAN MICHAEL DAMERON, PRINC. ARCHITECT 1716 COPPER RIDGE SPUR, STEAMBOAT SPRINGS, COLORADO 80481 303.866.8888 www.mountainarchitecture.com </p>	<p>A Live Work Building Design for:</p> <p>WESTERN SECURITY SYSTEMS</p> <p>1716 Copper Ridge Spur LOT 3, FILING 4, COPPER RIDGE BUSINESS PARK Steamboat Springs, Colorado</p>	
	<p>TITLE Section 3: BUILDING ELEVATIONS</p>	<p>JOB NO. 0145 DRAWN bjs CHECKED jmk DATE 2/14/08 REVISION 9/29/08 0/16/08 2/14/08 DRAWING NUMBER 4</p>

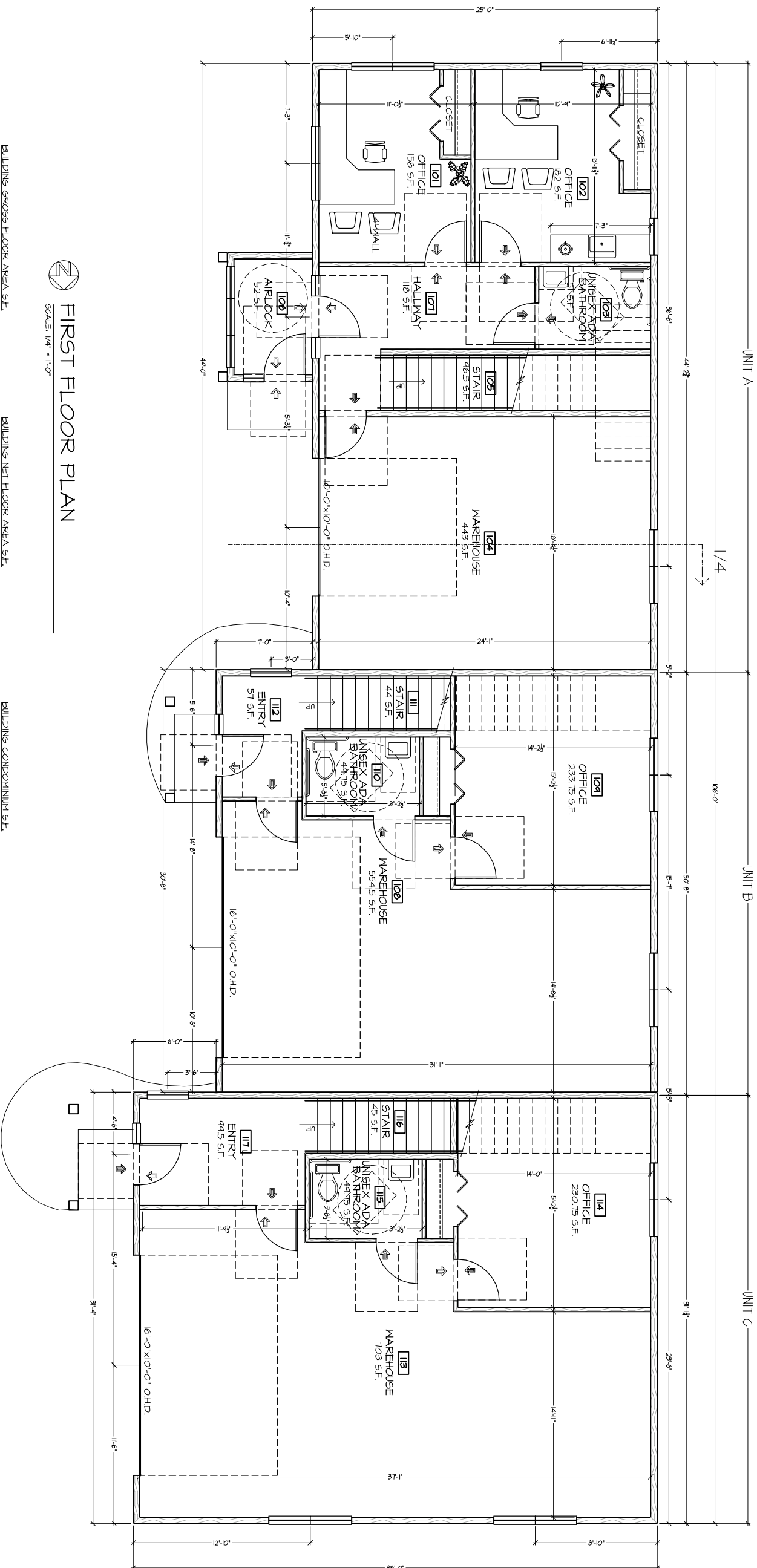


WESTERN SECURITY SYSTEMS
A Live Work Building Design for:
1716 Copper Ridge Spur
LOT 9, FILING 4, COPPER RIDGE BUSINESS PARK
Steamboat Springs, Colorado

MOUNTAIN ARCHITECTURE DESIGN GROUP P.C.
1400 W. BEAVER CREEK DRIVE
STEAMBOAT SPRINGS, CO 80487
970.865.1111
WWW.MOUNTAINARCHITECTURE.COM

TITLE
COLORED
ELEVATION

JOB NO. 0745
DRAWN BY
CHECKED BY
DATE 2/14/08
REVISED 9/21/08
10/16/08
02/21/08
DRAWING NUMBER
3
OF 19 DRAWINGS



FIRST FLOOR PLAN

SCALE: 1/4" = 1'-0"

BUILDING GROSS FLOOR AREA S.F.

UNIT A:
 GROSS S.F. FIRST FLOOR = 1163.3 S.F.
 GROSS S.F. SECOND FLOOR = 1105.7 S.F.
 TOTAL = 2269 S.F.

UNIT B:
 GROSS S.F. FIRST FLOOR = 483 S.F.
 GROSS S.F. SECOND FLOOR = 483 S.F.
 EMPLOYEE UNIT = 608 S.F.
 TOTAL = 1466 S.F.

UNIT C:
 GROSS S.F. FIRST FLOOR = 1183.3 S.F.
 GROSS S.F. SECOND FLOOR = 1183.3 S.F.
 TOTAL = 2366.6 S.F.

BUILDING TOTAL GROSS FLOOR AREA = 6601.6 S.F.

MEASURE GROSS FROM OUTSIDE OF EXTERIOR WALLS TO CENTERLINE OF COMMON WALL

BUILDING NET FLOOR AREA S.F.

UNIT A:
 NET S.F. FIRST FLOOR = 1100.5 S.F.
 NET S.F. SECOND FLOOR = 480.5 S.F.
 TOTAL = 2081 S.F.

UNIT B:
 NET S.F. FIRST FLOOR = 484 S.F.
 NET S.F. SECOND FLOOR = 859.5 S.F.
 TOTAL = 1343.5 S.F.

UNIT C:
 NET S.F. FIRST FLOOR = 1129 S.F.
 NET S.F. SECOND FLOOR = 1042.5 S.F.
 TOTAL = 2171.5 S.F.

BUILDING TOTAL NET FLOOR AREA = 6014 S.F.

MEASURE NET FROM INSIDE OF EXTERIOR WALL TO MIDDLE OF INTERIOR WALLS

BUILDING CONDOMINIUM S.F.

UNIT A:
 S.F. FIRST FLOOR = 1057.1 S.F.
 S.F. SECOND FLOOR = 914.4 S.F.
 TOTAL = 1971.5 S.F.

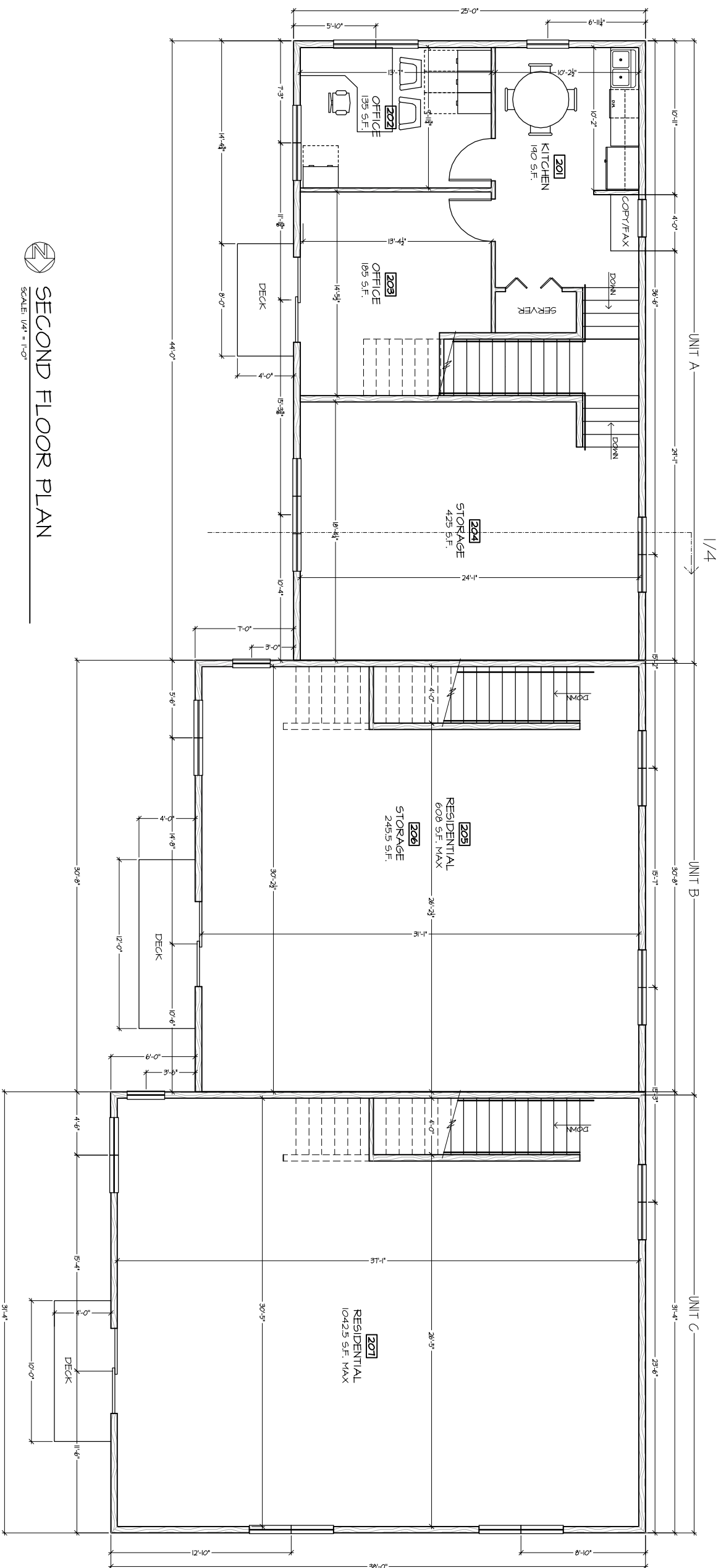
UNIT B:
 S.F. FIRST FLOOR = 411 S.F.
 S.F. SECOND FLOOR = 481 S.F.
 TOTAL = 892 S.F.

UNIT C:
 S.F. FIRST FLOOR = 1108.1 S.F.
 S.F. SECOND FLOOR = 1120.5 S.F.
 TOTAL = 2228.6 S.F.

BUILDING TOTAL SQUARE FOOTAGE = 6043.5 S.F.

