

CITY OF STEAMBOAT SPRINGS

**AGENDA**

REGULAR MEETING NO. 2011-12

TUESDAY, JULY 5, 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.

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, or on our website at [http://steamboatsprings.net/city\\_council/council\\_meetings](http://steamboatsprings.net/city_council/council_meetings). The e-packet is typically available by 1pm on the Friday before the meeting.

**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 Steamboat Springs, Colorado for its twentieth year as a Tree City USA community in Steamboat Springs, Colorado. (Wilson)
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**C. COMMUNITY REPORTS/CITY COUNCIL DISCUSSION TOPIC:**

2. **Mainstreet Update.** (Barnett) (10 minutes)
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**D. 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. **MOTION:** Motion to approve the First Revised Ballot Question adding an effective date of January 1, 2012 in the event the electors vote to ban medical marijuana. (Lettunich)
  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 \$35,000 grant for the Howelsen Hill rodeo facility schematic site plan project, expressing intent to provide matching funds and to authorize the City Manager to sign and execute the grant contract. (Small/Wilson)
  5. **FIRST READING OF ORDINANCE:** An ordinance approving a hangar lease to Allen Storie at the Steamboat Springs Airport and authorizing the City Council President to sign lease documents; repealing all conflicting ordinances; providing for severability; and providing an effective date. (Baker)
  6. **FIRST READING OF ORDINANCE:** 5th supplemental appropriation ordinance of 2011. (Weber)
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**E. PUBLIC HEARING: ORDINANCE SECOND READINGS**

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

- 7. SECOND READING OF ORDINANCE:** An ordinance creating a new Article V in Chapter 12 of the Steamboat Springs Revised Municipal Code for the purpose of licensing Non Cigarette Tobacco Product Retailers; providing for severability; establishing an effective date; and setting a hearing date. (Foote)

*Staff is requesting this item be postponed to the July 19, 2011 City Council Meeting.*

- 8. SECOND READING OF ORDINANCE:** An ordinance amending Section 16-12 of the Steamboat Springs Revised Municipal Code to authorize the Director of Parks, Recreation, and Open Space Services to extend the season for rafting from public river accesses between Confluence Park and Stockbridge Park; providing an effective date; providing for severability; and setting a hearing date. (Foote/Robinson)

*Staff is requesting this item be postponed to the July 19, 2011 City Council Meeting.*

- 9. SECOND READING OF ORDINANCE:** An ordinance amending provisions relating to Medical Marijuana Businesses set forth in Chapter 12, Article VI and Section 26-92 of the Revised Municipal Code; providing for severability; providing an effective date; and repealing all conflicting ordinances. (Foote)

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**F. 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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**G. 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.**

- 10. FIRST READING OF ORDINANCE:** An ordinance amending Article III, Chapter 7 of the Steamboat Springs Revised Municipal Code regarding allowable noise levels. (Gibbs)

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

**PUBLIC HEARING FORMAT:**

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

- 11. SECOND READING OF ORDINANCE:** An ordinance amending Chapter 26 of the Steamboat Springs Revised Municipal Code to amend the Gondola Two parking requirements. (Keenan)

- 12. SECOND READING OF ORDINANCE:** An ordinance amending Chapter 26 of the Steamboat Springs Revised Municipal Code for Text Amendments to 26-402, Secondary Units, 26-402 Accessory Structures, 26-91(B) RE Zone District, 26-92 table of permitted principal uses, and 26-132(B) Zone District specific standards. (Keenan)

- 13. SECOND READING OF ORDINANCE:** An ordinance rezoning all property with the designations of Residential Estate One – Low Density, secondary units (RE-1/S) and Residential Estate Two – Medium Density, secondary units (RE-2/S) to Residential Estate One - Low Density (RE-1) and Residential Estate Two, Medium Density (RE-2) respectively (all RE-1/S will be changed to RE-1 and all RE-2/S will be changed to RE-2); repealing all conflicting ordinances; providing for severability; and providing an effective date. (Keenan)
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**I. REPORTS**

**14. Economic Development Update.**

**15. City Council**

**16. Reports**

- a. Agenda Review (Franklin):
  - 1.) City Council agenda for July 19, 2011.
  - 2.) SSRA agenda for July 19, 2011.
  - 3.) City Council agenda for August 2, 2011.
  - 4.) SSRA agenda for August 2, 2011.

**17. Staff Reports**

- a. City Attorney's Update/Report. (Lettunich)
  - b. Manager's Report: Ongoing Projects. (Roberts)
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**J. OLD BUSINESS**

**18. Minutes (Franklin)**

- a. Regular Meeting 2011-10, June 7, 2011.
  - b. Regular Meeting 2011-11, June 21, 2011.
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**K. ADJOURNMENT**

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

# AGENDA ITEM # 1

## CITY COUNCIL COMMUNICATION FORM

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

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

**DATE:** July 5, 2011

**ITEM:** A proclamation recognizing Steamboat Springs, Colorado for its  
twentieth (20) year as a Tree City USA Community.

**NEXT STEP:** To support the proclamation recognizing Steamboat Springs,  
Colorado for its twentieth (20) year as a Tree City USA  
Community.

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☐ DIRECTION  
☐ INFORMATION  
☐ ORDINANCE  
☐ MOTION  
☒ PROCLAMATION

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**I. REQUEST OR ISSUE:**

A proclamation recognizing Steamboat Springs, Colorado for its twentieth (20) year as a Tree City USA Community.

**II. BACKGROUND INFORMATION:**

Parks and Recreation Commission, who acts as the City's tree board, will have a member present to accept the proclamation.

**III. SUMMARY AND ALTERNATIVES:**

City Council can support the volunteers, staff and its citizens for providing vital care for its urban forest for twenty (20) years via the proclamation.

***A PROCLAMATION RECOGNIZING STEAMBOAT SPRINGS, COLORADO FOR ITS TWENTIETH YEAR AS A TREE CITY  
USA COMMUNITY IN STEAMBOAT SPRINGS, COLORADO***

**WHEREAS**, Steamboat Springs, Colorado was recognized by the nonprofit Arbor Day Foundation as a Tree City USA Community for its commitment to urban forestry; and

**WHEREAS**, it is the twentieth (20) year Steamboat Springs has earned this national designation; and

**WHEREAS**, the four standards to become a Tree City USA Community have been met. Tree City USA communities must have a tree board or department, a tree-care ordinance, a comprehensive community forestry program, and an Arbor Day observance and proclamation; and

**WHEREAS**, “We commend Steamboat Springs’s elected officials, volunteers and its citizens for providing vital care for its urban forest,” said John Rosenow, chief executive and founder of the Arbor Day Foundation. “Trees provide numerous environmental, economical and health benefits to millions of people each day, and we applaud communities that make planting and caring for trees a top priority.”

***NOW, THEREFORE, BE IT PROCLAIMED***, by the City Council of the City of Steamboat Springs, Colorado, that Steamboat Springs, Colorado is hereby declared "A TREE CITY USA COMMUNITY FOR ITS TWENTIETH YEAR IN STEAMBOAT SPRINGS, COLORADO".

**ADOPTED THIS 5<sup>th</sup> day of JULY, 2011.**

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:** Tracy Barnett, Program Manager, MainStreet, 846-1800

**DATE:** Tuesday, July 5

**ITEM:** MainStreet Steamboat semi-annual update.

**NEXT STEP:** This update is informational only. There is no action required at this time.

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☐ DIRECTION  
☒ INFORMATION  
☐ ORDINANCE  
☐ MOTION  
☐ RESOLUTION

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**I. REQUEST OR ISSUE:**

N/A.

**II. RECOMMENDED ACTION:**

N/A.

**III. FISCAL IMPACTS:**

Proposed Expenditure: NA.

Funding Source: NA.

**IV. BACKGROUND INFORMATION:**

See attached Manager's Reports for information on what MainStreet has been doing for the past 6 months.



Topics of interest not included in Manager's Reports:

- a. Focus on Yampa Street
  - i. Sidewalks, curb and gutter, ambient lighting
  - ii. Undergrounding of utility lines
  - iii. Access to the river
  - iv. View corridors to Howelsen Hill
  - v. Entertainment district/zone – Hospitality Resource Panel
- b. Absorption of vacant commercial space
- c. Informal market analysis
- d. Creation of inventory of vacant spaces for website

**V. LEGAL ISSUES:**

N/A.

**VI. CONFLICTS OR ENVIRONMENTAL ISSUES:**

N/A.

**VII. SUMMARY AND ALTERNATIVES:**

N/A.

**LIST OF ATTACHMENTS**

Attachment 1.	MainStreet Manager's Report January 2011.
Attachment 2.	MainStreet Manager's Report February 2011.
Attachment 3.	MainStreet Manager's Report March 2011.
Attachment 4.	MainStreet Manager's Report April 2011.
Attachment 5.	MainStreet Manager's Report May 2011.
Attachment 6.	MainStreet Manager's Report June 2011.

**MainStreet Steamboat Springs  
Manager's Report  
January 4, 2011**

**Membership Billing** – Using the new dues structure set up by the Organization Committee, the dues billing for 2011 has been sent out to the majority of the members. Each bill contained an invoice and a letter pertinent to the membership category to which the member belongs. Bill Moser has written a separate letter to the property owners and is handling that mailing. Ruth Dombrowski has all of the letters and invoices for the banks and plans to meet with them personally. We have already received a couple of the 2011 dues checks back.

**Economic Summit Planning** – I am on the Economic Summit Planning Committee as the MainStreet representative to the Chamber's EDC. At the DCI Conference in Glenwood Springs in September I heard a keynote speaker, Roger Brooks, who speaks on Destination Creation for communities (as opposed to destination RETAIL which Jon Schallert preaches). I was very impressed by him and his 25 Immutable Rules of Successful Tourism. He has a small book published of these rules. I have a copy if anyone would like to see it. I contacted him and we are contracting with him to be one of the keynote speakers at the Summit in May. The dates of the Economic Summit for 2011 are the afternoon of May 25 and the day of the 26<sup>th</sup>. I hope to be at the National MainStreet Conference just before this, but back in Steamboat for the Summit.

**The Steamboat Local** – In the December 16 issue of The Local, I included an article about evening hours, encouraging retailers to consider staying open later in the summer, just as they do in the winter, an article naming all the Merry MainStreet winners and thanking the sponsors, and a final article on the comparisons and differences between the Chamber, MainStreet and the Mountain Village Partnership and why all three are necessary to the success of business in Steamboat.

**Merry MainStreet** – This year's event was much more successful than last year's event. The later start, more entries in the parade, and activities in the street helped to give the event a more festive feel. Before the event I went around to every lodging property and dropped off a flyer at the front desk and/or concierge desk telling them about the event and reminding them to send people downtown. I also collected email addresses for all the desks to update our email blast list for the What's Happening Downtown weekly email and any other information we would want to send them. Many were not aware of the email blast or what it was for.

**New "What to Do Downtown" Rack Cards** – The new rack cards are out in the brochure racks and I have delivered some cards to locations that do not have brochure racks. The cards turned out great and should be very visible in the racks. They are much crisper and more colorful than the cards in the past.

**Governor's Energy Office Grant** – MainStreet is partnering with Yampa Valley Partners and Emerald Mountain Energy on a GEO grant to assist businesses with

upgrading their lighting systems to more efficient LED systems. The grant has been awarded to MainStreet (our first grant!) but the contracts have not yet been executed. That is expected before the end of January. I will be taking part in a webinar about how to administer the grant in the next week and will be ready to roll when the contracts are final. Several businesses in downtown are interested in participating. The grant will repay up to 50% of the costs of installation of the new lighting for these businesses.

**Special Event Funding for Sisters Weekend** – I turned in the application for Special Event Funding to the Chamber to be used for marketing of the Sisters in Steamboat Weekend for 2011. This year I am requesting \$2000 toward the marketing expenses. Interviews for the funding will be held sometime in February.

**New TV 18 Ad for downtown** – The new TV ad for downtown is airing on the Explore Steamboat tv shows. I believe the show airs 3 times a day. We have a :60 ad that covers the free bus, dining, shopping, late night music and other things to do downtown, including the pool, spas, coffee shops and bookstores. I think it really gets a lot in for only being a minute long. It wraps up with “If you haven’t been downtown, you’ve missed the ‘Boat’.”

**Late Night Bus Service heralded by RHI** - A check of the RHI website noted the success of getting City Council to approve late night bus service for Steamboat Springs following identification of the late night transportation problems. A call to City Transit revealed that the late night bus is definitely being used, and, so far, there have not been any problems different from problems usually encountered. The TV 18 ad also mentions the late night bus leaving downtown at 2:20 pm for the mountain, which should help visitors.

**National Main Street Conference – May 22-25 – Des Moines, Iowa** - From the National Main Street Center’s conference website, the following description is the theme of this year’s conference. I sincerely hope some of the board or committee members might be able to attend with me. I generally travel on Saturday, take part in a tour on Sunday (that lasts most of the day) and travel back on Wednesday after the closing program, which is over about noon.

**2011 National Main Streets Conference Theme: Grow Main Street.** With this theme, we will move on from showing and celebrating the Power of Main Street to taking your Main Street to the next level so you can grow your support, your economic strength, and the national movement. In Des Moines we will focus on strategies to help you recruit, retain, strengthen, and support your local businesses; showcase how being green and open to all can advance these efforts; and, of course, continue to teach the Main Street Four Point Approach® – from the basics to the new, cutting-edge ideas that are being put in to practice in our Main Streets across the nation.

**Intern Starts in January** – MainStreet will be hosting its first ever intern starting in January. Her name is Christine Gordon and she is from the University of Georgia. I believe she will only be here through the winter. I plan to use her to update our business inventory, but also expect her to be involved in several other smaller projects. She is required to complete 90 hours of work and write a report on her experience. In addition, Christine is looking for a job, probably in a restaurant since she has restaurant experience, to pay her bills. She will be living with her brother who is working at the mountain.

MainStreet Steamboat Springs  
 Manager's Report  
 2.1.11

**Annual Meeting** - The meeting was held on Friday, January 21, at Sweetwater Grill, with 51 in attendance. Ruth gave a brief update of the state of MainStreet, thanking members for their support. Rob Perlman, VP of Marketing and Sales for Ski Corp spoke on trends they are seeing at the Ski Area, and keynote speaker, Al White, Executive Director of the Colorado Tourism Office, spoke to the future of tourism in Colorado. He emphasized the importance of continued tourism marketing funding by the state so as to not lose market share. Several states are cutting back on funding. Colorado has done that in the past and it has taken years to regain most of the momentum that was lost when funds were cut before. Most people choose to move to Colorado from having been a visitor in the past. This is seen as the greatest way to create jobs, Governor Hickenlooper's primary goal for his administration.

**The Steamboat Local** – As you know, MainStreet has been writing articles for the Steamboat Local alternative newspaper since last summer. In October The Local changed its focus and gave MainStreet a whole page to fill with MainStreet news. I regret to inform you that The Local has folded, at least for now or until funds can be found, and we have lost that opportunity to connect with a wider audience than we have through blast emails. The newest version of The Local had planned to be a weekly publication and I had started interviewing businesses on the fringes of downtown, in a segment called "Get to Know Main Street". Two of the businesses, Talulla's and Photo Express House, had been featured in the January 7<sup>th</sup> edition. Both businesses informed me that they had gotten comments from both old and new customers about the article. I had interviewed four more businesses for future articles, but will now not have the opportunity to use that information. Any ideas? I heard from several readers as well, from all demographic groups, about articles I have written in the past couple of months. How can we continue to reach these people if not in an article format?

**Intern Update** – Christine Gordon has attended several meetings with me to learn more about the organization. Her primary project will be to clean up our inventory of businesses and contact lists to ferret out those businesses we are unaware of. This is a project on the Economic Restructuring Committee's workplan for 2011. She has worked up a questionnaire that she has cleared with Bill Moser and is about to hit the streets. Besides doing her internship with MainStreet, she has landed two part-time jobs. They are keeping her busy and time may be limited to get this project done. She is only required to do 60 hours for her internship, but would really do more if time allows.

**Bus Shelter Art** – You have probably noticed the art by David Marshall has finally been installed on the new bus shelters throughout downtown. The art adds a new dimension to the shelters. I have heard lots of positive comments (and no negative ones) about the art. Each shelter has been given a name related to some part of Steamboat's history (Crawford, Howelsen, Perry Mansfield, etc). Inside the bus shelters are locked boxes that will eventually hold a more attractive bus schedule and map, as well as a brief historic

interpretation of the element depicted in the name of the stop. The Design Committee will be researching and tackling the funding for an efficient and attractive way to do this interpretation. Several different methods of interpretation are being researched, including using smartphones for a brief 2 minute history lesson while you wait for the bus. The Story Trek project down in Denver does this.

**You are all invited to a dedication of the bus shelters and signage on Friday, February 11.** Billed as a Bus Shelter Tour and starting **at the Artists' Gallery** of Steamboat, the tour will begin at **4 pm**, with a brief ceremony to thank the local designers, artists, fabricators, and installers, as well as the City and the grant funders, for these unique shelters.

**Governor's Energy Office (GEO) Grant** – The contract has been signed with the GEO for MS to administer an energy efficiency grant to upgrade lighting for downtown businesses. The program launches statewide on February 1. Following an energy audit of interested businesses, the businesses will have to decide if they are willing to move forward with the upgrades necessary. They will then be reimbursed between \$2000 and \$5200 by the grant, up to 50% of improvements, depending on what upgrades they decide to move forward with. All businesses wishing to be considered for this grant reimbursement must attend a workshop concerning the program and bring a year's worth of electric bills to be analyzed. The project must be finished in 2011. MainStreet will ultimately receive \$7500 to administer this grant. Susan Holland is working with me on the project and some of the funding will go to her, some to the workshop and the celebration party required by the grant, and the rest will stay with MainStreet. Each community will also get \$12,500 to be used for the reimbursements to businesses.

**Farmers Market Registration Opens** – Market registration opened on January 13. Currently we have 35 vendors, some new, some old, registered. There is more food than ever, including several more produce vendors, however some of them won't be participating until the very end of July when Palisade fruit becomes available. I raised the prices this year \$5 per week per vendor, which should help to increase revenues. There is an additional \$10 food inspection fee to cover the new charges by the Routt County Environmental Health Department to inspect food vendors for safe handling practices.

**Membership** – Currently 51 members and property owners have renewed their memberships. At this time last year, we had 44 members renewed. Ruth and Tracy met with 3 of the bankers in town and have received favorable responses from them. Shauna was contacting Rose Marie at Bank of the West, and two others were being sent letters since we were unable to schedule a time to meet with them personally. Alpine Bank and Wells Fargo Bank are both going above and beyond the recommended \$500 contribution, each giving \$1000.

**MainStreet Steamboat Springs  
Manager's Report  
March 1, 2011**

**New Website** – After receiving a letter from FRII regarding new additional charges to our website hosting and maintenance, I shared my frustration with my son, Casey Barnett. Casey is very knowledgeable about website creation, hosting, and design. Without my asking, he created a new website for us. The domain name for this site is [www.downtownsteamboat.org](http://www.downtownsteamboat.org). We couldn't use [www.mainstreetsteamboat.com](http://www.mainstreetsteamboat.com) because we already have a website at that address, which we will redirect to the new address once the site is ready to launch. The new site is less expensive per year \$75 for the first year and \$95 each year after that, plus \$10 for each of the domain names we will own and direct to the new site. We were paying FRII \$19.95 per month plus \$75 per quarter for a maintenance contract, plus \$10 per domain name. Please take a look at the website, as it is actually on the web, but it isn't totally populated yet so we aren't telling people about it. The new site is aimed at the guest, but will have a tab for MainStreet (the organization) information including membership information, committee and board information, volunteer information, etc.

**CPI Conference/Downtown Institute** – I attended the annual Colorado Preservation Inc Conference in Denver February 2-4. This conference is combined with the DCI Downtown Institute on Design/Preservation. Also included is the quarterly Main Street Managers Meeting where all of the MS managers from across the state share updates and get some personalized training. At the manager's meeting, DOLA rolled out the way MS is going to transfer from DCI management to DOLA management. DOLA has (finally) received the contract from the State Historical Fund to fund a Main Street Program manager for the state. It takes about two weeks to turn the contract around on DOLA's end, and another two weeks once it gets back to SHF, for the contract to be fully executed. Once that happens, DOLA will advertise for the position, which can take another 6-8 weeks before that person is hired.

As for the conference itself, I was disappointed in the combined CPI/DCI program. I felt that I was missing things at CPI while I was attending the DCI stuff.

There were about 8 people from Steamboat at the CPI conference, including members of the Historic Preservation Commission, City staff, Arianthe Stettner, and me. Towny Anderson was also present.

The one thing that did come out of the conference was the commitment by HPC, City staff, and MainStreet to pull together another HP Forum to re-energize the Historic Preservation movement in Steamboat. MainStreet, HRC!, and HPC put on a similar forum about 5 years ago. The climate has changed and it is time do the forum again. This will be a project of the Design Committee, HPC, HRC!, and the City.

**Bus Shelter Stroll** – On Friday, February 11, the Design Committee, along with the designers, fabricators, installers, and artists who worked on the new bus shelters, along with representatives of the City, celebrated the new bus shelters with a brief ceremony thanking those who participated. The ceremony was followed by a stroll to several of the shelters, as well as a great party at Cami Bunn's house. There was some coverage of the new shelters and the stroll in the Steamboat Today.

**Storm Sewer Replacement** – MainStreet was contacted by the City regarding the upcoming storm and sanitary sewer replacement in the alley between 3<sup>rd</sup> and 10<sup>th</sup> Streets on the “north” side of Lincoln this summer. MainStreet was asked to invite the businesses in downtown to attend a meeting to express concerns before the project is put out to bid. About 10 people attended that meeting, but the input was good and should help with the bidding process.

**GEO Grant** – The Governor’s Energy Office Energy Efficiency Grant process kicked off on February 1. MS was awarded \$12,500 to distribute to 5 downtown businesses as a rebate for up to \$2000 or 50% of improvement costs related to lighting. Information has been distributed and we have received 6 applications so far for the project. All applicants and any others who wish to learn about energy efficiency methods and ways to track usage, as well as contractor options will attend the Energy Efficiency Workshop to be held Tuesday, March 22 at 6 pm at the Community Center. MainStreet is organizing this workshop.

**Farmers’ Market update** – The Farmers Market is now full. We have 67 booths in the market. Last year we were still accepting full market booths up until May. We also raised the price of a market booth by \$5 per week. We have 7 produce vendors, 2 beef producers, one bison vendor, 3 bread vendors, 2 salmon and fish vendors, cut flowers, and much more, making the food portion of the market bigger than the craft portion of the market – which has been our goal. The market starts June 11 and runs until September 10. I have a waitlist started for any late vendors.

**Moving the MainStreet Office** – It’s official. MainStreet is moving AGAIN, back to 751 Yampa Street where the office was located 4 years ago. Mark Scully has generously donated office space to MainStreet at 751 until the building sells or someone wants to lease the whole building. We have to install internet which Tom Simmins has arranged with Resort Broadband. While we will have to pay the installation fee, the service itself will be free for advertising consideration. The move will take place on Monday, March 7.

**Walk of Olympians** – After about two years of process, the first 6 bronze plaques honoring our Olympians will be installed on Yampa Street near The Olympian building. The goal will be to install bronzes all up and down Yampa Street, creating a walking tour and educational opportunity, as well as a visual representation of our Olympic history.

**Quizno’s Bike Challenge** – MainStreet has become involved in the planning for the Quizno’s Bike Challenge Friday, August 26 and Saturday, August 27. The event is expected to bring around 10,000 people to Steamboat for that weekend. Details are not yet finalized but, for downtown, businesses will need to be aware that Lincoln Avenue will be closed to traffic between 3<sup>rd</sup> and 11<sup>th</sup> Streets from 11 pm Thursday night until 6 pm Friday evening. The finish of the first race will be in downtown Steamboat at about 6<sup>th</sup> Street. Time to be announced later. There will be an expo ON Lincoln Ave all day on Friday with vendors supplied by the Quizno’s people with opportunities for additional non-competing vendors of specific types. More information will be forthcoming in the next weeks.

**Concierge Weekly Update** – A recent poll of concierge and front desk personnel to determine the effectiveness of the email blast was informative. While we send out 77 emails a week, and only about half of those are opened, those that do open the email find it extremely helpful, especially to have all the information in one place. We will be losing our volunteer who has been doing this email for the last two years, so we will need to find another dedicated person to do this.

**MainStreet Steamboat Springs  
Manager's Report  
April 5, 2011**

**New Office** – The MainStreet office has moved from 703 Lincoln Ave in Howelsen Place back down to 751 Yampa Street where it was in 2006 and 2007. Mark and Cheri Scully have again generously donated space for the MainStreet office until the property is either sold or leased to someone else. Tom Simmins donated his crew from Commercial Property Management/Resort Group to do the actual move. There is a MainStreet sign on the front of the building and several people have stopped in because of the increased visibility.

**GEO Energy Efficiency Grant** – We have received 8 applications for Governor's Energy Office energy efficiency rebates. The first 5 of these businesses to apply (Off the Beaten Path, Buyer's Resource, Old Town Hot Springs, Images of Nature, and Hotel Bristol – all MainStreet members) will first get an energy (lighting) assessment. They will then choose a lighting contractor to do what lighting upgrades they can afford and have the work done. The rebate will then be applied for (equal to 50% of the upgrade but not more than \$2000 in rebate). Once it is determined how much of an upgrade each business plans to do, if there is money remaining, the additional three businesses (Cantina, Chez Nous, David Chase Rugs and Furniture) will be contacted in order of their application date. The total of funds to be distributed is \$12000 for upgrades and \$2500 for assessments. MainStreet has, so far, received \$3000 of the \$7500 to administer the grant. Susan Holland of Emerald Mountain Energy is assisting with the legwork on this grant. I have, so far, written two rounds of monthly reports to GEO. There are bugs in the reporting system, however the person from Trident Energy that is mentoring those of us on the Western Slope who have received this grant is helping us all through it. MainStreet is hosting an energy efficiency workshop for ALL commercial businesses on Tuesday, April 5 at 6 pm at the community center. This workshop will explain the assessment process, the grant process (for those who have qualified), basic lighting and other energy upgrades businesses/landlords can do to reduce energy costs to affect the bottom line, and how to monitor energy usage by using the online program Green Quest. The grant must be completed by December 31, 2011.

I also attended a full day training in Idaho Springs for the GEO grant, met the other Western Slope grant recipients and the grant assistants from Trident. I am the least knowledgeable about the energy efficiency upgrades they are talking about but the training was extremely helpful. Being the first grant MainStreet has ever taken part in is a new and challenging task, but will be very beneficial to our members. This grant is under the umbrella of the Economic Restructuring Committee.

**City Council Economic Development plan** - The City Council has been holding discussions with the community regarding how to assist with economic development for the city. At the final meeting on March 15, the council discussed forming a coalition of economic development groups (MainStreet, Chamber, MVP, RCEDC, and others that receive community support funding from the City) to determine, through a process yet to be developed, how to distribute a set amount of money from the City budget, to these groups. The Council has determined that the goal of economic development should focus on supporting existing assets, but seems to think that the primary assets to be supported are the tourist-based assets, including filling beds at the mountain. (I may have simplified this goal too much, but that was the gist of what I was hearing.) Jon Quinn was quick to point out that not all entities that have to do with economic development should be included in the same pot of money, and that the goals of each group should be weighed in terms of its benefit to the community, not just the number of beds that may be filled. I wrote a letter to City Council following the meeting expressing my thoughts on the idea of the coalition.



It is my opinion that the goals of the Chamber (to fill beds) are very different from the goals of MainStreet (to improve the community not only for tourists but for the locals who live here - quality of life in the community) and should not be judged in the same category. Marketing money should be kept separate from general community support funds. I sent this letter to all board members as well as the City Council. If you did not read or receive this letter, please let me know and I will send it again.

**Letter of Support for the Bike Town Mural** – I was asked to write a letter of support for the Bike Town Mural grant by Chula Walker-Beauregard. We talked about the mural in the Design Committee meeting. The committee members endorsed the idea of murals, in general, for downtown Steamboat, as a way to add art to downtown. Although the idea of mural will probably lead to some sort of oversight committee as to what kinds of murals may be displayed, this mural will support the vision of the Bike Town USA initiative for Steamboat.

**Chamber Forum – Bring ‘em Back** - I was asked to speak at the Chamber forum luncheon on March 11. The forum is a five part series focused on marketing. The session I was invited to speak at was focused on attracting and retaining customers, as well as creating customer loyalty. There were 6 speakers who spoke on using social media, websites, and other means of attracting customers. I chose to focus on the basics of customer service to retain customers, to wow your customers once they are in the door. I provided handouts with bullet point reminders, like learning your customers name and making it personal, greeting your customers when they walk through the door rather than keeping your head buried in a computer or on the phone, sending thank you notes to your customers, offering clean restrooms, and more. I also pointed out the book, *Why We Buy* by Paco Underhill, as a good primer into the behavioral psychology of consumers and what motives them to make purchases.

**TV 18 Commercial for winter 2012** – I have already filmed the commercial for next winter’s TV18 advertising, focusing on the free bus service, convenience of getting to downtown, and giving a visual of where downtown is. The commercial was shot on a bright sunny day, with fresh snow on the ground, from a vantage point up on Old Fish Creek Falls Road that showed Lincoln Avenue leading out to the Sleeping Giant.

**Sewer Replacement in the Lincoln/Oak Alley** – The City is replacing the sewer pipes in the alley from 3<sup>rd</sup> to 10<sup>th</sup> Streets between Lincoln and Oak Streets this summer. Work will probably begin in May and run for 12-14 weeks, two blocks at a time. The century old clay pipe, which now collects all sanitary sewer and roof drainage water (not all of which needs to be treated at the water treatment plant), will be replaced with PVC pipes, which will separate the water that needs to be treated from that which doesn’t. The City has been very sensitive to the needs of the businesses and is also awarding the work to local contractors.

**Quizno’s Pro – Challenge Bike Race** – Plans continue for this huge bike race at the end of August. The event is expected to bring over 10,000 people to town on Thursday, August 25 and Friday, August 26, with some residual business on Saturday. Lincoln Avenue will be closed to traffic all day (until 6 pm) on Friday. A street festival with vendors, VIP tents, and the race finish, along with Mega-Tron viewing screens will be set up, beginning Thursday evening. Steamboat is fortunate to have not only the finish of one stage of this race, but also a start to another stage the following day. This is typically a very slow week in Steamboat, just before Labor Day, and should help to boost business throughout Steamboat for those two days. The race will be televised.

**Year End Review with DOLA/DCI** – The Executive Committee participated in a tele-conference with DOLA and DCI for our annual year end review. This review was postponed from an earlier date when the team from Denver was not able to travel to Steamboat due to weather. A report from the review will be available shortly. We need to work on our volunteer program, succession on the board, and long-term financing of the organization – all things we are well aware of.

**Sidewalk Sales** - The spring Sidewalk Sales were successful for the merchants downtown. The weather was pretty bad on Friday, but the rest of the weekend was good. The bad weather helped to keep people off the mountain and many shopped downtown. To finance extra advertising for the event, Steve Hitchcock (Zirkel Trading) suggested contacting several businesses to pitch in \$100 each for specific advertising for their businesses as well as advertising the Sidewalk Sale in general for the weekend. I was able to raise \$900 to put toward the advertising on KFMU. I was also able to trade advertising on KBCR and KRAI for membership, and use a portion of our monthly advertising inches in the Today to make an impact. It seems to have worked.

**MainStreet Awareness print campaign** - We have started a program in the Steamboat Today, on Tuesdays, to do general education ads on MainStreet. Each week a different committee is featured and a bullet point about that committee is featured. This is a program of the Organization Committee. Look for the ad and let me know how you think it is working or what messages you would like to feature.

**MainStreet Steamboat Springs  
Manager's Report  
May 3, 2011**

**Strategic Planning Meeting** – As part of our year end assessment from DOLA, it was suggested that MainStreet revisit it's mission, vision and goals for the next 5-7 years. A lot has been accomplished in the last 7 years and it is time to plan for the future. The meeting is planned for Wednesday evening, May 18, 6-9 pm at Harwigs. The meeting will be facilitated to move it along and keep us on track. There will be snacks/apps and a cash bar to get the Hemmingway (creative) juices flowing. Bring your best ideas and help plan for downtown's next phase. (Organization)

**USA Pro Cycling Challenge** - (August 26&27) - Formerly named the Quizno's Pro Cycling Challenge, this bicycle stage race will be coming to Steamboat and taking over Lincoln Ave starting on Thursday evening for set up of megatron TVs, and VIP tents between 6<sup>th</sup> and 8<sup>th</sup> Streets. On Friday, all of Lincoln Ave will be closed for a bike festival all day, until 6 pm for the festival and until possibly 10pm for parts of Lincoln while the festival is dismantled. It is estimated there could be 10,000 people in downtown Steamboat for the festival, although it remains to be seen if this is true. The eastbound lanes of Hwy 40 will be closed to traffic from Mt Werner Road to downtown to allow the racers to use both lanes to come into downtown for the finish, slated to be approximately in front of the Rio. Activities are planned around the races, including a free concert at Howelsen Hill (scheduled but no band yet). Bikers will spend the night before heading off the next morning. Steamboat is the only place in Colorado where one stage of the race ends and another begins.

As part of the event, MainStreet is involved in a minor art event that will involve "bike art" sculpture contest. Although planning for this event is just beginning, the idea is for artists to enter sculptures created from recycled bike parts and that could possibly be used as bike racks for judging and prizes. The sculptures would be displayed through the summer in front of sponsoring downtown businesses to allow the public to vote on the entries. Details are just now coming together.

**GEO Grant** – Lighting assessments were done for our 8 grant applicants (Off the Beaten Path, Buyers' Resource, Images of Nature, Old Town Hot Springs, Hotel Bristol, David Chase Rugs, Cantina and Smokehouse) prior to the Energy Efficiency Workshop put on by MainStreet. The workshop was open to the public and 18 people attended. Several non-grant recipients also participated to get the education offered. Assessments were then completed and returned to MainStreet for distribution to the applicants. Projects range from about \$1500 with a one year payback in energy savings to \$19,000 with a 5 yr payback. The annual savings from lighting efficiency ranged from \$850 per year, to \$3500 per year. The applicants now have to get bids from local contractor (estimates were based on Ft Collins/Front Range contractors because we were using a Ft. Collins assessor) and get them back to me by May 15. At that point, the first five applicants can move forward with what ever portion of the upgrades they care to undertake. If any of those applicants does not use all their allowed 50% rebate (have to spend \$4000 to get back the max of \$2000 rebate), then the next applicant on the waitlist will be offered a chance for rebate dollars. I have to turn in monthly reports to GEO on progress of the program, a pretty time-consuming process, however it gets easier each month. (Economic Restructuring)

**Lincoln/Oak Alley Construction** - The contract for sewer line replacement in the alley between Lincoln and Oak from 10<sup>th</sup> to 4<sup>th</sup> Streets has been awarded to Native Excavating/Ed MacArthur. Construction is slated to begin approximately May 16. The City would like to hold an informational meeting for the businesses affected on either May 9<sup>th</sup> or May 10<sup>th</sup>, probably about 4pm, to answer any questions concerning deliveries, trash disposal, timing and phasing and more. Businesses are very concerned about how these daily functions will occur. A blast email and possibly personal contact will occur to announce this meeting once the date and time are confirmed. Construction should take about 10-12 weeks. Construction will cease for major weekends and sidestreets are currently intended to be open each night. Detail will be confirmed at the meeting.

**Annual Marketing Dollars** – Annual contracts are up and having to be re-signed for most of the major publications, TV, and newspaper. For 2011-2012, we have re-signed with Steamboat Magazine (Visitors' Guide), Explore Magazine and TV18, annual newspaper advertising, Steamboat Brochure Delivery, Discover Map and Steamboat Guide. In most cases I have either negotiated a better price or more space with each of these entities. We spend approximately \$20,000 annually on these contracts. (Promotion)

**Downtown Institute (Design) – Lamar** – Each quarter there is a Downtown Institute relating to one of the 4 Points of Main Street. This one, in Lamar, was on Design. The sessions focused on walk-ability, transportation and CDOT, heritage tourism/historic preservation, and downtown design/infill. In addition to the Downtown Institute, the state-wide Main Street managers meet the day before and have a chance to learn what each of the other communities is doing, discuss possible solutions to problems and communicate with (now) DOLA. The next Downtown Institute will be July 14-15 in Minturn. The topic will be promotion. Since it is so close, I would hope that some of the board members would be able to attend. (Design)

**Historic Preservation Forum** – MainStreet, Historic Preservation Commission and Historic Routt County are planning another Historic Preservation Forum for Friday, May 20. The last one was held 5 years ago and many of the players in the vast number of organizations involved with preservation have changed. The purpose of this forum is to inform each of the organizations as to what the others do, so there can be collaboration and less duplication of efforts. All are welcome to attend. Preservation includes not only buildings, but landscapes, heritage, culture, and wilderness. (Design)

**Hospitality Resource Panel** - As an offshoot of the RHI workshop held last summer, a panel of strategic partners is being formed to help manage the night-time economy in Steamboat. Main Street and Tyler Gibbs, Planning Director for the City, are inviting people from the hospitality, entertainment, transportation, residential, and public safety sectors to an initial planning meeting on Wednesday, May 11, 2:30 pm at Sweetwater Grill. The purpose of this group is to initiate regular communication among these different sectors and to address issues as they come up. RHI is currently offering a Sociable City 101 series of seminars through the summer. Tyler Gibbs, Philo, JD, Joel Rae and I watched a webinar on Tuesday, April 26, on Public Safety. Future topics include Multi-Use Sidewalk, Quality of Life, Venue Safety, Entertainment, and Transportation. The panel will be asked to participate in these one hour webinars each month to get the basics of what makes a successful hospitality zone work. Anyone may attend. The goal is collaboration and cooperation to ensure the enjoyment and safety of all as it relates to the night-time economy. (Economic Restructuring)

**Coordinated Marketing Plan for MS** – Another of the suggestions from LAST YEAR'S (2009) year end evaluation was to increase the marketing and branding for the MainStreet organization. Shauna Lamansky attended sessions at the 2010 National Main Street Conference related to exactly this topic. Shauna and the Organization Committee have been working to develop a plan to make this happen. A few weeks ago MainStreet started using a portion of our monthly allotment of newspaper column inches with a weekly Tuesday ad. Each week a different 4-Point committee will be featured with a quick message about what that committee is doing. Starting next week, on Tuesday, a weekly Constant Contact blast email will also be sent relating to the same committee and what it is doing. If we are able to find enough money, eventually we would like to add radio to the mix. This way we are getting the message out to people in the way they most like to receive their information. The messages then also hit the broader community, to spread the message about what MainStreet is, what we do and why. (Organization)

**MainStreet Steamboat Springs  
Manager's Report  
June 7, 2011**

**National Main Street Conference** – Mike Lang and I attended the conference in Des Moines May 22- 25. Iowa is celebrating its 25<sup>th</sup> year as a Main Street state. There were about 1300 attendees from 43 states and a few foreign countries. Mike was able to attend some sessions relating to Economic Restructuring, bringing back ideas for that committee. I attended a session called “It’s a Circus out there – perfecting your balancing act.” I got tips on being able to be more efficient with my time, and things I can do to organize daily tasks. In addition, there were several tips to keep managers inspired and to not let the workload overwhelm. It was a great session.

Another great session was a bike tour of Ingersol Avenue, using the b-bikes of Des Moines. (Denver has the largest b-bike program in the country.) I wanted to take the tour to see how this bike system works and if something like this would be appropriate for Steamboat, to go with the Bike Town program. I think Steamboat is too small for a program like this, especially with all the private commercial bike rental companies we have here in Steamboat. That is not to say it wouldn’t be appropriate in the future. The tour itself was interesting and fun. (Contrary to popular belief, Des Moines is not FLAT!) We rode the bikes to a deli restaurant housed in a former Walgreen’s building. On the tour was the mayor, a city council person, the planning director, the transportation director and a parks and rec supervisor. Also, a couple of representatives of businesses (with opposing views) were also on the tour. Des Moines had recently taken a major street with two lanes of traffic each way and reduced it to one lane of traffic each way, a turn lane and added bike lanes, as well as widening the parking places. They talked about the controversy with businesses located along the road (parking issues), the vision for the street, and the success of the change.

All in all, it wasn’t one of the best conferences I have attended, but I did get a few ideas. The more of these I attend, the more I realize that we are doing a really good job. I also realized that the sessions tend to be more for the newer programs and that there is not a lot for more seasoned programs. I am thinking it would be beneficial to be associated with the Urban Land Institute and the International Downtown Association, to expand the availability of information from more experienced communities.

**GEO Grant** – All businesses involved in the grant have gotten approval from GEO to move forward with their lighting upgrades. We submitted the bids from the various contractors to GEO. Four of the businesses are moving forward with projects that will get them the maximum rebate (\$2000) and the fifth business is doing almost the entire suggested upgrade but it is not \$4000 worth of upgrade. This will leave some rebate money available for a partial rebate to a 6<sup>th</sup> business. Now we wait for the upgrades to be done.

**Farmers Market** – The Farmers Market begins on June 11. As we get closer to the market, there have been some vendors that have withdrawn from the market or changed some of their dates. I have a wait list of 17 vendors, and several of the approved vendors were unable to get all the weekends they wanted. I am juggling this week to fill the now vacant spaces, however I don’t think that will be a problem.

After attending the Economic Summit on May 26, where a keynote speaker spoke about the success of evening markets, I sent out a Facebook query asking if people would attend an

evening market if the hours of our market were changed to 3-8 pm. Customers loved the idea and vendors hated the idea. As it turns out, we probably will not be able to do an evening market because of the mid-afternoon winds and storms that tend to develop each weekend. It is true that storms tend to develop about 2:00 pm many weekends.

Because of the success of the market, however, we are seriously considering moving the market to Yampa Street for 2012. Although the details will have to be worked out, we have run out of space on 6<sup>th</sup> Street. The only option is to limit the number of booths (and our income) or move to a different location. With MainStreet and the City agreed that Yampa should become a pedestrian, arts and festival street, this will be the first attempt to do that.

**Tuesday News from MainStreet** – The marketing plan for MainStreet branding developed by the Organization Committee has been in place for about a month. Each Tuesday we run an ad in the Today supporting the activities of one of the four committees. Then we send out an email blast on Tuesday to back up the point made in the ad. In addition, we add a calendar of events for the next couple of weeks, additional tidbits of information on things happening downtown and any additional short news items about MS. Currently we are getting about 85-95 people a week opening the email. I think the program is successful. If you have any input regarding these email blasts, let me know.

**Hospitality Resource Panel** – As a follow-up to the Responsible Hospitality Institute workshop from last summer, we have formed a Hospitality Resource Panel (HRP) of stakeholders in the night-time economy. The purpose of the panel is to address issues of concern for those who operate at night. The panel has met twice and the number of participants is growing. Currently there are about 12 representatives involved, from the entertainment, restaurant, lodging, resident, transportation, police and city planning departments. More are being recruited. Currently the most pressing issues are the upcoming noise ordinance changes and the late night transportation issues. Several other items have been put on a list by the participants for future discussion.

**Historic Preservation Forum** – On May 20, MainStreet (Design Committee), Historic Routt County and the City hosted an Historic Preservation Forum to acquaint all entities involved in HP with each other. A forum of this type was held 5 years ago, but many of the players have changed and they may not be aware of the other group and what they do. The forum was a success according to the 30 or so participants. The plan, moving forward, is to have a more unified voice when it comes to the importance of historic preservation (economically and socially) to the communities and the entire Yampa Valley.

**Membership Update** – Currently we have 111 paid members for 2011. Last year we had 120 at the end of the year with several of the last to sign up coming pretty late in the year. None of the past members have said they will not pay. I have communicated with all of them in one way or another. With some encouragement, there are several other businesses ripe to be members.

# AGENDA ITEM # 3

## CITY COUNCIL COMMUNICATION FORM

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**FROM:** Anthony B. Lettunich, City Attorney

**THROUGH:** Jon Roberts, City Manager

**DATE:** Tuesday, July 5, 2011

**ITEM:** Discussion/Motion/Approval: First Revised Ballot Question for the November 1, 2011 election addressing a ban on medical marijuana centers, optional premises cultivation operations, and infused product manufacturers' licenses, seeking to amend the previously approved ballot question by adding an effective date of January 1, 2012.

**NEXT STEP:** Motion to approve the First Revised Ballot Question adding an effective date of January 1, 2012 in the event the electors vote to ban medical marijuana.

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☒ MOTION  
☒ INFORMATION

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

To approve by motion the First Revised Ballot question proposing a ban medical marijuana, which the City Council referred to the voters at the November 1, 2011 election, by amending the ballot question to add an effective date of January 1, 2012.

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

At the June 7, 2011 City Council meeting the City Council referred the question of a proposed ban on medical marijuana to the voters at the November 1, 2011 election. After further input from existing operators of medical marijuana dispensaries and from the Department of Revenue, Medial Marijuana Enforcement Division, it was suggested that inserting an effective date would eliminate the confusion that has occurred in other jurisdictions and allow the orderly winding down of the existing dispensaries, including the orderly reduction in their inventory.

### **III. PROPOSED REVISION:**

The First Revised Ballot Question is set out below with the revised language shown in red:

"SHALL THE CITY OF STEAMBOAT SPRINGS, COLORADO, BAN, **EFFECTIVE JANUARY 1, 2012**, THE CULTIVATION, MANUFACTURE AND SALE OF MEDICAL MARIJUANA, INCLUDING THE OPERATIONS OF MEDICAL MARIJUANA CENTERS, OPTIONAL PREMISES CULTIVATION OPERATIONS, AND THE MANUFACTURE OF MEDICAL MARIJUANA-INFUSED PRODUCTS, UNLESS SUCH PERSON DOES SO AS A PATIENT OR PRIMARY CAREGIVER AS AUTHORIZED BY ART. XVIII, SEC.14 OF THE COLORADO CONSTITUTION AND PURSUANT TO REGULATIONS ENACTED BY THE CITY; FURTHER AUTHORIZING THE CITY TO CODIFY THIS BAN IN THE MUNICIPAL CODE.

YES \_\_\_\_ NO \_\_\_\_"

### **IV. CONFLICTS OR PROBLEMS:**

As to the insertion of an effective date, which is the limited scope of this agenda item, there are no conflicts or problems. Inserting an effective date would resolve potential conflicts, uncertainty and problems in enforcement.

### **V. FISCAL IMPACTS:**

As to the insertion of an effective date, which is the limited scope of this agenda item, there are no fiscal impacts that have not been previously addressed.

END OF COMMUNICATION FORM



## AGENDA ITEM # 4

# CITY COUNCIL COMMUNICATION FORM

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**FROM:** Chris Wilson, Director, Parks, Open Space, and Recreational Services (x317)  
Anne Small, Acting Director of General Services (Ext. 249)

**THROUGH:** Jon B. Roberts, City Manager (Ext. 218)

**DATE:** July 5, 2011

**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 \$35,000 GRANT FOR THE HOWELSEN HILL RODEO FACILITY SCHEMATIC SITE PLAN PROJECT, EXPRESSING INTENT TO PROVIDE MATCHING FUNDS AND TO AUTHORIZE THE CITY MANAGER TO SIGN AND EXECUTE THE GRANT CONTRACT.

**NEXT STEP:** Motion for a resolution supporting the grant agreement

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☐ DIRECTION  
☐ INFORMATION  
☐ ORDINANCE  
☒ MOTION  
☒ RESOLUTION

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**I. REQUEST OR ISSUE:**

The City of Steamboat Springs has been awarded \$35,000 in grant funds from Great Outdoors Colorado (GOCO) Local Government grant funds to develop the next level of planning for the Rodeo grounds – specifically a detailed site plan, which will support cost estimates and implementation of the master plan.

**II. RECOMMENDED ACTION:**

Given the benefit of the project, staff recommends that Council approve the resolution.

**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 \$35,000 grant for the Howelsen Hill Rodeo Facility Schematic Site Plan 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:	\$35,000
City Match	<u>15,000</u> * 2011 CIP
Total Revenue	\$50,000

**Proposed Expenditure:**

Rodeo Site Plan	\$50,000
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**IV. BACKGROUND INFORMATION:**

This project will utilize GOCO grant dollars to develop a detailed site plan for the rodeo facility. GOCO funding assisted with developing a master plan for the facility. This proposed site planning project would provide the next needed level of detail in the planning process and would enable staff to work with stakeholders to launch a fundraising campaign for the facility.

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, and public and private partners have received substantial grant funding to help acquire, protect, and provide public access to greenways, stream corridors, scenic corridors, and natural areas in our community and region.

**V. LEGAL ISSUES:**

None at this time.

**VI. CONFLICTS OR ENVIRONMENTAL ISSUES:**

None at this time.

**VII. SUMMARY AND ALTERNATIVES:**

City Council may choose to:

- Approve the resolution supporting the grant agreement
- Decline to approve the resolution supporting the grant agreement
- Table the item and provide alternate direction

**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 \$35,000 GRANT FOR THE HOWELSEN HILL RODEO FACILITY SCHEMATIC SITE PLAN 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 a site plan for the City's Rodeo Facility; and

**WHEREAS**, the City of Steamboat Springs has been awarded a grant of \$35,000 from Great Outdoors Colorado for the Howelsen Hill Rodeo Facility Schematic Site Plan 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 Rodeo Facility Schematic Site Plan 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 \_\_\_\_\_, 2011.

