CITY OF STEAMBOAT SPRINGS AGENDA

SPECIAL MEETING NO. SP-2009-07 TUESDAY, SEPTEMBER 29, 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 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. CONSENT CALENDAR: MOTIONS, RESOLUTIONS AND ORDINANCES FIRST READINGS

1. RESOLUTION: A resolution adopting the City of Steamboat Springs Revised Drug and Alcohol Policy. (Thrasher)

- 2. FIRST READING OF ORDINANCE: An ordinance vacating a pedestrian easement located on Parcel E of Ski Hill Subdivision (One Steamboat Place), and providing an effective date and setting a hearing date. (Eastman)
- C. 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.

D. PUBLIC HEARING – PLANNING COMMISSION REFERRALS:

- **3. FIRST READING OF ORDINANCE:** An ordinance approving the annexation of certain real property to the City of Steamboat Springs, Colorado. (Eastman)
- 4. **INTRODUCTION AND DISUSSION OF A RESOLUTION:** A resolution of the City Council of the City of Steamboat Springs, Colorado, approving the execution of an Intergovernmental Agreement between the City and the Steamboat Metropolitan District Nos. 1-5 (Exhibit D of Annexation Agreement). (Eastman) Formal action to be taken on 10/13/2009.
- **5. INTRODUCTION AND DISUSSION OF A RESOLUTION:** A resolution of the City Council of the City of Steamboat Springs, Colorado, approving the consolidated service plan for Steamboat 700 Metropolitan District Nos. 1-5 (Exhibit C of Annexation Agreement). (Eastman) *Formal action to be taken on 10/13/2009.*
- 6. FIRST READING OF ORDINANCE: An ordinance amending Chapter 26 of the Steamboat Springs Revised Municipal Code, commonly referred to as the Steamboat Springs Community Development Code, to include a new process, Administrative Final Development Plan. (Spence)
- 7. FIRST READING OF ORDINANCE: An ordinance amending Chapter 26 of the Steamboat Springs Revised Municipal Code, commonly referred to as the Steamboat Springs Community Development Code, to revise Sections 26-67 Preliminary Plat. (Spence)

- 8. FIRST READING OF ORDINANCE: An ordinance amending Chapter 26 of the Steamboat Springs Revised Municipal Code, commonly referred to as the Steamboat Springs Community Development Code, to establish a new zone district, Traditional Neighborhood Design, and related standards. (Spence)
- **9. FIRST READING OF ORDINANCE:** An ordinance amending Chapter 26 of the Steamboat Springs Revised Municipal Code, commonly referred to as the Steamboat Springs Community Development Code, to revise and supplement existing definitions and use criteria contained in Sec. 26-402 Definitions and Use Criteria. (Spence)
- **10. FIRST READING OF ORDINANCE:** An ordinance zoning the Steamboat 700 Property, more particularly described in Attachment A, to Traditional Neighborhood Design (TND); repealing all conflicting ordinances; providing for severability; and providing an effective date. (Eastman)
- **11. SECOND READING OF ORDINANCE:** An ordinance amending Chapter 26, Article 148 of the Steamboat Springs Revised Municipal Code pertaining to Community Housing, with particular reference to compliance methods; and establishing an effective date.

This item was postponed from the August 4, the August 18, the September 1 and 15, 2009 City Council meetings.

Staff is requesting this item be postponed to the October 20, 2009 City Council meeting.

E. ADJOURNMENT

BY: JULIE FRANKLIN, CMC

AGENDA ITEM #1

CITY COUNCIL COMMUNICATION FORM

FROM:	John Thrasher, Human Resources Manager
THROUGH:	Jon Roberts, City Manager
DATE:	September 21, 2009
RE:	Revised Drug and Alcohol Policy
NEXT STEP: Adopt	by Resolution

I. REQUEST OR ISSUE:

Adoption of the revised <u>City of Steamboat Springs Drug and Alcohol Policy</u> by City of Steamboat Springs' City Council Resolution.

II. RECOMMENDED ACTION

Adopt by Resolution.

III. FISCAL IMPACTS:

There is no measurable fiscal impact to the City that results from updating the City's Drug and Alcohol Policy.

IV. BACKGROUND INFORMATION:

As a part of the regular review of all recipients of State of Colorado transportation related grants, the Colorado Department of Transportation contracted with Kristina Hogan of Kristina Consulting Group to review the City's Drug and Alcohol Policy and procedures for compliance with Federal Transit Authority (FTA) rules. The review indicated the need to update and make some changes to the City's <u>Drug and Alcohol Policy</u>. All of the changes have been made, and they are summarized as follows:

Added or revised sections:

- 1. This <u>CONTROLLED SUBSTANCES AND ALCOHOL USE AND TESTING POLICY</u> sets forth the requirements of 49 CFR Parts 655, 382 and 40. Those areas of the policy that appear in italic print reflect City of Steamboat Springs's independent authority to require additional provisions with regard to drug and alcohol testing procedures. To the extent City of Steamboat Springs states specific non-DOT City of Steamboat Springs Authority Policy supplements, and does not conflict with applicable DOT Regulations, and current agreements, it is to be followed. In the event that DOT Regulations are applicable to the driver's or applicant's particular situation or issue, the DOT Regulations pre-empt conflicting State Laws, City of Steamboat Springs's non-DOT Policies and all other agreements
- 2. In addition the City of Steamboat Springs by its sole authority requires that employees arrested and/or convicted for illegal incidents resulting from the abuse of drugs or alcohol inform the City's Human Resources Department no later than five (5) calendar days following such arrest or conviction.
- 3. Note: This Policy will remain current and will be revised as needed to remain in compliance with 49 Code of Federal Regulations Parts 655, 382 and 655 and 40 as amended.
- 4. The City of Steamboat Springs requires that you disclose any medications you are taking that may affect your ability to perform your job duties to your supervisor. The City may require that you receive written confirmation from your physician that your ability to perform your job duties is not impaired by medications that you are taking.
- 5. <u>Observed Testing (Collection) Procedure</u> (New)

Safety sensitive employees shall be allowed individual privacy during urine collection, unless there is reason to believe that the specimen may have been altered or substituted, or the test is a return-to-duty test or a follow-up test

- I. The reason(s) for an observed collection must be explained to the employee.
- II. An observed collection is required in the following specific instances:

A. The employee attempts to tamper with his or her specimen at the collection site.

- The specimen temperature is outside the acceptable range;
- The specimen shows signs of tampering ~ unusual color / odor / characteristic; or
- The collector finds an item in the employee's pockets or wallet which appears to be brought into the site to contaminate a specimen; or the collector notes conduct suggesting tampering.
- B. The Medical Review Officer (MRO) orders the direct observation because:
 - The employee has no legitimate medical reason for certain atypical laboratory results; or

- The employee's positive or refusal [adulterated / substituted] test result had to be cancelled because the split specimen test could not be performed (for example, the split was not collected).
- C. The test is a Follow-Up test or a Return-to-Duty test.
- III. The observer must be the same gender as the employee.
- IV. If the collector is not the observer, the collector must instruct the observer about the procedures for checking the employee for prosthetic or other devices designed to carry "clean" urine and urine substitutes and for watching the employee urinate into collection container.
 - The observer requests the employee to raise his or her shirt, blouse or dress / skirt, as appropriate, above the waist, just above the navel; and lower clothing and underpants to mid-thigh and show the observer, by turning around, that the employee does not have such a device.
 - If The Employee Has A Device: The observer immediately notifies the collector; the collector stops the collection; and the collector thoroughly documents the circumstances surrounding the event in the remarks section of CCF. The collector notifies the DER. This is a refusal to test.
 - If The Employee Does Not Have A Device: The employee is permitted to return clothing to its proper position for the observed collection. The observer must watch the urine go from the employee's body into the collection container. The observer must watch as the employee takes the specimen to the collector. The collector then completes the collection process.
- V. Failure of the employee to permit any part of the direct observation procedure is a refusal to test.
- 6. <u>Validity Testing</u> (New)

Drug testing laboratories must report any irregularities in samples they receive, as follows:

Category 1: Negative results as

A. Negative, or

B. Negative-dilute, with numerical values for creatinine and specific gravity

Category 2: Non-negative results as

A. Positive, with drug(s)/metabolite(s) noted;

- B. Positive-dilute, with drug(s)/metabolite(s) noted, with numerical values for creatinine and specific gravity;
- C. Adulterated, with adulterant(s) noted, with confirmatory test values (when applicable), and with remark(s);
- D. Substituted, with confirmatory test values for creatinine and specific gravity; or

E. Invalid result, with remark(s). Laboratories will report actual values for pH results.

Category 3: Rejected for Testing.

A. This occurs any time the Laboratory rejects a specimen for testing.

7. The following circumstances are considered to be a refusal to test:

It's considered a refusal to test if the MRO reports out a verified adulterated or substituted test result. During an invalid test result MRO review, if they get an "invalid" test result it is not a refusal, but when a negative test result is needed, the employee must be re-tested.

If an employee admits adulterating or substituting a specimen it is a refusal to test. The MRO may verify an invalid test result as cancelled (with instructions to recollect immediately under direct observation) without interviewing the employee. Also it is a refusal to test if:

- (1) If the employee expressly declines the opportunity to discuss the test with the MRO;
- (2) If the DER has successfully made and documented a contact with employee and instructed the employee to contact the MRO and more than 72 hours have passed since the DER contacted the employee; or
- (3) If neither the MRO nor the DER, after making and documenting all r reasonable efforts, has been able to contact the employee within 10 days of the date on which the MRO received the confirmed invalid test result from the laboratory.
- (4) Except, on the basis of extenuating circumstances, the MRO may reopen the verification, allowing the employee to present information concerning whether there is a legitimate medical explanation of the confirmed test result.

Further, the following are considered as a refusal to test:

- Failure to cooperate with any part of the testing process (e.g., refuse to empty pockets when directed by the collector, behave in a confrontational way that disrupts the collection process, fail to wash hands after being directed to do so by the collector).
- Failure to appear for any test (except a pre-employment test if you gain employment elsewhere) within a reasonable time as determined by the City of Steamboat Springs;
- Failure to sign required documentation.
- Failure to remain at the testing site until the testing process is complete (providing, that
 an employee who leaves the testing site before the testing process commences for a
 pre-employment test is not deemed to have refused to test).
- Failure to take a second test as directed by the employer or collector.
- Failure to permit or participate in a required observed collection or fails to follow the
 observed instructions to raise and lower their clothing and to turn around to permit the
 observer to determine if the employee has a prosthetic or other device that could be used
 to interfere with the collection process; the employee possess or wears a prosthetic or
 other device that could be used to interfere with the collection process; failure to wash his
 or her hands after being directed to do so.

 Failure to undergo a medical evaluation or examination as directed by the MRO; employee admits to the collector that he or she adulterated or substituted their specimen; employee behaves in a confrontational way that disrupts the collection process--all constitute refusals to test.

NOTE: A copy of the complete revised <u>Drug and Alcohol Policy</u> is available in the Human Resources Office at City Hall, for your review/inspection.

V. <u>LEGAL ISSUES:</u>

As recipients of Transit Funding under section 5311 of the Federal Transit Authority (FTA) we are required to maintain and administer a Drug and Alcohol program that meets or exceeds the FTA drug and alcohol testing requirements.

VI. CONFLICTS OR ENVIRONMENTAL ISSUES:

None.

VII. SUMMARY AND ALTERNATIVES:

One of the requirements of the FTA is that Drug and Alcohol Policies be readopted by the local government agency, each time Federal rules change. The changes and additions listed above change the City's Drug and Alcohol Policy to be in current compliance with 49 CFR Parts 655, 382 and 40, as revised.

To put the City of Steamboat Springs Drug and Alcohol policy into compliance with Federal FTA and DOT regulations, the City Council is asked to adopt the revised and updated <u>City of Steamboat Springs Drug and Alcohol Policy</u> by Resolution, at their regular meeting September 29, 2009.

CITY OF STEAMBOAT SPRINGS, COLORADO

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A RESOLUTION ADOPTING THE CITY OF STEAMBOAT SPRINGS REVISED DRUG AND ALCOHOL POLICY.

WHEREAS, the City Council of the City of Steamboat Springs values the City's employees and recognizes the importance of a safe and healthful work environment; and

WHEREAS, employees who use illegal drugs and or abuse alcohol tend to be less productive, less reliable, more prone to accidents, and more prone to greater absenteeism, resulting in the potential for increased accidents, costs, and risk to themselves, their fellow employees and the community; and

WHEREAS, the City Council of the City of Steamboat Springs desires to provide a safe work place by eliminating the hazards to health and job safety created by alcohol and drug abuse.

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 adopts the revised City of Steamboat Springs Drug and Alcohol Policy and Information packet, a copy of which is attached hereto as Exhibit A and by this reference made part of this Resolution.

PASSED, ADOPTED AND APPI	ROVED this	day of	, 2009.
ATTEST:		Antonucci, Presimboat Springs	
Julie Franklin, CMC City Clerk			

Exhibit A

City of Steamboat Springs revised drug and alcohol policy

This document is available for review with Human Resources or the City Clerk's Office upon request.

AGENDA ITEM # 2

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: September 29, 2009

ITEM: Ski Hill Subdivision – Parcel E (One Steamboat Place), Easement Vacation -

#FP-09-11

NEXT STEP: The approval of an ordinance requires two readings to City Council. This is

the first reading.

X ORDINANCE RESOLUTION

__ MOTION
DIRECTION

INFORMATION

PROJECT NAME: Ski Hill Subdivision – Parcel E (One Steamboat Place), Easement Vacation -

#FP-09-11

PETITION: A request to vacate a pedestrian easement located on Ski Hill Subdivision

Parcel E.

LOCATION: One Steamboat Place, Mt Werner Circle & Apres Ski Way

APPLICANT: SV Timbers, LLC c/o Jill A. Brabec, Esq. Holloway, Brabec & Karet, PC,

P.O. Box 770908, Steamboat Springs, CO 80477 (970) 879-5532

CITY COUNCIL COMMUNICATION FORM September 29, 2009 Ski Hill Subdivision Parcel E (One Steamboat Place) Easement vacation

EXECUTIVE SUMMARY:

1. Background Information:

The applicant is requesting to vacate a pedestrian easement. With the recording of the One Steamboat Place condominium plat the easement will simultaneously be replaced by new public access easements consistent with the One Steamboat Place Final Development Plan approval.

2. Recommended Motion:

Staff recommends approval of the ordinance vacating the pedestrian access easement located on Ski Hill Subdivision Parcel E.

3. Project Location Map



CITY OF STEAMBOAT SPRINGS, COLORADO

ORDINANCE NO.	
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AN ORDINANCE VACATING A PEDESTRIAN EASEMENT LOCATED ON PARCEL E OF SKI HILL SUBDIVISION (ONE STEAMBOAT PLACE), AND PROVIDING AN EFFECTIVE DATE AND SETTING A HEARING DATE.

WHEREAS, in accordance with Chapter 20, Art. I, Div. 3 of the Steamboat Springs Revised Municipal Code, the owners of Ski Hill Subdivision parcel E wish to vacate the pedestrian easement as depicted in the attachment and outlined in the legal description; and

WHEREAS, the City Council finds that vacating the subject pedestrian easement will promote the public interest by allowing for development consistent with the One Steamboat Place Final Development Plan approval.

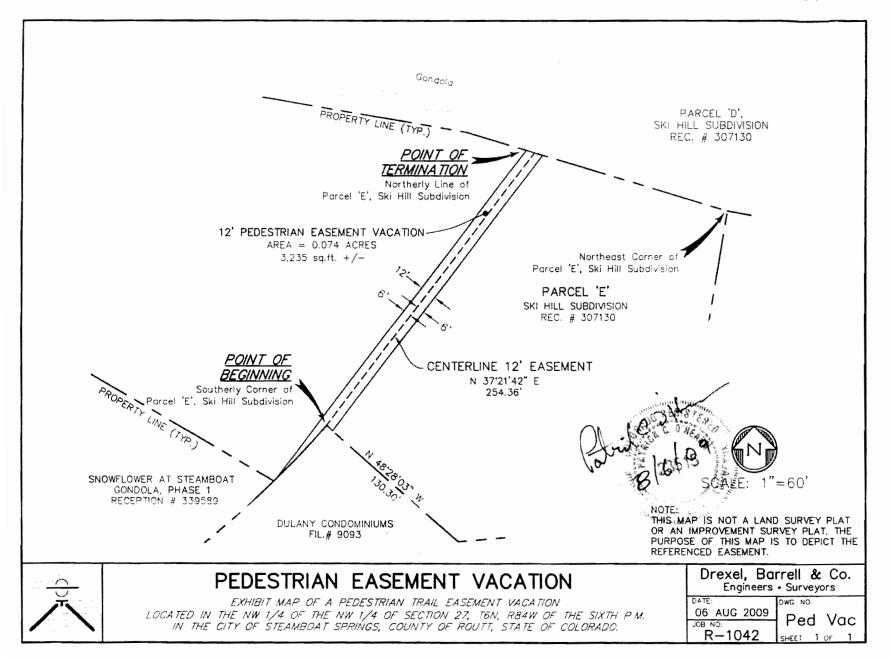
NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STEAMBOAT SPRINGS, COLORADO:

- Section 1. That the pedestrian easement as depicted in the site plan attached hereto as Exhibit A is hereby vacated.
- Section 2. 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 3. 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 portion of this Ordinance.
- 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.
- Section 6. A public hearing on this ordinance shall be held on ______, 2009 at 5:00 P.M. in the Citizens Hall meeting room, Centennial Hall, Steamboat Springs, Colorado.

One Steamboat Place EV

ATTEST:	
	Paul Antonucci, President Steamboat Springs City Council
FINALLY READ, PASSED, 2009.	AND APPROVED this day of
Julie Franklin, CMC City Clerk	
ATTEST:	
	Paul Antonucci, President Steamboat Springs City Council
City Council of the City of Steambo	pat Springs, at its regular meeting held on the 2009.

One Steamboat Place EV 2



LEGAL DESCRIPTION - Vacation of a 12' Pedestrian Trail Easement

August 6, 2009

THAT PART OF A 12.00 FOOT WIDE PEDESTRIAN TRAIL EASEMENT, PER THE PLAT OF SKI HILL SUBDIVISION, A SUBDIVISION RECORDED AT RECEPTION No. 307130 IN THE RECORDS OF THE OFFICE OF THE ROUTT COUNTY CLERK AND RECORDER, LOCATED WITHIN PARCEL TE, SAID SKI HILL SUBDIVISION, SAID STRIP OF LAND LYING 6.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

"BEGINNING" \1 THE SOUTHERLY CORNER OF SAID PARCEL 'E', SAID CORNER BEING THE NORTHWESTERLY TERMINUS OF THAT LINE LABELED "N 48°23'03" W, 130,00" ON SAID PLA1 OF SKI HILL SUBDIVISION; THENCE NORTH 37°21'42" EAST, ALONG THE CENTERLINE OF SAID EASEMENT, A DISTANCE OF 254,36 FEET TO THE NORTHERLY LINE OF SAID PARCEL 'E' AND THE "POINT OF TERMINATION"

THE SIDELINES OF SAID STRIP OF LAND ARE CONSIDERED TO BE EXTENDED OR SHORTENED SO AS TO INTERSECT WITH THE NORTHERLY AND SOUTHEASTERLY LINES OF SAID PARCEL 'F'

SAID STRIP OF LAND CONTAINS 0.074 ACRES OR 3.235 SQUARE FEET, MORE OR LESS,

THE BEARINGS CONTAINED HEREIN ARE BASED UPON THE BEARINGS SHOWN ON THE PLAT OF SAID SKI HILL SUBDIVISION.

I. PATRICK C. O'HEARN, A PROFESSIONAL LAND SURVEYOR, LICENSED IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE ABOVE LEGAL DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND CHECKING.

PATRICK C. O'HEARN ® PLS No. 23515 FOR AND ON BEHALF OF

DREXEL, BARRELL & CO. 2955 VILLAGE DRIVE, SUITE 14 STEAMBOAT SPRINGS, CO 80488

970-879-1523

AGENDA ITEM #3

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: September 29, 2009 – 1st reading of Annexation Ordinance

October 13, 2009 – 2nd reading of Annexation Ordinance

RE: Steamboat 700 Annexation Ordinance (ANX-08-01)

NEXT STEP: If the First Reading of the Ordinance is passed, a Second Reading is

scheduled for October 13, 2009

X ORDINANCE RESOLUTION

X MOTION

DIRECTION

___ INFORMATION

PROJECT NAME: Steamboat 700 Annexation (ANX-08-01)

PETITION: Annexation of 485 +/- acres in West Steamboat including development of

2,000 dwelling units and 380,000 square feet of commercial space.

LOCATION: 485 acres outside of the existing city limits located west of the Steamboat

Springs Airport, West Acres trailer park existing city limits and east of

County Road 42

APPLICANT: Steamboat 700 LLC (Danny Mulcahy, Jim Zeiter, Mark Fine, Michael

Werner) c/o Peter Patten, Patten Associates, 2145 Resort Drive Suite

110, Steamboat Springs CO, 80487 (970) 871-9111

PC ACTION: Planning Commission reviewed the Steamboat 700 annexation proposal

on 09/10/2009 and 09/17/2009. Planning Commission recommended approval of the annexation application 4-2; Commissioners Dixon, Hanlen, Fox, and Lacy voted in favor of the motion and Commissioners

Levy and Beauregard voted against.

1. Background

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See Planning Commission staff report for Annexation review background and analysis.

2. Planning Commission Discussion:

There was an extensive and wide ranging discussion at the meetings; areas that received particular attention included the following:

Anti-Speculation controls for market rate units; Steamboat 700 introduced an antispeculation proposal at the 09/10/09 Planning Commission meeting. A revised proposal with revisions suggested by City staff and Special Counsel Jerry Dahl was reviewed by Planning Commission of 09/17/09. Planning Commission recommended approval of an anti-speculation requirement after significant discussion about the merits and potential unintended consequences of the proposed anti-speculation covenant. One significant concern was the potential negative impact on real estate transfer fee revenues that will be used to fund affordable housing, schools, and Hwy 40 improvements.

The updated annexation agreement includes a new section based on the direction from Planning Commission. It requires that a portion of the gain from real estate resales within three years would be dedicated 50% towards affordable housing and 50% towards capital infrastructure. Exemptions include appreciation of 6% or less per year and large lot single family development.

- <u>Achieving revenue neutrality</u>; some concerns were expressed about whether the project would achieve fiscal neutrality. The difficulties of conducting a follow-up evaluation of the fiscal impact model were discussed.
- <u>Future Property Taxes and attainability</u>: Planning Commission members had questions about whether future property taxes would hinder the affordability of the market rate units in the development. Review of a chart that shows Steamboat 700 property tax rates would not be inconsistent with new developments in other jurisdictions in Routt County was helpful.
- <u>Community Housing</u>; Planning Commission was generally supportive of the community housing plan however there was discussion about whether the proposed 12.5 acre land dedication and real estate transfer fee would be sufficient to meet the affordable housing requirements of the West Steamboat Springs Area Plan (WSSAP) while also providing housing types and units that met community needs.
- 13th Street bottleneck; The two dissenting Planning Commission members mentioned the lack of a specific plan to address traffic congestion at the 13th Street bottleneck as a problem. Other Planning Commission members noted that the bottleneck was a community wide problem and concurred with Council decision that Steamboat 700 would only be required to contribute 25% towards the cost of 13th Street bottleneck improvements.

Please review attached minutes for full Planning Commission discussion.

3. Public Comment:

Extensive written and verbal public comments have been received; please refer to Planning Commission staff report (including addendums), Minutes from both Planning Commission meetings and attachments to this report.

4. New Information:

<u>Capital Facilities follow-up information</u>; A memo that includes sidewalk costs and Hwy 40 traffic information as requested at 09/09/09 Council meeting is included as Attachment 7; The memo was prepared by Public Works staff. West US 40 NEPA Study Conceptual Cost estimates and the US 40 Capital Improvement phasing plan for both the high and low cost estimates are included as Attachment 8.

<u>Future Grant funding analysis</u> (prepared by Winnie Delliquadri): It is hard to predict future grant revenues for projects in the Steamboat 700 area. Over the past decade, the City's primary sources of grant funds have been from the Federal Transit Administration (FTA) for transit capital projects, from the Department of Local Affairs (DOLA) for public facilities, and from Great Outdoors Colorado for parks and open space.

FTA: The City works as a part of a coalition of transit agency to get earmarks for transit. These earmarks have sizably reduced over the past few years. At this point, funding from this source is not even enough to replace the buses that need to be replaced within the current transit fleet. Additional funding for expansion projects is unlikely unless substantial extra dollars are allocated to transit on a national level (which is unlikely).

DOLA: The City primarily receives Energy and Mineral Impact funds from DOLA. Severance taxes which make up the fund have decreased substantially - reducing the dollars available to grant. At the same time, severe budget issues within the state have meant that severance tax dollars that used to be given out as grants have been allocated to backfilling other state programs. The net result - very little funds are available for grants and the grants awarded are for projects that mitigate a direct impact of the energy industry. With the exception perhaps of the fire station, none of the projects in the Steamboat 700 area would be a great candidate for funding.

GOCO: Goco funding remains a possibility for funding of outdoor parks projects in the Steamboat 700 area. The proposed expendable trust account looks like it would be a good source for the matching funds that are required for all GOCO grants. GOCO local government grants are typically capped at \$200,000 per grant --- this amount will limit the amount of GOCO dollars leveraged for any one project.

Water Demand Report (Exhibit I of Annexation Agreement); On 09/22/09 Steamboat 700 submitted an updated Water Demand Report. It includes an increase in raw water demand. The first water demand report from 700 identified 966 AF of required delivery, and that was the figure that was used to calculate Steamboat 700's water firming payment. The next report identified an expected demand of 1077 AF, but this was due primarily to an allocation of water for secondary units that were allowed under the applicable zoning, but not considered in the

CITY COUNCIL COMMUNICATION FORM Steamboat 700 Annexation #ANX 08-01 09/29/2009 & 10/13/2009

previous report. The newest report, which Public Works was not expecting, moves the total demand up to 1111 AF, another 34 AF increase. The reason for the increase has not been adequately explained. Public Works will review the revised report and be prepared to comment at the 09/29/09 Council meeting, and is considering whether the water firming payment should be increased if the demand is not lowered to what was originally estimated.

Additional public comments included as Attachment 9.

5. Recommended motion from Planning Commission:

Planning Commission recommends approval of the Steamboat 700 annexation with the finding that it is consistent with the criteria for annexation in section 26-63 of the CDC. (see 09/017/2009 PC minutes for detailed findings)

LIST OF ATTACHMENTS:

- 1. 09/10/09 Planning Commission (PC) staff report and attachments (previously distributed)
- 2. Supplemental materials package for 09/10/09 PC meeting (previously distributed)
- 3. Supplemental materials package for 09/17/09 PC meeting
- 4. Letter from Community Alliance of Yampa Valley distributed at 09/10/09 PC meeting
- 5. 09/10/09 Draft PC minutes
- 6. 09/17/09 Draft PC minutes
- 7. Capital facilities followup information prepared by Public Works
- 8. Updated Hwy 40 cost estimates and phasing
- 9. Additional public comment received since 09/17/2009 PC meeting
- 10. Annexation Agreement (revised and inserted in binder with PC report)
- 11. Revised versions of Annexation Agreement Exhibits A, B, C, D, F1, F2, G, and I (revised and inserted in binder with PC report)

Attachment 1

Steamboat 700 Annexation-Planning Commission Staff Report and attachments

This report was previously distributed in a separate binder.
It is available for review with the City Clerk's Office upon request.

Attachment 2

Steamboat 700 Annexation-Supplemental materials package for 09/10/09 PC meeting

This package was previously distributed in a separate binder.

It is available for review with the City Clerk's Office upon request.

Supplemental Information 09/17/2009 PC meeting AGENDA ITEM # 3 PLANNING COMMISSION COMMUNICATION FORM

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

email

DATE: September 16, 2009

ITEM: Steamboat 700 Annexation

RE: Additional Information

Background on additional attachments; staff will review items 1-3 at the start of the 09/17/2009 Planning Commission meeting in addition to answering questions submitted by PC.

- 1. Staff prepared analysis of potential new demand for housing created by proposed Steamboat 700 annexation at the request of Planning Commission and public.
- 2. Attachment contains revisions to anti-speculation covenant submitted by Steamboat 700 09/10/2009. Proposed changes by staff include: applying restriction to all units regardless of recent appreciation trends, allocating the funds 50% towards affordable housing and 50% to capital facilities fund, and minor revisions for consistency and clarity.
- 3. Revised Annexation Agreement Exhibit G: Community Housing Plan lots; suggested revisions based on analysis by Commissioner Dixon

ATTACHMENTS

- 1. 09/16/09 Steamboat 700 housing demand linkage analysis
- 2. Anti-speculation covenant with staff edits (redline and clean version)
- 3. Exhibit G to annexation agreement with edits by staff
- 4. 09/16/2009 letter from Yampa Valley Housing Authority (YVHA)
- 5. Additional public comment from open house
- 6. Additional public comment via email

Steamboat 700 Dwelling Unit generation Based on 2006 Housing/Employee Nexus study

Prepared by City staff 09/16/2009

Variables from Nexus study Notes

Jobs/1,000 sf 2.7 Lowest rate of all categories (Restaurant rate is 8.0)

Jobs/employee 1.09 Employees/household 1.64

Jobs/dwelling unit 0.14 Based on 1,000 - 1,499 sf dwelling unit

Commercial Source of information

Square feet of development 380,000 Steamboat 700
Estimated jobs generated 1,026 calculated
Estimated Employees needed 941 calculated
Estimated Dwelling Units needed 574 calculated

Residential

Estimated Dwelling Units needed 274 calculated see separate sheet

Estimated Total Dwelling Units 848 (Commercial DU + Residential DU)

Note:

The nexus study provides a mechanism to calculate housing demand from new residential and commercial development. It does not provide a mechanism to determine how many of those new employees will require affordable units. The ability of the new employees to afford market rate units is affected by numerous factors including but not limited to: wages, savings, investment income, credit rating, interest rates etc

There is a distinction between commercial and residential linkage: commercial linkage and the nexus study refers to numbers of jobs generated but isn't specific to income. Hence, the jobs are across a wide range of income levels. While some sectors pay more modestly (service industry in particular), the clear income relationship is in residential development. Here, the number of jobs increase with the size of the home and, as the study notes, the jobs generated by these homes pay more modestly due to the service oriented nature (housekeeping, landscaping, etc.) of ongoing maintenance of these properties.

Nexus study available online at:

http://steamboatsprings.net/sites/default/files/page/2196/community_housing_nexus_studyAPR_2006.pdf

City of Steamboat Springs - Residential Linkage

Steamboat 700 calculation (exclude 400 affordable units)

			-				Housing
Unit size (sf)	# units	Χ	FTE/Unit	÷	FTE/unit	=	Demand
< 500			0.17		1.64		0
500– 999	200		0.18		1.64		21.95
1,000 – 1,499	337		0.2		1.64		41.10
1,500 – 1,999	163		0.22		1.64		21.87
2,000 - 2,499	262		0.25		1.64		39.94
2,500 - 2,999	106		0.27		1.64		17.45
3,000 - 3,499	124		0.3		1.64		22.68
3,500 - 3,999	98		0.33		1.64		19.72
4,000 – 4,499	98		0.37		1.64		22.11
4,500 – 4,999	136		0.41		1.64		34.00
5,000 - 5,499			0.45		1.64		0.00
5,500 – 5,999			0.5		1.64		0.00
6,000 – 6,499			0.55		1.64		0.00
6,500 – 6,999	38		0.61		1.64		14.13
7,000 - 7,499			0.67		1.64		0.00
7,500 – 7,999			0.74		1.64		0.00
8,000 - 8,499	38		0.82		1.64		19.00
8,500 – 8,999			0.91		1.64		0.00
9,000 - 9,499			1		1.64		0.00
9,500 – 9,999			1.11		1.64		0.00
10,000 - 10,499			1.23		1.64		0.00
10,500 – 10,999			1.36		1.64		0.00
11,000 – 11,499			1.5		1.64		0.00
11,500 – 12,000			1.66		1.64		0.00
	1600						274.0

Exemptions:

- Secondary & Employee Units as defined in Sec. 26-402 of the Community Development Code
- Industrial Uses listed in Sec. 26-92 of the Community Development Code
- Institutional Uses listed in Sec. 26-92 of the Community Development Code
- Additions of no more than 500 sf & remodels that do not increase the size of the unit
- Developments with approvals or a complete development application as of 06/29/2007
- Garages

Community Housing Guidelines available onli

http://steamboatsprings.net/documents/community_housing_guidelines

Questions: Contact Nancy Engelken, City of Steamboat Springs Planning, 871-8253

Add a new paragraph III.L:

L. Anti-speculation programCcovenant.

- 1. <u>Covenant Required</u>: For the purpose of discouraging the speculative purchase and disposition of certain property within the Development, there shall be recorded a restrictive covenant enforceable by the City meeting the requirements of this paragraph at the time of the recording of each final plat to which suwithin the scope of subparagraph 2 belowch covenant is applicable and containing such other terms and provisions as may be reasonably requested by the sub-divider, subject to the approval of the City, which approval shall not be unreasonably withheld, conditioned or delayed. The requirements of this Section III.L may be waived by the City Council, acting by resolution in its sole and exclusive discretion, with respect to any sale transaction or group of transactions. Any such resolution shall specify what property is affected thereby and shall be filed for record with the Routt County Clerk and Recorder.
- 2. <u>Applicability:</u> The restrictive covenant shall apply to all buildable commercial and residential lots which are less than 8,000 square feet in size, and toincluding units within the bungalow court, duplex, row house, townhouse, triplex/fourplex, five to eight unit buildings, commercial block, and nine+ unit buildings product types, as such terms are used and defined in the CDC.
- 3. Payment of Net Gain to City: The restrictive covenant shall require that the Net Gain (as such term is defined below) be paid to the City when such buildable lot or unit is resold within three (3) years following the date of the prior saleacquisition, in accordance with the following formula:
 - (a)1. Sales within 12 months: 60% of Net Gain
 - (b)2. Sales within 12-24 months: 40% of Net Gain
 - (c)3. Sales within 24-36 months: 20% of Net Gain...
 - 4. <u>Allocation of Funds:</u> All fFunds paid to the City pursuant to this paragraph shall be deposited allocated as follows: (1)dedicated 50% in to the Capital Facilities Expendable Trust account described in paragraph V.(D) hereof and held and disposed of in accordance with the provisions of such paragraph, and (2) 50% for affordable housing purposes to be disposed of consistent with the requirements of section IV. B of this Aagreement.. There shall be no requirement for the imposition of the restrictive covenant as set forth in this paragraph if on the date of recording of the final plat creating such buildable lots or units, the median sales price of residential units in Routt County over the twelve months last calculated by the Routt County Assessor has increased by less than 6% annually.

4. Definitions:

(a)Net Gain - shall- shall mean the gain on the sales less real estate commission and other costs of closing. The [je1] restrictive covenant shall contain such exemptions as the City and the sub-divider may agree, provided however, to in all casesbut at a minimum the exemptions contained in Section 3 of **Exhibit H** to this Agreement shall apply. The requirements of this section may be waived by the recorded Resolution of the City Council.

Add a new paragraph III.L:

L. Anti-speculation Covenant.

- 1. <u>Covenant Required</u>: For the purpose of discouraging the speculative purchase and disposition of property within the Development, there shall be recorded a restrictive covenant enforceable by the City meeting the requirements of this paragraph at the time of the recording of each final plat within the scope of subparagraph 2 below and containing such other terms and provisions as may be reasonably requested by the sub-divider, subject to the approval of the City, which approval shall not be unreasonably withheld, conditioned or delayed. The requirements of this Section III.L may be waived by the City Council, acting by resolution in its sole and exclusive discretion, with respect to any sale transaction or group of transactions. Any such resolution shall specify what property is affected thereby and shall be filed for record with the Routt County Clerk and Recorder.
- 2. <u>Applicability:</u> The restrictive covenant shall apply to all buildable commercial and residential lots, including units within the bungalow court, duplex, row house, townhouse, triplex/fourplex, five to eight unit buildings, commercial block, and nine+ unit buildings product types, as such terms are used and defined in the CDC.
- 3. Payment of Net Gain to City: The restrictive covenant shall require that the Net Gain (as such term is defined below) be paid to the City when such buildable lot or unit is resold within three (3) years following the date of the prior sale, in accordance with the following formula:
 - (a). Sales within 12 months: 60% of Net Gain
 - (b) Sales within 12-24 months: 40% of Net Gain
 - (c) Sales within 24-36 months: 20% of Net Gain.
 - 4. <u>Allocation of Funds:</u> Funds paid to the City pursuant to this paragraph shall be allocated as follows: (1) 50% to the Capital Facilities Expendable Trust account described in paragraph V.D hereof and held and disposed of in accordance with the provisions of such paragraph, and (2) 50% for affordable housing purposes consistent with the requirements of section IV. B of this Agreement.

4. Definitions:

(a)Net Gain - shall mean the gain on the sale less real estate commission and other costs of closing. The restrictive covenant shall contain such exemptions as the City and the sub-divider may agree, provided however, in all cases the exemptions contained in Section 3 of **Exhibit H** to this Agreement shall apply.

EXHIBIT "G"Community Housing Plan Lots

The Community Housing Plan Lots shall be established, platted, conveyed, owned and occupied in accordance with the provisions hereof.

1. Definitions.

- (a) "CHP Eligible Building Types" shall mean Bungalow Court, Duplex, Rowhouse, Townhouse, Triplex/Fourplex, 5-8 Unit Buildings, Commercial Block, and 9+ Unit Buildings as such terms are used and defined in the CDC.
- (b) "CHP Eligible Lots" shall mean lots on which CHP Eligible Building Types may be constructed.
- (c) "CHP Lots" shall mean CHP Eligible Lots conveyed to the City or to an entity or individual designated by the City for the purpose of compliance with the provisions of the CHP.
- (d) "CHP Units" shall mean Units constructed on CHP Lots.
- (e) "CHP Deed Restriction" shall mean a recorded document approved by the City establishing an affordable housing deed restriction applicable to each CHP Unit for a period of at least 30 years, enforceable by the City, which at a minimum (i) prohibits the initial sale of the Unit and subsequent resale to purchasers with household incomes exceeding 120% AMI and which also limits the resale price of such Unit and (ii) prohibits rental of such Unit to persons with household incomes exceeding 120% AMI or lease terms of less than six (6) months unless otherwise approved by the City Council by resolution.
- (f) "Residential Lots" shall mean Single Family Lots as such term is used and defined in the CDC, CHP Eligible Lots, lots allocated for Mixed Use Building types under the CDC and other platted parcels within the property designated in a recorded instrument for Single Family Lots or Residential or Mixed Use Building Types.
- (g) "CHP Percentage" means a percentage calculated under the CDC by dividing the probable maximum number of CHP Units that may be constructed on the CHP Lots by the probable maximum number of Units that may be constructed on the Residential Lots multiplied by 100.
- (h) "CDC" shall mean the City of Steamboat Springs Community Development Code including those sections addressing Traditional Neighborhood Design.

- (j) "Project Encumbrances" shall mean the lien of general real property taxes from the year of closing, patent reservations, rights-of-way of ditches, ponds, springs, restrictions, reservations, agreement, covenants, easements of record or apparent, standard survey exceptions, declaration of covenants for any homeowners association applicable to Property, and related homeowners association documents, including requirements for architectural control and approval requirements and the payment of fees and assessments of the applicable homeowners associations.
- (j) As used in this Exhibit, unless specifically provided otherwise or unless the context otherwise requires, capitalized terms contained herein shall have the meaning set forth in the Steamboat 700 Annexation Agreement.

2. Platting and Conveyance Restrictions.

- (a) Except as set forth in paragraph 2(k), no final plat shall be recorded unless at the time of recording, including any CHP Lots conveyed to the City or its designee simultaneously with recording, the CHP percentage is not less than 20%.
- (b) Notwithstanding the limitation set forth in paragraph 2(a) above, the cumulative area of the CHP Lots required to be conveyed to the City shall not exceed 12.5 acres, and the requirement to convey land hereunder shall terminate when at least 12.5 acres have been conveyed to the City.
- All preliminary plat applications containing CHP Eligible Lots for any land in (c) Pods 2, 3, 4, 5, 7, 8, 9, 10, or 11 shall designate not less than 25 % of the lots for each CHP Eligible Building Type shown on such plat as available for selection by the City for the purpose of meeting the land conveyance requirements set forth herein, unless there are 3 or less lots for a particular building type in which case no less than one of the lots available for such building type shall be so designated. The City shall select the CHP Lots the City desires to acquire from the CHP Eligible Lots so designated, subject to the limitations set forth herein; such selection to be made in writing by the Director of Community Development no later than 28 days following the date that such preliminary plat application is complete. Upon the recording of the final Plat containing such selected lots, such lots shall be conveyed to the City, but the City shall not be entitled to require the conveyance of any selected CHP Eligible Lot to the City as a condition of recording any final plat if the conveyance of any such lot would increase the CHP Percentage to in excess of 25%.
- (d) Selection of CHP Eligible Lots by the City is subject to the following limitations:

Unless otherwise agreed by the Developer, or required to maintain the CHP percentage requirement of Section 2a, the cumulative maximum acreage of CHP Eligible Lots selected by the City in any Pod shall not exceed the following:

POD	MAXIMUM CHP LOT ACREAGE
2	3.0 acres
3	23.0 acres
4	2.0 acres
5	1.0 acres
7	1.0 acres
8	12.5.0 acres
9	23.0 acres
10	4.0 acres
11	2.0 acres

- (e) Approval of Preliminary Plats is subject to the following limitations:

 If the Preliminary Plat proposed by the applicant contains in the judgment of the City an insufficient number of lots available for selection for one or more CHP Eligible Building Types, so the City, taking in to account land previously conveyed to the City for affordable housing and the CHP Units already constructed or approved for construction, reasonably believes that it will not be able over time to acquire lots for a mix of CHP Eligible Building Types as the City deems necessary to meet the long term affordable housing needs of the Development, the City may decline to make a selection of lots and may require
- (f) The CHP Lots shall be conveyed to the City, or its designee, by special warranty deed without charge, free of liens and encumbrances, except the Project Encumbrances.

CHP Eligible Building Types.

that the Preliminary Plat be revised to include a more balanced mix of lots for

- (g) No later than the date of (i) issuance of a certificate of occupancy or actual occupancy for residential purposes (whichever first occurs) of any residential improvements located on a CHP Lot or (ii) the recording of any final plat establishing air space or subdivided lots on any CHP Lot, the CHP Deed Restriction shall be recorded and shall remain in place unless released by the recorded resolution of the Council with the consent of Developer and City Council pursuant to paragraph 2(h) below.
- (h) No CHP Lots shall be sold by the City free of a CHP Deed Restriction for a period of five (5) years following the date of acquisition of the CHP Lot by the City. If the City desires to sell a CHP Lot free of a CHP Deed Restriction more than five (5) years after the acquisition of the CHP Lot by the City, the City shall first offer to sell the CHP Lot back to the Developer on price and terms agreed to by the parties. If the parties are unable to reach agreement, the Developer shall have a 30 day right of first refusal to purchase such CHP Lot on the same terms and conditions as any bona fide, written and binding, third party purchase offer received by the City for such CHP Lot. If Developer does not exercise its right to reacquire the CHP Lot pursuant to the right of first refusal, the City shall be required to make payment to the Developer of a portion of the revenues it receives

from any sale of the CHP Lot free of the CHP Deed Restriction (gross sales price less any cost incurred in marketing and selling the CHP Lot) in accordance with the following formula:

If sold in the 6th year 50% of net revenues If sold in the 7th year, 40% of net revenues If sold in the 8th year, 30% of net revenues If sold in the 9th year, 20% of net revenues If sold in the 10th year, 10% of net revenues

For purposes of calculating the CHP percentage, Lots for which the CHP Deed Restriction has been released pursuant to this paragraph 2(h) or by other cause outside the control of Developer such as foreclosure shall continue to be counted.

- (i) At all times, the average household income level set forth in the CHP Deed Restrictions applicable to all CHP Units shall not exceed 80% AMI.
- (j) Upon request, the City shall issue an instrument in recordable form confirming that the Residential lots for which such confirmation is requested are in compliance with the CHP and that no further CHP Lots are required to be conveyed to the City with respect to such Residential lots.
- (k) The obligation to convey CHP Lots to the City shall be suspended during any period that CHP Lots previously conveyed to the City remain vacant and undeveloped in contravention of any provision of the Project Encumbrances uniformly applied to all Buildable Lots within the final plat in which such CHP Lots are located.
- (l) Annually, no later than June 1 of each year, the City shall notify Developer in writing if the City desires to purchase additional lots within the Property designate upcoming calendar year for the purpose of providing affordable housing over and above the lots required to be conveyed to the City as CHP Lots. Within 60 days following the date of receipt of such notice, Developer shall advise the City what lots are available and the price and terms upon which the Developer is willing to sell such lots to the City or its designee for the development of affordable housing.



September 16, 2009

Steamboat Springs City Council PO Box 775088 Steamboat Springs, CO 80477

RE:

Steamboat 700

Community Housing Plan

Dear Honorable President Antonucci and City Council Members:

The Board of Directors of the Yampa Valley Housing Authority (YVHA) would like to express its support of the Steamboat 700 Community Housing Plan's (CHP) proposal to provide affordable and workforce housing for the Yampa Valley community. Based upon the financial and market assumptions in the City Staff's analysis, the CHP supports the minimum affordable housing policies of the West of Steamboat Springs Area Plan (WSSAP). YVHA supports City Staff CHP recommendations and believe the CHP complements the mission of the YVHA.

There are some details we need to work through, including

- further refining the role that the YVHA will play in the development of the affordable housing components of the project.
- understanding the full measure of restrictions on the use of funds and lands dedicated for affordable housing by the YVHA.

We understand language will be added to the Steamboat 700 Annexation Agreement that will include the anti-speculation requirements and restrictions, along with, imposition of a Real Estate Transfer Fee on second bulk transfers and the first individual lot sales.

We recognize that the affordable housing challenge in the Yampa Valley is ultimately the result of a severe imbalance between the supply of and the demand for affordable housing. Over the past few decades, the supply of new affordable housing has become relatively stagnant while the demand has continued to grow at a rapid rate. The WSSAP has correctly identified the west of Steamboat Springs' area as the only potential area available for significant new affordable housing stock in Steamboat Springs. The Steamboat 700 project represents the first major project to capture some of this potential.

"Building our Community one home at a time."

1370 Bob Adams Drive, Suite 203 PO Box 774542

Steamboat Springs, CO 80477

Page 2 Steamboat 700 CHP September 16, 2009

Additionally, the Steamboat 700 CHP offers to provide a source of funds for the YVHA by imposing a voluntary real estate transfer fee. As you know, the lack of a sustainable funding source for the YVHA has stymied our efforts to move forward and accomplish our mission of providing affordable housing in the Yampa Valley and has forced the recent reduction in our staff, programs and projects. Although the impact of this real estate transfer fee will only be felt in the longer term, we welcome this and any other creative solutions to this dilemma.

As we move forward implementing the Steamboat 700 CHP, we must be mindful that variables exist that could change the total affordable housing units, both positive and negative, outlined in the WSSAP. Some of these variables are:

- the numbers and sizes of homes needed by the community at various price and income levels,
- the changing need for specific types and sizes of affordable housing, e.g. one bedroom, 700 sq. ft. condominium units replaced by larger two bedroom townhome units, as identified by future community needs assessments,
- the amount and timing of real estate transfer fee receipts,
- the condition of the financial marketplace variables, e.g. level of interest rates, construction and land costs, home mortgage market, and the ability to obtain construction or long-term financing for rental or for-sale homes.

The YVHA wants to see this project progress and work towards providing needed housing for our community. We appreciate having had the opportunity to be at the table with the City and Steamboat 700 as the CHP was discussed and moving ahead. We look forward to the YVHA's continued participation in reaching the goals set out by the CHP. To this end, please have your staff contact Ed MacArthur, President, Catherine Carson, Board Member, or Mary Page-Allen, Asset/Program Manager, at mapageallen@yvha.org to participate in future meetings and discussions related to the Steamboat 700 CHP.

Thank you.

For the Board of Directors.

Ed MacArthur President

xc:

file

Danny Mulcahy, Steamboat 700

Jon Roberts, City Manager, City of Steamboat Springs

Tom Leeson, Community Development Director, City of Steamboat Springs

John Eastman, Planning Services Manager, City of Steamboat Springs

PROPOSED STEAMBOAT 700 OPEN HOUSE

September 9, 2009, COMMUNITY CENTER

NAME (Common to the first and
NAME: CCC 1000
PHONE: \$441.170.361
MAILING ADDRESS: 10 P3 /7/5/4 PHONE: Style 10 30/1 EMAIL ADDRESS: 00 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
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For more information, please call John Eastman, Planning Services Manager, 970-871-8275, Email: <u>jeastman@steamboatsprings.net</u> or Steamboat 700, 970-870-0244 Email: <u>info@steamboat700.com</u>

-	
R.B. Brooks 09/09/09	I Live in Steamboat II and I oppose 700 building anything close to my home. If any City Council member would drive every day between 4:30 and 6:00 in the evening or for that fact in the morning would be able to see that Highway 40 can not possibly keep up with any more traffic. There are already lines that stretch from 12th street all the way to the light by 7 Eleven, and I mean a down right dread lock. It sometimes takes me what should only be a 5 minute drive home from town to a 25 minute drive. I also do not like the fact that one one the main proposed roads that will connect to Steamboat II will bring traffic right by my house. Please come up with a different plan.
	Thank you
	Signed a long time resident of Steamboat 30+ years.
Craig	Summary of comments from 09/09/09 Open house transportation table:
Gaskill (Jacobs)	During the presentation there was a question about the phasing and funding of improvements on US 40.
(**************************************	A number of people were concerned about the alignment of New Victory Parkway.
	Ensure improvements along CR 129 meet the future traffic needs, for example, enough storage for the SBLT demand;
	Concerns with proposed developments out in the County that may impact CR 129 and US 40;
	Downtown impacts after widening West US 40;
	Many agreed that a downtown by-pass would be "painful";
	Assurance that US 40 is improved by development;
	Are there any short term improvements to US 40?
	And what happens if SB 700 is annexed but there is no development?
	Concern that the busses are empty (and a waste of City resources);
	Suggestion to implement paid parking in an effort to encourage more buss usage;
Bill	I say yes to the "700"
Rottman	
n	
09/13/09	

D 11	
Donald	Thank you for the chance to input on this most important subject!
Borden	I feel that this is the biggest issue of the Century and it should be put on the ballot so all the people who will be affected by this shall
09/12/09	have a chance to say what they want!
	Please do the right thing!
Joan	Thank you for asking the people of Steamboat Springs to give you our opinion on the Annexation. I think that the issue is so huge
Borden	that it absolutely should be put on the ballot in November. I agree with your recent conclusions that the majority of people are against
09/12/09	Annexation.
Kris	I am concerned that the developers will not pay for enough of the infrastructure required for this project, thus increasing property
Tratiak	taxes.
09/10/09	The project is too big, where will all the home buyers come from, will there be housing that is truely affordable? What will be the
	impact on roads and water supply?
	With all these concerns I feel this annexation should be put to a public vote.
Lynn &	Thanks for the request for input regarding SB 700. Unlike some of the Steamboat and Silver Spur folks, we feel strongly that SB 700
JIm	is needed and provides some opportunities for a development that will partially pay its way.
Kelley	We feel that a vote by Steamboat city residents is unfair to the rest of the county and vastly unfair to Silver Spur, Heritage Park and
09/10/09	Steamboat II residents who would feel the greatest impact from the start to the finish of this project. You already have a west end
	growth plan and need to use it for the near future. We need a school, shopping, post office, fire protection, and other amenities on this
	end of town and that alone will stop many of the trips we take endlessly into Steamboat for essentials.
	Silver Spur was not well accepted when it was built and many current Steamboat residents have no idea how nice it has turned out.
	Many visit out here and are astounded at the quality of the neighborhood we have here. It, too, was to be affordable housing and the
	market was too strong to let it remain that way. We still have many working families, retired couples and second home owners who
	have created a diverse and quality place to live. Hopefully 700 will provide as much pleasurable living as we have here.
	Growth will continue until people in this country and the world will stop having childrenfat chance. We need to accept our portion
	of that growth and help residents here have affordable housing, diverse communities and access to shopping, entertainment, trails and
	nature without having to drive to the ends of Steamboat.
	We would hate for the City Council to refuse to accept this development and then allow another unnecessary high-end second home
	development with a golf course and exclusive access. We already have Maribou, Alpine Mountain ranch, etc. that are filling up with
	rich second or third home owners who do not participate in the community.
	We urge you to vote yes on this project and get on with the improvements to our end of town.
Cara	First of all thank you for even asking the community
Marrs	I have to say that my biggest concern is that we already have such an overabundance of empty homes and properties here, why do we
09/10/09	need more. I do not believe that they will be less expensive enough to draw people to town when there are no extra jobs in the valley
27, 20, 07	right now, what we do have on the market currently is all at reduced prices anyway and we have some affordable housing options
	right on the mountain. I can see absolutely no reason to go forward with this, we may end up with another situation like they have in
	Minturn. Growing up in a household with parents in development, I am familiar with that specific developer and I fear that this will
	Tambian of our mg up in a nousehold with parents in development, I am faintiful with that specific developer and I feat that this will

	be a similar situation to that but the real question is why in the world do we need this?!
Doreen L. Young 09/14/09	I would like to see the annexation of Steamboat 700. I have been following the story somewhat loosely so I'm not sure if I have a strong argument. What I have heard/read is that the city council is worried about the cost of maintaining the highway. I would appreciate it if you could tell me some of the other arguments against the annexation. As far as maintaining the cost the of highway, don't you think that by having a grocery store on the west side (don't even get me started on why there are two grocery stores in this town and why they are two minutes from each other), and having schools and retail stores, ect. it would actually decrease the amount of traffic going through town. Most of the time the reasons I go into town (we live in Elk River Estates) is to go to the pool with my son and the bank and then to the grocery store. I would GLADLY not go through town if that was available out here. I'm frustrated with the old Steamboat mentality of "no growth". How do you think we will maintain our economy? I do massage and my husband is an architect and we NEED people to be able to afford our services. Steamboat is a world class ski area with nothing else that is world class. We are not in the 70's anymore. I could go on about my frustrations but I am sure that you would get tired of reading them! So thank you for listening and if you have
	any feedback I would gladly hear it.
David	I saw your ad in the paper and I wanted to thank you for having this forum for us to get in touch with you.
Josfan	I think that the city council has done a good job going thought the annexation of the Steamboat 700.
09/14/09	What bothers me the most is that in this bad economical environment, with so many properties and so many lots on the market and
	constructions workers that can not make ends meet, we will soon
	(if approved) get flooded with so many more properties and land.
	The developers that have been waiting for so long for the 700 approval will come out of the gate hungry and have deals and offers that it will put all of us that are trying to sell in a terrible position of flooding the market that is flooded already.
	I think that the Steamboat market that normally has about 700 to 1000 listing has over 2000 listing currently that will take many years to absorb.
	By approving this project with no check guards on the sales we will open the flood gates that could destroy our real estate economy
	both commercial and personal for many years to come.
	How can our small community absorb what is on the market now as well as all of the 700 especially when so many people are un
	employed?
	Is there an option to approve the project but not allow it to be started for a few years?
	Thank you for taking the time to get our opinions
Pete	Thanks for asking for an opinion.
Andress	As with most things, this is nothing more than an exercise in choices.
09/15/09	It is not a stretch to believe that development and growth are going to continue in the county whether anyone likes it or not. If that
	fundamental principle is accepted then (I believe) the choices become more clear.
	Does the city want to be proactive or reactive? It doesn't take a Rocket Scientist to understand the growth will either take place with

	us or without us. I personally believe there is much more strength for the city to participate and have a say in the growth than to just
	watch it happen. Whether the council believes it or not, we (the council and the city) are not acting from a position of strength. The
	developers will bypass us if we choose not to participate.
	In my opinion we should choose to participate in the growth and take advantage of what is being offered.
Michelle	Yes, I have been a silent supporter of Steamboat 700. I think it is great that our city is willing to be part of a planned area. I don't
McNama	think Steamboat has done enough in the past to manage growth. It is important that we look at what is best for the whole community,
ra	not just a few vocal residents. I believe we will all benefit from this development. I do believe the roads will need to be addressed to
09/15/09	manage the traffic, but having a school on that side of town, will eliminate some of the existing traffic.

City Council of Steamboat Springs Planning Commission of Steamboat Springs

Reference: SB700

Subject: Community Alliance Growth Committee comments on draft Annexation

Agreement

Date: 9/9/2009

Dear City Council,

We appreciate Planning Commission, City Council and City staff efforts in undertaking review of this annexation application. The draft annexation agreement, with all of its exhibits, is a huge document and requires hours of study for any comprehensive analysis. Although the document is generally well written and appears to consider all of the important aspects of the annexation, we find some elements concerning. We hope you find these comments from our committee useful in your considerations:

- 1) The agreement may be amended or terminated by mutual consent in writing of the city and developer. While one appreciates that future conditions may warrant amending the agreement, there are two areas of concern: First, this current language is insufficient promise of adequate public process for future changes to this benchmark ordinance. Second, the City's negotiating team has greatly improved the current product, and it seems only prudent that a similar negotiating team engage in future modifications to the annexation agreement.
- 2) N/A
- 3) Large Tract Subdivision (LTS) provisions look adequate, but allow city staff rather broad powers in the administration of this matter.
- 4) How will the financial solvency of the developer be assured to protect the city from the consequences of bankruptcy or inability to meet their financial obligations under the agreement? Performance by the developer appears to be guaranteed only by the threat of not approving any final plat. What about bonding or escrow? If Metro Districts assume obligation to construct improvements that are a condition of platting or development under the agreement they are required to post security. Why doesn't this also apply to the developer?
- 5) Does the City "hope", or does the City "affirm", that section IV of the annexation agreement will satisfy the WSSAP requirement of 20% deed restricted housing at an average 80% of the AMI?
- 6) Attainable and affordable housing is the overarching goal of this annexation. 20% of the units are already dedicated to become deed-restricted-by-income affordable housing. SB700 has also represented their free market product will be well suited for our working class. Could SB700 put this part in writing too? We suggest free market attainability for our workforce will be greatly enhanced if another 30% of the total units carry a restriction requiring purchase by a resident of Routt County.
- 7) A meaningful portion of the annexation's free market units and lots should carry a deterrent to "flipping", such as the one being considered by SB700. As we understand it, this mechanism would apply to unimproved lots below a certain

size. When our local market heats up in the future, flipping will also a problem after units are occupied and some mechanism against short-term speculation in the built units is needed as well.

- 8) The FIS is an acceptable basis for revenue neutrality and shall not be revised after annexation. What if it proves to be inaccurate?
- 9) Water has re-emerged as a controversial topic. While some on our committee are concerned and feel SB700 should bring water rights, all of our committee would like more information published. We recommend that during September, the City inform City residents about:
 - a. the total estimate of water demand for water and sewer within the current City limits at build out, including contracts with metro districts; and the water and sewer delivery infrastructure requirements and estimated costs at build out within the current city limits;
 - b. the total estimate of water demand for water and sewer within the unannexed Urban Growth Boundary parcels, including SB700, at build out, including contracts with metro districts; and the water and sewer delivery infrastructure requirements and estimated costs at build out within the current un-annexed Urban Growth Boundary parcels, including SB700;
 - c. the financial arrangements expected to pay for the costs identified in 1) and 2).
- 10) How has the loss of Fed and State funding affected the fiscal revenue and cost curves?
- 11) The amount Steamboat 700 has been required to pay from its own pockets is too small. This leaves the City and/or homeowners with a large financial burden, with uncertain benefit to the community as a whole.
- 12) Is SB700's commitment to building a school documented in the annexation agreement?
- 13) Are there specific plans for enticements for water conservation practices?
- 14) Some existing homeowners will be significantly impacted by the proposed routes in and out of the development.
- 15) Is the proposed SB700 density in compliance with the WSSAP? It seems the densities now considered have the effect of increasing the WSSAP's 2,400 units to 4,000 units in the west area. Shouldn't the community be consulted about this update to our plans out west? Do the water and traffic studies use these larger numbers?

Thank you for your consideration of these concerns.

Sincerely,

Steve Lewis

Chair, Community Alliance Growth Committee

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Steamboat 700 Annexation Ordinance #ANX-08-01 Annexation of 487 +/- acres in West Steamboat including development of approximately 2,000 dwelling units and approximately 380,000 square feet of commercial space

Discussion on this agenda item started at approximately 5:11 p.m.

STAFF PRESENTATION

John Eastman -

This discussion is about whether to annex 485 acres of land into the City of Steamboat Springs. How do you become comfortable making a decision that big in 2 meetings? Our thoughts are that it's possible, because of the 30 public meetings that we've had already. There was a meeting where I used PowerPoint to show the elephant split up. Tonight we're putting the elephant back together again. We're going to get the information to hopefully allow you to make a recommendation to City Council by the end of the next meeting. Do we as a community wish to allow for future growth in the annexation? That's not the decision that you're making tonight. The book says yes. There was the 1999 and 2006 WSSAP update that gave you the recipe for how that growth should occur. Your job is to make sure that all of the cooks in the kitchen follow the recipe adequately well. Did we adequately succeed in getting an annexation agreement, land use regulating plan that followed the recipe in that book. The first 49 pages of the staff report are mandatory reading. The staff report wasn't meant to be read as a novel. I didn't do this all by myself, rather this was a big team effort.

Jerry Dahl -

He gave the structure of this annexation agreement. You will notice that it relies on a series of exhibits. The chief among them is exhibit F, which is the Capital Facilities Phasing Plan. This exhibit tells you what stuff you have to build, who's going to build it, who's going to pay for it, and what kinds of events trigger the obligation to build that stuff.

Definitions are on the first page. Definition 5, which is the Capital Revenues is the revenues that once put into a big box are the revenues that get piled to build some of these capital facilities that are in exhibit F. We're talking about the major public infrastructure that ends up getting built primarily by the public. They include the RETF.

Dwelling Unit is a residential dwelling unit as defined in the Code, but excluding secondary units. There are some triggers that relate to dwelling units.

A couple of key documents that you've seen and are really the zoning documents are in the middle of that set of definitions. They include the Regulating Plan, TND Zoning Ordinance, and TND Standards. Those zoning documents need to be referenced in the annexation agreement.

The term on the second page is not a term of years rather it lasts until the developer's obligations are satisfied or the finance is secured to the satisfaction of the City. With a project like this it is likely to be a longer term. The term lasts as long as the obligations are there. That gives the City the rights to enforce those obligations until they're complete.

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A major charge that I was given by the City Council was to make sure that the City was protected, make sure that development pays its own way in a fair way that we don't find as this project evolves in the city that we don't pay for things and cover things that the developer is obliged to paying. I think that we have largely accomplished that.

This is not a 10 acre subdivision. If it were then we've covered every possibility. It's not and is a 400+ acre development. It will have a whole range of dwelling units and will last over decades. If you're going to have that large of a project then we've reduced the risk as much as we can. If you eliminate all of the risks then you've eliminated the entire project. I think that we've managed and anticipated as much as we can at this point.

On pg 2-23 under annexation, this is an annexation agreement so the City agrees that it will annex the property as long as certain conditions take place.

Pg 2-24 at the bottom every annexation agreement requires that the property will be zoned if it's going to be annexed. The entire property is going to be zoned TND.

There are a series of things that will happen upon annexation. On pg 2-25 there is a list of things that will occur. He went through the list of the things that will occur in the right order. These will occur on the 13th of October.

A large part of what we've negotiated is the development review process of this project. You will see that the preliminary and final plat where you will get to Buildable Lots is primarily as governed presently by the Code is the regulating plan. I appreciate that a large amount of the development will fall into that process.

The developer has also requested negotiated and allowed for there to be another review process for LTS. This is not uncommon in a large annexation projects where the developer wants to be able to carve off a portion of the property and to separately market it. Our concern on the City side with that approach was that we didn't want to set up a situation where the entire property gets annexed and it gets chopped up into 10, 15, 20 acre subdivisions and gets sold to 17 different owners and all of a sudden where's Steamboat 700. That was my abiding concern with that kind of approach. What we ended up with was permitting that approach with a series of protections that go against what I just described to you. If there's a sewer line on your property and it's bigger than what your subdivision needs then you're still obligated to build that sewer line. I think that we've created the appropriate protections for the City.

On pg 2-26 you have a whole series of letters that are protections that are important in reviewing LTS's. Letter (a) is where the Planning Director can say that there are some standards to review an LTS where they are more designed for individual lots and those can be waived. Letter (b) you have all of the protections for LTS. You can then know what obligations are going to be laid out on the LTS. Letter (d) official submittal materials that you need for LTS's. We're not down to the Buildable Lot final stage here. The 2 bullet points give you more material for deciding if the LTS should be approved or not. Letter (e) is the final plat for an LTS where you have to either complete the improvements that are pertinent to that LTS that are required by exhibit F or guarantee it. That can be satisfied by a written agreement by the party that's buying it.

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Every LTS has a caution on it that says that you are put on notice as a buyer and this does not cost you buildable lots. Those obligations will have to be satisfied as part of this LTS. Letter (g) is the written agreement. Letter (h) and (i) can work together. These 2 letters ensure even with all of the protections that Steamboat 700 remains a major player in the game. Letter (h) says an LTS can't be approved if it will mean that Steamboat 700 will drop to 30% of the total dwelling units. The same thing goes for letter (i) where it says that they will have to end up owning 50% of the Buildable Area. We felt that it was important to have redundancy in all of the protections.

On pg 8 (2-28) are additional requirements prior to the approval of a final plat for Buildable Lots. He went through the additional requirements. These are requirements that Steamboat 700 understands that they will have to satisfy with the final plats.

