



AGENDA
CITY OF GLENWOOD SPRINGS
REGULAR CITY COUNCIL MEETING
APRIL 16, 2020
101 W. 8TH STREET
6:15 PM

The agenda is subject to *change, including the addition of items 24 hours in advance or the deletion of items at any time.*
The order and times of agenda items listed are approximate and intended as a guideline for the City Council.

ZOOM INSTRUCTIONS

1. You are invited to a Zoom webinar.
When: Apr 16, 2020 06:15 PM Mountain Time (US and Canada)
Topic: 2020/04/16 Regular Council Meeting

Please click the link below to join the webinar:
<https://zoom.us/j/141939524>

Or iPhone one-tap :

US: +13462487799,,141939524# or +16699006833,,141939524#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 346 248 7799 or +1 669 900 6833 or +1 253 215 8782 or +1 301 715 8592 or +1 312 626 6799 or +1 929 205 6099

Webinar ID: 141 939 524

International numbers available: <https://zoom.us/j/141939524>

TIME	ITEM	PRE-MEETING	ACTION
5:45pm	1. Review of Regular Session Agenda		Information/Discussion
	2. Council Comments / Future Agendas		Information/Discussion
	Meeting Set-up		
		REGULAR SESSION	
6:15pm	2. Roll Call		Quorum
	3. Pledge of Allegiance		
	4. Agenda Changes & Conflicts		Information/Discussion
	5. Citizens Appearing Before Council (for items not on the Agenda-comments limited to 3 minutes)		Information Only
6:20pm	6. COVID-19 Update		
	7. Council Comments		Information/Discussion
		ACTIONS AND/OR PRESENTATIONS	
6:30pm	8. Discussion on Implementation Schedule for Broadband		Discussion and/or Action
6:45pm	9. Award of Broadband Financing		Discussion and/or Action

6:55pm	10. Award of Broadband Construction RFP BD2020-007 for Phase 1 of the Fiber to Home Build Out - 2020	Discussion and/or Action
7:05pm	11. Resolution 2020-18; A Resolution of the City Council of the City of Glenwood Springs, Colorado Authorizing the Sole Source Procurement of the Broadband Operations Support System Software for Last Mile FTTP Implementation	Discussion and/or Action
7:10pm	12. Planning file: #10-20 Consideration of an Appeal of a Planning and Zoning Commission denial of a Special Use Permit for a Personal Care Boarding Home as provided for in Municipal Code section 070.030.030(c)(4). The Appeal was filed November 26, 2019 per the requirements of 070.060.070(c). Open the public hearing and will be open until the next "regular" City Council meeting on May 7,2020.	Discussion and/or Action
7:20pm	13. Ordinance No. 8, Series of 2020, An Ordinance of the City Council of the City of Glenwood Springs, Colorado, Amending Standards in the Glenwood Springs Municipal Code Related to Accessory Dwelling Units (FIRST READING)	Discussion and/or Action
7:30pm	14. Ordinance No 9, Series of 2020, An Ordinance of the City Council of the City of Glenwood Springs Amending the 2020 Appropriation Ordinance to Reflect Actual Revenues and Expenditures During The First Quarter of Fiscal Year 2020 (ONE READING)	Discussion and/or Action Presentation
7:40pm	15. Resolution 2020-19:A Resolution of the City Council of the City of Glenwood Springs, Colorado, Adopting a Policy for the Use of Electronic Signatures on Ordinances, Resolutions, Contracts and Other Instruments Requiring the City's Signature	Discussion and/or Action
7:50pm	16. Amendment to City Manager Contract	Discussion and/or Action
7:55pm	17. Resolution 2020-20; A Resolution of the City Council of the City of Glenwood Spring Supporting the Designation of Mineral Resource Areas as Areas of State Interest and the Adoption of Additional Regulations Related to Mining Operations by the Garfield County, Colorado Board of County Commissioners	
8:00pm	18. Report from City Administration A. City Manager B. City Attorney C. Correspondence Incoming/Outgoing	Information/Discussion
8:05pm	19. Executive Session to Conduct a Conference with the City Manager and City Attorney for the Purpose of Discussing the City's Purchase, Acquisition, Lease, Transfer or Sale of Real Property; Determining Positions Relative to Matters That May be Subject to Negotiations, Developing Strategy for Negotiations, and Instructing Negotiators; and to Conduct a Conference with the City Attorney to Receive Legal Advice in Accordance with C.R.S. 24-6-402(4)(a), (b), and (e) related to Property Acquisition and Ross Litigation	Information/Discussion
8:30pm	20. Adjournment	



AGENDA
CITY OF GLENWOOD SPRINGS
REGULAR CITY COUNCIL MEETING
MAY 7, 2020
101 W. 8TH STREET
6:15 PM

The agenda is subject to *change, including the addition of items 24 hours in advance or the deletion of items at any time.*
The order and times of agenda items listed are approximate and intended as a guideline for the City Council.

TIME	ITEM	PRE-MEETING	ACTION
	1. Review of Regular Session Agenda		Information/Discussion
	2. Council Comments / Future Agendas		Information/Discussion
		WORK SESSIONS	Information/Discussion
	<i>Meeting Set-up</i>		
		REGULAR SESSION	
	1. Roll Call		
	2. Pledge of Allegiance		
	3. Agenda Changes & Conflicts		
	4. Citizens Appearing Before Council (for items not on the Agenda-comments limited to 3 minutes)		
	5. Council Comments		
	6. Consent Agenda		
	<i>All matters under consent are considered to be routine and will be enacted by one motion and vote. The titles will not be read aloud. There will be no separate discussion on these items unless a Councilmember or Audience Member so requests.</i>		
		ACTIONS AND/OR PRESENTATIONS	
	7. Proclamation 2020 Kids to Park Day		
	8. Award of Broadband Construction Material Proposal		
	9. RFTA IGA related to MOC		
	10. Elk Calving Closure		
	11. Blue Star Recycling		
	12. Report from City Administration		
	A. City Manager		
	B. City Attorney		
	C. Correspondence Incoming/Outgoing		

13. Executive Session to Conduct a Conference with the City Manager and City Attorney Information/Discussion for the Purpose of Discussing the City's Purchase, Acquisition, Lease, Transfer or Sale of Real Property; Determining Positions Relative to Matters That May be Subject to Negotiations, Developing Strategy for Negotiations, and Instructing Negotiators; and to Conduct a Conference with the City Attorney to Receive Legal Advice in Accordance with C.R.S. 24-6-402(4)(a), (b), and (e) related to
14. Adjournment



City Council
STAFF REPORT
City of Glenwood Springs
April 16, 2020

Agenda Item:	Discussion on Implementation Schedule for Broadband
Action Requested:	We are looking to gain Councils thoughts for our path beyond 2020 to allow us clear communication with the citizens of Glenwood Springs.
Department:	Public Works
Presented By:	Matthew Langhorst, Public Works Director Michael Gardner, Broadband Superintendent
Background Info:	As Council knows the process the Broadband department has undergone in their efforts to build a City Wide Fiber to Home network started many years ago. Around the same time that our latest feasibility study and design were being created the leading thought on funding options for this project were either 100% self funded via Electric Dept Revenues, as a rider with the Street Tax or a Electric Department Revenue loan covering all of the construction and soft costs. A result of planning around these funding options was the extension of the construction project over a five year period based on a Revenue loan for \$9 million dollars. This allowed for revenues of \$1 to \$2 million a year to support the construction and soft costs of the project over 5 years for full implementation. Our various business models were adjusted to reflect this build schedule and the results were that they supported the extended plan. Ultimately the funding for this project was proposed through an RFP process to acquire a loan secured by Electric Dept revenues. This has resulted in the total amount being available to the Broadband Department on day one, rather than a limited amount year over year. Due to this change in financing, the current staff position is to re-adjust our construction plans to expedite the build process across 2020 and 2021, rather than extending it through 2025. Ultimately the reason being is that we will be able to collect revenues sooner, have clearer messaging, mitigate competitive reactions, reduce construction costs, and overall create a shorter time frame to operational sustainability and loan repayment. We have run projections with the construction time frame as the only adjust variable, as well as have had our consultants back the viability of this position.
Issues:	No issues at this time.
Staff Recommendation:	Current staff position is to re-adjust our construction plans to expedite the build process across 2020 and 2021, rather than extending it through 2025.



COMMUNITY BROADBAND NETWORK

Community Broadband Network

Build Comparison Financial Overview

	2 Year	5 year
Years to Build Out	2	5
Total Bond Proceeds	\$8,831,074	\$8,949,577
Working Capital Requirement	\$796,178	\$1,073,564
Years to Positive Net Cash	14	15
Cumulative Cash Year5	1,487,741	790,727
Cumulative Cash Year10	\$2,653,453	\$1,698,635
Cumulative Cash Year15	\$5,096,911	\$3,989,173
Net Cash Year5	(\$7,376,050)	(\$8,482,403)
Net Cash Year10	(\$3,455,476)	(\$4,646,420)
Net Cash Year15	\$2,104,856	\$956,967
Net Cash Year20	\$8,068,219	\$6,923,265
Short Term Loan Term	10	10
Total Line of Credit	\$0	\$0
Minimum Cumulative Cash	\$1,487,741	\$790,727
Total Cost Allocation	\$816,000	\$816,000



City Council
STAFF REPORT
City of Glenwood Springs
April 16, 2020

Agenda Item:	Award of Broadband Financing
Action Requested:	Approve staff to proceed through underwriting for financing.
Department:	Broadband
Presented By:	Matthew Langhorst, Public Works Director
Background Info:	In January the City issued an RFP for \$9 million of financing to be amortized over a 20 year period. We received two qualified responses, from Alpine Bank and Vectra Bank. Alpine Bank has offered terms most available to the City as summarized here: - \$9 million, interest only for the first three years followed by 204 monthly annual principal and interest payments. - Tax exempt fixed rate of 2.25%. - Origination fee of .5%. - Prepayment penalty of 2% of outstanding principal in the first 5 years, no penalty after that. - Secured by revenues in the Electric Fund. - Requires the City to deposit \$600,000 in non-interest bearing bank account with Alpine. This will result in a payment of \$202,500 per year for the first three years and approximately \$640,000 from years three through twenty. The electric fund will secure the financing and payments will be made from the Broadband operation.
Issues:	The Broadband operating pro-forma, RFP document and Alpine Bank term sheet are included as attachments.
Staff Recommendation:	Staff supports this financing.

Request for Proposal

Funding for Community Broadband

#BD 2020-004

for the

City of Glenwood Springs

January 6, 2020



Proposal Deadline: January 31, 2020, 2:00 p.m. Local Time

For additional information contact:

Ricky Smith, Procurement Manager
City of Glenwood Springs
(970-384-6445)

REQUEST FOR PROPOSAL FOR FUNDING OF BROADBAND

PURPOSE:

The City of Glenwood Springs, Colorado is soliciting proposals from experienced lending firms for funding of the buildout and operations of Community Broadband. The City is seeking funding in the amount of Nine Million dollars (\$9,000,000) net of any closing fees and costs. The City can be flexible on terms of payment, however our current pro-forma raises this money on an interest-only basis for the first three years and then amortized evenly over a 17 year period so it is paid in full in 20 years. The pro-forma projection is being issued with this RFP as a supplementary Excel image. We would like the ability to pre-pay without penalty once amortization starts. The debt will be secured with the revenue from our Electric Enterprise Fund. The 2018 audit and 2020 budget for the fund can be found on our website at <http://cogs.us/156/Finance>. The City's objective is to finance the build-out of our broadband system with the lowest available cost-of-capital and invite responders to submit alternative bids with terms you feel may be beneficial to the City.

OVERVIEW:

Located on Colorado's western slope of the Rocky Mountains, Glenwood Springs is a growing community of 9,906 people. Incorporated in 1885 and consisting of 4.8 square miles, the city sits at the confluence of the Roaring Fork and Colorado Rivers at an elevation of 5,763 feet and is immediately surrounded by steep-sided mountains that rise to an elevation of over 9,500 feet. Throughout its history and continuing today, Glenwood Springs is known for its medicinal hot sulfur springs that draw tourists from around the world. In addition to the hot springs, the city's proximity to many natural resources attracts outdoor enthusiasts including anglers, hikers, bicyclists and whitewater rafters, to name a few.

SUBMITTAL REQUIREMENTS:

The City of Glenwood Springs requests that proposers limit the length of their proposals to fifteen (15) pages (one-sided) not including covers or dividers. Submit one (1) electronic copy to bidresponse@cogs.us on or before 2:00 p.m. (local time), January 31, 2020. Submittal by FAX is not acceptable. **Include #BD2020-004 in the subject line of the email.**

Please include the following information in your response:

- Cover letter expressing interest in the funding project and contact information.
- Examples of at least three similar funding projects in scope to this request including location, scope of project, client name & contact, and project budget.
- Amortization schedule for the twenty (20) year payback.
- Timeframe for loan completion.
- Any penalty information if pre-payment is made within five (5) years.
- Lending firm's profile including firm background, number of years in business, size of firm, names and resumes of key staff who will be assigned to this project. If you are partnering with another lending firm, please include the same information for all partners and a description of their expected level of involvement in this project.
- Copies of loan documents. Loan documents will need to be reviewed by City Legal Staff.
- Any additional information that will demonstrate the lending firm's qualifications.

- Any recommendations to help the City with funding the Community Broadband operations and buildout.

LATE RESPONSES:

Responses received after the time and date specified will not be considered and will be returned to the submitting party. It is the sole responsibility of each respondent to ensure that their submittals arrive at the office of the Procurement Department prior to the time and date specified.

SCHEDULE OF ACTIVITIES (anticipated): The following activities outline the process to be used to solicit vendor responses and to evaluate each vendor proposal.

Advertise Request for Proposals	January 6, 2020 and January 17, 2020
Questions Due	January 24, 2020
Submittals due	January 31, 2020
Evaluation of proposals by selection committee	February 2, 2020
Award of contract	February 20, 2020 (estimated)

SELECTION PROCESS: The selection committee will review and evaluate submittals based upon the firm's demonstrated ability to meet the purpose and requirements of this Request for Proposal. Specific evaluation criteria include but are not limited to:

1. Degree to which the proposal meets or exceeds the requirements of the Request for Proposal.
2. Experience and availability of the firm(s) and key personnel assigned to the project and performance on similar projects.
3. Results of reference checks and past performance for other clients.
4. Proposing lending firm's amortized schedule and any additional fees associated with this Request for Proposal.
5. Lending firm's timeframe to complete the loan process.

The criteria are not listed in any particular order of importance. From the responses received, the City will rank the responses, and may decide to schedule oral interviews with the top two or three ranked firms. After completing the interviews, the City will select a firm then negotiate and finalize the specific work plan with the selected firm. The City of Glenwood Springs reserves the right to reject any and all submittals.

This request for proposal may be canceled by the City, and any bid or proposal may be rejected in whole or in part for good cause when in the best interests of the City.

INSURANCE REQUIREMENTS:

The Contractor shall purchase and maintain at its own expense, insurance which is at least as broad, and with limits at least as great as outlined below:

Professional Liability:

Policy form: Occurrence
(if not, claims-made retro date must predate our contract or date of service)
Per claim or occurrence limit \$ 1,000,000
Blanket contractual
Primary & non-contributory
Show Waiver of Subrogation in favor of the City
Per location / per job aggregate limit
Defense in excess of limits
Designated profession must be applicable to your work for our City

Workers' Compensation:

Workers Compensation benefits: per Colorado Statute
Employers liability – limit per accident \$ 100,000
Employers liability – limit per disease \$ 100,000
Employers liability – disease aggregate \$ 500,000
All owners/officers who will be on City property or job site must be covered
Show Waiver of Subrogation in favor of the City
Coverage must apply to workers in Colorado

Insurance companies providing the coverages specified above must be authorized to do business under the laws of the State of Colorado and must be rated no less than "A-" by A.M. Best Company. Issuance of a contract is contingent upon verification of all required coverage, as required.

INDEMNIFICATION:

The successful Vendor shall indemnify and hold the City harmless from any and all claims, liabilities, losses and causes of action which may arise out of the fulfillment of the Vendor's contractual obligations as outlined in this Solicitation. The Vendor or its insurer(s) shall pay all claims and losses of any nature whatever in connection therewith, and shall defend all suits, in the name of the City when applicable, and shall pay all costs and judgments which may issue thereon.

RESPONSE TO QUESTIONS:

Questions which arise during the Response preparation period regarding issues around this Solicitation, purchasing and/or award should be directed, in writing, via fax, email or U.S. mail, to Ricky Smith, Procurement Manager, City of Glenwood Springs, 101 West 8th Street, Glenwood Springs, Colorado 81601, bidresponse@cogs.us fax number 970-945-2597. The vendor submitting the question shall be responsible for ensuring that the question is received at least **seven** calendar days prior to the scheduled opening of the Solicitation.

Any official interpretation of this Solicitation must be made by an agent of the City's Procurement Department who is authorized to act on behalf of the City. The City shall not be responsible for interpretations offered by employees of the City who are not agents of the City's Procurement Department.

RESPONDENT DUE DILIGENCE:

Each respondent shall judge for themselves as to all conditions and circumstances having relationships to the RFP, and become informed about the unique challenges of working in the City of Glenwood Springs. Failure on the part of any respondent to make such examination and become informed shall not constitute ground for declaration of not understanding the conditions with respect to making its RFP.

SUBMITTAL OWNERSHIP:

- A. All materials submitted with regard to this solicitation become the property of the City and will only be returned at the City's option. The City shall have the right to use all ideas or adaptations of the ideas contained in Proposals received, subject to the confidential or proprietary limitations contained herein. Disqualification of any document does not restrict or eliminate this right.
- B. Following the award of a contract, responses to this solicitation may be subject to release as public information unless the response requests otherwise and specific parts of the response can be shown to be exempt from public information. Respondents are advised to consult with their legal counsel regarding disclosure issues and take the appropriate precautions to safeguard trade secrets or any other proprietary information. The City of Glenwood Springs assumes no obligation or responsibility for asserting legal arguments on behalf of potential Respondents.
- C. This is not a public bid opening, therefore, the City of Glenwood Springs will not release any information except for a list of vendors who submitted proposals. The City of Glenwood Springs will confirm receipt of your RFP if requested.

CONFIDENTIAL OR PROPRIETARY INFORMATION:

All submittals in response to this RFP become public record and therefore become subject to public inspection. Any confidential information contained in your submittals must be clearly identified as such or it will not be treated as confidential or proprietary by the City and then only to the extent allowable by law in the Open Records Act. Unrestricted disclosure of proprietary or confidential information by the respondent places it in the public domain. Proprietary or confidential information is defined by the City to be any information that is not generally known to competitors and which may provide a competitive advantage. Submittals in their entirety cannot be specified confidential or proprietary.

AMENDMENTS:

In the event that it becomes necessary to revise any part of this RFP, or if additional information is necessary to enable the respondent to make an adequate interpretation of this RFP, a supplement to the RFP will be provided to each potential Respondent who has obtained a RFP and registered with the City's Procurement Department. Amendments to this RFP may be issued at any time prior to the time set for receipt of proposals. Respondents are required to acknowledge receipt of any amendments by submitting a signed copy of each amendment issued. Signed copies must be submitted as part of the signed RFP submittal.

WITHDRAWAL OR MODIFICATION OF RFP:

Any respondent may modify or withdraw a RFP in writing at any time prior to the deadline for submission of the RFP. Any request for withdrawal of a RFP must be signed by the individual who signed the initial RFP.

RFP PREPARATION COST:

Expenses incurred by prospective respondents in preparation, submission, and presentation of this RFP are the responsibility of the respondents and cannot be charged to the City.

PROJECT MANAGER:

Steve Boyd, Chief Operating Officer, will be the Project Manager for this solicitation.



Alpine Bank

April 10, 2020

Glenwood Springs

2200 Grand Avenue
P.O. Box 10000
Glenwood Springs, Colorado 81602
970-945-2424
Fax 970-947-1242

Ricky Smith
Procurement Manager City of Glenwood Springs
101 W 8th Street
Glenwood Springs, CO 81601

Re: RFP #BD 2020-004 Loan Proposal For the City of Glenwood Springs

Ricky:

Alpine Bank (the "Bank") is pleased to provide the following preliminary term sheet setting forth the terms and conditions under which the Bank shall consider providing the below described loan (the "Loan") pursuant to your request. Please note that this correspondence represents a prospective loan term sheet only, and that the following terms, and all information pertinent to the Loan, are subject to the Bank's full review and approval, including by its lending committees, in the Bank's sole and absolute discretion.

GENERAL TERMS

Borrower: The City of Glenwood Springs, Colorado, acting by and through its Electric Utility Enterprise Fund.

Guarantors: N/A

Loan Amount: The loan package shall include one Promissory Note in the Amount of \$9,000,000 net of any closing fees and costs.

Term of Loan: The term of the Promissory Note shall be for 20 years. The loan will have an interest only monthly payment arrangement for the first three years, subsequently converting to a monthly Principal and Interest payment based on a 204 Month Amortization. The bank would entertain quarterly interest payments and annual principal payments as an alternative repayment structure. (Note: Amortization schedules are available upon request. The bank would recommend the monthly principal and interest payment structure, as it would be more cost effective for the City.

Interest Rate: Tax-Exempt Fixed Rate at 2.25%, subject to satisfactory Bond Counsel Opinion Letter confirming the Loan is Bank Qualified/double tax exempt. The interest rate will be fixed for the duration of the term. (The proposed interest rate described above is valid if the loan is closed on or before May 31st, 2020.)

Purpose: Fund various public broadband infrastructure improvements.

Origination and Other Fees: The origination fee on this loan would be .5% of the loan amount, collected at closing. All fees, costs and expenses, including, without limitation, hazard insurance, closing, recording, taxes, and the Bank's attorney fees shall be collected from the Borrower at closing. In the event the Loans fails to close due to any act or omission by the Borrower, Borrower will promptly reimburse the Bank for all reasonable expenses incurred by the Bank, including, but not limited to, attorney fees. (Closing Costs outside of Origination Fee estimated at \$20,000 and assumes that Bond Counsel to the City will draft the loan documents).

Prepayment Penalty: 2% of Outstanding Principal Balance for First 5 Years

Security/Collateral: Pledge of the Revenue of the City's Electric Enterprise Fund.

Address of Security/Collateral: N/A

Loan Documents: The Bank's obligation to close the Loans shall be conditioned upon delivery and execution by Borrower to the Bank of loan documents satisfactory to the Bank. Such documents will contain conditions to borrowing, representations and warranties, covenants, events of default, indemnification, payment of expenses, and other provisions normal and customary for loans of this type. The Bank's attorney shall review and approve all loan documents and any other documents required in connection with this Loan prior to funding of the Loan.

Timeframe for Loan Approval and Completion: If Alpine Bank is selected as the winning bidder, we would anticipate the approval and loan documentation process to take 45 days or less.

Insurance Requirements: Alpine Bank will adhere to the Professional Liability and Worker's Compensation insurance requirements and limits noted in the RFP.

Credit Information: Borrower authorizes the Bank, its employees, agents, successors, assigns and affiliates to make whatever investigation the Bank deems appropriate concerning Borrower, Borrower's request for credit, and in the collection and periodic review of the loan.

Representations: Borrower affirms that all financial information provided in conjunction with this request for credit is true, accurate, and complete. Borrower has read and understands this term sheet and warrants to be true and correct all of the information contained herein (including any supplemental pages attached to and made a part hereof) and all other documents submitted to the Bank herewith. Borrower expressly warrants to have the authority to act on behalf of other principals, if any, connected with the subject property, and is in all respects qualified to accept such financing if offered.

Banking Relationship/Reserve Requirement: This term sheet is further subject to Borrower establishing an Electrical Enterprise Fund non-interest bearing operating deposit account with Alpine Bank and maintain a minimum balance of \$600,000 at all times.

Additional Requirements: Ability to increase the Interest Rate by .5% if it were determined that the loans were no longer Bank Qualified.

Update Financial Information: Furnish lender with such financial statement and other related information at such frequencies and in such detail that Lender may reasonably request.

Audited Financial Statements: The Bank has received current audited financial statements from the Borrower. Audited Financial Statements for subsequent years for the Borrower shall be supplied to the Bank when completed.

Financial Records: The Borrower shall keep adequate records, in accordance with good accounting practices, of all of its transactions, so that at any time, and from time to time, its true and complete financial condition may be readily determined and shall, upon request, make such records available for inspection by the Bank.

No Change in Structure of Borrower/Guarantors:

This term sheet is also subject to (a) there not occurring or becoming known to the Bank after the date hereof any event or condition that has had or could reasonably be expected to have a material adverse effect on the business, operations, property or condition (financial or otherwise) of the Borrower and its subsidiaries, guarantors, or the property, (b) the Bank's completion of and satisfaction in all respects with a due diligence investigation of the Borrower, guarantors, and the property, (c) the Bank not becoming aware after the date hereof of any information or other matter affecting the Borrower, guarantors, the property, or the transactions contemplated hereby which is inconsistent in a material and adverse manner with any such information or other matter disclosed to us prior to the date hereof. Although this term sheet summarizes the principal terms and conditions applicable to the Loan, the terms and conditions of the Loan are not limited to those set forth herein. Those matters that are not covered by the provisions hereof are subject to the approval and agreement of the Bank. The Bank reserves the unconditional right to change some or all of the foregoing terms and conditions.

This term sheet shall not be assignable by Borrower without the prior written consent of the Bank, which consent may be withheld by the Bank in its sole and absolute discretion (and any purported assignment without such consent shall be null and void), is intended to be solely for the benefit of the parties hereto and is not intended to confer any benefits upon, or create any rights in favor of, any person other than the parties hereto. This term sheet shall be governed by, and construed in accordance with, the laws of the State of Colorado.

This term sheet is delivered to you on the understanding that this term sheet nor any of its terms or substance shall be disclosed, directly or indirectly, to any other person except (a) to your officers, agents and advisors who are directly involved in the consideration of this matter, or (b) as may be compelled in a judicial or administrative

proceeding or as otherwise required by law (in which case you agree to inform us promptly thereof), provided that the foregoing restrictions shall cease to apply when and if the Loan has been entered into by you and the Bank.

This term sheet shall automatically expire on May 31, 2010 if not approved and accepted prior thereto.

Sincerely,



John Stelzriede
President
Alpine Bank Glenwood Springs

APPROVED AND ACCEPTED this _____ day of _____, 2020.

BY: City of Glenwood Springs

By: _____
Name, Title

| | | |

PREPARED FOR: City of GWS 204 mo

RATE: 02.250000% PAYMENT: 53,268.07 TERM:204M

		-----PAYMENT-----							
DATE	NUMBER	INTEREST	PRINCIPAL	C/L	A/H	UN EMP	TOTAL	BALANCE	
						ORIGINAL BALANCE	9,000,000.00		
3/01/23	1	15,750.00	37,518.07	.00	.00	.00	53,268.07	8,962,481.93	
4/01/23	2	17,364.81	35,903.26	.00	.00	.00	53,268.07	8,926,578.67	
5/01/23	3	16,737.34	36,530.73	.00	.00	.00	53,268.07	8,890,047.94	
6/01/23	4	17,224.47	36,043.60	.00	.00	.00	53,268.07	8,854,004.34	
7/01/23	5	16,601.26	36,666.81	.00	.00	.00	53,268.07	8,817,337.53	
8/01/23	6	17,083.59	36,184.48	.00	.00	.00	53,268.07	8,781,153.05	
9/01/23	7	17,013.48	36,254.59	.00	.00	.00	53,268.07	8,744,898.46	
10/01/23	8	16,396.68	36,871.39	.00	.00	.00	53,268.07	8,708,027.07	
11/01/23	9	16,871.80	36,396.27	.00	.00	.00	53,268.07	8,671,630.80	
12/01/23	10	16,259.31	37,008.76	.00	.00	.00	53,268.07	8,634,622.04	
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CALENDAR YEAR 2023		167,302.74	365,377.96	.00	.00	.00	532,680.70		
1/01/24	11	16,729.58	36,538.49	.00	.00	.00	53,268.07	8,598,083.55	
2/01/24	12	16,658.79	36,609.28	.00	.00	.00	53,268.07	8,561,474.27	
3/01/24	13	15,517.67	37,750.40	.00	.00	.00	53,268.07	8,523,723.87	
4/01/24	14	16,514.72	36,753.35	.00	.00	.00	53,268.07	8,486,970.52	
5/01/24	15	15,913.07	37,355.00	.00	.00	.00	53,268.07	8,449,615.52	
6/01/24	16	16,371.13	36,896.94	.00	.00	.00	53,268.07	8,412,718.58	
7/01/24	17	15,773.85	37,494.22	.00	.00	.00	53,268.07	8,375,224.36	
8/01/24	18	16,227.00	37,041.07	.00	.00	.00	53,268.07	8,338,183.29	
9/01/24	19	16,155.23	37,112.84	.00	.00	.00	53,268.07	8,301,070.45	
10/01/24	20	15,564.51	37,703.56	.00	.00	.00	53,268.07	8,263,366.89	
11/01/24	21	16,010.27	37,257.80	.00	.00	.00	53,268.07	8,226,109.09	
12/01/24	22	15,423.95	37,844.12	.00	.00	.00	53,268.07	8,188,264.97	
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CALENDAR YEAR 2024		192,859.77	446,357.07	.00	.00	.00	639,216.84		
1/01/25	23	15,864.76	37,403.31	.00	.00	.00	53,268.07	8,150,861.66	
2/01/25	24	15,792.29	37,475.78	.00	.00	.00	53,268.07	8,113,385.88	
3/01/25	25	14,198.43	39,069.64	.00	.00	.00	53,268.07	8,074,316.24	
4/01/25	26	15,643.99	37,624.08	.00	.00	.00	53,268.07	8,036,692.16	
5/01/25	27	15,068.80	38,199.27	.00	.00	.00	53,268.07	7,998,492.89	
6/01/25	28	15,497.08	37,770.99	.00	.00	.00	53,268.07	7,960,721.90	
7/01/25	29	14,926.35	38,341.72	.00	.00	.00	53,268.07	7,922,380.18	
8/01/25	30	15,349.61	37,918.46	.00	.00	.00	53,268.07	7,884,461.72	
9/01/25	31	15,276.14	37,991.93	.00	.00	.00	53,268.07	7,846,469.79	
10/01/25	32	14,712.13	38,555.94	.00	.00	.00	53,268.07	7,807,913.85	
11/01/25	33	15,127.83	38,140.24	.00	.00	.00	53,268.07	7,769,773.61	
12/01/25	34	14,568.33	38,699.74	.00	.00	.00	53,268.07	7,731,073.87	
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CALENDAR YEAR 2025		182,025.74	457,191.10	.00	.00	.00	639,216.84		
1/01/26	35	14,978.96	38,289.11	.00	.00	.00	53,268.07	7,692,784.76	
2/01/26	36	14,904.77	38,363.30	.00	.00	.00	53,268.07	7,654,421.46	
3/01/26	37	13,395.24	39,872.83	.00	.00	.00	53,268.07	7,614,548.63	
4/01/26	38	14,753.19	38,514.88	.00	.00	.00	53,268.07	7,576,033.75	
5/01/26	39	14,205.06	39,063.01	.00	.00	.00	53,268.07	7,536,970.74	
6/01/26	40	14,602.88	38,665.19	.00	.00	.00	53,268.07	7,498,305.55	
7/01/26	41	14,059.32	39,208.75	.00	.00	.00	53,268.07	7,459,096.80	

PREPARED FOR: City of GWS 204 mo

RATE: 02.250000% PAYMENT: 53,268.07 TERM:204M

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DATE	NUMBER	INTEREST	PRINCIPAL	C/L	A/H	UN EMP	TOTAL	BALANCE
BROUGHT FORWARD							7,459,096.80	
8/01/26	42	14,452.00	38,816.07	.00	.00	.00	53,268.07	7,420,280.73
9/01/26	43	14,376.79	38,891.28	.00	.00	.00	53,268.07	7,381,389.45
10/01/26	44	13,840.11	39,427.96	.00	.00	.00	53,268.07	7,341,961.49
11/01/26	45	14,225.05	39,043.02	.00	.00	.00	53,268.07	7,302,918.47
12/01/26	46	13,692.97	39,575.10	.00	.00	.00	53,268.07	7,263,343.37
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CALENDAR YEAR 2026		171,486.34	467,730.50	.00	.00	.00	639,216.84	
1/01/27	47	14,072.73	39,195.34	.00	.00	.00	53,268.07	7,224,148.03
2/01/27	48	13,996.79	39,271.28	.00	.00	.00	53,268.07	7,184,876.75
3/01/27	49	12,573.53	40,694.54	.00	.00	.00	53,268.07	7,144,182.21
4/01/27	50	13,841.85	39,426.22	.00	.00	.00	53,268.07	7,104,755.99
5/01/27	51	13,321.42	39,946.65	.00	.00	.00	53,268.07	7,064,809.34
6/01/27	52	13,688.07	39,580.00	.00	.00	.00	53,268.07	7,025,229.34
7/01/27	53	13,172.31	40,095.76	.00	.00	.00	53,268.07	6,985,133.58
8/01/27	54	13,533.70	39,734.37	.00	.00	.00	53,268.07	6,945,399.21
9/01/27	55	13,456.71	39,811.36	.00	.00	.00	53,268.07	6,905,587.85
10/01/27	56	12,947.98	40,320.09	.00	.00	.00	53,268.07	6,865,267.76
11/01/27	57	13,301.46	39,966.61	.00	.00	.00	53,268.07	6,825,301.15
12/01/27	58	12,797.44	40,470.63	.00	.00	.00	53,268.07	6,784,830.52
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CALENDAR YEAR 2027		160,703.99	478,512.85	.00	.00	.00	639,216.84	
1/01/28	59	13,145.61	40,122.46	.00	.00	.00	53,268.07	6,744,708.06
2/01/28	60	13,067.87	40,200.20	.00	.00	.00	53,268.07	6,704,507.86
3/01/28	61	12,151.92	41,116.15	.00	.00	.00	53,268.07	6,663,391.71
4/01/28	62	12,910.32	40,357.75	.00	.00	.00	53,268.07	6,623,033.96
5/01/28	63	12,418.19	40,849.88	.00	.00	.00	53,268.07	6,582,184.08
6/01/28	64	12,752.98	40,515.09	.00	.00	.00	53,268.07	6,541,668.99
7/01/28	65	12,265.63	41,002.44	.00	.00	.00	53,268.07	6,500,666.55
8/01/28	66	12,595.04	40,673.03	.00	.00	.00	53,268.07	6,459,993.52
9/01/28	67	12,516.24	40,751.83	.00	.00	.00	53,268.07	6,419,241.69
10/01/28	68	12,036.08	41,231.99	.00	.00	.00	53,268.07	6,378,009.70
11/01/28	69	12,357.39	40,910.68	.00	.00	.00	53,268.07	6,337,099.02
12/01/28	70	11,882.06	41,386.01	.00	.00	.00	53,268.07	6,295,713.01
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CALENDAR YEAR 2028		150,099.33	489,117.51	.00	.00	.00	639,216.84	
1/01/29	71	12,197.94	41,070.13	.00	.00	.00	53,268.07	6,254,642.88
2/01/29	72	12,118.37	41,149.70	.00	.00	.00	53,268.07	6,213,493.18
3/01/29	73	10,873.61	42,394.46	.00	.00	.00	53,268.07	6,171,098.72
4/01/29	74	11,956.50	41,311.57	.00	.00	.00	53,268.07	6,129,787.15
5/01/29	75	11,493.35	41,774.72	.00	.00	.00	53,268.07	6,088,012.43
6/01/29	76	11,795.52	41,472.55	.00	.00	.00	53,268.07	6,046,539.88
7/01/29	77	11,337.26	41,930.81	.00	.00	.00	53,268.07	6,004,609.07
8/01/29	78	11,633.93	41,634.14	.00	.00	.00	53,268.07	5,962,974.93
9/01/29	79	11,553.26	41,714.81	.00	.00	.00	53,268.07	5,921,260.12
10/01/29	80	11,102.36	42,165.71	.00	.00	.00	53,268.07	5,879,094.41
11/01/29	81	11,390.75	41,877.32	.00	.00	.00	53,268.07	5,837,217.09
12/01/29	82	10,944.78	42,323.29	.00	.00	.00	53,268.07	5,794,893.80

PREPARED FOR: City of GWS 204 mo

RATE: 02.250000% PAYMENT: 53,268.07 TERM:204M

		-----PAYMENT-----						
DATE	NUMBER	INTEREST	PRINCIPAL	C/L	A/H	UN EMP	TOTAL	BALANCE
		BROUGHT FORWARD						5,794,893.80
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CALENDAR YEAR 2029		138,397.63	500,819.21	.00	.00	.00	639,216.84	
1/01/30	83	11,227.61	42,040.46	.00	.00	.00	53,268.07	5,752,853.34
2/01/30	84	11,146.15	42,121.92	.00	.00	.00	53,268.07	5,710,731.42
3/01/30	85	9,993.78	43,274.29	.00	.00	.00	53,268.07	5,667,457.13
4/01/30	86	10,980.70	42,287.37	.00	.00	.00	53,268.07	5,625,169.76
5/01/30	87	10,547.19	42,720.88	.00	.00	.00	53,268.07	5,582,448.88
6/01/30	88	10,815.99	42,452.08	.00	.00	.00	53,268.07	5,539,996.80
7/01/30	89	10,387.49	42,880.58	.00	.00	.00	53,268.07	5,497,116.22
8/01/30	90	10,650.66	42,617.41	.00	.00	.00	53,268.07	5,454,498.81
9/01/30	91	10,568.09	42,699.98	.00	.00	.00	53,268.07	5,411,798.83
10/01/30	92	10,147.12	43,120.95	.00	.00	.00	53,268.07	5,368,677.88
11/01/30	93	10,401.81	42,866.26	.00	.00	.00	53,268.07	5,325,811.62
12/01/30	94	9,985.90	43,282.17	.00	.00	.00	53,268.07	5,282,529.45
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CALENDAR YEAR 2030		126,852.49	512,364.35	.00	.00	.00	639,216.84	
1/01/31	95	10,234.90	43,033.17	.00	.00	.00	53,268.07	5,239,496.28
2/01/31	96	10,151.52	43,116.55	.00	.00	.00	53,268.07	5,196,379.73
3/01/31	97	9,093.66	44,174.41	.00	.00	.00	53,268.07	5,152,205.32
4/01/31	98	9,982.40	43,285.67	.00	.00	.00	53,268.07	5,108,919.65
5/01/31	99	9,579.22	43,688.85	.00	.00	.00	53,268.07	5,065,230.80
6/01/31	100	9,813.88	43,454.19	.00	.00	.00	53,268.07	5,021,776.61
7/01/31	101	9,415.83	43,852.24	.00	.00	.00	53,268.07	4,977,924.37
8/01/31	102	9,644.73	43,623.34	.00	.00	.00	53,268.07	4,934,301.03
9/01/31	103	9,560.21	43,707.86	.00	.00	.00	53,268.07	4,890,593.17
10/01/31	104	9,169.86	44,098.21	.00	.00	.00	53,268.07	4,846,494.96
11/01/31	105	9,390.08	43,877.99	.00	.00	.00	53,268.07	4,802,616.97
12/01/31	106	9,004.91	44,263.16	.00	.00	.00	53,268.07	4,758,353.81
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CALENDAR YEAR 2031		115,041.20	524,175.64	.00	.00	.00	639,216.84	
1/01/32	107	9,219.31	44,048.76	.00	.00	.00	53,268.07	4,714,305.05
2/01/32	108	9,133.97	44,134.10	.00	.00	.00	53,268.07	4,670,170.95
3/01/32	109	8,464.68	44,803.39	.00	.00	.00	53,268.07	4,625,367.56
4/01/32	110	8,961.65	44,306.42	.00	.00	.00	53,268.07	4,581,061.14
5/01/32	111	8,589.49	44,678.58	.00	.00	.00	53,268.07	4,536,382.56
6/01/32	112	8,789.24	44,478.83	.00	.00	.00	53,268.07	4,491,903.73
7/01/32	113	8,422.32	44,845.75	.00	.00	.00	53,268.07	4,447,057.98
8/01/32	114	8,616.17	44,651.90	.00	.00	.00	53,268.07	4,402,406.08
9/01/32	115	8,529.66	44,738.41	.00	.00	.00	53,268.07	4,357,667.67
10/01/32	116	8,170.63	45,097.44	.00	.00	.00	53,268.07	4,312,570.23
11/01/32	117	8,355.60	44,912.47	.00	.00	.00	53,268.07	4,267,657.76
12/01/32	118	8,001.86	45,266.21	.00	.00	.00	53,268.07	4,222,391.55
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CALENDAR YEAR 2032		103,254.58	535,962.26	.00	.00	.00	639,216.84	
1/01/33	119	8,180.88	45,087.19	.00	.00	.00	53,268.07	4,177,304.36
2/01/33	120	8,093.53	45,174.54	.00	.00	.00	53,268.07	4,132,129.82

PREPARED FOR: City of GWS 204 mo

RATE: 02.250000% PAYMENT: 53,268.07 TERM:204M

		-----PAYMENT-----							
DATE	NUMBER	INTEREST	PRINCIPAL	C/L	A/H	UN EMP	TOTAL	BALANCE	
		BROUGHT FORWARD						4,132,129.82	
3/01/33	121	7,231.23	46,036.84	.00	.00	.00	53,268.07	4,086,092.98	
4/01/33	122	7,916.81	45,351.26	.00	.00	.00	53,268.07	4,040,741.72	
5/01/33	123	7,576.39	45,691.68	.00	.00	.00	53,268.07	3,995,050.04	
6/01/33	124	7,740.41	45,527.66	.00	.00	.00	53,268.07	3,949,522.38	
7/01/33	125	7,405.35	45,862.72	.00	.00	.00	53,268.07	3,903,659.66	
8/01/33	126	7,563.34	45,704.73	.00	.00	.00	53,268.07	3,857,954.93	
9/01/33	127	7,474.79	45,793.28	.00	.00	.00	53,268.07	3,812,161.65	
10/01/33	128	7,147.80	46,120.27	.00	.00	.00	53,268.07	3,766,041.38	
11/01/33	129	7,296.71	45,971.36	.00	.00	.00	53,268.07	3,720,070.02	
12/01/33	130	6,975.13	46,292.94	.00	.00	.00	53,268.07	3,673,777.08	
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CALENDAR YEAR 2033		90,602.37	548,614.47	.00	.00	.00	639,216.84		
1/01/34	131	7,117.94	46,150.13	.00	.00	.00	53,268.07	3,627,626.95	
2/01/34	132	7,028.53	46,239.54	.00	.00	.00	53,268.07	3,581,387.41	
3/01/34	133	6,267.43	47,000.64	.00	.00	.00	53,268.07	3,534,386.77	
4/01/34	134	6,847.87	46,420.20	.00	.00	.00	53,268.07	3,487,966.57	
5/01/34	135	6,539.94	46,728.13	.00	.00	.00	53,268.07	3,441,238.44	
6/01/34	136	6,667.40	46,600.67	.00	.00	.00	53,268.07	3,394,637.77	
7/01/34	137	6,364.95	46,903.12	.00	.00	.00	53,268.07	3,347,734.65	
8/01/34	138	6,486.24	46,781.83	.00	.00	.00	53,268.07	3,300,952.82	
9/01/34	139	6,395.60	46,872.47	.00	.00	.00	53,268.07	3,254,080.35	
10/01/34	140	6,101.40	47,166.67	.00	.00	.00	53,268.07	3,206,913.68	
11/01/34	141	6,213.40	47,054.67	.00	.00	.00	53,268.07	3,159,859.01	
12/01/34	142	5,924.74	47,343.33	.00	.00	.00	53,268.07	3,112,515.68	
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CALENDAR YEAR 2034		77,955.44	561,261.40	.00	.00	.00	639,216.84		
1/01/35	143	6,030.50	47,237.57	.00	.00	.00	53,268.07	3,065,278.11	
2/01/35	144	5,938.98	47,329.09	.00	.00	.00	53,268.07	3,017,949.02	
3/01/35	145	5,281.41	47,986.66	.00	.00	.00	53,268.07	2,969,962.36	
4/01/35	146	5,754.30	47,513.77	.00	.00	.00	53,268.07	2,922,448.59	
5/01/35	147	5,479.59	47,788.48	.00	.00	.00	53,268.07	2,874,660.11	
6/01/35	148	5,569.65	47,698.42	.00	.00	.00	53,268.07	2,826,961.69	
7/01/35	149	5,300.55	47,967.52	.00	.00	.00	53,268.07	2,778,994.17	
8/01/35	150	5,384.30	47,883.77	.00	.00	.00	53,268.07	2,731,110.40	
9/01/35	151	5,291.53	47,976.54	.00	.00	.00	53,268.07	2,683,133.86	
10/01/35	152	5,030.88	48,237.19	.00	.00	.00	53,268.07	2,634,896.67	
11/01/35	153	5,105.11	48,162.96	.00	.00	.00	53,268.07	2,586,733.71	
12/01/35	154	4,850.13	48,417.94	.00	.00	.00	53,268.07	2,538,315.77	
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CALENDAR YEAR 2035		65,016.93	574,199.91	.00	.00	.00	639,216.84		
1/01/36	155	4,917.99	48,350.08	.00	.00	.00	53,268.07	2,489,965.69	
2/01/36	156	4,824.31	48,443.76	.00	.00	.00	53,268.07	2,441,521.93	
3/01/36	157	4,425.26	48,842.81	.00	.00	.00	53,268.07	2,392,679.12	
4/01/36	158	4,635.82	48,632.25	.00	.00	.00	53,268.07	2,344,046.87	
5/01/36	159	4,395.09	48,872.98	.00	.00	.00	53,268.07	2,295,173.89	
6/01/36	160	4,446.90	48,821.17	.00	.00	.00	53,268.07	2,246,352.72	
7/01/36	161	4,211.91	49,056.16	.00	.00	.00	53,268.07	2,197,296.56	

PREPARED FOR: City of GWS 204 mo

RATE: 02.250000% PAYMENT: 53,268.07 TERM:204M

		-----PAYMENT-----							
DATE	NUMBER	INTEREST	PRINCIPAL	C/L	A/H	UN EMP	TOTAL	BALANCE	
		BROUGHT FORWARD						2,197,296.56	
8/01/36	162	4,257.26	49,010.81	.00	.00	.00	53,268.07	2,148,285.75	
9/01/36	163	4,162.30	49,105.77	.00	.00	.00	53,268.07	2,099,179.98	
10/01/36	164	3,935.96	49,332.11	.00	.00	.00	53,268.07	2,049,847.87	
11/01/36	165	3,971.58	49,296.49	.00	.00	.00	53,268.07	2,000,551.38	
12/01/36	166	3,751.03	49,517.04	.00	.00	.00	53,268.07	1,951,034.34	
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CALENDAR YEAR 2036		51,935.41	587,281.43	.00	.00	.00	639,216.84		
1/01/37	167	3,780.13	49,487.94	.00	.00	.00	53,268.07	1,901,546.40	
2/01/37	168	3,684.25	49,583.82	.00	.00	.00	53,268.07	1,851,962.58	
3/01/37	169	3,240.93	50,027.14	.00	.00	.00	53,268.07	1,801,935.44	
4/01/37	170	3,491.25	49,776.82	.00	.00	.00	53,268.07	1,752,158.62	
5/01/37	171	3,285.30	49,982.77	.00	.00	.00	53,268.07	1,702,175.85	
6/01/37	172	3,297.97	49,970.10	.00	.00	.00	53,268.07	1,652,205.75	
7/01/37	173	3,097.89	50,170.18	.00	.00	.00	53,268.07	1,602,035.57	
8/01/37	174	3,103.94	50,164.13	.00	.00	.00	53,268.07	1,551,871.44	
9/01/37	175	3,006.75	50,261.32	.00	.00	.00	53,268.07	1,501,610.12	
10/01/37	176	2,815.52	50,452.55	.00	.00	.00	53,268.07	1,451,157.57	
11/01/37	177	2,811.62	50,456.45	.00	.00	.00	53,268.07	1,400,701.12	
12/01/37	178	2,626.31	50,641.76	.00	.00	.00	53,268.07	1,350,059.36	
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CALENDAR YEAR 2037		38,241.86	600,974.98	.00	.00	.00	639,216.84		
1/01/38	179	2,615.74	50,652.33	.00	.00	.00	53,268.07	1,299,407.03	
2/01/38	180	2,517.60	50,750.47	.00	.00	.00	53,268.07	1,248,656.56	
3/01/38	181	2,185.15	51,082.92	.00	.00	.00	53,268.07	1,197,573.64	
4/01/38	182	2,320.30	50,947.77	.00	.00	.00	53,268.07	1,146,625.87	
5/01/38	183	2,149.92	51,118.15	.00	.00	.00	53,268.07	1,095,507.72	
6/01/38	184	2,122.55	51,145.52	.00	.00	.00	53,268.07	1,044,362.20	
7/01/38	185	1,958.18	51,309.89	.00	.00	.00	53,268.07	993,052.31	
8/01/38	186	1,924.04	51,344.03	.00	.00	.00	53,268.07	941,708.28	
9/01/38	187	1,824.56	51,443.51	.00	.00	.00	53,268.07	890,264.77	
10/01/38	188	1,669.25	51,598.82	.00	.00	.00	53,268.07	838,665.95	
11/01/38	189	1,624.92	51,643.15	.00	.00	.00	53,268.07	787,022.80	
12/01/38	190	1,475.67	51,792.40	.00	.00	.00	53,268.07	735,230.40	
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CALENDAR YEAR 2038		24,387.88	614,828.96	.00	.00	.00	639,216.84		
1/01/39	191	1,424.51	51,843.56	.00	.00	.00	53,268.07	683,386.84	
2/01/39	192	1,324.06	51,944.01	.00	.00	.00	53,268.07	631,442.83	
3/01/39	193	1,105.02	52,163.05	.00	.00	.00	53,268.07	579,279.78	
4/01/39	194	1,122.35	52,145.72	.00	.00	.00	53,268.07	527,134.06	
5/01/39	195	988.38	52,279.69	.00	.00	.00	53,268.07	474,854.37	
6/01/39	196	920.03	52,348.04	.00	.00	.00	53,268.07	422,506.33	
7/01/39	197	792.20	52,475.87	.00	.00	.00	53,268.07	370,030.46	
8/01/39	198	716.93	52,551.14	.00	.00	.00	53,268.07	317,479.32	
9/01/39	199	615.12	52,652.95	.00	.00	.00	53,268.07	264,826.37	
10/01/39	200	496.55	52,771.52	.00	.00	.00	53,268.07	212,054.85	
11/01/39	201	410.86	52,857.21	.00	.00	.00	53,268.07	159,197.64	
12/01/39	202	298.50	52,969.57	.00	.00	.00	53,268.07	106,228.07	

PREPARED FOR: City of GWS 204 mo

RATE: 02.250000% PAYMENT: 53,268.07 TERM:204M

		-----PAYMENT-----						
DATE	NUMBER	INTEREST	PRINCIPAL	C/L	A/H	UN EMP	TOTAL	BALANCE
		BROUGHT FORWARD						106,228.07
CALENDAR YEAR 2039		10,214.51	629,002.33	.00	.00	.00	639,216.84	
1/01/40	203	205.82	53,062.25	.00	.00	.00	53,268.07	53,165.82
2/01/40	204	103.01	53,165.82	.00	.00	.00	53,268.83	.00
CALENDAR YEAR 2040		308.83	106,228.07	.00	.00	.00	106,536.90	
GRAND TOTAL		1,866,687.04	9,000,000.00	.00	.00	.00	10,866,687.04	



City Council
STAFF REPORT
City of Glenwood Springs
April 16, 2020

Agenda Item:	Award of Broadband Construction RFP BD2020-007 for Phase 1 of the Fiber to Home Build Out - 2020
Action Requested:	Award of the Broadband Fiber to Home Construction RFP BD2020-007 to Light Works Fiber and Consulting, LLC for \$485,836.68.
Department:	Public Works
Presented By:	Matthew Langhorst, Public Works Director Michael Gardner, Broadband Superintendent
Background Info:	The RFP Review Committee has chosen Light Works as the winner of the request for proposal for the first phase of fiber to home construction. This project's scope includes approximately 13 miles of the total 150 miles of fiber that is designed to be built in our efforts to bring fiber internet service to every business and resident of Glenwood. It includes underground and aerial construction as well as a small portion of new underground path creation within the Cedar Crest Subdivision roadway project. Light Works was chosen as the winner after the committee evaluated all proposals based on set criteria. We had 7 firms pre-qualify, with 3 firms ultimately submitting proposals. The scores ranged from 323 to 227 from our evaluation criteria from a maximum of 400 points, with Light Works being the preferred Contractor. Attached is Light Works RFP bid response. The proforma budget for this first phase was estimated at \$549,676 with the winning proposal coming in at \$485,836.68. The next lowest proposal came in at \$763,537, which was not within the budgeted amount.
Issues:	Due to the current COVID-19 crisis the start of the work is still TBD, but is planned to start and be completed within 2020.
Staff Recommendation:	Staff Recommends the award of the Broadband Fiber to Home Construction RFP BD2020-007 to Light Works Fiber and Consulting, LLC for \$485,836.68.

Bid Schedule Summary (include applicable unit pricing for all line items even if the quantity is "0")**OSP Construction Underground Path Creation**

<i>Conduit Placement Hard Surface - Horizontal Directional Drilling (min. 24" Cover)</i>	Quantity	Unit	Labor / Unit		Total Labor
(1) 2.0 IN HDPE 13.5 SDR	1,445	Per Path Foot	\$	16.00	\$ 23,116.00
Each additional 2.0 IN HDPE 13.5 SDR duct	119	Per Path Foot	\$	1.00	\$ 119.25
Rock Adder - Cobble	361	Per Path Foot	\$	15.00	\$ 5,417.81
Rock Adder - Solid Rock	361	Per Path Foot	\$	25.00	\$ 9,029.69
Total (for all line items with quantities > 1)					\$ 37,682.75
<i>Conduit Placement Greenspace - Horizontal Directional Drilling (min. 24" Cover)</i>	Quantity	Unit	Labor / Unit		Total Labor
(1) 2.0 IN HDPE 13.5 SDR	4,333	Per Path Foot	\$	13.00	\$ 56,332.25
Each additional 2.0 IN HDPE 13.5 SDR duct	358	Per Path Foot	\$	1.00	\$ 357.75
Rock Adder - Cobble	1,083	Per Path Foot	\$	15.00	\$ 16,249.69
Rock Adder - Solid Rock	1,083	Per Path Foot	\$	25.00	\$ 27,082.81
Total (for all line items with quantities > 1)					\$ 100,022.50
<i>Conduit Placement Greenspace - Trenching</i>	Quantity	Unit	Labor / Unit		Total Labor
(1) 2.0 IN HDPE 13.5 SDR	1	Per Path Foot	\$	7.00	\$ -
Each additional 2.0 IN HDPE 13.5 SDR duct	1	Per Path Foot	\$	0.50	\$ -
Rock Adder - Cobble	1	Per Path Foot	\$	8.00	\$ -
Rock Adder - Solid Rock	1	Per Path Foot	\$	12.50	\$ -
Total (for all line items with quantities > 1)					\$ -
<i>Conduit Placement Greenspace - Plowing</i>	Quantity	Unit	Labor / Unit		Total Labor
(1) 2.0 IN HDPE 13.5 SDR	1	Per Path Foot	\$	5.50	\$ -
Each additional 2.0 IN HDPE 13.5 SDR duct	1	Per Path Foot	\$	1.00	\$ -
Rock Adder - Cobble	1	Per Path Foot	\$	8.00	\$ -
Rock Adder - Solid Rock	1	Per Path Foot	\$	12.50	\$ -
Total (for all line items with quantities > 1)					\$ -
<i>Hand Hole (HH), Pedestal and Vault Placement - Greenbelt</i>	Quantity	Unit	Labor / Unit		Total Labor
Channell OP12123 Pedestal	67	Per HH / Vault	\$	150.00	\$ 10,050.00
Channell OP12126 Pedestal	38	Per HH / Vault	\$	150.00	\$ 5,700.00
Channell OSV Node Pedestal	1	Per HH / Vault	\$	300.00	\$ 300.00
Total (for all line items with quantities > 1)					\$ 16,050.00
<i>Ground Rod Placement</i>	Quantity	Unit	Labor / Unit		Total Labor
Ground rod installation in greenbelt	50	Per Location	\$	20.00	\$ 1,000.00
Ground rod installation in asphalt	25	Per Location	\$	30.00	\$ 750.00
Total (for all line items with quantities > 1)					\$ 1,750.00
<i>Power Structure Interconnect</i>	Quantity	Unit	Labor / Unit		Total Labor
Power structure to FTTP structure	44	Per HH / Vault	\$	300.00	\$ 13,200.00
Total (for all line items with quantities > 1)					\$ 13,200.00

Hard Surface Restoration				Labor & Materials / Unit	Total Labor & Materials
Remove & Replace Asphalt per City Engineering Standards	300	Per Square Foot	\$	16.00	\$ 4,800.00
Remove & Replace Concrete per City Engineering Standards	100	Per Square Foot	\$	45.00	\$ 4,500.00
Remove & Replace Concrete Curb & Gutter per City Engineering Standards	50	Per Lineal Foot	\$	55.00	\$ 2,750.00
					\$ 12,050.00

OSP Construction Fiber Cable Placement

Aerial Cable Placement	Quantity	Unit	Labor / Unit	Total Labor
Strand placement including grounding, hardware, dead ends, guys and anchors	27,763	Per Sheath Foot	\$ 1.75	\$ 48,585.25
First Cable - Lash	30,539	Per Sheath Foot	\$ 1.00	\$ 30,539.30
Each Additional - Lash	9,486	Per Sheath Foot	\$ 0.50	\$ 4,742.85
Total				\$ 83,867.40

UG Fiber Placement	Quantity	Unit	Labor / Unit	Total Labor
Installing first fiber cable in non-power conduit	28,789	Per Sheath Foot	\$ 1.10	\$ 31,668.23
Installing each additional fiber cable in non-power conduit	1	Per Sheath Foot	\$ 0.55	\$ -
Installing first fiber cable in occupied power conduit	20,391	Per Sheath Foot	\$ 1.35	\$ 27,527.45
Installing each additional fiber cable in occupied power conduit	1	Per Sheath Foot	\$ 1.35	\$ -
Rod and rope existing conduit	18,537	Per Linear Foot	\$ 0.55	\$ 10,195.35
Total				\$ 69,391.03

Out of Scope Work Required by Outside Plant Construction Crew	Quantity	Unit	Labor / Unit	Total Labor
Outside plant construction crew time per hour	100	Hourly	\$ 240.00	\$ 24,000.00
Total (for all line items with quantities > 1)				\$ -

Technical Services - Cabinet / Splice Closure / NAP Prep

Splitter Cabinet Installation	Quantity	Unit	Labor / Unit	Total Labor
Pole Mount	1	Per Cabinet	\$ 2,000.00	\$ 2,000.00
Vault Mount	3	Per Cabinet	\$ 2,000.00	\$ 6,000.00
Total				\$ 8,000.00

Splice Closure Prep - Aerial Mount	Quantity	Unit	Labor / Unit	Total Labor
Commscope FOSC B or D	11	Per Closure	\$ 350.00	\$ 3,850.00
Total				\$ 3,850.00

Midsheath Drop Terminal - Aerial Mount	Quantity	Unit	Labor / Unit	Total Labor
Mini OTE 300 Midsheath Configuraton	96	Per Closure	\$ 250.00	\$ 24,000.00
Total				\$ 24,000.00

Splice Closure Prep - Pedestal Mount	Quantity	Unit	Labor / Unit	Total Labor
Commscope FOSC B or D	26	Per Closure	\$ 350.00	\$ 9,100.00
Total				\$ 9,100.00

Midsheath Drop Terminal - Pedestal Mount	Quantity	Unit	Labor / Unit	Total Labor
Mini OTE 300 Midsheath Configuraton	57	Per Closure	\$ 250.00	\$ 14,250.00
Total				\$ 14,250.00

Technical Services - Splicing, Fiber Testing and Documentation (Refer to "Summary Pricing" Note)

<i>Single Fusion Splicing</i>	Quantity	Unit	Labor / Unit	Total Labor
1-6 Splices	153	Per Splice	\$ 35.00	\$ 5,355.00
7-12 Splices	111	Per Splice	\$ 35.00	\$ 3,885.00
13-48 Splices	222	Per Splice	\$ 25.00	\$ 5,550.00
49-96 Splices	666	Per Splice	\$ 20.00	\$ 13,320.00
> 96 Splices	864	Per Splice	\$ 17.50	\$ 15,120.00
Total (for all line items with quantities > 1)				\$ 43,230.00
<i>Unidirectional OTDR Testing - Patch Panel Ports</i>	Quantity	Unit	Labor / Unit	Total Labor
1-12 ports per site	1	Per Port	\$ 4.00	\$ -
13-96 ports per site	1	Per Port	\$ 4.00	\$ -
97-288 ports per site	864	Per Port	\$ 4.00	\$ 3,456.00
>288 ports per site	1	Per Port	\$ 4.00	\$ -
Total (for all line items with quantities > 1)				\$ 3,456.00
<i>Power Meter Testing</i>	Quantity	Unit	Labor / Unit	Total Labor
1 port per site	153	Per Port	\$ 5.00	\$ 765.00
4 ports per site	1	Per Port	\$ 5.00	\$ -
8 ports per site	1	Per Port	\$ 5.00	\$ -
Total (for all line items with quantities > 1)				\$ 765.00
<i>Bidirectional OTDR Testing - Patch Panel Ports on Both Ends</i>	Quantity	Unit	Labor / Unit	Total Labor
1-12 ports per site	1	Per Port	\$ 7.00	\$ -
13-96 ports per site	96	Per Port	\$ 7.00	\$ 672.00
97-288 ports per site	1	Per Port	\$ 7.00	\$ -
>288 ports per site	1	Per Port	\$ 7.00	\$ -
Total (for all line items with quantities > 1)				\$ 672.00
<i>Fiber Reel Testing</i>	Quantity	Unit	Labor / Unit	Total Labor
OTDR testing for all new fiber reels	100	Hourly	\$ 85.00	\$ 8,500.00
Total (for all line items with quantities > 1)				\$ 8,500.00
<i>Out of Scope Splicing or Testing Required by Technical Services Crew</i>	Quantity	Unit	Labor / Unit	Total Labor
Technical services crew time per hour	100	Hourly	\$ 85.00	\$ -
Total (for all line items with quantities > 1)				\$ -
Inventory Management and Project Management				
<i>Inventory Management</i>	Quantity	Unit	Labor / Unit	Total Labor
Inventory management	12	Per Month	\$ 1,000.00	\$ 12,000.00
Total (for all line items with quantities > 1)				\$ 12,000.00
<i>Project Management</i>	Quantity	Unit	Labor / Unit	Total Labor
Project management	12	Per Month	\$ 2,000.00	\$ 24,000.00
Total (for all line items with quantities > 1)				\$ 24,000.00
			Total Project:	\$ 485,836.68

BID FORM

FOR: # BD 2020-007

(Project Name)

TO: city of Glenwood Springs

(Owner)

101 west 8th Street

(Address)

Glenwood Colorado 81601

(City)

(State)

(Zip)

GENTLEMEN:

The undersigned (hereafter called the Bidder), a Partnership

(Corporation, Partnership or Individual)

Colorado, organized and/or doing business under the laws of the State of Colorado, hereby proposes and agrees to furnish all the necessary labor, materials, equipment, tools and services necessary for the completion of all work stipulated in, required by, and in accordance with, the proposed contract documents hereto attached and the plans and other documents referred to therein (as altered, amended or modified by all addenda thereto). All in accordance with the Drawings, Specifications and other Contract Documents prepared by Dakota Coats/Lightworks, for the sum as stated in the totals for the items proposed, plus any and all sums to be added and/or deducted resulting from all extra and/or omitted work in accordance with the requirements of the Supplemental Conditions, Technical Specifications and with the unit and/or lump sum prices stated in the items bid form attached hereto.

The undersigned has examined the location of the proposed work, the Drawings, Specifications and other Contract Documents and is familiar with the local conditions at the place where the work is to be performed.

The undersigned Bidder hereby agrees to commence work under this contract on or before a date specified in the "Notice to Proceed" and to fully complete the project within 30 consecutive calendar days thereafter.

The undersigned Bidder further agrees to pay as liquidated damages, the sum of \$250.00 for each consecutive day thereafter as hereinafter provided in the Supplemental Conditions.

The undersigned Bidder hereby acknowledges receipt of any and all of the following Addenda:

Addendum No.

Dated

The Bid guarantee, the performance and payment bond, time of completion and other requirements related to the bid shall be in accordance with either the Supplementary Conditions, Technical Specifications, Contract Documents or the items listed below:

OTHER REQUIREMENTS BY OWNER:

The Contractor must submit a list of at least three (3) similar projects within the last five (5) years, and five corresponding references for similar projects.

- 1.) DMEA/Elmore Fiber to Home
- 2.) Mountain Village fiber to Home
- 3.) City of Commerce City Fiber Distribution @ Buffalo Run Golf Course

In the event this Bid is selected and a contract awarded to the undersigned, the following surety or sureties will sign the required Performance and Payment Bond:

<u>Dakota Coats</u>	<u>Dakota Coats</u>
_____	_____
_____	_____

The following proposed items form a part of the Bid:

DATE: 3-17-2020

Signature:

If an Individual: _____ doing
business as _____

If a Partnership: Lightwork Fiber and Consulting LLC
By Dakota Coats, member of Firm

If a Corporation: _____
By _____
Title _____

ATTEST: _____

Secretary

(CORPORATE SEAL)

Business Address of Bidder

10875 3500 Road

Hutchins Colorado 81419

If Bidder is a corporation, supply the following information:

State in which incorporated _____

Name and address of its:

President

Secretary

City of Glenwood Springs
Addendum to Professional Services Agreement

Work By Illegal Aliens Prohibited. Pursuant to Section 8-17.5-101, C.R.S., *et. seq.*, as amended, Contractor warrants, represents, acknowledges, agrees and certifies that:

1. Contractor does not knowingly employ or contract with an illegal alien who will perform work under this agreement. Contractor shall not knowingly enter into a contract with a subcontractor that fails to certify to Contractor that the subcontractor shall not knowingly employ or contract with an illegal alien who will perform work under this Agreement.
2. Contractor will participate in the electronic employment verification program created in Public Law 208, 104th Congress, as amended, and expanded in Public Law 156, 108th Congress, as amended, and jointly administered by the Department of Homeland Security and the Social Security Administration, or its successor program (hereinafter, "E-Verify Program") or will participate in the "Department Program" as established in §8-17.5-102(5)(c), C.R.S., as amended, in order to confirm the employment eligibility of all employees who are newly hired for employment to perform work under this Agreement.
3. Contractor has confirmed the employment eligibility of all employees who are newly hired for employment to perform work under this agreement through participation in the E-Verify Program or the Department Program.
4. Contractor shall not use either the E-Verify Program or the Department Program procedures to undertake pre-employment screening of job applicants while this Agreement is being performed.
5. If Contractor obtains actual knowledge that a subcontractor performing work under this Agreement knowingly employs or contracts with an illegal alien, Contractor shall be required to:
 - (a) notify the subcontractor and the City within three (3) days that Contractor has actual knowledge that the subcontractor is employing or contracting with an illegal alien; and
 - (b) terminate the subcontract with the subcontractor if within three (3) days of receiving the notice required pursuant to this subparagraph the subcontractor does not stop employing or contracting with the illegal alien; except that Contractor shall not terminate the contract with the subcontractor if during such three (3) days the subcontractor provides information to establish that the subcontractor has not knowingly employed or contracted with an illegal alien.
6. If Contractor participates in the Department Program, Contractor shall provide a notarized written affirmation to City that Contractor has, as required by the Department Program, examined the legal work status of employees hired to perform work under this Agreement and shall comply with all other requirements of the Department Program. (A sample contract affirmation may be obtained at: <http://www.coworkforce.com/lab/pcs/default.asp>)
7. Contractor shall comply with any reasonable request by the Colorado Department of Labor and Employment ("Department") made in the course of an investigation that the Department is undertaking pursuant to its legal authority.
8. Nothing in this Addendum shall be construed as requiring Contractor to violate any terms of participation in the E-Verify Program.
9. If Contractor violates this Addendum, the City may terminate this Agreement for breach of contract. If this Agreement is so terminated, Contractor shall be liable for actual and consequential damages to the City arising out of said violation.

DATE: 3-17-2020

CONTRACTOR
BY: 

FTTP Construction RFP

BD 2020-007

City of Glenwood Springs
Broadband Department

Prepared By:
Lightworks Fiber and Consulting LLC.
10875 3500 Road Hotchkiss, Colorado 81419

Primary Point of Contact:
Eric Neal (Member)
970-778-0748
eneal@lightworksfiber.com

March 2nd 2020



Erie Colorado Office:

250 Bonanza Drive
Erie, CO 80516
Office (970) 778-0748
www.lightworksfiber.com

Delta Colorado Office:

695 Industrial Blvd
Delta, Co 81416
Office (970) 872-1500
www.lightworksfiber.com

Mailing Address:

P.O. Box 193
Hotchkiss, CO 81419
Fax (970) 872-2193
www.lightworksfiber.com

Submitted To: City of Glenwood Broadband Department
Attn.: Ricky Smith

Job Name: BD 2020-007

Lightworks Fiber & Consulting (LFC) was founded in 2011 by Eric Neal, Teresa Neal and Dakota Coats. With more than 30 years of combined experience in the Fiber Optic industry, the three established a small company with the ambition to provide clients with a worry-free experience and high-quality bandwidth. By achieving that goal, the once small company, now has knowledgeable crews across the entire United States and has completed thousands of contracts.

LFC, headquartered in Western Colorado, currently offers Fiber Optic services including duct placement, fiber placement, fusion splicing and multiple fiber optic testing options. From our high-level management to operational field technicians, our team completes jobs efficiently with the highest degree of professionalism, and safety.

LFC is a first-class fiber optic installation company. We provide cost-effective and long-term solutions to every fiber optic installation project. Whether replacing outdated copper wiring, testing existing fiber optic cables or establishing a new network, we have the expertise to complete your project on time and within budget.

Lightworks Fiber & Consulting looks forward to the opportunity to work with City of Glenwood Springs. We have provided a list of additional services on the following pages. Please contact undersigned, Mr. Dakota Coats, Owner with any questions at (970) 985-1809 or by email at dcoats@lightworksfiber.com

A handwritten signature in blue ink, appearing to read "Dakota Coats", is written over a horizontal line.

Dakota Coats, Owner

3-2-2020

Date



LFC provides the following services:

Underground

Boring, Plowing, Rock Saw and Trenching

Aerial build

ADSS, Lash, Overbuilds, Drop Services

Fiber splicing

Aerial, Underground, Customer Tie-in
FTTH, FTTT, FTTX, OPGW, Micro Cable, Long Haul Splicing, ADSS,
Ribbon, and Loose Tube

Fiber testing

OTDR, Power Meters, Scoping, CDPMD

Cable Placement

Blowing/Jetting, Pulling, MicroDuct

Company Facts

Non-union

Owners: Dakota Coats, Teresa & Eric Neal

Current Employment: 130 employees

Business Started: October of 2011

100% In-house work

0% Subcontracted

Not diverse certified

We are based and run out of the Western Slope of Colorado in Hotchkiss Colorado.

Splicing Services	Testing Services	Installation Services
Fiber to the Home (FTTH) Fiber to the Tower (FTTT) Optical Ground Wire (OPGW) Micro Cable Splicing Long Haul Backbone Splicing All Dielectric Self Supporting (ADSS) Ribbon Loose Tube	Polarization Mode Dispersion (PMD) Chromatic Dispersion (CD) Optical Time Domain Reflectometer (OTDR) Optical Return Loss (ORL) Power Meters POLM	Blowing Fiber Optic Cables Sizes ranging from 6.8 mm to 28.7 mm Pulling Fiber Optic Cable Variety of cable sizes from 8 to 864 count Placing of MicroDuct Sizes range from 8 mm to 18 mm

Lightworks Total's of Completed Work

1. Splicing Projects

- a. 2770+ FTTT Towers, in the following cities Denver Metro, Wichita Kansas, Corpus Christi Texas, San Antonio Texas, Austin Texas, & Vail Ski Resorts (Sprint, Verizon, AT&T, T-Mobile, Small Cell Towers)
- b. 4350+ FTTH Turn Ups and counting (Elevate Fiber Project, Montrose Co)
- c. 7500+ FTTH Past Projects (Iowa, Kentucky, Texas, Louisiana, & Tennessee)
- d. Long Haul Backbone Splicing
 - i. Omaha Nebraska to Tulsa Oklahoma (450 Miles)
 - ii. Omaha Nebraska to Lincoln Nebraska (60 Miles)
 - iii. Black & Veatch Denver Metro Backbone and Counting (100 Miles)
 - iv. Zayo Denver Metro Backbone and Counting (300+ Miles)
 - v. Zayo Wichita Metro Backbone (150 Miles)
 - vi. Fredricksburg Texas to El Dorado Texas (130 Miles)
- e. Fiber to the School Projects
 - i. 20+ Schools in Amarillo Texas
 - ii. 350+ Denver Public Schools
 - iii. 50+ Greeley Public Schools

2. Cable Placement Projects

- a. New Orleans Louisiana to Lafayette Louisiana (135 Miles)
- b. Omaha Nebraska to Kansas City Missouri (180 Miles)
- c. Pittsburgh Pennsylvania to Cleveland Ohio (140 Miles)
- d. Louisville Kentucky to Cincinnati Ohio (100 Miles)
- e. Baltimore Maryland to Wilmington Delaware (85 Miles)
- f. McCook Nebraska to Denver Colorado (260 Miles)
- g. Micro Cable Denver Colorado Metro (255+ Miles and Counting)
- h. Greensboro North Carolina to Charlotte North Carolina (95 Miles)
- i. Greeley Colorado Metro Build (70 Miles)

3. Underground Placement Projects

a. Boring

- i. Elevate Fiber**
 - 1. 50 Miles**
- ii. Sturgeon Electric**
 - 1. 30 Miles**
- iii. Vero Fiber Networks**
 - 1. 2 Miles**
- iv. City of Commerce City Buffalo Run Project**
 - 1. 9000 Feet of Boring on the Golf Course.**
- v. Double RL Ranch**
 - 1. 5 Miles**
- vi. Zayo**
 - 1. 100+ Cell Phone Sites (Denver, Colorado Springs, Longmont, Greeley)**
 - 2. 40,000 Feet of main line boring**
- vii. Northern Water Berthoud Colorado**
 - 1. 45,000 feet**
- viii. City of Mountain Village**
 - 1. 12,000 Feet**

b. Plowing/Trenching

- i. Elevate Fiber FTTH Project**
 - 1. 100 + Miles and Counting**
- ii. Dolores Plowing**
 - 1. 35+ Miles**
- iii. City of Mountain Village**
 - 1. 5,000 feet**

4. Aerial Instalation

- a. Elevate Fiber FTTH Project**
 - i. 290+ Miles and Counting**
- b. Vero Fiber Networks**
 - i. 10,000 Feet**
- c. ADB (Denver Verizon One Project)**
 - i. 55,000 feet**



Team Qualifications

Eric Neal CEO/Member of Lightworks

1. Construction Manager for Quest Communication (Known now as Century Link) January 2000 to March 2002
2. Coal Mine Foreman Bowie Resources March 2002 to March of 2005
3. Owned and operated ENS Fiber & Lightworks Fiber and Consulting Since March of 2005
 - a. There is 20 years of Management and 17 years in the fiber industry
4. Eric will be a part of the bidding process, introduction to the following Forman if awarded and will stay in communications with the town of Glenwood if anything arises.

Dakota Coats Vice President/Member of Lightworks

1. ENS Fiber as a splicing technician May of 2005 to August of 2010
2. Completed his Bachelor of Business Administration at Northern Colorado University August 2011 to December 2015
3. Founded and operated Lightworks Fiber October 2011 to Present
 - a. 14 years of Fiber Industry
4. Dakota will be the project manager he will be involved with day to day operations, billing, material handling/management, and keeping the project on track to get completed on schedule.

Andy Carver Field Foreman

1. Andy has worked with Lightworks Since 2014 he has been a project manager/field foreman from the beginning. He has been a part of the DMEA fiber to home, and the Zayo group overbuilds in Denver Colorado.
 - a. He has done everything construction from overhead, to underground construction (Drilling, Plowing, and Trenching), and to overpulling over existing cables, such as micro duct or cable.
2. Andy will be the foreman on site getting this project completed safely, on time, and staying with the budget to make sure we are all staying under budget.

Ty Coats Splicing Foreman and House Installs Foreman

1. Ty Coats has been a part of the Lightworks team since May of 2013 he has been a part of the DMEA fiber to home build, and the Town of Mountain Village project.
 - a. He has overseen all in home Installs and to the curb splicing.
2. Ty will take the lead working with Andy on the splicing of this project, we will work with the engineering on fiber assignments and make sure everything is completed on time as well.



REFERENCES

Facebook/Zayo Group

Keith Osborn

303-465-6066

Director of Long Haul

kosborn@fb.com

Keith was the long-haul director of Zayo group before moving to Facebook. We completed around 750 Cell Sites splicing, 100,000 feet of fiber placement, and 50 completed long haul testing jobs completed around the United States. Approximate dollar value over the years working for Keith is \$5,500,000 dollars.

City of Commerce City

7887 E. 60th Ave

Commerce City, Co 80022

James Slaughter

Project Manager

1-808-225-3144

James.Slaughter1@jacobs.com

Completed a 9,000-foot job on the Buffalo Run Golf Course. We engineered, directional drilled, placed all cable, spliced, tested and turned up. This project was completed in 3 weeks for a total cost of \$225,000 dollars.

Delta Montrose Electric Coop

11925 6300 Road

Montrose, CO 81419

Troy Hall

Construction Manager

970-260-4253

troy.hall@dmea.com

Troy is the construction manager for DMEA. Elevate Fiber is a sister company of DMEA (Delta Montrose Electrical Association). Lightworks has been with them from the beginning we have completed all main line, drops, house installs and extensions on their network. We are pushing 5,000 completed installs over the past three years. Approximate dollar amount over the last 4 years is \$7,500,000.

Northern Water Conservancy District

220 Water Avenue
Berthoud, Co. 80513

Kevin Lock

Water Resources Project Engineer
970-217-9064
klock@northernwater.org

This was a underground fiber project point to point for internet connection. We directional drilled this project it was a 45,000 foot project that we completed in just under 3 months. That included all engineering, permitting, duct placement, fiber placement, splicing and testing. This project approximate value was just shy of \$670,000.

Town of Mountain Village

411 Mountain Village Blvd
Mountain Village, Co. 81435

Steven LeHane

Director Broadband Services
970-369-8240 office
970-729-2226 cell
SLeHane@mtnvillage.org

Started the Town of Mountain Village fiber to home network. Phase one we are $\frac{3}{4}$ completed will be finishing it, with all drops, and installs this coming spring. Approximate cost completed so far is \$400,000.



City Council
STAFF REPORT
City of Glenwood Springs
April 16, 2020

Agenda Item:	Resolution 2020-18; A Resolution of the City Council of the City of Glenwood Springs, Colorado Authorizing the Sole Source Procurement of the Broadband Operations Support System Software for Last Mile FTTP Implementation
Action Requested:	Approval of the award to Great Lakes Data System for the Broadband OSS system for a budget amount of \$145,340.
Department:	Broadband
Presented By:	
Background Info:	This agreement will allow the Community Broadband Network to enter into contract with Great Lakes Data Systems for the products and services listed in the attached proposal without necessitating a formal Bidding process. These products and services are highly specialized to work with existing network equipment that the department operates and plans to continue to operate. Additionally, while competitive products do exist, our understanding is that this by far is the most economical option available based on our consultants professional knowledge and experience. Please see attached letter of recommendation provided by UpTown, our contracted consultants, as it relates to this. This software allows the Community Broadband Network to maintain its customer service goals by maintain a comprehensive customer record and customer service functionality. It will streamline work order creation and tracking, serviceable addresses, network equipment provisioning, customer self service module, and payment processing.
Issues:	None
Staff Recommendation:	Approval of the sole source award to Great Lakes Data System for the Broadband OSS system for a budget amount of \$145,340.

RESOLUTION 2020 - 18

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GLENWOOD SPRINGS, COLORADO, AUTHORIZING THE SOLE SOURCE PROCUREMENT OF THE BROADBAND OPERATIONS SUPPORT SYSTEM SOFTWARE FOR LAST MILE FTTP IMPLEMENTATION.

WHEREAS, the Glenwood Springs Charter authorizes the City Council of the City of Glenwood Springs to enter into contracts for the sole source procurement of goods and services; and

WHEREAS, the Glenwood Springs Community Broadband Network's ("Broadband") enhancement to a fully built-out last mile FTTP (Fiber-to-the-Premises) system requires an upgrade to an FTTP Operations Support System (OSS); and

WHEREAS, Broadband's contracted consultant, UpTown, recommends retaining Great Lakes Data Systems (GLDS) as its OSS software provider for this project; and

WHEREAS, the only other software provider specifically focused on FTTP is significantly more costly than GLDS for very similar functionality; and

WHEREAS, the GLDS platform is specifically designed to support last mile fiber broadband systems and will allow Broadband to maintain its customer service goals by maintaining a comprehensive customer record and comprehensive customer functionality; and

WHEREAS, the OSS software must be obtained as soon as possible in order to move the project forward in 2020; and

WHEREAS, following a good faith review of available software providers and the recommendations of UpTown, the Public Works Department has determined that GLDS is the most affordable source of OSS software that best meets the City's needs; and

WHEREAS, the City Council finds and declares that the foregoing is sufficient justification to authorize the sole source procurement of an OSS software program for last mile FTTP implementation.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GLENWOOD SPRINGS, COLORADO, RESOLVES THAT:

Section 1. The foregoing recitals are hereby incorporated as if set forth in full.

Section 2. The Public Works Department recommends that a contract for the OSS software be awarded to Great Lakes Data Systems.