MEASURE CONDOMINIUM SPACE FROM INSIDE OF WALLS

 <p>MOUNTAIN ARCHITECTURE DESIGN GROUP P.C. ANY METALLIC MATERIAL, FINISH ARCHITECTURE</p>	
<p>FOR EVERY THING DO NOT REMOVE OR ALTER ANY DIMENSIONS OR NOTES UNLESS SPECIFICALLY NOTED OTHERWISE, THIS DRAWING IS VOID</p>	
<p>A Live Work Building Design for: WESTERN SECURITY SYSTEMS 1716 Copper Ridge Spur LOT 3, FILING 4, COPPER RIDGE BUSINESS PARK Steamboat Springs, Colorado</p>	
<p>TITLE Section 10: FLOOR PLANS</p>	
<p>JOB NO. 0745 DRAWN DJS CHECKED JMK DATE 2/14/08 REVISED 4/29/08 10/16/08 12/19/08 DRAWING NUMBER 11</p>	<p>OF 13 DRAWINGS</p>



SECOND FLOOR PLAN

SCALE: 1/4" = 1'-0"

 <p>MOUNTAIN ARCHITECTURE DESIGN GROUP P.C. AN MICHIGAN REGISTERED FIRM 100 WEST TULLOCH FRENCH CREEK, CO. 80420 PHONE: 303.461.1111 WWW.MOUNTAINARCHITECTURE.COM</p>	
<p>A Live Work Building Design for: WESTERN SECURITY SYSTEMS 1716 Copper Ridge Spur LOT 3, FILING 4, COPPER RIDGE BUSINESS PARK Steamboat Springs, Colorado</p>	
<p>TITLE Section 10: FLOOR PLANS</p>	
<p>JOB NO. 0745 DRAWN. bjs CHECKED mlk DATE 2/14/08 REVISED 4/24/08 10/16/08 10/24/08 12/19/08 01/29/09 DRAWING NUMBER</p>	<p>12 OF 13 DRAWINGS</p>

DRAFT**Copper Ridge Business Park, Filing 4, Lot 3 #DPF-08-06 Development Plan/Final Development Plan for the new Western Security System Live/Work Building. Total gross square footage: 6,602**

Discussion on this agenda item started at approximately 7:20 p.m.

STAFF PRESENTATION

Seth Lorson –

There are 2 variances. One is for the double front setback and the other one is for the landscape buffer. A memorandum has been added to your staff reports that have an example of a similar variance. It is a variance the site planning criteria that the building shall be situated so that there is no parking between the structure and the adjacent street, which is the primary discussion for the variance request for the double front setback. In addition there is the color rendering for the color callouts matching the material board. One additional note at the time that the staff report was written the city still had linkage as one of the CDC's housing policies. Condition 8 is the linkage discussion. As of tomorrow the linkage will be suspended. Please strike 8 from the motion.

Commissioner Meyer –

Do you want to mention the other item that was handed out at our work session?

Seth Lorson –

That is just a correction in my introduction as far as the use breakdown.

APPLICANT PRESENTATION

Jan Kaminski –

Staff is recommending approval and everything is consistent with the CDC.

COMMISSIONER QUESTIONS

Commissioner Curtis –

Regarding the site plan and the physical location of the building did you look into any other physical arrangement on this particular site?

Jan Kaminski –

We looked at many different locations, but we could not come up with anything that gave us good circulation not only for trucks, but also for emergency services.

Commissioner Curtis –

Regarding the variance for the 5' landscape buffer the main reason is because you can't get the parking in?

Jan Kaminski –

Yes.

Commissioner Curtis –

3/12/09

DRAFT

There's no way that there would be enough room to eliminate that 5' variance with the parking?

Jan Kaminski –

What we're trying to do is maintain that 24' standard even if you have parking on one side.

Commissioner Curtis –

You definitely need the 10' utility easement on the backside?

Jan Kaminski –

We did not want to have to ask for a variance.

Commissioner Curtis –

Are there utilities along that backside?

Jan Kaminski –

Yes.

Commissioner Levy –

To assume what's going to happen tomorrow will be a stretch for me.

Seth Lorson –

It becomes official tomorrow. It's already been approved by City Council.

Jan Kaminski –

My client is fine with the conditions of the motions.

PUBLIC COMMENTS

None

FINAL STAFF COMMENTS

None

RECOMMENDED MOTION:

Recommended Finding

Staff finds the Western Security Systems building is **consistent** with the findings for approval. Staff recommends the Planning Commission **APPROVE** the Western Security Systems building at 1716 Copper Ridge Spur - #DPF-08-06.

Recommended Motion #1

Planning Commission recommends approval of the Western Security Systems building - #DPF-08-06 with the findings that the proposal is consistent with the Development Plan criteria for approval in Sections 26-65 (d) with the following conditions of approval:

1. Any change to the grade within a utility easement for purposes of this development resulting in alteration of burial depth or damage to YVEA facilities,

DRAFT

- the developer will assume responsibility for the cost of replacement (which could include the existing surface cubicle). It is recommended to pothole to verify depth of lines in key areas to determine if there will be additional costs associated with proposed site improvements.
2. The applicant shall enter into a revocable permit with the City acknowledging private liability for the removal, relocation, and/or replacement of all improvements (included but not limited to the dumpster and trash enclosure in the NE utility easement, retaining wall in the SW utility easement, and landscaping improvements required by the CDC) located within the utility easement that are damaged, destroyed, or removed by the City or other authorized parties operating or maintaining public utilities within the utility easement. This agreement must be finalized prior to application for a building permit.
 3. Prior to issuance of any Certificate of Occupancy or TCO, or at time of first final plat, the applicant must dedicate an additional common access easement to Lot 4 for the driveway and drainage easements at the SW corner of the property.
 4. Any construction modification which alters the alignment of proposed access and roadside drainage designs within proposed, dedicated easements may require changes to dedication of easements at time of condo plat.
 5. The applicant is required to complete an Indemnification Agreement for parking within snow storage easement prior to a building permit or grade and fill permit. See Public Works for application.
 6. At time of building permit or grade and fill permit, the applicant must provide written permission from adjacent property owners for any proposed grading off-site.
 7. The following items to be identified for each phase on the building permit are considered critical improvements and must be constructed prior issuance of any TCO or CO; they cannot be bonded:
 - i. Public drainage improvements (Access drive culvert may need to be replaced or repaired).
 - ii. Access drive, driveway, and parking areas
 - iii. Storm water quality features. (Vegetation must be established prior to CO when required as part of the feature design.)
 8. Residential linkage fee is due before a building permit shall be issued. The single family residence on this property is subject to residential linkage fees in the amount of \$210.00.

Recommended Motion #2

Planning Commission recommends approval of the Western Security Systems building #DPF-08-06 with the findings that the proposal is consistent with the Final Development

3/12/09

DRAFT

Plan criteria for approval in and 26-66 (d) with the same conditions of approval as noted above for the Development Plan.

MOTION

Commissioner Dixon moved to approve Copper Ridge Business Park, Filing 4, Lot 3, #DPF-08-06 with the criteria for approval in 26-66 (d) and the conditions of approval 1-7. Commissioner Fox seconded the motion.

DISCUSSION ON THE MOTION

None

VOTE

Vote: 7-0

Voting for approval of motion to approve: Meyer, Beauregard, Curtis, Dixon, Ernst, Fox and Levy.

Absent: Hanlen

Discussion on this agenda item concluded at approximately 7:28 p.m.

AGENDA ITEM # 20

City Council Updates

A report will be provided at the meeting.

AGENDA ITEM # 21a1

*****TENTATIVE AGENDA FOR TUESDAY, APRIL 14, 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. 2009-11 TUESDAY, APRIL 14, 2009 5:00 P.M.

WORKSESSION MEETING LOCATION: Citizens' Meeting Room, Centennial Hall; 124 10th 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 10th 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.**

A. ROLL CALL (5:00 P.M.)

B. CITY COUNCIL REVIEW TOPIC

- 1. Update on Social Host Ordinance. (Grand Futures)**
- 2. Possible additional adult softball tournament. (Wilson)**
- 3. Water Conservation Plan prepared by Jay Gallagher. (Shelton) (30 minutes)**

C. ADJOURNMENT

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

AGENDA ITEM # 21a2

*****TENTATIVE AGENDA FOR TUESDAY, APRIL 21, 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. 2009-12

TUESDAY, APRIL 21, 2009

5:00 P.M.

MEETING LOCATION: Citizens' Meeting Room, Centennial Hall;
124 10th 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 10th 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.**

A. ROLL CALL

B. COMMUNITY REPORTS/COUNCIL DISCUSSION TOPIC:

1. CIP Review. (2 hours) (Litzau)

*****TENTATIVE AGENDA FOR TUESDAY, APRIL 21, 2009*****

This agenda is tentative and the information is subject to change until the agenda is finalized.

C. CONSENT CALENDAR: MOTIONS, 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.

2. **MOTION:** Motion to submit a grant application to the US Department of Justice COPS program requesting \$614,085 to pay for three years salary and benefits for three police officers. (DelliQuadri)

Note to Bob: Stimulus funding - no match required.

3. **MOTION:** Motion to submit a grant application to the Colorado Department of Transportation requesting \$_____ in grant funding to support Steamboat Springs Transit operations, administration and capital purchases. (DelliQuadri)

Note to Bob: CDOT is combining regular 5311 and stimulus 5311 requests in this app, however not much stimulus funding is available. Regular 5311 funding will have the normal match requirements.

4. **MOTION:** Motion to submit a loan application to the Colorado Water Quality Division for \$584,650 in federal stimulus funding of a water main project. (DelliQuadri)

Note to Bob: Stimulus funding, but through a loan forgiveness process.

5. **MOTION:** Motion to submit a loan application to the Colorado Water Quality Division for \$450,000 in federal stimulus funding of a stormwater project. (DelliQuadri)

Note to Bob: Stimulus funding, but through a loan forgiveness process.

6. **MOTION:** Motion to submit a loan application to the Colorado Water Quality Division for \$6,000,000 in federal stimulus funding of a wastewater project. (DelliQuadri)

*******TENTATIVE AGENDA FOR TUESDAY, APRIL 21, 2009*******

This agenda is tentative and the information is subject to change until the agenda is finalized.

Note to Bob: Stimulus funding, but through a loan forgiveness process.

7. **MOTION:** Motion to submit a grant application to the Colorado Department of Transportation requesting \$5,000 in grant funding for "Share the Road" promotions during summer 2009. (DelliQuadri)

Note to Bob: no match is required.

8. **MOTION:** Motion to submit a grant application to National Trust for Historic Preservation requesting \$_____ for public information activities regarding the City's historic preservation program and the City's new historic register. (DelliQuadri)

Note to Bob: Request will likely be \$500. Matching funds of same amount are in the Historic Preservation budget.

9. **MOTION:** Motion to participate in a consolidated grant application through the Colorado Association of Transit Agencies to the Federal Transit Administration Greenhouse Gas Reduction and Energy Efficiency program for \$_____ in stimulus grant funding for energy efficiency improvements in the Transit Operations Center and a hybrid bus. (DelliQuadri)

Note to Bob: Stimulus funding - no match required.

10. **MOTION:** Motion to submit a grant application to the US Department of Justice Rural Law Enforcement grant program for \$_____ in stimulus grant funding for replacement of the Computer Aided Dispatch / Records Management System. (DelliQuadri)

Note to Bob: Stimulus funding - no match required.

11. **MOTION:** Motion to submit a grant application to the US Department of Energy Energy Efficiency Block Grant program for \$_____ in stimulus grant funding for energy efficiency improvements of city facilities. (DelliQuadri)

Note to Bob: Stimulus funding - no match required.

*******TENTATIVE AGENDA FOR TUESDAY, APRIL 21, 2009*******

This agenda is tentative and the information is subject to change until the agenda is finalized.

- 12. MOTION:** Motion to submit a grant request to the Colorado Department of Transportation Enhancements program for an additional \$130,301 in grant funding of the Yampa River Core Trail South project. (DelliQuadri)

Note to Bob: Stimulus funding - no match required.

- 13. MOTION:** Motion to submit a grant application to the Governor's Energy Office Energy Efficiency for \$_____ in stimulus grant funding for energy efficiency improvements of city facilities. (DelliQuadri)

Note to Bob: Stimulus funding - no match required.

- 14. MOTION:** Grant application to FTA 5309 funding of hybrid bus. (DelliQuadri)

- 15. RESOLUTION:** Annual approval of a resolution stating that the City's Historic Preservation Commission will review income tax credit projects. Council reviewed and approved it last October; language needs to be changed from HPAC to HPC. (Schaffer)

- 16. RESOLUTION:** Enterprise zone. (Parry)

- 17. FIRST READING OF ORDINANCE:** Haymeadow Ranch (aka Legacy Ranch) lease to Yampatika. (Robinson)

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.

