

# CITY OF STEAMBOAT SPRINGS

## AGENDA

### REGULAR MEETING NO. 2010-23 TUESDAY, DECEMBER 21, 2010

5:00 P.M.

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

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

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

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

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#### A. ROLL CALL

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#### B. PROCLAMATIONS:

1. **PROCLAMATION:** A proclamation recognizing Superintendent Shalee Cunningham and the Steamboat Springs School District for being Accredited with Distinction by the Colorado Department of Education. (Berry)

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C. COMMUNITY REPORTS/CITY COUNCIL DISCUSSION TOPIC:

2. Discussion of adopting DOW closures on off leash dog parks. (Wilson)
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C. CONSENT CALENDAR: MOTIONS, RESOLUTIONS AND ORDINANCES FIRST READINGS

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

LEGISLATION

3. **RESOLUTION:** A resolution of the City Council of the City of Steamboat Springs, Colorado, finding the change of the Future Land Use designation of the parcel of land known as SCE Subdivision, Lot 2 from Resort Commercial to Resort Residential to be in compliance with the criteria for approval of a minor amendment to the Steamboat Springs Area Community Plan. (Peasley)

*This item was postponed from the December 7, 2010 City Council meeting.*

4. **RESOLUTION:** A resolution supporting the agreement between the City of Steamboat Springs and the State Board of the Great Outdoors Colorado Trust Fund for a \$600,000 grant for the Yampa Valley: River to Ridges Legacy Project, expressing intent to provide matching funds and to authorize the City Manager to sign and execute the grant contract. (DelliQuadri)
5. **RESOLUTION:** A resolution supporting the agreement between the City of Steamboat Springs and the State Board of the Great Outdoors Colorado Trust Fund for a \$200,000 grant for the Howelsen Hill Ski Area Night Lighting project, expressing intent to provide matching funds and to authorize the City Manager to sign and execute the grant contract. (DelliQuadri)

6. **RESOLUTION:** A resolution supporting the agreement between the City of Steamboat Springs and the State Board of the Great Outdoors Colorado Trust Fund for A \$700,000 grant for the Howelsen Hill Summer Ski Jump and Snowmaking Project, expressing intent to provide matching funds and to authorize the City Manager to sign and execute the grant contract. (DelliQuadri)
  7. **FIRST READING OF ORDINANCE:** An ordinance supplementally appropriating funds in 2010 and appropriating reserves therefrom for 2011 for after hours transit service. (Hinsvark)
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**D. PUBLIC HEARING: ORDINANCE SECOND READINGS**

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

8. **SECOND READING OF ORDINANCE:** An ordinance amending Section 14-41 of the Steamboat Springs Revised Municipal Code, which relates to a Municipal Court surcharge, and providing an effective date. (Plumb)
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- E. PUBLIC COMMENT: Public Comment will be provided at 7 p.m., or at the end of the meeting, (whichever comes first).** CITY COUNCIL WILL MAKE NO DECISION NOR TAKE ACTION, EXCEPT TO DIRECT THE CITY MANAGER. **THOSE ADDRESSING CITY COUNCIL ARE REQUESTED TO IDENTIFY THEMSELVES BY NAME AND ADDRESS. ALL COMMENTS SHALL NOT EXCEED THREE MINUTES.**
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- F. CONSENT CALENDAR - PLANNING COMMISSION REFERRALS:** ITEMS ON THE CONSENT CALENDAR GENERALLY REQUIRE LITTLE OR NO COUNCIL DELIBERATION AND MAY BE APPROVED WITH A SINGLE MOTION. A CITY COUNCIL MEMBER MAY REQUEST AN ITEM(S) BE REMOVED FROM THE CONSENT CALENDAR FOR FURTHER DISCUSSION. **ALL ORDINANCES APPROVED BY CONSENT SHALL BE READ INTO THE RECORD BY TITLE.**

PLANNING  
PROJECTS

*There are no items scheduled for this portion of the agenda.*

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**G. PUBLIC HEARING – PLANNING COMMISSION REFERRALS**

**PUBLIC HEARING FORMAT:**

- **Presentation by the Petitioner (estimated at 15 minutes).** Petitioner to state name and residence address/location.
- **Presentation by the Opposition.** Same guidelines as above.

- **Public Comment by individuals (not to exceed 3 minutes).  
Individuals to state name and residence address/location.**
- **City staff to provide a response.**

9. **SECOND READING OF ORDINANCE:** An ordinance rezoning property located in SCE Subdivision, Lot 2; from RE-1 (Residential Estate One – Low Density) Zone District to RR-1 (Resort Residential One – Low Density) Zone District; repealing all conflicting ordinances; providing for severability; and providing an effective date. (Peasley)

*This item has been postponed from the December 7, 2010 City Council meeting.*

10. **SECOND READING OF ORDINANCE:** An ordinance rezoning property located in a portion of Lot 10a, Walton Creek Park Estates (Skyview Subdivision); from MF-3 (Multi-Family Three, High Density) Zone District to CN (Commercial Neighborhood) Zone District; repealing all conflicting ordinances; providing for severability; and providing an effective date. (Peasley)

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## **H. REPORTS**

11. **Economic Development Update.**
  - a. Update. (DuBord)
  - b. Naming Rights process for public facilities. (DuBord)
12. **City Council**
  - a. AGNC and NWCCOG Membership 2011. (Magill)
13. **Reports**
  - a. Agenda Review (Franklin):
    - 1.) City Council agenda for January 4, 2011.
    - 2.) City Council retreat agenda for January 13, 2011.
    - 3.) City Council agenda for January 18, 2011.
14. **Staff Reports**
  - a. City Attorney's Update/Report. (Lettunich)
  - b. Manager's Report: Ongoing Projects. (Roberts)

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## **I. ADJOURNMENT**

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

# AGENDA ITEM # 1

## CITY COUNCIL COMMUNICATION FORM

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**FROM:** Scott Berry (Representing the Community At Large)

**THROUGH:** Kenny Reisman, City Council Member

**DATE:** December 21, 2010

**ITEM:** A proclamation recognizing Superintendent Shalee Cunningham and the Steamboat Springs School District for being Accredited with Distinction by the Colorado Department of Education.

**NEXT STEP:** To support the proclamation recognizing Superintendent Shalee Cunningham and the Steamboat Springs School District for being one of only 14 school districts in the State of Colorado awarded the highest ranking based on student achievement, growth and preparation for the future.

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DIRECTION  
 INFORMATION  
 ORDINANCE  
 MOTION  
 PROCLAMATION

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### **I. REQUEST OR ISSUE:**

A proclamation recognizing Superintendent Shalee Cunningham and the Steamboat Springs School District for being Accredited with Distinction by the Colorado Department of Education.

### **II. BACKGROUND INFORMATION:**

Shalee Cunningham will be present to accept the proclamation on behalf of the Steamboat Springs School District.

### **III. SUMMARY AND ALTERNATIVES:**

Staff recommends City Council support the above noted proclamation.

***A proclamation recognizing Superintendent Shalee Cunningham and the Steamboat Springs School District for being Accredited with Distinction by the Colorado Department of Education.***

**WHEREAS**, the RE-2 School District ranks in the top tier of public education districts in the State of Colorado in the accreditation ratings announced on November 30, 2010 by the Colorado Department of Education; and

**WHEREAS**, the designation is based on outstanding accomplishment in academic achievement; academic growth; gaps in growth levels for a variety of historically disadvantaged subgroups; and success in preparing students for postsecondary and workforce readiness; and

**WHEREAS**, the Colorado Department of Education awarded the highest ranking to only 14 districts in the state; and

**WHEREAS**, Shalee Cunningham and the Steamboat Springs School District were recognized for this special accomplishment in a ceremony in Denver on December 9, 2010 by Governor Bill Ritter and other dignitaries; and

**WHEREAS**, the Superintendent, teachers and staff as well as the Board of Education were recognized by the Steamboat Springs community in a full page newspaper ad in the *Steamboat Pilot and Today* on December 9, 2010 relaying congratulations and gratitude for their contributions to the children of Steamboat Springs and the community as a whole.

**NOW, THEREFORE, BE IT PROCLAIMED**, by the City Council of Steamboat Springs, Colorado, this 21st day of December, 2010 to recognize Shalee Cunningham and the Steamboat Springs School District for their success and to thank them for their continued commitment to the achievement, growth and preparation of Steamboat Springs' students for the future.

**Attest:**

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Julie Franklin, CMC  
City Clerk

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Cari Hermacinski, President  
Steamboat Springs City Council

# AGENDA ITEM # 2

## CITY COUNCIL COMMUNICATION FORM

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**FROM:** Chris Wilson, Parks, Open Space and Recreational Services Director  
(Ext. 317)  
Danielle M. Domson, Colorado Division of Wildlife District Wildlife  
Manager Steamboat Springs South

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

**DATE:** December 21, 2010

**ITEM:** Dog Park closures for the winter by the Colorado Division of Wildlife

**NEXT STEP:** Direct staff on preferred direction based on this discussion

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DIRECTION  
 INFORMATION  
 ORDINANCE  
 MOTION  
 RESOLUTION

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**I. REQUEST OR ISSUE:**

Investigate the closure of the Rita Valentine and Spring Creek Off Leash Dog Parks for the winter.

**II. RECOMMENDED ACTION:**

Enforce existing Off Leash Dog Park code provisions and Colorado Division of Wildlife (CDOW) laws as related to wildlife harassment.

**III. FISCAL IMPACTS:**

**Proposed Expenditure:** Budgeted patrols

**Funding Source:** 2010 – 2011 budgets

**IV. BACKGROUND INFORMATION:**

City Council directed staff to investigate closure of the Rita Valentine and Spring Creek

Off Leash Dog Parks during the winter. Upon discussion with the CDOW a plan of enforcement, education and evaluation has been agreed to. In an email correspondence addressing wildlife issues at Rita Valentine Park and Spring Creek, District Wildlife Manger Danielle Domson summarized the CDOW's position by stating, "I think that in some cases education efforts can be a successful tool in changing people's behavior or attitudes, but the educational efforts need to be more than a sign posted in the area. I am still happy to provide the City with moose and other wildlife signs, but feel that this is not the ultimate solution. From my experience people rarely read signs." Discussions have commenced regarding educating and informing the public on wildlife issues via the City's TV Channel 6.

Certainly these two parks lie within important wildlife corridors. The upper Yampa Habitat Partnership Program, CDOW, and the United States Forest Service have reminded the public to avoid using numerous voluntary closure areas between November 15<sup>th</sup> and April 15<sup>th</sup>. One of these closures (legally enforced) is the Spring Creek Trail approximately one mile above the Off Leash Dog Park. In an email correspondence addressing wildlife issues at Rita Valentine Park and Spring Creek, District Wildlife Manger Danielle Domson summarized the CDOW's position by stating, "like I told City Council when I attended the last dogs-off leash meeting, I do not feel that Rita Valentine Park and Spring Creek are the right locations for these off-leash dog parks because of the number of wildlife species that utilize these areas year-around. My recommendation would still be to select different locations for these off-leash areas, or fence-off a section for the dog park that could be more easily managed, cleaned, and would minimize impacts to wildlife."

Given that urban neighborhoods and these parks encompass the full range of the animals an isolated closure would not make a substantial impact. Certainly enforcement of Section 1, Section 4-10 of the Revised Municipal Code paragraph (f) (1) which states "for the purpose of this subsection, "voice and sight control" means that the owner or keeper of a dog is in sight of the dog and is in sufficient control of the dog's behavior that the dog does not charge, chase, or otherwise display aggression toward any person, dog, wildlife, livestock, or any other animal, or fail to come to and stay with the owner or keeper immediately upon command by such person. This definition of voice and sight control shall apply regardless of the presence of toys, food, or other distracting circumstances.", will provide direct protection via the City. City fines are from zero (\$0) to \$999 as determined by the officer. The State Statute that prohibits harassment of wildlife is 33-6-128 (2) and the fine is \$200 plus a surcharge. The dog does not need to injure wildlife in order for this citation to be written.

The new ordinance also authorizes the Director of the Department of Parks, Open Space and Recreational Services to adopt rules and regulations governing the use of designated Off Leash Dog Parks and to post such rules.

If on continued discussions with the operations staff of the CDOW a closure is decided on staff can institute a closure.



**V. LEGAL ISSUES:**

Present City ordinance allows for administration of the Off Leash Dog Parks up to and including closure.

**VI. CONFLICTS OR ENVIRONMENTAL ISSUES:**

Multiple uses of the area will be impacted by a closure of the Off Leash Dog Parks.

**VII. SUMMARY AND ALTERNATIVES:**

In summary continued monitoring, enforcement and education of users within the parks is critical. Cooperation with the CDOW in balancing public use and wildlife impacts is essential.

Alternatives include:

- Enforce existing City and State provisions to protect wildlife.
- Enforce, educate and monitor wildlife use to determine future rules and regulations governing use of Off Leash Dog Parks.
- Direct staff to enact a legal or voluntary closure of the Off Leash Dog Parks for winter.

# AGENDA ITEM # 3

## CITY COUNCIL COMMUNICATION FORM

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**FROM:** Jason K. Peasley, AICP, City Planner (Ext. 229)  
Tyler Gibbs AIA, Director of Planning and Community Development  
(Ext. 244)

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

**DATE:** December 21, 2010

**ITEM:** Resolution for a Steamboat Springs Community Area Plan (SSACP) Minor Amendment to change the Future Land Use Designation of SCE Subdivision, Lot 2 from Resort Commercial to Resort Residential. (#CP-09-02)

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

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**PROJECT NAME:** SCE Subdivision, Lot 2 (#CP-09-02)

**PETITION:** Steamboat Springs Community Area Plan (SSACP) Minor Amendment to change the Future Land Use Designation of SCE Subdivision, Lot 2 from Resort Commercial to Resort Residential.

**LOCATION:** SCE Subdivision, Lot 2 (2135 Burgess Creek Road)

**APPLICANT:** Ski Country, LLC c/o Eric Smith Associates, P.C., 1919 7<sup>th</sup> Street  
Boulder CO 80302

**PC ACTION:** On October 28, 2010 the Planning Commission voted to recommend approval of the application by a vote of 5-0.

**CITY COUNCIL COMMUNICATION FORM**

SCE Subdivision, Lot 2 #CP-09-02

December 21, 2010

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**1. Background**

The subject parcel is a 1.40 acre parcel of land currently platted as SCE Subdivision, Lot 2. The property is triangularly shaped and is bordered by Burgess Creek Road on the west and Storm Meadows Drive on the east. SCE Subdivision, Lot 1 zoned Gondola One- High Density (G-1) border the property on the South. The parcel is currently zoned Residential Estate One, Low Density (RE-1) and contains no improvements. Burgess Creek runs through the west side of the parcel adjacent to Burgess Creek Road.

**2. Planning Commission Discussion:**

The Planning Commission discussed the proposed Community Plan Land Use Map Amendment and the appropriateness of a Resort Residential designation on this site. The Commission also discussed the land use designations of the surrounding properties including those on Storm Meadows Drive.

**3. Public Comment:**

Public comment was received at the meeting by residents of the area in opposition of the proposed rezoning.

**4. New Information:**

No new information.

**5. Motion:**

Planning Commission recommends the City Council approve CP-09-02 with the findings that the application is consistent with the criteria for approval in Appendix E of the Steamboat Springs Area Community Plan.

**LIST OF ATTACHMENTS:**

**Attachment 1-** Staff report dated October 28, 2010

**Attachment 2-** PC minutes from October 28, 2010

## **AGENDA ITEM # 3**

### **PLANNING COMMISSION COMMUNICATION FORM**

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FROM: Jason K. Peasley, AICP City Planner (Ext. 229)

THROUGH: Tyler Gibbs, AIA, Director of Planning and Community Development (Ext. 244)

DATE: October 28, 2010

ITEM: Steamboat Springs Community Area Plan (SSACP) Minor Amendment to change the Future Land Use Designation of SCE Subdivision, Lot 2 from Resort Commercial to Resort Residential.

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- ORDINANCE
- RESOLUTION
- MOTION
- DIRECTION
- INFORMATION

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PROJECT NAME: #CP-09-02, SCE Subdivision, Lot 2

PETITION: Steamboat Springs Community Area Plan (SSACP) Minor Amendment to change the Future Land Use Designation of SCE Subdivision, Lot 2 from Resort Commercial to Resort Residential.

LOCATION: SCE Subdivision, Lot 2 (2135 Burgess Creek Road)

APPLICANT: Ski Country, LLC c/o Eric Smith Associates, P.C., 1919 7<sup>th</sup> Street  
Boulder CO 80302

**I. RECOMMENDED MOTION**

Staff finds the SSACP minor amendment is in conformance with the Steamboat Springs Area Community Plan, Appendix E (Plan Amendment Procedures).

**II. BACKGROUND INFORMATION**

The subject parcel is a 1.40 acre parcel of land currently platted as SCE Subdivision, Lot 2. The property is triangularly shaped and is bordered by Burgess Creek Road on the west and Storm Meadows Drive on the east. SCE Subdivision, Lot 1 zoned Gondola One- High Density (G-1) border the property on the South. The parcel is currently zoned Residential Estate One, Low Density (RE-1) and contains no improvements. Burgess Creek runs through the west side of the parcel adjacent to Burgess Creek Road.

**III. PROJECT DESCRIPTION**

Steamboat Springs Community Area Plan (SSACP) Minor Amendment to change the Future Land Use Designation of SCE Subdivision, Lot 2 from Resort Commercial to Resort Residential.

The SSACP recommends a zoning of RR-1 or RR-2 for lands designated Resort Residential.

**IV. STAFF / AGENCY ANALYSIS**

**A. Criteria for Review and Approval**

In reviewing any petition for amendment to the Steamboat Springs Area Community Plan, the following criteria shall govern. Appendix E, Plan Amendment Procedures, stated that a minor plan amendment shall be approved if the elected bodies make specific findings that:

1. The existing Community Area Plan and/or any related element thereof is in need of the proposed amendment;
2. The proposed amendment is compatible with the surrounding area, and the goals and policies of the Plan;
3. The proposed amendment will have no major negative impacts on transportation, services, and facilities;
4. The proposed amendment will have minimal effect on service provision, including adequacy or availability of urban facilities and services, and is compatible with existing and planned service provision;
5. The proposed amendment is consistent with the City's ability to annex the property;
6. The proposed amendment is consistent with the logical expansion of the Growth Management Area boundary;
7. Strict adherence to the Plan would result in a situation neither intended nor in keeping with other key elements and policies of the Plan; and
8. The proposed plan amendment will promote the public welfare and will be consistent with the goals and policies of the Community Area Plan and the elements thereof.

**Justification**

**1. The existing Community Area Plan and/or any related element thereof is in need of the proposed amendment;**

**Staff Analysis: Consistent.** The proposed land use change from Resort Commercial to Resort Residential for the subject property allows for the intensity of development found at the Base Area to be feathered out towards the edges of the Base Area, resulting in a more compatible transition between more intensive land uses and less intensive land uses. The change also focuses the commercial and retail activity to the areas immediately adjacent to the ski slope and Ski Time Square resulting in a successful center of retail activity.

**2. The proposed amendment is compatible with the surrounding area, and the goals and policies of the Plan;**

**Staff Analysis: Consistent.** The proposed amendment would facilitate the development of SCE Subdivision, Lot 2 with the expectation that the building would serve as a transition between the lower density Burgess Creek Neighborhood and the higher density Ski Time Square and Base Area.

The application is consistent with the following goals and policies of the SSACP:

- Goal LU-2: Our community supports infill and redevelopment in core areas.
- Policy LU-2.1: Infill and redevelopment will occur in appropriate locations, as designated by the city.
- Policy LU-2.2: Residential infill will be compatible in character and scale with the surrounding neighborhood.
- Policy LU-3.1: New development will maintain and enhance the character and identity of existing residential neighborhoods.
- Goal GM-1: Steamboat Springs will have a compact land use pattern within a well-defined boundary.
- Policy GM-1.3: Infill development and redevelopment will be promoted in targeted areas.
- Policy CD-1.5: Infill and redevelopment projects shall be compatible with the contest of existing neighborhoods and development.

**3. The proposed amendment will have no major negative impacts on transportation, services, and facilities;**

**Staff Analysis: Consistent.** The proposed amendment will have no major negative impacts on transportation services and facilities. There is adequate transportation capacity in the area to support development on that portion of the parcel where it is suitable. Future development along Burgess Creek Road is required to contribute to future upgrades to the intersection with Mount Werner Circle.

4. **The proposed amendment will have minimal effect on service provision, including adequacy or availability of urban facilities and services, and is compatible with existing and planned service provision;**

*Staff Analysis: Consistent.* After reviewing the potential impacts, there are adequate services to support development on that portion of the parcel where it is suitable.

5. **The proposed amendment is consistent with the City's ability to annex the property;**

*Staff Analysis: Not Applicable.* The subject property is already within the City's municipal boundary.

6. **The proposed amendment is consistent with the logical expansion of the Growth Management Area boundary;**

*Staff Analysis: Not Applicable.* The subject property is already within the City's municipal boundary.

7. **Strict adherence to the Plan would result in a situation neither intended nor in keeping with other key elements and policies of the Plan;**

*Staff Analysis: Consistent.* The strict adherence to the Plan only allows a zoning of G-1 or G-2 for SCE Subdivision, Lot 2 which has been found to be incompatible with the surrounding neighborhood.

8. **The proposed plan amendment will promote the public welfare and will be consistent with the goals and policies of the Community Area Plan and the elements thereof.**

*Staff Analysis: Consistent.* This amendment will allow for the development of a project within the Base Area that transitions from the lower density Burgess Creek Neighborhood to the higher density Ski Time Square and Base Area that will promote the public welfare and is consistent with the goals and policies of the Community Area Plan.

## **V. STAFF FINDINGS AND MOTION**

Staff finds this Steamboat Springs Community Area Plan (SSACP) Minor Amendment to change the Future Land Use Designation of SCE Subdivision, Lot 2 from Resort Commercial to Resort Residential to be consistent with the SSACP criteria for approval for a Minor Amendment.

### **Motion:**

Planning Commission recommends approval of CP-09-02 with the findings that the application is consistent with the criteria for approval in Appendix E of the Steamboat Springs Area Community Plan.

**VI. LIST OF ATTACHMENTS**

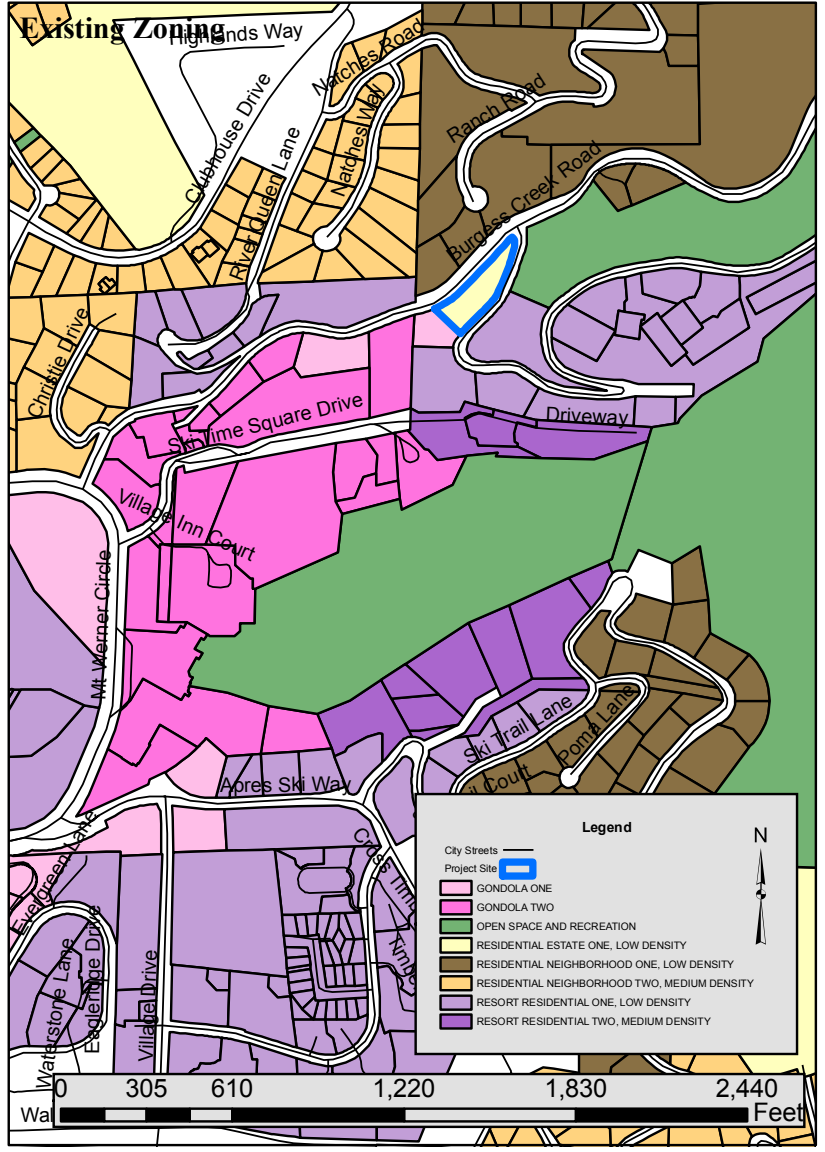
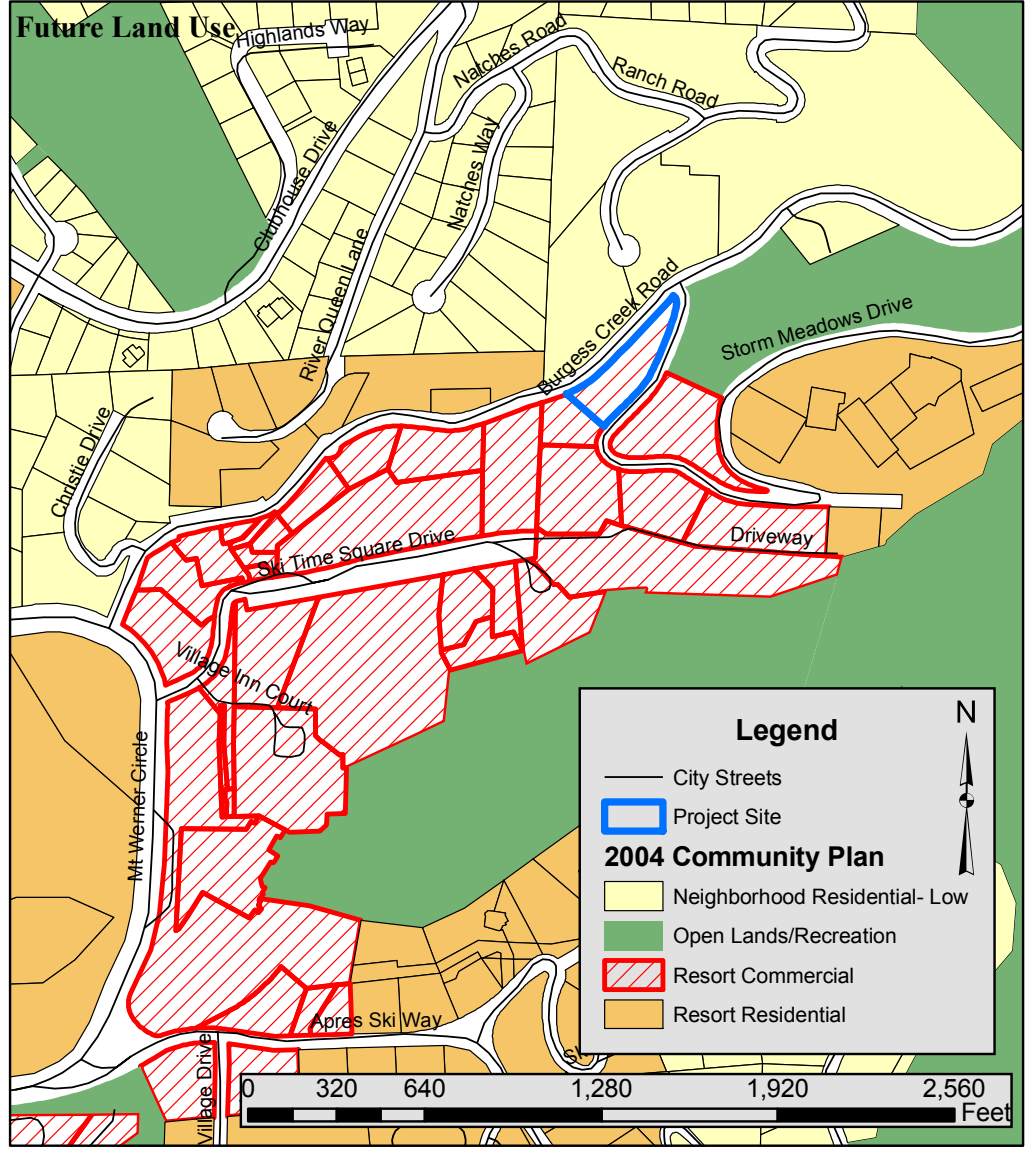
1. Existing Zoning and Future Land Use Plan Map



# ZMA-10-03

## SCE Subdivision, Lot 2

### 2135 Burgess Creek Road



**SCE Subdivision Lot 2 #ZMA-10-03 Official Zoning Map Amendment to change the zoning of SCE Subdivision, Lot 2 from Residential Estate One, Low Density (RE-1) to Resort Residential Two, High Density (RR-2). SCE Subdivision, Lot 2 is located at the corner of Burgess Creek Road and Storm Meadows Drive.**

**Combined with:**

**SCE Subdivision Lot 2 #CP-09-02 Steamboat Springs Area Community Plan Minor Amendment to change the Future Land Use Designation of SCE Subdivision, Lot 2 from Resort Commercial to Resort Residential. SCE Subdivision, Lot 2 is located at the corner of Burgess Creek Road and Storm Meadows Drive**

A combined discussion on both agenda items started at approximately 5:08 p.m.

Commissioner Lacy stepped down.

### **STAFF PRESENTATION**

Jason Peasley –

This lot is located between Burgess Creek Rd and Storm Meadows Drive. We will go over the community plan land use map amendment first and the zoning map amendment second. The community land use map amendment is to go from resort commercial to resort residential. The zoning map amendment is to change from RE-1 to RR-2. We got several public comments on this item. We have provided you with the minutes from October 8, 2009, which was the last time that the Planning Commission heard this item and that was to change the zoning for both parcels to RR-2.

### **APPLICANT PRESENTATION**

Sebastian (Last name unknown) -

Gave a brief background of the project and explained they have hired a new management team.

Eric Smith –

This zoning is for the request of the rezoning of lot 2 in the SCE Subdivision from RE-1 to RR-2. He gave a PowerPoint presentation with a brief history of the project. This is a under a new ownership. There is a significant difference to what we're proposing compared to what was proposed previously a year ago. We're surprised to find that some of these criteria are not consistent. We don't feel that anything has changed other than the economy isn't doing as good. The RE-1 zone district is a single family dwelling. The purpose and intent for RE-1 is to provide homes for single family detached living in a low density environment. The RE-1 is most appropriate in sensitive areas and away from high density areas. This property is adjacent to a lot of high density zones. The land use map has been the overriding factor on whether or not a zone change will be approved. The G-1 zone designation would be appropriate for this property based off of the land use plan, but we feel that the commercial isn't appropriate for this particular area and so feel that the RR-2 zone designation would be more appropriate. The current owners don't have any intention in having any commercial use on this property.

This property is also within the URA. This property is included in the redevelopment plan for the base area. He explained the intentions of the URA and how that affects this property. This plan was put together by the City. The idea of this redevelopment is to create infill and allow for less traffic and more places to go within walking distance in the base area. He talked about some of the different redevelopments that have either already occurred or are currently occurring in the base area.

We feel that lot 2 should be rezoned to RR-2. We are a shorter distance from the ski slopes than some of the other redevelopment projects that are zoned G-2. It's interesting that in the staff report it notes that the RR-2 zone districts are connected to the ski area while the G-2 isn't connected at all. Burgess Creek Rd is the primary access to this property. He mentioned some of the other properties that have accesses off of Burgess Creek Road. We don't feel that this will have any real impact on the traffic on Burgess Creek Rd. We may have up to 50 units on this property, which would account for only 10% of the traffic on Burgess Creek Rd. He discussed the traffic study that was done for this property.

There are 5 criteria that are involved in the rezoning of this property. The 1<sup>st</sup> one is justification of rezoning substantially furthering the community's plans to defer directions and policies. According to the SSACP suggests that the RR-1 and RR-2 zoning is appropriate zoning for parcels identified as resort residential on the future land use map. I feel that this policy is consistent with this application.

The 2<sup>nd</sup> criteria was compatibility with the surrounding development. We feel that it would be compatible with the surrounding zone districts, uses and neighborhood character. This property was originally set aside as open space for the surrounding developments, which included RR-1 zones. On the zoning map a lot of the surrounding developments along Storm Meadows Dr. are RR-1 zone districts. None of those properties can be built today under an RR-1 zone, because all of those buildings exceed the heights allowed in an RR-1 zone district. The advantages of this zone district we feel outweigh the disadvantages to the community and further the goals of the SSACP. It has no traffic impact on Ski Time Square. This is a unique opportunity to put a more appropriate density in Ski Time Square without impacting the traffic.

The secondary fire access still applies for all of the developments and not all of them have secondary fire accesses. We feel that it is consistent with the 3<sup>rd</sup> criteria, which is a requirement for a secondary fire access.

The 4<sup>th</sup> criteria is consistent with the purpose and standards of the zone district. This site is a gateway to the resort and is pedestrian connected to the base area. We feel that RR-2 is less dense than G-1 or G-2. We feel that this is a consistent use for this property.

The 5<sup>th</sup> criteria is affects on the natural environment. There are no adverse effects on the natural environment.

We feel that it is appropriate for the RR zoning on this property. We feel that it is consistent for an RR-2 designation.

## COMMISSIONER QUESTIONS

Commissioner Hanlen –

The idea is that the future land use map designation creates an expectation of allowable density when you look at that particular designation on the map. With resort commercial what type of designation does that imply?

Jason Peasley –

Resort Commercial identifies G-1 and G-2 as the preferred zone districts.

Commissioner Hanlen –

If we're down grading what we think is acceptable down to RR what kind of zoning is implied by that?

Jason Peasley –

RR-1 or RR-2.

Commissioner Hanlen –

If staff is supporting a future land use map to be changed to RR, but in the next application you're recommending denial of that same direction. If we're reviewing this as a transitional piece, or an open space piece, or it's supposed to be staying single family then whose mouth is this coming out of and why is staff not pushing this to stay as a single family as a designation on the land use map? It seems to be confusing and misleading to not change this to what staff feels to be appropriate for this. Can you speak to that?

Jason Peasley –

RR has 2 different classifications. I haven't done an analysis of RR-1 for this site, but that's another option that they have.

Commissioner Hanlen –

Is that what you recommended to the applicant?

Jason Peasley –

I have recommended that in the past to the applicants of this parcel.

Commissioner Hanlen –

You recommended less than a year ago that RR-2 was acceptable on this site. The main difference is just an additional story.

Jason Peasley –

The difference is 12'.

Commissioner Hanlen –

Based off of that I'm confused to how this went from acceptable 8-9 months ago and now it's not acceptable. Staff supported the change to the future land use map on the previous application. It seems like you're not following through on that thought.

Jason Peasley –

It is inconsistent with what we did in the past. The standard is clear and convincing evidence, which is a little higher threshold. It didn't appear that RR-2 overwhelmingly met those criteria.

Commissioner Hanlen –

It seems like a difference if we're only talking about 1 story. It just seems inconsistent if that's an acceptable designation on the land use map. It seems like if it's so obvious to push for that clear and convincing evidence it should be 1 side or the other. It seems like we're being misleading as a City to put that on the future land use map and not follow through with that.

Jason Peasley –

The future land use map is a guiding document.

Commissioner Hanlen –

It seems like we're changing it incorrectly again based off of the way the argument reads in the next application. It seems like either you're going to get it right or the change seems to be a mistake if it's not supported by the staff's stance in the next application.

Commissioner Slavik –

I'm confused that you're not supporting RR-2, but I get the feeling that you might support RR-1. Am I reading that correctly that if this application had come in as RR-1 that the conformance may have been greater?

Jason Peasley –

There are a few criteria where RR-1 would meet that RR-2 doesn't meet. The specific one is the purpose and standards of the zone district. RR-2 is the only zone district that has a location requirement. All the rest of the zone districts do not.

Commissioner Hanlen –

What's the zoning for Wildhorse Meadows?

Jason Peasley –

RR-1.

Commissioner Slavik –

Where is the closest RR-2 property to this property?

Jason Peasley –

It's directly south of it.

Commissioner Slavik –

Is there a reason why we go to RR-1 behind it?

Jason Peasley –

I wasn't around when we established the zoning for those. It has to do with that locational criteria for the RR zone district.

Commissioner Beauregard –

When I read the staff report on the future land use map amendment it appeared that because it was brought to us by the applicant that it was the lesser of the two evils getting RR zoning versus the G-1. Would it have changed if it were driven by the City? It seems like it should have been driven by the City as a policy decision. Is it normal to amend the future land use map through an application?

Jason Peasley –

We often do it through applications. I think that you're right.

Commissioner Beauregard –

That was the impression as I read through the staff report and I sympathized with your views in the sense that you hamstrung this. It's either this or that. All of your arguments seem to state that the existing was the bigger of the 2 evils. I think that might be why we're in this logical void.

Jason Peasley –

If you look at the 1<sup>st</sup> criteria for the zoning map amendment justification there's 4 circumstances under which you can meet that criteria. The one that we typically go with is that you're consistent with the future land use map. That's been the standard practice.

Commissioner Beauregard –

Would it be possible to right now as a body suggest a different zoning for the future land use map in this hearing?

Jason Peasley –

If we were going to change what the approval would be then we would request that you table the application for whatever your direction would be. We can come back to you with an analyzed staff report on that particular land use map designation.

Commissioner Levy –

Some of the buildings in the RR-1 district east of the G-1 properties are above the current height. Were they varianced in or grandfathered in after the dimensions were set?

Jason Peasley –

I don't know what the circumstances surrounding all of those projects.

Commissioner Levy –

Do you know how those came to be?

Eric Smith –

Bronze Tree was built in the early '80's. Some of these buildings were built when this was still in the county. They set this zoning in place after the buildings were built. There are 8 buildings that substantially exceed what's allowed in that zone district. Our position is that we're not that inconsistent with what's around us when the buildings around us exceed what's allowed in the RR-1 zone district.

## **PUBLIC COMMENTS**

Bill Moser –

The reason why I and my neighbors are against this is for safety reasons. I went to the same document that Eric Smith went to and there were a lot of things that disturbed me. There's only 1 way in and 1 way out on Burgess Creek Rd. If this were to be built today then it couldn't be built with 1 way in and 1 way out. With this density what we're doing is increasing the number of pedestrians and vehicles on Burgess Creek Rd. This is a very accident prone road. When these accidents happen then traffic stops and nothing goes up or down Burgess Creek Rd. If all of these projects that are proposed to be built along Burgess Creek Rd then it would most likely denigrate from an 'A' to an 'F' on Burgess Creek Rd. Anything that would increase the intensity of use would add to the potential of a problem. One thing doesn't cause a problem, but two things do cause a problem. We wish that you would take this into consideration.

John Dewardt –

At which point is 'no' really going to be 'no'. These diagrams are very interesting because they're all in 2 dimensions. The third dimension vertical height has a significant impact on the relationship of this property with surrounding properties. There is a ridge that hides this property physically from the ski mountain. I think that a lot of Eric Smith's arguments are built on stretching visions. I don't hear anything from their arguments saying what are the codes and regulations. I think that what you need to look at is the counter arguments that are in your packet. What we've heard tonight and in previous applications is all about precedence. Whatever you do with your decision will set a precedent. I recommend that you deny this rezoning and I recommend that you leave this property alone as RE-1.

Peggy Rogers –

We recommend that you stay with the current zoning. Please consider the 88 homeowners that live just north of that property. The idea that pedestrians will be walking down to the ski area from that property is very remote. There will be a lot of shuttle buses involved with the property. We request that the application be denied.

### **FINAL APPLICANT COMMENTS**

Eric Smith –

From this property the grades are very reasonable and the alignment of the curves is reasonable. The property that's north of this property isn't RE-1, but MF. This is the only piece of RE-1 in this area. The difference of a 3 story and a 4 story on this property is insignificant since it sits down in a hole and doesn't affect any views. In terms of control on this site all that we're requesting is a rezoning. Any DP would have to come back through here again.

### **FINAL STAFF COMMENTS**

None

### **FINAL COMMISSIONER COMMENTS**

Commissioner Slavik –

I think that the idea of going from single family to something greater than isn't necessarily bad. We talked about feathering and the RR-2 seems to be doing a leap frog from where we were to where that takes us. There are some places in between. I'm wondering about

whether we should look at some of those zoning areas that could be between the RR-2 and residential.

Commissioner Hanlen –

My understanding was when the CDC was updated and the zoning map was changed so that any parcel previously zoned Ag automatically went to RE-1. It just did that by default as opposed to by specific designation. My assumption with that was this parcel felt like a remainder parcel and since nobody requested anything different it was just zoned that by default and went to RE-1. It feels funny to be looking at it as if it was this purposeful designation that now we're arguing over as if it was purposefully placed as RE-1. My understanding was that it ended up there by default.

Eric Smith –

That's correct.

Jason Peasley –

It was actually an application to rezone this parcel to resort and it was denied, because they didn't have a specific plan for the parcel. I don't know why it was originally zoned Ag.

Commissioner Meyer –

This area was out in the county and so this parcel was zoned Ag and when it was annexed into the City the City didn't really have an Ag designation. When we updated the code and the zoning map in 2001 all of the Ag parcels weren't really scrutinized or didn't have an application and those were just a blanket zoning to RE-1, which would allow 1 dwelling per acre as opposed to an Ag which the City didn't have a designation for.

Jason Peasley –

That's a common practice when you're adopting a new zoning district.

Commissioner Hanlen –

It wasn't a purposeful designation. It was a designation by default. I think that changes the way you have a discussion about it.

### **RECOMMENDED MOTION for CP**

Staff finds this Steamboat Springs Community Area Plan (SSACP) Minor Amendment to change the Future Land Use Designation of SCE Subdivision, Lot 2 from Resort Commercial to Resort Residential to be consistent with the SSACP criteria for approval for a Minor Amendment.

#### Motion:

Planning Commission recommends approval of CP-09-02 with the findings that the application is consistent with the criteria for approval in Appendix E of the Steamboat Springs Area Community Plan.

### **MOTION**

Commissioner Hanlen moved to approve CP-09-02 and Commissioner Levy seconded the motion.



## **DISCUSSION ON MOTION**

Commissioner Levy –

I don't see why future land use map changes can't be held in a policy session and not just an application. This is our vision. If we were to downgrade the vision that doesn't directly affect the property. In other instances we've said that the future land use map is not binding and doesn't necessarily create an expectation. I think that we can say what our vision is at any time with or without specific landowner approval. I think that when we have the time that we should be looking at that on more of a policy approach. This change is certainly consistent with what everyone expects to happen.

Commissioner Hanlen –

It doesn't create a guarantee, but it does create expectations.

Commissioner Beauregard –

I'm torn whether or not I can support it, because I've said in the past hearings I liked the zoning the way it is. If that's the case for various reasons mainly surrounding neighborhoods then I would want to change the future land use map to neighborhood residential. This is closer to neighborhood residential. I would support this motion.

## **VOTE**

Vote: 5-0

Voting for approval of motion to approve: Beauregard, Hanlen, Levy, Slavik and Meyer  
Stepped Down: Lacy

## **RECOMMENDED MOTION for ZMA**

Staff finds this Official Zoning Map Amendment to change the zoning from Residential Estate One, Low Density (RE-1) to Resort Residential Two, High Density (RR-2) for a 1.40 acre parcel known as SCE Subdivision, Lot 2 to be inconsistent with the following Community Development Code criteria for approval for an Official Zoning Map Amendment:

- Compatibility with Surrounding Development
- Advantages vs. Disadvantages
- Consistent with Purpose and Standards of the Zone District

## **MOTION**

Commissioner Hanlen moved to approve ZMA-10-03 and Commissioner Meyer seconded the motion.

## **DISCUSSION ON MOTION**

Commissioner Hanlen –

When the transit study was anticipating 100 units, 20,000 square feet of commercial and a 3,000 square foot restaurant I think that everyone in the room would be in agreement that putting a restaurant or 20,000 square feet of commercial would be nuts. With the implication of 100 units up there and I haven't done an analysis to see what would fit up there based off of the RR-2 zoning, but based off of the double setback, the setback off of the creek, and the significant topography on that I think that you're limited on what can actually fit on the site. When that was implied at 100 units, if we just use that portion of it and throw out the commercial, is that implying a G-1 or higher zoning?

Jason Peasley –  
I think that the 100 units was the 142' building.

Commissioner Hanlen –  
For that reason where they just took Highlands even though it wasn't approved. It was a pie in the sky idea and they just took those numbers?

Jason Peasley –  
They had to go off of it with the best information they had at that time. That's significantly higher than what would be approved.

Commissioner Meyer –  
One of the reasons why I seconded the motion is that I'm reading the master traffic study and on pg 2-25 it basically recommends that improvements be made to the intersection of Mt. Werner Cr. and Burgess Creek Road. It's recommending the improvements be completed prior to any additional development traffic accessing Burgess Creek Rd. I would expect that when this comes back or any other development that we see accessing off of Burgess Creek that it's going to have to include some Public Works improvement. I was certainly cognizant of the public comment regarding traffic and safety and it seemed to me that intersection is key to being able to have vehicles. If there was blockage at that intersection then every single development up Burgess Creek would be affected.

Commissioner Slavik –  
The reason why I'm having concerns with this and probably will not support the motion it seems not from a safety perspective, but from the 3<sup>rd</sup> dimension talking about that is not well defined. I understand that can be in the DP process. It does look to me that the RR-2 with the locational requirement that Jason Peasley had pointed out it doesn't seem as directly adjacent or close enough to be the RR-2. If it was one of the zone districts without that requirement then possibly I could support it, but I won't be supporting the motion right now.

Commissioner Levy –  
I won't be supporting the motion. I agree with the staff report. There are no other current RR-2 that's not adjacent to the ski area. This piece is not adjacent. I assume that safety wasn't included in the staff report, which is included at the DP and DPF process. We don't know what's going to happen on this property. The zoning alone doesn't create a safety problem. I think the expectation is that we have some resort level development, because it is RR. Just because it's RR doesn't mean that it has to be the highest level of RR even though it's in the URA. Redevelopment will be an increment. The last time I thought that RR-1 creates a better buffer between the more residential areas and the resort area.

Commissioner Beauregard –  
My reasoning for not supporting the motion is a little abstract. If all I did was read these documents and just heard the arguments then I would probably be supporting it. When I get out on the property it is such a revenant piece. The elevation grade between the upper and lower road is huge. The river runs right through the middle of it. It almost feels like the piece of property left at an intersection where the off ramp circles around. The impacts on

a property like that are so much greater to that surrounding neighborhood than if it was just down in a hole and if it didn't have the road wrapping all the way around it. You get out on this property and you wonder how anybody could build anything other than a single residence on here. I've spent quite a bit of time out there and I think that because of the extreme nature of this property and because it's such a unique property. It's not going to be easy to build on. We saw that with the prior application with the shoring and the stabilizing of the landscape and everything else. This property in itself if I just looked at this property without any other mapping I would say that there's no way that we would want that kind of high density on this piece of property. I think logically if you go through the maps and you look at the vicinities then it might make sense to support it. For me it's an abstract and a real site specific reason for wanting to keep it this way.

Commissioner Hanlen –

You can argue that the previous application wasn't examining the financial cost to benefit of the impacts that they were trying to achieve. For example the soil nailing that they were proposing, changing the location of the road, we're now inferring what the future application would be proposing. The way that I see a parcel like this being developed is that you don't try to push those extents as hard, because there won't be a sufficient return to warrant going that deep into the hillside or that far into that point. Without seeing a DP application we don't know what that impact is going to be. The way that I see the site being used is of the portion of the lot that we're seeing tonight maybe only 1/3 or 1/2 of the parcel directly adjacent to the existing condos as being usable. To think that somebody is going to try and push out into the boot shape; I don't see that being financially feasible. To say that somebody is going to do that is inferring something that needs to be presented in a DP as opposed to a simple rezone.

Commissioner Beauregard –  
The rezone is allowing that.

Commissioner Hanlen –

You have setbacks off of the creek and road. It would be a variance to the front setback off of the right of way to build as they had previously proposed. You have a double front setback in this case, which is further increased by the setback off of the creek. If you come in with a new proposal, the use by right for this zone district, or simply following the rules without any variance creates a very small building envelope on the new lot. You would have to request a variance that changes what would be allowed by right if you wanted anything other than that.

Commissioner Slavik –

That's one of the things that RR-2 is going to force them into requesting a lot of variances. Is that what we want to do?

Commissioner Hanlen –

You're inferring we don't know what they're going to do. If I was developing this parcel I wouldn't be pushing out into the boot because for the couple more units that you would gain as the money that it would cost to push out into that boot you wouldn't get a sufficient return. The cost to benefit analysis doesn't warrant it. That's something that I would do if I was developing this piece. It's merely speculation. Unless you see a DP you don't know

what that's going to be. Again because of all of the setbacks you're fairly impinged already and to exceed that setback you have to ask for a variance. That's in the form of a DP.

Commissioner Slavik –

We're setting the limitation. For example from RR-1 to RR-2 the number of units that are permissible the square footage is different.

Commissioner Hanlen –

The setback is the same. The only difference is the height.

Commissioner Slavik –

And the lot coverage.

Commissioner Hanlen –

RR-2 has a 0.65.

Commissioner Meyer –

RR-1 has a 0.50.

Commissioner Hanlen –

Based off of the setbacks you won't come close to your lot coverage. It's a deceptive thing until you see what can fit on the site. Because of the way that the previous application went we all have this image in our head of what's going to be built on the site. All that we're doing tonight is addressing zoning not the DP.

Commissioner Slavik –

We're looking at the adjacent zoning and the transition from one zoning to another. I think that Commissioner Levy was right when he said that there aren't any other RR-2's that aren't adjacent to the ski slope.

Commissioner Hanlen –

Eric Smith's point is that those buildings don't fit the zoning that they're sitting within.