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

**DATE:** 7/5/2011

**ITEM:** B-3 Hangar rental agreement between City of Steamboat Springs and ALLEN STORIE

**NEXT STEP:** Motion to approve: The first reading of an ordinance approving a hangar lease to Allen Storie at the Steamboat Springs Airport and authorizing the City Council President to sign lease documents; repealing all conflicting ordinances; providing for severability; and providing an effective date. (Baker/Shelton)

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☒ MOTION  
☒ INFORMATION  
☒ ORDINANCE

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**I. REQUEST OR ISSUE:**

Approve the first reading of an ordinance authorizing a lease agreement between the City of Steamboat Springs and ALLEN STORIE for Hangar B-3 at the Steamboat Springs Airport.

**II. RECOMMENDED ACTION / NEXT STEP**

Motion to approve on first reading: an ordinance approving a hangar lease to Allen Storie at the Steamboat Springs Airport and authorizing the City Council President to sign lease documents; repealing all conflicting ordinances; providing for severability; and providing an effective date.

**III. FISCAL IMPACTS:**

Monthly hangar rent: \$652.36      Annual revenue: \$7,828.32 for each bay

The lease provides for a minimum annual increase of 3%.

**IV. BACKGROUND INFORMATION:**

The City currently owns one hangar with 10 bays at the airport. Each of these bays are rented on a monthly basis, generating anywhere between \$601 and \$683 per month. The leases are structured on a month to month basis and Hangar B-3 is available for lease.

**V. LEGAL ISSUES:**

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

**VI. CONFLICTS OR ENVIRONMENTAL ISSUES:**

There are no environmental issues associated with this communication.

**VII. SUMMARY AND ALTERNATIVES:**

1. Council can approve this ordinance on first reading.
2. Council can decline to approve this ordinance and give further direction to staff.

**CITY OF STEAMBOAT SPRINGS, COLORADO**

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

**AN ORDINANCE APPROVING A HANGAR LEASE TO ALLEN STORIE AT THE STEAMBOAT SPRINGS AIRPORT AND AUTHORIZING CITY COUNCIL PRESIDENT TO SIGN LEASE DOCUMENTS; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Steamboat Springs owns the Steamboat Springs Airport and hangars located at such airport; and

**WHEREAS**, Allen Storie desires to lease hangar space located at the Steamboat Springs Airport; and

**WHEREAS**, the City Council desires to lease such hangar space to Allen Storie.

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

Section 1. The City Council of the City of Steamboat Springs hereby approves the lease of hangar space at the Steamboat Springs Airport to Allen Storie for the term provided in the Hangar Lease Agreement, a copy of which is attached hereto as Exhibit A and by this reference made a part of.

Section 2. The City Council of the City of Steamboat Springs authorizes the City Council President or City Council President Pro-Tem to execute such Hangar Lease Agreement.

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

Section 4. All ordinances heretofore passed and adopted by the City Council of the City of Steamboat Springs, 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, 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 \_\_\_\_\_, 2011.

**ATTEST:**

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

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

**FINALLY READ, PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

**ATTEST:**

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

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



HANGAR LEASE AGREEMENT  
STEAMBOAT SPRINGS AIRPORT

THIS HANGAR LEASE AGREEMENT, entered into this **1<sup>st</sup> day of June 2011**, by and between the City of Steamboat Springs, a Colorado Municipal Corporation, as owner of the Steamboat Springs Airport ("Lessor") and **Allen Storie** ("Lessee").

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

1.     **PREMISES.** Lessor agrees to lease to Lessee, and Lessee agrees to lease from Lessor, Hangar Space **#B-3**, located at the Steamboat Springs Airport. The Hangar Space shall be used and occupied by Lessee primarily for the storage of Lessee's aircraft, to wit, **N344SL** (the "Aircraft"), or any other similar aircraft owned or leased by Lessee (the "Substitute Aircraft"), provided Lessee has provided Lessor with written notification that a Substitute Aircraft will be stored in the Hangar Space and has provided to Lessor a complete description of the Substitute Aircraft. In the event Lessee stores a Substitute Aircraft in the Space, all provisions of this Agreement applicable to the Aircraft shall also be applicable to the Substitute Aircraft. Lessor at anytime may ask proof of Aircraft or Substitute Aircraft ownership of the Lessee.

2.     **TERM.** This Agreement shall commence on **June 1, 2011** and shall remain in effect month to month until terminated according to the terms of this Agreement.

3.     **RENT.**

- a) For use of the Hangar Space, Lessee shall pay to Lessor, at the Steamboat Springs Finance Office, 137 10th Street, P.O. Box 775088, Steamboat Springs, Colorado, 80477, the amount of **Six Hundred and Fifty Two Dollars and Thirty Six Cents (\$652.36) per month**, such amount to be payable in advance. If the term of this lease agreement commences on a day other than the first day of a month, the first month's rent shall be pro rated on a daily basis. Such rent shall be due and payable without notice from Lessor on the first day of each and every month during the term hereof and Lessee shall be deemed to be in default if such rent has not been received by lessor when due.

Rent shall increase at the discretion of the Lessor; however, at a minimum there shall be a 3% increase, compounded annually, beginning January 1, 2012.

- b) If Lessor purchases less than 300 gallons of fuel in any calendar year from the Steamboat Springs Airport FBO, then Lessor will be charged an inactivity fee. Such fee shall be calculated by multiplying the shortfall in Lessor's fuel purchases by the applicable fuel price effective on December 31 of the year for which the fee is being calculated or, in the case of lease termination, the last day the lease is

in effect. The 300-gallon requirement will be pro-rated for the first and last years of the lease.

4. LESSEE'S USE OF THE PREMISES.

- a. The Hangar Space shall be used primarily for the storage of the Aircraft, along with any necessary aircraft groundhandling equipment associated with said Aircraft. The incidental storage of other items shall be permitted so long as that storage of other items does not obstruct the use of the hangars by other tenants, does not constitute a fire hazard, and does not increase Lessor's insurance premiums.
- b. No commercial activity of any kind whatsoever shall be conducted by Lessee in, from or around the Hangar Space.
- c. Lessee shall not store gasoline, solvents, explosives, flammable paints or other flammables in the Hangar Space without the prior written approval of the Airport Manager. The parties agree that the Airport Manager is authorized by this provision to require safety containers or other safety measures to be followed by Lessee as a condition of such approval.
- d. No maintenance of the aircraft shall be performed within the Hangar Space without the prior written approval of the airport manager except such minor maintenance as would normally be performed by an aircraft owner without the benefit of an aircraft mechanic. For the purposes of this agreement, the Lessee shall be allowed to perform the following minor maintenance work on his or her Airplane: interior cleaning, waxing and polishing, changing of oil, tire and wheel replacement, servicing of landing gear shock struts and wheel bearings, replacement of defective safety wire and cotter keys, lubrication which does not require the disassembly of parts, servicing hydraulic fluid reservoirs, minor upholstery and decorative panel repairs, replacing side windows, seat belts and seat parts, troubleshooting electrical and avionics systems, replacing bulbs and lenses and replacing or cleaning spark plugs. It is understood by the parties hereto that the Airport Manager is authorized by this provision to require specific measures to protect the Hangar from damage as a condition of approval for owner maintenance other than that maintenance specifically permitted. All other aircraft maintenance must be conducted in a maintenance building or structure approved by Lessor.
- e. Lessee shall take such steps so as to ensure that the performance of maintenance work within the Hangar shall not damage the Hangar Space. Lessee is responsible for payment to Lessor of any damage to the pavement of the Hangar floor caused by fuel or oil spillage, maintenance tools, repair equipment, or associated causes.

- f. Lessee shall control the conduct and business demeanor of its employees and invitees and of those doing business with it, in and around the Hangar Space and shall take all steps necessary to remove persons whom Lessor may, for good and sufficient cause, deem objectionable.
- g. Lessee shall keep the Hangar Space clean and free of debris at all times, and Lessee shall not place any trash or debris on the airport grounds except in containers provided for trash by the Lessor.
- h. Lessee shall close the Hangar doors promptly after moving the Aircraft in or out of the Hangar and shall coordinate the operation of the door so as not to unduly or in an untimely fashion obstruct access to adjacent Hangars. **Lessee shall stand by the door switch at all times in which the door is being raised or lowered. In the event of a door malfunction, Lessee shall shut the switch off immediately and discontinue operation of the door, and immediately notify Lessor or its agent. Lessee shall be responsible for making sure the door center-locking pin is released prior to raising the door and that after the door is lowered that the center-locking pin is properly in position. Lessee shall not operate the door if wind conditions are in excess of twenty-five (25) knots. Any damages to the door caused by Lessee's failure to comply with the above may result in Lessee's liability for payment thereof.**
- i. Lessee shall not lock the Hangar or permit the same to be locked with any lock other than the lock mechanism supplied by Lessor, unless Lessor is provided with the necessary keys.
- j. Lessee shall not use any high wattage electrical equipment, heat lamps, or machinery in or about the Hangar, or modify existing wiring or install additional outlets, fixtures or the like therein unless authorized in writing by the Lessor.
- k. Lessee shall not attach any hoisting or holding mechanism to any part of the Hangar or pass any mechanism over the struts or braces therein. For purposes of this Agreement, a hoisting or holding mechanism shall be deemed to include, but shall not be limited to, a chain-ball, block and tackle, or other hoisting or winching device.
- l. Lessee shall not paint, remove, deface, modify, bend, drill, cut or otherwise alter or modify any part of the Hangar without the prior written permission of the Lessor.
- m. Lessee shall not park or leave the Aircraft on the taxilane or on the ramp area adjacent to the Hangar door in a manner which unduly interferes with or obstructs access to adjacent Hangars.

- n. Lessee shall, within thirty (30) days of the execution of this lease purchase and maintain an ABC dry chemical or halon type fire extinguisher and install the same with a bracket to the wall of the Hangar on the wall immediately below the Hangar light switch.
  - o. In utilizing the Hangar Space, Lessee agrees to and shall comply with all applicable statutes, ordinances, resolutions, rules and regulations established by any federal, state or local government agency, or by the City of Steamboat Springs.
  - p. Upon termination of this Agreement Lessee shall immediately surrender possession of the Hangar Space and shall immediately remove the Aircraft and all other property therefrom, leaving the Hangar space in the same condition as when received, ordinary wear and tear accepted.
  - q. Lessee shall comply with City of Steamboat Springs Airport Policies and Procedures as currently set forth in Exhibit A. The Steamboat Springs Airport Policies and Procedures set forth in Exhibit A may be modified from time to time and, as modified, shall be binding on the Lessee.
5. LESSOR'S USE OF PREMISES. Lessor shall be permitted to use the Hangar for airport FBO customers on a nightly basis, when unoccupied by Lessee. Lessor shall reimburse Lessee for the loss of the use of the Hangar on a per night basis of \$25 per night.
6. SUBLEASE OR ASSIGNMENT. With Airport Managers approval, Lessee may sublease the hangar space by paying a \$50 sublease fee per month, payable to Lessor with monthly rent payment. Without sublease fee, Lessee may not sublease or assign this lease. The parking of aircraft not owned by or leased by Lessee within the Hangar Space without approval of Airport Manager shall constitute a sublease. Lessee may not assign this Agreement.
7. INSURANCE. Lessor shall maintain insurance coverage on the Hangar structure. Lessee agrees to maintain, at its own expense, insurance of such types and in such amounts to insure against liability for damage or loss to the Aircraft or other property, and against liability for personal injury or death, arising from acts or omissions of Lessee or its agents and employees. Such policy or policies shall contain a provision whereby Lessee's insurer waives any right of subrogation against lessor, its agents and employees, and providing that lessor must receive at least ten (10) days prior written notice of any cancellation of Lessee's insurance coverage. Such policy shall name Lessor as additional insured. Prior to the commencement of this Agreement, Lessee shall deliver to Lessor certificates of insurance evidencing the required coverages.
8. RIGHT OF ENTRY. Lessor shall have the right to permit his officers, employees and authorized representatives to enter the Hangar for the purpose of inspecting or protecting such premises and for the purpose of doing any act, which Lessor may deem

necessary or appropriate for the proper conduct and operation of the Airport. Lessor shall not, without prior approval from Lessee, touch, enter or move any aircraft stored in the Hangar except in an emergency situation where obtaining such approval is not practical.

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

Lessor shall not be liable for failure to perform this Agreement or for any loss, injury or damage of any nature whatsoever resulting therefrom caused by any Act of God, fire, flood, accident, strike, labor dispute, riot, insurrection, war or any other cause beyond Lessor's control.

10. CONDITION OF PREMISES. Lessee shall accept the Hangar Space in its present condition without any liability of obligation on the part of Lessor (except for routine pavement maintenance) to make any alterations, improvements or repairs of any kind within or to the Hangar Space.

11. DEFAULT. Lessee shall be deemed in Default of this Agreement if:

- a. Lessee fails to make the timely payment of any rental payment hereunder. Said rental shall be due and payable without notice from Lessor on the first day of each and every month during the term hereof and Lessee shall be deemed to be in default if such rent has not been received by Lessor when due;
- b. Lessee violates any covenant in this Lease, and such violation shall continue for fifteen (15) days after receipt by Lessee of notice thereof from Lessor without Lessee curing the violation;
- c. A petition is filed by or against Lessee under the Bankruptcy Act or any amendment thereto (including a petition for reorganization or an arrangement);
- d. Lessee assigns his or her property for the benefit of creditors; or
- e. Lessee ceases to do business as a going concern.

In the event of any default by Lessee, Lessor shall, at its option after thirty (30) days' written notice of the default, have the right to terminate this Agreement for cause and to

remove the Aircraft and any other property of Lessee from the Hangar Space, using such force as may be necessary without being deemed guilty of trespass, breach of peace or forcible entry and detainer. Exercise by Lessor of any of the rights specified above shall not prejudice Lessor's right to pursue any other remedy available to Lessor in law or equity, including termination without cause as set forth in paragraph 12, below.

12. **TERMINATION.** Either party to this Agreement shall have the right to terminate this Agreement with or without cause by giving at least thirty (30) days' written notice to the other party. Such termination shall be effective as of the last day of the calendar month following the calendar month in which notice of termination or notice to quit is delivered to the Lessee.

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

14. **CHOICE OF LAW/VENUE.** This Agreement shall be construed in accordance with the laws of the State of Colorado and any legal action related to this Lease shall have as its sole and proper venue the Routt County Combined Courts.

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

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

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

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

19. NOTICES. Any notice given by one party to the other in connection with this Agreement shall be in writing and shall be either (a) hand delivered, or (b) sent by certified or registered mail, return receipt requested. All notices required to be given to Lessor hereunder shall be in writing and shall be either (a) hand delivered, or (b) sent by certified or registered mail, return receipt requested to:

Airport Manager  
Steamboat Springs Airport  
P.O. Box 775088  
Steamboat Springs, CO 80477

With a copy either (a) hand delivered, or (b) sent by certified or registered mail, return receipt requested to:

City Manager  
City of Steamboat Springs  
137 10th Street  
P. O. Box 775088  
Steamboat Springs, CO 80477

All notices required to be given to Lessee hereunder shall be in writing and either (a) hand delivered, or (b) sent by certified or registered mail, return receipt requested. To:

**Allen Storie**  
**24750 Lone Tooth Trail**  
**Oak Creek, CO 80467**

Notices shall be deemed to have been given on the date of (a) hand delivery, or (b) receipt as shown on the return receipt.

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

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

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

BY: \_\_\_\_\_  
Cari Hermacinski  
City Council President

ATTEST:

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

LESSEE: Allen Storie

BY: \_\_\_\_\_



# AGENDA ITEM # 6

## CITY COUNCIL COMMUNICATION FORM

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**FROM:** Kim Weber, Manager of Budget and Tax (Ext. 250)

**THROUGH:** Deb Hinsvark, Finance Director (Ext. 240)

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

**DATE:** July 5, 2011

**ITEM:** **ORDINANCE:** Fifth Supplemental Budget Appropriation Ordinance of 2011 – first reading

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

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☒ ORDINANCE  
☒ INFORMATION

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**I. REQUEST OR ISSUE:**

This communication form is to recognize the following additional revenues and expenditures:

- Additional sales tax revenue collected.
- Grant revenue with the corresponding expenditures for Alternate Transportation.
- Grant revenue with the corresponding expenditures for archery equipment for youth programs.
- Additional Expenditures for deferred maintenance and capital projects.
- Additional expenditures for projects and operations.

**II. RECOMMENDED ACTION:**

Approval at second reading.

**III. FISCAL IMPACTS:**

Revenues:

General Fund, Additional sales tax revenue	\$ 698,600
Airport Fund, via transfer from general fund	8,000
General Fund, via Easton Sports Development Grant	1,077
General Fund, via Livewell Grant	13,350
Fleet Fund, via transfer from general fund	65,000
<b>Total Revenues</b>	<b><u>\$ 786,027</u></b>

Expenditures:

General Fund, transfer to Airport Fund	\$ 8,000
General Fund, transfer to Fleet Fund	65,000
General Fund, Bike Town USA funding	49,600
General Fund, Deferred Maintenance/Projects	233,000
General Fund, Projects/Operations	343,000
Fleet Fund, Additional Fuel Costs	65,000
Airport Fund, Snowplow Supplement	8,000
General Fund, Alternate Transportation	13,350
General Fund, Archery Youth Equipment	1,077
<b>Total Expenditures</b>	<b><u>\$ 786,027</u></b>

**IV. BACKGROUND INFORMATION:**

The sales tax revenue that the City has collected exceeds the budgeted amount and therefore, we would like to appropriate the excess for unforeseen expenditures. In addition, City Council requested that Bike Town USA be funded in the amount of \$49,600. The city has also received 2 grants that do not require a match that are included in this ordinance.

**V. LEGAL ISSUES:**

Supplemental Appropriations allowed per section 9.10 of the Home Rule Charter.

**VI. CONFLICTS OR ENVIRONMENTAL ISSUES:**

None noted.

**VII. SUMMARY AND ALTERNATIVES:**

Appropriations may be revised, deleted or approved.

**CITY OF STEAMBOAT SPRINGS, COLORADO**

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

**5th SUPPLEMENTAL APPROPRIATION ORDINANCE OF  
2011.**

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

**WHEREAS**, the City of Steamboat Springs sales tax revenue collections have exceeded the budgeted amount; and

**WHEREAS**, the City has received additional grant funds to complete projects; and

**WHEREAS**, the City has had unexpected expenditures due to weather, fuel prices and other items; and

**WHEREAS**, City Council requested to fund \$49,600 to Bike Town USA during the June 7, 2011 City Council meeting; and

**WHEREAS**, the City now wishes Council to acknowledge the source of revenue and to appropriate the expenditure, as follows:

**Revenue Sources:**

General Fund: Additional Sales Tax Revenue	\$698,600
General Fund: Government Grant (Livewell Grant)	13,350
General Fund: Government Grant (Easton Sports)	1,077
Airport Fund: Transfer from General Fund	8,000
Fleet Fund: Transfer from General Fund	65,000
	<hr/>
Total Revenue	\$786,027
	<hr/>

**WHEREAS**, the City Council believes that such appropriations are important to the economic health and welfare of the community.

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

Section 1. Supplemental Appropriation. 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:	
Mountain Fire Station Capital Maintenance	\$45,000
Transit HVAC	41,000
Parks & Recreation HVAC and heat trace	25,000
Unplanned Maintenance	20,000
Trailer for Parks mower	8,000
High Water Initiative-Equipment and Manpower (including River Road)	63,000
Place Conduit in Water/Wastewater Projects	31,000
Increased Fuel Costs (Transit & Fire)	130,000
Finance CPA Consulting (Controller on 12 week FMLA)	30,000
Snowplow Supplement	85,000
Transit Seasonal Supplement	98,000
Bike Town USA Community Support	19,600
Bike Town USA Marketing and Public Relations	30,000
Alternate Transportation (Grant funded)	13,350
Archery Equipment (Grant funded)	1,077
Transfer to Airport Fund	8,000
Transfer to Fleet Fund	65,000
Total General Fund:	713,027
	<b>Fleet Fund</b>
Increased Fuel Costs	\$65,000
	<b>Airport Fund</b>
Snowplow Supplement	\$8,000
Total Expenditures to be Appropriated:	<u>\$ 786,027</u>

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 \_\_\_\_\_, 2011.

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

**ATTEST:**

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

**FINALLY READ, PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

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

**ATTEST:**

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

## AGENDA ITEM # 7

**SECOND READING OF**  
**ORDINANCE:** An ordinance creating  
a new Article V in Chapter 12 of the  
Steamboat Springs Revised  
Municipal Code for the purpose of  
licensing Non Cigarette Tobacco  
Product Retailers; providing for  
severability; establishing an effective  
date; and setting a hearing date.  
(Foote)

Staff is requesting this item be  
postponed to the July 19, 2011 City  
Council Meeting.

## AGENDA ITEM # 8

**8. SECOND READING OF ORDINANCE:** An ordinance amending Section 16-12 of the Steamboat Springs Revised Municipal Code to authorize the Director of Parks, Recreation, and Open Space Services to extend the season for rafting from public river accesses between Confluence Park and Stockbridge Park; providing an effective date; providing for severability; and setting a hearing date. (Foote/Robinson)

Staff is requesting this item be postponed to the July 19, 2011 City Council Meeting.



# AGENDA ITEM # 9

## CITY COUNCIL COMMUNICATION FORM

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**FROM:** Dan Foote, Staff Attorney (Ext. 223)

**THROUGH:** Jon Roberts, City Manager

**DATE:** July 5, 2011

**ITEM:** AN ORDINANCE AMENDING PROVISIONS RELATING TO MEDICAL MARIJUANA BUSINESSES SET FORTH IN CHAPTER 12, ARTICLE VI AND SECTION 26-92 OF THE REVISED MUNICIPAL CODE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; AND REPEALING ALL CONFLICTING ORDINANCES. (Foote)

**NEXT STEP:** Adopt the ordinance on second reading.

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<input checked="" type="checkbox"/>	ORDINANCE
<input type="checkbox"/>	RESOLUTION
<input type="checkbox"/>	MOTION
<input type="checkbox"/>	DIRECTION
<input type="checkbox"/>	INFORMATION

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

Adopt an ordinance amending the City's medical marijuana regulations to authorize the operation of Medical Marijuana Centers, Optional Premises Cultivation, and Medical Marijuana Infused Products Manufacturing, to take effect in the event the question referred to an election on June 7, 2011 does not pass.

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

On June 7, 2011 the City Council referred to an election a ballot question that would ban the operation of Medical Marijuana Centers, Optional Premises Cultivation, and Medical Marijuana Infused Products Manufacturing. The City Council directed staff to bring back an ordinance authorizing the operation of such businesses that would take effect in the event the ballot question fails.

The proposed ordinance is the ordinance that the Planning Commission reviewed on February 10 and March 10 and that the Council introduced on April 5 and tabled at its second reading on May 17.

Its recitals have been revised to state the City's position as to the relationship between Ordinance No. 2296 and HB 10-1284. Its effective date language has been revised so that it will not take effect unless the ballot question referred by the Council on June 7 fails.

Since first reading on June 21 staff amended the proposed ordinance to allow the City to license the manufacture of medical marijuana infused products by Sweet Dreams Baked Goods, LLC, which is operated by Lisa Kamieniecki. The fourth license will be limited to infused products manufacturing. It will not authorize optional premises cultivation or a fourth medical marijuana center.

Since the first reading on June 21 staff amended the proposed ordinance to eliminate a reference to statutory provisions exempting documents relating to the location of optional premises cultivation facilities from disclosure pursuant to the Colorado Open Records Act. HB 11-1043 eliminated the previously existing confidentiality provisions relating to optional premises cultivation facilities.

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

Whether to adopt the proposed ordinance. The City Council directed staff at the June 7 meeting to re-introduce this ordinance as a means of providing the electorate some guidance as to how the City will regulate Medical Marijuana Centers, Optional Premises Cultivation, and Medical Marijuana Infused Products Manufacturing in the event the ballot question fails.

### **IV. CONFLICTS OR PROBLEMS:**

None.

### **V. FISCAL IMPACTS:**

None.

**CITY OF STEAMBOAT SPRINGS, COLORADO**

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

**AN ORDINANCE AMENDING PROVISIONS RELATING TO MEDICAL MARIJUANA BUSINESSES SET FORTH IN CHAPTER 12, ARTICLE VI AND SECTION 26-92 OF THE REVISED MUNICIPAL CODE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; AND REPEALING ALL CONFLICTING ORDINANCES.**

**WHEREAS**, on January 5, 2010 the Steamboat Springs City Council adopted Ordinance No. 2296 for the purpose of regulating medical marijuana dispensaries, which are businesses that manufacture or distribute marijuana for medical use to persons registered as patients pursuant to Article XVIII, Section 14 of the Colorado Constitution, and which were organized on a theory that the dispensary and its suppliers of medical marijuana functioned as “primary caregivers” for registered medical marijuana patients pursuant to the terms of Article XVIII, Section 14; and

**WHEREAS**, the Colorado General Assembly has since adopted House Bill 10-1284, which provides statutory authority for the operation of businesses for the purpose of manufacturing, possessing, and distributing marijuana for medical purposes without regard to whether the business or its owner, managers, employees, or suppliers are “primary caregivers” per Article XVIII, Section 14; and

**WHEREAS**, House Bill 10-1284 also adopts different regulations for persons manufacturing, possessing, and distributing marijuana as “primary caregivers” per Article XVIII, Section 14; and

**WHEREAS**, HB 10-1284 authorizes businesses and activities related to the manufacture, possession, or distribution marijuana for medical purposes that are not authorized by Amendment 20 or Ordinance No. 2296; and

**WHEREAS**, the City Council of the City of Steamboat Springs finds it necessary and appropriate to the public health, safety, and welfare to revise the provisions of Ordinance No. 2296 in order to permit the activities authorized by the provisions of HB 10-1284 and to address new regulatory questions created by HB 10-1284, and

**WHEREAS**, the City Council having on June 7, 2011 referred to the electorate the question whether to exercise the local option to ban the businesses and activities authorized by HB 10-1284, the City Councils finds it

necessary and appropriate to the public health safety and welfare to condition the effectiveness of this ordinance upon the failure of the aforementioned ballot question.

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

Section 1. The Use Table codified at Section 26-92 of the Steamboat Springs Community Development Code shall be amended to read as follows:

Use Classification and Specific Principal Uses	Zoning Districts														
	OR	RE	RN	RO	RR	MH	MF	G-1	G-2	CO	CY	CN	CC	CS	I
COMMERCIAL USES															
<b>Medical Marijuana Dispensary Center</b>										<del>CRC</del>	<del>CRC</del>	C		<del>CRC</del>	<del>CRC</del>
<b>Medical Marijuana Cultivation</b>															CR
<b>Medical Marijuana-Infused Products Manufacturing</b>															<del>CRC</del>
<b>Medical Marijuana Primary Caregiver</b>										<del>CRC</del>	<del>CRC</del>	<del>CRC</del>		<del>CRC</del>	<del>CRC</del>

Section 2. Section 26-402 of the Steamboat Springs Community Development Code shall be amended by the addition of the following definitions and use criteria:

Medical Marijuana Business means a medical marijuana center, medical marijuana cultivation, or medical marijuana infused products manufacturing.

*Medical Marijuana ~~Dispensary Center~~* means any use of any property, structure, or vehicle to ~~dispense sell or distribute~~ marijuana or marijuana infused products in any form and in any manner to patients or primary care givers, ~~or to grow or otherwise manufacture marijuana for such purpose,~~ in accordance with Article XVIII, Section 14 of the Colorado Constitution, the Colorado Medical Marijuana Act, C.R.S. 12-43.3-101, et. seq., and with any other statute or state administrative regulations ~~implementing Article XVIII, Section 14.~~ This definition shall not apply to the distribution of medical marijuana to patients by a primary caregiver in accordance with Article XVIII, Section 14 of the Colorado Constitution.

(1) Use criteria:

- (a) Medical marijuana ~~dispensaries-centers~~ shall not be located within 500 feet of any public or parochial school or the principal campus of any college, university, or seminary. Distances described in this paragraph shall be calculated by measuring the distance from the nearest property line of the school to the building in which the medical marijuana ~~dispensary-center~~ is located.
- (b) Medical marijuana ~~dispensaries-centers~~ shall operate from a permanent and fixed location. No medical marijuana ~~dispensary-center~~ shall operate from a vehicle or other moveable location. Nor shall any medical marijuana ~~dispensary-center~~ provide delivery services except that deliveries may be made to patients whose medical condition precludes their travel to the medical marijuana ~~dispensarycenter~~.
- (c) Medical marijuana ~~dispensaries-centers~~ shall have staff members present during hours of operation. No vending machines, ~~drive-up windows,~~ or unsupervised transactions shall be permitted.
- (d) Medical marijuana ~~dispensaries-centers~~ shall not display signs visible from the exterior of the ~~dispensary~~ premises advertising the presence of marijuana on the premises. This restriction shall include, but shall not be limited to, the use of signage using the word "marijuana", its synonyms, or depictions of any portion of the marijuana plant. This restriction shall not apply to the use of the word "marijuana", its synonyms, or depictions in print advertising or broadcast advertising or the dissemination of informational materials or other documents by a medical marijuana ~~dispensarycenter~~.
- (e) Medical marijuana ~~dispensaries-centers~~ shall not be located on pedestrian levels of structures in the CY and CO zone districts.
- (f) Medical marijuana centers shall not operate on property adjacent to property zoned RE, RN, RO, RR, MH, MF, G-1, G-2, or CC.

(2) Medical marijuana ~~dispensaries-centers~~ shall not be permitted to operate as ~~"~~home occupations.

*Medical Marijuana Cultivation* means the cultivation of marijuana by a medical marijuana center or a medical marijuana infused products manufacturer in accordance with the Colorado Medical Marijuana Act, C.R.S. 12-43.3-101, et. seq. and with any other statute or state administrative regulations. This definition shall not apply to the cultivation of medical marijuana by a patient for the patient's personal use pursuant to Article XVIII, Section 14. Nor shall this definition apply to the cultivation of medical marijuana by a caregiver registered with the Department of Public Health pursuant to C.R.S. 25-1.5-106 or the distribution of medical marijuana by such a caregiver to the caregiver's patients.

(1) Use criteria:

- (a) Medical marijuana cultivation uses shall not be located within 500 feet of any public or parochial school or the principal campus of any college, university, or seminary. Distances described in this paragraph shall be calculated by measuring the distance from the nearest property line of the school to the building in which the medical marijuana center is located.
- (b) Medical marijuana cultivation uses shall operate from a permanent and fixed location. No medical marijuana cultivation use shall operate from a vehicle or other moveable location.
- (c) Medical marijuana cultivation uses shall not display signs visible from the exterior of the premises advertising the presence of marijuana on the premises. This restriction shall include, but shall not be limited to, the use of signage using the word "marijuana", its synonyms, or depictions of any portion of the marijuana plant. This restriction shall not apply to the use of the word "marijuana", its synonyms, or depictions in print advertising or broadcast advertising or the dissemination of informational materials or other documents by a medical marijuana center.
- (d) Medical marijuana cultivation uses shall not operate on property adjacent to property zoned RE, RN, RO, RR, MH, MF, G-1, G-2, or CC.

(2) Medical marijuana cultivation uses shall not operate as home occupations.

*Medical Marijuana Infused Products Manufacturing* means the manufacture of products infused with medical marijuana intended for use or consumption other than by smoking, including, but not limited to, edible products, ointments, or tinctures, in accordance with the Colorado Medical Marijuana Act, C.R.S. 12-43.3-101, et. seq. and with any other statute or state administrative regulations.

(1) Use criteria:

- (a) Medical marijuana infused product manufacturing uses shall not be located within 500 feet of any public or parochial school or the principal

- campus of any college, university, or seminary. Distances described in this paragraph shall be calculated by measuring the distance from the nearest property line of the school to the building in which the medical marijuana infused products manufacturing use is located.
- (b) Medical marijuana infused products manufacturing uses shall operate from a permanent and fixed location. No medical marijuana infused products manufacturing uses shall operate from a vehicle or other moveable location.
- (c) Medical marijuana infused products manufacturing uses shall not display signs visible from the exterior of the premises advertising the presence of marijuana on the premises. This restriction shall include, but shall not be limited to, the use of signage using the word "marijuana", its synonyms, or depictions of any portion of the marijuana plant. This restriction shall not apply to the use of the word "marijuana", its synonyms, or depictions in print advertising or broadcast advertising or the dissemination of informational materials or other documents by a medical marijuana infused products manufacturer.
- (d) Medical marijuana infused products manufacturing uses shall not operate on property adjacent to property zoned RE, RN, RO, RR, MH, MF, G-1, G-2, or CC.

(2) Medical marijuana infused products manufacturing uses shall not operate as home occupations.

*Medical Marijuana Primary Caregiver* shall mean the cultivation or distribution of medical marijuana to patients by a primary caregiver pursuant to Article XVIII, Section 14 of the Colorado Constitution and C.R.S. 25-1.5-106.

~~(1) Use criteria.~~ 1) Use criteria.

- (a) Medical marijuana primary caregivers shall not be located within 500 feet of any public or parochial school or the principal campus of any college, university, or seminary. Distances described in this paragraph shall be calculated by measuring the distance from the nearest property line of the school to the building in which the medical marijuana infused products manufacturing use is located.
- (b) Medical marijuana primary caregivers shall operate from a permanent and fixed location. No medical marijuana primary caregiver shall operate from a vehicle or other moveable location.
- (c) Medical marijuana primary caregivers shall not display signs visible from the exterior of the premises advertising the presence of marijuana on the premises. This restriction shall include, but shall not be limited to, the use of signage using the word "marijuana", its synonyms, or depictions of any portion of the marijuana plant. This restriction shall not apply to the use

- of the word "marijuana", its synonyms, or depictions in print advertising or broadcast advertising or the dissemination of informational materials or other documents by a medical marijuana infused products manufacturer.
- (d) Medical marijuana primary caregiver uses shall not operate on property adjacent to property zoned RE, RN, RO, RR, MH, MF, G-1, G-2, or CC.
- (e) Medical marijuana primary caregivers shall have staff members present during hours of operation. No vending machines or unsupervised transactions shall be permitted.
- (f) Primary caregiver uses are prohibited from operating on pedestrian levels in CY and CO zone districts unless they are accessory to uses permitted to operate in those locations.

(2) *Home Occupations.* Primary caregivers with no more than five patients may operate in a dwelling unit as a home occupation if the use satisfies the home occupation requirements ~~and if patients do not visit the dwelling unit.~~ Primary caregivers operating as a home occupation may cultivate medical marijuana if the cultivation complies with the definition of a home occupation and after inspection of the cultivation site for compliance with applicable building and fire codes and payment of an inspection fee in the amount of \$ \_\_\_\_\_.

Section 3. Chapter 12 of the Steamboat Springs Revised Municipal Code is hereby revised by the addition of the following Article VI.

**"Article VI. Medical Marijuana ~~Dispensaries~~ Businesses.**

**Division 1. License.**

**Section 12-200. License required.** It is unlawful for any person to own or operate a medical marijuana ~~dispensary business~~ as that term is defined in the community development code without first obtaining a license as provided in this article. The following three types of business operations as defined in the Colorado Medical Marijuana Act, C.R.S. 12-43.3-101, et. seq. may be licensed hereunder: medical marijuana centers, optional premises cultivation operations, and medical marijuana-infused products manufacturing.

**Section 12-201. Application; ~~term~~; fee.** Any person operating or proposing to operate a medical marijuana ~~dispensary business~~ shall first procure from the city clerk a medical marijuana ~~dispensary business~~ license, which the clerk shall issue in accordance with the following procedures:



- (1) A person seeking to obtain a license pursuant to this article shall submit an application to the city clerk. The form of the application shall be provided by the city clerk.
- (2) A license issued pursuant to this chapter does not eliminate the need for the licensee to obtain other required licenses and permits related to the operation of the medical marijuana ~~dispensary~~business, including, without limitation, any development approval required by the Community Development Code; a sales tax license; and a building, mechanical, plumbing, or electrical permit.
- (3) An application for a license under this article shall contain the following information and documents:
  - (a) ~~The applicant's name, address, telephone number, and social security number and, if the applicant is a partnership, the names and addresses of all the partners, and if the applicant is a corporation, the names and addresses of all the corporate officers, and if the applicant is a cooperative association, the names and addresses of its directors and officers~~completed state and local licensing authority application forms;
  - (b) A completed individual history form, including a set of the applicant's fingerprints, for the applicant and for any person owning ten percent or more of the medical marijuana business;
  - (c) The street address of the proposed medical marijuana ~~dispensary~~business;
  - (d) If the applicant is not the owner of the proposed location of the medical marijuana ~~dispensary~~business, a notarized statement ~~form~~ from the owner of such property authorizing the submission of the application;
  - (e) An acknowledgement by the applicant that the applicant and its owners, officers, and employees may be subject to prosecution under federal laws relating to the possession and distribution of controlled substances; that the City of Steamboat Springs accepts no legal liability in connection with the approval and subsequent operation of the medical marijuana ~~dispensary~~business; and that the application and documents submitted for other approvals relating to the medical marijuana dispensary operation are subject to disclosure in accordance with the Colorado Open Records Act.
  - ~~(f) In the case of a cooperative association, the application shall include articles of incorporation and/or any other documents necessary to demonstrate that the applicant is a cooperative association as defined in this article.~~
  - (f) A complete and accurate list of all owners, officers, managers, and employees of the medical marijuana business and of all persons

having a direct or indirect financial interest, and the nature of such interest, in the medical marijuana business, including names and addresses for such persons.

(g) Plans and specifications for the interior of the building in which the medical marijuana business is to be located. If the building is not in existence, the applicant shall file a plot plan and detailed sketch for the interior and submit an architect's drawing of the building to be constructed.

(h) Evidence that the applicant is, or will be, entitled to possession of the premise for which application is made under a lease, rental agreement, or other arranged for possession of the premises, or by virtue of ownership of the premises.

(4) The applicant shall pay to the City a non-refundable application fee of \$400 when the application is filed. The purpose of the fee is to cover the administrative costs of processing the application.

(5) The City shall not accept or act upon an application for a medical marijuana business license if the application concerns a particular location that is the same as or within one thousand feet of a location for which, within the two years immediately preceding date of the application, the City or the state licensing authority denied an application for the same class of license due to the nature of the use or other concern related to the location.

Section 12-202 Renewal; fee. Each license issued pursuant to this chapter shall be valid for a period of ~~one year~~two years from the date of issuance, and may be renewed as provided in this section.

(1) An application for renewal shall be made to the city clerk not less than forty-five days prior to the date of expiration and shall be accompanied by an application fee in the amount of \$100. The city clerk will accept late applications not more than ninety days after the date of expiration upon payment of a \$500 late application fee. The City Clerk will not in any circumstances accept renewal applications more than ninety days after the date of expiration.

(2) The license shall be renewed by the city clerk unless it appears to the city clerk that ~~good cause~~grounds exists to deny the renewal application, in which case the city clerk shall refer the application to the hearings officer appointed by the City Council for review at a public hearing. The city clerk shall refer the renewal application for public hearings only if the licensee has had complaints filed against it, the licensee has a history of violations, or there are allegations against the licensee that would constitute good cause for denial of a license as defined in the Colorado

Medical Marijuana Act. The City Council shall rely on Section 12-~~204~~206 in determining whether to renew a license.

- (3) The City shall not authorize a renewal until the applicant produces a license issued and granted by the state licensing authority covering the period for which the renewal is sought.

**Section 12-~~202~~203. Investigation of applicant.**

- (1) Upon receipt of an application for a license under this article, the city clerk shall transmit copies of the application to the Department of Public Safety, the City Manager, the Department of Community Development, and any other person or agency who the city clerk determines should participate in the review of the application. The City or any of its departments or officials may visit and inspect the plant or property in which the applicant proposes to conduct business and investigate the fitness to conduct such business of any person, or the officers and directors of any corporation, or the partners of any partnership applying for a license.
- (2) In investigating the fitness of the applicant, the City may obtain criminal history record information furnished by a criminal justice agency subject to any restrictions imposed by such agency. In the event the City takes into consideration information concerning the applicant's criminal history record, the City shall also consider any information provided by the applicant regarding such criminal history record, including, but not limited to, evidence of rehabilitation, character references, and educational achievements, especially those items pertaining to the period of time between the applicant's last criminal conviction and the consideration of the application for a license.
- (3) Not less than five days prior to the date of the public hearing on a license application or, in the event of an application for which no public hearing is scheduled, not less than five days prior to the decision whether to approve or deny an application, the city clerk shall make known the findings of the investigation in writing to the applicant and other parties of interest.

**Section 12-204. Public hearings; notice; publication.**

- (1) Public hearings before the City Council or a hearings officer appointed by the City Council shall be required for the following types of applications and determinations:
- a) Applications for a medical marijuana center license or for the relocation of such a license, which shall be reviewed by the City Council;
  - b) Renewal applications when the city clerk determines grounds exist for denial per Section 12-202(2) of this article, which shall be reviewed by the hearings officer appointed by the City Council;

- c) Suspensions or revocations of any license, which shall be heard by the hearings officer appointed by the City Council;
- (2) The following types of licenses may be approved by the city clerk:
  - a) Applications for optional premises cultivation operations or for the relocation of such a license;
  - b) All renewal applications, unless the city clerk determines grounds exist for denial per Section 12-202(2) of this article;
  - c) Applications for medical marijuana infused products manufacturing or for the relocation of such a license.
- (3) In the event an application is scheduled for a public hearing the city clerk shall post and publish public notice thereof not less than ten days prior to the hearing.
  - a) Public notice given by posting shall include sign of suitable material, not less than twenty two inches wide and twenty six inches high, composed of letters not less than one inch in height and stating the nature of the type of license applied for, the nature of the hearing, the date of the application, the date of the hearing, the name and address of the applicant, and such other information as may be required to fully apprise the public of the nature of the application. In the case of a new license application, the sign shall contain the names and addresses of the officers, directors, or manager of the facility to be licensed. The sign shall be placed on the subject premises in a location that is conspicuous and plainly visible to the general public.
  - b) Public notice given by publication shall contain the same information as that required for signs.

**Section 12-~~203~~205. Persons prohibited as licensees.**

(1) No license provided by this article shall be issued to or held by:

- (a) Any person who se criminal history indicates the person is not of good moral character;
- (b) Any corporation, any of whose officers', directors', or stockholders' holding ten percent or more of the outstanding and issued capital stock thereof are criminal histories indicate such person is not of good moral character;
- (c) Any partnership, association, or company, any of whose officers', or any of whose members' holding ten percent or more interest therein, criminal histories indicate such person is are not of good moral character;
- (d) Any person employing, assisted by, or financed in whole or in part by any other person who se criminal history indicates such person is not of good moral character or who is not a resident of Colorado;

- (e) Any cooperative association, any of whose officers', directors', or stockholders' or members' ~~holding ten percent or more of the outstanding and issued capital stock thereof are~~ criminal histories indicate that such person is not of good moral character
- (f) A licensed physician making patient recommendations;
- (g) A person under twenty-one years of age;
- (h) A person licensed pursuant to this article who, during a period of licensure, or who, at the time of application, has failed to:
  - a) Provide surety bond or file any tax return with a taxing agency;
  - b) Pay any taxes interest, or penalties due;
  - c) Pay any judgments due to a government agency;
  - d) Stay out of default on a government issued student loan;
  - e) Pay child support; or
  - f) Remedy an outstanding delinquency for taxes owed, an outstanding delinquency for judgments owed to a government agency; or an outstanding delinquency for child support.
- (i) A person who has discharged a sentence in the five years immediately preceding the application date for a conviction of a felony or a person who at any time has been convicted of a felony pursuant to any state or federal law regarding the possession, distribution or use of a controlled substance
- (j) A person who employs another person at a medical marijuana facility who has not passed a criminal history record check;
- (k) A sheriff, deputy sheriff, police officer, or prosecuting officer, or an officer or employee of the state licensing authority or a local licensing authority;
- (l) A person whose authority to be a primary caregiver as defined in C.R.S. 25-1.5-106(2) has been revoked by the state health agency;
- (m) A person for a license for a location that is currently licensed as a retail food establishment or wholesale food establishment; or
- (n) A person who has not been a resident of Colorado for at least two years prior to the date of the person's application; except that for a person who submits an application for licensure pursuant to this article by December 15, 2010, this requirement shall not apply to that person if the person was a resident of the state of Colorado on December 15, 2009.

(2) In making a determination as to character or when considering the conviction of a crime, the City Council shall be governed by the provisions of Section 24-5-101, C.R.S.

- (3) The focus of the inquiry into the moral character of any person associated with the operation of a medical marijuana business shall be whether the person's character is such that violations of state law or City ordinances pertaining to the possession and distribution of marijuana and/or the operation of medical marijuana businesses would be likely to result if a license were granted.

**Section 12-~~204~~206. Issuance or denial of license.**

- (1) ~~The City Council shall issue a license under this article upon the following findings of the City Council~~In determining whether to issue a license under this article, the City Council may consider the following:

- (a) ~~The~~Whether the application is complete and signed by the applicant;
- (b) ~~The~~Whether the applicant has paid the application fee;
- (c) ~~The~~Whether the application complies with all the requirements of this article, the Colorado Medical Marijuana Act, and rules promulgated by the state licensing authority;
- (d) ~~The application does not contain~~Whether the application contains any material misrepresentations;
- (e) Whether the proposed medical marijuana business complies with applicable zoning regulations. The City Council shall make specific findings of fact with respect to whether the building in which the proposed medical marijuana business will be located conforms to the distance requirements set forth in the applicable use criteria.
- (f) The facts and evidence adduced as a result of its investigation;
- (g) Any other facts pertinent to the type of license for which application has been made, including the number, type, and availability of medical marijuana outlets located in or near the premises under consideration; and
- (h) In the case of an application for a second license, after considering the effect on competition of granting or denying the additional license, that the issuance of a second license will not have the effect of restraining competition.

- (2) The City Council ~~shall~~may deny the license application ~~if the application fails to meet any of the standards set forth in subsection (1) of this section or if the applicant or any its partners, officers, or directors, members, or shareholders is not of good moral character~~for good cause as defined in C.R.S. 12-43.3-104(1). The focus of the inquiry into the moral character of any person associated with the operation of a medical marijuana dispensary shall be whether the person's character is such that violations of state law or City ordinances pertaining to the possession and

~~distribution of marijuana and/or the operation of medical marijuana dispensaries would be likely to result if a license were granted.~~

- (3) The City Council may impose reasonable conditions upon any license issued pursuant to this article.
- (4) The number of licenses issued by the City shall be limited to no more than three. Optional premises cultivation and infused products manufacturing licenses shall not be subject to this limit if the applicant holds or has successfully applied for a medical marijuana center license. A fourth license may be issued to an infused products manufacturer who does not hold a medical marijuana center license if the medical marijuana infused products manufacturer established the business and applied for state and local licensing prior to August 1, 2010. The fourth license shall not authorize the operation of a medical marijuana center or optional premises cultivation site. One of the three licenses shall be issued only to an entity operating as a cooperative association, as defined by C.R.S. 7-55-101, et. seq., organized for the purpose of operating a marijuana dispensary, without gain to itself, for the sole benefit of its shareholders or members. The provisions of C.R.S. 7-55-101(a) notwithstanding, a cooperative shall be owned and controlled by its shareholders, partners, or members and shall dispense marijuana for medical purposes only to its shareholders or members. A cooperative association shall keep and maintain all books, records, and documents necessary to demonstrate its continued operation as a cooperative association and shall promptly produce such books, records, and documents upon request of the City Clerk. In the case of multiple applications for an available license, the City Clerk shall publish the availability of the license and assign priority by lot to each completed application received within forty-five days of the date of publication. The foregoing notwithstanding, priority for the initial licensing round hereunder shall be assigned to existing operators of the two-three existing licensed medical marijuana dispensaries located in Steamboat Springs.
- (5) Within thirty (30) days after the public hearing or completion of the application investigation, the City shall issue its decision approving or denying the application. The decision shall be in writing, shall state the reasons for the decision, and a copy of the decision shall be mailed by certified mail to the applicant at the address shown on the application.
- (6) The City shall not issue a license until the building in which the business to be conducted is ready for occupancy and has been inspected for compliance with the architect's drawing and the plot plan and detailed sketch for the interior of the building submitted with the application.

(7) After approval, the City shall notify the state licensing authority of such approval.

**Section 12-~~205~~207. Contents and display of license.** The licensee shall post the license in a conspicuous location at the medical marijuana dispensary. A medical marijuana dispensary center license shall contain the following information:

- (1) The name of the licensee;
- (2) The date of issuance of the license;
- (3) The street address at which the licensee is authorized to operate the medical marijuana dispensary;
- (4) Any conditions of approval imposed upon the license by the City Council;
- (5) The date of expiration of the license; and
- (6) The license shall be signed by the applicant and the city clerk.

**Section 12-~~206~~208. Transfer/termination.** ~~Licenses issued pursuant to this article are not transferable. Any attempt to transfer or assign a license voids the license. In the event of the sale of a licensee's medical marijuana dispensary business, the licensee shall give the City notice of the date of closing and the license shall terminate on that date. The purchaser of the medical marijuana dispensary may apply for a license hereunder prior to the closing date if the purchaser produces the purchase contract or other document evidencing the purchaser's right to purchase. The effective date of any application issued to a purchaser per this section shall be the date of closing.~~ A license holder wishing to transfer ownership of the medical marijuana business shall apply for such a transfer on forms prepared and furnished by the state licensing authority. In determining whether to permit a transfer of ownership, the City shall consider only the provisions of this article, of the Colorado Medical Marijuana Act, and any rules promulgated by the state licensing authority.

**Section 12-~~207~~209. Suspension or revocation.**

- (1) A license issued pursuant to this article may be suspended or revoked by the City Council, or the hearings officer appointed by the City Council for the purpose, after a hearing for the following reasons:
  - (a) Fraud, misrepresentation, or a false statement of material fact contained in the permit application;
  - (b) Any violation of City ordinance or state law pertaining to the operation of a medical marijuana ~~dispensary business, including~~ regulations adopted by the state licensing authority, or the possession or distribution of marijuana.