- 18. SECOND READING OF ORDINANCE:** An ordinance creating a regulatory framework authorizing the City to review and monitor service plans prepared pursuant to the Special District Act codified in Title 32, Colorado Revised Statutes; repealing all conflicting ordinances; providing for severability; and providing an effective date. (Lettunich)

- 19. SECOND READING OF ORDINANCE:** An ordinance creating a water dedication policy to ensure that water service required for new development outside of the existing City municipal water

*******TENTATIVE AGENDA FOR TUESDAY, APRIL 21, 2009*******

This agenda is tentative and the information is subject to change until the agenda is finalized.

system does not interfere with service to existing customers and does not interfere with the City's ability to meet reasonably anticipated future water supply needs; repealing all conflicting ordinances; providing for severability; and providing an effective date. (Lettunich)

- 20. SECOND READING OF ORDINANCE:** An ordinance creating a policy requiring adequate water supply for new development; implementing the requirements of House Bill 08-1141, which directs local governments to deny development applications where there is not a demonstration of adequate water supply to serve the proposed development; repealing all conflicting ordinances; providing for severability; and providing an effective date. (Lettunich)
- 21. SECOND READING OF ORDINANCE:** Extending the vesting period for The Porches II by six months. (Leeson)
- 22. SECOND READING OF ORDINANCE:** An ordinance approving the purchase of property from Union Pacific Railroad Company by the City of Steamboat Springs, and authorizing the City Council President to sign all documents necessary for purchasing the property; repealing all conflicting ordinances; providing for severability; and providing an effective date. (Lettunich)

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.**

**PLANNING
PROJECTS**

F. 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.**

- 23. PROJECT: Southside Station**
PETITION: Change to condition of approval concerning groundwater monitoring report. The request to remove this condition has been approved by Mt. Werner Water.
LOCATION: 905 Weiss Drive.

*******TENTATIVE AGENDA FOR TUESDAY, APRIL 21, 2009*******

This agenda is tentative and the information is subject to change until the agenda is finalized.

APPLICANT: Southside Station, LLC; P.O. Box 772144, Steamboat Springs, CO 80477; 970-879-2677.

PLANNING COMMISSION VOTE: Approved 6-0 on March 26, 2009.

24. PROJECT: Copper Ridge Business Park, Filing 4, Lot 11 (The Claims at Copper Ridge)

PETITION: Final development plan to construct a 15,552 square foot mixed use building consisting of 9,667 square feet of warehouse space and four dwellings.

LOCATION: 2642 Copper Ridge Circle.

APPLICANT: Defenbau Development Services, c/o Craig Seitz, Alpen Architek, 3341 Willowbrook Court, Steamboat Springs, CO; 970-871-6282

PLANNING COMMISSION VOTE: To be heard April 9, 2009.

25. PROJECT: Miller Frazier addition to Steamboat Springs (Public Works Shop Expansion)

PETITION: Development plan and final development plan for a 3,600 square foot addition to the City Public Works Shop and 1,800 square foot addition to the City scoria shed.

LOCATION: 850 Critter Court.

APPLICANT: City of Steamboat Springs, c/o Philo Shelton, P.O. Box 775088, Steamboat Springs, CO; 970-879-2060.

PLANNING COMMISSION VOTE: To be heard April 9, 2009.

26. FIRST READING OF ORDINANCE: Text amendment, industrial zone, single family. (Peasley)

G. 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.**

27. APPEAL: True Mountain Homes

PETITION: Improvements agreement for Longview Park, Filing No. 1.

LOCATION:

APPLICANT:

*******TENTATIVE AGENDA FOR TUESDAY, APRIL 21, 2009*******

This agenda is tentative and the information is subject to change until the agenda is finalized.

H. REPORTS

29. 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.

30. Reports

- a. Agenda Review (Franklin):
 - 1.) City Council agenda for May 5, 2009.
 - 2.) City Council agenda for May 12, 2009.
 - 3.) City Council agenda for May 19, 2009.
 - b. Staff Reports
 - c. City Attorney's Update/Report. (Lettunich)
 - d. Manager's Report: Ongoing Projects. (Roberts)
-

I. ADJOURNMENT

BY: JULIE FRANKLIN, CMC
INTERIM CITY CLERK

AGENDA ITEM # 21a3

***** TENTATIVE AGENDA *****
STEAMBOAT SPRINGS
REDEVELOPMENT AUTHORITY
AGENDA
MEETING NO. SSRA-2009-01
TUESDAY, April 21, 2009
4:00-5:00 P.M.

MEETING LOCATION: Citizens' Meeting Room, Centennial Hall;
124 10th Street, Steamboat Springs, CO

A. ROLL CALL (4:00 P.M.)

B. BASE AREA REDEVELOPMENT

1. **Approval of Schematic Design Promenade & Daylighting of Burgess Creek (20 min)**
 2. **Operations & Maintenance Strategy Update (20 min)**
-

C. APPROVAL OF MINUTES

3. **MINUTES:** Steamboat Springs Redevelopment Authority Regular Meeting SSRA-2009-01, January 20, 2009.
-

D. ADJOURNMENT (5:00 P.M.)

BY: JULIE FRANKLIN
INTERIM CLERK TO THE BOARD

AGENDA ITEM # 21b1

COUNCIL COMMUNICATION FORM

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

THROUGH: Jon B. Roberts, City Manager (Ext. 228)

DATE: April 7, 2009

ITEM: Filling the vacancy of the Hayden regular member representative to the Yampa Valley Airport Commission.

NEXT STEP: Motion to accept the formal appointment of Lorraine Johnson as the Hayden representative to the Yampa Valley Airport Commission.

MOTION
 INFORMATION
 ORDINANCE

I. RECOMMENDED ACTION / NEXT STEP

Approve the motion to accept the formal appointment of Lorraine Johnson as the Hayden representative to the Yampa Valley Airport Commission.

II. FISCAL IMPACTS:

None.

III. BACKGROUND INFORMATION:

The Town of Hayden Board of Trustees at the February 5, 2009 regular meeting discussed the vacancy of the regular member representative from Hayden on the Yampa Valley Airport Commission. The Board decided at that time to request appointment of Mayor Lorraine Johnson for the remainder of the existing term on the Board representing the Hayden community, and to keep Chuck Grobe as the alternate.

The City will formally ratify this appointment with the resolution acknowledging the 2009 annual appointments to City Boards, Committees and Commissions.

IV. LEGAL ISSUES:

None.

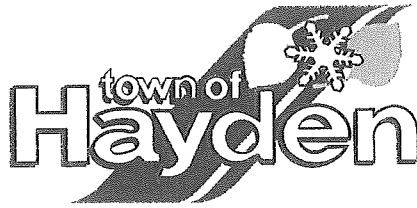
V. CONFLICTS OR ENVIRONMENTAL ISSUES:

None.

VI. SUMMARY AND ALTERNATIVES:

Council may elect to:

1. Accept the appointment.
2. Decline the appointment.
3. Table the item and provide direction to staff on changes.



C: Council ✓
Jon ✓
Wendy ✓ 3/17/09
Mel B. ✓ via email
A

March 13, 2009

Dave Ruppel
Airport Manager
Yampa Valley Regional Airport
11005 RCR 51A (P.O. Box 1060)
Hayden, CO 81639

RECEIVED
MAR 16 2009

Dear Mr. Ruppel:

The Town of Hayden Board of Trustees at the February 5th, 2009 regular meeting discussed the vacancy of the regular member representative from Hayden on the Yampa Valley Regional Airport Commission. The Hayden Town Board decided at that time to request appointment of Mayor Lorraine Johnson for the remaining of the existing term on the board representing the Hayden community and keep Chuck Grobe as our alternate. Thank you for your consideration and please forward for formal appointment to the Routt County Commissioners and Steamboat Springs City Council for there approval

Sincerely,

A handwritten signature in black ink, appearing to read "Russ Martin", written over a horizontal line.

Russ Martin
Hayden Town Manager

Cc: Routt County Commissioners
Steamboat Springs City Council

AGENDA ITEM # 21c

City Attorney's Report

A report will be provided at the meeting.

AGENDA ITEM # 21d

City Manager's Report

A report will be provided at the meeting.

AGENDA ITEM # 22a

CITY OF STEAMBOAT SPRINGS

REGULAR MEETING NO. 2009-07

TUESDAY, MARCH 3, 2009

MINUTES

Mr. Loui City Council President Antonucci, City Council President, called Regular Meeting No. 2009-07 of the Steamboat Springs City Council to order at 5:09 pm, Tuesday, March 3, 2009, 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: Jon B. Roberts, City Manager; Anthony B. Lettunich, City Attorney; Wendy DuBord, Deputy City Manager; Julie Franklin, Interim City Clerk; Bob Litzau, Interim Director of Financial Services; Tom Leeson, Director of Planning Services; Anja Tribble, City Clerk Staff Assistant; Jeni Rae Watson, Computer Services; Philo Mr. Shelton, Director of Public Works; Jason Peasley, City Planner; JD Hays, Director of Public Safety; Joel Rae, Police Captain; John Eastman, Planning Services Manager; Laura Anderson, City Engineer; and Ernie Jenkins, Parks Supervisor.

NOTE: All documents distributed at the City Council meeting are on file in the Office of the City Clerk.

CITY COUNCIL MEETING TOPIC

- 1. Community Reports**
 - a. Transportation Solutions Presentation.**

Ms. Sandy Evans Hall introduced group members who provided a PowerPoint presentation.

Mr. Mike DeGroff spoke to: local transit recommendations and parking recommendations.

Ms. Kathleen Titus: regional transit recommendations and historic ridership.

Ms. Diane Mitsch Bush: the Safe Routes to School district, and pedestrian/bicycle access recommendations.

Mr. Tom Sullivan: rural road recommendations.

**STEAMBOAT SPRINGS CITY COUNCIL MINUTES
REGULAR MEETING 2009-07
March 3, 2009**

Mr. Rob Perlman and Mr. Dave Ruppel: airport/air service recommendations; and the amount spent for 07/08 winter air program.

Mr. Jim Gill: Highway 40 congestion recommendations.

Ms. Evans Hall: estimated costs and recommendations.

Discussion took place relative, but not limited to: success of the regional bus; the need for transit in South Routt; the FASTER Bill; if the congestion group and the parking group worked together; and the success of the downtown shuttle stops.

PUBLIC COMMENT: No one appeared for public comment.

b. Water Dedication Policy discussion/Code change to comply with H.B. 1141.

Mr. Lettunich provided an amendment to subsection c.

Mr. Shelton noted that the City needs a separate policy for House Bill 1141.

Mr. Fritz Holleman, special Counsel for the City, spoke to what the two different policies are supposed to do and the need to focus on the language necessary in the water dedication ordinance.

The Water Dedication Policy only applies outside of City limits, requires a Water Demand Report from the developer and requires a water rights dedication or a payment in lieu.

HB 1141: The Water Demand Report is used to assist Planning staff and Council in making decision. 1141 only applies in the City limits and does not compel any water rights dedication or payment in lieu.

Mr. Holleman clarified that 1141 does contemplate coordination with Mt. Werner. Mt. Werner Water has reviewed the Water Rights Dedication Policy. City Council President Antonucci questioned the 120% number. Mr. Holleman stated that this is a conservative number and can be changed.

Council Member Ivancie would like to remove the *exception* clause because he believes the policy should be as "air-tight" and strong as possible.

Mr. Lettunich stated that staff can substitute for an *equivalent consideration*.

**STEAMBOAT SPRINGS CITY COUNCIL MINUTES
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Council Member Myller asked how this compares to tap fees; will they go down or should the City have higher tap fees instead? Mr. Shelton stated that there is not an active water rights market in the basin and it is difficult to establish a tap fee to pay for a water right. Mr. Holleman stated that tap fees are for infrastructure needs from that point forward.

City Council President Pro-Tem Hermacinski voiced concern with the unintended consequences with requiring pre-1992 water rights, and that developers would end up buying water rights from agricultural land. She asked how to discourage that type of dedication. Mr. Holleman suggested that there may be some language that addresses that.

City Council President Pro-Tem Hermacinski stated that she is okay with the *exceptions* clause.

Council Member Bentley would like to "take the politics out" and have a stated water policy that is not up for negotiation.

Mr. Roberts suggested that Council could have the authority to waive requirements when it is determined by City Council to be necessary to promote the health, safety and welfare of the public.

Discussion commenced on not binding future councils; the need to review proposals under the current conditions; and the need to keep flexibility in the ordinance.

Council Member Bentley believes that it is important to 'draw the line in the sand' and a future Council can change that if it wants.

Mr. Lettunich stated that staff can come back with variations for the *exceptions* clause.