Section 3. The City Manager or other appropriate City Official is authorized to contract with Great Lakes Data Systems for the Broadband OSS software in an amount not to exceed \$145,340

INTRODUCED, READ AND PASSED THIS 16th DAY OF APRIL 2020.

CITY OF GLENWOOD SPRINGS, COLORADO

Jonathan Godes, Mayor

ATTEST:

Catherine Mythen Fletcher, City Clerk

City of Glenwood Springs



GLDS BroadHub® Proposal and Sales Order March 26, 2020

SOFTWARE PRICING

Product Description	One-Time Fee	Unlimited Support	Annual Renewal
BroadHub in the Cloud ® ¹ Billing/Subscriber Management Enterprise software for a maximum of 2,500 active subscriber records and unlimited homes passed. First year's maintenance updates included free of charge. Unlimited technical support available at listed monthly rates or on an as-needed basis at \$150/hr. ²	8,500	1,450	1,500
Cloud Workstation + SQL licenses 1 for server @\$350; 5 user workstations @ \$550 each. Add additional workstations at \$550 per Seat License. ³	3,100		375
Data Import of Homes Passed Records; estimated 10 hours @\$150/hr, billed actual.	1,500		
Implementation Five days on-site Project Management plus one day billable travel; Ten days Remote Implementation and Configuration. Sixteen days @\$800/day plus travel and living expenses.	12,800		
Estimated Travel Expenses	2,000		
Trip One three days project planning and discovery meetings; three days onsite plus one day billable travel at \$800/day.	3,200		
Estimated Travel Expenses	2,000		
BroadHub 101 Certification Training for two trainees. Key user, group training held in our Carlsbad, California training facility.	1,190		
SuperController ® with FTTH Interface for Calix E7 via SMx . Includes Windows client workstation, etc. Additional interfaces available at an additional cost – each sold a-la-carte.	35,000	300	7,000
Service Provisioning Gateway (SPG) for Voice (API interface for SuperController above) Interface used with the following vendor: Certified Vendor ⁴	15,000	150	3,000
Engineering Five days on-site Addressable Engineering to install and launch above SuperController plus one day of billable travel; Five days Remote Addressable Engineering. Eleven days @\$800/day plus travel and living expenses	8,800		
Estimated Travel Expenses	2,000		
WinVoIP CDR aggregation, billing and management for BroadHub for use the following vendor: Certified Vendor	7,500	150	1,500
WinPay payment processing platform for use with GLDS approved payment processing platform. Includes ACH/EFT, automated batch lockbox imports, and access to real-time API for payment posting.	7,500	150	1,500
WinForce Tech brings BroadHub field management functionality to any web-enabled devices for faster, more complete customer service.	15,000	300	3,000
MyBroadbandAccount web-based customer self-care portal. Integrated as are-direct from customer's primary website.	7,500	150	1,500
Website customization based on an estimated 15 hours at \$150/hr.	2,250		
Outbound Messaging SMS Add-On See Endnote for Details ⁵		150	
MyBroadbandMarket for MyBroadbandAccount virtual salesperson showcasing your products and services, offering hardware options, product packaging options and even allowing your customers to build their own packages and commit to service and installation online. ⁶	7,500	150	1,500
Website customization based on an estimated 20 hours at \$150/hr.	3,000		
External File Storage provides ability to attach files to database records	Included		
Outbound Messaging event-based email notifications	Included		
GLDS SuperBill statement production export with certified partner. ⁷	Included		
GRAND TOTAL ^{8, 9}	\$145,340	\$2,950	\$20,875

SALES, CONVERSION, AND CONTRACT TERMS

- TRAINING:** [BroadHub 101](#) (Certification training) is available at GLDS offices in Carlsbad, CA at a substantially reduced price (\$595 per student). [Pre-registration](#) is required, and payment must be received with order. Training is mandatory for unlimited support. **Customer will be billed for all ACTUAL TRAVEL AND LIVING EXPENSES following completion of on-site training and addressable engineering.**
- MAINTENANCE:** GLDS will provide maintenance releases as often as required and/or available, but in no case less than annually. Emergency fixes, custom programming, and other maintenance services will be provided as agreed.
- SUPPORT:** Customer has access to trained technical support staff 12 hours a day, 5 days a week. Support is provided by phone, or email. Emergency support (billable at published rates) is available 24 hours a day, 365 days per year and is offered only for true emergencies.
- DOCUMENTATION:** One complete set of printed documentation is provided with each new license. All documentation is also available on CD-ROM. Additional printed manuals are available for purchase, if needed, or can be printed by customer for licensed use.
- CONVERSION:** ASCII text data is required for all conversions. Data can be captured directly from old billing system for an additional fee. Conversion fees quoted are estimates only; **ACTUAL CONVERSION COSTS will be billed at published rates.**
- HARDWARE:** All hardware purchased from GLDS includes configuration. Manufacturers' warranties on hardware are passed directly to the customer; GLDS does not independently guarantee any hardware, regardless of original manufacturer.
- SITE PREPARATION:** Customer will, for all system proposals, provide compliant network hubs, cabling, and other site wiring or hardware as may be required, prior to arrival of GLDS trainer and/or addressable engineer. ***BroadHub* software will be configured to install on drive letter "D" unless we receive other written instructions prior to shipment.**
- TERMS:** Terms for all purchases and licenses, unless a lease has been pre-approved, are 50% deposit and license documents with order, balance due on delivery.

Customer's signature below constitutes a valid sales order to provide the product(s) listed above. Signatures on valid GLDS software license and maintenance/support agreements will also be required prior to software delivery. Minimum deposit of 50% must accompany this signed agreement. Payment of the balance, due on delivery, indicates acceptance of the software in accordance with the terms of the software license(s). **Pricing is provided on a STRICTLY CONFIDENTIAL BASIS, and OFFER EXPIRES 60 DAYS FROM DATE OF THIS PROPOSAL.**

Agreed and Understood:

Please send signed sales order and deposit to:

Company: _____

By: _____

Printed Name: _____

Title: _____

Date: _____

GLDS, Inc.
Attn: Christine Brown
5954 Priestly Drive
Carlsbad, CA 92008

Phone: (760) 602-1900 ext. 110
Fax: (760) 602-1928
Email: christine@glds.com



Are you ready to move forward? Here's what to do...

1. *Print and sign two copies of both the Proposal (this document) and the BroadHub and SuperController (if applicable) License agreements.*
2. *Scan and email one copy of all agreements to Christine Brown > christine@glds.com. If you'd prefer, you may instead fax these documents to 760.602.1928.*
3. *Mail all originals along with a deposit check equal to approximately 50% of the initial up-front fees as specified in the License agreement. Mail these documents to:*

*Christine Brown
GLDS
5954 Priestly Drive
Carlsbad, CA 92008*

4. *Once all documents, and the required deposit, have been received, the project will be sent to scheduling and you should hear from an implementations team member within two business days to discuss preliminary plans.*

Welcome Aboard!

Endnotes

1 Virtualization of BroadHub and SuperController related licensed modules to make them available to operator's users via a lite, Citrix client via the Internet. The cloud-based platform is served up from GLDS data center in Carlsbad, California. Includes BroadHub and SuperController upgrade and backup services. After the initial 12-month term, service will continue on a month-to-month basis (invoiced monthly) unless written notice to cancel is received 30 days in advance. **Rates shown include \$1,000 set-up fee, FTP Server, and Monthly Cloud Support.**

2 Additional BroadHub Enterprise User licenses can be added any time in increments of 500 at a one-time rate of \$3/subscriber license plus applicable annual renewal fees of 20% or the then current rate.

3 All seat-based license fees are pass-through charges paid to 3rd party companies. Additional stand-alone Firebird SQL licenses are priced at \$175/seat. Hosted/Cloudified user licenses are comprised of four elements including 2 Microsoft licenses, 1 Citrix license and 1 Firebird SQL license. The cost of additional hosted licenses is \$550/seat plus \$75 annual renewal per hosted license.

4 Requires development to GLDS provided API plus any costs to you or us billed by that company.

5 While there are no additional licenses fees for those that have already licensed the Outbound Messaging module (included with Enterprise and CableAnytime), the operator will be charged a per-message fee of .0275/message (US and Canada) for each "message" sent by BroadHub/WinCable or received from the end subscriber. Per message rate subject to change based on market conditions and interconnect agreements. A "message" is defined as a 160-character SMS communications. Messages sent in excess of 160 characters will be billed as a multiple of messages where the message length will be divided by 160. All SMS messaging subject to a monthly minimum of \$150.

6 The operator will be charged an additional \$1/new subscriber acquired through MyBroadbandMarket.

7 Convergent services statement format for use with GLDS partner OSG at no cost, or with an alternative vendor of your choice by licensing the SuperBill export at a rate of .02/subscriber/month. Additional development charges may apply when integrating with any vendor besides EOS or DirectWorx. Quoted Total at right are monthly amounts and license fees are calculated on all subscribers, regardless of whether a bill is sent.

8 First year's updates included at no additional charge. License Renewal of 20% is due beginning in year two. Annual license renewal includes all subsequent year's software updates and enhancements. Unlimited technical support plan is optional; if desired, support can be provided on an hourly "as needed" basis. Current published rates are \$150/hour with a one hour minimum per support incident for non-support plan customers.

9 Unless otherwise stated in this proposal, all on-site work will be performed between the hours of 8:00AM and 5:00PM local time Monday through Friday. Additionally, all conversion programming and other professional services work will be performed between the hours of either 8:00AM and 5:00PM U.S. Central or Pacific times depending on the GLDS resource being contracted. Any services provided outside these hours or days, will be provided at GLDS' sole discretion and offered at a rate of \$1,200/day or \$250/hour whichever is less.



OSS/BSS Vendor Recommendation for Last-Mile FTTP Implementation

Purpose

The fiber system enhancement from a middle-mile system serving approximately 250 end-user customers to a fully built-out last-mile FTTP (Fiber-to-the-Premises) system serving the entire community will require an upgrade to an FTTP Operations Support System/Billing Support System (OSS/BSS). While the current support platform (SONAR) can support limited broadband service, it cannot scale to large end-user volume and provide efficient support of the daily activities involving customer care, billing, and service provisioning that an OSS/BSS specifically designed to support FTTP can. To efficiently and reliably provide FTTP services, the OSS/BSS software platform will require unique functionality to accomplish the following operating objectives in a last-mile environment:

- Provide a single source for customer management to provide superior customer care and real-time status of subscriber accounts, pending installs, and pending work order activities
- Software-based flow-through provisioning and activation of high-speed Internet access and voice services without manual configuration
- Services billing including generation of electronic billing, automated payment processing, and automated upload of third party fees and charges (e.g. operator services and international calls)
- Provide a robust tool for management to monitor the broadband operation, including: reporting, productivity management, inventory control, audit controls, taxes, and regulatory requirements

Recommendation

Great Lakes Data Systems (GLDS) is recommended as the OSS/BSS provider for the project. Since 2005, Uptown has had a number of clients select and utilize GLDS as their FTTP OSS/BSS including Sallisaw, OK; Tullahoma, TN; Pulaski, TN; Longmont, CO; and Hillsboro, OR. These systems continue to utilize GLDS today and have expressed positive feedback.

Rationale

The GLDS platform provides a unique operations support platform for FTTP providers through the following functionality:

1. **Lower cost:** The two main OSS/BSS software vendors serving the FTTP space are GLDS and ETI. While there are other software providers, they are not specifically focused on FTTP (for example, CSG serves the incumbent cable operator space but not FTTP). Because of this, GLDS and ETI are the only platforms that have developed interoperability to FTTP electronics vendors and the specific wholesale voice providers that serve the FTTP space. While ETI is technically viable, their pricing has been and remains significantly more costly than GLDS for very similar functionality (the only significant functional advantage to ETI is GIS-integration). The last quote we received from ETI was for \$329k in Year 1 and \$39k for ongoing annual maintenance (versus \$145k and \$21k for GLDS).
2. **Focus on fiber broadband:** The GLDS software platform is specifically designed to support last-mile fiber broadband systems. GLDS was founded in 1980 and is

headquartered in Carlsbad, California. Great Lakes has installed systems and provided services for clients in more than forty-seven countries on five continents over the 40 years they have been in business. GLDS customers are primarily small to mid-sized broadband companies -- from startup operations to systems with over 350,000 subscribers, and include franchised, private, municipal, and wireless cable operators.

3. **Interoperability with fiber broadband vendors:** Over time, GLDS has developed its software to interoperate with the major fiber broadband vendors to significantly reduce the need to manually administer 3rd party equipment and systems. This precludes the inefficiency and human error associated with 'swivel-chair' administration of multiple platforms. This enhanced efficiency is critical to allow scaling of customer and work activity volume when providing last-mile broadband service. GLDS has accomplished interoperability in two key areas:
 - FTTP Electronics: The GLDS software can automatically control and provision fiber broadband vendors such as Calix. This provides downstream automation of the fiber modem (ONT), thereby enabling service provisioning with the specific service configuration that is set up on the subscriber account in GLDS.
 - Wholesale voice providers: GLDS software interoperates with the major wholesale voice providers (e.g. Momentum and Alianza) so that work orders created in GLDS will automatically be provisioned by the voice provider without requiring a CSR to re-enter the work order for residential and non-complex commercial voice services. Additionally, this interoperability allows for billing integration such that the billing data (Call Detail Record) generated by the wholesale voice provider can be automatically imported into GLDS and generate the necessary billing detail on the GLDS bill.
4. **System access by field technicians:** GLDS includes modules that provide additional functionality in support of field operations. For example, field technicians can run purpose-built GLDS technician apps on a portable android tablet and update subscriber accounts (e.g. for an on-premises upgrade), take photos of the installation and upload to the subscriber account, obtain customer signatures electronically for work order authorizations, etc.
5. **Work order management and reporting:** The GLDS platform allows real-time tracking and reporting of all work order types including installs, service calls, and disconnects. Scheduling is automated and uses quota availability by technician to present available appointment times to the CSR. The system includes over 300 standard reports and the ability to create custom reports if needed.
6. **Billing flexibility:** GLDS supports all forms of bill payment including cash, ACH (checking account), and credit card payments with real-time payment posting (via integration to various third-party processing platforms). Electronic payment by ACH and credit cards can be automated with billing via email and the software includes bill statement generation.
7. **Web-based customer access:** GLDS includes modules that allow prospective residential customers to sign-up for services online through a self-directed menu of service and package options, including inputting payment method and scheduling the installation date. Upon becoming a customer, the system allows the customer to add specific service features, review bill statements, pay their bill, and other account management features.

Contract Highlights

- Initial one-time fee of \$145,340.
- Unlimited professional support fee of \$2,950 annually, where \$1,250 supports GLDS Hosting and provided FTP Storage.

- Annual maintenance fee of \$20,875 starting in Year 2.
- Hosted solution with servers located at GLDS headquarters. System maintenance and upgrades performed by GLDS.
- The contract covers onsite and remote system implementation and engineering work along with GLDS-based key user training (BroadHub 101), and unlimited professional support during normal business hours.



LAND USE APPLICATION

City of Glenwood Springs
Economic and Community Development Dept.
101 West 8th Street
Glenwood Springs, CO 81601
970-384-6411

09 - 20

Ordinance Amendments		Development Permits	
Rezoning		Site/Architectural Plan Review	
Rezoning to Planned Unit Development (PUD)		Administrative	
Annexation		Minor	
Condominiumization		Major	
Annexation		Master Plan	
Street Vacation		Construction Plans	
		Location & Extent	
Subdivisions		Right of Way Encroachment License	
Minor Subdivision		Floodplain Development Permit	X
Preliminary Plat		Special Use Permit	
Final Plat		Flexibility and Relief Procedures	
Vacation of Right-of-Way		Variance	
		Administrative Adjustment	
		Appeal	X

Applicant/Property Owner Information:			
Applicant <u>Yessenia Gonzalez Hernandez</u>		Owner	
Relationship to Owner <u>Same</u>		Owner	
Applicant Address <u>1713 Grand Ave</u>		Owner Address	
<u>Glenwood Springs, CO</u>			
Phone <u>970-366-9851</u>	Email Address	Phone	Email Address

Property Information:	
Address <u>1713 Grand Ave, Glenwood Springs CO</u>	Parcel Number <u>2185-161-12-028</u>
Subdivision	Lot and Block Number <u>South Park Sub</u>
	<u>Block: 2 Lot: 29</u>
Zone District	Existing Land Use <u>Bml</u>

General Project Description:
<u>Appealing P&Z Commission denial of Special use permit application for licensed Assisted Living Group Home</u>

Signatures:		
The owner or applicant must be present at the hearing. All public hearings must be properly noticed according to G.S.M.C. Section 070.010.030. Signatures of all owners of the property must appear before the application is accepted. Partnerships or corporations may have the authorized general partner or corporate officer sign the application. (Attach additional incorporation documents if necessary.) I declare under the penalty of perjury that the above information is true and correct to the best of my knowledge.	<u>[Signature]</u>	<u>2/24/2020</u>
	Applicant	Date
	<u>[Signature]</u>	<u>2/24/2020</u>
	Owner	Date
	Owner	Date

Filed for record the _____ day of _____, A.D. _____, at _____ o'clock _____ M. _____ By _____ RECORDER.
Reception No. _____ DEPUTY.

WARRANTY DEED

THIS DEED, Made on this day of July 08, 2005, between
KURT NIELSEN AND KATHRYN BREEN NIELSEN

of the _____ County of _____ and State of HAWAII, of the Grantor(s), and
YESENIA GONZALEZ

whose legal address is : 1713 GRAND AVENUE GLENWOOD SPRINGS, CO 81601
of the _____ County of GARFIELD and State of COLORADO, of the Grantee(s):

WITNESS, That the Grantor(s), for and in consideration of the sum of (\$312,000.00)

*** Three Hundred Twelve Thousand and 00/100 *** DOLLARS

the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm unto the Grantee(s), his heirs and assigns forever, all the real property, together with improvements, if any, situate, lying and being in the _____ County of GARFIELD and State of Colorado, described as follows:

LOT 29
BLOCK 2
SOUTH PARK SUBDIVISION
CITY OF GLENWOOD SPRINGS

COUNTY OF GARFIELD
STATE OF COLORADO

also known as street number 1713 GRAND AVENUE GLENWOOD SPRINGS CO 81601

TOGETHER with all and singular and hereditaments and appurtenances thereto belonging, or in anywise appertaining and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all the estate, right title interest, claim and demand whatsoever of the Grantor(s), either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances;

TO HAVE AND TO HOLD the said premises above bargained and described with appurtenances, unto the Grantee(s), his heirs and assigns forever. The Grantor(s), for himself, his heirs and personal representatives, does covenant, grant, bargain, and agree to and with the Grantee(s), his heirs and assigns, that at the time of the enrolling and delivery of these presents, he is well seized of the premises above conveyed, has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature soever, subject to general taxes for the year 2005 and those specific Exceptions described by reference to recorded documents as reflected in the Title Documents accepted by Grantee(s) in accordance with Section 8a (Title Review) of the Contract to Buy and Sell Real Estate relating to the above described real property; distribution utility easements, (including cable TV); those specifically described rights of third parties not shown by the public records of which Grantee(s) has actual knowledge and which were accepted by Grantee(s) in accordance with Section 8b (Matters not Shown by the Public Records) and Section 8c (Survey Review) of the Contract to Buy and Sell Real Estate relating to the above described real property; inclusion of the Property within any special tax district; and, the benefit and burdens of any declaration and party wall agreements, in any, and other None. The Grantor(s) shall and will WARRANT AND FOREVER DEFEND the above bargained premises in the quiet and peaceable possession of the Grantee(s), his heirs and assigns, against all and every person or persons lawfully claiming the whole or any part thereof. The singular number shall include the plural, and the plural the singular, and the use of any gender shall be applicable to all genders.

IN WITNESS WHEREOF the Grantor(s) has executed this deed on the date set forth above.

BY: Kurt Nielsen
KURT NIELSEN

BY: Kathryn Breen Nielsen
KATHRYN BREEN NIELSEN

STATE OF Colorado,
County of Garfield) ss.

ELLEN M. LIPSCOMB
NOTARY PUBLIC
STATE OF COLORADO

My Commission Expires Sept. 21, 2006

The foregoing instrument was acknowledged before me on this day of July 08, 2005
by KURT NIELSEN AND KATHRYN BREEN NIELSEN

My commission expires
Witness my hand and official seal.

Ellen M. Lipscomb
Notary Public

Name and Address of Person Creating Newly Created Legal Description (38-35-106.5, C.R.S.)

Escrow# GW246763
Title# GW246763

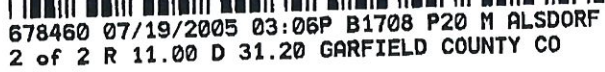
When Recorded Return to: MORRIS & FYRWALD REAL ESTATE

415 E. HYMEN AVENUE, ASPEN, CO 81611

FILED 08-09-29/04 WD-OPEN WARRANTY DEED (Photographic)

(1946742)

and Title
WARRANTY COMPANY



)

LS



My commission expires:

A circular notary seal for the State of Hawaii. The outer ring contains the text "JAMES W. WEISLIN" at the top and "STATE OF HAWAII" at the bottom, separated by two small stars. The center of the seal features the word "NOTARY" above a five-pointed star, which has the letters "LS" to its right. Below the star is the word "PUBLIC".

Appeal for SPECIAL USE PERMIT (SUP) 1713 Grand Ave. Personal Care Boarding Home/ASSISTED LIVING GROUP HOME.

I am asking for a reversal of the Glenwood Springs Planning and Zoning Commission decision denying the request for a Special Use Permit at 1713 Grand Avenue.

My basis for appeal is based on several factors:

1) The planning and zoning commission erred in denying the special use permit application, by:

Determining, in clear violation of Municipal Code 070.070.020(a)(2)b that the proposed use for a personal care boarding home (assisted living group home) is an institutional/commercial, not residential, use incompatible with the surrounding residential area.

The Planning Department Staff recommended approval of the SUP. The findings of the staff supported the application as an appropriate residential use, as a use consistent with the city Comprehensive Plan and code, as a use that would not have negative impact on neighbors or the surrounding area, and as a use identified as a housing need in Glenwood. There are/have been short term rentals in this subdivision (a possible violation of the covenants) as well as long term rentals. One Commissioner stated he himself had a home office in the neighborhood. These uses are 'commercial in nature' (to use the terms of some of the resistance to this application) and may have greater impacts on the neighbors/neighborhood.

"Personal Care Boarding" is a use that was added to the Municipal Code in 2006 and is defined at MC 070.070.020(a)(2)(b) as:

An assisted living residence that provides room and board to not less than three and not more than six adults 18 years of age or older and who, because of impaired capacity for independent living, elect protective oversight, personal services, and social care but do not require 24 hour nursing or medical care. Personal care boarding homes shall not serve clients requiring a secured environment as defined by 6 CCR 1011-1, Section 1.1.2, and shall not include residential facilities for those living together as a result of prior criminal offenses.

The use is allowed in the city's residential and commercial zoning districts by special review. The intent of personal care boarding is to provide a residential home environment for people that may need personal assistance in their daily living but that do not require 24-hour nursing assistance. (Staff Report 11/26/2019)

The proposed Personal Care Boarding Home use is not expected to have any impact to surrounding properties over and above that of a normal single-family home. (Staff Report 11/26/2019)

KEY REGULATIONS

6 CCR 1011-1, Chapter 7, Section 2: "Assisted living residence" or "ALR" means: A residential facility that makes available to three or more adults not related to the owner of such facility, either directly or indirectly through a resident agreement with the resident, room and board and at least the following services: personal services; protective oversight; social care due to impaired capacity to live independently; and regular supervision that shall be available on a twenty-four-hour basis, but not to the extent that regular twenty-four hour medical or nursing care is required,...

City of Glenwood Springs (Glenwood) MC 070.070.020 - Definitions of Use Categories and Specific Use Types.

(a) Residential Uses.

(2) Group Living.

b. Personal Care Boarding Home. An assisted living residence that provides room and board to not less than three (3) and not more than six (6) adults eighteen (18) years of age or older and who, because of impaired capacity for independent living, elect protective oversight, personal services, and social care but do not require twenty-four-hour nursing or medical care. Personal care boarding homes shall not serve clients requiring a secured environment as defined by 6 C.C.R. 1011-1, Section 1.102, and shall not include residential facilities for those living together as a result of prior criminal offenses.

See also, GWS MC 070.030.020 (e), Table of Allowed Uses.

2) The planning and zoning commission erred in denying the special use permit application, by:

Focusing on concerns which are the proper purview of the Colorado Dept. of Health and Environment, and also on extraneous considerations such as traffic flow regarding garbage collection, deliveries and visitors. Furthermore, the Commission failed to acknowledge that the application and Personal Boarding Residence would meet the general performance standards and specific criteria as required by code.

Garbage collection and pick up is not a criterion. Garbage collection would continue as it has in the past for all the residences in this block of Grand Avenue. Parking is adequate for approval and, in addition, any safety concerns have been addressed by parking vehicles in a north/south direction. Entry and egress is an issue with all South Park Residences on Grand Avenue and this application should not be singled out as any different than other residences.

If the special use permit is approved, then the safety and welfare of the residents is heavily regulated and supervised by the Colorado Department of Public Health & Environment. One of the conditions of approval by Glenwood for this SUP is final approval by the Colorado Department of Public Health. One of the conditions for applying for a state permit for an Assisted Living Residence is zoning approval. I will of course comply with all pertinent legal requirements.

Local conditions, all of which will be met, are outlined in City Code 070.030.030(c), Use Regulations, Residential Uses.

Personal Care Boarding Home. Prior to issuing a special use permit for a personal care boarding home, the following conditions shall be met: See Page 6 of the 11/26/2019 Staff Report 'Suggested Conditions'.

If the SUP is approved by Glenwood, I will be subject to significant oversight, accountability and application criteria by the State of Colorado. State licensure requirements are set out at: 6 CCR 1011-1 (Colorado Code of Regulations) Chapter 7, SECTION 3 – DEPARTMENT OVERSIGHT Licensure, and include the following extensive provisions dealing, among other things, with reporting, background checks, employee oversight and fees:

3.1 Applicants for an initial or renewal license shall follow the licensure procedures outlined in 6 CCR 1011-1, Chapter 2, Parts 2.3 through 2.10. (A) In addition, each license renewal applicant shall annually submit, in the form and manner prescribed by the Department, information about the facility's operations, resident care and services.

3.2 The Department may issue a provisional license to an applicant for the purpose of operating an assisted living residence for one period of 90 days if the applicant is temporarily unable to conform to all the minimum standards required under these regulations, except no license shall be issued to an applicant if the operation of the applicant's facility will adversely affect the health, safety, and welfare of the residents of such facility. (A) As a condition of obtaining a provisional license, the applicant shall provide the Department with proof that it is attempting to conform and comply with applicable standards. No provisional license shall be granted prior to the submission of a criminal background check in accordance with § 25-27-105 (2.5), C.R.S.

3.3 Each owner or applicant shall request a background check. (A) If an owner or applicant for an initial assisted living residence license has lived in Colorado for more than three years at the time of the initial application, said individual shall request from the Colorado Bureau of Investigation (CBI) a state fingerprint-based criminal history record check with notification of future arrests. (B) If an owner or applicant for an initial assisted living residence license has lived in Colorado for three years or less at the time of the initial application, said individual shall request a fingerprint-based criminal history record check generated by the Federal Bureau of Investigation through the CBI. (C) The cost of obtaining such information shall be borne by the individual or individuals who are the subject of such check. The information shall be forwarded by the CBI directly to the Department.

3.5 An assisted living residence shall not care for more residents than the number of beds for which it is currently licensed. License Fees Unless otherwise specified, all license fees paid to the Department shall be non-refundable.

The safety, license, regulation of operation and safety of this residence and its occupants falls under the extensive purview of the Colorado Department of Public Health as well as the planning department and building department and public safety departments of the City of Glenwood Springs. The Planning and Zoning Commission, while granted the authority to approve or deny permission, seemed to make a decision based on operational issues to be addressed and monitored after approval rather than the

General Performance Standards and the Personal Care Boarding Home Special Use Criteria as outlined in the city code and noted in the staff report.

3) The planning and zoning commission erred in denying the special use permit application by:

Seeming to focus on personal background and management ability and business operations rather than the property, special use conditions and the rigorous license requirements for subsequent approval.

Nonetheless, the state will require a 30 hour Assisted Living Administrator training course and proof of completion. This is another condition of approval by the State of Colorado.

I have experience managing and running my own skin care business.

I have 28 years of experience in assisted living care both in California and Colorado. My duties over the years have included basic patient care, including assisting patients with daily activities, hygiene care, medicine administration and the taking of vital signs, and home care, as well as hospice care.

I have the following **Colorado Certifications:**

- Nurse Assistant 2007
- QMAP (Qualified Medication Administration Personnel) 2008
- CPR (Cardiopulmonary Resuscitation) 2011
- Mental Health First Aid 2014

4. The planning and zoning commission erred in denying the special use permit application by:

Not considering that there is city precedent for approval of this SUP.

This is a residential use. The city has approved the same type of SUP and Assisted Living Residence (state designation)/Personal Care Boarding Home (city designation), namely, Harmony House <https://glenwoodspringsharmonyhouse.com/>. Harmony House is a Personal Care Boarding Home in an approved subdivision, Park West, of Glenwood Springs. It is owned and operated by a former council member/mayor of Glenwood Springs and his spouse. The zoning of the Park West subdivision and the South Park subdivision where the subject property is the same zoning under the current Glenwood Code, RM1. Many of the discussion items and concerns of the impacts related to the current 1713 Grand application would apply to the Harmony House allowed/approved use. In some ways the current application might be considered less of an impact as it is on the Grand Avenue periphery of the South Park subdivision. Any traffic in and out of the residence would be from Grand Avenue and not have any impact on the internal streets and residences of the neighborhood.

Summary:

The Special Use Permit should be approved. As noted in the staff report (11/26/2019) the application and use meets several goals of the Comprehensive Plan. "Ms. Gonzalez Hernandez' application noted how her proposal met several goals from the 2011 Comprehensive Plan including: • Maintaining/enhancing social sustainability • Providing housing opportunities for the entire community • Preserving small town character • Supporting social diversity". "Staff adds that the Comprehensive Plan encouraged planning for senior housing. It "recognized that the retiree population will grow at a disproportionately high rate for at least the next 15 years and that housing specifically designed for seniors should be a key component of a comprehensive housing approach." (p.75)"

As noted by staff and by code, the Special Use as a Personal Care Boarding Home is a residential use and allowed and compatible with its surroundings at 1713 Grand Ave.

The proposed use will be highly regulated by the Colorado Department of Public Health. I am asking for a Special Use Permit (conditional upon final licensure and approval by the Colorado Department of Public Health) to proceed with my license application as well as to proceed with the extensive and expensive interior building modifications to meet city and state codes and standards.

As noted by staff, the application and requested use will meet the General Performance Standards and the seven criteria that apply specifically to personal care boarding home uses (reference 070.030.030(c)(4)). I have accepted the conditions stated in the staff report 11/26/19, p. 6.

Operational and management criteria and business viability should not be part of the purview of Planning and Zoning special use approval criteria.

There is precedent and prior approval of a similar Special Use Permit.

I respectfully request an approval of this appeal of a Special Use Permit application

Thank you.



Yesenia Gonzalez

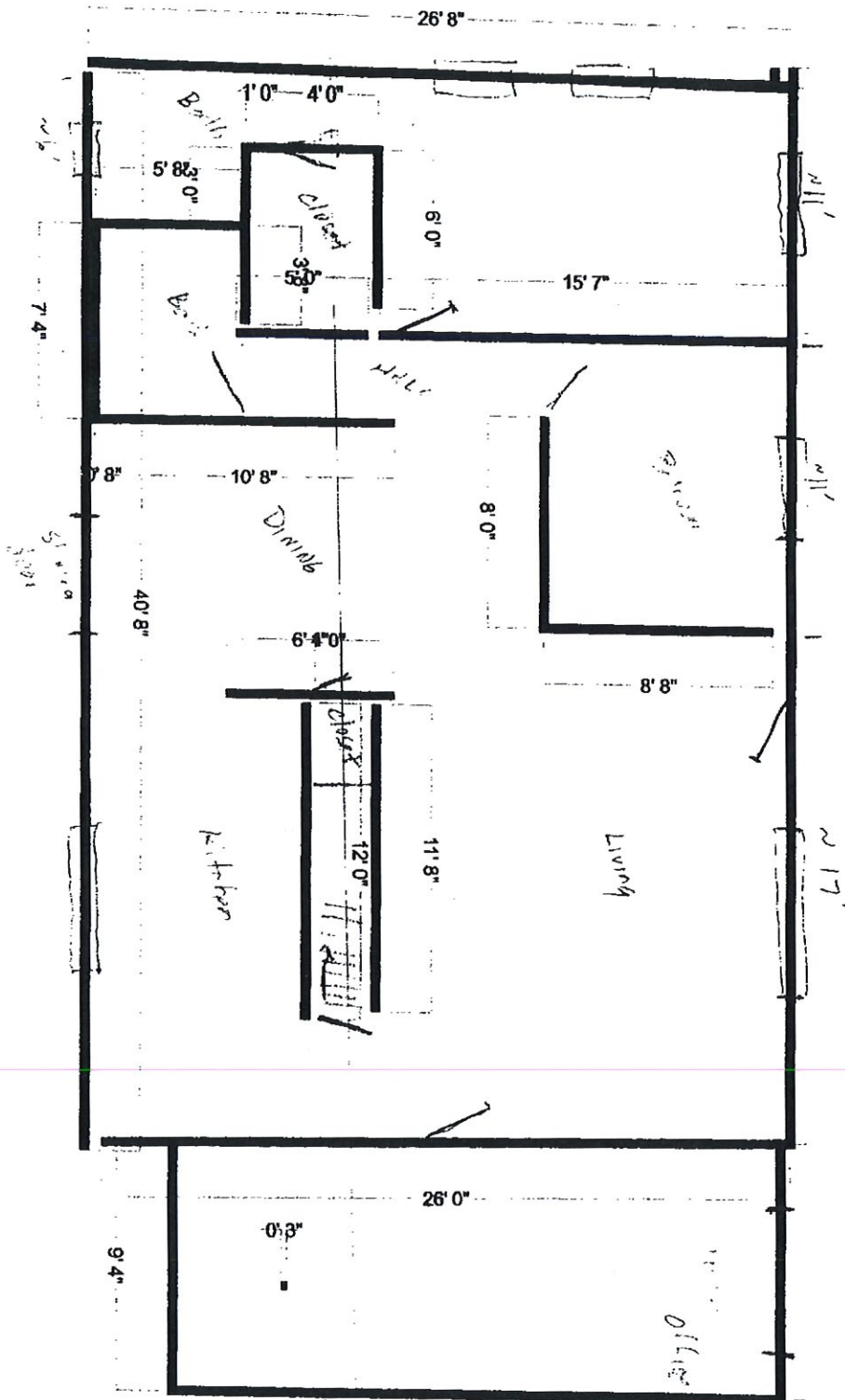
1713 Grand Avenue, Glenwood Springs

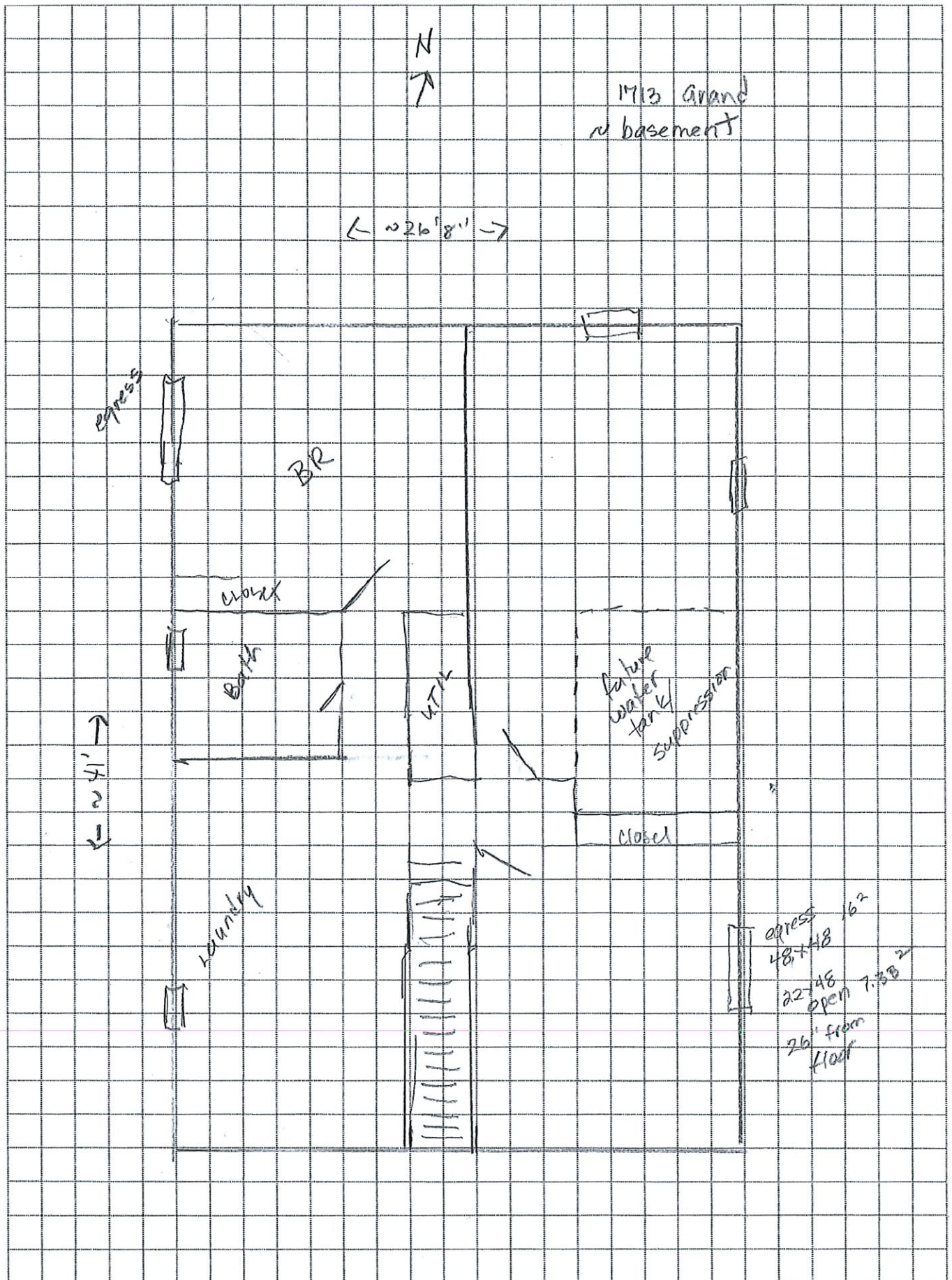


1712 6th/11D

Go to: Home > Floor Plans > 1712 6th/11D

Go



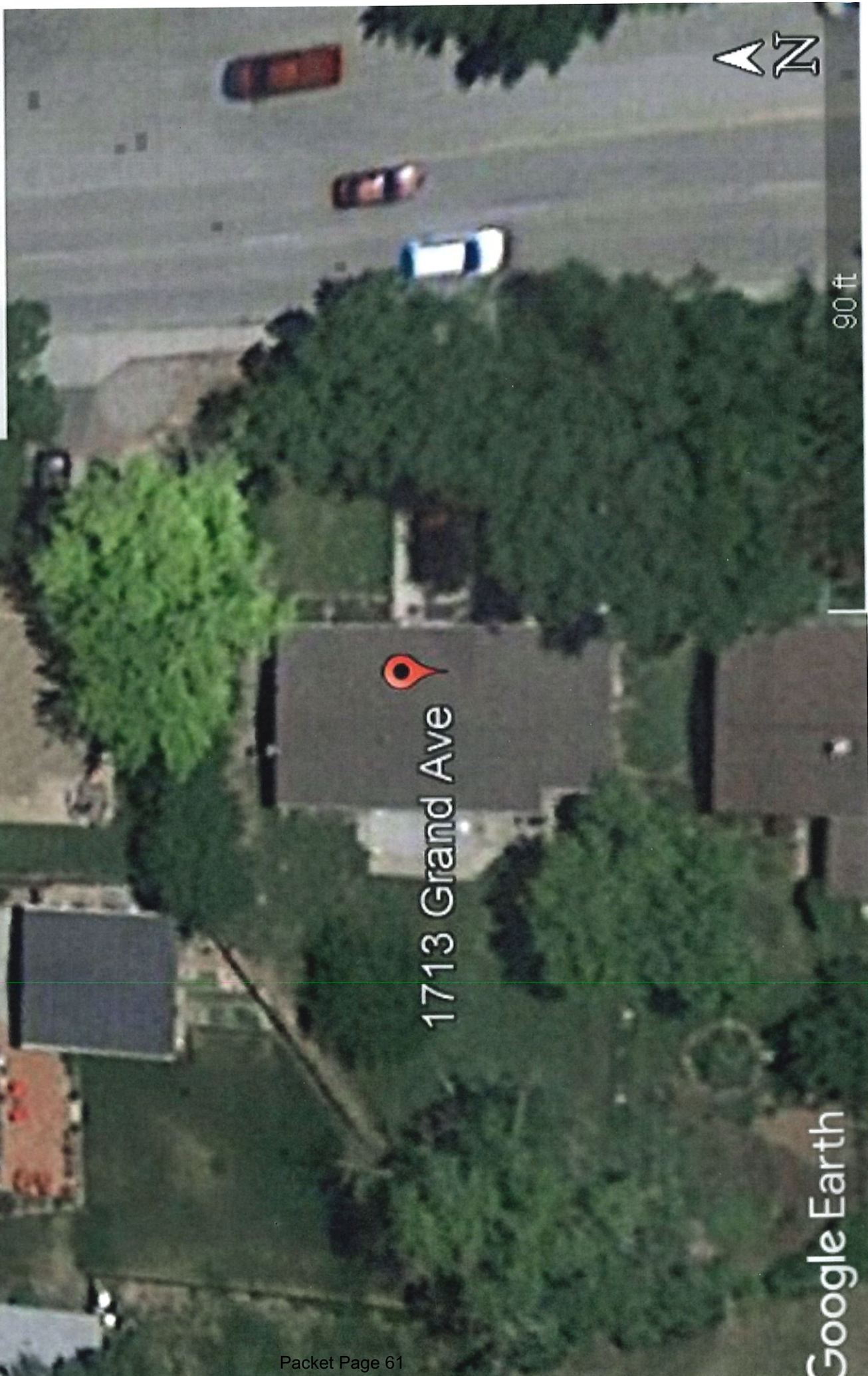


Untitled Map

Write a description for your map.

Legend

-  1713 Grand Ave
-  Peppino's Pizza Glenwood



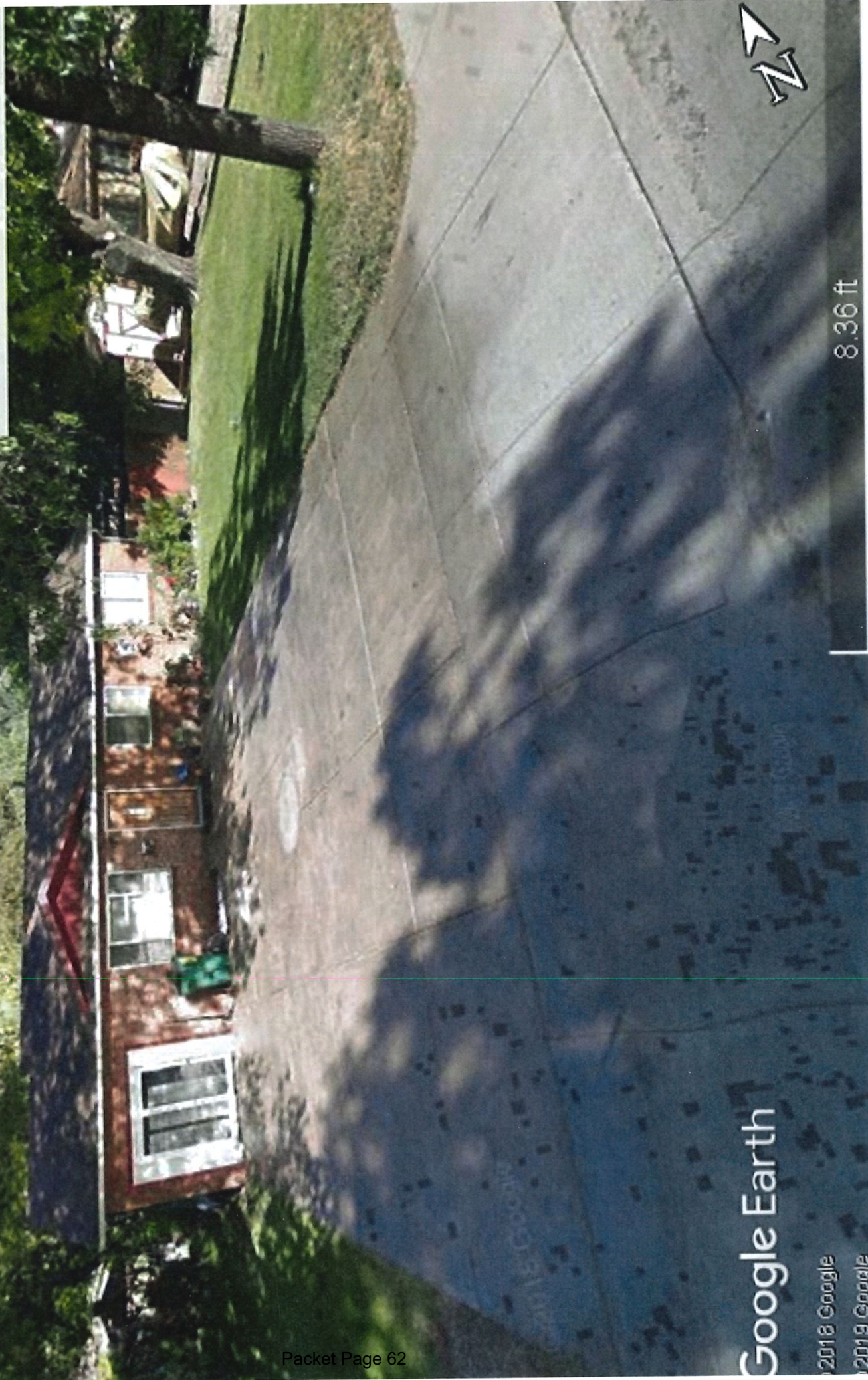
Google Earth

Untitled Map

Write a description for your map.

Legend

-  1713 Grand Ave
-  Peppino's Pizza Glenwood



Google Earth

2018 Google

2019 Google







Planning & Zoning Commission Staff Report

Date: November 26, 2019

To: Planning & Zoning Commission

From: Gretchen Ricehill, Asst. Director Community Development Dept.

Subject: #33-19- Special Use Permit – Personal Care Boarding Home

REQUEST	Consideration of a request for a special use permit to operate a personal care boarding home within an existing single-family residence
APPLICANT	Yesenia Gonzalez Hernandez
OWNER	Yesenia Gonzalez
ZONE	RM1-Residential Medium Density
LOCATION:	1713 Grand Avenue Lot 29 Block 2, South Park Addition
SURROUNDING LAND USES	North: Residential South: Residential East: Park West: Residential
LOT SIZE	7,700 square feet

ACTION ITEM SUMMARY

Action 1: Consideration of a Special Use Permit to allow the operation of a personal care boarding home at 1713 Grand Avenue.

Staff Recommendation:

Staff recommends that the Commission **approve** the special use permit with suggested findings on pages 5 and 6 and suggested conditions on page 6 of this report.

PROJECT SUMMARY

Yesenia Gonzalez Hernandez proposes to convert her single-family home at 1713 Grand Avenue to a Personal Care Boarding Home and provide care for up to six seniors. "Personal Care Boarding" is a use that was added to the Municipal Code in 2006 and is defined as:

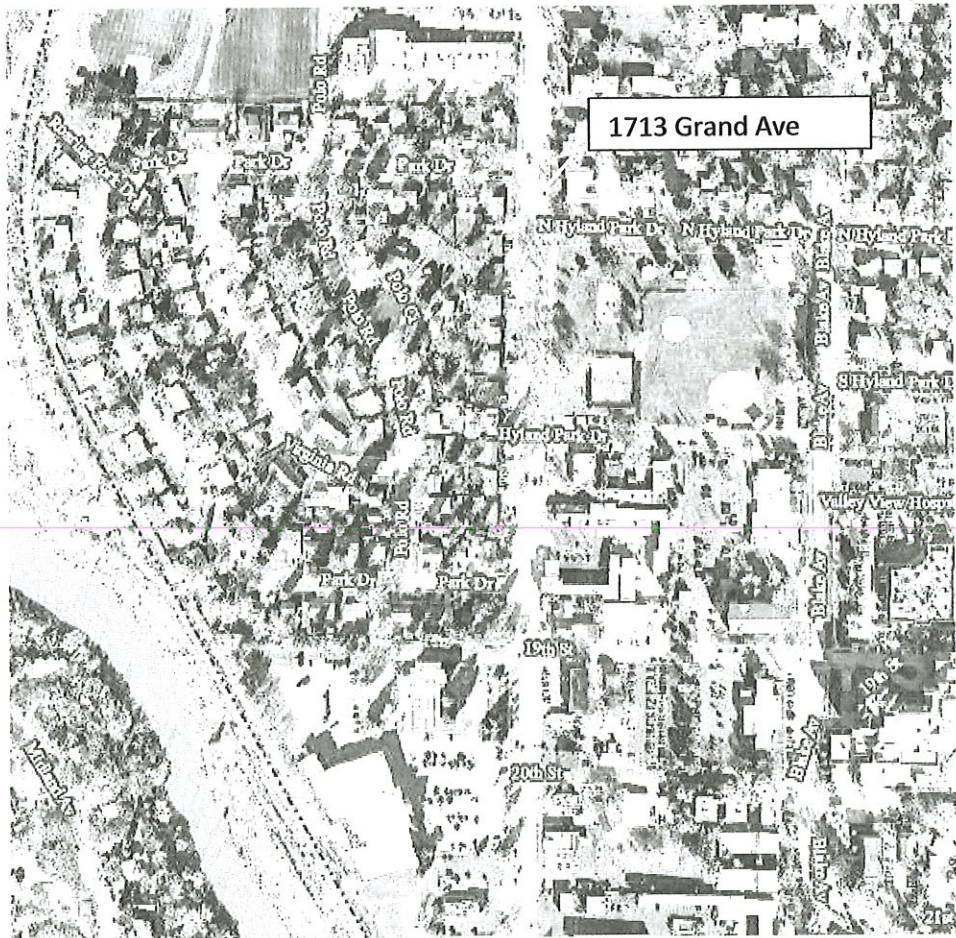
An assisted living residence that provides room and board to not less than three and not more than six adults 18 years of age or older and who, because of impaired capacity for independent living, elect protective oversight, personal services, and social care but do not require 24 hour nursing or medical area. Personal care boarding homes shall not serve clients requiring a secured environment as defined by 6 CCR 1011-1, Section 1.1.2, as shall not include residential facilities for those living together as a result of prior criminal offenses.

The use is allowed in the city's residential and commercial zoning districts by special review. The intent of personal care boarding is to provide a residential home environment for people that may need personal assistance in their daily living but that do not require 24-hour nursing assistance.

Currently, the Harmony House at 1045 Park West Drive is only Personal Care Boarding Home in operation in Glenwood Springs.



GoogleEarth Photograph



SPECIAL REVIEW

When reviewing special use applications for this type of facility, the Municipal Code requires compliance with general performance standards as well as seven criteria that are specific to Personal Care Boarding Homes.

Attached for your review is the owner's narrative description addressing each criterion and performance standard as well as providing several supportive statements from the Comprehensive Plan. Following is staff's analysis of the proposal

General Performance Standards

Following is a summary of the general performance standards that apply to all special review uses (reference 070.030.030):

- **Air quality:** ensures that uses that emit any air contaminant as defined by federal, state or county governments complies with all applicable emission standards.
- **Hazardous Materials Storage and Use:** regulates uses that store or use hazardous materials in excess of exempt or maximum amounts allowed under the building or fire codes. The proposed use may require storage of oxygen tanks. The location and method of storage is regulated by the State and the 2015 Fire Code.
- **Excessive Heat & Humidity:** prohibits unreasonable or unnecessary emission of heat or humidity at the property line.
- **Odors:** provides that uses that produce regular or frequent odors detectable beyond the property line may be prohibited if the odor is a known health risk or if the Director judges that the odor is harmful to the rights of others to enjoy their property.
- **Light & Glare:** requires that the use complies with the exterior lighting code (070.040.100)
- **Noise:** ensures that uses comply with noise regulations (100.070).
- **Vibration:** prohibits regular and frequent vibrations at the property line.

The proposed Personal Care Boarding Home use is not expected to have any impact to surrounding properties over and above that of a normal single-family home.

Personal Care Boarding Home Special Use Criteria

Below is a list of seven criteria that apply specifically to personal care boarding home uses (reference 070.030.030(c)(4)):

1. **The applicant shall provide evidence of preliminary approval by the State of Colorado, Department of Public Health & Environment.**

Ms. Gonzalez Hernandez is concurrently applying for her special use permit through the City and her licensure with the State of Colorado. If the Commission approves the special use permit, staff recommends adding the following condition of approval: Prior to opening the home to residents or clients, the applicant/owner shall provide the Community Development Department with evidence of licensure approval by the State of Colorado, Department of Public Health & Environment.

2. **No structural or exterior decorative additions shall be allowed that will alter the residential character of the home or be otherwise incompatible with surrounding residences, except for those necessary to provide accessibility meeting ADA requirements.**

In her narrative, Ms. Gonzalez Hernandez provided a list of exterior and interior home improvements including adding a ramp and handrails to the deck; creating to additional bedrooms in the basement; installing an air conditioning system; and installing a fire suppression system. As part of the licensure process, the State Department of Public Health & Environment will inspect the home. There may be additional improvements needed based on this inspection. All work is subject to the 2015 International Building Code and, prior to commencement of construction, the owner will be required to submit a building permit application for review and approval of the City's Building Official.

3. No other similar home-based use shall be allowed on the property including child or adult day care and boarding homes.

Other than the management required to operate the Personal Care Boarding Home, there will be no other home-based business on site.

4. Residents, exclusive of employed caregivers, shall not have their own personal vehicles on site, including the public street.

The home has a driveway that is 32 feet wide x 32 feet long, which is sufficient to accommodate up to three vehicles. The owner indicated in her narrative that three individuals will provide care to the residents (Ms. Gonzalez Hernandez and two other caregivers). Ms. Gonzalez Hernandez clarified for staff that there will be only one caregiver on site at any given time, except for shift changes. Further, the residents will not be allowed to have their personal vehicles. The on-site parking should accommodate the caregiver(s) as well as any guests that may visit from time to time.

5. The home shall have one kitchen and there shall be no provision for cooking in any other room, other than providing an alternative area for minimal food preparation such as heating or reheating food and beverages

As indicated in the project narrative, all cooking will occur in the existing kitchen. No cooking will be allowed in the bedrooms.

6. There shall be the appropriate number of licensed caregivers on site on a 24-hour basis to properly care for residents, per State of Colorado licensing requirements.

Ms. Gonzalez Hernandez indicated that one licensed caregiver will be on site at all times.

7. The home shall comply with all other city, state, and federal laws and regulations

The home requires a few upgrades necessary to comply with city and state requirements. Specifically, this includes adding a fire suppression system and constructing a ramp and handrails on the rear deck. It is important to note that the state regulates all aspects of assisted living facilities. Additional physical modifications may be required as part of the state review and approval process.

Comprehensive Plan

Ms. Gonzalez Hernandez' application noted how her proposal met several goals from the 2011 Comprehensive Plan including:

- Maintaining/enhancing social sustainability
- Providing housing opportunities for the entire community
- Preserving small town character
- Supporting social diversity

Staff adds that the Comprehensive Plan encouraged planning for senior housing. It “recognized that the retiree population will grow at a disproportionately high rate for at least the next 15 years and that housing specifically designed for seniors should be a key component of a comprehensive housing approach.” (p.75)

REVIEWING AGENCY COMMENTS

Staff distributed the application to city departments for review and comment. Comments were received from Police, Engineering and Public Works departments:

- Engineering commented that placement of any work materials (including dumpsters) must be on private property and not in the right-of-way.
- Police expressed no concern for the proposed use;
- Water/Wastewater expressed concern about the size of the existing water service to support a fire sprinkler system. Upgrading of the existing service would require trenching in the Grand Avenue/Highway 82 right-of-way. The owner contacted a fire sprinkler design firm to discuss alternatives. The design firm submitted a proposal to install an automatic fire sprinkler system that utilized a 300-gallon water supply tank and pump system. The owner plans to locate the tank in the basement of the home.

In addition to department comments, staff received correspondence from individuals expressing support and opposition to the proposal. These are attached for review. Staff notes that one of the correspondences, a letter from Mr. Edward Mulhall, referred to subdivision covenants which appear to prohibit the proposed use. The South Park subdivision covenants were adopted and recorded in 1950. The covenants state that properties “shall be used only for residential purposes...”. As the Commission is aware, the City does not enforce private covenants. Nevertheless, it is important to note that according to Municipal Code Title 070, Personal Care Boarding Homes are categorized as a type of residential use in Table 030.1-Table of Allowed Uses.

REQUIRED ACTIONS

Action 1: Consideration of a Special Use Permit to allow the operation of a personal care boarding home at 1713 Grand Avenue.

Action Alternatives

The Commission may approve, approve with conditions, or deny the special use permit application in accordance with the seven approval criteria listed on pages 4 and 5 of this report. The Commission may also continue the application with a request that the applicant provide specific additional information.

Staff Recommendation:

Staff recommends that the Commission approve the special use permit with suggested findings on pages 5 and 6 and suggested conditions on page 6 of this report.

Suggested Findings:

1. The proposed use is in compliance with the Comprehensive Plan in that it maintains the city’s small town character while providing housing opportunities for seniors and supporting social diversity within the neighborhood;
2. The proposed use complies with performance standards listed in 070.030.030 of the Municipal Code; and,

3. The proposed use complies with use-specific conditions listed in 070.030.030(c)(4) of the Municipal Code.

Suggested Conditions:

1. Prior to issuance of the Special Use Permit the owner shall:
 - a. Provide evidence of licensure approval by the State of Colorado, Department of Public Health & Environment;
 - b. Apply for and receive a building permit application for all construction work at the home as required by the 2015 International Building Code;
 - c. Pay all system improvement fees that shall be due. Fees shall be calculated by the Community Development Department upon submission of the building permit application.
2. No structural or exterior decorative additions shall be allowed that will alter the residential character of the home or be otherwise incompatible with surrounding residences, except for those necessary to provide accessibility meeting ADA requirements.
3. No other similar home-based use shall be allowed on the property including child or adult day care and boarding homes.
4. Residents, exclusive of employed caregivers, shall not have their own personal vehicles on site, including the public street.
5. The home shall have one kitchen and there shall be no provision for cooking in any other room, other than providing an alternative area for minimal food preparation such as heating or reheating food and beverages.
6. There shall be the appropriate number of licensed caregivers on site on a 24-hour basis to properly care for residents, per State of Colorado licensing requirements.
7. The home shall comply with all other city, state, and federal laws and regulations.
8. No signage shall be present other than that allowed under Municipal Code section 070.040.110-Signs.

Water/Wastewater (W/WW) Department Comments

Planning Item: 33-19 Special Use Permit- Personal Care Boarding Home
Applicant: Yesenia Gonzalez
Owner: Yesenia Gonzalez
Location: 1713 Grand Ave
Parcel: 2185 161 12 028
Date of Comments: 9/4/19

The following are W/WW Department comments based on a review of the application package (note: application package was not dated).

Project Understanding

- We understand that the applicant is requesting special use permit for a proposed personal care boarding home located at 1713 Grand Ave. The existing single family residence will be modified to include two additional bedrooms along with several other miscellaneous improvements.

W/WW Department Comments

Water Service

- We understand that the City of Glenwood Fire Department will require this facility to have a fire sprinkler system. The existing water service for this property is likely not large enough to serve a fire sprinkler system.
- If an upsized tap is needed, the nearest water main is located on the eastern side of Grand Ave (Hwy 82). Be aware that the cost to install a new tap in Grand Ave. may be high. Costs will likely be high due to: 1) traffic control requirements that must meet CDOT specification on a highway and 2) a concrete section of the highway will need to be cut out and repaired in accordance with CDOT specifications (the concrete in the area is very thick). The W/WW department encourages the applicant to consult with a qualified contractor to better define installation costs.
- The applicant is responsible for all costs required to install a new water tap, including applicable system improvements fees and tap fees. Please contact the City Community Development department regarding the improvement fees and the City W/WW Department regarding tap fees.
- If the existing water service is abandoned as part of this project, the applicant must abandon the tap at the main in accordance with City's engineering standards
- Any water service used for fire protection must be designed, installed, and tested to meet NFPA 24 requirements. Prior to construction, an engineered detail of the fire service line must be submitted to the City for review and approval. At a minimum, the detail must show the following: 1) a plan and profile view of the piping alignments

extending from the tap location to the building interior penetration, 2) materials of construction, 3) thrust restraint locations and specifications, 4) a comment indicating that the design conforms to all NFPA 24 requirements, 5) a note indicating that the service line must be pressure- and flow-tested in accordance with NFPA 24, and 6) the stamp and signature of the Professional Engineer (PE) certifying the design.

- The applicant is responsible for providing the City with a signed copy of the completed "*Contractor's Material and Testing Certificate for Underground Piping*" form (attached) prior to issuance of a Certificate of Occupancy. This form certifies that the service line was designed, installed, and tested in accordance with all NFPA 24 requirements.
- Only City W/WW staff shall perform work on the water main. In certain circumstances, the City may allow a contractor to install a tap, but only when under the direct supervision of W/WW staff. Tap requests shall be scheduled with the W/WW department at least 48 hours in advance but we recommend that you begin coordinating with the department as soon as possible.

Sanitary Sewer.

- Sanitary sewer service will not be modified as part of this project.

Water Meters.

- All services must be metered.
- Meter accounts must be set up and the meter purchased through the City's finance department before meters will be issued.
- Water meters must be installed per manufacturer's requirements. They may be subjected to performance testing before being accepted by the City.
- Water meters must be installed in a location that can be accessed by the City for inspection and future maintenance. Refer to the attached schematic for meter installation instructions, including additional requirements for isolation valves, pressure reducing valves, and cross-connection devices (see attached water meter installation schematic). Note that if the water system pressure exceeds 80 psi, a pressure reducing valve must be installed downstream of the water meter.
- A water meter inspection must be performed by City staff before a certificate of occupancy will be issued. We recommend that you contact the W/WW department to discuss specific requirements as soon as possible to avoid an unforeseen installation issues.

Cross-connection Control.

- A City-approved cross-connection/ backflow device must be installed on water service lines if a hazard exists. **This project requires that a cross connection/backflow prevention hazard survey be completed (by the City) before a certificate of occupancy will be issued.**
- At the customer's request, W/WW Department staff will perform an initial Cross Connection Hazard Survey and provided preliminary recommendations during the planning phases of the project. Upon completion of the project, a follow-up inspection of the property is required (per State law) to ensure that acceptable backflow devices have been properly installed and tested. We recommend that you contact the W/WW

department to discuss specific requirements as soon as possible to avoid unforeseen installation issues during the construction phase.

- Please note that backflow prevention devices cannot be installed below grade per International Plumbing Code (IPC). In addition, certain backflow prevention devices require drainage requirements. We encourage the customer to consider these requirements and address them during the design phase of the project.

General.

- All publicly-owned or maintained water and sewer infrastructure must meet the requirements of the City's engineering standards. The current version can be found at the following link: <http://cogs.us/EngineeringStandards>.
- A right-of-way permit is required for this project. Please contact the City's engineering department to obtain the permit application.
- Per Colorado 811 and City requirements, tracer wire and utility warning tape shall be installed with all underground water and sewer infrastructure.
- Any water/sewer separation distances and crossings must meet State (i.e., CDPHE) and City requirements.

W/WW Department Contact Information:

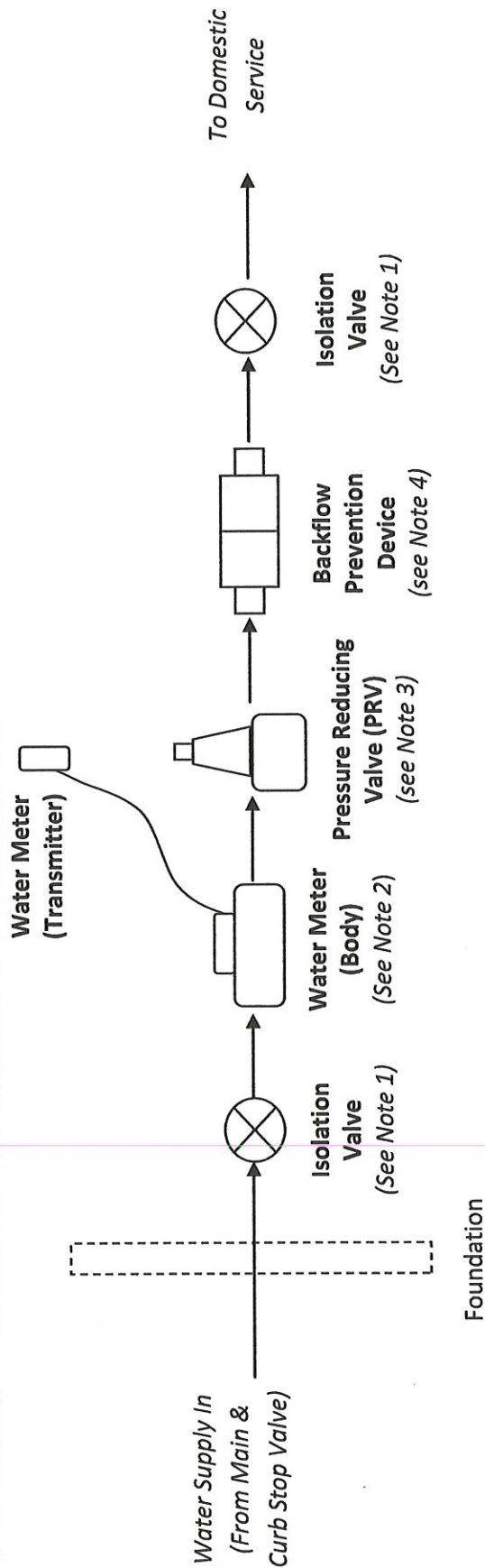
- Horacio Diaz – 379-1974 (Sewer Services & Taps)
- Mike Hoffman – 989-3902 (Water Services & Taps, Cross Connections, Water Meter Inspections)
- Brad Zachman – 384-6388 (General Information)
- Utility Billing – 384-6400 (Account setup; Water Meter Purchase)
- Community Development Department – 384-6411 (Improvements Fees)

Attachments:

- Water Meter Installation Schematic

Water Meter Installation Schematic

Glenwood Springs Water Department



Notes:

1. It is strongly recommended that isolation valves be installed at the locations shown. These valves allow for the water supply to be shut off during repairs or for replacement of the water meter equipment.
2. To assure accurate measurements, water meters must be installed per manufacturer's specific instructions. Contact the City's Water Department for a copy of these instructions or if you have any questions regarding the installation requirements.
3. A pressure reducing valve (PRV) regulates incoming pressure from the main. A PRV is recommended for all installations, but is required for all services that are fed off of water mains with static water pressure of 80 psi or greater. Contact the water department (**384-6344 or 989-3902**) for more information regarding the static water main pressure that serves your property.
4. A backflow prevention device protects the City's water supply from contamination or pollution due to backflow conditions. Please contact the City's cross connection technicians (**384-6345**) to discuss specific backflow prevention requirements and installation procedures.
5. Requests for water meters can be initiated by contacting the City's Utility Billing Office (**384-6400**). Once payment is made, water meters can be picked up from the Water Department at 401 7th St. (**384-6344 or 989-3902**).
6. Contact the Water Department to schedule a final inspection of the meter (**384-6344 or 989-3902**) and the backflow device (**384-6345**).

Updated June 2016

Contractor's Material and Test Certificate for Underground Piping			
PROCEDURE Upon completion of work, inspection and tests shall be made by the contractor's representative and witnessed by an owner's representative. All defects shall be corrected and system left in service before contractor's personnel finally leave the job. A certificate shall be filled out and signed by both representatives. Copies shall be prepared for approving authorities, owners, and contractor. It is understood the owner's representative's signature in no way prejudices any claim against contractor for faulty material, poor workmanship, or failure to comply with approving authority's requirements or local ordinances.			
Property name			Date
Property address			
Plans	Accepted by approving authorities (names)		
	Address		
	Installation conforms to accepted plans ☐ Yes ☐ No Equipment used is approved ☐ Yes ☐ No If no, state deviations		
Instructions	Has person in charge of fire equipment been instructed as to location of control valves and care and maintenance of this new equipment? If no, explain		☐ Yes ☐ No
	Have copies of appropriate instructions and care and maintenance charts been left on premises? If no, explain		☐ Yes ☐ No
Location	Supplies buildings		
Underground pipes and joints	Pipe types and class		Type joint
	Pipe conforms to _____ standard ☐ Yes ☐ No Fittings conform to _____ standard ☐ Yes ☐ No If no, explain		
	Joints needing anchorage clamped, strapped, or blocked in accordance with _____ standard ☐ Yes ☐ No If no, explain		
	Test description Flushing: Flow the required rate until water is clear as indicated by no collection of foreign material in burlap bags at outlets such as hydrants and blow-offs. Flush at one of the flow rates as specified in 10.10.2.1.3. Hydrostatic: All piping and attached appurtenances subjected to system working pressure shall be hydrostatically tested at 200 psi (13.8 bar) or 50 psi (3.5 bar) in excess of the system working pressure, whichever is greater, and shall maintain that pressure ± 5 psi (0.35 bar) for 2 hours. Hydrostatic Testing Allowance: Where additional water is added to the system to maintain the test pressures required by 10.10.2.2.1, the amount of water shall be measured and shall not exceed the limits of the following equation (for metric equation, see 10.10.2.2.6): $L = \frac{SD\sqrt{P}}{148,000}$ L = testing allowance (makeup water), in gallons per hour S = length of pipe tested, in feet D = nominal diameter of the pipe, in inches P = average test pressure during the hydrostatic test, in pounds per square inch (gauge)		
Flushing tests	New underground piping flushed according to _____ standard by (company) ☐ Yes ☐ No If no, explain		
	How flushing flow was obtained ☐ Public water ☐ Tank or reservoir ☐ Fire pump		Through what type opening ☐ Hydrant butt ☐ Open pipe
	Lead-ins flushed according to _____ standard by (company) ☐ Yes ☐ No If no, explain		
	How flushing flow was obtained ☐ Public water ☐ Tank or reservoir ☐ Fire pump		Through what type opening ☐ Y connection to flange and spigot ☐ Open pipe

FIGURE 10.10.1 Sample of Contractor's Material and Test Certificate for Underground Piping.

Hydrostatic test	All new underground piping hydrostatically tested at _____ psi for _____ hours		Joints covered ☐ Yes ☐ No	
Leakage test	Total amount of leakage measured _____ gallons _____ hours			
	Allowable leakage _____ gallons _____ hours			
Forward flow test of backflow preventer	Forward flow test performed in accordance with 10.10.2.5.2: ☐ Yes ☐ No			
Hydrants	Number installed	Type and make	All operate satisfactorily ☐ Yes ☐ No	
Control valves	Water control valves left wide open If no, state reason		☐ Yes ☐ No	
	Hose threads of fire department connections and hydrants interchangeable with those of fire department answering alarm		☐ Yes ☐ No	
Remarks	Date left in service			
Signatures	Name of installing contractor			
	Tests witnessed by			
	For property owner (signed)	Title	Date	
	For installing contractor (signed)	Title	Date	
Additional explanation and notes				
© 2012 National Fire Protection Association NFPA 24 (p. 2 of 2)				

FIGURE 10.10.1 Continued

PROPOSAL

FIRE SPRINKLER SERVICES, INC

0241 Mel Ray Road

Glenwood Springs, CO 81601

Ph. (970) 928-9163 Fax (970) 928-8714

No.

Date: 09/12/19

Sheet No. 1-1

Proposal Submitted To:

Name: Yesenia Gonzalez

Street: 1713 Grand Avenue

City: Glenwood Springs State: CO 81601

Attn: Yesenia

Phone: (970)366-9851

E-mail: ygonzalez1713@gmail.com

Work To Be Performed At:

Street: 1713 Grand Avenue

City: Glenwood Springs State: CO

Date of Plans:

Architect:

We hereby propose to furnish the materials and perform the labor necessary for the completion of:

Installation of residential 13-D automatic fire sprinkler system.

Installation will be CPVC piping with residential fire sprinklers. Water supply will be 300 gallon tank and pump system.

Cost includes material, labor, design and permit fees.

All material is guaranteed to be as specified, and the above work to be performed in accordance with the drawings and specifications submitted for above work and completed in a substantial workmanlike manner for the sum of: Dollars [\$11,250.00].

With payments to be made as follows:

upon start up, rough-in and completion of work.

Any alteration or deviation from above specifications involving extra costs, will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance upon above work. Workmen's Compensation and Public Liability Insurance on above work to be taken out by **FIRE SPRINKLER SERVICES**.

Respectfully Submitted: Al Stump

Per:



Note- This proposal may be withdrawn by us if not accepted within 60 days.

ACCEPTANCE OF PROPOSAL

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Date: _____

Signature: _____

Signature: _____

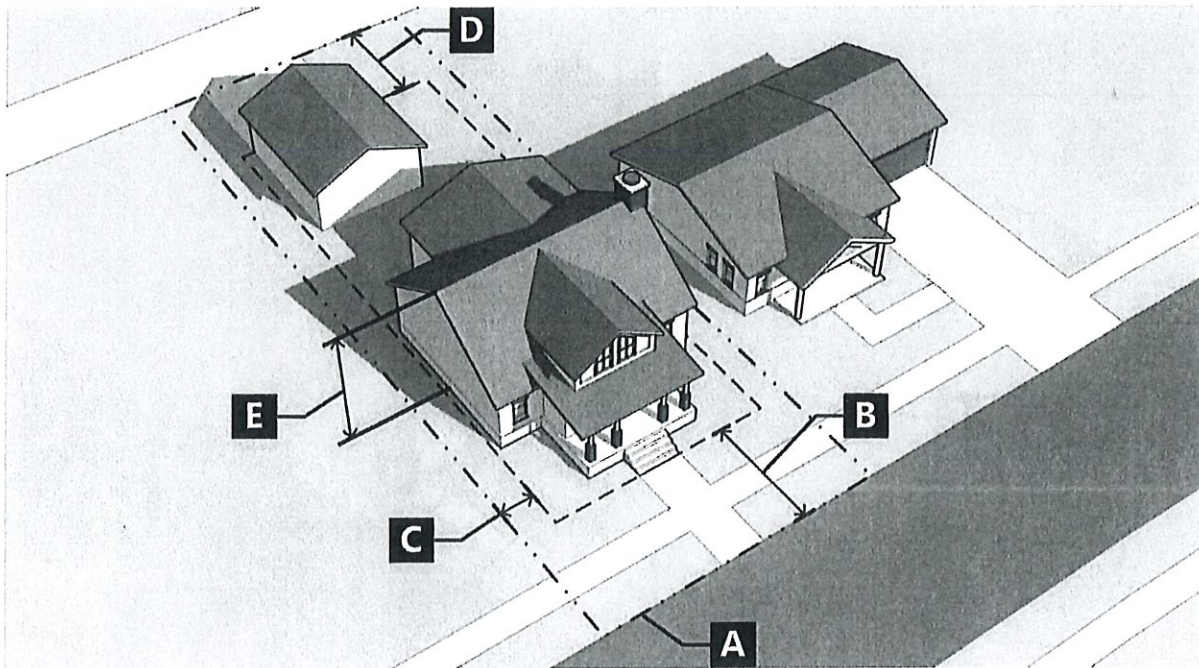
Article 070.020: Zoning Districts
070.020.050 Residential Medium-Density (RM1) District
(a) Purpose

070.020.050 Residential Medium-Density (RM1) District

(a) Purpose

The RM1 district is intended to accommodate medium-density, primarily single-family uses on smaller- to medium-sized lots. The RM1 district is intended to transition from low-density single-family residential districts to multifamily development districts.

Figure 020-3: RM1 District Dimensional Standards



(b) Standards

Table 020.7: RM1 District Dimensional Standards			Other Key Standards	
Lot Standards, Minimum			Measurements and Exceptions	070.020.190
A	Lot area (sq ft)	6,000	Table of Allowed Uses	070.030.020
	Lot area (sq ft), lots created prior to March 1, 1965	5,000	Use-Specific Standards	070.030.030
	Lot area (sq ft), attached dwellings sharing common wall	7,500	Development Standards	
Setbacks, Minimum			Landscaping, Screening, and Fencing	070.040.050
B	Front (from arterial streets) (ft)	30	Off-Street Parking and Loading	070.040.060
	Front (from other streets) (ft)	20	Residential Site and Building Design	070.040.080
C	Side (ft)	5		
D	Rear (ft)	15		
Building Standards, Maximum				
E	Building height (ft)	27		

Article 070.030: Use Regulations
070.030.020 Table of Allowed Uses
(e) Table of Allowed Uses

(e) Table of Allowed Uses

Table 030.1: Table of Allowed Uses

P = permitted by right S = special use permit required Blank = use prohibited

Use Category	Use Type	Districts →															Use-Specific Standards	Required Minimum Parking
		RR	RL	RM1	RM2	RH	RT	M1	M2	M3	CO	RE	I1	I2	IN	HP		
RESIDENTIAL USES																		
Household Living	Dwelling, live-work						P	P	P	P	P	P	P				070.030.030(c)(2)	1 per dwelling unit
	Dwelling, multifamily				P	P	P	P	P	P	P	P					070.030.030(c)(1)	1.5 per dwelling unit, plus 1 guest space per each 5 dwelling units
	Dwelling, townhouse				P	P	P	P	P	P	P	P				S	070.030.030(c)(1)	1.5 per dwelling unit, plus 1 guest space per each 5 dwelling units
	Dwelling, single-family detached	P	P	P	P	P	P	P	P		P	P				S	070.030.030(c)(1)	1 per dwelling unit
	Dwelling, two-family		S	S	P	P	P	P	P		P					S	070.030.030(c)(1)	1.5 per dwelling unit
	Mobile home park					S	S	S			P						070.030.030(c)(3)	1 per dwelling unit
	Accessory dwelling unit	P	P	P	P	P	P	P	P		P	P				S	070.030.040(d)(1)	1 per unit
Group Living	Convalescent or nursing home					S	S	P	P		P	P			P			1 per 3 beds
	Personal care boarding home	S	S	S	S	S	S	S	S		S	S			S	S	070.030.030(c)(4)	2 per dwelling unit
PUBLIC, INSTITUTIONAL, AND CIVIC USES																		
Community and Cultural Facilities	Assembly	S	S	S	S	S	S	P	P		P	P	P		P	S		1 per 250 square feet
	Civic building		S	S	S	S	S	P	P	P	P	P	P	P				1 per 300 square feet
	Club or lodge						S	P	P	P	P	P						1 per 300 square feet
	Community centered board facility						P											Based on demand study, see 070.040.060(c)(5)
Adult and Child Care Facilities	Adult day care				S	S	S	P	P	P	P	P			P	S		1 per 300 square feet
	Child care center	S	S	S	S	S	S	P	P	P	P	P			S		070.030.030(d)(1)	1 per 250 square feet
	Child day care home, large	S	S	S	S	S	S	P	P		P	P					070.030.030(d)(2)	3 per dwelling unit
	Child day care home, small	P	P	P	P	P	P	P	P		P	P	S			P		2 per dwelling unit
Educational Facilities	School	S	S	S	S	S	S	P	P	P	P	P	S		P	S		High school: 4 per classroom All others: 1.5 per classroom
Health Care Facilities	Hospital						P	P	P	P	P				P			1 per 400 square feet
	Medical or dental clinic						P	P	P	P	P	P		P	P			1 per 250 square feet
Parks and Open Space	Park, playground, and open space	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		No requirement

070.030.030 Use-Specific Standards

(a) Generally

(1) Applicability

Use-specific standards shall apply to all zoning districts unless otherwise noted.

(2) Cross-References in Table of Allowed Uses

All uses with use-specific standards as indicated in the right-hand column of Table 030.1 shall comply with the applicable standards in this 070.030.030. All development shall also comply with the applicable standards in Article 070.040: *Development Standards*.

(3) Resolution of Conflicting Standards

In case of a conflict between these use-specific standards and the standards in Article 070.040:070.040.010 *Development Standards*, these use-specific standards shall apply unless otherwise noted.

(b) Performance Standards for All Uses

(1) Air Quality

- a. Uses that emit any air contaminant as defined by the federal government, State of Colorado, or Garfield County, shall comply with all applicable federal, state, and county standards concerning such emissions and with any other emission standards adopted by the City.
- b. No zoning approval or special use permit issued with respect to any use requiring a permit from a federal, state, county, or City agency with jurisdiction shall be valid until it has been certified to the City that the appropriate permits have been issued to the user and that the use is in compliance with all applicable air pollution laws.
- c. Noncompliance with any of the applicable air pollution laws shall be justification for revocation of any permits issued by the City.

(2) Hazardous Materials Storage and Use

a. General

1. The land use impacts for facilities that store or use hazardous materials in excess of the exempt amounts or maximum allowable quantities in control areas as specified in the Building and Fire Code are declared to be potentially harmful to the public health, safety, and welfare, or potentially damaging to the property values of adjacent properties.
2. A special use permit shall be required for any commercial or industrial use involving the storage, handling, or use of hazardous materials when the quantity is in excess of the exempt amount or maximum allowable per control area, as specified in the Building or Fire Code.

b. Combustibles and Explosives

The use, handling, storage, and transportation of combustibles and explosives shall comply with the Fire Code and all other provisions of the Municipal Code and applicable state and federal laws.

