



AGENDA
CITY OF GLENWOOD SPRINGS
REGULAR CITY COUNCIL MEETING
AUGUST 20, 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.

Date Time: Aug 20, 2020 03:30 PM Mountain Time (US and Canada)

Topic: 2020/08/20 3:30 pm Work Session and 6:15 pm Regular Council Meeting

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/83962072953>

Or iPhone one-tap :

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Webinar ID: 839 6207 2953

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WORK SESSION

3:30pm	Budget 2021 -Cemetery Trust -Conservation Trust -Fire and EMS -Fire Equipment Replacement -Begin A&I Discussion	Information/Discussion
4:30pm - 5:30pm	Joint Meeting with Housing Commission on Affordable Housing Opportunities on City owned Land	Information/Discussion
Meeting Set-up		

REGULAR SESSION

6:15pm	2. Roll Call	Quorum
	3. Pledge of Allegiance	
	4. Agenda Changes & Conflicts	Information
	5. Citizens Appearing Before Council (for items not on the Agenda-comments limited to 3 minutes)	Information
	6. Council Comments	Information
6:30pm	7. Consent Agenda	Discussion and/or Action
<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.</i>		

- A. Grant of Right of Way Deed
- B. City Council Regular Minutes from June 4th, 2020
- C. Ordinance No. 20, Series of 2020; An Ordinance of the City Council of the City of Glenwood Springs, Colorado, Rezoning Property Owned by Bell Rippy Glenwood, LLC Known as 2710 Blake Avenue, Glenwood Springs Colorado, from Residential High-Density(RH) to Residential Transitional (RT) Zoning (SECOND READING)
- D. First Amended and Restated Glenwood Springs - Roaring Fork School District IGA Regarding the Confluence Area Land Exchange
- E. Resolution 2020-27; A Resolution of the City Council of the City of Glenwood Springs, Colorado, accepting FMLD Grant for Sayre Park Project

ACTIONS AND/OR PRESENTATIONS

6:35pm	8. CONTINUED FROM AUGUST 6, 2020, Ordinance No 21, Series of 2020; An Ordinance of the City Council of the City of Glenwood Springs, Colorado, Amending Section 070.010.070 of the Glenwood Springs Municipal Code Regarding Nonconforming Use Regulations and Section 070.040.020(d)(24) of the Municipal Code Relating to Riparian Setbacks (FIRST READING)	Discussion and/or Action
7:00pm	9. CONTINUED FROM AUGUST 6, 2020 Infrastructure Discussion	Information/Discussion
7:30pm	10. CONTINUED FROM AUGUST 6, 2020, Resolution 2020-26; A Resolution of the City of Glenwood Springs Calling an Election on November 3, 2020 and Certifying a Ballot Issue, Setting the Ballot Title and Content for the Ballot Issue, and Providing Other Matters Relating to the Election.	Discussion and/or Action
7:45pm	11. IGA with Garfield County Clerk to Participate in the November General Election.	Discussion and/or Action
7:50pm	12. Xcel Energy Upgrade Project	Information/Discussion
8:15pm	13. COVID-19 -Face Coverings	Discussion and/or Action
8:20pm	14. CONTINUED FROM AUGUST 6, 2020 CARES Funding Options	Discussion and/or Action
8:35pm	15. CONTINUED FROM AUGUST 6, 2020, 27th Street Pedestrian Grade Separation - Discussion regarding an over or underpass and grant opportunities	Discussion and/or Action
8:50pm	16. 27th Street Landscaping, BD2020-026	Discussion and/or Action
9:00pm	17. CONTINUED FROM AUGUST 6, 2020, Review and adoption of Large and Small Capital Project List and Transportation Vision Statement	Discussion and/or Action
9:20pm	18. Ordinance No 22, Series of 2020; An Emergency Ordinance of the City Council of the City of Glenwood Springs, Colorado Amending Section 080.040.060 of the Municipal Code to Authorize the Issuance of Graduated Penalty Assessment Fines for Violations of any Rule, Regulation to Order Rationing or Limiting Water Use During a Water Shortage (FIRST READING)	Discussion and/or Action
9:30pm	19. Report from City Administration A. City Manager Emergency Declaration Reaffirmation B. City Attorney C. Correspondence Incoming/Outgoing	

9:40pm 20. Adjournment



City Council
STAFF REPORT
City of Glenwood Springs
August 20, 2020

Agenda Item: Budget 2021
-Cemetery Trust
-Conservation Trust
-Fire and EMS
-Fire Equipment Replacement
-Begin A&I Discussion

Action Requested: Discuss draft budgets

Department: Finance

Presented By: Steve Boyd, COO
Debra Figueroa, City Manager

Background Info:

Issues:

Staff Recommendation: N/A

Budget Work Session

20-Aug-20

<u>Fund</u>	<u>Page #</u>
Cemetery Trust	2
Conservation Trust	4
Fire Department	7
Fire Equipment Replacement Fund	10
A&I	13

Budget Detail Info 21001

Account	Account Description	2019 Actual	2020 Budget	2021 Request	Description
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52 CEMETERY - 00060 OTHER

5235060-43510	INTEREST	\$50	\$150	\$50	
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TOTAL 00060 - OTHER		\$50	\$150	\$50	
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52 CEMETERY - 00050 CHARGE FOR SERVICE/FEES

5235050-42427	PERPETUAL CARE FEES	\$1,750	\$1,000	\$1,000	
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TOTAL 00050 - CHARGE FOR SERVICE/FEES		\$1,750	\$1,000	\$1,000	
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		\$1,800	\$1,150	\$1,050	
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Cemetery Trust Fund

	Original Forecast	Current Forecast
2019 Fund Balance		
Beginning Balance	\$50,046	\$50,046
2019 Increase/(Decrease)	<u>\$1,050</u>	<u>\$1,800</u>
Ending Balance	\$51,096	\$51,846
2020 Fund Balance		
Beginning Balance	\$51,096	\$51,846
2020 Increase/(Decrease)	<u>\$1,150</u>	<u>\$1,000</u>
Ending Balance	\$52,246	\$52,846
2021 Fund Balance		
Beginning Balance		\$52,846
2021 Increase/(Decrease)		<u>\$1,050</u>
Ending Balance		\$53,896
 Cash available as of 12/31/2019		 \$51,846

Budget Detail Info 21001

Account	Account Description	2019 Actual	2020 Budget	2021 Request	Description
48 CONSERVATION TRUST - 00040 INTERGOVERNMENTAL					
4835040-42260	LOTTERY FUNDS	\$114,298	\$107,398	\$112,200	
TOTAL 00040 - INTERGOVERNMENTAL		\$114,298	\$107,398	\$112,200	
48 CONSERVATION TRUST - 00060 OTHER					
4835060-43510	INTEREST	\$1,140	\$1,000	\$1,000	
TOTAL 00060 - OTHER		\$1,140	\$1,000	\$1,000	
		\$115,438	\$108,398	\$113,200	

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Budget Detail Info 21001

Account	Account Description	2019 Actual	2020 Budget	2021 Request	Description
48 CONSERVATION TRUST - 000 UNCLASSIFIED/UNDECLARED/UN-USE					
4835-60000	PROJECTS	\$1,123	\$150,000	\$100,000	LoVa Trail Match - Carried over from 2020
				\$100,000	Park Improvements
	TOTAL PROJECTS	\$1,123	\$150,000	\$200,000	
	TOTAL 000 - UNCLASSIFIED/UNDECLARED/UN-USE	\$1,123	\$150,000	\$200,000	
		\$1,123	\$150,000	\$200,000	

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Conservation Trust

	Original Forecast	Current Forecast
2019 Fund Balance		
Beginning Balance	\$120,518	\$120,518
2019 Increase/(Decrease)	<u>\$12,965</u>	<u>\$114,756</u>
Ending Balance	\$133,483	\$235,274
2020 Fund Balance		
Beginning Balance	\$133,483	\$235,274
2020 Increase/(Decrease)	<u>\$8,398</u>	<u>\$107,398</u>
Ending Balance	\$141,881	\$342,672
2021 Fund Balance		
Beginning Balance		\$342,672
2021 Increase/(Decrease)		<u>-\$86,800</u>
Ending Balance		\$255,872
Reserve for LoVa Trail Match		-\$100,000
Reserve for Water Park Carry Forward		<u>-\$50,000</u>
Available Reserves		\$105,872
Cash Balance as of 12/31/2019		\$234,833
Total Revenue		\$113,200
Total Expenses		<u>- \$200,000</u>
Net Change in Fund Balance		- \$86,800

Budget Detail Info 21001

Account	Account Description	2019 Actual	2020 Budget	2021 Request	Description
43 FIRE & EMS FUND - 00070 XFERS					
4300070-44355	TRANSFER FROM MARIJUANA TAX FU	\$75,000	(\$0)	\$100,000	
4300070-44370	TRANSFERS FROM GENERAL FUND	\$2,647,592	\$2,563,126	\$2,769,299	
4300070-44380	TRANSFER FROM RURAL FIRE DISTR	\$774,389	\$759,441	\$780,000	
TOTAL 00070 - XFERS		\$3,496,981	\$3,322,567	\$3,649,299	
43 FIRE & EMS FUND - 00030 PERMITS/LICENSES					
4320030-42130	FIRE PERMITS	\$16,065	\$15,000	\$15,000	
TOTAL 00030 - PERMITS/LICENSES		\$16,065	\$15,000	\$15,000	
43 FIRE & EMS FUND - 00040 INTERGOVERNMENTAL					
4320040-42310	GRANTS	\$49,914	(\$0)	(\$0)	
TOTAL 00040 - INTERGOVERNMENTAL		\$49,914	(\$0)	(\$0)	
43 FIRE & EMS FUND - 00050 CHARGE FOR SERVICE/FEEs					
4320050-42428	AMBULANCE FEES	\$701,056	\$800,000	\$550,000	Net revenue; assumes \$800,000 earned in ambulance fees with \$250,000 adjusted down for mandatory insurance adjustments.
4320050-42429	MEDICARE/MEDICAID ADJUSTMENT	(\$245,175)	(\$0)	(\$0)	
TOTAL 00050 - CHARGE FOR SERVICE/FEEs		\$455,882	\$800,000	\$550,000	
43 FIRE & EMS FUND - 00060 OTHER					
4320060-43510	INTEREST	\$133	(\$0)	\$300	
4320060-43710	CONTRIBUTIONS/DONATIONS	\$200	(\$0)	(\$0)	
4320060-44130	MISCELLANEOUS	\$9,669	(\$0)	\$5,000	
4320060-44140	BAD DEBT RECOVERY	\$19,299	\$20,000	\$20,000	
TOTAL 00060 - OTHER		\$29,301	\$20,000	\$25,300	
		\$4,048,143	\$4,157,567	\$4,239,599	

Budget Detail Info 21001

Account	Account Description	2019 Actual	2020 Budget	2021 Request	Description
43 FIRE & EMS FUND - 133 FIRE & EMS					
43133-51110	REGULAR EMPLOYEES	\$2,004,138	\$2,005,594	\$2,005,594	Fire Chief Fire Marshal Executive Assistant/PIO Fire Battalion Chief (3) Fire Lieutenant (3) Firefighter I/EMT Basic (3) Firefighter I/EMT Paramedic Firefighter II/EMT Basic (2) Firefighter II/EMT Paramedic (6) Firefighter II/Engineer (6)
43133-51120	PART-TIME EMPLOYEES	\$196,160	\$210,000	\$210,000	
43133-51140	OVERTIME	\$139,955	\$138,000	\$138,000	
43133-51210	HEALTH INSURANCE PREMIUMS	\$510,057	\$470,017	\$504,769	
43133-51220	LONG TERM DISABILITY	\$162	\$6,112	\$6,022	
43133-51230	BASIC LIFE INSURANCE	\$289	\$5,157	\$4,854	
43133-51240	FPPA DEATH AND DISABILITY INS	\$1,319	\$49,367	\$1,879	
43133-51250	FICA CONTRIBUTIONS	\$44,972	\$47,689	\$43,881	
43133-51260	RETIREMENT CONTRIBUTIONS	\$138,035	\$150,342	\$134,287	
43133-51265	POLICE/FIRE RETIREMENT CONTRIB	\$160,807	\$156,388	\$143,877	
43133-51270	UNEMPLOYMENT COMPENSATION	\$6,825	\$7,234	\$5,755	
43133-51280	WORKERS' COMPENSATION	\$84,082	\$84,412	\$84,412	
43133-51360	EMPLOYEE ONBOARDING	\$2,788	\$5,000	\$3,500	
43133-51410	UTILITIES	\$46,239	\$46,500	\$46,500	
43133-51610	SUPPLIES			\$6,000	Office supplies
		\$50,700	\$10,600	\$15,000	misc supplies /food for responders
				\$15,000	Other operating supplies and janitorial
				\$15,000	Uniforms
				\$20,000	PPE: wildland, structure, river, hazmat
	TOTAL SUPPLIES	\$50,700	\$10,600	\$71,000	
43133-51710	PROFESSIONAL SERVICES	\$53,268	\$33,100	\$33,100	
43133-51810	MAINTENANCE & REPAIR	\$125,377	\$90,000	\$150,000	
43133-51920	RENT/LEASE - EQUIPMENT	\$790	\$1,900	\$1,900	
43133-52110	PUBLIC NOTICES	\$0	\$0	\$250	
43133-52120	EMPLOYMENT POSTING	\$229	\$500	\$250	
43133-52130	SPECIAL EVENT POSTING	\$0	\$0	\$250	
43133-52140	PROCUREMENT ADVERTISING	\$0	\$500	\$250	
43133-52210	PROFESSIONAL DEVELOPMENT	\$40,437	\$40,000	\$40,000	
43133-52310	MISC. TRAVEL	\$3,303	\$5,000	\$2,500	
43133-52410	PROFESSIONAL DUES AND MEMBERSH	\$2,347	\$4,300	\$3,000	
43133-52420	ORGANIZATIONAL DUES AND MEMBER	\$636	\$900	\$1,200	
43133-52510	GRANTS	\$27,194	\$10,000	\$15,000	

Budget Detail Info 21001

Account	Account Description	2019 Actual	2020 Budget	2021 Request	Description
43133-52610	TECHNOLOGY	\$0	\$0	\$4,000	
43133-52810	OTHER OPERATING EXPENSE	\$7,862	\$27,270	\$15,000	
43133-53230	OTHER CHEMICALS	\$0	\$3,000	\$1,500	
43133-53510	PROPERTY INSURANCE	\$8,252	\$7,000	\$8,500	
43133-53520	LIABILITY AND CASUALTY INSURA	\$16,088	\$27,500	\$22,000	
43133-53710	CONTRIBUTIONS/DONATIONS	\$30,000	\$30,000	\$0	
43133-53820	MEDICAL SUPPLIES	\$30,885	\$38,000	\$38,000	
43133-54110	BAD DEBTS	\$294,892	\$200,000	\$250,000	
43133-54210	COLLECTION EXPENSE	\$20,296	\$27,000	\$25,000	
43133-54310	INTERFUND COST OF SERVICE	\$212,801	\$219,185	\$223,569	

TOTAL 133 - FIRE & EMS	<u>\$4,261,186</u>	<u>\$4,157,567</u>	<u>\$4,239,599</u>
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	\$4,261,186	\$4,157,567	\$4,239,599
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This fund carries no cash balance

Total Revenue	\$4,239,599
Total Expenses	<u>- \$4,239,599</u>
Net Change in Fund Balance	\$0

Budget Detail Info 21001

Account	Account Description	2019 Actual	2020 Budget	2021 Request	Description
70 EMERGENCY SERVICES & EQUIPMENT - 00070 XFERS					
7000070-44370	TRANSFER FROM GENERAL FUND	\$543,580	\$864,917	\$625,000	Assumes 2.5 mills
7000070-44380	TRANSFER FROM RURAL FIRE DISTR	\$272,181	\$300,718	\$160,000	Assumes 2.5 mills
TOTAL 00070 - XFERS		\$815,761	\$1,165,635	\$785,000	
70 EMERGENCY SERVICES & EQUIPMENT - 00030 PERMITS/LICENSES					
7020030-42950	FIRE IMPACT FEES	\$103,185	(\$0)	\$100,000	
TOTAL 00030 - PERMITS/LICENSES		\$103,185	(\$0)	\$100,000	
70 EMERGENCY SERVICES & EQUIPMENT - 00060 OTHER					
7020060-43510	INTEREST	\$23,083	(\$0)	(\$0)	
TOTAL 00060 - OTHER		\$23,083	(\$0)	(\$0)	
		\$942,028	\$1,165,635	\$885,000	

Budget Detail Info 21001

Account	Account Description	2019 Actual	2020 Budget	2021 Request	Description
70 EMERGENCY SERVICES & EQUIPMENT - 134 FIRE EQUIP REPLACEMENT					
70134-59520	CAPITAL OUTLAY	\$61,880	\$1,122,800	\$100,000	Station Facility Improvements; appromately: -\$25,000 4-Mile -\$25,000 Downtown -\$50,000 West Glenwood (includes HVAC)
				\$180,000	NFPA compliant SCBA
				\$46,000	NFPA compliant structural firefighting gear
	TOTAL CAPITAL OUTLAY	\$61,880	\$1,122,800	\$326,000	
TOTAL 134 - FIRE EQUIP REPLACEMENT		\$61,880	\$1,122,800	\$326,000	
		\$61,880	\$1,122,800	\$326,000	

Fire Equipment Replacement

	Original Forecast	Current Forecast
2019 Fund Balance		
Beginning Balance	\$1,014,698	\$1,014,698
2019 Increase/(Decrease)	<u>\$51,585</u>	<u>\$880,148</u>
Ending Balance	\$1,066,283	\$1,894,846
2020 Fund Balance		
Beginning Balance	\$1,066,283	\$1,894,846
2020 Increase/(Decrease)	<u>\$42,835</u>	<u>\$840,000</u>
Ending Balance	\$1,109,118	\$2,734,846
2021 Fund Balance		
Beginning Balance		\$2,734,846
2021 Increase/(Decrease)		\$559,000
Ending Balance		<u>\$3,293,846</u>
Cash Balance as of 12/31/2019		\$1,894,846
Total Revenue		\$885,000
Total Expenses		<u>- \$326,000</u>
Net Change in Fund Balance		\$559,000

Budget Detail Info 21001

Account	Account Description	2019 Actual	2020 Budget	2021 Request	Description
33 ACQUISITION & IMPROVEMENTS - 00020 TAXES					
3300020-41210	GENERAL SALES TAX	\$5,078,627	\$5,109,938	\$4,598,944	
3300020-41310	USE TAX	\$315,983	\$240,000	\$200,000	
TOTAL 00020 - TAXES		\$5,394,610	\$5,349,938	\$4,798,944	
33 ACQUISITION & IMPROVEMENTS - 00060 OTHER					
3300060-41220	AUDIT REVENUE	\$34,434	\$25,000	\$20,000	
3300060-42310	GRANTS			\$5,839,542	Build Grant and County
		\$3,856,061	\$595,000	\$1,040,000	LoVa Grants and external funding
				\$1,783,908	South Bridge Earmark Reimbursement
				\$100,000	CARES reimbursement
	TOTAL GRANTS	\$3,856,061	\$595,000	\$8,763,450	
3300060-42420	CREDIT CARD CONVENIENCE FEES	\$596	(\$0)	(\$0)	
3300060-43510	INTEREST	\$510,729	\$145,000	\$150,000	
3300060-43650	MISCELLANEOUS LEASE	\$500	(\$0)	(\$0)	
3300060-43710	CONTRIBUTIONS/DONATIONS	\$3,410	(\$0)	(\$0)	
3300060-43910	COST REIMBURSEMENTS	\$850,000	(\$0)	(\$0)	
3300060-44110	SALE OF ASSETS	(\$0)	\$1,260,000	(\$0)	
3300060-44130	MISCELLANEOUS	\$30	(\$0)	(\$0)	
3300060-44210	BOND PROCEEDS	\$12,200,000	(\$0)	(\$0)	
TOTAL 00060 - OTHER		\$17,455,759	\$2,025,000	\$8,933,450	
33 ACQUISITION & IMPROVEMENTS - 00070 XFERS					
3300070-44310	TRANSFER FROM CAPITAL PROJECTS	(\$0)	\$68,000	(\$0)	
3300070-44330	TRANSFER FROM OTHER FUNDS	\$134,000	\$100,000	(\$0)	
3300070-44385	TRANSFER FROM WA/SW	\$725,000	(\$0)	(\$0)	
3300070-44390	TRANSFER FROM ELECTRIC	\$130,000	(\$0)	(\$0)	
TOTAL 00070 - XFERS		\$989,000	\$168,000	(\$0)	
		\$23,839,369	\$7,542,938	\$13,732,394	

Budget Detail Info 21001

Account	Account Description	2019 Actual	2020 Budget	2021 Request	Description
33 ACQUISITION & IMPROVEMENTS - 999 INTERFUND TRANSFERS					
33999-55980	TRANSFER TO OTHER FUNDS	\$3,145,223	\$1,540,000	\$1,000,000	Community Center
				\$200,000	Parks Maintenance Transfer
				\$120,000	EHOP Transfer
				\$100,000	Special Events
	TOTAL TRANSFER TO OTHER FUNDS	\$3,145,223	\$1,540,000	\$1,420,000	
	TOTAL 999 - INTERFUND TRANSFERS	\$3,145,223	\$1,540,000	\$1,420,000	
33 ACQUISITION & IMPROVEMENTS - 000 UNCLASSIFIED/UNDECLARED/UN-USE					
3310-60000	PROJECTS	\$40	\$0	\$0	
	TOTAL 000 - UNCLASSIFIED/UNDECLARED/UN-USE	\$40	\$0	\$0	
33 ACQUISITION & IMPROVEMENTS - 300 A&I GENERAL GOVERNMENT					
33300-51410	UTILITIES	\$27,842	\$0	\$0	
33300-51710	PROFESSIONAL SERVICES	\$88,024	\$22,500	\$0	
33300-52510	GRANTS	\$164,672	\$177,213	\$22,500	Sustainable Strategies
				\$159,491	FAB Grants - 10% Decrease
	TOTAL GRANTS	\$164,672	\$177,213	\$181,991	
33300-52710	CREDIT CARD FEES	\$1,663	\$0	\$0	
33300-52810	OTHER OPERATING EXPENSE	\$0	\$50,000	\$0	
33300-52820	TIF TO DDA	\$207,172	\$169,922	\$81,081	
33300-52825	ECONOMIC INCENTIVE REBATE	\$37,034	\$50,000	\$27,028	
33300-53710	CONTRIBUTIONS/DONATIONS	\$12,500	\$97,500	\$25,000	LoVa Operations
				\$60,000	Historical Museum
				\$12,500	Reudi Aquatics
	TOTAL CONTRIBUTIONS/DONATIONS	\$12,500	\$97,500	\$97,500	
33300-54310	INTERFUND COST OF SERVICE	\$305,392	\$314,554	\$320,845	
33300-54710	ROUTINE MAINTENANCE	\$22,990	\$0	\$0	
	TOTAL 300 - A&I GENERAL GOVERNMENT	\$867,290	\$881,689	\$708,445	
33 ACQUISITION & IMPROVEMENTS - 000 UNCLASSIFIED/UNDECLARED/UN-USE					

Budget Detail Info 21001

Account	Account Description	2019 Actual	2020 Budget	2021 Request	Description
3330-60000	PROJECTS	\$14,851,322	\$3,371,456	\$500,000	27th Street Over/ Underpass Total project estimate: 10,000,000 Total current grants (MMOF,TAP, CDOT, RFTA) \$7.4M Current grant requests (GCFMLD, DOLA) \$2M City matching funds \$500,000
				\$9,883,585	South Midland Reconstruction -Projected 2021 total expenses including construction, construction management and public information \$9,883,584.66
					Total Grant Funds for the project overall include BUILD,Garfield County, DOLA - \$8,009,312.00. 66.7 % of the total grant funding will be requested in 2021.
					Estimated City contribution for 2021: \$4,541,373.56
				\$2,300,993	South Bridge Completion of design, right of way and additional public outreach.
					2021 expenditures are estimated to be: Design and ROW process: \$1,244,123.30
					2021 ROW estimated purchase: \$1,056,869.80
					Total \$2,300,993.10
					The project is partially funded by a Federal Earmark. The Federal Earmark covers 80% of the design invoices we receive for the project. We currently have \$4,635,347.50 remaining. It will cover \$446,770 of the right of way expenses.
					The City match required for these expenses in 2021 is estimated to be \$1,311,868.66
				\$500,000	Acquisitions and Improvements Fund Contingency
				\$1,200,000	2021 LoVa trail extension
					Total cost: \$1,200,000 Grant revenue: GCFMLD \$700,000 RFTA \$175,000 Garfield County \$150,000 Town of New Castle \$15,000
					City matching funds A&I obligation \$160,000
TOTAL PROJECTS		\$14,851,322	\$3,371,456	\$14,384,578	
TOTAL 000 - UNCLASSIFIED/UNDECLARED/UN-USE		\$14,851,322	\$3,371,456	\$14,384,578	

33 ACQUISITION & IMPROVEMENTS - 301 A&I PUBLIC WORKS

33301-54710	ROUTINE MAINTENANCE	\$20,076	\$0	\$0
TOTAL 301 - A&I PUBLIC WORKS		\$20,076	\$0	\$0

33 ACQUISITION & IMPROVEMENTS - 000 UNCLASSIFIED/UNDECLARED/UN-USE

3335-60000	PROJECTS	\$1,164,576	\$2,632,331	\$0
3335-61000	DEPARTMENT PROJECTS	\$0	\$0	\$50,000
				Trail System Maintenance, River clean-up. Was in Other Operating Expense in 2020.
TOTAL 000 - UNCLASSIFIED/UNDECLARED/UN-USE		\$1,164,576	\$2,632,331	\$50,000

Budget Detail Info 21001

Account	Account Description	2019 Actual	2020 Budget	2021 Request	Description
33 ACQUISITION & IMPROVEMENTS - 302 A&I CULTURE & RECREATION					
33302-54710	ROUTINE MAINTENANCE	\$90,846	\$0	\$0	
TOTAL 302 - A&I CULTURE & RECREATION		<u>\$90,846</u>	<u>\$0</u>	<u>\$0</u>	
33 ACQUISITION & IMPROVEMENTS - 303 A&I DEBT SERVICE					
33303-53910	PRINCIPAL - BONDS	\$0	\$175,000	\$1,335,000	
33303-53930	INTEREST - BONDS	\$638,013	\$1,775,000	\$642,635	
33303-53950	ISSUANCE COSTS	\$94,317	\$0	\$0	
33303-53960	ADMIN SERVICE FEES	\$1,200	\$0	\$0	
33303-53970	ARBITRAGE COMPLIANCE	\$0	\$1,000	\$0	
TOTAL 303 - A&I DEBT SERVICE		<u>\$733,530</u>	<u>\$1,951,000</u>	<u>\$1,977,635</u>	
		\$20,872,902	\$10,376,476	\$18,540,658	

A&I Fund

	Original Forecast	Current Forecast
2019 Fund Balance		
Beginning Balance	\$14,353,251	\$14,353,251
2019 Increase/(Decrease)	<u>\$1,984,556</u>	<u>\$2,872,554</u>
Ending Balance	\$16,337,807	\$17,225,805
2020 Fund Balance		
Beginning Balance	\$16,337,807	\$17,225,805
2020 Increase/(Decrease)	<u>(\$5,682,751)</u>	<u>(\$4,128,071)</u>
Ending Balance	\$10,655,056	\$13,097,734
2021 Fund Balance		
Beginning Balance		\$13,097,734
2021 Increase/(Decrease)		<u>(\$4,808,264)</u>
Ending Balance		\$8,289,470
Bond Reserve		(\$1,980,388)
South Bridge		(\$750,000)
6th Street Reserve		(\$1,750,000)
Theatre Reserve		(\$704,112)
FAB Grant Reserve		(\$10,307)
Bond Funds Remaining		\$0
A&I Contingency		<u>(\$3,000,000)</u>
Available Reserves		\$94,663
Cash Balance as of 12/31/2019		\$15,931,095
Total Revenue		\$13,732,394
Total Expenses		<u>- \$18,540,658</u>
Net Change in Fund Balance		- \$4,808,264



City Council
STAFF REPORT
City of Glenwood Springs
August 20, 2020

Agenda Item:	Joint Meeting with Housing Commission on Affordable Housing Opportunities on City owned Land
Action Requested:	Discussion of affordable housing opportunities on City owned properties, and direction for the Housing Commission about how to proceed.
Department:	Economic and Community Development
Presented By:	Hannah Klausman, Senior Planner Gretchen Ricehill, Assistant Director of Economic and Community Development Trent Hyatt, Senior Planner Jennifer Ooton, Assistant City Manager Matthew Langhorst, Public Works Director
Background Info:	The City of Glenwood Springs owns 119 pieces of property either within the City of Glenwood Springs, or near to the City boundaries in Garfield County. Council asked staff to take a preliminary look at which of those parcels are usable property, and for discussion purposes in March brought an analysis of all of those properties to Council. The discussion in March focused on properties that had any development potential. Attached to this staff report is a City map with all parcels outlined in green and labelled on the map in green text from March. From there, staff delved deeper into nine properties, providing information about development potential, density and constraints on those individual parcels. That information is attached in a spreadsheet called City Property Full Analysis List. The Housing Commission at its August 12, 2020, meeting reviewed the information and is recommending Council consider developing a model/pilot affordable housing project on one of two properties (Iddings, 8th & Midland). Additional information for those two properties is also attached. Development of a model project on these sites could begin with a site plan with potential building and parking layouts.
Issues:	Funding has not been identified for developing site layouts. Additional partners would likely need to be identified and engaged to fully explore a model project on one of these sites.
Staff Recommendation:	Staff defers to Council.

Name	Property Address	PIN	Acres	# of Units	Zone	Distance to Transit	Public Vote
8th and Midland		218509300002	0.4	7	RH- High Density	0.25 mile	No
Iddings Property		218527200003	0.8	14	RH- High Density	1.75 miles	No
West Glenwood Estates		211934422026	5.75	12	HP- Hillside	0.5 mile	Yes
Glenwood Meadows Tract D		218505338017	3.9	10	HP- Hillside	0.25 mile	Yes
North Landing	300 6TH STREET	218509100019	0.34	50	CO- Commercial	0.2 mile	No
Confluence		218509200018	3.8		LI- Light Industrial	0.2 mile	
Vogelaar Park							
Ballard Property	1201 Riverside Drive	218509400009	1.2		CO- Commercial		No
Raymond Property	1351-1401 Riverside Drive	218516100035	2.96	10 (subdivision)	RM1- Medium Density	0.4	No
Lone Pine Property	1601 Riverside Drive	218516100039	10		RM1- Medium Density		

PROPERTY: #110 Former Iddings Property

Category

Property Designation	
Requires Public Vote?	No
Land Square Feet	35,332 square feet
Zoning	RH Residential High Density
Lot Standards, Minimum	
	Lot area, single-family detached (sq ft)
	Lot area, attached dwellings sharing common wall (sq ft)
	Landscaped area (for multifamily dwellings) (%)
Setbacks, Minimum	
	Front (from arterial streets) (ft)
	Front (from other streets) (ft)
	Side (ft)
	Rear (ft)
Building Height Maximum	
Density Opportunity	2,250 per unit
Slope	Steep slopes (southwestern approx. 1/3)
Geo Hazards	Hydrocompactive Soils
Distance to Transit	1.75 miles
Access	Midland Avenue





Opportunity

Building Envelope of 17,000 sqaure feet
4500 square feet
2,250 per unit
20
15
10
5
10
40
(35,332/2250) 15 Max. Units
Front 24-31 feet subject to road easement, shared with Card



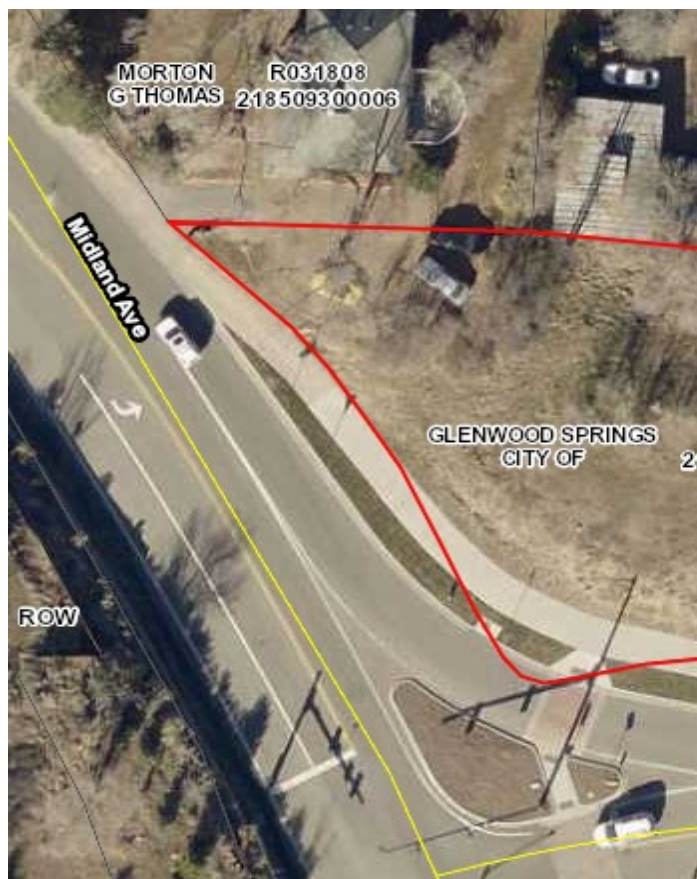


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PROPERTY:

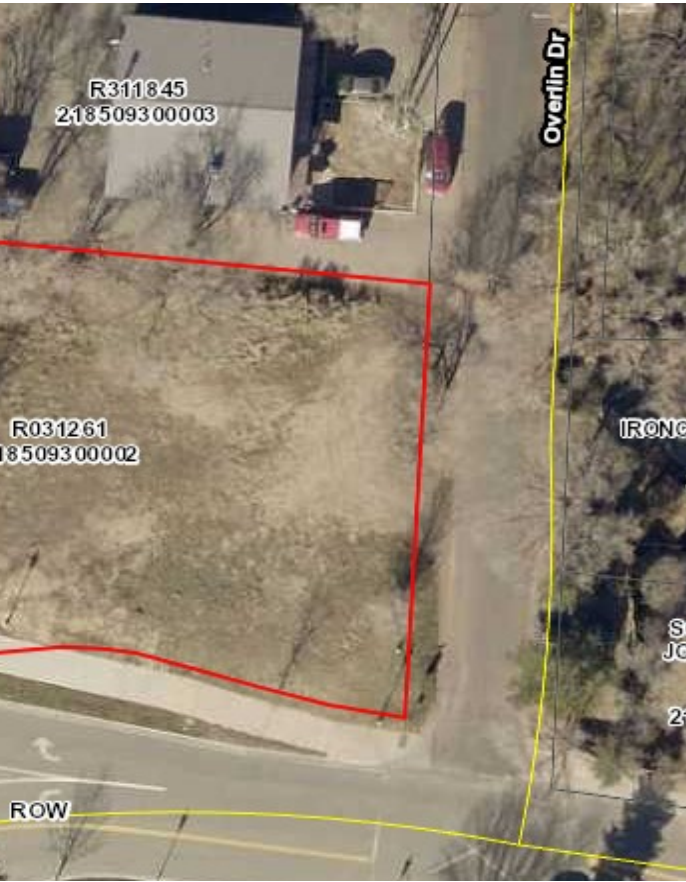
Category	
Property Designation	
Requires Public Vote?	No
Land Square Feet	17,400 square feet
Zoning	RH Residential High Density
Lot Standards, Minimum	
	Lot area, single-family detached (sq ft)
	Lot area, attached dwellings sharing common wall (sq ft)
	Landscaped area (for multifamily dwellings) (%)
Setbacks, Minimum	
	Front (from arterial streets) (ft)
	Front (from other streets) (ft)
	Side (ft)
	Rear (ft)
Building Height Maximum	
Density Opportunity	2,250 per unit
Slope	Under 20%
Geo Hazards	
Distance to Transit	1/4 Mile (1300 feet)
Access	Cowdin Drive





Opportunity

Building Envelope of 11,000 square feet
Highest Residential Zone density
4500 square feet
2,250 per unit
20
15
10
5
10
40
(17,400/2250) 7.73 7 Units Possible





Constraint

Challenging intersection with existing access to Cowdin Drive





PROPERTY: North Landing, Grand Ave Bridge ROW remainder

Category	
Property Designation	
Requires Public Vote?	No
Land Square Feet	15,028 square feet
Zoning	CO Commercial
Lot Standards, Minimum	
	Lot area, single-family detached (sq ft)
	Lot area, attached dwellings sharing common wall (sq ft)
	Landscaped area (for multifamily dwellings) (%)
Setbacks, Minimum	
	Front (from arterial streets) (ft)
	Front (from other streets) (ft)
	Side (ft)
	Rear (ft)
Building Height Maximum	
Density Opportunity	2,250 per unit
Slope	
Geo Hazards	
Distance to Transit	0.20 miles
Access	

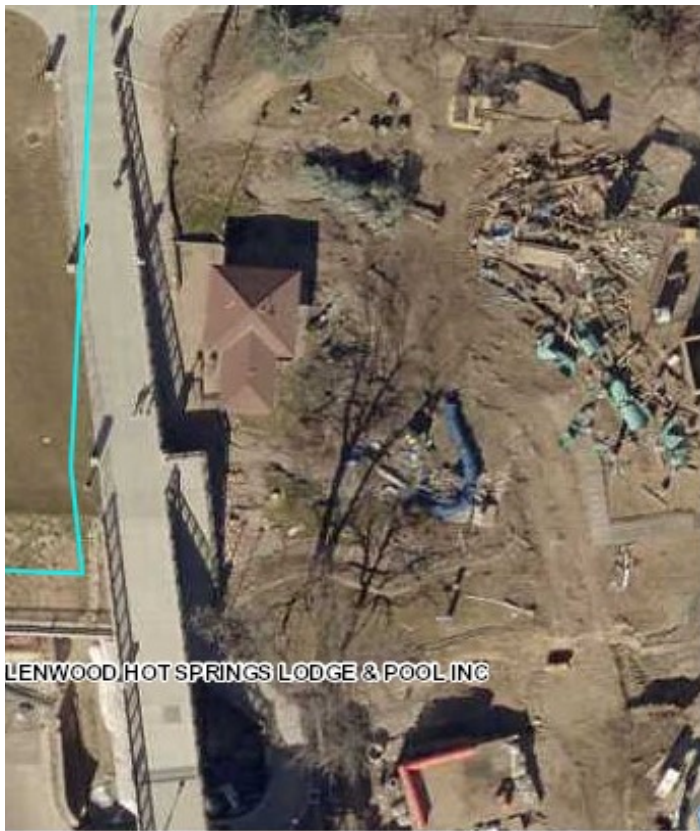




Opportunity

Building Envelope of 12,500 square feet
N/A
N/A, 1 per 300 square feet reasonable = 50 units
20
5, Max 60
5, Max 40
5
7.5
40
N/A, 1 per 300 square feet reasonable = 50 units





Constraint

Would require expensive underground parking, min. \$100K in utility relocations

Rezoning to M2 could eliminate

Rezoning to M2 or M3 could allow up to 60 feet

PROPERTY: West Glenwood Estates, Tract A

	Category	Opportunity
Property Designation	Open Space	5.747 acres
Requires Public Vote?	Yes	
Setback		15' front; 5' side & 15' rear
Zoning	HP-Hillside Preservation	Single family, duplex and townhouse are special review uses
Density Opportunity	12 units	12 units
Slope		Property has about 71,990 sf (1.653 ac) of area with slopes less than 20%;
Geo Hazards		
Distance to Transit	1/2 Mile, approx	
Access	No	

Constraint

Property designated open space by West Glenwood Estates plat, filed R#582231. Open space is considered part of the city's park inventory, per Municipal Code 090.030.010.
Per Colorado Statute, disposal of parkland required a public vote.
Multifamily is not allowed in the HP zoning district.
Zoning restricts density to 1 unit / 5000 sf. Slope also limits density. Areas under 20% slope amount to about 1.653 acres. The estimated building envelope is about 1.5 acres. Single family, Duplex and townhouse development would require subdivision. Approximately 6 lots could be created.
Remainder of property, 4.1 acres, has slopes over 20%, with most over 30%
Hydrocompactive soil hazards may be present based on geohazard report for Lot 13, West Glenwood Estates to the south of this property. According to the Lot 13 report, this property likely not subject to debris flow, rockfall or sink hole hazards. Several minor faults are in the vicinity.
No current direct access to the buildable section of this property. Access will need to be created over areas with slopes in excess of 30%

PROPERTY: #83 Former Raymond Property 351-401 Riverside

Category	
Property Designation	
Requires Public Vote?	No
Land Square Feet	128,937 square feet/2.96 acres
Zoning	RM1 Residential Medium Density
Lot Standards, Minimum	
	Lot area, single-family detached (sq ft)
	Lot area, attached dwellings sharing common wall (sq ft)
	Landscaped area (for multifamily dwellings) (%)
Setbacks, Minimum	
	Front (from arterial streets) (ft)
	Front (from other streets) (ft)
	Side (ft)
	Rear (ft)
Building Height Maximum	
Density Opportunity	3,750 per unit
Slope	
Geo Hazards	
Distance to Transit	0.40 miles
Access	

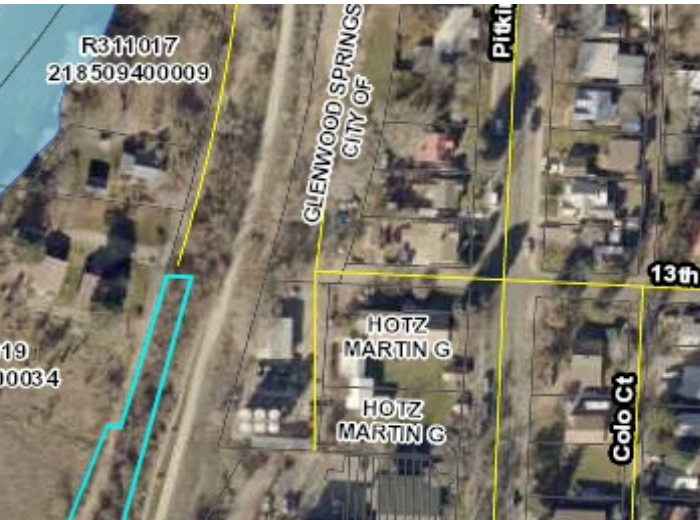




Drive

Opportunity

Building Envelope of 44,365 square feet/1.02 acres
6,000 square feet
7,500 per unit
20
30
20
5
15
27
2 units per lot with SUP





Constraint

limited to two-family dwelling

Maximum 10 but 5 lot subdivison required, utility connection difficult due to RFTA crossing	
Subject to riparian setback	
Legal status uncertain	

PROPERTY: Lone Pines, Parcel #□218516100039, 1601 Riverside Dr

Category

Property Designation	City Owned Land Property was purchased in 2001 with intent for future development along existing transportation corridor
Requires Public Vote?	No
Zoning	RM1 Residential Medium Density
Lot Standards, Minimum	
	Lot area, single-family detached (sq ft)
	Lot area, attached dwellings sharing common wall (sq ft)
	Landscaped area (for multifamily dwellings) (%)
Setbacks, Minimum	
	Front (from arterial streets) (ft)
	Front (from other streets) (ft)
	Side (ft)
	Rear (ft)
Building Height Maximum	
Setback	Front (arterial N/A): 30' Front: 20' Side: 5' Rear: 15'
Density Opportunity	Single Family housing
Slope	Areas of slope >30%
Geo Hazards	Slight Hazard area
Distance to Transit	0.21 miles
Utilities	Present

Access	No
--------	----



cive

Opportunity

10.104 acres
Single family by use ADU by use Comprehensive Plan lists future use as Single Family Residential
6,000 square feet
7,500 per unit
20
30
20
5
15
27
Approximately 259,626 square feet Single Family Zoning lot minimum = 6,000 sf Approximately 43 Single Family Units Two-Family Lot Minimum = 7,500 sf Approximately 34 lots for a total of 68 units *Both scenarios would require subdivision
More gentle slopes in middle of property In general, property slopes towards river
Slight hazard area
Utilites present (electric, gas, water)



Constraint

Comprehensive Plan designates as Single Family Residential
Multi-family, townhouses, mobile home park not allowed Two-Family dwelling requires Special Use Permit
limited to two-family dwelling
No improvement shall be placed within a 30 foot setback horizontally from the high water mark of any river or live stream

Total number of units allowed would depend on total buildable area after accounting for slope and flood plain areas and other site constraint
Area of slope > 30% on west edge of property along river and east edge of property along the Rio Grande Trail

Existing agreement to cross the RFTA right-of-way does not specifically reference the Lone Pine property. Any future access would have to be re-negotiated with RFTA.

PROPERTY: Glenwood Meadows, Filing 2, Tract D

	Category	Opportunity
Property Designation	Open Space	3.896 acres
Requires Public Vote?	Yes	
Setback		15' front; 5' side & 15' rear
Zoning	HP-Hillside Preservation	Single family, duplex and townhouse are special review uses
Density Opportunity	9-10 units	Comprehensive Plan lists future use as Single Family Residential
Slope		The majority of the property has a slope less than 20%.
Geo Hazards	Moderate/Severe	Soil hazards and proper mitigation techniques are well known in the Meadows area.
Distance to Transit		0.25 miles, approx (measured via existing sidewalk/path)
Access	No	No current direct access however, buildable portion of the property is located immediately adjacent to Wulfsohn Rd.





Constraint

Property designated open space by Glenwood Meadows annexation and development agreement. Open space is considered part of the city's park inventory, per Municipal Code 090.030.010. The entire property appears to be identified as a drainage basin on the Glenwood Meadows Master Drainage Plan requiring consideration of if/how development would impact drainage for this western portion of the Meadows.

Per Colorado Statute, disposal of parkland required a public vote.

Multifamily is not allowed in the HP zoning district.

Zoning restricts density to 1 unit/5000 sf. Drainage restricts buildable area to the upper area adjacent to Wulfsohn Road, amounting to about 46,990 square feet. Single family, duplex and townhouse development would require division of the property into separate lots.

Severe soil hazards





PROPERTY: 1201 Riverside Drive/Ballard Parcel

	Category	Opportunity
Property Designation	Previously single-family house. Vacant	2.66 acres
Requires Public Vote?	Not likely.	
Land Square feet	2.6 Acres	Building Envelope of 19,000 Sq Ft
Zoning	CO - Commercial	CO District <i>Dimensional Standards</i> Lot area (sq ft) - None Landscaped area - (%) 10 Building height (ft) 40
Lot Standards, Minimum		
	Lot area, single-family detached (sq ft)	4500 square feet
	Lot area, attached dwellings sharing common wall (sq ft)	2,250 per unit
	Landscaped area (for multifamily dwellings) (%)	20
Setbacks, Minimum		
	Front (from arterial streets)	15
	Front (from other streets)	10
	Side (ft)	5
	Rear (ft)	10
Density Opportunity		All housing types are allowed - including multi-family, townhouse, single-family, duplex Roughly 0.4 acres of developable land (19,000 sq. ft)
Slope	See attached Picture	Approximately 1.2 acres is the flat uplands portion of the property - much of the lot has an average of greater than 30% slope.

Geo Hazards		
Distance to Transit	Approx. 4 blocks to Grand Ave/11th stop	
Access	Over the RFTA ROW	
Other	The City and the School District in 2016 entered into an agreement	





Constraint

Believe this was purchased with street tax funds. Minutes 12/06/01 CC Meeting attached. Building was torn down xxx.
A new building with a height that exceeds that of an adjacent existing dwelling by one story or more shall provide a transition

The majority of the property is within the 100-yr flood plain, according to the appraisal. According to mapping, most is in AE Floodway and A zone.

Apparently the ROW within Reception NO. 42717 is good for the Waters and Raymond properties, but not the Ballard property which is not in Section 16. So that could solve two crossing issues, but does not help people get through or off of the rail corridor property.

t for the City to take possession of approximately half of

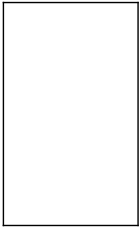




Category

Property Designation	6F - The City and the School District in 2016 entered into an agreement for the City to take possession of approximately half of the 4.7 acre Vogelaar Park site. The two entities are in the process of converting the Vogelaar Park 6F designation to another site. Federal law requires 6F parkland remain permanently dedicated to outdoor recreation unless the designation can be shifted to another equivalent property.
Requires Public Vote?	Not owned by the City
Setback	Front, max (from artichard) (ft) - 60 Front, max (from other streets) (ft) - 40 Side, min (ft) - 5 Rear, with alley, min (ft) - 10 Rear, without alley, min (ft)- 7.5
Zoning	CO District
Density Opportunity	Several options were considered in 2017 Confluence Plan (see attached)
Slope	Only a small portion of the area has a slope of greater than 20 or 30% (along 8th Street)
Geo Hazards	CS, HC 3 on geohazards map
Distance to Transit	1 block to HGB spot at City Hall/County Compl
Access	On 8th Street and School street. Anticipates the extension of Defiance south.
Assumptions/Other Notes	This parcel has been identified as being developed in conjunction with the larger Confluence/8th Street Crossing Development. The parcel would also need to be replatted with the land swap. (See map labeled 20 _ GWS-RE-1 IGA Land Swap Exhibit B)

Opportunity	Constraint
elimination of certain federal capital gains when they are invested into long-term investments within the Opportunity Zones areas through an Opportunity Fund. https://choosecolorado.com/opportunity-zones/ and https://eig.org/opportunityzones/resources	release of the Section 6(f) designation from the School District Property. In order to satisfy the U.S. Department of Interior's requirement to designate another parcel for recreational purposes of like size and value to the Park, the School District and City each intend to designate new recreation areas approximately one-half the size and value of the Park.
<i>Dimensional Standards</i> Lot area (sq ft) - None Landscaped area - (%) 10 Building height (ft) 40	stones as a possible height for the new buildings on the Vogelaar Park site. The maximum height in both the CO-General Commercial and ILLight Industrial Zone Districts (other portions of the 8th Street Crossing/Confluence area) is 40 feet.
All housing types are allowed - including multi-family, townhouse, single-family, duplex	
ex	

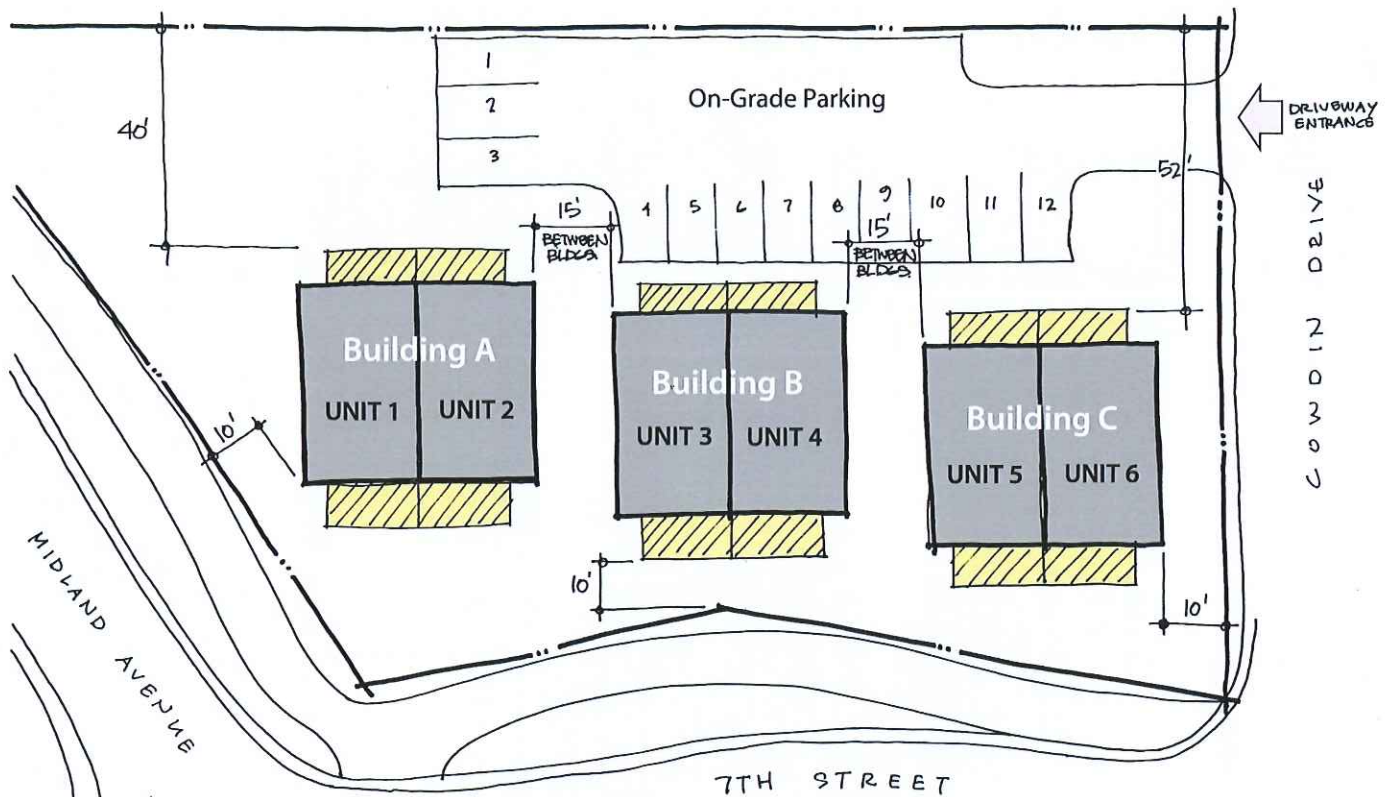




SITE LOCATION MAP

GLENWOOD SPRINGS AFFORDABLE HOUSING
SEVENTH STREET & MIDLAND AVENUE PROPERTY

NO NAME
ARCHITECTS



CONCEPTUAL SITE PLAN

GLENWOOD SPRINGS AFFORDABLE HOUSING

SEVENTH STREET & MIDLAND AVENUE PROPERTY

February 2, 2016

■ **NO NAME** ■
ARCHITECTS

IMPROVEMENT SURVEY PLAT:
IDDINGS PROPERTY

SITUATED IN SECTION 27, TOWNSHIP 6 SOUTH, RANGE 89 WEST OF THE 6TH PRINCIPAL MERIDIAN
COUNTY OF GARFIELD, STATE OF COLORADO.

SHEET 1 OF 1

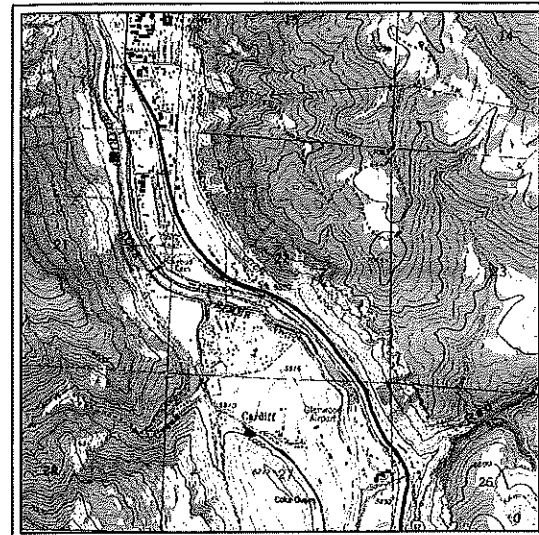
MONUMENT LEGEND

- CADASTRAL CORNER
- INDICATES FOUND MONUMENT-L.S. 27613
- ⊙ INDICATES FOUND MONUMENT-NO. 5 REBAR, NO CAP

EXISTING LEGEND

- EXISTING GAS
- EXISTING UNDERGROUND ELECTRIC
- EXISTING WATER VALVE
- EXISTING LIGHT POLE
- EXISTING SIGN
- EXISTING ELECTRIC MANHOLE
- DECIDUOUS TREE
- CONIFEROUS TREE

LINE TABLE		
LINE	LENGTH	BEARING
L7	3.14'	N 35°32'24" E
L8	21.50'	N 31°01'11" E
L9	49.90'	N 71°46'35" E
L10	78.27'	S 85°01'33" E
L11	108.63'	S 75°19'23" E
L12	58.83'	S 69°54'43" E



VICINITY MAP
SCALE: 1" = 2000'

PROPERTY DESCRIPTION
(SEE NOTE NO. 4)

A PARCEL OF LAND SITUATED IN THE NE1/4NW1/4 OF SECTION 27, TOWNSHIP 6 SOUTH, RANGE 89 WEST OF THE SIXTH PRINCIPAL MERIDIAN BEGINNING AT A POINT WHENCE THE NORTH QUARTER CORNER OF SAID SECTION BEARS N 41° 45' E, 1394 FEET; THENCE S. 28° 47' W. 80 FEET; THENCE S. 61° 13' E. 300 FEET; THENCE N. 28° 47' E. 50 FEET; AND THENCE N 61° 13' W. 300 FEET TO THE PLACE OF BEGINNING.

LESS AND EXCEPT THAT PARCEL OF LAND DESCRIBED IN DEED RECORDED APRIL 16, 2002 IN BOOK 1346 AT PAGE 674AT RECEPTION NO. 601425

TOGETHER WITH THAT PARCEL OF LAND DESCRIBED IN DEED RECORDED APRIL 16, 2002 IN BOOK 1346 AT PAGE 673AT RECEPTION NO. 601424

COUNTY OF GARFIELD, STATE OF COLORADO

NOTES

- 1) DATE OF SURVEY: MARCH 20 & 24, 2018.
- 2) DATE OF PREPARATION: MARCH, 2018.
- 3) LINEAR UNITS: THE LINEAR UNIT USED IN THE PREPARATION OF THIS PLAT IS THE U.S. SURVEY FOOT AS DEFINED BY THE UNITED STATES DEPARTMENT OF COMMERCE, NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.
- 4) BASIS OF BEARING: A BEARING OF S 08°43'24" E ALONG EASTERLY RIGHT-OF-WAY OF FOUR MILE ROAD (COUNTY RD. 117) BETWEEN TWO FOUND REBARS AND PLASTIC CAPS (L.S. 27613). THIS IS CONSISTENT WITH THE MONUMENTED LAND AND IMPROVEMENT SURVEY REFERENCED IN NOTE NO. 6. THEREFORE THIS SURVEY HAS BEEN ROTATED 01°06'56" CLOCKWISE FROM THE DEEDS OF RECORD/TITLE DESCRIPTION AND COUNTER-CLOCKWISE 01°11'10" FROM THE CITY OF GLENWOOD SPRINGS DATUM BASED ON A BEARING OF N 68°28'00" W ON THE CENTERLINE OF THE 8TH STREET RIGHT-OF-WAY.
- 5) THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY SOPRIS ENGINEERING, LLC (SE) TO DETERMINE OWNERSHIP OR EASEMENTS OF RECORD. FOR ALL INFORMATION REGARDING EASEMENTS, RIGHTS OF WAY AND/OR TITLE OF RECORD, SE RELIED UPON THE PROPERTY INFORMATION BINDER PREPARED BY LAND TITLE GUARANTY COMPANY, ORDER NO. ABS83012620, DATED MARCH 28, 2018 AND DOCUMENTS AND PLATS OF RECORD AS SHOWN IN THE SOURCE DOCUMENTS, HEREON.
- 6) BASIS OF ELEVATION: THE NAVD 1986 BENCHMARKS PER THE MONUMENTED LAND AND IMPROVEMENT SURVEY PREPARED BY SURVCO, DATED JANUARY 31, 2007 AS JOB NO. 07.003. THIS ESTABLISHED TWO SITE BENCHMARKS, SHOWN ON PAGE 1.
- 7) CONTOUR INTERVAL: ONE (1) FOOT.
- 8) THE SUBJECT PROPERTY IS SUBJECT TO A RIGHT-OF-WAY FOR WATER PIPE LINES SERVING THE TOWN OF CARBONDALE PER THE DOCUMENT RECORDED DECEMBER 9, 1907 IN BOOK 67 AT PAGE 823. NO LOCATION FOR THE RIGHT-OF-WAY OR WATER PIPE LINES IS DESCRIBED IN SAID DOCUMENT.
- 9) THE SUBJECT PROPERTY IS SUBJECT TO A RIGHT-OF-WAY AND EASEMENT FOR WATER PIPE LINES SERVING THE CITY OF GLENWOOD SPRINGS PER THE DOCUMENT RECORDED MARCH 19, 1952 IN BOOK 263 AT PAGE 385. NO LOCATION FOR THE RIGHT-OF-WAY OR WATER PIPE LINES IS DESCRIBED IN SAID DOCUMENT.

SOURCE DOCUMENTS:

- PLAT-SILVER SAGE PRESERVE P.U.D. (REC. NO. 895016)
- PLAT-KINGDOM HALL SUBDIVISION (REC. NO. 601233)
- SURVEY-IMPROVEMENT SURVEY-SURVCO, DATED 01/31/2007 (UNRECORDED)
- EASEMENT AGREEMENT (REC. NO. 858579)

ALL OF THE GARFIELD COUNTY, COLORADO RECORDS-UNLESS OTHERWISE NOTED.

IMPROVEMENT SURVEY PLAT

I, GEOFFREY R. KELLER, HEREBY CERTIFY TO MARK IDDINGS, THAT THIS IS AN 'IMPROVEMENT SURVEY PLAT' AS DEFINED BY C.R.S. § 38-51-102(9), AND THAT IT IS A MONUMENTED LAND SURVEY SHOWING THE CURRENT LOCATION OF ALL STRUCTURES, WATER COURSES, WATER FEATURES AND/OR BODIES OF WATER, ROADS, VISIBLE UTILITIES, FENCES, OR WALLS SITUATED ON THE DESCRIBED PARCEL AND WITHIN FIVE FEET OF ALL BOUNDARIES OF SUCH PARCEL, ANY CONFLICTING BOUNDARY EVIDENCE OR VISIBLE ENCROACHMENTS, AND ALL EASEMENTS AND RIGHTS OF WAY OF A PUBLIC OR PRIVATE NATURE THAT ARE VISIBLE, OR APPARENT, OR OF RECORD AND UNDERGROUND UTILITIES DESCRIBED IN LAND TITLE GUARANTY COMPANY'S PROPERTY INFORMATION BINDER, ORDER NO. ABS83012620, OR OTHER SOURCES AS SPECIFICALLY NOTED ON THIS IMPROVEMENT SURVEY PLAT.

GEOFFREY R. KELLER L.S. #37997

GENERAL UTILITY NOTES:

The locations of underground utilities have been plotted based on utility maps, construction/design plans, other information provided by utility companies and actual field locations in some instances. These utilities, as shown, may not represent actual field conditions. It is the responsibility of the contractor to contact all utility companies for field location of utilities prior to construction.

NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF CERTIFICATION SHOWN HEREON.

SOPRIS ENGINEERING - LLC

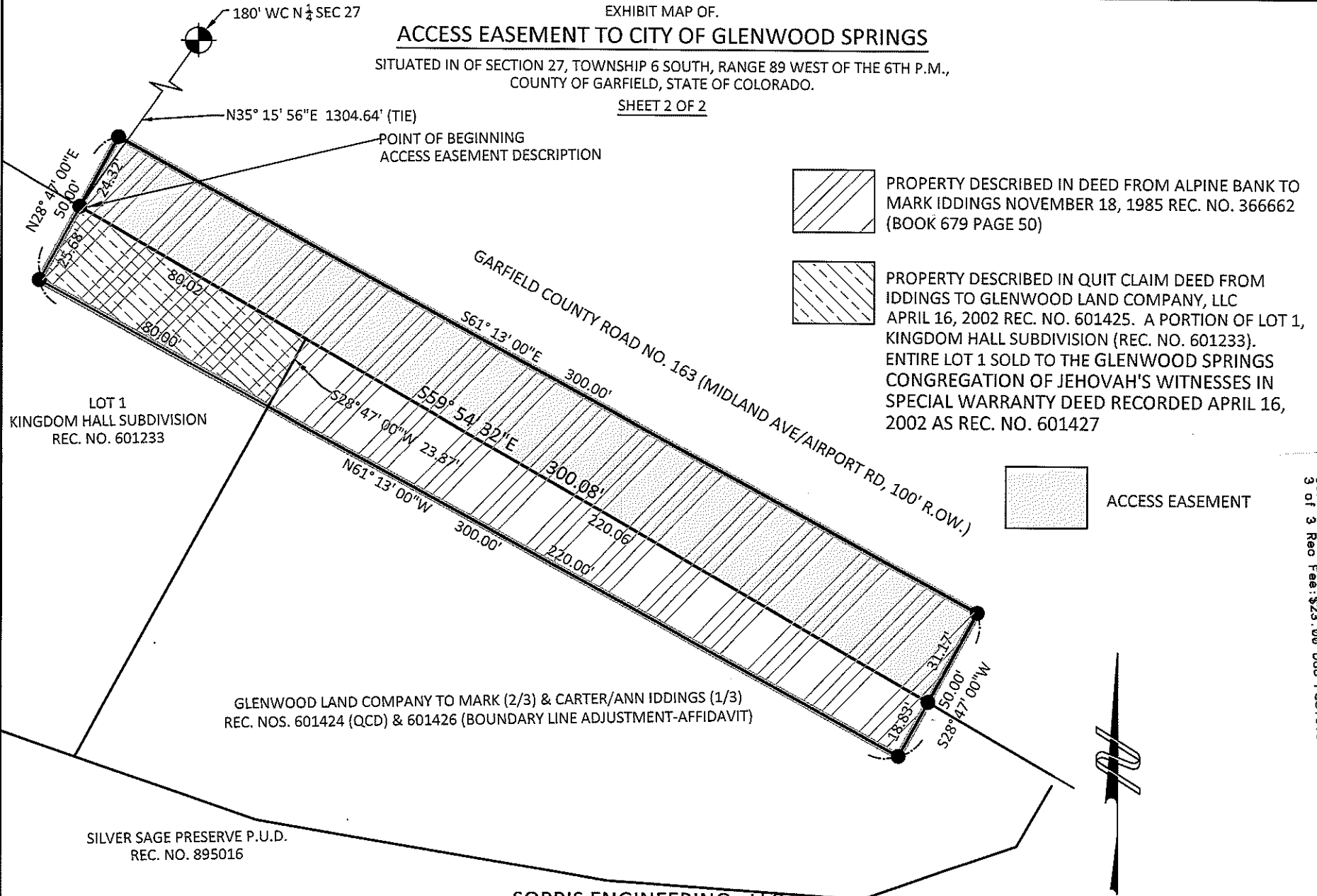
CIVIL CONSULTANTS
502 MAIN STREET, SUITE A3
CARBONDALE, COLORADO 81623
(970) 704-0311 SOPRISENG@SOPRISENG.COM

EXHIBIT MAP OF.

ACCESS EASEMENT TO CITY OF GLENWOOD SPRINGS

SITUATED IN OF SECTION 27, TOWNSHIP 6 SOUTH, RANGE 89 WEST OF THE 6TH P.M.,
COUNTY OF GARFIELD, STATE OF COLORADO.

SHEET 2 OF 2



Reception #: 921256
06/05/2019 03:35:58 PM Jean Alperion
3 of 3 Rec Fee: \$23.00 Doc Fee: 0.00 GARFIELD COUNTY CO

NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF CERTIFICATION SHOWN HEREON.

SOPRIS ENGINEERING - LLC
CIVIL CONSULTANTS
502 MAIN STREET, SUITE A3
CARBONDALE, COLORADO 81623
(970) 704-0311 SOPRISENG@SOPRISENG.COM

grk sb 17101.04 4/1/2019 G:\2017\17101\SURVEY\Survey DWGs\Exhibits\17101 desc portion of R366662.dwg

Exhibit B Page 1 of 1

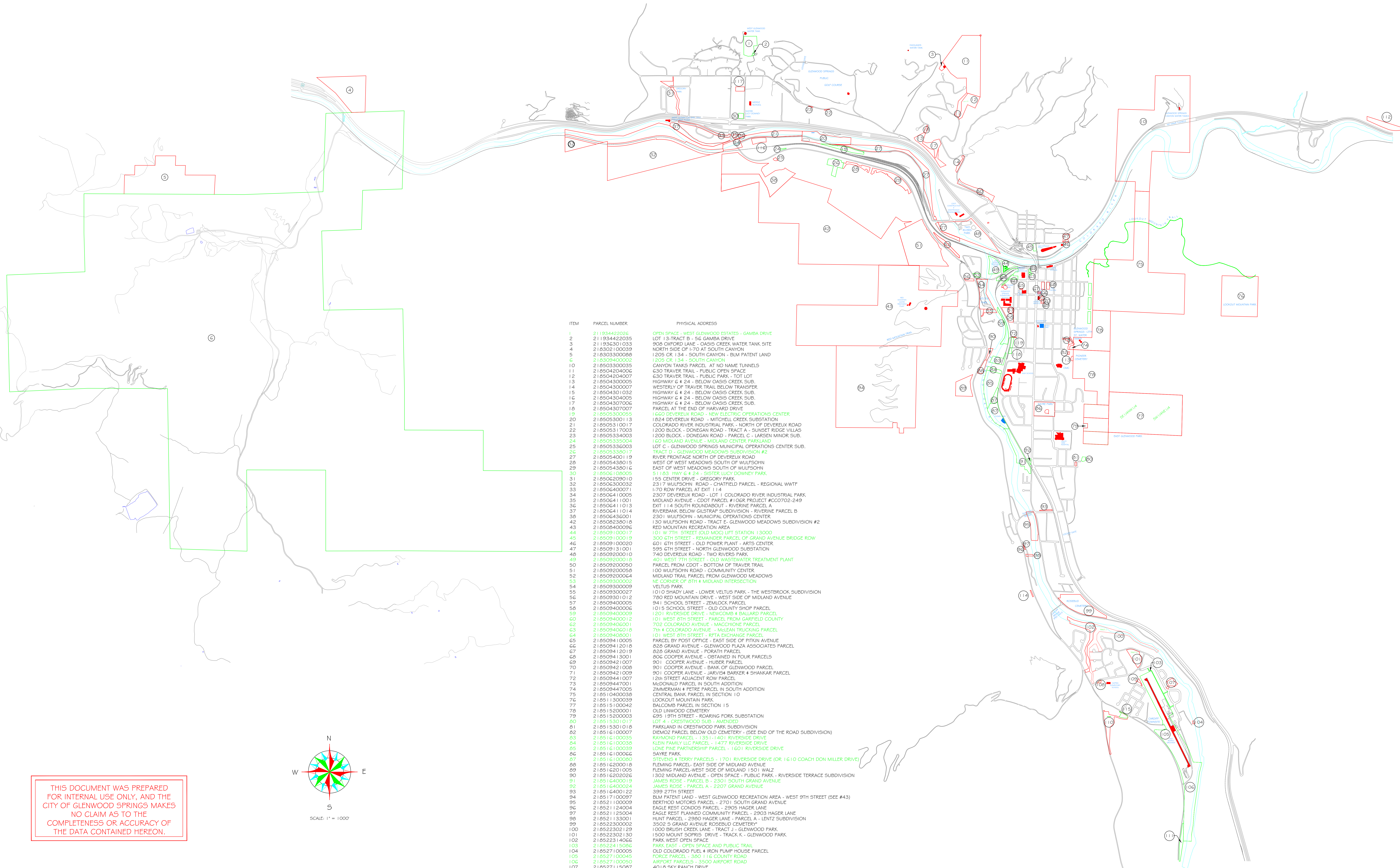
SCALE 1" = 40'



ITEM NO.	PARCEL NUMBER	PHYSICAL ADDRESS
1	211934422026	OPEN SPACE - WEST GLENWOOD ESTATES - GAMBA DRIVE
2	211934422035	LOT 13-TRACT B - 56 GAMBA DRIVE
3	211936301033	908 OXFORD LANE - OASIS CREEK WATER TANK SITE
4	218302100039	NORTH SIDE OF I-70 AT SOUTH CANYON
5	218303300088	1205 CR 134 - SOUTH CANYON - BLM PATENT LAND
6	218309400002	1205 CR 134 - SOUTH CANYON
10	218503300035	CANYON TANKS PARCEL AT NO NAME TUNNELS
11	218504204006	630 TRAVER TRAIL - PUBLIC OPEN SPACE
12	218504204007	630 TRAVER TRAIL - PUBLIC PARK - TOT LOT
13	218504300005	HIGHWAY 6 & 24 - BELOW OASIS CREEK SUB.
14	218504300007	WESTERLY OF TRAVER TRAIL BELOW TRANSFER
15	218504301032	HIGHWAY 6 & 24 - BELOW OASIS CREEK SUB.
16	218504304005	HIGHWAY 6 & 24 - BELOW OASIS CREEK SUB.
17	218504307006	HIGHWAY 6 & 24 - BELOW OASIS CREEK SUB.
18	218504307007	PARCEL AT THE END OF HARVARD DRIVE
19	218505300055	1660 DEVEREUX ROAD - NEW ELECTRIC OPERATIONS CENTER
20	218505300113	1824 DEVEREUX ROAD - MITCHELL CREEK SUBSTATION
21	218505310017	COLORADO RIVER INDUSTRIAL PARK - NORTH OF DEVEREUX ROAD
22	218505317003	1200 BLOCK - DONEGAN ROAD - TRACT A - SUNSET RIDGE VILLAS
23	218505334003	1200 BLOCK - DONEGAN ROAD - PARCEL C - LARSEN MINOR SUB.
24	218505335004	160 MIDLAND AVENUE - MIDLAND CENTER PARKLAND
25	218505336003	LOT C - GLENWOOD SPRINGS MUNICIPAL OPERATIONS CENTER SUB.
26	218505338017	TRACT D - GLENWOOD MEADOWS SUBDIVISION #2
27	218505400119	RIVER FRONTAGE NORTH OF DEVEREUX ROAD
28	218505438015	WEST OF WEST MEADOWS SOUTH OF WULFSOHN
29	218505438016	EAST OF WEST MEADOWS SOUTH OF WULFSOHN
30	218506108005	51183 HWY 6 & 24 - SISTER LUCY DOWNEY PARK
31	218506209010	155 CENTER DRIVE - GREGORY PARK
32	218506300032	2317 WULFSOHN ROAD - CHATFIELD PARCEL - REGIONAL WWTF
33	218506400071	I-70 ROW PARCEL AT EXIT 114
34	218506410005	2307 DEVEREUX ROAD - LOT 1 COLORADO RIVER INDUSTRIAL PARK
35	218506411001	MIDLAND AVENUE - CDOT PARCEL #106R PROJECT #CC0702-249
36	218506411013	EXIT 114 SOUTH ROUNDABOUT - RIVERINE PARCEL A
37	218506411014	RIVERBANK BELOW GILSTRAP SUBDIVISION - RIVERINE PARCEL B
38	218506436001	2301 WULFSOHN - MUNICIPAL OPERATIONS CENTER
42	218508238018	130 WULFSOHN ROAD - TRACT E- GLENWOOD MEADOWS SUBDIVISION #2
43	218508400096	RED MOUNTAIN RECREATION AREA
44	218509100017	101 W 7TH STREET (OLD MOC) LIFT STATION 13000
45	218509100019	300 6TH STREET - REMAINDER PARCEL OF GRAND AVENUE BRIDGE ROW
46	218509100020	601 6TH STREET - OLD POWER PLANT - ARTS CENTER
47	218509131001	595 6TH STREET - NORTH GLENWOOD SUBSTATION
48	218509200010	740 DEVEREUX ROAD - TWO RIVERS PARK
49	218509200018	401 WEST 7TH STREET - OLD WASTEWATER TREATMENT PLANT
50	218509200050	PARCEL FROM CDOT - BOTTOM OF TRAVER TRAIL
51	218509200058	100 WULFSOHN ROAD - COMMUNITY CENTER
52	218509200064	MIDLAND TRAIL PARCEL FROM GLENWOOD MEADOWS
53	218509300002	NE CORNER OF 8TH & MIDLAND INTERSECTION
54	218509300009	VELTUS PARK
55	218509300027	1010 SHADY LANE - LOWER VELTUS PARK - THE WESTBROOK SUBDIVISION
56	218509301012	780 RED MOUNTAIN DRIVE - WEST SIDE OF MIDLAND AVENUE
57	218509400005	941 SCHOOL STREET - ZEMLOCK PARCEL
58	218509400006	1015 SCHOOL STREET - OLD COUNTY SHOP PARCEL
59	218509400009	1201 RIVERSIDE DRIVE - NEWCOMB & BALLARD PARCEL
60	218509400012	101 WEST 8TH STREET - PARCEL FROM GARFIELD COUNTY
62	218509406001	702 COLORADO AVENUE - MACCHIONE PARCEL
63	218509406018	7th & COLORADO AVENUE - McLEAN TRUCKING PARCEL
64	218509408001	101 WEST 8TH STREET - RFTA EXCHANGE PARCEL
65	218509410005	PARCEL BY POST OFFICE - EAST SIDE OF PITKIN AVENUE
66	218509412018	828 GRAND AVENUE - GLENWOOD PLAZA ASSOCIATES PARCEL
67	218509412019	828 GRAND AVENUE - PORATH PARCEL
68	218509413001	806 COOPER AVENUE - OBTAINED IN FOUR PARCELS
69	218509421007	901 COOPER AVENUE - HUBER PARCEL
70	218509421008	901 COOPER AVENUE - BANK OF GLENWOOD PARCEL
71	218509421009	901 COOPER AVENUE - JARVIS& BARKER & SHANKAR PARCEL
72	218509441007	12th STREET ADJACENT ROW PARCEL
73	218509447001	McDONALD PARCEL IN SOUTH ADDITION
74	218509447005	ZIMMERMAN & PETRE PARCEL IN SOUTH ADDITION
75	218510400038	CENTRAL BANK PARCEL IN SECTION 10
76	218511300039	LOOKOUT MOUNTAIN PARK

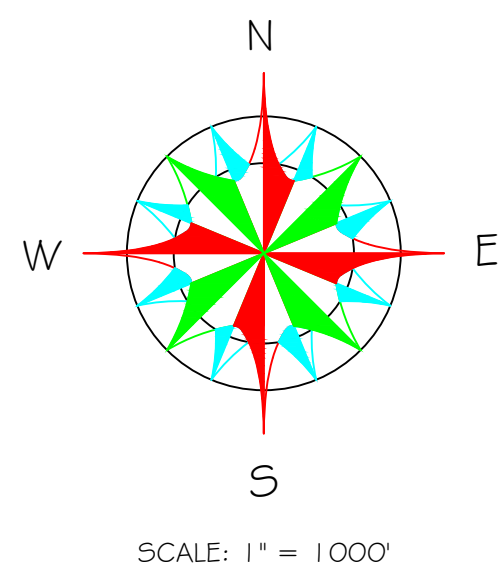
77	218515100042	BALCOMB PARCEL IN SECTION 15
78	218515200001	OLD LINWOOD CEMETERY
79	218515200003	695 19TH STREET - ROARING FORK SUBSTATION
80	218515301017	LOT 4 - CRESTWOOD SUB - AMENDED
81	218515301018	PARKLAND IN CRESTWOOD PARK SUBDIVISION
82	218516100007	DIEMOZ PARCEL BELOW OLD CEMETERY - (SEE END OF THE ROAD SUBDIVISION)
83	218516100035	RAYMOND PARCEL - 1351-1401 RIVERSIDE DRIVE
84	218516100038	KLEIN FAMILY LLC PARCEL - 1477 RIVERSIDE DRIVE
85	218516100039	LONE PINE PARTNERSHIP PARCEL - 1601 RIVERSIDE DRIVE
86	218516100066	SAYRE PARK
87	218516100080	STEVENS & TERRY PARCELS - 1701 RIVERSIDE DRIVE (OR 1610 COACH MILLER DRIVE)
88	218516200018	FLEMING PARCEL- EAST SIDE OF MIDLAND AVENUE
89	218516201005	FLEMING PARCEL-WEST SIDE OF MIDLAND 1501 WALZ
90	218516202026	1302 MIDLAND AVENUE - OPEN SPACE - PUBLIC PARK - RIVERSIDE TERRACE SUB
91	218516400019	JAMES ROSE - PARCEL B - 2301 SOUTH GRAND AVENUE
92	218516400024	JAMES ROSE - PARCEL A - 2207 GRAND AVENUE
93	218516400122	399 27TH STREET
94	218517100097	BLM PATENT LAND - WEST GLENWOOD REC. AREA - WEST 9TH STREET (SEE #43)
95	218521100009	BERTHOD MOTORS PARCEL - 2701 SOUTH GRAND AVENUE
96	218521124004	EAGLE REST CONDOS PARCEL - 2905 HAGER LANE
97	218521125004	EAGLE REST PLANNED COMMUNITY PARCEL - 2903 HAGER LANE
98	218521133001	HUNT PARCEL - 2980 HAGER LANE - PARCEL A - LENTZ SUBDIVISION
99	218522300002	3502 S GRAND AVENUE ROSEBUD CEMETERY"
100	218522302129	1000 BRUSH CREEK LANE - TRACT J - GLENWOOD PARK
101	218522302130	1500 MOUNT SOPRIS DRIVE - TRACK K - GLENWOOD PARK
102	218522314066	PARK WEST OPEN SPACE
103	218522415086	PARK EAST - OPEN SPACE AND PUBLIC TRAIL
104	218527100005	OLD COLORADO FUEL & IRON PUMP HOUSE PARCEL
105	218527100045	FORCE PARCEL - 380 116 COUNTY ROAD
106	218527100050	AIRPORT PARCELS - 3500 AIRPORT ROAD
107	218527115087	4018 SKY RANCH DRIVE
108	218527206002	900 BLOCK - MOUNT SOPRIS DRIVE
109	218527219002	SUMMERVILLE PARK -1701 STOCTON ROAD
110	218527235008	COUNTY ROAD 116 - CARDIFF WATER TANK SITE
111	218527416060	TRACT A - FOUR MILE RANCH SUBDIVISION - 271 COUNTY ROAD 163
112	218501300032	NORTH OF 1-70 - EAST OF NO NAME
113	NOT IDENTIFIED	ADJACENT TO LINWOOD CEMETERY
114	NOT IDENTIFIED	ADJACENT TO MIDLAND AVENUE - (DICKMAN ROCK FALL FENCE LEASE)
115	218527200003	IDDINGS PARCEL - PLAT RECORDED AT 16721076
116	218506410013	2222 DEVEREUX ROAD - FLEET AND STREET OPERATIONS
117	218506108001	191 SOCCERFIELD ROAD - PARKS OPERATIONS
118	218516100033	1300 PITKIN AVE NUE – WESTERN PETROLEUM
119	218509441008	1300 PITKIN AVE NUE – WESTERN PETROLEUM

CITY OF GLENWOOD SPRINGS
CITY OWNED LAND SKETCH



ITEM	PARCEL NUMBER	PHYSICAL ADDRESS
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4	210302100039	NORTH SIDE OF I-70 AT SOUTH CANYON
5	210303300086	1205 CR 134 - SOUTH CANYON - BLM PATENT LAND
6	210309400002	1205 CR 134 - SOUTH CANYON
10	210503300035	CANYON TANKS PARCEL AT NO NAME TUNNELS
11	210504204006	630 TRAVER TRAIL - PUBLIC OPEN SPACE
12	210504204007	630 TRAVER TRAIL - PUBLIC PARK - TOT LOT
13	210504300005	HIGHWAY G & 24 - BELOW OASIS CREEK SUB.
14	210504300007	WESTERLY OF TRAVER TRAIL BELOW TRANSFER
15	210504301032	HIGHWAY G & 24 - BELOW OASIS CREEK SUB.
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19	210505300055	1660 DEVEREUX ROAD - NEW ELECTRIC OPERATIONS CENTER
20	210505300113	1624 DEVEREUX ROAD - MITCHELL CREEK SUBSTATION
21	210505310017	COLORADO RIVER INDUSTRIAL PARK - NORTH OF DEVEREUX ROAD
22	210505317003	1200 BLOCK - DONEGAN ROAD - TRACT A - SUNSET RIDGE VILLAS
23	210505334003	1200 BLOCK - DONEGAN ROAD - PARCEL C - LARSEN MINOR SUB.
24	210505335004	160 MIDLAND AVENUE - MIDLAND CENTER PARKLAND
25	210505336003	LOT C - GLENWOOD SPRINGS MUNICIPAL OPERATIONS CENTER SUB.
26	210505338017	TRACT D - GLENWOOD MEADOWS SUBDIVISION #2
27	210505400119	RIVER FRONTAGE NORTH OF DEVEREUX ROAD
28	210505438015	WEST OF WEST MEADOWS SOUTH OF WULFSOHN
29	210505438016	EAST OF WEST MEADOWS SOUTH OF WULFSOHN
30	210506108005	51103 HWY G & 24 - SISTER LUCY DOWNNEY PARK
31	210506300010	2155 CENTER DRIVE - GREGORY PARK
32	210506300032	2317 WULFSOHN ROAD - CHATFIELD PARK - REGIONAL WWTF
33	210506400071	170 ROW PARCEL AT EXIT 114
34	210506410005	2307 DEVEREUX ROAD - LOT 1 COLORADO RIVER INDUSTRIAL PARK
35	210506411001	MIDLAND AVENUE - CDOT PARCEL #106R PROJECT #CC0702-249
36	210506411013	EXIT 114 SOUTH ROUNDABOUT - RIVERINE PARCEL A
37	210506411014	RIVERBANK BELOW GLISTRAP SUBDIVISION - RIVERINE PARCEL B
38	210506436001	2301 WULFSOHN - MUNICIPAL OPERATIONS CENTER
42	210508238016	130 WULFSOHN ROAD - TRACT E - GLENWOOD MEADOWS SUBDIVISION #2
43	210508400006	RED MOUNTAIN RECREATION AREA
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55	210509300027	1010 SHADY LANE - LOWER VELTUS PARK - THE WESTBROOK SUBDIVISION
56	210509301012	760 RED MOUNTAIN DRIVE - WEST SIDE OF MIDLAND AVENUE
57	210509400005	941 SCHOOL STREET - ZEMLOCK PARCEL
58	210509400006	1015 SCHOOL STREET - OLD COUNTY SHOP PARCEL
59	210509400007	201 RIVERSIDE DRIVE - NEWCOMB & SALLARD PARCEL
60	210509400012	101 WEST 8TH STREET - PARCEL FROM GARFIELD COUNTY
61	210509400001	702 COLORADO AVENUE - MACHIONE PARCEL
62	210509400010	7TH & COLORADO AVENUE - MCLAREN TRUCKING PARCEL
63	210509400016	101 WEST 8TH STREET - RTA EXCHANGE PARCEL
64	210509400001	PARCEL BY POST OFFICE - EAST SIDE OF PITKIN AVENUE
65	210509410005	828 GRAND AVENUE - GLENWOOD FLAG ASSOCIATES PARCEL
66	210509412019	828 GRAND AVENUE - FORATH PARCEL
67	210509412019	806 COOPER AVENUE - OBTAINED IN FOUR PARCELS
68	210509413001	901 COOPER AVENUE - HUBER PARCEL
69	210509421004	901 COOPER AVENUE - BANK OF GLENWOOD PARCEL
70	210509421004	901 COOPER AVENUE - JARVISA BARKER & SHANKAR PARCEL
71	210509421009	12th STREET ADJACENT ROW PARCEL
72	210509447001	MCDONALD PARCEL IN SOUTH ADDITION
73	210509447005	ZIMMERMAN & PETRE PARCEL IN SOUTH ADDITION
74	210510400038	CENTRAL BANK PARCEL IN SECTION 10
75	210511300039	LOOKOUT MOUNTAIN PARK
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78	210515200001	OLD LINWOOD CEMETERY
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83	210516100035	RAYMOND PARCEL - 13511 & 1401 RIVERSIDE DRIVE
84	210516100038	KLEN FAMILY LLC PARCEL - 1477 RIVERSIDE DRIVE
85	210516100039	LOVE PINE PARTNERSHIP PARCEL - 1601 RIVERSIDE DRIVE
86	210516100066	SAVRE PARK
87	210516100080	STEVENS & TERRY PARCELS - 1701 RIVERSIDE DRIVE (OR 1610 COACH DON MILLER DRIVE)
88	210516200018	FLEMING PARCEL - EAST SIDE OF MIDLAND AVENUE
89	210516201005	FLEMING PARCEL - WEST SIDE OF MIDLAND 1501 WALZ
90	210516202002	1302 MIDLAND AVENUE - OPEN SPACE - PUBLIC PARK - RIVERSIDE TERRACE SUBDIVISION
91	210516400019	JAMES ROSE - PARCEL B - 2301 SOUTH GRAND AVENUE
92	210516400024	JAMES ROSE - PARCEL A - 2207 GRAND AVENUE
93	210516490122	399 27TH STREET
94	210517100097	BLM PATENT LAND - WEST GLENWOOD RECREATION AREA - WEST 9TH STREET (SEE #43)
95	210521100009	BERKHOFF MOTORS PARCEL - 2701 SOUTH GRAND AVENUE
96	210521124004	EAGLE REST CONDOS PARCEL - 2905 HAGER LANE
97	210521125004	EAGLE REST PLANNED COMMUNITY PARCEL - 2903 HAGER LANE
98	210521133001	HUNT PARCEL - 2980 HAGER LANE - PARCEL A - LENTZ SUBDIVISION
99	210522300002	3502 S GRAND AVENUE ROSEBUD CEMETERY
100	210522300129	1000 BRUSH CREEK LANE - TRACT J - GLENWOOD PARK
101	210522302130	1500 MOUNT SOPRIS DRIVE - TRACK K - GLENWOOD PARK
102	210522314066	PARK WEST OPEN SPACE
103	210522315086	PARK EAST - OPEN SPACE AND PUBLIC TRAIL
104	210527100005	OLD COLORADO FUEL & IRON PUMP HOUSE PARCEL
105	210527100045	FORCE PARCEL - 380116 COUNTY ROAD
106	210527100050	AIRPORT PARCELS - 3500 AIRPORT ROAD
107	210527115087	4018 SKY RANCH DRIVE
108	210527206002	900 BLOCK - MOUNT SOPRIS DRIVE
109	210527219002	SUMMERVILLE PARK - 1701 STOCKTON ROAD
110	210527235008	COUNTY ROAD 116 - CARDIFF WATER TANK SITE
111	210527416060	TRACT A - FOUR MILE RANCH SUBDIVISION - 2711 COUNTY ROAD 163
112	210501300032	NORTH OF I-70 - EAST OF NO NAME
113	NOT IDENTIFIED	ADJACENT TO LINWOOD CEMETERY
114	NOT IDENTIFIED	ADJACENT TO MIDLAND AVENUE - (DICKMAN ROCK FALL FENCE LEASE)
115	210527200003	10000S PARCEL - PLAT RECORDED AT 16221076
116	210506410013	2222 DEVEREUX ROAD - FLEET AND STREET OPERATIONS
117	210506108001	191 SOCCERFIELD ROAD - PARKS OPERATIONS
118	210516100033	1300 PITKIN AVENUE - WESTERN PETROLEUM
119	210509441008	1300 PITKIN AVENUE - WESTERN PETROLEUM

THIS DOCUMENT WAS PREPARED FOR INTERNAL USE ONLY, AND THE CITY OF GLENWOOD SPRINGS MAKES NO CLAIM AS TO THE COMPLETENESS OR ACCURACY OF THE DATA CONTAINED HEREON.



NOTE: SEE THE CITY-OWNED LANDS SPREADSHEET THAT THIS SKETCH CORRESPONDS TO. ALL ITEM NUMBERS ARE NOT LISTED ON THIS SKETCH, AS SOME ARE PART OF A LARGER PARCEL OR HAVE BEEN JOINED TO OTHER ADJACENT CITY-OWNED LANDS. THE PARCEL NUMBERS ARE ASSIGNED BY THE GARFIELD COUNTY ASSESSOR'S OFFICE.

REVISED ON:	
BY:	
MPL 1-30-2020	



City Council
STAFF REPORT
City of Glenwood Springs
August 20, 2020

Agenda Item: Grant of Right of Way Deed

Action Requested: Approval of Right of Way Deed

Department: Engineering

Presented By: Terri Partch, City Engineer

Background Info: During negotiations on Parcel 7, one of the steep hillside parcels immediately west of the road, it was determined that it made more sense to purchase the entire property at the appraised value than to acquire the small portion necessary for construction. With the property being purchased as a whole it was recommended by CDOT that the portion necessary for the construction of the South Midland improvements be dedicated as Right of Way. Executing this will formally document that a portion of this property in use as ROW.

Issues: The remainder of the site is not suitable for development. There is no logical access point to this property as the existing grades are prohibitively steep for access and use.

Staff Recommendation: Staff recommends approval.