What requirements apply? It's not uncommon in an annexation agreement for the parties to say these provisions are particularly going to apply here. It's also important that we specifically provide in the annexation agreement that the Municipal Code still applies. We didn't want to get into a situation where 10 years out into the development and not being able to adjust things like landscaping standards, etc. Those changes can affect the basic uses or densities permitted by the agreement.

On pg 9 (2-29) of the Capital Facilities Phasing Plan that's exhibit F and is huge. What it basically says is if it looks like the development is going to exceed 2,000 units or 380,000 square feet of commercial space then that will trigger additional obligating. We have identified the required obligations up to that level. If it looks like it's going to be more than that then we're going to need more from you.

Affordable housing on pg 10 (2-30) there's land dedication and RETF. The land dedication is Buildable Lots. These are lots that are ready to go. There's a mechanism for the City to choose each time there's a plat. There's an inventory of lots and the City can use its Buildable Lots credit by choosing a certain percentage of lots every time there's a plat. The City also gets a revenue string for affordable housing purposes. That's this portion of the RETF that comes out to 0.5%. When it comes to the City the Council decides how it's spent since it has to be spent for affordable housing purposes.

At the bottom of pg 10 (2-30) where it says if the transfer fee is declared unconstitutional by a court that's got jurisdiction then the parties will meet and agree that there will be additional real property dedicated to make up for the loss of the fee.

He gave a background for RETF's. There's no entitlement to annex to the City so there's no obligation by the City to limit the conditions upon which it wishes to annex. Any potential challenge to the RETF would have to be a real estate transfer tax prohibited by tapering. There have not been any challenges to the RETF that are now throughout the state. One of the reasons is because it's voluntary and is imposed by a private covenant. tabor controls the acts of government, it does not control private individuals.

This annexation agreement recognizes that there will be a metro district. On pg 12 (2-32) the developer is entitled to some cost reimbursement for some of the studies that they've

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engaged in and for some of the infrastructure. The infrastructure of this project will benefit other developments in the WSSAP area.

Commissioner Dixon -

Do we take on enforcement of that by including this?

Jerry Dahl -

No, we're obliged to require it in the annexation agreement. That gives us the right to enforce it, but not the obligation. Since we've put it into that annexation agreement I think that it gives Steamboat 700 a 3rd party enforcement authority if they're not getting paid. As annexation agreements are brought forward 360 Village is included on the Capital Facilities and the City Council will be in the position of requiring that. That's a fairly common technique.

On pg 13 (2-33) under Capital Facilities Expendable Trust Account there will be this account that the City will set up. The money that comes into that account such as the 0.2% RETF, property tax mill levy, and cash payments that the developer makes get paid into this account. When it comes time to build some of the facilities that are in exhibit F that only the City can build.

It's important that the project be revenue neutral to the City. There's an IGA in that package that requires Steamboat 700 to maintain trails, alleys, and sidewalks. On pg 16 (2-36) you'll see that there's this water firming fund. As a result of that the City isn't going to apply the water dedication requirements to the development. The developer does have construction obligations on the bottom of pg 17 (2-37) for water infrastructure and a water storage tank.

The school district is going to join the RETF to the extent of an additional 0.5% and they're in that real estate transfer fee covenant. That's a separate revenue for them.

On pg 20 Vested Property Rights and one of the important things to note here is the term. They get 10 years upon annexation, but an additional 10 years doesn't happen until they have conveyed to the City that at least 25% of the land required to be dedicated to the City for affordable housing and we have approved final plats for permits for no less than 20% of the market rate units. The project has to actually be moving.

There was some question about Moratoria and Growth Control on pg 21 (2-41). Steamboat 700 was worried that there would be a growth control ordinance that would apply only to them. What we said was that it won't be applied unless it's applied throughout the city. He read what it said in the staff report under Moratoria and Growth Control. Steamboat 700's vested rights protect them from certain growth obligations.

In exhibit F1 in the book, which is the Capital Facilities Phasing Plan. He gave the structure of how this works. If we try to get all of the money for it up front then this project couldn't be built. Exhibit F does many things and one of the things is that it creates a phased development. If at a certain level we require a certain amount of infrastructure and to get above that level of plats to do the next level of infrastructure. If you're not able to do that

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then we're not approving the plats. You will never get plats that are way ahead of the infrastructure and that's a very key result of exhibit F.

It begins with categories of infrastructure. Category A is what Steamboat 700 is solely responsible for. Category B they're required to pay their share as well as any remaining share and they're entitled to reimbursement, but the City initiates the purchase of construction. There's a lot of hwy 40 in here. We hope to have State funding, but if not then Steamboat 700 will have to look elsewhere for that money. We don't want a bunch of plats that are approved before there's infrastructure in place. Category C they provide their share at a certain point in time. Category D they provide their share when the City or someone else provides theirs.

How it works is prior to the final plat there's some things that have to happen. The plat includes an LTS. It's designed to ensure that the infrastructure is there when the development is there.

Category F is a series of triggers and thresholds that require the construction or financing for construction of public improvements to be available when the development reaches certain stages. If the development reaches that stage and the funding isn't available for the infrastructure for the next phase then we don't approve plats for the 2nd phase.

John Eastman -

We're looking at pg 2-201 of the staff report. We will have 400 units with an average at 80%AMI. We would rather Steamboat 700 provide resources to the City and have their obligations fulfilled that way we don't get into a debate later when the interest rates change. Those resources are 12 $\frac{1}{2}$ acres of Buildable Lots, which is somewhere around 40 lots based on the TND zoning standards and 0.5% RETF.

The question that has to be answered by City Council and the Planning Commission is to determine whether the recipe is right in order to achieve that. Do those resources provide adequate resources for public benefit? In WSSAP it says that you don't necessarily have to build the units you can come up with some alternative as long as it provides the equivalent public benefit then the City can accept that.

In order to do that staff put together a scenario where the City of Steamboat Springs partnered up with the Housing Authority and other 3rd party developers took those resources could they achieve those goal based off a certain amount of assumptions? We probably could. We could build 409 units housing 1,650 people and given an average size of family is 4 people.

It was found that some of the units that were built in the past were too small and didn't have enough bedrooms and could accommodate large enough families. We actively tried to tackle larger family sizes although that is harder to achieve.

The average income level was found to be at 78%. What will happen will be based off of decisions that are made over a 20 year period. The summary says that over the 25 year build out we would spend \$2.5 million on administration, we would develop a \$1 million

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revolving fund and we would have purchased an additional 37 market rate lots. There would be a total of approximately \$8 million of RETF generated. How do we get there?

Commissioner Dixon -

Is that \$8 million in excess of the 37 lots or is that what purchases the 37 lots?

John Eastman -

That's what helps purchase the 37 lots. There's a page that goes through the different phasing of lot dedications that get you the 40 lots on 12 ½ acres. The assumptions that were used on when they would be dedicated were based upon the absorption rates used in the Capital Facilities Phasing Plan. There was an analysis of what was platted and what would be built. It was more conservative than the applicants absorption rate, which was a 20 year absorption. It was closer to 25 year absorption used for the Capital Facilities Phasing Plan. In terms of the resources for the RETF are on pg 2-215.

How did we put together the scenario that says that it's possible to achieve it? In phase 1 there's 300 market rate units built and 11 affordable lots dedicated based on building type. We get construction costs that are based off of the assumptions that are based off of IZ and square footages. You then get into a possible development program having different AMI's. This scenario is based on a pure sales model. There will be rental units somewhere in there somewhere. The total construction cost for all of those units is \$12.4 million. Somehow the City makes a return on that investment.

The reason is if we were a developer and we had to buy the land then we would have taken a \$2.3 million loss. Assuming that 25% of the construction cost was land cost then you've got \$3 million worth of land in those 11 lots. We didn't project at selling them at the maximum theoretical allowed. That someone making 60%AMI with a family of 6 then their maximum theoretical price is \$184,000 unit. We discounted that 5% and said 'that's somebody who has car loan, no daycare payments, no anything'. Those types of people don't exist. The obligation was to produce units and list them for sale at this price when realistically you've got to discount them a little bit. He explained why the discount was used. We're going to take a loss on these units and it's a loss of \$66,000/unit for 60%AMI units. Once you get up into the 80%AMI units you start to see some return and at 100%AMI you start to see a return on every unit. The reason for this is because we didn't have to buy any of the land. We lost \$2.3 million dollars of it, but we cashed out approximately \$767,000.

The total return is an important number. Those dollars get rolled into the next phase to buy market rate lots since the RETF isn't rolling in yet. He explained how the RETF fund works. He explained what happens in phase 1. He explained what would potentially happen in phase 2. We have to get to an average of 80%AMI, but there will be a return that we will use to purchase additional lots.

It's really important to understand that the 12 ½ acres of dedicated lots provides slightly over half of the land needed based off of the recent market types from our study for those 400 units. Could you build 400 units on 12 ½ acres in the TND zoning? Yes, but you would have very high density condominiums. You wouldn't get any townhomes or single family detached homes. Although we don't build any truly single family detached homes if

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you look at the bungalow court we do have homes that do look similar to a single family detached home since you get a little bit more density than you would with a normal single family detached.

On pg 2-29 there are a couple of sentences that talk about the density control. It does require the Planning Community Development Department to keep a running tally at all times of the platted and built density in the annexation area. There's no getting around that. At any given time we'll know how many units are platted, because if you're aware with each TND plat you assign a building type. At any given moment you will have a density range. You will also have to track the units that have been built. Our greater concern is that there might be under building.

The way the density control works with a final plat is that the time that the preliminary plat comes in they're required to assign the building type and we'll know what the platted density so far is and the built density. According to the regulating plan that preliminary plat will have to fall within a density range. Every time you get a plat you're building types will have to fall within the range.

If you develop the entire thing at the maximum rate then you could get up to 250 units. We have a backstop in the annexation that says 'under no circumstances are you allowed to go over 2,000 and to the extent you do we have the ability to request and require additional Capital Facilities. Our expectation as we track through this that over time if we find that we're not tracking properly then we can work with the developer to adjust those ranges. We feel comfortable that this will end up around 1,500-2,000 dwelling units by the time it's built out.

This is not a perfect density control by any means, but it does preserve the flexibility that we would like to see in the TND as a hard cap that can't be exceeded without additional requirements being imposed. It also has a mechanism that on a plat by plat basis it's going to ensure that we're at least in the right ballpark. Since we're running that mentality if we find that it's tracking to the right side or the low side then we can open that up for discussion at that point.

He mentioned some handouts that were passed out. The first page is attachment 3 the Property Tax Mill Levy Comparison. The second page is a proposed addition to exhibit G, which is an anti-speculation program. This has not been analyzed by staff. The next page is the regulating plan maximum density table. Following that is a lot of public comment. He explained what was in the handout. The last thing is the request for the detail on the RETF revenues. He discussed the last handout. I have received a phone call comment from Ken and he made the comment that he felt that this was moving rather fast and should be put on hold. I will get his last name and share that with you next week.

APPLICANT PRESENTATION

Peter Patten -

He gave a PowerPoint presentation. The meat of my presentation is talking about the updating of the regulating plan. He gave a background of the WSSAP and the SSACP. He showed the regulating plan that was reviewed on July 13 and also listed the changes that were made to that plan. The density control system required significant changes to the

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regulating plan. Some of the main changes were that a lot of NG2 went away to reduce density. We've reduced neighborhood edge on the north part of the site so that the Loop Rd. isn't double loaded. We added a little bit of the T5 at the round about in the center of New Victory Parkway.

We did a second skyline analysis. We further reduced the geographical scope of Pod 3C.

The special district revisions were from the result of working with City staff. The fire station was expanded to 2.2 acres. Public Works/Recreation Maintenance Facility Site was expanded to 4.5 acres. We changed the Community Center from T4 to SD. We've added additional road connections.

He showed the revised and updated regulating plan. The principles that we've been planning on all along haven't changed. We're looking at something that's potentially lower than 2,000 units once everything is built out. The substation is built into the side of the hill so that it's not visible to Silver Spur. Pod 3C has been reduced and is still NG2. There's height restrictions Pod 4B and 5A.

John Eastman -

On Pod 3A it specifically exempts that Pod from the skyline restrictions. There's a valley that goes all the way up so when you stand right at the entrance and when you look up on that rise, which isn't up on a hill at all, but is where the roundabout is in Pod 3A. In fact any building would be sky lined. Even though it's on the valley floor we felt that it wasn't in keeping with the skyline regulations in limiting that. We didn't want confusion later on that and so we exempted the skyline regulations from there.

Peter Patten -

He showed the acreages by % for parks, open space, and ROW. He showed a road connection that the Planning Staff wanted as a road conditional connection. He explained why they don't need that connection there. It would reduce valuable open space. It would have environmental an visual impacts on this hillside and on the wetlands and riparian areas along slate creek. It would really mess up our trail connection in this area. We lose developable area by about ½ acre. It would have environmental impacts. He showed the grading that would result from this connection. He showed how steep the hillside is in order to have this connection. He showed a photograph of where that connection would be located. We want to improve the water feature. We feel strongly that the Planning Commission remove that road connection due to those reasons.

He showed some of the TND layouts. He showed the Pod layouts. He showed the walk ability to the parks and transit. He showed a list of the recreational facilities that Chris Wilson wanted them to have. He showed the variety of the parks and open space. He showed the sustainability master plan commitments. The staff believes that we have a strong vision for sustainability.

Bob Weiss -

We were asked by the Planning Commission and City Council to deal with the flipping problem. The goals are that we want to provide a disincentive to flipping property. The best way to do that is to take part of the gain that the flipper would get from that. What we

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have proposed is a system where if the property was resold within 3 years that on 12 month increments within the first 12 months that 60% of that money would be recruited from that sale. In the second 12 month period it would be 40% and for the last 12 month period it would be 20%. We think that particularly in the first 12 months that would be a disincentive to do that.

What we're proposing is that money would be applied to the spendable trust, which is money that would be used. Lets use it for a good purpose and a good purpose would be to use it to help build these improvements. That money would then go towards hwy 40 improvements.

If the covenant were to be applied universally to deal with the economic situation then what we're suggesting is that if it turns out that the tax assessor's records show that we're not in a hot market within the first 12 months that we shouldn't have to impose this requirement on a new subdivision.

John Eastman -

Staff hasn't read this yet. We will make an analysis on this and get it to Planning Commission prior to the next meeting.

Peter Patten -

We agree with the staff report and the 2 conditions of approval at the end.

Public Comment was taken.

COMMISSIONER QUESTIONS

A 5 minute break was taken.

Commissioner Levy –

We'll discuss the annexation agreement first.

Commissioner Hanlen –

I would like to start with the LTS process itself. If the process itself is going to be described in its entirety in the annexation agreement and won't find a home in the CDC, am I correct in stating that? It will be unique to Steamboat 700.

Jerry Dahl -

Yes. If you would look at the top of pg 2-26 under a processing standpoint the process reviewed and considered for approval under the applicable provisions of the process that you already have in the Code for preliminary and final plats. We didn't have to have submittal requirements and time frames. We were relying largely of what's already in the Code.

Commissioner Hanlen -

That's my concern is that it's left in the way that it's written. I understand the reasoning behind it, but my concern is that we've created the potential to be so cumbersome that you've almost had to exceed what you would have to do for a preliminary plat, because you're having to design parcels that you might not be owning adjacent to you as if you're

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chopping a Pod in half and you have to design the connections outside of the LTS. Have we created a process that's so cumbersome that we should just get rid of the whole thing, because we've created something that nobody is going to come through with since it's so expensive to come up front with and do it. That's where I'm worried about if it's so detailed that you have to go through this, this, and this. Is the only difference is that you can only convey the title on the land before it reaches the final plat? Have we defeated the whole purpose of them trying to create this process in the first place?

Jerry Dahl -

The concept is that there would be a look at what aspects of our current requirements. They may not be necessary at this level. The concept is that it wouldn't be on a processing standpoint as complex. Where I was heading in the annexation agreement was making sure that after you processed it you want to make sure that you're secure as these are bought and sold.

John Eastman -

The first response I have is referred to Steamboat 700 in the idea that this has been negotiated. They're not thrilled with everything in the annexation agreement. For the things that they felt were unacceptable they pushed back and that got removed. An annexation agreement isn't something that's being imposed, but is a mutually acceptable balancing of the needs and concerns. If they don't think it's too onerous then it's probably not too onerous. We really want to make sure that when we start to subdividing land and have multiple land owners that this thing hangs together with a coherent design.

Commissioner Hanlen -

I was one of those that shared that same concern that we end up with what the base of the ski area looks like. It's a bunch of hodge podge and a lack of overall master planning. Do you merely have to illustrate it or is it to the point where you're giving detailed engineering to prove beyond a reasonable doubt that it can in fact be done. I'm concerned about the way that this is written it can be taken to such an extreme level it will create a process that nobody will want to venture down if it becomes overly restrictive. The illustrative example that Steamboat 700 prepared for Pod 2 where it showed estimated cut and fills, approximate grades of road. Is that the level that the staff is expecting for an LTS?

John Eastman –

Yes, this is something that will be reviewed publicly through the preliminary plat process through the current Code that will come to the Planning Commission. We can't ensure the good judgment of different public officials. The applicant does have methods as detailed in the CDC to say that they want to appeal this administrative decision submittal requirement. There's a process to do that.

Commissioner Hanlen -

With the good public officials that we have in front of us right now what would you guys expect? Just so I can get a level of detail, because the detail is not described. I understand why you wouldn't want to strip this down any less as it's written in the annexation agreement, but reassure me of what you guys would be looking for if you were reviewing an LTS tomorrow.

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John Eastman -

We had concerns about whether Pod 4 would work. They showed all of the roads for Pod 4. They showed that yes, we can make a 7% grade all around this Pod. That's the level of detail that we're looking for.

Commissioner Hanlen -

Public Works is on the same page as what you just described?

John Eastman –

Yes.

John Eastman stepped away.

Commissioner Dixon -

I had the same reaction that Commissioner Hanlen just described. The process is onerous and what would we really get. If someone were to want to buy a part of a Pod for them to design an entire Pod over and above what might fit within their Proforma to do. What that means is that someone would either buy an entire Pod or we go through the amendment process to adjust the Pod boundaries. What does that process look like again and can you describe if that's a major amendment, is that a public review process?

Tom Leeson -

It would be an amendment to the regulating plan.

Commissioner Dixon -

That goes through us and that's an entire public process?

Tom Leeson -

Yes.

Commissioner Beauregard -

If we sold 70% of the LTS how many of these different owners could build at once? I don't know if there's restrictions on that. Say they sell off these LTS's and the economy booms. Can 4 different Pods build all at once in 4 different areas?

Tom Leeson -

Yes, provided that they meet all of the phasing plan and the infrastructure goes in according to the phasing plan that's established. There's no restriction in a particular Pod or LTS building in sequence with another one.

Commissioner Lacy -

On pg 2-30 at the bottom number 4, I know that you feel that this is a remote possibility that it would be deemed unconstitutional. I had a little bit of a concern on the language on how if it is deemed unconstitutional the developer will then dedicate and convey to the City additional real property in locations and amounts as will approximately equal the value of the amount of the RETF. Was there any discussion about, instead of some loose language like that, some formula? The fee is perpetual. Was there any discussion about firming that up instead of leaving it as good faith negotiations?

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Jerry Dahl -

In a lot of our past discussion we didn't have paragraph 4. We should probably make this more detailed, but the challenge that we ran into was that when you're trying to predict on that kind of unknown that anything we came up with had little shelf life.

Commissioner Lacy -

How far out do we go with it? Where's the financial model we use and things like that? I know that you could go a long ways on it.

Jerry Dahl -

That was our challenge and we can look a little bit more closely at it. What we ended up with was a standard that was approximately equal. That's something that maybe 20 years from now they deem unconstitutional. With something like that you go before a district court judge and say they are not in good faith giving us something that approximately equals.

John Eastman returned.

Commissioner Lacy -

I understand that. It seems like we need something to be able to say what equal value is. We don't have any parameters here that say what we estimate what the RETF would have been in 20+ years.

Commissioner Dixon -

Could you add in a limiter of 20%? What is the equivalent of the 20% that they would have been required to provide in housing and what is the equivalent land to meet that in those dollars? Just as a place to start.

Jerry Dahl -

That would be a place to start.

Commissioner Hanlen –

What examples are people referring to when they're so sure that the piece of the puzzle is going to be challenged when you're almost guaranteeing us that it won't be challenged?

Jerry Dahl -

An example is that this could be considered a tax under tabor. There aren't any situations where this was ever considered a tax.

Commissioner Hanlen –

Why do we have number 4 in there then?

Jerry Dahl -

We were asked to relate to the what if.

Commissioner Levy –

Didn't that request come specifically from City Council?

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John Eastman -

Yes it did. It was not a recommendation from staff, but something that City Council specifically requested.

Jerry Dahl -

Once the question is raised then it's out there.

Commissioner Levy -

Pg 2-30 under the grocery market it seems to me that it's not perpetual that we have a place marker for it. I was just wondering if I'm reading it right and why?

John Eastman -

The idea was to make sure that during the initial phases of development when there weren't enough roof tops to support a grocery store that a spot in the appropriate location was reserved for one. If at full build out it's not a grocery store that wants to fit into that location it wasn't in the City's interest to reserve a lot in perpetuity. We wanted to make sure that we didn't lose the opportunity for a grocery store, but we didn't want to force it.

Commissioner Levy -

800 dwelling units is slightly more than 1/3 of the build out. Is 800 units, and somebody calculated a number, that population from that is enough to warrant a grocery store? What thresholds are usually accompanying that level of grocery store that we're looking for? Does this match that in any way?

John Eastman -

That level of analysis was not done.

Commissioner Dixon -

The jurisdiction over property which is on pg 2-28 you made a note that the Municipal Code governs over anything that's not addressed in this and things that we specifically want to address that the agreement will govern is listed in here. They're sustainability agreement is part of this plan and is part of this agreement. If the City adopts the standards that are more stringent than any of the agreements that are in here, what governs? Are they bound by this or can we enforce more stringent requirements on them?

Jerry Dahl -

You can enforce more stringent requirements up to the standard in the vested property rights that precludes the City. On pg 2-40 is probably the best place in paragraph D2 we can apply regulations of general City wide applicability as they exist or as they get amended in the future. If we wanted to put in exhibit F 4-laned roads through the subdivision then that would be an exaction that would fall within here. At the bottom of the page we've listed the different kinds of standards that we can amend and apply. Letter (d) and (b) both have the limiter that they can't be inconsistent with the uses and densities. That's a fair limit.

Commissioner Dixon -

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In terms of vesting what does it mean if they lose their vesting? It doesn't mean they're deannexing. What exactly does that mean?

Jerry Dahl -

All vested rights do is say that the government can't down zone you. Prior to the vested rights statute, which now guarantees 3 years of quote vesting. He gave a background of this bill that was passed. He gave some of the legislature history.

Commissioner Dixon -

Each individual project that comes forward through DP and FDP would still have their own vested rights that runs with that particular parcel?

Tom Leeson – Correct.

Jerry Dahl -

A little subdivision that was approved in Silverthorne there was no annexation and it was an in town project. It gets its statutory 3 years vested rights. They have 3 years worth of that protection against being down zoned.

Commissioner Dixon -

About the metro district, I'm curious why there's 3 residential and what's the intent behind that? I get the 1 over arching, and I get separating residential and commercial. but why 3 residentials?

Jerry Dahl -

The developer had their own special district firms. They're designed to be able to get physical areas of the development that aren't the entire development. They would raise funds for each individual SD as opposed to an entire development. It's a phased development so each of those districts would have its area to raise money on.

Commissioner Dixon -

Would there be any case where they would need an IGA between themselves?

Jerry Dahl -

The circumstance that I can see is district 1 is raising funds, but there are things like a reimbursement arrangement. District 1 is putting together pipes that are bigger than what it needs for its area. District 2 would raise less money on its properties.

Commissioner Hanlen -

Is that the main difference what you just described where there's a governing district and there's just an assessment district? Each district might be assigned a different rate, but governed by 1 district?

Jerry Dahl -

The assessment districts raise money and the governing district spends the money.

Commissioner Dixon -

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On the metro district plan in exhibit C on pg 2-82 it looks like district 5 would have all of the commercial districts. It seems to me like that should cross over from West Steamboat Blvd where the hotel is right in front of the lake.

Jerry Dahl -

Why don't you bring that to the attention of our attorney in our office.

Bob Weiss -

The reason for the commercial district is because of the impact that it has. What we're trying to do is to make sure that we don't have such high commercial tax rates that it would surge some of these commercial activities that are important in making this work and making this community self sufficient. We'll actually annex the commercial properties into the districts.

Commissioner Levy -

Whether you guys want to go down there is up to you.

Commissioner Fox -

Isn't it the City's goal to infill within the existing limits before we annex? There's 2,000 acres available within the existing city limits currently. And there maybe some proposed developments that are coming for approval soon. With what will be available in Steamboat 700 and 2000 residences, does that increase the density of what WSSAP is asking for?

John Eastman -

I don't think it's the expectation that infill is 100% completed before annexing anything.

Commissioner Fox -

There's still 2,000 acres or so within the city limits. We have 2 or 3 maybe new developments coming up that are putting around 300 to 400 homes on the market. If we include that with the Steamboat 700 annexation are we going above and beyond what the WSSAP's goals are? The staff report says that we are compatible with annexing Steamboat 700 into the City. Is that really accurate just because some of these proposed developments haven't come forth yet? If we look at that is it really accurate to say that we are still meeting the WSSAP requirements, densities and build out?

John Eastman -

It feels like we crossed that bridge 8 months ago. The build out discussion and all of the analysis was based on the idea that it's really not reasonable to expect that we'll get more than 2,600 units in the next 20-25 years.

Commissioner Dixon -

My recollection was that the number of 2,600 that we discussed and we discussed a range of numbers and came to a conclusion as a Commission that was within the boundary of the WSSAP area. I think that what Commissioner Fox is referring to is outside of that boundary and within the city limits.

John Eastman -

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The NEPA study really does look at both within the city limits and what can happen with annexation. Yes, if you annex this and you got full build out could you be way over 2,600 units? Yes. Could we come up with an expected reasonable growth scenario? No. We would plan for reasonable growth using the Department of Local Affairs projections and other projections on population. If you plotted 4,000 units then we would just have this incredible spike that Steamboat Springs has never seen before in its history. It didn't really pass the reasonable test.

Commissioner Levy -

On pg 2-41the Moratoria on Growth Control I understand that we don't want to have a disproportionate restriction on Steamboat 700. When I read it I imagined that if we have a growth moratoria then it may say that we're only going to allow 'x' number of permits per year and those permits are only going to grow at a certain percentage. Does this language say that Steamboat 700 is entitled to a certain percentage of that growth limit, because they have more land available? That's kind of what I saw that since they have more available that it would be disproportionate if we said that there's only going to be 20 permits and it's first come first serve. How would that scenario play out?

Jerry Dahl -

He gave an example that wasn't disproportionate. If it's a first come first serve system then I would have to see how that system is set up. If it's in a lottery system then it would seem to me to not be disproportionate. There is a concept here in the fact that this is a large project and has an entitlement under the regulating plan for more units should not punish it in a system that is first come first serve. I think that you would have to weight it so that a developer with 10 units would have an equal shot at that permit as someone with 1,000 units.

Commissioner Beauregard -

Couldn't you apply the sequencing of those developments? This development is coming in after that 10 unit development. Potentially that 10 unit development has been annexed for ever and this huge development with potentially huge implications to our community. I don't see why we can't be disproportionate to moratoria growth limitations.

Jerry Dahl -

You absolutely could if we negotiated this language differently.

Commissioner Beauregard -

That was one thing that I expected to see especially considering that we have such a long build out and so many unknowns that seem so far into the future that I don't see any reason why we wouldn't have a disproportionate ability to limit their growth.

Jerry Dahl -

That is a fair policy question. The Council came down and said we won't treat you any worse or any better standard. The theory was that once you're in town the fact that you came into town in 2009 shouldn't make you a second class citizen compared to a property that's been in town since 2004.

Commissioner Beauregard -

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I understand that to a point other than it's so much disproportionately greater in size than anything else we have in the city. I disagree with Council on that.

Commissioner Hanlen -

Can you give us an example if a growth moratoria is enacted would it be taking the form of a percentage like that? I had it in my head that Council would come down and say no more than 150 permits next year or some exact number.

Tom Leeson -

The City of Boulder has one that's based on a certain percentage. I think that it would be a flat number.

Commissioner Hanlen -

The only reason why I ask is just that if it were a flat number of 100-200 permits does this percentage somehow get applied to Steamboat 700 then? The second you take it away from a percentage it seems like it's first come first serve.

Tom Leeson -

If that happens then we'll have to take a look at what a proportionate share came out to be. The number of lots that they have platted compared to other potential developments with platted lots.

Commissioner Hanlen -

When you use a term like approved units does that mean a vacant lot is an approved unit?

Tom Leeson -

Yes, platted.

Jerry Dahl -

The size of the development would probably be where we start.

Commissioner Hanlen -

Based off of this agreement if a growth moratoria were to be implemented then this would be treated separately from the rest of the City?

Tom Leeson -

It wouldn't have a disproportionate impact. Those 2 words are the key language in that whole paragraph. It would be proportionately the same as the rest of the community in terms of it's impact on that project.

Commissioner Beauregard –

The other issue that I have with that is a disincentivize an infill in what we have as an existing city limits. Having a potential build out of 2,000 you're throwing 200 building permits out in Steamboat 700 and your 10 unit subdivision within the city you're giving 2. If that were to happen and you put some moratoria into this form you would deincentivize infill.

Tom Leeson -

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I think that your argument with Steamboat 700 would say that's precisely why that language is written the way it is, because if they have that more risk in infrastructure costs built into the project that they should expect an equal amount of return and they are a city resident, city project, and a city development and so should be treated the same.

Commissioner Beauregard -

My biggest concern with that philosophy is that the reason moratoria is taking place is most likely because of the impacts of such a large development. I can't envision another reason for it. To be able to disproportionately impact Steamboat 700 would be what I would favor.

Tom Leeson -

That's a good point.

Commissioner Levy -

On pg 2-23 under Amendment C I was just wondering if there was an actual process? What you envision the process? This seems to be intentionally an exit strategy that any disagreement could changed as long as the City and developer agree. I was wondering what that process might look like.

Jerry Dahl -

Since the annexation agreement is being approved as a part of the annexation ordinance the rule of law is that you can amend something if your public amenity only in the same way that you approved it. It's not uncommon that there wouldn't be any amendments.

Commissioner Beauregard -

I keep hearing over and over that we're only going to see 100 units a year. It seems like this recurring theme and it's kind of like this growth rate that's interpreted through this whole process. I'm just wondering why we can't write down some type of limitation within this agreement that that's all that we're going to see.

Tom Leeson -

We could. We can write this agreement any way that the City chose to. If we want to limit it to 20 permits per year then we could. That's not the negotiation that we ended up with.

John Eastman –

The variability on building permits that are pulled on an annual basis is tremendous. It averages out rather nicely, but it's a very spiky graph. Even if you wanted to do that it becomes very mechanically difficult, because you're trying to talk about long term averages and you're applying it on a year by year basis.

Tom Leeson -

You could limit it to a maximum.

John Eastman – Absolutely.

Commissioner Beauregard –

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My concern is that we sell 4 or 5 LTS and the market booms and they all get hot and we have 400-500 units in a year. I'm not talking about limiting it at a 100, but maybe let's just smooth the graph.

Commissioner Hanlen -

It might average at 100 units a year, but we might see 350 in 1 year and then nothing the next year.

Commissioner Beauregard -

That impact of having 400 units is still great even if there was a big low or not.

Commissioner Dixon -

That would be really good for attainability.

John Eastman -

Exhibit F in terms of platting those units requires a concurrency system. It really informs exhibit F that if you want to plat that many units then you're going to be on the hook for the infrastructure to service those units. If you're concerned about a specific impact then I would steer you towards exhibit F. The idea and structure of this agreement is that you can't get out in front of the central services. There are varied points in the process that there should not be this big problem. That issue is to some degree addressed, but I think the issue of trying to smooth out that curve is that it's not in here, but it would be a policy issue. If the Planning Commission wants to make that recommendation as a policy issue then you can do so.

Commissioner Fox -

Have you talked about phasing the annexation instead of annexing the full 500 acres, just phasing and annexing certain portions of it? Jerry, have you done this kind of thing where you get the base annexation set up and you just annex portions of the 500 acres as the community is ready for it? Versus 1 Planning Commission/City Council basically is deciding what the community needs for the next 50 to 75 years for the build out instead of 25 years? What about doing certain portions and has that happened before? As the community grows into it, you just annex those Pods or portions of the 500 acres.

Jerry Dahl -

That has happened, but it is less common because when you have a single developer they want to make their deal for their property for the entirety. We have phasing in exhibit F that has the same effect. Typically the community doesn't like to do annexations in phases like that.

Bob Weiss -

There's some questions that are being asked now where there's some discomfort to a degree with the fact that you can't predict the future. None of the other annexations done in Steamboat Springs had annexation agreements. You don't want to be where you were when you annexed in the old days. You don't want to go so far over 99 now that you jeopardize the entire thing. We need to be careful about some of those concerns.

Commissioner Beauregard -

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If we have this huge annexation and we're not going to have any kind of growth rate limits and we're not going to have any growth location limits where we're going to be able to salt and pepper the whole thing or potentially have this modeled look through the next 20 years. If we're not going to annex it in parts then why can't we build it from east to west? Why can't we phase it in form and not just infrastructure costs? How do we get to this point where we don't have a phasing and a natural form?

John Eastman -

Planning Commissioners felt that was a constraint. I'm not aware of many successes in doing that. Why would we want to do that? I haven't heard that in a satisfactory way.

Commissioner Beauregard -

The first thing to come up is the whole multi-modal transportation and being within a ¼ mile of the bus stop.

John Eastman -

72% of the entire area is within a reasonable walking distance. In section 3 of exhibit F it states that all of New Victory Parkway has to be built and various transit stops occur. That was one of the reasons why staff wasn't in support of expanding their UGB. On pg 2-52 the regulating plan anything inside of the light yellow is very walkable to the transportation routes.

Commissioner Beauregard -

The other impact that I'm thinking of is the general impact and feel to the community. If we just grow from east to west and there's this hard urban edge then I think that the overall effect would be as a community much less. We have this sense of controlled growth and a sense of limiting our anxiety to this sprawling instant growth. I'm thinking of something that may not apply to some planning tangible thing. It's more of just a sense of our well being.

John Eastman -

I think that's a discussion for Planning Commission to have.

Commissioner Fox –

The reason why I bring it up is that I'm concerned with how many units we are putting on the market at once you can see there's a proposed development that's begun going through planning right now that has 100-200 lots. That's a 10 year build out right there. So that's 10 years before we absorb those lots. There's another proposed development or 2 west of Steamboat as well. So we have another 300 to 400 lots available and at least 15 years to absorb that with the way the market is. We all of a sudden introduce another 500 acres with 2,000 units, granted they're not all going to all come out at the same time but I think it's at least 50 years between these 2-3 developments and Steamboat 700. The reason why I ask, is why can't be a phased development and it just has 100 acres at a time so it helps to go along with our absorption rate of our community. In 50 years it's going to be different people who will probably have a different vision within our community. For us to regulate that right now is a concern. I haven't heard a good answer to that. I don't know if it's in our purview to be able to regulate what the build out is going to be over the next 25-50 years. When we technically have enough property within the city limits already to have enough supply for 10-15 years.

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John Eastman -

I think that's a fundamental policy decision. You're looking at it through a different lens. What do you propose to recommend to City Council to deal with that issue as you see it? The fundamental basis is a much slower growth rate than what's been anticipated by the CP, WSSAP, and the Department of Local Affairs.

Commissioner Fox -

I'm not saying that. I'm just asking the question and seeing if there is a good response to my concern. I'm not necessarily saying Steamboat 700 isn't a good thing because there are a lot of good things in having one full master planned community.

Peter Patten -

One of the difficulties is about chopping up the master plan community. One of the primary difficulties is that it severely restricts the subdivider's ability to provide a variety of products. We've got pretty specific things going on in Pod 3. We've avoided going from east to west with phasing because we need to be able to gage the market and provide the products that will make us successful in the appropriate areas. There's a lot of infrastructure that's needed on the west side right now. The fire station is interested in coming in early. You can't build hwy 40 improvements when you've only got 100 units.

Commissioner Fox -

That is the response I was looking for Peter. That makes sense. Thank you.

Commissioner Levy –

Now we'll discuss the land use regulating plan.

Commissioner Hanlen -

Starting off with the transect density range that got slipped in at the last minute when you're talking about how that gets implemented and the staff is going to keep this running chart that's based off of what shows up for the final plat or preliminary plat. Does that get constantly updated if somebody builds a single family house versus a duplex and somebody builds a 4-plex versus a duplex? When you described it based off of final plat it's almost assuming that you have 1 developer building everything for every lot for a final product as opposed to something that needs to be regulated or is that your last check and balance at the final plat and not seeing what goes vertical?

John Eastman -

The answer to the first question is yes. Each and every building permit will have to set up a mechanism. It will have to be with every building permit and with each and every plat.

Commissioner Hanlen -

I was under the impression that the way that this was set up based off of the pay as you go plan that I'm assuming is being implemented with this. That if they build 1,700 units then we're adequately covered. The way this got slipped in the cap was created at 2,000 and not a penny more. You guys were saying that if the max build out were to be 2,200 based off the way that the plan got chopped down from what it was a couple of weeks ago. I thought that we had reassurances in there where if more units got added that the pay as

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you go or pay per unit charges were in there and that was adequate revenues to cover the increase. If you're trying to monitor this and obviously this is a moving piece, it's a moving target and you're trying to apply numbers to this. How do you fairly do that when you get to the last development? The single family homes may be the first to go and it's going to be the denser Pod 9 and Pod 3 that may be the last to go. This is where we really want the density and where the potential penalty by not getting the density that you're looking for might end up happening. If you try to go in and assess what the additional impacts are do you have just the properties within the WSSAP being a part of that problem? If you then go into do another impact study and then you have Overlook Park, which might have a total build out of 240 units depending on how that multi-family parcel works out. Not to mention the traffic from Hayden and all of these other developments. Are you assessing those final 100 additional units over the 2,000 max with all of these additional penalties that have come in? Or can the metro district fees be raised incrementally over the whole development? How does this work? It seems like you'd be too scared to go over the 2,000 that nobody would dare or is there a fair way to do that so it just doesn't seem so overwhelming for somebody to do that?

John Eastman -

I don't know. There's a significant amount of risk. The reason for the density control was because there was a massive disconnect between the land use plan that was proposed, which was 2,000 units. The developer asked for a maximum of 2,000 units. The key is that because it's examined at every building permit and at each and every plat you're really going to be able to see if it's going to get off track. We're trying to come up with a mechanism for the developer to develop what they proposed.

Commissioner Hanlen -

What I mean is how does this get applied fairly? It seems ironic that you have Overlook Park with 240 units. Let's say that's 25% of the proposed build out of Steamboat 700 and because they are within the city limits they don't have to contribute towards the bottleneck. They don't have to make all of these contributions towards hwy 40 to the degree that Steamboat 700 is. I'm just asking that when we're asking for 100 more units that as long as it's within the existing city limits they're fine. Is it just the properties that are within WSSAP that haven't gotten annexed that get penalized with these impacts thus incentivizing building within the city limits?

John Eastman –

I don't know. It's possible that we could take another look at the hwy 40 impacts and apply a transportation impact study to a degree to a certain segment of properties. I don't know because that's future decisions.

Commissioner Levy –

On the required transect density range you have the minimums and maximums targets and I was wonder are those hard numbers? Below that in the paragraph you talk about an average. I was just wondering if we have a minimum standard where no matter what you can't go below a transect or are you averaging even those numbers out?

John Eastman –

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It's a hard number that gets applied to the plat. If you look at a fine enough scale then you will have something that goes outside of that.

Commissioner Hanlen -

Are those net or gross acres?

John Eastman -

Everything is done at a gross level.

Commissioner Levy -

Can we apply that to the LTS? How do we get individual plots if we're all going at 25 units per lot and then someone else is stuck in the T5 and to get to the average density they can only build 3 units?

John Eastman -

You're coming up with a scenario that's impossible. If everybody hit the maximum then we're only at 2,130. It's not like there would be some huge acreage that would be left out in the cold.

Commissioner Hanlen -

Off your chart.

Tom Leeson -

Off the gross density.

John Eastman -

That's applied across the whole area.

Commissioner Levy -

Before you get to that level if Pod 9 comes in first and half of it develops at a micro level of 30 acres per acre. What does that leave with the other half of the transect in Pod 9 to have to accomplish that range of 20-12?

John Eastman -

You may have a single development that puts in 30 units per acre. The building types and the requirements for the variety of building types are not going to allow you to have large areas at 30 units per acre. These ranges are based on the TND standards.

Commissioner Levy -

I understand your point of view. I'll have to do some more homework to see if that plays out for me. The SD district you have a '0' for density. Is that appropriate? Shouldn't it be TBD or not applicable?

John Eastman -

The SD is a nonresidential district.

Commissioner Levy –

There are no dwelling units in those areas?

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John Eastman -

We're not anticipating any dwelling units in those areas.

Commissioner Levy -

How about SD across the board in West Steamboat?

John Eastman -

That's why this only applies to this chart. You could come in and amend this regulating plan and there's a process for that and put more SD in there that's truly light industrial with live/work.

Commissioner Hanlen -

Are we looking at the implementation of any kind of SD transect is limited to more than 20%? If someone wanted to come in and add an SD for a Montessori school where if you wanted to place a Montessori school in Pod 9 and it doesn't fit within the accepted uses so you want to form an SD for that. Right now we couldn't exceed more than 20% of the 7 acres that's currently SD within the overall plan without that being a major amendment? Eric Smith's example of an assisted living center and that was decided that the best spot for that was in Pod 3. It takes the creation of an SD if it doesn't fit neatly in one of the other existing transects. We create the SD to fit that use, but it seems like we hit our ceiling rather quickly based off of the maximum adjustment of 20%. It seems like SD should be exempt from that.

Tom Leeson -

We should talk about that next week.

Commissioner Hanlen -

My recommendation would be the SD should be exempt from that 20% rule. The SD still has to meet the intent of TND. It's not just a free for all to just put whatever building types you want. It just seems like the way it's written now it's going to be too restrictive too quickly.

John Eastman -

That's something to address next week. You can't address that now.

Commissioner Levy –

On the north end I thought that we talked about the connectors and that there would probably be only 1 major connector to the north and that it would be one of these conditional road connections based on whether any development happened outside of the UGB. Right now I'm seeing 2 stubs plus a conditional road connection.

Commissioner Dixon -

That's what we directed.

John Eastman -

There were always multiple connections up there. We added 1, which is the conditional.

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Commissioner Dixon -

It was changed upon Bill Jameson's suggestion making the one that was contingent off to the left where there's no real connectivity. The One in the middle that aligns with drives 7 and 8 became the required one. I brought up in work session that I wanted to talk about the primary street types, but I think since Public Works isn't here we'll come back to that next week.

Tom Leeson -

We'd appreciate that.

Commissioner Levy -

I have a question about bike and pedestrian connectivity. How does either staff or the applicant see connectivity from Pod 8, Pod 5, and even Pod 2 down to the Village Center, which is specifically called out in the WSSAP? I don't see the paved connections or at least the grade separating connections existing north of New Victory Parkway. I see the summer only use ones. In the winter time how do you see bike and pedestrian connections from the northern Pods to New Victory Parkway or the Village Center?

Peter Patten -

There are paved sidewalks on either side of every street.

Commissioner Dixon -

It's a multi purpose.

Commissioner Levy -

Is it a multi purpose or is it a sidewalk? I'm concerned about the bicycle. I think that a regular dimension sidewalk and that pedestrians and bicycles don't mix very well.

John Eastman -

For those primary streets they are larger multi use. Those are for bike and pedestrian use and will be plowed year round.

Commissioner Levy -

That would be different than what I have. It does cross over to the street standards. When I look at a drive in town it calls for a 6' sidewalk. That seems minimal for a bike and pedestrian especially if that's going to be a major connector point.

John Eastman -

I would categorize this street as the same as the street in Old Town connecting to other residential streets.

Tom Leeson -

It's a local road, which can accommodate bikes. On the heavier traveled roads we try to incorporate bike lanes on those.

Commissioner Levy -

Maybe when we talk about street standards maybe I'll ask what those volumes are. I envisioned slightly more secondary trails extending through the project. With grade

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separated we talked a lot about how exciting it's going to be biking and trails that aren't maintained in the winter certainly restricts that. I will look at that later.

Commissioner Hanlen -

Down in Pod 3d where we have the first roundabout we were told by Public Works that we weren't given sufficient distance from hwy 40 for stacking and that there was no need for that roundabout there, it's been shown on every plan since then.

John Eastman -

I would ask you to ask that next week.

Commissioner Hanlen -

The second question is regarding the conditional road connection that Peter Patten was talking about earlier. If the grading that Peter Patten was showing is accurate and that road connection had to stretch all the way back to 4a what would be the benefit of having that road if you're the one that was suggesting that road that was shown?

John Eastman -

I think that was not necessarily accurate in analyzing that road connection. At the time that is platted if that is found to be an appropriate road connection then there will have to be a variance on acceptable road grades. The scary road that Peter Patten was showing you was not what that conditional road was there for. It's really up to you whether that conditional road should stay there. The road connection shown if it's not there then you won't be able to ask for it again.

Commissioner Hanlen -

That variance is Public Works job.

John Eastman -

Certainly, but it's not to say they wouldn't agree to it and it's been done before. Without that conditional arrow the developer has the right to veto that road connection. You're not allowed to ask for one.

Commissioner Dixon -

It wasn't Planning Commissioner's request to put that there. It was our consensus for it to stay conditional versus a requirement. It wasn't determined if it would work or not work. To say that Planning Commission wanted that there is an inaccurate statement. We conceded that it was fine to leave it as conditional.

John Eastman -

When I say leaving that on there I'm talking about having it conditional.

Commissioner Dixon -

We didn't add the conditional arrow. That was something that was already on there. We conceded to leave it on there.

John Eastman -

There was no arrow there.

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Commissioner Hanlen -

I don't remember a consensus asking for it.

John Eastman -

At this point if you don't want it then you can recommend taking it off. We're not trying to force this upon you.

Commissioner Fox -

As far as I remember we talked about wanting to have that on there just in case. If we don't have that on there then they have all of the power in the future. There's no point in not having it on there. I recommend leaving it on there and if 10 years from now it doesn't make sense, we can always remove it.

Commissioner Dixon -

I agree with that. I just didn't remember putting that on there.

Commissioner Levy -

Discussion on affordable and attainable housing?

Commissioner Hanlen -

You were going to explain to us the process on how lots would be selected by the City.

John Eastman –

That's in exhibit G attachment 1 and it starts on pg 2-161.

Tom Leeson –

It talks about the process and how the City will select the lots.

Commissioner Levy -

Is there an outline to say that the City is going to select those lots? Can we say that there's an intended preference for the lots that you're going to be asking for? If I were the developer I would think that you were taking all of the best lots. What criteria is there saying how the City is going to select those lots?

John Eastman -

There isn't and why would we restrict ourselves.

Tom Leeson -

We didn't want to constrain ourselves.

John Eastman -

The City becomes an affordable housing developer. The developer is allowed to reserve lots. On pg 2-163 under (e) which requires the developer to bring forward the appropriate mix.

Commissioner Levy –

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I didn't see the part where it says that the developer has the option to reserve some lots. That counteracts my initial concern.

Commissioner Hanlen -

Where does it say that they can reserve lots?

John Eastman -

It says it under 'c' on pg 2-162.

Commissioner Lacy -

In pg 2-205 under the initial summary you mentioned in your presentation that there was a sensitivity with these numbers. Based on looking at this my conclusion is that if ultimately we end up with our affordable units being below the 80% level is it possible that the City would lose money?

John Eastman -

It depends on how you look at losing money. We're in the business to lose money. When we're done there will be units out there that are fulfilling the need in the community.

Commissioner Fox -

Why are you keeping the construction costs the same on your spreadsheet? You're assuming the construction costs remain the same? In 10 years they're going to be a lot different than what they are today. What are you assuming for the different phases?

John Eastman -

It becomes really difficult to estimate construction cost. We just assume no inflation anywhere. Dependent upon the %AMI that may or may not match construction costs.

Commissioner Levy -

Did you just say that for all calculations including the projected RETF assume no inflation including the sale price that the RETF would generate?

John Eastman –

Correct.

Commissioner Levy –

On Pg 2-164 I don't understand this, but it seems to me to say if the City or some entity hasn't built the lots that were given to them then we're not going to get any more lots.

John Eastman -

That's exactly what that says.

Commissioner Levy –

The RETF is something that's highly theoretical where's that money going to come from? I know that we've said that we have other money in the bank and that's a whole different discussion. There's all kinds of timing things that when we get those lots it's government in my mind and there's an inherent delay in how we can respond. I think the financial constraints on the City are a lot different than on the free market. If that moratoria is in

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place is that dedication deferred or did we lose it or how long do we lose it? What if they're going at break neck speed and all of a sudden the market changes and they're able to start producing and because of the RETF there's going to be a time delay. It takes us time to catch up and all of a sudden we can't get any more lots, because we haven't been able to build them as fast as they're dedicating them.

John Eastman -

The intent was not to reduce the 12 ½ acres. It just says that they would suspend it and then resume. If we don't have the resources to go and build the units then we shouldn't be asking for a lot with a particular plat. This obligation kicks in when we've selected a lot and say that we're ready. The City has better financial resources than private developments. The conditions for construction placed on market rate units can't be that onerous otherwise people won't buy the units. We're not particularly concerned that those restrictions are going to be overly onerous. There are certainly risks.

Commissioner Levy -

I'm asking for is there a legal opinion that says suspension is only temporary and the dedication of lots that are being asked for will continue regardless of whether they're putting in a bank or some other place? That process will continue at the appropriate time? We're not going to lose acreage?

John Eastman -

I can't give a legal point of view.

Jerry Dahl -

The annexation agreement obliges the developer to provide that amount of acreage. That obligation doesn't go away just because development has slowed down.

Commissioner Dixon -

12.5 is 12.5 and it's not going to get reduced if this condition kicks in.

Jerry Dahl -

Correct.

Commissioner Hanlen -

How do you force someone to go vertical if it's not the right time? It seems like there's no way the developer could force that upon anybody even if it's the City.

John Eastman -

I think that the developer is going to put some language in there and it will have some penalty causes and it will push people towards development.

Commissioner Hanlen -

The County already does that. You pay through the nose for vacant lot property taxes versus an improved unit. Is the City exempt for improved property taxes on these conveyed lots?

John Eastman -

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We're exempt.

Commissioner Hanlen -

I thought that the intrinsic ideas was in the whole CHP process. Whether you agree with it or not it was that they were intermixed between the whole development, which means whether you're ready for them or not you take them as they come. Maybe you could give an example. I don't see how the developer can put any kind of penalty on anybody whether it's the City or a private entity who purchases a lot?

Bob Weiss -

This is just a provision that Danny Mulcahy asked me to include in here. I think the concerns that have been raised are legitimate.

Commissioner Hanlen -

How do you do it? While everybody wants to penalize Ski Time Square for not moving forward you can't force them to build.

Bob Weiss -

There are subdivision covenants with penalties for not developing.

Peter Patten –

We will assess fines for not developing.

Commissioner Dixon -

There's a first right of refusal if the City decides that the property given to them that they no longer want to use it for community housing and they go to sell it and Steamboat 700 has first right of refusal to buy that land or to get it back. Is that in here?

Tom Leeson -

Yes.

Commissioner Levy -

On pg 2-167 and 2-168 items (i) and (s) talks about certain conveyances for ownerships that are exempt from RETF. I was just wondering who we are exempting with those exemptions?

Jerry Dahl -

In (i) that would be an intracorporate transfer. It's where corporation A is owned by corporation B who has the title and conveys corporation A. It's not a transaction where it's not going to be built.

Commissioner Dixon -

Whether or not there's a exchange of money in that transaction?

Jerry Dahl -

It wouldn't matter. Taking a look at (s) conveyance of a property from owner to affiliate. Both owner and affiliate are defined. He explained the exemption.

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Commissioner Levy -

On (i) where it says that developer 'x' bought an LTS and Joe Shmoe happens to be a partner of an LTS and the corporation sells it to him so he can build on it without paying on the RETF. Is that possible or not with these exemptions?

Jerry Dahl -

It's going to have to be identical. He explained how the transaction works with these exemptions.

Commissioner Levy -

Those are different entities?

Jerry Dahl -

Yes. He continued to explain the transactions with these exemptions.

Commissioner Levy -

That same logic applies to the affiliate of an owner?

Jerry Dahl -

Yes.

Commissioner Levy -

That it's not a different person?

Jerry Dahl -

Yes.

Commissioner Dixon -

The example that you mentioned earlier was a court ordered sale such as in a divorce?

Jerry Dahl -

Look on pg 2-167 under letter (I) at the bottom that one you wouldn't catch. Looking up into (h) there's the divorce decree order to the court. He explained how all of this works.

Commissioner Dixon -

In the divorce example it's a quiet deed to 1 of the parties of the divorce. It's not if they were to sell it to Joe Shmoe and cash out.

Jerry Dahl -

That's not contained within an agency that would be subject to the fee.

PUBLIC COMMENTS

Bill Jameson -

My concern is about one offsite problem, which isn't really addressed in the staff report. It's just briefly mentioned in exhibit F in the annexation agreement. This goes to the question about traffic. This doesn't include what Bill Fox is going to talk about next week or about onsite traffic. It's not what's in the staff report, but the white elephant that everyone is

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ignoring. I think that it's important for the Planning Commission to understand what this is going to do to the community and that's the bottleneck.

How is that bottleneck going to be resolved? Once 250-300 units comes on board and you get that traffic, which is outside of the NEPA study so that you wouldn't have to address it, you're going to create an absolute disaster. In the annexation agreement exhibit F it is briefly mentioned in item 29 on pg 2-145. It talks about partial funding of US 40/13th St. bottleneck. It gives a priority that they only have to put the money out if it's required upon selection of a preferred alternative. That doesn't solve the problem.

There's no requirement that it ever be built or hopefully prevent the dooms day scenario that everyone knows is going to happen when you build all of these hwy 40 improvements until that point.

I want you to as Planners address this responsibility and to think if no action is really a position for you to take. If you decide not to address this then I would hope that you would give a definition of bottleneck. I would hope that in exhibit F you would define the bottleneck as more than just hwy 40/13th St intersection. If the solution is the 'bypass' or something like that then where ever the bypass goes that 25% is a lot more to solve than the price of an intersection. I don't think that an intersection improvement is going to do the job to solve the bottleneck. All of the studies that have been done haven't figured out how an intersection improvement is going to resolve the bottleneck. If the term bottleneck means the solution then I think that it aught to be specified.

You can phase all of the development that you want, but once you get to a certain level that bottleneck is going to cause all of the problems. You can phase all of the hwy 40 improvements, but if you don't solve the bottleneck first then all of the improvements that you do won't matter. I think that there's some work to do with exhibit F and/or with the rest of the annexation agreement.

The negatives are what happens when it hits hwy 40 and the big one is the bottleneck. It seems like nobody wants to address it.

Steve Lewis -

He handed out a set of comments. Item 2, I didn't find this in the annexation agreement, but one of our groups felt that it said that there was an annexation agreement referring to the City will cooperate and petition for referendum. I couldn't find that and I would ask if that's in there or not.

Item 6 we are asking Steamboat 700 to consider a restriction on some of the free market product for employment or residency in Routt County. Along the lines of item 6 at the meeting yesterday at the Community Center I cast that we have a bit of detail going forward. I ask that you look in detail at those units above the deed restricted product.

From the 2,000 units the lower 400 are going to be deed restricted and the next 600 are going to be the low end of the free market. I would like us to take a look at that and see what the price points are.

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Item 15, I think that you asked this in regards to the NEPA study and that is the density that we'll have in the Steamboat 700 project. It seems to be an increase in the West Steamboat area. If we apply the density of Steamboat 700 to the rest of the West Steamboat we would have an increase in population there. Are we planning for more people and traffic in our traffic study?

I appreciate Steamboat 700 putting something in place for the anti-flipping. I liked what I saw except for the exception that if the assessor has seen less than 6% of appreciation in the previous year then I think that's problematic. If we have 6% in 2010 then 2011 would be a free for all and we don't have any restrictions. I don't think that works very well. I'm not sure why we need to have that in there at all.

I wasn't sure that we have a RETF. Are we applying that to all of the properties or just the residential?

Catherine Carson -

The CHP plan, I worked with John Eastman on some of the sensitivity analysis. John Eastman and Nancy Engelken did a great job on coming up with a financial model. Some of the items that John Eastman and I discussed are the interest rate. I think that 6% was a good number to choose. The challenge is whether that would be applicable over a 20-25 year interval. Just for a sensitivity study if that percent changes from 6% to 6.5% then we would lose 137 units. That would knock down the amount of affordable units to 13%.

There's a mathematical gap if we have inflation between the amount of money that we get from RETF and the amount of money that we would have to pay for possession of the land. We get 5% increase from the residential sales while we'll pay 100% of the cost of the land.

We are definitely buying lots in the future. How that will work is that we will make profit and will accumulate RETF money and buy lots. By free market definition at the later phases there will be less land and so the curve should increase at a higher ratio. We are hoping that these buffers that John Eastman has mentioned in the staff report will encounter these variables. The challenge is putting them down as hard numbers.

2 out of every 20 units built is going to be a 1 bedroom, 700 square foot unit. I think that it will be a challenge to fill those units. Of those 20% of the units create 32% of the profit generated that will be the pocket change that we use to purchase those extra acreages. 12 ½ acres will be possible, but I think that it will be challenging. I would like to ask Steamboat 700 to take a look into increasing the amount of acres by 1 ½ to 2 ½ acres to give us a better opportunity for success to achieve both the 20% and the required units that are going to be defined in our NEEDS analysis.

Bill Jameson -

On pg 6 (2-26) of the annexation agreement under (e), the idea was that if there are LTS sold off then we're going to put the people on notice and somehow have them pay their proportionate share of these Capital Facility items in exhibit F. My only question is on these contingent items like (d) and all of those things, how are you going to hit all of these LTS for their proportionate share or is the intention to leave the remainder with Steamboat 700 and that tailing interest that they're required to keep? Where does those contingent

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items show up? If they sell some LTS's really early, but the items that have to get constructed are farther down the road and there's significant inflation and cost increases to construct those facilities where does that shortfall get taken care of in this agreement after the LTS's have been split off and they've already paid their share? I just would like it clarified of who gets the check when the waiter brings it to them at the end of the game? I hope it isn't the City.

Steve Lewis -

The scenario of the build out of the CHP, each of the phases uses a market rate value per unit for the land. Where does that come from?

DISCUSSION REGARDING PUBLIC COMMENT

John Eastman -

The market rate price of the land was based off of 25% of the construction cost. We really didn't have any fundamental basis to figure out what the land cost would be.

Commissioner Dixon -

What about your future lot cost? You're purchasing 5 lots in phase 2 with the money that you collected from the transfer fee and other stuff. What are basing that market rate on?

John Eastman -

An example would be if we bought townhome lots and we were planning on building 6 units then we multiplied the cost for construction of that by 25% to get the market rate cost of the land.

Commissioner Dixon -

You used a 4% increase in \$2,009 to whatever your buying?

John Eastman -

No, there was no inflation. I absolutely agree with the comment on the bottleneck. We would add that into section 2 where we have more detailed descriptions of exhibit F. That refers to the additional capacity. I think that was a very good comment. We will bring you a revised sheet at the end of the staff report where we will list some revisions and refinements.

Jerry Dahl -

The question about the RETF covenant and does it apply to commercial land also? The answer is yes. There was a question about referendum and if you look at pg 2-42 in the middle, his question was 'is the City in the position of opposing a referendum'. No, what the agreement says about referendum if one happens the City will be costs to conduct the referendum election.

An initiative is someone bringing an ordinance to City Council saying to stop this by a petition. A referendum is a situation in which the Council has adopted an ordinance and the people bring a petition saying deal with it yourselves or take it to election. There are 2 ordinances the annexation ordinance and the other is the zoning ordinance. If a referendum petition is brought and the City Council decides to not just appeal the annexation or zoning ordinance and instead decides to send it to election then there will be

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costs. It is those costs that the developer is required to reimburse the City according to paragraph C. You might have other electors protesting, but the City can't protest since it's conducting the election.

Bill Jameson's question about the LTS process and to what extent it includes the contingent items listed in exhibit F. Yes, it does. On pg 2-26 you get a final plat for an LTS and that's letter (e). You either have build the stuff financially guaranteeing it or if permitted by the City manager you enter into a written agreement saying that you will under letter (g) and/or get the metro district to guarantee the obligation.

What about the contingent items? Those items are no different than any other items. At the time that the LTS is approved there will be a determination of what items on F and what portion of the contingent items is laid on this LTS. They can either build it or financially secure it. If their development is a long ways off for that particular LTS then instead of paying the money they'll enter into the agreement. That's why exhibit F doesn't have dollar figures. You will notice that exhibit F says that you will pay for this improvement 100% if that's your obligation. The written agreement required will come with it in percentages. If the costs double by the time the developer starts developing Buildable Lots then those obligations get cashed out.

It's explained in a little more detail in letter (g) that written agreements acknowledge this agreement. Caution the party assumes all of the responsibilities for these improvements or Steamboat 700 is responsible for that.

Discussion on this agenda item ended at approximately 9:57 p.m.

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Steamboat 700 Annexation Ordinance #ANX-08-01 Annexation of 487 +/- acres in West Steamboat including development of approximately 2,000 dwelling units and approximately 380,000 square feet of commercial space

Discussion on this agenda item started at approximately 5:56 p.m.

DISCLOSURE

Commissioner Fox -

My father has been working on the development West of Steamboat. I would like to make it clear that it's his own personal endeavor. It has nothing to do with Fox Construction or myself. I have no personal or financial interest in it. I purposely stay out of it, because of my involvement with the Planning Commission. The questions that I ask at Planning Commission are not based around that by any means. I'd be asking the same questions either way. I should have brought it up at the last Planning Commission meeting, but I'm so distant from it that it didn't even cross my mind. I'm very honest when I say that. If any of the Commissioners have any questions or concerns about it just let me know.

Commissioner Dixon -

I was the one who got the most concerned with your line of questioning. I knew about the development when you started asking questions related to infill in the West of Steamboat it caused me to take notice that they might be competitive edge questions. I asked Tom Leeson to look into what the definitions of conflict of interest were.

Tom Leeson -

Steamboat Springs Municipal Code has a section 295, which specifically addresses conflict of interest. There are 3 different sections. It says 'no Council Member or Board Member may use any information obtained by virtue of his public position. In further observance of any personal or to get any interest or further their personal to get any interest of any other person. No Board Member or Council Member may take any final action to render any final decision or determination on any particular item or matter within the city where any member of his/her family may personally benefit from the final action or decision that's determined from a particular item or matter from the Board Member or Council Member'.

Commissioner Dixon -

That's the one that caught my attention. It doesn't have to be you that are personally either to gain or lose. By virtue of your father being a close family member. I would like to hear a discussion from the Planning Commission on that.

Tom Leeson -

We did bring this discussion up to Dan Foote and their election and their opinion was at face value there was no conflict of interest.

Commissioner Dixon -

That's good to know and very important. Do you feel that you can be fair and impartial for this application given your personal connection to that?

Commissioner Fox -

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I know that I can be fair and impartial with this. I purposely stay out of this, because I don't want to have a conflict of interest. Not only with Steamboat 700, but with any other development application that comes before us. I feel like I can be, but if you guys feel otherwise then it's your prerogative.

Commissioner Beauregard -

Have you discussed this application with your father?

Commissioner Fox – In what regards?

Commissioner Beauregard -

I'm just wondering if he's tried to sway your vote in any way.

Commissioner Fox – Definitely not.

STAFF PRESENTATION

John Eastman -

There has been supplemental information that has been provided to Planning Commission. We will go through that at the appropriate time. I have a list of 5 pages of questions from the Planning Commissioners.

Commissioner Levy -

Do we want to go over the additional information that we got first? The additional information includes the analysis of new demand of housing created by Steamboat 700. A staff review and revisions to an anti-speculations covenant that was submitted by Steamboat 700. A revised CHP exhibit G from the annexation agreement.

John Eastman -

He showed the memo on the overhead. This was additional information following last weeks meeting. Attachment 1 is the housing linkage analysis, which requires a little bit of background. This goes back to the housing employee nexus study that was the basis for the residential and commercial linkage ordinance. It's a mechanism for analyzing the impacts of new development in terms of housing generation. Staff went through in using this study to analyze Steamboat 700. Based on the proposed commercial square footage that would generate the demand for 574 new housing units based on the nexus study and the residential development would generate the demand for 274 housing units for a total of 848. What that's saying is that the development of 2,000 houses and 380,000 sq.ft. of commercial space is going to require 850 houses. We're hoping that there's a surplus of houses in the development that would help provide housing for the workforce at the base of the mountain.

Commissioner Beauregard -

Can you re-explain that last point? I don't think that I quite followed what you were saying about the 1,000 housing units and the excess over?

John Eastman -

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The development itself is looks at long term employees. A residence generates demands in that there's a certain number of employees required throughout the city. The nexus study would say that the total demand for housing created by this development is 850. There are 2,000 dwelling units proposed, which means that there are 1,150 dwelling units, which aren't necessary to serve the demand of Steamboat 700 itself. They serve the greater community of Steamboat Springs. That was the intent of the WSSAP was not to create a self sufficient community that had the exact balance of housing to jobs ratio. We want to create an excess of housing.

Commissioner Beauregard -

Out of that 848 there's no way for us to calculate how many of those should be 80%AMI or are going to soak up our deed restricted housing units?