PUBLIC COMMENT:

Ms. Hope Cook stated that water is precious and Council needs to objectively assess accurate information about the water supply. She noted the need for a dedicated water policy and to not allow any loopholes. She encouraged Council to be responsible stewards of this precious resource.

Mr. Paul Stettner noted the need for someone to continually monitor if we have enough water. He supports removing the *exceptions* clause because it leaves the door open to future abuse. He stated that cash will not buy water, and developers need to bring water.

**STEAMBOAT SPRINGS CITY COUNCIL MINUTES
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Mr. Bob Enever believes that the stakes are too high and encouraged Council to not exempt Steamboat 700 from a water dedication policy.

Ms. Jill Brabec believes that the City needs to develop its water priorities and goals. She questioned the impact of a policy on industrial and institutional uses.

Mr. Steve Aigner believes that there is only so much water that can be bought with cash in lieu and the City can't "go back" if a mistake is made with respect to water.

Ms. Mary Brown stated that with respect to requiring pre-1922 water rights or any senior water right, by and large the only place to get those is from agricultural land. She stated that the City does need to be concerned with an adequate water supply; however the City may be better off with money to develop the water rights it already has.

GENERAL PUBLIC COMMENT

Mr. Ken Brenner asked if the City had filed an objection to the Shell Water Rights filing. City Council President Antonucci stated that Council has already done this.

Return to Public Comment on the water dedication policy:

Ms. Marsha Daugenbaugh, rancher, stated that the agriculture industry is facing more demands with each new development. In addition to the water issue, there is also the use of the ground. The incentives to be in the agriculture industry have decreased. She hopes that developers will have to meet criteria, which will put a hold on development. She encouraged Council to not allow any loopholes.

Mr. Ken Brenner noted that the statewide water supply is a very important issue and the City needs to be proactive. Implementing a water dedication policy is the responsible thing to do. He noted the importance of agriculture and suggested adding a provision that talks about fallowing. He stated that tap fees are intended to cover capital infrastructure and a water dedication policy will address water supply. He supports removing the *exceptions* clause and does not support allowing fee in lieu unless it is applied to a specific project. He also noted the need for a policy to prohibit paying for easements with tap fees, the need to address out of district service, and to have a policy in the future about supplying water to water vendors.

City Council President Pro-Tem Hermacinski asked if Mt. Werner Water has reviewed the policy. Mr. Shelton stated that they have been given the policy but staff has not heard from them.

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City Council President Pro-Tem Hermacinski noted the need for a flexible comprehensive policy, and a plan for augmenting the raw water that we have. Mr. Shelton stated that staff is working on a comprehensive plan.

City Council President Antonucci agrees that there needs to be flexibility for when the City needs to do things like build reservoirs that tap fees can't pay for. Taking fee in lieu can assist in making the raw water supply usable for the citizens.

City Council President Pro-Tem Hermacinski also noted the need for water conservation codes.

Mr. Roberts spoke to pre-1922 water rights requirement and the affect on agriculture. He suggested adding language that pre-1922 water rights will only be considered with pre-approval by the City Council.

Mr. Holleman stated that he can come back with the language and changes and give alternatives to address the issues and refine the 1141 ordinance.

City Council President Pro-Tem Hermacinski noted the need to keep affordability in mind and come up with a comprehensive water plan that will be streamlined and inexpensive for people to go through the process.

Water Dedication with respect to Steamboat 700:

Mr. Shelton provided a PowerPoint presentation regarding:

"Right column": Require payment in lieu for firming existing City water rights.

1. Develop plan for augmentation for Stagecoach Storage to expand the Yampa Well Fields.
2. Change City owned agriculture water rights to municipal use.
3. Feasibility study to develop storage in Elk River to augment the City's Elk River direct flow right.

"Left Column": require Water Rights Dedication to the City.

1. Pre-1922 water rights.
2. Direct flow water rights.
3. Upstream Storage.

Mr. Holleman noted the need to develop redundancy and develop pre-1922 water rights. The ability to use Stagecoach water is important, as well as developing the Elk River right.

**STEAMBOAT SPRINGS CITY COUNCIL MINUTES
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Council Member Quinn referenced the easement agreement on the Brown property already in place and wondered if that gave clear direction during the negotiation process that water was not going to be an issue. Mr. Lettunich stated that staff is aware of this agreement and feels that if anything, it bolsters the City's position on the need for water dedication. The pre-annexation agreement did say that there would be a study and then staff would look at the requirements for the applicant. The applicant has made it clear that they can't bring pre-1922 or any water rights to the table. Staff has had a separate negotiation and discussion with the applicant as to what projects they might be able to participate in. Mr. Lettunich asked Council to give direction if this is the policy they would apply to Steamboat 700, (firming up projects).

Council Member Quinn believes that the City should not apply a policy that it has not adopted to a project that is already "in the pipes" and it may take a while to develop this policy. He would like to focus on revenue neutrality and not diminish the levels of service. He does not support applying any policy to Steamboat 700.

Mr. Holleman believes that the priority needs to be the firming projects.

Council Member Ivancie does not want to preclude requiring water dedication on the future and thinks that a water dedication policy should apply to this annexation.

City Council President Pro-Tem Hermacinski clarified that the Water Supply Study indicated that the City has sufficient water rights, but they are not developed. The City is okay at full build out with the raw water in the urban growth boundary. She stated that Steamboat 700 is just one of several potential annexations and the City will have the opportunity for water dedication in the future.

Mr. Gerry Dahl, special Counsel for the City, spoke to the pre-annexation agreement, which is a part of the process of annexation and negotiation is not over until the property is annexed. The pre-annexation agreement does not bind the City to signing an annexation agreement. It was agreed upon that the "bigger items" would be incorporated in the annexation agreement and that list of items included water dedication.

Council Member Bentley thinks it would be to the City's advantage to continue working on the "right column" with Steamboat 700 and require future development provide the left column.

Council Member Magill supports continuing with negotiations in the "right column".

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PUBLIC COMMENT: No one appeared for public comment.

MOTION: Council Member Ivancie moved and Council Member Myller seconded to follow through with all the options in the right column: require payment in lieu for firming existing City water rights; develop plan for augmentation for Stagecoach Storage to expand the Yampa Well Fields; change City owned agriculture water rights to municipal use; feasibility study to develop storage in Elk River to augment the City's Elk River direct flow right. **FRIENDLY AMENDMENT:** Council Member Myller: with rational nexus to the impact. The motion carried 7/0.

Mr. Roberts stated that it appears that there is generally adequate water available if the City develops and firms up its existing water rights. He believes that it is in the City's best interest to pursue firming up water rights and the "right column" is the right direction.

c. Annexation Update: Steamboat 700 & 360 Village.

Mr. Eastman spoke to the upcoming public meetings: Planning Commission will discuss west Steamboat Springs build-out on March 12, 2009 and then to Council on April 7, 2009. March 17, 2009 is the annexation eligibility hearing.

Staff asked for direction on retaining planning consultants. City Council President Pro-Tem Hermacinski stated that after reviewing the proposals that were submitted she does not feel that it is necessary. She was envisioning a different type of consultant that would have been needed at the beginning of the process. **UNANIMOUS CONSENT:** To withdraw the proposal to hire a Planning staff consultant.

Mr. Weiss stated that Steamboat 700 agrees with this but reminded City Council that they are paying for the staff time on this project and that staff should not be furloughed.

Mr. Peasley stated that they have finalized the draft of pre-annexation agreement and will be meeting with the negotiating team on March 4, 2009. He asked if City Council would like representation on the negotiating team. Council did not feel that this is necessary at this time.

d. West Steamboat Large Format Retail.

Mr. Eastman noted the questions to be addressed:

1. Should there be large format retail in the west Steamboat Springs area?

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2. If yes, where?

Mr. Eastman stated that the Planning Commission's recommendation was to not require large format retail in west Steamboat Springs, and whether it should be allowed anywhere in the City is open to debate if the retailer complied with the current guidelines including a parking structure, an urban feel with tighter setbacks, a pedestrian friendly environment and a large mix of use.

Mr. Peter Patten, Steamboat 700, provided a PowerPoint presentation stating: large format retail is not in their preferred plan; the impacts on their proposal; considerations; and site plan.

Discussion commended on the need for 2 big boxes in order to make it viable.

Mr. Danny Mulcahy stated that this is still a marginal market for this type of user and there needs to be incentives for a large retailer to come in. If there are 2 then there is double the marketing and double the customers.

PUBLIC COMMENT:

Mr. Jim Pathlik, owner of Precision Repair on 13th Street, stated that he may be one of the casualties if a "big box" comes to the area. He does not support large format retail in the area because it will ruin the small personal business. He also noted the need for the City to "shop locally".

Mr. Steve Aigner, Community Alliance, opposes big box stores because they are a drain on locally owned businesses and the salaries that are paid to employees impose a hardship on the family unit.

Mr. Towny Anderson spoke to how downtowns have had to reinvent themselves after a big box comes to town and Council needs to weigh whether to "plug" leakage or displace existing retail. If the City does allow large format retail, he feels that it should be on the City's terms.

Mr. Norbert Turek, Overlook Park, is against large format retail adjacent to a residential subdivision and prefers the idea of a regional retail center. He would like Council to consider other ways to increase the City's revenue in order to provide infrastructure and services. He suggested some sort of revenue sharing with Hayden if a big box store goes in there.

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Ms. Jill Brabec stated that having a big box in Hayden will have the same affect on local small businesses as it would if it came to Steamboat Springs, and the City would not see any benefit.

Mr. Tony Connell, 360 Village, stated that they are open to further discussion about design incentives and traffic.

Council Member Myller does not support requiring big box west of Steamboat Springs or anywhere in town.

Council Member Ivancie agrees because the community is made up of small business people. He supports the Planning Commission recommendation.

Council Member Quinn believes that affordability is the primary reason for having a big box in the community, but he acknowledged that the impact to local businesses can't be ignored. He noted local retail salaries are not great either and a big box retailer could offer better benefits. He believes that locals do not feel like downtown is the place for them to shop because in most cases they can't afford it.

Council Member Magill voiced concern with the impact to local businesses and does not feel like a big box would enhance Steamboat Springs that much. He does not support requiring it in the Steamboat 700 neighborhood and does not support offering incentives to get a big box retailer to come here.

Council Member Bentley does not support big box because of the affect on local businesses and because it devalues the tourist experience. She believes our downtown is our brand and the City needs to specialize in what we are good at and capitalize on it. She does not believe that big box will stop the leakage problem and the City needs to look at other ways to generate sales tax. She does not support incentivizing big box and voiced concern with low wages.

City Council President Pro-Tem Hermacinski supports Planning Commission's recommendation, except for reopening the big box discussion throughout the entire community. However she does think that this should be revisited often because the City will see the negative consequences even if big box is in a surrounding community.

City Council President Antonucci believes that big box is very desirable in this community because there is a huge need for affordable shopping. If a big box went in a surrounding community, the City would get the impacts to infrastructure without any revenue to fix it. He supports large format retail in

**STEAMBOAT SPRINGS CITY COUNCIL MINUTES
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one of the developments in west Steamboat Springs and the Steamboat 700 site less exposed.

MOTION: City Council President Pro-Tem Hermacinski moved and Council Member Ivancie seconded to not reopen the large format retail discussion throughout the community and not require it in the Steamboat 700 project. The motion carried 6/1. City Council President Antonucci opposed.

e. 2009 Budget – Service and Program Prioritization.

Mr. Roberts noted that cuts that have already been made, but because of the economy more are needed which will require a reduction in programs and services. He has met with staff and the Management Team and directed them to go back through the budgets and cut below the "comfort level". If the departments run out of money, staff will find a way to deal with it and if worse comes to worse we may need to dip into reserves. He stated that staff has come up with some remarkable ideas to discuss at the March 10 worksession, but the number of cuts add up to \$1.5 million at this point, without having significant impact on the service levels to the City. Since that is not enough, this prioritization process will identify services that could be reduced or cut.

Mr. Litzau introduced Mr. Todd Leipold from Jefferson County to review the prioritization process.

Mr. Leipold spoke to the worksheet that shows how the programs scored. He noted that the basic attributes are: Is it mandated? Is it self supporting and is there a demand for the service? And what are the program costs?

DIRECTION: City Council to forward any questions on the program descriptions to Mr. Litzau.