Article 070.030: Use Regulations

070.030.030 Use-Specific Standards

(c) Residential Uses

c. **Gases**

The escape or emission of any gas that is noxious, injurious, or destructive is unlawful and shall be immediately eliminated and, in addition, shall comply with the Municipal Code and all applicable state and federal regulations, including the federal Emergency Planning and Community Right to Know Act of 1986.

(3) **Excessive Heat and Humidity**

Uses and activities shall not produce any unreasonable, disturbing, or unnecessary emissions of heat or humidity at the property line of the site on which they are situated that cause material distress, discomfort, or injury to a reasonable person.

(4) **Odors**

Unless otherwise provided in this subsection, uses and activities that produce continuous, regular, or frequent odors and/or emissions, detectable beyond the boundary of the property from which the odor originates, may be prohibited, in whole or in part, if the odor or emission in question is a known health risk or danger or if the Director judges such odor or emission to be harmful to the rights of others to enjoy their property.

(5) **Light and Glare**

All uses shall comply with the standards in 070.040.100, *Exterior Lighting*.

(6) **Noise**

All uses shall comply with the standards in Article 100.070 of the Municipal Code, *Regulation of Noise*.

(7) **Vibration**

No use or activity shall produce vibrations that are perceptible without instruments at the property line for more than three minutes in any one hour of the day between the hours of 7:00 a.m. and 8:00 p.m. Monday through Friday, or 8:00 am and 6:00 pm Saturday and Sunday.

(8) **Evidence of Compliance**

The Director shall require such evidence of ability to comply with appropriate performance standards and mitigation measures as deemed necessary by the Director prior to issuance of a building permit and certificate of occupancy.

(c) **Residential Uses**

(1) **Household Living, Generally**

Except for single-family detached dwellings, each dwelling unit shall have a separate entrance or window facing a street frontage.

(2) **Dwelling, Live-Work**

- a. Residential areas shall be located on upper floors above non-residential areas, or in the rear of the building behind non-residential areas.
- b. The non-residential use shall be owned and operated by a resident of the live-work dwelling unit.

(3) Mobile Home Park

a. Size of a Mobile Home Park

The area of a mobile home park shall be large enough to accommodate the designated number of mobile home spaces, necessary streets and roadways, parking areas for motor vehicles, and required drainage and stormwater facilities.

b. Size and Placement of Mobile Home Spaces

1. Each independent mobile home space shall contain a minimum area of 2,500 square feet and shall be at least 40 feet wide.
2. Each dependent mobile home space shall contain a minimum area of 1,000 square feet and shall be at least 25 feet wide.
3. Where angular or modular spaces are provided in a mobile home park, each such space shall contain a minimum area of 3,000 square feet and shall be at least 45 feet wide.
4. Each mobile home space shall abut on a driveway or other access with unobstructed access to a street.
5. Each mobile home shall be placed upon a space in the mobile home park so that:
 - i. It is completely within the designated mobile home space;
 - ii. There is a minimum of 15 feet between mobile homes;
 - iii. It is not located within 10 feet of an exterior boundary of the mobile home park;
 - iv. It is not located within 25 feet of a public right-of-way;
 - v. It does not obstruct any roadway, walkway, or easement;
 - vi. It is not located within five feet from any roadway in the mobile home park; and
 - vii. No independent mobile home is located on a dependent mobile home space.

c. Access

Access roads within the mobile home park shall be provided for each mobile home space. Each access road shall provide for continuous forward movement, shall connect with a street or highway, and shall have a minimum width of 25 feet when mobile home spaces are on one side only. When mobile home spaces are on both sides of the access road, such road shall have a minimum width of 40 feet.

d. Provisions for Dependent Mobile Homes

Mobile home parks with dependent mobile homes shall accommodate such mobile homes by providing service buildings, sanitary facilities, and laundry facilities per the Municipal Code.

(4) Personal Care Boarding Home

Prior to issuing a special use permit for a personal care boarding home, the following conditions shall be met:

- a. The applicant shall provide evidence of preliminary approval by the State of Colorado, Department of Public Health & Environment;
- b. No structural or exterior decorative additions shall be allowed that will alter the residential character of the home or be otherwise incompatible with surrounding residences, except for those necessary to provide accessibility meeting ADA requirements;

Article 070.030: Use Regulations

070.030.030 Use-Specific Standards

(d) Public, Institutional, and Civic Uses

- c. No other similar home-based use shall be allowed on the property including child or adult day care and boarding homes;
 - d. Residents, exclusive of employed caregivers, shall not have their own personal vehicles on site, including the public street;
 - e. The home shall have one kitchen and there shall be no provision for cooking in any other room, other than providing an alternative area for minimal food preparation such as heating or reheating food and beverages;
 - f. There shall be the appropriate number of licensed caregivers on site on a 24-hour basis to properly care for residents, per State of Colorado licensing requirements; and
 - g. The home shall comply with all other city, state, and federal laws and regulations.
-

(d) Public, Institutional, and Civic Uses

(1) Child Care Center

A child care center shall comply with the following conditions:

- a. The applicant shall provide documentation of preliminary approval from the State of Colorado, Department of Human Services; and
- b. Buffering of play areas through the use of fencing or a landscape screen in compliance with the height restrictions of this Code may be required when play areas are adjacent to residential uses.

(2) Child Day Care Home, Large

A large child day care home shall comply with the same requirements for a child care center in paragraph (1) above.

(e) Commercial Uses

(1) Kennel

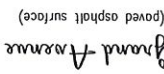
- a. All animals shall be confined within an enclosed area or on a leash at all times.
- b. All boarded animals shall be kept within a totally enclosed structure between the hours of 10:00 p.m. and 7:00 a.m.
- c. Any open or exercise run shall be at least 50 feet from any adjoining property in a residential zoning district.

(2) Sale of Produce or Plants Raised on Premises

- a. The sale of produce or plants shall only include those grown on-site.
- b. The sale of produce or plants shall not include marijuana or marijuana products.
- c. No permanent structures shall be erected for sale of produce or plants.

(3) Veterinarian Hospital or Clinic

A veterinarian hospital or clinic shall comply with the same requirements for a kennel in paragraph (1) above.



I further certify that the improvements on the above described parcel on this date, August 12, 2019, except utility connections, are entirely within the boundaries of the parcel, except as shown, that there are no encroachments upon the described premises, except as indicated, and that there is no apparent evidence or sign of any easement crossing or burdening any part of said parcel, except as noted.

Date of certification: August 12, 2019



- 1) This improvement location certificate does not represent a title search by this agency or the issuing company. No title commitment has been reviewed in preparation of this document.
- 2) This property is subject to protective covenants and restrictions as filed for record June 23, 1950 under Reception No. 172551.
- 3) This Improvement location certificate is based upon the monumentation found in the plat indicated hereon, the street map and Park Drive, and the record plat for the subject property located at the intersection of South Virginia Road and South Virginia Road (South Park Subdivision Reception No. 172229).

Date of field survey: Aug. 09, 2019.
All linear dimensions shown hereon are in US survey feet.
Numerous dimensions are not included on the plat of South Park Subdivision (Rec. No. 172229) so some of the lot dimensions as depicted hereon are scaled and calculated from said plat.

According to Colorado law you must commence any legal action based upon any defect in this Improvement Location Certificate within three years after you first discover such defect. In no event may any action based upon any defect in this improvement location certificate be commenced more than ten years from the date of certification shown hereon.

County of Garfield
State of Colorado

**Sheet
1 of 1**

— 5945		Email: survo@gmail.com	
Date:	Aug. 12, 2019		
Client:	Yasenica Gonzalez		
	.dwg file: 19.018.001		
Drawn By:	S. Phelps		
Job No.:	19.018		
		NO.	BY
		REVISION DESCRIPTION	

(IN FEET)

 $1 \text{ inch} = 20 \text{ ft.}$

December 16, 2019

Re: Yesenia Gonzalez Special Use Permit
1713 Grand Avenue
Glenwood Springs, CO 81601

Dear City of Glenwood Springs City Council,
Any and all others involved and concerned,

Last November Yesenia Gonzalez was denied a Special Use Permit to provide a much needed personal, family-style caregiver home environment for a handful of seniors in her re-purposed residential home. Yesie's home is an ideal location for the type of elder care she wants to accommodate:

- Safety and compassionate care are foremost in Yesenia's proposal.
- 1713 Grand Avenue is directly across the street from Sayre Park.
- Yesie's home is steps away from the signaled pedestrian crosswalk.
- The location is within walking distance of Glenwood Medical Associates, Valley View Hospital, and many other medical services.
- Glenwood Ride and RFTA bus stops are only a sort walk away.
- Ample off-street parking for the number of residents proposed.
- Intimate common areas in the home as well as private spaces for residents will foster community as well as privacy.
- A huge fenced backyard is ideal for hands-on vegetable and flower gardens, relaxation, and summer yard games.

I am advocating again by mail for approval of Yesenia's Special Use Permit because my wife and I will likely not be able to physically attend her appeal in January. I cannot express the gratitude and good fortune to have had Yesie provide the care and boundless love she gave in the last four months of our father, Wally's de Beque's life. As her friend, I urge you to grant her Special Use Permit and make her dream come true...Glenwood should be so lucky to have an angel like Yesie provide care for our seniors.

Respectfully,



Hank van Berlo
21 Crystal Circle
carbondale, CO 81623

To whom it may concern:

I understand the application of Yesenia Gonzalez for a small group assisted living home has been denied and is under appeal. I understand that you fear losing a block of residential living along Grand Avenue. I would argue that this isn't a loss of residential living, it's simply an addition of a few residents. I understand that there is concern about elderly and impaired residents wandering into traffic. The people this home would benefit are residents and not patients. They are capable human beings who may need help with meals, housekeeping, and bathing. It used to be that these elderly folks were taken care of by families but families are more scattered now and family isn't always able to take in an elderly parent. And if you haven't experienced aging parents yet, I can tell you from experience that they don't go from being entirely independent to needing a nursing home over night. Yesenia is offering an alternative — place where they can continue to participate in the world with a little assistance for the daily activities that keep them healthy. Baby boomers are aging and there are a lot of us. We need places like what Yesenia is proposing. I've been watching south Grand Avenue change for 64 years. A small group home will have less impact than a hair salon where there is the potential for cars pulling in and out 8-10 times during the day. It would have less impact than a real estate office which would also have daily traffic and parking impacts. It would have less impact than a law office or a counseling center or a marijuana dispensary.

Yesenia has shared with me her plans for a group assisted living home. The residents would help plan the meals, participate in activities, and water and care for a garden. Instead of being alone all day, they would have card playing partners, someone to do a puzzle with or even just someone to watch tv with. I can say with absolute certainty that she would be manage a successful and exceptional home where older adults would not be isolated and hidden away from the world, but would be active participants in life in a safe and caring atmosphere. I encourage you to approve her application.

Sincerely,

M. Michelle de Beque
Carbondale, Colorado

Date: February 11, 2020

To: City of Glenwood Springs, CO
City Council

From: Marsha White
Basalt, CO

Re: Yesenia Gonzalez Special Use Permit
1713 Grand Ave.
Glenwood Springs, CO

Yesenia Gonzalez has been one of the most reliable, skilled, and hard-working aides I have had since I entered Hospice care. My medical condition poses serious challenges for caregivers, but Yesenia finds solutions for all of the difficulties she and I face together. She approaches problems with intelligence, careful planning, determination, grace, and a positive attitude. Of all the aides I have, Yesenia is the one who best anticipates what needs to be done, before even I think of it. She will use those same character traits to make the home she is proposing an organized, efficient, and pleasant place.

During my four decades as a professor, I became a good judge of character, and I can reassure you that Yesenia has an unwavering sense of responsibility, a strong work ethic, a sunny disposition, and a high degree of integrity. I am lucky to be able to live with my adult children, but if that were not the case, I would be looking for a group home run by someone as compassionate and dedicated as Yesenia Gonzalez. Her proposal before your Council has my full support, and I think the Grand Avenue neighborhood will be blessed by the presence of the home she envisions.

Christopher A. Luby
2810 Alta Court
Grand Junction, CO 81501

February 11, 2020

To whom it may concern:

I am writing to recommend Yesenia Gonzalez Hernandez. She has consistently proven herself to be a loyal, respectful and dedicated individual in both her personal and professional life. Having known her for 6 years, I can honestly say that she is a person who leads by example and hard work. Both her patients and her loved ones look up to Yesenia and are inspired by her commitment, work ethic and dedication.

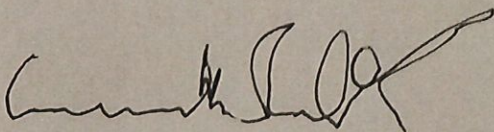
In both professional and personal realms, Yesenia is a leader. She is able to communicate with people both younger and older than her and to be positive and friendly. This adaptability, knowledge and discipline make her an ideal candidate to run her own assisted living facility. There is no project or task that she cannot complete. Yesenia is the definition of a go-getter.

She is always professional, kind, generous and very responsible. She is a person of good moral and caregiver oriented. Great multitasking woman and worker who will go the extra mile to achieve her goals.

If you have any further questions, please feel free to contact me at 970-216-4470 or gjbottomline@aol.com

Thank you for your time.

Sincerely,

A handwritten signature in black ink, appearing to read 'Christopher A. Luby', with a stylized flourish at the end.

Christopher A. Luby

From:
To:
Subject: Fwd: To whom it may concern
Date: Saturday, November 16, 2019 12:47:20 PM

Recommendation

----- Forwarded message -----

From: Yesenia Gonzalez < >
Date: Wed, Nov 13, 2019 at 4:48 PM
Subject: Fwd: To whom it may concern
To: < >

Sent from my iPad

Begin forwarded message:

From: raquel baraka < >
Date: November 13, 2019 at 2:30:29 PM MST
To: Yesenia Gonzalez < >
Subject: To whom it may concern

I have known Yesenia Gonzalez for about three years now. She is a passionate and dedicated individual who is compassionate about elderly people. I think she is the right person to open up an assisting living business for those who may need this type of caring.

If you have any question, don't hesitate to contact me.

Sincerely,

Raquel Baraka

Chris Bergerud
PO Box 543
Snowmass, CO 81654
970.922.9020

11/14/2019

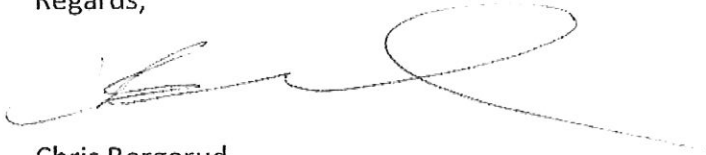
To whom it may concern:

This is a letter to wholeheartedly recommend Yesenia Gonzalez in her capacity as a home healthcare specialist. She cared for my father for approximately a year. In that time she helped him with day-to-day tasks, including errands, home maintenance, healthcare, meals and transportation. She has deep knowledge in elderly care, with a keen awareness of challenges her clients are facing.

My father trusted her like he has trusted no other professional before or since, considering her a good friend. She was able to maintain a professional relationship with Larry while at the same time truly caring for his welfare. There were times where she was the only one who could communicate difficult information to Larry in a way that he would listen and take action. In addition she was highly communicative with me, letting me know when there were health problems or other issues requiring my assistance.

Please feel free to contact me directly if I can answer further questions.

Regards,

A handwritten signature in black ink, appearing to be 'Chris Bergerud', with a large, stylized loop at the end.

Chris Bergerud

To: Glenwood Springs Planning and Zoning Commission

RE: Special Use Permit Application: Personal Care Boarding Home

Yesenia Gonzalez Hernandez, 1713 Grand Ave.

November 15, 2019

Dear Commissioners:

We are writing with strong support for the applicant, Yesenia Gonzalez, and support for the Personal Care Boarding Home permit.

We have known Yesenia for about a decade. We can attest to her character, honesty and competency. Yesenia is one of the hardest working people that we know. She has worked hard and well in the personal care industry while striving for improvement personally and professionally. She has worked hard and passed her GED as well as her CNA (Colorado Certified Nurses Aid). She has worked long and hard in the personal care business. Yesenia has had a goal of establishing a Personal Care Boarding Home.

The application should be approved for many reasons.

Glenwood has a need for a personal care boarding home. There are very limited spaces and options for this type of residential option and care. Many of our residents in need of such care have to leave Glenwood for other facilities as in Grand Junction. We have an aging population and the demand is increasing for aging in place and assisted type of living. The Glenwood Springs Strategic Plan encourages housing opportunities for the entire community. The Glenwood Springs Housing Commission endorses diverse housing opportunities including options for senior citizens.

This is a form of residential use and would be compatible with the surrounding area on Grand Avenue. There would be little if any noticeable or increased impact on the neighborhood. There is adequate parking and there would be relatively little auto activity in and out of the property. Perhaps less than as a current single-family home.

This special use would actually increase the health, safety and welfare of the residents of the community who use the facility.

You have before you a very qualified and competent applicant with a request for a use that is needed in the community, consistent with the comprehensive plan and compatible with the surrounding area while providing a significant benefit to the community.

We encourage you to approve the application with any necessary conditions as suggested by city staff.

Thank you.

Sumner Schachter and Michele Diamond

1204 Blake Ave. Glenwood Springs, CO

November 15, 2019

To Whom It May Concern:

This letter is my recommendation of Yesenia Gonzales.

I knew Yesenia when I lived in Glenwood Springs, Colorado.

I tutored her in math at Colorado Mountain College in Glenwood Springs, Colorado.

I found Yesenia to be a smart fast learner.

She was prompt in her attendance during our scheduled tutoring sessions.

Her willingness to learn inspired me to give her higher challenges in math.

Yesenia used her friendliness skills to assist other students in our sessions.

Many students owe their math success to Yesenia's long patience and ability to communicate her skills to them.

I believe Yesenia will be an asset to anything she puts her mind to as well as her skills.

You can contact me regarding Yesenia, anytime. I am so pleased with her.

Sincerely,

Irvin L. Tilley
741 Hanover Dr.
Orem, Utah, 84058
208-219-1234

November 15, 2019

To Whom It May Concern:

This letter is my personal recommendation for Yesenia Gonzales. I have known Yesenia since 2003 in Glenwood Springs, Colorado.

We worked together from 2008 to 2010 in Heritage Park Care Center, Glenwood Springs, Colorado.

Yesenia is intelligent, polite and willing to help everyone. She always took extra time to spend with patients when the needs were more than was required by the patient's physical therapy. Yesenia can be trusted to be a self-starter in any job she is trained to do. I have always known Yesenia to be cheerful and dependable. Yesenia cared for my friends' father for approximately a year. In that time she helped him with day-to-day tasks, including errands, home maintenance, healthcare, meals and transportation. Yesenia has deep knowledge in elderly care, with keen awareness of challenges her clients are facing.

My friends' father trusted Yesenia like he has never trusted no other professional before or since, considering her a good friend. She was able to maintain a professional relationship with the father while at the same time truly caring for his welfare. There were times where Yesenia was the only one who could communicate difficult information to the father in a way that he would listen and take action.

In addition, Yesenia was highly communicative with me, letting me know when there were health problems or other issues requiring my assistance.

Please feel free to contact me directly if I can answer future questions.

Sincerely,

Dora G Tilley

741 Hanover Dr., Orem, Utah, 84058

970-309-5584

Glenwood Springs Planning and Zoning

RE: Yesenia Gonzales 1713 Grand Ave
Residential Care Home

November 18, 2019

Dear P & Z,

I strongly recommend Yesenia for approval for a long term care home in Garfield County. There is a huge need for residents to remain in their community and not be moved to Front Range or Grand Junction. The population is growing and as we all age none of us want to be moved out of our community.

I have known Yesenia for 5 years and witnessed her loving care to a client with acceptance love and her gentle encouragement every time I saw her in action. I feel by opening her home to a small number of seniors or handicapped individuals that need her loving care & guidance would be a wonderful thing for Garfield County to do, they could not find a better person to do this. She has training, but mostly she has deep love for all people. Seniors is where her passion lies and her patients genuinely love her. We would be very lucky to have her home able to accommodate these folks. One day any of us could need this care and I would love to reside at her home, when or if the need arises.

I feel the home would provide a lot less impact to Grand avenue than other homes that have multiple vehicles parked in front of them. There would be a lot less noise than most residences. It is easy to say and be NIMBY (not in my back yard), but this would be a wonderful place to reside. It would be a perfect spot with a nice back yard as well as nice rooms for the residence.

I urge you to consider this home and the Remarkable Yesenia Gonzales as your next residential home in Garfield County. Please contact me should the need arise I can be reached at 970-309-5293.

Sincerely,

Diane Welter

Diane Welter
Executive Director
Your Friends For Life

Chris Bergerud
PO Box 543
Snowmass, CO 81654
970.922.9020

11/14/2019

To whom it may concern:

This is a letter to wholeheartedly recommend Yesenia Gonzalez in her capacity as a home healthcare specialist. She cared for my father for approximately a year. In that time she helped him with day-to-day tasks, including errands, home maintenance, healthcare, meals and transportation. She has deep knowledge in elderly care, with a keen awareness of challenges her clients are facing.

My father trusted her like he has trusted no other professional before or since, considering her a good friend. She was able to maintain a professional relationship with Larry while at the same time truly caring for his welfare. There were times where she was the only one who could communicate difficult information to Larry in a way that he would listen and take action. In addition she was highly communicative with me, letting me know when there were health problems or other issues requiring my assistance.

Please feel free to contact me directly if I can answer further questions.

Regards,

A handwritten signature in black ink, appearing to be 'Chris Bergerud', with a large, stylized loop at the end.

Chris Bergerud



Planning & Zoning Commission Staff Report

Date: November 26, 2019

To: Planning & Zoning Commission

From: Gretchen Ricehill, Asst. Director Community Development Dept.

Subject: #33-19- Special Use Permit – Personal Care Boarding Home

REQUEST	Consideration of a request for a special use permit to operate a personal care boarding home within an existing single-family residence
APPLICANT	Yesenia Gonzalez Hernandez
OWNER	Yesenia Gonzalez
ZONE	RM1-Residential Medium Density
LOCATION:	1713 Grand Avenue Lot 29 Block 2, South Park Addition
SURROUNDING LAND USES	North: Residential South: Residential East: Park West: Residential
LOT SIZE	7,700 square feet

ACTION ITEM SUMMARY

Action 1: Consideration of a Special Use Permit to allow the operation of a personal care boarding home at 1713 Grand Avenue.

Staff Recommendation:

Staff recommends that the Commission **approve** the special use permit with suggested findings on pages 5 and 6 and suggested conditions on page 6 of this report.

PROJECT SUMMARY

Yesenia Gonzalez Hernandez proposes to convert her single-family home at 1713 Grand Avenue to a Personal Care Boarding Home and provide care for up to six seniors. "Personal Care Boarding" is a use that was added to the Municipal Code in 2006 and is defined as:

An assisted living residence that provides room and board to not less than three and not more than six adults 18 years of age or older and who, because of impaired capacity for independent living, elect protective oversight, personal services, and social care but do not require 24 hour nursing or medical area. Personal care boarding homes shall not serve clients requiring a secured environment as defined by 6 CCR 1011-1, Section 1.1.2, as shall not include residential facilities for those living together as a result of prior criminal offenses.

The use is allowed in the city's residential and commercial zoning districts by special review. The intent of personal care boarding is to provide a residential home environment for people that may need personal assistance in their daily living but that do not require 24-hour nursing assistance.

Currently, the Harmony House at 1045 Park West Drive is only Personal Care Boarding Home in operation in Glenwood Springs.



GoogleEarth Photograph



SPECIAL REVIEW

When reviewing special use applications for this type of facility, the Municipal Code requires compliance with general performance standards as well as seven criteria that are specific to Personal Care Boarding Homes.

Attached for your review is the owner's narrative description addressing each criterion and performance standard as well as providing several supportive statements from the Comprehensive Plan. Following is staff's analysis of the proposal

General Performance Standards

Following is a summary of the general performance standards that apply to all special review uses (reference 070.030.030):

- **Air quality:** ensures that uses that emit any air contaminant as defined by federal, state or county governments complies with all applicable emission standards.
- **Hazardous Materials Storage and Use:** regulates uses that store or use hazardous materials in excess of exempt or maximum amounts allowed under the building or fire codes. The proposed use may require storage of oxygen tanks. The location and method of storage is regulated by the State and the 2015 Fire Code.
- **Excessive Heat & Humidity:** prohibits unreasonable or unnecessary emission of heat or humidity at the property line.
- **Odors:** provides that uses that produce regular or frequent odors detectable beyond the property line may be prohibited if the odor is a known health risk or if the Director judges that the odor is harmful to the rights of others to enjoy their property.
- **Light & Glare:** requires that the use complies with the exterior lighting code (070.040.100)
- **Noise:** ensures that uses comply with noise regulations (100.070).
- **Vibration:** prohibits regular and frequent vibrations at the property line.

The proposed Personal Care Boarding Home use is not expected to have any impact to surrounding properties over and above that of a normal single-family home.

Personal Care Boarding Home Special Use Criteria

Below is a list of seven criteria that apply specifically to personal care boarding home uses (reference 070.030.030(c)(4)):

1. **The applicant shall provide evidence of preliminary approval by the State of Colorado, Department of Public Health & Environment.**

Ms. Gonzalez Hernandez is concurrently applying for her special use permit through the City and her licensure with the State of Colorado. If the Commission approves the special use permit, staff recommends adding the following condition of approval: Prior to opening the home to residents or clients, the applicant/owner shall provide the Community Development Department with evidence of licensure approval by the State of Colorado, Department of Public Health & Environment.

2. **No structural or exterior decorative additions shall be allowed that will alter the residential character of the home or be otherwise incompatible with surrounding residences, except for those necessary to provide accessibility meeting ADA requirements.**

In her narrative, Ms. Gonzalez Hernandez provided a list of exterior and interior home improvements including adding a ramp and handrails to the deck; creating to additional bedrooms in the basement; installing an air conditioning system; and installing a fire suppression system. As part of the licensure process, the State Department of Public Health & Environment will inspect the home. There may be additional improvements needed based on this inspection. All work is subject to the 2015 International Building Code and, prior to commencement of construction, the owner will be required to submit a building permit application for review and approval of the City's Building Official.

3. No other similar home-based use shall be allowed on the property including child or adult day care and boarding homes.

Other than the management required to operate the Personal Care Boarding Home, there will be no other home-based business on site.

4. Residents, exclusive of employed caregivers, shall not have their own personal vehicles on site, including the public street.

The home has a driveway that is 32 feet wide x 32 feet long, which is sufficient to accommodate up to three vehicles. The owner indicated in her narrative that three individuals will provide care to the residents (Ms. Gonzalez Hernandez and two other caregivers). Ms. Gonzalez Hernandez clarified for staff that there will be only one caregiver on site at any given time, except for shift changes. Further, the residents will not be allowed to have their personal vehicles. The on-site parking should accommodate the caregiver(s) as well as any guests that may visit from time to time.

5. The home shall have one kitchen and there shall be no provision for cooking in any other room, other than providing an alternative area for minimal food preparation such as heating or reheating food and beverages

As indicated in the project narrative, all cooking will occur in the existing kitchen. No cooking will be allowed in the bedrooms.

6. There shall be the appropriate number of licensed caregivers on site on a 24-hour basis to properly care for residents, per State of Colorado licensing requirements.

Ms. Gonzalez Hernandez indicated that one licensed caregiver will be on site at all times.

7. The home shall comply with all other city, state, and federal laws and regulations

The home requires a few upgrades necessary to comply with city and state requirements. Specifically, this includes adding a fire suppression system and constructing a ramp and handrails on the rear deck. It is important to note that the state regulates all aspects of assisted living facilities. Additional physical modifications may be required as part of the state review and approval process.

Comprehensive Plan

Ms. Gonzalez Hernandez' application noted how her proposal met several goals from the 2011 Comprehensive Plan including:

- Maintaining/enhancing social sustainability
- Providing housing opportunities for the entire community
- Preserving small town character
- Supporting social diversity

Staff adds that the Comprehensive Plan encouraged planning for senior housing. It “recognized that the retiree population will grow at a disproportionately high rate for at least the next 15 years and that housing specifically designed for seniors should be a key component of a comprehensive housing approach.” (p.75)

REVIEWING AGENCY COMMENTS

Staff distributed the application to city departments for review and comment. Comments were received from Police, Engineering and Public Works departments:

- Engineering commented that placement of any work materials (including dumpsters) must be on private property and not in the right-of-way.
- Police expressed no concern for the proposed use;
- Water/Wastewater expressed concern about the size of the existing water service to support a fire sprinkler system. Upgrading of the existing service would require trenching in the Grand Avenue/Highway 82 right-of-way. The owner contacted a fire sprinkler design firm to discuss alternatives. The design firm submitted a proposal to install an automatic fire sprinkler system that utilized a 300-gallon water supply tank and pump system. The owner plans to locate the tank in the basement of the home.

In addition to department comments, staff received correspondence from individuals expressing support and opposition to the proposal. These are attached for review. Staff notes that one of the correspondences, a letter from Mr. Edward Mulhall, referred to subdivision covenants which appear to prohibit the proposed use. The South Park subdivision covenants were adopted and recorded in 1950. The covenants state that properties “shall be used only for residential purposes...”. As the Commission is aware, the City does not enforce private covenants. Nevertheless, it is important to note that according to Municipal Code Title 070, Personal Care Boarding Homes are categorized as a type of residential use in Table 030.1-Table of Allowed Uses.

REQUIRED ACTIONS

Action 1: Consideration of a Special Use Permit to allow the operation of a personal care boarding home at 1713 Grand Avenue.

Action Alternatives

The Commission may approve, approve with conditions, or deny the special use permit application in accordance with the seven approval criteria listed on pages 4 and 5 of this report. The Commission may also continue the application with a request that the applicant provide specific additional information.

Staff Recommendation:

Staff recommends that the Commission approve the special use permit with suggested findings on pages 5 and 6 and suggested conditions on page 6 of this report.

Suggested Findings:

1. The proposed use is in compliance with the Comprehensive Plan in that it maintains the city’s small town character while providing housing opportunities for seniors and supporting social diversity within the neighborhood;
2. The proposed use complies with performance standards listed in 070.030.030 of the Municipal Code; and,

3. The proposed use complies with use-specific conditions listed in 070.030.030(c)(4) of the Municipal Code.

Suggested Conditions:

1. Prior to issuance of the Special Use Permit the owner shall:
 - a. Provide evidence of licensure approval by the State of Colorado, Department of Public Health & Environment;
 - b. Apply for and receive a building permit application for all construction work at the home as required by the 2015 International Building Code;
 - c. Pay all system improvement fees that shall be due. Fees shall be calculated by the Community Development Department upon submission of the building permit application.
2. No structural or exterior decorative additions shall be allowed that will alter the residential character of the home or be otherwise incompatible with surrounding residences, except for those necessary to provide accessibility meeting ADA requirements.
3. No other similar home-based use shall be allowed on the property including child or adult day care and boarding homes.
4. Residents, exclusive of employed caregivers, shall not have their own personal vehicles on site, including the public street.
5. The home shall have one kitchen and there shall be no provision for cooking in any other room, other than providing an alternative area for minimal food preparation such as heating or reheating food and beverages.
6. There shall be the appropriate number of licensed caregivers on site on a 24-hour basis to properly care for residents, per State of Colorado licensing requirements.
7. The home shall comply with all other city, state, and federal laws and regulations.
8. No signage shall be present other than that allowed under Municipal Code section 070.040.110-Signs.

Water/Wastewater (W/WW) Department Comments

Planning Item: 33-19 Special Use Permit- Personal Care Boarding Home
Applicant: Yesenia Gonzalez
Owner: Yesenia Gonzalez
Location: 1713 Grand Ave
Parcel: 2185 161 12 028
Date of Comments: 9/4/19

The following are W/WW Department comments based on a review of the application package (note: application package was not dated).

Project Understanding

- We understand that the applicant is requesting special use permit for a proposed personal care boarding home located at 1713 Grand Ave. The existing single family residence will be modified to include two additional bedrooms along with several other miscellaneous improvements.

W/WW Department Comments

Water Service

- We understand that the City of Glenwood Fire Department will require this facility to have a fire sprinkler system. The existing water service for this property is likely not large enough to serve a fire sprinkler system.
- If an upsized tap is needed, the nearest water main is located on the eastern side of Grand Ave (Hwy 82). Be aware that the cost to install a new tap in Grand Ave. may be high. Costs will likely be high due to: 1) traffic control requirements that must meet CDOT specification on a highway and 2) a concrete section of the highway will need to be cut out and repaired in accordance with CDOT specifications (the concrete in the area is very thick). The W/WW department encourages the applicant to consult with a qualified contractor to better define installation costs.
- The applicant is responsible for all costs required to install a new water tap, including applicable system improvements fees and tap fees. Please contact the City Community Development department regarding the improvement fees and the City W/WW Department regarding tap fees.
- If the existing water service is abandoned as part of this project, the applicant must abandon the tap at the main in accordance with City's engineering standards
- Any water service used for fire protection must be designed, installed, and tested to meet NFPA 24 requirements. Prior to construction, **an engineered detail of the fire service line must be submitted to the City for review and approval.** At a minimum, the detail must show the following: 1) a plan and profile view of the piping alignments

extending from the tap location to the building interior penetration, 2) materials of construction, 3) thrust restraint locations and specifications, 4) a comment indicating that the design conforms to all NFPA 24 requirements, 5) a note indicating that the service line must be pressure- and flow-tested in accordance with NFPA 24, and 6) the stamp and signature of the Professional Engineer (PE) certifying the design.

- The applicant is responsible for providing the City with a signed copy of the completed “*Contractor’s Material and Testing Certificate for Underground Piping*” form (attached) prior to issuance of a Certificate of Occupancy. This form certifies that the service line was designed, installed, and tested in accordance with all NFPA 24 requirements.
- Only City W/WW staff shall perform work on the water main. In certain circumstances, the City may allow a contractor to install a tap, but only when under the direct supervision of W/WW staff. Tap requests shall be scheduled with the W/WW department at least 48 hours in advance but we recommend that you begin coordinating with the department as soon as possible.

Sanitary Sewer.

- Sanitary sewer service will not be modified as part of this project.

Water Meters.

- All services must be metered.
- Meter accounts must be set up and the meter purchased through the City’s finance department before meters will be issued.
- Water meters must be installed per manufacturer’s requirements. They may be subjected to performance testing before being accepted by the City.
- Water meters must be installed in a location that can be accessed by the City for inspection and future maintenance. Refer to the attached schematic for meter installation instructions, including additional requirements for isolation valves, pressure reducing valves, and cross-connection devices (see attached water meter installation schematic). Note that if the water system pressure exceeds 80 psi, a pressure reducing valve must be installed downstream of the water meter.
- A water meter inspection must be performed by City staff before a certificate of occupancy will be issued. We recommend that you contact the W/WW department to discuss specific requirements as soon as possible to avoid an unforeseen installation issues.

Cross-connection Control.

- A City-approved cross-connection/ backflow device must be installed on water service lines if a hazard exists. **This project requires that a cross connection/backflow prevention hazard survey be completed (by the City) before a certificate of occupancy will be issued.**
- At the customer’s request, W/WW Department staff will perform an initial Cross Connection Hazard Survey and provided preliminary recommendations during the planning phases of the project. Upon completion of the project, a follow-up inspection of the property is required (per State law) to ensure that acceptable backflow devices have been properly installed and tested. We recommend that you contact the W/WW

department to discuss specific requirements as soon as possible to avoid unforeseen installation issues during the construction phase.

- Please note that backflow prevention devices cannot be installed below grade per International Plumbing Code (IPC). In addition, certain backflow prevention devices require drainage requirements. We encourage the customer to consider these requirements and address them during the design phase of the project.

General.

- All publicly-owned or maintained water and sewer infrastructure must meet the requirements of the City's engineering standards. The current version can be found at the following link: <http://cogs.us/EngineeringStandards>.
- A right-of-way permit is required for this project. Please contact the City's engineering department to obtain the permit application.
- Per Colorado 811 and City requirements, tracer wire and utility warning tape shall be installed with all underground water and sewer infrastructure.
- Any water/sewer separation distances and crossings must meet State (i.e., CDPHE) and City requirements.

W/WW Department Contact Information:

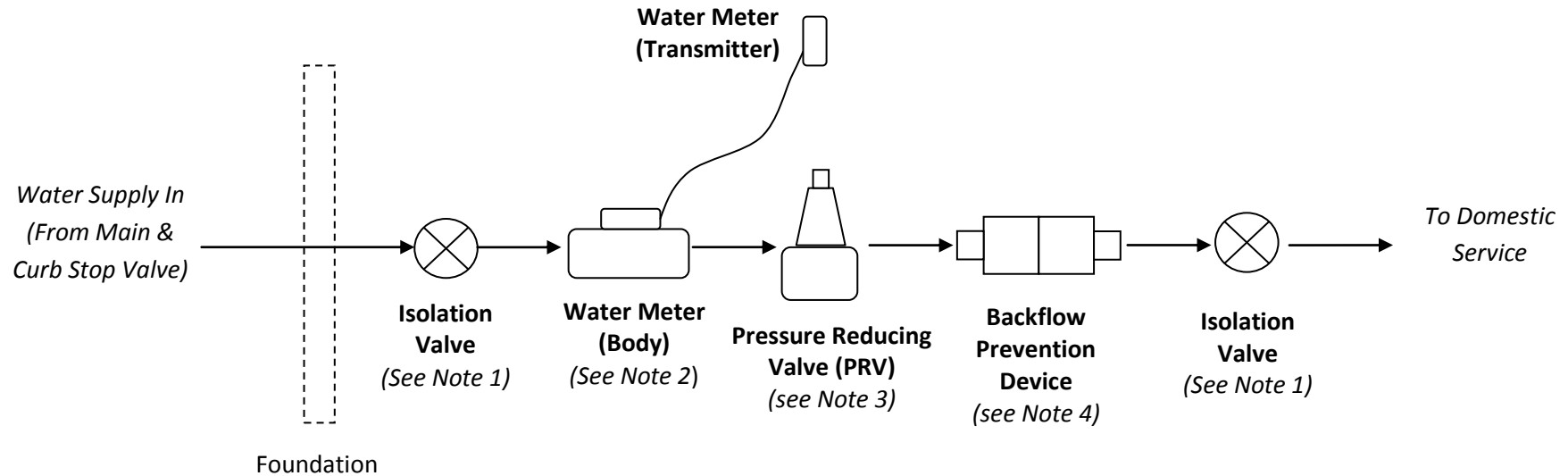
- o Horacio Diaz – 379-1974 (Sewer Services & Taps)
- o Mike Hoffman – 989-3902 (Water Services & Taps, Cross Connections, Water Meter Inspections)
- o Brad Zachman – 384-6388 (General Information)
- o Utility Billing – 384-6400 (Account setup; Water Meter Purchase)
- o Community Development Department – 384-6411 (Improvements Fees)

Attachments:

- o Water Meter Installation Schematic

Water Meter Installation Schematic

Glenwood Springs Water Department



Notes:

1. It is strongly recommended that isolation valves be installed at the locations shown. These valves allow for the water supply to be shut off during repairs or for replacement of the water meter equipment.
2. To assure accurate measurements, water meters must be installed per manufacturer's specific instructions. Contact the City's Water Department for a copy of these instructions or if you have any questions regarding the installation requirements.
3. A pressure reducing valve (PRV) regulates incoming pressure from the main. A PRV is recommended for all installations, but is required for all services that are fed off of water mains with static water pressure of 80 psi or greater. Contact the water department (**384-6344 or 989-3902**) for more information regarding the static water main pressure that serves your property.
4. A backflow prevention device protects the City's water supply from contamination or pollution due to backflow conditions. Please contact the City's cross connection technicians (**384-6345**) to discuss specific backflow prevention requirements and installation procedures.
5. Requests for water meters can be initiated by contacting the City's Utility Billing Office (**384-6400**). Once payment is made, water meters can be picked up from the Water Department at 401 7th St. (**384-6344 or 989-3902**).
6. Contact the Water Department to schedule a final inspection of the meter (**384-6344 or 989-3902**) and the backflow device (**384-6345**).

Updated June 2016

Contractor's Material and Test Certificate for Underground Piping			
PROCEDURE Upon completion of work, inspection and tests shall be made by the contractor's representative and witnessed by an owner's representative. All defects shall be corrected and system left in service before contractor's personnel finally leave the job. A certificate shall be filled out and signed by both representatives. Copies shall be prepared for approving authorities, owners, and contractor. It is understood the owner's representative's signature in no way prejudices any claim against contractor for faulty material, poor workmanship, or failure to comply with approving authority's requirements or local ordinances.			
Property name		Date	
Property address			
Plans	Accepted by approving authorities (names)		
	Address		
	Installation conforms to accepted plans ☐ Yes ☐ No		
	Equipment used is approved ☐ Yes ☐ No		
Instructions	If no, state deviations		
	Has person in charge of fire equipment been instructed as to location of control valves and care and maintenance of this new equipment? ☐ Yes ☐ No		
	If no, explain		
	Have copies of appropriate instructions and care and maintenance charts been left on premises? ☐ Yes ☐ No		
If no, explain			
Location		Supplies buildings	
Underground pipes and joints	Pipe types and class		Type joint
	Pipe conforms to _____ standard ☐ Yes ☐ No		
	Fittings conform to _____ standard ☐ Yes ☐ No		
	If no, explain		
Joints needing anchorage clamped, strapped, or blocked in accordance with _____ standard ☐ Yes ☐ No			
If no, explain			
Test description		Flushing: Flow the required rate until water is clear as indicated by no collection of foreign material in burlap bags at outlets such as hydrants and blow-offs. Flush at one of the flow rates as specified in 10.10.2.1.3. Hydrostatic: All piping and attached appurtenances subjected to system working pressure shall be hydrostatically tested at 200 psi (13.8 bar) or 50 psi (3.5 bar) in excess of the system working pressure, whichever is greater, and shall maintain that pressure ± 5 psi (0.35 bar) for 2 hours. Hydrostatic Testing Allowance: Where additional water is added to the system to maintain the test pressures required by 10.10.2.2.1, the amount of water shall be measured and shall not exceed the limits of the following equation (for metric equation, see 10.10.2.2.6): $L = \frac{SD\sqrt{P}}{148,000}$ L = testing allowance (makeup water), in gallons per hour S = length of pipe tested, in feet D = nominal diameter of the pipe, in inches P = average test pressure during the hydrostatic test, in pounds per square inch (gauge)	
Flushing tests	New underground piping flushed according to _____ standard by (company) ☐ Yes ☐ No		
	If no, explain		
	How flushing flow was obtained		Through what type opening
	☐ Public water ☐ Tank or reservoir ☐ Fire pump		☐ Hydrant butt ☐ Open pipe
Lead-ins flushed according to _____ standard by (company) ☐ Yes ☐ No			
If no, explain			
How flushing flow was obtained		Through what type opening	
☐ Public water ☐ Tank or reservoir ☐ Fire pump		☐ Y connection to flange and spigot ☐ Open pipe	

FIGURE 10.10.1 Sample of Contractor's Material and Test Certificate for Underground Piping.



Hydrostatic test	All new underground piping hydrostatically tested at _____ psi for _____ hours		Joints covered ☐ Yes ☐ No	
Leakage test	Total amount of leakage measured _____ gallons _____ hours			
	Allowable leakage _____ gallons _____ hours			
Forward flow test of backflow preventer	Forward flow test performed in accordance with 10.10.2.5.2: ☐ Yes ☐ No			
Hydrants	Number installed	Type and make	All operate satisfactorily ☐ Yes ☐ No	
Control valves	Water control valves left wide open If no, state reason		☐ Yes ☐ No	
	Hose threads of fire department connections and hydrants interchangeable with those of fire department answering alarm		☐ Yes ☐ No	
Remarks	Date left in service			
Signatures	Name of installing contractor			
	Tests witnessed by			
	For property owner (signed)	Title	Date	
	For installing contractor (signed)	Title	Date	
Additional explanation and notes				
© 2012 National Fire Protection Association NFPA 24 (p. 2 of 2)				

FIGURE 10.10.1 Continued

From: [Yesenia Gonzalez](#)
To: [Gretchen E Ricehill](#)
Subject: Fwd: To whom it may concern
Date: Saturday, November 16, 2019 12:47:20 PM

Recommendation

----- Forwarded message -----

From: **Yesenia Gonzalez** <y.gonzalez1713@gmail.com>
Date: Wed, Nov 13, 2019 at 4:48 PM
Subject: Fwd: To whom it may concern
To: <irlandagonzalez2000@gmail.com>

Sent from my iPad

Begin forwarded message:

From: raquel baraka <raquelcruel@yahoo.com>
Date: November 13, 2019 at 2:30:29 PM MST
To: Yesenia Gonzalez <y.gonzalez1713@gmail.com>
Subject: To whom it may concern

I have known Yesenia Gonzalez for about three years now. She is a passionate and dedicated individual who is compassionate about elderly people. I think she is the right person to open up an assisting living business for those who may need this type of caring.

If you have any question, don't hesitate to contact me.

Sincerely,

Raquel Baraka
(732) 770-1295

[Sent from Yahoo Mail for iPhone](#)

Chris Bergerud
PO Box 543
Snowmass, CO 81654
970.922.9020

11/14/2019

To whom it may concern:

This is a letter to wholeheartedly recommend Yesenia Gonzalez in her capacity as a home healthcare specialist. She cared for my father for approximately a year. In that time she helped him with day-to-day tasks, including errands, home maintenance, healthcare, meals and transportation. She has deep knowledge in elderly care, with a keen awareness of challenges her clients are facing.

My father trusted her like he has trusted no other professional before or since, considering her a good friend. She was able to maintain a professional relationship with Larry while at the same time truly caring for his welfare. There were times where she was the only one who could communicate difficult information to Larry in a way that he would listen and take action. In addition she was highly communicative with me, letting me know when there were health problems or other issues requiring my assistance.

Please feel free to contact me directly if I can answer further questions.

Regards,

A handwritten signature in black ink, appearing to be 'Chris Bergerud', with a long, sweeping horizontal line extending to the right.

Chris Bergerud

Edward Mulhall, Jr.

1729 Grand Avenue, Glenwood Springs, CO 81601

970.945.7289, emulhall@rof.net

November 15, 2019

Planning and Zoning Commission
City of Glenwood Springs
101 West 8th St.
Glenwood Springs, CO 81601

Re: Zoning Special Use Permit for Personal Care Boarding Home, Lot 29 Block 2,
South Park Subdivision (1713 Grand Avenue)

Ladies and Gentlemen:

Responsive to the public notice, notice recipients and as owners of Lot 25 Block 2 in the South Park Subdivision, please consider my and my wife's (Janet E.) OBJECTION to the foregoing special use permit application. Please consider our objection in your deliberation.

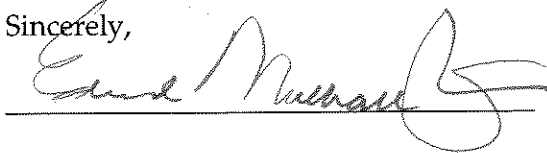
I am authorized to state the owners of Lot 26 Block 2 of the Subdivision (1725 Grand), John Patrick and June A. Copenhaver, also object to the proposed special use authorization and do so with this communication.

We recognize the plenary authority of the municipality to direct and regulate land-use within its territory. We are disappointed that this authority transcends long standing restrictions that formed this neighborhood's character. The covenants created in 1951 that remain in effect restrict Subdivision land use "for residential purposes and for no other purposes whatsoever, and no building shall be erected ... other than one detached single-family dwelling ... " That restriction is incompatible with operating a boarding house.

We feel the purposes established by the recorded covenants affecting every residential ownership in this subdivision should be respected not by just the other owners but by the municipality that annexed the Subdivision with these covenants adopted, recorded and in place. While there may be a public need and the applicant's skills and willingness are commendable, we believe recorded, established neighborhood restrictions should be accorded an effect equal to if not greater than general, otherwise permissible special use zoning applications. Legally and respectfully a zoned special use should not be applied in such a way that it repeals recorded use restrictions.

Thank you for your consideration.

Sincerely,



To: Glenwood Springs Planning and Zoning Commission

RE: Special Use Permit Application: Personal Care Boarding Home

Yesenia Gonzalez Hernandez, 1713 Grand Ave.

November 15, 2019

Dear Commissioners:

We are writing with strong support for the applicant, Yesenia Gonzalez, and support for the Personal Care Boarding Home permit.

We have known Yesenia for about a decade. We can attest to her character, honesty and competency. Yesenia is one of the hardest working people that we know. She has worked hard and well in the personal care industry while striving for improvement personally and professionally. She has worked hard and passed her GED as well as her CNA (Colorado Certified Nurses Aid). She has worked long and hard in the personal care business. Yesenia has had a goal of establishing a Personal Care Boarding Home.

The application should be approved for many reasons.

Glenwood has a need for a personal care boarding home. There are very limited spaces and options for this type of residential option and care. Many of our residents in need of such care have to leave Glenwood for other facilities as in Grand Junction. We have an aging population and the demand is increasing for aging in place and assisted type of living. The Glenwood Springs Strategic Plan encourages housing opportunities for the entire community. The Glenwood Springs Housing Commission endorses diverse housing opportunities including options for senior citizens.

This is a form of residential use and would be compatible with the surrounding area on Grand Avenue. There would be little if any noticeable or increased impact on the neighborhood. There is adequate parking and there would be relatively little auto activity in and out of the property. Perhaps less than as a current single-family home.

This special use would actually increase the health, safety and welfare of the residents of the community who use the facility.

You have before you a very qualified and competent applicant with a request for a use that is needed in the community, consistent with the comprehensive plan and compatible with the surrounding area while providing a significant benefit to the community.

We encourage you to approve the application with any necessary conditions as suggested by city staff.

Thank you.

Sumner Schachter and Michele Diamond

1204 Blake Ave. Glenwood Springs, CO

November 15, 2019

To Whom It May Concern:

This letter is my recommendation of Yesenia Gonzales.

I knew Yesenia when I lived in Glenwood Springs, Colorado.

I tutored her in math at Colorado Mountain College in Glenwood Springs, Colorado.

I found Yesenia to be a smart fast learner.

She was prompt in her attendance during our scheduled tutoring sessions.

Her willingness to learn inspired me to give her higher challenges in math.

Yesenia used her friendliness skills to assist other students in our sessions.

Many students owe their math success to Yesenia's long patience and ability to communicate her skills to them.

I believe Yesenia will be an asset to anything she puts her mind to as well as her skills.

You can contact me regarding Yesenia, anytime. I am so pleased with her.

Sincerely,

Irvin L. Tilley

741 Hanover Dr.

Orem, Utah, 84058

208-219-1234

November 15, 2019

To Whom It May Concern:

This letter is my personal recommendation for Yesenia Gonzales. I have known Yesenia since 2003 in Glenwood Springs, Colorado.

We worked together from 2008 to 2010 in Heritage Park Care Center, Glenwood Springs, Colorado.

Yesenia is intelligent, polite and willing to help everyone. She always took extra time to spend with patients when the needs were more than was required by the patient's physical therapy. Yesenia can be trusted to be a self-starter in any job she is trained to do. I have always known Yesenia to be cheerful and dependable. Yesenia cared for my friends' father for approximately a year. In that time she helped him with day-to-day tasks, including errands, home maintenance, healthcare, meals and transportation. Yesenia has deep knowledge in elderly care, with keen awareness of challenges her clients are facing.

My friends' father trusted Yesenia like he has never trusted no other professional before or since, considering her a good friend. She was able to maintain a professional relationship with the father while at the same time truly caring for his welfare. There were times where Yesenia was the only one who could communicate difficult information to the father in a way that he would listen and take action.

In addition, Yesenia was highly communicative with me, letting me know when there were health problems or other issues requiring my assistance.

Please feel free to contact me directly if I can answer future questions.

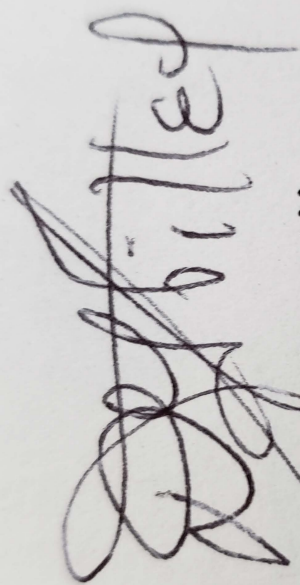
Sincerely,

Dora G Tilley

741 Hanover Dr., Orem, Utah, 84058

970-309-5584

Sincerely,

A handwritten signature in dark ink, appearing to read "Dora G Tilley". The signature is written in a cursive style with a large, stylized "D" and "T".

Dora G Tilley

741 Hanover Dr., O

970-309-5584

Glenwood Springs Planning and Zoning

RE: Yesenia Gonzales 1713 Grand Ave
Residential Care Home

November 18, 2019

Dear P & Z,

I strongly recommend Yesenia for approval for a long term care home in Garfield County. There is a huge need for residents to remain in their community and not be moved to Front Range or Grand Junction. The population is growing and as we all age none of us want to be moved out of our community.

I have known Yesenia for 5 years and witnessed her loving care to a client with acceptance love and her gentle encouragement every time I saw her in action. I feel by opening her home to a small number of seniors or handicapped individuals that need her loving care & guidance would be a wonderful thing for Garfield County to do, they could not find a better person to do this. She has training, but mostly she has deep love for all people. Seniors is where her passion lies and her patients genuinely love her. We would be very lucky to have her home able to accommodate these folks. One day any of us could need this care and I would love to reside at her home, when or if the need arises.

I feel the home would provide a lot less impact to Grand avenue than other homes that have multiple vehicles parked in front of them. There would be a lot less noise than most residences. It is easy to say and be NIMBY (not in my back yard), but this would be a wonderful place to reside. It would be a perfect spot with a nice back yard as well as nice rooms for the residence.

I urge you to consider this home and the Remarkable Yesenia Gonzales as your next residential home in Garfield County. Please contact me should the need arise I can be reached at 970-309-5293.

Sincerely,

Diane Welter

Diane Welter
Executive Director
Your Friends For Life

From: [Jennifer Ooton](#)
To: [Gretchen E Ricehill](#)
Subject: FW: 1713 Grand Ave Special Use Permit
Date: Tuesday, November 19, 2019 4:07:45 PM

From: Paula Stepp <paula.stepp@cogs.us>
Sent: Tuesday, November 19, 2019 3:19 PM
To: Debra Figueroa <debra.figueroa@cogs.us>; Jennifer Ooton <jenn.ooton@cogs.us>
Subject: Re: 1713 Grand Ave Special Use Permit

Hi Debra and Jenn

Can I get more information about this? Is there someone at city hall who can talk to Al and Carla about their concerns?

Paula

Get [Outlook for iOS](#)

From: AL CARLA WESTERMAN <ACwesterman@msn.com>
Sent: Monday, November 18, 2019 4:37:07 PM
To: Paula Stepp <paula.stepp@cogs.us>
Subject: 1713 Grand Ave Special Use Permit

Dear Paula,

My husband and I are the property owners at 103 Park Drive, GWS. This past week we received in the mail, a Public Notice from Yesenia Gonzales Hernandez, the homeowner at 1713 Grand Avenue.

The back yard of our home at 103 Park Drive, abuts the back yard of Ms. Hernandez's home at 1713 Grand Ave.

Ms. Hernandez is requesting a Special Use Permit for a Personal Care Boarding home at her residence. My husband and I are opposed to this request. We have observed that there are currently at least 4-6 persons that already occupy this residence. Ms. Hernandez's permit request is asking for an additional maximum of 6 more residents to be able to occupy her home. These additional people would be elderly residents that Ms. Hernandez says would be cared for by her and her employees.

We feel that Ms. Hernandez's home is not large enough, nor presumably, ADA compliant to be able to sufficiently meet the needs of these additional residents in her home. We live in a residential neighborhood, and want to see it remain a residential neighborhood. The home at 1713 Grand Ave has limited parking and access from Grand Avenue and any overflow parking will impact our Park Drive neighborhood street. Ms. Hernandez has not demonstrated that the presentation and cleanliness of the outside of her home and backyard is conducive to bringing in paying clients to be able to care for and enjoy the full extent of her home.

We are strongly opposed to Ms. Hernandez's request. Please consider our request to deny her special use permit.

Respectfully,

Al and Carla Westerman
970-379-5075

From: [AL CARLA WESTERMAN](#)
To: [Gretchen E Ricehill](#)
Subject: 1713 Grand Ave Special Use Permit
Date: Thursday, November 21, 2019 4:10:10 PM

To whom it may concern,

My husband and I are the property owners at 103 Park Drive, GWS. This past week we received in the mail, a Public Notice from Yesenia Gonzales Hernandez, the homeowner at 1713 Grand Avenue.

The back yard of our home at 103 Park Drive, abuts the back yard of Ms. Hernandez's home at 1713 Grand Ave, we share a backyard fence for the length of the boundary at the rear of our property.

On November 26th, Ms. Hernandez is to appear before City Council to request a Special Use Permit for a Personal Care Boarding home at her residence. My husband and I are strongly opposed to this request. We have observed that there are currently at least 4-6 persons that already occupy this residence. Ms. Hernandez's permit request is asking for an additional maximum of 6 more residents to be able to occupy her home. These additional people would be elderly residents that Ms. Hernandez says would be cared for by her and her employees.

We feel that Ms. Hernandez's home is not large enough, nor presumably, ADA compliant to be able to sufficiently meet the needs of these additional residents in her home. We live in a residential neighborhood, and want to see it remain a residential neighborhood. The home at 1713 Grand Ave has limited parking and access from Grand Avenue only, and any overflow parking will impact our Park Drive neighborhood street. We don't feel that adding more residents/occupants to the home will improve the appearance and upkeep of her property.

We are strongly opposed to Ms. Hernandez's request. Please consider our request to deny her special use permit.

Respectfully,

Al and Carla Westerman
103 Park Drive, GWS
970-379-5075

From: [ROSE ANNA SHELTON](#)
To: [Gretchen E Ricehill](#)
Subject: 1713 Grand Avenue
Date: Thursday, November 21, 2019 5:23:41 PM

I own and live in 107 Park Drive. I received a Registered Letter regarding a Special Use Permit for a Personal Care Boarding home. The owner wants to put in a place for 6 Seniors to live there. It said that it was published in the paper. I do not read those Notices and don't think that most people do. I oppose this request.

I live in a starter home that I believe is bigger than her house. My husband and I and raised our 2 sons here. I have living room, kitchen, 1 bath, utility room, a master bedroom and 2 small bedrooms. If we had company, putting two boys in a room was a tight fit. I believe that is what the Seniors will be 2 in a bedroom. I am now a senior and know it is harder to be sure to keep safe and not fall. I do not have steps in my house but use an elevator to be safe when I go out.

My sewer line goes across my back yard. We have problems with it and seem the City comes and has to clean it out. Actually, that happened today.

I was told the Seniors will not have cars but what about their visitors. I do not think people will want to park in the driveway at 1713 Grand as it is too hard to get out because of the traffic on Grand Avenue.

Please take these things and my opposition to this special permit.

Thank you

Rose Anna Shelton

107 Park Drive, Glenwood Spgs



MINUTES
City of Glenwood Springs
Planning and Zoning Commission
Regular Meeting
November 26, 2019
Council Chambers, First Floor, City Hall
101 W. 8th Street
6:00 PM

1. Roll Call

Present at roll call were Commissioners: Ingrid Wussow, George Shaver, Tim Malloy, Amber Wissing, and Carolyn Cipperly

Absent: Commissioners Marco Dehm, Kathryn Grosscup and Sumner Schachter, and Alternate Dean Kinkel

Also present were: Jenn Ooton, Asst. City Manager, Director Gretchen Ricehill, Assist. Director Anna S. Itenberg, City Attorney's Office

Commissioner Malloy made a motion to seat Alternate Commissioner Cipperly, which was seconded by Commissioner Shaver. The motion passed unanimously.

Alternate Commissioner Cipperly made a motion that Commissioner Wussow serve as the alternate chair in the absence of Commissioners Dehm and Schachter. The motion was seconded by Commissioner Malloy, and was unanimously approved.

2. Receipt of [minutes](#) from the [October 22, 2019](#) regular meeting was postponed until the December 17, 2019 meeting.

3. Comments from citizens appearing for items not on the agenda. No one appeared.

4. Continued Items

Commissioner Malloy made a motion to continue Planning Item 20-19 – Consideration of a Code amendment to Section 070.040.020(d)(24) of the Glenwood Springs Municipal Code regarding riparian setbacks to the December 17, 2019 meeting. The motion was seconded by Alternate Commissioner Cipperly. Commissioner Shaver recused himself

from the vote, which passed with three commissioners voting for the motion and no one voting no.

5. New Items

Asst. Director Ricehill provided information on background of application by Yesenia Gonzalez Hernandez for the operation of a personal care boarding home at 1713 Grand Avenue. Ricehill described the proposed project and existing conditions as well as explaining which upgrades and improvements the property would need as well as additional approvals from the State of Colorado.

Commissioner Malloy stated that he lives in the neighborhood of the proposed project and expressed concerns regarding parking, trash collection access, building permit procedure, and licensing process with the State of Colorado.

Commissioner Shaver asked about backing out of the parking spaces onto Grand Avenue. Shaver also expressed concern regarding first floor egress. Shaver also asked about the existing covenant's definition of a residence and about signage. One of the conditions for approval by staff was that the property have no signage.

Commissioner Wussow sought to clarify the exact maximum occupancy for the personal care boarding home. Ricehill explained that there would typically be 1 employee on site and that the City and State would both regulate the number of residents by the number of bedrooms on site. Commissioner Wussow Also asked about the possibility of a sunset provision on the special use permit and if there were other personal care boarding homes in Glenwood. Ricehill explained that there is currently one other personal care boarding home in Glenwood Springs.

Applicant Yesenia Gonzalez Hernandez explained her reasoning for wanting to develop the project and answered questions from commissioners regarding the project and proposed functions of the personal boarding care home. Ms. Hernandez explained the differences in levels of care and what her home would provide to its residents.

Some concerns expressed by commissioners include use of oxygen on site, proposed location of bedrooms in the basement, egress windows, traffic on Grand Avenue and its effect on resident safety, and clarifying the differences between levels of personal care.

Commissioner Wussow opened the public hearing.

Nancy Hitchcock, 1126 Pitkin Avenue, voiced her support for the application noting that there is a great need for this type of care in the community. She said that Ms. Hernandez had provided home care to her mother and that Ms. Hernandez has a passion for helping people.

Rick Davis, 11512 Highway 133, Carbondale, voiced support for more care facilities in Glenwood Springs and this project. Mr. Davis said that Ms. Hernandez has provided home care for his wife who has dementia and that Ms. Hernandez was very qualified.

Jennifer Vyhldal, 1709 Grand Avenue, said that she supports Ms. Hernandez' dream, but expressed concern that the application seemed like a business in a single-family

residence. She stated that she wants to keep the character of the neighborhood, also explained that a tree and fence on the property line would need to be addressed.

Dennis Drake, the owner of 105 Park, noted that he has a father in the VA hospital and complimented the care at the facility. He expressed concerns about the safety of this proposals, concerns about its impact to the neighborhood and about egress from the house for potential residents.

Joyce Jenkins, 340 13th Street, stated that she was a friend of Ms. Hernandez. Voiced her opinion that although there might be six persons living there, the house would physically remain the same and although a business, would still function as a residence.

Terrie Drake, 0377 Westbank and the owner of 105 Park, noted that this neighborhood has been seeing investment and that she and her husband were planning to improve their property at 105 Park, which had recently been a rental. She noted concerns about the commercial use of the property changing the neighbor and noted concerns about the property values. She asked the Planning Commission to consider that one change begets another. She noted that Ms. Hernandez is an incredible person but expressed concern about this use in this location.

In response to public comments, Ms. Hernandez spoke about working on the fence between her property and 1709 Grand Avenue and her experience working with dementia patients. In addition, questions were asked by commissioners regarding potential financing for the project. Commissioner Wussow asked for a timeline, if permit was granted. Ms. Hernandez estimated one to three years, depending on state process.

Discussion following public hearing provided more clarification on setting a sunset provision for the use of the property. Conditions could be placed on the permit such as being non-transferable or to expire with the sale of the property.

Commissioner Malloy made a motion to deny the application. Motion was seconded by Commissioner Shaver. Further discussion touched on incompatibility with neighboring uses, traffic concerns on Grand Avenue, trash collection, and concerns over administration of the facility. Following discussion, a call for a vote was made for the motion made by Malloy to deny the application. Commissioners Shaver, Malloy, Wussow, and Wissing voted yes on the motion to deny the application. Commissioner Cipperly voted no on the motion. The motion passed 4-1 to deny the application.

6. Commissioner Comments

There was discussion about future meetings regarding housing meetings and the December meeting.

7. Director Comments. Assistant City Manager/Community Development Director Jenn Ooton did not provide additional comment.

8. Adjournment



LAND USE APPLICATION

City of Glenwood Springs
Economic and Community Development Dept.
101 West 8th Street
Glenwood Springs, CO 81601
970-384-6411

Plan file 33-19

<u>Ordinance Amendments</u>	<u>Development Permits</u>	
Rezoning	Site/Architectural Plan Review	
Rezoning to Planned Unit Development (PUD)	Administrative	
Code Amendment (Text)	Minor	
Annexation	Major	
Condominiumization	Master Plan	
Annexation	Construction Plans	
Land Development Code Amendment	Location & Extent	
Street Vacation	Special Use Permit	X
	ROW Encroachment License	
	Floodplain Development Permit	
<u>Subdivisions</u>	<u>Flexibility and Relief Procedures</u>	
Minor Subdivision	Variance	
Preliminary Plat	Administrative Adjustment	
Final Plat	Appeal	
Vacation of ROW		

Applicant/Property Owner Information:

Applicant	Owner
<i>Ysenia Gonzalez</i>	<i>Same</i>
Relationship to Owner	Owner
Applicant Address	Owner Address
<i>Same</i>	
Phone	Email Address
<i>970 366-9851</i>	<i>Ygonzalez1713@gmail.com</i>

Property Information:

Address	Parcel Number
<i>1713 Grand Ave</i>	<i>2185 161 12 028</i>
Subdivision	Lot and Block Number
<i>South Park Subdivision</i>	<i>L 29 B 2</i>
Zone District	Existing Land Use
<i>RM1-residential medium density</i>	<i>single family residence</i>

General Project Description:

Special Use Permit for Personal Care Boarding Home

Signatures:

The owner or applicant must be present at the hearing. All public hearings must be properly noticed according to G.S.M.C. Section 070.010.030. Signatures of all owners of the property must appear before the application is accepted. Partnerships or corporations may have the authorized general partner or corporate officer sign the application. (Attach additional incorporation documents if necessary.) I declare under the penalty of perjury that the above information is true and correct to the best of my knowledge.	Applicant	Date
	Owner	Date
	<i>[Signature]</i>	
	Owner	Date

Filed for record the _____ day of _____, A.D. _____, at _____ o'clock _____ M. _____
Reception No. _____ By _____ DEPUTY. RECORDER.

WARRANTY DEED

THIS DEED, Made on this day of July 08, 2005, between
KURT NIELSEN AND KATHRYN BREEN NIELSEN

of the _____ County of _____ and State of HAWAII, of the Grantor(s), and
YESENIA GONZALEZ

whose legal address is : 1713 GRAND AVENUE GLENWOOD SPRINGS, CO 81601
of the _____ County of GARFIELD and State of COLORADO, of the Grantee(s):

WITNESS, That the Grantor(s), for and in consideration of the sum of (\$312,000.00)
*** Three Hundred Twelve Thousand and 00/100 *** DOLLARS

the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm unto the Grantee(s), his heirs and assigns forever, all the real property, together with improvements, if any, situate, lying and being in the _____ County of GARFIELD and State of Colorado, described as follows:

LOT 29
BLOCK 2
SOUTH PARK SUBDIVISION
CITY OF GLENWOOD SPRINGS

COUNTY OF GARFIELD
STATE OF COLORADO

also known as street number 1713 GRAND AVENUE GLENWOOD SPRINGS CO 81601

TOGETHER with all and singular and hereditaments and appurtenances thereto belonging, or in anywise appertaining and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all the estate, right title interest, claim and demand whatsoever of the Grantor(s), either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances;

TO HAVE AND TO HOLD the said premises above bargained and described with appurtenances, unto the Grantee(s), his heirs and assigns forever. The Grantor(s), for himself, his heirs and personal representatives, does covenant, grant, bargain, and agree to and with the Grantee(s), his heirs and assigns, that at the time of the sealing and delivery of these presents, he is well seized of the premises above conveyed, has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature soever, Subject to general taxes for the year 2005 and those specific Exceptions described by reference to recorded documents as reflected in the Title Documents accepted by Grantee(s) in accordance with Section 8a (Title Review) of the Contract to Buy and Sell Real Estate relating to the above described real property; distribution utility easements, (including cable TV); those specifically described rights of third parties not shown by the public records of which Grantee(s) has actual knowledge and which were accepted by Grantee(s) in accordance with Section 8b (Matters not Shown by the Public Records) and Section 8c (Survey Review) of the Contract to Buy and Sell Real Estate relating to the above described real property; inclusion of the property within any special tax district; and, the benefit and burdens of any declaration and party wall agreements, in any, and other ~~NOTE~~

The Grantor(s) shall and will WARRANT AND FOREVER DEFEND the above bargained premises in the quiet and peaceable possession of the Grantee(s), his heirs and assigns, against all and every person or persons lawfully claiming the whole or any part thereof. The singular number shall include the plural, and the plural the singular, and the use of any gender shall be applicable to all genders.

IN WITNESS WHEREOF the Grantor(s) has executed this deed on the date set forth above.

BY: Kurt Nielsen
KURT NIELSEN

BY: Kathryn Breen Nielsen
KATHRYN BREEN NIELSEN

STATE OF Colorado)
County of Garfield) ss.

ELLEN M. LIPSCOMB
NOTARY PUBLIC
STATE OF COLORADO

My Commission Expires Sept. 21, 2006

The foregoing instrument was acknowledged before me on this day of July 08, 2005
by KURT NIELSEN AND KATHRYN BREEN NIELSEN

My commission expires _____
Witness my hand and official seal.

Ellen M. Lipscomb
Notary Public

Name and Address of Person Creating Newly Created Legal Description (38-35-106.5, C.R.S.)

Escrow# GW246763
Title# GW246763

When Recorded Return to: MORRIS & FYRWALD REAL ESTATE

415 E. HYMEN AVENUE, ASPEN, CO 81611

APPROVED 08/29/04 WD.OPEN WARRANTY DEED (Photographic)

(1946742)



)

) ss.

)

LS

My commission expires: _____

ANDREW MEISLIN
Notary Public, State of Hawaii
My commission expires: Dec. 15, 2006



Project Description

Special Use Permit Application

Yesenia Gonzalez Hernandez

1713 Grand Ave.

Glenwood Springs, CO

This special use permit application is for a personal care boarding home. The project contemplates converting an existing single family residence into a group personal care boarding home for seniors. There is only one other such facility in the City of Glenwood Springs.

Ms. Gonzalez Hernandez will be the owner/operator of the home. Her vision is to create a home-like environment for Glenwood's aging population, enabling them to participate in the decisions of their daily living while at the same time receiving individualized assistance according to their needs. Space for up to six full-time residents is planned. Care, including the administration of medications, will be available 24/7 from the operator-owner and two employees. Laundry will be done and meals will be cooked on site.

Ms. Gonzalez Hernandez has worked in the health care field for 28 years in both California and Colorado. She is a certified Nurse Assistant, and has a CPR license, a Mental Health First Aid USA certificate, and a QMAP (Qualified Medication Administration Personnel) certification. She has worked in home care and hospice settings, and has cared for Alzheimer and dementia patients.

The property was purchased in 2005 and has been occupied by Ms. Gonzalez Hernandez and her family since. Currently, the one-storey

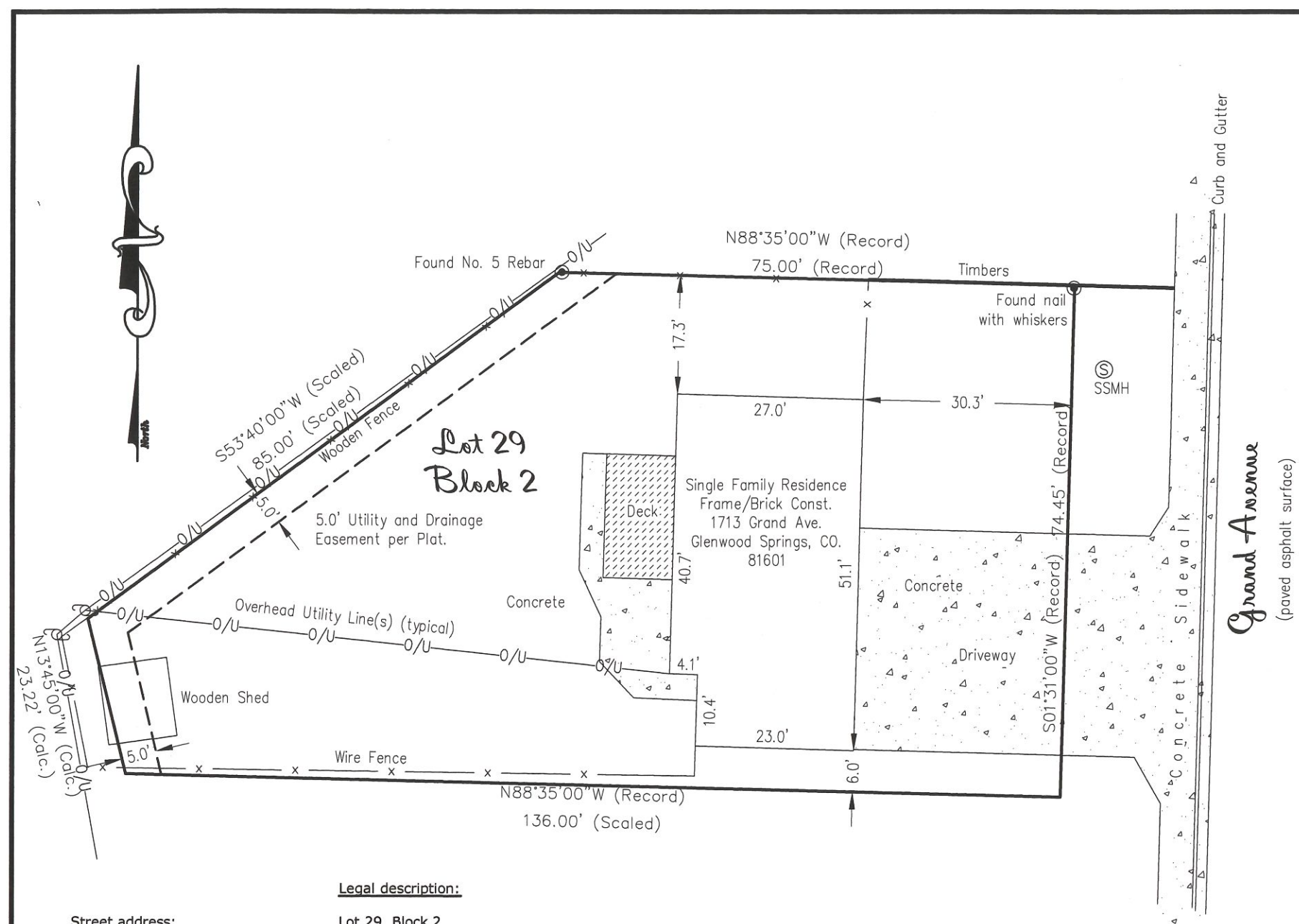
structure on the property has a full basement with one bedroom, one bath and laundry facilities, The basement space has room for 2 more bedrooms; basement windows provide for egress. The main floor has three bedrooms--one of which is a master bedroom with a bathroom. Also on the main floor is an additional bathroom, a kitchen, a dining area, a living room and an office/storage area. There is a large deck in back plus a well-maintained yard with mature trees and fencing on all sides. In front is a three-car-wide paved driveway. (Actual dimensions of the pad are: 44' 3" X 31' 17".) There are four entrance/exit doors to/from the structure. The structure is equipped with internet and cable. There is a security camera at the front door.

Planned changes to the structure are: creation of two more bedroom spaces in the basement; the addition of an air conditioning system; a ramp and handrails for the deck; and installation of fire suppression equipment as recommended by the fire marshal. Of course, any other changes that are required by the Code and Comprehensive Plan will be made. The operation is subject to licensure by the Colorado Department of Health and Environment.

As for the Special Use permit approval criteria and the applicable use-specific standards listed in Municipal Code section 070.030.030, project impacts on the neighborhood will be low, if any. This planned personal care boarding home is just that--a home. Accordingly, the residential character of the property will not change, and the use will remain compatible with the surrounding residential area. The planned use will not allow for smoking or pets. The home will have no foreseeable air quality, hazardous material, heat or humidity, odor, light, noise, glare or vibration impacts, and, thus, the planned use minimizes any adverse impacts to the health, safety, and welfare of the inhabitants of the surrounding areas and the city. As demonstrated, the use is in conformance with the Comprehensive Plan and other City plans and policies. Specific aspects of the Comprehensive Plan that apply are:

maintaining/enhancing social sustainability; providing additional housing stock to “age in place”; preserving small town character and livability and social diversity; and providing additional job opportunities for caregivers. Moreover, the use will be consistent with the general purpose and intent of the Code, and will comply with all applicable standards of the Code.

With respect to the use-specific standards in 070.030.030 (c)(4): the state approval process has been initiated; there will be no alteration of the structure which affects residential character or which is incompatible with surrounding residences; there will be no use at the site other than the planned personal care boarding home use; residents will not be allowed to have personal vehicles; there is a kitchen on site and there will be no cooking in resident rooms; there will be at least one caregiver available to residents at all times; and the home will comply with all applicable city, state, and federal laws and regulations.



Improvement Location Certificate: (Pursuant to C.R.S. 38-51-108)

I hereby certify that this Improvement Location Certificate was prepared by Survco, Inc., for Yesenia Gonzalez, that it is not a land survey plat or improvement survey plat and that it is not to be relied upon for the establishment of fence, building, or other future improvement lines. This certificate is valid only for use by Yesenia Gonzalez and describes the parcels appearance on Aug. 12, 2019.

I further certify that the improvements on the above described parcel on this date, August 12, 2019, except utility connections, are entirely within the boundaries of the parcel, except as shown, that there are no encroachments upon the described premises, except as indicated, and that there is no apparent evidence or sign of any easement crossing or burdening any part of said parcel, except as noted.

By: Samuel D. Phelps
Colorado Licensed Professional
Land Surveyor No. 27613

For and on behalf of Survco, Inc.
A Colorado corporation

Date of certification: August 12, 2019



Surveyor's notes:

- 1) This improvement location certificate does not represent a title search by this land surveyor or land surveying company. No title commitment has been reviewed in preparation of this document.
- 2) This property is subject to protective covenants and restrictions as filed for record June 23, 1950 under Reception No. 172561.
- 3) This improvement location certificate is based upon the monumentation found in the field as indicated hereon, the street monuments located at the intersection of Virginia Road and Park Drive and Polo Road and Park Drive and the record plat for the subject property (South Park Subdivision Reception No. 172229).
- 4) Date of field survey: Aug. 09, 2019.
- 5) All linear dimensions shown hereon are in US survey feet.
- 6) Numerous dimensions are not included on the plat of South Park Subdivision (Rec. No. 172229) so some of the lot dimensions as depicted hereon are scaled and calculated from said plat.

Notice: (Pursuant to C.R.S. 13-80-105):

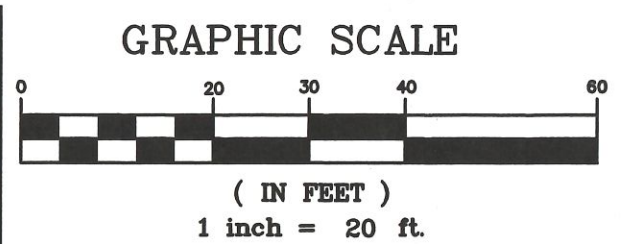
According to Colorado law you must commence any legal action based upon any defect in this Improvement Location Certificate within three years after you first discover such defect. In no event may any action based upon any defect in this improvement location certificate be commenced more than ten years from the date of certification shown hereon.