Commissioner Slavik –

We should have different zoning criteria. If something has already been there before and been grandfathered in does that mean that we should change all of the other units or go with the way that we're trying to create the zoning transition? That's opinion.

## **VOTE**

Vote: 2-3

Voting for approval of motion to approve: Hanlen and Meyer

Voting against the motion to approve: Beauregard, Levy, and Slavik

Stepped down: Lacy

Absent:

Motion failed

## **MOTION**

Commissioner Levy moves to deny SCE Subdivision Lot 2 ZMA-10-03 because it doesn't meet the criteria for approval and especially compatibility with surrounding development and consistent with the purpose and standards of the zone district and Commissioner Slavik seconded the motion.

**DISCUSSION ON THE MOTION**

Eric Smith –

I would like to request a tabled motion. We can work with staff to change this to an RR-1 zone.

Commissioner Levy moved to table ZMA-10-03 to November 18 and Commissioner Hanlen seconded the motion.

**VOTE**

Vote: 5-0

Voting for approval of motion to table: Beauregard, Hanlen, Levy, Slavik and Meyer

Stepped down: Lacy

Discussion on these agenda items ended at approximately 6:22 p.m.

**CITY OF STEAMBOAT SPRINGS, COLORADO**

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF STEAMBOAT SPRINGS, COLORADO, FINDING THE CHANGE OF THE FUTURE LAND USE DESIGNATION OF THE PARCEL OF LAND KNOWN AS SCE SUBDIVISION, LOT 2 FROM RESORT COMMERCIAL TO RESORT RESIDENTIAL TO BE IN COMPLIANCE WITH THE CRITERIA FOR APPROVAL OF A MINOR AMENDMENT TO THE STEAMBOAT SPRINGS AREA COMMUNITY PLAN.**

**WHEREAS**, the City Council desires to change the Future Land Use designation of the parcel of land known as SCE Subdivision, Lot 2 from Resort Commercial to Resort Residential to become consistent with current commercial and pedestrian plans for the ski base area; and

**WHEREAS**, the Steamboat Springs Area Community Plan and the Community Development Code expressly give the City Council the ability to make minor amendments to the Steamboat Springs Area Community Plan; and

**WHEREAS**, the Steamboat Springs City Council finds that the above mentioned Minor Amendment to the Community Plan meets all of the criteria for approval required of a Minor Amendment to the Community Plan;

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

Section 1. Finding. The future land use designation of the parcel of land known as SCE Subdivision, Lot 2 is hereby changed from Resort Commercial to Resort Residential.

Section 2. Effective Date. This resolution shall be effective immediately upon passage by the City of Steamboat Springs City Council.

**PASSED, ADOPTED AND APPROVED** this \_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
**Cari Hermacinski, President  
Steamboat Springs City Council**

**ATTEST:**

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

# AGENDA ITEM # 4

## CITY COUNCIL COMMUNICATION FORM

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**FROM:** Winnie DelliQuadri, Government Programs Manager (Ext. 257)  
Chris Wilson, Director of Parks, Open Space, and Rec Svs (x317)

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

**DATE:** December 21, 2010

**RE:** A resolution supporting the agreement between the City of Steamboat Springs and the State Board of the Great Outdoors Colorado Trust Fund for a \$600,000 grant for the Yampa Valley: River to Ridges Legacy Project, expressing intent to provide matching funds and to authorize the City Manager to sign and execute the grant contract.

**NEXT STEP:** Motion: To approve a resolution supporting the agreement between the City of Steamboat Springs and the State Board of the Great Outdoors Colorado Trust Fund for a \$600,000 grant for the Yampa Valley: River to Ridges Legacy Project, expressing intent to provide matching funds and to authorize the City Manager to sign and execute the grant contract.

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DIRECTION  
 INFORMATION  
 ORDINANCE  
 MOTION  
 RESOLUTION

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**I. REQUEST OR ISSUE:**

The City has been awarded \$600,000 in grant funds from Great Outdoors Colorado (GOCO) to enable the City to purchase the Orton Meadows property on Emerald Mountain. GOCO requires the City to pass a Resolution approving the grant as a part of its contract execution process.

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

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

**Motion: To approve a resolution supporting the agreement between the City of Steamboat Springs and the State Board of the Great Outdoors**



**Colorado Trust Fund for a \$600,000 grant for the Yampa Valley: River to Ridges Legacy Project, expressing intent to provide matching funds and to authorize the City Manager to sign and execute the grant contract.**

**III. FISCAL IMPACTS:**

Project Costs:

Land Acquisition	\$1,300,000	
Due Diligence / Closing Costs	<u>16,000</u>	
	\$1,316,000	

Sources of Funds:

GOCO grant	\$600,000	
City of Steamboat Springs	<u>716,000</u>	(from CIP Reserves)
Funding Total	\$1,316,000	

City Department: City Manager / Intergovernmental Services  
Project Manager: Winnie DelliQuadri, Government Programs Manager

**IV. BACKGROUND INFORMATION:**

Great Outdoors Colorado ("GOCO") approved the City of Steamboat Springs request to utilize a GOCO grant award of \$600,000 to purchase 586 acres of property on Emerald Mountain from Ortons on Emerald Mountain, LLC. GOCO also extended the deadline for use of these grant funds through March of 2011.

City Council has previously approved and executed a contract to purchase 586 acres of property from Ortons on Emerald Mountain, LLC. City Council has also appropriated \$16,000 in funding for due diligence and closing costs. Staff has carried out a substantial portion of the due diligence work and anticipates being able to complete the land acquisition prior to the GOCO deadline.

The original grant approved by GOCO required the City to close on the purchase prior to the end of calendar 2010 in order to receive the \$600,000 grant. Since the current transaction differs from the transaction originally contemplated by GOCO in the 2007 grant request, GOCO had requested that the City make application to the GOCO Board for a modification to the grant to fit the current nature of the transaction and to seek an extension of the grant in to 2011. The City completed these steps and the Board of Great Outdoors Colorado approved both the modification and extension request in their December 8, 2010 meeting.

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

**V. LEGAL ISSUES:**

Several due diligence items regarding this land acquisition item remain to be carried out. Staff are on track to carry out the listed items in order to close on the property in late February or early March. These items include a Land Management agreement with Howelsen Emerald Mountain Partnership approved by City Council ordinance, work on the Title Commitment, water rights due diligence, review and approval of the restated conservation easement, development of a Geologist's Mineral Assessment, development of a Stewardship Monitoring Plan, a review of the existing appraisal, and drafting of Settlement Statements and Closing Documents. In addition, the Yampa Valley Land Trust must complete the steps necessary to subdivide the larger property in order to enable the City's purchase of the identified 586 acre parcel.

**VI. CONFLICTS OR ENVIRONMENTAL ISSUES:**

None at this time.

**VII. SUMMARY AND ALTERNATIVES:**

City Council may choose to:

- Approve the Resolution to support the Agreement for a grant from GOCO. Approving the resolution will commit the City to providing matching funds of \$700,000.
- Decline to approve the Resolution and not accept the GOCO grant.

**CITY OF STEAMBOAT SPRINGS, COLORADO**

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

**A RESOLUTION SUPPORTING THE AGREEMENT BETWEEN THE CITY OF STEAMBOAT SPRINGS AND THE STATE BOARD OF THE GREAT OUTDOORS COLORADO TRUST FUND FOR A \$600,000 GRANT FOR THE YAMPA VALLEY: RIVER TO RIDGES LEGACY PROJECT, EXPRESSING INTENT TO PROVIDE MATCHING FUNDS AND TO AUTHORIZE THE CITY MANAGER TO SIGN AND EXECUTE THE GRANT CONTRACT.**

**WHEREAS**, the City of Steamboat Springs supports the acquisition of property on Emerald Mountain in Steamboat Springs; and

**WHEREAS**, the City of Steamboat Springs has been awarded a grant of \$600,000 from Great Outdoors Colorado for Yampa Valley: River to Ridges Legacy project, subject to the execution of a grant agreement; and

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

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

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

Section 1. The City Council of the City of Steamboat Springs hereby approves of the grant from Great Outdoors Colorado for the Yampa Valley: River to Ridges project; and

Section 2. The City has appropriated or will appropriate or otherwise make available in a timely manner all funds that are required to be provided for this project to meet the terms and obligations of the grant agreement and application; and

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

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

**PASSED, ADOPTED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
**Cari Hermacinski, President  
Steamboat Springs City Council**

**ATTEST:**

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

# AGENDA ITEM # 5

## CITY COUNCIL COMMUNICATION FORM

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**FROM:** Winnie DelliQuadri, Government Programs Manager (Ext. 257)  
Chris Wilson, Director of Parks, Open Space, and Rec Svs (x317)

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

**DATE:** December 21, 2010

**RE:** A resolution supporting the agreement between the City of Steamboat Springs and the State Board of the Great Outdoors Colorado Trust Fund for a \$200,000 grant for the Howelsen Hill Ski Area Night Lighting project, expressing intent to provide matching funds and to authorize the City Manager to sign and execute the grant contract.

**NEXT STEP:** Motion: To approve A resolution supporting the agreement between the City of Steamboat Springs and the State Board of the Great Outdoors Colorado Trust Fund for a \$200,000 grant for the Howelsen Hill Ski Area Night Lighting project, expressing intent to provide matching funds and to authorize the City Manager to sign and execute the grant contract.

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DIRECTION  
 INFORMATION  
 ORDINANCE  
 MOTION  
 RESOLUTION

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**I. REQUEST OR ISSUE:**

The City has been awarded \$200,000 in grant funds from Great Outdoors Colorado (GOCO) to enable the City to purchase and install night lighting on the ski jumps, magic carpet, and terrain park areas of Howelsen Hill. GOCO requires the City to pass a Resolution approving the grant as a part of its contract execution process.

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

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

**Motion: To approve A resolution supporting the agreement between the**

**City of Steamboat Springs and the State Board of the Great Outdoors Colorado Trust Fund for a \$200,000 grant for the Howelsen Hill Ski Area Night Lighting project, expressing intent to provide matching funds and to authorize the City Manager to sign and execute the grant contract.**

**III. FISCAL IMPACTS:**

**Proposed Revenues:**

Grant Request:	\$200,000	Great Outdoors Colorado
Match:	<u>150,000</u>	City & private contributions
Total Project Cost:	\$ 350,000	

**Proposed Expenditure:**

Lighting	\$350,000
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City Department:	Parks, Open Space, and Recreational Services
Project Manager:	Chris Wilson, Director

**IV. BACKGROUND INFORMATION:**

This project will utilize GOCO grant dollars to purchase and install new lighting at Howelsen Hill. The City has completed Phase I of the lighting project, which installed lighting for the face of the Alpine Hill. The Phase II project would install additional lighting would provide lighting for the ski jump, magic carpet, terrain park, and boarder cross start portions of the Hill.

This project is part of the larger Howelsen Hill Centennial Campaign. Matching funds for the project will be provided out of private contributions and City funds allocated to the CIP for Howelsen Hill in 2010.

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

Howelsen Hill is currently listed as a Historic Landmark on the City of Steamboat Springs Register of Historic Places, the Routt County Register of Historic Places and the Colorado State Register of Historic Properties.

**V. LEGAL ISSUES:**

We anticipate review by Planning Commission, Historic Preservation Commission, City Council, the Colorado Historical Society and the State Historical Fund. Because the City is requesting State funds, there is a process of review for projects that alter a Colorado Historic Register listed site. If the proposals are not approved by any of the above entities, options to the City include:

- Amending the plan to get approval
- Returning grant money to the funding source
- De-listing the property at the State level

**VI. CONFLICTS OR ENVIRONMENTAL ISSUES:**

None at this time.

**VII. SUMMARY AND ALTERNATIVES:**

City Council may choose to:

- Approve the Resolution to support the Agreement for a grant from GOCO. Approving the resolution will commit the City to providing matching funds of \$150,000.
- Decline to approve the Resolution and not accept the GOCO grant.

**CITY OF STEAMBOAT SPRINGS, COLORADO**

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

**A RESOLUTION SUPPORTING THE AGREEMENT BETWEEN THE CITY OF STEAMBOAT SPRINGS AND THE STATE BOARD OF THE GREAT OUTDOORS COLORADO TRUST FUND FOR A \$200,000 GRANT FOR THE HOWELSEN HILL SKI AREA NIGHT LIGHTING PROJECT, EXPRESSING INTENT TO PROVIDE MATCHING FUNDS AND TO AUTHORIZE THE CITY MANAGER TO SIGN AND EXECUTE THE GRANT CONTRACT.**

**WHEREAS**, the City of Steamboat Springs supports the installation of lighting at Howelsen Hill to support evening and nighttime use of the facility; and

**WHEREAS**, the City of Steamboat Springs has been awarded a grant of \$200,000 from Great Outdoors Colorado for the Howelsen Hill Ski Area Night Lighting project in Steamboat Springs, subject to the execution of a grant agreement; and

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

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

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

Section 1. The City Council of the City of Steamboat Springs hereby approves of the grant from Great Outdoors Colorado for the Howelsen Hill Ski Area Night Lighting project.

Section 2. The City has appropriated or will appropriate or otherwise make available in a timely manner all funds that are required to be provided for this project to meet the terms and obligations of the grant agreement and application.

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



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

**PASSED, ADOPTED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
**Cari Hermacinski, President  
Steamboat Springs City Council**

**ATTEST:**

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

# AGENDA ITEM # 6

## CITY COUNCIL COMMUNICATION FORM

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**FROM:** Winnie DelliQuadri, Government Programs Manager (Ext. 257)  
Chris Wilson, Director of Parks, Open Space, and Rec Svs (x317)

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

**DATE:** December 21, 2010

**RE:** A resolution supporting the agreement between the City of Steamboat Springs and the State Board of the Great Outdoors Colorado Trust Fund for A \$700,000 grant for the Howelsen Hill Summer Ski Jump and Snowmaking Project, expressing intent to provide matching funds and to authorize the City Manager to sign and execute the grant contract.

**NEXT STEP:** Motion: A resolution supporting the agreement between the City of Steamboat Springs and the State Board of the Great Outdoors Colorado Trust Fund for A \$700,000 grant for the Howelsen Hill Summer Ski Jump and Snowmaking Project, expressing intent to provide matching funds and to authorize the City Manager to sign and execute the grant contract.

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DIRECTION  
 INFORMATION  
 ORDINANCE  
 MOTION  
 RESOLUTION

---

**I. REQUEST OR ISSUE:**

The City has been awarded \$700,000 in grant funds from Great Outdoors Colorado (GOCO) to enable the City to construct a K38 summer ski jump at Howelsen Hill. GOCO requires the City to pass a Resolution approving the grant as a part of its contract execution process.

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

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

**Motion: To approve A resolution supporting the agreement between the City of Steamboat Springs and the State Board of the Great Outdoors**

**Colorado Trust Fund for A \$700,000 grant for the Howelsen Hill Summer Ski Jump and Snowmaking Project, expressing intent to provide matching funds and to authorize the City Manager to sign and execute the grant contract.**

**III. FISCAL IMPACTS:**

**Proposed Revenues:**

Grant	\$ 700,000	Great Outdoors Colorado
Match:	<u>800,000</u>	City & private contributions
Total Project Cost:	\$1,500,000	

**Proposed Expenditure:**

K38 Summer Ski Jump	\$1,500,000	Estimate -Civil Design Consultants
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City Department: Parks, Open Space, and Recreational Services  
Project Manager: Chris Wilson, Director

**IV. BACKGROUND INFORMATION:**

This project will utilize Great Outdoors Colorado grant dollars to develop a new K38 summer ski jump at Howelsen Hill. The K38 jump is the jump that is just to the right of the existing summer ski jump at Howelsen Hill. Developing this slightly smaller jump as a summer ski jump is a high priority for the Steamboat Springs Winter Sports Club and other stakeholders in the community as this jump will serve younger athletes than the existing jump.

City Council has appropriated some matching funds for this project in the current CIP. Additional matching funds are being solicited through a private fundraising campaign orchestrated by the Howelsen Hill Centennial Campaign. Finally, as was the case in the first summer ski jump project, we anticipate being able to secure private foundation grants to provide additional funding to the project.

Howelsen Hill is currently listed as an Historic Landmark on the City of Steamboat Springs Register of Historic Places, the Routt County Register of Historic Places and the Colorado State Register of Historic Properties.

**V. LEGAL ISSUES:**

We anticipate review by Planning Commission, Historic Preservation Commission, City Council, the Colorado Historical Society and the State Historical Fund. Because the City is requesting State funds, there is a process of review for projects that alter a Colorado Historic Register listed site. If the proposals are not approved by any of the

above entities, options to the City include:

- Amending the plan to get approval
- Returning grant money to the funding source
- De-listing the property at the State level.

**VI. CONFLICTS OR ENVIRONMENTAL ISSUES:**

The proposed K38 ski jump is within the boundaries of the Howelsen Hill State Historic District and construction of the jump may impact the eligibility of Howelsen Hill to continue to be listed as an Historic District.

**VII. SUMMARY AND ALTERNATIVES:**

City Council may choose to:

- Approve the Resolution to support the Agreement for a grant from GOCO. Approving the resolution will commit the City to providing matching funds of \$800,000.
- Decline to approve the Resolution and not accept the GOCO grant.

**CITY OF STEAMBOAT SPRINGS, COLORADO**

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

**A RESOLUTION SUPPORTING THE AGREEMENT BETWEEN THE CITY OF STEAMBOAT SPRINGS AND THE STATE BOARD OF THE GREAT OUTDOORS COLORADO TRUST FUND FOR A \$700,000 GRANT FOR THE HOWELSEN HILL SUMMER SKI JUMP AND SNOWMAKING PROJECT, EXPRESSING INTENT TO PROVIDE MATCHING FUNDS AND TO AUTHORIZE THE CITY MANAGER TO SIGN AND EXECUTE THE GRANT CONTRACT.**

**WHEREAS**, the City of Steamboat Springs supports the development of the Howelsen Hill K38 Summer Jump in Steamboat Springs; and

**WHEREAS**, the City of Steamboat Springs has been awarded a grant of \$700,000 from Great Outdoors Colorado for the Howelsen Hill Summer Ski Jump and Snowmaking project in Steamboat Springs, subject to the execution of a grant agreement; and

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

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

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

Section 1. The City Council of the City of Steamboat Springs hereby approves of the grant from Great Outdoors Colorado for the Howelsen Hill Summer Ski Jump and Snowmaking project.

Section 2. The City has appropriated or will appropriate or otherwise make available in a timely manner all funds that are required to be provided for this project to meet the terms and obligations of the grant agreement and application.

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

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

**PASSED, ADOPTED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
**Cari Hermacinski, President  
Steamboat Springs City Council**

**ATTEST:**

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

# AGENDA ITEM # 7

## COUNCIL COMMUNICATION FORM

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**FROM:** Deb Hinsvark, Interim Director of Financial Services (Ext. 240)  
Philo Shelton, Director of Public Works (Ext. 204)

**THROUGH:** Jon Roberts, City Manager

**DATE:** December 21, 2010

**ITEM:** Supplemental Budget Ordinance for Late Night Transit Service

**NEXT STEP:** Approve at second reading.

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DIRECTION  
 INFORMATION  
 ORDINANCE  
 MOTION  
 RESOLUTION

---

**I. REQUEST OR ISSUE:**

The City has surplus mineral lease and severance tax revenues and wishes to use those surplus 2010 revenues to support late night transit services for the 2010/11 ski season. This ordinance approves the use of these surplus revenues in 2010 and then the reserves from these revenues in 2011.

**II. RECOMMENDED ACTION:**

Approval.

**III. FISCAL IMPACTS:**

Fiscal 2010

Revenues:

    Surplus Revenue                   \$6,350

Expenditures:

    Late Night Transit               \$6,350

Fiscal 2011

Revenues

    Reserves                           \$38,650

Expenditures

    Late Night Transit               \$38,650

**IV. BACKGROUND INFORMATION:**

Mineral Lease and Severance Tax revenues were budgeted at \$30,000 in 2010. Actual revenues totaled \$238,780 for an excess of \$208,780. \$65,000 of the excess was appropriated as grant matches in November 2010. More than \$45,000 remains to support this late night transit service. Since the service will run past the fiscal year, a portion of the surplus will be used in 2010 and the reserves created from the remainder needed (estimated to be \$38,650) will be used in 2011.

**V. LEGAL ISSUES:**

None.

**VI. CONFLICTS OR ENVIRONMENTAL ISSUES:**

None.

**VII. SUMMARY AND ALTERNATIVES:**

Council may choose to approve the use of excess mineral lease tax receipts for this purpose; they can amend the appropriation or can deny it.



CITY OF STEAMBOAT SPRINGS, COLORADO

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

**AN ORDINANCE SUPPLEMENTALLY APPROPRIATING FUNDS IN 2010 AND APPROPRIATING RESERVES THEREFROM FOR 2011 FOR AFTER HOURS TRANSIT SERVICE.**

**WHEREAS**, the City of Steamboat Springs City Council has the ability to supplementally appropriate funds during the fiscal year and to appropriate reserves and carryovers in the subsequent fiscal year; and

**WHEREAS**, the Steamboat Springs City Council has determined that it would be in the best interest of the City and its many visitors to provide late night transit services; and

**WHEREAS**, transit services currently end at 1am and with these newly appropriated funds will be able to run until 2:20am for the duration of the 2010-11 ski season, beginning December 16, 2010 and running through April 9, 2011; and

**WHEREAS**, the City has received surplus mineral lease and severance tax payments from the State of Colorado sufficient to cover the entire cost of this service.

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

Section 1. Supplemental Appropriation. That pursuant to Section 9.10 (a) of the City of Steamboat Springs Home Rule Charter, the City Council hereby appropriates the following sums of money or that portion necessary for the purposes herein named:

	<b>General Fund</b>
Expenditure:	
Late Night Transit Service	<u>\$ 45,000</u>
Total Expenditures to be Appropriated:	<u>\$ 45,000</u>

Section 2. The Steamboat Springs City Council further appropriates 2010 reserves remaining from the surplus revenues in 2010 and as yet unused for the specific purpose of running a late night transit to be used in the fiscal year 2011. Such amount is estimated to be \$38,650 of the total \$45,000.

Section 3. All ordinances heretofore passed and adopted by the City Council of the City of Steamboat Springs, Colorado, are hereby repealed to the extent that said ordinances, or parts thereof, are in conflict herewith.

Section 4. If any section, subsection, clause, phrase or provision of this Ordinance, or the application thereof, to any person or circumstance, shall to any extent, be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases and provisions of this Ordinance, or the application thereof to any person or circumstance, shall remain in full force and shall in no way be affected, impaired or invalidated.

Section 5. The City Council hereby finds, determines and declares that this Ordinance is necessary for the immediate preservation of the public peace, health and safety.

Section 6. This Ordinance shall take effect immediately upon the expiration of five (5) days from and after its publication following final passage, as provided in Section 7.6(h) of the Steamboat Springs Home Rule Charter.

**INTRODUCED, READ AND ORDERED PUBLISHED**, as provided by law, by the City Council of the City of Steamboat Springs, at its regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
**Cari Hermacinski, President  
Steamboat Springs City Council**

**ATTEST:**

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

**FINALLY READ, PASSED AND APPROVED** this \_\_\_\_\_ day of  
\_\_\_\_\_ 2010.

\_\_\_\_\_  
**Cari Hermacinski, President  
Steamboat Springs City Council**

**ATTEST:**

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

# AGENDA ITEM # 8

## CITY COUNCIL COMMUNICATION FORM

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**FROM:** Judy Plumb, Municipal Court Administrator (Ext. 277)

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

**DATE:** December 21, 1010

**ITEM:** AN ORDINANCE AMENDING SECTION 14-41 OF THE STEAMBOAT SPRINGS REVISED MUNICIPAL CODE, WHICH RELATES TO A MUNICIPAL COURT SURCHARGE, AND PROVIDING AN EFFECTIVE DATE. (Plumb)

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ORDINANCE  
 RESOLUTION  
 MOTION  
 DIRECTION  
 INFORMATION

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**I. REQUEST OR ISSUE:**

Per Council's direction on November 2, 1010, staff requests approval of attached Ordinance amending Section 14-41 of the Steamboat Springs Municipal Code by deleting Section 14-41 (d) requiring an annual review, and adding clarifying language that reads as follows: "The surcharge shall be imposed no more than once per summons or citation regardless of the number of violation charges in the summons or citation."

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

Approve the amendment of Section 14-41 (d) requiring an annual review and adding the following: "The surcharge shall be imposed no more than once per summons or citation regardless of the number of violation charges in the summons or citation."

**III. FISCAL IMPACTS:**

N/A.

**IV. BACKGROUND INFORMATION:**

Since the Comprehensive Annual Financial Report (CAFR) includes the revenue and distribution of the surcharge, on November 2, 2010, the Municipal Court requested direction regarding the Council's desire to continue with an annual review. In addition, the Municipal Court asked for clarification regarding the imposition of the \$20.00 surcharge.

On November 2, 2010, City Council approved the elimination of the annual review requirement and approved charging the \$20.00 surcharge fee per summons. This ordinance is to codify Council's November 2, 2010 decision.

**V. LEGAL ISSUES:**

N/A.

**VI. CONFLICTS OR ENVIRONMENTAL ISSUES:**

N/A.

**VII. SUMMARY AND ALTERNATIVES:**

N/A.

**VIII. RECOMMENDED ACTION**

1. Approve the second reading to the attached Ordinance.
2. Table the item and provide alternative direction to staff.
3. Other options from Council.

**CITY OF STEAMBOAT SPRINGS, COLORADO**

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

**AN ORDINANCE AMENDING SECTION 14-41 OF THE STEAMBOAT SPRINGS REVISED MUNICIPAL CODE, WHICH RELATES TO A MUNICIPAL COURT SURCHARGE, AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council on the 1<sup>st</sup> day of September, 2009 adopted Ordinance No. 2272, which imposed a \$20 surcharge upon fines imposed by the Steamboat Springs Municipal Court for all violations other than parking violations, provided for an annual review of the surcharge, and codified these provisions at Section 14-41 of the Steamboat Springs Revised Municipal Code; and

**WHEREAS**, the Steamboat Springs City Council, having reviewed the provisions of Section 14-41 on November 2, 2010, has determined that further annual reviews are no longer necessary and that the provisions of Section 14-41 should be revised to clarify that a single surcharge applies to each summons and complaint for which a fine is imposed regardless of the number of violations charged in the summons and complaint.

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

Section 1. Section 14-41(d) of the Steamboat Springs Revised Municipal Code is hereby amended to read as follows:

~~“(d) The City Clerk shall schedule a review of this surcharge ordinance by placing this ordinance on an agenda for a regular City Council meeting each year as close to the anniversary date of this ordinance as possible. The surcharge shall be imposed no more than once per summons or citation regardless of the number of violations charged in the summons or citation.”~~

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

Section 3. If any section, subsection, clause, phrase or provision of this Ordinance, or the application thereof to any person or circumstance, shall to any extent, be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases and provisions of this Ordinance, or the application thereof to any person or circumstance, shall remain in full force and shall in no way be affected, impaired or invalidated.

Section 4. The City Council hereby finds, determines and declares that this Ordinance is necessary for the immediate preservation of the public peace, health and safety.

Section 5. This Ordinance shall take effect immediately upon the expiration of five (5) days from and after its publication following final passage, as provided in Section 7.6(h) of the Steamboat Springs Home Rule Charter.

**INTRODUCED, READ AND ORDERED PUBLISHED**, as provided by law, by the City Council of the City of Steamboat Springs, at its regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
**Cari Hermacinski, President  
Steamboat Springs City Council**

**ATTEST:**

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

**FINALLY READ, PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
**Cari Hermacinski, President  
Steamboat Springs City Council**

**ATTEST:**

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

# AGENDA ITEM # 9

## CITY COUNCIL COMMUNICATION FORM

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**FROM:** Jason K. Peasley, City Planner (Ext. 229)  
Tyler Gibbs AIA, Director of Planning and Community Development  
(Ext. 244)

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

**DATE:** December 21, 2010

**ITEM:** Second Reading of the SCE Subdivision, Lot 2 Official Zoning Map  
Amendment (#ZMA-10-03)

**NEXT STEP:** This is the second and final reading of this ordinance.

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

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**PROJECT NAME:** SCE Subdivision, Lot 2 (#ZMA-10-03)

**PETITION:** Official Zoning Map Amendment to change the zoning from Residential  
Estate One, Low Density (RE-1) to Resort Residential Two, High Density  
(RR-2) for a 1.4 acre parcel known as SCE Subdivision, Lot 2.

**LOCATION:** SCE Subdivision, Lot 2 (2135 Burgess Creek Road)

**APPLICANT:** Ski Country, LLC c/o Eric Smith Associates, P.C., 1919 7<sup>th</sup> Street  
Boulder CO 80302

**PC ACTION:** On November 18, 2010 the Planning Commission voted 4-0 to approve  
the application.



## CITY COUNCIL COMMUNICATION FORM

SCE Subdivision, Lot 2 #ZMA-10-03

December 21, 2010

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### 1. Background

The subject parcel is a 1.40 acre parcel of land currently platted as SCE Subdivision, Lot 2. The property is triangularly shaped and is bordered by Burgess Creek Road on the west and Storm Meadows Drive on the east. SCE Subdivision, Lot 1 zoned Gondola One- High Density (G-1) border the property on the South. The parcel is currently zoned Residential Estate One, Low Density (RE-1) and contains no improvements. Burgess Creek runs through the west side of the parcel adjacent to Burgess Creek Road.

The RE-1 zoning for Lot 2 was established in 2001 with the adoption of the new CDC. Prior to 2001, the parcel was zoned Agricultural and Receptions (AR). The 2001 process to adopting new zoning districts eliminated the AR Zone and converted all privately held parcels zoned AR to RE-1. The G-1 zoning for Lot 1 was established at the same time when the previously zoning of Commercial Resort (CR) was converted to G-1.

The applicant has previously applied to rezone Lot 2 from RE-1 to G-1 and was denied by the City Council on July 7, 2009 citing that the application was inconsistent with the following criteria:

1. CDC – Section 26-62(d)(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.
2. CDC - Section 26-62(d)(3): 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.

In the spring 2009, the process to review Base Area projects was based on a PUD criterion that weighed variance (particularly to building height) against public benefits. This process was unpredictable and created uncertainty on the part of the City, the applicant and the decision makers. To relieve this uncertainty, City Planning Department brought forward to the public, development community, Planning Commission and City Council a series of proposed regulations to increase the predictability for developments in the Base Area. As a result the standards for the RR-1, RR-2, G-1 and G-2 Zone Districts were changed to create maximum heights that could not be varied, while the PUD process of evaluating variances and public benefits was replaced with a list of required community amenities. This change in regulations is important to keep in mind when comparing this application with the previous Zoning Map Amendment for G-1 on SCE Subdivision, Lot 2.

On January 9, 2010, the Steamboat Springs City Council failed to approve a proposal that would rezone SCE Subdivision, Lots 1 and 2 from G-1 and RE-1 to RR-2, effectively denying the application. Much of the discussion regarding the application

## CITY COUNCIL COMMUNICATION FORM

SCE Subdivision, Lot 2 #ZMA-10-03

December 21, 2010

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was centered on the purpose and intent of the RR-2 Zone District which states: “The designation that allows higher levels of intensity is principally located immediately adjacent to the ski slopes.” At that hearing the applicant was given direction to bring forward a new application within one year of the denial, waiving the one year moratorium on denied application in Section 26-48.

At the October 28, 2010 Planning Commission Hearing the applicant requested that the review of the proposed Official Zoning Map Amendment from RE-1 to RR-2 be tabled to November 18, 2010. The applicant requested the tabling to change their application to request an RR-1 zoning for SCE Subdivision, Lot 2. Public notices have been sent to surrounding property owners notifying them of the change in the requested zone district.

**2. Planning Commission Discussion:**

The Planning Commission discussed the proposed Zoning Map Amendment and the compatibility of a RR-1 zoning with surrounding developments. The Commission also discussed the “clear and convincing evidence” threshold established in the CDC for the review of Zoning Map Amendments.

**3. Public Comment:**

Public comment was received at the meeting by residents of the area in opposition of the proposed rezoning. Written public comments are attached with this report (Attachments 1 & 3).

**4. New Information:**

On December 7, City Council directed Planning and Fire Prevention staff to meet and discuss alternative access to this site. Detailed notes of that discussion will be provided under a separate cover.

**5. Motion:**

Planning Commission recommends the City Council find that the application to change the zoning of Lot 2, SCE Subdivision from Residential Estate One, Low Density (RE-1) to Resort Residential One- Low Density (RR-1) to be consistent with the criteria for approval in CDC Section 26-62 (d):

1. Justification
2. Compatibility with surrounding development
3. Advantages versus disadvantages
4. Consistent with the purpose and standards of the zone district
5. Effects on natural environment

**LIST OF ATTACHMENTS:**

**Attachment 1-** Staff report dated November 18, 2010

**Attachment 2-** Draft PC minutes from November 18, 2010

**Attachment 3-** Additional Public Comments



## DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT STAFF REPORT

<b>PLANNING COMMISSION AGENDA ITEM #2:</b>	
<b>Project Name:</b>	SCE Subdivision, Lot 2 #ZMA-10-03
<b>Prepared By:</b>	Jason K. Peasley, AICP City Planner (Ext. 229)
<b>Through:</b>	Tyler Gibbs AIA, Director of Planning and Community Development (Ext. 244)
<b>Planning Commission (PC):</b>	November 18, 2010
<b>City Council (CC):</b>	December 7, 2010 First Reading December 21, 2010 Second Reading
<b>Existing Zoning:</b>	Residential Estate One, Low Density (RE-1)
<b>Applicant:</b>	Ski Country, LLC c/o Eric Smith Associates, P.C., 1919 7 <sup>th</sup> Street Boulder CO 80302
<b>Request:</b>	Official Zoning Map Amendment to change the zoning from Residential Estate One, Low Density (RE-1) to Resort Residential One, Low Density (RR-1) for a 1.40 acre parcel known as SCE Subdivision, Lot 2.

SCE, Subdivision, Lot 2 (2135 Burgess Creek Road)

<b>Staff Report - Table of Contents</b>		
<b>Section</b>		<b>Pg</b>
I.	Staff Finding	2-2
II.	Project Location	2-2
III.	Background Information	2-2
IV.	Project Description	2-3
V.	Staff Analysis	2-4
VI.	Staff Findings and Motion	2-7
VII.	Attachments	2-7

## I. STAFF FINDING

Staff finds this Official Zoning Map Amendment to change the zoning from Residential Estate One, Low Density (RE-1) to Resort Residential One, Low Density (RR-1) for a 1.40 acre parcel known as SCE Subdivision, Lot 2 to be consistent with the Community Development Code criteria for approval for an Official Zoning Map Amendment.

## II. PROJECT LOCATION



## III. BACKGROUND INFORMATION

The subject parcel is a 1.40 acre parcel of land currently platted as SCE Subdivision, Lot 2. The property is triangularly shaped and is bordered by Burgess Creek Road on the west and Storm Meadows Drive on the east. SCE Subdivision, Lot 1 zoned Gondola One- High Density (G-1) border the property on the South. The parcel is currently zoned Residential Estate One, Low Density (RE-1) and contains no improvements. Burgess Creek runs through the west side of the parcel adjacent to Burgess Creek Road.

The RE-1 zoning for Lot 2 was established in 2001 with the adoption of the new CDC. Prior to 2001, the parcel was zoned Agricultural and Recreations (AR). The 2001 process to adopting new zoning districts eliminated the AR Zone and converted all privately held parcels zoned AR to RE-1. The G-1 zoning for Lot 1 was established at the same time when the previously zoning of Commercial Resort (CR) was converted to G-1.

The applicant has previously applied to rezone Lot 2 from RE-1 to G-1 and was denied by the City Council on July 7, 2009 citing that the application was inconsistent with the following criteria:

1. CDC – Section 26-62(d)(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.
2. CDC - Section 26-62(d)(3): 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.

In the spring 2009, the process to review Base Area projects was based on a PUD criteria that weighed variance (particularly to building height) against public benefits. This process was unpredictable and created uncertainty on the part of the City, the applicant and the decision makers. To relieve this uncertainty, City Planning Department brought forward to the public, development community, Planning Commission and City Council a series of proposed regulations to increase the predictability for developments in the Base Area. As a result the standards for the RR-1, RR-2, G-1 and G-2 Zone Districts were changed to create maximum heights that could not be varied, while the PUD process of evaluating variances and public benefits was replaced with a list of required community amenities. This change in regulations is important to keep in mind when comparing this application with the previous Zoning Map Amendment for G-1 on SCE Subdivision, Lot 2.

On January 9, 2010, the Steamboat Springs City Council failed to approve a proposal that would rezone SCE Subdivision, Lots 1 and 2 from G-1 and RE-1 to RR-2, effectively denying the application. Much of the discussion regarding the application was centered on the purpose and intent of the RR-2 Zone District which states: “The designation that allows higher levels of intensity is principally located immediately adjacent to the ski slopes.” At that hearing the applicant was given direction to bring forward a new application within one year of the denial, waiving the one year moratorium on denied application in Section 26-48.

At the October 28, 2010 Planning Commission Hearing the applicant requested that the review of the proposed Official Zoning Map Amendment from RE-1 to RR-2 be tabled to November 18, 2010. The applicant requested the tabling to change their application to request an RR-1 zoning for SCE Subdivision, Lot 2. Public notices have been sent to surrounding property owners notifying them of the change in the requested zone district.

#### **IV. PROJECT DESCRIPTION**

The proposed Zoning Map Amendment intends to rezone Lot 2 of the SCE Subdivision from RE-1 to RR-1. The proposed rezoning allows for greater intensity of use on the parcel.

## V. STAFF ANALYSIS

### A. Zone District Comparison

CDC Standard	Existing Zoning	Proposed Zoning
	RE-1	RR-1
Lot Coverage	0.25	0.50
Units Per Lot	1 Max.	None
Floor Area Ratio	No Max.	No Max.
Building Height		
Overall Height	40 feet	63 feet (with significant variations in building height, including differences of multiple stories, is required in an effort to break up the mass of structures)
Average Plate Height	28 feet	n/a
Front Setback	25 feet (principal structure)	20 feet (principal structure 1 <sup>st</sup> and 2 <sup>nd</sup> story) 25 feet (principal structure 3 <sup>rd</sup> story)
Side Setback	25 feet (principal structure)	15 feet (principal structure)
Rear Setback	25 feet (principal structure)	15 feet (principal structure)
Permitted Uses	Single-Family Dwelling	Multi-Family Dwellings

### B. 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: Consistent***

*Staff finds this request is consistent with justifications (d). The site of the proposed rezoning is identified in the Steamboat Springs Area Community Plan Future Land Use Plan as Resort Commercial, however the applicant has proposed to amend the Future Land Use Plan to designate the property as Resort Residential (see CP-09-02). The SSACP suggests RR-1 and RR-2 as the appropriate zone districts to be applied to parcels identified as Resort Residential on the Future Land Use Plan.*

**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: Consistent***

*Staff finds the proposed zone change is consistent with surrounding development and neighborhood character. Surrounding sites including Bronze Tree and other developments on Storm Meadows Drive are zoned RR-1. Up Burgess Creek Road, the development pattern is primarily single-family and duplex with some small scale multi-family. This site serves as a transition from the dense base area to the less dense Storm Meadows and Burgess Creek neighborhoods. RR-1 zoning for this site would allow for a 63' tall building that may provide a transition from resort style development in Ski Time Square to the smaller scale multi family development on Storm Meadows Drive and the single-family and duplex development up Burgess Creek Road.*

**3. 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: Consistent***

*Staff finds the advantages of rezoning the property outweigh the disadvantages to the community and/or neighboring lands. The rezoning and addition of this parcel to the Base*

*Area will provides advantages to the base area community through the addition of public benefits, such as “hot beds” and an enhanced pedestrian environment. While this site is located on Burgess Creek Road which is a one way in, one way out access, this issue is not specific to this site but is of concern to the City Fire Chief.*

**4. 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: Consistent***

*Staff finds this amendment to be consistent with the purpose and standards of the Resort Residential One, Low Density (RR-1) Zone District. The Purpose and Intent of the RR Zone District states:*

*“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.”*

*The proposed rezoning is consistent with the general description of the RR Zone District with respect to being a gateway to the resort and being physically connected to the resort by an integrated system of streets, sidewalks and recreational paths. The proposed rezone is consistent with the location criteria for the RR Zone District.*

**5. 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: Consistent***

*The proposed amendment will not result in any significant adverse effects on the natural environment. Future development of the site will be subject to existing regulations, including waterbody setback and construction site management BMPs that are intended to mitigate the effects on the natural environment.*



## **VI. STAFF FINDINGS AND MOTION**

Staff finds this Official Zoning Map Amendment to change the zoning from Residential Estate One, Low Density (RE-1) to Resort Residential One, Low Density (RR-1) for a 1.40 acre parcel known as SCE Subdivision, Lot 2 to be consistent with the Community Development Code criteria for approval for an Official Zoning Map Amendment.

## **VII. LIST OF ATTACHMENTS**

1. Applicant letter dated November 2, 2010
2. Existing Zoning and Future Land Use Plan Map
3. Base Area Traffic Study Summary prepared by Janet Hruby, City Engineer
4. Public Comments



November 2, 2010

City of Steamboat Springs Planning Department  
Jason Peasley  
P.O. Box 775088  
Steamboat Springs, CO 80477

**RE: Lot 2 SCE Subdivision - Zoning Map Amendment**

Dear Jason,

On behalf of the new ownership and management of the property, we would like to revise our requested zoning change on Lot 2, SCE Subdivision from RE-1 to RR-1 instead of RR-2, along with an amendment to the Steamboat Springs Area Community Plan (SSACP) Future Land Use Plan changing the designation of Lot 2 from Resort Commercial to Resort Residential.

The Criteria for Review and Approval include:

**1. Justification.**

This request is consistent with Justification (d), which states *“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.*

The site of the proposed rezoning is identified in the Steamboat Springs Area Community Plan Future Land Use Plan as Resort Commercial, however the applicant has proposed to amend the Future Land Use Plan to designate the property as Resort Residential (see CP-09-02). The SSACP suggest RR-1 and RR-2 as the appropriate zone districts to be applied to parcels identified as Resort Residential on the Future Land Use Plan.

**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.

The proposed zone change to RR-1 is consistent with surrounding development and neighborhood character. Surrounding sites including Bronze Tree and other developments on Storm Meadows Drive are zoned RR-1. This site serves as a transition from the dense base area to the less dense Storm Meadows and Burgess Creek neighborhoods. RR-1 zoning for this site would allow for a 63’ tall building with an average plate height of 42’ that is similar to surrounding properties including The Ranch and The Ridge.

**3. Advantages and Disadvantages.** The advantages of the zone district proposed substantially outweigh the disadvantages to the community and/or neighboring land occasioned by the zoning amendment.

The advantages of rezoning the property outweigh the disadvantages to the community and/or neighboring lands. The rezoning and addition of this parcel to the Base Area will provide advantages to the base area community through the addition of public benefits, such as “hot beds” and an enhanced pedestrian environment. Effects to the surrounding development and the natural environment will be mitigated through the standards of the CDC and the Base Area Design Standards applied at the time of development review.

**4. 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.

This amendment is consistent with the purpose and standards of the Resort Residential One, Low Density (RR-1) Zone District. The Purpose and Intent of the RR Zone District states:

*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.*

The proposed rezoning is consistent with the general description of the RR Zone District with respect to being a gateway to the resort and being physically connected to the resort by an integrated system of streets, sidewalks and recreational paths. The site has a pedestrian access easement across the adjacent Bronze Tree Condominiums parcel providing direct pedestrian access to Ski Times Square and the base area.

**5. 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.

The proposed amendment will not result in any significant adverse effects on the natural environment. Future development of the site will be subject to existing regulations, including waterbody setbacks and construction site management BMP’s that are intended to mitigate the effects on the natural environment.

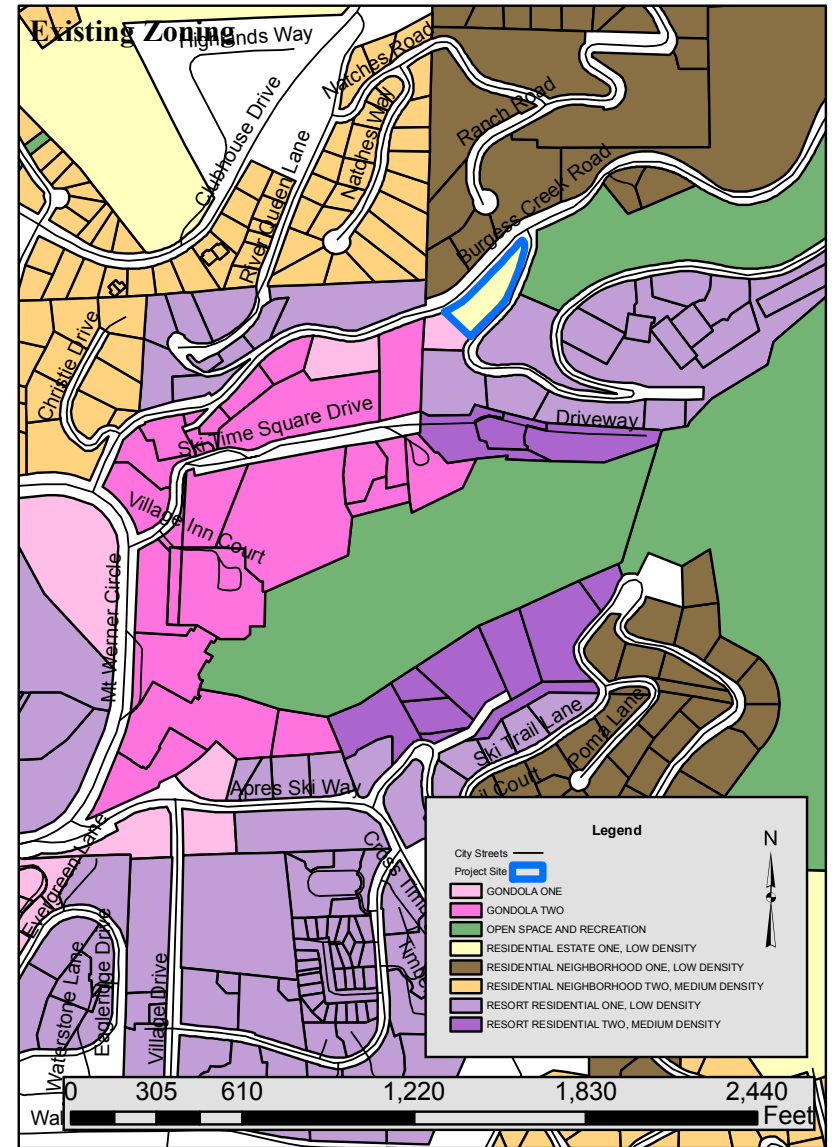
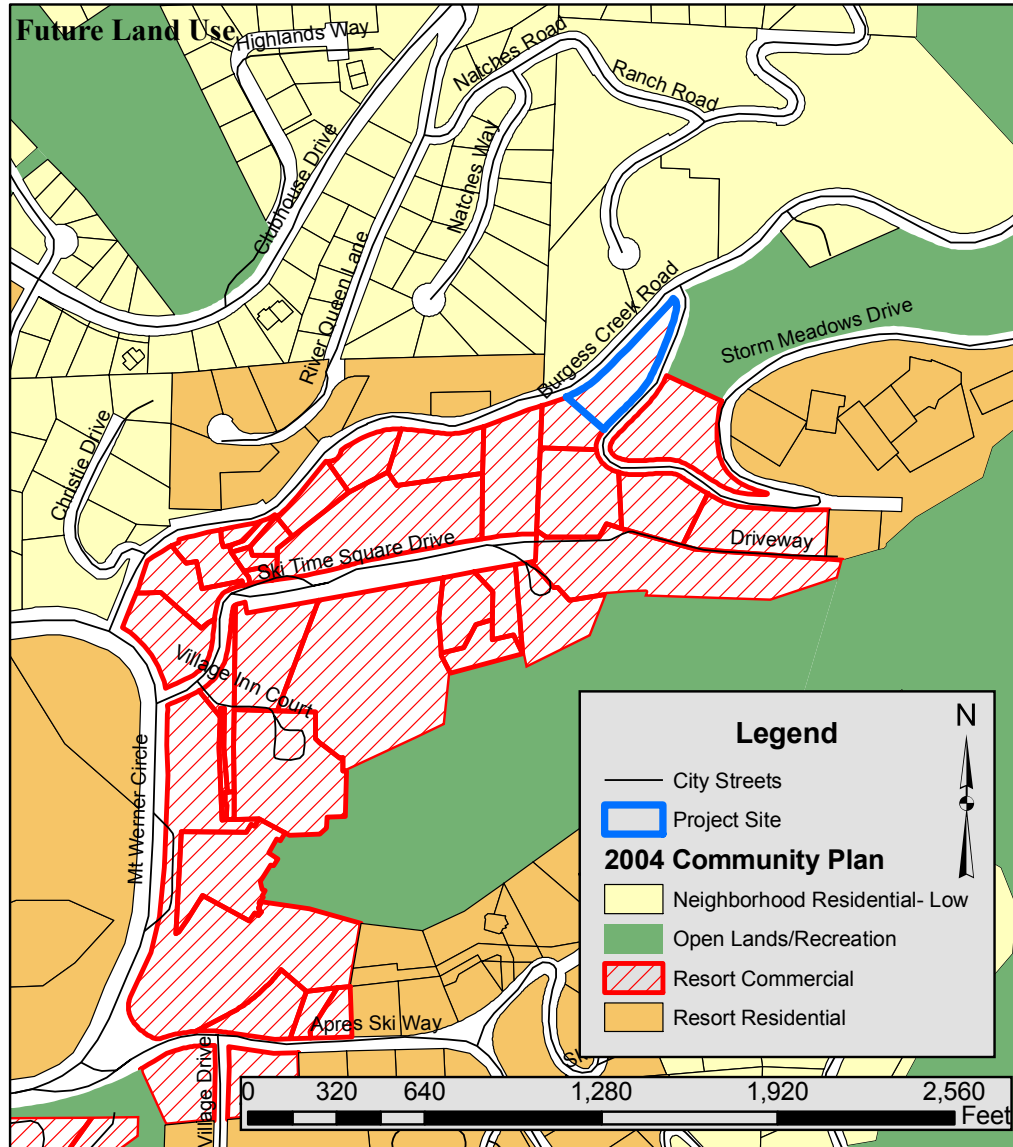
Please contact me if there are any questions or comments regarding this.