Nancy Engelken -

What the nexus study distinguished is that it's really the residential development that generates for lower more affordable housing. This is not based upon the initial construction of the units, but the ongoing maintenance. Within commercial development it's all of the workers that work within the commercial. There's a wide range of incomes within commercial. The study concluded that within residential that tends to be heavier and that tends to be more of that 80%AMI. We have made some assumptions that the numbers of jobs that are generated by commercial are at a lower income, but we also know that's a wide range.

Commissioner Beauregard -

More of the 274 are going to be at 80%AMI? What proportion of the 574 would be?

Nancy Engelken –

The nexus study doesn't give us that clear of direction as it does for residential.

Commissioner Beauregard -

Maybe it could be 50%?

Nancy Engelken -

It's probably somewhere a little bit below that.

Commissioner Beauregard –

Even at 40% your total is almost 400 units. What I'm getting at is our total deed restricted affordable housing units with Steamboat 700 is pretty much what you're saying possibly soaked up by the need for those affordable units induced by Steamboat 700.

Nancy Engelken –

It's important to look at that balance. The ability through the City through making additional funds as John Eastman has calculated off of the development of affordable housing as well as the RETF it will help purchase additional lots. The nexus study was conducted after the adoption of WSSAP. I don't know that we can necessarily conclude that all of the 20% is going to be taken by the people that are getting new jobs in the development.

Commissioner Dixon -

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Your note says that it doesn't provide a mechanism to determine how those new employees will require affordable units. I'm not sure that we can speculate since it doesn't provide a mechanism to determine.

Nancy Engelken -

In the nexus study it makes a conclusion that the majority of residential jobs that are created tend to be more lower wage jobs.

Commissioner Dixon -

John Eastman mentioned fire fighters, policeman, teachers, nurses those would be contributed to a demand for housing units?

Nancy Engelken -

Within the nexus study the residential jobs that are created are for maintenance of homes. It is less about the commuting generation and more about those individual home units.

Commissioner Dixon -

Do you see in this development that 274 homes are going to have housekeeping maintenance? This isn't the base area where you have seasonal tenants. These are for the workforce; these are homeowners, full-time residents. These are the lower end of the full-time residents. Are they really going to hire the type of service oriented people that you're talking about?

Nancy Engelken -

When we did this spreadsheet it was based upon an estimate that Danny Mulcahy had provided a proposed list of potential mix of housing. As you go across this chart and you see the FTE per unit you'll notice that goes up substantially as the size of the home increases. I admit that I put this together as an estimate. The nexus study also precludes that in drafting a policy that comes off of the nexus study is that you can make a case for exempting units that are below 1,500 sq.ft. When you really see that job generation and you start seeing that housing need you start getting upwards of 3,500 sq.ft.

Commissioner Hanlen –

What do you contribute to the evenly sprinkling of units up until 5,000 sq. ft? and all of a sudden we have 38 units that are big and then we have another 38 units that are huge? Do you think that those are appropriate units for Steamboat 700 that will actually get built?

Nancy Engelken –

This was based off a spreadsheet that Danny Mulcahy provided in looking at RETF and the mix of lots and types of homes as they mix on those lots. This is a total estimate. It's not based upon any direct information. You start changing any of these numbers around and you end up with a very different end product.

Commissioner Dixon -

I'm curious if anybody knows if Silver Spur, Steamboat II, or Heritage Park has any 6,500-8,500 sq.ft. homes?

Commissioner Hanlen -

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I think that the biggest one is 4,300 sq. ft. in Silver Spur.

Commissioner Dixon -

Good luck with these if that's what you intend on doing. I don't see that happening.

John Eastman -

The applicant produced an anti-speculation proposal. The staff has reviewed it and has suggested changes. Those are included as an attachment. Attachment 3 is revised annexation agreement exhibit G CHP lots. That has to do with a density issue. There wasn't quite enough flexibility in the maximum allowed acreage by Pod that was included in that chart. It's a letter from the Housing Authority and additional Public Comment.

John Eastman -

We'll start with Commissioner Lacy's questions. What protections are in place to ensure that any subdeveloper that buys an LTS has the financial wherewithal and the ability to perform its corresponding share of infrastructure improvements? Will that burden be placed back upon Steamboat 700 if the sub-developer is unable to perform?

Jerry Dahl -

The answer to this question will be found on pg 2-26 and 2-27. The key I believe to understanding the protection for the City in a LTS context and ensuring that the improvements of the LTS owner will be obliged to make. They're aliquot share of the puzzle is in (e) on pg 2-26. Recording the final plat of an LTS requires something. Before it can be sold to that LTS buyer it's got to be recorded. What has to happen? The improvements have to either be built and then there's no issue. As we discussed the LTS as process is really not designed to be a final plat right away. You can build it. but that's very unlikely. Looking at (e) these are options that either the City Manager can permit, they can also say no. If the City Manager permits a written agreement signed by the party that's proposing to acquire it or an IGA with a metro district where the metro district will step in and guarantee those improvements to the LTS. What does that written agreement say? It either puts the LTS on the hook or understanding the terms of the agreement and the caution. They either assume the obligations of the public improvements with the developer being responsible. We'll need to see in writing who's going to pay. If we go to that written agreement our review and approval of that agreement is based on the degree to which that undertaking adequately addresses the capital improvements and other obligations required by the agreement. If we feel that the owner to the LTS doesn't have the wherewithal that's not adequately addressing the improvements. The City can say no. The City isn't obliged to go to this written agreement, they can stop with got to build it and secure it with your own money. If we get into some of these other alternatives then the City has the right to look at those subjectively and to determine if this LTS owner is going to be able to do what's needed. LTS subdivisions don't permit buildable lots.

John Eastman -

The next question was from Commissioner Lacy on the fiscal impact study. The annexation agreement says that it shall not be revised following annexation of the property. This is on pg 2-33 I understand the need for Steamboat 700 to have definitive numbers in order to evaluate their price in return. I was wondering it there were any

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discussions that were had in revisiting this fiscal impact study at some future point to account for any inevitable change circumstances? One particularly makes me nervous and I'm not quite sure from a revenue neutrality perspective that I can whole heartily agree with staff analysis that the advantages of Steamboat 700 outweigh the disadvantages. The answer is yes, there were significant discussions on that point. There was an independent analysis by a consulting firm that specializes in fiscal impact modeling. They determined initially that the project wasn't revenue neutral. There were certain requirements put onto the development. Those requirements eventually got the project fairly close to revenue neutrality with a very small mill levy. The analysis was based upon how much those residences spend within the City of Steamboat Springs. In order to evaluate after annexation and construction revenue neutrality would be achieved we would have to track all expenses and all revenues. It was figured out that was impossible.

The next question is where did the \$960,000 for water firm come from? This is located on pg 2-36.

Laura Anderson -

There was significant negotiation to come to this number. It is based on the water demand anticipated at full build out of Steamboat 700's project. It is divided into these projects, which are the legal and engineering for the development of Stagecoach water, legal and engineering for full development of Hoyle and Knight, and legal and engineering of part of the development for Elk. We hired a water rights attorney to make an analysis for us.

Commissioner Dixon -

I'm curious why we only take it to engineering and legal and why not construction? What was the decision there? Is there another means for the funding of the actual construction of the projects?

Laura Anderson -

That is a number that just goes up. This \$960,000 probably started out a lot higher. This is the number that City Council finally agreed upon.

Commissioner Dixon –

At the City's discretion they could use all of those funds in that Elk River project if they chose to do that?

Commissioner Lacy –

That's what I was thinking was to use it on one of those projects.

Laura Anderson -

Right, these are estimates for these firms with the rest going to the Elk River project.

Commissioner Hanlen -

There are still going to be 10-12 million in tap fees raised?

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Laura Anderson -

We don't have that number it is going to be a big number to develop the Elk River, to treat it, and to get it to the people that will need it in the west area. The City is doing a water and waste water master plan.

Commissioner Dixon -

In theory the tap fees are what pays for the improvements?

Laura Anderson – Correct.

John Eastman -

The next question is related to the annexation agreement NEPA study. The annexation agreement notes that the NEPA study doesn't need to be concluded prior to annexation. Was there discussion whether that was appropriate and whether it was premature to complete annexation without finalizing those documents?

Laura Anderson -

The pre-annexation acknowledged that the NEPA study process would lag the annexation process. The NEPA process is all about evaluating the roadway needs, finding the project limits, and identifying impacts of that project. At this process although the NEPA process is continuing we do know the alternative for the roadway and the design needs are. What the NEPA study is doing right now is documenting all of the projects. This study will continue into 2010 and our hope was that we would be able to get supplemental scope of work extension to do 30% design for the whole corridor.

John Eastman -

Exhibit F Capital Phasing Plan the number of months required for items 23-27. The Council at their last meeting had determined that would be 12 months. There's a question of whether the document exhibit F, which is the capital facilities phasing plan is even fully complete, because in the staff report there are statements saying that this is still under negotiation? The answer is that it's very close. The document is complete in the form that you see in your staff report with some exception to section 2. With regards to hwy 40 improvements there is still some discussion, but it's on a very fine grain of detail.

The next question was exhibit F pg 2-145, the bottleneck issue raised by Bill Jameson. About the contingency which says; it may only be required upon selection of a preferred alternative. Does this mean that the funding of the bottleneck alleviation issue will on be required of Steamboat 700 if an alternate route or bypass is decided upon? Yes. Bill Jameson's email said whether a traffic rate would result requiring immediate funding?

Laura Anderson -

No we do not know what the traffic rate is at 13th St. intersection. We're projecting the improvements for a preferred alternative. We acknowledge that 13th is an issue.

Commissioner Beauregard -

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What is the build out for 2035?

Laura Anderson – 2,600.

Commissioner Dixon – If something gets done then it goes to an E?

Laura Anderson – Yes.

Commissioner Lacy – With the preferred alternative it will get to an E?

Laura Anderson -

Elk River Rd is at a level F. The bottleneck isn't part of the NEPA process. We break this into pieces. Right now the strategy is to look at the multi-modal and see if those strategies help. This issue is being addressed more and more. I anticipate that in the future it will keep coming up.

Commissioner Dixon –
Are we talking about a regional transit authority yet?

Laura Anderson -

They want to make sure that they have all of their ducks in a row. There are benefits to having transit in West Steamboat area.

John Eastman -

There was a request for clarification. In exhibit G, which is the CHP on pg 2-164 that the suspension that's called out if the City or its designee is not in compliance with the universal applied requirements for the development of the property that there would be a suspension of the requirement to dedicate new lots. Commissioner Lacy was looking for assurance that this would not diminish the requirement for a total dedication of 12.5 acres of Buildable Lots. No it would not. It is written as a suspension only.

Question 8 from Commissioner Lacy is about the sustainability plan. He is concerned that exhibit M has no binding effect. Did staff, City Council, and Steamboat 700 have any discussions about making some or all of these sustainability plans binding to nature? It was based on Planning Commissions recommendation that a number of the proposed alternatives and actions in that plan be made binding. City Council's determination on policy basis was that the sustainability measures would be appropriately handled on a city wide basis. Yes there was significant discussion.

Commissioner Fox -

I know that Steamboat 700 said that they were following the LEED ND standards, correct?

Danny Mulcahy -

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We looked at a lot of them. We even incorporated a lot of the different programs. We didn't set ourselves at one standard.

John Eastman -

The next question was based on pg 2-237 CHP of an average affordability at 95%AMI with a minimum of 50% of units being rental. He expressed some concerns with these numbers. This document was not updated after annexation was significantly updated. The concern you raised was to change course and look at a land dedication and fee requirements. I would say that whole section is superceded.

On pg 2-277 the question was based on Steamboat 700's analysis of their policies that they're proposing to pay for funding of the public improvements to the metro district. The standard listed in section 5-5 of WSSAP states that the landowner or developer in the plan area will be responsible of the construction of all onsite and offsite improvements to the infrastructure at his/her own expense unless the benefits to the City are clearly demonstrated. The real essence of the question was wait a second it looks like they're only proposing to pay for a portion of the improvements. As related to hwy 40 and offsite improvements was a huge negotiation through City Council and the Capital section of the fiscal study analysis. He went over the improvements that Steamboat 700 is required to provide. The original proposal by Steamboat 700 was to provide some of the funding and then to turn it over to the City to fund the rest of the improvements. We hope that CDOT will be around to assist with the hwy 40 improvements. If there are no other funds available then Steamboat 700 will be required to provide all of the hwy 40 improvements upon the triggers of development. We're going to work diligently with the applicant.

Commissioner Dixon stated that it seems like Pod 10 and Pod 4 are the most financially viable to develop first. Pod 3 would be first, but seeing that it has a substantial amount of commercial it may not be viable for some time. If Pod 10 goes first the intersection improvements at Cnty Rd 42 and hwy 40 may be pushed up from the third trigger to the second trigger. I would like Public Works feedback on that.

Laura Anderson –

We had just been asked to consider Pod 3 first as a stand alone phase. How do deal with this when we don't know what the phasing is going to be for the development? The current negotiation for improvements to hwy 40 and Cnty Rd. 42 I think read prior to development of 500 dwelling units, construction of the fire station, or construction of the school. That trigger point may need to be refined. We're trying to do a lot. We haven't addressed every what if scenario.

Commissioner Dixon -

Is there a mechanism in place that you could rather than just pushing it up can you swap around to be fair if one develops over another and that you would perceive the traffic from that one going on 42 versus to Downhill Dr.?

Laura Anderson -

I think so. I believe what happened was if Pod 3 was a stand alone then I think at one time it was 390 units. The next Pod would push it to 500 units. We're getting

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Steamboat West Blvd up front. Steamboat 700 has been really good to work with in trying to push these trigger points to something that's reasonable and fair.

John Eastman -

The next question from Commissioner Dixon was what happened to funds for improvements between Steamboat West Blvd and Cnty Rd 42?

Commissioner Dixon -

Bill Fox had pointed them out to me. I thought that they were missing, but found that they are still in there.

Laura Anderson -

It's currently in as a D, but there has been some consideration to change it to a B.

John Eastman -

Commissioner Dixon's next question was in regards to hwy funding and triggers. Dix we adequately cover that for you?

Commissioner Dixon -

Yes.

John Eastman -

What is the assessment to existing residences under this agreement? Is it '0'? Yes, there are no plans for an assessment. That was a goal that City Council had put forward in the pre-annexation is that this would be a revenue neutral project.

Commissioner Beauregard -

Last week you said if the City as a whole decided that we needed a bypass and there wasn't State funding that we might have to institute a city wide property tax for that. Are you eliminating that possibility?

John Eastman –

No, there was a policy decision at Council level that the bottleneck was more of a community problem.

Commissioner Beauregard –

In my mind that would be a huge assessment.

John Eastman -

It does have the potential to be so. City Council made that policy determination. Effectively the other 75% was not really being allocated to Steamboat 700 as their share. At the time based on the current funding proposal in exhibit F in the Capital Facilities Phasing Plan at such time we have chosen the alternative action for the bottleneck issue. Steamboat 700 will be responsible for 25% of the funding if an improvement is done to the bottleneck. The other 75% of the funding would come from other sources. Those other sources would be the existing residences of Steamboat Springs.

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The next question is in regards to the assessment of future residences to Steamboat 700. There's the 5 mills that are called out in the annexation agreement. What does that equate to in dollar amount per 100,000 of assessed value? What's the total anticipated dollar amount assessed by Steamboat 700 residences extrapolated out? When does the mill levy for hwy improvements expire or does it? The mill levy expires once all of the improvements have been paid for. There are no dollar amounts included in exhibit F. The mill levies and other fees would stay in place until all improvements have been paid for.

Commissioner Hanlen -

Is it simply in just making the improvements or does the improvements have to meet a certain goal? Is that something that can be changed or just said improvement period?

John Eastman -

It is said improvement period. They don't know what the cost of those hwy improvements are. The NEPA study does not go into the issue of what the costs of those improvements will be in the end.

Commissioner Hanlen -

As they're building out so is Hayden and all of these other developments that add to the problem, but it's not necessarily Steamboat 700's sole responsibility to fix. I didn't know if that was an adjustable thing of if that was set?

John Eastman -

No, it's not set and you have identified the primary reason why it's not. Steamboat 700's obligation is to build a 4-laned section.

Pg 2-94 in paragraph 4 at the bottom the question is what's the expected mill levies? This comes out of the Metro District Service Plan from exhibit C, which is their financing plan. Steamboat 700 expects that they will be able to accommodate all of the required Capital infrastructure mill levy of 33 mills. It's not 100% for sure if the 5 mills coming to the City is within the 33 or not. He showed a spreadsheet that showed those numbers from pg 2-219 with a few additional lines at the bottom.

Commissioner Dixon -

How much does that 5 mills produce for the hwy fund?

John Eastman -

He showed a spreadsheet from pg 2-96 in the Metro District's Service Plan. What's the total revenue anticipated by the district? The total that they're anticipating to pay for it all is \$165 million.

Commissioner Dixon -

Does that include their onsite improvements?

John Eastman -

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It does. They're estimating \$86 million for offsite improvements. They're estimating \$28-\$30 million for onsite improvements.

If Steamboat 700 pays for the improvements up front to trigger funds, does the funds generated from the mill levy reimburse the developer? How does that work? He explained the chart on pg 2-97. The developer doesn't pay for any of the infrastructure improvements. They are all paid for through mill levy.

Is the LTS subject to the 20-160 acre min/max rule? Not necessarily. I think that's something that you could consider putting in there as a requirement. I think that it may have been the intent for Steamboat 700. That's one of the rules that the Planning Director can waive.

Commissioner Dixon -

I wasn't suggesting that. I just couldn't find it in here.

John Eastman -

It would apply unless waived by the Director.

When did the mountain get annexed and how many acres did it include? It included in 1973 a total of 560 acres. How long did it take to develop the units? They have a total 6,311 dwelling units. It comes out to approximately 180 units per year.

Is it possible to have a master plan development for those 500 acres, but only annex 100 acres into it at a time? I know that the applicant doesn't want this to happen, but I'm wondering if it's possible? If it was done in other areas was it successful? Anything is possible.

Jerry Dahl -

If the City wanted to negotiate that as a phased annexation then they could. The developer is saying no, they want full entitlements for the whole property in order to market it. They want to develop it from a long term type of development. If you don't know if you're going to have 'x' number of development units in a phased development within 10 years then that that bears on if you can build in the first phase. There's an enormous amount of infrastructure going into this project. I think that would make it much more difficult to phase. I think that you have some cost issues that are hard to get around.

John Eastman -

You noted the anti-flipping speculation and hoped to see the analysis before Thursday. You also noted that the fees collected should be used to assist affordable housing. Based on that input and some internal discussion suggested amendments to the anti-speculation covenant that would allocate 50% of the funds towards affordable housing. The applicant proposed that 100% go into the Capital funds to help pay for the hwy 40 improvements. Staff has recommended that trying to get to something that everybody can agree upon that half would go to affordable housing and half would go to where the applicant wanted.

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At what population is waste water treatment expansion treatment predicted? Would tap fees cover these costs?

Laura Anderson -

Both parts of that question will be covered by the waste water master plan that's going on right now. I don't have a trigger for the waste water right now. It's also a rate study so that will give some recommendations on tap fees.

John Eastman -

The next question relates to perpetual maintenance and maintenance responsibility. I thought that perpetual meant just that. Do the cost analyses consider a timeline for such a transfer?

Laura Anderson -

If in the future there's a movement to take over all sidewalk maintenance city wide then could they petition to have their sidewalks maintained by the City as well? The intent is only if this is a city wide change would this be appropriate for them to ask for this.

Commissioner Levy -

The language in the contract just said as long as the City were to agree that they would take over the maintenance of the sidewalks. The perpetual was the streets and trails?

John Eastman -

The only perpetual maintenance items were alleys, sidewalks, and hard surface trails. The streets were always considered to be transferred.

Commissioner Levy -

The key for me was since cost analysis was a big one if some future Council decides lets Steamboat 700 out of that operating cost how are they required by the fiscal neutrality to keep that in mind? I'm guessing that wasn't taken into consideration for fiscal neutrality that in 10 years we may take over that maintenance according to that 1.3.

Jerry Dahl -

The transfer should be as it says and it's the discretion of the City to transfer that for a reason or no reason. City Council thought that needs to be a snapshot. That snapshot is based upon this assumption. If it's decided in the future to transfer that to the City and it is thought that the burden that's on that part of the city is unfair. That's a policy call that City Council has chosen to make at that time.

Laura Anderson -

While the agreement with Steamboat 700 was for them to do alley, trail and sidewalk maintenance, we were always intending on doing street maintenance. Could we delay construction of the Public Works and Maintenance shop if we take over the maintenance of the street? Public Work was willing to consider that. We have this as a temporary maintenance responsibility. We don't know the timeline for that happening. Public Works is comfortable with that as long as they maintain our service standards

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we're willing to agree with that. These standards are on pg 2-141. This list of bullet points is what Public Works does.

Commissioner Levy –

How do you do that? Issue tickets?

Laura Anderson -

Yes, they can.

Commissioner Levy -

Whoever this Metro District is at that time they'll have that ability?

Laura Anderson -

Yes.

Commissioner Dixon -

There's a typo on the 10th bullet. Riving should be driving.

Laura Anderson -

How many units would be built before certain improvements if the same phasing were to be applied to the rest of the UGB? These triggers do apply to the UGB.

Commissioner Levy -

So it's not just Steamboat 700.

John Eastman –

On pg 2-143 line item 15 the trigger on this is worded differently and it says 'following the plat of at least 1,000 dwelling units. Why not before 1,000 or some other number as required elsewhere? This item is based on discussions with the County where it deals with when the traffic flows at Cnty Rd 42 and New Victory Parkway from primarily 42 to primarily New Victory Parkway. The County will be tracking this and they weren't ready to say that this has to happen before a certain number of DU's, but they're looking for this to happen after 50% of units have received CO's. When the county feels that half of the buildings have been built then that will be the trigger.

Commissioner Levy –

Is it 50% of Steamboat 700 units or is it 50% of the accumulated total of the units that could be using that intersection?

John Eastman -

It's 50% of Steamboat 700's units.

Commissioner Dixon -

What's the notice requirement for that in terms of in advance and how long before it has to be done?

John Eastman -

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Section 2 goes into a little bit more detail on these line items and we will add that line 15 in here. There will obviously need to be some notice period.

Attachment 1, exhibit F3 Surface Trail Phasing Plan will occur in conjunction with Parks and Open Space Master Plan, which is required following annexation prior to any plat. At that point it will be development of the soft surface trail phasing plan.

The next question relating to the grocery store, where did the 800 number come from for the trigger? There will be a follow-up discussion since this is a policy decision. City Council will be looking towards you to what would be a more appropriate number.

Why additional land if their RETF fails? Where will the money come from in order to build the units? The reason for the additional land dedication, because that's what the developer has got. It's difficult to retroactively impose a mill levy. We're confident that the RETF is solid. In the even that the RETF fails the developer would dedicate additional land since that's what he's got and it is conceivable that we would take that land and sell it in order to receive money to build the units.

Commissioner Dixon -

Fee in lieu through the rest of the City could go to help construct these units, is that correct?

Commissioner Levy -

That's another question. This is specifically that if RETF fails then they would give us additional land. Now we have a ton of land and we need the capital in order to make those units.

John Eastman -

In the annexation agreement section 7 water adequacy, what are the demands at full build out for the whole UGB occur in densities compared to availability and if insufficient then who gets the responsibilities?

Laura Anderson –

That will be determined in the water and waste water master plan.

Commissioner Levy –

If we were able to apply a water demand assessment to 560 acres and 2,000 units how come we can't extrapolate that to 360 Village and similar densities across the UGB? How close are we to having reserved water available or is 1/3 of the annexation application going to have to find water elsewhere? I'm surprised that we can't say that. They're getting in first before we run out of water and everybody else is SOL?

Laura Anderson -

That \$960,000 is part of their responsibility to make sure there's enough water to service them. If we need that Elk water in order to service them then there's an additional infrastructure cost. I can't speak to the past of how Public Works has dealt with the water issue.

Commissioner Levy -

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Is there any way to be sure that these outstanding studies aren't going to apply costs to future annexation applications that aren't being applied to the current application based on the results of those studies? When we get the results there's 2 outstanding studies that you've talked about, which is waste water and water supply. When they come out they're not going to say that they're going to have to expand the waste water facility at 'x' and that we're going to have to find more water supply at 'y'? Now we're going to say that somebody has to pay for this, but the current application is already in the house and is not required for that, but the next person in the house could have to meet those results of those studies?

Laura Anderson -

We're trying to be as fair as we can. At least we'll know how much the next people will need and it won't be a surprise. The hope was to have it done by the time of this budget cycle right now, but we're behind. The rate study is going to give us a plan of action for how to pay for it.

Danny Mulcahy -

When you say water availability you're talking about raw water rights? Is there enough raw water to service this community and what's going to happen to the next community? Is that what you're talking about where you are talking about the delivery of treated water to different areas? On November 18 the City adopted a raw water study. He explained the raw water study.

John Eastman –

The next question relates to the annexation agreement invested property rights in section 12. Just because Steamboat 700 has more land available does that mean that they get more application even though the SSACP calls out to infill as a priority? How would this work under different control ordinances? Until we see the actual growth ordinance and the language we don't know how it would apply. There is language in the agreement that says that it won't be applied disproportionately to Steamboat 700.

Jerry Dahl -

We had to come up with an example that worked. You might not be that lucky. What I think we might productively do is come up with other examples in other growth arenas. I think that we owe it to the people who are in here in the future to give them some examples of disproportionate impact.

John Eastman -

There was a question about the height limits. Pod 3C there are no additional height limits. Note 7 talks about the preliminary skyline analysis.

Commissioner Levy -

The note says no height requirements. I want to make sure that there is a height requirement. The transect height requirement that those aren't ignored. I was saying to add no additional in there. That was my concern with that language.

John Eastman -

We could certainly do that.

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Are there hard surface connections to the Village Centers? I did want to talk about traffic volumes on shared roadways.

Commissioner Levy -

You talked about that a little bit last time. I think that's all that I need on that one.

John Eastman -

There's a question related to the spreadsheet acronyms and the sustainability plan. The wrong sheet was in there. That has been replaced with a much simpler exhibit M.

How can 69 units be built with only \$500,000 of RETF if current payment in lieu is used how is this appropriate? It would be anticipated that development of affordable housing would be financed through traditional means. Whether it's the City, Housing Authority, or a third party would have free land and an expectation would have to put together a Performa as to what they expect to sell that for. That's how the City has done this in the past. The City has access to a significant amount of financing sources than a private developer would. It was not anticipated that the RETF funds would be used for construction costs. It was anticipated that would be financed through traditional means.

Commissioner Levy -

When we look at those phases on attachment 2 pg 2-201 do those costs and numbers include a financing cost?

John Eastman -

Yes. The assumed construction costs of \$161 per foot includes \$145 per foot for actual construction plus 11% for soft cost that includes financing.

You had a question about the parks and civic use the 3% in the TND versus the 4% in the WSSAP. Has that been adequately answered?

Commissioner Levy -

Is that separate from our open space discussion or is that 4% included in what we're requiring?

John Eastman -

In WSSAP and in the Design Guidelines in section 6 it talks about 4% of the land should be dedicated for parks and civic uses. In the TND requirements it requires 3% should be dedicated for parks. The 3% is just parks and it doesn't take into account the fire station. It doesn't take into account the large parks. We are confident that given the regulating plan and the 3% for parks requirement this project exceeds more than the 4% required in WSSAP.

There's a goal in the WSSAP that 33% of affordable housing and attainable housing and how will this be achieved?

Nancy Engelken -

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There's a return on development for all of the units except for those at 66%AMI. The assumption is that return on development is going to be used for a variety of purposes. The City's responsibility is below 120%AMI. The assumption going forward is that the purchase of additional lots, potential subsidies, down payment assistance programs, and cooperation with the developer we'll be able to get up to that 33%.

John Eastman -

WSSAP did note that it was the City's and County's responsibility to get from 20%-33%.

The next question relates to the transit super stop. Why did we put it in Pod 9 rather than Pod 3? He showed where the transit stops are anticipated to be located. The transit super stop would be incorporated into a building with a waiting area, vending machine, and bike storage. The reason why we put it in Pod 9 is that it's most centrally located and we wanted to get the greatest use from the greatest number of people. It would also be a nice amenity in Pod 3 as well. There is some limit to what's appropriate and necessary.

Commissioner Levy -

I think that came about from 2 changes. One is that the initial plan assumes that the Village Center would be more centrally located. For this particular annexation it's not very centrally located. That's where you would want your bus stop. Also I would imagine the super stop if people are riding there, jumping on the bus, and going home you would want them to be able to shop before they got back on their bicycle or vise versa. You would want them to have that opportunity. That's still going to be a greater opportunity in Pod 3 than in Pod 9.

John Eastman -

It may be something that we add some flexibility rather than calling that out. I would add some flexibility saying that it can be in either Pod 3 or Pod 9.

Commissioner Levy -

It's going to be hard to force them, I understand that, but give them the flexibility to meet the goal. That's a goal that is called out in the WSSAP. The super stop will be in the Village Center.

John Eastman -

If Planning Commission feels that it should go in this location that's fine. I don't have hard feelings either way. The reason why we put it in this location was because it was more centrally located to the greatest number of residences in Pod 9. It is centrally located to the greatest number of businesses in Pod 3.

Commissioner Levy –

I understand the rational.

John Eastman -

What amenities will be at the super stop?

Commissioner Levy -

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We talked about that before, but Steamboat 700's application said that as many of these items as possible will be in there. I remember when we talked about this at the TND or some level we would say what would be required that has to be in the super stop.

John Eastman -

It is on pg 2-147 of your staff report section 2 of exhibit F. Steamboat 700 suggested some minor modifications that are subsidive in nature that we agreed to include at a staff level.

Public comment was taken.

COMMISSIONER QUESTIONS

Commissioner Beauregard -

If staff could talk me through their logic in their neutralizing the traffic impacts of Steamboat 700 in general. We're improving 40-13th Street this year. We're carrying their traffic generated to that point and then we just kind of blank out. I asked John Eastman earlier if the cars disappear at that point. 40 goes from 13th St. to Walton Creek Rd. and that's in the city. I was wondering how you came up with a neutralized impact?

Laura Anderson -

Getting a consensus for Steamboat 700 to build from 13th all the way to West Steamboat Blvd. and all the way to Cnty Rd 42. To improve that section of roadway is a significant improvement. Does traffic disappear after 13th to the east? Absolutely not. The downtown traffic analysis of 2008 wasn't as bad as I expected. Are there going to be impacts to Oak St and the surrounding streets? Absolutely. Should that be the next phase that we study? Probably. That's why it's a neutral and not an advantage to our hwy 40 improvements. I think that we're trying to be fair in that there are some improvements, but there are some costs. Rather than sway from one side to the other we stay to the middle.

Commissioner Beauregard –

I'm afraid that with the build out that we're incurring now, which is 3,800 units west of 13th St. if we include the existing infill potential?

John Eastman –

Yes, I believe that the number was up around 3,800 as a potential build out. While the land exists it's difficult to imagine any development scenario that would see 3,800 units in that area in the next 20-25 years.

Commissioner Beauregard -

My concern is in the WSSAP a need for the alternatives if 13th at the bottleneck had 1,100 units. I'm afraid that we've overshot that. We're not only going to need the alternatives at 13th St., but we're going to need a full blown bypass. That could be potentially a big ticket item that the whole community is going to have to choke. Do we have any way of knowing that?

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Laura Anderson -

Technically we're doing our best to analyze what the impacts are going to be. The comment that I have to make is to do with your bypass. The place where people are going is downtown. The bypass would service a small piece of traffic, but not as significant as you might think. Out of 20,000-30,000 cars that are in our central city only 7,000-8,000 was the number that truly was from far east to far west based on the volumes that we see.

Commissioner Beauregard -

As a decision maker I would like to see something that says at this build out number and at this time period and in the year 2025 isn't that when Steamboat 700 completes and we'll see 3,800 units?

John Eastman -

No. In the year 2035 we would expect to see at the most 2,600 units.

Commissioner Beauregard -

Taking the 2,600 units and without the NEPA study or any study, but beyond the bottleneck and into town how do we know? This feels like a giant boulder that we're rolling off of a cliff. There's no way to stop it. There's nothing that tells me that it needs to be stopped.

John Eastman -

In terms of traffic impacts there's a reason the circulation mobility plan was done in 1998 had a look out west and considered those constraints. Within the Old Town grid there's significant capacity. Will you be increasing traffic and decreasing the level of service? Absolutely, but you have a number of parallel roads. If you do add a local connection through the bottleneck then you're likely to push additional traffic onto Oak St. and the traffic on Oak St. you'll push up to Pine St. From 3rd St to the Safeway area you might be seeing 6-lanes in that area.

Commissioner Beauregard -

My biggest concern is that this is all speculation. I've heard that we might have an E value, we might do this, we're speculating that. You're asking us to make a decision that's 50-75 years out with no limitations or breaks without that information.

John Eastman -

It's impossible to provide you with certain information about the future.

Laura Anderson –

We do have a limit. We have a limit of 2,600 units that were maintaining for a 20 year build out and Steamboat 700 with a limit of 2,000 units. We did an analysis of the downtown area at 20 year projections. The intersection services weren't bad. Some look has been done for the future impacts to downtown.

Commissioner Levy -

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Did I hear you say that if the bottleneck approaches this level that the alternatives that have been we've been talking about will probably never address those problems? There are no solutions?

Laura Anderson -

That's bypass and when you were talking about bypass I thought that you meant from west side to east side. The studies have shown alternatives to the bottleneck issue. There's solutions to the bottleneck. There's impacts to our community with all of these.

John Eastman -

The 2004 CP update did analyze West Steamboat and future traffic related to it. If you make these improvements then the existing road network has the capacity to handle growth. The only exception that they noted was hwy 40 between 3rd and Pine Grove Rd. has the potential to get busy. At least there's alternative paths there.

Commissioner Beauregard -

Why isn't it in exhibit F the bottleneck triggered by a build out number?

John Eastman -

That was a policy decision by City Council.

Staff was comfortable with the anti-speculation. There is a note that ensures that anti-speculation only compares like to likes.

Commissioner Hanlen -

That's something that we would have to hammer out tonight? We can't postpone that?

John Eastman -

I think in terms of direction as long as you were comfortable with that philosophy we would turn that over to Jerry Dahl and Bob Weiss. We will not be coming up with a covenant tonight in the annexation agreement. This is a section of the annexation agreement that says 'there will be a covenant that does these things'.

Bob Weiss -

We had said that we would propose at the time every plat is recorded an anti-speculation covenant that if someone sold their property within 3 years they would have to pay a certain percentage. There's been no change in those. We proposed that the money that would be paid from those be put into a fund that would be used to pay for capital improvements that are required. The City has proposed that be changed and half of that go to affordable housing. Half of that would be used for capital improvements. We proposed that there would be an escape valve that if in the housing market there wasn't any real appreciation going on within a given time period we would not have to enforce the covenant. Staff has said that they don't like the escape valve. The 8,000 sq.ft. and the way that it's been changed by the staff it would apply to all lot sales. We're wondering why we would want to apply it to all lot sales. We think that actually if there is some flipping going on in that market then it might be good. We're wondering if we want to apply it to that. The other thing that we were suggesting since staff isn't comfortable with the notion of this business that we have that if the general

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inflation of the market place was low that the covenant wouldn't have to be applied. We have an alternative that if the increase was 6% then there would be no percent that you have to pay on that gain. If someone sells their property for 6% more then they wouldn't have to pay the 66% of that gain. The reason for that is we don't want to put infant in the provisions here that really put us in a position where we make these lots look really unattractive. We think that a reasonable level of appreciation is acceptable in this market. In your suggestion if you had a finished lot and you sold it for a multi-family product and so the lot is created as a multi-family product and then condominiumized. That would set the covenant up again. You would have a situation where it would go for 3 years for a finished lot sale and then the condos get built in year 3 and then it run another 3 years. In the mixed use product here where you would have commercial and residential. On the commercial you're not suggesting that 3 years run again?

John Eastman – No, we would not.

Bob Weiss -

Those are the points that we want you to consider of whether we could limit this to 8,000sq.ft since that's the target that we're looking for. On resales of the higher end product that the City look at the fees that we apply to the schools and the affordable housing and the RETF and that we build in a 6% exemption.

Commissioner Fox -

I'm unclear. When the City asks for half for affordable housing and half for capital improvements do you guys agree to that?

Bob Weiss -

We would agree to that if we can compromise on the other issues.

Commissioner Dixon -

A clarification in paragraph 2 'restrictive covenants shall apply to all buildable commercial and residential lots including units within the bungalow court, duplex. It skips over single-family. Is that an over sight or are we not including single family lots in this?

John Eastman -

That's an over sight.

Bob Weiss -

There are single-family less than 8,000'?

Commissioner Dixon -

Single-family should be included in that paragraph. In terms of the 8,000sq.ft I have the same argument and I've had the same thought. Are we setting up a system and defeating our purpose by setting up another system? We tend to do that. What I don't understand is why the 8,000 sq.ft. and would you be amenable to just doing it on the T2 NE lots as opposed to all 8,000? NG1 could have quite a few 8,000 sq.ft. lots. Back to your argument and the one that I would make myself is that we want RETF. That helps

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us, 1.2% helps with our goals. This is a discussion that I would like to hear from other people. Why 8,000 and not 10,000 or 14,000 and why not T2?

John Eastman –

In terms of exempting out T2 NE yes, staff would be willing to endorse that. We think that would make sense and that is out of the realm of any conceivable affordable housing. I think that 6% would be a reasonable discussion point. The whole reason for this is to damp down those people that have greater resources who hire these resources and see the first phase of development, which the developer needs to let out at a little bit cheaper because he needs to get some volume out to pay for his bills. They snag those up in the idea of flipping them. The idea is to damp that down. Not to disallow a reasonable gain. 6% doesn't seem unreasonable. At the staff level we would support that and the exemption for T2 NE.

Commissioner Dixon -

I didn't see a sunset and this looks like it's in perpetuity every 3 years.

John Eastman -

It's in sunset after 3 years.

Commissioner Dixon -

Every next 3 years, every subsequent 3 years?

John Eastman -

That 3 years kicks in at plat. 3 years after the plat that is done. Unless you went and replatted the project it would never apply again.

Commissioner Dixon -

It's not how I read it.

Commissioner Levy -

It says 'or the unit is resold within 3 years following the date of the prior sales acquisition'. It sounds like it keeps going and going and going. Every 3 years it keeps kicking back in.

John Eastman -

I understand that. That was not the intent. We'll have to clarify that language.

Bob Weiss -

It's 3 years on the initial plat. You're creating the plat without houses. Its 3 years on the replat when you create multi-family, townhouses, and other product types.

Commissioner Dixon -

That makes much more sense.

Commissioner Levy –

Would it be in perpetuity on an unbuilt lot?

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John Eastman -

No.

Bob Weiss -

The requirement it till build out. It goes on every plat as you come along.

Commissioner Dixon -

The lots could be turned over within the first 3 years and then someone could sell that lot and then it could start flipping.

John Eastman -

Absolutely. We as staff want this to sunset relatively soon, because it becomes an administrative nightmare. If this last until perpetuity and doesn't automatically sunset then we would have to staff a lot of people to keep track of 2,000 units if they last until perpetuity. The intent was to get the initial realm of speculation down. We can support that and we think it's a good idea. It's already front with potentially some unintended consequences, but at least they disappear after 3 years. The idea is that this would disappear after 3 years and after that you can flip this all you want.

Bob Weiss -

Where this flipping occurs is it happens in presales where you buy a condo before it's built and people are selling those contracts before they even close. It's really early in the market when it's been a big issue. It hasn't been a problem when flipped 10 years later. I think that trying to impose a system like this that would last in perpetuity in everybody's lot where you sell your house 10 years later and then you're obligated to pay the City. I don't think that would really destroy the market place.

Commissioner Dixon – I agree.

Bob Weiss -

I don't think that Americans are going to tolerate that.

Commissioner Dixon -

That's just not what it says so it needs to be corrected.

Bob Weiss -

We'll make the correction.

Commissioner Hanlen –

When you were talking about what would define a significant amount of property if someone were to buy a vacant lot for the purpose of building a spec house and they would sell that spec house. That would obviously constitute a significant improvement. Let's say if someone doesn't repaint and that's a significant improvement to the house. Is there a dollar amount? At what point do we draw that line and it's still arbitrary?

John Eastman -

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Absolutely and that one is going to have to have administrative review. You buy a vacant lot and you're automatically exempt. If you buy a new house and gut it and fix it up so it's worth more then we would have to have an administrative review mechanism that allows for that. That language needs to get in there. By limiting it to 3 years and exempting out annually 6% appreciation hopefully there's very few of those cases.

Commissioner Hanlen -

When you're saying the net gain is that your purchase price? Do people get to play the game of less payments they have made, improvements they have made, less fees, less closing costs? Where does that draw the line?

John Eastman – It's less closing cost and that's it.

Commissioner Hanlen – Not payments or improvements?

John Eastman – No, it was intended for less closing costs.

Commissioner Hanlen -

Taking it a step further a very basic one could be the large track builder coming in and putting 100 homes at a pop it's unrealistic to think that the first improvements that would be made is somebody spending \$20,000-\$30,000 on landscaping. It's a significant number. It should count towards, but it complicates this whole thing of what constitutes a significant improvement when they turn around and sell that property?

John Eastman -

Our expectation is to write something that takes a very liberal look at that. If you have anything that has any reasonable standard in there and that's why it needs to be discretionary. We couldn't write all of the examples of how to exempt that out. That's certainly one of the unintended consequences. Is that regulatory burden worth the gain? That's the policy decision for Planning Commission to discuss.

Commissioner Hanlen –

Typically the flipping results of not having enough product being available. The odds of anybody who's developing out of Steamboat 700 putting 10 lots on a year is slim to none. The discussion that's been centered on the past is that they would be competing with the developer, because there are 100 lots coming on at once. Is any of this even necessary based off of volume that's pretty unprecedented in Steamboat's history or at least when we've had these flipping of speculation going on? It just seems like it defeats itself. We're creating an unnecessary burden that doesn't need to exist. I'm aware that City Council asked for this. It just seems like we're creating a lot of bureaucracy and trying to police this. There's going to be a multitude of different projects at any point it could be at different stages of this and staff has to be keeping track of that and making sure that nobody is slipping through the cracks. It just seems like something that's impossible to police well.

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John Eastman -

I would encourage Planning Commission to have that discussion.

Commissioner Dixon -

I don't disagree with your statements.

Commissioner Levy -

I appreciate the proposal. In theory it's a great idea. I'm concerned about the staff time and the over sight required. The one thing we should consider is any kind of hardship exclusion. If somebody has a reason to say that they got relocated. I would bring that up and I know that adds another layer, but that's a realistic possibility. The idea that this is supposed to have a fair amount of workforce housing and that one of the requests is that we want to see a residence requirement to give some assurance that that's what we're going to achieve. This is one result to that request. Not just anti-flipping, but how can we be sure that local people are going to get there. This seems to be a more administratively burden version of trying to get to that same result. I'm not sure that this is the best way to achieve one of the goals that I think it's trying to reach, because of all of the questions that you have asked about RETF and the unintended consequences. I don't know if it's mine to propose, but a residency requirement seems like it's a deed restriction on certain types of units might be easier to administer way to achieve that goal. The applicant has been asked that and didn't want to go to that realm. We can't enforce it I don't think.

Nancy Engelken -

The issue isn't whether or not deed restriction exists. The issue becomes administration and compliance and what happens in the event of noncompliance. What happens in the legal proceedings? How does the City begin to audit or designate to the Housing Authority in audit of 2,000 homes to ensure that residency based deed restriction? It does become administratively onerous. The precedence of the antiflipping is really West End Village. There was a covenant that was put on the townhomes and on the affordable lots that were required if the units were sold within the first 5 years. In this instance the City had waived fees and that those fees were returned with interest. It's a smaller scale than what we're talking about with Steamboat 700, but there's a precedence in the community for that type of measure.

Commissioner Dixon -

Didn't the developer there also put a first right of refusal over a certain period of time? That was a big factor in not flipping it.

John Eastman -

No, what it did was it turned the developer into a flipper. They had the first right of refusal and they recognized that and turned around and resold it for the increased price. The gain was realized by the initial developer rather than the first owner. When working with Steamboat 700 we've said that the gain goes to someone other than the developer to benefit the project.

Commissioner Levy -

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Does staff have any alternative ideas that might not be so onerous to these goals? I don't have any ideas since mine were shot down.

John Eastman -

There is great concern about the mechanics of these things. There's some concern with interfering with the free market portion of West Steamboat. It's hard to predict how successful it may be. Is the regulatory burden worth the gain you're seeing? One in particular competes with the RETF. Is this a legitimate concern? Yes. I don't think that there's a strong consensus with staff. I think that this is clearly a policy issue for Planning Commission and City Council. I think that you're well aware of the potential pit falls. You need to decide whether those pit falls are outweighed by the benefits of placing a covenant like this on there. We don't have any other ideas on other programs out there.

Nancy Engelken -

What it can say is that there is precedence in deed restrictions in the state that allow capital improvements in allowing for consideration of that and other procedures that we can look at in other communities. That is a piece that makes me less worried. How do we impose this type of restriction and ensure that it's lifted after 3 years?

Bob Weiss -

We think this is manageable. Danny Mulcahy says he has experience with this. We try not to write this right now. What we want are the general outlines and what it should be and then we'll try it for the first subdivision plat that gets built. If that doesn't work then we'll change it on the next one. It's not something that's imposed against the whole property, it's plat by plat. This would be imposed on multifamily when they're subdivided. We think this is a way to discourage flipping shortly after the construction of the home.

Commissioner Beauregard -

I'm ok with the concept. I think that it could stabilize the community in some ways out there. I know that Nighthawk Village out in Stagecoach went through that whole process and there was a comment in the paper that now that it was stabilizing and there are real people that live there that the residences are happy with it. If it stabilizes it in that way then I think its fine.

Commissioner Dixon -

I think I agree with that. The fact that it does sunset, my biggest concern was the in perpetuities. The fact that it does sunset I agree with Commissioner Beauregard and that it would serve as a stabilizer. I agree with Commissioner Hanlen as well about an overly onerous process and administrative nightmare. The fact that it's 3 years or whatever that ends up being. The reality would be 6 or 7 years dependent on when things sell. I think that I agree more with Commissioner Beauregard. I think I agree more with the fact that it would help to stabilize. I'm ok with the 8,000' ceiling.

John Eastman -

That's something that I would like to discuss. There's a reason why staff has opposed that. We don't want speculation in a roe home lot. When you put 8,000 below you now

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exclude most of what's the attainable housing. You could have rampant speculation in those lots, which are the things that will help to create the affordable housing. Our thought was to keep this simple. It applies to everybody, you have a 6% automatic exemption and it disappears after 3 years. Keep it simple and straight forward and you're exempt on improvements. There was a specific reason why we took out the 8,000 limit, because we think that misses the main part of the affordable housing market.

Danny Mulcahy -

We're only talking about 8,000 sq.ft. single-family. If there's a problem distinguishing the lots prior to construction then we can apply it to all lots. When we get to a single family detached property that's on 8,001 sq.ft. lot that's what we're talking about. We're not trying to do that on every lot that's on 8,000 sq.ft. or larger.

Commissioner Dixon – Does that sound ok?

John Eastman – Yes.

Commissioner Beauregard – Can you explain that?

John Eastman -

It was a misunderstanding. I thought that the application on the 8,000 sq.ft. minimum applied to all lot types. If you plat a 10,000 sq.ft. single family lot in the NG1 then this would not apply. I think the likely hood of that being attainable market rate is very slim.

Commissioner Beauregard – It would apply to everything smaller than that?

John Eastman – If it's a 7,500 sq.ft. lot then this applies.

Commissioner Dixon – If it's an 8,500 sq.ft. multifamily lot it applies?

John Eastman – I think that we could certainly support that.

Commissioner Hanlen –

I think that the thing that still complicates this is that this is a lot different than a lot of product types that we've seen come online in years past, which is the fact that you don't have 2,000 lots going on the market at once. The fact that the first lots that came onto the market 5 years from now just as their sun setting they're still brand new as they're coming onto the market unless you have 20-25 years of build out the last lots built are just starting their time limit while the lots that were built 20 years ago long expired. It just creates this disproportionate effect within the market. It just seems like the market

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is self policing itself just due to the volume that it's creating. I would still have to stick with what I said before, which is that it's an unnecessary level bureaucracy that just cost the City.

John Eastman -

I would suggest that the Planning Commission decide if they want it at all and if they do then we can refine the details.

Commissioner Dixon -

I don't think you're going to get 2,000 lots coming onto the market at once.

Commissioner Hanlen -

That's my point is that it's not in year 1 2,000 lots, it's going to be this trickle effect. Just as these are expiring and 10 years later these are coming online and these deed restrictions long expired, these are still in effect. If you want to flip property then why don't you buy one of the vacant lots that went on the market 15 years ago that hasn't been built on? I'm just saying that it should be self policing just due to the way that it's not all coming online all at once. When you compare the product to something like West End Village who had 45 lots that came online all at once. It made sense since it was all coming online all at once so we'll put this restriction in place. When it's trickling out like that it complicates the equation and makes this whole process unnecessary.

Commissioner Fox -

Now that Commissioner Hanlen just said that, Danny Mulcahy do you have any comments to that with the experience with the project that you're talking about? I don't know if that project has had 20 years.

Danny Mulcahy -

I agree completely with Commissioner Hanlen. It's not for benevolent reasons here for anti-speculation, it's to help prevent a developer from having his own sales cannibalized. I would love the recommendation of us not doing it. The chance of someone being able to flip something within the first 3 years and the market is that tight in allowing people to flip then that means that I'm probably going to be able to release more lots. There's so many ways that this has worked.

Commissioner Dixon -

We take on the administrative burden in helping you do that.

Commissioner Levy –

I heard City Council specifically request this. When I heard this coming I thought that it was a pretty big game changer in the overall review of the project. It really started to address the attainability side of whether it's the best way to do it or not at least it's an attempt. Without it, it doesn't sound like we're going to get any other attempt to really regulate that. In my mind I see a different scenario from Commissioner Hanlen as I see the triggers that are coming into effect more often than not with the building limits. I think it's possible that new plats could stop. What everybody has said is that the funds for hwy 40 may not come through and there are a lot of improvements that might stop. Not because of the contribution from Steamboat 700, but other sources that are

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expected and required to come to fruition I think that it's very possible that we'll have some limited supply. In that case this flipping is a little more of a possibility. I like the idea of it, because I don't see an alternative.

Commissioner Fox –

I agree with Commissioner Levy. I think we need to have it. As Steamboat 700 was saying if it's not working we can change it or take it out. If City Council specifically asked for it and Danny Mulcahy has said that it's worked on some of his projects then I don't see why we wouldn't put it in.

Commissioner Lacy -

I agree with Commissioner Levy and Commissioner Fox. Right now we don't have the concerns with flipping it in the market, but over a 20-25 year period we can count on having a hot period again. I think that it would be important to include. I did want one clarification. Are we going to include the 6% assessments language? It's stricken on my document, but you mentioned it again.

John Eastman -

That was a calculation based on the assessor's records as a whole. Our refinement was to say each individual lot would be exempt for the first 6% annual gain. Your net gain if it was less than 6% annually this wouldn't apply. The other was a procedure in avoiding it at the time of plat, which staff doesn't support. The new language staff would support.

Commissioner Beauregard -

I have another concern and that would be a market rate attainability project. I think that this is a step in that direction and it's obviously called out in the WSSAP. I think that it would be foolish of us to not try this method.

Commissioner Hanlen -

What's the mechanism? Who polices this? Is it the title company?

John Eastman –

Yes. I see 4-2 in favor of this. Let's move on to the next topic. There was head nodding in favor with the 6% exemption so I'm writing it down. The exemption would not apply to single family lots of 8,000 sq.ft. or larger. It would clearly exempt improvements and spilt commercial space.

Tom Leeson -

I think that we could include a hardship provision. I think that's a reasonable request.

Commissioner Dixon -

T5 community housing do we really want to accept land? We have added in the definitions for CHP the eligible building types definition A. Staff added a commercial block. What was the reason for that? Do we really want land dedicated that's within the commercial block? Is the Housing Authority or the City going to be in the business for building commercial buildings?

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John Eastman -

The majority of the land in Pod 3, which could be one of the first to plat, is T5. Commercial block is the required building type. Commercial block does allow for 100% residential, it just requires a commercial form. Even in an area where it's going to have commercial, the ground floor is commercial and the top 2-3 stories are residential. The reason why we added that in is not because we wanted that building type, but if Pod 3 were to develop first we might have to take that building type in order to achieve our affordable housing goal. We threw it in there as a fail safe, but to avoid it if at all possible.

Commissioner Dixon -

Pod 3a has T5, but Pod 3 all together has T4. I would think that we would take it out of T4 NG2 that's up on the hill if Pod 3 comes in first. Even if you're not putting in commercial, we don't want to restrict that forever. It's 14' minimal floor, which is not an expensive building type.

Commissioner Hanlen -

That's supposed to be residential temporarily until the commercial could catch up.

John Eastman -

I don't think that staff feels strongly about this. If you feel uncomfortable with it then take it out.

Commissioner Dixon -

I am very uncomfortable with it. I don't want us to be in the business of taking our commercial land away.

Commissioner Hanlen -

Agreed.

Commissioner Levy –

What if someone like YVHA were to build the first commercial so that we could get the mixed use on the upper floors?

Commissioner Dixon -

I don't think that YVHA needs to be in the business of taking on the responsibility of building the commercial. The private developer would not be delivering land, but units. In a land dedication model that building type does not make sense.

John Eastman -

He read what it said in exhibit G. Given that language that's sufficient fail safe. We're happy pulling out the commercial block unless there's strong support for it.

Commissioner Levy -

I thought that it was only the chart that got amended with this exhibit G. Can you go over the changes in this?

John Eastman -

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The only 2 changes that we included were the addition of the commercial block and the definitions. The other change was the maximum CHP chart. We discovered that it was inconsistent with the developing scenario in attachment 2. Since the developer had such a large flexibility we needed the potential for acreage in Pods 3, 8, and 9. He went over the total increase in acreage for each of those Pods.

Commissioner Dixon -

The problem that I was looking at or the question that I had when I was doing the analysis was in paragraph (a). We're front loading our lots to be dedicated to the point where they're required to provide what would equate to 20% of the housing. We have to be able to look at that and build 20% of the units that he's building in that development on the acreage that we're getting otherwise he can't plat. What I was looking at was if that was achievable on the 2 acres that we're allowed to take and to actually get 20% of what he's allowed to build. It wasn't working out. Paragraph (e) says that they can give us more land if that's how they need to do it in order for us to meet that requirement. I didn't think that it was fair to someone coming into an LTS in saying that they can only take 2 acres and that's my Proforma and suddenly it works out that they have to dedicate more. I would rather see this chart be able to actually make that work. That way they know that it's a possibility that they may have to give whatever this chart says.

John Eastman -

I think that there's a consensus.

Danny Mulcahy -

I accept the change of the acreage increases. If the City decides to build less density then they won't be able to keep up with their requirement. The goal is for me to keep platting enough so they can.

John Eastman -

It was not what the City actually built, it was what the maximum density allowed on the lots. If we under built that would not penalize the developer.

Commissioner Hanlen -

Can we keep the maximum simpler then with pure acres? We're trying to confuse that they have to donate a minimum of 12.5 acres, but then we switch it into a different conversion of minimum number of units viable by 'x' number of acres that have to accompany each plat? It seems like your confusing the math when it was a nice simple calculation. Why aren't we saying this many acres per Pod instead of leaving it ambiguous like that?

John Eastman -

We're not sure what's going to get platted in any particular Pod. He explained the reasoning behind the calculations.

Commissioner Hanlen -

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I'm just pointing out that Pod 5 and Pod 7 why would we want any CHP acreage in those Pods when we wouldn't be able to achieve the potential that we would have if that were to occur in a different Pod?

Commissioner Dixon -

We're probably not going to get it. The way this is going to work out is. It's only 1 acre.

John Eastman -

There's a desire to mix units and you can do triplexes and 4-plexes in Pod 7.

Commissioner Dixon -

If you add all of this up, it adds up to 18 or 19.

John Eastman -

I realize that. One of the goals of the WSSAP is to mix these units throughout.

Commissioner Dixon -

We're going to probably get the 12.5 acres before Pod 7 develops. Therefore the program ends and Pod 7 gives no acreage.

John Eastman -

Those were the only 2 changes. We took 1 of them out and the other one was a consensus change.

Commissioner Levy -

Could you read the maximum CHP lot acreage? My chart has 23 acres.

John Eastman -

Pod 2 is 3 acres, Pod 3 is 3 acres, Pod 4 is 2 acres, Pod 5 is 1 acres, Pod 7 is 1 acre, Pod 8 is 2.5 acres, Pod 9 is 3 acres, Pod 10 is 4 acres, and Pod 11 is 2 acres.

PUBLIC COMMENTS

Rich Lowe -

In your packet you have a letter for support. We want to show our support for the annexation agreement and the Steamboat 700 affordable housing plan. We support both the financial and the market analysis that has been done by City staff. It's also appropriate in terms that it supports the WSSAP in terms of the community housing. We also endorse the City staff recommendations and believe in the community housing plan. It compliments our mission of the Housing Authority, which is to provide affordable housing. Our analysis shows that there's an ongoing imbalance of affordable housing in the Yampa valley. This isn't going to solve all of the problems. The community indicator for 2009 and 2010 projects for Routt Cnty to exceed 44,700 people at the time that this project would be completed. There's going to be growth. We believe that the WSSAP correctly identifies the West Steamboat area is the most viable area to develop in the future and provide affordable housing. We also believe that Steamboat 700 provides for a large part the long term solution for affordable housing in Steamboat Springs. We are supportive of the Steamboat 700 plan to provide additional funds. That will help us accommodate our mission and provide affordable housing. In our letter we do detail and outlined some issues to be outlined and dealt with over time. He mentioned some of those details that were

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outlined in the letter. We need some definitions on some restriction on the use of funds and lands dedicated for affordable housing. We also want to see again language that would be added to prevent speculation and flipping of property. The definition of RETF on second home transfers and individual lot sales needs to be identified. We recognize that there are some variables that exist for this long term project. The ongoing changing needs for specific types of housing, the amount of time, the amount of RETF, and the uncertainty of market conditions. The Yampa Valley Housing Authority supports this project. The YVHA board thanks the City in allowing us to participate in this process. We continue to offer our services and look forward to our continued participation with the City.

Bill Jameson -

I hope you recognize that you're not here to rubber stamp. What City staff has done and what City Council has made with policy decisions to get you to this point. I would hope that as you asked those questions to critically analyze this annexation agreement. There are some improvements that can be made. I had hoped that this water and waste water master plan would be done. Too many things impinge on what that master plan shows. If they can't get that study done before you're forced to make a recommendation then I urge you to table this consideration. It's putting you and the City in a bad position. We all know that the assessment is going to go up. The rate for the water is going to go up. They have a draft out there, but it's not been made public yet. A lot of how this hangs together depends on that document. I wrote you an email regarding the bottleneck. I would ask you to address it in the annexation agreement. It's like ignoring the most obvious problem. I know that Public Works said that it won't go below an E so a trigger won't have any impact. If Public Works is wrong and that intersection becomes F meaning that you've exceeded capacity then you're in a world of hurt. You're job I would hope is to prevent the catastrophes from happening that could easily happen if their projections are wrong. My suggested trigger was that if it fell below E. I didn't expect a high grade of such as an A or B on that intersection. I'm looking for the dooms day scenario that I want to be protected against. Public Works says it's not going to happen, but if it does then where's the means that you shut down further platting or building permits until that intersection can be approved to at least an E? If you're going to move forward and make a recommendation to City Council that you recommend that trigger be put in there. That's the biggest error in how this transportation plan can fail. Everybody wants to talk about the WSSAP except when it doesn't align with their interests. Traffic was identified a long time ago as the key component. The essential ingredient in the recipe John Eastman wants you to consider is the bottleneck. At one time the bottleneck had a B priority. City Council may have thought that it didn't rate at a B. That doesn't mean that you can't have independent judgment. If you don't want to make it a B then put the triggers in. When that falls below E and are clearly measurable and not some arbitrary standard that you get it solved. I'm not here to argue the 25% share that Steamboat 700 is required to contribute. What is fair is that before that intersection reaches capacity that it gets solved. If it doesn't then it will have a tremendous impact on all of the residences in the city.

Les Liman -

Well over half of our employees can't live in Steamboat Springs. ACZ is a company that brings in business and brings in clean work from all over the world. We are a business that needs to keep attracting highly trained professional chemists and we need to have them be able to live here. They don't want to live a long distance away. Anything that we as a

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community can do to make it possible for people to live nearby the places that they work would make a lot of sense. I can't believe that we can't make this work. We firmly support this process.

Melissa Gibson -

I think that Steamboat 700 is a great partner for the future of Steamboat Springs. There seems to be a lot of issues in the City of Steamboat Springs that don't have a lot of detail in this project. I think that it's obvious that the problems with the traffic on hwy 40 exist today. Without Steamboat 700 we don't have any plans to address those issues. Steamboat 700 is willing to pay the majority of those improvements. If Steamboat 700 doesn't come through then there aren't any funds for any improvements throughout the entire city. The current Steamboat residents will not have to pay for the infrastructure. Any additional costs brought forth by Steamboat 700 will be paid for by Steamboat 700. It's not going to cost the current residents of Steamboat Springs anything. I've heard a lot about them taking water rights away and they're not taking water rights and they've given money to firm up the current water rights. There have been studies done showing that there is plenty of water available. There's no upfront costs to the City. The City has little or no risks. The risks are very minimal. I think that the staff has done a great job in making sure the City is protected. I've heard concerns about the mill levies out in that area and a chart was put up showing that there's a higher mill levy in other areas and the taxes are greater in Stagecoach. I've heard a lot about where are these people going to come from? There's a chunk of people that will come from current residents. I've heard that there are 2,200 listings on the MLS right now. Out of the 2,200 less than 30 of those are single family residences under \$500,000. Less than 5 of those are under \$350,000. Those 5 you probably wouldn't want to live in anyway. I've heard that our community character could be stretched. I think that it's the opposite. I think that if we don't have Steamboat 700 then our community character will go away. We have issues right now with our workforce being forced out of the city. The WSSAP was developed by the community for the community to plan for the future. Steamboat 700 definitely meets that plan. I hope that this community, Council, City staff, and Planning Commission will make this project happen. Steamboat is a community and we should stay a community. I hope you will consider making sure this goes through.

Catherine Carson -

The level of study and detail is tremendous. I would like to confirm that Steamboat 700 is a great opportunity for Steamboat Springs. Based on certain market variables with the 12.5 acres the variable could generate more or less than the 20% minimum affordable housing requirement listed in the WSSAP. I think that John Eastman did a great job. I did a sensitivity analysis on John Eastman's model. Things that would make us drop down below the 20% are a couple of items. The first of which is in the analysis to hit that 20%. 80 of those units are 1 bedroom 700 sq.ft. units. That's 2 out of every 10 units. I think that you guys realize the challenges with First Track on small units. Another potential variable that could dip us down a little bit lower is the interest rates. Just looking at the sensitivity analysis of that if that interest rate were to go up we would lose 137 units. If we have inflation the costs that would go up would be construction and land costs. We'll only get 5% of the RETF. We use the profits that we get from free land and we use those profits to purchase future land. The land costs will most likely be increased in the final phases. I think that those are the challenges. I'm asking Steamboat 700 if they could potentially find

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another 1.5-2.5 additional acres to dedicate to the City so that we could meet the 20% goal more easily. If not then to consider that other decision, which in the future we could potentially be sacrificing quality for quantity. If that's a public decision then I encourage you to look elsewhere for funds.

Kevin Kaminski -

I agree with this partnership. Why do we continue to pay for these studies at all of these levels when we don't want to believe the results that we get? I understand that it has to happen, but that's a governmental issue. They give us a study so believe and move on. I heard water rights, do you think that people when they did the mountain lets see how much its going to cost people in West Steamboat? I'm going to bet that the mill levies for the water for the mountain district are less than what Steamboat 700 is going to have to pay. It's a natural fact that the next addition is going to be higher, because it's a bigger stretch and is bringing on more problems. We can't burden this partner with those future growth problems. That traffic is going to continue to come in. It's irresponsible to hold this project up for our city's problems just because this guy can come in here and we can burden the heck out of him. Let's work with this partnership and make this work.

Jean Urban -

If you build it they will come. If you don't build it they will still come. Capital improvements such as schools, roads, etc. these will all need to be addressed even if Steamboat 700 doesn't exist. The City has an opportunity that we can't afford to pass up.

Fred Duckels -

I really look forward to when we can put some retail on this side of town. Steamboat 700 came in with a bubble. I'm pretty impressed with these people and I'm not impressed easily by a lot of the developers in this area. If we pass this up and they're offering a lot of amenities then we may never see a project come in like this again. We need to look at it, because this growth is coming whether we like it or not. We're going to have to prepare for the future. Roads that have a problem generally get fixed. I think that we're going to have to have a little bit of faith. I think that it's something that we need to take advantage of.

Curtis Church -

We have a long list of things that we say we want as a community. Today we have had no action in fixing these things or wanting those things. Now we have a chance with a partner that's come to the table with money. No matter which problem we're looking at we don't have the money to deal with it. Now we have a chance don't pass that up. We have that chance then don't misuse your powers to pass that by. Housing comes down to money and you get a lot more done if you have the money. This community has had goals of 15% with inclusionary zoning, which has proved unworkable now. We try to get there the best we can. The 12.5 acres and the transfer fee to get there is the goal. Even if we do more there's not necessarily a chance that we'll get there. With the money you have a better chance. You've got a constant stream over the years to get to that goal of 20%.