GRANT OF RIGHT-OF-WAY DEED

The "Grantor" (whether one, or more than one), **The City of Glenwood Springs, a Colorado Municipality**, whose legal address is 101 W. 8th St., Glenwood Springs, CO 81601, of the County of Garfield and State of Colorado, hereby grants, dedicates and sets apart to the public for right-of-way purposes the following real property in the County of Garfield and State of Colorado, to wit:

A Parcel of land of the City of Glenwood Springs, Project Code: 22933, Project No. BUILD M535-006 containing 0.071 acres (3,106 square feet), more or less, situated within that parcel of land described in that Warranty Deed recorded as Reception No. 937293 of the Garfield County records, said parcel also being in the SE 1/4 of Section 21, Township 6 South, Range 89 West of the 6th P.M., County of Garfield, State of Colorado and being more fully described as follows:

BEGINNING at a point on the westerly line of the South Midland Avenue Right-of-Way whence the East 1/4 Corner of Section 21, being monumented with a 2.5" USGLO brass cap on a 1" steel pipe, properly marked and dated 1924 bears N 33°18'73" E a distance of 1,276.81 feet;

Thence S 27°19'00" E along the westerly line of said South Midland Avenue Right-of-Way a distance of 142.37 feet;

Thence S 62°41'00" W a distance of 20.32 feet;

Thence N 30°08'09" W a distance of 49.61 feet;

Thence N 21°00'46" E a distance of 5.78 feet;

Thence N 28°59'00" W a distance of 54.32 feet;

Thence N 50°44'03" W a distance of 22.37 feet;

Thence N 08°28'10" W a distance of 18.29 feet;

Thence N 70°30'00" E a distance of 23.22 feet to the POINT OF BEGINNING.

The above described right-of-way contains 0.071 acres (3,106 square feet) more or less.

Basis of Bearings: Bearings recited hereon are based on a bearing of S89°36'54"W between found monuments at the Northeast Corner of Section 21, being monumented with a rebar and 2 ½" GLO brass cap, properly marked and dated 1924, and the North 1/4 Corner of Section 21, being monumented with a rebar and 3" County Surveyor brass cap, properly marked and dated 1979.

Legal description created by:

Robert E. Brandeberry
Colorado PLS # 38388
For, and on behalf of
SGM and the City of Glenwood Springs

also known by street address as:

and assessor's schedule or parcel number: Part of R080618/2185-214-00-019

with all its appurtenances.

{Signatures & Notary on Following Page}

Signed this _____ day of _____, 20__.

CITY OF GLENWOOD SPRINGS, a Colorado Municipality

ATTEST:

Catherine Mythen Fletcher, City Clerk

By: _____
Jonathan Godes, Mayor

STATE OF COLORADO)
) ss.
County of GARFIELD)

The foregoing instrument was acknowledged before me this _____ day of _____, 2020, by Catherine Mythen Fletcher as the City Clerk, and by Jonathan Godes as the Mayor of the Grantor, on behalf of the City of Glenwood Springs.

Witness my hand and official seal.

My commission expires:

Notary Public

Name and Address of Person Creating Newly Created Legal Description (§38-35-106.5, C.R.S.) Robert E. Brandeberry, Colorado PLS # 38388, For, and on behalf of SGM and the City of Glenwood Springs



Sheet Revisions		
Date	Description	Initials

Sheet Revisions		
Date	Description	Initials

Sheet Revisions		
Date	Description	Initials



118 West Sixth Street, Suite 200
Glenwood Springs, CO 81601
970.945.1004 www.sgm-inc.com

RIGHT OF WAY PLANS

PLAN SHEET

Project Number: BUILD M535-006				
Project Location: South Midland Ave, Glenwood Springs				
South Midland Avenue Improvement Project				
Project Code: 22933	Last Mod. Date: 6/05/19	Subset Sheets: 7.08 of 7.17	Sheet No.: 24	Total Sheets: 37

SE1/4 SECTION 21, TOWNSHIP 6 SOUTH, RANGE 89 WEST, 6TH P.M.

Parcel Number: 218521402002
Owner: SOMMERS, MICHAEL K & SHARON D

Parcel Number: 218521402003
Owner: BEAN, CHARLES E & CHERYL L

Parcel Number: 218521402012
Owner: BLIZZARD, SUSAN S

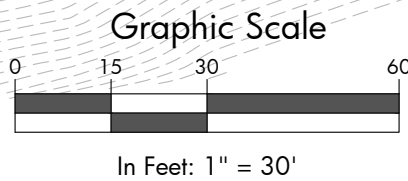
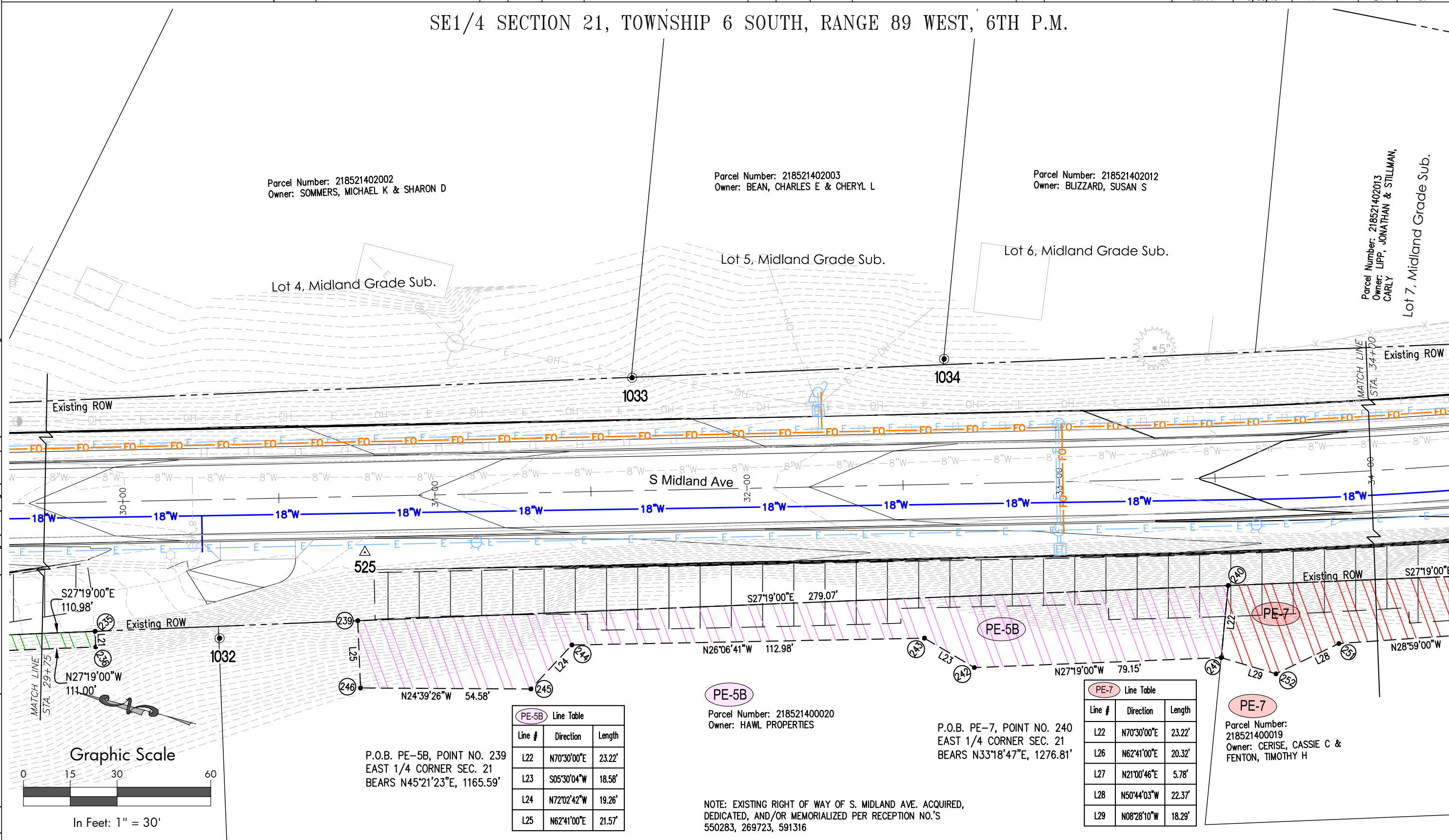
Parcel Number: 218521402013
Owner: LIPP, JONATHAN & STILLMAN, CARLY
Lot 7, Midland Grade Sub.

Lot 4, Midland Grade Sub.

Lot 5, Midland Grade Sub.

Lot 6, Midland Grade Sub.

Lot 7, Midland Grade Sub.



PE-5B Line Table		
Line #	Direction	Length
L22	N70°30'00"E	23.22'
L23	S05°30'04"W	18.58'
L24	N72°02'42"W	19.26'
L25	N62°41'00"E	21.57'

P.O.B. PE-5B, POINT NO. 239
EAST 1/4 CORNER SEC. 21
BEARS N45°21'23"E, 1165.59'

PE-5B
Parcel Number: 218521400020
Owner: HAWL PROPERTIES

P.O.B. PE-7, POINT NO. 240
EAST 1/4 CORNER SEC. 21
BEARS N33°18'47"E, 1276.81'

NOTE: EXISTING RIGHT OF WAY OF S. MIDLAND AVE. ACQUIRED,
DEDICATED, AND/OR MEMORIALIZED PER RECEPTION NO.'S
550283, 269723, 591316

PE-7 Line Table		
Line #	Direction	Length
L22	N70°30'00"E	23.22'
L26	N62°41'00"E	20.32'
L27	N21°00'46"E	5.78'
L28	N50°44'03"W	22.37'
L29	N08°28'10"W	18.29'

PE-7
Parcel Number: 218521400019
Owner: CERISE, CASSIE C & FENTON, TIMOTHY H



Sheet Revisions		
Date	Description	Initials

Sheet Revisions		
Date	Description	Initials

Sheet Revisions		
Date	Description	Initials



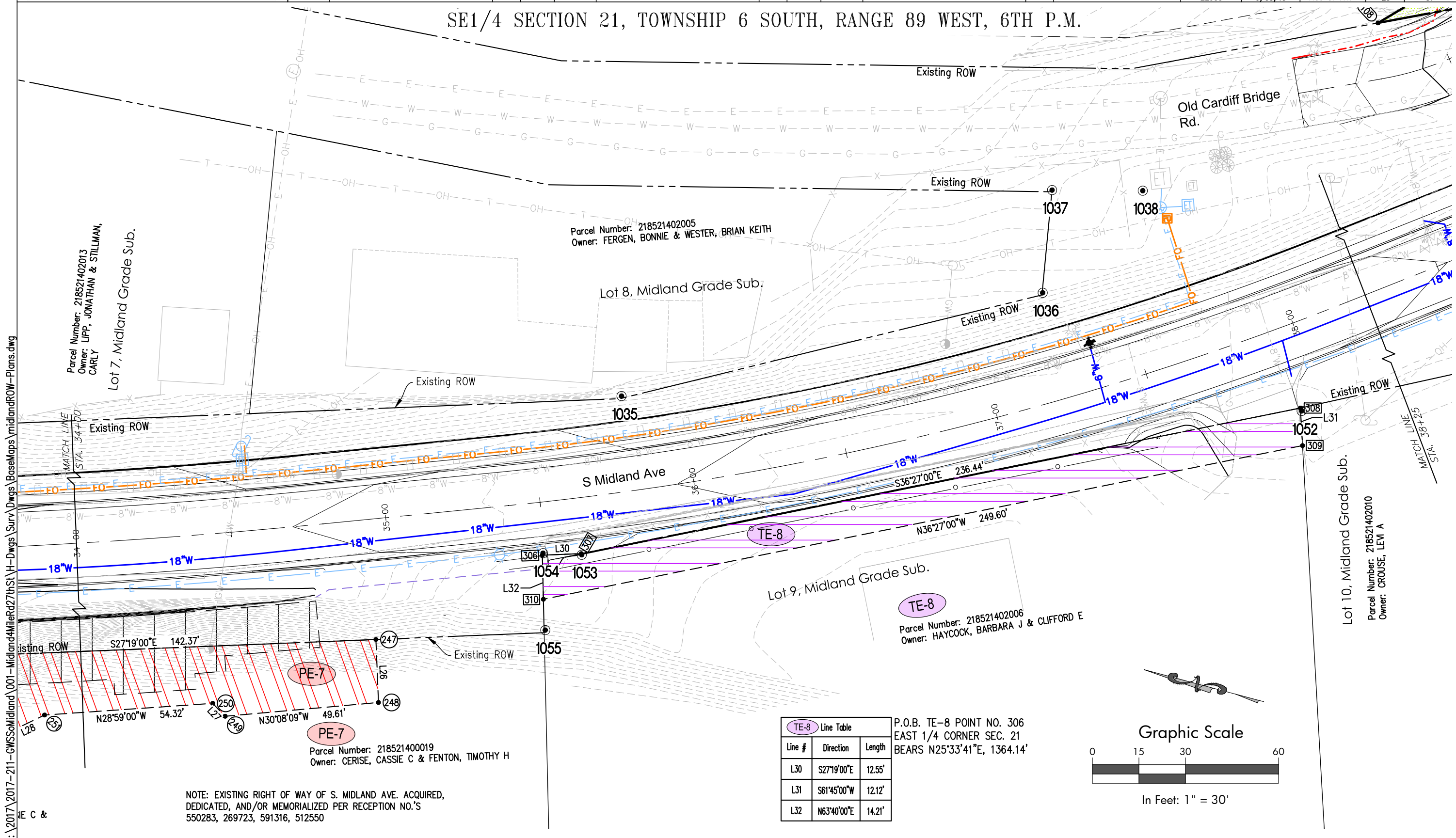
118 West Sixth Street, Suite 200
Glenwood Springs, CO 81601
970.945.1004 www.sgm-inc.com

RIGHT OF WAY PLANS

PLAN SHEET

Project Number: BUILD M535-006				
Project Location: South Midland Ave, Glenwood Springs				
South Midland Avenue Improvement Project				
Project Code: 22933	Last Mod. Date: 6/05/19	Subset Sheets: 7.09 of 7.17	Sheet No.: 25	Total Sheets: 37

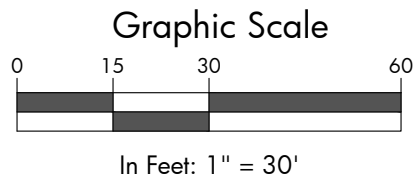
SE1/4 SECTION 21, TOWNSHIP 6 SOUTH, RANGE 89 WEST, 6TH P.M.



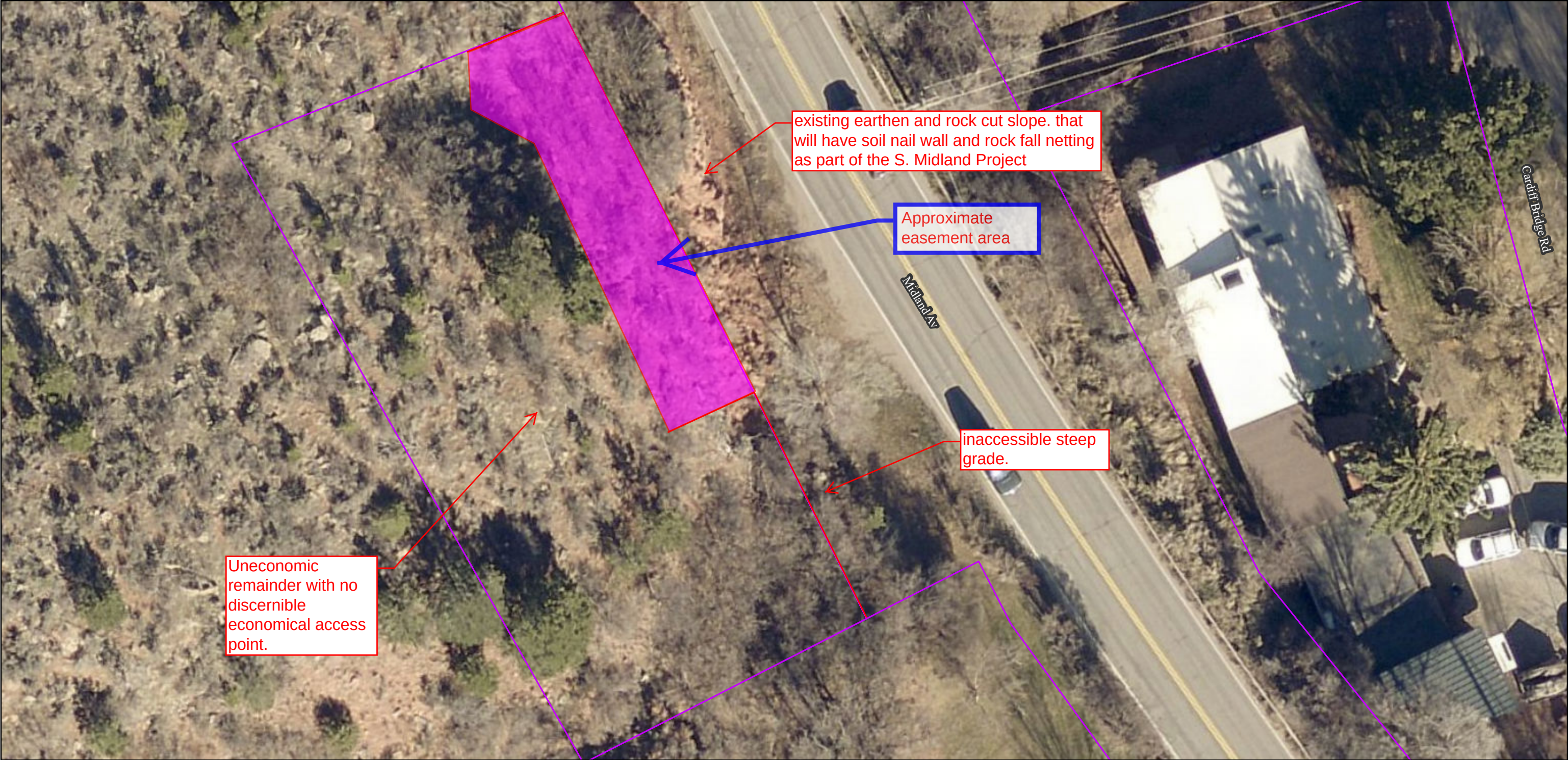
NOTE: EXISTING RIGHT OF WAY OF S. MIDLAND AVE. ACQUIRED, DEDICATED, AND/OR MEMORIALIZED PER RECEPTION NO.'S 550283, 269723, 591316, 512550

TE-8 Line Table		
Line #	Direction	Length
L30	S27°19'00"E	12.55'
L31	S61°45'00"W	12.12'
L32	N63°40'00"E	14.21'

P.O.B. TE-8 POINT NO. 306
EAST 1/4 CORNER SEC. 21
BEARS N25°33'41"E, 1364.14'

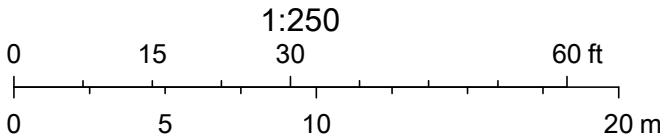


City of Glenwood Springs



3/13/2020, 11:26:12 AM

Street Labels
Parcel Boundary



EagleView, November 2018



MINUTES
CITY OF GLENWOOD SPRINGS
REGULAR
CITY COUNCIL MEETING
June 4, 2020
101 W. 8TH STREET
6:20 P.M.

3. Roll Call

Mayor Jonathan Godes called the meeting to order at 6:20 PM. Present at roll call: Charlie Willman, Rick Voorhees, Tony Hershey, Jonathan Godes, Shelley Kaup, Paula Stepp and Steve Davis.

Also present were Debra Figueroa; City Manager, Karl Hanlon; City Attorney, Catherine Fletcher; City Clerk, Jenn Ooton; Assistant City Manager, Steve Boyd, COO; Yvette Gustad; Finance Director, Terri Partch; City Engineer, Matt Langhorst; Public Works Director, Gretchen Ricehill; Assistant Director for Economic and Community Development, and Joseph Deras; Police Chief.

4. Pledge of Allegiance

Mayor Godes led in the Pledge of Allegiance.

5. Agenda Changes & Conflicts

None were noted.

6. Citizens Appearing Before Council (for items not on the Agenda-comments limited to 3 minutes)

Christian Henny – Spoke against Colorado State Public Health Order 20-28 and requested City Council's support of Garfield County's variance request from the State.

Laura Speck and Jerry Vanderbeek – Spoke of the severity of homeless encampments on Palmer Ave. to the Roaring Fork Market Place and discussed cleanup of the area.

Michael Wolny and Ricky Rodriguez – Discussed the May 14, 2020 Executive Session and noted their displeasure at the session.

Brittney Rippy – Asked for further support for the restaurant industry.

Nikola Gerenski – Asked City Council to provide medical scientific evidence that an epidemic exists in Garfield County and Glenwood Springs.

Leo McKinney – Noted praise for City Council actions.

7. Council Comments

Councilor Stepp

- Discussed cleanup of homeless camps and requested City Council discussion.
- Noted racial unrest around the country and praised Glenwood Springs' allowing protests.
- Requested more discussion with the Latino community about pertinent issues.

Councilor Hershey – Requested more clarification on certain agenda items for the public.

Councilor Willman

- Noted the City's efforts to reach out and help restaurants and congratulated staff.
- Made note of two openings on the DDA Board, as well as other Boards and Commissions openings.
- Discussed changes the DDA Board had been reviewing.

Mayor Pro Tem Kaup

- Made note of renewed calls for cleanup of homeless encampments and discussed safety concerns.
- Noted she stood behind her remarks and sentiments from the May 14, 2020 Executive Session in relation to safety and welfare as was understood at that time.

Councilor Voorhees

- Noted contributions to the community by City Council and discussed the May 14, 2020 Executive Session.

Mayor Godes

- Made note of listening sessions held by other communities and supported the idea locally and directed staff to gather more information.
 - This was supported by Councilor Willman, Councilor Voorhees, Mayor Pro Tem Kaup, Councilor Stepp, and Councilor Voorhees.
- Discussed the Gallagher Amendment and requested a presentation from Karl Hanlon, City Attorney and Steve Boyd, COO.
- Noted his support of peaceful protests in Glenwood Springs.
- Made note of Campaign Zero - 8 Can't Wait Project to deescalate police violence. Chief Deras discussed police policy reviews and best practices with Mayor Godes.

Councilor Willman, seconded by Mayor Godes moved to direct staff to work with the DDA Board, its Executive Director, and its attorney to determine whether or not the City and DDA can work together to focus more on economic development as we recover from the COVID-19 caused economic crisis.

Motion passed unanimously.

Mayor Pro Tem Kaup, seconded by Councilor Stepp moved to direct staff to engage in conversation to include Garfield County, and spend no more than \$15,000 towards cleanup of homeless encampments.

Ayes: Voorhees, Kaup, Stepp, Davis, Godes

Nays: Hershey, Willman

Motion passed.

8. Consent Agenda

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.

A. Materials Purchase for Phase 1 Broadband Fiber to Home Project

B. Approval of April 6, 2020 Special Meeting and April 9, 2020 Regular Meeting Minutes

C. Acceptance of a Quit Claim Deed from the Peter M. Chovanec Trust and Joan F. Chovanec Trust, to clean up a discrepancy in a legal description for a property located in the NW ¼ SW¼ Section 15, Twp. 6S, R89W

D. Ordinance 14, Series of 2020; An Ordinance of the City of Glenwood Springs, Colorado, Acting By and Through its Utility Enterprise, Approving a Loan, Evidenced by a Promissory Note, to Finance Broadband Capital Improvements for Use in its Electric Facility Activities; Approving the Note Form and Loan Repayment from the Operation of the Electric Facilities; and Providing Other Details and Approving Documents Relating to the Loan (SECOND READING)

Councilor Willman moved, seconded by Councilor Stepp to approve the consent agenda.

Ayes: Willman, Voorhees, Kaup, Stepp, Davis, Godes

Nays: Hershey

Motion passed.

ACTIONS AND/OR PRESENTATIONS

9. COVID-19 Update

- Outdoor Dining

Gretchen Ricehill, Assistant Director for Economic and Community Development - Presented an update on temporary use of public right away for outdoor seating.

- General Update

Debra Figueroa, City Manager

– Made note of plans to open playgrounds up.

– Discussed the difficulty of in-person meetings during this time.

- Face Coverings

Mayor Godes opened the item for public comment.

Audrey Burgio, Monica Wolny, and Chris Namelka – Spoke against mandated face coverings and noted health concerns with face coverings. Monica Wolny also questioned the delay in parks re-opening within the city.

Jackie Solmon – Noted her concern of mandated face coverings and punitive measures.

John Zalinski – Discussed concern with standard of face coverings. He also noted complaints of headaches from staff while breathing through masks.

Brittany Rippy – Made note of staff concerns with face coverings and customer loss due to the mandate.

Mayor Godes closed the item for public comment.

Councilor Voorhees, seconded by Mayor Pro Tem Kaup moved to extend the face covering public health order until such time that 1. A vaccine is developed and widely available, 2. Herd immunity is achieved in the State of Colorado according to the Colorado Department of Public Health and Environment, or 3. Such time that the City Council elects on its own to rescind it. Individuals seated in restaurants shall be exempted from this requirement while seated. The fine should be reduced from \$1,000 to \$100 and the incarceration provision shall be removed.

Ayes: Kaup, Godes, Stepp, Voorhees

Nays: Hershey, Davis, Willman

Motion passed.

10. Ordinance 13, Series of 2020; An Ordinance of the City Council of the City of Glenwood Springs, Colorado Amending Section 060.020.020 related to Solar Panel Fees (FIRST READING)

Jenn Ooton, Assistant City Manager – Presented on this item. She discussed bringing solar panel permit application fees into compliance with State law.

Mayor Godes opened the item for public comment.

None were made.

Mayor Godes closed the item for public comment.

Mayor Pro Tem Kaup, seconded by Councilor Hershey moved to approve Ordinance 13, Series of 2020; An Ordinance of the City Council of the City of Glenwood Springs, Colorado Amending Section 060.020.020 related to Solar Panel Fees (FIRST READING).

Motion passed unanimously.

11. South Midland Improvements Project: Public Information Services

Terri Partch, City Engineer – Presented on this item and made note of requests for public information on the project.

Mayor Godes opened the item for public comment.

None were made.

Mayor Godes closed the item for public comment.

Mayor Godes, seconded by Mayor Pro Tem Kaup moved to approve the \$103,210 and additional \$10,000 estimate for direct advertising for a total authorization of \$113,210 to Project Resource Studio.

Ayes: Kaup, Davis, Willman, Godes, Voorhees, Stepp

Nays: Hershey

12. Consideration of a request to rezone property owned by Glenwood Meadows, LLC known as Lot 11 B Glenwood Meadows No 5, A Minor Re-subdivision of Glenwood Meadows No 4 Lot Line Adjustment, from RH Residential High Density to M2 Mixed-Use Core Zoning

Gretchen Ricehill, Assistant Director for Economic and Community Development – Gave background on this item. She noted the Planning and Zoning Commission unanimously recommended approval with two conditions. Staff recommends City Council uphold the Planning and Zoning Commission recommendation.

Mayor Godes opened the item for public comment.

None were made.

Mayor Godes closed the item for public comment.

Mayor Pro Tem Kaup, seconded by Councilor Willman moved that City Council uphold Planning and Zoning Commission findings and recommendations for rezoning of Lot 11 B in Glenwood Meadows with the suggested findings and suggested conditions as shown in the June 4, 2020 staff report.

Motion passed unanimously.

13. Ordinance 16, Series of 2020 - An Ordinance of the City Council of the City of Glenwood Springs, Rezoning Property Owned by Glenwood Meadows, LLC known as Lot 11B Glenwood Meadows No 5, A Minor Resubdivision of Glenwood Meadows No 4 Lot Line Adjustment, Glenwood Springs, Colorado from RH Residential High Density to M2 Mixed-Use Core Zoning (FIRST READING)

Mayor Godes opened the item for public comment.

None were made.

Mayor Godes closed the item for public comment.

Mayor Pro Tem Kaup, second by Councilor Stepp moved to approve Ordinance 16, Series of 2020 - An Ordinance of the City Council of the City of Glenwood Springs, Rezoning Property Owned by Glenwood Meadows, LLC known as Lot 11B Glenwood Meadows No 5, A Minor Resubdivision of Glenwood Meadows No 4 Lot Line Adjustment, Glenwood Springs, Colorado from RH Residential High Density to M2 Mixed-Use Core Zoning (FIRST READING).

Motion passed unanimously.

14. Ordinance No 17, Series of 2020; An Ordinance of the City Council of the City of Glenwood Springs Amending Section 120.040.020(11) of the Glenwood Springs Municipal Code (FIRST READING)

Mayor Godes opened the item for public comment.

None were made.

Mayor Godes closed the item for public comment.

Joseph Deras, Police Chief – Presented on this item. He noted staff recommended approval of Ordinance 2020-17 removing private parking enforcement language from the municipal code.

Councilor Willman, seconded by Mayor Pro Tem Kaup moved to approve Ordinance No 17, Series of 2020; An Ordinance of the City Council of the City of Glenwood Springs Amending Section 120.040.020(11) of the Glenwood Springs Municipal Code (FIRST READING).

Motion passed unanimously.

15. Ordinance No 18, Series of 2020; An Ordinance of the City Council of Glenwood Springs, Colorado Temporarily Amending Section 040.010.04 of the Glenwood Springs Municipal Code (FIRST READING)

Karl Hanlon, City Attorney – Gave background on this item and discussed implementation of budget changes.

Mayor Godes opened the item for public comment.

None were made.

Mayor Godes closed the item for public comment.

Councilor Voorhees, seconded by Councilor Stepp moved to approve Ordinance No 18, Series of 2020; An Ordinance of the City Council of Glenwood Springs, Colorado Temporarily Amending Section 040.010.04 of the Glenwood Springs Municipal Code (FIRST READING).

Motion passed unanimously.

16. Report from City Administration Information

- A. City Manager
- B. City Attorney
- C. Correspondence Incoming/Outgoing

No updates were noted.

17. Adjournment at 9:10 PM.



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

Agenda Item: Planning Item 04-20 Consideration of a Major Site/Architectural Plan Review, Rezoning from RH Residential High-Density to RT Residential Transitional for the construction of 100 Multifamily multi-family apartment and duplex units on approximately 5.74 acres (PIN 2185-153-04-001, 2185-153-02-008, and 2185-211-00-002)

Action Requested: **Action 1 –Ordinance No. 20, Series of 2020 Rezoning** – of 2710 Blake Avenue (PIN: 2185-211-00-002) from RH Residential High-Density to RT Residential Transitional.

Action 2 – Major Site/Architectural Plan Review – to allow for the construction of 100-unit multi-family apartment and duplex units.

Department: Economic and Community Development

Presented By: Trent Hyatt, Senior Planner

Background Info: The subject proposal was first considered by the Planning and Zoning Commission (Commission) at their April 28, 2020 regular meeting which was followed by a special meeting on May 5 to allow for the receipt of additional public comment. Technical difficulties interrupted the May 5 meeting and consideration of the application was continued to the May 26 regular meeting.

At the May 26 meeting, the Commission considered two variance requests, voting to approve one related to the location of interior parking lots adjacent to public rights-of-way while denying another related to the requirement for a minimum of two housing types for developments of this size. A recommendation for approval of the requested rezoning was also provided at the May 26 meeting. However, prior to acting on the Major Site/Architectural Plan Review application (City Council Action Item 2), the Commission requested the applicant and staff conduct a neighborhood meeting to discuss the options for access and circulation in the area as it relates to the project. In order to allow time for the separate traffic related neighborhood meeting, the Commission continued consideration of the request to July 28, 2020.

Following the meeting on May 26, the applicant informed staff of their need to move forward with review of the application prior to the July 28 Commission meeting due to financing constraints. Therefore, the access and circulation neighborhood meeting was quickly scheduled and noticed for June 8. The neighborhood access and circulation meeting, hosted by the City via Zoom on June 8, was attended by approximately 25 citizens. While numerous options for traffic control/calming were discussed, the City, applicant, and those in attendance supported a site layout and street redesign referred to as Option C. The street redesign includes an elimination of a full extension of Palmer Avenue from 26th Street to Blake Avenue and restricts access to the development site to the intersection of Palmer and Blake Avenues only. The remainder of the street construction in the Palmer Avenue right-of-way, above and to the north of driveway aisles, is limited to a bicycle and pedestrian path which allows fire/emergency access only. In this scenario, the City supports the addition of speed bumps on both Blake and Palmer Avenues between 23rd and 26th Streets. Some members of the public also support a one way along Blake Avenue between the same numbered streets, as per the 2018 development approval. However, the City prefers two-way traffic circulation along both avenues. Revisions associated with the site layout changes are depicted in the attachment titled "June 17 2020 Revised/Option C Site Plans Elevations Landscaping Plans".

Option C also revises the layout and sizes of site buildings. Former building F, as depicted in the "April

28 2020 Original Triumph-Bell Rippy Civil Plan Set", is eliminated and the associated units are relocated to other site buildings addressing concerns about its proximity to the Oakhurst Townhomes. Parking previously proposed at the north end of the site has been converted to public park space. Finally, a duplex site has been designated just south of the new park space in response to the Commission's denial of the related variance request. A total of 100 units are still provided.

Minutes from each Commission meeting related to the proposed are attached for your review. Additionally, a copy of the presentation and a recording of the June 8 neighborhood access and circulation meeting are located at <http://cogs.us/285/Planning-Department>. A revised site plan, building elevations, and landscaping plans related to option C are attached as well as revised recommended conditions of approval addressing the proposed changes. All other provided plans, reports, minutes, etc. are also included. As a response to requests for a site visit to the subject property, staff, has provided a drone video of the property to help City Council visualize the proposed layout here: <https://www.youtube.com/watch?v=Kjky7BhJBbg&feature=youtu.be>.

Issues:

Planning and Zoning Commission Discussion

As detailed above, most of the Commission's discussion surrounded the access/circulation/traffic (including future improvements to Blake Avenue and the opening of the Blake gate) associated with the development. However, the Commission spent their meetings discussing the location and design of site buildings and parking, landscaping and screening/retaining walls, open space and amenities, etc.

Planning and Zoning Commission Recommendations

On May 26, 2020, the Commission voted unanimously 7-0 to recommend **approval** of the Rezoning application to City Council. On June 23, 2020, the Commission voted unanimously 5-0 to recommend **approval** of the Major Site/Architectural Plan Review application to City Council.

Staff Recommendation:

Action Alternatives

Section 070.060.030(g)(1)d of the Code outlines the review and decision procedures for applications being considered by City Council stating, "The applicable review body shall approve, approve with conditions, or deny the application based on the applicable approval criteria listed in the application specific procedures. The body may also continue the hearing or refer the application to another authority as provided in 070.060.050(a)(2)c, Referral and Call- Up Procedures."

Action 1 – Rezoning – of 2710 Blake Avenue (PIN: 2185-211-00-002) from RH Residential High-Density to RT Residential Transitional.

Staff Recommendation

Staff recommends **approval** of the Rezoning application with the findings below.

Recommended Findings

1. The rezoning is consistent with the City's comprehensive plan and the purpose of this Code;
 2. The rezoning is consistent with the proposed purpose statement of the RT- Residential Transitional zone district;
 3. Substantial changes in the subject area warrant a zoning change; and/or
 4. The intensity of development in the new zoning district is not expected to create significantly adverse impacts to surrounding properties or the neighborhood.
- Action 2 – Major Site/Architectural Plan Review** – to allow for the construction of 100-unit multi-family apartment and duplex units.

Action 2 – Major Site/Architectural Plan Review – to allow for the construction of 100-unit multi-family apartment and duplex units.

Staff Recommendation

Staff recommends **approval** with conditions of the Major Site/Architectural Plan Review application

with the findings and conditions below.

Recommended Findings

1. The applicant revised the site layout and street design (referred to as Option C) in response to the Planning and Zoning Commission's request for additional information related to access and circulation in the neighborhood, concerns regarding the location of various buildings, and the Commission's denial of a variance related to the number of housing types provided as follows:
 - a. Eliminate the full extension of Palmer Avenue from 26th Street to Blake Avenue and restrict access to the development site to the intersection of Palmer and Blake Avenues only. The remainder of the street construction in the Palmer Avenue right-of-way, above and to the north of driveway aisles, is limited to a bicycle and pedestrian path which allows fire/emergency access only. Add speed bumps along both Blake and Palmer Avenues, between 23rd and 26th Streets;
 - b. Revise the locations and sizes of site buildings and number of multi-family units provided to 98;
 - c. Eliminate building F;
 - d. Provide a public park as the north end of the subject property; and
 - e. Provide a duplex site between the proposed public park and multi-family buildings.
2. The site/architectural plan is consistent with the general purpose and intent of the Code;
3. The site/architectural plan is consistent with the dimensional, design, development, and all other standards of this Code;
4. The site/architectural plan is not in conflict with precedent land use approvals; and
5. The site/architectural plan is substantially consistent with the Comprehensive Plan and other adopted City policies and plans.

Recommend Conditions

1. Prior to occupancy of any related residential units, the applicant adhere to the following:
 - a. Applicant shall install/construct all traffic improvements required to accommodate the access and circulation plan outlined in Option C above, as per the City Engineer and Public Works Director.
 - b. The City shall open the Blake Avenue gate located south of the project site.
 - c. The applicant shall be responsible for improvements necessary to temporarily restrict access to one-way southbound on Blake Avenue, between 24th Street and 26th Street, until such time the City can obtain additional public input related to circulation and determine an alternative which is acceptable to the City Engineer and Public Works Director.
2. The Palmer Avenue right-of-way shall be reserved for any future circulation needs of the City, as determined necessary;
3. Prior to approval of a Construction Plans Review application, the applicant shall work with the Fire Marshall to address the design details related to the Palmer Avenue bicycle/pedestrian/emergency access road (i.e. exact grade, width, surface type, etc.), the exact number and location of fire hydrants, and the location of bollards (or similar easily removable impediments) to restrict vehicular access to the bicycle/pedestrian/emergency access road;
4. Prior to the approval of a Construction Plan Review application, the applicant will enter into a maintenance agreement for the pedestrian path/fire lane, include snow removal;
5. Prior to approval of a Construction Plans Review application, the applicant shall work with staff to revise all drawings and reports, as is necessary, relative to the changes outlined in Option C in accordance with all applicable Municipal Code and Engineering Standards.
6. Applicant shall work with staff to revise the conditions list between Planning and Zoning Commission and City Council meetings to remove any duplicate or irrelevant conditions as recommended by staff for the original site plan;
7. The development shall comply with the requirements of the Code except where specific variances have been granted. Any future physical changes or improvements to the property or buildings on the parcel are subject to the review and approval of the Community Development Director for compliance with applicable requirements of the Glenwood Springs Municipal Code;
8. The applicant shall comply with all verbal representations made in the public hearings, as outlined in all application materials, and/or as revised per conditions herein and approved by the Community Development Director;

9. Prior to submitting a building or grading permit application, the applicant shall
 - a. Submit a Construction Plans application in accordance with Municipal Code section 070.060.050(c);
 - b. Enter into a development agreement with the City which shall be recorded with the Garfield County Clerk and Recorder;
 - c. Submit an engineer's estimate of all public improvement and submit a financial security for any required improvement not yet completed;
 - d. Schedule a pre-construction meeting with applicable City departments;
 - e. Submit combination of lots plat for the three subject parcels;
 - f. Submit a landscaping plan in compliance with applicable regulations at that time;
10. Prior to approval of a Construction Plans application, the applicant shall amend and obtain approval of CDOT access permits, as required.

ORDINANCE NO. 20

Series of 2020

**AN ORDINANCE OF THE CITY OF GLENWOOD SPRINGS,
COLORADO, REZONING PROPERTY OWNED BY BELL RIPPY
GLENWOOD, LLC KNOWN AS 2710 BLAKE AVENUE,
GLENWOOD SPRINGS, COLORADO, FROM RESIDENTIAL HIGH
DENSITY (RH) TO RESIDENTIAL TRANSITIONAL (RT) ZONING.**

WHEREAS, Triumph Development West, LLC (the “Applicant”) filed with the City of Glenwood Springs (“Glenwood Springs” or the “City”) on behalf of Bell Rippey Glenwood, LLC (the “Owner”), a request to rezone from RH-Residential High Density to RT-Residential Transitional real property known as 2710 Blake Avenue, Glenwood Springs, CO 81601, also known as parcel 218521100002 in the real property records of Garfield County, Colorado (the “Property”); and

WHEREAS, the Planning and Zoning Commission considered the requested rezoning at a public hearing on May 26, 2020 and recommended approval of the rezoning based on its consideration of the rezoning approval criteria set forth in Section 070.060.040(a)(3)f.3 of the Municipal Code and its findings that the rezoning is consistent with the Comprehensive Plan and the purpose of the Municipal Code; the rezoning is consistent with the Residential Transitional zone district’s purpose statement; substantial changes in the area warrant a zoning change; and the intensity in the new zoning district is not expected to create significantly adverse impacts to surrounding properties or the neighborhood; and

WHEREAS, City Council, following notice required by law, held a public hearing at a regular meeting on July 16, 2020 to consider the rezoning request for the property in light of the approval criteria set forth in Section 070.060.040(a)(3)f.3 of the Municipal Code and found that rezoning the property to Residential Transitional (RT) is an appropriate designation for the Property pursuant to Section 070.060.040(a)(3)f.3; and

WHEREAS, City Council wishes to rezone the property from Residential High Density (RH) to Residential Transitional (RT).

NOW, THEREFORE, IT IS ORDAINED BY THE CITY COUNCIL OF THE CITY OF GLENWOOD SPRINGS THAT:

Section 1: The recitals above are hereby adopted as findings.

Section 2: The Property is hereby zoned Residential Transitional (RT).

Section 3: Pursuant to Section 070.060.040(a)(3)g. of the Municipal Code, the Community Development Director shall prepare a revision to the Official Zoning Map of the City of Glenwood Springs to reflect the rezoning approval herein and shall record the amended map and this Ordinance with the Garfield County Clerk and Recorder.

Section 4: Any ordinances or resolutions or parts thereof, which are in conflict with this ordinance, are hereby repealed to the extent of such conflict only.

INTRODUCED READ ON FIRST READING, PASSED, AND ORDERED
PUBLISHED BY TITLE ONLY THIS 16TH DAY OF JULY 2020.

CITY OF GLENWOOD SPRINGS, COLORADO

Jonathan Godes, Mayor

ATTEST:

Catherine Fletcher, City Clerk

INTRODUCED, READ ON SECOND READING, PASSED AND ORDERED PUBLISHED BY
TITLE ONLY TO BE EFFECTIVE TEN DAYS FOLLOWING THE DATE OF SECOND
PUBLICATION THIS _____ DAY OF _____, 2020.

CITY OF GLENWOOD SPRINGS, COLORADO

Jonathan Godes, Mayor

ATTEST:

Catherine Fletcher, City Clerk



City Council
STAFF REPORT
City of Glenwood Springs
August 20, 2020

Agenda Item:	First Amended and Restated Glenwood Springs - Roaring Fork School District IGA Regarding the Confluence Area Land Exchange
Action Requested:	Approval of the First Amended and Restated Glenwood Springs - Roaring Fork School District IGA Regarding the Confluence Area Land Exchange
Department:	Economic and Community Development
Presented By:	Jennifer Ooton, Assistant City Manager Karl Hanlon
Background Info:	The City of Glenwood Springs sought and received voter approval in 2015 to trade the recycle center property on School Street near the Glenwood Springs Elementary School for area in the Confluence Area, allowing room for the school to expand and the city the opportunity to redevelop the Confluence Area for new residential housing. The City's in-town recycling center was previously located at 1015 School Street and was moved to the South Canyon Landfill in February of 2017. In May of 2016, the City Council approved an IGA with the School District regarding the Confluence Area Land Exchange for the City to take possession of approximately half of the 4.7 acre Vogelaar Park site. Since that time, the two entities have been in the process of converting the Vogelaar Park 6F designation to another site. Federal law requires 6F parkland remain permanently dedicated to outdoor recreation unless the designation can be shifted to another equivalent property. In 2017, the entities jointly applied to Colorado Parks and Wildlife regarding the 6F designation release and a portion of what was submitted was rejected. The City has identified two other parcels for designation, which would in the future also require improvements for recreational access. This IGA updates the agreement to keep the process moving toward resubmitting a 6F exchange that would allow the eventual redevelopment of the Vogelaar Park site.
Issues:	According to CPW, the Coronavirus pandemic has resulted in backups in review time. We are also working with the School District on a needed consultant/biologist to finalize information needed for the submittal for the new parcels.
Staff Recommendation:	Approval of the First Amended and Restated Glenwood Springs - Roaring Fork School District IGA Regarding the Confluence Area Land Exchange.

**FIRST AMENDED AND RESTATED GLENWOOD SPRINGS – ROARING
FORK SCHOOL DISTRICT INTERGOVERNMENTAL AGREEMENT REGARDING
CONFLUENCE AREA LAND EXCHANGE**

THIS FIRST AMENDED AND RESTATED INTERGOVERNMENTAL AGREEMENT regarding the exchange of certain real property located in the vicinity of the “Confluence Area” of the Colorado and Roaring Fork Rivers (the “Agreement”) is made and entered into this ____ day of _____, 2020 by and between the CITY OF GLENWOOD SPRINGS, a Colorado Home Rule Municipality, whose address is 101 West 8th Street, Glenwood Springs, CO 81601 (the “City”), and the ROARING FORK SCHOOL DISTRICT-RE 1, whose address is 1405 Grand Avenue, Glenwood Springs, CO 81601 (the “School District”) (collectively, the “Parties”, individually, a “Party”).

WHEREAS, pursuant to the provisions of Section 29-1-201 et seq., C.R.S., as amended, the Parties have authority and are encouraged to enter into intergovernmental agreements to make the most efficient and effective use of their powers and responsibilities; and

WHEREAS, the School District owns certain real property located near the Confluence Area at 915 School Street, Glenwood Springs, CO 81601, as depicted on the attached Exhibit A, incorporated herein by this reference, which property is used as a portion of Vogelaar Park (the “Park”) (the “School District Property”); and

WHEREAS, the Park was developed for recreational use through the benefit of a Land and Water Conservation Fund Section 6(f) grant provided by the U.S. Department of the Interior, requiring it to remain in use for recreation purposes or be replaced by another parcel designated for recreational purposes of like size (4.75 acres) and value; and

WHEREAS, the City owns certain real property located near the Confluence Area at 941 and 1015 School Street, Glenwood Springs, CO 81601, which property is used as the Glenwood Springs Recycling Center (the “City Property”), and being more particularly depicted in the attached Exhibit B, incorporated herein by this reference; and

WHEREAS, the voters of Glenwood Springs approved the transfer of the City Property at a special election on September 8, 2016; and

WHEREAS, the School District has redeveloped and reconstructed Glenwood Springs Elementary School and appurtenant facilities (“GSES”) in the Confluence Area; and

WHEREAS, the City desires to redevelop the Confluence Area to include new residential housing; and

WHEREAS, the Parties intend to exchange the School District Property and the City Property for the School District’s reconstruction of GSES onto the City Property and the City may provide for residential housing on the School District Property; and

WHEREAS, before the School District Property can be used for residential development, another parcel(s) for recreational purposes of like size and value to the Park will need to be identified to allow for the release of the Section 6(f) designation thereof by the U.S. Department of Interior; and

WHEREAS, the School District and the City agreed to assist each other to accomplish the release of the Section 6(f) designation from the School District Property (the “Release”); and

WHEREAS, in order to satisfy the U.S. Department of Interior’s requirement to designate another parcel for recreational purposes of like size and value to the Park, the School District and City each intend to designate new recreation areas approximately one-half the size and value of the Park; and

WHEREAS, the School District must subdivide portions of its property in order to create the School District Property so that it can be conveyed to the City; and

WHEREAS, the Parties have already allowed the School District to reconstruct a portion of GSES on the City Property before it is conveyed to the School District; and

WHEREAS, the City granted the School District an exclusive and non-revocable license to begin reconstruction of GSES on the City Property; and

WHEREAS, the Parties jointly applied to Colorado Parks and Wildlife for a partial release of the Section 6(f) designation in October 2017 as depicted in Exhibit C; and

WHEREAS, Colorado Parks and Wildlife rejected a portion of what was submitted as replacement for the release of the Section 6(f) designation; and

WHEREAS, the City has identified two other parcels for designation as a recreation area that would be retained in ownership by the City, a portion of parcel 1 in Exhibit D and the property depicted in Exhibit E; and

WHEREAS, the School District Board of Education and the Glenwood Springs City Council agree it is in the best interest of both Parties to cooperate and work to exchange the City and School District Properties (collectively, the “Confluence Area Properties”) to pursue their common redevelopment plans and uses beneficial to the public.

NOW, THEREFORE, in consideration of the mutual covenants and agreements identified below, the Parties agree to this Agreement as follows:

1. **Incorporation of Recitals.** The forgoing recitals are incorporated herein as if set forth in full.

2. **Subdivision**. The School District shall apply for and complete a subdivision of its property to allow for the conveyance of the School District Property to the City (the “Subdivision”). The Subdivision Plat shall note that on-street parking on the south edge of 9th Street, if built, shall be for the exclusive use of the School District. 9th Street shall be a City right-of-way.

3. **Release of Section 6(f) Designation from School District Property.** The School District and the City shall assist each other to accomplish the release of the Section 6(f) designation from the School District Property (the “Release”). The Parties shall each designate new recreation areas approximately one-half the size and value of the Park suitable to the U.S. Department of the Interior in order to accomplish the Release.

4. **Exchange and Appraisal.** Within 12 months from the date of this Agreement, the Parties shall individually obtain a property survey and appraisal of their current Confluence Area Property for their highest and best use and provide the same to the other Party upon completion. The Parties shall thereafter exchange title to the Confluence Area Properties. Should one Party’s Property be determined more valuable than the other Party’s at the time of the exchange, the City and School District shall negotiate a cash settlement or subsequent grant of property as a part of the exchange of the Confluence Area Properties.

5. **School District Property Development.** The Parties understand and agree that a rezoning of the School District Property will need to occur to allow for redevelopment, and that the City may sell or transfer the School District Property to a third party for development. The City shall cooperate with the School District to provide for an adequate transition area on the School District Property between the redeveloped GSES and any Confluence Area commercial development. Such transition area shall be comprised, in whole or in part, of residential housing and/or open space except that ground floor commercial uses, excluding liquor stores, retail or medical marijuana stores and adult entertainment establishments, which front Eighth Street and are integrated into a mixed use residential building shall be permitted. The use restrictions detailed above shall be included in the deed transferring the School District Property to the City. If the event Defiance Street is constructed to connect to 9th Street, it shall be constructed and maintained to include traffic calming measures.

6. **Mutual Aid.** The Parties shall cooperate to effectuate their common objectives in the Confluence Area and recognize that time is of the essence. The City will assist the School District in matters reasonably necessary to begin redevelopment of the City Property by the School District prior to the final exchange of the Confluence Area Properties. The School District shall assist the City in the redevelopment of the School District Property including the identification and designation of Section 6(f) recreational park land suitable to the U.S. Department of the Interior and community’s needs, which will also be performed by the City as stated above.

7. **Remediation of the City Property.** All costs associated with environmental remediation of the City Property shall be borne by the City.

8. **Payments Subject to Annual Appropriations.** Any payment obligations required under this Agreement shall be subject to annual appropriations by each Party. The Parties are not under obligation to make any future apportionment or allocation to this Agreement. Notwithstanding any other terms of this Agreement, it is expressly understood and agreed that: (a) any financial obligation, whether direct or contingent, for all or any part of the work or exchange made under this Agreement shall extend only to monies duly and lawfully appropriated and budgeted by the Parties for the purposes of this Agreement; (b) the Parties do not by this Agreement irrevocably pledge present cash reserves for payments in this or future fiscal years; (c) this Agreement is not intended to create a multiple fiscal year direct or indirect financial obligation

of the Parties; and (d) the obligation of the Parties for expenditure obligations, if any, arising during subsequent fiscal years in which this Agreement could be extended and be in effect shall only extend to utilization of payment of monies appropriated and budgeted and encumbered for the purpose of this Agreement in the fiscal year in which obligations arise.

9. **Notice.** All notices, requests, demands, consents, and other communications pertaining to this Agreement shall be transmitted in writing and shall be deemed duly given when received by the Parties at their addresses below or any subsequent addresses provided to the other Party in writing.

To City: City of Glenwood Springs
Attn.: City Manager
101 West 8th Street
Glenwood Springs, CO 81601

With copy to: City of Glenwood Springs.
Attn.: City Attorney
101 West 8th Street
Glenwood Springs, CO 81601

To District: Roaring Fork Transportation School District RE-1
1405 Grand Ave.
Glenwood Springs, CO 81601

10. **No Waiver of Governmental Immunity Act.** Nothing herein shall be deemed a waiver of the Colorado Governmental Immunity Act for or by either Party. C.R.S. § 24-10-101 *et seq.*

11. **Insurance.** The School District shall add the City as an additional insured on any and all property, liability, and construction insurance policies which are or may become relevant to School District's use of the Confluence Area Properties during the term of this Agreement. Such insurance policies shall be maintained by School District until the final exchange of the Confluence Area Properties.

12. **Term of Agreement.** This Agreement shall become effective upon signature of the last Party to sign and will terminate upon completion of the contemplated land exchange between the Parties as otherwise provided herein. All rights concerning remedies, fees and costs shall survive termination of this Agreement.

13. **Breach and Notice.** If either Party fails to perform its respective obligations under this Agreement, the non-breaching Party shall provide thirty (30) days' notification of such failure to the breaching Party's representative. If the breaching Party fails to correct or remedy the breach, the non-breaching Party may proceed in law or equity to seek injunctive relief, specific performance, and/or damages incurred as a result of the breach.

14. **Good Faith.** There is an obligation of good faith on the part of the Parties, including the obligation to make timely communication of information that may reasonably be believed to be material to the other Party.

15. **No Third Party Beneficiaries.** This Agreement is intended solely for the benefit of the City and School District. No third parties are granted any rights under this Agreement, and neither the City nor School District shall have any obligation itself to any third party by executing this Agreement.

16. **No Joint Venture.** Nothing in this Agreement shall be construed to create a joint venture, partnership, employer/employee, or other relationship between the Parties other than independent contracting parties. Except as permitted under the remedies provision hereunder, neither Party shall have the express or implied right to act for, on behalf of, or in the name of the other Party.

17. **Captions.** The captions in this Agreement are inserted only for the purpose of convenient reference and in no way define, limit, or prescribe the scope or intent of this Agreement or any part thereof.

18. **Counterparts.** This IGA may be executed in counterparts, each of which shall be deemed an original, and all of which, when taken together, shall be deemed the same instrument. Facsimile or photographic signatures of either Party to this Agreement or subsequent modifications thereto, shall be effective for all purposes.

19. **Whole Agreement.** This Agreement sets forth the whole agreement of the Parties regarding the subject matter herein and replaces the prior Intergovernmental Agreement Regarding Confluence Area Land Exchange between the Parties. No representations, either verbal or written, shall be considered binding on either Party to the extent not set forth herein.

20. **Amendment and Assignment.** This Agreement may be amended by the Parties solely through a written agreement signed by both Parties. This Agreement may not be assigned by either Party.

21. **Governing Law, Venue and Survival.** The laws of the State of Colorado to the extent not preempted by federal law shall govern the validity, performance and enforcement of this Agreement. Should either Party institute legal action for enforcement of this Agreement, venue of such action shall be in the United States District Court for the District of Colorado, if the court has jurisdiction; otherwise, any such action shall be filed in Garfield County, Colorado.

22. **Authority.** Each Party signing this Agreement represents and warrants that the individual is fully authorized to enter into and execute this Agreement and to bind the Party it represents to the terms and conditions thereof.

23. **Change of Representatives.** Either Party may, in its sole discretion, change its individual designated representative and the address to which future notices shall be sent by providing written notice to the other Party.

24. **Severability.** Should any provision of this Agreement be found to be in conflict with any law of the United States or the State of Colorado or to otherwise be unenforceable, the remaining provisions shall be deemed severable and the validity of such shall not be affected provided that the remaining provisions can be construed in substance to constitute the agreement which the parties intended to enter into under this Agreement.

IN WITNESS WHEREOF, the City and School District have executed duplicate originals of this Agreement.

CITY OF GLENWOOD SPRINGS, COLORADO

ATTEST:

Catherine Mythen Fletcher, City Clerk

By: _____
Jonathan Godes, Mayor

Date: _____

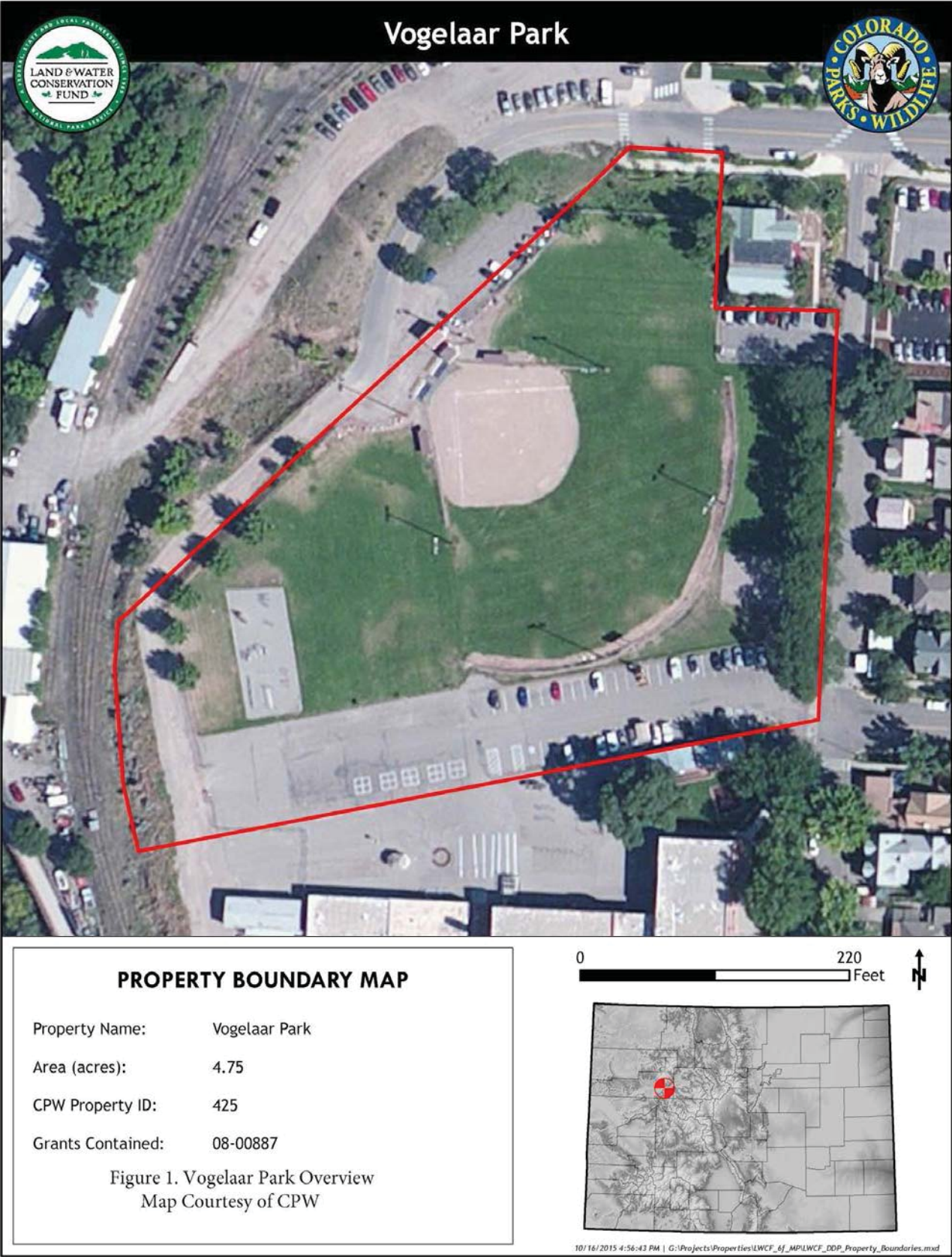
**BOARD OF EDUCATORS OF
ROARING FORK SCHOOL DISTRICT
RE-1**

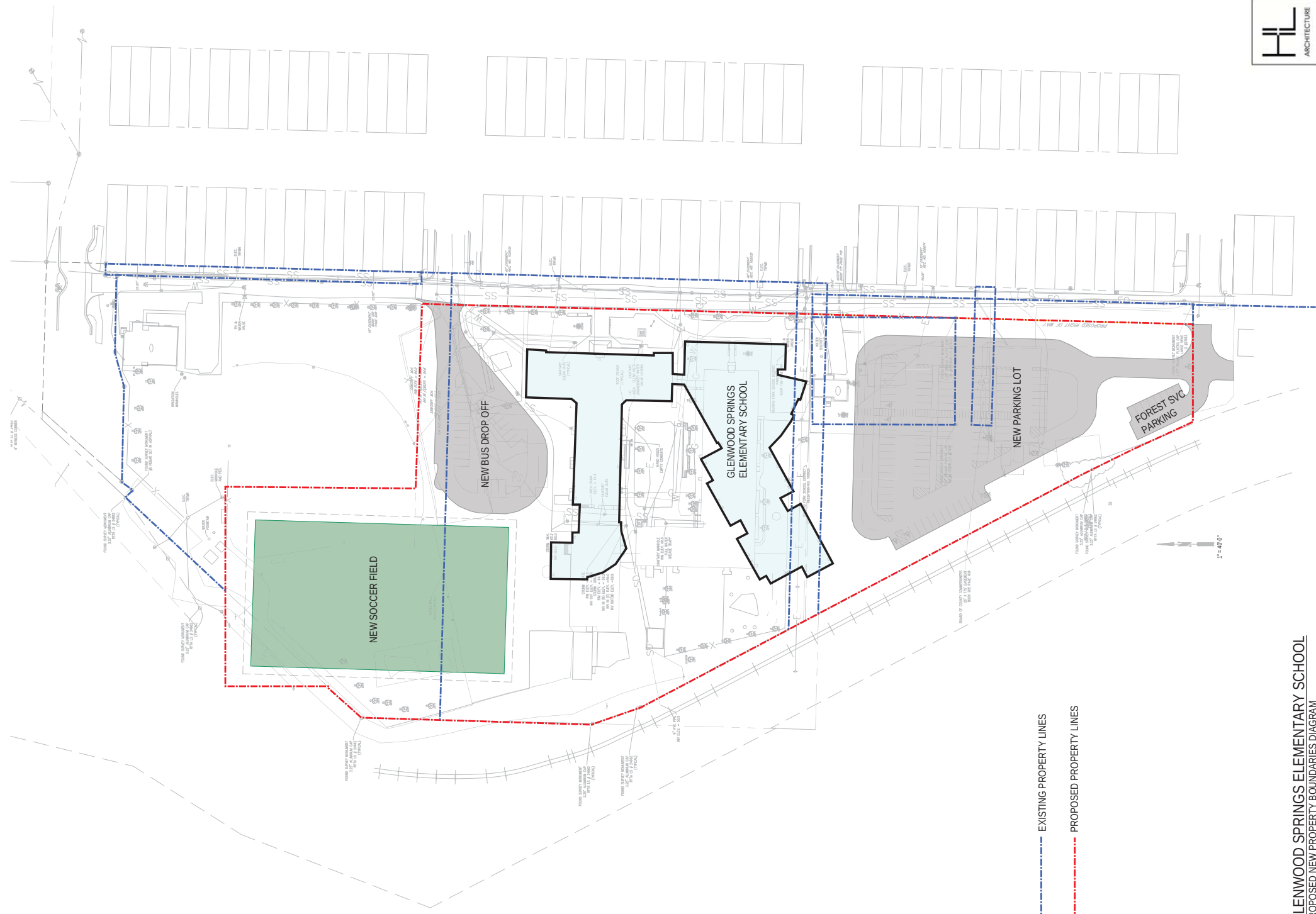
ATTEST:

Secretary

By: _____
Jen Rupert, President

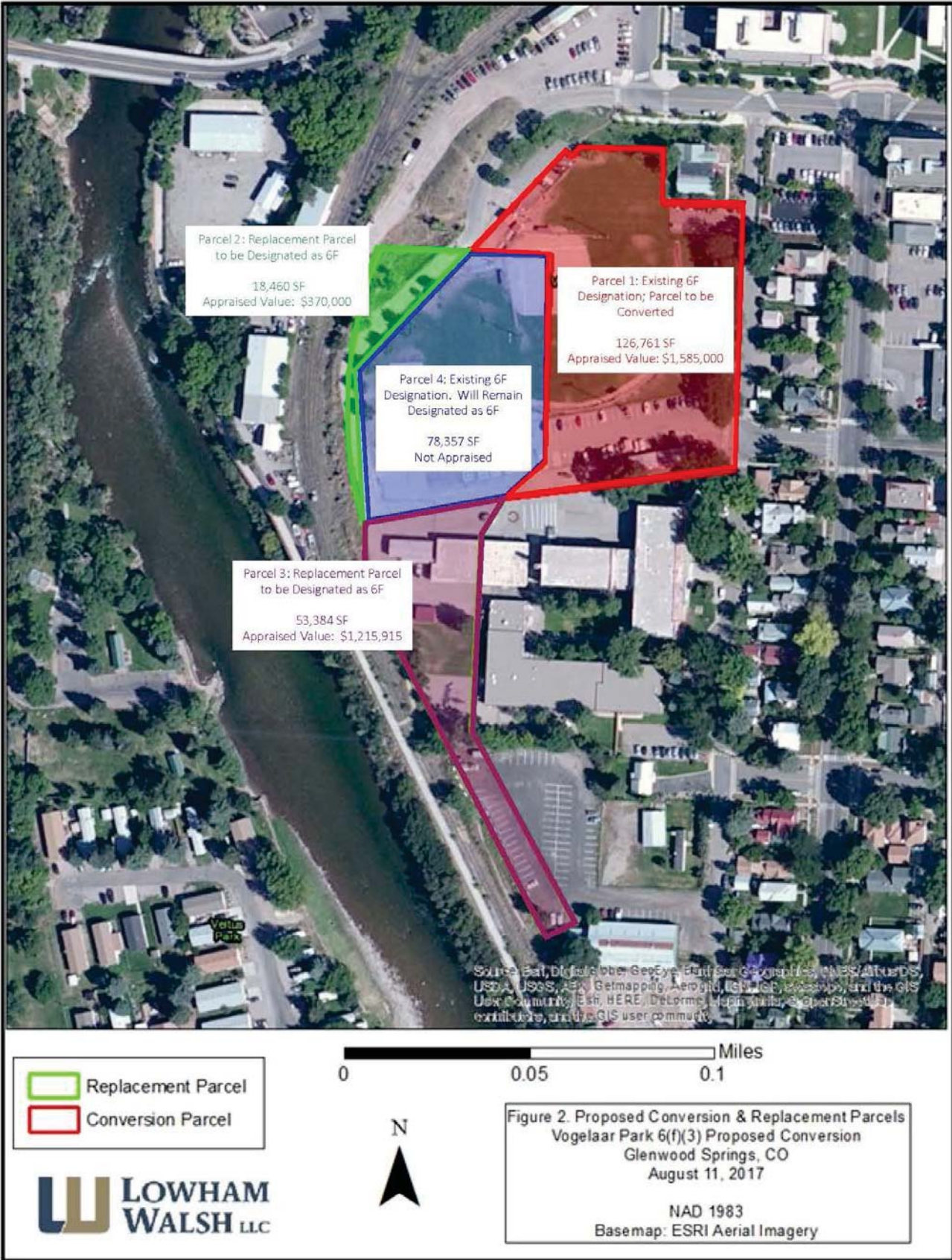
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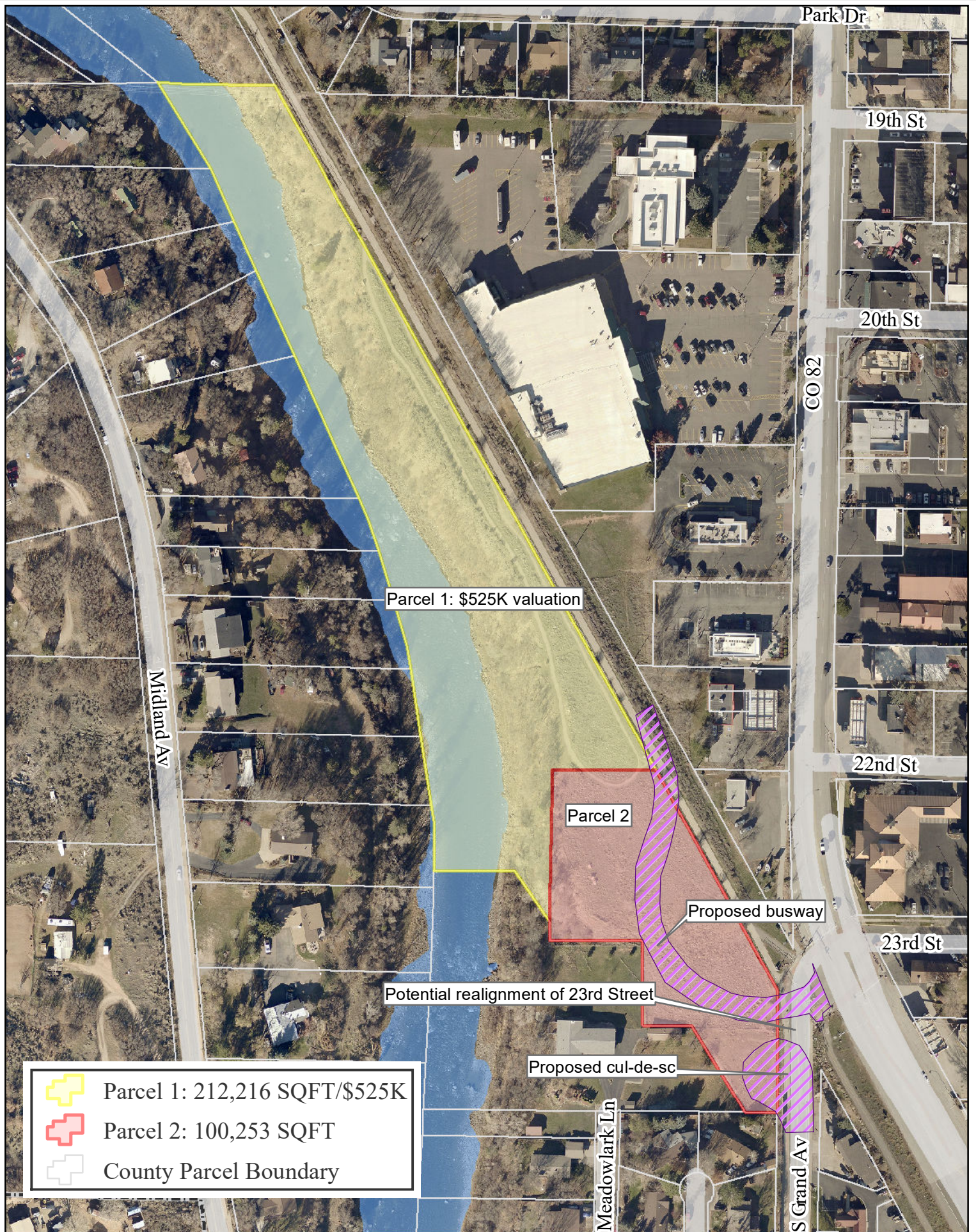




--- EXISTING PROPERTY LINES
 --- PROPOSED PROPERTY LINES







COGS/Parkison Lot Boundary Adjustment

0 90 180 Feet



This map was produced by the City of Glenwood Springs. Use of this map should be for general purposes only. City of Glenwood Springs does not warrant the accuracy of the data contained herein. Aerials: November 2018. Phone: 970-384-6439, Author: J.Koenig, Date: 06/03/20. N:\GIS\GIS_P\Projects\PublicWorks\ParcelExchange\Parkison4_060320.pdf





City Council
STAFF REPORT
City of Glenwood Springs
August 20, 2020

Agenda Item: Resolution 2020-27; A Resolution of the City Council of the City of Glenwood Springs, Colorado, accepting FMLD Grant for Sayre Park Project

Action Requested: Accept a grant award from the Garfield County Federal Mineral Lease District (GCFMLD) in the amount \$24,978.00 for the completion of Phase 1 of the Sayre Park Improvements Project and authorize the Mayor to sign the grant agreement with GCFMLD.

Department: Parks & Recreation

Presented By:

Background Info: The City submitted an application for a \$25,000 grant from the GCFMLD for the completion of Phase 1 of the Sayre Park Improvements Project. The GCFMLD awarded the City a grant in the amount of \$24,978. The GCFMLD has requested a resolution from the City accepting the terms of the agreement and authorizing execution of the agreement.

Issues:

Staff Recommendation: Accept the grant agreement and authorize the Mayor to sign the agreement with GCFMLD.

RESOLUTION 2020-27

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GLENWOOD SPRINGS, COLORADO, ACCEPTING A GRANT FROM THE GARFIELD COUNTY FEDERAL MINERAL LEASE DISTRICT FOR THE COMPLETION OF PHASE 1 OF THE SAYRE PARK IMPROVEMENTS PROJECT AND AUTHORIZING THE MAYOR TO SIGN THE GRANT AGREEMENT

WHEREAS, the City of Glenwood Springs (“City”) submitted an application for a grant from the Garfield County Federal Mineral Lease District (“GCFMLD”) for the completion of Phase 1 of the Sayre Park Improvements Project and requested a total award of \$25,000.00; and

WHEREAS, the GCFMLD awarded the City a grant in the amount of \$24,978.00; and

WHEREAS, the City desires to accept the grant and enter into the grant agreement with the GCFMLD.

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.

Section 2. The City accepts the grant and the terms of the grant agreement with the GCFMLD.

Section 3. The City Council hereby authorizes the Mayor or Mayor Pro Tem to sign the grant agreement with the GCFMLD.

INTRODUCED, READ, AND PASSED THIS 20TH DAY OF AUGUST 2020.

CITY OF GLENWOOD SPRINGS, COLORADO

Jonathan Godes, Mayor

ATTEST:

Catherine Mythen Fletcher, City Clerk

ORIGINAL

MINI GRANT AGREEMENT

CONTRACT NUMBER: 20-SM-04

PROJECT NAME: Sayre Park Improvements - Phase I

GRANT: \$24,978.00

AWARD DATE: April 15, 2020

COMPLETION DATE: April 15, 2021

PARTIES TO AGREEMENT:

GRANTOR: Garfield County Federal Mineral Lease District

GRANTEE: City of Glenwood Springs

Recitals

- A. The Garfield County Federal Mineral Lease District (hereinafter "Grantor" or "GCFMLD") is an independent public body politic and corporate formed pursuant to the Colorado Federal Mineral Lease District Act, C.R.S., § 30-20-1301 *et seq* (2019) (hereinafter "the Act") and governed by a Board of Directors (hereinafter "Board").
- B. Grantee is a political subdivision of the State of Colorado, and is therefore eligible to receive grant funding from Grantor under the Act and 30 U.S.C. §191.
- C. Grantee submitted a grant application (hereinafter "Grant Application") in response to Grantor's **Spring Grant Cycle** and the Mini Grant Program.
- D. Grantor approved Grantee's Grant Application for a Mini Grant on **April 8, 2020**, conditioned on the execution of this Mini Grant Agreement (hereinafter "Agreement").
- E. The project (hereinafter "Project") is as described in the Grant Application and qualifies for GCFMLD funding as either (1) planning, (2) construction and maintenance of public facilities, or (3) provision of public services.

Agreement, Terms, and Conditions

NOW, THEREFORE, for and in consideration of the mutual promises or covenants exchanged herein and for other good and valuable consideration the receipt and sufficiency of which are hereby acknowledged, Grantor and Grantee agree as follows:

1. *Incorporation of Recitals.* The Recitals set forth above are hereby incorporated into the terms of this Agreement.
2. *Representations and Warranties of Grantee.*
 - a. Grantee has full and lawful authority to enter into, and comply with the terms of, this Agreement.
 - b. Grantee warrants that any and all statements and representations including all sources and uses of funds made in the Grant Application are true and correct, and that the Grant Application including all attachments and exhibits thereto is incorporated by this reference into this Agreement as if set forth in full and anew.
 - c. Grantee's governing body has authorized entering into this Agreement as evidenced by the resolution attached hereto as **Exhibit A**.
3. *Representations and Warranties of Grantor.*
 - a. Grantor has full and lawful authority to enter into, and comply with the terms of, this Agreement.
 - b. Grantor represents and warrants that as of the date of execution of this Agreement it has available sufficient funds necessary to fully fund the amount of the Grant set forth herein.
 - c. The Board has authorized its President to sign this Agreement.
4. *Grant and Project.* Subject to the terms and conditions set forth in this Agreement, the Board hereby awards to Grantee a sum not to exceed **twenty-four thousand nine hundred seventy-eight dollars and no cents \$24,978.00** (the "Grant"). The Grant shall be used by Grantee solely to complete the Project, in substantial conformity with the final plans, specifications, designs and uses approved by Grantor and in conformity with the Grant Application.
5. *Project Scope.* Grantee shall not materially modify the Project or the Project budget (attached hereto as **Exhibit B**, the "Budget") without the prior written approval of the Grantor, or Grantor's designee, and such approval shall be in Grantor's sole discretion. Any material modification to the Project undertaken without Grantor's prior written consent may be deemed a breach of this Agreement by Grantor, entitling Grantor to all remedies available under this Agreement. If Grantee determines with reasonable probability that the Project will not or cannot be completed as reflected in the Grant Application, Grantee will promptly so advise the Board, and cooperate in good faith to seek a resolution before any further funds are advanced.

6. *Grantee Efforts.* Grantee shall complete the Project in a timely fashion, in a good and workmanlike manner, and consistent with this Agreement and Grantor's approvals related to the Project.
7. *Completion Date.* Grantee shall complete the Project and submit its Final Report no later than **April 15, 2021** (the "Completion Date"), one calendar year after the Board's approval of the Project. Requests for extension of the Completion Date are discouraged but should be directed in writing to the Board.
8. *Disbursement of Funds.* The Grant is subject to the following requirements and conditions:
 - a. The Grant shall be used only for (1) construction and maintenance of public facilities, or (2) provision of public services and consistent with Grantee's representations in the Grant Agreement. Determinations on eligible and ineligible costs are in Grantor's sole discretion.
 - b. Disbursement of Grant funds shall be made on the basis of costs actually incurred by Grantee and supported by written documentation (receipts, bills, etc.). Grantor may, in its discretion, depending on the nature of the Project, require documentation of mechanics lien waivers or waivers of claims to public project performance bonds as a precondition to any disbursement under this Agreement.
9. *Material Modifications.* Except as otherwise agreed to in advance by Grantor in accordance with the terms of this Agreement, no material modifications may be made to the Project. Material modifications to the Project to which Grantor has not agreed may result in a reduction in the Grant. "Material modifications" may include, but are not necessarily limited to, a reduction in the total cost of the Project or any other variance from the Project as presented in the Grant Application. It is the sole responsibility of Grantee to inform Grantor of any such modifications to the Project. Grantor strongly encourages Grantee to contact Grantor in writing when it becomes aware of or wishes to make any such modifications, however seemingly minor, to the Project.
10. *Project Operation and Maintenance.*
 - a. As applicable to the construction and maintenance of public facilities, Grantee shall operate, manage, and maintain the Project in a reasonable state of repair for the purposes specified in the Grant Application for a period of 25 years from the date of completion of the Project or the useful life of the Project, whichever is less, in accordance with product warranties and/or generally accepted standards applicable to the Project, and provide and maintain access to the Project and to the Property, regardless of the Property's ownership.
 - b. Failure to comply with the provisions of Paragraph 10.a. may be deemed a breach by Grantee under Paragraph 18, below.

- c. Grantor shall not be liable for any cost of maintenance, management or operation of the Project.
 - d. Within 60 days of a reasonable request by Grantor, Grantee will provide Grantor with adequate records reflecting the operating and maintenance costs of the Project and provide the Board with such other information concerning the use of the Project by the public and the impact of the Project.
11. *Public Access.* As applicable to the construction and maintenance of public facilities, Grantee agrees, for itself and its successors in interest, to allow reasonable public access to the Project given the nature and use of the public facilities, for the term specified in Paragraph 10. Grantee may temporarily close such public access for construction, maintenance, emergency situations, or other reasonable purposes.
12. *Compliance with Regulatory Requirements and Federal and State Mandates.* Grantee hereby assumes responsibility for compliance with all regulatory requirements in all applicable areas, including but not limited to nondiscrimination, worker safety, local labor preferences, preferred vendor programs, equal employment opportunity, use of competitive bidding, permits, approvals, and other similar requirements.
13. *Nondiscrimination.* During the performance of this Agreement, Grantee and its contractors, subcontractors and agents shall not unlawfully discriminate against any employee or applicant for employment because of race, religion, color, national origin, ancestry, physical handicap, medical condition, marital status, age or sex, or any other basis prohibited by local, state or federal law. Grantee and its contractors shall ensure that the evaluation and treatment of their employees and applicants for employment are free of such discrimination. Further, during the performance of this Agreement, Grantee and anyone acting on behalf of Grantee shall not engage in any unlawful discrimination in permitting access and use of the Project.
14. *Grantor-Grantee Relations.* Grantor and Grantee seek to maintain positive relations through the course of the Project and in the administration of this Agreement.
- a. *Forms.* Grantee agrees to utilize only GCFMLD-authorized forms, supplying all supporting documentation they require.
 - b. *Signs.* At its expense Grantor will provide signage that Grantee shall display at a prominent location(s) on the Project site before and through completion of the Project. Grantee shall retrieve the signage from and return the signage to the GCFMLD District Office, 817 Colorado Ave., Suite 201, Glenwood Springs, CO. If Grantee wants to use alternative or additional signage referencing Grantor at the project site, Grantor shall approve in advance the design of any such signage. Grantee shall inform the GCFMLD of the need for replacement signage. If the GCFMLD fails to provide replacement signage, Grantee is relieved of the obligations of this paragraph. Grantor may waive signage requirements in its sole discretion.

- c. *Publicity.* Grantee shall acknowledge GCFMLD funding in all publicity issued by it concerning the Project. Grantee shall give the GCFMLD a minimum 30 days' notice of any Project grand openings, dedications, or other events, and shall acknowledge GCFMLD funding at any such event.
 - d. *Photos.* Grantee shall provide quality digital photographs of the completed Project with the Final Report. Photos shall be submitted only on a USB drive, not as printed copies or via email. Grantor reserves the right to utilize any or all such photographs to promote the GCFMLD and its purposes.
15. *Liability.* The Grantor and Grantee acknowledge that each is subject to the constitutional prohibitions against indemnification pursuant to Colorado Constitution article XI, § 1 and that as governmental entities, neither party can agree to indemnify the other. Nothing herein shall be deemed a waiver of the Colorado Governmental Immunity Act for or by either party. C.R.S. § 24-10-101 *et seq.* (2019) as amended.
16. *Audits and Accounting.* Grantee shall maintain standard financial accounts, documents, and records relating to the use, management, and operation of the Project. The accounts, documents, and records related to the Project shall be retained by Grantee for not less than five (5) years following the date of disbursement of funds under this Agreement. Grantor, or its designated agent, shall have the right, upon reasonable notice to Grantee, to audit the books and records of Grantee, which pertain to the Project and to the use and disposition of the Grant. While Grantee is not required to use GAAP (Generally Accepted Accounting Principles), Grantee shall use reasonable and appropriate accounting systems in maintaining the required records hereunder.
17. *Inspection.* Throughout the term of this Agreement, Grantor shall have the right to inspect the Project to ascertain compliance with this Agreement.
18. *Breach; Withdrawal of Board Funding; Termination of Agreement.* Anything else in this Agreement or otherwise to the contrary notwithstanding, Grantor may withdraw, in whole or in part, the Grant and/or terminate this Agreement, if the Board determines in its discretion that:
- a. facts have arisen or situations have occurred that fundamentally alter the expectations of the parties or make the purposes for the Grant as contemplated infeasible or impractical;
 - b. any material modifications in the scope or nature of the Project have occurred from that which was presented in the Grant Application and such material modifications have not received the prior written approval of Grantor;
 - c. any statement or representation made by Grantee in the Grant Application, this Agreement, the Advance Payment documentation, the Progress Report, the Final Report, or otherwise is untrue, inaccurate or incomplete in any material respect;

- d. the results of Grantor's review of the Advance Payment documentation, the Progress Report, or the Final Report are not acceptable to Grantor with respect to material representations therein;
- e. the Project will not or cannot be completed by the Completion Date or any extensions granted thereto or delays in the implementation of the Project have occurred which, in Grantor's sole judgment, make the Project impracticable;
- f. the Project will not or cannot be completed within the Budget or any approved modifications, or the total Project cost and/or Grantee's matching funding are reduced;
- g. title to or encumbrances against the Property are or become such that Grantee is unable to complete the Project, or the Project and/or the Property are or become unavailable for public use;

19. *Remedies.*

- a. In the event that Grantee breaches any of the terms, covenants, representations, or conditions of this Agreement, Grantor may elect to enforce any and all remedies available at law or in equity, including without limitation, any of the following:
 - i. Prior to payment of Grant:
 - A. Withdraw the Grant and terminate this Agreement; and,
 - B. Deny Grantee eligibility for participation in future GCFMLD grants, loans or projects.
 - ii. After payment (partial or full) of Grant:
 - A. Deny Grantee eligibility for participation in future GCFMLD grants, loans or projects;
 - B. Seek specific performance of Grantee's obligations under this Agreement;
 - C. Seek reimbursement in full of disbursement made under the Grant.
- b. The foregoing remedies are cumulative and may be exercised independently or in combination and are not exclusive to one another or to any other remedies available at law or in equity.

20. *Good Faith.* There is an obligation of good faith on the part of both parties, including the obligation to make timely communication of information which may reasonably be believed to be material to the other party.

21. *Assignment.* Grantee may not assign its rights under this Agreement without the prior written consent of Grantor, which consent shall be in the discretion of Grantor. Any assignment shall require that, at a minimum, the assignee is eligible to receive grants from Grantor and assumes all of Grantee's ongoing obligations under this Agreement.
22. *Applicable Law.* This Agreement shall be governed by the laws of the State of Colorado and the United States of America, and venue for any dispute hereunder shall lie exclusively in the 9th Judicial District Court, State of Colorado, in Glenwood Springs, CO.
23. *No Joint Venture.* Nothing in this Agreement shall be construed to create a joint venture, partnership, employer/employee or other relationship between the parties hereto other than independent contracting parties. Except as permitted under the remedies provisions hereunder, neither party shall have the express or implied right to act for, on behalf of, or in the name of the other party.
24. *Severability.* If any provision of this Agreement, or the application thereof, is found to be invalid, the remainder of the provisions of this Agreement, or the application of such provision, other than those as to which it is found to be invalid, shall remain in full force and effect.
25. *Time is of the Essence.* Time is of the essence in this Agreement.
26. *Survival.* The terms and provisions of this Agreement and the parties' covenants hereunder shall survive the funding of the Grant and the completion of the Project.
27. *Counterparts.* This Agreement may be executed in one or more counterparts, each of which shall be an original, but all of which when taken together shall constitute one Agreement. In addition, the parties agree to recognize signatures of this Agreement transmitted by telecopy or e-mail as if they were original signatures.
28. *Third Party Beneficiary.* Grantor and Grantee hereby acknowledge and agree that this Agreement is intended only to cover the relative rights and obligations between Grantor and Grantee, and that no third party beneficiaries are intended.
29. *Construction.* Each party hereto has reviewed this Agreement, and therefore, any usual rules of construction requiring that ambiguities are to be resolved against a particular party shall not be applicable in the construction and interpretation of this Agreement.
30. *Waiver.* The failure of either party to enforce a term hereof shall not be deemed a waiver of such term or right of enforcement as to that breach or any subsequent breach of the same, similar or different nature. No waiver shall be enforceable hereunder unless signed by the party against whom the waiver is sought to be enforced.
31. *TABOR.* No provision of this Agreement shall be construed or interpreted: i) to directly or indirectly obligate either party to make any payment in any year in excess of amounts appropriated for such year; ii) as creating a debt or multiple fiscal year direct

or indirect debt or other financial obligation whatsoever within the meaning of Article X, Section 6 or Article X, Section 20 of the Colorado Constitution or any other constitutional or statutory limitation or provision; or iii) as a donation or grant to or in aid of any person, company or corporation within the meaning of Article XI, Section 2 of the Colorado Constitution.

32. *Entire Agreement.* Except as expressly provided herein or below, this Agreement constitutes the entire agreement of the parties. No oral understanding or agreement not incorporated in this Agreement shall be binding upon the parties. No changes to this Agreement shall be valid unless made as an amendment to this contract, approved by the Board, and signed by the parties.

Exhibit A – Resolution Approved by Grantee's Governing Body Authorizing Execution of this Agreement

Exhibit B – Project Budget

33. *No Later Than Start Date.* Part of the GCFMLD's mission is the expeditious distribution of funding, which means the projects it funds are started and completed in a timely manner. A "no later than start date" is Grantee's good faith estimate of the date by which the Project will commence. This date varies depending on the type of project, and is used by the Board for informational and tracking purposes only. Indicate this date below, and briefly describe the action(s) Grantee considers "starting" the Project. Examples: bid award date, groundbreaking, execution of construction contract, date of first program, etc. This date does not alter the Completion Date in paragraph 7 above.

No Later Than Start Date: _____ (mm/dd/yyyy).

Description: _____

34. *Execution.* To be eligible for the Grant, Grantee shall fully execute the original Agreement including all Exhibits listed in paragraph 32 above and deliver the same to Grantor **no later than noon on Friday, May 15, 2020**. Thereafter, Grantor will execute the Agreement and retain the original in the GCFMLD offices, returning a photocopy to Grantee.

ORIGINAL

IN WITNESS WHEREOF, the parties by signature of their authorized representatives execute this Agreement effective as of the date last signed below:

GRANTOR:
GARFIELD COUNTY
FEDERAL MINERAL LEASE DISTRICT

GRANTEE:
CITY OF GLENWOOD SPRINGS

By: _____
Gregg Rippy
President, GCFMLD Board

By: _____
Jonathan Godes
Interim Superintendent,
Mayor, City of Glenwood Springs

Date: _____

Date: _____

ATTACH EXHIBIT A

ATTACH EXHIBIT B



City Council
STAFF REPORT
City of Glenwood Springs
August 20, 2020

Agenda Item: CONTINUED FROM AUGUST 6, 2020, Ordinance No 21, Series of 2020; An Ordinance of the City Council of the City of Glenwood Springs, Colorado, Amending Section 070.010.070 of the Glenwood Springs Municipal Code Regarding Nonconforming Use Regulations and Section 070.040.020(d)(24) of the Municipal Code Relating to Riparian Setbacks (FIRST READING)

Action Requested: **Action Item 1** - Code Amendment to revise Section 070.010.070 and Section 070.040.020(d)(24) of the *Glenwood Springs Municipal Code* regarding riparian setbacks and related nonconforming use regulations.

Department: Economic and Community Development

Presented By: Trent Hyatt, Senior Planner

Background Info: On October 4, 2018, City Council held a work session with the River Commission and Planning and Zoning Commission (Commission) to facilitate a discussion regarding riparian setbacks. The work session followed a previous City Council discussion regarding the matter on April 26, 2018 that occurred in conjunction with a progress update on the development code re-draft which was ongoing at the time.

Prior to the development code re-draft discussion in April 2018, City Council received a recommendation from the River Commission (following a unanimous vote on February 7, 2018) for the inclusion of a 50-foot riparian setback from ordinary high water mark (OHWM), allowing for 10 percent disturbance therein, in the re-drafting of the development code to replace the existing 30 foot setback from high water mark (please refer to the attached staff reports for an explanation of these terms). Instead of additional work session on the matter, it was determined the proposal would be brought forth via the applicable process for a Code Amendment, review and recommendation by the Commission prior to consideration by City Council.

The Commission first considered a text amendment to revise the City's current riparian setbacks, Section 070.040.020(d)(24) of the Code, at their July 23, 2019 regular meeting. After lengthy public comment and discussion regarding the proposal, consideration was continued to September 24, 2019. At said meeting, the Commission took additional public comment and discussed various issues related to the impacts of the increased setback on the developability of applicable parcels as well as to existing nonconformities. Thereafter, consideration of the proposal was continued on a monthly basis while staff collected additional mapping and surveying information to depict the impacts on various City owned properties as requested by the Commission.

On February 25, 2020, the Commission reviewed mapping prepared by High Country Engineering and SGM comparing the proposed setback from OHWM to the existing 30 foot setback from high water mark and once again took public comment on the proposed Code Amendment.

While the maps prepared by HCE and SGM showed differing areas/impacts subject to the existing/proposed setbacks (varying approximately 5-10 feet) related to the proposal, both made it clear that the 50-foot setback was an increase to the existing 30-foot setback. An increase in the area subject to the riparian setback was never staff's nor the River Commission's intent, which is to prevent the loss/removal of riparian vegetation and improve water quality by eliminating the application of hazardous chemicals in the related riparian zone. As a result, staff revised our recommendation to 35-feet from the OHWM instead. A 35-foot riparian setback from OHWM is also outlined in Garfield

County's development regulations and would allow for consistent outreach, messaging, and enforcement across both jurisdictions.