Sincerely,



Eric P. Smith, President  
ESA ARCHITECTS, P.C.

# ZMA-10-03 SCE Subdivision, Lot 2 2135 Burgess Creek Road



## **Quick Summary of the Base Area Master Traffic Study**

The City prepared a Base Area Master Traffic Study in effort to streamline the development traffic study process and provide consistent study results. The study, completed in September 2008, evaluated short-term and long-term traffic impacts based on projected redevelopment projects identified at the time of the study. Based on those traffic assumptions, the study identified needed improvements to serve traffic in the Base Area.

### **What projects and land-use assumptions were included in the study?**

#### **Short-Term (2015)**

- Ski Times Square ( 360 units, 43,000 sf commercial)
- **SCE Highlands ( 136 units, 6,000 sf commercial) – this is consistent with the currently requested zoning amendment**
- St Cloud ( 94 units, 43,000 sf commercial)
- Thunderhead ( 125 units, 15,000 sf commercial)
- One Steamboat Place ( 95 units, 19,000 sf commercial)
- Edgemont ( 130 units)
- Ptarmigan ( 36 units)

#### **Long-Term (2025)**

- BC Estates ( 40 units)
- Parcel B ( 125 units, 15, 000 sf commercial)
- Knoll Lot ( 125 units, 12,000 sf commercial)
- Gondola Square ( 20,000 sf commercial)
- Mt Werner Lodge ( 175 units, 12,000 sf commercial)
- Sheraton ( 50 units, 5,000 sf commercial)
- Steamboat Grand Phase II ( 150 units, 12,000 sf commercial)

The projected sizes were based on current applications or discussions with land owners and projections based on increased densities currently being seen.

**What if a project changes densities or sizes?** The intent of the study is that as new development projects come in, they must compare their proposed development to the land use assumptions in the traffic study. If the sizes increase or decrease significantly, then an updated study will be required to re-evaluate the impacts and the improvements and impact fees will change accordingly.

### **What improvements are recommended?**

The improvements were recommend based on the short and long term horizons evaluated. Actual timing for improvements will need to be confirmed with each development application depending on the actual sequence of development.

#### **Short-Term (2015)**

- traffic signal at Mt Werner/ Steamboat Blvd (when warrants met)

- traffic signal at Mt Werner/ Mt Werner Circle ( when warrants met)
- roundabout at Mt. Werner Circle/Apres Ski way ( completed)
- all way stop at Mt Werner Circle/ Ski Times Square ( when warrants mets)
- all way stop at Apres Ski Way/ Village Drive and auxiliary lanes
- Re-stripe Burgess Creek Road at intersection with Mt Werner Circle to provide separate right and left lanes ( confirm existing ROW is adequate)

**Long-Term (2025)**

- short-term improvements
- roundabout at Mt Werner Circle/ Ski Times Square
- Re-evaluate Burgess Creek Road/ Mt Werner Circle intersection
- Evaluate transit village concept with development of Grand II and Knoll Lot

**What is the cost of improvements and each developments contribution?** The total improvements cost serving both existing and new traffic is estimated at approximately \$5,000,000. The cost for each new development will be evaluated as part of the development application. For the SCE Highlands project, a Condition of Approval has been added: *The developer shall pay a proportionate share of future traffic improvements as identified in the Base Area Master Traffic Study, calculated at \$181,111. Payment shall be submitted prior to recordation of first Final Plat or at issuance of building permit, whichever comes first.*

**Jason Peasley**

**From:** Randy Boyer [randybo@comcast.net]  
**Sent:** Thursday, October 28, 2010 10:16 PM  
**To:** Jason Peasley  
**Cc:** John de Wardt; Eric Smith; Art Wittern; Barbara and Jim Bronner; Bill Jameson; Bill Moser; Charles Harth; David Parish; Don Mathes; Gayle Strong; Gregg Strong; Joanne Erickson; Maria McEvoy; Mary Alice; Monica Hansen; Paul Sachs; Peggy Rogers; Ron Smith; Steve Aigner; Susan Allen; jadead@comcast.net; Susie Hadden; Tee Murray; Terrance Riordan; Tim Rast; Todd Moore; Vincent & Karen Plona; Jason Peasley  
**Subject:** Re: Project Update

Hello Jason,

The Board of Managers of Storm Meadows Club A, representing 37 property owners and taxpayers, second Mr. de Wardt's sentiments. We request the application be denied, with an admonishment to the requestors that this neighborhood has spoken on numerous occasions its opposition to this kind of development. The requested building is out of character with our neighborhood and restricts access to our property and our enjoyment of it. The roads leading to the greater Storm Meadows development are already narrow and dangerous. The added congestion will not only make routine access harder, but would unacceptably delay emergency fire, police, and ambulance access.

Thank you for your consideration.

Randy Boyer  
 Vice President, Homeowners Association, Storm Meadows Club A  
 410-321-7019  
 randybo@comcast.net

----- Original Message -----

**From:** "John de Wardt" <jdewardt@dewardt.com>  
**To:** "Jason Peasley" <jpeasley@steamboatsprings.net>  
**Cc:** "Eric Smith" <eric@esapc.com>, "Art Wittern" <director@wittern.com>, "Barbara and Jim Bronner" <Bronzball@aol.com>, "Bill Jameson" <wintercondo@comcast.net>, "Bill Moser" <bmoser2@earthlink.net>, "Charles Harth" <ChasHarth@aol.com>, "David Parish" <david.parish@calypsocontrol.com>, "Don Mathes" <mathes2@comcast.net>, "Gayle Strong" <StrongG@gtlaw.com>, "Gregg Strong" <greggstrong@mac.com>, "Joanne Erickson" <joanne@steamboatexpert.com>, "Maria McEvoy" <mariamcevoy@hotmail.com>, "Mary Alice" <maryalice@pageallenassociates.com>, "Monica Hansen" <mmmccue1@aol.com>, "Paul Sachs" <psachs@paulsachspc.com>, "Peggy Rogers" <progers@mtn-resorts.com>, "Randy Boyer" <randybo@comcast.net>, "Ron Smith" <rsmith16673@earthlink.net>, "Steve Aigner" <smyaig@gmail.com>, "Susan Allen" <susanballen@aol.com>, "Susie Hadden" <shadden@mtn-resorts.com>, "Tee Murray" <Teetee80477@yahoo.com>, "Terrance Riordan" <terrence.riordan@nb.com>, "Tim Rast" <TRastello@hollandhart.com>, "Todd Moore" <tmoore@resortquest.com>, "Vincent & Karen Plona" <PLONAVT@aol.com>  
**Sent:** Wednesday, October 27, 2010 11:53:30 AM  
**Subject:** RE: Project Update

Jason,

I just read your Staff report on this proposed rezoning and fully support your conclusions that the proposed rezoning is inconsistent with the CDC and must therefore be denied

I am both shocked and surprised that the owners of this property return yet again to our City representatives to ask for a re-zoning they were denied twice before in the past 2 years. We have repeatedly discussed that rezoning for a 75 feet tall high density building on a lot zone for one single family home is unacceptable in this residential location.

I request that the City Planning Commission firmly deny this rezoning proposal.

best regards, John de Wardt

President, DE WARDT AND COMPANY INC. [www.dewardt.com](http://www.dewardt.com)  
Global Management Consultant

e-mail: [jdewardt@dewardt.com](mailto:jdewardt@dewardt.com)  
Office phone: USA 970 879 3103  
Cell phone: USA 970 846 6571  
Steamboat Springs, Colorado, USA

---

**From:** Jason Peasley [mailto:[jpeasley@steamboatsprings.net](mailto:jpeasley@steamboatsprings.net)]  
**Sent:** Tuesday, October 12, 2010 10:11 AM  
**To:** Art Wittern; Barbara and Jim Bronner; Bill Jameson; Bill Moser; Charles Harth; David Parish; Don Mathes; Gayle Strong; Gregg Strong; Joanne Erickson; John de Wardt; Maria McEvoy; Mary Alice; Monica Hansen; Paul Sachs; Peggy Rogers; Randy Boyer; Ron Smith; Steve Aigner; Susan Allen; Susie Hadden; Tee Murray; Terrance Riordan; Tim Rast; Todd Moore; Vincent & Karen Plona  
**Cc:** Eric Smith ([eric@esapc.com](mailto:eric@esapc.com))  
**Subject:** Project Update

All,

The rezoning request for SCE Subdivision, Lot 2 located at the corner of Burgess Creek Road and Storm Meadows Drive has been scheduled for public hearings. Surrounding Property Owner Notification has been sent out and some of you will receive a formal letter regarding the hearings.

The public hearing dates are as follows:

Planning Commission: Thursday, October 28, 2010 at 5:00pm in Centennial Hall, 124 10th Street.

City Council 1st Reading: Tuesday, November 16, 2010 at 5:00pm in Centennial Hall, 124 10th Street.

City Council 2nd Reading: Tuesday, December 7, 2010 at 5:00pm in Centennial Hall, 124 10th Street.

Please feel free to email me with any comments that you may have regarding the application or attend the above meetings.

Thank you,

Jason K. Peasley, AICP  
City of Steamboat Springs  
City Planner  
o. (970) 871-8229  
f. (970) 871-8285  
[jpeasley@steamboatsprings.net](mailto:jpeasley@steamboatsprings.net)



**SHARP, STEINKE, SHERMAN & ENGLE LLC**

Attorneys and Counselors at Law  
401 Lincoln Avenue  
P.O. Box 774608  
Steamboat Springs, Colorado 80477  
Telephone: (970) 879-7600 FAX: (970) 879-8162  
sherman@steamboatlawfirm.com

MARK E. STEINKE  
MELINDA H. SHERMAN  
GARY S. ENGLE  
KARINA SERKIN SPITZLEY

THOMAS R. SHARP  
Of Counsel

October 28, 2010

Planning Commission  
City of Steamboat Springs  
via email: [jpeasley@steamboatsprings.net](mailto:jpeasley@steamboatsprings.net)

Re: **OPPOSITION TO SCE Subdivision, Lot 2 #ZMA-10-03,**

Ladies and Gentlemen:

This office represents The Ridge Townhomes Association (hereinafter "Association"), the association for The Ridge Townhomes Condominiums. The Ridge Townhomes Condominiums property is located near Lot 2, SCE Subdivision, the subject property. The members of the Association are unable to attend your meeting on Thursday and have asked that this letter be entered into the record of the Thursday, October 28, 2010 Planning Commission Meeting. PLEASE NOTE THAT THE RIDGE TOWNHOMES ASSOCIATION WAS NOT NOTIFIED OF THIS APPLICATION OR THIS HEARING.

This letter is in opposition to Ski Country, LLC's application for an amendment to the official zoning map. The application seeks to rezone Lot 2, SCE Subdivision ("SCE Lot") from the Residential Estate One, Low Density RE-1 zone district to the Resort Residential Two, High Density RR-2 zone district (the "ZMA Application"). The Association's opposition to the ZMA Application is soundly based on the failure of the ZMA Application to meet established Steamboat Springs Community Development Code ("CDC") criteria. Its concerns are set forth in bold directly below the applicable conditions of CDC Section 26-62(d).

Section 26-62(d) of the CDC requires that an ordinance approving an amendment to the official zoning map be approved and adopted only in the event it appears by *clear and convincing evidence* that *all of* the conditions in Section 26-62(d) exist. The ZMA Application is inconsistent with and fails to satisfy the following conditions:

**"(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.”

From a compatibility stand-point, RR-2 zoning could allow a development of a “type, height, massing, appearance and intensity” vastly different from that on most every adjacent property – north, east and west. The ZMA Application fails to provide a logical and orderly development pattern transitioning from most intense (Ski Time Square) to a lower intensity (adjacent properties of the SCE Lot.) The RR-2 zone district fails to be transitory in nature between the more intense commercial areas of Ski Time Square and the open and residential areas of Burgess Creek Road. Therefore, the ZMA Application will result in an illogical and disorderly development pattern within the community and is incompatible with surrounding development.

*It is important to note that the same application by this same Applicant to rezone Lot 2, SCE Subdivision to RR-2 was denied by the City Council on July 7, 2009 for failure to meet this criterion. The CDC prohibits the same application to be brought within a year.*

“(3) *Advantages versus disadvantages.* The advantages of the zone district proposed substantially outweigh the disadvantages to the community and/or neighboring land occasioned by the zoning amendment.”

The increased density permitted by the RR-2 zone district is clearly inappropriate for the location of the SCE Lot. Such increased intensity will certainly generate a significant increase in traffic on Burgess Creek Road, which is narrow and winding and often slick and dangerous in the winter months. The increase in traffic on Burgess Creek Road will cause a serious safety risk. The life safety risks are a disadvantage to the community and neighborhood, which alone clearly outweigh any advantage of the ZMA Application.

*It is important to note that the same application by this same Applicant to rezone Lot 2, SCE Subdivision to RR-2 was denied by the City Council on July 7, 2009 for failure to meet this criterion. The CDC prohibits the same application to be brought within a year.*

“(4) *Consistent with purpose and standards of zone district.* The amendment will be consistent with the purposes and standards of the zone district to which the property is proposed to be designated.”

The CDC Section 26-91(c)(1)(e) states “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 [emphasis added].” The SCE Lot is not immediately adjacent to the ski slopes.

RR-2 zoning specifically requires that “new development shall be physically connected” to the ski area by an “integrated system of streets, sidewalks, and recreational paths.” The location of the SCE Lot on the edge of the URA/MTSP boundary and accessing off of Burgess

Creek Road (as opposed to Ski Time Square) make it impossible to be physically connected to the ski resort. Additionally, the location makes it an unlikely property to access from the ski area by sidewalks and recreational paths without easements through Ski Time Square properties. The ZMA Application is not consistent with the purpose and standards of the RR-2 zone district. Approval of the rezone request would clearly be inconsistent with the plain text of the City's own CDC.

*“(5) 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.”*

The ZMA Application is without sufficient information to prove by clear and convincing evidence that it will not result in significant adverse effects on the natural environment. It is highly unlikely that development so close to Burgess Creek will not have an adverse effect on the natural environment, due to the topography and proximity to Burgess Creek.

The CDC Section 26-62 (d) requires that clear and convincing evidence be presented to City Council that *all* five conditions in the CDC exist. Although the ZMA Application fails to meet all of the above listed conditions, failure on even one point must lead to a finding that the zone change cannot be approved.

In conclusion, the Association respectfully requests that the Planning Commission deny the rezoning ordinance. Thank you for the opportunity to provide these comments.

Sincerely,  
SHARP, STEINKE, SHERMAN & ENGLE LLC

  
Melinda H. Sherman

cc: Charles Repa

**Jason Peasley**

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**From:** mathes2@comcast.net  
**Sent:** Wednesday, October 27, 2010 5:25 PM  
**To:** Jason Peasley  
**Cc:** jdewardt@dewardt.com  
**Subject:** Re: Project Update

Jason,

What? Again???

These owners have been denied their request for a rezoning of this property TWICE ALREADY in the last two years, and they are back again??

And nothing has changed! The property is still totally inappropriate for anything but residential, yet they are wasting our time and resources AGAIN with a request for reconsideration, hoping that someone on the City Council will have a change of heart.

C'mon, enough is enough! The Council should deny the request yet again and let the owners know that they are barking up the wrong tree here. Burgess Creek Road is an inappropriate site for anything but residential, and it is time the City Council made that clear to these owners.

Please record my strong opposition to the zoning change request and insert my e-mail in the public record.

Many thanks, Jason,

Don Mathes  
 2759 Burgess Creek Rd.

----- Original Message -----

From: "Jason Peasley" <jpeasley@steamboatsprings.net>  
 To: "Art Wittern" <director@wittern.com>, "Barbara and Jim Bronner" <Bronzball@aol.com>, "Bill Jameson" <wintercondo@comcast.net>, "Bill Moser" <bmoser2@earthlink.net>, "Charles Harth" <ChasHarth@aol.com>, "David Parish" <david.parish@calypsocontrol.com>, "Don Mathes" <mathes2@comcast.net>, "Gayle Strong" <StrongG@gtlaw.com>, "Gregg Strong" <greggstrong@mac.com>, "Joanne Erickson" <joanne@steamboatexpert.com>, "John de Wardt" <jdewardt@dewardt.com>, "Maria McEvoy" <mariamcevoy@hotmail.com>, "Mary Alice" <maryalice@pageallenassociates.com>, "Monica Hansen" <mmmccue1@aol.com>, "Paul Sachs" <psachs@paulsachspc.com>, "Peggy Rogers" <progers@mtn-resorts.com>, "Randy Boyer" <randybo@comcast.net>, "Ron Smith" <rsmith16673@earthlink.net>, "Steve Aigner" <smyaig@gmail.com>, "Susan Allen" <susanballen@aol.com>, "Susie Hadden" <shadden@mtn-resorts.com>, "Tee Murray" <Teetee80477@yahoo.com>, "Terrance Riordan" <terrence.riordan@nb.com>, "Tim Rast" <TRastello@hollandhart.com>, "Todd Moore" <tmoore@resortquest.com>,

"Vincent & Karen Plona" <PLONAVT@aol.com>  
Cc: "Eric Smith (eric@esapc.com)" <eric@esapc.com>  
Sent: Tuesday, October 12, 2010 12:10:30 PM  
Subject: Project Update

All,

The rezoning request for SCE Subdivision, Lot 2 located at the corner of Burgess Creek Road and Storm Meadows Drive has been scheduled for public hearings. Surrounding Property Owner Notification has been sent out and some of you will receive a formal letter regarding the hearings.

The public hearing dates are as follows:

Planning Commission: Thursday, October 28, 2010 at 5:00pm in Centennial Hall, 124 10th Street.

City Council 1st Reading: Tuesday, November 16, 2010 at 5:00pm in Centennial Hall, 124 10th Street.

City Council 2nd Reading: Tuesday, December 7, 2010 at 5:00pm in Centennial Hall, 124 10th Street.

Please feel free to email me with any comments that you may have regarding the application or attend the above meetings.

Thank you,

Jason K. Peasley, AICP  
City of Steamboat Springs  
City Planner  
o. (970) 871-8229  
f. (970) 871-8285  
jpeasley@steamboatsprings.net

**Jason Peasley**

---

**From:** John de Wardt [jdewardt@dewardt.com]  
**Sent:** Wednesday, October 27, 2010 9:54 AM  
**To:** Jason Peasley  
**Cc:** 'Eric Smith'; 'Art Wittern'; 'Barbara and Jim Bronner'; 'Bill Jameson'; 'Bill Moser'; 'Charles Harth'; 'David Parish'; 'Don Mathes'; 'Gayle Strong'; 'Gregg Strong'; 'Joanne Erickson'; 'Maria McEvoy'; 'Mary Alice'; 'Monica Hansen'; 'Paul Sachs'; 'Peggy Rogers'; 'Randy Boyer'; 'Ron Smith'; 'Steve Aigner'; 'Susan Allen'; 'Susie Hadden'; 'Tee Murray'; 'Terrance Riordan'; 'Tim Rast'; 'Todd Moore'; 'Vincent & Karen Plona'  
**Subject:** RE: Project Update  
**Importance:** High

Jason,

I just read your Staff report on this proposed rezoning and fully support your conclusions that the proposed rezoning is inconsistent with the CDC and must therefore be denied

I am both shocked and surprised that the owners of this property return yet again to our City representatives to ask for a re-zoning they were denied twice before in the past 2 years. We have repeatedly discussed that rezoning for a 75 feet tall high density building on a lot zone for one single family home is unacceptable in this residential location.

I request that the City Planning Commission firmly deny this rezoning proposal.

best regards, John de Wardt

President, DE WARDT AND COMPANY INC. [www.dewardt.com](http://www.dewardt.com)  
 Global Management Consultant

e-mail: [jdewardt@dewardt.com](mailto:jdewardt@dewardt.com)  
 Office phone: USA 970 879 3103  
 Cell phone: USA 970 846 6571  
 Steamboat Springs, Colorado, USA

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**From:** Jason Peasley [mailto:jpeasley@steamboatsprings.net]  
**Sent:** Tuesday, October 12, 2010 10:11 AM  
**To:** Art Wittern; Barbara and Jim Bronner; Bill Jameson; Bill Moser; Charles Harth; David Parish; Don Mathes; Gayle Strong; Gregg Strong; Joanne Erickson; John de Wardt; Maria McEvoy; Mary Alice; Monica Hansen; Paul Sachs; Peggy Rogers; Randy Boyer; Ron Smith; Steve Aigner; Susan Allen; Susie Hadden; Tee Murray; Terrance Riordan; Tim Rast; Todd Moore; Vincent & Karen Plona  
**Cc:** Eric Smith (eric@esapc.com)  
**Subject:** Project Update

All,

The rezoning request for SCE Subdivision, Lot 2 located at the corner of Burgess Creek Road and Storm Meadows Drive has been scheduled for public hearings. Surrounding Property Owner Notification has been sent out and some of you will receive a formal letter regarding the hearings.

The public hearing dates are as follows:

Planning Commission: Thursday, October 28, 2010 at 5:00pm in Centennial Hall, 124 10th Street.

City Council 1st Reading: Tuesday, November 16, 2010 at 5:00pm in Centennial Hall, 124 10th Street.

City Council 2nd Reading: Tuesday, December 7, 2010 at 5:00pm in Centennial Hall, 124 10th Street.

Please feel free to email me with any comments that you may have regarding the application or attend the above meetings.

Thank you,

Jason K. Peasley, AICP  
City of Steamboat Springs  
City Planner  
o. (970) 871-8229  
f. (970) 871-8285  
[jpeasley@steamboatsprings.net](mailto:jpeasley@steamboatsprings.net)

October 22, 2010

City Planning Commission  
City of Steamboat Springs Colorado  
Sent via email- [jpeasley@steamboatprings.net](mailto:jpeasley@steamboatprings.net)

Re: SCE subdivision, Lot 2, rezoning amendment CP-09-02

Members of the Planning Commission:

This letter is to express opposition to the matter of application for a zoning change/amendment involving the property on Burgess Creek Road near its intersection with Storm Meadows Drive. We are property owners in The Ridge Townhomes (Unit #1) which is near the property in question. We are unable to attend the meeting but would like our opposition entered into the record and sent to all the city council members/planning commission members.

The application to rezone Lot 2 of the property from low density residential should be denied.

First of all, we have received no notice of this amendment hearing, it is known to us only by word of mouth and searching for notice via internet. I am not sure how many other potentially involved property owners did not receive notice, I believe there are requirements of notification for those in the vicinity of such changes to receive legal notice.

The outlined comments/statements of the planning review regarding the proposed "minor amendment" do not hold true to the commission's rules and regulations in several areas.

Statement #2---Policy LU-2.2 Consistency with the character and scale of the immediate neighborhood as well as, ---Policy CD-1.5 Compatible with the context of the surrounding neighborhood. These statements have definitely not been met if this area is rezoned with the allowance of a 75 foot tall building (and that would be further violated with any exceptions, allowances, variances for taller construction as has been the habit with money paid to gain such exceptions/variances in other areas). The proposed zoning change (and allowed development with such zoning amendment) in no way would fit into the character or nature of any adjacent property. It in fact, stands in absolute opposition to that statement and its intent. It is a transitional area to pure residential housing and is situated on Burgess Creek and adjacent to nature greenbelt/reserve for recreational and wildlife use. This is definitely incompatible with the surrounding areas.

Statement #3---no negative impacts on transportation in the area. Clearly the proposed zoning (and subsequent development allowed) fails to meet this criteria. The safety and traffic issues on Burgess Creek Road which is narrow, somewhat serpentine, icy most of the winter, and has only one avenue for ingress or egress for emergency needs, would be significant to say the least for any construction phase and/or later with increase in traffic from delivery, shuttles, vehicles leaving a high density structure, etc. which would be allowed in that area with such zoning. The section of Burgess Creek Road involved is shaded, icy, curved, and on a downhill slope from either direction. In addition, the intersection with Mount Werner Circle is difficult to navigate as well even



with frequent winter maintenance due to icing and downhill slope in that location and accidents at this area will most assuredly increase resulting in personal injury, increased property damage and blocked access for emergency purposes.

Statement #4---minimal impact on service provision for the area. All the issues outlined with statement #3 preceding apply to this statement as well.

Effects on natural environment in the area---this is not stated in the amendment proposal but should be considered. Any rezoning to high density and subsequent proposed development will fail miserably to meet this concern. There is no evidence that there will be no negative impact on the natural environment and development of this scope and size, allowed with this rezoning, **not only adjacent to but on top of** Burgess Creek most likely would have the opposite effect. This also would have a negative impact from noise, traffic, congestion on the adjacent wildlife corridor/natural preserve set aside immediately across Burgess Creek Road as well as Storm Meadows Drive. There have been bear, fox, moose, beaver, porcupine, and deer that traverse this area given its low density now and open space on immediately adjacent lands.

In conclusion, it is clear that the rezoning to a high density development allowance fails to meet the criteria for amendment and should therefore be defeated. Many of the conditions have not been satisfied and statements outlined in the report are contrary to the facts and the fail to meet code rules and regulations and therefore should cause a vote to deny this rezoning request/amendment. The inadequate infrastructure and road capacity and conditions in this area and public safety issues should be a major concern for any one on the commission voting to approve such rezoning and the ensuing development that would occur with any such approval. Significant major impacts on the surrounding natural environment and wildlife corridors established by the low density across Burgess Creek Road and the nature preserve/green space across Storm Meadows Drive should also be considered.

We would like to thank you for the opportunity to present our input in the process and ask that the appeal for rezoning for the property on Burgess Creek Road (SCE subdivision Lot 2) be denied as clearly it fails to meet the criteria as outlined above and significant public and personal safety issues will arise from such a change in this area.

Sincerely,

Charles and Ellen Repa

**Jason Peasley**

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**From:** maria mcevoy [mariamcevoy@hotmail.com]  
**Sent:** Tuesday, October 05, 2010 12:07 PM  
**To:** Jason Peasley  
**Subject:** RE: SCE, Lot 2

Thanks for answering my e-mail. Just as a matter of record. I feel as if we should maintain the integrity of the zoning laws and stay with the original zoning designations. Developing Steamboat as a top notch destination should be our goal. Maria McEvoy

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**From:** jpeasley@steamboatsprings.net  
**To:** mariamcevoy@hotmail.com  
**Date:** Wed, 29 Sep 2010 07:40:30 -0600  
**Subject:** SCE, Lot 2

Maria,

SCE Subdivision, Lot 2 is the parcel of land located at the corner of Burgess Creek Road and Storm Meadows Drive. This parcel is one of two lots formerly known as the Steamboat Highlands project that was denied for rezoning by the City Council in January.

Contact me if you have any further questions.

Jason K. Peasley, AICP  
City of Steamboat Springs  
City Planner  
o. (970) 871-8229  
f. (970) 871-8285  
jpeasley@steamboatsprings.net

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

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

October 20, 2010

Planning Commission Members:

Re: Zoning Map Amendment Lot 2, SCE Subdivision (Ski Country)

We are counsel to the Bronze Tree Condominium Association, Inc., a Colorado nonprofit corporation ("Bronze Tree") and The Ranch at Steamboat Condominium Association, a Colorado nonprofit corporation ("The Ranch") and are submitting this letter in *opposition* to the above-referenced Zoning Map Amendment application dated September 8, 2010.

We urge you to deny this request for rezoning, Lot 2 SCE Subdivision from RE-1 to RR-2.

#### PREVIOUS APPLICATIONS

Approximately two years ago, the owners of Lot 2 SCE Subdivision proposed to rezone Lot 2 from RE-1 to G-1. This request was denied.

Less than one year ago, the owner of Lot 2 SCE Subdivision submitted this exact same proposal, to rezone Lot 2 SCE Subdivision from RE-1 to RR-2. This request was also denied.

1. **Zoning Map Amendment Criteria.** In order to amend the zoning map, the City Council must ultimately find by clear and convincing evidence that the five conditions listed at SSRMC 26-62(d)(1)-(5) exist. Bronze Tree and The Ranch do not believe that there is *clear and convincing evidence* that all five conditions exist. The five conditions are:

- a. **Justification.** There are four possible conditions whereby the "justification" criteria can be met. The Applicant cannot meet the first three conditions and contends that it meets condition 1(d). In particular, that the rezoning will substantially conform to the community plan land use map designation for the property. Lot 2 of the SCE Subdivision currently zoned RE-1 is designated as resort/commercial on the community land use map. Resort/Commercial areas are typically zoned G-1 or G-2. Bronze Tree and The Ranch agree that the current designation of Resort/Commercial is inappropriate but disagree that the proper designation should be RR-2. Rather we would suggest that the proper designation should be Residential Neighborhood-Low Density. Lot 2 is the last lot in an area that transitions from Resort/Commercial to Residential Neighborhood I-Low Density. It is quite likely that it was zoned RE-1 in order to buffer the residential neighborhood that it abuts from the Resort/Commercial activity at the Ski Area Base. Thus, we believe that keeping the zoning on Lot 2 at RE-1 and amending the community land use plan appropriately would most substantially conform to the intended community designation for the property.

- b. *Compatibility with surrounding development.* Again, Bronze Tree and The Ranch assert that the surrounding zone district (Residential 1-Low Density) and the neighborhood character of Burgess Creek are the reasons Lot 2 is zoned RE-1 and that it would be incompatible with the rest of the area if it was rezoned to allow the uses permitted in the RR-2 zone. Surrounding development around Lot 2 is mostly open space. Further up Burgess Creek Road, it is mostly residential neighborhoods. To rezone Lot 2 from RE-1 to RR-2 would allow the Applicant to construct a building that is not compatible with surrounding development. In addition, a rezoning would significantly increase traffic on Burgess Creek Road, creating a safety hazard for all who use that road. There is only one ingress and egress to this property and that is through Burgess Creek Road. The City would not allow a residential subdivision of the size contemplated in an RR-2 zone as requested by the Applicant to be built on a site that only had one ingress and egress. It is simply unsafe. A rezoning this property to RR-2 creates significant safety risk for all who use Burgess Creek Road.
- c. *Advantages versus disadvantages.* Here there must be a finding that the advantages of the proposed zone district "*substantially outweigh*" the disadvantages to the community and/or neighboring land occasioned by the zoning amendment. Allowing a large condominium building to be placed on Lot 2 instead of the currently allowed single family use clearly is a disadvantage to the neighborhood character of other development on Burgess Creek. The RR-2 zone district allows too dense of a development on this site. The topography of this lot is not suitable for a development of this size. The proximity to Burgess Creek on one side of the site and the steep hillside on the other side of the site is not conducive to the intensity of development allowed in RR-2. Additionally, there is no transition to the Burgess Creek neighborhood. Another disadvantage is what would be the significant increase of the traffic on Burgess Creek Road increasing the safety risk that already exists on that road which cannot be mitigated. To allow the type of density that is permitted in an RR-2 zone would diminish the value of the surrounding open space and allow development of significantly more density to creep into the nearby residential neighborhoods.
- d. *Consistent with purpose and standards of zone district.* Bronze Tree and The Ranch assert that the current zoning of RE-1 is more consistent with the purpose and standards of the surrounding zone district than the proposed RR-2 zone. The purpose of the RR-2, Resort Residential-High Density Zone District as set forth in the SSRMC is to provide areas for "*the highest intensity of residential use consistent with a mountain resort community.*" Bronze Tree and The Ranch vigorously assert that it is inconceivable that an objective analysis of the topography and location of Lot 2, SCE Subdivision would indicate that this lot is suitable for the highest intensity of residential use. Additionally, SSRMC provides that in an RR-2 zone district "*new development shall be physically connected to the resort by an integrated system of streets, sidewalks and recreational paths.*" We assert that while there is a sidewalk with an easement access to Ski Time Square, there is not an integrated system of streets or recreational paths to connect Lot 2, SCE Subdivision with Ski Time Square. Lot 2, SCE Subdivision is not "beach front" property. It is located four lots from the Ski Slopes and it is approximately 500 feet away. Previous applicants seeking to up zone Lot 2, SCE Subdivision have admitted during hearings on earlier applications that the City Council could deny them their up zone request of this Lot based on this issue of the lack of connectivity to the base area. The RR-2 zone district is also described in SSRMC as allowing "*higher levels of intensity*" and that the lot "*is principally located immediately adjacent to the ski slopes.*" *Principally* is generally defined as primarily, chiefly and not remotely. Lot 2, SCE Subdivision is without a doubt not principally located immediately adjacent to the ski slopes. It is remote at best.

- e. *Effects on natural environment.* Bronze Tree and The Ranch are extremely concerned about the possible adverse effects on Burgess Creek if the zone change is permitted and a large building as permitted in an RR-2 zone is built adjacent to Burgess Creek. Lot 2 of SCE Subdivision is long and narrow with a steep hill on one side and Burgess Creek on the other. A large building as permitted in an RR-2 zone will almost certainly have detrimental impacts to both Burgess Creek and to the natural topography of this lot.

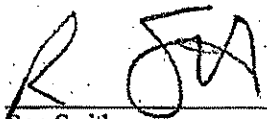
#### CONCLUSION

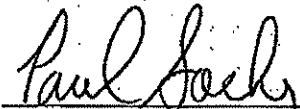
Two years ago a proposal to up zone Lot 2, SCE Subdivision was denied. Last year, this same application to up zone Lot 2, SCE Subdivision from RE-1 to RR-2 was, again, denied. Nothing has changed, but for the Applicant. The Applicant has not proven by clear and convincing evidence that all five conditions set forth in SSRMC to amend the City Zoning Map have been met. Specifically, the Zoning Map Amendment request is not compatible with the surrounding development, the disadvantages of this up zoning request clearly outweigh any advantages and the up zoning request is not consistent with the purpose and standards of an RR-2 zone in that Lot 2, SCE Subdivision is not physically connected to the Resort by an integrated system of streets, sidewalks and recreational paths and is not principally located immediately adjacent to the Ski Slope.

The Ranch and Bronze Tree request that the City Planning Commission deny the Zoning Map Amendment request to rezone Lot 2, SCE Subdivision from RE-1 to RR-2.

Thank you for your consideration of Bronze Tree's and The Ranch's concerns.

Respectfully,

  
\_\_\_\_\_  
Ron Smith

  
\_\_\_\_\_  
Paul Sachs

Bill and Kathy Moser  
2695 Ridge Road  
Steamboat Springs, CO 80477

October 24, 2010

City of Steamboat Springs  
City Council  
Planning Commission  
Planning Staff  
[jfranklin@steamboatsprings.net](mailto:jfranklin@steamboatsprings.net)

Dear Planning Commission and Members of the City Council.

This letter has reference to agenda items of the October 31st meeting of the Planning Commission regarding lot 2 SCE subdivision Zoning Amendment. This project should be renamed the Ground Hog Day project because it keeps on coming back.

We have previously commented to the City Council and Planning commission regarding the suitability of Burgess Creek Road to handle the increased traffic that would occur with the change of zoning of various parcels that are contiguous to Burgess Creek Road. This is especially pertinent to those parcels that, when built, will add considerable amount of traffic to the road that we all know is a steep, winding and narrow road.

Eric Smith refers to the traffic study conducted in 2008 and their findings suggested that Burgess Creek Road would be fine for the increased traffic according to that study. This study provides also contains information that negates the mandate for "clear and convincing" evidence to allow the up zoning for the Highlands project.

In reviewing the Fehr & Peers September 2008 study a number of facts and conclusions regarding the Burgess Creek Road / Mount Werner intersection were either overlooked or not considered by the petitioner.

The only improvements that were contemplated for Burgess Creek Road were to add stripping and widening the road to accommodate a right turn lane and a left turn lane that the current road width could accommodate. There were no plans for a traffic circle at this intersection considered in the study. The intersection would be controlled by a stop sign that comparable to the one that is currently in place. No provisions were made for a stacking lane for the uphill traffic that the study indicated would occur.

The methodology of the traffic study included conducting a traffic count during two times in February 2008. These traffic count numbers were used to predict future traffic flow

commensurate with the increased development along Burgess Creek Road and the Base Area. The study was keyed to various intersections in the Base Area. Various levels of service were arrived upon and given various designations, A (the best scenario) to F (the worst). The A intersections at peak traffic times would have a lesser than 10 seconds wait time and the F intersections peak wait times would be greater than 50 seconds. (Table #1 pg. 5 of Fehr & Peers). This study did not attempt to evaluate the roadways and their ability to safely handle traffic under adverse weather conditions or under steep grades that are prevalent on Burgess Creek Road.

The Institute of Traffic Engineers (ITE) publishes tables for various land uses and the number of vehicular trips that would be generated. This is the *Trips Generated Manual* that becomes the manual for all the predicted traffic at intersections. This manual is used for traffic studies in many areas that do not have snow conditions. We all know that traffic can not quickly enter an intersection or stop at a stop sign under adverse snow and ice conditions. How many times do we have to carefully look for cross traffic when snow banks are 8' high and vision is blocked? How carefully do we accelerate to keep traction during severe winter conditions. The wait times in Phoenix Az or Orlando FL are not the same as what we experience in the mountains.

The study's table # 3 and table #4 showed predicted base area development.

The study addressed the vehicle intersection waiting time estimated during peak hours at the various intersections. Eric Smith's presentation does not touch upon the predicted waiting times for the Burgess Creek / Mt Werner intersection. The study shows a denigration from an A rating to E rating by 2015. An E rating is described for an unsignalized intersection as follows: "Extensive minor street queuing due to insufficient gaps." By 2025 this further deteriorates to an F rating. This rating is described for an unsignalized intersection as "insufficient gaps of suitable size to allow minor street traffic demand to cross safely through a major traffic stream". (see table #7 and table #10).

The F rating showed possible wait times over 50 seconds with the worse conditions 194 seconds. The question not addressed on the study, but apparent by its absence, is the back up on Burgess Creek Road due to a 3 minute and 4 second delay as projected on the study.

A delay of this length will create back up on the single lane now present on Mt. Werner Circle. It could prevent road sanding and passage of life safety vehicles. It could create gridlock under adverse weather conditions. A traffic back up could easily extend hundreds of feet up to the access and egress points of the development projects under consideration on Burgess Creek Road.

Other factors such as existing road conditions and how they affect road traffic presently were mentioned but not with factual detail. We have attempted to get a better understanding of how many and where traffic accidents occur on Burgess Creek Road. Upon requesting information from the records supervisor for the police department, I received two reports that listed the traffic accidents occurring on Burgess Creek Road reported by the police department from 1/1/07 through 3/31/09. This was expressed in ascending date order and by location

extending outward from Mt. Werner Circle. (There were an uncounted number of single vehicle accidents ending up in the roadside ditch that were probably not reported).

In total, there were 24 incidents reported. (Please see Steamboat Springs Police Department Statistics, Accidents on Burgess Creek Road.) All but two of the accidents occurred in the winter months. The majority of the accidents occurred at the Burgess Creek Road/Mt Werner Circle intersection or within 700 ft. of that intersection. Fortunately, all of these were non injury incidents. With increased traffic, there will not be an empty on coming traffic lane to slide into. The Planning Department and Planning Commission as well as the City Council have received a number of preliminary plans all indicating a multiple number of towers that would act to intermittently block the sun. This would create alternating areas of shading allowing freezing and melting to occur at various points along this road. Many of the speeds that are safe under dry conditions become unsafe when they immediately turn to ice caused by alternate sun and shade conditions further compound a grim outlook.

It is not unreasonable to assume increased development and increased traffic will add to the already high rate of police reports. Traffic accidents seem to average about 8 incidents each winter season. It is possible that development factors could double or possibly triple the accident count and also cause injuries. Each accident will stop the flow of vehicles and add to the intersection delays predicted by the study.

As mentioned in prior City Council meetings, Burgess Creek Road is unique because of its physical characteristics. It is not relatively flat like the base area. It does not have acreage devoted to high density interface between mass transportation and pedestrian walking areas. It does not have any integral system of streets or physical connection to the base area for vehicles, sidewalks, pedestrian paths as specified in the CDC definitions for the higher density. The road serves the significant permanent resident population as a collector street. During the winter months, this road has no shoulders since they are used for snow storage with the opposite side having a guard rail next to a drop off to Burgess Creek.

Very importantly, when up-zoning density for land parcels along the lower end of Burgess Creek road were considered, the City recognized the importance of access from Ski Time Square when allowing up-zoning. Lot 2 SCE Subdivision can only be accessed from Burgess Creek and for this lack of access from Ski Time Square should not be upzoned to an RR2.

The site is not adjacent to the ski runs and does not fit the criteria of being principally adjacent to the ski runs since it is over 500 feet away and accessible to the base only by a series of stairways for pedestrians and a circuitous travel route to the area base for motor vehicles.

During 2009, a triplex was under construction just uphill from the Christie Dr. intersection. The paved road was used by contractors for parking encroaching on the pavement right of way. All traffic was forced to creep by this site during most of the construction period due to the narrow right of way. What will happen with a project exponentially larger than the triplex?



The final problem we find with increasing the density along Burgess Creek Road relates to a current actions that the City Council has faced before and solved. Namely, there is only one way in and one way out which creates potential for blockage in an emergency situation. Recently, the Barn Village was forced to acquire a second access/egress point before the project was approved. The same is true with the Sunlight Project and the Overlook project. The reason for second access is to provide for emergency access in case one access point is blocked. This is wise planning that has been recognized in most Cities, Counties, Steamboat Springs and in most developed nations.

The existing Burgess Creek road that does not meet current roadway standards and topography will not allow upgrades to meet these standards. The potential of gridlock as shown on the Fehr & Peers traffic study is quite real. This road is accident prone as shown by the records of the Steamboat Springs Police Department records. High density zoning will make this a more acute safety problem in the future.

We encourage the Planning Commission and Council to support planning staff's recommendation and deny the RR2 zoning.

Sincerely,



Bill and Kathy Moser

Residents of Steamboat Springs since 1972

Homeowners on Ridge Road since 1998

## II. METHODOLOGY

### A. TRAFFIC OPERATIONS ANALYSIS

The traffic operations analysis addressed unsignalized, signalized, and roundabout intersection operations using the procedures and methodologies contained in the Highway Capacity Manual 2000 (HCM), Transportation Research Board, 2000 for both AM and PM peak hour traffic operations. Level of service (LOS) is a qualitative measure of traffic operating conditions, which varies from LOS A (the best) to LOS F (the worst) as described in Table 1 for signalized and unsignalized intersections, respectively.

TABLE 1. INTERSECTION LEVEL OF SERVICE CRITERIA		
Signalized Intersections		
Level of Service	Average Stopped Delay (seconds/vehicle)	Description
A	< 10	Very low delay. Most vehicles do not stop.
B	10 to 20	Generally good progression of vehicles. Slight delays.
C	20 to 35	Fair progression. Increased number of stopped vehicles.
D	35 to 55	Noticeable congestion. Large portion of vehicles stopped.
E	55 to 80	Poor progression. High delays and frequent cycle failure.
F	> 80	Oversaturation. Forced flow. Extensive queuing.
Unsignalized Intersections		
Level of Service	Average Total Delay (seconds/vehicle)	Description
A	< 10	Little or no conflicting traffic for minor street approach.
B	10 to 15	Minor street approach begins to notice absence of available gaps.
C	15 to 25	Minor street approach begins experiencing delay for available gaps.
D	25 to 35	Minor street approach experiences queuing due to a reduction in available gaps.
E	35 to 50	Extensive minor street queuing due to insufficient gaps.
F	> 50	Insufficient gaps of suitable size to allow minor street traffic demand to cross safely through a major traffic stream.

Source: Highway Capacity Manual (Transportation Research Board, 2000).

### B. LEVEL OF SERVICE STANDARDS

Given the base area context and desire to improve conditions for multimodal travel, a Level of Service "D" was agreed to with city staff as the overall operational standard for intersections. It is reasonable to notice a Level of Service "E" for the worst approach of a side-street stop control intersection realizing the overall delay at the intersection may be noticeably less.

**Steamboat Base Area – Master Transportation Study**

**TABLE 3: BASE AREA DEVELOPMENT**

Project	Restaurant SF	Lodging Units	Owned Units	Retail SF	Misc. Commercial
<b>Approved &amp; Pending Projects (2015)</b>					
The Porches Phase II			17		
The Pointe			6		
Stonewood			23		
Chadwick			20		
Clocktower	2,000	91	90		40,000
Ski Time Square	15,000	326	32	6,200	22,000
Ski Country Lodge	3,000	100			20,000
St Cloud	5,000	94	111	16,000	22,000
Thunderhead	9,100		125	4,900	1,400
One Steamboat Place	2,000	42	53		17,000
Edgemont		130			
Ptarmigan Inn		36			
Wildhorse Meadows		286	293	21,500	
<b>Anticipated Projects (2025)</b>					
BC Estates		40			
Parcel B	5,000	25	100	5,000	5,000
Knoll Lot redeveloped with lodging, rest, and	2,000	25	100	5,000	5,000
New uses in Gondola Square beyond current configuration	5,000			10,000	5,000
Mt Werner Lodge redeveloped with lodging, rest, and retail G2 zoning	2,000	50	100	5,000	5,000
New Sheraton uses beyond current configuration	2,000	50		2,500	
Steamboat Grand Phase 2	2,000	50	100	5,000	5,000
Approved or Pending	36,100	1,105	770	48,600	122,400
Anticipated	18,000	200	400	32,500	25,000
<b>Total</b>	<b>54,100</b>	<b>1,305</b>	<b>1,170</b>	<b>81,100</b>	<b>147,400</b>

# Steamboat Base Area – Master Transportation Study

**TABLE 4: STANDARD ITE TRIP GENERATION FOR BASE AREA DEVELOPMENT**

Project	Land Use	ITE Code	Quantity (ksf, units)	Trip Generation						
				Daily	AM			PM		
					In	Out	Total	In	Out	Total
<b>Approved &amp; Pending Projects (2015)</b>										
The Porches Phase II	Condominiums	230	17	100	1	6	7	6	3	9
The Pointe	Condominiums	230	6	35	0	2	2	2	1	3
Stonewood	Condominiums	230	23	135	2	8	10	8	4	12
Chadwick	Condominiums	230	20	117	1	7	8	7	3	10
Ski Time Square	Commercial	814	43.2	1,915	83	76	159	52	66	118
	Resort	330	326	4,378	73	28	101	59	78	137
	Condominiums	230	32	188	2	12	14	11	5	16
	<b>Total</b>			<b>6,481</b>	<b>158</b>	<b>116</b>	<b>274</b>	<b>122</b>	<b>149</b>	<b>271</b>
Ski Country Lodge	Commercial	814	23	1,019	44	41	85	27	35	62
	Resort	330	100	1,343	22	9	31	18	24	42
	<b>Total</b>			<b>2,362</b>	<b>66</b>	<b>50</b>	<b>116</b>	<b>45</b>	<b>59</b>	<b>104</b>
St. Cloud	Commercial	814	43	1,906	83	76	159	51	65	116
	Resort	330	94	1,262	21	8	29	17	23	40
	Condominiums	230	111	701	10	47	57	44	22	66
	<b>Total</b>			<b>3,869</b>	<b>114</b>	<b>131</b>	<b>245</b>	<b>112</b>	<b>110</b>	<b>222</b>
Thunderhead	Commercial	814	15.4	683	30	27	57	18	23	41
	Condominiums	230	125	776	10	51	61	48	24	72
	<b>Total</b>			<b>1,459</b>	<b>40</b>	<b>78</b>	<b>118</b>	<b>66</b>	<b>47</b>	<b>113</b>
One Steamboat Place	Commercial	814	19	842	36	34	70	23	29	52
	Resort	330	42	564	9	4	13	8	10	18
	Condominiums	230	53	311	4	19	23	18	9	27
	<b>Total</b>			<b>1,717</b>	<b>49</b>	<b>57</b>	<b>106</b>	<b>49</b>	<b>48</b>	<b>97</b>
Edgemont	Resort	330	130	1,746	29	11	40	23	31	54
Ptarmigan Inn	Resort	330	36	483	8	3	11	7	9	16
Wildhorse Meadows	Commercial	814	21.5	953	41	38	79	26	33	59
	Resort	330	286	3,841	64	25	89	52	68	120
	Condominiums	230	172	1,018	14	66	80	63	31	94
	SF Homes (part-time residents)	210	30	303	0	0	0	15	13	28
	SF Homes (full-time residents)	210	11	111	0	0	0	5	5	10
	Affordable Townhome	230	80	469	6	29	35	28	14	42
	<b>Total</b>			<b>6,696</b>	<b>125</b>	<b>158</b>	<b>283</b>	<b>189</b>	<b>164</b>	<b>353</b>
<b>Total</b>				<b>25,199</b>			<b>1,220</b>			<b>1,264</b>
<b>Anticipated Projects (2025)</b>										
BC Estates	Resort	330	40	537	9	3	12	7	10	17
Parcel B	Commercial	814	15	665	29	26	55	18	23	41
	Resort	330	25	336	6	2	8	5	6	11
	Condominiums	230	100	642	9	43	52	40	20	60
	<b>Total</b>			<b>1,643</b>	<b>44</b>	<b>71</b>	<b>115</b>	<b>63</b>	<b>49</b>	<b>112</b>
Knoll Lot	Commercial	814	12	532	23	21	44	14	18	32
	Resort	330	25	336	6	2	8	5	6	11
	Condominiums	230	100	642	9	43	52	40	20	60
	Replaced Parking Lot			(540)	(50)	(4)	(54)	(4)	(89)	(93)
	<b>Total</b>			<b>970</b>	<b>(12)</b>	<b>62</b>	<b>50</b>	<b>55</b>	<b>(45)</b>	<b>10</b>
Gondola Square	Commercial	814	20	886	38	36	74	24	30	54
Mt. Werner Lodge	Commercial	814	12	532	23	21	44	14	18	32
	Resort	330	50	672	11	4	15	9	12	21
	Condominiums	230	100	642	9	43	52	40	20	60
	Replaced Condo	230	25	(147)	(2)	(9)	(11)	(9)	(4)	(13)
	<b>Total</b>			<b>1,699</b>	<b>41</b>	<b>59</b>	<b>100</b>	<b>54</b>	<b>46</b>	<b>100</b>
Sheraton	Commercial	814	4.5	199	9	8	17	5	7	12
	Resort	330	50	672	11	4	15	9	12	21
	<b>Total</b>			<b>871</b>	<b>20</b>	<b>12</b>	<b>32</b>	<b>14</b>	<b>19</b>	<b>33</b>
Steamboat Grand - Phase II	Commercial	814	12	532	23	21	44	14	18	32
	Resort	330	50	672	11	4	15	9	12	21
	Condominiums	230	100	642	9	43	52	40	20	60
	<b>Total</b>			<b>1,846</b>	<b>43</b>	<b>68</b>	<b>111</b>	<b>63</b>	<b>50</b>	<b>113</b>
<b>Total</b>				<b>8,452</b>			<b>494</b>			<b>439</b>

Notes:  
Single family homes expected to generate a negligible number of trips during the AM peak hour on a Saturday.