- (c) A violation of any of the terms and conditions of the license;
  - (d) A violation of any of the provisions of this chapter.
- (2) In deciding whether a license should be suspended or revoked, and in deciding whether to impose conditions in the event of a suspension, the City Council, or the hearings officer appointed by the City Council, shall consider:
- (a) The nature and severity of the violation;
  - (b) Corrective action, if any, taken by the licensee;
  - (c) Prior violation(s), if any, by the licensee;
  - (d) The likelihood of recurrence of the violation;
  - (e) The circumstances of the violation;
  - (f) Whether the violation was wilful; and
  - (g) Previous sanctions, if any, imposed on the licensee.

(3) The provisions of the Colorado Medical Marijuana Act shall govern proceedings for the suspension or revocation of a license issued hereunder.

(4) The hearings officer may impose a fine in lieu of a suspension in accordance with the provisions of C.R.S. 12-43.3-601(3).

#### **Section 12-210. Change of Location.**

- (1) A licensee may move his or her permanent location to another location in the City, but is shall be unlawful to cultivate, manufacture, distribute, or sell medical marijuana at any such place until permission to do so is granted by the City and the state licensing authority.
- (2) In permitting a change of location, the City shall consider all reasonable restrictions that are or may be placed on the new location and any such new location shall comply with all requirements of this article, the Colorado Medical Marijuana Act, and rules promulgated by the state licensing authority.
- (3) The City shall not authorize a change of location until the applicant produces a license issued and granted by the state licensing authority covering the period for which the change of location is sought.

#### **Division 2. General requirements.**

**Section 12-211. Operational requirements.** Medical marijuana ~~dispensaries~~ centers shall comply with the following operational requirements:

- (1) Medical marijuana ~~dispensaries-centers~~ shall provide ~~clients~~ patients contact information for local drug abuse treatment centers as well as educational materials regarding the hazards of substance abuse.
- (2) Medical marijuana ~~dispensaries-centers~~ shall operate only during the hours of 78:00 a.m. to 7:00 p.m.
- (3) Medical marijuana ~~dispensaries-businesses~~ shall provide adequate security on the ~~dispensary-business~~ premises, which shall include the following:
  - (a) Twenty-four hour security surveillance cameras to facilitate the investigation of crimes and to include video and audio capabilities, with a redundant power supply and circuitry to monitor entrances/exits and parking lot along with the interior and exterior of the premises. Fifteen days of security video and audio shall be preserved for 30 days. The dispensary owner may, but shall not be required to, provide segments of surveillance footage upon request to law enforcement officers investigating crimes committed against the dispensary or its patients. The dispensary owner shall not be required to produce surveillance footage disclosing the identity of dispensary patients and may edit surveillance footage to protect patient privacy. The resolution of these color cameras will be of sufficient quality to allow for the identification of the subject's facial features, in all lighting conditions, in the event of a crime.
  - (b) A burglar alarm system that is professionally monitored and maintained in good working order;
  - (c) A locking safe permanently affixed to the premises suitable for storage of the dispensaries' inventory and cash; all to be stored during non-business hours; live plants being cultivated shall not be deemed inventory requiring storage in a locked safe.
  - (d) Exterior lighting that illuminates the exterior walls of the dispensary and that complies with the lighting code set forth in this Community Development Code.
- (4) No firearms, knives, or other weapons shall be permitted in a marijuana ~~dispensary-center~~ except those carried by sworn peace officers.
- ~~(5) Medical marijuana dispensaries-centers shall operate on an appointment only basis.~~
- (6) Marijuana shall not be consumed or used on the premises of a medical marijuana ~~dispensary-center~~ and it shall be unlawful for a medical marijuana licensee to allow medical marijuana to be consumed upon its licensed premises. In the case of a medical marijuana ~~dispensary-business~~ located in a structure with a legal secondary unit or other legal dwelling unit, the dwelling unit shall not be considered part of the medical marijuana ~~dispensary-business~~ premises if access to the dwelling unit is prohibited to the medical marijuana ~~dispensary-patientsbusiness~~ customers.

- (7) Medical marijuana ~~dispensaries-businesses~~ shall comply with the provisions of Article XVIII, Section 14 of the Colorado Constitution, the Colorado Medical Marijuana Act, rules promulgated by the state licensing authority, and with any other relevant Colorado statute or administrative regulation. The operator of a medical marijuana ~~dispensary-business~~ shall provide evidence of said compliance and shall permit the inspection of the premises upon request of any sworn peace officer in the employ of the City of Steamboat Springs Department of Public Safety. Inspection of the premises shall be limited to determining the quantity of marijuana and marijuana plants present on the premises and obtaining written evidence of the ~~operator's status as a patient or primary care giver to a patient or number of patients sufficient to establish the medical use of the marijuana~~ licensee's authority to possess such quantity of medical marijuana. Registry identification cards with patient names and other identifying information redacted shall be deemed satisfactory written evidence if the registration identification cards' serial number(s) are not redacted. In the event the ~~dispensary-medical marijuana center~~ serves patients who have applied for a registry identification card thirty five or more days prior to the inspection and who have not received such card, the operator may produce the patient's caregiver designation with the patient's name and identifying information redacted as evidence of compliance, in which case the operator shall produce the patient's redacted registry identification card when it is received by the patient. The operator of a medical marijuana ~~dispensary-center~~ shall not be required to disclose patient name(s) or other identifying information except as required by a duly issued court order or warrant.
- (8) Medical marijuana dispensaries shall sell or distribute only marijuana lawfully grown in compliance with Article XVIII, Section 14 of the Colorado Constitution, the Colorado Medical Marijuana Act, rules promulgated by the state licensing authority, and with any other relevant Colorado statute or administrative regulation."

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 not take effect until and unless the ballot question referred to an election by the City Council on June 7, 2011 fails, in which case this Ordinance shall take effect upon the certification by the election official of the failure of said ballot question.

Section 8. A public hearing on this ordinance shall be held on \_\_\_\_\_, at 5:00 P.M. in the Citizens Hall meeting room, Centennial Hall, Steamboat Springs, Colorado.

**INTRODUCED, READ, AND ORDERED PUBLISHED**, as provided by law, by the City Council of the City of Steamboat Springs, at its regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2011.

**ATTEST:**

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

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

**FINALLY READ, PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

**ATTEST:**

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

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

# AGENDA ITEM # 10

## CITY COUNCIL COMMUNICATION FORM

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**FROM:** Tyler Gibbs, AIA, Director of Planning and Community Development (Ext. 244)  
Bob Keenan, Planner III (Ext. 260)

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

**DATE:** July 5, 2011

**ITEM:** An ordinance amending Article III, Chapter 7 of the Steamboat Springs Revised Municipal Code regarding allowable noise levels.

**NEXT STEP:** If City Council moves the ordinance forward at first reading, the ordinance will be scheduled for Public Hearing on July 19<sup>th</sup>.

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☒ **ORDINANCE**  
☐ **RESOLUTION**  
☐ **MOTION**  
☐ **DIRECTION**  
☐ **INFORMATION**

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**PROJECT NAME:** **Noise Ordinance:** Revisions providing clear, measurable standards governing the creation, measurement, effects and enforcement measures related to noise having off-site impacts.

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

**I. Recommended action**

Staff requests that the City Council move the proposed ordinance forward to Public Hearing On July 19, 2011.

**II. DESCRIPTION**

**Background**

Controversy and conflicts between venues featuring live entertainment and surrounding residential uses have frequently been prominent public issues during the past year. Representatives of local entertainment venues have appeared before Council to present their efforts to mitigate impacts, promote the value of their businesses to the Steamboat's resort economy, and request unambiguous criteria to guide what is acceptable and what is not. Residents and guests have also shared stories of unanticipated disturbance and interrupted vacations.

The Steamboat Springs community recognizes the immense value of both a thriving entertainment scene as well as the ongoing revitalization of our downtown and mountain village as true mixed-use neighborhoods. Cities across the country have seen a renaissance in the success of their most diverse urban districts. Steamboat Springs is not unique in the need to address the challenges of this success.

In response, the City began several initiatives seeking to address and mitigate these issues. A survey of ordinances from around the country has been compiled to provide background on how other communities have responded to the need for noise regulation. Both similar resort communities as well as large cities with vibrant mixed-use districts have been included.

The City has acquired more sophisticated noise measurement equipment that provides a digital and printed record of a noise monitoring session. The program also allows for the comparison of typical background noise relative to sound levels from specific sources. Police officers have been trained in the use of this equipment and have begun to monitor noise levels at a variety of local venues to gain experience as well as understanding of the potential implementation of the proposed code. Initial observations indicate the most significant sources of excessive noise are open doors and windows at the venues where live entertainment is occurring and, most prominently, boisterous behavior by the public in the vicinity of night time entertainment locales.

In addition, the Planning Department is working with Mainstreet Steamboat, the Chamber and others to initiate a Responsible Hospitality Panel that includes representatives from the hospitality and entertainment sectors, as well as

transportation and law enforcement. The objectives of this panel are to improve communication and coordination among all parties in a manner that will reduce conflicts and promote mutual benefits.

The proposed ordinance has been provided to interested parties and the planning director has met with representatives of the entertainment venues.

**Note:** Staff requests that adoption of the ordinance include a requirement for City staff and affected stakeholders to provide updates to the City Council on the results and impacts of ordinance implementation. It is suggested that these updates be provided approximately 3 months and 6 months after adoption of the ordinance and at intervals thereafter as may be identified by the Council.

### 1. Proposal Summary

The proposed amendments to Steamboat Springs' current noise ordinance address both standards and enforcement.

- Maximum noise levels in a commercial district during the evening hours would be raised from the current 55 decibels to 60 decibels.
- Evening hours would be defined as 11:00PM to 7:00AM rather than the current 7:00PM to 7:00AM.
- The point of measurement has been reviewed to ensure reasonable fairness and accessibility. Consideration has been given to requiring a fixed distance that would be consistent for all circumstances. However, discussions with stakeholders, the Police Department and the Planning Commission has shown strong support for the original proposal to measure the sound level at the property line of the impacted property. This allows an alleged violation to be documented at the location of a complaint and allows mitigation to be more specifically designed to fit the context. While some communities have established a higher allowable noise level with point of measurement as the property line of the source, field experience identified this as a potential conflict with patrons of entertainment venues who may have reason to gather outside.
- Better definition is provided as to what may be considered separate violations, allowing opportunities to take corrective action by providing for a minimum 8 hour separation between citations. This has been revised since the initial draft in response to community comment.
- The enforcement response to the first violation has been revised from the initial draft to provide for a warning to be issued prior to a citation and possible fine. This revision is in response to community comment.
- Reference is provided to the State Liquor Code to affirm that repeated noise ordinance violations may be considered a violation of the State's "conduct of business" regulations and therefore relevant to any hearings pertaining to liquor license renewal, suspension or revocation.  
This is current law and practice and is not changed by being directly

referenced. Reference is provided simply to inform those potentially affected of the possibility of significant consequences for repeated violations.

## 2. Planning Commission

The proposed ordinance was heard by the Planning Commission on June 23, 2011. The Commission directed staff to make the following revisions:

- Remove reference to wind speed in the ordinance. Acceptable wind speed is established by the manufacturer of the sound monitoring device and may vary if different instruments are used.
- Establish the minimum time between citations as 8 hours. This allows reasonable time for corrective action.
- Establish the point of measurement to the property line of the impacted property and maintain the proposed limit of 60 decibels.
- Revise Section 7-65(6) as follows: Construction projects shall not be subject to the provisions of this ordinance between 7:00AM and 7:00PM. for the period within which construction is to be completed pursuant to any applicable construction permit issued by proper authority or, if not time limitation is imposed, for a reasonable period of time for completion of the project. Construction projects in residential neighborhoods shall not exceed 55 decibels from 7:00PM to 7:00AM.
- Add a reference to noise limits on the Mobile Vending permit.

## 3. Next Steps

With the Council's direction the proposed ordinance will be moved to Public Hearing at City Council July 19th.

Staff will continue to work with all parties including Steamboat's fledgling Responsible Hospitality Panel and the Responsible Hospitality Institute to implement strategies for cooperative working relationships based on common sense and appropriate courtesy and tolerance.

## V. LIST OF ATTACHMENTS:

- |               |  |
|---------------|--|
| Attachment 1. | Comparison of Allowable Noise in 14 Cities.                  |
| Attachment 2. | Table of Initial Monitoring Results.                         |
| Attachment 3. | Notes from Discussion with Denver Noise Enforcement Officer. |



<b>Comparison of Allowable Noise Levels in 14 Cities</b> Updated 6-20-11					
<b>City</b>	<b>Point of Measurement</b>	<b>Residential Districts</b>		<b>Commercial Districts</b>	
		Day	Evening/Night	Day	Evening/Night
Aspen	Prop line of Impacted Prop	<u>7:00AM – 9:00PM</u> Res. 55dBA Lodging 60dBA	<u>9:00PM – 7:00AM</u> 50dBA 55dBA	<u>7:00AM – 9:00PM</u> 65dBA	<u>9:00PM – 7:00AM</u> 55dBA
Austin	Prop line of Source	<u>10:00AM-10:00PM</u> 75dBA	<u>10:00PM-7:00AM</u> Not allowed if audible to adj. property	<u>10:00AM–2:00AM</u> 85dBA at prop. line, may not be audible to adjacent prop. after 10:30PM	<u>2:00AM -10:00AM</u> Not allowed if audible at property line.
Boulder		<u>7:00AM – 11:00PM</u> 55dBA	<u>11:00PM - 7:00AM</u> 50dBA	<u>7:00AM – 11:00PM</u> 65dBA	
Breckenridge	Prop line of Source	<u>7:00AM – 11:00PM</u> 55dBA	<u>11:00PM - 7:00AM</u> 50dBA	<u>7:00AM – 11:00PM</u> 70dBA	<u>11:00PM – 7:00AM</u> 65dBA
Carbondale	Prop line of Source	<u>7:00AM – 8:00PM</u> Res. 60 db Lodging 60dB	<u>8:00PM – 7:00AM</u> Res. 55 db Lodging 55dB	<u>7:00AM – 8:00PM</u> <u>75dB</u>	<u>8:00PM – 7:00AM</u> <u>60dB</u>
Denver	Prop line of Impacted Prop	<u>7:00AM-10:00PM</u> 55dBA	<u>10:00PM-7:00AM</u> 50dBA	<u>7:00AM-10:00PM</u> 65dBA	<u>10:00PM-7:00AM</u> 60dBA
Durango	25' from Prop line of Source	To be determined by officer based on time of day, nature of source, type of neighborhood and disruptive effect.			
Park City	25' from Prop line of Source	<u>NA</u>	<u>NA</u>		<u>10:00PM – 6:00AM</u> 65 dBA
San Diego	Prop line of Source	<u>7:00AM-7:00PM</u> 55/60dBA	<u>7:00PM-10:00PM</u> 50/55dBA <u>10:00PM-7:00AM</u> 45/50dBA	<u>7:00AM-7:00PM</u> 65dBA	<u>7:00PM-10:00PM</u> 60dBA <u>10:00PM-7:00AM</u> 60dBA

City	Point of Measurement	Residential Districts		Commercial Districts	
Seattle	Prop line of Impacted Prop	<u>7:00AM-10:00PM</u> 55dBA	<u>10:00PM-7:00AM</u> 45dBA	<u>7:00AM-10:00PM</u> 60dBA	<u>10:00PM-7:00AM</u> 60dBA
Telluride	50 feet from building or source				<u>9:00PM-7:00AM</u> Plainly audible at 50'
Vail	Prop line of Source	<u>7:00AM – 11:00 PM</u> 55 dB	<u>11:00PM – 7:00AM</u> 50 dB	<u>7:00AM – 11:00 PM</u> 65 dB	<u>11:00PM – 7:00AM</u> 60 dB
Washington DC	Prop line of Source	<u>7:00AM-9:00PM</u> 60dBA	<u>9:00PM-7:00AM</u> 55dBA	<u>7:00AM-9:00PM</u> 65dBA	<u>9:00PM-7:00AM</u> 60dBA
Current Steamboat Springs	25' from Prop line of Source	<u>7:00AM – 7:00PM</u> 55dBA	<u>7:00PM – 7:00AM</u> 55dBA	<u>7:00AM – 7:00PM</u> 60dBA	<u>7:00PM – 7:00AM</u> 55dBA
Proposed Steamboat Springs	50' from Prop line of Source	<u>7:00AM – 7:00PM</u> 55dBA	<u>7:00PM – 7:00AM</u> 55dBA	<u>7:00AM – 11:00PM</u> 65dBA	<u>11:00PM – 7:00AM</u> 60dBA

There is a great deal of consistency in limiting noise levels to the 55dBA-60dBA range during late evening hours. Some cities measure at the property line of the source, some at the property line of the impacted property, others at defined distance.

Venue	Date	Time	Location of Device	High Db	Low Db	Run Time	Door Open	People Outside	Live Band
Ghost Ranch	#####	2158	across 7th/front door	85.1	71.7	0:55	Y	Y	Y
	#####	2210	7th St. entrance 7th and yampa parking lot	78.9	75.8	0:32	Y	N	Y
	#####	2208	across 7th st in front of businesses	64.2	54.8	0:49	Y/N	Y/N	Y
	#####	2213	next to front door same side of street	72.4	60	0:49	Y/N	Y/N	Y
	#####	2216	across 7th/front door	69.5	56.3	1:40	Y/N	Y/N	Y
	#####	2220	across 7th/front door	71.5	53.7	5:03	Y/N	Y/N	Y
	(baseline)	#####	across 7th/front door side walk- <b>CLOSED</b>	57.7	53.3	1:04	N	N	N
	(baseline)	#####	7th St. entrance 7th and yampa parking lot- <b>CLOSED</b>	61	54.2	0:52	N	N	N
	(baseline)	#####	next to front door railing over butcherknife creek	69.1	68	0:51	N	N	N
	6-22-11	2230-2330	across 7th st in front sidewalk	57	55		N	N	Live DJ (inside 95 dB)
	6-22-11	2230-2330	across 7th st in front sidewalk	62	55		Y	N	Live DJ
	6-22-11	2230-2330	across 7th st in front sidewalk	70+	57+		Y	Y	Live DJ
	6-22-11	2230-2330	Inside reisdence across 7 <sup>th</sup> windows closed	40	---		Y	Y	Live DJ
	6-22-11	2230-2330	Outsideside reisdence across 7th	65+	57+		Y	Y	Live DJ
	6-24-11	2250-2330	Outsideside reisdence across 7th	63	60		N	Y	Y (inside 95 dB)
	6-24-11	2250-2330	Outsideside reisdence across 7th	62	66		Y	Y	Y
	6-24-11	2250-2330	Outsideside reisdence across 7th	58	56		Y	Y	N Between songs
	6-24-11	2250-2330	Outsideside reisdence across 7th	74			Y	Y	Patron yelling
	6-24-11	2250-2330	Alley diagonal across from venue	69.3	58		Y/N	Y	
Routt County Roadhouse	#####	2140	upper level gondola garage across from RH	83.4	68.3	0:49	Y	N	N Outside Speakers
	#####	326	upper level gondola garage across from RH	71.7	58.9	0:13	N	N	N Outside Speakers
Old Town Pub	#####	2345	across lincoln ave (all that jazz)	74.4	61.9	0:26	Y	Y	N
	#####	314	across lincoln ave (all that jazz)- <b>CLOSED</b>	68.6	58.5	0:17	N	N	N
Sunpies	#####	2329	across yampa st. from front door	74	66.8	0:31	Y	Y	N
	#####	310	across yampa st. from front door- <b>CLOSED</b>	70.5	63.2	0:22	N	N	N
	#####	2349	across yampa st. from front door	66.5	56.2	0:49	Y	Y	N
	#####	2347	8th and yampa st. caddy corner	64.3	54.8	0:20	Y	Y	N
	#####		across yampa st. from front door	67.3	56	1:28	Y	Y	N

Boathouse	#####	2338	across yampa st. from front door	71.1	67.2	0:31	N	N	N River Noise
	#####	306	across yampa st. from front door- <b>CLOSED</b>	72.7	66.6	0:26	N	N	N River Noise
	#####	2238	across yampa st. from front door	69.2	62.8		Y	Y	Y River Noise
	6-24-11	2330	across yampa st. from front door	64	60		Y	N	DJ
	6-24-11	2330	across yampa st. from front door	57 ±			N	N	DJ

**Conversation with Paul Riedesel  
Denver Environmental Health, Noise Control  
June 21, 2011**

Contact: Paul Riedesel, Environmental Quality, Noise (720) 865-5410  
[paul.riedesel@denvergov.org](mailto:paul.riedesel@denvergov.org)

Denver takes a hard line on noise violations after 10:00PM. Enforcement is very active. Paul handles most of the live music complaints.

Paul keeps two meters in his vehicle at all times. To be court admissible the meter has to be at least a type II sound level meter (SLM) which is accurate within  $\pm 2$  dB. Paul goes to the complaining property and measures at the loudest location. He will occasionally use a flexible microphone wire and tripod to allow for remote monitoring.

Denver prohibits noise impacts greater than 50 dB(A) between the hours of 10 pm - 7 am and 55 dB(A) between the hours of 7 am - 10 pm at any residential use; not just within residential districts. Therefore if a loft in a commercial or mixed-use district is impacted by noise greater than 50 or 55 dB(A) from an outside source it may be considered a violation. Given the margin of error inherent in the equipment, Paul will not typically initiate enforcement until the documented noise level is at least 3 decibels over the limit. (53 decibels or 58 decibels depending upon the time of measurement)

Background noise affects the perception of other variable noise sources. L90 (Background noise that is present 90% of the time) is the reference for the background noise level without the additional impact of the source violation. Higher background noise generally works to the benefit of other variable sources by partially masking additional sound. Paul is generally looking for a 5 dB to 10 dB increase over background noise in order to document a violation. He recommends avoiding getting overly technical in order to keep the ordinance workable.

Denver enforcement also uses a "pocket" weather meter to document temperature and wind speed. Weather conditions such as clouds and precipitation are also noted in noise reports from the field.

Upon receiving a complaint Denver will issue a written warning that is in affect for one year if further complaints are received and Denver documents a violation the first violation from a given source with a warning will result in a \$500 fine. A second violation within that year will result in a \$750 fine. The third violation within that year will result in a \$999 fine. A forth violation within that year will result in a request for a liquor and/or cabaret license timed suspension or revocation. Sources of violations get fixed quickly.

The most typical "fixes" employed by music venues include "air-lock vestibules", alternative access/exit orientations, reconfiguration of speaker systems, acoustic mitigation through engineered use of acoustic materials, earlier entertainment hours and simply turning down the volume.

In the past year Denver has cited noise violations involving a variety of activities including trash pickup, auto repair, doggy daycare and off-hour deliveries in addition to night clubs. Denver has written over \$8000 within the last nine months. Boulder also has very active enforcement.

National noise control references include:  
[www.nonoise.org](http://www.nonoise.org)  
[noiseoff.org](http://noiseoff.org)  
Handbook of Environmental Acoustics by James P. Cowan

**CITY OF STEAMBOAT SPRINGS, COLORADO**

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

**AN ORDINANCE AMENDING ARTICLE III, CHAPTER 7 OF  
THE STEAMBOAT SPRINGS REVISED MUNICIPAL CODE  
REGARDING ALLOWABLE NOISE LEVELS.**

**WHEREAS**, the City of Steamboat Springs wishes to promote vibrant mixed-use districts within the community; and

**WHEREAS**, live music is a valued part of the community's arts and entertainment offerings; and

**WHEREAS**, full time and vacation residential uses are an important component of active, 24 hour districts; and

**WHEREAS**, considerations for compatible design and operation of entertainment and residential uses are key to the success of our mixed-use districts; and

**WHEREAS**, clear enforceable standards are a necessary complement to appropriate courtesy and tolerance in mixed-use districts.

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

Section 1. Article III, Chapter 7 of the Steamboat Springs Revised Municipal Code is hereby amended to read as follows:

**"ARTICLE III. NOISE POLLUTION.**

**Sec. 7.61 - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**(1) *Commercial zone*** means:

- a.** An area where offices, clinics and the facilities needed to serve them are located;
- b.** An area with local shopping, entertainment and service establishments located within walking distances of the residents served;

- c. A tourist-oriented area where hotels, motels, retail, entertainment and services are located;
  - d. A large integrated regional shopping center;
  - e. A business strip along a main street containing offices, retail businesses and commercial enterprises;
  - f. A central business district; or
  - g. A commercially dominated mixed-use area with multiple-unit dwellings.
- (2) *db(A)* means sound levels in decibels measured on the "A" scale of a standard sound level meter having characteristics defined by the American National Standards Institute, publication S1.4-1971, and approved by the industrial commission of the state.
- (3) *Decibel* is a unit used to express the magnitude of a change in sound level. The difference in decibels between two (2) sound pressure levels is twenty (20) times the common logarithm of their ratio. In sound pressure measurements sound levels are defined as twenty (20) times the common logarithm of the ratio of that sound pressure level to a reference level of  $2 \times 10^{-5}$  newtons per square meter. As an example of the effect of the formula, a three-decibel change is a one hundred (100) percent increase or decrease in the sound level, and a ten-decibel change is a one thousand (1,000) percent increase or decrease in the sound level.
- (4) *Industrial zone* means an area in which noise restrictions on industry are necessary to protect the value of adjacent properties for other economic activity, but shall not include agricultural operations.
- (5) *Light industrial and commercial zone* means:
- a. An area containing clean and quiet research laboratories;
  - b. An area containing light industrial activities which are clean and quiet;
  - c. An area containing warehousing; or

- d. An area in which other activities are conducted where the general environment is free from concentrated industrial activity.

(6) *Residential zone* means an area of single-family or multifamily dwellings, where businesses may or may not be conducted in such dwellings. The zone includes an area where multiple-unit dwellings, high-rise apartment districts and redevelopment districts are located. A residential zone may include areas containing accommodations for transients such as motels and hotels and residential areas with limited office development, but it may not include retail shopping facilities. The term "residential zone" includes hospitals, nursing homes and similar institutional facilities.

#### **Sec. 7-62. - Exemptions.**

- (a) *Emergency vehicles.* The requirements, prohibitions and terms of this article shall not apply to any authorized emergency vehicle when responding to an emergency call or acting in time of emergency.
- (b) *Parades, fireworks and other special activities.* The terms of this article shall not apply to those activities of a temporary duration permitted by law for which a license or permit has been granted by the city, including but not limited to parades, and fireworks displays.
- (c) *Commercial refuse haulers.* The terms of this article shall not apply to the activities of commercial refuse haulers operating under a license issued pursuant to the provisions of division 2, of article II, of chapter 19 of this Code when such commercial refuse haulers operate between the hours of 5:00 a.m. and 7:00 a.m. in all industrial zone districts and in commercial zone districts located within Old Town, Ski Time Square, Gondola Square. For purposes of this subsection Old Town shall be deemed to be the area bounded by Oak, Yampa, Third, and Twelfth Streets, including all lots accessible from said streets. Ski Time Square shall be deemed to be Ski Time Square Drive and all streets, alleys, and parking lots accessible from Ski Time Square Drive, and Gondola Square shall be deemed to be all streets, alleys, and parking lots serving Gondola Square and located east of Mt. Werner Circle, north of Apres Ski Way, and South of Ski Time Square.

#### **Sec. 7-63. - Authority to grant relief from noise level standards.**

- (a) Applications for a permit for relief from the noise level designated in this article on the basis of undue hardship may be made to the city manager or his duly authorized representative. Any permit granted by the city manager



under this section shall contain all conditions upon which the permit has been granted and shall specify a reasonable time that the permit shall be effective. The city manager or his duly authorized representative may grant the relief as applied for if he finds that:

- (1) Additional time is necessary for the applicant to alter or modify his activity or operation to comply with this article;
  - (2) The activity, operation or noise source will be of temporary duration and cannot be done in a manner that would comply with this article; or
  - (3) No other reasonable alternative is available to the applicant.
- (b) The city manager may prescribe any conditions or requirements he deems necessary to minimize adverse effects upon the surrounding neighborhood.

**Sec. 7-64. - Prohibited noise generally.**

- (a) The making and creating of an excessive or unusually loud noise within the city as heard without measurement or heard and measured in the manner prescribed in section 7-65 is unlawful, except as exempted under the provisions of section 7-62 or when made under and in compliance with a permit issued pursuant to section 7-63 or 7-66.
- (b) No person shall operate any type of vehicle, machine or device or carry on any other activity in such a manner as would be a violation of subsection (a) of this section.

**Sec. 7-65. - Maximum noise levels.**

For the purpose of determining and classifying any noise as excessive or unusually loud as declared to be unlawful and prohibited by this article, the following test measurements and requirements may be applied; ~~The point of measurement for determining violation shall be at the property line of the impacted property.~~ The point of measurement for determining violation shall be at the property line of the impacted property.

- (1) Every activity to which this article is applicable shall be conducted in a manner so that any noise produced is not objectionable due to intermittence, beat frequency or shrillness. Sound levels of noise radiating from any property in excess of the db(A) established for the following time periods and zones shall constitute prima facie evidence that such noise is a public nuisance:

(2)

~~(1)~~ Every activity to which this article is applicable shall be conducted in a manner so that any noise produced is not objectionable due to intermittence, beat frequency or shrillness. Sound levels of noise radiating from any property in excess of the db(A) established for the following time periods and zones shall constitute prima facie evidence that such noise is a public nuisance:

Zone	7:00 a.m. to next 11:00 p.m.	11:00 p.m. to next 7:00 a.m.
Residential	55 db(A)	55 db(A)
Commercial	65 db(A)	60 db(A)
Light industrial	70 db(A)	65 db(A)
Industrial	80 db(A)	75 db(A)
Agriculture and recreation (including parks and open space)	55 db(A)	55 db(A)

~~(32)~~ Individual citations for violations of maximum noise levels shall be separated by not less than 8 hours~~Intermittent violations by the same source separated in time by five (5) minutes or more may be considered individual violations within each five minute period.~~

~~(3)~~ Continuous violations from a single source exceeding 15 minutes in duration may be considered multiple violations for every 15 minutes the violation continues.

(4) Periodic, impulsive noise including low frequency and/or shrill noises shall be considered a public nuisance when such noises are at a sound level of five (5) db(A) less than those listed in subsection (1) of this section.

(5) This section is not intended to apply to the operation of aircraft or to other activities which are subject to federal law with respect to noise control.

~~(6)~~ Construction projects shall be subject to the maximum permissible noise levels specified for industrial zones for the period within which construction is to be completed pursuant to any applicable construction permit issued by proper authority or, if no time limitation is imposed, for a reasonable period of time for completion of project. Construction projects in residential neighborhoods shall not exceed 55db(A). Construction projects

shall not be subject to the provisions of this ordinance between 7:00AM and 7:00PM. for the period within which construction is to be completed pursuant to any applicable construction permit issued by proper authority or, if not time limitation is imposed, for a reasonable period of time for completion of the project. Construction projects in residential neighborhoods shall not exceed 55 decibels from 7:00PM to 7:00AM.

(7) All railroad rights-of-way shall be considered as industrial zones for the purposes of this section, and the operation of trains shall be subject to the maximum permissible noise levels specified for such zone.

(8) This section is not applicable to the use of property for purposes of conducting speed or endurance events involving motor vehicles or other vehicles, but such exception is effective only during the specific period to time within which such use of the property is authorized by the political subdivision or governmental agency having lawful jurisdiction to authorize such use.

~~(9) For the purposes of this section, measurements with sound level meters shall be made when the wind velocity at the time and place of such measurement is not more than five (5) miles per hour.~~

~~(910)~~ In all sound level measurements, consideration shall be given to the effect of the ambient noise level created by the encompassing noise of the environment from all sources at the time and place of such sound level measurement.

~~(104)~~ This ~~section article~~ is not applicable to the use of property for the purpose of manufacturing, maintaining or grooming machine-made as well as natural snow.

~~(4211)~~ This article shall not apply to the operation of snow removal equipment for purposes of snow removal.

**Sec. 7-66. - Use of vehicle equipped with loudspeaker, amplifier, etc.**

It is unlawful to play, operate or use any device known as a sound truck, or any loudspeaker, sound amplifier, radio or phonograph with loudspeaker or sound amplifier, or instruments of any kind or character which emits loud or raucous noises and which is attached to and upon any vehicle upon a public place, unless the person in charge of such vehicle has

first applied to and received permission from the city manager or his duly authorized representative to operate any such vehicle so equipped.

**Sec. 7-67. - Muffler required on motor vehicles.**

It is unlawful for any person to operate a motor vehicle which is not at all times equipped with a muffler upon the exhaust thereof in good working order and in constant operation to prevent excessive or unusual noise, and it is unlawful for any person operating any motor vehicle to use a cutout, bypass or similar muffler elimination appliance.

**Sec. 7-68. – Penalties**

(1) Individuals or businesses found to be in violation of the provisions of Article III, Noise Pollution shall be assessed fines as follows:

Number of Violations	Minimum Fine
1	<del>\$250.00</del> <u>Warning</u>
2	<del>\$50.00</del> <u>250.00</u>
3 <u>or more</u>	<del>\$999.00</del> <u>500.00</u>
<u>4 or more</u>	<u>\$999.00</u>

(2) In addition to the penalties for general violations of the City's Municipal Code set forth in Sec. 1-15 entitled "General penalty; continuing violations", or Sec. 7-68(1), a fourth or subsequent conviction for violating this Chapter 7 by a person licensed under Article 46, 47, or 48 of Title 12, Colorado Revised Statutes, generally referred to as the State Liquor Code, or by any employee or agent of such licensee, may be considered by the local liquor licensing authority as a violation of the "conduct of business" regulation of the state liquor code, currently set forth in Colorado Code of Regulations, 1 CCR 203-2, Regulation 47-900 entitled "Conduct of Establishment" and may be the basis for a suspension or revocation hearing for said liquor license, or for the non-renewal of said license."

Section 2. 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 3. That pursuant to Section 7-11 of the Charter of the City of Steamboat Springs, Colorado, the second publication of this ordinance may be by reference, utilizing the ordinance title.

Section 4. This ordinance shall take effect immediately upon the expiration of five (5) days from and after its publication following final passage, as provided in Section 7.6(h) of the Steamboat Springs Home Rule Charter.

Section 5. 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 6. A public hearing on this ordinance shall be held on \_\_\_\_\_, 2011, at 5:15 P.M. in the City Council Chambers at Centennial Hall, Steamboat Springs, Colorado.

**INTRODUCED, READ AND ORDERED PUBLISHED**, as provided by law, by the City Council of the City of Steamboat Springs, at its regular meeting held on the \_\_\_\_ day of \_\_\_\_\_, 2011.

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

**ATTEST:**

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

**FINALLY READ, PASSED AND APPROVED** this \_\_\_\_ day of \_\_\_\_\_, 2011.

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

**ATTEST:**

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

# AGENDA ITEM # 11

## CITY COUNCIL COMMUNICATION FORM

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**FROM:** Bob Keenan, Senior Planner (Ext. 260)  
Tyler Gibbs, AIA, Director of Planning and Community Development  
(Ext. 244)

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

**DATE:** July 5, 2011

**ITEM:** G-2 Parking, Text Amendment (#TXT-11-08)

**NEXT STEP:** City Council approved the first reading June 7, 2011 with a vote of 6-0.

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<u>  x  </u>	<b>ORDINANCE</b>
<u>     </u>	<b>RESOLUTION</b>
<u>     </u>	<b>MOTION</b>
<u>     </u>	<b>DIRECTION</b>
<u>     </u>	<b>INFORMATION</b>

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**PROJECT NAME:** G-2 Parking - #TXT-11-08

**PETITION:** Revisions to Section 26-139 Parking and Loading Design Standards, Text Amendment to the Community Development Code, #TXT-11-08

**APPLICANT:** City of Steamboat Springs  
124 10<sup>th</sup> Street  
Steamboat Springs, CO 80487

**PC ACTION:** Planning Commission voted to approve on May 12, 2011; Vote: 5-0;

**EXECUTIVE SUMMARY:**

The CDC Section 26-139(e)(6) “Zone District Specific Standards” related to Gondola Two (G-2) parking does not state the required parking spaces for residential/lodging units as it does for RR-1, RR-2, and G-1 zones. For this reason Planning Staff has created this text amendment and draft ordinance to address this unintentional omission.

It is important to note that recent G-2 base area redevelopments have been assessed parking minimum requirements identical to the G-1 requirements. These redevelopments include One Steamboat Place, Thunderhead, and Ski Times Square. The G-1 zone district specific parking requirement is as follows: *“Parking shall be provided at a rate of one space per residential/lodging unit for surface parking and garage parking where the garage door is at pedestrian or street grade level or underground parking shall be provided at a rate of one-half (1/2) space per residential/lodging unit.”*

**Planning Commission Discussion:**

The Planning Commission discussion pertained to what the G-2 parking requirements should be as compared to the existing G-1 requirements. This discussion led to the some minor changes to the proposed code language amendment so that parking is required at a rate of one (1) space per residential/lodging unit for structured above ground parking and one-half (1/2) space per residential/lodging unit for underground parking.

*Please see attached meeting minutes for more information.*

**Public Comment:**

Bill Jameson of Burgess Creek Road spoke in regards to the proposed change.

*Please see attached meeting minutes for more information.*

**Recommended Motion:**

On May 12<sup>th</sup>, the Planning Commission recommended approval of the draft ordinance amending the Community Development Code, CDC Section 26-139(e)(6) “G-2 Gondola Two zone district” as proposed in the attached ordinance.

**List of attachments:**

Attachment 1 – Amended PC Staff Report TXT-11-08.

Attachment 2 – Draft Planning Commission Minutes from May 12<sup>th</sup> Meeting.

## **AGENDA ITEM # 2**

### **AMENDED PLANNING COMMISSION COMMUNICATION FORM**

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FROM: Bob Keenan, Senior Planner (Ext. 260)

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

DATE: May 12, 2011

ITEM: Revisions to Section 26-139 Parking and Loading Design Standards, Text Amendment to the Community Development Code, #TXT-11-08

NEXT STEP: Planning Commission's recommendation will be forwarded to the City Council for First Reading of this Ordinance.

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<u>  X  </u>	ORDINANCE
<u>     </u>	RESOLUTION
<u>  X  </u>	MOTION
<u>     </u>	DIRECTION
<u>     </u>	INFORMATION

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PROJECT NAME: Revisions to Section 26-139 Parking and Loading Design Standards, Text Amendment to the Community Development Code, #TXT-11-08

PETITION: A proposed change to correct an omission regarding the required parking for the Gondola Two zone district.

APPLICANT: City of Steamboat Springs, Department of Planning and Community Development, c/o Bob Keenan, Senior Planner, Centennial Hall, 124 10<sup>th</sup> Street, PO Box 775088, Steamboat Springs, CO 80477, 970-879-2060.



## I. RECOMMENDED ACTION

Staff recommends the Planning Commission approve the draft ordinance amending the Community Development Code, Section 26-139, Parking and Loading Design Standards.

## II. DESCRIPTION

The CDC Section 26-139(e)(6) “Zone District Specific Standards” related to Gondola Two (G-2) parking does not state the required parking spaces for residential/lodging units as it does for RR-1, RR-2, and G-1 zones. For this reason Planning Staff has created this text amendment and draft ordinance to address this unintentional omission.

It is important to note that recent G-2 base area redevelopments have been assessed parking minimum requirements identical to the G-1 requirements. These redevelopments include One Steamboat Place, Thunderhead, and Ski Times Square. The G-1 zone district specific parking requirement is as follows: *Parking shall be provided at a rate of one space per residential/lodging unit for surface parking and garage parking where the garage door is at pedestrian or street grade level or underground parking shall be provided at a rate of one-half (1/2) space per residential/lodging unit.*

Staff proposes a text amendment that would include the minimum parking requirements for the G-2 zone identical to that of the G-1 zone district as shown above. Staff finds that this change is appropriate for the following reasons:

1. It is consistent with the intent of the G-2 zone district minimum parking requirements and it is clearly an omission by mistake.
2. This requirement has been applied consistently with previous developments in the G-2 zone..
3. It is an appropriate minimum requirement given that the G-2 zone is the most dense base area zone district.
4. The G-2 zone district caters to visitors and is located in the immediate vicinity of the ski area base that is served by pedestrian corridors and transit services and thus reduces the need for automobile parking.

For the reasons listed above, Planning Staff finds that the required parking for the G-2 zone district shall be written as follows (new language in **bold**):

(6) *G-2 Gondola two zone district.*

- a. Required parking shall be located underground, in structured parking, or in approved parking structures. In cases where parking spaces in approved parking structures are used to satisfy parking requirements, an agreement shall be signed and recorded stating that in the event that parking structure is redeveloped and no longer used for parking, alternative parking arrangements

*PLANNING COMMISSION COMMUNICATION FORM*

Parking and Loading Design Standards, Text Amendment to the CDC, #TXT-11-08

May 12, 2011

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shall be made to the satisfaction of the city prior to the redevelopment of the existing parking structure. Additionally, when a new parking structure is proposed to satisfy a parking requirement, such parking structure shall not have parking visible or located at the pedestrian level.

- b. Cash-in-lieu for required parking shall be utilized when no other alternative arrangements can be determined.
- c. Short-term parking spaces, drop-off parking spaces, or loading spaces may be provided for the development at the street grade level. These spaces may be provided in addition to the required parking for the development and the location and circulation patterns are subject to approval by the applicable review body/entity.
- d. **Parking shall be provided at a rate of one-half (1/2) space per residential/lodging unit.**

**III. ATTACHEMENTS**

- 1. Draft G-2 Parking Ordinance

CITY OF STEAMBOAT SPRINGS

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

**AN ORDINANCE AMENDING CHAPTER 26 OF THE  
STEAMBOAT SPRINGS REVISED MUNICIPAL CODE TO  
AMEND THE GONDOLA TWO PARKING REQUIREMENTS.**

WHEREAS, the City Council adopted the revised Community Development Code as Ordinance #1802 on July 23, 2001; and

WHEREAS, the City of Steamboat Springs committed to a regular, ongoing review of the Community Development Code so that the provisions contained therein are relevant and applicable to the community at any given point in time; and

WHEREAS the City Council has determined that the specific minimum parking requirements for the Gondola Two zone district was unintentionally omitted from the parking and loading design standards and that it is necessary and proper to amend parking and loading design standards to correct this omission.

NOW, THEREFORE, the City Council of the City of Steamboat Springs ordains as follows:

**SECTION 1**

CDC Section 26-139(e)(6) "G-2 Gondola Two zone district" shall be amended as follows (new language in **bold**):

*(6) G-2 Gondola two zone district.*

- a. Required parking shall be located underground, in structured parking, or in approved parking structures. In cases where parking spaces in approved parking structures are used to satisfy parking requirements, an agreement shall be signed and recorded stating that in the event that parking structure is redeveloped and no longer used for parking, alternative parking arrangements shall be made to the satisfaction of the city prior to the redevelopment of the existing parking structure. Additionally, when a new parking structure is proposed to satisfy a parking requirement, such parking structure shall not have parking visible or located at the pedestrian level.
- b. Cash-in-lieu for required parking shall be utilized when no other alternative arrangements can be determined.
- c. Short-term parking spaces, drop-off parking spaces, or loading

spaces may be provided for the development at the street grade level. These spaces may be provided in addition to the required parking for the development and the location and circulation patterns are subject to approval by the applicable review body/entity.

- d. **Parking shall be provided at a rate of one-half (1/2) space per residential/lodging unit.**

## **SECTION 2**

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

## **SECTION 3**

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

## **SECTION 4**

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

## **SECTION 5**

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

**INTRODUCED, READ, AND ORDERED PUBLISHED**, as provided by law, by the City Council of the City of Steamboat Springs, at its regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2011.

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

**ATTEST:**

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**Julie Franklin, CMC**  
**City Clerk**

**FINALLY READ, PASSED AND APPROVED** this \_\_\_\_ day of \_\_\_\_\_ ,  
2011.

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

**ATTEST:**

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**Julie Franklin, CMC**  
**City Clerk**

**DRAFT**

**Parking Code Update #TXT-11-08 The CDC Section 26-139(e) “Zone District Specific Standards” related to G2 parking does not state the required parking spaces for residential/lodging units as it does for RR-1, RR-2, and G-1 zones. The code shall be amended so that parking is required at a rate of one space per residential/lodging unit for surface parking and garage parking where the garage door is at pedestrian or street grade level or underground parking shall be provided at a rate of one-half ( 1/2) space per residential/lodging unit.**

Discussion on this agenda item started at approximately 5:06 p.m.

**STAFF PRESENTATION**

Bob Keenan –

The requirements for the G-2 didn't list the rate of parking required. City Planning staff has been reviewing the previous OSP, Thunderhead, and Ski Time Square at the ½ space per residential lodging unit for underground parking. We crafted this revision to be consistent with what we've been doing.

Bill Jameson pointed out that I made a mistake in the staff report. I had just pulled the G-1 section'd', the rate of required parking over to the G-2 requirement. I didn't notice at the time that under section 'a' that 'required parking shall be located underground, in structured parking, or in approved parking structures'. The surface parking isn't allowed in the G-2 zone districts. There's been some discussion on section 'a' where it says 'required parking shall be located underground, in structured parking', then there's this qualifier 'or in approved parking structures', it lends the idea that it doesn't have to be underground and so is vague.

Should we be incentivizing the parking to be underground and keep the requirement for 1 space per lodging unit for above ground parking structures to incentivize it to go for developments to utilize a ½ space and do it underground?

The G-1 zone district has the surface and underground parking at a 1:1. I don't know if the intent was to have the parking underground and they lumped in the above ground or to provide that incentive to go underground and reduce the parking rate.

You can adopt the language tonight under the amended ordinance under'd', which says 'the straight ½ space per residential lodging unit is underground or in structured parking', or if you would like to we could condition this approval tonight and add language that 'parking shall be provided at a rate of 1 space per lodging unit for above ground structures and ½ space per residential lodging unit for underground'.

Tyler Gibbs and I have been talking about doing a code audit and we both thought that we probably need to have some design standards for parking garages at some point of time.

**COMMISSIONER QUESTIONS**

5/12/11

## **DRAFT**

Commissioner Levy –

If you had the original packet, the original packet said that there was 1 space per residential for surface and garage parking. That's what it currently says for G-1. Since we're not creating any new policy I thought that it would be appropriate that this G-1

Language, even though surface parking isn't allowed the language should still be the same as if it's right or wrong if an approved above ground structure would need to be required 1 space per unit the same as G-1. The revised language is discounting it using only a half space is required per unit for structured and underground, which is not the same as G-1. Even if we're going to overrule it in a month or 2, if we're substituting language then we should substitute it consistently. That small change to me creates an inconsistency for whatever reason, was not discussed.

Commissioner Meyer –

My memory was that on G-2, because it's the closest to the Gondola and the transit center that we were going to go to a half. You can't have surface parking. It has to be in a structure. We just assumed that the structures up there would be at least below ground at least 1 level or whatever the definition of what the underground was.

Bob Keenan –

That was to get the height bonus. The intent was more intensity and less need for parking in that area.

Commissioner Meyer –

You're right; I forgot that it was also an incentive as an offset to height.

Commissioner Levy –

Ideally we need to talk about design standards. Another Ski Time Square structure is probably not what we want to see. If it was wrapped with commercial then we would probably incentivize that.

Commissioner Hanlen –

Do we have sufficient language in the code or are the base area design standards sufficient where it's going to push for a residential or a commercial wrap where we wouldn't allow a parking structure other than just the entrance and exit at the pedestrian level anyways? Is it being stated twice then?

Commissioner Levy –

I didn't go through to see if it's actually precluded. It says in 'a' we're in an approved parking structure. Do we actually have a process for approving a parking structure? He (Bob Keenan) didn't think that we had anything called out. You're asking more about design standards. I don't know if you could get one through. We don't particularly prohibit it. I'm sure that someone could find a way to allow one.

Commissioner Hanlen –

The Mountain Area Sub Area Plan, didn't it call out for a parking structure adjacent to the Sheraton next to the performing arts center? They did infer that one would be there, whether it will actually happen.

5/12/11

## **DRAFT**

Bob Keenan –

Do you think that it will be removed, because there is one there?

Commissioner Hanlen –

Yes, I mean replacing that.

Bob Keenan –

I thought that it was a detriment to that area so why would they include another one.

Commissioner Meyer –

What the concept was it was going to be a performing arts center or an events center.

They would put it on top of the parking garage. They would take down the existing above ground and sink down the parking underneath so we wouldn't lose any parking.

Commissioner Lacy –

There would be no structure.

Commissioner Meyer –

Right, no visual structure, it was an idea.

Commissioner Hanlen –

Nobody has proposed anything that's the reason why I'm thinking the language exists as far as parking structure. That was the one spot that was proposed.

Commissioner Brookshire –

I'm not understanding why we reduce it to a half. Irregardless of what your event, facility, or your project is wouldn't that generate the necessary number of parking spaces? If that's true then what I'm hearing is that there's this incentive to go underground then I only have to provide half of the parking spaces. I don't understand the idea that the facility needs 'x' amount of spaces.

Commissioner Hanlen –

The theory being that the need would be reduced based off of people flying in, taking the taxi, they have easy access to transit and in theory would not need a car based off of the location of the lodging. If you were renting a place over at the Lodges or any of the more distant properties then you would be renting a car and you would need the parking space. In theory you wouldn't want to chew up 'x' number of levels or square feet of that building with parking if we would rather have rooms there.

Commissioner Meyer –

The concern that I had was that it's not unusual to have a 1 or 2 bedroom condominium unit that can be locked off and create 2 actual units that can be rented. My concern was we open the door when the Grand was built, but we've also seen other large condo projects that actually have lock outs. If we went to 1 half space per residential/lodging unit I would want to say that would include lock out units. You would actually have 1 parking space if you had a lock out unit that could be rented to 2 different entities.