The Commission voted unanimously 6-0 to recommend approval of the proposed 35 foot setback with an allowed area of disturbance therein of 50 percent (instead of 10). Additionally, the Commission recommended a revision to the nonconforming use regulations, Section 070.010.070, to acknowledge temporary earth disturbing activities/grading occurring within the area subject to the setback to repair existing legal nonconforming structures. After receiving the Commission's recommendation, staff determined that an amendment to the nonconforming use regulations of Section 070.010.070 would require an additional, separate Code Amendment because the original public notice only included a revision to Section 070.040.020(d) Development in Waterways and Areas of Special Flood Hazard, specifically subsection (24) where riparian setbacks are addressed. A copy of the draft recommended language is attached. All information provided to and reviewed by the Commission (i.e. staff reports, supporting documentation/attachments, meeting minutes, mapping, comments from property owners and organizations, etc.) is also included which provides additional detail related to various issues addressed during the process.

Issues:

Addressed above and in various staff reports and letters attached hereto. However, one additional concern raised is whether or not the trimming of existing riparian vegetation or planted grass/landscaped areas would be a violation of the proposed regulation or if an engineering evaluation is required in order for a property owner to do so. As outlined in the various attached staff reports and addressed by staff numerous times during the Commission's review of the proposal, the answer is no as long as the trimming does not damage the riparian vegetation (i.e. trimming for to maintain a view or for wildfire hazard mitigation that does not result in the death of the vegetation) or is not otherwise exempt from the regulation. Additionally, any future aggrieved party will always have the ability to request a variance from the proposed regulation or request a review of staff's interpretation thereof by the Commission as outlined in Code.

Planning and Zoning Commission Recommendation

As outlined above, the Commission voted to recommended approval of the revised setback.

A red-lined version of the Ordinance is attached, with language addressing City Council direction from the August, 6, 2020, City Council meeting.

Staff Recommendation:

Staff Recommendation

The attached draft ordinance includes a slight modification of the nonconforming language recommended by the Commission to make it more clear. Staff recommends **approval** of the Code Amendment with the findings below:

Recommended Findings

1. The proposed amendment is consistent with the Comprehensive Plan and other City policies;
2. The proposed amendment does not conflict with other provisions of this Code or other provisions in the Glenwood Springs Municipal Code;
3. The proposed amendment is necessary to address a demonstrated community need;
4. The proposed amendment is necessary to respond to substantial changes in conditions; and
5. The proposed amendment is consistent with the general purpose and intent of the Municipal Code.

ORDINANCE NO. 21

SERIES OF 2020

AN ORDINANCE OF THE CITY OF GLENWOOD SPRINGS, COLORADO, AMENDING SECTION 070.010.070 OF THE GLENWOOD SPRINGS MUNICIPAL CODE REGARDING NONCONFORMING USE REGULATIONS AND SECTION 070.040.020(d)(24) OF THE MUNICIPAL CODE RELATING TO RIPARIAN SETBACKS.

WHEREAS, the City of Glenwood Springs (the “City”) is a Colorado home rule municipality organized pursuant to Article XX of the Colorado Constitution and with the authority of the Glenwood Springs Home Rule Charter; and

WHEREAS, Section 070.040.020(d)(24) of the Glenwood Springs Development Code regulates development in waterways and areas of special flood hazard and prohibits development and construction within a 30-foot setback area from the high water mark of any river or live stream, subject to certain exceptions such as bridges, irrigation structures, paths for non-motorized use, and erosion protection devices; and

WHEREAS, the River Commission has recommended that the Development Code be revised to require a 50-foot setback from the ordinary high water mark of a river or stream with a provision for a 10% disturbance area within the setback; and

WHEREAS, the Planning and Zoning Commission considered text amendments to Section 070.040.020(d)(24) at its regular meetings on July 23, 2019 and September 24, 2019 and, after receiving extensive public comments from the River Commission, conservation groups, and property owners, the Commission directed staff to collect additional mapping and surveying information to analyze the impacts of increased riparian setbacks on various properties within the City; and

WHEREAS, the Planning and Zoning Commission considered the data collected by staff as well as additional comments from the public at its regular meeting on February 25, 2020; and

WHEREAS, the Planning and Zoning Commission recommended amending Section 070.040.020(d)(24) to require a 35-foot setback from the ordinary high water mark with a permitted disturbance area therein of 50% and to clarify the types of construction activities and improvements that are permitted within the setback; and

WHEREAS, at its regular meeting on May 26, 2020, the Planning and Zoning Commission also recommended amending Section 070.010.070(b)(3)b (requiring that repairs and maintenance within a waterway or areas of special flood hazard comply with Section 070.040.020(d)), to specifically address temporary disturbances created by minor repairs to a nonconforming structure located within a riparian setback; and

WHEREAS, the Planning and Zoning Commission found that the recommended amendments satisfy the Code Amendment Approval Criteria set forth in Section 070.060.040(c)(3)d.3.; and

WHEREAS, City Council desires to adopt the amendments to Sections 070.010.070(b)(3)b and 070.040.020(d)(24) of the Development Code recommended by the Planning and Zoning Commission and finds and declares that the amendments satisfy the Code amendment approval criteria set forth in Section 070.060.040(c)(3)d.3. in that the amendments are consistent with the Comprehensive Plan and other City policies; do not conflict with other provisions of the Municipal Code; are necessary to address a demonstrated community need; are necessary to respond to substantial changes in conditions and/or policy; and are consistent with the general purpose and intent of the Municipal Code.

NOW THEREFORE, IT IS ORDAINED BY THE CITY COUNCIL OF THE CITY OF GLENWOOD SPRINGS, COLORADO, THAT:

Section 1. The recitals hereinabove are hereby adopted as findings and incorporated herein.

Section 2. Section 070.010.070(b)(3)b of the Glenwood Springs Municipal Code is hereby amended as follows, with double underlined text added and ~~strike through language deleted~~:

Section 070.010.070 - Nonconformities

b. Repairs and maintenance within a waterway or area of special flood hazard shall comply with Subsection 070.040.020(d). Temporary disturbance to make minor repairs of a nonconforming structure within the riparian setback required by 070.040.020(d)(24) shall be limited to fifteen feet around the structure. The temporary ~~disturbed-disturbance~~ area shall be returned to ~~the previous~~s original condition and vegetation or with other appropriate riparian plant species. However, vegetation listed on the Garfield County noxious weed list shall not be replanted.

Section 3. Section 070.040.020(d)(24) is hereby repealed and replaced entirely with the following:

Section 070.040.020 – Sensitive Area Protection.

(24) *Conservation of Waterways.* It is the purpose of this subsection to conserve and promote the health of the City’s riparian ecosystems, water quality, and protect human drinking water by maintaining a functional natural buffer adjacent to waterways.

a. *Applicability.* All new improvements, buildings, additions, structures, excavations, grading, dumping, clearing of native vegetation, or backfill shall be subject to the requirements of 070.040.020(d)(24)b. *Standards* ~~unless the applicant demonstrates to the City Engineer and the Director by~~

~~clear and convincing evidence that one or more of the following conditions is met~~A permit, engineering or other study would not be required to be in compliance with 070.040.020(d)(24) if any of the following conditions are met. This would not exempt the following activities from permits or engineering studies required by other parts of the Municipal Code:

1. The removal of native vegetation, not to exceed ~~50-20~~ percent of the setback area defined below, to allow a property owner private access to and personal enjoyment of the waterway. This shall not be interpreted to allow for permanent structures of any kind within said area.
2. The construction of bridges, public utilities, public paths for non-motorized use, public open space areas and boat ramps, wildfire mitigation activities, irrigation structures, flood control and erosion protection devices that do not result in increased water quality degradation, stream bank erosion, or a reduction in the function and quality of a riparian area or wetland.
3. ~~Removal of vegetation listed on the Garfield County noxious weed list, Chinese Elm, or Siberian Elm in compliance with applicable regulations. The type, kind and amount of replacement vegetation shall be at the discretion of the property owner provided it is sufficient to limit and prevent erosion at the riverbank.~~Removal of vegetation listed on the Garfield County noxious weed list, Chinese Elm, or Siberian Elm in compliance with applicable regulations. Vegetation shall be replaced with appropriate riparian plant species to limit erosion.
4. ~~Applicant~~The Property Owner demonstrates one or more of the following:
 - i. The area does not contain significant riparian plant species or functions;
 - ii. The area is impacted by previous earth disturbing activities; and/or
 - iii. The proposed improvement (including but not limited to the ~~trimming-pruning~~ of vegetation, construction of access path or steps, hot springs pools) does not result in increased water quality degradation, stream bank erosion, or a reduction in the function and quality of a riparian area or wetland.

b. *Standards.*

1. No improvement, building, structure, excavation, grading, dumping, clearing of native vegetation, or backfill shall be placed, built, undertaken or approved within thirty-five feet of the ordinary high-water mark (as defined by the US Army Corp of Engineers), measured horizontally, of any river or live perennial stream.
2. No chemical treatments, including but not limited to fertilizers, pesticides, and/or herbicides, are permitted within said thirty-five-foot setback area.

INTRODUCED, READ ON FIRST READING, PASSED AND ORDERED
PUBLISHED BY TITLE ONLY THIS 16TH DAY OF JULY 2020.

CITY OF GLENWOOD SPRINGS, COLORADO

Jonathan Godes, Mayor

ATTEST:

Catherine Mythen Fletcher, City Clerk

INTRODUCED, READ ON SECOND READING, PASSED AND ORDERED PUBLISHED BY
TITLE ONLY TO BE EFFECTIVE TEN DAYS FOLLOWING THE DATE OF SECOND
PUBLICATION THIS ____ DAY OF _____ 2020.

CITY OF GLENWOOD SPRINGS, COLORADO

Jonathan Godes, Mayor

ATTEST:

Catherine Mythen Fletcher, City Clerk

Ordinance No. 21

Series of 2020

AN ORDINANCE OF THE CITY OF GLENWOOD SPRINGS, COLORADO, AMENDING SECTION 070.010.070 OF THE GLENWOOD SPRINGS MUNICIPAL CODE REGARDING NONCONFORMING USE REGULATIONS AND SECTION 070.040.020(d)(24) OF THE MUNICIPAL CODE RELATING TO RIPARIAN SETBACKS.

WHEREAS, the City of Glenwood Springs (the “City”) is a Colorado home rule municipality organized pursuant to Article XX of the Colorado Constitution and with the authority of the Glenwood Springs Home Rule Charter; and

WHEREAS, Section 070.040.020(d)(24) of the Glenwood Springs Development Code regulates development in waterways and areas of special flood hazard and prohibits development and construction within a 30-foot setback area from the high water mark of any river or live stream, subject to certain exceptions such as bridges, irrigation structures, paths for non-motorized use, and erosion protection devices; and

WHEREAS, the River Commission has recommended that the Development Code be revised to require a 50-foot setback from the ordinary high water mark of a river or stream with a provision for a 10% disturbance area within the setback; and

WHEREAS, the Planning and Zoning Commission considered text amendments to Section 070.040.020(d)(24) at its regular meetings on July 23, 2019 and September 24, 2019 and, after receiving extensive public comments from the River Commission, conservation groups, and property owners, the Commission directed staff to collect additional mapping and surveying information to analyze the impacts of increased riparian setbacks on various properties within the City; and

WHEREAS, the Planning and Zoning Commission considered the data collected by staff as well as additional comments from the public at its regular meeting on February 25, 2020; and

WHEREAS, the Planning and Zoning Commission recommended amending Section 070.040.020(d)(24) to require a 35-foot setback from the ordinary high water mark with a permitted disturbance area therein of 50% and to clarify the types of construction activities and improvements that are permitted within the setback; and

WHEREAS, at its regular meeting on May 26, 2020, the Planning and Zoning Commission also recommended amending Section 070.010.070(b)(3)b (requiring that repairs and maintenance within a waterway or areas of special flood hazard comply with Section 070.040.020(d)), to specifically address temporary disturbances created by minor repairs to a nonconforming structure located within a riparian setback; and

WHEREAS, the Planning and Zoning Commission found that the recommended amendments satisfy the Code Amendment Approval Criteria set forth in Section 070.060.040(c)(3)d.3.; and

WHEREAS, City Council desires to adopt the amendments to Sections 070.010.070(b)(3)b and 070.040.020(d)(24) of the Development Code recommended by the Planning and Zoning Commission and finds and declares that the amendments satisfy the Code amendment approval criteria set forth in Section 070.060.040(c)(3)d.3. in that the amendments are consistent with the Comprehensive Plan and other City policies; do not conflict with other provisions of the Municipal Code; are necessary to address a demonstrated community need; are necessary to respond to substantial changes in conditions and/or policy; and are consistent with the general purpose and intent of the Municipal Code.

NOW THEREFORE, IT IS ORDAINED BY THE CITY COUNCIL OF THE CITY OF GLENWOOD SPRINGS, COLORADO, THAT:

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Section 070.010.070 - Nonconformities

b. Repairs and maintenance within a waterway or area of special food hazard shall comply with Subsection 070.040.020(d). Temporary disturbance to make minor repairs of a nonconforming structure within the riparian setback required by 070.040.020(d)(24) shall be limited to fifteen feet around the structure. The temporary disturbed area shall be returned to the previous vegetation or with appropriate riparian plant species. However, vegetation listed on the Garfield County noxious weed list shall not be replanted.

Section 3. Section 070.040.020(d)(24) is hereby repealed and replaced entirely with the following:

Section 070.040.020 – Sensitive Area Protection.

(24) *Conservation of Waterways.* It is the purpose of this subsection to conserve and promote the health of the City’s riparian ecosystems, water quality, and protect human drinking water by maintaining a functional natural buffer adjacent to waterways.

a. *Applicability.* All new improvements, buildings, additions, structures, excavations, grading, dumping, clearing of native vegetation, or backfill shall be subject to the requirements of 070.040.020(d)(24)b. *Standards* unless the applicant demonstrates to the City Engineer and the Director by clear and convincing evidence that one or more of the following conditions is met:

1. The removal of native vegetation, not to exceed 50 percent of the setback area defined below, to allow a property owner private access to and personal enjoyment of the waterway. This shall not be

interpreted to allow for permanent structures of any kind within said area.

2. The construction of bridges, public utilities, public paths for non-motorized use, public open space areas and boat ramps, wildfire mitigation activities, irrigation structures, flood control and erosion protection devices that do not result in increased water quality degradation, stream bank erosion, or a reduction in the function and quality of a riparian area or wetland.
3. Removal of vegetation listed on the Garfield County noxious weed list, Chinese Elm, or Siberian Elm in compliance with applicable regulations. Vegetation shall be replaced with appropriate riparian plant species to limit erosion.
4. Applicant demonstrates one or more of the following:
 - i. The area does not contain significant riparian plant species or functions;
 - ii. The area is impacted by previous earth disturbing activities; and/or
 - iii. The proposed improvement (including but not limited to the trimming of vegetation, construction of access path or steps, hot springs pools) does not result in increased water quality degradation, stream bank erosion, or a reduction in the function and quality of a riparian area or wetland.

b. Standards.

1. No improvement, building, structure, excavation, grading, dumping, clearing of native vegetation, or backfill shall be placed, built, undertaken or approved within thirty-five feet of the ordinary high-water mark (as defined by the US Army Corp of Engineers), measured horizontally, of any river or live perennial stream.
2. No chemical treatments, including but not limited to fertilizers, pesticides, and/or herbicides, are permitted within said thirty-five-foot setback area.

INTRODUCED, READ ON FIRST READING, PASSED AND ORDERED
PUBLISHED BY TITLE ONLY THIS 16TH DAY OF JULY 2020.

CITY OF GLENWOOD SPRINGS, COLORADO

Jonathan Godes, Mayor

ATTEST:

Catherine Mythen Fletcher, City Clerk

INTRODUCED, READ ON SECOND READING, PASSED AND ORDERED PUBLISHED BY
TITLE ONLY TO BE EFFECTIVE TEN DAYS FOLLOWING THE DATE OF SECOND
PUBLICATION THIS ____ DAY OF _____, 2020.

CITY OF GLENWOOD SPRINGS, COLORADO

Jonathan Godes, Mayor

ATTEST:

Catherine Mythen Fletcher, City Clerk

From: [Catherine Fletcher](#)
To: [Trent Hyatt](#)
Subject: Riparian Set back
Date: Wednesday, July 15, 2020 12:22:46 PM

From: Debra Figueroa <debra.figueroa@cogs.us>
Sent: Wednesday, July 15, 2020 11:04 AM
To: Catherine Fletcher <catherine.fletcher@cogs.us>
Subject: Fwd: Thanks for the phone call yesterday - one more quick thing..

For the record...thank you!

Begin forwarded message:

From: Paula Stepp <paula.stepp@cogs.us>
Date: July 15, 2020 at 10:51:25 AM MDT
To: Debra Figueroa <debra.figueroa@cogs.us>
Subject: FW: Thanks for the phone call yesterday - one more quick thing..

Here's one about the setback. Do you want to share with council?
Paula

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

From: Gary Vick <garywvick@icloud.com>
Sent: Wednesday, July 15, 2020 10:46 AM
To: Paula Stepp <paula.stepp@cogs.us>
Subject: Thanks for the phone call yesterday - one more quick thing..

Paula. I genuinely appreciate your phone call yesterday and your desire to hear all sides of an argument.

There were a couple of quotes in the Post Independent today that really surprised me. For the Mayor to say "we need the most pristine waterway possible" infers that we do not already have that. We do. I have been kayaking the Roaring Fork since 1992. It has remained pristine for decades under existing ordinances. As I mentioned yesterday, nothing is threatening the river.

Rick Lafaro said the Amendment "will protect the rivers for decades", but existing regulations and responsible homeowners have done exactly that for decades. A law that destroys tens of million of dollars in property values is not required to maintain this protection. If it is, it is up to him to prove it.

He said that "many jurisdiction are adopting such codes" when 6 of 10 nearby cities

along the river have no setbacks of any kind and only one, Basalt, has a code that would be more restrictive than the one being considered by Glenwood. Some of the jurisdiction he refers to are counties which, as I show in my materials, have very different setback needs than do municipalities.

If there is a rosetta stone in the 1,200 pages of your packet that makes you want to pass it, please give me a crack at it. I think I can rebut any of the proponents arguments, even a rosetta stone! I promise to be brief.

Thanks so much.

Gary Vick
720-548-0962

From: [Catherine Fletcher](#)
To: [Trent Hyatt](#)
Subject: FW: proposed Riparian Ordinance
Date: Wednesday, July 15, 2020 12:22:21 PM

From: Debra Figueroa <debra.figueroa@cogs.us>
Sent: Wednesday, July 15, 2020 11:02 AM
To: Catherine Fletcher <catherine.fletcher@cogs.us>
Subject: Fwd: proposed Riparian Ordinance

Begin forwarded message:

From: Paula Stepp <paula.stepp@cogs.us>
Date: July 15, 2020 at 10:52:19 AM MDT
To: Debra Figueroa <debra.figueroa@cogs.us>
Subject: **FW: proposed Riparian Ordinance**

Hi Debra

This looked like it already went to all council members. Do you need to share or include in packet?

Paula

From: maria chansky <sjpdragonlady@hotmail.com>
Sent: Tuesday, July 14, 2020 3:26 PM
To: Jonathan Godes <jonathan.godes@cogs.us>; shelly.kaup@cogs.us; Steve Davis <steve.davis@cogs.us>; Rick Voorhees <rick.voorhees@cogs.us>; Charlie Willman <charlie.willman@cogs.us>; Paula Stepp <paula.stepp@cogs.us>; Tony Hershey <tony.hershey@cogs.us>; Trent Hyatt <trent.hyatt@cogs.us>; Gretchen E Ricehill <gretchen.ricehill@cogs.us>; Jennifer Ooton <jenn.ooton@cogs.us>; Gary Vick <garywvick@icloud.com>
Subject: Re: proposed Riparian Ordinance

Dear City Council Members and Staff Members,

I am writing to you as one of the homeowners who is fortunate enough to live along the Roaring Fork River in Glenwood Springs. I have lived in this location for almost 20 years. I am writing to ask you to consider the needs of my neighbors and myself when you vote Thursday on the proposed Riparian Ordinance. I consider myself to be part of the Friends of the Roaring Fork. I have several very

specific concerns regarding the proposed ordinance, which I would ask you to take into account when you make your decision.

I understand and appreciate that this proposal stems from concerns about the health of the Roaring Fork River, and fears that there may be additional massive development along the river, threatening its wellbeing. The proponents of this Ordinance have good intentions. However, their efforts are misguided and misdirected. I believe that the facets of the Ordinance are unnecessarily restrictive of my rights as a homeowner in the city of Glenwood Springs, and do not address the primary problems that threaten our waterways.

First of all, there are very few remaining undeveloped stretches of land along the River within Glenwood Springs. One of the last undeveloped stretches was next door to my home. My neighbors (owners of the home on the other side of the undeveloped plot) and myself were so concerned about the development plans of the firm who owned this stretch of land, that we took it upon ourselves to purchase this land, permanently divide it and annex it to our own lots so that no one could develop it in the future. The "master tower" that was intended by the developers would have been a travesty and an insult to the integrity of the land along the river. My neighbors and myself spent significant amounts of our own money to prevent this development from occurring and to protect the land. We did this because we love the river, value the animals and plants that inhabit this region, appreciate our privacy, and because it was the right thing to do. I believe that many of the Glenwood citizens who are fortunate enough to live on the river feel the same way. We appreciate, value and treasure what we have. We do not want to see it corrupted, polluted or ruined. We are not the enemy, and we do not need to be regulated.

What we do need to do is to maintain the value of our investments, and to retain as many rights as possible to take care of our properties as we see fit. By putting unneeded and unnecessarily restrictive Ordinances against our property, the value of our homes is limited. This is my retirement and my legacy. I have been a steward for this land. However when I am no longer able to care for it appropriately, and need to sell it, I will need to ensure that it has held its value so that I can take care of myself and my family appropriately. This Ordinance compromises the value of my land. It ties my hands for the future. I have paid extra to purchase, live on and expand my riverside property, and feel that anything that limits the value of this property compromises the investment I have already made.

What we also need to be able to do is to protect our homes and nourish our

families. Every summer there are many lightning strikes and fires in our dry, hot climate. When the scrub oak on my property die, they turn into matchsticks. They provide a real and significant fire danger to my home. My husband and I clear the dead trees in order to limit the fire risk to our home. This ordinance does not contain any language that would sustain my right to clear the dead trees from my property and limit the risk of a fire damaging my home. Furthermore, we do have a garden area and have planted fruit trees. They are not native plants. However, they do not compete with the native plants, and they make the land lovelier and greener. It is our right to grow food on our properties. However, there is no language in the Ordinance to protect this right. We would not seek to prevent other citizens of our beautiful city from growing food on their land or clearing dead trees and fire hazards from their land. It is unclear to me why my neighbors and myself are being singled out to have our rights restricted in this fashion.

Finally, when comparing the contribution of the riparian habitats in privately held waterfront properties in Glenwood to the publicly held areas, and to the overall issue of storm runoff, it seems that the privately owned lands are a very small percentage of riverfront areas and a very small contributor to the runoff concerns. Even if all of us cleared the maximum amount of riverfront that we could, that would result in clearance of less than 5% of the Glenwood Springs Roaring Fork riverfront being cleared. This is not a significant quantity and will not impact the health nor the integrity of the river. Recent city developments along the river, for example in Two Rivers Park, have a significantly larger impact on the surrounding riparian habitats. As far as the issue of storm drainage, the vast majority of Glenwood's runoff (95%) goes through drainage pipes directly into the waterways, and never passes through the 50 privately held riverfront properties. The amount of riparian habitat on my property will not help to clean the 95% of runoff that goes from the parking lots, the streets, the driveways and everyone else's public and private lands into the local waterways.

Each summer, I retrieve from the water and from my eddy and beach at least 50 shoes, water bottles, oars and other personal items that have fallen from rafts and riverside paths. I am also inundated with deadfall, telephone posts, fence posts and other materials. I feel it is my responsibility, as an owner of waterfront land, to remove or otherwise deal with this debris. I accept it because I am fortunate enough to live on the water, and to enjoy the sights and sounds of life on the river. I feel extremely lucky to be in my position. However, other private land-owners in Glenwood do not have this responsibility. Also, they are not being asked to compromise the value of their investments or to give up their autonomy in how they care for, upkeep and protect their properties. It feels burdensome

and unfair to be singled out by this proposed Riparian Ordinance. I beg you to consider the rights of all the residents of Glenwood, including those of us who have paid for the ability to live along the Roaring Fork River, as you vote on this Ordinance.

I greatly appreciate your time and attention in reading this letter.
Be well!

Maria Chansky
2010 Midland Ave, GWS

From: [Autumn Rivera](#)
To: [Trent Hyatt](#)
Subject: Riparian Setback Code Amendment
Date: Tuesday, July 14, 2020 7:44:17 PM
Attachments: [JM.pdf](#)
[JR.pdf](#)
[LC.pdf](#)
[AmG.pdf](#)
[SD.pdf](#)
[Persuasive Letters--Final Draft.pdf](#)

Dear Mr. Hyatt,

I hope this email finds you well. My name is Autumn Rivera and I am a 6th grade science teacher at Glenwood Springs Middle School. During the past year of school, my 6th grade students learned all about the Colorado River and its watershed. We spent an entire semester exploring different aspects of human activity and how it affects the Colorado River and its tributaries. We also focused some of our time on the importance of riparian zones.

As a final project I presented students with the Riparian Setback Code Amendment and asked them to write a letter in support or against the changes. I have attached them to this email for the council and you to read.

On a personal note, I thank you all so much for considering this change. As we all know, riparian zones are crucial to the health of our rivers and our environment. And as a city that literally uses our rivers for its livelihood, Glenwood Springs is only as healthy and happy as our rivers are. I hope the committee sticks to the 50% change in riparian environment or goes no lower than 25%. Let's keep our rivers healthy!

Thanks for your time,

--

Autumn Rivera (she/her/hers)
6th Grade Science
Glenwood Springs Middle School
arivera@rfschools.com
970.384.5541

Dear Glenwood Springs city council,

I think that the city of Glenwood Springs should not change the city riparian code to try to help/save the rivers. It is not necessary because the city code already states what is needed to help the river. While Glenwood Springs Middle School was out on a rafting trip we saw a bunch of land owners that had a nice place of mowed grass that is very fun, relaxing and playful, it looked like they would probably enjoy it a lot. But if they have to change it now or in the future, then they aren't going to have a nice place to go outside, play around, and enjoy the river. The reason this is important is that people aren't going to want there property to be controlled by someone else that doesn't own their property and probably aren't going to want to change it just because of a city law. Another reason I don't think that you should change the city code is that the current code says all parts of buildings need to be 30ft away from the water in case of a flood. I also think that 30ft is enough distance away from the water. Another reason that I think that you should not change the city code is because all of the new buildings close to the river aren't going to want to move their business somewhere else or want to plant vegetation so it will decrease the chance of runoff polluting the river. Also I doubt the businesses are going to want to do more work to keep their business alive. These are some of the reasons that I don't think the city of Glenwood Springs should not change the city code of.

Date: 12/5/19

Dear Glenwood Springs City Council,

The city of Glenwood springs should protect riparian areas like lakes and rivers. An evidence Its important to keep the water or river clean for the animals and humans because we use some of that water and if one of are food web animals or insect dies the whole food web is going to fall apart. One piece of evidence to support my claim so i think if we put stuff that are all natural like trees because if we do it all natural plants than animals can hide from their prey and if we have fake plant the fake plants don't grow as much as the real ones and if the animals try to hide in the fake grass or plant the prey will see them. Another reason is that people build homes next to the river because it is okay that they buy a house there but like i think it should be a little farther so then things go into the lake or river that brings trash into it that is why i think that is not okay but like its fine if we did it and the rule was not there. In conclusion i think that is why we should save the lakes in glenwood springs.

sincerely, Jackie Rodriguez

12-6-2019

Dear City of Glenwood Springs,

I think The City of Glenwood Springs should change the city code to protect riparian areas. One piece of evidence to support my claim is, if there were more development closer to the river, the construction might pullut the river with dirt, so this prevents minerals and dirt from clogging up the river. This is important because if there was too much dirt in the river, it will make it had for the fish and macroinvertebrates to breathe.

Another piece of evidence is that it would give space between people and the river. This is important because there might be family's living by the river, and they throw away a lot of trash and sometimes drop the trash outside. Also, it might keep chemicals from factories, or chemicals like fertilizer, away from the river.

One more piece of evidence is there would also be more vegetation around the river. This is important because vegetation/plants are natural filters and the help with erosion. They also provide more shade for the river so the river will keep cool so macroinvertebrates and fish can live there.

I think the City of Glenwood Springs should change the city code to protect riparian areas so the river will be more clear, have less chemicals, and have more vegetation.

Sincerely,

Lily Carter

12/06/2019

Dear Glenwood Springs City Council,

I believe that the City of Glenwood Springs should make amendments to Section 070.040.020(d)(24) of the city code regarding the protection and preservation of riparian areas alongside the Colorado and Roaring Fork Rivers. The new proposed code change suggests making a 50 ft setback to protect the zone and the rivers themselves. The riparian zone is a crucial habitat for many species of plants and animals in the state of Colorado. The reason protecting the riparian and those species is important is because all living things are connected in a complex transfer of energy called a food web. If a habitat is destroyed or an organism killed, all creatures that rely on that environment or life form will be negatively affected.

Also, the closer to the river that development is, the more likely nonpoint source pollution (pollution from unknown places) is to occur. A polluted river would have great consequences for both the economy and the health of residents and wildlife alongside the Colorado River and its many tributaries because living things rely on clean water to survive, the river is the main reason people travel here for recreation, and many jobs in our town rely on water (water rights, raft guide, etc).

If vegetation is cleared too close to the river, the water will not have as many natural filters and the soil on the banks will erode quickly due to the fact that no roots are holding it together. Vegetation filters water and removes pollutants, which creates a cleaner river. Flora also holds together land using its roots. An eroded bank reduces land owners property size and makes it less safe to walk by the river, all while destroying animal habitats.

This is why we should change the city code regarding the development and destruction of the riparian zone in Glenwood Springs.

Sincerely,

Amelia Geiger

6th grade Student

Dear, Glenwood City Council

We should change the law in Glenwood Springs and protect the Colorado River and here are some reasons why I believe we should change it. If people Build their shops, homes, banks, malls, and other places, they should build it 50ft away, so pollution coming from the place they built doesn't go into the river. This is important because there won't be as much pollution going into the river and affect its surroundings.

Another way this law will help the Colorado River and the community is because oil, gas, and litter won't get in the river so quickly because of the vegetation. This is important because many people use the Colorado River for drinking and the oil and gas will get filtered into the river and won't affect it.

Many people come to Colorado for camping, fishing, and hunting and if we keep the river healthy there will be more fish for bears to eat so more hunting and more fishes for the people that like to go fishing in Colorado and it'll help with the Fishing and hunting companies businesses.

These are some of the reasons why we should change this law in Glenwood Spring to help the Colorado River be nice and clean for the macros and fish to live in, and the 40-20 million people that use the colorado a year.

Sincerely, Sofia

Dear Glenwood Springs city council

The city of Glenwood springs should protect the rierian areas. One piece of evedence to support my claim is people cut down a lot of vegetation to see the river and then it starts to evaporate and it will start causing droughteg. This evedence suppoorts my claim because when they cut down things the water evaporates. According to Roring Fork Conservance they want to change the city code to 50 feet away from the river. This proves my claim because we have been studying things about this for a long time. During this activity we figured out that people use fertilizers to remove weeds and other stuff. The reason this is happening is because people dont think they are harming the river but they acually are. There are a lot moer ways to change the code please help us change the code

Sincerely,
Nataly Abigail Contreras Mejia

Gary Vick

614 Cowdin Drive
Glenwood Springs, Co
(303) 548-0962 (cell)
garywvick@icloud.com

July 30, 2020

Honorable Mayor and Members of City Council
101 West 8th Street, Glenwood Springs, CO 81601

***RE: Proposed revision to Ordinance 070.040.020(d)(24) Conservation of
Waterways (the "Amendment")***

Ladies and Gentlemen,

Thank you to those of you that discussed the Amendment with me last week. During one call I was asked if there was any compromise that Friends of the Roaring Fork ("Friends") might accept. I have given this some thought and have attached three exhibits to review. Exhibit C presents a compromise.

Exhibit A	the Amendment as proposed by Staff
Exhibit B	the Amendment as revised by Garfield and Hecht
Exhibit C	Exhibit B modified to a compromise position

Exhibit C contains four basic changes to Exhibit A (the existing proposal):

1. The evidence threshold is changed from "clear and convincing" to "objectively reasonable". "Clear and convincing" can be used to deny an application at the City's discretion without reason.
2. Language has been inserted to allow for trimming of vegetation and construction of steps and access paths without a permit or study. Exhibit A is vague on these issues. Trimming is addressed in the Staff Memo, but the Staff Memo has no legal effect and Staff can change its interpretation at any time. Years from now the Staff Memo will not be consulted by anyone. Clarifying language in the Code is required.
3. Removal of invasive species is allowed with the caveat that the vegetation be replaced if its removal causes erosion. Exhibit A lets no good deed go unpunished by requiring replacement of any invasive species that is removed, regardless of impact, an extreme burden that is not necessary and discourages removal of invasive species.
4. Exhibit C restricts the percentage of habitat that can be removed in the setback area according to property type. Different property types are used in different ways, so different percentages are appropriate. The City, which has large holdings along the river and is generally the largest destroyer of habitat, is limited to clearing 25%. This is in line

with the original goal of proponents and will be a big win for them as it restricts the worst offender the most. Commercial users, who have largely been silent on this topic, may clear 50%. Generally they never clear anything, but if they need to clear something, they can.

Residential property owners, who use the banks of the river more than anyone else, who have not cleared much of anything, who have done nothing wrong, and who are the best stewards of the river, may clear 75%. Those that have offended the least are restricted the least. While this may seem extreme, very little clearing has historically occurred. Property owners may now clear 100% but are generally happy with the status quo. That said, if it becomes a case of “clear now or forever hold your peace”, a short-term surge in clearing could occur between the two readings. Allowing property owners to essentially do what they have always been able to do will prevent preemptive clearing. The 25% restriction and other parts of the Amendment give the City the muscle it needs to prevent developers (or others) from completely destroying habitat, a proponent’s goal.

Remember, most other municipalities on our rivers see no need for this. Submissions have shown that the Amendment is not required to insure or aid in compliance with EPA MS4 requirements, preserve the City’s secondary water intake, or reduce temperature and algae plumes that generally occur upriver. In fact, proponents have not demonstrated that the Amendment would cure any of the ills they attribute to our Gold Medal rivers, none of which are quantified and most of which we dispute. As proposed, Exhibit A would have a severe impact on property values and resident’s ability to use, view, access, and enjoy the waterways they paid a premium to be next to. It is a government taking with no demonstrated justification and no legal basis, as articulated by Garfield & Hecht. It puts the City at risk.

This is Council’s Amendment. It belongs to no one else other than you. It is up to Council, not Friends, not the River Commission, not the Roaring Fork Conservancy, and not Staff, to craft the Amendment. Collectively you need to make this right, not simply vote up or down on a recommendation. Please consider these changes and discuss them internally. Exhibit C has something for everyone. It could pass unanimously.

Regards,

/signed by Gary W. Vick/

Gary W. Vick

EXHIBIT A

Proposed amendment to Code Section 070.040.020(d)(24)

070.040.020(d) Development in Waterways and Areas of Special Flood Hazard

(24) Conservation of Waterways

It is the purpose of this Subsection 070.040.020(d)(24) to conserve and promote the health of the City's riparian ecosystems, water quality and protect human drinking water by maintaining a functional natural buffer adjacent to waterways.

- a. **Applicability:** All new improvements, buildings, additions, structures, excavations, grading, dumping, clearing of native vegetation, or backfill shall be subject to the requirements of 070.040.020(d)(24)b *Standards* unless the applicant demonstrates to the City Engineer and the Director by clear and convincing evidence that one or more of the following conditions is met:
 1. The removal of native vegetation, not to exceed 50 percent of the setback area defined below, to allow a property owner private access to and personal enjoyment of the waterway. This shall not be interpreted to allow for permanent structures of any kind within said area.
 2. The construction of bridges, public utilities, public paths for non-motorized use, public open space areas and boat ramps, wildfire mitigation activities, irrigation structures, flood control and erosion protection devices that do not result in increased water quality degradation, stream bank erosion, or a reduction in the function and quality of a riparian area or wetland.
 3. Removal of vegetation listed on the Garfield County noxious weed list, Chinese Elm, or Siberian Elm in compliance with applicable regulations. Vegetation shall be replaced with appropriate riparian plant species to limit erosion.
 4. Applicant demonstrates one or more of the following:
 - i. The area does not contain significant riparian plant species or functions;
 - ii. The area is impacted by previous earth disturbing activities; or
 - iii. The proposed improvement (including but not limited to the trimming of vegetation, construction of access path or steps, or hot springs pools) does not result in increased water quality degradation, stream bank erosion, or a reduction in the function and quality of a riparian area or wetland.
- b. **Standards**
 1. No improvement, building, structure, excavation, grading, dumping, clearing of native vegetation, or backfill shall be placed, built, undertaken or approved within thirty-five feet of the ordinary high-water mark (as defined by the US Army Corp of Engineers), measured horizontally, of any river or live perennial stream.
 2. No chemical treatments, including but not limited to fertilizers, pesticides, and/or herbicides, are permitted within said thirty-five-foot setback area.

EXHIBIT B

Proposed Amendment with Friends of the Roaring Fork edits

070.040.020(d) Development in Waterways and Areas of Special Flood Hazard

(24) Conservation of Waterways

It is the purpose of this Subsection 070.040.020(d)(24) to conserve and promote the health of the City's riparian ecosystems, water quality and protect human drinking water by maintaining a functional natural buffer adjacent to waterways.

a. Applicability. All new improvements, buildings, additions, structures, excavations, grading, dumping, clearing of native vegetation, or backfill shall be subject to the requirements of 070.040.020(d)(24)b *Standards* unless, upon request from the Director, the applicant demonstrates to the City Engineer and the Director by clear and convincing objectively reasonable evidence that one or more of the following conditions listed below is met: For the avoidance of doubt, no approval, permit, engineering study, or other study will be required with respect to 070.040.020(d)(24)a.1 or 070.040.020(d)(24)a.2.

1. The removal of native vegetation, not to exceed 50 percent of the setback area defined below, to allow a property owner private access to and personal enjoyment of the waterway. This shall not be interpreted to allow for permanent structures of any kind within said area other than access paths or steps needed to safely access to the setback area.
2. The trimming (including mowing) of native vegetation for view, fire mitigation, maintenance or repair activities, or other life/safety purposes so long as the vegetation is not removed in its entirety from the ground and that the health and integrity of the vegetation root system is not materially impacted as a result of the trimming.
3. The construction of bridges, public utilities, public paths for non-motorized use, public open space areas and boat ramps, wildfire mitigation activities, irrigation structures, flood control and erosion protection devices that do not result in a material increase d in water quality degradation, stream bank erosion, or a reduction in the function and quality of a riparian area or wetland.
4. Removal of vegetation listed on the Garfield County noxious weed list, Chinese Elm, or Siberian Elm in compliance with applicable regulations. Vegetation shall be replaced with appropriate riparian plant species to limit erosion.
5. Applicant demonstrates one or more of the following:
 - i. The area does not contain significant riparian plant species or functions;
 - ii. The area is impacted by previous earth disturbing activities; or
 - iii. The Any proposed improvement (including but not limited to the trimming of vegetation, construction of access paths or steps or hot springs pools) does not result in a material increase d in water quality degradation, stream bank erosion, or a reduction in the function and quality of a riparian area or wetland.

b. Standards

1. No improvement, building, structure, excavation, grading, dumping, clearing of native vegetation, or backfill shall be placed, built, undertaken or approved within thirty-five feet of the ordinary high-water mark (as defined by the US Army Corp of Engineers), measured horizontally, of any river or live perennial stream.
2. No chemical treatments, including but not limited to fertilizers, pesticides, and/or herbicides, are permitted within said thirty-five-foot setback area.

Section 070.010.070(b)(3)b

Temporary disturbance to maintain, make minor repairs of, or replace pursuant to Section 070.010.070(d)(3) a nonconforming structure within or immediately adjacent to the riparian setback required by 070.040.020(d)(24) shall be limited to an area up to fifteen feet around each side of the structure and vegetation shall be ~~returned~~ replaced or replanted to the previous vegetation or with appropriate plant species.

EXHIBIT C
Alternative Friends of the Roaring Fork Proposal

070.040.020(d) Development in Waterways and Areas of Special Flood Hazard

(24) Conservation of Waterways

It is the purpose of this Subsection 070.040.020(d)(24) to conserve and promote the health of the City's riparian ecosystems, water quality and protect human drinking water by maintaining a functional natural buffer adjacent to waterways.

a. Applicability. All new improvements, buildings, additions, structures, excavations, grading, dumping, clearing of native vegetation, or backfill shall be subject to the requirements of 070.040.020(d)(24)b *Standards* unless, upon request from the Director, the applicant demonstrates to the City Engineer and the Director by clear and convincing objectively reasonable evidence that one or more of the following conditions listed below is met: For the avoidance of doubt, no approval, permit, engineering study, or other study will be required with respect to 070.040.020(d)(24)a.1 or 070.040.020(d)(24)a.2.

1. The removal of native vegetation, not to exceed (i) 25 percent of the setback area defined below on property owned by the City of Glenwood Springs; (ii) 50 percent of the setback on non-residential properties; and (iii) 75 percent of the setback area on residential properties-area defined below, to allow a property owner private access to and personal enjoyment of the waterway. This shall not be interpreted to allow for permanent structures of any kind within said area other than access paths or steps needed to safely access to the setback area.
2. The trimming (including mowing) of native vegetation for view, fire mitigation, maintenance or repair activities, or other life/safety purposes so long as the vegetation is not removed in its entirety from the ground and that the health and integrity of the vegetation root system is not materially impacted as a result of the trimming.
3. The construction of bridges, public utilities, public paths for non-motorized use, public open space areas and boat ramps, wildfire mitigation activities, irrigation structures, flood control and erosion protection devices that do not result in a material increase in water quality degradation, stream bank erosion, or a reduction in the function and quality of a riparian area or wetland.
4. Removal of dead vegetation or vegetation listed on the Garfield County noxious weed list, Chinese Elm, or Siberian Elm in compliance with applicable regulations. Vegetation shall be replaced with appropriate riparian plant species to limit erosion. If subsequent erosion occurs as a result of the removal of said vegetation, then the removed vegetation shall be replaced with appropriate riparian plant species to limit such erosion.
5. Applicant demonstrates one or more of the following:
 - i. The area does not contain significant riparian plant species or functions;
 - ii. The area is impacted by previous earth disturbing activities; or
 - iii. The Any proposed improvement (including but not limited to the trimming of vegetation, construction of access paths or steps or hot springs pools) does not result in a material increase in water quality degradation, stream bank erosion, or a reduction in the function and quality of a riparian area or wetland.

b. Standards

1. No improvement, building, structure, excavation, grading, dumping, clearing of native vegetation, or backfill shall be placed, built, undertaken or approved within thirty-five feet of the ordinary high-water mark (as defined by the US Army Corp of Engineers), measured horizontally, of any river or live perennial stream.
2. No chemical treatments, including but not limited to fertilizers, pesticides, and/or herbicides, are permitted within said thirty-five-foot setback area.

From: [Jennifer Vanian](#)
To: [Trent Hyatt](#)
Date: Thursday, July 30, 2020 3:49:17 PM

Hi Trent, thank you for taking bold action on the riparian rules that govern our town. I was and am very sad to see what the City Council did to the bank of the Colorado River at Two Rivers Park. In effect they created a Half Channel, devoid of any consideration as to what the normal function of what a natural river is. The project created no habitat for fish, animal or even humans. It allowed for no natural movement of the bank and no natural place for any life to start and thrive. It is essentially a dead zone useful only to raft companies.

I support the new rules but I do object to the allowance of the 50% clearing of private property. Just as the Councilors did not have the knowledge or curiosity to learn about how very important the river bank is to the health of the ecosystem, it can not be expected of homeowners to make wise decisions. If you want a thriving river you have to let nature do its job and maintain a normal diverse and messy riverbank. There is not a natural riverbank anywhere in the world that looks like what the City created at Two Rivers. Please uphold the integrity of the laws of nature. Remove the 50% clearing clause. It's too much.

Thanks for listening.

Jennifer Vanian
1016 Minter Avenue
Glenwood Springs
Sent from my iPad

Add:

Section 070.010.070(b)(3)b Nonconforming Use Regulations

Temporary disturbance to make minor repairs of a nonconforming structure within the riparian setback required by 070.040.020(d)(24) shall be limited to fifteen feet around the structure. The temporary disturbed area shall be returned to the previous vegetation or with appropriate riparian plant species. However, vegetation listed on the Garfield County noxious weed list shall not be replanted.

Remove:

Section 070.040.020(d)(24) Development in Waterways and Areas of Special Flood Hazard

~~No improvement, building, structure, excavation, dumping or backfill shall be placed, built, undertaken or approved within a 30-foot setback area horizontally from the high-water mark of any river or live stream, except for bridges, paths for non-motorized use, irrigation structures or flood control and erosion protection devices.~~

Replace with:

(24) Conservation of Waterways

It is the purpose of this Subsection 070.040.020(d)(24) to conserve and promote the health of the City's riparian ecosystems, and water quality, and protect human drinking water by maintaining a functional natural buffer adjacent to waterways.

a. Applicability

All new improvements, buildings, additions, structures, excavations, grading, dumping, clearing of native vegetation, or backfill shall be subject to the requirements of 070.040.020(d)(24)b *Standards* unless the applicant demonstrates to the City Engineer and the Director by clear and convincing evidence that one or more of the following conditions is met:

1. The removal of native vegetation, not to exceed 1050 percent of the setback area defined below, to allow a property owner private access to and personal enjoyment of the waterway. This shall not be interpreted to allow for permanent structures of any kind within said area.
2. The construction of bridges, public utilities, public paths for non-motorized use, public open space areas and boat ramps, wildfire mitigation activities, irrigation structures, flood control and erosion protection devices that do not result in increased water quality degradation, stream bank erosion, or a reduction in the function and quality of a riparian area or wetland.

3. Removal of vegetation listed on the Garfield County noxious weed list, Chinese Elm, or Siberian Elm in compliance with applicable regulations. Vegetation shall be replaced with appropriate riparian plant species to limit erosion.
4. Applicant demonstrates one or more of the following:
 - i. ~~The~~ The area does not contain significant riparian plant species or functions;
~~or~~
 - ii. The area is impacted by previous earth disturbing activities; ~~and or~~
 - iii. The proposed activity improves water quality, limits erosion, and promotes riparian or wetland restoration does not result in increased water quality degradation, stream bank erosion, or a reduction in the function and quality of a riparian area or wetland.

b. **Standards**

1. No improvement, building, structure, excavation, grading, dumping, clearing of native vegetation, or backfill shall be placed, built, undertaken or approved within ~~fifty~~ thirty-five feet of the ordinary high-water mark (as defined by the US Army Corp of Engineers), measured horizontally, of any river or live perennial stream.
2. No chemical treatments, including but not limited to fertilizers, pesticides, and/or herbicides, are permitted within said ~~fifty foot~~ thirty-five-foot setback area.

From: [Gary Vick](#)
To: [Trent Hyatt](#); [Jennifer Ooton](#)
Subject: Gary Vick/Friends of the Roaring Fork City Council Presentation July 16,...
Date: Tuesday, July 7, 2020 2:01:16 AM

Please include this email and the attached YouTube link in Council's packets for the July 16, 2020 meeting.

The video presents our arguments in an organized presentation in addition to the 3 minute sound bite format that we will likely be allowed at the council meeting itself.

We ask that all council members watch this video prior to the meeting so as to save time at the meeting itself.

Thank you so much. Regards,

<https://youtu.be/zKOIF61JLr8>

Gary W. Vick
(720) 548-0962 (cell)

Glenwood Springs Office
901 Grand Avenue, Suite 201
Glenwood Springs, Colorado 81601
Telephone (970) 947-1936
Facsimile (970) 947-1937

GARFIELD & HECHT, P.C.

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Christopher D. Bryan
cbryan@garfieldhecht.com

July 6, 2020

Trent Hyatt, Senior Planner
City of Glenwood Springs
101 West 8th Street
Glenwood Springs, Colorado 81601
E-mail: trent.hyatt@cogs.us

Re: Proposed Riparian Setback Code Amendment

Mr. Hyatt:

As you know, our law firm represents a group of Glenwood Springs residents known as the Friends of the Roaring Fork ("Friends"). Friends has engaged us to review and analyze the changes being proposed to Section 070.040.020(d)(24) of the Glenwood Springs Municipal Code ("Code") set forth in Exhibit A (hereinafter, the "Amendment"),¹ which reflects the changes recommended by the Planning and Zoning Commission ("Commission") at its February 25, 2020 meeting. City Council will be considering the Amendment along with changes to Section 070.010.070(b)(3), which are related to the Amendment on July 16, 2020. While the Amendment, as revised by the Commission, addresses some of Friends' concerns with the original version of the Amendment, there is still room for improvement of the language of the Amendment to avoid unintended interpretations and consequences of the Amendment if it is ultimately adopted. Moreover, Friends still believes that the Amendment is, in the first instance, unnecessary and unjustified because it does not satisfy the Code amendment approval criteria set forth in the Code. Friends therefore asks that City Council direct staff to rework the Amendment with stakeholder input, tabled it indefinitely, or deny the Amendment altogether.

The Code identifies five criteria that must be met in order to amend a section of the Code. *See* Code Section 070.060.040(c)(3)(d)(3). Those criteria include (i) consistency with the City's Comprehensive Plan and other City policies; (ii) no conflict with other provisions of the Code; (iii) necessity to address a demonstrated community need; (iv) necessity to respond to substantial changes in conditions and/or policy; and (v) consistency with the general purpose and intent of the Code. The Amendment, at a minimum, does not satisfy the third or fourth approval criteria,

¹ The text of the proposed Amendment in Exhibit A is based on the language included in the staff report for the February 25, 2020, Commission meeting, as revised to include the changes recommended by the Commission. Neither the ordinance to be presented to Council regarding the Amendment nor the staff report regarding the same have been provided as of the date of this letter. Friends may therefore supplement this letter to respond to new information presented in the forthcoming staff report that is anticipated for the July 16th Council meeting.

meaning there is no legal basis for the Amendment and that the Amendment is invalid, arbitrary, and capricious.

As an initial matter, there is no demonstrated community need for the Amendment. Prior staff reports cited other jurisdictions' riparian setback requirements to show that there is a need in Glenwood Springs for a larger and more restrictive setback. But what is happening in other communities cannot be the basis for finding that there is a need in *this* community for the Amendment. And even if it could, none of the municipalities in closest proximity to Glenwood Springs with development along waterways—namely, the Town of Carbondale, the Town of Gypsum, and the Town of New Castle—impose any specific riparian setback at all. With that in mind, the existing riparian setback currently imposed by the Code puts the City well ahead of its neighbors when it comes to riparian protections when no need for anything further in this City has been demonstrated. To claim that other communities' water resource protections demonstrate a need for the Amendment in Glenwood Springs is disingenuous at best. It doesn't make sense.

The fact that there has been no evidence or information presented to date to indicate that the existing 30-foot setback is insufficient further supports the lack of community need for the Amendment. While the Roaring Fork Conservancy ("RFC") states in the written materials submitted to the Commission that a more aggressive setback is desirable, nowhere does the RFC claim that the existing setback has caused degradation to or impairment of the City's waterways. Indeed, the riparian health study discussed by RFC and the River Commission during the February 25th hearing concerned a water body in Steamboat Springs, not here, and there was no mention during that discussion of whether or to what extent setbacks impacted water quality. It is also important to highlight that the River Commission did not identify the City's existing 30-foot riparian setback as the cause of the algae bloom and increased river temperatures that allegedly ignited interest in this topic several years ago. Moreover, the informal, qualitative Glenwood Springs Riparian Assessment² that was included with the February 25th staff report was not overly critical of the condition of the majority of riparian areas in Glenwood Springs, which comports with the former River Commission chairman's comment at a prior public meeting that "the Roaring Fork is actually in pretty good shape." Note too that the Assessment identifies public education and implementation of best practices as ways to improve riparian health, not increasing the size of and restrictions within the riparian setback. Finally, the City's existing riparian setback is within the riparian buffer widths recommended for erosion control, water quality, and aquatic habitat protection in the 2005 Haws and Smith study that was submitted with the Commission staff report. As such, the Amendment is unnecessary in the first instance.

Second, the Amendment is not necessary to respond to substantial changes in conditions and/or policy. Again, the justification cited in prior staff reports for compliance with this criterion is misguided. They state (with little explanation) that the Amendment would "help in the City's future compliance with EPA Municipal Separate Storm Sewer System ("MS4") permit requirements if/when the City's population exceeds 10,000." Seeing as the census has not yet been completed and the City has not yet changed—and, indeed, may not change—its policies or

² This Assessment only evaluated the Roaring Fork and Colorado Rivers. But the proposed Amendment, as written, would apply to properties along other waterways in the City. No information has been provided regarding the state of those waterways.

practices as a result of any new MS4 requirements, there is no change to which the Amendment provides a necessary response.

Moreover, it is unclear how changes in setbacks would affect the City's MS4 policies or future compliance because the MS4 program deals with point source discharges—i.e., the culverts and pipes that release untreated storm water runoff directly into waterways—not dispersed, non-point source runoff. The amount of storm water runoff that enters the City's waterways through riparian habitat is a small fraction of the storm water collected and discharged by the City through its storm water collection system. Even assuming an increased riparian setback would improve the quality of that comparatively minimal, non-point source runoff, it would have no impact on the quality of the water discharged from the City's storm drains, which is the focus of the MS4 program. The Amendment therefore has no rational relation to and is not justified by the City's non-existent and uncertain storm water mitigation policies and practices. Arguing otherwise is without merit.

Aside from the fact that the Amendment does not meet the Code amendment approval criteria, Friends is concerned about the substance of the Amendment. While the existing Code places some limits on the extent to which owners may utilize the setback area, they are not as restrictive as those proposed in the Amendment. For one, the existing language of Section 070.040.020(d)(24) does not prohibit vegetation removal or place any limits on the creation of private pathways for river access. In contrast, the Amendment only allows an owner to remove vegetation from up to 50% of the setback area for the purpose of private access to and enjoyment of the waterway. That 50% allowance may be enough for some owners, but it may be insufficient for other waterfront owners whose lots are small, overgrown and heavily vegetated.

Additionally, if an owner wants to utilize more than 50% of the setback area, build stairs in any portion of the setback area to safely access to the river, or simply trim vegetation or mow, he or she will be required to show, by "clear and convincing evidence" that the proposed activity "does not result in increased water quality degradation, stream bank erosion, or a reduction in the function and quality of a riparian area or wetland." To make such a showing, the owner would likely need to hire an engineer because how else does one show that trimming a bush or grass will not harm the riparian environment? The fact that trimming and step construction are referred to as "proposed activities" also suggests that such activities must be proposed to and approved by City Staff before they may occur, which further complicates an owner's ability to conduct what should be simple maintenance activities. The no-degradation requirement for basic property maintenance or crucial fire mitigation work is unduly burdensome and adds to the cost of compliance with an already unnecessary regulation. It is unfair and unrealistic to place such a burden on landowners who are doing no harm to the river or riparian habitat.

Staff has indicated to Friends that they will issue a Letter of Interpretation along with the Amendment. This interpretation has not been reviewed by the Commission or Friends and is just as important as the Amendment language itself. In addition, such a Letter of Interpretation can be changed at any time without Commission or Council approval. More important, absent clarification, Council may end up approving a code change understanding that it means one thing

only to have staff interpret and enforce it differently. If staff feels that a Letter of Interpretation is necessary, why not just clarify the language in the Amendment instead?

While Friends appreciates the change made by the Commission to allow clearing of up to 50% of the setback area, the fact remains that the Amendment effectively sterilizes 50% of the 35-foot setback area of each parcel adjacent to a waterway. That area is naturally the area owners would seek to use to realize the benefits of living near the water. If they or subsequent owners are unable to do so because of the Amendment, property values are sure to go down. Current owners did not sign up for the heightened restrictions proposed in the Amendment when they purchased their properties. What's worse, those restrictions may reduce the pool of future buyers for their properties.

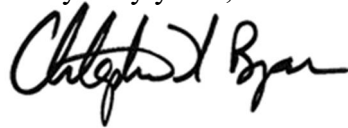
General and conclusory statements aside, the City has failed to quantify what benefits, if any, will be realized if the Amendment is passed. In contrast, this letter clearly identifies the harms that will ensue. While the Amendment may be well-intentioned, those intentions are not a substitute for need or legal justification. They are also overshadowed by the negative impacts the Amendment will have on numerous landowners even though those owners are not harming the river or the riparian environment to any demonstrated, meaningful, or measurable degree. Friends does not dispute the need for all riparian landowners—including and especially the City—to be good stewards of the City's waterways; they simply contend that the existing Code provides sufficient safeguards and that the prohibitions proposed in the Amendment are unnecessary and unjustified.

It is clear from the content of the Amendment that it was drafted without broad stakeholder input. That may not have been the case had the Amendment had a more collaborative beginning. Nonetheless, Friends remains ready and willing to work with City staff to develop a more balanced approach to the setback issue that takes all stakeholders' input into account or to simply revise the Amendment to avoid unintended consequences. Indeed, both before and after the February 25th Commission hearing, Friends and their attorneys have attempted to work with staff to clarify the language of the Amendment to address the concerns set forth above. Those efforts were met with a resounding "no" because, apparently, staff cannot make any changes to the Amendment without specific direction from the Commission or Council. This is despite the fact that staff authored the Amendment originally and has made changes to some sections of the Amendment between Commission reviews on their own initiative. To give Council a sense of the reasonable changes Friends has requested, enclosed as Exhibit B is one of several redlined versions of the Amendment previously supplied to staff, as well as some proposed changes to Section 070.010.070(b)(3). Exhibit B would go a long way towards clarifying the requirements and intent of the Amendment without altering its substance in any material way. If Council is inclined to approve the Amendment, Friends urges City Council to do so subject to the changes suggested by Friends in Exhibit B.

Ordinances enacted by municipalities such as the City must not be unreasonable, arbitrary, or capricious. Approving the Amendment, which does not satisfy even the City's own criteria for approving such amendments, renders it a textbook example of an arbitrary and

capricious legislative act. The unreasonableness of the Amendment is exacerbated by the fact that it restricts the existing and future use of private and public property unnecessarily, to the detriment of current and future owners, and with little public benefit, if any, beyond what is already provided by the existing Code. None of the purported benefits have been quantified or adequately demonstrated. Indeed, seeing as the public would receive the purported benefit from the Amendment while private landowners are forced to bear the cost in the form of reduced property values and unusable property, the City may be exposed to takings claims if the Amendment passes. Friends therefore respectfully requests that City Council deny the Amendment. Thank you.

Very truly yours,

A handwritten signature in black ink, appearing to read "Christopher D. Bryan". The signature is fluid and cursive, with the first name "Christopher" written in a larger, more prominent script than the last name "Bryan".

Christopher D. Bryan

cc: City Attorney (kjh@mountainlawfirm.com)

EXHIBIT A

Proposed amendment to Code Section 070.040.020(d)(24)

070.040.020(d) Development in Waterways and Areas of Special Flood Hazard

(24) Conservation of Waterways

It is the purpose of this Subsection 070.040.020(d)(24) to conserve and promote the health of the City's riparian ecosystems, water quality and protect human drinking water by maintaining a functional natural buffer adjacent to waterways.

- a. **Applicability:** All new improvements, buildings, additions, structures, excavations, grading, dumping, clearing of native vegetation, or backfill shall be subject to the requirements of 070.040.020(d)(24)b *Standards* unless the applicant demonstrates to the City Engineer and the Director by clear and convincing evidence that one or more of the following conditions is met:
 1. The removal of native vegetation, not to exceed 50 percent of the setback area defined below, to allow a property owner private access to and personal enjoyment of the waterway. This shall not be interpreted to allow for permanent structures of any kind within said area.
 2. The construction of bridges, public utilities, public paths for non-motorized use, public open space areas and boat ramps, wildfire mitigation activities, irrigation structures, flood control and erosion protection devices that do not result in increased water quality degradation, stream bank erosion, or a reduction in the function and quality of a riparian area or wetland.
 3. Removal of vegetation listed on the Garfield County noxious weed list, Chinese Elm, or Siberian Elm in compliance with applicable regulations. Vegetation shall be replaced with appropriate riparian plant species to limit erosion.
 4. Applicant demonstrates one or more of the following:
 - i. The area does not contain significant riparian plant species or functions;
 - ii. The area is impacted by previous earth disturbing activities; or
 - iii. The proposed improvement (including but not limited to the trimming of vegetation, construction of access path or steps, or hot springs pools) does not result in increased water quality degradation, stream bank erosion, or a reduction in the function and quality of a riparian area or wetland.
- b. **Standards**
 1. No improvement, building, structure, excavation, grading, dumping, clearing of native vegetation, or backfill shall be placed, built, undertaken or approved within thirty-five feet of the ordinary high-water mark (as defined by the US Army Corp of Engineers), measured horizontally, of any river or live perennial stream.
 2. No chemical treatments, including but not limited to fertilizers, pesticides, and/or herbicides, are permitted within said thirty-five-foot setback area.

EXHIBIT B

070.040.020(d) Development in Waterways and Areas of Special Flood Hazard

(24) Conservation of Waterways

It is the purpose of this Subsection 070.040.020(d)(24) to conserve and promote the health of the City's riparian ecosystems, water quality and protect human drinking water by maintaining a functional natural buffer adjacent to waterways.

a. Applicability. All new improvements, buildings, additions, structures, excavations, grading, dumping, clearing of native vegetation, or backfill shall be subject to the requirements of 070.040.020(d)(24)b *Standards* unless, upon request from the Director, the applicant demonstrates to the City Engineer and the Director by clear and convincing objectively reasonable evidence that one or more of the following conditions listed below is met.: For the avoidance of doubt, no approval, permit, engineering study, or other study will be required with respect to 070.040.020(d)(24)a.1 or 070.040.020(d)(24)a.2.

1. The removal of native vegetation, not to exceed 50 percent of the setback area defined below, to allow a property owner private access to and personal enjoyment of the waterway. This shall not be interpreted to allow for permanent structures of any kind within said area other than access paths or steps needed to safely access to the setback area.
2. The trimming (including mowing) of native vegetation for view, fire mitigation, maintenance or repair activities, or other life/safety purposes so long as the vegetation is not removed in its entirety from the ground and that the health and integrity of the vegetation root system is not materially impacted as a result of the trimming.
3. The construction of bridges, public utilities, public paths for non-motorized use, public open space areas and boat ramps, wildfire mitigation activities, irrigation structures, flood control and erosion protection devices that do not result in a material increased in water quality degradation, stream bank erosion, or a reduction in the function and quality of a riparian area or wetland.
4. Removal of vegetation listed on the Garfield County noxious weed list, Chinese Elm, or Siberian Elm in compliance with applicable regulations. Vegetation shall be replaced with appropriate riparian plant species to limit erosion.
5. Applicant demonstrates one or more of the following:
 - i. The area does not contain significant riparian plant species or functions;
 - ii. The area is impacted by previous earth disturbing activities; or
 - iii. The Any proposed improvement (including but not limited to the trimming of vegetation, construction of access paths or steps or hot springs pools) does not result in a material increased in water quality degradation, stream bank erosion, or a reduction in the function and quality of a riparian area or wetland.

b. Standards

1. No improvement, building, structure, excavation, grading, dumping, clearing of native vegetation, or backfill shall be placed, built, undertaken or approved within thirty-five feet of the ordinary high-water mark (as defined by the US Army Corp of Engineers), measured horizontally, of any river or live perennial stream.
2. No chemical treatments, including but not limited to fertilizers, pesticides, and/or herbicides, are permitted within said thirty-five-foot setback area.

Section 070.010.070(b)(3)b

Temporary disturbance to maintain, make minor repairs of, or replace pursuant to Section 070.010.070(d)(3) a nonconforming structure within or immediately adjacent to the riparian setback required by 070.040.020(d)(24) shall be limited to an area up to fifteen feet around each side of the structure and vegetation shall be ~~returned-replaced or replanted to the previous vegetation or~~ with appropriate plant species.

From: [Teri W](#)
To: [Trent Hyatt](#)
Subject: re: Riparian Ordinance
Date: Friday, July 3, 2020 8:46:23 AM

The City of Glenwood Springs
101 West 8th Street
Glenwood Springs, CO 81601

Mr. Trent Hyatt,

I am writing in regards to the Riparian Ordinance that will be voted on July 6th. I own property along the river at 2906 Hager Lane. I purposely bought this property because of its location and proximity to the river. One of the magical things about Glenwood is being able to enjoy this beautiful river. I also paid a premium to own such property. With that being said, I am a steward of the river and care for the health of it. We have had numerous discussions with council and I believe have come up with a compromise that will benefit the property owners, city and the health of the river.

I am writing to make sure all that was discussed in the previous meetings will be presented accurately. For those of us that live along the river, we cherish the fact that we can enjoy it every day. I know the city of Glenwood feels the same as they have improved Two Rivers Park and also make improvements of the shoreline of the 27st bridge area. In all fairness the city should be addressing its reconstruction of riverfront property as well.

Thank you for your time,

Teresa Weinstein
2906 Hager Lane
Glenwood Springs, CO 81601

From: [Michael Palmer](#)
To: [Trent Hyatt](#)
Subject: FW: Submission for Packet for Riparian Ordinance 070.040.020(d)(24) Conservation of Waterways for Roaring Fork River
Date: Friday, July 3, 2020 2:46:21 PM

Trent, please make the following email a part of the submission for the above referenced Ordinance. Please forward this to ALL parties involved. Thank you,

Honorable Mayor, City Council, and Planning and Zoning Commissioners:

As long time owners and occupants of a home on a 1 acre parcel on the Roaring Fork River we are very concerned with the proposed Ordinance referenced above and it's short term and long term negative and over bearing impacts on the river front property owners. We feel that government intervention and control in and of our property ownership rights is completely unwarranted and unnecessary.

Having been stewards of the river and raised a family of avid kayakers and fly fisherman for over 20 years, we are floating and enjoying the river systems virtually on a daily basis. We have observed few, if any, poor examples of existing river owners destroying or abusing the riparian river belt that the ordinance is claiming it wants to protect. In fact, the largest ownership that exists on the river is the City of Glenwood Springs itself. It is our observation that the City is the biggest contributor to the pollution of the river through the existing storm water drainage system which consists of metal pipes that drain all runoff from the polluted street systems directly into the river system. In fact, one of those pipes lies on our southern lot border and we see both the pollution and erosion impacts firsthand weekly from rain or snow runoff. Additionally, the new Two Rivers Park is an egregious example of riparian destruction to the river bank. It is obviously hypocritical to have the City of Glenwood Springs, as well as the River Conservancy, attempting to dictate laws and ordinances on the riverfront owners when they themselves continue to violate the river system. I think the Ordinance needs to be imposed on the City of Glenwood Springs rather than the river front owners that are acting as responsible stewards of the river. Bottom line, we are not the issue.

We also believe it is very important that the existing rights of the riverfront owners be kept in place and not be inappropriately burdened by local government. Through this proposed Ordinance which restricts the rights of property owners to enjoy their property as they see fit, comes a reduction of quality of life, a reduction of property values and another imposition of government intervention into the rights of the citizens of Glenwood Springs. The river is part of our yard just as the land outside your homes is part of your yard. Government does not have the right to place restrictions on the yards of select groups of its citizens, especially if these citizens are acting responsibly. There are plenty of issues that need to be addressed within the City other than governing and burdening a group of responsible property owners.

If the City should decide to pursue this restrictive ordinance then we the river owners will pursue all channels available both through further legal representation and public outcry.

We respectfully request that this proposed Ordinance be defeated entirely. We trust you will do the right thing and respect your citizens' property rights.

Thank you for your consideration,

Michael & Pamela Palmer
2264 Midland Avenue
Glenwood Springs, CO 80906
C- 719-332-0044

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City Council of Glenwood Springs Colorado:

Regarding the request for increased restriction on the riparian area of the Roaring Forks River, I oppose any additional restriction to private property rights along the river. However, in the unlikely event it can be proved there are specific restrictions that will demonstratively improve the quality of the river for the general public (not a specific lobbying group or governmental agency), without sacrificing or at least balancing private property rights then some changes to the ordinance may be considered.

This is clearly a government take, not of land ownership, but of land rights and the rights of citizens who are doing no harm to the river. Make no mistake: There is a high bar that has to be met for a government take. There should be a high burden of proof on the city prior to making a change in the ordinance to the satisfaction of the effected property owners.

No adverse condition exists that requires owners of 50 small properties along the 70 mile Roaring Fork River to give up their use of, access to, view of, and enjoyment of their riverfront property. The proposed ordinance is egregious and completely unwarranted.

Do not allow this restriction to pass.

Thank you,

Jon Dickens

7/6/2020

Gary Vick

614 Cowdin Drive
Glenwood Springs, Co
(303) 548-0962 (cell)
garywvick@icloud.com

July 6, 2020

The City of Glenwood Springs
101 West 8th Street
Glenwood Springs, CO 81601
Attention: Mr. Trent Hyatt, Senior Planner, Community Development

RE: Proposed revision to Ordinance 070.040.020(d)(24) Conservation of Waterways

Honorable Mayor and Members of City Council:

Purpose

This letter is written on behalf of myself and a group of Glenwood Springs Residents known as the Friends of the Roaring Fork ("Friends") in regards to proposed changes to Section 070.040.020(d)(24) of the Glenwood Springs Municipal Code ("Code") (the "Amendment").

Friends requests that City Council ("Council") direct city staff ("Staff") to rework the Amendment with stakeholder input or deny it altogether. Friends does not support, and you must reject, the Amendment in its current form. Council should consider an education program in lieu of the Amendment to address any concerns it has regarding riparian habitat.

Summary

The Amendment is an answer to a question no one has asked. It puts severe limitations on the use of our properties in exchange for no quantifiable, demonstrated gain. There is no outcry for this revision by anyone other than those proposing it, and it is not required at this time. It is a bridge too far.

It will result in devaluation of the property values of homeowners along the Roaring Fork River. It seriously impinges on the rights of homeowners, who are causing no harm to the rivers in Glenwood Springs, to use and enjoy their land. It forwards the goals of well intentioned but minority environmental proponents including the Roaring Fork Conservancy ("RFC"), the Glenwood Springs River Commission (the "River Commission") (collectively the "Proponents), and Staff.

The revision has not been subject to even a cursory cost/benefit analysis by the Proponents or Staff who seek to usurp the rights of property owners along our rivers for no demonstrated, meaningful, or quantified gain in order to forward the Proponent's narrow goals.

Proponents and Staff have worked on this Amendment for roughly two years, yet there has been no meaningful outreach on the part of the City, Staff, or Proponents to solicit stakeholder input or work with citizens to craft an ordinance that could garner widespread stakeholder support. Limited changes to the Amendment have been effected by Friends only by appealing directly to the Glenwood Springs Planning and Zoning Commission (the "Commission") who then instructed Staff to make specific changes. On at least one occasion Staff refused to make specific changes as instructed by the Commission. Staff was re-instructed by the Commission at a subsequent meeting, after the urging of Friend's, to incorporate the Commission's requested changes to the Amendment. Only then were they incorporated.

As shown by our legal counsel, the Amendment does not meet the City's threshold for ordinance change and has no legal basis, with or without further changes. It is a legal mine field for the City.

These arguments, and rebuttal to arguments presented by Proponents and Staff, are developed in the *Discussion* section below.

Why we care

As residents living along the Roaring Fork in Glenwood Springs, we are lucky. It's a magical experience. Most of us purchased our properties for the express purpose of viewing, using, accessing, and enjoying the river. We listen to the river every day. We sleep to it every night. We watch it at breakfast and dinner. We fish in our own back yards. We watch families of fox, deer, bear, raccoon, mink, geese, ducks, hawks, and bald eagles feed and play in the river behind our homes. We watch the stars by it, picnic by it, and camp by it. We kayak and raft to our own back door. Many of us share this environment with others who have no path to access the fisherman's easement other than by crossing our lands. Many of us welcome boaters to pull up and have lunch. We live on the river responsibly, caring for the environment that we live in. We are stewards of the river, literally a stone's throw from City Hall.

Indeed we are lucky. But its not like we won the lottery or someone gave it to us. Make no mistake: most of us paid a substantial premium for our properties so that we could use, view, access, enjoy, and share the river.

If you think about it, we use our backyards much as you do. Only there is no proposed Amendment that could sterilize and make unusable and unmaintainable up to 50% (it started out at 90% if you can believe that) of

your backyard's most attractive features without meaningful stakeholder input and without the City demonstrating any quantifiable need for, or benefit from, this sterilization. You are not facing an ordinance that would limit your ability to use and enjoy your property while simultaneously negatively impacting its value.

That's why we care.

Requested Stakeholder Input

As established herein, the Amendment is not required and is unnecessary. Friends strictly requests that the setback not be increased from 35 feet to a higher higher value and that homeowners retain control of the habitat within at least 50% of the setback area. Some Friends feel we should retain 100% control of the setback area, and this should be considered. Current language may prevent the trimming of existing vegetation in the setback area or the construction of access paths or steps absent a demonstration study of some sort (or an engineering study) and, possibly, a permit. These restrictions to trim vegetation and construct steps and paths are extreme and currently do not exist. We insist that that they be removed. Residents of River Meadows, who must vacate their lots every 6 months, are asking for language clarifying that they will be allowed to continue to occupy lots within the setback area.

Council needs to be able to read the Amendment and understand what they are approving, without extensive explanation, caveat, and interpretation from Staff. Good luck with that when you read the Amendment in its current form. An Interpretation Memorandum, proposed by Staff, is insufficient to meet these objectives. Such a Memorandum can be changed in the future without Council's approval. There can be no question as to what you are voting on. Language in the Amendment must be clear, absent an Interpretation Memorandum.

Based on reasons herein, Council should seriously consider denying the Amendment altogether and instructing staff to propose a comprehensive education program for Council's approval. The RFC states that education is key to achieving objectives, but no such program has been proposed. Such a program has been used successfully in Vail where the city subsidizes the design of riparian landscaping (not the landscaping itself, just the design) for homeowners that wish to replant habitat on their properties. Friends is more than happy to work with and learn from the Proponents. But we will not be dictated by them through ordinances which are not needed, for which no need has been demonstrated, and for which no outreach has occurred.

DISCUSSION OF CLAIMS MADE BY PROPONENTS

Proponents have made numerous claims as to why the Amendment is needed. The underlying premise is that there is something wrong with the river system in Glenwood Springs that the Amendment will rectify. This is just not the case. Claims by Proponents are shown and rebutted below.

1. Proponents want to prevent destruction of habitat within Glenwood Springs.

So do we. There are no better stewards of the river than those who live on it. We have more vested interest in keeping the river healthy and clean than most. There is no meaningful destruction of riparian habitat by homeowners within the city limits of Glenwood Springs.

Proponents fear that unscrupulous developers will raze wide swaths of riparian habitat as they have done upstream from Glenwood Springs, but there is virtually no undeveloped riverfront left in Glenwood. Only the City of late seems to destroy riparian habitat: the recent 27th street bridge project, an egregious cut all the way down to the river under power lines, and the recent redevelopment of Two Rivers Park.

Look up Glenwood Springs on Google Earth and observe what the shoreline at Two river Park looked like before redevelopment (the old satellite photos are still there). Do it right now. Tomorrow, walk down the new trail by the Colorado and see how much of the original riparian habitat is left. I'll save you a trip: most of it is gone. As stewards of the river, Friends is outraged at this and bristles at the proposed legislation against homeowners and our lands. Friends are stewards of the river while the City acts like Attila the Hun.

2. Proponents wish to prevent redevelopment of existing homes from destroying riparian habitat in the future, as occurred on a property just south of the City limits on the east bank of the Roaring Fork.

So do we. I walked by the property in question. No one condones what was done there. Vegetation was cut from the road to the river's edge. It was egregious. But here's the rub: That property owner was likely in violation of the Garfield County setback ordinance, and would certainly be in violation of Glenwood Springs' *existing* setback ordinance if the existing Glenwood ordinance applied at that site.

So, what did the Proponents do? Did they urge Garfield County to enforce their Ordinance? Not effectively, if at all. Rather, they decided

to go after homeowners along the river in Glenwood Springs who have done nothing wrong. They chose to seek passage of additional laws rather than encourage enforcement of existing laws. The RFC touts this crusade in their latest annual report. It's good for business. It helps donations more to unnecessarily impact an entire City than it does to discipline a single egregious property owner, even though homeowners in that City are doing nothing wrong. Such is the RFC.

Glenwood's existing setback ordinance is sufficient to protect against activities of this sort. The Amendment adds nothing to the City's ability to enforce against such actions.

3. Proponents tout the benefits of a healthy riparian ecosystem and infer that the Amendment is needed to keep our ecosystem healthy.

Proponents were featured in a recent virtual "Lunch and Learn" hosted by the Mayor in which the benefits of a healthy riparian ecosystem were discussed. Friends was not offered a chance to present on this or a subsequent video but we agree that a healthy Riparian ecosystem is vital for maintenance of our river systems. We disagree that the Amendment is required to achieve this. Such an ecosystem already exists. Proponents have failed to show that a healthy riparian ecosystem does not exist in Glenwood Springs.

The Roaring Fork River is roughly 70 miles long. Only the last 4 miles pass through Glenwood Springs. This does not include tributaries such as the Frying Pan and Crystal that increase this effective drainage length. Any problems with the river have much more to do with the first 66 miles upstream from Glenwood than they do with the last 4 miles through Glenwood.

At a public meeting held by Friends on September 19, 2019 and attended by members of the River Commission (our outreach, not theirs), the former chairman of the River Commission stated "the Roaring Fork is actually in pretty good shape."

Proponents have not identified meaningful problems with the river system in Glenwood that the Amendment would rectify.

4. Proponents observe that the temperature of the Roaring Fork is rising and that algae plumes occur from time to time.

True. The Roaring Fork is on a state watch list for temperatures. But just barely. It and remains a Gold Medal stream and wildlife flourishes on it. I should know, I live on it. The problem is that the

Amendment will do nothing to lower water temperatures and prevent algae plumes in the river. Whatever is happening with water temps is dominated by the first 66 miles of the drainage, not the last 4. The snow is warmer, there is less of it, and the temperature of the planet is warming. Proponents have not demonstrated that the Amendment would materially address any of that.

5. The secondary City water intake on the Roaring Fork needs to be protected (the primary is at No Name). Proponents infer the Amendment is needed to protect the intake and reduce costs if the secondary source is used.

This naked claim is not substantiated in any way. According to the City's most recent water reports, which I have read, the City's water supplies currently meet applicable specification, as does its drinking water. There are no notes regarding any inadequacy of the intake on the Roaring Fork. The Amendment will not fix a problem that does not exist, or fix an unidentified problem in the future. Unsupported, untrue arguments cannot be used as justification for the Amendment.

6. The Proposed Ordinance is necessary to insure that the City meets more restrictive EPA storm water runoff provisions that may go into place when our population exceeds 10,000.

This is used as legal justification for the Amendment. It is a completely false argument. The Amendment will not materially affect the City's ability to meet any revised EPA requirements that may, or may not, go into effect. The Amendment has no legal basis as a result.

Riparian habitat filters storm water runoff only when the storm water actually passes through it. Glenwood Springs encompasses 5.7 square miles and roughly 95%¹ of this area is drained by a sewer system that collects water from yards, driveways, roofs, parking lots, along with oil, debris, trash, and other unmentionables from the bowels of the City, deposits this effluent into streets, then sewers, then culverts, ditches and pipes, and finally unceremoniously dumps it – without any treatment or riparian filtration of any kind - directly into the river.

Members of Council, unless you live on the river as Friends do, you pollute the river to a *much* greater extent than do any of us. It is completely disingenuous to state that further regulating 5% of the

¹ The 95% figure is arrived at by assuming that the riparian habitat directly filters a couple of hundred feet on either side of the river. It's less than this in my neighborhood, more in others, but generally when you get a couple of hundred feet from the river you are in an area drained by the City sewer system. It's a simple area calculation after that.

runoff that is already being filtered will have a meaningful impact on waste water quality when the City is ignoring 95% of the water which is completely unfiltered. For Staff and Proponents to use this as a justification for the Amendment is egregious and disingenuous.

7. Proponents claim that grass is the worst habitat that you can have next to a river.

The table below was reproduced from a 2005 study provided by the RFC entitled *Riparian Buffer Zones: Functions and Recommended Widths*. It suggests that grasses actually fare pretty well in comparison to other types of vegetation. When grass is compared to trees and shrubs against 5 benefits, grass has the best sediment trapping, the best filtration of pesticides, and the best flood conveyance. Grass ranks second with respect to soluble pesticides and stream bank erosion. In no case does grass come in last at anything. See below:

Function	Grass	Shrubs	Trees
Sediment trapping	High	Medium	Low
Filtration of Sediment born Nutrients, Microbe and Pesticides	High	Low	Low
Soluble forms of Nutrients and Pesticides	Medium	Low	Medium
Flood Conveyance	High	Low	Low
Reduction of Stream Bank Erosion	Medium	High	High

It is worth noting that the largest strip of grass recently planted along the river can be found at Two Rivers Park, courtesy of the City. Apparently even the City believes that grasses are not the worst thing you can plant along the river.

8. Proponents state that Glenwood Springs is heavily dependent on tourism and river use and infer that the Amendment is needed to preserve this and improve aesthetics.

On any given weekend hundreds of rafts and kayaks pass Friends' properties. Not one has ever, and I mean ever, said anything negative about the aesthetics of the river or my property. Other Friends report

similar experiences. To the contrary, several times a day people will offer “beautiful yard”, or “I love your place.” Most come by looking at my property and our Easter Island wood carving, not at the old sewage treatment plant across the river that is a riparian dream. Aesthetics are in the eye of the beholder. Friends do our part.

9. Environmental groups support the Amendment.

Well, they would, wouldn't they? It's not their property values and property rights, and their use of the river that flows over their lands, that are being trifling with. It's ours. What are they getting from the Amendment? Nothing, actually. Homeowners along the river are doing nothing wrong, and the Amendment will not fix any of the Proponent's purported ills with the River.

In a recent letter to the Commission, Trout Unlimited said that the Roaring Fork was in “really sorry shape” (or words to that effect). That was right before the author said that the Roaring Fork was one of the best fishing streams in the country (or words to that effect). So, which is it, exactly? Sorry, or the best? The author floats the river a few times a year and writes a letter. Members of Friends can be found on the river every week, some every day. We live on the river, protect it, and paid premiums to do so. I'll put our stewardship and our river premiums up against Trout Unlimited's stewardship and their 50 cent stamp any day of the week. They do not write our code.

10. Proponents state that a healthy riparian habitat is necessary to support the extensive fishing industry in Glenwood Springs and infer that the Amendment is required to maintain it.

Fishing and tourism are industries we all applaud in Glenwood. Proponents, however, have not quantified the extent to which the Amendment will increase these industries, or the extent to which failing to pass the Amendment will degrade them. To the contrary, there is no degradation to the fishing industry caused by homeowners along the river. We are generally the best stewards the river could ever have. The statement is completely general and not analytically supported. It's nothing more than distractive arm waving.

11. Proponents state that a healthy riparian habitat reduces erosion.

Indeed it does, and most private property owners along the River have sought to mitigate erosion on their properties when and where it has occurred. Some erosion is natural and to be expected. Examination of the river from Google Earth, Red Mountain, or by floating the river reveals some areas, primarily on City lands, where

erosion has occurred. But these do not require the broad-brush Amendment to correct. Rather, specific actions can be taken in specific areas, such as the confluence at Three Mile Creek. The NFS does this by temporarily closing areas on a routine basis to allow for regrowth and erosion control. The River Commission is terrific at projects like that. They are really bad at writing ordinance code.

12. Proponents have not yet, but I am sure they will, rail against the Amendment's provision sterilizing 50% of the habitat in the setback versus the 90% that they originally proposed.

Several arguments here. First, residents have 100% control right now and will not go out and destroy 50% of their riparian habitat. They have not done so for decades, they won't now. A few people may want to enhance their access, view, use, and enjoyment of the river that they paid extra to be along side of, especially those buying properties that are completely overgrown. To deny them this right makes their property less valuable, while making properties like mine (which has a small clearing by the river) much more valuable. *How dare you transfer wealth from my neighbor to me.* It may be okay with some members of Council, but it is not okay with Friends. It's unfair. Raise your hand on this and you will lose your next election, guaranteed.

Second, the City lists only about 50 odd private residences along the Roaring Fork. If everyone cleared, say, an additional 30 foot strip by the river - which they won't - this would be an increase in cleared riverfront of $30 \times 50 = 1,500$ feet, or about $\frac{1}{4}$ of a mile. There are 8 miles of riverbank (4 miles through town, a bank on each side) along the Roaring Fork in Glenwood Springs, or about 42,240 feet. If 1,500 feet were cleared (which it won't be), that would leave 96½ % of the remaining riverbank sterilized. Do the math. That is enough for even the most overzealous environmentalists, even the Proponents.

The only place where 1,500 feet of riparian habitat has recently been destroyed is at Two River's Park, courtesy of the City.

As an aside, and to demonstrate how self centered and unreasonable the Proponents have been throughout this process, the original Amendment proposed to sterilize 90% of our backyards in the setback area, potentially blocking our view, use, access, and enjoyment of the river? *Excuse me?* How about we sterilize 90% of *your* backyard's best features for no demonstrated gain? Oh, you are not doing anything wrong to warrant that? Well, too bad. You might. How about I paint over 9 of the 10 windows in Counsel Chambers to obstruct your outside view? Or 90% of the windows of your house? Which one would you like to remain clear? On a 75 foot lot, leaving us

10% would not even allow enough area for more than two people to social distance. I'm sorry, but who do these people think they are?

Third, today Friends control 100% of our properties. Not 10%, not 50%, but 100%. Our legal counsel have assured us that the Amendment is without legal basis and as such the City is unwarranted in restricting one square inch of our riparian habitat. For Friends to even consider allowing the City to restrict 50% is a blessing you may not fully appreciate. But we are environmentalists too. And fifty percent has a ring to it – one for us, one for you. Not that we owe you one, and not that you can take it. So let's be perfectly, crystal clear: It's a gift. We will not tolerate restriction of one square inch more than 50%. Don't even think about it.

13. Proponents say that other municipalities are adopting similar ordinances, so Glenwood must do so as well.

This is simply untrue. Even if it were, such a childish argument cannot be used to justify the Amendment.

The RFC performed a spot comparison of ordinances found in nearby municipalities and counties. Results are taken from their documents and are shown below.

REGION	SETBACK	DETAILS
City of Aspen	100ft/100 year floodplain	Development is "subject to heightened review." (Ord. 26.435.040)
Town of Basalt	50ft	Prohibits development and cutting of riparian and wetland vegetation. (Ord. 16-464a)
Town of Carbondale	Unspecific	If new development is proposed adjacent to any river, all practical means should be used to preserve natural grade, drainage patterns, soil and vegetation. (Ord. 4-2007)
Eagle County	75ft/100 year floodplain	No development within 75ft of high water mark or 100 year floodplain (whichever is greater).]
Garfield County	35ft	Prohibits removal of any existing native vegetation or conducting any activity which will cause any loss of riparian area unless it involves the approved removal of noxious weeds, nonnative species, or dead or diseased trees.
Pitkin County	100ft/100 year floodplain	100 foot buffer for all activity and development. Setback may be reduced to a minimum of 50 feet if reduction does not result in water quality degradation, stream bank erosion and/or a reduction in the quality of riparian or wetland habitat.

The RFC comparison did not include municipalities downstream from Glenwood Springs from whom no outcry regarding water quality has been heard. The RFC's inclusion of county ordinances for comparison is not appropriate insofar as municipalities generally have much greater density and diversity of land use than do counties which can

be much more rural, are more agricultural in nature, and require different land use criteria. One has only to compare a drive down Midland Avenue to a drive to Grand Junction to see this. Some individual landowners in nearby counties can easily have more river frontage than the 50 stakeholders addressed herein combined. Moreover, being agricultural in nature, widespread use of fertilizers and pesticides coupled with a lack of drainage systems dictate larger setbacks than are appropriate in urban settings. Counties need different setbacks than do municipalities, its just that simple.

Accordingly, I prepared a comparison of ordinances in neighboring municipalities in the table below. The comparison does not include counties. I spoke with planners in each municipality listed, all of whom indicated that their municipalities have some jurisdiction along or near waterways. Though my comparison does not capture every riverfront municipality in the state, it captures a much better picture of where Glenwood stands in comparison to its neighbors than does the RFC comparison, which appears to have cheery picked data.

Study the comparison below. Six of the 10 municipalities reviewed have no riparian setbacks of any kind, and only one, Basalt, applied vegetation limitations retroactively to existing homeowners. Those municipalities without setbacks see no need for them. Indeed, there is no demonstrated need for revised setbacks in Glenwood Springs.

The conclusion is that Glenwood Springs does not lag behind the majority of its neighboring municipalities in the protection of water resources. If enacted, the Amendment would be one of the most restrictive ordinances with respect to existing homeowners and their lands.

Even if none of this were the case, there is no need to “keep up with the Jones” simply to “keep up with the Jones”. Such childish logic cannot be used to justify the Amendment. Does it work on you when you kids ask for a new bike? Friends’ counsel have shown that the Amendment has no legal basis because this requirement, and other requirements for Ordinance Change, have not been met.

Municipality	Setback	Vegetation Restriction Retroactive to existing Properties	Summary of Ordinance
Aspen (from RFC)	100'/100 yr Flood-plain	No	Development subject to heightened review
Snowmass Village	25' from Riparian edge	No	<u>New development only.</u> Recreational access sites allowed. Vegetation loss to be minimized, replacement vegetation ratio may be less than 1:1 to facilitate a view of, and use of, the creek.
Basalt (from RFC)	50'	Yes	Apparently very restrictive, prohibits development and any cutting of riparian and wetland vegetation.
Carbondale	<u>None</u>	No	Developments shall minimize impacts to...wetlands, and...stands of trees. Such resources... shall be preserved where practicable...development shall be designed to preserve existing waterways...primary vegetation (trees)...and other features.
Vail	30' or 50' from stream CL	No	Decks may extend 10' into setback, <u>no restrictions on vegetation.</u> City historically has paid 75% of regrowth design costs for citizens, is considering more restrictive code <u>after outreach and stakeholder input</u> but staff expects "very serious pushback" from citizens.
Gypsum	<u>None</u>	No	Community Development Director states that nothing is driving the need for an ordinance. City adopted <u>Eagle River Watershed Plan</u> but specifically, and significantly, did not adopt the setbacks associated with the plan.
New Castle	<u>None</u>	No	Planning Department stated no specific restrictions exist
Silt	<u>None</u>	No	Nothing found in review of code, messages left for city staff
Rifle	<u>None</u>	No	Nothing found in review of code, messages left for city staff
Parachute	<u>None</u>	No	...subdivisions... shall preserve, insofar as possible, ... drainage, ..., lakes, rivers, streams and trees. Significant vegetation, including dominant or mature trees & shrubs shall be retained where possible.
Glenwood (existing)	30' from HWM ~ 8127 cfs	No	Entire Ordinance: No improvement, building, structure, excavation, dumping or backfill shall be placed, built, undertaken or approved within a thirty-foot setback area horizontally from the high water mark of any river or live stream, except for bridges, paths for non-motorized use, irrigation structures or flood control and erosion protection devices.
Glenwood (proposed)	50' from OHWM per USGS	Yes	See proposed ordinance and Proposed Changes in letter to Trent Hyatt 8-31-19

14. Proponents have stated that the Amendment will increase property values along the river.

I have so successfully rebutted this argument at Commission meetings that Proponents now seldom even bring it up. It is generally only the Mayor and Mayor Pro Tem that continue to espouse this result. So, for their benefit, I summarize my rebuttal below.²

Proponents based their statements largely on the results of a statistical study performed in 2006 by Dr. Brian A. Mikelbank of Cleveland State University ("CSU") entitled *Hedonic Analysis of Riparian/Wetland Setbacks (the "Study")*. It was performed for a fee on behalf of Chagrin River Watershed Partners, Inc. ("CRWP"), a watershed conservancy group similar to the RFC. The study claims that setbacks enhance property values. As a degreed engineer turned CFO that has taken both undergraduate and graduate statistics classes, this claim seemed counterintuitive to me.

I reviewed the study and found it to be seriously flawed. In a nutshell, Dr. Mikelbank compared homes in the Chagrin River Watershed with and without setbacks and found that homes with setbacks sold for higher prices than did homes without setbacks. The problem is that the vast majority of homes with setbacks were ones that were also on the water. Homes not on the water had no setbacks. As a result the waterfront and setback variables could not be separated.

Based on a survey of property owners, Dr. Mikelbank states that the homeowners on the water were generally unaware of the setbacks when they bought their properties, making it impossible for them to have paid more, or less, for homes with, or without setbacks, when they didn't even know that the setbacks existed. The reason that homes with setbacks cost more was because they were on the water. It's that simple. Think of it this way: Many people don't know that Ferraris have tool kits in the trunks. Cars with Ferrari tool kits in the trunk statistically cost more than cars without such kits. But that's not because of the tool kits. They cost more because they are Ferraris. Or because the homes are on the river.