Mr. Roberts stated that the quartiles are good general indicators, but do not mandate the cuts to be made.

**CONSENT CALENDAR: MOTIONS, RESOLUTIONS AND ORDINANCES
FIRST READINGS**

- 2. RESOLUTION: A resolution to enter into an Intergovernmental Agreement with the Colorado Department of Transportation for the West US 40 National Environmental Policy Act study.**

City Council President Antonucci read the resolution title into the record.

**STEAMBOAT SPRINGS CITY COUNCIL MINUTES
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- 3. RESOLUTION: A resolution designating recent enterprise zone applicants as Industrial Enterprise Zone licensees.**

City Council President Antonucci read the resolution title into the record.

- 4. RESOLUTION: A resolution for the City of Steamboat Springs to supply a School Resource Officer to the Steamboat Springs School District, specifically the Steamboat Springs High School, through the attached memorandum of understanding.**

City Council President Antonucci read the resolution title into the record.

- 5. RESOLUTION: A resolution authorizing the City Café concession license agreement between the City of Steamboat Springs and Mountain High Catering.**

City Council President Antonucci read the resolution title into the record.

MOTION: Council Member Ivancie moved and Council Member Quinn seconded to approve items 2, 3, 4, and 5 of the Consent Calendar; a resolution to enter into an Intergovernmental Agreement with the Colorado Department of Transportation for the West US 40 National Environmental Policy Act study; a resolution designating recent enterprise zone applicants as Industrial Enterprise Zone licensees; a resolution for the City of Steamboat Springs to supply a School Resource Officer to the Steamboat Springs School District, specifically the Steamboat Springs High School, through the attached memorandum of understanding; a resolution authorizing the City Café concession license agreement between the City of Steamboat Springs and Mountain High Catering. The motion carried 7/0.

PUBLIC HEARING: ORDINANCE SECOND READINGS

- 6. SECOND READING OF ORDINANCE: An ordinance amending Section 14-11 of the City of Steamboat Springs Revised Municipal Code to authorize the entry of default judgments for parking infractions and the referral of unpaid parking fines for collection; repealing all conflicting ordinances; and setting a hearing date.**

City Council President Antonucci read the ordinance title into the record.

**STEAMBOAT SPRINGS CITY COUNCIL MINUTES
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PUBLIC COMMENT: No one appeared for public hearing.

MOTION: Council Member Quinn moved and Council Member Myller seconded to approve the second reading of an ordinance amending Section 14-11 of the City of Steamboat Springs Revised Municipal Code to authorize the entry of default judgments for parking infractions and the referral of unpaid parking fines for collection; repealing all conflicting ordinances; and setting a hearing date. The motion carried 7/0.

- 7. SECOND READING OF ORDINANCE: An ordinance vacating a portion of a 40 foot common drive and utility easement located on Lot 8, re-plat of the Male Property, and providing an effective date and setting a hearing date.**

City Council President Antonucci read the ordinance title into the record.

PUBLIC COMMENT: No one appeared for public hearing.

MOTION: Council Member Ivancie moved and Council Member Myller seconded to approve the second reading of an ordinance vacating a portion of a 40 foot common drive and utility easement located on Lot 8, re-plat of the Male Property, and providing an effective date and setting a hearing date; Council Member Ivancie/Council Member Myller. The motion carried 7/0.

PLANNING
PROJECTS

PLANNING COMMISSION REPORT

There was no Planning Commission representative present.

CONSENT CALENDAR - PLANNING COMMISSION REFERRALS

- 8. FIRST READING OF ORDINANCE: SCE Subdivision, Lot 2 (Steamboat Highlands) zoning map amendment.**

Staff requests this item be postponed indefinitely.

MOTION: Council Member Ivancie moved and Council Member Myller seconded to postpone indefinitely the SCE Subdivision, Lot 2 (Steamboat Highlands) zoning map amendment. The motion carried 7/0.

- 9. PROJECT: Steamboat Village Center, Block 5, Lot 6 (Millennium Bank)**

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PETITION: Final development plan for a 10,200 square foot building with drive-thru that will be the new location for Millennium Bank.

PUBLIC COMMENT: No one appeared for public hearing.

CONDITIONS:

1. The following items to be identified for each phase on the building permit are considered critical improvements and must be constructed prior issuance of any TCO or CO; they cannot be bonded:
 - a. Public drainage improvements
 - b. Public sidewalk improvements
 - c. Access drive, driveway, and parking areas

MOTION: Council Member Myller moved and Council Member Quinn seconded to approve the Millennium Bank final development plan with 1 condition of approval. The motion carried 7/0.

PUBLIC HEARING – PLANNING COMMISSION REFERRALS

- 10. SECOND READING OF ORDINANCE: An ordinance amending Chapter 26, Article 148 of the Steamboat Springs Revised Municipal Code pertaining to community housing, suspending previously adopted regulations for the partial mitigation of impacts on housing from commercial and residential developments (Housing Linkage), and establishing an effective date.**

City Council President Antonucci read the ordinance title into the record.

Council Member Ivancie believes that it is not the ordinance that is broken, but the economy and the ordinance should be viewed as one of many tools for affordable housing.

Council Member Myller stated that he wants to support small businesses, and this ordinance did not do that.

PUBLIC COMMENT:

Joanne Erickson encouraged Council to remember that the ordinance is just one of many tools for affordable housing.

MOTION: City Council President Pro-Tem Hermacinski moved and Council Member Myller seconded to approve the second reading of an ordinance

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amending Chapter 26, Article 148 of the Steamboat Springs Revised Municipal Code pertaining to community housing, suspending previously adopted regulations for the partial mitigation of impacts on housing from commercial and residential developments (Housing Linkage), and establishing an effective date. The motion carried. Council Member Ivancie and Council Member Bentley opposed.

REPORTS

11. City Council

City Council President Pro-Tem Hermacinski:

1. Asked if Council supports having staff get more information on project vesting periods in other communities. **UNANIMOUS CONSENT.**

Council Member Bentley:

1. Suggested that Council discuss a "succession plan" as there will be several outgoing Council members.

Council Member Ivancie:

1. Attended the CML Policy meeting where they discussed the FASTER bill, the Federal Stimulus bill, and the Transportation bill.
2. Will attend the CAST meeting on March 5, 2009 and noted the need to appoint a new Council representative.

City Council President Antonucci:

1. Attended the Steamboat 700 Negotiating Team meeting. Council Member Ivancie stated that he supports having Council rotate through attending these meetings.

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.

12. Reports

a. **Agenda Review:**

- 1.) **City Council agenda for March 10, 2009.**

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2.) City Council agenda for March 17, 2009.

Ms. Franklin reviewed the above agendas.

b. Staff Reports

Ms. DuBord, Mr. Hays, Mr. Wilson and Mr. Shelton provided written updates.

c. City Attorney's Update/ Report.

Mr. Lettunich had no report.

d. Manager's Report: Ongoing Projects.

Mr. Roberts requested permission for staff to explore a softball tournament with as many as 60-70 teams and talk to the potential groups that submit proposals. City Council President Antonucci noted that Mr. Dave King, with Triple Crown Sports, has asked the City to give them the first right of refusal.

City Council President Pro-Tem Hermacinski supports negotiating with everyone and see who comes with the best deal, also taking into account to tournament's policies, behavioral code, and level of play. **UNANIMOUS CONSENT.**

OLD BUSINESS

13. Minutes

a. Regular Meeting 2009-04, February 3, 2009.

Council Member Bentley stepped down.

MOTION: City Council President Pro-Tem Hermacinski moved and Council Member Magill seconded to approve the February 3, 2009 minutes. The motion carried 6/0. Council Member Bentley stepped down.

Council Member Bentley returned to the meeting.

b. Regular Meeting 2009-05, February 10, 2009.

c. Regular Meeting 2009-06, February 17, 2009.

MOTION: City Council President Pro-Tem Hermacinski moved and Council Member Quinn seconded to approve the February 10 and 17, 2009 minutes with amendments from City Council President Pro-Tem Hermacinski and Council Member Bentley. The motion carried 7/0.

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ADJOURNMENT

MOTION: Council Member Ivancie moved and Council Member Myller seconded to adjourn Regular Meeting 2009-07 at approximately 10:43pm. The motion carried 7/0.

MINUTES PREPARED, REVIEWED AND RESPECTFULLY SUBMITTED BY:

Julie Franklin, CMC
Interim City Clerk

APPROVED THIS _____ DAY OF _____, 2009.

AGENDA ITEM # 22b

CITY OF STEAMBOAT SPRINGS

REGULAR MEETING NO. 2009-08

TUESDAY, MARCH 10, 2009

MINUTES

Mr. Loui Antonucci, City Council President, called Regular Meeting No. 2009-08 of the Steamboat Springs City Council to order at 5:01pm, Tuesday, March 10, 2009, 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: Jon B. Roberts, City Manager; Anthony B. Lettunich, City Attorney; Wendy DuBord, Deputy City Manager; Julie Franklin, Interim City Clerk; Bob Litzau, Interim Director of Financial Services; Tom Leeson, Director of Planning Services; Anja Tribble, City Clerk Staff Assistant; Vince O'Connor, Computer Services; Philo Shelton, Director of Public Works; JD Hays, Director of Public Safety; Joel Rae, Police Captain; Lauren Mooney, Assistant to the City Manager; John Thrasher, Human Resources Manager; Kim Weber, Revenue Supervisor; Bob DelValle, Police Detective; Jay Muhme, Fire Marshall; Jennifer Valora, Human Resources Technician; Sarah Vale, Finance Staff Assistant; Jeff Nelson, Ski Area/Rodeo Complex Supervisor; Anne Small, Purchasing and Risk Manager; Mel Stewart, EMS Battalion Chief; Janet Hruby, City Engineer; Bob Struble, Assistant Fire Chief; Doug March, Public Works Superintendent; and Chris Wilson; Director of Parks, Recreation and Open Space.

NOTE: All documents distributed at the City Council meeting are on file in the Office of the City Clerk.

CITY COUNCIL REVIEW TOPIC

1. Yampa Valley Housing Authority discussion.

Housing Authority Members present: Ed MacArthur, Tony Seaver, Trish Sullivan, Catherine Carson, Richard Lowe, Nancy Stahoviak, and Kathi Meyer. Mary Alice Page Allen, Housing Authority staff member, was also present.

1. Who is YVHA, why it was formed, and why it is needed?
2. YVHA plan of operations for 2009.
3. Relationship with the City.
4. City funding and current unmet needs.

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Mr. MacArthur discussed the Housing Authority's mission and statement of purpose.

He believes that in "preservation mode" the Housing Authority can get through the year; however financing projects are a problem. He spoke to Ms. Page Allen's work program and the need for a half time position. He reiterated that they can make it through this year, but would take \$17,000 for a staff assistant.

Mr. MacArthur asked the Council "What does the City want out of the Housing Authority and what do they want it to be?" He also asked for ideas on funding so that they can put a work plan together.

Discussion commenced on language from the State statute to create the intergovernmental agreement for the Housing Authority. It was noted that the purchase of Elk River Village parcel significantly diminished their reserves.

Council Member Myller feels that the issues are caused by the economy, as well as the fact that the need for units may be dwindling. Instead of forcing developers to create units, he would like to extract money and fund the Housing Authority. He thinks they should be charged with knowing what the needs are, when to build, and when to fund down payment assistance.

City Council President Pro-Tem Hermacinski stated that she wanted to finish re-writing the Community Housing Ordinance before having this conversation. With that said, she stated that Council members are citizen legislators, and they need to rely on the people who are experts on affordable housing. She would like the Authority to come to Council with a strategic plan on how to execute and achieve their mission, and also let the Council know what they need from the City (what role the City plays in enabling their effort). She would like to see the City and County help the Authority continue to function and create a history of success that will help them get a tax passed.

Council Member Magill spoke to the existing linkage and fee in lieu dollars and that that money should be distributed by the Housing Authority. He believes that there should be a housing group with authority.

Council Member Ivancie stated that it all comes down to money. The Housing Authority has had some successes and struggles, but is a question of legality and how to give money to the Authority.

Council Member Quinn believes that there has been a trend of the City and County "going their own ways" with not much cooperation, and the Housing

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Authority got caught in the middle of that. He believes in affordable housing and that Authority can be the "sheppard" more effectively than the City. He agrees with City Council President Pro-Tem Hermacinski, Council Member Myller and Council Member Magill.