Legal description:
Lot 29, Block 2
South Park Subdivision
according to the plat thereof as
filed for record May 20, 1950
under Reception No. 172229

County of Garfield
State of Colorado

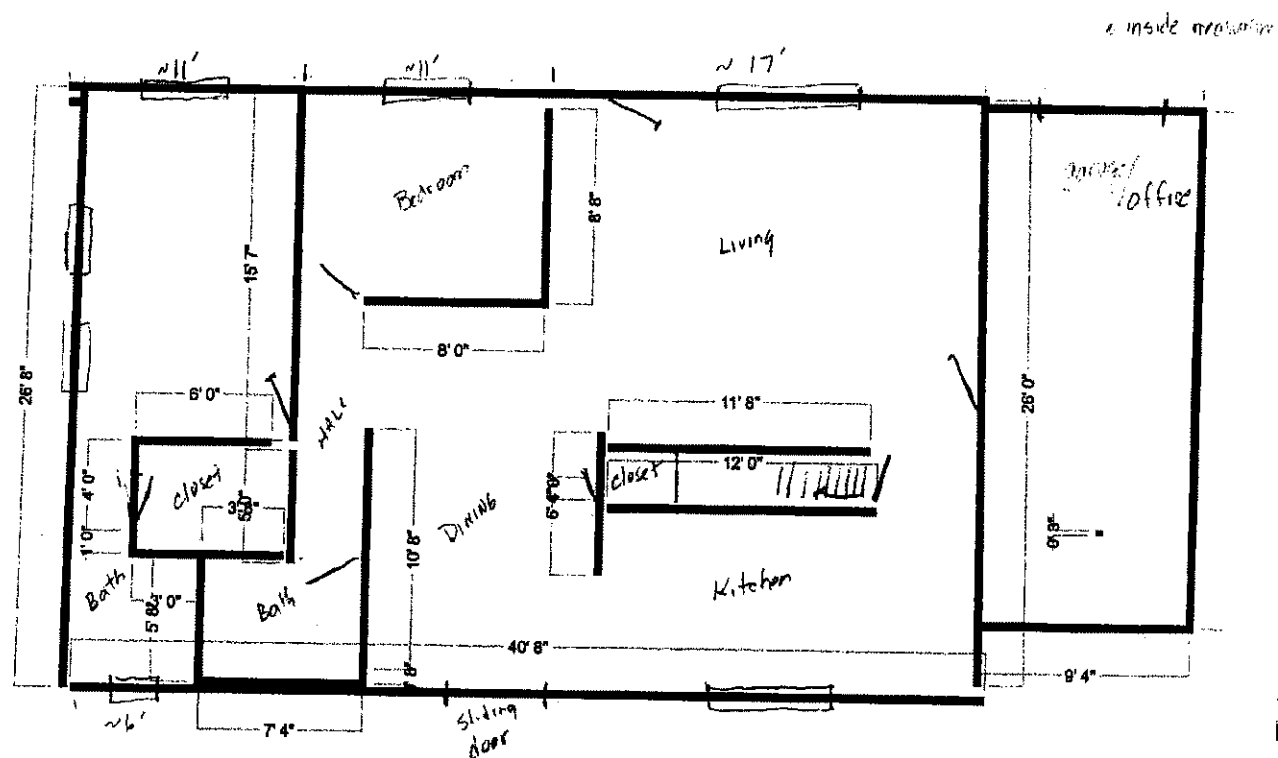
Street address:
1713 Grand Avenue
Glenwood Springs, CO.
81601
(Within Municipal Limits)

SurvCo, Inc.
Professional Land Surveying Services
"Serving Western Colorado since 1991"
826-1/2 Grand Avenue
Post Office Box 2782
Glenwood Springs, CO. 81602-2782
Phone: (970) 945-5945 Email: survco@gmail.com

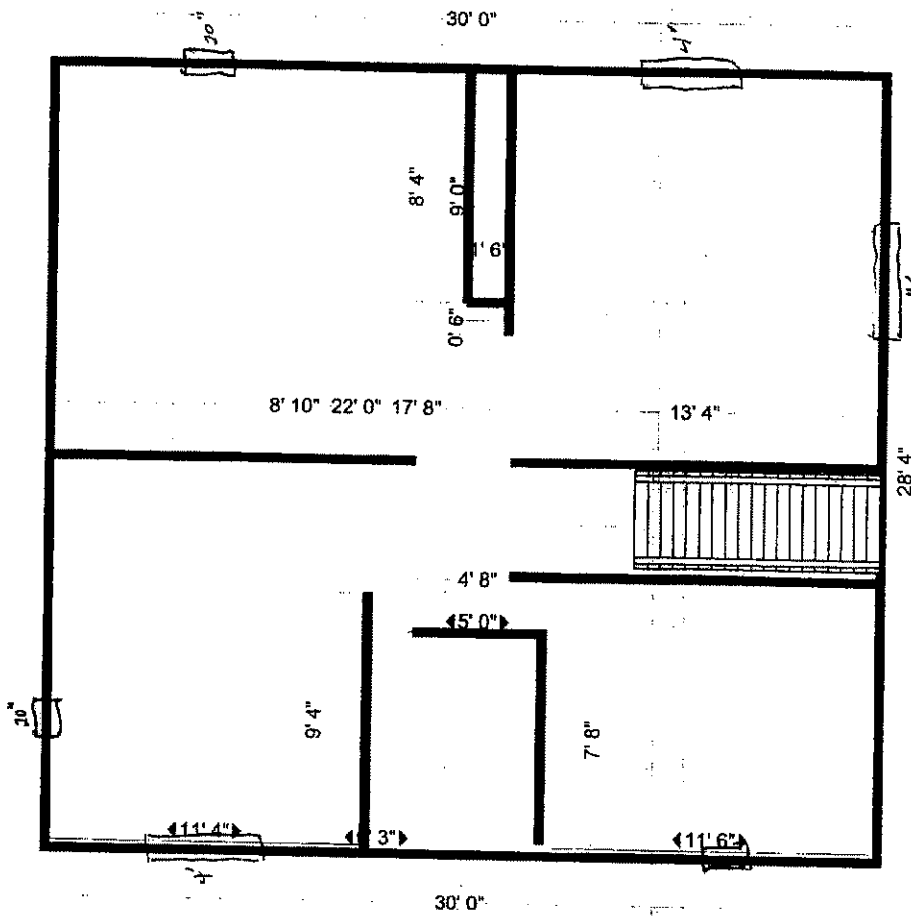


Sheet 1 of 1	Client: Yesenia Gonzalez	Date: Aug. 12, 2019			
		.dwg file: 19.018.001			
	Drawn By: S. Phelps	Job No.: 19.018	NO.	BY	DATE
					REVISION DESCRIPTION

1713 GRAND



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DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Health Facilities and Emergency Medical Services Division

STANDARDS FOR HOSPITALS AND HEALTH FACILITIES

CHAPTER 7 - ASSISTED LIVING RESIDENCES

6 CCR 1011-1 Chapter 7

[Editor's Notes follow the text of the rules at the end of this CCR Document.]

Adopted by the Board of Health on April 18, 2018.

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SECTION 1 – STATUTORY AUTHORITY AND APPLICABILITY

- 1.1 Authority to establish minimum standards through regulation and to administer and enforce such regulations is provided by §§ 25-1.5-103, 25-27-101, and 25-27-104, C.R.S.
- 1.2 Assisted living residences, as defined herein, shall comply with all applicable federal and state statutes and regulations including, but not limited to, the following:
- (A) This Chapter 7.
 - (B) 6 CCR 1011-1, Chapter 2, pertaining to general licensure standards.
 - (C) 6 CCR 1011-1, Chapter 24 and §§ 25-1.5-301 through 25-1.5-303 C.R.S, pertaining to medication administration.
 - (D) 6 CCR 1007-2, Part 1, Regulations Pertaining to Solid Waste Disposal Sites and Facilities, Section 13, Medical Waste.
- 1.3 This regulation incorporates by reference (as indicated within) material originally published elsewhere. Such incorporation, however, excludes later amendments to or editions of the referenced material. Pursuant to §24-4-103 (12.5), C.R.S., the Health Facilities and Emergency Medical Services Division of the Colorado Department of Public Health and Environment maintains copies of the incorporated texts in their entirety which shall be available for public inspection during regular business hours at:

Division Director
Colorado Department of Public Health and Environment
Health Facilities and Emergency Medical Services Division
4300 Cherry Creek Drive South
Denver, Colorado 80246-1530
Phone: (303) 692-2836

Certified copies of material will be provided by the division, at cost, upon request. Additionally, any material that has been incorporated by reference may be examined in any state publications depository library unless the incorporated material is publicly available on the internet. Copies of the incorporated materials that have been sent to the state publications depository and distribution center and are available for interlibrary loan.

SECTION 2 – DEFINITIONS

For purposes of this chapter, the following definitions shall apply, unless the context requires otherwise:

“Abuse” means any of the following acts or omissions:

The non-accidental infliction of bodily injury, serious bodily injury or death,

Confinement or restraint that is unreasonable under generally accepted caretaking standards, or

Subjection to sexual conduct or contact that is classified as a crime.

“Administrator” means a person who is responsible for the overall operation, daily administration, management and maintenance of the assisted living residence. The term “administrator” is synonymous with “operator” as that term is used in Title 25, Article 27, Part 1.

“Activities of daily living (ADLs)” means those personal functional activities required by an individual for continued well-being, health and safety. As used in this Chapter 7, activities of daily living include, but are not limited to, accompaniment, eating, dressing, grooming, bathing, personal hygiene (hair care, nail care, mouth care, positioning, shaving, skin care), mobility (ambulation, positioning, transfer), elimination (using the toilet) and respiratory care.

“Alternative care facility” means an assisted living residence certified by the Colorado Department of Health Care Policy and Financing to receive Medicaid reimbursement for the services provided pursuant to 10 CCR 2505-10, section 8.495.

“Appropriately skilled professional” means an individual that has the necessary qualifications and/or training to perform the medical procedures prescribed by a practitioner. This includes, but is not limited to, registered nurse, licensed practical nurse, physical therapist, occupational therapist, respiratory therapist, and dietitian.

“Assisted living residence” or “ALR” means:

A residential facility that makes available to three or more adults not related to the owner of such facility, either directly or indirectly through a resident agreement with the resident, room and board and at least the following services: personal services; protective oversight; social care due to impaired capacity to live independently; and regular supervision that shall be available on a twenty-four-hour basis, but not to the extent that regular twenty-four hour medical or nursing care is required, or

A Supportive Living Program residence that, in addition to the criteria specified in paragraph (a) above, is certified by the Colorado Department of Health Care Policy and Financing to also provide health maintenance activities, behavioral management and education, independent living skills training and other related services as set forth in the supportive living program regulations at 10 CCR 2505-10, section 8.515.

Unless otherwise indicated, the term “assisted living residence” is synonymous with the terms “health care entity,” “health facility,” or “facility” as used elsewhere in 6 CCR 1011-1, Standards for Hospitals and Health Facilities.

“At-risk person” means any person who is 70 years of age or older, or any person who is 18 years of age or older and meets one or more of the following criteria:

Is impaired by the loss (or permanent loss of use) of a hand or foot, blindness or permanent impairment of vision sufficient to constitute virtual blindness;

Is unable to walk, see, hear or speak;

Is unable to breathe without mechanical assistance;

Is a person with an intellectual and developmental disability as defined in §25.5-10-202, C.R.S.;

Is a person with a mental health disorder as defined in §27-65-102(11.5), C.R.S.;

Is mentally impaired as defined in §24-34-501(1.3)(b)(II), C.R.S.;

Is blind as defined in §26-2-103(3), C.R.S.; or

Is receiving care and treatment for a developmental disability under Article 10.5 of Title 27, C.R.S.

“Auxiliary aid” means any device used by persons to overcome a physical disability and includes but is not limited to a wheelchair, walker or orthopedic appliance.

“Care plan” means a written description in lay terminology of the functional capabilities of an individual, the individual's need for personal assistance, service received from external providers, and the services to be provided by the facility in order to meet the individual's needs. In order to deliver person-centered care, the care plan shall take into account the resident's preferences and desired outcomes. “Care plan” may also mean a service plan for those facilities which are licensed to provide services specifically for the mentally ill.

“Caretaker neglect” means neglect that occurs when adequate food, clothing, shelter, psychological care, physical care, medical care, habilitation, supervision or any other service necessary for the health or safety of an at-risk person is not secured for that person or is not provided by a caretaker in a timely manner and with the degree of care that a reasonable person in the same situation would exercise, or a caretaker knowingly uses harassment, undue influence or intimidation to create a hostile or fearful environment for an at-risk person.

“Certified nurse medication aide (CNA-Med)” means a certified nurse aide who meets the qualifications specified in 3 CCR 716-1, Chapter 19 and who is currently certified as a nurse aide with medication aide authority by the State Board of Nursing.

“Controlled substance” means any medication that is regulated and classified by the Controlled Substances Act at 21 U.S.C., §812 as being schedule II through V.

“Deficiency” means a failure to fully comply with any statutory and/or regulatory requirements applicable to a licensed assisted living residence.

“Deficiency list” means a listing of deficiency citations which contains a statement of the statute or regulation violated; and a statement of the findings, with evidence to support the deficiency.

“Department” means the Colorado Department of Public Health and Environment or its designee.

“Disproportionate share facilities” means facilities that serve a disproportionate share of low income residents as evidenced by having qualified for federal or state low income housing assistance; planning to serve low income residents with incomes at or below 80 percent of the area median income; and submitting evidence of such qualification, as required by the Department.

“Discharge” means termination of the resident agreement and the resident's permanent departure from the facility.

“Egress alert device” means a device that is affixed to a structure or worn by a resident that triggers a visual or auditory alarm when a resident leaves the building or grounds. Such devices shall only be used to assist staff in redirecting residents back into the facility when staff are alerted to a resident's departure from the facility as opposed to restricting the free movement of residents.

“Emergency contact” means one of the individuals identified on the face sheet of the resident record to be contacted in the case of an emergency.

“Exploitation” means an act or omission committed by a person who:

Uses deception, harassment, intimidation or undue influence to permanently or temporarily deprive an at-risk person of the use, benefit or possession of anything of value;

Employs the services of a third party for the profit or advantage of the person or another person to the detriment of the at-risk person;

Forces, compels, coerces or entices an at-risk person to perform services for the profit or advantage of the person or another person against the will of the at-risk person; or

Misuses the property of an at-risk person in a manner that adversely affects the at-risk person's ability to receive health care, health care benefits, or to pay bills for basic needs or obligations.

"External services" means personal services and protective oversight services provided to a resident by family members or healthcare professionals who are not employees, contractors, or volunteers of the facility. External service providers include, but are not limited to, home health, hospice, private pay caregivers and family members.

"High Medicaid utilization facility" means a facility that has no less than 35 percent of its licensed beds occupied by Medicaid enrollees as indicated by complete and accurate fiscal year claims data; and served Medicaid clients and submitted claims data for a minimum of nine (9) months of the relevant fiscal year.

"Hospice care" means a comprehensive set of services identified and coordinated by an external service provider in collaboration with the resident, family and assisted living residence to provide for the physical, psychosocial, spiritual and emotional needs of a terminally ill resident as delineated in a care plan. Hospice care services shall be available 24 hours a day, seven days a week pursuant to the requirements for hospice providers set forth in 6 CCR 1011-1, Chapter 21, Hospices.

"Licensee" means the person or entity to whom a license is issued by the Department pursuant to §25-1.5-103 (1) (a), C.R.S., to operate an assisted living residence within the definition herein provided. For the purposes of this Chapter 7, the term "licensee" is synonymous with the term "owner."

"Medical waste" means waste that may contain disease causing organisms or chemical that present potential health hazards such as discarded surgical gloves, sharps, blood, human tissue, pharmaceutical waste and laboratory waste.

"Medication administration" means assisting a person in the ingestion, application, inhalation, or, using universal precautions, rectal or vaginal insertion of medication, including prescription drugs, according to the legibly written or printed directions of the attending physician or other authorized practitioner or as written on the prescription label and making a written record thereof with regard to each medication administered, including the time and the amount taken.

"Medication administration" by a qualified medication administration person does not include judgment, evaluation, or assessments or the injections of medication (unless otherwise authorized by law in response to an emergent situation), the monitoring of medication, or the self-administration of medication, including prescription drugs and including the self-injection of medication by the resident.

"Medication monitoring" means:

- (A) Reminding the resident to take medication(s) at the time ordered by the authorized practitioner;
- (B) Handing to a resident a container or package of medication that was lawfully labeled previously by an authorized practitioner for the individual resident;
- (C) Visual observation of the resident to ensure compliance;
- (D) Making a written record of the resident's compliance with regard to each medication, including the time taken; and

- (E) Notifying the authorized practitioner if the resident refuses or is unable to comply with the practitioner's instructions regarding the medication.

"Mistreatment" means abuse, caretaker neglect or exploitation.

"Nurse" means an individual who holds a current unrestricted license to practice pursuant to Article 38 of Title 12, C.R.S., and is acting within the scope of such authority.

"Nursing services" means support for activities of daily living, the administration of medications and the provision of treatment by a nurse in accordance with orders from the resident's practitioner.

"Owner" means the person or business entity that applies for assisted living residence licensure and/or in whose name the license is issued.

"Palliative care" means specialized medical care for people with serious illnesses. This type of care is focused on providing residents with relief from the symptoms, pain and stress of serious illness, whatever the diagnosis. The goal is to improve quality of life for both the resident and the family. Palliative care is provided by a team of physicians, nurses and other specialists who work with a resident's other health care providers to provide an extra layer of support. Palliative care is appropriate at any age and at any stage in a serious illness and can be provided together with curative treatment. Unless otherwise indicated, the term "palliative care" is synonymous with the terms "comfort care," "supportive care," and similar designations.

"Personal care worker" means an individual who:

Provides personal services for any resident, and

Is not acting in his or her capacity as a health care professional under Articles 36, 38, 40.5 or 41 of Title 12 of the Colorado Revised Statutes.

"Personal services" means those services that an assisted living residence and its staff provide for each resident including, but not limited to:

An environment that is sanitary and safe from physical harm,

Individualized social supervision,

Assistance with transportation, and

Assistance with activities of daily living.

"Plan of correction" means a written plan to be submitted by facilities to the Department for approval, detailing the measures that shall be taken to correct all cited deficiencies.

"Practitioner" means a physician, physician assistant or advance practice nurse (i.e., nurse practitioner or clinical nurse specialist) who has a current, unrestricted license to practice and is acting within the scope of such authority.

"Pressure sore" (also called pressure ulcer, decubitus ulcer, bed-sore or skin breakdown) means an area of the skin or underlying tissue (muscle, bone) that is damaged due to loss of blood flow to the area. Symptoms and medical treatment of pressure sores are based upon the level of severity or "stage" of the pressure sore.

Stage 1 affects only the upper layer of skin. Symptoms include pain, burning or itching and the affected area may look or feel different from the surrounding skin.

Stage 2 goes below the upper surface of the skin. Symptoms include pain, broken skin or open wound that is swollen, warm and/or red and may be oozing fluid or pus.

Stage 3 involves a sore that looks like a crater and may have a bad odor. It may show signs of infection such as red edges, pus, odor, heat and/or drainage.

Stage 4 is a deep, large sore. The skin may have turned black and show signs of infection such as red edges, pus, odor, heat and/or drainage. Tendons, muscles and bone may be visible.

“Protective oversight” means guidance of a resident as required by the needs of the resident or as reasonably requested by the resident, including the following:

Being aware of a resident's general whereabouts, although the resident may travel independently in the community; and

Monitoring the activities of the resident while on the premises to ensure the resident's health, safety and well-being, including monitoring the resident's needs and ensuring that the resident receives the services and care necessary to protect the resident's health, safety and well-being.

“Qualified medication administration person” or “QMAP” means an individual who passed a competency evaluation administered by the Department before July 1, 2017 or passed a competency evaluation administered by an approved training entity on or after July 1, 2017 and whose name appears on the Department's list of persons who have passed the requisite competency evaluation.

“Renovation” means any change, addition or modification to the existing physical plant which requires an increase in capacity to structural, mechanical, or electrical systems; that adds square footage; or that adds, removes or relocates walls, windows or doors.

“Resident's legal representative” means one of the following:

The legal guardian of the resident, where proof is offered that such guardian has been duly appointed by a court of law, acting within the scope of such guardianship;

An individual named as the agent in a power of attorney (POA) that authorizes the individual to act on the resident's behalf, as enumerated in the POA;

An individual selected as a proxy decision-maker pursuant to §15-18.5-101, C.R.S., et seq., to make medical treatment decisions. For the purposes of this regulation, the proxy decision-maker serves as the resident's legal representative for the purposes of medical treatment decisions only; or

A conservator, where proof is offered that such conservator has been duly appointed by a court of law, acting within the scope of such conservatorship.

“Restraint” means any method or device used to involuntarily limit freedom of movement including, but not limited to, bodily physical force, mechanical devices, chemicals or confinement.

“Secure environment” means any grounds, building or part thereof, method or device that prohibits free egress of residents. An environment is secure when the right of any resident thereof to move outside the environment during any hours is limited.

“Self-administration” means the ability of a resident to take medication independently without any assistance from another person.

“Staff” means employees and contracted individuals intended to substitute for or supplement employees who provide resident care services. “Staff” does not include individuals providing external services, as defined herein.

“Therapeutic diet” means a diet ordered by a practitioner as part of a treatment of disease or clinical condition, or to eliminate, decrease, or increase specific nutrients in the diet. Examples include, but are not limited to, a calorie counted diet; a specific sodium gram diet; and a cardiac diet.

“Transfer” means being able to move from one body position to another. This includes, but is not limited to, moving from a bed to a chair or standing up from a chair to grasp an auxiliary aid.

SECTION 3 – DEPARTMENT OVERSIGHT

Licensure

- 3.1 Applicants for an initial or renewal license shall follow the licensure procedures outlined in 6 CCR 1011-1, Chapter 2, Parts 2.3 through 2.10.
- (A) In addition, each license renewal applicant shall annually submit, in the form and manner prescribed by the Department, information about the facility’s operations, resident care and services.
- 3.2 The Department may issue a provisional license to an applicant for the purpose of operating an assisted living residence for one period of 90 days if the applicant is temporarily unable to conform to all the minimum standards required under these regulations, except no license shall be issued to an applicant if the operation of the applicant’s facility will adversely affect the health, safety, and welfare of the residents of such facility.
- (A) As a condition of obtaining a provisional license, the applicant shall provide the Department with proof that it is attempting to conform and comply with applicable standards. No provisional license shall be granted prior to the submission of a criminal background check in accordance with § 25-27-105 (2.5), C.R.S.
- 3.3 Each owner or applicant shall request a background check.
- (A) If an owner or applicant for an initial assisted living residence license has lived in Colorado for more than three years at the time of the initial application, said individual shall request from the Colorado Bureau of Investigation (CBI) a state fingerprint-based criminal history record check with notification of future arrests.
- (B) If an owner or applicant for an initial assisted living residence license has lived in Colorado for three years or less at the time of the initial application, said individual shall request a fingerprint-based criminal history record check generated by the Federal Bureau of Investigation through the CBI.
- (C) The cost of obtaining such information shall be borne by the individual or individuals who are the subject of such check. The information shall be forwarded by the CBI directly to the Department.
- 3.4 No license shall be issued or renewed by the Department if an owner, applicant and/ or licensee of the assisted living residence has been convicted of a felony or of a misdemeanor, which felony or misdemeanor involves moral turpitude or involves conduct that the Department determines could pose a risk to the health, safety, or welfare of residents of the assisted living residence.

- 3.5 An assisted living residence shall not care for more residents than the number of beds for which it is currently licensed.

License Fees

Unless otherwise specified, all license fees paid to the Department shall be non-refundable.

3.6 Initial Licenses

For initial license applications submitted on or after July 1, 2018, the applicable fee, as set forth below, shall accompany the license application.

3 to 8 licensed beds:	\$6,300.
9 to 19 licensed beds:	\$7,300.
20 to 49 licensed beds:	\$8,750.
50 to 99 licensed beds:	\$11,550
100 or more licensed beds:	\$14,750
Qualifying disproportionate share facility:	\$3,000

3.7 Renewal Fees

- (A) For licenses that expire before July 1, 2018, the applicable fee as set forth below, shall accompany the renewal application:

\$180 per facility plus \$47 per bed.
\$180 per facility plus \$19 per bed for a high Medicaid utilization facility.

- (B) For licenses that expire on or after July 1, 2018, the applicable fee(s), as set forth below, shall accompany the renewal application:

\$360 per facility plus \$67 per bed.
\$360 per facility plus \$23 per bed for a high Medicaid utilization facility.

\$350 per secure environment that is separate and distinct from a non-secure environment.

- (C) For licenses that expire on or after July 1, 2019, the applicable fee(s), as set forth below, shall accompany the renewal application:

\$360 per facility plus \$103 per bed.
\$360 per facility plus \$38 per bed for a high Medicaid utilization facility.

\$350 per secure environment that is separate and distinct from a non-secure environment.

- 3.8 Provisional Licensure. Any facility approved by the Department for a provisional license, shall submit a fee of \$1,000 for the provisional licensure period.

3.9 Change of Ownership

- (A) The applicable fee, as set forth below, shall accompany a facility's application for change of ownership.

Three to 19 licensed beds: \$6,250.

20 to 49 licensed beds: \$7,800.

50 to 99 licensed beds: \$10,600

100 licensed beds and more: \$13,700

- (B) If the same purchaser buys more than one facility from the same seller in a single business transaction, the change of ownership fee shall be the fee noted above for the largest facility and \$4,500 for each additional facility included in the transaction. The appropriate fee total shall be submitted with the application.

3.10 Other License Fees

- (A) A facility applying for a change of mailing address, shall submit a fee of \$75 with the application. For purposes of this subsection, a corporate change of address for multiple facilities shall be considered one change of address.
- (B) A facility applying for a change of name shall submit a fee of \$75 with the application.
- (C) A facility applying for an increased number of licensed beds shall submit a fee of \$500 with the application.
- (D) A facility applying for a change of administrator shall submit a fee of \$500 with the application.
- (E) A facility seeking to open a new secure environment shall submit a fee of \$1,600 with the first submission of the applicable building plans.

Citing Deficiencies

- 3.11** The level of the deficiency shall be based upon the number of sample residents affected and the level of harm, as follows:

Level A – isolated potential for harm for one or more residents.

Level B – a pattern of potential for harm for one or more residents.

Level C – isolated actual harm affecting one or more residents.

Level D – a pattern of actual harm affecting one or more residents.

Level E (Immediate Jeopardy) – actual or potential for serious injury or harm for one or more residents.

- 3.12** When a Level E deficiency is cited, the assisted living residence shall immediately remove the cause of the immediate jeopardy risk and provide the Department with written evidence that the risk has been removed.

Plans of Correction

- 3.13 Pursuant to §25-27-105 (2), C.R.S., an assisted living residence shall submit a written plan detailing the measures that will be taken to correct any deficiencies.
- (A) Plans of correction shall be in the format prescribed by the Department and conform to the requirements set forth in 6 CCR 1011-1, Chapter 2, Part 2.11.4,
 - (B) The Department has the discretion to approve, impose, modify or reject a plan of correction as set forth in 6 CCR 1011-1, Chapter 2, Part 2.11.4.

Intermediate Restrictions or Conditions

- 3.14 Section 25-27-106, C.R.S., allows the Department to impose intermediate restrictions or conditions on a licensee that may include at least one of the following:
- (A) Retaining a consultant to address corrective measures including deficient practice resulting from systemic failure;
 - (B) Monitoring by the Department for a specific period;
 - (C) Providing additional training to employees, owners, or operators of the residence;
 - (D) Complying with a directed written plan, to correct the violation; or
 - (E) Paying a civil fine not to exceed two thousand dollars (\$2,000) in a calendar year.
- 3.15 Intermediate restrictions or conditions may be imposed for Level A, B and C deficiencies when the Department finds the assisted living residence has violated statutory or regulatory requirements. The factors that may be considered include, but are not limited to, the following:
- (A) The level of actual or potential harm to a resident(s),
 - (B) The number of residents affected,
 - (C) Whether the conduct leading to the imposition of the restriction are isolated or a pattern, and
 - (D) The licensee's prior history of noncompliance in general, and specifically with reference to the cited deficiencies.
- 3.16 For all cases where the deficiency list includes Levels D or E deficiencies, the assisted living residence shall comply with at least one intermediate restriction or condition. In addition, for all level E deficiencies, the assisted living residence shall:
- (A) Pay a civil fine of \$500, not to exceed \$2,000 in a calendar year,
 - (B) Immediately correct the circumstances that gave rise to the immediate jeopardy situation, and
 - (C) Comply with any other restrictions or conditions required by the Department.

Appealing the Imposition of Intermediate Restrictions/Conditions

- 3.17 A licensee may appeal the imposition of an intermediate restriction or condition pursuant to procedures established by the Department and as provided by §25-27-106, C.R.S.

(A) Informal Review

Informal review is an administrative review process conducted by the Department that does not include an evidentiary hearing.

- (1) A licensee may submit a written request for informal review of the imposition of an intermediate restriction no later than ten (10) business days after the date notice is received from the Department of the restriction or condition. If an extension of time is needed, the assisted living residence shall request an extension in writing from the Department prior to the submittal due date. An extension of time may be granted by the Department not to exceed seven calendar days. Informal review may be conducted after the plan of correction has been approved.
- (2) For civil fines, the licensee may request in writing that the informal review be conducted in person, which would allow the licensee to orally address the informal reviewer(s).

(B) Formal Review

A licensee may appeal the imposition of an intermediate restriction or condition in accordance with the Administrative Procedure Act (APA) at §24-4-105, C.R.S. A licensee is not required to submit to the Department's informal review before pursuing formal review under the APA.

- (1) For life-threatening situations, the licensee shall implement the restriction or condition immediately upon receiving notice of the restriction or condition.
- (2) For situations that are not life-threatening, the restriction or condition shall be implemented in accordance with the type of condition as set forth below:
 - (a) For restriction/conditions other than fines, immediately upon the expiration of the opportunity for appeal or from the date that the Department's decision is upheld after all administrative appeals have been exhausted.
 - (b) For fines, within 30 calendar days from the date the Department's decision is upheld after all administrative appeals have been exhausted.

Supported Living Program Oversight

- 3.18 An assisted living residence that is certified to participate in the Supported Living Program administered by the Department of Healthcare Policy and Financing shall comply with both HCPF's regulations concerning that program and the applicable portions of this chapter. The Department shall coordinate with HCPF in regulatory interpretation of both license and certification requirements to ensure that the intent of similar regulations is congruently met.

SECTION 4 – LICENSEE RESPONSIBILITIES

- 4.1 The licensee shall assume responsibility for all services provided by the assisted living residence.
- 4.2 The licensee shall ensure the provision of facilities, personnel and services necessary for the welfare and safety of residents.
- 4.3 The licensee shall ensure that all marketing, advertising and promotional information published or otherwise distributed by the assisted living residence accurately represents the ALR and the care, treatment and services that it provides.
- 4.4 The licensee shall establish, and ensure the maintenance of, a system of financial management and accountability for the assisted living residence.
- 4.5 The licensee shall appoint an administrator who meets the minimum qualifications set forth in this regulation and delegate to that individual the executive authority and responsibility for the administration of the assisted living residence.

SECTION 5 – REPORTING REQUIREMENTS

At Risk Persons Mandatory Reporting

- 5.1 Assisted living residence personnel engaged in the admission, care or treatment of at-risk persons shall report suspected physical or sexual abuse, exploitation and/or caretaker neglect to law enforcement within 24 hours of observation or discovery pursuant to §18-6.5-108, C.R.S.

Resident Relocation Reporting

- 5.2 The assisted living residence shall notify the Department within 48 hours if the relocation of one or more residents occurs due to any portion of the assisted living residence becoming uninhabitable because of fire or other disaster.

Occurrence Reporting

- 5.3 An assisted living residence shall comply with all occurrence reporting required by state law and shall follow the reporting procedures set forth below:
 - (A) Notify the Department of the following items no later than the next business day after discovery by the ALR:
 - (1) Any occurrence involving neglect of a resident by failure to provide goods and services necessary to avoid the resident's physical harm or mental anguish;
 - (2) Any occurrence involving abuse of a resident by the willful infliction of injury, unreasonable confinement, intimidation or punishment with resulting physical harm, pain or mental anguish;
 - (3) Any occurrence involving an injury of unknown source where the source of the injury cannot be explained, and the injury is suspicious because of the extent or location of the injury; or
 - (4) Any occurrence involving misappropriation of a resident's property including the deliberate misplacement, exploitation or wrongful use of a resident's belongings or money without the resident's consent.

- (B) Investigate an occurrence to determine the circumstances of the event and institute appropriate measures to prevent similar future situations.
 - (1) Documentation regarding investigation, including the appropriate measures to be instituted, shall be made available to the Department, upon request.
- (C) Submit the assisted living residences' final investigation report to the Department within five business days after the initial report of the occurrence.
- (D) Nothing in this section 5.3 shall be construed to limit or modify any statutory or common law right, privilege, confidentiality or immunity.

SECTION 6 – ADMINISTRATOR

Background checks

- 6.1 In order to ensure that the administrator is of good, moral and responsible character, the assisted living residence shall request a fingerprint-based criminal history record check with notification of future arrests for each prospective administrator prior to hire.
 - (A) If an administrator applicant has lived in Colorado for more than three years at the time of application, the assisted living residence shall request the criminal history record check from the Colorado Bureau of Investigation (CBI).
 - (B) If an administrator applicant has lived in Colorado for less than three years at the time of application, the assisted living residence shall request the criminal history record check from the Federal Bureau of Investigation through the CBI.
 - (C) The cost of obtaining such information shall be borne by the individual who is the subject of such check. The information shall be forwarded by the CBI directly to the Department.

Qualifications

- 6.2 An administrator who is recognized by the Department as having been an assisted living residence administrator of record prior to July 1, 2019, shall not be required to meet the criteria in section 6.3.
- 6.3 Effective July 1, 2019, each newly hired administrator who does not qualify under section 6.2, shall be at least 21 years of age, possess a high school diploma or equivalent and at least one year of experience supervising the delivery of personal care services that include activities of daily living.

Training

- 6.4 Each administrator shall have completed an administrator training program before assuming an administrator position. Written proof regarding the successful completion of such training program shall be maintained in the administrator's personnel file.
- 6.5 Effective January 1, 2019, an administrator training program shall meet all of the following requirements:
 - (A) The program or program components are conducted by an accredited college, university, or vocational school; or an organization, association, corporation, group or agency with specific expertise in the provision of residential care and services, and

- (B) The curriculum includes at least 40 actual hours, 20 of which shall focus on applicable state regulations. The remaining 20 hours shall provide an overview of the following topics:
 - (1) Business operations including, but not limited to,
 - (a) Budgeting,
 - (b) Business plan/service model,
 - (c) Insurance,
 - (d) Labor laws,
 - (e) Marketing, messaging and liability consequences, and
 - (f) Resident agreement.
 - (2) Daily business management including, but not limited to,
 - (a) Coordination with external service providers (i.e., community and support services including case management, referral agencies, mental health resources, ombudsmen, adult protective services, hospice, and home care),
 - (b) Ethics, and
 - (c) Grievance and complaint process.
 - (3) Physical plant
 - (4) Resident care including, but not limited to,
 - (a) Admission and discharge criteria,
 - (b) Behavior expression management,
 - (c) Care needs assessment,
 - (d) Fall management,
 - (e) Nutrition,
 - (f) Person-centered care,
 - (g) Personal versus skilled care,
 - (h) Quality management education,
 - (i) Resident rights,
 - (j) Sexuality and aging,
 - (k) Secure environment, and

- (l) Medication Management.
- (5) Resident psychosocial needs including, but not limited to,
 - (a) Cultural competency (ethnicity, race, sexual orientation),
 - (b) Family involvement and dynamics,
 - (c) Mental health care (maintaining good mental health and recognizing symptoms of poor mental health),
 - (d) Palliative care standards, and
 - (e) Resident engagement.
- 6.6 Competency testing shall be performed to demonstrate that the individuals trained have a comprehensive, evidence-based understanding of the regulations and topics.
- Duties
- 6.7 The administrator shall be responsible for the overall operation of the assisted living residence, including, but not limited to:
 - (A) Managing the day to day delivery of services to ensure residents receive the care that is described in the resident agreement, the comprehensive resident assessment and the resident care plan,
 - (B) Organizing and directing the assisted living residence's ongoing functions including physical maintenance,
 - (C) Ensuring that resident care services conform to the requirements set forth in section 12 of this chapter,
 - (D) Employing, training and supervising qualified personnel,
 - (E) Providing continuing education for all personnel,
 - (F) Establishing and maintaining a written organizational chart to ensure there are well-defined lines of responsibility and adequate supervision of all personnel,
 - (G) Reviewing the marketing materials and information published by an assisted living residence to ensure consistency with the services actually provided by the ALR,
 - (H) Managing the business and financial aspects of the assisted living residence which includes working with the licensee to ensure there is an adequate budget to provide necessary resident services,
 - (I) Completing, maintaining and submitting all reports and records required by the Department,
 - (J) Complying with all applicable federal, state and local laws concerning licensure and certification, and
 - (K) Appointing and supervising a qualified designee who is capable of satisfactorily fulfilling the administrator's duties when the administrator is unavailable.

- (1) The name and contact information for the administrator or qualified designee on duty shall always be readily available to the residents and public.
- (2) The administrator or qualified designee shall always, whether on or off site, be readily accessible to staff.
- (3) When a qualified designee is acting as administrator in an assisted living residence that is licensed for more than 12 beds, there shall be at least one other staff member on duty whose primary responsibility is the daily care of residents.

SECTION 7 – PERSONNEL

Background Checks

- 7.1 In order to ensure that staff members and volunteers are of good, moral and responsible character, the assisted living residence shall request, prior to hire, a name-based criminal history record check for each prospective staff member and volunteer providing ALR services.
- (A) If the applicant has lived in Colorado for more than three years at the time of application, the assisted living residence shall obtain a name-based criminal history report conducted by the Colorado Bureau of Investigation (CBI).
 - (B) If the applicant has lived in Colorado for three years or less at the time of application, the assisted living residence shall obtain a name-based criminal history report for each state in which the applicant has lived for the past three years, conducted by the respective states' bureaus of investigation or equivalent state-level law enforcement agency or other name-based report as determined by the Department.
 - (C) The cost of obtaining such information shall be borne by the assisted living residence, the contract staffing agency or the individual who is the subject of such check, as appropriate.

Background Check Policies and Procedures

- 7.2 If the assisted living residence becomes aware of information that a current administrator, staff member or volunteer providing ALR services could pose a risk to the health, safety and welfare of the residents and/or that such individual is not of good, moral and responsible character, the assisted living residence shall request an updated criminal history record check for such individual from the CBI and/or other relevant law enforcement agency.
- 7.3 The assisted living residence shall develop and implement policies and procedures regarding the hiring or continued service of any administrator, staff member or volunteer providing ALR services whose criminal history records do not reveal good, moral and responsible character or demonstrate other conduct that could pose a risk to the health, safety, or welfare of the residents.
- (A) At a minimum, the assisted living residence shall consider and address the following items:
 - (1) The history of convictions, pleas of guilty or no contest;
 - (2) The nature and seriousness of the crime(s);
 - (3) The time that has elapsed since the convictions;
 - (4) Whether there are any mitigating circumstances; and

- (5) The nature of the position to which the individual will be assigned.

Ability to Perform Job Functions

- 7.4 Each staff member and volunteer providing assisted living services shall be physically and mentally able to adequately and safely perform all functions essential to resident care.
- 7.5 The assisted living residence shall select direct care staff based on such factors as the ability to read, write, carry out directions, communicate and demonstrate competency to safely and effectively provide care and services.
- 7.6 The assisted living residence shall establish written policies concerning pre-employment physical evaluations and employee health. Those policies shall include, at a minimum:
- (A) Tuberculin skin testing of each staff member and volunteer who provide ALR services prior to direct contact with residents; and
 - (B) The imposition of work restrictions on direct care staff who are known to be affected with any illness in a communicable stage. At a minimum, such staff shall be barred from direct contact with residents or resident food.
- 7.7 The assisted living residence shall have policies and procedures restricting on-site access by staff or volunteers with drug or alcohol use that would adversely impact their ability to provide resident care and services.

Orientation

- 7.8 The assisted living residence shall ensure that each staff member and volunteer who provide ALR services complete an initial orientation before providing care and services to a resident. Such orientation shall include, at a minimum, all of the following topics:
- (A) The care and services provided by the assisted living residence including palliative and/or end of life care, if applicable,
 - (B) Resident rights,
 - (C) Overview of state regulatory oversight applicable to the assisted living residence,
 - (D) Hand Hygiene and infection control,
 - (E) Recognizing emergencies, emergency response policies and procedures and relevant emergency contact numbers,
 - (F) House rules,
 - (G) Person-centered care, and
 - (H) Reporting requirements.

Staff Training

- 7.9 Within 30 days of hire, the assisted living residence shall provide each staff member with training relevant to that staff member's duties and responsibilities. This training may include self-study courses. If the assisted living residence uses a volunteer to perform any staff functions, that volunteer shall receive the same training as staff. The staff training shall include, but is not limited to, the following topics:
- (A) Assignment of duties and responsibilities,
 - (B) Assisted living residence policies and procedures,
 - (C) Occurrence reporting,
 - (D) Recognizing behavioral expression and management techniques,
 - (E) How to effectively communicate with residents that have hearing loss, limited English proficiency, dementia, or other conditions that impair communication;
 - (F) Emergency procedures including fire response, basic first aid, automated external defibrillator (AED) use, if applicable, practitioner assessment, and serious illness, injury and/or death of a resident;
 - (G) The role of and communication with external service providers,
 - (H) Training related to fall prevention and ways to monitor residents for signs of heightened fall potential such as deteriorating eyesight, unsteady gait, and increasing limitations that restrict mobility;
 - (I) Where to immediately locate a resident's advance directive,
 - (J) Maintenance of a clean, safe and healthy environment including appropriate cleaning techniques,
 - (K) Understanding end of life care including hospice and palliative care,
 - (L) How to safely provide lift assistance, accompaniment and transport of residents; and
 - (M) Food safety.

Personnel Policies

- 7.10 The assisted living residence shall develop and maintain written personnel policies, job descriptions and other requirements regarding the conditions of employment, management of staff and resident care to be provided, including, but not limited to, the following:
- (A) The assisted living residence shall provide a job-specific orientation for each new staff member and volunteer before they independently provide resident services,
 - (B) All staff members and volunteers who provide assisted living services shall be informed of the purpose and objectives of the assisted living residence,
 - (C) All staff members and volunteers who provide assisted living services shall be given access to the ALR's personnel policies and the ALR shall provide evidence that each staff member and volunteer has reviewed them, and

- (D) All staff members shall wear name tags or other identification that is visible to residents and visitors.
- (1) The requirement for name tags may be waived if a majority of attendees at a regularly scheduled assisted living resident meeting agree to do so.
 - (a) The assisted living residence shall maintain documentation showing that all residents and family members were provided advance notice regarding the topic and meeting details.
 - (b) The decision to waive the name tag requirement shall be raised and reviewed at the assisted living resident meeting at least annually.

Personnel Files

- 7.11 The assisted living residence shall maintain a personnel file for each of its employees and volunteers who provide ALR services.
- 7.12 Personnel files for current employees and volunteers shall be readily available onsite for Department review.
- 7.13 Each personnel file shall include, but not be limited to, written documentation regarding the following items:
 - (A) A description of the employee or volunteer duties;
 - (B) Date of hire or acceptance of volunteer service and date duties commenced;
 - (C) Orientation and training, including first aid and CPR certification, if applicable;
 - (D) Verification from the Department of Regulatory Agencies of an active license or certification, if applicable;
 - (E) Results of background checks and follow up, as applicable; and
 - (F) Tuberculin test results, if applicable.
- 7.14 If the employee or volunteer is a qualified medication administration person, the following shall also be retained in the personnel file:
 - (A) Documentation that the individual's name appears on the Department's list of individuals who have successfully completed the medication administration competency evaluation; and
 - (B) A signed disclosure that the individual has not had a professional medical, nursing, or pharmacy license revoked in this or any other state for reasons directly related to the administration of medications.
- 7.15 Personnel files shall be retained for three years following an employee's separation from employment or a volunteer's separation from service and include the reason(s) for the separation.

Personal Care Worker

- 7.16 The assisted living residence shall ensure that each personal care worker attends the initial orientation required in section 7.8. The assisted living residence shall also require that each personal care worker receives additional orientation on the following topics before providing care and services to a resident.
- (A) Personal care worker duties and responsibilities;
 - (B) The differences between personal services and skilled care; and
 - (C) Observation, reporting and documentation regarding a resident's change in functional status along with the assisted living residence's response requirements.
- 7.17 Orientation and training is not required for a personal care worker who is returning to an assisted living residence after a break in service of three years or less if that individual meets all of the following conditions:
- (A) The personal care worker completed the assisted living residence's required orientation, training and competency assessment at the time of initial employment,
 - (B) The personal care worker successfully completed the assisted living residence's required competency assessment at the time of rehire or reactivation,
 - (C) The personal care worker did not have performance issues directly related to resident care and services in the prior active period of employment, and
 - (D) All orientation, training and personnel action documentation is retained in the personal care worker's personnel file.
- 7.18 The assisted living residence shall designate an administrator, nurse or other capable individual to be responsible for the oversight and supervision of each personal care worker. Such supervision shall include, but not be limited to:
- (A) Being accessible to respond to personal care worker questions; and
 - (B) Evaluating each personal care worker at least annually.
 - (1) Each evaluation shall include observation of the personal care worker performing his or her assigned tasks and documentation that the worker is competent in the performance of those tasks.
- 7.19 The assisted living residence shall only allow a personal care worker to perform tasks that have a chronic, stable, predictable outcome and do not require routine nurse assessment.
- 7.20 The potential duties of a personal care worker range from observation and monitoring of residents to ensure their health, safety and welfare, to companionship and personal services.
- 7.21 Before a personal care worker independently performs personal services for a resident, the supervisor designated by the assisted living residence shall observe and document that the worker has demonstrated his or her ability to competently perform every personal task assigned. This competency check shall be repeated each time a worker is assigned a new or additional personal care task that he or she has not previously performed.

- 7.22 Only appropriately skilled professionals may train personal care workers and their supervisors on specialized techniques beyond general personal care and assistance with activities of daily living as defined in these rules. (Examples include, but are not limited to, transfers requiring specialized equipment and assistance with therapeutic diets). Personal care workers and their supervisors shall be evaluated for competency before the delivery of each personal service requiring a specialized technique.
- (A) Documentation regarding competency in specialized techniques shall be included in the personnel files of both personal care workers and supervisors.
 - (B) A registered nurse who is employed or contracted by the assisted living residence may delegate to a personal care worker in accordance with the Nursing Practice Act if the registered nurse is the supervising nurse for the personal care worker.
- 7.23 The assisted living residence shall ensure that each personal care worker complies with all assisted living residence policies and procedures and not allow a personal care worker to perform any functions which are outside of his or her job description, written agreements or a resident's care plan.

SECTION 8 – STAFFING REQUIREMENTS

Minimum Staffing

- 8.1 Whenever one or more residents are present in the assisted living residence, there shall be at least one staff member present who meets the criteria in section 8.7 and is capable of responding to an emergency.
- (A) Residents shall not be transferred off site solely for the convenience of the assisted living residence or its staff.
- 8.2 Between 10 PM and 6 AM, staff shall conduct at least one safety check of all consenting residents.

Staffing Levels

- 8.3 To determine appropriate routine staffing levels, the assisted living residence shall consider, at a minimum, the following items:
- (A) The acuity and needs of the residents;
 - (B) The services outlined in the care plan; and
 - (C) The services set forth in the resident agreement.
- 8.4 Staff shall be sufficient in number to help residents needing or potentially needing assistance, considering individual needs such as the risk of accident, hazards, or other challenging events.

First Aid, Obstructed Airway Technique and Cardiopulmonary Resuscitation Trained Staff

- 8.5 The assisted living residence shall ensure that it has sufficient staff members who are currently certified in first aid and cardiopulmonary resuscitation to meet the requirements of this section.

- 8.6 Each assisted living residence shall have at least one staff member onsite at all times who has current certification in first aid from a nationally recognized organization such as the American Red Cross, the American Heart Association, National Safety Council, or American Safety and Health Institute. The certification shall either be in Adult First Aid or include Adult First Aid.
- 8.7 Each assisted living residence shall have at least one staff member onsite at all times who has current certification in cardiopulmonary resuscitation (CPR) and obstructed airway techniques from a nationally recognized organization such as the American Red Cross, the American Heart Association, the National Safety Council or the American Safety and Health Institute. The certification shall either be in Adult CPR or include Adult CPR.
- 8.8 Each assisted living residence shall place in a visible location a list of all staff who have current certification in first aid or CPR so that the information is readily available to staff at all times. The list shall be kept up to date and indicate by staff person whether the certification is in first aid or CPR or both.
- 8.9 Each assisted living residence shall require that all staff who are certified in first aid and/or obstructed airway techniques promptly provide those services in accordance with their training.
- 8.10 Each assisted living residence shall require that all staff who are certified in CPR promptly provide those services in accordance with their training, unless the affected resident has a do not resuscitate order.
- 8.11 Each assisted living residence shall require that staff, even if not certified in first aid or CPR, promptly respond to an emergency and follow the instructions of a 911 emergency call operator until a medically trained provider can assume care.

Use of Volunteers and Residents

- 8.12 Volunteers and residents may assist with the provision of resident care and services, but the assisted living residence shall not consider the use of either volunteers or resident helpers in determining the appropriate staffing level.

Use of Hospice Providers

- 8.13 When licensed hospice care is provided in an assisted living residence, there shall be a written agreement regarding the provision of that care by a hospice provider. The written agreement shall be signed by authorized representatives of the hospice and assisted living residence prior to the provision of hospice care. The written agreement shall include, at a minimum, the following:
 - (A) How the assisted living residence and hospice will coordinate and communicate with each other to ensure that the needs of the resident are being fully met;
 - (B) A provision that the assisted living residence shall immediately notify the hospice if:
 - (1) There is a significant change in the resident's physical, mental, social or emotional status that may necessitate a change to the resident's care plan;
 - (2) There is a need to transfer the resident from the assisted living residence, in which case the hospice shall coordinate any necessary care related to the terminal illness and related conditions; or
 - (3) The resident dies.

- (C) A provision stating that the hospice assumes responsibility for determining the appropriate course of hospice care, including the determination to change the level of services provided; and
 - (D) A provision stating that it is the responsibility of the assisted living residence to provide 24-hour room and board and the other services required by this Chapter 7.
- 8.14 If a hospice provider fails to provide services when they are necessary, the assisted living residence shall follow the requirements of section 12.5 regarding a resident's significant change in baseline status and request a practitioner assessment.

Contracted Personnel and Services

- 8.15 An assisted living residence that uses a separate agency, organization or individual to provide services for the ALR or residents shall have a written agreement that sets forth the terms of the arrangement. The agreement shall specify, at a minimum, the following items:
- (A) The specific services to be provided;
 - (B) The time frame for the provision of such services;
 - (C) The contractor's obligation to comply with all applicable assisted living residence policies and procedures, including personnel qualifications;
 - (D) How such services will be coordinated and overseen by the assisted living residence; and
 - (E) The procedure for payment of services provided under the contract.
- 8.16 If contract personnel and/or services are used, the contractor shall meet all applicable requirements of these regulations.
- 8.17 Notwithstanding the above criteria, the assisted living residence shall retain responsibility for oversight of all contracted personnel and services to ensure the health, safety and welfare of the residents.

SECTION 9 – POLICIES AND PROCEDURES

- 9.1 The assisted living residence shall develop and at least annually review, all policies and procedures. At a minimum, the assisted living residence shall have policies and procedures that address the following items:
- (A) Admission and discharge criteria in accordance with sections 11 and 25, if applicable;
 - (B) Resident rights;
 - (C) Grievance procedure and complaint resolution;
 - (D) Investigation of abuse, neglect and exploitation allegations;
 - (E) House rules;
 - (F) Emergency preparedness;
 - (G) Fall management;

- (H) Provision of lift assistance, first aid, obstructed airway technique, and cardiopulmonary resuscitation;
- (I) Unanticipated illness, injury, significant change of status from baseline or death of resident;
- (J) Infection control;
- (K) Practitioner assessment;
- (L) Health information management;
- (M) Personnel;
- (N) Staff Training;
- (O) Environmental pest control;
- (P) Medication errors and medication destruction and disposal;
- (Q) Management of resident funds, if applicable;
- (R) Policies and procedures related to secure environment, if applicable; and
- (S) Provision of palliative care in accordance with 6 CCR 1011-1, Chapter 2, Part 3.3.1, if applicable.

SECTION 10 – EMERGENCY PREPAREDNESS

Emergency Policies and Procedures

- 10.1 The assisted living residence shall have readily available a roster of current residents, their room assignments and emergency contact information along with a facility diagram showing room locations.
- 10.2 The assisted living residence shall complete a risk assessment of all hazards and preparedness measures to address natural and human-caused crises including, but not limited to, fire(s), gas explosion, power outages, tornado, flooding and threatened or actual acts of violence.
- 10.3 The assisted living residence shall develop and follow written policies and procedures to ensure the continuation of necessary care to all residents for at least 72 hours immediately following any emergency including, but not limited to, a long-term power failure.
- 10.4 Emergency policies and procedures shall be tailored to the geographic location of the assisted living residence; types of residents served; and unique risks and circumstances identified by the assisted living residence.
- 10.5 Each assisted living residence shall identify its highest potential risk and hold routine drills to facilitate staff and resident response to that risk. There shall be written documentation of such drills.
- 10.6 Each assisted living residence's emergency policies shall address, at a minimum, all of the following items:

- (A) Written instructions for each identified risk that includes persons to be notified and steps to be taken. The instructions shall be readily available 24 hours a day in more than one location with all staff aware of the locations.
- (B) A schematic plan of the building or portions thereof placed visibly in a central location and throughout the building, as needed, showing evacuation routes, smoke stop and fire doors, exit doors, and the location of fire extinguishers and fire alarm boxes.
- (C) When to evacuate the premises and the procedure for doing so.
- (D) A pre-determined means of communicating with residents, families, staff and other providers.
- (E) A plan that ensures the availability of, or access to, emergency power for essential functions and all resident-required medical devices or auxiliary aids.
- (F) Storage and preservation of medications.
- (G) Assignment of specific tasks and responsibilities to the staff members on each shift including use of a triage system to assess the needs of the most vulnerable residents first.
- (H) Protection and transfer of health information as needed to meet the care needs of residents.
- (I) In the event relocation of residents becomes necessary, written agreements with other health facilities and/or community agencies.

Emergency Equipment

- 10.7 First aid equipment shall be maintained on the premises in a readily available location and staff shall be instructed in its use and location.
- 10.8 The assisted living residence shall have enough first aid kits to enable staff to immediately respond to emergencies. Each first aid kit shall be checked regularly to ensure that it is fully stocked and that any expiration date is not exceeded.
- 10.9 Each kit shall include, at a minimum, the following items:
 - (A) Latex free disposable gloves,
 - (B) Scissors,
 - (C) Adhesive bandages,
 - (D) Bandage tape,
 - (E) Sterile gauze pads,
 - (F) Flexible roller gauze,
 - (G) Triangular bandages with safety pins,
 - (H) A note pad with a pen or pencil,

- (I) A CPR barrier device or mask, and
 - (J) Soap or waterless hand sanitizer.
- 10.10 If the assisted living residence has an automated external defibrillator (AED), staff shall be trained in its use and it shall be maintained in accordance with the manufacturer's specifications.
- 10.11 There shall be at least one telephone, not powered by household electrical current, in the assisted living residence available for immediate emergency use by staff, residents, and visitors. Contact information for police, fire, ambulance [9-1-1, if applicable] and poison control center shall be readily accessible to staff.
- 10.12 Assisted living residences shall have a battery or generator-powered alternative lighting system available in the event of a power failure.

SECTION 11 – RESIDENT ADMISSION AND DISCHARGE

Move-In Criteria

- 11.1 The assisted living residence shall accept only those persons whose needs can be fully met by the existing staff, physical environment and services already being provided. The assisted living residence's ability to meet resident needs shall be based upon a comprehensive pre-admission assessment of a resident's physical, mental and social needs; cultural, religious and activity needs; preferences; and capacity for self-care.

Move-In Restrictions

- 11.2 An assisted living residence shall not allow to move in any person who:
- (A) Needs regular 24-hour medical or nursing care,
 - (B) Is incapable of self-administration of medication and the assisted living residence does not have staff who are either licensed or qualified under 6 CCR 1011-1, Chapter 24 to administer medications,
 - (C) Has an acute physical illness which cannot be managed through medication or prescribed therapy,
 - (D) Has physical limitations that restrict mobility unless compensated for by available auxiliary aids or intermittent staff assistance,
 - (E) Has incontinence issues that cannot be managed by the resident or staff,
 - (F) Is profoundly disoriented to time, person and place with safety concerns that require a secure environment and the assisted living residence does not provide a secure environment,
 - (G) Has a stage 3 or 4 pressure sore and does not meet the criteria in section 12.4,
 - (H) Has a history of conduct that has been disclosed to the assisted living residence that would pose a danger to the resident or others unless the ALR reasonably believes that the conduct can be managed through therapeutic approaches, or
 - (I) Needs restraints, as defined herein, of any kind except as statutorily allowed for assisted living residences which are certified to provide services specifically for the mentally ill.

- (1) Assisted living residences certified to provide services for the mentally ill shall have policies, procedures and appropriate staff training regarding the use of restraint and maintain current documentation to show that less restrictive measures were and continue to be unsuccessful.

Resident Agreement

- 11.3 At the time the resident moves in, the assisted living residence shall ensure that the resident and/or the resident's legal representative has received a copy of the written resident agreement and agreed to the terms set forth therein. The assisted living residence shall ensure that the agreement is signed and dated by both parties.
- 11.4 The terms of a resident agreement shall not alter, or be construed to relieve the assisted living residence of compliance with, any requirement or obligation under relevant federal, state or local law and regulation.
- 11.5 The assisted living residence shall review its resident agreements annually and update or amend them as necessary. Amendments to the resident agreement shall also be signed and dated by both parties.
 - (A) When a change of ownership occurs, the new owner shall either acknowledge and agree to the terms of each existing resident agreement or establish a new agreement with each resident.
- 11.6 The written resident agreement shall specify the understanding between the parties concerning, at a minimum, the following items:
 - (A) Assisted living residence charges, refunds and deposit policies;
 - (B) The general type of services and activities provided and not provided by the assisted living residence and those which the assisted living residence will assist the resident in obtaining;
 - (C) A list of specific assisted living residence services included for the agreed upon rates and charges, along with a list of all available optional services and the specified charge for each;
 - (D) The amount of any fee to hold a place for the resident in the assisted living residence while the resident is absent from the assisted living residence and the circumstances under which it will be charged;
 - (E) Responsibility for providing and maintaining bed linens, bath and hygiene supplies, room furnishings, communication devices and auxiliary aids; and
 - (F) A guarantee that any security deposit will be fully reimbursed if the assisted living residence closes without giving resident(s) written notice at least 30 calendar days before such closure.

Written Disclosure of Information

- 11.7 The assisted living residence shall ensure that when a new resident moves in, he or she is provided with, and acknowledges receipt of, the following information:
 - (A) How to obtain access to the assisted living residence policies and procedures listed under section 9.1,

- (B) The resident's right to receive cardiopulmonary resuscitation (CPR) or have a written advance directive refusing CPR,
- (C) Minimum staffing levels, whether the assisted living residence has awake staff 24 hours a day and the extent to which certified or licensed health care professionals are available on-site,
- (D) Whether the assisted living residence has an automatic fire sprinkler system,
- (E) Whether the assisted living residence uses egress alert devices, including details about when and where they are used,
- (F) Whether the assisted living residence has resident location monitoring devices (such as video surveillance), when and where they are used, and how the assisted living residence determines that a resident requires monitoring,
- (G) Whether the assisted living residence operates a secure environment and what that means,
- (H) The resident's individualized care plan that addresses his or her functional capability and needs,
- (I) Smoking prohibitions and/or designated areas for smoking,
- (J) The readily available on-site location of the assisted living residence's most recent inspection report, and
- (K) Upon request, a copy of the most recent version of these Chapter 7 rules.

Management of Resident Funds/Property

- 11.8 An assisted living residence shall not assume power of attorney or guardianship over a resident unless by court order, nor shall an assisted living residence require a resident to execute or assign a loan, advance, financial interest, mortgage or other property in exchange for future services.
- 11.9 An assisted living residence shall not be required to handle resident funds or property.
- 11.10 An assisted living residence that chooses to handle resident funds or property, shall have a policy regarding the management of such funds and shall comply with the following criteria:
 - (A) There shall be a written authorization that specifies the terms and duration of the financial management services to be performed by the assisted living residence. Such authorization shall be signed by the resident or resident's legal representative and notarized.
 - (B) Upon entering into an agreement with a resident for financial management services, the assisted living residence shall exercise fiduciary responsibility for these funds and property, including, but not limited to, maintaining any funds over the amount of five hundred dollars (\$500) in an interest-bearing account, separate from the general operating fund of the ALR, which interest shall accrue to the resident.
 - (C) The assisted living residence shall post a surety bond in an amount sufficient to protect the residents' personal funds.

- (D) The assisted living residence shall maintain a continuous, dated record of all financial transactions. The record shall begin with the date of the first handling of the personal funds of the resident and shall be kept on file for at least three years following termination of the resident's stay in the assisted living residence. Such record shall be available for inspection by the Department.
- (E) The assisted living residence shall provide the resident or legal representative a receipt each time funds are disbursed along with a quarterly report identifying the beginning and ending account balance along with a description of each and every transaction since the last report.

Discharge

11.11 The assisted living residence shall arrange to discharge any resident who:

- (A) Has an acute physical illness which cannot be managed through medication or prescribed therapy,
- (B) Has physical limitations that restrict mobility, and which cannot be compensated for by available auxiliary aids or intermittent staff assistance,
- (C) Has incontinence issues that cannot be managed by the resident or staff,
- (D) Has a stage 3 or stage 4 pressure sore and does not meet the criteria in section 12.4,
- (E) Is profoundly disoriented to time, person and place with safety concerns that require a secure environment and the assisted living residence does not provide a secure environment,
- (F) Exhibits conduct that poses a danger to self or others and the assisted living residence is unable to sufficiently address those issues through therapeutic approach, and/or
- (G) Needs more services than can be routinely provided by the assisted living residence or an external service provider.

11.12 The assisted living residence may also discharge a resident for:

- (A) Nonpayment of basic services in accordance with the resident agreement; or
- (B) The resident's failure to comply with a valid, signed resident agreement.

11.13 Where a resident has demonstrated that he or she has become a danger to self or others, the assisted living residence shall promptly implement the following process pending discharge:

- (A) Take all appropriate measures necessary to protect other residents;
- (B) Reassess the resident to be discharged and revise his or her care plan to identify the resident's current needs and what services the assisted living residence will provide to meet those needs; and
- (C) Ensure all staff are aware of any new directives placed in the care plan and are properly trained to provide supervision and actions consistent with the care plan.

- 11.14 The assisted living residence shall coordinate a voluntary or involuntary discharge with the resident, the resident's legal representative and/or the appropriate agency. Prior to discharging a resident because of increased care needs, the assisted living residence shall make documented efforts to meet those needs through other means.
- 11.15 In the event a resident is transferred to another health care entity for additional care, the assisted living residence shall arrange to evaluate the resident prior to re-admission or discharge the resident in accordance with the discharge procedures specified below.
- 11.16 The assisted living residence shall provide written notice of any discharge to the resident or legal representative 30 calendar days in advance of discharge except in cases of imminent physical harm to or by the resident or medical emergency, whereupon the assisted living residence shall notify the legal representative as soon as possible.
- 11.17 A copy of any involuntary discharge notice shall be sent to the state and/or local long-term care ombudsman, within five (5) calendar days of the date that it is provided to the resident or the resident's legal representative.

SECTION 12 – RESIDENT CARE SERVICES

Minimum Services

- 12.1 The assisted living residence shall make available, either directly or indirectly through a resident agreement, the following services, sufficient to meet the needs of the residents:
 - (A) A physically safe and sanitary environment including, but not limited to, measures to reduce the risk of potential hazards in the physical environment related to the unique characteristics of the population;
 - (B) Room and board;
 - (C) Personal services including, but not limited to, a system for identifying and reporting resident concerns that require either an immediate individualized approach or on-going monitoring and possible re-assessment;
 - (D) Protective oversight including, but not limited to, taking appropriate measures when confronted with an unanticipated situation or event involving one or more residents and the identification of urgent issues or concerns that require an immediate individualized approach; and
 - (E) Social care and resident engagement.

Nursing Services

- 12.2 Nurses may provide nursing services to support the personal services provided to residents of the assisted living residence, except that such services shall not rise to the level that requires resident discharge as described in section 11.11 or becomes regular 24-hour medical or nursing care.
 - (A) Other staff may assist with nursing services if they are trained and evaluated for competency prior to assignment.
 - (B) Staff assisting with nursing services shall be supervised by a nurse.

- (C) Only staff employed or contracted by the assisted living residence shall provide or assist with nursing services on behalf of the assisted living residence.
- 12.3 The following occasionally required services may only be provided by an external service provider or the nurse of the assisted living residence:
- (A) Syringe or tube feeding,
 - (B) Intravenous medication,
 - (C) Catheter care that involves changing the catheter, irrigation of the catheter and/or total assistance with catheter,
 - (D) Ostomy care where the ostomy site is new or unstable, and
 - (E) Care for a stage 1 or stage 2 pressure sore if the condition is stable and resolving.
- 12.4 An assisted living residence shall not admit or keep a resident with a stage 3 or stage 4 pressure sore unless the resident has a terminal condition and is receiving continuing care from an external service provider.

Practitioner Assessment

- 12.5 The assisted living residence shall have a policy and procedure regarding when a practitioner's assessment of a resident is appropriate. At a minimum, the assisted living residence shall contact the resident's primary practitioner when any of the following circumstances occur and follow the practitioner's recommendation regarding further action.
- (A) The resident experiences a significant change in their baseline status,
 - (B) The resident has physical signs of possible infection (open sores, etc.),
 - (C) The resident sustains an injury or accident,
 - (D) The resident has known exposure to a communicable disease, and/or
 - (E) The resident develops any condition which would have initially precluded admission to the assisted living residence.

Comprehensive Resident Assessment

- 12.6 At the time a new resident moves in, the assisted living residence shall complete a comprehensive assessment that reflects information requested and received from the resident, the resident's representative if requested by the resident, and a practitioner. Information from the comprehensive assessment shall be used to establish an individualized care plan.
- 12.7 The comprehensive assessment shall include all the following items:
- (A) Information from the comprehensive pre-admission assessment described in section 11.1,
 - (B) Information regarding the resident's overall health and physical functioning ability,
 - (C) Information regarding the resident's advance directives,

- (D) Communication ability and any specific needs to facilitate effective communication,
 - (E) Current diagnoses and any known or anticipated need or impact related to the diagnoses,
 - (F) Food and dining preferences, unique needs and restrictions,
 - (G) Individual bathroom routines, sleep and awake patterns,
 - (H) Reactions to the environment and others, including changes that may occur at certain times or in certain circumstances,
 - (I) Routines and interests,
 - (J) History and circumstances of recent falls and any known approaches to prevent future falls,
 - (K) Safety awareness,
 - (L) Types of physical, mental and social support required; and
 - (M) Personal background, including information regarding any other individuals who are supportive of the resident, cultural preferences and spiritual needs.
- 12.8 The comprehensive assessment shall be documented in writing and kept in the resident's health information record.
- 12.9 The comprehensive assessment shall be updated for each resident at least annually and whenever the resident's condition changes from baseline status.

Resident Care Plan

- 12.10 Each resident care plan shall:
- (A) Be developed with input from the resident and the resident representative,
 - (B) Reflect the most current assessment information,
 - (C) Promote resident choice, mobility, independence and safety,
 - (D) Detail specific personal service needs and preferences along with the staff tasks necessary to meet those needs,
 - (E) Identify all external service providers along with care coordination arrangements, and
 - (F) Identify formal, planned, and informal spontaneous engagement opportunities that match the resident's personal choices and needs.

Care Coordination

- 12.11 The assisted living residence shall be responsible for the coordination of resident care services with known external service providers.
- 12.12 The assisted living residence shall notify the resident's representative whenever the resident experiences a significant change from baseline status.

Restraint

- 12.13 An assisted living residence shall not use restraints of any kind or deprive a resident of his or her liberty for purposes of care or safety except as allowed by section 11.2(I), section 25, or as set forth below.
- 12.14 A device that facilitates a resident's well-being and/or independence may be used only if all of the following criteria are met:
- (A) The resident has the functional ability to alter his or her position;
 - (B) The resident is able to remove the device to allow for normal movement;
 - (C) The device improves the resident's physical or emotional state and allows the resident to participate in activities that would otherwise be difficult or impossible; and
 - (D) There is an order from a practitioner for its use.
 - (1) There shall also be interdisciplinary documentation from both the practitioner and a therapist describing the benefits and hazards associated with the device and information on its appropriate use.
 - (2) A resident's continued use of such device shall be re-evaluated by both therapist and practitioner at least annually or whenever the resident experiences a significant change in status.
 - (3) Documentation of compliance with this subsection (D) shall be retained in the resident's care plan.

Fall Management Program

- 12.15 The assisted living residence shall develop policies and procedures to establish a fall management program. The program shall include the following:
- (A) Providing fall management education and materials to residents and family members;
 - (B) Detailing in each resident's care plan the individualized approach necessary to address fall risk related to deficits in strength, balance and eyesight, or effects of medication as identified during the comprehensive resident assessment;
 - (C) Providing resident engagement activities to improve strength and balance as specified in section 12.22(C);
 - (D) Routinely inspecting and maintaining a safe exterior and interior environment as specified in sections 21 and 22; and
 - (E) Providing staff training related to fall prevention as specified in section 7.9(H).

Lift Assistance

- 12.16 Each assisted living residence shall direct staff to assist residents who have fallen or are otherwise unable to independently get up off the floor. The assisted living residence's policy on staff providing lift assistance shall be made available to its local emergency medical responder.

- 12.17 The assisted living residence shall ensure that it has trained staff available to evaluate residents who have fallen or are otherwise unable to independently get up off the floor and provide lift assistance when determined appropriate instead of relying on emergency medical responders.
- (A) Each situation shall be evaluated to determine if the resident can be assisted in a safe manner such as when the resident has no pain and/or there is no change from baseline, the resident's mental status is unchanged from baseline, and there is no or minor bleeding.
 - (B) Once the situation has been evaluated, assisted living residence policy shall require staff to take the following actions:
 - (1) Physically perform the lift assistance using techniques provided in staff training and monitor the resident, or
 - (2) Not lift and call 9-1-1 when the resident is unconscious, the resident's physical or mental status has declined from baseline, the resident experiences an increase in pain when lifting is attempted, the resident wants 9-1-1 called, and/or the resident either can't assist in any way or refuses to assist because of pain, injury, or other physical complications.
 - (C) The assisted living residence shall promptly notify the resident's practitioner, family and/or legal representative of the occurrence of either circumstance identified in section 12.17(B)(1) or (2), along with information regarding the ALR's response.
- 12.18 The assisted living residence's policy shall also require documentation of the action taken by staff and ongoing efforts to prevent a reoccurrence of the situation in the future.

Resident Engagement

- 12.19 The assisted living residence shall encourage residents to maintain and develop their fullest potential for independent living through individual and group engagement opportunities.
- 12.20 The assisted living residence shall provide all residents with regular opportunities to participate in structured engagement and shall support the pursuit of each resident's interests.
- 12.21 If requested, the assisted living residence shall assist a resident with identifying and accessing outside services and community events.
- 12.22 Examples of resident engagement include, but are not limited to, the following:
- (A) Individual or group conversation, recreation, art, crafts, music and pet care;
 - (B) Use of daily living skills that foster and maintain a sense of purpose and significance;
 - (C) Physical pursuits such as games, sports and exercise that develop and maintain strength, coordination and range of motion;
 - (D) Educational opportunities such as special classes or community events;
 - (E) Cultivation of personal interests and pursuits; and
 - (F) Encouraging engagement with others.

- 12.23 The assisted living residence shall encourage residents to contribute to the planning, preparation, conduct, clean-up and critique of any structured engagement offering.
- 12.24 The assisted living residence shall evaluate its resident engagement program at least every three months to ascertain whether the opportunities offered to residents are relevant and well-received and/or if changes are appropriate in response to resident feed-back.
- 12.25 The assisted living residence shall, whenever feasible, coordinate with local agencies and volunteer organizations to promote resident participation in community centered activities including, but not limited to:
- (A) Public service endeavors;
 - (B) Community events such as concerts, exhibits and plays;
 - (C) Community organized group engagement such as senior citizen groups, sports leagues and service clubs; and
 - (D) Attendance at the place of worship of the resident's choice.
- 12.26 Each assisted living residence shall place notices of planned resident engagement offerings in a central location readily accessible to residents, relatives and the public. Copies shall be retained for at least six months.

Resident Engagement Management

19 or fewer residents

- 12.27 In assisted living residences that are licensed for 19 or fewer residents, the administrator shall be primarily responsible for organizing, conducting and evaluating resident engagement. If an assisted living residence can demonstrate that its residents are self-directed to the extent that they are able to plan, organize and conduct the ALR's resident engagement activities themselves, the ALR may request a waiver of this requirement.

20 to 49 residents

- 12.28 In assisted living residences that are licensed for 20 to 49 residents, the administrator shall designate one staff member to be responsible for organizing, conducting and evaluating resident engagement. The designated staff member shall have had at least six months experience in providing structured resident engagement offerings or have completed or be enrolled in an equivalent education and/or training program.

50 or more residents

- 12.29 In assisted living residences that are licensed for 50 or more residents, there shall be at least one staff member whose sole responsibility is to organize, conduct and evaluate resident engagement. The ALR shall provide such staff member with as much accommodation and staff support as necessary to ensure that all residents have on-going opportunities to participate in planned in advance, documented in writing, kept up to date and made available to all residents. The responsible staff member shall have had at least one year of experience or equivalent education and/or training in providing structured resident engagement offerings and be knowledgeable in evaluating resident needs, supervising other staff and in training volunteers.

Use of Volunteers

- 12.30 Each assisted living residence shall encourage participation of volunteers in resident engagement opportunities. All such volunteers shall be supervised and directed by the administrator or staff member primarily responsible for resident engagement.

Physical Space and Equipment:

- 12.31 Each assisted living residence shall have sufficient physical space to accommodate both indoor and outdoor resident engagement. Such accommodations shall include, at a minimum:
- (A) A comfortable, appropriately furnished area such as a living room, family room or great room available to all residents for their relaxation and for socializing with friends and relatives; and
 - (B) An outdoor activity area which is easily accessible to residents and protected from traffic. Outdoor spaces shall be sufficient in size to comfortably accommodate all residents participating in an activity.
- 12.32 Each assisted living residence shall provide sufficient recreational equipment and supplies to meet the needs of the resident engagement program. Special equipment and supplies necessary to accommodate persons with special needs shall be made available as appropriate. When not in use, recreational equipment and supplies shall be stored in such a way that they do not create a safety hazard.
- 12.33 Each assisted living residence shall ensure that staff who accompany residents away from the assisted living residence have ready access to the pertinent personal information of those residents in the event of an emergency.

SECTION 13 – RESIDENT RIGHTS

- 13.1 The assisted living residence shall adopt, and place in a publically visible location, a statement regarding the rights and responsibilities of its residents. The assisted living residence and staff shall observe these rights in the care, treatment and oversight of the residents. The statement of rights shall include, at a minimum, the following items:
- (A) The right to privacy and confidentiality, including
 - (1) The right to have private and unrestricted communications with any person of choice;
 - (2) The right to private telephone calls or use of electronic communication;
 - (3) The right to receive mail unopened;
 - (4) The right to have visitors at any time; and
 - (5) The right to private, consensual sexual activity.
 - (B) The right to civil and religious liberties, including
 - (1) The right to be treated with dignity and respect;
 - (2) The right to be free from sexual, verbal, physical or emotional abuse, humiliation, intimidation, or punishment;

- (3) The right to be free from neglect;
 - (4) The right to live free from financial exploitation, restraint as defined in this chapter, and involuntary confinement except as allowed by the secure environment requirements of this chapter;
 - (5) The right to vote;
 - (6) The right to exercise choice in attending and participating in religious activities;
 - (7) The right to wear clothing of choice unless otherwise indicated in the care plan; and
 - (8) The right to care and services that are not conditioned or limited because of a resident's disability, sexual orientation, ethnicity, and/or personal preferences.
- (C) The right to personal and community engagement, including
- (1) The right to socialize with other residents and participate in assisted living residence activities, in accordance with the applicable care plan;
 - (2) The right to full use of the assisted living residence common areas in compliance with written house rules;
 - (3) The right to participate in resident meetings, voice grievances and recommend changes in policies and services without fear of reprisal;
 - (4) The right to participate in activities outside the assisted living residence and request assistance with transportation; and
 - (5) The right to use of the telephone including access to operator assistance for placing collect telephone calls.
 - (a) At least one telephone accessible to residents utilizing an auxiliary aid shall be available if the assisted living residence is occupied by one or more residents utilizing such an aid.
- (D) The right to choice and personal involvement regarding care and services, including
- (1) The right to be informed and participate in decision making regarding care and services, in coordination with family members who may have different opinions;
 - (2) The right to be informed about and formulate advance directives;
 - (3) The right to freedom of choice in selecting a health care service or provider;
 - (4) The right to expect the cooperation of the assisted living residence in achieving the maximum degree of benefit from those services which are made available by the assisted living residence;
 - (a) For residents with limited English proficiency or impairments that inhibit communication, the assisted living residence shall find a way to facilitate communication of care needs.

- (5) The right to make decisions and choices in the management of personal affairs, funds and property in accordance with resident ability;
- (6) The right to refuse to perform tasks requested by the assisted living residence or staff in exchange for room, board, other goods or services;
- (7) The right to have advocates, including members of community organizations whose purposes include rendering assistance to the residents;
- (8) The right to receive services in accordance with the resident agreement and the care plan; and
- (9) The right to 30 calendar days written notice of changes in services provided by the assisted living residence including, but not limited to, involuntarily change of room or changes in charges for a service. Exceptions to this notice are:
 - (a) Changes in the resident's medical acuity that result in a documented decline in condition and that constitute an increase in care necessary to protect the health and safety of the resident; and
 - (b) Requests by the resident or the family for additional services to be added to the care plan.

Ombudsman Access

- 13.2 In accordance with the Older Americans Act Reauthorization Act of 2016 (P.L. 114-144), and §26-11.5-108 and 25-27-104(2)(e), C.R.S., an assisted living residence shall permit access to the premises and residents by the state ombudsman and the designated local long-term care ombudsman at any time during an ALR's regular business hours or regular visiting hours, and at any other time when access may be required by the circumstances to be investigated.

House Rules

- 13.3 The assisted living residence shall establish written house rules and place them in a publically visible location so that they are always available to residents and visitors.
- 13.4 The house rules shall list all possible actions which may be taken by the assisted living residence if any rule is knowingly violated by a resident. House rules shall not supersede or contradict any regulation herein, or in any way discourage or hinder a resident's exercise of his or her rights. House rules shall address, at a minimum, the following items:
- (A) Smoking including the use of electronic cigarettes and vaporizers,
 - (B) Cooking,
 - (C) Protection of valuables on premises,
 - (D) Visitors,
 - (E) Telephone usage including frequency and duration of calls,
 - (F) Use of common areas and devices such as television, radio and computer,
 - (G) Consumption of alcohol and marijuana, and

- (H) Pets.

Resident Meetings

- 13.5 Each assisted living residence shall hold regular meetings with residents, staff, family and friends of residents so that all have the opportunity to voice concerns and make recommendations concerning assisted living residence care, services, activities, policies and procedures.
- 13.6 Meetings shall be held at least quarterly with an opportunity for more frequent meetings if requested.
- 13.7 Written minutes of such meetings shall be maintained and made readily available for review by residents or family members.
- 13.8 Before the next regularly scheduled meeting, assisted living residence staff shall respond in writing to any suggestions or issues raised at the prior meeting.
- 13.9 Residents and family members shall also have the opportunity to meet without the presence of assisted living residence staff.

Internal Grievance and Complaint Resolution Process

- 13.10 Each assisted living residence shall develop and implement an internal process to ensure the routine and prompt handling of grievances or complaints brought by residents, family members or advocates. The process for raising and addressing grievances and complaints shall be placed in a visible on-site location along with full contact information for the following agencies.
 - (A) The state and local long-term care ombudsman,
 - (B) The Adult Protection Services of the appropriate county Department of Social Services,
 - (C) The advocacy services of the area's agency on aging,
 - (D) The Colorado Department of Public Health and Environment, and
 - (E) The Colorado Department of Health Care Policy and Financing in those cases where the assisted living residence is licensed to provide services specifically for persons with intellectual and developmental disabilities.

Investigation of Abuse and Neglect Allegations

- 13.11 The assisted living residence shall investigate all allegations of abuse, neglect or exploitation of residents in accordance with section 5 and its written policy which shall include, but not be limited to, the following:
 - (A) Reporting requirements to the appropriate agencies such as the adult protection services of the appropriate county Department of Social Services and to the assisted living residence administrator,
 - (B) A requirement that the assisted living residence notify the legal representative about the allegation within 24 hours of the assisted living residence becoming aware of the allegation,
 - (C) The process for investigating such allegations,

- (D) How the assisted living residence will document the investigation process to evidence the required reporting and that a thorough investigation was conducted,
- (E) A requirement that the resident shall be protected from potential future abuse and neglect while the investigation is being conducted,
- (F) A requirement that if the alleged neglect or abuse is verified, the assisted living residence shall take appropriate corrective action, and
- (G) A requirement that a copy of the report with the investigation findings shall be retained by the facility and available for Department review.

SECTION 14 – MEDICATION AND MEDICATION ADMINISTRATION

General Requirements:

- 14.1 An assisted living residence shall not allow an employee or volunteer to administer or assist with administering medication to a resident unless such individual is a practitioner, a nurse, a qualified medication administration person (QMAP) or a certified nurse medication aide (CNA – Med) acting within his or her scope of practice.
- 14.2 For purposes of this section 14, a practitioner is “authorized” if state law allows the practitioner to prescribe treatment, medication or medical devices.
- 14.3 An assisted living residence shall not allow a QMAP or a CNA-Med to assist a resident with medication administration unless the resident is able to consent and participate in the consumption of the medication.
- 14.4 If a CNA-Med is used to administer or assist with administering medication to a resident, the assisted living residence shall ensure that the CNA-Med complies with the medication administration procedures listed in this section 14, except that a CNA-Med may perform additional tasks associated with medication administration as authorized by his or her certification.
- 14.5 An assisted living residence that utilizes qualified medication administration persons shall comply with the requirements of 6 CCR 1011-1, Chapter 24, Medication Administration Regulations, in addition to the requirements set forth in this section 14.
- 14.6 The assisted living residence shall comply with all federal and state laws and regulations relating to procurement, storage, administration and disposal of controlled substances.
- 14.7 The assisted living residence shall ensure that each resident receives proper administration and/or monitoring of medications.
- 14.8 The assisted living residence shall be responsible for ensuring compliance with all safety requirements regarding oxygen use, handling and storage as set forth in sections 22.29 through 22.34 of this chapter.
- 14.9 No medication shall be administered by a qualified medication administration person on a pro re nata (PRN) or “as needed” basis except:
 - (A) In a residential treatment facility that is licensed to provide services for the mentally ill;

- (B) Where the resident understands the purpose of the medication, is capable of voluntarily requesting the medication, and the assisted living residence has documentation from an authorized practitioner that the use of such medication in this manner is appropriate; or
 - (C) Where specifically allowed by statute.
- 14.10 Unless otherwise allowed by statute, the assisted living residence shall not permit a qualified medication administration person to perform any of the following tasks:
- (A) Intravenous, intramuscular or subcutaneous injections,
 - (B) Gastrostomy or jejunostomy tube feeding,
 - (C) Chemical debridement,
 - (D) Administration of medication for purposes of restraint,
 - (E) Titration of oxygen,
 - (F) Decision making regarding PRN or “as needed” medication administration,
 - (G) Assessment of residents or use of judgment including, but not limited to, medication effect,
 - (H) Pre-pouring of medication, or
 - (I) Masking or deceiving administration of medication including, but not limited to, concealing in food or liquid.
- 14.11 Only medication that has been ordered by an authorized practitioner shall be prepared for or administered to residents.