But don't take my word for it. Read two inclusions in your packet: 1) the email exchange I had with Dr. Mikelbank in which I asked him about this and he admits to this flaw. He also talks about it on page 15 of his study. 2) A letter from Dr. Elizabeth Poulos, professor of statistics at

² A complete presentation of my analysis is presented in the materials submitted for the September 16, 2019 Commission meeting, included in Council's packet.

CMC is Summit County, who reviewed the study and concluded the same thing I did. She has more degrees than a thermometer.

Rather than increase our property values, the originally proposed 90% sterilization of our setback area would reduce property values due to the fact that we would lose most of our access, view, use, and enjoyment of the river. 50% sterilization will reduce it as well.

In my case, I paid a 28% premium for access, view, use, and enjoyment of the river. Today, that equates to over \$100,000 on my modest property. With 50 odd private homes along the river, most more expensive than mine, the original setback would have cost homeowners over \$5 million in reduced property values, perhaps double that. And yet Proponents can compute no offsetting benefits of comparable magnitude. What's worse is that they simply do not care.

15. In a document entitled *Glenwood Springs Riparian Assessment* dated February 26, 2018, Proponents make the following observations that I comment on below.

(Summarized) "Backyard development creep and riparian vegetation clearing are increasing...some (landowners) have cleared ... access down the hill slope (that) may disrupt riparian function and if copied...could result in extensive loss of riparian habitat. Potential treatments include curtailing ... development ... to preserve riparian function while still allowing private landowner(s)...to enjoy riverside amenities. Public education is a key component for addressing these concerns."

A number of points are germane here.

The claims made by the author are anecdotal and not substantiated in the study. There is no pre and post analysis to support a claim that creep is significant or even detrimental. There is no objective science here. It is not clear that the author ever saw the restrictive nature of the original Amendment which made it virtually impossible for landowners to "enjoy riverside amenities". Such enjoyment remains severely limited under in the Amendment in its current form.

The author states that "*public education is a key component in addressing concerns*", but unlike programs in Vail and other river municipalities, no such education has been offered to residents by the City or the Proponents. The fact of the matter is that there is no overt destruction of habitat occurring along the banks of the Roaring Fork. Education should be tried to address any concerns. Friends is willing to learn from the Proponents, but will not be dictated by them.

Members of Council, an environmentalist working for the City of Vail told me that humans have impacted their environment as far back as our Native American ancestors. By default, tradeoffs are made between an ecosystem and a municipality. During discussions regarding the Amendment in 2019 (my outreach, not the City's), the Mayor Pro Tem (who is also the River Commission liaison to Council) told me that *"we must do everything possible to protect the river."* Really? Everything? At any cost? Protect it from what, exactly, when nothing all that bad seems to be occurring? When homeowners are acting as good steward to the river. Perhaps protection from the City is necessary, as the City can destroy more riparian habitat with one project than homeowners ever will.

When I related my conversation with the liaison Council Member to Staff in a 2019 meeting (my outreach, not theirs) a planner literally burst out laughing. The planner stated *"well, in order to do that we might as well just go shoot ourselves right now, because we will always have some level of impact on the river."*

So there you have it. The question is: is the impact bad enough to require cutting edge yet vague, restrictive municipal legislation that has not been shown to be necessary, that reduces property values, that solves no identified problems, that other cities are not adopting, and that has no legal basis for implementation. Friends believes it is not.

Sincerely

/signed by Gary W. Vick/

Gary W. Vick

On behalf of myself and Friends of the Roaring Fork

Gary Vick

614 Cowdin Drive
Glenwood Springs, Co
(303) 548-0962 (cell)
garywvick@icloud.com

September 16, 2019

The City of Glenwood Springs
101 West 8th Street
Glenwood Springs, CO 81601
Attention: Mr. Trent Hyatt, Senior Planner, Community Development

RE: Proposed revision to Ordinance 070.040.020(d)(24) Conservation of Waterways

Honorable Mayor, City Council, and Planning and Zoning Commissioners:

I am grateful for and appreciate your taking the time to review the attached package that is submitted to facilitate your review of the subject revision. I look forward to discussing these items with you at scheduled P&Z and Council meetings.

I respectfully urge you to reject the proposed revision.

The proposed revision puts severe limitations on the use of our property in exchange for no quantifiable, demonstrated gain. There is no outcry for this revision, and it is not required at this time. It will result in potentially severe devaluation of the property values of homeowners along the Roaring Fork River. It ignores the rights of property owners to use and enjoy their land by forwarding the goals of well intentioned but minority environmental groups. The revision has not been subject to even a cursory cost/benefit analysis. The City has not determined how many properties would be made non-compliant by this revision, nor to what extent. There has been no meaningful outreach on the part of the City to solicit stakeholder input or work with citizens to craft an ordinance that can garner stakeholder support. The proposed ordinance does not meet the City's threshold for ordinance change. These arguments are substantiated in the attachments hereto.

Living on a river is magical. It is a truly wonderful experience. As residents living along the Roaring Fork in Glenwood Springs, we are lucky. Most of us purchased our properties for the express purpose of viewing, using, accessing, and enjoying the river. We listen to the river every day. We sleep to it every night. We watch it at breakfast and dinner every day. We fish in it. We watch families of fox, deer, bear, raccoon, mink, geese, ducks, hawks, and bald eagles feed and play in it. We watch the stars by it, picnic by it, and camp by it. We kayak and raft to our own back door. We do so responsibly, caring for the environment that we paid a premium to own.

We use our backyards much as you do, only there is no proposed ordinance revision

that could sterilize and make unusable up to 90% of your backyard's most attractive features without meaningful stakeholder input and without the City demonstrating any quantifiable need for, or quantifiable benefit from, this sterilization. You are not facing an ordinance that would limit your enjoyment and severely impact the value of your property.

I have provided City Staff ("Staff") with alternate language for the ordinance that mitigates many of these concerns (the "Proposed Changes"). I also provided thorough justification for the Proposed Changes. I have asked Staff to provide these documents in your packets.

Staff has reviewed the Proposed Changes and has stated to me that many of the changes are desirable. Perplexingly, none of the Proposed Changes have made it into the text of the code you will review tonight. You are reviewing something that, apparently, Staff might want to modify, that the City has not justified, that negatively impacts stakeholders along the river, and that has not had the benefit of meaningful outreach on the part of the City.

Accordingly, you have no choice other than to deny approval of the ordinance as presented. Alternatively, you could recommend that Council instruct Staff to i) engage stakeholders to solicit their input and concerns, ii) incorporate changes based on such input that Staff feels is appropriate, iii) fully justify the need for the ordinance with a proper cost/benefit analysis, and iv) resubmit the ordinance for approval.

Thank your for your efforts in the review of this material.

Best regards,

/signed by Gary W. Vick/

Gary W. Vick

Attachments

Discussion

The Proposed Ordinance does not appear to meet City Ordinance requirements for an Ordinance Change, section 070.060.040.(c)(3)d.3

- ii. **Does not conflict with other provision of this Code or other provisions of the Glenwood Springs Municipal Code.**

Rebuilding of existing non-conforming structures (such as those in the proposed setback area) is contemplated in the Code, but the Proposed Code stipulates that no excavation may occur in the setback area. Such excavation may be required in order to rebuild a nonconforming structure, and could be a conflict in the code.

- iii. **Is necessary to address a demonstrated community need**

The staff report states that the City lags behind neighboring communities in the protection of water resources.

This statement is not accurate.

The Roaring Fork Conservancy (“RFC”) performed a spot comparison of ordinances found in nearby municipalities and counties. This is shown below.

REGION	SETBACK	DETAILS
City of Aspen	100ft/100 year floodplain	Development is “subject to heightened review.” (Ord. 26.435.040)
Town of Basalt	50ft	Prohibits development and cutting of riparian and wetland vegetation. (Ord. 16-464a)
Town of Carbondale	Unspecific	If new development is proposed adjacent to any river, all practical means should be used to preserve natural grade, drainage patterns, soil and vegetation. (Ord. 4-2007)
Eagle County	75ft/100 year floodplain	No development within 75ft of high water mark or 100 year floodplain (whichever is greater).]
Garfield County	35ft	Prohibits removal of any existing native vegetation or conducting any activity which will cause any loss of riparian area unless it involves the approved removal of noxious weeds, nonnative species, or dead or diseased trees.
Pitkin County	100ft/100 year floodplain	100 foot buffer for all activity and development. Setback may be reduced to a minimum of 50 feet if reduction does not result in water quality degradation, stream bank erosion and/or a reduction in the quality of riparian or wetland habitat.

The RFC comparison did not include municipalities downstream from Glenwood Springs from whom no outcry regarding water quality has been heard. The RFC’s inclusion of county ordinances for comparison is not appropriate insofar as municipalities generally have much greater density

and diversity of land use than do counties which can be much more rural, are more agricultural in nature, and require different land use criteria. One has only to compare a drive down Midland Avenue to a drive to Grand Junction to see this. Some individual landowners in nearby counties, for example, can easily have more river frontage than the 50 stakeholders addressed in this letter combined.

Accordingly, I prepared a more thorough comparison of ordinances in neighboring municipalities in the table below. The comparison concentrates on municipalities and omits counties. Though it does not capture every riverfront municipality in the state, it is what could put together in the time available. It captures a much better picture of where Glenwood stands in comparison to its neighbors than does the RFC comparison.

Six of the 10 municipalities reviewed have no riparian setbacks of any kind, and only one, Basalt, applied vegetation limitations retroactively to existing homeowners. Those municipalities without setbacks see no need for them. There is no demonstrated need for revised setbacks in Glenwood Springs.

Glenwood Springs does not lag behind the majority of its neighboring municipalities in the protection of water sources. There is no need to “keep up with the Jones”, and the Proposed Ordinance would be one of the most restrictive to existing homeowners in the comparison.

Municipality	Setback	Vegetation Restriction Retroactive to existing Properties	Summary of Ordinance
Aspen (from RFC)	100'/100 yr Flood-plain	No	Development subject to heightened review
Snowmass Village	25' from Riparian edge	No	New development only. Recreational access sites allowed. Vegetation loss to be minimized, replacement vegetation ratio may be less than 1:1 to facilitate a view of, and use of, the creek.
Basalt (from RFC)	50'	Yes	Apparently very restrictive, prohibits development and cutting of riparian and wetland vegetation.
Carbondale	None	No	Developments shall minimize impacts to...wetlands, and...stands of trees. Such resources... shall be preserved where practicable...development shall be designed to preserve existing waterways...primary vegetation (trees)...and other features.
Vail	30' or 50' from stream CL	No	Decks may extend 10' into setback, no restrictions on vegetation. City historically has paid 75% of regrowth design costs for citizens, is considering more restrictive code after outreach and stakeholder input but staff expects "very serious pushback" from citizens.
Gypsum	None	No	Community Development Director states that nothing is driving the need for an ordinance. City adopted Eagle River Watershed Plan but specifically, and significantly, did not adopt the setbacks associated with the plan.
New Castle	None	No	Planning Department stated no specific restrictions exist
Silt	None	No	Nothing found in review of code, messages left for city staff
Rifle	None	No	Nothing found in review of code, messages left for city staff
Parachute	None	No	...subdivisions... shall preserve, insofar as possible, ... drainage, ..., lakes, rivers, streams and trees. Significant vegetation, including dominant or mature trees & shrubs shall be retained where possible.
Glenwood (existing)	30' from HWM ~ 8127 cfs	No	Entire Ordinance: No improvement, building, structure, excavation, dumping or backfill shall be placed, built, undertaken or approved within a thirty-foot setback area horizontally from the high water mark of any river or live stream, except for bridges, paths for non-motorized use, irrigation structures or flood control and erosion protection devices.
Glenwood (proposed)	50' from OHWM per USGS	Yes	See proposed ordinance and Proposed Changes in letter to Trent Hyatt 8-31-19

You should instruct Staff to provide a more thorough comparison for review, inclusive of additional parameters and municipalities.

iv. Is necessary to respond to substantial changes in conditions and/or policy

Staff states that adoption of the proposed standards would help the City meet future compliance with EPA Municipal Separate Storm Sewer System (MS4) permit requirements if the population exceeds 10,000 in the 2020 census.

The Proposed Ordinance is premature, as is the perceived need to meet MS4 without knowing the results of the census.

If it is necessary to meet MS4, the Proposed Ordinance does not help to meet compliance in a substantial or meaningful way. The lands covered by the Proposed Ordinance represent less than 1% of the City's land area. The vast majority of the City's storm water disposal is untreated, running through yards, streets, and drainage systems directly into the river system. The vast majority of storm water does not go through any riparian environment of any kind. As such, improvement of the riparian environment, even by a substantial amount, would not materially affect overall storm water quality.

The bulk of the City's inability to comply with the MS4 permit, if any inability exists, has nothing to do with the areas addressed by the Proposed Amendment. The interior of the City, where most storm water is generated, should be the focus of this requirement, not the narrow riparian zones along the river.

To use this MS4 as a justification for the Proposed Ordinance is disingenuous and violates the requirements for ordinance change and its intent.

The Proposed Ordinance lacks balance between cost and benefit.

Many endeavors in life can be successful if one simply copies a similar, previously successful process. I didn't invent that phrase: Compaq, Dell, Microsoft, and other successful business did.

A relevant process to follow here is exemplified by the EPA under previous administrations. Prior to implementing clean water regulations the EPA gathers input from stakeholders from all sides the issue. Environmental groups, whom I generally support, are consulted. Industry, citizens, and municipalities are consulted. Significantly, no one group writes the rules. Rather, the EPA balances goals and needs, performs cost/benefit analyses, and writes regulations that generally garner the widest possible support.

Now lets compare this process to the derivation of the Proposed Ordinance that is before you today.

The Proposed Ordinance has been authored by Staff and the River Commission ("RC") with significant input from the RFC and certain members of City Council (collectively, the "Authors"). Staff states that the Proposed Ordinance has been in process for several years. Stakeholders have not been solicited or consulted to any meaningful degree during the drafting of the ordinance and were notified of the Proposed Ordinance through a single mailing approximately two weeks prior to a scheduled vote on the ordinance by the Planning and Zoning Commission ("P&Z"). The ordinance furthers the well intentioned goals of the Authors alone at the expense of reduced property values on the part of stakeholders.

The Authors have not performed any cost/benefit analysis, or even a cursory cost/benefit comparison, to justify the Proposed Ordinance. The Authors have not quantified the benefits of the Proposed Ordinance and have ignored the serious potential impact on the property values of stakeholders.

Significantly, they have not identified the number of properties that will be made non-compliant by the Proposed Ordinance and to what extent they will become non-compliant.

This is no way to run a railroad. Costs and benefits are properly discussed below.

Costs of the Proposed Ordinance

The costs of the Proposed Ordinance will be born by a small number of stakeholders and could be in the million of dollars.

The Proposed Ordinance restricts, or sterilizes, a portion of the land owned by homeowners. It limits a homeowner's use of his property, potentially limits his ability to clear or even trim vegetation so as to be able to see, use, access, and enjoy the river he paid dearly to be able to see, use, access, and enjoy. As proposed, it may limit the ability of a homeowner to rebuild a non-conforming structure or build a new structure at the 50' edge of the setback area due to lack of construction access.

The value of a less restricted property is more than the value of a more restricted property. The only question is to what degree. In my case, I paid a 28% premium for my property to be on the river and have a view of, use of, and access to the river. This premium is born out by square footage tax assessments of my property compared to other properties in my neighborhood.

If a homeowner's view, use, and access to the river are hindered and his ability to develop, redevelop, or rebuild his property is limited by the Proposed Ordinance, then the Proposed Ordinance will cause him to potentially loose the premium associated with his property.

There is no hard data as to how much more homeowners along the Roaring Fork paid to be able to see, use, and access the river, or how much the property value will be reduced by the Proposed Ordinance, but we can get a feel for the order of magnitude of this premium by making some reasonable assumptions. In my case the amount of market value that I will lose under the Proposed Ordinance is on the order of \$100,000 (\$450,000 market price X $(1 - 1/1.28)$ ~ \$100,000).

According to Staff, there are 50 odd private homes along the river that could be affected by the Proposed Ordinance. Though many of these homes are larger and more expensive than mine, if these homes incur a \$100,000 devaluation per property, valuation losses of over \$5 million could be incurred by the stakeholders.

As established in the next section, there is no corresponding benefit associated with this cost.

The Authors claim that there will be no impact on property valuation. None. They claim that property values may increase under the Proposed Ordinance. These claims defy common sense. The value of a less restricted property is more than the value of a more restricted property.

That said, I had the Chairman of the RC tell me that *"Common sense does not apply. We have a study showing that riparian setbacks have no effect on property values and may increase them."* Another member of the RC told me that resale prices would not be affected by the Proposed Ordinance because *"whoever can afford (this) property can afford to get any variance they need"*. I had not realized variances were for sale.

The Chairman of the RC was kind enough to forward me a copy of the subject study performed in 2006 by Dr. Brian A. Mikelbank of Cleveland State University ("CSU") entitled *Hedonic Analysis of Riparian/Wetland Setbacks*. It was performed on a fee basis on behalf of Chagrin River Watershed Partners, Inc. ("CRWP"), a watershed conservancy group similar to the RFC.

The study performed a regression analysis (a statistical analysis of outcomes with respect to multiple variables) on roughly 4,000 home sales over several years in the CRWP watershed area, roughly 400 of which bordered a stream or river. The overwhelming majority of properties bordering a stream or river had setbacks in place. The regression analysis took into account a multitude of variables that could influence transaction prices. The regression analysis did not show a correlation between setbacks and transaction prices.

As a degreed engineer turned CFO that has taken both graduate and post graduate statistics classes, this seemed a bit counterintuitive to me. As a numbers guy I read the study cover to cover, number for number. On page 15 of the study I found the reason why the regression analysis did not find a correlation between setbacks and transactions prices. Page 15 states (emphasis added):

“While a homebuyer valuing the environmental protection the setback provides could explain this result, our focus group meeting indicated that this explanation is unlikely in this market.

The consensus opinion expressed at that meeting was that potential homebuyers do not know about setback designations. Further, the consensus was that it was unlikely that realtors would even know whether or not a property had a designated setback. Thus, the focus group predicted that setback designation would not be an influence in the area housing market. That makes the results of the community specific model somewhat suspect”.

Two things bothered me after I read the study.

First, the vast majority of homes with setbacks were the same homes that were on the river. The setback variable and the streamside variable were therefore coupled. If you get one, you generally get the other. Because the variables were coupled, the higher prices paid for homes with setbacks might be attributed to their being on a stream, a generally desirable trait. Absent common sense, there is no way to know.¹

Second, it seems to me that a buyer would not be in a position to pay more, or less, for a property with, or without, a setback if he or she was unaware of the existence of the setback when the real estate transaction was made. It seems to me that statistically measuring if people will pay more, or less, for a property with, or without, a setback is impossible if the parties do not know about the setback and factor the setback into their pricing decision.²

The Author’s contention that riparian setbacks do not influence real estate transaction prices is based on a study that has fatal flaws. Their conclusion is false. Setbacks will be widely known in Glenwood Springs and required to be disclosed at the time of sale. Setbacks will have a negative impact on transaction prices.

This conclusion is verified by attached emails from two statisticians. One reviewed the study at my request, and the other is Dr. Mickelbank, the author of the study.

¹ For an analogy, consider that Ferraris come with fancy tires not found on other cars. If you do a regression analysis on 1,000 various car sales and include car brand and tire type as variables, the analysis may not be able to distinguish between these two effects because they always come together. So common sense is used to determine whether the buyer paid \$300,000 for the Ferrari, or for the tires.

² Staying with the car sales analogy, suppose that 500 of the 1,000 cars above had a handful of sand thrown into their engines prior to the sale and no one knew about it. The regression analysis would not detect any devaluation in price due to the sand in the engine because no one knew it was there and no one paid less for the car with sand in its engine. Can you conclude that sand in the engine, if known about, has no effect on the price? No.

Benefits of Proposed Ordinance

The Authors have not demonstrated a need for the Proposed Ordinance.

The benefits shown by the RFC have not been shown to be needs, are general in nature, none were quantified, and no credible argument was presented showing that implementation of the Proposed Ordinance would mitigate any of the concerns discussed in the proposed benefits to any meaningful, measureable degree.

The Roaring Fork River is over 70 miles in length. Only about 4 of those miles are in the city of Glenwood Springs. The fact of the matter is that there is no wholesale, overt destruction or degradation of riparian habitat along the banks of the Roaring Fork River through Glenwood Springs by homeowners who live along the river. To the contrary, most homeowners love the river more than the Authors do and are good environmental stewards of the lands they paid a premium to own and use.

In its July 19, 2019 letter to the Mayor, Council, and the P&Z the RFC infers that the Proposed Ordinance will have a positive economic impact because it will:

- *Reduce drinking water costs in the event that the City's secondary water source is required to be used.* This claim is not substantiated. The City's water supply currently meets applicable specification, as does its drinking water.
- *Reduce erosion.* This claim is not quantified, even on a cursory level. Examination of the river from Google Earth, Red Mountain, or by floating the river does reveal some areas of erosion within Glenwood Springs but it is impossible to tell over what time frame these occurred and they do not require a broad-brush ordinance to correct.
- *Increase property values.* This claim is false as shown in the previous section.
- *Support the local fishing economy.* Homeowners along the Roaring Fork generally love to fish. The RFC does not quantify this claim in any fashion whatsoever and there is no measureable degradation to the fishing industry by homeowners along the river or any measureable increase claimed if the Proposed Ordinance is adopted. The statement is completely general.
- *Tourism will be increased by improved aesthetics.* Aesthetics are in the eye of the beholder. Comments shouted to homeowners from passing commercial rafters are universally complimentary with respect to the aesthetics of individual properties. I hear such comments literally every day in the summer season. Not once in 21 years have I heard a derogatory comment relating to the aesthetics of my property or those of my neighbors.

People have impacted their environments as far back as our Native American ancestors. By default, tradeoffs are made between an ecosystem and a municipality. During discussions regarding the Proposed Ordinance, a liaison Council member told me that "*we must do everything possible to protect the river.*" Really? Everything? At any cost? The EPA does not see it that way. Nor does Staff.

When I related this conversation to Staff, the planner literally burst out laughing. He stated *“well, in that case we might as well just go shoot ourselves right now, because we will always have some level of impact on the river.”*

You may hear from the Authors that river temperatures are rising and that last summer there was an algae plume in the river. All true. Our environment is getting warmer, and last summer was particularly dry and hot. That is when algae plumes occur. But we are not burning the Amazon along the banks of the Roaring Fork River here in Glenwood Springs. You will not hear the Authors present any credible scientific evidence to support any claim that if the Proposed Ordinance had been in place last summer then these anomalies or any others would have been avoided.

In a document entitled *Glenwood Springs Riparian Assessment* dated February 26, 2018, members of the RC and RFC make the following observations that I comment on below.

- *The Banks at Threemile Creek are marginally vegetated and under erosion.*

The National Forest Service (“NFS”) routinely closes damaged areas to traffic to facilitate revegetation. This problem does not need a broad-brush ordinance to resolve.

- *(summarized) Backyard development creep and riparian vegetation clearing are increasing...some (landowners) have cleared ... access down the hill slope (that) may disrupt riparian function and if copied...could result in extensive loss of riparian habitat. Potential treatments include curtailing ... development ... to preserve riparian function while still allowing private landowner(s)...to enjoy riverside amenities. Public education is a key component for addressing these concerns.*

A number of points regarding vegetation are relevant here.

1. The claim is anecdotal and unsubstantiated.
2. There is no pre and post analysis over any defined time frame to justify a claim that creep is significant or detrimental. There is no objective science here. There is no wholesale or overt degradation of riparian habitat that warrants this broad brush approach.
3. Staff has stated that there are roughly 50 private homes along the river in Glenwood. The extent of their riverfront is therefore limited, and the extent of any cleared or developed riverfront is even more limited. Staff has provided no hard data on this riverfront footage.
4. Property owners have a right to use, enjoy, view, and access the river on the property they paid a premium to own.
5. Efforts to discuss alternative usage scenarios have been rebuffed by the Authors. Property owners currently enjoy 100% use of their

property. The Proposed Ordinance's provision to allow property owners to use only 10% of their riparian area is unfair and insufficient by any standard. It is invasive and an affront to property owners rights. When you live on the river, you understand this.

6. The Assessment states that "*Public Education is a key... (see above)*. So where, exactly, has been this public outreach and education? With the exception of Staff, the Authors have largely refused to engage well intensioned citizens in a constructive revision of the Proposed Ordinance. Instead, it is being considered with scant notice to stakeholders after years of work by the Authors to further their own environmental views.

The Assessment's claim seems rooted to some extent in the Authors' objection to non-native grasses in the riparian zone. The following table was reproduced from a 2005 study provided by the RFC entitled *Riparian Buffer Zones: Functions and Recommended Widths*. As shown below, it suggests that grasses actually fare pretty well in comparison to other types of vegetation.

Function	Grass	Shrubs	Trees
Sediment trapping	High	Medium	Low
Filtration of Sediment born Nutrients, Microbe and Pesticides	High	Low	Low
Soluble forms of Nutrients and Pesticides	Medium	Low	Medium
Flood Conveyance	High	Low	Low
Reduction of Stream Bank Erosion	Medium	High	High

The study goes on to say that the removal efficiency of grasses, compared to an ideal mix of grasses, shrubs, and trees, have a removal efficiency of 61% of nitrates, 72% of phosphorus, and 44% of orthophosphates. Grasses are therefore not completely inept at removal of pollutants. And remember, the existing and potential area of grasses along the riverbank is relatively small.

The takeaway here is that non native homeowner grasses comprise a very small percentage of the short Roaring Fork riverbank through Glenwood Springs, that there is no objective evidence to suggest that the amount of grass coverage is egregious, detrimental, or increasing, that grass is better than or equal to 4 of the 5 functions listed in the table above, that grass provides meaningful absorption of nitrates and phosphorous, and that the vast majority of storm water runoff does not flow through the riparian environment but drains through storm sewers directly into the river which makes concentrating on homeowner riverbanks somewhat of a fruitless exercise.

It cannot be concluded that the Proposed Ordinance would result in meaningful reduction in riparian function or increase water quality to any meaningful, demonstrable degree.

From: Brian A Mikelbank b.mikelbank@csuohio.edu
Subject: RE: Could you please answer a couple of quick questions on a 2006 study you performed?
Date: September 6, 2019 at 11:49 AM
To: Gary Vick garyvick@icloud.com

Hi Gary:

The city's statement is based in results also – there were a few instances of positive and significant findings. Definitely, though, the focus group real estate professionals thought that potential buyers did not know about setbacks. If that is the case, it wouldn't make sense that a positive or negative impact was present (unless perhaps it influenced the buyer setting the sale price).

I know that probably doesn't leave you with an easy answer or argument, but as you know having read through the study, there is nuance.

Brian.

Brian A. Mikelbank
Associate Professor of Urban Studies
Maxine Goodman Levin College of Urban Affairs
Cleveland State University

From: Gary Vick <garyvick@icloud.com>
Sent: Friday, September 6, 2019 9:39 AM
To: Brian A Mikelbank <b.mikelbank@csuohio.edu>
Subject: Re: Could you please answer a couple of quick questions on a 2006 study you performed?

Dr. Mickelbank,

Thanks so much for you response to my comments. I have one more question.

I believe the City is somewhat mischaracterizing the results of your study with a sound bite that says:

“We have a study that shows that there are no affects on property prices between properties with and without setbacks, and in fact setbacks may increase prices.”

Given that you agree with my third observation and you indicate that the focus group probably had a good sense of the buying and selling public, is the following sound bite fair?

“The City's characterization of the study is misleading. We can not conclude that buyers paid more or less for properties with or without setbacks because buyers were generally unaware of the existence of the setbacks. It is therefore inappropriate to use the study to conclude that setbacks have no impact on property prices, and may increase them.”

conclude that setbacks have no impact on property prices and may increase them.

Thanks again for you time.

Gary W. Vick
(720) 548-0962

On Sep 3, 2019, at 3:12 PM, Brian A Mikelbank <b.mikelbank@csuohio.edu> wrote:

Hi Gary:

No imposition at all – it is good to know that this research is being discussed!

I have inserted responses below your specific questions.

From: Gary Vick [<mailto:garywvick@icloud.com>]

Sent: Thursday, August 29, 2019 12:42 PM

To: Brian A Mikelbank <b.mikelbank@csuohio.edu>

Subject: Fwd: Could you please answer a couple of quick questions on a 2006 study you performed?

Dr. Mikelbank,

I am retired and live on the Roaring Fork River in Glenwood Springs, Colorado. The City is considering introducing a setback ordinance which limits property owners activities within 50 feet of the Roaring Fork river. There is currently a 30' setback covering structures, but the proposed ordinance increases the setback and restricts other activities in the setback area.

While this may be generally desirable, my neighbors and I are concerned that the proposed ordinance could reduce property values by limiting their use and redevelopment potential in the future. A developer or builder, for example, could be further restricted by the proposed ordinance and therefore might pay less for a more restricted property than he would for a property that is less restricted. At least that's the theory.

Yes! This was exactly the perception CRWP was facing when we started talking about this project.

The City provided me with a copy of your 2006 “Hedonic Analysis of Riparian/Wetland Setbacks”. It is a thorough study and I enjoyed

reading it. As you know, it was commissioned by Chagrin River Watershed Partners, a watershed conservancy and reviewed roughly 4,000 home sales in the watershed area, roughly 400 of which bordered a stream or river. As you know, the study concludes that setbacks do not decrease property values and may increase them.

The conclusions seem counterintuitive to me. While I have a background in engineering and finance and have taken undergraduate and graduate statistics courses, I would welcome your comments regarding a couple of observations I have with the study.

1: First, the study was commissioned by a conservancy group (link here: <https://crwp.org>). I don't know that they had an agenda or were seeking a predetermined outcome, but setbacks generally help their cause, as would, by corollary, any data showing setbacks are good for property values. When they ask you to perform the study, were they seeking satisficing data to confirm a theory that setbacks have no impact on property values?

At our college's research centers it is an early conversation that we're being hired to answer a research question, whether or not that answer is what they might be looking for. I think organizations coming to a university know that, but we always review. Given their mission, they obviously thought setbacks were a good thing. And they heard from local realtors that prospective purchasers don't know if there is a setback or not. But when they went to communities to talk about implementing setbacks they were getting pushback exactly along the lines you mentioned earlier – that all else equal, we might reasonably expect deed restrictions to reduce property value. They wanted to know what the data had to say on the matter.

2: Second, the homes with setbacks are, by and large, the same ones that are on a stream or river. It seems to me these variables could be coupled. Any increase in prices for homes with setbacks may have been due to simply being on the stream or river, a generally desirable thing.

Agreed. That is why it was important to have a mix of stream front houses in the sample that did and did not have setback restrictions. Actually, I seem to recall that I should use "setback designation" not "setback restriction"! This allows the regression model to distinguish between the separate effects of being stream front vs. being stream front with a setback designation.

3: Third, the second and third full paragraphs on page 15 of the study state that when properties were bought and sold, the consensus opinion was that neither homeowners nor realtors were aware of any setbacks. It seems to me that a buyer would therefore not be in a position to pay more, or less, for a property with, or without, a setback if he or she was unaware of the existence of the setback. It seems to me that statistically measuring if people paid more, or less, for a property with, or without, a setback is impossible if the buyers did not know about the setback and factor the setback into their pricing decision.

Again, agreed. The issue, though, was the degree to which the assembled focus group captured the entirety of the market reality. Certainly they were a valuable source of information, but they surely hadn't talked to all of the purchasers, sellers (and potential purchasers and sellers) throughout the market, throughout the years being covered in the study.

If designation doesn't impact house price, there are two options – buyers/sellers didn't know, or they knew and didn't care.

We did get a few blips of positive impacts, but it seemed that those weren't very robust.

But you're right, if people don't know, then a statistical finding of positive or negative price impact is really telling you about something else. In the case of Auburn and Bainbridge it seemed to be capturing some type of "late-in-the-study-period" effect as prices were ramping up (before the housing crisis!). We did have year indicator variables that should have accounted for this, but perhaps not in its entirety.

I think my take-away, looking back, is that the focus group probably had a good sense of the buying and selling public – that setback designations were not on their radar, and thus might not exhibit a strong price impact either way. But I think the experience of you and your neighbors is similar to what CRWP was trying to make sense of. That even though they were hearing from real estate professionals that buyers don't know of them, when they talked to homeowners about establishing designations in their communities there were concerns over the loss of value and loss of development/expansion potential.

I hope this is helpful and that you are satisfied with how your community moves forward.

Don't hesitate if you have additional questions,

Brian

I may have missed something and any comments or clarifications on these items would be greatly appreciated.

I apologize for the imposition but am grateful for your help. Thank you so much.

Regards,

Gary W. Vick
614 Cowdin Dr
Glenwood Springs, CO 81601
(720) 548-0962 (cell)

Link to study:

https://crwp.org/files/final_report_hedonic_analysis_riparian_wetland_setbacks.pdf

6 September 2019

This statement is provided at the request of Gary Vick and in review of the September 2006 study, “Hedonic Analysis of Riparian/ Wetland Setbacks”, prepared by Brian A. Mikelbank.

In statistics, there are three steps used to infer causality or cause-and-effect. The three steps simply put are (1) relationship, (2) temporal precedence, and (3) non-spuriousness. I was asked to review a study for these elements with regard to inferences on the causality between setback policies and real estate valuations. The study shows statistical significance for no effect on the principles of step (1) relationship. The study isolates for temporal precedence by selecting valuations that occurred after the setback policies were enacted, appealing step (2). However, the most important and troublesome step of non-spuriousness was not able to be established. Non-spuriousness refers to showing that the relationship from step 1 is not false or potentially caused by a third extraneous variable. In the provided study, there are several factors that indicate the findings may be due to a spurious (false) relationship between setback policies and real estate prices. To name a couple of these factors, the valuation methods for the real estate did not include the knowledge of a setback policy by the transacting parties, and the resulting regression tools contain variables, such as location, that provide a stronger statistical relationship with real estate prices. So, while the study provides mathematical statistics for a no-effect or no-relation between setback policy and real estate prices, it does not provide causal statistical significance for the effects of consumer valuation through real estate prices from setback policies. [This is not a statement on the value of setback policies or a political opinion/recommendation of the reviewer on such matters.]



Elizabeth T Poulos, Ed.D.
SummitCOPrep@gmail.com

About the Author: Dr. Elizabeth Poulos is a statistics and economics instructor at Colorado Mountain College. In addition to a Doctor of Education, Dr. Poulos’ academic degrees include an MBA, a Master of Financial Analysis, a Master of Business in Financial Risk Management, and a Bachelor of Economics. She is an award-winning scholar with publications and presents on a variety of topics internationally.

From: Gary Vick garyvvick@icloud.com 
Subject: Clarification and Interpretation of Proposed Riparian Ordinance, Section 070.040.020 (d) (24)
Date: June 30, 2020 at 4:40 PM
To: Jennifer Ooton jenn.ooton@cogs.us, Gretchen E Ricehill gretchen.ricehill@cogs.us
Cc: Haley Carmer hcarmer@garfieldhecht.com, Trent Hyatt trent.hyatt@cogs.us



Jennifer and Gretchen,

On behalf of Friends of the Roaring Fork, I trust this email finds the two of you safe and well.

In anticipation of the presentation of the Riparian Setback Ordinance 070.040.020 (d) (24) (the "Ordinance") to City Council in July, I have three requests. I will call you tomorrow to discuss these items:

1. Please provide the City's interpretation of the following items which remain unclear in the Ordinance.

Trimming of vegetation and mowing. Conversations with Staff have consistently indicated that the City does not intend to prevent the reasonable trimming of vegetation or mowing in the riparian setback area. Unfortunately, the wording of the Ordinance underlined below seems to prevent, or make it unduly burdensome to perform, these two exact activities.

Applicability states that: *All new improvements, buildings, additions, structures, excavations, grading, dumping, clearing of native vegetation, or backfill shall be subject to the requirements of 070.040.020(d)(24)b Standards unless the applicant demonstrates to the City Engineer and the Director by clear and convincing evidence that one or more of the following conditions is met:*

Section a(4)iii states: *"The proposed activity (including but not limited to the trimming of vegetation, construction of access path or steps, hot springs pools) does not result in increased water quality degradation, stream bank erosion, or a reduction in the function and quality of a riparian area or wetland."*

It could be argued that mowing one blade of grass, or removing one leaf of a bush, would - by some small amount - result in water quality degradation. Staff have indicated to me that this is not their intent. Roger Neal of High Country Engineering has stated to me that to demonstrate otherwise "with clear and convincing evidence" would be impossible absent an engineering study which still might not show that section a(4)iii is met. Property owners should not have to provide an engineering study in order to mow and trim vegetation. An engineering study should not be required to construct paths or steps, items that are often required to safely access the river frontage. When we argued this at P&Z, Commissioners ask Mr. Hyatt specifically if citizens would be required to submit an engineering study to be able to mow or trim vegetation. He answered "no, that is not the intent". And yet the words remain confusing and do not reflect the intent.

Please clarify how the City intends to interpret and enforce this section and the yardstick it will use to determine if section a(4)iii is met.

2. Better yet, clarify the wording of Section 070.040.020 (d) (24)

As you know, Friends of the Roaring Fork have repeatedly provided the City with succinct language that would clarify these points. To date Staff have been unwilling to make any changes to the wording unless specifically instructed to do so by P&Z. But, at the end of the day, is this not Staff's language? Isn't it up to Staff to make the language clear and have it reflect Staff's intent? Neither P&Z nor Council should have to micromanage clarifications and parse unclear language. Staff is within its authority and indeed is expected, in the routine execution of its duties, to 1) provide clear language and 2) clarify any unclear language necessary to reflect Staff's stated intent. The Ordinance as proposed does not meet that standard.

I have attached three proposed modifications to the wording which do not alter the substance of the Ordinance. Rather, they make it easier for citizens and future Staff to understand and enforce the Ordinance. We respectfully ask that you review the modifications and clarify the language to reflect your intent prior to presentation to Council.

3. Section 070.010.070 (b) (3) b reads poorly, please correct

Section 070.010.070(b)(3)b states that *"Temporary disturbance to make minor repairs of a nonconforming structure within the riparian setback required by 070.040.020(d)(24) shall be limited to fifteen feet around the structure and shall be returned to the previous vegetation or with appropriate riparian plant species."*

The following language is a bit cleaner from a grammatical point of view: *"Temporary disturbance to make minor repairs of a nonconforming structure within the riparian setback required by 070.040.020(d)(24) shall be limited to **an area within fifteen feet of the structure and vegetation shall be replaced or replanted with appropriate riparian plant species.**"*



From: Jennifer Ooton jenn.ooton@cogs.us 
Subject: Riparian setback
Date: July 2, 2020 at 1:32 PM
To: Gary Vick garywvick@icloud.com
Cc: Gretchen E Ricehill gretchen.ricehill@cogs.us

Gary,

Thanks for your phone call. My desk phone rings to my cell phone, so you don't need to leave more than one message. I am headed into a meeting right now, and have been extremely busy.

We will likely develop a staff interpretation memo related to your question about trimming (which we would like to include the in packet) – which isn't put together until next week.

Thanks,
Jenn

Jenn Ooton

Assistant City Manager, Economic and Community Development
City of Glenwood Springs
970-384-6404 (o)
970-471-8684 (m)



COVID-19 Awareness

Colorado's Safer at Home COVID-19 website: <https://covid19.colorado.gov/safer-at-home>
Please follow @GovofCO and @CDPHE on Twitter and Facebook for statewide updates

Stay informed on the latest City of Glenwood Springs news, cone zones, events, and more by signing up to receive email or text notifications at cogs.us/notifyme

Complete your census at www.Census2020.gov
For more information about local efforts visit www.A2PCensus2020.com

From: [Gary Vick](#)
To: [Trent Hyatt](#)
Cc: [Jennifer Ooton](#)
Subject: Items for July 16, 2020 Council Packet - please acknowledge receipt
Date: Monday, July 6, 2020 2:43:16 PM
Attachments: [Letter to City 2020-07-16.pdf](#)
[Raparlan Letter to City and P&Z 2019-19-16.pdf](#)
[Emails with Mikelbank 2019-09-06.pdf](#)
[Letter from Poulos 2019-09-06.pdf](#)
[Email to Ooton 2020-07-02.pdf](#)
[Email from Ooton 2020-07-02.pdf](#)
[IMG_0206.PNG](#)
Importance: High

Trent,

Please include these documents in Council's packet for July 16, 2020 regarding the riparian ordinance.

Thanks for all your work on this.

Feel free to call with any questions or concerns.

Gary Vick
720-548-0962





From: [Randy Rippy](#)
To: [Trent Hyatt](#)
Subject: Proposed Riparian Ordinance 070.040.020(d)(24) Conservation of Waterways for Roaring Fork River
Date: Monday, July 6, 2020 4:55:10 PM

Hi Trent. Please include this letter in your packet for council for their July 16th meeting regarding the above.

Thanks so much!
Randy Rippy

Honorable Mayor, City Council and City Staff,

This letter is in reference to the proposed Riparian Ordinance 070.040.020(d)(24) Conservation of Waterways for Roaring Fork River.

I am a Glenwood Springs native. I have *literally* grown up on the rivers here. I have fished them and floated them my entire life. They are a part of me and I want to protect them through approaches that make sense and actually make a difference.

The proposed riparian vegetation ordinance amendment does not make sense for the city of Glenwood Springs. It just appears to be a so-called solution (pushed by a special interest group) to a non-existent problem; the degradation of riparian vegetation along the Roaring Fork and Colorado rivers and filtration of stormwater. Don't get me wrong. I appreciate and support the River Commission and The Roaring Fork Conservancy in their efforts to protect our waters. I know they work very hard on our behalf and have good intentions. I just think that this particular ordinance amendment will not actually accomplish their intention; of improving the health of the river. The only thing this approach will do is greatly limit what private property owners can do legally and responsibly on their own property.

Let's face it. Floating through Glenwood Springs is not a true wilderness experience, nor should you intend it to be. We are an actual city with necessary development to function as such. A huge part of the Roaring Fork experience for tourists, fishermen and locals is a visual interaction - waving at folks sitting on their decks or on their private riverbanks, admiring the beautiful homes and grounds along the way, and feeling that human connection as part of the trip. Growing up here, I know many river guides and this has been the experience their clients want. This unique float is what keeps clients returning and contributing to our local economy. If clients wanted a true wilderness experience with only dense vegetation, they would choose another river somewhere else. This is the current beauty and balance of where we live. Why would you push to change it? There are already protections in place that are obviously working! Riparian vegetation is thriving along the riverbanks in Glenwood Springs. There is no scientific data from within our city limits to support this proposed drastic measure of restriction on responsible property owners.

Albeit not a true wilderness experience, people floating on the river currently experience a vast amount of natural, undisturbed riverbank. The land owners along the river have done an excellent job at maintaining a wonderful and healthy balance of natural riparian vegetation while responsibly implementing the use and enjoyability of their own property. When property owners are doing nothing to contribute to a negative impact on the river, why would you

penalize them by taking away a significant use of their property? And at what gain? There is no data, specific to Glenwood Springs, showing this particular ordinance would have any positive impact on the health of our rivers. A River Commission member stated in a P & Z hearing that there is no data to support the degradation of riparian vegetation in the City of Glenwood Springs. A River Commission member also has stated that the river is in pretty good shape. Yes, we are aware of past water temperature concerns and algae outbreaks OUTSIDE of the city. But this was during an extremely hot summer with very little rain and snow the winter before, so not due to the degradation of riparian zones downriver in Glenwood Springs.

This additional restriction of property would have no significant (if any) positive impact on the health of the river. Yet it would have a potentially negative impact on your citizens, their property values and their right to responsibly use their own property as they see fit. Local real estate professionals have stated the potential for loss of property value if this ordinance passes.

Instead of spending time and energy on this proposal, I implore you and staff to instead address the significant issue of the city's storm drainage system which is dumping pollution from all over town directly into the rivers. This accounts for approx. 95% of drainage flowing into the river that does not pass through riparian areas. The small riparian area being addressed in this ordinance does very little, if anything measurable, to filter said stormwater. Therefore, the need to change this ordinance does not exist. We already have a 30 ft. setback in place which is evidently being respected by property owners.

And the kicker to all of this is that the city proposes to greatly restrict what I can do on my property, yet the city, itself, just completed the massive, no-vegetation (sans a very few little plantings in boulders) riverfront project of Two Rivers park? Come on. Please lead by example. I'm not saying I didn't support this project, but you can't have it both ways. You, as a council, have already set the precedent for such projects, yet this proposal wants to restrict me from doing a way less impactful project on my own property?

In the spirit of working together on this, I will offer my support of the P & Z's recommendation, with their stated conditions, to this ordinance of a 35 ft. setback and 50% restriction of riverfront property, along with language clarification regarding trimming of vegetation, construction of small structures such as stairways with railings to the river or deck, and that no permit or studies are necessary for riverfront property owners to conduct these projects. I do not support any restriction greater than a 35 ft. set-back and 50% restriction on use of my riverfront property.

Thank you for your time and consideration.

Randy Rippey
2262 Midland Ave
Glenwood Springs, CO 81601
greenwhitelawns@gmail.com

From: [Julie Rippy](#)
To: [Trent Hyatt](#)
Cc: [Gretchen E Ricehill](#)
Subject: Proposed Riparian Ordinance 070.040.020(d)(24) Conservation of Waterways for Roaring Fork River
Date: Monday, July 6, 2020 2:08:06 PM

Hi Trent. I hope you have been well through all the upheaval of 2020! It has thrown all of us for quite the loop!

Below is a letter I would like to request be included in the packet for council regarding the above ordinance proposal agenda topic schedule for the July 16th meeting.

Thanks so much!
Julie Rippy



Dear Honorable Mayor, City Council and City Staff,

This letter is in reference to the proposed Riparian Ordinance 070.040.020(d)(24) Conservation of Waterways for Roaring Fork River.

Although I appreciate the spirit and intention of this ordinance amendment, there is no actual, demonstrated need. There is no data specific to Glenwood Springs showing that it will have any measurable positive impacts on the quality of our water. Yes, we've all heard about "the science," but all the science presented has been very generalized and not specific to what is actually happening in the city of Glenwood Springs, which, after all, should be our only focus. We already have a 30 ft. set-back in place which is obviously working as evident in the thriving riparian vegetation along our river fronts.

As stated by a River Commission member in a P & Z hearing, there is no data showing the degradation of riparian vegetation in Glenwood Springs. Also a River Commission member publicly stated that the river is in pretty good shape. I am an avid river user and float the Roaring Fork and the Colorado often. The riparian vegetation in the city of Glenwood Springs is growing abundantly throughout town. By far the largest disturbances over the past number of years have been those of city projects along the river, not those of private property owners. I am not saying we don't support those projects (the new Two Rivers boat put-in/take-out design is great), however, just look at the vastly cleared riverfront span at the Two Rivers Park project with only minimal replanting. The city has created an environment where folks can easily access and enjoy the spacious, unobstructed views of the river from water's edge. The same with the Veltus Park project. I get the point of these projects; to create a more enjoyable and functional experience for many. Yet, council is considering a highly restrictive ordinance that will greatly restrict how private property owners can view and enjoy the river from their own property? Seems what's good for the goose is not good for the gander!

We speak of storm water? The vast majority of storm water (90%+) from all over the city

flows into a storm water drainage system that flows DIRECTLY into the river via pipes, not through the riparian vegetation on private property, so there is no demonstrated value of filtration. This source of pollution and runoff flowing into our rivers should be where all city resources are focusing, not the benign and current responsible use of private property. And wildlife? Well, there's scat aplenty in our yard showing that wildlife is prospering along the river.

Property owners along the river are among the best stewards of the rivers this town has and we share in a concern for healthy waters. We not only have an environmental stake in these waters, but a financial stake. We want to protect our investment! Local Glenwood Springs real estate professionals have stated that this ordinance could have a negative impact on our property value as it would greatly restrict how a buyer could utilize the property. These local professionals certainly know this market much better than the author of some far-away study which, as he admitted to a local citizen, is flawed. So there is no evidence showing that this ordinance would raise property values, only local professional opinions stating quite the opposite. I understand it is the responsibility of the city to protect its rivers, but is also the responsibility of the city to first and foremost, protect its citizens, their quality of life and their legal rights.

And if you must compare Glenwood Springs to other communities, actually look beyond one or two other cities and their ordinances. Look at all the surrounding communities. With the exception of Basalt, (whose river flows mostly through town property, not private property) other area cities or towns do not have ordinances that are nearly as restrictive as this proposal. One size does not fit all and we should make decisions based only on our unique stretch of river.

During the initial two-year design of this ordinance, there was no transparency of process or outreach to citizens to include our voices in important decisions that directly affect us. This seems to be in direct conflict with the city's Strategic Vision which states that the city advances the interests of the community openly and transparently. It also states that the city council and city employees will ensure transparency in its operation while pursuing systematic citizen engagement. Not until Trent Hyatt sent a P & Z hearing notice, (approximately two years after the process began) did we know about this proposed ordinance change. We do appreciate Trent taking the initiative to send a notice which allowed us to finally have the opportunity to engage.

Although I do not feel that the city has actually demonstrated a need for this ordinance amendment, I will support the P & Z commission's recommendation "with conditions" of a 35 ft. setback with 50% riverfront restriction. I will not support any setback higher than 35 ft. or any restriction greater than 50%. I would also request the clarification of verbiage regarding small benign projects such as stairs with rails, small structures (such as a deck or tree house) and trimming of riparian vegetation to assure fire mitigation, access for home additions/renovations and riverfront access without any studies or permits, other than current permits for large projects. All we have asked for is a balanced and fair approach. The original 50 ft. setback and 90% riverfront restriction plan was extremely unbalanced. We understand the intention and all the work the River Commission puts in, but feel that it is not the appropriate approach to a greater good or a healthier river, just unjustified overreach.

Your service, time and consideration is greatly appreciated!
Regards,

Julie Rippy
2262 Midland Ave.
Glenwood Springs, CO 81601
jrwgraphics28@gmail.com

Re Proposed Revision to Ordinance 070.040.020(d)(24) Conservation of Waterways.

Trent,

By now you and the council will appreciate the passion with which the residents along the river wish to preserve and maintain their property, without detriment to the riparian habitat.

I for one will continue to keep my small river frontage free of garbage which regularly collects and accumulates amongst the river edge vegetation i.e. plastic bottles, flip flop sandals, plastic bags etc. etc.

Gary Vic has spent a considerable amount of time and research effort on order to compile the arguments posed by the various draft ordinances and the impact they might have on both the usability and values of the homes along the river. I therefore thank him for all his work and personal financial expenditure incurred.

Accordingly I request that the council approves the current draft ordinance so that home owners may cease worrying about the impact of the previously proposed drafts, in terms of the impact on their property values and usability.

I therefore support the draft ordinance before the council with the following caveats:-

- 1 That the set back of 35 feet is NOT increased.
- 2 That there is no alteration to section A2 of the proposed ordinance that allows home owner to remove up to 50% of the vegetation.
- 3 Provided that home owners may trim and keep tidy the native vegetation in order to continue to view the river. Provided that such trimming does not damage the root system or destroy the plants.

I therefore request that the proposed ordinance be approved subject to my points above. If these points are not included or are amended then I do not support the revised ordinance.

Regards Richard Todd

616 Cowdin Drive,

Glenwood Springs

CO 81601

Tel 970 366 2707 cell

Email richardtodd57@aol.com

From: [Jennifer Angeloro](#)
To: [Trent Hyatt](#)
Subject: Riparian
Date: Monday, July 6, 2020 8:04:43 AM

Hi Trent,
I hope this email finds you well during this uncertain time.

I would like my thoughts included in the Council packet for review by Council members please. As riverfront owner along Cowdin Dr., I will support the proposed ordinance only if:

1. The proposed setback is NOT increased from 35 feet (its most recent number), or
2. the amount of riparian habitat in the setback area that is restricted and cannot be cleared is NOT increased from 50% (its most recent number), and
3. the language governing trimming of vegetation and the construction of stairways and steps to the river is clarified so that it is clear that no permit, engineering study, or other study is necessary to undertake those tasks.

Thank you,
Jennifer Angeloro
(401)-741-8023

Sent from my iPhone

From: [Daren Roberts](#)
To: [Trent Hyatt](#)
Subject: Riparian Habitat Roaring Fork
Date: Monday, July 6, 2020 8:13:22 AM

Hello Trent,

I'm a property owner in Glenwood with river frontage at 710 Cowdin Drive. I've been following the ordinance proposals for setbacks and vegetation removal and I want to share my position with City Council before they make a final decision on creating a new ordinance.

Overall I am in support of some regulation regarding the preservation of our riverfront habitat. I purchased my property in Glenwood five years ago as a second home and paid a premium for the river frontage, view and water access. My family, friends and employees use the property often and we all love the river. I plan to build a new home on this site in the future.

I agree with the previously proposed 35 feet setbacks from the high watermark and 50% vegetation preservation. I support these restrictions, however, I'm against the city creating another permit or application process every time I want to trim back the overgrowth on my lot. Let's keep this simple. The less government the better.

I'm curious what prompted the need for this change? Frankly, I'm not aware of anyone making major modifications to the natural riverbank habitat OTHER THAN THE CITY itself. The city seems to be the biggest destroyer of natural river frontage habitat, in my opinion.

Thank you for taking my opinion into consideration.

J. Daren Roberts

President/Employing Broker

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From: [Mark Cose](#)
To: [Trent Hyatt](#)
Subject: Riparian Ordinance - Proposed Ordinance Roaring Fork River
Date: Monday, July 6, 2020 9:32:08 AM

Trent,

We are submitting our thoughts to be included in the packet for the upcoming City Council Meeting.

- 1) River residents are happy with their lots and the vegetation on it and want to preserve it. River residents trim and maintain the vegetation on their properties to keep it healthy and a well maintained area to enjoy the river.
- 2) River property owners have paid a premium to live on the river. **The proposed revision will severely limit the use of our property, which in turn also devalues our property.**
- 3) We have lived on the 'Roaring Fork River' for over 38 years, we enjoy and maintain our property, we feel it is imperative that we be allowed to cut and maintain a minimum of 50% of vegetation. **However, we would prefer the set back remain at the current 35 feet.**
- 4) We feel the property owners are prudent in keeping the waters along the river clean. They don't want trash and contaminants in the river.
- 5) Also, it is imperative that the language governing the trimming of vegetation and the construction of stairways and steps to the river is clarified, to make sure it is clear that no permit, engineering study, or other study is necessary to perform those tasks.
- 6) **No need for this ordinance – the owners are prudent in caring for the river.**

Respectfully,
Mark & Lexina Cose
2202 Midland Avenue
Glenwood Springs, CO 81601
(970) 945-6440
Email: malanc1955@gmail.com

From: [Mauriene Howey](#)
To: [Trent Hyatt](#)
Subject: Riparian Ordinance 070.040.020 (24) Conservation of Waterways
Date: Sunday, July 5, 2020 1:14:33 PM

I would appreciate a few minutes of your time to express my concern over the conservation of waterways ordinance. As an owner of property on the beautiful Roaring Fork River I appreciate every day its beauty as do my kids, grandkids and great grandkids when they visit. I personally enjoy the many fishing guides passing by with their enthusiastic fishermens. One of my many grandsons could hardly wait to fish the Roaring Fork, he is in the fly business in Texas. All of the family are enjoying its many benefits. We would never consider endangering the river.

As a widow, I of course can't help but be concerned over the potential devaluation of my property. However, as I have always heard "Heaven seems a little closer in a house by the water". I want this haven unblemished for my family and I will keep it that way.

Please do not take away my property rights.

Mauriene Dickens Howey
2308 Midland Ave
Glenwood Springs
970-230-9496

From: [Hollie Dickens](#)
To: [Trent Hyatt](#)
Subject: Riparian vote
Date: Monday, July 6, 2020 2:50:58 PM

Dear Trent:

I am writing this email in strong opposition to the riparian ordinance and ask that it be completely rescinded. I am writing in support of my mother, Mauriene Howey who resides at 2308 Midland Avenue. I am a physician at Valley View, and have been in Glenwood for over 5 years. My mother is 83 years old and has recently been hospitalized and in rehab for spinal fractures associated with an autoinflammatory disorder and has limited mobility and hearing. It is my strong opinion that this ordinance disproportionately effects the elderly and those with medical conditions for the following reasons.

1. Although the city has tried to make the case that this ordinance would positively effect property values, common sense and case studies show otherwise. Any time a significant portion of ones property becomes unusable, it has the strong possibility of decreasing property value. This disproportionately effects those on fixed income including the elderly and infirm.
2. This ordinance will make it more difficult if not impossible for the elderly and those with special needs such as wheelchairs to access the river from their own property. The inability to clear out brush/trees to improve access, or build handrails or ramps on one's own property disproportionately effects the elderly and those with special needs.
3. The way this ordinance is written, it would require an engineer prior to any building or clearing of property, once again disproportionately effecting those on fixed incomes.
4. The elderly and infirm are unable to care for their property themselves, this ordinance would require them to hire companies with special skills to manage their property rather than their current lawn maintenance person. This will increase the cost to those on fixed incomes.
5. One of the joys of the elderly are to watch their grandchildren enjoy life. My mother enjoys sitting on the porch and watching the grandkids go down to the river and fish, throw rocks and swim. The inability to clear brush or trim trees on a significant portion of the river will make this joy impossible. Once again this disproportionately effects the elderly and those with limited mobility.
6. The way this ordinance was brought to the public has had a disproportionate effect on the elderly and infirm. I doubt my mother would have ever heard about this ordinance had not my brother been visiting and Mr Vick happen to inform him of this ordinance. Furthermore, with Covid 19, it has effected the elderly and infirm's ability to use their right to protest. My mother is unable to leave the house, her hearing difficulty makes it difficult to talk on the phone and she has limited computer and social media skills. How is she able to use her right to protest this ordinance and to visit with her neighbor's concerning this ordinance, or visit the mayor, city council and city planners when it is unsafe to leave the house because of the pandemic?

In summary, this ordinance will disproportionately effect the elderly, infirm, and those on fixed incomes. It is my opinion that the city planning office has ignored this fact. Furthermore, with Covid 19, the infirm and elderly have not been able to leave their houses to use their right to protest or talk to city officials concerning this ordinance. I would respectfully ask that because of the pandemic, that this ordinance be discarded and that the city officials concentrate on keeping the citizens of Glenwood safe from the pandemic. As we have just celebrated the freedoms we have over the fourth of July, it seems inconceivable that the City is considering taking away the elderly's right to use their private property as they see fit.

Trent, I would ask that you share this letter with the mayor, city council, city planning members and any other city official involved in this matter. Thank you for your cooperation and I hope you will do what is right for the vulnerable among us.

Sincerely,
Joel Dickens M.D. 388 Red Cliff Circle, Glenwood Springs, CO 81601 325-656-6174 c.

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Visit the Dickens' family blog
www.gowhereheleads.blogspot.com

From: [Jay Dickens](#)
To: [Trent Hyatt](#)
Subject: River Ordinance Proposal
Date: Monday, July 6, 2020 12:24:21 PM

To the City Council of Glenwood Springs,

My mother in law has a lovely home on the river. She asked me to attend the meeting last summer about the proposed changes to the river property. I was shocked to hear of the proposed changes. We own multiple ranches in Texas and Colorado. We are invested in carefully conserving and stewarding our properties. My mother in law has done a wonderful job caring for her property. Her responsible actions are apparently ignored by your Council. She is not the only responsible land owner on that river.

The COG's proposed setback increases are just silly. The increased restrictions on the riparian habitat smell of a land grab by people who seem to believe the land belongs to them and the owners are mere tenants. Furthermore the language on how the owners can construct stairways to access the river or trim vegetation is simply convoluted. Have they intentional made this difficult to understand so that they can make it mean anything they want it to mean for further land grabs?

Have you ever done an engineering study on this situation? I would highly suggest using an engineering firm that is not from this area whatsoever. There isn't a problem with the river. You haven't proven there is a problem on the river.

Your language in the proposal reeks of "we know better than you

about how to live on the river". Well, you don't. We actually DO live on the river and there are no better stewards of the river than the actual residents. The proposal is simply not satisfactory. That land is not owned by the Council. The Council does not pay taxes on the property. You do realize that you are forcing the owners to pay taxes on land that you seem to believe is not theirs? This proposed ordinance makes it quite plain that the land is owned by the COG and the folks in the houses are simply temporary. These pesky homeowners are apparently in your way. Is your next step to condemn the homes and bulldoze the houses?

In the meantime my elderly mother in law is thoughtfully watering the trees and bushes along the river when the drought conditions call for it. As this is tampering with the riparian habitat, perhaps she should stop. She keeps her property well maintained because it is hers. She loves the views along the river. She cares for her neighbors and wants them to enjoy the land as she does.

This proposal is simply not necessary or helpful to her, her neighbors, the general public or the river.

Sincerely,

Dana Dickens

KLM Properties, Inc
610 Cowdin Drive
Glenwood Springs, CO

July 5, 2020

City of Glenwood Springs
101 West 8th
Glenwood Springs, CO 81601
Attention: Mr. Trent, Senior Planner, Community Development

RE: Proposed revision to Ordinance 070.040.020(d)(24) Conservation of Waterways

Honorable Mayor, City Council, and Planning and Zoning Commissioners:

I own property at 610 Cowdin in Glenwood Springs.

I'm grateful for and appreciate you taking the time to listen to the property owners along the river.

I don't think we need to continue to make changes to ordinances just to make changes. We don't have a problem along the river. This new ordinance will devalue property. I agree with the points Gary Vick made. I don't think a long letter to repeat issues will change the results as you always have plenty to read. I don't want any new ordinance, but the reduced setback and 50% disturbance is workable. The City needs to look harder at their problems with stormwater runoff.

Thank you for your time,

Ken Melby II

From: [Jay Dickens](#)
To: [Trent Hyatt](#)
Subject: Upcoming River Riparian Rules
Date: Sunday, July 5, 2020 6:21:03 PM

Trent,

My name is Jay Dickens and my mom lives along the portion of the river where you are contemplating rule changes. As a former federal drug agent I have seen many government actions both good and bad on multiple continents. The current rule changes contemplated by Glenwood Springs along the river corridor strike me greatly as a government overreach into private property rights.

I understand that you and the current administration may not intend to micromanage people's river frontage, but the ability to do so rests strongly within the proposed new rules. The type rule changes contemplated give any future administrators the power to greatly restrict property owners actions if said future administrators desire to do so.

Please do not make the mistake that so many other governmental entities have made into reaching too far into private property interests. Maintaining the scenic nature of these particular properties, paying taxes, and ordinary life activities are plenty complex enough without further rules placed upon private property.

In addition, please realize Glenwood's proposed actions are a government taking without just compensation. Society needs less of said actions, not more. My mom's property will likely be in our family for generations, we need it to not be encumbered by government overreach. Please realize the citizens that have gone to the trouble of purchasing and maintaining these river properties are important to your city and treat them accordingly.

Sincerely,

Jay Dickens
(325)656-1203 cell

Sent from my iPad

From: [Amanda Murray](#)
To: [Trent Hyatt](#)
Subject: Letter for Riparian Zone Ordinance Packet
Date: Monday, July 6, 2020 9:31:18 PM

Hello Trent--- I am aware that I may be too late to make the packet, but wanted to try anyway. If I am, simply let me know and I will send this on to the council directly. Thank you for your time and assistance!

Kind Regards,
Mandy Murray

Dear City Council members---

I am writing to humbly ask that you NOT pass the proposed Riparian Ordinance that is put before you. As riverfront property owners, we feel like we are good stewards of the river corridor and to further regulate our use of the property that we own and care for is extremely unfair and unnecessary.

First of all, the properties that are affected by this ordinance are private properties and putting additional regulation on what people can and cannot do with their property diminishes property values and intrinsic value. Owning property and having the freedom to do what you want with the property is a fundamental part of the American Dream. Please don't saddle us with more do's and don'ts that diminish the quiet enjoyment of our most valuable possession that we have worked hard to attain and maintain.

The river frontage that we enjoy is essentially our backyard, and it feels unfair to me to be told what I can and cannot do in my own backyard when other property owners aren't being told the same. While I realize that my backyard is contiguous to a precious resource and there is speculation that how I handle my property might be affecting it, couldn't we say that anyone's managing of their property affects the environment in some way? If people choose to zeroscape and not have trees, then are they not contributing enough to the processing of carbon dioxide for the production of oxygen by limiting vegetation that feeds this process? This may sound ridiculous, but that is how I feel about the claims regarding the impact that my small property has on the entire Roaring Fork River. Additionally, we are regulating small private properties to try to protect the riparian zone; meanwhile, the public properties of Veltus Park and Two Rivers Park have just redeveloped massive areas of riparian zone leaving very little if any native vegetation to make those areas more user friendly. I did not, and do not, object to those improvements nor did the community. However, it is incredibly unfair for the city to regulate my management of the riparian zone when they are not held to the same standard.

Finally, I want to say that I am a little hurt by the fact that all of this seems to presume that we care so little for the river and the riverbank that we need to have a regulation in place to help us take better care of it. I think the riverbank owners along the Roaring Fork in Glenwood do a great job caring for the riparian zone. We don't leave trash on our banks. After we have spent time on our shore we clean it up. In fact, we pick up the trash that has washed ashore from the rafters and fishing boats that rely on this river including flip flops, cans, broken bottle pieces, fishing line, hooks, lures, canvas bags, plastic balls and even a bicycle.

I think that everyone's heart is in the right place of trying to do right by the river. However, instead of passing a law that diminishes property values and creates a necessity for monitoring and enforcement, which is another ball of wax entirely, perhaps the best first step is to encourage the non-profits that have become involved with this ordinance to spend time working with river owners and river users on a private basis to help us understand and implement practices that make the river corridor better for all. Rather than regulate, let's EDUCATE. Thank you for your time and your service to our city.

Sincerely,
Mandy Murray

--

Mandy Murray
1920 Midland Avenue
Glenwood Springs, CO 81601
c: 970-618-3444
f: 1-888-324-5647
mandycarlson@gmail.com

From: [Erik Rist](#)
To: [Trent Hyatt](#); [Jennifer Ooton](#)
Subject: Proposed Riparian Setback Amendment
Date: Wednesday, July 8, 2020 4:42:46 PM

Hello Jen and Trent,

I was just made aware of the proposed riparian setback amendment being contemplated and would like to submit my comments and concerns.

I purchased my 4 unit residential property at 2920 Hager Ln., Glenwood Springs, CO in 2017. I work in real estate development and have a license to practice law in Colorado. I have also worked for over a decade as a professional river guide in Colorado and have been very active with multiple river conservation non-profits.

Upon reviewing the details of the proposed legislation, I must say that I am truly shocked the city would be contemplated such vague, overly broad, and ambiguous language when it relates to SO MUCH property devaluation and unnecessary potential confrontation.

I purchased my property specifically because it has great river access and a large riverside area for residents to enjoy the riverside. I lived at the property and know intimately how amazing and how valuable that full access is. There is NO way I would have paid the amount I did for my property if your proposed legislation was in effect. In the way that it is written, there is no way to be certain that I wouldn't lose access to a significant portion of the most valuable piece of my property since it is questionable at best if I would be able to cut back the invasive willows that grow rampantly on the CO river banks. Losing access is tantamount to losing an incredible view, even worse for me personally being a boater. It is difficult to calculate the substantial value having full access to a river provides to active minded people in a river community. I can provide lots of old rental listings on facebook and zillow where marketed the property heavily using the pictures of my table, chairs, and hammock overlooking the riverside. If I were to sell, I know the next person would perceive the value significantly diminished with such uncertainty hovering over the property.

What shocks me the most, in my opinion, is what a classic Law School case of 'takings' this appears to be. It sure seems obvious to me that the City of Glenwood Springs is opening itself up to a perfect class action lawsuit from a lot of property owners losing an incalculable many millions of dollars in takings and harm. I am also shocked that there is not better and clearer grandfathering language at the very least! There are a great number of river property owners who are going to rightly claim many millions of dollars in property devaluation.

We all know that if the riverbanks are partially allowed to be choked with the invasive willows that are present everywhere along the CO riverbanks, there is no way that owners will have the same access they currently possess. Loosing that access is loosing property rights. With a little better consideration for the river property owners' current uses in the ordinance language, it seems like it would be very easy for the City to avoid giant legal liability.

I intend to speak at the next available meeting and become much more active in this process. I realize that this email is arriving past the deadline but I am just now being made aware of this incredibly significant action against my property and hope you will allow it to be included.

Thank you for your consideration,
Erik Rist

From: [Jennifer Ooton](#)
To: [Trent Hyatt](#)
Subject: FW: Roaring fork river access at river meadows trailer park
Date: Wednesday, July 8, 2020 10:38:42 AM

Trent,
Could you please add this email to the riparian setback item?
Thanks,
Jenn

From: Debra Figueroa <debra.figueroa@cogs.us>
Sent: Wednesday, July 8, 2020 10:22 AM
To: Catherine Fletcher <catherine.fletcher@cogs.us>
Cc: Jennifer Ooton <jenn.ooton@cogs.us>
Subject: Fwd: Roaring fork river access at river meadows trailer park

Catherine,

Can we please have this as part of the public record? Thank you

Begin forwarded message:

From: Bill Bortz <bortzwm@gmail.com>
Date: July 6, 2020 at 10:37:20 AM MDT
To: Debra Figueroa <debra.figueroa@cogs.us>
Subject: Roaring fork river access at river meadows trailer park

To whom it may concern My name is Wilford Bortz I have a fifth wheel camper in river meadows trailer park and I have some concerns about the upcoming council vote on the setbacks for the river in Glenwood springs I primarily chose to live there because of the grass beach that leads down to the rivers edge that the park keeps mowed I am a disabled Veteran and a below the knee amputee and there are very few areas where I can access the rivers in Colorado this being one where I not only have access but it is very easy access and I can use the restroom facilities in my camper. I also work with Project Healing Waters Fly Fishing and use this area to bring other disabled vets to so that they can fish as well. It is the perfect area for this activity with steps or a gentle hill for them to get down and a clear area behind for their casting. Most of my participants are older Korean War and Vietnam vets in their 70s and 80s and are unable to access almost all river frontage please don't take this area from us my cell 970-390-0038 please call me thanks Wilford Bortz.
Sent from my iPhone



MINUTES
City of Glenwood Springs
Planning and Zoning Commission
Regular Meeting
May 26, 2020
Zoom
6:00PM

1. Roll Call

Present at roll call were Commissioners: George Shaver, Marco Dehm, Kathryn Grosscup, Amber Wissing, Carolyn Cipperly, Ingrid Wussow, Sumner Schachter

Absent at roll call were Commissioners: None

Also present were: Jenn Ooton, Asst. City Manager, Terri Partch, City Engineer, Gretchen Ricehill, Asst. Economic/Community Development Director, Trent Hyatt, Senior Planner
Anna S. Itenberg, City Attorney's Office
Catherine Fletcher, City Clerk
Jessica Bowser, Asst. City Engineer, Alissa Owsley, IT Director

2. Receipt of Minutes- Receipt of April 28, 2020 and May 5, 2020 minutes.

Commissioner Wussow made a motion to receive the minutes, seconded by Commissioner Shaver. Motion passed unanimously.

3. Public Comments

Comments from citizens appearing for items not on the agenda. No citizens were present.

4. Continued Items –

- a. *04-20 Consideration of a Major Site/Architectural Plan Review, Rezoning from RH Residential High-Density to RT Residential Transitional and Variance applications for the construction of 100 Multifamily apartment units in 6 buildings on approximately 5.8 acres (PIN 2185-153-04-001, 2185-153-02-008, and 2185-211-00-002)*

Commissioner Dehm reviewed the status of the hearing since May 5, 2020. Dehm noted that the public comment section was closed prior to losing internet connection and that the Planning Commission members had started deliberations prior to losing connection.

Commissioner Schachter asked for clarification of the status of the Blake gate and Blake Avenue improvements. City Engineer Terri Partch explained that these Blake Avenue items were conditions of a previous approval. Jenn Ooton clarified that the gate direction came from Council and was subsequent to Council's consideration of this application. Jenn Ooton indicated that it would be ideal to hold a neighborhood meeting following this application to address Blake gate and other neighborhood traffic issues. Terri Partch confirmed that the traffic study model was created with the assumption that the Blake gate was open.

Commissioner Schachter asked staff when the Blake gate would be opened and asked about the possibility of changing direction, if at all, on Blake. Terri Partch explained that the one-way direction for Blake was determined due to the condition of the asphalt on Blake Avenue.

Commissioner Wissing asked how long the on-site manager would be in place on site. Michael O'Connor from Triumph Development, LLC clarified that that on-site manager was to be a permanent fixture on the site. Commissioner Shaver also asked to confirm the ownership of the property and Trent Hyatt confirmed that the owner of the property, Triumph Development LLC, was also the applicant. Commissioner Shaver also asked about the status of off-site drainage improvements and the parking management plan.

Michael O'Connor explained that part of the parking management plan will rely on the on-site manager and that part of the parking management would be restricting the number of residents per unit and that parking spaces would be numbered and assigned per each tenant's lease. Stephanie Copeland from Triumph confirmed that there would be restrictions for number of residents per unit.

Jenn Ooton clarified the timing of the opening of Blake gate and that it would be open only to construction traffic during building construction and officially opened following issuance of Certificate of Occupancy for the final building on the property.

Commissioner Cipperly asked for clarification of other improvements related to the former project approval. Cipperly specifically asked about sidewalk size and the lack of sidewalk on both sides of the street. Trent Hyatt explained that the new engineering standards were adopted after approval of last application which results in the new application having a different sidewalk width than in the previous project. Trent Hyatt also explained that City Engineer Terri Partch has ability to waive certain construction standards based on topography. Cipperly also expressed concern over the planned 9-foot tall, 400' long retaining wall and expressed concern about wildlife movement. Michael O'Connor confirmed that wildlife would not be able to move through the fence and would need to move around it. Trent Hyatt confirmed that pedestrian access was not required to the privately owned land bordering the site. Cipperly also expressed concern over mitigation of trespassing issues and homeless encampments on the nearby hillside and asked how the site will deter trespassing. O'Connor explained that there will likely be cameras in the parking lots as well as retaining walls and fencing that would also deter trespassing on the site. Cipperly also asked if it was possible to require tenants to list all vehicles registered to a tenant and Stephanie Copeland confirmed that they would require tenants to provide list of all registered vehicle as part of the residency application.

Commissioner Dehm asked if the proposed traffic flow was acceptable to the Engineering Department. City Engineer Terri Partch confirmed that the two way directional flow through gate on Blake Avenue was acceptable. Commissioner Dehm also asked Trent Hyatt to confirm that what the applicant was proposing was a use by right for the zoning district, which was confirmed by Trent Hyatt. Commissioner Dehm also asked the applicant if they had conducted a community meeting. O'Connor summarized that the community meeting was well attended and that the sentiments of the public meeting were similar to the public comments that had been submitted during past Planning & Zoning Commission meetings. The public comments at the meeting addresses scale of project, road conditions, and traffic. application conditions of approval- can these be referenced in the current conditions of approval. Commissioner Dehm also asked if the conditions of approval from previous projects could be referenced with this application and both City Attorney Anna Itenberg and Trent Hyatt both confirmed that Planning & Zoning Commission could include conditions from previous approvals to pass on with this new application as it moves to City Council.

Commissioner Dehm then moved to consider the variances.

Action 1: 04-20 Variance from Section 070.040.080(d)(2)a.2 of the Glenwood Springs Municipal Code which requires internalized parking to be located away from street frontages.

Commissioner Schachter had a question if the variances were not approved if that would prohibit the application from proceeding. City Attorney Anna Itenberg explained that each variance would need to be examined individually and that the applicant could either proceed with denied variances which would require to amend the site plan or appeal the denial. Schachter also asked for confirmation as to how the criteria for approval for each variance related to approval of the whole project. Trent Hyatt explained that many of the variances are closely related and although they are reviewed individually that denying one could substantially alter the entire development.

Commissioner Wussow asked to confirm that since Planning & Zoning is a recommending body that any variance denied by Planning & Zoning could still be approved by City Council. Hyatt explained that Planning & Zoning Commission is the deciding body for variances and the Planning & Zoning could deny a variance and that an appeal would then have to be made by the applicant to City Council.

Commissioner Grosscup made a motion to approve Action #1 with the seven recommended findings on page 12 of staff report. Commissioner Wussow seconded the motion

Commissioner Dehm opened the motion for discussion.

Commissioner Schachter expressed reservations about proceeding with the application without understanding the circulation plan and felt that there were too many unknowns. Schachter explained that he would like to see a circulation plan that had approval of the neighborhood before even considering application approval. Commissioner Wussow stated that it seemed that the variance would not be needed if the owner kept the density as originally approved. Commissioner Shaver found no issue with this specific variance and that he would reserve comments about the general development to the final action item. Commissioner Grosscup expressed no issues with this variance request and felt that this proposed variance allows the project to utilize the topography of the hillside and that this variance resulted in an improved site plan. Commissioner Wissing asked for clarification that the applicant did not create the hardship by their own actions and that the hardship was not related to

convenience. Trent Hyatt confirmed that analysis on page 10 of the staff report identified that the hardship is created by the topography shape and geologic conditions of the property.

Further discussion among Commission members included a general discussion about how the variances relate to the entire development and discussed the need to develop a circulation plan prior to proceeding with all actions.

Jenn Ooton explained that the Planning Commission per Code would be allowed to remand an application back to the Director for further consider and would need to tie the request to remand the application to a specific variance. Ooton explained that if the Commission wanted to see a circulation plan that this request would need to be added as a condition to an applicable variance.

Commissioner Grosscup added that a circulation plan was critical and that ultimately, this area is difficult from a transportation perspective and would like to see more engagement by the City and that the new site plan was an improvement over previous plans for the site.

City Engineer Terri Partch explained that there is an existing circulation plan which was indicated in the traffic study which was modeled with Blake Avenue as a two-way street. Partch explained that the applicant has provided information on circulation and what could be done is request the developer to assist by working with residents to develop a mitigation plan. Commissioner Schachter asked if there were ways to develop a plan that would direct traffic away from the neighborhood. Commissioner Shaver asked for clarification as to what a mitigation plan would involve and Terri Partch explained that a mitigation plan would involve both public input and the creation of solutions based on that public input which could slow, reduce, or redirect traffic through the neighborhood. Ooton mentioned that any sort of street solution such as a cul-de-sac or additional gates could be added as conditions and would need additional consideration for things such as fire access and snow plowing. Commissioner Dehm also mentioned the possibility of moving the gate to 26th Street or a bollard. Commissioner Cipperly expressed concern that the City has not adequately heard from the neighborhoods due to social distancing due to COVID-19. Cipperly also asked if there was a master circulation plan or sidewalk plan for the neighborhood. Commissioner Wussow expressed that it seemed that had the owners kept the original density, construction on the project would have already started. Wussow also stated that if the Commission wished to discuss the development as whole, that should be addressed in Action 4 and that this discussion should focus on Action Item 1.

Commissioner Dehm called for the question.

Commissioners Grosscup, Shaver, Wissing, Cipperly, and Dehm approved, Commissioners Schachter and Wussow denied the Action.

Motion passed 5-2.

Action #2: Variance from Section 070.040.080(e)(3) of the Glenwood Springs Municipal Code requiring developments encompassing three acres to provide at least two housing types.

Commissioner Grosscup made a motion to approve Action #2. Motion was seconded by Commissioner Shaver.

Commissioner Dehm then started discussion on the item.

Commissioner Dehm expressed the opinion that this variance request did not meet the seven criteria. Commissioner Wussow agreed that the hardship was created by increase in density and that this proposed project did not fit with the feel and character of the surrounding area. Commissioner Schachter cited that the singular use of the property does not fit with the goal of trying to provide for a diversity of housing within the city. Commissioner Dehm asked for staff to clarify if the developer could have started construction per prior approval. Trent Hyatt confirmed that the applicant could still start construction based on plans which received previous approval. Commissioner Grosscup stated that this application is an improvement compared to the previously approved application.

Dehm then called for the question to approve Action Item #2.

Commissioners Shaver and Grosscup approved, Commissioners Schachter, Wissing, Dehm, Cipperly, and Wussow denied the motion.

Motion failed 5-2.

Action #3: Rezoning of 2710 Blake Avenue (PIN: 2185-211-002) from RH Residential High Density to RT Residential Transitional.

Commissioner Wussow made a motion to approve the motion, Commissioner Wissing seconded the motion.

Motion passed unanimously.

Action 4: Major Site/Architectural Plan Review to allow for the construction of 100 multi-family apartment units in six buildings.

Commissioner Schachter made a motion to continue the item with the objective to gather more information based on collaborative neighborhood circulation plans with city. Commissioner Wussow seconded the motion. Commissioner Grosscup asked about the motion to continue and if the applicant would be able to create said circulation plan. Jenn Ooton asked to clarify what specifically would be included in the plan and what type of timeline would the plan require. Commissioner Schachter explained that it would be necessary to hold public meetings involving the neighborhood to find a solution for the traffic and transportation concerns. Jenn Ooton explained there would be a need to set a deadline for this process and Commissioner Dehm suggested a period of 60 days. Commissioner Wussow stated that this development that has been a long-term project and that there have been significant community concerns at every juncture. Wussow stated that the current plan, while better than previous plans, still lacks some items and believes that not rushing the project and working with the neighborhood might be the most prudent way to proceed. Commissioner Shaver expressed concern about the project, specifically Building F, and suggested to remove it allowing for more open space and to enlarge Building E to compensate for unit loss. Shaver also questioned if the City would have the resources to improve the streets in the neighborhood given the current economic situation.

Commissioner Schachter made a motion to amend the continuance to 60 days and Commissioner Wussow seconded the amended motion. Commissioner Dehm cautioned that the discussion with the neighborhood would need to focus specifically on traffic circulation and mitigation and trying to develop solutions. Trent Hyatt asked if a date could be chosen for the continuance such as July 28, 2020. Both Commissioner Schachter and Wussow agreed with the date.

The motion passed unanimously.

Following the vote, Stephanie Copeland, Triumph Development, LLC, asked to clarify specifically which items would be required for a circulation plan and if July 28th was the earliest or the latest the application could be heard. Commissioner Schachter explained that what would satisfy the requirement is a solution-based proposal that better involves the neighborhood to create a circulation and/or mitigation plan that will go to the City for approval. Copeland asked for clarification as to what would constitute satisfaction of the neighbors. Commissioner Schachter indicated that it would be likely best for the City to run the meetings while involving the application. Jenn Ooton also explained that July 28th would likely be the soonest that this issue could be discussed.

Commissioner Wussow also asked if it would be possible to have more information about the possible financial ramifications of the project to the City as to better understand how involved the City would be with this project. Jen Ooton questioned how that directly related to this application.

Commissioner Dehm called for a 5-minute recess at 8:34 PM.

Commissioner Dehm called the meeting back to order following a 5-minute recess.

b. *06-20 Consideration of a Special Use Permit for a Retail Marijuana establishment at 2114 Grand Avenue (PIN 2185-164-00-095)*

At the previous meeting on 5/5/2020, this item had been in the middle of public input when the internet connection was lost. Commissioner Dehm continued the public input portion. City staff had received the following written comments which were read into the record.

- Joel Dembinsky, on April 17th, 2020 sent an e-mail stating that this location is not an appropriate location for a dispensary and believes it incompatible with surrounding residential and commercial uses. Requested denial of the application.
- Garfield & Hecht Law Firm, representing Cedar Lodge, Inc, provided written comment stating that it was their opinion that the proposed marijuana store at 2114 Grand Avenue did not meet the criteria for approval as the location did not seem appropriate given the nearby proximity of a gun store and residential units sharing walls with the proposed store. The letter also expressed concerns over the small size of the parking lot as well as concerns that overflow parking from the proposed store would end up in the Cedar Lodge lot. The letter also mentioned concerns over Kind Castle's ability to adequately manage the odor. Requested denial of the application.
- Michelle Keplinger expressed the opinion that Planning & Zoning Commission should deny the application as there are multiple existing dispensaries in Glenwood Springs. Requested denial of the application.
- Suzanne Stewart requested denial of the application based on the fact there are already eight existing dispensaries and concerns that the proximity of the gas station to the proposed store could lead to increased driving under the influence. Requested denial of the application.
- Cindy Svatos, expressed the opinion that there were already enough dispensaries in Glenwood Springs and stated displeasure over the displacement of the existing frame store. Requested denial of the application.

- Barbara Koziol, provided comments on behalf of the Cedar Lodge, and expressed concerns regarding the location of the proposed store, the proximity to the Cedar Lodge, ability of Kind Castle to adequately manage the odor, and the possibility of an increase in traffic and the possibility of overflow parking from Kind Castle spilling over onto Cedar Lodge's lot. Requested denial of the application.
- Sue Sharpe, provided comments which expressed concerns that there are already a sufficient number of dispensaries in Glenwood Springs, possible negative effects on tourism, proximity of the store to Cedar Lodge and the gun store, and the displacement of the existing frame store. Requested denial of the application.
- Lynette Marie Lacerda, 285 Michaela Lane, New Castle provided comments which expressed concerns over possible increased traffic and congestion on site and a perceived lack of parking. Requested denial of the application.
- Linda Drake, April 29th, provided comments which expressed displeasure over the displacement of the frame store and expressed the opinion that there were already enough dispensaries in Glenwood Springs. Requested denial of the application.
- Dendy Heisel, provided comments which expressed the opinion that there are enough dispensaries in Glenwood Springs and expressed concern over possible increased traffic on site. Requested denial of the application.
- Debbie Roof provided comments that expressed the opinion that there are enough dispensaries in Glenwood Springs and expressed concern over possible increased traffic on site and its proximity to the high school. Requested denial of the application.
- Katie Laven, provided comments that expressed the opinion that there are enough dispensaries in Glenwood Springs and expressed concern over possible increased traffic on site and its proximity to the high school. Requested denial of the application.
- Kristine Del Rio, 1009 Colorado Avenue provided comments that expressed the opinion that there are already enough dispensaries in Glenwood Springs and expressed concern over the proximity of the site to the high school.

Commissioner Dehm opened the public comment to any individuals in the Zoom meeting that wished to speak on the item that had already not submitted comment. No members of the public had comments.

Commissioner Dehm closed the public comment portion of the meeting.

John Dyet, applicant and owner of Kind Castle, provided a summary to the Commission how odor would be managed on site with details of the systems used and how its effects on nearby properties would be managed. Dyet also stated that other dispensaries in town operate with proximity to other businesses and residential areas and felt that their proposed plan made adequate measures to control odor. Dyet also stated that previous amendments to the code ordinance regarding dispensaries were created due to concern over dispensaries effects on tourism which resulted in dispensaries not being allowed in the downtown area and that the proposed location would not negatively affect tourism given the distance from downtown. Dyet also explained that the possible overflow parking into Cedar Lodge is something that Kind Castle could control and manage. Dyet explained that Kind Castle would be a good neighbor to Cedar Lodge and other nearby businesses.

Mark Mayasich, Kind Castle addressed some of the comments expressed during public comment portion of the meeting. Mayasich questioned why it was an issue for a dispensary to share a wall with a gun store when it also shares a wall with a pawn shop and why that would be different. Mayasich also

stated that the location of Kind Castle met the distance requirements of the ordinance and due to its distance from downtown, would not have a negative effect on tourism. Mayasich explained that the barbershop had closed which would free up additional parking spaces and that overflow parking is likely to happen with any business. Mayasich also explained that pre-packaged flower will be sold on site and explained that odor management plan would be more than adequate. Mayasich described how the Kind Castle Parachute location resulted in increased revenue for nearby businesses and believed that the Kind Castle location in Glenwood Springs would have a similar effect. Mayasich also described security measures such as video cameras and window tint that would be used on site.

Discussion among commission members.

Commissioner George Shaver requested staff to provide summary of Police Department and Fire Department comments on the project. Trent Hyatt explained that Police Chief Joe Deras had expressed general concerns over the proposed location and its proximity to residential areas and the general traffic and congestion of the area. Fire Department comments expressed concern over access and ability to maneuver on site.

Commissioner Wissing asked how many complaints the City has received in connection with the marijuana industry in Glenwood Springs. Gretchen Ricehill explained that the City had not received complaints on the retail establishments and has received complaints on the grow facilities on Devereux Road. Commissioner Grosscup asked when the new ordinances for marijuana establishments were established. Trent Hyatt mentioned that City Council has discussed a possible cap on limiting number of dispensaries in town and that no action towards that beyond discussion had occurred.

Commissioner Schachter asked questions regarding the access control plan to the property and how redevelopment would affect the site. Trent Hyatt explained that CDOT had recommended combining the access in the future if the site was redeveloped. Commissioner Dehm asked to confirm that there were two residential units connected to the proposed project space and Trent Hyatt confirmed this.

Commissioner Cipperly had questions regarding the CDOT access permit and if the possible sidewalk realignment would result in a loss of parking. Trent Hyatt explained that there are existing substandard conditions on site and that was unable to comment on possible number of parking spaces lost based on that CDOT access plan. Commissioner Grosscup asked for confirmation for the total number of marijuana applications in town and Trent Hyatt confirmed that there are nine approved applications with seven operating, which does include two cultivation facilities with retail.

Commissioner Wussow made the motion to deny the application. Wussow cited the comprehensive plan and stated reason for denial was that this business pulls business away from downtown. The motion was seconded by Commissioner Cipperly.

Commissioner Schachter mentioned that the application meets the SUP criteria and that the application did not fit the general purpose of the Comprehensive Plan. Schachter also voiced support for City Council to consider a cap on marijuana establishments within the City. Commissioner Cipperly stated that while the use of this property was appropriate, there are concerns over increase in traffic to an already congested area. Commissioner Wussow further explained that the Comprehensive Plan is clear on the importance on consolidating businesses in the downtown. Commissioner Dehm stated that it is not Planning & Zoning Commission's job to determine the appropriate number of marijuana establishments in the City. Dehm explained that the purpose of a Special Use Permit is to evaluate if a

proposed use fits with surrounding uses and cited the fact that no other marijuana establishments in town are in a mixed-use building. Dehm explained that because it was a mixed-use building with residential units, that this site was not the best place for the proposed project.

Vote taken. Motion to deny the application passed unanimously.

5. New Items

- a. *20-19 Consideration of a Code Amendment to Section 070.010.070 of the Glenwood Springs Municipal Code regarding the City's nonconforming use regulations.*

Commissioner Shaver recused himself and left the meeting.

Trent Hyatt summarized the intent of the proposed code amendment as it related to legal non-conforming structures in riparian areas.

No public comments were received.

Commissioner Wussow asked if the City would provide additional information to the public that resides along the river. Trent Hyatt explained that additional outreach would be provided for the proposed riparian setback code amendment and not this specific amendment.

Commissioner Cipperly made a motion to approve the item with the findings as stated in the staff report. The motion was seconded by Commissioner Schachter.

The motion to approve the item passed unanimously. Commissioner Shaver had already recused himself from the meeting.

6. Commissioner Comments

Commissioner Wussow stated that this meeting illustrated two potential problems with code in the variance requirements and the number of marijuana establishments and that the City could explore further discussion on those items. Commissioner Schachter expressed a desire to be able to restart the conversation and discussion on housing with the Housing Commission. Commissioner Grosscup mirrored Schachter's statement on housing and asked if Midland Avenue improvement were still planned. Jenn Ooton confirmed that these improvements were still on schedule. Commissioner Cipperly stated would like to see a reconsideration of code regarding the parking requirement reduction in code based on proximity to transit. Commissioner Dehm asked if City Hall would be reopening to the public and Jenn Ooton explained that a press release would be issued explaining that staff would be allowed back in the office and not the public. Dehm also asked if there was a possibility of an in-person meeting in June and Jen Ooton could not confirm that and explained that the City was looking at option for an in person meeting. Commissioner Schachter also congratulated City Clerk Catherine Fletcher for her recent feature in the Post Independent.

7. Adjournment

Meeting was adjourned at 10:06 PM.



Planning and Zoning Commission Report

Date: May 26, 2020
To: Planning and Zoning Commission
From: Trent L. Hyatt, Senior Planner
Subject: #20-19 – Nonconforming Use/Riparian Setback Code Amendment

REQUEST	Consideration of a Code Amendment to Section 070.010.070 of the <i>Glenwood Springs Municipal Code</i> regarding the City's nonconforming use regulations as they relate to activities in riparian setbacks subject to Section 070.040.020(d)(24).
APPLICANT	City of Glenwood Springs
OWNER	Multiple public and private properties
ZONE	All zone districts City wide, where applicable

ACTION ITEM:

The Planning and Zoning Commission (Commission) is the recommending body to City Council on any and all revisions to the *Glenwood Springs Municipal Code* (Code).

Action 1 - Code Amendment – to revise the nonconforming use regulations in Section 070.010.070 of the *Glenwood Springs Municipal Code* as it relates to activities occurring in the riparian setback areas subject to Section 070.040.020(d)(24).

Staff recommendation: Staff recommends **approval** of the Code Amendment with the findings on pages 4-5.