Council Member Bentley agrees with what has been said. She believes that it is time that the Housing Authority be taken out of politics and noted the need for a permanent funding source. She has also been concerned with accountability but feels that that can be addressed. She agrees that a prioritized strategic plan is needed.

City Council President Antonucci clarified that Authority funding will be subject to the budget process every year and Council can't commit future Councils; and there will always be some subjectivity to the economy. However there are many things in the work plan like education and down payment assistance that can take place no matter the economy.

Council Member Quinn suggested that the funds from the Community Housing Ordinance go into a trust so it is not subject to the budget every year.

Ms. Engelken stated that staff's proposed RFP process for payment in lieu has the same type of housing trust fund.

City Council President Antonucci questioned how much money goes for administration and how much goes for putting units in the ground.

Ms. Stahoviak clarified that the only way for the Housing Authority to have a dedicated funding source is through a tax dedicated to the Housing Authority. The City and County can support the Housing Authority, but it still won't be a dedicated funding source.

Mr. Seaver spoke to the difference between administrative service versus the "bricks and mortar" and how the preference is to support the bricks; however the bricks can't happen without the administration. He also stated that when they are able to build a project they expect to come out of it with a reserve that is intended to role forward into the next project.

City Council President Antonucci clarified that he does want the Authority to take care of housing, but this is a tough year for everyone. He would like to charge them with producing a work plan and prioritizing what they need.

Mr. MacArthur stated that with the direction Council is headed with fees, there is the long term opportunity to produce significant funding for affordable housing.

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Council Member Quinn suggested that maybe the City could partner in supporting some of the debt load on the Elk River parcel to free up dollars for administration.

City Council President Pro-Tem Hermacinski believes that the government should not hoard dollars and it should go back to the taxpayers. However she is hesitant to spend the money in the fund until Council has fully worked thought the housing ordinance. She also wants to see the Housing Authority's financials before any decision is made.

Ms. Page Allen stated that they should be able to get through 2010 in survival mode.

City Council President Pro-Tem Hermacinski stated that this will give Council time to work through the ordinance.

Mr. MacArthur stated that they will come back to Council with a strategic plan and their financials.

Ms. Carson acknowledged what can be achieved with the City, County and the Housing Authority working with the community. She stated that Ms. Engelken and Ms. Page Allen are working together very well and this is very productive.

PUBLIC COMMENT: There was no public comment.

2. RFP for Inclusionary Zoning and Linkage Payment in Lieu Funds.

Ms. Engelken noted that the City's fiscal policies were taken into account when drafting the RFP. She stated that when the City takes any payment in lieu or an inclusionary zoning fee, the City becomes the steward of those funds to be used toward the acquisition of affordable housing. She spoke to how this process allows the applicant to apply to a variety of funding sources with one application. There are changes in document regarding: a semi-annual process; category of preservation of affordable housing; and the 10% cap on administration.

Mr. Lettunich provided some examples of what has been done in other areas. He stated that the only restriction is if funds are dedicated, the City needs to be accountable and benchmarks and auditing.

Council Member Myller voiced concern with the Housing Authority having to compete for the RFP.

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Ms. Engelken said City Council would evaluate all the organizations that inquire about the RFP and look at what is the best opportunity for these funds.

City Council President Antonucci suggested that the geographical constraints be specified in RFP so it is not up for discussion. Ms. Engelken spoke to the opinion that the funds collected in the City should be spent in the City. Mr. Lettunich stated the Housing Authority is constrained by State statute and by the IGA that funds need to be used in the Rural Fire Protection District.

City Council President Antonucci agrees that it is premature to make a decision on the RFP process until Council discusses the Community Housing Ordinance.

City Council President Pro-Tem Hermacinski supports the Housing Authority but believes that competition is always a good thing. She supports the RFP process unless it is cost prohibitive.

PUBLIC COMMENT:

Mr. Ed MacArthur, Housing Authority, stated that the Authority is not in competition with anyone, they only want to do what is best with the funds. He does not believe that there needs to be a second group reviewing the RFP's because the Authority already consist of the type of people they are looking for.

Mr. Litzau stated that from an audit standpoint there would be conflict of interest if the Housing Authority were evaluating an RFP that it applied for. This would not be a true impartial review process.

Mr. Danny Mulcahy agrees with Mr. MacArthur. The Housing Authority should act as staff and make a recommendation on how the money should be spent. However, if there is a review committee, he suggested that the construction and development community be involved as well.

Ms. Engelken clarified that before funds can be distributed there has to be a plan for the funds, as well as follow up related use of the funds.

Council Member Quinn asked if the RFP process would be "creating another layer", and is that what Council wants to do.

Mr. Roberts stated that both could be done if there was a developer interested in developing but not administering the program. There is the possibility through the RFP process for the Housing Authority to be independent and if there was a

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good project it could be designated that the project be administered through the Housing Authority.

Mr. Rich Lowe, Housing Authority, noted the need to look at the demand analysis and voiced concern with the possibility of duplicate costs. He voiced concern with the Elk River parcel and if the Housing Authority can't finance the parcel it will be gone.

Mr. Mulcahy stated that there should be no conflict of interest; the Housing Authority is a resource to review proposals. Ms. Engelken would be the final opinion on whether a proposal comes to City Council.

Mr. Curtis Church spoke to the history of the Elk River parcel. He stated that the Housing Authority will always partner with a developer to get a project done; and there is no conflict of interest.

Council Member Ivancie clarified that the Housing Authority can't be considered like staff and it is important to have accountability and impartiality. He supports staff's recommendation.

Ms. Engelken stated that the "one application" idea was to present an easy and expeditious process.

City Council President Pro-Tem Hermacinski voiced concern that the RFP process may stress staff (the Housing Coordinator position will be reduced to $\frac{3}{4}$ time); the Housing Authority does not have a strategic plan yet; and City Council is not finished discussing the Community Housing Ordinance. She suggested waiting until after City Council has discussed the Community Housing Ordinance.

City Council President Antonucci, Council Member Bentley and Council Member Quinn agree that the Council is headed in the right direction but needs more details.

Council Member Magill would like to look at how other cities have worked with and utilized Housing Authorities.

Mr. Litzau spoke to the comparison to the Chamber Summer Marketing fund, noting that that money comes out of the general fund and has no restrictions. Payment in Lieu money has restrictions and can only be used for certain things.

MOTION: Council Member Myller moved and Council Member Quinn seconded to postpone this item until June 9, 2009 and directed staff and the Housing Authority to work on a strategic plan. The motion carried 6/1. Council Member Ivancie opposed.

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DIRECTION: Staff to research mechanisms for accountability used by other Housing Authorities/Housing trust funds.

GENERAL PUBLIC COMMENT

There was no General Public Comment.

MISCELLANEOUS BUSINESS

City Council President Antonucci spoke to the possibility of an additional adult softball tournament this summer. **UNANIMOUS CONSENT:** Staff to place this on a future agenda.

3. Budget Review.

Mr. Roberts spoke to the unique leadership of City Council in proactively preparing for the economic downturn. The original 2009 budget was reworked and reduced to 5.3% below actual revenues. After that, City Council asked for further reductions anticipating a larger drop in sales tax revenues. The sales tax numbers showed at 13.51% decrease over 2008, but there is more to be concerned about than that, lodging and sporting goods are significantly down. Staff made further cuts and deferred any expenditure it could without significantly impacting service levels, cutting \$1.63 million, an additional 8.3% reduction. Additionally, staff recommends a reduction in force through a 10% furlough. Exempted from the furlough will be Police patrols, detectives, transit drivers and dispatchers, Fire and EMS, and continuous part-time workers. This furlough results in savings of \$828,812 for 9 months, for a total reduction of \$2.46 million.

Individual staff members provided an overview of the reductions in their departments.

Human Resources, Mr. Thrasher: cuts in the payment assistance program, and recruitment. He stated that all staff will meet March 11, 2009 to discuss how to implement the furlough.

Public Works, Mr. Shelton: fuel reduction; reduction in outside service for consultants, changes in staffing snow removal shifts, transit: printing and advertising, recruitment, and the seasonal incentive program.

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Public Safety, Mr. Hays: cut 17% out of operating, and 9% out of personnel. He stated that there will be funding from the COPS grant available to fund staffing 3 positions for 3 years.

Fire Services, Mr. Struble: physicals, repair and maintenance, operating supplies and uniforms, education, and recruitment.

Parks and Recreation, Mr. Wilson: projects and programs, more volunteer work, furlough, carpet, janitorial services, and no wind energy credits.

Council Member Quinn noted that the Winter Sports Club has offered to help staff the hill for the Monday service that was cut.

Ms. DuBord noted that staff is eliminating all renewable credits from wind, which is a \$20,000 impact on the budget.

Ms. DuBord, Internal Services: facilities, less contracting out, using computers longer, reductions in capital, and no audio-visual upgrades.

Planning, Mr. Leeson: hourly reduction in historic preservation and affordable/community housing staff members, operating, travel and training and meeting expenses, and the special project "cushion".

Mr. Roberts noted that staff has given these reductions careful consideration, and noted that this is short-term intermediate action, and service levels need to be restored as quickly as possible. He spoke to the impact on employees in that they have already lost the ability to have a pay increase this year in addition to the furlough; the City will not be reducing any other benefits. He clarified that the furlough was not a voluntary action on the part of City employees.

Discussion took place relative, but not limited to: City Council reduction in pay; furlough for administrative staff of the Police and Fire Departments; financial software; street sweeping; street light maintenance; and snow plowing levels of service.

Council Member Magill spoke to the furlough and asked if the City looked at reducing additional staff. Mr. Roberts stated that the furlough allows the City to immediately adjust expenditures. He stated that the City does need to look at re-organization and consolidation that could identify further reductions; however this will take more time. Council Member Magill voiced concern that Parks and Recreation is making less cuts than Police and Planning and should there be equal cuts across the board? He also voiced concern with not having the percentage numbers from each round of cuts. Mr. Roberts noted that some

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departments made deeper cuts in the first round; and staff concentrated on making cuts without impacting levels of service.

Ms. DuBord spoke to positions that have been eliminated or frozen, which is at least 22.

City Council President Pro-Tem Hermacinski stated that not refilling these positions does not necessarily reflect the priorities of the Council. She believes that a furlough is demoralizing for "A and B" employees working along side a "D" employee. When a staffing reduction does happen, she would like it to reflect priorities and not penalize top level employees. She noted the need to make long term changes that allow the City to keep and reward good employees. She would like staff to provide budget numbers for all the rounds of cuts.

Council Member Magill agrees. He wants to assure that Council is making cuts in the right places to meet citizens' needs.

City Council President Pro-Tem Hermacinski also asked if the cuts reflect the priorities of the community, and voiced dismay with cutting core services.

Mr. Roberts stated that he does not recommend cutting this amount from a budget in a 3 week time period, however immediate action was needed in response to the situation. He noted the need to go through the steps needed for a long-term solution.

Council Member Quinn stated that these cuts are a "huge endeavor" and encouraged Council to not get bogged down in micro-managing. He stated that there are pros and cons to both furloughs and lay offs and it is easier to implement a furlough in a larger organization. He stated that "under-employed is better than unemployed."

Council Member Ivancie agrees and commended staff. He is okay with the furlough and noted the need to be careful with core services and cuts.

Mr. Roberts stated that there may be a need to use reserves if there are unforeseen circumstances. He encouraged staff to make cuts that were uncomfortable, with the understanding that if someone cut too much, there could be internal transfers or staff would ask City Council go into reserves.

Council Member Ivancie agrees.

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City Council President Antonucci noted the intention to revisit the furlough in May, and as soon as there is an increase in revenues, there will be employee compensation.

Council Member Myller voiced concern with approving this without looking at the CIP first. City Council President Antonucci clarified that capital money goes into a separate fund for the CIP, which is not used for operations.

City Council President Pro-Tem Hermacinski encouraged Council to think about the vehicle use tax and planning fees, and that these numbers aren't realistic. She noted the need to be cautious at the beginning of this recession.

Council Member Bentley agrees that the Council should not micromanage and appreciates the cuts that have been made. The challenge is to take Council's priorities and measure and compare the cuts within each department, and to look at the definition of core services.