Training, Competency and Supervision

- 14.12 The assisted living residence shall ensure that all qualified medication administration persons are trained in and adhere to the following medication administration procedures:
- (A) Identification of the right resident for each medication administration or monitoring by asking for the resident’s name or comparing the resident to a photograph maintained specifically for medication administration identification,
 - (B) Providing the correct medication by the correct route at the correct time and in the correct dose as ordered by the authorized practitioner, and
 - (C) Implementing any changes in medication orders upon receipt.
- 14.13 The assisted living residence shall designate a QMAP supervisor who is a nurse, practitioner or meets the requirements of a qualified medication administration person.
- (A) The QMAP supervisor shall, before initial assignment of each qualified medication administration person, conduct a competency assessment with direct observation of all medication administration tasks that the QMAP will be assigned to perform.

- (1) Whenever a QMAP is assigned additional medication administration tasks, the QMAP supervisor shall conduct a competency assessment with direct observation of each new task that the QMAP will be assigned.

Resident Rights

- 14.14 All personal medication is the property of the resident and no resident shall be required to surrender the right to possess or self-administer any personal medication unless an authorized practitioner has determined that the resident lacks the decisional capacity to possess or self-administer such medication safely.
- 14.15 The assisted living residence shall ensure each resident's right to privacy and dignity with respect to medication monitoring and administration.
- 14.16 Each resident shall have the right to refuse medications.

Orders

- 14.17 The assisted living residence shall ensure that each authorized practitioner's order for medication includes the correct name of the resident, date of the order, medication name, strength of medication, dosage to administer, route of administration along with timing and/or frequency of administration, any specific considerations, if substitutions are allowed or restricted, and the signature of the practitioner.
- 14.18 All medication orders shall be documented in writing by the authorized prescribing practitioner. Verbal orders for medication shall not be valid unless received by a licensed staff member who is authorized to receive and transcribe such orders.
- 14.19 Any orders received from medical staff on behalf of an authorized practitioner must be countersigned by said practitioner as soon as possible.
- 14.20 The assisted living residence shall contact the authorized practitioner for clarification of any orders which are incomplete or unclear and obtain new orders in writing.
- 14.21 The assisted living residence shall be responsible for complying with authorized practitioner orders associated with medication administration except for those medications which a resident self-administers.
- 14.22 The assisted living residence shall coordinate care and medication administration with external providers.

Medication Reminder Boxes

- 14.23 For medication reminder boxes that the assisted living residence is responsible for, the assisted living residence shall ensure that the box contains:
 - (A) No more than a 14 calendar day supply of medications at a time,
 - (B) No PRN medications including PRN controlled substances,
 - (C) Only medication intended for oral ingestion, and
 - (D) No medications that require administration within specific timeframes unless the medication reminder box is specifically designed and labeled with specific instructions to address this situation.

- 14.24 Medication reminder boxes shall be stored in a manner that ensures access for the designated resident and prevents access from unauthorized persons.

Medication Preparation and Handling

- 14.25 The assisted living residence shall maintain medication storage and preparation areas which are clean and free of clutter.
- 14.26 All reusable medical devices shall be cleaned according to the manufacturer instructions and appropriately stored.
- 14.27 No stock medications shall be stored or administered by qualified medication administration persons.
- A) All over-the-counter medication prescribed for administration shall be labeled or marked with the individual resident's full name.
- 14.28 The assisted living residence shall ensure that qualified medication administration persons are trained in and apply nationally recognized protocols for basic infection control and prevention when preparing and administering medications.

Record Keeping

- 14.29 All prescribed and PRN medications shall be listed and recorded on a medication administration record (MAR) which contains the name and date of birth of the resident, the resident's room location, any known allergies, and the name and telephone number of the resident's authorized practitioner.
- (A) The medication administration record shall reflect the name, strength, dosage and mode of administration of each medication, the date the order was received, the date and time of administration, any special considerations related to administration and the signature or initial of the person administering the medication.
- (B) As part of the medication administration record, the assisted living residence shall maintain a legible list of the names of the persons utilizing the record for medication administration, along with each of their signatures and, if used, their initials.
- (C) Each qualified medication administration person, nurse or practitioner shall accurately document each medication administration or monitoring event at the time the event is completed for each resident.
- (D) Each qualified medication administration person, nurse or authorized practitioner shall document accurate information in the medication administration record including any medication omissions, refusals and resident reported responses to medications.
- 14.30 The assisted living residence shall maintain a record on a separate sheet for each resident receiving a controlled substance which contains the name of the controlled substance, strength and dosage, date and time administered, resident name, name of authorized practitioner and the quantity of the controlled substance remaining.
- 14.31 The administrator and the QMAP supervisor shall, on a quarterly basis, audit the accuracy and completeness of the medication administration records, controlled substance list, medication error reports and medication disposal records. Any irregularities shall be investigated and resolved. The results of the audits shall be documented and routinely included as part of the assisted living residence's Quality Management Program assessment and review.

Reporting

- 14.32 The assisted living residence shall have policies and procedures for documenting, investigating, reporting and responding to any errors related to accurate accounting of controlled substances and /or medication administration.
- 14.33 The assisted living residence shall ensure that the resident's authorized practitioner and resident's legal representative is promptly notified of:
- (A) A decline from a resident's baseline status,
 - (B) A resident's pattern of refusal,
 - (C) A resident's repetitive request for and use of PRN medication,
 - (D) Any observed or reported unfavorable reactions to medications,
 - (E) The administration of medications used to emergently treat angina, and
 - (F) Medication errors that affect the resident.

Self-Administration

- 14.34 The assisted living residence shall compile a list of all resident medications along with any known allergies and verify the accuracy and completeness of the list with the resident and authorized practitioner at the time of admission.
- 14.35 The assisted living residence shall review this list with the resident and authorized practitioner at least once a year and maintain documentation of such review.
- 14.36 The assisted living residence shall report non-compliance, misuse or inappropriate use of known medications by a resident who is self-administering to that resident's authorized practitioner.

Medication Storage

- 14.37 All medications shall be stored in the original prescribed/manufacture containers with the exception of medications placed in medication reminder boxes pursuant to section 14.23.
- 14.38 All medications shall be stored in a locked cabinet, cart or storage area when unattended by qualified medication administration persons or other licensed staff.
- 14.39 Controlled substances shall be kept in double lock storage.
- (A) Two individuals who are either qualified medication administration persons, nurses, or practitioners shall jointly count all controlled substances at the end of each shift and sign documentation regarding the results of the count at the time it occurs. Any discrepancy in the controlled substance count shall be immediately reported to the administrator.
- 14.40 All refrigerated medications shall be stored in a refrigerator that does not contain food and that is not accessible to residents.
- (A) All medication stored in a refrigerator shall be clearly labeled with the resident's name and prescribing information.

- 14.41 The assisted living residence shall not store or retain for more than 30 calendar days any outdated, discontinued and/or expired medications.
- 14.42 Outdated, discontinued and/or expired medications that are not returned to the resident or legal representative shall be stored in a locked storage area until properly disposed of.
- (A) Any controlled substance medications which are designated for destruction shall be kept in a separate locked container within the locked storage area until they are destroyed.
- 14.43 The assisted living residence shall conduct, on a monthly basis, a joint two person audit of medications designated for disposal.
- (A) At least one of the persons conducting the audit shall be a qualified medication administration person.
- (B) The results of the audit shall be documented and signed by both staff members conducting the audit.
- (C) Audit records shall be maintained for a minimum of three years. Any discrepancy in the list and count of medications designated for disposal shall be immediately reported to the administrator.

Medication Destruction and Disposal

- 14.44 Medication shall be returned to the resident or resident's legal representative, upon discharge or death, except that return of medication to the resident may be withheld if specified in the care plan of a resident of a facility which is licensed to provide services specifically for the mentally ill or if a practitioner has determined that the resident lacks the decisional capacity to possess or administer such medication safely.
- (A) A resident or resident's legal representative may authorize the assisted living residence to return unused medications or medical supplies and used or unused medical devices to a prescription drug outlet or donate to a nonprofit entity in accordance with § 12-42.5-133, C.R.S., and 6 CCR 1011-1, Chapter 2, Part 7.202.
- (B) The assisted living residence shall request and maintain signed documentation from the resident or resident's legal representative regarding the return or donation of all medications, medical supplies or devices.
- 14.45 The assisted living residence shall have policies and procedures regarding the destruction and disposal of outdated, unused, discontinued and/or expired medications which are not returned to the resident or legal representative. At a minimum, the policies and procedures shall include the following requirements:
- (A) Medication shall be destroyed in the presence of two individuals, each of whom are either a qualified medication administration person, nurse, or practitioner;
- (B) All medications shall be destroyed in a manner that renders the substances totally irretrievable;
- (C) There shall be documentation which identifies the medications, the date of destruction and the signatures of the witnesses performing the medication destruction; and
- (D) All destroyed medications shall be disposed of in compliance with sections 24.2 and 24.3 regarding medical waste disposal.

SECTION 15 – LAUNDRY SERVICES

General Requirements:

- 15.1 The assisted living residence shall make laundry services available in one or more of the following ways:
- (A) Providing laundry service for the residents,
 - (B) Providing access to laundry equipment so that the residents may do their own laundry,
 - (C) Making arrangements with a commercial laundry, or
 - (D) Coordinating with friends or family members who choose to provide laundry services for a resident.
- 15.2 There shall be separate storage areas for soiled linen and clothing.
- 15.3 The assisted living residence shall address resident sensitivities or allergies with regard to laundry detergents or methods.

Assisted Living Residence Laundry Service

- 15.4 If providing laundry service for residents, the assisted living residence shall ensure the following:
- (A) Washing machines and dryers are properly maintained according to the manufacturer's instructions;
 - (B) Bed and bath linens are cleaned at least weekly or more frequently to meet individual resident needs while blankets are cleaned as necessary;
 - (D) Laundry personnel or designated staff handle, store, process, transport and return laundry in a way that prevents the spread of infection or cross contamination;
 - (E) Personal clothing is returned to the appropriate resident in a presentable, ready-to-wear manner in order to promote resident respect and dignity; and
 - (E) The appropriate resident representative is notified if a resident needs additional clothing or linens.

Resident Access

- 15.5 If a resident independently uses the assisted living residence laundry area, the assisted living residence shall ensure that:
- (A) The resident is instructed in the proper use of the equipment,
 - (B) There is a readily available schedule showing when resident use is permitted, and
 - (C) The resident has the means to independently access the area during the permitted times.

SECTION 16 – FOOD SAFETY

All Assisted Living Residences

- 16.1 Residents handling or preparing food for other residents shall have access to a hand-sink, soap and disposable paper towels. The assisted living residence shall ensure that such residents understand when to wash hands and the proper procedure for doing so. Supplies for cleaning and a pre-made solution for sanitizing food contact surfaces shall be readily available. The ingredients used shall be allowable foods from approved sources and within the “use-by” date.
- 16.2 The food safety requirements specified in this chapter do not preclude residents from consuming foods not procured by the assisted living residence.

20 or More Beds

- 16.3 An assisted living residence that is licensed for 20 beds or more shall comply with the Department’s regulations concerning Colorado Retail Food Establishments at 6 CCR 1010-2.

Fewer Than 20 Beds

- 16.4 An assisted living residence that is licensed for fewer than 20 beds shall comply with all of the requirements in sections 16.5 through 16.37. A commercial kitchen is not a requirement for an assisted living residence with fewer than 20 beds.

Employee Training

- 16.5 Anyone preparing or serving food shall complete recognized food safety training and maintain evidence of completion on site. Food safety training shall be provided by recognized food safety experts or agencies, such as the Division of Environmental Health and Sustainability, local public health agencies or Colorado State University Extension Services. At a minimum, a certificate of completion of the available online modules is sufficient to comply with this section. The successful completion of other accredited food safety courses is also acceptable.

Personal Health

- 16.6 Staff shall be in good health and free of communicable disease while handling, preparing or serving food or handling utensils.
- 16.7 Staff are prohibited from handling, preparing or serving food or handling utensils for residents or other staff while experiencing any of the following symptoms: Vomiting, diarrhea, sore throat with fever, jaundice or lesion containing pus on the hands or wrists.
- (a) Staff members experiencing these symptoms are permitted to return to handling food and utensils only when they have been symptom-free for at least 24 hours and/or the lesions on their hands are bandaged and completely covered with an impervious glove or finger cot.

Handwashing

- 16.8 The assisted living residence shall ensure that food handlers, cooks and servers properly wash their hands using the following procedure:

- (A) Wash hands in warm (100°F to 120°F) soapy water by vigorously scrubbing all surfaces of the hands and wrists for at least 20 seconds. Rinse hands clean. Thoroughly dry hands with a disposable paper towel. Use the paper towel to turn off sink faucets before disposing.
- 16.9 The assisted living residence shall ensure that food handlers, cooks and servers always wash their hands at the following times:
- (A) Before leaving the restroom, and again before returning to food or beverage preparation, food and food equipment storage areas or dishwashing;
 - (B) After coughing, sneezing, using a handkerchief or tissue, using tobacco products or eating;
 - (C) When switching between working with raw animal derived foods and ready-to-eat foods;
 - (D) After touching the hair, face or body;
 - (E) During food preparation, as often as necessary to remove soil and contamination and to prevent cross contamination when changing tasks;
 - (F) Before handling or putting on single use gloves for food handling and between removing soiled gloves and putting on new, clean gloves;
 - (G) After handling soiled dishes or utensils, such as busing tables or loading a dishwashing machine;
 - (H) After feeding or caring for a resident;
 - (I) After caring for pets or other animals; and
 - (J) After engaging in any activity that contaminates the hands such as handling garbage, mopping, working with chemicals and other cleaning activities.

Employee Hygiene

- 16.10 The assisted living residence shall ensure that all staff members have good hygienic practices and wear clean clothing or protective coverings while handling food or utensils.
- 16.11 The assisted living residence shall prohibit staff members from using common towels and other multiple use linens or clothing to wipe or dry their hands. When hands become soiled, the ALR shall ensure that staff wash their hands in accordance with section 16.8(A).
- 16.12 The assisted living residence shall ensure that staff members refrain from eating or smoking in the area used for food preparation or storage. Drinking in these areas is allowed with enclosed containers that do not require manual manipulation of the drinking surface.
- 16.13 The assisted living residence shall ensure that staff members do not touch their faces, hair or other body surfaces while handling food.
- 16.14 Tasting food during preparation shall be done with a utensil that is clean and sanitized. The same utensil must be washed, rinsed and sanitized before it is reused.
- 16.15 Utensils used to dispense food shall have handles. Utensil handles shall be kept out of food and ice. For example, scooping ice with a glass is prohibited.

Bare Hand Contact

- 16.16 Ready-to-eat foods shall not be handled with bare hands. Instead gloves or utensils must be used to handle, prepare and serve these foods.

Proper Glove Use

- 16.17 Disposable food service gloves shall be used in a manner that prevents contamination of food and food contact surfaces. Gloves shall be changed whenever switching from handling raw animal products to ready-to-eat foods and whenever else gloved hands become contaminated. When gloves are changed, hands shall be washed in accordance with section 16.8(A).

Approved Source

- 16.18 All foods, including raw ingredients and prepared foods, shall be obtained from approved, licensed or registered sources or food manufacturers. Raw uncut produce can be obtained from other sources, including grown onsite, as long as good agricultural practices defined by the United States Department of Agriculture are used. Further guidance for produce grown by an assisted living residence is detailed in a Department brochure entitled "Food Safety for Vegetable Gardens, tips for Schools, Child Care and Long Term Care Facilities." The brochure is available online at [Colorado Food Safety Tips](#) or by contacting the Division of Environmental Health and Sustainability at 303-692-3645.

Prohibited Foods

- 16.19 Prohibited foods shall not be served by the assisted living residence. Prohibited foods include raw or undercooked meat, poultry, fish, and molluscan shellfish; raw unpasteurized eggs; raw milk and raw seed sprouts. Unpasteurized juice is also prohibited unless it is freshly squeezed and made to order.
- 16.20 Foods that pose a greater risk for the long-term care population include deli meats, hot dogs, and soft cheeses. These foods are allowed, but it is strongly recommended that they be heated before service to control *Listeria monocytogenes*, a particularly dangerous bacteria for older adults and immune compromised populations.
- 16.21 An assisted living residence shall not distribute or dispense raw milk products of any kind.

Date Marking

- 16.22 Refrigerated foods opened or prepared and not used within 24 hours must be marked with a "use by" or "discard by" date. The "use by" or "discard by" date is seven calendar days following opening or preparation. The seven days cannot surpass the manufacturer's expiration date for the product or its ingredients or seven days since the date any of the ingredients in the food were opened or prepared. This requirement does not apply to commercially prepared condiments and dressings.

Required Cooking Temperatures

- 16.23 Animal derived foods; meat, poultry, fish and unpasteurized eggs must be cooked to the minimum internal temperatures in the following table before being served or held hot.

Poultry (ground or intact), stuffed meats	165°F
Eggs, pork, lamb, fish	145°F
Ground beef, fish, pork, lamb, veal	155°F
Whole muscle beef steaks	145°F
Whole roasts (beef, lamb, pork)	135°F

Required Holding Temperatures

- 16.24 Potentially hazardous foods shall be maintained at the proper temperatures at all times. Potentially hazardous foods that are stored cold shall be held at or below 41°F.
- 16.25 Potentially hazardous foods that are stored hot shall be held at or above 135°F.
- 16.26 When foods are being prepared, cooled or reheated, they shall not be held below 135°F or above 41°F for extended time to control the growth of harmful bacteria.

Rapid Reheating

- 16.27 Potentially hazardous foods that are being reheated from room temperature, such as opening a can, or from cold storage before hot holding shall be rapidly heated within 2 hours to 165°F. Rapid heating can be accomplished on a stove top, in an oven, microwave or another approved reheating device.

Rapid Cooling

- 16.28 Potentially hazardous foods that are being cooled from room temperature, such as after opening a can or preparing food from room temperature ingredients, shall be cooled to 41°F within four hours.

Following cooking or removal from hot storage, foods must be cooled within six hours to 41°F. Begin active cooling foods when foods are 135°F. Cool to 70°F within two hours or less. Then cool from 70°F to 41°F within four hours or less. Active cooling means using uncovered shallow pans, ice as an ingredient, ice wands, breaking foods down into small portions and fully submerging containers in ice baths or a combination of these methods.

Food Preparation

- 16.29 When foods are being assembled or prepared outside of temperature control, the process should be completed as quickly as possible and no more than two hours.

Thawing

- 16.30 Frozen foods shall be thawed under refrigeration, under cool, running water between 60-70°F, in a microwave oven or as part of the cooking process.
- 16.31 Leaving food out to thaw without temperature control is prohibited.

Equipment

- 16.32 Equipment shall be maintained in working order and cleanable. Refrigeration equipment shall maintain foods below 41°F. Hot holding equipment must hold food at or above 135°F.

Cleaning and Sanitizing

- 16.33 Food contact surfaces of equipment shall be washed, rinsed and sanitized before use or at least every four hours of continual use. Dish detergent shall be labeled for the intended purpose. Sanitizer shall be approved for use as a no-rinse food contact sanitizer. Sanitizers shall be registered with EPA and used in accordance with labeled instructions.

Plumbing

- 16.34 A handwashing sink supplied with soap and disposable paper towels shall be available in all food handling areas.
- 16.35 Sinks shall be washed, rinsed and sanitized when switching between food preparation or produce washing and thawing animal derived foods.

Dish Washing

- 16.36 Dishes, utensils and cookware shall be washed using one of the following methods:
- (A) In a single or multiple compartment sink using a dish detergent that is labeled for that intended purpose. Once washed, dishes and utensils shall be rinsed clean, and then submerged in an approved no-rinse food contact sanitizer and allowed to air dry. Sanitizer shall be registered with EPA and used in accordance with labeled instructions; or
 - (B) A domestic or commercial dishwashing machine with a wash water temperature that reaches a minimum of 155°F or is equipped with a chemical sanitizing cycle.

Mop Water

- 16.37 Mop water shall only be filled in a dedicated utility sink, a bath tub or using a quick release hose attachment on another sink that is immediately removed and stored away from the sink after filling. Mop water shall be disposed in the sanitary sewer (e.g., toilet, bathtub or utility sink). Mop water shall not be discarded on the ground outside or in a storm drain.

SECTION 17 – FOOD AND DINING SERVICES

Meals, Drinks and Snacks

- 17.1 The assisted living residence shall provide at least three meals daily, at regular times comparable to normal mealtimes in the community or in accordance with resident needs, preferences, and plans of care.
- (A) Nourishing meal substitutes and between-meal snacks shall be provided, in accordance with plans of care, to residents who want to eat at non-traditional times or outside of scheduled meal service times.
- 17.2 Meals shall include a variety of foods, be nutritionally balanced and sufficient in amount to satisfy resident appetites.

- (A) Appealing substitutes of similar nutritive value shall be available for residents who choose not to eat food that is initially served or who request an alternative meal.
- 17.3 The assisted living residence shall offer drinks, including water and other liquids to residents with every meal and between meals throughout the day. The assisted living residence shall also ensure that residents have independent access to drinks at all times.
- 17.4 Assisted living residence staff shall observe resident food consumption on a regular basis in order to detect unplanned changes such as weight gain, weight loss or dehydration. Changes in consumption that may indicate the need for assistance with eating shall be reported to the resident's practitioner and case manager, if applicable.
- 17.5 If a resident repeatedly chooses not to follow the dietary recommendations of his or her practitioner, the assisted living residence shall document such in the record or care plan and notify the resident's practitioner and case manager, if applicable.

Menus

- 17.6 Menus shall vary daily and incorporate seasonal and/or holiday foods.
- 17.7 Weekly menus shall be readily available for residents and public viewing no less than 24 hours prior to serving.
- 17.8 Residents shall be encouraged to participate in planning menus and the assisted living residence shall make reasonable efforts to accommodate resident suggestions.

Food Supply

- 17.9 Each assisted living residence shall have sufficient food on hand to prepare three nutritionally balanced meals per day for three calendar days.

Therapeutic Diets

- 17.10 An assisted living residence may provide therapeutic diets when the following conditions are met:
 - (A) The diet is prescribed by the resident's practitioner, and
 - (B) The assisted living residence has trained staff to prepare the food in accordance with the diet and ensure it is being served to the appropriate resident.

Assistance with Dining and Feeding

- 17.11 If a resident demonstrates difficulty opening, reaching or accessing food and beverage items at meal time, staff shall promptly assist that resident in doing so regardless of the resident's dining location.
- 17.12 Staff may assist residents by cueing and prompting them to eat and drink so long as that assistance is not undertaken for the convenience of staff.
- 17.13 Staff may assist feeding a resident only if the resident is able to maintain an upright position and chew and swallow without difficulty.

- 17.14 Staff who assist feeding a resident shall be trained in the proper techniques for supporting nutrition and hydration by a licensed or registered professional qualified by education and training to assess choking risks, such as a registered nurse, speech language pathologist or registered dietitian.
- (A) The assisted living residence shall not allow staff to assist feeding a resident if the resident has difficulty chewing and swallowing or has a history of chronic choking or coughing while eating or drinking.
- (B) If a resident who is receiving feeding assistance experiences a change in eating and swallowing that is a decline from baseline as identified in the individualized resident care plan, staff shall stop providing assistance, document the issue in the resident's record and ensure that the resident's practitioner is notified.
- (1) Unless temporary measures are ordered by the practitioner, feeding assistance shall not be resumed until a medical evaluation has been performed and the assisted living residence has documentation from the practitioner that it is safe to resume.

Dining Area and Equipment

- 17.15 Each assisted living residence shall have a designated dining area with tables and chairs that all residents are able to access and that is sufficient in size to comfortably accommodate all residents. Residents shall be given the opportunity to choose where and with whom to sit.
- 17.16 No resident or group of residents shall be excluded from the designated dining area during meal time unless otherwise indicated in the resident's individualized care plan.
- 17.17 Meals shall not be routinely served in resident rooms unless otherwise indicated in the resident's individualized care plan. The assisted living residence shall, however, make reasonable efforts to accommodate residents that choose to dine somewhere other than the dining room.
- 17.18 The location of resident dining shall not be chosen solely for staff convenience.
- 17.19 Paper or disposable plastic ware shall not be used for regular meals with the exception of emergencies and outdoor dining.

SECTION 18 – RESIDENT HEALTH INFORMATION RECORDS

General

- 18.1 Each assisted living residence shall have a confidential health information record for each resident and maintain it in a manner that ensures accuracy of information.
- 18.2 Health information records for current residents shall be kept on site at all times.
- 18.3 Each assisted living residence shall implement a policy and procedure for an effective information management system that is either paper-based or electronic. If the ALR maintains both paper-based and electronic records, there shall be a method for integration of those records that allows effective continuity of care. Processes shall include effective management for capturing reporting, processing, storing and retrieving care/service data and information.
- 18.4 At the time of admission, the resident record shall contain, at a minimum, the following items:
- (A) Face sheet,

- (B) Practitioner orders,
- (C) Individualized resident care plan,
- (D) Copies of any advance directives, and
- (E) A signed copy of the resident agreement.

Confidentiality and Access

- 18.5 The assisted living residence shall have a means of securing resident records that preserves their confidentiality and provides protection from loss, damage and unauthorized access.
- 18.6 The confidentiality of the resident record including all medical, psychological and sociological information shall be protected in accordance with all applicable federal and state laws and regulations.
- 18.7 Each resident or legal representative of a resident shall be allowed to inspect that resident's own record in accordance with §25-1-801, C.R.S. Upon request, resident records shall also be made available for inspection by the state and local long-term care ombudsman pursuant to §26-11.5-108, C.R.S., Department representatives and other lawfully authorized individuals.

Content

- 18.8 Resident records shall contain, but not be limited to, the following items:
- (A) Face Sheet,
 - (B) Practitioner order,
 - (C) Individualized resident care plan,
 - (D) Progress notes which shall include information on resident status and wellbeing, as well as documentation regarding any out of the ordinary event or issue that affects a resident's physical, behavioral, cognitive and/or functional condition along with the action taken by staff to address that resident's changing needs;
 - (1) The assisted living residence shall require staff members to document, before the end of their shift, any out of the ordinary event or issue regarding a resident that they personally observed, or was reported to them.
 - (E) Medication Administration Record,
 - (F) Documentation of on-going services provided by external service providers including, but not limited to, family members, aides, podiatrists, physical therapists, hospice and home care services, and other practitioners, assistants and caregivers;
 - (G) Advance directives, if applicable, with extra copies; and
 - (H) Final disposition of resident including, if applicable, date, time and circumstances of a resident's death along with the name of the person to whom the body is released.
- 18.9 The face sheet shall be updated at least annually and contain the following information:
- (A) Resident's full name, including maiden name, if applicable;

- (B) Resident's sex, date of birth, and marital status;
- (C) Resident's most recent former address;
- (D) Resident's medical insurance information and Medicaid number, if applicable;
- (E) Date of admission and readmission, if applicable;
- (F) Name, address and contact information for family members, legal representatives, and/or other persons to be notified in case of emergency;
- (G) Name, address and contact information for resident's practitioner and case manager, if applicable;
- (H) Resident's primary spoken language and any issues with oral communication;
- (I) Indication of resident's religious preference, if any;
- (J) Resident's current diagnoses; and
- (K) Notation of resident's allergies, if any.

Record Transfer and Retention

- 18.10 If a resident's care is transferred to another health facility or agency, a copy of the face sheet, individualized resident care plan and medication administration record for the current month shall be transferred with the resident.
- 18.11 If an assisted living residence ceases operation, each resident's records must be transferred to the licensed health facility or agency that assumes that resident's care.
- 18.12 Records of former residents shall be complete and maintained for at least three years following the termination of the resident's stay in the assisted living residence.
- 18.13 Such records shall be maintained and readily available at the assisted living residence location for a minimum of six months following termination of the resident's stay.

SECTION 19 – INFECTION CONTROL

Education

- 19.1 The assisted living residence shall have an infection control program that provides initial and annual staff training on infection prevention and control. Such training shall cover, at a minimum, the following items:
 - (A) Modes of infection transmission,
 - (B) The importance of hand washing and proper techniques,
 - (C) Use of personal protective equipment including proper use of disposable gloves, and
 - (D) Cleaning and disinfection techniques.

Policies and Procedures

- 19.2 The assisted living residence shall have and follow written policies and procedures that address the transmission of communicable diseases with a significant risk of transmission to other persons and for reporting diseases to the state and/or local health department, pursuant to 6 CCR 1009-1, Epidemic and Communicable Disease Control.
- 19.3 The policies and procedures shall include at a minimum, all of the following criteria:
- (A) The method for monitoring and encouraging employee wellness,
 - (B) The method for tracking infection patterns and trends and initiating a response,
 - (C) The method for determining when to seek assistance from a medical professional and/or the local health department,
 - (D) Isolation techniques, and
 - (E) Appropriate handling of linen and clothing of residents with communicable infections.

Infectious Waste Management

- 19.4 Any item containing blood, body fluid or body waste from a resident with a contagious condition shall be presumed to be infectious waste and shall be disposed of in the room where it is used into a sturdy plastic bag, then re-bagged outside the room and disposed of consistent with the medical waste disposal requirements at section 24.2.

SECTION 20 – PHYSICAL PLANT STANDARDS

Compliance with State and Local Requirements

- 20.1 Each assisted living residence shall be in compliance with all applicable local zoning, housing, fire and sanitary codes and ordinances of the city, city and county, or county where the ALR is situated, to the extent that such codes and ordinances are consistent with the federal “Fair Housing Amendment Act of 1988” as amended, at 42 U.S.C. §3601, et seq.

Compliance with Fire Safety, Construction and Design Standards

- 20.2 An assisted living residence shall be constructed in conformity with the standards adopted by the Director of the Division of Fire Prevention and Control (DFPC) at the Colorado Department of Public Safety.
- 20.3 An assisted living residence applying for an initial license on or after June 1, 2019, shall comply with Parts 1.1 through 1.5, any cross-referenced Part 2 systems, and 4.1 of the Guidelines for Design and Construction of Residential Health, Care and Support Facilities, Facility Guidelines Institute (FGI) (2018 Edition), as incorporated herein, unless otherwise indicated.
- (A) Small model assisted living facilities applying for a license for 10 beds or less shall be exempt from compliance with FGI Guidelines that each resident have access to a bathroom without entering a corridor and that the building have an elevator that is sized to accommodate a gurney and/or medical carts.

- 20.4 Renovation of an assisted living residence that is initiated on or after December 1, 2019, shall comply with Parts 1.1 through 1.5, any cross-referenced Part 2 systems, and 4.1 of the Guidelines for Design and Construction of Residential Health, Care and Support Facilities, Facility Guidelines Institute (FGI) (2018 Edition), as incorporated herein, unless modified elsewhere in this chapter.
- (A) Small model assisted living facilities applying for a license for 10 beds or less shall be exempt from compliance with FGI Guidelines that each resident have access to a bathroom without entering a corridor and that the building have an elevator that is sized to accommodate a gurney and/or medical carts.
- 20.5 The Guidelines for Design and Construction of Residential Health, Care and Support Facilities, Facilities Guidelines Institute (2018 Edition), is hereby incorporated by reference consistent with section 1.3 of this chapter and excludes any later amendments to or editions of the Guidelines. FGI appendix material is advisory only and not incorporated unless explicitly stated otherwise in this chapter. The 2018 FGI Guidelines are available at no cost in a limited read-only version at: <http://fgiguidelines.org>

SECTION 21 – EXTERIOR ENVIRONMENT

- 21.1 The assisted living residence grounds shall be kept free of high weeds, garbage and rubbish.
- 21.2 The assisted living residence grounds shall be maintained to protect residents from slopes, holes or other hazards and shall be consistent with any landscape plan approved by the local jurisdiction.
- 21.3 Exterior stairs shall be lighted at night.
- 21.4 Porches, stairs, handrails and ramps shall be maintained in good repair.
- 21.5 For new construction initiated on or after June 1, 2019, porches and exterior areas with more than one step within a six foot linear run shall have a handrail in addition to the requirements of section 20.3. For renovation initiated on or after December 1, 2019, porches and exterior areas with more than one step within a six foot linear run shall have a handrail in addition to the requirements of section 20.4.
- 21.6 Notwithstanding section 20.3, for initial license applications and new construction initiated on or after June 1, 2019, the total number of parking spaces shall be based solely on local requirements and the functional need of the resident population. Notwithstanding section 20.4, for renovation initiated on or after December 1, 2019, the total number of parking spaces to be provided shall be based solely on local requirements and the functional need of the resident population.
- 21.7 The assisted living residence shall submit building plans, in the form and manner specified, to the Department for plan review and approval.
- (A) Applicants for an initial ALR license shall submit building plans for newly constructed or existing buildings before the issuance of the initial license.
- (B) Existing licensees shall submit plans for renovations, additional square footage, and replacement buildings before beginning construction.

SECTION 22 – INTERIOR ENVIRONMENT

General

- 22.1 All interior areas including attics, basements and garages shall be free from accumulations of extraneous material such as refuse, unused or discarded furniture and potential combustible materials.
- 22.2 Combustibles such as cleaning rags and compounds shall be kept in closed metal containers.
- 22.3 Cleaning compounds and other hazardous substances (including products labeled “Keep out of reach of children” on their original containers) shall be clearly labeled to indicate contents and (except when a staff member is present) shall be stored in a location sufficiently secure to deny access to confused residents.
- (A) The ALR shall maintain a readily available list and the safety data sheet of potentially hazardous substances used by housekeeping and other staff.
- (B) Utility rooms used for storing disinfectants and detergent concentrates, caustic bowl and tile cleaners and insecticides shall be locked.
- 22.4 Designated areas where smoking is allowed shall be equipped with fire resistant wastebaskets. Resident rooms occupied by smokers, even when house rules prohibit smoking in resident rooms, shall have fire resistant wastebaskets.

Heating, Lighting and Ventilation

- 22.5 Each room shall have heat, lighting and ventilation sufficient to meet the use of the room and the needs of the residents.
- 22.6 All interior stairs and corridors shall be adequately lighted.

Water

- 22.7 There shall be an adequate supply of safe, potable water available for domestic purposes.
- 22.8 There shall be a sufficient supply of hot water during peak usage demand.
- 22.9 Hot water shall not measure more than 120 degrees Fahrenheit at taps which are accessible by residents.

Common Areas

- 22.10 Common areas shall be sufficient in size to reasonably accommodate all residents.
- 22.11 All common and dining areas shall be accessible to a resident using an auxiliary aid without requiring transfer from a wheelchair to walker or from a wheelchair to a stationary chair for use in the dining area. All doors to those rooms requiring access shall be at least 32 inches wide.
- 22.12 Effective July 1, 2018, an assisted living residence that has one or more residents using an auxiliary aid shall have a minimum of two means of access and egress from the building unless local code requires otherwise.

Sleeping Room

- 22.13 No resident shall be assigned to reside in any room other than one regularly designated for sleeping.
- 22.14 No more than two residents shall occupy a sleeping room.
- (A) An assisted living residence initially licensed prior to July 1, 1986 is permitted to have up to four residents per room unless the ALR undertakes renovation or changes ownership, at which time the newer, more stringent requirement shall apply.
- 22.15 Sleeping rooms, exclusive of bathroom areas and closets, shall have the following minimum square footage:
- (A) 100 square feet for single occupancy, and
- (B) 60 square feet per person for double occupancy.
- 22.16 Each resident shall have storage space, such as a closet, for clothing and personal articles.
- 22.17 Each sleeping room shall have at least one window of 8 square feet which shall have opening capability.
- (A) An assisted living residence initially licensed prior to January 1, 1992, is permitted to have a window of smaller dimensions unless the ALR undertakes renovation or changes ownership, at which time the newer, more stringent requirement shall apply.
- 22.18 In assisted living residences that provide furnishings for residents pursuant to a resident agreement, each resident shall be provided, at a minimum, with the following items:
- (A) A standard-sized bed with a comfortable, clean mattress, mattress protector, pad, and pillow (Rollaway type beds, cots, folding beds, futons, or bunk beds are prohibited), and
- (B) A standard-sized chair in good condition.

Bathroom

- 22.19 There shall be at least one full bathroom for every six residents.
- 22.20 A full bathroom shall contain the following:
- (A) Toilet,
- (B) Hand-washing station,
- (C) Mirror,
- (D) Private individual storage for resident personal effects; and
- (E) Shower.
- 22.21 All bathtubs and shower floors shall have proper safety features to prevent slips and falls.
- 22.22 Toilet seats shall be constructed of non-absorbent material and free of cracks.

- 22.23 Each assisted living residence shall provide toilet paper in each resident bathroom, except where a resident has a specific preference and agrees to supply it.
- 22.24 Toilet paper in a dispenser, liquid soap and paper towels or hand drying devices shall be available at all times in each common bathroom.
- 22.25 In an assisted living residence that has one or more residents using auxiliary aids, the assisted living residence shall provide at least one full bathroom with fixtures positioned so that they are fully accessible to any resident utilizing an auxiliary aid.
- 22.26 Grab bars shall be properly installed at each tub and shower, and adjacent to at least one toilet in every multi-stall toilet room in an assisted living residence if any resident uses an auxiliary aid or as otherwise indicated by the needs of the resident population.
- (A) When residents can undertake independent transfers, alternative grab bar configurations are permitted.

Heating Devices

- 22.27 The assisted living residence shall prohibit the use of portable heaters in resident rooms. The use of fireplaces, space heaters and like units that generate heat shall be prohibited in the common areas of the assisted living residence unless the ALR is able to ensure that such devices have a UL (Underwriters Laboratory) or similar certification label, do not present a resident burn risk, and are used in accordance with manufacturer instructions.
- 22.28 The assisted living residence shall prohibit the use of electric blankets and/or heating pads in resident rooms unless there is staff supervision or written documentation that the administrator has assessed the resident and determined he or she is capable of using such device in a safe and appropriate manner.

Oxygen Use, Handling and Storage

- 22.29 The assisted living residence's handling and storage of oxygen shall comply with all applicable local, state and federal requirements.
- 22.30 The assisted living residence shall prohibit smoking in areas where oxygen is stored and/or used and shall post a conspicuous "No Smoking" sign in those areas.
- 22.31 The assisted living residence shall ensure that oxygen tanks are not rolled on their side or dragged.
- 22.32 The assisted living residence shall ensure that oxygen tanks are secured upright at all times in a manner that prevents tanks from falling over, being dropped or striking each other.
- 22.33 Oxygen tank valves shall be closed except when in use.
- 22.34 The assisted living residence shall ensure that oxygen tanks are not placed against electrical panels, live electrical cords or near radiators or heat sources. If stored outdoors, tanks shall be protected from weather extremes and damp ground to prevent corrosion.

Smoking

- 22.35 Assisted living residences shall comply with the Colorado Clean Indoor Air Act at § 25-14-201 through 25-14-209, C.R.S.

22.36 Designated outdoor smoking areas shall be monitored whenever residents are present.

22.37 Designated outdoor smoking areas shall have fire resistant waste disposal containers.

Cooking

22.38 Cooking shall not be permitted in sleeping rooms.

22.39 Residents shall have access to an alternative area where minimal food preparation is permitted.

22.40 In assisted living residences where residents have dwelling units rather than simply sleeping rooms, cooking may be allowed in accordance with house rules.

(A) Only residents who are capable of cooking safely shall be allowed to do so and the assisted living residence shall document such assessment.

(B) If cooking equipment is present in dwelling units, the assisted living residence shall have a definitive way of disabling such equipment if they become unsafe for residents to use.

Electrical Equipment

22.41 Electrical socket adaptors or connectors designed to multiply outlet capacity shall be prohibited.

22.42 Extension cords are permitted for temporary use only.

22.43 Power strip surge protectors are permitted throughout the assisted living residence with the following limitations:

(A) The power strip shall have overcurrent protection in the form of a circuit breaker or fuse,

(B) The power strip shall have a UL (underwriters laboratories) or similar certification label, and

(C) Power strips shall not be linked together.

Personal Electric Appliances

22.44 Personal electric appliances are allowed in resident rooms only if the following criteria are met:

(A) Such appliances do not require the use of an extension cord or multiple use electrical sockets,

(B) Such appliance is in good repair as evaluated by the administrator or designee, and

(C) There is written documentation that the resident has been assessed and determined to be capable of using such appliance in a safe and appropriate manner.

SECTION 23 – ENVIRONMENTAL PEST CONTROL

23.1 The assisted living residence shall have written policies and procedures that provide for effective control and eradication of insects, rodents and other pests.

- 23.2 The assisted living residence shall have a contract with a licensed pest control company or an effective means for pest control using the least toxic and least flammable effective pesticides. The pesticides shall not be stored in resident or food areas and shall be kept under lock and only properly trained responsible personnel shall be allowed to apply them.
- 23.3 Screens or other pest control measures shall be provided on all exterior openings except where prohibited by fire regulations. Assisted living residence doors, door screens and window screens shall fit with sufficient tightness at their perimeters to exclude pests.

SECTION 24 – WASTE DISPOSAL

Sewage and Sewer Systems

- 24.1 All sewage shall be discharged into a public sewer system, or if such is not available, disposed of in a manner approved by the State and local health authorities and the Colorado Water Quality Control Commission.
- A) When private sewage disposal systems are in use, records of maintenance and the system design plans shall be kept on the premises.
- B) No unprotected exposed sewer line shall be located directly above working, storage or eating surfaces in kitchens, dining rooms, pantries, food storage rooms, or where medical or nursing supplies are prepared, processed or stored.

Medical Waste

- 24.2 Assisted living residents shall not transport, manage or dispose of medical waste unless in accordance with the 6 CCR 1007-2, Part 1, Regulations Pertaining to Solid Waste Disposal Sites and Facilities, Section 13, Medical Waste.
- 24.3 Assisted living residences that generate waste including medical waste shall make a hazardous waste determination in accordance with Part 261 of the state hazardous waste regulations at 6 CCR 1007-3. If the facility generates hazardous waste, it shall manage, transport and dispose of such waste in accordance with 6 CCR 1007-3.

Refuse

- 24.4 All garbage and rubbish that is not disposed of as sewage shall be collected in impervious containers in such manner as not to become a nuisance or a health hazard and shall be removed to an outside storage area at least once a day.
- A) The refuse storage area shall be kept clean, and free from nuisance.
- B) A sufficient number of impervious containers with tight fitting lids shall be provided and kept clean and in good repair.
- C) Carts used to transport refuse shall be constructed of impervious materials, enclosed, used solely for refuse and maintained in a sanitary manner.

SECTION 25 – SECURE ENVIRONMENT

- 25.1 An assisted living residence may choose to provide a secure environment as that term is defined in section 2. A secure environment, which may be provided throughout an entire assisted living residence or in a distinct part of an assisted living residence, shall comply with sections 1 through 24 of this chapter in addition to the requirements in this section 25.

25.2 An assisted living residence that uses any methods or devices to limit, restrict or prohibit free egress of one or more residents to move unsupervised outside of the ALR or any separate and distinct part of the ALR shall comply with this section regarding secure environment.

25.3 An assisted living residence with a secure environment shall include all the services provided in an unsecured environment plus any additional services specified in this section 25.

Written Disclosure

25.4 In addition to the information listed in section 11.7(A) through (K), an assisted living residence shall also disclose the following information to each potential resident and his or her legal representative before such individual moves into a secure environment:

- (A) The criteria for admission including the types of required assessments used to determine unique resident needs,
- (B) The location of the secure environment and the methods of restrictions that are used,
- (C) How the safety of residents is monitored within the building and the outdoor area, and
- (D) Information on any specialty services such as memory care and/or special care services, including, but not limited to, a description of daily engagement opportunities.

Pre-Admission Assessment

25.5 Before an individual moves in, the assisted living residence shall complete a pre-admission assessment to determine the appropriateness and need for secure environment residency. The pre-admission assessment shall include all the items required for the comprehensive assessment in section 12.7(A) through (M), plus the following:

- (A) A face to face evaluation by a licensed practitioner which has occurred within the previous 90 calendar days and which describes the resident's medical condition and any cognitive deficits that contribute to wandering, compromised safety awareness and other types of conduct; and
- (B) Detailed information from the resident's family and/or representative concerning the resident's recent relevant history and patterns of reduced safety awareness and wandering along with any strategies used to prevent unsafe wandering or successful exiting and any other known types of conduct.

Resident Admission

25.6 No individual shall be required to move in to a secure environment against their will unless legal authority for the admission of the individual has been established by guardianship, court order, medical durable power of attorney, health care proxy or other means allowed by Colorado law.

25.7 An individual may voluntarily agree to reside in a secure environment even though his or her physical or psychosocial status does not require such placement. In such circumstances, the assisted living residence shall assure that the resident has freedom of movement inside and outside of the secure environment at all times and that there is a signed resident agreement to that effect.

25.8 Once a resident moves into a secure environment, the assisted living residence shall comply with the following:

- (A) The assisted living residence shall evaluate a resident when the resident expresses the desire to move out of a secure environment and contact the resident's legal representative, practitioner and the state and/or local long-term care ombudsman, when appropriate;
- (B) The assisted living residence shall ensure that admission to and continuing residence in a secure environment is the least restrictive alternative available and is necessary for the physical and psychosocial well-being of the resident; and
- (C) If at any time a resident is determined to be a danger to self or others, the assisted living residence shall be responsible for developing and implementing a temporary plan to monitor the resident's safety along with the protection of others until the issue is appropriately resolved and/or the resident is discharged from the assisted living residence.

Re-Assessment

25.9 Each resident shall be re-assessed to determine his or her continued need for a secure environment every six months and whenever the resident's condition changes from baseline status.

- (A) As part of the secure environment re-assessment, the assisted living residence shall consult with the resident's attending practitioner, family and/or resident representative and review service documentation dating back to the most recent comprehensive assessment.

Enhanced Resident Care Plan

25.10 In addition to the information required for a resident care plan at section 12.10, the care plan for each resident in a secure environment shall include the following:

- (A) A description of the resident's wandering patterns and known behavioral expressions along with individualized approaches to be implemented by staff to protect the resident and other residents with whom they have contact,
- (B) A description of how the resident will have continuous independent access to his or her individual room along with the ALR's plan to protect the resident from unwanted visitation by other residents,
- (C) Identification of the type and level of staff oversight, monitoring and/or accompaniment that the ALR deems necessary to meet the needs of the resident within the secure environment and secure outdoor area, and
- (D) Documentation describing the personal grooming and hygiene items that are determined safe for the resident to have in their own possession for self-care and how those items are stored to prevent unauthorized access by other residents.

25.11 The enhanced resident care plan shall be updated to reflect changes in the staff approach to meeting resident needs and when any medical assessment, appraisal or observations indicate the resident's care needs have changed.

Staff Training

- 25.12 The assisted living residence shall have a policy and procedure regarding the training of staff who provide services in a secure environment. The policy shall include, at a minimum, information on the appropriate staff response when there is a missing resident or resident incident/altercation along with distribution of staff when responding to such an event to ensure that there is sufficient staff presence for the continued supervision of other residents.
- 25.13 In addition to the training requirements in section 7.9, staff assigned to a secure environment shall receive training and education on assisted living residence policies and procedures specific to the secure environment resident care, services and protections. Such training shall include, at a minimum, the following:
- (A) Information on the secure environment that identifies and describes the areas where residents have free passage, where passage may be restricted and where passage is prohibited,
 - (B) Information regarding the current mobility status of all residents so that staff are prepared to successfully evacuate all residents in the event of an emergency,
 - (C) Information on the location of the storage area which is not accessible to residents including a description of what items or contents are required to be kept in the storage area, and
 - (D) Information on the equipment and devices used to secure the environment including how to override or disarm such devices, along with expectations for response if staff are alerted to an alarm.
- 25.14 Before a staff member is allowed to work independently in the secure environment, the assisted living residence shall provide each staff member with a minimum of eight hours of training and education on the provision of care and services for residents with dementia/cognitive impairment.
- (A) The training shall be provided through structured, formalized classes, correspondence courses, competency-based computer courses, training videos or distance learning programs.
 - (B) The training content shall be provided or recognized by an academic institution, a recognized state or national organization or association, or an independent contractor or group that emphasizes dementia/cognitive impairment care.
 - (C) The training shall cover, at a minimum, the following topics:
 - (1) Information on disease processes associated with dementia and cognitive impairment including progression of the diseases, types and stages of memory loss, family dynamics, behavioral symptoms and limitations to normal activities of daily living;
 - (2) Information on non-pharmacological techniques and approaches used to guide and support residents with dementia/cognitive impairment, wandering and socially challenging behavioral expressions of need or distress;
 - (3) Information on communication techniques that facilitate supportive and interactive staff-resident relations;

- (4) Positive therapeutic approaches and activities such as exercise, sensory stimulation, activities of daily living and social, recreation and rehabilitative activities;
- (5) Information on recognizing physical symptoms that may cause a change in dementia/cognitive impairment such as dehydration, infection, and swallowing difficulty; along with individualized approaches to assist or address associated symptoms such as pain, decreased appetite and fluid intake and/or isolation; and
- (6) Benefits and importance of person-centered care planning and collaborative approaches to delivery of care.

25.15 The assisted living residence shall ensure that each staff member assigned to the secure environment completes eight clock hours of continuing education within each 12-month period beginning with the date of initial assignment. The education shall include topics covered in the initial training and may include other topics relevant to the population served at the assisted living residence.

Staffing

25.16 The assisted living residence shall have a sufficient number of trained staff members on duty in the secure environment to ensure each resident's physical, social and emotional health care and safety needs are met in accordance with their individualized care plan.

25.17 The assisted living residence shall consider the day to day resident needs and activity, including the intensity of staff assistance, on an individual resident basis to determine the appropriate level of staffing. At a minimum, there shall be one trained, awake staff member on duty at all times.

25.18 Staff members shall be familiar with each resident's specific care-planned needs and the unique approaches for assisting with care and safety.

Care and Services

25.19 In addition to the requirements for resident care services in section 12, each assisted living residence with a secure environment shall establish policies and procedures for the delivery of resident care and services that include, at a minimum, the following:

- (A) A system or method of accounting for the whereabouts of each resident;
- (B) The system or method staff members are to use for observation, identification, evaluation, individualized approach to and documentation of resident behavioral expression; and
- (C) Assistance with the transition of residents to and from the secure environment and when changing rooms within a secure environment.

25.20 Residents who indicate a desire to go outside the secured area shall be permitted to do so with staff supervision except in those situations where it would be detrimental to the resident's health, safety or welfare.

- (A) If the assisted living residence is aware of an ongoing issue or pattern of behavioral expression that would be exacerbated by allowing a resident to go outside the secure area, it shall be documented in the resident's enhanced, individualized care plan.

Family Council

- 25.21 The assisted living residence shall meet the requirements of section 13.10 regarding the internal grievance and complaint resolution process. In addition, the assisted living residence shall hold regular meetings to allow residents, their family members, friends, and representatives to provide mutual support and share concerns and/or recommendations about the care and services within each separate secure environment.
- (A) Such meetings shall be held at least quarterly at a place and time that reasonably accommodates participation; and
 - (B) The assisted living residence shall provide adequate advance notice of the meeting and ensure that details regarding any meeting are readily available in a common area within the secure environment.

Resident Rights

- 25.22 The assisted living residence shall ensure that residents in a secure environment have all the same resident rights as set forth in section 13 of this chapter including, but not limited to, the right to privacy and confidentiality.

Discharge

- 25.23 The assisted living residence shall follow the requirements of sections 11.11 through 11.17 regarding resident discharge when moving a resident out of a secure environment unless the move is voluntarily initiated by the resident's legal representative.

Physical Design, Environment and Safety

- 25.24 The assisted living residence shall ensure that residents have freedom of movement to common areas and resident personal spaces.
- 25.25 A secure environment shall meet the following criteria:
- (A) There shall be a multipurpose room for dining, group and individual activities and family visits,
 - (B) Resident access to appliances shall only be allowed with staff supervision,
 - (C) There shall be a storage area which is inaccessible to residents for storage of items that could pose a risk or danger such as chemicals, toxic materials and sharp objects;
 - (D) The corridors and passageways shall be free of objects or obstacles that could pose a hazard,
 - (E) There shall be documentation of routine monthly testing of all equipment and devices used to secure the environment, and
 - (F) There shall be a secure outdoor area that is available for resident use year-round that:
 - (1) Is directly supervised by staff,
 - (2) Is independently accessible to residents without staff assistance for entrance or exit,

- (3) Has comfortable seating areas,
- (4) Has one or more areas that provide protection from weather elements, and
- (5) Has a fence or enclosure around the perimeter of the outdoor area that is no less than 6 feet in height and constructed to reduce the risk of resident wandering or elopement from the area.
 - (a) If the fence or enclosure has gated access which is locked, all staff assigned to the secure environment shall have a readily available means of unlocking the gate in case of emergency.

Editor's Notes

6 CCR 1011-1 has been divided into separate chapters for ease of use. Versions prior to 05/01/2009 are located in the main section, 6 CCR 1011-1. Prior versions can be accessed from the All Versions list on the rule's current version page. To view versions effective on or after 05/01/2009, select the desired chapter, for example 6 CCR 1011-1 Chap 04 or 6 CCR 1011-1 Chap 18.

History

Sections 1.102, 1.104, 1.105, 1.113 eff. 11/01/2008.

Sections 1.103, 1.113(2) eff. 12/30/2008.

Section 1.104(5)(n) repealed eff. 04/30/2011.

Sections 103(2)(d), 103(2)(f) eff. 09/30/2011.

Sections 103(2), 105(2)(c)(ii) eff. 03/17/2013.

Sections 1.102(25), 1.102(31), 1.103(3), 1.104(3)f)(ii)(B), 1.104(4)(a)(i), 104(5)(b), 1.108(9), 1.109(2)(b), 1.111(1)(a), 1.111(2)(a), 1.113 eff. 08/14/2013.

Sections 1.102(1), 1.102(8), 1.102(34), 1.105(1)(b)(iv), 1.106(3) eff. 07/15/2014.

Sections 1.102(6)(c), 1.105(1)(b)(iii), 1.105(6)(a)(iii) eff. 12/15/2014.

Sections 1.103(2)-1.103(2)(d)(ii)(B) eff. 08/14/2015.

Chapter 7 entire rule eff. 06/14/2018.

From: [Jennifer Vyhldal](#)
To: [Gretchen E Ricehill](#)
Subject: Permit appeal
Date: Thursday, March 26, 2020 2:08:55 PM

To whom it may concern,

I am the homeowner at 1709 Grand Avenue. My neighbor, Yesenia, is at 1713 Grand Ave and is trying to appeal a denied permit.

It says there will be a public hearing on April 2. How will this be held with restrictions in place during the shelter in place mandated by the state?

I have already once expressed my concerns via email and in person in November of 2019. I am a solid no for many reasons.

I did not like what I heard in November 2019 regarding requirements for inspections and codes. In this time of pandemic, I can't believe anyone is even trying to move elderly to a place that I'm assuming has none of the required medical equipment to take on an infectious disease. If this passes I will be sure to follow through in mandating codes at 1713 Grand.

As I said before, you can refer to my previous email. This is ridiculous giving more time to something that should not happen. She said she was moving her family out of the home. No one has moved out. If she has so much money to move her family out, why doesn't she leave her family there and purchase a place elsewhere to run her business? Too many people already use my driveway and cut across my lawn to get to her residence as it is. With more tenants, employees, and visitors, this will just drive more traffic in and around my home. She has one way in and one way out. Grand Ave is already busy and is to only grow in the coming years.

I also had to make a phone call to code enforcement this winter. Sidewalks were not shoveled. She can not maintain this if she is the onsite employee taking care of said tenants. This now brings me to another question. If something were to happen as someone was using my sidewalk to get to hers and gets hurt, who is that on?

This cannot happen here. Leave our neighborhood as just that. A neighborhood. If you give one person an inch, the rest will run a mile and more businesses will want go up. No thank you.

Please take into consideration that I would like to see this denied. If you have any questions or would like to get an up close look at many other property faults that need to be stitched up before this goes forward I'd love to show you the fences in place and yard work that needs tended too.

Thanks
Jennifer Vyhldal and family
Homeowner at 1709 Grand Ave
719-661-8020

From: 9703669851@pm.sprint.com
To: [Gretchen E Ricehill](#)
Date: Friday, March 27, 2020 2:14:05 PM

Sent from my mobile.

March 26, 2020

To whom it may concern

This letter is to urge your counsel to grant Mrs. Gonzalez position to appear and maintain her facility Mrs. Gonzalez has worked on me and with me for the last three years she is timely humorous and knowledgeable I am partially paralyzed bedridden and my pain level fluctuates Mrs. Gonzalez pays me exercises me and massage tired old body I am 81 years old and hope to be one of her first customers thank you.
The words should read to grant Mrs. Gonzalez permission to open and maintain her facility I've also gotten here where if she needs to bathe me I'm trying to figure out here just a minute
Signed Carole. York 970-497-6962

From: [Yessenia Gonzalez](#)
To: [Gretchen E Ricehill](#)
Subject: Fwd:
Date: Sunday, March 29, 2020 8:23:40 AM

----- Forwarded message -----

From: <debradcostner@gmail.com>
Date: Sun, Mar 29, 2020 at 7:53 AM
Subject:
To: <ygonzalez1713@gmail.com>

To whom it may concern,

My name is Debbie Costner and I am writing this letter about a wonderful person that I have more respect for than any person I have met in my 37 years of living in the Roaring Fork Valley Yessina Gonzalez.

I met her while supervising a job in Aspen 15 years ago. She was 1 of about 10 women hired for a construction cleaning job. Within 2 days I knew she was responsible, reliable and caring. She had more drive and motivation to be successful and to provide for her family than anyone I had ever met even with the language barrier. She immediately became my right hand person and wouldn't have been able to successfully finish the job without her as it was the most difficult job I had experienced at that time.

I have had a cleaning business for 20 years. In 2006 I was in a bad car wreck and acquired a brain injury. I struggled to communicate with people and to do every day tasks. That's when I found out just what a honest caring person that she really was. She was the only person that was honest with me about being a different person and that's including my family and friends I had known for ever. She knew how to respond to me as if she had taken care of people with brain injury for her whole life. She has been that same person even before she went to school. You can't teach that to someone that has to come from within. I could never repay her for her love, understanding and caring help.

I have watched Yessina come to this country learn the language, become a citizen, set goals and achieve them. She has become my wonderful friend in the process. I wouldn't be where I am today if I hadn't had her love, honesty and caring understanding. I am extremely grateful to her.

We need people like her so desperately in our community. She deserves this opportunity to make her home the most caring place a person could be at this difficult time in a persons life. Please give her this opportunity to every person and their families for the care that I have witnessed personally. It will be the best asset to the Glenwood community. She just wants a opportunity to prove that and she will!!!!!!!

Thank you for your time

Debbie Costner.

970-274-6922 if you have any questions

Sent from my iPhone

March 31, 2020

Chris Bergerud
PO Box 543
Snowmass, CO 81654
970.922.9020

To whom it may concern:

This is a letter to wholeheartedly recommend Yesenia Gonzalez to run an elderly care facility and serve as a home healthcare specialist. She is highly professional in all regards, with the business acumen to successfully manage multiple clients, balancing differing needs and demands simultaneously.

She cared for my father for approximately a year. In that time she helped him with day-to-day tasks, including errands, home maintenance, healthcare, meals and transportation. She has deep knowledge in elderly care, with a keen awareness of challenges her clients are facing.

My father trusted her like he has trusted no other professional before or since, considering her a good friend. She was able to maintain a professional relationship with Larry while at the same time truly caring for his welfare. There were times where she was the only one who could communicate difficult information to Larry in a way that he would listen and take action. In addition, she was highly communicative with me, letting me know when there were health problems or other issues requiring my assistance.

Please feel free to contact me directly if I can answer further questions.

Regards,

A handwritten signature in black ink, appearing to be 'Chris Bergerud', with a large, stylized loop at the end.

Chris Bergerud

March 25, 2020

Re: Yesenia Gonzalez, CNA
Glenwood Springs, Colorado
970-366-9851

To Whom it May Concern:

It is because Ms. Gonzalez is applying to create a care residence that we offer the following recommendation.

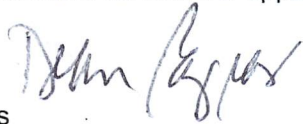
Ms. Gonzalez has provided care services for my mother, Penelope A. Pappas, 97, since September 21, 2017 (2 years). Ms. Pappas is legally blind (macular degeneration), and essentially immobile due to deteriorated knee joints and back surgeries. Ms. Pappas is also in chronic pain throughout her entire body, and suffers slight cognitive impairment.

Ms. Gonzalez has been providing bathing services, massage services, pain reduction services, as well as assistance in eating, dressing, and grooming two to three days a week. Ms. Gonzalez also has assisted by reading to Ms. Pappas as well as watching TV (where Ms. Gonzalez explains the action to Ms. Pappas).

Our family finds Ms. Gonzalez to be exceptionally personable, dedicated to her career and clients, and fully committed to client care (both clinical and social).

We find that her skills and talents lend themselves directly to operating a full-scale residential facility, and recommend that her application be approved.

Sincerely,



Dean Pappas
24 North Bill Creek Road
Carbondale, Colorado 81623
970-963-2743

March 31, 2020

Chris Bergerud
PO Box 543
Snowmass, CO 81654
970.922.9020

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Regards,

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Chris Bergerud

March 31, 2020

Chris Bergerud
PO Box 543
Snowmass, CO 81654
970.922.9020

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Chris Bergerud

March 31, 2020

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970.922.9020

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My father trusted her like he has trusted no other professional before or since, considering her a good friend. She was able to maintain a professional relationship with Larry while at the same time truly caring for his welfare. There were times where she was the only one who could communicate difficult information to Larry in a way that he would listen and take action. In addition, she was highly communicative with me, letting me know when there were health problems or other issues requiring my assistance.

Please feel free to contact me directly if I can answer further questions.

Regards,

A handwritten signature in black ink, appearing to be 'Chris Bergerud', with a large, sweeping loop at the end.

Chris Bergerud

March 31, 2020

Chris Bergerud
PO Box 543
Snowmass, CO 81654
970.922.9020

To whom it may concern:

This is a letter to wholeheartedly recommend Yesenia Gonzalez to run an elderly care facility and serve as a home healthcare specialist. She is highly professional in all regards, with the business acumen to successfully manage multiple clients, balancing differing needs and demands simultaneously.

She cared for my father for approximately a year. In that time she helped him with day-to-day tasks, including errands, home maintenance, healthcare, meals and transportation. She has deep knowledge in elderly care, with a keen awareness of challenges her clients are facing.

My father trusted her like he has trusted no other professional before or since, considering her a good friend. She was able to maintain a professional relationship with Larry while at the same time truly caring for his welfare. There were times where she was the only one who could communicate difficult information to Larry in a way that he would listen and take action. In addition, she was highly communicative with me, letting me know when there were health problems or other issues requiring my assistance.

Please feel free to contact me directly if I can answer further questions.

Regards,

A handwritten signature in black ink, appearing to be 'Chris Bergerud', with a large, stylized loop at the end.

Chris Bergerud

From: [Kendra Page](#)
To: [Gretchen E Ricehill](#)
Subject: Special use permit application: personal care boarding home
Date: Wednesday, April 1, 2020 9:26:21 PM

April 01,2020
Dear commissioners

I am writing this letter to strongly support the applicant, Yesenia Gonzalez, and support for the personal care boarding permit.

Hi my name is Kendra page I support this applicant because she is very good at what she does, has worked and continues to work very hard everyday, and is such a passionate person. Having easy access to the grocery store and the hospital makes it the perfect location, I believe Yesenia Gonzalez is a perfect applicant for a personal care boarding home permit.

Sincerely

Kendra Page
133 Quail Run Carbondale CO 81623
970987149



City Council
STAFF REPORT
City of Glenwood Springs
April 16, 2020

Agenda Item:	Ordinance No. 8, Series of 2020, An Ordinance of the City Council of the City of Glenwood Springs, Colorado, Amending Standards in the Glenwood Springs Municipal Code Related to Accessory Dwelling Units (FIRST READING)
Action Requested:	Consideration of a code text amendments to Municipal Code Title 070 to amend the Accessory Dwelling Unit development standards.
Department:	Economic and Community Development
Presented By:	Hannah Klausman, Senior Planner
Background Info:	Accessory Dwelling Units were adopted as an allowed use in 1998 in residential zone districts to provide affordable rental housing within the current infrastructure. The code requirements have been amended several times since then to clarify intent as well as make changes to review and process. With renewed housing pressure and tight rental market, the Community Development Department is seeing a lot of applications to build or convert areas into accessory dwelling units. Frequently applications have difficulty meeting specific regulation standards such as setbacks and size limitations. The Planning and Zoning Commission (P&Z) held a joint work session with the Housing Commission and City Council on October 16, 2020 to discuss options for amending standards related to density as well as Accessory Dwelling Units. P&Z held another joint work session with the Housing Commission on November 19, 2020 to give staff further recommendations on changes to encourage increased production of Accessory Dwelling Units. P&Z reviewed staff proposed ADU amendments at their regularly scheduled February 25, 2020 meeting an recommended approval with one small change. P&Z added text to include a requirement for two architectural features on each side of an ADU. This requirement is similar to requirements for Single Family Dwellings, that require three features, and Multi-Family Dwellings that require five architectural features.
Issues:	The proposed changes include: -Removing ADU's from the maximum size allowance calculation for all accessory structures of 1000 square feet. -Clarification and definition of "Required Rear Yard". -Increasing Maximum ADU size from 850 square feet to 1,000 square feet. -Increasing percentage of Primary Dwelling ADU size maximum from 49% to 55%. -Adding a "Unit Size Exception" for ADU conversions in existing building footprints. -Adding a "Front Yard Exception" for lot configuration and existing structures. -Increasing the Required Rear Yard maximum coverage allowance. -Reducing the Rear Yard Setback requirement to five (5) feet with conditions. -Adding a "Preservation of Existing Structures" allowance. -Removing language referencing a Lot Coverage Bonus for ADU's in Section 070.040.080 Residential Building Design Standards. -Requiring ADU construction to meet the four sided design standard for Residential Building Design with a minimum of two architectural features listed in 070.040.080.
Staff Recommendation:	Staff recommends <u>approval</u> of Planning Item #01-20 Code Text Amendments–Title 070 Accessory Dwelling Unit Standards amendments with the following recommended findings.

The Code amendment is;

- i. Is consistent with the Comprehensive Plan and other City policies;
- ii. Does not conflict with other provisions of this Code or other provisions in the Glenwood Springs Municipal Code;
- iii. Is necessary to address a demonstrated community need;
- iv. Is necessary to respond to substantial changes in conditions and/or policy; and
- v. Is consistent with the general purpose and intent of this Code.

Staff is recommending approval of Ordinance No. 6, Series of 2020, Amending Standards in the Municipal Code Relating to Accessory Dwelling Units, which includes the findings above.

Planning Item #01-20 070 Code Amendment Accessory Dwelling Units



ACTION ITEMS

Action 1:

Consideration of a code text amendments to Municipal Code Title 070 to amend the Accessory Dwelling Unit development standards.

REVIEW AUTHORITY

For actions involving amendments to the Land Use Code, City Council is the final approving body. All Municipal Code amendments are completed by ordinance, which requires two hearings before City Council.



070.030.040 - Accessory Uses and Structures.

(c) General Standards for Accessory Uses and Structures

- ✧ Maximum size of all Accessory Structures
- ✧ Clarification of Required Yard and definition

(d) Additional Standards for Specific Accessory Uses and Structures

- ✧ Removing reference to “if applicable” building design standards.
- ✧ Increasing maximum ADU size from 850 to 1000 square feet
- ✧ Increasing % of Primary Dwelling from 49 to 55%
- ✧ Adding Unit Size Exception for ADU conversions in existing homes without footprint increase.
- ✧ Front yard exception for lot configuration and existing structures.
- ✧ Required rear yard maximum coverage increase
- ✧ Rear Yard Setback allowance of 5 feet.
- ✧ Preservation of existing structures allowing ADU conversion.

070.040.080 - Residential Site /Building Design

Lot Coverage

Removing language referencing a Lot Coverage Bonus for Accessory Dwelling Units.

070.070.030 - All Other Terms Defined

Addition of Definition for Required Rear Yard



Dimensional Standards for Accessory Structures

(5) *Dimensional Standards for Accessory Structures.*

a. Accessory structures shall not be located in a required front yard.

b. Accessory structures may be located in a required rear yard provided that not more than forty (40) percent of the required rear yard is covered. The required rear yard area shall be calculated by taking the full width of the lot by the minimum rear setback distance based on the applicable zoning district and are set forth in Article 070.020: Zoning Districts, measured horizontally from the rear lot line.

c. Accessory structures shall observe a ten-foot setback from the rear lot line when such line abuts an alley, or a seven-and-one-half-foot setback where there is no alley.

d. Accessory structures shall observe a five-foot setback from side lot lines.



(d) *Additional Standards for Specific Accessory Uses and Structures.*

e. *Compatibility.* Colors, materials, and design of the accessory dwelling unit shall be substantially the same as the principal dwelling. ~~If applicable, construction of accessory dwelling units shall be required to comply with the building design standards in Section 070.040.080, Residential Site and Building Design.~~





(d) *Additional Standards for Specific Accessory Uses and Structures.*

3f. *Four-Sided Design*

3 For new construction, a minimum of two architectural features listed below shall be incorporated into the overall design on each side of the accessory dwelling unit. Architectural features appropriate for achieving this standard may include:

31. Covered porches;

32. Balconies;

33. Prominent entry features;

34. Windows;

35. Door openings;

36. Distinct variations in color (not a slight variation of a similar hue, such as beige or pastel);

37. Variations in materials;

38. Variations in building height;

39. Variation in roof form;

310. Dormers;

311. Projected or recessed building walls; or

312. Another architectural feature as approved by the Director.

(d) *Additional Standards for Specific Accessory Uses and Structures.*

f. *Number and Size of Accessory Dwelling Units.* Accessory dwelling units shall comply with all of the following:

1. Only one (1) accessory dwelling unit shall be permitted per parcel.
2. The gross floor area of an accessory dwelling unit shall be no less than three hundred (300) square feet of living area and no ~~more than eight hundred fifty (850)~~ one thousand (1000) square feet living area. For purposes of this standard, "living area" shall be calculated by excluding the following areas from the overall gross building area:
 - i. The thickness of the exterior walls;
 - ii. Garage areas;
 - iii. Basement areas where the ceiling height measured from the floor is less than six (6) feet;
 - iv. Any other building areas where the floor to ceiling height is either less than five (5) feet or area is not accessible by a stairway.
3. The area of an accessory dwelling unit shall not ~~exceed forty-nine (49)~~ fifty-five (55) percent of the area of the principal dwelling. The percentage used to demonstrate compliance with this requirement shall be determined by dividing the proposed building area of the accessory dwelling unit measured in square feet by the proposed building area of the principal dwelling measured in square feet. Where a portion of the principal dwelling is to be converted to an accessory dwelling unit, the size of the principal dwelling used in the calculation shall be its square footage after subtracting the building area of the accessory dwelling unit.
4. Unit Size Exception. The limitations of f.2 above shall not apply to Accessory Dwelling Units located within the footprint of an existing home as long as the Accessory Dwelling Unit is not larger than 50% of the existing structure, including the basement, up to the maximum allowed gross floor area in f.2. For example, if a home has a 1,000 square foot basement, an Accessory Dwelling Unit could be established in this space if the principal dwelling also contains at least 1,000 square feet.

(d) *Additional Standards for Specific Accessory Uses and Structures.*

g. *Dimensional Standards.*

1. The accessory dwelling unit shall comply with the applicable zoning district requirements unless otherwise noted in 070.030.040(c)(5)c.
2. A detached accessory dwelling unit shall be located in the rear yard or side yard of the principal building.
3. Front yard exception. A detached accessory dwelling unit may be located in the front yard under the following conditions:
 - i. All other code requirements are met; and
 - ii. The existing primary structure is located within fifteen feet of the rear lot line; or
 - iii. An accessory dwelling unit is proposed within or on top of a legally conforming garage that exists in the front yard where the ADU will not increase the building footprint.
4. Accessory dwelling units may be located in the required rear yard provided that not more than sixty (60) percent of the required rear yard is covered.
5. Accessory dwelling units may observe a minimum five-foot setback from the rear lot line with the following conditions:
 - i. Five-foot rear yard setbacks shall receive approval from the Electrical Superintendent and Public Works Director for overhead and underground utility clearance; and
 - ii. Roof eaves or other incidental architectural features may not encroach into the five foot setback.
 - iii. Administrative adjustments to reduce the setback further are not allowed.

Comprehensive Plan

The Comprehensive Plan's future land use map identifies this parcel as "commercial" which is defined as a providing "...a wide range of general retail goods and services for both regional and local market."

Community Goals addressed by the Project include:

- ❧ Direct development to locations and forms that are cost-effective to serve.
- ❧ Provide housing opportunities for the entire community.
- ❧ Support social diversity.
- ❧ Maintain Role as a Regional Center
- ❧ Encourage Greater Variety in Housing Types and Price
- ❧ Encourage Housing Variety and Affordability throughout the Community
- ❧ Retain Role as Government Center
- ❧ Ensure Rental and Ownership Opportunities





Reviewing Agency Comments

☞ Engineering Department

☞ Public Works Departments

☞ Planning Department

☞ CDOT submitted comments in reference to the traffic study and required access permit.

Comments and responses are included in the attached documents of the staff report.

Action Items and Staff Recommendation

Action 1: Consideration of a code text amendments to Municipal Code Title 070 to amend the Accessory Dwelling Unit development standards.

Staff recommends **approval** with the suggested findings and conditions on page



ORDINANCE NO. 8

Series of 2020

AN ORDINANCE OF THE CITY OF GLENWOOD SPRINGS, COLORADO, AMENDING STANDARDS IN THE GLENWOOD SPRINGS MUNICIPAL CODE RELATING TO ACCESSORY DWELLING UNITS.

WHEREAS, the City of Glenwood Springs (“Glenwood Springs” or the “City”) is a home-rule municipality organized under Article XX of the Colorado Constitution and with the authority of the Glenwood Springs Home Rule Charter; and

WHEREAS, on October 16, 2019 the Planning and Zoning Commission held a joint work session with the Housing Commission and City Council to discuss amending standards in the Development Code related to density and accessory dwelling units (ADUs) in an effort to address renewed housing pressure and the tight rental market in the City; and

WHEREAS, on November 19, 2020, the Planning and Zoning Commission and Housing Commission held another work session and recommended amendments to ADU standards in the Development Code to encourage increased production of ADUs; and

WHEREAS, Community Development staff incorporated these amendments and presented them to the Planning and Zoning Commission for consideration at a public hearing held on February 25, 2020; and

WHEREAS, the Planning and Zoning Commission recommended amendments to provisions in the Municipal Code relating to ADUs including increasing the permissible size of an ADU, reducing setback standards to accommodate ADUs when certain criteria is met, allowing detached ADUs to be located in front yards, allowing existing structures with nonconforming setbacks to be converted to an ADU as long as the specific nonconformity is not increased, and other revisions to Sections 070.030.040, 070.040.080, and 070.070.030 as set forth on **Exhibit A**; and

WHEREAS, at its regular meeting on April 16, 2020, City Council received and considered the recommendations of the Planning and Zoning Commission set forth on **Exhibit A**; and

WHEREAS, the City Council finds and declares that the amendments to Sections 070.030.040, 070.040.080 and 070.070.030 of the Municipal Code set forth on **Exhibit A** satisfy the Code Amendment Approval Criteria set forth in Municipal Code Section 070.060.040(3)(c)d.3. and are proper and necessary to advance the public health, safety and welfare of the City’s residents.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GLENWOOD SPRINGS, COLORADO, ORDAINS:

Section 1. The foregoing recitals are incorporated herein as if set forth in full.

Section 2. Title 070 of the Glenwood Springs Municipal Code is hereby amended as set forth in **Exhibit A** attached hereto.

INTRODUCED, READ ON FIRST READING, PASSED AND ORDERED
PUBLISHED BY TITLE ONLY THIS 16TH DAY OF APRIL 2020.

CITY OF GLENWOOD SPRINGS, COLORADO

Jonathan Godes, Mayor

ATTEST:

Catherine Mythen Fletcher, City Clerk

INTRODUCED, READ ON SECOND READING, AND ORDERED PUBLISHED BY
TITLE ONLY TO BE EFFECTIVE TEN DAYS FOLLOWING THE DATE OF SECOND
PUBLICATION THIS 7TH DAY OF MAY 2020.

CITY OF GLENWOOD SPRINGS, COLORADO

Jonathan Godes, Mayor

ATTEST:

Catherine Mythen Fletcher, City Clerk

EXHIBIT A

SECTION 070.030.040 - Accessory Uses and Structures is hereby amended as follows with double underlined text added and ~~strike-through language deleted~~.

- (a) *Purpose.* The purpose of this Section is to establish minimum standards for accessory uses that are incidental and customarily subordinate to principal uses. These standards are established to minimize adverse impacts on surrounding properties and the community.
- (b) *Accessory Uses and Structures Allowed.* All principal uses allowed in a zoning district per Table 030.1: Table of Allowed Uses, shall be deemed to include those accessory uses, structures, and activities typically associated with that use, unless specifically prohibited in this Section. Typical accessory uses and structures are identified in Section 070.070.020, Definitions of Use Categories and Specific Use Types. Accessory uses are subject to the standards in this Section and any applicable use-specific standards for the associated principal use in Section 070.030.030.
- (c) *General Standards for Accessory Uses and Structures.*
 - (1) *Compliance with this Code.* Accessory uses and structures are subject to the dimensional standards in Article 070.020: Zoning Districts, and the development standards in Article 070.040, unless otherwise stated in this Section.
 - (2) *Ownership.* Accessory structures and uses shall be under the same ownership as the principal structure and use. The property shall use the same utility meter with the exception of an accessory dwelling unit.
 - (3) *Relationship to Principal Uses and Structures.*
 - a. Any accessory use or structure shall be conducted and located on the same lot as the principal use and structure.
 - b. Unless otherwise allowed by this Code, an accessory use or structure shall not be established prior to the establishment of the principal use or structure.
 - c. No accessory use or structure shall be allowed unless the primary structure or use is being used.
 - (4) *Size of Accessory Structures.* Unless otherwise stated in this Code, the maximum size for an accessory structure shall be one thousand (1,000) square feet. The maximum total for all accessory structures, not including Accessory Dwelling Units, on a lot shall be one thousand (1,000) square feet.
 - (5) *Dimensional Standards for Accessory Structures.*
 - a. Accessory structures shall not be located in a required front yard.
 - b. Accessory structures may be located in a required rear yard provided that not more than forty (40) percent of the required rear yard is covered. The required rear yard area shall be calculated by taking the full width of the lot by the minimum rear setback distance based on the applicable zoning district and are set forth in Article 070.020: Zoning Districts, measured horizontally from the rear lot line.
 - c. Accessory structures shall observe a ten-foot setback from the rear lot line when such line abuts an alley, or a seven-and-one-half-foot setback where there is no alley.

- d. Accessory structures shall observe a five-foot setback from side lot lines.
 - e. Accessory structures shall not be located over a recorded easement or over any known utility.
- (6) *Outdoor Storage.* Outdoor storage associated with any accessory use or structure is prohibited.
- (d) *Additional Standards for Specific Accessory Uses and Structures.*
- (1) *Accessory Dwelling Units.*
- a. *Purpose and Intent.* The intent of this Subsection is to promote small rental housing units in the form of accessory dwelling units on lots with detached single-family dwellings, to increase the stock of attainable rental housing in the community, use available land more efficiently, and minimize the additional infrastructure that must be provided to support such rental units. These standards are established to minimize impacts to the surrounding residential neighborhoods and the community.
 - b. *Applicability.* These standards apply to all accessory dwelling units. Private covenants, conditions, or restrictions on any development, subdivision, or use of land do not preclude compliance with this Section.
 - c. *Ownership.* An accessory dwelling unit shall not be sold independently of the principal dwelling on the parcel.
 - d. *Where Permitted.*
 - 1. Accessory dwelling units are allowed in zoning districts according to Table 030.1, Table of Allowed Uses.
 - 2. Accessory dwelling units are allowed within a planned unit development unless specifically identified as a prohibited use by the planned unit development.
 - 3. Accessory dwelling units are allowed by right within a historic district only when they are internal to an existing residential dwelling or existing accessory structure.
 - 4. Accessory dwelling units shall only be permitted on a lot where a detached single-family dwelling exists or will be constructed concurrently with the accessory dwelling unit.
 - e. *Compatibility.* Colors, materials, and design of the accessory dwelling unit shall be substantially the same as the principal dwelling. ~~If applicable, construction of accessory dwelling units shall be required to comply with the building design standards in Section 070.040.080, Residential Site and Building Design.~~
 - f. *Four-Sided Design*

For new construction, a minimum of two architectural features listed below shall be incorporated into the overall design on each side of the accessory dwelling unit.