BACKGROUND/ANALYSIS

History/Proposal

The Commission first considered a text amendment to revise the City's current riparian setbacks, Section 070.040.020(d)(24) of the Code, at the July 23, 2019 regular meeting. Discussion regarding the proposal was continued to September 24, 2019. At said meeting, the Commission took additional public comment and discussed various issues related to the impacts of the increased setback on the developability of applicable parcels and to existing nonconformities. Thereafter, consideration of the proposal was continued on a monthly basis while staff collected additional mapping and surveying information to depict the impacts on various City owned properties. On February 25, 2020, the Commission reviewed the mapping provided by staff and once again took public comment on the proposed Code Amendment. A recommendation for approval of the proposed setback revision was received with amendments to the language recommended by staff, mainly to revise the area of disturbance within the required setback from 10 to 50 percent. Additionally, the Commission recommended a revision to the nonconforming use regulations, Section 070.010.070, to acknowledge temporary earth disturbing activities/grading occurring

within the area subject to the setback to repair existing legal nonconforming structures. Staff reports, minutes, and other pertinent information from these meetings are attached for your review.

After receiving the Commission's recommendation, staff determined that an amendment to the nonconforming use regulations of Section 070.010.070 would require an additional, separate Code Amendment because the original public notice only included a revision to Section 070.040.020(d) Development in Waterways and Areas of Special Flood Hazard, specifically subsection (24) where riparian setbacks are addressed. Therefore, language which addresses the Commission's request as it relates to nonconforming use regulations is provided below. Notice related to the Code Amendment was published in the *Glenwood Springs Post Independent*.

Proposed Code Amendment

Section 070.010.070 of the Code provides guidance on various nonconformities (i.e. use, structures, lot, site features, etc.) that may exist on properties subject to both the existing and/or proposed riparian setback and all other applicable development regulations. Questions arose during the Commission's discussions as to how the City will address these legal nonconformities. Section 070.010.070, subsection (b)(3)a states, "[M]inor repairs and maintenance of nonconformities are permitted and encouraged, provided that the repairs and maintenance do not increase the degree of nonconformity." Disturbance of riparian setback areas adjacent to said nonconformities is likely necessary to maintain/repair/replace a structure located therein (subject to existing floodplain regulations). However, the Commission desired language that specifically addresses these additional disturbances/grading activities. Based on the motion made by the Commission, staff recommends adding the language outlined in ***bold italics*** below to Section 070.010.070(b)(3)b of Code to address the matter.

Section 070.010.070(b)(3)b

1. Temporary disturbance to make minor repairs of a nonconforming structure within the riparian setback required by 070.040.020(d)(24) shall be limited to fifteen feet around the structure and shall be returned to the previous vegetation or with appropriate riparian plant species. However, vegetation listed on the Garfield County noxious weed list shall not be replanted.

Code Amendment Approval Criteria

Section 070.060.040(c)(3)d.3 of the Code outlines the approval criteria for revision thereto. Each of the criteria are listed in **bold** below along with comments from staff.

i. Is consistent with the Comprehensive Plan and other City policies;

As shown at right in blue hatching, the various *Future Land Use* maps of the *Glenwood Springs Comprehensive Plan* (Comp Plan) depict the City's rivers as Riverside Protection. According to the Comp Plan, the Riverside Protection designation states: "Land and habitat along the Colorado and Roaring Fork rivers should be protected." The current proposal is related to riparian setback and is in compliance with the map designation and description.



“Preserve natural resources” is a community goal outlined in the Executive Summary and subsequent chapters of the Comp Plan. Specific objectives and strategies related to the goal are outlined in the table below.

Comprehensive Plan Goal	Objective and Strategy
-Preserve natural resources	-Promote water conservation (Chapter 7, Page 84) - Plan for the city-owned land adjacent to the river trail (Chapter 8, Page 91) -Enhance and promote world-class fishing (Chapter 8, Page 93) -Continue leadership in protecting the natural setting (Chapter 9, Page 98) -Preserve and enhance the river corridor environment (Chapter 9, Page 100) - Support efforts in protect the Roaring Fork River and Colorado River systems (Chapter 9, Page 100) - Minimize human/wildlife conflicts (Chapter 9, Page 102)
Staff Comment: The proposed text amendment relates to the previously considered riparian setback Code Amendment and directly addresses each of the objectives/strategies outlined above. Maintaining riparian zones allows for better storage of water in lands adjacent to the rivers supporting efforts outlined in City’s Water Conservation Master Plan. The proposal preserves and protects the potential future use of City owned riverfront property for public access, wildlife/fishery habitat, bank health, and/or the health of the river as outlined in the Comp Plan. The proposal helps to maintain the health of our world class fisheries and the water we rely on for other recreational activities which drive our regional economy. An update of the regulation is necessary to continue our leadership in protecting and supporting our natural settings by preserving our attractive, and healthy Colorado River and Roaring Fork River ecosystems. The current Code Amendment also acknowledges a property owner’s right to maintain/repair/replace a legal nonconforming structure in the future	

ii. Does not conflict with other provisions of this Code or other provisions in the Glenwood Springs Municipal Code;

It does not appear the proposal conflicts with other provisions of the Code. Instead, the proposed amendment clarifies the ability to disturb various areas within the riparian setback to maintain/repair/replace legal nonconforming structures.

iii. Is necessary to address a demonstrated community need;

As discussed with the riparian setback amendment discussion, the City lags behind neighboring communities in the protection of our water resources. Protection of riparian areas is essential to improve water quality as it limits the amount of nutrients and chemicals entering our rivers and streams via stormwater runoff. Eliminating the application of fertilizers and other chemicals in the riparian zone is necessary to protect human drinking water, for which the City’s has an intake

on the Roaring Fork River. Additionally, the proposal is needed to achieve and support the numerous Comp Plan goals, strategies and objectives outlined above.

iv. Is necessary to respond to substantial changes in conditions and/or policy; and

Adoption of the proposed standard is related and in response to the riparian setback Code Amendment previously reviewed by the Commission and is intended as further clarification. The riparian setback standard is headway in the City's future compliance with EPA Municipal Separate Storm Sewer System (MS4) permit requirements anticipated when our population exceeds 10,000 persons with the forthcoming 2020 census. While the intent of the existing regulation is the same, an amendment is necessary to acknowledge the benefits riparian plant species provide to water quality and ensuring the protection of human drinking water. Additionally, the proposal is needed to achieve and support the numerous Comp Plan goals, strategies and objectives, outlined above, and adopted since the establishment of the existing regulation.

v. Is consistent with the general purpose and intent of this Code.

The proposal appears to be consistent with the general purpose and intent of the Code as an existing similar standard is located therein. More specifically, the proposed amendment supports "integrated development", "regulating the development of land upon impacts", and "guarding against natural hazards".

Reviewing Agency Comments

No comments related to the proposed amendment were received from City or local referral agencies.

Adjacent Property Owner Comments

As of the date of this staff report, no additional comments from applicable property owners have been received.

ACTION ALTERNATIVES AND STAFF RECOMMENDATION:

Section 070.060.040(c)(3)d.1 of the Code explains, "*The Planning Commission shall review the Code amendment application and recommend approval, approval with conditions, or denial of the amendment in accordance with 070.060.030(g) and the approval criteria in paragraph 3 below* [addressed by staff above]. The Planning Commission may also continue the hearing.

Action 1 – Code Amendment – to revise the nonconforming use regulations in Section 070.010.070 of the *Glenwood Springs Municipal Code* as it relates to activities occurring in the riparian setback areas subject to Section 070.040.020(d)(24).

Staff recommendation: Staff recommends **approval** of the Code Amendment with the **findings** below:

Recommended Findings:

1. The proposed amendment is consistent with the Comprehensive Plan and other City policies as outlined on pages 2-3 of the staff report;

2. The proposed amendment does not conflict with other provisions of this Code or other provisions in the Glenwood Springs Municipal Code as outlined on pages 3-4 of the staff report;
3. The proposed amendment is necessary to address a demonstrated community need as outlined on page 4 of the staff report;
4. The proposed amendment is necessary to respond to substantial changes in conditions and/or policy as outlined on page 4 of the staff report; and
5. The proposed amendment is consistent with the general purpose and intent of this Code as outlined on page 4 of the staff report.

Below is the proposed draft language recommended to City Council by the Planning and Zoning Commission (Commission). Said language has been revised from that which was originally proposed in order to address comments received by the Commission, public, and various property owners. Additions are underlined and deletions are ~~struck through~~.

Section 070.010.070(b)(3)b Nonconforming Use Regulations

Temporary disturbance to make minor repairs of a nonconforming structure within the riparian setback required by 070.040.020(d)(24) shall be limited to fifteen feet around the structure. The temporary disturbed area shall be returned to the previous vegetation or with appropriate riparian plant species.

070.040.020(d) Development in Waterways and Areas of Special Flood Hazard (24) Conservation of Waterways

It is the purpose of this Subsection 070.040.020(d)(24) to conserve and promote the health of the City's riparian ecosystems, ~~and~~ and water quality, and protect human drinking water by maintaining a functional natural buffer adjacent to waterways.

a. Applicability

All new improvements, buildings, additions, structures, excavations, grading, dumping, clearing of native vegetation, or backfill shall be subject to the requirements of 070.040.020(d)(24)b *Standards* unless the applicant demonstrates to the City Engineer and the Director by clear and convincing evidence that one or more of the following conditions is met:

1. The removal of native vegetation, not to exceed ~~10~~50 percent of the setback area defined below, to allow a property owner private access to and personal enjoyment of the waterway. This shall not be interpreted to allow for permanent structures of any kind within said area.
2. The construction of bridges, public utilities, public paths for non-motorized use, public open space areas and boat ramps, wildfire mitigation activities, irrigation structures, flood control and erosion protection devices that do not result in increased water quality degradation, stream bank erosion, or a reduction in the function and quality of a riparian area or wetland.
3. Removal of vegetation listed on the Garfield County noxious weed list, Chinese Elm, or Siberian Elm in compliance with applicable regulations. Vegetation shall be replaced with appropriate riparian plant species to limit erosion.
4. Applicant demonstrates one or more of the following:
 - i. ~~The~~ The area does not contain significant riparian plant species or functions;
~~or~~

- ii. The area is impacted by previous earth disturbing activities; ~~and/or~~
- iii. The proposed activity-improvement (including but not limited to the trimming of vegetation, construction of access path or steps, hot springs pools) improves water quality, limits erosion, and promotes riparian or wetland restoration does not result in increased water quality degradation, stream bank erosion, or a reduction in the function and quality of a riparian area or wetland.

b. **Standards**

1. No improvement, building, structure, excavation, grading, dumping, clearing of native vegetation, or backfill shall be placed, built, undertaken or approved within ~~fifty~~ thirty-five feet of the ordinary high-water mark (as defined by the US Army Corp of Engineers), measured horizontally, of any river or live perennial stream.
2. No chemical treatments, including but not limited to fertilizers, pesticides, and/or herbicides, are permitted within said ~~fifty foot~~ thirty-five-foot setback area.



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 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”
- 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
- New recommendations from the public acknowledged
- Staff recommends adoption of code amendment

Questions to staff

Commissioners discussed the proposed regulations and compared to surrounding jurisdictions including those of Garfield County; flood plain mapping, and funding of a riparian survey.

Commissioner Dehm asked about setback and application 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 setback of the riparian area.

Scott Schreiber, vice chair of the River Commission, 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.

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. However, he believed that the ordinance was not ready until some of the details of the proposed 35-foot setback were spelled out. There needs to be more robust provisions for grandfathering existing buildings and access paths; homeowners need the right to trim, but not remove vegetation; homeowners need a right to restore the riverbank; the 10% access is probably too restrictive – 30-foot or 15%, whichever is greater, is probably more reasonable but not to allow disturbance that adds to surface runoff. The ordinance is not ready until all stakeholders are heard from. He suggested that the Roaring Fork Conservancy be tasked with providing a monthly newsletter in best practices.

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 Carmer, 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 for Commission consideration and requested to have a stakeholder meeting to redraft this ordinance.

7:26 p.m. closed public comment.

Commission Cipperly asked if an engineer was required to plan removal of any vegetation. Trent Hyatt confirmed that this was not the expectation of the amendment.

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 about 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, and discussion regarding non-conformities.

Chad Rudow, Roaring Fork Conservancy, stated 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 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 the proposed Amendment to Section 070.040.020(d)(24) of the Glenwood Springs Municipal Code regarding riparian with the following changes: the area of native vegetation removal be changed from “not to exceed 10%” to “not to exceed 50%”; change “activity” in Paragraph 4 (iii) to “improvements”, and adding language to the non-conforming section of the Code to address existing nonconforming structures. 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 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

Steve Pittman, 604 Traver Trail, spoke briefly regarding his application.

Public Comment: No one appeared.

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 and summarized the proposed Code changes as follows:

- Increasing size of units from 850 to 1,000 square feet
- Allowing detached ADUs in front and at sides of primary dwelling
- Altering design standards
- Changing percentage from 49% to 55% of the principal dwelling and altering method of how ADU size is measured

Commissioners asked about implications for existing nonconforming structures and conversions to ADUs; proposed increase of maximum size; total lot coverage requirements; addition of design standards.

Motion: Commissioner Grosscup moved, seconded by Commissioner Cipperly, to approve the proposed Code changes with the addition of the requirement that ADUs provide two architectural features from the four-sided design requirement listed 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 Ricehill presented the staff report.

Commissioners asked about visibility of structures from Highway 6 and I-70; and applicability of sidewalk requirements.

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 Schachter 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.

13. Director Comments

14. Adjournment 10:22 PM



Planning and Zoning Commission Report

Date: February 25, 2020
To: Planning and Zoning Commission
From: Trent L. Hyatt, Senior Planner
Subject: #20-19 – Riparian Setback Text Amendment

REQUEST	Consideration of a Code Amendment to Section 070.040.020(d)(24) of the <i>Glenwood Springs Municipal Code</i> regarding riparian setbacks
APPLICANT	City of Glenwood Springs
OWNER	Multiple public and private properties
LOCATION	Applies to areas within 35 feet of the ordinary high-water mark of perineal water courses within the City
ZONE	All zone districts City wide, where applicable

ACTION ITEM:

The Planning and Zoning Commission (Commission) is the recommending body to City Council on any and all revisions to the *Glenwood Springs Municipal Code* (Code).

Action 1 - Code Amendment – to revise the riparian setback standards of Section 070.040.020(d)(24) of the *Glenwood Springs Municipal Code*.

Staff recommendation: Staff recommends **approval** of the Code Amendment with the findings on page 10.

BACKGROUND/ANALYSIS

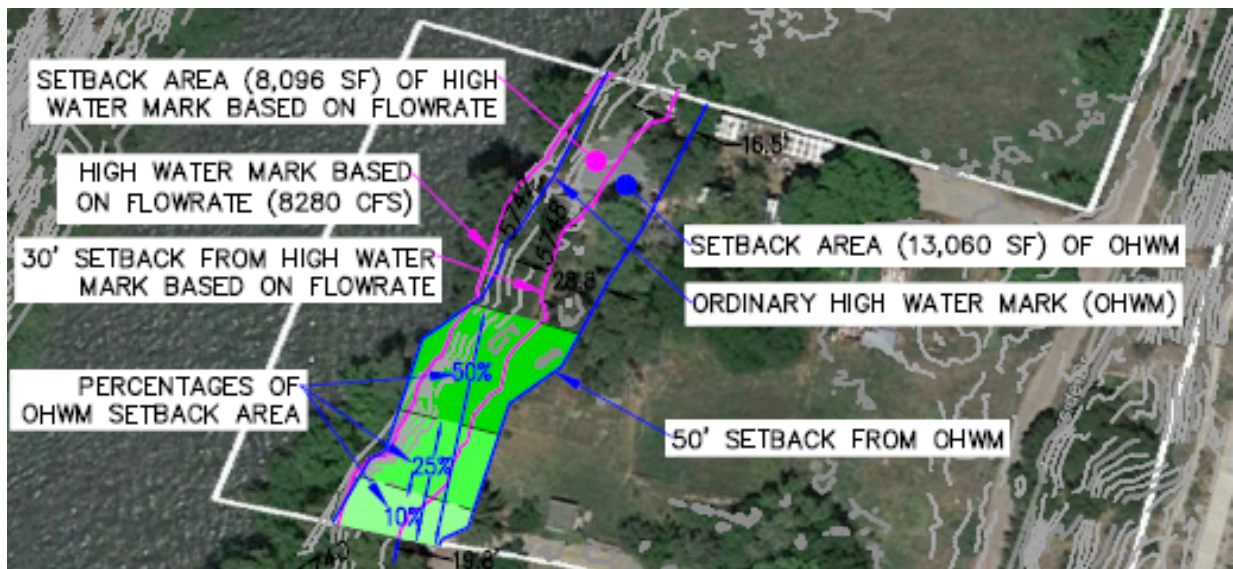
History/Proposal

The Commission first considered the proposed text amendment at the July 23, 2019 regular meeting. Discussion regarding the proposal was continued to September 24, 2019. At said meeting, the Commission took additional public comment and discussed various issues related to the impacts of the increased setback on the developability of applicable parcels and to existing nonconformities. Since then, consideration of the proposal has been continued on a monthly basis while staff was collecting the requested information. All information previously provided to the Commission (i.e. staff reports, supporting documentation, comments from various property owners and organizations, etc.) is attached for your review.

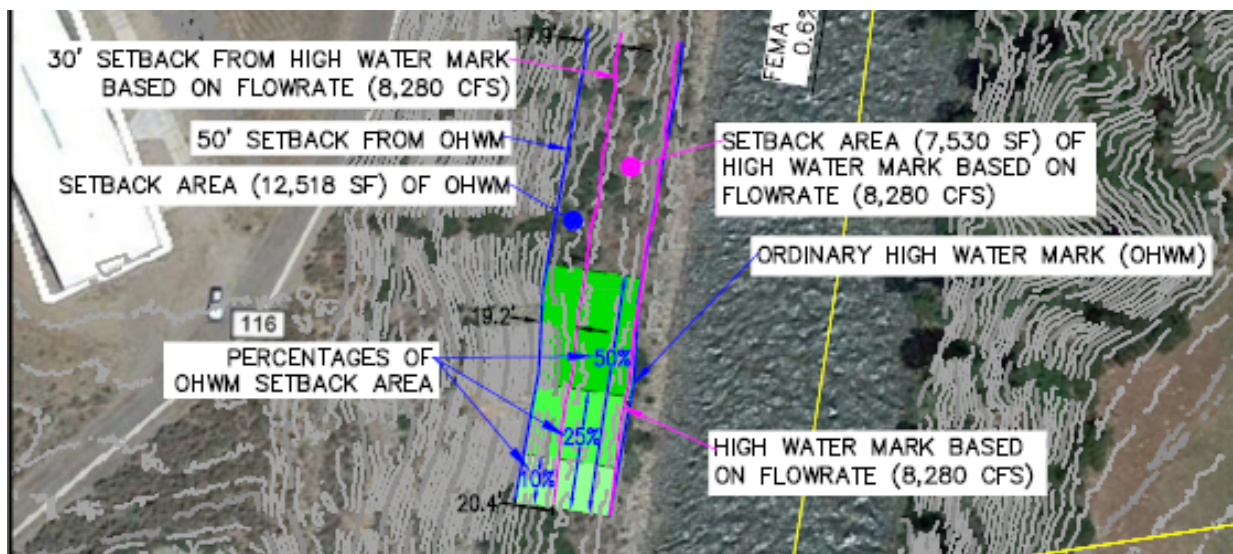
While the Commission continued consideration of the text amendment monthly as required, Staff decided to re-notice property owners along the City's applicable water courses that the text amendment would be up for discussion at the February 25, 2020 meeting. Notice was also published in the *Glenwood Springs Post Independent*.

Mapping Evaluation

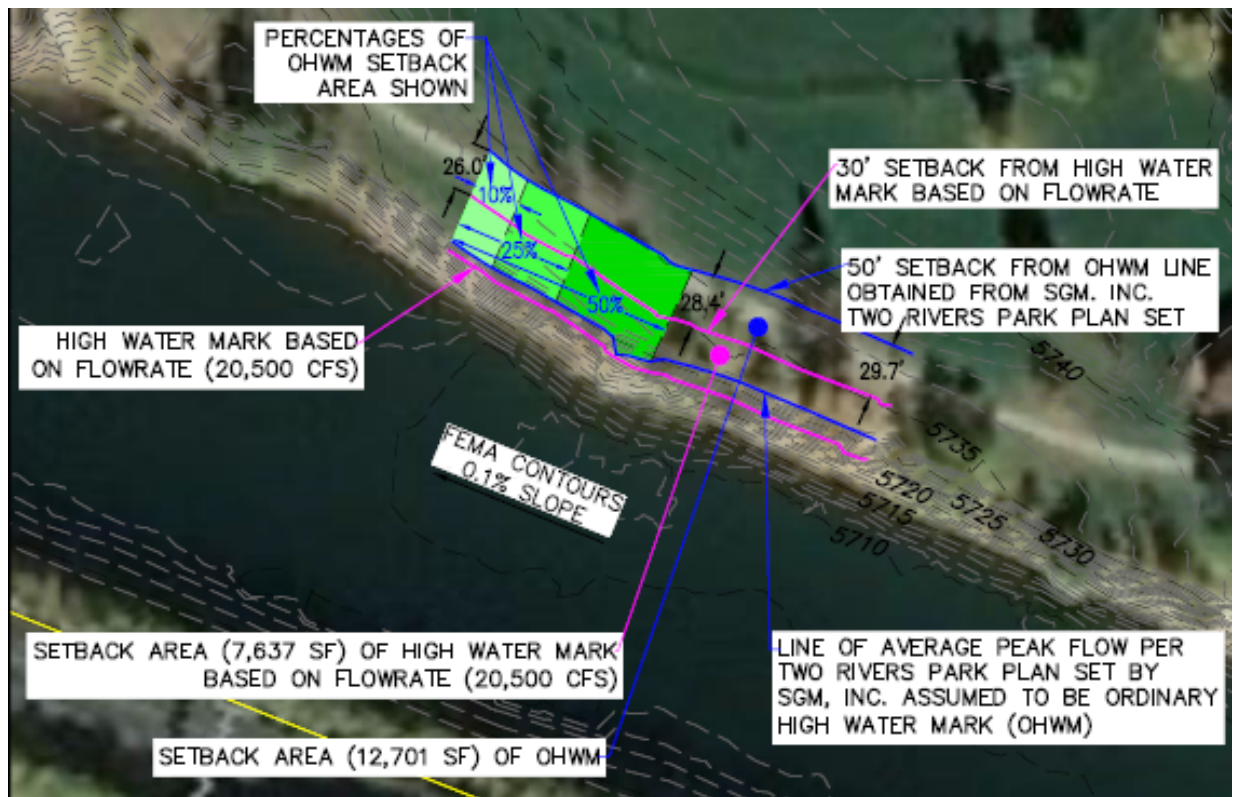
Much of Commission's discussion centered on how to better understand the impacts of the proposed 50-foot setback from the ordinary high water mark (OHWM) as compared to the existing 30-foot setback from the high water mark (defined as 20,500 cubic feet per second (cfs) for the Colorado River, 8,280 cfs for the Roaring Fork River, and the highest known water mark from other perennial streams (which is not widely known)). Staff was asked to provide graphic representations comparing the proposed and existing regulations. High Country Engineering (HCE) was contacted to help with the mapping evaluation and was tasked with determining the approximate flow rates above and the related 30-foot setback on various City owned properties. In contrast, HCE surveyed the OHWM (exclusive of one site provided by others) and depicted a 50-foot setback therefrom. Additionally, the Commission desired to make sense of the proposed 10 percent disturbance area within the area subject to the proposed 50-foot setback. HCE preformed three mapping exercises, two along the Roaring Fork River (adjacent to the former Raymond property and the Airport property) and one on the Colorado River at Two Rivers Park which are attached for your review. Portions of the maps are also depicted below.



Former Raymond property - HCE



Airport Property - HCE

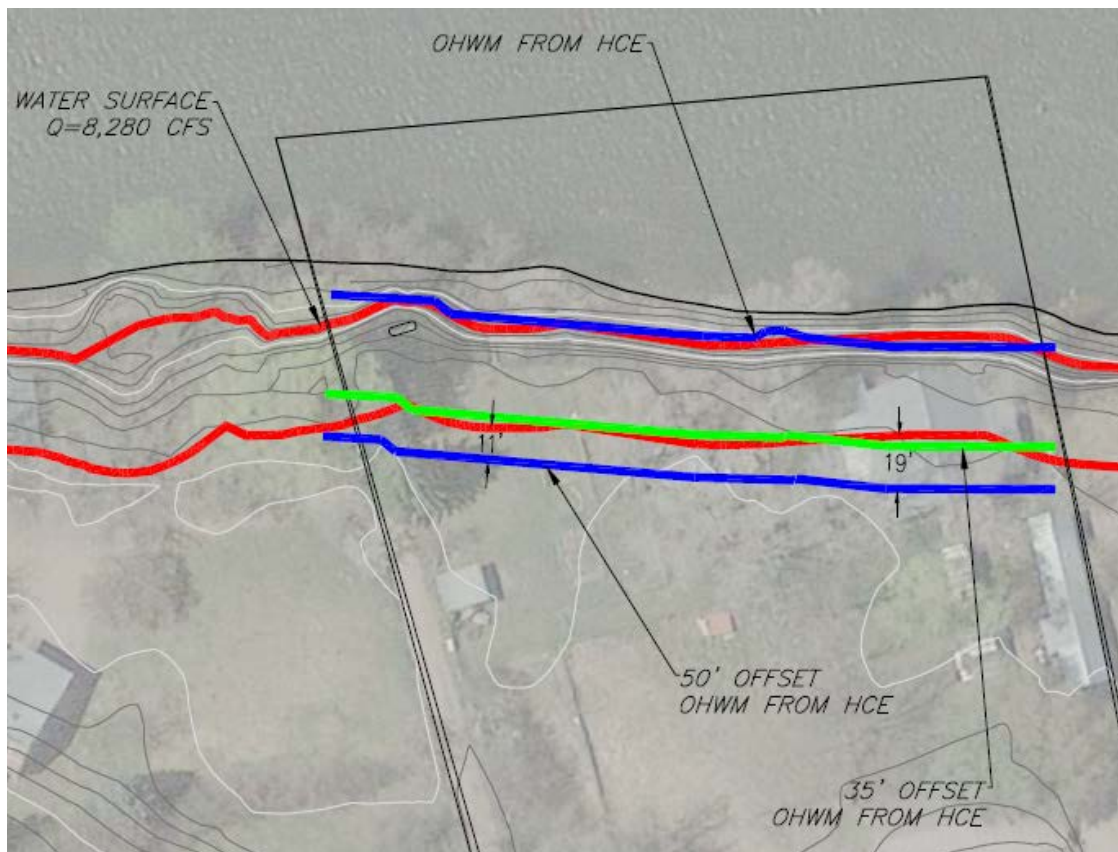


Two Rivers Park - HCE

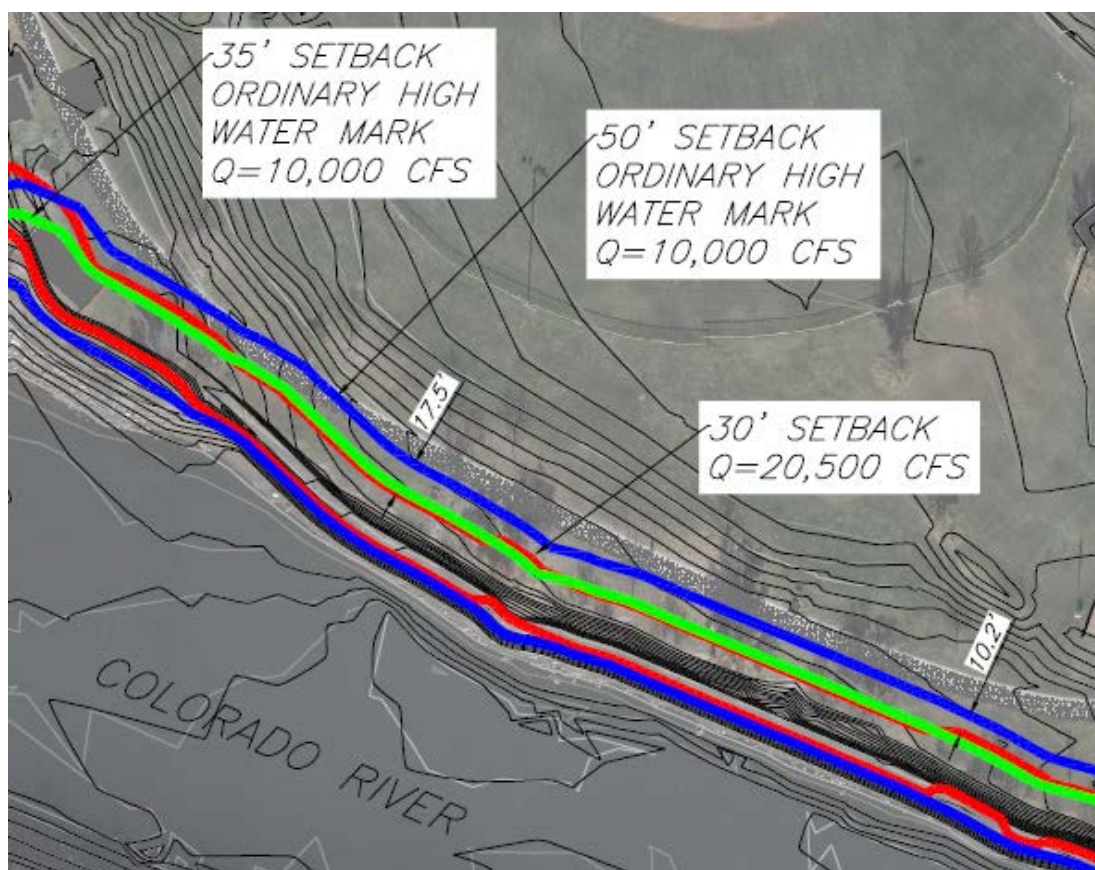
HCE's mapping depicts the high water mark and related existing 30-foot setback requirement in purple. The estimate of the high water mark was determined by using the flow rate of a 100 year storm event and calculating it down to the flows currently defined in the Code outlined above. The surveyed OHWM and proposed 50-foot setback are shown in blue. Various shades of green depict 10 (proposed), 20, and 50 percent of the proposed setback which could allow for disturbance by property owners. Staff also requested HCE call out the difference/distance between the existing and proposed setbacks.

Prior to HCE's mapping analysis, Staff anticipated that area impacted by the proposed 50-foot setback from the OHWM and existing 30-foot setback from high water mark would be similar due to the different points from which each is measured. However, HCE's found the high water mark and OHWM to be fairly similar resulting in an overall setback increase ranging from 17.9 feet (smallest difference found at the Airport) to 29.7 feet (largest difference found at Two Rivers Park) along the three City-owned properties studied.

HCE's findings alerted staff that additional, more detailed analysis was necessary. Therefore, SGM was contacted to review the data against existing hydrologic and hydraulic (floodplain) models previously prepared for the Red Mountain Passage (formerly referred to as the 14th Street) Pedestrian Bridge just upstream of the former Raymond property and the Two Rivers Park Shoreline Restoration Project. SGM was able to input the high water mark flow rates directly into the floodplain models prepared for each site to determine where the existing 30-foot setback is located. SGM also determine the proposed 50-foot setback proposed from the surveyed OHWM for each site.



Former Raymond Property (orientation rotated) – SGM



Two Rivers Park – SGM

SGM's mapping (attached and shown above) depicts the high water mark and related existing 30-foot setback requirement in red. The surveyed OHWM and proposed 50-foot setback are shown in blue. Additionally, a 35-foot setback from the OHWM is depicted in green and further discussed below. Again, staff requested SGM call out the difference/distance between the existing and proposed setbacks similar to HCE.

Nonconformities

Section 070.010.070 of the Code provides guidance on various nonconformities (i.e. use, structures, lot, site features, etc.) that may exist on properties subject to both the existing and/or proposed riparian setback and all other applicable development regulations. Questions arose during the Commission's discussion as to how the City will address said legal nonconformities. Staff is of the opinion that Section 070.010.070 already addresses the matter. Subsection (b)(3)a states, "[M]inor repairs and maintenance of nonconformities are permitted and encouraged, provided that the repairs and maintenance do not increase the degree of nonconformity." Further explanation for repairs is provided but it is understood that disturbance of the riparian setback area would likely be necessary to repair/replace (within 18 months as allowed) a nonconforming structure destroyed by flood (subject to existing floodplain regulations as is intended by the reference made in Section 070.010.070(b)(3)b) or fire for instance. Stabilization/revegetation of disturbed areas would be required for any construction site including those within a riparian setback area.

Subsection (f) addresses nonconforming/substandard site features such as parking, landscaping, and buffers and requires the upgrading of these areas when vehicular areas are enlarged, square footages are increased, building façades are changed substantially, or the expansion of outdoor uses (such as storage for contractors' yard) occur. This section of the Code is intended to minimize the impacts of proposed development on adjacent properties. Staff does not believe this section provides guidance for how to address nonconformities within a riparian setback (existing in the Code and/or currently proposed).

Proposed Revised Standard

While the maps prepared by HCE and SGM show differing impacts (varying approximately 5-10 feet) for the proposal, both make it clear that the 50-foot setback is an increase in the existing 30-foot setback regardless of the point from which the two are measured. A significant increase in the riparian setback was never staff's intent as the original proposal was instead meant to prevent the loss/removal of riparian vegetation and improve water quality by eliminating the application of hazardous chemicals in the related riparian zone. As a result, staff is now recommending a 35-foot setback from the OHWM instead. A 35-foot riparian setback from OHWM is also outlined in Garfield County's development regulations and would allow for consistent outreach, messaging, and enforcement across both jurisdictions. A copy of the draft language is attached and provided below which explains staff recommended revisions as compared to the language previously reviewed by the Commission. Additions are red underlined and deletions are ~~struck through~~.

070.040.020(d) Development in Waterways and Areas of Special Flood Hazard

(24) Conservation of Waterways

It is the purpose of this Subsection 070.040.020(d)(24) to conserve and promote the health of the City's riparian ecosystems, ~~and~~ water quality, and protect human drinking water by maintaining a functional natural buffer adjacent to waterways.

a. Applicability

All new improvements, buildings, additions, structures, excavations, grading, dumping, clearing of native vegetation, or backfill shall be subject to the requirements of 070.040.020(d)(24)b *Standards* unless the applicant demonstrates to the City Engineer and the Director by clear and convincing evidence that one or more of the following conditions is met:

1. The removal of native vegetation, not to exceed 10 percent of the setback area defined below, to allow a property owner private access to and personal enjoyment of the waterway. This shall not be interpreted to allow for permanent structures of any kind within said area.
2. The construction of bridges, public utilities, public paths for non-motorized use, public open space areas and boat ramps, wildfire mitigation activities, irrigation structures, flood control and erosion protection devices that do not result in increased water quality degradation, stream bank erosion, or a reduction in the function and quality of a riparian area or wetland.
3. Removal of vegetation listed on the Garfield County noxious weed list, Chinese Elm, or Siberian Elm in compliance with applicable regulations. Vegetation shall be replaced with appropriate riparian plant species to limit erosion.
4. Applicant demonstrates one or more of the following:
 - i. ~~†~~The area does not contain significant riparian plant species or functions; ~~or~~
 - ii. The area is impacted by previous earth disturbing activities; ~~and/or~~
 - iii. The proposed activity (including but not limited to the trimming of vegetation, construction of access path or steps, hot springs pools) improves water quality, limits erosion, and promotes riparian or wetland restoration does not result in increased water quality degradation, stream bank erosion, or a reduction in the function and quality of a riparian area or wetland.

b. Standards

1. No improvement, building, structure, excavation, grading, dumping, clearing of native vegetation, or backfill shall be placed, built, undertaken or approved within fifty thirty-five feet of the ordinary high-water mark (as defined by the US Army Corp of Engineers), measured horizontally, of any river or live perennial stream.
2. No chemical treatments, including but not limited to fertilizers, pesticides, and/or herbicides, are permitted within said ~~fifty foot~~thirty-five-foot setback area.

As shown above, staff also proposes additional minor revisions to the language previously considered by the Commission. "Boat ramps" were added to the list of public related activities commonly found in riparian areas in subsection 2. Also, subsection 4 was revised to resemble subsection 2 and to remove any unintended higher standard of review for activities proposed on private property as opposed to public. Staff also identified some activities that commonly occur in riparian zones that we do not intend to limit when there is not a negative impact to water quality, erosion, or wetland functions such as the trimming of vegetation, access steps, or hot springs pools.

Other Considerations

While staff recommends the draft language presented above, there are certainly other options for the Commission to consider. These options include keeping the 50-foot setback from OHWM

originally proposed, further defining uses or activities that are exempt from the setback, revising the allowed disturbance area within the setback (0%, 25%, or 50%), and others. However, after thorough consideration and as explained herein, we have decided against these options.

Draft Riparian Guide

Education related to the importance of riparian zones and best practices for activities occurring therein is necessary alongside any regulation intended for the same purpose. With that said, staff has been in the process of developing a riparian zone planting guide to provide to property owners, landscapers, etc. in the future. A copy of the draft document is attached for your review. Said document will be finalized following consideration of the text amendment so that information related thereto can be included, if applicable.

OHWL Survey

In anticipation of the proposed setback, staff requested funding for a survey of the OHWL in the 2020 budget. If such a setback is adopted by City Council, staff would prepare a request for proposals for qualified firms to prepare said survey. Having this information will be beneficial in helping property owners and staff understand the location of the OHWL and the area subject to the proposed setback.

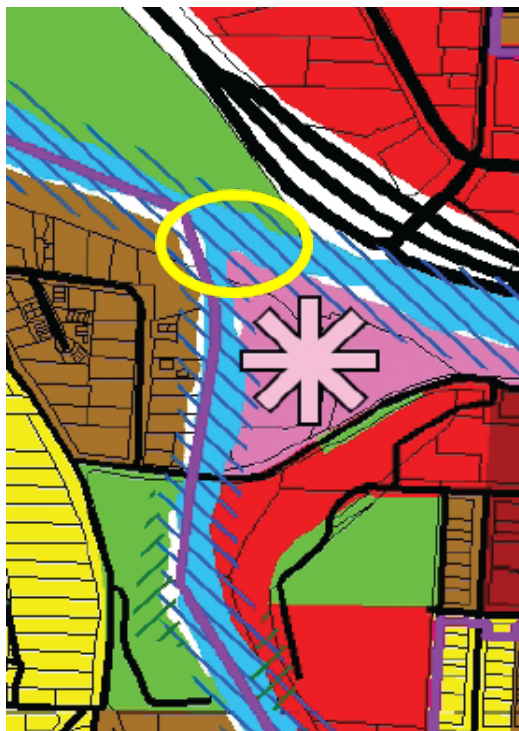
Code Amendment Approval Criteria

Section 070.060.040(c)(3)d.3 of the Code outlines the approval criteria for revision thereto. Each of the criteria are listed in **bold** below along with comments from staff.

i. Is consistent with the Comprehensive Plan and other City policies;

As shown at right in blue hatching, the *Future Land Use* maps of the *Glenwood Springs Comprehensive Plan* (Comp Plan) depict the City's rivers as Riverside Protection. According to the Comp Plan, the Riverside Protection designation states: "*Land and habitat along the Colorado and Roaring Fork rivers should be protected.*" The current proposal is in compliance with the map designation and description.

"Preserve natural resources" is a community goal outlined in the Executive Summary and subsequent chapters of the Comp Plan. Specific objectives and strategies related to the goal are outlined in the table below.



Comprehensive Plan Goal	Objective and Strategy
-Preserve natural resources	-Promote water conservation (Chapter 7, Page 84) - Plan for the city-owned land adjacent to

	the river trail (Chapter 8, Page 91) -Enhance and promote world-class fishing (Chapter 8, Page 93) -Continue leadership in protecting the natural setting (Chapter 9, Page 98) -Preserve and enhance the river corridor environment (Chapter 9, Page 100) - Support efforts in protect the Roaring Fork River and Colorado River systems (Chapter 9, Page 100) - Minimize human/wildlife conflicts (Chapter 9, Page 102)
Staff Comment: The proposed text amendment directly addresses each of the objective and strategies outlined above. Maintaining riparian zones allows for better storage of water in lands adjacent to the rivers supporting efforts outlined in City’s Water Conservation Master Plan. The proposal preserves and protects the potential future use of City owned riverfront property for public access, wildlife/fishery habitat, bank health, and/or the health of the river as outlined in the Comp Plan. The proposal helps to maintain the health of our world class fisheries and the water we rely on for other recreational activities which drive our regional economy. An update of the regulation is necessary to continue our leadership in protecting and supporting our natural settings by preserving our attractive, and healthy Colorado River and Roaring Fork River ecosystems.	

ii. Does not conflict with other provisions of this Code or other provisions in the Glenwood Springs Municipal Code;

It does not appear the proposal conflicts with other provisions of the Code. Instead, the proposed amendment replaces and clarifies an existing riparian setback regulation making it easier for property owners and staff to understand and apply. The OHWM is easier to define without detailed, costly engineered hydrologic and hydraulic analysis required to determine the flow rate associated with high water mark. Potential issues related to existing legal nonconforming structures are addressed above.

iii. Is necessary to address a demonstrated community need;

The City lags behind neighboring communities in the protection of our water resources. Protection of riparian areas is essential to improved water quality as it limits the amount of nutrients and chemicals entering our rivers and streams via stormwater runoff. Eliminating the application of fertilizers and other chemical in the riparian zone is necessary to protect human drinking water, for which the City’s has an intake on the Roaring Fork River. Additionally, the proposal is needed to achieve and support the numerous Comp Plan goals, strategies and objectives outlined above.

iv. Is necessary to respond to substantial changes in conditions and/or policy; and

Adoption of the proposed standards is headway in the City’s future compliance with EPA Municipal Separate Storm Sewer System (MS4) permit requirements anticipated when our population exceeds 10,000 persons with the forthcoming 2020 census. While the intent of the existing regulation is the same, an amendment is necessary to acknowledge the benefits riparian

plants species provide to water quality and ensuring the protection of human drinking water. Additionally, the proposal is needed to achieve and support the numerous Comp Plan goals, strategies and objectives, outlined above, and adopted since the establishment of the existing regulation.

v. Is consistent with the general purpose and intent of this Code.

The proposal appears to be consistent with the general purpose and intent of the Code as an existing similar standard is located therein. More specifically, the proposed amendment supports “integrated development”, “regulating the development of land upon impacts”, and “guarding against natural hazards”.

Reviewing Agency Comments

No comments related to the proposed amendment were received from City or local referral agencies.

Adjacent Property Owner Comments

As of the date of this staff report, no additional comments from applicable property owners have been received. That being said, previously received comments are attached.

Other Comments

Staff has received comments from various groups and organizations related to the proposal as outlined below. Said comments are attached for your review.

Comments in support of the proposed code amendment were received from the following:

1. Andrea Holland - Hydrologist and former River Commissioner;
2. American Rivers;
3. Trout Unlimited - Ferdinand Hayden Chapter;
4. Roaring Fork Conservancy; and
5. Roaring Fork Fishing Guide Alliance

Comments in opposition to proposed code amendment were received from the following:

1. Balcomb and Green on behalf of the Glenwood Hot Springs Lodge & Pool, Inc.
2. Garfield and Hecht on behalf of Friends of the Roaring Fork

ACTION ALTERNATIVES AND STAFF RECOMMENDATION:

Section 070.060.040(c)(3)d.1 of the Code explains, “*The Planning Commission shall review the Code amendment application and recommend approval, approval with conditions, or denial of the amendment in accordance with 070.060.030(g) and the approval criteria in paragraph 3 below [addressed by staff above].* The Planning Commission may also continue the hearing.

Action 1 – Code Amendment – to revise the riparian setback standards of Section 070.040.020(d)(24) of the *Glenwood Springs Municipal Code*.

Staff recommendation: Staff recommends **approval** of the Code Amendment with the **findings** below:

Recommended Findings:

1. The proposed amendment is consistent with the Comprehensive Plan and other City policies as outlined on pages 7-8 of the staff report;
2. The proposed amendment does not conflict with other provisions of this Code or other provisions in the Glenwood Springs Municipal Code as outlined on page 8 of the staff report;
3. The proposed amendment is necessary to address a demonstrated community need as outlined on page 8 of the staff report;
4. The proposed amendment is necessary to respond to substantial changes in conditions and/or policy as outlined on pages 8-9 of the staff report; and
5. The proposed amendment is consistent with the general purpose and intent of this Code as outlined on page 9 of the staff report.



PUBLIC NOTICE

Please take notice that the Glenwood Springs Planning and Zoning Commission (Commission) will continue discussion regarding an amendment to Section 070.040.020(d)24 *Development in Waterways and Areas of Special Flood Hazard* of the *Glenwood Springs Municipal Code* related to riparian setbacks in all zone districts of the City on **February 25, 2020 at 6:00PM** in the Council Chambers, Glenwood Springs City Hall, 101 W. 8th Street, Glenwood Springs, Colorado. The proposed regulation would apply to development and earth disturbing activities in areas adjacent to rivers/live perennial streams. The Commission previously conducted a public hearing on the matter and may or may not decide to take additional comment. Additional information related to the proposal is available for review in the Community Development Department at City Hall, 101 W. 8th Street, Glenwood Springs, Colorado 81601, or by calling (970) 384-6427.

Below is the proposed draft language subject to review and consideration by the Planning and Zoning Commission (Commission). Said language has been revised from that which was originally proposed in order to address comments received by the Commission, public, and various property owners. Additions are underlined and deletions are ~~struck through~~.

070.040.020(d) Development in Waterways and Areas of Special Flood Hazard

(24) Conservation of Waterways

It is the purpose of this Subsection 070.040.020(d)(24) to conserve and promote the health of the City's riparian ecosystems, ~~and~~ water quality, and protect human drinking water by maintaining a functional natural buffer adjacent to waterways.

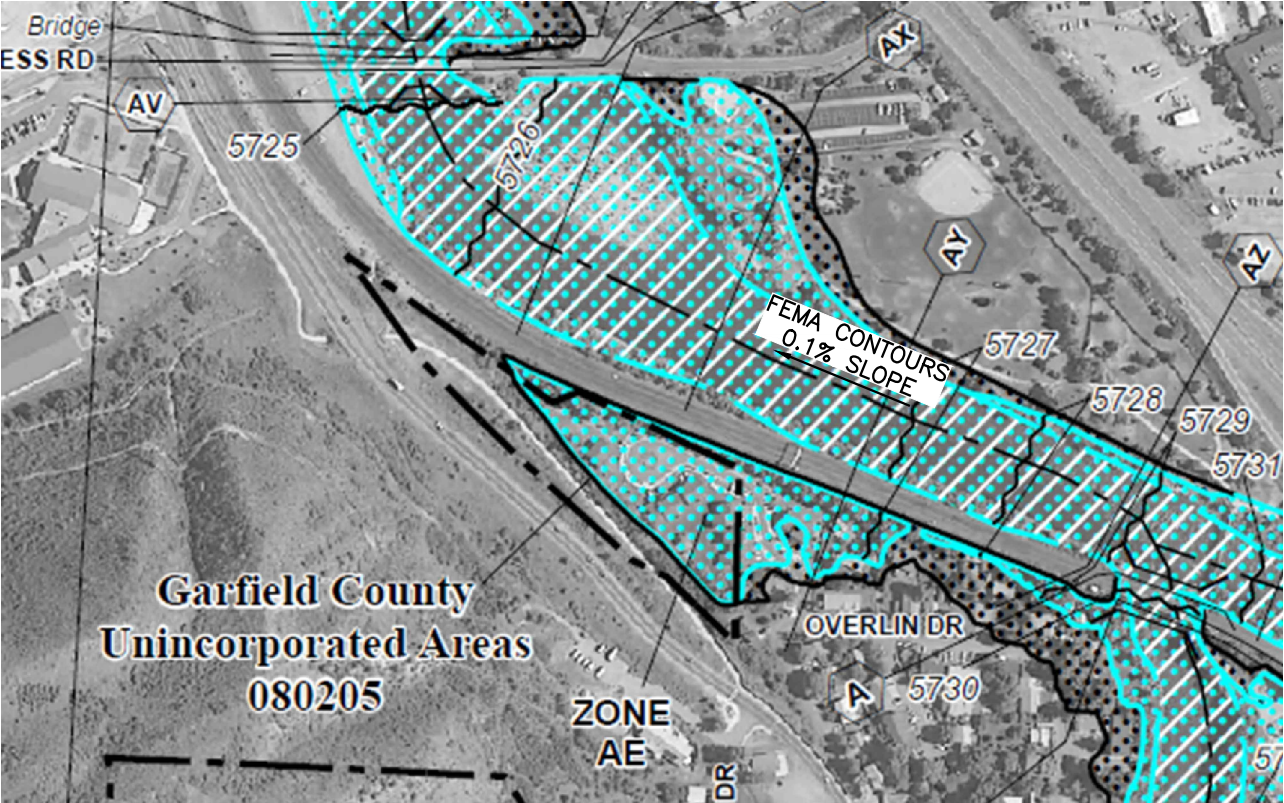
a. Applicability

All new improvements, buildings, additions, structures, excavations, grading, dumping, clearing of native vegetation, or backfill shall be subject to the requirements of 070.040.020(d)(24)b *Standards* unless the applicant demonstrates to the City Engineer and the Director by clear and convincing evidence that one or more of the following conditions is met:

1. The removal of native vegetation, not to exceed 10 percent of the setback area defined below, to allow a property owner private access to and personal enjoyment of the waterway. This shall not be interpreted to allow for permanent structures of any kind within said area.
2. The construction of bridges, public utilities, public paths for non-motorized use, public open space areas and boat ramps, wildfire mitigation activities, irrigation structures, flood control and erosion protection devices that do not result in increased water quality degradation, stream bank erosion, or a reduction in the function and quality of a riparian area or wetland.
3. Removal of vegetation listed on the Garfield County noxious weed list, Chinese Elm, or Siberian Elm in compliance with applicable regulations. Vegetation shall be replaced with appropriate riparian plant species to limit erosion.
4. Applicant demonstrates one or more of the following:
 - i. ~~The area~~ does not contain significant riparian plant species or functions; ~~or~~
 - ii. The area is impacted by previous earth disturbing activities; ~~and/or~~
 - iii. The proposed activity (including but not limited to the trimming of vegetation, construction of access path or steps, hot springs pools) improves water quality, limits erosion, and promotes riparian or wetland restoration does not result in increased water quality degradation, stream bank erosion, or a reduction in the function and quality of a riparian area or wetland.

b. Standards

1. No improvement, building, structure, excavation, grading, dumping, clearing of native vegetation, or backfill shall be placed, built, undertaken or approved within ~~fifty~~ thirty-five feet of the ordinary high-water mark (as defined by the US Army Corp of Engineers), measured horizontally, of any river or live perennial stream.
2. No chemical treatments, including but not limited to fertilizers, pesticides, and/or herbicides, are permitted within said ~~fifty foot~~ thirty-five-foot setback area.



FLOODING SOURCE		FLOODWAY			1-PERCENT-ANNUAL-CHANCE FLOOD WATER SURFACE ELEVATION			
CROSS SECTION	DISTANCE ¹	WIDTH (FEET)	SECTION AREA (SQUARE FEET)	MEAN VELOCITY (FEET PER SECOND)	REGULATORY (FEET NAVD)	WITHOUT FLOODWAY (FEET NAVD)	WITH FLOODWAY (FEET NAVD)	INCREASE (FEET)
COLORADO RIVER (AT GLENWOOD SPRINGS)								
AJ	14,102	302	3,889	10.3	5,699.5	5,699.5	5,699.5	0.0
AK	15,093	150	2,574	15.5	5,700.5	5,700.5	5,701.2	0.7
AL	16,085	262	4,704	8.5	5,704.7	5,704.7	5,705.7	1.0
AM	16,825	177	2,977	13.4	5,704.9	5,704.9	5,705.9	1.0
AN	17,827	178	3,176	12.6	5,707.3	5,707.3	5,708.1	0.8
AO	18,589	306	4,863	8.2	5,710.6	5,710.6	5,711.5	0.9
AP	19,617	230	2,975	13.4	5,711.8	5,711.8	5,712.5	0.7
AQ	20,654	198	2,914	13.7	5,715.1	5,715.1	5,715.8	0.7
AR	21,842	326	4,594	8.7	5,719.5	5,719.5	5,720.3	0.8
AS	23,027	354	2,743	14.6	5,721.1	5,721.1	5,721.6	0.5
AT	23,077	187	2,520	15.9	5,721.1	5,721.1	5,721.6	0.5
AU	23,166	187	2,682	14.9	5,722.1	5,722.1	5,722.5	0.4
AV	23,155	274	4,150	9.6	5,724.7	5,724.7	5,724.9	0.2
AW	23,620	517	7,214	5.5	5,726.4	5,726.4	5,726.5	0.1
AX	24,037	247	3,751	10.7	5,726.5	5,726.5	5,726.5	0.0
AY	24,369	248	3,178	12.6	5,726.7	5,726.7	5,727.1	0.4
AZ	24,910	206	2,875	13.9	5,728.9	5,728.9	5,729.1	0.2
BA	25,283	161	2,651	12.3	5,731.3	5,731.3	5,731.6	0.3

¹Feet Above South Canyon Creek Road

TABLE 6	FEDERAL EMERGENCY MANAGEMENT AGENCY		FLOODWAY DATA	
	GARFIELD COUNTY, CO AND INCORPORATED AREAS		COLORADO RIVER	

NOTES:

1. ORIGINAL CODE HIGH WATER MARK WAS DETERMINED UTILIZING DATA FROM SECTION AY OF THE FEMA FLOODWAY DATA FOR THE COLORADO RIVER. HCE INTERPOLATED THE HIGH WATER MARK UP AND DOWNSTREAM OF SECTION AY BASED ON THE CHANGE IN ELEVATION BETWEEN THE NEAREST FEMA 100-YR FLOOD PLAIN ELEVATIONS. AS THE ORIGINAL CODE HIGH WATER MARK EXTENDS DOWNSTREAM, THE CHANGE IN ELEVATION WAS INTERPOLATED USING THE APPROXIMATE SLOPE (0.1%) BETWEEN THE FEMA 100-YR FLOODPLAIN CONTOUR ELEVATIONS AND DECREASED APPROXIMATELY 0.3 FEET ALONG THE HIGH WATER MARK BASED ON FLOWRATE (20,500 CFS).

2. THE ORDINARY HIGH WATER MARK (OHWM) USED FOR EVALUATION WAS FROM THE TWO RIVERS PARK PLAN SET BY SGM, INC.

Packet Page 261

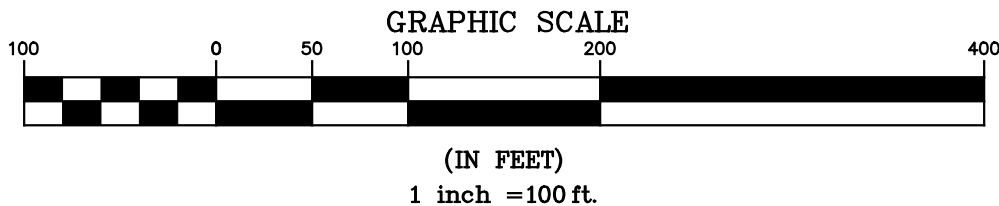
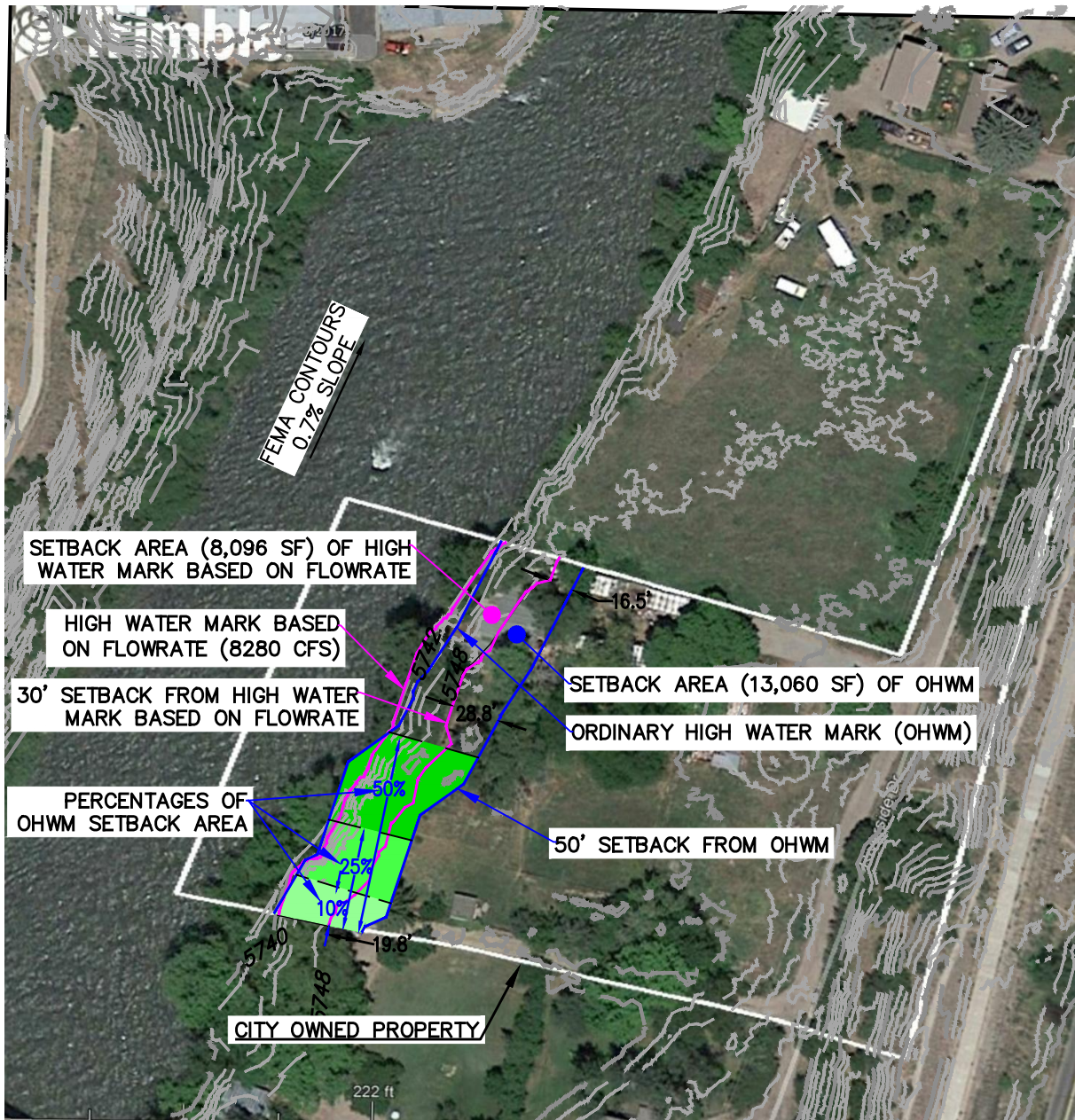
CALL UTILITY NOTIFICATION CENTER OF COLORADO 1-800-922-1987 OR 934-05700 IN METRO DENVER CALL 24 HOURS IN ADVANCE FOR THE MARKING OF UNDERGROUND MEMBER UTILITIES

BY: REVISION: NO. DATE: DRAWN BY: HCE CHECKED BY: RDN DATE: 12-03-19 TITLE: RIPARIAN SETBACKING

HIGH COUNTRY ENGINEERING, INC. 1517 BLAKE AVENUE, STE 101, GLENWOOD SPRINGS, CO 81601 PHONE (970) 945-8676 - FAX (970) 945-2555 WWW.HCENG.COM

THE CITY OF GLENWOOD SPRINGS GLENWOOD SPRINGS, COLORADO COLORADO RIVER BY TWO RIVERS PARK RIPARIAN SETBACK EVALUATION

PROJECT NO. 2191038.00 1 OF 3



FLOODING SOURCE		FLOODWAY			1-PERCENT-ANNUAL-CHANCE FLOOD WATER SURFACE ELEVATION			
CROSS SECTION	DISTANCE ¹	WIDTH (FEET)	SECTION AREA (SQUARE FEET)	MEAN VELOCITY (FEET PER SECOND)	REGULATORY (FEET NAVD)	WITHOUT FLOODWAY (FEET NAVD)	WITH FLOODWAY (FEET NAVD)	INCREASE (FEET)
ROARING FORK RIVER								
A	145	218 ²	2,700	7.9	5,729.7	5,729.7	5,730.7	1.0
B	210	175	2,745	7.7	5,730.0	5,730.0	5,731.0	1.0
C	720	184	2,280	9.3	5,730.8	5,730.8	5,731.8	0.8
D	1,020	120	1,357	15.6	5,730.9	5,730.9	5,731.9	1.0
E	1,130	120	1,521	13.9	5,733.3	5,733.3	5,734.2	0.9
F	2,030	221	2,689	7.9	5,738.6	5,738.6	5,739.5	0.9
G	2,830	266	2,403	8.8	5,740.7	5,740.7	5,741.7	1.0
H	3,870	207	1,987	10.7	5,744.7	5,744.7	5,745.8	0.9
I	4,830	168	1,801	11.8	5,750.2	5,750.2	5,750.5	0.3
J	5,940	148	1,744	12.2	5,755.8	5,755.8	5,756.8	0.8
K	6,880	175	2,238	9.5	5,760.3	5,760.3	5,761.0	0.7
L	7,830	177	2,032	10.4	5,763.4	5,763.4	5,763.9	0.5
M	8,730	185	1,812	11.7	5,768.0	5,768.0	5,768.4	0.4
N	9,620	147	1,691	12.5	5,773.2	5,773.2	5,773.6	0.4
O	9,820	135	1,627	13.0	5,774.2	5,774.2	5,774.7	0.5
P	9,910	172	3,166	6.7	5,781.1	5,781.1	5,781.8	0.7
Q	10,870	210	3,069	6.9	5,782.2	5,782.2	5,782.8	0.6
R	11,610	190	2,549	8.3	5,783.2	5,783.2	5,783.8	0.6
S	12,450	160	1,919	11.0	5,785.3	5,785.3	5,785.9	0.6
T	13,208	192	2,071	9.9	5,791.3	5,791.3	5,791.3	0.0
U	13,273	183	2,212	9.3	5,791.4	5,791.4	5,791.4	0.0
V	14,038	173	1,845	11.1	5,793.0	5,793.0	5,793.1	0.1

¹Feet Above Confluence with Colorado River ²Floodway top width controlled by Colorado River

TABLE 6

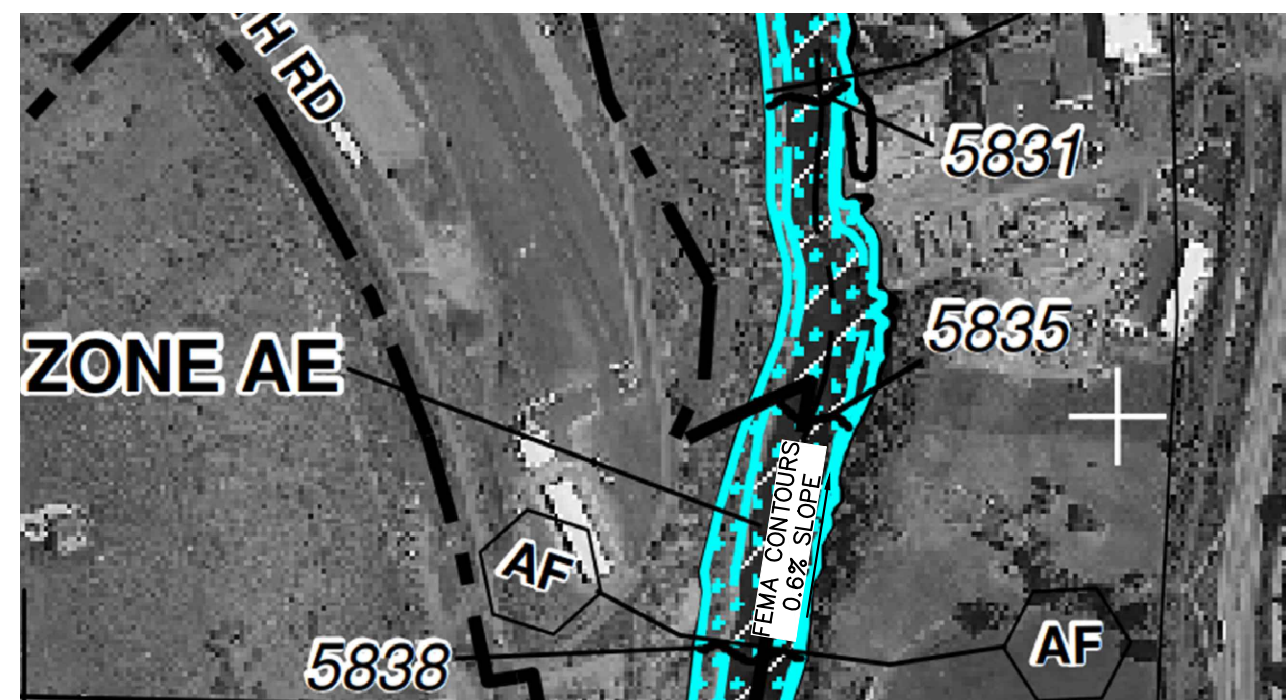
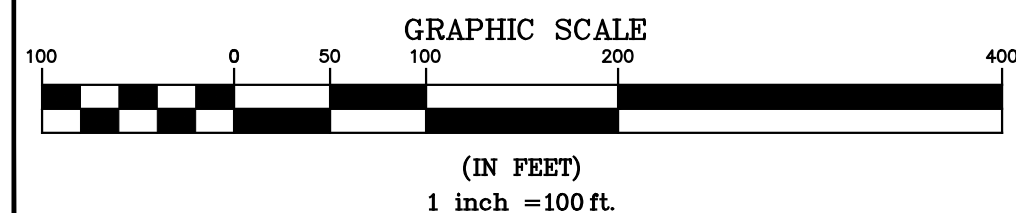
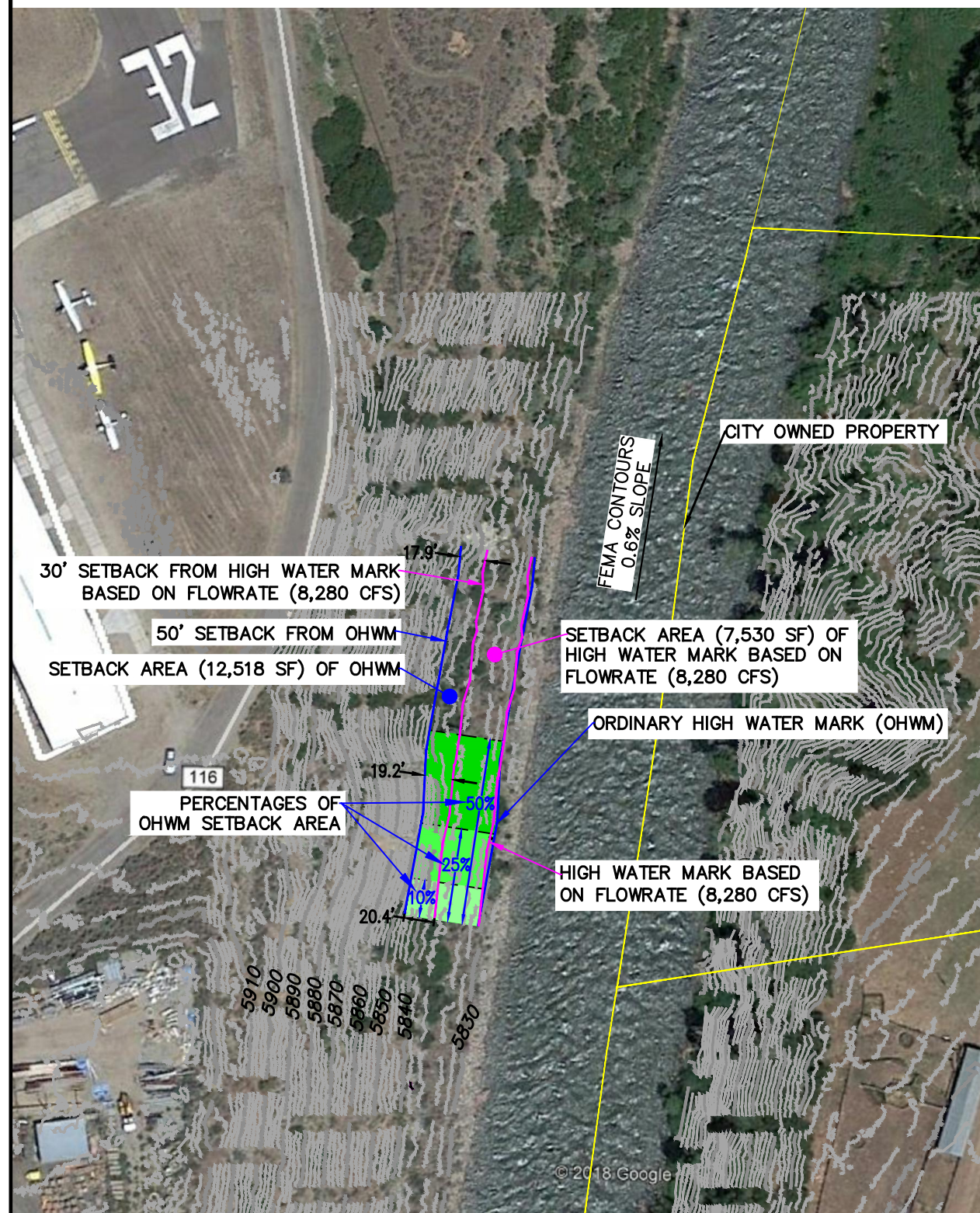
FEDERAL EMERGENCY MANAGEMENT AGENCY
GARFIELD COUNTY, CO
AND INCORPORATED AREAS

FLOODWAY DATA
ROARING FORK RIVER

NOTES:

1. ORIGINAL CODE HIGH WATER MARK WAS DETERMINED UTILIZING DATA FROM SECTION H OF THE FEMA FLOODWAY DATA FOR THE ROARING FORK RIVER. HCE INTERPOLATED THE HIGH WATER MARK UPSTREAM OF SECTION H BASED ON THE CHANGE IN ELEVATION BETWEEN THE NEAREST FEMA 100-YR FLOOD ELEVATIONS. AS THE ORIGINAL CODE HIGH WATER MARK EXTENDS UPSTREAM, THE CHANGE IN ELEVATION WAS INTERPOLATED USING THE APPROXIMATE SLOPE (0.7%) BETWEEN THE FEMA 100-YR FLOODPLAIN CONTOUR ELEVATIONS AND INCREASED APPROXIMATELY 1.8 FEET ALONG THE PROPERTY FROM SECTION H.

2. THE ORDINARY HIGH WATER MARK (OHWM) WAS SURVEYED ON NOVEMBER 8, 2019 BY HIGH COUNTRY ENGINEERING, INC.



FLOODING SOURCE		FLOODWAY			1-PERCENT-ANNUAL-CHANCE FLOOD WATER SURFACE ELEVATION			
CROSS SECTION	DISTANCE ¹	WIDTH (FEET)	SECTION AREA (SQUARE FEET)	MEAN VELOCITY (FEET PER SECOND)	REGULATORY (FEET NAVD)	WITHOUT FLOODWAY (FEET NAVD)	WITH FLOODWAY (FEET NAVD)	INCREASE (FEET)
ROARING FORK RIVER (cont'd)								
W	14,878	225	2,062	9.8	5,795.8	5,795.8	5,796.2	0.4
X	15,258	222	1,919	10.6	5,797.0	5,797.0	5,797.4	0.4
Y	16,048	151	1,378	14.7	5,806.0	5,806.0	5,806.0	0.0
Z	16,663	156	1,533	13.2	5,810.6	5,810.6	5,810.6	0.0
AA	17,403	103	1,144	17.7	5,814.5	5,814.5	5,814.6	0.1
AB	18,343	127	1,568	12.7	5,821.4	5,821.4	5,822.3	0.9
AC	18,803	141	1,568	12.9	5,823.1	5,823.1	5,823.7	0.6
AD	19,698	122	1,478	13.7	5,828.0	5,828.0	5,828.4	0.4
AE	20,568	136	1,339	15.1	5,830.6	5,830.6	5,830.6	0.0
AF	21,823	170	2,003	10.1	5,837.7	5,837.7	5,837.7	0.0
AG	23,263	133	1,481	13.6	5,841.9	5,841.9	5,841.9	0.0
AH	23,663	222	2,743	7.3	5,845.4	5,845.4	5,846.0	0.6
AI	24,803	119	1,142	17.6	5,847.7	5,847.7	5,847.9	0.2
AJ	25,923	255	2,544	7.9	5,856.2	5,856.2	5,857.0	0.8
AK	26,603	373	3,309	6.1	5,858.4	5,858.4	5,859.3	0.9
AL	27,813	216	1,421	13.7	5,864.8	5,864.8	5,864.9	0.1
AM	28,798	199	1,878	10.3	5,871.9	5,871.9	5,872.8	0.9
AN	31,573	133	1,193	16.3	5,887.6	5,887.6	5,887.7	0.1
AO	32,433	159	1,707	11.4	5,893.5	5,893.5	5,894.5	1.0
AP	34,173	97	1,092	17.8	5,900.8	5,900.8	5,901.0	0.2
AQ	34,333	225	2,522	7.7	5,907.4	5,907.4	5,907.5	0.1
AR	36,093	317	1,840	10.5	5,910.5	5,910.5	5,910.5	0.0

TABLE 1	FEDERAL EMERGENCY MANAGEMENT AGENCY	FLOODWAY DATA
	GARFIELD COUNTY, CO AND INCORPORATED AREAS	ROARING FORK RIVER

NOTES:

1. ORIGINAL CODE HIGH WATER MARK WAS DETERMINED UTILIZING DATA FROM SECTION AF OF THE FEMA FLOODWAY DATA FOR THE ROARING FORK RIVER. HCE INTERPOLATED THE HIGH WATER MARK DOWNSTREAM OF SECTION AF BASED ON THE CHANGE IN ELEVATION BETWEEN THE NEAREST FEMA 100-YR FLOOD ELEVATIONS. AS THE ORIGINAL CODE HIGH WATER MARK EXTENDS DOWNSTREAM, THE CHANGE IN ELEVATION WAS INTERPOLATED USING THE APPROXIMATE SLOPE (0.6%) BETWEEN THE FEMA 100-YR FLOODPLAIN CONTOUR ELEVATIONS AND DECREASED APPROXIMATELY 1.4 FEET ALONG THE PROPERTY FROM SECTION AF.

2. THE ORDINARY HIGH WATER MARK (OHWM) WAS SURVEYED ON NOVEMBER 8, 2019 BY HIGH COUNTRY ENGINEERING, INC.

Packet Page 263



February 7, 2020

City of Glenwood Springs
101 W 8th Street
Glenwood Springs, CO 81601

Dear Planning and Zoning Commission and City Council;

American Rivers is a national river conservation organization with offices across the country, including Glenwood Springs, Colorado. Our mission is to promote and work for a nation of clean, healthy rivers that sustain and connect us. American Rivers protects wild rivers, restores damaged rivers, and conserves clean water for people and nature.

We ask that you support the proposed revisions to the City Development Code, **070.040.020(d)(24) Conservation of Waterways**, with one exception. We would prefer a 50' setback, rather than the proposed 35' setback. These revisions will greatly expand needed protections for the riparian zone along the Roaring Fork River and other streams in Glenwood Springs. These riparian areas are not just a strip of vegetation along the river bank, they are an integral part of the larger river ecosystem itself. Riparian areas and the vegetation they contain are absolutely critical to the overall health of ecosystem. They provide the organic food foundation for insects, which in turn support the world class fishery that draws both residents and tourists to Glenwood Springs. These same aquatic insects are also the major food source for many of the migratory and permanent bird species that we enjoy.

This code revision just makes good sense and is long overdue. Landowners adjacent to the river also need to learn more about the vital role of the riparian vegetation on their property for the health of the river that they enjoy.

Please do not hesitate to contact me if I can answer any questions or concerns you may have.

Thank you!

Ken Neubecker,
Colorado Projects Director
24 S Meadow View Ct.
Glenwood Springs, CO 81601
(970) 230-9300
Kneubecker@americanrivers.org

February 10, 2020

City of Glenwood Springs
101 W 8th Street
Glenwood Springs, CO 81601

Dear Planning and Zoning Commission and City Council Members,

RE: Development Code Revisions to 070.040.020(d)(24) Conservation of Waterways.

The Ferdinand Hayden Chapter of Trout Unlimited is the local TU Chapter representing members from Aspen to Rifle. FHTU is one of the oldest TU Chapters, being the 8th chapter created nationwide in the 1960's.

We are writing to strongly support the proposed revisions to the City Code regarding stream setbacks and protection of the adjacent riparian areas. The riparian zone adjacent to any stream or river is an integral and vitally important part of the larger stream ecosystem. Ninety percent of the base food material for all of the aquatic life comes from the vegetation growing in the riparian zone. The existing riparian area along the Roaring Fork from Carbondale to Glenwood Springs is in sorry shape, due largely to overzealous development and removal of vegetation by landowners. The one change we would recommend from the proposed revisions would be to make the setback 50' rather than 35'. A 50' setback is more protective and conforms better with the science and structure of riparian areas.

Both Glenwood Springs and the larger Roaring Fork Valley depend a great deal on the value and economic benefits that a healthy river ecosystem provide. This is a world class fishery, consistently named by magazines such as Outside and Sunset as one of the best places to be if you like to fish.

We think that this Code revision is a prudent and responsible step for the City to take in order to insure the continued health and vigor of the Roaring Fork River ecosystem through town. We strongly urge you to support and approve this code revision as well.

Sincerely,

Matt Kelsic

President
Ferdinand Hayden Chapter (008) of Trout Unlimited

February 15, 2020

City of Glenwood Springs
101 West 8th Street
Glenwood Springs, CO 81601
Attn: Trent Hyatt, Senior Planner/River Commission Staff Liaison

RE: Recommended city code revision for riparian setbacks

Honorable Mayor, City Council, and Planning and Zoning Commission

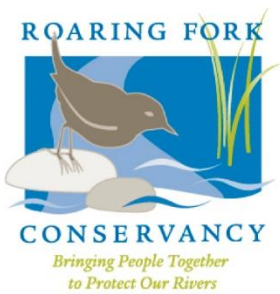
I urge you to adopt the originally proposed 50-foot setback in the City's riparian code revision. The modified setback of 35-feet is insufficient to maintain and protect our valued riparian system through the City of Glenwood Springs.

Research has shown that 50-feet is the minimum buffer for a viable riparian area and that 100-feet is preferable. Thus, a 50-foot setback to protect the riparian zone through the City is a compromise between the desires of development along our river ways and the basic needs for riparian protection.

Wildlife depends on the continuity, shade and protection of riparian vegetation. Stable stream banks and water quality also depend on this system, a safeguard from the adverse impacts of erosion.

Conserving this critical resource will help maintain the integrity of the rivers that flow through the City of Glenwood Springs and show our visitors that we take pride in caring for our riverine systems. Other communities such as Aspen and Basalt as well as Pitkin and Eagle Counties have recognized the importance of riparian areas by establishing setbacks of 75-feet or more. Let's join them and strive to maintain the ecosystems of our river ways.

Regards,
/s/Andrea Holland
Hydrologist and former member of GWS River Commission



February 13, 2020

City of Glenwood Springs
101 West 8th Street
Glenwood Springs, CO 81601
Attn: Trent Hyatt, Senior Planner/River Commission Staff Liaison

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RE: Recommended City riparian setback amendment

Honorable Mayor, City Council, and Planning and Zoning Commission,

Roaring Fork Conservancy (RFC) wishes to express continued support for the proposed City of Glenwood Springs riparian setback amendment. RFC applauds Glenwood Springs' investment in the protection of its water resources and strongly supports the implementation of regulations to preserve this invaluable natural and community asset.

The collaborative effort between City staff, Glenwood Springs River Commission, and RFC has resulted in a well vetted code proposal which will conserve and promote the health of the City's riparian ecosystems and water quality into the future.

RFC worked diligently as a technical advisor to help develop the proposed setback amendment, applying the best available science to the specific attributes of local waterways and community character. For additional information regarding the science of setback regulations, please see RFC's comment letter dated July 19, 2019 or contact RFC staff directly. Based on these careful considerations, RFC continues to recommend adoption of a 50ft riparian setback, to ensure conservation of valuable waterways and irreplaceable wildlife for the present and future benefit of the City, its residents, and visitors. Similarly, in 2013, RFC served as a technical advisor to the Garfield County Board of County Commissioners and recommended adoption of 50ft riparian setback protections county-wide.

As a 501(c)(3) not-for-profit organization, RFC emphasizes the use of sound, defensible science to guide decisions regarding the health of local streams and rivers. Current research indicates that healthy wetlands and riparian areas are essential to healthy rivers, and vital to the character, economy and way of life in Glenwood Springs.

Thank you for your time and consideration.

Sincerely

Rick Lofaro
Executive Director

Chad Rudow
Water Quality Coordinator



February 13, 2020

City of Glenwood Springs
101 W 8th Street
Glenwood Springs, CO 81601

RE: Development Code Revisions to 070.040.020(d)(24) Conservation of Waterways.

Dear Planning and Zoning Commission and City Council,

The Roaring Fork Fishing Guide Alliance (RFFGA) strongly encourages the City of Glenwood Springs to support and approve the proposed revisions to the City Development Code, **070.040.020(d)(24) Conservation of Waterways**. These revisions and adoption of a setback will greatly expand needed protections for the riparian zone along the Roaring Fork River and other tributary streams in Glenwood Springs. RFFGA regularly attended River Commission and City Planning and Zoning meetings to register support of the development of setbacks appropriate for the City. Based on careful consideration, RFFGA recommends adoption of a 50 foot riparian setback to ensure conservation of valuable waterways and irreplaceable wildlife for the present and future benefit of the City.

Riparian areas are more than simply a strip of vegetation along the river bank, they are an integral part of the larger river ecosystem itself. Riparian areas and the vegetation they contain are absolutely critical to the overall health of ecosystem. They provide the organic food foundation for insects, which in turn support the world class fishery that draws both residents and tourists to Glenwood Springs.

On behalf of the board of directors of RFFGA, we strongly urge your support and approval this code.

Sincerely,

Kyle Holt

Kyle Holt
President
Roaring Fork Fishing Guide Alliance

Scott Grosscup
Direct Dial (970) 928-3468
Receptionist (970) 945-6546
sgrosscup@balcombgreen.com

November 14, 2019

Via Electronic Mail

Mr. Trent Hyatt
Senior Planner
City of Glenwood Springs
Community Development Department

Re: #20-19 Riparian Setback Code Amendment

Dear Trent:

Thank you for taking the time to discuss the proposed Riparian Setback Code amendment a few weeks ago. You indicated that City staff is considering changes to the proposed ordinance and we would like to add some items for you to consider on behalf of the Glenwood Hot Springs Lodge & Pool, Inc.

The primary concern is that the term "ordinary high-water mark" is undefined. The course of the Colorado River as it flows through Glenwood Springs has been modified. Construction of I-70 moved the bank and in certain concentrated the channel. The proposed code amendment does not say if the ordinary high-water mark is based on existing conditions or on some previous condition.

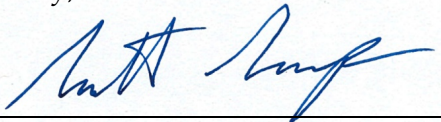
The current standard of high water mark is a known commodity. It is also tied to flood plain mapping that limits where property owners can erect improvements on their property. Having two different standards and dealing with two separate entities (City of Glenwood Springs and Federal Emergency Management Agency) creates confusion for property owners and additional headache. What if construction would be ok under one standard but not the other?

Without a definition for determining the ordinary high-water mark, city staff is given great discretion to determine where that line exists, especially where flows vary significantly from year to year. As written, it appears that staff is allowed to determine that mark based on an inspection of the area. If the landowner disagrees, then it is up to the landowner to produce evidence, presumably through hiring of an engineer to rebut staff's visual interpretation. This could increase the costs and add delay to obtain any necessary permit.

Finally, we believe that there needs to be additional protection for those structures that may lie within the ordinary high-water mark. These structures should be allowed to be renovated or even expanded. Otherwise, these structures may fall into disrepair and become a nuisance or hazard.

Thank you for considering these thoughts. Please provide us with a draft of the revised ordinance when you are able.

Sincerely,

By: 
Scott Grosscup

cc: Karl Hanlon, Esq.
Kjell Mitchell

Aspen Office
625 E. Hyman Avenue, Suite 201
Aspen, Colorado 81611
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Christopher D. Bryan
cbryan@garfieldhecht.com

February 19, 2020

Trent Hyatt, Senior Planner
City of Glenwood Springs
101 West 8th Street
Glenwood Springs, Colorado 81601
E-mail: trent.hyatt@cogs.us

Re: Proposed Riparian Setback Code Amendment

Mr. Hyatt:

Our law firm represents a group of Glenwood Springs residents known as the Friends of the Roaring Fork (“Friends”). Friends has engaged us to review and analyze the changes being proposed to Section 070.040.020(d)(24) of the Glenwood Springs Municipal Code (“Code”) set forth in Exhibit A (hereinafter, the “Amendment”). A continued public hearing before the City’s Planning and Zoning Commission (“Commission”) regarding the Amendment is scheduled for February 25, 2020. As explained below, Friends believes that the Amendment unnecessarily restricts the use of private and public property, will reduce property values, and, most important, does not satisfy the Code amendment approval criteria set forth in the Code. Friends therefore asks that the Amendment be reworked with stakeholder input, tabled indefinitely, or denied.

As noted in your July 23, 2019, staff report (the “Staff Report”) regarding the Amendment,¹ a Code amendment may only be approved if it satisfies the criteria identified in Section 070.060.040(c)(3)(d)(3) of the Code. Those criteria include (i) consistency with the City’s Comprehensive Plan and other City policies; (ii) no conflict with other provisions of the Code; (iii) necessity to address a demonstrated community need; (iv) necessity to respond to substantial changes in conditions and/or policy; and (v) consistency with the general purpose and intent of the Code. The Amendment, at a minimum, does not satisfy the second, third, or fourth approval criteria, meaning there is no legal basis for the Amendment.

First, the Amendment conflicts with other provisions of the Code. Specifically, even though maintenance and repair of nonconformities is generally allowed, Section 070.010.070(b)(3)(b) of the Code states that all such repairs and maintenance “shall comply with Subsection 070.040.020(d).” That reference to Subsection 070.040.020(d) (which includes its

¹ The text of the proposed Amendment has been revised since the Staff Report was issued. However, a new staff report addressing the current language of the Amendment has not been provided as of the date of this letter. Friends may supplement this letter to respond to new information presented in the forthcoming staff report that is anticipated for the February 25th Commission meeting.

subparts) means that property owners with improvements within the new 35-foot setback could not maintain or repair the existing improvements if doing so involved excavation, grading, dumping, clearing of native vegetation, or backfill. It also limits an owner's ability to continue to maintain areas around existing paths and landscaping in excess of the 10% of the setback area if doing so requires "clearing of native vegetation" or any of the other proscribed activities.

As the foregoing makes clear, the Amendment would create a conflict within the Code regarding what work is allowed in the setback area, which is contrary to criterion (ii) for approving a Code amendment. It also exemplifies need for more robust grandfathering provisions in the Amendment to protect current owners' investment-backed expectations and to provide clarity for landowners and City staff about how the Amendment will be administered if passed. Indeed, among the purposes of the Code is shielding citizens (and the City for that matter) from the arbitrary decisions that may result when the government is given unbridled discretion over matters affecting citizens and their property. Suggested grandfathering language was provided to the City staff and the Commission prior to the Commission's September 24, 2019, meeting. The Commission also requested further clarification of the grandfathering issue at that meeting. Such language has yet to be included in the Amendment.

Second, there is no demonstrated community need for the Amendment. The Staff Report cites other jurisdictions' riparian setback requirements to show that there is a need in Glenwood Springs for a larger and more restrictive setback. But what is happening in other communities cannot be the basis for finding that there is a need in *this* community for the Amendment. And even if it could, none of the municipalities in closest proximity to Glenwood Springs with development along waterways—namely, the Town of Carbondale, the Town of Gypsum, and the Town of New Castle—impose any specific riparian setback at all. With that in mind, the existing riparian setback currently imposed by the Code puts the City well ahead of its neighbors when it comes to riparian protections. To claim that other communities' water resource protections demonstrate a community need for the Amendment is overreaching and inaccurate.

The fact that there has been no evidence or information presented to date to indicate that the existing 30-foot setback is insufficient further supports the lack of community need for the Amendment. While the Roaring Fork Conservancy ("RFC") states in its written materials that a more aggressive setback is desirable, nowhere does the RFC claim that the existing setback has caused degradation to or impairment of the City's waterways. Indeed, the former chairman of the Glenwood Springs River Commission stated at public meeting on September 19, 2019, that "the Roaring Fork is actually in pretty good shape." That comports with the informal, qualitative Glenwood Springs Riparian Assessment² that was included with the Staff Report. Note too that the Assessment identifies public education and implementation of best practices as ways to improve riparian health, not increasing the size of and restrictions within the riparian setback. Finally, the City's existing riparian setback is within the riparian buffer widths recommended for erosion control, water quality, and aquatic habitat protection in the 2005 Haws and Smith study that was submitted with the Staff Report.

² Note, too, that this Assessment only evaluated the Roaring Fork and Colorado Rivers. But the proposed Amendment, as written, would apply to properties along other waterways in the City such as Three Mile Creek, Oasis Creek, and Mitchell Creek. No information has been provided regarding the state of those waterways.

Third, the Amendment is not necessary to respond to substantial changes in conditions and/or policy. Again, the justification cited in the Staff Report for compliance with this criterion is misguided. The Staff Report states (with little explanation) that the Amendment would “help in the City’s future compliance with EPA Municipal Separate Storm Sewer System (“MS4”) permit requirements if/when the City’s population exceeds 10,000.” Seeing as the census has not yet been conducted and the City has not yet changed—and, indeed, may not change—its policies or practices as a result of any new MS4 requirements, there is no change to which the Amendment provides a necessary response.

Moreover, it is unclear how changes in setbacks would affect the City’s MS4 policies or future compliance because the MS4 program deals with point source discharges—i.e., the culverts and pipes that release untreated storm water runoff directly into waterways—not disbursed, non-point source runoff. The amount of storm water runoff that enters the City’s waterways through riparian habitat is a small fraction of the storm water collected and discharged by the City through its storm water collection system. Even assuming an increased riparian setback would improve the quality of that comparatively minimal, non-point source runoff, it would have no impact on the quality of the water discharged from the City’s storm drains, which is the focus of the MS4 program. The Amendment therefore has no rational relation to and is not justified by the City’s non-existent and uncertain storm water mitigation policies and practices. To argue otherwise is disingenuous and completely without merit.

Aside from the fact that the Amendment does not meet the Code amendment approval criteria, Friends is concerned about the substance of the Amendment. Most notably, Friends believes that the Amendment will negatively impact the use and enjoyment of river-front properties in the City, including the ability to repair, maintain, and rebuild existing improvements and to make new use of areas that would be within the 35-foot setback proposed in the Amendment. It should come as no surprise that many riverfront property owners bought their lots so that they could enjoy the river and its amenities. But to do so, owners must be able to access and make use of their river frontage.

While the existing Code places some limits on the extent to which owners may utilize the setback area, they are not as restrictive as those proposed in the Amendment. For one, the existing language of Section 070.040.020(d)(24) does not prohibit vegetation removal or place any limits on the creation of private pathways for river access. In contrast, the Amendment only allows an owner to remove vegetation from up to 10% of the setback area for the purpose of private access to and enjoyment of the waterway. The 10% figure is completely arbitrary and capricious and not based on any science or theory. It is also insufficient to allow owners of many overgrown, waterfront properties to gain access to or use and enjoy the adjacent river or stream.

Additionally, if an owner wants to utilize more than 10% of the setback area, build stairs within a pathway area to ensure safe access, or simply trim vegetation, he or she will be required to show that the proposed activity “does not result in increased water quality degradation, stream bank erosion, or a reduction in the function and quality of a riparian area or wetland.” To make such a showing, the owner would likely need to hire an engineer, adding to the cost and burden

of the regulations. This is a completely unrealistic burden to place on landowners who are doing no harm to the river or riparian habitat.

The restrictions in the Amendment effectively sterilize at least 90% of the 35-foot setback area of each parcel adjacent to a waterway. That area is naturally the area owners would seek to use to realize the benefits of living near the water. If they or subsequent owners are unable to do so because of the Amendment, property values are sure to go down. Current owners did not sign up for the heightened restrictions proposed in the Amendment when they purchased their properties. What's worse, those restrictions may reduce the pool of future buyers for their properties.

Finally, the Amendment will render public and private properties nonconforming under the Code. Numerous citizens spoke to this issue at prior public hearings regarding the Amendment, but, to date, it does not appear that City staff has analyzed the number and extent of the nonconformities that would arise if the Amendment were passed. That fact alone indicates that the Amendment is, at a minimum, premature, especially because Chapter 070.010.070—the Code's "Nonconformities" chapter—does not ease the burden the Amendment would place on existing site conditions as explained above.

General and conclusory statements aside, the City has failed to quantify what benefits, if any, will be realized if the Amendment is passed. In contrast, this letter clearly identifies the harms that will ensue. While the Amendment may be well-intentioned, those intentions are not a substitute for need or legal justification. They are also overshadowed by the negative impacts the Amendment will have on numerous landowners even though those owners are not harming the river or the riparian environment to any meaningful, measurable degree. Friends does not dispute the need for all riparian landowners—including the City—to be good stewards of the City's waterways; they simply contend that the existing Code provides sufficient safeguards and that the prohibitions proposed in the Amendment are unnecessary and unjustified.