TABLE 7: 2015 MINOR CHANGE SCENARIO INTERSECTION LEVEL OF SERVICE RESULTS

Intersection	Control	AM Peak Hour		PM Peak Hour	
		Delay (sec)	LOS	Delay (sec)	LOS
1. Mt Werner Rd / Steamboat Blvd	Traffic Signal	6	A	8	A
2. Mt Werner Rd / Mt Werner Cir	Side-Street Stop	9 (94) – SBL	A (F)	28 (348) – SBL	D (F)
3. Mt Werner Cir / Eagle Ridge Dr	Side-Street Stop	4 (24) – NBTLR	A (C)	5 (27) – NBTLR	A (D)
4. Mt Werner Cir / Apres Ski Way	Single-Lane Roundabout	11	B	11	B
5. Apres Ski Way / Village Dr	Side-Street Stop	16 (44) – NBTLR	C (E)	60 (231) – NBTLR	F (F)
6. Mt Werner Cir / Ski Time Square Dr	All-Way Stop	18	C	29	D
7. Mt Werner Cir / Burgess Creek Rd	Side-Street Stop	4 (23) – SBTL	A (C)	8 (49) – NBTLR, SBTL	A (E)

Notes

1. The signalized LOS and delay results are reported for the overall intersection.
2. The unsignalized LOS and delay results are reported for the overall intersection, with the worst movement shown in parentheses.
3. Delay is reported as the average delay per vehicle in seconds.
4. Roundabout operations analysis performed according to the HCM 2000.

As shown in Table 7, the Apres Ski Way/Village Drive intersection operates at a LOS F. In addition, the two other intersections have movements that operate below a LOS D under the Minor Change Scenario: Mt. Werner Road/Mt. Werner Circle and Mt. Werner Circle/Burgess Creek Road.

The northbound movement of the Apres Ski Way/Village Drive intersection is anticipated to operate with significant delay in 2015. This is related to the background growth expected on Village Drive as well as the increase in traffic due to the proposed developments.

Analysis shows that a vehicle making a southbound left from Mt. Werner Circle onto Mt. Werner Road would have to wait approximately three minutes before there is an acceptable gap to make the maneuver. However, there are only approximately 47 vehicles in the peak hour that make this movement. Vehicles making the southbound right turn movement could experience an average of one minute of delay when traveling through this intersection due to interference with the southbound left queue. It is not expected that minor movements at this intersection would experience delay. The overall operations of this intersection are acceptable.

The southbound movement of the Mt. Werner Circle/Burgess Creek Road intersection operates with approximately 50 seconds of delay, however, the overall intersection operates acceptably.

2. Scenario 2: Mitigated

Scenario 2 includes the improvements in Scenario 1 plus the following transportation improvements:

- Intersection control beyond stop signs at Mt. Werner Road/Mt. Werner Circle.
- All-way stop control at Apres Ski Way/Village Drive.

**Steamboat Base Area – Master Transportation Study**

**TABLE 10: 2025 MINOR CHANGE SCENARIO INTERSECTION LEVEL OF SERVICE RESULTS**

Intersection	Control	AM Peak Hour		PM Peak Hour	
		Delay (sec)	LOS	Delay (sec)	LOS
1. Mt Werner Rd / Steamboat Blvd	Traffic Signal	8	A	16	B
2. Mt Werner Rd / Mt Werner Cir	Side-Street Stop	16 (291) – SBL	C (E)	57 (963) – SBL	F (F)
3. Mt Werner Cir / Eagle Ridge Dr	Side-Street Stop	5 (29) – NBTLR	A (D)	4 (30) – NBTLR	A (D)
4. Mt Werner Cir / Apres Ski Way	Single-Lane Roundabout	12	B	13	B
5. Apres Ski Way / Village Dr	Side-Street Stop	56 (162) – NBTLR	F (F)	193 (711) – NBTLR	F (F)
6. Mt Werner Cir / Ski Time Square Dr	All-Way Stop	28	D	57	F
7. Mt Werner Cir / Burgess Creek Rd	Side-Street Stop	7 (53) – NBTLR	A (F)	15 (194) – NBTLR	C (F)

**Notes**

1. The signalized LOS and delay results are reported for the overall intersection.
2. The unsignalized LOS and delay results are reported for the overall intersection, with the worst movement shown in parentheses.
3. Delay is reported as the average delay per vehicle in seconds.
1. Roundabout operations analysis performed according to the HCM 2000.

The three intersections that operated below LOS D in 2015 under the Minor Change Scenario will continue to notice significant delay if other transportation improvements are not implemented around the base. In addition, the Mt. Werner Circle/Ski Time Square Drive intersection will operate at a LOS F in 2025 without control beyond all-way stop signs.

The Mt. Werner Road/Mt. Werner Circle intersection will operate at a LOS F in 2025 without control beyond a stop sign on Mt. Werner Circle. It is not recommended that all-way stop control be considered for this intersection due to the proximity to the Mt. Werner Road/Steamboat Boulevard.

The delay at the Après Ski Way/Village Drive intersection is showing to be very significant for the northbound movement in the 2025 scenario with the current side-street stop-control configuration.

The Mt. Werner Circle/Burgess Creek Road intersection notices a significant increase in delay between 2015 and 2025. The delay for northbound vehicles exiting the Grand and southbound vehicles on Burgess Creek Drive continue to increase. It is anticipated that vehicles accessing Mt. Werner Circle from Burgess Creek Road will experience approximately one and a half minutes of delay. The increase in delay at this intersection is related to increases in traffic on Mt. Werner Circle and not development related traffic on Burgess Creek Road. It was assumed that 10% of the St. Cloud development traffic would utilize Burgess Creek Road. Limiting access to St. Cloud from Burgess Creek Road does not improve the operations of this intersection unless it is expected that more traffic would exit the St. Cloud development via Burgess Creek Road.

All-way stop control was analyzed at Mt. Werner Circle/Burgess Creek Road to determine if it mitigated the delays. The addition of an all-way stop created delays on Mt. Werner Circle and caused the overall intersection to operate below an acceptable LOS. The peak hour volumes were used to run a Peak Hour Signal Warrant analysis. The signal warrant analysis worksheets are included in Appendix E. This location

## Steamboat Springs Police Department Statistics

### Accidents on Burgess Creek Road

Time Period: 01/01/2007 - 3/31/2009

Total Accidents During Time Period: 24

Sort: by location

Address	DMV Number	Accident date	Total Injuries
2600 BLK BURGESS CREEK RD	P0901256	02/09/2009	0
2605 BURGESS CREEK RD	P0701591	03/01/2007	0
2780 BURGESS CREEK RD	P0706786	08/14/2007	0
2883 BURGESS CREEK RD	P0701296	02/18/2007	0
2883 BURGESS CREEK RD	P0800752	01/25/2008	0
2883 BURGESS CREEK RD	P0900341	01/10/2009	0
3150 BURGESS CREEK RD	P0809491	11/30/2008	0
BURGESS CREEK RD & BURGESS PINES TRL	P0809016	11/11/2008	0
BURGESS CREEK RD & CHRISTIE DR	P0700157	01/06/2007	0
BURGESS CREEK RD & CHRISTIE DR	P0902635	03/31/2009	0
BURGESS CREEK RD & MT WERNER	P0701586	03/01/2007	0
BURGESS CREEK RD & MT WERNER	P0710567	12/24/2007	0
BURGESS CREEK RD & MT WERNER	P0710739	12/30/2007	0
BURGESS CREEK RD & MT WERNER	P0710743	12/30/2007	0
BURGESS CREEK RD & MT WERNER	P0800307	01/09/2008	0
BURGESS CREEK RD & MT WERNER	P0800308	01/09/2008	0
BURGESS CREEK RD & MT WERNER	P0800483	01/15/2008	0
BURGESS CREEK RD & MT WERNER	P0800838	01/28/2008	0
BURGESS CREEK RD & MT WERNER	P0804803	06/21/2008	0
BURGESS CREEK RD & RIDGE RD	P0710476	12/21/2007	0
BURGESS CREEK RD & RIDGE RD	P0900305	01/09/2009	0
BURGESS CREEK RD & RIDGE RD	P0900304	01/09/2009	0
BURGESS CREEK RD & STORM MEADOWS DR	P0902493	03/26/2009	0
BURGESS CREEK RD & STORMWATCH DR	P0800849	01/28/2008	0

## Steamboat Springs Police Department Statistics

### Accidents on Burgess Creek Road

Time Period: 01/01/2007 - 3/31/2009

Total Accidents During Time Period: 24

Sort: by date

Address	DMV Number	Accident date	Total Injuries
BURGESS CREEK RD & CHRISTIE DR	P0700157	01/06/2007	0
2883 BURGESS CREEK RD	P0701296	02/18/2007	0
2605 BURGESS CREEK RD	P0701591	03/01/2007	0
BURGESS CREEK RD & MT WERNER	P0701586	03/01/2007	0
2780 BURGESS CREEK RD	P0706786	08/14/2007	0
BURGESS CREEK RD & RIDGE RD	P0710476	12/21/2007	0
BURGESS CREEK RD & MT WERNER	P0710567	12/24/2007	0
BURGESS CREEK RD & MT WERNER	P0710739	12/30/2007	0
BURGESS CREEK RD & MT WERNER	P0710743	12/30/2007	0
BURGESS CREEK RD & MT WERNER	P0800307	01/09/2008	0
BURGESS CREEK RD & MT WERNER	P0800308	01/09/2008	0
BURGESS CREEK RD & MT WERNER	P0800483	01/15/2008	0
2883 BURGESS CREEK RD	P0800752	01/25/2008	0
BURGESS CREEK RD & STORMWATCH DR	P0800849	01/28/2008	0
BURGESS CREEK RD & MT WERNER	P0800838	01/28/2008	0
BURGESS CREEK RD & MT WERNER	P0804803	06/21/2008	0
BURGESS CREEK RD & BURGESS PINES TRL	P0809016	11/11/2008	0
3150 BURGESS CREEK RD	P0809491	11/30/2008	0
BURGESS CREEK RD & RIDGE RD	P0900305	01/09/2009	0
BURGESS CREEK RD & RIDGE RD	P0900304	01/09/2009	0
2883 BURGESS CREEK RD	P0900341	01/10/2009	0
2600 BLK BURGESS CREEK RD	P0901256	02/09/2009	0
BURGESS CREEK RD & STORM MEADOWS DR	P0902493	03/26/2009	0
BURGESS CREEK RD & CHRISTIE DR	P0902635	03/31/2009	0



11/18/10

**DRAFT**

**SCE Subdivision Lot 2 #ZMA-10-03 Official Zoning Map Amendment to change the zoning of SCE Subdivision, Lot 2 from Residential Estate One, Low Density (RE-1) to Resort Residential One, Low Density (RR-1). SCE Subdivision, Lot 2 is located at the corner of Burgess Creek Road and Storm Meadows Drive. \*Tabled 10/28/10\***

Discussion on this agenda item started at approximately 5:04 p.m.

Commissioner Lacy stepped down.

**STAFF PRESENTATION**

Jason Peasley –

This is a continuation of the application for the rezoning of SCE Subdivision Lot 2 from the last meeting. At that meeting a tabling was requested so the applicant can come back to staff and explore RR-1. Our analysis has changed based on the different zoning. There are new public comments regarding this agenda.

**APPLICANT PRESENTATION**

Eric Smith –

There has been a change request from RE-1 to RR-1.

**COMMISSIONER QUESTIONS**

Commissioner Levy –

One of the letters from Ron Smith talked about convincing evidence. It seemed like the letter went on to talk about the type of building that might not meet the RR-1 zone district. The code does talk about clear and convincing evidence, but just about the 5 criteria for the zoning change. Can you speak to that?

Jason Peasley –

There is a section within the code that establishes this threshold in which an application needs to meet the approval of the rezoning. On pg 2-4 it says ‘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’. To my understanding it sets the bar for you to meet those criteria to be pretty high.

Commissioner Levy –

What I got from the letter was that he was stating that there was a certain expectation for RR-1, and because of the limitations of that property those might not be able to be met. Since we’re up zoning we assuming that there’s a bigger building and it’s not clear and convincing that that properly sized RR-1 building can be placed on that lot. Is that relevant at a zoning meeting? It doesn’t seem like that’s required as clear and convincing evidence. I think what it is asking is the lot and all of the dimensions of that lot eligible for RR-1. We don’t look at the type of development that might occur other than that.

Jason Peasley –

My analysis of that is that you do take that into account a little bit the scope of what that zone district allows. The 63’ of height and the volumetric box that’s created through the

11/18/10

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development standards it's not guarantee, but a potential for that particular site. The DP and FDP would have to show that they met all of those criteria and standards for approval of the DP and FDP to fill-out that volumetric box.

Commissioner Levy –  
That's not a concern or a direct consideration.

Jason Peasley –  
There a few criteria that you can look at in that context.

Commissioner Hanlen –  
Is the primary change from staff not supporting RR-2 to staff supporting RR-1 is the adjacency to the ski slope?

Jason Peasley –  
That's a primary change in our analysis. When you propose RR-1 there's no longer a location criteria. RR-2 is very unique and is the only zone that has location as a requirement. I found that to be more compatible with the surrounding area.

## **PUBLIC COMMENTS**

Ron Smith –  
We oppose the zone change from RE-1 to RR-1. The standard to change that is that the applicant must meet 5 criteria; the first one is justification, the second one is compatibility with surrounding development, the third is advantages versus disadvantages, the fourth is consistent with the purpose and intent of the zone standards, the fifth is the effects on the natural environment. We feel that the applicant has failed criteria 2-5. The second criteria is compatibility with surrounding development and we would like you to consider the zoning map. The zoning map was previously submitted with the previous application. (He mentioned the zoning for the surrounding property). The surrounding zoning areas are not consistent with this change. The only change is that the staff changed their recommendation. The only finding that they changed was going from 75' down to 63'. All of the other findings are the same. That 12' 1-story change while significant does not make the changing of the zone district compatible with the surrounding development. The third criteria is do the advantages outweigh the disadvantages. In the first staff report on pg 2-6 it states 'the site is located on Burgess Creek Rd, which is a one way in one way out access. This concern is not specific to this site, but is a concern with the fire chief. Adding additional density to the Burgess Creek neighborhood without a secondary access adds to the existing problem of providing emergency services to the area'. On the first staff report they found that it was not consistent with the RR-2 zone, which is why they required a denial at that time. By lowering the building by 1 story that doesn't lower the density enough to change that criteria. What you're doing is you're selling out the safety of the community members that live up that road. You're selling their safety for additional building size to a developer. The purpose and standards of the zone district, that talks about the highest intensity of residential use. On this lot with this hill and creek I don't think that this lot should be the highest intensity possible. To state that it won't have any adverse effects on the natural environment when you have the capacity to cover 50% of the lot and to go up 63' is very consistent.

11/18/10

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Bill Moser –

On pg 2-6 it says ‘while this site is located on Burgess Creek Road which is a one way in, one way out access, this issue is not specific to this site but is of concern to the City Fire Chief’. It seems like an easy decision to make when it comes down to life safety. Please weigh this carefully.

**FINAL APPLICANT COMMENTS**

Eric Smith –

There is no single family zoning surrounding this property. All of the properties in Ski Time Square are either G-1 or G-2. The property that is accessed off of Storm Meadows Drive are all RR-1. This is the only single family property in this area. The one way access was something that was discussed extensively when the comp plan was developed. Ski Time Square only has a one way in, one way out access.

**FINAL STAFF COMMENTS**

Jason Peasley –

We’ve done some preliminary discussions with the Fire Chief about looking at some options for addressing this. We’re following through with looking at some options.

**FINAL COMMISSIONER COMMENTS**

Commissioner Hanlen –

What’s the current height of Bronze Tree?

Eric Smith –

6 stories with 12’ per story.

Commissioner Hanlen –

What’s the approximate drop from the front of the property to the back of the property from road to road on this site?

Eric Smith –

20’ to 40’.

**RECOMMENDED MOTION**

Staff finds this Official Zoning Map Amendment to change the zoning from Residential Estate One, Low Density (RE-1) to Resort Residential One, Low Density (RR-1) for a 1.40 acre parcel known as SCE Subdivision, Lot 2 to be consistent with the Community Development Code criteria for approval for an Official Zoning Map Amendment.

**MOTION**

Commissioner Hanlen moved to approve ZMA-10-03 and Commissioner Slavik seconded the motion.

**DISCUSSION ON MOTION**

None

**VOTE**

Vote: 4-0

*Planning Commission Minutes*

11/18/10

***DRAFT***

Voting for approval of motion to approve: Hanlen, Levy, Slavik, and Meyer  
Stepped Down: Lacy  
Absent: Beauregard

Discussion on this agenda item ended at approximately 5:26 p.m.

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

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

December 14, 2010

Steamboat Springs City Council

Re: Zoning Map Amendment Lot 2, SCE Subdivision (Ski Country) #ZMA-10-03

We are counsel to the Bronze Tree Condominium Association, Inc., a Colorado nonprofit corporation ("Bronze Tree") and The Ranch at Steamboat Condominium Association, a Colorado nonprofit corporation ("The Ranch") and we are submitting this letter in *opposition* to the above-referenced Zoning Map Amendment application dated September 8, 2010.

We oppose the rezoning request of Lot 2, SCE Subdivision from RE-1 to RR-1. We oppose the amended application for the reasons stated in our letter of November 30, 2010.

#### **Zoning Map Amendment Criteria**

In order to amend the zoning map, the City Council must find, by *clear and convincing evidence*, that the five conditions enumerated at SSRMC 26-62(d)(1-5) exist.

Bronze Tree and the Ranch do not believe that there is clear and convincing evidence that all five conditions exist for the City Council to approve the rezone request from RE-1 to RR-1. We have specifically identified our arguments and concerns in this matter in substantial detail in our letter of November 30, 2010.

Our primary arguments are:

1. Rezoning would not be compatible with the surrounding development. The majority of Lot 2 SCE is surrounded by open space. The entire property to the north and the east of Lot 2 is zoned RN-1 Residential Neighborhood 1, Low Density. Approximately one-half of Lot 2 to the east is zoned OR, Open Space and Recreation. To the southwest and the smallest contiguous area to Lot 2 is zoned G1 and another small area to the southwest is zoned RR-1. An examination of the zoning map shows that approximately two-thirds of Lot 2 borders RN-1 and OR zoning districts. Lot 2 SCE is the gateway on Burgess Creek Road to a large expansive RN-1, OR and RE-2, Residential Estate 2, Medium Density zone districts. These zone districts contain open space, single family residences and duplexes with some small scale, multi-family units. Lot 2 is a *transition* from the Ski Area Base to the less dense Storm Meadows and Burgess Creek neighborhoods. RR-1 zoning would allow for a 63' tall building which would not provide a transition from the Ski Area Base to the smaller multi-family development further up Storm Meadows Drive and single family and duplex development further up Burgess Creek Road.

2. The disadvantages of rezoning Lot 2 SCE to RR-1 clearly outweigh any advantages. The owner of Lot 2 SCE must convince the City Council that the advantages of the proposed zone district "substantially outweigh" the disadvantages of the community and/or neighboring land occasioned by the zoning amendment. Allowing a large condominium building as is permitted in an RR-1 zone to be placed on Lot 2 is a clear disadvantage to the neighborhood character of the development further up Burgess Creek Road and Storm Meadows Drive. The RR-1 zone district allows too dense of a development on this site. The topography of Lot 2 is not suitable for a development of this size. The proximity to Burgess Creek on one side of the site and the steep hillside on the other side of the site is not conducive to the intensity of development allowed in RR-1. Additionally, there would be no transition from the Burgess Creek neighborhood and Storm Meadows Drive neighborhood if this up-zoning request is allowed.

3. There is a significant safety risk in allowing this up-zoning request. This is a very serious disadvantage to the community that is not outweighed by any advantage. Lot 2 SCE is located on Burgess Creek Road which is a one-way in/one-way out access. This is a safety concern to the City Fire Chief. It is the same safety concern as recent development application issues at Colorado Mountain College. If an accident blocks this road, there is a significant safety risk to all the residents further up the road. That is why this City Council does not allow subdivisions and other developments to be developed with only a one-way in/one-way out access. It is a safety issue. Why would this City Council act to protect the safety of the residents at Colorado Mountain College and at other subdivisions and not act to protect the safety of the long time residents on Burgess Creek Road, Ridge Road and Storm Meadows Drive? Why would the City Council listen to the City Fire Chief on safety issues and act on those safety concerns when they apply to Colorado Mountain College and other areas of the City, but not to the long time residents of Burgess Creek Road, Ridge Road and Storm Meadow Drive?

4. This rezoning request is not consistent with the purpose and standards of the zone district. RR-1 zone district is for "highest intensity of residential use consistent with a mountain resort community." This lot with a steep hillside on one side and Burgess Creek on the other side is not consistent with the "highest intensity of residential use."

#### Conclusion

Two years ago a proposal to up-zone Lot 2, SCE Subdivision was denied. Last year the same application to up-zone Lot 2, SCE Subdivision from RE-1 to RR-2 was again denied. Nothing has changed, but for the Applicant. The Applicant has not proven by *clear and convincing evidence* that all five conditions set forth in SSRMC to amend the City Zoning Map have been met. Lot 2 SCE Subdivision is not suitable for the highest intensity of residential use consistent with a mountain resort community which is what the RR-1 zoning district is for.

Bronze Tree and the Ranch request that City Council deny the zoning map amendment request to rezone Lot 2, SCE Subdivision from RE-1 to RR-1.

Thank you for your consideration of the concerns of Bronze Tree and The Ranch.

Respectfully,

  
\_\_\_\_\_  
Ron Smith

  
\_\_\_\_\_  
Paul Sachs

**Jason Peasley**

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**From:** Anja Tribble  
**Sent:** Wednesday, December 08, 2010 8:29 AM  
**To:** Bart Kounovsky; Cari Hermacinski; Jon Quinn; Kenny Reisman; Meg Bentley2; Scott Myller; Walter Magill2; Jon Roberts; Tony Lettunich; Jason Peasley; Tyler Gibbs  
**Cc:** Julie Franklin  
**Subject:** FW: SCE subdivision, Lot 2, rezoning amendment

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**From:** Anja Tribble  
**Sent:** Wednesday, December 08, 2010 8:28 AM  
**To:** 'Leon Steinberg'  
**Subject:** RE: SCE subdivision, Lot 2, rezoning amendment

Dear Leon  
Thank you for your comment. Unfortunately, it was received after the start of the meeting, so Council didn't receive it in time for their deliberations. Your e-mail has been forwarded to City Council and the appropriate staff members for future reference.  
Sincerely,

Anja Tribble-Husi  
Staff Assistant  
City Clerk's Office  
Steamboat Springs, Colorado

(970) 871-8225  
atribble@steamboatsprings.net

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**From:** Leon Steinberg [mailto:lsteinberg@nationalwind.com]  
**Sent:** Tuesday, December 07, 2010 5:08 PM  
**To:** Anja Tribble  
**Subject:** FW: SCE subdivision, Lot 2, rezoning amendment

Members of the City Council:

I have written letters in the past opposing the application for a zoning change/amendment involving the property on Burgess Creek Road near its intersection with Storm Meadows Drive. I am surprised that it is back on the agenda.

I am the owner of The Ridge Townhomes (Unit #2) which is near the property in question. We are unable to attend the meeting but would like our opposition entered into the record and sent to all the city council members.

The application to rezone Lot 2 of the property from low density residential should be denied, for several reasons.

- a. It will create a public safety - travel hazard at that intersection.
- b. The character and scale is not consistent with the immediate neighborhood.
- c. This is too high density to be adjacent to Burgess Creek.
- d. This is just plain a bad idea for the area. Nothing has changed since the last time this was

considered.

Please do not let this happen.

Sincerely,

Leon Steinberg

Leon Steinberg  
Chief Executive Officer  
National Wind LLC  
706 Second Ave South, Suite 1200  
Minneapolis, MN 55402

612.746.6622 Direct Dial  
612.746.6600 General Number  
612.868.7555 Cell  
[lsteinberg@nationalwind.com](mailto:lsteinberg@nationalwind.com)

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December 7, 2010

City Council, City of Steamboat Springs Colorado  
Sent via email- [atribble@steamboatprings.net](mailto:atribble@steamboatprings.net)

Re: SCE subdivision, Lot 2, rezoning amendment

Members of the City Council:

Please note that as a property owner in the Storm Meadows/Burgess Creek Road area, **I am strongly opposed to the rezone application submitted by the developers of the SCE Subdivision; Lot 2#ZMA-10-03.**

A rezone of this property would allow the developers to build a project that is too large/dense for this neighborhood and is not consistent in any manner with the surrounding properties.

The increased density of such a project would put too much of a heavy load on emergency services and traffic on a road that is already very dangerous, especially in the winter, and especially in this area of Burgess Creek Road due to its steep downhill grade from east and west at this specific point and with its intersection with Storm Meadows Drive.

In short, if a rezone is allowed, public safety for the people of Steamboat Springs will not be served, not to mention the fact that the character of this quiet neighborhood will be altered forever in a negative way. If allowed, we the people of the Storm Meadows/Burgess Creek neighborhood will have to deal with the negative aspects of this decision long after the developers have made their profit and moved on somewhere else. I am not anti-development; just opposed to a project that is too large and dense for this neighborhood. Please do the reasonable thing by considering the long-term consequences of this decision and deny this request as presented.

Respectfully submitted,

David Cunningham  
The Ridge Townhomes

Joseph V. Bier  
P.O. Box 880370  
Steamboat Springs, CO 80488  
970-846-9146  
Joe4bier@gmail.com

December 1, 2010

Jason K. Peasley, AICP  
City Planner  
City of Steamboat Springs  
137 10<sup>th</sup> Street  
Steamboat Springs, CO 80487

RE: Zoning Map Amendment – Lot 2 SCE Subdivision

Dear Jason,

I am writing to express my strong support for the requested zoning change on the above-referenced parcel.

My wife, Lynne, and I have owned two commercial condominiums in the Torian Plum Plaza Condominium since 1992 and, as property owners in the same neighborhood as Lot 2 SCE, are concerned that positive and practical decisions are made given the effect planning policy can have on the critically important Ski Area Base.

Based, in part, on my experience as a past Steamboat Springs City Planning Commissioner (@ 1990-1994), I have walked the subject site and viewed same from various vantage points, including the Bronze Tree parking deck and the Ranch Condominium parking lot. My observations are as follows:

- Storm Meadows Drive appears to provide an appropriate boundary to begin a transition from the high density Base Area to the lower density area that begins east of the road, beyond the wooded area adjacent to the intersection with Burgess Creek Road. The wooded areas across from the site (north of Burgess Creek Road) enhance that transition effect, and, in combination with the substantial elevation change, further remove other developments, such as The Ranch Condominium, from any substantial impact from development that might be allowed with RR-1 zoning on the site.
- The current zoning would allow one single family residence on this site. Seeing a lonely “McMansion” built adjacent to a sea of multi-family projects as the only allowable structure would be a sad example of poor planning.
- The Base Area would be enhanced by re-development of the Ski Country building, which would likely happen in conjunction with any multi-family development resulting from rezoning Lot 2.
- This is one of those rare applications that seems to have minimal, if any, actual negative effects, while providing potentially substantial positive upside for attaining additional density at the Base Area.

During my time on Planning Commission, it was made abundantly clear to me that the desired public policy was to concentrate density at the Base Area. “Warm beds” are necessary for the overall financial health of, ultimately, the City of Steamboat Springs. This policy has taken on new meaning with the advent of the URAC and the attendant incremental property tax funding mechanism

necessary to finance the URAC Base Area improvements. Presumably, rezoning this parcel will result in a higher valuation for tax purposes. If the rezoning efforts ultimately result in a multi-family development (as opposed to a less valuable single family home allowed under the current zoning), the net effect could be additional income for the URAC obligations. As this parcel is part of the Base Area and the URAC district, it would seem prudent to allow for maximum contributions to both the "warm bed" supply and URAC funding by rezoning the site.

The subject parcel's current zoning designation is sort of an aberration that occurred for various reasons due to previous planning policies (in retrospect, it seems like an oversight). The current application offers the opportunity to adjust the zoning, given the location and surrounding high density projects, to the more appropriate RR-1.

Since this application is only for rezoning, I believe that the closer, more critical scrutiny will come with development review, if and when a development plan is submitted to the City.

I strongly urge City Council to approve this application.

Sincerely yours,

Joe Bier

**SHARP, STEINKE, SHERMAN & ENGLE LLC**

Attorneys and Counselors at Law  
401 Lincoln Avenue  
P.O. Box 774608  
Steamboat Springs, Colorado 80477  
Telephone: (970) 879-7600 FAX: (970) 879-8162  
sherman@steamboatlawfirm.com

MARK E. STEINKE  
MELINDA H. SHERMAN  
GARY S. ENGLE  
KARINA SERKIN SPITZLEY

THOMAS R. SHARP  
Of Counsel

December 7, 2010

City Council  
City of Steamboat Springs  
via email: [atribble@steamboatsprings.net](mailto:atribble@steamboatsprings.net)

Re: **OPPOSITION TO SCE Subdivision, Lot 2 #ZMA-10-03**

Ladies and Gentlemen:

As you know, this office represents The Ridge Townhomes Association (hereinafter "Association"), the association for The Ridge Townhomes Condominiums. The Ridge Townhomes Condominiums property is located near SCE Subdivision, Lot 2, the subject property. The members of the Association are unable to attend your meeting this evening and have asked that this letter be entered into the record of the December 7, 2010 City Council Meeting.

This letter is in opposition to Ski Country, LLC's application for an amendment to the official zoning map. The application seeks to rezone SCE Subdivision, Lot 2 ("SCE Lot") from the Residential Estate One, Low Density RE-1 zone district to the Resort Residential One, RR-1 zone district (the "ZMA Application"). The Association's opposition to the ZMA Application is soundly based on the failure of the ZMA Application to meet established Steamboat Springs Community Development Code ("CDC") criteria. Its concerns are set forth in bold directly below the applicable conditions of CDC Section 26-62(d).

Section 26-62(d) of the CDC requires that an ordinance approving an amendment to the official zoning map be approved and adopted only in the event it appears by *clear and convincing evidence* that *all of* the conditions in Section 26-62(d) exist. The ZMA Application is inconsistent with and fails to satisfy the following conditions:

**"(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."**

From a compatibility stand-point, RR-1 zoning could allow a development of a "type, height, massing, appearance and intensity" vastly different from that on most every adjacent property – north, east and west. The ZMA Application fails to provide a logical and orderly development pattern transitioning from most intense (Ski Time Square) to a lower intensity (adjacent properties of the SCE Lot.) The RR-1 zone district fails to be transitory in nature between the more intense commercial areas of Ski Time Square and the open and residential areas of Burgess Creek Road. The proposed rezoning allows for greater intensity of use on the SCE Lot than the surrounding properties to the north, east and west. Therefore, the ZMA Application will result in an illogical and disorderly development pattern within the community and is incompatible with surrounding development.

*It is important to note that substantially the same application by this same Applicant to rezone Lot 2, SCE Subdivision to RR-2 was denied by the City Council on both July 7, 2009 and January 9, 2010 for failure to meet this criterion. The CDC prohibits the same application to be brought within a year unless the City Council's denial explicitly states that an earlier reapplication will be considered.*

"(3) *Advantages versus disadvantages.* The advantages of the zone district proposed substantially outweigh the disadvantages to the community and/or neighboring land occasioned by the zoning amendment."

The increased density permitted by the RR-1 zone district is clearly inappropriate for the location of the SCE Lot. Such increased intensity will certainly generate a significant increase in traffic on Burgess Creek Road, which is narrow and winding and often slick and dangerous in the winter months. The increase in traffic on Burgess Creek Road will cause a serious safety risk. Bill and Kathy Moser's letter dated October 24, 2010 discusses this matter in detail. Burgess Creek Road is dangerous. The life safety risks are a disadvantage to the community and neighborhood, which alone clearly outweigh any advantage of the ZMA Application.

*It is important to note that substantially the same application by this same Applicant to rezone Lot 2, SCE Subdivision to RR-2 was denied by the City Council on both July 7, 2009 and January 9, 2010 for failure to meet this criterion. The CDC prohibits the same application to be brought within a year. The CDC prohibits the same application to be brought within a year unless the City Council's denial explicitly states that an earlier reapplication will be considered.*

"(4) *Consistent with purpose and standards of zone district.* The amendment will be consistent with the purposes and standards of the zone district to which the property is proposed to be designated."

The purpose of the RR zone district is to "provide areas for the highest intensity of residential use consistent with a mountain resort community." The topography of the SCE Lot and its location make it unsuitable for the "highest intensity or residential use." The current

City Council  
City of Steamboat Springs  
December 7, 2010

Page - 3 -

zoning of the SCE Lot, which is RE-1, is appropriate. The RE zone district is "appropriate for environmentally sensitive areas" which is consistent with the topography of the SCE Lot and the location of Burgess Creek thereon. Therefore, the ZMA Application is not consistent with the purpose and standards of the RR zone district and approval of the rezone request would clearly be inconsistent with the plain text of the City's own CDC.


"(5) *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."

The ZMA Application is without sufficient information to prove by clear and convincing evidence that it will not result in significant adverse effects on the natural environment. It is highly unlikely that development so close to Burgess Creek will not have an adverse effect on the natural environment, due to the topography and proximity to Burgess Creek.

The CDC Section 26-62 (d) requires that clear and convincing evidence be presented to City Council that *all* five conditions in the CDC exist. Although the ZMA Application fails to meet all of the above listed conditions, failure on even one point must lead to a finding that the zone change cannot be approved.

In conclusion, the Association respectfully requests that the City Council deny the rezoning ordinance. Thank you for the opportunity to provide these comments.

Sincerely,  
SHARP, STEINKE, SHERMAN & ENGLE LLC

  
Melinda H. Sherman

cc: Charles Repa

**Jason Peasley**

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**From:** Anja Tribble  
**Sent:** Tuesday, December 07, 2010 3:42 PM  
**To:** Bart Kounovsky; Cari Hermacinski; Jon Quinn; Kenny Reisman; Meg Bentley2; Scott Myller; Walter Magill2; Jon Roberts; Tony Lettunich; Jason Peasley; Tyler Gibbs  
**Cc:** Julie Franklin  
**Subject:** FW: Highlander Project -Agenda Item #18

---

**From:** Anja Tribble  
**Sent:** Tuesday, December 07, 2010 3:41 PM  
**To:** 'bfoster1367@gmail.com'  
**Subject:** RE: Highlander Project

Dear Beth and David  
Thank you for your comment. Your e-mail has been forwarded to City Council and the appropriate staff members.  
Sincerely,

Anja Tribble-Husi  
Staff Assistant  
City Clerk's Office  
Steamboat Springs, Colorado

(970) 871-8225  
atribble@steamboatsprings.net

---

**From:** Beth Foster [mailto:bfoster1367@gmail.com]  
**Sent:** Tuesday, December 07, 2010 12:42 PM  
**To:** Julie Franklin  
**Subject:** Highlander Project

For distribution to the Council and the Planning Commission

The Highlander Project:

It seems odd to us that the Council and the Planning Commission seem so receptive to a zoning variance that clearly has major fire safety and traffic issues that are not being addressed. Any development on this property, even without a variance, will only increase these issues. Why would there be any necessity to change the density allowance for Highlander given that Ski Time Square (where high density is expected) is a disaster with no development underway? Certainly your efforts should be focused on getting Ski Time Square (and the rest of the base area) up and running with shops, restaurants and condos long before you entertain efforts to expand density outside of approved high density areas. We are opposed to any increase in building density for property on Burgess Creek Road, not only for the obvious safety reasons, but also because there is no evidence to suggest that the market is in any way ready or able to absorb another large condo project in the current economic environment.

Beth and David Foster  
2725 Ridge Road



## Jason Peasley

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**From:** Anja Tribble  
**Sent:** Tuesday, December 07, 2010 2:21 PM  
**To:** Bart Kounovsky; Cari Hermacinski; Jon Quinn; Kenny Reisman; Meg Bentley2; Scott Myller; Walter Magill2; Jon Roberts; Tony Lettunich; Jason Peasley; Tyler Gibbs  
**Cc:** Julie Franklin  
**Subject:** FW: highlands -Agenda Item #18

---

**From:** Anja Tribble  
**Sent:** Tuesday, December 07, 2010 2:21 PM  
**To:** 'Robert Egizii (re@eeiholding.com)'  
**Subject:** RE: highlands -Agenda Item #18

Dear Robert

Thank you for your comment. Your e-mail has been forwarded to City Council and the appropriate staff members and will also be included in tonight's handouts.

Sincerely,

Anja Tribble-Husi  
Staff Assistant  
City Clerk's Office  
Steamboat Springs, Colorado

(970) 871-8225  
atribble@steamboatsprings.net

---

**From:** Robert Egizii (re@eeiholding.com) [mailto:RE@EEI Holding.com]  
**Sent:** Tuesday, December 07, 2010 2:02 PM  
**To:** Anja Tribble  
**Cc:** CMRepa@aol.com; dccdds@mac.com; leonsteinberg@gmail.com; pjames@comcast.net; Ronald\_Clegg@bmc.com; barbara.bekkedahl@verizon.net; RCPackingLLC@aol.com  
**Subject:** RE: highlands

To all the members of the city council, we have watched the highlands debate before and are represented again this time, we again thank you for the correct decision last time and could only hope the outcome will be the same tonight. After 20 plus years of owning a unit in the ridge, I have complete confidence in your past and I hope future decisions to eliminate a dangerous traffic situation. We all understand the opposition has hired a qualified individual to represent them in this endeavor, we know him well as we worked with him after the major fire of our units but this attempt to create not only a traffic jam but also trying again to coerce the council for a complete reversal of the zoning. Melinda Sherman will be representing us as in the past thanking you in advance for allowing us to offer our assessment of this situation. Robert Egizii

December 7, 2010

City Council, City of Steamboat Springs Colorado  
Sent via email- [atribble@steamboatprings.net](mailto:atribble@steamboatprings.net)

Re: SCE subdivision, Lot 2, rezoning amendment

Members of the City Council:

This letter is to express opposition to the matter of application for a zoning change/amendment involving the property on Burgess Creek Road near its intersection with Storm Meadows Drive. We are property owners in The Ridge Townhomes (Unit #1) which is near the property in question. We are unable to attend the meeting but would like our opposition entered into the record and sent to all the city council members.

The application to rezone Lot 2 of the property from low density residential should be denied.

The outlined comments/statements of the planning review staff regarding the proposed "minor amendment" do not hold true to the commission's rules and regulations in several areas.

- a. Policy LU-2.2 Consistency with the character and scale of the immediate neighborhood
- b. Policy CD-1.5 Compatible with the context of the surrounding neighborhood. These statements have definitely not been met if this area is rezoned with the allowance of a 63 foot tall building (and that would be further violated with any exceptions, allowances, variances for taller construction).
- c. The proposed zoning change (and allowed development with such zoning amendment) in no way would fit into the character or nature of any adjacent property.
- d. It is a transitional area to residential and low-density housing and is situated on Burgess Creek and adjacent to nature greenbelt/reserve for recreational and wildlife use. This is definitely incompatible with the surrounding areas.
- e. no negative impacts on transportation in the area. Clearly the proposed zoning (and subsequent development allowed) fails to meet this criteria. The safety and traffic issues on Burgess Creek Road which is narrow, serpentine, and icy most of the winter, and has only one avenue for ingress or egress for emergency needs, would be significant to say the least for any construction phase and/or later with increase in traffic from delivery, shuttles, vehicles leaving a high density structure, etc. which would be allowed in that area with such zoning. The section of Burgess Creek Road involved is shaded, icy, curved, and on a downhill slope from either direction. In addition, the intersection with Mount Werner Circle is difficult to navigate as well even with frequent winter maintenance due to icing and downhill slope in that location and accidents at this area will most assuredly increase resulting in personal injury and access for emergency purposes.
- f. minimal impact on service provision for the area. See comments under e.

necessary to finance the URAC Base Area improvements. Presumably, rezoning this parcel will result in a higher valuation for tax purposes. If the rezoning efforts ultimately result in a multi-family development (as opposed to a less valuable single family home allowed under the current zoning), the net effect could be additional income for the URAC obligations. As this parcel is part of the Base Area and the URAC district, it would seem prudent to allow for maximum contributions to both the “warm bed” supply and URAC funding by rezoning the site.

The subject parcel’s current zoning designation is sort of an aberration that occurred for various reasons due to previous planning policies (in retrospect, it seems like an oversight). The current application offers the opportunity to adjust the zoning, given the location and surrounding high density projects, to the more appropriate RR-1.

Since this application is only for rezoning, I believe that the closer, more critical scrutiny will come with development review, if and when a development plan is submitted to the City.

I strongly urge City Council to approve this application.

Sincerely yours,

Joe Bier

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

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

November 30, 2010

Steamboat Springs City Council

Re: Zoning Map Amendment Lot 2, SCE Subdivision (Ski Country) #ZMA-10-03

We are counsel to the Bronze Tree Condominium Association, Inc., a Colorado nonprofit corporation ("Bronze Tree") and The Ranch at Steamboat Condominium Association, a Colorado nonprofit corporation ("The Ranch") and are submitting this letter in *opposition* to the above-referenced Zoning Map Amendment application dated September 8, 2010.

We oppose the rezoning request of Lot 2, SCE Subdivision from RE-1 to RR-1. We oppose the amended application for the reasons stated below.

### **HISTORY**

The owner of Lot 2 SCE Subdivision proposed to rezone Lot 2 from RE-1 to G-1. This request was denied by the City Council on July 7, 2009. City Council denied the request as being inconsistent with CDC Section 26-62(d)(2): compatibility with surrounding development and CDC Section 26-62(d)(3): advantages versus disadvantages.

The owner of Lot 2 SCE Subdivision proposed to rezone Lot 2 from RE-1 to RR-2 on or about January 9, 2010. This request was denied by City Council also.

On September 8, 2010, the owners of Lot 2 SCE Subdivision, again, requested to rezone Lot 2 from RE-1 to RR-2. The Planning Commission failed to approve the request. The Applicant requested that the matter be tabled. The Applicant then amended their application request to rezone Lot 2 from RE-1 to RR-1. The Planning Commission approved that request.

### **Zoning Map Amendment Criteria**

In order to amend the zoning map, the City Council must find, by *clear and convincing evidence*, that the five conditions enumerated at SSRMC 26-62(d)(1-5) exist.

Bronze Tree and the Ranch do not believe that there is clear and convincing evidence that all five conditions exist.

A. *Justification.* The Applicant does not meet the first three conditions and contends that it meets condition 1(d). The Applicant contends that the rezoning will substantially conform to the community plan land use map designation for the property and the Applicant has requested that the designation which

currently exists as Resort/Commercial be amended to Resort/Residential. Bronze Tree and the Ranch agree that the current land use designation of Resort/Commercial is inappropriate but disagree that the proper zoning should be RR-1. We would suggest that the proper designation should remain RE-1 or Residential Neighborhood 1-Low Density. The reason for this is that Lot 2 is the last lot in an area that transitions from Resort/Commercial to Residential Neighborhood 1-Low Density. It is quite likely that the Lot was originally zoned RE-1 in order to buffer the residential neighborhood that it abuts from the Resort/Commercial activity at the Ski Area Base. Thus, we believe that keeping the zoning on Lot 2 at RE-1 or amending the zoning to RN 1-Low Density and amending the Community Land Use Plan accordingly would most substantially conform to the intended community designation for the property.

*B. Compatibility With Surrounding Development.* Bronze Tree and the Ranch assert that the surrounding zone district (Residential Neighborhood 1-Low Density) and the neighborhood character of Burgess Creek are the reasons that Lot 2 is zoned RE-1 and that it would be incompatible with the rest of the area if it was rezoned to allow the uses permitted in the RR-1 zone. The surrounding development around Lot 2 is mostly open space. An examination of the existing zoning map reflects how incompatible an RR-1 zone would be on Lot 2. The entire property to the north and east of Lot 2 is zoned RN-1, Residential Neighborhood 1, Low Density. Approximately one-half of the Lot to the east is zoned OR, Open Space and Recreation. To the southwest and the smallest contiguous area to Lot 2 is zoned G1 and another smaller area to the southeast is zoned RR-1. An examination of the zoning map shows that approximately two-thirds of Lot 2 borders RN-1 and OR zoning districts.

Lot 2 SCE is the gateway on Burgess Creek Road to a large expanse of RN-1, OR and RE-2, Residential Estate 2, Medium Density zone districts. These zone districts contain open space, single family residences, and duplexes with some small scale, multi-family units. Lot 2 serves as a *transition* from the Ski Area Base to less dense Storm Meadows and Burgess Creek neighborhoods. RR-1 zoning would allow for a 63-foot tall building which would not provide a transition from the Base Area to the smaller multi-family development further up Storm Meadows Drive and the single-family and duplex developments further up Burgess Creek Road.

The City Planning Department found that the Applicant's original request to rezone Lot 2 from RE-1 to RR-2 was not compatible with surrounding development. City Planning has now stated that the zoning map request from RE-1 to RR-1 is compatible with the surrounding development. Bronze Tree and the Ranch, however, assert that the primary difference, but not the only significant difference, between RR-2 and RR-1 is the reduction in the maximum height of the building from 75-feet to 63-feet and the reduction in lot coverage from .65 to .50. Bronze Tree and the Ranch assert that this change should not have changed City Planning staff's original finding that the zoning map amendment request is not compatible with the surrounding development.

*C. Advantages vs. Disadvantages.* The owner must convince the City Council that the advantages of the proposed zone district "*substantially outweigh*" the disadvantages to the community and/or neighboring land occasioned by the zoning amendment. Allowing a large condominium building to be placed on Lot 2 instead of the currently allowed single-family use clearly is a disadvantage to the neighborhood character of development further up Burgess Creek Road. The RR-1 zone district allows too dense of a development on this site. The topography of Lot 2 is not suitable for a development of this size. The proximity to Burgess Creek on one side of the site and the steep hillside on the other side of the site is not conducive to the intensity of development allowed in RR-1. Additionally, there is no transition to the Burgess Creek neighborhood if this up-zoning request is allowed. Another disadvantage would be the significant increase in traffic on Burgess Creek Road increasing the safety risk that already exists on that road which cannot be mitigated. To allow the type of density that is permitted in an RR-1 zone would diminish the value of the surrounding open space and allow development of significantly more density to creep into the nearby residential neighborhoods.

I am attaching a topographical map of Lot 2. The topographical map clearly demonstrates how Lot 2 is not suitable for a development of the intensity and size allowed in an RR-1 zone. Lot 2 is not "beachfront" property near the ski mountain. It is located four lots from the ski mountain. Lot 2 is principally adjacent to residential neighborhoods and open space.

The City Planning staff report on the zoning map amendment request from RE-1 to RR-2 found that the disadvantages of the zoning map amendment request outweighed the advantages stating in part "The site is located on Burgess Creek Road which is a one-way in, one-way out access. This issue is not specific to this site but is of concern to the City Fire Chief. Adding additional density to the Burgess Creek Road neighborhood without a secondary access adds to the existing problem of providing emergency services to the area." In other words, the additional density to the Burgess Creek Road neighborhood without a secondary access is safety risk to the current residents of the Burgess Creek Road neighborhood. What could possibly outweigh the disadvantages of a safety risk to the existing residents? Why would the City approve a zoning map amendment request that creates a safety risk to existing residents?

D. *Consistent With Purpose and Standards Of Zone District.* Bronze Tree and the Ranch assert that the current zoning of RE-1 is more consistent with the purpose and standards of the surrounding zone district than the proposed RR-1 zone. The purpose of the RR-1 zone as set forth in SSRMC is to provide areas for "the highest intensity of residential use consistent with a mountain resort community." Bronze Tree and the Ranch vigorously assert that it is inconceivable that an objective analysis of the topography and location of Lot 2, SCE Subdivision would indicate that this lot is suitable for the highest intensity of residential use. Additionally, the SSRMC provides that in an RR-1 zone district, "new development shall be physically connected to the resort by an integrated system of streets, sidewalks and recreational paths." We assert that while there is a sidewalk with an easement access to Ski Time Square, there is not an integrated system of streets or recreational paths to connect Lot 2, SCE Subdivision with Ski Time Square. Lot 2 is not "beachfront" property. It is located four lots from the ski slopes and is approximately five hundred feet away.

E. *Effects On The Natural Environment.* Bronze Tree and the Ranch are extremely concerned about the possible adverse effects on Burgess Creek if the zone change is permitted and a large building, as permitted in an RR-1 zone is built adjacent to Burgess Creek. Lot 2, SCE Subdivision is long and narrow with a steep hill on one side and Burgess Creek on the other. RR-1 zoning allows for lot coverage of .50. A large building as permitted with the lot coverage permitted in an RR-1 zone will almost certainly have detrimental impacts to both Burgess Creek and to the natural topography of this lot.

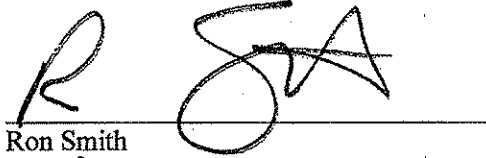
### Conclusion

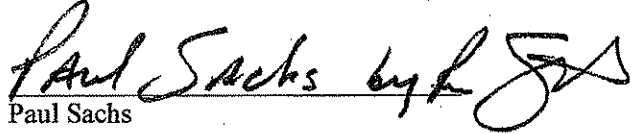
Two years ago a proposal to up-zone Lot 2, SCE Subdivision was denied. Last year the same application to up-zone Lot 2, SCE Subdivision from RE-1 to RR-2 was again denied. Nothing has changed, but for the Applicant. The Applicant has now requested to amend the zoning from RE-1 to RR-1. The Applicant has not proven by *clear and convincing evidence* that all five conditions set forth in SSRMC to amend the City Zoning Map have been met. Specifically, the zoning map amendment request is not compatible with the surrounding development, the disadvantages of this up-zoning request clearly outweigh any advantages including the most significant disadvantage of safety risks to the current residents of the Burgess Creek neighborhood and the up-zoning requests is not consistent with the purpose and standards of an RR-1 zone in that Lot 2, SCE Subdivision is not suitable for the *highest intensity of residential use* consistent with a mountain resort community.