PUBLIC COMMENT:

Mr. Scott Berry believes that the departmental cuts represent good business practices; however he is concerned with the Police and Fire cuts. He would like the City to move forward with this budget as a baseline budget and leave "the fluff" out. He agrees that it would be better to cut "dead weight" than to furlough.

Mr. Bill Jameson agrees. He noted the need to do zero based budgeting and see how the City can go forward and control the operating budget.

Mr. Roberts stated that staff will come back with a revised budget but staff would like approval to move forward immediately with the cost saving measures presented tonight.

MOTION: Council Member Ivancie moved and Council Member Quinn seconded to approve the budget cuts proposed by staff, including a 10% furlough of staff. The motion carried 7/0.

Council Member Magill stated that he supports these cuts with misgivings and would like to see the information from all the rounds of cuts in May.

City Council President Pro-Tem Hermacinski also voiced frustration because this is a temporary solution and the City needs a long-term, fiscally responsible plan for sustainable government. She supports this because it is necessary, but hopes that City Council can get to the long-term plan.

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City Council President Antonucci agreed that this plan is not perfect, but is the best it could be in the circumstances.

MOTION: Council Member Magill moved and City Council President Pro-Tem Hermacinski seconded to approve Council taking a 10% pay cut for the remainder of the staff furlough. The motion carried 7/0.

Council Member Reports:

1. Spoke to the prediction that CAST members look for a strong shoulder season.

ADJOURNMENT

MOTION: Council Member Ivancie moved and Council Member Bentley seconded to adjourn Regular Meeting 2009-08 at approximately 9:00pm. The motion carried 7/0.

MINUTES PREPARED, REVIEWED AND RESPECTFULLY SUBMITTED BY:

Julie Franklin, CMC
Interim City Clerk

APPROVED THIS _____ DAY OF _____, 2009.

AGENDA ITEM # 22c

CITY OF STEAMBOAT SPRINGS

REGULAR MEETING NO. 2009-09

TUESDAY, MARCH 17, 2009

MINUTES

Mr. Loui Antonucci, City Council President, called Regular Meeting No. 2009-09 of the Steamboat Springs City Council to order at 5:04pm, Tuesday, March 17, 2009, 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: Jon B. Roberts, City Manager; Anthony B. Lettunich, City Attorney; Wendy DuBord, Deputy City Manager; Julie Franklin, Interim City Clerk; Tom Leeson, Director of Planning Services; Vince O'Connor, Computer Services; Jonathan Spence, City Planner; Brad Parry, Sales and Use Tax Auditor; Philo Shelton, Director of Public Works; JD Hays, Director of Public Safety; Kim Weber, Revenue Supervisor; and Chris Wilson; Director of Parks, Recreation and Open Space.

NOTE: All documents distributed at the City Council meeting are on file in the Office of the City Clerk.

EXECUTIVE SESSION (5:00 PM): To discuss the topic 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. Settlement of litigation relating to acquisition of road right-of-way from Charles D. Johnson.
- b. Settlement of disputed claim with Moffat County.
- c. The executive session is authorized pursuant to the following statutory sections; with all of the below sections applying to item a., and sections (b) and (e) applying to item b.:

§26-4-402(4)(a). "The purchase, acquisition, lease, transfer, or sale of any real, personal, or other property interest;"

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§26-4-402(4)(b). "Conferences with an attorney for the local public body for the purposes of receiving legal advice on specific legal questions. Mere presence or participation of an attorney at an executive session of the local public body is not sufficient to satisfy the requirements of this subsection (4)."

§26-4-402(4)(e). "Determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators."

MOTION: Council Member Myller moved and Council Member Ivancie seconded to adjourn Regular Meeting No. 2009-09 at approximately 5:05pm to go into Executive Session for the reasons set forth above. The motion carried 7/0.

MOTION: Council Member Myller moved and Council Member Ivancie seconded to come out of Executive Session and reconvene the Regular Meeting 2009-09 at approximately 5:23pm. The motion carried 7/0.

Persons attending the Executive Session: Loui City, Cari Hermacinski, Steve Ivancie, Walter Magill, Scott Myller, Jon Quinn, Jon Roberts, Wendy DuBord, Dan Foote and Tony Mr. Lettunich.

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.

1. Community Reports (5:30 PM)

a. Community Support Task Force Update.

Ms. Nancy Kramer spoke to guidelines for grant makers. She asked if Council will have a strategic plan in the future or mechanism/guidelines for the Allocation Committees.

City Council President Pro-Tem Hermacinski spoke to the work of the former Community Support Committee and how they split up the entities into Human Resource Coalition (HRC) and non-HRC entities. She would like to look at the

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funding amounts and compare them to the general fund, shoot for that percentage in future years, and take the aggregate amount and give it to HRC for distribution. She suggested having the Yampa Valley Community Foundation (YVCF) allocate to non- HRC entities.

Council Member Bentley supports creating an umbrella group similar to HRC for the non-HRC entities.

Ms. Kramer voiced concern that when the process gets to the reallocation point there is a lack of guidance as to how the City would like to see the organizations write their grant proposals. She suggested tying the proposals to a Community Plan goal.

City Council President Pro-Tem Hermacinski likes the HRC process, but wondered if the Arts and Culture and Environmental coalitions are broad enough to catch all the entities. She also voiced concern with not being able to get volunteers for these coalitions.

Ms. Kramer noted that Search and Rescue does not fit into the coalitions, otherwise she does not think it will be a problem.

City Council President Pro-Tem Hermacinski noted that if there is one re-granting agency for all the non-HRC entities it may help with prioritization especially as it relates to community goals.

Ms. Kramer stated that this is a consideration. In the past, there was concern that this took the process one step further away from Council. She noted that the reporting on results of public expenditures needs more research.

Council Member Bentley believes that splitting the non-HRC entities into 2 groups makes sense.

City Council President Pro-Tem Hermacinski wants the re-granting group to build a history of credibility to last over time.

Ms. Kramer stated the process has failed in the past to clarify the goals of the coalitions.

Council Member Bentley supports having a worksession in the future to discuss guidelines for the re-granting agencies.

City Council President Pro-Tem Hermacinski stated that the committee that convened made a recommendation on the level of funding, and the Finance

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department is concerned with accountability and auditing for entities. She stated that if Council wants to further arts and environment in the community it is up to Council to entrust the re-granting group.

Ms. Kramer stated that in the past there were conflict of interest issues and time commitments problems, but she feels that they have been resolved. There would be a separate allocation committee to help with conflict of interest.

City Council President Antonucci spoke to the administrative fee and the number of coalitions.

Council Member Quinn voiced concern that multiple coalitions could make it more political.

City Council President Antonucci is not sure that expertise in all the areas is needed because that is not what you are evaluating. Ms. Kramer clarified that there should be a certain level of expertise.

City Council President Pro-Tem Hermacinski stated that the more credibility that the non-HRC re-granting agency can be built with the Council, the better it will be over time.

City Council President Antonucci noted that Ms. Kramer needs to know what percent of the budget Council will decide on.

City Council President Pro-Tem Hermacinski stated that the Committee established the percentage before the economic downturn and the furloughing of City staff.

Ms. Kramer stated that she will report back in May and see if she can answer some of these questions.

Council Member Quinn does not feel that it is necessary to tie an allocation request to a Community Plan goal because this "adds an extra layer". He does support these community groups, but he also noted the need to support City staff and the services that they provide.

City Council President Pro-Tem Hermacinski agrees that this topic can go on a future agenda, but Council needs to discuss core services first.

City Council President Antonucci noted that Council can't "hang its hat" on any one document. He agrees that the first step needs to be taken, but we don't have to re-invent the whole process.

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PUBLIC COMMENT: No one appeared for public comment.

b. 2008 Wrap Up and 2009 Haymaker Fees.

John Vanderbloemen, John Marshall and Jim Bowers, Golf Committee members, were present.

Mr. Vanderbloemen spoke to golf course revenue through the year, overall revenue versus expenses and the goal of having the debt service paid off in 2013. The pro-operations staff will continue on and they will review that contract in 2010, and the food concessionaire will continue through 2009. He spoke to the proposed rate structure and the need to create reserves toward the 2013 anticipated payoff which will allow the course to operate as an enterprise. A rate increase across the board is necessary in order to try to derive more tourist revenue. They felt that their rates were too cheap in shoulder season so they eliminated the shoulder season rates. They are also trying to drive tourist revenue by working with The Steamboat Grand and Sheraton on marketing.

Council Member Quinn noted that he has received some calls of concern about the increased rate for locals. He stated that this may not be the best year to be increasing rates for locals; and the Golf Fund is in good shape.

City Council President Antonucci noted the need to keep up with inflation and raise rates.

Mr. Vanderbloemen stated that Haymaker's rates are pretty comparable to similar golf courses, and acknowledged that they did have the same concern.

Council Member Ivancie stated that all prices are going up and locals should have to share in that as well. He appreciates the target of debt service pay off in 2013.

City Council President Pro-Tem Hermacinski agrees that a modest rate increase is warranted. She is impressed with the work that the Golf Committee has done.

Council Member Magill asked if City employees get any kind of discount. Mr. Vanderbloemen stated no, though it has been discussed. They felt the local rate was a subsidized rate.

PUBLIC COMMENT:

Mr. Bill Jameson voiced concern that the Committee and their families get complimentary passes. He feels this needs to be revisited.

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Council Member Magill would like to revisit this and the employee discount.

City Council President Pro-Tem Hermacinski believes that the work this Committee puts in warrants the golf passes.

Council Member Ivancie feels that this Committee's dedication and expertise earns the complimentary passes. He stated that employee discounts will not help them pay the facility off quickly and does not want to "tinker" with their pro forma.

MAJORITY CONSENT: Maintain the complimentary passes for Committee members and no employee discount at this time.

c. Update on Thunderhead Development.

Council Member Quinn stepped down.

Mr. Spence stated that the applicant will talk about their proposed public benefit package.

Mr. Mark Mathews, The Atira Group, noted that they have worked with staff to refine the project and the result is a better, but more expensive project. He stated that they can't reduce the height and still deliver the public benefit; the height is necessary to deliver a feasible project. He spoke to the public benefit they have added in the priority 1 category: a funding contribution over and above the requirements of the community housing plan; economic sustainability by supporting nightly rentals; a better unit mix; more affordable housing; LEED silver; community facilities; a public turn around; Burgess Creek landscaping; and public restrooms.

Council Member Magill likes the changes made by the applicant. He thinks they are going in the right direction and is in agreement with the height.

Council Member Ivancie agrees, but will reserve his comments on height for the hearing.

City Council President Pro-Tem Hermacinski is okay with the height. She likes the additional public benefit but felt that it was already sufficient.

Council Member Myller continues to support this project.

Council Member Bentley appreciates the extra work, likes the affordable housing, and the addition to the landscaping.

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City Council President Antonucci also continues to support the project.

PUBLIC COMMENT: No one appeared for public comment.

Council Member Quinn returned to the meeting.

**CONSENT CALENDAR: MOTIONS, RESOLUTIONS AND ORDINANCES
FIRST READINGS**

2. RESOLUTION: Community Housing Deed Restriction.

This item was postponed from the January 20, 2009, the February 3, 2009, and the March 17, 2009 meetings.

Staff is asking to postpone this meeting to the April 7, 2009 meeting.

MOTION: Council Member Ivancie moved and Council Member Myller seconded to postpone this item to the April 7, 2009 City Council meeting. The motion carried 7/0.

3. RESOLUTION: A resolution authorizing the Haymaker Golf Course rates for 2009.

City Council President Antonucci read the resolution title into the record.

Council Member Magill would like to look into some sort of discount card for employees. This would be something positive for staff during tough times.

City Council President Pro-Tem Hermacinski would rather keep the city financially sound and get employees off furlough as soon as possible. She clarified that this fund actually "keeps its head above water".

Council Member Quinn would rather not increase the local rates.

PUBLIC COMMENT: No one appeared for public hearing.

MOTION: City Council President Pro-Tem Hermacinski moved and Council Member Myller seconded to approve a resolution authorizing the Haymaker Golf Course rates for 2009. The motion carried 5/2. Council Member Quinn and Council Member Magill opposed.

4. FIRST READING OF ORDINANCE: Third 2008 supplemental appropriation ordinance.

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City Council President Antonucci read the ordinance title into the record.