Christine Hands -

I'm in support of Steamboat 700. When we talk about Steamboat we refer to what's inside the city limits. There are a lot of people that live on either end of town. Thank you to all of you for the long deliberation and consideration in this process. We have a great

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opportunity in front of us. We don't have everything solved, but I have great faith that we'll find the solutions. I would like to see this recommendation go to City Council.

STAFF COMMENTS IN REGARDS TO PUBLIC COMMENT

Laura Anderson -

Level of service is based on delay. If Elk River Rd is at an F then you know that you have to wait several lights before you can make it through that intersection. It doesn't mean that the intersection is at grid lock all day long. I don't want to make any excuses, but I just want to put some of these level of service discussions into context for you.

MOTION

Commissioner Beauregard moved to a motion to deny.

There was no second so the motion failed.

MOTION

Commissioner Dixon moved to approve ANX-08-01 and Commissioner Lacy seconded the motion.

DELIBERATION

Commissioner Dixon -

The first criteria for approval is consistency with applicable plan. I agree with staff on their analysis on pg 2-18. The exception is E, which you say 'consistent; the primary street layout and road connectivity requirements of the regulating plan will ensure an interconnected street layout'. I would say that it's the combination of the regulating plan and the lot and block standards. The regulating plan by itself I don't think would make that consistent. The 2 together I think that I could find that consistent. Additionally I would add that according to the nexus study that we saw tonight that it will bring an inventory of 1,182 homes to satisfy housing homes for the rest of the City over and above what it needs for itself. I think that was a major part of the WSSAP. I find that #1 is consistent for approval.

#2 compatibility with surrounding development. I also agree with staff findings on pg 2-15. Additionally not only is it compatible with the existing residential neighborhoods in the West Steamboat area and the County residences out there. It will provide a great benefit to them as well including parks, open space, grocery store, and other neighborhood servicing retail that's necessary and sorely needed out there. Core trail connections and the necessary imputes for some brand new schools out there. I think those are huge benefits that carry to item #6, which is advantages versus disadvantages. I find it consistent with item 2.

Item 3 consistent with purpose and standards of zone district. Staff's analysis was good on that. I don't need to add anything there. I'm super excited about the TND and I think that it was the right decision.

Item 4 contribution to affordable housing. Initially I was very wary about the land dedication policy; because I don't think that the City should be in the construction business competing with its own constituency. I was hesitant at first. After thinking it through I think it allows us more control and flexibility to meet the requirements of our own mandate versus having to take what we're given. The key for me in that was in the model is that we create strong public private partnerships. That we don't get into the construction business. I feel strongly

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that the public in this equation is the Housing Authority. I think that we should let them do what they have the expertise to do. The second part of the equation is the creation for a perpetual funding source and I think this is key to any successful community housing program. A transfer fee is below the line. In other words it doesn't get folded into the inflationary value of the free market units like a fee in lieu does and land dedication does and like building units do. I think this is the better model to strive for. I applaud City Council for moving in that direction. I think it's absolutely the right thing to do. I find criteria 4 consistent for approval.

Criteria 5 effects on natural environment. The growth being a given and I think that it is. I really appreciated one of the public comments that were sent to Carrie, a guy that was so anti-growth he gave himself vasectomy. Growth being a given I believe that this application coupled with the TND zoning regulations will create the framework for concentrated dense smart growth, which ultimately has a more positive effect on the environment than alternative suburban styled small parcel by small parcel non-master planned car dependent development that we've been accustomed to for the last 50 years. It will be far worse environment in the long run if we were to annex this one chunk at a time. That's the big key and why I think it's fortunate actually to be able to get this large chunk of land in 1 annexation. I don't think that we anticipated it, but I think that we're very fortunate to get it.

Item 6 advantages versus disadvantages. I think that I've already gone over everything that I've said so far. I would say that I support the criteria for that.

Item 7 I believe staff on that one. I don't have a reason to question that one. I believe that you summed that up and that it meets all of the criteria for approval.

I find that all 7 criteria for approval are met. That's why I made the motion for approval.

Commissioner Lacy -

I would like to thank staff. I know that staff has put in a lot of work on this. I would also like to thank the developer, City Council, and the public in general. This has been a long collaborate effort that I think that sometimes people don't always appreciate. I would also like to thank all of the other Planning Commissioners and the time that they've spent on this. I only joined this process half way or ¾ of the way through. I know that it's been a lot of work for me. I know that especially for you that it's been a lot of detail and time thinking about this. I appreciate everything that you've done. I'll concur with Commissioner Dixon's comment. I think that staff's analysis is pretty accurate as far as all 7 criteria for approval.

I would focus my comments mainly on my concerns. I would note that I'm a little bit concerned about fiscal neutrality. I'm not sure that there's any way we could accurately study or predict whether this would be a truly fiscal neutral development. I would also not that I'm a little bit concerned about some traffic issues that will inevitably need to be dealt with. I think that the overall advantages of this project do significantly outweigh the disadvantages. The impacts that this development will have on affordable housing are huge. I think that the TND design standards are outstanding and are really going to provide for a nice community in this area. The money that's going to go to the fire station, hwy improvements, multi-modal transportation, schools, open space, parks, and trails. All of these things I think significantly outweigh any of the concerns. With any project of this size

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there are going to be questions and concerns that we'll all have. Will we come to an agreement? Probably not. Do we have something that's going to benefit the community? I think that there's no doubt in my mind that we do. That's why I seconded the motion. I will be voting in favor of this annexation.

John Eastman -

The motion would include direction to staff to make edits and revisions to the annexation documents for consistency and clarity provided that they are called out for City Council and don't have any subsistent change on the overall documents.

Commissioner Beauregard -

There are 2 criteria that I will vote against. The first one is consistency with applicable plans. Recently you asked how we did in the kitchen. I think that you did marvelously in the kitchen. It's this gourmet meal. It's unbelievable. It's beautiful. It's just unaffordable. It's too expensive. We've shot the WSSAP. I think we got lobster when we wanted hamburgers and at that we've got a lot of it. Too much of a really nice expensive product. I don't think that's what we envisioned in the WSSAP. I think that we envisioned a place for locals to live and to live inexpensively.

The second criteria that I don't like is the advantages versus the disadvantages. I'm not convinced that the disadvantages don't outweigh the advantages. The biggest miss there was the size of it and the massiveness of this project. It pushed us over this fine line of being an advantage. I think that if it had been scaled back a little bit. I would like to ask a friendly for Bill Jameson's suggestion for a traffic analysis at 13th St. It's definitely called out in the WSSAP to not go to a grid lock. I think that the sure massiveness of it bumped it over that line. Those would be the 2 criteria that I would be voting against.

Commissioner Dixon -

I will not entertain the friendly. I don't want to be kicking the can in using Bill Jameson's own analysis to Steamboat 700. I think that it needs to be resolved, but I think it's a community problem. We need to institute our regional transport system and all of us in the community need to pay for it. We all drive through that intersection and not just the people out west.

Commissioner Fox –

I will be supporting this motion. I feel like I really did a critical job on this in analyzing both sides to this. I definitely saw the pros and the cons. There will always be con's to every development. You need to figure out if the pros outweigh the cons. In this respect I definitely think that it's in the best interest of the community.

Attainable housing is very important. I think that it needs to stay in the forefront of everyone's mind in going forth with everything West of Steamboat. I personally don't believe that it's only a 20-25 year build out. Either way it doesn't matter. The longer that it does last the better it will be for the community. I kind of indicated at the last meeting I'm not sure that our community is specifically ready to have 2,000 homes start developing. I think that we will be ready for it within the next 10 years. I think that having a large plot of land as Commissioner Dixon was saying it comes as a blessing to us. The fact that having one large parcel close to the city limits that we can be able to obtain schools from it, core

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trails, and lots of retail. Since there's no retail west of town I think that it's sorely needed out there.

Looking back at it I had initially thought about trying to entertain the idea of phasing the plan. I realize that's probably not a good thing. I change my mind on that. I like the idea of having the whole thing going at once. As Commissioner Dixon said smart condensed growth is a very good thing. I like the TND. Thanks to staff and everyone who's spent so many hours in this room and working on it.

I do have a couple of concerns that I would like to state. One of them is the bottleneck at 13th St. It definitely needs to be addressed and worked out before development happens out there. I don't think it's 100% obtained to Steamboat 700. We are going to have this problem whether Steamboat 700 develops or not. We already have this problem. I think that it's definitely something that the City will need to start looking at sooner rather than later. I would also like to make sure that this project is as sustainable as possible. Personally I would like to see it verified by a 3rd party. Rather than just saying that we're going to be doing all of these things I would like to have a 3rd party verify, because that's the only way to make sure that it actually happens. I know that City Council said that they're going to make this a requirement for all future developments. I believe that the buildings are definitely going to be that way. The overall development, there's a lot that goes along with that and is specific to the development and not to each individual home. I would like that to be addressed possibly by City Council or by the developer.

Commissioner Hanlen –

Regardless of the outcome of this project at the hands of Planning Commission or City Council I think this process begs a deeper examination by the community on itself. I think that there's an irony in the demands that have been put upon Steamboat 700 that aren't being demanded or requested of the rest of the community.

I think that before we demand water rights and similar contributions should current residences not address their own water consumption and demands.

Before we demand the creation of affordable housing whether it's through actual construction or dedication of land from Steamboat 700 should we not be contributing to this cause again as a community?

Before we demand that Steamboat 700 address our problem with hwy 40 there needs to be a realization that the problem already exists due to our current driving habits. Without Steamboat 700 building a single unit throughout the years the City has paid for study after study which comes to the same conclusion every time that locals create the majority of the traffic problems on hwy 40. Until we change our own driving habits versus having somebody else fix our self created problem the problem will continue to be exasperated. This project if approved will employ land strategies that should be the envy of the rest of the city.

Certain zoning practices created under utilized and underdeveloped land leads to sprawl and the need to develop further and further out of town. Should we not recognize the potential irony for Steamboat 700 to be a better product than the existing city by the time

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it's been fully built out? No matter how you look at this project it is sprawl, but I believe that dense development and intelligent land use policies overcome that fact. This won't be like an ambiguous urban cousin.

The Steamboat Springs UGB line has expanded too large, much too quickly in the West of Steamboat while being overly constrictive in locations more suited to a healthy dense city and closer to the core. The entire purpose of the UGB line is to promote constrained growth that is concentrated towards a focal point or center. A UGB line that's too large with land strategies that underutilize land will promote that sprawl.

It is currently assumed that when a developer requests additional density that the only motivation there is greed. I think that we need to recognize and codify the fact that a densification in the existing city combined with a mix of uses and product types will exist and empower Steamboat for a truly sustainable growth.

Steamboat 700 has brought forth a proposal that is doing at least if not more than what was asked of it in the WSSAP. They have created a proposal that is meeting if not exceeding the goals contained within the WSSAP and should be commended for having endeared the 2 year process to get to this point. Due to the compliance with all of the previous discussion and appropriate community plans I'm recommending approval of this annexation.

Commissioner Levy -

I too have been working on this and I can only imagine the amount of work that the applicant and staff has put into this. My initial thoughts were to table this. I think that I understand what's in front of us now. I don't know if I've totally absorbed it. You can understand all of the batting averages of 2 opposing teams, but do you really know who's going to win? I understand it, but I'm not sure that I know what the outcomes will be. Since I hear a lot of certainty from a lot of the other Commissioners I don't think that a motion to table would be appropriate.

The compatibility with surrounding development, I agree with staff's report.

Consistent with purpose and standards of the zone district, I too am in love with the TND. It's a great opportunity that is everything that the WSSAP has asked for, which is walkability, density, mixed use, etc.

The effects on the natural environment, I agree with staff and the pre-annexation agreement.

Where I'm having problems being convinced is consistency with applicable plans. In my mind the original plan did not foresee 3,600 units. We discussed it in the NEPA study, but I don't think that it was discussed the way that it should have been in the overall plan. The full build out density is going to be far more than the community considered when they made the plan. That's a really big stretch to make that assumption that these new higher densities and to spread it out over the entire UGB is acceptable.

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Other parts of the applicable plans that I'm not convinced on is the fiscal neutrality. Jerry Dahl said it's a snapshot. Yes, under these circumstances at this time we have fiscal neutrality. In my mind there are so many things that aren't being taken into consideration. One that I brought up was that if this agreement can be changed by any future Council I think that one of them should be that they can't ignore something like that. Some of the ideas that can easily be changed are going to change that fiscal neutrality quickly and very easily. I have real problems with that. The plan doesn't allow for that and these exemptions do all for it.

Water and waste water are also in the plan. Those contingencies have to be met. We have outstanding studies that really have not examined when and where those future costs are going to be required. I think that the impacts on future annexations could be disproportionate to them compared to this current annexation. The community has gone out to have excess capacity and I don't think it's appropriate that we're not going to apply any penalties until we meet the extreme limit of that.

Same with the transportation, we're not going to apply just because Steamboat 700 has pushed us over the transportation limits. We're not going to apply all of those fees to them; we're only going to apply the proportional fees to them. I'm not sure why we're not applying proportional fees to the waste water treatment plant and similar potential costs down the road that are being ignored right now. We don't know what those impacts are. I believe with Commissioner Beauregard about the bottleneck. While it's not Steamboat 700's responsibility that if the bottleneck gets to a point that we get to a level of F we should be able to impose a restriction on the number of units just like we have on all of the other hwy 40 improvements. Even though it wasn't covered by hwy 40 and we really don't know what that result is, but if the 13th St. bottleneck gets bad and there's not the money to fix it. I agree that it's everybody's problem, but it doesn't mean that Steamboat 700 or any other UGB annexation request can move forward because of that.

I have concerns that there isn't consistency with the applicable plan. The overall is whether the advantages outweigh the disadvantages. All of the things that I've mentioned along with the uncertainty of the affordable housing. I'm not convinced that we'll see the affordable housing level that's being required in the WSSAP at 20% or the total of 33%. I haven't been convinced of that. I think that's the responsibility of the applicant. I'm not going to be able to support the motion.

VOTE

Vote: 4-2

Voting for approval of motion to approve: Dixon, Fox, Hanlen and Lacy

Voting against the motion to approve: Levy and Beauregard.

Absent: Meyer

One position vacant

Discussion on this agenda item ended at approximately 10:19 p.m.



TO: John Eastman, Planning Services Manager

FROM: Laura Anderson, Public Works Engineer

DATE: September 21, 2009

RE: City Council Request for Data

At their September 8, 2009 meeting, the City Council asked for additional data as part of the Steamboat 700 discussion regarding the Capital Facilities Plan.

Sidewalk construction costs based on a recent 2009 bid;

8' wide concrete sidewalk 6' wide concrete sidewalk 4' wide concrete sidewalk 532.00/Lineal Foot \$27.00/Lineal Foot

Traffic volume triggers for west US 40 Improvements

US 40 from Downhill Drive to Steamboat West Blvd.

Design @ 600 dwelling units (du) 2015 - 16,500 average daily

traffic (adt)

Construct @ 1200 du 2021 - 18,600 adt

US 40 from Steamboat West Blvd. to CR 42

Design @ 700 du 2016 - 16,700 adt Construct @ 1400 du 2023 - 18,700 adt The improvements from Downhill Drive to 13th Street are needed today (with current volumes of 20,000 adt) and will be phased in from west to east in 3 phases:

US 40 from Downhill Drive to Curve Ct. (includes Elk River Road intersection)

Design @ 100 du Construct @ 250 du

Us 40 from Curve Ct. to Dream Island trailer park entrance Design @ 100 du Construct @ 500 du

US 40 from Dream Island trailer park entrance to 12th St. (includes 13th St. intersection)

Design @ 390 du Construct @ 600 du - 34,000 adt

Traffic Volumes on US 40 east of Steamboat Springs
2007 CDOT data east of Walton Creek Road – 12,000 adt
2007 CDOT data @ Pine Grove Road – 20,800
2007 CDOT data east of 13th – 25,700 adt
2007 CDOT data east of CR 42 – 13,900 adt
2007 CDOT data west of CR 44 – 6,000 adt

I am also enclosing the conceptual cost estimates from the West US 40 NEPA study that incorporate a high and low estimate that includes design, row, construction and contingency costs. In addition, the associated US 40 Capital Improvement Phasing Plan is attached for both the high and low estimate

		Range	of Costs
		High	Low
Segment 1	Construction	\$2,267,000.00	\$2,206,000.00
	Engineering	\$533,000.00	\$521,000.00
12th Street to 830' west of 13th Street.	Right-of-Way and Easements	\$270,000.00	\$270,000.00
	Contingency	\$614,000.00	\$300,000.00
	Rounded Segment Total	\$3,690,000.00	\$3,300,000.00
Segment 2	Construction	\$10,797,000.00	\$10,508,000.00
	Engineering	\$2,267,000.00	\$2,212,000.00
830' west of 13th Street to just east of Curve Court.	Right-of-Way and Easements	\$2,700,000.00	\$2,700,000.00
	Contingency	\$3,153,000.00	\$1,542,000.00
	Rounded Segment Total	\$18,920,000.00	\$16,970,000.00
Segment 3	Construction	\$4,617,000.00	\$4,474,000.00
	Engineering	\$1,016,000.00	\$989,000.00
Just east of Curve Court to just east of Shield Drive. Includes Elk Creek Road intersection.	Right-of-Way and Easements	\$1,365,000.00	\$1,365,000.00
EIR Greek Road Intersection.	Contingency	\$1,400,000.00	\$683,000.00
	Rounded Segment Total	\$8,400,000.00	\$7,520,000.00
Segment 4	Construction	\$3,469,000.00	\$3,363,000.00
	Engineering	\$759,000.00	\$739,000.00
Just east of Shield Drive to 900' west of Downhill Drive.	Right-of-Way and Easements	\$1,845,000.00	\$1,845,000.00
	Contingency	\$1,215,000.00	\$595,000.00
	Rounded Segment Total	\$7,290,000.00	\$6,550,000.00
Segment 5	Construction	\$18,667,000.00	\$9,049,000.00
	Engineering	\$3,877,000.00	\$2,049,000.00
900' west of Downhill Drive to west of Slate Creek. Includes Slate Creek Intersection.	Right-of-Way and Easements	\$2,505,000.00	\$4,245,000.00
State Creek Intersection.	Contingency	\$5,010,000.00	\$1,534,000.00
	Rounded Segment Total	\$30,060,000.00	\$16,880,000.00
Segment 6	Construction	\$16,006,000.00	\$10,323,000.00
	Engineering	\$3,203,000.00	\$2,124,000.00
West of Slate Creek to west of CR 42. Includes CR 42 intersection.	Right-of-Way and Easements	\$3,285,000.00	\$3,834,000.00
intersection.	Contingency	\$4,499,000.00	\$1,628,000.00
	Rounded Segment Total	\$27,000,000.00	\$17,910,000.00
Segment 7	Construction	\$8,478,000.00	\$8,285,000.00
	Engineering	\$1,862,000.00	\$1,826,000.00
West of CR 42 to west end of project.	Right-of-Way and Easements	\$3,120,000.00	\$3,120,000.00
	Contingency	\$2,692,000.00	\$1,323,000.00
	Rounded Segment Total	\$16,160,000.00	\$14,560,000.00
ransit	Construction	\$2,394,000.00	\$2,394,000.00
	Engineering		
	Right-of-Way and Easements		
	I I		
	Contingency	\$479,000.00	\$239,000.00

- Based on Preferred Alternative June 16, 2009
- 2. Pavement section consists of 6" HMA, 6" ABC (Class 6), and 18" ABC (Class 3)
- 3. MSE walls assumed for all embankment walls and Ground Nailed Walls assumed for cut walls
- 4. Approximate Right-of-Way established 10' off of toe of slope or toe of cut
- 5. Right-of-Way cost based on 0.4 acres at \$250,000
- 6. Right-of-Way discounted to \$7.50 due to severe topography.
- 7. Overall Preliminary Engineering/NEPA document cost pro-rated to estimate cost per segment.
- 8. Unit costs derived from CDOT Cost Data 2008

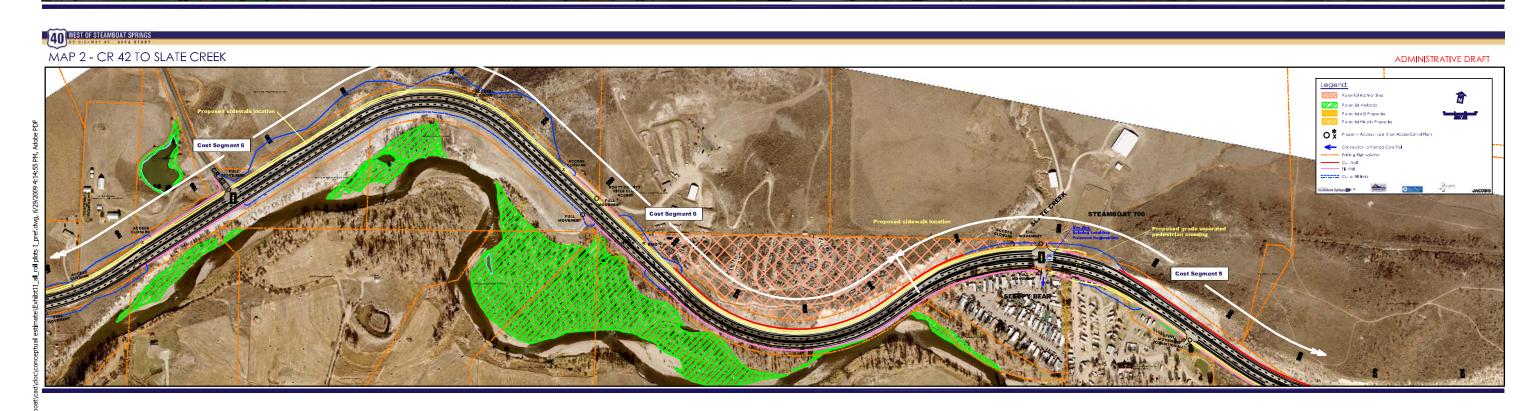
US 40 West of Steamboat Springs CONCEPTUAL Cost Estimate High Range DRAFT

			Segn	nent 1	Segi	ment 2	Segr	nent 3	Segn	ent 4	Segn	nent 5	Segr	nent 6	Segn	nent 7			All Segments	5
			(13th Street	to 390+00 Intersection) 0 LF)		to 374+00 00 LF)	(Elk River Roa	to 329+00 ad Intersection) 00 LF)	287+00 t (210			o 287+00 0 LF)		to 242+00 00 LF)		to 188+00 00 LF)	Т	ransit	118+00 to 390+0	00
ITEM	UNIT	UNIT COST	EST. Quant.	COST	EST. Quant.	COST	EST. Quant.	COST	EST. Quant.	COST	EST. Quant.	COST	EST. Quant.	COST	EST. Quant.	COST	EST. Quant.	COST	EST. Quant. CO	ST
A- Bid Items																				
Removals	0)/	A 0.75	10.500	A 40.075	07.400	A 40 050	00.500	* 00.405	47.500	Ф 05.005	00.000	. 07.500	00.400	* 400.405	00.400	A 405 075		•	474400 6 6	050.075
Removal of Pavement Subtotal	SY	\$ 3.75	12,500	\$ 46,875 \$ 47.000	37,400	\$ 140,250 \$ 140,000	23,500	\$ 88,125 \$ 88,000	17,500	\$ 65,625 \$ 66,000	26,000	\$ 97,500 \$ 98,000	29,100	\$ 109,125 \$ 109,000	28,100	\$ 105,375 \$ 105,000		\$ -		652,875 653,000
Earthwork				Ψ 47,000	1	¥ 140,000		ψ 00,000		Ψ 00,000		ψ 30,000		ψ 100,000		ψ 100,000				,00,000
Earthwork	CY	\$ 6.00	18,800	\$ 112,800	60,300	\$ 361,800	76,000	\$ 456,000	25,500	\$ 153,000	118,400	\$ 710,400	238,400	\$ 1,430,400	88,600	\$ 531,600		\$ -	,	756,000
Subtotal				\$ 113,000		\$ 362,000		\$ 456,000		\$ 153,000		\$ 710,000		\$ 1,430,000		\$ 532,000		\$ -	\$ 3,7	756,000
New Roadway Construction Asphalt Pavement (6")	TON	\$ 90.00	4,000	\$ 360,000	12,000	\$ 1,080,000	7,300	\$ 657,000	6,100	\$ 549,000	13,700	\$ 1,233,000	15,600	\$ 1,404,000	16,300	\$ 1,467,000		œ _	75,000 \$ 6,7	750,000
Aggregate Base Course (Class 6) (6")	TON	\$ 20.00	3,500	\$ 70,000	10,500	\$ 210,000	6,500	\$ 130,000	5,400	\$ 108,000	12,000	\$ 1,233,000	13,700	\$ 274,000	14,300	\$ 1,467,000		\$ -		318,000
Aggregate Base Course (Class 3) (18")	TON	\$ 14.00	11,000	\$ 154,000	33,100	\$ 463,400	20,200	\$ 282,800	16,900	\$ 236,600	37,900	\$ 530,600	43,100	\$ 603,400	45,100	\$ 631,400		\$ -		902,200
Curb and Gutter Type 2 Section IIB	LF	\$ 13.00	3,000	\$ 39,000	9,400	\$ 122,200	5,300	\$ 68,900	2,400	\$ 31,200	0	\$ -	0	\$ -	0	\$ -		\$ -		261,300
Curb and Gutter Type 2 Section IM	LF	\$ 17.00	2,600	\$ 44,200	9,200	\$ 156,400	4,600	\$ 78,200	3,800	\$ 64,600	8,700	\$ 147,900	3,800	\$ 64,600	0	\$ -		\$ -		555,900
Median Cover Material (Concrete) Concrete Sidewalk	SF SY	\$ 6.00 \$ 50.00	15,700 1,000	\$ 94,200 \$ 50,000	51,600 7,000	\$ 309,600 \$ 350,000	19,400 3,600	\$ 116,400 \$ 180,000	14,400 3,000	\$ 86,400 \$ 150,000	42,500 4,500	\$ 255,000 \$ 225,000	16,100 6,000	\$ 96,600 \$ 300,000	0 8,800	\$ 440,000		\$ -		958,200 695,000
Subtotal	31	ψ 30.00	1,000	\$ 811,000	7,000	\$ 2,692,000	3,000	\$ 1,513,000	3,000	\$ 1,226,000	∓,500	\$ 2,632,000	0,000	\$ 2,743,000	0,000	\$ 2,824,000		\$ -		441,000
Bridges/Structures						,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,		,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,		* 1,==0,000		,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,		-,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,		, ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,			* 11,1	,
Pedestrian Underpass	LF	\$ 3,000	0	\$ -	110	\$ 330,000	110	\$ 330,000	0	\$ -	100	\$ 300,000	0	\$ -	100	\$ 300,000		\$ -	420 \$ 1,2	260,000
Subtotal				\$ -		\$ 330,000		\$ 330,000		\$ -		\$ 300,000		\$ -		\$ 300,000		\$ -	\$ 1,2	260,000
Walls	0.5	55.00	2 222	A 100 500	44.000		4.000	A 050 000	5.000		05.700	A 440 500	00.400	A 0.407.000	0.100	A 500 500			20.000	101.000
MSE Wall Ground Nailed Wall	SF SF	\$ 55.00 \$ 65.00	2,300 1,200	\$ 126,500 \$ 78,000	11,800 24,000	\$ 649,000 \$ 1,560,000	4,600 0	\$ 253,000	5,900 2,500	\$ 324,500 \$ 162,500	25,700 92,900	\$ 1,413,500 \$ 6,038,500	39,400 59,400	\$ 2,167,000 \$ 3,861,000	9,100 4,600	\$ 500,500 \$ 299,000		\$ -		434,000 999,000
Noise Wall	SF	\$ 50.00	0	\$ 70,000	15.500	\$ 775,000	0	\$ -	0	\$ 102,300	10,000	\$ 500,000	0	\$ -	15,600	\$ 780,000		\$ -		055,000
Subtotal				\$ 205,000	-,	\$ 2,984,000		\$ 253,000	-	\$ 487,000	.,	\$ 7,952,000	-	\$ 6,028,000	-,	\$ 1,580,000		\$ -		489,000
Traffic Control/Lighting																				
Signals	EACH	\$ 250,000	1	\$ 250,000	1	\$ 250,000	1	\$ 250,000	1	\$ 250,000	1	\$ 250,000	1	\$ 250,000	1	\$ 250,000		\$ -		750,000
Subtotal				\$ 250,000		\$ 250,000		\$ 250,000		\$ 250,000		\$ 250,000		\$ 250,000		\$ 250,000		\$ -	\$ 1,7	750,000
Transit New Bus	EACH	\$ 561,000		¢		¢ .		¢		¢		¢ .		¢		¢ .	4	\$ 2,244,000	4 \$ 2,2	244,000
Bus Stop Shelters with Benches	EACH	\$ 15,000		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -	10	\$ 150,000		150,000
Subtotal	27.01.	ψ .σ,σσσ		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ 2,394,000	•	394,000
Bid Item Subtotal				\$ 1,426,000		\$ 6,758,000		\$ 2,890,000		\$ 2,182,000		\$ 11,942,000		\$ 10,560,000		\$ 5,591,000		\$ 2,394,000	\$ 43,7	743,000
Unlisted Items 20%	20%			\$ 285,000		\$ 1,352,000		\$ 578,000		\$ 436,000		\$ 2,388,000		\$ 2,112,000		\$ 1,118,000			\$ 8,2	269,000
A=Sum Total of Bid Items				\$ 1,711,000		\$ 8,110,000		\$ 3,468,000		\$ 2,618,000		\$ 14,330,000		\$ 12,672,000		\$ 6,709,000		\$ 2,394,000	\$ 52,0	012,000
B- Urban Design/ Landscaping	% of (A)		3%	\$ 51,000	3%	\$ 243,000	3%	\$ 104,000	3%	\$ 79,000	2%	\$ 287,000	1%	\$ 127,000	1%	\$ 67,000		\$ -	\$ 9	958,000
C- Drainage	% of (A)		9%	\$ 154,000	9%	\$ 730,000	9%	\$ 312,000	9%	\$ 236,000	8%	\$ 1,146,000	6%	\$ 760,000	6%	\$ 403,000		\$ -	\$ 3,7	741,000
D- Traffic Control (Permanent & Construction)	% of (A)		6.5%	\$ 111,000	6.5%	\$ 527,000	6.5%	\$ 225,000	6.5%	\$ 170,000	6.5%	\$ 931,000	6.5%	\$ 824,000	6%	\$ 403,000		\$ -	\$ 3,1	191,000
E- Mobilization	7% of (A+B+C+D)		7%	\$ 142,000	7%	\$ 673,000	7%	\$ 288,000	7%	\$ 217,000	7%	\$ 1,169,000	7%	\$ 1,007,000	7%	\$ 531,000		\$ -	\$ 4,0	027,000
F = TOTAL OF CONSTRUCTION BID ITEMS A+B+C+D+E				\$ 2,169,000		\$ 10,283,000		\$ 4,397,000		\$ 3,320,000		\$ 17,863,000		\$ 15,390,000		\$ 8,113,000		\$ 2,394,000	\$ 63,9	929,000
G- Force Account - Utilities	% of (F)		4.5%	\$ 98,000	5%	\$ 514,000	5%	\$ 220,000	4.5%	\$ 149,000	4.5%	\$ 804,000	4%	\$ 616,000	4.5%	\$ 365,000		\$ -	\$ 2,7	766,000
H = TOTAL OF CONSTRUCTION ITEMS F+G				\$ 2,267,000		\$ 10,797,000		\$ 4,617,000		\$ 3,469,000		\$ 18,667,000		\$ 16,006,000		\$ 8,478,000		\$ 2,394,000	\$ 66,6	395,000
I- Preliminary Engineering/NEPA document	Actual Values	<u>† </u>		\$ 102,000		\$ 215,000		\$ 139,000		\$ 100,000		\$ 330,000		\$ 162,000		\$ 252,000		\$ -		300,000
J- Final Engineering including Right-of-Way Plan preparation	7% of (H)		7%	\$ 159,000	7%	\$ 756,000	7%	\$ 323,000	7%	\$ 243,000	7%	\$ 1,307,000	7%	\$ 1,120,000	7%	\$ 593,000		\$ -		501,000
K- Construction Engineering	12% of (H)	ļ	12%	\$ 272,000	12%	\$ 1,296,000	12%	\$ 554,000	12%	\$ 416,000	12%	\$ 2,240,000	12%	\$ 1,921,000	12%	\$ 1,017,000		\$ -	\$ 7,7	716,000
L=TOTAL CONSTRUCTION AND ENGINEERING COST H+I+J+K				\$ 2,800,000		\$ 13,064,000		\$ 5,633,000		\$ 4,228,000		\$ 22,544,000		\$ 19,209,000		\$ 10,340,000		\$ 2,394,000	\$ 80,2	212,000
M=RIGHT-OF-WAY AND EASEMENTS	SF	\$ 15.00	18,000	\$ 270,000	180,000	\$ 2,700,000	91,000	\$ 1,365,000	123,000	\$ 1,845,000	167,000	\$ 2,505,000	219,000	\$ 3,285,000	208,000	\$ 3,120,000		\$ -	1,006,000 \$ 15,0	090,000
CONTINGENCY	20%			\$ 614,000		\$ 3,153,000		\$ 1,400,000		\$ 1,215,000		\$ 5,010,000		\$ 4,499,000		\$ 2,692,000		\$ 479,000	\$ 19,0	062 000
20% of L+M	20 /0			₩ 514,000		y 3,133,000		ψ 1, 1 00,000		Ψ 1,213,000		ψ 3,010,000		¥ 7,733,000		Ψ 2,032,000		¥ 413,000	φ 19,0	,02,000
Total Rounded Cost Including ROW (2009 dollars)	· <u></u>		\$3	3,690,000.00	\$1	8,920,000.00	\$	8,400,000.00	\$7	,290,000.00	\$30	0,060,000.00	\$2	7,000,000.00	\$16	6,160,000.00	\$2	2,880,000.00	\$114,400,0	00.00

US 40 West of Steamboat Springs CONCEPTUAL Cost Estimate Low Range DRAFT

	1		Segn	nent 1	Segi	nent 2	Segr	nent 3	Segr	ment 4	Segn	nent 5	Segn	nent 6	Segn	nent 7			All Se	egments
			(13th Street	to 390+00 Intersection) 0 LF)		to 374+00 00 LF)	(Elk River Roa	to 329+00 ad Intersection) 00 LF)		to 308+00 00 LF)		to 287+00 00 LF)		o 242+00 0 LF)		to 188+00 00 LF)	т	ransit	118+00	to 390+00
ITEM	UNIT	UNIT COST	EST. Quant.	COST	EST. Quant.	COST	EST. Quant.	COST	EST. Quant.	COST	EST. Quant.	COST	EST. Quant.	COST	EST. Quant.	COST	EST. Quant.	COST	EST. Quant.	COST
A- Bid Items											-,		-,						-,	
Removals																				
Removal of Pavement	SY	\$ 3.75	12,500	\$ 46,875	37,400	\$ 140,250	23,500	\$ 88,125 \$ 88,000	17,500	\$ 65,625	26,000	\$ 97,500	29,100	\$ 109,125	28,100	\$ 105,375		\$ -	174,100	\$ 652,875
Subtotal Earthwork	+			\$ 47,000		\$ 140,000		\$ 88,000		\$ 66,000		\$ 98,000		\$ 109,000		\$ 105,000		\$ -	++	\$ 653,000
Earthwork	CY	\$ 6.00	18,800	\$ 112,800	60,300	\$ 361,800	76,000	\$ 456,000	25,500	\$ 153,000	125,500	\$ 753,000	288,500	\$ 1,731,000	88,600	\$ 531,600		\$ -	683,200	\$ 4,099,200
Subtotal	Ŭ.	ψ 0.00	10,000	\$ 113,000	00,000	\$ 362,000	70,000	\$ 456,000	20,000	\$ 153,000	120,000	\$ 753,000		\$ 1,731,000	00,000	\$ 532,000		\$ -	000,200	\$ 4,100,000
New Roadway Construction																				
Asphalt Pavement (6")	TON	\$ 90.00	4,000	\$ 360,000	12,000	\$ 1,080,000	7,300	\$ 657,000	6,100	\$ 549,000	13,700	\$ 1,233,000	15,600	\$ 1,404,000	16,300	\$ 1,467,000		\$ -	75,000	\$ 6,750,000
Aggregate Base Course (Class 6) (6")	TON	\$ 20.00	3,500	\$ 70,000	10,500	\$ 210,000	6,500	\$ 130,000	5,400	\$ 108,000	12,000	\$ 240,000	13,700	\$ 274,000	14,300	\$ 286,000		\$ -	65,900	\$ 1,318,000
Aggregate Base Course (Class 3) (18")	TON	\$ 14.00	11,000	\$ 154,000	33,100	\$ 463,400	20,200	\$ 282,800	16,900	\$ 236,600	37,900	\$ 530,600	43,100	\$ 603,400	45,100	\$ 631,400		\$ -	207,300	\$ 2,902,200
Curb and Gutter Type 2 Section IIB Curb and Gutter Type 2 Section IM	LF LF	\$ 13.00 \$ 17.00	3,000 2,600	\$ 39,000 \$ 44,200	9,400 9,200	\$ 122,200 \$ 156,400	5,300 4,600	\$ 68,900 \$ 78,200	2,400 3,800	\$ 31,200 \$ 64,600	0 8,700	\$ 147,900	3,800	\$ 64,600	0	\$ -		\$ -	20,100 32,700	\$ 261,300 \$ 555,900
Median Cover Material (Concrete)	SF	\$ 6.00	15,700	\$ 94,200	51,600	\$ 309,600	19,400	\$ 116,400	14,400	\$ 86,400	42,500	\$ 255,000	16,100	\$ 96,600	0	\$ -		\$ -	159,700	\$ 958,200
Concrete Sidewalk	SY	\$ 50.00	1,000	\$ 50,000	7,000	\$ 350,000	3,600	\$ 180,000	3,000	\$ 150,000	4,500	\$ 225,000	6.000	\$ 300,000	8,800	\$ 440,000		\$ -	33,900	\$ 1,695,000
Subtotal	<u> </u>			\$ 811,000		\$ 2,692,000		\$ 1,513,000		\$ 1,226,000		\$ 2,632,000		\$ 2,743,000		\$ 2,824,000		\$ -		\$ 14,441,000
Bridges/Structures																				
Pedestrian Underpass	LF	\$ 3,000	0	\$ -	110	\$ 330,000	110	\$ 330,000	0	\$ -	100	\$ 300,000	0	\$ -	100	\$ 300,000		\$ -	420	\$ 1,260,000
Subtotal				\$ -		\$ 330,000		\$ 330,000		\$ -		\$ 300,000		\$ -		\$ 300,000		\$ -		\$ 1,260,000
Walls																				
MSE Wall	SF	\$ 55.00	2,300	\$ 126,500	11,800	\$ 649,000	4,600	\$ 253,000	5,900	\$ 324,500	25,700	\$ 1,413,500	39,400	\$ 2,167,000	9,100	\$ 500,500		\$ -	98,800	\$ 5,434,000
Ground Nailed Wall Noise Wall	SF SF	\$ 65.00 \$ 50.00	1,200	\$ 78,000	24,000 15,500	\$ 1,560,000 \$ 775,000	0	\$ -	2,500	\$ 162,500	10,000	\$ 500,000	0	\$ - ¢	4,600 15,600	\$ 299,000 \$ 780,000		\$ -	32,300 41,100	\$ 2,099,500 \$ 2,055,000
Subtotal	3F	φ 50.00	U	\$ 205,000	15,500	\$ 2,984,000	U	\$ 253,000	U	\$ 487,000	10,000	\$ 1,914,000	0	\$ 2,167,000	15,600	\$ 1,580,000		\$ -	41,100	\$ 9,590,000
Traffic Control/Lighting				\$ 203,000		\$ 2,564,000		φ 255,000		\$ 467,000		\$ 1,514,000		φ 2,107,000		\$ 1,500,000		-		\$ 9,390,000
Signals	EACH	\$ 250,000	1	\$ 250,000	1	\$ 250,000	1	\$ 250,000	1	\$ 250,000	1	\$ 250,000	1	\$ 250,000	1	\$ 250,000		\$ -	7	\$ 1,750,000
Subtotal	271011	Ψ 200,000	·	\$ 250,000	·	\$ 250,000		\$ 250,000	·	\$ 250,000	·	\$ 250,000		\$ 250,000	·	\$ 250,000		\$ -		\$ 1,750,000
Transit						·				V =00,000				,				Ť		,,
New Bus	EACH	\$ 561,000		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -	4	\$ 2,244,000	4	\$ 2,244,000
Bus Stop Shelters with Benches	EACH	\$ 15,000		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -	10	\$ 150,000	10	\$ 150,000
Subtotal				\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ 2,394,000		\$ 2,394,000
Bid Item Subtotal				\$ 1,426,000		\$ 6,758,000		\$ 2,890,000		\$ 2,182,000		\$ 5,947,000		\$ 7,000,000		\$ 5,591,000		\$ 2,394,000		\$ 34,188,000
Unlisted Items 20%	20%			\$ 285,000		\$ 1,352,000		\$ 578,000		\$ 436,000		\$ 1,189,000		\$ 1,400,000		\$ 1,118,000				\$ 6,358,000
A=Sum Total of Bid Items				\$ 1,711,000		\$ 8,110,000		\$ 3,468,000		\$ 2,618,000		\$ 7,136,000		\$ 8,400,000		\$ 6,709,000		\$ 2,394,000		\$ 40,546,000
B- Urban Design/ Landscaping	% of (A)		3%	\$ 51,000	3%	\$ 243,000	3%	\$ 104,000	3%	\$ 79,000	2%	\$ 143,000	1%	\$ 84,000	1%	\$ 67,000		\$ -		\$ 771,000
C- Drainage	% of (A)		9%	\$ 154,000	9%	\$ 730,000	9%	\$ 312,000	9%	\$ 236,000	8%	\$ 571,000	6%	\$ 504,000	6%	\$ 403,000		\$ -		\$ 2,910,000
D- Traffic Control (Permanent & Construction)	% of (A)		5%	\$ 86,000	5%	\$ 406,000	4.5%	\$ 156,000	4.5%	\$ 118,000	4.5%	\$ 321,000	4.5%	\$ 378,000	4.5%	\$ 302,000		\$ -		\$ 1,767,000
E- Mobilization	7% of (A+B+C+D)		7%	\$ 140,000	7%	\$ 664,000	7%	\$ 283,000	7%	\$ 214,000	7%	\$ 572,000	7%	\$ 656,000	7%	\$ 524,000		\$ -		\$ 3,053,000
F = TOTAL OF CONSTRUCTION BID ITEMS A+B+C+D+E				\$ 2,142,000		\$ 10,153,000		\$ 4,323,000		\$ 3,265,000		\$ 8,743,000		\$ 10,022,000		\$ 8,005,000		\$ 2,394,000		\$ 49,047,000
G- Force Account - Utilities	% of (F)		3%	\$ 64,000	3.5%	\$ 355,000	3.5%	\$ 151,000	3%	\$ 98,000	3.5%	\$ 306,000	3%	\$ 301,000	3.5%	\$ 280,000		\$ -		\$ 1,555,000
H = TOTAL OF CONSTRUCTION ITEMS F+G				\$ 2,206,000		\$ 10,508,000		\$ 4,474,000		\$ 3,363,000		\$ 9,049,000		\$ 10,323,000		\$ 8,285,000		\$ 2,394,000		\$ 50,602,000
I- Preliminary Engineering/NEPA document	Actual Values			\$ 102,000	 	\$ 215,000		\$ 139,000		\$ 100,000		\$ 330,000		\$ 162,000		\$ 252,000		•		\$ 1,300,000
J- Freilminary Engineering/NEPA document J- Final Engineering including Right-of-Way Plan preparation	7% of (H)		7%	\$ 102,000	7%	\$ 215,000	7%	\$ 139,000	7%	\$ 100,000	7%	\$ 633,000	7%	\$ 723,000	7%	\$ 252,000		\$ -	+ +	\$ 1,300,000
K- Construction Engineering	12% of (H)		12%	\$ 265,000	12%	\$ 1,261,000	12%	\$ 537,000	12%	\$ 404,000	12%	\$ 1,086,000	12%	\$ 1,239,000	12%	\$ 994,000		\$ -		\$ 5,786,000
L=TOTAL CONSTRUCTION AND ENGINEERING COST H+I+J+K				\$ 2,727,000		\$ 12,720,000		\$ 5,463,000		\$ 4,102,000		\$ 11,098,000		\$ 12,447,000		\$ 10,111,000		\$ 2,394,000		\$ 61,062,000
M=RIGHT-OF-WAY AND EASEMENTS	1	 		 				<u> </u>		 		 				 				
Full value Discounted for topography	SF SF	\$ 15.00 \$ 7.50	18,000	\$ 270,000 \$ -	180,000	\$ 2,700,000 \$ -	91,000	\$ 1,365,000 \$ -	123,000	\$ 1,845,000 \$ -	167,000 232,000	\$ 2,505,000 \$ 1,740,000	219,000 73,200	\$ 3,285,000 \$ 549,000	208,000	\$ 3,120,000 \$ -		\$ - \$ -		\$ 15,090,000 \$ 2,289,000
CONTINGENCY	10%			\$ 300,000		\$ 1,542,000		\$ 683,000		\$ 595,000		\$ 1,534,000		\$ 1,628,000		\$ 1,323,000		\$ 239,000		\$ 7,844,000
10% of L+M	1	1		1						l						1				
Total Rounded Cost Including ROW (2009 dollars)			\$3	3,300,000.00	\$1	6,970,000.00	\$7	7,520,000.00	\$(6,550,000.00	\$16	6,880,000.00	\$17	,910,000.00	\$14	4,560,000.00	\$	2,640,000.00	\$86	6,330,000.00

MAP 1 - PRO JECT START TO CR 42 ADMINISTRATIVE DRAFT Cast Segment 1 Cast Segment 2 Cast Segment 2 Cast Segment 3 Cast Segment 4 Cast Segment 4 Cast Segment 4 Cast Segment 3 Cast Segment 4 Cast Se



MAP 3 - SLATE CREEK TO CURVE COURT Cost Segment 3 Cost Segment 5 Cost Segment 6 Cost Segment 8 Cost Segme



US 40 Capital Improvement Plan Draft 2009 dollars (in \$millions) Based on High Range Conceptual Estimate, 07/02/09

	Year	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030
	Dwelling Units (1)	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
Cumi	ulative Dwelling Units	100	200	300	400	500	600	700	800	900	1000	1100	1200	1300	1400	1500	1600	1700	1800	1900	2000	2100
PHASING RECO	OMMENDATIONS (2)																					
Elk River Intersetion area: Just	Design	\$ 0.68																				
east of Curve Court to 900' west	ROW Acquisition		\$ 3.85																			
of Downhill Drive.	Construction			\$	11.16																	
Stockbridge area:	Design		\$	0.91																		
830' west of 13th Street to just	ROW Acquisition			\$	3.24																	
east of Curve Court	Construction					\$ 14.77																
13th Street Intersection area:	Design				\$ 0.19																	
12th Street to 830' west of 13th	ROW Acquisition					\$ 0.32																
Street	Construction						\$	3.18														
Steamboat West Blvd. area:	Design						\$ 1.57															
900' west of Downhill Drive to west	ROW Acquisition							\$ 3.01														
of Steamboat West Blvd.	Construction									•			\$ 25.49								******************************	
CR 42 Intersection area:	Design							\$ 1.34														
West of Steamboat West Blvd. to	ROW Acquisition								\$ 3.94	1												
west of CR 42	Construction										0.0000000000000000000000000000000000000				\$ 21.71	Personanananananananananan		15/100000000000000000000000000000000000				
100																						4
West area:	Design											\$ 0.71	A 0.74									
West of CR 42 to west end of	ROW Acquisition												\$ 3.74					A 11.70				
project	Construction		1								1		1	1	1			\$ 11.70				+
	EVDENDITUDES																					
	EXPENDITURES	Φ 0.00	0 470	6 44 10	6 0.40	A 45.40	Φ 17	4 0 405	. 0.01	Φ.	0	A 0.71	# 00.00	•	A 04.71	Φ.	0	0 44.70	Φ.	*	Φ.	
	Expenditures by year			\$ 14.40		\$ 15.10	\$ 4.74	4 \$ 4.35	\$ 3.94	\$ -	\$ -	\$ 0.71	\$ 29.23	5 -	\$ 21.71	\$ -	\$ -	\$ 11.70	\$ -	5 -	\$ -	\$ -
I otal cun	nulative expenditures	\$ 0.68	\$ 5.44	\$ 19.84	\$ 20.03	\$ 35.12	\$ 39.8	7 \$ 44.22	ъ 48.16	р 48.16	\$ 48.16	\$ 48.87	\$ 78.10	\$ 78.10	\$ 99.82	\$ 99.82	\$ 99.82	\$ 111.52	\$ 111.52	\$ 111.52	\$ 111.52	3 111.52

Notes:

(1) Assumes straight line build out of 100 units per year

(2) By phase, assume design takes 6 to 12 months, ROW takes up to 18 months and all \$ are expended in year of start,

Priorities are based on traffic operations and practicability (LOS D initiates need to consider design and LOS E initiates need to consider construction)

US 40 Capital Improvement Plan Draft 2009 dollars (in \$millions)
Based on Low Range Conceptual Estimate, 07/02/09

	Year	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030
	Dwelling Units (1)	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
Cumu	ulative Dwelling Units	100	200	300	400	500	600	700	800	900	1000	1100	1200	1300	1400	1500	1600	1700	1800	1900	2000	2100
PHASING RECO	OMMENDATIONS (2)																					
Elk River Intersetion area: Just	Design	\$ 0.63																				l
east of Curve Court to 900' west	ROW Acquisition		\$ 3.85																			l
of Downhill Drive.	Construction			\$	9.58																	l
																						ļ.
Stockbridge area:	Design		\$	0.88																		<u> </u>
830' west of 13th Street to just	ROW Acquisition			\$	3.24																	
east of Curve Court	Construction					\$ 12.85																L
																						
13th Street Intersection area:	Design				\$ 0.18																	
12th Street to 830' west of 13th	ROW Acquisition					\$ 0.32																
Street	Construction						\$	2.79														L
																						
Steamboat West Blvd. area:	Design						\$ 0.76															
900' west of Downhill Drive to west	ROW Acquisition							\$ 5.09														
of Steamboat West Blvd.	Construction					****************							\$ 11.03	100000000000000000000000000000000000000	a 1000000000000000000000000000000000000							
																						
CR 42 Intersection area:	Design							\$ 0.87														 _ _ _ _
West of Steamboat West Blvd. to	ROW Acquisition								\$ 4.60													
west of CR 42	Construction														\$ 12.44	1 0000000000000000000000000000000000000						
	F :																					/
West area:	Design											\$ 0.70	A 0.74									
West of CR 42 to west end of	ROW Acquisition												\$ 3.74									
project	Construction													ļ			1	\$ 10.12		1		1
	EVEN DITUES																					
T / 1	EXPENDITURES	. 0.00	A 474	Ф 40.00	Φ 0.40	A 10.17	Φ 0.55	Φ 500	Φ 4.00	Φ.	•	6 0.70	A 44.77	Φ.	A 40.11	Φ.	0		.	Φ.	•	
	Expenditures by year		\$ 4.74		\$ 0.18	\$ 13.17	\$ 3.55	\$ 5.96	\$ 4.60	\$ -	\$ -	\$ 0.70	\$ 14.77	\$ -	\$ 12.44	\$ -	\$ -	\$ 10.12	\$ -	\$ -	ф -	\$ -
I otal cum	nulative expenditures	\$ 0.63	\$ 5.3 <i>1</i>	\$ 18.19	\$ 18.38	\$ 31.55	う 35.10	\$ 41.06	\$ 45.66	\$ 45.66	\$ 45.66	р 46.36	j φ 61.13	j φ 61.13	\$ 13.51	р /3.5/	\$ /3.5/	D 83.69	\$ 83.69	\$ 83.69	\$ 83.69	р 83.69



⁽¹⁾ Assumes straight line build out of 100 units per year
(2) By phase, assume design takes 6 to 12 months, ROW takes up to 18 months and all \$ are expended in year of start,
Priorities are based on traffic operations and practicability (LOS D initiates need to consider design and LOS E initiates need to consider construction)

Name/	Comment
Date	Addendum 3 – Public Comment cut off date & time September 23,2009 10:00 am
	Addendum 5 – Fublic Comment cut on date & time September 25,2009 10:00 am
Jeff Ruff 09/17/0 9	No - Substantial population increase without major infrastructure improvements worries me
Jim Makens	I have previously written to you However in reading subsequent issues of the Today, I feel that a major issue seems to have been overlooked by all parties.
09/16/0	PROPOSITION- Steamboat Springs is highly dependent upon the ski resort—as a major industry for the community. Unfortunately the history of major industries in this nation and the U.K. demonstrates that they tend to disappear or greatly decrease in importance over time. It could happen here. A ski hill is expensive to operate, the current parent company is weak, we are in a recession that will probably last for a few more years and the baby boomer customer for skiing is likely to reduce in importance. We as a community must better examine our future in terms of compatible industries and how they contribute or negatively impact our economic ,social and cultural base. In my opinion tourism will remain a dominant force but it too is changing. We can serve as a magnet for visitors from the front range and beyond but to do this I believe we need to insure that we do not become another Lakewood or Aurora look-alike.Unfortunately that is precisely what I see in the future if the Steamboat 700 proceeds. Now, imagine what 1200 acres next to or part of our city could be. That area could be a magnificent area of botanical park (yes,I know we have one), a community garden, an area planted with vegetables for the truly poor, a great opportunity for recycling our waste that can be turned into compost, a fishing lake for visitors to enjoy with their families, hiking areas and other multi purposes. This would surely be something that the bulk of this community would support. The city of Curitiba in Brazil is defined as one of the "best" cities in the world. This community has discovered a remarkable fact that as they plan and build more parks, the level of violence and crime in the community decreases. No one has been able to explain this other than the obvious fact that civilizing features in a community really do help to do precisely that. Imagine our city as the "Gem" of the west. We would need little advertising to attract all the visitors we desire. However, if we allow our open spaces to become simply a copy of the ur

Name/ Date	Comment
	I am by nature a very conservative person in lifestyle and politics but I believe that Government has a necessary and legitimate role in this vision. I also have some legitimacy in this area as co-author of the leading university text book in the world in its niche, MARKETING FOR HOSPITALITY AND TOURISM, now in the 5th edition with 25,000 students each semester. I have served as a consultant for tourism ministries and private companies in twenty one nations and continue to work as a consultant, author and professor. Thank you again for inviting our comments. This is a beautiful and desirable place to live, let us increase the desirability of our community for residents and visitors and reap the economic benefits.
Judy Wiegard 09/17/0 9	I appreciate your attempts to get feedback from the citizens of Steamboat on this issue. I worry about the impacts that a project like Steamboat 700 will have on the community. Hwy 40 will be a mess. This project is just too big for this small community to absorb.
Ben Tiffany 09/16/0 9	I appreciate the opportunity to give you my views concerning the annexation of the proposed Steamboat 700 development. It is certainly an emotional issue, and one that has had extensively publicity and debate. The developer is to be commended for some aspects of his work; his attempts to work with the city and the community, for example. After thinking about the issue for a great deal of time, I have to say that I do not support the Annexation. My main reason for opposition is simply the size of the proposal, along with the fact that there is at least one other development proposal nearby that also wishes to be annexed into the city. I can't get past the fact that the success of the project depends very largely on access to Hwy.40, and this highway is the only real way into and out of the town. The traffic problems created by this project at full build-out, and far before that happens, promise to be severe, and there is not any reasonable method of mitigating those problems. There will not be a viable bypass to the highway through downtown Steamboat Springs in the forseeable future, and any work done to widen the road for instance will run into numerous bottlenecks, both from an engineering and financial standpoint. It is not wise to add this many more vehicles to an already heavily-used road; even if it takes upwards of twenty years for the project to be fully developed, the traffic problems will get steadily worse all along that time. It is difficult to find a real solution to the problem of affordable housing in this valley, and there is merit to the argument that the Steamboat 700 project gives us our best shot at finding that solution. However the potential for up to 2000 more homes in just one project is rather frightening, and is certainly unfair to the current residents of the valley. Yes, development of some sort is inevitable, and healthy, but not of this sort. We must be careful to not wreck the things that make this valley so special to all of us by trying to accomodate too many new arrivals, at to

Name/ Date	Comment
	their project is a win-win sitiuation, both for them and for the needs for housing in this community. I do feel that this is not the way to go, at least with the current size proposal. I urge you to vote against annexing this development at this time. Thanks for listening.
Stan	You have to support this project. Be a leader and vote YES!
Urban	Build it and they will come.
09/17/0	Don't build it and they still will come.
9	This community is going to continue to grow no matter how badly you don't want it. I am a fourth generation Coloradoan and I have seen the growth of our state over last 53 years. Putting your head in the ground isn't going to stop it. Have the
	fore sight of what this community is going to look like in 20 years. Are you going to be crying about the traffic, the need
	of a fire station or a school in those next 20 years. If this isn't annexed it will push sprawl down US 40 and Hayden will be
	the next Carbondale. We don't want that. We want to keep the charm of this community by not pushing it down the
	highway. Show common sense and don't get cought up in this short sightedness of many of these people that don't have the facts
William	Show common sense and don't get caught up in this short sightedness of many of these people that don't have the facts. Please provide a copy of this e-mail to all members of the Planning Commission (with a copy to all members of the City
Jameson	Council) before the next Planning Commission meeting on September 17th.
09/16/0	To: Steamboat Spring Planning Commission
9	cc: Steamboat Springs City Council
	http://steamboatpilot.com/news/2009/sep/11/steamboat_springs_planning_commission_reviews_stea/
	"Eastman said commissioners were not being asked to decide whether Steamboat should grow and annex property in
	western Steamboat — he said 15 years of community plans already have determined that and provided a recipe for how
	that growth should occur."
	"Your job is to determine whether all the different cooks in the kitchen followed the recipe well, Eastman said."
	Has the "recipe" been followed well? NO! The cooks left out an <u>essential</u> ingredient setforth in the "recipe".
	The "recipe" [West Steamboat Springs Area Plan (WSSAP) – Adopted June 19th, 2006 Page 46] clearly provided:
	"Assuming high levels of transit use and widening of US Hwy 40 to four lanes between 13th Street and CR129/Elk River
	Road up to 1,100 residential units and 1.1 million SF of commercial space can be accommodated west of the 13th Street
	bottleneck. Assuming high levels of transit use and widening of US Hwy 40 to four lanes between 13th Street and
	CR129/Elk River Road up to 1,100 residential units and 1.1 million SF of commercial space can be accommodated west of
	the 13th Street bottleneck. If the bottleneck is addressed and other improvements are completed including widening US

Name/ Date	Comment
	Hwy 40 to four lanes all the way to Steamboat II, a total of 2,635 additional residential units and 2.4 million SF of commercial space can be accommodated west of 13th Street." (emphasis added)
	Has the "13th Street bottleneck" been addressed?
	Did the "NEPA" study address the "13th Street bottleneck"?
	Is there existing undeveloped property within the city & west of the 13th Street bottleneck that is going to be developed and increase traffic through the 13th Street bottleneck?
	How many residential housing units are proposed for the "Overland Park" development (on land within the city & west of the 13th Street bottleneck)?
	Why is anyone seriously considering the annexation of Steamboat 700 and/or 360 Village, until the "13th Street bottleneck" has been addressed?
	Was the "13th Street bottleneck" addressed in the nearly 300 page staff report on the proposed annexation of Steamboat 700?
	Is there a means in the proposed annexation agreement to <u>require</u> that no additional plats (and/or building permits) be submitted/approved on any annexed land, IF the traffic at the "13th Street bottleneck" falls below a grade of E (at peak travel travel times)? If not, why not? Why not add one?
	What good does it do to phase plat approval based on US Hwy 40 improvements west of 13th Street and not phase plat approval (and building permits) for Steamboat 700 based on resolving the 13th Street bottleneck when the traffic at the "13th Street bottleneck" falls below a grade of E (at peak travel travel times)?
	The idea that any Steamboat Springs Planning Commission would recommend approval of an annexation which will cause traffic demand to exceed the available capacity of the 13th Street bottleneck is totally irresponsible!
	Before making a recommendation to City Council (next week, next month or next year) on the proposed annexation of Steamboat 700, the Steamboat Springs Planning Commission should insist that the 13th Street bottleneck is addressed.
	Do it right or don't do it!
	Note:
	A grade of A, B or C means that traffic moves relatively freely, without significant delays. A grade of D means delays become more noticeable, and an E means traffic volumes are at or close to capacity, resulting in significant delays and average speeds no more than about one-third the uncongested speed. A grade of F means that traffic demand exceeds available capacity, with very slow, stop-and-go speeds, long delays of more than one minute, and standing queues at intersections with traffic signals.

Name/	Comment
Moser 09/16/0	I am against the 700 annexation and believe taxpayers should be allowed to vote on such an important issue.
Cindy MacGra y 09/21/0 9	I have hesitated to say much since I am part of the unpopular group of realtors but I am also a tax paying citizen who lives in West End Village and will be directly impacted by any decision regarding 700 and Victory Rd. I would like to let you know of my support of the 700 project and for you in the upcoming election. I appreciate your clear thinking and visionary ideas that will benefit this community for years to come. Don't get discouraged or give up – we need you!
Bridget Ferguso n 09/21/0 9	Thank you for taking the time to inquire about the 700. I would like to see this issue go to a city wide vote. This project is huge and will influence the character and make up of Steamboat Springs forever. I don't like the idea of the developers being able to sell tracts to other developers. I also don't think the traffic issue has been resolved. I would urge you to vote no on the 700. Thank you for your service to the community.
Bink Smith 09/17/0 9	Thank you for listening to citizens' concerns regarding annexation and the 700 Project. Currently I am a co-owner of a business, Steamboat Pilates & Yoga, in town with my daughters and a resident of Steamboat II west of town. First, let me state my total respect for what you and the other members of the Council face with all the problems you are confronted with and the myriad of decisions you have to make. My overall concern about the 700 Project and the city's involvement stems from the total financial commitment necessary by the city. If one looks at this proposal from strictly a business decision, it does not make a great deal of sense to me. I have found in my own business experience over the years most decisions really come down to common sense. The city is losing its sales tax revenues at an alarming rate each month, and in this economy it will take a substantial amount of time to recover to previous revenues. To commit to large outlays of monies at a time when the city is in a very tenuous revenue producing situation, just does not make good common sense. To me there seems to be a bit too many "maybe's, could's and possible's" in discussions with the 700 development team. Yes, in better economic times, a good idea but not now. As a Steamboat II resident I think I can echo the sentiments of many in this area, i.e. Silver Spur, Heritage Park, Steamboat II, that we have a major traffic hazard in this area. As it is now with the traffic in the morning coming

Name/	Comment
Date	
	from the west and the traffic turning into the Heritage Park School, it becomes very precarious trying to turn east onto
	Highway 40 from Steamboat II and Heritage Park and for Silver Spur off of route 42. If the 700 Project is approved, then
	it is absolutely imperative that Highway 40 improvements in this area are completed before the development begins.
	As a side note I must admit I am a bit skeptical of developers. I am sure the Council has checked out this developer's past
	and his follow through on previous development commitments. I guess I have seen too many developers in the past who
	have not completed their obligations.
	Thanks for listening and good luck.

Attachment 10

Annexation Agreement

The revised Annexation Agreement was provided separately for insertion in the Planning Commission Staff Report binder.

Attachment 11

Annexation Agreement Exhibits A, B, C, D, F1, F2, G, and I

Revised versions of these Exhibits were provided separately for insertion in the Planning Commission Staff Report binder.

CITY OF STEAMBOAT SPRINGS, COLORADO

ORDINANCE NO.

AN ORDINANCE APPROVING THE ANNEXATION OF CERTAIN REAL PROPERTY TO THE CITY OF STEAMBOAT SPRINGS, COLORADO.
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STEAMBOAT SPRINGS, COLORADO:

Section 1. **Findings.** The City Council makes the following findings.

On October 31, 2008, a Petition for Annexation (the "Petition"), together with four (4) copies of the annexation map as required by law, was filed with the City Clerk for the City of Steamboat Springs, Colorado (the "City"), requesting that the City Council of the City of Steamboat Springs, Colorado ("City Council") commence proceedings to annex to the City a certain parcel of land described on Exhibit A attached hereto (the "Annexation Property"); and

The Petition was signed and filed by the owners of over fifty percent (50%) of the area of the Annexation Property, exclusive of public streets and alleys, and comprising more than fifty percent (50%) of the landowners of the Annexation Property; and

The City Council, by Resolution No. 2009-21 at a properly noticed meeting on March 17, 2009, accepted said Petition and found and determined that: (i) the applicable parts of the Municipal Annexation Act of 1965, as amended, have been met, including the applicable requirements of C.R.S. §§ 31-12-104 (ii) an election 31-12-105; not required under and is the (C.R.S. § 31-12-107(2) or 31-12-112); (iii) no additional terms and conditions are to be imposed upon the annexation of the Annexation Property other than as set forth in the Annexation Agreement; and (iv) the Annexation Property is eligible for annexation to the City; and

The City gave and published proper and timely notice of the date and time of the public hearing for City Council's consideration of the adoption of this Ordinance, and City Council duly held and conducted such hearing in accordance with applicable laws; and

City Council held public hearings at which it received evidence and testimony pertaining to the proposed annexation of the Annexation Property to the City, at the conclusion of which the City Council considered such evidence and testimony so introduced, and by this Ordinance sets forth its findings of fact and conclusions, including:

- 1. The approval of the Petition of the annexation of the Annexation Property to the City fully meets and complies with all applicable laws and regulations of the State of Colorado and the City governing such annexation, including, without limitation, the Municipal Annexation Act of 1965.
- 2. All notices required for the public hearings at which the City Council considered the Petition and the annexation of the Annexation Property were properly and timely published, posted or mailed in accordance with all applicable laws and regulations of the State of Colorado and the City.
- 3. In order to encourage well-ordered development to the City, it is desirable that the Annexation Property be annexed to the City.
- 4. This Ordinance is necessary and proper for the health, safety and welfare of the City and the inhabitants thereof.