Ordinances enacted by municipalities such as the City must not be unreasonable, arbitrary, or capricious. Approving the Amendment, which does not satisfy even the City's own criteria for approving such amendments, renders it a textbook example of an arbitrary and capricious legislative act. The unreasonableness of the Amendment is exacerbated by the fact that it restricts the existing and future use of private and public property unnecessarily, to the detriment of current and future owners, and with little public benefit, if any, beyond what is already provided by the existing Code. Indeed, seeing as the public would receive the purported benefit from the Amendment while private landowners are forced to bear the cost in the form of reduced property values and unusable property, the City will be exposed to takings claims if the Amendment passes. Simply put, the Amendment goes too far and does so without justification.

It is clear from the content of the Amendment that it was drafted without broad stakeholder input. That may not have been the case had the Amendment had a more collaborative beginning similar to that of the City's vacation rental ordinance. Nonetheless, Friends remains ready and willing to work with City staff to develop a more balanced approach to the setback issue that takes all stakeholders' input into account. To that end, continuing consideration of the

Amendment to a later Commission meeting to allow stakeholders to workshop the text of the Amendment would be beneficial. But if the Amendment in its current form is presented, Friends will bring the full force of its opposition to bear. Please let us know if you would like to schedule a meeting to discuss changes to the Amendment. Thank you.

Very truly yours,

A handwritten signature in black ink, appearing to read "Christopher D. Bryan". The signature is fluid and cursive, with the first name "Christopher" written in a larger, more prominent script than the last name "Bryan".

Christopher D. Bryan

cc: City Attorney (kjh@mountainlawfirm.com)

EXHIBIT A

Proposed amendment to Code Section 070.040.020(d)(24)

070.040.020(d) Development in Waterways and Areas of Special Flood Hazard

(24) Conservation of Waterways

It is the purpose of this Subsection 070.040.020(d)(24) to conserve and promote the health of the City's riparian ecosystems, water quality, and protect human drinking water by maintaining a functional natural buffer adjacent to waterways.

a. Applicability

All new improvements, buildings, additions, structures, excavations, grading, dumping, clearing of native vegetation, or backfill shall be subject to the requirements of 070.040.020(d)(24)b Standards unless the applicant demonstrates to the City Engineer and the Director by clear and convincing evidence that one or more of the following conditions is met:

1. The removal of native vegetation, not to exceed 10 percent of the setback area defined below, to allow a property owner private access to and personal enjoyment of the waterway. This shall not be interpreted to allow for permanent structures of any kind within said area.

2. The construction of bridges, public utilities, public paths for non-motorized use, public open space areas and boat ramps, wildfire mitigation activities, irrigation structures, flood control and erosion protection devices that do not result in water quality degradation, stream bank erosion, or a reduction in the function and quality of a riparian area or wetland.

3. Removal of vegetation listed on the Garfield County noxious weed list, Chinese Elm, or Siberian Elm in compliance with applicable regulations. Vegetation shall be replaced with appropriate riparian plant species to limit erosion.

4. Applicant demonstrates one or more of the following:

- i. The area does not contain significant riparian plant species or functions;*
- ii. The area is impacted by previous earth disturbing activities; or*
- iii. The proposed activity (including, but not limited to the trimming of vegetation, construction of access path or steps, hot springs pools) does not result in increased water quality degradation, stream bank erosion, or a reduction in the function of and quality of a riparian area or wetland.*

b. Standards

1. No improvement, building, structure, excavation, grading, dumping, clearing of native vegetation, or backfill shall be placed, built, undertaken or approved within thirty-five feet of the

ordinary high-water mark (as defined by the US Army Corp of Engineers), measured horizontally, of any river or live perennial stream.

2. No chemical treatments, including but not limited to fertilizers, pesticides, and/or herbicides, are permitted with said thirty-five-foot setback area.

070.040.020(d) Development in Waterways and Areas of Special Flood Hazard

(24) Conservation of Waterways

It is the purpose of this Subsection 070.040.020(d)(24) to conserve and promote the health of the ~~City's~~ riparian ecosystems within the City ~~water quality~~ and to protect water quality and human drinking water by maintaining a functional natural buffer adjacent to waterways, while ensuring that private landowners and members of the public are able to access, use, and enjoy the waterways within the City in a manner that limits impacts to the natural environment.

a. Applicability

The placement, construction, building, undertaking, or approval of ~~All~~ new improvements, buildings, additions, structures, excavations, grading, dumping, clearing of native vegetation, or backfilling shall be subject to the requirements of 070.040.020(d)(24)~~b~~c Standards, except as provided in Subsection b.

b. Exceptions

~~Unless the applicant demonstrates to the City Engineer and the Director by clear and convincing evidence that one or more of the following conditions is met: The following are not subject to the requirements of 070.040.020(d)(24)c:~~

- ~~1.~~ The removal clearing of native vegetation, not to exceed ~~40-50%~~ percent of the setback area defined in Section 070.040.020(d)(24)c~~below~~, to allow a property owner private access to and personal enjoyment of the waterway. This shall not be interpreted to allow for permanent structures of any kind within said area other than stairs and related improvements such as hand rails to provide safe access to the waterway.
- ~~1-2.~~ The trimming of native vegetation for view, fire mitigation, maintenance or repair activities described in Section 070.040.020(d)(24)b.4, below, or other life/safety purposes so long as the vegetation is not removed in its entirety from the ground and that the health and integrity of the vegetation is not negatively impacted as a result of the trimming.
- ~~3.~~ The construction and installation of bridges, public utilities, public paths for non-motorized use, public open space areas and boat ramps, irrigation structures, or flood control and erosion protection devices or the performance of wildfire mitigation activities requiring the clearing of native vegetation, irrigation structures, flood control and erosion protection devices provided that the same ~~that~~ do not result in increased water quality degradation, stream bank erosion, or a reduction in the function and quality of a riparian area or wetland.
- ~~2-4.~~ The (i) maintenance, repair, or replacement of existing improvements, buildings, additions, structures, landscaping, and cleared areas as provided in 070.010.070 Nonconformities, or (ii) construction of new structures, buildings, or improvements outside the setback area defined in 070.040.020(d)(24)c.1, to the extent (i) or (ii) requires new excavation, grading, backfill, or clearing of native vegetation within the setback area. In that event, the owner shall make commercially reasonable efforts to replace any cleared vegetation with vegetation of similar type and function.
- ~~3-5.~~ Removal of vegetation listed on the Garfield County noxious weed list, Chinese Elm, or Siberian Elm in compliance with applicable regulations. ~~Vegetation shall be replaced with appropriate riparian plant species to limit erosion.~~
- ~~4-6.~~ Any other activity proposed by an owner or a ~~Applicant~~ that would otherwise be

prohibited by Section 070.040.020(d)(24)c, provided that the owner or applicant demonstrates through objectively reasonable evidence one or more of the following:

- i. The affected area does not contain significant riparian plant species or functions;
- ii. The affected area is impacted by previous earth disturbing or vegetation clearing activities; or
- iii. The proposed activity ~~(including but not limited to the trimming of vegetation, construction of access path or steps, hot springs pools)~~ does not result in increased water quality degradation, stream bank erosion, or a reduction in the function and quality of a riparian area or wetland.

c. **Standards**

1. No improvement, building, structure, excavation, grading, dumping, clearing of native vegetation, or backfill shall be placed, built, undertaken or approved within thirty-five feet of the ordinary high-water mark (as defined by the US Army Corp of Engineers), measured horizontally, of any river or live perennial stream.
2. No chemical treatments, including but not limited to fertilizers, pesticides, and/or herbicides, are permitted within said thirty-five-foot setback area.

070.040.020(d) Development in Waterways and Areas of Special Flood Hazard

(24) Conservation of Waterways

It is the purpose of this Subsection 070.040.020(d)(24) to conserve and promote the health of the City's riparian ecosystems and water quality and protect human drinking water by maintaining a functional natural buffer adjacent to waterways, while ensuring that private landowners and members of the public are able to access, use, and enjoy the City's waterways in a manner that limits impacts to the natural environment.

a. **Applicability**

The placement, construction, building, undertaking, or approval of Aall new improvements, buildings, additions, structures, excavations, grading, dumping, clearing of native vegetation, or backfilling shall be subject to the requirements of 070.040.020(d)(24)bc Standards, except as provided in Subsection b.

b. **Exceptions**

Unless the applicant demonstrates to the City Engineer and the Director by clear and convincing evidence that one or more of the following conditions is met: The following are not subject to the requirements of 070.040.020(d)(24)c:

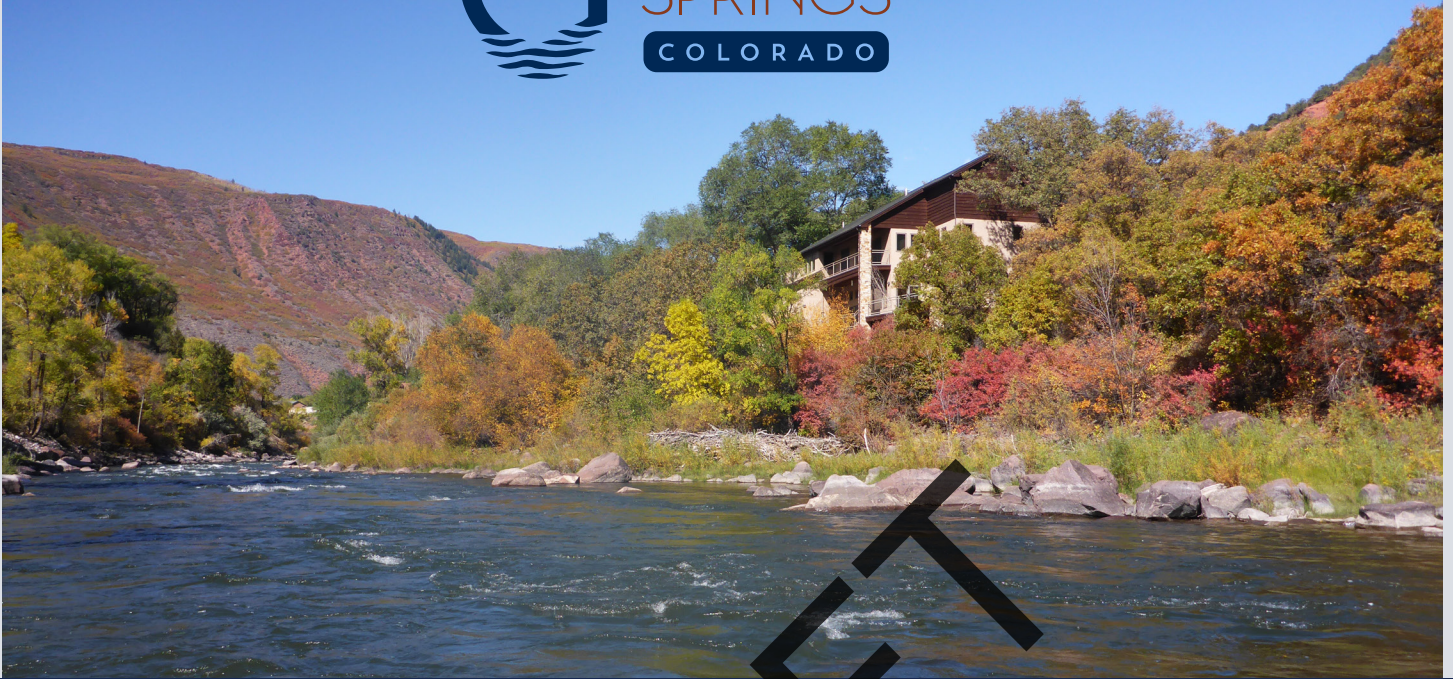
1. The ~~removal~~ clearing of native vegetation, not to exceed ~~10~~ 40% percent of the setback area defined in Section 070.040.020(d)(24)c~~below~~, to allow a property owner private access to and personal enjoyment of the waterway. This shall not be interpreted to allow for permanent structures of any kind within said area other than stairs and related improvements such as hand rails to provide safe access to the waterway.
- 1-2. The trimming of native vegetation for view, fire mitigation, maintenance or repair activities described in Section 070.040.020(d)(24)b.4, below, or other life/safety purposes so long as the vegetation is not removed in its entirety from the ground and that the health and integrity of the vegetation is not negatively impacted as a result of the trimming.
3. The construction and installation of bridges, public utilities, public paths for non-motorized use, public open space areas and boat ramps, irrigation structures, or flood control and erosion protection devices or the performance of wildfire mitigation activities requiring the clearing of native vegetation, irrigation structures, flood control and erosion protection devices provided that the same that do not result in increased water quality degradation, stream bank erosion, or a reduction in the function and quality of a riparian area or wetland.
- 2-4. The (i) maintenance, repair, or replacement of existing improvements, buildings, additions, structures, landscaping, and cleared areas as provided in 070.010.070 Nonconformities, or (ii) construction of new structures, buildings, or improvements outside the setback area defined in 070.040.020(d)(24)c.1, to the extent (i) or (ii) requires new excavation, grading, backfill, or clearing of native vegetation within the setback area. In that event, the owner shall make commercially reasonable efforts to replace any cleared vegetation with vegetation of similar type and function.
- 3-5. Removal of vegetation listed on the Garfield County noxious weed list, Chinese Elm, or Siberian Elm in compliance with applicable regulations. ~~Vegetation shall be replaced with appropriate riparian plant species to limit erosion.~~
- 4-6. Any other activity proposed by an owner or aApplicant that would otherwise be prohibited by Section 070.040.020(d)(24)c, provided that the owner or applicant

demonstrates through objectively reasonable evidence one or more of the following:

- i. The affected area does not contain significant riparian plant species or functions;
- ii. The affected area is impacted by previous earth disturbing or vegetation clearing activities; or
- iii. The proposed activity (~~including but not limited to the trimming of vegetation, construction of access path or steps, hot springs pools~~) does not result in increased water quality degradation, stream bank erosion, or a reduction in the function and quality of a riparian area or wetland.

c. **Standards**

1. No improvement, building, structure, excavation, grading, dumping, clearing of native vegetation, or backfill shall be placed, built, undertaken or approved within thirty-five feet of the ordinary high-water mark (as defined by the US Army Corp of Engineers), measured horizontally, of any river or live perennial stream.
2. No chemical treatments, including but not limited to fertilizers, pesticides, and/or herbicides, are permitted within said thirty-five-foot setback area.



RIVERFRONT PROPERTIES

RIPARIAN ZONE PLANTING GUIDE

How to plan and landscape to prevent runoff, erosion, and pollution; and preserve the ecology and natural beauty on the banks of our rivers.



LEAVE IT A LITTLE WILD

You can help preserve the streams, creeks and rivers around Glenwood Springs. **Here's how.**



Bringing native vegetation into your landscaping is a great way to beautify Glenwood Springs and to make homes and businesses more appealing and valuable. The Roaring Fork and Colorado Rivers—the main waterways through town—are suffering the impact of fertilizers, pesticides, and landscaping techniques that destroy native vegetation. Your landscaping choices can help alleviate this impact.

As rain or melting snow flows across our yards, rooftops, and paved areas, it picks up pollutants including sediment, organic matter, pesticides, and fertilizers. Polluted water then flows off these properties to roadways, ditches or through storm drains to our streams, creeks, and rivers, harming important aquatic insects, increasing algae blooms, and adding sediment. All of these things impact the food chain for our prized trout fishery. The cumulative impacts of urbanization can have a significant impact on the health of our watershed, including the insects, fish, birds and vegetation that depend on clean water.

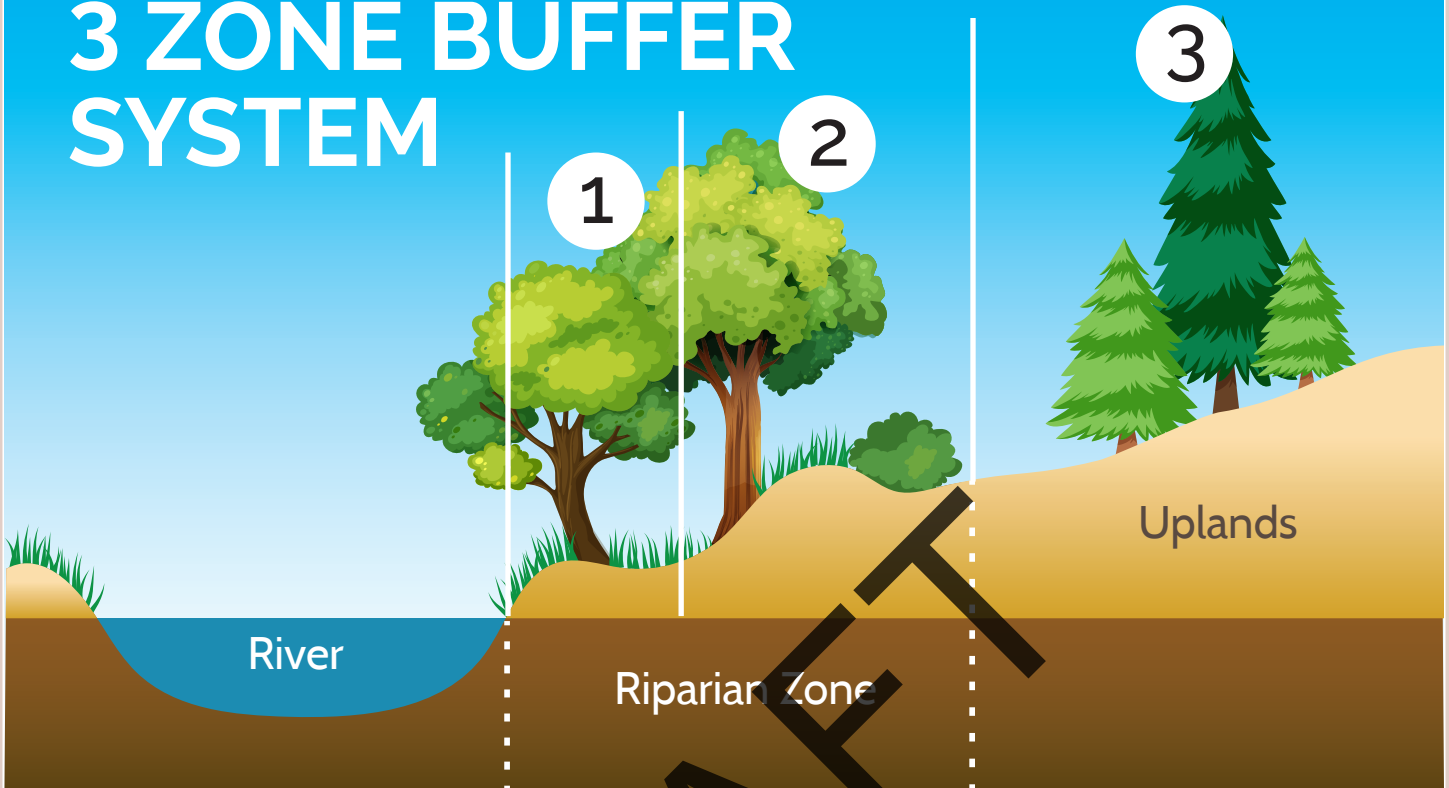
The good news is you can help by adopting a few simple practices that can dramatically improve the health of our streams and creeks:

- ◆ Add native trees and shrubs to your landscaping to capture, hold, and filter rainwater.
- ◆ Use up to three inches of mulch (like leaves, aged wood chips, compost or grass clippings), primarily in spring and fall. Mulch stabilizes soil temperature, prevents weeds, feeds the soil for healthier plants and helps to conserve water.
- ◆ Incorporate swales and berms into landscapes to contain runoff and prevent it from leaving your yard.
- ◆ Consider installing a rain garden and directing roof drains to it.
- ◆ Consider using porous pavements such as pavers, flagstone, and gravel instead of impervious surfaces such as asphalt for pathways, patios, and driveways.
- ◆ Observe city ordinances regarding riparian buffers and setbacks.
- ◆ Use the Three-Zone Buffer System (next page) for guidance on building and landscaping activities within 100 feet of any stream.
- ◆ Minimize the use of turf, which will in turn reduce fertilizer, pesticide, and water requirements.
- ◆ Plant a diverse landscape, which will naturally minimize pest problems.

Thank you for playing a critical role in preserving a special part of the Glenwood Springs community.
Learn more at ci.glenwood-springs.co.us



3 ZONE BUFFER SYSTEM



Riparian zone: the area of land near rivers and other water bodies

1 < 25 FEET OVERBANK ZONE

This area is important for bank stability, preventing erosion, filtering and absorbing pollutants, and providing habitat for terrestrial and aquatic wildlife. Contains wetland plants and mature riparian forest.

- ◆ Leave native vegetation undisturbed.
- ◆ Reintroduce native shrubs, grasses and forbs as a substitute for turf and other manmade improvements.
- ◆ Limit the use of pesticides to what is absolutely needed to control invasive weed species.

2 25 - 75 FEET TRANSITIONAL ZONE

This area lies between upland development and the overbank zone, and is important in filtering stormwater runoff and absorbing pollutants. Contains mature native forest and vegetation.

- ◆ Design low-impact landscaping, which reduces maintenance requirements and less need for pesticide and fertilizer.
- ◆ Reduce the use of turf and impervious surfaces such as concrete and asphalt paving.
- ◆ Create vegetative buffers to filter runoff from roofs, drives and roadways.

3 75 - 100 FEET UPLAND ZONE

This is an area for actively managed landscapes or natural conditions, which allows water to slowly filter into the ground.

- ◆ Lawn, garden, and compost wastes can be stored here, and stormwater BMPs may be installed, but this zone should be left as undisturbed as possible in order to optimize the value of the riparian buffer.
- ◆ Minimize turf areas to what is truly needed. If possible, avoid placing any impervious surfaces in this zone.

Thank you for playing a critical role in preserving a special part of the Glenwood Springs community.
Learn more at ci.glenwood-springs.co.us

WHAT TO PLANT

The Rocky Mountains are home to numerous native plant species. These plants are adapted to the highly variable climate and micro-climates found in mountain habitats. This list offers recommendations for areas along our streams creeks and rivers, as well as upland and transitional zones away from the water's edge. These plants can

be used in ornamental landscape plantings as buffers between landscaped and native areas or in native habitat restorations. Planting a variety of species provides biodiversity, which protects against pest outbreaks and provides important habitat for native fauna—all key components in improving water quality in Glenwood Springs.



Native Chokecherry



Freemont Cottonwood



Golden Currant



Harebells



Rocky Mountain Beeplant



Wild Strawberry

COMMON NAME	SCIENTIFIC NAME	HEIGHT	SPREAD
OVERBANK: TREES/SHRUBS			
Thin-leaved Alder	<i>Alnus incana</i>	15-30'	15-20'
Western River Birch	<i>Betula occidentalis</i>	3-6'	3-8'
Threeleaf Sumac	<i>Rhus trilobata</i>	6-8'	8-12'
Freemont Cottonwood	<i>Populus fremontii</i>	30-50'	20-30'
Colorado Blue Spruce	<i>Picea pungens</i>	40-60'	30-40'
Native Chokecherry	<i>Prunus virginiana melanocarpa</i>	8-20'	8-12'
Golden Currant	<i>Ribes cereum</i>	2-4'	2-4'
Woods Rose	<i>Rosa woodsii</i>	3-6'	3-6'

COMMON NAME	SCIENTIFIC NAME
OVERBANK: FORBS	
Netleaf Giant Hyssop	<i>Agastache urticifolia</i>
Colorado Blue Columbine	<i>Aquilegia coerulea</i>
Harebells	<i>Campanula rotundifolia</i>
Rocky Mountain Beeplant	<i>Cleome serrulata</i>
Englemann's Fleabane	<i>Erigeron engelmannii</i>
Sulfur-Flowered Buckwheat	<i>Erigonum umbellatum</i>
Wild Strawberry	<i>Frageria virginiana</i>
Blanket Flower	<i>Gallardia aristata</i>
Sticky Geranium	<i>Geranium viscosissimum</i>
Largeleaf Avens	<i>Geum macrophyllum</i>
Showy Goldeneye	<i>Heliomeris multiflora</i>
Orange Sneezeweed	<i>Hymenoxys hoopesii</i>
Wild Bergamot	<i>Monarda fistulosa</i>
Small-Flowered Penstemon	<i>Penstemon procerus</i>
Rocky Mountain Penstemon	<i>Penstemon strictus</i>
Waving-Wand Penstemon	<i>Penstemon virgatus</i>
Canada Goldenrod	<i>Solidago canadensis</i>
Goldenbanner	<i>Thermopsis montana</i>

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WHAT TO PLANT



Nebraska Sedge



Creeping Spikerush



Arrowgrass

COMMON NAME	SCIENTIFIC NAME
OVERBANK: WETLAND PLUGS	
Nebraska Sedge	<i>Carex nebrascensis</i>
Wooly Sedge	<i>Carex pellita</i>
Creeping Spikerush	<i>Eleocharis palustris</i>
Three-Stamen Rush	<i>Juncus ensifolius</i>
Torrey Rush	<i>Juncus torreyi</i>
Panicled Bulrush	<i>Scirpus microcarpus</i>
Arrowgrass	<i>Triglochin maritima</i>



Tufted Hairgrass



Streambank Wheatgrass



Mountain Rush

COMMON NAME	SCIENTIFIC NAME	DISTRIBUTION
OVERBANK: NATIVE SEED MIX		
Tufted Hairgrass	<i>Deschampsia caespitosa</i>	15%
Streambank Wheatgrass	<i>Elymus lanceolatus</i>	20%
Bluejoint Reedgrass	<i>Calamagrostis canadensis</i>	10%
Fowl Mannagrass	<i>Glyceria striata</i>	10%
Green Needlegrass	<i>Nassella viridula</i>	10%
Fowl Bluegrass	<i>Poa palustris</i>	20%
Mountain Rush	<i>Juncus arcticus ssp. littoralis</i>	5%
Threestem Rush	<i>Juncus ensifolius</i>	5%
Torrey Rush	<i>Juncus torreyi</i>	5%



Rocky Mountain Maple

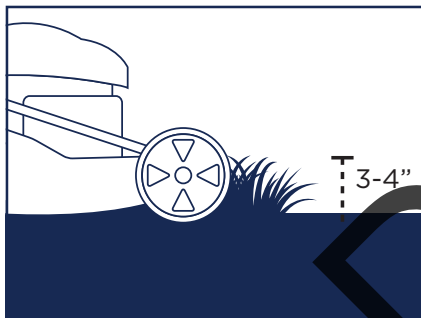
COMMON NAME	SCIENTIFIC NAME	HEIGHT	SPREAD
UPLAND: DECIDUOUS TREES/SHRUBS			
Rocky Mountain Maple	<i>Acer glabrum</i>	20-30'	10-20'

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LAWN CARE & MAINTENANCE

As rain or melting snow flows across our yards, rooftops, and paved areas, it picks up pollutants including sediment, organic matter, pesticides and fertilizers. Polluted water then flows off these properties to roadways, ditches or through storm drains to our streams creeks and ultimately the Roaring Fork and Colorado Rivers, harming important aquatic insects, increasing algae blooms and adding sediment all of which impact the food chain for our prized trout fishery. The cumulative impacts of urbanization in the Roaring Fork Valley can have a significant impact on the health of our watershed, including the insects, fish, birds and vegetation that depend on clean water.

The good news is you can help. In fact, your daily work activities could be the key to restoring the health of our streams and creeks. Here are a few simple tips to keep in mind.



LAWNMOWING

- ◆ Maintain lawns at 3-4 inches, which will maximize the grass's capacity to filter and absorb excess runoff and nutrients.
- ◆ Leave grass clippings on the lawn or compost them, as they can carry fertilizer and pesticide residue into the creek.
- ◆ Sweep clippings off of paved walks and roadways and back onto the lawn to prevent them from entering drainage ways. Compost yard waste or have your waste hauler remove it.



PESTICIDE USE

- ◆ Utilize Integrated Pest Management (IPM) techniques before deciding to use pesticides. IPM endorses multiple methods for managing pests including mechanical, cultural, biological and chemical means.
- ◆ ALWAYS read the product label before use. The label describes allowed uses, environmental hazards (including impacts to aquatic environments), and application rates. Using a pesticide outside the label is illegal. Remember: THE LABEL IS THE LAW.
- ◆ Spot-spray weeds rather than spraying an entire property.
- ◆ In early spring, wait to apply lawn-care chemicals until snow has melted.
- ◆ Avoid pyrethroid insecticides near streams and waterways. These products, which include bifenthrin, cypermethrin and permethrin, are among the most toxic to aquatic invertebrates.
- ◆ Be cautious and judicious with the use of "weed and feed" lawn care products. Many contain the herbicide 2,4-D as a weed killer, which is listed as toxic to aquatic invertebrates.
- ◆ Add a natural buffer around turf areas, which will help filter fertilizers and pesticides before they can enter drainage ways.
- ◆ Dispose of garden chemicals correctly. Never sweep, hose off or pour leftover chemicals into drains or gutters. Dispose of unused products at your local household hazardous waste site, such as the South Canyon landfill.

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LAWN CARE & MAINTENANCE

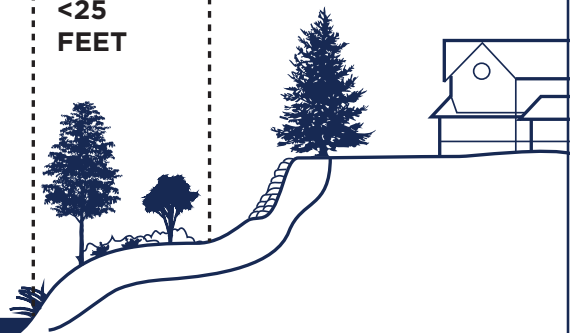
FERTILIZER

- ◆ Fertilizer application differs with turf species, varying from 2 to 4 pounds of actual nitrogen/year per 1,000 square feet and usually divided into 3 to 4 applications per year; generally, no more than 1 pound of actual nitrogen per 1,000 square feet should be applied at one time.
- ◆ Fertilize only when necessary or not at all.
- ◆ Apply fertilizer in the fall for best results, or use a lesser amount in the spring to give lawns an extra burst of green.
- ◆ Deeply water lawns the day before you apply fertilizer.
- ◆ When purchasing fertilizer, look for a product that contains “natural organic” or “slow-release” ingredients, which feed plants slowly and evenly.
- ◆ Read labels carefully for application rates and recommendations.
- ◆ If fertilizing is appropriate, check the weather before applications; avoid the use of fertilizer if the forecast calls for rain in the next two days.
- ◆ Apply fertilizer when wind speed is between 3 and 10 mph.
- ◆ For ground boom applications, apply using a nozzle height of no more than 2 feet above the ground or crop canopy, unless a greater height is required for efficacy or safety. Use a low- pressure, large droplet sprayer, and spray close to the crop canopy or the ground.



Avoid mowing and fertilizer application within 25 feet of Streams, creeks and rivers. Use Integrated Pest Management techniques for weed and pest control. Use pesticides as a last resort, and only according to their label. Allowing native species to thrive here is crucial to the creek's recovery.


**<25
FEET**



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ACKNOWLEDGEMENTS



- ◆ Funding for the creation of this manual/document was provided by the Public Education, Participation and Outreach fund, monies from the Colorado Basin Roundtable (www.coloradobasinroundtable.org) and Colorado Water Conservation Board (cwc.state.co.us).
- ◆ Design of this document was inspired by the Love Vail Gore Creek campaign (lovevail.org). The City is grateful for Town of Vail's permission to use various design templates for our riparian restoration efforts.

DRAFT

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MINUTES
City of Glenwood Springs
Planning and Zoning Commission
Regular Meeting
September 24, 2019
Council Chambers, First Floor, City Hall
101 W. 8th Street
6:00PM

Chairman Dehm called the meeting to order at 5:58 p.m.

1. Roll Call

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

Absent: Kathryn Grosscup and Dean Kinkel

Also present were: Trent Hyatt, Senior Planner
Jenn Ooton, Asst. City Manager, Director
Gretchen Ricehill, Asst. Director
Anna S. Itenberg, City Attorney's Office
Kathleen Michel, Admin. Assistant

MOTION: Commissioner Malloy moved, seconded by Commissioner Schachter, to seat alternate Carolyn Cipperly for this meeting.

- 2.** Receipt of minutes from the July 23, 2019 regular meeting. On motion of Commissioner Malloy, seconded by Commissioner Shaver, the minutes were approved as corrected by Commissioner Malloy on pages 6, 8 and 9. Motion carried by voice vote.

Receipt of minutes from the August 24, 2019 regular meeting. On motion of Commissioner Malloy, seconded by Commissioner Wussow, the minutes were approved as written. Motion carried by voice vote, with Chairman Dehm and Commissioner Schachter abstaining.

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

Continued Items:

4. 11-19 – Consideration of a special use permit to allow for the construction of a 2,800 square foot convenience store and re-location of underground fuel storage tanks.
ITEM WILL BE CONTINUED TO OCTOBER 22, 2019.

Commissioner Malloy moved, seconded by Commissioner Shaver, to continue the item to October 22, 2019. Motion carried unanimously.

5. 20-19 – Consideration of a Code Amendment to Section 070.040.020(d)(24) of the Glenwood Springs Municipal Code regarding riparian setback.

Applicant:	City of Glenwood Springs
Owner:	Multiple public and private properties
Location:	Applies to areas within 50 feet of the ordinary high-water mark of perennial water courses in the City
Zone:	All zone districts City-wide

George Shaver recused himself and left the meeting.

Trent Hyatt indicated that multiple persons wished to comment at this meeting. The Chairman indicated he would reopen the public comment and instructed those who wished to speak tonight to put their names on the sign-in sheet. The Chairman was advised that a number of people donated their three minutes of time to Mr. Vick to allow him to make his presentation.

The staff report was presented by Trent Hyatt. Mr. Hyatt distributed additional comment letters received today that were not in the packet. He indicated that the Commissioners could hear additional comments or begin deliberations on the matter.

Commissioner Malloy commented on new material received. Commissioner Malloy and Mr. Hyatt engaged in a discussion of:

- Vegetation and wildfire mitigation standards.
- Colorado State Forest Service standards.
- Permanent structures in river front areas.
- What qualifies as a permanent structure?
- Differences between ordinary high water mark and high water marks.

Commissioner Schachter wanted to clarify what they were being asked to approve to send to Council.

- The wording on page 4 of staff report. Mr. Hyatt replied that it is correct.
- Applicability to public utilities and public parks for non-motorized use and public open space.
- Does it apply equally to a private owner as well as a public owner?
- Mitigation, irrigation structures, flood control, erosion protection.
- Does that text apply to anybody who owns property on the river? Mr. Hyatt did not believe there was an intention to have a significant difference. If you look at the two exemptions, the wording is slightly different. The intent is to apply them equally to public and private projects.

- Stream bank erosion or irrigation structures. How would anyone know what they can do based on the conditions listed? Mr. Hyatt indicated that at some point some of those activities would have to occur in the riparian zone.
- High water mark and 50-foot buffer.
- Future study of red zone on properties in the city.
- Current code allows replacement or repair of an existing structure in riparian zone if damaged.
- Code would allow equipment in riparian zone to make repairs.
- Would code prevent development of property?

Mr. Hyatt pointed out that a number of lots on the riverfront may not qualify for development. Owners could still seek a variance and prove why they have a hardship.

Commissioner Wussow wondered how future property owners would know about these restrictions in the future. Would it then be done by the city through education and Previous HPOZ overlay is now gone. The difficulty of building on these lots still exists. Mr. Hyatt said that the audience members can go home to zero changes to their property. If a structure was destroyed by fire, per non-conforming use regulations they have 18 months to rebuild.

Commissioner Schachter wanted to know where the 10% number came from.

- Suggested staff provide existing properties information on how this percentage would apply. A visual representation of this would be helpful.
- Discussed maintenance of lawns with fertilizer and other chemicals. Mr. Hyatt replied that use of chemicals would be restricted.
- He suggested annual workshops for owners if this goes into effect. Mr. Hyatt replied that Roaring Fork Conservancy has provided workshops in the past.
- Notice to river front owners. Mr. Hyatt responded that river front owners were notified by mail of the original hearing.

Commissioner Wissing asked about enforcement on fertilization of lawns. Mr. Hyatt said that most reports of violations come from neighbors.

At 6:46 p.m. the Chair reopened public comment.

Chris Lynch, 602 Cowdin Drive, was concerned about this proposal. Her property was first improved in 1884. She fears this is taking her property away. Very emotional about it. Asks for consideration of people who had been here for so long.

Jaime Campa, 602 Cowdin Drive, multi-generational residence (four generations live there). Lived there 54 years. This is very stressful for the family. We have trees for birds; cool water for the trout where the rivers meet. We are a safe haven for animals, birds and fish.

Commissioner Wussow asked how this 20 foot difference would affect their family. She received a lengthy reply repeating what was said before.

Jen Angeloro, 612 Cowdin Drive, said her family loves living by the water. She brought a petition from residents regarding this proposal. They are opposed to the amendment.

Julie Rippy, 2262 Midland Ave., was opposed to the proposal. She felt that City projects were causing disturbances on the river. Asked for greater transparency in the process. Current 30 foot setback is adequate.

Bob Littler, 2280 Midland Ave., opposed to reduction of property rights. City's snow storage area drains into river with all the things picked up from the streets.

Amy Wray, 1042 Sprucewood Lane, lives in Spruce Meadows mobile home park. The residents are concerned about possible displacement of their units. Her unit is mobile and they could move out quickly but others are not as flexible.

Mike Blair 1204 Sprucewood Lane, disagrees with the proposed regulation for various reasons. Fifty feet is too large an area in the private property ownership. He suggests an education program rather than enforcement.

Bob Patillo, 3369 Grand Ave., lives next to the Old Cardiff Bridge. Spoke about storm water discharge and other public drainage. A drainage culvert from the Walmart parking lot empties into river by his home. Hillside is moving, needs a retaining wall to keep home in place.

The following all ceded their three minutes to Gary Vick, 614 Cowdin Dr. for a prepared presentation on behalf of riverfront property residents/owners: Maurine Howey, 2308 Midland Ave.; Joel Dickens, 388 Red Cliff; Mark A. Cose and Lexina Cose, 2202 Midland Ave.; Randy Rippy, 2262 Midland Ave.; Jim Waters and Veda Waters, 1205 Riverside Dr.; Roger Neal, 817 Traver Trail; Pat Hensley, 1776 Midland Dr.; and Maria Chansky, 2010 Midland Ave.

Gary Vick, 614 Cowdin Dr., presented prepared remarks (17 typewritten pages). Spoke against the proposed revision and urged the Commission to reject the revision as it disregards rights of property owners. Some of his points were:

- Property values
- Would lose the premium paid for the property
- Restriction of structures
- Use of herbicides, fertilizer

Commissioner Malloy engaged in a discussion with Mr. Vick regarding his summary of the effects of the proposed ordinance.

Commissioner Wussow requested a show of hands from the audience:

- How many are property owners?
- How many are property owners along the river?
- How many were aware of the 30 foot setback?
- How many saw the public notice?
- How many received the mailed notice?
- How many were made aware of the proposed change by Mr. Vick?

She wanted clarity of what brought the audience members to this meeting.

The Chair asked River Commissioners to speak.

Ashley Moffatt, 509 Maple St., River Commission Chair, clarified her involvement in this proposal.

- She is a property owner and has some property to be developed.
- She is an owner of a VRBO and experienced recent changes to those regulations similar to this process.
- City Council requested the River Commission to be involved in the process.
- This is the City's code; it was set aside to be handled separately from the land use code.
- To define the base line, you must survey the river for ordinary high water mark.
- They were involved in replanting at Veltus Park after shoreline work.
- They will do the same at Two Rivers Park when its shoreline work is completed.
- There are other plantings on their schedule.
- Storm water is on the City's radar for future attention.
- Vegetation is the non-conforming element.

Chad Rudow, 1201 Mountain Drive, technical adviser to the River Commission, and an employee of Roaring Fork Conservancy. He explained his role in developing the ordinance with reliance on science to preserve and enhance the river:

- Low flows/warm waters stressed the fish.
- Algae bloom from warm water following winter with little moisture.
- Roaring Fork River listed as "impaired" due to warm water temperatures.
- Healthy riparian areas are important.
- Resiliency important to health of the rivers.

In response to questions from Commissioner Malloy; Mr. Rudow listed the following benefits of healthy riparian areas:

- Slowing river flow
- Preventing point source pollution
- Roots and growth in riparian area reduce erosion

Commissioner Malloy agreed that storm water entering rivers leads to lesser quality. Riparian setback does not address storm water intrusion.

Rick Lofaro, 105 Ptarmigan Court, Basalt, commented on sedimentation from non-point sources.

Commissioner Schachter asked if there is a figure of how much riparian area has been lost over the last decade. There was no answer.

Chad Rudow commented that Roaring Fork Conservancy received inquiries from many other entities about impact on riparian areas from clearing the areas. We pass the concerns on to the appropriate entities.

Rick Lofaro, Basalt, commented that these regulations are a river management tool, not a taking of property rights. The grandfather clause can help people continue to enjoy their river property. Goal is to help landowners put things together to protect the rivers for future generations.

Scott Schreiber, 1806 Ouray Road, River Commissioner, lives by the river. Paid high premium for river property. Joined the River Commission to help keep the river a magical place and to keep the river for the future. He is an engineer who goes around the state helping to repair damaged riparian areas. Wants to help Glenwood Springs avoid damage.

Erica Gibson, 2701 Midland Ave., River Commissioner, commented that this code was intended to be a proactive code, not reactive. Much of what people already have or have been doing will be fine. If someone develops in the future, this code will apply. The primary item of concern for the present owners is use of fertilizer. The River Commission is starting a public outreach program to provide information to property owners.

The Chair closed public comment at 8:37 p.m.

Commissioner Malloy asked about Gary Vick's proposed revisions as he did not see staff comments on them.

Mr. Hyatt said Mr. Vick presented his ideas after the last hearing and they were in this packet. The task for staff was to simplify code and not to add another 15 pages or more. Staff was not able to explain every possible interpretation of the code.

Commissioner Malloy stated his intent to direct staff for some tweaks to the current document based on information received during the public hearing.

Commission Schachter commented on the concept of public outreach. Notice of our meetings is not public outreach.

Jenn Ooton responded to the question of whether there was adequate public outreach. This piece was set aside separately by the City Council from the recent code revision. It was part of the meeting we held about code revision.

Commissioner Schachter said we are making a recommendation to Council. Jenn Ooton reminded the Commissioners that Code now requires a public hearing before the Planning Commission to amend Article 070.

Commissioner Wussow asked about what was done in the VRBO revision. Ms. Ooton responded with:

- the survey,
- meetings held with the public,
- hearing with P&Z,
- then to Council.

The Chairman called for a MOTION regarding riparian setbacks.

Commissioner Malloy moved to continue this item and to direct staff to make a few refinements. He moved:

- To clarify language re non-conforming grandfathering. and how that would be managed;**
- To clarify that steps (specifically) are permitted in the riparian area;**
- To provide language regarding safe access to the river;**
- To clarify difference between the private and public sections of restrictions.**

Commissioner Wussow seconded the motion and wished to add language regarding improving notice to the public or providing notice when property changes ownership.

A discussion with Commissioner Malloy followed. No changes made to motion.

Commissioner Schachter concerned about whether we need to make some amendments right now with recommendations to Council to change. Clear boundaries about the water mark issue. Wants to hear rationale for the 10%. The other thing is to be on record for river front or riparian owners' workshops and other educational opportunities.

Discussion involving all Commissioners continued. Commissioner Malloy repeated his motion. He believed that staff changes, if approved, could then go to Council.

Commissioner Schachter wanted to see educational materials and workshops in the future.

Ms. Ooton said that might not be something to include in land use code but perhaps there could be something included in the budget for education.

Commissioner Cipperly wants specificity regarding trimming growth, mowing lawns, etc.

Commissioner Malloy agreed to accept the friendly amendments from Commissioners Wussow and Schachter.

Chairman Dehm wants to see how the proposed lines affect the properties. He wants to see an illustration showing the lines along the river front. Select some representative properties and provide an illustration. He was not asking for a map, just an illustration of what it does to real properties.

The motion carried unanimously to continue the item with the friendly amendments. Commissioner Shaver absent.

The Chair called for a five minute recess.

Commissioner Wussow left the meeting at the break. Commissioner Shaver did not return.

New Items

6. 32-19 – Special Use Permit for a 66-space surface parking lot in the m1-Mixed Use Corridor Zoning District. The project includes a variance request from the requirement that no block of parking exceeds eight spaces without providing a landscape island.

Applicant: Valley View Hospital
Owner: FirstBank
Location: 2014 Grand Avenue (PIN#: 2185-164-00-004 and -005)
Zone: M1-Mixed Use Corridor

Commissioner Schachter brought up a Commission request for a master plan for parking before we considered any more parking applications from this applicant. Ms. Ricehill asked for an overview of the request or just continue this item.

Brian Murphy, CEO of Valley View Hospital, stated:

- He is new to this job.
- They were working on a master plan.
- This proposal is to accommodate what we do now.

Commissioner Schachter repeated that the Commission was concerned about the spread of asphalt without a master plan for parking.

Ms. Ooton checked minutes and pointed out that the request for the master plan could not be attached as a condition to a future item before the Commission.

Dr. Murphy questioned how this proposal got this far.

Robert Smith from Valley View said that there is new leadership locally,

- Parking impact is crucial.
- They need to put parking somewhere now.
- It takes time to develop a master plan.
- Even if they build the parking garage already approved, they will displace parking.

Chairman stated they should move forward with this hearing.

Commissioner Schachter said the City does not have change of plans due to change of personnel, need to work within the comp plan.

Gretchen Ricehill presented the staff report.

- Sixty-six parking spaces for employee only use
- Access from 20th Street
- Taco Bell and First Bank will not have access to new parking area
- 16.5 foot wide access
- Valley View owns property for access
- 4 inch roll over curb for emergency access only
- Lot will be similar to other Valley View lots
- A variance is required to eliminate 3 landscape islands
- 21.8% of total lot is landscaping; 20% required
- Minor subdivision process (administrative)
- Variance requires P&Z review
- Stand-alone parking lot requires Special Use Permit
- Seven variance criteria required
- 2011-12 lot was resurfaced; landscaping not required then
- Grade difference between two lots
- Six criteria for special use permit
- Hospital is a regional medical center
- Technical comments from Public Works and Engineering.
- Reoriented bank parking
- Direct access from 20th Street; traffic light at intersection with Grand
- Landlocked parcel did not impact other commercial uses
- Two action items: approve, deny or continue; staff recommends approval

Commissioner Malloy requested additional information about:

- Lot line adjustment by Planning Director will take place after SUP approved
- Will there be an easement for access?
- Access is very narrow; how many park there?
- Is there a traffic study for the movement of the 66 vehicles?

Commissioners Cipperly and Schachter inquired about access from the condos through this property and cars queuing up to access the parking lot.
Reply: The applicant can provide additional information

Applicant presentation:

Robert Smith stated there is an access easement to the parking at the condos using the other driveway.

Yancy Nichol, engineer, preserve open space and landscaping;

- Access to Grand is subject to congestion.
- The employees who park here are already parking in the neighborhood.
- Hospital is staggering shift changes.
- Landscape islands would interfere with drainage flow and weaken asphalt.

Discussion between Mr. Nichol and Commissioner Malloy regarding drainage.

At 10:20 p.m. opened public comment. No one to speak. Closed public comment.

Ms. Ooton reported on the minutes from September 27, 2016, there was a question related to the master parking plan and putting a condition on future SUP for parking.

MOTION – Action Item 1: Commissioner Malloy moved for approval of item 1 as is; Commissioner Schachter seconded. No discussion. Carried unanimously.

MOTION – Action Item 2: Commissioner Malloy moved for approval of item 2 with findings and conditions 1-4 [with a condition 5 providing that no further land use applications be accepted without a master plan]; seconded by Commissioner Schachter.

Anna Itenberg, City Attorney's office, commented they could not attach a future action to this item by adding a 5th condition.

Commissioner Malloy removed fifth condition.

Motion carried unanimously.

7. Commissioner Comments

Commissioner Schachter questioned the all or nothing criteria for variances. Discussion followed involving staff and commissioners.

Commissioner Cipperly was in favor of providing incentives for conserving energy and resources as was done for this parking lot.

Commissioner Wissing thought we could have had a better public process. Discussion with staff followed.

Commissioner Schachter notified the Commission of an October 23 town meeting at 6:00 p.m. at the library. He is asking Council and Commissioners to be there.

Commissioner Schachter commented that a second monthly meeting to do the fun part of planning.

8. Director Comments

Ms. Ooton reminded Commission of October 16 joint meeting with Housing Commission and City Council in the Council Chambers.

Ms. Ooton said City Council would consider the Airport report at its next meeting.

9. Adjournment 10:34 p.m.

APPROVED

Agenda Item: 20-19 - Consideration of a Code Amendment to Section 070.040.020(d)(24) of the Glenwood Springs Municipal Code regarding riparian setbacks

Action Requested:

REQUEST	Consideration of a Code Amendment to Section 070.040.020(d)(24) of the <i>Glenwood Springs Municipal Code</i> regarding riparian setbacks
APPLICANT	City of Glenwood Springs
OWNER	Multiple public and private properties
LOCATION	Applies to areas within 50 feet of the ordinary high-water mark of perineal water courses within the City
ZONE	All zone districts City wide, where applicable

Department: Planning Department

Presented By: Trent Hyatt, Senior Planner

Background Info:

Issues: **Action 1 - Code Amendment** – to revise the riparian setback standards of Section 070.040.020(d)(24) of the Glenwood Springs Municipal Code.

Staff Recommendation: The Planning and Zoning Commission (Commission) first considered the proposed text amendment at the July 23, 2019 regular meeting. The staff report and related items from said meeting are attached for your review. Consideration of the proposal was continued to the August regular meeting and then again to the September regular meeting.

Staff has received various comments regarding the proposal since the first meeting which are attached. Comments from Gary Vick provide detailed recommendations and background information for potential alternate language while other comments object to the proposal. While a public hearing was held at the July 23 meeting, staff has received requests from numerous individuals requesting the ability to provide additional comments to the Commission.



MINUTES
City of Glenwood Springs
Planning and Zoning Commission
Regular Meeting
July 23, 2019
Council Chambers, First Floor, City Hall
101 W. 8th Street
6:00PM

1. Roll Call

Present at roll call were Commissioners: Ingrid Wussow, George Shaver, Kathryn Grosscup, Sumner Schachter, Tim Malloy
Marco Dehm, Amber Wissing

Absent: Alternates Cipperly and Dean Kinkel

Also present were: Trent Hyatt, Senior Planner
Hannah Klausman, AICP, Senior Planner
Jenn Ooton, Asst. City Manager, Director
Anna S. Itenberg, City Attorney's Office
Kathleen Michel, Admin. Assistant

2. Receipt of minutes from the June 25, 2019 regular meeting. On motion of Commissioner Grosscup, seconded by Commissioner Malloy, the minutes were approved with a correction on voice vote with Chairman Dehm abstaining.

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

New Items

4. 16-18 – Consideration of an amendment to a Major Development Permit to allow an extension to a deadline for parking lot paving.

Applicant: Iron Mountain Hot Springs, LLC
Owner: Iron Mountain Hot Springs, LLC
Location: 281 Centennial Street
Zone: RE Resort District

Hannah Klausman presented the staff report. This is a continued item.

- Staff recommends denial.
- Design variance allowed unpaved parking lot for four years from approval or if a new application is made.
- New planning application in 2018.
- This item continued for more information.
- Most conditions satisfied.
- River trail is still being worked on.
- Major site architectural plan is consistent with purpose and intent of code
- Applicant has long-range plans that may change what was envisioned at the beginning
- Compromise is to pave the original 90 parking spaces leaving other areas unpaved.
- Colorado River District is concerned about volume of traffic generated.

Staff recommends denial, meaning that paving would happen now.

Questions to Staff

Commissioner Malloy had many questions about the parking expansion

- No approval was requested, and no approval was granted
- It seems the only argument being presented to not pay it currently is an economic one
- Asked numerous questions regarding redesign or expansion of the various parking areas

Hannah Klausman

- No development happened that would trigger a requirement to expand the parking lot
- Argument is relying heavily on the fact that a redesign of the parking lot would be difficult based on new development calling for it but no specific numbers
- Answered numerous questions regarding redesign of parking area
- Will let applicant present newly submitted design for parking area

Commissioner Grosscup

- Concerned about lighting requirements
- Concerned about the increase in impervious surfaces and when that will be triggered

Hannah Klausman responded

- Variances were granted regarding lighting
- 90 spaces were required per original permit. If any new development requiring more than the said amount of spaces, that would be a major trigger

Commissioner Schachter

- Verified that only original 90 parking spaces are involved and no bearing on future development.
- Does there come a point of violation from using the unpaved parking area?

Hannah Klausman

- There is an active application going on and there are some hang ups. After conversations with application things will be dealt with in a timely manner.

Applicant presentation: Mogli Cooper presented a drawing of the current road and how the future roadway will change when they build employee housing and an office.

- CDOT plans to build new office building and employee housing
- Per applicant's development plan, paving parking lot would require redoing what has been paved
- City lift station is outdated and needs relocation.
- The developer must replace lift station before the housing is built
- Asking for extension of paving to November 2021.
- She circulated photos of buildings and of Centennial Street
- Access exists for emergency vehicles
- Pedestrian access exists in parking lot

Questions to Applicant

Commissioner Wussow stated the applicant answered all her questions, specifically the rationale for being noncompliant.

Commissioner Malloy and Ms. Cooper had a conversation about timeline of development and where the parking would be redesigned. There was also talk about the location of the sewer line and lift station.

Commissioner Schachter and Ms. Cooper discussed the date of extension, mid November 2021, and location of sewer line. Commissioner Schachter also asked when a new development application will be submitted.

Commissioner Shaver asked about the trail easement and City Attorney Anna Itenberg answered they are hashing out the agreements of the easement. Commissioner asked about how future development of rezoned parcel will affect paving.

Ms. Cooper, Ms. Itenberg, and Commissioners followed the approximate easement location on the map provided by Ms. Cooper.

Commissioner Grosscup wondered if Ms. Cooper would be interested in a partial paving. Also asked how certain she is about the impacts of the CDOT employee housing building will have.

Ms. Cooper responded saying the impacts are mostly infrastructure.

Commissioner Malloy made an argument that there should be parts of this parking lot that will be more and less impacted by future development. Also asked when certain material has been included in the packet.

Jenn Ooton explained that until a full application has been submitted it can be very difficult to include that in the packet.

Ms. Cooper explained this has been an ever-changing project and changing plans dealing with CDOT.

Opened public hearing 6:52. No one to speak. Closed.

MOTION: Commissioner Wussow moved to approve extension to November 14, 2021 with

rationale that repaving multiple times does not support Comp Plan. Commissioner Shaver seconded the motion and discussion followed:

- Being asked to make decision with incomplete information.
- Asked for the specific information.
- Wanted to continue for full information.
- Question is whether to continue or grant a full approval
- Why not tie the extension to a more complete application and presentation.
- Allow a continuance for 60 days for better information.

Commissioner Wussow withdrew her motion. Commissioner Shaver withdrew second.

MOTION: Commissioner Malloy moved to continue application until an application for development of the adjacent CDOT parcel or December 31, 2019 whichever comes first. Commissioner Shaver seconded.

Discussion:

- Wanting as much information as possible in order to stop kicking the ball down the road
- Do not want an incomplete application; same issues will still be present
- Information that supports why the paving should not happen now

Ayes: Dehm, Shaver, Schachter, Malloy, Wussow, Wissing

Noes: Grosscup

Motion carried.

5. 10-19 – Consideration of a Site/Architectural Plan Review for the construction of a 9,428 square foot bank/office building.

Applicant: Brad VanArsdale
Owner: ANB Bank
Location: 910 Grand Avenue
Zone: M2 Mixed-Use Core District

Trent Hyatt presented the staff report

- Approval tonight means application still needs to go through approval from staff
- Demolition of two mixed-use commercial buildings
- 9428 square foot building will be built in place
- Use by right in this zone district
- 4000 square feet of landscaping being proposed
- Exempt from parking requirements because of its location in the GID
- Explanation of design standards
- Access permit from CDOT is required
- Historic preservation district had requests for documents and materials
- Presented materials board

Options: approve, approve with conditions, deny or continue for further information.

Questions to staff:

Commissioner Malloy asked

- Difference between downtown design standards versus the non-residential mixed-use design standards.
- If the parking lot to the north of real estate office is part of this project
- If there is a requirement for zero lot line setbacks
- If the building meets both downtown design standards and mixed-use nonresidential design standards

Trent Hyatt confirmed the zero lot line setback requirement and the difference in design standards

Commissioner Schachter asked

- What is the size of the parking lot existing compared to proposed?
- Is there justification for this project in the Comprehensive Plan?

Trent Hyatt explained the parking lot will be bigger in overall size and confirmed the justification in the Comprehensive Plan.

Commissioner Shaver asked questions about the entrance to the property meeting code.

Commissioner Grosscup asked further questions about the entrance meeting the code as well.

Commissioner Malloy asked how many tenants are being displaced and more questions regarding the entrance.

Commissioner Grosscup wondered if requests from DDA and Historic Preservation were met by applicant.

Trent Hyatt explained and answered the various entrance questions and said staff believes it meets code. Mr. Hyatt said design revisions were made after comments from DDA and Historic Preservation were received.

Bob Natucchi, Castle Rock, Colorado, who manages the real estate for ANB Bank spoke about design accommodations to the slope of the property.

- Colorado bank, not a national bank
- Location of entrance is based on grade change and to meet ADA requirements
- Community bank in Glenwood Springs for 29 years
- Goal is to be in the downtown area
- Brings business jobs into downtown
- Proto-typical design for ANB is red brick with a lot of windows
- Kept elements and comply with local design standards
- Seven tenants currently in the building;
- Every lease had termination clause;
- Twelve months' notice and twelve months of free rent

Questions to applicant:

Commissioner Malloy asked applicant to clarify the entrance and property slope

Bob Natucchi explained the property slope and where the building floor dips below grade

Commissioner Malloy does not believe the slope and building being below grade is a good reason to relocate the entrance away from Grand Avenue as is proposed.

Commissioner Malloy discussed the entrance location with the applicant and how the tenants feel about the lease termination terms. Applicants said they had amicable agreements with tenants to terminate leases.

Commissioner Wussow and applicant discussed the materials being used on the building. The materials are all modern rather than historic.

Commissioner Shaver asked where the materials will be located on the actual building.

Applicant went through showing where the materials will be located

Commissioner Schachter asked if the applicant considered offering space to the current displaced tenants and if they ever considered putting the bank on the second floor.

Response: Applicant has offered space and, no, the bank was not considering being on the second floor.

Commissioner Grosscup and applicant discussed ANB brand of building and colors, how many employees will fill the building, size of the parking, alley way access and where the employees will park.

Commissioner Wussow confirmed there will be no drive through provided and materials being used compared to other locations.

Commissioner Grosscup and applicant discussed the street trees and Trent Hyatt confirmed there will be 5 street trees

Commissioner Dehm confirmed the Planning & Zoning Commission has the final say on this project. Further discussion with Trent Hyatt about new and old code regarding parking location.

Commissioner Schachter asked about window percentage requirement and the potential reduction in the percentage of windows.

8:12 p.m. public hearing opened to speakers

Margie Crowe donated her time to Laura Speck, Silver Bead

- Variety of different business in town.
- Spoke about the decimation of this area.
- Wrong direction for Glenwood Springs
- Did not see this type of development coming
- No drive thru is concerning

Rachel Windh, 728 Bennett Avenue

- Opposed to the proposed change.
- Banks do not favor tourism

- Worried about more banks doing the same thing
- Hurting community

Ken Melby 250 Creekside Court

- Favored old style in downtown.
- Downtown is shrinking.
- Design does not fit

Cheryl Guay, 3106 Hager Lane

- Opposed to so many banks in downtown.
- Concerned about bank taking her next location.
- Happy with being able to stay until the end of May

Laura Kirk, 311 Main Street, Carbondale

- Design does not match the downtown character
- Entry takes away from vibrancy and access from the street
- Concerns are aligned with Historic Preservation Commission

Chrissy Lee-Manes 713 Cooper Avenue

- In favor of small businesses, against large corporate entities.
- Downtown is shrinking with less pedestrian traffic.
- Request new special zone district to protect businesses

Jim Pamnee 592 Evergreen Road, Silt

- Concerned about CDOT traffic counts
- Parking spaces cannot accommodate for this business

Laura Speck spoke a second time

- Business ownership and sales tax revenue
- Comparing marijuana laws and creating a dead zone in downtown
- Quote by Gandhi

Michael Blair, 1204 Sprucewood Lane

- Asked that the building reflect town's history.
- Small retail commercial business is what makes a town live.
- Other new buildings have followed historic design.

Chrissy Lee-Manes, 713 Cooper Avenue

- Talked about the effort required for an awning at her business.
- Concerned about the comparison between an awning and an entire bank

Barbara Ford, 502 Highland Park Drive

- Local business owner and soon to be homeowner

Dan Angeloro, 602 Cowdin Drive

- Moved here from East Coast.
- Brags to everyone about historic Glenwood Springs
- The bank is not the right move

Closed public portion at 8:40 p.m.

Commissioner Malloy clarified what they are reviewing which Trent Hyatt confirmed is 070.040, development standards.

Called for a motion:

MOTION: Commissioner Malloy moved to deny application on the grounds it is not consistent with the Comp Plan with findings based on the following standards: Section 070-040-090(d)(1)(b), section 070.040.090(d)(1)(c), section 070.040.090.(d)(1)(d), section 070.040.090.(d)(2)(c). The proposal is also inconsistent with the following policies in the Comp Plan: promote long term sustainable diverse economic development, maintain Glenwood Springs as the regional tourism retail center for Garfield County that attracts diverse businesses and industries, retain longstanding tourist market, preserve small town character while maintaining the livability of Glenwood Springs and increasing the vibrancy of commercial success of the downtown core, supports social diversity.

Commissioner Wussow seconded for purposes of discussion

Commissioner Wussow withdrew the second because Commissioner Malloy had not stated his findings yet

Commissioner Schachter seconded.

Discussion

- Bound by Code to act on an application
- Does not provide social diversity
- Understated ethical obligation to look after the community
- Architectural rendering and site use not compatible with Comp Plan
- Downtown specialty retail district focused on restaurants and small shops
- Existing banks in downtown comply with historical guidelines
- Pedestrian oriented goal is not met
- The old building will not stay
- Encourage people to come out and
- Encouraged discussion between the bank and tenants

Called for the question:

Carried unanimously to deny the application.

6. 16-19 – Consideration of a Special Use Permit to allow for a retail marijuana establishment.

Applicant:	Good People LLC dba Stash
Owner:	Don Garrett and Shawna Renee Patrick
Location:	2550 Highway CO Highway 82, Unit A112
Zone:	M1 Mixed Use Corridor District

Trent Hyatt presented the staff report.

- Current proposal to rehab a space into a retail marijuana outlet

- Retail marijuana is allowed per zone excluding cultivation
- This is half of the former liquor store space
- City and State licenses required per criteria
- Special use permit granted by P&Z and City Council required
- Asked permit holder on South Grand to relinquish his undeveloped SUP
- No comments were received from reviewing agencies or public

Options are approve, approve with conditions, deny or continue for more information.

Questions to Staff:

Commissioner Malloy

- Asked about the other special use permit holder on South Grand
- Concerned about left hand turn entering and exiting the property
- Significant uses in the Glenwood Commercial Center
- Comp Plan says retail that would compete with downtown retail is discouraged

Trent Hyatt

- Confirmed current permit holder would have prevented this store
- Discussed concerns about left turn but nothing planned to be done. CDOT did not want anything to be controlled
- Distance from downtown could preclude it from being considered competition

Commissioner Schachter asked what would happen if a school decided to go within 900 feet of this new marijuana shop and Mr. Hyatt explained the retail marijuana shop would be a legal non-conforming use.

Commissioner Shaver believes there may be need for a code revision on the different distinction of schools.

Commissioner Grosscup wonders why Glenwood is so unique in marijuana buffers from schools.

Shauna and Garrett Patrick spoke on behalf of their application.

- Began as a medical dispensary to help people
- Converted later to a retail shop as a business decision
- Employee and customer education
- Currently grow in Old Snowmass
- Had an offer on their business in downtown Aspen
- They are a mom and pop operation
- Focus on the quality of the product to differentiate themselves

Questions to Applicant

Commissioner Malloy wondered if there were any adverse effects that may negatively impact the community from this establishment and if anything, explaining those impacts were submitted with the application, as is required by section 070.060.050(e)(3)(e)(2)(vi) of the Code.

Shauna and Garrett explained edibles as depending on what chemicals have been used to extract, can cause stomach problems with the user and they did not include things explaining

impacts in the application.

Commissioner Dehm clarified they are not doing medical any more and the applicants confirmed that.

Commissioner Grosscup asked why only retail allows them to service and help more people when other applicants explained the opposite.

Applicant explained switching to retail has allowed more freedom to give discounts and help people.

Commissioner Wussow asked what they purchased in the building and the applicant responded with only one of the two previously occupied spots.

Open to public 9:30 p.m.

Michael Blair opposed to selling marijuana in our community. That location is very difficult for anyone making a turn there. There should be an effort to improve the access point at this location.

Barbara Ford, 502 Hyland Park Dr., owns a retail shop in Glenwood Commercial Center and fully supports this application. She is also concerned that the Commission's focus is only on downtown.

Chris Lynch, 602 Cowdin Drive, owns property at 2554 Hwy 82 in Garfield County. Turns into Glenwood Commercial Center are very dangerous. Parking has been added along the guard rail which should not be there. Concerned about homeless buying and using the product which could start fires. Too many pot shops are already in town and Glenwood does not need any more.

9:43 closed public comments.

MOTION: Commissioner Schachter moved to approve with findings on page 8 and conditions on page 9. Commissioner Grosscup seconded.

Discussion:

Commissioner Schachter

- Question of how many are too many shops
- Access is not applicant's responsibility
- Council makes the determination on that point
- Access to the property is not our jurisdiction, must deal with CDOT

Commissioner Malloy

- Location is remote from the rest of town
- Concerned about safety at this location

Commissioner Wussow

- Meets criteria of Code
- Annexation has been approved by the City and uses to be there
- Use by right

Commissioner Grosscup

- Concerned about how many shops are too many
- Not concerned on this specific application

Commissioner Dehm

- Was here for annexation and the result was deemed okay, regarding the access

Motion carried unanimously.

Motion to extend meeting past 10:00 p.m. Commissioner Malloy seconded by Commissioner Grosscup. Carried by voice vote.

7. 20-19 – Consideration of a Code Amendment to Section 070.040.020(d)(24) of the Glenwood Springs Municipal Code

Applicant: City of Glenwood Springs
 Owner: Multiple public and private properties
 Location: Applies to areas within 50 feet of the ordinary high-water mark of perennial water courses in the City
 Zone: All zone districts City wide

Commissioner Shaver recused himself from this discussion and left the meeting.

Trent Hyatt presented the staff report.

- Instructed to look at river setback.
- 30-foot setback area from the high watermark of any river
- Staff proposes format change
- Prohibits clearing of native vegetation
- 10% exemption to allow property owner to enjoy the river
- 50-feet from ordinary high watermark
- Formal ecological survey but ordinary high-water mark is usually visible
- Examples of other communities and what they are doing for riparian areas
- List of concerns expressed at work session

Recommend approval, deny, approval with conditions

Questions to staff:

Commissioner Malloy

- Does this leave any property undevelopable?
- How is the 10% exemptions calculated?
- Are structures allowed?
- Questions about wildfire mitigation

Trent Hyatt Responded saying property can apply for a variance and the percentage is of the undevelopable square footage area. Structures are currently prohibited.

Commissioner Schacter asked about grandfathering existing structures and pathways. Can structures be improved without having to appear before Planning and Zoning Commission.

Trent Hyatt responded that those structures and pathways would be legal non-conforming and would follow that section of our code.

Trent Hyatt and Commissioner Schacter discussed the further restrictions of the proposed standard regarding replacement of vegetation and buildability on lots.

Commissioner Wussow was concerned about the timeline of replacement of vegetation. Also concerned about how property owners who are impacted were notified. Further discussion with Trent Hyatt about how the public will be notified and educated city-wide if this goes through.

Commissioner Grosscup wondered how the setback number was settled upon.

Trent Hyatt responded saying it had something to do with the current setback and the rivers CFS.

Commissioner Malloy and Trent Hyatt discussed the wildfire mitigation part of this code.

Brendan Langenhuizen, Chair of the River Commission, spoke about the role of the River Commission.

- Received input from many sources
- Too much clearing of vegetation without any regulations to stop it
- Roaring Fork Conservancy worked with them
- Work sessions with the City Council
- Intent is to maintain the majority of the river
- Beautiful lawns look great but don't protect the river banks

Chad Rudow, Roaring Fork Conservancy, serves as an advisor to the River Commission. Spoke of riparian areas and the health of rivers

- Riparian areas act as sponge
- Prevents erosion
- Act as filters of what goes into the rivers
- Provide habitat
- Act as highways by providing migration routes
- Speed bumps to dissipate energy of river during high flows
- Increase property values
- Replenish groundwater
- Plants less likely to burn during a fire

Ashley Moffat, 509 Maple Street, Vice Chairman of River Commission, provided a handout to the Commission.

- Glenwood Springs is only municipality not protecting their riparian areas
- The new way of determining where the setback will start is easier
- Wanted 100 feet but 50 feet is good compromise
- Similar to current code but restricting clear cutting and adding pesticides

Scott Shriver, Engineer, who repairs riparian areas. - Named three reports of interest.

- Keep riparian areas
- Source Water Protection Plan shows Grizzly Creek is our water source and Roaring Fork is alternate source.
- Best management practices
- Education outreach is necessary.

- 303D List: Roaring Fork River's temperature is the concern.
- Highest priority contaminants are urban contaminates.
- MS4 municipal separate sewer systems.
- Storm water is not treated currently.
- Will have to treat storm water as well.

Erica Gibson, 2701 Midland Avenue, River Commissioner,

- Spoke about economic driver associated with our rivers.
- Glenwood Springs tourism is based on water resources.
- Our local economy is based in part on our healthy rivers.
- 320 local jobs that rely on healthy rivers.

10:49 p.m. open to public comment.

Harry Vick

- Listed the wildlife found in his back yard.
- Breaks between river and willows.
- His yard is cleared to the river.
- This setback will prevent redevelopment of a property.
- Too broad of a brush stroke
- He is opposed to the 50-foot distance.
- Concerns about how restrictive this is

Jenn Ooton confirmed they could extend the meeting if the vote is unanimous.

**MOTION: Commissioner Malloy moved to extend the meeting to 11:30 p.m.
Commissioner Grosscup seconded.**

Motion carried unanimously.

Michael Blair 1204 Sprucewood Lane.

- Agreed with Mr. Vick's comments.
- People own property adjacent to the river.
- People have the right to use and develop their property
- Fifty feet sounds arbitrary.

Ken Melby

- This setback will put you right in the middle of his home.
- This would be taking of property rights.
- Not all properties are the same

Chris Lynch, 602 Cowdin Drive

- Talked about her history living along the river.
- The effect of this ordinance would have on her ability to garden on her property.
- Her home was built in 1884. She is concerned that ordinance will prevent her from using her property.
- Value of home will be taken away

Dan Angelaro

- Lives on the river.
- He had plans to add to his home as his family has outgrown the space.
- This would affect his ability to plan for his family's future.

Rick Laffaro, Executive Director of Roaring Fork Conservancy,

- Encouraged the passing of this ordinance as it may not be as limiting as people have predicted.
- Tamarisk and Russian olive have intruded into the native habitat.
- He will work as advisor to City as he already does for Basalt and Garfield County.
- People can continue to enjoy quality of life on the river.
- There is room for variances.
- Provided letters from Roaring Fork Fishing Guide Alliance, Trout Unlimited, American Rivers

11:16 p.m. public comment portion closed.

Questions to staff:

Commissioner Wussow asked if the setback would be more or less in an ideal world.

Brendon Langenhuizen stated it would ideally be more than 50 feet especially in high sloped areas; he considered this a conservative recommendation. This will apply to new development and current development will be grandfathered.

Commissioner Schachter would like to see the distances on a map and are structures grandfathered in.

Commission and staff had discussion about grandfathered structures and nonconforming uses in the code. Ability to rebuild was discussed. Can build on same footprint following a catastrophic event, deterioration. Cannot increase degree of non-conformity.

Commissioner Malloy asked about mapping high water mark of property in riparian area throughout the city and what specifically is different from current and proposed code.

Staff stated that getting an entire survey of riparian area would be costly and timely. Trent Hyatt explained the difference of current code and proposed code.

Commissioner Grosscup and Trent Hyatt discussed about the protection of vegetation.

11:29 p.m.

MOTION: Commissioner Schachter moved to continue discussion of riparian setback, seconded by Commissioner Malloy.

Motion carried unanimously.

8. Commissioner Comments - none

9. Director Comments - none

10. Adjournment 11:30 p.m.

APPROVED



Planning and Zoning Commission Report

Date: July 23, 2019
To: Planning and Zoning Commission
From: Trent L. Hyatt, Senior Planner
Subject: #20-19 – Riparian Setback Code Amendment

REQUEST	Consideration of a Code Amendment to Section 070.040.020(d)(24) of the <i>Glenwood Springs Municipal Code</i> regarding riparian setbacks
APPLICANT	City of Glenwood Springs
OWNER	Multiple public and private properties
LOCATION	Applies to areas within 50 feet of the ordinary high-water mark of perineal water courses within the City
ZONE	All zone districts City wide, where applicable

ACTION ITEM:

The Planning and Zoning Commission (Commission) is the recommending body to City Council on any and all revisions to the *Glenwood Springs Municipal Code* (Code).

Action 1 - Code Amendment – to revise the riparian setback standards of Section 070.040.020(d)(24) of the *Glenwood Springs Municipal Code*.

Staff recommendation: Staff recommends **approval** of the Code Amendment with the findings on page 8.

BACKGROUND/ANALYSIS

History/Proposal

On October 4, 2018, City Council held a work session with the River Commission (RC) and Planning and Zoning Commission (Commission) to facilitate a discussion regarding riparian setbacks. The work session followed a previous City Council discussion regarding the matter on April 26, 2018 that occurred in conjunction with a progress update on the development code re-draft which was ongoing at the time. Prior to the development code re-draft discussion in April 2018, City Council received a recommendation from the RC (following a unanimous vote on February 7, 2018) for the inclusion of a 50-foot riparian setback in the re-drafting of the development code. Details and background information from the River Commission are outlined in an attached letter.

To date, no action has been taken on the riparian setback recommended by the RC. As requested by City Council, Community Development is now processing a Code Amendment to allow for review and consideration of the associated revision by the Commission and City Council. Draft standards as well as options to incentivize stewardship in riparian zones are addressed below.

Current Riparian Standard

Per Section 070.040.020(d)(24) of the Code, Development in Waterways and Areas of Special Flood Hazard, the City requires a 30-foot riparian setback as follows:

“No improvement, building, structure, excavation, dumping or backfill shall be placed, built, undertaken or approved within a 30-foot setback area horizontally from the high-water mark of any river or live stream, except for bridges, paths for non-motorized use, irrigation structures or flood control and erosion protection devices.”

Formerly, Section 070.010.010 of the Code stated, "high water mark means for the Roaring Fork River, the level of the 1973 peak flow measured at eight thousand two hundred eighty (8,280) cubic feet per second. For the Colorado River, the level of the 1973 peak flow measured at twenty thousand five hundred (20,500) cubic feet per second. For any other river or stream, its highest peak flow between October 1, 1956, and September 30, 1976." However, "high water mark" is no longer provided for in the definitions section. This appears to be an error in the adoption of the revised development code in August 2018.

River Commission Recommended Standard

Below is the language recommended by the River Commission in February 2018.

a. Purpose

The purpose of this Subsection 070.040.020(d)(24) is to conserve and promote the health of the City's riparian ecosystems and water quality by maintaining a functional natural buffer adjacent to waterways.

- i. No improvement, building, structure, excavation, dumping, clearing of native vegetation, or backfill shall be placed, built, undertaken or approved within a fifty-foot setback area horizontally from the ordinary high-water mark of any river or live perennial stream.
- ii. Within the fifty-foot setback, no live vegetation may be removed except for species listed on the Garfield County noxious weed list, Chinese Elm, or Siberian Elm when replaced with appropriate plant species. The Director has discretion to permit the removal of native vegetation, not to exceed 10 percent of the area of the setback, to allow a property owner private access to and personal enjoyment of the waterway. This shall not be interpreted to allow for permanent structures of any kind within the setback area. The Director may also reduce the setback for bridges, public paths for non-motorized use, public open space areas, wildfire mitigation activities, irrigation structures, flood control and erosion protection devices, or upon demonstration by the applicant that such reduction shall not result in water quality degradation, stream bank erosion, or a reduction in the function and quality of a riparian area or wetland.
- iii. No chemical treatments, including but not limited to fertilizers, pesticides, and/or herbicides, are permitted within the fifty-foot setback area except for the removal of above listed noxious weeds in compliance with applicable regulations.

Discussion

The area of the proposed 50-foot setback as outlined by the RC above begins at "ordinary high water mark" (OHWH) as opposed to the current "high water mark" which is generally lower in elevation along the bank of any given water course. A simple definition of the OHWM is the *mark typically reached on an annual basis within a channel*. The term as defined by the Army Corp of Engineers is *“that line on the shore established by the fluctuations of water and indicated by*

physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.”

As a comparison, the highest mean daily discharge rate for the Roaring Fork River based on USGS data is 7,120 cubic feet per second (cfs) which is significantly higher than the average ordinary high-water discharge between 3,000-4,000 cfs since 1971. Generally, the OHWM is the lowland area of any stream or river that is regulated by the US Army Corp of Engineers, in addition to wetland areas. The diagrams at right and below provides a visual representation of the OHWM. Differing definitions of the OHWM exist based on ecological zone, stream type, flow rates/intervals, etc.



Photo credit: Water Environment Federation

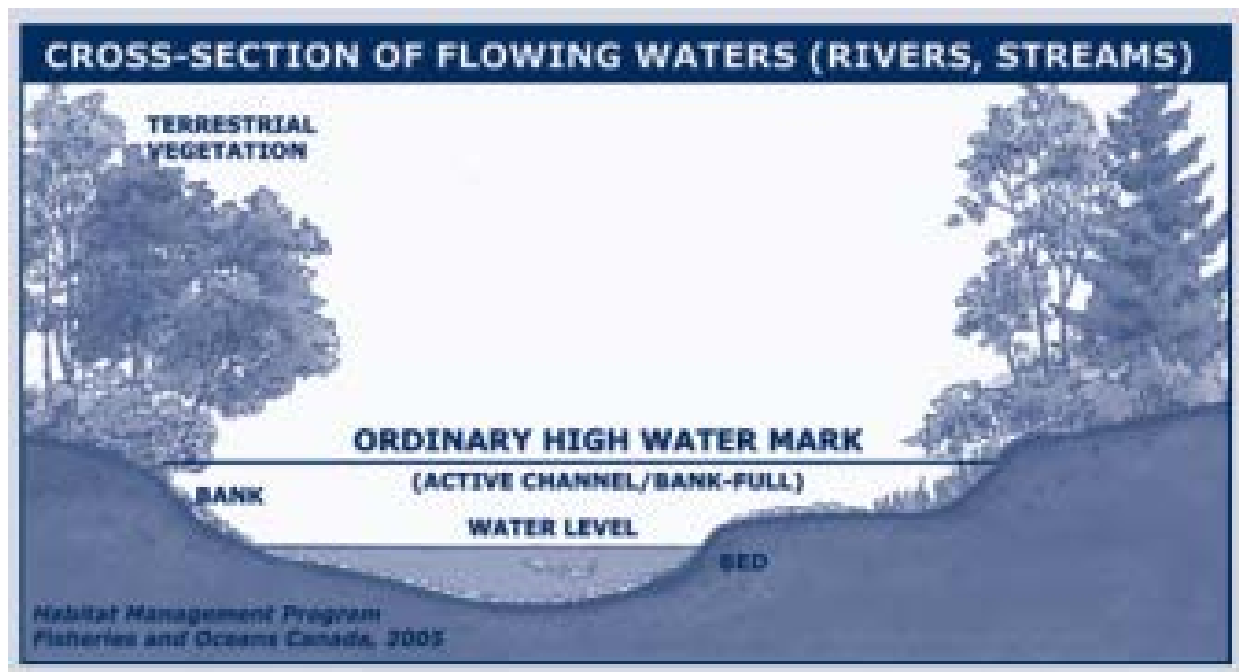


Photo credit: Habitat Management Program

A formal ecological survey can determine the exact location of the OHWM in the riverine areas of the City. A similar survey was recently conducted by the City of Aspen at a cost of approximately \$50,000. Drone technology is sometimes used to help determine the boundary. A simple means of determining the OHWM could be a site visit by staff when if there is a question as to whether a development proposal is impacting the riparian zone.

Staff Riparian Setback Standard

Staff provides the language in *italics* below for consideration to replace the current standard in Section 070.040.020(d)(24) of the Code:

070.040.020(d) Development in Waterways and Areas of Special Flood Hazard

(24) Conservation of Waterways

It is the purpose of this Subsection 070.040.020(d)(24) to conserve and promote the health of the City's riparian ecosystems and water quality by maintaining a functional natural buffer adjacent to waterways.

a. Applicability

All new improvements, buildings, additions, structures, excavations, grading, dumping, clearing of native vegetation, or backfill shall be subject to the requirements of 070.040.020(d)(24)b Standards unless the applicant demonstrates to the City Engineer and the Director by clear and convincing evidence that one or more of the following conditions is met:

- 1. The removal of native vegetation, not to exceed 10 percent of the setback area defined below, to allow a property owner private access to and personal enjoyment of the waterway. This shall not be interpreted to allow for permanent structures of any kind within said area.*
- 2. The construction of bridges, public utilities, public paths for non-motorized use, public open space areas, wildfire mitigation activities, irrigation structures, flood control and erosion protection devices that do not result in water quality degradation, stream bank erosion, or a reduction in the function and quality of a riparian area or wetland.*
- 3. Removal of vegetation listed on the Garfield County noxious weed list, Chinese Elm, or Siberian Elm in compliance with applicable regulations. Vegetation shall be replaced with appropriate riparian plant species to limit erosion.*
- 4. Applicant demonstrates the area does not contain significant riparian plant species or functions or is impacted by previous earth disturbing activities and proposed activity improves water quality, limits erosion, and promotes riparian or wetland restoration.*

b. Standards

- 1. No improvement, building, structure, excavation, grading, dumping, clearing of native vegetation, or backfill shall be placed, built, undertaken or approved within fifty feet of the ordinary high-water mark, measured horizontally, of any river or live perennial stream.*
- 2. No chemical treatments, including but not limited to fertilizers, pesticides, and/or herbicides, are permitted with said fifty-foot setback area.*

Differences in the standards recommended by the RC and staff are mostly related to formatting. However, staff does propose additional exception language, as outlined subsections 2 and 4 above, related to public utilities and areas previously disturbed.

Considerations

A major change in the proposed language from that which is codified today is that it limits the activities permitted in the setback area such as the clearing/removal of native vegetation (excluding invasive species) and the use of chemical treatments such as fertilizers. This may be the most difficult aspect of the regulation for in terms of enforcement by the City and would require some public outreach and education to implement. The letter and supporting information from the RC's February 2018 letter outlines the environmental and economic benefits of increase riparian protections. It also includes support for the proposal from the Roaring Fork Conservancy, the Ferdinand Hayden Chapter of Trout Unlimited, and American Rivers. The information provided by the River Commission also points out that the City is falling behind neighboring communities in terms of riparian protections as outlined in the table below.

REGION	SETBACK	DETAILS
City of Aspen	100ft/100 year floodplain	Development is "subject to heightened review." (Ord. 26.435.040)
Town of Basalt	50ft	Prohibits development and cutting of riparian and wetland vegetation. (Ord. 16-464a)
Town of Carbondale	Unspecific	If new development is proposed adjacent to any river, all practical means should be used to preserve natural grade, drainage patterns, soil and vegetation. (Ord. 4-2007)
Eagle County	75ft/100 year floodplain	No development within 75ft of high water mark or 100 year floodplain (whichever is greater).
Garfield County	35ft	Prohibits removal of any existing native vegetation or conducting any activity which will cause any loss of riparian area unless it involves the approved removal of noxious weeds, nonnative species, or dead or diseased trees.
Pitkin County	100ft/100 year floodplain	100 foot buffer for all activity and development. Setback may be reduced to a minimum of 50 feet if reduction does not result in water quality degradation, stream bank erosion and/or a reduction in the quality of riparian or wetland habitat.

During the April 2018 and October 2018 work sessions, there was a general concern expressed that such a riparian setback could impact development on both residential and commercial vacant lots or land where additional development might occur. Other Council and work session attendee considerations/concerns are outlined below.

- Interested in the proposal but unsure the appropriate setback distance.
- May need to raft/float the rivers to better understand the concepts.
- Need to recognize existing encroachments and use of riparian areas.
- Need to evaluate the impact to each lot.
- Avoid eliminating the ability to develop riverfront properties.
- Consider urban nature of the city and potential impacts to property values.
- Other current applicable regulatory standards yard setback, fire clearances, hillside protection, geologic hazards and floodplain regulations.
- Future redevelopment of properties may be difficult.
- Should guarantee amount of development on each property.
- Standards exist in all surrounding communities that exceed the City's.

- Explanation of the importance of riparian ecosystems was provided.
- Outlined the value of healthy rivers to our local economy.

The impact of the proposed regulation on the development and/or redevelopment of City owned properties such as the Confluence Area, the former Raymond Property, or Two Rivers Park is another consideration. Staff has created a few maps (attached), which depict the approximate limits of a 50-foot riparian setback on various properties within the City. The maps are simply an estimate of the area subject to the proposed setback and are not survey accurate.

Other Options

The Commission and City Council can also consider options in lieu of a specific regulation and/or to implement alongside a regulation to encourage/incentivize the conservation of existing riparian areas and/or the restoration of already disturbed riparian zones. A list of potential options is outlined below. Additionally, examples of incentive programs are attached.

- Grant program/annual funding for property owners to offset the purchase cost and/or installation of appropriate riparian plant species and other restoration projects.
- Education courses for homeowners and/or professional landscaping companies regarding the importance of healthy riparian ecosystems.
- Increased development thresholds/density bonuses for projects which conserve/do not disturb riparian areas.
- Example projects on City owned land similar to Veltus Park and former Raymond property.
- Sponsored riparian educational lunch series.

Code Amendment Approval Criteria

Section 070.060.040(c)(3)d.3 of the Code outlines the approval criteria for revision thereto. Each of the criteria are listed in **bold** below along with comments from staff.

i. Is consistent with the Comprehensive Plan and other City policies;

As shown at right in blue hatching, the *Future Land Use* maps of the *Glenwood Springs Comprehensive Plan* (Comp Plan) depict the City's rivers as Riverside Protection. According to the Comp Plan, the Riverside Protection designation states: "*Land and habitat along the Colorado and Roaring Fork rivers should be protected.*" The current proposal is in compliance with the map designation and description.

"Preserve natural resources" is a community goal outlined in the Executive Summary and subsequent chapters of the Comp Plan. Specific objectives and strategies related to the goal are outlined in the table below.



Comprehensive Plan Goal	Objective and Strategy
-Preserve natural resources	-Promote water conservation (Chapter 7, Page 84) - Plan for the city-owned land adjacent to the river trail (Chapter 8, Page 91) -Enhance and promote world-class fishing (Chapter 8, Page 91) -Continue leadership in protecting the natural setting (Chapter 9, Page 98) -Preserve and enhance the river corridor environment (Chapter 9, Page 100) - Support efforts in protect the Roaring Fork River and Colorado River systems (Chapter 9, Page 100) - Minimize human/wildlife conflicts (Chapter 9, Page 102)

ii. Does not conflict with other provisions of this Code or other provisions in the Glenwood Springs Municipal Code;

It does not appear the proposal conflicts with other provisions of the Code.

iii. Is necessary to address a demonstrated community need;

As outlined above, the City lags behind neighboring communities in the protection of water resources. Protection of riparian areas is essential to improved water quality as it limits the amount of nutrients and chemicals entering our rivers and streams via stormwater runoff.

iv. Is necessary to respond to substantial changes in conditions and/or policy; and

Adoption of the proposed standards would help in the City's future compliance with EPA Municipal Separate Storm Sewer System (MS4) permit requirements anticipated if/when our population exceeding 10,000 with the forthcoming 2020 census.

Some form of amendment to the Code regarding riparian standards is necessary to ensure protection thereof, whether a revision or re-adoption of the former "high water mark" definition.

v. Is consistent with the general purpose and intent of this Code.

The proposal appears to be consistent with the general purpose and intent of the Code. More specifically, integrated development, regulating the development of land upon impacts, and guarding against natural hazards are supported aspects.

Reviewing Agency Comments

No comments related to the proposed were received.

Adjacent Property Owner Comments

No comments from adjacent property owners have been received to date.

ACTION ALTERNATIVES AND STAFF RECOMMENDATION:

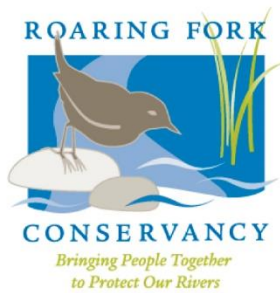
Section 070.060.040(c)(3)d.1 of the Code explains, “*The Planning Commission shall review the Code amendment application and recommend approval, approval with conditions, or denial of the amendment in accordance with 070.060.030(g) and the approval criteria in paragraph 3 below [addressed by staff above].* The Planning Commission may also continue the hearing.

Action 1 – Code Amendment – to revise the riparian setback standards of Section 070.040.020(d)(24) of the *Glenwood Springs Municipal Code*.

Staff recommendation: Staff recommends **approval** of the Code Amendment with the **findings** below:

Recommended Findings:

1. The proposed amendment is consistent with the Comprehensive Plan and other City policies;
2. The proposed amendment does not conflict with other provisions of this Code or other provisions in the Glenwood Springs Municipal Code;
3. The proposed amendment is necessary to address a demonstrated community need;
4. The proposed amendment is necessary to respond to substantial changes in conditions and/or policy; and
5. The proposed amendment is consistent with the general purpose and intent of this Code.



July 19, 2019

City of Glenwood Springs
101 West 8th Street
Glenwood Springs, CO 81601
Attn: Trent Hyatt, Senior Planner/River Commission Staff Liaison

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Business Manager

RE: Recommended city code revision for riparian setbacks

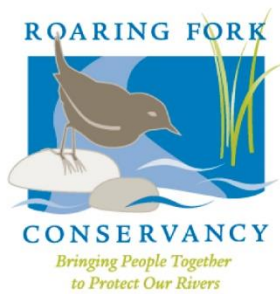
Honorable Mayor, City Council, and Planning and Zoning Commission,

Roaring Fork Conservancy (RFC) wishes to express support for the proposed City of Glenwood Springs riparian setback code revisions. RFC appreciates Glenwood Springs' investment in the continued protection of its water resources and strongly supports the implementation of regulations to preserve this invaluable natural and community asset.

RFC staff currently serves as a technical advisor for the Glenwood Springs River Commission, providing input, resources, and guidance on this and other projects. The collaborative effort between City staff, River Commission, and RFC has resulted in a well vetted code proposal which will conserve and promote the health of the City's riparian ecosystems and water quality into the future.

As a 501(c)(3) not-for-profit organization, RFC emphasizes the use of sound, defensible science to guide decisions regarding the health of local streams and rivers. Current research indicates that healthy wetlands and riparian areas are essential to healthy rivers. The natural functions of healthy riparian areas include:

- Dissipation of stream energy, which mitigates flooding, and reduces erosion and therefore mitigates property damage;
- Water storage during high flows, which return to the stream during late season low flows;
- Multi-storied habitat for wildlife and aquatic life;
- Integral wildlife migration routes;
- Rich and diverse food sources for wildlife and aquatic life;
- Increased shading which serves to lower river temperatures and slow evaporation;
- Buffer zones between the river and uplands, which mitigate sedimentation and erosion; and
- Natural bio-filters, which protect water quality by filtering pollutants.



Riparian buffers provide essential wildlife habitat protection. The Colorado Department of Parks and Wildlife recommends a 300ft setback from rivers and waterways.¹ Additionally, studies show that as riparian buffer size increases, protections from potential physical and chemical damages including sedimentation, erosion, and runoff contaminants increase as well. “It appears that a 100ft buffer is sufficiently wide to trap sediments under most circumstances... An absolute minimum width would be 30ft. To reduce nitrate concentrations, buffers of 50ft are usually sufficient.”² Importantly, when considering code changes such as the ones proposed here, water resource protection is far more cost effective and efficient than subsequent restoration often required when unanticipated events strike areas left vulnerable.