Bob Keenan –



5/12/11

## **DRAFT**

We could simply say 'including lock out units'.

Commissioner Meyer –  
Is that clear enough?

Commissioner Lacy –  
I'm not sure that would really do it, because those are 2 legally separate units.

Commissioner Meyer –  
I'm not worried about legally.

Commissioner Lacy –  
I'm worried about the language.

Commissioner Hanlen –  
Is the Grand being used as an example of insufficient parking? Maybe they had enough parking, but you can't pull an SUV in. How under parked is the Grand? Do we know units relative to parking spaces?

Commissioner Meyer –  
That's where this half came up, because they had just enough for the actual units before locked off. It had no parking for any community space such as the ballroom. We have no requirement if you have a big ballroom to have any parking.

Commissioner Hanlen –  
You can't park a vehicle over 6' tall.

Commissioner Lacy –  
They have the structure across the street.

Commissioner Hanlen –  
Right, but that was after the fact of trying to figure out "how do we deal with this now".

Commissioner Levy –  
From experience, the parking structure is underutilized. Mustang roundup is a tough one, because each one of those guys are a lot of times bringing 2 cars. There's 10 days where that parking lot is full.

Commissioner Hanlen –  
I was referring to their underground parking.

Commissioner Levy –  
Yes, that's all that I'm talking about. What complicates that one is that not only do you have owners, but they allow owners as well as hotel guests to park there. If you're a hotel owner then you get special parking privileges. On a busy weekend you have locals parking there, because they can park there and walk across the street plus you have hotel people. Still it doesn't get fully utilized.

5/12/11

## **DRAFT**

Commissioner Hanlen –

The Grand is based off a half space per unit? You would argue that a half space is sufficient?

Commissioner Levy –

Yes, in reality I'm talking about consistency between G-1 and G-2. I agree with Commissioner Brookshire if they only need a half a space then it doesn't matter where you put the parking space. Reducing it by half doesn't reduce the number of people driving. Either you have sufficient parking or you don't. People don't drive less, because it's underground parking. I would tend to agree that we don't need more. In this case without changing our policy I was trying to make it more consistent with the existing regs. If we want to make it a half space across the board for G-1 and G-2 then that's ok with me.

Commissioner Brookshire –

It's always a question for me the stuff downtown. Nothing that I see or know about is taken into account the visitor to those units. If you have however many units with one parking space, but then somebody is joining them in a said unit then where are they going to park? I'm not keen on diminishing parking even though I think there's good transit logic for it.

Commissioner Lacy –

Your concern is that you want to make sure that there's enough available?

Commissioner Brookshire –

Yes.

### **PUBLIC COMMENTS**

Bill Jameson –

If the intent is to make it more consistent with G-1 then I agree with Commissioner Levy. You shouldn't be discounting the garage or surface parking. If you look at pg 2-2 under description 2<sup>nd</sup> paragraph 2<sup>nd</sup> line in italics where it says 'for surface parking and garage parking' took that out and inserted 'structured or approved parking' then you would keep it consistent. They would have 1 parking space if it was structured or approved parking and a half space if it was underground. I think that you would want to incentivize underground parking for G-2. That's your prime parking. You don't want to be chewing up G-2 or G-1 land in the core of the base area for parking structures. It should be used for other commercial and mixed use development. The parking lot ought to be underground no matter what it is. (He gave an example). There's a real reason why you would want to incentivize underground parking, which means that you penalize surface parking in the G-2 area. Before you make any policy changes I think you need to think about what you want to accomplish at the base and do you really want parking structures even if they're wrapped using that developable land.

### **MOTION**

Commissioner Levy moved to approve TXT-11-08 with the following amendment to paragraph 'd', which should read 'parking shall be provided at a rate of 1 space per residential/lodging unit for an approved parking structure or underground parking shall be provided at a rate of 1 half space per residential/lodging unit therefore be as consistent as possible with the current G-1. Commissioner Meyer seconded the motion.

5/12/11

***DRAFT***

**VOTE**

Vote: 5-0

Voting for approval of motion to approve: Lacy, Brookshire, Hanlen, Levy and Meyer

Absent: Robbins

Two positions vacant

Discussion on this agenda item ended at approximately 5:27 p.m.

CITY OF STEAMBOAT SPRINGS, COLORADO

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

**AN ORDINANCE AMENDING CHAPTER 26 OF THE  
STEAMBOAT SPRINGS REVISED MUNICIPAL CODE TO  
AMEND THE GONDOLA TWO PARKING REQUIREMENTS.**

**WHEREAS**, the City Council adopted the revised Community Development Code as Ordinance #1802 on July 23, 2001; and

**WHEREAS**, the City of Steamboat Springs committed to a regular, ongoing review of the Community Development Code so that the provisions contained therein are relevant and applicable to the community at any given point in time; and

**WHEREAS**, the City Council has determined that the specific minimum parking requirements for the Gondola Two zone district was unintentionally omitted from the parking and loading design standards and that it is necessary and proper to amend parking and loading design standards to correct this omission.

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

Section 1. CDC Section 26-139(e)(6) "G-2 Gondola Two zone district" shall be amended as follows (new language in **bold**):

*(6) G-2 Gondola two zone district.*

- a. Required parking shall be located underground, in structured parking, or in approved parking structures. In cases where parking spaces in approved parking structures are used to satisfy parking requirements, an agreement shall be signed and recorded stating that in the event that parking structure is redeveloped and no longer used for parking, alternative parking arrangements shall be made to the satisfaction of the city prior to the redevelopment of the existing parking structure. Additionally, when a new parking structure is proposed to satisfy a parking requirement, such parking structure shall not have parking visible or located at the pedestrian level.

- b. Cash-in-lieu for required parking shall be utilized when no other alternative arrangements can be determined.
- c. Short-term parking spaces, drop-off parking spaces, or loading spaces may be provided for the development at the street grade level. These spaces may be provided in addition to the required parking for the development and the location and circulation patterns are subject to approval by the applicable review body/entity.
- d. **Parking shall be provided at a rate of one (1) space per residential/lodging unit for an approved above ground parking structure or one-half (1/2) space per residential/lodging unit for parking located underground.**

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

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

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

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

**INTRODUCED, READ, AND ORDERED PUBLISHED**, as provided by law, by the City Council of the City of Steamboat Springs, at its regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2011.

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

**ATTEST:**

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

**FINALLY READ, PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

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

**ATTEST:**

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

# AGENDA ITEM # 12

## CITY COUNCIL COMMUNICATION FORM

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**FROM:** Bob Keenan, Senior Planner (Ext. 260)  
Tyler Gibbs, AIA, Director of Planning and Community Development  
(Ext. 244)

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

**DATE:** July 5, 2011

**ITEM:** Secondary Units and Accessory Structures - #TXT-11-06

**NEXT STEP:** City Council approved the first reading on June 7, 2011 with a vote of 5-1.

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☒ **ORDINANCE**  
☐ **RESOLUTION**  
☐ **MOTION**  
☐ **DIRECTION**  
☐ **INFORMATION**

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**PROJECT NAME:** Secondary Units and Accessory Structures - #TXT-11-06

**PETITION:** Revisions to allow Secondary Units in the RE-1 and RE-2 zone districts, changes to the accessory structure and secondary unit definitions, changes to the permitted use table, and changes to the dimensional standards for all RE and RN zones, Text Amendment to the Community Development Code, #TXT-11-06

**APPLICANT:** City of Steamboat Springs  
Bob Keenan, Senior Planner  
124 10<sup>th</sup> Street  
Steamboat Springs, CO 80487  
970-871-8260

**PC ACTION:** Planning Commission voted to approve on May 26, 2001; Vote: 4-1; Commissioner Brookshire voted against the motion.

**EXECUTIVE SUMMARY:**

At the direction of the Planning Commission and the City Council, city staff has developed a proposed ordinance to amend the Community Development Code as it relates to secondary units, specifically, barriers to additional secondary units within the City. At the April 28<sup>th</sup> work session public meeting of the Planning Commission a discussion occurred regarding this subject and it was determined that code amendments should be made to address the identified barriers to this type of development.

*For more information on the proposed code amendments please see the attached Planning Commission Staff Report and, more specifically, the April 28<sup>th</sup> Work Session Memo.*

**Planning Commission Discussion:**

The Planning Commission discussion pertained to the new dimensional standards that are proposed to replace some of the accessory structure language. They also discussed why they think it may be appropriate to allow secondary units in the RE-1 and RE-2 zone districts. As part of this discussion the Planning Commission voted to not include any new dimensional standards for the large lot RE-1 zone district and to also remove the accessory structure setback reduction.

*Please see attached meeting minutes for more information.*

**Public Comment:**

There were a few members of the public the spoke against the proposed change to allow secondary units in the RE-2 zone district as they believe this change would “destroy” their neighborhood. These individuals reside in the Crawford Addition to Steamboat Springs. One other person from the Crawford neighborhood spoke indifferently about the proposed change. One comment suggested that secondary units shall only be allowed by variance (conditional use).

*Public comment via letters are contained with the Planning Commission Staff report as well as a new letters attached to this form.*

*Please see attached meeting minutes for more information.*

**Recommended Motion:**

On May 26<sup>th</sup>, the Planning Commission recommended approval TXT-11-06 the draft ordinance amending the Community Development Code regarding secondary units and accessory structures.

**List of attachments:**

Attachment 1 – PC Staff Report TXT-11-06.

Attachment 2 – Draft Planning Commission Minutes from May 26<sup>th</sup> Meeting.

Attachment 3 – Additional Public Comment (see PC report attachments for previous).



## AGENDA ITEM # 3

### PLANNING COMMISSION COMMUNICATION FORM

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FROM: Bob Keenan, Senior Planner (Ext. 260)

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

DATE: May 26, 2011

ITEM: Revisions to allow Secondary Units in the RE-1 and RE-2 zone districts, changes to the accessory structure and secondary unit definitions, changes to the permitted use table, and changes to the dimensional standards for all RE and RN zones, Text Amendment to the Community Development Code, #TXT-11-06

NEXT STEP: Planning Commission's recommendation will be forwarded to the City Council for First Reading of this Ordinance on June 7, 2011.

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<u>  X  </u>	ORDINANCE
<u>     </u>	RESOLUTION
<u>  X  </u>	MOTION
<u>     </u>	DIRECTION
<u>     </u>	INFORMATION

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PROJECT NAME: Secondary Units/Accessory Structure, Text Amendment to the Community Development Code, #TXT-11-06

PETITION: Revisions to allow secondary units in the RE-1 and RE-2 zone districts, changes to the accessory structure and secondary unit definitions, changes to the permitted use table, and changes to the dimensional standards for all RE and RN zones.

APPLICANT: City of Steamboat Springs, Department of Planning and Community Development, c/o Bob Keenan, Senior Planner, Centennial Hall, 124 10<sup>th</sup> Street, PO Box 775088, Steamboat Springs, CO 80477, 970-879-2060.

**PLANNING COMMISSION COMMUNICATION FORM**

Secondary Units & Accessory Structures, Text Amendment to the CDC, #TXT-11-06

May 26, 2011

**I. COMMUNITY DEVELOPMENT CODE (CDC) – STAFF ANALYSIS SUMMARY**

**CDC - Section 26-61(D): Criteria for approval.** Approval of the amendment shall be granted only if it appears by clear and convincing evidence presented during the public hearing before planning commission or city council that the following conditions exist:

Subsection		CONSISTENT			NOTES
		Yes	No	NA	
1)	Conformity with the community plan.	<input checked="" type="checkbox"/>			
2)	Error or goal/objective.	<input checked="" type="checkbox"/>			
3)	Public health, safety, & welfare	<input checked="" type="checkbox"/>			
<b>Staff Finding:</b> Staff finds that the proposed Community Development Code Text Amendment, #TXT-11-06, to allow secondary units in the RE-1 and RE-2 zone districts, changes to the accessory structure and secondary unit definitions, changes to the permitted use table, and changes to the dimensional standards for all RE and RN zones are consistent with the criteria for approval per CDC Sec. 26-61(D).					

**II. BACKGROUND**

At the direction of the Planning Commission and the City Council, city staff has developed a proposed ordinance to amend the Community Development Code as it relates to secondary units, specifically, barriers to additional secondary units within the City. At the April 28<sup>th</sup> work session public meeting of the Planning Commission a discussion occurred regarding this subject and it was determined that code amendments should be made to address the identified barriers to this type of development.

*Please see attached 4/28/11 Planning Commission Work Session Memo for more background information.*

**III. DESCRIPTION**

Staff proposes text amendments to the Community Development Code that would remove barriers (previously identified in the 4/28/11 memo to the Planning Commission) to the creation of addition secondary units within the City. *Please see attached 4/28/11 Planning Commission Work Session Memo for a staff analysis regarding the proposed changes.*

The proposed amendments are as follows (new language in **bold** deleted language in ~~striketrough~~):

**A. Section 26-402, Secondary Unit Definition**

*Secondary unit.* A residential unit ancillary to a principal dwelling unit, located on the same lot where the principal dwelling unit is located. A secondary unit is allowed on a registered legal nonconforming lot that does not meet minimum lot area for the zone district provided it can meet all other requirements for the development of the registered legal nonconforming lot.

- (1) *Use criteria.*

*PLANNING COMMISSION COMMUNICATION FORM*

Secondary Units & Accessory Structures, Text Amendment to the CDC, #TXT-11-06

May 26, 2011

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- a. *Review.* Review shall be prior to or concurrently with a development or building permit, as applicable.
- b. *Inclusions.* A secondary unit is an independent dwelling unit with a sleeping area, bathroom and kitchen.
- c. *Zoning.* Secondary Units shall be allowed in RE-1/S, RE-2/S, RN-1, RN-2, RN-3, **RN-4**, RO, MF-1, MF-2, MF-3, **RR**, CN, CY Zone Districts or **T2-NE, T3-NG1, T3-NG2, T4-NC**. This criterion is absolute and may not be varied or waived through the public review process. ~~Secondary Units in the Zone District are allowable only after review and approval as a conditional use.~~
- d. *Vehicular access.* Lots that share a common access with other lots must submit a signed letter to the Director from all owners or easement holders of such access stating that there is no objection to a secondary unit. The principal unit and secondary unit shall share the same access unless access to the secondary unit is available and feasible from an alley. This criterion shall not apply to lots that have the minimum lot area for a duplex in the RN-1, RN-2, RN-3, **RN-4**, RO, CO, or CY Zone Districts.
- e. *Parking.* Parking shall be provided on site for secondary units in accordance with section ~~26-137~~ **26-139**. ~~and shall be arranged so that it does not obstruct access to neighboring properties and does not eliminate any existing front yard landscaping.~~
- f. *Secondary unit appearance and entrances.* ~~Attached principal and secondary units~~ **Secondary units that are contained within a principal structure** may have only one front entrance and should appear from the street to be a single-family dwelling and not a duplex structure. Other entrances must be on the side or in the rear of the structure or in a location that is concealed when viewed from points along the front setback. A common entrance foyer with entrances leading from the foyer to each of the units is preferred. Detached secondary units in accessory structures are allowed.
- g. *Prohibitions.* No secondary unit shall be allowed in a duplex structure or on the same lot as a duplex structure.
- h. *Size limitation.* The secondary unit shall be no larger than six hundred fifty (650) square feet whether located in a principal or accessory structure. This size shall be calculated from the interior side of secondary unit walls to the interior side of secondary unit walls excluding mechanical rooms, stairwells and those areas with a height of less than five (5) feet. When located in an accessory structure, the size of the accessory structure is required to comply with the maximum size of accessory structures as provided in the article.

- i. *Terms of rental.* The Secondary Unit may not be leased or rented for periods of time less than twenty-nine (29) days. Rental of secondary unit as a Vacation Home Rental is prohibited.
- j. *Accessory structure.* In RE-1/S, RE-2/S, RN-1, RN-2, RN-3, **RN-4, RR, CN** or CY, when a secondary unit is located within an accessory structure, the secondary unit must comply with accessory structure criteria as listed in this section and must also comply **Section 26-132, Dimensional Standards** with ~~the principal structure setbacks for the applicable zone district. Where a secondary unit is to be located in an existing accessory structure, this criterion shall not be applicable.~~
- k. *Certificate of inspection.* For all existing, non-registered secondary units, a certificate of inspection shall be provided to the city to demonstrate compliance with the Steamboat Springs Secondary Dwelling Unit Inspection Criteria, which shall be created by the Routt County Regional Building Department. A certificate of inspection shall be provided to the applicant by the Routt County Regional Building Department only after the secondary unit has been inspected by a Routt County Regional Building Department inspector and deemed to be in compliance with the Steamboat Springs Secondary Dwelling Unit Inspection Criteria.
- l. *Certificate of occupancy/approval.* For all new secondary units constructed after February 13, 2009, a certificate of occupancy or approval shall be obtained by the applicant and provided to city to demonstrate compliance with the International Codes. A certificate of occupancy or approval shall be provided to the applicant by the Routt County Regional Building Department only after the secondary unit has been inspected by a Routt County Regional Building Department inspector and deemed to be in compliance with the International Codes.

**B. Section 26-402, Accessory Structure Definition**

*Accessory structure.* A structure that is:

- (1) Detached from a principal structure by a minimum of six (6) feet; and
- (2) Constructed concurrently or subsequent to principal structure; and
- (3) Ancillary or subordinate to the principal structure in terms of height **excludes single-family and duplex developments as they are regulated by Section 26-132, Dimensional Standards;** and
- (4) Located on the same lot, or within the same development as the principal structure; and

*PLANNING COMMISSION COMMUNICATION FORM*

Secondary Units & Accessory Structures, Text Amendment to the CDC, #TXT-11-06

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- (5) Is used for a supporting purpose of the principal structure; and
- (6) For commercial, industrial, multi-family or mixed-use developments, the accessory structure shall be less than twenty-five (25) percent of the gross floor area of the principal structure; or
- (7) ~~For single family and duplex developments, the accessory structure shall be no greater than forty five (45) percent of the gross floor area of the principal structure. In the residential Old Town (RO) zone district, the maximum size of the accessory structure shall be the maximum as provided under the accessory structure floor area ratio maximum; and~~
- (8) ~~New accessory structures, or any portion of accessory structures, utilized as secondary units must meet the principal structure setback requirements in the RE-1/S, RE 2/S, RN 1, RN 2, RN 3, CN, or CY zone districts.~~
- (9) Structures not detached a minimum of six (6) feet must meet all principal structure dimensional standards.
- (10) Structures not meeting item ~~(3)~~ **2 (two)** may request relief through the section 26-69, Minor adjustment or section 26-70, Variance. **Applicant's requesting relief from criterion 2 shall also demonstrate, via a site plan, compliance with zone district standards at anticipated full build-out of the lot (principal and accessory structures and driveways).**

**C. Section 26-91(b) – RE - Residential estate zone district**

1. Purpose and intent. The residential estate zone district is intended primarily to provide areas for single-family detached living in a low-density environment. This district may be appropriate for environmentally sensitive areas, and is best located away from high-density development

2. Designations. Each property zoned RE must have a designation of "1" or "2" that further specifies the intensity and density of such use as provided by this article. ~~Each property in the RE zone district may attach a designation of "S." The "S" designation indicates that secondary units are allowed as a use with criteria.~~ **Secondary units are allowed as a use with criteria in both the RE-1 and RE-2 zones.** The designations are as follows:

- i. RE-1 residential estate, low density;
- ii. ~~RE 1/S residential estate, low density, secondary units;~~
- iii. RE-2 residential estate, higher density; and

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Secondary Units & Accessory Structures, Text Amendment to the CDC, #TXT-11-06

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iv. ~~RE-2/S residential estate higher density, secondary units.~~

**D. Section 26-92 - Table of Permitted Principal Uses**

Use Classification and Specific Principal Uses*	Traditional Zoning Districts															TND Zoning (Transects)					
	O R	R E	R N	R O	R R	MH	MF	G-1	G-2	C O	C Y	C N	C C	C S	I	T2-NE	T3-NG 1	T3-NG 2	T4-NC	T5-TC	S D
<b>RESIDENTIAL USES</b>																					
Dormitory							C	C					C						C	C	
Duplex			C R	C R	C		C	C			C	C R				C R	CR	CR	C		
Employee unit	C				C R	CR	CR	C R	C R	C R	C R	C R	C R	C R	C R				C R	C R	
Group home		C R	C R	C R			CR				C R	C R				C R	CR	CR	C R	C R	
Live/Work unit										R	R	R							R	R	
Long-term rental		R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	
Mobile home						R															
Multi-family dwelling			C	C	C R		R	C R	C R	C R	C R	C R	C R	C	C R						
Tri-Plex/Fourplex																	R	R	R		
Bungalow court																		R	R		
Rowhouse																		R	R		
5--8 Units																		R	R		
9+ Units																			R		
Dwelling, residential component of a mixed-use project																			R	R	
Secondary unit		C R	C R	C R	<b>C</b>		CR	C R			C R	C R			<b>C</b>	C R	CR	CR	C R		
Short-term rental		C R	C R	C R	C R	CR	CR	C R	C R	C R	C R	C R	C R	C R		C R	CR	CR	C R	C R	
Single-family dwelling unit		R	R	R	C	CR	C				C	R				R	R	R			

**E. 26-132(B) Zone district specific standards.**

Staff has made changes to the specific zone district standards where secondary units are allowed to include new dimensional standards as previously discussed at work session. *See attachment 3 for the background on these changes.* These changes include new accessory structure height limitations and accessory structure maximum Floor Area Ratio (FAR)

maximums.

*Due to the format of the pages where these text amendments occur they have been included as attachment 2.*

#### IV. **CRITERIA FOR REVIEW AND APPROVAL**

##### **CDC Sec. 26-61. CDC text amendments.**

(d) *Criteria for approval.* In considering any application for amendment to the CDC, the following criteria shall govern unless otherwise expressly required by the CDC. Approval of the amendment shall be granted only if it appears by clear and convincing evidence presented during the public hearing before planning commission or city council that the following conditions exist:

- (1) *Conformance with the community plan.* The amendment to the CDC will substantially conform with and further the community plan's preferred direction and policies.

*Staff Analysis: **Consistent:*** The proposed CDC Text Amendment is consistent with the following Steamboat Springs Area Community Plan goals:

- Policy LU-1.2: Future development will be in compact mixed-use neighborhoods.
- Policy LU-2.2: Residential infill will be compatible in character and scale with the surrounding neighborhood.
- Goal H-1: Our community will continue to increase its supply of affordable home ownership, rental, and special needs housing units for low, moderate, and median-income households.
- Policy H-1.1: Continue to monitor needs for and barriers to affordable housing in the community.
- Policy H-1.2: Support a variety of affordable housing options that are integrated throughout the community, but protect the character of existing neighborhoods.
- Goal H-3: The Steamboat Springs community will have a mix of housing types and styles that can accommodate the people who work in the community.
- Policy SPA-1.2: Promote infill, redevelopment, and affordable housing in Old Town, but new development should preserve Old Town's historical character.

- (2) *Error or goal/objective.* The amendment to the CDC will correct an error, or will further a public goal or objective.

*Staff Analysis: **Consistent:*** The proposed CDC Text Amendment will further the public goal of promoting infill development and affordable housing.

- (3) *Public safety.* The amendment to the CDC is necessary to ensure public health, safety and welfare.

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*Staff Analysis:* **Consistent:** The proposed CDC Text Amendments is necessary to ensure the public health, safety and welfare by furthering the goals and policies of the Steamboat Springs Area Community Plan; specifically promoting more attainable housing and infill development that supports walking, bicycling, and transit, all of which are aspects of a healthier more sustainable community.

**V. STAFF FINDING & CONDITIONS**

Staff finds that the proposed Community Development Code Text Amendment, #TXT-11-01, to allow secondary units in the RE-1 and RE-2 zone districts, changes to the accessory structure and secondary unit definitions, changes to the permitted use table, and changes to the dimensional standards for all RE and RN zones are consistent with the criteria for approval per CDC Sec. 26-61(D).

**VI. ATTACHEMENTS**

1. 4/28/11 Planning Commission Work Session Minutes
2. Zone district specific standards
3. 4/28/11 Planning Commission Work Session Memo
4. Draft Ordinance (available upon request, large document)
5. Public Comment Letters



## **WORK SESSION –**

**Text Amendment to CDC – Secondary Unit/Accessory Structure #TXT-11-06 Work Session to discuss amending the Secondary Unit/Accessory Structure regulations that would allow the creation of more secondary units within the City. This will also include a discussion on whether to allow secondary units in the RE-1 and RE-2 zone districts.**

Discussion on this agenda item started at approximately 7:16 p.m.

## **STAFF PRESENTATION**

Bob Keenan –

There will be future meetings on this agenda, but tonight this is just a work session. We've rescheduled this meeting with Planning Commission to May 26 and City Council on June 7 and June 21. We received a public comment from a property owner at 1080 Crawford Ave John Sullivan in support of secondary units in the RE-2 zone district. The Planning Commission and City Council through their policy review session decided that it would be good to start looking into what the barriers currently are to building secondary units in the City of Steamboat Springs.

City staff had proposed several areas where a property owner may find an impediment to building a secondary unit. The first and most obvious one is the current zoning. The RE-1 and RE-2 zone districts don't allow secondary units. It's natural to start looking into allowing secondary units in those zone districts. There's basically 2 parts to the RE-1 and RE-2 zone districts. There's the RE-1 and RE-1/S, which are 2 different zone districts. The 'S' allows secondary units. RE-1 without the 'S' does not allow for secondary units. The same goes for RE-2 and RE-2/S.

Part of the discussion tonight is whether to combine those 2 zone districts rezone the RE-1/S and RE-2/S with that designation so everything is either RE-1 or RE-2 and allow secondary units in those zone districts. Currently the CDC has a definition for accessory structures basically describe how they can be built, their size, and when they can be built. The timing requires that accessory structures be built concurrently or subsequently to the primary structure. If you have 1 structure or it was built prior then it's the primary structure. The potential barrier with the timing is that we've had requests from someone in the past that wants to build on a lot, but can't afford to build a primary structure. They want to build a garage with an accessory structure above and live in that while they build the primary structure. There are some economic reasons for doing it that way. Currently they can't request a variance to this standard so we allow a homeowner in this unique situation, which doesn't happen very often, to allow special permission to construct that accessory structure before the primary structure. By doing that they can meet the accessory structure setbacks.

The accessory structure needs to be subordinate to the primary structure height. This is problematic for current residences that are single story who want to do a garage with a unit above. Say that primary structure is 18' tall and most secondary structures are in the 22-23' tall. We would like to revise that and replace that with accessory structure height limitations and FAR maximums similar to what we have in the Old Town district. It's currently outside of the Old Town zone district. Your accessory structure can be as tall as

your principle structure. Another one written in regards to size and square footage the current requirement is that accessory structure shall be no greater than 45% of the FAR of the principle structure except for the Old Town residential zone district.

Staff suggests that a change could be made rather than it being dependent on what the single family structure size is. It could be based on what the primary structure could be. Rather than limiting it at its current size. Accessory structures or any portion of accessory structures, utilized as secondary units must meet the principal structure setback requirements.

You can have a secondary structure with a reduced setback compared to the principle structure. We suggest removing that requirement.

Variances are only allowed to the accessory height being subordinate to the principle structure. Requests to vary the time are not permissible. Staff suggests that we entertain requests to vary the timing of an accessory structure to address the size and height requirements. We suggest that they be regulated by accessory height limitations and FAR limitations.

We also suggest in lieu of changing some of these requirements to preserve the intent of the original requirements for the accessory structures that we create the accessory structure height limitations that aren't dependent on what the principle size is, it's just a stand on its own requirement for height and FAR.

### **COMMISSIONER QUESTIONS**

Commissioner Robbins –

I'm confused if someone has a house now and they are tearing it down and they want to build a secondary structure to live in while they tear that one down under this new rule that would be ok as long as it met the maximum height and all the standards.

Bob Keenan –

If you wanted to build that secondary structure first then you would have to request a variance through the BOA and provide a plan for the principle structure.

Commissioner Robbins –

Based on your proposal that would be something you would propose for the changes?

Bob Keenan –

Yes.

Commissioner Hanlen –

I had a project a few years back where they were planning on doing just that: tearing down the existing structure, putting up an accessory structure, and later in the future building the principle structure. We had to provide full drawings for everything and get approval as phase 1, phase 2 to be able to get that through. Is that still the case?

Bob Keenan –

Yes.

Commissioner Hanlen –

Where that gets onerous is paying for the tap fees and the building permit, which on a principal structure averages \$30,000-\$40,000 these days. Are we requiring them to submit the drawing, but not pull the building permit?

Bob Keenan –

Right, just so we know the location. Make sure that they thought out the overall layout of the lot.

Tyler Gibbs –

You should be able to build the secondary structure to the secondary structure standards, and still be able to build the primary structure.

Commissioner Hanlen –

We won't be required to pull the permit.

Tyler Gibbs –

Right.

Commissioner Hanlen –

That was an excessive requirement before.

Tyler Gibbs –

We want to make sure that you thought out where you want to put the primary structure on the lot.

Commissioner Hanlen –

I agreed with most everything that staff had in the report until we get into the dimensional standards. I think in the Residential Old Town (RO) with the smaller lots, I think that the dimensional standards make sense. Once you get into the larger lots I think the dimensional standards are less beneficial. Right now the way that you have the standards set up, any lot over 9,000 square foot lot all of a sudden becomes burdened or potentially burdened by these new rules, where the size of the lot becomes useless in factoring what would be allowed. It seems like the average plate height and the total overall height; those make sense on smaller, tighter lots. Once you get into 1 acre sized lots I think that the restrictions on the height and plate height become a little bit less necessary. I agree with everything that staff proposed until you get into the dimensional standards. I'd maintain them for residential Old Town. Any of the larger lots I don't think that it makes sense. If it would behoove us to look at which other smaller zone districts it would make sense to keep those or add those standards in. Once you get into the larger lots it just becomes unnecessary.

Tyler Gibbs –

Are you proposing that the height of the secondary structure should be the same height as the primary structure?

Commissioner Hanlen –

That's what I'm proposing. Based primarily off of our discussion that we had in the Monday work session. With the way the design of alot of larger residences are going with these days, they may be breaking up the structure into 3 separate massings. While I think that putting the maximum overall height and average plate height in the standards definitely encourages a more creative building, I don't think that it's a necessary step that the City needs to take on larger sites.

Jason Peasley –

I think that staff would agree with you on that. We could also use some feedback on the proposed FAR on these accessory structures.

Commissioner Hanlen –

We already have a cap on the accessory unit size. I'd like to keep it at that. I'd be open to increasing it to 800 sq ft. I think that is sufficient for the intent of what we're trying to achieve tonight. Going beyond, that if someone wants to have a detached office or exercise room and a 4 car garage attached to it, I don't think it's necessarily our business to say no you can't have that large of a structure. We don't have any restrictions (other than the dimensional standards) that push towards better design. Now all of a sudden we force this thing on other zone districts that was meant to control mass and scale in residential Old Town (RO). I don't think that it's appropriate in the other zone districts, at least the larger zone districts.

Tyler Gibbs –

I would think that it would depend on if it's getting any advantages as far as setbacks.

Commissioner Hanlen –

I agree. I'd say that on the larger lots there's no reason to give it a more permissive or smaller setback. If it's a large structure then it needs to maintain the principle structure setbacks.

Tyler Gibbs –

What differentiates it from the primary structure?

Commissioner Hanlen –

Nothing. That's what I'm saying is the way large residential design seems to be heading. If someone might take a 10,000 square foot house and break it up into 3 detached modules, but who are we as a City to say that's incorrect and that we want to see it as one big mass? If the whole point of this discussion was caretaker's units then I think that we should focus on caretaker units as opposed to trying to dictate accessory structures standards.

Bob Keenan –

With these proposed changes you could have 4 accessory units. ???

Commissioner Hanlen –

The total footage would have to be less than 0.2 FAR as well as the maximum unit size of 650'. I don't want to discourage someone if they want to build a big house and we don't have any restrictions from someone wanting to build a big house I'd encourage them to

break up that mass. If that means detaching the structure then I don't want to get in their way.

Tyler Gibbs –

If none of those are being used as a secondary unit and they aren't taking advantage of reduced setbacks then they're just part of the primary house, right?

Commissioner Hanlen –

Right, but currently if it's detached by more than 8' then it's an accessory structure. We have the restrictions on the secondary units at 650' so let's just leave it at that and not get into this business of limiting the size of the accessory structure.

Bob Keenan –

You mean for larger lots.

Commissioner Hanlen –

Right. Maybe it needs to be more than just the residential Old Town lots that we look at. The RN-4 we're allowing accessory structures and secondary units. The most restrictive thing in this whole thing is the average plate height which encourages and almost forces a more creative end result. That makes sense where you're trying to control mass and scale in a tight areas of town like residential Old Town. Out in any of the other sites it doesn't seem to make any sense.

Tyler Gibbs –

Let's continue this at work session.

Commissioner Brookshire –

I feel like the 650' is a good size. I don't think that we need to go bigger. My concern overall is parking in Old Town. I have 2 concerns. One is that I'd like to see continued outreach into the R-1 and R-2 as it proceeds along, because I'm sensitive to Rob Ralston's comments. I'm not sure that they want it. Any more public comment that we can get from those 2 zone districts will be helpful to me. This parking, I'm seeing a trend in Old Town where parking continues to bleed into the public right of way and quote offsite. When you read the proposed regulations I'm reading it as being parking onsite. I'm not sure that onsite isn't encroaching more into the public right of way. I'm really concerned about that. I don't have a solution or suggestion right now. I'd like to have staff look at you mentioned that the code has 1 space for the secondary unit, which makes a lot of sense. The way things are going I'm not sure that we shouldn't require 2 spaces whether they're used or not. At least they're there. I'm not sure who's using the public right of way, but I'm seeing it.

Commissioner Hanlen –

Those are existing structures that didn't provide adequate parking. I think that one of the biggest things that we're talking about new structures going through the process that those ones for the most part are in compliance. It's all the ones that got thrown in secretly or before the code got adopted that now we're reaping the benefits of or the problems of that not going through the full process like we have in place now. Unfortunately we're dealing with all of the problems. This isn't in my opinion where the problems you are discussing are

are being created.

Tyler Gibbs –

It not only requires the accessory structure to have 1 space, but the primary residence has 2 spaces.

Commissioner Brookshire –

We still don't get away from rentals. You can have a single family house being rented. It's a reference to more impact than design or zoning.

Commissioner Meyer –

I'm supportive of what's been proposed. I would hesitate to expand the size further than 650' at this time only because I do think the proposed changes are to encourage new secondary units. Those are meant to be smaller in scope. We want to balance not change neighborhood character right now. Based on the map that was provided it's very interesting to see that the bulk of the secondary units in Old Town. Those that we know of. The zone district that has a lot of single family structures, but very few secondary units is RE-2 as opposed to RE-1, the larger lots. We don't have that many RE-1 lots left in town. Since I was around when we had this discussion in 2001 when the code was adopted. I know what a sensitive nature this discussion can cause about potential infill and density. That's the preferred direction the community has said that it wants to go. Just because you can have one doesn't mean that you need to build one. We've seen some instances where common sense we need to further tweak. This is a tweak of the regulations rather than sweeping changes. I'd rather take baby steps, because once you open the door you really can't go back.

Commissioner Robbins –

I agree with Commissioner Meyer I think the 650' maximum is a good number. I'd also like to see some changes that reflect what Commissioner Hanlen commented on. We're seeing a change in how people might want to structure their primary residence and split it up. I would like to address that as well.

Rob Ralston –

I agree with what Commissioner Brookshire was talking about regarding onsite parking. If the units get larger than 650' then we're probably looking at 2 bedrooms instead of 1 and then you have 2 cars instead of 1.

## **PUBLIC COMMENTS**

Rob Ryg –

I live in a single level house. I'm restricted in a secondary unit, because it's only a 1 story building. I can put a garage up, but it can't be higher than my house. It does restrict me from putting a secondary unit in there. It's on a 7,000' lot. To relax the restrictions on the height would encourage me to put a secondary unit in there otherwise I would have to sprawl out in the yard. I would encourage you to look at that and have the secondary unit and accessory unit height restrictions separate from the primary structure.

Paul Stettner –

What are you expecting to gain? How many residences would you expect to gain by this rezoning? What would take precedence, zoning or covenants?

Commissioner Robbins –

When you have covenants on your land they are binding to your property regardless to what the changes are to the code. You have to be in conformance with the code, but you have to also be in conformance with all of the covenants and restrictions on your property as well.

Commissioner Hanlen –

The HOA can change their own covenants to be more relaxed or more stringent.

Paul Stettner –

The process to go through this, there's another work session to go through this?

Commissioner Meyer –

There's a meeting for us to decide if we want to accept the text changes. This meeting talks in general terms. The next meeting will have the legal language that would adopt it. That's May 26. The next 2 meetings will be City Council.

Tyler Gibbs –

These things aren't as easy or inexpensive to construct. Typically single story structures with garages so you really are starting from scratch.

Commissioner Hanlen –

I wouldn't be looking for a potential infill number. I was just viewing this as 1 more tool, but I wouldn't expect a flood of new applications based off of the relatively minor changes that we're making.

Rob Ryg –

There are 2 different things happening here. Where I am this is already ok to do this. Is what you're trying to do is add some new ones?

Commissioner Meyer –

Correct.

Commissioner Hanlen –

And change the current restrictions for your site as well. The part where you mentioned the height restriction and how the accessory structure had to be subordinate to the principle structure; that is also being proposed to be changed tonight. .

Bud Rogers –

I agree with the way that Bob Keenan has laid out the suggestions. I have a question to make certain that there is adequate parking and that there wouldn't be an overburden on the lot. I want to make certain that isn't too cluttered, but safe as well. I don't know about the discussion of 45% of the principle and how that might change. They're suggesting that might change for the secondary dwelling.

Bob Keenan –  
Correct. (He explained this change).

Bud Rogers –  
Is that FAR for the secondary dwelling, which may be typically above a garage?

Bob Keenan –  
I would be for all of the accessory structures. We're not changing the secondary size maximum.

Bud Rogers –  
Can that be proposed to be changed? I would like to propose that be changed, because a 2 bedroom secondary accessory structure at 600 square feet is a bit small. Perhaps in the 750 square foot range might make more sense.

Bob Keenan –  
How do we allow more secondary units? I don't know if that will happen at this point.

Bud Rogers –  
My suggestion would be to increase it to some extent as long as there's proper parking. I'm very much a proponent for providing additional affordable housing and infill where it does make sense.

Bob Keenan –  
The code currently requires 1 parking space. For the principle and secondary unit it would be 3 required spaces.

Commissioner Robbins –  
That's in addition to the garage?

Bob Keenan –  
That's for any off-street so it would include the garage.

Rob Ralston –  
We got notice of this, but I would like to think that we would have a little bit more time and some explanation as to what the changes are. I would be a proponent of leaving the RE-1 and RE-2 separate from the RE-1/S and RE-2/S. I think that the single family has good reason to be where it is. It's lesser dense. Parking and traffic is of consideration with secondary units. I would like to understand the setbacks. I think that we could separate those 2 or let HOA have some control over that, so we can maintain a single family residence. It's not all single family there are some people that have apartments in their houses. They would be grandfathers.

Bob Keenan –  
That's the purpose of this meeting to find direction, get input and then staff will put the discussion to paper and formulate an ordinance that will go to the May 26 meeting.

Commissioner Meyer –



It might be helpful to provide the public especially those who are here with copies of your memo in our packet.

Bob Keenan –

Anyone can contact me through that mailer that I had sent out.

David Lilly –

I've been contemplating a garage with an apartment above it. My house was built in 1980 and did not include a garage. My concern is that the house was built 41' back from the property line and I have a 25' setback. If I build a garage then it would be 17', which I wouldn't be able to park a car in or I can ask you for a variance and build 8' into the setback. In 1980 when these houses were built there are a lot of us that couldn't build a garage up there unless we had a variance. I think that I'm in favor of the recommended changes.

Laura Beauregard –

We went through great expense to go through the process correctly and followed all of the rules to build an accessory structure. We found quite a few disparities between the way things were happening. All the rules you make are only as good as the enforcement. We find the rules to be fairly inconsistent. In 2003 they approved the detached units and we went for it. We paid a premium so when we started paying more for our water and everything else we were a bit surprised. There was going to be a period of time that secondary units could come in and be legal and be registered and avoid a \$500 fee. I think that my neighbor was the only one that came through the process and was denied because his secondary structure didn't have a second sink. There are more illegal units than legal units still existing. We were told that if these units were registered they would be safer. Nothing happened at that time other than the owner living on the property was removed. In the 8 years we have noticed that the enforcement is very inconsistent. The attached scenario has the easy bailout of being a rec room. I'm not opposed to infill and I'm not opposed the densifying the pedestrian core. There was a reason why the last time the code went through that RE-1 and RE-2 were separated from RE-1/S and RE-2/S. When you have regulations that contradict covenants it sets things up for a lot of civil situations. My neighbor and I would like to propose what should we do now that we know that there are a lot of illegal units? We know that there's a disparity in regulation? There is very little effort on reinforcement. The parking is a huge concern. At the time that we built our units we wanted separate sewer taps and we're not permitted to have that. I would encourage you to postpone any further revision of these regulations until the regulations that are in place are enforced and that enforcement is a little bit more consistent. I'm not opposed to infill and density. I don't think that the RE-1 and RE-2 zone district lots that are now wanting secondary units are so accessible to the bus and I question why they were left out of the secondary unit approval the last time around. I would like some answers of how to proceed.

Bob Keenan –

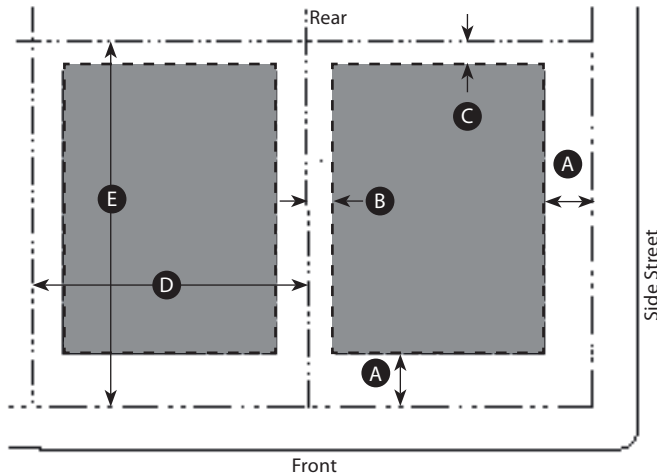
If you want to set up a meeting with Planning staff to talk about illegal secondary units then we could talk to you about that.

Laura Beauregard –

I'm all for safety and I'm all for these units being registered. I'm for the consistent enforcement of the rules taking place.

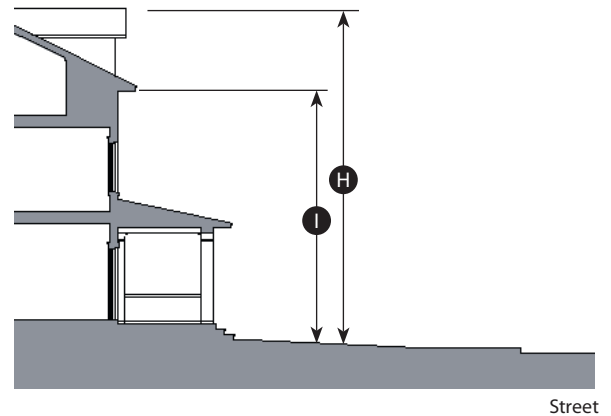
Discussion on this agenda item ended at approximately 8:08 p.m.

## RN-1: Residential Neighborhood One, Low Density



### Key

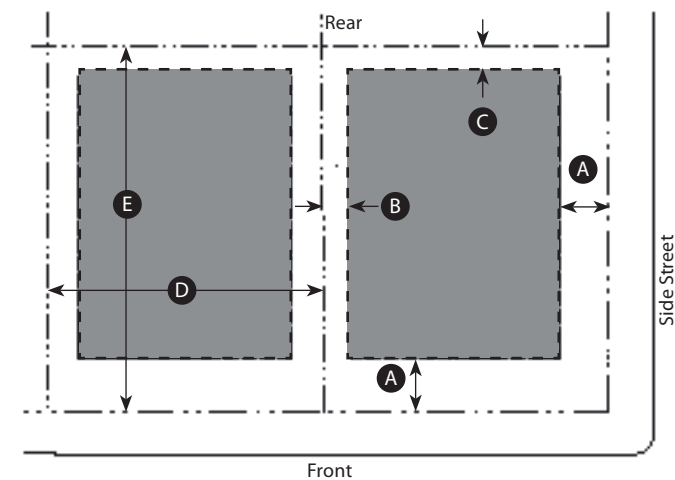
- ROW / Property Line      ■ Building Area  
 --- Setback Line



Building Placement		
Setback (Distance from ROW / Property Line)		
Front/Side Street <b>A</b>		
Principal Structure	20' min.	
Accessory Structure	25' min.	
Attached Garage	25' min.	
Side <b>B</b>		
Principal Structure	15' min.	
Accessory Structure	10' min.	
Attached Garage	15' min.	
Rear <b>C</b>		
Principal Structure	15' min.	
Accessory Structure	10' min.	
Attached Garage	15' min.	
Lot Size		
Width	30' min.	<b>D</b>
Depth	no min.	<b>E</b>
Minimum Lot Area		
Single Family with Secondary Unit	10,000 sq. ft.	
Duplex	20,000 sq. ft.	

Building Form		
Height*		
Principal Structure		
Overall Height	40' max.	<b>H</b>
Average Plate Height	28' max.	<b>I</b>
Accessory Structure		
Overall Height	28' max.	
Average Plate Height	16' max.	
Other Standards		
Building Intensity		
Lot Coverage	35% max.	
Floor Area Ratio (Accessory Structure)	20% max.	
Secondary Unit Size	650 sq. ft. max.	
Density		
Units per lot	2	
* The above diagram is not intended to illustrate how height is measured. Please see the diagram in Section 26-402 for an illustration of how height is measured.		

RN-2: Residential Neighborhood Two, Medium Density

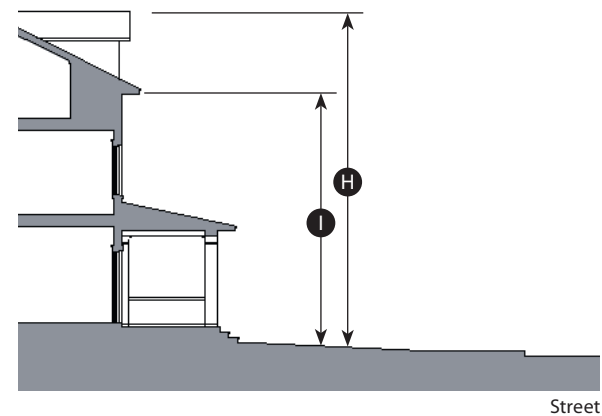


Key

---- ROW / Property Line      ■ Building Area

--- Setback Line

Building Placement		
Setback (Distance from ROW / Property Line)		
Front/Side Street		A
Principal Structure	20' min.	
Accessory Structure	25' min.	
Attached Garage	25' min.	
Side		B
Principal Structure	10' min.	
Accessory Structure	10' min.	
Attached Garage	10' min.	
Rear		C
Prinipal Structure	10' min.	
Accessory Structure	10' min.	
Attached Garage	10' min.	
Lot Size		
Width	30' min.	D
Depth	no min.	E
Minimum Lot Area		
Single Family with Secondary Unit	8,000 sq. ft.	
Duplex	16,000 sq. ft.	

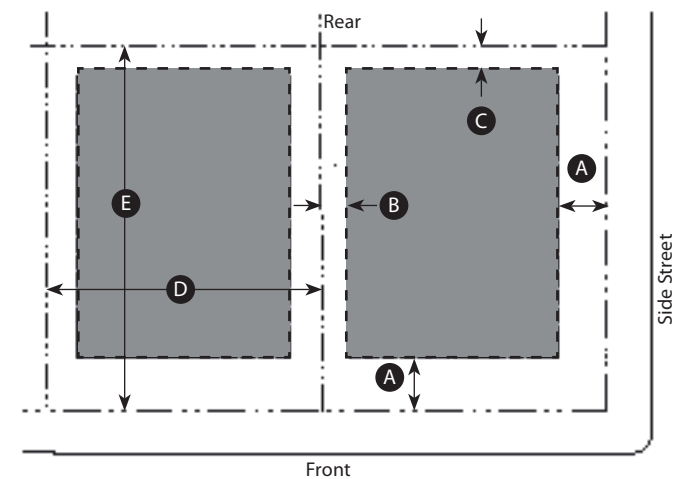


Building Form		
Height*		
Principal Structure		
Overall Height	40' max.	H
Average Plate Height	28' max.	I
Accessory Structure		
Overall Height	28' max.	
Average Plate Height	16' max.	

Other Standards		
Building Intensity		
Lot Coverage	35% max.	
Floor Area Ratio (Accessory Structure)	20% max.	
Secondary Unit Size	650 sq. ft. max.	
Density		
Units per lot	2	

\* The above diagram is not intended to illustrate how height is measured. Please see the diagram in Section 26-402 for an illustration of how height is measured.