5. FIRST READING OF ORDINANCE: First 2009 supplemental appropriation ordinance.

City Council President Antonucci read the ordinance title into the record.

6. FIRST READING OF ORDINANCE: An ordinance approving an amendment to the lease agreement with Sensis Corporation; establishing an effective date; repealing all conflicting ordinances and resolutions; and providing for severability.

City Council President Antonucci read the ordinance title into the record.

MOTION: Council Member Myller moved and City Council President Pro-Tem Hermacinski seconded to approve items 4, 5, and 6 of the Consent Calendar; the first reading of an ordinance adopting the third 2008 supplemental appropriation; the first reading of an ordinance adopting the first 2009 supplemental appropriation; the first reading of an ordinance approving an amendment to the lease agreement with Sensis Corporation; establishing an effective date; repealing all conflicting ordinances and resolutions; and providing for severability. The motion carried 7/0.

PUBLIC HEARING: ORDINANCE SECOND READINGS

There were no items scheduled for this portion of the agenda.

CONSENT CALENDAR - PLANNING COMMISSION REFERRALS

PLANNING
PROJECTS

7. PROJECT: Selbe Subdivision, Lot 6 (Rollingstone Village)
PETITION: Waterbody Setback Variance for a building encroaching into the required 50 foot waterbody setback.

City Council President Antonucci read the project into the record.

Council Member Ivancie believes that overall it is a good project but is concerned with the waterbody setback. The riparian buffer and setbacks are in place for a reason and granting this variance would go in the wrong direction in terms of protecting water and ecological resources.

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Council Member Quinn believes that the waterbody setback is important but his main concern was safety. Staff does not believe it will impact safety and he supports moving forward.

Council Member Bentley stated that the 50 foot setback is not arbitrary and protects water quality and public safety. She feels this is non-negotiable.

City Council President Antonucci believes that the question is "is the historic building more important than the setback?"

Council Member Bentley suggested not building the extension of the garage. If the historic building were demolished she would be disappointed, but it is not more important than water quality.

Mr. Spence clarified that the existing structure is not in the 50 foot setback. If the applicant adds to the garage it will not be eligible for the historic register, however they would still be preserving the building.

PUBLIC COMMENT:

Mr. Bill Jameson urged the Council to not approve this variance. He believes that the application has ulterior motives by preserving the historic structure in order to put massive building in the waterbody setback area.

GENERAL PUBLIC COMMENT

Mr. Frank Dolman, Longthong Road, suggested that the Council consider establishing a committee to look at a graduated property tax system that would exempt locals.

City Council President Antonucci noted that Council will be revisiting this in the future.

Return to Rollingstone:

Mr. Bill Jameson spoke to the proposed addition to the garage, feeling that it "fails the historic preservation test".

Ms. Cheryl Gerrity stated that there was no ulterior motive to the way the buildings were created; they were simply trying to preserve the original structures.

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Council Member Bentley clarified that she does not believe there is any ulterior motive of adding the spa onto the garage, she is simply concerned with water quality.

Council Member Magill supports the proposal.

City Council President Antonucci supports the proposal and commended the Planning Commission and Historic Preservation Commission on their work.

Council Member Bentley stated that the setbacks were established by the Secretary of Interior and the City does not have the right to question that. The City can't know that the water quality will not be impacted.

Council Member Ivancie stated that 50 feet is a fairly common standard and he does not believe this request meets the criteria to grant a variance.

NO CONDITIONS:

MOTION: City Council President Pro-Tem Hermacinski moved and Council Member Myller seconded to approve the waterbody setback variance for Rollingstone Village. The motion carried 5/2. Council Member Ivancie and Council Member Bentley opposed.

8. PROJECT: Selbe Subdivision, Lot 6 (Rollingstone Village)

PETITION: Concurrent Development Plan/Final Development Plan for a Mixed-Use Development including retail, restaurant and residential uses.

City Council President Antonucci read the project into the record.

City Council President Pro-Tem Hermacinski would like to have staff research vesting periods in other communities.

Council Member Bentley is okay with the vesting period.

Mr. Spence stated that for projects that have multiple buildings that have received preliminary infrastructure acceptance, staff is considering automatic extensions.

City Council President Pro-Tem Hermacinski asked if Council wants to change the vesting process to some degree?

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Council Member Bentley stated that a longer period for projects to get the infrastructure in place like underground parking is okay.

City Council President Pro-Tem Hermacinski feels we the City is arbitrarily choosing a 5 year vesting plus a 2 year extension.

PUBLIC COMMENT:

Mr. Brian Bavosi spoke to the issue that occurs with multi building development and noted the importance of considering the economy we are in and what the City is considering for approval. He believes that this is a sustainable development over 30 years.

Mr. Bill Jameson supports the project but voiced concern with the "stacking movements" of the second access.

Mr. Spence stated that a traffic study was conducted and the plan was reviewed by Public Works; and that the impact will be felt by the users of the project, not the public.

Council Member Bentley stated that it is pretty rare that there is a "stack" of three cars and if Public Works is okay and the traffic study shows no issue, than she is okay with it.

Mr. Jeremy MacGray agrees with Council Member Bentley. This is a phenomenal project with great architecture. He supports the 5 year vesting.

CONDITIONS:

1. Civil construction plans prepared by a licensed Colorado civil engineer must be submitted to Public Works for review by Public Works, Planning, and Mt. Werner Water for review and approval prior to approval of any improvements agreement, building permit, or final plat and prior to the start of any construction. We recommend submitting the construction plans a minimum of five weeks prior to building permit application to allow time for review, comment response, and approval.
2. At time of civil construction plans submittal the traffic engineer must submit a stamped, Final Traffic Impact Study.
3. The developer shall pay a proportionate share of potential future traffic signal improvements at Steamboat Boulevard/Mt Werner intersection, calculated at 0.12% of \$500,000 or \$600. Payment shall be submitted

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- prior to recordation of Final Plat or issuance of building permit, whichever comes first.
4. Applicant must dedicate all necessary drainage easements to accommodate public drainage thru the project site at time of first final condominium or townhome plat associated with this development approval. Specifically, the drainage easement dedication for storm sewer along the southern and eastern property boundaries. In the event a final condominium or townhome plat never occurs for the approved development, then a separate final plat must be submitted, approved and recorded prior to approval of a CO/TCO for any permitted activity.
 5. Applicant must dedicate a public access easement for all internal roads thru the project site at time of first final condominium or townhome plat associated with this development approval. In the event a final condominium or townhome plat never occurs for the approved development, then a separate final plat must be submitted, approved and recorded prior to approval of a CO/TCO for any permitted activity.
 6. At time of first final condominium or townhome plat, the applicant must dedicate an emergency access easement for all internal roads and shall provide a note indicating the emergency access is to be kept free from any obstructions (i.e. landscaping, monuments, signs, etc) and be maintained as drivable for emergency access.
 7. The sidewalk in front of Building A will be detached per Public Works standards if a bus shelter is not included in the Building Permit submittal.
 8. At time of first final condominium or townhome plat, the applicant must dedicate a public access easement as depicted on the inset diagram on Sheet DPF2.1 of the plan set.
 9. Any work within the mapped floodway will require both permits from the Army Corp of Engineers and a Floodplain Development Permit with accompanying no-rise certificate.
 10. Any work within the mapped floodplain will require Floodplain Development Permit with elevation certificates, both pre and post construction.
 11. The applicant will enter into a Development Agreement within sixty (60) days of final approval outlining the project's vesting period of five (5)

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years with a possible administrative extension of two (2) additional years if the project is found to still be in conformance with the CDC at that time.

12. The following items to be identified on the construction plans are considered critical improvements and must be constructed prior issuance of any TCO or CO; they cannot be bonded:
- a. Public drainage improvements
 - b. Public sidewalk improvements
 - c. Public roadway/intersection improvements and installation of street and traffic control signs
 - d. Access drive, driveway, and parking areas
 - e. Storm water quality features. (Vegetation must be established prior to CO when required as part of the feature design.)

MOTION: City Council President Pro-Tem Hermacinski moved and Council Member Ivancie seconded to approve the Rollingstone Village development and final development plan with conditions 1-12, amending condition 11 to have a 3 year vesting period plus a 2 year administrative review extension if the project is still in compliance with the CDC; **FRIENDLY AMENDMENT:** Council Member Bentley: 3 year vesting plus 2, 2-year administrative review extensions if the project is still in compliance with the CDC. The motion carried 7/0.

PUBLIC HEARING – PLANNING COMMISSION REFERRALS

- 9. RESOLUTION: A resolution making certain findings of fact regarding eligibility for the proposed annexation of a parcel of land to the City of Steamboat Springs, Colorado.**

City Council President Antonucci read the resolution title into the record. Public hearing opened.

Mr. Lettunich stated that this is a statutorily required hearing regarding eligibility and is not approval of the annexation. It simply certifies that the property is eligible and no election is required.

PUBLIC TESTIMONY:

Mr. Peter Patten, Patten and Associates, Steamboat 700, read into the record a statement regarding eligibility, limitations, annexation petitions and notice. This statement is on file in the City Clerk's Office.

MOTION: Council Member Myller moved and City Council President Pro-Tem Hermacinski seconded to approve the resolution making certain findings of fact

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regarding eligibility for the proposed annexation of a parcel of land to the City of Steamboat Springs, Colorado. The motion carried 7/0.

REPORTS

10. City Council

Council Member Bentley:

1. Noted that the Regional Economic Strategic Plan subcommittees (education, cell phones, and broadband) are beginning to meet. There will be a joint meeting in July to discuss results.

Council Member Ivancie:

1. Attended an Energy Impact Prioritization hearing.
2. Has been attending Rodeo Board meetings.
3. Will attend the Building Department Oversight meeting.
4. Will be out of town this weekend.

City Council President Antonucci:

1. Will not be able to attend the March 25, 2009 Negotiating Team meeting.
UNANIMOUS CONSENT: Council Member Myller to attend.

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.

Council Member Quinn would like to have a dialog regarding a property tax. City Council President Antonucci suggested that Council review the Tax Policy Advisory Board (TPAB) document; put the discussion on an agenda in the future. It was suggested that TPAB members attend this meeting.

1. Reports

a. **Agenda Review:**

- 1.) **City Council agenda for April 7, 2009.**
- 2.) **City Council agenda for April 14, 2009.**
- 3.) **SSRA agenda for April 21, 2009.**

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Ms. Franklin reviewed changes to the April 7, 2009 agenda.

It was suggested that the social host ordinance be put on the first agenda in May as a report versus an ordinance first reading. City Council President Pro-Tem Hermacinski would like to see the new information and then direct staff accordingly. Council Member Ivancie stated that there is urgency to discuss the issue since graduation is coming up. Council Member Quinn asked what further information Council expects to receive from Grand Futures? Council Member Bentley feels that the previous ordinance was not the answer to the problem and she would like all the proponents to come back with the whole plan. She feels that a social host ordinance is part of the fix, but not all of it. City Council President Antonucci stated that it was hard to see how the previous ordinance would help and it is appropriate to look at the facts before an ordinance first reading. Council Member Quinn feels that there will be an opportunity to talk about it at first reading. City Council President Pro-Tem Hermacinski voiced concern that data shows an increase in teen vehicular death with social host ordinances. Additionally, there are laws already in place that address this issue. Council Member Quinn would like to see a first reading on April 7, 2009. Council Member Ivancie agrees.

Mr. Lettunich stated that if there is to be reconsideration, it should occur at the meeting immediately following the meeting when action was taken. However, there is no prohibition against re-introducing similar legislation.

b. Staff Reports

There were no staff reports.

c. City Attorney's Update/Report.

Mr. Lettunich has no report.

d. Manager's Report: Ongoing Projects.

1.) Implementation of furlough and closure of City Hall.

Mr. Roberts stated that the furlough is proposed for Monday through Thursday from 7:30-5:30pm, with City Hall and Centennial Hall closed on Fridays. There will be public outreach and notices in newspaper. **UNANIMOUS COSENT.**

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ADJOURNMENT

MOTION: Council Member Ivancie moved and Council Member Myller seconded to adjourn Regular Meeting 2009-09 at approximately 8:45pm. The motion carried 7/0.

MINUTES PREPARED, REVIEWED AND RESPECTFULLY SUBMITTED BY:

Julie Franklin, CMC
Interim City Clerk

APPROVED THIS _____ DAY OF _____, 2009.