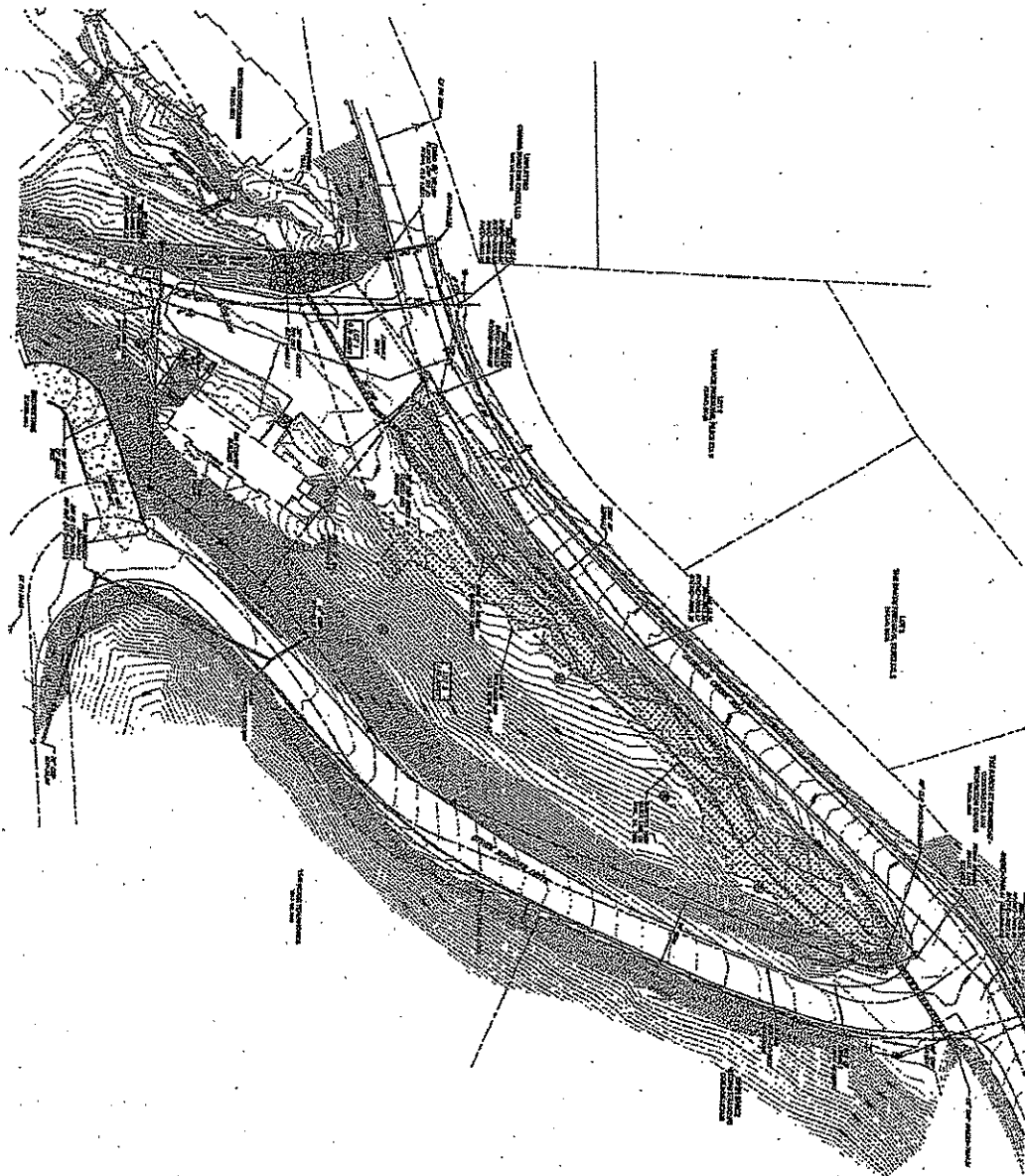
Bronze Tree and the Ranch request that City Council deny the zoning map amendment request to rezone Lot 2, SCE Subdivision from RE-1 to RR-1.

Thank you for your consideration of the concerns of Bronze Tree and The Ranch.

Respectfully,

  
\_\_\_\_\_  
Ron Smith

  
\_\_\_\_\_  
Paul Sachs



Customer Reserved - Not To Be Reproduced or Copied



5-11  
 NOT FOR CONSTRUCTION

**SKI COUNTRY, LLC, LOT 1  
 SCE SUBD, LOT 2  
 STEAMBOAT SPRINGS, CO**

**ARCHITECTURAL ARTS ARCHITECTURE**  
 1000 14th St.  
 Steamboat Springs, CO 80687  
 (970) 861-8888  
 www.architecturalarts.com



**SHARP, STEINKE, SHERMAN & ENGLE LLC**

Attorneys and Counselors at Law  
401 Lincoln Avenue  
P.O. Box 774608  
Steamboat Springs, Colorado 80477  
Telephone: (970) 879-7600 FAX: (970) 879-8162  
sherman@steamboatlawfirm.com

MARK E. STEINKE  
MELINDA H. SHERMAN  
GARY S. ENGLE  
KARINA SERKIN SPITZLEY

THOMAS R. SHARP  
Of Counsel

November 18, 2010

Planning Commission  
City of Steamboat Springs  
via email: [jpeasley@steamboatsprings.net](mailto:jpeasley@steamboatsprings.net)

Re: **OPPOSITION TO SCE Subdivision, Lot 2 #ZMA-10-03,**

Ladies and Gentlemen:

As you know, this office represents The Ridge Townhomes Association (hereinafter "Association"), the association for The Ridge Townhomes Condominiums. The Ridge Townhomes Condominiums property is located near SCE Subdivision, Lot 2, the subject property. The members of the Association are unable to attend your meeting on Thursday and have asked that this letter be entered into the record of the Thursday, November 18, 2010 Planning Commission Meeting.

This letter is in opposition to Ski Country, LLC's application for an amendment to the official zoning map. The application seeks to rezone SCE Subdivision, Lot 2 ("SCE Lot") from the Residential Estate One, Low Density RE-1 zone district to the Resort Residential One, RR-1 zone district (the "ZMA Application"). The Association's opposition to the ZMA Application is soundly based on the failure of the ZMA Application to meet established Steamboat Springs Community Development Code ("CDC") criteria. Its concerns are set forth in bold directly below the applicable conditions of CDC Section 26-62(d).

Section 26-62(d) of the CDC requires that an ordinance approving an amendment to the official zoning map be approved and adopted only in the event it appears by *clear and convincing evidence* that *all of* the conditions in Section 26-62(d) exist. The ZMA Application is inconsistent with and fails to satisfy the following conditions:

**"(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."

From a compatibility stand-point, RR-1 zoning could allow a development of a “type, height, massing, appearance and intensity” vastly different from that on most every adjacent property – north, east and west. The ZMA Application fails to provide a logical and orderly development pattern transitioning from most intense (Ski Time Square) to a lower intensity (adjacent properties of the SCE Lot.) The RR-1 zone district fails to be transitory in nature between the more intense commercial areas of Ski Time Square and the open and residential areas of Burgess Creek Road. The proposed rezoning allows for greater intensity of use on the SCE Lot than the surrounding properties to the north, east and west. Therefore, the ZMA Application will result in an illogical and disorderly development pattern within the community and is incompatible with surrounding development.

*It is important to note that substantially the same application by this same Applicant to rezone Lot 2, SCE Subdivision to RR-2 was denied by the City Council on both July 7, 2009 and January 9, 2010 for failure to meet this criterion. The CDC prohibits the same application to be brought within a year unless the City Council’s denial explicitly states that an earlier reapplication will be considered.*

“(3) *Advantages versus disadvantages.* The advantages of the zone district proposed substantially outweigh the disadvantages to the community and/or neighboring land occasioned by the zoning amendment.”

The increased density permitted by the RR-1 zone district is clearly inappropriate for the location of the SCE Lot. Such increased intensity will certainly generate a significant increase in traffic on Burgess Creek Road, which is narrow and winding and often slick and dangerous in the winter months. The increase in traffic on Burgess Creek Road will cause a serious safety risk. Bill and Kathy Moser’s letter dated October 24, 2010 discusses this matter in detail. Burgess Creek Road is dangerous. The life safety risks are a disadvantage to the community and neighborhood, which alone clearly outweigh any advantage of the ZMA Application.

*It is important to note that substantially the same application by this same Applicant to rezone Lot 2, SCE Subdivision to RR-2 was denied by the City Council on both July 7, 2009 and January 9, 2010 for failure to meet this criterion. The CDC prohibits the same application to be brought within a year. The CDC prohibits the same application to be brought within a year unless the City Council’s denial explicitly states that an earlier reapplication will be considered.*

“(4) *Consistent with purpose and standards of zone district.* The amendment will be consistent with the purposes and standards of the zone district to which the property is proposed to be designated.”

The purpose of the RR zone district is to “provide areas for the highest intensity of residential use consistent with a mountain resort community.” The topography of the SCE Lot and its location make it unsuitable for the “highest intensity or residential use.” The current

Page - 3 -

zoning of the SCE Lot, which is RE-1, is appropriate. The RE zone district is "appropriate for environmentally sensitive areas" which is consistent with the topography of the SCE Lot and the location of Burgess Creek thereon. Therefore, the ZMA Application is not consistent with the purpose and standards of the RR zone district and approval of the rezone request would clearly be inconsistent with the plain text of the City's own CDC.

"(5) *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."

The ZMA Application is without sufficient information to prove by clear and convincing evidence that it will not result in significant adverse effects on the natural environment. It is highly unlikely that development so close to Burgess Creek will not have an adverse effect on the natural environment, due to the topography and proximity to Burgess Creek.

The CDC Section 26-62 (d) requires that clear and convincing evidence be presented to City Council that *all* five conditions in the CDC exist. Although the ZMA Application fails to meet all of the above listed conditions, failure on even one point must lead to a finding that the zone change cannot be approved.

In conclusion, the Association respectfully requests that the Planning Commission deny the rezoning ordinance. Thank you for the opportunity to provide these comments.

Sincerely,  
SHARP, STEINKE, SHERMAN & ENGLE LLC

  
Melinda H. Sherman

cc: Charles Repa

November 15, 2010

City Council, City of Steamboat Springs Colorado  
Sent via email- [jpeasley@steamboatprings.net](mailto:jpeasley@steamboatprings.net)

Re: SCE subdivision, Lot 2, rezoning amendment

Members of the City Council:

This letter is to express opposition to the matter of application for a zoning change/amendment involving the property on Burgess Creek Road near its intersection with Storm Meadows Drive. We are property owners in The Ridge Townhomes (Unit #1) which is near the property in question. We are unable to attend the meeting but would like our opposition entered into the record and sent to all the city council members/planning commission members.

The application to rezone Lot 2 of the property from low density residential should be denied.

The outlined comments/statements of the planning review staff regarding the proposed "minor amendment" do not hold true to the commission's rules and regulations in several areas.

- a. Policy LU-2.2 Consistency with the character and scale of the immediate neighborhood
- b. Policy CD-1.5 Compatible with the context of the surrounding neighborhood. These statements have definitely not been met if this area is rezoned with the allowance of a 65-75 foot tall building (and that would be further violated with any exceptions, allowances, variances for taller construction as has been the habit with money paid to gain such exceptions/variances in other areas).
- c. The proposed zoning change (and allowed development with such zoning amendment) in no way would fit into the character or nature of any adjacent property.
- d. It is a transitional area to residential and low-density housing and is situated on Burgess Creek and adjacent to nature greenbelt/reserve for recreational and wildlife use. This is definitely incompatible with the surrounding areas.
- e. no negative impacts on transportation in the area. Clearly the proposed zoning (and subsequent development allowed) fails to meet this criteria. The safety and traffic issues on Burgess Creek Road which is narrow, somewhat serpentine, icy most of the winter, and has only one avenue for ingress or egress for emergency needs, would be significant to say the least for any construction phase and/or later with increase in traffic from delivery, shuttles, vehicles leaving a high density structure, etc. which would be allowed in that area with such zoning. The section of Burgess Creek Road involved is shaded, icy, curved, and on a downhill slope from either direction. In addition, the intersection with Mount Werner Circle is difficult to navigate as well even with frequent winter maintenance due to icing and downhill slope in that location and accidents at this area will most assuredly increase resulting

in personal injury, increased property damage and blocked access for emergency purposes.

f. minimal impact on service provision for the area. See comments under e.

Effects on natural environment in the area---this should be strongly considered.

There is no evidence that there will be no negative impact on the natural environment and development of this scope and size, allowed with this rezoning, **not only adjacent to but on top of** Burgess Creek. This also would have a negative impact from noise, traffic, congestion on the adjacent wildlife corridor/natural preserve set aside immediately across Burgess Creek Road as well as Storm Meadows Drive. There have been bear, fox, moose, beaver, porcupine, and deer that traverse this area given its low density now and open space on immediately adjacent lands.

In addition, we do not feel the proposed rezoning and subsequent development meets the requirements as recommended for **waterbody zones** and Community Area Plan Goals and Policies which states the purpose is to “minimize impact on riparian areas and wildlife corridors”.

- a. There is a designated 50ft highwater mark zone around Burgess Creek.
- b. These guidelines also state there should be “no soil disturbance or development activity within the first 30 ft” of the zone.
- c. The rezoning and development cannot meet the stated Goal NS-1, or Policies NS-1.2 or NS-3.2
- d. Cannot “re-vegetate the waterbody setback to a natural, weedfree state without extensive grading” as specified.

In conclusion, it is clear that the rezoning allowance fails to meet the criteria for amendment and from a waterbody standpoint and should therefore be defeated. It fails to meet code rules and regulations and therefore should cause a vote to deny this rezoning request/amendment. The inadequate infrastructure and road capacity and conditions in this area and public safety issues should be a major concern for any one voting to approve such rezoning and the ensuing development that would occur. There are significant major impacts on the surrounding natural environment, wildlife corridors, and Burgess Creek. The low density across Burgess Creek Road and the nature preserve/green space across Storm Meadows Drive should also be considered.

We would like to thank you for the opportunity to present our input in the process and ask that the appeal for rezoning for the property on Burgess Creek Road (SCE subdivision Lot 2) be denied as clearly it fails to meet the criteria as outlined above and significant public and personal safety issues will arise from such a change in this area.

Sincerely,

Charles and Ellen Repa  
The Ridge Townhomes #1

## Jason Peasley

---

**From:** Randy Boyer [randybo@comcast.net]  
**Sent:** Saturday, November 13, 2010 8:27 AM  
**To:** Jason Peasley  
**Subject:** Fwd: Project Update  
possible duplicate

Thanks  
Randy Boyer  
410-321-7019  
randybo@comcast.net

----- Forwarded Message -----

**From:** "Randy Boyer" <randybo@comcast.net>  
**To:** jpeasley@steamboatsprings.com  
**Cc:** "John de Wardt" <jdewardt@dewardt.com>  
**Sent:** Thursday, November 11, 2010 7:56:57 AM  
**Subject:** Re: Project Update

Hi Jason,  
Storm Meadows Club A has stated its opposition to this project numerous times, and I believe our comments are on file for this latest rezoning request. Our chief issues have always been (1) too high and (2) too dense, which stresses the roads and inhibits our access. My latest understanding is that the developer has resubmitted his zoning request for a max height of 63 feet, which is allowable under current zoning for that area. What about the density -- how many units are proposed?

The December 7 reading before City Council -- I may be in Steamboat, and want to know whether it is worth my time to attend this meeting. Are they looking for input from the audience or is this reading a formality of info already known by all?

Thanks for your help.

Thanks  
Randy Boyer  
410-321-7019  
randybo@comcast.net

----- Original Message -----

**From:** "John de Wardt" <jdewardt@dewardt.com>  
**To:** "Jason Peasley" <jpeasley@steamboatsprings.net>  
**Cc:** "Eric Smith" <eric@esapc.com>, "Art Wittern" <director@wittern.com>, "Barbara and Jim Bronner" <Bronzball@aol.com>, "Bill Jameson" <wintercondo@comcast.net>, "Bill Moser" <bmoser2@earthlink.net>, "Charles Harth" <ChasHarth@aol.com>, "David Parish" <david.parish@calypsocontrol.com>, "Don Mathes" <mathes2@comcast.net>, "Gayle Strong" <StrongG@gtlaw.com>, "Gregg Strong" <greggstrong@mac.com>, "Joanne Erickson" <joanne@steamboatexpert.com>, "Maria McEvoy" <mariamcevoy@hotmail.com>, "Mary Alice" <maryalice@pageallenassociates.com>, "Monica Hansen" <mmmccue1@aol.com>, "Paul Sachs" <psachs@paulsachspc.com>,

"Peggy Rogers" <progers@mtn-resorts.com>, "Randy Boyer" <randybo@comcast.net>, "Ron Smith" <rsmith16673@earthlink.net>, "Steve Aigner" <smyaig@gmail.com>, "Susan Allen" <susanballen@aol.com>, "Susie Hadden" <shadden@mtn-resorts.com>, "Tee Murray" <Teetee80477@yahoo.com>, "Terrance Riordan" <terrence.riordan@nb.com>, "Tim Rast" <TRastello@hollandhart.com>, "Todd Moore" <tmoore@resortquest.com>, "Vincent & Karen Plona" <PLONAVT@aol.com>

Sent: Wednesday, October 27, 2010 11:53:30 AM

Subject: RE: Project Update

Jason,

I just read your Staff report on this proposed rezoning and fully support your conclusions that the proposed rezoning is inconsistent with the CDC and must therefore be denied

I am both shocked and surprised that the owners of this property return yet again to our City representatives to ask for a re-zoning they were denied twice before in the past 2 years. We have repeatedly discussed that rezoning for a 75 feet tall high density building on a lot zone for one single family home is unacceptable in this residential location.

I request that the City Planning Commission firmly deny this rezoning proposal.

best regards, John de Wardt

President, DE WARDT AND COMPANY INC. [www.dewardt.com](http://www.dewardt.com)  
Global Management Consultant

e-mail: [jdewardt@dewardt.com](mailto:jdewardt@dewardt.com)  
Office phone: USA 970 879 3103  
Cell phone: USA 970 846 6571  
Steamboat Springs, Colorado, USA

---

**From:** Jason Peasley [mailto:jpeasley@steamboatsprings.net]

**Sent:** Tuesday, October 12, 2010 10:11 AM

**To:** Art Wittern; Barbara and Jim Bronner; Bill Jameson; Bill Moser; Charles Harth; David Parish; Don Mathes; Gayle Strong; Gregg Strong; Joanne Erickson; John de Wardt; Maria McEvoy; Mary Alice; Monica Hansen; Paul Sachs; Peggy Rogers; Randy Boyer; Ron Smith; Steve Aigner; Susan Allen; Susie Hadden; Tee Murray; Terrance Riordan; Tim Rast; Todd Moore; Vincent & Karen Plona

**Cc:** Eric Smith (eric@esapc.com)

**Subject:** Project Update

All,

The rezoning request for SCE Subdivision, Lot 2 located at the corner of Burgess Creek Road and Storm Meadows Drive has been scheduled for public hearings. Surrounding Property Owner Notification has been sent out and some of you will receive a formal letter regarding the hearings.

The public hearing dates are as follows:

Planning Commission: Thursday, October 28, 2010 at 5:00pm in Centennial Hall, 124 10th Street.

City Council 1st Reading: Tuesday, November 16, 2010 at 5:00pm in Centennial Hall, 124 10th Street.

City Council 2nd Reading: Tuesday, December 7, 2010 at 5:00pm in Centennial Hall, 124 10th Street.

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

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

November 8, 2010

Planning Commission Members:

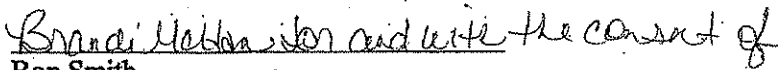
Re: Zoning Map Amendment Lot 2, SCE Subdivision (Ski Country)


We are counsel to the Bronze Tree Condominium Association, Inc., a Colorado nonprofit corporation ("Bronze Tree") and The Ranch at Steamboat Condominium Association, a Colorado nonprofit corporation ("The Ranch") and are submitting this supplemental letter to our previously submitted letter (dated November 5, 2010) in opposition to the above-referenced Zoning Map Amendment application. We are writing to add an additional point to our previous letter and to once again urge you to deny this request for rezoning.

**Consistent with purpose and standards of zone district.**

In addition to the criteria discussed in our previous letters, in order to rezone RE-1 to RR-1, the Applicant must show by *clear and convincing evidence*, that the rezoning will be consistent with the purpose and standards of the RR-1 zone. The purpose to the RR-1 zone as set forth in the Steamboat Springs Revised Municipal Code ("SSRMC") is to provide areas for "*the highest intensity of residential use consistent with a mountain resort community.*" Bronze Tree and the Ranch vigorously assert that it is inconceivable that an objective analysis of the topography and location of Lot 2, SCE Subdivision would indicate that this lot is suitable for the highest intensity of residential use. Additionally, the SSRMC provides that in an RR-1 zone district, "*new development shall be physically connected to the resort by an integrated system of streets, sidewalks and recreational paths.*" We assert that while there is a sidewalk with an easement access to Ski Time Square, there is not an integrated system of streets or recreational paths to connect Lot 2, SCE Subdivision with Ski Time Square.

Respectfully,

  
Brandi Nelson  
Ron Smith

  
Paul Sachs



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

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

November 8, 2010

Planning Commission Members:

Re: Zoning Map Amendment Lot 2, SCE Subdivision (Ski Country)

We are counsel to the Bronze Tree Condominium Association, Inc., a Colorado nonprofit corporation ("Bronze Tree") and The Ranch at Steamboat Condominium Association, a Colorado nonprofit corporation ("The Ranch") and are submitting this letter in *opposition* to the above-referenced Zoning Map Amendment application dated September 8, 2010.

We have been informed but we have not received a letter or other documents from the Applicant that the Applicant is amending its request to rezone Lot 2 SCE Subdivision from RE-1, not to RR-2 as was requested on September 8, 2010, but to RR-1.

#### **Previous Requests To Rezone**

The owner of Lot 2 SCE Subdivision proposed to rezone Lot 2 from RE-1 to G-1 approximately two years ago. This request was denied.

The owner of Lot 2 SCE Subdivision proposed to rezone Lot 2 from RE-1 to RR-2 less than one year ago. This request was denied.

On September 8, 2010, the owners of Lot 2 SCE Subdivision, again, requested to rezone Lot 2 from RE-1 to RR-2. After the Planning Commission failed to approve the request, the Applicant requested that the matter be tabled. We have now been informed that the Applicant is going to request that Lot 2 be rezoned from RE-1 to RR-1.

We oppose the amended rezoning request from RE-1 to RR-1.

#### **Zoning Map Amendment Criteria**

In our letter of October 20, 2010, we set forth the Zoning Map Amendment Criteria and asserted that the Applicant had not met the City's Zoning Map Amendment Criteria to rezone RE-1 to RR-2 by *clear and convincing evidence*. We would incorporate herein all of the arguments that we made in our letter of October 20, 2010 as they are almost all still applicable to the Applicant's request to rezone Lot 2 to RR-1.

We would briefly like to comment on a couple of criteria:

1. Compatibility with Surrounding Development. One of the criteria is compatibility with surrounding development. An examination of the existing zoning map reflects how incompatible an RR-1 zone would be on Lot 2. The entire property to the north and east of Lot 2 is zoned RN-1, Residential Neighborhood 1, Low Density. Approximately one-half of the lot to the east is zoned OR, Open Space and Recreation. To the southwest, and the smallest contiguous area to Lot 2 is zoned G1 and another smaller area to the southeast is zoned RR-1. An examination of the zoning map shows that approximately two-thirds of Lot 2 borders RN-1 and OR zoning districts.

Additionally, Lot 2 is the gateway on Burgess Creek Road to a large expanse of RN-1, OR, and RE-2, Residential Estate 2, Medium Density zone districts. These zone districts contain open space, single family residences, and duplexes with some small scale multi-family units. Lot 2 serves as a transition area from the ski area base to the less dense Storm Meadows and Burgess Creek neighborhoods. RR-1 zoning would allow for a 63 foot tall building which would not provide a transition from the base area to the smaller multi-family development further up Storm Meadows Drive and the single family and duplex development up Burgess Creek Road.

2. Advantages vs. Disadvantages. The analysis with regard to the advantages and disadvantages of rezoning Lot 2 from RE-1 to RR-1 is essentially as outlined in our letter of October 20, 2010. However, I wish to draw your attention to a topographical map of Lot 2 which I am attaching to this letter. The topographical map clearly shows how this lot is not suitable for a development of the intensity and size allowed in an RR-1 zone. The proximity of Burgess Creek on one side of the site and the steep hillside on the other side of the site is simply not conducive to the intensity of the development allowed in an RR-1 zone. Lot 2 is not "beach front" property near the ski hill. It is located four lots from the ski hill. Lot 2 is principally adjacent to residential neighborhoods and open space.

#### Conclusion

While we have not yet seen Applicant's arguments to rezone this lot from RE-1 to RR-1, the fact of the matter is that there is not any evidence that would be *clear and convincing* that all five conditions set forth in the Zoning Map Amendment Criteria in the Steamboat Springs Revised Municipal Code could be met to approve this rezoning request.

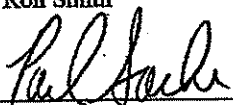
The zoning map amendment request from RE-1 to RR-1 for Lot 2 SCE Subdivision is not compatible with the surrounding development, the disadvantages of this rezoning request clearly outweigh the advantages and it is not consistent with the purpose and standards of an RR-1 zone.

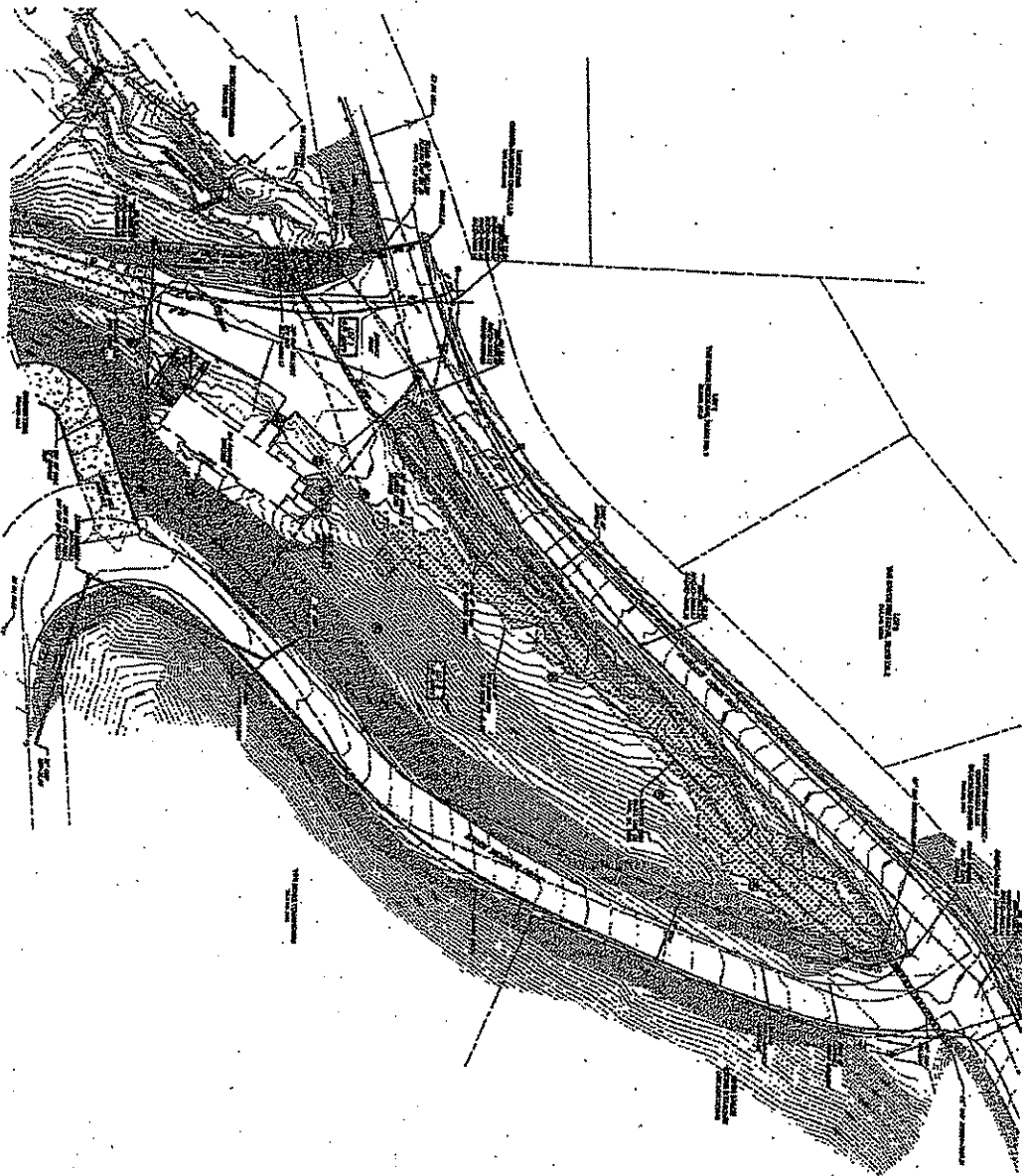
The Ranch and Bronze Tree request that the City Planning Commission deny the Zoning Map Amendment request to rezone Lot 2, SCE Subdivision from RE-1 to RR-1.

Thank you for your consideration of Bronze Tree's and The Ranch's concerns.

Respectfully,

  
\_\_\_\_\_  
Ron Smith

  
\_\_\_\_\_  
Paul Sachs



1/2" = 1' (Horizontal Scale)  
 1/4" = 1' (Vertical Scale)  
 Contour Interval: 1 Foot



DATE PLOTTED: 10/27/07
PROJECT NO.:
CLIENT:
PROJECT TITLE:
DATE:
SCALE:
5-11

**SKI COUNTRY, LLC, LOT 1**  
**SCE SUBD, LOT 2**  
**STEAMBOAT SPRINGS, CO**

**ARCHITECTURE**  
 1000 N. W. 10th St.  
 Suite 100  
 Steamboat Springs, CO 80487  
 Phone: 970.869.1111  
 Fax: 970.869.1112  
 www.abrbs.com

NOT FOR CONSTRUCTION

**Jason Peasley**

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**From:** Randy Boyer [randybo@comcast.net]  
**Sent:** Thursday, October 28, 2010 10:16 PM  
**To:** Jason Peasley  
**Cc:** John de Wardt; Eric Smith; Art Wittern; Barbara and Jim Bronner; Bill Jameson; Bill Moser; Charles Harth; David Parish; Don Mathes; Gayle Strong; Gregg Strong; Joanne Erickson; Maria McEvoy; Mary Alice; Monica Hansen; Paul Sachs; Peggy Rogers; Ron Smith; Steve Aigner; Susan Allen; jadead@comcast.net; Susie Hadden; Tee Murray; Terrance Riordan; Tim Rast; Todd Moore; Vincent & Karen Plona; Jason Peasley  
**Subject:** Re: Project Update

Hello Jason,

The Board of Managers of Storm Meadows Club A, representing 37 property owners and taxpayers, second Mr. de Wardt's sentiments. We request the application be denied, with an admonishment to the requestors that this neighborhood has spoken on numerous occasions its opposition to this kind of development. The requested building is out of character with our neighborhood and restricts access to our property and our enjoyment of it. The roads leading to the greater Storm Meadows development are already narrow and dangerous. The added congestion will not only make routine access harder, but would unacceptably delay emergency fire, police, and ambulance access.

Thank you for your consideration.

Randy Boyer  
 Vice President, Homeowners Association, Storm Meadows Club A  
 410-321-7019  
 randybo@comcast.net

----- Original Message -----

**From:** "John de Wardt" <jdewardt@dewardt.com>  
**To:** "Jason Peasley" <jpeasley@steamboatsprings.net>  
**Cc:** "Eric Smith" <eric@esapc.com>, "Art Wittern" <director@wittern.com>, "Barbara and Jim Bronner" <Bronzball@aol.com>, "Bill Jameson" <wintercondo@comcast.net>, "Bill Moser" <bmoser2@earthlink.net>, "Charles Harth" <ChasHarth@aol.com>, "David Parish" <david.parish@calypsocontrol.com>, "Don Mathes" <mathes2@comcast.net>, "Gayle Strong" <StrongG@gtlaw.com>, "Gregg Strong" <greggstrong@mac.com>, "Joanne Erickson" <joanne@steamboatexpert.com>, "Maria McEvoy" <mariamcevoy@hotmail.com>, "Mary Alice" <maryalice@pageallenassociates.com>, "Monica Hansen" <mmmccue1@aol.com>, "Paul Sachs" <psachs@paulsachspc.com>, "Peggy Rogers" <progers@mtn-resorts.com>, "Randy Boyer" <randybo@comcast.net>, "Ron Smith" <rsmith16673@earthlink.net>, "Steve Aigner" <smyaig@gmail.com>, "Susan Allen" <susanballen@aol.com>, "Susie Hadden" <shadden@mtn-resorts.com>, "Tee Murray" <Teetee80477@yahoo.com>, "Terrance Riordan" <terrence.riordan@nb.com>, "Tim Rast" <TRastello@hollandhart.com>, "Todd Moore" <tmoore@resortquest.com>, "Vincent & Karen Plona" <PLONAVT@aol.com>  
**Sent:** Wednesday, October 27, 2010 11:53:30 AM  
**Subject:** RE: Project Update

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I request that the City Planning Commission firmly deny this rezoning proposal.

best regards, John de Wardt

President, DE WARDT AND COMPANY INC. [www.dewardt.com](http://www.dewardt.com)  
Global Management Consultant

e-mail: [jdewardt@dewardt.com](mailto:jdewardt@dewardt.com)  
Office phone: USA 970 879 3103  
Cell phone: USA 970 846 6571  
Steamboat Springs, Colorado, USA

---

**From:** Jason Peasley [mailto:[jpeasley@steamboatsprings.net](mailto:jpeasley@steamboatsprings.net)]  
**Sent:** Tuesday, October 12, 2010 10:11 AM  
**To:** Art Wittern; Barbara and Jim Bronner; Bill Jameson; Bill Moser; Charles Harth; David Parish; Don Mathes; Gayle Strong; Gregg Strong; Joanne Erickson; John de Wardt; Maria McEvoy; Mary Alice; Monica Hansen; Paul Sachs; Peggy Rogers; Randy Boyer; Ron Smith; Steve Aigner; Susan Allen; Susie Hadden; Tee Murray; Terrance Riordan; Tim Rast; Todd Moore; Vincent & Karen Plona  
**Cc:** Eric Smith ([eric@esapc.com](mailto:eric@esapc.com))  
**Subject:** Project Update

All,

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City Council 2nd Reading: Tuesday, December 7, 2010 at 5:00pm in Centennial Hall, 124 10th Street.

Please feel free to email me with any comments that you may have regarding the application or attend the above meetings.

Thank you,

Jason K. Peasley, AICP  
City of Steamboat Springs  
City Planner  
o. (970) 871-8229  
f. (970) 871-8285  
[jpeasley@steamboatsprings.net](mailto:jpeasley@steamboatsprings.net)

**SHARP, STEINKE, SHERMAN & ENGLE LLC**

Attorneys and Counselors at Law  
401 Lincoln Avenue  
P.O. Box 774608  
Steamboat Springs, Colorado 80477  
Telephone: (970) 879-7600 FAX: (970) 879-8162  
sherman@steamboatlawfirm.com

MARK E. STEINKE  
MELINDA H. SHERMAN  
GARY S. ENGLE  
KARINA SERKIN SPITZLEY

THOMAS R. SHARP  
Of Counsel

October 28, 2010

Planning Commission  
City of Steamboat Springs  
via email: [jpeasley@steamboatsprings.net](mailto:jpeasley@steamboatsprings.net)

Re: **OPPOSITION TO SCE Subdivision, Lot 2 #ZMA-10-03,**

Ladies and Gentlemen:

This office represents The Ridge Townhomes Association (hereinafter "Association"), the association for The Ridge Townhomes Condominiums. The Ridge Townhomes Condominiums property is located near Lot 2, SCE Subdivision, the subject property. The members of the Association are unable to attend your meeting on Thursday and have asked that this letter be entered into the record of the Thursday, October 28, 2010 Planning Commission Meeting. PLEASE NOTE THAT THE RIDGE TOWNHOMES ASSOCIATION WAS NOT NOTIFIED OF THIS APPLICATION OR THIS HEARING.

This letter is in opposition to Ski Country, LLC's application for an amendment to the official zoning map. The application seeks to rezone Lot 2, SCE Subdivision ("SCE Lot") from the Residential Estate One, Low Density RE-1 zone district to the Resort Residential Two, High Density RR-2 zone district (the "ZMA Application"). The Association's opposition to the ZMA Application is soundly based on the failure of the ZMA Application to meet established Steamboat Springs Community Development Code ("CDC") criteria. Its concerns are set forth in bold directly below the applicable conditions of CDC Section 26-62(d).

Section 26-62(d) of the CDC requires that an ordinance approving an amendment to the official zoning map be approved and adopted only in the event it appears by *clear and convincing evidence* that *all of* the conditions in Section 26-62(d) exist. The ZMA Application is inconsistent with and fails to satisfy the following conditions:

"(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.”

From a compatibility stand-point, RR-2 zoning could allow a development of a “type, height, massing, appearance and intensity” vastly different from that on most every adjacent property – north, east and west. The ZMA Application fails to provide a logical and orderly development pattern transitioning from most intense (Ski Time Square) to a lower intensity (adjacent properties of the SCE Lot.) The RR-2 zone district fails to be transitory in nature between the more intense commercial areas of Ski Time Square and the open and residential areas of Burgess Creek Road. Therefore, the ZMA Application will result in an illogical and disorderly development pattern within the community and is incompatible with surrounding development.

*It is important to note that the same application by this same Applicant to rezone Lot 2, SCE Subdivision to RR-2 was denied by the City Council on July 7, 2009 for failure to meet this criterion. The CDC prohibits the same application to be brought within a year.*

“(3) *Advantages versus disadvantages.* The advantages of the zone district proposed substantially outweigh the disadvantages to the community and/or neighboring land occasioned by the zoning amendment.”

The increased density permitted by the RR-2 zone district is clearly inappropriate for the location of the SCE Lot. Such increased intensity will certainly generate a significant increase in traffic on Burgess Creek Road, which is narrow and winding and often slick and dangerous in the winter months. The increase in traffic on Burgess Creek Road will cause a serious safety risk. The life safety risks are a disadvantage to the community and neighborhood, which alone clearly outweigh any advantage of the ZMA Application.

*It is important to note that the same application by this same Applicant to rezone Lot 2, SCE Subdivision to RR-2 was denied by the City Council on July 7, 2009 for failure to meet this criterion. The CDC prohibits the same application to be brought within a year.*

“(4) *Consistent with purpose and standards of zone district.* The amendment will be consistent with the purposes and standards of the zone district to which the property is proposed to be designated.”

The CDC Section 26-91(c)(1)(e) states “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 [emphasis added].” The SCE Lot is not immediately adjacent to the ski slopes.

RR-2 zoning specifically requires that “new development shall be physically connected” to the ski area by an “integrated system of streets, sidewalks, and recreational paths.” The location of the SCE Lot on the edge of the URA/MTSP boundary and accessing off of Burgess

Creek Road (as opposed to Ski Time Square) make it impossible to be physically connected to the ski resort. Additionally, the location makes it an unlikely property to access from the ski area by sidewalks and recreational paths without easements through Ski Time Square properties. The ZMA Application is not consistent with the purpose and standards of the RR-2 zone district. Approval of the rezone request would clearly be inconsistent with the plain text of the City's own CDC.

“(5) *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.”

The ZMA Application is without sufficient information to prove by clear and convincing evidence that it will not result in significant adverse effects on the natural environment. It is highly unlikely that development so close to Burgess Creek will not have an adverse effect on the natural environment, due to the topography and proximity to Burgess Creek.

The CDC Section 26-62 (d) requires that clear and convincing evidence be presented to City Council that *all* five conditions in the CDC exist. Although the ZMA Application fails to meet all of the above listed conditions, failure on even one point must lead to a finding that the zone change cannot be approved.

In conclusion, the Association respectfully requests that the Planning Commission deny the rezoning ordinance. Thank you for the opportunity to provide these comments.

Sincerely,

SHARP, STEINKE, SHERMAN & ENGLE LLC



Melinda H. Sherman

cc: Charles Repa



**Jason Peasley**

---

**From:** mathes2@comcast.net  
**Sent:** Wednesday, October 27, 2010 5:25 PM  
**To:** Jason Peasley  
**Cc:** jdewardt@dewardt.com  
**Subject:** Re: Project Update

Jason,

What? Again???

These owners have been denied their request for a rezoning of this property TWICE ALREADY in the last two years, and they are back again??

And nothing has changed! The property is still totally inappropriate for anything but residential, yet they are wasting our time and resources AGAIN with a request for reconsideration, hoping that someone on the City Council will have a change of heart.

C'mon, enough is enough! The Council should deny the request yet again and let the owners know that they are barking up the wrong tree here. Burgess Creek Road is an inappropriate site for anything but residential, and it is time the City Council made that clear to these owners.

Please record my strong opposition to the zoning change request and insert my e-mail in the public record.

Many thanks, Jason,

Don Mathes  
 2759 Burgess Creek Rd.

----- Original Message -----

From: "Jason Peasley" <jpeasley@steamboatsprings.net>  
 To: "Art Wittern" <director@wittern.com>, "Barbara and Jim Bronner" <Bronzball@aol.com>, "Bill Jameson" <wintercondo@comcast.net>, "Bill Moser" <bmoser2@earthlink.net>, "Charles Harth" <ChasHarth@aol.com>, "David Parish" <david.parish@calypsocontrol.com>, "Don Mathes" <mathes2@comcast.net>, "Gayle Strong" <StrongG@gtlaw.com>, "Gregg Strong" <greggstrong@mac.com>, "Joanne Erickson" <joanne@steamboatexpert.com>, "John de Wardt" <jdewardt@dewardt.com>, "Maria McEvoy" <mariamcevoy@hotmail.com>, "Mary Alice" <maryalice@pageallenassociates.com>, "Monica Hansen" <mmmccue1@aol.com>, "Paul Sachs" <psachs@paulsachspc.com>, "Peggy Rogers" <progers@mtn-resorts.com>, "Randy Boyer" <randybo@comcast.net>, "Ron Smith" <rsmith16673@earthlink.net>, "Steve Aigner" <smyaig@gmail.com>, "Susan Allen" <susanballen@aol.com>, "Susie Hadden" <shadden@mtn-resorts.com>, "Tee Murray" <Teetee80477@yahoo.com>, "Terrance Riordan" <terrence.riordan@nb.com>, "Tim Rast" <TRastello@hollandhart.com>, "Todd Moore" <tmoore@resortquest.com>,

"Vincent & Karen Plona" <PLONAVT@aol.com>  
Cc: "Eric Smith (eric@esapc.com)" <eric@esapc.com>  
Sent: Tuesday, October 12, 2010 12:10:30 PM  
Subject: Project Update

All,

The rezoning request for SCE Subdivision, Lot 2 located at the corner of Burgess Creek Road and Storm Meadows Drive has been scheduled for public hearings. Surrounding Property Owner Notification has been sent out and some of you will receive a formal letter regarding the hearings.

The public hearing dates are as follows:

Planning Commission: Thursday, October 28, 2010 at 5:00pm in Centennial Hall, 124 10th Street.

City Council 1st Reading: Tuesday, November 16, 2010 at 5:00pm in Centennial Hall, 124 10th Street.

City Council 2nd Reading: Tuesday, December 7, 2010 at 5:00pm in Centennial Hall, 124 10th Street.

Please feel free to email me with any comments that you may have regarding the application or attend the above meetings.

Thank you,

Jason K. Peasley, AICP  
City of Steamboat Springs  
City Planner  
o. (970) 871-8229  
f. (970) 871-8285  
jpeasley@steamboatsprings.net

**Jason Peasley**

---

**From:** John de Wardt [jdedwardt@dewardt.com]  
**Sent:** Wednesday, October 27, 2010 9:54 AM  
**To:** Jason Peasley  
**Cc:** 'Eric Smith'; 'Art Wittern'; 'Barbara and Jim Bronner'; 'Bill Jameson'; 'Bill Moser'; 'Charles Harth'; 'David Parish'; 'Don Mathes'; 'Gayle Strong'; 'Gregg Strong'; 'Joanne Erickson'; 'Maria McEvoy'; 'Mary Alice'; 'Monica Hansen'; 'Paul Sachs'; 'Peggy Rogers'; 'Randy Boyer'; 'Ron Smith'; 'Steve Aigner'; 'Susan Allen'; 'Susie Hadden'; 'Tee Murray'; 'Terrance Riordan'; 'Tim Rast'; 'Todd Moore'; 'Vincent & Karen Plona'  
**Subject:** RE: Project Update  
**Importance:** High

Jason,

I just read your Staff report on this proposed rezoning and fully support your conclusions that the proposed rezoning is inconsistent with the CDC and must therefore be denied

I am both shocked and surprised that the owners of this property return yet again to our City representatives to ask for a re-zoning they were denied twice before in the past 2 years. We have repeatedly discussed that rezoning for a 75 feet tall high density building on a lot zone for one single family home is unacceptable in this residential location.

I request that the City Planning Commission firmly deny this rezoning proposal.

best regards, John de Wardt

President, DE WARDT AND COMPANY INC. [www.dewardt.com](http://www.dewardt.com)  
 Global Management Consultant

e-mail: [jdedwardt@dewardt.com](mailto:jdedwardt@dewardt.com)  
 Office phone: USA 970 879 3103  
 Cell phone: USA 970 846 6571  
 Steamboat Springs, Colorado, USA

---

**From:** Jason Peasley [mailto:jpeasley@steamboatsprings.net]  
**Sent:** Tuesday, October 12, 2010 10:11 AM  
**To:** Art Wittern; Barbara and Jim Bronner; Bill Jameson; Bill Moser; Charles Harth; David Parish; Don Mathes; Gayle Strong; Gregg Strong; Joanne Erickson; John de Wardt; Maria McEvoy; Mary Alice; Monica Hansen; Paul Sachs; Peggy Rogers; Randy Boyer; Ron Smith; Steve Aigner; Susan Allen; Susie Hadden; Tee Murray; Terrance Riordan; Tim Rast; Todd Moore; Vincent & Karen Plona  
**Cc:** Eric Smith (eric@esapc.com)  
**Subject:** Project Update

All,

The rezoning request for SCE Subdivision, Lot 2 located at the corner of Burgess Creek Road and Storm Meadows Drive has been scheduled for public hearings. Surrounding Property Owner Notification has been sent out and some of you will receive a formal letter regarding the hearings.

The public hearing dates are as follows:

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Please feel free to email me with any comments that you may have regarding the application or attend the above meetings.

Thank you,

Jason K. Peasley, AICP  
City of Steamboat Springs  
City Planner  
o. (970) 871-8229  
f. (970) 871-8285  
[jpeasley@steamboatsprings.net](mailto:jpeasley@steamboatsprings.net)

October 22, 2010

City Planning Commission  
City of Steamboat Springs Colorado  
Sent via email- [jpeasley@steamboatprings.net](mailto:jpeasley@steamboatprings.net)

Re: SCE subdivision, Lot 2, rezoning amendment CP-09-02

Members of the Planning Commission:

This letter is to express opposition to the matter of application for a zoning change/amendment involving the property on Burgess Creek Road near its intersection with Storm Meadows Drive. We are property owners in The Ridge Townhomes (Unit #1) which is near the property in question. We are unable to attend the meeting but would like our opposition entered into the record and sent to all the city council members/planning commission members.

The application to rezone Lot 2 of the property from low density residential should be denied.

First of all, we have received no notice of this amendment hearing, it is known to us only by word of mouth and searching for notice via internet. I am not sure how many other potentially involved property owners did not receive notice, I believe there are requirements of notification for those in the vicinity of such changes to receive legal notice.

The outlined comments/statements of the planning review regarding the proposed "minor amendment" do not hold true to the commission's rules and regulations in several areas.

Statement #2---Policy LU-2.2 Consistency with the character and scale of the immediate neighborhood as well as, ---Policy CD-1.5 Compatible with the context of the surrounding neighborhood. These statements have definitely not been met if this area is rezoned with the allowance of a 75 foot tall building (and that would be further violated with any exceptions, allowances, variances for taller construction as has been the habit with money paid to gain such exceptions/variances in other areas). The proposed zoning change (and allowed development with such zoning amendment) in no way would fit into the character or nature of any adjacent property. It in fact, stands in absolute opposition to that statement and its intent. It is a transitional area to pure residential housing and is situated on Burgess Creek and adjacent to nature greenbelt/reserve for recreational and wildlife use. This is definitely incompatible with the surrounding areas.

Statement #3---no negative impacts on transportation in the area. Clearly the proposed zoning (and subsequent development allowed) fails to meet this criteria. The safety and traffic issues on Burgess Creek Road which is narrow, somewhat serpentine, icy most of the winter, and has only one avenue for ingress or egress for emergency needs, would be significant to say the least for any construction phase and/or later with increase in traffic from delivery, shuttles, vehicles leaving a high density structure, etc. which would be allowed in that area with such zoning. The section of Burgess Creek Road involved is shaded, icy, curved, and on a downhill slope from either direction. In addition, the intersection with Mount Werner Circle is difficult to navigate as well even

with frequent winter maintenance due to icing and downhill slope in that location and accidents at this area will most assuredly increase resulting in personal injury, increased property damage and blocked access for emergency purposes.

Statement #4---minimal impact on service provision for the area. All the issues outlined with statement #3 preceding apply to this statement as well.

Effects on natural environment in the area---this is not stated in the amendment proposal but should be considered. Any rezoning to high density and subsequent proposed development will fail miserably to meet this concern. There is no evidence that there will be no negative impact on the natural environment and development of this scope and size, allowed with this rezoning, **not only adjacent to but on top of** Burgess Creek most likely would have the opposite effect. This also would have a negative impact from noise, traffic, congestion on the adjacent wildlife corridor/natural preserve set aside immediately across Burgess Creek Road as well as Storm Meadows Drive. There have been bear, fox, moose, beaver, porcupine, and deer that traverse this area given its low density now and open space on immediately adjacent lands.