RN-3: Residential Neighborhood Three, High Density



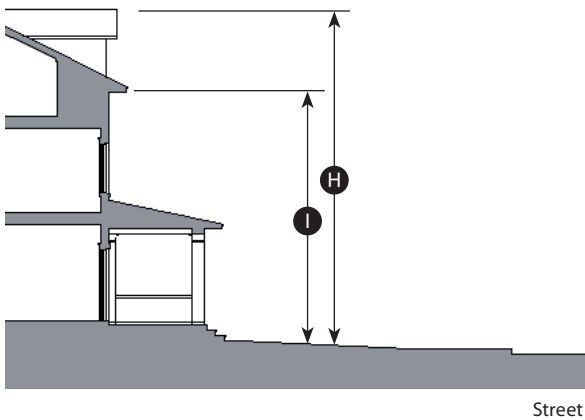
Key

--- ROW / Property Line

--- Setback Line

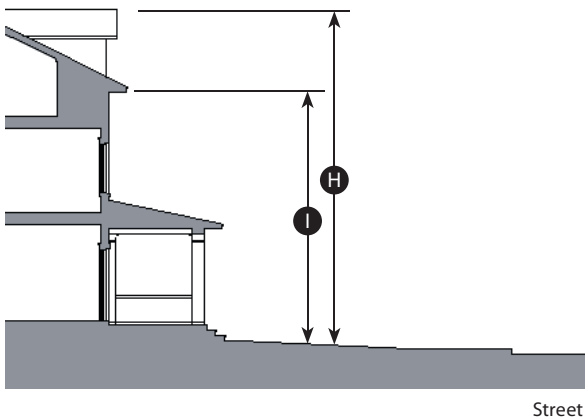
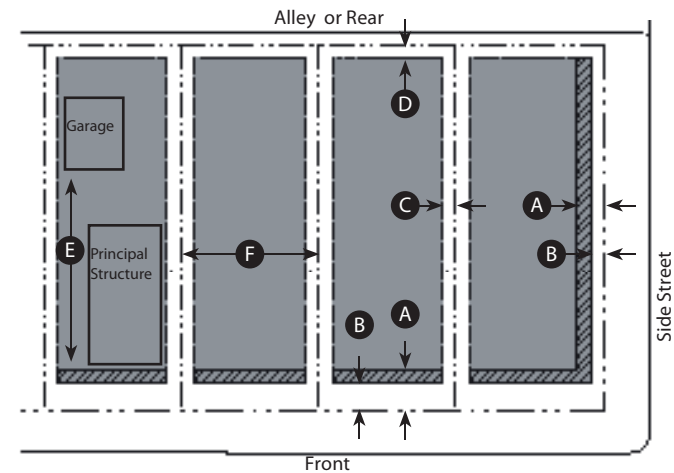
■ Building Area

Building Placement		
Setback (Distance from ROW / Property Line)		
Front/Side Street		A
Principal Structure	15' min.	
Accessory Structure	20' min.	
Attached Garage	20' min.	
Side		B
Principal Structure	10' min.	
Accessory Structure	5' min.	
Attached Garage	10' min.	
Rear		C
Principal Structure	10' min.	
Accessory Structure	5' min.	
Attached Garage	10' min.	
Lot Size		
Width	30' min.	D
Depth	no min.	E
Minimum Lot Area		
Single Family with Secondary Unit	6,000 sq. ft.	
Duplex	12,000 sq. ft.	



Building Form		
Height*		
Principal Structure		
Overall Height	40' max.	H
Average Plate Height	28' max.	I
Accessory Structure		
Overall Height	28' max.	
Average Plate Height	16' max.	
Other Standards		
Building Intensity		
Lot Coverage	35% max.	
Floor Area Ratio (Accessory Structure)	20% max.	
Secondary Unit Size	650 sq. ft. max.	
Density		
Units per lot	2	
* The above diagram is not intended to illustrate how height is measured. Please see the diagram in Section 26-402 for an illustration of how height is measured.		

RN-4: Residential Neighborhood Four, High Density-Small Lot



Key	
--- ROW / Property Line	■ Building Area
--- Setback Line	▨ Porch Area

Building Placement		
Setback (Distance from ROW / Property Line)		
Front/Side Street		A
Principal Structure	15' min. - 20' max.	
Accessory Structure	15' min.	
Porch	7' min.	B
Garage (attached or detached)	20' min. (from front of principal structure)	E
Side		C
All Structures	5' min.	
Driveway*	5' min.	
Rear		D
All Structures	5' min.	
Garage accessed off alley	5' or 20' **	
Lot Size		
Width		F
Lots with alley access	25' min.	
Lots without alley access	50' min.	
Minimum Lot Area		
Single Family with Secondary Unit	2,500 sq. ft. w/ alley	
	5,000 sq. ft. w/o alley	
Duplex	5,000 sq. ft. w/ alley	
	9,000 sq. ft. w/o alley	

Building Form		
Height***		
Principal Structure		
Overall Height	40' max.	H
Average Plate Height	28' max.	I
Accessory Structure		
Overall Height	28' max.	
Average Plate Height	16' max.	
Other Standards		
Building Intensity		
Lot Coverage	45% max.	
Floor Area Ratio (Accessory Structure)	20% max.	
Secondary Unit Size	650 sq. ft. max.****	
Density		
Units per lot	2 max.	

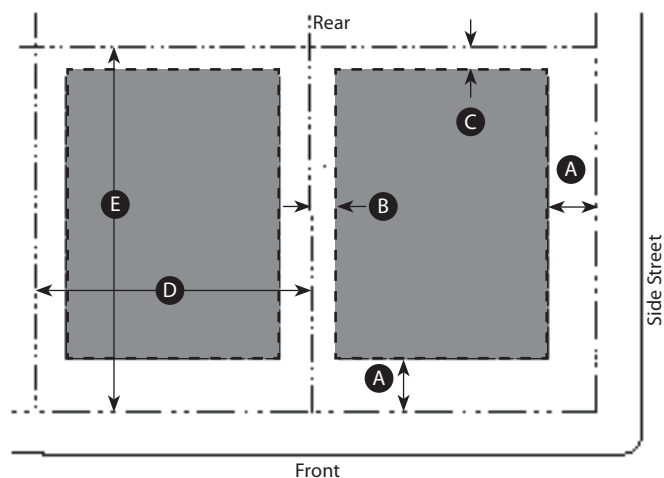
\* Not applicable to shared driveways.

\*\* Garages accessed off an alleys are not permitted between 5 and 20 feet from the rear property line to minimize parking conflicts.

\*\*\* The above diagram is not intended to illustrate how height is measured. Please see the diagram in Section 26-402 for an illustration of how height is measured.

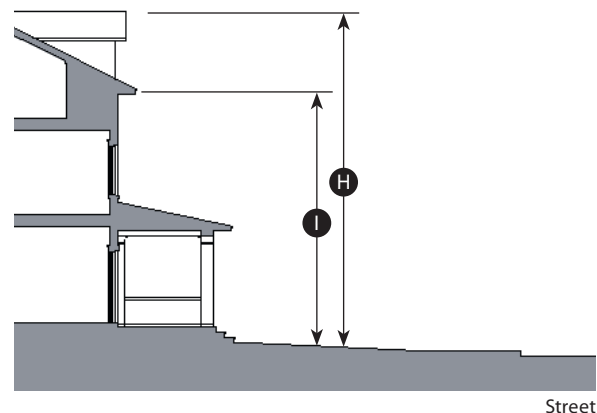
\*\*\*\* See Section 26-402 for additional secondary unit criteria.

## RE-1: Residential Estate One, Low Density



### Key

- ROW / Property Line      ■ Building Area  
 --- Setback Line

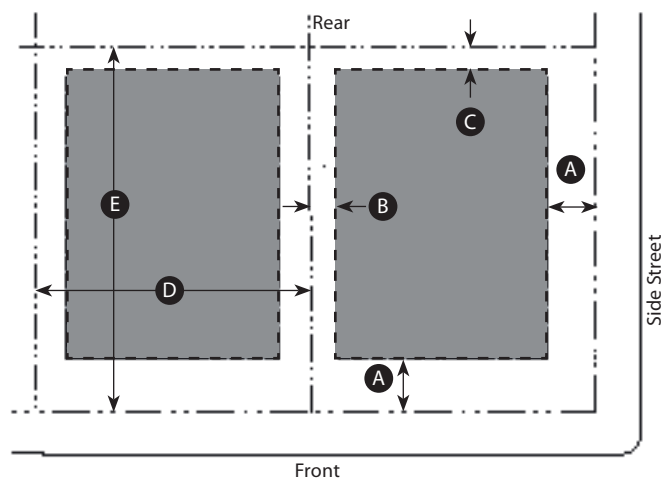


Building Placement		
Setback (Distance from ROW / Property Line)		
Front/Side Street		<b>A</b>
Principal Structure	25' min.	
Accessory Structure	25' min.	
Side		<b>B</b>
Principal Structure	25' min.	
Accessory Structure	15' min.	
Rear		<b>C</b>
Principal Structure	25' min.	
Accessory Structure	15' min.	
Lot Size		
Width	30' min.	<b>D</b>
Depth	no min.	<b>E</b>
Minimum Lot Area		
Single Family with Secondary Unit	1 acre	

Building Form		
Height*		
Principal Structure		
Overall Height	40' max.	<b>H</b>
Average Plate Height	28' max.	<b>I</b>
Accessory Structure		
Overall Height	28' max.	
Average Plate Height	16' max.	
Other Standards		
Building Intensity		
Lot Coverage	35% max.	
Floor Area Ratio (Accessory Structure)	10% max.	
Secondary Unit Size	650 sq. ft. max.	
Density		
Units per lot	2	

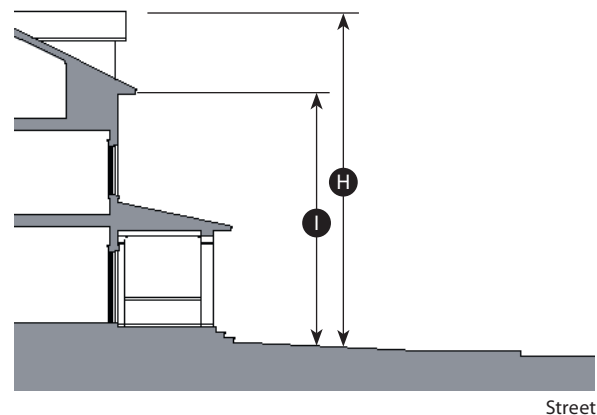
\* The above diagram is not intended to illustrate how height is measured. Please see the diagram in Section 26-402 for an illustration of how height is measured.

## RE-2: Residential Estate Two, Medium Density



### Key

- ROW / Property Line
- Setback Line
- Building Area



Building Placement		
Setback (Distance from ROW / Property Line)		
Front/Side Street		A
Principal Structure	25' min.	
Accessory Structure	25' min.	
Side		B
Principal Structure	15' min.	
Accessory Structure	10' min.	
Rear		C
Principal Structure	15' min.	
Accessory Structure	15' min.	
Lot Size		
Width	30' min.	D
Depth	no min.	E
Minimum Lot Area		
Single Family with Secondary Unit	13,500 sq. ft.	

Building Form		
Height*		
Principal Structure		
Overall Height	40' max.	H
Average Plate Height	28' max.	I
Accessory Structure		
Overall Height	28' max.	
Average Plate Height	16' max.	

Other Standards		
Building Intensity		
Lot Coverage	35% max.	
Floor Area Ratio (Accessory Structure)	20% max.	
Secondary Unit Size	650 sq. ft. max.	
Density		
Units per lot	2	

\* The above diagram is not intended to illustrate how height is measured. Please see the diagram in Section 26-402 for an illustration of how height is measured.





**DEPARTMENT OF**  
**PLANNING AND COMMUNITY DEVELOPMENT**  
**MEMORANDUM**

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**DATE:** April 28, 2011  
**TO:** Planning Commission  
**FROM:** Planning Staff  
**SUBJECT:** Secondary Units Worksession

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**Overview:**

At the direction of the Planning Commission city staff has developed this memo to evaluate the Community Development Code as it relates to secondary units, specifically, barriers to additional secondary units within the City. At the February 14<sup>th</sup> worksession meeting of the Planning Commission a discussion occurred regarding this subject and it was determined that code amendments should be made to address the identified barriers to this type of development.

Planning Staff has schedule this for a worksession so that final details of the ordinance could be discussed with greater input from the community as changes could affect all low density residential zoned districts within the city.

**Background Information:**

Since the mid 1980's secondary units (called accessory apartments) and caretaker units have been allowed within the City of Steamboat Springs. Specifically, caretaker units were allowed in two of the lowest density residential zone districts and accessory apartments were allowed in six other residential/multi-family zone districts.

Under the previous zoning code accessory apartments were allowed only if the size of the lot was double the minimum lot size required for a single-family unit. There were no maximum size limitations on accessory apartments. There was no definition of a caretaker unit.

Under current zoning there is no allowance for caretaker units, however, secondary units are allowed as a Use with Criteria in all residential zones except for Residential Estate - One, Residential Estate - Two, Resort Residential, Mobile Home, Gondola Two, and TND - Special District. In the Industrial Zone District secondary units are allowed as a Conditional Use.

The City currently has approximately 76 approved secondary units. This does not include the live/work units in the Industrial zone district or other residential units within a mixed use building.

Secondary Units are limited to 650 square-feet in size among other limitations found in the Use Criteria. *Please see attached secondary unit definition and Use Criteria for more information.*

Secondary units are allowed to be located within a principal structure or an accessory structure; however, the size limitations and other requirements for accessory structures may preclude the inclusion of a secondary unit. *Please see attached accessory unit definition for more information on these requirements.*

### **Discussion Items:**

#### **Potential Barriers to Secondary Units**

At the February 14<sup>th</sup> Worksession of the Planning Commission the following regulations were discussed as potential barriers to the creation of additional secondary units:

1. **Current Zoning –**

The RE-1 and the RE-2 zone districts are the only single-family zone districts in which secondary units are not allowed.

*Recommended Change: In order to accommodate more secondary units within the city, staff recommends that all RE-1/S and RE-2/S zone districts be rezoned to RE-1 and RE-2, respectively, and a code change to allow secondary units in said zones.*

2. **Accessory Structure Limitations –**

The definition of accessory structure sets limitations the size of accessory structures among others. These limitations may deter construction of secondary units for the following reasons:

- a. **Timing** “(2) Constructed concurrently or subsequent to principal structure; and” - Accessory structures must be built concurrently or subsequent to a principal structure.

Example: This may prevent someone from constructing and living in an accessory structure/secondary unit prior to the construction of a principal structure as it would be considered a principal structure and subject to principal structure setbacks.

*Recommended Change: No variances are currently allowed to this standard. Staff suggests allowing applicants to seek relief from this requirement when they propose to construct an accessory structure with a secondary unit prior to construction of a principal structure. Through this variance process the applicant shall demonstrate, via a site plan, compliance with the zone district requirements at full-build out of the lot. This site plan would include the principal structure footprint, accessory structure footprint, driveways, and parking. This would be for single-family/duplex developments only.*

- b. **Height** “(3) Ancillary or subordinate to the principal structure in terms of height; and” - Must be smaller than the principal structure in terms of height.

Example: For a lot with a 17' single story home, only a single story accessory structure of less than 17' may be built.

*Recommended Change: Staff suggests removing this requirement for single-family/duplex developments only and adding accessory structure height and floor area ratio (FAR) maximums for all single-family zone districts.*

- c. Size “(7) For single-family and duplex developments, the accessory structure shall be no greater than forty-five (45) percent of the gross floor area of the principal structure. In the residential Old Town (RO) zone district, the maximum size of the accessory structure shall be the maximum as provided under the accessory structure floor area ratio maximum; and” – Shall be 45% of the Gross Floor Area of the principal structure and in the RO zone is size is dictated by the FAR of .20.

Example: Outside of RO zone, a small principal structure of 1,000 square feet would limit an accessory structure to 450 square feet.

*Recommended Change: Staff suggests removing this requirement and creating new regulations that set maximums on accessory structure FAR and height regardless of the principal structure size. Staff suggests that the size of the accessory structure should no be restricted based up on what the size of the principal structure is as that size could change over time.*

- d. Location “(8) New accessory structures, or any portion of accessory structures, utilized as secondary units must meet the principal structure setback requirements in the RE-1/S, RE-2/S, RN-1, RN-2, RN-3, CN, or CY zone districts.” – Shall meet principal structure setbacks in zones RE, RN, CN, and CY if utilized for a secondary unit. However, if an accessory structure already exists at the accessory structure setbacks then a secondary unit can be placed within said structure.

*Recommended Change: Staff suggests removing this requirement and allowing secondary units to be housed in accessory structures that meet accessory structure setback minimums in all single-family/duplex zone districts.*

- e. Variances “(10) Structures not meeting item (3) may request relief through the section 26-69, Minor adjustment or section 26-70, Variance.” – Currently, only a variance to the accessory height being subordinate to the principal structure is allowed. Example: Requests to vary the timing, size or location is not permissible.

*Recommended Change: Staff suggests that we be able to entertain requests to vary the timing of an accessory structure. To address the height and size requirements, as discussed above, staff suggests that size be regulated by new dimensional standards (accessory height and FAR) and the location (principal setbacks for accessory structures with secondary units) requirement be removed.*

### 3. New Dimensional Standards –

Due to the potential elimination of some of the accessory structure standards, as discussed above, staff suggests that new maximum height and FAR requirements be created for all single-family zone districts (except for RO zone as these standards already exist) to mitigate the elimination of those accessory structure standards. Staff suggests that the intent of these standards was primarily for neighborhood aesthetics. It was meant to prevent a large accessory structure from dominating the principal structure. Planning Commission may want to discuss whether they think it would be more appropriate to have accessory structure lot coverage vs. FAR. Staff has suggests a FAR as to provide more flexibility on how the accessory structure is configured. Lot coverage would require a limited footprint and force the additional square footage onto multiple floors whereas a FAR would allow all square-footage to one level or multi-level.

*Recommended Change: Staff suggests including the following dimensional standards for the RE and RN zone districts. Staff has included the existing regulations in regular font for comparison:*

- Principal Structure Overall Height: 40' max.
- Accessory Structure Overall Height: 28' max.
- Principal Structure Average Plate Height: 28' max.
- Accessory Structure Average Plate Height: 16' max.
- Principal Structure Floor Area Ratio (FAR): None (lot coverage only)
- Accessory Structure Floor Area Ratio (FAR): 20% max.  
*Example: 6,000 sq. ft. = 1,200 sq. ft. accessory structure max.*
- Principal Structure Maximum size: None (governed by lot coverage, height, setbacks)
- Accessory Structure Maximum size: 1,750 sq. ft.  
*Example: 1,750 maximum accessory structure size would allow for the equivalent of a three car garage plus living area on a second level*

### **Attachments:**

*Attachment 1: Secondary Unit and Accessory Structure Definitions*

*Attachment 2: Secondary Unit Map and Zone District Breakdown*

## **Attachment 1**

*Secondary unit.* A residential unit ancillary to a principal dwelling unit, located on the same lot where the principal dwelling unit is located. A secondary unit is allowed on a registered legal nonconforming lot that does not meet minimum lot area for the zone district provided it can meet all other requirements for the development of the registered legal nonconforming lot.

(1) *Use criteria.*

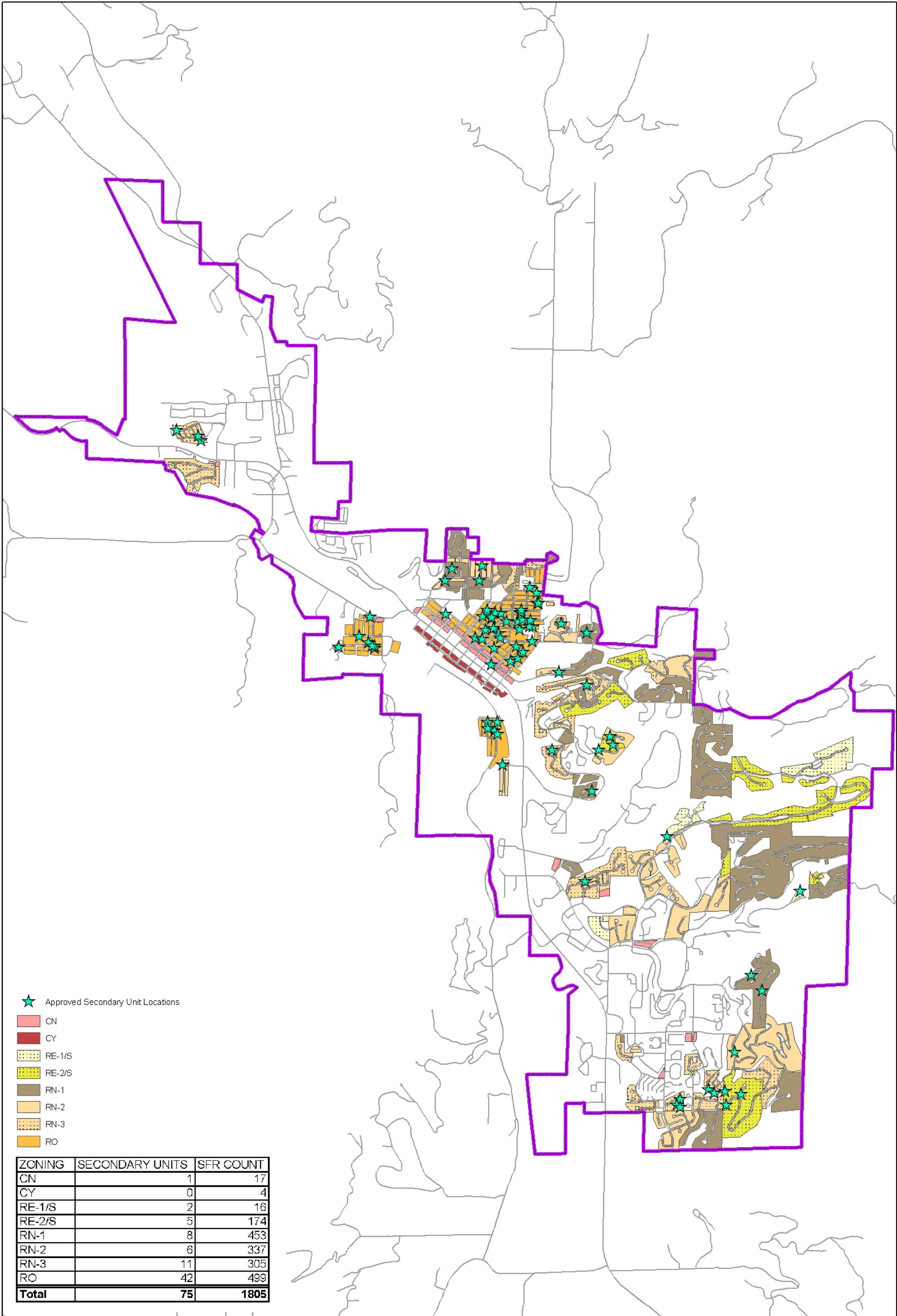
- a. *Review.* Review shall be prior to or concurrently with a development or building permit, as applicable.
- b. *Inclusions.* A secondary unit is an independent dwelling unit with a sleeping area, bathroom and kitchen.
- c. *Zoning.* Secondary Units shall be allowed in RE-1/S, RE-2/S, RN-1, RN-2, RN-3, RO, MF-1, MF-2, MF-3, CN or CY. This criterion is absolute and may not be varied or waived through the public review process. Secondary Units in the I Zone District are allowable only after review and approval as a conditional use.
- d. *Vehicular access.* Lots that share a common access with other lots must submit a signed letter to the Director from all owners or easement holders of such access stating that there is no objection to a secondary unit. The principal unit and secondary unit shall share the same access unless access to the secondary unit is available and feasible from an alley. This criterion shall not apply to lots that have the minimum lot area for a duplex in the RN-1, RN-2, RN-3, RO, CO, or CY Zone Districts.
- e. *Parking.* Parking shall be provided on site for secondary units in accordance with section 26-137 and shall be arranged so that it does not obstruct access to neighboring properties and does not eliminate any existing front yard landscaping.
- f. *Secondary unit appearance and entrances.* Attached principal and secondary units may have only one front entrance and should appear from the street to be a single-family dwelling and not a duplex structure. Other entrances must be on the side or in the rear of the structure or in a location that is concealed when viewed from points along the front setback. A common entrance foyer with entrances leading from the foyer to each of the units is preferred. Detached secondary units in accessory structures are allowed.
- g. *Prohibitions.* No secondary unit shall be allowed in a duplex

structure or on the same lot as a duplex structure.

- h. *Size limitation.* The secondary unit shall be no larger than six hundred fifty (650) square feet whether located in a principal or accessory structure. This size shall be calculated from the interior side of secondary unit walls to the interior side of secondary unit walls excluding mechanical rooms, stairwells and those areas with a height of less than five (5) feet. When located in an accessory structure, the size of the accessory structure is required to comply with the maximum size of accessory structures as provided in the article.
- i. *Terms of rental.* The Secondary Unit may not be leased or rented for periods of time less than twenty-nine (29) days. Rental of secondary unit as a Vacation Home Rental is prohibited.
- j. *Accessory structure.* In RE-1/S, RE-2/S, RN-1, RN-2, RN-3, CN or CY, when a secondary unit is located within an accessory structure, the secondary unit must comply with accessory structure criteria as listed in this section and must also comply with the principal structure setbacks for the applicable zone district. Where a secondary unit is to be located in an existing accessory structure, this criterion shall not be applicable.
- k. *Certificate of inspection.* For all existing, non-registered secondary units, a certificate of inspection shall be provided to the city to demonstrate compliance with the Steamboat Springs Secondary Dwelling Unit Inspection Criteria, which shall be created by the Routt County Regional Building Department. A certificate of inspection shall be provided to the applicant by the Routt County Regional Building Department only after the secondary unit has been inspected by a Routt County Regional Building Department inspector and deemed to be in compliance with the Steamboat Springs Secondary Dwelling Unit Inspection Criteria.
- l. *Certificate of occupancy/approval.* For all new secondary units constructed after February 13, 2009, a certificate of occupancy or approval shall be obtained by the applicant and provided to city to demonstrate compliance with the International Codes. A certificate of occupancy or approval shall be provided to the applicant by the Routt County Regional Building Department only after the secondary unit has been inspected by a Routt County Regional Building Department inspector and deemed to be in compliance with the International Codes.

*Accessory structure.* A structure that is:

- (1) Detached from a principal structure by a minimum of six (6) feet; and
- (2) Constructed concurrently or subsequent to principal structure; and
- (3) Ancillary or subordinate to the principal structure in terms of height; and
- (4) Located on the same lot, or within the same development as the principal structure; and
- (5) Is used for a supporting purpose of the principal structure; and
- (6) For commercial, industrial, multi-family or mixed-use developments, the accessory structure shall be less than twenty-five (25) percent of the gross floor area of the principal structure; or
- (7) For single-family and duplex developments, the accessory structure shall be no greater than forty-five (45) percent of the gross floor area of the principal structure. In the residential Old Town (RO) zone district, the maximum size of the accessory structure shall be the maximum as provided under the accessory structure floor area ratio maximum; and
- (8) New accessory structures, or any portion of accessory structures, utilized as secondary units must meet the principal structure setback requirements in the RE-1/S, RE-2/S, RN-1, RN-2, RN-3, CN, or CY zone districts.
- (9) Structures not detached a minimum of six (6) feet must meet all principal structure dimensional standards.
- (10) Structures not meeting item (3) may request relief through the section 26-69, Minor adjustment or section 26-70, Variance.





**Bob Keenan**

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**From:** John Sullivan [JohnSullivan2000@aol.com]  
**Sent:** Thursday, April 28, 2011 11:56 AM  
**To:** Bob Keenan  
**Subject:** zoning change proposal

Bob, thanks for your time today on the telephone.

As a property owner at 1080 Crawford Ave, I would very much be in favor of allowing a secondary unit. To be able to have a small caretaker apartment would help me out greatly in caring for the property when we are out of town. Additionally, it makes complete sense to create some additional affordable housing for the community in general.

Thanks for passing my thoughts along.

**JOHN D SULLIVAN**

RECEIVED  
5-18-11

12 May 11

Steamboat Springs Planning Commission  
City of Steamboat Springs  
PO Box 775088  
Steamboat Springs, CO 80477

Re: Proposed zone change to Re-1 and Re-2

ROBERT SANFORD RALSTON, AIA  
REX McKIM PETERSON, AIA

Dear Planning Commission:

Please leave current Re-1 and Re-2 zone districts that do not allow secondary units separate from Re-1s and Re-2s which allow secondary units, by maintaining the existing zoning of Re-1 and Re-2 districts; by doing so, we can maintain the current family-oriented neighborhood characteristics that have existed prior to zoning. This residential estate zoning was previously applied to these existing neighborhoods due to their existing character, openness, and lack of density.

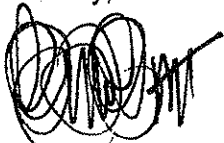
A change to allow secondary units is a down-grade to existing Re-1 and Re-2 districts which were created in the original town area when zoning was established and the neighborhoods already existed. It was and remains the best description and protection for these existing areas that are still some of the most desirable areas in the city.

Secondary units that have been constructed within the city have created more density, parking, traffic and snow storage problems. less safety for small children in these areas, and a decrease in over-all desirability and likely lower property values.

Others I have discussed this proposed zone change with are concerned for similar reasons and I have asked them to also write letters to planning commission and copy council concerning this proposal.

Keep the quality of these original town neighborhoods in tact and do not change the zoning in our area.

Sincerely,



Roberts S. Ralston, Resident  
1164 Crawford Avenue since 1974

cc: Bob Keenan, City Planning  
City Council  
Steamboat Springs Park Association Members

**ROBERT S. RALSTON & ASSOCIATES, ARCHITECTS P.C.**  
BOX 3627 • STEAMBOAT SPRINGS, COLORADO 80477 • 970-879-2727 • FAX 970-879-3680  
MEMBER AMERICAN INSTITUTE OF ARCHITECTS & THE CONSTRUCTION SPECIFICATIONS INSTITUTE

Larry and Evie Freet  
P.O. Box 772454  
1111 The Boulevard  
Steamboat Springs, CO 80477 879-4453



May 18, 2011

Dear City Planning Commissioners and City Council Members,

We are writing to express our strong opposition to zoning changes, which would allow secondary units in our current single-family neighborhood known, as Crawford Hill, Woodchuck Hill, North Highlands addition to Steamboat Springs.

We think the city planning staff is being shortsighted in an attempt to create more work force housing at the expense of a wonderful single-family neighborhood and its resident property owners. The potential of having a secondary rental unit on every home will increase the size/density of buildings, vehicles/traffic, people/stuff, and will degrade and destroy the character and charm of our older single-family neighborhood. Anyone can see what mis-managed rental units do to a neighborhood. "Participants in Vision 2030 clearly stated that they value a close-knit, friendly and caring community that is safe, values families and diversity, and takes pride in its Western and historic heritage." A small town feel will become urban congestion with a transient populace. Single-family neighborhoods are still a very important housing choice for families and others.

Some of the comments we have heard from visitors and walking strangers to our area have been:

"We didn't know a fantastic neighborhood like this existed."

"What great smaller homes."

"These homes still have yards."

"It's so quiet here."

"It's nice that you know your neighbors."

"This area is so charming."

Lets start with in-fill development of vacant lots under current zoning laws before we destroy single-family neighborhoods that are so needed and wanted.

Please take a walking tour yourselves and maintain the current zoning for this wonderful single-family neighborhood. Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Evie Freet".

Larry and Evie Freet

5/26/11

**DRAFT**

**Secondary Unit/Accessory Structure #TXT-11-06 A Text Amendment to the CDC use chart to allow secondary units in the RE-1 and RE-2 zone districts, an amendment to the dimensional standards table to include new dimensional standards for accessory structures, an amendment to the accessory structure definition, an amendment to the Secondary Unit definition, and an amendment to remove the RE-1/S and RE-2S zoning designations.**

Discussion on this agenda item started at approximately 5:23 p.m.

**STAFF PRESENTATION**

Bob Keenan –

(He passed out a public comment from Suellyn Godino). We have a text amendment to allow secondary unit/accessory structures in the RE-1 and RE-2 zone districts to change the accessory structure and secondary unit definitions. Amend the permitted use table to allow a secondary unit as a conditional use in the RR zone district. Eliminate the amount of secondary unit in the industrial zone district and should have been changed at the time that we prohibited single family residences. We're amending the dimensional standards tables for RE and RN zone districts to add the new accessory structure height and FAR's. The staff report depicts when the description through bold letter to represent new language. Strike 3 is to limit the language that we're proposing to be eliminated. There was a question at the work session on Monday on how many lots would this affect if we were to allow secondary units in the RE-1 and RE-2 zones? There are approximately 140 RE-1 lot and 270 RE-2 lots. As a comparison there are 42 RE-1S lots and 255 RE-2S lots. If the Planning Commission chooses not to approve the text amendment for secondary units then we don't need to move forward with the next agenda item. If we didn't want to allow them in the RE-1 and RE-2 zone districts then that's ok since I think we made a lot of good changes to the secondary unit and accessory structure definitions so we don't need to throw the whole thing out.

**COMMISSIONER QUESTIONS**

Commissioner Brookshire –

Can you give me the logic and history as to what the parking requirement is? How did that get here?

Bob Keenan –

I presume that the intent was that given the maximum size of the secondary unit at 650' that would most likely accommodate a single tenant or a couple and so this would be adequate for the parking for that unit. As part of this discussion as to how we got to this point was that we were looking at barriers to allowing more secondary units and an increased parking demand would be a barrier to allowing more of them in the community.

Commissioner Brookshire –

The number of parking spaces is derived from saying the square footage of the unit. There's some kind of correlation to the size of the unit to the number of parking spaces off street.

Commissioner Levy –

5/26/11

## **DRAFT**

Did we have a number of complaints about secondary units crowding specific noise issues addressed to other secondary units in other neighborhoods and any other particular issues that would negatively affect this new area allowing secondary units where they're not allowed now?

Bob Keenan –

We have had some complaints due to noisy tenants and parking. Those have been very few and far between.

Commissioner Lacy –

How many registered secondary units are in RE-1S and RE-2S?

Bob Keenan –

There are 2 in RE-1S and 5 in RE-2S.

Commissioner Levy –

Overall that comes out to 4% for all units.

Commissioner Hanlen –

On pg 3-5 number 10 down at the bottom where it says 'compliance with zone district standards at anticipated full build-out of the lot'. As I mentioned in the last hearing where this gets to be problematic is what anticipated full build-out means. Where I got stuck with an application that I was taking through was that I was required to do full drawings, get a building permit, and then we pay \$30,000+ in tap fees and building permit fees for a building that wasn't being planned on being built any time soon. I was wondering if we could add with the proposed site plan showing where everything was going as opposed to a pretty massive requirement. The way staff interpreted it previously was that anticipated build-out means we need to see a building permit for the proposed principle structure before you can build the smaller accessory structure.

Bob Keenan –

If the Planning Commission doesn't think that it's clear then we can amend it. I think that it's pretty straight forward.

Commissioner Hanlen –

What would you expect an applicant to provide you?

Bob Keenan –

A site plan showing a proposed building footprint of the proposed accessory structure, principle structure, and driveway.

Commissioner Hanlen –

No floor plans or elevations?

Bob Keenan –

No.

Commissioner Hanlen –

5/26/11

## **DRAFT**

Could we just add with a site plan?

Bob Keenan –  
Whatever you want to do.

Commissioner Hanlen –  
It's just an interpretation thing. It was worded very simply like this when I came through and my clients got tagged pretty heavily for that.

Bob Keenan –  
This is completely new language.

Commissioner Hanlen –  
I know. I'm saying that the interpretation of the language at the time was very simple. This was 8-9 years ago.

Bob Keenan –  
At that time the accessory structure had to be constructed after the principle structure. That's why we required that you have a building permit for both structures. That's what we're changing.

Commissioner Hanlen –  
I could see just with a site plan at the end of full build-out of the lot.

Commissioner Robbins –  
It says it prior to that. It says via a site plan.

Commissioner Hanlen –  
I misread it.

Commissioner Brookshire –  
I think that we're just talking about adding something to RE-1 and RE-2. In the packet it seems to reference all RE and RN zone districts. What's the differentiation?

Bob Keenan –  
Specifically to RE-1 and RE-2 we're proposing to include secondary units. In addition to that and because of that we're proposing new dimensional standards to address accessory structure height limitations and FAR's. At this point in time the accessory structure in those zone districts is just subject to the overall height.

Commissioner Brookshire –  
Those changes would take effect throughout the RE and RN zone districts?

Bob Keenan –  
Correct.

Commissioner Hanlen –

5/26/11

## **DRAFT**

For RE-1 and RE-2, which are primarily larger lots we have the same restrictive average plate height and overall height that we do for residential Old Town. The overall height isn't bad, but it's the average plate height. There are 2 problems; you end up with a 5'6" plate height based off of a typical garage ceiling, which it tends to be pretty restrictive. I appreciate that where we're trying to restrict mass and scale downtown in a fairly tight neighborhood. I think for RE-1 and RE-2 it can get a little bit excessive. The other problem is the way that staff currently looks at what average plate height is. If you drew a salt block shaped roof where you have a taller plate height and a lower plate height they're taking the average per elevation as opposed to an average of the total lineal footage of the plate. It becomes fairly restrictive. I don't think that's appropriate for RE-1 and RE-2.

Bob Keenan –

We would agree with Commissioner Hanlen that the RE-1 and RE-2 is lower density and larger lot. I think that would be more appropriate in the RE-1 and RE-2.

Commissioner Hanlen –

I would be willing to compromise just by backing off of restrictions on RE-2. I think that it's excessive for RE-1. The setback restriction should meet the principle if we're allowing them to build at full height. Unless you see any potential lots where that might create an issue and I wasn't aware of any. Unless you're aware of some lots where that's going to be problematic I would be tempted to say that if someone has a 1 acre minimum sized lot they don't need the benefit of a reduced setback to be able to build their accessory structure.

Commissioner Robbins –

I agree with Commissioner Hanlen. I think that on a 1 acre lot that you would need to have restrictions.

Commissioner Levy –

What is your overall restriction if you're taking away average plate height? You're using what instead?

Commissioner Hanlen –

You're just going back to the principle structure.

Commissioner Levy –

Does it have to be subordinate to the principle structure? What goes back to the principle structure how?

Commissioner Lacy –

Do you mean combining the 2 to meet the size of the principle structure?

Commissioner Hanlen –

What I'm saying is it just must meet the principle structure. The discussion that we had last time was the idea that we're not talking about secondary units necessarily when we say accessory structure. We're talking about a lot and if someone wants to build a larger sized house they can break that up into smaller modules. They might have a 3 car garage with an office. I don't think that necessarily should fall under guidelines that we created for Old Town Steamboat. I think that if someone wants to break up the massing of a house then it

5/26/11

## **DRAFT**

should just have to meet the principle structure setbacks. If they have to meet the principle structure setbacks then they should be allowed to meet the maximum height of that site. A lot of the lots in RE-1 such as the sanctuary have building envelopes that would dictate setbacks that would supersede these.

Bob Keenan –

To understand do away with the accessory structure height limitation and that would be subject to the overall principle structure height.

Commissioner Hanlen –

Correct, but also make them comply with the principle structure setbacks.

Commissioner Robbins –

All of the regulations that would apply to the principle structure would apply to the accessory?

Commissioner Hanlen –

Correct.

Commissioner Levy –

There would be no square footage limitation?

Commissioner Hanlen –

We have a maximum square footage on secondary units of 650 so that's capped. I'm just saying that if someone wants to break up their house what I would call a compound effect where it's multiple structures as opposed to 1 big one I don't think that we should have a penalty in place that encourages building 1 big massive house. You're seeing a lot of people starting to go there.

Commissioner Levy –

Isn't that getting around duplex rules? If the accessory unit becomes equal to the size of the main structure I mean the idea of a secondary use would have a much less impact than a full house. That's why we have size restrictions. Also one of the main purposes is to provide more affordable housing, caretaker. You could say that's what it's for, but if it becomes a 2,000 square foot accessory structure are we meeting the intent?

Commissioner Hanlen –

You're inferring that every accessory structure is for secondary units and have a kitchen. What I'm saying is that an accessory structure could take this large house and split it in 2 and now that it's more than 8' in between the 2 structures one of them has to comply with the accessory structure guidelines that we're proposing. It's part of the same house, but it's separated just a little bit.

Commissioner Levy –

I don't understand why the same house would be separated.

Commissioner Hanlen –



5/26/11

## **DRAFT**

It's a trend in larger homes where they're trying to break up the massing.

Commissioner Lacy –

Would it be like where they had separate garages?

Commissioner Hanlen –

Yes, like a detached garage. If you were to have a game room or an office attached to it then all of a sudden all of these rules apply to it as if it were a house on a 150'X150' lot in Old Town. I think that if it's a big lot then it's kind of excessive.

Commissioner Levy –

I hear what you're saying, but does that preclude my scenario from happening if someone builds a 2,000 square foot accessory unit?

Commissioner Hanlen –

Yes, because we have a 650' maximum on secondary units. We always think of an accessory structure as a secondary unit. An accessory structure could be more of the same house it's just detached. I'm just saying the trend in design is going that way.

Commissioner Robbins –

It's 2 separate definitions. 1 for secondary units and 1 for accessory units.

Commissioner Hanlen –

Right, it's a little bit complicated the way they have it in the definition's section.

### **PUBLIC COMMENTS**

Evie Freet –

We are strongly opposed to secondary units in our neighborhood. We feel that it will damage the character of our neighborhood. Our neighborhood and lots were platted by James Crawford. They weren't designed for multiple families. If you look at some of the newer neighborhoods in town such as Tamarack Dr it would give you a visual of what our neighborhood could look like. That neighborhood was platted for multiple families. The result of adding secondary units is the increased density and numerous problems. The traffic and vehicles is one of the major problems that we will be faced with. There is a real need for single family neighborhoods. I couldn't distinguish on the zoning map if there will be any single family neighborhoods after you increase the zoning for all of the RE-1 and RE-2. I think that is a real important real estate choice for families and others to have that option. Our understanding is that the intent of this is to provide workforce housing. The rental and purchase costs are at the lowest in years. I'm asking you to give this some thought. Let's keep the zoning as is in our neighborhood. We would like to keep the neighborhood and the zoning as is.

Larry Freet –

I think a lot of this could be handled in variances on an individual basis. I don't think that you have to have the complete zoning change. If my neighbor wants to put in a secondary unit on it then I think that it's going to upset the neighbors in the immediate area more than anything. I think that we should have a vote on what's going to happen in the immediate area of your home. I think that way the neighborhood has more control over what happens.

5/26/11

## **DRAFT**

In fill is how I think that this all came about when Steamboat 700 got turned down. Is it for single family dwellings? I think that it's going to cheapen our neighborhood. We are the choice neighborhood that families want to move into. I think that it's crazy that you take a beautiful neighborhood and cheapen it by having a bunch of rental property. I'm all for secondary units. I think that it should be done on a variance basis. Infill on vacant lots; how many vacant lots are available today?

Tyler Gibbs –

I don't know the number right off.

Larry Freet –

I think that we should be number 1 priority affordable housing for single family families and not have to commute from Hayden, Craig, etc. We have to have some rental property in our neighborhood and I'm not against that. I don't think that we need to change the zoning at this point.

Dan Full –

My feeling on this is that if you're a responsible neighbor then you're going to act responsibly. I have a sense that what this economy is going through is more than a temporary thing. I don't know that I'm fully for the secondary units. I could see an in law apartment, which would be built on top of my garage. I think that there's a need for it. I can't be here full time yet and would love to have a caretaker there. The one thing about variances is that in order to get a variance you need to have the neighbors in favor of it.

Pat McClelland –

I'm going to have to go with what the Freet's said in keeping the neighborhood as is. It's only single family. I think that Larry Freet's point on the variance is a good one. I think that across the board to change the zoning is not going in the best interest of our neighborhood or of Steamboat.

### **FINAL COMMISSIONER COMMENTS**

Commissioner Brookshire –

Would you describe the criteria in RE-1 and RE-2 today for secondary units? What do you have to do to meet those criteria?

Bob Keenan –

On pg 3-2 at the bottom and onto the next page you have to have vehicular access. If you share an access then you have to get permission from your neighbors. Parking is a required part of the parking regulations. Principle structures that house secondary units need to appear as though they are still a single family residence and not a duplex. A size limitation is 650' maximum. They can't be rented on a short term basis. If they are included in an accessory structure then the accessory structure needs to meet the accessory structure definition. There needs to be a certificate of inspection.

Commissioner Brookshire –

I didn't know those items were the criteria.

Bob Keenan –

5/26/11

## **DRAFT**

When they come in for a building permit then we'd have them fill out a use with criteria application and then we review their proposal to make sure it's consistent with the criteria.

Commissioner Brookshire –

How many lots currently have the ability to build secondary units?

Bob Keenan –

I didn't get those statistics.

Commissioner Brookshire –

We know how many they have.

Commissioner Lacy –

There are 297 RE-1S and RE-2S. Out of those there have been 7 secondary units built that are registered.

Bob Keenan –

In addition to that they're allowed in the residential Old Town district and in all of the RN zone districts.

Commissioner Brookshire –

That's not even close to the number of lots.

Commissioner Levy –

There are 4% of the lots that have registered secondary units.

Commissioner Brookshire –

Today currently out of the inventory that we have there are only 4% being used. Why do we need more?

Commissioner Levy –

According to the definition a secondary unit built within the main structure has to follow the accessory unit definition and not the secondary use definition.

Bob Keenan –

The secondary unit is going to be contained within the principle structure and it wouldn't need to meet the secondary structure criteria since it isn't contained within a secondary structure.

Commissioner Levy –

There is nothing that prevents a secondary unit within an accessory structure from being larger than 650'.

Commissioner Hanlen –

There is. When they go through the process they review it to be no larger than 650'.

Commissioner Levy –

5/26/11

## **DRAFT**

When I look at (j) accessory structure on pg 3-4 it doesn't say that it still has to comply with secondary units. That's what's confusing because it says 'when a secondary unit is located within an accessory structure, the secondary unit must comply with accessory structure criteria'. It doesn't say 'must also comply with' it just says 'must comply with'. It doesn't say 'it must still comply with secondary unit structure'.

Commissioner Lacy –

The size limitation is in (h). It has to meet (h) plus all of those others.

Commissioner Robbins –

In 'C' '2' on pg 3-5 where it has 'i, ii, iii' the 'and' at the end of 'iii' should be crossed out and moved to the end of 'i'.

Commissioner Lacy –

At the bottom of bottom of 3-4 subsection 3 of 'B' the new language that you have in there starts with 'excludes' and should be changed to 'excluding'.

Commissioner Brookshire –

It seems like had a discussion at some point about off street parking.

Commissioner Hanlen –

In our last discussion I would stand pretty firmly behind the idea that the majority of the problems that everybody associates with accessory structures or secondary structures are from the existing ones. The ones that have to come through the process now meet the size, meet safety concerns, and meet parking concerns, because they're coming under the full scrutiny of the Building Department and the Planning Department as opposed to something that was thrown in secretly 20 years ago that continues to be rented where there's insufficient parking available not only for the main house, but also for the secondary structure. I don't see the problem being so much with the new ones. It's the existing ones where it's problematic especially in Old Town where there's such little parking and such little space to do snow storage, etc.

Commissioner Brookshire –

Theoretically you could have 5 cars where those users are in the secondary unit.

Commissioner Hanlen –

You could have 5 cars with someone that has 3 kids that are all in High School.

Commissioner Brookshire –

Agreed.

### **RECOMMENDED MOTION**

Staff finds that the proposed Community Development Code Text Amendment, #TXT-11-01, to allow secondary units in the RE-1 and RE-2 zone districts, changes to the accessory structure and secondary unit definitions, changes to the permitted use table, and changes to the dimensional standards for all RE and RN zones are consistent with the criteria for approval per CDC Sec. 26-61(D).

5/26/11

## **DRAFT**

### **MOTION**

Commissioner Brookshire moved to approve TXT-11-06 with the removal of RE-2 from the proposed ordinance and Commissioner                      seconded the motion.

Motion failed due to lack of a second.

Commissioner Levy approved TXT-11-06 to allow secondary units in the RE-1 and RE-2 zone districts, changes to the accessory structure and secondary unit definitions, changes to the permitted use table, changes to the dimension standards, and that this proposal is consistent with the criteria for approval and Commissioner Robbins seconded the motion.

### **DISCUSSION ON MOTION**

Commissioner Hanlen –

I have a question regarding the discussion about RE-1 and removing the accessory structure setbacks, removing the height restrictions back from height and average plate height; would that be an acceptable add?

Commissioner Levy –

I would accept that as a friendly.

Commissioner Hanlen –

(He reiterated the amendment). For the RE-1 zone district removing a separate definition for accessory structure and it just has to meet the principle structure setbacks for front, side, and rear. Removing the accessory structure overall height and average plate height and it just has to comply with the principle structure overall height and average plate height.

Tyler Gibbs –

Is that redefining the definition of principle structure?

Commissioner Hanlen –

No. That was the nuance discussion. Whether you want to list it as principle and accessory structure or just call it principle structure. The buildings on the site must meet that. The standards are fairly loose other than that. The discussion that I was going on really doesn't have a place in the zone district standard, but I didn't want buildings to be called out on that technicality through an interpretation later on.

Tyler Gibbs –

You're allowing multiple structures to follow the principle structure design standards.

Commissioner Hanlen –

Correct. It may be something that doesn't come around that often, but when it does I don't want to see that being called out on the technicality. There are a few lots in town where it's appropriate.

Friendly is acceptable by both Commissioner Levy and Commissioner Robbins.

Bob Keenan –

Did you just say that you're removing the FAR?

5/26/11

## **DRAFT**

Commissioner Hanlen –

No, I didn't put that. That's such a massive number that I think it's funny to even put it in there. For RE-1 unless it's a nonconforming site that means that we're allowing an accessory structure to be 4,356 square feet. Why do we even put the FAR number in there? It seems like a waste of an exercise.

Bob Keenan –

The question to ask is when does a principle structure become an accessory structure?

Commissioner Hanlen –

My point was who cares.

Bob Keenan –

If we have an accessory structure limitation.

Commissioner Hanlen –

We have a secondary unit limitation, but if we struck the accessory structure. The whole idea with the way this was set up was that we're giving you the benefit of a reduced setback and in exchange to that it needs to be a smaller structure. If we make them meet the principle structure setbacks then they should be able to comply with the principle structure guidelines for height and average plate height, etc.