RFC worked diligently with the River Commission and City Staff to develop setbacks appropriate for the City, applying the best available science to the specific attributes of local waterways and unique community character. Based on these careful considerations, RFC recommends adoption of a 50ft riparian setback, as supported by the River Commission to ensure conservation of valuable waterways and irreplaceable wildlife for the present and future benefit of the City, its residents, and visitors. Similarly, in 2013, RFC served as a technical advisor to the Garfield County Board of County Commissioners and recommended adoption of 50ft riparian setback protections county-wide.

For your reference, Table 1 contains riparian protections retained in other Roaring Fork Watershed city and county land use codes. These adaptations are not intended to dictate the policy of the City, however awareness and consistency of policies adapted by others with similar resources could prove useful in the decision making process. Please note that all the setbacks in the table below include protections for riparian vegetation and the ability to make allowances for unique circumstances.

¹ Colorado Division of Wildlife, 2010. Actions to Minimize Adverse Impacts to Wildlife Resources, p.3

² Wegner, S., 1999. A review of the scientific literature of riparian buffer width, extent and vegetation, <http://researchweb8.wpengine.com/rivercenter/wp-content/uploads/sites/17/2015/03/A-Review-of-the-Literature-on-Riparian-Buffer-Width-Extent-and-Vegetation.pdf>

Table 1

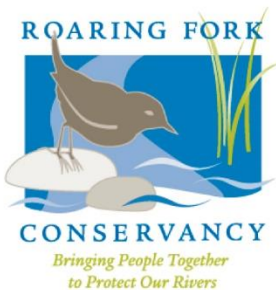
REGION	SETBACK	DETAILS
City of Aspen	100ft/100 year floodplain	Development is "subject to heightened review." (Ord. 26.435.040)
Town of Basalt	50ft	Prohibits development and cutting of riparian and wetland vegetation. (Ord. 16-464a)
Town of Carbondale	Unspecific	If new development is proposed adjacent to any river, all practical means should be used to preserve natural grade, drainage patterns, soil and vegetation. (Ord. 4-2007)
Eagle County	75ft/100 year floodplain	No development within 75ft of high water mark or 100 year floodplain (whichever is greater). ¹
Garfield County	35ft	Prohibits removal of any existing native vegetation or conducting any activity which will cause any loss of riparian area unless it involves the approved removal of noxious weeds, nonnative species, or dead or diseased trees.
Pitkin County	100ft/100 year floodplain	100 foot buffer for all activity and development. Setback may be reduced to a minimum of 50 feet if reduction does not result in water quality degradation, stream bank erosion and/or a reduction in the quality of riparian or wetland habitat.

Implementation of riparian protections also hold significant economic value. Healthy riparian areas:

- Reduce the cost of drinking water treatment by filtering sediment and other pollutants. The City of Glenwood Springs currently has a secondary drinking water intake on the Roaring Fork River near Veltus Park.
- Prevent property damage by protecting against erosion and flooding. Erosive effects are nearly 5 times more likely on non-vegetated stream banks, and up to 30 times more likely on non-vegetated stream bends.³
- Increase property values by improving aesthetics. "Several studies have shown that people will pay a premium to live or work near greenways or other protected areas, and this allows the developer to recoup at least some of the costs of not developing up to the stream bank."⁴
- Support the local fishing economy by maintaining high water quality for the Roaring Fork River's Gold Medal fishery.
- Support local river recreation (i.e. rafting, kayaking, stand-up paddle boarding) economy by providing scenic areas and wildlife viewing opportunities along rivers.

³ Chagrin Watershed Partners, Inc. 2006, Riparian Setbacks: Technical Information for Decision Makers. www.crwp.org/files/riparian_setback_paper_jan_2006.pdf

⁴ Chagrin Watershed Partners, Inc. 2006, Riparian Setbacks: Technical Information for Decision Makers. www.crwp.org/files/riparian_setback_paper_jan_2006.pdf



- Enhance aesthetics in a tourist economy that is defined by its relationship to water. The Glenwood Springs Chamber of Commerce currently markets Glenwood Springs as “The Land of Water,” a tourist destination based primarily on its water resources.

The adoption of the proposed code will help ensure the prosperity of human and natural communities in Glenwood Springs. Current research indicates “that the influence of riparian corridors on water quality is proportionately much greater than the relatively small area in the landscape they occupy.”⁵ Roaring Fork Conservancy strongly urges the Glenwood Springs Planning and Zoning Commission and City Council adopt the proposed riparian setback code revisions.

Thank you for your time and consideration.

Sincerely

Rick Lofaro
Executive Director

Chad Rudow
Water Quality Coordinator

Roaring Fork Conservancy has inspired people to explore, value, and protect the Roaring Fork Watershed since 1996. We bring people together to protect our rivers and work to keep water in the streams, monitor water quality, and preserve riparian habitat. As one of the largest watershed organizations in Colorado, Roaring Fork Conservancy serves residents and visitors throughout the Roaring Fork Valley through school and community-based Watershed Education programs and Watershed Action projects, including regional watershed planning, water resource

⁵ Chagrin Watershed Partners, Inc. 2006, Riparian Setbacks: Technical Information for Decision Makers. www.crwp.org/files/riparian_setback_paper_jan_2006.pdf



City Council
STAFF REPORT
City of Glenwood Springs
October 4, 2018
 (date)

Agenda Item:	Work Session with the River Commission and Planning and Zoning Commission Regarding Riparian Setbacks
Action Requested:	No action is being requested at this time.
Presented By:	Trent L. Hyatt, Senior Planner/River Commission Staff Liaison, Community Development Department
Background Info:	On February 7th, 2018, the River Commission voted unanimously to recommend to City Council (as outlined in the attached letter) the adoption of a 50-foot riparian setback alongside the re-drafting of the land development code which was ongoing at that time. During a City Council work session regarding progress on the re-draft with the Planning and Zoning Commission on April 26, many in attendance expressed concerns that an increased riparian setback may potentially negatively impact development and/or the redevelopment of various properties. City Council ultimately decided to not include the recommended 50-foot riparian setback in the code re-draft and to instead discuss the matter further in conjunction with the River Commission. A date for the work session was set for October. Concerns raised by those in attendance on April 26 are addressed below. Per Section 070.040.020(d)(24) of the Municipal Code (Code), Development in Waterways and Areas of Special Flood Hazard, the City requires a 30-foot riparian setback: “No improvement, building, structure, excavation, dumping or backfill shall be placed, built, undertaken or approved within a 30-foot setback area horizontally from the high water mark of any river or live stream, except for bridges, paths for non-motorized use, irrigation structures or flood control and erosion protection devices.” The River Commission is requesting to replace the current riparian setback standard with the language (outlined below), which increases the setback by 20 feet for a total of 50 feet. Conservation of Waterways a. Purpose

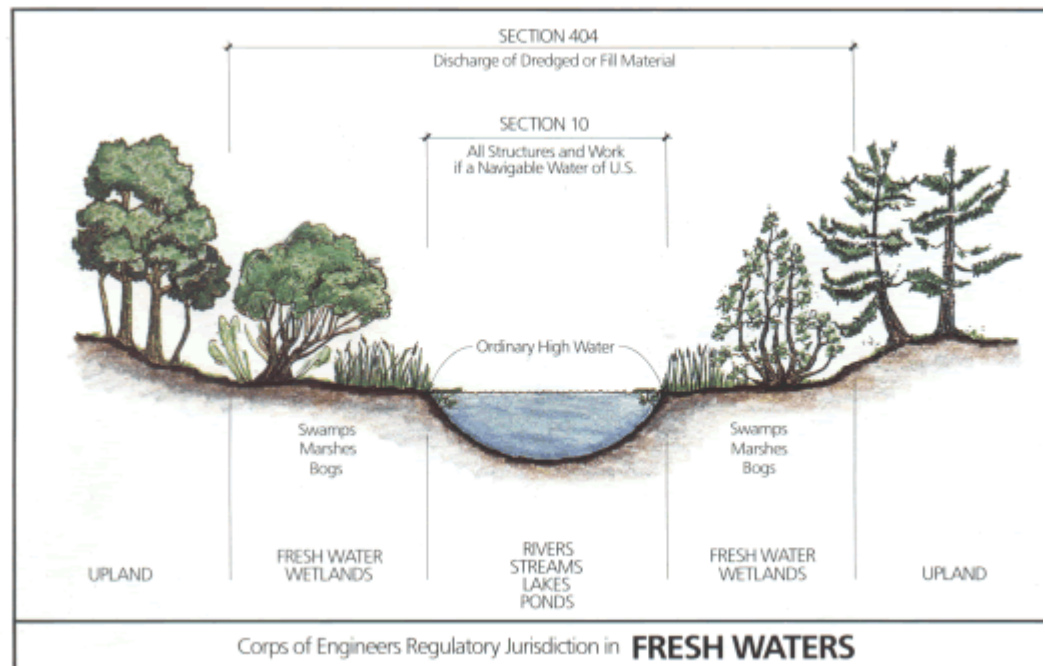
	The purpose of this Subsection 070.040.020(d)(24) is to conserve and promote the health of the City's riparian ecosystems and water quality by maintaining a functional natural buffer adjacent to waterways. i. No improvement, building, structure, excavation, dumping, clearing of native vegetation, or backfill shall be placed, built, undertaken or approved within a fifty foot setback area horizontally from the ordinary high water mark of any river or live perennial stream. ii. Within the fifty foot setback, no live vegetation may be removed except for species listed on the Garfield County noxious weed list, Chinese Elm, or Siberian Elm when replaced with appropriate plant species. The Director has discretion to permit the removal of native vegetation, not to exceed 10 percent of the area of the setback, to allow a property owner private access to and personal enjoyment of the waterway. This shall not be interpreted to allow for permanent structures of any kind within the setback area. The Director may also reduce the setback for bridges, public paths for non-motorized use, public open space areas, wildfire mitigation activities, irrigation structures, flood control and erosion protection devices, or upon demonstration by the applicant that such reduction shall not result in water quality degradation, stream bank erosion, or a reduction in the function and quality of a riparian area or wetland. iii. No chemical treatments, including but not limited to fertilizers, pesticides, and/or herbicides, are permitted within the fifty foot setback area except for the removal of above listed noxious weeds in compliance with applicable regulations. The proposed language explains the intent of the regulation which also limits the activities permitted in the setback such as the clearing/removal of native vegetation (excluding invasive species) and the use of chemical treatments such as fertilizers. This may be the most difficult aspect of the regulation for in terms of enforcement by the City and would require some public outreach and education to implement. The letter and supporting information from the River Commission's February 2018 letter outlines the environmental and economic benefits of increase riparian protections. It also includes support for the proposal from the Roaring Fork Conservancy, the Ferdinand Hayden Chapter of Trout Unlimited, and American Rivers. The information provided by the River Commission also points out that the City is falling behind neighboring communities in terms of riparian protections as outlined in the table below. During the discussion in April, there was a general concern expressed that such a riparian setback could impact development on both residential and commercial vacant land or land where additional development might occur. For example, one question/concern raised at the work session was whether or not the improvements at Iron Mountain Hot Springs completed in 2015 would have been possible under such a regulation as proposed. Related to this, the City has received a request for an encroachment into the existing 30-foot riparian setback for the addition of new soaking pools and as other shoreline
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improvements more recently proposed by the property owner. This is for informational purposes only and should not be discussed in detail at the work session since it is an active planning application.

Another area of concern that was brought up during the discussion was related to river frontage lots along Midland Avenue, which is classified as an arterial roadway. Under the new development code, a 30-foot front yard setback is required for the majority of lots between 13th Street and the 27th Street bridge. This, combined with the required 30-foot riparian setback as well as other development constraints such as hillside/steep slope, geologic hazards and floodplain regulations may impact the development or redevelopment of roughly 26 riverfront properties. A significant investment was made by the owners in the purchase of these properties with likely intentions of building close to and enjoying the river.

The impact of the proposed regulation on the development and/or redevelopment of City owned properties such as the Confluence Area, the former Raymond Property, or Two Rivers Park is another consideration. Staff has created a few maps (attached), which depict the approximate limits of a 50-foot riparian setback on various properties within the City. The maps are simply an estimate of the area subject to the proposed setback and are not survey accurate.

Another important aspect of the proposed regulation is the feature by which to measure the setback, the “ordinary high water mark” (OHWM) as opposed to the “high water mark” as outlined in the current Code. A simple definition of the OHWM is the mark typically reached on an annual basis with a channel. As an a comparison, the highest mean daily discharge rate for the Roaring Fork River since 1906 is 19,800 cubic feet per second (cfs) which is significantly higher than the average ordinary high water discharge of 4,100 cfs per USGS since 1971. How exactly would the City define the OHWM? Generally, the OHWM is the lowland area of any stream or river that is regulated by the US Army Corp of Engineers, in addition to wetland areas. The diagram below provides a visual representation of the OHWM. Many differing definitions of the OHWM exist based on ecological zone, stream type, flow rates/intervals, etc.



Additionally, the City would need to address how the setback impacts smaller stream segments in the City such as Three Mile Creek or Mitchell Creek. Most of these tributaries are already developed and perhaps a reduced setback should be considered for these streams.

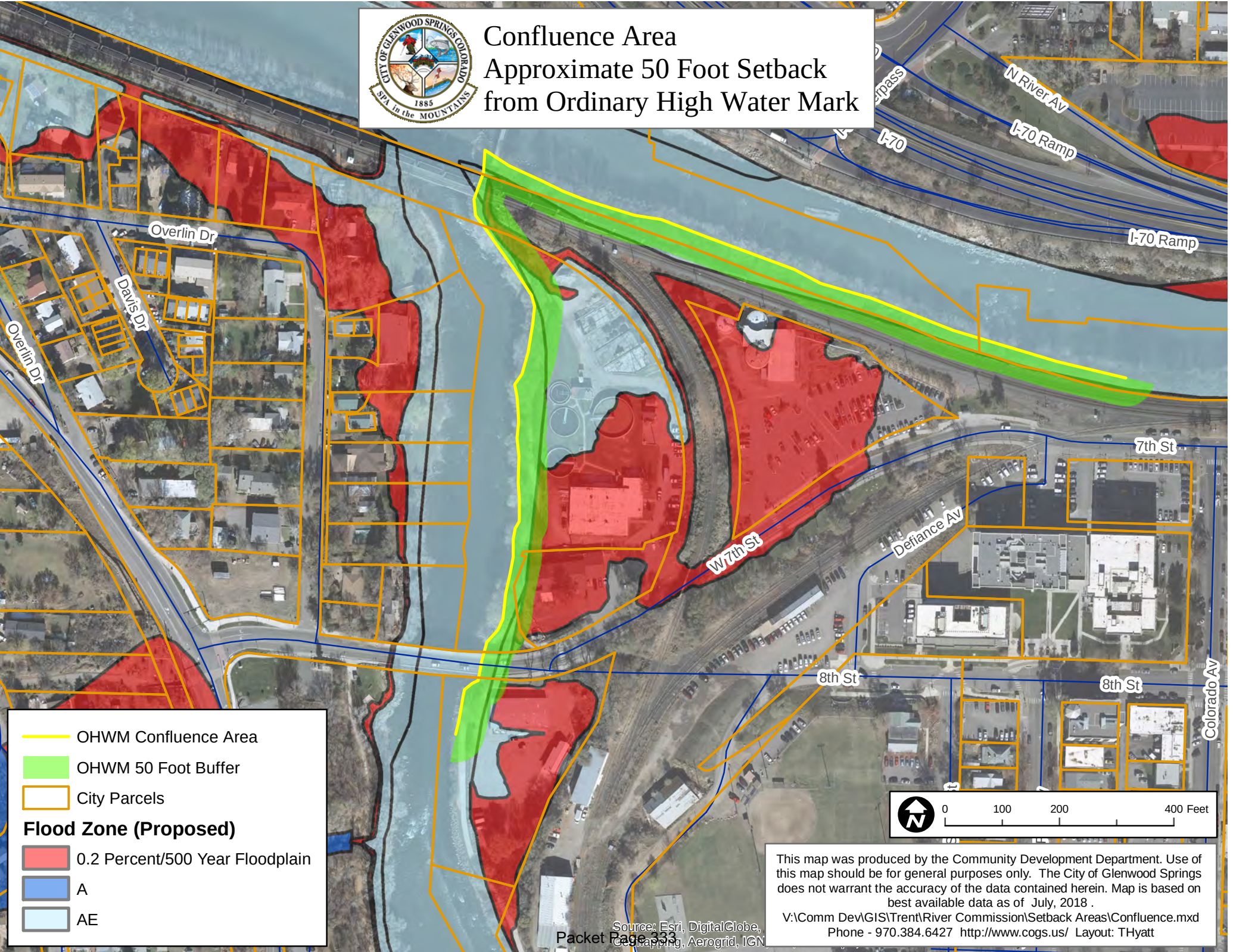
In an effort to allow for the enjoyment of a riverfront property by its owners, an exception for the disturbance of up to 10 percent of the setback area is identified. Additionally, bridges, public paths for non-motorized use, public open space areas, wildfire mitigation activities, irrigation structures, flood control and erosion protection devices are necessary and/or required to occur within riparian areas and are identified as exceptions.

The letter and supporting information from the River Commission's February 2018 letter outlines the environmental and economic benefits of increase riparian protections. It also includes support for the proposal from the Roaring Fork Conservancy, the Ferdinand Hayden Chapter of Trout Unlimited, and American Rivers. The information provided by the River Commission also stresses that the City is falling behind neighboring communities in terms of riparian protections as outlined in the table below.

	REGION SETBACK DETAILS		
	City of Aspen	100ft/100 year floodplain	Development is "subject to heightened review." (Ord. 26,435,040)
	Town of Basalt	50ft	Prohibits development and cutting of riparian and wetland vegetation. (Ord. 16-464a)
	Town of Carbondale	Unspecific	If new development is proposed adjacent to any river, all practical means should be used to preserve natural grade, drainage patterns, soil and vegetation. (Ord. 4-2007)
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	Pitkin County	100ft/100 year floodplain	100 foot buffer for all activity and development. Setback may be reduced to a minimum of 50 feet if reduction does not result in water quality degradation, stream bank erosion and/or a reduction in the quality of riparian or wetland habitat.
Action Alternatives:	No action being requested at this time. City Council can provide direction to or request additional information from staff if determined necessary.		
Staff Recommendation:	No recommendation from staff is necessary at this time.		



Confluence Area Approximate 50 Foot Setback from Ordinary High Water Mark



OHWM Confluence Area

OHWM 50 Foot Buffer

City Parcels

Flood Zone (Proposed)

0.2 Percent/500 Year Floodplain

A

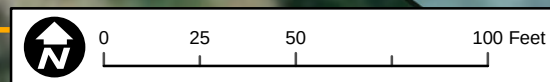
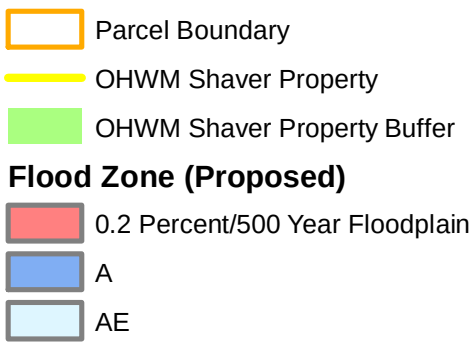
AE



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This map was produced by the Community Development Department. Use of this map should be for general purposes only. The City of Glenwood Springs does not warrant the accuracy of the data contained herein. Map is based on best available data as of July, 2018.

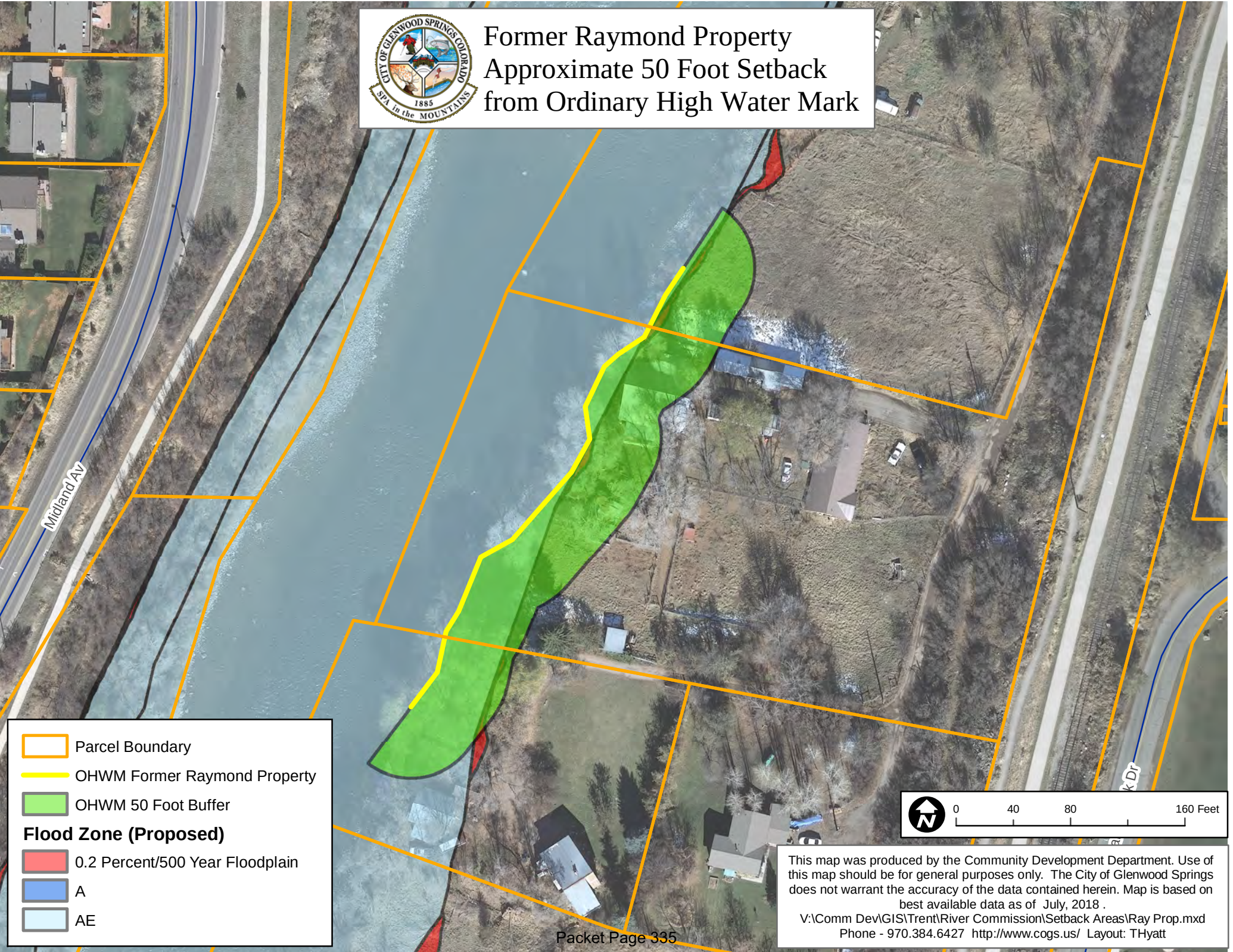
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Phone - 970.384.6427 <http://www.cogs.us/> Layout: THyatt



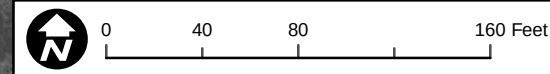
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Phone - 970.384.6427 <http://www.cogs.us/> Layout: THyatt



Former Raymond Property Approximate 50 Foot Setback from Ordinary High Water Mark



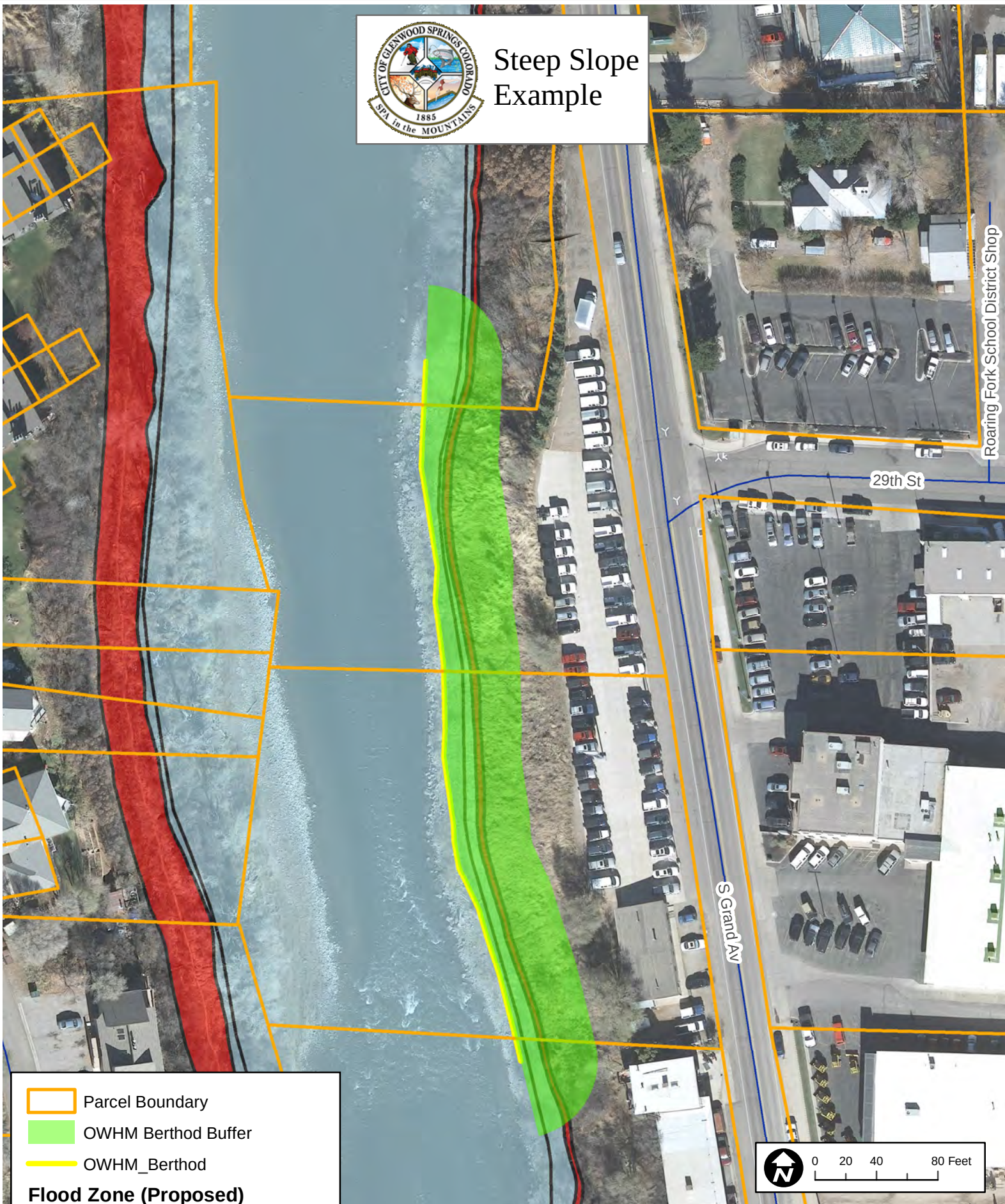
- Parcel Boundary
 - OHWM Former Raymond Property
 - OHWM 50 Foot Buffer
- Flood Zone (Proposed)**
- 0.2 Percent/500 Year Floodplain
 - A
 - AE



This map was produced by the Community Development Department. Use of this map should be for general purposes only. The City of Glenwood Springs does not warrant the accuracy of the data contained herein. Map is based on best available data as of July, 2018 .
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Phone - 970.384.6427 <http://www.cogs.us/> Layout: THyatt



Steep Slope Example



- Parcel Boundary
- OWHM Berthod Buffer
- OWHM_Berthod

Flood Zone (Proposed)

- 0.2 Percent/500 Year Floodplain
- A
- AE

This map was produced by the Community Development Department. Use of this map should be for general purposes only. The City of Glenwood Springs does not warrant the accuracy of the data contained herein. Map is based on best available data as of September, 2018.

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Phone - 970.384.6427 <http://www.cogs.us/> Layout: THyatt

February 28, 2018

Mayor Gamba and City Council
101 West 8th Street
Glenwood Springs, CO 81601
Attn: Trent L. Hyatt, Senior Planner/River Commission Staff Liaison



RE: Recommended city code revision for riparian setbacks

Honorable Mayor and City Council,

At our February 7th, 2018 meeting, the River Commission **voted unanimously** to recommend City Council adopt a 50 foot riparian setback for incorporation into the re-draft of the land development code. The recommended language is attached for your review.

As you know, the streams that flow through our beautiful City significantly benefit our regional economy by supporting countless jobs and these areas provide immeasurable positive social impacts for our citizens and visitors alike. Each year, the River Commission, Roaring Fork Conservancy, and rafting/fishing guides have observed new and continuous disturbances within the riparian zones adjacent to both the Roaring Fork and Colorado Rivers within the City (pictures attached). While the City has a 30 foot setback from ordinary high water mark requirement for structures and fill, this regulation does not limit the removal of riparian plant species which are vital to the ecosystem.

The River Commission has been discussing this topic for a couple years now and provide this recommendation after thorough review of industry best practices as well as regulations from numerous other neighboring municipalities and counties. We feel the recommended setback strikes a balance between the space/ area required for riparian zones to function efficiently while still providing private owners a means to enjoy their investment in riverfront property.

We respectfully request that you incorporate the new setback into the re-draft of the development code currently under consideration. Also, attached is a letter in support of the setback from Roaring Fork Conservancy. Please let us know if you would like additional information or a work session to discuss the matter further.

Regards,

Brendon Langenhuizen, Chairman
Glenwood Springs River Commission



February 7, 2018

River Commission

Recommendation for Adoption by City Council

070.040.020(d)(25) Conservation of Waterways

a. Purpose

The purpose of this Subsection 070.040.020(d)(25) is to conserve and promote the health of the City's riparian ecosystems and water quality by maintaining a functional natural buffer adjacent to waterways.

i. No improvement, building, structure, excavation, dumping, clearing of native vegetation, or backfill shall be placed, built, undertaken or approved within a fifty foot setback area horizontally from the ordinary high water mark of any river or live perennial stream.

ii. Within the fifty foot setback, no live vegetation may be removed except for species listed on the Garfield County noxious weed list, Chinese Elm, or Siberian Elm when replaced with appropriate plant species. The Director has discretion to permit the removal of native vegetation, not to exceed 10 percent of the area of the setback, to allow a property owner private access to and personal enjoyment of the waterway. This shall not be interpreted to allow for permanent structures of any kind within the setback area. The Director may also reduce the setback for bridges, public paths for non-motorized use, public open space areas, wildfire mitigation activities, irrigation structures, flood control and erosion protection devices, or upon demonstration by the applicant that such reduction shall not result in water quality degradation, stream bank erosion, or a reduction in the function and quality of a riparian area or wetland.

iii. No chemical treatments, including but not limited to fertilizers, pesticides, and/or herbicides, are permitted within the fifty foot setback area except for the removal of above listed noxious weeds in compliance with applicable regulations.



February 7, 2018

River Commission

Recommendation for Adoption by City Council

070.040.020(d)(25) Conservation of Waterways

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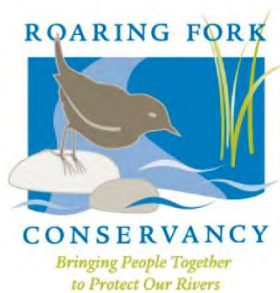
iii. No chemical treatments, including but not limited to fertilizers, pesticides, and/or herbicides, are permitted within the fifty foot setback area except for the removal of above listed noxious weeds in compliance with applicable regulations.

Existing Regulation for Reference

070.030.030 - Suitability of Land for Development.

Land subject to natural hazards such as flooding, falling rock, landslides, mud flows or snowslides shall not be developed or approved for development until plans are submitted to the Director and approved by the City Engineer and the Planning Commission in order to prevent such conditions from endangering life, health or other property.

- (1) Development in waterways and areas of special flood hazard.
 - a. No improvement, building, structure, excavation, dumping or backfill shall be placed, built, undertaken or approved within a thirty-foot setback area horizontally from the high water mark of any river or live stream except for bridges, paths for non-motorized use, irrigation structures or flood control and erosion protection devices.



February 26, 2018

Glenwood Springs City Council
101 West 8th Street
Glenwood Springs, CO 81601
Attn: Trent Hyatt, Senior Planner/River Commission Staff Liaison

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RE: Recommended city code revision for riparian setbacks

Honorable Mayor and City Council,

Roaring Fork Conservancy (RFC) wishes to express support for the City of Glenwood Springs riparian setback code revisions proposed by the Glenwood Springs River Commission. RFC appreciates Glenwood Springs' investment in the continued protection of its water resources and strongly supports the implementation of regulations to preserve this invaluable natural and community asset.

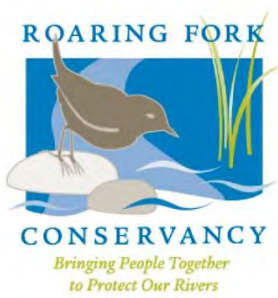
RFC staff currently serves as a technical advisor for the River Commission, providing input, resources, and guidance on this and other projects. The collaborative effort between City staff, River Commission, and RFC has resulted in a well vetted code proposal which will conserve and promote the health of the City's riparian ecosystems and water quality into the future.

PROGRAM STAFF

Rick Lofaro
Executive Director
Heather Lewin
Watershed Action Director
Christina Medved
Watershed Education Director
Liza Mitchell
Education & Outreach Coordinator
Kristen Doyle
Watershed Educator & Office Coordinator
Chad Rudow
Water Quality Coordinator
Sheryl Sabandal
Development Manager
Johnny Cronin
Director of Donor Relations

As a 501(c)(3) not-for-profit organization, RFC emphasizes the use of sound, defensible science to guide decisions regarding the health of local streams and rivers. Current research indicates that healthy wetlands and riparian areas are essential to healthy rivers. The natural functions of healthy riparian areas include:

- Dissipation of stream energy, which mitigates flooding, and reduces erosion and therefore mitigates property damage;
- Water storage during high flows, which return to the stream during late season low flows;
- Multi-storied habitat for wildlife and aquatic life;
- Integral wildlife migration routes;
- Rich and diverse food sources for wildlife and aquatic life;
- Increased shading which serves to lower river temperatures and slow evaporation;
- Buffer zones between the river and uplands, which mitigate sedimentation and erosion; and
- Natural bio-filters, which protect water quality by filtering pollutants.



Riparian buffers provide essential wildlife habitat protection. The Colorado Department of Parks and Wildlife recommends a 300ft setback from rivers and waterways.¹ Additionally, studies show that as riparian buffer size increases, protections from potential physical and chemical damages including sedimentation, erosion, and runoff contaminants increase as well. “It appears that a 100ft buffer is sufficiently wide to trap sediments under most circumstances... An absolute minimum width would be 30ft. To reduce nitrate concentrations, buffers of 50ft are usually sufficient.”² Importantly, when considering code changes such as the ones proposed here, water resource protection is far more cost effective and efficient than subsequent restoration often required when unanticipated events strike areas left vulnerable.

RFC worked diligently with the River Commission to develop setbacks appropriate for the City, applying the best available science to the specific attributes of local waterways and unique community character. Based on these careful considerations, RFC recommends adoption of a 50ft riparian setback, as supported by the River Commission to ensure conservation of valuable waterways and irreplaceable wildlife for the present and future benefit of the City, its residents, and visitors. Similarly, in 2013, RFC served as a technical advisor to the Garfield County Board of County Commissioners and recommended adoption of 50ft riparian setback protections county-wide.

For your reference, Table 1 contains riparian protections retained in other Roaring Fork Watershed city and county land use codes. These adaptations are not intended to dictate the policy of the City, however awareness and consistency of policies adapted by others with similar resources could prove useful in the decision making process. Please note that all the setbacks in the table below include protections for riparian vegetation and the ability to make allowances for unique circumstances.

¹ Colorado Division of Wildlife, 2010. Actions to Minimize Adverse Impacts to Wildlife Resources, p.3

² Wegner, S., 1999. A review of the scientific literature of riparian buffer width, extent and vegetation, <http://researchweb8.wpengine.com/rivercenter/wp-content/uploads/sites/17/2015/03/A-Review-of-the-Literature-on-Riparian-Buffer-Width-Extent-and-Vegetation.pdf>

Table 1

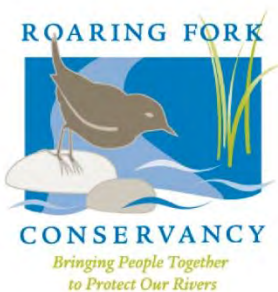
REGION	SETBACK	DETAILS
City of Aspen	100ft/100 year floodplain	Development is "subject to heightened review." (Ord. 26.435.040)
Town of Basalt	50ft	Prohibits development and cutting of riparian and wetland vegetation. (Ord. 16-464a)
Town of Carbondale	Unspecific	If new development is proposed adjacent to any river, all practical means should be used to preserve natural grade, drainage patterns, soil and vegetation. (Ord. 4-2007)
Eagle County	75ft/100 year floodplain	No development within 75ft of high water mark or 100 year floodplain (whichever is greater). ¹
Garfield County	35ft	Prohibits removal of any existing native vegetation or conducting any activity which will cause any loss of riparian area unless it involves the approved removal of noxious weeds, nonnative species, or dead or diseased trees.
Pitkin County	100ft/100 year floodplain	100 foot buffer for all activity and development. Setback may be reduced to a minimum of 50 feet if reduction does not result in water quality degradation, stream bank erosion and/or a reduction in the quality of riparian or wetland habitat.

Implementation of riparian protections also hold significant economic value. Healthy riparian areas:

- Reduce the cost of drinking water treatment by filtering sediment and other pollutants. The City of Glenwood Springs currently has a secondary drinking water intake on the Roaring Fork River near Veltus Park.
- Prevent property damage by protecting against erosion and flooding. Erosive effects are nearly 5 times more likely on non-vegetated stream banks, and up to 30 times more likely on non-vegetated stream bends.³
- Increase property values by improving aesthetics. "Several studies have shown that people will pay a premium to live or work near greenways or other protected areas, and this allows the developer to recoup at least some of the costs of not developing up to the stream bank."⁴
- Support the local fishing economy by maintaining high water quality for the Roaring Fork River's Gold Medal fishery.
- Support local river recreation (i.e. rafting, kayaking, stand-up paddle boarding) economy by providing scenic areas and wildlife viewing opportunities along rivers.

³ Chagrin Watershed Partners, Inc. 2006, Riparian Setbacks: Technical Information for Decision Makers. www.crwp.org/files/riparian_setback_paper_jan_2006.pdf

⁴ Chagrin Watershed Partners, Inc. 2006, Riparian Setbacks: Technical Information for Decision Makers. www.crwp.org/files/riparian_setback_paper_jan_2006.pdf



- Enhance aesthetics in a tourist economy that is defined by its relationship to water. The Glenwood Springs Chamber of Commerce currently markets Glenwood Springs as “The Land of Water,” a tourist destination based primarily on its water resources.

The adoption of the proposed code will help ensure the prosperity of human and natural communities in Glenwood Springs. Current research indicates “that the influence of riparian corridors on water quality is proportionately much greater than the relatively small area in the landscape they occupy.”⁵ Roaring Fork Conservancy strongly urges the Glenwood Springs City Council adopt the Glenwood River Commission’s proposed riparian setback code revisions.

Thank you for your time and consideration.

Sincerely

Rick Lofaro
Executive Director

Chad Rudow
Water Quality Coordinator

Roaring Fork Conservancy has inspired people to explore, value, and protect the Roaring Fork Watershed since 1996. We bring people together to protect our rivers and work to keep water in the streams, monitor water quality, and preserve riparian habitat. As one of the largest watershed organizations in Colorado, Roaring Fork Conservancy serves residents and visitors throughout the Roaring Fork Valley through school and community-based Watershed Education programs and Watershed Action projects, including regional watershed planning, water resource

⁵ Chagrin Watershed Partners, Inc. 2006, Riparian Setbacks: Technical Information for Decision Makers. www.crwp.org/files/riparian_setback_paper_jan_2006.pdf

February 27, 2018

The City of Glenwood Springs City Council
101 W 8th Street
Glenwood Springs, CO 81601

Dear Council Members,

RE: Development Code Revisions to 070.040.020(d)(25) Conservation of Waterways.

The Ferdinand Hayden Chapter of Trout Unlimited is the local TU Chapter representing members from Aspen to Rifle. FHTU is one of the oldest TU Chapters, being the 8th chapter created nationwide in the 1960's.

We are writing to strongly support the proposed revisions to the City Code regarding stream setbacks and protection of the adjacent riparian areas. The riparian zone adjacent to any stream or river is an integral and vitally important part of the larger stream ecosystem. Ninety percent of the base food material for all of the aquatic life comes from the vegetation growing in the riparian zone. The existing riparian area along the Roaring Fork from Carbondale to Glenwood Springs is in sorry shape, due largely to overzealous development and removal of vegetation by landowners.

Both Glenwood Springs and the larger Roaring Fork Valley depend a great deal on the value and economic benefits that a healthy river ecosystem provide. This is a world class fishery, consistently named by magazines such as Outside and Sunset as one of the best places to be if you like to fish.

We think that this Code revision is a prudent and responsible step for the City to take in order to insure the continued health and vigor of the Roaring Fork River ecosystem through town. We strongly urge you to support and approve this code revision as well.

Sincerely,

Jason Groves

Jason Groves, President
Ferdinand Hayden Chapter (008) of Trout Unlimited



February 27, 2018

City of Glenwood Springs City Council
101 W 8th Street
Glenwood Springs, CO 81601

Dear Council;

American Rivers is a national river conservation organization with offices across the country, including Glenwood Springs, Colorado. Our mission is to promote and work for a nation of clean, healthy rivers that sustain and connect us. American Rivers protects wild rivers, restores damaged rivers, and conserves clean water for people and nature.

We ask that you support and approve the proposed revisions to the City Development Code, **070.040.020(d)(25) Conservation of Waterways**. These revisions will greatly expand needed protections for the riparian zone along the Roaring Fork River and other streams in Glenwood Springs. These riparian areas are not just a strip of vegetation along the river bank, they are an integral part of the larger river ecosystem itself. Riparian areas and the vegetation they contain are absolutely critical to the overall health of ecosystem. They provide the organic food foundation for insects, which in turn support the world class fishery that draws both residents and tourists to Glenwood Springs. These same aquatic insects are also the major food source for many of the migratory and permanent bird species that we enjoy.

This code revision just makes good sense and is long overdue. Landowners adjacent to the river also need to learn more about the vital role of the riparian vegetation on their property for the health of the river that they enjoy.

Please do not hesitate to contact me if I can answer any questions or concerns you may have.

Thank you!

Ken Neubecker, Director
American Rivers Upper Colorado Basin Program within Colorado
24 S Meadow View Ct.
Glenwood Springs, CO 81601
(970) 230-9300
Kneubecker@americanrivers.org

Glenwood Springs Riparian Assessment

Prepared by:

Chad Rudow, Roaring Fork Conservancy (biologist)

Andrea Holland, Glenwood Springs River Commission (retired hydrologist)

Submitted: 2/26/2018

Introduction

The City of Glenwood Springs (GWS) is essentially defined by the confluence of the Roaring Fork and Colorado Rivers. These two waterways provide significant recreation, aesthetic and economic benefits to the community. In addition the lower Roaring Fork is a sourcewater area, providing a backup drinking water supply for GWS. The riparian zone along these rivers is a key component that helps sustain water quality and quantity, as well as fish and wildlife habitat. As the city grows and development continues along these rivers, the potential for increasing impacts to both river and riparian health can be expected. The primary objective of this project is to assess the current condition of the riparian zone and consider ways to maintain or improve these critical components to watershed and river health.

Background

In 2007, the Stream Health Initiative (SHI) conducted by Emerick and Malone, surveyed the riparian and instream habitat of the lower Roaring Fork River. It noted historic impacts from agriculture and more recent residential and commercial impacts and having significantly modified riparian areas throughout the segment when compared to pre-development conditions. Such impacts include “reduced riparian zone width, vegetation quality, and ecosystem function on the majority of reaches”¹. However, it also notes that “a few remnant predevelopment plant communities persist wherever human disturbances are minimized” and these communities are “characterized by a wide riparian zone, a diversity of native riparian plant species, structurally complex habitat, and a more even-age class distribution of trees and shrubs”¹. More information from the SHI can be found in the State of the Roaring Fork Watershed Report 2008 found online at www.roaringfork.org/publications.

Methods

This report documents an informal assessment, conducted October 6, 2017, of riparian conditions along the Roaring Fork and Colorado Rivers within GWS city limits. The river-view assessment relied on qualitative observations and photo-documentation of the integrity of riparian condition and function. See photo location map on page six. Tributaries in GWS such as Threemile Creek, Oasis Creek, and Mitchell Creek also contain riparian areas but were not included in this assessment.

This assessment documented the existing riparian condition including presence and density of riparian vegetation, evidence of erosion, occurrence of development or structures within

¹ Emerick J.C. and Malone, D.G. 2007a. Catalog of stream and riparian habitat quality for the Roaring Fork River and tributaries, Central Colorado. Roaring Fork Stream Health Initiative.

the riparian zone, and human alteration to natural areas. Observations considered the natural functions of a healthy riparian area which provide:

- flood mitigation by dissipating stream energy and reducing erosion and property damage.
- water storage during high flow and releases during low flows.
- multi-storied habitat for wildlife and aquatic life.
- wildlife migration route between habitats.
- rich and diverse food source for wildlife and aquatic life.
- shading that lowers river temperatures and slows evaporation.
- buffers which mitigate sedimentation and prevent erosion.
- natural bio-filters which filter pollutants and protect water quality.

Observations

Roaring Fork River

Within city limits, the banks of the Roaring Fork River are generally high and steep. Nonetheless, areas with minimal development impact indicate the potential for narrow, healthy riparian areas. Occasional lower “benches” of level land exist along this reach, providing the primary opportunity for riparian habitat and related functions.

General observations:

- The west bank through GWS is primarily residential lots while the east bank tends to have more commercial development and mixed uses.
- Two bike paths run adjacent to the Roaring Fork River in Glenwood Spring, the Atkinson Canal Trail along the west bank in south GWS, and the Glenwood River Trail along the east bank through downtown GWS. While these paths provide an important amenity for transportation and river access, their proximity to the river and maintenance represent impacts to the respective riparian areas.
- Despite the steep terrain and density of development, numerous areas within GWS still exhibit robust riparian vegetation. The density of vegetation is typically greatest along a narrow strip next to the river while the upper gradient areas are generally more sparse. Densely vegetated riparian areas typically exhibit good multi-story habitat.
- The west bank of the Roaring Fork River between the Cardiff Bridge and 14th street pedestrian bridge exhibit the majority of recent riparian alterations by private landowners. A few alterations were also noted along the east bank in this reach.
- Riparian trees show a slightly unbalanced age class, with large numbers of tall, mature trees (particularly cottonwoods) and less young tree recruitment for recovery/maintenance of the species.
- Engineered or rip-rap banks exist at numerous locations along this reach. While this meets the initial goal of bank stabilization, it contributes to loss of vegetation, creates a challenging environment for regrowth, and increases channelization of the river and potential related impacts.
- Non-native riparian plant species were noted in riparian areas along this reach. Volunteer projects conducted jointly by City of GWS, Garfield County, Roaring Fork Outdoor Volunteers, and Roaring Fork Conservancy, have significantly reduced

Tamarisk and some Russian Olive near the Threemile Creek confluence and upstream of the municipal airport. Due to these efforts, minimal Tamarisk were noted during this assessment, however numerous Russian Olive still exist in riparian areas along this reach, particularly on private property.

Sections of concern and potential treatments:

- Stream banks at the outlet of Threemile Creek are marginally vegetated and actively eroding. Suggest bank stabilization with long term goal of revegetating slope to native density while still allowing some beach area for public access.
- Backyard development creep and riparian vegetation clearing are increasing. Numerous landowners with private access to the river have created sitting areas ranging from a few chairs tucked into the vegetation to more extensively cleared spaces with grills, tables and numerous chairs. Some have cleared and developed a wide access down the hill slope. The latter impacts may disrupt riparian function and, if copied by neighbors, could result in extensive loss of riparian habitat. Potential treatments include curtailing this kind of bank development in order to preserve riparian function while still allowing private landowner desire to enjoy riverside amenities. Public education is a key component for addressing these concerns.
- Various structures have been constructed within the riparian zone throughout this reach in GWS. They include trails and steps built to access the river, gazebos, boat ramps, and various platforms for chairs and tables. The structures vary in size and amount of disruption to riparian areas. Potential treatments are similar to those listed above regarding riparian vegetation clearing.
- Concrete slabs were deposited along parts of the river and now hinder vegetation growth. Potential treatments include removing engineered banks where feasible and replanting native riparian vegetation.
- The newly constructed 14th street pedestrian bridge resulted in widening and clearing of the river's banks at that location. Riprap was used as the primary bank stabilization feature. Treatments include replacing riprap with vegetation to restore this area to a healthy riparian habitat.
- Removal of critical riparian vegetation, especially cottonwood, along River Meadows Mobile Home Park. A few willow patches have returned but the stream bank consists primarily of open lawn. Trees line the upper terrace of the Park but little vegetation remains along the baseflow edge of the River. Treatments include education for private landowner(s) and possible joint efforts to re-establish vegetation diversity or pocket protection areas.
- Veltus Park contains riparian impacts including eroding banks and some instances of riparian vegetation clearing by city staff. GWS is currently pursuing a redevelopment and restoration plan for this area. It is recommended that this project prioritize the balance of public access to the river, erosion control, and re-establishment of healthy riparian system. Additional education of city staff regarding riparian best management practices to avoid adverse impacts to river health is also encouraged.

Colorado River

This reach has seen over a century of impacts from the construction of the railroad, I-70, Two Rivers Park, commercial development, and most recently a whitewater park. However, there remain localized stretches along the river that contain healthy riparian conditions.

General observations:

- Both banks represent mixed land use with primarily railroad right-of-way and commercial development along the south bank. The north bank combines large stretches of I-70, Two Rivers Park, and some commercial use.
- The railroad and I-70 run along opposite sides the Colorado River and represent existing impacts to riparian areas through impairment of habitat, loss of vegetation and hindrance to wildlife passage. Additionally, operation, maintenance and chemical treatments of these structures represent ongoing impacts. However, these land uses also restrict human access to portions of the remaining riparian areas, thereby limiting other human impacts.
- Riparian trees show unbalanced age class, with large numbers of tall, mature trees (particularly cottonwoods) and a lack of young tree recruitment for recovery and maintenance of the species.
- Engineered or riprap banks exist at numerous locations along this reach. While this meets the initial goal of bank stabilization, it contributes to loss of vegetation creates a challenging environment for regrowth, and increases channelization of the river and potential related impacts.
- Non-native riparian plant species were noted in riparian areas along this reach. Volunteer projects conducted jointly by City of GWS, Garfield County, Roaring Fork Outdoor Volunteers and Roaring Fork Conservancy, have significantly reduced Tamarisk and some Russian Olive near Two Rivers Park and along the river in West GWS. Although these efforts have removed many invasive plants, more of both species remain throughout this reach, particularly in areas which are difficult to access.

Sections of concern and proposed treatments:

- Two Rivers Park represents a significantly impacted riparian area. GWS is currently pursuing a redevelopment and restoration plan for this area, which will include addressing the current conditions. This project as planned should continue to prioritize the balance of public access to the river and re-establishment of healthy riparian system.
- Sections along Devereux Road show signs of impact and may benefit from riparian rehabilitation – further study recommended.
- Riparian vegetation between the river and Iron Mountain Hot Springs is scarce and may have been removed as part of this development. Potential treatments include working with landowner to provide views of the river from the facility balanced with replanting of riparian vegetation.
- Sections along I-70 need removal of non-native vegetation followed by revegetation of native species but may need to study potential impacts of Mag-Chloride and stormwater runoff related to vegetation health before attempting revegetation efforts.

- Some of the largest, most intact riparian areas on city property exist along the south bank of the Colorado River at the west end of GWS along the former Cardinell Homestead in the area of the new wastewater treatment facility. This area has healthy, diverse vegetation, minimal human impacts, and connection to good upland wildlife habitat. It is strongly recommended that this area be kept intact and natural with minimal development or mandated riparian buffers if development is necessary.

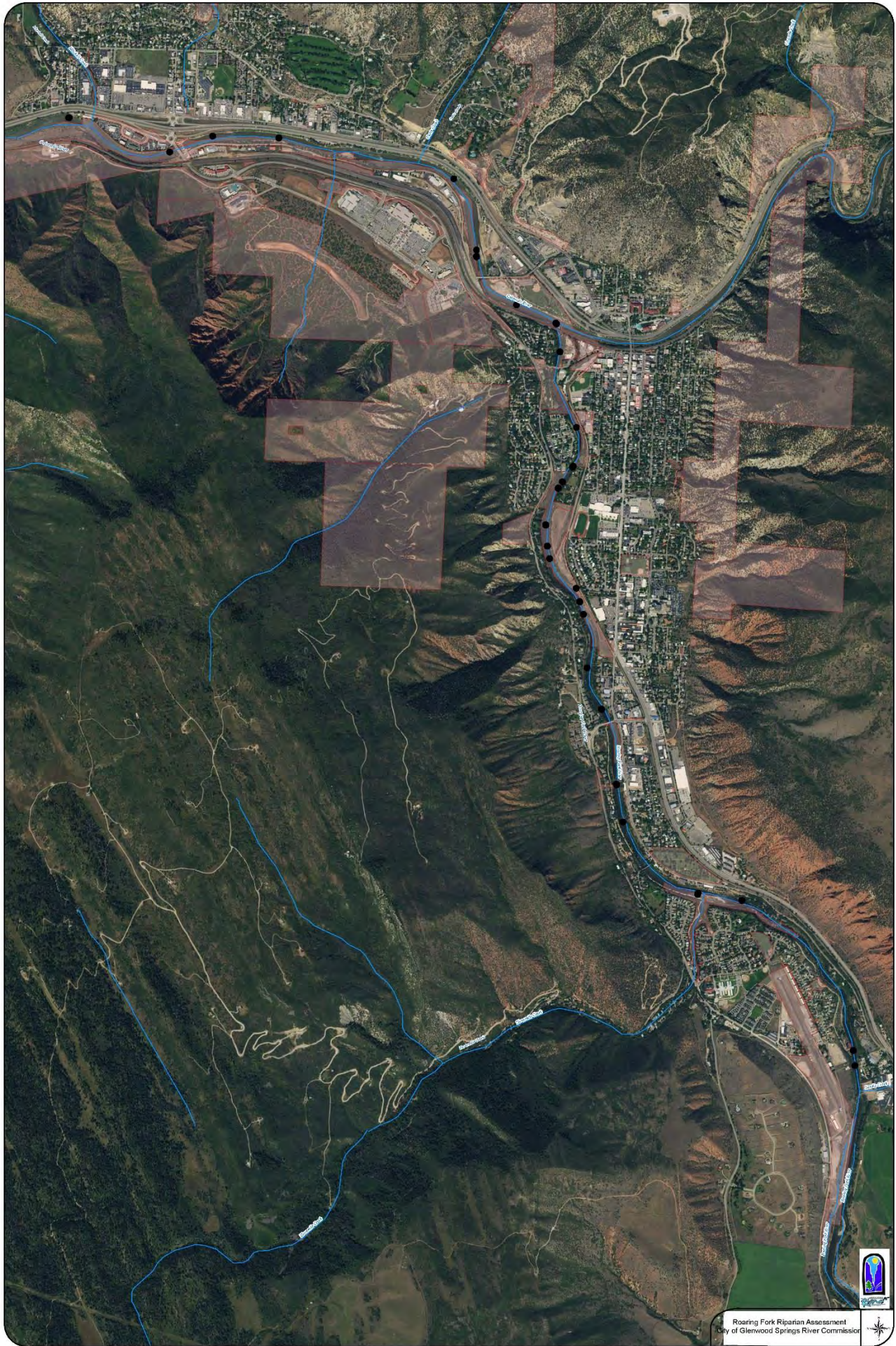
Summary

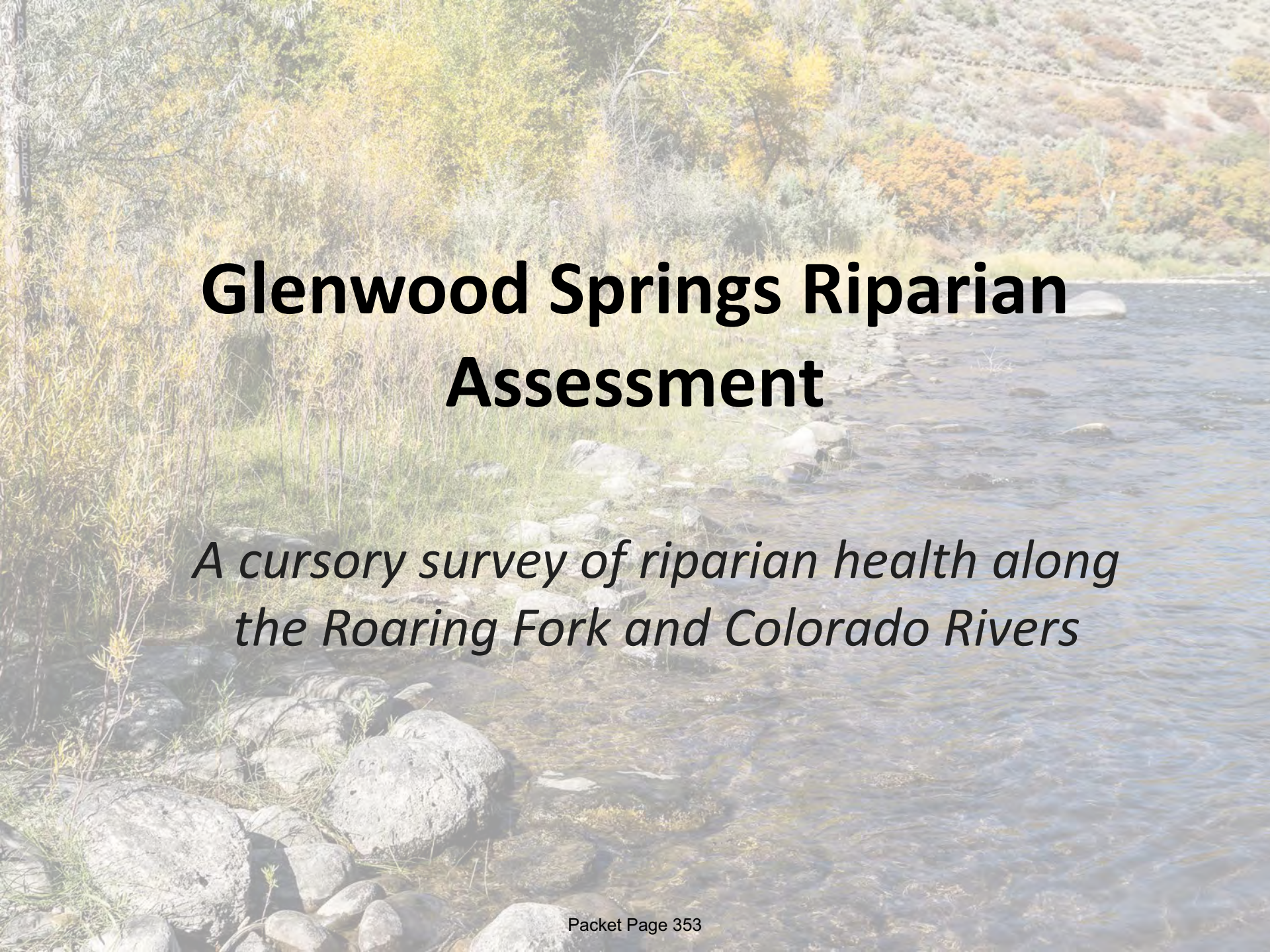
This assessment noted three general categories of riparian conditions within GWS:

- Minimally disturbed areas - exhibit fairly natural conditions and healthy riparian vegetation. These areas were noted throughout GWS although typically in localized pockets. Human impacts to these areas, particularly by private landowners, has been increasing in recent years.
- Partially disturbed areas – exhibit some human impacts and less healthy riparian vegetation. These areas, although exhibiting some disturbance, have the potential to revert to more healthy conditions given the application of best management practices or in many cases simply allowing the natural regrowth of riparian vegetation. These areas represent the largest portion of riparian land throughout GWS.
- Impacted areas – exhibit significant human impacts and alteration of riparian vegetation and conditions. These areas represent a fairly small portion of riparian land yet a fairly significant impact within that localized area. The presence of these areas emphasize the importance of maintaining riparian health in the less disturbed areas and improving riparian health in the partially disturbed areas.

This assessment indicates opportunities within Glenwood Springs where integrity and function of riparian areas can be maintained or improved. It also provides a basis for GWS to consider policy, regulations, public education or other means that recognize the value of riparian health and its associated impacts on river health.

Riparian Assessment Photo Location Map



The background image shows a river with a rocky shoreline in the foreground. The water is dark and rippled. The shoreline is composed of large, light-colored rocks. Behind the rocks, there is a dense thicket of tall, thin, yellowish-brown reeds or grasses. In the background, a hillside is covered with various trees and shrubs, some of which have yellow and orange foliage, suggesting an autumn setting. The overall scene is a natural, riparian environment.

Glenwood Springs Riparian Assessment

*A cursory survey of riparian health along
the Roaring Fork and Colorado Rivers*

Primary Objectives

- Photo document the range of riparian area conditions within GWS (healthy, marginal or poor).
- Suggest actions that can improve riparian health where needed.
- Inspire dialogue on how best to maintain or improve riparian conditions within GWS.

Methods

- Qualitative observations and photo documentation from raft, October, 2018
- Past documentation of same area by Design Workshop* and Roaring Fork Conservancy
- Observers have professional backgrounds in assessing the health of physical and biological functions of riparian areas

*Riverside Stewardship Manual, prepared for the City of Glenwood Springs, March 1997.

Key Observations Considered

- Reproduction and vigor of riparian plants
- Presence of non-native noxious plant species
- Connectivity of wildlife migration routes between habitats
- Bank stability
- Extent of active erosion

The Good News



Despite steep slopes and areas of dense development there are river segments within GWS that exhibit robust riparian health.



These images were taken from the Roaring Fork River

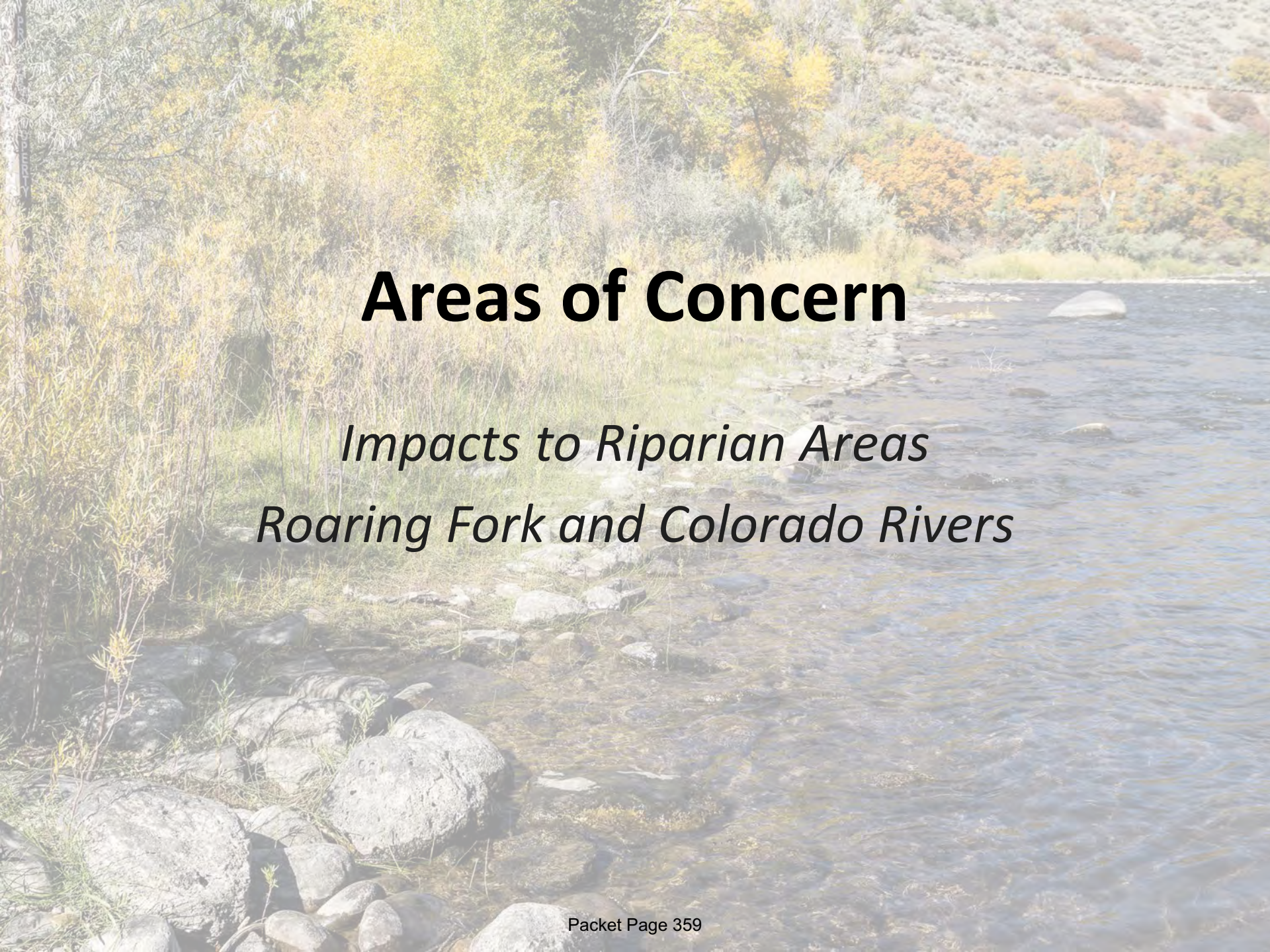
The Potential is There



Municipal development can occur without significantly degrading riparian health.



These images were taken from the Colorado River

A scenic view of a river with a rocky shoreline and autumn foliage. The foreground shows large, light-colored rocks along the bank, with some green and yellow grasses growing between them. The river water is dark and calm, reflecting the surrounding landscape. In the background, a dense forest of trees with yellow and orange autumn leaves covers a hillside. The sky is not visible, as the foliage fills the upper portion of the frame.

Areas of Concern

*Impacts to Riparian Areas
Roaring Fork and Colorado Rivers*

Slope stability



Without sufficient vegetation steep slopes are susceptible to erosion which can impact water quality and property values.

Presence of Non-Native Plants

Minimal Tamarisk were noted likely due to active Tamarisk removal projects.

Russian Olive still occurs in dense stands both on the Roaring Fork and Colorado Rivers



Public Access – Three Mile



Popular site for neighborhood residents, anglers and rafters leaves river banks heavily impacted.

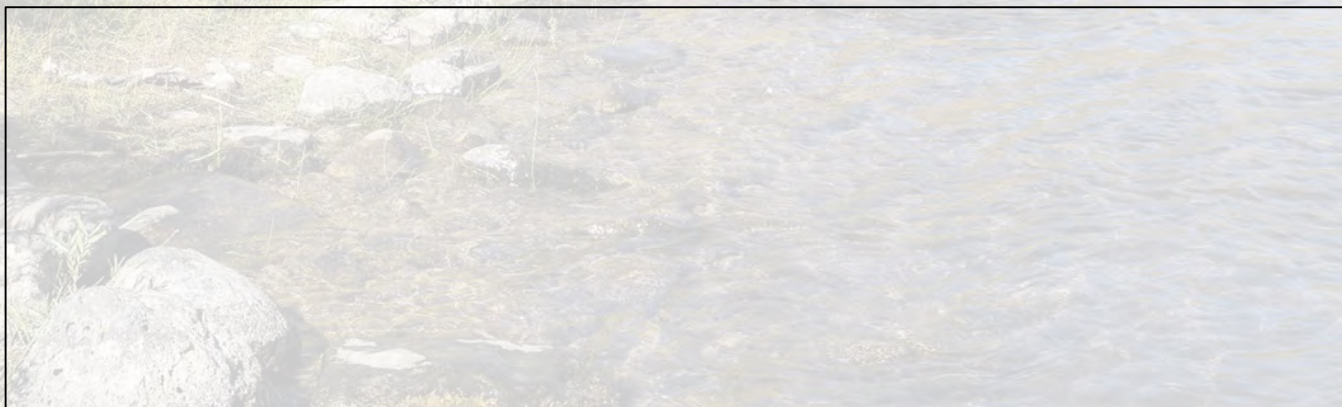
River flow pattern was significantly modified during construction of now abandoned ditch (adding to riparian impacts).



Public Access – Two Rivers Park



Heavy foot traffic can
exasperate riparian
health



Floodplain Clearing

Backyard clearing of riverside vegetation along private lots has been incrementally increasing over time. Impacts to riparian ecosystem vary in scope of removal.



Clearing can be extensive...

or minimal.



This practice appears to be growing as more homeowners seek the aesthetics of developing their riverside backyards.

Private River Access Impacts

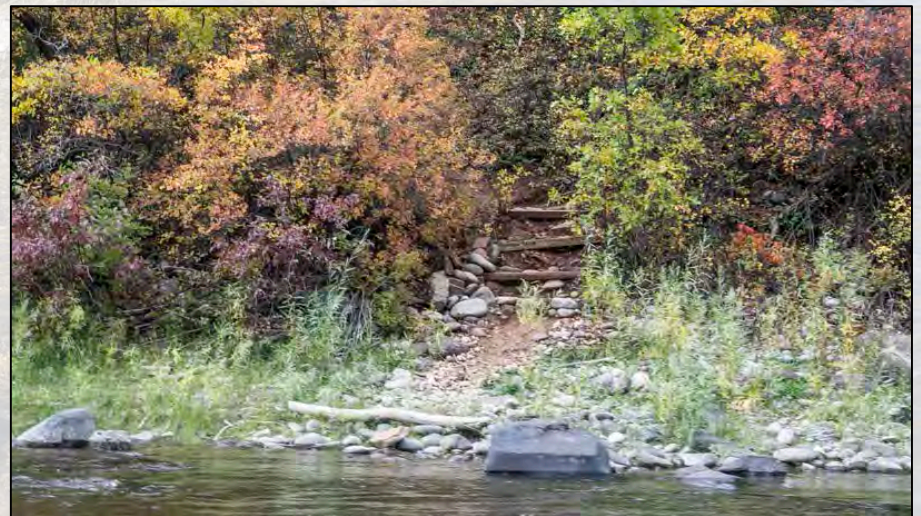


Access design should consider riparian and water quality protection

Top Left: Minimal impact to riparian vegetation and soil cover.

Top Right: Loss of riparian vegetation but decent soil cover.

Right: Improved design could reduce impacts of erosion into the river and protect trail's integrity.



Vegetation Loss in Other Areas



Loss of vegetation can lead to greater bank erosion, reduce river shading and bird habitat and limit its function to filter out sediments and excess nutrients

The Dark Side of Riprap



Riprap may effectively stabilize a river bank but it also inhibits re-establishment of riparian vegetation.



Waste Material Side Cast



Like Riprap, asphalt and concrete tossed onto river banks inhibits vegetation re-growth, ultimately impairing riparian function. (And it's unattractive)



We All Benefit from Healthy Riparian Areas



Riparian Buffer Zones: Functions and Recommended Widths



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For the

Eightmile River Wild and Scenic Study Committee

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Table of Contents

1. Function of Riparian Buffers.....	3
2. Recommended Buffer Widths.....	4
a. Erosion Control.....	4
b. Water Quality.....	4
c. Aquatic Habitat.....	5
d. Terrestrial Habitat.....	5
3. Factors Influencing Buffer Widths.....	6
a. Slope.....	6
b. Soil Type.....	6
c. Vegetation Mix.....	6
4. Buffer Types.....	8
a. Variable Width.....	8
b. Fixed Width.....	9
c. Three Zone.....	9
5. What Order Streams to Protect.....	11
6. Appendix 1: Summary of Effective Buffer Widths From Literature Review.....	12
7. Appendix 2: Other Tables.....	13
8. Appendix 3: References.....	14
9. Appendix 4: Web Resources.....	15

1. Functions of Riparian Buffers

Riparian buffers are vital elements of watersheds, primarily due to their protection of surface and ground water quality from impacts related to human land use. These vegetated buffers are complex ecosystems that provide food and habitat for unique plant and animal species, and are essential to the mitigation and control of nonpoint source pollution. In fact, the removal of streamside vegetation, primarily for development purposes, has resulted in degraded water resources and diminished value for human consumption, recreation, and industrial use.¹

In the Eightmile River watershed, maintenance of riparian buffers in their natural condition has been identified as one of the most effective means of protecting multiple outstanding resource values (ORVs), including water quality, hydrology, unique species and natural communities, and watershed ecosystem function.

Sedimentation increases turbidity and contributes to rapid siltation of waterbodies, negatively impacting water quality. Increased sediment loads also narrow channel widths and provide substrate for colonization of invasive aquatic plant species. Intact riparian buffers ameliorate these negative impacts by stabilizing streambanks. Roots of riparian vegetation deflect wave action and hold bank soil together. The buffer vegetation also decreases erosional impacts during flood events and prevents undercutting of streambanks.

Excess nitrogen and phosphorous from fertilizers and animal waste, as well as other pollutants originating from pesticides and herbicides, often bond to soil particles. The nutrient-loaded sediment contained in surface runoff then flows to the nearest waterbody and is deposited. This process is the primary cause of accelerated eutrophication of lakes and rivers². Streamside forests function as filters, transformers, and sinks for harmful nutrients and pollutants³. Buffer plants slow sediment-laden runoff and depending upon their width and vegetational complexity, may deposit or absorb 50 to 100% of sediments as well as the nutrients and pollutants attached to them⁴. When surface water runoff is filtered by the riparian buffer approximately 80 to 85% of phosphorous is captured⁵. Nitrogen and other pollutants can be transformed by chemical and biological soil activity into less harmful substances. In addition, riparian plants act as sinks, absorbing and storing excess water, nutrients, and pollutants that would otherwise flow into the river, reducing water quality.

One of the most important functions of riparian buffers is enhanced infiltration of surface runoff⁶. Riparian vegetation in the buffer surrounding a waterbody increases surface roughness and slows overland flows. Water is more easily absorbed and allows for groundwater recharge. These slower flows also regulate the volume of water entering rivers and streams, thereby minimizing flood events and scouring of the streambed.

¹ Welsch 1991

² Jontos 2004

³ Welsch 1991

⁴ Connecticut River Joint Commission 2005

⁵ Connecticut River Joint Commission 2005

⁶ Dillaha et al. 1989

Many plant and animal species depend on the distinctive habitat of riparian buffers, which include elements of both terrestrial and aquatic ecosystems. Forested buffers improve habitat quality by providing shade that cools water temperatures, thereby elevating the dissolved oxygen content that is necessary for many species of fish and aquatic insects. Woody debris from shrubs and trees within the vegetated buffer provides food and cover for a multitude of aquatic species. If large enough, buffers also provide corridors essential for terrestrial wildlife movement.

Vegetated buffers may serve as screens along waterways, protecting the privacy of riverfront landowners and blocking views of any unsightly development. Hiking and camping opportunities are also facilitated by forested buffers, which if large enough, allow outdoor enthusiasts to enjoy the proximity of the water. The diversity of plant species provides visual interest and increases aesthetic appeal.

2. Recommended buffer widths

The width of a buffer depends greatly on what resource you are trying to protect. Scientific studies have shown that efficient buffer widths range from 10 feet for bank stabilization and stream shading, to over 300 feet for wildlife habitat. Furthermore, the necessary width for an individual site may be less or more than the average recommendations, depending on soil type, slope, land use and other factors. The ranges cited below come from four literature reviews by The U.S. Army Corps of Engineers New England Division, the University of Georgia's Institute of Ecology, the U.S. Army Engineer Research and Development Center, and researchers from the UK Forestry Commission.⁷ Results from studies done in New England fall within the ranges cited below, and no evidence was found in the literature to suggest that buffers should be, on average, either wider or narrower.

a. Erosion control

Erodibility of soil type is a key factor when assessing adequate buffer widths. Widths for effective sediment removal vary from only a few feet in relatively well drained flat areas to as much as several hundred feet in steeper areas with more impermeable soils. In order to prevent most erosion, vegetated buffers of 30 feet to 98 feet have been shown to be effective.

b. Water quality

Nutrients - Nitrogen and phosphorous can be retained in buffers that range from 16 to 164 feet. The wider buffers will be able to provide longer-term storage. Nitrogen is more effectively removed than phosphorous. In 1995, a study conducted in Maine found that the effectiveness of buffers at removing phosphorous is variable but in most cases, a 49-foot natural, undisturbed buffer was effective at removing a majority of the nutrient from surface runoff. However, the U.S. Army Corps of Engineers concluded in their 1991 study that there was insufficient evidence

⁷ U.S. Army Corps of Engineers 1991, Wenger 1999, Fischer and Fischenich 2000, Broadmeadow and Nisbet 2004, respectively.

to determine a necessary buffer width for phosphorous retention. It is important, therefore, to combine buffer zones with strategies to reduce phosphorous at its source.

Pesticides – Buffer widths for pesticide removal range from 49 feet to 328 feet. Pesticides that are applied manually require less of a buffer area than aerially-sprayed pesticides.

Biocontaminants – Buffer widths for biocontaminants, such as fecal coliform, were not reviewed in this study. The University of Georgia found that, in general, buffers should be 30 ft. or greater. However, buffers may not be able to adequately filter biocontaminants and it is also important to reduce these pollutants at the source.

c. Aquatic habitat

Wildlife – The minimum width of riparian buffers to protect aquatic wildlife, including trout and invertebrates, range from 33 feet to 164 feet.

Litter and debris input – Recommendations for buffer widths to provide an adequate amount of debris for stream habitat range from 10 feet to 328 feet, although most fall within 50 feet to 100 feet.

Stream temperature. Adequate shading can be provided by a 30-foot buffer, but buffers may need to be up to 230 feet to completely control stream temperature. The amount of shade required is related to the size of the channel. The type of vegetation in the buffer regulates the amount of sunlight reaching the stream channel. Generally, a buffer that maintains 50% of direct sunlight and the rest in dapple shade is considered preferable⁸.

d. Terrestrial habitat

The Eightmile River watershed contains a large number of roadless, undeveloped forest blocks and is more than 80% forested in total. Furthermore, the riparian corridor within 300 ft. of the river and its tributaries has remained mostly intact, supporting a high level of biodiversity as well as protecting water quality. The Eightmile River is host to a number of important species, including native brook trout, freshwater mussels, blue back herring, bobcats, great horned owls and cerulean warblers.

The habitat requirements for birds, mammals, reptiles, amphibians and fish vary widely, and the necessary buffer width to protect each species varies widely as well. While trout and salmon can benefit greatly from the shading, habitat, food, and water quality protection that a 150-foot buffer provides, mammals such as the red fox and the bobcat require riparian corridors of approximately 330 feet. Furthermore, birds such as the cerulean warbler, which requires large areas of forest, may need a buffer that is much greater than 330 ft.⁹ For this reason, we do not believe that it is feasible to capture all of the habitat needs of all species with a uniform buffer. More careful targeting of potential riparian habitat, work with landowners to create conservation

⁸ Broadmeadow and Nisbet 2004

⁹ Chase et al. 1995

easements, as well as the creation of protected areas by the town will aid in more specific approaches to habitat preservation for these species.

For a more detailed look at the range of recommended buffer widths, see Appendix 1.

3. Factors influencing buffer width

There are many factors that influence the effectiveness buffers. These include slope, rainfall, the rate at which water can be absorbed into the soil, type of vegetation in the buffer, the amount of impervious surfaces, and other characteristics specific to the site.

a. Slope

As slope increases, the speed at which water flows over and through the buffer increases. Therefore, the steeper the land within the buffer, the wider it needs to be to have time to slow the flow of water and absorb the pollutants and sediments within it. Many researchers suggest that especially steep slopes serve little value as a buffer, and recommend excluding areas of steep slope when calculating buffer width. The definition of “steep” varies from over 10% to over 40% slope¹⁰.

b. Soil type

The type of soil affects how quickly water can be absorbed. Soils that are high in clay are less permeable and may have greater runoff. On the other hand, soils that are largely made up of sand may drain water so rapidly into the groundwater that roots are not able to effectively trap pollutants. Furthermore, soils that are moister and more acidic have a better capacity to take up nitrogen from the soil and release it to the atmosphere (through denitrification).

c. Vegetation mix

Structurally diverse riparian buffers, i.e. those that contain a mix of trees, shrubs and grasses, are much more effective at capturing a wide range of pollutants than a riparian buffer that is solely trees or grass. Removal efficiencies range from 61% of the nitrate, 72% of the total phosphorous and 44% of the orthophosphates from grass buffers to 92% of the nitrate 93% of the total phosphorous and 85% of the orthophosphates from combined grass and woody buffers.¹¹

¹⁰ Wenger 1999

¹¹ Jontos 2004

Table 1: Estimated reduction of nutrient loads from implementation of riparian buffers¹²

Buffer Type	Nitrogen	Phosphorus	Sediment
Forested	48-74%	36-70%	70-90%
Vegetated Filter Strips	4-70%	24-85%	53-97%
Forested and Vegetated Filter Strips	75-95%	73-79%	92-96%

Source: Delaware Department of Natural Resources and Environmental Control

Generally, the grass filter strip works best for sediment removal, while the forested buffer is better for nitrate removal from subsurface flows¹³. Grasses have a shallower and denser root mat that is more effective in slowing runoff and trapping sediments from the surface flow. Trees have a deeper root system that can trap and uptake nutrients from the groundwater, stabilize banks, and regulate the flow of water to the stream.

Forests provide certain functions that grasses cannot. Trees shade the river and provide an input of leaf litter and branches that are necessary for many aquatic species. In addition, a forested buffer provides important habitat for terrestrial wildlife. Native plants species are preferred to ornamentals or exotics due to the habitat advantage they provide for wildlife. Old trees are especially valuable for providing inputs of coarse woody debris.

The most effective riparian buffers should include a mix of trees, shrubs and herbaceous plants native to the region and appropriate to the environment in which they are to be planted. When planting buffers, it is best to use adjacent reference riparian buffers as the basis for selecting floral composition¹⁴.

Table 2: Plant type vs. removal efficiency

Function	Grass	Shrubs	Trees
Sediment trapping	High	Medium	Low
Filtration of Sediment born Nutrients, Microbe and Pesticides	High	Low	Low
Soluble forms of Nutrients and Pesticides	Medium	Low	Medium
Flood Conveyance	High	Low	Low
Reduce Stream Bank Erosion	Medium	High	High

Source: Jontos 2004 (modified after Fisher and Fischenich 2000)

¹² (Palace, 1998; Lowrance et al., 1995; Franti, T.G., (1997); Parsons et al. (1994); Gilliam et al. (1997); Osmond et al., (2000)

¹³ Triangle J. Council of Governments 1999

¹⁴ Jontos 2004

4. Buffer types

a. Variable Width

Several models have been created to consider individual site factors in determining buffer width. These range from the complex to the relatively simple. The more complex models take into account multiple factors, such as slope, erodibility and infiltration rates¹⁵. Examples of such models include:

Brown et al. (1987):

$$\text{Buffer width} = (\text{average slope/erodibility factor})^{1/2}$$

Cook College Department of Environmental Resources:

$$\text{Buffer width} = 2.5 (\text{time of travel of overland flow}) * (\text{slope})^{0.5}$$

More simple models only take into account slope. A common formula is to set a fixed buffer width and apply 2 feet per percent slope. Many of these models recommend *not* including impervious surfaces or areas of steep slope in the buffer width (**Figure 1**). Cook College recommends excluding anything greater than 15% slope, while Wenger (1999) recommends excluding all slopes over 25%.

b. Fixed Width

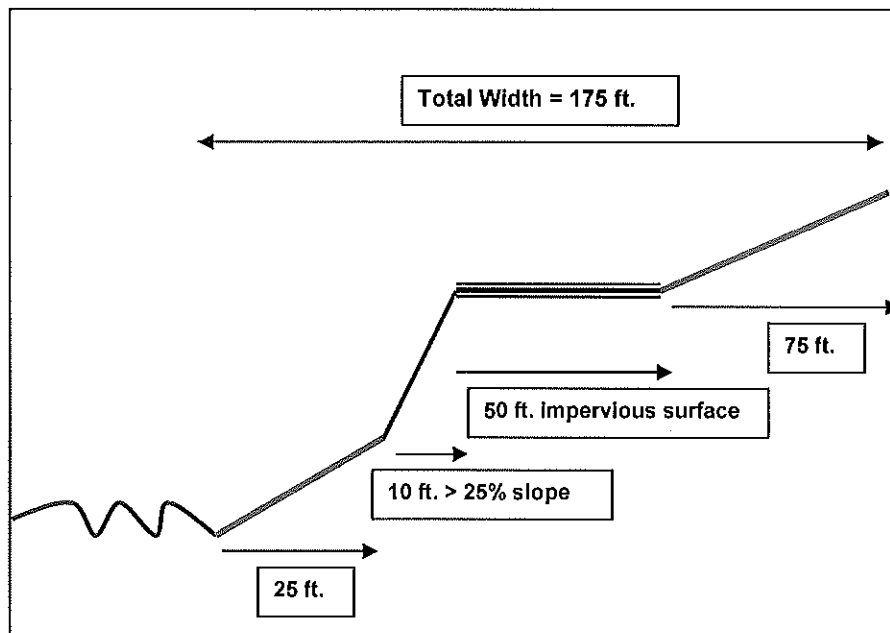
A fixed buffer width is the easiest to administer. However, care must be taken to select the appropriate width for the resources you are targeting. Studies unanimously support the conclusion that buffer efficiency at filtering out pollutants increases with width. However, this does not increase infinitely, and the goal is to find the most efficient width. For example, a study in the Mid-Atlantic¹⁶ found that 90% of sediments were removed by a 62 ft. riparian buffer, but only 94% were removed by more than doubling the buffer width to 164 ft.

If a fixed buffer width is chosen, it should be on the conservative side to provide leeway for slope and soil type. Data for the Eightmile River watershed show that significant areas of the land bordering the river have slopes that are above 15%. Therefore, we believe it is necessary to make a fixed buffer width wider than the average minimum recommendation of 100 ft.

¹⁵ Described in the US Army Corps of Engineers (1991) literature review.

¹⁶ Peterjohn and Corell 1994.

Fig.1: Variable buffer width adjusted from 100 feet to 175 feet to account for effects of slope and impervious surface.



c. Three Zone

The Three Zone system was originally developed as part of an initiative to protect the Chesapeake Bay. The combination of vegetation types (trees, grass and shrubs) helps maximize the efficiency and diversity of benefits that the buffer provides (Figure 2).

Zone 1

Minimum Width: 15 ft.

Composition: Native trees and shrubs

Function: Bank stabilization, habitat, shade, flood prevention

Management: None allowed except bank stabilization and removal of problem vegetation.

Zone 2

Minimum Width: 60 ft.

Composition: Native trees and shrubs.

Function: Removal of nutrient, sediments and pollutants from surface and groundwater, habitat

Management: Some removal of trees to maintain vigorous growth.

Zone 3

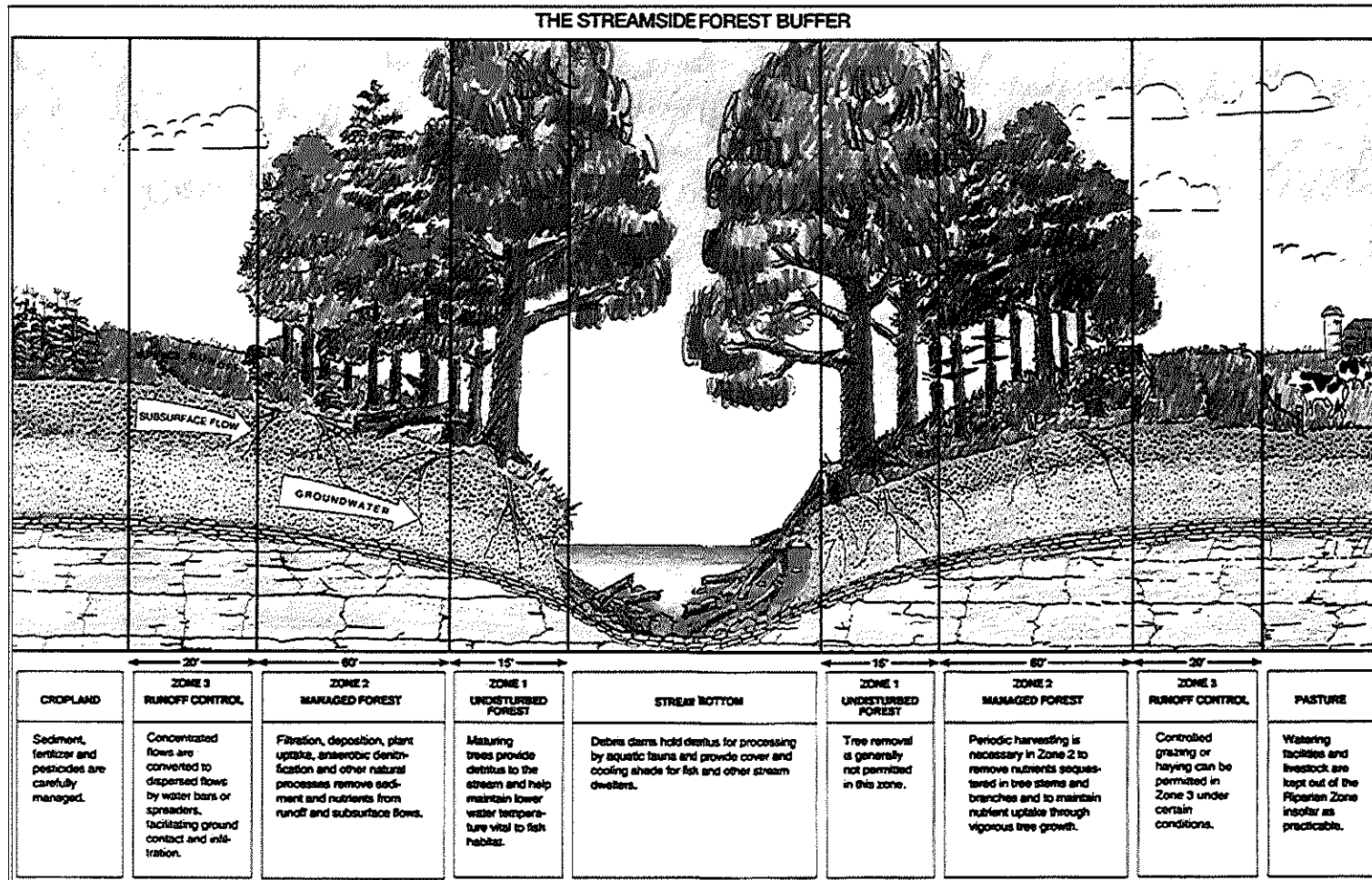
Minimum Width: 30 ft.

Composition: Grasses and herbaceous plants

Function: Slow surface runoff, trap sediments and pesticides

Management: Mowing

Fig. 2: Three-Zone System



Source: Welsch 1991. Riparian Forest Buffers: Function and Design For Protection and Enhancement of Water Resources.

5. What order streams to protect

Buffers are most effective when they are contiguous. Guidelines for buffer widths recommend that long, continuous buffer strips should often be a higher priority than fragmented strips of greater width.¹⁷ Small gaps in vegetation along the bank can channelize runoff into the river and effectively negate the effect of surrounding buffers. For this reason, landowners who currently have lawns that run to the edge of the river should be encouraged to replant trees and shrubs along the bank. In addition, footpaths cleared for river access should be winding, rather than straight, and as narrow as possible to minimize sedimentation.

Failure to extend protection to the smaller headwater streams in the river basin also ignores important sources of sedimentation and pollution. To preserve water quality in the Eightmile River, it is essential to protect all of its tributaries. In fact, smaller order streams often account for the greatest miles of watercourse in a basin. Buffering low order streams (1st, 2nd and 3rd) has greater positive influence on water quality than wider buffers on portions of larger order streams already carrying polluted water. While it may be politically infeasible to set wide buffer zones around intermittent and ephemeral streams, this omission is not justified by the science. A University of Georgia study of riparian buffers warns, "Governments that do not apply buffers to certain classes of streams should be aware that such exemptions reduce benefits substantially."¹⁸ A review of buffers by the U.S. Army also notes that "even the best buffer strips along larger rivers and streams cannot significantly improve water that has been degraded by improper buffer practices higher in the watershed".¹⁹

Smaller headwater streams have the greatest area of land-water interaction, and have the greatest potential to accept and transport sediment. Ephemeral streams, which only exist during periods of high rain, can serve as important sources of sediment and pollutants to the river. It is important that they are maintained in a vegetated condition in order to help trap and slow the flow of pollutants. Furthermore, removing riparian vegetation from the banks of small, heavily shaded streams will have a much greater impact on stream temperature and aquatic habitat throughout the watershed than removing vegetation from larger rivers, where only a fraction of the water is shaded. Rather than ignoring these streams completely, a compromise would be to create a smaller setback. Clinnick et al (1985) advocate a minimum of a 20 m wide buffer for ephemeral streams, and where that is not possible, at least leaving the banks vegetated²⁰.