In conclusion, it is clear that the rezoning to a high density development allowance fails to meet the criteria for amendment and should therefore be defeated. Many of the conditions have not been satisfied and statements outlined in the report are contrary to the facts and the fail to meet code rules and regulations and therefore should cause a vote to deny this rezoning request/amendment. The inadequate infrastructure and road capacity and conditions in this area and public safety issues should be a major concern for any one on the commission voting to approve such rezoning and the ensuing development that would occur with any such approval. Significant major impacts on the surrounding natural environment and wildlife corridors established by the low density across Burgess Creek Road and the nature preserve/green space across Storm Meadows Drive should also be considered.

We would like to thank you for the opportunity to present our input in the process and ask that the appeal for rezoning for the property on Burgess Creek Road (SCE subdivision Lot 2) be denied as clearly it fails to meet the criteria as outlined above and significant public and personal safety issues will arise from such a change in this area.

Sincerely,

Charles and Ellen Repa

## Jason Peasley

---

**From:** maria mcevoy [mariamcevoy@hotmail.com]

**Sent:** Tuesday, October 05, 2010 12:07 PM

**To:** Jason Peasley

**Subject:** RE: SCE, Lot 2

Thanks for answering my e-mail. Just as a matter of record. I feel as if we should maintain the integrity of the zoning laws and stay with the original zoning designations. Developing Steamboat as a top notch destination should be our goal. Maria McEvoy

---

From: jpeasley@steamboatsprings.net

To: mariamcevoy@hotmail.com

Date: Wed, 29 Sep 2010 07:40:30 -0600

Subject: SCE, Lot 2

Maria,

SCE Subdivision, Lot 2 is the parcel of land located at the corner of Burgess Creek Road and Storm Meadows Drive. This parcel is one of two lots formerly known as the Steamboat Highlands project that was denied for rezoning by the City Council in January.

Contact me if you have any further questions.

Jason K. Peasley, AICP

City of Steamboat Springs

City Planner

o. (970) 871-8229

f. (970) 871-8285

jpeasley@steamboatsprings.net

**KLAUZER & TREMAINE, LLC**  
*Attorneys at Law*

P.O. Box 774525, Steamboat Springs, Colorado 80477  
320 Lincoln Avenue - Second Floor  
Phone: (970) 879-5003 Fax: (970) 879-1131

ktlaw.com

Randall W. Klauzer  
Member, Colorado Bar

J. Richard Tremaine  
Member, Colorado, D.C. and Virginia Bars

James "Sandy" Horner  
Member, Colorado and Wyoming Bars

Jessica A. Ryan  
Colorado Bar

Meghan L. Morrissey  
Colorado and Wyoming Bars

*Of Counsel:* Claire E. Sollars  
Colorado and Wyoming Bars

December 14, 2010

Steamboat Springs City Council

Re: Zoning Map Amendment Lot 2, SCE Subdivision (Ski Country) #ZMA-10-03

Dear Council:

I am submitting this letter on behalf of the President and members of the Board of Directors of the Storm Meadows Club Townhouses Phases 1 and 2.

The Storm Meadows Club Townhouses Phases 1 and 2 oppose the above referenced zoning map amendment application dated September 8, 2010.

We oppose the rezoning request of Lot 2 SCE Subdivision from RE-1 to RR-1.

We oppose the application because an RR-1 zone would allow a 63' building on this building site. That is inappropriate for the topography of Lot 2 with its steep hillside on one side and Burgess Creek on the other. This rezone request is also incompatible with the surrounding neighborhood of Burgess Creek and of Storm Meadow Drive.

This rezoning request is also a significant safety risk to those residents who live further up Burgess Creek Road and Storm Meadows Drive where our condominium complex is located. It is a safety risk because Burgess Creek Road is one-way in/one-way out. By approving the rezoning request to allow a building of this size at the lower end of Burgess Creek Road, the City would create a significant risk of an accident blocking Burgess Creek Road. This would inhibit the ability of fire and safety vehicles to travel to the residences and buildings further up Burgess Creek Road. The City Council does not approve residential subdivisions and other rezoning applications where there the only access is one-way in/one-way out. It is simply unsafe for the residents.

We also join in all of the objections to the rezoning request as stated in the letter submitted by Attorney Ron Smith and Attorney Paul Sachs on behalf of Bronze Tree and The Ranch dated November 30, 2010. We have reviewed that letter and we are in complete support of the position stated therein.

We request that you deny the rezoning request of Lot 2 SCE Subdivision from RE-1 to RR-1.

Thank you for your consideration of the concerns of Storm Meadows Club Townhouses Phases 1 and 2.

Respectfully,

  
Randall Klauzer



**CITY OF STEAMBOAT SPRINGS, COLORADO**

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

**AN ORDINANCE REZONING PROPERTY LOCATED IN SCE SUBDIVISION, LOT 2; FROM RE-1 (RESIDENTIAL ESTATE ONE – LOW DENSITY) ZONE DISTRICT TO RR-1 (RESORT RESIDENTIAL ONE – LOW DENSITY) ZONE DISTRICT; 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 subject properties from RE-1 (Residential Estate One – Low Density) to RR-1 (Resort Residential One – Low Density); and

**WHEREAS**, the Steamboat Springs Area Community Area Plan Future Land Use Map has designated this area as Resort Residential. The Resort Residential use classification encourages guest accommodations, including condominiums and hotels; and

**WHEREAS**, the Steamboat Springs Area Community Area Plan supports properly designed, infill development that achieves quality mixed-use neighborhoods by compatible character and scale with the surrounding neighborhood; 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 all of the rezoning criteria of Section 26-62(d) of the Community Development Code; and

**WHEREAS**, the City Council of the City of Steamboat Springs has considered the Planning Commission recommendation and finds that the request is in compliance with all of the rezoning criteria of Section 26-62(d) of the Community Development Code; 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, SCE Subdivision, Lot 2 is hereby rezoned from RE-1 (Residential Estate One – Low Density) to RR-1 (Resort Residential One – Low Density).

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 expiration of five (5) days from and after its publication following final passage, as provided in Section 7.6 (h) of the Steamboat Springs Home Rule Charter.

**INTRODUCED, READ AND ORDERED** published, as provided by law, by the City Council of the City of Steamboat Springs, at its regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
**Cari Hermacinski, President  
Steamboat Springs City Council**

**ATTEST:**

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

**FINALLY READ, PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
**Cari Hermacinski, President  
Steamboat Springs City Council**

**ATTEST:**

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

# AGENDA ITEM # 10

## CITY COUNCIL COMMUNICATION FORM

---

**FROM:** Jason K. Peasley, City Planner (Ext. 229)  
Tyler Gibbs AIA, Director of Planning and Community Development  
(Ext. 244)

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

**DATE:** December 21, 2010

**ITEM:** First Reading of the Skyview Subdivision Official Zoning Map  
Amendment (#ZMA-10-04)

**NEXT STEP:** This is the second and final reading of this ordinance

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

---

**PROJECT NAME:** Skyview Subdivision (#ZMA-10-04)

**PETITION:** Official Zoning Map Amendment to rezone a portion of vacated Right-of-Way located at 1500 Skyview Lane from Multi-Family Three High Density (MF-3) to Commercial Neighborhood (CN).

**LOCATION:** Skyview Subdivision, 1500 Skyview Lane

**APPLICANT:** Skyview Lane LLC, c/o Ryan Spaustat, Landmark Consultants, P.O. Box 774943, Steamboat Springs, CO 80477 (970) 871-9494

**PC ACTION:** On December 2, 2010 the Planning Commission voted 7-0 to recommend approval of this application.

## CITY COUNCIL COMMUNICATION FORM

Skyview Subdivision #ZMA-10-04

December 21, 2010

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### 1. **Background**

The subject property is a 0.25 acre parcel of land that was created by the vacation of a 50 foot wide Right-of-Way in 1972. In 1981 the vacated Right-of-Way was split in half by a Routt County court ruling, creating two properties that are approximately 25 feet wide by 450 feet in length. The two parcels were split between the owners of property one either side of the Right-of-Way centerline. The zoning for each 25' parcel was established by the zoning of the adjacent lots, Multi-Family and Commercial.

This application was originally scheduled to be heard by Planning Commission on November 11, 2010. A quorum was no able to be established for that meeting and the hearings was rescheduled for December 2, 2010.

### 2. **Planning Commission Discussion:**

The Planning Commission discussed the ownership history of the parcel and its inclusion into the larger parcel located at the corner of Skyview Lane and Whistler Road.

### 3. **Public Comment:**

Written public comments are attached with this report (Attachments 1 & 3).

### 4. **New Information:**

No new information at this time.

### 5. **Motion:**

Planning Commission recommends the City Council find that the application to change the zoning of Skyview Subdivision from Multi-Family Three High Density (MF-3) to Commercial Neighborhood (CN) to be consistent with the criteria for approval in CDC Section 26-62 (d):

1. Justification
2. Compatibility with surrounding development
3. Advantages versus disadvantages
4. Consistent with the purpose and standards of the zone district
5. Effects on natural environment

### **LIST OF ATTACHMENTS:**

**Attachment 1-** Staff report dated December 2, 2010

**Attachment 2-** Draft PC minutes from December 2, 2010

**Attachment 3-** Additional Public Comments



## DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT STAFF REPORT

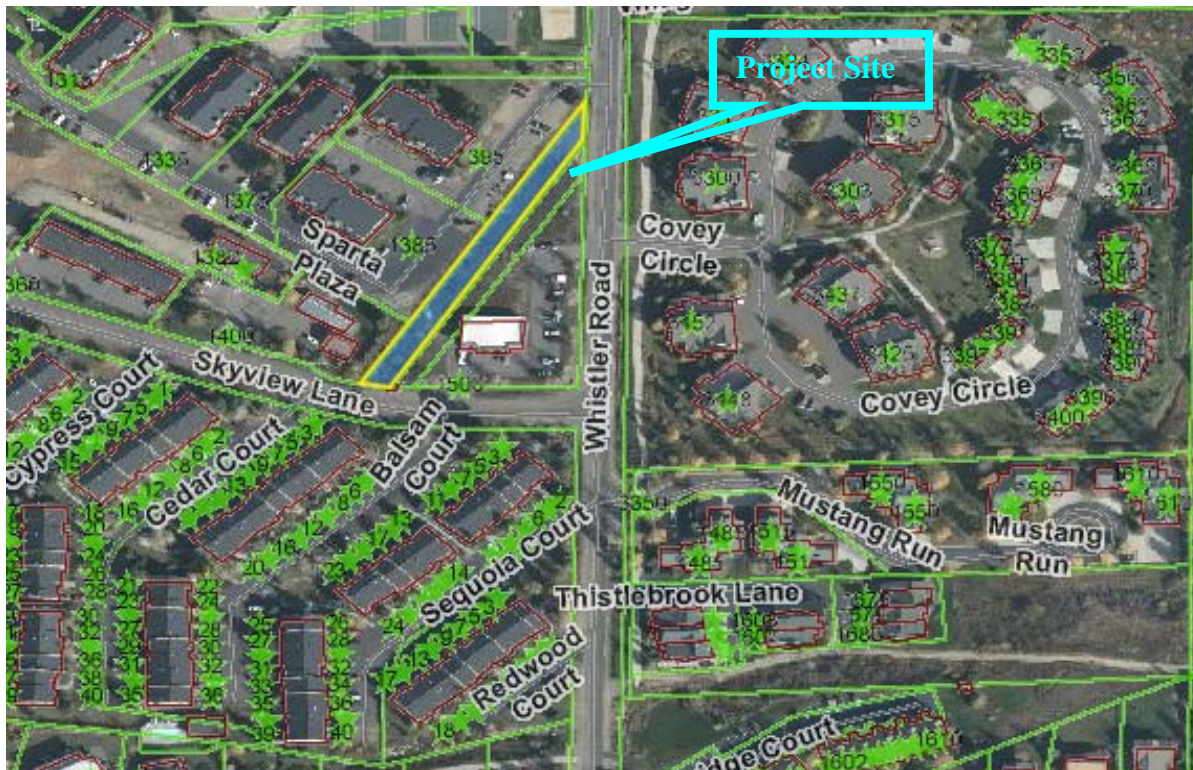
<b>PLANNING COMMISSION AGENDA ITEM #2:</b>	
<b>Project Name:</b>	Skyview Subdivision #ZMA-10-04
<b>Prepared By:</b>	Jason K. Peasley, AICP City Planner (Ext. 229)
<b>Through:</b>	Tyler Gibbs AIA, Director of Planning and Community Development (Ext. 244)
<b>Planning Commission (PC):</b>	December 2, 2010
<b>City Council (CC):</b>	December 7, 2010 First Reading December 21, 2010 Second Reading
<b>Existing Zoning:</b>	Multi-Family Three, High Density (MF-3)
<b>Applicant:</b>	Skyview Lane LLC, c/o Ryan Spaustat, Landmark Consultants, P.O. Box 774943, Steamboat Springs, CO 80477 (970) 871-9494
<b>Request:</b>	Official Zoning Map Amendment to rezone a portion of vacated Right-of-Way located at 1500 Skyview Lane from Multi-Family Three High Density (MF-3) to Commercial Neighborhood (CN).

<b>Staff Report - Table of Contents</b>		
Section		Pg
I.	Staff Finding	2-2
II.	Project Location	2-2
III.	Background Information	2-2
IV.	Project Description	2-3
V.	Staff Analysis	2-3
VI.	Staff Findings and Motion	2-5
VII.	Attachments	2-6

## I. STAFF FINDING

Staff finds this Official Zoning Map Amendment to rezone a portion of vacated Right-of-Way located at 1500 Skyview Lane from Multi-Family Three, High Density (MF-3) to Commercial Neighborhood (CN) to be consistent with the Community Development Code criteria for approval for an Official Zoning Map Amendment.

## II. PROJECT LOCATION



## III. BACKGROUND INFORMATION

The subject property is a 0.25 acre parcel of land that was created by the vacation of a 50 foot wide Right-of-Way in 1972. In 1981 the vacated Right-of-Way was split in half by a Routt County court ruling, creating two properties that are approximately 25 feet wide by 450 feet in length. The two parcels were split between the owners of property one either side of the Right-of-Way centerline. The zoning for each 25' parcel was established by the zoning of the adjacent lots, Multi-Family and Commercial.

#### IV. PROJECT DESCRIPTION

The proposed Zoning Map Amendment intends to rezone a portion of Lot 10A Walton Creek Park Estates from MF-3 to CN. The proposed rezoning allows for this sliver of land to be consolidated with the larger parcel located at the corner of Skyview Lane and Whistler Road for future development of the site.

#### V. STAFF ANALYSIS

##### A. Zone District Comparison

CDC Standard	Existing Zoning	Proposed Zoning
	MF-3	CN
Lot Coverage	0.45	0.50
Units Per Lot	Determined by FAR	Determined by FAR
Floor Area Ratio	0.50	0.60
Building Height		
Overall Height	57 feet 63 feet w/ underground parking	40 feet
Average Plate Height	35 feet 41 feet w/ underground parking	28 feet
Front Setback	15 feet (principal structure)	10 feet (principal structure)
Side Setback	10 feet (principal structure)	10 feet (principal structure)
Rear Setback	10 feet (principal structure)	10 feet (principal structure)
Permitted Uses	Multi-Family Dwellings	Commercial Multi-Family Dwellings

##### B. 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: Consistent***

*Staff finds this request is consistent with justifications (d). The site of the proposed rezoning is identified in the Steamboat Springs Area Community Plan Future Land Use Plan as Neighborhood Commercial. The SSACP suggests CN as the appropriate zone districts to be applied to parcels identified as Neighborhood Commercial on the Future Land Use Plan.*

**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: Consistent***

*Staff finds the proposed zone change is consistent with surrounding development and neighborhood character. The CN Zone District allows for a variety of multi-family and neighborhood-serving commercial uses that are complementary to the existing multi-family development on adjacent parcels.*

**3. 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: Consistent***

*Staff finds the advantages of rezoning the property outweigh the disadvantages to the community and/or neighboring lands. The rezoning and consolidation of this parcel with the adjacent lot located at the corner of Skyview Lane and Whistler Road will facilitate the development of this entire site. The Commercial Neighborhood Zone District allows for a variety of multi-family and neighborhood-serving commercial uses that complement the surrounding multi-family uses.*

**4. 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: Consistent***

*This amendment is consistent with the purpose and standards of the Commercial Neighborhood (CN) Zone District. The Purpose and Intent of the CN Zone District states:*

“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. ...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.”

*The proposed rezoning allows for the site to be developed to provide a mix of residential and commercial uses that serve the local community.*

**5. 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: Consistent***

*The proposed amendment will not result in any significant adverse effects on the natural environment. Future development of the site will be subject to existing regulations, including waterbody setback and construction site management BMPs that are intended to mitigate the effects on the natural environment.*

**VI. STAFF FINDINGS AND MOTION**

Staff finds this Official Zoning Map Amendment to rezone a portion of vacated Right-of-Way located at 1500 Skyview Lane from Multi-Family Three High Density (MF-3) to Commercial Neighborhood (CN) to be consistent with the Community Development Code criteria for approval for an Official Zoning Map Amendment.

**Recommended Motion:**

Planning Commission recommends approval of #ZMA-10-04, Official Zoning Map Amendment to rezone a portion of vacated Right-of-Way located at 1500 Skyview Lane from Multi-Family Three High Density (MF-3) to Commercial Neighborhood (CN) with the finding that the application is consistent with the Community Development Code criteria for approval.

**VII. LIST OF ATTACHMENTS**

1. Applicant Narrative and Maps
2. Existing Zoning and Future Land Use Plan Map
3. Public Comment



September 22, 2010

City Planning  
Planning Department  
City of Steamboat Springs  
124 10<sup>th</sup> Street  
Steamboat Springs, CO 80477

**Reference: Lot 10A, Replat of Walton Creek Estates  
Steamboat Springs, Colorado  
Zoning Map Amendment**

Dear Sir or Madam:

The purpose of this application is to request an Official Zoning Map Amendment (ZMA) for a portion of Lot 10A, Replat of Walton Creek Estates, parcel located in the Skyview Subdivision of Steamboat Springs as described in the attached exhibit.

The property owner also owns the adjacent parcel lot to the east and wishes to consolidate them into a single parcel. However, they are currently zoned differently. This Lot is zoned CN and Lot 10A is zoned CN as well as MF-3. This application proposes to rezone Lot 10A to Commercial Neighborhood zone district (CN) to match the zoning of the remaining parcel. The proposed ZMA will allow for the development of this urban infill parcel in conjunction with the adjacent parcel as a mixed-use project accessed off Skyview Lane and off Whistler Road, limiting the impacts to the existing neighborhood, and using existing utility and roadway infrastructure.

The combined parcel is located within an existing residential neighborhood, the Whistler area (South of Walton Creek Road), with pockets of commercial zoning planned in the Community Area Plan to support the mountain area neighborhoods. The vast majority of the parcel, facing the surrounding streets Whistler Road and Skyview Lane, is zoned as support Commercial Neighborhood zone district (CN). Along the back side of the property facing west, Lot 10A a narrow long (unbuildable) parcel along the north/south axis and facing the parking lot of an existing neighboring multi-family residential project, is zoned as Multi-Family Residential Zone District Three (MF-3). Currently the property houses a tired outdated commercial building with several small tenants who use the parking lot for storage.

Per the Section 26-62 of the Community Development Code (CDC), this application meets the following criteria for approval:

- 1) Justification** —The proposed rezoning substantially furthers and conforms to the 2004 Steamboat Springs Area Community Plan, by including the entire site under one zone to allow future re-development of the infill parcel within the requirements of the zoning code and to support the goals and policies of the Mountain Planning Area. The Community Area's Future Land Use Plan designates the Project Site as a Neighborhood Commercial with "smaller-scaled retail, office" which predominantly serves adjacent residential neighborhoods in a mixed-use development setting. These uses correspond to the purpose and intend of the proposed zoning designation of CN- to provide mixed-use areas for low-intensity retail, and multi-family residential dwelling units. The great majority of the property is currently zoned as CN and our request matches the current zoning district at this neighborhood corner.



- 2) **Compatibility with Surrounding Development**—The surrounding area is characterized by a combination of multi-family high density, multi-family medium and low density residential buildings located in the neighborhood south of Walton Creek Road. With the exception of the Project Site and two lots located at Walton Creek Road and Village Drive, the majority of the neighborhood is zoned MF-3. The two lots located at Walton Creek Road and Village Drive and the Project Site are zoned Commercial Neighborhood (CN) presumably to provide the availability of commercial mixed-use hubs to support the multi-family high intensity nature of the Whistler neighborhood, south of Walton Creek Road. The proposed amendment results in a more logical and orderly development pattern by matching the existing zoning within the neighborhood. Allowing supporting the goals of the City to create and achieve quality mixed-use neighborhoods.
- 3) **Advantages versus Disadvantages**—The advantage of the proposed ZMA is to allow a single parcel to be under only one zone, allowing a clear development pattern, that conforms to the surrounding lots and it furthers a number of goals outlined in the "2004 Steamboat Springs Area Community Plan". The overall goal of the Community Plan is, "to direct the type, location, and quality of growth, while addressing its impacts and reinforcing its desirable characteristics."(1-3) The proposed ZMA achieves this goal according to the criteria outlined in the Area Community Plan, including:

- "Policy LU-1.1(a): Only approve development proposals that are consistent with the Future Land Use Plan."

The proposed ZMA more closely aligns the City's zoning with the Land Uses identified in the Area Community Plan.

- "Policy LU-1.2: Future development will be in compact mixed use neighborhoods. The Future Land Use Plan directs new development to existing and new mixed-use neighborhoods within the UGB, while reducing the potential for dispersed growth not conducive to pedestrian and transit activity that is outside the UGB.

*If properly designed, infill and redevelopment can serve an important role in achieving quality mixed-use neighborhoods. In addition, appropriate, carefully crafted redevelopment and infill can complement existing stable neighborhoods to keep the city dynamic, competitive, and economically viable in the marketplace."*

The proposed ZMA will allow the construction of a small mixed-use (multi-family high density building with a small commercial use) project, integrated to infilling a developed existing neighborhood. Connected to the pedestrian and transit activity of the neighborhood.

- "Policy GM-1.3: Infill development and redevelopment will be promoted in targeted areas. If properly designed, infill development and redevelopment can serve an important role in achieving quality, mixed-use neighborhoods. The plan promotes infill development within the city limits, in preference to development of outlying areas adjacent to the city. Development of infill areas in the city shall occur in a manner that is in character and context with existing, surrounding development. In some instances, sensitively designed, high quality infill development can help stabilize and revitalize existing older neighborhoods."

The proposed ZMA cleans the zoning designation of one parcel to allow for the re-development of outdated structures and uses with an infill development that meets and achieves the high quality



and character required by the City through its review process. Allowing for planned future re-developments to fit better into the context of the existing neighborhood by defining this important corner in the heart of the neighborhood in to one zone.

- "Policy CD-1.5: Infill and redevelopment projects should be contextually appropriate to the neighborhood in which they will occur."

The proposed zoning amendment will allow for the development of the site in a manner that coincides with the existing residential development located in the neighborhood. The effects to the surrounding neighborhood and the natural environment will be mitigated by the standards of the CDC.

- 4) **Consistent with Purpose and Standards of the Zone District**—The Community Development Code states "The Neighborhood Commercial classification is intended to place a strong emphasis on pedestrian connections to the adjacent neighborhoods and within the developments..." Residential uses within the Mountain area are more compact than in other city neighborhoods to support nearby commercial activities within the classification."

The proposed rezoning that matches the existing zoning of the main parcel is consistent with the general description of the CN Zone District with respect to the existing neighborhood and surrounding duplexes and multi- family residential. The dimensional standards required by the CN zoning will ensure that the future mixed-use - residential dwelling units with low-intensity commercial - structures built on this parcel are consistent with the existing neighborhood.

- 5) **Effects on the Natural Environment** — The proposed ZMA will not result in significant adverse effects on the natural environment, including water quality, air quality, wildlife habitat, vegetation, and natural landforms. The intent is to preserve existing trees where possible. Existing trail for bus stop access will be maintained to the adjacent property.

If you have any additional questions or need any additional information, please do not hesitate to call.

Sincerely,  
OZ Architecture

Eduardo A. Illanes, AIA  
Principal  
OZ Architecture  
cc: Paul Brinkman, Owner  
RyanSpaustat, Landmark



**CIVIL ENGINEERING | SURVEYING**

Phone: 970.871.9494 • Fax: 970.871.9299 • www.landmark-co.com  
P.O. Box 774943 • 141 9th Str. • Steamboat Springs, Colorado 80477

**PROPERTY DESCRIPTION**

A PARCEL OF LAND LOCATED IN THE SE1/4 OF SECTION 28, TOWNSHIP 6 NORTH, RANGE 84 WEST OF THE 6TH PRINCIPAL MERIDIAN; CITY OF STEAMBOAT SPRINGS, COUNTY OF ROUTT, STATE OF COLORADO; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOT 10A, AS SHOWN ON THE PLAT OF THE REPLAT OF WALTON CREEK PARK ESTATES AS FILED BY PLAT AT FILE NO. 8309;

EXCEPTING THAT PORTION OF THE ABOVE PARCEL AS DESCRIBED IN THE ORDER AND JUDGEMENT RECORDED FEBRUARY 5, 1981 IN BOOK 526 AT PAGE 395.

CONTAINING A CALCULATED AREA OF 11,090 SQUARE FEET OR 0.25 ACRES.

**PROPERTY DESCRIPTION STATEMENT:**

I, JEFFRY A. GUSTAFSON, A LICENSED LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY STATE THAT THE ABOVE PROPERTY DESCRIPTION AND ATTACHED EXHIBIT WERE PREPARED UNDER MY RESPONSIBLE CHARGE, AND ON THE BASIS OF MY KNOWLEDGE, INFORMATION AND BELIEF, ARE CORRECT.

JEFFRY A. GUSTAFSON  
COLORADO PLS NO. 29039  
FOR AND ON BEHALF OF LANDMARK CONSULTANTS, INC.  
141 9<sup>TH</sup> STREET  
STEAMBOAT SPRINGS, CO 80487

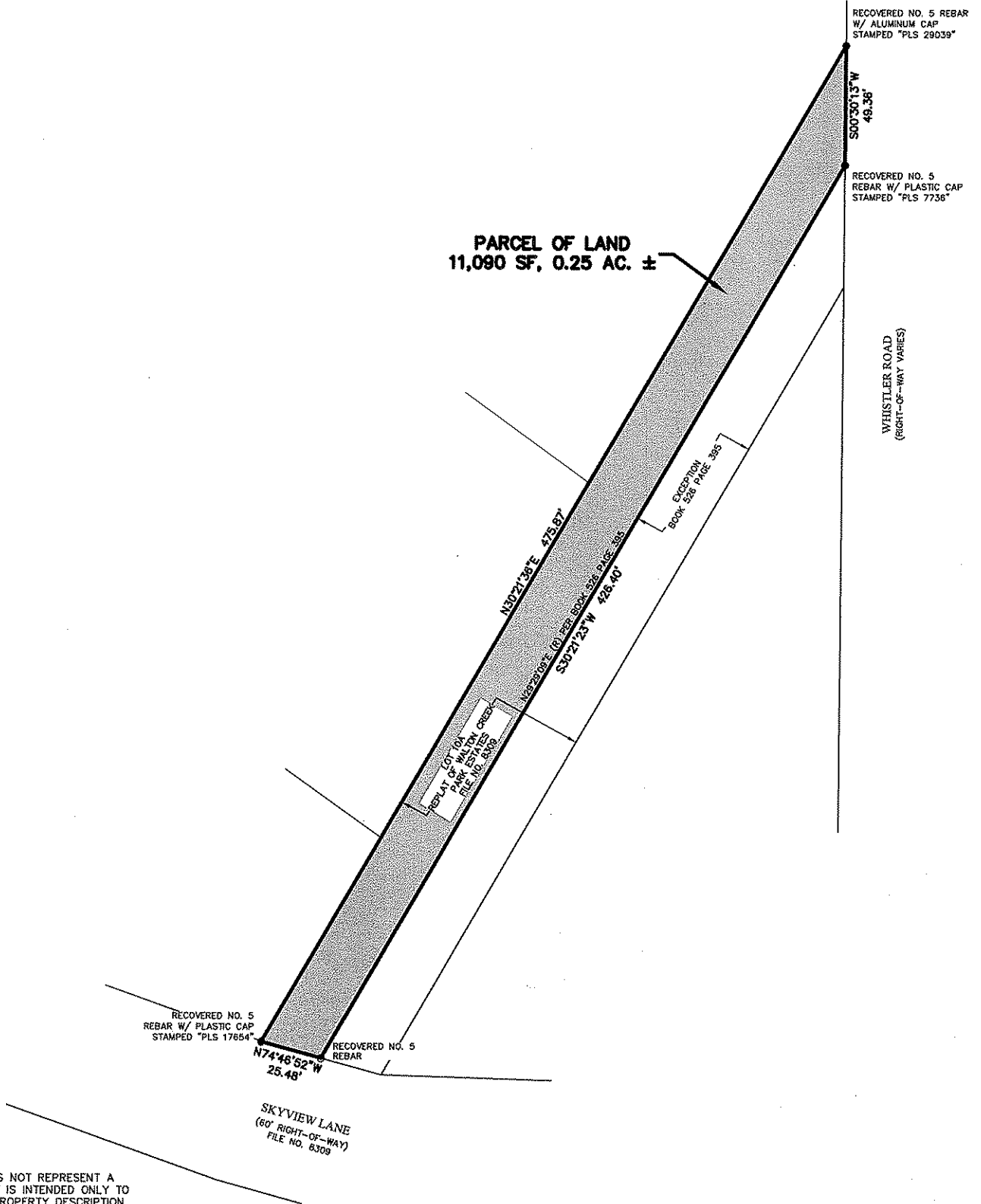


# ZONING MAP AMENDMENT PROPERTY DESCRIPTION EXHIBIT

SE¼ SECTION 28 T6N,  
T6N, R84W 6TH P.M.  
CITY OF STEAMBOAT SPRINGS  
ROUTT COUNTY, COLORADO



**PARCEL OF LAND  
11,090 SF, 0.25 AC. ±**



NOTE: THIS EXHIBIT DOES NOT REPRESENT A MONUMENTED SURVEY. IT IS INTENDED ONLY TO DEPICT THE ATTACHED PROPERTY DESCRIPTION.



NO.	DATE	REVISIONS	INT

141 9th Street, P.O. Box 774943  
Steamboat Springs, Colorado 80477  
Phone (970) 871-9494 Fax (970) 871-9299  
www.LANDMARK-CO.com

DATE: 09-20-10 DWN. BY: JLC  
JOB NO. 2165-001 CHK. BY: JAG  
DWG. NO. Zoning Exhibit SURV. BY: LCI

SCALE  
1" = 60'

Zoning Map Amendment  
Property Description  
Exhibit

SHEET NO.  
**1**  
OF 1

(C) COPYRIGHT 2010, LANDMARK CONSULTANTS, INC. **10-13**



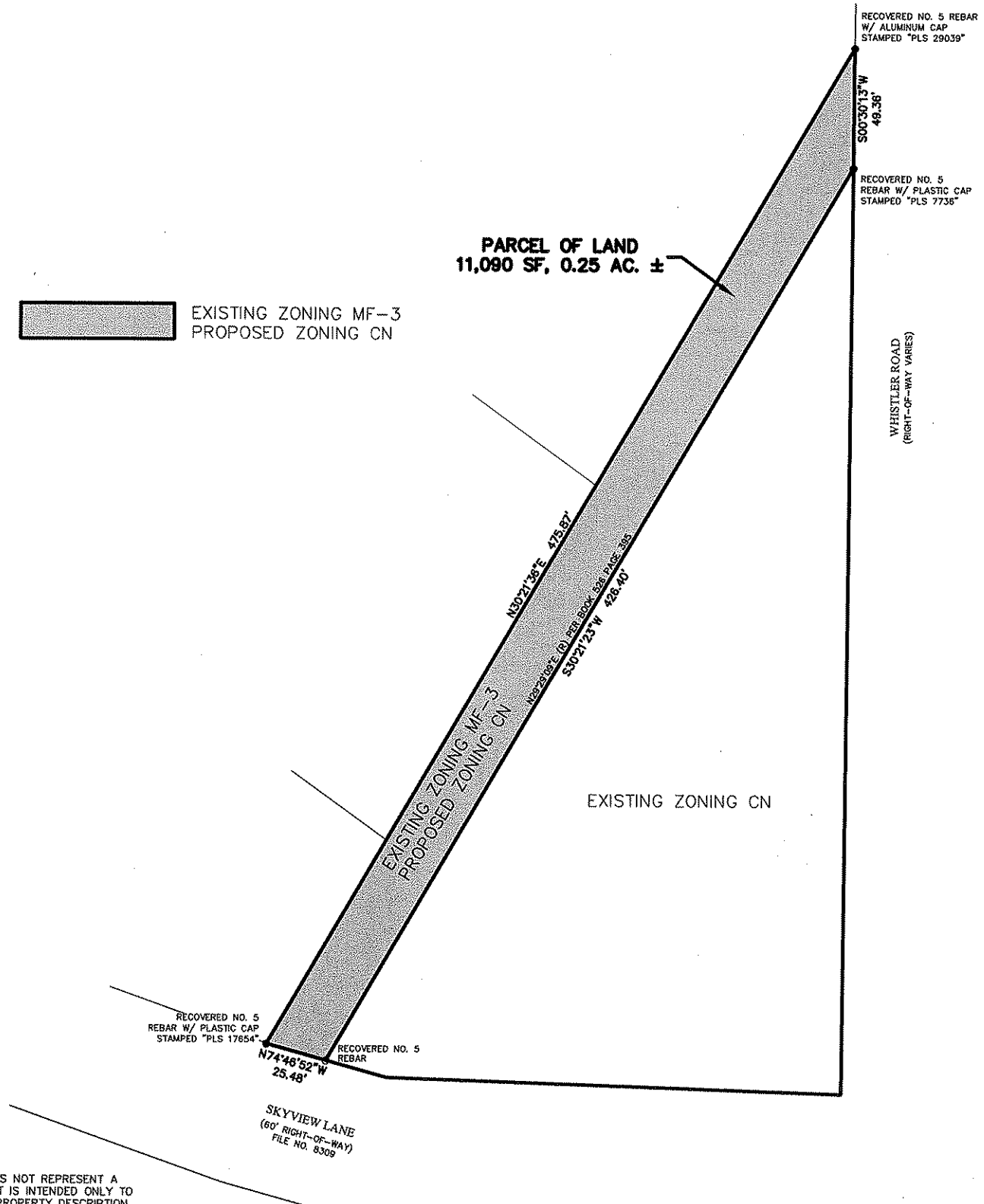
# ZONING MAP AMENDMENT EXHIBIT

H:\Land Projects\2165-001\LCA\Survey\2165-001 Zoning Exhibit Narrative.dwg, Exhibit 8/4/11, 9/23/2010 8:43:23 A



EXISTING ZONING MF-3  
PROPOSED ZONING CN

**PARCEL OF LAND**  
11,090 SF, 0.25 AC. ±



NOTE: THIS EXHIBIT DOES NOT REPRESENT A MONUMENTED SURVEY. IT IS INTENDED ONLY TO DEPICT THE ATTACHED PROPERTY DESCRIPTION.



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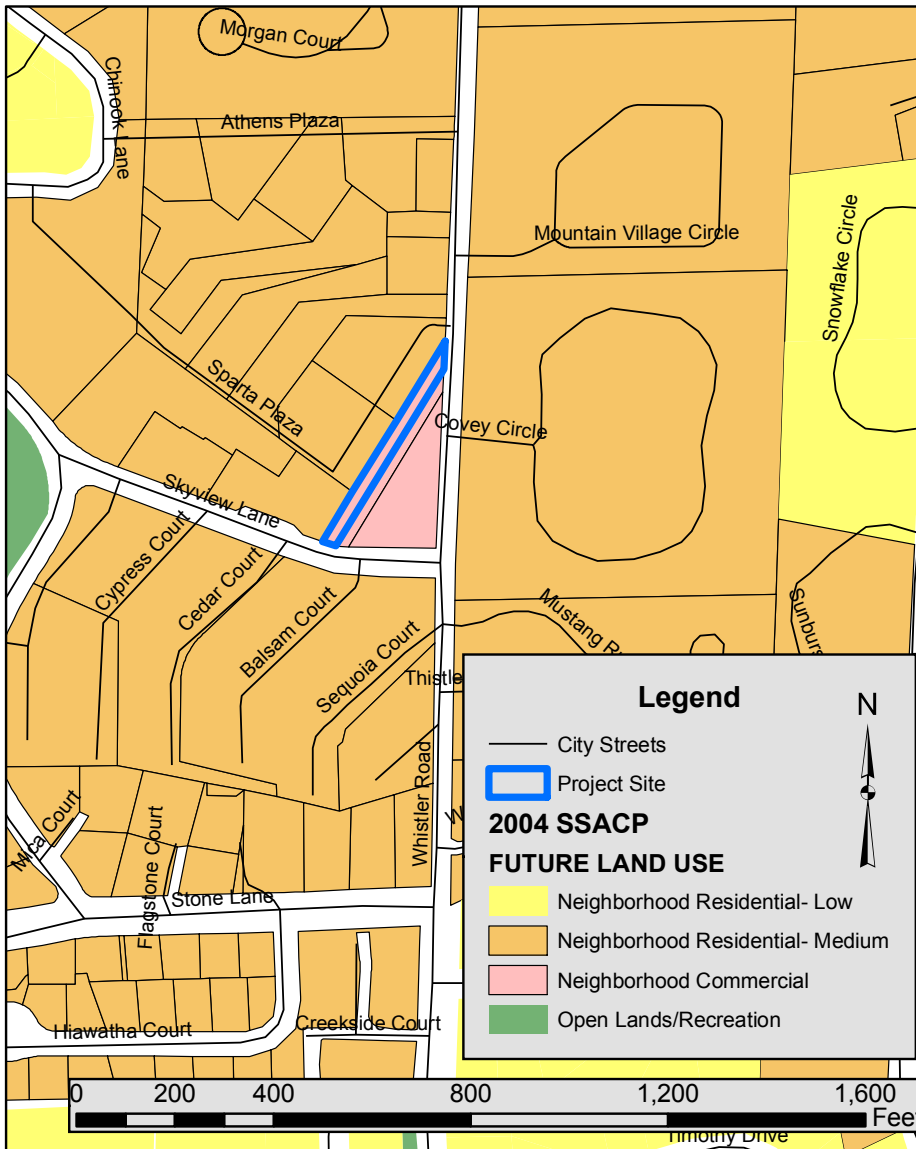
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**1**  
OF 1

10-14

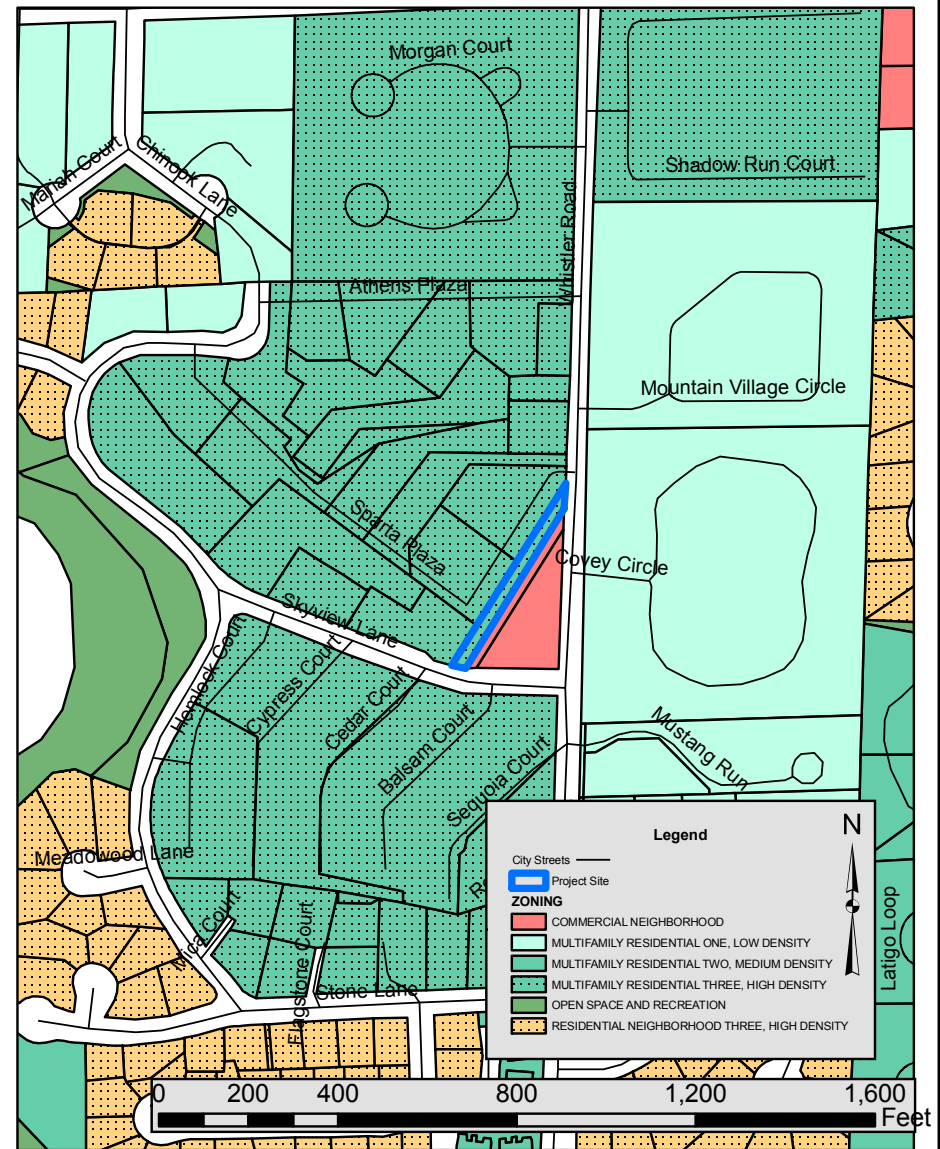
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# ZMA-10-04 Skyview Subdivision 1500 Skyview Lane

**Future Land Use**



**Existing Zoning**



**Jason Peasley**

---

**From:** Valerie Lish [rvlish@springsips.com]  
**Sent:** Thursday, November 11, 2010 8:48 AM  
**To:** Jason Peasley  
**Subject:** Skyview Lane LLC

Jason:

As adjacent property owners of 1400 Skyview Lane, we approve of the proposed change in the zoning for the new proposed development at 1500 Skyview Lane.

Bob and Valerie Lish

12/02/10

**DRAFT**

**Skyview Subdivision #ZMA-10-04 Official Zoning Map Amendment to rezone a portion of vacated Right-of-Way located at 1500 Skyview Lane from Multi-Family Three High Density (MF-3) to Commercial Neighborhood (CN).**

Discussion on this agenda item started at approximately 6:04 p.m.

**STAFF PRESENTATION**

Jason Peasley –

This is a rezone of a small piece of property that's 25' wide by 450' in length. It's part of the Walton Creek subdivision and was formally a right of way that was vacated years ago. The goal is to rezone it from MF-3 to CN. It has been anticipated in combining that lot with the larger lot that's at the corner of Skyview Lane and Whistler Rd.

**APPLICANT PRESENTATION**

Paul Brinkman –

(He gave a PowerPoint presentation). (He gave a background about his business). We ask that you create a consistent zoning across the 2 properties that we do own. (He showed an aerial view of the 2 properties). We first bought the larger parcel and then the smaller parcel, which came from the neighboring association with the intent to combine both parcels for future infill development. (He gave a brief history of the parcel). (He showed a diagram of the parcels). The benefit for us is that we truly believe that it allows you to better utilize the land and get a little bit more density on the property. What it would mean for the community is that in an area where the land is scarce this maximizes the utilization of land that would not go utilized without combining these 2 parcels. Looking down the road to the future just the addition of this parcel allows for \$60,000 of additional fees paid to the City and County through redevelopment. After 30 years it's probably about \$300,000 of additional tax revenue through property tax.

**COMMISSIONER QUESTIONS**

**PUBLIC COMMENTS**

Stuart Lorson? –

The strip that is up for rezoning, who was that piece of property purchased from and when?

**FINAL APPLICANT COMMENTS**

Paul Brinkman –

I don't know what representation and ownership he represents. The parcel was purchased by the original developer of Walton Creek Park Association.

**FINAL STAFF COMMENTS**

None

**FINAL COMMISSIONER COMMENTS**

None

**RECOMMENDED MOTION**

Finding -

12/02/10

**DRAFT**

Staff finds this Official Zoning Map Amendment to rezone a portion of vacated Right-of-Way located at 1500 Skyview Lane from Multi-Family Three High Density (MF-3) to Commercial Neighborhood (CN) to be consistent with the Community Development Code criteria for approval for an Official Zoning Map Amendment.

**Recommended Motion:**

Planning Commission recommends approval of #ZMA-10-04, Official Zoning Map Amendment to rezone a portion of vacated Right-of-Way located at 1500 Skyview Lane from Multi-Family Three High Density (MF-3) to Commercial Neighborhood (CN) with the finding that the application is consistent with the Community Development Code criteria for approval.

**MOTION**

Commissioner Hanlen moved to approve ZMA-10-04 and Commissioner Meyer seconded the motion.

**DISCUSSION ON MOTION**

None

**VOTE**

Vote: 7-0

Voting for approval of motion to approve: Lacy, Beauregard, Brookshire, Hanlen, Levy, Meyer and Slavik

Discussion on this agenda item ended at approximately 6:13 p.m.

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

RE: Public Hearing For Skyview Subdivision #ZMA-10-04

From: Nancy R. Harris  
Owner Whistler Village Townhomes  
2 Balsam Court

Please be advised that I am AGAINST the building of the Skyview Subdivision and ask you not to approve this proposal.

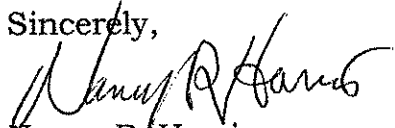
There are MORE townhouses and condos and apartments in the area than can currently be filled with renters or homeowners. Whistler Village Townhouses already has 7 units in foreclosure that are not selling and many more on the market. Please take into consideration the number of for sale and/or rent condos, townhouses and homes in Steamboat that are currently vacant.

Do we really need another complex that may sit vacant. The chances of this complex getting built and then not selling, this will in turn lower the value of those of us nearby when the new units have to get sold off at lower than market value. My unit has already lost so much value any less would be cause a personal hardship as I am already needing to tap into home equity to survive.

In addition my townhouse is directly across the street and this new complex will block the view I currently have of the ski area. Doing so will lower my value due to loosing a mountain view townhouse.

Thank you for taking my concerns into consideration.

Sincerely,



Nancy R. Harris  
Whistler Village Townhomes  
2 Balsam Court  
P. O. Box 772933  
Steamboat Springs, CO 80477

**CITY OF STEAMBOAT SPRINGS, COLORADO**

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

**AN ORDINANCE REZONING PROPERTY LOCATED IN A PORTION OF LOT 10 A, WALTON CREEK PARK ESTATES (SKYVIEW SUBDIVISION); FROM MF-3 (MULTI-FAMILY THREE, HIGH DENSITY) ZONE DISTRICT TO CN (COMMERCIAL NEIGHBORHOOD) ZONE DISTRICT; 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 subject properties from MF-3 (Multi-Family Three, High Density) to CN (Commercial Neighborhood); and

**WHEREAS**, the Steamboat Springs Area Community Area Plan Future Land Use Map has designated this area as Neighborhood Commercial. The Neighborhood Commercial use classification encourages mixed use development with a strong emphasis on pedestrian connections and small scaled retail; and

**WHEREAS**, the Steamboat Springs Area Community Area Plan supports properly designed, infill development that achieves quality mixed-use neighborhoods by compatible character and scale with the surrounding neighborhood; 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 all of the rezoning criteria of Section 26-62(d) of the Community Development Code; and

**WHEREAS**, the City Council of the City of Steamboat Springs has considered the Planning Commission recommendation and finds that the request is in compliance with all of the rezoning criteria of Section 26-62(d) of the Community Development Code; 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, a portion of Lot 10A, Walton Creek Park Estates is hereby rezoned from MF-3 (Multi-Family Three, High Density) to CN (Commercial Neighborhood).

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 expiration of five (5) days from and after its publication following final passage, as provided in Section 7.6 (h) of the Steamboat Springs Home Rule Charter.



**INTRODUCED, READ AND ORDERED** published, as provided by law, by the City Council of the City of Steamboat Springs, at its regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
**Cari Hermacinski, President  
Steamboat Springs City Council**

**ATTEST:**

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

**FINALLY READ, PASSED AND APPROVED** this \_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
**Cari Hermacinski, President  
Steamboat Springs City Council**

**ATTEST:**

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

# AGENDA ITEM # 11a

## CITY COUNCIL COMMUNICATION FORM

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

**THROUGH:** Jon B. Roberts, City Manager (Ext. 218)

**DATE:** Dec. 21, 2010

**ITEM:** Economic Development update

**NEXT STEP:** **Council Direction on next steps to develop specific economic development projects, incentives, policies, programs**

---

DIRECTION  
 INFORMATION

---

### **I. REQUEST OR ISSUE:**

In response to the special Council meeting on November 9, staff is working to develop ideas, projects, programs and incentives to stimulate the local economy and assist local businesses. We seek Council direction on contracting with a consultant to develop your plan/strategy to provide direct and indirect assistance to local businesses.

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

Staff presents the attached draft matrix of current and proposed short and long term economic development tasks and strategies. Staff does not recommend hiring an economic development staff person or spending money on overhead for another EDC agency to do this work. We believe a simple program can be developed and administered in house with minimal impact to staff.

### **III. FISCAL IMPACTS:**

No additional financial impacts at this time; however, the City has spent the following in 2010 on various economic stimuli, contracts, purchases, contributions, direct incentives or new services to benefit local businesses and the community:

1.	Direct incentive payment to ACZ:	\$ 40,000
2.	Late night Transit Service downtown (during ski season):	\$ 45,000
3.	YTD contracts, <b>major</b> purchases with local businesses:	\$8,930,000
4.	Contributions to non-profits, Chamber Marketing:	<u>\$1,230,000</u>
	Total:	\$10,245,000

Does City Council wish to hire a consultant to facilitate developing a city business assistance strategy? If yes, staff recommends the consultant individually interview every Council Member and

a select group of business people to develop the strategy that does not duplicate efforts of other EDC groups and provides the most benefits from available city resources.