Bob Keenan –

You still want to include accessory structure FAR.

Commissioner Hanlen –

My point is that at 4,356 square feet is a waste of an exercise to even have to produce that number.

Bob Keenan –

Are you saying strike?

Commissioner Hanlen –

Yes.

Commissioners are ok with that.

Commissioner Levy –

Where are you striking this number?

Commissioner Hanlen –

On pg 3-23 under other standards where it says lot coverage 35% max., FAR, there is no max. for the secondary structure. It's saying 10% max for the accessory structure. If you have a legal lot it means that the accessory structure can be no bigger than 4,356 square feet, which seems like a waste of an exercise to have to prove out that number. I'm saying to strike it.

5/26/11

## **DRAFT**

Commissioner Levy –

I'm ok with that. We looked at the numbers for all of the units and I came up with 4% secondary units in all of the available units. The rate is a little bit higher in RE-1S than in RE-2S, it's all the way up to 5%. At all of the 180 lots in RE-1 and RE-2 it looks like we're looking at if everything stays the same 9 more secondary units. I don't see how that will affect impact neighborhoods and communities that strongly.

Commissioner Brookshire –

You don't live there and that's what these people are telling you. Give me your basis and tell me what your basis in and why are you doing it?

Commissioner Levy –

I live in a district that allows secondary units. It allows the flexibility of those living in that neighborhood that would want to do so to do so.

Commissioner Hanlen –

This is something in the discussions that we've been having over the last 3 years it's something based off of the reality of what it costs to build a secondary unit that I honestly don't see a flood of these coming in.

Commissioner Brookshire –

When you've only got 4% in the existing inventory being used so now you've got 96% existing that aren't being used and now we're going to go add 180 lots.

Commissioner Hanlen –

No, I'd add to my previous comment that those are the registered units. There is still probably double that number in units that aren't registered.

Commissioner Brookshire –

My point is that there's no basis to do it.

Commissioner Robbins –

I agree with Commissioner Levy that the people who own they're own lots should have the option to use them the same way that RE-1S and RE-2S does.

Commissioner Brookshire –

You're saying that the lot owners in RE-2 should have the same use as other lot owners in town?

Commissioner Robbins –

They should have the flexibility to use their lots.

Commissioner Brookshire –

They should move to property that's zoned for it. Obviously the people in that neighborhood like the use of their property as it is.

Commissioner Lacy –

5/26/11

## ***DRAFT***

I understand people's concern with community character. The point that I would have is that I'm in line with Commissioner's Levy and Robbins with this is that I don't like to make people lose their flexibility. I can understand in certain neighborhoods if people are interested in keeping these out of their neighborhood then they can have covenant.

### **VOTE**

Vote: 4-1

Voting for approval of motion to approve: Lacy, Hanlen, Levy and Robbins

Against: Brookshire

Absent: Meyer

Two positions vacant

Discussion on this agenda item ended at approximately 6:17 p.m.



**Bob Keenan**

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**From:** Bruce Bailey [BBailey@georgetownhospitalsystem.org]**Sent:** Thursday, May 26, 2011 2:00 PM**To:** Bob Keenan**Subject:** Secondary units

We are writing this letter to express our opposition to any zoning changes that would allow secondary units in our Crawford Hill area of old town Steamboat. We recently purchased the home located at 1161 Pine St. This is a log home constructed in the 1940s directly across from the historic Crawford House. As we evaluated the different locales and possibilities for the purchase of our much-desired Steamboat home, we quickly realized the downtown area was our preferred location. We preferred this location due to the wonderful homes already there, the quiet nature of the neighborhood, and the low density of the community.

We are very concerned that allowing secondary units in this neighborhood will drastically alter the look and feel of this wonderful neighborhood and ultimately lessen the desirability of living there. This will drive home values down and set the stage for the ultimate decline of the community. We would therefor respectfully request that the request for a zoning change to allow secondary units be denied. Thank you.

Bruce and Betsy Bailey

1161 Pine Street

Sent from my iPad

NOTE:

The information contained in this message may be privileged, confidential and Thank you.

05/27/2011

12-51

*Pat and Ruth McClelland  
PO Box 771067  
1134 Crawford Ave.  
Steamboat Springs, CO 80477  
879-2641*

May 20, 2011

**TO:** Steamboat Springs Planning Commission  
Steamboat Springs City Council  
Bob Keenan, Senior Planner

**RE:** Opposition to proposed zone change that would allow secondary units

We are writing this letter to express our opposition to any zoning changes that would allow secondary units in our Crawford Hill area of old town Steamboat. The properties in this area are sought after by many people due to their large lots, low density, large homes, and the general character of our neighborhood. Many of the homes in this area of town were constructed in the early years of Steamboat Springs existence---the Crawford House to name one. Our home was constructed in 1949.

We desire to maintain the character of our neighborhood. We do not wish to downgrade the neighborhood character with the allowance of secondary units, more density, and all the problems and negative values that would come with that zoning.

We would appreciate your favorable consideration of our request.

Sincerely,

*Patrick F. McClelland*

*Ruth McClelland*

Pat and Ruth McClelland

\*\*1134 Crawford Avenue since 1976

\*\*1070 Crawford Ave. -- Ruth's childhood home beginning in 1957

**CITY OF STEAMBOAT SPRINGS, COLORADO**

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

**AN ORDINANCE AMENDING CHAPTER 26 OF THE STEAMBOAT SPRINGS REVISED MUNICIPAL CODE FOR TEXT AMENDMENTS TO 26-402, SECONDARY UNITS, 26-402 ACCESSORY STRUCTURES, 26-91(B) RE ZONE DISTRICT, 26-92 TABLE OF PERMITTED PRINCIPAL USES, AND 26-132(B) ZONE DISTRICT SPECIFIC STANDARDS.**

**WHEREAS**, the City Council adopted the revised Community Development Code as Ordinance #1802 on July 23, 2001; and

**WHEREAS**, the City of Steamboat Springs committed to a regular, ongoing review of the Community Development Code so that the provisions contained therein are relevant and applicable to the community at any given point in time; and

**WHEREAS**, the City Council has determined that this ordinance furthers the goals and policies found in the Steamboat Springs Area Community Plan; and

**WHEREAS**, the City Council has determined that allowing more secondary units within the City is in the best interest of the community as it provides for affordable housing and infill development; and

**WHEREAS**, allowing secondary units within the RE-1 and RE-2 zone districts will make the RE-1/S and RE-2/S zone districts obsolete and therefore these designations will be removed from the CDC; and

**WHEREAS**, by allowing more secondary units within the City the City Council finds it necessary to update the definition of secondary units, accessory structures, the permitted use chart, add new accessory structure development standards to the RN and RE zone district specific standards, to amend the use chart to allow secondary units as a conditional use, and to amend the use chart that will prohibit secondary units within the Industrial zone as to be consistent with ordinance #2251 which prohibited single-family units within the Industrial zone.

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

Section 1. These amendments are as follows (new language in **bold** deleted language in ~~striketrough~~):

**A. Section 26-402, Secondary Unit Definition**

*Secondary unit.* A residential unit ancillary to a principal dwelling unit, located on the same lot where the principal dwelling unit is located. A secondary unit is allowed on a registered legal nonconforming lot that does not meet minimum lot area for the zone district provided it can meet all other requirements for the development of the registered legal nonconforming lot.

(1) *Use criteria.*

- a. *Review.* Review shall be prior to or concurrently with a development or building permit, as applicable.
- b. *Inclusions.* A secondary unit is an independent dwelling unit with a sleeping area, bathroom and kitchen.
- c. *Zoning.* Secondary Units shall be allowed in RE-1/S, RE-2/S, RN-1, RN-2, RN-3, **RN-4**, RO, MF-1, MF-2, MF-3, **RR**, CN, CY Zone Districts or **T2-NE, T3-NG1, T3-NG2, T4-NC**. This criterion is absolute and may not be varied or waived through the public review process. ~~Secondary Units in the I Zone District are allowable only after review and approval as a conditional use.~~
- d. *Vehicular access.* Lots that share a common access with other lots must submit a signed letter to the Director from all owners or easement holders of such access stating that there is no objection to a secondary unit. The principal unit and secondary unit shall share the same access unless access to the secondary unit is available and feasible from an alley. This criterion shall not apply to lots that have the minimum lot area for a duplex in the RN-1, RN-2, RN-3, **RN-4**, RO, CO, or CY Zone Districts.
- e. *Parking.* Parking shall be provided on site for secondary units in accordance with section ~~26-137~~ **26-139**. ~~and shall be arranged so that it does not obstruct access to neighboring properties and does not eliminate any existing front yard landscaping.~~

- f. *Secondary unit appearance and entrances.* ~~Attached principal and secondary units~~ **Secondary units that are contained within a principal structure** may have only one front entrance and should appear from the street to be a single-family dwelling and not a duplex structure. Other entrances must be on the side or in the rear of the structure or in a location that is concealed when viewed from points along the front setback. A common entrance foyer with entrances leading from the foyer to each of the units is preferred. Detached secondary units in accessory structures are allowed.
- g. *Prohibitions.* No secondary unit shall be allowed in a duplex structure or on the same lot as a duplex structure.
- h. *Size limitation.* The secondary unit shall be no larger than six hundred fifty (650) square feet whether located in a principal or accessory structure. This size shall be calculated from the interior side of secondary unit walls to the interior side of secondary unit walls excluding mechanical rooms, stairwells and those areas with a height of less than five (5) feet. When located in an accessory structure, the size of the accessory structure is required to comply with the maximum size of accessory structures as provided in the article.
- i. *Terms of rental.* The Secondary Unit may not be leased or rented for periods of time less than twenty-nine (29) days. Rental of secondary unit as a Vacation Home Rental is prohibited.
- j. *Accessory structure.* In RE-1~~/S~~, RE-2~~/S~~, RN-1, RN-2, RN-3, **RN-4, RR**, CN or CY, when a secondary unit is located within an accessory structure, the secondary unit must comply with accessory structure criteria as listed in this section and must also comply **Section 26-132, Dimensional Standards** ~~with the principal structure setbacks~~ for the applicable zone district. ~~Where a secondary unit is to be located in an existing accessory structure, this criterion shall not be applicable.~~
- k. *Certificate of inspection.* For all existing, non-registered secondary units, a certificate of inspection shall be provided to the city to demonstrate compliance with the Steamboat Springs Secondary Dwelling Unit Inspection Criteria, which

shall be created by the Routt County Regional Building Department. A certificate of inspection shall be provided to the applicant by the Routt County Regional Building Department only after the secondary unit has been inspected by a Routt County Regional Building Department inspector and deemed to be in compliance with the Steamboat Springs Secondary Dwelling Unit Inspection Criteria.

- I. *Certificate of occupancy/approval.* For all new secondary units constructed after February 13, 2009, a certificate of occupancy or approval shall be obtained by the applicant and provided to city to demonstrate compliance with the International Codes. A certificate of occupancy or approval shall be provided to the applicant by the Routt County Regional Building Department only after the secondary unit has been inspected by a Routt County Regional Building Department inspector and deemed to be in compliance with the International Codes.

**B. Section 26-402, Accessory Structure Definition**

*Accessory structure.* A structure that is:

- (1) Detached from a principal structure by a minimum of six (6) feet; and
- (2) Constructed concurrently or subsequent to principal structure; and
- (3) Ancillary or subordinate to the principal structure in terms of height **excludes single-family and duplex developments as they are regulated by Section 26-132, Dimensional Standards;** and
- (4) Located on the same lot, or within the same development as the principal structure; and
- (5) Is used for a supporting purpose of the principal structure; and
- (6) For commercial, industrial, multi-family or mixed-use developments, the accessory structure shall be less than twenty-five (25) percent of the gross floor area of the principal structure; or

- (7) ~~For single-family and duplex developments, the accessory structure shall be no greater than forty five (45) percent of the gross floor area of the principal structure. In the residential Old Town (RO) zone district, the maximum size of the accessory structure shall be the maximum as provided under the accessory structure floor area ratio maximum; and~~
- (8) ~~New accessory structures, or any portion of accessory structures, utilized as secondary units must meet the principal structure setback requirements in the RE 1/S, RE 2/S, RN 1, RN 2, RN 3, CN, or CY zone districts.~~
- (9) Structures not detached a minimum of six (6) feet must meet all principal structure dimensional standards.
- (10) Structures not meeting item ~~(3)~~ **2 (two)** may request relief through the section 26-69, Minor adjustment or section 26-70, Variance. **Applicant's requesting relief from criterion 2 shall also demonstrate, via a site plan, compliance with zone district standards at anticipated full build-out of the lot (principal and accessory structures and driveways).**

C. Section 26-91(b) – RE - Residential estate zone district

1. Purpose and intent. The residential estate zone district is intended primarily to provide areas for single-family detached living in a low-density environment. This district may be appropriate for environmentally sensitive areas, and is best located away from high-density development

2. Designations. Each property zoned RE must have a designation of "1" or "2" that further specifies the intensity and density of such use as provided by this article. ~~Each property in the RE zone district may attach a designation of "S." The "S" designation indicates that secondary units are allowed as a use with criteria.~~ **Secondary units are allowed as a use with criteria in both the RE-1 and RE-2 zones.** The designations are as follows:

- i. RE-1 residential estate, low density;
- ii. ~~RE 1/S residential estate, low density, secondary units;~~
- iii. RE-2 residential estate, higher density; and

iv. ~~RE-2/S residential estate higher density, secondary units.~~

**D. Section 26-92 - Table of Permitted Principal Uses**

	Traditional Zoning Districts															TND Zoning (Transects)					
Use Classification and Specific Principal Uses*	OR	RE	RN	RO	RR	MH	MF	G-1	G-2	CO	CY	CN	CC	CS	I	T2 - NE	T3-NG1	T3-NG2	T4 - NC	T5 - TC	SD
RESIDENTIAL USES																					
Dormitory							C	C					C						C	C	
Duplex			CR	CR	C		C	C			C	CR				CR	CR	CR	C		
Employee unit	C				CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR				CR	CR	
Group home		CR	CR	CR			CR				CR	CR				CR	CR	CR	CR	CR	
Live/Work unit										R	R	R							R	R	
Long-term rental		R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	
Mobile home						R															
Multi-family dwelling			C	C	CR		R	CR	CR	CR	CR	CR	CR	C	CR						
Tri-Plex/Fourplex																	R	R	R		
Bungalow court																		R	R		
Rowhouse																		R	R		
5--8 Units																		R	R		
9+ Units																			R		
Dwelling, residential component of a mixed-use project																			R	R	
Secondary unit		CR	CR	CR	C		CR	CR			CR	CR			€	CR	CR	CR	CR		
Short-term rental		CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR		CR	CR	CR	CR	CR	
Single-family dwelling unit		R	R	R	C	CR	C				C	R				R	R	R			

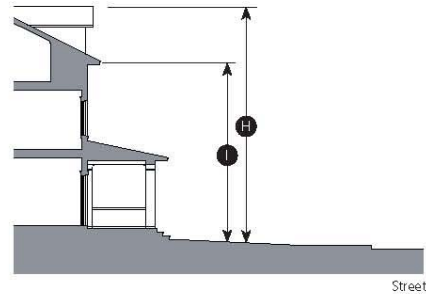
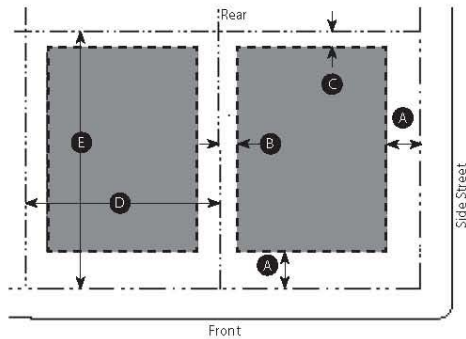


E. Section 26-132(B) Zone district specific standards.

Replace the following eight (8) standards with the six (6) standards that follow the eight (in effect this will remove the RE-1/S and the RE-2/S standards from the code and update all of the RN zone districts and the remaining RE-1 and RE-2 zones:

*The remainder of this page intentionally left blank.*

## RN-1: Residential Neighborhood One, Low Density



### Key

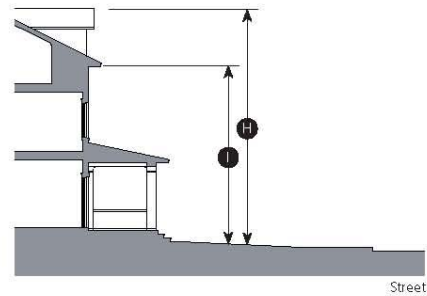
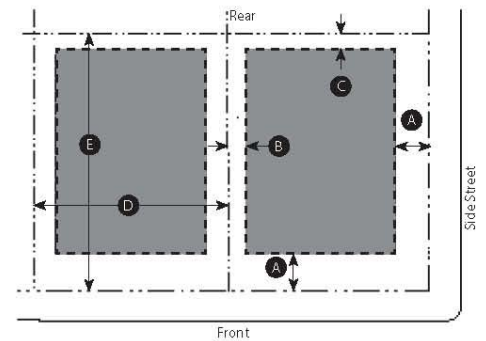
- ROW / Property Line
- Setback Line
- Building Area

Building Placement		
Setback (Distance from ROW / Property Line)		
Front/Side Street <span style="float: right;">A</span>		
Principal Structure	20' min.	
Accessory Structure	25' min.	
Attached Garage	25' min.	
Side <span style="float: right;">B</span>		
Principal Structure	15' min.	
Accessory Structure	10' min.	
Attached Garage	15' min.	
Rear <span style="float: right;">C</span>		
Principal Structure	15' min.	
Accessory Structure	10' min.	
Attached Garage	15' min.	
Lot Size		
Width	30' min.	D
Depth	no min.	E
Minimum Lot Area		
Single Family with Secondary Unit	10,000 sq. ft.	
Duplex	20,000 sq. ft.	

Building Form		
Height		
Building Height*		
Overall Height	40' max.	H
Average Plate Height	28' max.	I
Other Standards		
Building Intensity		
Lot Coverage	35% max.	
Floor Area Ratio	None	
Secondary Unit Size	650 sq. ft. max.	
Density		
Units per lot	2	

\* The above diagram is not intended to illustrate how height is measured. Please see the diagram in Section 26-402 for an illustration of how height is measured.

RN-2: Residential Neighborhood Two, Medium Density



Key

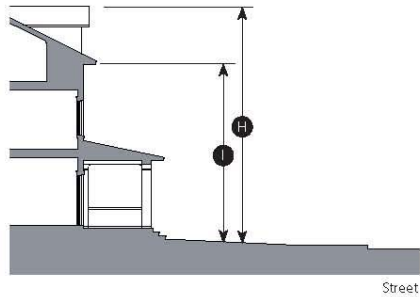
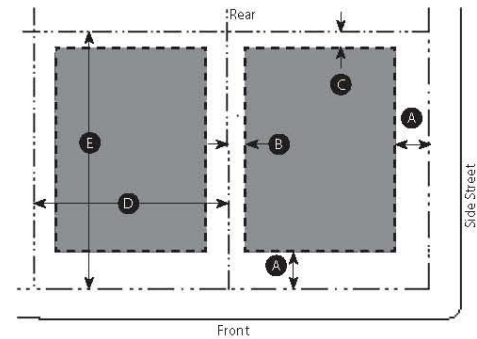
--- ROW / Property Line	■ Building Area
— Setback Line	

Building Placement		
Setback (Distance from ROW / Property Line)		
Front/Side Street		A
Principal Structure	20' min.	
Accessory Structure	25' min.	
Attached Garage	25' min.	
Side		B
Principal Structure	10' min.	
Accessory Structure	10' min.	
Attached Garage	10' min.	
Rear		C
Principal Structure	10' min.	
Accessory Structure	10' min.	
Attached Garage	10' min.	
Lot Size		
Width		D
Depth		E
Minimum Lot Area		
Single Family with Secondary Unit	8,000 sq. ft.	
Duplex	16,000 sq. ft.	

Building Form		
Height		
Building Height*		
Overall Height	40' max.	H
Average Plate Height	28' max.	I
Other Standards		
Building Intensity		
Lot Coverage	35% max.	
Floor Area Ratio	None	
Secondary Unit Size	650 sq. ft. max.	
Density		
Units per lot	2	

\* The above diagram is not intended to illustrate how height is measured. Please see the diagram in Section 26-402 for an illustration of how height is measured.

RN-3: Residential Neighborhood Three, High Density



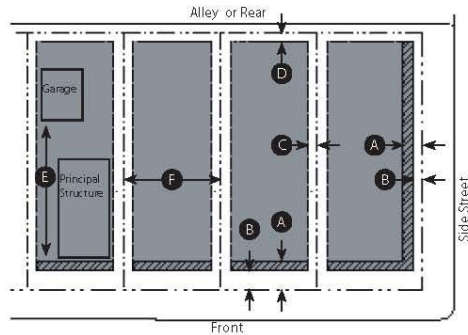
Key  
--- ROW / Property Line      ■ Building Area  
— Setback Line

Building Placement		
Setback (Distance from ROW / Property Line)		
Front/Side Street <span style="float:right">A</span>		
Principal Structure	15' min.	
Accessory Structure	20' min.	
Attached Garage	20' min.	
Side <span style="float:right">B</span>		
Principal Structure	10' min.	
Accessory Structure	5' min.	
Attached Garage	10' min.	
Rear <span style="float:right">C</span>		
Principal Structure	10' min.	
Accessory Structure	5' min.	
Attached Garage	10' min.	
Lot Size		
Width	30' min.	D
Depth	no min.	E
Minimum Lot Area		
Single Family with Secondary Unit	6,000 sq. ft.	
Duplex	12,000 sq. ft.	

Building Form		
Height		
Building Height*		
Overall Height	40' max.	H
Average Plate Height	28' max.	I
Other Standards		
Building Intensity		
Lot Coverage	35% max.	
Floor Area Ratio	None	
Secondary Unit Size	650 sq. ft. max.	
Density		
Units per lot	2	

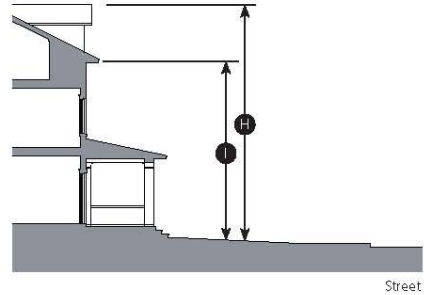
\* The above diagram is not intended to illustrate how height is measured. Please see the diagram in Section 26-402 for an illustration of how height is measured.

## RN-4: Residential Neighborhood Four, High Density-Small Lot



### Key

--- ROW / Property Line	■ Building Area
--- Setback Line	▨ Porch Area



Building Placement		
Setback (Distance from ROW / Property Line)		
Front/Side Street <b>A</b>		
Principal Structure	15' min. - 20' max.	
Accessory Structure	15' min.	
Porch	7' min.	<b>B</b>
Garage (attached or detached)	20' min. (from front of principal structure)	<b>E</b>
Side <b>C</b>		
All Structures	5' min.	
Driveway*	5' min.	
Rear <b>D</b>		
All Structures	5' min.	
Garage accessed off alley	5' or 20' **	
Lot Size		
Width <b>F</b>		
Lots with alley access	25' min.	
Lots without alley access	50' min.	
Minimum Lot Area		
Single Family with Secondary Unit	2,500 sq. ft. w/ alley	
	5,000 sq. ft. w/o alley	
Duplex	5,000 sq. ft. w/ alley	
	9,000 sq. ft. w/o alley	

Building Form		
Height		
Building Height***		
Overall Height	40' max.	<b>H</b>
Average Plate Height	28' max.	<b>I</b>
Other Standards		
Building Intensity		
Lot Coverage	45% max.	
Floor Area Ratio	None	
Secondary Unit Size	650 sq. ft. max.****	
Density		
Units per lot	2 max.	

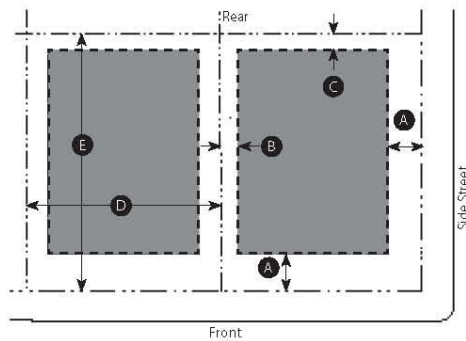
\* Not applicable to shared driveways.

\*\* Garages accessed off an alleys are not permitted between 5 and 20 feet from the rear property line to minimize parking conflicts.

\*\*\* The above diagram is not intended to illustrate how height is measured. Please see the diagram in Section 26-402 for an illustration of how height is measured.

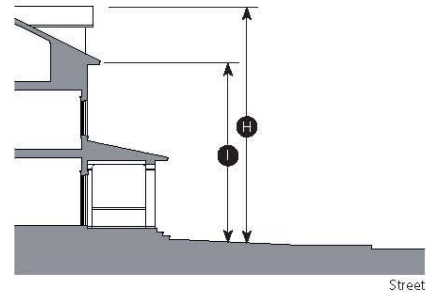
\*\*\*\* See Section 26-402 for additional secondary unit criteria.

## RE-1: Residential Estate One, Low Density



### Key

- ROW / Property Line
- Setback Line
- Building Area

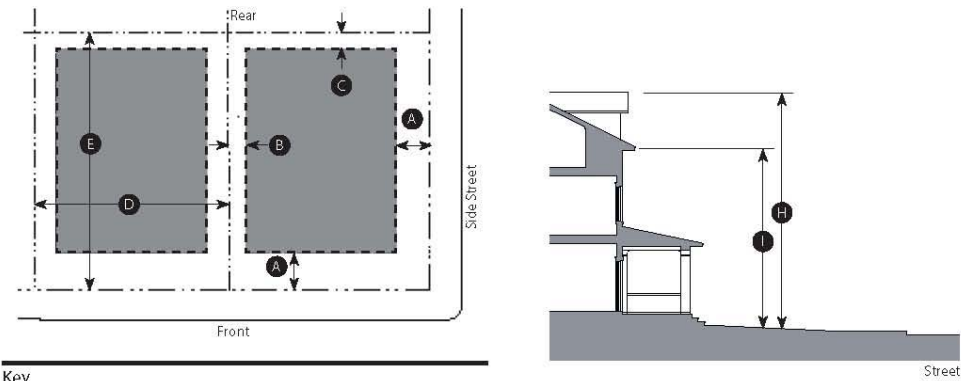


Building Placement		
Setback (Distance from ROW / Property Line)		
Front /Side Street <span style="float: right;">(A)</span>		
Principal Structure	25' min.	
Accessory Structure	25' min.	
Side <span style="float: right;">(B)</span>		
Principal Structure	25' min.	
Accessory Structure	15' min.	
Rear <span style="float: right;">(C)</span>		
Principal Structure	25' min.	
Accessory Structure	15' min.	
Lot Size		
Width	30' min.	(D)
Depth	no min.	(E)
Minimum Lot Area	1 acre	

Building Form		
Height		
Building Height*		
Overall Height	40' max.	(H)
Average Plate Height	28' max.	(I)
Other Standards		
Building Intensity		
Lot Coverage	25% max.	
Floor Area Ratio	None	
Density		
Units per lot	1	

\* The above diagram is not intended to illustrate how height is measured. Please see the diagram in Section 26-402 for an illustration of how height is measured.

RE-1/S: Residential Estate One, Low Density, Secondary Units



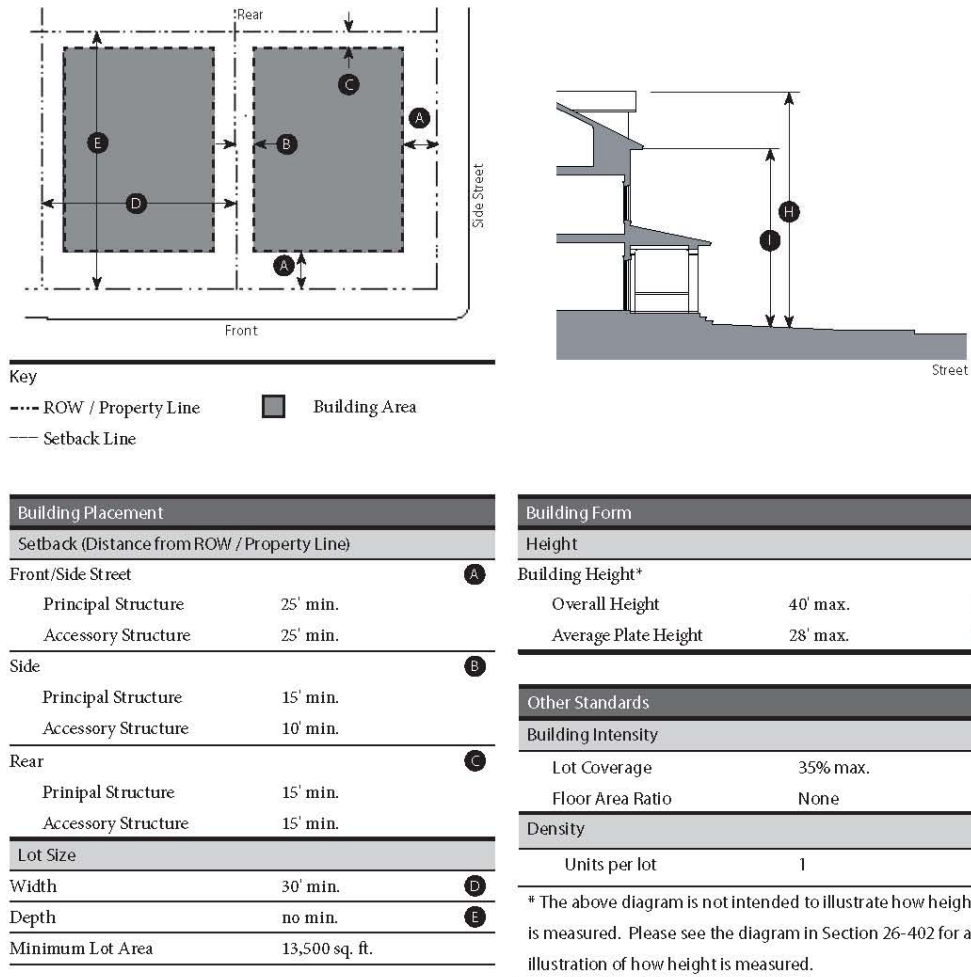
Key  
--- ROW / Property Line      ■ Building Area  
--- Setback Line

Building Placement		
Setback (Distance from ROW / Property Line)		
Front/Side Street		A
Principal Structure	25' min.	
Accessory Structure	25' min.	
Side		B
Principal Structure	25' min.	
Accessory Structure	15' min.	
Rear		C
Principal Structure	25' min.	
Accessory Structure	15' min.	
Lot Size		
Width	30' min.	D
Depth	no min.	E
Minimum Lot Area		
Single Family with Secondary Unit	1 acre	

Building Form		
Height		
Building Height*		
Overall Height	40' max.	H
Average Plate Height	28' max.	I
Other Standards		
Building Intensity		
Lot Coverage	25% max.	
Floor Area Ratio	None	
Secondary Unit Size	650 sq. ft. max.	
Density		
Units per lot	2	

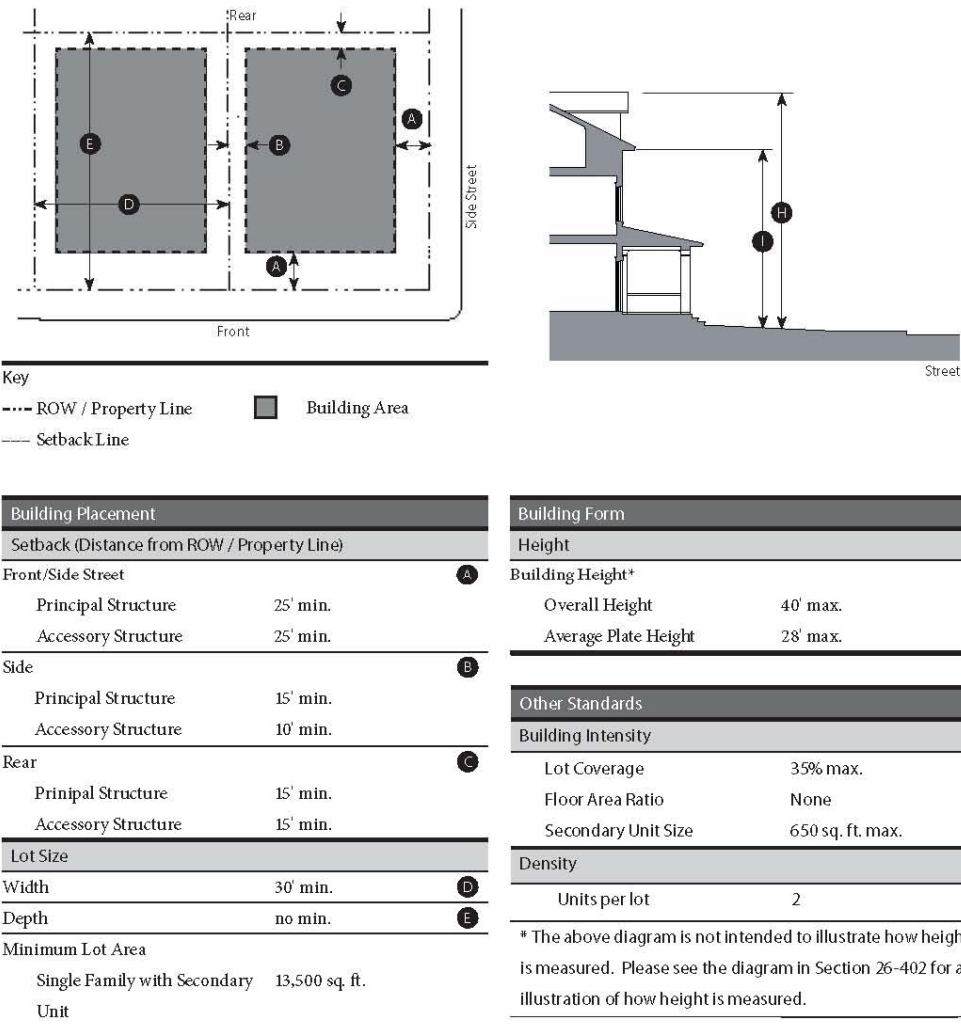
\* The above diagram is not intended to illustrate how height is measured. Please see the diagram in Section 26-402 for an illustration of how height is measured.

## RE-2: Residential Estate Two, Medium Density



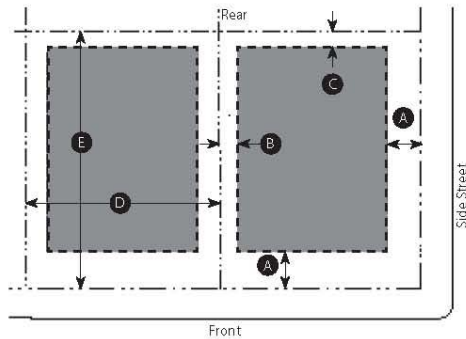


RE-2/S: Residential Estate Two, Medium Density, Secondary Units



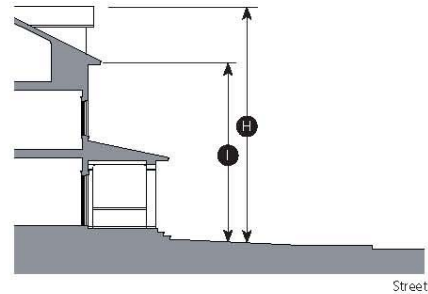
Replace the above 8 standards with the 6 below:

## RN-1: Residential Neighborhood One, Low Density



### Key

- ROW / Property Line
- Setback Line
- Building Area

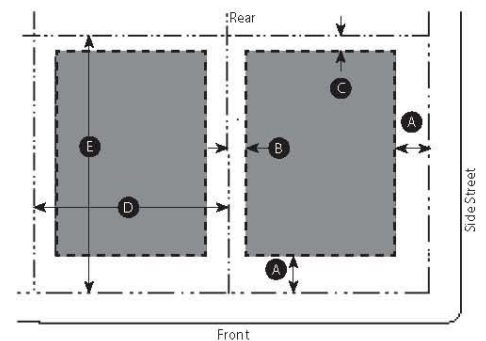


Building Placement		
Setback (Distance from ROW / Property Line)		
Front/Side Street <span style="float: right;">A</span>		
Principal Structure	20' min.	
Accessory Structure	25' min.	
Attached Garage	25' min.	
Side <span style="float: right;">B</span>		
Principal Structure	15' min.	
Accessory Structure	10' min.	
Attached Garage	15' min.	
Rear <span style="float: right;">C</span>		
Principal Structure	15' min.	
Accessory Structure	10' min.	
Attached Garage	15' min.	
Lot Size		
Width	30' min.	D
Depth	no min.	E
Minimum Lot Area		
Single Family with Secondary Unit	10,000 sq. ft.	
Duplex	20,000 sq. ft.	

Building Form		
Height*		
Principal Structure		
Overall Height	40' max.	H
Average Plate Height	28' max.	I
Accessory Structure		
Overall Height	28' max.	
Average Plate Height	16' max.	
Other Standards		
Building Intensity		
Lot Coverage	35% max.	
Floor Area Ratio (Accessory Structure)	20% max.	
Secondary Unit Size	650 sq. ft. max.	
Density		
Units per lot	2	

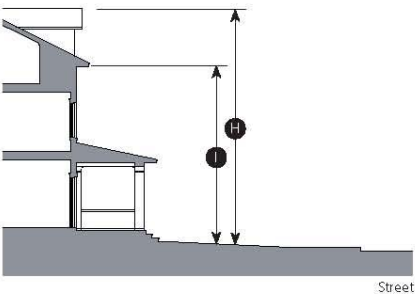
\* The above diagram is not intended to illustrate how height is measured. Please see the diagram in Section 26-402 for an illustration of how height is measured.

RN-2: Residential Neighborhood Two, Medium Density



Key

- ROW / Property Line
- Setback Line
- Building Area

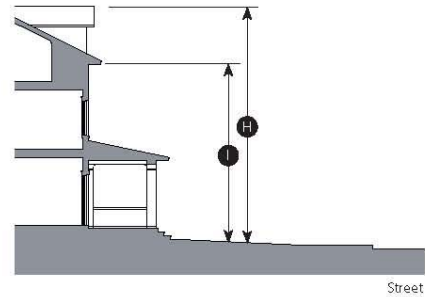
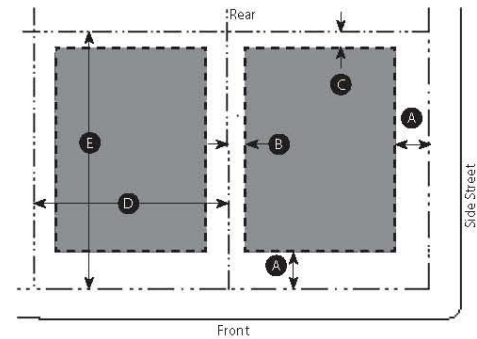


Building Placement		
Setback (Distance from ROW / Property Line)		
Front/Side Street <span>(A)</span>		
Principal Structure	20' min.	
Accessory Structure	25' min.	
Attached Garage	25' min.	
Side <span>(B)</span>		
Principal Structure	10' min.	
Accessory Structure	10' min.	
Attached Garage	10' min.	
Rear <span>(C)</span>		
Principal Structure	10' min.	
Accessory Structure	10' min.	
Attached Garage	10' min.	
Lot Size		
Width <span>(D)</span>		
	30' min.	
Depth <span>(E)</span>		
	no min.	
Minimum Lot Area		
Single Family with Secondary Unit	8,000 sq. ft.	
Duplex	16,000 sq. ft.	

Building Form		
Height*		
Principal Structure		
Overall Height	40' max.	<span>(H)</span>
Average Plate Height	28' max.	<span>(I)</span>
Accessory Structure		
Overall Height	28' max.	
Average Plate Height	16' max.	
Other Standards		
Building Intensity		
Lot Coverage	35% max.	
Floor Area Ratio (Accessory Structure)	20% max.	
Secondary Unit Size	650 sq. ft. max.	
Density		
Units per lot	2	

\* The above diagram is not intended to illustrate how height is measured. Please see the diagram in Section 26-402 for an illustration of how height is measured.

RN-3: Residential Neighborhood Three, High Density

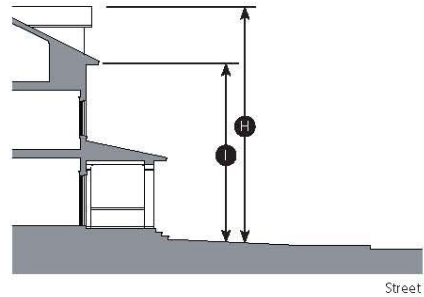
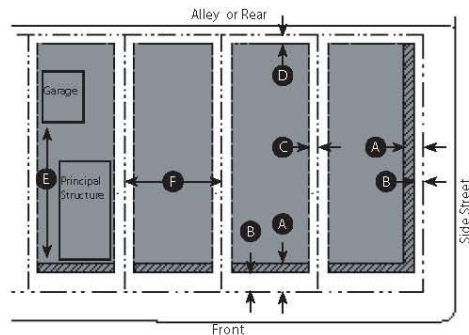


Key  
--- ROW / Property Line      ■ Building Area  
— Setback Line

Building Placement		
Setback (Distance from ROW / Property Line)		
Front/Side Street <span style="float:right">A</span>		
Principal Structure	15' min.	
Accessory Structure	20' min.	
Attached Garage	20' min.	
Side <span style="float:right">B</span>		
Principal Structure	10' min.	
Accessory Structure	5' min.	
Attached Garage	10' min.	
Rear <span style="float:right">C</span>		
Principal Structure	10' min.	
Accessory Structure	5' min.	
Attached Garage	10' min.	
Lot Size		
Width	30' min.	D
Depth	no min.	E
Minimum Lot Area		
Single Family with Secondary Unit	6,000 sq. ft.	
Duplex	12,000 sq. ft.	

Building Form		
Height*		
Principal Structure		
Overall Height	40' max.	H
Average Plate Height	28' max.	I
Accessory Structure		
Overall Height	28' max.	
Average Plate Height	16' max.	
Other Standards		
Building Intensity		
Lot Coverage	35% max.	
Floor Area Ratio (Accessory Structure)	20% max.	
Secondary Unit Size	650 sq. ft. max.	
Density		
Units per lot	2	
* The above diagram is not intended to illustrate how height is measured. Please see the diagram in Section 26-402 for an illustration of how height is measured.		

## RN-4: Residential Neighborhood Four, High Density-Small Lot



### Key

--- ROW / Property Line	■ Building Area
--- Setback Line	■ Porch Area

Building Placement		
Setback (Distance from ROW / Property Line)		
Front/Side Street <span style="float: right;">(A)</span>		
Principal Structure	15' min. - 20' max.	
Accessory Structure	15' min.	
Porch	7' min.	(B)
Garage (attached or detached)	20' min. (from front of principal structure)	(E)
Side <span style="float: right;">(C)</span>		
All Structures	5' min.	
Driveway*	5' min.	
Rear <span style="float: right;">(D)</span>		
All Structures	5' min.	
Garage accessed off alley	5' or 20' **	
Lot Size		
Width <span style="float: right;">(F)</span>		
Lots with alley access	25' min.	
Lots without alley access	50' min.	
Minimum Lot Area		
Single Family with Secondary Unit	2,500 sq. ft. w/ alley	
	5,000 sq. ft. w/o alley	
Duplex	5,000 sq. ft. w/ alley	
	9,000 sq. ft. w/o alley	

Building Form		
Height***		
Principal Structure		
Overall Height	40' max.	(H)
Average Plate Height	28' max.	(I)
Accessory Structure		
Overall Height	28' max.	
Average Plate Height	16' max.	
Other Standards		
Building Intensity		
Lot Coverage	45% max.	
Floor Area Ratio (Accessory Structure)	20% max.	
Secondary Unit Size	650 sq. ft. max.****	
Density		
Units per lot	2 max.	

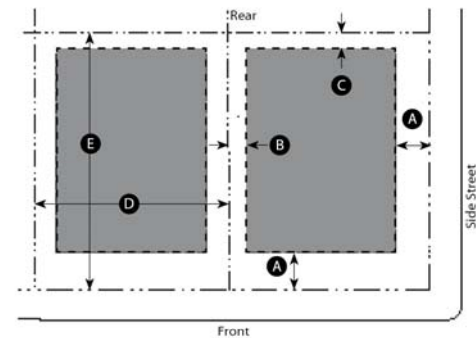
\* Not applicable to shared driveways.

\*\* Garages accessed off an alleys are not permitted between 5 and 20 feet from the rear property line to minimize parking conflicts.

\*\*\* The above diagram is not intended to illustrate how height is measured. Please see the diagram in Section 26-402 for an illustration of how height is measured.

\*\*\*\* See Section 26-402 for additional secondary unit criteria.

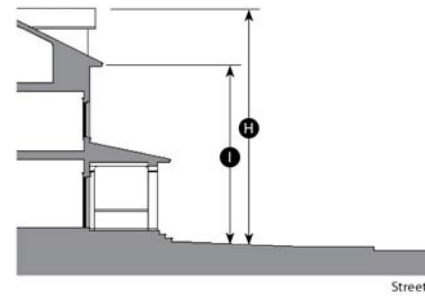
RE-1: Residential Estate One, Low Density



Key

--- ROW / Property Line      ■ Building Area

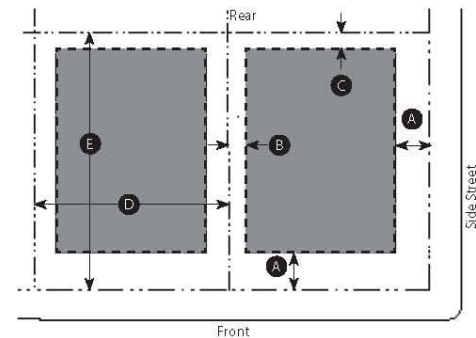
--- Setback Line



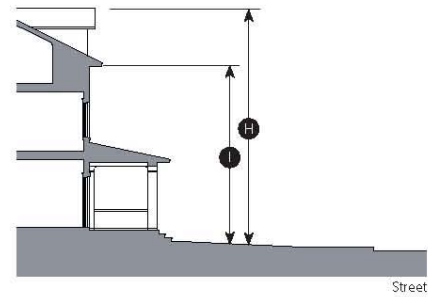
Building Placement		
Setback (Distance from ROW / Property Line)		
Front/Side Street		A
Principal Structure	25' min.	
Side		B
Principal Structure	25' min.	
Rear		C
Principal Structure	25' min.	
Lot Size		
Width	30' min.	D
Depth	no min.	E
Minimum Lot Area		
Single Family with Secondary Unit	1 acre	

Building Form		
Height*		
Principal Structure		
Overall Height	40' max.	H
Average Plate Height	28' max.	I
Other Standards		
Building Intensity		
Lot Coverage	35% max.	
Secondary Unit Size	650 sq. ft. max.	
Density		
Units per lot	2	
* The above diagram is not intended to illustrate how height is measured. Please see the diagram in Section 26-402 for an illustration of how height is measured.		

RE-2: Residential Estate Two, Medium Density



Key  
--- ROW / Property Line      ■ Building Area  
--- Setback Line



Building Placement		
Setback (Distance from ROW / Property Line)		
Front/Side Street <span style="float:right">A</span>		
Principal Structure	25' min.	
Accessory Structure	25' min.	
Side <span style="float:right">B</span>		
Principal Structure	15' min.	
Accessory Structure	10' min.	
Rear <span style="float:right">C</span>		
Principal Structure	15' min.	
Accessory Structure	15' min.	
Lot Size		
Width	30' min.	D
Depth	no min.	E
Minimum Lot Area		
Single Family with Secondary Unit	13,500 sq. ft.	

Building Form		
Height*		
Principal Structure		
Overall Height	40' max.	H
Average Plate Height	28' max.	I
Accessory Structure		
Overall Height	28' max.	
Average Plate Height	16' max.	

Other Standards		
Building Intensity		
Lot Coverage	35% max.	
Floor Area Ratio (Accessory Structure)	20% max.	
Secondary Unit Size	650 sq. ft. max.	
Density		
Units per lot	2	

\* The above diagram is not intended to illustrate how height is measured. Please see the diagram in Section 26-402 for an illustration of how height is measured.

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

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

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

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

**INTRODUCED, READ, AND ORDERED PUBLISHED**, as provided by law, by the City Council of the City of Steamboat Springs, at its regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2011.

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

**ATTEST:**

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



**FINALLY READ, PASSED AND APPROVED** this \_\_\_\_ day of \_\_\_\_\_, 2011.

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

**ATTEST:**

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

# AGENDA ITEM # 13

## CITY COUNCIL COMMUNICATION FORM

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**FROM:** Bob Keenan, Senior Planner (Ext. 260)  
Tyler Gibbs, AIA, Director of Planning and Community Development  
(Ext. 244)

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

**DATE:** July 5, 2011

**ITEM:** RE-1/S & RE-2/S Citywide Rezone #ZMA-11-01

**NEXT STEP:** City Council approved the first reading on June 7, 2011 with a vote of 5-1.

---

☒ **ORDINANCE**  
☐ **RESOLUTION**  
☐ **MOTION**  
☐ **DIRECTION**  
☐ **INFORMATION**

---

**PROJECT NAME:** RE-1/S & RE-2/S Citywide Rezone #ZMA-11-01

**PETITION:** Official Zoning Map Amendment to change the zoning from Residential Estate One, Low Density - Secondary Units (RE-1/S) and Residential Estate Two, Medium Density - Secondary Units (RE-2/S) to RE-1 and RE-2 respectively. All RE-1/S will become RE-1 and all RE-2/S zones will become RE-2.