Section 2. **Annexation Approved**.

The annexation of the Annexation Property described on <u>Exhibit A</u> attached hereto to the City is hereby approved.

<u>Section 3</u>. <u>Annexation Agreement Approved</u>.

The Annexation Agreement regarding the Annexation Property, a copy of which is attached hereto as Exhibit B (the "Annexation Agreement"), and all Exhibits attached to the Annexation Agreement are hereby approved and the President or President Pro Tem of the City Council are hereby authorized and directed to execute (at the time required under the Annexation Agreement) the Annexation Agreement and all such Exhibits (to the extent such exhibits require execution by the City).

Section 4. Effective Date.

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.

<u>Section 5</u>. <u>Public Hearing</u>.

A properly noticed public hearing on this ordinance was held on Tuesday, October 13, 2009 at 5:00 p.m. in the Citizen's Meeting Room at Centennial Hall, 124 10th Street, Steamboat Springs, Colorado.

INTRODUCED, READ, APPROVED A PUBLISHED, by vote of in favor a the City Council of the City of Steambo September 29, 2009.	andagainst as provided by law, by
ATTEST:	Paul Antonucci, President Steamboat Springs City Council
Julie Franklin, CMC City Clerk	
MOVED, SECONDED, FINALLY ADOP vote of in favor and ag law, following a properly noticed public h	painst at second reading, as provided by
	Paul Antonucci, President Steamboat Springs City Council
ATTEST:	
Julie Franklin, CMC City Clerk	

EXHIBIT A Legal Description of Annexation Property [attached]

EXHIBIT B Annexation Agreement [attached]

July 8th, 2009 Revised July 19th, 2009 Revised Sept 14th, 2009

EXHIBIT A TO ANNEXATION ORDINANCE

Description of a parcel of land located in Lot 4 (NW1/4NW1/4), SW1/4NW1/4, NW1/4SW1/4, Section 1, Lots 1, 5, 6, and 7, SE1/4NE1/4, Section 2, T6N, R85W, and in the SW1/4SW1/4 Section 36, S1/2, Section 35, T7N, R85W, of the 6th P.M., Routt County, Colorado.

Beginning at the NW corner of Section 2;

Thence N 01°00'54" W 549.74 feet along the west line of the SW1/4SW1/4 of Section 35 to the north line of the Urban Growth Boundary Line as shown on the Future Land Use Plan-Urban Growth Area located in Chapter 3 of the Steamboat Springs Area Community Plan as adopted by the City of Steamboat Springs May 4th, 2004.

Thence along said Urban Growth Boundary line the following seven (7) calls;

1. Thence N 48°21'59" E 188.63 feet;

2. Thence N 38°11'55" E 627.68 feet;

3. Thence N 55°47'51" E 1007.25 feet;

4. Thence N 87°36'07" E 963.00 feet;

5. Thence N 89°12'02" E 579.59 feet;

6. Thence N 88°47'53" E 385.54 feet;

7. Thence N 64°17'24" E 524.32 feet;

Thence S 38°06'05" E 144.24 feet;

Thence N 81°57'45" E 117.17 feet;

Thence S 26°58'43" E 432.11 feet;

Thence S 52°51'18" E 64.71 feet to a point of curvature from which the radius point bears S 52°51'18" E 360.00 feet;

Thence along said curve to the right a distance of

91.21 feet, with a central angle of 14°31'00", and whose

chord bears N 44°24'12" E 90.97 feet;

Thence N 51°39'42" E 261.52 feet;

Thence S 38°20'18" E 100.00 feet;

Thence S 09°04'55" E 58.65 feet to a point of curvature from which the radius point bears S 69°49'32" E 86.57 feet; Thence along said curve to the left a distance of

Page 1 of 4 700.EXA

- 173.29 feet, with a central angle of 114°41'11", and whose chord bears S 37°10'07" E 145.77 feet to a point of curvature from which the radius point bears S 04°30'42" E 130.16 feet;
- Thence along said curve to the right a distance of 262.55 feet, with a central angle of 115°34'17", and whose chord bears S 36°43'34" E 220.25 feet to a point of curvature from which the radius point bears S 68°56'25" E 175.73 feet;
- Thence along said curve to the left a distance of 145.15 feet, with a central angle of 47°19'34", and whose chord bears S 02°36'12" E 141.06 feet to a point of curvature from which the radius point bears S 63°44'01" W 192.24 feet;
- Thence along said curve to the right a distance of 220.09 feet, with a central angle of 65°35'55", and whose chord bears S 06°31'59" W 208.27 feet;
- Thence S 50°40'04" E 103.80 feet to a point of curvature from which the radius point bears S 02°23'00" E 1367.10 feet;
- Thence along said curve to the right a distance of 258.92 feet, with a central angle of 10°51'05", and whose chord bears S 86°57'28" E 258.53 feet to the west line of the SW1/4 of Section 36, T7N, R85W;
- Thence S 01°14'04" W 204.69 feet along said west line to the NW corner of the S1/2SW1/4SW1/4 of said Section 36;
- Thence S 85°03'46" E 1273.72 feet along the north line of said S1/2SW1/4SW1/4 to the NE corner of said S1/2SW1/4SW1/4;
- Thence S 00°25'55" W 649.28 feet along the east line of said S1/2SW1/4SW1/4 to the SE corner of said S1/2SW1/4SW1/4;
- Thence S 00°43'59" E 1348.10 feet along the east line of Lot 4 (NW1/4NW1/4) of Section 1 T6N, R85W to the NE corner of the SW1/4NW1/4 of said Section 1;
- Thence S 00°43'59" E 1348.12 feet along the east line of said SW1/4NW1/4 to the SE corner of said SW1/4NW1/4;
- Thence N 88°04'20" W 81.52 feet along the south line of said SW1/4NW1/4 to the NW corner of the Brown Parcel as shown on the Wayside Annexation Map as filed with the Routt County Clerk and Recorder appearing at File No. 11601;
- Thence S 21°29'19" W 581.39 feet along the west line of said Brown Parcel to the north right-of-way line for US Highway No.40 as shown on the West Steamboat Annexation Map Phase II as filed by plat with the Routt County Clerk and Recorder appearing at File No.10797;

Page 2 of 4 700.EXA Thence N 57°50'15" W 88.00 feet along said north line;
Thence N 56°20'30" W 471.95 feet along said north line to a
point of curvature from which the radius point bears
S 36°24'17" W 1221.00 feet;

Thence along said north line and along said curve to the left a distance of 589.22 feet, with a central angle of 27°38'58", and whose chord bears N 67°25'12" W 583.52 feet to the east line of the NE1/4SE1/4 of Section 2, T6N, R85W;

Thence N 00°02'13" W 49.54 feet along said east line to the SE corner of the SE1/4NE1/4 of said Section 2;

Thence N 88°59'28" W 1298.71 feet along the south line of said SE1/4NE1/4 of Section 2 to the SE corner of Lot 10 of said Section 2;

Thence N 00°32'02" E 1362.19 feet along the east line of said Lot 10 to the NE corner of said Lot 10;

Thence S 89°07'53" W 1280.26 feet along the north line of said Lot 10 to the NW corner of said Lot 10.

Said corner being also the NE corner of a tract of land as described by deed filed with the Routt County Clerk and Recorder appearing at Reception No.600222;

Thence N 85°06'19" W 1192.03 feet along the north line of said tract of land;

Thence S 88°44'39" W 80.84 feet along the north line of said tract of land;

Thence S 87°55'12" W 19.16 feet along the north line of said tract of land to the NE corner of a tract of land as described by deed filed with the Routt County Clerk and Recorder appearing at Reception No.600221;

Thence S 87°55'12" W 40.23 feet along the north line of said tract of land;

Thence S 88°44'50" W 1192.39 feet along the north line of said tract of land to its intersection with the southerly projection of the east line of a parcel of land as described by deed filed with the Routt County Clerk and Recorder appearing in Book 211 at Page 472;

Thence N 02°54'50" E 0.28 feet along said east line projected to the SE corner of said parcel of land;

Thence N 02°54'50" E 1309.81 feet along the east line of said parcel to the NE corner of said parcel and to the north of Lot 7, Section 2;

Thence N 87°57'13" W 59.97 feet along the north line of said Lot 7 to the Point of Beginning.

Containing 484.80 Acres more or less.

Page 3 of 4 700.EXA Bearings are based upon the monumented west line of the SW1/4 of Section 35, T7N, R85W, being N 01°00'54" W. Said monuments being standard GLO brass caps.

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

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Page 4 of 4 700.EXA

Exhibit B

Steamboat 700 Annexation Agreement and exhibits to it

This agreement was previously distributed in a separate binder.

("Steamboat 700 Annexation- Planning Commission Staff Report and attachments")

It can be viewed under tab "Attachment #1" in the binder or on our website at:

http://www.steamboatsprings.net/departments/planning_department/steamboat_700_july_2009

The above mentioned binder is available for review with the City Clerk's Office upon request.

AGENDA ITEM # 4

Introduction and Discussion of a resolution:

A resolution of the City Council of the City of Steamboat Springs, Colorado, approving the execution of an Intergovernmental Agreement between the City and the Steamboat Metropolitan District Nos. 1-5.

For background information on this item, please see the communication form for Agenda Item #3; Steamboat 700 Annexation Ordinance.

RESOLUTION NO
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF STEAMBOAT SPRINGS, COLORADO, APPROVING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY AND THE STEAMBOAT METROPOLITAN DISTRICT NOS. 1-5
WHEREAS, pursuant to Section 13-63 of the City Code, a Consolidated Service Plan (the "Service Plan") for Steamboat 700 Metropolitan District Nos. 1-5 (the "Districts") was approved by the City Council (the "City Council") of the City of Steamboat Springs, Colorado (the "City") on October 13, 2009; and
WHEREAS, the Service Plan included a form of Intergovernmental Agreement between the City and the Districts, in the form attached as Exhibit E to the Service Plan (the "IGA"), for the purpose of assigning the relative rights and responsibilities between the City and the Districts with respect to certain functions, operations, and obligations; and
WHEREAS, the City Council further finds it is in the best interests of the City to approve the execution of the IGA, following the entry of an Order and Decree organizing the Districts to be issued by the District Court, Routt County, Colorado;.
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF STEAMBOAT SPRINGS, COLORADO:
Section 1. The President of the City Council and the City Clerk are hereby authorized to execute, on behalf of the City, the IGA in substantially the form presented, and following the entry of an Order and Decree organizing the Districts to be issued by the District Court, Routt County, Colorado, with such technical additions, deletions, and variations as the City Attorney may deem necessary or appropriate and not inconsistent with this Resolution.
<u>Section 2.</u> All prior resolutions or any parts thereof, to the extent they are inconsistent with this Resolution, are hereby rescinded.
INTRODUCED, PASSED, APPROVED AND ADOPTED THIS 13 th DAY OF OCTOBER, 2009.
Paul Antonucci, City Council President
ATTEST:

Julie Franklin, City Clerk

AGENDA ITEM # 5

Introduction and Discussion of a resolution:

A resolution of the City Council of the City of Steamboat Springs, Colorado, approving the consolidated service plan for Steamboat 700 Metropolitan District Nos. 1-5.

For background information on this item, please see the communication form for Agenda Item #3; Steamboat 700 Annexation Ordinance.

Summary of Proposed District Structure Steamboat 700 Metropolitan District Nos. 1-5 Steamboat Springs, Colorado

District Powers

- Improvements expected to include: streets, storm drainage, water and sanitation improvements traffic and safety controls, transportation, parks and recreation (including open space); fire protection facilities and emergency services;
- Most improvements will be dedicated to City or other appropriate entity to avoid duplication of services
- Expected to provided limited maintenance of improvements such as winter maintenance for alleys, sidewalks and trails, and certain streets pending transfer to the City

Multiple District Structure

- Coordinating District/Financing District Structure
- Coordinating District managed by developer, responsible for overall planning for the financing, construction and operation of public improvements
- Financing Districts provide revenues to support financing for public improvements
- One or more intergovernmental agreements expected among the Districts to permit Coordinating District to manage activities

Financing Structure

- Total estimated public improvements costs: \$97 Million (portions funded by third parties)
- Total Debt Cap (combined all Districts): \$100 Million
- *Pro Forma* Financial Plan includes financing for approximately \$72 Million in capital costs (adjusted for inflation)
- Projected debt service mill levy for residential property: 33 mills
- Projected debt service mill levy for commercial property: 10 mills
- Debt service mill levy is capped at 50 mills, subject to Gallagher adjustment
- Projected operations and maintenance mill levy (residential and commercial): 3.75 mills
- 5 mill property tax levy committed to City for certain public improvements
- .2611 mill property tax levy to preserve revenue neutrality
- Maximum term of bonds: 40 years
- Revenue sources include property taxes, specific ownership taxes, fees, and developer advances

Operation and Maintenance Costs

- Districts have authority to operate and maintain facilities not dedicated to other governments (dedications expected to be determined not later than final plat approval for particular areas)
- Financial Plan includes funding for costs of operations and maintenance funding in the amount of \$250,000 annually, subject to 4% annual increase for inflation
- Funding sources include operations mill levy, fees and developer advances

DRAFT for Discussion

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF STEAMBOAT SPRINGS, COLORADO, APPROVING THE CONSOLIDATED SERVICE PLAN FOR STEAMBOAT 700 METROPOLITAN DISTRICT NOS. 1-5

WHEREAS, pursuant to Section 13-63 of the City Code, a Consolidated Service Plan (the "Service Plan") for Steamboat 700 Metropolitan District Nos. 1-5 (the "Districts") was submitted to the City Council (the "City Council") of the City of Steamboat Springs, Colorado (the "City"); and

WHEREAS, pursuant to the provisions of Section 13-63(c) of the City Code, the City Council held a public hearing on the Service Plan for the Districts on October 13, 2009; and

WHEREAS, notice of the hearing before the City Council was duly published in *The Steamboat Pilot*, a newspaper of general circulation within the City, on September 20, 2009, as required by law, and forwarded to the proponent of the Districts, the Division of Local Government in the Colorado Department of Local Affairs, and to interested parties as set forth in Section 13-63(a)(3) of the City Code; and

WHEREAS, the City Council has considered the Service Plan and all other testimony and evidence presented at the hearing; and

WHEREAS, the City Council finds that the Service Plan should be approved; and

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

Section 1. The City Council hereby determines that all of the requirements of Section 13-63 of the City Code (and to the extent incorporated therein, of the Special District Control Act, Section 32-1-201 *et seq.*) relating to the filing of the Service Plan have been fulfilled and that notice of the hearing was given in the time and manner required by law.

<u>Section 2.</u> The City Council further determines that all pertinent facts, matters and issues were submitted at the public hearing; that all interested parties were heard or had the opportunity to be heard; and that evidence satisfactory to the City Council of each of the following was presented:

- a. There is sufficient existing and projected need for organized service in the area to be serviced by the Districts;
- b. The existing service in the area to be served by the Districts is inadequate for present and projected needs;
- c. The Districts are capable of providing economical and sufficient service to the area within their proposed boundaries;

DRAFT for Discussion

- d. The area to be included in the Districts has, or will have, the financial ability to discharge the proposed indebtedness on a reasonable basis;
- e. Adequate service is not, or will not be, available to the area to be served by the Districts through Routt County, the City, or other existing municipal or quasimunicipal corporations, including existing special districts, within a reasonable time and on a comparable basis;
- f. The facility or service standards of the Districts are compatible with those of the City;
- g. Proposed development within the area of the Districts is in substantial compliance with the master plan of the City;
- h. The Service Plan is in compliance with any duly adopted county, regional or state long-range water quality management plan for the area.
- i. The creation of the Districts will be in the best interests of the area proposed to be served.

Section 3. The City Council hereby approves the Service Plan for the Districts as submitted.

<u>Section 4.</u> This Resolution shall be filed in the records of the City and a certified copy thereof submitted to the petitioners for the Districts for the purpose of filing in the District Court of Routt County.

<u>Section 5.</u> All prior resolutions or any parts thereof, to the extent they are inconsistent with this Resolution, are hereby rescinded.

INTRODUCED, PASSED, APPROVED AND ADOPTED THIS 13th DAY OF OCTOBER, 2009.

	Paul Antonucci, City Council President
ATTEST:	
Julie Franklin, City Clerk	

AGENDA ITEMS # 6-9

CITY COUNCIL COMMUNICATION FORM

FROM: Jonathan Spence, Senior Planner (Ext. 224)

Jason K. Peasley, City Planner (Ext. 229)

THROUGH: Tom Leeson, AICP, Director of Planning Services (Ext. 244)

DATE: September 29, 2009

ITEM: Text Amendment to the Community Development Code

#TXT-09-02 - Traditional Neighborhood Development (TND) Zone

District with related standards and processes.

NEXT STEP: If the First Reading of the Ordinance is passed, a Second Reading is

scheduled for October 13, 2009

X ORDINANCE

___ RESOLUTION

X MOTION

__ DIRECTION INFORMATION

PROJECT NAME: Text Amendment to the Community Development Code #TXT-09-02

PETITION: Text Amendments to the Community Development Code to incorporate a

new zone district, Traditional Neighborhood Development (TND) with related dimensional, design and subdivision standards. A text amendment for the addition of a new process, Administrative Final Development Plan for

projects previously reviewed through the public process.

APPLICANT: City of Steamboat Springs, Department of Planning Services, c/o Senior

Planner Jonathan Spence, Centennial Hall, 124 10th Street, PO Box

775088, Steamboat Springs, CO 80477 970-879-2060

PC ACTION: On September 17, 2009 the Planning Commission recommended approval

of the Text Amendments to the Community Development Code, #TXT-

09-02 by a vote of 6-0.

CITY COUNCIL COMMUNICATION FORM

Text Amendment to the Community Development Code #TXT-09-02 September 29, 2009

I. RECOMMENDED MOTION

The Planning Commission recommends approval of the following four (4) draft ordinances:

Draft Ordinance #1 Administrative Final Development Plan

- 1. 26-41 Applications in General
- 2. 26-42 Review Procedures Table
- 3. 26-89 Administrative Final Development Plan

Draft Ordinance #2 Preliminary Plat, revisions to allowable quantity of variances.

1. 26-67 Preliminary Plat

Draft Ordinance #3 Traditional Neighborhood Development Zone District and related Standards and Processes

- 1. 26-90 Traditional Neighborhood Development (TND)
- 2. 26-91 TND Zone District Description/26-92 Use Chart
- 3. 26-150 Commercial over 12,000 sq. ft. Standards
- 4. 26-152 Building Form Standards
- 5. 26-153 Building Type Standards
- 6. 26-187 Subdivision Standards for TND

Draft Ordinance #4 Revisions to Definitions and Use Criteria

1. 26-402 Definitions

II. BACKGROUND INFORMATION

The Department of Planning and Community Development, with the assistance of the Department of Public Works, Parks and Recreation, Steamboat 700 and Opticos Design, has developed a new set of regulations, standards and procedures. The proposed text amendments are intended to set the framework for achieving many of the goals of the WSSAP. These goals include the creation of walkable, mixed-use neighborhoods containing a variety of housing options. These code changes provide the regulatory structure, along with the necessary standards to provide both the City and future developers with the predictability of both process and results.

The process to develop these regulations has been accomplished through work session meetings with the City of Steamboat Springs Planning Commission, Steamboat 700 and the general public. The public and the Planning Commission reviewed and commented on various drafts of the proposed regulations at the following hearing dates:

CITY COUNCIL COMMUNICATION FORM

Text Amendment to the Community Development Code #TXT-09-02 September 29, 2009

- June 11, 2009
- June 25, 2009
- July 23, 2009
- August 27, 2009
- September 17, 2009

The outcome of the extensive public process are proposed revisions to the Community Development Code that are well researched, carefully crafted and thoroughly reviewed by the City of Steamboat Springs and the stakeholders.

III. <u>NEW INFORMATION:</u>

No new information.

IV. <u>LIST OF ATTACHMENTS</u>

Attachment 1- Planning Commission Report, September 17, 2009 Attachment 2- Planning Commission Minutes, September 17, 2009

AGENDA ITEM # 2 PLANNING COMMISSION COMMUNICATION FORM

FROM: Jonathan Spence, Senior Planner (Ext. 224)

Jason K. Peasley, City Planner (Ext. 229)

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

DATE: September 17, 2009

ITEM: Text Amendment to the Community Development Code

#TXT-09-02 (Public Hearing with accompanying ordinance)

X ORDINANCE
RESOLUTION
MOTION
DIRECTION
INFORMATION

PROJECT NAME: Text Amendment to the Community Development Code #TXT-09-02

PETITION: Text Amendments to the Community Development Code to incorporate a new

zone district, Traditional Neighborhood Develolpment (TND) with related dimensional, design and subdivision standards. A text amendment for the addition of a new process, Administrative Final Development Plan for projects

previously reviewed through the public process.

APPLICANT: City of Steamboat Springs, Department of Planning Services, c/o Senior

Planner Jonathan Spence, Centennial Hall, 124 10th Street, PO Box 775088,

Steamboat Springs, CO 80477 970-879-2060

PLANNING COMMISSION COMMUNICATION FORM

Text Amendment to the Community Development Code #TXT-09-02 September 17, 2009

I. RECOMMENDED MOTION

Staff recommends the Planning Commission approve the attached draft ordinances amending the Community Development Code to incorporate a new zone district, Traditional Neighborhood Development (TND) with related dimensional, design and subdivision standards. A text amendment for the addition of a new process, Administrative Final Development Plan for projects previously reviewed through the public process based on a finding that the amendments substantially conform with and further the community plan's preferred direction and policies.

II. BACKGROUND INFORMATION

The Department of Planning and Community Development, with the assistance of Steamboat 700 and Opticos Design, has developed a new set of regulations, standards and procedures. The proposed text amendments are intended to set the framework for achieving many of the goals of the WSSAP. These goals include the creation of walkable, mixed-use neighborhoods containing a variety of housing options. These code changes provide the regulatory structure, along with the necessary standards to provide both the City and future developers with the predictability of both process and results.

The process to develop these regulations has been accomplished through public work session meetings with the City of Steamboat Springs Planning Commission. The public and the Planning Commission reviewed and commented on various drafts of the proposed regulations at the following hearing dates:

- June 11, 2009
- June 25, 2009
- July 23, 2009
- August 27, 2009
- September 17, 2009

III. <u>DESCRIPTION</u>

Please see the attached ordinances for detailed description of each proposed change.

IV. PRINCIPAL DISCUSSION ITEM:

The principal discussion item pertains to the appropriateness of the proposed Community Development Code revisions.

PLANNING COMMISSION COMMUNICATION FORM

Text Amendment to the Community Development Code #TXT-09-02 September 17, 2009

V. <u>LIST OF ATTACHMENTS</u>

Attachment A – Draft Ordinance #1

- 1. 26-41 Applications in General
- 2. 26-42 Review Procedures Table
- 3. 26-89 Administrative Final Development Plan

Attachment B – Draft Ordinance #2 26-67 Preliminary Plat

Attachment C – Draft Ordinance #3

- 1. 26-90 Traditional Neighborhood Development (TND)
- 2. 26-91 TND Zone District Description/26-92 Use Chart
- 3. 26-150 Commercial over 12,000 sq. ft. Standards
- 4. 26-152 Building Form Standards
- 5. 26-153 Building Type Standards
- 6. 26-187 Subdivision Standards for TND

Attachment D – Draft Ordinance #4 26-402 Definitions

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Traditional Neighborhood Design (TND) Ordinance #TXT-09-02 Text Amendment to the CDC to include new Traditional Neighborhood Design Standards and Procedures to Articles 3, 4, 5, 7 and 20. These new regulations are intended to create a pedestrian oriented, well connected system of streets and trails, similar to that of old town, that accommodates a variety of residential, commercial and mixed use building types. Additional text amendment to allow for administrative review of minimally complex Final Development Plans.

Discussion on this agenda item started at approximately 5:12 p.m.

STAFF PRESENTATION

Jonathan Spence -

We have 15 line item changes that need to be made to the various ordinances. We will go through those changes and then the use chart. We will need a motion for each individual ordinance.

The first change is on pg 2-10, 2-11, and 2-12. For some reason the changes that we made before are now shown as struck out.

The next change is on pg 2-18 this pertains to regulatory plans and a requirement to regulatory plans at the minimum for parks and open space is 15%, which is the same as the existing City standard. This is embedded into the residential subdivision section of the subdivision ordinance.

The third change is on pg 2-18 under parks and open space (e) 6a the word delineation will be changed to delineated.

The fourth change will be in regards to the use chart if we end up making any changes.

The fifth change is on pg 2-40 change lumbar to lumber.

The sixth, seventh, and eighth change will be on pg 2-60, 2-64, and 2-68, which is an addition of a note. It will read; 'accessible units are exempt from the ground floor finished height requirement'.

Change 9 is on pg 2-79 replace drives with the term driveway.

The tenth change is on pg 2-80 we'll add a note, which says; 'a porch may not extend past the property line'. This is in the T4 where the encroachment goes past the property line.

Pg 2-86 and 2-87 we're going to strike future build out of neighborhoods and replace it with the word development.

Pg 2-111 the article reference on that page is 7 and it should be 5.

Pg 2-112 we're going to amend the first paragraph and strike the reference 26-187.

DRAFT

The fourteenth change is on pg 2-112 and 2-113 we're going to replace the word neighborhood with subdivision. Strike items 2 and 3.

Jason Peasley -

Items 2 and 3 are redundant in there and are in other sections of the Code. When Opticos had made this we had taken those and put them in other sections and they didn't know that.

Jonathan Spence -

The fifteenth change on pg 2-133 where the numbering starts with (b) instead of (a). The (b) will become an (a), and the (c) a (b), etc.

The use chart starts on pg 2-36. There have been discussions in the past of doing the SD's at the time of preliminary plat. We felt that it could either be done at the regulatory plan adoption or through the use chart. Steamboat 700 has decided to not do it in the regulatory plan and so we've put it into the use chart. We don't have criteria to review uses at the time of preliminary plat. We've tried to be flexible with the various uses. We did not choose any residential, because of the degradation of the industrial type possibilities. Live/work is a great concept, but it has a detriment that makes it very difficult.

COMMISSIONER QUESTIONS

Commissioner Levy –

Have we had a documentary or a demonstrated problem of the residential units in an industrial use with noise and that actually being a conflict?

Jonathan Spence –

What happens is that they write these covenants for the live/work, which doesn't allow any of the industrial uses.

Commissioner Dixon -

Is it true or not true that SD is intended for more than just industrial? It would be for anything that doesn't fit neatly into any of the other transects?

Jonathan Spence -

We've allowed other uses besides industrial.

Commissioner Hanlen -

I think that what she's driving at is that if we were to see a use such as the fire station and the living above. Currently that wouldn't be allowed based off of how this is written?

Commissioner Dixon -

I think it would, because the residential is accessory to the principle use of the fire station.

Commissioner Hanlen -

As long as it stays within the 50% it just can't be the principle use of the structure?

Jonathan Spence -

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No, I think if it were an accessory use that would be permitted. Living above a woodworking shop is not an accessory use.

Peter Patten -

We would like to have the live/work units in there. One of the principle uses in the SD was the live/work unit. We think that the live/work units should be a use with criteria in the TND. We would like to have outdoor storage allowed in the SD. I thought that it was interesting that the hotel isn't allowed in there. I see that outdoor storage is in there so that's good.

Jason Peasley -

You want to allow outdoor storage?

Peter Patten -

Yes. It's in there as a C.

Jason Peasley -

That's ok?

Peter Patten -

I'd rather it be a use with criteria than to have to go through a Planning Commission hearing.

Jonathan Spence -

That's fine. We'll copy the existing criteria, which is contained in warehouse with outdoor storage and put that under the outdoor storage definition.

Peter Patten -

What we've talked about is having a designated area for outdoor storage for RV's, boats, etc. That's what I'm looking for. Where could I do that within this zoning structure?

Jason Peasley -

Do you have any land in SD that's not dedicated for maintenance facilities?

Peter Patten -

Yes.

Jonathan Spence –

Are you proposing to put this in our homeowner's area?

Peter Patten -

I'm not proposing to put it anywhere. I'm just asking the question of where in the TND I can put this.

Jonathan Spence -

In the SD. Right now you can do that under a conditional use, but we'll change that to a use with criteria.

Commissioners are fine with Peter Patten's concern.

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Commissioner Hanlen -

Can you address this comment of how the accessory use might work in SD?

Jonathan Spence –

I think it was incidental and associated with the use.

Commissioner Hanlen -

How could that not be argued the other way for live/work? Is it just that it has to be 51% industrial? How does somebody not get around this rule if that's what your intent is?

Jonathan Spence –

All uses are allowed as accessory uses in all zone districts. Living above your woodshop is not an accessory use.

Commissioner Hanlen -

I'm confused with what the difference is between it being allowed above a fire station, but not being allowed above a woodshop.

Jonathan Spence -

That is an inherent use to the fire station. Living above your woodshop is not an inherent use of the woodshop.

Commissioner Hanlen -

That's not written anywhere.

Jonathan Spence –

That's the definition of accessory use.

Commissioner Hanlen -

What I'm saying is what prevents people from coming in and arguing this? There's got to be other uses other than the fire station that would be an arguable point. Where do you draw the line with that if that's what your intent is?

Jonathan Spence –

Somebody could come in and say that the batch plant is an accessory to my house. We can make that determination.

Commissioner Hanlen –

Would the house be an accessory to the batch plant?

Jonathan Spence -

Is a house generally associated with a batch plant? No. I would like to here what the Commissioners have to say about the live/work.

Commissioner Hanlen -

My primary direction would be that while I understand it for Steamboat 700. I keep thinking of this being utilized city wide. When somebody comes in to zone their property TND it

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seems like it would be inappropriate to have 90% of their property zoned TND and a little corner of it zoned industrial. Right now you're saying that you can't have dwelling units in SD within the TND zone district. If you simply zone it industrial then you can have up to 1,400sq.ft. per structure.

Commissioner Dixon -

If you want live/work then don't zone it SD. Zone it T4.

Commissioner Hanlen –

If as this gets adopted city wide in more places than just Steamboat 700 then there's going to be a stumbling block later on by not allowing residential.

Jonathan Spence -

How is it going to be a stumbling block?

Commissioner Hanlen -

The whole point of SD was to be this catch all for anything that didn't fit into any of the other transects. Maybe it's not a problem. I'm just assuming that Optico's intent was to have dwelling within SD if it met certain criteria. I'm just thinking that it's a little too absolute to say no residential at all. I can't think of an example, but I'll be the one to get stuck 6 years from now bringing one forward.

Jason Peasley –

We're not going to get this TND zoning perfect. We can make changes to the use chart over time.

Commissioner Hanlen –

I realize that. It's just easier now.

The other Commissioners don't share that same concern.

Commissioner Dixon -

What about hotel?

Jonathan Spence –

I think that a hotel would go in T4 or T5.

Commissioner Dixon -

I suggested in one of the emails. Could we add a footnote in each transect under allowable building type or in SD transect under allowable build type that the director has the ability to allow.

Jonathan Spence -

It's actually already in there.

Commissioner Dixon -

They wouldn't have to go through a variance to allow a building type?

Planning Commission Minutes

9/17/09

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Jonathan Spence – No.

Peter Patten -

We've changed the 1.2 acre Community Center to SD so we need a few more of these checked off. Health club, recreation center, recreation indoor, recreation outdoor, and recreation outdoor low impact should all be use by right. Childcare we've proposed as part of our Community Center.

Commissioner Dixon -

Would that be an accessory use to the Community Center?

Jonathan Spence -

Yes.

Peter Patten -

The Community Center isn't checked either. Under Public Institutional and Civic Uses, the top three I would like to have as use by right.

Jason Peasley -

What's Planning Commission's feeling on that?

Commissioner Levy -

I think that's fine from staff's perspective. Is there a reason why it's not in there?

Jason Peasley –

Not necessarily. We think it's probably fine.

Commissioners have no objections.

Jason Peasley -

All of this stuff that Peter Patten just mentioned?

Commissioner Dixon -

It all seems compatible.

Commissioner Levy –

10C is the SD district, correct? Or is it 11C?

Commissioner Dixon -

The Community Center is a 9.

Scott Wolford -

The Parks requirements are in several different locations in this revision. I think that we agree on the intent with staff. What I propose is that the secondary and primary parks be established at the time of regulating plan when you're doing master planning. You would be allowed some flexibility in their location as you did the master planning in accordance with what's allowed in the regulating plan.

DRAFT

Commissioner Dixon -

I thought that was already in here. Where is it not, because I thought that I had already read that?

Scott Wolford -

I don't see any linkage back and forth.

Commissioner Levy –

It's in the regulating plan. Do we want to wait until we get over there? Your concern is not in the TND, because we had just taken that information out.

Commissioner Dixon -

On pg 2-137 at the time of subdivision the following parks and open space requirements apply. Is this where you're re referring to?

Scott Wolford -

It's in here. We've eliminated it from 26-154.

Commissioner Levy -

Do you have the language proposal in how you would like to change this?

Scott Wolford -

I had some language that I had submitted to staff. From the way that I read it I don't think its clear enough for a developer to come in here and completely understand the requirements.

Jason Peasley -

If you go to pg 2-18 it says 'the location and approximate size of the Primary Park and Open Space shall be delineated on the regulating plan as described in Section 26-154. These Primary Parks and Open Spaces shall be dedicated to the City at the time of initial subdivision unless dedicated previously'. What we did was we took your section on parks and had 2 sets of regulations. One was at the time of the regulating plan and one was at the time of subdivision. We took those that were important to the regulating plan and put them as subsets to the Parks and Open Space criteria for the adoption of a regulating plan. The parts that pertained to the subdivision are now in 26-184. We can add something that says 'at the time of subdivision the following Parks and Open Space requirements apply in addition to the general conformance with the regulating plan. I think that would be a quick and easy solution to the cross referencing question that you're bringing up.

Scott Wolford -

As long as everybody agrees with the intent I think that we can word smith this.

Jason Peasley -

On 2-137 it says 'at the time of subdivision Parks and Open Space requirements apply'. We could say 'as well as or in addition to the general conformance with the Parks and Open Space as depicted on the regulating plan'.

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Commissioner Levy -

I heard agreement between the staff and the applicant and those we're on the same page with what the goal is?

Jason Peasley –

Yes and do you agree with that type of language? We need to be specific in what you recommend.

Commissioner Hanlen -

I need some clarification. I thought that when we established the approximate size and locations of the Parks on the land use regulating plan we weren't fixing those in stone. It was merely establishing approximate location and size? What's the difference between what you're saying now that all of a sudden adjusting it potentially requires a major amendment to the land use regulating plan?

Scott Wolford -

If it's a minor amendment then yes.

Jason Peasley -

It's 20% just like it is for transects. What it's saying is that when you plat you need to plat in general conformance with the regulating plan so you can have that legal room to some degree that's allowed in the minor or major amendment to a regulating plan. When you plat you need to plat the Park that's in the subdivision that was already determined.

Scott Wolford -

We're just running into some problems with the way the Parks and Open Space was written. If it's by neighborhood or plat then we don't know which neighborhood or plat. It seemed to make more sense when you have the whole picture of the project to say where we need the Parks and Open Space.

Commissioner Hanlen –

The 20% applies to both location as well as size?

Scott Wolford -

Yes.

Commissioner Hanlen –

It just gets back to the original problem of not knowing where the streets are going and then you're placing a park. I had concerns about getting specific when we have no idea what's going on.

Jason Peasley -

20% is a lot of wiggle room on this project.

Scott Wolford -

Quite a bit of planning has gone into the Park locations on the regulating plan.

Peter Patten -

DRAFT

One of the things that we talked about last week was the significant revisions to the regulating plan based upon the density control system. The biggest single change made was eliminating a lot of NG2 and adding a lot of NG1 to lower that density. Looking at NG1 lot size on pg 2-60 I think it is very appropriate to lower that minimum lot size to 5,000 sq.ft. from 6,000 sq.ft. That would easily be accomplished by reducing the minimum depth from 120' to 100'. I think that's important to provide the smaller lots. That's what this project is all about and that we don't have in Steamboat Springs right now. We have a lot of 4,500 sq.ft. lots, but we could probably live with the 50' depth.

Jason Peasley -

Have you found in the application of this that the difference between 6,000 and 5,000 sq.ft. significantly alters the variety of densities that you can put on a particular plat?

Commissioner Dixon -

You can still have 6,000 sq.ft. lots and have a minimum.

Peter Patten -

The 120' minimum is cumbersome. The 100' is a significant lot depth. I think that 100' is fine. I think that we need to think about affordability.

Commissioner Dixon -

A lot of lots in Denver in the Highlands and Berkley neighborhoods are 25x100 and a double lot is 50x100. It's a nice granny house and they're upsizing that all throughout. I have no objection to that.

Jason Peasley -

I don't think that we have any objection either.

There was a consensus between Commissioners.

Commissioner Hanlen –

The comments that I wanted to bring up are things that we had a lot of discussion about, but never made it into the plan. The first one just because it's nowhere in writing and I know that the current staff talked about understanding this. I just get concerned when this gets several years removed with creating some sort of priority list. I know that we can't hold Public Works accountable to any fixed number. Just creating that priority list for pedestrian and bike connectivity number 1 and vehicular connectivity number 2. Then you get into road grade, block length, cut and fill, over lot grading, preservation of natural features and open space. I was just asking if that can make it into the document in some way.

Jonathan Spence -

I think that Public Works response to that is simply that the priority list will shift and change depending on where we're at.

Commissioner Hanlen -

I know that they don't want to be pinned down.

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Jonathan Spence -

They're reasoning seems to be valid.

Commissioner Hanlen –

I'm just concerned that if it doesn't get written down that it just disappears. Who's going to remember that in a couple of years?

Jonathan Spence -

It doesn't really exist so it can't disappear.

Commissioner Hanlen –

It was a part of our discussion. The comment was and maybe it's in here, but it was the comment just like the Parks staying within 20%. The adjustable boundaries of the Open Space that ends up being dedicated to the City. Is there language in this that speaks to that?

Jason Peasley –

It's in the same place as where we've been discussing. You can adjust transect boundaries and Parks and Open Space by up to 20%.

FINAL STAFF COMMENTS

Jonathan Spence -

As per the changes that were made in your motion you can say as amended per this.

Commissioner Dixon -

We also need to include your list in the motion?

Jonathan Spence -

Yes. I have them broken down to which ordinance they apply to.

Commissioner Levy -

We need to adopt 3 ordinances?

Jonathan Spence –

There are 4 ordinances.

RECOMMENDED MOTION:

Staff recommends the Planning Commission approve the attached draft ordinance amending the Community Development Code to incorporate a new zone district, Traditional Neighborhood Design (TND) with related dimensional, design and subdivision standards. A text amendment for the addition of a new process, Administrative Final Development Plan for projects previously reviewed through the public process based on a finding that the amendments substantially conform with and further the community plan's preferred direction and policies.

DRAFT

MOTION

Commissioner Hanlen moved to approve TXT-09-02 draft ordinance 1 with the amendments as were discussed and item 1 on the change list and Commissioner Fox seconded the motion.

VOTE

Vote: 6-0

Voting for approval of motion to approve: Beauregard, Dixon, Fox, Hanlen, Levy and Lacy.

Absent: Meyer

One position vacant

MOTION

Commissioner Hanlen moved to approve TXT-09-02 draft ordinance 2 as written and Commissioner Dixon seconded the motion.

VOTE

Vote: 6-0

Voting for approval of motion to approve: Beauregard, Dixon, Fox, Hanlen, Levy and Lacy.

Absent: Meyer

One position vacant

MOTION

Commissioner Hanlen moved to approve TXT-09-02 draft ordinance 3 with the amendments proposed by staff and as reflected in the minutes and Commissioner Dixon seconded the motion.

VOTE

Vote: 6-0

Voting for approval of motion to approve: Beauregard, Dixon, Fox, Hanlen, Levy and Lacy.

Absent: Meyer

One position vacant

MOTION

Commissioner Hanlen moved to approve TXT-09-02 draft ordinance 4 with the outdoor storage criteria that was added and SD and Commissioner Dixon seconded the motion.

VOTE

Vote: 6-0

Voting for approval of motion to approve: Beauregard, Dixon, Fox, Hanlen, Levy and Lacy.

Absent: Meyer

One position vacant

Discussion on this agenda item ended at approximately 5:55 p.m.

AGENDA ITEM # 6

CITY OF STEAMBOAT SPRINGS, COLORADO

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 26 OF THE STEAMBOAT SPRINGS REVISED MUNICIPAL CODE, COMMONLY REFERRED TO AS THE STEAMBOAT SPRINGS COMMUNITY DEVELOPMENT CODE, TO INCLUDE A NEW PROCESS, ADMINISTRATIVE FINAL DEVELOPMENT PLAN.

WHEREAS, the City Council adopted the revised Community Development Code as Ordinance #1802 on July 23, 2001; and

WHEREAS the City Council has determined that it is necessary and proper to allow certain development applications to be processed administratively; and

WHEREAS the City Council has determined that this administrative process, to be known as an Administrative Final Development Plan, will further the goals of the Steamboat Springs Area Community Plan by providing predictable and efficient decision making related to land use and community design; and

WHEREAS the City Council has determined that this process is only appropriate for development applications that meet a discreet set of criteria.

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

SECTION 1

Sec. 26-41. Applications in general. shall be amended as follows:

Sec. 26-41. Applications in general.

- (a) General. This article describes the various types of applications and procedures that will be used to review development applications for compliance with this CDC. The following types of applications are created and grouped together according to their function and purpose.
 - (1) Land use. To review land use requests, the following types of applications will be used:

- a. Community plan land use map amendment (refer to article II);
- b. CDC text amendment;
- c. Annexation;
- d. Official zoning map amendment;
- e. Development plan;
- f. Use with criteria;
- g. Change of use; and
- h. Regulating Plans.
- (2) *Subdivision.* To review subdivision requests, the following types of applications will be used:
 - a. Preliminary plat;
 - b. Final plat;
 - c. Lot line adjustment; and
 - d. Lot line elimination.
- (3) Site development. To review site development plan requests, the following types of applications will be used:
 - a. Final development plan;
 - b. Floodplain development permit;
 - c. Master sign plan;
 - d. Sign permit;
 - e. Variance (single-family or duplex structure);
 - f. Waterbody setback variance;
 - g. Minor adjustment;

- h. Minor exterior modification; and
- i. Administrative Final Development Plan (Ord. No. 1802, § 3.1, 7-23-01)

Sec. 26-42 Review Procedures Table shall be amended as follows:

Tabl	Table 26-42 Review Procedures Table											
X	Required notice	CU	Call Up		PC	Planning Commission	TAC	Technical advisory committee				
A	Appeal body	Dir	Director of Planning and Community Development		e e e e e e e e e e e e e e e e e e e		PUD	Planned Unit Development	()	An extra review that may be required by the Director or requested by the applicant		
BOA	Board of Adjustment	DM	Decision Maker		R	Reviewing body	<>	Public hearing				
CC	City Council	HPC	Historic Commission	Preservation	SPO	Surrounding property owner	{}	Consent agenda				

Requirements for all applications

- 1) A complete submittal in accordance with subsections (d) and (f) of Section 26-42 is required prior to review.

 2) Additional Technical submittals During the processing of a complete application, if the city or any review agency identifies any additional materials that are needed to accurately evaluate the potential impacts of the proposed application the additional materials will be provided In accordance with subsection (g) of Section 26-42

 3) Burden of proof. The applicant for development approval shall bear the burden of presenting sufficient competent evidence to support the standards for approval set forth

Types of Applications		Public No	tice Rec	quirements		Admi	n Reviev	v		Public	Review		Final
		otice (26- 1(c))											Documen
	Appli- cation	Public hearing /final decision	Post	Publish	Mineral Rights	Pre- submittal	TAC	Dir	HPC	PC	BOA	CC	
Community plan land use map amendment (§ 26-32)	X	X		X		X	(R)			<r></r>			Resolutio
Pre-application review (§ 26-46)	X	X	X	X	X	X	(R)			(<r>)</r>		(<r>)</r>	Letter
CDC text amendments (§ 26-61)				X		X	(R)		(<r>)</r>	<r></r>	(<r>)</r>	<dm></dm>	Ordinano
Official Zoning map amendment (§ 26-62)	X	X	X	X	X	X	R			<r></r>		<dm></dm>	Ordinan
Regulating Plans (§ 26-90)	X	X	X	X	X	X	R			<r></r>		<dm></dm>	Approva Letter
Annexations (§ 26-63) Use with criteria (§ 26-64)	X	X	X	X	X	X	R	DM		<r></r>		<dm></dm>	Ordinand Signed form
Development plan (§ 26-65)	X	X	X	X	X	X	R		(<r>)</r>	<r></r>		{DM}	Approv letter
Development Plan with PUD (§§ 26-65 & 26-81)	X	X	X	X	X	X	R		(<r>)</r>	<r></r>		<dm></dm>	Approv letter
PUD – minor amendment	X	X	X	X			(R)	DM					Approv letter
Final development plan (FDP) (§ 26-66)	X	X	X	X	X	X	R		(<r>)</r>	<r></r>		<dm></dm>	Signed FDP
Minor adjustment (§ 26-69)		X	X	X			(R)	DM				A	See 26 69(f)
Variance (§ 26-70)	X	X	X	X		X	(R)				<dm></dm>	A	Bldg Permit
Waterbody setback variance (§ 26-71)		X	X	X		X	(R)			<r></r>		{DM}	Bldg Permi
Floodplain development permit (§ 26-72)							(R)	DM				A	Permit
Written interpretation (§ 26-73)												A	Letter
Master sign plan (§ 26-75)							(R)	DM				A	Approv letter
Sign permit (§ 26-76)							(R)	DM				A	Permit
Change of use (§ 26-77)	X	X	X	X				DM				A	Signed form
Minor exterior modification (§ 26-78)		X	X	X		X	(R)	DM				CU	Approv letter
Vacation Home Rental Permit (§ 26-88)			X	X				DM				A	Licens
Administrative FDP (§ 26-89)		X	X	X	X	X	(R)	DM		CU		CU	Approv letter
Telecommunication Facility (§ 26-147(g))		X	X	X		X	(R)	DM		(<r>)</r>		(<r>)</r>	Approv
Building Permit							(R)	DM				A	Bldg Permit

TND - Admin FDP

	Preliminary plat (§ 26-67)	X	X	X	X	X	X	R			<dm></dm>	Approval letter
	Preliminary plat/PUD (§ 26-67 & §26-81)						X				<dm></dm>	Approval letter
u C	Final plat (§ 26-68)		X	X	X	X		(R)	DM		CU	Plat
division	Lot line adjustment (§ 26-79)							(R)	DM		A	Plat
Subo	Lot line elimination (§ 26-80)							(R)	DM		A	Plat

Sec. 26-89 Administrative Final Development Plan shall be added as follows:

Sec. 26-89. Administrative Final Development Plan

- (a) *Purpose.* The purpose of this section is to set forth the requirements and procedures for an administrative final development plan and to ensure compliance with this CDC.
- (b) Applicability. Approval of an administrative final development plan shall be required for any development that:
 - (1) Meets all applicable development and dimensional standards or has obtained a minor adjustment pursuant to Section 26-69; and
 - (2) Contains no more than 16,000 square feet of gross floor area per lot or parcel.
- (c) Submittal requirements. Submittal requirements are set forth in forms maintained by the Planning director.
- (d) Criteria for approval. No administrative final development plan shall be approved unless the modification meets all the following the criteria:
 - (1) Compliance with CDC. The proposed administrative final development plan shall comply with all applicable requirements of the CDC, including article V, development standards.
 - (2) Compliance with building and architectural design guidelines. The proposed administrative final development plan shall comply with all applicable provisions of the building and architectural design guidelines.
 - (3) Conformity with all applicable Use Criteria. The proposed use shall conform to all applicable Use Criteria.

TND – Admin FDP 5

- (4) Conformity with community area plan. The proposed use shall conform to the preferred direction and any applicable policies of the community area plan.
- (5) Conformity with applicable area plan. The proposed administrative final development plan shall conform to any applicable area plan.
- (e) Term and effect of approval.
 - (1) Approval of an administrative final development plan shall be final when the director's signature has been obtained.
 - (2) Approval of a permit for an administrative final development plan shall remain effective for a period of three (3) years from the date of issuance. If an active building permit has been obtained for the administrative final development plan or part thereof, and the term of approval for the administrative final development plan expires, the development covered under the active building permit may continue; however, the administrative final development plan approval shall be considered expired and no new building permits may be issued based on the expired approval. Once the administrative final development plan or part thereof has been fully executed, the approval or part thereof shall remain in effect for perpetuity or until amended.

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

SECTION 5

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

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

SECTION 7

This Ordinance shall take effect immediately upon the expiration of five (5) days from and after its publication following final passage, as provided in Section 7.6 (h) of the Steamboat Springs Home Rule Charter.

ATTEST:	Paul Antonucci, President Steamboat Springs City Council
Julie Franklin, CMC City Clerk	
FINALLY READ, PASSE , 2009.	ED AND APPROVED this day of
	Paul Antonucci, President Steamboat Springs City Council

AGENDA ITEM #7

CITY OF STEAMBOAT SPRINGS, COLORADO

OR	DII	NAI	NCE	NO.	

AN ORDINANCE AMENDING CHAPTER 26 OF THE STEAMBOAT SPRINGS REVISED MUNICIPAL CODE, COMMONLY REFERRED TO AS THE STEAMBOAT SPRINGS COMMUNITY DEVELOPMENT CODE, TO REVISE SECTIONS 26-67 PRELIMINARY PLAT.

WHEREAS, the City Council adopted the revised Community Development Code as Ordinance #1802 on July 23, 2001; and

WHEREAS, the City of Steamboat Springs is committed to a regular, ongoing review of the Community Development Code so that the provisions contained therein are relevant and applicable to the community at any given point in time; and

WHEREAS, the City of Steamboat Springs recognizes that requests for variances from the subdivision regulations is not in and of itself a detriment to the established purpose of the subdivision regulations; and

WHEREAS the City Council has determined requests for variances from the subdivision regulations in excess of two (2) but no more than four (4) should not result in the requirement of a Planned Unit Development.

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

SECTION 1

Sec. 26-67 Preliminary Plat shall be amended as follows:

Sec. 26-67. Preliminary plat.

- (a) *Purpose.* The purpose of this section is to set forth the requirements and procedures to be used in evaluating land subdivisions. The intent of the preliminary plat process is to ensure efficient and orderly development within the city consistent with the CDC and to allow subdividers to receive review and action upon their subdivision request prior to the expenditure of time and resources required for approval of a final plat.
- (b) *Applicability.* A preliminary plat shall be required in the following instances.

- (1) *Public land dedication.* Any subdivision request where public land dedication is required pursuant to article VII, subdivision regulations, except when exempted in subsection 26-67(c)(1).
- (2) Variance. The proposed subdivision is requesting a variation from two (2) four (4) or fewer subdivision standards listed in article VII, subdivision regulations, and/or the applicable zone district regulations of lot width or lot area. (An application requesting variation from more than two (2) four (4) of the subdivision standards listed in this CDC shall be processed as a PUD in accordance with section 26-81. Subdivision standard variances are limited those listed in subsection 26-81(d)).
- (3) *Subdivision.* A subdivider wishes to initiate any division of property pursuant to article VII, subdivision regulations that is not exempted pursuant to subsection 26-67(c).
- (4) *Vacation of right-of-way.* A subdivider wishes to vacate a street or alley.
- (c) Exemptions. Divisions of land that meet the following conditions are exempt from the preliminary plat process. However, the director at her/his discretion may recommend to an applicant that a preliminary plat be submitted for review by the technical advisory committee, prior to submission of a final plat, in order to better evaluate potential project impacts.
 - (1) Any replat, resubdivision, or correction plat, that is found by the director to be in strict conformance with the provisions of the Steamboat Springs Municipal Code, this CDC, city road standards, sidewalk standards, water and sewer standards and the requirements of the applicable zone district, and is one of the following:
 - Is in substantial conformance with an existing approved preliminary plat (if applicable);
 - b. Lot consolidations involving five (5) or less lots. Such consolidations shall be processed in accordance with section 26-80;
 - c. Lot line adjustments in accordance with section 26-79;

- d. Is a relocation of, or adjustment to an easement;
- e. Is a townhome or condominium plat;
- f. Is a correction of an engineering or survey error or other minor change to a recorded plat which has no effect on the degree to which the plat conforms to city standards and/or the approved preliminary plat;
- g. Creates three (3) or fewer industrial lots with each lot being less than one acre;
- h. Creates three (3) or fewer duplex lots;
- Creates six (6) or fewer single-family lots;
- yacates a dedicated easement (utility easement encroachments are permitted in accordance with section 26-82);
- k. Is being done solely to dedicate land to the public for vehicle, pedestrian, or utility right-of-way;
- I. Creates three (3) or fewer commercial (non-residential) lots with each lot being less than one acre in size.
- (d) Submittal requirements. Submittal requirements are set forth in forms maintained by the Planning director.
- (e) Criteria for approval. All preliminary plats shall only be approved where the plat, supporting materials and documentation and any testimony and evidence presented during a public hearing (where applicable), establishes that all of the following standards have been met:
 - (1) Conformity with CDC. The proposed preliminary plat substantially conforms to all applicable requirements of this CDC, including all applicable requirements of the zone district(s) in which the property to be subdivided is located, and all regulations applicable to any conditional uses, as such regulations may have been modified by an approved variance or PUD for the property.
 - (2) *Verification of developable lots.* Each lot proposed for development in the subdivision has demonstrated, to the satisfaction of the

- director, that it is developable. Elements reviewed for developability include a demonstrated ability to meet the requirements of this community development code in terms of zone district standards, development standards, and subdivision standards.
- (3) Conformance with other applicable regulations. The proposed subdivision conforms to any other applicable regulations and requirements including but not limited to provisions of state law, Steamboat Springs Municipal Code, and any requirements set by any capital improvement plan or program, or any approved subdivision improvements agreement or development agreement for the property.
- (4) *Conformity with community area plan.* The proposed subdivision shall conform to the preferred direction and any applicable policies of the community area plan.
- (5) *Compatibility with surrounding area.* The proposed subdivision shall be compatible with the character of existing land uses in the area and shall not adversely affect the future development of the surrounding area.
- (6) Suitability for development. The land proposed for subdivision shall be physically suitable for development, considering its topography (the presence of steep or unstable slopes), natural resource features (such as wetlands, floodplains, and sensitive wildlife habitat areas), and any environmental hazards (such as avalanche or landslide paths, rockfall hazard areas, or wildfire hazard areas) that may limit the property's development potential.
- (7) *Phasing.* If the proposed development is to be developed in phases, then each phase shall contain the required streets, utilities, landscaping, and other improvements that are necessary and desirable for residents of the project for that phase. Each phase of the phasing plan shall meet the requirements of the CDC on its own unless a variation was granted. If the development incorporates any amenities for the benefit of the city, such as trail connections, these shall be constructed within the first phase of the project, or, if this is not practical, then as early in the project as is reasonable.
- (8) Variance criteria. Preliminary plats seeking variation from up to two (2) four (4) subdivision standards listed in article VII, subdivision standards, where such variances do not qualify as minor

adjustments shall meet the following criteria for approval in addition to the criteria in subsections 26-67(e)(1)--(7):

- a. Legal use. The property and the use of such property for which the variance is requested is in full compliance with all requirements of the zone district in which the property is located, or there is a legal nonconforming structure or lot, or there is a conforming structure housing a legal nonconforming use. No variance may be granted which would permit or expand any unlawful use of property
- b. Injury to adjoining property mitigated. The variance will not permanently injure or adversely impact legal conforming uses of adjacent property; or the applicant has accurately assessed the impacts of the proposed variance and has agreed to mitigate those impacts. In making this determination the city council shall begin with the assumption that variations from development standards create impacts on adjacent properties, and shall place the burden of proof on the applicant to show:
 - 1. Impacts to adjacent properties are presumed.
 - 2. That there are no impacts, or that the impacts have been adequately mitigated. Unsupported opinions of impacts from surrounding property owners shall not be conclusive evidence of impacts.
- c. Advantages outweigh disadvantages. The applicant shall bear the burden of proof and demonstrate that the advantages of the variance substantially outweigh its disadvantages to the community and to neighboring lands.
- d. Superior development. The applicant shall demonstrate that the requested variation(s) from the dimensional or development standards will result in a development which better meets the intent of the underlying zone district and adopted plans.
- e. *Minimum relief.* The applicant shall demonstrate that the requested variation(s) is (are) the least modification possible of the CDC that will meet the design goals of the development.

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.

	RDERED PUBLISHED, as provided by law, by amboat Springs, at its regular meeting held on the 2009.
ATTEST:	Paul Antonucci, President Steamboat Springs City Council
Julie Franklin, CMC City Clerk	
FINALLY READ, PASSED, 2009.	AND APPROVED this day of
ATTEST:	Paul Antonucci, President Steamboat Springs City Council
Julie Franklin, CMC City Clerk	

AGENDA ITEM #8

CITY OF STEAMBOAT SPRINGS, COLORADO

ORDINANCE NO.	
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AN ORDINANCE AMENDING CHAPTER 26 OF THE STEAMBOAT SPRINGS REVISED MUNICIPAL CODE, COMMONLY REFERRED TO AS THE STEAMBOAT SPRINGS COMMUNITY DEVELOPMENT CODE, TO ESTABLISH A NEW ZONE DISTRICT, TRADITIONAL NEIGHBORHOOD DESIGN, AND RELATED STANDARDS.

WHEREAS, the City Council adopted the revised Community Development Code as Ordinance #1802 on July 23, 2001; and

WHEREAS, the City of Steamboat Springs recognizes the value in the creation of traditional neighborhoods that include a mix of uses, mix of housing types, interconnected streets, transit facilities and a well connected network of sidewalks and trails to promote local travel by alternative modes; and

WHEREAS, the City of Steamboat Springs adopted Steamboat Springs Area Community Plan (SSACP) Policy LU 1.2 states "Future development will be in compact mixed-use neighborhoods"; and

WHEREAS, the City of Steamboat Springs adopted Steamboat Springs Area Community Plan (SSACP) Policy LU 3.2 states "New development will be designed to promote distinct new mixed-use neighborhoods"; and

WHEREAS, the City of Steamboat Springs adopted Steamboat Springs Area Community Plan (SSACP) identifies the development of West Steamboat into a series of new planned, mixed-use, transit friendly neighborhoods with interconnected street layouts as a community goal; and

WHEREAS, the City of Steamboat Springs adopted West of Steamboat Springs Area Plan (WSSAP) envisions West Steamboat to develop based on the traditional neighborhood patterns of Old Town Steamboat Springs; and

WHEREAS, the City of Steamboat Springs adopted West of Steamboat Springs Area Plan (WSSAP) requires that all land to be annexed meets certain design guidelines (based on the patterns of Old Town) for the development of Traditional Neighborhoods; and

WHEREAS, the City of Steamboat Springs adopted West of Steamboat Springs Area Plan (WSSAP) identifies the development of new regulations to

accommodate and encourage the land uses, housing types and forms of Traditional Neighborhoods as an action item for the Planning Staff; and

WHEREAS, the City Council has determined that it is appropriate to amend the Community Development Code to include new sections to promote and govern the development of Traditional Neighborhoods within the WSSAP Boundary and throughout the City.

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

SECTION 1

Sec. 26-90 Traditional Neighborhood Development (TND) shall be added as follows:

Sec. 26-90. Traditional Neighborhood Development (TND)

- (a) Purpose and Intent. The purpose of this section is to provide an overview of development within the TND Zone District and set forth specific procedures applicable within the TND Zone District. The TND zoning designation is intended to provide options and standards for development that emphasize TND principles in keeping with the West of Steamboat Springs Area Plan (WSSAP). In order to make such innovative development possible, the TND Zone District provides alternatives to some of the CDC requirements in the form of Form-Based development standards and development review procedures. These components intend to encourage feasible TND and the creation of places that are mixed-use, compact, and pedestrian-oriented.
- (b) Overview of Development. Site Development within the TND Zone District shall occur through the implementation of Regulating Plans that implement specific Transect Designations, and shall occur following the applicable requirements and procedures of Article 3 of the CDC in addition to the TND Review Procedures outlined below.
- (c) TND Development Review Procedures. The following additional review procedures are unique to development within the TND and shall apply only to land designated TND on the Official Zoning Map:

(1)Regulating Plans:

- (a) Purpose and Intent. The purpose of this section is to set forth the requirements and procedures for the initial adoption of a regulating plan in conjunction with adoption of any land into the TND Zone District. Regulating Plans denote the locations where different Transect zone designations, and subsequently different Building Form Standards, Building Type Standards, and Land Uses may occur within the TND Zone District.
- (b) Applicability. These requirements apply to any adoption initiated by a property owner, or the city, that desires to utilize the TND Zone District and its accompanying standards.
- (c) Submittal requirements. Submittal Requirements are set forth in forms maintained by the director.
- (d) Review process. Applications to adopt a regulating plan shall be reviewed in accordance with procedures for public review (section 26-42). Ordinances shall be adopted in accordance with procedures outlined in the Steamboat Springs Home Rule Charter.
- (e) Criteria for approval. In considering any petition for the adoption of a regulating plan, the following criteria shall govern unless otherwise expressly required by the CDC. The ordinance approving the adoption of the regulating plan shall be approved and adopted only if it appears by clear and convincing evidence presented during the public hearing before city council that the proposed regulating plan clearly demonstrates the following:
 - (1) *Intent and Purpose.* The proposed regulating plan meets the purpose and intent of the TND Zone District.
 - (2) Compatibility with SSACP. The proposed regulating plan furthers the goals and policies of the Steamboat Springs Area Community Plan or approved master plans.
 - (3) Environmental Quality. The proposed regulating plan promotes or preserves the preservation of environmental quality, conserves energy usage, energy resources and water conservation and reuse.
 - (4) Allocation of Transects. The proposed regulating plan shall provide a mix of transects that is consistent with the purpose and intent of the TND Zone District and will not be

overly concentrated in any particular transect. The proposed regulating plan shall provide a spectrum of transects that organizes development intensity in compliance with a system of walkable Pedestrian Sheds.

- (5)Civic Uses. The proposed regulating plan contains adequate land set aside for civic uses per the Community Facilities Master Plan, if applicable.
- (6)Parks Open Space and Recreation. The proposed regulating plan has adequate land set aside for active and passive recreation per the Open Space, Parks and Recreation Master Plan. The Regulating Plan shall addresses Parks and Open Spaces as follows:
- a. The locations and approximate sizes of the Primary Parks and Open Spaces including Community Parks and Natural Preserves, Hillside & Riparian Areas totaling no less than 15% of the gross land area of the Regulating Plan shall be delineated on the Regulating Plan as described in Section 26-154. These Primary Parks and Open Spaces shall be dedicated to the City at the time of initial subdivision unless dedicated previously. Minor deviations to their general form, disposition, and boundaries based on actual field conditions may occur at the time of subdivision in accordance with this section.
- b. The locations and approximate sizes of the Secondary Park Types shown on the Regulating Plan are illustrative and subject to change and refinement based on actual field conditions and additional requirements at the time of subdivision. Additional Secondary Park Types may be proposed at time of subdivision, in accordance with the applicable Transect Zone.
- c. The locations of Tertiary Park Types are not typically shown on the Regulating Plan and shall be determined at time of subdivision based on the Parks and Open Space Requirements in 26-187.
- (7) Overlay Districts. The proposed regulating plan accurately delineates the location of any overlay districts proposed.

(f)Term and effect of approval. Adoption of a regulating plan shall be permanent and run with the land, until such time as council approves a major amendment to the regulating plan or the director approves a minor amendment to the regulating plan.

(g)Amendments to an adopted regulating plan. Amendments to adopted regulating plans may take on one of the following forms:

- (1) Minor Amendment. A minor amendment to an approved regulating plan is any revision that does not change the character of the regulating plan. Minor amendments include the following:
 - a. Deviations to the attributed Transect acreage within 20% of acreage amount of any given Transect as illustrated on the Regulating Plan.
 - b. Deviations from locations or orientations of parks and open space or the locations or orientations of primary streets.
 - c. Deviations of 20% or less in acreage sizes of parks and open spaces.

The determination of conformance with the character of the regulating plan shall be at the director's discretion and may be approved administratively by the director, pursuant to section 26-42, administrative review.

(2) Major amendment. Any change to an approved regulating plan that the director determines changes the character of the regulating plan or does not meet the criteria in section (1) above shall be considered to be a major amendment. A major amendment shall require submittal of a new application for a revised regulating plan, shall be processed in accordance with section 26-42, public review and be subject to the criteria for approval contained herein.

(2) Transect Level Increases

(a) Purpose and Intent. Transect Level Increases intend to facilitate the long-term, healthy evolution of mixed-use communities by providing a process for the careful reconsideration of particular Transects in the project. Such increases intend to allow for the gradual expansion of mixed-use, walkable districts, accommodate potential demand for both

residential and non-residential uses over time, and allow such uses to be appropriately integrated into the community fabric in locations that can support increased density and intensified land use.

Transect Level Increases will provide an opportunity for a reconsideration of a Regulating Plan and may result in additional residential units, non-residential square footage, additional parks and/or open spaces, and addition to infrastructure.

(b)Applicability. Transect Level Increases may apply to any land within the TND Zone District with a Transect designation indicated on an adopted Regulating Plan.