Cost: \$30,000 (estimated)

Source: Reserves or other budget account as directed by Council.

## **VI. BACKGROUND INFORMATION:**

Based on City Council's current Goals and Objectives of improving the local economy and job creation as well as direction from the November 9 special Council Meeting, staff has developed the attached draft matrix of short and long-term economic development activities.

Many other Colorado communities have economic development departments, agencies/committees and provide a wide variety of projects, programs, incentives, etc. I contacted the City of Boulder Business Assistance Director, Liz Hanson and I have attached some information regarding their programs, incentives, etc. Boulder currently funds approximately \$350,000/year for their incentive program and usually funds 7-8 businesses through sales/use tax rebates, permit fees, plant investment fees, etc.

## **V. LEGAL ISSUES:**

In the case of direct incentives, staff assumes Council wants some kind of agreement which will be reviewed and approved by the Legal Department.

## **VI. CONFLICTS OR ENVIRONMENTAL ISSUES:**

Conflicts may arise with the rebate of Use and Excise Tax and the impact to financial resources. Other local businesses may request similar rebates which may be a positive move. Some local businesses may see such incentives as an unfair competitive advantage. Staff is working on developing guidelines, policies, and a standard contract to provide a framework for providing incentive payments. Staff does not recommend hiring an economic development staff person or spending money on staff overhead for another EDC agency.

## **VII. SUMMARY AND ALTERNATIVES:**

Staff requests Council feedback on the following;

1. Provide direction on whether to contract with a consultant to review the matrix, prioritize efforts and create a Business Assistance Strategy appropriate for city resources vs other EDC efforts.- Budget \$30,000.
2. Review the attached program/action matrix and ask questions and/or give feedback on any changes, additions, etc.
3. Review the program information from the City of Boulder and provide feedback or ask questions on that program.
4. Provide direction on any other issues Council wishes staff to pursue.
5. Is Council willing to allocate financial resources for incentives or micro-loans or grants?

If Council Members have any questions, please do not hesitate to contact Wendy DuBord (ext. 219) or Deb Hinsvark (ext. 240).

Cc: Tony Lettunich, City Attorney  
Deb Hinsvark, Finance Director  
Anne Small, Purchasing/Contracting Manager

**ATTACHMENTS:**

Attachment 1. City of Boulder, Colorado's Flexible Rebate Incentive Program.

Attachment 2. City of Boulder, Colorado's Flexible Rebate Incentive Program – application form.

## **A Plan for Economic Development/Steamboat Springs, Colorado**

On November 9, 2010 the Steamboat Springs City Council held a special public meeting with the City's business community. Business owners and operators were invited to provide comment identifying actions that Council might take to encourage and support commercial activity in Steamboat. Many ideas were proposed ranging from very tangible ideas that could be immediately implemented to ongoing financial support ideas and longer-term asset management ideas. This report is intended to segregate the ideas and provide a plan to move these ideas to the next level of implementation.

It should be noted that while all of the ideas presented were good ones, they all require financial resources to accomplish, and financial resources are limited. The aim of future economic development strategy is to prioritize and focus resources on the items that will provide the best chance that long term economic development goals will be achieved.

**Low Hanging Fruit**

Some of the recommendations for support of current businesses are of a nature that they can be immediately implemented. The following matrix includes these short-term or immediate ideas and their resolutions.

<b>Business Community Recommendation</b>	<b>City Resolution</b>
The noise ordinance is confusing and has a very low sound limit. The City needs to simplify and clarify the ordinance and increase the sound limit which according to the business owner can be surpassed by the rush of the Yampa River.	The Planning Director is reviewing. Baseline noise monitoring is complete.
The City can provide late night public transportation from town to the mountain. This would enable tourists to enjoy the downtown night life until closing time without waiting in the cold for a taxi or other ride. Tourists would be pleased and there would be less noise and chicanery after hours.	Council approved the funds necessary, approximately \$45K, to extend public transportation from its current end time of 1am to 2:20 pm from December 16 to April 1.
The City’s peddler’s license is only \$25, but the cost to review and approve the license is \$1500. Perhaps that is unintended and should be reviewed.	The Planning Director is reviewing. A conditional use permit for temporary businesses with little overhead has an impact on existing businesses.
The City could snowplow downtown business sidewalks. (This idea came in a phone call after the meeting.)	Referred to Management Team. This would impact the budget and is an appropriate task for the downtown BID to tackle.
It was suggested that we could create a program that would “loan” funds to homeowners to place solar panels on their homes and create a special purpose property tax to enable the repayment. This would create some interim commerce for the construction industry.	This task might fit well inside one of the longer goals and will be considered as those goals are determined.
Support the Quizno’s Bike Tour efforts.	City has budgeted \$35,000 support funds in 2011 and will manage the finances for the host committee, and provide in-kind support for the event.

**On-Going Financial Support Directly to Business**

The City recently determined to provide economic incentive funds to a local industry in order to support its endeavors to expand and provide additional professional level job opportunities in the City. The advice given by the business community was to ensure that jobs created were of a professional nature. Micro-loans were also suggested. There is work to be done on both of these ideas which are listed on the matrix below.

<b>Business Community Recommendation</b>	<b>City Resolution</b>
Continue incentive payments, but ensure professional level jobs are created.	The City needs to develop a set of criteria for providing incentive payments, and must begin to budget for this effort. A budget and policies could be created for this now.
Provide Micro-Loans/Grants	The Director of Finance is reviewing. Criteria and procedures must be established for making loans or grants.

**Long-Term Plan**

The City and its business community understand that tourism is a major industry of the City, and Steamboat’s quality of life is an attraction to both tourist and non-tourist related businesses. Many location neutral businesses locate in Steamboat after the principal has made a trip to Steamboat and discovered its attractions. Additionally, today’s technology makes it possible for the sole practitioner professional to live and work in Steamboat. As noted before, all ideas are good ones, but these longer term ideas require a significant pledge of resources. With limited resources, it makes sense to prioritize our actions and focus our efforts and resources. It is suggested that the City consult an economic development facilitator to assist with a long term strategy that would better define the long-term issues which are listed on the matrix below.

<b>Business Community Recommendation</b>	<b>City Resolution</b>
Understand our tourist assets, inventory and prioritize them. Measure their value to economic development. Create a CIP plan to increase them while ensuring maintenance, improvement or retirement of current assets. “Seed new, but understand what we have.”	These remain blank.
Understand City revenue sources. A sustainable revenue for the City is an important component of economic development.	
Understand just who the Steamboat tourist is and how to market to specific individuals.	Chamber visitor surveys.
Invest in the infrastructure needed to support an active technology industry and those who rely on technology to live and work here.	Grants.
Determine if there is really a need to diversify, or whether the City’s best plan is to be a community constructed for tourists.	
Review current marketing efforts. City needs it’s own marketing plan – more positive PR.	
Become Bike Town USA. Master plan for	

cycling.	
Master plan for the Yampa.	
Free City from MACRO economy of nation/globe.	
Role for non-profits in economic development? Request to recognize them as businesses.	
Understand our workforce housing needs and accommodate.	



## 2010 Contracts/Purchase with Local Contractors/Vendors

46 contracts (out of a total of 76 contracts for construction or other services) 61%  
 Value \$8,930,000 (out of a total value of \$12,275,000) 73%

Major projects (> \$100,000):

- Base Area Improvements
- Spring Creek Improvements
- Copper Mountain Estates Water Main Replacement
- Polishing Pond Emergency Liner Replacement
- Bar Screen Replacement
- Downtown Bus Shelters
- Rehder Building Trusses Reinforcement
- 2010 Sidewalk Improvements
- US 40 Underpass Trail Connector
- South Trail Extension
- Fire Fuels Mitigation
- Paving Program

Smaller projects (< \$100,000):

- Mountain Fire Kitchen Remodel
- Little Toots Family Restroom
- Community Center Photovoltaic System
- Crack Seal Program
- More Barn Stabilization
- Design Services for:
  - West Lincoln Park pedestrian bridge
  - Walton Creek Park & Ride
  - K38 Jump Hill Improvements
  - Nordic Ski Trail

Total	\$8,019,125
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Annual Services:

- |                                     |           |
|-------------------------------------|-----------|
| • Landscape Maintenance             | \$ 60,000 |
| • HVAC Maintenance                  | \$ 65,000 |
| • Biosolids Compositing and Hauling | \$150,000 |
| • Golf Pro Services                 | \$379,000 |
| • Jump Hill Maintenance             | \$ 30,000 |
| • Howelsen Lodge janitorial         | \$ 30,000 |
| • On-Call Surveying                 | \$ 15,000 |
| • Copier Machines & Maintenance     | \$ 45,000 |
| • Portable Toilets                  | \$ 10,000 |

Total	\$754,000
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Regular Purchases:

	2009	2010 YTD
Office Supplies	28,312	26,526
Vehicle Parts	39,685	38,602
Janitorial Supplies	47,493	37,642
Advertising	65,831	54,105

Total	\$156,875
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<b>Total 2010 Local Purchases &amp; Contracts</b>	<b>\$8,930,000</b>
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**Major contracts with non-local contractors/vendors:**

- McKinstry – Energy Efficiency Improvements
  - 85% subcontracted to local contractors (Central Electric, Major Heating & Christmas Décor)
- Armstrong Consultants – Airport engineer
- Wenk – Base Area Project
  - 30% subcontracted to local firm for civil engineering
- JBCM - Base Area Construction Oversight
  - Leased local condo for project duration
  - Hired local intern
- Westmatic – Gantry Bus Washing System
- Browns Hills – Bar Screen replacement engineer
- Caselle – Accounting Software
- Red Oak Consulting – Utility Rate Study
- Jacobs Engineering – Documented Categorical Exclusion Study
- PBS&J – Signal Timing
- Rocky Mountain Enterprises – Striping Program
- Prinoth – Snow Groomer

<b>Total Non-Local Contracts- \$3,345,000</b>
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## City of Boulder, Colorado's, Flexible Rebate Incentive Program

By Liz Hanson

### ECONOMIC DEVELOPMENT THROUGH SUSTAINABILITY

**This article describes the origin, economic impact, and effectiveness** of the city of Boulder, Colorado's, flexible rebate incentive program, first adopted in October 2006. In order to qualify, companies verify compliance with community and environmental sustainability guidelines. Including these guidelines was key to City Council support and adoption of Boulder's first business incentive program. For 2008 and 2009, the guidelines were revised and expanded. **This is the only business incentive plan in the country** that is specifically tied to compliance with community sustainability guidelines and policies.

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**FOR FURTHER INFORMATION** on membership details, please contact: Mary Helen Cobb, Director of Membership and Development at  
**202-942-9460 or**  
**mcobb@iedconline.org**



# city of boulder, colorado's,

## FLEXIBLE REBATE INCENTIVE PROGRAM

By Liz Hanson

Tokyo. San Francisco. Chicago. Berkeley. Boulder. Boulder is one of those cities that now goes by one name. Boulder has come to be known for certain things. The distinctive “flatirons” mountain backdrop. The outdoor pedestrian Pearl Street Mall. The University of Colorado. High tech and natural foods companies. Progressive planning and open space policies. And being a bit, well, different. One thing Boulder hasn't been known for is its economic development. Boulder doesn't call it economic development – instead: “economic vitality.” So when the city of Boulder won a 2008 IEDC Award for Excellence (in the category of “Sustainable and Green Development”), even Harvard called, inviting an application for its Innovations in American Government Award. What is Boulder doing that is so different again?

### BOULDER AND ECONOMIC VITALITY

**b**oulder's Economic Vitality Program is a relatively new part of city government. Economic development was not an identified function of the city until 2003, when \$2.9 million in urban renewal bond reserve funds were set aside for a five-year “Economic Vitality” program. The program was continued through 2009 and funding is now being planned for 2010 and ongoing years.

For many years, there was a local and regional perception that Boulder had an attitude toward business that was either “ambivalent” or “anti-business.” The city's efforts of the past six years, including the funding of a proactive and growing Economic Vitality Program, show that Boulder actively supports the retention and expansion of



Mountain views from the conference room of the award-winning OZ Architecture's new offices at Boulder's Twenty Ninth Street retail district.

existing local businesses and maintains a positive business climate.

Primary employers such as manufacturing and research/development companies, as well as the University of Colorado, federal laboratories, retail businesses, arts and culture, and tourism all play strong roles in the Boulder economy. A goal of Boulder's Economic Vitality Program is to leverage all of these components of our community to build a sustainable economic base to support the quality of life the Boulder community desires. *To learn more about Boulder's Economic Vitality program,*

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Liz Hanson is economic vitality coordinator for the city of Boulder, Colorado. (HansonL@bouldercolorado.gov)

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### ECONOMIC DEVELOPMENT THROUGH SUSTAINABILITY

*This article describes the origin, economic impact, and effectiveness of the city of Boulder, Colorado's, flexible rebate incentive program, first adopted in October 2006. In order to qualify, companies verify compliance with community and environmental sustainability guidelines. Including these guidelines was key to City Council support and adoption of Boulder's first business incentive program. For 2008 and 2009, the guidelines were revised and expanded. This is the only business incentive plan in the country that is specifically tied to compliance with community sustainability guidelines and policies.*

*please visit our web site at [www.bouldercolorado.gov](http://www.bouldercolorado.gov) and click "Business" at the top of the city's home page.*

In 2006, Boulder was the only municipality in the region that did not offer some sort of business incentive program. The Boulder City Council discussed how over the last five years Boulder had experienced a decline in overall economic activity and an increased outflow of local businesses moving to other cities. This trend contributed to the loss in city revenues from sales and use taxes as well as construction fees and taxes. In this context, Economic Vitality staff recommended the adoption of four business incentives: 1) a flexible tax and fee rebate program, 2) employee training assistance, 3) a loan pool, and 4) a Boulder employee discount to city parks and recreation facilities. These incentives were funded by the Economic Vitality budget and implemented as a pilot program in 2007 to evaluate their impacts and measure community acceptance.

Also in 2006, Boulder created a new business liaison position. This full-time staff member oversees the Economic Vitality work program and provides general assistance to existing and prospective Boulder businesses, administers business outreach and incentive programs, oversees sponsorships, and assists businesses with planning and development issues.

### **SUSTAINABILITY-BASED BUSINESS INCENTIVES**

Boulder's 2007 Pilot Business Incentive Program, later refined for 2008 and 2009, was adopted to provide business incentives to help primary employers invest in Boulder by upgrading their facilities and equipment. Aimed primarily at encouraging the growth and retention of homegrown companies in Boulder, it is flexible enough to allow for recruitment of businesses deemed a "perfect fit" for the community.

The largest part of the incentive program, the flexible rebate program, is designed to not only keep businesses in Boulder, but to focus on retaining and attracting businesses with sustainable practices. In order to qualify for

consideration under the flexible rebate program, companies must verify compliance with Boulder's community and environmental sustainability guidelines. The inclusion of these guidelines was key to City Council support and adoption of the incentive program. Development of community and environmental guidelines was done in the context of the city of Boulder's current community sustainability policy and extensive green development programs. (See sidebars.)

### **OVERVIEW OF CITY OF BOULDER, COLORADO'S, COMMUNITY SUSTAINABILITY POLICY**

From the Boulder Valley Comprehensive Plan and the Social Sustainability Strategic Plan: The adopted Community Sustainability Policy for Boulder, Colorado, is that the city and county recognize:

- The critical interrelationships among economic, social and environmental health;
- The way we produce, trade and consume impacts our ability to sustain natural resources;
- Social and cultural equity and diversity creates valuable human capital that contributes to the economy and environmental sustainability;
- Planned physical development has an impact on social conditions and should be considered in community planning; and
- The quality of environmental, economic and social health is built upon the full engagement and involvement of the community.

The city and county seek to maintain and enhance the livability, health and vitality of the Boulder Valley and the natural systems of which it is a part, now and in the long-term future.

The city and county seek to preserve choices for future generations and to anticipate and adapt to changing community needs and external influences.

### **OVERVIEW OF CITY OF BOULDER OFFICE OF ENVIRONMENTAL AFFAIRS GREEN DEVELOPMENT PROGRAMS**

The city of Boulder's Office of Environmental Affairs (OEA) provides leadership to achieve Boulder's goals of environmental sustainability and quality. Its mission is to prevent pollution, reduce resource consumption and promote environmentally sustainable practices. OEA develops city policy, offers educational programs and partners with citizens, businesses, and other organizations to protect Boulder's environment.

Programs coordinated by OEA include efforts to increase recycling, promote energy efficiency and renewable energy, and green building. These programs are designed to not only promote environmental sustainability, but also work to create an economically vital and progressive working environment by educating Boulder businesses and residents about both the environmental and economic benefits of sustainability. Boulder's programs include:

- Single Stream Recycling
- Curbside Composting
- Partners for a Clean Environment
- Residential Energy Action Program
- ClimateSmart at Work
- 10 for Change Challenge
- Solar Grant Fund
- Solar Sales and Use Tax Rebate
- Income Qualified Weatherization
- Green Points (building permit program)



In 2006, one of the world's hottest ad agencies, Crispin Porter + Bogusky, opened a new office in Boulder. The office has grown to 525 employees in three years. CP+B's client list includes Burger King, American Express OPEN, Domino's, Microsoft, Old Navy, and Volkswagen.

For Boulder, community sustainability is a philosophy and framework to help the city make decisions by looking at the long-term implications for the community. The sustainability process integrates economic vitality, social equity and responsibility, and environmental quality goals, and prioritizes work and resources based on these goals and the values of the community. Known locally as Boulder's "three-legged stool," community sustainability is a practical and actively used policy framework, rather than a theoretical concept.

### BOULDER'S FLEXIBLE REBATE PROGRAM

Under Boulder's flexible rebate program, the city manager along with Economic Vitality staff has the authority to negotiate an incentive package to meet a company's specific needs. In 2007, \$500,000 was invested in tax/fee rebates to seven primary employers ranging from \$24,807 to \$100,000. In a constrained budget environment in 2008, a total of \$322,135 in tax/fee rebates was approved for eight primary employers. The 2009 program is underway with a \$350,000 budget.

This program is reserved for primary employers (defined as a business or organization which generates at least 50 percent of its revenues from outside of Boulder County). The focus on primary employers is based on the fact that these companies sell their products and services on a regional, national, and international basis and bring new money into the local economy. Also, they typically pay higher average salaries, enabling their employees to support the local retail and service economy.

To ensure that rebate recipients are contributing to a sustainable community, City Council adopted sustainability guidelines for the 2007 pilot program. For 2008, the Boulder City Council expanded the guidelines to include *community and environmental sustainability* guidelines, in addition to the existing *social sustainability* guide-

lines. The guideline options were further expanded for the 2009 program.

Sustainability incentive guidelines were developed that can provide significant social, environmental, and economic benefits to Boulder businesses. City staff focused on areas that were considered to have potential for *additional encouragement or incentives* to the business community. Because each company is different and has differing abilities to meet certain guidelines, the expanded 2009 program provides more flexibility to allow companies to choose the guidelines that fit best.

Applicants for the Flexible Rebate Program complete an online application to verify compliance with social, environmental, and community sustainability guidelines by choosing a minimum number of "points" and documenting compliance in the areas listed below. To review the application, including eligibility requirements and sustainability guidelines, please visit the city of Boulder web site at [www.bouldercolorado.gov](http://www.bouldercolorado.gov), click "Business" at the top of the home page, and then "Business Incentive Programs" on the left.

#### Social Sustainability:

- Average wage requirement
- Health insurance
- Diversity support
- Non-profit support
- Dependent care
- Housing assistance

#### Environmental Sustainability:

- Energy: Energy assessment, "10 for Change Challenge" (a local program to support energy use reduction by 10 percent over a year), energy savings training, and renewable energy (credits or installation)
- Waste Reduction: Recycling program, zero waste program, and environmental purchasing policy

This program is reserved for primary employers (defined as a business or organization which generates at least 50 percent of its revenues from outside of Boulder County). The focus on primary employers is based on the fact that these companies sell their products and services on a regional, national, and international basis and bring new money into the local economy. Also, they typically pay higher average salaries, enabling their employees to support the local retail and service economy.

- Energy Certifications: Local certification program or LEED (Leadership in Energy and Environmental Design) ratings
- Transportation: Employee commute trip reduction program, bus pass / transit program, and financial incentives for transit costs or subsidies

**Community Sustainability:**

- Business practices that further the city's policies related to sustainability
- Buying in Boulder: Purchasing a minimum of 25 percent of its total goods and services (based on value) from businesses located in the city of Boulder.

Under this program, employers are not eligible for a rebate until they have made their investment and paid the applicable taxes or fees to the city. To maximize flexibility and impact, the program covers a wide range of fees and taxes charged by the city including:

- permit and development review fees
- construction use taxes
- use taxes paid on durable goods such as equipment, furnishings, and computers.

If awarded, companies must sign a rebate agreement with the city agreeing to maintain a business presence in Boulder for a minimum of three years from receipt of the incentive as well as agreeing to comply with the community sustainability guidelines identified in the company's

If awarded, companies must sign a rebate agreement with the city agreeing to maintain a business presence in Boulder for a minimum of three years from receipt of the incentive as well as agreeing to comply with the community sustainability guidelines identified in the company's application for a period of three years.

application for a period of three years. Companies may request that the city manager approve rebates of taxes and fees paid in the current year and estimated taxes and fees for the following two years. However, rebate funds are paid to a company only at the time that receipts are submitted. Receipts may be submitted in "batches," e.g. on a quarterly basis.

**THE COMPANIES**

In 2007, seven Boulder primary employers were awarded rebates totaling \$500,000. All seven companies signed rebate agreements and six of the seven have completed submittal of receipts for the total amount of their rebate approval. In 2008, the second year of Boulder's flexible rebate program, \$322,135 in tax/fee rebates were awarded. It is interesting to note that the 2008 recipi-

ents are generally smaller companies than the 2007 applicants (in terms of number of employees and overall revenues). Ten applications were received and two were withdrawn. The 2009 program is in process with six applications and three approvals. The 2008 and 2009 recipients are in the process of signing rebate agreements and submitting receipts for issuance of rebate funds.

The list of rebate recipients has reflected the variety of Boulder's primary employers in size and industry, with clusters in high technology, natural and organic foods, "active living," and clean technology / renewal energy companies. Many are "homegrown" companies that had their start in Boulder and are now thriving and growing, expanding in new Boulder locations. In the first three years of the flexible rebate program, companies approved for rebates include:



A new \$1.15 million clean room at Advanced Thin Films, a precision optics company that moved to Boulder in 2008. The company offsets all of its electricity consumption with purchased wind energy credits.



Eco-Products, a distributor of compostable products, expanded and relocated to Boulder facility which features one of the largest solar power installations in Boulder County.

- **Larger employers:** IBM, Ball Aerospace, advertising agency Crispin Porter + Bogusky, financial software company Wall Street on Demand
- **Energy companies:** Namasté Solar and Siemens (opened the first U.S. wind power research facility in Boulder in 2008)
- **Technology and software companies:** Rally Software, Solekai Systems, HP LeftHand Networks, VisionLink, Advanced Thin Films (optics)
- **Natural food companies:** Chocolove and Seth Ellis Chocolatier
- **Compostable distribution company:** Eco-Products
- **Publishing company:** Mountain Sports Media

- **Architectural firm:** Oz Architecture
- **Active living gear company:** Sea to Summit
- **Nonprofit organization (national radio broadcasts):** eTown

See Table 1 for a list of all flexible rebate companies and the rebates approved.

A report by the Boulder Economic Council on the 2007 pilot flexible rebate program concluded that while the incentives may not have been the sole factor in the companies' decisions to remain in Boulder or to expand/renovate their facilities, the incentives were a significant part of those decisions. In several cases, it could be considered as the "tipping point." This program helped these companies determine that Boulder wanted them as community members, valued their contributions in sustainability, and made it worthwhile to invest here. Following are some quotes from these companies.

- "We're thrilled to be approved for participation in this program and pleased to be staying in Boulder as it is the 'Silicon Valley' of storage, which aligns nicely with our business." – John Hillyard, chief financial officer, LeftHand Networks (now HP LeftHand)
- "Boulder has widespread name recognition among 'foodies,' and it was our desire from the start to have a Boulder address. Having the city's support and interest as we've created a world-class chocolate production facility has helped us work smarter and faster, with fewer false starts. This is a wonderfully supportive community for our business, and we're pleased to call Boulder our home." – Rick Levine, manager and a founder, Seth Ellis Chocolatier
- "We're a Boulder company at heart and we're grateful that the city of Boulder was able to offer these incentives to keep our headquarters here. Community involvement and sustainability are both incredibly important aspects of our culture. Our employees have led us to divert about 800 gallons of composting and contributed 800 volunteer hours in the first half of 2008. We're proud that the city's incentives rewarded us for being a good corporate citizen." – Tim Miller, CEO, Rally Software
- "It was very important to us to keep our main office in Boulder. If it weren't for the city's flexible rebate program, it would have been difficult for us to accomplish this. We plan to utilize the rebate funds to pursue LEED Gold certification for our building and set a positive example for the Boulder community. We're so happy to be staying in Boulder – there's no place we'd rather be!" – Blake Jones, CEO and president, Namasté Solar
- "Since Eco-Products grew up in Boulder, it is important for us to remain here. The Economic Vitality Plan allows us to remain a part of this vibrant community." – Steve Savage, CEO, Eco-Products.
- "The 2008 business incentive program rebate is allowing us to make our office a better place for our employees to work, and our employees are the reason

**TABLE 1  
CITY OF BOULDER'S FLEXIBLE REBATE PROGRAM  
LIST OF COMPANIES AND REBATES APPROVED  
2007 – 2009**

2007		
LeftHand Networks	Software/Tech	\$80,698
Crispin Porter + Bogusky	Advertising	\$100,000
Mountain Sports Media	Publishing	\$44,917
IBM	Computer Services	\$100,000
Ball Aerospace	Aerospace Tech	\$100,000
Solekai Systems	Digital Engineering	\$24,807.06
OZ Architecture	Architecture	\$49,577.94
<b>TOTAL APPROVED</b>		<b>\$500,000</b>
2008		
Advanced Thin Films	Optics	\$50,000
Siemens Power Generation	Wind Energy Research	\$50,000
Seth Ellis Chocolatier	Food Manufacturer	\$39,514
Wall Street On Demand	Software	\$50,000
Rally Software	Software	\$50,000
Namasté Solar	Solar Energy	\$29,086
Eco-Products	Compostable Distribution	\$29,000
Chocolove	Food Manufacturer	\$24,535
<b>TOTAL APPROVED</b>		<b>\$322,135</b>
2009		
Sea to Summit	Wholesale Distribution	\$10,820
VisionLink	Software	\$10,230
eTown	Nonprofit Radio Broadcast	\$50,000
IBM	Computer Services	Pending
Boulder Beer	Manufacturer	Pending
ProStor Systems	Data Storage	Pending
<b>TOTAL APPROVED AS OF 8/1/09</b>		<b>\$71,050</b>



Namasté Solar's staff at the company's newly remodeled building in North Boulder (LEED Gold certification pending).





A worker prepares raspberry chocolate ganache at Seth Ellis Chocolatier of Boulder, a small organic chocolate manufacturer.

we are in Boulder in the first place.” – Jessica Pappas, director of administration, Wall Street On Demand

- “This is a great example of the city’s effort to help attract and retain businesses within the city limits. With this rebate, the city of Boulder clearly acknowledges that the nonprofit and arts community play a significant role in the economic health and vibrancy of the city. For a small nonprofit like eTown, this is a big and expensive undertaking, and this rebate is especially appreciated.” – Nick Forster, president and CEO, eTown

## RETURN ON INVESTMENT: CONTRIBUTION TO ECONOMIC DEVELOPMENT

### 2007 Program

The city of Boulder contracted with the Boulder Economic Council (an arm of the Boulder Chamber) to calculate the return on investment for the \$500,000 in city tax and fee rebates awarded to seven primary employers in 2007 and the \$322,135 invested in eight companies in 2008. The report, presented to the Boulder City Council on April 22, 2008, found that the city will recoup a net \$6.1 million over a three-year period. In other words, for every one dollar invested in rebate incentives, the city will recoup an aggregate \$14.41 on a current-cash-flow basis.

The sustainability benefits were also assessed:

- All of the recipients have some level of philanthropic involvement with the community. These efforts range from fund-raising drives and direct help to non-prof-

its in getting the work done to significant donations. An overview of the specific philanthropic involvement was documented in the Boulder Economic Council report.

- All of the companies had a directive toward lessening their impact on the environment. Several rebate awards went directly towards “green” construction projects, including IBM’s \$89 million “green” data center and a LEED silver certified tenant finish for OZ Architecture.

### 2008 Program

The Boulder Economic Council’s analysis of the return on investment for the 2008 program finds a \$6.31 return for every one dollar invested in rebate incentives. There are several reasons why this rate of return is lower than the 2007 program:

- On average, the companies are smaller (in number of employees and total revenue) than the 2007 rebate recipients. The largest company, Wall Street on Demand, has the highest total return of \$23.10.
- A company like Siemens Wind Power has a lower total return (\$0.70) due to its small size and low capital investment. However, attracting Siemens’ first U.S. wind power research facility to Boulder will likely result in a spin-off effect of drawing additional companies with “green” jobs and research.
- The 2008 rebate program invested directly in several companies whose main mission focuses on sustainability efforts. Siemens, Namasté Solar, and Eco-Products fall in this category.

## LESSONS LEARNED

### Evolving Program

Since the 2007 pilot, the Flexible Rebate Program has been modified and refined each year based on city staff experience administering the program and on feedback from companies that have used it. Company comments and input have been critical to the development of each year’s eligibility requirements and sustainability guidelines. Past and current rebate applicants have been a yardstick as to whether compliance with draft guidelines was achievable or too onerous.

Since the 2007 pilot, the Flexible Rebate Program has been modified and refined each year based on city staff experience administering the program and on feedback from companies that have used it. Company comments and input have been critical to the development of each year’s eligibility requirements and sustainability guidelines. Past and current rebate applicants have been a yardstick as to whether compliance with draft guidelines was achievable or too onerous.

During development of the 2009 guidelines, smaller companies said that the proposed expanded list of guidelines would have given them more flexibility and options. Also, the city modified the definition of “primary employer” in 2008 – threshold changed from 75 percent to 50 percent of revenues from outside Boulder County – after working with two small businesses that were just below the 75 percent threshold but were growing primary employers making significant investment in their facilities. Staff research showed that if communities used any revenue threshold in their primary employer definitions, it was usually 50 percent.

### What Works

In a community that can be wary of economic development efforts, there are several factors that help make this program successful:

- **It is a rebate program.** No funds are distributed to businesses unless taxes and/or fees are paid and receipts submitted.
- **It is a broad business retention tool.** Sometimes, the existence of the program brings businesses to the attention of Economic Vitality staff. The program may learn of a company considering consolidation, expansion, or relocation that would not have otherwise contacted the city.
- **It is a tipping point.** The dollar amount of a rebate approval may not be the deciding factor. To a business deciding whether to leave or stay or expand in Boulder, a financial incentive can be an important consideration and an indication that the city values its presence and investment. City rebates have also helped leverage state of Colorado incentives.

The Flexible Rebate Program helps the city’s businesses meet community goals and be more sustainable in their business practices. As businesses throughout the community get more information about the rebate program, it increases the awareness of the city’s programs to help both businesses and residents develop sustainable practices. Even if businesses review the rebate program and do not apply, they learn about these city services.

### – Businesses demonstrate sustainability.

Discussed further below, the sustainability guidelines ensure that the city is investing in businesses that share the sustainability goals of the city. In fact, in many applications, Boulder businesses “brag” about the extent of their sustainability efforts and programs.

### – It is a reasonable city investment.

With annual budgets ranging from \$350,000 to \$500,000, Boulder may budget less for incentives than other communities. However, this budget is a “comfort level” in the context of the overall city budget and priorities.

### Economic Development Through Sustainability

The Flexible Rebate Program helps the city’s businesses meet community goals and be more sustainable in their business practices. As businesses throughout the community get more information about the rebate program, it increases the awareness of the city’s programs to help both businesses and residents develop sustainable practices. Even if businesses review the rebate program and do not apply, they learn about these city services.

Having criteria based on the community’s sustainability values demonstrates to the residents and employees in the community that the value of sustainable practices




Two Ball Aerospace workers in the newly constructed 50-foot-tall high bay clean room, used to assemble taller satellites and aerospace equipment.

and products is recognized and the city is working to incorporate these elements in programs, policies, and decision-making. Inclusion of these sustainability guidelines is critical to City Council and public acceptance of the incentive program, particularly in a community where many residents have concerns that city funds could be better spent than providing rebates to companies.

This program can be used as an example for and is easily transferable to other communities looking to create or develop incentive programs tied to social and

environmental sustainability goals. Sustainability guidelines can be customized according to each community's priorities and local programs. Boulder Economic Vitality

This program can be used as an example for and is easily transferable to other communities looking to create or develop incentive programs tied to social and environmental sustainability goals. Sustainability guidelines can be customized according to each community's priorities and local programs.

staff regularly receives inquiries from other communities that want to learn more about the program, as they develop or revise their own incentive options. 



THE ECONOMIC DEVELOPMENT  
RESEARCH PARTNERS (EDRP) PROGRAM

**DESIGNATED FOR INNOVATIVE LEADERS  
IN THE ECONOMIC DEVELOPMENT COMMUNITY**

THE ECONOMIC DEVELOPMENT RESEARCH PARTNERS (EDRP) PROGRAM  
Economic Development Research Partners Program membership opens doors to concepts and schemes that assist economic development professionals in operating at a higher level.

**AIMS OF THE EDRP** Through the EDRP Program, IEDC is taking its mission to a new level, assisting practitioners to successfully compete in the global economy and increase prosperity for communities at an accelerated pace, empowering ED professionals to better define their vision and voice.

**METHODS AND BENEFITS OF THE EDRP PROGRAM** The Partners meet 4 times a year, sometimes with experts in the field, to coordinate activities and focus agendas on pertinent and practical issues. This innovative program provides an incredible opportunity to strengthen the communities in which we operate and the profession as a whole.

**FOR FURTHER INFORMATION** on membership details, please contact: Mary Helen Cobb, Director of Membership and Development at **202-942-9460** or **mcobb@iedconline.org**





**CITY OF BOULDER  
FLEXIBLE REBATE PROGRAM  
BUSINESS INCENTIVE PROGRAM  
2010**

City Use Only 1/5/10	
Date Rec'd:	
By:	

Company Information	
Company Name: _____	Phone: (____) ____ - _____
Contact Person: _____	Fax: (____) ____ - _____
Title: _____	E-mail: _____
Address: _____	Web site: _____
_____	

Parent Company Information (if different from Company Information)	
Company Name: _____	Phone: (____) ____ - _____
Contact Person: _____	Fax: (____) ____ - _____
Title: _____	E-mail: _____
Address: _____	Web site: _____
_____	

General Company Information	
Type of Industry: _____	Number of Employees:
_____	In Boulder: _____
_____	Total: _____
City of Boulder Business License No.: _____	
_____	

Flexible Rebate Request		
Type of Tax or Fee: (e.g. building permit fee, construction use tax, use on capital expenditures)	Amount: (include total rebate requested)	Date Paid or Expected:
(1) _____	(1) _____	(1) _____
(2) _____	(2) _____	(2) _____
(3) _____	(3) _____	(3) _____
(4) _____	(4) _____	(4) _____



**CITY OF BOULDER  
FLEXIBLE REBATE PROGRAM  
BUSINESS INCENTIVE PROGRAM  
2010**

<b>Total Number of Employees</b>	<b>Total Number of Employees Living in Boulder</b>
<b>2010:</b> Full time: _____ Part time: _____ <b>2011 (projected):</b> Full time: _____ Part time: _____ <b>2012 (projected):</b> Full time: _____ Part time: _____	<b>2010:</b> Full time: _____ Part time: _____ <b>2011 (projected):</b> Full time: _____ Part time: _____ <b>2012 (projected):</b> Full time: _____ Part time: _____

<b>Capital Expenditures</b> Value of fixed assets purchased in years shown for Boulder facilities (computers, office furniture, equipment)	<b>Facility Improvements</b> Value of new construction, expansion, or remodeling of company's Boulder facilities
<b>2010:</b> _____ <b>2011 (projected):</b> _____ <b>2012 (projected):</b> _____	<b>2010:</b> _____ <b>2011 (projected):</b> _____ <b>2012 (projected):</b> _____

<b>Local Sales</b> Value of retail sales by company within City of Boulder	<b>Average Compensation (Full Time Employees)</b>
<b>2010:</b> _____ <b>2011 (projected):</b> _____ <b>2012 (projected):</b> _____	<b>2010:</b> _____ <b>2011 (projected):</b> _____ <b>2012 (projected):</b> _____

<b>Average Compensation (Part Time Employees)</b>
<b>2010:</b> _____ <b>2011 (projected):</b> _____ <b>2012 (projected):</b> _____



**CITY OF BOULDER  
FLEXIBLE REBATE PROGRAM  
BUSINESS INCENTIVE PROGRAM  
2010**

**Requirements and Guidelines**

Please complete the attached checklist for general eligibility requirements and community sustainability guidelines. The checklist includes areas for the company to include written statements addressing compliance with each selected guideline. Please be as specific as possible and attach additional pages (e.g. a cover letter or addendum) as necessary. Also please tell your company's "story," including a description of proposed construction projects, expansion, equipment investment, and/or relocation plans.

**CERTIFICATION**

(This certification must be completed by a company representative)

I certify that the information and exhibits herewith submitted are true and correct to the best of my knowledge. I understand that city staff may request additional information to complete the application process and that all application materials are public record and subject to public inspection. By signing I also give permission to the city of Boulder to use this company's name and any rebate granted to illustrate the success of this incentive program.

- Name: \_\_\_\_\_ Title: \_\_\_\_\_
- Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**OFFICIAL USE ONLY**

Date Received: \_\_\_\_\_

Referral to Sales Tax: \_\_\_\_\_

Information Requested: \_\_\_\_\_

Decision Letter Sent: \_\_\_\_\_

Rebate Dispersed: \_\_\_\_\_



**CITY OF BOULDER  
FLEXIBLE REBATE PROGRAM  
BUSINESS INCENTIVE PROGRAM  
2010**

To maximize the positive economic and social impacts of the city of Boulder's 2010 business incentive program, certain requirements and guidelines have been established.

**GENERAL ELIGIBILITY REQUIREMENTS**

In order to be eligible for the 2010 business incentive program, the company must comply with certain general eligibility requirements. **By checking each requirement you are confirming the company agrees to comply with each one:**

- Be a **licensed business entity** operating within the city limits of **Boulder, Colorado**;
- Verify the company's status as a "**primary employer.**" (The 2010 business incentive ordinance defines a "primary employer" as a business entity consisting of any number of employees which generates **greater than 50% percent of revenues from outside of Boulder County**);
- Be **current on all fees and taxes** owed to the city of Boulder;
- Have paid taxes and/or fees that are eligible for a flexible rebate to the city of Boulder in 2010 and /or are anticipated to be paid in 2011 and 2012.
- Agrees to make its **internal records available** for audit by the city of Boulder to verify compliance with the above requirements;
- Agrees to **maintain a business presence in Boulder for a minimum of three years from receipt of incentive.** If the business moves out of Boulder within that period, the applicant agrees to reimburse the city for the total amount of the incentive received; and
- Agrees to **comply with the Community Sustainability Guidelines that served as a basis for the 2010 business incentive program for a period of three years.** Compliance may be demonstrated with an existing company policy or program or by those to be implemented. If the business fails to meet the Community Sustainability Guidelines during this time period, the applicant agrees to reimburse the city for the total amount of the incentive received.

**FLEXIBLE REBATE PROGRAM - COMMUNITY SUSTAINABILITY GUIDELINES**

**Applicants for the Flexible Rebate Program must be able to verify compliance with the following guidelines, as noted below.**

- The program's range of guideline options provides flexibility for the various types and sizes of Boulder companies to meet program goals.
- Companies may choose the guidelines that best fit their company, but must identify **at least 11 points.** Please check each guideline which applies to the company.
- In the areas provided below, **please include detailed statements addressing how the company meets the selected community sustainability guidelines.** Please be as specific as possible.
- Applicants may add additional pages to describe guideline compliance. Additional documentation may be requested.



**CITY OF BOULDER  
FLEXIBLE REBATE PROGRAM  
BUSINESS INCENTIVE PROGRAM  
2010**

**Social Sustainability**

**Choose and check at least 3 from the total 8 possible points from this section**

Companies must verify compliance with a minimum of three of the five following social sustainability guidelines.

1. **Average Wage Requirement (1 point):** Eligible applicant companies will pay an average annual wage that is equal to or more than the Boulder County average annual wage. This is the most recent average annual wage as defined by the state of Colorado. The current requirement is \$52,728
2. **Health Insurance (1 point):** The company will offer and pay for at least 50 percent of the cost of health insurance premiums for all full-time employees. This coverage must, at a minimum, include major medical coverage for full-time employees and their dependents.
3. **Diversity Support (1 point):** The company will be an equal opportunity employer and encourage diversity in the workforce through proactive hiring practices or through diversity training programs. These programs can include certified diversity programs, English as a Second Language (ESL) classes and Spanish classes.
4. **Non-profit Support (1 point):** The company will actively support the arts, cultural, or service non-profit sector in Boulder by:
  - a. A commitment to donating \$25 or more per year on average for each full-time employee. For example, a firm with 100 employees (as of the end of the previous year) can document at least \$2,500 donated (or to be donated) to Boulder County based arts, cultural, or service non-profit entities over a 12-month period; and/or
  - b. Encouraging volunteerism by granting the equivalent of at least one paid day off per year to each employee who utilizes the time to provide support to a Boulder County based non-profit entity.
5. **Dependent Care (1 point):** The company will offer at least \$50 per month in dependent care assistance to employees who utilize daycare or eldercare for a dependent child or other immediate family member. This may be offered as an option in a flexible benefit cafeteria plan.
6. **Housing Assistance (3 points):** The company will offer assistance to employees on the purchase or rental of housing located within the city of Boulder. This assistance must have a minimum value of \$1,000. It may be a cash benefit for down payment towards purchase or rental housing assistance to recruit new employees or retain current employees.





**CITY OF BOULDER  
FLEXIBLE REBATE PROGRAM  
BUSINESS INCENTIVE PROGRAM  
2010**

**Please describe the company's compliance with each Social Sustainability Guideline selected above:**



**CITY OF BOULDER  
FLEXIBLE REBATE PROGRAM  
BUSINESS INCENTIVE PROGRAM  
2010**

**Community and Environmental Sustainability**

**Choose at least 8 points from the 33 total possible points from this section**

Companies must identify which of the following community and environmental sustainability guidelines apply.

**1. ENERGY:**

**Option 1-A (1 point) – Energy Assessment:**

The company will request a low cost energy assessment for its facility through Xcel Energy's On-site Energy Assessment Program. Companies or facilities that have recently implemented energy performance improvements may be exempt. (Exemption requests are reviewed by city of Boulder Office of Environmental Affairs (OEA) staff. Contact OEA at 303-441-4191.)

**Option 1-B (1 point) – 10 for Change Challenge:**

The company will participate in the 10 for Change Challenge. The 10 for Change Challenge is a free program that encourages businesses to reduce energy use by 10% over an established baseline year. The program includes energy data tracking, bimonthly networking events and energy use reduction idea sharing. Contact OEA at 303-441-4191 or visit [www.10forchange.net](http://www.10forchange.net)

**Option 1-C (1 point) – ClimateSmart at Work Training:**

The company will request a free workshop/training conducted by the city of Boulder's ClimateSmart team. This workshop will instruct employees on energy saving measures employees can implement both at work and at home. Contact ClimateSmart at 303-441-4191.

**Option 1-D (2 or 5 points) – Renewable Energy:**

The company will purchase *renewable energy credits* through Green-e certified renewable energy credit providers (**2 points**). Purchased credits must equal at least 25% of facility energy use. (Contact OEA at 303-441-4191 for a list of providers.) OR

The company will *install on-site renewable energy* at their facility (**5 points**). On-site renewable energy may include solar electric or solar thermal. There are numerous incentives and rebates for solar. Visit [www.dsireusa.org](http://www.dsireusa.org) for additional information.

**Please describe the company's compliance with each Energy Guideline selected above (if any):**



**CITY OF BOULDER  
FLEXIBLE REBATE PROGRAM  
BUSINESS INCENTIVE PROGRAM  
2010**

**2. WASTE REDUCTION**

**Option 2-A (1 point) - Recycling:**

The company will implement an office and/or facility recycling program to collect mixed beverage containers and paper products including cardboard. (For information on how to get the first three months' service free, contact OEA at 303-441-4204.)

**Option 2-B (2 points) - Environmental Purchasing Policy:**

The company will implement an environmental purchasing policy that dictates environmental products that should be purchased. An environmental purchasing policy can include measures that require the purchase of 100% recycled paper, Energy Star equipment, etc. Contact OEA at 303-441-4191

**Option 2-C (3 points) - Zero Waste:**

The company will implement a zero waste program. Zero waste involves establishing both recycling and composting programs. Contact Eco-Cycle 303-444-6634 or Western Disposal for additional assistance 303-444-2037 for implementation, employee training, etc.

**Please describe the company's compliance with each Waste Reduction Guideline selected above (if any):**

**3. ENERGY CERTIFICATIONS**

**Option 3-A (3 points) – Partners for a Clean Environment (PACE):**

The company will achieve PACE certification for their facility. The PACE certification program involves a number of sustainability issue including waste, energy, and water. Contact PACE at 303-786-PACE to schedule a visit.

**Option 3-B (5 points) – Leadership in Energy and Environmental Design (LEED):**

The company will achieve a LEED Certified rating or better for their primary facility. There are LEED ratings for operations and maintenance, new construction, or commercial interiors. Contact OEA staff at 303-441-4191 to determine which rating would make the most sense for your facility

**Please describe the company's compliance with each Energy Certifications Guideline selected above (if any):**



**CITY OF BOULDER  
FLEXIBLE REBATE PROGRAM  
BUSINESS INCENTIVE PROGRAM  
2010**

**4. TRANSPORTATION**

A commute trip reduction program (CTR) program consists of a combination of transportation demand management strategies and policies that provide additional travel choice opportunities for employees. In developing their CTR program, companies are encouraged to work with GO Boulder staff (303-441-3266) to choose from three program options.

**Option 4-A (1 point) – Commute Trip Reduction Program:**

The company will develop, implement and monitor an employee commute trip reduction (CTR) program with the assistance of the city of Boulder's GO Boulder staff (303-441-3266). The purpose of the CTR program is to reduce vehicle trips by employees to mitigate the impacts on congestion, air quality, and energy. Other benefits for employers include freeing up parking for customers and improving employee recruitment and retention

A CTR program consists of a combination of transportation demand management strategies and policies that provide additional travel choice opportunities for employees, such as:

- alternative work schedules, such as telecommuting and compressed work week programs
- showers and changing facilities
- secure and covered bicycle parking
- preferential parking for carpools and vanpools
- increased parking costs for drive alone commuters

**Option 4-B (2 points) – Financial Incentives and Benefits:**

With the assistance of GO Boulder staff, the company develops a commute trip reduction (CTR) program that includes financial incentives or pre-tax incentives to employees who use alternative modes of transportation to get to work such as transit, carpool, vanpool, bicycle or walking. Financial incentives could include companies paying all or a portion of employees' transit pass costs or subsidies of carpool or vanpool costs. Pre-tax benefits to employees that vanpool or use transit according to IRS Code 132(f), "Qualified Transportation Fringe Benefits" allows employees to pay for certain transit costs with pre-tax dollars. Employers can also take advantage of the new Bicycle Commuter Act that provides a financial incentive to employees who bicycle to work. Contact GO Boulder at 303-441-3266 for more information.

**Option 4-C (4 points) - Eco Pass Program:**

The company enrolls in RTD's Eco Pass program, appoints an employee transportation coordinator (ETC) to serve as a liaison with the city of Boulder's GO Boulder program, and conducts periodic employee travel behavior surveys. This option is especially encouraged for companies that are within a quarter of a mile of high frequency transit service. Contact GO Boulder at 303-441-3266 for more information.



**CITY OF BOULDER  
FLEXIBLE REBATE PROGRAM  
BUSINESS INCENTIVE PROGRAM  
2010**

**Please describe the company's compliance with each Transportation Guideline selected above (if any):**

Empty response box for describing company compliance with transportation guidelines.



**CITY OF BOULDER  
FLEXIBLE REBATE PROGRAM  
BUSINESS INCENTIVE PROGRAM  
2010**

**5. COMMUNITY SUSTAINABILITY**

**Option 5-A (1 point) - General Business Practices:**

The company demonstrates through its business practices that it furthers the city's policies related to environmental, social, and economic sustainability. The city seeks to maintain and enhance the livability, health and vitality of Boulder and its current and future natural systems.

**Option 5-B (1 point) – Buying In Boulder:**

The company commits to purchasing a minimum of 25% of its total goods and services (based on value) from businesses located in the city of Boulder. Goods include items such as office supplies and production materials. Services may include catering, consulting, and employee training.

**Please describe the company's compliance with each Community Sustainability Guideline selected above (if any):**



**CITY OF BOULDER  
FLEXIBLE REBATE PROGRAM  
BUSINESS INCENTIVE PROGRAM  
2010**

**FLEXIBLE REBATE PROGRAM – PROGRAM INTENT**

Applicants for the 2010 Flexible Rebate Program must be able to demonstrate that the company fulfills the intent of the city ordinance which established the program by addressing the statements below. Please tell us about your company and any proposed or ongoing construction projects or equipment replacement. Please be as specific as possible and attach additional pages as necessary.

- How will the requested rebate serve the economic interests of the city of Boulder by helping to **attract or retain** a primary employer which contributes to a sustainable community?
- How will the requested rebate **positively impact the company**?
- How does the company **benefit the community (including economic benefits)** and how will the requested rebate maximize those benefits? The company may wish to include the following estimated data for 2010, 2011, and 2012:
  - Estimated indirect business spending within the city of Boulder, such as hospitality expenditures and entertainment expenses. This would include hotel accommodations, food/beverage spending, as well as the number of room-nights in Boulder your business expects to generate.
  - Estimated direct employee spending within the city of Boulder (e.g. housing, entertainment, household spending, food and services).