**APPLICANT:** City of Steamboat Springs  
Bob Keenan, Senior Planner  
124 10<sup>th</sup> Street  
Steamboat Springs, CO 80487  
970-871-8260

**PC ACTION:** Planning Commission voted to approve on May 26, 2011; Vote: 4-1; Commissioner Brookshire voted against the motion.

**EXECUTIVE SUMMARY:**

At the direction of the Planning Commission and the City Council, Planning Staff has developed a proposed Zoning Map Amendment to rezone RE-1/S and RE-2/S to RE-1 and RE-2 respectively to consolidate the these zone districts as part of a preceding text amendment (TXT-11-06) to allow secondary units within the RE-1 and RE-2 where they are currently prohibited.

Under current zoning the “S” in RE-1/S and RE-2/S stands for secondary units.

If the text amendment to allow secondary units in the RE-1 and RE-2 zones is approved then it will be necessary to combine these zone districts as there will no longer be any distinction between the two.

If the City Council chose not to allow secondary units in the RE-1 and RE-2 zones through the preceding agenda item for TXT-11-06 then this Zoning Map Amendment is no longer necessary.

**Planning Commission Discussion:**

The was very little Planning Commission discussion regarding this item as it is more of a formality and clean-up based upon the approval of TXT-11-06.

*Please see attached meeting minutes for more information.*

**Public Comment:**

There was no public comment on this item.

**Recommended Motion:**

On May 26<sup>th</sup>, the Planning Commission recommended approval of the Zoning Map Amendment, ZMA-11-02, as proposed in the attached ordinance.

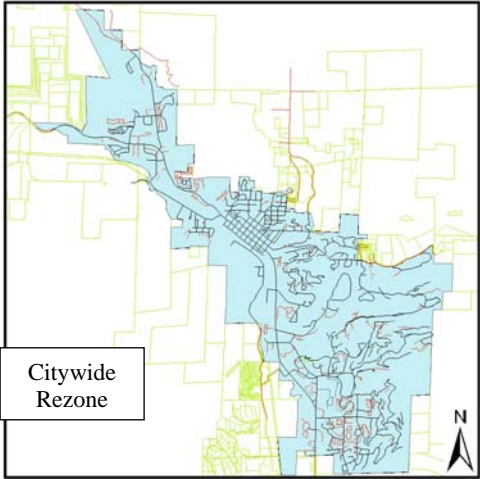
**List of attachments:**

Attachment 1. – PC Staff Report ZMA-11-01.

Attachment 2. – Draft Planning Commission Minutes from May 26<sup>th</sup> Meeting.



## DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT STAFF REPORT

PLANNING COMMISSION AGENDA ITEM #4:																										
<b>Project Name:</b>	RE-1/S & RE-2/S Citywide Rezone #ZMA-11-01																									
<b>Prepared By:</b>	Bob Keenan, Senior Planner (Ext. 260)																									
<b>Through:</b>	Tyler Gibbs, AIA, Director of Planning & Community Development (Ext. 244)																									
<b>Planning Commission (PC):</b>	May 26, 2011																									
<b>City Council (CC):</b>	June 7, 2011 First Reading July 5, 2011 Second Reading																									
<b>Existing Zoning:</b>	Residential Estate One, Low Density - Secondary Units (RE- 1/S) and Residential Estate Two, Medium Density - Secondary Units (RE-2/S)																									
<b>Applicant:</b>	City of Steamboat Springs, Department of Planning and Community Development, c/o Bob Keenan, Senior Planner, Centennial Hall, 124 10 <sup>th</sup> Street, PO Box 775088, Steamboat Springs, CO 80477, 970-879- 2060.	<table border="1"> <thead> <tr> <th colspan="3">Staff Report - Table of Contents</th></tr> <tr> <th colspan="2">Section</th><th>Pg</th></tr> </thead> <tbody> <tr> <td>I.</td><td>Staff Finding</td><td>4-2</td></tr> <tr> <td>II.</td><td>Project Location</td><td>4-2</td></tr> <tr> <td>III.</td><td>Background Information</td><td>4-2</td></tr> <tr> <td>IV.</td><td>Staff Analysis</td><td>4-2</td></tr> <tr> <td>V.</td><td>Staff Findings and Motion</td><td>4-4</td></tr> <tr> <td>VII.</td><td>Attachments</td><td>4-4</td></tr> </tbody> </table>	Staff Report - Table of Contents			Section		Pg	I.	Staff Finding	4-2	II.	Project Location	4-2	III.	Background Information	4-2	IV.	Staff Analysis	4-2	V.	Staff Findings and Motion	4-4	VII.	Attachments	4-4
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IV.	Staff Analysis	4-2																								
V.	Staff Findings and Motion	4-4																								
VII.	Attachments	4-4																								
<b>Request:</b>	Official Zoning Map Amendment to change the zoning from Residential Estate One, Low Density - Secondary Units (RE-1/S) and Residential Estate Two, Medium Density - Secondary Units (RE-2/S) to RE-1 and RE-2 respectively. All RE-1/S will become RE-1 and all RE-2/S zones will become RE-2.																									

## **I. STAFF FINDING**

Staff finds this citywide Official Zoning Map Amendment to change the zoning from Residential Estate One, Low Density - Secondary Units (RE-1/S) and Residential Estate Two, Medium Density - Secondary Units (RE-2/S) to RE-1 and RE-2 respectively to be consistent with the Community Development Code criteria for approval for an Official Zoning Map Amendment.

**Note:** This finding for approval is contingent on the approval of TXT-11-06.

## **II. PROJECT LOCATION**

*See attachment 1 for map of the zone districts that are to be changed.*

## **III. BACKGROUND INFORMATION**

At the direction of the Planning Commission and the City Council, Planning Staff has developed a proposed Zoning Map Amendment to rezone RE-1/S and RE-2/S to RE-1 and RE-2 respectively to consolidate these zone districts as part of a preceding text amendment (TXT-11-06) to allow secondary units within the RE-1 and RE-2 where they are currently prohibited.

Under current zoning the “S” in RE-1/S and RE-2/S stands for secondary units. This is the only difference between these zone districts.

If the text amendment to allow secondary units in the RE-1 and RE-2 zones is approved then it will be necessary to combine these zone districts as there will no longer be any distinction between the two.

*Please see TXT-11-06 for more information on the proposed change to allow secondary units in the RE-1 and RE-2 zones.*

## **IV. STAFF ANALYSIS**

### **A. Zone District Comparison**

With the approval of TXT-11-06 there will be no distinction between the two zone districts and therefore necessary to combine the zone districts as stated above.

### **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 (a). The citywide rezoning of RE-1/S and RE-2/S is necessary to correct the zoning map. This amends the zoning map to be consistent with the code amendments that were proposed within TXT-11-06.*

**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 as the allowable uses, height, massing, and other standards will not be changed as a result of this zoning map amendment. If TXT-11-06, text amendment, is approved then there will be no difference between the two zone districts and therefore should be combined.*

**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 as this rezone consolidates identical zone districts and provides for a more user friendly zoning map and Community Development Code.*

**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 RE-1 and RE-2 zone districts. As stated above, this amendment is to consolidate zone districts that have the exact same standards and allowable uses.*

**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. As stated above, this amendment is to consolidate zone districts that have the exact same standards and allowable uses.*

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

Staff finds this citywide Official Zoning Map Amendment to change the zoning from Residential Estate One, Low Density, Secondary Units (RE-1/S) and Residential Estate Two, Medium Density, Secondary Units (RE-2/S) to RE-1 and RE-2 respectively to be consistent with the Community Development Code criteria for approval for an Official Zoning Map Amendment.

**Note:** This finding for approval is contingent on the approval of TXT-11-06.

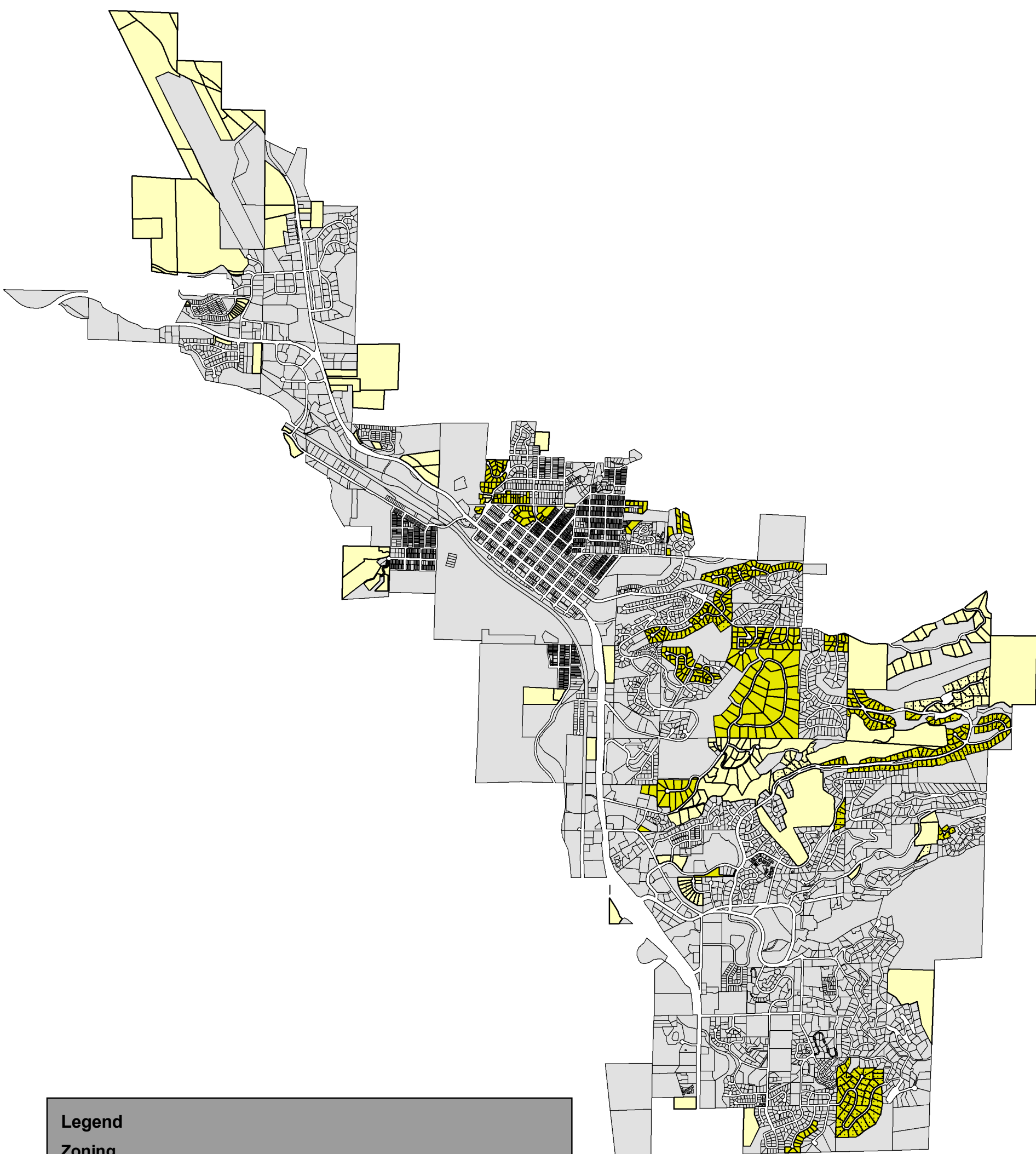
### **Motion:**

Planning Commission recommends approval of ZMA-11-01 with the findings that the application is consistent with the criteria for approval in Section 26-62 of the Steamboat Springs Community Development Code.

## **VI. LIST OF ATTACHMENTS**

1. Existing zoning map - Affected Lots
2. Ordinance

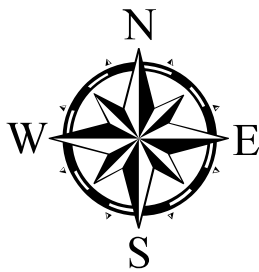
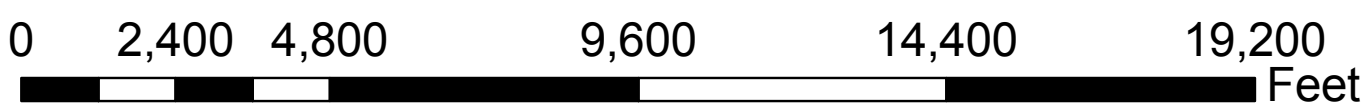
# RE-1/S and RE-2/S Zoning Map Amendment #ZMA-11-01



**Legend**

**Zoning**

- All other zone districts
- RESIDENTIAL ESTATE ONE, LOW DENSITY
- RESIDENTIAL ESTATE ONE, LOW DENSITY/SECONDARY UNITS ALLOWED
- RESIDENTIAL ESTATE SECONDARY, MEDIUM DENSITY
- RESIDENTIAL ESTATE TWO, MEDIUM DENSITY





**CITY OF STEAMBOAT SPRINGS, COLORADO**

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

**AN ORDINANCE REZONING ALL PROPERTY WITH THE DESIGNATIONS OF RESIDENTIAL ESTATE ONE – LOW DENSITY, SECONDARY UNITS (RE-1/S) AND RESIDENTIAL ESTATE TWO – MEDIUM DENSITY, SECONDARY UNITS (RE-2/S) TO RESIDENTIAL ESTATE ONE - LOW DENSITY (RE-1) AND RESIDENTIAL ESTATE TWO, MEDIUM DENSITY (RE-2) RESPEICIVELY (ALL RE-1/S WILL BE CHANGED TO RE-1 AND ALL RE-2/S WILL BE CHANGED TO RE-2); 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 City of Steamboat Springs to rezone the subject properties from RE-1/S to RE-1 and RE-2/S to RE-2; and

**WHEREAS**, the Zoning Map Amendment is consistent with findings for approval of a Zoning Map amendment; and

**WHEREAS**, the Zoning Map Amendment is consistent with the preferred direction, goals, and policies of the Steamboat Springs Area Community Plan; and

**WHEREAS**, the City Council considers that it is in the public interest to rezone the subject properties in accordance with the provisions of this Ordinance.

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

**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, all city lots designated as RE-1/S (Residential Estate One – Low Density, Secondary Units) is hereby rezoned to RE-1 (Residential Estate One – Low Density) and all city lots designated as RE-2/S (Residential Estate Two – Medium Density, Secondary Units) is hereby rezoned to RE-2 (Residential Estate Two, Medium 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 \_\_\_\_\_, 2011.

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

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

**FINALLY READ, PASSED AND APPROVED** this \_\_\_\_ day of \_\_\_\_\_, 2011.

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

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

5/26/11

**DRAFT****Re-Zone RE1-S & RE2-S to RE1 & RE2 #ZMA-11-01 A city wide rezoning of properties with the zoning designations of RE-1/S and RE-2/S to RE-1 and RE-2 respectively.**

Discussion on this agenda item started at approximately 6:17 p.m.

**STAFF PRESENTATION**

Bob Keenan –

This is a cosmetic cleanup of the zoning map amendment. Based off of the previous agenda item being approved it will allow secondary units in the RE-1 and RE-2 and there's no reason to have the distinction between the 2 zone districts.

**RECOMMENDED MOTION**

Staff finds this citywide Official Zoning Map Amendment to change the zoning from Residential Estate One, Low Density, Secondary Units (RE-1/S) and Residential Estate Two, Medium Density, Secondary Units (RE-2/S) to RE-1 and RE-2 respectively to be consistent with the Community Development Code criteria for approval for an Official Zoning Map Amendment.

**Note:** This finding for approval is contingent on the approval of TXT-11-06.

**Motion:**

Planning Commission recommends approval of ZMA-11-01 with the findings that the application is consistent with the criteria for approval in Section 26-62 of the Steamboat Springs Community Development Code.

**MOTION**

Commissioner Hanlen moved to approve ZMA-11-01 and Commissioner Robbins seconded the motion.

**VOTE**

Vote: 4-1

Voting for approval of motion to approve: Lacy, Hanlen, Levy and Robbins

Against: Brookshire

Absent: Meyer

Two positions vacant

Discussion on this agenda item ended at approximately 6:19 p.m.

**CITY OF STEAMBOAT SPRINGS, COLORADO**

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

**AN ORDINANCE REZONING ALL PROPERTY WITH THE DESIGNATIONS OF RESIDENTIAL ESTATE ONE – LOW DENSITY, SECONDARY UNITS (RE-1/S) AND RESIDENTIAL ESTATE TWO – MEDIUM DENSITY, SECONDARY UNITS (RE-2/S) TO RESIDENTIAL ESTATE ONE - LOW DENSITY (RE-1) AND RESIDENTIAL ESTATE TWO, MEDIUM DENSITY (RE-2) RESPECTIVELY (ALL RE-1/S WILL BE CHANGED TO RE-1 AND ALL RE-2/S WILL BE CHANGED TO RE-2); 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 City of Steamboat Springs to rezone the subject properties from RE-1/S to RE-1 and RE-2/S to RE-2; and

**WHEREAS**, the Zoning Map Amendment is consistent with findings for approval of a Zoning Map amendment; and

**WHEREAS**, the Zoning Map Amendment is consistent with the preferred direction, goals, and policies of the Steamboat Springs Area Community Plan; and

**WHEREAS**, the City Council considers that it is in the public interest to rezone the subject properties 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, all city lots designated as RE-1/S (Residential Estate One – Low Density, Secondary Units) is hereby rezoned to RE-1 (Residential Estate One – Low Density) and all city lots designated as RE-2/S

(Residential Estate Two – Medium Density, Secondary Units) is hereby rezoned to RE-2 (Residential Estate Two, Medium 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 \_\_\_\_\_, 2011.

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

**ATTEST:**

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**Julie Franklin, CMC  
City Clerk**

**FINALLY READ, PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

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

**ATTEST:**

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

## **AGENDA ITEM # 14**

### **Economic Development Update**

There is no report.



## **AGENDA ITEM # 15**

### **City Council Updates**

A report will be provided at the meeting.

# **AGENDA ITEM # 16a1**

**\*\*\*\*\*TENTATIVE AGENDA FOR TUESDAY, July 19, 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. 2011-13 TUESDAY, JULY 19, 2011**

**5:15 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, or on our website at [http://steamboatsprings.net/city\\_council/council\\_meetings](http://steamboatsprings.net/city_council/council_meetings). The e-packet is typically available by 1pm on the Friday before the meeting.

**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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**LIQUOR AUTHORITY MEETING 5:00PM.**

**SSRA MEETING 5:10PM.**

**A. ROLL CALL (5:15PM)**

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\*\*\*\*\*TENTATIVE AGENDA FOR TUESDAY, July 19, 2011\*\*\*\*\*

This agenda is tentative and the information is subject to change until the agenda is finalized.

**B. COMMUNITY REPORTS/CITY COUNCIL DISCUSSION TOPIC:**

1.

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**C. CONSENT CALENDAR: MOTIONS, RESOLUTIONS AND ORDINANCES FIRST READINGS**

LEGISLATION

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

2. **RESOLUTION:** Ratification new appointments: YVHA. (Franklin)

3. **FIRST READING OF ORDINANCE:** Steamboat Springs Airport terminal lease to Smartwool. (DuBord)

4. **FIRST READING OF ORDINANCE:** Airline tax. (Broyles)

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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:** An ordinance creating a new Article V in Chapter 12 of the Steamboat Springs Revised Municipal Code for the purpose of licensing Non Cigarette Tobacco Product Retailers; providing for severability; establishing an effective date; and setting a hearing date. (Foote)

*This item has been postponed from the July 5, 2011 City Council Meeting.*

6. **SECOND READING OF ORDINANCE:** An ordinance amending Section 16-12 of the Steamboat Springs Revised Municipal Code to authorize the Director of Parks, Recreation, and Open Space Services to extend the season for rafting from public river accesses between Confluence Park and Stockbridge Park; providing an effective date; providing for severability; and setting a hearing date. (Foote/Robinson)

*This item has been postponed from the July 5, 2011 City Council Meeting.*

**\*\*\*\*\*TENTATIVE AGENDA FOR TUESDAY, July 19, 2011\*\*\***

This agenda is tentative and the information is subject to change until the agenda is finalized.

7. **SECOND READING OF ORDINANCE:** An ordinance approving a hangar lease to Allen Storie at the Steamboat Springs Airport and authorizing the City Council President to sign lease documents; repealing all conflicting ordinances; providing for severability; and providing an effective date. (Baker)
8. **SECOND READING OF ORDINANCE:** 5th supplemental appropriation ordinance of 2011. (Weber)

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

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**PLANNING  
PROJECTS**

**F. 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.**

9. **FIRST READING OF ORDINANCE:** Text amendment to CDC; HPC residence requirement to match ordinance 2190. (Casale)

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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.**

10. **SECOND READING OF ORDINANCE:** An ordinance amending Article III, Chapter 7 of the Steamboat Springs Revised Municipal Code regarding allowable noise levels. (Gibbs)

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**H. REPORTS**

11. **Economic Development Update.**

**\*\*\*\*\*TENTATIVE AGENDA FOR TUESDAY, July 19, 2011\*\*\*\*\***

This agenda is tentative and the information is subject to change until the agenda is finalized.

**12. City Council**

**13. Reports**

- a. Agenda Review (Franklin):
  - 1.) City Council agenda for August 2, 2011.
  - 2.) SSRA agenda for August 2, 2011.
  - 3.) City Council agenda for August 16, 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 # 16a2**

**\*\*\* Tentative Agenda \*\*\***  
**STEAMBOAT SPRINGS**  
**REDEVELOPMENT AUTHORITY**  
**AGENDA**  
**MEETING NO. SSRA-2011-06**  
**TUESDAY, JULY 19, 2011**  
**5:10 P.M.**

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

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**A. ROLL CALL (5:10 P.M.)**

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**B. BASE AREA REDEVELOPMENT**

**1.**

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**C. APPROVAL OF MINUTES**

**2. MINUTES:**

a. Steamboat Springs Redevelopment Authority Regular Meeting  
SSRA-2011-05, June 7, 2011.

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**D. ADJOURNMENT (5:15 P.M.)**

**BY: JULIE FRANKLIN**  
**CLERK TO THE BOARD**

# **AGENDA ITEM # 16a3**

**\*\*\*\*\*TENTATIVE AGENDA FOR TUESDAY, AUGUST 2, 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. 2011-14 TUESDAY, AUGUST 2, 2011**

**5:05 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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**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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**SSRA MEETING 5:00PM.**

**A. ROLL CALL (5:05PM)**

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**B. PROCLAMATIONS:**

**1. PROCLAMATION:**

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**C. COMMUNITY REPORTS/CITY COUNCIL DISCUSSION TOPIC:**

- 2. Joint Meeting with the School Board.** (45 minutes)
  - 3. Education Fund Board Update.** (Written report) (Brown)
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**D. 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.

- 4. RESOLUTION:**
  - 5. FIRST READING OF ORDINANCE:**
- 

**E. 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:** Airport terminal lease to Smartwool. (DuBord)
  - 7. SECOND READING OF ORDINANCE:** Airline tax. (Broyles)
- 

**F. 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**

**G. 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**



**\*\*\*\*\*TENTATIVE AGENDA FOR TUESDAY, AUGUST 2, 2011\*\*\*\*\***

This agenda is tentative and the information is subject to change until the agenda is finalized.

**RECORD BY TITLE.**

- 8. PROJECT: Steamboat Christian Center**  
PETITION: Final development plan  
LOCATION:  
APPLICANT:  
PLANNING COMMISSION VOTE: To be heard July 14, 2011.
- 9. FIRST READING OF ORDINANCE:** Goat ordinance. (Peasley)
- 10. FIRST READING OF ORDINANCE:** Outdoor sales in I Zone District.
- 11. FIRST READING OF ORDINANCE:** Airport Meadows filing 2, metes and bounds.

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

**PUBLIC HEARING FORMAT:**

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

- 12. PROJECT: Original Addition to Steamboat Springs, Block 28, Lots 7-9**  
PETITION: Development Plan  
LOCATION:  
APPLICANT:  
PLANNING COMMISSION VOTE: To be heard July 14, 2011.
- 13. SECOND READING OF ORDINANCE:** Text amendment to CDC; HPC residence requirement to match ordinance 2190. (Casale)

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**I. REPORTS**

- 14. Economic Development Update.**
- 15. City Council**

**\*\*\*\*\*TENTATIVE AGENDA FOR TUESDAY, AUGUST 2, 2011\*\*\*\*\***

This agenda is tentative and the information is subject to change until the agenda is finalized.

**16. Reports**

- a. Agenda Review (Franklin):
  - 1.) City Council agenda for August 16, 2011.
  - 2.) City Council agenda for September 6, 2011.

**17. Staff Reports**

- a. City Attorney's Update/Report. (Lettunich)
- b. Manager's Report: Ongoing Projects. (Roberts)

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**J. OLD BUSINESS**

**18. Minutes (Franklin)**

- a. Regular Meeting 2011-12, July 5, 2011.
- b. Regular Meeting 2011-13, July 19, 2011.

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**K. ADJOURNMENT**

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

# **AGENDA ITEM # 16a4**

**\*\*\* Tentative Agenda \*\*\***  
**STEAMBOAT SPRINGS**  
**REDEVELOPMENT AUTHORITY**  
**AGENDA**  
**MEETING NO. SSRA-2011-07**  
**TUESDAY, AUGUST 2, 2011**  
**5:00 P.M.**

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

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**A. ROLL CALL (5:00 P.M.)**

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**B. BASE AREA REDEVELOPMENT**

**1.**

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**C. APPROVAL OF MINUTES**

**2. MINUTES:**

a. Steamboat Springs Redevelopment Authority Regular Meeting  
SSRA-2011-06, July 19, 2011.

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**D. ADJOURNMENT (5:05 P.M.)**

**BY: JULIE FRANKLIN**  
**CLERK TO THE BOARD**

**AGENDA ITEM # 17a**

**City Attorney's Report**

A report will be provided at the meeting.

## **AGENDA ITEM # 17b**

### **City Manager's Report**

A report will be provided at the meeting.

# AGENDA ITEM # 18a

CITY OF STEAMBOAT SPRINGS

REGULAR MEETING NO. 2011-10

TUESDAY, JUNE 7, 2011

## MINUTES

Ms. Cari Hermacinski, City Council President, called Regular Meeting No. 2011-10 of the Steamboat Springs City Council to order at 4:03 pm, Tuesday, June 7, 2011, in Centennial Hall, Steamboat Springs, Colorado.

City Council Members present: Cari Hermacinski, Jon Quinn, Bart Kounovsky, Walter Magill, Scott Myller and Kenny Reisman. Meg Bentley was absent.

Staff Members present: Jon Roberts, City Manager; Tony Lettunich, City Attorney; Julie Franklin, City Clerk; Tyler Gibbs, Director of Planning and Community Development; Deb Hinsvark; Director of Financial Services; Philo Shelton, Director of Public Works; Anne Small, Interim Director of Internal Services; Dan Foote, Staff Attorney; Ron Lindroth, Fire Chief; Chris Wilson, Director of Parks, Open Space and Recreation; Winnie DelliQuadri, Government Programs Manager; Ginger Scott, Government Programs Staff Assistant; Nick Bosick, Police Sergeant; Joel Rae, Police Captain; and JD Hays, Police Chief.

**NOTE: All documents distributed at the City Council meeting are on file in the Office of the City Clerk.**

### **EXECUTIVE SESSION (4:00 – 4:30 P.M.)**

EXECUTIVE SESSION: To discuss the topics set forth below. The specific citations to the provisions of C.R.S. §24-6-402, subsection (4) that authorize the City Council to meet in an executive session are set out below. The description of the topic is intended to identify the particular matter to be discussed in as much detail as possible without compromising the purpose for which the executive session is authorized:

- a. A discussion regarding negotiations with the Steamboat Springs Rural Fire Protection District as to provisions in the proposed Intergovernmental Agreement, for the sole purpose of considering any of the following matters:

§24-6-402(4)(a). The purchase, acquisition, lease, transfer, or sale of any real, personal, or other property interest; except that no executive session shall be held for the purpose of concealing the fact that a member of the

**STEAMBOAT SPRINGS CITY COUNCIL MINUTES**  
**REGULAR MEETING 2011-10**  
**June 7, 2011**

local public body has a personal interest in such purchase, acquisition, lease, transfer, or sale;

§24-6-402(4)(b). Conferences with an attorney for the local public body for the purposes of receiving legal advice on specific legal questions. Mere presence or participation of an attorney at an executive session of the local public body is not sufficient to satisfy the requirements of this subsection; and

§24-6-402(4)(e). Determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators.

**MOTION:** City Council President Pro-Tem Quinn moved and Council Member Kounovsky seconded to adjourn Regular Meeting 2011-10 at approximately 4:04pm to go into Executive Session for the reasons set forth above. The motion carried 4/0. Council Member Magill and Council Member Myller had not yet arrived. Council Member Bentley was absent.

Council Member Myller arrived at 4:08pm.

Council Member Magill arrived at 4:36pm.

**MOTION:** City Council President Pro-Tem Quinn moved and Council Member Kounovsky seconded to come out of Executive Session and reconvene the Regular Meeting 2011-10 at approximately 4:38pm. The motion carried 6/0. Council Member Bentley was absent.

Persons attending the Executive Session: Cari Hermacinski, Jon Quinn, Walter Magill, Scott Myller, Bart Kounovsky, Kenny Reisman, Tony Lettunich, Jon Roberts and Deb Hinsvark.

City Council President Hermacinski noted for the record, that if any person who participated in the executive session believes that any substantial discussion of matters not included in the motion to go into the executive session occurred during the executive session, or that any improper action occurred during the executive session in violation of the Open Meetings Law, that person should state his/her concerns for the record.

No concerns were indicated.

**JOINT MEETING (4:30 P.M. – 5:00 P.M.)**

**1. Joint Meeting with the Fire District Board.**

Mr. Scott Havener, Fire District Board member, was present.

City Council President Hermacinski noted that Mr. Lettunich and Mr. Dino Ross, Fire Board attorney, discussed the items that were identified at last meeting. She asked if Council and the Board wanted to continue having meetings or wait for the ICMA report?

City Council President Pro-Tem Quinn supports waiting for the information in this report before having more meetings.

Council Member Kounovsky stated that the end result for the citizens is that they get better services for a "reasonable buck" and if this report will shed light on that he supports waiting.

Mr. Havener stated that the Board wants to know what Council's concerns are, and if there is anything else that needs to be discussed.

City Council President Hermacinski believes that the discussion items are limited to the items that were discussed on May 24, 2011.

City Council President Pro-Tem Quinn stated that his biggest concerns are the ongoing costs and the level of service. To him the \$7 million dollar operating budget was concerning.

Mr. Havener stated that the Board is trying to define what the levels of service are.

City Council President Pro-Tem Quinn believes that the Board needs to build the case that levels of service will increase and that there is a need for additional funds.

Mr. Lettunich stated that Mr. Ross has some interesting ideas and thoughts on how to move forward and that it is appropriate to wait for the ICMA studies.

*At this time, Council heard the Consent Calendar.*



**PROCLAMATIONS:**

**2. PROCLAMATION: A proclamation recognizing the work of the Howelsen Hill Fundraising Committee.**

Council Member Kounovsky read the proclamation into the record.

Ms. DelliQuadri introduced and thanked all the committee members: Jim Spillane and Jayne Hill (co-chairs), Jim Larson, Chris Diamond, Laura Sankey, Nancy Spillane, Maggie Glueck, Penny Fletcher, Rick DeVos and Jack Taylor.

Mr. Jim Spillane stated that they appreciate the acknowledgment, and that their volunteer work is their way of thanking the community for what Howelsen Hill has done for them.

Ms. Penny Fletcher acknowledged the work of Ms. DelliQuadri and Scott.

*At this time, Council heard the Planning Consent Calendar.*

**COMMUNITY REPORTS/CITY COUNCIL DISCUSSION TOPIC:**

**3. Update on Community Support.**

Mr. Mark Andersen, Chair of the Community Support Steering Committee, provided an update noting that they work with 46 non profit entities, the allocation committees work very well together, and all of the agencies are thankful for the support. He noted that HRC spent the last year developing and coordinating the Routt County Health and Human Services Plan, the goal of which is to assist funders and to focus on the greatest area of need. It helps service organizations meet the needs of the community.

The Environmental Coalition formed a quarterly collation meeting of the non-profit leaders where they come together to discuss funding needs and programs, and try to avoid duplication of services and increase efficiency.

The Steamboat Orchestra coordinated with the Chamber to form the All Arts Festival and as a result of that the orchestra had their largest audience ever for their spring concert.

Moving forward, they will start gathering funding requests in August in preparation for the budget retreat in October.

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Council Member Reisman asked if there are any organizations that that do not fit into a coalition. Mr. Andersen stated that there probably are, but he can't think of them.

Council Member Magill asked if the supplemental funding from Biketown USA could fall under a coalition as well. Discussion commenced on if there is a need to form a fourth coalition.

City Council President Hermacinski stated that she is "over the moon" about the work that the Coalitions do and the fact that they are working together is "icing on the cake".

*At this time Council read the proclamation.*

**4. Presentation of Summer Marketing Plan.**

Ms. Lynna Broyles presented a PowerPoint presentation highlighting the following: 2011 Summer Marketing Plan; opportunity for summer tourism; brand image and positioning; new campaign for 2011; destination print campaign; destination print ad; regional print campaign; new district marketing; online advertising; website; collateral; coop advertising; public relations plan overview; 2011 summer special events; supplemental plan proposal; broadcast media; soft season promotional campaign; group marketing; online marketing; and marketing at bike events.

She spoke to the "opportunity for summer tourism" graph, which shows that there is opportunity for growth in June, August and September.

With respect to their new ad campaign, the Marketing Committee wanted to challenge the Chamber's all over approach by using a new advertising agency.

Ms. Broyles asked that Council reconsider the Chamber's supplemental funding request of \$100,000. They are still \$75,000 short of last years budget while their competitors have increased their funding levels. She stated that this would be an investment in summer sales tax revenue and the proposal includes: spending \$35,000 in broadcast media; \$30,000 on a soft season promotional campaign; \$10,000 on group marketing efforts; \$20,000 on online marketing; and \$5,000 for marketing at bike events.

City Council President Hermacinski spoke to the opportunity for summer tourism and asked for an estimate of what it will generate in terms of additional sales. Ms. Broyles stated that according to her preliminary data, for every one dollar spent on marketing five dollars in tax revenue is generated.

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City Council President Pro-Tem Quinn supports this request but noted that most other communities in Colorado have a dedicated funding source for marketing. There is a crisis in funding for marketing, but not one that the City can solve every time. The business community needs to get involved and support this.

Council Member Reisman stated that Council has this conversation every year, yet the City keeps funding the Chamber. He likes front page of the new ad campaign, but when you open it he believes it is too similar to all other communities. It is a question of what makes us unique and how to tell the story that we are unique. With respect to the \$100,000, would it be better to spend it all in one spot in an effort to become unique?

Ms. Broyles spoke to the uniqueness of the ad campaign, noting that it is completely "out of the box" and not like anyone else's. Steamboat Springs is similar to many other mountain communities, but the way it is represented in the ad campaign is different. There is nothing in the marketplace that communicates in the way that we have.

Council Member Magill supports the request.

Council Member Kounovsky still supports the request to help drive tourism but he struggles with the way Council handles these types of requests.

Council Member Myller stated that the City does not have excess money for this request. He does not support it.

**MOTION:** City Council President Pro-Tem Quinn moved and Council Member Magill seconded to fund the Chamber's funding request of \$100,000. The motion failed 3/3. City Council President Hermacinski, Council Member Myller and Council Member Reisman opposed.

**5. Update from Biketown USA.**

Mr. Rob Mitchell, Biketown USA, was present and showed short film. He stated that he has been extremely involved, working to help create objectives and goals to help move this initiative forward. He thanked the City for being a partner so far. He noted that the National Forest, BLM, DOW, the Chamber, Ski Corp., and private businesses along with the City and County met as a group to work though this and try to put together a true community cycling plan. The focus is on community enhancement and safety, and recognizing the economic development from that, including providing safe corridors from residential to and through old town to schools. A fully integrated signage and way finding system is an integral part of this. On the recreational side it is about leveraging existing

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assets, taking advantage of the opportunity at Mt. Werner, and the leisure riding opportunity by extending the core trail out.

There is an economic benefit that can be realized. Our "brand" is clearly identified around winter sports, but in other seasons that identity is lost. We need to stand for something and clearly present who we are, use our strongest asset and play our strongest hand. Biking is a seamless extension of where we are now. We need to develop a long term sustainable position, focus the marketing dollars on the "lead act" of cycling, and capitalize on the assets that we have.

From a marketing stand point, we are marketing a series of disconnected events so there is no lasting impression. We need to transition away from this and start to market around a long term positioning. There will be several thousand people coming here this summer and they will see some Biketown USA collateral. We need to think about the message we are sending and the enthusiasm behind it, and we need to build out the infrastructure.

Biketown USA requests the following:

Support the completion and adoption of the Community Cycling Plan.

Support the Regional Tourism Act proposal.

Provide supplemental funding, the remaining community support request at \$19,400 for staffing and another Bike Summit.

Provide bike lane striping and signage: \$103,000.

Provide funding for bike marketing: \$30,000.

Online bike guide development \$20,000.

Biking public relations campaign \$10,000.

He encouraged Council to have the confidence to see the opportunity here and realize that this is the right time.

City Council President Hermacinski would like to see more information on striping and signage relative to the annual expense.

Council Member Magill stated that he tends to not support the supplemental funding of \$19,600 for the 2012 Bike Summit because we can't track the return

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on investment. Mitchell stated that the benefit of the Summit is getting people here that have national advocacy and organizations share best practices. The energy that comes from that and the word of mouth is a part of the process and continues the momentum and energy.

Council Member Kounovsky believes that biking in the summertime could be our "unfair advantage". He supports breaking this request into two parts because he would like to see more information on signage and stripping request.

Council Member Reisman spoke to leveraging uniqueness and finding a balance between visitor and resident, however there is a huge cost involved. If the City does not receive the \$11 million grant, where will money come from? Mitchell stated that the grant request is an opportunity right now that it makes sense to go after. A large part of that money would go toward Yampa build out. This project will still be viable without the grant. We will have to continue to invest, and the cycling community will market a lot of this themselves.

Council Member Myller fully supports this request.

City Council President Pro-Tem Quinn would like to see what the City's annual contribution would need to be. He agrees that more information is needed for the stripping and signage part. He asked if the Bike Summit will happen every year. Mitchell answered in the near future, yes. City Council President Pro-Tem Quinn asked staff to put together an estimated operating budget.

City Council President Hermacinski spoke to the recent Pilot editorial, clarifying that the City has diverted taxpayer funds in the amount of \$2.156 million in the last 12 months to support this initiative. She believes that the newspaper did a disservice to this issue.

City Council President Hermacinski asked for more specific details about where the money will be spent.

**MOTION:** City Council President Pro-Tem Quinn moved and Council Member Kounovsky seconded to approve \$49,600 from excess revenue. The motion carried 6/0. Council Member Bentley was absent.

**DIRECTION:** City Clerk to place the striping and signage request on the June 21, 2011 agenda.

**6. Update from Historic Preservation Commission.**

A semi-annual written report was provided.

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Cam Bunn, Sally TeStrake, Johnny Walker and Tracy Barnett were present. Ms. Bunn noted that sadly, Ms. DJ Chotvac passed away last month. She devoted her life to historic preservation.

Ms. Bunn stated that the Commission's focus came from the new historic preservation ordinance and the local register. Their current project is creating a National district on Lincoln.

Ms. Bunn presented a PowerPoint presentation highlighting the following: successes; challenges: inability to create a local historic district; properties listed on historic register; CLG status; HPC reviews; 2011 focus: 1) collaboration; 2) create National Historic District on Lincoln Avenue; 3) advocate the benefits of a residential Local Historic District (7<sup>th</sup> Street); 4) contribute to the revitalization of Yampa Street; 5) further the development of a Creative Incentive Program; and 6) re-examine realistic percentage for creating a Local Historic District that is more in step with comparable towns in Colorado.

City Council President Pro-Tem Quinn stated that he will resist any effort to reduce the requirement that there be 100 percent agreement of property owners to form a district. He believes that would be a campaign to take away private property rights of homeowners.

City Council President Hermacinski added that the previous moratorium was a horrible disservice to the Historic Preservation movement. She agrees with City Council President Pro-Tem Quinn and does not support staff spending any time on two, three and six of the presentation.

Council Member Myller believes that 7<sup>th</sup> Street and Lincoln Avenue are two assets that need to be preserved. He also wants to preserve private property rights, but thinks that the City may regret having lost some great resources.

Council Member Magill supports lowering the requirement to something closer to 70 percent because historic preservation does keep Steamboat Springs a community.

Ms. Bunn stated that collaboration goes hand in hand with economic development and community character, and preservation of built environment goes hand in hand with the preservation of the land. It also makes us stand out as a special place.

## GENERAL PUBLIC COMMENT

Mr. Buck Chavarria, Skate Church, spoke to the excess revenues and advocated for access to the skate park. There are a number of different issues, like emergency access to the park (currently the bike path is flooded). City Council President Hermacinski stated that the two million dollar number of excess revenue has already been revised down and spent for things like fuel and plowing. The road to the park is still on the list and would be considered as additional revenue comes in the door.

Mr. Wilson clarified that Lagoon Court Road is the emergency access to the park and secondarily is the Core Trail.

Mr. Lindroth stated that staff is monitoring the daily emergency access points due to high water.

City Council President Hermacinski further noted that the Park was to be paid for 100 percent, with no City money. She voiced concern that now there is pressure to pay for the road.

Council Member Magill believes it is negligent of the City to not have proper access to the skate park.

Mr. Roberts stated that staff will be beginning the budget process and this project will be included in the capital portion.

*At this time Council conducted the SSRA meeting.*

### **7. Direction on an ordinance from the VNA Tobacco initiative (N-CTRL).**

Council Member Kounovsky stepped down.

Ms. Victoria Barron, VNA, stated that members of the Teen Council were here in April to demonstrate the fact that there is a problem with tobacco use. This permitting program can be part of the solution by ensuring that all retailers are following the law. We do not currently know who is selling these products so there is no way to adequately check for compliance.

City Council President Hermacinski asked if there is enforcement at the State level. Ms. Barron stated currently no, the State's budget was cut dramatically.

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Ms. Barron stated that the fee will be very modest and is intended to cover enforcement. It will be a sustainable program that will be turned over to the City.

Council Member Reisman asked about a sliding scale fee. Ms. Barron stated that this has been discussed, but can get very confusing and labor intensive.

City Council President Hermacinski noted the importance of meeting with City staff, specifically Finance staff.

Ms. Barron presented a petition containing signatures of support for this initiative.

Mr. Ken Barron stated that the local youth are directly affected by this issue and noted that their goal is to come back with an ordinance.

**DIRECTION:** Work with Finance staff and the City Clerk to schedule on an agenda.

**8. Recommendation from the Public Art Board on a proposed mural on the Ski and Bike Kare building.**

The Routt County Riders are proposing the construction of a mural in conjunction with efforts to promote Biketown USA. This mural would be located on the side of the Ski and Bike Kare building.

Ms. DelliQuadri stated that the Public Art Board met and reviewed this request and determined that the mural is "public art" and that was there recommendation.

Council Member Myller feels like this is free signage for Ski and Bike Kare. Were other locations considered?

Ms. Chula Beauregard, muralists, stated that there was a set of criteria for determining the site and the goal is to create a visual identity for Biketown USA. Artistically speaking, this is the best place for this mural.

Robin Craigen, Routt County Riders, spoke to situation of a mural on a bike shop in Moab, which is a representation of that area.

Council Member Magill asked if Ski and Bike Kare will be allowed to have any signage on this side of the building. It was clarified, no.



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Mr. Gibbs stated that there is overlapping in the definition of sign and the definition of public art. However, this is original art, there is no commercial advertising, and based on that it meets Public Art Board criteria.

Ms. Lane Malone, Biketown USA, stated that the language on the mural will come from the numerous children's drawing, intended to draw out youthful thoughts.

City Council President Hermacinski asked for a condition of approval that a sign not be allowed on that wall.

Mr. Harry Martin, part owner of Ski and Bike Kare, stated that he accepts that condition of approval

**MOTION:** Council Member Magill moved and Council Member Reisman seconded to approve the mural as public art on the side of the Ski and Bike Kare building, with the condition of approval that no signage be allowed on that wall. The motion carried 5/1. City Council President Pro-Tem Quinn opposed. Council Member Bentley was absent.

**CONSENT CALENDAR: MOTIONS, RESOLUTIONS AND ORDINANCES  
FIRST READINGS**

9. **RESOLUTION: A resolution acknowledging appointments to the Board of Adjustments, the Ice Rink Advisory Committee, the Local Marketing District, the Urban Renewal Authority Advisory Commission and the Historic Preservation Commission.**

City Council President Hermacinski read the resolution title into the record.

10. **RESOLUTION: A resolution acknowledging appointments to the Yampa Valley Airport Commission.**

City Council President Hermacinski read the resolution title into the record.

11. **RESOLUTION: A resolution to adopt the Community Water Conservation Plan, developed with assistance from the Colorado Water Conservation Board.**

City Council President Hermacinski read the resolution title into the record.

**MOTION:** City Council President Pro-Tem Quinn moved and Council Member Myller seconded to approve items 9, 10 and 11 of the Consent Calendar; a

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resolution acknowledging appointments to the Board of Adjustments, the Ice Rink Advisory Committee, the Local Marketing District, the Urban Renewal Authority Advisory Commission and the Historic Preservation Commission; a resolution acknowledging appointments to the Yampa Valley Airport Commission; a resolution to adopt the Community Water Conservation Plan, developed with assistance from the Colorado Water Conservation Board. The motion carried 6/0. Council Member Bentley was absent.

*At this time Council heard the Update on the Community Support Coalitions.*

**PUBLIC HEARING: ORDINANCE SECOND READINGS**

12. **SECOND READING OF ORDINANCE:** An ordinance amending Sections 12-29, 26-402 and 26-92 of the Steamboat Springs Revised Municipal Code relating to approval procedures for peddlers, solicitors, canvassers, or transient sellers operating in public places; providing an effective date; and setting a hearing date.

*Staff requests this item be postponed to the June 21, 2011 meeting.*

City Council President Hermacinski read the ordinance title into the record.

**MOTION:** Council Member Myller moved and Council Member Magill seconded to postpone the second reading of an ordinance amending Sections 12-29, 26-402 and 26-92 of the Steamboat Springs Revised Municipal Code relating to approval procedures for peddlers, solicitors, canvassers, or transient sellers operating in public places; providing an effective date; and setting a hearing date to the June 21, 2011 Council meeting. The motion carried 6/0. Council Member Bentley was absent.

13. **DISCUSSION/MOTION/APPROVAL:** Possible Ballot Questions for November 1, 2011 election addressing (a) a ban on medical marijuana centers, optional premises cultivation operations, and infused product manufacturers' licenses, (b) an additional 5% sales tax on medical marijuana and paraphernalia, and (c) possible dedication of such additional sales tax to education and mitigation of impacts of medical marijuana distribution in the community.

City Council President Hermacinski read the item into the record.

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City Council President Hermacinski noted that at the last meeting she was under the impression that if Council banned or adopted the ordinance to be in compliance with House Bill 1284, that in turn could deny the citizens the referendum process due to timing. She believes as a Council member it is her job to cast a vote and if the community does not like it they can go through the referendum process. The fact that this impression was incorrect may change her view to send this issue directly to the voters.

Mr. Lettunich stated that the referendum process can be initiated after City Council approves an ordinance. The initiative process can be enacted due to lack of action on Council's part.

City Council President Hermacinski asked about having two ordinances on June 21, one to ban and one to be in compliance with 1284. She suggested postponing the second reading of this ordinance to June 21.

Council Member Magill stated that he is prepared to move forward on this item.

Council Member Reisman is a believer in the process of government however; we have put a lot of the community "in a washing machine" on this issue and there has been a "big exhale" now that there will be a question on the ballot. He supports moving forward with a ballot question.

With designated areas for grow operations, if medical marijuana centers are banned, will we end up with same thing in an unregulated format? Mr. Foote stated that it is possible that could happen because the State may authorize caregivers to have more than 5 patients in exceptional circumstances.

City Council President Pro-Tem Quinn is concerned that banning centers may just be doing away with taxation and regulation.

**PUBLIC COMMENT:**

Mr. Kevin Fisher, Rocky Mountain Remedies, Clarified that Amendment 20 allows patient cooperatives of 30 people growing in one area. He believes that it is inappropriate for Council to consider a ban after the City has issued licenses. He urged Council to pass the ordinance allowing them to operate and citizens always have the right to pursue the referendum process. He encouraged Council to not enable a small minority and also to not place a "sin tax" on medical marijuana, noting that prescription drugs have no tax. Also, he disagrees with some of the language regarding the negative impacts of medical marijuana. He suggested more generic language.

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Ms. Millie Flannigan believes that taking this to a vote is the right thing. She voiced concern that at the last meeting there was no public comment regarding the desire to add a tax to the question. The language in b) and c) was created by Council. She believes that this verbiage is flawed, extraneous and "muddies the waters". Additionally, where did the five percent number come from and why didn't Council choose to address advertising? She supports keeping the question clean with a yes or no on a ban.

Mr. Bob McConnell is in favor of a total ban. He stated that Federal law and the Supreme Court have stated that that even in a State that allows medical marijuana, Federal law still prevails.

Mr. Bill Cousins stated that the Federal government does not tolerate blatant violation of Federal law. Where does this leave the City? He asked how Council can contemplate sales tax from an illegal industry. He supports putting this on the ballot and keeping it simple.

Ms. Lisa Watts agrees with keeping the question simple.

Ms. Laura Case wants to be able to vote on a ban in the County. City Council President Hermacinski clarified that the City has no jurisdiction over the center located in the County.