(c)Procedure. Beginning 10 years from recordation of the first subdivision plat, the City or any land owner may apply for a Transect to increased one step along the Transect continuum pursuant to the Major Amendment process above, such as with the following examples:

- 1. T-3 Neighborhood General Low may be changed to T-3 Neighborhood General Medium
- 2. T-4 Neighborhood Center may be changed to T-5 Town Core

(d)Submittal Requirements. Submittal Requirements are set forth in forms maintained by the director.

(e)Criteria for Approval. Transect Level Increases will be granted by the Planning Commission, provided that the Review Authority can make the following findings:

- 1. That the Transect Level Increase shall maintain compliance with the purpose and intent of the TND Zone District.
- 2. That the Transect Level Increase shall not result in the introduction of uses, land use intensities, or built form that will provide potential conflicts and/or incompatibilities with adjacent Transect designations
- 3. That all parking requirements within the proposed Transect Level Increase area can be met.

4. Adequate infrastructure exists to support the proposed Transect Level Increase.

SECTION 2

Sec. 26-91 General shall be amended as follows:

Sec. 26-91. General.

- (a) *Purpose.* This article divides the city into "zone districts" of such number, shape, and area, and common unity of purpose or use as are deemed most suitable to effectively accomplish the intent of the Steamboat Springs Area community plan. Each zone district has a stated purpose and intent, uses by right, uses with criteria, and conditional uses specific to that zone district. All development within each zone district shall be consistent with the purpose and intent stated for such zone district and with all applicable provisions of this CDC.
- (b) Applicability of zone district regulations. Except as may be otherwise provided in this chapter:
 - (1) No structure shall be erected, reconstructed, altered, enlarged, or moved, nor shall any building or land be used for any purpose other than for a use permitted, permitted with criteria, conditionally permitted, or as an accessory or temporary use in the zone district in which it is located.
 - (2) No structure shall be erected, reconstructed, altered, enlarged, or moved unless it conforms to the area regulations of the zone district in which it is located and/or other requirements of this CDC.
 - (3) No setback or other open space required in this CDC for any structure shall be considered as providing a setback or open space for any other structure, and no setback or open space on an adjoining lot or parcel shall be considered as providing a setback or open space on a lot on which a building is to be erected, unless such use of setback area measurements is approved through the use of a final plat or final development plan for an "offset side yard/zero lot line" development.
 - (4) No structure shall be erected, reconstructed, altered, enlarged, or moved, nor shall any building or land be used for any purpose unless a final development plan, or development permit for the structure, building, or land, has been properly issued in accordance

with the provisions of this CDC. This provision shall not apply to single-family attached and detached homes located within approved final subdivision plats that comply with all requirements of this CDC, section 26-68, final plat, and any previous approved final plat.

- (c) Zone districts established. In conformity with the purpose and intent of this CDC and the Steamboat Springs Area Community Plan, the following zone districts are hereby created:
 - (1) Standard zone districts.
 - a. OR Open space and recreation zone district
 - (i) Purpose and intent. The open space and recreation zone district is intended primarily to provide areas for public or private recreational uses, open space preservation, or other similar uses. This zone district may include protection of environmentally sensitive areas such as wetlands, floodplains, rivers and streams, development buffers, or public recreation facilities such as parks, athletic fields, ski areas, and community gathering spaces.
 - b. RE Residential estate zone district
 - (i) Purpose and intent. The residential estate zone district is intended primarily to provide areas for single-family detached living in a low-density environment. This district may be appropriate for environmentally sensitive areas, and is best located away from high-density development
 - (ii) *Designations.* Each property zoned RE must have a designation of "1" or "2" that further specifies the intensity and density of such use as provided by this article. Each property in the RE zone district may attach a designation of "S." The "S" designation indicates that secondary units are allowed as a use with criteria. The designations are as follows:
 - RE-1 residential estate, low density;
 - 2) RE-1/S residential estate, low density, secondary units;
 - 3) RE-2 residential estate, higher density; and

4) RE-2/S residential estate higher density, secondary units.

c. RN - Residential neighborhood zone district

- (i) Purpose and intent. The residential neighborhood zone district is intended primarily to provide areas for single-family, duplex and accessory dwelling units in a range of residential densities, as well as to provide uses complimentary to and in harmony with residential uses. New development should be compatible with existing surrounding neighborhoods in terms of lot size and density.
- (ii) Designations. Each property zoned RN must have a designation of "1," "2," or "3" that further specifies the intensity and density of such use as provided by this article. The designations are as follows:
 - 1) RN-1 residential neighborhood, low density;
 - 2) RN-2 residential neighborhood, moderate density; and
 - 3) RN-3 residential neighborhood, high density.

d. RO - Residential Old Town zone district

(i) Purpose and intent. The residential Old Town zone district is intended primarily to provide development compatible with the traditional residential character of the city's original neighborhoods in terms of mass, height, setback, density, and street layout. This includes a range of residential uses generally found on smaller lots, including a limited number of multifamily, accommodation units, educational and institutional uses.

e. RR - Residential resort zone district

(i) Purpose and intent. The purpose of the residential resort district is to provide areas for the highest intensity of residential use consistent with a mountain resort community. The primary use of dwelling units within this district may be for short-term rental units. New development shall be physically connected to the resort by an integrated system of streets, sidewalks and recreational paths. The RR zone district functions as a gateway to the resort, and new development should have a resort-like

character with lower development intensity and scale for development located further away from the base area, with intensities and densities increasing with the increased proximity to the base area. The RR zone district has two (2) designations that allow for different levels of intensity and density. The designation that allows higher levels of intensity is principally located immediately adjacent to the ski slopes.

- (ii) *Designations.* Each property zoned RR must have a designation of "1," or "2" that further specifies the intensity and density of such use as provided by this article. The designations are as follows:
 - 1) RR-1 residential resort, low density; and
 - 2) RR-2 residential resort, high density.
- f. MH Mobile home zone district
- (i) Purpose and Intent. The mobile home zone district is intended to secure and broaden future affordable housing opportunities for permanent residents of the city. This zone district applies to mobile home parks and mobile home subdivisions.
- g. MF Multifamily residential zone district
- (i) Purpose and intent. The multifamily residential zone district is intended primarily to provide areas for development of multifamily housing in a range of densities. Such housing may include townhouses, condominiums, and apartments. These developments shall take measures to ensure compatibility with adjacent properties of lower densities, as well as to provide adequate open space.
- (ii) *Designations.* Where any property is zoned MF, such property shall also include a designation identifying the intensity and density of such use as provided by this article. Such designations include the following:
 - 1) MF-1 multifamily low density;
 - 2) MF-2 multifamily medium density;
 - MF-3 multifamily high density;

h. G-1 - Gondola one zone district

(i) Purpose and intent. The purpose of the Gondola one zone district is intended to provide residential accommodation for guests, second homeowners, and new residents looking for a high-level of amenities as provided by a resort environment. New development shall be physically connected to the resort by an integral system of streets, sidewalks, and recreational paths. New development should have a resort-like character with higher development intensity and scale than development within the RR districts, but lower intensity than the G-2 district. All development in the G-1 zone district shall require approval of a PUD and shall be subject to the provisions of section 26-86.

i. G-2 - Gondola two zone district

Purpose and intent. The purpose of the Gondola two (i) zone district is for properties nearest to the gondola base facility to have the densest development in the city. Because of the special characteristics and importance of this area to the general welfare of the city, this zone district is intended to allow for flexibility and creativity in the development of land in order to provide a quality pedestrian-oriented environment that furthers the goals of the master plans for the area. Special emphasis shall be placed on the location of uses within structures, the massing and design of structures, the provision of public spaces and gathering areas, pedestrian corridors and how those elements relate with the pedestrian environment. Multi-use buildings, with pedestrianoriented ground-level retail and other active uses, are strongly encouraged in the G-2 zone district. All development in the G-2 zone district shall require approval of a PUD and shall be subject to the provisions in section 26-86.

j. CO - Commercial Old Town zone district

(i) Purpose and intent. The commercial Old Town zone district is intended primarily to provide areas for commercial development compatible with the scale, character and streetscape of the traditional downtown area of the city. Appropriate land uses include public facilities, commercial retail, primarily on the street and pedestrian level, with office and/or residential uses above or below the street level. Portions of the area may be appropriate for inclusion in a local or other cultural resource designation. The uses, structures, and project design should focus on providing an

interesting pedestrian experience that has variety and vitality and that is not dependent upon direct vehicular access or immediately adjacent parking.

k. CY - Yampa Street commercial zone district

Purpose and intent. The Yampa Street commercial (i) zone district is designed and intended primarily for properties with frontage along Yampa Street and has been identified as an area with significant redevelopment and new development potential with the ability to impact the overall image and future vitality of Old Town. The CY zone district is intended to allow development and redevelopment as a commercially active neighborhood that is distinctly different than Lincoln Avenue with high-quality, unique mixed-use developments, moderate intensity commercial uses, restaurants, retail, lodging and residential dwelling units. Uses and structures in this area shall generally be of a smaller scale and pedestrian oriented. The district is intended to serve locals and visitors alike who want to enjoy the mix of urban and natural environments that is possible in this unique area of the city. Visual connections to the Yampa River are of high priority and all development and redevelopment is encouraged to actively engage the riverfront in building and site design through methods such as outdoor seating, decks, porches or other interactive design techniques. Public access and physical connections to the riverfront should be encouraged whenever possible. The district also serves to provide a smooth transition from the commercial downtown to the recreation and open space resources of Howelsen Park.

I. CN - Commercial neighborhood zone district

(i) Purpose and intent. The commercial neighborhood zone district is designed and intended to provide mixed-use areas for low intensity commercial, limited retail, and residential dwelling units. Uses and structures in this area shall generally be of a smaller scale, pedestrian and neighborhood oriented, and provide services for the local population. Along Oak Street, adaptive re-use of older residential buildings is encouraged in order to preserve the residential scale. The preservation and enhancement of the street tree canopy is encouraged through the addition of new street trees and preservation of existing mature trees. While locating uses along Oak Street, consideration should be given to placing higher scale and intensity uses on the south side of the street and lower scale and intensity uses along the north side of the street. Through

considerations such as intensity and scale, an emphasis shall be placed on providing appropriate transition areas and pedestrian connections into and from neighboring uses.

m. CC - Community commercial zone district

Purpose and intent. The community commercial zone (i) district is designed and intended primarily to provide nodes for commercial services and sale of goods for residents and visitors, as well as nodes for office, lodging and residential development. An emphasis shall be placed on minimizing the impact of vehicular traffic through the provision of low intensity commercial development, encouraging a mix of complementary uses that might reduce single-purpose automobile trips, mitigation of the aesthetic impact of parking lots, utilization of joint access between properties, and the provision of safe, efficient and well-connected pedestrian, bicycle and transit facilities. Along U.S. Highway 40, development and redevelopment is encouraged to allow visual and physical connections to the Yampa River and Yampa River Core Trail and to present a high-quality street frontage with landscaped buffers and open space areas. Consideration shall be given to providing a quality entryway into the city, reducing visual clutter with respect to signage and lighting and discouraging strip commercial type of development. Commercial development is intended to be focused around signalized intersections with concentrations of low intensity office, residential and lodging development between those signalized intersections.

n. CS - Commercial services zone district

(i) Purpose and intent. The commercial services zone district is designed and intended to provide areas for commercial services and goods primarily for residents. While uses may be of a higher intensity and automobile oriented, efforts shall be taken to minimize vehicular conflicts and improve visual appearances from passing motorists and pedestrians. Adequate pedestrian, transit facilities and alternative modes of transportation shall be included to encourage nonvehicular access.

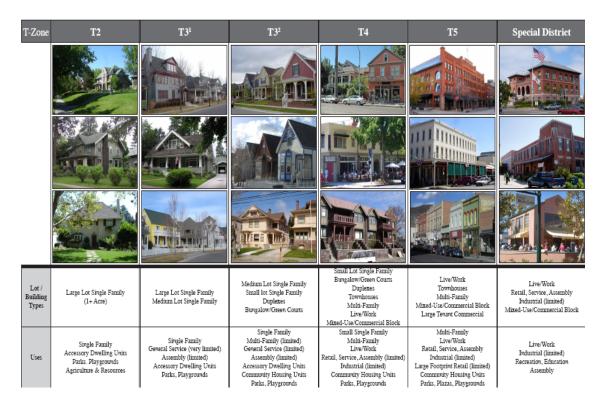
o. I - Industrial zone district

(i) Purpose and intent. The industrial zone district is designed and intended to accommodate industrial uses with varying degrees of impacts. Uses allowed by right are generally

those that are conducted entirely within an enclosed structure and have no negative impacts beyond the property where the use is located. Uses with criteria are generally those that may have outdoor operations and visual or environmental impacts that can be mitigated through application of additional requirements. Conditional uses are generally those uses that may have offsite impacts and therefore require specific mitigation to minimize those impacts.

- p. TND Traditional Neighborhood Development Zone District
 - (i) Purpose and intent. The Traditional Neighborhood Development (TND) zoning designation is intended to provide options and standards for development that emphasize the features of Traditional Neighborhoods. As such, the Traditional Neighborhood is intended to accommodate, encourage, and promote innovatively designed developments involving residential and nonresidential land uses, which together form an attractive and harmonious mixed-use development with an internally consistent hierarchy of building and types Traditional Neighborhood street using Development (TND) principles. Such a development may be designed as a large scale separate entity able to function as an individual neighborhood or as a smaller scale infill project.
 - (ii) Applicability. The TND zone applies to all lands within the City of Steamboat Springs with the TND Zoning designation according to the Official City Zoning Map. All land within the West of Steamboat Springs Area Plan (WSSAP) boundaries are to be zoned as TND at time of annexation. Other parcels within the City of Steamboat Springs municipal boundaries may be rezoned to TND Zoning through Section 26-62, Official Zoning Map Amendments.
 - (iii) Transect. The Form-Based Code standards utilize the rural-to-urban Transect as a basis for the organization of development character and intensity within the TND Zone District (see graphic below). The Transect is a concept providing a framework that identifies a continuous range of habitats from most natural to most urban. In this case, the Transect has been

carefully calibrated to reflect the physical form and character of the City of Steamboat Springs. The Transect permeates each Form-Based Code standard, providing a clear hierarchy that facilitates and directs future planning and design decisions. The location of individual Transects is depicted on a Regulating Plan. The transects are generally illustrated as follows:

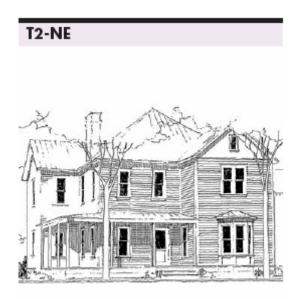


(iv) Applicable Standards. The TND Zone District has distinct standards that emphasize physical form over land use. These include Building Form Standards (see Article 5, Section 26-152), Building Type Standards (see Article 5, Section 26-153), and Subdivision Standards (see Article 7, Section 26-187). Unlike many conventional development codes, Form-Based Code standards place a primary emphasis on the physical form and character of new development, with a strong but secondary emphasis on the uses within buildings. The City of Steamboat Springs Form-Based Code standards have been carefully calibrated to ensure that different land use intensities and degrees of mixed use can be implemented in a manner that minimizes potential conflicts between

incompatible land uses, and results in a consistent, high-quality public realm that supports the development over time of a series of neighborhoods that are relatively dense, mixed-use, and pedestrian-oriented.

The Form-Based Code standards are prescriptive in order to provide a certain degree of predictability and consistency with the SSACP's vision. At the same time, the Code provides a certain degree of flexibility that can support a great variety of future physical outcomes, as well as the opportunity for mixed-use neighborhoods to evolve over time.

(v) Transect Designations. A series of Form-Based Transect Designations distribute densities and land use intensities across the TND Zone district. The Transects allocate allowable land uses, buildable areas, required frontage conditions, and allowed building types as follows:



1) Neighborhood Edge

T2-NE: Neighborhood Edge supplies an appropriate transition at the edge of the community to the surrounding lower intensity uses. This designation provides a choice of large-lot single family residences to members of the community and grants the option of larger homes within the context of a neighborhood

structure.

T3-NG1



2) Neighborhood General - Low

T3-NG1: Neighborhood General — Low supplies the core residential fabric within neighborhoods. This designation provides a variety of single family, duplex and limited multi-family housing types to enable a wide diversity of residences on small to large lots.

T3-NG2



3) Neighborhood General - Medium

T3-NG2: Neighborhood General – Medium supplies residential fabric at greater densities within neighborhoods. This designation provides a variety of single family, duplex and multi-family housing types to enable a wide diversity of residences on small and medium lots.



4) Neighborhood Center

T4-NC: Neighborhood Center is a mixed-use area intended to provide a choice of higher density housing units, locally serving retail within walking distance of where residents live. Neighborhood Centers are intended to primarily support the needs of the neighborhood residents. They are accessible by transit and will often include one or more well-designed transit stops.

T5-TC



5) Town Core

T5-TC: Town Core is a mixed-use area intended to provide a choice of higher density housing units, regional serving retail, and supporting commercial uses. This designation is accessible by transit and will often include one or more well-designed transit stops. They are located at or near primary intersections to attract both pedestrians and drive-by traffic.



6) Special District

- SD: Special District provides a space for uses and/or building types that may not be appropriate in other transects. These uses include public and institutional uses and limited industrial uses within the context of a pedestrian oriented area adjacent to a Neighborhood Centers.
- (vi) Regulating Plan. The allocation of Transect Zones is determined and indicated on a Regulating Plan. See Section 26-90 (f) for applicable criteria.
- (2) Overlay zone districts. All properties, or portions of properties, located within the boundaries of the city and designated within the above referenced overlay zone on its respective map, are determined to be part of such overlay zone and subject to the applicable rules and regulations as stated in this Article IV.
- a. AO Airport overlay zone district (reserved)
- b. SO Skyline overlay zone district
 - (i) Purpose and intent. The intent of the skyline overlay zone is to establish appropriate standards for the development of property containing a visually significant skyline as viewed from designated public vantage points and as identified on the official zoning map.
- c. DCR Downtown cultural resource overlay zone district (reserved)
- d. LFR Large Format Retail Overlay District
 - (i) *Purpose and intent.* The Large Format Use Overlay is intended to designate an area within the TND Zone District that may be appropriate to accommodate a Large Format Retail Project.
- (d) Official zoning map adoption. The boundaries of the zoning districts are delineated upon the official zoning map of the city. The map is hereby adopted as a part of this article as if the map were set forth in this article in detail. The official zoning map shall supersede all zoning maps previously adopted by the city to the extent and only to the extent that the maps are in conflict with the map adopted in this article. The official zoning map shall be filed

in the offices of the department of Planning and Community Development and bear the signature of the director and the seal of the city, and be attested by the city clerk.

(1) Administrative determination. Any owner may, upon request, obtain a written administrative determination from the director concerning the owner's property classification within a zoning district or overlay zone.

(e) *Interpretation*

- (1) *District boundaries.* Where uncertainty exists as to the boundaries of districts as shown on the official zoning map, the following rules shall apply:
- a. Boundaries indicated as approximately following the centerline of streets or roads shall be construed to follow the centerline;
- b. Boundaries indicated as approximately following platted lot lines shall be construed as following the lot lines;
- c. Boundaries indicated as approximately following the city limits shall be construed as following the city limits;
- d. Boundaries indicated as parallel to or extensions of centerlines, lot lines, city limits, or similar geographical lines shall be so construed;
- e. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map;
- f. Whenever any street, alley, or other public way is vacated by official action of the city council, or whenever street or alley area is franchised for building purposes, the zoning district line adjoining each side of such street, alley, or other public way shall be automatically extended to the centerline of such vacated street, alley, or way, and all area so involved shall then be subject to all regulations of the zone districts as extended; and
- g. Where physical or cultural features exist on the ground and are at variance with those shown on the official zoning map, or in circumstances not covered by the subsections of this section, the city council shall interpret the zone district boundaries.

(2) Hierarchy of zone district regulations. This article provides the uses allowable in each zone district and the terms and standards of the overlay zone district. When a specific standard is in conflict with a standard contained in this article or article V, regarding the same subject matter, the more restrictive or higher standard shall govern unless otherwise stated.

SECTION 3

Sec. 26-92 Use Classifications shall be amended as follows:

Sec. 26-92. Use classifications.

- (a) Purpose and intent. The purpose of these use classifications is to implement the policies of the Steamboat Springs Area Community Plan, and other adopted master plans for the Steamboat Springs area. The intent is to classify uses of land into a number of specially defined land use categories on the basis of common functional characteristics and similar compatibility with other uses.
 - (b) Use Categories.
 - (1) Uses by right. Uses by right are those uses that are consistent with the purpose and intent of the zone district and are deemed to further the preferred direction and policies of the community plan. When development plans or final development plans are reviewed involving a use by right, the use of the property shall not be in question.
 - (2) Uses with criteria. Uses with criteria are those uses that may be consistent with the purpose and intent of that zone district and are deemed to further the goals of the community plan if certain criteria are considered and imposed. The criteria are described and listed with the definition of the use in Article 20, Definitions and Use Criteria. If the criteria for that use are met, it is presumed that the use will not have any greater impact than a use allowed by right and the director shall approve the use without further review. If the criteria are not met, such use shall be treated as a conditional use. This category includes temporary events subject to the conditions and as defined in Article 20. Uses with criteria are reviewed by the director either prior to development or building permit, as applicable, or concurrent with building permit review, as specified within the particular use in Article 20.

- (3) Conditional uses. Conditional uses are those that are generally consistent with the purpose and intent of that zone district, yet may have more impacts to surrounding properties and the community than uses by right or uses with criteria. Such uses require approval pursuant to section 26-65, and conditions may be placed upon these uses as deemed appropriate by the approval body, in order to avoid or mitigate potential impacts. The listing of a conditional use in a particular zone district does not ensure approval of that use or any associated development plan.
- (4) Accessory uses. Those uses defined in Article 4, commercial uses that are listed in subsection 26-92(d), summary use table, as prohibited uses, may be permitted in all zone districts as accessory uses.
- (c) Uses not specifically listed. Uses not specifically listed in any zone district may be permitted based on the following:
 - (1)The director may make a determination that the proposed use is similar to another use allowed within the zone district. In determining that a use is similar, the director shall determine that the use is consistent with the purpose and intent section of the zone district, and the Steamboat Springs Area Community Plan preferred direction and policies. If a use is determined to be similar, the proposed use shall be an authorized use with the same regulations and limitations as the use to which it was determined to be similar. For example: A use that is determined to be similar to a use with criteria shall be subject to the same use criteria. Uses not specifically listed that are determined to be similar to other uses, shall be added to appropriate zone districts on an annual basis in accordance with section 26-61.
- (d) *Summary use table.* The uses by right, uses with criteria, and conditional uses available in each zone are summarized in the following table:

Table 26-92. Table of Permitted Principal Uses

R = Use by	Righ	t		CR	= Use	e with	Crite	ria	С	= Co	nditio	nal U	se	Bl	ank C	ell = F	Prohibi	ted	7					
	Traditional Zoning Districts													TND Zoning (Transects)										
Use Classification and Specific Principal Uses*	OR	RE	RN	RO	RR	MH	MF	G-1	G-2	CO	CY	CN	CC	CS	I	T2-NE	T3- NG1	T3-NG2	T4-NC	T5-TC	SD			
RESIDENTIAL USES																				1				
Dormitory							С	С					C						C	C				
Duplex			CR	CR	С		C	С			С	CR				CR	CR	CR	С					
Employee unit	С				CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR				CR	CR				
Group home		CR	CR	CR			CR				CR	CR				CR	CR	CR	CR	CR				
Live/Work Unit										R	R	R							R	R				
Long-term rental		R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R				
Mobile home						R																		
Multi-family dwelling			C	С	CR		R	CR	CR	CR	CR	CR	CR	С	CR									
Tri- Plex/Fourplex																	R	R	R					
Bungalow Court																		R	R					
Rowhouse																		R	R					
5-8 Units																		R	R					
9+ Units																			R					
Dwelling, Residential Component of a Mixed-Use Project																			R	R				
Secondary unit		CR	CR	CR			CR	CR			CR	CR			C	CR	CR	CR	CR					
Short-term rental		CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR		CR	CR	CR	CR	CR				
Single-family dwelling		R	R	R	C	CR	C				С	R				R	R	R						
unit									22.07	EDGI	A T T T	TEC												
Amenity		С	С		R	R	R	R	R	C	AL US	C	С				R	R	R	R	R			
space/structure		C			K	IX.	K	K	K			C	C					K	K	K	K			
Animal clinic											С	CR	CR	R					CR	R	R			
Animal hospital													С	C	R				C	C	R			
Animal kennel														CR	CR					CR	CR			
Automatic Teller Machine (ATM)								R	R	R	R	R	R	R	R				R	R				
Automobile car wash													С	С	С				С	С	С			
Automobile filling station										С			C	R	С				C	С				
Automobile major repair													С	CR	CR						CR			
Automobile minor													C	CR	CR				CR	CR	CR			
repair Automobile service										С			С	R	С					С				
station															_					~				
Automobile rental								С	С				С	С	С					C				
Automobile sales								C	C	CR			CD	C CR	С				CR	C R				
Bank Bed and breakfast		С	С	С				C	С	CK	CR	CR	CR	CK		CR	CR	CR	CK	K				
Building		C						C			CK	CK		CR	CR	CK	CK	CK		CR	CR			
supplies/lumber yard Business Support								R	R	R	R	R	R	R					R	R				
Services																								
Campground	C																							
Commercial large								~	C	F.	- C	~	C	C	С				C	R				
Commercial, medium								С	R	R	С	C	R	R					CR	CR				

	Traditional Zoning Districts														TND Zoning (Transects)							
Use Classification and Specific Principal Uses*	OR	RE	RN	RO	RR	MH	MF	G-1	G-2	00	CY	CN	သ	CS	I	T2-NE	T3- NG1	T3-NG2	T4-NC	T5-TC	SD	
Commercial, outdoor														C	C							
Grocery Store								C	R	R	C	C	R	R					R	R		
Commercial, Over 12,000 square feet and under 40,000 square feet													PUD	PUD					R	R		
Commercial, Over 40,000 square feet																			PUD	PUD		
Commercial, small								С	R	R	R	R	R	R					R	R		
Construction trailer	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	
Cottage industry										CR	CR	CR	CR	CR	R				CR	CR	CR	
Farmers Market								R	R	R	R	R							R	R		
Funeral home													C	C					C	C		
Garage sale	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R			
Health club								C	C	С			C	С					CR	R		
Home occupation		CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR								
Hostel				С	С			С	C	С	C	C							C	R		
Hotel					C			С	R	С			C	C					C	R		
Inn				С	С			С		R	R	R							R	R		
Lodge				С				C	C	R	R	C	C	C					R	R		
Movie theater									CR	CR									R	R		
Neighborhood store			CR	CR	C			С			CR	CR							CR	CR		
Nightclub								С	CR	CR	CR	CR	CR	CR	С				CR	CR		
Nursery											CR	CR	CR	CR	CR				CR	CR		
Office								С	CR	CR	R	R	R	R					R	R		
Office - medical and dental								С	С	С	С	С	R	R					R	R		
Outdoor equipment sales and rental														С	С							
Outdoor recreational equipment rental	С							С	CR	CR	CR	CR	CR	CR						С		
Outdoor display								CR	CR	CR	CR	CR	CR	CR	CR				CR	CR		
Outdoor seating								CR	CR	CR	CR	CR	CR	CR	CR				CR	CR		
Outdoor sales	С							С	С	С	С	С	С	С					С	C		
Outdoor storage										С	С		С	С	С						CR	
Parking lot/structure					С			С	С	С	С	С	С	С					C	C		
Real estate sales trailer		CR	CR		CR	CR	CR	CR	CR		С	С	CR	CR	CR	CR	CR	CR	CR	CR	CR	
Performing Arts Facility	С							R	R	R	R	R	R	R					R	R		
Recreation center	С	С	С				С	С											R	R	R	
Recreation, indoor	С			С			С	С	CR	CR	CR	CR	CR	C					CR	CR	R	
Recreation, outdoor	С							С	С		С	С	C	C	С						R	
Recreation outdoor -	R	R	R	R	R	R	R	R	R		R	R	C	C	С	R	R	R	R	R	R	
low impact																						
Restaurant								С	CR	CR	CR	CR	CR	CR	С				R	R		
Restaurant, drive-in													C	C						C		
Self-service storage facility														С	С						С	
Studio								R	R	R	R	R	R	R	R				R	R		
Tavern								С	CR	R	R	С	CR	С					CR	CR		
Taxidermy														CR	CR							
Telecommunication facility	С							С	С	С	С	С	С	С	С				C	C		
Vacation home rental		CR	CR	CR	R		CR	R	R	CR	CR	CR	CR			CR	CR	CR				

						Trac	lition	al Zo	ning l	Distri	cts						TN	ID Zor	ning (Tra	insects)	
Use Classification and Specific Principal Uses*	OR	RE	RN	RO	RR	MIH	MF	G-1	G-2	00	CY	CN	CC	CS	I	T2-NE	T3- NG1	T3-NG2	T4-NC	T5-TC	SD
Timeshare					R			R	R	С			С	С		R	R	R	R	R	
								I	NDUS	TRIA	L USI	ES									
Airport															C						
Automobile yard															C						
Batching plant –															CR						C
asphalt or concrete															CD						
Crematorium															CR CR						CR
Industrial service															CR						CK
Industrial, heavy															CR				С	С	CR
Industrial, light															CR				C	C	CK
Meat processing facility															C						C
Media Production												С	С	С	R				С	С	С
Mining												C			C				C	C	
Personal Storage															CR						CR
Facility, Indoor																			an.	ar.	
Printing and															CR				CR	CR	CR
Publishing															С					С	С
Recycling facility School, industrial-															R					C	R
related, technical															K						K
school, training																					
facility																					
Sexually oriented															С						
bookstore and/or																					
business																					
Transit service facility															R						R
Warehouse														С	R						R
Warehouse with															CR						CR
outdoor storage																					
Waste collection															С						С
facility																					
						PU	BLIC	, INST	TITUT	TIONA	L AN	D CI	VIC US	ES							
Cemetery	С	С																			
Child care center,	С	С	CR	CR	CR	CR	CR	С		С	CR	CR	CR	С		CR	CR	CR	R	R	R
small	~		~	~	~		_	~	~	~	~	~		~			~	~	OF.	O.F.	OF
Child care center,	С	С	С	С	С		С	С	С	С	С	С	С	С			C	C	CR	CR	CR
large Community center	С			С	С				С	С	С	С	С	С			С	R	R	р	D
	C	С	С	C	C	С	С	С	C	C	C	C	C	C	С		C	C	C	R C	R
Community service facility	C	C	C			C								C				C	C	C	
Day care home		R	R	R	С	R	С				R	R				R	R	R	R	R	
Hospital													С	С					C	C	
Institutional	С	С			С					С			C	C	С				C	C	С
Library	C								С	C	С	С	C	C	C				R	R	
Museum	C				С			С	C	C	C	C	C						R	R	
Nursing home							С				C	C	C			С	C	C	C	C	С
Religious institution		С	С	С	С	С	C			С	C	R	C	С			C	CR	CR	R	
Residential Care,																С	C	R	R	R	
Small																					
School-private/public	R	С	С	С			С			С	С	С	С					С	С	С	С
			С	CR			CR									С	С	С	С	С	
Shelter house			C	CIC												-		_	_	_	
Shelter house Stadium	С		C	CK				С					С	С	С	_					

						Trad	lition	al Zo	ning l	Distri	icts					TND Zoning (Transects)							
Use Classification and Specific Principal Uses*	OR	RE	RN	RO	RR	MH	MF	G-1	G-2	00	CY	CN	CC	CS	I	T2-NE	T3- NG1	T3-NG2	T4-NC	T5-TC	SD		
Transit stop	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R		
Triage center					С			С	С										С	С			
Utilities, underground	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R		
Utilities, above ground	С	С	С	С	C	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С		
AGRICULTURAL USES Agriculture CR R R																							
Agriculture		R														R							
Animal, domestic	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R		
Animal, farm	CR	CR																					
				_	_					HER U		_					_	_					
Accessory structure	R	R	R	R	R	R	R	R	R	C	R	R	С	R	R	R	R	R	R	R	R		
Accessory use	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R		
Temporary event	CR				CR			CR	CR	CR	CR	CR	CR	CR	CR				CR	CR	CR		
Temporary	С	С	С	С	C	С	С	С	С	C	С	С	С	C	С	C	C	C	C	C	С		
structure/use	~	~	~	~	-	-	-	~	-	~	~	~	~	~	~	~	~	~	~	~	~		
Uses with criteria that do not meet criteria	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	C		
							P	ARK	AND (OPEN	SPAC	CE US	ES										
Change of use for any park	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С		
Community Garden	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R		
Community park	R	С	С	С	С	C	С	С	С	С	С	С	C	C	С	R	R	R	R		R		
Special use park	C	С	С	С	С	C	С	С	С	С	С	С	C	C	С						R		
Natural	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R		
resource/preserve/ope																							
n land																							
Neighborhood park	R	R	R	R	R	R	R	R	R		R	R	R	R	C	R	R	R			R		
Neighborhood pocket	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R		
park																							
Playground	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R		
Plaza, Pocket Plaza	-					R	R	R	R	R	R	R	R	R	R				R	R	R		
Sports complex	C												C										

Note: Single tenant over 20,000 square feet prohibited south and east of Thirteenth Street.

SECTION 4

26-150 Commercial over 12,000 sq. ft. Standards shall be amended as follows:

Sec. 26-150. Commercial over 12,000 sq. ft. Standards.

(a) *Purpose*: The purpose of this section is to provide development standards that address the unique impacts of large scale commercial developments.

^{*} Prohibited uses may be specifically permitted per an approved Annexation Agreement (i.e. those properties in the WSSAP boundary).

- (b) *Applicability*: The following design standards are applicable to Commercial, uses over 12,000 sf and Building Supplies/lumber yard uses that are required to obtain PUD approval in accordance with Section 26-92 or Section 26-402. Commercial uses over 12,000 sf and less than 40,000 sf in the TND Zone District are not subject to these standards. Commercial uses over 40,000 sf in the TND Zone District are subject to the following standards.
- (c) Impact assessment analysis and mitigation plan. Prior to development approval of any PUD project an impact assessment analysis and mitigation plan shall be prepared at the applicant's cost by a city approved consultant with appropriate experience to complete the necessary work. Based upon the determination that certain impacts are minimal or unlikely, the Planning and Community Development director may waive any or all of the associated impact assessment elements. Unless waived, the impact assessment and mitigation plan must be completed to the satisfaction of the city for the following:
 - (1) The housing impacts from anticipated workforce, relocating employees, construction employees and other housing impacts associated with the development and operation of the development, including an estimate of the additional if any, number of units needed to accommodate the development's employees, and proposals to mitigate any negative housing impacts;
 - (2) The short-and long-term economic impact to the city of the proposed development, including an analysis of city revenues and expenses likely to be generated by the development; the number of jobs created, the type of jobs and the associated wages and benefits; the sales tax generation; property tax generation; financial and personnel impacts on existing businesses of similar profile, incentives to be offered, and proposals to mitigate any negative impacts;
 - (3) The impacts on the existing storm drainage system and proposals to mitigate any negative drainage impacts upon the community, including but not limited to: historic rainfall drainage patterns, detention and retention areas, stormwater quality and contamination mitigation, storm sewer requirements, discharged irrigation ditches, floodways and floodplains, and other stormwater and drainage impacts and improvements;
 - (4) The impacts on the existing transportation system and proposals

to enhance the transportation system and mitigates any negatives transportation impacts on the community, including but not limited to: arterial and collector street improvements, intersection improvements, intersection signalization, and alternative modes of transportation such as public transit, bikeways, pedestrian walkways and trails, and other transportation services, improvements or facilities;

- (5) The impacts of the proposed development on fire prevention and proposals to mitigate such impacts, including but not limited to: special fire hazards, fire prevention, fire detection, emergency access, additional equipment requirements, additional manpower requirements, additional fire stations, and other fire protection services and facilities;
- (6) The impacts on the city's police department and proposals to mitigate any impact upon the existing police services, including but not limited to: special security needs, additional officers required, additional equipment requirements, and other law enforcement services;
- (7) The impacts on the natural environment and proposals to mitigate any negative impacts on environmentally sensitive areas, endangered species, significant habitats, migration routes and other environmental and wildlife impacts;
- (8) The impacts on city park and recreation facilities and recreation programs and proposals to mitigate any impact upon the existing facilities and programs, including but limited to: additional facilities, additional recreation programs, additional personnel required, and other park and recreation services and improvements;
- (9) The compatibility with the street master plan as depicted by the city's plan and proposals for mitigating any negative impacts;
- (10) The compatibility with the community area plan;
- (11) The compatibility with the city's zoning and subdivision regulations and existing subdivision or PUD approvals and any deviations in setbacks, FAR requirements, and permitted uses that may be required;
- (12) A review of existing and adjacent land uses, areas of compatibility

or conflict, and possible mitigation measures; and

- (13) Such additional material, as the Planning and Community Development director, planning commission or city council may prescribe or the applicant may submit, pertinent to the application.
- (d) *Excellence in project design:* The proposed PUD will set the standard for excellent project design by exceeding the design standards established in the other sections of in article V.
 - (1) Building location. Where buildings are proposed to be distant from a public street, as determined by the planning commission, the overall development design shall include smaller buildings on pads or out lots closer to the street. Placement and orientation must facilitate appropriate land use transitions and appropriate traffic flow to adjoining roads and neighboring commercial areas, and neighborhoods, and must forward community character objectives as described in the Steamboat Spring's Area Community Plan. The planned unit development application shall clearly demonstrate the provision of land use, multimodal transportation, utility, stormwater management and community character components, and patterns that clearly forward the objectives of the Steamboat Spring's Area Community Plan, as determined by the planning commission and city council.
 - (2) Building materials. Exterior building materials shall be of comparable aesthetic quality on all sides. Building materials should be high quality and durable (e.g., wood, sandstone, native stone, tinted, textured, concrete masonry unit, glass, brick, tinted and decorative concrete block, wood, stucco and/or exterior insulation and finish systems (EIFS) may be used in limited amounts, as deemed appropriate by the planning commission). Decorative architectural metal with concealed fasteners or decorative tilt-up concrete panels may be approved if incorporated into the overall design of the building.
 - (3) Building design. The building exterior shall complement other buildings in the vicinity in size, scale, color, material and character of the property neighborhood or environment, and shall be of a design determined appropriate by the planning commission:
 - a. Buildings shall obtain Leadership in Energy and Environmental Design (LEED) certification in design,

materials, and construction.

- b. Building module to match the scale of adjacent buildings and projects.
- c. The building shall employ varying setbacks, heights, roof treatments, doorways, window openings, and other structural or decorative elements to reduce apparent size and scale of the building.
- d. Buildings shall have a minimum of two (2) stories above grade.
- e. All facades that are visible from a public street shall employ actual protrusions or recesses with a depth of at least six (6) feet. No uninterrupted facade shall extend more than fifty (50) feet. Facades/Exterior walls shall be articulated to reduce the scale and the uniform appearances of large retail buildings (e.g., horizontal facades should incorporate wall plane projections or recesses).
- f. A minimum of twenty (20) percent of all of the combined linear roof eave or parapet lines of the structure shall employ differences in height, with such differences being six (6) feet or more as measured eave to eave or parapet to parapet.
- g. Roofs with particular slopes may be required by the city to complement existing buildings or otherwise establish a particular aesthetic objective. Rooflines should have variations to reduce the scale of buildings and complement the character of adjoining neighborhoods (e.g., roofs should include the following features: parapets to conceal rooftop equipment, overhang eaves, and slopes).
- h. Ground floor facades that face public streets shall have arcades (a series of outdoor spaces located under a roof or overhang and supported by columns or arches), display windows, entry areas, awnings, or other such features along no less than fifty (50) percent of their horizontal length. The integration of windows into building design is required, and shall be transparent, clear glass (not tinted) with sills a minimum of eighteen (18) inches above the walkway and headers no lower than eight (8) feet along any facades

facing a public street.

- i. Building facades shall include a repeating pattern that includes no less than three (3) of the following elements: (i) color change, (ii) texture change, (iii) material modular change, (iv) expression of architectural or structural bay through a change in plane no less than forty-eight (48) inches in width, such as an offset, reveal or projecting rib. At least one of these elements shall repeat horizontally. All elements shall repeat at intervals of no more than thirty (30) feet, either horizontally or vertically.
- j. All four (4) sides of the building shall receive equal architectural treatment to avoid the appearance of the "backside" of a building.
- (4) Building entrances. Public building entrances should be clearly defined to orient customers and give character to the building. Each principal entrance should have clearly defined entrances with features such as canopies, overhangs, arches or peaked roof forms. Entrances should be located closest to the off-street parking and in the center of the site and shall be clearly defined and highly visible on the building's exterior design, and shall be emphasized by onsite traffic flow patterns. Two (2) or more of the following design features shall be incorporated into all public building entryways: canopies or porticos, overhangs, projections, arcades, peaked roof forms, arches, outdoor patios, display windows, distinct architectural details. Where additional stores will be located in the principal building, each such store shall have at least one exterior customer entrance that shall conform to the above requirements.
- (5) Building color. Building facade colors shall be non-reflective, subtle, neutral, or earth tone. The use of high intensity colors, metallic colors, fluorescent colors or black on facades shall be prohibited. Building trim and architectural accent elements may feature bright colors or black, but such colors shall be muted, not metallic, not fluorescent, and not specific to particular uses or tenants. Standard corporate and trademark colors shall be permitted only on signage, subject to the limitations in article IX.

(6) Screening.

a. All ground-mounted and wall-mounted mechanical equipment, refuse containers and any permitted outdoor

storage shall be fully concealed from on-site and off-site ground level views, with materials identical to those used on the building exterior.

- b. All rooftop mechanical equipment shall be screened by parapets, upper stories, or other areas of exterior walls or roofs so as to not be visible from public streets adjacent or within one thousand (1,000) feet of the subject property. Fences or similar rooftop screening devices may not be used to meet this requirement.
- c. Loading docks shall be completely screened from surrounding roads and properties. Said screening may be accomplished through loading areas internal to buildings, screen walls, which match the building exterior in materials and design, fully opaque, landscaping at time of planting, or combinations of the any of the above.
- d. Gates and fencing may be used for security and access, but not for screening, and they shall be of high aesthetic quality. Decorative metal picket fencing and screening is acceptable. Chain link, wire mesh or wood fencing is unacceptable. Decorative, heavy-duty wood gates may be used.

(7) Traffic impact.

- 1. All projects shall have direct access to an arterial street, or to a collector-level street deemed appropriate by the public works.
- 2. Vehicle access shall be designed to accommodate peak on-site traffic volumes without disrupting traffic on public streets or impairing pedestrian safety. This shall be accomplished through adequate parking lot design and capacity; access drive entry throat length, width, design, location, and number; and traffic control devices; and sidewalks.
- 3. The site design shall provide direct connections to adjacent land uses if required by the city. Prior to development approval, the applicant shall complete a traffic impact analysis per city guidelines for review and approval by the public works department. If the

project is located on or traffic influences a state highway, applicant is required to also meet CDOT requirements for the traffic study and access permit. Where the project will cause off-site public roads, intersections, or interchanges to function below Level of Service C or further degrade the LOS at intersections already functioning below LOS C, as defined by the Institute of Transportation Engineers, the city may deny the application, require a size reduction in the proposed development, or require that the developer construct and/or pay for required off-site improvements.

(8) Parking.

- 1. Parking areas should provide safe, convenient, and efficient access. Parking should be distributed around buildings, to shorten the distance to the building and reduce the scale of the paved surface. (e.g., no more than thirty (30) percent of the off-street parking should be located between the front facade and the primary abutting street).
- 2. Parking lot design shall employ interior, curbed landscaped islands at all parking aisle ends. In addition, the project shall provide landscaped islands within each parking aisle spaced at intervals of one island per every twenty (20) spaces in that aisle. Islands at the ends of aisles shall count toward meeting this requirement. Each required landscaped island shall be a minimum of three hundred sixty (360) square feet in landscaped area.
- 3. Landscaped and curbed medians, a minimum of ten (10) feet in width from back-of-curb to back-of-curb, shall be used to create distinct parking areas of no more than one hundred twenty (120) parking stalls.
- 4. Parking areas should be designed to minimize hard surface and provide on-site stormwater quality. Use of landscaped areas as porous landscape detention, grass buffers or other vegetated treatments are encouraged, stormceptors are discouraged.

(9) Bicycle and pedestrian facilities.

- 1. The entire development shall provide for safe pedestrian and bicycle access to all uses within the development, connections to existing and planned public pedestrian and bicycle facilities, and connections should link the public sidewalks with the customer entrances and to adjacent properties.
- 2. Pedestrian walkways shall be provided from all building entrances to existing or planned public sidewalks or pedestrian/bike facilities. The minimum width for sidewalks adjacent to buildings shall be ten (10) feet; and the minimum width for sidewalks elsewhere in the development shall be six (6) feet or larger if deemed necessary by public works.
- 3. Sidewalks other than street sidewalks or building aprons shall have adjoining landscaping along their length. Such landscape shall match the landscaping used for the street frontages.
- 4. Crosswalks shall be distinguished from driving surfaces to enhance pedestrian safety by using different pavement materials, pavement color, pavement textures, and signage.
- 5. The development shall provide secure, integrated bicycle parking at a rate of one bicycle rack space for every twenty-five (25) vehicle parking spaces.
- 6. The development shall provide exterior pedestrian furniture in appropriate locations at a minimum rate of one seat for every two thousand five hundred (2,500) square feet of gross floor area.
- 7. The development shall provide interior pedestrian furniture in appropriate locations at a minimum rate of one bench seat for every five thousand (5,000) square feet of gross floor area. Seating in foodservice areas, or other areas where food or merchandise purchasing activities occur shall not count toward this requirement. A minimum of four (4) seats shall be located within the store, with a clear view through

exit doors to a passenger pick-up or drop-off area.

- (10) Central areas and features. Each development with a building exceeding twelve thousand (12,000) square feet in total gross floor area shall provide central area(s) or feature(s) such as a patio/seating area, pedestrian plaza with benches, outdoor playground area, water feature, and/or other such deliberately designated areas or focal points that adequately enhance the development or community. All such areas shall be openly accessible to the public, connected to the public and private sidewalk system, designed with materials compatible with the building and remainder of the site, and shall be maintained over the life of the building project.
- (11) Cart returns. (Commercial/Retail only) If applicable, a minimum of one two hundred-square-foot cart return area shall be provided for every one hundred (100) parking spaces. Cart corrals shall be of durable, nonrusting, all season construction, and shall be designed and colored to be compatible with the building and parking lot light standards. There shall be no exterior cart return or cart storage areas located within twenty-five (25) feet of the building.
- (12) Outdoor display areas. (Commercial/Retail only) See definitions, section 26-402, outdoor display.
- (13) Landscaping. On-site landscaping shall be provided at time of building occupancy and maintained per following landscaping requirements in section 26-139 and the following:
 - 1. Landscaping plan shall be submitted to the planning commission for approval, as part of the site plan.
 - 2. Building foundation landscaping is required for all building frontages in order to provide visual breaks in the mass of the building. Such foundation landscaping shall be placed along thirty (30) percent of the building's total perimeter, predominately near and along customer facades and entrances facing public streets. One ornamental tree with a minimum three-caliper or one minimum six-foot tall tree, and four (4) shrubs at a minimum height of eighteen (18) inches tall shall be planted for every ten (10) linear feet of building foundation planter area. Appropriate trees and shrubs species and varieties approved by the city.

- 3. One street tree at a minimum of two-inch caliper shall be planted at fifty (50) feet centers along, and within ten (10) feet of, all public and private streets and drives, including parking lot connections and circulation drives, and loading areas. Such tree plantings shall be planted in tree wells along the circulation drives adjacent to the sides of the store that face a public or private street, along both sides of internal drives, and along the outside edge of loading areas. Appropriate trees include species and varieties approved by the city.
- 4. One shade tree at a minimum of two-caliper shall be planted on each parking lot peninsula and island. Appropriate species and varieties approved by the city.
- 5. All landscaped areas shall be at least ten (10) feet wide in their smallest dimension, except that tree wells may be a minimum of thirty-six (36) square feet.
- (14) *Lighting.* On-site exterior lighting shall meet all the standards of section 26-138 of the zoning ordinance, except that in addition:
 - 1. Total cut-off luminaries with angles of less than ninety (90) degrees shall be required for all pole and building security lighting to ensure no fugitive up lighting occurs.
 - 2. At a minimum, as measured over ambient lighting conditions on a clear night, exterior lighting shall not exceed more than 0.5 foot-candles above ambient levels along all property lines, and shall not exceed an average illumination level of 3.6 foot-candles nor provide below a minimum of 0.9 foot-candles in public parking and pedestrian areas.
 - 3. The color and design of pole lighting standards shall be compatible with the building and the city's public lighting in the area, and shall be uniform throughout the entire development site. The maximum height for all poles shall be twenty (20) feet.

(15) Signage. On-site exterior signage shall meet all the standards of article IX, sections 26-221--26-227 of the zoning ordinance, except that in addition:

The plan for exterior signage shall provide for modest, coordinated, and complimentary exterior sign locations, configurations, and color throughout the development, including outlots. All freestanding signage within the development shall complement building signage. Monument style ground signs shall not exceed a height of eight (8) feet. Consolidated signs for multiple users may be required instead of multiple individual signs. The city may require the use of muted corporate colors on signage if proposed colors are not compatible with the city's design objectives for the area. The use of logos, slogans, symbols, patterns, striping and other markings, and colors associated with a franchise or chain is permitted, and shall be considered as contributing to the number and area of permitted signs.

- (16) Noise. Noise associated with activities at the site shall not create a nuisance to nearby properties, and shall comply with applicable city noise requirements.
- (17) Natural resources protection. Each project shall meet the erosion control and stormwater management standards found in chapter 5 and chapter 36. In addition, post development runoff rates shall not exceed pre-settlement rates. In general, existing natural features shall be integrated into the site design as a site and community amenity. Maintenance of any stormwater detention or conveyance features are solely borne by the developer/owner unless dedicated and accepted by the city.
 - 1. The proposed development will preserve the most valued natural and scenic resource lands on the property. These lands may include wetlands, riparian areas, sensitive wildlife habitat, scenic corridors, visually significant meadows, ridgelines, and public vistas/view corridors. The proposed development shall also avoid natural and geologic hazard areas, including steep and unstable slopes, and floodplains. Design features that would support a finding of project excellence include:

- The proposed development plan confines cuts, fills, grading, excavation, vegetation removal, and construction to designated building envelopes so mass grading of the site does not occur (provided that site disturbance necessary to install and maintain utilities, roadways, trails, irrigation ditches, fences, and landscaping may occur outside of these envelopes).
- The proposed development plan provides connections from preserved wildlife habitat and other preserved resource lands on the site to contiguous preserved lands on adjoining sites and does not fragment wildlife habitat, including movement and migration corridors.
- 4. The proposed development plan restores or enhances the riparian environment within a required waterbody setback that has been previously disturbed and incorporates the area into the plan as an amenity for the users of the development and/or the public. A restoration or enhancement plan prepared by a qualified consultant shall be required to demonstrate compliance with this public purpose. Note: when this public purpose is used as a basis to obtain approval of a PUD, the criteria in section 26-71 shall not apply.

(18) Cultural resources protection.

- 1. The proposed development preserves or enhances an important cultural resource that has a specific reference to the past, or contributes to the identity of the city;
- 2. The proposed development provides appropriate functional streetscape improvements, such as public plazas, atriums, gathering spaces, or street furniture;
- 3. The proposed development preserves functional open space at a level substantially in excess of that required by subsection 26-184(e) of this CDC; or
- 4. The proposed development creates exceptional connections to transit facilities, or to bicycle and

pedestrian trails.

- (19) Improvement or developer's agreement. The developer shall enter into a improvement or development agreement with the city, which shall include the installation of all utilities including but not limited to stormwater, sanitary sewer, and street infrastructure, and the commitment to adhere to the policy on vacation of existing sites. Off-site improvements may also be required.
- (20) Outlots/pad buildings. (Commercial/Retail only) All buildings on outlots shall be of architectural quality comparable to the primary structure as determined by the planning commission.
- (e) Additional standards for Large Format Retail Overlay. The following standards shall apply to project in excess of 40,000 square feet located in the Large Format Retail Overlay identified on a Regulating Plan in the TND Zone District.
 - (1) To encourage use by pedestrians and decrease the need for solely auto-oriented patronage, the Large Format Retail Overlay must reinforce the urban character of the surrounding neighborhoods and shall therefore continue a connected system of walkable street frontages by preserving a consistent urban frontage along adjacent streets. Acceptable frontages include shopfront, gallery and loading dock. (See 26-152)
 - (2) Lot Size: Lots are exempt from maximum lot size restrictions of the underlying transect zone.
 - (3) Block Face: Blocks within the Large Format Overlay shall meet the maximum block face standards of Sec. 26-187.
 - (4) Block Perimeter: Blocks within the Large Format Overlay shall meet the maximum perimeter standards of Sec. 26-187.
 - (5) Footprint: Building footprints may not be larger than a single block.
 - (6) Parking: In order to minimize under-utilized parking lots, the required commercial parking within the Large Format Retail Overlay must be treated as a single consolidated pool of parking that is shared between the

various commercial users. While the initial development of the Large Format Retail District may require higher parking ratios, At full build-out the maximum allowed parking ratio shall be 3 spaces/1,000sf of commercial space.

- (7) Miscellaneous: Loading areas, service areas, and trash disposal facilities shall not face Public Open Space or Front or Side Streets.
- (8) Alleys required by the Subdivision Standards may function as drive aisles within a common surface parking area.

SECTION 5

26-152 Building Form Standards for the Traditional Neighborhood Development (TND) Zone District shall be added as follows:



Introduction

This section includes a brief description of each Transect Zone and detailed Building Form Standards for each Transect Zone. In order to accommodate a high level of diversity within the project area, each Transect Zone has a distinct set of Building Form Standards that define the physical form of the built environment. The standards establish specific physical and use parameters for each Transect Zone including:

- Building Placement
- Building Form
- Parking Location and Requirements
- Allowed Encroachments
- Allowed Frontage Types



TND - Standards

42

(a) Transect Zone Descriptions

General Note: The illustrations and text on this and the facing page are intended to provide a brief overview of the Transect Zones and are descriptive in nature. Specific regulations for each Transect Zone are located on the following pages.

T2-NE

T3-NG1

T3-NG2







Neighborhood Edge

Intent

The Neighborhood Edge Transect Zone supplies an appropriate transition at the edge of the community to the surrounding lower intensity uses. This Transect Zone provides a choice of large-lot single family and duplex residences to members of the community and grants the option of larger homes within the context of a neighborhood structure.

Neighborhood General - Low

Intent

The Neighborhood General Transect Zones supply the core residential fabric within the neighborhoods. This desingation provides a variety of single-family, duplex and limited multi-family housing types to enable a wide diversity of residences on small to large lots.

Neighborhood General - Medium

Intent

The Neighborhood General Transect Zones supply residential fabric at greater densities within each neighborhood. This desingation provides a variety of single-family, duplex and multi-family housing types to enable a wide diversity of residences on small to medium lots.

Use Mix

The Neighborhood Edge Transect Zone consists primarily of larger-lot single family and duplex residences that integrate larger yards and un-built spaces. The limited small scale agricultural, civic, and institutional uses within this Transect Zone are carefully designed to be compatible with the architectural and urban qualities of the surrounding neighborhood.

Height He

35' max. (1½-2½ Stories)

Use Mix

The Neighborhood General - Low Transect Zone consists primarily of single-family residences, duplexes, and 3-4 unit multi-family units that share the appearance of single-family on medium sized lots with easy access to a variety of different parks and open spaces. The limited non-residential uses within this Transect Zone are carefully designed to be compatible with the architectural and urban qualities of the surrounding neighborhood.

Height

35' max. (1½-2½ Stories)

Use Mix

The Neighborhood General - Medium Transect Zone consists of multi-family residences, with compatible single-family residences on small and medium sized lots. The limited civic and institutional uses within this Transect Zone are carefully designed to be compatible with the architectural and urban qualities of the surrounding neighborhood. All of the residences have easy access to a variety of different parks and open spaces.

Height

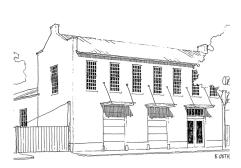
40' max. (2-3 Stories)

T4-NC

T5-TC



SD



Neighborhood Center

as mar

Intent

The Neighborhood Center Transect Zone is a mixed-use area intended to provide a choice of higher density housing units, local serving retail within walking distance of where residence live. Neighborhood Centers are intended to primarily support the needs of the neighborhood residence. They are accessible by transit and will often include one or more well designed transit stops.

Town Core

Intent

The Town Core Transect Zone is a mixeduse area intended to provide a choice of higher density housing units, regional serving retail, and supporting commercial uses. Town Cores are accessible by transit and will often include one or more welldesigned transit stops. They are located at or near primary intersections to attract both pedestrians and drive-by traffic.

Special District

Intent

SD: Special District provides a space for uses and/or building types that may not be appropriate in other transects. These uses include public and institutional uses and limited industrial uses within the context of a pedestrian oriented area adjacent to a Neighborhood Center.

Use Mix

The Neighborhood Center Transect Zone is a mixed-use area that includes neighborhood-serving commercial, civic, and institutional uses surrounded by residential neighborhoods of medium to high intensity. The use mix of successful Neighborhood Centers may deviate toward a residential or commercial emphasis, however they typically include an anchor tenant or community facility which serves as a lead draw, as well as healthy mix of residential units and live/work opportunities.

Height

45' max. (2-31/2 Stories)

Use Mix

The Town Core Transect Zone is a dense, mixed use-area that allows the broadest range of uses intended to serve the larger region in addition to the surrounding neighborhoods. Mixed-use in this Transect Zone consists of vertical-mixed use with retail or commercial uses on the ground floor and residential or commercial uses above.

Height

55' max. (3-4½ Stories)

Use Mix

The Special District Transect Zone is an area designed to accommodate public and institutional uses and compatible industrial areas.

Height

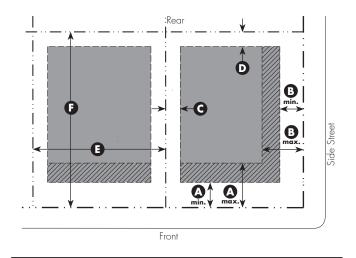
40' max (2-3 Stories)

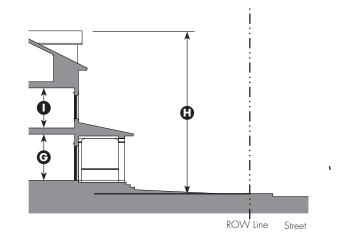
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(1) T2-NE: Neighborhood Edge Transect Standards



(1) T2-NE: Neighborhood Edge Transect Standards





Key

-··- ROW / Property Line

Building Area

--- Setback Line

/// Facade Zone

Setback (Distance from RO	W / Property Line)	
Front	, , ,	A
Up-slope / Cross-slope lots	30'min.; 40'max.	
Down-slope lots	20'min.; 40'max.	
Side Street		В
Up-slope / Down-slope lots	30'min.; 35'max.	
Cross-slope lots (Side Street low)	30'min.; 35'max.	
Cross-slope lots (Side Street high)	20'min.; 30'max.	
Side	15' min.	G
Rear	15' min.	O
Lot Size		
Width	120' min.	g
Depth	120' min.	G
Min. and Max. Lot Area	14,400 sf – 2 Acres	

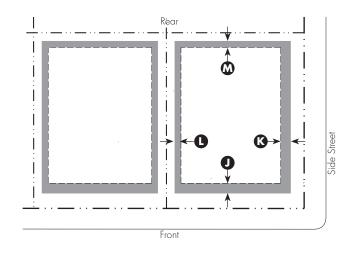
Building Form		
Height		
Building Height**		
Main Building	35' max. (2-1/2 Stories)	(1)
Accessory Buildings/Struc	ctures 28' max. (2 Stories)	
Ground Floor Ceiling	9' min. clear	0
Upper Floor(s) Ceiling	8' min. clear	0
**The above diagram is not inter	nded to illustrate how height is me	ea-
sured. Please see the diagram in	Section 26-402 for an illustration	of
how height is measured.		
Building Types ¹		
Allowed Building Types:	Single Family	
	Duploy	

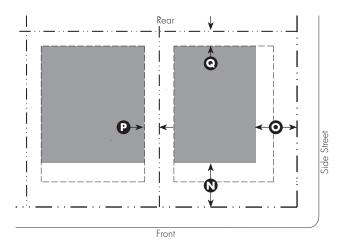
Allowed Building Types: Single Family

Duplex

¹ See Building Type Standards in Section 26-153 for Building Type descriptions and regulations.

(1) T2-NE: Neighborhood Edge Transect Standards





Key

-··- ROW / Property Line

--- Setback Line
Encroachment Area

Key

-··- ROW / Property Line

-- Setback Line

Parking Area

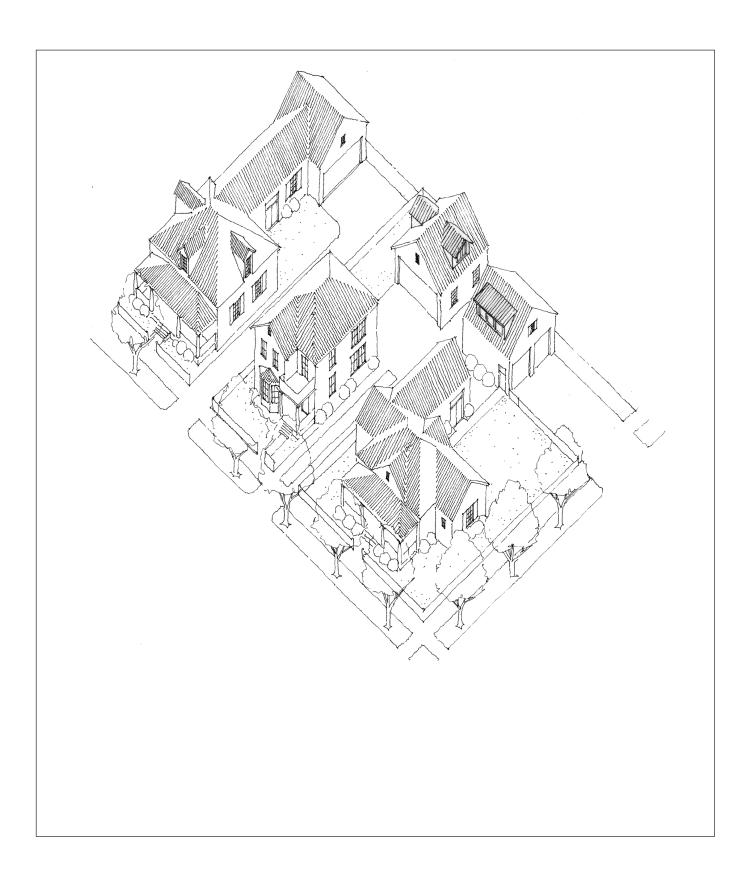
Frontage Types and Encroachments		
Encroachments		
Front	12' max.	0
Side Street/ Civic Space	12' max.	(3)
Side	5' max.	0
Rear	5' max.	W
Frontage Types ¹		
Allowed Frontage Types:	Common Yard	
	Porch	
See Section 26-152 (c) for Frontag	e Type descriptions and regu	lations.

Parking		
Required Spaces		
Residential Uses	2 spaces/unit min.	
Secondary Units	1 space/unit min.	
Location (Distance from Property Line or ROW)		
Front	50' min.	0
Side Street	40' min.	0
Side	15' min.	P
Rear	15' min.	0
Miscellaneous		

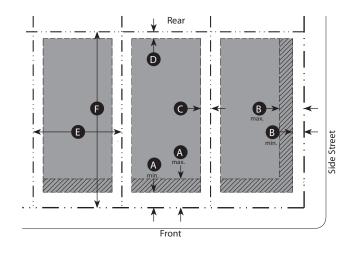
See additional general parking requirements for all Transect Zones in Section 26-152 (b).

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(2) T3-NG1: Neighborhood General - Low Transect Standards



(2) T3-NG1: Neighborhood General - Low Transect Standards





---- ROW / Property Line

Building Area

--- Setback Line



Building Placement		
Setback (Distance from ROW / Property Line)		
Front	15' min.; 25' max.	A
Side Street	10' min.; 20' max.	B
Side	7.5' min.	G
Rear	5' min.	D
Lot Size		
Width	50'min.; 150'max	(3)
Depth	100'min.; 200'max	(3
Min. and Max. Lot Area	5,000sf - 24,000sf	

	I ROW Line	Street
Building Form		
Height		
Building Height**		•
Main Building	35' max. (2-1/2 Stories	s)
Accessory Buildings/Structures	28' max. (2 Stories)	
Ground Floor Finish Level *		0
Up-slope / Cross-slope lots	18" min.	
Down-slope lots	6" min.	

^{*} Not applicable to accessible units

Ground Floor Ceiling

Upper Floor(s) Ceiling

9' min. clear

8' min. clear

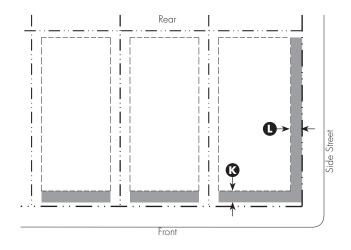
G

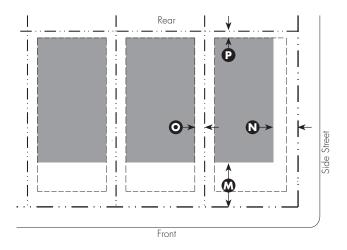
Building Types 1	
Allowed Building Types:	Single Family
	Duplex
	Multi-Family, Bungalow Ct.
	Multi-Family, Triplex, Fourplex

¹See Building Type Standards in Section 26-153 for Building Type descriptions and regulations.

^{**}The above diagram is not intended to illustrate how height is measured. Please see the diagram in Section 26-402 for an illustration of how height is measured.