Architectural features appropriate for achieving this standard may include:

 - 1.Covered porches;
 - 2.Balconies.
 - 3.Prominent entry features;

4.Windows;

5.Door openings.

6.Distinct variations in color (not a slight variation of a similar hue, such as beige or pastel);

7.Variations in materials;

8.Variations in building height;

9.Variation in roof form;

10.Dormers;

11.Projected or recessed building walls; or

12.Another architectural feature as approved by the Director.

~~f.g.~~ *Number and Size of Accessory Dwelling Units.* Accessory dwelling units shall comply with all of the following:

1. Only one (1) accessory dwelling unit shall be permitted per parcel.
2. The gross floor area of an accessory dwelling unit shall be no less than three hundred (300) square feet of living area and no more than ~~eight hundred fifty (850)~~ one thousand (1000) square feet living area. For purposes of this standard, "living area" shall be calculated by excluding the following areas from the overall gross building area:
 - i. The thickness of the exterior walls;
 - ii. Garage areas;
 - iii. Basement areas where the ceiling height measured from the floor is less than six (6) feet; and
 - iv. Any other building areas where the floor to ceiling height is either less than five (5) feet or area is not accessible by a stairway.
3. The area of an accessory dwelling unit shall not exceed ~~forty-nine (49)~~ fifty-five (55) percent of the area of the principal dwelling. The percentage used to demonstrate compliance with this requirement shall be determined by dividing the proposed building area of the accessory dwelling unit measured in square feet by the proposed building area of the principal dwelling measured in square feet. Where a portion of the principal dwelling is to be converted to an accessory dwelling unit, the size of the principal dwelling used in the calculation shall be its square footage after subtracting the building area of the accessory dwelling unit.
4. Unit Size Exception. The limitations of f.3 above shall not apply to Accessory Dwelling Units located within the footprint of an existing home as long as the Accessory Dwelling Unit is not larger than 50% of the existing structure, including

the basement, up to the maximum allowed gross floor area in f.2. For example, if a home has a 1,000 square foot basement, an Accessory Dwelling Unit could be established in this space if the principal dwelling also contains at least 1,000 square feet.

~~h-g.~~ *Dimensional Standards.*

1. The accessory dwelling unit shall comply with the applicable zoning district requirements unless otherwise noted in 070.030.040(c)(5)c.
2. A detached accessory dwelling unit shall be located in the rear yard or side yard of the principal building.
3. Front yard exception. A detached accessory dwelling unit may be located in the front yard under the following conditions:
 - i. All other code requirements are met; and
 - ii. The existing primary structure is located within fifteen feet of the rear lot line; or
 - iii. An accessory dwelling unit is proposed within or on top of a legally conforming garage that exists in the front yard where the ADU will not increase the building footprint.
4. Accessory dwelling units may be located in the required rear yard provided that not more than sixty (60) percent of the required rear yard is covered.
5. Accessory dwelling units may observe a minimum five-foot setback from the rear lot line with the following conditions:
 - i. Five-foot rear yard setbacks shall receive approval from the Electrical Superintendent and Public Works Director for overhead and underground utility clearance; and
 - ii. Roof eaves or other incidental architectural features may not encroach into the five foot setback.
 - iii. Administrative adjustments to reduce the setback further are not allowed.
6. The height of a detached accessory dwelling unit shall not exceed twenty-seven (27) feet.

i. ~~h.~~ *Preservation of Existing Structures*

Conversion of an existing legal non-conforming structure to an accessory dwelling unit is allowed, provided that the conversion does not increase the non-conformity.

~~j-i.~~ *Utilities and Dedications.* Any costs associated with any utility service or line extension upgrade shall be borne by the developer. An accessory dwelling unit may be metered

independently from the primary dwelling. If an unmetered property requests a meter for an accessory dwelling unit, the entire property shall become metered. System improvement fees shall be charged as required by Subsection 070.040.030(g), Dedications and Impact Fees, or as established by City Council. Also see 080.060, System Improvement Fees.

SECTION 070.040.080 - Residential Site and Building Design, is hereby amended as follows with double underlined text added and ~~strike-through language deleted~~.

(d) *Residential Site Design Standards.*

(1) *General Intent.* These residential site design standards are generally intended to:

- a. Encourage the use of creative site planning and design techniques that complement Glenwood Springs' unique topographic features;
- b. Protect the established character of the City's residential neighborhoods while allowing for the natural evolution of the City's neighborhoods through renovations, infill, and redevelopment;
- c. Reinforce and continue to allow the variation in streetscape character found in Glenwood Springs' neighborhoods;
- d. Protect the privacy and solar access of neighboring residents in areas where infill and redevelopment and higher-density development are likely to occur over time;
- e. Promote a more compact and pedestrian-friendly pattern of residential development, especially in mixed-use areas and along travel corridors that have traditionally been occupied by auto-oriented commercial development; and
- f. Reduce the visual impacts of surface parking on the City's street frontages.

(2) *Dimensional Standards.*

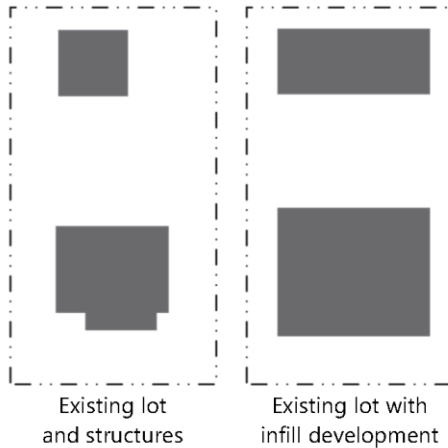
- a. *Front Yard Setbacks.* For all residential development, front yard setbacks are based on the applicable zoning district and are set forth in Article 070.020: Zoning Districts.
- b. *Side Yard Setbacks.*
 1. For all residential development, side yard setbacks for primary structures are based on the applicable zoning district and are set forth in Article 070.020: Zoning Districts.
 2. Side yard setbacks for garages and other buildings accessory to residential uses shall be a minimum of five (5) feet, provided the garage does not exceed one (1) story in height. A zero-foot side setback may be used to accommodate a common garage that is shared across a side lot line. Garages that exceed one (1) story in height shall comply with the setback applicable to primary structures.
- c. *Rear Yard Setbacks.*
 1. For all residential development, rear yard setbacks are based on the applicable zoning district and are set forth in Article 070.020: Zoning Districts.
 2. An accessory structure that does not include a living unit may be located in a rear yard, provided that not more than forty (40) percent of the rear yard is covered. Such

building shall observe a ten-foot setback from the rear lot line when such line abuts an alley, or a seven-and-one-half-foot setback where there is no alley.

d. *Lot Coverage.*

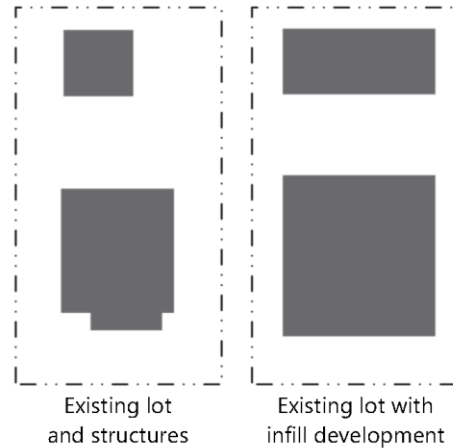
1. *Maximum Lot Coverage.* For infill residential development, maximum lot coverage shall be fifty (50) percent of the total lot area, or twenty-five (25) percent above the existing lot coverage, whichever is less. (Figure 040-12: Maximum Lot Coverage Example Calculations)

Example A



Lot size: 6,000 sf
 Existing lot coverage: $(1,250/6,000) = 21\%$
 Allowable lot coverage: $21\% + 25\% = 46\%$
 Allowable lot coverage in square feet:
 $46\% \times 6,000\text{sf} = 2,800\text{ sf}$

Example B



Lot size: 6,000 sf
 Existing lot coverage: $(1,850/6,000) = 30\%$
 Allowable lot coverage: 50%
 Allowable lot coverage in square feet:
 $50\% \times 6,000\text{sf} = 3,000\text{sf}$

Figure 040-12: Maximum Lot Coverage Example Calculations

2. *Lot Coverage in Sensitive Areas.* In areas subject to Section 070.040.020, Sensitive Area Protection, lot coverage may be further limited by the establishment of limits of disturbance as required by Subsection 070.040.020(a)(4), Limits of Disturbance.
3. ~~*Lot Coverage Bonus for Accessory Dwelling Unit.* When an accessory dwelling unit exists and is preserved, or is to be provided in conjunction with an addition to or development of a new single-family residential structure, maximum lot coverage shall be either the sum of the percentage of existing lot coverage on the site plus an additional thirty-five (35) percent of the total lot area, or sixty (60) percent of the total lot area, whichever is less. These lot coverages shall also apply when a new accessory dwelling unit is developed for an existing single-family dwelling. Refer to Subsection 070.030.040(d)(1), Accessory Dwelling Units, for additional accessory dwelling unit requirements.~~

SECTION 070.070.030 - All Other Terms Defined is hereby amended as follows with double underlined text added and ~~strike through language deleted~~.

Required rear yard. A yard extending the full width of the lot, the depth of which is measured in the horizontal setback distance, based on the applicable zoning district and are set forth in Article 070.020: Zoning Districts, from the rear lot line.



Planning Commission Report

Date February 25, 2020
To: Planning and Zoning Commission
From: Hannah Klausman, Senior Planner
Subject: #01-20 Code Text Amendments–Title 070
Accessory Dwelling Unit Standards

REQUEST	Consideration of a code text amendments to Municipal Code Title 070 to amend the Accessory Dwelling Unit development standards.
APPLICANT	City of Glenwood Springs
OWNER	City of Glenwood Springs
LOCATION	City wide
ZONE	All

REQUIRED ACTION

Action 1:

Consideration of a code text amendments to Municipal Code Title 070.030.040 to amend the standards for Accessory Dwelling Units (ADU) within Glenwood Springs.

Staff recommends **approval** of amendments as listed on page 2-8 of this report.

REVIEW AUTHORITY

For actions involving amendments to the Land Use Code, the Planning & Zoning Commission is a recommending body to City Council. All Municipal Code amendments are completed by ordinance, which requires two hearings before City Council.

SUMMARY

Accessory Dwelling Units were adopted as an allowed use in 1998 in residential zone districts to provide affordable rental housing within the current infrastructure. The code requirements have been amended several times since then to clarify intent as well as make changes to review and process. With renewed housing pressure and tight rental market, the Community Development Department is seeing a lot of applications to build or convert areas into accessory dwelling units. Frequently applications have difficulty meeting specific regulation standards such as setbacks and size limitations. Staff believes that additional review and amendments to the code standards are appropriate at this time.

The Planning and Zoning Commission (P&Z) held a joint work session with the Housing Commission and City Council on October 16, 2020 to discuss options for amending standards related to density as well as Accessory Dwelling Units. P&Z held another joint work session with the Housing Commission on November 19, 2020 to give staff further recommendations on changes to encourage increased production of Accessory Dwelling Units. From those meetings staff has prepared a draft text amendment for Accessory Dwelling Unit standards for consideration by P&Z and City Council.

PROPOSED AMENDMENTS

Section 070.030.040 outlines the standards for all accessory uses and structures as well as additional standards specific to Accessory Dwelling Units.

SIZE

Maximum size of Accessory Dwelling Units

The proposed changes include increasing the maximum percentage of the principle dwelling area that an ADU can be from forty nine (49) percent to fifty five (55) percent. The images below illustrate how this allows larger ADU's based on primary dwelling size.

Size of Primary Dwelling (Sq. Ft.)	Current % Limit of Primary Dwelling					
	49%	55%	60%	65%	70%	75%
850	417	467	510	553	595	638
1000	490	550	600	650	700	750
1100	539	605	660	715	770	825
1200	588	660	720	780	840	850 square feet Maximum Allowance
1300	637	715	780	845		
1400	686	770	840			
1500	735	825				
1600	784					
1700	833					
1800						
2000						

In addition, the maximum gross floor area allowed for an ADU is proposed to increase from the current 850 square foot maximum to 1,000 square feet as illustrated below.

Size of Primary Dwelling (Sq. Ft.)	Current % Limit of Primary Dwelling					
	49%	55%	60%	65%	70%	75%
850	417	467.5	510	553	595	638
1000	490	550	600	650	700	750
1100	539	605	660	715	770	825
1200	588	660	720	780	840	900
1300	637	715	780	845	910	975
1400	686	770	840	910	980	1000 square feet maximum allowance
1500	735	825	900	975		
1600	784	880	960			
1700	833	935				
1800	882	990				
2000	980					

These changes to maximum size and maximum percentage of the primary dwelling size will allow larger detached and attached ADU's, however has more impact on attached ADU conversions. Currently, roughly half of the ADU conversion applications that staff see have challenges meeting the 850 square foot limitation when converting areas in their home. Frequently, homeowners are forced to lock off storage

areas, or do extensive renovations to make the ADU area smaller to conform to regulations. While this type of renovation is possible, it is usually not the most logical use of space in the home.

In addition, while conducting research on other municipal ADU regulations, staff came across several jurisdictions that have decided to allow for a size exemption for ADU's occurring within basements or within the existing structure. Planning and Zoning Commission should consider whether this is appropriate to achieve stated goals of encouraging ADU production. Three examples of this type of exemption are provided below for consideration from Arvada, CO, Golden, CO, and New Castle, CO with the "unit size exemption" highlighted.

Arvada Colorado Municipal Code Section 5.3.3. - Uses/structures permitted as accessory to principal residential uses.

4. **Unit Size and Configuration.** Except as modified in B.4 below, for a principal dwelling unit of 1000 square feet or more of living space, the Accessory Dwelling Unit shall be no larger than 40% of the living space of such principal dwelling unit, or 800 square feet, whichever is smaller. For a principal dwelling unit of less than 1,000 square feet of living space, the Accessory Dwelling Unit shall be no larger than 400 square feet. No Accessory Dwelling Unit shall be less than 200 square feet, and all Accessory Dwelling Units shall be designed and configured as either studio, one bedroom, or two bedroom units. Square footage calculations, as contained herein, exclude any related garage, porch or similar area.
5. **Unit Size Exception.** The limitations of B.3 shall not apply to Accessory Dwelling Units located within the footprint of an existing home as long as the Accessory Dwelling Unit is not larger than 50% of the principal dwelling unit, including the basement. For example, if a home has a 1,000 square foot basement, an Accessory Dwelling Unit could be established in this space if the principal dwelling also contains at least 1,000 square feet.

Golden Colorado Municipal Code Section 18.28.240 - Accessory dwelling unit, residential.

Accessory dwelling units are allowed in conjunction with all single-household detached dwellings in residential zone districts, including R-E, R-1, R-1A, R-2, R-3 and PUD, subject to the following conditions:

- (4) **Unit size and configuration.** Except as modified in subsection (5) herein, for a principal dwelling unit of 1,000 square feet or more of living space, the accessory dwelling unit shall be no larger than 50 percent of the living space of such principal dwelling unit, or 800 square feet, whichever is smaller. For a principal dwelling unit of less than 1,000 square feet of living space, the accessory dwelling unit shall be no larger than 500 square feet. No accessory dwelling unit shall be less than 200 square feet. For the purposes of this subsection, square footage calculations shall exclude any garage, porch or similar area.
- (5) **Unit size exception.** The director may approve an accessory dwelling unit that is up to 20 percent larger than otherwise allowed if it is located within the principal structure, provided that all other requirements of section 18.28.240 have been met and it does not conflict with any other requirement of this title.

New Castle Code Section 17.72.230

- (c) ADUs shall not be allowed on lots smaller than five thousand (5,000) square feet. The square footage of the accessory dwelling unit shall not be greater than forty-seven (47) percent of the gross square footage of the principal building (inclusive of basement square footage) but not including garages, uncovered decks, patios or porches) or eight hundred fifty (850) square feet whichever is less.

Staff recommends including a unit size exception for attached ADU's within existing homes where there is no expansion of the building footprint. P&Z could recommend one of the following type of exemptions to achieve this strategy:

1. Allow attached ADU's in existing homes to be 50% of the entire structure. (Arvada, New Castle)
2. Allow attached ADU's in existing homes to be 50 percent of the entire structure, up to a 1,000 square foot maximum. (Staff proposed language)
3. Allow attached ADU's in existing homes to be 20 percent (or other number) larger than otherwise allowed. In Glenwood's case, a 20 percent increase over what is currently allowed would be 69 percent of the primary dwelling, or with the proposed language 75 percent of the primary dwelling area. (Golden)

Staff has included language that mirrors Arvada and New Castle that considers the entire structure's square footage, as opposed to Glenwood's current method of the Primary living area minus the area to be used as an ADU and includes a maximum threshold of 1,000 square feet. This would only apply in cases where the ADU is proposed entirely within an existing home where the building footprint is not increasing.

This method allows ADU conversions within existing infrastructure with less impact to surrounding properties as there is no increase in the building footprint.

Maximum Combined Size of Accessory Structures

The Code section on Accessory Structures limits the maximum size, and maximum total for all accessory structures, to 1,000 square feet. This means that if a lot has a standard two car garage of 400 square feet, an accessory dwelling unit could be no more than 600 square feet. Staff is proposing exempting accessory dwelling units from this maximum combined threshold with the following language:

The maximum total for all accessory structures, not including Accessory Dwelling Units, on a lot shall be one thousand (1,000) square feet.

This will still limit all other accessory structures such as sheds and garages to a maximum 1,000 square feet while allowing accessory dwelling units to reach the maximum size allowance specific to Accessory Dwelling Units.

DIMENSIONAL STANDARDS

Setbacks

Our current code allows for a ten foot setback when an alley is present and a seven and one half foot setback when there is no alley present. This difference in setback is to allow for proper safety from overhead utilities as well as access to underground utilities that may exist in an alley. After speaking with The Electrical Superintendent and the Public Works Director, staff found that circumstances exist where this depth of setback may be reduced further. The Building Department requires a minimum five foot setback for fire safety purposes.

Staff has included language reducing the rear yard setback requirement to five feet with criteria that include approval from the Electrical Superintendent and Public Works Director to allow for overhead and underground utility access and safety, as well as that no further encroachments such as roof eaves, may extend into the five foot setback. If the Electrical Superintendent or Public Works Director do not approve of

the reduction, the Accessory Dwelling Unit setback would be held to the setback standard as enumerated in 070.030.040(c)5.c. of ten feet when an alley is present and a seven and one half feet when there is no alley present.

Lot location

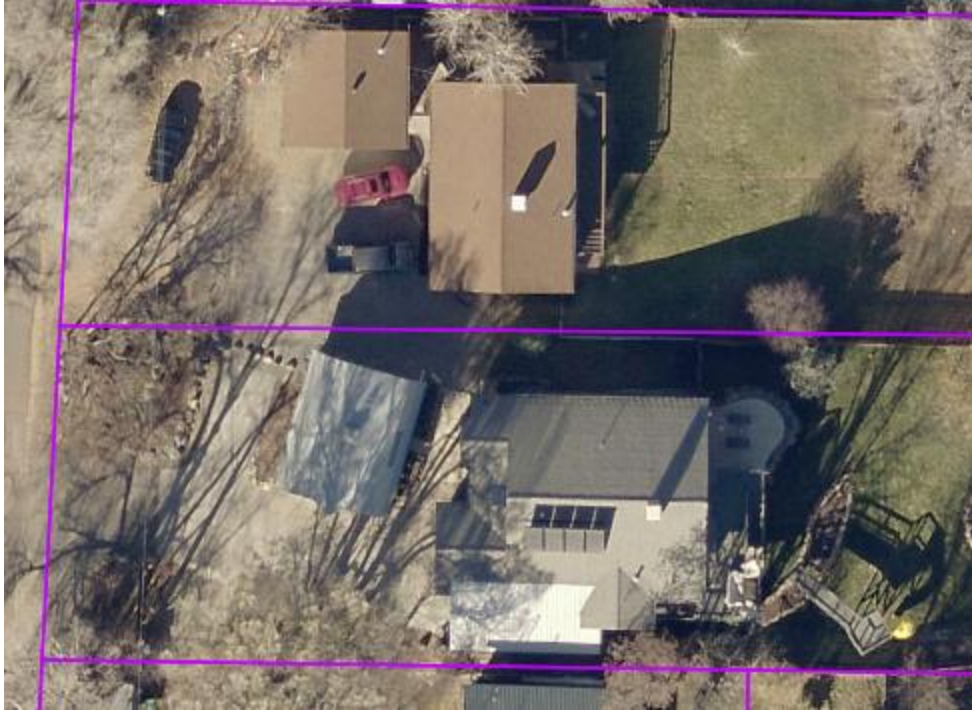
Detached Accessory Dwelling Units are regulated to the side and rear yard areas of a lot. Attached units are allowed in any yard of the lot. Staff believes the intent of this regulation, which is a general held standard for ADU's across the country, is to maintain the primary dwelling unit as the focal point and street facing structure. ADU's are generally meant to be "accessory-to" the primary dwelling, smaller in nature, and a less obtrusive option than adding a full size complete unit. In addition, ADU's are allowed in every residential zone as a use by right, where duplex units are limited to higher density zones. Staff acknowledges the goal of maintaining neighborhood character as identified in the comprehensive plan and has offered language to address ADU barriers as well as preserve existing neighborhood character with specific criteria for allowing an ADU front yard exemption.

Staff has proposed language that allows detached ADU's to be located in the front yard under the following circumstances:

- i. All other code requirements are met; and
- ii. The existing primary structure is located within fifteen feet of the rear lot line; or
- iii. An accessory dwelling unit is proposed within or on top of a legally conforming garage that exists in the front yard where the ADU will not increase the building footprint.

The second criteria allows for leniency for lots that have developed with the primary structure located to the back of the lot leaving inadequate rear yard area for an ADU. The ADU would still be required to meet zone district standards for front and side yard setbacks.

The third criteria recognizes that there are many detached garages that exist in the front yard that could be converted to an ADU, or an ADU added as a second story with little impact to surrounding property. An example is provided of lots with front yard detached garage structures below.



Required Rear Yard Coverage

Current code states that accessory structures are allowed in the required rear yard as long as no more than 40 percent of the rear yard is covered. This code aspect allows accessory structures to be partially placed within the rear yard setback as prescribed by the specific zone district. The residential zone districts have rear yard setbacks that range from twenty five (25) feet in the lower density districts to ten (10) feet in the higher density districts. It is important to note that the required rear yard is based on the zone district standard, and not the reduced rear yard setback included in the amendments for Accessory Dwelling Units of five feet.

Staff has added a definition of “Required Rear Yard” to Section 070.070.030 for clarification. That definition is as follows:

Required rear yard. A yard extending the full width of the lot, the depth of which is measured in the horizontal setback distance, based on the applicable zoning district and are set forth in Article 070.020: Zoning Districts, from the rear lot line.

Staff has proposed language to allow Accessory Dwelling Units specifically to cover a higher percentage, of the required rear yard, 60 percent, than what is allowed for general accessory structures, 40 percent. This allowance is in line with reducing the rear yard setback for Accessory Dwelling Units as discussed previously. The proposed amendment is as follows:

4. Accessory dwelling units may be located in the required rear yard provided that not more than sixty (60) percent of the required rear yard is covered.

The images on the next page illustrate the concept of a required yard as well as how this code section applies to Accessory Dwelling Unit placement on a lot. The required yard percentage allowance does not exempt ADU’s from a rear yard setback, only limits the area an ADU can cover. Images are not to scale and are for illustration only.

Image 1. Required Yard Areas identified by color.

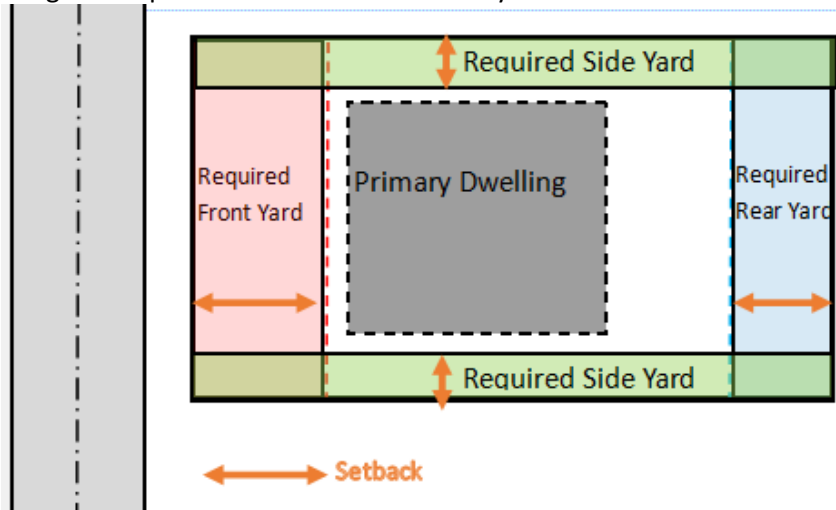


Image 2. Percentage of Required Yard Area an ADU can cover.

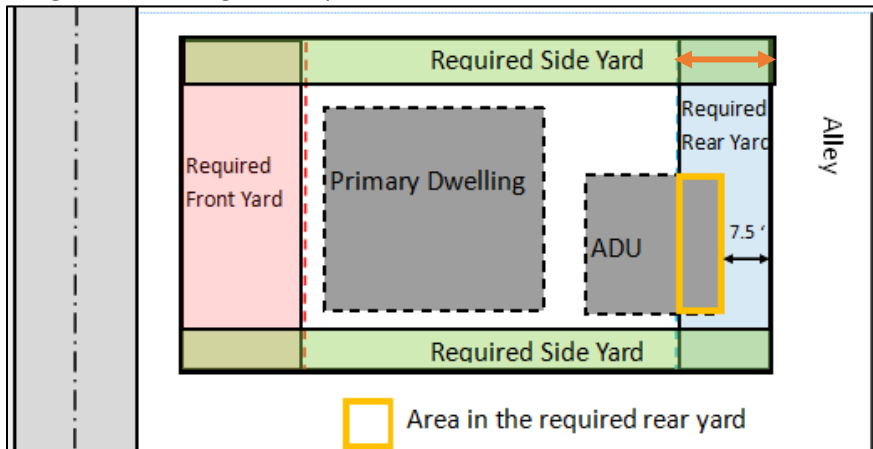
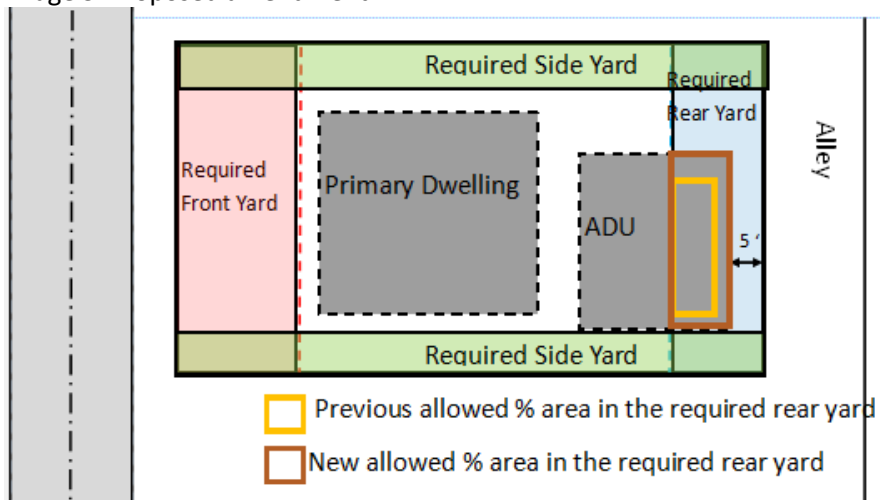


Image 3. Proposed amendment



PRESERVATION OF EXISTING STRUCTURES

Many structures within Glenwood Springs, both Primary and Accessory, are considered legal non-conforming. This means that the structure lawfully established prior to the effective date of this Code, but that no longer conform to the requirements of the current Code. A legal non-conforming structure is allowed to continue but, in most cases, cannot be altered in a way that increases the nonconformity which can include increasing the intensity of the use such as converting a garage to a dwelling unit.

Frequently staff is faced with an applicant that desires to turn a former garage or accessory structure into an Accessory Dwelling Unit however is unable to do so because the structure is nonconforming most often in regard to setbacks. This new provision would allow existing structures with nonconforming setbacks to be converted to an ADU as long as the specific nonconformity is not increased. The included language is as follows:

Conversion of an existing legal non-conforming structure to an accessory dwelling unit is allowed, provided that the conversion does not increase the non-conformity.

ELIMINATION OF CONFLICTING CODE LANGUAGE

During the process of reviewing Accessory Dwelling Unit standards, staff found a conflicting section of code in Section 070.040.080 - Residential Site and Building Design. The applicability section includes language stating that this section of code shall not apply to Accessory Dwelling Units. However, later in the Residential Site Design standards for lot coverage there is a section titled "*Lot Coverage Bonus for Accessory Dwelling Unit.*" The section allows Accessory Dwelling Units to exceed lot coverage standards by an additional ten percent over standard residential development. Staff is proposing to remove this language from code. Staff is not proposing to replace this with any lot coverage standard for Accessory Dwelling Units. By removing this language, Accessory Dwelling Units will not be held to any lot coverage standards. If Planning and Zoning Commission prefers to apply lot coverage standards to ADU's, staff recommends including it in Section 070.030.030 under *Additional Standards for Accessory Dwelling Units*.

ACTION ALTERNATIVES

Regarding the amendments, the Planning and Zoning Commission may take one of the following actions:

1. Recommend approval of some or all of the amendments;
2. Recommend denial of some or all of the amendments; or,
3. Continue the hearing with a requirement that staff submit changes or provide additional information regarding some or all the amendments.

Action 1:

Consideration of a code text amendments to Municipal Code Title 070 to amend the standards for Accessory Dwelling Units.

Staff recommends approval of amendments as listed on page 2-8 of this report.



MINUTES
City of Glenwood Springs
Planning and Zoning Commission
Regular Meeting
February 25, 2020
Council Chambers, First Floor, City Hall
101 W. 8th Street
6:00PM

1. Roll Call

Present at roll call were Commissioners: Amber Wissing, Marco Dehm, Kathryn Grosscup, Carolyn Cipperly, Dean Kinkel and Ben West

Absent: Ingrid Wussow, George Shaver, and Sumner Schachter

Also present were: Jenn Ooton, Asst. City Manager, Director Gretchen Ricehill, Assist. Director Hannah Klausman, AICP, Senior Planner Trent Hyatt, Senior Planner Anna S. Itenberg, City Attorney's Office Kathleen Michel, Admin. Assistant

2. Receipt of [Minutes January 28, 2020](#)

Motion: On motion of Commissioner Cipperly, seconded by Commissioner Wissing, the minutes were accepted as written. Motion carried by voice vote.

3. Comments from citizens appearing for items not on the agenda. No citizens were present.

4. Election of Chairman and Vice-chairman

Nomination: Commissioner Grosscup, seconded by Commissioner Cipperly, nominated Marco Dehm as chair and Sumner Schachter as vice chair. Carried by voice vote.

Continued Items

5. 20-19 – Consideration of a Code Amendment to Section 070.040.020(d)(24) of the Glenwood Springs Municipal Code regarding riparian setbacks.

Trent Hyatt presented the staff report;

- The proposal was previously considered in 2018 and 2019 by Planning & Zoning Commission and City Council.
- Following staff meeting in September 2019, staff hired High Country Engineering to evaluate the peak flow of the rivers.
- Found that flow was greater than anticipated for several areas.
- Staff then hired SGM to study the actual flow rates at specific locations and prepare flood plain models.
- Impact was less than anticipated
- Nonconforming use regulations
- Flood plain regulations in Municipal Code apply
- Intent: added statement to include “protect human drinking water” in the intent
- Applicability was added for additional uses such as boat ramps as well as other public or private uses.
- Standards definition of OHWM set using USACE definition
- Options: Further revise setback from OHWM, disturbance area allowed, additional non- conforming use regulation revisions
- Money available for survey of OHWM for the entire City.
- New recommendations from the public acknowledged
- Staff recommends adoption of code amendment

Questions to staff

- Proposed regulations are conservative compared to other communities but setback would be similar to Garfield County
- There are new maps proposed, the last time maps were updated were 1985.
- Mitchell Creek does have an updated map
- Funding for survey is budgeted for 2020

Commission Dehm has several questions how the setback would apply to three specific properties: the airport, former Raymond property which is currently city owned, and Two Rivers Park. Dehm asked for what the biggest change would be in the standards and Hyatt explained that new regulations would prevent removal of vegetation from protected area.

Comments from River Commission invited:

Ashley Moffatt, 509 Maple Street, chair, noted that the code does not provide any measurement for cooling river waters. High river temperatures and algae blooms have occurred with the rivers. Other jurisdictions are replanting riparian habitat areas to help cool waters. Also commented on how neighboring jurisdictions regulate the riparian area and in some communities, property lines are set back from the river itself.

Scott Schreiber, vice chair, lives next to river. Occupation is a stream restoration engineer and spoke in favor of the passing the proposed amendment.

Chad Rudow, 1201 Mountain Drive, Glenwood Springs. Mr. Rudow was representing the Roaring Fork Conservancy which has served as a technical advisor. The Conservancy is a science-based organization that speaks about the health of rivers. Stated that scientific studies show that riparian setbacks help to preserve the health of watersheds. Referenced a study from 2014 that states that buffers of greater to or equal to 30 meters were the most effective. Garfield County arrived at its 30-foot setback as a compromise between 50 feet and no setback. Voiced support for the passing of this amendment.

Laurie Rink from Middle Colorado Watershed Council spoke about flood damage in Colorado and programs to protect property from damage. The Council is currently working on an integrated watershed management program for the region, including a fluvial hazard delineation which will cover the Glenwood Springs area. The Middle Colorado Watershed Council voices their support for the passing of the proposed amendment.

6:43 p.m. Opened hearing to public comment.

First speaker, Dan Angeloro, 612 Cowdin Drive expressed opposition to the proposed amendment on the grounds that the proposed amendment would severely impact how he uses his property and believes it would negatively affect his property value.

Dr. Paul Salmen, 1504 Midland Avenue spoke about the proposal as a reasonable measure to protect the rivers. Salmen expressed support of the amendment and believes protection of the river will enhance home values.

Michael Blair, 1204 Sprucewood Lane, was concerned about the proposal as property owners have the right to use their properties. Many chemicals in river come from anywhere upstream before it even reaches Glenwood Springs. Support more education on use of river properties, plantings, and how to provide access to the river without harming the riverbank rather than the proposed amendment which controls private use of property.

Hailey Karmner, 901 Grand Avenue, used combined time of four property owners to speak in opposition of amendment. Questioned whether these regulations are necessary, especially in prohibiting removal of riparian area plantings.

Gary Vick, 614 Cowdin Drive representing himself and the Friends of the Roaring Fork. Mr. Vick spoke representing himself and seven others. Spoke in opposition to the amendment and claimed devaluation of properties adjacent to the river. He presented two proposed motions that the Commission should consider and requested to have a stakeholder meeting to redraft this ordinance. No movement by staff regarding our suggestions.

7:26 p.m. closed public comment.

Commission Cipperly had a question about whether an engineer was required to plan removal of any vegetation. Trent Hyatt confirmed that this was not the expectation of the amendment.

Commissions are charged with specific areas of influence. River Commission involves staff, council, etc. Current setback is 30 feet while the proposed amendment will prohibit chemical application within that area and limit removal of vegetation within that area as well. Trent Hyatt confirmed that non-conforming uses would be allowed to continue under the proposed amendment in recognition that property owners retain use of the river.

Ms. Ooton explained that this came from the development code revision. River Commission became involved through the review process.

Scott Schreiber addressed the restoration of riparian areas to reduce river temperatures in Steamboat Springs.

Ashley Moffatt also spoke about Steamboat Springs program.

Chairman Dehm questioned Mr. Hyatt on public outreach completed by the City. Commissioner Dehm asked how the proposed amendment would apply to current property owners. Mr. Hyatt explained that the amendment would only affect the use of chemicals and removal of additional plantings in the future. Hyatt also explained that there were exceptions included in the proposed amendment which include: proving that activity will not result in increased water quality degradation, stream bank erosion or a reduction of the function and quality of a riparian area or wetland.

Commissioner Grosscup asked about the language concerning proposed activity descriptions.

Discussion: Based on public input, Commissioner Grosscup recommended that the limit of 10% for removal of vegetation was too low. City should be held to its own regulations, as there have been projects that have not been great in terms of relationship with the river. Wanted greater distance for application of chemicals. Also there was a request for a provision for revegetation of riparian area after construction work. Also discussion regarding grandfathered non-conformities.

Chad Rudow, Roaring Fork Conservancy, states that they often receive calls from concerned citizens but knows who to contact with those concerns. River users are good stewards of the river. We receive from information from rafters, fishing guides, other river users.

Commissioner Cipperly also mentioned that education for property owners would be necessary.

Motion: Item 20-19 to approve with changes that area of removal of native vegetation be changed from not to exceed 10% to not to exceed 50%, to change "activity" in Paragraph 4 (iii) to improvements, and adding non-conforming restored to original condition Motion by Commissioner Grosscup, seconded by Commissioner Cipperly. Motion carried unanimously.

Break at 8:15 p.m. Resumed meeting at 8:20 p.m.

New Items

6. Item 02-20 – Consideration of a Variance request from a required 20-foot rear yard setback.

Applicant: Steven B. Pittman
Owner: Steven B. Pittman and Patricia J. Pittman
Address: 604 N. Traver Trail

Zone District: R/2-Multi-Family-Oasis Creek Planned Unit Development

Gretchen Ricehill presented the staff report.

- The proposed bedroom encroaches approximately 7 feet into the 20-foot setback
- Variance would allow wheelchair access to only main floor bedroom
- A 2007 variance was allowed for a deck into east side setback
- In 2018, the property boundary line was adjusted to address deck encroachment
- Historical encroachments due to angled placement of home on the lot
- Complied with the variance criteria and staff recommended approval
- Reviewing agencies did not raise questions
- Single action item: Approve. Approve with conditions, deny or continue

Steve Pittman, 604 Traver Trail, spoke briefly regarding his application.

No one for public portion of hearing.

Motion: Commissioner Cipperly moved to approve the item with findings and conditions on page 8 of the staff report. Commissioner Grosscup seconded. Motion carried unanimously.

7. Item 01-20: Amending ADU Standards 070.040.080

Hannah Klausman presented the staff report.

- Planning & Zoning is a recommending body, with final decision for City Council
- Increase size of units from 850 to 1,000 square feet
- Altering maximum size of all accessory buildings to not include ADUs
- Front, rear and side yards as designated in zone
- ADU compatibility substantially the same as principal dwelling
- Change percentage from 49% to 55% of the principal dwelling
- Apply to new units or conversions

Commissioner Dehm had questions about how the proposed code amendment would affect variances and applications within the existing rear yard setbacks. There was additional discussion on the maximum size of an ADU as well as discussing how the size of the ADU would relate to lot coverage.

There were questions about the requirement for three architectural features for ADUs being included in the standards. There was additional discussion of the degree to which an ADU would have to match the primary dwelling as well as other design guidelines for an ADU. Commissioner Dehm voiced support for more flexibility in code with the relationship in design between the ADU and primary dwelling.

Motion: Commissioner Grosscup moved, seconded by Commissioner Cipperly, moved to approve the proposed Staff changes with the addition of the requirement that ADU's meet two architectural features from the four sided design requirement listed in the Residential Design Guidelines in Section 070.040.080 (e)Residential Building Design and Character. The motion carried unanimously.

8. Item 48-19 – Location & Extent Review- construction of a 5-bay 2250 square foot garage/shop building; 3150 square foot covered storage building; 1140 square foot wash bay, fuel station with above ground storage tanks and 6-foot tall black chain link fence.

Applicant: City of Glenwood Springs
Owner: City of Glenwood Springs
Address: 2222 Devereux Road
Zone District: I2-River Industrial

Gretchen Ricehall presented the staff report

Staff recommended approval.

There was a question regarding the visibility of the structure from Highway 6 and I-70. Ricehall explained that the building would not be visible from Highway 6 but would be briefly visible from I-70. Discussion regarding the sidewalk requirements for development projects and the possibility of a cash in lieu payment.

Motion: Commissioner Kinkel moved to approve Item 48-19; Commissioner Wissing seconded with conditions on page 5. Carried unanimously.

9. Extending Meeting Motion” Made to extend meeting to 11:00 p.m. by Commissioner Grosscup, seconded by Commissioner Wissing. Motion carried by voice vote.
10. Nomination for Chair and Vice-Chair of Planning & Zoning Commission. Commissioner Wussow nominated Commissioner Dehm as Chair and Commissioner Schactner as Vice Chair. Commissioner Cipperly seconded. Motion carried by voice vote.
11. Planning Commission work sessions – There has been a request for additional work sessions on items such as solar panels, housing, parking, comprehensive plan update, landscaping, and other items.
12. Commissioner Comments

Commissioner Kinkel felt the Commission made progress this evening.

Commissioner Cipperly was glad to have completed riparian amendment, would like to see more riparian vegetation installed by the City. Was also happy to have passed the new ADU requirements.

Commissioner Grosscup: Mentioned that the Housing Commission would be going on a tour of valley to see examples of affordable housing on March 11th.

Commissioner: Wissing: Expressed thanks for former Commissioner Malloy’s service

Commissioner West: Thanked Commission for allowing opportunity to serve on the Commission.

Commissioner Dehm: No comment

13. Director Comments

14. Adjournment 10:22 adjourned.

DRAFT



City Council
STAFF REPORT
City of Glenwood Springs
April 16, 2020

Agenda Item:	Ordinance No 9, Series of 2020, An Ordinance of the City Council of the City of Glenwood Springs Amending the 2020 Appropriation Ordinance to Reflect Actual Revenues and Expenditures During The First Quarter of Fiscal Year 2020 (ONE READING)
Action Requested:	Approval of Appropriation Ordinance
Department:	City Administration
Presented By:	Steve Boyd, COO
Background Info:	The City formally appropriates changes to the budget quarterly. Q1 changes include two increases in spending: 1. \$100,000 General Fund for costs related to COVID-19 (Council 3/12/20) 2. \$350,000 A&I Fund for ROW acquisition on S. Midland (Council 4/2/20) The Ordinance also removes two items that were duplicated in the A&I Budget. 1. \$5.5 million for South Bridge 2. \$3.103 million for Two Rivers Park Project The supplemental appropriation that Council passed on 3/5/2020 when project accounting was implemented should have replaced the original appropriation rather than add to it. This ordinance removes these amounts from the 2020 budget to avoid duplicate appropriation of these amounts.
Issues:	None
Staff Recommendation:	Staff supports approval of the appropriations ordinance.

ORDINANCE NO. 9

Series of 2020

**AN ORDINANCE OF THE CITY OF GLENWOOD SPRINGS,
COLORADO, AMENDING THE 2020 APPROPRIATION ORDINANCE
TO REFLECT ACTUAL REVENUES AND EXPENDITURES DURING
THE FIRST QUARTER OF FISCAL YEAR 2020.**

WHEREAS, the City of Glenwood Springs appropriated funds for fiscal year 2020 commencing January 1, 2020 and ending December 31, 2020 by Ordinance No. 31, Series of 2019; and

WHEREAS, on March 5, 2020, the City Council amended the 2020 appropriation ordinance by Ordinance No. 6, Series of 2020, to reflect carryovers from the 2019 budget, reallocation of funds, and expenditures approved after submission of the 2020 budget; and

WHEREAS, City Council wishes to appropriate monies in and between funds based upon actual and anticipated revenues and expenditures during the first quarter of 2020; and

WHEREAS, pursuant to Section 4.4(j) of the Municipal Charter of the City of Glenwood Springs, an appropriation ordinance is not required to have introductory and second readings.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GLENWOOD SPRINGS, COLORADO, ORDAINS THAT:

Section 1. There is hereby appropriated for the first quarter of fiscal year 2020 which commenced on January 1, 2020 and which ended March 31, 2020 those funds shown on the 2020 appropriations column of **Exhibit A**, attached hereto and incorporated herein for all purposes.

Section 2. Ordinance 6, Series of 2020 is hereby amended to reflect the re-appropriation stated in this Ordinance.

INTRODUCED, READ, PASSED, AND ORDERED PUBLISHED BY TITLE ONLY
THIS 16TH DAY OF APRIL 2020.

CITY OF GLENWOOD SPRINGS, COLORADO

ATTEST:

Jonathan Godes, Mayor

Catherine Mythen Fletcher, City Clerk

Q1 2020 Budget Appropriation Ordinance

	<u>Fund</u>	<u>Amount</u>	<u>Explanation</u>
Supplemental	General Fund - Non-departmental	\$100,000	Expenses related to COVID-19
Supplemental	A&I Fund	\$350,000	ROW acquisition for South Midland project
Correction	A&I Fund	-\$5,500,000	Removes appropriation that should have been eliminated with the appropriations ordinance passed on 3/5/20
Correction	A&I Fund	-\$3,103,000	Removes appropriation that should have been eliminated with the appropriations ordinance passed on 3/5/20

Glenwood Springs – Main Office

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P. O. Drawer 2030
Glenwood Springs, CO 81602

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Suite 301
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**Direct Mail to Glenwood Springs*

DATE: April 10, 2020
TO: Glenwood Springs Mayor and Council
FROM: Karp Neu Hanlon, P.C.
RE: Electronic Signature Authorization

The attached resolution will authorize the use of electronic signatures by officers and employees of the Town required to sign instruments under the Code during the COVID-19 local disaster emergency declaration. Colorado has adopted the Uniform Electronic Transactions Act (“UETA”), codified at C.R.S. § 24-71.3-101 *et seq.*, which permits the use of electronic signatures on most legal instruments. The Glenwood Springs Charter and Municipal Code require signatures of officers and employees of the Town on numerous documents such as ordinances, resolutions, and contracts. However, the signature requirement is not for an “original signature”, and so the Town can choose how these documents are executed, so long as they comply with the law. Because the UETA permits electronic signatures, that option is available to the Town. The sole exception for the Town is the original signature requirement on survey plats that are accepted by the County Clerk and Recorder, which must be originals. *See* C.R.S. 38-50-101(3).

The UETA has certain standards for signature verification that must be followed in order for the signature to be binding. The Colorado Office of Information Technology has informed state agencies that only DocuSign meets the standards required under the UETA.

RESOLUTION 2020-19

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GLENWOOD SPRINGS, COLORADO, ADOPTING A POLICY FOR THE USE OF ELECTRONIC SIGNATURES ON ORDINANCES, RESOLUTIONS, CONTRACTS AND OTHER INSTRUMENTS REQUIRING THE CITY'S SIGNATURE.

WHEREAS, the City of Glenwood Springs ("Glenwood Springs" or the "City") is a home-rule municipality organized under Article XX of the Colorado Constitution and with the authority of the Glenwood Springs Home Rule Charter (the "Charter"); and

WHEREAS, the Novel Coronavirus ("COVID-19") pandemic has spread and infected populations throughout the United States, the State of Colorado, and the western slope of Colorado; and

WHEREAS, by Executive Order, the Governor of the State of Colorado issued a Stay at Home Order ordering Coloradans to a stay at home through April 26, 2020 due to the presence of COVID-19 in the State; and

WHEREAS, pursuant to C.R.S. § 24-33.5-709, the City Manager, Debra Figueroa, declared a local disaster emergency in Glenwood Springs on March 13, 2020 in order to protect the life, health and safety of the citizens of Glenwood Springs; and

WHEREAS, consistent with the Governor's order, the City has and will conduct meetings and other business electronically by telephone and other electronic means until the disaster emergency is lifted; and

WHEREAS, City buildings will, to an exclusive or partial extent, be closed to the public during this time; and

WHEREAS, the Glenwood Springs Municipal Code (the "Code") requires the signature of various officers and employees of the City on numerous official documents; and

WHEREAS, as a consequence of the foregoing, physical signature of ordinances, resolutions, contracts and other instruments is not possible or practical; and

WHEREAS, pursuant to Federal and Colorado State Law, including the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. § 7001 *et seq.*, and the Uniform Electronic Transactions Act (UETA), as adopted by the Colorado General Assembly and codified at C.R.S. § 24-71.3-101 *et seq.*, certain agreements and other documents may be executed by electronic signature; and

WHEREAS, in order to facilitate the ongoing business and operations of the City, the City Council wishes to authorize electronic approval and signature of such instruments; and

WHEREAS, in order to achieve this goal, the City Council intends this Resolution to provide authorization for execution of all resolutions, contracts and other instruments by electronic signature; and

WHEREAS, the City Council recognizes that pursuant to C.R.S. § 38-50-101(3), survey plats must bear original signature and, therefore, may not be executed by electronic signature; and

WHEREAS, the City Council finds that it is in the best interest of the health, welfare, and safety of the residents, employees, and officers of the City of Glenwood Springs to adopt a policy to permit the use of electronic signatures on official documents requiring signatures under the City Code.

NOW, THEREFORE, IT IS RESOLVED BY THE CITY COUNCIL OF THE CITY OF GLENWOOD SPRINGS, COLORADO, THAT:

Section 1. The above recitals are hereby incorporated as findings by the City Council of the City of Glenwood Springs.

Section 2. The City Council hereby authorizes the use of electronic signatures by officers and employees of the City to execute all ordinances, resolutions, contracts, and other instruments requiring a signature under the Glenwood Springs Municipal Charter and Code.

Section 3. Notwithstanding the foregoing, nothing herein shall authorize the use of an electronic signature by the on a survey plat required under Title 070 of the Glenwood Springs Municipal Code.

Section 4. This Resolution shall stay in effect until the termination of the City of Glenwood Springs' local disaster declaration.

INTRODUCED, READ, AND PASSED THIS ____ DAY OF APRIL 2020.

CITY OF GLENWOOD SPRINGS, COLORADO

Jonathan Godes, Mayor

ATTEST:

Catherine Mythen Fletcher, City Clerk



City Council
STAFF REPORT
City of Glenwood Springs
April 16, 2020

Agenda Item: Amendment to City Manager Contract

Action Requested: Approve 4th Amendment to the City Manager's Contract.

Department: City Administration

Presented By: Debra Figueroa, City Manager

Background Info: Due to COVID-19 and strained municipal finances, the City Manager is offering to reduce her salary by \$20,000 or just under 12%. The contract amendment assumes the City Manager would have received the 3% COLA provided to all employees in 2020. The pay reduction is for the remainder of 2020 unless the financial situation of the City improves.

Issues:

Staff Recommendation:

FOURTH AMENDMENT TO EMPLOYMENT AGREEMENT

This FOURTH AMENDMENT TO EMPLOYMENT AGREEMENT is made this 16th day of April 2020, by and between the City of Glenwood Springs, Colorado (hereinafter “Employer” or the “City”), and Debra M. Figueroa (hereinafter “Employee” or “City Manager”).

WHEREAS, the City and Employee entered into an Employment Agreement on May 9, 2016 (the “Employment Agreement”), a First Amendment to Employment Agreement in February 2017, a Second Amendment to Employment Agreement in November 2017, and a Third Amendment to Employment Agreement in May 2019; and

WHEREAS, Section IV. A. of the Employment Agreement provides “Compensation shall be reviewed annually as provided for in Section III.A. above”; and

WHEREAS, a Cost of Living Adjustment (COLA) for 2020 would increase Employee’s compensation from \$165,000 to \$170,000; and

WHEREAS, in addition to a COLA, the City believes Employee is entitled to performance-based compensation increase in 2020; and

WHEREAS, despite the desire to increase Employee’s compensation, the parties recognize that the City is experiencing and will continue to experience revenue losses and other financial challenges due to the Novel Coronavirus-COVID-19 pandemic and executive and public health orders issued to mitigate the spread of the virus; and

WHEREAS, the City and Employee therefore desire to decrease Employee’s salary as of May 1, 2020 with the understanding that Employee’s salary will return to \$170,000 upon a determination by the City and Employee that the City’s financial position has stabilized and an agreement that future COLAs and raises will be added to the annual salary of \$170,000.

NOW THEREFORE, in consideration of the promises and covenants contained herein, the parties agree as follows:

1. Compensation. The Compensation referenced in Section IV.A. of the Employment Agreement, as amended by the Second Amendment to Employment Agreement and a subsequent raise granted in 2019, shall be decreased to \$150,000 until December 31, 2020 or such time as the parties agree that the City’s financial position has stabilized, whichever is sooner. The Compensation shall thereafter be increased to \$170,000. Future compensation increases shall be based on and in addition to the \$170,000 salary as opposed to Employee’s temporary salary.

2. All other terms and conditions of the Employment Agreement, as amended, shall remain unchanged.

IN WITNESS WHEREOF, the parties have executed this Fourth Amendment to Employment Agreement as of the date first above written.

EMPLOYER:
CITY OF GLENWOOD SPRINGS,
COLORADO

EMPLOYEE:

By: _____
Jonathan Godes, Mayor

Debra M. Figueroa

ATTEST:

City Clerk/Deputy City Clerk



City Council
STAFF REPORT
City of Glenwood Springs
April 16, 2020

Agenda Item: Resolution 2020-20; A Resolution of the City Council of the City of Glenwood Spring Supporting the Designation of Mineral Resource Areas as Areas of State Interest and the Adoption of Additional Regulations Related to Mining Operations by the Garfield County, Colorado Board of County Commissioners

Action Requested:

Department: City Administration

Presented By:

Background Info:

Issues:

Staff Recommendation:

Glenwood Springs – Main Office

201 14th Street, Suite 200
P. O. Drawer 2030
Glenwood Springs, CO 81602

Aspen

323 W. Main Street
Suite 301
Aspen, CO 81611

Montrose

1544 Oxbow Drive
Suite 224
Montrose, CO 81402

Office: 970.945.2261

Fax: 970.945.7336

[**Direct Mail to Glenwood Springs*](#)

DATE: April 16, 2020
TO: Glenwood Springs Mayor and Council
FROM: Karp Neu Hanlon, P.C.
RE: Resolution of Support for Garfield County 1041 Mining Regulations

The attached resolution offers the City's support for Garfield County's current efforts to better regulate mining operations within unincorporated parts of the County. Currently, the County Land Use and Development Code (LUDC) treats mining the same as gravel and sand extraction. Mining operations present significantly different impacts to health, safety, and the environment, including the possible use of toxic chemicals, waste tailings piles, and blasting noise and vibrations. As such, staff from the County's Community Development Department and the Planning Commission have been working on regulations, available [here](#), to regulate these and other impacts of mining operations under the County's 1041 Powers. There is a public hearing before the Planning Commission on April 22, and the Board of County Commissioners is scheduled to take the proposal up on May 4.

Local governments in Colorado enjoy significant authority under HB 72-1041, which permits governments to designate and regulate Areas and Activities of State Interest. Specifically, 1041 Powers include the authority to require review of health, safety, and environmental impacts during permit review. *See* C.R.S. § 24-65.1-101 *et seq.* First, the proposed LUDC text amendment will designate a Mineral Resource Area as an area of state interest. The County's proposed regulations would then put "mining operations" – defined as the extraction of minerals and associated activities – occurring within the Mineral Resource Area under the 1041 review of LUDC Article 14. That Article will contain new permit application submittal requirements and additional review standards specific to mining operations. This includes impacts from mine waste and tailings, excavation, blasting noise and vibrations, odors and dust, and industrial traffic in addition to existing 1041 review of impacts to air quality, visual resources, water quality and quantity, geothermal resources, floodplains, wetlands, riparian areas, wildlife, plant life, soils, geological conditions, and natural hazards. The County has been very careful to exempt sand and gravel operations from the proposed 1041 regulations and keep those operations regulated under Article 3 and 7-1002 of the LUDC.

The proposed text amendment to the Garfield County LUDC addresses an important gap in the current code and will give the county greater authority to permit mining operations and require certain mitigation and conditions to protect health, safety, and the environment.

RESOLUTION 2020-20

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GLENWOOD SPRINGS, COLORADO, SUPPORTING THE DESIGNATION OF MINERAL RESOURCE AREAS AS AREAS OF STATE INTEREST AND THE ADOPTION OF ADDITIONAL REGULATIONS RELATING TO MINING OPERATIONS BY THE GARFIELD COUNTY, COLORADO BOARD OF COUNTY COMMISSIONERS.

WHEREAS, the City of Glenwood Springs (“Glenwood Springs” or the “City”) is located within Garfield County, Colorado (the “County”); and

WHEREAS, local governments in Colorado have the authority to regulate Areas and Activities of State Interest pursuant to HB 74-1041, codified at C.R.S. § 24-65.1-101 (“1041 Powers”) to regulate land uses in a manner to promote the health, safety, and welfare of their residents, and protection of the environment; and

WHEREAS, Garfield County has designated and enacted regulations governing Areas and Activities of State Interest under its 1041 Powers within Article 14 of its Land Use and Development Code (the “LUDC”);

WHEREAS, the existing LUDC does not distinguish between gravel extraction and mining operations even though these extractive processes create vastly different health, safety, and environmental impacts; and

WHEREAS, the Garfield County Board of County Commissioners will be considering a text amendment to the LUDC that designates Mineral Resource Areas as Areas of State Interest and further regulate mining operations pursuant to its 1041 Powers; and

WHEREAS, large-scale mining operations within the County can create impacts, including hazardous mine waste and tailings, extensive excavation, blasting noise and vibrations, odors and dust, and heavy industrial traffic that should be analyzed and reviewed based on standards tailored to the local socioeconomic and natural conditions that may be impacted, including air quality, visual resources, water quality and quantity, geothermal resources, floodplains, wetlands, riparian areas, wildlife, plant life, soils, geological conditions, and natural hazards; and

WHEREAS, County’s proposed text amendment to the LUDC will provide the County with reasonable and appropriate regulatory authority to permit mining operations while requiring certain mitigation measures to ensure the public health and safety of the residents and protection of the environment as it relates specifically to mining operations; and

WHEREAS, the County’s proposed text amendment to the LUDC will specifically exempt sand and gravel extraction which is separately regulated within the LUDC from the regulation of mining operations; and

WHEREAS, the City Council finds that it is in the best interest of the health, welfare, and safety of the residents of the City of Glenwood Springs to support the Garfield County Board of County Commissioners' designation of a Mineral Resource Area as an Area of State Interest and further adoption of regulations relating to mining operations within such areas.

NOW, THEREFORE, IT IS RESOLVED BY THE CITY COUNCIL OF THE CITY OF GLENWOOD SPRINGS, COLORADO, THAT:

Section 1. The above recitals are hereby incorporated as findings by the City Council of the City of Glenwood Springs.

Section 2. The City Council hereby endorses and urges the adoption of the text amendment to Garfield County Land Use and Development Code Article 14 forwarded by Garfield County Community Development Department staff regarding gravel and mining extraction regulations in Garfield County.

INTRODUCED, READ, AND PASSED THIS ____ DAY OF APRIL 2020.

CITY OF GLENWOOD SPRINGS, COLORADO

Jonathan Godes, Mayor

ATTEST:

Catherine Mythen Fletcher, City Clerk

Planning Commission – Public Hearing Exhibits

Text Amendments – Gravel and Mining

April 22, 2020

Exhibit #	Exhibit Description
1	Staff Memo
2	Article 14 - Proposed 1041 Text Amendments
3	Article 15 – Proposed Definition Amendments
4	Other Land Use Code Text Amendments – Articles 3 and 7
5	Garfield County Land Use and Development Code, as Amended
6	Garfield County Comprehensive Plan of 2030
7	Public Notice – Proof of Publication
8	Public Hearing Notice Information Form
9	Public Comments



MEMORANDUM

TO: Garfield County, Planning Commission

FROM: Sheryl Bower, AICP, Community Development Director
Patrick Waller, AICP, Senior Planner
Glenn Hartmann, Principal Planner

DATE: April 22, 2020

SUBJECT: Public Hearing for consideration of Amendments to the Garfield County Land Use and Development Code of 2013 as amended, including but not limited to Articles 3, 4, 7, 14, and 15 in regard to "Extraction, Gravel" and "Extraction, Mining and Other".

Background

On November 18, 2019, the Board of County Commissioners adopted a six-month moratorium on new or amended applications for gravel and mining extraction in Garfield County (Resolution 2019-58). The Resolution describes the Purpose of the Moratorium as cited below:

2. Purpose. *The purpose of this Moratorium is to provide the Commission with proper tools to protect the public health, safety and welfare of the residents of Garfield County and to protect natural resources, environmentally sensitive lands, and to conserve and preserve the character of the County.*

Additionally, as part of the Moratorium Resolution, the BOCC directed Staff to review existing Land Use and Development Code regulations regarding gravel and mining extraction uses.

On January 29th the BOCC held a work session with staff and Barbara Green Esq, a consultant hired to assist staff with the development of regulations. At the work session, information was presented on existing codes, along with a discussion on how the County could utilize it's 1041 powers to adequately review significant mining operations.

1041 Powers are derived from State Statute and allow local jurisdictions to regulate Areas and Activities of State Interest. This can include the regulation of Mineral Resource Areas. The regulation can be applicable to uses on private property and federal property.

On March 25th and April 1st the Planning Commission and Board of County Commissions held joint work sessions to discuss the draft proposed changes to Article 14. The adoption of 1041 regulations are not required by statute to go through the process typically utilized for Land Development Code Regulations (LUDC), i.e. review and recommendation by the Planning Commission is not required. However, because the implementation of 1041 regulations requires that parts of the LUDC be amended to remove reference to mining activities and provide updated definitions to distinguish “gravel extraction” from “mining other”, and because of the value provided by Planning Commission review, the Planning Commission has been utilized as a reviewing entity. During the work session, the Planning Commission and Board of County Commissioners did have discussion on sections of the regulations and staff made some changes to the document as a result.

RECAP 1041 Regulations

The 1041 Section of the Land Use and Development Code functions as a stand-alone code section, covering process, criteria, and submittal requirements. The existing 1041 regulations include specific levels of review, depending on prescribed thresholds. It is possible for an application to be processed as either a Finding of No Significant Impact, a Minor Permit Review Process, or as a Major Permit Review Process. Specific Submittal Requirements are identified and waivers from this section are permitted with a decision by the Director as referenced in Sections 14-301, 14-302, and 14-303.

Garfield County has already adopted 1041 Regulations for the following Areas and Activities of State Interest:

Section 14-103 A. Areas of State Interest.

1. Areas around Airports and Heliports. Specifically, the outer extremities of the Imaginary Surfaces for the Airport or Heliport, including all lands, water, airspace, or portions thereof which are located within this boundary. If the Noise Impact Boundary extends beyond the outer extremities of the Imaginary Surfaces, the Imaginary Surfaces shall be extended to incorporate the Noise Impact Boundary for purposes of this Article.
2. Areas around Rapid or Mass Transit Facilities, Terminals, Stations, or fixed guideways.

Section 14-103 B. Activities of State Interest.

1. Efficient utilization of municipal and industrial water projects.

2. Site Selection and development of Solid Waste Disposal Sites except those sites specified in C.R.S. § 25-11-203(1), sites designated pursuant to Part 3 of Article 11 of Title 25, C.R.S., and hazardous waste disposal sites, as defined in C.R.S. § 25-15-200.3.
3. Site Selection and construction of major new domestic water and sewage treatment systems and major extension of existing domestic water and sewage treatment systems.
4. Site Selection and construction for Arterial Highways, Interchanges, and Collector Highways.
5. Site Selection and construction for Rapid or Mass Transit Terminals, Stations, or guideways.
6. Site Selection for public Airport or Heliport location or expansion.

Staff along with Ms. Green, identified a few reasons why utilizing 1041 regulations would be an effective regulatory tool for considering mining operations (with the exclusion of gravel operations). This included: providing for a one stop shop for mining regulations, the new regulations can be effectively added to the existing 1041 framework, and primarily that 1041 gives the County additional tools to address the more intense and complex impacts that can be associated with large-scale mining projects.

Specifically, the 1041 Regulations identify a comprehensive list of potential submittal requirements (based on individual project applicability) including a Socioeconomic Impact Analysis, Description of Technical and Financial Feasibility of the Project, and Environmental Impacts – that address Air Quality, Visual Quality, Surface Water Quality, Groundwater Quality, Water Quantity Floodplains, Wetlands, Riparian areas, Aquatic Animals and Habitat, Terrestrial Plant Life, Soils, Geological Conditions, and Natural Hazards. When an applicant meets with staff for a pre-application meeting, it will be determined which submittal requirements will pertain to their specific project. Studies or requirements that are not relevant will be waived.

In addition to the above noted potential submittal requirements, the 1041 review criteria addresses items that are not included in other Sections of the Land Use and Development Code including criteria related to the financial burden on the County, Effects on the Economy, Maintenance of Recreational Experience, Alternatives Analysis, and finding of the associated Benefits Versus Loss of Resources. The Regulations also allow for additional use-specific standards to be included.

Once an applicant has met with staff at a pre-application meeting, the Director will determine what level of review will be required. Review tiers are categorized as a Finding of No Significant Impact (FONSI), a Minor Permit Review, or a Major Permit Review. If a project is, without mitigation unlikely to have any significant adverse impact, the Director may make a Finding of No Significant Impact (FONSI). If a FONSI is issued, there are no further requirements under 1041, however the project is still subject to review by other agencies (as required) and any required

building or grading permits. Minor and Major reviews are differentiated by the degree in which the project can have significant or severe adverse impacts, with a project being categorized as “Major” if it is likely to have significant adverse impact in 2 or more categories of standards as described in Division 5 of the 1041 regulations or a “severe” adverse impact in any one category. Proposals that do not meet the criteria of a major permit review are reviewed as minor permit review. The Board of County Commissioners (BOCC), applicant or the Director can call the determination of level of review to the BOCC.

1041 regulations have submittal requirements and standards that apply to all activities subject to 1041 regulations. There are also activity specific submittal requirements and standards. Because the County’s 1041 Regulations were written several years ago, staff had asked the consultant to suggest revisions to both the requirements/standards applicable to all 1041 activities, along with adding those that are specifically directed at mineral resources. As a result of this request, a number of changes are proposed to the general standards.

Proposed Changes to Article 14: Areas and Activities of State Interest.

Below is a general description of proposed changes. The specific changes are shown in an edited Article 14 Document attached to this packet.

- Added “Mineral Resource Areas” to the list of “Areas of State Interest”.
- Proposed new definitions to clearly differentiate between gravel operations (still subject to Article 3 and 7-1002 of the LUDC) and Mining Operation (subject to Article 14).
- Under Division 3. Review Process for 1041 Permit.
 - Maintained the current 3 levels of review and relief.
 1. A Finding of No Significance for construction/operations that without mitigation are unlikely to have any significant adverse impacts.
 2. Major Permit Review, when the project is likely to have a significant adverse impact in 2 or more categories of standards (see Division 5, 1041 Permit Approval Standards or the project is likely to have severe adverse impact in any 1 category of standards.
 3. Minor Permit review for any project which falls between a Finding of no Significant Impact and a Major Impact.
 4. Provides for relief from the Directors determination, via a call up provision to BOCC.
- Under 14-401 Description of Submittal Requirements. This section provides a list of submittal requirements that would apply to any 1041 minor or major review. It should

be noted that as a part of the process, staff would go through this list with the applicant and determining if everything specified is required. It is not staff's intent to ask for information that is not pertinent to the review.

- 14-412. New Section. This section outlines the additional submittal requirements applicable to mining operations in mineral resource areas. Again, depending on the scope of the project submittal, requirements can be waived.
- Division 5. 1041 Permit Approval Standards. This section covers the permit approval standards applicable to any 1041 minor or major review. Most of the changes in this section resulted from information either being moved here from other sections or moved to other sections.
- Added 14-508 Additional Standards Applicable to Mining Operations in Mineral Resource Areas. This section identifies the standards that will be considered during review of mining operations.

Where would the Mineral Resource Areas be located?

Staff is proposing that mineral resource areas include the Rural, Public Lands (including Talus, Gentle Slopes, Escarpment, Plateau) and Resource Lands Zone Districts. Lands that would not be included are all other zoning districts, Planned Unit Developments (PUD), along with lands that fall into a municipality's Urban Growth Boundaries (except where urban growth boundaries are overlaid on public lands). Mining Operations would not be permitted in Industrial Zoned lands because of the limited amount of land in the county designated as Industrial. Additionally, mining is not permitted in Planned Unit Developments as these areas are generally residential in nature.

The interactive map is available for review here: <https://garfieldcolorado.maps.arcgis.com/apps/webappviewer/index.html?id=f4c6724728774e5d980f849a89f64a64>

Other Amendments to the Code.

Amending the LUDC so that Mining Operations are subject to 1041 Regulations requires additional amendments to the other portions of the Code besides Article 14. With the amendment to make the use subject to 1041 Regulations, the LUDC needs to be updated to remove Mining from the use table and to remove additional use specific Article 7 Standards – in Section 7-1003. To make the Code easy to follow these sections have been updated to identify that Mining Operations are subject to 1041 regulations as detailed in Article 14. These updates are included in this packet as Exhibit 4.

Public & Referral Comments

Staff received numerous comments from the Public on the proposed Text Amendments. All were in favor of regulating Mineral Operations with 1041 Powers. The comments are available for review as Exhibit 9.

The proposed Text Amendments were also sent to Garfield County Environmental Health, Department of Reclamation Mining and Safety, and Colorado Parks and Wildlife for their review. At this time, comments have been received from the Environmental Health Department and incorporated into the draft document.

Suggested Findings

Outlined below are suggested findings for inclusion in a Commission motion for approval of Text Amendments the Land Use and Development Code of 2013 as amended, including but not limited to Articles 3, 4, 7, 14, and 15 in regard “Extraction, Gravel” and “Extraction, Mining and Other” uses.

1. That proper public notice was provided as required for the hearing before the Planning Commission.
2. The hearing before the Planning Commission was extensive and complete, that all pertinent facts, matters and issues were submitted and that all interested parties were heard at that meeting.
3. That the Code Text Amendment is in compliance with the criteria for approval established in Section 4-114 of the Land Use and Development Code; and
4. That for the above stated and other reasons the proposed Code Text Amendment is in the best interest of the health, safety, convenience, order, prosperity and welfare of the citizens of Garfield County.

Recommendation

The following options are provided for the Commission’s consideration consistent with the above findings.

Option 1: The Planning Commission provides a recommendation to the Board of County Commissioners for approval of the Text Amendments consistent with the Staff Recommendation.

Staff recommends approval of Text Amendments to the Land Use and Development Code of 2013 as amended, including but not limited to Articles 3, 4, 7, 14, and 15 in regards to “Extraction,

Gravel” and “Extraction, Mining and Other” uses as outlined in the Staff Memo dated April 22, 2020.

Option 2: The Planning Commission provides a recommendation to the Board of County Commissioners for approval of the Text Amendments with modifications to the Staff Recommendation as specifically outlined in the Planning Commission Motion.

**LUDC
2013**

GARFIELD COUNTY, COLORADO

Article 14: Areas and Activities of State Interest

04/14/2020 DRAFT REVISIONS: MINING OPERATIONS

Article 14
AREAS AND ACTIVITIES OF STATE INTEREST

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ARTICLE 14: AREAS AND ACTIVITIES OF STATE INTEREST

DIVISION 1. GENERAL.

14-101. PURPOSE AND INTENT. ~~UPON ENACTING HOUSE BILL 1041 IN 1974, THE STATE LEGISLATURE IDENTIFIED SEVERAL GENERAL TYPES OF LAND AREAS AND LAND USE ACTIVITIES THAT COULD POTENTIALLY AFFECT "STATE INTERESTS." THE LAW AUTHORIZED COUNTIES TO DESIGNATE AND REGULATE CERTAIN AREAS AND ACTIVITIES WITHIN THEIR RESPECTIVE JURISDICTIONS THAT FALL WITHIN THOSE GENERAL CATEGORIES OF STATE INTEREST.~~

- A. GENERAL PURPOSE.** ~~The purpose of this Article is to facilitate the identification, designation, and administration of matters of state interest consistent with the statutory requirements and the criteria set forth in C.R.S. § 24-65.1-101, et seq.~~ The purpose of this Article is to establish the framework for identification, designation and administration of matters of state interest in a manner that conserves natural resources, is sensitive to surrounding land uses, and protects the public health, safety, welfare and the environment of Garfield County consistent with C.R.S. § 24-65.1-101, et seq.
- B. GUIDELINES AND REGULATIONS FOR ADMINISTRATION.** This Article shall constitute the guidelines and regulations for administration of matters of state interest under C.R.S. § 24-65.1-402.
- C. INTENT.** It is the intent of the County that this Article be applied in a manner that is complementary to and harmonious with the state and federal regulatory laws and regulations.

14-102. AUTHORITY AND SEVERABILITY.

A. Authority.

This Article is authorized by, *inter alia*, C.R.S. §§ 24-65.1-101, et seq.; §§ 29-20-101, et seq.; §§ 30-28-101 et seq.; and §§ 30-28-201, et seq.

B. Severability.

If any section, subsection, sentence, clause, or phrase of this Article is, for any reason, held to be invalid or unconstitutional by a court of law, such decision will not affect the validity of this Article as a whole or any part other than the part declared invalid.

14-103. APPLICABILITY.

This Article will apply to the Designation and regulation of any area or activity of state interest wholly or partially in the unincorporated areas of Garfield County, whether on public or private land, that has been or may hereafter be designated by the BOCC.

14-104. DESIGNATED MATTERS OF STATE INTEREST.

A. Areas of State Interest.

1. Areas around Airports and Heliports. Specifically, the outer extremities of the Imaginary Surfaces for the particular Airport or Heliport, including all lands, water, airspace, or portions thereof which are located within this boundary. If the Noise Impact Boundary extends beyond the outer extremities of the Imaginary Surfaces, the Imaginary Surfaces will be

extended to incorporate the Noise Impact Boundary for purposes of this Article.

2. Areas around Rapid or Mass Transit Facilities, Terminals, Stations, or fixed guideways.
3. Mineral Resource Areas as shown on the County's Mineral Resource Area Map.
 - a. Within Mineral Resource Areas, only Mining Operations are subject to these Regulations.
 - b. Other development which would not interfere with the extraction and exploration of minerals may be allowed in a Mineral Resource Area if approved pursuant to the County Land Use Development Code.
 - c. Unless otherwise specified in this Article, an Applicant seeking a permit to conduct a Mining Operation is not subject to other provisions of the LUDC.

B. Activities of State Interest.

1. Efficient utilization of municipal and industrial water projects.
2. Site Selection and development of Solid Waste Disposal Sites except those sites specified in C.R.S. § 25-11-203(1), sites designated pursuant to Part 3 of Article 11 of Title 25, C.R.S., and hazardous waste disposal sites, as defined in C.R.S. § 25-15-200.3.
3. Site Selection and construction of major new domestic water and sewage treatment systems and major extension of existing domestic water and sewage treatment systems.
4. Site Selection and construction for Arterial Highways, Interchanges, and Collector Highways.
5. Site Selection and construction for Rapid or Mass Transit Terminals, Stations, or guideways.
6. Site Selection for public Airport or Heliport location or expansion.

14-105. EXEMPTIONS.

This Article shall not apply to any development in the above identified areas or activities of state interest if any one of the following is true as of May 17, 1974:

1. The specific development or activity was covered by a current Building Permit issued by the County.
2. The specific development or activity was directly approved by the electorate of the State or the County, provided that approval by the electorate of any bond issue by itself shall not be construed as approval of the specific development or activity.
3. The specific development or activity is on land which has been finally approved, with or without conditions, for a PUD or land use similar to a PUD.
4. The specific development or activity is on land which was either zoned or rezoned in response to an application which specifically contemplated said specific development or activity.

14-106. ~~INTERPRETATION WITH STATUTES, OTHER ENACTMENTS, AND COMPREHENSIVE PLAN. RELATIONSHIP TO OTHER COUNTY STATE AND FEDERAL REQUIREMENTS.~~

A. More Restrictive Standards Apply.

Whenever the provisions of this Article are found to be inconsistent with the statutory criteria for the administration of matters of state interest in C.R.S §§ 24-65.1-202 and 204, the more restrictive standards or requirements will control.

B. Definitions.

~~Terms in this Article will have the meaning set forth in Article 15 of the LUDC, or the meaning set forth in state law. In the event of a conflict between a Code definition and a state law definition, the state law definition will control.~~

C. Compliance Matters.

~~Unless otherwise set forth in this Article, n~~Nothing in this Article exempts an Applicant from compliance with any other applicable County requirements, ~~the Comprehensive Plan~~ or other state, federal, or local requirements. Nor will federal, state, or local approval preempt or otherwise obviate the need to comply with this Article.

Commented [MK1]: Planning Commission discussed not including compliance with Comprehensive Plan.

D. No Intent to Conflict.

This Article will not be applied to create ~~a n operational~~ conflict with any state or federal laws or regulations. ~~Where it would be impossible to comply with both a requirement in this Article and a state or federal requirement, the more stringent or protective requirement shall control.~~

E. Coordinated Review and Permitting.

Any Applicant for a Permit under this Article that is also subject to the regulations of other state or federal agencies may request that the County application and review process be coordinated with that of the other agency. The County will attempt to eliminate redundant application submittal requirements and will coordinate its review of the application with that of other agencies as appropriate. To the extent practicable and appropriate, the County will also attempt to coordinate the terms and conditions of approval with that of other agencies.

14-107. PERMIT REQUIRED.

A. Permit Authority.

The BOCC will serve as the Local Permit Authority. The BOCC will exercise all powers and duties granted it by this Article.

B. Permit Required Prior to Engaging in Designated Activity or Development in Designated Area.

No person may engage in a designated activity of state interest, or engage in development in an area of state interest, ~~wholly or partially within the unincorporated areas of the County~~ without first obtaining either a permit (hereinafter "1041 Permit" or "Permit") or a "Finding of No Significant Impact" under this Article.

C. Term of Permit .

Approval of a 1041 Permit will lapse after 12 months, unless:

1. Activities described in the Permit have substantially commenced; or
2. The BOCC specifies a different time period in which Building Permits must be obtained or activities must commence.

3. The BOCC may at its discretion extend the term of a 1041 Permit if the permittee submits a written request prior to expiration of the permit detailing the need for such extension.

D. Renewal.

A 1041 Permit may be renewed following the same procedure for approval of a new application set forth in Division 4 of this Article. The BOCC may impose additional conditions at the time of renewal if necessary to ensure that the project will comply with this Article.

E. 1041 Permit Not A Site Specific Development Plan.

1041 Permits issued under this Article will not be considered to be a Site Specific Development Plan and no statutory vested rights will inure to such permit.

DIVISION 2. DESIGNATION OF AREAS AND ACTIVITIES OF STATE INTEREST.

14-201. APPLICABILITY OF DESIGNATION PROCESS.

The designation process set forth in this Article will apply to the designation of any matter of state interest after the effective date of this Article. The designation process will not apply to those matters of state interest designated by the BOCC prior to the effective date of this Article, which designations will remain in effect.

14-202. INITIATION OF DESIGNATION REQUEST.

Designations and amendments or revocations of Designations of areas or activities of state interest may be initiated by the BOCC.

14-203. DESIGNATION PROCESS.

A. Public Hearing by BOCC.

A request for Designation of an area or activity of state interest will be considered by the BOCC at a Public Hearing.

1. **Public Notice.** The Director will publish a notice of the Public Hearing at least 30 days and not more than 60 days before the hearing, in a newspaper of general circulation in the County. The notice will include the time and place of the hearing, a general description of the Designation requested, and the place at which relevant materials may be examined.

B. Matters to be Considered at Designation Hearing.

At the Designation hearing, the BOCC will consider such evidence as may appear appropriate, including the following considerations:

1. The intensity of current and foreseeable development pressures;
2. The reasons why the particular area or activity is of state interest, the dangers that would result from uncontrolled development of any such area or uncontrolled conduct of such activity, and the advantages of development of such area or conduct of such activity in a coordinated manner;
3. Boundaries of the proposed area of state interest; and
4. Conformity with the Comprehensive Plan.

C. Adoption of Designation and Regulations.

Within 30 days after completion of the Public Hearing, the BOCC will take action by resolution to adopt, adopt with modifications, or reject the proposed designation and regulations interpreting and implementing its guidelines for an area or activity of state interest.

1. If the BOCC rejects the designation and/or proposed regulations, the BOCC may at its discretion regulate the matter under any other available land use control authority or it may reject regulation of the matter entirely.
2. The BOCC action will be taken by resolution.
3. Upon adopting a Designation, the BOCC will adopt regulations for its administration.

D. Record of Designation Proceedings.

The record of decision will include the following materials:

1. Certificate of publication of the Public Hearing notice;
2. The minutes of the Designation Hearing;
3. Written findings concerning each of the considerations set forth in section 14-203.B., Matters to be Considered at Designation Hearings; and
4. The recorded resolution adopting the designation and regulations.

DIVISION 3. REVIEW PROCESS FOR 1041 PERMIT.

14-301. COMMON REVIEW PROCEDURES.

A. Consultants and Referral Agencies.

The following provisions apply to all 1041 Permit applications.

1. Consultant and Referral Agency Review. The Director may authorize all or a portion of the review of any phase of an application to be performed by an outside consultant and ~~may request comment by sent to~~ referral agencies ~~pursuant to section 4-101.C., Review by Referral Agency.~~
2. Applicant Responsible for Review ~~Fees~~Costs. The costs of consultant and referral agency reviews are the responsibility of the Applicant. ~~The costs of consultant and referral agency reviews shall be paid pursuant section 4-101.C., Review by Referral Agency, and section 4-101.D., Evaluation by Director/Staff Review.~~

B. Pre-Application Conference.

An application for a 1041 Permit will begin with a pre-application conference between the Applicant and the Director or staff.

1. Procedure. The Applicant will make a request for a pre-application conference through the Community Development Department. At the conference, the Director will explain the regulatory process and requirements and begin to evaluate the appropriate level of review.
 - a. Scheduling of Pre-Application Conference. The Director will schedule a pre-application conference to be held within 20 days of receipt of a request for a pre-application conference.