City Council President Pro-Tem Quinn stated that the fact that the Federal government takes a stance that they will allow tax revenue and still contend that the centers are illegal is ludicrous. He supports the language in a).

**MOTION:** City Council President Pro-Tem Quinn moved and Council Member Magill seconded to approve placing the "a" language on the ballot in November 2011. The motion carried 6/0. Council Member Bentley was absent.

**MOTION:** Council Member Magill moved and Council Member Reisman seconded to not include the language in options b or c. The motion carried 5/1. City Council President Pro-Tem Quinn opposed. Council Member Bentley was absent.

Discussion during the motion:

Council Member Kounovsky supports keeping it clean and simple.

City Council President Pro-Tem Quinn stated that as kids are more exposed to this topic, parents and educators are being asked to answer questions about it; money for education and programming could help with these impacts.

14. **SECOND READING OF ORDINANCE:** An ordinance ratifying and affirming ordinance no. 2296 and clarifying the relationship between the provisions of ordinance no. 2296, the Colorado Medical Marijuana Act, and C.R.S. 25-1.5-106; providing for severability; providing an effective date; and repealing all conflicting ordinances.

*This item was postponed from the May 17, 2011 City Council agenda.*

City Council President Hermacinski read the ordinance title into the record.

Mr. Foote stated that the goal of this is to make sure it is clear that the City, by adopting Ordinance 2296, did not intend to authorize the centers, optional premise cultivation centers and infused product manufacturers.

Mr. Lettunich clarified that the action taken in January 2010 was a basic regulatory frame on what Amendment 20 authorized and goes "hand in glove" with the ballot question just approved.

PUBLIC COMMENT:

Mr. Kevin Fisher does not read this as maintaining the status quo. According to 1284, Ordinance 2296 is enough. He believes this "muddies the waters" with the State. 1284 does not say what the City has to regulate.

Mr. Lettunich stated that this language is intended to reinforce the City's position. We don't want any insinuation that 1284 will apply to the dispensaries if a ban occurs by action of the voters.

**MOTION:** City Council President Pro-Tem Quinn moved and Council Member Reisman seconded to postpone this ordinance to June 21, 2011. The motion carried 5/1. Council Member Myller opposed. Council Member Bentley was absent.

Discussion during the motion:

Council Member Kounovsky supports keeping status quo until the election; and he wants to let the voters know how we would regulate the centers so they can make an informed decision on the ballot.

City Council President Hermacinski intention is that status quo continues until the election and to ensure that if there is a ban passed then the ban can occur.

City Council President Pro-Tem Quinn wants to have a regulatory structure in place when this goes to a vote.

PLANNING  
PROJECTS

**CONSENT CALENDAR - PLANNING COMMISSION REFERRALS**

- 15. FIRST READING OF ORDINANCE:** An ordinance amending Chapter 26 of the Steamboat Springs Revised Municipal Code to amend the Gondola Two parking requirements.

City Council President Hermacinski read the ordinance title into the record.

- 16. FIRST READING OF ORDINANCE:** An ordinance amending Chapter 26 of the Steamboat Springs Revised Municipal Code for Text Amendments to 26-402, Secondary Units, 26-402 Accessory Structures, 26-91(B) RE Zone District, 26-92 table of permitted principal uses, and 26-132(B) Zone District specific standards.

City Council President Hermacinski read the ordinance title into the record.

PUBLIC COMMENT: No one appeared for public hearing.

**MOTION:** Council Member Myller moved and Council Member Kounovsky seconded to approve the first reading of an ordinance amending Chapter 26 of the Steamboat Springs Revised Municipal Code for Text Amendments to 26-402, Secondary Units, 26-402 Accessory Structures, 26-91(B) RE Zone District, 26-92 table of permitted principal uses, and 26-132(B) Zone District specific standards. The motion carried 5/1. Council Member Magill opposed. Council Member Bentley was absent.

Discussion during the motion:

Council Member Magill does not support this because it impacts property rights.

City Council President Pro-Tem Quinn supports this because it increases density and decreases sprawl.

- 17. FIRST READING OF ORDINANCE:** An ordinance rezoning all property with the designations of Residential Estate One – Low Density, secondary units (RE-1/S) and Residential Estate Two – Medium Density, secondary units (RE-2/S) to Residential Estate One - Low Density (RE-1) and Residential Estate Two, Medium Density (RE-2)

respectively (all RE-1/S will be changed to RE-1 and all RE-2/S will be changed to RE-2); repealing all conflicting ordinances; providing for severability; and providing an effective date.

City Council President Hermacinski read the ordinance title into the record.

PUBLIC COMMENT: No one appeared for public hearing.

**MOTION**: Council Member Myller moved and City Council President Pro-Tem Quinn seconded to approve the first reading of an ordinance rezoning all property with the designations of Residential Estate One – Low Density, secondary units (RE-1/S) and Residential Estate Two – Medium Density, secondary units (RE-2/S) to Residential Estate One - Low Density (RE-1) and Residential Estate Two, Medium Density (RE-2) respectively (all RE-1/S will be changed to RE-1 and all RE-2/S will be changed to RE-2); repealing all conflicting ordinances; providing for severability; and providing an effective date. The motion carried 5/1. Council Member Magill opposed. Council Member Bentley was absent.

18. **FIRST READING OF ORDINANCE: An ordinance vacating that portion of the 10 foot wide utility easement lying along the east side of the west line of parcel III of Pine Grove Center Subdivision, and providing an effective date and setting a hearing date.**

City Council President Hermacinski read the ordinance title into the record.

**MOTION**: Council Member Myller moved and Council Member Kounovsky seconded to approve items 15 and 18 of the Planning Consent Calendar; the first reading of an ordinance amending Chapter 26 of the Steamboat Springs Revised Municipal Code to amend the Gondola Two parking requirements; and the first reading of an ordinance vacating that portion of the 10 foot wide utility easement lying along the east side of the west line of parcel III of Pine Grove Center Subdivision, and providing an effective date and setting a hearing date. The motion carried 6/0. Council Member Bentley was absent.

#### **PUBLIC HEARING – PLANNING COMMISSION REFERRALS**

19. **SECOND READING OF ORDINANCE: An ordinance to eliminate Community Development Code Section 26-184 (B) (3), also known as the “10% rule”.**

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City Council President Hermacinski stepped down.

City Council President Pro-Tem Quinn read the ordinance title into the record.

PUBLIC COMMENT: No one appeared for public hearing.

**MOTION:** Council Member Myller moved and Council Member Kounovsky seconded to approve the second reading of an ordinance to eliminate Community Development Code Section 26-184 (B) (3), also known as the "10% rule". The motion carried 5/0. City Council President Hermacinski stepped down. Council Member Bentley was absent.

City Council President Hermacinski returned to the meeting.

*At this time Council heard agenda item 4.*

**20. PROJECT: Overlook Park Subdivision**

PETITION: Preliminary plat for a 140 lot subdivision with associated open space, parkland and trail network including a requested variance to the maximum block length requirement.

APPLICANT: Steamboat Real Estate Solutions 1, LLC, c/o Slopeside Consulting, Ltd., Norbert Turek, 14 Park Avenue, Steamboat Springs, CO; 970-846-1610.

PLANNING COMMISSION VOTE: Approved 5-0 on May 26, 2011.

*This item was postponed from the May 3, 2011 City Council agenda.*

City Council President Hermacinski read the project into the record.

It was noted that there is an added condition of approval.

Council Member Magill asked about the approval timeframe. Mr. Peasley stated that the applicant requested 7 years of vesting, but the Planning Commission recommended three years with two year additional provided that they are in substantial conformance. Also, this is excluding affordable housing.

PUBLIC COMMENT: No one appeared for public hearing.

CONDITONS:

1. Prior to approval of civil construction plans and final plat, submit approval from CDOT and Routt County for the temporary emergency access along the existing easement on Sheet 6 of Attachment 1.



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2. Submit final Civil construction and slope stability plans for Overlook Park Subdivision and Gloria Gossard Parkway for review and approval prior to construction, approval of any grade and fill permit, or final plat. We recommend submitting the construction plans a minimum of five weeks prior to commencing construction or grading permit application to allow time for review, comment response, and approval. The final civil construction plans shall include:
  - Reflected as-built conditions for the constructed schedule I work, including: waterline conditions, fence location, asphalt termination and tie-in plan, etc.
  - Updated General Notes page to include 2010 engineering standards requirements.
  - Revise "Project Note No. 13" to state as-built construction plans are required prior to construction of schedule's II and III.
  - Indicate where the playground is on the City of Steamboat Springs' open space. Provide a pedestrian connection from Abbey Rd. sidewalk into the park
  - Provide landscaping plan between Abbey Rd. connection and Lot 10 West Acres to mitigate sound and visual impacts per agreement.
  - Provide a signage and striping plan. The developer shall be responsible to re-stripe the Downhill Dr. & Gossard Pkwy intersection to meet the original intersection design configuration.
  - Provide cross-walk details for pedestrian crossings on Gossard Pkwy
  - Updated cross-sections per geotechnical engineer's recommendation. i.e. pavement thickness requirement has changed as result of S700 not going thru.
  - Revised trail cross-sections and design to meet city engineering standards.
  - Provide a design for the temporary emergency access and show the design for the future connection to US 40 in the approved location across from Sleepy Bear.
  - Incorporate any CDOT requirements for the temporary emergency access.
3. Submit a stamped, final Drainage report addressing the updated drainage improvements on lots 17-23 and incorporating any final design edits for review and approval prior to approval of the civil construction plans.
4. Incorporate the following easements and/or notes on the final plat:
  - Provide drainage easements for public drainage, width per City Drainage Criteria

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- Dedicate the existing easement the site has across from the Sleepy Bear access (future Slate Creek Connector location) to the City.
  - Provide a slope maintenance easement on Open Space Tract A
  - Provide public access easements for portions of public sidewalks, trails and park areas outside of the row
  - Provide blanket easement for public sidewalks, trails, and access and drainage across the open space where applicable.
  - Provide snow storage easements at the end of each alley.
  - Provide building envelopes and a drainage easement for lots 17-23 and lots 96-107. Adjust building envelopes as needed to accommodate drainage improvements within these lots.
  - Note on-street parking areas shall be maintained privately by the HOA.
  - Note alleys will be privately maintained by the HOA
  - Note the emergency access will be privately maintained by the HOA.
  - Provide emergency access easement to US 40 from the site to provide secondary fire access. Add any restriction notes for any prohibitions required by the CDOT access permit.
5. Add note to final plat indicating "Development of Lot 95 shall include a 60 ft ROW with public street and sidewalk connection to provide additional connectivity from either a) West End Drive on the south to West End Drive on the west aligning with an opposing access point -or- b) West End Drive on the south and Gossard Parkway on the North along the eastern property line or as approved by the Director of Public Works and the Director of Planning and Community Development.
6. Prior to final plat, public drainage improvements, public roadway improvements including sidewalks, the private detention/storm water quality ponds, and utility improvements shall be constructed and preliminary acceptance received or a development agreement executed outlining phasing and collateral posted.
7. Construction traffic shall use Gossard Parkway to access the site and not the secondary access connection thru West End Village. Applicant shall submit a traffic control plan, including construction traffic detour plan and signage plan at the time of building permit or grade and fill permit.
8. The developer shall pay his proportionate share of potential future improvements based on the traffic study including:
- Traffic signal improvements at US 40/ Downhill Drive, calculated at 3.8% of the total signal cost at the time payment is made (currently estimated at \$3,837,000 for the entire signal cost and \$145,806 for the proportionate share)

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- Intersection improvements at US 40/ CR 129 calculated at 4.8% of the total signal cost at the time payment is made (currently estimated at \$7,000,000 for the entire signal cost and \$336,000 for the proportionate share)

Payment shall be made prior to final plat recordation or issuance of the first building permit, whichever comes first.

9. The following items to be identified on the construction plans are considered critical improvements and must be in place prior to the issuance of any CO or TCO, they cannot be bonded:
  - Public drainage improvements
  - Public sidewalk improvements
  - Installation of street and traffic control signs
  - Access drive, driveway, and parking areas
  - Storm water quality features. (Vegetation must be established prior to CO when required as part of the feature design.)
10. When fire apparatus access roads or a water supply for fire protection is required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction except when approved alternative methods are provided. This means any utilities in the road need to be in and the road completed to an all-weather drivable surface and fire hydrants in and accepted by the water purveyor before the Fire Department can sign off on building permits.
11. All fire department access roads shall be dedicated to the City of Steamboat Springs as "Emergency Access Easements" and shall be noted on the Final Plat. Also a "Dedication of Easement" form supplied by the City shall be completed and recorded by the County Clerk's Office.
12. Provide emergency access to the west side of the project that meets Fire Department access standards. If the access is to be gated provide a Fire Department approved Opticom opening device on the gate.
13. A note shall be added to the Final Plat that Lot 95 is not buildable until such time as further subdivision in compliance with the CDC has occurred as Lot 95 in its current form does not meet the dimensional requirements of the CDC.
14. At the time of Final Plat, deed restrictions shall be recorded to establishing maximum building heights identified on Sheet 12 of Attachment 1 for Lots 1-45 to ensure compliance with the Skyline Overlay Standards.
15. The developer shall enter into a Development Agreement with the City prior to approval of the Civil Construction Plans addressing the following items:

Contributions to future traffic improvements

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Extended project vesting period of five years, consisting of an initial vesting period of three years with a two year administrative extensions contingent upon the project being within substantial conformance with the Community Development Code (CDC) at the time of the extension, excluding Community Housing requirements.

**MOTION:** Council Member Myller moved and Council Member Kounovsky seconded to approve the preliminary plat for a 140 lot subdivision with associated open space, parkland and trail network including a requested variance to the maximum block length requirement with conditions 1-15; with new condition 2. The motion carried 6/0. Council Member Bentley was absent.

**REPORTS**

**21. Economic Development Update.**

**22. City Council**

Council Member Magill:

1. Noted that the trail by Steamboat Crossing needs to be repaired.
2. Asked for an Update on the lagoon closure at the next meeting.
3. Has spoken to a few staff members who are not aware of the timeline for ending the furlough. Mr. Roberts stated that the City has a "flexible work schedule" where employees can work with their supervisors to determine the hours necessary to get the job done.
4. Asked for an update on the median design south of town.
5. Asked that staff keep the Steamboat Hotel sign "on our radar".
6. Felt it was a good marathon weekend.
7. Noted that the rodeo starts June 17, 2011.

Council Member Kounovsky:

1. Spoke to the excess revenue discussions and stated that he believes that if Council had received all the information at one meeting, the decisions would have been different. He urged staff to work on this process. Council Member Reisman agreed, and thought there could have been more forethought. Mr. Roberts suggested that if numbers are up or down, then this should trigger a mid-year budget review.

Council Member Reisman:

1. Suggested that Council discuss forming a marketing coalition prior to the budget retreat.
2. Suggested that Council form a team for the Re-Tree Colorado event.

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City Council President Hermacinski

1. **DIRECTION:** Boards and Commissions: HPC – Continue to advertise; Planning Commissions – reappoint incumbents and continue to advertise for remainder; Parks and Recreation – appoint all applicants; URAAC – continue to advertise; YVHA – schedule interviews with the County.

City Council President Pro-Tem Quinn:

1. Noted that the airline tax initiative group is going to conduct a poll about a possible tax and they are hoping to come to Council in July.

Council Member Myller:

1. Attended the Economic Summit.
2. Asked staff to contact CDOT regarding the timing of the lights on Lincoln Avenue.

**23. Reports**

a. **Agenda Review:**

- 1.) **City Council agenda for June 21, 2011.**
- 2.) **City Council agenda for July 5, 2011.**

Council reviewed the above agendas.

City Council President Hermacinski noted that Council will try to have only one meeting in August.

**24. Staff Reports**

a. **City Attorney's Update/Report.**

Mr. Lettunich reported on the following:

1. Clarified that an initiative requires 15 percent of the registered voters at the last election and a referendum requires 10 percent.

b. **Manager's Report: Ongoing Projects.**

- 1.) **FAA Residential Through the Fence Interim Policy (RTTF).**

Mr. Shelton stated that staff received a proposal for a residential "through the fence" agreements. He stated that the FAA does not like these types of agreements, as well as the fact that revenues and maintenance tend to get mixed up. **UNANIMOUS CONSENT:** To not approve the agreement.

Mr. Roberts reported on the following:

1. Rotary is in the process of placing the flower baskets on Lincoln Avenue.

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**OLD BUSINESS**

**25. Minutes**

- a. **Regular Meeting 2011-08, May 3, 2011.**
- b. **Regular Meeting 2011-09, May 17, 2011.**

**MOTION:** Council President Pro-Tem Quinn moved and Council Member Kounovsky seconded to approve the May 3 and 17 City Council minutes. The motion carried 6/0. Council Member Bentley was absent.

**ADJOURNMENT**

**MOTION:** Council President Pro-Tem Quinn moved and Council Member Myller seconded to adjourn Regular Meeting 2011-10 at approximately 9:30pm. The motion carried 6/0. Council Member Bentley was absent.

**MINUTES PREPARED, REVIEWED AND RESPECTFULLY SUBMITTED BY:**

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Julie Franklin, CMC  
City Clerk

**APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2011.**

# **AGENDA ITEM # 18b**

CITY OF STEAMBOAT SPRINGS

REGULAR MEETING NO. 2011-11

TUESDAY, JUNE 21, 2011

## **MINUTES**

Ms. Cari Hermacinski, City Council President, called Regular Meeting No. 2011-11 of the Steamboat Springs City Council to order at 5:00pm, Tuesday, June 21, 2011, in Centennial Hall, Steamboat Springs, Colorado.

City Council Members present: Cari Hermacinski, Jon Quinn, Meg Bentley, Bart Kounovsky, Walter Magill, Scott Myller and Kenny Reisman.

Staff Members present: Jon Roberts, City Manager; Tony Lettunich, City Attorney; Julie Franklin, City Clerk; Tyler Gibbs, Director of Planning and Community Development; Deb Hinsvark; Director of Financial Services; Philo Shelton, Director of Public Works; Anne Small, Interim Director of Internal Services; Ron Lindroth, Fire Chief; Chris Wilson, Director of Parks, Open Space and Recreation; Winnie DelliQuadri, Government Programs Manager; John Thrasher, Human Resources Manager; and Joel Rae, Police Captain.

**NOTE: All documents distributed at the City Council meeting are on file in the Office of the City Clerk.**

### **COMMUNITY REPORTS/CITY COUNCIL DISCUSSION TOPIC:**

#### **1. Direction on the Regional Tourism Act proposal.**

Ms. DelliQuadri asked for direction on whether or not to submit the projects on page "a".

Council Member Magill asked about the Yampa Street mall. Ms. DelliQuadri stated that it is not the intention to eliminate cars, but to have a division of automobiles, bikes and pedestrians in the same space. Council Member Magill voiced concern with the downtown traffic problem. Ms. DelliQuadri acknowledged this problem; however that is not a proposed fix in this project. The goal is to sell a complete bike vacation.

Ms. DelliQuadri asked if Council is comfortable with putting up the City's moral obligation for the bond, and noted that she needs to establish the "Regional Transportation Zone Board".

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Ms. Hinsvark stated that the Tax Increment Funding (TIF) funds would not be able to be sold in an unrated fashion, much like the Urban Renewal Authority bonds. The City has to put up its moral obligation to get the bonds into the market and get them rated.

City Council President Hermacinski stated that she spoke with Ms. Mary Brown, who told her that when the core trail bonded, it was referred to the voters even though the Taxpayers Bill of Rights (TABOR) was not an issue. She believes that borrowing money on the part of the taxpayers is prohibited to TABOR. The Iron Horse is an example of getting around those requirements by using Certificates of Participation. She does not support putting the moral obligation of the City behind the bonding because she believes that it violates the spirit of TABOR. Additionally, if the City is not willing to do the moral obligation, then she does not want to preclude another applicant from this grant and does not want to spend the city staff time. She would support putting it to a vote.

Ms. Hinsvark noted that City dollars are not being pledged to these dollars, it is the TIF sales tax on the State that is pledged for the debt service. If the City determines a moral obligation is appropriate, then the City does take on the risk of a shortfall in revenues, like we do with the URA.

Council Member Myller would like to try for this grant and see how it goes. It is worth the risk and there is a way to pay it back.

Council Member Reisman does not think it needs to go to the voters.

Council Member Magill stated that he struggles with the moral obligation as well because there is a risk to the City.

Mr. Roberts stated that even though the City will be extremely conservative, the moral obligation can affect the General Fund. However the moral obligation will only come into play if there is a shortfall, and the City will be very conservative on the pro forma. The City could consider forming a Business Improvement District where the property owners would be responsible for that shortfall and not the General Fund.

Ms. DelliQuadri noted that Governor Hickenlooper recently signed a Bill that changed the Regional Tourism Act (RTA) program by extending it to three years and allowing the State to pick up to six projects instead of two. There will be two more years of applications, but no additional money.

Ms. DelliQuadri stated that the City would be asking for \$8.5 million dollars to fund eligible costs for eligible improvements. If the City was awarded the grant,



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there would be a long contract process regarding the use of the dollars. The City would appoint an RTA Board who would make the final decisions about how the dollars are spent. The projects have to relate to biking but there should be room to change the specifics as long as the idea is the same. The 8.5 million dollars does need to be spent on eligible costs, capital or project expenses, not on operations. The City would also propose timing and phasing.

Council Member Kounovsky asked if the City did "pay-go" projects, would the application be looked upon unfavorably. Ms. Hinsvark stated that since we are looking to increase sales tax there would need to be a single project that does that.

City Council President Pro-Tem Quinn voiced concern with the Yampa Street mall, because those are City improvements that would be better under the umbrella of a BID.

Council took a "straw poll" as to those that are supportive of the moral obligation. City Council President Hermacinski and Council Member Magill were not.

Ms. DelliQuadri stated that eventually the City would advertise a formal appointment of an RTA Board; however she would like direction who the Council person would be. With respect to the At Large appointee, she believes it would be helpful if it was the Executive Director of Chamber. As far as the three commercial property owners, she suggests Steamboat Ski & Resort Corporation, The Holiday Inn (Scott Marr) and Moots Cycles (Rob Mitchell).

Council supported Council Member Myller as the Council representative.

**MOTION:** Council Member Reisman moved and Council Member Bentley seconded to recommend the initial structure of the RTA Board as noted above. The motion carried 7/0.

Council Member Bentley suggested removing the Yampa Street entertainment part from the project list. City Council President Pro-Tem Quinn agrees, he does not believe this is the appropriate way to improve Yampa.

Ms. DelliQuadri stated that many in the Biketown USA Initiative believe that Yampa should be the start and end for everything biking in Steamboat Springs. However, the opinions are all over the spectrum with respect to Yampa Street.

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Mr. Roberts thinks the City will be expected to spend some funds. Yampa Street could still be a part of the project but possibly funded somewhere else other than the TIF funds.

Council Member Reisman stated that from the perspective of a parent, there is no more dangerous street to ride than Yampa; however it is an integral element of the bike and summer community.

Council Member Myller agrees.

Council Member Reisman asked for a number on the annual cost to the City. Ms. DelliQuadri stated that with respect to Public Works, much of the maintenance would be pushed off on the private property owners. There would not be a lot of ongoing maintenance cost. The trail and Bike Park are approximately \$17,552 to take care of the six month time period of the facilities. As the facilities age there will be replacement costs. As the TIF dollars increase they could cover maintenance costs. These numbers do not include capital replacement.

Council Member Reisman stated that he can't support submitting the application without the capital number. **DIRECTION:** Mr. Wilson to provide the capital replacement costs.

Ms. DelliQuadri stated that by year 20 the conservative scenario has the City getting an extra \$3.5 million dollars; but could expect to incur a half million in ongoing maintenance.

**PUBLIC COMMENT:**

Mr. Grant Fenton, Biketown USA, stated that this is a unique opportunity that has never existed before. Is it perfect? No, we have to follow the parameters. This is about way more than biking; it creates things in the community that are not just bike related. He supports this application.

Mr. Rich Lowe, Biketown USA, stated that Yampa Street is not just about biking; it is a central "tourist hub". It is right next to the river and across from Howelsen Hill. Council needs to look at the project in whole, not in a vacuum of that street.

Mr. Jack Legrice believes this is a great project, but at this point the City does not have the money to do it. He urged the City to not throw away this money like it did with the Iron Horse. Let's "get fiscal" here and stop throwing money down the drain.

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**MOTION:** Council Member Myller moved and Council Member Bentley seconded to submit the projects as listed: The motion failed 2/5. City Council President Hermacinski, City Council President Pro-Tem Quinn, Council Member Magill, Council Member Kounovsky and Council Member Reisman opposed.

Discussion during the motion:

Council Member Myller stated that he does not have any doubt in the projections and the figures. He believes these would be the best marketing dollars ever spent.

Council Member Bentley feels strongly that this initiative is proactive; she believes it is Council's responsibility to try to get to square one before the two "big bog" industries consider leaving town.

City Council President Hermacinski voiced concern with the unknown annual expense, and unfortunately the sales tax baseline will be April 2011 to March 2012. She stated that according to the latest unemployment numbers Routt County lost 4,000 from its workforce, that's 23 percent. These are the trends that Council needs to consider when looking at this project. She can't support this until she knows the expense projections.

Council Member Reisman is also concerned with not having the expense numbers and is concerned about "putting the City's moral obligation out there".

Ms. DelliQuadri stated that the City does have the opportunity to say no if it were selected. However, that would "burn some bridges" for the City and also takes the spot from another community.

City Council President Pro-Tem Quinn still does not support the Yampa Street portion. He believes that could be a public/private partnership.

Council Member Magill opposes this project. It is a big investment and the City is the only player. He would like to see more of a "grass roots" movement.

Council Member Kounovsky supports the project, but not putting the City's moral obligation at risk. We are heading down the right path, but need to pull back a little. His guess is that the State will not give all the money away right "off the bat", so maybe postponing would be in the City's best interest.

City Council President Pro-Tem Quinn suggested taking another shot at this in 2012. Council Member Reisman agreed, and supports staff "scrubbing the numbers" in the next 6 months.

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Ms. DelliQuadri stated that she did provide alternate sources of funding for these projects, which are listed on page 1-3 of the packet. The difference with this grant is that the City would be able to do it all at once.

Council Member Magill would rather wait until 2012 to see where we are.

**2. Biketown USA funding request for lane striping and signage.**

Mr. Rob Mitchell apologized for not having this information two weeks ago. The request includes safe bike routes from old town, to the base area, schools, the west side and major business zones, so that a person can bike safely and continuously through the corridor. The wayfinding plan will make it clear where people are and where they are going. The educational piece will be focused on community education and safety. They are also requesting to put crossing signals that are triggered by a bike at Lincoln and 5<sup>th</sup> and 11<sup>th</sup>, and on-road paint striping and signage to fill in the gaps. He noted that they have the list in prioritized order.

City Council President Hermacinski spoke to the cost for the Safe Schools route and if the schools will be contributing. Mitchell stated no, however these routes will benefit anyone who commutes via bike, as well as schools.

Ms. DelliQuadri stated that the City has pursued safe routes grant dollars several times but has not been successful.

City Council President Pro-Tem Quinn asked if there is opportunities to have businesses sponsor the safe routes or to have challenge grants with matches. Mr. Mitchell stated that these are creative solutions that they can move forward with, but it all depends on how much funding they can get now. We need to be sincere about the effort from the inside out; there are basic things that have to be in place and then build off of that.

Ms. Hinsvark stated that there are no supplemental revenues in hand at this time; however we are receiving May's sales tax collections now and she guesses that there will be some additional revenues. Additionally, she noted that the City is not spending every penny it has. It has a very healthy general fund balance and Council has been fiscally prudent in spending excess revenues. This item is a Public Works project, coming out of the general fund, and it has been on Management Team's list.

**PUBLIC COMMENT:** No one appeared for public comment.

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**MOTION:** Council Member Reisman moved and Council Member Kounovsky seconded to approve priority 1: City-wide travel routes that focus on safe routes to school, funding out of Council's Contingency Fund. The motion carried 7/0.

**MOTION:** Council Member Magill moved and Council Member Bentley seconded to approve priority items 2 and 3 out of appropriations as soon as the dollars are in hand. The motion carried 4/3. Council Member Kounovsky, Council Member Reisman and City Council President Hermacinski opposed.

Discussion during the motion:

Council Member Reisman does not support this because fiscally it is a "big chunk of money" especially when you think about all the other things that Council has not funded.

Council Member Bentley stated that she got a call from a constituent that lives on the mountain who always comes across people who can't figure out how to get downtown on their bikes. She would like to take this baby step towards Biketown USA.

City Council President Pro-Tem Quinn supports the motion. There are some significant events coming up and this could put our best foot forward.

Mr. Mitchell clarified that the wayfinding system will not be in place before the Pro Challenge, because it is important to take the time to get it right.

Council Member Kounovsky does not support item 3.

**CONSENT CALENDAR: MOTIONS, RESOLUTIONS AND ORDINANCES**  
**FIRST READINGS**

3. **RESOLUTION: A resolution acknowledging appointments to the Planning Commission and the Parks and Recreation Commission.**

City Council President Hermacinski read the resolution title into the record.

**MOTION:** City Council President Pro-Tem Quinn moved and Council Member Myller seconded to approve a resolution acknowledging appointments to the Planning Commission and the Parks and Recreation Commission. The motion carried 7/0.

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4. **FIRST READING OF ORDINANCE:** An ordinance creating a new Article V in Chapter 12 of the Steamboat Springs Revised Municipal Code for the purpose of licensing Non Cigarette Tobacco Product Retailers; providing for severability; establishing an effective date; and setting a hearing date.

City Council President Hermacinski read the ordinance title into the record.

Council Member Kounovsky stepped down.

City Council President Hermacinski stated that she is surprised to see this on the agenda because Council does not have enough information.

Mr. Rae stated that there is currently enforcement in place through the State. It is conducted once a year and the City's compliance is 94-100 percent.

City Council President Pro-Tem Quinn asked if this program would provide additional funding for additional enforcement. Mr. Rae stated yes. He stated that the Police Department believes this is a community health issue, not a public safety issue. Additionally, he did not support utilizing the compliance hearing judge so it is proposed to leave this within the municipal court fine schedule. The fee would be approximately \$112 per business, per year. Staff would monitor the program for a year based on results of the compliance checks.

City Council President Hermacinski asked if the Department of Revenue says we are 94-100 percent in compliance, do we need to do this?

Council Member Magill believes that this is an issue and kids say it is easy to get. Council Member Reisman noted that the Teen Council has asked for Council's support and they are behind this program. Additionally, it is not a huge cost to the retailer.

PUBLIC COMMENT:

Ms. Morgan Berts reinforced that the Teen Council fully supports the N-cntrl program.

Mr. Kent Barron, Teen Council, stated that non-cigarette tobacco products are a very popular trend and he sees a lot of use at school. He stated that most people start to use it in their teens and the most effective way to prevent use is to make it harder to get.

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Ms. Victoria Barron, Visiting Nurses Association, clarified that five out of the 20 retailers failed the last compliance check at least once, some twice.

**MOTION:** City Council President Pro-Tem Quinn moved and Council Member Magill seconded to approve the first reading of an ordinance creating a new Article V in Chapter 12 of the Steamboat Springs Revised Municipal Code for the purpose of licensing Non Cigarette Tobacco Product Retailers; providing for severability; establishing an effective date; and setting a hearing date. The motion carried 5/1. City Council President Hermacinski opposed. Council Member Kounovsky stepped down.

Council Member Kounovsky returned to the meeting.

5. **FIRST READING OF ORDINANCE: An ordinance amending Section 16-12 of the Steamboat Springs Revised Municipal Code to authorize the Director of Parks, Open Space, and Recreational Services to extend the season for rafting from public river accesses between Confluence Park and Stockbridge Park; providing an effective date; providing for severability; and setting a hearing date.**

City Council President Hermacinski read the ordinance title into the record.

Council Member Bentley would like to tie this to cubic feet per second.

Mr. Wilson stated that Director of Parks and Recreation has the ability to extend the season, with review from the Parks and Recreation Commission. Since the start to the rafting and tubing season will be so late, it was requested that the end of the season be extended. The Parks and Recreation Commission will review this on July 13, and that it is based from the Yampa River Management Plan.

Council Member Bentley stated that it is important that this go through the public process and that the fish and wildlife experts be involved. Mr. Wilson stated that these key players are always invited to the Parks and Recreation meetings and are a key part of the Yampa River Plan. Council Member Bentley stated that she wants them involved specifically on this item.

Ms. Danielle Dobson, Division of Wildlife, asked that the City make sure that the aquatic habitat is protected and that the provisions that protect the fish stay in place.

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**MOTION:** City Council President Pro-Tem Quinn moved and Council Member Magill seconded to approve the first reading of an ordinance amending Section 16-12 of the Steamboat Springs Revised Municipal Code to authorize the Director of Parks, Open Space, and Recreational Services to extend the season for rafting from public river accesses between Confluence Park and Stockbridge Park; providing an effective date; providing for severability; and setting a hearing date. The motion carried 6/1. Council Member Bentley opposed.

**GENERAL PUBLIC COMMENT:**

Mr. Tony Carlson, General Manager of Snowbowl, requested that there be late bus service in the summer as well as winter. They are open late and have a lot of patrons that use the bus.

**DIRECTION:** City Manager to meet with Carlson.

- 6. FIRST READING OF ORDINANCE: An ordinance amending provisions relating to Medical Marijuana Businesses set forth in Chapter 12, Article VI and Section 26-92 of the Revised Municipal Code; providing for severability; providing an effective date; and repealing all conflicting ordinances.**

City Council President Hermacinski read the ordinance title into the record.

City Council President Pro-Tem Quinn is concerned with the number of licenses being limited to three, including the Marijuana Infused Products (MIP) and the Optional Premise Cultivation Centers (OPC). Recently a representative from State provided misinformation regarding the MIP. There is an MIP in operation that he would like to consider allowing separate from MMC licenses.

Council Member Bentley agrees.

City Council President Pro-Tem Quinn would like to see the City grant up to three MIP licenses that may or may not include existing facilities.

Council Member Bentley voiced concern with the language that allows people to purchase the product when they have not received their license yet. She believes that they need to have the proper documentation. Mr. Lettunich stated that this language is consistent with the State's language.



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**PUBLIC COMMENT:**

Mr. Kevin Fisher, Rocky Mountain Remedies, stated that this language was included in Amendment 20 to ensure that people get their medicine without delay. He spoke to the MIP's noting that previous to the ordinance being passed Ms. Kamieniecki was operating but the MIP class was not defined at the time. He believes it would be in good faith to include her.

Mr. Bill Cousins is concerned that this ordinance follows Ordinance 2296 because it is open ended. There are legal, fiscal and enforcement implications. He would like to form an advisory board to work with the City to draft an ordinance. He would like the wording of the ballot to be clear so that voters understand what will be in place.

Ms. Lisa Watts believes that Council has not addressed the legal ramifications of allowing this industry. There are many conflicts and problems and this is a "band aid maneuver". She voiced concern with inspections, regulations and lack of accountability. She supports forming an advisory board.

Ms. Lisa Kamieniecki, Sweet Dreams, stated that she went to the medical marijuana enforcement agency and received her letter with the State's recommendation to approve her license. She has been in business for over a year now.

Ms. Kelly Victory believes that Amendment 20 was passed in good faith. Her concern is lack of oversight with respect to the legitimate medical indications for these medications.

Mr. Brian Cofke stated that when Amendment 20 passed, these business men went into business and invested a lot of money. He stated that someone will be responsible for the loss of the money that was put into these businesses.

City Council President Hermacinski stated that Amendment 20 provides an affirmative defense to State prosecution.

**MOTION:** City Council President Pro-Tem Quinn moved Council Member Reisman seconded to approve the first reading of an ordinance amending provisions relating to Medical Marijuana Businesses set forth in Chapter 12, Article VI and Section 26-92 of the Revised Municipal Code; providing for severability; providing an effective date; and repealing all conflicting ordinances; direct staff look at language to include MIP as separate licenses limited to 4. The motion carried 6/1. Council Member Bentley opposed.

**PUBLIC HEARING: ORDINANCE SECOND READINGS**

- 7. SECOND READING OF ORDINANCE:** An ordinance amending Sections 12-29, 26-402, and 26-92 of the Steamboat Springs Revised Municipal Code relating to approval procedures for peddlers, solicitors, canvassers, or transient sellers operating in public places; providing an effective date; and setting a hearing date.

*This item was postponed from the June 7, 2011 meeting.*

City Council President Hermacinski read the ordinance title into the record.

Mr. Gibbs explained the basis of the ordinance and noted that the Planning Commission requested that the industrial zone be added, that the hours of operation be defined, and that enforcement criteria be added.

Council Member Bentley asked why Oak Street was not excluded as well. The bells from an Ice Cream truck on Oak are audible from Lincoln and therefore could be a challenge to downtown businesses. Also, Oak Street is transitioning into commercial. Mr. Gibbs stated that staff will look into this.

**PUBLIC COMMENT:**

Mr. Bill Jameson thinks the ordinance should exclude roads that are unsafe because of grade, like Burgess Creek Road. He asked that Burgess Creek Road be excluded.

**MOTION:** Council Member Kounovsky moved and Council Member Magill seconded to approve the second reading of an ordinance amending Sections 12-29, 26-402, and 26-92 of the Steamboat Springs Revised Municipal Code relating to approval procedures for peddlers, solicitors, canvassers, or transient sellers operating in public places; providing an effective date; and setting a hearing date. **FRIENDLY AMENDMENT:** Council Member Reisman: to exclude Oak Street. The motion carried 7/0.

- 8. SECOND READING OF ORDINANCE:** An ordinance ratifying and affirming ordinance no. 2296 and clarifying the relationship between the provisions of ordinance no. 2296, the Colorado Medical Marijuana Act, and C.R.S. 25-1.5-106; providing for severability; providing an effective date; and repealing all conflicting ordinances.

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*This item was postponed from the June 7, 2011 meeting.*

City Council President Hermacinski read the ordinance title into the record.

Mr. Lettunich explained that when the City adopted Ordinance 2296, we thought we were implementing Amendment 20, but now there are questions as to whether or not Ordinance 2296 really did that. The point was to try to separate Ordinance 2296 from Bill 1284. He would prefer not change to 2296 to add anything, rather keep it as is. If we create an MIP now, it would put this out of balance. Perhaps if the City did not proceed with enforcement we can bridge the four month gap?

City Council President Pro-Tem Quinn would like to just add a 4<sup>th</sup> license. Mr. Lettunich stated that if Council does that he would like to table the ordinance to July 5, 2011. City Council President Pro-Tem Quinn stated that his concern is that Ms. Kamieniecki was left in limbo.

Council Member Kounovsky supports moving forward tonight with the ordinance as written.

**PUBLIC COMMENT:**

Mr. Kevin Fisher, Rocky Mountain Remedies, disagreed and believes that the "dispensary model" is under Amendment 20. The current Ordinance 2296 is good enough for the City at this time. He voiced concern that Section 3 of the proposed ordinance reads like the City does not approve the dispensaries, which puts him at risk for the next four months.

Mr. Charlie Magnusen, D & C Dispensary, does not want the City to move forward with a vote. If the dispensaries are banned marijuana will be grown all over the City and there will be more of a black market.

Ms. Lisa Kamieniecki stated that she is waiting to be approved by the City and this puts her in limbo and puts her business in jeopardy.

Mr. Jack Legrice stated that his concern is that Council voted 4/3 not to ban dispensaries, yet now Council is letting a small vocal minority take this to a vote. He believes that they should have to go through the referendum process.

Ms. Lindsay Bates, attorney representing D&C Dispensary, echoed Mr. Fisher's concerns that the revisions are inconsistent and inappropriate. Section 3 functions as a "de facto ban".

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Ms. Lisa Watts wants to address the innuendo that they are a small vocal minority. There is a great fear among citizens to take a stand on this issue, and there are many more people who share her view.

Ms. Kathy Carpenter asked if Council represents the City only. City Council President Hermacinski stated yes. Ms. Carpenter stated that the industry brings jobs and money to the City.

Ms. Kelly Victory stated that she lives in the County. However she works, shops and entertains in the City and her address is in the City. She spoke to the earlier comments that infer that if a person lives in the County, these City issues are not their business. She stated that this is their City as well and voiced concern with the scare tactics that are being used.

Mr. Lettunich stated that the whole reason for Section 3 is to differentiate between Ordinance 2296 from the activities authorized by Bill 1284.

City Council President Pro-Tem Quinn does not feel that we really need to have section 3 in there. The City has given approval for these licenses and to put them in limbo is concerning.

Council Member Magill agrees that the language is extraneous.

City Council President Hermacinski totally agrees with Mr. Lettunich that the language should be included because the City issued the licenses in accordance with Amendment 20.

**MOTION:** Council Member Bentley moved and Council Member Kounovsky seconded to approve the second reading of an ordinance ratifying and affirming ordinance no. 2296 and clarifying the relationship between the provisions of ordinance no. 2296, the Colorado Medical Marijuana Act, and C.R.S. 25-1.5-106; providing for severability; providing an effective date; and repealing all conflicting ordinances; as written. The motion carried 7/0.

**CONSENT CALENDAR - PLANNING COMMISSION REFERRALS**

PLANNING  
PROJECTS

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

**PUBLIC HEARING – PLANNING COMMISSION REFERRALS**

9. **SECOND READING OF ORDINANCE:** An ordinance vacating that portion of the 10 foot wide utility easement lying along the east side of the west line of parcel III of Pine Grove Center Subdivision (Ski Haus), and providing an effective date and setting a hearing date.

City Council President Hermacinski read the ordinance title into the record.

PUBLIC COMMENT: No one appeared for public hearing.

**MOTION:** Council Member Myller moved and Council Member Magill seconded to approve the second reading of an ordinance vacating that portion of the 10 foot wide utility easement lying along the east side of the west line of parcel III of Pine Grove Center Subdivision (Ski Haus), and providing an effective date and setting a hearing date. The motion carried Vote 6/0. City Council President Pro-Tem Quinn left the meeting for a moment.

10. **PROJECT: 1<sup>st</sup> Addition to Steamboat Springs, Block 3, Lots 11-16 (Horizons)**

PETITION: Preliminary plat to subdivide 6 original lots into 3 new parcels and process one variance to CDC Sec. 26-183 subdivision standards.

City Council President Hermacinski read the project into the record.

Council Member Magill stepped down on agenda items 10 and 11.

PUBLIC COMMENT: No one appeared for public hearing.

CONDITIONS:

1. At time of Final Plat, Parcel 3 shall be restricted from any future development requiring a building permit.
2. A floodplain development plan shall be required for this project at time of final development plan or final plat, whichever occurs first.
3. At time of first final plat for the development, dedicate access and emergency easements for Parcel 1 and 2.
4. At time of first final plat for the development, dedicate drainage easements on Parcel 1 and 2, per the final engineered drainage design.

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5. The following items to be identified for each phase on the building permit are considered critical improvements and must be constructed prior issuance of any TCO or CO; they cannot be bonded:
  - i. Public drainage improvements
  - ii. Access drive, driveway, and parking areas
  - iii. Storm water quality features. (Vegetation must be established prior to CO when required as part of the feature design.)

**MOTION:** Council Member Myller moved and Council Member Bentley seconded to approve the Preliminary plat to subdivide 6 original lots into 3 new parcels and process one variance to CDC Sec. 26-183 subdivision standards; with conditions 1-5. The motion carried 5/0. Council Member Magill stepped down. City Council President Pro-Tem Quinn left the meeting for a moment.

City Council President Pro-Tem Quinn returned to the meeting.

**11. PROJECT: 1<sup>st</sup> Addition to Steamboat Springs, Block 3, Lots 11-16 (Horizons)**

PETITION: Development plan for a Conditional Use for a multifamily building in the Residential Old Town zone district and a Planned Unit Development to process three variances to dimensional standards and a fee waiver request.

City Council President Hermacinski read the project into the record.

Mr. Lorson noted that there is an extensive list of fee waiver requests that require cash transfers at approximately \$72,000.

City Council President Hermacinski suggested hearing the fee waiver requests separate from the development plan.

Mr. Jan Kaminski, architect, stated that the fee waiver requests are time sensitive because the Housing and Urban Development grant deadline is in two days. Horizons gets additional grant scoring for positive zoning acceptance and for government support.

City Council President Hermacinski asked if these fee waivers were presented to the County. It was noted that they were not, due to the timeframe.

Ms. Kaminski spoke to the community housing requirements, noting that it makes sense that community housing should not have to provide community housing. They wanted to get assurance that they would get subsidies and incentives that others provide community housing.

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City Council President Hermacinski stated that the excise tax and the planning fee are the only things that the City can address. Ms. Hinsvark clarified that the City cannot waive taxes. Additionally, non profits are exempt from taxes.

Mr. Lorson stated that the Planning Commission did not address the fees because it was not in their purview. The incentives are for Community Housing above and beyond what is required and as a Community Housing provider they are exempt from being allowed to have those incentives. However, they are going above and beyond what is required.

Council Member Myller noted that the Community Housing fund may have some money in it to address the fee waivers.

PUBLIC COMMENT: No one appeared for public hearing.

CONDITIONS:

1. A floodplain development permit shall be required for this project's development on Parcel 3 (parking and grading) at time of final development plan or final plat, whichever occurs first.
2. At time of final development plan provide a final, stamped drainage letter by a professional engineer.
  - a. At time of first final plat for the development, dedicate access and emergency easements for Parcel 1 and 2.
  - b. At time of first final plat for the development, dedicate drainage easements on Parcel 1 and 2, per the final engineered drainage design.
3. The following items to be identified for each phase on the building permit are considered critical improvements and must be constructed prior issuance of any TCO or CO; they cannot be bonded:
  - i. Public drainage improvements
  - ii. Access drive, driveway, and parking areas
  - iii. Storm water quality features. (Vegetation must be established prior to CO when required as part of the feature design.)
4. Construction or placement of any improvements within a public utility easement including but not limited to trees, boulders, fences, berms, structures, private utility lines etc. that impairs the use of the easement as intended is precluded.
5. The development shall conform to the City of Steamboat Springs definition of *community housing* as defined in CDC Sec. 26-149.

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**MOTION:** Council Member Myller moved and Council Member Bentley seconded to approve the development plan for a Conditional Use for a multifamily building in the Residential Old Town zone district and a Planned Unit Development to process three variances to dimensional standards; with conditions 1-5. The motion carried 6/0. Council Member Magill stepped down.

Fee waiver request totaling \$73,000:

Council Member Bentley stated that this is a great use of the land and super addition to the community; however Council should have heard about this earlier and wishes that the County was contacted.

Mr. Lorson clarified that numbers for each fee waiver request were provided by Finance Staff.

Ms. Sue Mizen, Executive Director Horizons, stated that they applied for this grant once before and did not get it, by one point. In this specific situation they can earn up to six points for outside financial support, like from government. It is possible that they will be able to get some points by using some of horizons funds, and the intention was to fill the gap.

Ms. Amy Ibarra stated that it is unclear when the grant will be awarded and so they will not know what fiscal year it will be in.

**MOTION:** Council Member Myller moved and City Council President Pro-Tem Quinn seconded to approve waiving the Planning Department fees, \$7,100. The motion carried 6/0. Council Member Magill stepped down.

**MOTION:** City Council President Pro-Tem Quinn moved and Council Member Myller seconded to approve paying for \$20,000 of the tap fees out of the Community Housing Fund. The motion carried 5/1. City Council President Hermacinski opposed. Council Member Magill stepped down.

Council Member Magill returned to the meeting.

## **REPORTS**

### **12. City Council**

Council Member Bentley:

1. Attended the Colorado Municipal League Policy meeting.
2. Attended the Yampa Valley Economic Development Council Elected Officials Forum and spoke to: getting a copy of oil and gas regs from



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other counties, to de-brucing oil and gas revenues, to assigning any future oil and gas revenues to specific budget items; She noted the importance of placing conduit in the ground whenever streets and alleys are opened up for repair and maintenance.

Council Member Reisman:

1. Noted that there are safety concerns with the soccer goals at Heritage Park soccer fields. Mr. Wilson stated that he has a meeting scheduled to discuss this.

Council Member Magill:

1. Requested an update on the Steamboat Hotel sign.
2. Noted that this Saturday is a party for the opening of the rodeo.

**13. Reports**

**a. Agenda Review (Franklin):**

- 1.) City Council agenda for July 5, 2011.
- 2.) City Council agenda for July 19, 2011.
- 3.) SSRA agenda for July 19, 2011.

City Council President Hermacinski noted that there will be a Joint Meeting with the Commissioners August 1, 2011 at 2:00pm. **DIRECTION:** City Clerk to add the Routt County Building Department to the agenda.

**14. Staff Reports**

**a. Lagoon Decommissioning/Skate Park Project Update.**

Council Member Magill asked for an update on the timeline of the decommissioning. Mr. Shelton stated that it could be done in August of 2012, but that would be an aggressive timeline. Staff will provide a timeline in the budget process.

**b. City Attorney's Update/Report.**

Mr. Lettunich asked for permission to present a minor amendment to the Medical Marijuana Dispensary ballot language to Council on July 5, 2011. This amendment specifies that the effective date for the ban would be January 1, 2012. **UNANIMOUS CONSENT.**

**c. Manager's Report: Ongoing Projects.**

Mr. Roberts noted that he will be attending the Colorado Municipal League Annual Conference in Vail for the rest of the week.

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**ADJOURNMENT**

**MOTION:** Council Member Bentley moved and City Council President Pro-Tem Quinn seconded to adjourn Regular Meeting 2011-11 at approximately 8:50pm. The motion carried 7/0.

**MINUTES PREPARED, REVIEWED AND RESPECTFULLY SUBMITTED BY:**

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Julie Franklin, CMC  
City Clerk

**APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2011.**