(2) T3-NG1: Neighborhood General - Low Transect Standards





Key

-··- ROW / Property Line

- Setback Line

Encroachment Area

Key

-··- ROW / Property Line

Setback Line

Parking Area

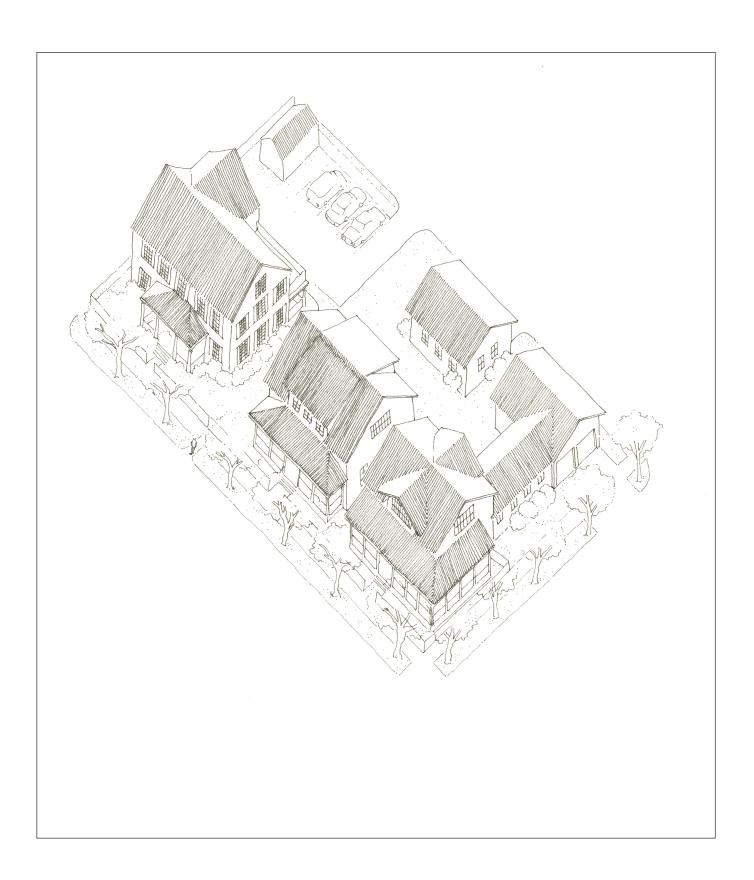
Frontage Types and Encroachments		
Encroachments		
Front	12' max.	
Side Street / Civic Space	12' max.	
Side Setbacks ≥10'	5' max.	
Rear		
Property Line, Setback ≥10	5' max.	
Encroachments are not allowed within a Street ROW		
Frontage Types ¹		
Allowed Frontage Types:	Common Yard	
	Porch	
¹ See Section 26-152 (c) for Frontage Type descriptions and regulations.		

Spaces		
Residential Uses	2 spaces/unit min.	
Secondary Units	1 space/unit min.	
Location (Distance from Property Line or ROW)		
Front	50' min.	M
Side Street	20' min.	0
Side	7.5' min.	0
Rear	5' min.	P
Miscellaneous	<u> </u>	

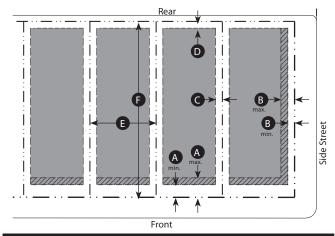
Zones in Section 26-152 (b).

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(3) T3-NG2: Neighborhood General - Medium Transect Standards



(3) T3-NG2: Neighborhood General - Medium Transect Standards



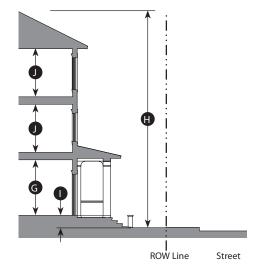


---- ROW / Property Line

--- Setback Line

Building Area

Facade Zone



Building Placement		
Setback (Distance from ROW / Property Line)		
Front	10' min.; 15' max.	A
Side Street	5' min.; 10' max.	В
Side	5' min.	0
Rear	5' min.	D
Lot Size		
Width	35'min.; 150'max	B
Depth	50'min.; 150'max	•
Min. and Max. Lot Area	2,625sf - 15,000sf	
Miscellaneous		

Only one Main Building and one Accessory Building may be built on each lot.

Building Form		
Height		
Building Height**		
Main Building	40' max. (3 Stories)	
Accessory Buildings/Structures	28' max. (2 Stories)	
Ground Floor Finish Level *		0
Up-slope / Cross-slope lots	18" min.	
Down-slope lots	6" min.	
Ground Floor Ceiling	9' min. clear	G
Upper Floor(s) Ceiling	8' min. clear	0

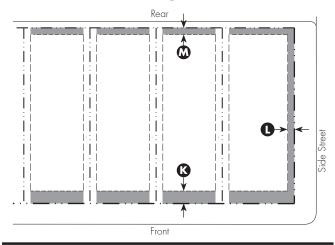
^{*} Not applicable to accessible units.

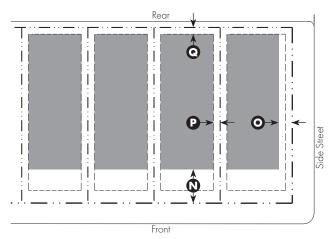
^{**}The above diagram is not intended to illustrate how height is mea sured. Please see the diagram in Section 26-402 for an illustration of how height is measured.

Building Types 1	
Allowed Building Types:	Single Family
	Duplex
	Multi-Family, Rowhouse
	Multi-Family, Bungalow Court
	Multi-Family, Triplex, Fourplex
	Multi-Family, 5-8 Units

¹See Building Type Standards in Section 26-153 for Building Type descriptions and regulations.

(3) T3-NG2: Neighborhood General - Medium Transect Standards





Key

-··- ROW / Property Line

--- Setback Line

Encroachment Area

	,
IZE A	

-··- ROW / Property Line

--- Setback Line

Parking Area

Frontage Types and Encroachments		
Encroachments		
Front	10' max.	•
Side Street	10' max.	0
Side Setbacks ≥10'	5' max.	
Rear		<u> </u>

Property Line, Setback ≥10 5' max.

Encroachments are not allowed within a Street Right of Way or across a Property Line.

Frontage Types ¹	
Allowed Frontage Types:	Common Yard
	Porch
	Forecourt
	Stoop
¹ See Section 26-152 (c) for Frontage	e Type descriptions and regulations.

Parking Required Spaces	
Residential Uses	1.25 spaces/unit min. ¹
Secondary Units	1 space/unit min.

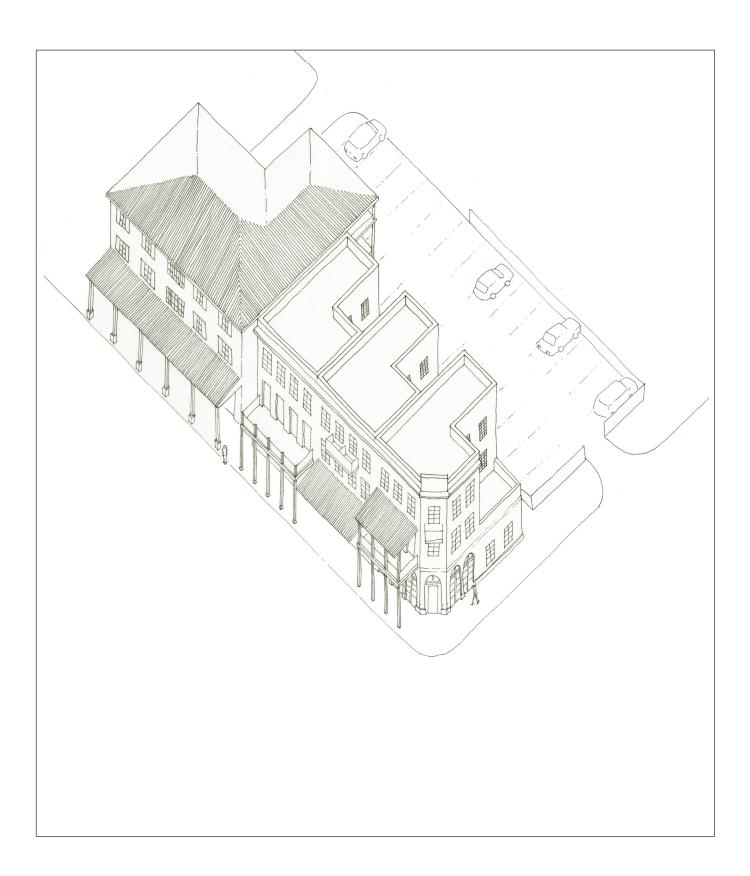
¹ 1 space/unit min. for community housing units.

Location (Distance from Property Line or ROW)		
Front	40' min.	(2)
Side Street	10' min.	0
Side	5' min.	P
Rear	5' min.	0
Miscellaneous		
Residential off-street space	ces do not have to be covered	
See additional general p	parking requirements for all Tran	sect

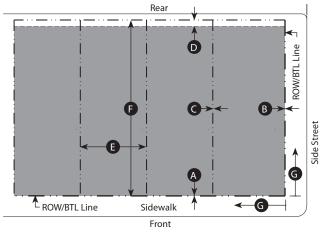
Zones in Section 26-152 (b).

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(4) T4-NC: Neighborhood Center Transect Standards



(4) T4-NC: Neighborhood Center Transect Standards



Key

Front

- -··- ROW / Property Line
 - Build
- --- Build-to Line (BTL)

A G G G G G G G G G G G G G G G G G G G	
Setback Line Building Area	BTL is at ROW Line Ground Floor Commercial
	Building Form
Way)	Height

Building Placement

Build-to Line (Distance from Right of Way)

Ground Floor Commercial	0'
Ground Floor Residential	10' max.

B Side Street Ground Floor Commercial Ground Floor Residential 10' max.

BTL Defined by a Building

Front 75% min. Side Street 50% min.

Setback (Distance from RO	W / Property Line)	
Side	0' min.	0
Rear	5' min.	D
Lot Size		
Width	25' min.; 150' max.	•
Depth	50' min.; 200' max.	B

1,250sf - 30,000sf

Miscel	laneous

Min. and Max. Lot Area

Buildings must be built to BTL along each facade within 30' of a corner along the Primary Street.

Building Form		
Height		
Building Height**		•
Main Building	16' min.	
	45' max. (3 1/2 Stories)	
Accessory Buildings/Structures	28' max. (2 Stories)	
Ground Floor Finish Level *		
Commercial	6" max.	0
Residential	18" min.	0
Ground Floor Ceiling Height		
Commercial	14' min.	K
Residential	9' min.	•
Upper Floor(s) Ceiling	8' min.	M
	6'-8" min. @ knee wall	

Street

ROW Line

Ground Floor Residential

* Not applicable to accessible units.

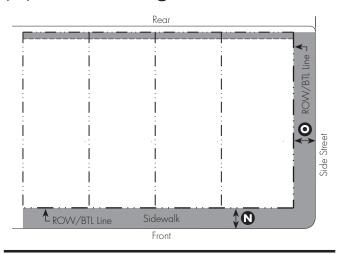
**The above diagram is not intended to illustrate how height is mea sured. Please see the diagram in Section 26-402 for an illustration of how height is measured.

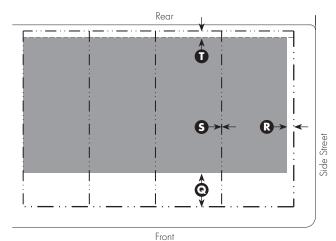
Miscellaneous	
Depth, Ground-floor Commercial	20' min.
Distance between Entries	
To Ground Floor	50' max.; 1
To Upper Floor(s)	100' max.
¹ 75' max. allowed between entries if or	ne entry is a corner entry

All upper floors must have a primary entrance along the Front.

Service entries may not be located along the Front.

(4) T4-NC: Neighborhood Center Transect Standards





Key

---- ROW / Property Line

--- Setback Line

--- Build-to Line (BTL)

Encroachment Area

Building Form (Continued)

Building Types¹

Allowed Building Types:

Duplex

Multi-Family, Rowhouse

Multi-Family, Triplex/Fourplex

Multi-Family, 5-8 Units

Multi-Family, 9+ Units

Mixed-Use, Live/Work

Mixed-Use, Commercial Block

Special, Large Format Retail²

²Allowed only in the Large Format Retail Use Overlay.

Frontage Types and	d Encroachments	
Encroachments		
Front	Extent of Sidewalk	0
Side Street	Extent of Sidewalk	0
Encroachments extending	g into any ROW shall not shed sno	ow
into the ROW.		

Encroachments are not allowed beyond a curb or into Rear Lane/Alley ROW.

Key

-··- ROW / Property Line

-- Setback Line

--- Build-to Line (BTL)

Parking Area

Frontage Types and Encroachments (Continued)

Frontage Types¹

Allowed Frontage Types: Porch, Forecourt, Stoop,

Shopfront, Gallery

¹See Section 26-152 (c) for Frontage Type descriptions and regulations.

Parking Required Spaces

Residential Uses	1.25 spaces/unit min.1
Non-Residential Uses	2 spaces/1,000sf max.

Flex Space, and Live/Work Uses

<2,500sf 1 space/1,500sf min. ≥2,500 sf 2 spaces/1,000sf min.

Location (Distance from Property Line or ROW)

- country (control of the control o		
Front	20' min.	0
Side Street	5' min.	ß
Side	0' min.	9
Rear	5' min.	0

Miscellaneous

Residential off-street spaces do not have to be covered

See additional general parking requirements for all Transect

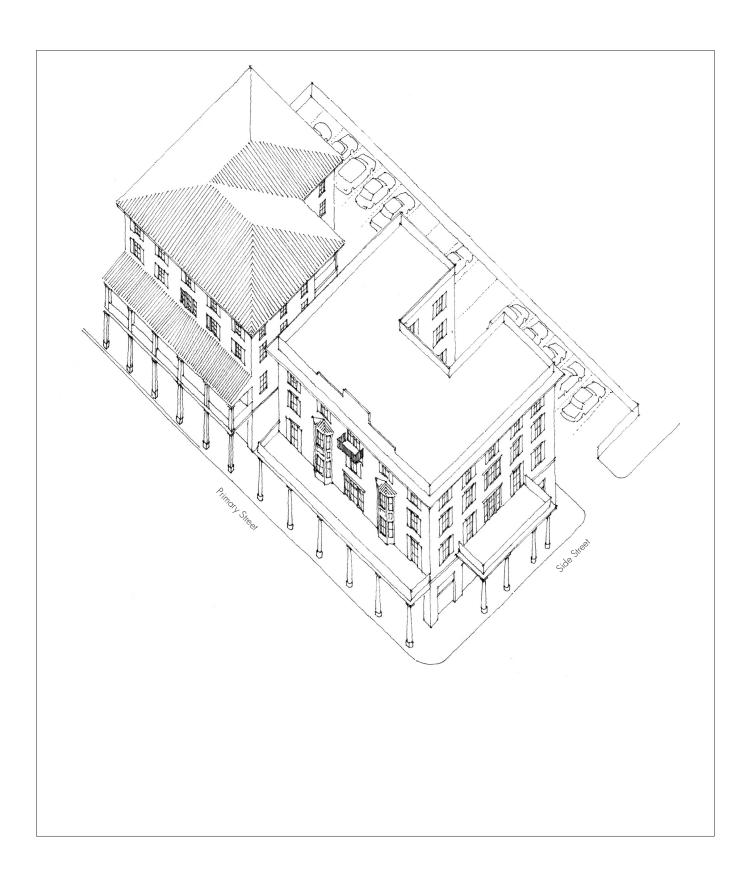
Zones in Section 26-152 (b).

¹See Building Type Standards in Section 25-153 for Building Type descriptions and regulations.

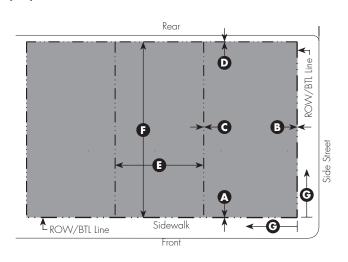
¹ 1 space/unit min. for community housing units.

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(5) T5-TC: Town Core Transect Standards



(5) T5-TC: Town Core Transect Standards



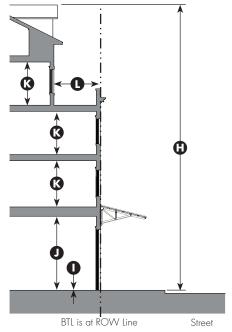
Key

- -··- ROW / Property Line
- --- Setback Line
- --- Build-to Line (BTL)
- Building Area

Building Placement		
Build-to Line (Distance from ROW / Property Line)		
Front	0'	A
Side Street	0'	В
BTL Defined by a Building		
Front	75% min.	
Side Street	75% min.	
Sethack (Distance from POW / Property Line)		

Setback (Distance	ce from ROW / Property Line)	
Side	0' min.	G
Rear	5' min.	O
Lot Size		
Width	25' min.	3
Depth	50' min.	G

Buildings must be built to BTL along each facade within 30'	0
of a corner along the Primary Street.	



Building Form		
Height		
Building Height**	22' min.	0
	55' max. (4 1/2 Stories)	
Ground Floor Finish Level	6" max.	0
Ground Floor Ceiling Height	14 ' min.	0
Upper Floor(s) Ceiling	8' min.	(3)
Stepback at 4th Floor	15' min. clear	0

**The above diagram is not intended to illustrate how height is measured. Please see the diagram in Section 26-402 for an illustration of how height is measured.

Footprint	
Width	200' max.
Depth	200' max.
Miscellaneous	
Depth, Ground Floor Commercial	50' min.
Distance between Entries	
To Ground Floor	100' max.; 1
To Upper Floor(s)	100' max.
1150' may allowed between entries if	and anterview common anterv

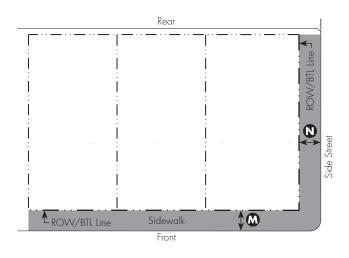
¹ 150' max. allowed between entries if one entry is a corner entry

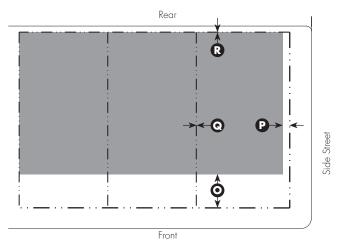
All upper floors must have a primary entrance along the Front.

Service entries may not be located along the Front.

Miscellaneous

(5) T5-TC: Town Core Transect Standards





Key

-··- ROW / Property Line

--- Setback Line

--- Build-to Line (BTL)

Encroachment Area

Building Form	(Continued))
----------------------	-------------	---

Building Types¹

Allowed Building Types: Mixed-Use, Commercial Block
Special, Large Format Retail²

¹See Building Type Standards for Building Type descriptions and regulations.

²Allowed only in the Large Format Retail Use Overlay.

Frontage Types and Encroachr	ments

Encroachments		
Front	Extent of Sidewalk	W
Sida Street	Extent of Sidewalk	

Encroachments extending into any ROW shall not shed snow into the ROW.

Encroachments are not allowed beyond a curb or into Rear Lane/ Alley ROW.

Allowed Frontage Types¹

Allowed Frontage Types: Shopfront, Forecourt,
Gallery

¹See Section 26-152 (c) for Frontage Type descriptions and regulations.

Key

-··- ROW / Property Line

--- Setback Line

--- Build-to Line (BTL)

Parking Area

Parking

Required	Spaces

Residential Uses	1.25 spaces/unit min.1
Non-Residential Uses	2 spaces/1,000sf max.
	· · · · · · · · · · · · · · · · · · ·

Flex Space and Live/Work Uses

<2,500sf 1 space/1,500sf min. ≥2,500sf 2 spaces/1,000sf min.

Location (Distance from Property Line or ROW)

Front	20' min.	0
Side Street	5' min.	0
Side	0' min.	0
Rear	0' min.	R

Miscellaneous

Residential off-street spaces do not have to be covered

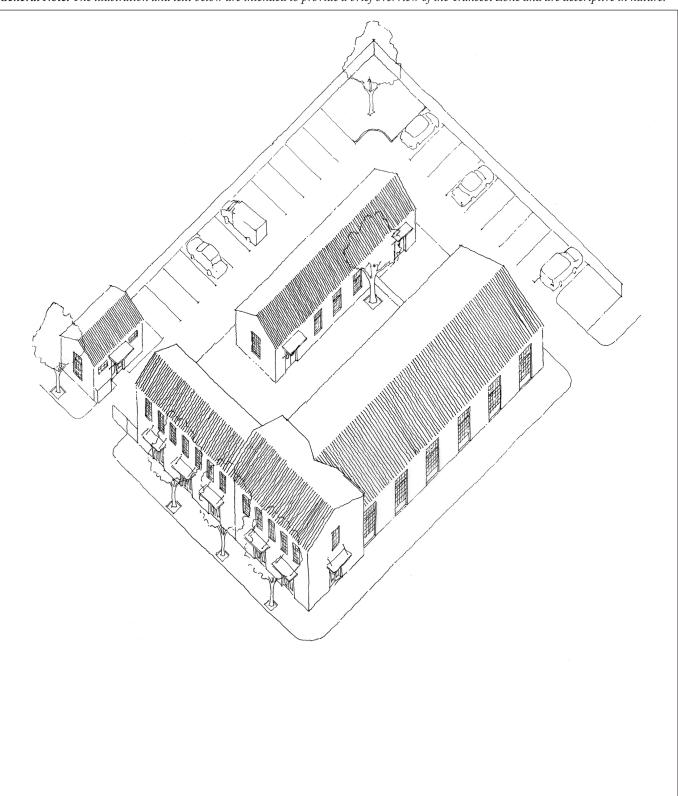
See additional general parking requirements for all Transect Zones in Section 26-152 (b).

¹ 1 space/unit min. for community housing units.

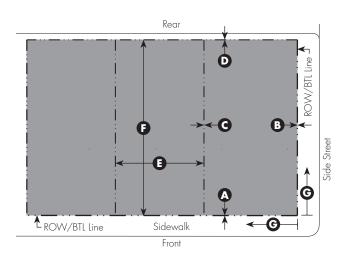
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(6) SD: Special District Transect Standards

General Note: The illustration and text below are intended to provide a brief overview of the Transect Zone and are descriptive in nature.



(6) SD: Special District Transect Standards



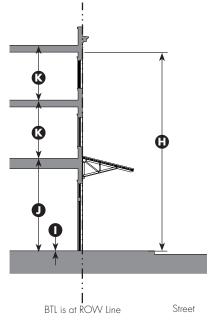
Key

- -··- ROW / Property Line
- --- Build-to Line (BTL)
- --- Setback Line
 - Building Area

Building Placement		
Build-to Line (Distance from ROW / Property Line)		
Front	0'	A
Side Street	0'	ß
BTL Defined by a Building		
Front	50% min.	
Side Street	50% min.	

Setback (Distance from ROW / Property Line)		
Side	0' min.	0
Rear	0' min.	
Lot Size		
Width	200' max.	3
Depth	150' max.	G
Miscellaneous		

Buildings must be built to BTL along each facade within 30'	G
of a corner along the Primary Street.	



Building Form		
Height		
Building Height**	40' max. (3 Stories)	0
Ground Floor Finish Level	6" max.	0
Ground Floor Ceiling Height	12' min.	0
Upper Floor(s) Ceiling	8' min.	K

**The above diagram is not intended to illustrate how height is measured. Please see the diagram in Section 26-402 for an illustration of how height is measured.

Footprint	
Width	150' max.
Miscellaneous	
Distance between Entries	
To Ground Floor	100' max.; 1
To Upper Floor(s)	100' max.
11501 11 11 4	·c

 $^{\scriptscriptstyle 1}$ 150' max. allowed between entries if one entry is a corner entry

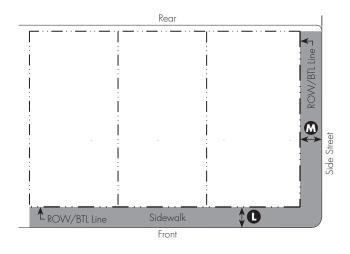
All upper floors must have a primary entrance along the Front.

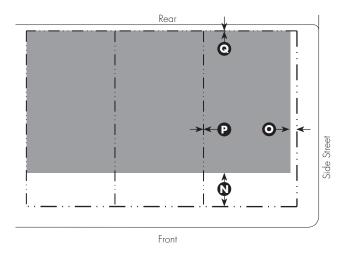
Service entries may not be located along the Front.

Building Types ¹	
Allowed Building Types:	Determined at the time of
	Preliminary Plat

 $^{^{\}mbox{\tiny 1}}\mbox{See}$ Building Type Standards in Section 26-153 for Building Type descriptions and regulations.

(6) SD: Special District Transect Standards





Key

-··- ROW / Property Line

--- Setback Line

--- Build-to Line (BTL)

Encroachment Area

Frontage Types and Encroachments		
Encroachments		
Front	Extent of Sidewalk	

Side Street Extent of Sidewalk Side Setbacks ≥10' 5' max.

Rear

Property Line, Setback ≥10 5' max.

Encroachments are not allowed beyond a curb or Rear Lane/Alley ROW.

Frontage Types ¹	
Allowed Frontage Types:	Shopfront
	Gallery
	Loading Dock
¹ See Section 26-152 (c) for Frontag	e Type descriptions and regulations.

Key

---- ROW / Property Line

Setback Line

--- Build-to Line (BTL)

Parking Area

Parking	
Required Spaces	
Residential Uses	1.25 spaces/unit min.1
Non-Residential Uses	2 spaces/1,000sf max.
Flex Space, Live/Work, and W	ork/Live Uses
<2,500sf	1 space/1,500sf min.
≥2,500sf	2 spaces/1,000sf min.

¹ 1 space/unit min. for community housing units.

Location (Distance from Property Line or ROW)		
Front	20' min.	0
Side Street	5' min.	0
Side	0' min.	P
Rear	0' min.	0

Miscellaneous

Residential off-street spaces do not have to be covered

See additional general parking requirements for all Transect

Zones in Section 26-152 (b).

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(b) Additional Standards for all Transect Zones

(1) Parking Standards

When calculating parking requirements in any Transect Zone, parking shall be rounded up to the nearest whole number. For example, a Triplex (three-unit building) requiring 1.25 spaces/unit shall require a minimum of 3 X 1.25 = 3.75 = 4 parking spaces.

Residential parking requirements must be accommodated offstreet. Commercial and guest parking requirements (if applicable) may be met using on-street spaces located adjacent to the lot. 100% of the on-street parking spaces located adjacent to the lot count toward required commercial and guest parking.

No parking spaces are required for commercial spaces or Accessory buildings or structures less than 500sf.

Commercial parking must be provided on-site or off-site within 600'.

Shared parking shall be allowed between land uses with different periods of peak parking and shall be allowed to satisfy 100% of the minimum parking requirement for each use, so long as documentation can be provided that the existing or anticipated land use(s) will have different periods of peak parking demand and the shared parking can accommodate the parking demand for both uses.

Projects may propose lower minimum parking ratios than required if a Parking Study is provided that determines the feasibility of reduced parking through the use of effective parking management strategies, such as shared parking configurations, or the provision of alternative transportation resources.

On lots with a rear lane or alley, all driveways shall be located on the rear lane or alley.

On corner lots without a rear lane or alley, all driveways shall be located on the side street.

Parking spaces may be accessed directly from the alley with adequate snow storage.

Underground parking may be placed up to the property line.

Underground parking must not be visible to pedestrians.

Bicycle parking must be provided per Section 26-140.

Except for designated disabled parking spaces, no parking spaces for any use shall be required to be individually accessible (tandem, stacking, and valet parking shall be permitted).

Parking spaces shall be designed according to the dimensions found in Article V, Sec. 26-139 of the Community Development Code.

(2) Open Space Standards

Refer to the Building Type Standards in Section 26-153 for Open Space requirements relevant to particular lot and/or building types.

(3) Lighting Standards

Refer to Section 26-138 for lighting standards.

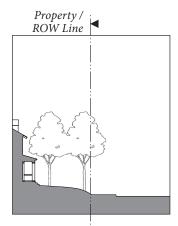
(4) Landscaping Standards

Refer to the Building Type Standards in Section 26-153 for landscaping standards relevant to privately owned lots. Refer to the Street and Circulation Standards maintained by the Department of Public Works and the Park Standards in Section26-154 for standards for landscaping located within the public realm. Refer to the Urban Design Standards and Entry Cooridor Concepts for standards relating to parking lot landscaping.

(5) Refuse Management Standards

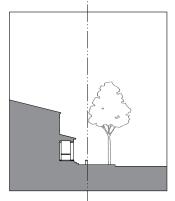
Refer to Section 26-140 for refuse management standards.

(c) Frontage Types



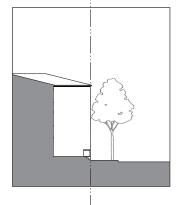
Common Yard: The main facade of the building has a large setback from the property line. The resulting front yard remains largely undefined and is visually continuous with adjacent yards, supporting a common landscape.





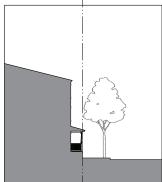
Porch: The main facade of the building may have a small setback from the property line. The resulting front yard may be small and may be undefined or defined by a fence or hedge to spatially maintain the edge of the street. The porch may encroach into the setback to the point that the porch extends to the limits of the encroachment area, but may not extend past the property/ROW line. The porch may be one or two stories and may contain enclosed living space on the second story. The porch must have a minimum clear depth of 8' in order to ensure usability.





Forecourt: A portion of the main facade of the building is at or near the property line and a small percentage is set back, creating a small court space. The space could be used as an entry court or shared garden space for apartment buildings, or as an additional shopping or restaurant seating area within commercial areas. A short wall, hedge, or fence may be placed along BTL where it is not defined by a building. The proportions and orientation of these spaces should be carefully considered for solar orientation, protection from prevailing winds, and user comfort, with a minimum width or depth of 12'. This frontage type should be used sparingly along a frontage.



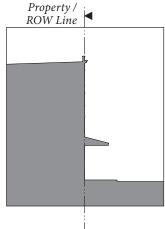


Stoop: The main facade of the building is near the property line and the elevated stoop engages the sidewalk. The stoop should be elevated above the sidewalk to ensure privacy within the building. Stairs from the stoop may lead directly to the sidewalk or may be side loaded. The minimum width and depth of the stoop should be 4' clear. The entry door must be covered or recessed to provide shelter from the elements. Stoops may only be 1 Story in height. This type is appropriate for residential uses with small setbacks.



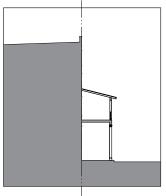
TND - Standards

(c) Frontage Types



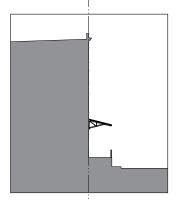
Shopfront: The main facade of the building is at or near the property line and a canopy or awning element overlaps the sidewalk along the majority of the frontage. The canopy is a structural, cantilevered, shed roof and the awning is canvas or similar material and is often retractable. The coverings must extend at least 4' from the building to provide adequate protection for pedestrians and may extend up to 10' from the face of the building. This type is only appropriate for spaces that have, or are designed to accommodate, retail and commercial uses because of the lack of a raised ground story.





Gallery: The main facade of the building is at the property line and the gallery element overlaps the sidewalk. This frontage type is intended for buildings with ground floor commercial or retail uses and may be one or two stories. The gallery must extend close enough to the curb so that a pedestrian cannot bypass it. Due to the overlap of the right-of-way, an easement is usually required. The Gallery must have a minimum depth of 10' and a minimum clear height of 9' to ensure usability. Galleries must have a consistent depth along a frontage. Upper story galleries facing the street must not be used to meet primary circulation requirements.





Loading Dock: The main facade of the building is at or near the property line and an elevated platform overlaps the sidewalk. The loading dock must provide adequate sidewalk space below to accommodate pedestrian passage and snow storage requirements. Stairs may be inset or extend down at the end of the loading dock. This type is intended for residential, live/work, work/live, and retail uses and may be used as additional restaurant seating. It must have a minimum depth of 6' clear and a finished floor level of 18" min.; 4' max to ensure usability.

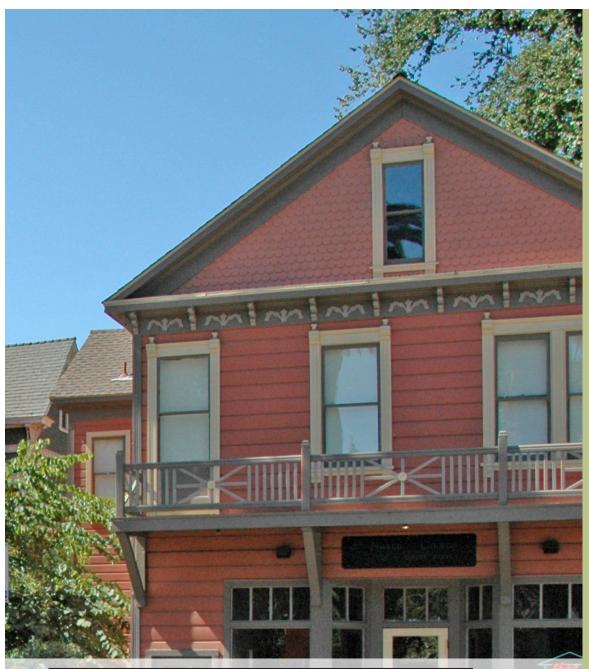


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SECTION 6

Sec. 26-153 Building Type Standards for the Traditional Neighborhood Development (TND) Zone District shall be added as follows:

TND – Standards 74



Introduction

This chapter provides standards for specific Building Types within the TND Zone District. These standards provide regulations as they pertain to the following:

- Lot Coverage
- Access & Parking
- Massing & Composition
- Landscape & Open Space

article

TND - Standards

75

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(a) Overview

- (1) Lots shall be developed according to the specific building type designated at the time of Preliminary/Final Plat in compliance with this section.
- (2) The Standards in this Section shall apply to all development in the TND Zone District. Items not specifically addressed within this Section shall be regulated by the City-wide standards found in elsewhere Article 5 (i.e. Building and Architectural Standards, Lighting, etc.)
- (3) While the Building Form Standards in Section 26-152 provide parameters for lot sizes, setbacks and build-to-lines, frontages and allowable building types as they are appropriate for each Transect Zone, the Building Type Standards in this chapter provide specific standards appropriate to the physical form of each lot or building type that may result, with respect to their specific lot size, lot coverage, access and parking, massing and composition, and landscape and open space.
- **(4) Multi-Family Building Type Standards** apply to all multi-family building types within the project area. These include variety of multifamily types designed to integrate seamlessly into residential neighborhoods. These are divided into categories based on number of units, including Bungalow Court, Rowhouse, Triplexes/Fourplexes, 5-8 unit buildings, and 9+ unit buildings.
- (5) Mixed-Use Building Type Standards apply to mixed-use building types within the project area. These standards include Live/Work and Commercial Block Building Types.
- **(6) Special Building Type Standards** include standards for Industrial and Large Format Retail Building Types. These building types may be mixed-use or single-use and are allowed in limited areas of the project area.
- (7) Development within the TND Zone District may require the inclusion of additional Building Types for specialized uses (i.e. institutional uses) that are not explicitly described in this section, but still appropriate for the area (i.e. fully compliant with the Building Form Standards for the applicable Transect Zone). These types are subject to review and approval by the Planning Director.

NOTE: Images and photographs within the Building Type Standards are illustrative and intended to provide a general example of the described building type. In the event of conflict between the images and the Building Type Standards the standards, including diagrams, shall apply.

(b) Multifamily Building Types: Bungalow Court/Courtyard

Description

The Bungalow Court building type consists of a series of small homes or duplexes that are arranged next to each other to form a shared court. Units along a street or public open space may front and be accessed from the street or public open space or the shared courtyard. All other units front and are accessed from the shared courtyard that is connected to the Public Right-of-Way.

This building type may have attached or detached garages that are individually accessible by the units and/or a common parking area located at the rear of the lot.

This building enables the insertion of smaller units within a block composed of larger lot depths.



(1) Lot

Lot Size

See Building Form Standards in Section 25-152 for lot size standards within each Transect Zone.

Lot Coverage

% of lot occupied by building(s) 60% max.

10' minimum distance between detached Main and Accessory Structure(s).

10' min. clear between adjacent buildings.



(2) Access and Parking

Primary Entrances

The main entrance to units along a street or public open space shall be oriented to and accessed directly from the street or public open space, or from the common courtyard.

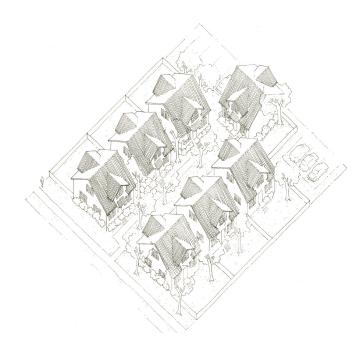
The main entrance to all other units shall be oriented to and accessed directly from the common courtyard or public open space.

Parking

Residential parking may be provided within individual or shared garage(s) or surface lot(s) and may be covered or uncovered.

Individual garages may be attached as part of a secondary wing or detached as an ancillary structure



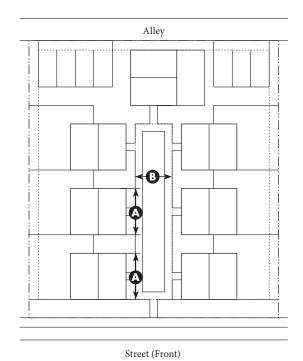


(3) Massing and Composition			
Building Size			
Main Body			
Width	30' max.	A	
Height	28' max.		
Accessory Structures			
Width	26' max.1		
Depth	26' max.		
Height	28' max.		

¹Accessory structures must allow for 4' clear min. walk between the accessory structure and the property line.

Facade Composition

The front facade of units along a street or public open space shall face the street or public open space or common courtyard.



(4) Landscape and Open Space

Size and Location

Open space is provided in the form of a common courtyard; no private open space is required.

Courtyard Width 20' min.¹

Courtyard Width: Build- 1:1 min.

ingHeight Ratio

¹Courtyard width and building face to building face dimension may be increased to accommodate required utility easements.

Miscellaneous

Landscape shall not be used to separate a front yard from front yards on adjacent parcels.

Common courtyards shall be landscaped to provide the following:

Foundation/lawn plantings of drought-tolerant turf, ground covers and/or shrubs

At least one ornamental and/or flowering tree per 200 sf of courtyard

B

(c) Multifamily Building Types: Rowhouse

Description

The rowhouse building type consists of 3-6 attached units that form one building mass.

Each unit has its own individual entry and alleys in the rear of the lots provide vehicular access to the garages. This building type may only be rear loaded and garages may be attached, detached, or tuck-under.

This building type provides a higher density unit in a more urban form found in or near Neighborhood Centers.



(1) Lot

Lot Size

See Building Form Standards in Section 26-152 for lot size standards within each Transect Zone.

Lot Coverage

% of lot occupied by building(s) 80% max.

10' minimum distance between detached Main and Accessory Structure(s).



(2) Access and Parking

Primary Entrances

The main entrance to each house shall be oriented to and accessed directly from the street or public open space.

Parking

Residential parking may be provided within individual or shared garage(s) or surface lot(s) and may be covered or uncovered.

Garages may be attached as part of a secondary wing (tuck-under parking) or detached as an ancillary structure

Garages and services shall be accessed from the alley.





(3) Massing and Composition			
Building Size			
Unit			
Width	30' max.	A	
Height	40' max.		
Accessory Structures			
Width	26' max.1	B	
Depth	30' max.	9	
Height	28' max.		

¹Accessory structures must allow for 4' clear min. walk between the accessory structure and the property line.

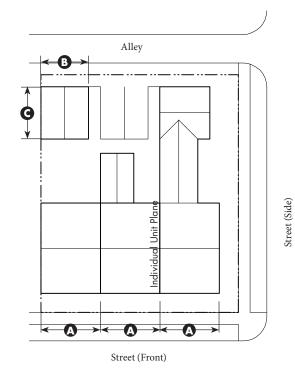
Groups of rowhouses will be between 3 and 6 attached units.

Facade Composition

The facade shall be composed such that the individual units appear to be differentiated.

Mansard Roof Forms are not permitted.

Houses on corner lots shall have composed facades facing both streets.



(4) Landscape and Open Space

Location

No private open space is required

Size

Any un-built portion of the site must have a 4' min. clear dimension in any direction.

Miscellaneous

Landscape or 2'-6" to 3'-6" high fence or stucco or masonry wall may be used to separate a front yard from front yards on adjacent parcels.

Front yard landscape for each unit shall include the following: Foundation plantings of drought-tolerant ground covers and/or shrubs

At least one ornamental and/or flowering tree

(d) Multifamily Building Types: Triplex/Fourplex

Description

The Triplex / Fourplex building type consists of structures that contain three or four dwelling units, respectively. This building type appears as a large single family home from the street and may take the form of a mansion apartment.

Each unit may have its own individual entry or share a common entry. Vehicular access to a common parking area is provided from the front or from a rear alley. Parking areas may be covered or uncovered.

This building type enables the incorporation of a higher density, multi-family dwelling into predominantly single-family neighborhoods with minimal impact to the single family character, or it provides a higher density multi-family dwelling type in a larger footprint building near a neighborhood center where ground floor commercial uses may not be appropriate.



(1) Lot

Lot Size

See Building Form Standards in Section 26-152 for lot size standards within each Transect Zone.

Lot Coverage

% of lot occupied by building(s) 90% max.

20' minimum distance between detached Main and Accessory Structure(s).



(2) Access and Parking

Primary Entrances

The main entrance(s) to the building shall be oriented to and accessed directly from the street or public open space.

Parking

Residential parking may be provided within individual or shared garage(s) or surface lot(s) and may be covered or uncovered.

Garages may be located within the building (structured or tuckunder parking) or detached as an ancillary structure

Garages and services shall be accessed from the alley where an alley is present.





Alley
B
A

Street (Front)

(3) Massing and Composition **Building Size** Main Body Width 60' max. 40' max. 1 Height **Accessory Structures B** Depth 30' max. Height 28' max.

 ${}^{\scriptscriptstyle 1}\! See$ Building Form Standards for allowable heights within each Transect Zone.

Facade Composition

Massing and use of exterior materials and architectural elements shall be arranged to give each building the appearance of a large single family home.

Mansard Roof Forms are not permitted.

Buildings on corner lots shall have composed facades facing both streets.

(4) Landscape and Open Space

Location and Size

No private open space is required.

Any un-built portion of the site must have a 4' min. clear dimension in any direction.

Miscellaneous

Front yard landscape shall include the following:

Foundation plantings of drought-tolerant ground covers and/or shrubs

At least one ornamental and/or flowering tree every 50'

(e) Multifamily Building Types: 5-8 Unit Buildings

Description

The 5-8 unit building type consists of structures that containing 5-8 units. This building type is only appropriate for corner lots where a rear wing is able to front on a side street and it may take the form of a mansion apartment.

The units typically share a common entry accessed from the street or side yard. Vehicular access to a common parking area is provided from the front or from a rear alley. Parking areas may be covered, uncovered, or provided within the building massing as tuck-under or structured parking.

This building type enables the incorporation of a higher density, multifamily dwelling into predominantly single-family neighborhoods with minimal impact to the single family character, or it provides a higher density multi-family dwelling type in a larger footprint building near a neighborhood center where ground floor commercial uses may not be appropriate.



(1) Lot

Lot Size

See Building Form Standards in Section 26-152 for lot size standards within each Transect Zone.

Lot Coverage

% of lot occupied by building(s) 90% max.

20' minimum distance between detached Main and Accessory Structure(s).



(2) Access and Parking

Primary Entrances

The main entrance to the building shall be oriented to and accessed directly from the street or public open space.

Parking

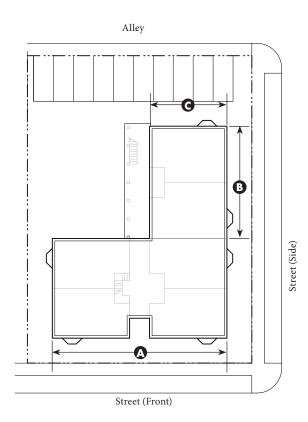
Residential parking may be provided within individual or shared garage(s) or surface lot(s) and may be covered or uncovered.

Garages may be located within the building (structured or tuckunder parking) or detached as an ancillary structure

Garages and services shall be accessed from the alley.







(3) Massing and Composition		
Building Size		
Main Body		
Width	60' max.	A
Height	45' max.1	
Secondary Wings		
Width	60' max.	B
Depth	40' max.	G
Height	40' max.	
Accessory Structures		
Depth	30' max.	
Height	28' max.	

Only one main building and one accessory structure allowed per lot.

See Building Form Standards for allowable heights within each Transect Zone.

Facade Composition

Facades shall be articulated through the incorporation of appropriate regional architectural elements such as of balconies, bay or box windows, insets or other relief in the wall plane, porches, dormers, variations in materials, or variations in roof forms.

Mansard Roof Forms are not permitted.

Buildings on corner lots shall have composed facades facing both streets.

(4) Landscape and Open Space

Location and Size

No private open space is required.

Any un-built portion of the buildable area defined in the Building Form Standards must have a 10' min. clear in any direction.

Miscellaneous

Front yard landscape shall include the following:

Foundation plantings of drought-tolerant ground covers and/or shrubs At least one ornamental and/or flowering tree every 50'

(f) Multifamily Building Types: 9+ Unit Buildings

Description

The 9+ unit building type consists of structures that contain 9 or more units.

The units typically share a common entry that is accessed from the street or a forecourt. Ground floor units may have individual entries that face onto the street. Vehicular access to a common parking area is provided from the front or from a rear alley. Parking areas may be covered, uncovered, or provided within the building massing as tuck-under or structured parking.

This building type enables the incorporation of a higher density, multi-family dwelling within a more urban context consisting of larger buildings and larger lots. It provides a higher density multi-family dwelling in a larger footprint near a neighborhood center where ground floor commercial uses may not be appropriate.



(1) Lot

Lot Size

See Building Form Standards in Section 26-152 for lot size standards within each Transect Zone.

Lot Coverage

% of lot occupied by building(s) 90% max.



(2) Access and Parking

Primary Entrances

The main entrance(s) to the building shall be oriented to and accessed directly from the street or public open space or a forecourt along the street or public open space.

Parking

Residential parking may be provided within individual or shared garage(s) or surface lot(s) and may be covered or uncovered.

Garages may be located within the building (structured or tuckunder parking) or detached as an ancillary structure

Garages and services shall be accessed from the alley.

Surface parking must be screened from the front or side street by a side wing or by a low wall and landscaping.





Alley Street (Front)

(3) Massing and Composition

Building Size

Main Body

Height 55' max.¹

Secondary Wings

Height 45' max.¹

Accessory Structures

Depth 30' max.

Height 28' max.

Only one main building and one accessory structure allowed per lot.

Any building massing wider than 75' must be designed to read as a series of building massings no wider than 50' each.

¹See Building Form Standards for allowable heights within each Transect Zone.

Facade Composition

Facades shall be articulated through the incorporation of appropriate regional architectural elements such as of balconies, bay or box windows, insets or other relief in the wall plane, porches, dormers, variations in materials, or variations in roof forms.

Mansard Roof Forms are not permitted.

Buildings on corner lots shall have composed facades facing both streets.

(4) Landscape and Open Space

Location and Size

No private open space is required.

Any un-built portion of the buildable area defined in the Building Form Standards must have a 10' min. clear in any direction.

Miscellaneous

Front yard landscape shall include the following:

Foundation plantings of drought-tolerant ground covers and/or shrubs

At least one ornamental and/or flowering tree every 50'

(g) Mixed-Use Building Types: Live/Work

Description

The Live/Work building type consists of an integrated housing unit and working space within a Rowhouse form.

Each mixed-use unit has its own individual entries to both the housing unit and working space. Units may be configured with a zero lot line condition or with a small setback that creates a dooryard condition. Alleys in the rear of the lots provide vehicular access to the garages or parking area. This building type may only be rear loaded and parking may be provided in individual garages or in a common parking area. Garages may be attached, detached, or tuck-under.

This building type provides a higher density dwelling type in a more urban form that is also capable of providing ground floor commercial space found in Neighborhood Centers or Town Centers.



(1) Lot

Lot Size

See Building Form Standards in Section 26-152 for lot size standards within each Transect Zone.

Lot Coverage

% of lot occupied by building(s) 95% max.

15' minimum distance between detached Main and Accessory Structure(s).



(2) Access and Parking

Primary Entrances

The main entrance(s) to the ground floor commercial or flex space shall be oriented to and directly accessed from the street.

The upstairs dwelling may be accessed by a separate entrance and by a stair.

Parking

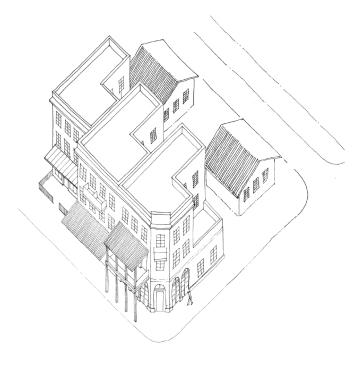
Residential parking may be provided within individual or shared garage(s) or surface lot(s) and may be covered or uncovered.

Garages may be attached as part of a secondary wing (tuck-under

Garages and services shall be accessed from the alley.

parking) or detached as an ancillary structure





	←B→	Alley	
•			Street (Side)
Dooryard Condition			
_	←Ø →	Street (Front)	

(3) Massing and Co	omposition	
Building Size		
Main Body		
Width	30' max.	A
Height	45' max.	
Accessory Structures		
Width	26' max.1	B
Depth	30' max.	G
Height	28' max.	

¹Accessory structures must allow for 4' clear min. walk between the accessory structure and the property line.

Groups of live/work units will be between 3 and 6 attached units.

Facade Composition

The facade shall be composed such that the individual units appear to be differentiated.

Facades on buildings that are 3 stories or more in height must be articulated to have a recognizable base, middle, and cap.

On corner lots, storefronts must be located along both streets.

Mansard Roof Forms are not permitted.

A minimum of 40% of the total area of the ground floor front facade shall consists of windows and/or transparent entrances.

(4) Landscape and Open Space

Location and Size

No private open space required.

Any un-built portion of the site must have a 4' min. clear dimension in any direction.

Front yards are defined by the setbacks and frontage type requirements of the applicable Transect Zone.

Miscellaneous

2'-6" to 3'-6" high fence or stucco or masonry wall may be used at the edge of sidewalk or setback from the street to create a dooryard within a front setback.

(h) Mixed-Use Building Types: Commercial Block

Description

The Commercial Block building type consists of a ground floor designed for occupancy by retail, service, and/or office uses on the ground floor, with upper floors configured for either commercial uses or for residential dwelling uses.

A common ground level entry that faces the street or side yard provides access to the upper floor uses or to a common courtyard onto which the upper floor uses face. Vehicular access to a common parking area is provided from the front or from a rear alley. Commercial Parking is provided on street, in surface lots and/or structured parking areas and may be located on or off site. Residential parking areas may be covered, uncovered, or provided within the building massing as tuck-under or structured parking.

This building type provides the ground floor commercial space found in Neighborhood Centers or Town Centers along with additional upper level commercial space or higher density residential units



Lot Size

See Building Form Standards in Section 26-152 for additional lot size standards within each Transect Zone.

Lot Coverage

% of lot occupied by building(s) 100% max.



Primary Entrances

The main entrance to each ground floor commercial use shall be oriented to and directly accessed from the street or paseo.

Entrance to the residential portions of the building shall be through a street level lobby or through a podium lobby accessible from a street or through a side yard.

Parking

Residential Parking is accommodated in an underground or abovegrade garage, surface or tuck-under parking, or a combinations of any of the above and may be covered or uncovered.

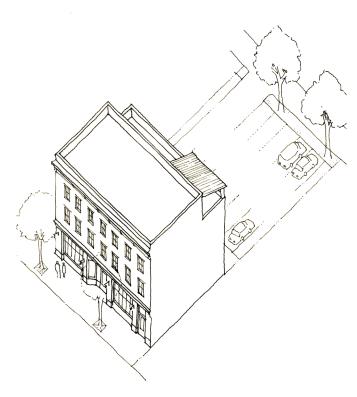
Commercial Parking is provided on street, in surface lots and/or structured parking areas and may be located on or off site.

Dwellings have indirect access to their parking stall(s).









North/South Orientation North/South Orientation North/South Orientation Street (Front)

(3) Massing and Composition

Building Size

Main Body

Width 50' min. Height 55' max. 1

A

Buildings may be composed of a series of attached rectilinear forms or one dominant volume.

¹See Building Form Standards for allowable heights within each Transect Zone.

Facade Composition

Any building wider than 80' must be designed to read as a series of buildings no wider than 50' each.

Facades on buildings that are 3 stories or more in height must be articulated to have a recognizable base, middle, and cap.

A minimum of 40% of the total area of a ground floor facade along a public ROW shall consists of windows and/or transparent entrances.

Buildings on corner lots shall have composed facades facing both streets.

On corner lots, storefronts must be located along both streets.

Flat Roof Forms are permitted if located behind a parapet.

Mansard roof forms are not permitted.

(4) Landscape and Open Space

Location and Size

No private open space is required.

Any un-built portion of the buildable area defined in the Building Form Standards must have a 10' min. clear in any direction.

If a courtyard or podium courtyard is provided, its min. dimension shall be 30' when the long axis of the courtyard is oriented East/West and 20' for a North/South orientation and must have a proportion greater than 1:1 for its width to building height.

Miscellaneous

Courtyards must integrate landscaping.

(i) Special Building Types: Large Format Retail

Description

The Large Format Retail building type is only permitted within the Use Overlay indicated on the Building Form Regulating Plan. The building type accommodates retail uses with large floor areas. It is often wrapped with a liner of a smaller footprint building, with doors and windows facing the street. This building type may be designed as a tall one-story building, or it may include upper floors to accommodate additional commercial or residential uses.

Large Format Retail buildings must reinforce the urban character of the Transect Zone and provide pedestrian connectivity to outlying areas.

Commercial Parking is provided in on- or off-site surface or structured parking areas. Residential parking areas must be provided in secure and separate areas from commercial parking.



(1) Lot

Lot Size

See Building Form Standards in Section 26-152 for lot size standards within each Transect Zone.

Lot Coverage

% of lot occupied by building(s) 100% max.



(2) Access and Parking

Primary Entrances

The main entrance to each ground floor commercial use shall be directly from the street or paseo.

Entrance to any residential portion of the building shall be through a street level lobby or through a podium lobby accessible from a street or public open space, or through a side yard.

Parking

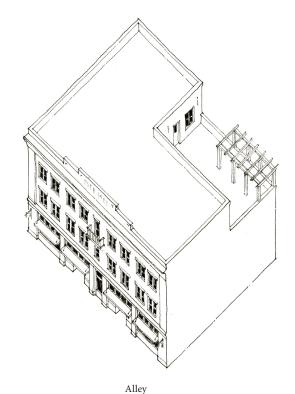
Residential parking may be accommodated in an underground or above-grade garage, surface or tuck under parking, or a combinations of any of the above, may be covered or uncovered, and must be provided in a secure and separate area from commercial parking.

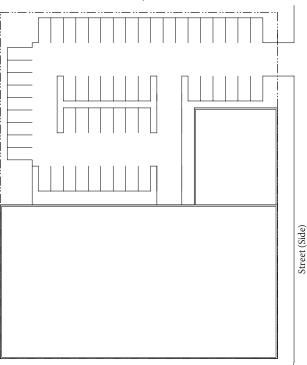
Commercial Parking may be accommodated in on-street, surface, and/or structured parking and may be located on or off-site.

Dwellings may have indirect access to their parking stall(s).

See Building Form Standards for additional Parking Standards.







Street (Front)

(3) Massing and Composition

Building Size

Main Body

Width 75% min. of lot width

Depth 60' min. Height 24' min.

55' max.

Buildings may be composed of one dominant volume.

One story buildings shall be at least 24' in height. This may be accomplished with Liner Buildings or higher ceiling heights and/or parapets.

Facade Composition

Any building wider than 80' must be designed to read as a series of buildings no wider than 50' each.

Long, blank facades are not permitted.

Facades on buildings that are 3 stories or more in height must be articulated to have a recognizable base, middle, and cap.

A minimum of 40% of the total area of a ground floor facade along a public ROW shall consists of windows and/or transparent entrances. Buildings on corner lots shall have composed facades facing both streets. On corner lots, storefronts must be located along both streets.

Flat Roof Forms are permitted if located behind a parapet.

Mansard roof forms are not permitted.

(4) Landscape and Open Space

Location and Size

No private open space is required.

Any un-built portion of the buildable area defined in the Building Form Standards must have a 10' min. clear in any direction.

If a courtyard is provided, its min. dimension shall be 30' when

the long axis of the courtyard is oriented East/West and 20' for a North/South orientation and must have a proportion greater than 1:1 for its width to building height.

Miscellaneous

Courtyards must integrate landscaping or potted plants.

(j) Special Building Types: Limited Industrial

Description

Limited Industrial buildings are designed to accommodate limited residential, light-industrial, commercial, and service-oriented uses in compatible configurations with nearby residential neighborhoods. They are designed to internalize potentially conflicting activities (e.g. machinery, unsightly storage, etc.) courtyards that are largely screened from the street and enclosed warehouse structures.



(1) Lot

Lot Size

See Building Form Standards in Section 26-152 for lot size standards within each Transect Zone.

Lot Coverage

% of lot occupied by building(s) 70% max.

15' minimum distance between Main and Accessory Structure(s).



(2) Access and Parking

Primary Entrances

The main entrance(s) to each ground floor commercial use shall be directly from the street.

Entrance to the upper floor uses shall be through a lobby accessed directly from the street.

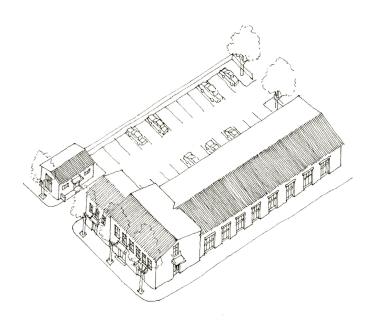
Parking

Residential parking may be provided within individual or shared garage(s) or surface lot(s) and may be covered or uncovered.

Commercial Parking may be accommodated in on-street, surface, and/or structured parking and may be located on or off-site.

See Building Form Standards for additional Parking Standards.





(3) Massing and Composition

Building Size

Main Body

Width 50% min. of lot width

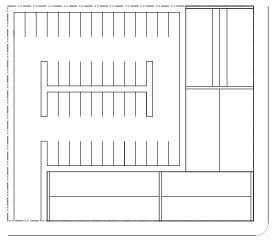
Height 40' max.

Buildings shall be composed of simple rectilinear forms.

Main Buildings and/or ancillary structures shall be organized to form interior courtyards around parking areas, work spaces, and other open spaces.

Facade Composition

Mansard roof forms are not permitted.



Street (Front)

(4) Landscape and Open Space

Location and Size

No private open space is required.

Any un-built portion of the buildable area defined in the Building Form Standards must have a 10' min. clear in any direction.

Miscellaneous

Street (Side)

Side yard trees shall be placed to partially screen views of parking areas from neighboring properties.

(k) Hillside Standards for All Lot & Building Types

(1) Strategies for Cross-slope Lots

In order to minimize over lot grading and retain the unique character and gently rolling topography of the site, private lots will retain some degree of grade change that shall be accommodated through careful site design.

On blocks that contain alleys, alley elevations may deviate from street elevations as much as seven to ten percent. Single lots can expect slopes of up to seven percent parallel to public right-of-ways.

Uphill Lots

Private lots that slope up from the public right-of-way may utilize a deeper building setback or build-to-line as described in the Building Form Standards in Chapter 3 for the applicable Transect Zone in order to set an acceptable and usable finish floor elevation.

Front yards may be designed to gently slope up to the building's frontage, or may retain up to 4' of topography with a low masonry wall set directly behind the right-of-way. Retaining walls taller than 4' are subject to review and approval by the building department. Final design of retaining walls is subject to review and approval by the Review Authority.

On deeper lots, elevations of garages and/or ancillary structures shall be set at or near rear elevations, and rear yards shall be designed to step or terrace up to such structures. On shallower lots in applicable Transect Zones, allowed Building Types may utilize "tuck-under" configurations that place garage elevations up to one full story above primary living spaces.

Downhill Lots

Private lots that slope down from the public right-of-way may utilize a shallower building setback or build-to-line and lower finish floor elevation as described in the Building Form Standards for the applicable Transect Zone in order to set an acceptable and usable finish floor elevation.

On deeper lots, elevations of garages and/or ancillary structures shall be set at or near rear elevations, and rear yards shall be designed to step or terrace down to such structures. Walk-out basements are strongly encouraged. On shallower lots in applicable Transect Zones, allowed Building Types may utilize "tuck-under" configurations that place garage elevations up to one full story below primary living spaces.

Cross-slope Lots

Private lots with topography running parallel to the right-of-way and across lots shall utilize low retaining walls, typically set at side property lines, to transition elevations between lots. In narrow lot configurations, the lateral foundation wall of each house may be used to retain such topography.

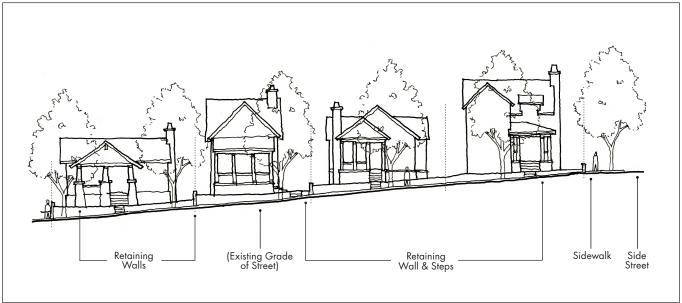
(Right, Top to Bottom) Images from comparable TND projects in North Carolina and California illustrate, respectively: Downhill lot setback strategies; walk-out basement on a downhill lot; low retaining wall on an uphill lot, creative use of retaining walls along side property lines.



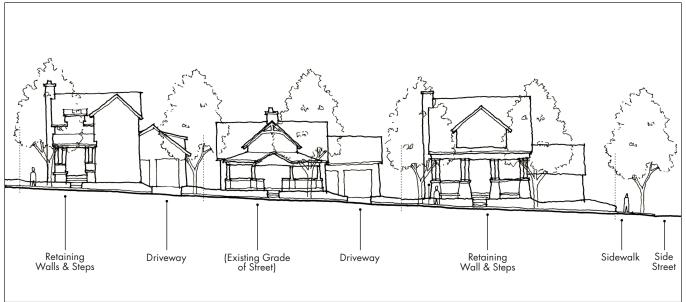




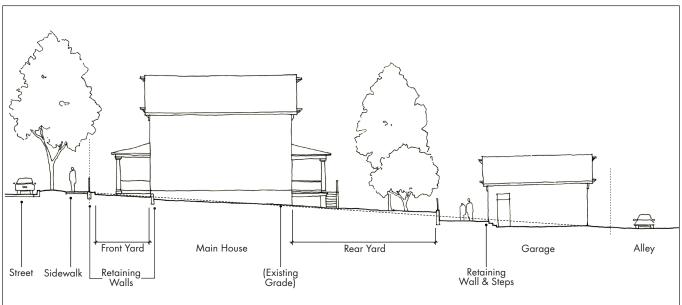




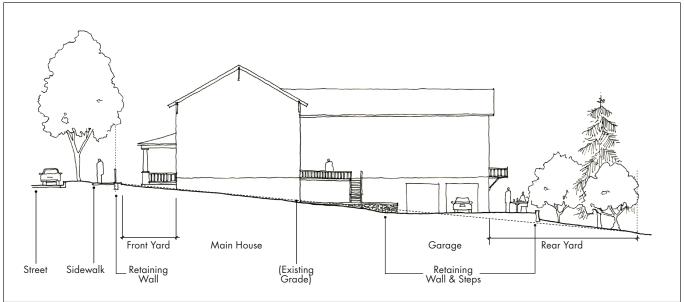
Typical Alley-loaded "Cross-slope" Lot



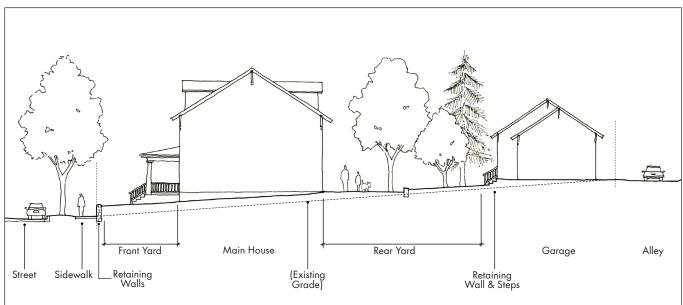
Typical Front-loaded "Cross-slope" Lot



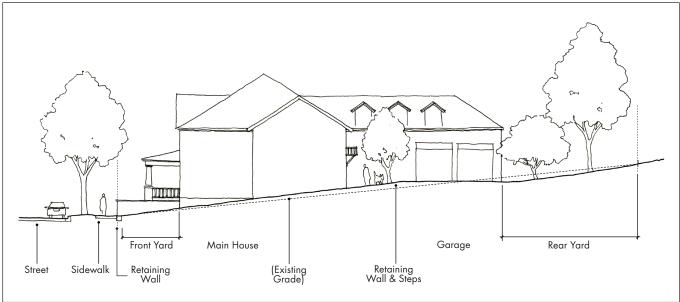
Typical Alley-loaded "Downhill" Lot



Typical Front-loaded "Downhill" Lot



Typical Alley-loaded "Uphill" Lot

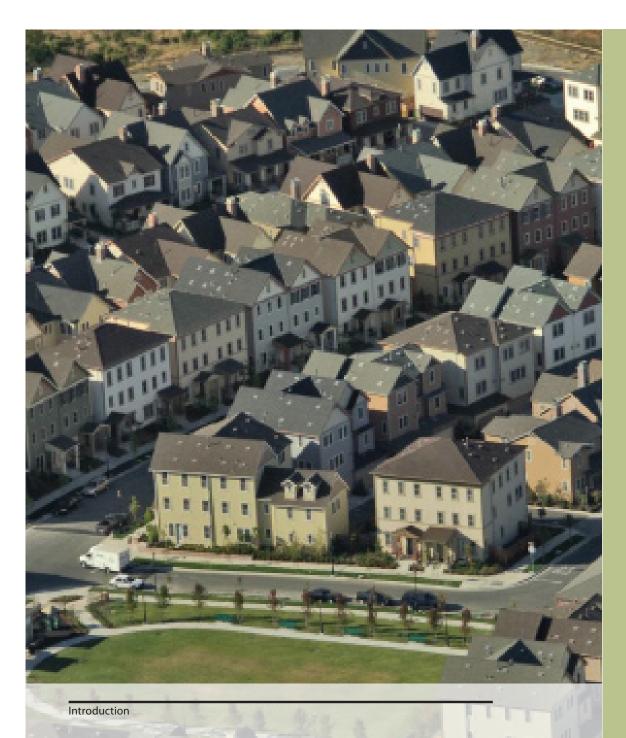


Typical Front-loaded "Uphill" Lot

SECTION 7

Sec. 26-154 Parks and Open Space Standards for the Traditional Neighborhood Development (TND) Zone District shall be added as follows:

TND – Standards



This chapter provides standards and regulations to guide the future subdivision of parcels within the Traditional Neighborhood Development (TND) Zone District.

article

TND - Standards

102

a. Parks and Open Space Requirements

1. The standards in this section intend to provide all new subdivisions with a diverse palette of parks and other publicly accessible open spaces that comprise essential components of mixed-use neighborhoods and are organized into three different types: Primary, Secondary, and Tertiary Parks and Open Space Types as further described in this Section.

b. Parks & Open Space Overview

The standards in this section intend to provide the area with a diverse palette of parks and other publicly accessible open spaces that are essential components of mixed-use neighborhoods.