3. Call-up of Director's Level of Review Determination.

- a.** Call-up by the Board. The BOCC may, at its discretion, call-up the Director's determination at the next regularly-scheduled meeting of the BOCC for which proper notice by inclusion on the BOCC agenda can be accomplished, following the date of written notice of the determination of level of Permit Review. The BOCC may approve, modify, or reject the Director's determination based on the criteria in section 14-301.C.
- b.** Request for Call-up. Within 10 days of the date of written notice of the Director's determination, the Applicant may request that the BOCC call up the determination at its next regularly-scheduled meeting for which proper notice can be accomplished by inclusion on the BOCC agenda. The BOCC may approve, modify, or reject the Director's determination based on the criteria in section 14-301.C.
- c.** Call-up Request by Director. Within ten (10) days of the Director's determination, the Director may request that the BOCC review the Director's decision at its next regularly-scheduled meeting for which proper notice can be accomplished.

D. Change in Level of Permit Review.

At any time prior to the final decision by the BOCC, the County may decide that information received since the pre-application conference indicates that the nature and scope of the impacts of the project are such that a different level of review is required. If a different level of review is required, the Director will immediately notify the Applicant, the BOCC, and the County Attorney.

E. Permit Application Fee

The Applicant is responsible for all costs of reviewing and processing the Permit application.

1. Fee Requirement

- a.** Any application for a 1041 Permit must be accompanied by the appropriate fees. A schedule of fees is available through the Community Development Department. An estimated range of any potential fees will be disclosed in the pre-application conference summary. This estimate is nonbinding.
- b.** The County may require a deposit for payment of consultant and referral agency review fees, based upon estimated consultant review costs at the time of application, and in addition to the application fees.
- c.** The amount of the payment may be increased at any time it is determined by the Director that the fee is not sufficient to cover the actual costs associated with the application.
- d.** The County may suspend the application review process pending payment of consultant costs.

2. Payment of Additional Costs

Additional costs for reviewing and processing the Permit application include but are not limited to the costs of legal, consultant, and referral

agency review of the Permit application, the pre-application conference, completeness determination, and all hearings and meetings on the Permit application. Such costs are in addition to the application fees paid pursuant to E.1 above and shall be billed to the Applicant. All additional costs must be paid in full prior to final action by the Board of Trustees on the Permit application

F. Determination of Completeness.

Within 30 business days of receipt of the application materials, the Director will determine whether the application is complete based on compliance with the permit application submittal requirements set forth in Division 4 of this Article.

1. Application is Not Complete. If the application is not complete, the Director will inform the Applicant of the deficiencies in writing and will take no further action on the application until the deficiencies are remedied. If the Applicant fails to correct the deficiencies within 60 calendar days, the application will be considered withdrawn and returned to the Applicant.
2. Application is Complete. If the application is complete, the Director will certify it as complete and stamp it with the date of determination of completeness.
3. Extension of Time for Determination of Completeness. The Director may authorize an extension of time to complete the review for determination of completeness up to an additional ~~30~~ 60 business days. The extension of time for determination of completeness will be based upon the following considerations:
 - a. Scope of Application. The scope of application is sufficient to require additional time for the Director to review the application for a determination of completeness.
 - b. Staff Workload. The Department's workload due to the volume and scope of pending applications justifies the need for an extension of time.

G. Evaluation by Director, ~~Staff~~, Consultants, and Referral Agencies.~~y Review.~~

Taking into consideration input from referral agencies and consultants, the Director will review the application to determine if the project satisfies the applicable standards set forth in Division 5 of this Article. The Director will prepare a staff report discussing issues raised by staff and referral agencies, whether the standards have been satisfied, Mitigation requirements, recommended conditions of approval, and additional information pertinent to review of the application.

H. Notice of Public Hearing. No later than 30 days after the completeness determination, the County shall publish notice of a hearing as follows.

1. Notice by Publication. At least 30 calendar days but no more than 60 calendar days prior to the date of a scheduled Public Hearing, the Applicant will have published a notice of Public Hearing in a newspaper of general circulation in the area that the project is located. The notice will follow a form prescribed by the County.
2. Notice to Adjacent Property Owners. At least 30 calendar days but no more than 60 calendar days prior to the date of a scheduled Public Hearing, the Applicant will send by certified mail, return receipt requested, a written notice of the Public Hearing to the owners of record of all

adjacent property within a ~~200~~ 500-foot radius of the project site boundaries. The notice will include a Vicinity Map, the property's legal description, a short narrative describing the project, and an announcement of the date, time, and location of the scheduled hearing(s).

3. Proof of Notice. At the Public Hearing, the Applicant will provide proof of publication and notification of Adjacent Property Owners.
4. Notice to Airport Sponsor. If an application involves areas around Airports or Heliports, or the site selection of an Airport or Heliport, then Applicant must also send by certified mail, return receipt requested, a written notice of the Public Hearing to the Airport Sponsor. The notice will follow a form prescribed by the County.

14-302. MINOR PERMIT REVIEW PROCESS.

A. Outline of Process.

The Minor Permit Review will consist of the following procedures:

1. Pre-application conference;
2. Application;
3. Determination of completeness;
4. Evaluation by the Director/Staff review; and
5. Public Hearing and decision by the BOCC.

B. Review Process.

1. Pre-Application Conference. A pre-application conference will be held in accordance with the provisions of section 14-301.B., Pre-Application Conference.
2. Application. The application materials are set forth in Division 4 of this Article.
3. Determination of Completeness. The Director will review the application for determination of completeness in accordance with the provisions of section 14-301.G., Determination of Completeness.
4. Schedule Public Hearing. Not later than 30 days from the~~Upon a~~ determination of completeness, the Director will schedule the application for Public Hearing by the BOCC and publish the notice pursuant to ~~—A public notice of the hearing will be made pursuant to~~ section 14-301.H., Notice of Public Hearing.
5. Evaluation by Director/Staff Review. Upon determination of completeness, the Director will review the application and prepare a staff report pursuant to section 14-301.G of this Article.
6. Review and Action by the BOCC. ~~Upon establishing~~Following proper public notice, the BOCC will consider the application at a Public Hearing. The BOCC will approve, approve with conditions, or deny the application based upon compliance with the applicable standards in Division 5 of this Article.
 - (1) Approval of Application. If the application satisfies all of the applicable standards, the application ~~will~~ shall be approved. ~~The~~

~~application may be approved with conditions determined necessary for compliance with applicable standards~~

- (2) Conditional Approval or Denial of Application. If the application fails to satisfy any one of the applicable standards, the application shall be denied or the application may be approved with conditions determined necessary for compliance with applicable standards.

14-303. MAJOR PERMIT REVIEW PROCESS.

A. Outline of Process.

The Major Permit Review will consist of the following procedures:

1. Pre-application conference;
2. Application;
3. Determination of completeness;
4. Evaluation by the Director/Staff review;
5. ~~Public Hearing and~~ Recommendation by the Planning Commission; ~~and~~
6. Public Hearing and decision by the BOCC

B. Review Process.

1. Pre-Application Conference. A pre-application conference will be held in accordance with the provisions of section 14-301.B., Pre-Application Conference.
2. Application. The application materials are set forth in Division 4 of this Article.
3. Determination of Completeness. The Director will review the application for determination of completeness in accordance with the provisions of section 14-301.G of this Article.

~~Schedule Public Hearing. Upon a determination of completeness, the Director will schedule the application for Public Hearing by the Planning Commission. Public notice of the hearing will be made pursuant to section 14-301.F., Notice of Public Hearing.~~

4. Evaluation by Director/Staff Review. Upon determination of completeness, the Director will review the application and prepare a staff report pursuant to section 14-301.G of this Article.

5. Review and Recommendation by the Planning Commission. Within 45 days of the completeness determination, the Planning Commission will consider the application at a Public Hearing meeting and send its recommendation to the BOCC.

- a. ~~Recommendation by Planning Commission. The Planning Commission will recommend approval, approval with conditions, or denial of the application based upon compliance with the applicable standards set forth in Division 5 of this Article, Permit Approval Standards.~~ Recommendation of Approval. If the application satisfies all of the applicable standards, the Planning Commission shall recommend that the application be approved. ~~The Planning Commission may recommend approval with~~

Commented [SGS2]: Note: the planning commission function has been changed to a recommendation in a meeting in order to meet the statutory timeframe for the BOCC hearing on the Permit.

Commented [SGS3]: See comment above: The change to a meeting is necessary to comply with statutory timeframes within which to hold the BOCC hearing. It may not be possible for the Planning Commission to notice and hold a hearing while also satisfying the statutory notice requirements for the BOCC hearing.

Recommendation of Approval with Conditions or Denial. If the application fails to satisfy all of the applicable standards the Planning Commission will recommend that the application be denied or recommend approval with conditions determined necessary for compliance with the applicable standards.

- Approval of Application. If the application satisfies all of the applicable standards, the application shall be approved. ~~The application may be approved with conditions determined necessary for compliance with applicable standards.~~

Any change in the construction or operation of the project from that approved by the BOCC will require either a “technical revision” or a “1041 Permit Amendment.”

To request a technical revision, the Applicant will submit the following information and materials to the Director:

- 3.** A written description of the proposed changes to the project together with drawings and plans of the proposed changes; and

The Director will make the initial determination whether a change is a technical revision or a 1041 Permit Amendment within 30 days following receipt of the request and necessary submittals. Within 5 days of the Director's determination, the Director will notify the Applicant and the BOCC, in writing, of the determination.

A proposed change will be considered a “technical revision” if the Director, in his or her discretion, determines that there will be no increase in the size of the area affected by

the project or the intensity of impacts of the project. The Director may determine that even though the proposed changes will increase the size of the area affected or the intensity of the impacts, the impact is insignificant so as to warrant a technical revision finding. A change to a condition of approval will not be treated as a technical revision. Upon finding that the change is a technical revision, the Director will approve the change to the 1041 Permit.

D. 1041 Permit Amendments.

Changes other than technical revisions are considered 1041 Permit Amendments. A 1041 Permit Amendment will be treated as a new application and processed according to Division 3 of this Article.

E. Call-Up of Director's Determination.

1. Call-up by the BOCC. The BOCC may, at its discretion, call up the Director's determination that a change is a 1041 Permit Amendment, rather than a technical revision at the next regularly-scheduled meeting for which proper notice by inclusion on the BOCC agenda can be accomplished, following the date of written notice of the determination. The BOCC may approve or reject the Director's determination based on the criteria in section 14-304.C and 14-304.D.
2. Request for Call-Up. Within 10 days of the date of written notice of the Director's determination, the Applicant may request that the BOCC call-up the Director's determination at its next regularly-scheduled meeting for which proper notice can be accomplished by inclusion on the BOCC agenda. The BOCC may approve or reject the Director's determination based on the criteria in sections 14-304.C and 14-304.D.
3. Request by Director. Within ten (10) days of the Director's determination, the Director may request that the BOCC review the Director's decision at its next regularly-scheduled meeting for which proper notice can be accomplished.

DIVISION 4. 1041 PERMIT APPLICATION SUBMITTAL REQUIREMENTS.

The following submittal requirements apply to any application for a 1041 Permit. ~~The professional qualifications for preparation and certification of certain documents required by this Article are set forth in section 4-203.A, Description of Submittal Requirements.~~

14-401. DESCRIPTION OF SUBMITTAL REQUIREMENTS.

A. Waiver.

The Director may waive one or more of these submittal requirements when the information would not be relevant to a determination as to whether the project complies with the applicable standards in Division 5.

B. Application Form.

Applicant shall obtain an application form from the Community Development Department.

1. Ownership. The application shall include a deed or other evidence of the owner's title or ownership interest in the land for which a 1041 Permit is requested.
2. Authorized Applicant. Completed application forms and accompanying materials shall be submitted to the Director by the owner, or any other person having a recognized fee title interest in the land for which a 1041

Permit is proposed, or by any agent acting through written authorization of the owner.

- a. Authorized Agent. If the Applicant is not the owner of the land, or is a contract purchaser of the land, the Applicant shall submit a letter signed by the owner consenting to the submission of the application.
 - b. Applicant is Not the Sole Owner. If the Applicant is not the sole owner of the land, the Applicant shall submit a letter signed by all other owners or an association representing all the owners, by which all owners consent to or join in the application.
3. Information About Applicant. The application form shall contain the following information describing the Applicant:
- a. The name(s), address(es), email address(es), fax number(s), organization form(s), and business(es) of the Applicant, and if different, the owner of the project, the land owner, and other representatives authorized to submit the application;
 - b. The names, addresses, and qualifications, including those areas of expertise and experience with projects directly related or similar to that proposed in the application package, of individuals who are or will be responsible for constructing and operating the project;
 - c. Authorization of the application by the property owner, if different than the Applicant; and
 - d. Documentation of the Applicant's financial and technical capability to develop and operate the project, including a description of the Applicant's experience developing and operating similar projects.

C. Information Describing the Project.

1. Project Narrative. A narrative description of the project, including the location of the proposed facility by reference to its relationship to any physical features, intersections, towns, or other locations, that are generally recognized by the citizens of Garfield County.
2. Identification of Alternatives.
 - a. Descriptions of alternatives to the project that were considered by the Applicant and reasons why they were rejected.
 - b. Justification that the project represents the alternative that best complies with this Article and is the least detrimental practicable alternative.
3. Project Need. The need for the project, including existing/proposed facilities that perform the same or related function and population projections or growth trends that form the basis of demand projections justifying the project.
4. Conformance with Comprehensive Plan. ~~—Evidence that demonstrates that~~ A narrative description explaining how the project is in conformance with the County's Comprehensive Plan, municipal master plans, and any other applicable plans within the Impact Area.

Commented [MK4]: Planning Commission discussed deleting this requirement for identification of alternatives.

5. Maps. Detailed map(s) showing the location of the proposed facilities together with proposed or existing Transportation Corridors, zoning classification, and land use within 2,000 feet.
- a. Vicinity Map. Location of the project shown on USGS quadrangle map. The map shall clearly show the project site boundaries and all property within a 3-mile radius of the site.
- b. Site plan.
A detailed map of the project site at a scale determined by the Director. The site plan shall include:
- (1) North arrow, scale, and legal description of the site;
 - (2) Area of the site and clearly identified boundary lines, corner pins, and dimensions of the site and land survey data to identify the site including section corners, distance and bearing to these corners, quarter corners, township, range;
 - (3) Topographic contours at vertical intervals sufficient to show the topography affecting the site;
 - (4) Parcels and land use within one mile of the proposed activity, identified by zoning, size and use;
 - (5) Locations of special district boundaries, municipal watershed boundaries, municipal boundaries and boundaries of residential subdivisions within one mile of the property;
 - (6) Proposed and existing Transportation Corridors identified by location and dimension, and Forest Service, Bureau of Land Management, and private roads on-site and within one mile of the boundaries of the site;
 - (7) Location of all fire, police and emergency response service facilities nearest to the project;
 - (8) Easements recorded or historically used, and proposed easements that provide access to or across, or other use of the property, shown by approximate location, dimension, use, and grantee;
 - (9) All existing and proposed structures and appurtenant facilities, shown by location and dimension; and
 - (10) Significant features including:
 - (a) Existing and proposed utility lines;
 - (b) Natural and artificial drainage ways, ditches, streams, lakes, ponds and wetlands;
 - (c) Dams and reservoirs;
 - (d) Floodways and floodplains located in or within 3 miles of the site, and approximate flooding limits based on information available through the County;
 - (e) Vegetative cover;
 - (f) Rock outcrops, soil types, geologic features, and hazards;
 - (g) Any on-site or off-site feature that influences the project;
 - (h) Proposed areas of disturbance shown by location and dimension; and
 - (i) Existing and proposed impervious surface areas shown by location and dimension.

Commented [MK5]: Planning Commission discussed not including historically used easements

Commented [MK6]: Planning Commission discussed not using a 3-mile radius for floodways and floodplains; and not using the term "rock outcrops"

(j) The County may require, or the Applicant may choose to submit, a more detailed version of all or part of the site plan at a map scale suitable to show the particulars of the project.

6. Plans and Specifications. Detailed plans and specifications of the project.
7. Project Schedules and Phasing. Schedules for designing, permitting, constructing, and operating the project, including the estimated life of the project.
8. Conservation Techniques. Description of all conservation techniques to be used in the construction and operation of the project.

D. Property Rights, Permits, and Other Approvals.

1. A list of all other federal, state, and local permits and approvals that have been or will be required for the project, together with any proposal for coordinating these approvals with the County permitting process. Applicant shall provide the County with copies of the permits, approvals, and licenses upon issuance.
2. Copies of all official federal and state consultation correspondence prepared for the project; ~~a description of all Mitigation required by Federal, State, and local authorities;~~ and copies of any draft or final environmental assessments or impact statement required for the project.
3. Description of the water to be used by the project, including: amount of water required; amount and quality of the source water; the Applicant's right to use the water, including adjudicated decrees, applications for decrees, proposed points of diversion, and the existing uses of water; and any alternative water sources available to the Applicant. If an Augmentation Plan has been filed in court, the Applicant shall submit a copy of that plan.
4. Description and documentation of property rights, easements, and rights-of-way agreements that are necessary for or that will be affected by the project.
5. Description of all mitigation and financial security required by federal, state, and local authorities.

E. ~~Description of Technical and Financial Feasibility Assessment of the Project~~ Assessment of the technical and financial feasibility of the project, the Applicant's financial capability to pay for all phases of the project, and the Applicant's right to and expertise in technology required for the project:

1. The estimated construction costs for each phase of development. ~~and period of construction for each development component.~~
2. Revenues and operating expenses for the project.
3. ~~The amount of any proposed debt and the method and estimated cost of debt service~~ Description of debt and equity at each phase of development, debt retirement schedule and sources of funding to retire debt.
4. Details of any contract or agreement for revenues or services in connection with the project.

5. Description of the person(s) or entity(ies) who will pay for or use the project and/or services produced by the development and those who will benefit from any and all revenues generated by it.

- ~~6. Cost of all Mitigation measures proposed for the project~~Estimated cost of proposed mitigation measures and permit conditions, estimated reclamation costs and schedule.

~~E. Socioeconomic Impacts.~~

~~A comprehensive Socioeconomic Impact Analysis that addresses the manner in which the Applicant will comply with the relevant approval standards in Division 5 of this Article. The Impact Analysis will be limited to the Impact Area and will include the following information:~~

~~E. Land Use.~~

- ~~1. Description of existing land uses within and adjacent to the Impact Area.~~
~~2. Description of impacts and Net Effect of the project on land use patterns.~~

~~G. Local Government Services.~~

- ~~1. Description of existing capacity of and demand for local government services including, but not limited to, roads, schools, water and wastewater treatment, water supply, emergency services, transportation, infrastructure, and other services necessary to accommodate development within Garfield County.~~
~~2. Description of the impacts and Net Effect of the project to the capability of local governments that are affected by the project to provide services.~~

~~H. Workforce Housing Assessment.~~

~~An assessment of the housing demand created by the project and plans to address that demand, including:~~

- ~~1. Description of the workforce associated with the project:~~
~~a. Estimated number of workers needed to staff the proposed project, including: the number of resident and non-resident workers.~~
~~b. Estimated salary ranges of workers.~~
~~2. Analysis of the available dwelling units and whether there are sufficient numbers of dwelling units within the County at the appropriate cost to house workers.~~
~~3. Description of the immediate and long-term impact and Net Effects of the project on the availability of affordable workforce housing.~~

~~H. Housing.~~

- ~~a. Description of existing seasonal and permanent housing including number, condition, and cost of dwelling units.~~
~~b. Description of the impact and Net Effect of the project on housing during construction and operation stages of the project.~~

~~I. Financial Burden on County Residents.~~

Commented [SGS7]: Planning Commission discussed deleting this requirement

1. Description of the existing tax burden and fee structure for government services including, but not limited to, assessed valuation, mill levy, rates for water and wastewater treatment, and costs of water supply.
2. Description of Impacts and Net Effect of the project on financial burdens of residents.

J. Local Economy.

1. Description of the local economy including, but not limited to, revenues generated by the different economic sectors and the value or productivity of different lands.
2. Description of impacts and Net Effect of the project on the local economy and opportunities for economic diversification.

K. Recreational Opportunities.

1. Map depicting the location of ~~present and proposed potential~~ recreational uses ~~such as including~~ fishery stream segments, access points to recreational resources, hiking and biking trails, hunting, and wilderness areas.
2. Description of present and potential recreational uses including, but not limited to, the number of recreational visitor days for different recreational uses and the revenue generated by types of recreational uses.
3. Description of the impacts and Net Effect of the project on present and potential recreational opportunities and revenues to the local economy derived from those uses.

L. Agricultural Impact Assessment. A description of agricultural lands and operations in the Impact Area and a plan to:

1. Avoid contributing to loss of agricultural land, including farm or ranch land.
2. Minimize impacts on agricultural operations, including irrigation water, water delivery systems and irrigation schedules.
3. Avoid impacts to livestock, grazing permits or leases, or grazing permittees or lessees.

M. Areas of Paleontological, Historic or Archaeological Importance.

1. Map and/or description of all sites paleontological, historic, or archaeological interest.
2. Documentation of approval from the State Historic Preservation Office regarding any historical resources potentially affected by the project.
3. Description of the impacts and Net Effect of the project on sites of paleontological, historic, or archaeological interest. ~~9. Nuisance. Descriptions of noise, glare, dust, fumes, vibration, and odor levels caused by the project.~~

N. Traffic Impact Assessment and Mitigation

1. Traffic impact study. A study prepared by a certified traffic engineer that includes at a minimum:
 - a. Existing conditions. Description of the baseline condition of road segments that will be affected by the project, including the existing

Commented [SGS8]: Requested by Planning Commission

physical condition, trips generated by vehicle type on the average and at peak times, and the existing level of service for those road segments.

b. Trip generation. For each phase of the project, a description of proposed average and peak time site trip generation by vehicle type for the roads that will be affected by the project.

c. Mitigation. For each phase of the project, proposed mitigation of impacts to traffic including traffic signals, and other measures to ensure that the level of service for each affected road segment is not reduced over pre-project conditions.

2. Traffic Management Plan. A plan that includes measures to mitigate adverse impacts to traffic for each phase of the project.

~~F. Environmental Impacts.~~

~~Description of the existing natural Environment and an analysis of the impacts of the project to the natural Environment. These descriptions shall be limited to the Impact Area, and shall include an analysis of existing conditions, supported with data, and a projection of the impacts of the project in comparison to existing conditions. The analysis shall include a description of how the Applicant will comply with the applicable approval standards set forth in Division 5 of this Article.~~

Q. Air Quality.

1. ~~A map and/or~~ Description of the airsheds that will be affected by the project, including the seasonal pattern of air circulation and microclimates.
2. Map and/or description of the ambient air quality and State air quality standards of the airsheds that will be affected by the project, including particulate matter and aerosols, oxides, hydrocarbons, oxidants, and other chemicals, temperature effects, and atmospheric interactions.

3. An assessment and plan for greenhouse gas emissions prepared by an expert in air quality emissions control. The assessment shall identify and quantify the greenhouse gas emissions attributable to the Mining Operation, and proposed mitigation.

4. Descriptions of the impacts and Net Effect of the project on air quality during both construction and operation, and under both average and worst case conditions.

Commented [MK9]: Planning Commission discussed deleting this requirement for assessment of greenhouse gas emissions.

P Visual Quality.

1. Map and/or description of ground cover and vegetation, forest canopies, waterfalls, and streams or other natural features.
2. Description of view sheds, scenic vistas, unique landscapes, or land formations.
3. Map and/or description of buildings and structure design and materials to be used for the project.
4. Descriptions of the impacts and Net Effect of the project on visual quality.

Q. Surface Water Quality.

1. Map and/or description of all surface waters to be affected by the project, including:
 - a. Description of provisions of the applicable regional water quality management plan that applies to the project and assessment of whether the project would comply with those provisions;
 - b. Existing condition of streams and water bodies affected by the project; and
 - c. Classification of streams and water bodies affected by the project.
2. Description of water quality data monitoring sources.
3. Descriptions of the immediate and long-term impact and Net Effects of the project on the quantity and quality of surface water under both average and worst case conditions.

R. Groundwater Quality.

1. Map and/or description of all groundwater, including any aquifers. At a minimum, the description should include:
 - a. Seasonal water levels in each subdivision of the aquifer affected by the project;
 - b. Artesian pressure in aquifers;
 - c. Groundwater flow directions and levels;
 - d. Existing aquifer recharge rates and methodology used to calculate recharge to the aquifer from any recharge sources;
 - e. For aquifers to be used as part of a water storage system, methodology and results of tests used to determine the ability of aquifer to impound groundwater and aquifer storage capacity;
 - f. Seepage losses expected at any subsurface dam and at stream-aquifer interfaces and methodology used to calculate seepage losses in the affected streams, including description and location of measuring devices;
 - g. Existing groundwater quality and classification; and
 - h. Location of all water wells and their uses.
2. Description of the impacts and Net Effect of the project on groundwater.

S Water Quantity.

1. Map and/or description of existing stream flows and reservoir levels.
2. Map and/or description of existing ~~Colorado Water Conservation BOCC held minimum instream~~ stream flows.
3. Descriptions of the impacts and Net Effect of the project on water quantity.
4. Statement of methods for efficient utilization of water.

I. Floodplains, Wetlands and Riparian Areas.

1. Map and/or description of all Floodplains, Wetlands (whether or not they are jurisdictional as defined by the Corps of Engineers), and Riparian

Areas affected by the project, including a description of the types of Wetlands, species composition, biomass, and functions.

2. Description of site features such as streams, areas subject to flooding, lakes, high ground water areas, topography, vegetative cover;
3. Description of the source of water interacting with the surface systems to create each Wetland (i.e., side-slope runoff, over-bank flooding, groundwater seepage, etc.) or Riparian Area.
4. Description of the impacts and Net Effect of the project on the Floodplains, Wetlands, and Riparian Areas.

U. Terrestrial and Aquatic Animals and Habitat Assessment.

1. Map and/or description of terrestrial and aquatic animals including the status and relative importance of game and nongame wildlife, livestock and other animals; a description of streamflows and lake levels needed to protect the aquatic Environment; and description of threatened or endangered animal species and their habitat.
2. Map and description of critical wildlife habitat and livestock range affected by the project, including migration routes, calving areas, summer and winter range, spawning beds, and grazing areas.
3. Description of the impacts and Net Effect of the project on terrestrial and aquatic animals, habitat, and food chain.

V. Terrestrial and Aquatic Plant Life Assessment.

1. Description and map of existing terrestrial and aquatic plant life, including location, type and density and threatened or endangered plant species and habitat.
- ~~2. Map and/or description indicating location of terrestrial and aquatic plant life including the type and density, and threatened or endangered plant species and habitat.~~
2. Descriptions of the impacts and Net Effect of the project on terrestrial and aquatic plant life.

W. Vegetation and Weed Management Plan

1. A written description of the species, character and density of existing vegetation on the site and summary of potential impacts to vegetation as a result of the project.
2. A plan that includes:
 - a. Removal of existing vegetation no more than thirty (30) days prior to commencement of initial site grading;
 - b. Revegetation of areas that have been filled, covered or graded as soon as practicable;
 - c. Use of site-specific native seed mix, with the exception of any landscaped areas and use of mulching to support vegetation growth;
 - d. Topsoil from disturbed areas stripped and stockpiled on-site for redistribution over the completed final grade; stockpiling that conforms to best management practices and ensures that soil

organisms in stockpiled soil remain viable until completion of the redistribution process. -

3. A plan that addresses all County-listed noxious weeds found on site and includes:

a. Inventory and map showing the locations of County-listed noxious weeds.

b. Ongoing weed control at all locations disturbed by the project and along access roads during construction and operational phases,

X. Hazardous Materials Description.

1. Description of all hazardous, toxic, and explosive substances to be used, stored, transported, disturbed, or produced in connection with the project, including the type and amount of such substances, their location, and the practices and procedures to be implemented to avoid accidental release and exposure.
2. Location of storage areas designated for equipment, fuel, lubricants, and chemical and waste storage with an explanation of spill containment structures.

Y. Fire Protection.

1. Letter from Fire Protection District, Department or Agency. A letter from the applicable fire protection district, department or agency stating that the project has been adequately designed to handle the storage of flammable or explosive solids or gases and that the methods comply with the national, State, and local fire codes and that the fire protection provider has adequate resources to provide fire protection.

2. Fire Protection Plan. A plan that includes:

a. Documentation of types of construction for all structures on-site.

b. Full disclosure of all types of chemicals to be used or stored on-site, their locations, and information regarding safe exposure levels, fire risks, and treatment and suppression techniques.

Z. Monitoring and Mitigation Plan.

1. Description of all Mitigation that is proposed to avoid, minimize, or compensate for adverse impacts of the project and to maximize positive Impacts of the project.
 - a. Describe how and when Mitigation will be implemented and financed.
 - b. Describe impacts that are unavoidable that cannot be mitigated.
2. Description of methodology used to measure impacts of the project and effectiveness of proposed Mitigation measures.
3. Description, location, and intervals of proposed monitoring to ensure that Mitigation will be effective.

AA. Additional Information May Be Necessary.

The Director may request that the Applicant supply additional information related to the project if the BOCC will not be able to make a determination on any of the approval.

14-402. ADDITIONAL SUBMITTAL REQUIREMENTS APPLICABLE TO AREAS AROUND AN AIRPORT OR HELIPORT.

In addition to the submittal requirements in section 14-401, Description of Submittal Requirements, an application proposing to develop land use in areas around Airports and Heliports will require the following submittals:

A. Location Map.

A map or drawing showing the location of the subject property in relation to Airport Imaginary Surfaces.

B. Elevation Profiles and Site Plan.

Elevation profiles and a Site Plan including:

1. Location of existing and proposed structures in relation to Airport/Heliport Imaginary Surfaces.
2. Height of all existing and proposed structures, measured in feet above mean sea level.

C. Written Agreements for Height Exception.

Written agreements from the Airport/Heliport Sponsor and the FAA, if a height exception is requested.

D. Declaration of Anticipated Noise Levels.

A declaration of anticipated noise levels for property located within Noise Impact Area Boundaries. For noise sensitive land use located in areas where the noise level is anticipated to be at or above 55 Ldn, the Applicant will be required to demonstrate that a noise abatement strategy will be incorporated into the building design that will achieve an indoor noise level equal to or less than 55 Ldn.

E. Avigation Easement.

An avigation easement dedicated to the Airport owner in a form acceptable to the Airport Sponsor. The avigation easement will allow unobstructed passage for aircraft and ensure safety and use of the Airport for the public.

14-403. ADDITIONAL SUBMITTAL REQUIREMENTS APPLICABLE TO DEVELOPMENT IN AREAS AROUND RAPID OR MASS TRANSIT FACILITIES.

In addition to the submittal requirements in section 14-401, Description of Submittal Requirements, development in areas around Rapid or Mass Transit Facilities will require the following additional submittals:

A. Traffic Relationships.

One or more maps at sufficient scale showing the location of the proposed development and its relationship to the Rapid or Mass Transit Station or Terminal and the Interchanges, streets, Highways, parking lots, and public facilities which are adjacent to or form an integral part of the operation of the Rapid or Mass Transit Facility.

B. Traffic Generation.

A narrative description of the motor vehicle, bicycle, and pedestrian traffic likely to be generated by the proposed development including, but not limited to, traffic generation at various times of the day, potential congestion, and potential demand for parking generated by the development.

C. Traffic Impacts.

A narrative description of the impacts of the proposed development to the Rapid or Mass Transit Facility.

D. Traffic Access.

Maps or diagrams illustrating the vehicular, pedestrian, and bicycle routes that can be utilized to gain access between the proposed development and the adjacent Rapid or Mass Transit Facility.

14-404. ADDITIONAL SUBMITTAL REQUIREMENTS APPLICABLE TO MUNICIPAL AND INDUSTRIAL WATER PROJECTS.

A. Efficient Water Use.

Description of efficient water use, recycling, and reuse technology the project intends to use.

B. Municipal and Industrial Water Projects.

Map and description of other municipal and industrial water projects in the vicinity of the project, including their capacity and existing service levels, location of intake and discharge points, service fees and rates, debt structure, and service plan boundaries and reasons for and against hooking on to those facilities.

C. Demand.

Description of demands that this project expects to meet and basis for projections of that demand.

14-405. ADDITIONAL SUBMITTAL REQUIREMENTS APPLICABLE TO SITE SELECTION OF SOLID WASTE DISPOSAL SITES.

[Placeholder for future regulations, should any be adopted by the BOCC.]

14-406. ADDITIONAL SUBMITTAL REQUIREMENTS APPLICABLE TO SITE SELECTION OF MAJOR NEW DOMESTIC WATER AND SEWAGE TREATMENT SYSTEMS.

[Placeholder for future regulations, should any be adopted by the BOCC.]

14-407. ADDITIONAL SUBMITTAL REQUIREMENTS APPLICABLE TO SITE SELECTION OF MAJOR EXTENSIONS TO EXISTING DOMESTIC WATER AND SEWAGE TREATMENT SYSTEMS.

[Placeholder for future regulations, should any be adopted by the BOCC.]

14-408. ADDITIONAL SUBMITTAL REQUIREMENTS APPLICABLE TO SITE SELECTION FOR ARTERIAL HIGHWAYS, INTERCHANGES AND COLLECTOR HIGHWAYS.

In addition to the submittal requirements set forth in section 14-401, Description of Submittal Requirements, an application proposing Arterial Highways, Interchanges, or Collector Highways will include the following information.

A. Traffic Patterns.

Description of how the project will affect traffic patterns as well as nonmotorized traffic.

B. Surrounding Land Uses.

Description of how the new roads will likely affect surrounding land uses and existing community patterns.

C. Traffic Demands.

Description of how new roads will serve community traffic demands.

D. Compliance.

Description of how new roads will comply with other local, state, and federal regulations and master plans.

14-409. ADDITIONAL SUBMITTAL REQUIREMENTS FOR SITE SELECTION FOR RAPID OR MASS TRANSIT TERMINALS OR STATIONS.

In addition to the submittal requirements set forth in section 14-401, Description of Submittal Requirements, an application proposing Terminals or Stations associated with a Rapid or Mass Transit System will include the following information.

A. Type of Mechanical Transit Conveyance.

Description of the type or types of mechanical transit conveyance that will be utilized to carry passengers to and from the Station or Terminal, and a description of the means of access to and from the Station or Terminal including pedestrian, bicycle, automotive, bus, carpool, gondolas, lifts, and other intermodal connections either existing or reasonably foreseen to be developed in the area.

B. Analysis of Passengers.

An analysis of the passengers that will utilize the proposed facility. Such analysis will be based on the best information available and will include:

1. Whether the passengers will be utilizing the Rapid or Mass Transit System to travel to and from employment or for some other purpose;
2. The number of automobiles that the passengers will drive to the Station or Terminal at or just before any scheduled departure;
3. The number of passengers that will likely ride only one way on any given day; and
4. The number of passengers that can be expected to bring baggage, recreational equipment, tools, or other material.

C. Anticipated Schedule.

The anticipated schedule of departures and arrivals at the Station or Terminal and the expected capacity of each transit unit. Separate figures will be given for peak and off-peak hours, weekdays and weekends, and peak and off-peak seasons.

D. Maximum Length of Any Train.

The maximum length of any train that will serve the Station or Terminal, excluding propulsion units.

E. Basic Floor Plan and Architectural Sketches.

Basic floor plans and architectural sketches of each proposed building or structure together with a Site Map showing the relative location of each building or structure. Such plans and sketches will show the location and length of platforms to be used to load and unload passengers.

F. Map of All Associated Roadways, Parking Areas and Other Facilities.

A map of all associated roadways, parking areas, and other facilities. Design details such as width, layout, traffic flow, pavement markings, and traffic control devices will either be illustrated on the map or adequately described in supporting documents.

14-410. ADDITIONAL SUBMITTAL REQUIREMENTS FOR SITE SELECTION FOR FIXED GUIDEWAYS.

In addition to the submittal requirements set forth in section 14-401, Description of Submittal Requirements, an application proposing a fixed guideway will include the following information:

A. Type of Motive Power.

Description of the type of motive power that will be used to propel transit vehicles along the guideway (e.g. diesel, electric, electrified third rail, catenary system).

B. Minimum and Optimum Width of Right-Of-Way.

Description of the minimum and the optimum width of the right-of-way necessary for the guideway, together with maps showing the proposed right-of-way, including its location within incorporated municipalities. Such maps or supporting documentation referring to the maps will also indicate the maximum anticipated speed of transit vehicles along the various segments of the guideway.

C. Minimum and Maximum Passenger Capacity.

Description of the minimum and maximum passenger capacity of the transit vehicles that will travel on the guideway and the anticipated frequency or scheduling of guideway use.

D. Maximum Length of Any Trail.

Description of the maximum length of any train that will travel upon the guideway with separate figures for the length of passenger carrying units and for propulsion units. Self-propelled units will be considered as passenger units.

E. Maximum Proposed Grade.

The maximum proposed grade of the guideway and the maximum curvature. Proposed curves in excess of 10 degrees will be indicated on the map.

F. Building or Structure Removal.

Description of all buildings or other structures that must be removed in order for the proposed guideway to be built.

G. Methods Planned to Prevent Collision.

Description of the methods planned to prevent collisions at points where the proposed guideway crosses other Transportation Corridors.

14-411. ADDITIONAL SUBMITTAL REQUIREMENTS APPLICABLE TO SITE SELECTION FOR AIRPORT OR HELIPORT LOCATION OR EXPANSION.

In addition to the submittal requirements in section 14-401, Description of Submittal Requirements, an application proposing to locate or expand an Airport or Heliport will require the following submittals:

A. Airport Layout Plan.

Airports will be developed in accordance with an FAA-approved Layout Plan, or a Layout Plan approved by the BOCC, complying with FAA Advisory Circular 150/5300-13A and the current Northwest Mountain Region Airport Layout Plan Checklist.

B. Heliport or Helistop Layout Plan.

Heliports and Helistops will be developed in accordance with an FAA-approved Layout Plan, or a Layout Plan approved by the BOCC complying with FAA Advisory Circular 150/5390-2. The plan will be sufficient to depict the design, the layout of existing and planned facilities and features, ground contours at 10-foot intervals, the Building Restriction Lines, the relationship of the Final Approach and Takeoff Area (FATO), the Touchdown and Lift-off Area (TLOF), the safety area and the Approach/Departure and Transitional Surfaces (as defined in FAA Advisory Circular 150/5390-2) to the land parcel(s) on which the Heliport/Helistop is to be located and to adjoining land parcels.

Approach profiles will depict the composite profile based on the highest terrain across the width and along the length of each approach surface (Helistop approach surface profiles are required for the inner 1,000 feet only).

C. Description of Effect.

Description of effect on State and local economic and transportation needs.

14-412. ADDITIONAL SUBMITTAL REQUIREMENTS APPLICABLE TO MINING OPERATIONS IN MINERAL RESOURCE AREAS.

In addition to the general submittal requirements in section 14-401, the following submittal requirements shall apply to Mining Operations in Mineral Resource Areas, including the modification of existing Mining Operations. The Applicant may submit materials submitted to Colorado Division of Reclamation Mining and Safety (DRMS) and state or federal permitting agencies that are responsive to these requirements to avoid unnecessary duplication.

A. Waiver.

The Director may waive one or more of these submittal requirements when the information would not be relevant to a determination as to whether the project complies with the approval criteria.

B. Information Describing the Project.

1. Maps.

a. Site Plan. The site plan required in section 14-401.C.5.b shall also include the following, shown by location and dimension:

- (1) Leach ponds;
- (2) Ore stockpiles including leach stockpiles;
- (3) Waste rock piles and dumps;
- (4) Ponds;
- (5) Disposal systems;
- (6) Pits;
- (7) Tailings impoundments;
- (8) Mills and other processing facilities;
- (9) Water treatment facilities;
- (10) Storage areas;
- (11) Borrow pits, topsoil, and topdressings storage;
- (12) Staging areas;
- (13) Existing and proposed roads that will be used for the Mining Operation, shown by location and dimension;
- (14) All geothermal hot springs and spas located in the Impact Area and identification of the geothermal resources that provide the source water for each; and
- (15) All caves and karst formations and cave resource areas in the Impact Area.
- (16) All other major facilities or structures.

- b. Description of any abandoned or existing mine within five (5) miles of the affected lands, including a map showing the location and type of pits, stockpiles, adits, shafts, processing facilities, and other mine facilities and works.
 - c. A map showing surface and mineral ownership and leases and name, address, and telephone number for each owner and lease holder.
 - 2. Project Description. Narrative description of the type and mineralization of ore body; the types and methods of proposed mineral extraction, stockpiling, and processing; the required mine units, facilities and infrastructure; the mining, stockpiling, processing and engineering techniques; the target minerals; the total number of tons to be extracted; the total number of tons to be stockpiled, stored or impounded in each mine unit; the total number of acres of land that will be disturbed and a breakdown of the disturbed acreage by type of disturbance, including each mine unit, road network, infrastructure and structure; and any other description necessary for a complete understanding of the proposed Mining Operation.
- C. Reports, Plans and Assessments.**
 - 1. Mining Plan. A plan describing the Mining Operation, that includes:
 - a. Description of the method(s) of mining to be employed in each stage of the operation as related to any surface disturbance on affected land;
 - b. ~~Earthmoving~~ Site preparation and extent of surface disturbance;
 - c. All water diversions and impoundments;
 - d. Size of area(s) to be worked at any one time.
 - e. Approximate timetable for the Mining Operation showing the relationship between mining and reclamation during the different phases of a Mining Operation. Information will include:
 - (1) Estimate of the periods of time which will be required for the various phases of the operation;
 - (2) Description of the size and location of each area to be worked during each phase; and
 - (3) Outline of the sequence in which each phase of the Mining Operation will be carried out.
 - f. Description of primary and secondary commodities to be mined and the intended use;
 - g. Description of the intended use of all expected incidental products to be mined.
 - h. Estimated 5-year interval mining plan including cross sections clearly showing each of the following:
 - (1) Phasing of mining on a 5-year interval basis;
 - (2) Depth and configuration of existing and/or proposed mining;

- (3) Quantity and location of topsoil removed and proposed location of any topsoil stockpile;
 - (4) Quantity and location of overburden removed and location of any overburden stockpile; and
 - (5) Existing contours and 5-year interval contours.
 - i. A final mining plan including cross sections clearly showing the following:
 - (1) Final depth and configuration of mining site;
 - (2) Quantity and location of overburden, mining waste products and any by-products;
 - (3) Final contours and cross sections of mining site;
 - (4) Plan and cross sections for final placement of overburden.
- 2. Extraction and Processing Plan. A description and maps showing:
 - a. Open pits and underground mining facilities including location, depth, size, acreage and geology.
 - b. Material handling and processing facilities, including crushing, milling, concentrating, smelting and solvent extraction and electrowinning.
 - c. Ancillary facilities, including sumps, tanks pipelines, transportation, and offices. The description will include the location, purpose, construction material, and dimensions and capacity.
 - d. Storage and disposal facilities, including tailings, process water, and stormwater impoundments, drainage channels, leach pads, waste rock stockpiles, and slag and residue piles. The description will include the location, purpose, lining material and storage or disposal capacity;
 - e. Process and domestic water, including the location, construction method and material, dimension and capacity of wells, meters and pipes
 - f. A mass balance table describing the quantity of each type of material mined or disturbed each year, including but not limited to soil, overburden, barren water (less than 0.1% sulfur), waste, ore, tailings, and quantities of material disturbed for roads and site grading into and out of stockpiles.
- 3. Storage, Disposal, and Maintenance of Ore Stockpile, Tailings, Waste Rock, and High Walls Plan. A plan, prepared by a professional engineer, for handling each material extracted, processed, stored, deposited, exposed or disposed, and each facility for such use, in a manner that will not cause or contribute to the contamination of surface or groundwater above applicable standards. The plan will take into consideration the amount, intensity, duration, and frequency of precipitation and the watershed area, including the topography, geomorphology, soils, and vegetation. Liners and secondary containment and leak detection will be required for all mine units that have the potential to discharge

contaminants into groundwater and contaminate the groundwater above applicable standards.

4. Blasting Plan. A plan, prepared by a qualified blasting firm or engineer, that describes:

a. Maximum weight of explosives to be detonated on each occurrence

b. Type of explosive agent;

c. Maximum pounds per delay;

d. Method of packing and type of initiation device to be used for each hole;

e. Blasting schedule; and

f. Measures to ensure that off-site areas will not be adversely affected by blasting.

5. Air Quality.

a. Air Quality Modeling, Monitoring and Mitigation.

(1) Air Quality Modeling Plan. A plan for modeling to be conducted by a third-party consultant that provides for emissions inventories and air quality impact studies based upon proposed equipment use and project phases.

(2) Air Quality Monitoring Plan. A monitoring plan that provides for:

(a) Pre-development baseline ambient air quality testing completed by a consultant if approval from surrounding surface owners can be obtained.

(b) Air quality monitoring program conducted by a consultant mutually agreed to by both the Applicant and the County and paid for by Applicant. The program will require monitoring for all potential emissions, including initial air quality measurements and an ongoing monitoring program, including monitoring of dust from equipment and stockpiles, to ensure that during operation dust leaving the subject property does not exceed initial air quality levels.

(c) Additional monitoring as needed to respond to emergency events. Applicant will provide site access to the County's third-party inspector as needed to allow air sampling to occur.

(3) Air Quality Mitigation Plan. A plan that demonstrates compliance with air quality standards in Division 5 of this Article.

6. Odor Management Plan. A plan to mitigate the emission of detectable odors by the Mining Operation and to ensure that the Operation will not create a public nuisance.

7. Dust Suppression Plan. A plan for dust suppression and control on-site and for access roads and haul routes, including:

- a. Minimizing the disturbed area.
- b. Reducing vehicle speeds.
- c. Instituting a high wind restriction on construction activities.
- d. Sprinkling access and haul roads and other exposed dust-producing areas with water or chemical stabilizers using manufacturer's recommended application rates, avoiding over-application and preventing runoff of chemical stabilizers into any public right-of-way, storm drainage facility, or waterbody.
- e. Planting vegetation appropriate for retaining soils or creating a wind break.
- f. Installing cover materials during periods of inactivity or during local wind speeds greater than 30 miles per hour and properly anchoring the cover.
- g. Placing wood chips, gravel or other effective mulches on vehicle and pedestrian use areas.
- h. Maintaining the proper moisture condition ~~on~~ in all fill material.
- i. Pre-wetting cut and fill surface areas.
- j. Use of fabric fencing and truck tarps and installing entry and exit aprons, steel grates or other equivalent devices to remove bulk material from tires.

8. Groundwater Information for Mining Operations.

- a. Locate on a map all tributary water courses, wells, springs, stock water ponds, reservoirs and ditches, on the affected land and within two (2) miles of the existing or proposed affected lands. On a site-specific basis, the Director may extend the distance beyond two (2) miles or reduce the distance below two (2) miles based on the location of the Mining Operation and the hydrogeology of the proposed mine location;
- b. Identify all known aquifers and related subsurface water-bearing fracture systems within two (2) miles of the affected lands. In addition, using available data or information acceptable to the Director, provide the general direction and rate of flow of groundwater in these aquifers and fracture systems. On a case-by-case basis, the County may require hydrologic testing and analysis, where available information is inadequate to describe or address potential impacts to groundwater resources;
- c. Describe all geologic media down to and including the upper most aquifer under proposed sites of material storage, stockpiles, waste piles, disposal sites, solution containment facilities and other sites within the existing or proposed affected land where such subsurface materials and any associated waters have the potential to be contaminated by designated chemicals used in the extractive metallurgical process or by materials that are toxic or acid-forming, or that produce acid mine drainage;

d. Map locating known major fracture systems that affect rock formations under proposed sites of material storage, stockpiles, waste piles, disposal sites, solution containment facilities and other sites within the existing or proposed affected land where such fractures and any associated waters have the potential to be contaminated by toxic or acid-forming materials or designated chemicals used in extractive metallurgical process or that produce acid mine drainage; and

e. Describe and illustrate the hydrogeology of the area where surface or groundwater may be impacted by the Mining Operation. Include in the description and illustration, those geologic strata and fracture systems that have the potential to transmit groundwater.

9. Groundwater Baseline Quality Data for Mining Operations.

a. Indicate the existing and reasonably potential future groundwater uses on and within two (2) miles down-gradient of the affected land. On a site-specific basis, the Director may extend the distance beyond two (2) miles or reduce the distance below two (2) miles based on the location of the Mining Operation and the hydrogeology of the location of the Operation.

b. Submit, at a minimum, groundwater quality data collected during five (5) successive calendar quarters, or as specified by the Director, as may be necessary to adequately characterize baseline conditions. This baseline data will be sufficient to provide for the proper design of facilities, to serve as a basis for the evaluation of impacts of the Mining Operation, and to ensure the adequacy of proposed maintenance and mitigation.

10. Water Quality Monitoring and Mitigation Plan. A plan to mitigate adverse impacts to water quality, including:

a. An inventory and location of all water bodies within the Impact Area, and the current classifications and standards assigned to those water bodies.

b. An inventory of all water wells in the Impact Area. To the extent permission can be obtained, water wells both on- and off-site will be measured and logged for quantity and quality of water prior to permit approval to establish a baseline from which the impacts of the Mining Operation can be measured.

c. The baseline and process for monitoring changes to water quality associated with the Mining Operation. The plan will demonstrate how the mine will comply with the standards in Division 5 of this Article and include:

(1) Key stream segments, other waterbodies, and groundwater to be monitored.

(2) Locations for and frequency of sampling and monitoring to establish baseline of existing conditions including existing water quality, aquatic life and macro-invertebrates, and groundwater data.

- (3) Key indicators of water quality and stream health, and threshold levels that will be monitored to detect changes in water quality and health of the aquatic environment.
 - (4) Locations for and frequency of sampling and monitoring for key indicators of water quality and stream health, including but not limited to constituents associated with the Mining Operation.
 - (5) Locations for and frequency of sampling and monitoring to measure effectiveness of water quality mitigation during the life of the Mining Operation.
 - (6) Mitigation steps that will be implemented to avoid degradation of water bodies if monitoring of key indicators reveals potential water quality degradation.
 - d. A plan for mitigation of potential adverse impacts to water quality that includes best management practices for construction and operational phases of the mine such as:
 - (1) Prohibition of routine vehicle and machinery maintenance within 300 feet of a waterbody.
 - (2) Requirement for all fueling to occur over impervious material.
 - (3) Prohibition of off-site discharge of fluids, except pursuant to an approved discharge permit.
- 11. Water Availability Report. A report that includes a detailed description and analysis of the potable and non-potable sources of water for each phase of the operation, including:
 - a. A description and analysis of the total demand for and uses of both potable and non-potable water, including fire protection.
 - b. Description of available water sources and water rights and the estimated impact of other water users who depend on sources that are the same or interconnected with those of the Mining Operation.
 - c. Description of the environmental impacts associated with each source of water.
 - d. Demonstration of how the water demand will change over the life of the Mining Operation, through closure and final reclamation, and how that changing demand will be met.
 - e. Demonstration of the availability of potable and non-potable water to meet all projected demands for 99 years. If final reclamation and closure of the Mining Operation is estimated to occur less or more than 99 years from the date operations commence, the report will demonstrate water availability through the date of final reclamation plus ten (10) years.
- 12. Assessment of Impacts to Geothermal Resources. An assessment of the adverse impacts to geothermal resources and to the quality or function of spas and hot springs in the Impact Area that rely on geothermal resources.

13. Assessment of Cave and Karst Formations.

A report that includes a detailed assessment of features, characteristics and values of the cave and karst formations and cave resources in the Impact Area, including:

- a. Biota. Value as seasonal or year-long habitat for organisms or animals, or presence of species or subspecies of flora or fauna that are native to caves, or are sensitive to disturbance, or are sensitive, threatened, or endangered species.
- b. Cultural. Historic properties or archaeological resources (as described in 38 CFR 60.4 and 43 CFR 7.3) or other features that are included in or eligible for inclusion in the National Register of Historic Places because of their research importance for history or prehistory, historical associations, or other historical or traditional significance.
- c. Geologic/Mineralogic/Paleontologic.
 - (1) Geologic or mineralogic features that are fragile, or that exhibit interesting formation processes, or that are otherwise useful for study.
 - (2) Deposits of sediments or features useful for evaluating past events.
 - (3) Paleontologic resources with potential to contribute useful educational or scientific information.
- d. Hydrologic. Part of a hydrologic system or contains water that is important to humans, biota, or development of cave resources.
- e. Recreational. Recreational opportunities or scenic values.
- f. Educational or Scientific. Opportunities for educational or scientific use; or, the cave is virtually in a pristine state, lacking evidence of contemporary human disturbance or impact; or, the cave's length, volume, total depth, pit depth, height, or similar measurements are notable.
- g. Description of the immediate and long-term impacts and Net Effects of the Mining Operation on caves, karst formations and cave resources.

14. Spill Prevention Control and Countermeasures Plan. A plan addressing spill prevention and countermeasures consistent with 40 CFR part 112 that includes:

- a. Baseline assessment of conditions of the soils within the Impact Area.
- b. Plan for monitoring conditions of the soil for the life of the Mining Operation and for sampling of the soil after the operation closes.
- c. Measures, procedures and protocols for spill prevention, storage and containment.
- d. Measures, procedures and protocols for reporting spills and storage to the County, state and federal officials that provides for the following:

-
- (1) Spills and releases of any size which impact or threaten to impact any waters of the State, residence or occupied structure, livestock, or public byway will be verbally reported to the County as soon as practicable, but not more than twenty-four (24) hours after discovery.
 - (2) Spills and releases of any size which impact or threaten to impact any water supply area will be verbally reported to the County immediately after discovery.
 - (3) Spills, chemical spills and releases will be reported in accordance with applicable state and federal laws, including the Emergency Planning and Community Right to Know Act, the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), and the Clean Water Act, as applicable. Applicant will provide the County with a copy of any self-reporting submissions that Applicant provides to any agency.
-
- e. Measures, procedures, and protocols for clean-up and contingency and description of the financial security for these provisions. Impacts resulting from spills and releases will be investigated and cleaned up as soon as practicable.
 - f. County, or its designee, may undertake prevention, control, countermeasure, containment, and clean-up measures if the Applicant fails to comply with its obligations under the *Spill Prevention Control and Countermeasures Plan* and that the Applicant will pay all costs incurred by the County for any such measures.
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- 15. Mine Waste Water and Hazardous Materials Management Plan. A plan that provides for:**
- a. Storage, use and maintenance of all fuel, chemicals, oil, grease and blasting agents in such a manner as to prevent accidental discharge into any surface or ground water.
 - b. Elimination of use of chemical mining processing such as heap leach mining unless the use of such materials or chemical mining process is essential and will not have an adverse impact upon the public health, safety, and welfare or the environment. Avoid transportation of such materials to the maximum extent feasible.
 - c. Disposal of mine wastes that may retain hazardous chemicals, heavy metal residues or radioactive material pursuant to applicable state or federal requirements. Hazardous or radioactive mine wastes will not be used for backfilling.
 - d. Treatment, storage and disposal of non-hazardous mine wastes in accordance with local, state and federal requirements. Non-hazardous mine wastes will be covered and graded to allow surface drainage and ensure long-term stability.
 - e. Location of mine waste piles or impoundments to prevent surface water runoff from entering the mines, waste piles or other structures. Any structures will divert surface water runoff from mine waste piles or impoundments containing water that has been

contaminated during Mining Operations. Use of liners or other specific technologies or siting and design measures to prevent seepage of leachate from mine wastes into ground water.

16. Noise Assessment, Mitigation and Monitoring Plan. A survey of ambient noise levels and assessment of the noise impacts of the Mining Operation, and a plan for monitoring and mitigation of the impacts, including:

a. An ambient noise survey for affected lands at baseline and during all phases of the Mining Operation, prepared by a qualified consultant. The survey shall include:

(1) Measurement of existing noise levels on the site and at locations both on- and off-site that may be affected by the operation.

(2) Documentation of the ambient noise level prior to beginning each phase of the operation.

(3) Identification of sources of noise by each phase of the operation.

b. A description of how the Mining Operation will comply with the standards in Division 5 of this Article, including an assessment of the potential noise impacts and details of how the noise impacts will be mitigated.

(1) In determining noise mitigation, specific site characteristics will be considered, including but not limited to:

(a) Nature and proximity of adjacent development.

(b) Seasonal and prevailing weather patterns, including wind directions.

(c) Vegetative cover on and adjacent to the affected lands.

(d) Topography.

(2) Mitigation measures including but not limited to best management practices such as:

(a) Restrictions on hours of operation, enclosure of equipment and operations, buffering and screening, limitations on hours of truck traffic, and siting of operations away from sensitive uses and activities.

(b) Measures to control on-site noise generated by truck traffic used by the Mining Operation including restrictions on the use of jake brakes on- or off-site except in emergencies, banging of tailgates or use of horns on-site, and regulation of truck speeds. Such measures will be imposed pursuant to noise standards indicated in 14-508.M, Table 1, *Maximum Permissible Noise Levels for Mining Operations* except in contradiction of state or federal requirements.

(3) A program for periodic noise monitoring.

17. Grading, Erosion, and Sediment Control Plan. A plan that demonstrates how the project will be designed to meet the standards in Division 5 of this Article, and includes:

- a. Existing (dashed lines) and proposed (solid lines) contours at two-foot intervals or other contour intervals approved by staff.
- b. Narrative description and scaled drawings of specific erosion and sediment control measures, including approximate locations of drainage facilities and drainage patterns on the affected land; and Wetlands or other water bodies receiving storm runoff from the affected land. Typical erosion control measures should be depicted using standard map symbols.
- c. Construction schedule, indicating the anticipated starting and completion time periods of the site grading and/or construction phases including the installation and removal of erosion and sediment control measures, and the estimated duration of exposure of each area prior to the completion of temporary erosion and sediment control measures.
- d. Estimated total cost of the required temporary soil erosion and sediment control measures, to determine performance guarantees for the proposed plan.
- e. Calculations made for determining rainfall runoff and sizing of any sediment basins, diversions, conveyance, or detention/ retention facilities.

18. Road Improvements and Maintenance Plan. A plan that includes:

- a. Maintenance practices on the proposed travel routes, including without limitation, grading of unpaved roads, dust suppression, vehicle cleaning necessary to minimize re-entrained dust from adjacent roads, snow and ice management, sweeping of paved roads/shoulders, pothole patching, repaving, crack sealing, and chip sealing necessary to maintain an adequate surface of paved roads along the proposed route; and
- b. Any necessary physical infrastructure improvements to ensure public safety for all modes of travel along travel routes to and from the site.
- c. Access Roads:
 - (1) Location, improvements and maintenance of access points to public roads to assure adequate capacity for efficient movement of existing and projected traffic volumes and to minimize traffic hazards.
 - (2) Improvement of access roads a minimum distance of 200 feet on the access road from the point of connection to a public road. The access road shall be improved as a hard surface (concrete or asphalt) for the first 100 feet from any paved public road and then improved as a crushed surface (concrete or asphalt) for 100 feet past the hard surface in the appropriate depth to support the weight load requirements of the vehicles accessing the well and production facilities.

- (3) If an access road intersects with a pedestrian trail or walk, paving the access road as a hard surface (concrete or asphalt) a distance of 100 feet either side of the trail or walk and if necessary, replacing the trail or walk to address the weight load requirements of the vehicles accessing the project.
- (4) Restriction of access to the affected lands during post-Mining Operations by fencing or other means if there are impoundments retaining water contaminated with harmful or hazardous materials or hazardous conditions remain present on the affected lands.
- d. Access to the affected lands during post-Mining Operations will be restricted by fencing or other means if there are impoundments retaining water contaminated with harmful or hazardous materials or hazardous conditions remain present on the affected lands.

19. Transportation Plan

- a. A map and plan showing the proposed routes to be used by trucks and other equipment to haul materials to and from the Mining Operation. The Plan shall Identify all measures necessary to ensure the safety and quality of life experience of other users of the county transportation system, adjacent residents, and affected property owners, including without limitation:
 - (1) Map indicating proposed trip routes for all traffic serving the mining operation during all phases of development and operations
 - (2) Routes will be designed to avoid to the greatest extent possible residential areas, commercial areas, environmentally and visually sensitive areas, schools and other civic buildings, municipalities and already congested locations.
 - (a) When a proposed route includes streets within a municipality, the County will consult with the applicable municipal government to establish appropriate routes.
 - (b) When a proposed route is located near a developed area, the County will weigh the advantages of a shorter haul route with decreased haulage trips against other potential impacts to residential or tourist areas.
 - (3) Limit traffic on public roads during seasons when heavy vehicle use, weather conditions, or water saturation may result in significant damage.
 - (4) Restrict weight of trucks so that they do not exceed road or bridge weight capacity established by the County or a municipality, or federal or state requirements.
 - (5) Operational measures to minimize impacts to the public including, but not limited to, time of day, time of week, vehicle fuel and emissions reduction technology, noise

minimization, and traffic control safety measures:

- (6) For each segment of the proposed route in the County, indicate the types, sizes, weight, number of axles, volumes, and frequencies (daily, weekly, total) and timing (times of day) of all vehicles to be used for the proposed mining operation.

20. Vibration Assessment and Mitigation Plan

- a. Assessment of the projected construction and operational vibration impacts at the boundary of the affected lands.
- b. A plan to mitigate construction and operational vibration impacts at the boundary of the affected lands.
- c. Assessment of the Net Effect of vibrations at the boundary of affected lands.

21. Vegetation and Weed Management Plan. The plan shall include reclamation and revegetation of temporary access roads associated with the Mining Operation to the original state within sixty (60) days after discontinued use of such roads.

22. Reclamation Plan. A detailed plan showing proposed reclamation with time schedules. The plan shall include:

- a. Finish contours, grading, sloping; types, placement, and amount of vegetation.
- b. Plans for land use after Mining Operation.
- c. Copy of proposed reclamation submitted to DRMS.
- d. Permit approval will be conditioned on receipt of the approved DRMS Reclamation Permit to County.

23. Geologic and Natural Hazards Assessment and Mitigation Plan.

- a. Geologic and Natural Hazards Report. A report detailing the natural and geological characteristics on-site, and within one (1) mile of the affected lands, prepared by a registered engineer or geologist. The report will include a geotechnical assessment of all geologic hazards that have the potential to affect the Mining Operation and which may be de-stabilized or exacerbated by the operation.
- b. Geologic and Natural Hazard Mitigation Plan. A plan for mitigating impacts to the Mining Operation from geologic and natural hazards and impacts of the Mining Operation on geologic and natural hazards.

24. Lighting Plan. A plan for installation of down cast lighting or some other form of lighting that mitigates light pollution and spill-over onto adjacent properties; provided, however, that the plan shall provide for the use of lighting that is necessary for public and occupational safety.

25. Emergency Preparedness and Response Plan. A plan that addresses events such as: explosions, fires, toxic emissions, transportation of hazardous material, and vehicle accidents or spills. The plan must include proof of adequate personnel, supplies, and funding to immediately

implement the emergency response plan at all times for each phase of the Mining Operation.

DIVISION 5. 1041 PERMIT APPROVAL STANDARDS.

Approval of a 1041 Permit will be based on whether the project satisfies the following approval standards.

14-501. GENERAL APPROVAL STANDARDS.

The following general standards will apply to all applications subject to review under this Article:

A. Necessary Property Rights, Permits and Approvals Will Be Obtained.

Documentation that prior to site disturbance associated with the, the The Applicant can and will obtain all necessary property rights, permits, and approvals for the project prior to any site disturbance project. The BOCC may, at its discretion, defer making a final decision on the application until outstanding property rights, permits, and approvals are obtained.

B. Expertise and Financial Capability.

The Applicant has the necessary expertise and financial capability to develop and operate the project consistent with all requirements and conditions.

C. Technical and Financial Feasibility.

The project is technically and financially feasible. This determination may include, but is not limited to, the following considerations:

1. Amount of debt associated with the proposed activity;
2. Debt retirement schedule and sources of funding to retire the debt;
3. Estimated construction costs and construction schedule;
4. Estimated annual operation, maintenance and monitoring costs; and
5. Market conditions.

D. Compatibility with Surrounding Land Uses.

The project will be located and conducted in such a manner as to be compatible with surrounding land uses. The proposed operation will be located so as- to mitigate cumulative impacts to roads, air, and water quality.

E. Risk from Natural Hazards.

The project is not subject to significant risk from natural hazards. This determination may include, but is not limited to the following considerations:

1. Faults and fissures;
2. Unstable slopes including landslides, rock slides, and Avalanche Areas;
3. Expansive, ~~or~~ evaporative or hydro-compactive soils and risk of subsidence;
4. Wildfire hazard areas; and
5. Floodplains.

F. Control of Fire Hazards.

The project will not create an unreasonable risk of fire hazard.

G. Consistent Plans. Conformance with Plans.

The project will be in conformance with the County's Comprehensive Plan, municipal master plans, and any other applicable plans.

H. Effect on Local Government Services.

The project will not have a significant adverse effect on the capability of local government to provide services or on the capacity of service delivery systems. This determination may include, but is not limited to, the following considerations:

1. Existing and potential financial capability of local governments to accommodate development related to the project.
2. Current and projected capacity of roads, schools, infrastructure, housing, and other services and impact of the project upon the capacity.
3. Changes caused by the project in the cost of providing education, transportation networks, water treatment and wastewater treatment, emergency services, or other governmental services or facilities.
4. Changes in short- or long-term housing availability, location, cost, or condition.
5. Need for temporary roads to access phases of the project.
6. Change in demand for public transportation.
7. Change in the amount of water available for future water supply in the County.

I. Housing.

The project will not have a significant adverse effect on housing availability or cost.

J. Financial Burden.

The project will not create an undue financial burden on existing or future residents of the County. This determination may include, but is not limited to, the following considerations

1. Changes in assessed valuation;
2. Tax revenues and fees to local governments that will be generated by the proposed activity;
3. Changes in tax revenues caused by agricultural lands being removed from production;
4. Changes in costs to water users to exercise their water rights;
5. Changes in costs of water treatment or wastewater treatment;
6. Effects on wastewater discharge Permits;
7. Inability of water users to get water into their diversion structures; and
8. Changes in total property tax burden.

K. Effect on Economy.

The project will not Significantly Degrade any sector of the local economy. This determination may include, but is not limited to, the following considerations:

1. Changes to projected revenues generated from each economic sector;

2. Changes in the value or productivity of any lands; and
3. Changes in opportunities for economic diversification.

L. Recreational Experience.

The project will not have a significant adverse effect on the quality or quantity of recreational opportunities and experience. This determination may include, but is not limited to, the following considerations:

1. Changes to existing and projected visitor days;
2. Changes to duration of kayaking and rafting seasons;
3. Changes in quality and quantity of fisheries;
4. Changes in access to recreational resources;
5. Changes to quality and quantity of hiking trails;
6. Changes to the wilderness experience or other opportunity for solitude in the natural environment;
7. Changes to hunting; and
8. Changes to the quality of the skiing experience.

M. Conservation.

The project will be planned, designed, and operated in a manner that reflects principles of resource conservation, energy efficiency and recycling or reuse.

M. Natural Environment.

- ~~(1) Changes to seasonal ambient air quality;~~
- ~~(2) Changes in visibility and microclimates; and~~
- ~~(3) Applicable air quality standards.~~
- ~~(4) The determination of visual effects of the proposed activity may include, but is not limited to, the following considerations:~~
- ~~(5) Visual changes to ground cover and vegetation, waterfalls and streams, or other natural features;~~
- ~~(6) Interference with view sheds and scenic vistas;~~
- ~~(7) Changes in appearances of forest canopies;~~
- ~~(8) Changes in landscape character types or unique land formations; and~~
- ~~(9) Compatibility of building and structure design and materials with surrounding land uses.~~
- ~~a. The determination of effects of the proposed activity on surface water quality may include, but is not limited to, the following considerations:~~
- ~~(1) Changes to existing water quality, including patterns of water circulation, temperature, conditions of the substrate, extent and persistence of suspended particulates and clarity, odor, color or taste of water;~~

- ~~(2) Applicable narrative and numeric water quality standards;~~
- ~~(3) Changes in point and nonpoint source pollution loads;~~
- ~~(4) Increase in erosion;~~
- ~~(5) Changes in sediment loading to Water Bodies;~~
- ~~(6) Changes in stream channel or shoreline stability;~~
- ~~(7) Changes in stormwater runoff flows;~~
- ~~(8) Changes in trophic status or in eutrophication rates in lakes and reservoirs;~~
- ~~(9) Changes in the capacity or functioning of streams, lakes, or reservoirs;~~
- ~~(10) Changes in flushing flows; and~~
- ~~(11) Changes in dilution rates of mine waste, agricultural runoff, and other unregulated sources of pollutants.~~
- ~~b. The determination of effects of the proposed activity on groundwater quality may include, but is not limited to, the following considerations:~~
 - ~~(1) Changes in aquifer recharge rates, groundwater levels and aquifer capacity including seepage losses through aquifer boundaries and at aquifer stream interfaces;~~
 - ~~(2) Changes in capacity and function of wells within the Impact Area; and~~
 - ~~(3) Changes in quality of well water within the Impact Area.~~
- ~~c. The determination of effects of the proposed activity on Wetlands and Riparian Areas may include, but is not limited, to the following considerations:~~
 - ~~(1) Changes in the structure and function of Wetlands;~~
 - ~~(2) Changes to the filtering and pollutant uptake capacities of Wetlands and Riparian Areas;~~
 - ~~(3) Changes to aerial extent of Wetlands;~~
 - ~~(4) Changes in species' characteristics and diversity;~~
 - ~~(5) Transition from Wetland to upland species; and~~
 - ~~(6) Changes in function and aerial extent of Floodplains.~~
- ~~d. The determination of effects of the proposed activity on terrestrial or aquatic life may include, but is not limited to, the following considerations:~~
 - ~~(1) Changes that result in loss of oxygen for aquatic life;~~
 - ~~(2) Changes in flushing flows;~~
 - ~~(3) Changes in species composition or density;~~
 - ~~(4) Changes in number of threatened or endangered species;~~

- ~~(5) Changes to habitat and critical habitat, including calving grounds, mating grounds, nesting grounds, summer or winter range, migration routes, or any other habitat features necessary for the protection and propagation of any terrestrial animals;~~
- ~~(6) Changes to habitat and critical habitat, including stream bed and banks, spawning grounds, riffle and side pool areas, flushing flows, nutrient accumulation and cycling, water temperature, depth and circulation, stratification, and any other conditions necessary for the protection and propagation of aquatic species; and~~
- ~~(7) Changes to the aquatic and terrestrial food webs.~~
- ~~e. The determination of effects of the proposed activity on terrestrial plant life or habitat may include, but is not limited to, the following considerations:~~
 - ~~(1) Changes to habitat of threatened or endangered plant species;~~
 - ~~(2) Changes to the structure and function of vegetation, including species composition, diversity, biomass, and productivity;~~
 - ~~(3) Changes in advancement or succession of desirable and less desirable species, including noxious weeds; and~~
 - ~~(4) Changes in threatened or endangered species.~~
- ~~f. The determination of effects of the proposed activity on soils and geologic conditions may include, but is not limited to, the following considerations:~~
 - ~~(1) Changes to the topography, natural drainage patterns, soil morphology, and productivity, soil erosion potential, and Floodplains;~~
 - ~~(2) Changes to stream sedimentation, geomorphology, and channel stability;~~
 - ~~(3) Changes to lake and reservoir bank stability and sedimentation, and safety of existing reservoirs;~~
 - ~~(4) Changes to Avalanche Areas, mudflows and debris fans, and other unstable and potentially unstable slopes; and~~
 - ~~(5) Exacerbation of seismic concerns and subsidence.~~

N. Air Quality.

1. The project will not significantly degrade air quality.
2. The determination of impacts of the project on air quality may include but is not limited to changes to seasonal ambient air quality, changes in visibility, and micro climates and applicable air quality standards.

O. Visual Quality.

1. The project will not significantly degrade visual quality.

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2. The determination of visual effects of the Project may include but is not limited to:
 - a. Visual changes to ground cover and vegetation, waterfalls and streams, or other natural features;
 - b. Interference with view sheds and scenic vistas;
 - c. Changes in appearances of forest canopies;
 - d. Changes in landscape character types or unique land formations; and
 - e. Compatibility of building and structure design and materials with surrounding land uses.

P. Surface water quality

1. The project will not significantly degrade water quality.
2. The determination of impacts to water quality of the Project may include but is not limited to:
 - a. Changes to existing water quality, including patterns of water circulation, temperature, conditions of the substrate, extent and persistence of suspended particulates and clarity, odor, color or taste of water;
 - b. Applicable narrative and numeric water quality standards;
 - c. Changes in point and nonpoint source pollution loads;
 - d. Increase in erosion;
 - e. Changes in sediment loading to Water Bodies;
 - f. Changes in stream channel or shoreline stability;
 - g. Changes in stormwater runoff flows;
 - h. Changes in trophic status or in eutrophication rates in lakes and reservoirs;
 - i. Changes in the capacity or functioning of streams, lakes, or reservoirs;
 - j. Changes in flushing flows; and
 - k. Changes in dilution rates of mine waste, agricultural runoff, and other unregulated sources of pollutants.

Q. Ground water quality.

1. The project will not significantly degrade groundwater quality or functions.
2. The determination of impacts to groundwater of the project may include but is not limited to:
 - a. Changes in aquifer recharge rates, groundwater levels and aquifer capacity including seepage losses through aquifer boundaries and at aquifer-stream interfaces;
 - b. Changes in capacity and function of wells within the Impact Area; and

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- c. Changes in quality of well water within the Impact Area.

R. Wetlands and riparian areas.

1. The project will not significantly degrade wetlands and riparian areas.
2. The determination of impacts to wetlands and riparian areas of the project may include but is not limited to:
 - a. Changes in the structure and function of Wetlands;
 - b. Changes to the filtering and pollutant uptake capacities of Wetlands and Riparian Areas;
 - c. Changes to aerial extent of Wetlands;
 - d. Changes in species' characteristics and diversity;
 - e. Transition from Wetland to upland species; and
 - f. Changes in function and aerial extent of Floodplains.

S. Wildlife (Terrestrial and Aquatic)

1. The project will not significantly degrade terrestrial or aquatic life.
2. The determination of effects of the project on terrestrial or aquatic life may include, but is not limited to, the following considerations:
 - a. Changes that result in loss of oxygen for aquatic life;
 - b. Changes in flushing flows;
 - c. Changes in species composition or density;
 - d. Changes in number of threatened or endangered species;
 - e. Changes to habitat and critical habitat, including calving grounds, mating grounds, nesting grounds, summer or winter range, migration routes, or any other habitat features necessary for the protection and propagation of any terrestrial animals;
 - f. Changes to habitat and critical habitat, including stream bed and banks, spawning grounds, riffle and side pool areas, flushing flows, nutrient accumulation and cycling, water temperature, depth and circulation, stratification, and any other conditions necessary for the protection and propagation of aquatic species; and
 - g. Changes to the aquatic and terrestrial food webs.

I. Plant Life (Terrestrial)

1. The project will not significantly degrade terrestrial plant life or habitat.
2. The determination of effects of the Project on terrestrial plant life or habitat may include, but is not limited to, the following considerations:
 - a. Changes to habitat of threatened or endangered plant species;
 - b. Changes to the structure and function of vegetation, including species composition, diversity, biomass, and productivity;
 - c. Changes in advancement or succession of desirable and less desirable species, including noxious weeds; and
 - d. Changes in threatened or endangered species.

U. Vegetation and Weed Management.

The Impact Area will be revegetated and maintained in conformance with the approved Vegetation and Weed Management Plan and shall not result in intrusion of noxious weeds or other invasive species.

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V. Soils and Geologic Conditions

1. The project will not significantly degrade soils and geologic conditions.
2. The determination of effects of the proposed activity on soils and geologic conditions may include, but is not limited to, the following considerations:
 - a. Changes to the topography, natural drainage patterns, soil morphology, and productivity, soil erosion potential, and Floodplains;
 - b. Changes to stream sedimentation, geomorphology, and channel stability;
 - c. Changes to lake and reservoir bank stability and sedimentation, and safety of existing reservoirs;
 - d. Changes to Avalanche Areas, mudflows and debris fans, and other unstable and potentially unstable slopes; and
 - e. Exacerbation of seismic concerns and subsidence.

W. Traffic.

The project will not cause a significant adverse impact on traffic in the Impact Area.

1. The level of service for each affected road segment will not be reduced over pre-project conditions.
2. The owner will bear the cost of all improvements, repairs, and maintenance necessitated by the project.
 - a. If it is determined that the projected use of public roads by traffic and equipment related to the project will increase traffic above existing levels of service, or result in a need for increased roadway maintenance, the owner will enter into an agreement with the County whereby the owner assumes responsibility for constructing the necessary improvements to maintain the existing level of service, and the owner provides for additional road and bridge maintenance or reimburses the County for such improvements and maintenance.
 - b. The owner will maintain financial assurance to secure the construction, maintenance and repair obligations. The amount of such financial assurance will be determined by the County.

X. Nuisance.

The project will not cause a nuisance as defined within this Article interfere with the use and enjoyment of property within the Impact Area. Such interference shall be deemed a nuisance pursuant to C.R.S. § 30-15-40.

Y. Areas of Paleontological, Historic or Archaeological Importance.

The project will not significantly degrade areas of paleontological, historic, or archaeological importance.

Z. Agricultural Resources.

The project will not cause a significant adverse impact on agricultural lands and agricultural operations. Compliance with the *Agricultural Impact Assessment* is required to meet this standard.

AA. Release of Hazardous Materials.

The project will not result in unreasonable risk of releases of hazardous materials.

BB. Benefits Versus Loss of Resources.

The benefits accruing to the County and its citizens from the project outweigh the losses of any resources within the County, or the losses of opportunities to develop such resources.

CC. Best Alternative. The project represents the alternative that best complies with ~~this Article~~ ese Regulations and is the least detrimental practicable alternative.

DD. Project Need.

The project is needed within the County and/or area to be served.

EE. Compliance with Required Plans and Reports.

The project will comply with all plans and reports required by the County under Division 4 of this Article.

14-502. ADDITIONAL STANDARDS APPLICABLE TO RAPID OR MASS TRANSIT FACILITIES.

In addition to the general standards set forth in section 14-501, the following additional standards will apply to Rapid or Mass Transit Facilities:

A. Areas Around Rapid or Mass Transit.

Areas around Rapid or Mass Transit Facilities will be administered to:

1. Promote the efficient utilization of the Rapid or Mass Transit Facility;
2. Facilitate traffic circulation patterns of roadways serving the Mass Transit Facility; and
3. Promote development that will include bike and pedestrian paths providing access to the Rapid or Mass Transit Facility.

B. Site Selection.

Site Selection of Rapid or Mass Transit Facilities.

1. Activities involving Rapid or Mass Transit Facilities will be conducted with reasonable considerations to the character of the area and its peculiar suitability for particular uses.
2. Rapid or Mass Transit Facilities will be located so as to preserve the value of buildings at the site and avoid demolition of businesses or residences to the extent possible. Proposed locations of Rapid or Mass Transit Facilities which will not require the demolition of residences or businesses will be given preferred consideration over competing alternatives.
3. Rapid or Mass Transit Facilities will be located in a manner that encourages the most appropriate use of land through the affected corridor.
4. A proposed location of a rapid or Mass Transit Terminal, Station, or Fixed Guideway that imposes a burden or deprivation on a local government

cannot be justified on the basis of local benefit alone, nor will a Permit for such a location be denied solely because the location places a burden or deprivation on one local government as required by C.R.S. § 24-65.1-204(4)(c).

5. Stations, Shelters, and Terminals will be appropriately located to meet transit needs and to attract maximum ridership. The length of passenger platforms will equal or exceed the maximum length of any train or other conveyance that will load and unload passengers at the Station.
6. Rapid or Mass Transit Facilities will have adequate and safe ingress and egress for all transit modes.
7. The location of Fixed Guideways will maximize joint use of rights-of-way for trails and bikeways and other transportation alternatives.
8. Rapid or Mass Transit Facilities will be designed and located in a manner that will reduce traffic congestion and resulting air pollution.
9. Rapid or Mass Transit Facilities will be located and designed so as to minimize noise and to protect and preserve unique natural and cultural factors and visual amenities.
10. Guideway design and location will not permit snow plumes from snow removal equipment on the guideway to reach the travel surface of a plowed public road except at intersections, nor will guideways be placed or designed so that snow plumes from snow removal equipment on public roads will reach the guideway. In determining the right-of-way and corridor alignment for Rapid Transit, consideration will be given to areas needed for snow storage along the guideway.
11. The parking areas associated with a rapid or Mass Transit Terminal or Station will be capable of holding a number of automobiles that equals the number of passengers expected to ride on peak periods multiplied by a factor of .75 unless the Applicant can demonstrate through studies that a lesser number is sufficient.
 - a. The required capacity for parking areas associated with a Terminal or Station may be modified based upon sufficient evidence of passenger loading from other forms of intermodal transfer (such as Amtrak, tour buses, regional surface buses, carpools, etc.).
 - b. The Applicant may initially provide a smaller number of parking spaces if the total area dedicated to potential parking expansion is shown to be large enough to accommodate the required number of parking spaces and the Applicant provides financial security acceptable to the BOCC which guarantees that the required number can be built if actual need is shown after operation begins.
12. Access roads to a rapid or Mass Transit Station or Terminal will be designed, constructed or improved to accommodate, during a 15 minute period, the maximum number of automobiles anticipated to arrive before the scheduled departure of the Mass Transit conveyance without causing cars to back up onto the public road serving the facility.
13. The Manual on Traffic Control Devices will apply to safety devices at intersections of a Fixed Guideway and other Transportation Corridors.

14-503. ADDITIONAL STANDARDS APPLICABLE TO SITE SELECTION OF SOLID WASTE DISPOSAL SITES.

In addition to the general standards set forth in Section 14-501, the following additional standards will apply to site selection of Solid Waste Disposal Sites:

A. State and Federal Regulations.

Demonstration of compliance with all applicable state and federal laws and regulations.

14-504. ADDITIONAL STANDARDS APPLICABLE TO SITE SELECTION OF DOMESTIC WATER AND SEWAGE TREATMENT SYSTEMS.