**Please use this space to answer the questions above:**

Flexible rebates are granted at the City Manager's discretion. Since there is a finite funding source, the City Manager may weigh the value to the community of different applications. The City Manager is not required to spend such funds and may consider such issues as appropriate timing and future economic development opportunities. Nothing contained in this program is intended to create any type of an entitlement or right to a flexible rebate. The City Manager's decision on flexible rebates is final and there is no appeal from such decision.

# AGENDA ITEM # 11b

## CITY COUNCIL COMMUNICATION FORM

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**FROM:** Wendy DuBord, Deputy City Manager (Ext. 219)  
**THROUGH:** Jon B. Roberts, City Manager (Ext. 218)  
**DATE:** Dec. 21, 2010  
**ITEM:** Naming Rights discussion  
**NEXT STEP:** **Council Direction and/or questions**

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DIRECTION  
 INFORMATION

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### **I. REQUEST OR ISSUE:**

At the Dec. 7 meeting, Council directed staff to contact the City of Boulder regarding their "Naming Rights" process for public facilities. I contacted City Manager Jane Brautigam and asked for their policies/regulations regarding the naming of public facilities. Jane indicated that the media misstated Boulder's process and they have not, as yet, received compensation for naming city-owned public facilities. (see attached policies)

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

Staff has no recommendation; however, if Council wishes to actively seek compensation for naming city facilities, we will seek advice and sample RFPs from other communities on their process, etc. Boulder has been contacted by several firms on the Front Range that handle such RFPs, contracts, etc.

If Council wishes to pursue commercial naming of public facilities, Council will need to amend the existing Resolution 97-14 that deals with naming parks, fields, and all recreational facilities and amenities. Specifically Section 2. e. (see attached Resolution 87-14).

### **III. FISCAL IMPACTS:**

Unknown at this time. More research needed.



## **VI. BACKGROUND INFORMATION:**

Based on Council direction, we requested information and copies of Boulder's policies and procedures. They were enacted and executed by the City Manager on Dec. 1, 2010. The process is very new and they have no experience using them. Boulder related that most current names of City facilities are historical or "commemorative" in nature. The policy to "sponsor" a facility ... "refers to the practice of providing financial or in-kind services with the clear expectation that an obligation is created and that the recipient in return will provide something of value; in this case the naming of a city facility after the sponsor."

Under the guidelines of sponsorship... "the City must receive the equivalent of fifty percent (50%) or more of the total value of the facility for the naming rights to be considered." (see attached policies, procedures and guidelines).

Boulder has not gone through a competitive naming process; however, we found many sample RFPs used by other communities. (ie Jefferson County, Fair grounds, Greenville NC, etc.)

## **V. LEGAL ISSUES:**

In the case of sponsorship, legal agreements are required and will be reviewed and approved by the Legal Department. There may be some prohibition to selling naming rights to private companies for facilities built with state or federal funds. Staff can research this.

## **VI. CONFLICTS OR ENVIRONMENTAL ISSUES:**

Conflicts may arise with the public who may not approve of commercial names on publically funded facilities vs. local or historical names and may currently exist (i.e. Howelsen Hill, Klumker Field, Olympian Hall, etc.)

## **VII. SUMMARY AND ALTERNATIVES:**

Staff requests Council feedback on the following;

1. Does City Council want staff to do more research regarding a competitive process for naming rights?
2. Does Council wish to amend Resolution 91-14 to allow Commercial institutions/companies?
3. Does City Council have any suggestions or ideas on policies and procedures in addition to those in Boulder's policies?
4. Other recommendations/suggestions/concerns?

If Council Members have any questions, please do not hesitate to contact Wendy DuBord (ext. 219) or Deb Hinsvark (ext. 240).

Cc: Tony Lettunich, City Attorney  
Dan Foote, Asst. City Attorney  
Deb Hinsvark, Finance Director  
Anne Small, Purchasing/Contracting Manager

**ATTACHMENTS:**

- Attachment 1. City of Steamboat Springs Resolution no. 97-14.
- Attachment 2. Commemorative Naming Policy City of Boulder.
- Attachment 3. Sponsorship Naming Policy City of Boulder.

## THE CITY OF STEAMBOAT SPRINGS, COLORADO

RESOLUTION NO. 97-14**A RESOLUTION RECOMMENDING A PROCEDURE AND CRITERIA FOR NAMING OF PARKS, FIELDS AND ALL RECREATIONAL FACILITIES AND AMENITIES.**

**WHEREAS**, the City of Steamboat Springs is interested in implementing a procedure by which parks, fields and all recreational facilities and amenities are named; and

**WHEREAS**, past requests and naming processes reinforces the need for a procedure for community supported identification of various facilities; and

**WHEREAS**, the Parks & Recreation Commission has reviewed, discussed and recommends the following procedure and criteria:

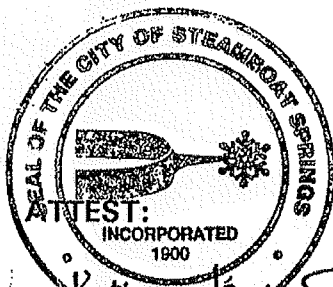
**PROCEDURE FOR NAMING OF  
PARKS, FIELDS AND ALL RECREATIONAL FACILITIES AND AMENITIES**

1. Name as needed or requested by the public.
2. Parks & Recreation Commission will initially review at a regular, public meeting and make City Council recommendation based on the following criteria:
  - a. Level of support by the public via letters, petitions, phone calls, etc.
  - b. Significance of gift to overall Parks & Recreation Commission goals and objectives.
  - c. Demonstrated integrity, quality, teamwork and service of the individual being recognized.
  - d. Historic ties to Steamboat Springs' heritage and colorful past.
  - e. Commercial institution names are inappropriate.
3. Recommendation made to City Council for final adoption by resolution.

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

THE ABOVE PROCEDURE AND CRITERIA BE ADOPTED FOR NAMING OF PARKS, FIELDS AND ALL RECREATIONAL FACILITIES AND AMENITIES.

**PASSED, ADOPTED AND APPROVED** this \_\_\_\_ day of \_\_\_\_\_, 1997.



*Julie Jordan-Struble*  
\_\_\_\_\_  
Julie Jordan-Struble, City Clerk

*Kevin Bennett*  
\_\_\_\_\_  
KEVIN BENNETT, President  
Steamboat Springs City Council

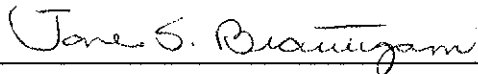
**CITY OF BOULDER**  
\*\*\*  
**POLICIES, PROCEDURES AND GUIDELINES**

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**Policy on Commemorative Naming of City Facilities**

**EFFECTIVE DATE:**

**December 1, 2010**



**Jane S. Brautigam, City Manager**

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**I. POLICY**

It is the policy of the City of Boulder (“City”) to allow, in appropriate circumstances, the naming or renaming of facilities, owned and operated by the City, in commemoration of persons that have made unusually significant contributions to the City. This allowance extends to facilities that are owned by the City but leased to, and used by, another entity.

**II. PURPOSE**

City facilities are built and maintained at public expense and for the purpose of carrying out city business. The naming of such facilities can have long lasting implications and raise political, legal and equity concerns both within the City organization and with the public at large. The purpose of this policy is to attempt to anticipate these concerns and to provide a uniform, transparent and citywide process for addressing them.

**III. SCOPE**

A. **Policy Limited to Naming in Response to Commemoration of Persons** - The scope of this policy does not extend to other practices of naming city facilities, including:

- 1) Naming of facilities in response to sponsorship (addressed in *Policy on Sponsorship Naming of City Facilities*).
- 2) Naming for purposes of public identification (i.e., “North Boulder Park” and “East Boulder Recreation Center”), or
- 3) Naming after landmarks, including naming after local resources, geographic feature, or identifiable community characteristics.
- 4) Naming after past or present owners of the property, property donors, or after the name historically used for identification of the property.

B. **Applicability of Existing Department Policies** - Some City departments, including the Parks and Recreation and Community Planning and Sustainability, have policies and procedures already in place that guide the consideration of naming of City facilities within their purview. To the extent that such policies incorporate requirements that are at least as strict as this policy, including specific adherence to all five procedural steps outlined in Section VI of this policy, such department-specific policies shall continue to take precedence over this policy and be the sole documents to be adhered to with regard to naming.

### III. DEFINITIONS

The following terms are used in this policy:

**Commemorative:** The term “commemorative” or “commemoration,” as used herein, refers to the practice of naming a facility to honor persons who have over an extended period of time: demonstrated excellence, courage or exceptional service to the citizens of the City, the State of Colorado or the nation; provided extensive community service; worked to foster equality and reduce discrimination; made a significant financial donation or in-kind contribution to a City facility with such contribution significantly benefiting the community that the facility serves (i.e. the facility may not have otherwise been possible without the financial assistance), or who have; historical significance to the community, the City of Boulder, the State of Colorado or the nation.

**Donation:** The term “donation” describes financial or in-kind contributions that are made without restrictions on how the money or resources are to be used and without expectation of reciprocal benefit by the donee. When a contribution is made with a clear expectation that an obligation is created or that the recipient will provide something of value in return, the contribution is considered a “sponsorship,” not a donation.

**Facility:** The term “facility, as used herein, means any City-owned land and buildings, and any features affixed to the land including components of the property such as rooms, parks, fields, trails, shelters and other components of the facility. The term “facility,” however, does not extend to city streets, alleys or amenities such as trees, benches and fountains.

**Person** – The term “person,” as used herein, refers to any living or deceased human being. It does not extend to the name of any organization, including but not limited to, a business, sole proprietorship, partnership, or corporation.

### IV. CITY RETENTION OF RIGHT TO RENAME

The City retains the right to rename facilities at any time.

### V. LIMITATIONS

A city facility cannot be named or renamed:

A. After an elected or appointed City official, or family member thereof, that is currently serving, at the time of application or consideration of such application.

Commemorative naming immediately after termination of a city official's terms of service, while not prohibited, is discouraged.

B. After a currently employed City staff member or volunteer, that is currently employed or volunteering, at the time of application or consideration of such application. Commemorative naming immediately after termination of a city staff member's employment, or volunteer's tenure, while not prohibited, is discouraged. Furthermore, commemorative naming for former City staff members is not appropriate when based only on tenure or performance of normal job duties.

C. After a person which has a quasi-judicial matter pending, or expected to be pending, before the City at the time of application or consideration of such application.

## **VI. PROCEDURES**

- Step 1 Consideration for naming or renaming of a City facility begins with the completion of a Commemorative Naming Application
- Step 2 The proponent of the naming/renaming will be required to solicit and summarize feedback from impacted stakeholders in order to capture controversies associated with the proposal. Depending on the nature of the facility and whether the proposed name would replace a previous commemorative name, this process could include extensive outreach to nearby property owners or constituency groups associated with the facility.
- Step 3 The Commemorative Naming Application, along with a summary of public comment, must then be submitted to the City Manager's Office for consideration.
- Step 4 The application will first be reviewed by the **city's naming committee**; a standing committee created by this policy composed of representatives from the City Manager's and City Attorney's Office, along with a representative of the facility to be named. The focus of the committee's work can include developing a recommendation for the City Manager's consideration and documenting that recommendation.
- Step 5 After reviewing all information provided, the City Manager will make a determination on whether to approve or disapprove the naming proposal. The city manager will then submit his or her decision, along with all supporting documentation, to the city council in a Weekly Information Packet (WIP) as a call-up item that allows council the ability to reconsider the city manager's decision. Until council has had that opportunity, a decision on the naming or renaming shall not be considered final.

## **VII. CONSTRUCTION AND INTERPRETATION**

Employees who have questions concerning the interpretation or application of this policy are directed to contact the City Manager or his/her designee.

**VIII. EXCEPTIONS/CHANGE**

These guidelines may be reviewed and changed at any time.

**IX. CITY MANAGER DESIGNEE**

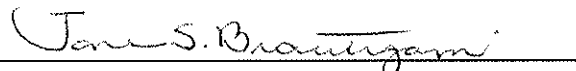
December 1, 2010 - Carl Castillo, Policy Advisor

**CITY OF BOULDER**  
\*\*\*  
**POLICIES, PROCEDURES AND GUIDELINES**

**Policy on Sponsorship Naming of City Facilities**

**EFFECTIVE DATE:**

**December 1, 2010**

  
\_\_\_\_\_  
**Jane S. Brautigam, City Manager**

**I. POLICY**

It is the policy of the City of Boulder (“City”) to allow, in appropriate circumstances, the naming or renaming of facilities, owned and operated by the City, in response to sponsorships. This allowance extends to facilities that are owned by the City but leased to, and used by, another entity.

**II. PURPOSE**

City facilities are built and maintained at public expense and for the purpose of carrying out city business. The naming of such facilities can have lasting implications and raise political, legal and equity concerns both within the City organization and with the public at large. The purpose of this policy is to attempt to anticipate these concerns and to provide a uniform, transparent and citywide process for addressing them.

**III. SCOPE**

A. **Policy Limited to Naming in Response to Sponsorships** - The scope of this policy does not extend to other practices of naming city facilities, including:

- 1) Naming for commemorative purposes (addressed in *Policy on Commemorative Naming of City Facilities*);
- 2) Naming rights for events;
- 3) Naming facilities for purposes of public identification (i.e., “North Boulder Park” and “East Boulder Recreation Center”);
- 4) Naming facilities after landmarks, including naming after local resources, geographic feature, or identifiable community characteristics, or;



5) Naming facilities after past or present owners of the property, property donors, or after the name historically used for identification of the property.

B. **Applicability of Existing Department Policies** - Some City departments, including Parks and Recreation, have policies and procedures already in place that guide the consideration of naming of City facilities within their purview. To the extent that such policies incorporate requirements that are at least as strict as this policy, including specific adherence to all five procedural steps outlined in Section VIII of this policy, such department-specific policies shall continue to take precedence over this policy and be the sole documents to be adhered to with regard to naming covered by the scope of this policy.

#### IV. DEFINITIONS

The following terms are used in this policy:

**Facility:** The term “facility, as used herein, means any City-owned land and buildings, and any features affixed to the land including components of the property such as rooms, parks, fields, trails, shelters and other components of the facility. The term “facility,” however, does not extend to city streets, alleys or amenities such as trees, benches and fountains.

**Sponsorship:** The term “sponsorship,” as used herein, refers to the practice of providing financial or in-kind services with the clear expectation that an obligation is created and that the recipient in return will provide something of value; in this case the naming of a city facility after the sponsor. The arrangement is consummated by a letter of agreement or contractual arrangement that details the particulars of the exchange. As used herein, a sponsorship is distinguished from a donation in that a donation or gift typically comes with very little, or no expectation of reciprocal benefit.

#### V. GUIDELINES

The following guidelines apply exclusively to the naming of city facilities in response to sponsorships:

- A. The City must receive the equivalent of fifty percent (50%), or more, of the total value of the facility for naming rights to be considered.
- B. A written contract shall be executed to capture the specifics of the sponsorship agreement, including the duration of naming rights.
- C. Sponsors should be businesses, non-profit groups, or individuals that promote mutually beneficial relationships for the City. All proposals for sponsoring facilities will be considered in terms of their ability to create synergistic working relationships with the city that address community political sensitivities. All sponsored properties should promote the goals and mission of the City.
- D. Sponsorships which shall NOT be considered are those which:

- a. Promote environmental or work practices that would violate U.S., state, or local law (i.e., dumping of hazardous waste, exploitation of child labor, etc.).
  - b. Duplicate or mimic the identity or programs of the City.
  - c. Exploit participants or staff members of the City.
- E. Any signs used to display the naming of a city facility shall comply with the city's sign code.

**VI. CITY RETENTION OF RIGHT TO RENAME**

All contracts for naming rights shall retain the right for the city to rename facilities, if deemed necessary by the City Manager. Provision also shall be made for return of a pro-rated amount of the fee paid.

**VII. LIMITATIONS**

A city facility cannot be named or renamed:

- A. After an elected or appointed City official, or family member thereof, that is currently serving, at the time of application or consideration of such application.
- B. After a currently employed City staff member, or family member thereof, that is currently employed, at the time of application or consideration of such application.
- C. After a business which has a quasi-judicial matter pending, or expected to be pending, before the City at the time of application or consideration of such application.

**VIII. PROCEDURES**

- Step 1            Consideration for naming or renaming of a City facility begins with the completion of a Sponsorship Naming Application
- Step 2            Except for low profile proposals, the proponent of the naming/renaming should use the application as the basis to gather public comment from impacted stakeholders. Depending on the nature of the facility, and whether the proposed name would replace a previous commemorative name, this process could include extensive outreach to nearby property owners or constituency groups associated with the facility.
- Step 3            The Sponsorship Application, along with a summary of public comment, must then be submitted to the City Manager's Office for consideration.
- Step 4            Unless deemed unnecessary by the City Manager because of the low profile nature of the proposal, the application will first be reviewed by the **city's naming committee**; a standing committee created by this policy composed of

representatives from the City Manager's and City Attorney's Office, along with a representative of the facility to be named. The focus of the committee's work can include developing a recommendation for the City Manager's consideration, documenting that recommendation and addressing issues related to all necessary contract language.

Step 5 After reviewing all information provided, the City Manager will make a determination on whether to recommend approval or disapproval of the naming proposal. The City Manager will then submit his or her recommendation, along with all supporting documentation, first to any applicable city board or commission, then to the city council. Until council has had the opportunity to review the matter, a decision on the naming or renaming shall not be considered final.

#### **IX. CONSTRUCTION AND INTERPRETATION**

Employees who have questions concerning the interpretation or application of this policy are directed to contact the City Manager or his/her designee.

#### **X. EXCEPTIONS/CHANGE**

These guidelines may be reviewed and changed at any time.

#### **XI. CITY MANAGER DESIGNEE**

December 1, 2010 - Carl Castillo, Policy Advisor

## AGENDA ITEM # 12a

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From: Walter Magill [wnmpepls@gmail.com]  
Sent: Wednesday, November 17, 2010 9:54 AM  
To: Julie Franklin  
Subject: FW: NWCCOG Value Statement for the City of Steamboat Springs

Julie

Can you add this to the NWCOG agenda item for our December 21, 2010 meeting. I will be on Holiday and missing the meeting on the 21st.

Thanks  
Walter

From: Rachel Lunney [mailto:rachel@nwccog.org]  
Sent: Tuesday, November 16, 2010 4:40 PM  
To: Walter Magill  
Cc: Jon Roberts; Pam Caskie  
Subject: NWCCOG Value Statement for the City of Steamboat Springs

Hi Walter:

Attached please find a value statement showing the value of the City of Steamboat Spring's membership in NWCCOG from 2006 - 2010. Pam Caskie, NWCCOG's Executive Director asked me to send this to you. Pam looks forward to further discussing NWCCOG's programs and services, and the value NWCCOG provides to the City of Steamboat Springs at your upcoming meeting on December 7th. Please let us know if you have any questions before that.

Thanks!

Rachel  
Rachel E. Lunney  
Research Project Manager  
NWCCOG  
970.468.0295 x106  
rachel@nwccog.org<mailto:rachel@nwccog.org>

## The Value in NWCCOG Membership

### Member: **City of Steamboat Springs**

Program	2006	2007	2008	2009	2010
Elevator Inspection Program*	\$ 3,180	\$ 3,150	\$ 3,780	\$ 4,770	\$ 8,070
# of elevators inspected	106	105	126	159	269
Alpine Area Agency on Aging					
Member Services	\$ 1,000	\$ 1,000	\$ 1,000		
Grants - Technical Asst. & Other**	\$ 20,000				
NWAHEMR		\$ 72,707			\$ 3,435
Weatherization***	\$ 33,265	\$ 86,489	\$ 46,571	\$ 146,366	\$ 153,019
<b>Total Value</b>	<b>\$ 57,445</b>	<b>\$ 163,346</b>	<b>\$ 51,351</b>	<b>\$ 151,136</b>	<b>\$ 164,524</b>
<b>Member Dues</b>	<b>\$ 11,282</b>	<b>\$ 10,562</b>	<b>\$ 10,755</b>	<b>\$ 11,704</b>	<b>\$ 11,447</b>

\* # of elevators x \$30 (i.e. difference in member vs. non-member rate)

\*\* Grants received:(2006) received \$20,000 in re-allocated federal funds for forest thinning projects south of Steamboat Springs

\*\*\* \$6,653 avg. cost per home

### **Other Services to the City of Steamboat Springs:**

**Member Services:** the City of Steamboat Springs utilized their \$1,000 member services benefit for the following: in 2006 for participation in the *Transitions in Mountain Communities* project; in 2007 for facilitation of 2 meetings of the Historic Building Ordinance Committee; in 2008 for meeting facilitation services for a planning staff retreat.

Provided advocacy for additional federal funding to assist NWCCOG communities affected by the bark beetle epidemic

**NWAHEMR:** the values above represent equipment that was specifically purchased for the City of Steamboat Springs. There are also several regional benefits associated with being a part of the NWAHEMR including training and equipment for regional Hazmat teams and the NW Incident Management Team (this team responds to incidents throughout the region), community emergency preparedness public education, purchase of specialized regional equipment, resources for the NW Law Enforcement Strike Team, and the development of regional plans such as the Strategic and Tactical Interoperability Plan (STIC).

**Rural Resort Region's Focus on Seniors in Our Mountain Communities** provided policy action steps for the region.

**Economic & Business Development:** provide services such as access to free counseling and planning assistance for small businesses via re-establishment of the Northwest Business Development Center at CMC; access to capital for start-up and young, expanding businesses from the Region 12 Business Loan Fund (Northwest Loan Fund) and other public/private partnerships; access to best practices, policies and documents re: business lending, loan packaging, loan portfolio servicing, perfection of security, collections, tracing, foreclosure; grant search assistance.

**Other Services:** assistance with grant research/writing, demographic information, Census 2010 outreach.



PO Box 351  
Rifle, CO 81650

RECEIVED

NOV - 9 2010

# Invoice

DATE INVOICE #

1/1/2011	1435
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**BILL TO**

CITY OF STEAMBOAT SPRINGS  
PO BOX 774744  
STEAMBOAT SPRINGS, CO 80477

**TERMS**

Due January 2011

ITEM	QUANT...	DESCRIPTION	RATE	AMOUNT
DUES/CITIES		YEAR 2011 DUES	3,400.00	3,400.00
Please make payable to AGNC			<b>Total</b>	\$3,400.00

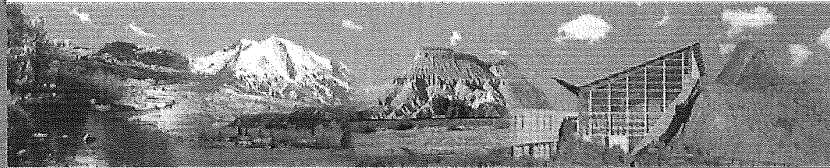
Phone # 970-625-1723

Fax # 970-625-1147

Jane.whitt@agnc.org

www.agnc.org

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- [REPORTS](#)
- [POLICY STATEMENTS](#)
- [ENTERPRISE ZONES](#)
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<b>AGNC Board</b>		
<b>Representing</b>	<b>Name</b>	<b>Title</b>
Routt County	Doug Monger - Chairman AGNC	County Commissioner
Hayden	Charles Grobe - Vice Chairman AGNC	Mayor Pro Tem
Rifle	Keith Lambert - Treasurer	Mayor
Rio Blanco County	Ken Parsons	County Commissioner
Garfield County	Mike Samson	County Commissioner
Mesa County	Craig Meis	County Commissioner
Town of Rangley	Lisa Hatch	City Council Member
Moffat County	Tom Mathers	County Commissioner
Craig	Jennifer Riley	City Council Member
<b>Legislative Service Members</b>		
Battlement Mesa	Keith Lammey	Battlement Mesa Association President of Board of Directors
<b>Alternates</b>		
<b>Representing</b>	<b>Name</b>	<b>Title</b>
Craig	Jim Ferree	City Manager
Rio Blanco	Kai Turner	County Commissioner
Rio Blanco	Joe Collins	County Commissioner
Routt County	Diane Mitsch Bush	County Commissioner
Mesa County	Steve Acquafresca	County Commissioner
Rifle	Allen Lambert	City Council Member
Hayden	Russ Martin	Town Manager
Moffat County	Tom Gray	County Commissioner

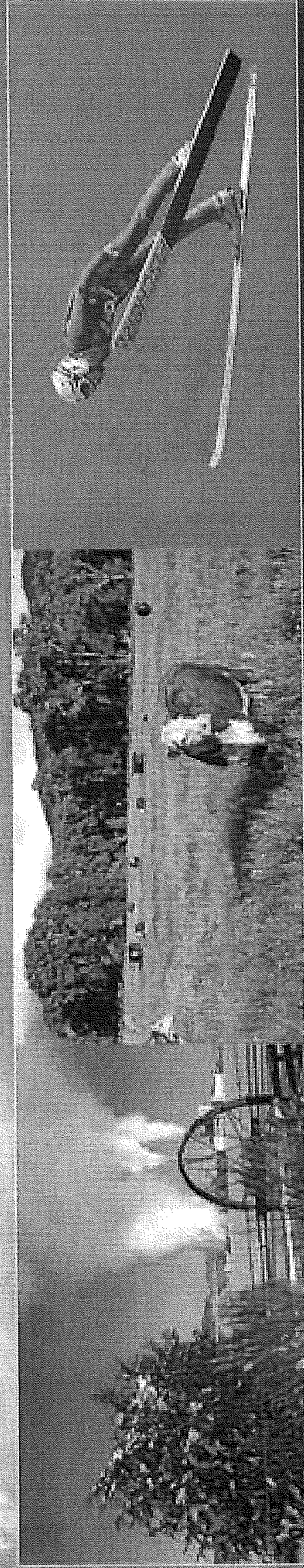
**2008-2009 Comparison  
FML and Severance  
Direct Distribution Payments**

Entity	2008 FML Payment	2009 FML Payment	Change	2008 Severance	2009 Severance	Change
Garfield County	611,455.76	7,074,402.29	6,462,946.53	2,133,346.46	4,565,643.68	2,432,297.22
Carbondale	1,817.10	514,695.58	512,878.48	12,215.11	331,989.04	319,773.93
Glenwood Springs	22,713.81	775,897.20	753,183.39	74,099.93	499,277.15	425,177.22
Newcastle	22,713.81	390,362.91	367,649.10	70,236.91	251,890.62	181,653.71
Parachute	139,008.52	727,473.25	588,464.73	470,281.90	469,998.86	(283.04)
Rifle	320,719.00	1,504,450.93	1,183,731.93	1,083,465.34	967,657.78	(115,807.56)
Silt	45,427.62	337,309.43	291,881.81	171,011.60	217,719.05	46,707.45
Mesa County	1,439,147.16	2,323,553.55	884,406.39	4,913,933.65	4,742,932.55	(171,001.10)
Collbran	11,811.18	14,185.95	2,374.77	36,645.34	29,227.37	(7,417.97)
DeBeque	52,696.04	26,213.35	(26,482.69)	177,119.16	54,257.40	(122,861.76)
Fruita	317,084.79	259,370.18	(57,714.61)	1,113,377.07	530,363.08	(583,013.99)
Grand Junction	1,091,171.43	1,029,263.54	(61,907.89)	3,710,744.88	2,098,434.15	(1,612,310.73)
Palisade	48,153.28	55,270.32	7,117.04	168,767.06	112,627.16	(56,139.90)
Moffat County	168,990.75	1,133,884.44	964,893.69	193,348.26	935,123.85	741,775.59
Craig	496,069.61	1,107,757.15	611,687.54	519,335.57	875,861.72	356,526.15
Dinosaur	15,445.39	46,010.97	30,565.58	28,659.62	70,126.95	41,467.33
Rio Blanco County	78,135.51	2,023,811.45	1,945,675.94	206,457.06	1,406,869.88	1,200,412.82
Meeker	99,032.21	672,161.76	573,129.55	194,727.47	416,411.95	221,684.48
Rangely	244,400.59	972,828.40	728,427.81	641,910.79	654,192.18	12,281.39
Routt County	28,165.12	107,529.88	79,364.76	43,409.15	957,243.99	913,834.84
Hayden	47,244.72	27,222.05	(20,022.67)	50,432.64	214,900.98	164,468.34
Oak Creek	16,079.60	11,016.21	(5,063.39)	16,994.06	71,958.41	54,964.35
Steamboat Springs	24,530.91	48,238.06	23,707.15	21,849.51	433,394.49	411,544.98
Yampa	6,359.87	5,382.99	(976.88)	11,772.25	35,501.26	23,729.01



# NORTHWEST COLORADO ENTERPRISE ZONES

Tax Credits, Economic Benefits & Guidelines



ASSOCIATED GOVERNMENTS OF NORTHWEST COLORADO

## A summary of Colorado's Enterprise Zone Tax Benefits:

Colorado's Urban and Rural Enterprise Zone Act of 1986 established a program for the designation of state enterprise zones. The Enterprise Zone program provides the following incentives for private enterprise to expand and for new businesses to locate in economically distressed areas of the state.

### 1. Three Percent Investment Tax Credit:

Businesses making investments in equipment used exclusively in an enterprise zone which would have qualified for the pre-1986 federal investment tax credit may claim a credit against their Colorado income taxes equal to three percent of the amount of the investment, subject to limitations on the amount which can be claimed in any one year. Investment that results from an in-state relocation is not eligible for the credit unless the new location qualifies as an expansion. Excess credits may be carried back three years and forward twelve.

### 2. \$ 500 Job Tax Credit:

Businesses hiring new employees in connection with a "new business facility" located in an enterprise zone may claim a tax credit against state income taxes of \$500 for each such employee. An expansion of an existing facility may be considered a "new business facility" if the expansion adds at least 10 employees or a 10 percent increase over the previous annual average, if it is at least \$1 million in investment, or, if less, at least doubles the original investment in the facility. The credit may be taken in subsequent years of the enterprise zone for each additional employee above the maximum number employed in any prior tax year. Excess credits may be carried forward five years; seven years for EREZ credits (also applies to 3 and 4 below).

### 3. Double Job Tax Credit for Agricultural Processing:

An additional credit of \$500 per new business facility employee may be claimed by businesses that add value to agricultural commodities through manufacturing or processing. Enhanced Rural EZ's: Beginning January 1, 2003, there is an additional credit of \$2,000 per new job, plus an additional credit of \$500 per new ag processing job, for New Business Facilities located in an Enhanced Rural Enterprise Zone.

### 4. \$ 200 Job Tax Credit for Employer Health Insurance:

In order to encourage employer-sponsored health insurance plans, a taxpayer with a qualifying new business facility is allowed a two-year \$200 tax credit for each new business facility employee who is insured under a qualifying employer-sponsored health insurance program.

### 5. R&D Tax Credit:

Taxpayers who make private expenditures on research and experimental activities conducted in an enterprise zone qualify for an income tax credit. This credit equals three percent of the amount of the increase in the taxpayer's R&D expenditures within the zone for the current tax year above the average of R&D expenditures within the zone area in the previous two years. No more than one 4th of the allowable credit may be taken in any one-tax year.

### 6. Credit to Rehabilitate Vacant Buildings:

Owners or tenants of commercial buildings in an enterprise zone which are at least 20 years old and which have been vacant for at least two years may claim a credit of 25 percent of the cost of rehabilitating each building. The credit is limited to \$50,000.

### 7. Credit for Contributions to Zones:

A taxpayer who makes a contribution to a local zone administrator for enterprise zone development projects, or assisting job training and placement for the homeless may claim a tax credit. The amount of the credit is 25 percent of the value of the contribution, up to \$100,000.

### 8. Ten Percent Job Training Credit:

Beginning with 1997 tax years, employers who carry out a qualified job training program for their enterprise zone employees may claim an income tax credit of 10 percent of their eligible training costs.

### 9. Exemption from State Sales and Use Tax for Manufacturing and Mining Equipment:

Purchases of manufacturing machinery, machine tools, and parts therefore are exempt from the 2.9 percent state sales and use tax statewide. In addition, when used solely within an enterprise zone this exemption may be claimed for purchases of materials used to make eligible machinery. Eligible purchases used in an enterprise zone are exempt whether the purchases are capitalized or expensed for accounting purposes.

### 10. Local Government Tax Incentives:

Any city, county, or special district within an enterprise zone is authorized to negotiate with individual taxpayers who have qualifying new business facilities (a) an incentive payment equal to not more than the amount of the increase in property tax liability over pre-enterprise zone levels; and (b) a refund of local sales taxes on purchases of equipment, machinery, machine tools, or supplies used in the taxpayer's business in the enterprise zone.

For further information visit Department of Revenue "FYI" publications at: [http://www.revenue.state.co.us/TPS\\_Dir/wrap.asp?inc=EnterprisezoneFYI](http://www.revenue.state.co.us/TPS_Dir/wrap.asp?inc=EnterprisezoneFYI)

## Where is the Enterprise Zone in Northwest Colorado?

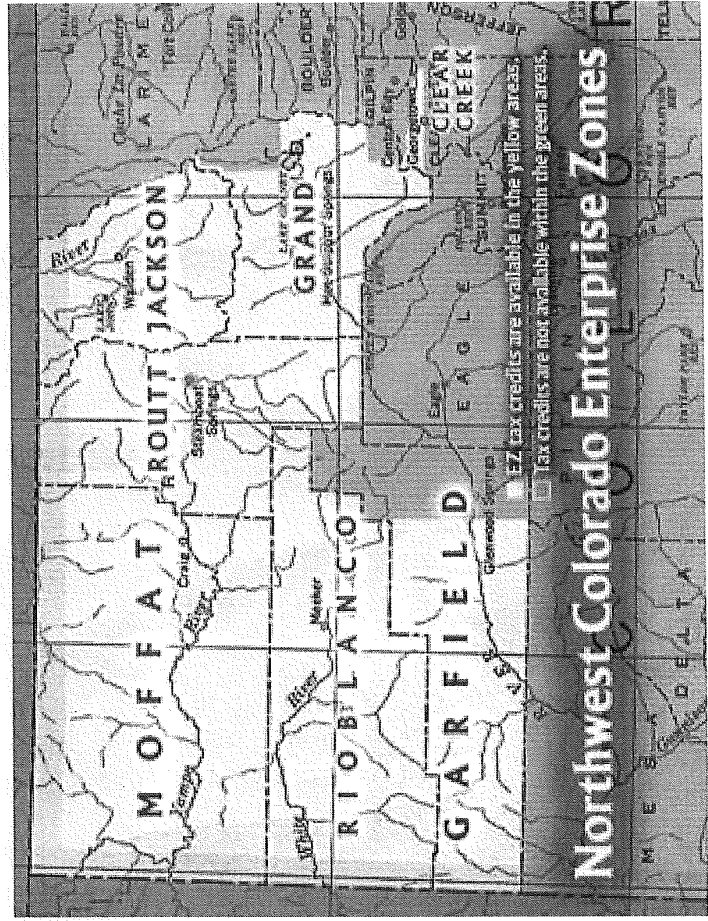
The Enterprise Zone in Northwest Colorado includes Moffat, Rio Blanco, Jackson, Grand, Garfield, Routt and Clear Creek counties. Moffat, Rio Blanco and Jackson counties offer tax credits throughout the whole county.

Garfield county does not qualify for Enterprise Zone status in these specific areas: All residentially zoned subdivisions throughout the county as well as east of the New Castle city limit including Glenwood Springs and Carbondale.

Routt County does not qualify for Enterprise Zone status in the following areas: The city of Steamboat Springs except the city owned property south of the Yampa River including the Howelson Hill Nordic Training Center.

Grand County is not eligible for tax credits in the Winter Park/ Fraser area, Rocky Mountain National Park, and City of Denver lands.

The Clear Creek Enterprise Zone consists of a contiguous strip from Berthoud Pass down Highway 40 including the Town of Empire, east along I-70 including the Town of Idaho Springs to the twin tunnels on I-70. (Boundary addition effective July 28, 2005. The area annexed to the city of Idaho Springs east of the "twin tunnels" on either side of I-70, as described in the more detailed map submitted by the City of Idaho Springs.)



## ARTICLES OF ASSOCIATION

### ASSOCIATED GOVERNMENTS OF NORTHWEST COLORADO

#### Article I

##### Organization

1. These Articles of Association shall regulate and govern the affairs of the association known as the Associated Governments of Northwest Colorado herein after known as the "Association" and is organized pursuant to Article XIV, section 18(2) of the Colorado Constitution and C.R.S., Chapter 88, Article 2, 1963 as amended. The Association hereby is composed of the Counties:

1. Garfield
2. Mesa
3. Moffat
4. Rio Blanco
5. Routt

and the Municipal Corporations therein.

##### Membership

2. The Association shall consist of the counties and municipal corporations set forth in paragraph #1, which shall be entitled to voting representatives to the Board of Directors as set forth in these Articles. The voting representative from each county shall be a member of the Board of County Commissioners from each such county and shall be selected annually as such by the vote of such Board. An alternate shall also be designated to cast the vote for the County in the absence of the voting representative. The municipal corporations which are members hereof, located within each county, shall be entitled to one (1) voting representative as the representative of such municipal corporations located within each county, which representative shall be either,

- a. An elected member of a municipal corporation or board; or
- b. An elected mayor of a municipal corporation
- c. Appointed municipal officials may attend AGNC Board meetings as a voting member when directed to by the municipality.

Such municipal corporation voting representative shall be selected annually as such by majority vote of all such member municipal corporations within each county and, for such purpose only; each such municipal corporation shall be entitled to one vote. An alternate shall also be designated to cast the vote for the member municipal corporations within each county in the absence of the voting representative. Appointed officials may not serve as an officer of the association.

Term

3. The voting representative from each such county of municipal corporation as set forth in paragraph #2 shall serve as such representative on the Board for a minimum period of one (1) year from and after approval of these Articles or until replaced by any such Board of County Commissioners, Council, or Board, or as otherwise provided by law. In the event a vacancy should occur in the office of such representative any vacancy shall be filled in the same manner as is provided for the original designation.

Representatives

4. Each member government shall have one representative to the Association.

Vote

5. Representatives shall be entitled to one (1) vote on the Board in the following manner:

Commissioner representative of Garfield County	1 vote
Municipal Corporation representative of Garfield County	1 vote
Commissioner representative of Mesa County	1 vote
Municipal Corporation representative of Mesa County	1 vote
Commissioner representative of Moffat County	1 vote
Municipal Corporation representative of Moffat County	1 vote
Commissioner representative of Rio Blanco County	1 vote
Municipal Corporation representative of Rio Blanco County	1 vote
Commissioner representative of Routt County	1 vote
Municipal Corporation representative of Routt County	<u>1 vote</u>
<u>TOTAL VOTES</u>	10

## Article II

### Purpose

1. The Association shall promote regional cooperation among local governments and between levels of government for the geographic area comprised of the counties of Garfield, Mesa, Moffat, Rio Blanco and Routt, hereinafter referred to as the "Region".

### Functions

2. The Association shall promote regional cooperation through activities designed to:
  - a. Assist local governments to deal with regional problems;
  - b. Serve as a forum to identify, study, and resolve issues of mutual interest;
  - c. Develop and formalize policies involving state and national legislation and regulations affecting local governments in this region;
  - d. Provide intergovernmental services through such activities as reciprocal furnishing of services, training, mutual aid, and intergovernmental agreements as a means to resolve regional problems;
  - e. Provide the organizational framework to insure effective communication among governmental bodies;
  - f. Serve as a vehicle for the collection, exchange and dissemination of information of regional interest;
  - g. Serve as the voice for local governments on matters of region and mutual concern;
  - h. Encourage local government participation in regional plans and policies of state and federal agencies;
  - i. Provide technical and general assistance to members as directed by the Board.
  - j. Draft, endorse or oppose legislation on behalf of the region based upon policy adopted by the Board.

### Powers

The Association shall, for the purpose of fulfilling its purposes and functions, be a body politic and corporate, and, as such an entity, be subject to all rights, duties, and obligations as such may affect the members of such Association whereby its activities are of a regional, area-wide, or multi-governmental nature, and, further, shall constitute the entity to perform those regional or area-wide functions which may be authorized by Federal or State Statute. To effectuate such power, the Association shall:

Constitute the governmental entity for any existing entities that are regional in nature and any new entity, regional in nature, which may be required to be created as a new Board or Commission by State and Federal Statute; and to consummate such purpose, these Articles shall be amended therefore from time to time.

### Article III

#### Officers

1. The Association shall elect three (3) officers, which officers shall be voting representatives of the Board and shall consist of a Chairman, Vice-Chairman, and Treasurer. Each officer shall be elected from the voting representatives of the Board and in the same manner provided by Article I, paragraph 5 of these Articles.

a. Chairman. The Chairman shall preside at all meetings of the Association and Board, and shall be the chief officer of the Association.

b. Vice-Chairman. The Vice-Chairman shall exercise the functions of the Chairman in the Chairman's absence or incapacity.

c. Treasurer. The Treasurer shall exercise the functions of the Vice-Chairman in the absence or incapacity of the Vice-Chairman and shall perform such other duties as may be consistent with his office or as may be required by the Chairman.

NOTE: The Association considers the titles Chairman and Vice-Chairman as gender neutral and interchangeable with the titles chairperson and/or Vice-Chairperson.

2. The Association may employ a director and staff and may contract for expert services as the Board, in its discretion, may desire.

### Article IV

#### Meetings

1. The Board shall meet at least once each month when the state legislation is in session and as the Chairman may direct. All such meetings shall be open to the public.

#### Quorum

2. A quorum shall consist of not less than five (5) voting representatives.

#### Vote

3. A majority of votes cast at any meeting shall be required to adopt any matter before the Board. All votes shall be cast in person by telephone or by the voting representative or alternate.
4. Legislative policy shall require a super majority or 66% of the voting representatives present and voting.

Amendments

5. Changes or amendments of these Articles shall require any combination of five votes, provided, however, all votes shall be cast in person by the voting representative or alternate.

**Article V**

Committees

1. The Board may establish advisory committees as are necessary and the chairman of the Association shall appoint the membership of these committees.

**Article VI**

Financial

1. Each year the Executive director shall submit to the Board an estimate of the budget required for the operation of the Association during the ensuing calendar year. Upon approval of such budget, the funds required within the Region shall be apportioned between each Member County and city.
2. The Association is specifically empowered to contract or otherwise participate in and to accept grants, funds, gifts, or services from any federal, state, or local government or its agencies or instrumentality thereof; and from private and civic sources, and to expend funds received there from, under provision as may be required of and agreed to by the Association in connection with any program or purpose for which the Association exists.
3. The Association shall arrange for a systematic and continuous recordation and audit and/or compilation audit if budget is under \$5000,000 of its financial affairs and transactions and expenditures.

**Article VII**

Adoption

1. These Articles shall become effective upon their adoption by the Board of County Commissioners and City Councils of each member as set forth in Article I, paragraph 1.
2. These Articles may be amended at any regular meeting of the Board by vote as set forth in Article IV, paragraph 5, provided at least one week's notice in writing is given to all members setting forth such amendment.

Adopted: October 1972

Amended: April 3, 1973

Amended: March 4, 1982

Amended: Feb 3, 2000

Amended: October 10, 2002

Amended: September 7, 2006

Amended: November 13, 2008

Amended: February 5<sup>th</sup>, 2009

# AGENDA ITEM # 13a1

\*\*\*\*\*TENTATIVE AGENDA FOR TUESDAY, JANUARY 4, 2011\*\*\*\*\*

This agenda is tentative and the information is subject to change until the agenda is finalized.

## CITY OF STEAMBOAT SPRINGS

### AGENDA

REGULAR MEETING NO. 2011-01

TUESDAY, JANUARY 4, 2010

5:00 P.M.

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

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

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

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

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**A. ROLL CALL**

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**B. COMMUNITY REPORTS/CITY COUNCIL DISCUSSION TOPIC:**

1. **Yampa Valley Partners:** Year-end report and economic forecast. (Nowak)
2. **Changes to the Tax Code.** (Hinsvark)



**C. CONSENT CALENDAR: MOTIONS, RESOLUTIONS AND ORDINANCES FIRST READINGS**

LEGISLATION

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

3. **RESOLUTION:**
  4. **FIRST READING OF ORDINANCE:** 2010 Supplemental Appropriation #10; Main Street Graduate Assessment. (Hinsvark)
  5. **FIRST READING OF ORDINANCE:** Easement agreement with Fifth and Yampa, LLC. (Foote)
- 

**D. PUBLIC HEARING: ORDINANCE SECOND READINGS**

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

6. **SECOND READING OF ORDINANCE:** An ordinance supplementally appropriating funds in 2010 and appropriating reserves therefrom for 2011 for after hours transit service. (Hinsvark)
  7. **SECOND READING OF ORDINANCE:** An ordinance approving the termination of an Intergovernmental Agreement between the City of Steamboat Springs and the Colorado Mountain College. (Lorson)
- 

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

- F. CONSENT CALENDAR - PLANNING COMMISSION REFERRALS:** ITEMS ON THE CONSENT CALENDAR GENERALLY REQUIRE LITTLE OR NO COUNCIL DELIBERATION AND MAY BE APPROVED WITH A SINGLE MOTION. A CITY COUNCIL MEMBER MAY REQUEST AN ITEM(S) BE REMOVED FROM THE CONSENT CALENDAR FOR FURTHER DISCUSSION. **ALL ORDINANCES APPROVED BY CONSENT SHALL BE READ INTO THE RECORD BY TITLE.**

**8. FIRST READING OF ORDINANCE:**

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**G. PUBLIC HEARING – PLANNING COMMISSION REFERRALS**

**PUBLIC HEARING FORMAT:**

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

- 9. PROJECT:**
  - PETITION:**
  - LOCATION:**
  - APPLICANT:**
  - PLANNING COMMISSION VOTE:**
- 

**H. REPORTS**

- 10. Economic Development Update.**
  - 11. City Council**
  - 12. Reports**
    - a. **Agenda Review (Franklin):**
      - 1.) **City Council agenda for January 18, 2011.**
      - 2.) **City Council agenda for February 1, 2011.**
  - 13. Staff Reports**
    - a. **City Attorney's Update/Report. (Lettunich)**
    - b. **Manager's Report: Ongoing Projects. (Roberts)**
- 

**J. OLD BUSINESS**

- 14. Minutes (Franklin)**
    - a. **Regular Meeting 2010-22, December 7, 2010.**
    - b. **Regular Meeting 2010-23, December 21, 2010.**
-

**\*\*\*\*\*TENTATIVE AGENDA FOR TUESDAY, JANUARY 4, 2011\*\*\*\*\***  
This agenda is tentative and the information is subject to change until the agenda is finalized.

**I. ADJOURNMENT**

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

# **AGENDA ITEM # 13a2**

**\*\*\*\*\*TENTATIVE AGENDA FOR TUESDAY, JANUARY 13, 2011\*\*\*\*\***  
This agenda is tentative and the information is subject to change until the agenda is finalized.

## **CITY OF STEAMBOAT SPRINGS**

### **AGENDA SPECIAL MEETING NO. SP-2011-01 TUESDAY, JANUARY 13, 2010**

**4:00 P.M.**

**MEETING LOCATION:** Olympian Hall  
Steamboat Springs, CO

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

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**A. ROLL CALL**

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**B. CITY COUNCIL RETREAT TOPICS**

- 1. City Council goals/priorities.**
  - 2. Jon Roberts/Management Team.**
  - 3. Parks and Recreation Commission.**
  - 4. Planning Commission.**
- 

**C. ADJOURNMENT**

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

# AGENDA ITEM # 13a3

\*\*\*\*\*TENTATIVE AGENDA FOR TUESDAY, JANUARY 18, 2011\*\*\*

This agenda is tentative and the information is subject to change until the agenda is finalized.

## CITY OF STEAMBOAT SPRINGS

### AGENDA

REGULAR MEETING NO. 2011-02

TUESDAY, JANUARY 18, 2011

5:00 P.M.

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

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

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**A. ROLL CALL**

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**B. COMMUNITY REPORTS/CITY COUNCIL DISCUSSION TOPIC:**

1. **Presentation of enhanced Draft Community Water Conservation Plan.** (Shelton/Frolich)
2. **Update on State water Bills/issues.** (Holleman)

**C. CONSENT CALENDAR: MOTIONS, RESOLUTIONS AND ORDINANCES FIRST READINGS**

LEGISLATION

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

**3. RESOLUTION:**

**4. FIRST READING OF ORDINANCE:**

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**D. PUBLIC HEARING: ORDINANCE SECOND READINGS**

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

**5. SECOND READING OF ORDINANCE:** 2010 Supplemental Appropriation #10; Main Street Graduate Assessment. (Hinsvark)

**6. SECOND READING OF ORDINANCE:** Easement agreement with Fifth and Yampa, LLC. (Foote)

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

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**F. CONSENT CALENDAR - PLANNING COMMISSION REFERRALS:**

PLANNING  
PROJECTS

ITEMS ON THE CONSENT CALENDAR GENERALLY REQUIRE LITTLE OR NO COUNCIL DELIBERATION AND MAY BE APPROVED WITH A SINGLE MOTION. A CITY COUNCIL MEMBER MAY REQUEST AN ITEM(S) BE REMOVED FROM THE CONSENT CALENDAR FOR FURTHER DISCUSSION. **ALL ORDINANCES APPROVED BY CONSENT SHALL BE READ INTO THE RECORD BY TITLE.**

**7. PROJECT:**  
**PETITION:**  
**LOCATION:**  
**APPLICANT:**  
**PLANNING COMMISSION VOTE:**

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**\*\*\*\*\*TENTATIVE AGENDA FOR TUESDAY, JANUARY 18, 2011\*\*\***

This agenda is tentative and the information is subject to change until the agenda is finalized.

**G. PUBLIC HEARING – PLANNING COMMISSION REFERRALS**

**PUBLIC HEARING FORMAT:**

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

- 8. **PROJECT:**  
**PETITION:**  
**LOCATION:**  
**APPLICANT:**  
**PLANNING COMMISSION VOTE:**

**9. SECOND READING OF ORDINANCE:**

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**H. REPORTS**

**10. Economic Development Update.**

**11. City Council**

**12. Reports**

- a. **Agenda Review (Franklin):**
  - 1.) **City Council agenda for February 1, 2011.**
  - 2.) **City Council agenda for February 15, 2011.**

**13. Staff Reports**

- a. **City Attorney's Update/Report. (Lettunich)**
- b. **Manager's Report: Ongoing Projects. (Roberts)**

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**I. ADJOURNMENT**

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

**AGENDA ITEM # 14a**

**City Attorney's Report**

A report will be provided at the meeting.



**AGENDA ITEM # 14b**

**City Manager's Report**

A report will be provided at the meeting.