There are nine different parks and open space types organized into three sections. The three types will, in most cases, have their general locations and alignments set by the Steamboat Springs Parks and Recreation Master Plan and Steamboat Springs Area Open Space and Trails Master Plan and shall typically be improved and maintained by the City. These types shall provide open space and recreational opportunities that are appropriate for the entire project area and, in some cases, will make suitable additions to the City's open space system.

The two secondary park types include Neighborhood Parks and Plazas. These types are designed to provide principal community gathering spaces for social activity, commerce, structured and unstructured recreation, and children's play. These open spaces will be developed so that at least one space (as is appropriate for the given Transect Zone) is provided for each subdivision area in accordance with the requirements of the Subdivision Standards in Section 26-187. These spaces will typically be maintained by neighborhood associations or other local governing entities. While a Regulating Plan typically sets the general location of these open spaces, their disposition, orientation, actual size, and shape are determined by the performance standards herein.

The four tertiary park types provide an additional "kit of parts" for developers to use in the future subdivision of neighborhoods and other land parcels in the area. These types are designed to provide additional, smaller community gathering spaces for social activity, structured and unstructured recreation, and children's play within close proximity to residences. In most cases, these spaces shall also be maintained by neighborhood associations or other local governing entities. The general locations and alignments of these types are not set by a Regulating Plan. Instead, they are calibrated by their appropriate location along the Transect and shall be provided in keeping with the requirements of the Subdivision Standards described 26-187.

The dimensional requirements of each park type are regulatory in nature. The descriptions of each type, along with the character, allowed/typical uses, and stormwater management techniques, are descriptive in nature, describing a broad range of possible characteristics and uses that are permitted within the open spaces. It is not intended that each open space provide the full range of typical uses and characteristics, but that the entire network of Parks and Open Space within the plan area provide a wide variety of opportunities to provide a great variety of places and activities.

Primary Open Space Types

TND - Standards

Natural Preserves, Hillsides, and Riparian Areas include large open spaces located at the edges of Neighborhoods and Additional Development Areas that provide passive open space and natural areas with limited enhancement.

Trails shall be provided in accordance with an approved Trails Plan and shall be constructed to meet the trails standards in the City's TND Street Standards.

Community Parks are designed to meet community-based recreational needs as well as to preserve unique landscapes and open spaces. They typically serve two or more neighborhoods.



Natural Preserve / Hillside / Riparian Areas



Natural Preserve / Hillside / Riparian Areas



Community Parks



Plazas and Civic Spaces



Neighborhood Parks

Secondary Park Types

Plazas and Civic Spaces add to the vibrancy of streets within more urban sub-areas and create formal open spaces available for civic purposes and commercial activity. These spaces are defined by building frontages and are primarily hardscaped with formally arranged trees.

Neighborhood Parks provide a central open space focus for neighborhoods or groups of neighborhoods available for unstructured recreation and smaller structured recreational facilities. They are spatially defined by building frontages or landscaping, and typically consist of formal and naturalistic landscape, combining paths, lawn, and tree plantings.



Pocket Plazas

Tertiary Park Types

Pocket Plazas include small-scaled open spaces that function in a similar manner and follow the same rules as the larger plazas. These smaller scaled spaces create more intimate places for seating or dining and provide a place where commercial and neighborhood activity can spill into. These plazas can also be used to create a formal space in front of a prominent building entrance.

Neighborhood Pocket Parks provide smaller open spaces for neighborhoods within close proximity to residences. These parks accommodate a wide-range of activities and vary in character, sensitive to the specific needs and surroundings. The landscape is formal or informal with arrangements of trees and shrubs, utilizing the natural landscape of both open and wooded ares.

Community Gardens provide groupings of garden plots in a publicly-accessible area that are available to nearby residents for small-scale cultivation. Such gardens may be provided as a component of other publicly-accessibly open spaces and/or civic uses, or may be provided as freestanding open spaces.

Playgrounds provide an enclosed open space designed and equipped for children's recreation. They are interspersed within residential areas and may be freestanding or located within larger parks and open spaces.



Neighborhood Pocket Parks



Playgrounds

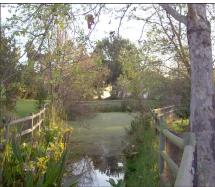


Community Gardens

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Natural Preserve / Hillside / Riparian Areas







Description

Natural Preserves, Hillsides, and Riparian areas shall remain outside the Transect and hence preserved as naturally-disposed open spaces that are typically independent of building frontages or the open space requirements of individual Neighborhoods and Additional Development Areas. Improvements to these areas shall be limited to enhancements to existing landscapes, such as:

- Enhancements to riparian corridors and natural drainages, including tree and/or other native planting, and erosion control.
- 2. Enhancements to native plant landscapes, including the careful clearing and management of invasive plant species, and the re-introduction of native grasses and plants.
- 2. Enhancements to natural drainages for the purposes of stormwater management, including the construction and/or improvement of naturally disposed extended detention basins, natural treatment wetlands, and wet ponds.
- 3. Construction of soft-surface hiking trails that follow existing topography.
- 4. Construction of low-impact outdoor public facilities, such as picnic shelters, exercise stations, or rustic outdoor amphitheaters.
- 5. Community gardens, provided they are located within 50' of a surrounding neighborhood, installed with care, and located to avoid sensitive drainage areas (within 200' of wetlands/riparian corridors).







Size & Location	
Min. Width	N/A
Max. Width	N/A
Acreage	Per Regulating Plan
Character	
Natural	
Passive Open Space	
Irregular/Linear	
Independent of Building From	ntages
Responsibility	
Implementation	Master Developer/Homeowner's
	Association
Operation/Maintenance	City/Homeowner's Association

Restricted Access Natural Areas	
Wildlife Corridors	
Passive Recreation	
Soft-Surface Hiking Trails	
Low-Impact Civic Uses, including Exercise Stations, I	Picnic Shel-
ters, Outdoor Seating, Public Restrooms	
Community Gardens (limited use)	
Stormwater Management Techniques	
Natural/Enhanced Treatment Wetlands & Drainages	
Limited Extended Detention	

Allowed/Typical Uses

Community Parks







Description

Community Parks include larger open spaces available for unstructured recreation and structured recreational facilities. They may be spatially defined by building frontages or landscaping, and typically consist of combinations of formal and naturalistic landscape, combining paths, lawn, and tree plantings. They are often irregular in shape.

Community Parks are larger versions of Neighborhood Parks intended to serve all of the residents of multiple neighborhoods. These parks typically provide larger scaled structured recreational playfields (soccer, baseball, football, ice skating, etc.). Due to their role within the larger community, Community parks should be easily accessible by public transit.







Size & Location	
Min. Width	N/A
Max. Width	N/A
Acreage	Per Regulating Plan

Character

Naturally and Formally Disposed

Combination of areas intended for both passive and active recreation, including structured recreational/athletic facilities.

Irregular/Linear

Independent of Building Frontages

Responsibility	
Implementation	Master Developer/Homeowner's
	Association
Operation/Maintenance	City/Homeowner's Association

Allowed/Typical Uses

Multi-Use Trails and Paths

Community Gardening/Limited Crop Production

Low-Impact Civic Uses, including Picnic Shelters, Outdoor Seat-

ing, Outdoor Amphitheaters, Public Restrooms

Limited Community Facilities, including Meeting Rooms,

Community Centers

Playgrounds

Off-street parking for Community Park users

Structured Recreational Facilities, including Basketball Courts, Swimming Pools, Tennis Courts, Soccer Fields, Football Fields,

Baseball/Softball Fields, Ice skating, etc.

Stormwater Management Techniques

Integrated Runoff

Bioretention BMPs

Extended Detention Basins

Porous Pavers and Landscaping

Neighborhood Parks







Description

Neighborhood Parks include larger open spaces available for unstructured recreation and smaller structured recreational facilities. They may be spatially defined by building frontages or landscaping, and typically consist of combinations of formal and naturalistic landscape, combining paths, lawn, and tree plantings. They are often irregular in shape.

Neighborhood Parks may be centrally located at the geographic heart of Neighborhoods and/or at the intersection of important thoroughfares. They may also be located at the edges of neighborhoods in locations where several residential areas may benefit from recreational amenities, and serve as a transition between developed areas and natural open spaces.







Size & Location	
Min. Width	100' Avg.
Max. Width	N/A
Acreage	.5 – 5 Acres
Character	
Naturally and Formally D	isposed
Passive /Active (Unstructured) Open Space	
Irregular/Regular	
Building Frontage along at least 1 side	
Responsibility	

Association

Implementation

Operation/Maintenance

Master Developer/Homeowner's

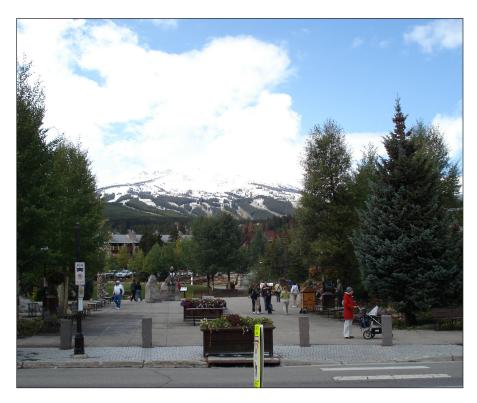
City/Homeowner's Association

Allowed/Typical Uses
Multi-Use Trails and Paths
Community Gardening/Limited Crop Production
Low-Impact Civic Uses, including Picnic Shelters, Outdoor Seat-
ing, Outdoor Amphitheaters, Public Restrooms
Limited Community Facilities, including Meeting Rooms,
Community Centers
Playgrounds
Small Structured Recreational Facilities, including Basketball
Courts, Swimming Pools, Tennis Courts, etc.
Stormwater Management Techniques
Integrated Runoff
Bioretention BMPs

TND - Standards

Extended Detention Basins
Porous Pavers and Landscaping

Plazas & Civic Spaces







Description

Plazas are open spaces available for civic purposes and commercial activities. Numerous plazas add to the vibrancy of streets within more urban sub-areas and create formal open spaces available for civic purposes and commercial activity. Building frontages should define these spaces. The landscape should consist primarily of hardscape. If trees are included, they should be formally arranged and of appropriate scale. Casual seating, along with table and chairs, should be provided.







Size & Location	
Min. Width	40'
Max. Width	300'
Acreage	.5 – 2 Acres
Character	
Formally Disposed	
Passive Open Space	
Regular	
Primarily Hardscape	
Trees and Planting Optional	
Building Frontage on at least 3 sides	S

ides
Subdivider/Homeowner's
Association
City/Homeowner's Association

Allowed/Typical Uses

Passive /Active (Unstructured) Open Space

Civic Uses, including Outdoor Pavilions, Open-Air Shelters,

Outdoor Assembly, Outdoor Seating, Public Restrooms

Commercial Uses, including Farmer's Markets, Outdoor Dining

Playgrounds

Stormwater Management Techniques

Dry Wells & French Drains

Porous Pavers and Landscaping

Neighborhood Pocket Parks







Description

These smaller parks shall be located throughout the plan and provide secondary focal points for neighborhoods and other development areas, typically in the T3 and T4 Transect Zones. These parks accommodate a wide-range of activities and should vary in character, sensitive to the specific needs and surroundings of each. The landscape may be formal or informal with arrangements of trees and shrubs, utilizing the natural landscape of both open and wooded areas, and are typically furnished with paths, benches, and open shelters.

Generally, these parks may be located in public locations, such as the intersection of principal streets, or in more intimate locations, such as mid-block locations or even tucked away from the street. They can be regularly or irregularly shaped.







Min. Width 40'	
Max. Width 300'	
Acreage .1 – 1Ac	res

Character

Formally Disposed

Passive /Active (Unstructured) Open Space

Irregular/Regular

Building Frontage along at least 2 sides

0 0	0	
Responsibility		
Implementation		Subdivider/Homeowner's
		Association
Operation/Maintena	nce	City/Homeowner's Association

Allowed/Typical Uses

Multi-Use Trails and Paths

Community Gardening

Civic Uses, including Picnic Shelters,

Outdoor Seating, Public Restrooms

Playgrounds

Limited Community Facilities, including Meeting Rooms,

Community Centers

Stormwater Management Techniques

Integrated Runoff

Bioretention BMPs

Porous Pavers and Landscaping

Playgrounds







Description

Playgrounds are open spaces designed and equipped for the recreation of children. They shall be interspersed within residential areas so that every Neighborhood or freestanding development area has at least one playground. Playgrounds may be freestanding or located within larger Neighborhood Parks, Pocket Parks, or Civic Spaces.

Playgrounds should serve as quiet, safe places protected from the street and typically in locations where children do not have to cross major, if any, roads to get to. Often playgrounds and tot-lots are located in the center of larger blocks and interspersed within residential areas. An open shelter, play structures or interactive art and fountains may be included with landscaping between. Shaded areas and seating must be provided. Playgrounds may be included within larger parks and public spaces.

TND - Standards
Q_1







Size & Location		
Min. Width	N/A	
Max. Width	N/A	
Acreage	N/A	

Character

Focused Towards Children

Fenced with Minimal Exits

Independent of Building Frontage

Protected from Traffic

Responsibility	
Implementation	Subdivider/Homeowner's As-
	sociation
Operation/Maintenance	City/Homeowner's Association

Allowed/Typical Uses

Passive /Active (Unstructured) Open Space

Low-Impact Civic Uses, including Picnic Shelters,

Outdoor Seating

Play Structures, Interactive Art, Fountains

Stormwater Management Techniques

Bioretention BMPs

Porous Pavers and Landscaping

Pocket Plazas







Description

Pocket plazas function in a similar manner and follow the same rules as the larger plazas. These smaller scaled spaces create more intimate places for seating or dining and provide a place where commercial and neighborhood activity can spill into. These plazas can also be used to create a formal space in front of a prominent building entrance.







Size & Location					
Size & Location					
Min. Width	20'				
Max. Width	50'				
Acreage	.1 – 1 Acres				
Character					
Formally Disposed					
Passive Open Space					
Regular					
Primarily Hardscape					
Trees and Planting Optional					
Building Frontage on at least 3 sides					
Responsibility					

Subdivider/Homeowner's

City/Homeowner's Association

Association

Passive /Active (Unstructured) Open Space			
Civic Uses, including Outdoor Pavilions, Open-Air Shelters,			
Outdoor Assembly, Outdoor Seating			
Commercial Uses, including Farmer's Markets, Outdoor Dining			
Stormwater Management Techniques			
Dry Wells & French Drains			
Porous Pavers and Landscaping			

Allowed/Typical Uses

Implementation

Operation/Maintenance

Community Gardens







Description

Community Gardens are groupings of garden plots that are available to nearby residents for small-scale cultivation. Such gardens may be provided as a component of other publicly-accessible open spaces and/or civic uses, or may be provided as freestanding open spaces. Community Gardens may be provided throughout all Transect Zones.

Community Gardens may be placed within Natural Hillsides, Preserves, and Riparian Areas, provided they are located within 50' of a surrounding neighborhood, installed with care, and located to avoid sensitive drainage areas (within 200' of wetlands/riparian corridors).

Size & Location	
Min. Width	N/A
Max. Width	N/A
Acreage	.1 – 1 Acres

Character

Space Organized for Agriculture

Passive Open Space

Regular Planting Beds

Independent of Building Frontage

Management Responsibility

Subdivider

Allowed/Typical Uses

Gardening/Agriculture

Stormwater Management

Integrated Runoff

Bioretention BMPs

Permeable Paving

c. Additional Standards for All Parks & Open Spaces

Ancillary Structure Standards

All ancillary structures within parks and open space, including, but not limited to open-air pavilions, gazebos, picnic shelters, and outdoor theaters, shall not be subject to the physical requirements of the Building Form Standards in Section 26-152. They shall be designed and furnished to be consistent with the character of the Transect Zone in which they are located. Such consistency may require ancillary structures to maintain building setbacks, frontage, massing, disposition and character similar to adjacent development.

Civic Building Standards

Civic buildings located in larger parks and open spaces, including, but not limited to Community Centers, Meeting Rooms, Public Safety Facilities, Houses of Worship, and Schools, shall not be subject to the physical requirements of the Building Form Standards in Section 26-152. The Planning Director may nonetheless require Civic buildings to maintain building setbacks, frontage, massing, disposition, and character similar to adjacent development.

Lighting Standards

All lighting utilized along streets and thoroughfares shall be Dark Sky compliant and compliant with the CDC.

Landscaping Standards

Publicly accessible parks and open spaces shall utilize high-efficiency irrigation equipment.

All parks and open spaces may accommodate stormwater BMPs, including porous pavers and landscaping, dry wells and french drains, flow-through planters, bioretention basins, vegetated swales, extended detention basins, and natural and constructed wetlands in accordance with their designated Transect Zone. BMPs shall be designed to complement parks and open spaces and shall not adversely impact the use of parks and open space facilities.

All Parks and Open Spaces must be designed, landscaped, and furnished to be consistent with the character of the Transect Zone in which they are located.

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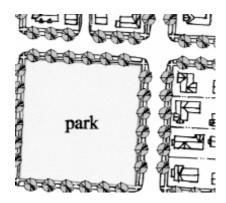
SECTION 8

Sec. 26-187. Design Standards for Subdivisions in the Traditional Neighborhood Development (TND) Zone District shall be added as follows:

Sec. 26-187. Design Standards for Subdivisions in the Traditional Neighborhood Development (TND) Zone District.

- (a) Design Standard for Traditional Neighborhoods. The following design standards for all subdivisions within the TND Zone District and associated Transects and are in addition to the design standards referenced in section 26-183, Standards for all subdivisions. In the event of any conflict between these standards and those located in 26-183, these standards shall apply.
 - (2) Land parcels shall subdivide into a network of interconnected streets, blocks, and publicly accessible open spaces. In order to facilitate orderly development, subdivision of land areas smaller than 20 acres, or larger than 160 acres, shall not be permitted with the exception of any parcels smaller than 20 acres that are leftover from previous TND subdivisions for land within the boundaries of the West of Steamboat Springs Area Plan. This standard does not apply to land zone TND outside the WSSAP boundaries.
 - (3) Gated communities and other residential developments designed to appear or function as walled-off areas, disconnected and isolated from the rest of the community, are prohibited.
 - (4) Streets, sidewalks & trails dedications and construction proposed within a new subdivision shall be interconnected and shall connect with adjacent infrastructure external to the subdivision to provide multiple routes for pedestrian, bicycle and vehicle trips from, to, and within the subdivision. Street, sidewalk & trail stubs must be provided to adjacent undeveloped land to ensure an integrated street network is achieved over time. At a minimum, street connections shall be established in accordance with an approved regulating plan and/or shall be at intervals which adhere to block face standards as outlined in 26-187 (d).
 - (5) Streets shall be designed to create a grid-like, interconnected network similar to that of Old Town Steamboat Springs.

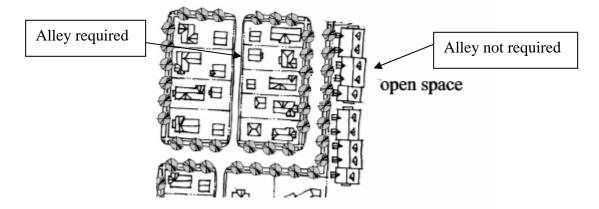
(6) Along public parks and civic uses, public access and visibility shall be maintained through the use of single-loaded frontage streets on one side of the park (those with development on one side and parks or open space on the other).



(7) Bike and pedestrian paths or other methods of frontage that provide similar access and visibility are required, where possible, for natural open spaces including creeks and drainages. Pedestrian access to and along creeks and riparian corridors may need to be restricted to flatter areas (e.g. beyond top of bank, natural benches) where grading needs and erosion potential are minimal, and where sensitive environmental resources require protection.

(b) Streets

- (8) Complete streets, alleys, and trails shall comply with the palette of streets, alleys, and trails as described in the City's TND Street standards as they correspond with their anticipated Transect Zones, in organizing principal and secondary access to development.
- (9) The use of cul-de-sac streets shall be prohibited.
- (10) Alleys or Rear Lanes are required within the SD, T5-TC and T4-NC Transect Zones. Alleys or Rear Lanes are required within the T3-NG2 and T3-NG1 Transect Zones except for lots that are bounded on the rear lot line by open space.



- (11) Where Alleys or Rear Lanes are not required in the T3-NG1 and T3-NG2 Transect Zones, front loaded access is permitted.
- (c) Traffic calming measures
 - (12) Traffic calming measures shall be in accordance with the City's TND Street Sections.

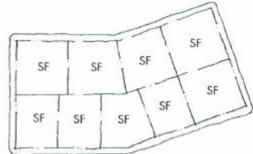
(d) Blocks

- (13) A block face is determined by its bounding streets and/or the parks and open space that provide pedestrian access, excluding alleys. The measurement of a block face shall be at the lot lines bounding the streets and/or parks and open space. Parks used to define block boundaries must be no less than the average lot size within the block face.
- (14) Block faces shall be in the range of 150' to 400' in length in the SD, T5-TC and T4-NC Transect Zones and in the range of 300' to 600' in the T3-NG2, T3-NG1 and T2-NE Transect Zones to provide maximum pedestrian connectivity.
- (15) Block faces that are bounded by open space on the rear lot lines may be permitted, without variance, to increase the maximum block length with the inclusion of an interconnected paseo, secondary or tertiary park space at the frequency of the block standard.
- (16) Blocks shall be in compliance with the intersection standards established for the street types described in the City's TND Street Sections.

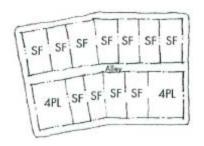
- (17) Block perimeters as measured at the lot lines shall not exceed 1,600' within the SD, T5-TC, T4-NC, and T3-NG2 Transect Zones. Block perimeters shall not exceed 2,000' within T3-NG1 and T2-NE Transect Zones.
- (18) Blocks with perimeters greater than 1,600' and less than 2,000' are required to utilize paseos to maintain an interconnected pedestrian system.
- (19) When variances to the block face or block perimeter standards are proposed, paseos are required to maintain an interconnected pedestrian system.

(e) Lots

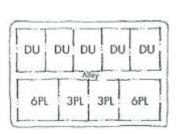
- (20) Blocks shall be subdivided into lots of allowable widths and depths as described in Article V, Section 26-152, Building Form Standards, in accordance with the corresponding Transect Zones as they are illustrated on the Regulating Plan.
- (21) Lots shall be classified to accommodate specific building types described in Article V, Section 26-153, Building Type Standards.
- (22) Blocks shall provide a variety of lot and building types to ensure sufficient diversity. The diagrams below are intended only to provide examples of lot building type mixtures that meet each standard. Other building type mixtures that meet the standards are permitted.
 - a. Blocks in the T2-NE Transect Zone have no building type mix requirement.

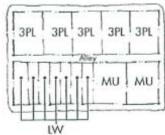


b. Blocks in the T3-NG1 Transect Zone shall provide a minimum of two building types per block.

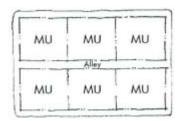


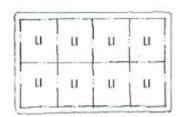
c. Blocks in the T3-NG2 and T4-NC Transect Zones shall provide a minimum of three building types per block. Fewer building types may occur on block faces that consist completely of Mixed-Use Building Types and/or Large Format Retail Building Types.



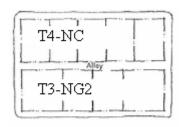


d. Blocks in the T5-TC and SD Transect Zones have no building type mix requirement.





- (23) When applying Transect Zones from the Regulating Plans, transitions of lots and building types shall be implemented as follows:
 - a. Transitions between SD, T5-TC, T4-NC or T3-NG2 Transect Zones and any abutting zones shall occur across alleys or rear lanes. Transition between T5-TC and T4-NC may occur at midblock.



- b. Transitions between T3-NG1 and T2-NE Transect Zones are encouraged to occur along streets.
- (24) Lots shall be graded in accordance with the Hillside Standards as described in Article V, Section 26-153, Building Type Standards.
- (f) Parks and Open Space Requirements
 - (25) The standards in this section intend to provide all new subdivisions with a diverse palette of parks and other publicly accessible open spaces that comprise essential components of mixed-use neighborhoods and are organized into three different types: Primary, Secondary, and Tertiary Parks and Open Space Types as further described in Section 26-154.
 - (26) At time of subdivision, the following Parks and Open Space requirements apply in addition to general conformance with an adopted Regulating Plan:
 - a. One or more Secondary Park Type, which includes Neighborhood Parks and Plazas & Civic Spaces, shall be committed to each subdivision so that 80% of all lots within any given subdivision are within ¼ mile (1320 feet) of a Secondary Park (this may include Secondary Park Space that has already been committed by a previously approved subdivision).
 - b. One or more Tertiary Park Types, which include
 Neighborhood Pocket Parks, Playgrounds, Plazas, Pocket
 Plazas, and Community Gardens shall be provided in each
 subdivision so that 100% of all lots within any given
 subdivision are within 1/6 mile (880 ft) of a Tertiary Park
 Space (this may include Tertiary Park Space that has already
 been committed by a previously approved subdivision).
 - c. The combined size of all Parks (Primary, Secondary, and Tertiary) within a subdivision (except within a Special

District) shall be at least 3% of the total acreage of the subdivision except where a comparable amount of publicly accessible park space already exists within 1/6 mile (880 ft) or has been committed. When applying this standard, qualifying publicly accessible open spaces shall exclude planting strips within street right-of-ways, open space provided on lots with private (i.e. publicly inaccessible) buildings, natural preserves, steeply-sloped hillside areas, riparian corridors, sensitive habitat areas, and any areas within a Park or Open Space that are considered inappropriate for passive or active recreation.

d. The integration of storm water drainage facilities and water quality features within Parks is encouraged where they are compatible with the intended open space use. Upon approval of the Public Works Director and Planning Director, the combined use areas can account towards the open space acreage.

SECTION 9

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 10

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 11

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 12

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.

	ERED PUBLISHED, as provided by law, by oat Springs, at its regular meeting held on the 09.
ATTEST:	Paul Antonucci, President Steamboat Springs City Council
Julie Franklin, CMC City Clerk	
FINALLY READ, PASSED, 2009.	AND APPROVED this day of
ATTEST:	Paul Antonucci, President Steamboat Springs City Council
Julie Franklin, CMC City Clerk	

AGENDA ITEM # 09

CITY OF STEAMBOAT SPRINGS, COLORADO

OF	RDI	NAN	ICE	NO.	

AN ORDINANCE AMENDING CHAPTER 26 OF THE STEAMBOAT SPRINGS REVISED MUNICIPAL CODE, COMMONLY REFERRED TO AS THE STEAMBOAT SPRINGS COMMUNITY DEVELOPMENT CODE, TO REVISE AND SUPPLEMENT EXISITNG DEFINITIONS AND USE CRITERIA CONTAINED IN SEC. 26-402 DEFINITIONS AND USE CRITIRIA.

WHEREAS, the City Council adopted the revised Community Development Code as Ordinance #1802 on July 23, 2001; and

WHEREAS, the City of Steamboat Springs is committed to a regular, ongoing review of the Community Development Code so that the provisions contained therein are relevant and applicable to the community at any given point in time; and

WHEREAS the City Council has determined existing definitions and use criteria contained in Sec. 26-402 are appropriate for modification and in some cases additional definitions and use criteria are warranted to reflect the changes in the regulatory environment.

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

SECTION 1

Sec. 26-402 Definitions and Use Criteria shall be revised as follows:

Sec. 26-402 Definitions and Use Criteria

Animal kennel. A commercial establishment with indoor and/or outdoor facilities for the keeping, breeding, boarding or training of animals; or a noncommercial operation with six (6) or more adult animals.

- (1) Use criteria.
 - a. Review shall be prior to development or building permit, as applicable.
 - b. All outdoor areas where animals are kept are to be

- effectively screened from the public right-of-way and any pedestrian pathways.
- c. Outdoor kennel areas shall utilize noise buffering techniques in compliance with Section 26-146, Performance Standards.
- d. Outdoor kennel areas shall limit animal holding hours to between 7am and 7pm to minimize conflicts with adjacent uses.
- c. Shall not be located immediately adjacent to property zoned OR, RE, RN, RO, MF, and MH. (City-owned OR lands and open space that has been designated in a commercial or industrial subdivision shall not be included in this classification and for the purposes of this definition, a public right-of-way shall not separate property. Example: If a property proposing this use is located across a street from a RE zoned property, this criteria would be applicable.)

Child care center, large. A facility that provides less than twenty-four-hour care for thirteen (13) or more children and is operated in accordance with the rules and regulations of the state department of social services.

(1) Use criteria.

- a. Review shall be prior to development or building permit, as applicable.
- b. Fencing or other approved enclosure as determined by the director shall enclose outdoor play areas to protect children and adjacent uses and properties.
- c. Pedestrian connections shall be required from all parking areas, loading areas, and access streets to all public entrances to the child care center. Pedestrian facilities shall be designed and located to ensure safety of all users of the facility.
- d. Loading and unloading areas shall be located to prevent conflicts with traffic as determined the director.
- e. Snow storage space shall be provided in accordance with section 26-144.

f. The child care center shall comply with all applicable local and state health, fire, and building codes and licensing regulations, if any.

Commercial, medium. A single establishment/tenant space with a minimum of 3,001 square feet and a maximum of 8,000 square feet of net floor area that is devoted to the indoor sale or rental of goods and merchandise to the general public for personal or household consumption, or to services incidental to the sale or rental of such goods or merchandise. This does not include sexually oriented bookstores and businesses.

(1) Use criteria.

- a. Review shall be prior to development or building permit, as applicable.
- Loading and unloading areas shall be located to prevent conflicts with traffic as determined by the director.

Commercial, over 12,000 square feet **and under 40,000 square feet**. A single establishment/tenant space with a minimum of 12,001 square feet of net floor area that is devoted to the indoor sale or rental of goods and merchandise to the general public for personal or household consumption, or to services incidental to the sale or rental of such goods or merchandise. This does not include sexually oriented bookstores and businesses. All commercial development in this category shall be subject to review through the PUD process.

(1) Use criteria.

- a. Review shall be prior to development or building permit, as applicable.
- b. Loading and unloading areas shall be located to prevent conflicts with vehicular and pedestrian traffic as determined by the director.
- c. Pedestrian connections shall be required between parking areas and public entrances to the commercial use.

Health club. A commercial recreational facility for activities such as exercising, swimming, racquetball and tennis.

(1) Use criteria.

- a. Review shall be prior to development or building permit, as applicable.
- b. Pedestrian connections shall be required between parking areas and public entrances to the health club use.

Park. An area permanently devoted to recreational uses and generally characterized by its natural, historic or landscaped features, and used for both passive and active forms of recreation design to serve the residents of a neighborhood, community, region and/or state.

- (1) Community Park. Designated to meet community based recreational needs, as well as preserving unique landscapes. Should serve two (2) or more neighborhoods.
- (2) Neighborhood Park. A landscaped public space, typically between .5 and 5 acres that serves as the recreational and social focus of the surrounding neighborhood.
- (3) Neighborhood Pocket Park. A smaller landscaped public space, typically between .1 and 1 acre that provides secondary focal points for the surrounding neighborhoods and may include active uses such as playground equipment.
- (4) Playground. An outdoor recreation facility that may provide a variety of recreational opportunities including playground equipment, areas for passive recreation and picnicking, and sport and active recreation facilities.
- (5) Plaza & Civic Spaces and Pocket Plaza. A primarily hardscaped public space. Plazas typically range in size from .5-2 acres, while pocket plazas are much smaller, ranging in size from .1 to 1 acre.

Recreation, indoor. A commercial use conducted entirely within an enclosed structure, including but not limited to uses such as video game arcades, teen clubs, stadiums and paint ball facilities.

(1) Use criteria.

a. Review shall be prior to development or building permit, as applicable.

b. For all zone districts except for CN, CY and TND, the facility shall not exceed 6,000 square feet. In the CN and CY zone districts, the facility shall not exceed 3,000 square feet. Facilities located on Oak Street, shall only be permitted on the south side of Oak Street.

Secondary unit. A residential unit ancillary to a principal dwelling unit, located on the same lot where the principal dwelling unit is located. A secondary unit is allowed on a registered legal nonconforming lot that does not meet the minimum lot area for the zone district provided it can meet all other requirements for the development of the registered legal nonconforming lot.

(1) Use criteria.

- a. *Review.* Review shall be prior to or concurrently with a development or building permit, as applicable.
- b. *Inclusions.* A secondary unit is an independent dwelling unit with a sleeping area, bathroom and kitchen.
- c. Zoning. Secondary units shall be allowed in, RE-1/S, RE-2/S, RN-1, RN-2, RN-3, RO, MF-1, MF-2, MF-3, G-1, CN, CY Zone Districts or T2-NE, T3-NG1, T3-NG2, T4-NC Transect Zones. This criterion is absolute and may not be varied or waived through the public review process. Secondary units in the I Zone District are allowable only after review and approval as a conditional use.
- d. Vehicular access. Lots that share a common access with other lots must submit a signed letter to the director from all owners or easement holders of such access stating that there is no objection to a secondary unit. The principal unit and secondary unit shall share the same access unless access to the secondary unit is available and feasible from an alley. This criterion shall not apply to lots that have the minimum lot area for a duplex in the RN-1, RN-2, RN-3, RO, CN, or CY Zone Districts.
- e. *Parking.* Parking shall be provided on site for secondary units in accordance with section 26-137 and shall be arranged so that it does not obstruct access to neighboring properties and does not eliminate any existing front yard landscaping.

- f. Secondary unit appearance and entrances. Attached principal and secondary units may have only one front entrance and should appear from the street to be a single-family dwelling and not a duplex structure. Other entrances must be on the side or in the rear of the structure or in a location that is concealed when viewed from points along the front setback. A common entrance foyer with entrances leading from the foyer to each of the units is preferred. Detached secondary units in accessory structures are allowed.
- g. Prohibitions. No secondary unit shall be allowed in a duplex structure or on the same lot as a duplex structure except in an accessory structure in the TND Zone District.
- h. Size limitation. The secondary unit shall be no larger than six hundred fifty (650) square feet whether located in a principal or accessory structure. This size shall be calculated from the interior side of secondary unit walls to the interior side of secondary unit walls excluding mechanical rooms, stairwells and those areas with a height of less than five (5) feet. When located in an accessory structure, the size of the accessory structure is required to comply with the maximum size of accessory structures as provided in this article.
- i. Occupancy. The property owner shall reside on the same property that the secondary unit is located on. Extended vacations for one year or less and/or periods of time including but not limited to such time as sabbaticals for one year or less do not constitute violation of this criterion.
- j. Terms of rental. The secondary unit may not be leased or rented for periods of time less than twenty-nine (29) days. Rental of a secondary unit as a vacation home rental is prohibited.
- k. Accessory structure. In RE-1/S, RE-2/S, RN-1, RN-2, RN-3, CN, or CY, when a secondary unit is located within an accessory structure, the secondary unit must comply with accessory structure criteria as listed in this section and must also comply with the principal structure setbacks for the applicable zone district. Where a secondary unit is to be located in an existing accessory structure, this criterion shall not be applicable

SECTION 2

Sec. 26-402 Definitions and Use Criteria shall be revised with the following additions:

Sec. 26-402 Definitions and Use Criteria

ATM. An automated teller machine (computerized, self-service machine used by banking customers for financial transactions, including deposits, withdrawals and fund transfers, without face-to-face contact with financial institution personnel), located outdoors at a bank, or in another location. Does not include drive-up ATM's.

Block. A unit of land bounded by streets or by a combination of streets and public lands, rail road right of way, waterways or any other barrier to the contiguity of development.

Block Face. A segment of a block as measured from the intersection of the corner lot with its bounding street and/or parks and open space.

Building Type. A categorization of a structure based on its function, its disposition on a lot, and its configuration (including frontage and height).

Build-to Line (BTL). A regulatory line along which a building façade must be placed.

Bungalow Court (also Courtyard House, Patio House). A grouping of single family dwellings (or a single family dwelling within such a group), which surround a central shared court that provides pedestrian access to all of the units.

Business Support Service. An establishment within a building that provides services to other businesses. Examples of these services include: Computer-related services (rental, repair), copying, quick printing, and blueprinting services, film processing and photo finishing (retail), mailing and mailbox services.

Commercial, over 40,000 square feet. A single establishment/tenant space with a minimum of 40,001 square feet of net floor area that is devoted to the indoor sale or rental of goods and merchandise to the general public for personal or household

consumption, or to services incidental to the sale or rental of such goods or merchandise. This does not include sexually oriented bookstores and businesses. This use is only allowed in a Use Overlay – Large Format Retail District designated on a Regulating Plan.

Community Garden. A site used for growing plants for food, fiber, herbs, flowers, and others which is shared and maintained by community residents.

Density, Gross. The number of dwelling units per acre within a specified quantity of land inclusive of road right-of-way, parks, alleys, paseos etc.

Density, Net. The number of dwelling units per acre within a specified quantity of land exclusive of road right-of-way, parks, alleys, paseos, etc.

Depth, Ground-floor Commercial Space. The depth of the ground-floor space available to a commercial tenant.

Dwelling, Residential Component of a Mixed-Use Project. The dwelling(s) located within a mixed-use building.

Encroachment. Any building or frontage element, such as a balcony, porch, stoop, gallery, loading dock, bay window, fence, garden wall, etc., that extends across a setback, build-to-line, or property line. Allowable encroachments in the TND zone district include those depicted in the allowable frontage types in addition to bay windows and other similar architectural features.

Farmers' Market. The temporary use of a site for the outdoor sales of food, farm produce, and arts & crafts items.

Flex Space. A space within a building that is designed to accommodate either retail or residential uses. The uses within a flex space may change over time in response to current market conditions.

Formally Disposed. Composed or designed so as to create an orderly, regular, and symmetrical effect. Used especially of landscaping. See also: Naturally disposed.

Frontage. The area between a facade and the curb of the vehicular lanes inclusive of it's built and planted components. This area may be within the public right-of-way and/or a private setback.

Frontage Type. The manner in which a structure is oriented toward its frontage.

Gallery. A roofed promenade extending along the facade of a building and supported by columns on the outer side. See Figure 26-402-1.



Gallery

Grid-Like. A street and block system typically resulting in formal, regular, rectangular blocks and resulting in four way street intersections.

Ground Floor Ceiling Height. Height from finished floor to finished ceiling or finished floor of the above floor of primary rooms on the ground floor not including secondary rooms such as bathrooms, closets, utility rooms, and storage spaces. See Sec. 26-152 for clarification.

Ground Floor Finish Level. Height difference between the Front Property Line and the finish level of the ground floor. In the case of a loading dock frontage that serves as the public Right-of-Way, the Floor Finish Level is the height of the walk above the adjacent street. Regulations for ground floor finish level for ground floor residential uses do not apply to ground floor lobbies and common areas in multi-unit buildings.

TND - Definitions

Large Format Retail: See Commercial Over 40,000 square feet.

Live/Work Unit. See Mixed-Use.

Mansion Apartment. A multi-tenant building having the appearance of a very large single family dwelling.

Media Production. Facilities for motion picture, television, video, sound, computer, and other communications media production.

Mixed-Use. The combination of multiple, different non-residential and/or residential uses in the same building, encouraging compactness and pedestrian activity. Residential and office uses are typically placed above ground-floor street frontage commercial.

Naturally Disposed. Composed or designed so as to preserve or replicate organically occurring conditions, usually incorporating irregular shapes and asymmetry. Used especially of landscaping. See also: Formally disposed

Neighborhood. An urbanized area of at least 20 acres, but not more than 160 acres, that provides a mix of housing types, parks, open space and commercial, where appropriate. A Neighborhood is based upon a partial or entire Pedestrian Shed and provides many activities of daily living within walking distance of each other. The physical center of the Neighborhood is typically located at an important traffic intersection associated with a civic institution, commercial center, or public open space.

Outdoor storage area. A lot or a portion of a lot used for the unenclosed storage of goods for more than twenty-four (24) consecutive hours.

(1) Use criteria in the TND Zone District.

- a. The commercial or industrial land shall not have frontage that is either directly adjacent to, or are separated only by open space from US Highway 40.
- b. Outdoor storage materials must be resistant to damage or deterioration from exposure to the outside environment.
- c. Outdoor storage shall not be permitted within any

- applicable setback, public right-of-way, or in landscaped areas.
- d. **Outdoor storage shall not be permitted to impede** any vehicular or pedestrian building entrances or access ways.
- The height of outdoor storage materials shall be no e. greater than fifteen (15) feet.
- f. All outdoor storage materials must be fully screened. Screening may be provided by existing buildings, opaque fencing, landscaped berming or landscaping of sufficient height to screen the outdoor storage materials. No chain link fencing with slats or environ screens are permitted. The director shall have the ability to approve or disapprove of any proposed screening method.

Paseo. A pedestrian alley. Pedestrian alleys are located and designed to reduce the required walking distance within a neighborhood.

Pedestrian Shed. The basic building block of walkable neighborhoods. A pedestrian shed is the area encompassed by the walking distance from a neighborhood center and are defined as the area covered by a 5-minute walk (about 0.25 miles or 1,320 feet). They may be drawn as perfect circles, but in practice ped sheds have irregular shapes because they cover the actual distance walked, not the linear (crow flies) distance.

Performing Arts Facility. An indoor facility for group entertainment, other than sporting events. Examples of these facilities include: Civic theaters, facilities for "live" theater and concerts.

Podium Courtyard. An elevated courtyard located above groundfloor retail or parking structures fronted with residential or commercial uses. Podium courtyards are intended to provide light and air circulation to upper-floor uses within a building that has a large footprint.

Porch. An unenclosed structure abutting a dwelling having a roof used as an outdoor living area. Porches may include a second story enclosed living area that shall not exceed the footprint of the porch below.



Porch

Porch with Living Area above

Printing & Publishing. An establishment engaged in printing by letterpress, lithography, gravure, screen, offset, or electrostatic (xerographic) copying; and other establishments serving the printing trade such as bookbinding, typesetting, engraving, photoengraving and electrotyping. This use also includes establishments that publish newspapers, books and periodicals; establishments manufacturing business forms and binding devices. "Quick printing" services are included in the definition of "Business Support Services."

(1) Use criteria.

- a. Review shall be prior to development or building permit, as applicable.
- b. Uses proposed as part of a mixed-use project (e.g. on the ground floor of a multi-story building with differing uses on upper floors) shall demonstrate adequate buffering and/or sound isolation in compliance with Section 26-146, Performance Standards.

Regulating Plan. A plan or map of the regulated area designating the locations where different Transect Zones are located and which

Building Form and Building Type Standards apply that define the physical character of the area being coded.

Residential Care. A single dwelling or multi-unit facility, licensed or supervised by a Federal, State, or local health/welfare agency, that provides 24-hour non-medical care of unrelated persons who are disabled and in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual in a family-like environment. Does not include day care facilities, which are separately defined.

Small, in a Home. See Group Home.

Large. A residential care facility that provides care, supervision, or assistance for 9 or more clients

Rowhouse. An attached dwelling separated from others in a row by a vertical unpierced wall extending from basement to roof.

Storage Facility, Personal Indoor. Structures containing generally small, individual, compartmentalized stalls or lockers rented as individual storage spaces and characterized by low parking demand.

(1) Use criteria.

- a. Personal Storage Facilities shall not exceed 10,000 square feet in size.
- b. All storage areas shall be accessed from within the structure.
- c. Exterior accesses to units shall not be visible from the Public Right of Way, excluding alleys.

Studio. Small-scale facilities not exceed 5,000 square feet of net floor area. Examples of these facilities include: Individual and group instruction and training in the arts; production rehearsal; photography, and the processing of photographs produced only by users of the studio facilities; martial arts training studios; gymnastics instruction, and related aerobics and gymnastics studios, such as yoga or pilates. Also includes production studios for individual musicians, painters, sculptors, photographers, and other artists.

Transect. (As defined by the SmartCode, Volume 6.5, 2005) A

geographical cross-section of a region used to reveal a sequence of environments. For human environments, this cross section can be used to identify a set of habitats that vary by their level and intensity of urban character, a continuum that ranges from rural to urban. In transect planning, this range of environments forms the basis for organizing the components of the built world, including building, lot, land use, street, and all of the other physical elements of the human habitat. See also: Transect Zone.

Transect Zone. (As defined by the SmartCode, Volume 6.5, 2005)
A division of a Transect that describes a place by the ratio of its natural to built components. Transect zones range from T1 (rural) to T6 (urban). Transect Zones are administratively similar to the land use zones in conventional codes, except that in addition to the usual building use, density, height, and setback requirements, other elements of the intended habitat are integrated, including those of the private lot and building and the enfronting public streetscape. The elements are determined by their location on the Transect scale. Not to be confused with a Zone District.

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 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 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.

TND - Definitions

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.

	RDERED PUBLISHED, as provided by law, by imboat Springs, at its regular meeting held on the 2009.
ATTEST:	Paul Antonucci, President Steamboat Springs City Council
Julie Franklin, CMC City Clerk	
FINALLY READ, PASSED, 2009.	AND APPROVED this day of
ATTEST:	Paul Antonucci, President Steamboat Springs City Council
Julie Franklin, CMC City Clerk	

AGENDA ITEM # 10

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: September 29, 2009 – 1st reading of Zoning Ordinance

October 13, 2009 – 2nd reading of Zoning Ordinance

RE: Steamboat 700 Zoning Ordinance (ZMA-09-04)

NEXT STEP: If the First Reading of the Ordinance is passed, a Second Reading is

scheduled for October 13, 2009

X ORDINANCE RESOLUTION

X MOTION

DIRECTION

INFORMATION

PROJECT NAME: Steamboat 700 Zoning Ordinance (ZMA-09-04)

PETITION: Official Zoning Map Amendment to zone newly annexed property

Traditional Neighborhood Design (TND) conditional upon annexation and the adoption of TND amendments to the Community Development Code

(CDC).

LOCATION: 485 +/- acres outside of the existing city limits located west of the Steamboat

Springs Airport, West Acres trailer park existing city limits and east of

County Road 42

APPLICANT: Steamboat 700 LLC (Danny Mulcahy, Jim Zeiter, Mark Fine, Michael

Werner) c/o Peter Patten, Patten Associates, 2145 Resort Drive Suite

110, Steamboat Springs CO, 80487 (970) 871-9111

PC ACTION: Planning Commission unanimously recommended approval of the Zoning

Map Amendment application 6 - 0; Commissioners Dixon, Hanlen, Fox,

Lacy, Levy and Beauregard voted in favor.

CITY COUNCIL COMMUNICATION FORM

Zoning Map Amendment for Steamboat 700 Annexation, #ZMA-09-04 September 29, 2009

I. <u>RECOMMENDED MOTION</u>

The Planning Commission recommends approval of the draft ordinance for an Official Zoning Map Amendment to zone newly annexed property Traditional Neighborhood Design (TND) conditional upon annexation and the adoption of TND amendments to the Community Development Code (CDC).

II. <u>BACKGROUND INFORMATION</u>

The proposed rezoning is required if annexation is approved. The TND zone district has been created based on the direction of the West Steamboat Springs Area Plan to encourage a mixed use and pedestrian friendly development pattern.

Per the ordinance, this rezoning will be contingent upon annexation and the adoption of TND amendments to the Community Development Code (CDC).

III. PRINCIPAL DISCUSSION ITEMS:

Please see the Planning Commission Report, Section V for a detailed analysis of the required findings for the proposed Zoning Map Amendment. This report is included as Attachment 1.

IV. <u>LIST OF ATTACHMENTS</u>

Attachment 1- September 17, 2009 Planning Commission Report



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT STAFF REPORT

PLANNING COMMISSION AGENDA ITEM # 4:									
Project Name:	Steamboat 700 annexation - TND zoning, #ZMA-09-04								
Prepared By:	John Eastman, AICP Planning Services Manager (Ext 275)	Project Location							
Through:	Tom Leeson, AICP Planning and Community Development Director								
Planning Commission (PC):	September 17, 2009	Location: West Steamboat							
City Council (CC):	September 29, 2009 First Reading	ologin pod.							
	October 13, 2009 Second Reading	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1							
Existing Zoning:	No City Zoning: Parcel is currently located in unincorporated Routt County								
Applicant:	Steamboat 700 LLC (Danny Mulcahy, Jim Zeiter, Mark Fine, Michael Werner) c/o Peter Patten, Patten Associates, 2145 Resort Drive Suite 110, Steamboat Springs CO, 80487 (970) 871-9111								
Request:	Official Zoning Map Amendment to zone newly annexed property Traditional Neighborhood Design (TND) conditional upon annexation and the adoption of TND amendments to the Community Development Code (CDC).								

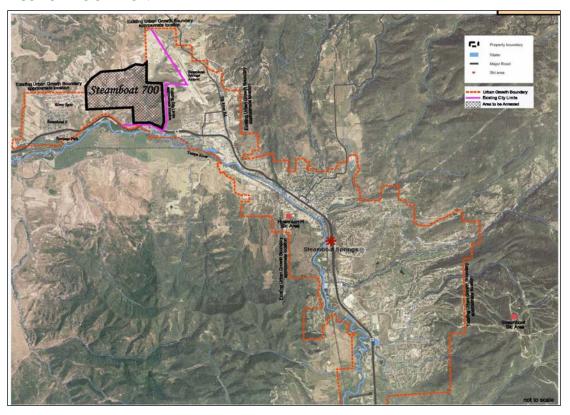
Staff Report - Table of Contents					
Section P					
I.	Staff Finding	4-2			
II.	Project Location	4-2			
III	III Background Information 4				
IV.	Project Description	4-3			
V.	Staff/Agency Analysis	4-3			
VI.	Attachments	4-4			

PC Hearing: 09/17/2009 CC Hearing: 09/29/2009 CC Hearing: 10/17/2009

I. STAFF FINDING

Staff finds this Zoning Map Amendment to rezone the Steamboat 700 annexation area to Traditional Neighborhood Design "TND" to be in compliance with the Community Development Code criteria for approval for an Official Zoning Map Amendment. The finding is contingent upon annexation of the property and adoption of TND amendments to the CDC.

II. PROJECT LOCATION



III. BACKGROUND INFORMATION

The subject property is 487 acres of land located in unincorporated Routt County immediately west of the City limits that is currently being considered for annexation.

IV. PROJECT DESCRIPTION

The proposed rezoning is required if annexation is approved. The TND zone district has been created based on the direction of the West Steamboat Springs Area Plan to encourage a mixed use and pedestrian friendly development pattern.

PC Hearing: 09/17/2009 CC Hearing: 09/29/2009 CC Hearing: 10/17/2009

V. STAFF / AGENCY ANALYSIS

Criteria for Review and Approval

In considering any petition for amendment to the Official Zoning Map, the following criteria contained in Section 26-62 shall govern unless otherwise expressly required by the CDC. The ordinance approving the rezoning amendment shall be approved and adopted only if it appears by *clear and convincing* evidence presented during the public hearing before City Council that the following conditions exist:

- (1) **Justification.** One of the following conditions exists:
 - a) The rezoning is necessary to correct a mistake in the current zoning map; or
 - b) The amendment to the overlay zone district was an error; or
 - c) The rezoning is necessary to respond to changed conditions since the adoption of the current zoning map; or
 - d) The rezoning will substantially further the Community Plan's Preferred Direction and Policies, or specific area plans, and the rezoning will substantially conform to the Community Plan Land Use Map designation for the property, or is accompanied by an application for an amendment to the Community Plan Land Use Map and the amendment is approved prior to approval of the requested zoning map amendment.

Staff Finding:

Staff finds this request is consistent with justifications (c) and (d). The rezoning is necessary to respond to the changed conditions, principally the proposed annexation of the property since the adoption of the current zoning map. The rezoning furthers the direction of the Community Plan through the implementation of zoning consistent with the goals of the WSSAP.

(2) **Compatibility with Surrounding Development.** The type, height, massing, appearance and intensity of development that would be permitted by the proposed amendment will be compatible with surrounding zone districts, land uses, and neighborhood character, and will result in a logical and orderly development pattern within the community.

Staff Finding:

Staff finds the proposed zone change is consistent with surrounding development and neighborhood character. The Regulating Plan which governs land uses and development patterns within the TND district has been refined through the public review process to create a logical and orderly development pattern that is compatible with surrounding land uses.

PC Hearing: 09/17/2009 CC Hearing: 09/29/2009 CC Hearing: 10/17/2009

Advantages vs. Disadvantages. The advantages of the zone district proposed substantially outweigh the disadvantages to the community and/or neighboring land occasioned by the zoning amendment; and

Staff Finding:

Staff finds the advantages of rezoning the property outweigh the disadvantages to the community and/or neighboring lands. The rezoning of this parcel provides substantial advantages to the community as considered during the annexation review.

(3) Consistent with Purpose and Standards of Zone District. The amendment will be consistent with the purpose and standards of the zone district to which the property is proposed to be designated.

Staff Finding:

This amendment will be consistent with the purpose and standards of the TND zone district which is intended to provide areas for mixed use walkable neighborhoods.

(4) Effects on Natural Environment. That the proposed amendment will not result in significant adverse effects on the natural environment, including water quality, air quality, wildlife habitat, vegetation, wetlands, and natural landforms.

Staff Finding:

The proposed amendment will not result in any significant adverse effects on the natural environment. Future development will adhere to all applicable development standards.

V. LIST OF ATTACHMENTS

1. Draft Ordinance (by request)

CITY OF STEAMBOAT SPRINGS, COLORADO

0	R	D	11	1	A۱	V	CE	V	0					

AN ORDINANCE ZONING THE STEAMBOAT 700 PROPERTY, MORE PARTICULARLY DESCRIBED IN ATTACHMENT A, TO TRADITIONAL NEIGHBORHOOD DESIGN (TND); REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, in accordance with Chapter 26, Art. III, Div. 2, Section 26-62 of the Steamboat Springs Revised Municipal Code, a rezoning has been initiated by the property owner to rezone the parcel legally described in Attachment A to TND (Traditional Neighborhood Design); and

WHEREAS, the Planning Commission of the City of Steamboat Springs has considered the same and recommended approval of the rezoning; and finds that the request is in compliance with rezoning criteria, 1(c), 1(d), 2, 3, 4, and 5 of Section 26-62(f) of the Community Development Code;

WHEREAS, the City Council has determined that the zoning map amendment is necessary to allow for the orderly development of the West Steamboat Area; and

WHEREAS, the City Council has determined that the zoning map amendment is consistent with the Steamboat Springs Area Community Plan Future Land Use Plan; and

WHEREAS, the City Council considers that it is in the public interest to rezone the subject property in accordance with the provisions of this Ordinance.

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

Section 1. The City Council specifically finds that the procedures for an Official Zoning Map Amendment within the City of Steamboat Springs as prescribed in Chapter 26 of the Steamboat Springs Revised Municipal Code, have been fulfilled, and the Council hereby approves the rezoning for the subject property as set forth below. The City Council also finds that this ordinance is necessary for the health, safety, and welfare of the community.

Section 2. Pursuant to Chapter 26, Art. III, Div. 2, Section 26-62 of the Steamboat Springs Revised Municipal Code, the parcel legally described in Attachment A is hereby rezoned to TND (Traditional Neighborhood Design).

- Section 3. In accordance with Chapter 26, Art. III, Div.2, Section 26-62 of the Steamboat Springs Revised Municipal Code, the Director of Planning Services is hereby directed to modify and amend the Official Zoning Map of the City to indicate the zoning specified above.
- Section 4. All ordinances heretofore passed and adopted by the City Council of the City of Steamboat Springs, Colorado, are hereby repealed to the extent that said ordinances, or parts, thereof, are in conflict herewith.
- Section 5. If any section, subsection, clause, phrase or provision of this Ordinance is, or the application thereof to any person or circumstance, shall to any extent, be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases and provisions of this Ordinance, or the application thereof to any person or circumstance, shall remain in full force and shall in no way be affected, impaired or invalidated.
- Section 6. The City Council hereby finds, determines and declares that this Ordinance is necessary for the immediate preservation of the public peace, health and safety.
- Section 7. This Ordinance shall take effect immediately upon the later of all of the following:
- 1) 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; **and**
- 2) the effective date of an Ordinance annexing the property described in Attachment A into the City of Steamboat Springs; **and**
- 3) the effective date of an Ordinance approving text amendments to the City of Steamboat Springs Community Development Code creating the TND (Traditional Neighborhood Design) zone district and associated standards.

	RED PUBLISHED , as provided by law, by the t Springs, at its regular meeting held on the 009.
ATTEST:	Paul Antonucci, President Steamboat Springs City Council
Julie Franklin, CMC City Clerk	
FINALLY READ, PASSED, 2009.	AND APPROVED this day of
ATTEST:	Paul Antonucci, President Steamboat Springs City Council
Julie Franklin, CMC City Clerk	

September 14th, 2009

STEAMBOAT 700 INCLUSION AREA EXHIBIT A

Description of a parcel of land located in Lot 4 (NW1/4NW1/4), SW1/4NW1/4, NW1/4SW1/4, Section 1, Lots 1, 5, 6, and 7, SE1/4NE1/4, Section 2, T6N, R85W, and in the SW1/4SW1/4 Section 36, S1/2, Section 35, T7N, R85W, of the 6th P.M., Routt County, Colorado.

Beginning at the NW corner of Section 2;

Thence N 01°00'54" W 549.74 feet along the west line of the SW1/4SW1/4 of Section 35 to the north line of the Urban Growth Boundary Line as shown on the Future Land Use Plan-Urban Growth Area located in Chapter 3 of the Steamboat Springs Area Community Plan as adopted by the City of Steamboat Springs May 4th, 2004.

Thence along said Urban Growth Boundary line the following seven (7) calls;

- 1. Thence N 48°21'59" E 188.63 feet;
- 2. Thence N 38°11'55" E 627.68 feet;
- 3. Thence N 55°47'51" E 1007.25 feet;
- 4. Thence N 87°36'07" E 963.00 feet;
- 5. Thence N 89°12'02" E 579.59 feet;
- 6. Thence N 88°47'53" E 385.54 feet;
- 7. Thence N 64°17'24" E 524.32 feet;
- Thence S 38°06'05" E 144.24 feet;
- Thence N 81°57'45" E 117.17 feet;
- Thence S 26°58'43" E 432.11 feet;

Thence S 52°51'18" E 64.71 feet to a point of curvature from which the radius point bears S 52°51'18" E 360.00 feet;

Thence along said curve to the right a distance of

91.21 feet, with a central angle of 14°31'00", and whose chord bears N 44°24'12" E 90.97 feet;

Thence N 51°39'42" E 261.52 feet;

Thence S 38°20'18" E 100.00 feet;

Thence S 09°04'55" E 58.65 feet to a point of curvature from which the radius point bears S 69°49'32" E 86.57 feet; Thence along said curve to the left a distance of

Page 1 of 4 700INCLU.LEG

173.29 feet, with a central angle of 114°41'11", and whose chord bears S 37°10'07" E 145.77 feet to a point of curvature from which the radius point bears S 04°30'42" E 130.16 feet;

Thence along said curve to the right a distance of 262.55 feet, with a central angle of 115°34'17", and whose chord bears S 36°43'34" E 220.25 feet to a point of curvature from which the radius point bears S 68°56'25" E 175.73 feet;

Thence along said curve to the left a distance of 145.15 feet, with a central angle of 47°19'34", and whose chord bears S 02°36'12" E 141.06 feet to a point of curvature from which the radius point bears S 63°44'01" W 192.24 feet;

Thence along said curve to the right a distance of 220.09 feet, with a central angle of 65°35'55", and whose chord bears S 06°31'59" W 208.27 feet;

Thence S 50°40'04" E 103.80 feet to a point of curvature from which the radius point bears S 02°23'00" E 1367.10 feet;

Thence along said curve to the right a distance of 258.92 feet, with a central angle of 10°51'05", and whose chord bears S 86°57'28" E 258.53 feet to the west line of the SW1/4 of Section 36, T7N, R85W;

Thence S 01°14'04" W 204.69 feet along said west line to the NW corner of the S1/2SW1/4SW1/4 of said Section 36;

Thence S 85°03'46" E 1273.72 feet along the north line of said S1/2SW1/4SW1/4 to the NE corner of said S1/2SW1/4SW1/4;

Thence S 00°25'55" W 649.28 feet along the east line of said S1/2SW1/4SW1/4 to the SE corner of said S1/2SW1/4SW1/4;

Thence S 00°43'59" E 1348.10 feet along the east line of Lot 4 (NW1/4NW1/4) of Section 1 T6N, R85W to the NE corner of the SW1/4NW1/4 of said Section 1;

Thence S 00°43'59" E 1348.12 feet along the east line of said SW1/4NW1/4 to the SE corner of said SW1/4NW1/4;

Thence S 28°40'53" W 613.52 feet along the east line of a parcel of land as described by deed filed with the Routt County Clerk and Recorder appearing in Book 502 at Page 356 to the SE corner thereof. Said SE corner being on the north right-of-way line for US Highway No.40 as shown on the West Steamboat Annexation Map Phase II as filed by plat with the Routt County Clerk and Recorder appearing at File No.10797;

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Thence N 57°50'15" W 88.00 feet along said north line; Thence N 56°20'30" W 471.95 feet along said north line to a point of curvature from which the radius point bears

S 36°24'17" W 1221.00 feet;

Thence along said north line and along said curve to the left a distance of 589.22 feet, with a central angle of 27°38'58", and whose chord bears N 67°25'12" W 583.52 feet to the east line of the NE1/4SE1/4 of Section 2, T6N, R85W;

Thence N 00°02'13" W 49.54 feet along said east line to the SE corner of the SE1/4NE1/4 of said Section 2;

Thence N 88°59'28" W 1298.71 feet along the south line of said SE1/4NE1/4 of Section 2 to the SE corner of Lot 10 of said Section 2;

Thence N 00°32'02" E 1362.19 feet along the east line of said

Lot 10 to the NE corner of said Lot 10;

Thence S 89°07'53" W 1280.26 feet along the north line of said Lot 10 to the NW corner of said Lot 10. Said corner being also the NE corner of a tract of land as described by deed filed with the Routt County Clerk and Recorder appearing at Reception No.600222;

Thence N 85°06'19" W 1192.03 feet along the north line of

said tract of land;

Thence S 88°44'39" W 80.84 feet along the north line of said tract of land;

Thence S 87°55'12" W 19.16 feet along the north line of said tract of land to the NE corner of a tract of land as described by deed filed with the Routt County Clerk and Recorder appearing at Reception No.600221;

Thence S 87°55'12" W 40.23 feet along the north line of said

tract of land;

Thence S 88°44'50" W 1192.39 feet along the north line of said tract of land to its intersection with the southerly projection of the east line of a parcel of land as described by deed filed with the Routt County Clerk and Recorder appearing in Book 211 at Page 472;

Thence N 02°54'50" E 0.28 feet along said east line projected

to the SE corner of said parcel of land;

Thence N 02°54'50" E 1309.81 feet along the east line of said parcel to the NE corner of said parcel and to the north of Lot 7, Section 2;

Thence N 87°57'13" W 59.97 feet along the north line of said Lot 7 to the Point of Beginning.

> Page 3 of 4 700INCLU.LEG

Containing 485.31 Acres more or less.

Bearings are based upon the monumented west line of the SW1/4 of Section 35, T7N, R85W, being N 01°00'54" W. Said monuments being standard GLO brass caps.

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

Inclusion area disk 20 700inclu.leg



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AGENDA ITEM # 11

SECOND READING OF ORDINANCE: An ordinance amending Chapter 26, Article 148 of the Steamboat Springs Revised Municipal Code pertaining to Community Housing, with particular reference to compliance methods; and establishing an effective date.

Staff is requesting this item be postponed to the October 20, 2009

City Council meeting.