In addition to the general standards set forth in Section 14-501, the following additional standards will apply to site selection of Domestic Water and Sewage Treatment Systems:

A. State and Federal Regulations.

Demonstration of compliance with all applicable state and federal laws and regulations.

14-505. ADDITIONAL STANDARDS APPLICABLE TO SITE SELECTION FOR ARTERIAL HIGHWAYS AND INTERCHANGES.

In addition to the general standards set forth in section 14-501, the following additional standards will apply to site selection for Arterial Highways and Interchanges:

A. Areas Around Arterial Highways, Interchanges, and Collectors.

Areas around Arterial Highways, Interchanges, and Collector Highways will be designed and administered to:

1. Encourage the smooth flow of traffic;
2. Foster the development of such areas in a manner calculated to preserve the smooth flow of such traffic;
3. Preserve desirable existing community patterns;
4. Minimize danger associated with Highway traffic; and
5. Encourage compatibility with non-motorized traffic.

B. Site Selection.

1. Arterial Highways and Interchanges will be located and designed so that community traffic needs are met.
2. Arterial Highways and Interchanges will be located and designed so that desirable community patterns are not disrupted.

14-506. ADDITIONAL STANDARDS APPLICABLE TO AREAS AROUND AIRPORTS AND HELIPORTS.

A. Protection of Public Health, Safety and Welfare.

Areas around Airports and Heliports will be administered to avoid danger to public safety and health or to property due to aircraft crashes. In addition to the general standards set forth in section 14-501, the following standards apply to land use in areas around Airports and Heliports.

B. Prohibited Uses and Activities.

1. The following uses are prohibited in the Airport/Heliport Influence Overlay District.
 - a. Sanitary landfills; and

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- b. Water treatment plants.
 - 2. No structures will be allowed in the Runway Protection Zone (RPZ), except that accessory structures to Airport operations may be located in the RPZ based upon approval by the FAA. For purposes of this document, tee markers, tee signs, pin cups, and pins are not considered to be structures.
 - 3. Public assembly facilities are prohibited in the RPZ.
 - 4. High density uses will be prohibited in Approach Surfaces.

C. Permitted Uses and Activities.

The following uses are permitted within the Airport/Heliport Influence Area Overlay to the extent that they are permitted by the underlying zone district, and the proposed use complies with applicable standards for the zone district, the use restrictions set forth in Table 3-303.A, Airport Overlay use Restriction and Table 3-303.B, Use Restrictions Based on Noise Levels.

- 1. Public Assembly Facilities. Public assembly facilities may be allowed in Approach Surfaces if the potential danger to public safety is minimal.
- 2. Residential. Residential structures will be located outside Approach Surfaces unless no practicable alternatives exist.
- 3. Golf Courses. Golf courses may be allowed conditioned upon the use of accepted management techniques to reduce existing Wildlife attractants and to avoid the creation of new wildlife attractants.
- 4. Farm Use. Farming practices that comply with the recommendations of FAA Advisory Circular 150/5200-3A, Hazardous Wildlife Attractants on or Near Airports, will be encouraged.
- 5. Utilities.
 - a. In the RPZ, utilities, power lines, and pipelines will be located underground.
 - b. In Approach Surfaces and Airport Direct and Secondary Impact Areas, the proposed height of utilities will be coordinated with the Airport Sponsor and the BOCC.
- 6. Wetland Mitigation, Creation, Enhancement, and Restoration. Wetland construction, enhancement, restoration, or Mitigation projects within the overlay district will be subject to review under the Major Impact Review, and may be permitted based upon compliance with the applicable standards.
 - a. Location of Wetland Mitigation banks outside Approach Surfaces and areas regulated under this overlay district is encouraged because of the potential for increased air navigation safety hazards.
 - b. Wetland Mitigation, creation, enhancement, or restoration projects existing or approved on the effective date of ~~this Article~~ ~~these Regulations~~ and located within areas regulated under this overlay area are recognized as lawfully existing uses.
- 7. Water Impoundments in Approach Surfaces, Direct Impact Areas, and Secondary Impact Areas. Any use or activity that would result in the establishment or expansion of water impoundments in Approach Surfaces, Direct Impact Areas, and Secondary Impact Areas will comply with the following requirements:

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- a. No new or expanded water impoundments of 1/4 acre in size or larger will be permitted within an Approach Surface and within 5,000 feet from the end of a Runway.
 8. No new or expanded water impoundments of 1/4 acre in size or larger will be permitted on land owned by the Airport/Heliport Sponsor that is necessary for Airport/Heliport operations.

D. Noise.

Land use proposed to be located within the Noise Impact Area Boundaries will comply with the Airport Master Plan and FAA Regulations.

E. Avigation and Hazard Easement.

An avigation and hazard easement allowing unobstructed passage for aircraft and ensuring safety and use of the Airport for the public will be provided and dedicated to the Airport Sponsor.

1. Recording. The avigation and hazard easement will be recorded in the office of the County Clerk and Recorder.
2. Applicant will provide a copy of the recorded instrument prior to issuance of a Building Permit.

F. Declaration of Anticipated Noise Levels.

1. A declaration of anticipated noise levels will be provided for any proposed Land Use Change, including division of land, or Building Permit application for property located within Noise Impact Boundary.
2. In areas where the noise level is anticipated to be at or above 55 Ldn, for construction of a noise sensitive land use such as hotel/motel, school, church, hospital, public library, or similar use, the Applicant will be required to demonstrate that a noise abatement strategy will be incorporated into the building design that will achieve an indoor noise level equal to or less than 55 Ldn.

G. Communications Facilities and Electrical Interference.

No use will cause or create electrical interference with navigational signals or radio communications between an Airport/Heliport and aircraft.

1. Location of new or expanded radio, radiotelephone, and television transmission facilities and electrical transmission lines within the Airport/Heliport Influence Area Overlay will be coordinated with the BOCC and the FAA prior to approval.
2. The approval of cellular and other telephone or radio communication towers on leased property located within Airport Imaginary Surfaces will be conditioned upon their removal within 90 days following the expiration of the lease agreement. A bond or other security will be required to ensure this requirement.

H. Outdoor Lighting.

Lighting other than that associated with Airport/Heliport operations will comply with the following standards.

1. Lighting will not project directly onto an existing Heliport, Runway or taxiway or into existing Airport Approach Surfaces.
2. Lighting will incorporate shielding to reflect light away from Airport Approach Surfaces.

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3. Lighting will not imitate Airport lighting or impede the ability of pilots to distinguish between Airport/Heliport lighting and other lighting.

I. Use of Reflective Materials Prohibited.

No glare-producing material including, but not limited to, unpainted metal or reflective glass, will be used on the exterior of structures located within an Airport Approach Surface or on nearby lands where glare could impede a pilot's vision.

J. Industrial Emissions That Obscure Visibility Prohibited.

No development will, as part of its regular operations, cause emissions of smoke, dust, or steam that could obscure visibility within Airport Approach Surfaces. The BOCC will impose conditions determined to be necessary to ensure that the use does not obscure visibility.

K. Height Restrictions.

All uses permitted by the underlying zone will comply with the height limitations in this section. When height restrictions of the underlying zone district are more restrictive than those of the overlay district, the underlying zone district height limitations will control.

L. Penetration of Development into Imaginary Surface Area.

No structure or tree, plant, or other object of natural growth will penetrate an Airport Imaginary Surface, except as follows:

1. Structures up to 35 feet in height may be permitted in areas within Airport/Heliport Imaginary Surfaces, except those outside the Approach and Transitional Surfaces where the terrain is at higher elevations than the Airport Runway/Heliport surfaces such that existing structures and permitted development penetrate or would penetrate the Airport Imaginary Surface.
2. Written agreement by the Airport Sponsor and the FAA will be provided for other height exceptions requested.

M. Wetland Construction, Enhancement, Restoration, or Mitigation.

Wetland construction, enhancement, restoration, or Mitigation projects within the overlay district will be will comply with the following standards.

1. Wetland projects will be designed and located to avoid creating a wildlife hazard or increasing hazardous movements of birds across Runways or Approach Surfaces; and
2. Wetlands projects that create, expand, enhance, or restore Wetlands that are proposed to be located within the overlay district and that would result in the creation of a new water Impoundment or expansion of an existing water Impoundment, will demonstrate all of the following:
 - a. Off-site Mitigation is not practicable;
 - b. The Wetland project involves existing Wetland Areas regulated under the overlay district that have not been associated with attracting problematic wildlife to the Airport/Heliport vicinity;
 - c. The affected Wetlands provide unique ecological functions, such as critical habitat for threatened or endangered species or ground water discharge;
 - d. The resulting Wetlands are designed, and will be maintained in perpetuity in a manner that will not increase hazardous movements of birds feeding, watering, or roosting in areas across Runways or Approach Surfaces; and

- e. The proposed Wetland project will be coordinated with the Airport Sponsor, the BOCC, the FAA and FAA's Technical Representative, the Colorado Parks and Wildlife, the U.S. Fish and Wildlife Service, and the U.S. Army Corps of Engineers as part of the Permit application.
- f. Restrictions In RPZ, Approach Surface, and Impact Areas. The land use restrictions in the RPA, Approach Surface, Direct Impact Areas and Secondary Impact Area are identified in Table 14-506.M.

N. Separation of Noise-Sensitive Land Use.

Areas around Airports and Heliports will be administered to encourage land use patterns that will separate uncontrollable noise sources from residential and other noise-sensitive areas. Within Airport or Heliport Noise Impact Boundaries, the following land use restrictions will apply, based upon the noise levels identified in Table 14-506.N.

Table 14-506.M.: Use Restrictions, RPZ, Approach Surface, and Impact Areas.

P = Permitted L = Allowed with Limitations N = Use is Not Allowed	RPZ	APPROACH SURFACE ¹	DIRECT IMPACT AREA	SECONDARY IMPACT AREA
Public Airport	L	L	P	P
Residential	N	L ²	L	P
Commercial	N	L	L	P
Industrial	N	L	P	P
Institutional	N	L	L	P
Roads/Parking	L ³	P	P	P
Parks/Open Space	L	P	P	P
Athletic Fields	N	L	L	P
Mining	N	L	L	L

1. Within 10,000 feet from the end of the primary surface of a nonprecision instrument Runway, and within 50,000 feet from the end of the primary surface of a precision instrument Runway.
2. Residential densities within Approach and Transitional Surfaces should not exceed: (1) within 500 feet of the outer edge of the RPZ, 1 unit per acre; (2) within 500 to 1,500 feet of the outer edge of the RPZ, 2 units per acre; (3) within 1,500 to 3,000 feet of the outer edge of the RPZ, 4 units per acre.
3. Roads and parking areas are permitted in the RPZ only upon demonstration that there are no practicable alternatives. Lights, guardrails, and related accessory structures are prohibited. Cost may be considered in determining whether practicable alternatives exist.

Source: Model Public Use Airport Safety And Compatibility Overlay Zone (Visual and Instrument Approach Airports), Oregon Department of Aviation

TABLE 14-506.N.- USE RESTRICTIONS OF NOISE-SENSITIVE LAND USE

P = Permitted L = May be Allowed under Certain Circumstances N = Not Allowed LAND USE	YEARLY DAY-NIGHT AVERAGE SOUND LEVEL (Ldn) IN DECIBELS					
	<65	65-70	70-75	75-80	80-85	>85
Residential Except Mobile Homes & Transient Lodging	P	L	L	N	N	N
Mobile Home Parks	P	N	N	N	N	N
Transient Lodging	P	L	L	L	N	N
Schools, Hospitals & Nursing Homes	P	L	L	N	N	N
Churches, Auditoriums & Concert Halls	P	L	L	N	N	N
Government Service	P	P	L	L	N	N
Transportation	P	P	L	L	L	L
Parking	P	P	L	L	L	N
Commercial Use	P	P	L	L	N	N
Wholesale & Retail – Building Materials, Hardware & Farm Equipment	P	P	L	L	L	N
Retail Trade – General	P	P	L	L	N	N
Utilities	P	P	L	L	L	N
Communication	P	P	L	L	L	N
Manufacturing & Production	P	P	L	L	L	N
Photographic & Optical	P	P	L	L	L	N
Agriculture (Except Livestock) & Forestry	P	L	L	L	L	L
Livestock Raising & Breeding	P	L	L	N	N	N
Mining & Fishing	P	P	P	P	P	P
Outdoor Sports Arenas & Spectator Sports	P	L	L	N	N	N
Outdoor Music Shells, Amphitheatres	P	N	N	N	N	N
Nature Exhibits & Zoos	P	P	N	N	N	N
Amusements, Parks, Resorts & Camps	P	Y	Y	N	N	N
Golf Courses, Riding Stables & Water Recreation	P	P	L	L	N	N
Source: AC150/5020-1.						

14-507. ADDITIONAL STANDARDS APPLICABLE TO SITE SELECTION OF AIRPORT OR HELIPORT LOCATION OR EXPANSION.

Airports and Heliports will be located or expanded in a manner that will minimize disruption to the Environment, minimize the impact on existing community services, and complement the economic and transportation needs of the State and the area. In addition to the general standards set forth in section 14-501, the following standards will apply to all applications proposing the location or expansion of an Airport or Heliport.

A. Airport Layout.

Airports will be developed in accordance with an FAA-approved Layout Plan, or a Layout Plan approved by the BOCC, complying with FAA Advisory Circular 150/5300-13A and the current Northwest Mountain Region Airport Layout Plan Checklist, with the exception that aircraft tie down dimensions need only be sufficient to provide adequate clearances for the aircraft to be tied down.

B. Heliport Layout.

Heliports and Helistops will be developed in accordance with an FAA-approved Layout Plan, or a Layout Plan approved by the BOCC complying with FAA Advisory Circular 150/5390-2.

C. Fabrication, Service, and Repair Operations.

All fabrication, service, and repair operations will be conducted in compliance with Airport Rules and Regulations.

D. Storage of Materials.

All storage of materials will be within a building or obscured by fence.

E. Ability to Obtain Necessary Permits.

The Applicant can and will obtain all necessary property rights, Permits, approvals, and easements (including needed easements for drainage, disposal, utilities, and aviation within Airport area of influence) prior to site disturbance associated with the project. The BOCC may, at its discretion, defer making a final decision on the application until outstanding property rights, Permits, and approvals are obtained.

F. Conflict with Existing Easements.

The location of the Airport or Heliport site or expansion will not unduly interfere with any existing easements for power or telephone lines, irrigation, mineral claims, or roads.

G. Relationship to Economic and Transportation Needs.

The location of the Airport or Heliport site or expansion compliments the existing and reasonably foreseeable economic and transportation needs of the State and of the area immediately served by the Airport, particularly Mass Transit Facilities.

H. Nuisance.

The location of the Airport or Heliport site or expansion will not cause a nuisance as defined within this Code. The immediate and future noise levels in communities within the Airport area of influence to be caused by the Airport location or expansion and any anticipated future expansion will not violate any applicable local, state, or federal laws or regulations; provided that in any area with a potential noise level of CNR 110 or more, no structure will be allowed and existing structures will be relocated.

14-508. ADDITIONAL STANDARDS APPLICABLE TO MINING OPERATIONS IN MINERAL RESOURCE AREAS

In addition to the general standards set forth in section 14-501, the following standards apply to Mining Operations in Mineral Resource Areas and the modification of existing Mining Operations in Mineral Resource Areas.

A. Air Quality.

The Mining Operation will not cause significant degradation of air quality from emissions, dust, or odor.

B. Blasting.

Blasting associated with the Mining Operation will not cause a hazard to public health, safety, welfare or the environment. Compliance with the *Blasting Plan* is required to satisfy this standard. In addition:

1. Prior to blasting, Operator will provide to the County a copy of the current blasting explosive license issued to the Operator or contractor who will be conducting blasting activity. The license will be filed with the Community Development Department.
2. A schedule for blasting above ground, near population centers, will be provided to the Community Development Department a minimum of ten (10) days before the blasting is to occur.

C. Visual Quality.

The Mining Operation will not cause significant degradation of the viewsheds and scenic vistas of the Impact Area, taking into account the considerations in section 14-501.O. In addition:

1. The Mining Operation will be organized on the affected lands to minimize impact on adjacent land uses and protect established neighborhood character through installation of screen fences, berms, and/or landscape materials, as well as by the location of access points, lighting, and signage.
2. Visual screening will be in place prior to the commencement of each phase of the Mining Operation. Site preparation activity such as removal of overburden will be allowed prior to the construction of the visual screening if material will be used for the creation of the necessary screening.

D. Surface Water Quality.

The Mining Operation will not cause significant degradation of water quality, taking into account the considerations in section 14-501.

1. Mining Operations will not be conducted within 500 feet of the high water mark of any natural waterbody. This standard may be waived by the Director or the BOCC if the impact of the Mining Operation to water quality after mitigation will be minimal at a location closer than 500 feet.
2. The Mining Operation will minimize disturbance to the prevailing hydrologic balance within the Impact Area.
3. Impervious areas will drain to vegetated pervious buffer strips. Examples of potential techniques to be used in conjunction with vegetated pervious buffer strips are: infiltration devices, grass depressions, constructed wetlands, sand filters, and dry ponds.

E. Groundwater Resources.

The Mining Operation will not cause significant degradation of groundwater, taking into account the considerations in section 14-501. In addition:

1. The Mining Operation will not adversely impact the water quality of domestic wells in the Impact Area.
2. The Mining Operation will not interfere with the function of wells in the Impact Area.

F. Water Quantity.

The Mining Operation will not cause significant adverse impact on water quantity.

1. The Mining Operation will not cause injury to existing decreed water rights.
2. The Mining Operation will not significantly increase or decrease stream flows or lake levels below pre-construction levels.

G. Adequate Water Supply, Reuse and Recycling.

1. Adequate and reliable water supply will be available for all phases of the Mining Operation and the source of supply will be the least detrimental to the environment among the available sources of supply.
2. Water used in by the Mining Operation will be reused and recycled to the maximum extent feasible.

H. Wetlands and Riparian Areas.

The Mining Operation will not cause significant degradation of the function or extent of wetlands and riparian areas, taking into account the considerations in section 14-501. In addition:

1. The Mining Operation will preserve the existing native vegetation within thirty-five feet (35') of the ordinary high water mark on each side of a waterbody.
2. The Mining Operation will preserve and retain wetlands in their natural state as drainage ways.

I. Geothermal Resources.

The Mining Operation will not cause significant degradation of the quality or quantity of geothermal resources that provide the source water for hot springs and spas within the County.

J. Cave and Karst Formations and Cave Resource Areas.

The Mining Operation will not cause significant degradation of the cave and karst formations and cave resource areas within the County.

K. Spill and Releases Prevention and Response.

The Mining Operation will minimize risk to people and the environment from spills or releases. Compliance with the *Spill Prevention Control and Countermeasures Plan* is required to meet this standard.

L. Mine Waste Water and Hazardous Materials.

Mine waste water and hazardous materials will not have an adverse impact on the public health, safety, and welfare or the environment.

M. Noise.

1. The Mining Operation will not cause noise that interferes with the peaceful use and enjoyment of property within the Impact Area.
2. Noise from the Mining Operation at the boundary of any property that is nearest the Operation will not exceed statutory levels at C.R.S. 25-12-103 for residential, commercial and industrial. The levels set forth in Table 1, will also apply.

Commented [SGS11]: Revised based on Planning Commission discussion.

Table 1: Maximum Permissible Noise Levels for Mining Operation Affecting Parks, Opens Space, and Other Conservation Areas

IMPACTED LAND USE	ALLOWABLE DECIBEL LEVELS BY TIME OF DAY	
	6:00 a.m. to 7:00 p.m.	7:00 p.m. to 6:00 a.m.
National Parks or Recreation Areas, Public Parks, Federal Lands Campgrounds, and Federally, State or Locally Dedicated Open Space or Conservation Areas	5045 db(A)*	45 db(A)*
Wilderness Areas	4045 db(A)*	4045 db(A)*
*db(A): Decibels measured on the "A" scale of a standard sound level meter having characteristics defined by the American National Standards Institute. Warning Devices Exempted: Devices required by MSHA or the US Department of Labor are exempt from this standard.		

N. Vibration.

Acute or recurring vibrations from the Mining Operation will not interfere with the peaceful use and enjoyment of property within the Impact Area. Any such interference shall be deemed a nuisance pursuant to C.R.S. § 30-15-40. In addition:

1. No vibration shall be transmitted thru the ground that is discernible without the aid of instruments measured at five hundred (500) feet from the affected lands.
2. No vibration shall exceed 0.002g peak at up to fifty (50) cps frequency measured at five hundred (500) feet from the site boundary of Mining Operation. Vibrations recurring at higher than 50 cps frequency or a periodic vibrator shall not induce accelerations exceeding 0.001g.
3. Single impulse period vibrations occurring at an average interval greater than five (5) minutes shall not induce accelerations exceeding .01g.

O. Surface Disturbance.

1. The Mining Operation will be located and constructed in a manner that minimizes site disturbance and the amount of cut and fill on the affected lands.
2. Size of structures and surface equipment for present and future operational needs will be minimized as much as possible without compromising safety concerns.

P. Transportation and Access

Mining Operations shall be designed and implemented to minimize or mitigate impacts to physical infrastructure of the County transportation system; ensure public safety; and maintain quality of life for other users of the County transportation system, adjacent residents, and affected property owners. Where available, existing private roads must be used to minimize land disturbance unless traffic safety, visual concerns, noise concerns, or other adverse surface impacts dictate otherwise

Q Transportation Permits

Applicant shall obtain all applicable transportation permits including County permits as well as all appropriate Colorado Department of Transportation (CDOT) access permits pursuant to the CDOT State Highway Access Code. →Access roads on the site and

access points to public roads as identified in the application materials shall be reviewed by the County and shall be built and maintained in accordance with the engineering specifications County standards.

R. Road Improvements and Maintenance

1. All public roads and bridges necessary to accommodate the traffic and equipment related to the Mining Operation and to accommodate emergency vehicles will comply with County road and bridge standards.
2. The Operator shall bear the cost of all road and bridge improvements, repairs, and maintenance necessitated by the Mining Operation. If the projected use of public roads by traffic and equipment related to the Mining Operation will result in a need for increased roadway maintenance, the Operator will enter into an agreement with the County whereby the Operator assumes responsibility for constructing the necessary road and bridge improvements and additional road and bridge maintenance or reimburses the County for such improvements and maintenance.
3. The Operator shall maintain financial assurance to secure its road construction, maintenance and repair obligations. The amount of such financial assurance will be determined by the County.

S Restoration and Reclamation.

1. The Mining Operation will be approved by the Colorado Department of Reclamation Mining and Safety and/or the Bureau of Land Management or Forest Service prior to a final permit decision by the County.
2. Unless otherwise determined by the BOCC, the Mining Operation will be allowed to progress if the previous phases have been reclaimed within six (6) months after the commencement of the new phase. If the reclamation has not commenced in six (6) months, or has not been completed within eighteen (18) months, Mining Operation on the property will stop until the reclamation/revegetation has occurred to the satisfaction of the County.

T. Lighting.

Lighting from the Mining Operation will not cause excessive glare or light to spill over onto adjacent property except as required for safety and emergency management.

U. Compatibility.

The Mining Operation will not unduly interfere with other economic development efforts in the County. The Mining Operation will not cause significant adverse impact upon existing developed and dedicated conservation easements or other areas identified for residential, commercial institutional or industrial development by either the County or the municipalities in the Impact Area.

V. Compliance with State and Federal Regulations.

The Mining Operation will comply with all applicable state and federal laws and regulations.

W. Least Practicable Environmental Disturbance.

The Mining Operation shall be conducted in a manner which causes the least practicable environmental disturbance.

X. Public Health and Safety.

The Mining Operation will not cause significant danger to public health and safety.

DIVISION 6. FINANCIAL GUARANTEE.

14-601. FINANCIAL GUARANTEE REQUIRED.

A. Before any Permit is issued under this Article, the BOCC will require the Applicant to file a guarantee of financial security. The purpose of the financial guarantee is to assure the following:

1. **Completion.** The project is completed and, if applicable, that the Development Area is properly reclaimed.
2. **Performance.** The Applicant performs all Mitigation requirements and Permit conditions in connection with the construction, operation, and termination of the project.
3. **Increases Borne By Permit Holder.** Increases in public facilities and services necessitated by the construction, operation, and termination of the project are borne by the Permit holder.
4. **Shortfall to County Revenues.** Shortfalls to County revenues are offset in the event that the project is suspended, curtailed, or abandoned.

B. A performance or financial warranty shall not be required for Mining Operations other than such financial assurance that is necessary to guaranty the construction of public infrastructure and mitigation required by the County that is not covered by the Division of Reclamation, Mining and Safety.

14-602. AMOUNT OF FINANCIAL GUARANTEE.

In determining the amount of the financial guarantee, the County will consider the following factors:

A. Estimated Cost of Completion.

The estimated cost of completing the project and, if applicable, of returning the Development Area to its original condition or to a condition acceptable to the County.

B. Estimated Cost of Performing All Mitigation.

The estimated cost of performing all Mitigation requirements and Permit conditions in connection with the construction, operation, and termination of the project, including:

1. The estimated cost of providing all public services necessitated by the proposed activity until 2 years after the proposed activity ceases to operate; and
2. The estimated cost of providing all public facilities necessitated by the proposed activity until all such costs are fully paid.

14-603. ESTIMATE.

Estimated cost will be based on the Applicant's submitted cost estimate plus the BOCC's estimate of the additional cost to the County of bringing in personnel and equipment to accomplish any unperformed purpose of the financial guarantee. The BOCC will consider the duration of the development or activity and compute a reasonable projection of increases due to inflation. The BOCC may require, as a condition of the Permit, that the financial security be adjusted upon receipt of bids to perform the requirements of the Permit and this Article.

14-604. FORM OF FINANCIAL GUARANTEE

A. Form Acceptable.

The financial guarantee may be in any form acceptable to the BOCC and payable to the County.

B. Guarantor or Surety.

If the form is a security such as a guarantee or letter of credit, the guarantor or surety will be licensed to do business in Colorado. Should the license to do business in Colorado be suspended or revoked, the Applicant will have 60 calendar days, or a time reasonable to the BOCC, after the BOCC receives notice thereof, to provide a substitute guarantee in a form and type acceptable to the BOCC. Should the 1041 Permit holder fail to make a substitution either prior to a lapse in licensure or within the time allowed, the BOCC will suspend the Permit until proper substitution has been made.

C. Cash Deposited.

At least 10% of the amount of the financial guarantee must be in cash deposited with the County's treasurer and placed in an earmarked escrow account mutually agreeable to the BOCC and Applicant.

14-605. RELEASE OF GUARANTEE.

The financial guarantee may be released only when:

A. Surrender of Permit.

The 1041 Permit has been surrendered to the BOCC before commencement of any physical activity on the site of the permitted project; or

B. Project Abandonment.

The project has been abandoned and the site has been returned to its original condition or to a condition acceptable to the County; or

C. Satisfactory Completion.

The project has been satisfactorily completed; or

D. Completion of Phase.

A phase or phases of the project have been satisfactorily completed allowing for partial release of the financial guarantee consistent with project phasing and as determined appropriate by the BOCC; or

E. Satisfied Conditions.

The applicable guaranteed conditions have been satisfied.

14-606. CANCELLATION OF THE FINANCIAL GUARANTEE.

Any financial guarantee may be canceled only upon the BOCC's written consent, which may be granted only when such cancellation will not detract from the purposes of the security.

14-607. FORFEITURE OF FINANCIAL GUARANTEE

A. Written Notice.

If the BOCC determines that a financial guarantee should be forfeited because of any violation of the Permit, Mitigation requirements, conditions, or any applicable regulations adopted by the BOCC, it will provide written notice to the surety and the Applicant that the financial guarantee will be forfeited unless the Permit holder makes written demand to the BOCC, within 30 days after Permit holder's receipt of notice, requesting a hearing before the BOCC. If no demand is made by the Permit holder within said period, then the BOCC will order the financial guarantee forfeited.

B. Public Hearing.

The BOCC will hold a hearing within 30 days after the receipt of the demand by the Permit holder. At the hearing, the Permit holder may present for the consideration of the BOCC statements, documents, and other information with respect to the alleged violation. At the conclusion of the hearing, the BOCC will either withdraw the notice of violation or enter an order forfeiting the financial guarantee.

C. Disbursement.

The deposit described above may be used by the BOCC in the event of the default or allowed default of the Permit holder, only for the purposes of recovering on the surety or fulfilling the Permit obligation of the Permit holder. In the event that the ultimate reviewing court determines that there has been a default by the Permit holder, that portion of any moneys expended by the County from the escrow funds relating to such default will be replaced in the escrow account by the BOCC immediately following such determination. The County may arrange with a lending institution, which provides money for the Permit holder that said institution may hold in escrow any funds required for said deposit. Funds will be disbursed out of escrow by the institution to the County upon County's demand for the purpose specified in this section.

D. Inadequate Revenue.

If the forfeiture results in inadequate revenue to cover the costs of accomplishing the purposes of the financial guarantee, the County Attorney will take such steps as deemed proper to recover such costs where recovery is deemed possible.

DIVISION 7. 1041 PERMIT ADMINISTRATION AND ENFORCEMENT.

14-701. ENFORCEMENT AND PENALTIES.

A. Enjoinment.

Any person engaging in development in the designated area of state interest or conducting a designated activity of state interest who does not obtain a 1041 Permit pursuant to this Article, who does not comply with 1041 Permit requirements, or who acts outside the jurisdiction of the 1041 Permit may be enjoined by the County from engaging in such development, and may be subject to such other criminal or civil liability as may be prescribed by law.

B. Material Changes in the Construction or Operation.

If the County determines at any time that there are material changes in the construction or operation of the project from that approved by the County, the 1041 Permit may be immediately suspended and a hearing will be held to determine whether new conditions are necessary to ensure compliance with the approval standards or if the 1041 Permit should be revoked.

14-702. 1041 PERMIT SUSPENSION OR REVOCATION.

A. Notice of Potential Violation.

Upon reason to believe that the construction or conduct of an activity is in violation of the terms or conditions of the 1041 Permit or this Article, the BOCC may send a letter notifying the Permit holder of the potential violation and giving the Permit holder 15 days to correct the violation or otherwise respond to the notice of potential violation; and/or

B. Temporary Suspension.

The BOCC may temporarily suspend the 1041 Permit for a period of 30 days for any violation of the Permit or this Article. The Permit holder will be given written notice of the violation and will have a minimum of 15 days to correct the violation. If the violation is not corrected, the Permit will be temporarily suspended for 30 days; and/or

C. Revocation.

The County may revoke a 1041 Permit granted pursuant to this Article if any of the activities conducted by the Permit holder violates the conditions of the Permit or this Article, or the County determines that the project as constructed or operated has impacts not disclosed in the application. Prior to revocation, the Permit holder will receive written notice and be given an opportunity for a hearing before the BOCC. The BOCC may revoke the 1041 Permit or may specify a time by which action will be taken to correct any violations for the Permit to be retained.

14-703. TRANSFER OF 1041 PERMITS.

A 1041 Permit may be transferred only with the written consent of the BOCC. Consent will be in the sole discretion of the BOCC. The BOCC will ensure, in approving any transfer, that the proposed transferee can and will comply with all the requirements, terms, and conditions contained in the Permit, and this Article; that such requirements, terms, and conditions remain sufficient to protect the health, welfare, and safety of the public; and that an adequate guarantee of financial security can be made.

14-704. INSPECTION.

The BOCC or its designee may enter and inspect any property subject to this Article at reasonable hours for the purpose of determining whether the activity is in violation of this Code compliance with this Article. The BOCC or its designee also may inspect or request production of documents, records, files, papers, processes, controls, and facilities used in performing any activity subject to this Article.

14-705. JUDICIAL REVIEW.

Any action seeking judicial review of a final decision of the BOCC will be initiated within 30 days after the decision is made, in the District Court in and for the County of Garfield, pursuant to Rule 106 of the Colorado Rules of Civil Procedure.

Affected land. The surface of an area within the County where a mining operation is being or will be conducted, which surface is disturbed as a result of such operation. Affected lands include but shall not be limited to private ways and roads, and railroad lines appurtenant to any such area; land excavations; prospecting sites; drill sites or workings; refuse banks or spoil piles; evaporation or settling ponds; leaching dumps; placer areas; tailings ponds or dumps; work, parking, storage or waste discharge areas; and areas in which structures, facilities, equipment, machines, tools or other materials or property which result from or are used in such operations are situated.

Cave. Any naturally occurring void, cavity, recess, or system of interconnected passages beneath the surface of the earth or within a cliff or ledge, including any cave resource therein, and which is large enough to permit a person to enter, whether the entrance is excavated or naturally formed. Such term shall include any natural pit, sinkhole, or other feature that is an extension of a cave entrance or which is an integral part of the cave.

Cave resource. Any material or substance occurring in caves, including, but not limited to, biotic, mineralogic, paleontological, geologic, hydrologic, or cultural resources.

Exploration. The act of searching for or investigating a construction materials deposit. "Exploration" includes, but is not limited to, sinking shafts, tunneling, drilling core and bore holes, and digging pits, cuts, or other works for the purpose of extracting samples prior to the commencement of development or extraction, and the building of roads, access ways, and other facilities related to such work. "Exploration" does not include:

- a. An activity that causes very little or no surface disturbance, such as airborne surveys and photographs, the use of instruments or devices that are hand-carried or otherwise transported over the surface to make magnetic, radioactive, or other tests and measurements, boundary or claim surveying, location work, or other work that causes no greater land disturbance than is caused by ordinary lawful use of the land by persons not involved in exploration activities; or
- b. Any single activity that results in the disturbance of a single block of land totaling one thousand six hundred square feet or less of the land's surface, not to exceed two such disturbances per acre; except that the cumulative total of such disturbances may not exceed five acres statewide in any exploration operation extending over twenty-four consecutive months.

Geologic hazard. A geologic phenomenon which is adverse to past, current, or foreseeable construction or land and which constitutes a hazard to public health and safety or property if not avoided. The term includes but is not limited to:

- a. Avalanches, landslides, rock falls, mudflows, and unstable or potentially unstable slopes;
- b. Seismic effects;
- c. Radioactivity;
- d. Areas of ground subsidence; and
- e. Expansive rocks or soils.

Geothermal resource. The natural heat of the earth and includes:

- a. The energy that may be extracted from that natural heat;
- b. The material medium used to extract the energy from a geothermal resource; and
- c. Geothermal by-products.

DEFINITIONS APPLICABLE TO GARFIELD COUNTY MINING REGULATIONS TO BE ADDED TO ARTICLE 15 OF THE LUDC

Page 2

Gravel Operation. The mechanical removal of rock, clay, silt, sand, or gravel from its natural location for use in the production of non-metallic construction products. Gravel operations are regulated pursuant to Article 3 and Article 7, section 7-1002 of this Code. The term gravel operation does not include a Mining Operation.

Karst. A landform developed in soluble rock types such as limestone or gypsum. Typical features and characteristics may include but are not limited to: few surface streams where most of the drainage is underground, sinking streams, dolines (sinkholes), resurgences, and caves.

Mineral. An inanimate constituent of the earth, in solid, liquid, or gaseous state, which, when extracted from the earth, is usable in its natural form or is capable of conversion into usable form as a metal, a metallic compound, a chemical, an energy source, a raw material for manufacturing, or a construction material. "Mineral" does not include surface or groundwater subject to appropriation for domestic agricultural, or industrial purposes; or geothermal resources.

Mining Operation. The development or extraction of a mineral from its natural occurrences on affected land. The term includes, but is not limited to, open mining, in situ mining, surface operations, and underground mining. The term also includes the following operations on affected lands: transportation; concentrating; milling; evaporation; and other processing. The term does not include: the exploration, development and extraction of oil and gas; the extraction of geothermal resources; or gravel operations subject to regulation under Article 3 and Article 7, section 7-1002 of this Code. Mining Operations are regulated pursuant to Article 14 of this Code..

Mine unit. A component of a Mining Operation including but not limited to processing, leaching excavation, open pit, storage, stockpile or waste units.

Mineral resource area. An area designated on the official County Mineral Resource Area Map pursuant to Article 14 of this Code and in which minerals are located in sufficient concentration in veins, deposits bodies, beds, seams, fields, pools, or otherwise as to be capable of economic recovery. "Mineral resource area" includes but is not limited to an area in which there has been significant mining activity in the past, there is significant mining activity in the present, mining development is planned or in progress, or mineral rights are held by mineral patent or valid mining claim with the intention of mining.

Modification. Any change to an existing land use that alters the nature, character, intensity or extent of the use.

Tailings. Finely crushed and ground rock residue and associated fluid discharged from an ore milling, flotation beneficiation and concentrating process.

Unstable or potentially unstable slope. An area susceptible to a landslide, a mudflow, a rock fall, or accelerated creep of slope-forming materials.

Wildfire hazard means. A wildfire phenomenon which is adverse to past, current, or foreseeable construction or land use constituting a significant hazard to public health and safety or to property. The term includes but is not limited to:

**DEFINITIONS APPLICABLE TO GARFIELD COUNTY MINING REGULATIONS
TO BE ADDED TO ARTICLE 15 OF THE LUDC**

Page 3

- a. Slope aspect;
- b. Wildfire behavior characteristics; and
- c. Existing vegetation type.

Exhibit 4

Table 3-403: Use Table														
/P/ By Right /A/ Administrative Review /L/ Limited Impact Review /M/ Major Impact Review /●/ Exempt from County Review and Standards														
Use Category	Use Type	Residential Districts				Nonresidential Districts				Resource Land Zone Districts				Unless exempted, all uses must comply with Article 7 Standards including Use-Specific Standards.
		R	RS	RU	RM HP	CL	CG	I	PL	RL P	RL E	RL TS	RL GS	
Accommodation	Lodging Facilities	L	L	L	L	P	P	L	●	A			A	
INDUSTRIAL USES														
Extraction	Compressor/Pipeline Pump Station (Not Subject to Article 9)	L	L					L	●	L	L	L	L	7-1001
	Compressor, Booster	A	A	A	A	A	A	A	●	P	P	P	P	
	Extraction, Gravel Operation	M						M	L	L	L	L	L	7-1001, 7-1002
	Extraction, Mining and Other-Mining Operation	This use is subject to 1041 Regulations as Described in Article 14 of the Land Use and Development Code												7-1001, 7-1003
	Hydraulic Fracturing, Remote Surface Facility	P	P	P	P	P	P	P	●	P	P	P	P	EXEMPT
	Injection Well, Piped	P	A					P	●	P	P	P	P	7-1001
	Injection Well, Small	A	A					P	●	P	P	P	P	7-1001
	Injection Well, Large	L	L						●	P	P	P	P	7-1001
	Oil and Gas Drilling and Production	P	P	P	P	P	P	P	●	P	P	P	P	EXEMPT
Service	Contractor's Yard, Small	A				P	P	P	●	A	A	A	A	7-1001
	Contractor's Yard, Large	M				P	P	P	●	L		L	L	7-1001
	Material Handling	L					L	L	●	A	A	A	A	7-1001
	Processing	L				L	L	L	●	A	L	A	A	7-1001
	Processing, Accessory (Batch Plant)	L				L	L	L	●	A			A	7-1001
	Processing, Temporary	A				A	A	A	●	A			A	7-1001
	Vehicles, Machinery, and Heavy Equipment	M						M	●	L			M	7-1001
	Vehicle Safety Area	A							●	P			P	7-1007

7-1002. GRAVEL EXTRACTION OPERATION.

A. Water Quantity and Quality Impacts/Floodplain Impacts.

Every application for gravel extraction shall address the following:

1. No application shall be accepted by the County without a letter from the applicable fire protection district stating that the proposed project has been adequately designed to handle the storage of flammable or explosive solids or gases and that the methods comply with the national, State, and local fire codes.
2. No materials or wastes shall be deposited upon a property in such form or manner that they may be transferred off the property by any reasonably foreseeable natural causes or forces.
3. When the proposal is near a river or stream, the Applicant is required to submit an analysis by a professional engineer showing the boundaries of the Floodplain and the Floodway in the area of the pit.
4. All gravel extraction operations shall comply with the applicable standards of section 3-301, Floodplain Overlay Regulations, and will be subject to section 4-109, Development in 100-Year Floodplain.
 - a. In all cases, there shall be no storage of fuel or hazardous materials including concrete/asphalt Batch Plants within the Floodway.
 - b. All applications shall provide a dewater/discharge plan that provides a detailed graphic representation of how dewatering operations shall occur. This plan shall demonstrate that the discharge will not exceed State standards for discharge into a water course or Wetland.

B. Air Quality.

No application shall be approved until the Applicant submits evidence that uses shall have current CDPHE air pollution permits and shall meet current CDPHE emissions standards for air and water.

C. Noise/Vibration.

Gravel extraction operations shall be conducted in a manner such that the volume of sound generated does not constitute a public nuisance or hazard. Gravel extraction operations shall comply with the standards set forth in C.R.S., Article 12, Title 25, except as such standards are modified as follows:

1. An Applicant shall submit a noise study that demonstrates the proposed gravel operation can meet the requirements in the matrix below based on measuring the sound levels of noise radiating from a property line at a distance of 25 feet or more beyond the subject property, except as excluded for construction activities per C.R.S. § 25-12-103 *et seq.*, that allows up to 80 db(A).
2. The dB(A) threshold shown in Table 7-1002 shall be that of the receiver and not that of the emitter. For example, while the gravel operation would be considered an industrial operation, the dB(A) levels shown below are measured according to the neighboring uses so that if a residential use was located adjacent to the operation, sound levels could not exceed 55 dB(A) from 7:00 a.m. to 7:00 p.m. and 50 dB(A) from 7:01 p.m. to 6:59 a.m.

Table 7-1002: dB(A) Threshold per Neighboring Use		
Use	7 am to 7 pm	7 pm to 7 am
Residential	55 dB(A)	50 dB(A)
Commercial	60 dB(A)	55 dB(A)
Light Industrial	70 dB(A)	65 dB(A)
Industrial	80 dB(A)	75 dB(A)

3. Every use shall be so operated that the ground vibration inherently and recurrently generated is not perceptible without instruments at any point of any boundary line of the property on which the use is located.

D. Visual Mitigation.

All applications for gravel extraction shall address the following:

1. All gravel operations proposed to mine areas greater than 30 acres shall be designed in multiple phases in order to minimize the visual impact of the Gravel Pit primarily by logical “sequencing” and “overall layout” of the pit’s design.
2. Screening, Berming and Buffering.
 - a. The operation shall be organized on the site to minimize impact on adjacent land uses and protect established neighborhood character through installation of screen fences, berming, and/or landscape materials, as well as by the location of access points, lighting, and signage.
 - b. Visual screening shall be in place prior to the commencement of the commercial mining activity of each phase. Site preparation activity such as removal of overburden shall be allowed prior to the construction of the visual screening if material will be used for the creation of the necessary screening.
3. Unless otherwise determined by the BOCC, mining operations shall be allowed to progress so long as the previous phases have been reclaimed within 6 months after the commencement of the new phase. If the reclamation has not commenced in 6 months, or has not been completed within 18 months, all mining operations on the property shall stop until the reclamation/revegetation has occurred to the satisfaction of the County.

E. County Road System.

1. All applications shall submit a Traffic Impact Study consistent with section 4-203.L.
2. Any required improvements shall either be in place prior to or shall be constructed in conjunction with the proposed use.
3. Truck traffic will not access the mining operation through residential or commercial areas, or such traffic will be mitigated.
4. Proposed haul routes from the extraction operation will be upgraded to withstand the additional traffic, if determined by the Traffic Study or recommended by the County Engineer, and the permittee will prevent road damage and mitigate dust, under the supervision of the Road Supervisor.
5. If a driveway access permit is required by the County Road and Bridge Department, Applicant must comply with all permit conditions. The owner or operator of a gravel extraction operation is responsible for any damage

caused by the operation's traffic to a County Road. Repair or replacement of road surface will be determined by the Road Supervisor.

F. Compatibility with Surrounding Land Uses.

The proposed operation will be located so as to mitigate cumulative impacts to roads, air, and water quality

G. Revegetation.

All revegetation efforts shall occur as part of phased reclamation. The Applicant shall provide locations of County-listed noxious weeds on a map. Once the inventory is provided, the Applicant shall develop a Weed Management Plan that addresses all County-listed noxious weeds found on site. This Weed Management Plan shall be submitted to the County Vegetation Manager for approval prior to the issuance of a Land Use Change Permit

H. Reclamation.

All applicants shall submit a reclamation plan that complies with the standards of the Colorado Division of Reclamation, Mining and Safety (CRMS) and meets the following design criteria:

1. The Reclamation Plan approved by the County as part of the Land Use Change Permit shall be resubmitted to the DRMS to become the only reclamation plan (tasks/timetables) used by both the County and DRMS. Additionally, a bond shall need to be calculated to cover this plan and secured with DRMS to cover its implementation.
2. Wetland and Dryland Slopes. Wetland and Dryland Slopes are illustrated in Figure 7-1002.
 - a. Wetland Slope Areas:
 - (1) For the purpose of this section, Wetland Slope is defined as 3 feet above the shoreline and 3 feet below the shoreline.
 - (2) Wetland Slopes shall be predominantly 5:1 or shallower, with at least 80% 5:1 and 20% 10:1 or shallower. The percentage of Wetland Slope is calculated along the perimeter of the reclaimed lakes.
 - (3) An alternate plan for the shoreline area which modifies the standards above may be proposed by an Applicant to accommodate special needs for:
 - (a) Water-based recreation amenities;
 - (b) Reducing wildlife habitat along certain sections of shoreline due to proximity to an airport; or
 - (c) Fishing embankments.
 - (4) Other special needs or uses that may be proposed by the Applicant.
 - (5) Wetlands shall be included in the reclamation plan for all shoreline areas.
 - b. Dryland Slope Area.
 - (1) For the purposes of this section, the Dryland Slope area is defined as any area above a Wetland Slope in the post-mine

land use that will predominately be used for rangeland grazing and wildlife habitat.

- (2) Dryland Slopes shall be predominantly 5:1 with at least 85% of the Slopes 5:1 or shallower.
- (3) An alternate Slope plan for the Dryland area which modifies the standards above may be proposed by an Applicant to accommodate special needs when:
 - (a) The existing terrain Slope is steep (greater than 5:1); or
 - (b) Where there is little or no available on-site backfill material.

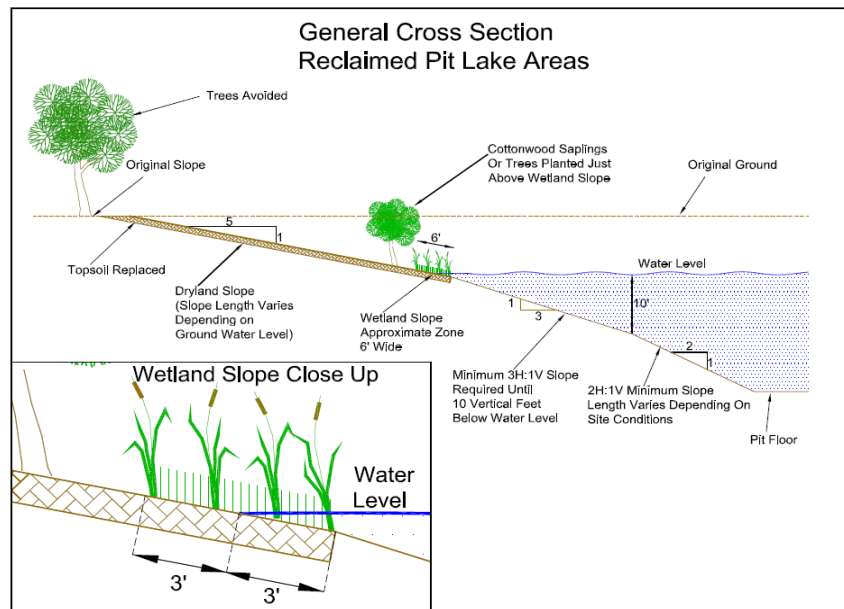


Figure 7-1002: Wetland and Dryland Slopes

3. Vegetation.

a. Wetland Criteria.

- (1) All Wetland Slopes on a Reclamation Plan shall include revegetation with appropriate species shown on a Landscape Plan. The plan shall:
 - (a) Show the reclaimed Wetland area to scale;
 - (b) Identify the species and number of plantings;
 - (c) Provide for adequate irrigation, if required;
 - (d) Provide for adequate species diversity to enhance wildlife habitat; and
 - (e) Provide other site specific requirements as may be identified.
- (2) Wetland seeding shall occur immediately prior to lake filling using the following methods:

- (a) Seeding shall be done by drilling or by hydro-seeding methods. Broadcast seeding is not permitted;
 - (b) Revegetation of Wetlands shall also include planting of trees, willows and/or shrubs; and
 - (c) Existing trees may be included in the plan if they are a minimum of 8 feet in height and 2 inches in diameter.
- b. Dryland Criteria. All Dryland areas on a Reclamation Plan shall include revegetation with appropriate Dryland plant species including a mixture of grasses, forbs, and shrubs, based on the written recommendation of a qualified professional.
- 4. Reclamation with multiple ponds or lakes shall provide islands or peninsulas that make up at least 20% of total lake surface in order to break up the surface and provide undulation of shorelines in a natural-like appearance.
- 5. To the extent permitted by law, unless all disturbance created by the mining operation is covered by a reclamation bond under jurisdiction of the DRMS, or by the Federal government on federally-owned lands, a bond or other acceptable financial performance guarantee shall be submitted in favor of the County in an amount of at least 150% of the cost of restoration of the site and access roads. The required amount of such financial performance guarantees may be increased at the discretion of the BOCC to account for inflation. A bid for site restoration acceptable to the permittee and the County shall be submitted to the Community Development Department as evidence of the cost of reclamation for bond setting purposes.

I. Enforcement.

- 1. The County shall not issue a Land Use Change Permit until all required local, State, and Federal permits have been obtained and submitted to Garfield County including, but not limited to, the municipal watershed permit, CDPHE, USACE, NPDES, Division of Water Resources (approved well permits and plan for augmentation), etc.
- 2. The Operator acknowledges that the County has performance standards in place that could lead to revocation of the Land Use Change Permit if continued violations of the permit occur over a period of time.
- 3. The County can request a site inspection with 1-day notice to the Operator. The owner or Operator must grant full access to any part of the site will be granted. On request, all paperwork must be shown. The County cannot request a large number of inspections that would interfere with normal operation without cause.
- 4. Prior to contacting the appropriate agency, the County commits to notifying the Operator of any compliance concern identified during a site inspection.
- 5. Any person at any time can call any permitting agency directly and request an inspection if they believe a condition of that agency's permit is being violated.
- 6. To ensure that certain conditions of a permit are complied with, the BOCC may require a financial performance guarantee in addition to that required

by the DRMS. The required amount of such financial performance guarantees may be increased at the discretion of the BOCC to account for inflation. The County will not require financial guarantees that are duplicative of that required by the DRMS.

7. The County will be invited to any bond release inspection of the DRMS. The County inspector will have the opportunity to demonstrate that any item of the permit has not been complied with and that bond should not be released.

7-1003. MINING OPERATION AND OTHER EXTRACTION USES.

All Mining Operations are subject to 1041 Regulations as described in Article 14 of this Code.

~~A. Roads.~~

- ~~1. The weight of trucks shall not exceed road or bridge weight capacity on approved haul routes as established by the County or by Federal or State law.~~
- ~~2. As a condition of approval, the County may impose limits on the number of trucks that may access the site to avoid damage to roads caused by heavy vehicle use, weather conditions, or water saturation.~~

~~B. Routing.~~

~~Designation of construction and haul routes for a specific mining operation application shall comply with the following standards:~~

- ~~1. Truck haul and traffic routes shall be designed to the maximum extent feasible to avoid residential areas, commercial areas, environmentally and visually sensitive areas, schools and other civic buildings, municipalities, and already congested locations. Alternative routes shall be identified.~~
- ~~2. Timing of truck traffic may be controlled to prevent congestion or adverse noise impacts or safety risks.~~
- ~~3. Applicant shall prevent loss of loads and fugitive dust emissions during transit and shall be responsible to ensure that haul routes are maintained in accordance with dust suppressant methods required by applicable State or Federal agency.~~

~~C. Emergency Preparedness.~~

~~The site Operator shall prepare an emergency preparedness plan and have it on site and provided to the appropriate emergency providers for the site.~~

Ad #: 0000567034-01

Customer: GARFIELD CO COMMUNITY DEVELOPEME

Your account number is: 10013533

**PROOF OF PUBLICATION
RIFLE CITIZEN TELEGRAM**

**STATE OF COLORADO
COUNTY OF GARFIELD**

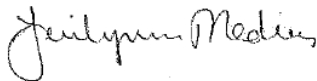
I, Samantha Johnston, do solemnly swear that I am Associate General Manager of the RIFLE CITIZEN TELEGRAM, that the same weekly newspaper printed, in whole or in part and published in the County of Garfield, State of Colorado, and has a general circulation therein; that said newspaper has been published continuously and uninterruptedly in said County of Garfield for a period of more than fifty-two consecutive weeks next prior to the first publication of the annexed legal notice or advertisement; that said newspaper has been admitted to the United States mails as a periodical under the provisions of the Act of March 3, 1879, or any amendments thereof, and that said newspaper is a weekly newspaper duly qualified for publishing legal notices and advertisements within the meaning of the laws of the State of Colorado. That the annexed legal notice or advertisement was published in the regular and entire issue of every number of said weekly newspaper for the period of 1 insertion; and that the first publication of said notice was in the issue of said newspaper dated 3/26/2020 and that the last publication of said notice was dated 3/26/2020 in the issue of said newspaper.

In witness whereof, I have here unto set my hand this day, 4/13/2020.



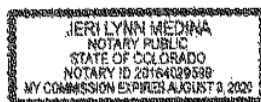
Samantha Johnston, Associate General Manager

Subscribed and sworn to before me, a notary public in and for the County of Garfield, State of Colorado this day 4/13/2020.



Jerilynn Medina, Notary Public

My Commission Expires: August 3, 2020



PUBLIC NOTICE

Take Notice that the Board of County Commissioners has initiated a Text Amendment to amend the Garfield County Land Use and Development Code of 2013 as amended, including but not limited to Articles 3, 4, 7, 14, and 15 in regard to the following:

Updates to regulations including but not limited to processing of applications, application submittal requirements, application standards and review criteria, and definitions associated with "Extraction, Gravel" and "Extraction, Mining and Other" uses. The revisions include regulation of "Extraction, Mining and Other" uses through Article 14, Areas and Activities of State Interest.

All persons affected by the proposed text amendments are invited to appear and state their views, protests or support. If you cannot appear personally at such hearing, then you are urged to state your views by letter, as the Planning Commission will give consideration to all comments received, in deciding whether to recommend approval, modification or denial of the request. The application may be reviewed at the office of the Community Development Department located at 108 8th Street, 4th Floor, Garfield County Administration Building, Glenwood Springs, Colorado between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. The Community Development Office contact number is 970-945-8212, please call to set up an appointment to review the application or for instructions on how to review it online or receive it electronically.

A Planning Commission public hearing on this request has been scheduled for the 22nd day of April, 2020, at 6:00 p.m. in the County Commissioners Meeting Room, Garfield County Administration Building, 108 8th Street, Glenwood Springs, Colorado

Published in the Rifle Citizen Telegram on March 26, 2020. 0000567034



PUBLIC HEARING NOTICE INFORMATION

Please check the appropriate boxes below based upon the notice that was conducted for your public hearing. In addition, please initial on the blank line next to the statements if they accurately reflect the described action.

☐ NA

My application required written/mailed notice to adjacent property owners and mineral owners.

_____ Mailed notice was completed on the _____ day of _____, 20__.

_____ All owners of record within a 200 foot radius of the subject parcel were identified as shown in the Clerk and Recorder's office at least 15 calendar days prior to sending notice.

_____ All owners of mineral interest in the subject property were identified through records in the Clerk and Recorder or Assessor, or through other means [list] _____.

- Please attach proof of certified, return receipt requested mailed notice.

☒ X

My application required Published notice.

 X Notice was published on the 26th day of March, 2020.

- Please attach proof of publication in the Rifle Citizen Telegram.

☐ NA

My application required Posting of Notice.

_____ Notice was posted on the _____ day of _____, 20__.

_____ Notice was posted so that at least one sign faced each adjacent road right of way generally used by the public.

I testify that the above information is true and accurate.

Name: Glenn Hartmann, Principal Planner

Signature:

Date: 4/15/20



Glenwood Springs Citizens' Alliance

P.O. Box 2471

Glenwood Springs, Colorado 81602

Email: art@loveglenwood.org

Web: LoveGlenwood.org

April 1, 2020

Garfield County Commissioners
Garfield County Planning and Zoning Commission
108 Eighth St., Suite 401
Glenwood Springs, Colorado 81601

Regarding: Proposed Land Use Code Section 14-508, Additional Standards Applicable to Mining Operations

Greetings Commissioners Jankovsky, Martin and Samson, and Planning and Zoning Commission Members Fullerton, Jolley, Rudd, McKennis, Lammey, Damuth, Kyle, Smith, Kuersten and Langhorst.

The Glenwood Springs Citizens' Alliance is a nonprofit community organization working to ensure that the Glenwood Springs area remains a desirable place to live work and visit, now and in the future.

We strongly support Garfield County's initiative to amend the 1041 powers within the Land Use Code to include new standards for mining operations.

We believe the proposed 1041 amendments establish clear-cut standards for mining operations based on actual performance over time. This approach offers regulatory certainty for mining companies during launch, operational and reclamation phases. It also provides clear guidance for the county's enforcement staff and defined authority for decision-makers in ensuring that mining operations meet these standards.

We solicited comments from our membership about the proposed amendments. Those comments are attached. We respectfully request that you consider these comments as you move through the process of reviewing the proposed mining regulations and considering them for adoption.

We care deeply about the environmental and economic health of our community and of Garfield County as a whole. Mining can be an asset for the community, but it must be properly regulated to ensure compatibility with the surrounding environment and protection of the safety and health of Garfield County residents.

Sincerely,
Glenwood Springs Citizens' Alliance Board of Directors
Leo McKinney, Sarah Rankin Gordon, Stephen Bershenyi, Ellen Dole
Michael Gamba, Heather McGregor, Ginny Minch

From: Suzanne Emery <LOVIN_LIIF@msn.com>
Sent: Tuesday, March 31, 2020 8:17 AM
To: comment@loveglenwood.org
Subject: Comments re: new GarCo Mining Standards

Dear Garfield County official,

I am writing to you to request that you implement usage of the 1041 review process to regulate mining operations. As a resident of Garfield County for over 33 years, I encourage you to apply the 1041 standards county-wide on public and private lands within the Rural, Public Lands and Resource Lands zone districts.

Though my interest and concerns are not limited to topics included in these additional standards, I feel particularly strong about:

1. **Noise and vibration** – public lands must be protected as a peaceful place. Particularly mines adjacent to parks, campgrounds, open space conservations or wilderness areas. Ground vibration must be mitigated to protect human and wildlife's way of life.
2. **Traffic, Road and Access** – Not only does this topic relate to safety of vehicular safety but to the safety of pedestrians and bicycle users as well. The mining industry should meet 1041 regulations as their impact to traffic, roads and access is potentially extravagant.
3. All of the **Surface Water Qulality, Groundwater Resources and Water Quantity** is of concern. The mining industry should satisfy the 1041 review process just as airports, heliports, water projects, landfills, water and wastewater treatment plants, highways and transit stations. The mining industry uses and impacts water in tremendous ways.

As our county government, Garfield County should implement any means to protect and serve citizens, wildlife, industry, businesses and the environment. The 1041 review process is a reasonable and important process to administer to the mining industry. Please do so.

Thank you for your consideration.

Regards,

Suzanne Emery

604 W Columbia Court

Glenwood Springs, CO 81601

From: Jeff Peterson <jpeterson@sopris.net>
Sent: Wednesday, April 01, 2020 4:38 AM
To: comment@loveglenwood.org
Subject: Mining regulation comment for P&Z

Dear P&Z Commissioners,

I write to voice my strong support for the actions taken to date by the Board of County Commissioners (BOCC) and county staff as they move towards enacting fair and reasonable 1041 mining regulations. The current mining regulations are woefully inadequate and updates are desperately needed. The proposed regulations provide both the BOCC and staff the proper tools to evaluate and regulate Garfield County mining operations and their associated impacts. The county is already using 1041 regulations in other areas of their code. These regulations are enforceable and have legal precedent if challenged.

There is a societal need for mining and it plays a small role in Garfield County's overall economy, BUT not all mining proposals and locations are appropriate. Without the proper regulations, both staff and the BOCC are not adequately equipped to evaluate and determine the impacts of a proposal. Off site impacts such as transportation, air quality, water quality, socio-economic, light pollution, noise, and vibrations must all be considered when analyzing the merits of any mining proposal. Without updated regulations, the character and charm of all communities within Garfield County are at risk.

The role of industry within the county is important, but changing. Residents of Garfield County live here for lots of reasons. Many are attracted by the clean air and water, access to the outdoors, and recreational opportunities. Garfield County also attracts hundreds of thousands of visitors a year for many of the same reasons. Without proper regulations, the county is at risk of losing the qualities that attract so many residents and visitors (and the revenue they bring). I respectfully ask that the P&Z Commission recommend approval the 1041 regulations proposed by staff and their consultant. These regulations are in the best interests of the constituents that you are representing.

Sincerely,

Jeff Peterson

Glenwood Springs, CO

March 31, 2020

Dear Garfield County Commissioners,

I write to you today to urge you to approve the changes to County codes to use the 1041 review process to regulate mining in Garfield County. With the large proportion of public lands in Garfield County that abut cities and towns, as well as agricultural lands, wilderness and other critical areas, it is important that the county have the tools it needs to provide local review and regulation on mining activities. The proposed regulations will allow the county to regulate the impacts of mining on its communities, other areas and assets that it may wish to preserve for the future.

Mining activities can be beneficial to the county but can also have immense impacts on the character of a local area and must be carefully evaluated. The impacts to towns and cities can devastate the quality of life in Western Colorado, and make it less desirable for people to live, work and raise families in the impacted areas. It can negatively affect the health of Garfield county citizens, as well as the economies of the local area. Many of our cities and towns depend on visitors/tourism that is based on a clean western Colorado landscape. Clean air, healthy rivers and streams, hot springs, dark night skies, and the relative quiet of western towns is important to our community quality of life and to our economies.

Mining can also negatively impact the quality of activities that depend on healthy Colorado lands, such as agriculture and the outdoor industry. Agriculture can be impacted by disruption to water and soil quality and to the health and productivity of livestock. Mining can also disrupt fragile ecosystems that support the healthy wildlife in our county. Both agriculture and the outdoor industry depend on clean air quality, clean water, and minimal impacts from human activity such as noise and light pollution. The impacts can be devastating. The effects can best be evaluated by local review and supported with strong regulations.

I respectfully urge you to adopt the code changes to use the 1041 rules to regulate mining in Garfield County. The 1041 review process will give the county the tools it needs to best protect its people and assets for the future.

Sincerely,
Shelley K. Kaup
Mayor pro tem
Glenwood Springs

Note: The comments and requests expressed above are mine alone, and are not intended to reflect the ideas or comments of the City of Glenwood Springs.

March 30, 2020

Dear Garfield County Commissioners,

We are pleased to support Garfield County's use of the 1041 review process to regulate mining operations. We also encourage the Commissioners to maintain their resolve to ensure the proposed new standards remain strong and intact.

We have many unique features throughout our county and we cannot afford to not have a stringent review process in place to regulate and protect the County. The application of the 1041 regulations and review process to mining operations will give us much needed authority and the guidelines to protect our natural resources.

Garfield County already has 1041 regulations in place so it is reasonable to apply them to mining operations and to expand the review process to specific concerns with regard to mining.

Mining is singular in that it has many aspects that are not necessarily apparent at first glance. (1.) With continual movement of mining equipment, blasting, hauling, etc, air quality monitoring cannot be a once a quarter occurrence. Daily monitoring in all segments of the mine should be required.

(2.) Location, compatibility with community and residential needs, visual view sheds, traffic, roads, access and fire mitigation must all be addressed under the 1041 regulations.

(3.) Areas we don't see such as underground water resources, geothermal resources, karst and caves must be protected because damage to them is irreversible.

(4.) Additional compliance with all state and federal laws and regulations applicable to mining operations is also necessary.

For these many reasons we support the adoption and implementation of the new 1041 mining standards for Garfield County.

Sincerely,

Jerry and Mary Steinbrecher
611 W. Harvard Drive
Glenwood Springs, CO

From: Victoria Jarosh <vjarosh.eco@gmail.com>
Sent: Monday, March 30, 2020 3:54 PM
To: comment@loveglenwood.org
Cc: gabriel.iturralde@western.edu; Miguel Mansilla; Brittany Raysby
Subject: VRJ Comment

Dear Garfield County Planning and Zoning Commission,

I think it is within business ethics to expand the 1041 mining standards to directly address a variety of impacts that could result from a mining operation.

It is important that mine operators are held to standards that are within the interest of maintaining the upmost public health. I hold that Garfield County should ensure that new 1041 standards are abided by during approval of land use.

As points of example:

1. Water resources: all water resources are vulnerable during mining operations. This includes groundwater (geothermal resources), surface water (as well as riparian and wetland areas). All of these water sources are subject to irrevocable consequences if proper mine operation management is not present. Therefore I believe mining and raw mineral infiltration should be included in 1041 for the consideration of water quality.
2. Blasting: I believe that this should be considered during land-use evaluations. Vibration could affect rock stability in canyons which compromise public safety.
3. Compatibility: It also seems that the local economic benefit of mining should be compared with existing economic dependencies. Mining is a dominant operation in certain locations-- will this conflict with existing forms of income e.g. tourism economy?

I believe the mining standards should be expanded to consider situations as offered above.

Regards,

VRJ

--



~

Linkedin:

<https://www.linkedin.com/in/victoria-r-jarosh-3b1b15174/>

jeff.loveglenwood@gmail.com

From: Mogli Cooper <moglic@mac.com>
Sent: Monday, March 30, 2020 10:54 AM
To: Peterson Jeff; comment@loveglenwood.org
Subject: comments

Dear Garfield County Officials, County Commissioners and Planning and Zoning Commissioners,

Please do adopt the 1041 Review Process to regulate mining. Without it the big money is just going to run over the County Regulations, mock them as they have in the past, and deny the County's still legal right to regulate and enforce its own code. You are already using the 1041 Review Process to regulate water projects, landfills, water and wastewater treatment plants, all of which are public health and safety items and I urge you to include mining as it will directly affect and impact the public health and safety.

PLEASE INCLUDE MINING in the 1041 Review Process and protect the public's health and safety as you would do for those above mentioned projects.

Mogli and David Cooper

Tate Fairbanks

Mogli Cooper
109 Fox Prowl
Carbondale, CO 81623
970-433-5838

Don't look back, it's not where you are going.....

From: Bo Kusick <bkusick@hotmail.com>
Sent: Sunday, March 29, 2020 4:16 PM
To: comment@loveglenwood.org
Subject: Section 14-508 Additional Standards Applicable to Mining Operations

Our family is emailing to urge support of the above referenced additional standards. Our family (4 generations) has enjoyed and benefitted from yearly visitations to Glenwood Springs and specifically the hot springs. Consideration of any activity that could potentially jeopardize the hot springs and the appeal of Glenwood Springs is beyond belief. We strongerly urge the Garfiled Planning and Zoning Commission to follow the provisions detailed in the above referenced additional Standards. Please do all that you can to preserve and protect Glenwood Springs, its citizens and businesses and specifically the hot springs.

The Kusick Family
Denver, Westminster and Aurora, Colorado

From: Henry T. Doll <henrytdoll@gmail.com>
Sent: Tuesday, March 31, 2020 7:34 AM
To: comment@loveglenwood.org
Subject: Use the 1041 Mining Standards

To Whom It May Concern:

We bought a condo on the Roaring Fork River in Garfield County in 1999 with the plan to retire in the future. While we continued to work in Texas, for 4 months, we spent the remaining 8 months in our Colorado home. In 2012, we retired full-time to Colorado.

We bought because we wanted lasting air quality, (no smog), water quality, (gold metal stream), and visual quality, (no haze when viewing Mt. Sopris). We wanted and got minimal unnatural noise and road vibrations. We want to preserve the environment of this wonderful area and want to continue to enjoy the many outdoor activities that drew us to the area.

At this time, I am requesting, urging, and begging the Planing and Zoning to adopt the proposed 1041 Standards in order to help our residents across the county when there are mining operations present. We, the residents, need to have these standards to protect our quality of life in Garfield County.

Again, please adopt the 1041 Mining Standards.

Thank you for listening to our plea as citizens of Garfield County.

Henry T. Doll

March 30, 2020

Board of County Commissioners
Garfield County
108 8th Street, Suite 101
Glenwood Springs, CO 81601

Dear Commissioners Samson, Martin and Jankovsky;

We are writing this letter in complete support of the county's use and adoption the 1041 mining standards county-wide on public and private lands within the Rural, Public Lands and Resource Lands zone districts. In reviewing the Section 14-508, Additional Standards Applicable to Mining Operations, we cannot imagine ignoring any of the technical areas of concerns. We enjoy a wonderful quality of life here and we expect you, as our elected officials, to maintain and enforce the 1041 mining standards to protect our lands from mining exploitation.

Thank you for your time and consideration.

Regards,

Suzanne M Stewart
David B Winsor

From: sue <sue@sopris.net>
Sent: Saturday, March 28, 2020 3:58 PM
To: comment@loveglenwood.org
Subject: Comments RE: Section 14-508

Dear Commissioners,

I have just learned that Garfield County is considering expanding the standards governing mining in the county to include the 1041 review process currently used in the regulation of airports, water projects, landfills, water and wastewater treatment plants, highways and transit stations. I urge you to recommend approval of this expanded regulation. Mining operations can make an important contribution to the economy of our county, but they should not be permitted to do so at the expense of our air or water quality, or the disruption of our way of life. Garfield County is a special place to live because of our expansive views, our clean air and water, our nearness to nature, and our healthy environment. Mining operations must be regulated to assure our citizens that our high quality of life here in Garfield County will continue. Thank you for acting to preserve the beauty of our county.

Sincerely, Susan Ludtke, Glenwood Springs

From: James F Hipp <4brin5@gmail.com>
Sent: Sunday, March 29, 2020 7:26 AM
To: LOVE GLENWOOD COALITION
Subject: Adopting the proposed 1041 mining standards

Members of Garfield County P&Z.

I completely support the adoption of these standards as pertains to all activities mentioned in Section 14-508 of the Land Use and Development Code 1041.

Not only in regard to the proposed expansion by RMI, but also in general as applies to all the mentioned activities in our area. Our resources are intermingled with our lives and well being. If and when these resources are mined or acquired by other means, great care needs to be taken in doing so. We need to view this process from a long term point of view. Not just in regard to the immediate benefits we garnish. All elements need be addressed and I believe this measure does that.

Yes, Colorado has a rich history in mining and gas and oil, but a large component of that history has resulted eyesore after eyesore, miles of non reclaimed terrain as the result of these endeavors, because the long game was never considered nor was the impact on the lives of all beings living in the area.

We can longer continue to operate from the perspective that these endeavors carry no negative impact. They do. We know they do. It is our responsibility to ensure attention is being paid to all aspects of the impact of any of these projects. NOT just the short term financial benefits.

Please protect our area so rich in so much, vote to support these measures.

Sincerely,
Jim Hipp
811 Bennett Ave
Glenwood Springs

jeff.loveglenwood@gmail.com

From: Sheryl Doll <sheryldoll@gmail.com>
Sent: Tuesday, March 31, 2020 7:00 AM
To: comment@loveglenwood.org
Subject: Use the 1041 Mining Standards

Hello,

I am a resident of Garfield County and I urge Planning & Zoning to adopt the proposed 1041 standards to help residents across the county for any mining operations. Garfield County needs to be able to hold all mine operators to these standards to protect the quality of life in Garfield County.

In particular, I'm most concerned about air quality, visual quality, water quality, noise and vibration, surface disturbance, and restoration and reclamation. In order to preserve the environment of this beautiful area and the abundance of clean outdoor activities that drew us here, please adopt the 1041 mining standards.

Thank you for listening to the citizens of Garfield County.

Sheryl Doll

jeff.loveglenwood@gmail.com

From: matthew goodstein <mlggws@yahoo.com>
Sent: Monday, March 30, 2020 4:00 PM
To: comment@loveglenwood.org
Subject: 1041 Review Process

To Whom it May Concern:

I strongly encourage our Garfield County Commissioners to adopt a 1041 review process for all mining operations.

These operations have the potential for serious economic, environmental and health impacts on our communities.

It is imperative for the well being of our county that any mining operation be required to comply with Section 14-508: Additional Standards Applicable to Mining Operations.

Thank you for your time and consideration.

Sincerely,

Matthew L. Goodstein, MD
503 West Castle Court
Glenwood Springs, CO 81601

From: Steve O'Brien <sobrien777@gmail.com>
Sent: Sunday, March 29, 2020 6:38 PM
To: comment@loveglenwood.org
Subject: Letter to P and Z commission

To the Garfield County Planning and Zoning Commission

I live in Garfield County and I support adding new 1041 restrictions to the mining permit process in Garfield County in an effort to have additional local oversight. The various communities in Garfield County rely on pristine landscapes and clean water in for our economic livelihoods. Utilizing 1041 restrictions in this process will help preserve local control on planning and zoning decisions.

Steven A. O'Brien, MD
Glenwood Springs Physician since 1998

jeff.loveglenwood@gmail.com

From: Roan Marshall <roanm@runbox.com>
Sent: Sunday, March 29, 2020 4:42 PM
To: comment@loveglenwood.org
Subject: Proposed 1041 mining standards

Dear Garfield County Planning and Zoning Commission,

I am writing to express my full support for the proposed expansion of the county's 1041 permit review process to include mining. Mining, like many other land use activities that already require a 1041 review process, can have very significant, undeniable detrimental impacts on both the environment and economy. Garfield County should have the right and responsibility to protect its interests for the good of residents, businesses and visitors.

The proposed standards mentioned in Section 14-508, Additional Standards Applicable To Mining Operations are of particular importance because they directly address the county's ability to regulate issues specific to mining operations and the potential for negative impacts on overall quality of life in the surrounding areas.

Thanks you in advance for taking steps to ensure a better and more secure future for Garfield County!

Sincerely,

Roan Marshall

Sent from my iPad

From: liliana stagakes <lildiaz72@gmail.com>
Sent: Saturday, March 28, 2020 3:22 PM
To: comment@loveglenwood.org
Subject: Support for proposed 1041 standards

To Whom It May Concern,

I am expressing my support for the proposed 1041 standards regulating mining operations in Colorado. The environmental impacts of unregulated mining on established mountain communities and naturally occurring bodies of water and water sources should not be taken lightly. Endangering the well being of a community and risking the loss of over 2000 jobs for the mere addition of 600 jobs to mine for a mineral which is easily obtainable from other mining operations is a sad example of greed. Colorado supplies water to 7 very arid states that are already struggling with lack of water resources. Not conserving the natural water resources in Colorado will further impact Colorado and these states which depend on Colorado for their water supply. It is irresponsible not to regulate mining operations and allow them to destroy natural water resources and thriving mountain communities. Please support the proposed 1041 standards.

Thank you for your attention,

Liliana Stagakes, M.S., CCCSLP

From: sarah gordon <sarah.rankin.gordon@gmail.com>
Sent: Tuesday, March 31, 2020 11:41 PM
To: comment@loveglenwood.org
Subject: 1041 Review Process

Dear Planning and Zoning Commissioner,

Thank you for taking the time to review this issue with thoughtful consideration.

I am writing in support of Garfield County's use of the 1041 review process to regulate mining operations. Garfield County already uses the 1042 review process to regulate airports, water projects, water projects, landfills, and several other land uses. This is a smart and and forward thinking measure and I hope you support it.

Regards,
Sarah R. Gordon

jeff.loveglenwood@gmail.com

From: john Burg <johnfburg@gmail.com>
Sent: Saturday, March 28, 2020 1:30 PM
To: comment@loveglenwood.org
Subject: 1041 Mining Standards

Glenwood Spring Citizens' Alliance:

I strongly support the County's adoption of new standards to govern mining operations across the county, particularly the use of the 1041 review process, a Colorado law that allows local governments to address a wide variety of impacts that could result from a proposed activity.

John Burg
1604 Bennett Avenue
Glenwood Springs

From: Linda Collier <linda.collier0@gmail.com>
Sent: Monday, March 30, 2020 12:06 PM
To: comment@loveglenwood.org
Subject: Mining Standards

It seems to me that strict mining standards should be determined for any future mining in Glenwood Springs. This valley has always been known for its beauty and recreational activity. Since the current mine has not followed the City or County guidance on what mining activities should be allowed, it seems like there is a need for strict and clear guidelines. Future mining activity must be managed if we are to have a tourist industry including preservation of the land around Glenwood Springs. I applaud the effort being taken to regulate what happens on the land.

Linda Collier

jeff.loveglenwood@gmail.com

From: TOM ELDER <groovytrees@comcast.net>
Sent: Tuesday, March 31, 2020 4:24 PM
To: comment@loveglenwood.org
Subject: Fwd: mine

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

From: TOM ELDER <groovytrees@comcast.net>
To: comment@loveglenwood.org
Date: March 31, 2020 at 4:21 PM
Subject: mine

I support the 1041 review process.

Tom Elder
247 N 7th St
New Castle, Co 81647

jeff.loveglenwood@gmail.com

From: Jim Elliott <profjelliott@msn.com>
Sent: Sunday, March 29, 2020 1:32 PM
To: comment@loveglenwood.org
Subject: Garfield County 1041

I support Garfield County's use of the 1041 review process to regulate mining operations and encourage officials to ensure the proposed new standards remain strong.

I also support that if adopted, the Rocky Mountain Industrials limestone mine expansion proposal would have to prove that it could meet these standards. The standards would also apply to other proposed mining operations elsewhere in the county.

I do support that RMI stays in business though I am against the expansion proposal.

Jim Elliott
Glenwood Springs, Colorado

Sent from [Mail](#) for Windows 10

jeff.loveglenwood@gmail.com

From: Christine Interlante <realaspen@comcast.net>
Sent: Sunday, March 29, 2020 2:23 PM
To: comment@loveglenwood.org
Subject: mining review

To P&Z,

I am writing to urge P&Z members to recommend approval of expanding the county's 1041 permit review process to include mining. Please protect our lands.

Thank you

Christie Interlante

From: Steven Kilthau <stevenkilthau@gmail.com>
Sent: Tuesday, March 31, 2020 9:53 AM
To: comment@loveglenwood.org
Subject: Impact

The consequences to the environment, health, protection of any living organisms, destruction of natural wilderness and social/economic impact to anything within a 1 mile, 2mile, 3 mile or 10 mile radius of a mining operation (or other land use) is reason enough to impose strict regulations and adopt new standards to county procedures.

A revised 1041 review process would insure the health, safety and current status of the citizens residing in the community now and in the future.

Thank you
Steven Kilthau

Sent from my iPad

Sent from my iPad

From: Jim Ingraham <capt.jimingraham@gmail.com>
Sent: Saturday, March 28, 2020 3:18 PM
To: comment@loveglenwood.org
Subject: Comments for Garfield County P&Z

To: Garfield County Planning & Zoning Commission

From: James Ingraham, resident of Garfield County

Date: March 27, 2020

Subject: Proposed 1041 Mining Standards

I urge the members of the Garfield County Planning & Zoning Commission to recommend approval of expanding the County's 1041 permit review process to include mining.

The proposed 1041 mining standards are, in my opinion, reasonable and appropriate, both individually and in the aggregate.

Thank you for your consideration of my comments.

jeff.loveglenwood@gmail.com

From: Julie Rippy <jrwgraphics28@gmail.com>
Sent: Monday, March 30, 2020 11:52 AM
To: comment@loveglenwood.org
Subject: Garfield County's use of the 1041 review process

Hi there. Below is a statement we would like submitted to the GarCo P & Z Commission. Thanks!!

Greetings Commissioners. We are writing to voice our support of Garfield County's strong new standards to govern mining operations across the county and the 1041 review process. We feel that the adoption of these standards would help to protect the economy, quality of life, and health/safety of Garfield County residents and businesses.

Please take our support of these new standards into consideration when discussing this important topic that has the potential of greatly affecting all of our futures.

Thank you for your time!

Randy and Julie Rippy

jeff.loveglenwood@gmail.com

From: Gerard VanderBeek <gerardvanderbeek@yahoo.com>
Sent: Sunday, March 29, 2020 2:48 PM
To: comment@loveglenwood.org
Subject: Yes to the 1041 review process

I fully support Garfield County's use of the 1041 review process to regulate mining operations and encourage officials to ensure the proposed new standards remain strong.

Gerry VanderBeek
Glenwood Springs

[Sent from Yahoo Mail on Android](#)

jeff.loveglenwood@gmail.com

From: Sara Sims <sara.sims02@gmail.com>
Sent: Monday, March 30, 2020 1:44 PM
To: comment@loveglenwood.org
Subject: 1041 Review

Hello, as a resident of 456 N Traver Trail, Glenwood Springs, I urge the County Commissioners and the P & Z Commission to use the 1041 Review process in regulating mining operations.

It is of utmost importance that stringent standards are applied to regulating this industry as there is a great deal of concern to our public & environment about mining impacts.

Thank you,

Joe and Sara Sims

Sent from my iPhone

From: kevin <kbwasli@comcast.net>
Sent: Tuesday, March 31, 2020 11:52 AM
To: comment@loveglenwood.org
Subject: Comment concerning the Garfield County's proposed 1041 mining standards

To the Garfield County Commissioners and the Planning and Zoning Commission,
I support the immediate adoption of strong new standards to govern mining operations across our county such as those laid out in the 1041 review process. Garfield County should use the 1041 regulations as allowed by Colorado law to review proposed projects that may impact our local communities.

Thank you,

Kevin A. Wasli
1310 Oak Way Ave
Glenwood Springs, Colorado
81601