¹⁷ Fisher and Fischenich 2000

¹⁸ Wenger 1999

¹⁹ Fisher and Fischenich 2000

²⁰ Wenger 1999

Appendix 1–Summary of Effective Buffer Widths from Literature Review

Author	Effective Width of Buffer (in feet)							
	Aquatic Wildlife	Terrestrial Wildlife	Stream Temperature	Litter/Debris input	Nutrient Retention	Sediment Control	Bank Stabilization	Pesticide Retention
Wenger 1999		220-574 ft.	33 – 98 ft.	50 ft.	50 – 100 ft.	82 – 328 ft.	–	> 49 ft.
Army Corps 1991	98 ft.	30 – 656 ft.	33 – 66 ft.	66-102 ft.	52 – 164 ft.	33 – 148 ft.	49 – 98 ft.	49 – 328 ft.
Fisher and Fischenich 2000	> 98 ft.	98-1,640 ft.	–	10 – 33 ft.	16.4-98 ft.	30-200 ft.	30 -66 ft.	–
Broadmeadow and Nisbet 2004	33 –164 ft.	–	49 – 230 ft.	82 – 328 ft.	16.4-98 ft.	49 – 213 ft.	–	–

Appendix 3

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Appendix 2 - General Recommended Widths of Buffer Zones

Source: Jontos 2004 (modified after Fisher and Fischenich 2000)

<i>Function</i>		Recommended Width
Water Quality Protection	Buffers, especially dense grassy or herbaceous buffers on gradual slopes, intercept overland runoff, trap sediments, remove pollutants, and promote ground water recharge. For low to moderate slopes, most filtering occurs within the first 10 m, but greater widths are necessary for steeper slopes, buffers comprised of mainly shrubs and trees, where soils have low permeability, or where NPS loads are particularly high.	5 to 30 m
Stream Stabilization	Buffers, particularly diverse stands of shrubs and trees, provide food and shelter for a wide variety of riparian and aquatic wildlife	10 to 20 m
Riparian Habitat	Riparian vegetation moderates soil moisture conditions in stream banks, and roots provide tensile strength to the soil matrix, enhancing bank stability. Good erosion control may only require that the width of the bank be protected, unless there is active bank erosion, which will require a wider buffer. Excessive bank erosion may require additional bioengineering techniques.	30 to 500 m +
Flood Attenuation	Riparian buffers promote floodplain storage due to backwater effects, they intercept overland flow and increase travel time, resulting in reduced flood peaks.	20 to 150 m
Detrital Input	Leaves, twigs and branches that fall from riparian forest canopies into the stream are an important source of nutrients and habitat.	3 to 10 m

Appendix 4 - Web Resources

Chesapeake Bay Committee. Chesapeake Bay Riparian Handbook: A guide for establishing and maintaining riparian forest buffers.

<http://www.chesapeakebay.net/pubs/subcommittee/nsc/forest/handbook.htm>

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WEDNESDAY, APRIL 25 | 12 PM

Lionshead Welcome Center
Lower level of Lionshead
Parking Structure

A Complimentary
Ecology Presentation

FREE

FREE LUNCH
for attendees

Come enjoy a complimentary lunch and listen to Pete Wadden, Town of Vail Watershed Education Coordinator, discuss the history and ongoing controversy surrounding the philosophies of Conservation and Preservation in the United States. Experts from the Town of Vail, Walking Mountains Science Center, and Eagle River Watershed Council will be on hand to answer questions about what residents can do to help Restore the Gore. There will also be stickers and informational brochures available to attendees.



walking mountains[®]
science center



TOWN OF VAIL
970.479.2144 | lovevail.org

Project Re-Wild

The Town of Vail will provide partial funding to riparian and stream bank restoration projects on private land that reduce sediment and pollution loads in Gore Creek and its tributaries by (1) establishing native vegetation buffers, (2) stabilizing stream banks or (3) reducing impervious surfaces. The town will provide up to 75% funding to projects that staff determine best serve each of the three aforementioned goals.

APPLICATION PROCESS



Homeowners or their agents who wish to apply for partial project funding from the Town of Vail must submit a completed application form in addition to all other local, state, and federal permit applications. Applicants will be asked to take time to provide detailed answers to the questions in the application packet and provide any additional information that is available such as architectural drawings and photos. Town staff will determine whether each proposed project meets the criteria listed below and will award funding to projects which best:

- Prevent erosion or reduce sediment loading in the creek
- Restore native riparian vegetation
- Remove impervious surfaces
- Rehabilitate or create wetlands or floodplains
- Incorporate BMPs in their design
- Improve in-stream habitat (pool/riffle complexes, meanders, etc.)
- Occur in high priority areas (areas of highest concern based on MMI scores)
- Provide detailed map and architectural plan of proposed project
- Have the greatest potential to add Value to the Environment

ELIGIBILITY



This fund will provide assistance to private homeowners in the Town of Vail who wish to restore stream bank on their property abutting Gore Creek or its tributaries. Funds may not be used for projects on Town of Vail stream tract property.

WHAT GOES WHERE

You can help preserve Gore Creek. Here's how.

LANDSCAPE DESIGNER'S GUIDE

As a landscape architect or landscape designer in Vail, you do a lot to keep our town beautiful.

But you may not realize that Gore Creek—the main waterway that meanders through town—is suffering the impact of fertilizers, pesticides, and landscaping techniques that destroy native vegetation.

As rain or melting snow flows across our yards, rooftops, and paved areas, it picks up pollutants including sediment, organic matter, pesticides and fertilizers. Polluted water then flows off these properties to roadways, ditches or through storm drains to Gore Creek, harming important aquatic insects, increasing algae blooms and adding sediment all of which impact the food chain for our prized trout fishery. The cumulative impacts of urbanization in the Gore Creek valley over the past half-century have had a significant impact on the health of Gore Creek, including the insects, fish, birds and vegetation that depend on clean water.

Because landscaping is so closely tied to natural processes, design and maintenance practices can have a significant effect on water quality in Gore Creek and beyond. The good news is you can improve the Creek's health by adopting a few simple practices.

- Add trees and shrubs to your clients' yards to capture, hold and filter rainwater.
- Encourage your clients to use up to three inches of mulch (like leaves, aged wood chips, compost or grass clippings),

primarily in spring and fall. Mulch stabilizes soil temperature, prevents weeds, feeds the soil for healthier plants and helps to conserve water.

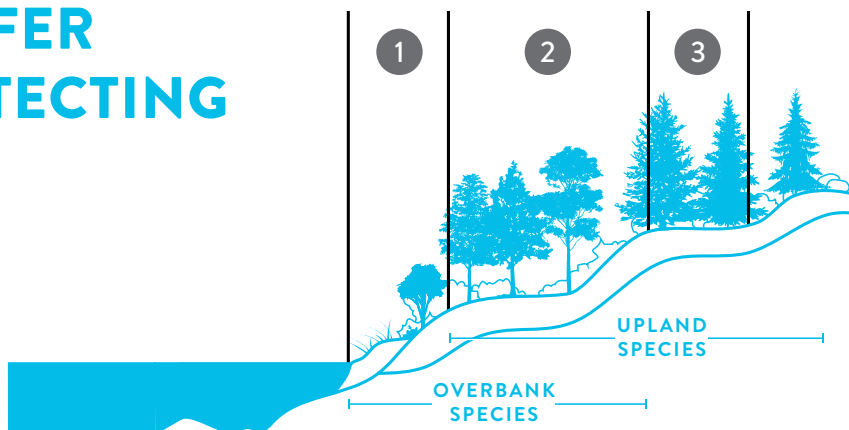
- Incorporate swales and berms into landscapes to slow runoff and prevent it from leaving yards.
- Consider installing a rain garden and directing roof drains to it.
- Consider using porous pavements such as pavers, flagstone and gravel instead of impervious surfaces such as asphalt or concrete for sidewalks and driveways.
- Observe town ordinances regarding riparian buffers and setbacks.
- Use the Three-Zone Buffer System (next page) for guidance on building and landscaping activities within 100 feet of any stream.
- Minimize the use of turf where possible, which will in turn reduce fertilizer, pesticide and water requirements.
- Plant a diverse landscape, which will naturally minimize pest problems.

Thank you for playing a critical role in preserving a special part of Vail's community—Gore Creek.

LEARN MORE AT LOVEVAIL.ORG



THREE-ZONE BUFFER SYSTEM FOR PROTECTING GORE CREEK



1 < 25 FEET OVERBANK ZONE

This area is important for bank stability, preventing erosion, filtering and absorbing pollutants, and providing habitat for terrestrial and aquatic wildlife. Contains wetland plants and mature riparian forest.

- Leave native vegetation undisturbed.
- Reintroduce native shrubs, grasses and forbs as a substitute for turf and other manmade improvements.
- Limit the use of pesticides to what is absolutely needed to control invasive weed species.

2 25–75 FEET TRANSITIONAL ZONE

This area lies between upland development and the overbank zone, and is important in filtering stormwater runoff and absorbing pollutants. Contains mature native forest and vegetation.

- Design low-impact landscaping, which reduces maintenance requirements and less need for pesticide and fertilizer.
- Reduce the use of turf and impervious surfaces such as concrete and asphalt paving.
- Create vegetative buffers to filter runoff from roofs, drives and roadways.

3 75–100 FEET UPLAND ZONE

This is an area for actively managed landscapes or natural conditions, which allows water to slowly filter into the ground.

- Lawn, garden, and compost wastes can be stored here, and stormwater BMPs may be installed, but this zone should be left as undisturbed as possible in order to optimize the value of the riparian buffer.
- Minimize turf areas to what is truly needed. Avoid siting any impervious surfaces in this zone.

WHAT TO PLANT

The Rocky Mountains are home to numerous native plant species. These plants are adapted to the highly variable climate and micro-climates found in mountain habitats. This list offers recommendations for areas along Gore Creek, as well as upland and transitional zones away from the water's edge. These plants can be used in

ornamental landscape plantings as buffers between landscaped and native areas or in native habitat restorations. Planting a variety of species provides biodiversity, which protects against pest outbreaks and provides important habitat for native fauna—all key components in improving water quality in Vail.



Thin-leaved
Alder



Twinberry
Honeysuckle



Bog
Birch

COMMON NAME	SCIENTIFIC NAME	HEIGHT	SPREAD
OVERBANK: TREES/SHRUBS			
Thin-leaved Alder	<i>Alnus incana</i>	15-30'	15-20'
Bog Birch	<i>Betula grandulosa</i>	3-6'	3-8'
Red-twig Dogwood	<i>Cornus sericea</i>	6-8'	8-12'
Twinberry Honeysuckle	<i>Lonicera involucrate</i>	3-5'	3-6'
Narrow-leaved Cottonwood	<i>Populus angustifolia</i>	30-50'	20-30'
Lance-leaved Cottonwood	<i>Populus x acuminata</i>	40-60'	30-40'
Drummond's Willow	<i>Salix drummondiana</i>	6-12'	6-12'
Coyote Willow	<i>Salix exigua</i>	6-12'	4-8'
Yellow Mountain Willow	<i>Salix monticola</i>	8-12'	6-8'



Harebells

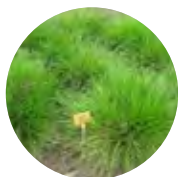


Cow Parsnip



Western Blue Flag

COMMON NAME	SCIENTIFIC NAME
OVERBANK: FORBS	
Monkshood	<i>Aconitum columbianum</i>
Marsh Marigold	<i>Caltha leptosepala</i>
Harebells	<i>Campanula rotundifolia</i>
Chiming Bells	<i>Mertensia ciliata</i>
Cow Parsnip	<i>Heracleum maximum</i>
Western Blue Flag	<i>Iris missouriensis</i>



Tufted
Hairgrass



Slender
Wheatgrass



Baltic
Rush

COMMON NAME	SCIENTIFIC NAME	DISTRIBUTION
OVERBANK: NATIVE SEED MIX		
Tufted Hairgrass	<i>Deschampsia caespitosa</i>	20%
Streambank Wheatgrass	<i>Elymus lanceolatus</i>	20%
Slender Wheatgrass	<i>Elymus trachycaulus</i>	15%
Big Bluegrass	<i>Poa secundiflora</i>	5%
Western Wheatgrass	<i>Pascopyronsmithii</i>	15%
Fowl Bluegrass	<i>Poa palustris</i>	20%
Baltic Rush	<i>Juncus balticus</i>	5%

Thank you for playing a critical role in preserving a special part of Vail's community—Gore Creek.

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Rabbitbrush



Quaking Aspen



Boulder Raspberry

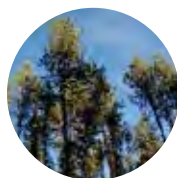
COMMON NAME	SCIENTIFIC NAME	HEIGHT	SPREAD
UPLAND: DECIDUOUS TREES/SHRUBS			
Rocky Mountain Maple	Acer glabrum	20-30'	10-20' <i>(smaller in Vail)</i>
Saskatoon Serviceberry	Amelanchier alnifolia	6-20'	6-12'
Rabbitbrush species	Chrysothamnus nauseosus	2-6'	2-6'
Potentilla or Cinquefoil	Pentaphylloides floribunda	2-3'	2-3'
Quaking Aspen	Populus tremuloides	20-50'	20-30'
Native Chokecherry	Prunus virginiana melanocarpa	8-20'	8-12'
Wax Currant	Ribes cereum	2-4'	2-4'
Woods Rose	Rosa woodsii	3-6'	3-6'
Boulder Raspberry	Rubus deliciosus	3-6'	3-6'
Thimbleberry	Rubus parviflorus	3-5'	4-6'
Red-berried Elder	Sambucus pubens	4-12'	4-12'
Snowberry	Symphoricarpos albus	3-5'	3-5'



Native
White Fir



Rocky Mountain
Juniper



Lodgepole
Pine

COMMON NAME	SCIENTIFIC NAME	HEIGHT	SPREAD
UPLAND: EVERGREEN TREES			
Native White Fir	Abies concolor	40-60'	20-30'
Rocky Mountain Juniper	Juniperus scopulorum	20-30'	8-12'
Engelmann Spruce	Picea engelmannii	40-60'	
Colorado Blue Spruce	Picea pungens	40-60'	
Bristlecone pine	Pinus aristata	10-20'	
Lodgepole pine	Pinus contorta latifolia	50-70'	10-15'
Douglas-fir		50-80'	



Rocky Mountain
Columbine



Silvery
Lupine

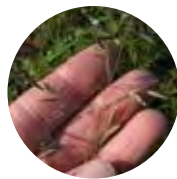


Pussytoes

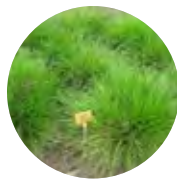
COMMON NAME	SCIENTIFIC NAME
UPLAND: FORBS	
Rocky Mountain Columbine	Aquilegia caerulea
Rocky Mountain Penstemon	Penstemon strictus
Richardson's Geranium	Geranium richardsonii
Silvery Lupine	Lupinus argenteus
Aspen Daisy	Erigeron speciosus
Sulphur Flower	Eriogonum umbellatum
Pussytoes	Antennaria rosea



Mountain
Brome grass



Sandberg
Bluegrass



Tufted
Hairgrass

COMMON NAME	SCIENTIFIC NAME	DISTRIBUTION
UPLAND: NATIVE SEED MIX		
Streambank Wheatgrass	Elymus lanceolatus	20%
Mountain Brome grass	Bromus marginatus	20%
Slender Wheatgrass	Elymus trachycaulus	15%
Blue Wildrye	Elymus glaucus	5%
Big/Canby Bluegrass	Poa secunda	5%
Rocky Mountain Fescue	Festuca saximontana	5%
Sandberg Bluegrass	Poa secunda	5%
Prairie Junegrass	Koeleria cristata	5%
Tufted Hairgrass	Deschampsia caespitosa	5%

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Gary Vick

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garywvick@icloud.com

September 16, 2019

The City of Glenwood Springs
101 West 8th Street
Glenwood Springs, CO 81601
Attention: Mr. Trent Hyatt, Senior Planner, Community Development

RE: Proposed revision to Ordinance 070.040.020(d)(24) Conservation of Waterways

Honorable Mayor, City Council, and Planning and Zoning Commissioners:

I am grateful for and appreciate your taking the time to review the attached package that is submitted to facilitate your review of the subject revision. I look forward to discussing these items with you at scheduled P&Z and Council meetings.

I respectfully urge you to reject the proposed revision.

The proposed revision puts severe limitations on the use of our property in exchange for no quantifiable, demonstrated gain. There is no outcry for this revision, and it is not required at this time. It will result in potentially severe devaluation of the property values of homeowners along the Roaring Fork River. It ignores the rights of property owners to use and enjoy their land by forwarding the goals of well intentioned but minority environmental groups. The revision has not been subject to even a cursory cost/benefit analysis. The City has not determined how many properties would be made non-compliant by this revision, nor to what extent. There has been no meaningful outreach on the part of the City to solicit stakeholder input or work with citizens to craft an ordinance that can garner stakeholder support. The proposed ordinance does not meet the City's threshold for ordinance change. These arguments are substantiated in the attachments hereto.

Living on a river is magical. It is a truly wonderful experience. As residents living along the Roaring Fork in Glenwood Springs, we are lucky. Most of us purchased our properties for the express purpose of viewing, using, accessing, and enjoying the river. We listen to the river every day. We sleep to it every night. We watch it at breakfast and dinner every day. We fish in it. We watch families of fox, deer, bear, raccoon, mink, geese, ducks, hawks, and bald eagles feed and play in it. We watch the stars by it, picnic by it, and camp by it. We kayak and raft to our own back door. We do so responsibly, caring for the environment that we paid a premium to own.

We use our backyards much as you do, only there is no proposed ordinance revision

that could sterilize and make unusable up to 90% of your backyard's most attractive features without meaningful stakeholder input and without the City demonstrating any quantifiable need for, or quantifiable benefit from, this sterilization. You are not facing an ordinance that would limit your enjoyment and severely impact the value of your property.

I have provided City Staff ("Staff") with alternate language for the ordinance that mitigates many of these concerns (the "Proposed Changes"). I also provided thorough justification for the Proposed Changes. I have asked Staff to provide these documents in your packets.

Staff has reviewed the Proposed Changes and has stated to me that many of the changes are desirable. Perplexingly, none of the Proposed Changes have made it into the text of the code you will review tonight. You are reviewing something that, apparently, Staff might want to modify, that the City has not justified, that negatively impacts stakeholders along the river, and that has not had the benefit of meaningful outreach on the part of the City.

Accordingly, you have no choice other than to deny approval of the ordinance as presented. Alternatively, you could recommend that Council instruct Staff to i) engage stakeholders to solicit their input and concerns, ii) incorporate changes based on such input that Staff feels is appropriate, iii) fully justify the need for the ordinance with a proper cost/benefit analysis, and iv) resubmit the ordinance for approval.

Thank your for your efforts in the review of this material.

Best regards,

/signed by Gary W. Vick/

Gary W. Vick

Attachments

Discussion

The Proposed Ordinance does not appear to meet City Ordinance requirements for an Ordinance Change, section 070.060.040.(c)(3)d.3

- ii. **Does not conflict with other provision of this Code or other provisions of the Glenwood Springs Municipal Code.**

Rebuilding of existing non-conforming structures (such as those in the proposed setback area) is contemplated in the Code, but the Proposed Code stipulates that no excavation may occur in the setback area. Such excavation may be required in order to rebuild a nonconforming structure, and could be a conflict in the code.

- iii. **Is necessary to address a demonstrated community need**

The staff report states that the City lags behind neighboring communities in the protection of water resources.

This statement is not accurate.

The Roaring Fork Conservancy (“RFC”) performed a spot comparison of ordinances found in nearby municipalities and counties. This is shown below.

REGION	SETBACK	DETAILS
City of Aspen	100ft/100 year floodplain	Development is “subject to heightened review.” (Ord. 26.435.040)
Town of Basalt	50ft	Prohibits development and cutting of riparian and wetland vegetation. (Ord. 16-464a)
Town of Carbondale	Unspecific	If new development is proposed adjacent to any river, all practical means should be used to preserve natural grade, drainage patterns, soil and vegetation. (Ord. 4-2007)
Eagle County	75ft/100 year floodplain	No development within 75ft of high water mark or 100 year floodplain (whichever is greater).
Garfield County	35ft	Prohibits removal of any existing native vegetation or conducting any activity which will cause any loss of riparian area unless it involves the approved removal of noxious weeds, nonnative species, or dead or diseased trees.
Pitkin County	100ft/100 year floodplain	100 foot buffer for all activity and development. Setback may be reduced to a minimum of 50 feet if reduction does not result in water quality degradation, stream bank erosion and/or a reduction in the quality of riparian or wetland habitat.

The RFC comparison did not include municipalities downstream from Glenwood Springs from whom no outcry regarding water quality has been heard. The RFC’s inclusion of county ordinances for comparison is not appropriate insofar as municipalities generally have much greater density

and diversity of land use than do counties which can be much more rural, are more agricultural in nature, and require different land use criteria. One has only to compare a drive down Midland Avenue to a drive to Grand Junction to see this. Some individual landowners in nearby counties, for example, can easily have more river frontage than the 50 stakeholders addressed in this letter combined.

Accordingly, I prepared a more thorough comparison of ordinances in neighboring municipalities in the table below. The comparison concentrates on municipalities and omits counties. Though it does not capture every riverfront municipality in the state, it is what could put together in the time available. It captures a much better picture of where Glenwood stands in comparison to its neighbors than does the RFC comparison.

Six of the 10 municipalities reviewed have no riparian setbacks of any kind, and only one, Basalt, applied vegetation limitations retroactively to existing homeowners. Those municipalities without setbacks see no need for them. There is no demonstrated need for revised setbacks in Glenwood Springs.

Glenwood Springs does not lag behind the majority of its neighboring municipalities in the protection of water sources. There is no need to “keep up with the Jones”, and the Proposed Ordinance would be one of the most restrictive to existing homeowners in the comparison.

Municipality	Setback	Vegetation Restriction Retroactive to existing Properties	Summary of Ordinance
Aspen (from RFC)	100'/100 yr Flood-plain	No	Development subject to heightened review
Snowmass Village	25' from Riparian edge	No	<u>New development only.</u> Recreational access sites allowed. Vegetation loss to be minimized, replacement vegetation ratio may be less than 1:1 to facilitate a view of, and use of, the creek.
Basalt (from RFC)	50'	Yes	Apparently very restrictive, prohibits development and cutting of riparian and wetland vegetation.
Carbondale	<u>None</u>	No	Developments shall minimize impacts to...wetlands, and...stands of trees. Such resources... shall be preserved where practicable...development shall be designed to preserve existing waterways...primary vegetation (trees)...and other features.
Vail	30' or 50' from stream CL	No	Decks may extend 10' into setback, <u>no restrictions on vegetation.</u> City historically has paid 75% of regrowth design costs for citizens, is considering more restrictive code <u>after outreach and stakeholder input</u> but staff expects "very serious pushback" from citizens.
Gypsum	<u>None</u>	No	Community Development Director states that nothing is driving the need for an ordinance. City adopted <u>Eagle River Watershed Plan</u> but specifically, and significantly, did not adopt the setbacks associated with the plan.
New Castle	<u>None</u>	No	Planning Department stated no specific restrictions exist
Silt	<u>None</u>	No	Nothing found in review of code, messages left for city staff
Rifle	<u>None</u>	No	Nothing found in review of code, messages left for city staff
Parachute	<u>None</u>	No	...subdivisions... shall preserve, insofar as possible, ... drainage, ..., lakes, rivers, streams and trees. Significant vegetation, including dominant or mature trees & shrubs shall be retained where possible.
Glenwood (existing)	30' from HWM ~ 8127 cfs	No	Entire Ordinance: No improvement, building, structure, excavation, dumping or backfill shall be placed, built, undertaken or approved within a thirty-foot setback area horizontally from the high water mark of any river or live stream, except for bridges, paths for non-motorized use, irrigation structures or flood control and erosion protection devices.
Glenwood (proposed)	50' from OHWM per USGS	Yes	See proposed ordinance and Proposed Changes in letter to Trent Hyatt 8-31-19

You should instruct Staff to provide a more thorough comparison for review, inclusive of additional parameters and municipalities.

iv. Is necessary to respond to substantial changes in conditions and/or policy

Staff states that adoption of the proposed standards would help the City meet future compliance with EPA Municipal Separate Storm Sewer System (MS4) permit requirements if the population exceeds 10,000 in the 2020 census.

The Proposed Ordinance is premature, as is the perceived need to meet MS4 without knowing the results of the census.

If it is necessary to meet MS4, the Proposed Ordinance does not help to meet compliance in a substantial or meaningful way. The lands covered by the Proposed Ordinance represent less than 1% of the City's land area. The vast majority of the City's storm water disposal is untreated, running through yards, streets, and drainage systems directly into the river system. The vast majority of storm water does not go through any riparian environment of any kind. As such, improvement of the riparian environment, even by a substantial amount, would not materially affect overall storm water quality.

The bulk of the City's inability to comply with the MS4 permit, if any inability exists, has nothing to do with the areas addressed by the Proposed Amendment. The interior of the City, where most storm water is generated, should be the focus of this requirement, not the narrow riparian zones along the river.

To use this MS4 as a justification for the Proposed Ordinance is disingenuous and violates the requirements for ordinance change and its intent.

The Proposed Ordinance lacks balance between cost and benefit.

Many endeavors in life can be successful if one simply copies a similar, previously successful process. I didn't invent that phrase: Compaq, Dell, Microsoft, and other successful business did.

A relevant process to follow here is exemplified by the EPA under previous administrations. Prior to implementing clean water regulations the EPA gathers input from stakeholders from all sides the issue. Environmental groups, whom I generally support, are consulted. Industry, citizens, and municipalities are consulted. Significantly, no one group writes the rules. Rather, the EPA balances goals and needs, performs cost/benefit analyses, and writes regulations that generally garner the widest possible support.

Now lets compare this process to the derivation of the Proposed Ordinance that is before you today.

The Proposed Ordinance has been authored by Staff and the River Commission ("RC") with significant input from the RFC and certain members of City Council (collectively, the "Authors"). Staff states that the Proposed Ordinance has been in process for several years. Stakeholders have not been solicited or consulted to any meaningful degree during the drafting of the ordinance and were notified of the Proposed Ordinance through a single mailing approximately two weeks prior to a scheduled vote on the ordinance by the Planning and Zoning Commission ("P&Z"). The ordinance furthers the well intentioned goals of the Authors alone at the expense of reduced property values on the part of stakeholders.

The Authors have not performed any cost/benefit analysis, or even a cursory cost/benefit comparison, to justify the Proposed Ordinance. The Authors have not quantified the benefits of the Proposed Ordinance and have ignored the serious potential impact on the property values of stakeholders.

Significantly, they have not identified the number of properties that will be made non-compliant by the Proposed Ordinance and to what extent they will become non-compliant.

This is no way to run a railroad. Costs and benefits are properly discussed below.

Costs of the Proposed Ordinance

The costs of the Proposed Ordinance will be born by a small number of stakeholders and could be in the million of dollars.

The Proposed Ordinance restricts, or sterilizes, a portion of the land owned by homeowners. It limits a homeowner's use of his property, potentially limits his ability to clear or even trim vegetation so as to be able to see, use, access, and enjoy the river he paid dearly to be able to see, use, access, and enjoy. As proposed, it may limit the ability of a homeowner to rebuild a non-conforming structure or build a new structure at the 50' edge of the setback area due to lack of construction access.

The value of a less restricted property is more than the value of a more restricted property. The only question is to what degree. In my case, I paid a 28% premium for my property to be on the river and have a view of, use of, and access to the river. This premium is born out by square footage tax assessments of my property compared to other properties in my neighborhood.

If a homeowner's view, use, and access to the river are hindered and his ability to develop, redevelop, or rebuild his property is limited by the Proposed Ordinance, then the Proposed Ordinance will cause him to potentially loose the premium associated with his property.

There is no hard data as to how much more homeowners along the Roaring Fork paid to be able to see, use, and access the river, or how much the property value will be reduced by the Proposed Ordinance, but we can get a feel for the order of magnitude of this premium by making some reasonable assumptions. In my case the amount of market value that I will lose under the Proposed Ordinance is on the order of \$100,000 (\$450,000 market price X $(1 - 1/1.28)$ ~ \$100,000).

According to Staff, there are 50 odd private homes along the river that could be affected by the Proposed Ordinance. Though many of these homes are larger and more expensive than mine, if these homes incur a \$100,000 devaluation per property, valuation losses of over \$5 million could be incurred by the stakeholders.

As established in the next section, there is no corresponding benefit associated with this cost.

The Authors claim that there will be no impact on property valuation. None. They claim that property values may increase under the Proposed Ordinance. These claims defy common sense. The value of a less restricted property is more than the value of a more restricted property.

That said, I had the Chairman of the RC tell me that *"Common sense does not apply. We have a study showing that riparian setbacks have no effect on property values and may increase them."* Another member of the RC told me that resale prices would not be affected by the Proposed Ordinance because *"whoever can afford (this) property can afford to get any variance they need"*. I had not realized variances were for sale.

The Chairman of the RC was kind enough to forward me a copy of the subject study performed in 2006 by Dr. Brian A. Mikelbank of Cleveland State University ("CSU") entitled *Hedonic Analysis of Riparian/Wetland Setbacks*. It was performed on a fee basis on behalf of Chagrin River Watershed Partners, Inc. ("CRWP"), a watershed conservancy group similar to the RFC.

The study performed a regression analysis (a statistical analysis of outcomes with respect to multiple variables) on roughly 4,000 home sales over several years in the CRWP watershed area, roughly 400 of which bordered a stream or river. The overwhelming majority of properties bordering a stream or river had setbacks in place. The regression analysis took into account a multitude of variables that could influence transaction prices. The regression analysis did not show a correlation between setbacks and transaction prices.

As a degreed engineer turned CFO that has taken both graduate and post graduate statistics classes, this seemed a bit counterintuitive to me. As a numbers guy I read the study cover to cover, number for number. On page 15 of the study I found the reason why the regression analysis did not find a correlation between setbacks and transactions prices. Page 15 states (emphasis added):

“While a homebuyer valuing the environmental protection the setback provides could explain this result, our focus group meeting indicated that this explanation is unlikely in this market.

The consensus opinion expressed at that meeting was that potential homebuyers do not know about setback designations. Further, the consensus was that it was unlikely that realtors would even know whether or not a property had a designated setback. Thus, the focus group predicted that setback designation would not be an influence in the area housing market. That makes the results of the community specific model somewhat suspect”.

Two things bothered me after I read the study.

First, the vast majority of homes with setbacks were the same homes that were on the river. The setback variable and the streamside variable were therefore coupled. If you get one, you generally get the other. Because the variables were coupled, the higher prices paid for homes with setbacks might be attributed to their being on a stream, a generally desirable trait. Absent common sense, there is no way to know.¹

Second, it seems to me that a buyer would not be in a position to pay more, or less, for a property with, or without, a setback if he or she was unaware of the existence of the setback when the real estate transaction was made. It seems to me that statistically measuring if people will pay more, or less, for a property with, or without, a setback is impossible if the parties do not know about the setback and factor the setback into their pricing decision.²

The Author’s contention that riparian setbacks do not influence real estate transaction prices is based on a study that has fatal flaws. Their conclusion is false. Setbacks will be widely known in Glenwood Springs and required to be disclosed at the time of sale. Setbacks will have a negative impact on transaction prices.

This conclusion is verified by attached emails from two statisticians. One reviewed the study at my request, and the other is Dr. Mickelbank, the author of the study.

¹ For an analogy, consider that Ferraris come with fancy tires not found on other cars. If you do a regression analysis on 1,000 various car sales and include car brand and tire type as variables, the analysis may not be able to distinguish between these two effects because they always come together. So common sense is used to determine whether the buyer paid \$300,000 for the Ferrari, or for the tires.

² Staying with the car sales analogy, suppose that 500 of the 1,000 cars above had a handful of sand thrown into their engines prior to the sale and no one knew about it. The regression analysis would not detect any devaluation in price due to the sand in the engine because no one knew it was there and no one paid less for the car with sand in its engine. Can you conclude that sand in the engine, if known about, has no effect on the price? No.

Benefits of Proposed Ordinance

The Authors have not demonstrated a need for the Proposed Ordinance.

The benefits shown by the RFC have not been shown to be needs, are general in nature, none were quantified, and no credible argument was presented showing that implementation of the Proposed Ordinance would mitigate any of the concerns discussed in the proposed benefits to any meaningful, measureable degree.

The Roaring Fork River is over 70 miles in length. Only about 4 of those miles are in the city of Glenwood Springs. The fact of the matter is that there is no wholesale, overt destruction or degradation of riparian habitat along the banks of the Roaring Fork River through Glenwood Springs by homeowners who live along the river. To the contrary, most homeowners love the river more than the Authors do and are good environmental stewards of the lands they paid a premium to own and use.

In its July 19, 2019 letter to the Mayor, Council, and the P&Z the RFC infers that the Proposed Ordinance will have a positive economic impact because it will:

- *Reduce drinking water costs in the event that the City's secondary water source is required to be used.* This claim is not substantiated. The City's water supply currently meets applicable specification, as does its drinking water.
- *Reduce erosion.* This claim is not quantified, even on a cursory level. Examination of the river from Google Earth, Red Mountain, or by floating the river does reveal some areas of erosion within Glenwood Springs but it is impossible to tell over what time frame these occurred and they do not require a broad-brush ordinance to correct.
- *Increase property values.* This claim is false as shown in the previous section.
- *Support the local fishing economy.* Homeowners along the Roaring Fork generally love to fish. The RFC does not quantify this claim in any fashion whatsoever and there is no measureable degradation to the fishing industry by homeowners along the river or any measureable increase claimed if the Proposed Ordinance is adopted. The statement is completely general.
- *Tourism will be increased by improved aesthetics.* Aesthetics are in the eye of the beholder. Comments shouted to homeowners from passing commercial rafters are universally complimentary with respect to the aesthetics of individual properties. I hear such comments literally every day in the summer season. Not once in 21 years have I heard a derogatory comment relating to the aesthetics of my property or those of my neighbors.

People have impacted their environments as far back as our Native American ancestors. By default, tradeoffs are made between an ecosystem and a municipality. During discussions regarding the Proposed Ordinance, a liaison Council member told me that "*we must do everything possible to protect the river.*" Really? Everything? At any cost? The EPA does not see it that way. Nor does Staff.

When I related this conversation to Staff, the planner literally burst out laughing. He stated *“well, in that case we might as well just go shoot ourselves right now, because we will always have some level of impact on the river.”*

You may hear from the Authors that river temperatures are rising and that last summer there was an algae plume in the river. All true. Our environment is getting warmer, and last summer was particularly dry and hot. That is when algae plumes occur. But we are not burning the Amazon along the banks of the Roaring Fork River here in Glenwood Springs. You will not hear the Authors present any credible scientific evidence to support any claim that if the Proposed Ordinance had been in place last summer then these anomalies or any others would have been avoided.

In a document entitled *Glenwood Springs Riparian Assessment* dated February 26, 2018, members of the RC and RFC make the following observations that I comment on below.

- *The Banks at Threemile Creek are marginally vegetated and under erosion.*

The National Forest Service (“NFS”) routinely closes damaged areas to traffic to facilitate revegetation. This problem does not need a broad-brush ordinance to resolve.

- *(summarized) Backyard development creep and riparian vegetation clearing are increasing...some (landowners) have cleared ... access down the hill slope (that) may disrupt riparian function and if copied...could result in extensive loss of riparian habitat. Potential treatments include curtailing ... development ... to preserve riparian function while still allowing private landowner(s)...to enjoy riverside amenities. Public education is a key component for addressing these concerns.*

A number of points regarding vegetation are relevant here.

1. The claim is anecdotal and unsubstantiated.
2. There is no pre and post analysis over any defined time frame to justify a claim that creep is significant or detrimental. There is no objective science here. There is no wholesale or overt degradation of riparian habitat that warrants this broad brush approach.
3. Staff has stated that there are roughly 50 private homes along the river in Glenwood. The extent of their riverfront is therefore limited, and the extent of any cleared or developed riverfront is even more limited. Staff has provided no hard data on this riverfront footage.
4. Property owners have a right to use, enjoy, view, and access the river on the property they paid a premium to own.
5. Efforts to discuss alternative usage scenarios have been rebuffed by the Authors. Property owners currently enjoy 100% use of their

property. The Proposed Ordinance's provision to allow property owners to use only 10% of their riparian area is unfair and insufficient by any standard. It is invasive and an affront to property owners rights. When you live on the river, you understand this.

6. The Assessment states that "*Public Education is a key... (see above)*. So where, exactly, has been this public outreach and education? With the exception of Staff, the Authors have largely refused to engage well intensioned citizens in a constructive revision of the Proposed Ordinance. Instead, it is being considered with scant notice to stakeholders after years of work by the Authors to further their own environmental views.

The Assessment's claim seems rooted to some extent in the Authors' objection to non-native grasses in the riparian zone. The following table was reproduced from a 2005 study provided by the RFC entitled *Riparian Buffer Zones: Functions and Recommended Widths*. As shown below, it suggests that grasses actually fare pretty well in comparison to other types of vegetation.

Function	Grass	Shrubs	Trees
Sediment trapping	High	Medium	Low
Filtration of Sediment born Nutrients, Microbe and Pesticides	High	Low	Low
Soluble forms of Nutrients and Pesticides	Medium	Low	Medium
Flood Conveyance	High	Low	Low
Reduction of Stream Bank Erosion	Medium	High	High

The study goes on to say that the removal efficiency of grasses, compared to an ideal mix of grasses, shrubs, and trees, have a removal efficiency of 61% of nitrates, 72% of phosphorus, and 44% of orthophosphates. Grasses are therefore not completely inept at removal of pollutants. And remember, the existing and potential area of grasses along the riverbank is relatively small.

The takeaway here is that non native homeowner grasses comprise a very small percentage of the short Roaring Fork riverbank through Glenwood Springs, that there is no objective evidence to suggest that the amount of grass coverage is egregious, detrimental, or increasing, that grass is better than or equal to 4 of the 5 functions listed in the table above, that grass provides meaningful absorption of nitrates and phosphorous, and that the vast majority of storm water runoff does not flow through the riparian environment but drains through storm sewers directly into the river which makes concentrating on homeowner riverbanks somewhat of a fruitless exercise.

It cannot be concluded that the Proposed Ordinance would result in meaningful reduction in riparian function or increase water quality to any meaningful, demonstrable degree.

Gary W. Vick

614 Cowdin Drive
Glenwood Springs, CO 81601
(303) 548-0962

August 31, 2019

Mr. Trent Hyatt
Senior Planner, Community Development
The City Glenwood Springs
101 West 8th Street
Glenwood Springs, CO 81601

RE: Basis of changes to proposed Riparian Setback Ordinance

Trent,

I appreciate your meeting with me last Monday to review changes to the proposed ordinance regarding riparian setbacks (the "Proposed Changes"). As we discussed, the vast majority of your original language has been retained and most of the Proposed Changes are expansions and clarifications. Based on our conversations it appears you are in agreement with many of the Proposed Changes.

I recommend that you incorporate these changes prior to the next P & Z meeting and notify affected stakeholders of the changes so that their comments may be considered by P & Z.

The proposed ordinance is somewhat cavalier with respect to the rights of property owners. What follows is a summary of the reasoning for the Proposed Changes and is provided to facilitate discussion among your staff and your advisors.

Purpose

The purpose of the ordinance has been expanded in the Proposed Changes based on consultations with you, members of the River Commission, and members of Council. It now fully reflects the intent of the ordinance as represented to me by these parties. This section is self explanatory.

Definitions

Definitions are added for clarity and will of course need to be relocated to the definitions section of the Code.

Standards

Generally, the standards have been expanded to reflect the consultations mentioned above. Proposed Changes focus on three main areas:

1. **Improvements have been segregated into two separate sections: new and existing to adequately provide for “grandfathering”.**

Section 070.010.070 (Nonconformities) was not designed to, nor does it, address riparian areas. Section 070.10.070 (f) (3) is the closest applicable section and addresses landscaping. It states that the nonconforming features must be upgraded if, among other things, *any* changes are made to parking areas and *certain* changes are made to structures outside of the riparian area. Simply put, an insignificant change to something not impacting the riparian area could result in a loss of grandfathering. This is not the intent of the grandfathering discussed with members of Council and the River Commission. Section 070.10.070 is inappropriate for this particular purpose.

Accordingly, separate sections covering new and existing improvements were added in the Proposed Changes.

2. **Trimming of vegetation is allowed in the Proposed Changes.**

Consultations with you and Council Members affiliated with the River Commission indicate that it is not the intent of the ordinance to restrict a private owner's view and use of the waterway by restricting his ability to trim vegetation. The term “clearing” in the proposed ordinance is vague.

Accordingly, Clearing of Native Vegetation has been added to the definitions and trimming is specifically allowed in the Proposed Changes provided that root systems are not damaged or destroyed.

3. **A 15 foot work zone has been added to facilitate construction, rebuilding, and repair of new and existing structures.** The provision provides that any vegetation disturbed in this process will be reasonably replaced.

It is the intent of the proposed ordinance to allow structures to be built within 50 feet of the OHWM and for existing structures within the setback to be rebuilt or repaired. Unfortunately, the proposed ordinance does not account for the need to have space around a new or existing structure for crews or equipment. The unintended consequence of the proposed ordinance is to increase the setback by the distance required to work around the structure. This is not the intent of the proposed ordinance as presented to me in the consultations reference above.

This is remedied simply by inclusion of a 15 foot perimeter work zone in the Proposed Ordinance, provided that commercially reasonable efforts are made to substantially replace any disturbed vegetation within the 15 foot perimeter. This retains the intent of the riparian setback.

Applicability

Proposed Changes to Applicability relate to two main areas, river access and consistency between subparagraphs 2 and 4.

1. **Consistent threshold for Paragraph 2 and 4.** Paragraphs 2 and 4 have different thresholds of performance and remedy. As currently proposed, City activities are not as limited as homeowner activities. The Proposed Changes correct this and a “do no harm” standard is used for both paragraphs.
2. **Stairs.** Many homeowners have a need for stairs on steeper parts of the banks along the river. Whether stairs do or do not now exist, this is a safety issue and homeowners have a right to safe river access. Stairs are provided for in the Proposed Changes.
3. **River Access.** The Proposed Changes allow for increased access and use of the river vis-à-vis the proposed ordinance. The proposed ordinance allows clearing 10% of the vegetation in the setback area, whereas the Proposed Changes increase this to the greater of 25% or that required to allow for an Access Corridor 30 feet wide through the setback area.

Many homeowners purchased their properties on the Roaring Fork expressly for the purpose of viewing, using, accessing, and generally enjoying the river. Most paid a premium to do so. Living on the river is magical. Take it from someone who does it everyday: the river and its wildlife are healthy. One

only has to float the river or view the river from Red Mountain to confirm that no wholesale, overt destruction of riparian environment is occurring along the banks of the Roaring Fork through Glenwood Spring.

Rather than use local solutions to address local areas of habitat loss, the proposed ordinance would sterilize and makes unusable up to 90% of a homeowners river frontage without meaningful stakeholder input and without the City demonstrating any quantifiable need for, or quantifiable benefit from, this sterilization.

That said, in an attempt to strike a balance between homeowners who own and use the river frontage every day and those who will incur no quantified benefit or any personal cost associated with its sterilization, the Proposed Changes includes an expansion of the usable riparian area that many homeowners may find acceptable.

There is a minimum amount of access a homeowner requires to view, access, use, and enjoy the river, regardless of the size of his lot or the length of his stream frontage.

Different homeowners may have different thoughts, but I recommend 30 feet for the Corridor Width because this allows a small lot owner to have adequate access to the river. I have a 30 foot corridor on my 75 foot lot and in my personal experience this is the minimum you need to get two or three rafts, some kayaks, lawn chairs, coolers, friends, family, and a couple of dogs together along the river bank for a get together. It is also the minimum I need for fishing, relaxing, and viewing. Keep in mind it is my land, not yours. I currently have 75 feet I can use; limiting my unrestricted use to 30 feet is a generous offer on my part.

I recommend 25% as the area parameter because, by any objective measure, telling any home owner that he can only use 10% of what he already owns and can currently use without restriction is authoritarian, heavy handed, one sided, and an affront to the rights of property owners rights. This may not have been the intent, but it is the result. The 10% figure was arrived at by and large by people who don't live on the river and have 100% use of their own back yards to use as they see fit. I might have authored such a 10% proposal myself if I did not live on the river. But I do.

So, how do these Proposed Changes compare to the proposed ordinance? The following calculation is pertinent: There are roughly 4 miles of river through Glenwood Springs. That's about 8 miles of riverbank, or about 42,000 feet of riverbank in aggregate along both sides of the river. The Proposed Changes would allow 50 homeowners to clear 30 feet of vegetation along the riverbank. Not all homeowners would take advantage of this. Some might not want to, and others might not be able to due to topography, and some may have already done so and are grandfathered. Some might put the corridor in areas of no riparian habitat.

But let's make an extremely onerous assumption and say that all 50 homeowners clear a new 30 foot Access Corridor to the riverbank through virgin riparian habitat. That means that 1,500 feet of river front could be cleared. Under this extreme scenario, 1,500 feet out of 42,000 feet, or 3.6% of the riverfront, would not remain sterilized by the Proposed Changes. Said another way, 96.4% would remain sterilized. If one takes into account that grasses could be planted in the Access Corridor, and that these grasses have, according to data provided by the Roaring Fork Conservancy, between 70% and 90% (depending on the pollutant) of the filtering capacity of a mixed riparian habitat, then less than 1% of the filtering capacity of the stream bank would be affected. That's not much. The proposed Changes give you between 96% and 99% of what you are asking for. And frankly that's on the low side, because not everyone will construct such a corridor.

I am not trying to be melodramatic, but homeowners along the Roaring Fork cannot accept the proposed ordinance in its current form. We have the motivation, resources, expertise, and remedies available to successfully contest this issue.

You love the river as much as I do, and I know trampling on property owner rights was not your intent. But the proposed ordinance does exactly that as an unintended consequence. The Proposed Changes are more than reasonable, mitigate many concerns, should be incorporated in their entirety, presented to stakeholders for comment, and subsequently reviewed by P & Z and Council.

Regards,

/ signed by Gary W. Vick/

Gary W. Vick

(24) **Conservation of Waterways**

It is the purpose of the Subsection 070.040.020 (d) (24) to: 1) conserve and promote the health of the City's riparian ecosystems and water quality by maintaining a functional natural buffer adjacent to waterways, 2) allow owners of properties affected by this ordinance to access, use, view, and personally enjoy the river ecosystem and waterway, 3) not materially degrade the underlying value of any property affected by this ordinance, and 4) not impede development or redevelopment of any property affected by this ordinance except as set forth below.

For the purposes of this Subsection 070.040.020 (d) (24):

- **Clearing of Native Vegetation** shall be defined as complete removal of vegetation and the removal or destruction of the root systems associated with that vegetation.
- **Ordinary High Water Mark ("OHWM")** shall be defined */USGS definition to be inserted here/*.
- **Riparian Setback Area** shall be defined as the area within 50 feet of the OHWM measured perpendicular to the OHWM that contains Riparian habitat.
- **Access Corridor** shall be defined as a continuous corridor not to exceed 30 feet in width measured collinear with the OHWM through the Riparian Setback Area.

a. Applicability

All new improvements, buildings, additions, structures, excavations, grading, dumping, clearing of native vegetation, or backfill shall be subject to the requirements of 070.040.020 (d) (24) b *Standards* unless the applicant demonstrates to the City Engineer and the Director by the preponderance of the evidence that one or more of the following conditions is met:

1. The removal of native vegetation, not to exceed the greater of 25% of the Riparian Setback Area or area of the Access Corridor, to allow a property owner private access to, use of, view of, and personal enjoyment of the

river ecosystem and waterway. This shall not be interpreted to allow for permanent structures of any kind within said area (except for access steps no more than 4 feet in width and no more than 18 inches high), nor shall it be interpreted to prevent trimming of native vegetation outside of the Access Corridor or 25% of the Riparian Setback Area so long as that vegetation has historically been trimmed and so long as the root systems of the vegetation are not removed or destroyed.

2. The construction of bridges, public utilities, public paths for non-motorized use, public open spaces, wildfire mitigation activities, irrigation structures, flood control and erosion protection devices that to not result in water quality degradation, increased stream bank erosion, or a reduction in the function and quality of a riparian area or wetland.
3. Removal of vegetation listed on the Garfield County noxious weed list, Chinese Elm, or Siberian Elm in compliance with applicable regulations.
4. Applicant demonstrates that the area does not contain significant riparian plant species or functions or is impacted by previous earth disturbance activities and proposed activity does not result in water quality degradation, increased stream bank erosion, or a reduction in the function and quality of a riparian area or wetlands.

b. Standards

1. No new improvement, building, structure, excavation, grading, dumping, Clearing of Native Vegetation, or backfill shall be placed, built, undertaken or approved within the Riparian Setback Area associated with any river or live perennial stream, provided that: i) trimming of any native vegetation is permitted in the Riparian Setback Area so long as the root systems of the vegetation are not removed or destroyed, and ii) the Riparian Setback Area may be disturbed within the footprint of any new improvement, building structure, or excavation within a 15 foot perimeter of any new improvement, building, structure, or excavation to facilitate construction provided that commercially reasonable efforts are made to substantially replace any disturbed riparian vegetation within the 15 foot perimeter with vegetation of similar type and function.

2. No existing improvement, building, structure, or excavation may be repaired, maintained, rebuilt, or redeveloped within the Riparian Setback Area or any river or live perennial stream, provided that: i) trimming of native vegetation in the Riparian Setback Area is permitted to any extent so long as that vegetation has historically been trimmed and so long as the root systems of the vegetation are not removed or destroyed, and ii) the Riparian Setback Area may be disturbed within the footprint of any existing improvement, building structure, or excavation and within a 15 foot perimeter of any existing improvement, building, structure, or excavation to enable repair, maintenance, rebuilding, or redevelopment of such improvement, building, structure, or excavation provided that commercially reasonable efforts are made to substantially replace any disturbed riparian vegetation within the 15 foot perimeter with vegetation of similar type and function.
3. No chemical treatments, including but not limited to fertilizers, pesticides, and/or herbicides, are permitted within the Riparian Setback Area.

(24) Conservation of Waterways

~~1.~~ It is the purpose of the Subsection 070.040.020 (d) (24) to: 1) conserve and promote the health of the City's riparian ecosystems and water quality by maintaining a functional natural buffer adjacent to waterways, 2) allow owners of properties affected by this ordinance to access, use, view, and personally enjoy the river ecosystem and waterway, 3) not materially degrade the underlying value of any property affected by this ordinance, and 4) not impede development or redevelopment of any property affected by this ordinance except as set forth below.-

For the purposes of this Subsection 070.040.020 (d) (24):

- Clearing of Native Vegetation shall be defined as complete removal of vegetation and the removal or destruction of the root systems associated with that vegetation.
- Ordinary High Water Mark ("OHWM") shall be defined */USGS definition to be inserted here/*.
- Riparian Setback Area shall be defined as the area within 50 feet of the OHWM measured perpendicular to the OHWM that contains Riparian habitat.
- Access Corridor shall be defined as a continuous corridor not to exceed 30 feet in width measured collinear with the OHWM through the Riparian Setback Area.

a. Applicability

~~a.~~

All new improvements, buildings, additions, structures, excavations, grading, dumping, clearing of native vegetation, or backfill shall be subject to the requirements of 070.040.020 (d) (24) b *Standards* unless the applicant demonstrates to the City Engineer and the Director by clear and convincing the preponderance of the evidence that one or more of the following conditions is met:

~~2.1.~~ The removal of native vegetation, not to exceed ~~the greater of 40~~25% of the ~~setback area~~Riparian Setback Area, or area of the Access Corridor, to allow a property owner ~~private~~ ~~private~~ access to, ~~use of, view of, and~~ ~~and~~ personal enjoyment of the ~~river ecosystem and~~ waterway. This shall not be interpreted to allow for permanent structures of any kind within said area ~~(except for access steps no more than 4 feet in width and no more than 18 inches high), nor shall it be interpreted to prevent trimming of native vegetation outside of the Access Corridor or 25% of the Riparian Setback Area so long as that vegetation has historically been trimmed and so long as the root systems of the vegetation are not removed or destroyed.~~

~~3.2.~~ The construction of bridges, public utilities, public paths for non-motorized use, public open spaces, wildfire mitigation activities, irrigation structures, flood control and erosion protection devices that to not result in water quality degradation, ~~increased~~ stream bank erosion, or a reduction in the function and quality of a riparian area or wetland.

~~4.3.~~ Removal of vegetation listed on the Garfield County noxious weed list, Chinese Elm, or Siberian Elm in compliance with applicable regulations. ~~Vegetation shall be replaced with appropriate riparian plant species to limit erosion.~~

~~5.4.~~ Applicant demonstrates that the area does not contain ~~ss~~significant riparian plant species or functions or is impacted by previous earth disturbance activities and proposed activity ~~does not result in water quality degradation, increased stream bank erosion, or a reduction in the function and quality of a riparian area or wetlands~~improves water quality, ~~limits erosion, and promotes riparian or wetland restoration.~~

b. Standards

1. No ~~new~~ improvement, building, structure, excavation, grading, dumping, ~~ec~~clearing of ~~n~~Native ~~v~~Vegetation, or backfill shall be placed, built, undertaken or approved within ~~fifty feet of the ordinary high water mark,~~

~~measured horizontally, the Riparian Setback Area of associated with any~~
river or live perennial stream, provided that: i) trimming of any native
vegetation is permitted in the Riparian Setback Area so long as the root
systems of the vegetation are not removed or destroyed, and ii) the
Riparian Setback Area may be disturbed within the footprint of any new
improvement, building structure, or excavation within a 15 foot perimeter
of any new improvement, building, structure, or excavation to facilitate
construction provided that commercially reasonable efforts are made to
substantially replace any disturbed riparian vegetation within the 15 foot
perimeter with vegetation of similar type and function.

2. No existing improvement, building, structure, or excavation may be
repaired, maintained, rebuilt, or redeveloped within the Riparian Setback
Area or any river or live perennial stream, provided that: i) trimming of
native vegetation in the Riparian Setback Area is permitted to any extent
so long as that vegetation has historically been trimmed and so long as
the root systems of the vegetation are not removed or destroyed, and ii)
the Riparian Setback Area may be disturbed within the footprint of any
existing improvement, building structure, or excavation and within a 15
foot perimeter of any existing improvement, building, structure, or
excavation to enable repair, maintenance, rebuilding, or redevelopment of
such improvement, building, structure, or excavation provided that
commercially reasonable efforts are made to substantially replace any
disturbed riparian vegetation within the 15 foot perimeter with vegetation
of similar type and function.

~~1.3.~~ No chemical treatments, including but not limited to fertilizers, pesticides,
and/or herbicides, are permitted within ~~said fifty foot~~ the ~~Setback~~
Area ~~Riparian Setback Area~~.

From: Brian A Mikelbank b.mikelbank@csuohio.edu
Subject: RE: Could you please answer a couple of quick questions on a 2006 study you performed?
Date: September 3, 2019 at 3:12 PM
To: Gary Vick garywvick@icloud.com

Hi Gary:

No imposition at all – it is good to know that this research is being discussed!

I have inserted responses below your specific questions.

From: Gary Vick [<mailto:garywvick@icloud.com>]
Sent: Thursday, August 29, 2019 12:42 PM
To: Brian A Mikelbank <b.mikelbank@csuohio.edu>
Subject: Fwd: Could you please answer a couple of quick questions on a 2006 study you performed?

Dr. Mikelbank,

I am retired and live on the Roaring Fork River in Glenwood Springs, Colorado. The City is considering introducing a setback ordinance which limits property owners activities within 50 feet of the Roaring Fork river. There is currently a 30' setback covering structures, but the proposed ordinance increases the setback and restricts other activities in the setback area.

While this may be generally desirable, my neighbors and I are concerned that the proposed ordinance could reduce property values by limiting their use and redevelopment potential in the future. A developer or builder, for example, could be further restricted by the proposed ordinance and therefore might pay less for a more restricted property than he would for a property that is less restricted. At least that's the theory.

Yes! This was exactly the perception CRWP was facing when we started talking about this project.

The City provided me with a copy of your 2006 “Hedonic Analysis of Riparian/Wetland Setbacks”. It is a thorough study and I enjoyed reading it. As you know, it was commissioned by Chagrin River Watershed Partners, a watershed conservancy and reviewed roughly 4,000 home sales in the watershed area, roughly 400 of which bordered a stream or river. As you know, the study concludes that setbacks do not decrease property values and may increase them.

The conclusions seem counterintuitive to me. While I have a background in engineering and finance and have taken undergraduate and graduate statistics courses, I would welcome your comments regarding a couple of observations I have with the study.

1. First, the study was commissioned by a conservancy group (link

1. First, the study was commissioned by a conservancy group (link here: <https://crwp.org>). I don't know that they had an agenda or were seeking a predetermined outcome, but setbacks generally help their cause, as would, by corollary, any data showing setbacks are good for property values. When they ask you to perform the study, were they seeking satisficing data to confirm a theory that setbacks have no impact on property values?

At our college's research centers it is an early conversation that we're being hired to answer a research question, whether or not that answer is what they might be looking for. I think organizations coming to a university know that, but we always review. Given their mission, they obviously thought setbacks were a good thing. And they heard from local realtors that prospective purchasers don't know if there is a setback or not. But when they went to communities to talk about implementing setbacks they were getting pushback exactly along the lines you mentioned earlier – that all else equal, we might reasonably expect deed restrictions to reduce property value. They wanted to know what the data had to say on the matter.

2: Second, the homes with setbacks are, by and large, the same ones that are on a stream or river. It seems to me these variables could be coupled. Any increase in prices for homes with setbacks may have been due to simply being on the stream or river, a generally desirable thing.

Agreed. That is why it was important to have a mix of stream front houses in the sample that did and did not have setback restrictions. Actually, I seem to recall that I should use "setback designation" not "setback restriction"! This allows the regression model to distinguish between the separate effects of being stream front vs. being stream front with a setback designation.

3: Third, the second and third full paragraphs on page 15 of the study state that when properties were bought and sold, the consensus opinion was that neither homeowners nor realtors were aware of any setbacks. It seems to me that a buyer would therefore not be in a position to pay more, or less, for a property with, or without, a setback if he or she was unaware of the existence of the setback. It seems to me that statistically measuring if people paid more, or less, for a property with, or without, a setback is impossible if the buyers did not know about the setback and factor the setback into their pricing decision.

Again, agreed. The issue, though, was the degree to which the assembled focus group captured the entirety of the market reality. Certainly they were a valuable source of information, but they surely hadn't talked to all of the purchasers, sellers (and potential purchasers and sellers) throughout the market, throughout the years being covered in the study.

If designation doesn't impact house price, there are two options – buyers/sellers didn't know, or they knew and didn't care.

We did get a few blips of positive impacts, but it seemed that those weren't very robust.

But you're right, if people don't know, then a statistical finding of positive or negative price impact is really telling you about something else. In the case of Auburn and Bainbridge it seemed to be

capturing some type of “late-in-the-study-period” effect as prices were ramping up (before the housing crisis!). We did have year indicator variables that should have accounted for this, but perhaps not in its entirety.

I think my take-away, looking back, is that the focus group probably had a good sense of the buying and selling public – that setback designations were not on their radar, and thus might not exhibit a strong price impact either way. But I think the experience of you and your neighbors is similar to what CRWP was trying to make sense of. That even though they were hearing from real estate professionals that buyers don’t know of them, when they talked to homeowners about establishing designations in their communities there were concerns over the loss of value and loss of development/expansion potential.

I hope this is helpful and that you are satisfied with how your community moves forward.

Don’t hesitate if you have additional questions,

Brian.

I may have missed something and any comments or clarifications on these items would be greatly appreciated.

I apologize for the imposition but am grateful for your help. Thank you so much.

Regards,

Gary W. Vick
614 Cowdin Dr
Glenwood Springs, CO 81601
(720) 548-0962 (cell)

Link to study:

https://crwp.org/files/final_report_hedonic_analysis_riparian_wetland_setbacks.pdf

6 September 2019

This statement is provided at the request of Gary Vick and in review of the September 2006 study, “Hedonic Analysis of Riparian/ Wetland Setbacks”, prepared by Brian A. Mikelbank.

In statistics, there are three steps used to infer causality or cause-and-effect. The three steps simply put are (1) relationship, (2) temporal precedence, and (3) non-spuriousness. I was asked to review a study for these elements with regard to inferences on the causality between setback policies and real estate valuations. The study shows statistical significance for no effect on the principles of step (1) relationship. The study isolates for temporal precedence by selecting valuations that occurred after the setback policies were enacted, appealing step (2). However, the most important and troublesome step of non-spuriousness was not able to be established. Non-spuriousness refers to showing that the relationship from step 1 is not false or potentially caused by a third extraneous variable. In the provided study, there are several factors that indicate the findings may be due to a spurious (false) relationship between setback policies and real estate prices. To name a couple of these factors, the valuation methods for the real estate did not include the knowledge of a setback policy by the transacting parties, and the resulting regression tools contain variables, such as location, that provide a stronger statistical relationship with real estate prices. So, while the study provides mathematical statistics for a no-effect or no-relation between setback policy and real estate prices, it does not provide causal statistical significance for the effects of consumer valuation through real estate prices from setback policies. [This is not a statement on the value of setback policies or a political opinion/recommendation of the reviewer on such matters.]



Elizabeth T Poulos, Ed.D.
SummitCOPrep@gmail.com

About the Author: Dr. Elizabeth Poulos is a statistics and economics instructor at Colorado Mountain College. In addition to a Doctor of Education, Dr. Poulos’ academic degrees include an MBA, a Master of Financial Analysis, a Master of Business in Financial Risk Management, and a Bachelor of Economics. She is an award-winning scholar with publications and presents on a variety of topics internationally.

From: [Julie Rippy](#)
To: [Trent Hyatt](#)
Subject: Letter sent to P & Z - Consideration of a Code Amendment to Section 070.040.020(d)(24)
Date: Tuesday, September 17, 2019 12:17:58 PM

Hi Trent. Hope you are well! I am not sure if this came across your desk, but below is a letter Randy and I sent to Gretchen requesting she forward it on to the P & Z Commissioners prior to the meeting in July. We also copied council on this letter. I wanted to make sure to send it on to you since you are the Senior Planner on this code amendment proposal

Since the meeting ran so late with the ANB agenda item, many folks who may have wanted to speak on this agenda item did not get the opportunity, as they had to leave. We would like to formally request to you and P & Z Commissioners that the item be opened to public comment at the Sept. 24th meeting.

As always, thank you!

Julie Rippy

Dear Planning & Zoning Commissioners,

Because we are unable to attend the public hearing this evening, we feel compelled to express our views via email on the proposed waterways code amendment topic.

Although we certainly appreciate the spirit of the proposed amendment to the Development in Waterways and Areas of Special Flood Hazard of the municipal code, we do not support the proposed amendment standards and/or the proposed applicability of those standards. We believe this proposal, as is, oversteps the city's authority as to what property owners and tax payers should be able to *responsibly and legally* do on their own property. Plus this would render some existing homes on narrow lots worthless if homeowners chose to remodel their existing homes.

We live on the Roaring Fork River and believe we are good stewards of the river. We agree with the idea of protecting our waterways and currently do so with how we manage our property. However, we feel this proposal is the wrong plan, is far too aggressive and intrusive, and that it impedes upon our rights as property owners to conduct small, benign projects. We are not saying that property owners along the river should clear-cut vegetation or build a full-size home along the river's edge. But we should be allowed, within reason and current code standards, to utilize our property as we see fit. Barring any structure, regardless of size, or barring any removal of native vegetation, regardless of project scope, is not fair to property owners, nor would it necessarily protect the waterways.

For example, if we want to build for a small deck, patio or tree house and clear out some vegetation within 50 feet of the riverbank to allow a line-of-sight of the river, we should have the right to do so... all WITHOUT being subjected to jumping through numerous hoops and navigating through red tape, only with the potential of a negative outcome. We pay extremely high property taxes due to the ever-increasing tax evaluations of property along the river and

this plan inhibits us from being able to enjoy our property how we legally choose.

Also, please consider that this plan does greatly curb a homeowner's ability to freely exercise wildfire mitigation, which could create a vulnerable situation for the homeowner and a liability for the city.

We request that this unreasonable amendment proposal not be considered, as-is, and that planners go back to the drawing board and design a much more balanced and fair amendment proposal while taking the rights of responsible homeowners along the river into consideration.

We appreciate your time and attention to our comments!

Sincerely,

Randy and Julie Rippy
2262 Midland Ave.
Glenwood Springs

Mauriene Howey
2308 Midland Avenue
Glenwood Springs, CO 81601
970-230-9496

To: The Members of the Planning & Zoning Committee
Our Honorable Mayor
City Council Members

My name is Mauriene Howey and I live at 2308 Midland Avenue. The back part of my property fronts on a beautiful stretch of the Roaring Fork River.

I have heard that there is a proposed new code amendment that stands to greatly affect my riverfront.

Please consider the following:

My property is steep along the edge of the river. To access the river safely requires steps. The steps I have now are fairly minimal and will periodically need to be improved. The steps also require a minimal amount of brush trimming to be used safely .

My family respects and appreciates the river and they hope to inherit and use my property for decades to come.

If a rule was passed prohibiting me from maintaining and improving my steps, that rule would basically make the river inaccessible from my own property as the river cannot be accessed safely without the steps.

I am concerned about any rule that would inhibit the use of the river by my grandkids, great grandkids, and guests.

I also have outstanding views of the river **and Mount Sopris**. I am concerned about any rule that would limit my ability to trim brush and maintain trees on my own property. Even if such a rule is loosely enforced, I am concerned that if the rule is written to enable restrictions on brush and tree trimming that such a rule could be more strictly enforced in the future by authorities.

I paid a premium for my property because of the ability to access the river and for the views. My tax values reflect such amenities and I pay a significant amount of taxes based on the physical amenities of the property. Any rules that negate these amenities in any way seem both unfair for the property owner and unwise for the tax values of the city.

If my rights to use the river and maintain the vegetation adjoining such were to be infringed upon in any way, such actions would be an unreasonable taking of private property rights. In this case it would be a significant taking of valuable property rights. This amendment would lower the value of my property because it would limit my access to the river.

I have great concerns that the proposed new code as written infringes on my ability to fully utilize my property as outlined above.

I am 82 years old and admittedly have limited resources to fight this battle if one arises. I would greatly appreciate the city and the planning commission looking after my rights without such a battle. Thank you for your consideration and assistance with the above concerns.

Sincerely,

Mauriene Dickens Howey

970-230-9496



City Council
STAFF REPORT
City of Glenwood Springs
August 20, 2020

Agenda Item: CONTINUED FROM AUGUST 6, 2020 Infrastructure Discussion

Action Requested: None

Department: Public Works

Presented By: Matthew Langhorst, Public Works Director

Background Info: The City of Glenwood Springs is in a infrastructure transition time. The City has ground quite rapidly in the past 36 years, more than doubling in size and population. Being a older city, incorporated in 1885, and being a City that was ahead of its time with water, waste water and electrical infrastructure we in some cases have systems that date back farther than we would like them too.

Currently the City maintains miles of water, sewer, a raw water collection system, waste water treatment plant, water treatment plant, back up water supply pump station, 8 lift stations, 9 water tanks holding near to 5 million gallons of water, 3 substations with a 4th coming on line in 2020/2021, overhead power lines, underground power lines and all kinds of other miscellaneous pieces of the infrastructure puzzle. These systems have been added too and maintained over the years, but not at a fast enough rate to keep up with demand on the system.

The population of the city will be above 10,000 once the 2020 census is complete. But you then have to consider that the City Chamber and Tourism offices calculated that the City sees around 1.2 million people come to our town per year as visitors and tourists. If you think about that it means that on average we have 3,300 more tourists in town each day of the year across a 365 day year.

The point to ponder is that we are not a town of 10,000 people, we are town of almost 14,000 people and sometimes a town of 20,000-30,000 people. Our infrastructure can handle this, but it takes a toll on things like roads, power supply, water capacity, sewer capacity and even trash capacities. We hold the City together with such a fine balance of operations due some of our non-redundant systems that if anything goes wrong, like a raw water supply line ruptures, we have to scramble to keep the City up and running to meet the demand that is always there. Council has seen what happens when the Canyon closes, we shut down Midland or Highway 82 for a day, the system stops functioning because as with some of our other systems, they are basically running at their maximum capacities at all times.

During the council meeting we can discuss in more detail infrastructure needs and costs for the next 5-10 years. We will also need to discuss that the Street Tax that is in place runs out in 2026, thus projects may have to shift to Capital Funds if this is not replaced. I have included a fact sheet as an attachment that in general shows what we as a City own and operate that would fall into the infrastructure discussion.

For the fun and the history of it all, i have included three attachments. The original town-site map from 1913, the revised map from 1974 and an updated city map from 2017. You will be able to see how much the City has grown in that time frame.

Issues:

Staff Recommendation: Funding Source Discussions

July 30th, 2020

RE: City Infrastructure Fact Sheet

The following is a general breakout of the infrastructure that the City owns and operates:

Water System:

- Water Treatment Plant with 8.6 million gallon per day capacity (1976)
- 9 water tanks with 5 million gallons of capacity. (One 500,000 gallon tank to be added in 2021, one 250,000 gallon tank to be added in 2022)
- 1 raw water pump station (Roaring Fork) with a 5 million gallon per day capacity. (1997)
- 2 booster pump stations.
- 75 miles of water lines
- Approximately 400 fire hydrants with 400 - 6" valves.
- 3760 metered water connections.

Wastewater System:

- Wastewater treatment plant with a 2.34 million gallon per day capacity. (2012)
- 8 lift stations (One built in 2012, on replaced in 2018, one to be rebuilt in 2021 and one under design in 2022)
- 56 miles of sewer pipe.
- Approximately 830 manholes.

Roadway System:

- 43 centerline lanes miles or 86 miles of asphalt lanes, 113 miles if you include parking stalls that are asphalt.
- Over 10,000 street signs.
- 439 storm inlets.
- 27 roadway crossing culverts.
- 114 crosswalk locations
- 17 rapid flashing beacons
- 7 parking lots we maintain
- 9 parking lots we plow

Electrical System:

- 15 miles of overhead power lines.
- 45 miles of underground power lines.
- 3 substations, with a 4th being built.
- 1501 transformers

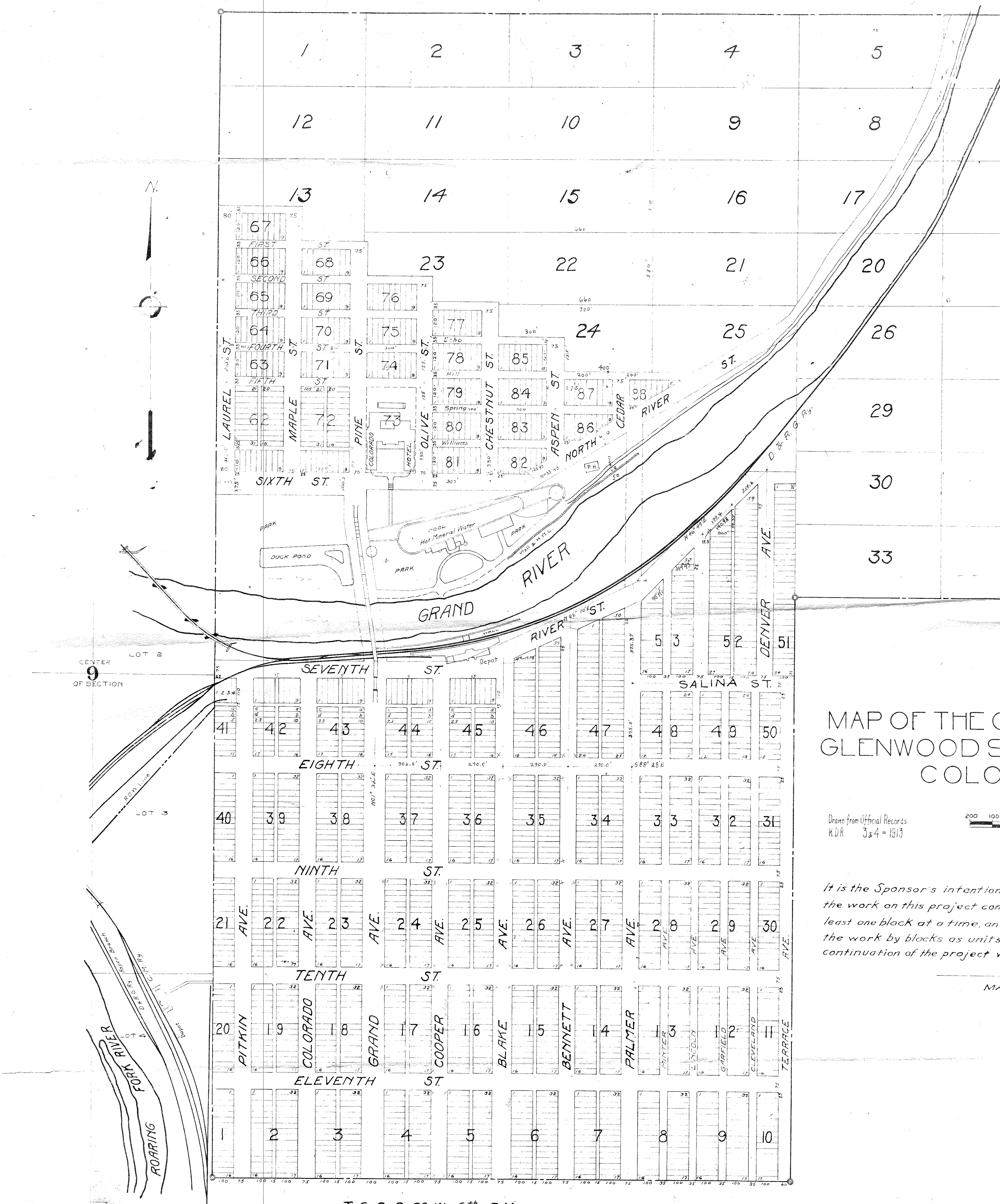
- 128 switch gear
- 1,200 streetlights
- 1,100 electric line poles
- 6,200 electric meters
- Unknown amount of secondary service line but it is miles.

Main Issues with the City Currently:

- 40% of our streets are in failing mode.
- We have culverts that have no bottoms to them, they have rotten out.
- We have storm sewer systems that don't hook to anything.
- We have storm sewer systems that are undersized and cannot handle transferring water out of neighborhoods and off of main roadways in any kind of major storm event.
- We lack regional water quality facilities which will start to be required by the State once our population goes over 10,000, which should be official in 2021.
- We currently have very few debris flow catch basins to capture mud and rock events, that cause damage to our systems.
- We have a significant amount of thin walled steel pipe that makes up our water system supply pipe that is 40-50 years old and is starting to leak.
- We have areas in town where the water pipe is undersized and cannot supply proper fire flow to hydrants in neighborhoods. Some streets have a 2" galvanized line feeding the buildings on that street.
- The water supply to the water plant has a backup pump system, but if the line between the pump at the Roaring Fork River and the water plant fails, as happened in June 2020, the pumps do not help us with backup water.
- The backup pumps are nice to have if the main raw water system has a failure along its 18,000 foot run from No Name Creek/Grizzly Creek to the side of Red Mountain, but we own and operate 18,000 LF of 24"-30" pipe and rock tunnels that transfers water to the water plant. A majority of that pipe is almost 45 years old and the tunnels date back to 1885 and 1904. In some areas those pipes pass through debris fields on the hillsides.

Thank you,

Matthew Langhorst
City of Glenwood Springs, Director of Public Works

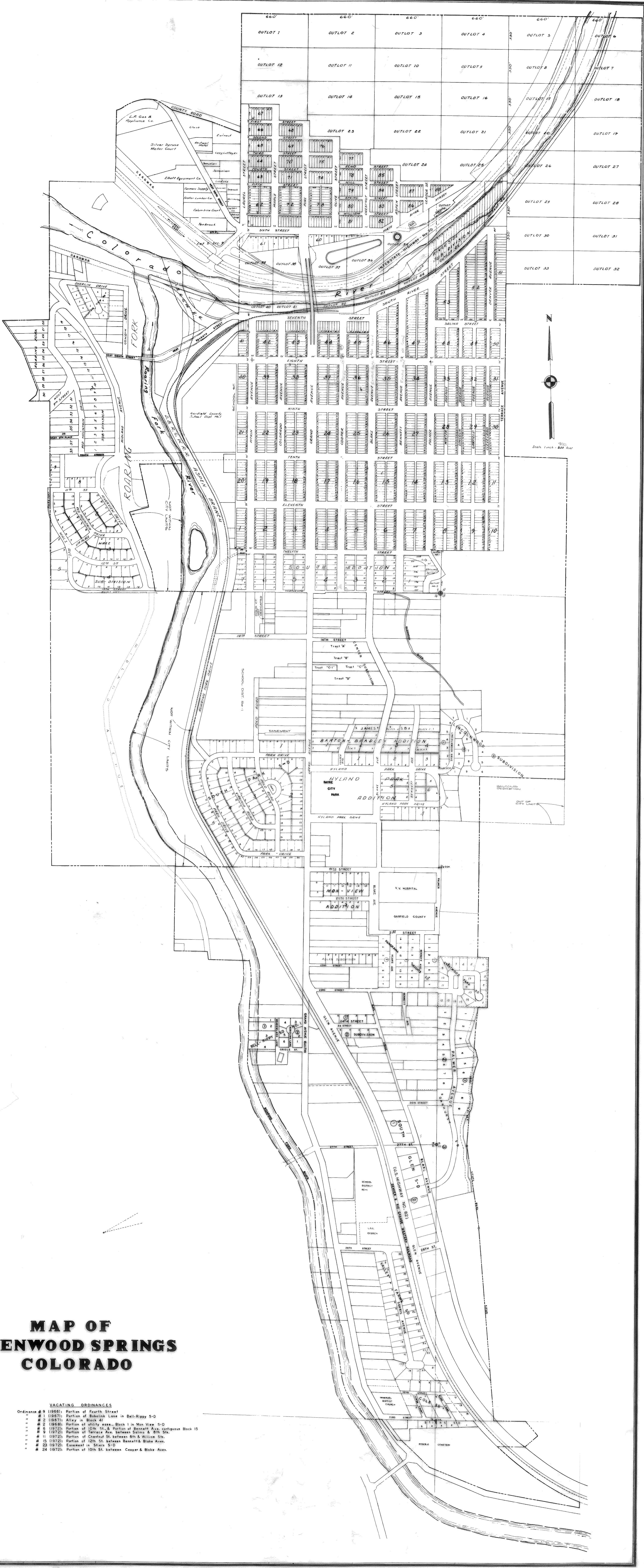


MAP OF THE GLENWOOD SPRINGS COLORADO

Drawn from Official Records
K.D.R. 3 & 4 = 1913

It is the Sponsor's intention that the work on this project be done in blocks at a time, and the work by blocks as units of continuation of the project

T. 6 S. R. 89 W. 6th P.M.

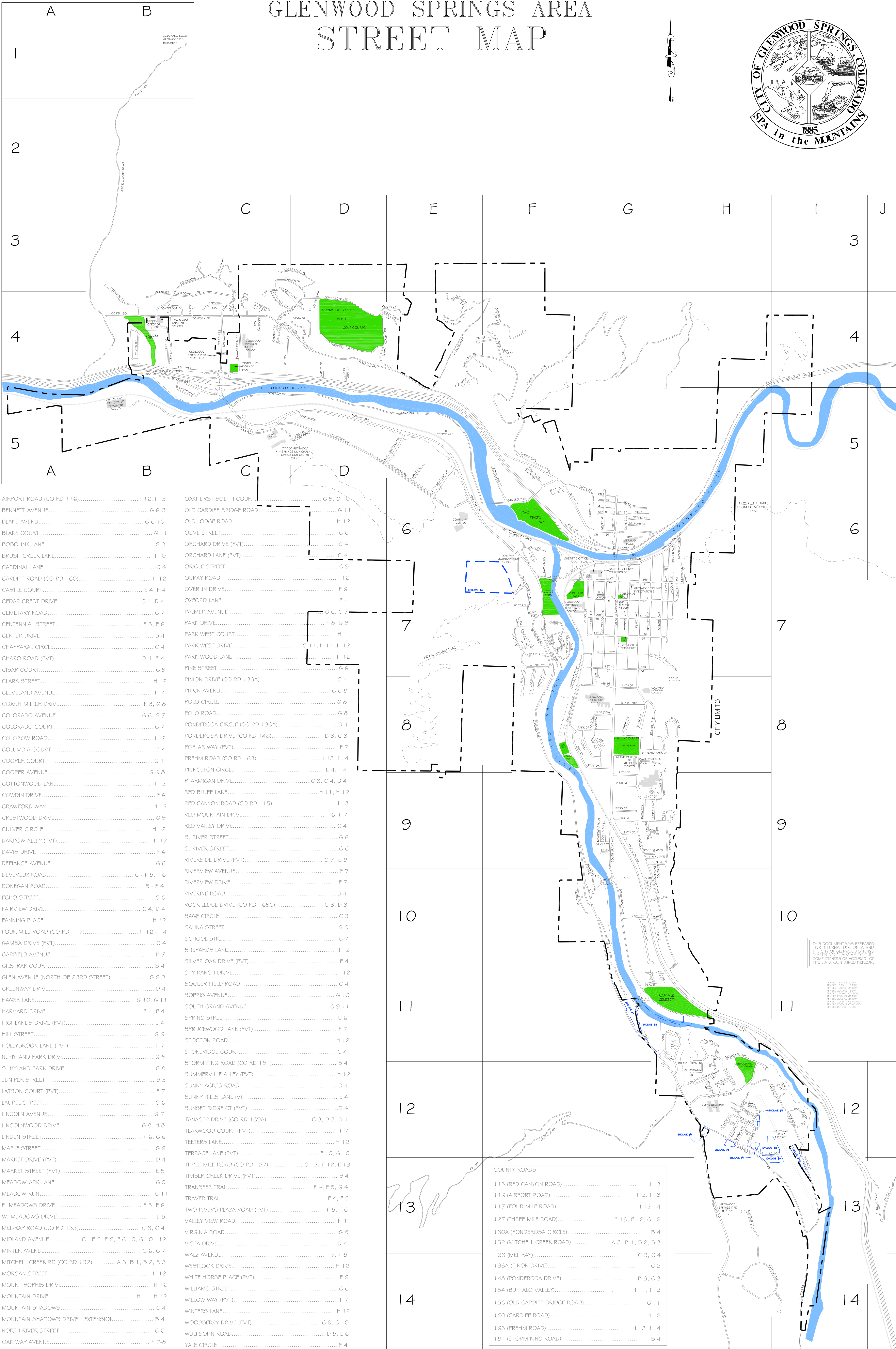


MAP OF GLENWOOD SPRINGS COLORADO

VACATING ORDINANCES	
Ordinance # 9	(1968): Portion of Fourth Street
" # 1	(1967): Portion of Binkley Lane in Bell-Ripley S-D
" # 2	(1967): Alley in Block 41
" # 3	(1968): Portion of utility easement, Block 1 in Men View S-D
" # 6	(1972): Portion of 10th St., Portion of Bennett Ave., contiguous Block 15
" # 9	(1972): Portion of Terrace Ave. between Solina & 8th Sts.
" # 11	(1972): Portion of Chestnut St. between 5th & William Sts.
" # 15	(1972): Portion of 12th St. between Bennett & Blake Aves.
" # 23	(1972): Easement in Shers S-D
" # 24	(1972): Portion of 10th St. between Cooper & Blake Aves.

REVISION DATE
7-18-74

GLENWOOD SPRINGS AREA
STREET MAP



COUNTY ROADS	
115 (RED CANYON ROAD).....	J 13
116 (AIRPORT ROAD).....	H 12, I 13
117 (FOUR MILE ROAD).....	H 12-14
127 (THREE MILE ROAD).....	E 13, F 12, G 12
130A (PONDEROSA CIRCLE).....	B 4
132 (MITCHELL CREEK ROAD).....	A 3, B 1, B 2, B 3
133 (MEL RAY).....	C 3, C 4
133A (PINON DRIVE).....	C 2
148 (PONDEROSA DRIVE).....	B 3, C 3
154 (BUFFALO VALLEY).....	H 11, I 12
156 (OLD CARDIFF BRIDGE ROAD).....	G 11
160 (CARDIFF ROAD).....	H 12
163 (PREHM ROAD).....	I 13, I 14
181 (STORM KING ROAD).....	B 4



City Council
STAFF REPORT
City of Glenwood Springs
August 20, 2020

Agenda Item: CONTINUED FROM AUGUST 6, 2020, Resolution 2020-26; A Resolution of the City of Glenwood Springs Calling an Election on November 3, 2020 and Certifying a Ballot Issue, Setting the Ballot Title and Content for the Ballot Issue, and Providing Other Matters Relating to the Election.

Action Requested: City Council gave direction to bring back de-Gallagher ballot language for potential inclusion on the November ballot. Resolution 2020-26 sets the election, appoints a designated election official and sets the ballot language for the mill levy associated with the Fire Department 6 mill levy passed by the voters in 2018. Due to the minimal impact Gallagher has on the GID (it is primarily commercial property) and that the electors are determined by property ownership causing increased cost and expense related to issuing ballots we have not included ballot language associated with the GID.

Department: Attorney

Presented By:

Background Info:

Issues:

Staff Recommendation:

RESOLUTION NO. 2020-26

A RESOLUTION OF THE CITY OF GLENWOOD SPRINGS CALLING AN ELECTION ON NOVEMBER 3, 2020 AND CERTIFYING A BALLOT ISSUE, SETTING THE BALLOT TITLE AND CONTENT FOR THE BALLOT ISSUE; AND PROVIDING OTHER MATTERS RELATING TO THE ELECTION.

WHEREAS, the City of Glenwood Springs, Garfield County, Colorado (the “City”), is a home rule municipality of the State of Colorado (the “State”); and

WHEREAS, The electors of the City of Glenwood Springs approved a 6 mill levy for emergency services at the November 6, 2018 election; and

WHEREAS, Due to the operation of Article X, Section 3 of the Colorado Constitution (Gallagher Amendment) the City faces declining revenues which will detrimentally impact its ability to provide current and future emergency services; and

WHEREAS, the election shall be conducted as a coordinated election in Garfield County in accordance with articles 1 to 13 of title 1, Colorado Revised Statutes, as amended (the “Uniform Election Code”); and

WHEREAS, the Clerk and Recorder of Garfield County (the “County Clerk”) is the coordinated election official for the election pursuant to the Uniform Election Code, and is responsible for mailing the notice of election required by Article X, Section 20(3)(b) of the Colorado Constitution (the “TABOR Notice”); and

WHEREAS, the City will assist the County Clerk in providing necessary information and notices for the conduct of the election; and

WHEREAS, the City Council has determined to set the ballot title and content for the ballot issue to be submitted at the election called by this Resolution.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GLENWOOD SPRINGS, COLORADO:

Section 1. An election shall be held on Tuesday, November 3, 2020 (the “Election Date”) at which there shall be submitted to the eligible electors of the City a ballot issue which shall be in substantially the form attached hereto as **Exhibit A**.

Section 2. For purposes of Section 1-11-203.5, C.R.S., this Resolution shall serve to set the ballot title and content for the ballot issue set forth in the exhibit hereto. Exhibit A is hereby incorporated into this Resolution as if set forth in full herein. The ballot title for the ballot issue attached hereto as Exhibit A shall be the text of such ballot issue.

Section 3. If a majority of the votes cast on the ballot issue attached hereto as Exhibit A submitted at the election shall be in favor of any such ballot issue, the City acting through the City Council shall be authorized to proceed with the necessary action to continue the mill levy rate in accordance with the approved ballot issue.

Section 4. The City Clerk, as the designated election official of the City, is hereby authorized and directed to take all action necessary or appropriate to hold an election on the Election Date and to effectuate the provisions of this Resolution.

Section 5. All actions not inconsistent with the provisions of this Resolution heretofore taken by the members of the City Council and the officers and employees of the City and directed toward holding the election for the purposes stated herein, including without limitation the execution of an intergovernmental agreement with the County Clerk in connection with the conduct of the election, are hereby ratified, approved and confirmed.

Section 6. All prior acts, orders or resolutions, or parts thereof, by the City in conflict with this Resolution are hereby repealed, except that this repealer shall not be construed to revive any act, order or resolution, or part thereof, heretofore repealed.

Section 7. If any section, paragraph, clause or provision of this Resolution shall be adjudged to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining sections, paragraphs, clauses or provisions of this Resolution, it being the intention that the various parts hereof are severable.

Section 8. This Resolution shall take effect immediately upon its passage.

INTRODUCED, READ, AND PASSED THIS ____ DAY OF AUGUST 2020.

CITY OF GLENWOOD SPRINGS, COLORADO

Jonathan Godes, Mayor

ATTEST:

Catherine Mythen Fletcher, City Clerk

EXHIBIT A

FORM OF THE BALLOT ISSUE

Ballot Issue ____:

SHALL THE CITY OF GLENWOOD SPRINGS BE AUTHORIZED TO INCREASE OR DECREASE ITS CURRENT 6.0 MILL LEVY FOR OPERATIONAL AND CAPITAL COST OF PROVIDING FIRE PROTECTIONS, MEDICAL, RESCUE, AND OTHER EMERGENCY SERVICES BEGINNING IN TAX YEAR 2021 TO OFFSET ANY REVENUE LOSSES RESULTING FROM ANY CHANGES TO THE PERCENTAGE OF ACTUAL VALUATION USED TO DETERMINE ASSESSED VALUATION SO THAT THE TO THE EXTENT POSSIBLE THE ACTUAL TAX REVENUE COLLECTED IS THE SAME AS IF SUCH CHANGES HAD NOT OCCURRED?



City Council
STAFF REPORT
City of Glenwood Springs
August 20, 2020

Agenda Item: IGA with Garfield County Clerk to Participate in the November General Election.

Action Requested:

Department: Attorney

Presented By:

Background Info:

Issues:

Staff Recommendation:

**INTERGOVERNMENTAL AGREEMENT CONCERNING ELECTION SERVICES FOR THE 2020
General Election**

This intergovernmental agreement ("IGA" or "**Agreement**") is made effective this ____ day of _____, 20____, between the Garfield County Clerk and Recorder ("**Clerk**") and _____ (Political Subdivision").

The Political Subdivision desires to conduct an election pursuant to its statutory authority ("**Election**"), The election will occur on November 3, 2020.

An agreement concerning the preparation, conduct and actual cost of a coordinated election is required. This agreement will be signed no later than August 25, 2020. C.R.S. §1-7-116(2)

The Clerk has agreed to perform the following election services in consideration of the performance by the Political Subdivision of its obligations and payment of costs and fees.

The Clerk has designated Pam Bunn, Election Supervisor, whose telephone number is (970) 384-3700 x 1770 as the "Contact Officer" to act as the primary liaison between the Clerk and the Political Subdivision for the purposes of the Election. The Contact Officer shall act under the authority of the Clerk.

The Political Subdivision has designated _____ whose phone number is _____ as its Designated Election Official ("**DEO**"). The DEO shall act as the primary liaison between the Political Subdivision and the Clerk. C.R.S. §1-1-104(8)

If the Political Subdivision encompasses territory within other counties, this Agreement shall apply only to that portion of the Political Subdivision within Garfield County.

NOW, THEREFORE, in consideration of their mutual promises contained herein, the parties agree as follows:

I. Duties of the Clerk

The Clerk agrees to perform the following duties, or such other duties as may be mutually agreed upon by the parties in writing, in connection with the Election:

A. Preparation for the Election

1. Provide the Political Subdivision a street locator file, which lists the street addresses located in the boundaries of the Political Subdivision within the Clerk's voter registration system. If the Political Subdivision encompasses the entire county, a street locator file will not be sent for verification.
2. Assist and inform the Political Subdivision on any matter that should ensure the efficient preparation and conduct of the Election. The Clerk shall not provide legal advice.
3. Manage all voter records and correspondence in accordance with Title 1 of the Colorado Revised Statutes and the Colorado Secretary of State Election Rules for the relevant year of the Election.
4. Supply, deliver and set up all necessary items for the conduct and preparation of the Election.
5. Certify the election judges and determine their compensation. Provide a list of election judges upon request by the Political Subdivision. Train election judges prior to the election, including specific instruction in the secure operation of the election equipment. C.R.S. §1-6-101(6), C.R.S. §1-6-104, C.R.S. §1-6-115
6. Provide, no later than twenty days before the Election, notice of election by publication for the 2020 General Mail Ballot Election with in-person options for voting at Voter Service & Polling Centers. Such

notice shall satisfy the publication requirement for all Political Subdivision participating in the Election. C.R.S. §1-5-205(1), C.R.S. §1-5-205(1.4)

7. Conduct all required tests and audits of the voting system prior to and after the Election C.R.S. §1-7-509(1), Secretary of State Election Rules.
8. Establish backup procedures and a backup site for the counting of the Election, should the counting equipment or location become unavailable during the count. Secretary of State Election Rules
9. Negotiate an agreement for the printing of the official ballots. After receipt from the Political Subdivision of the certified ballot content (per Section II.A.8 of this Agreement), the Clerk shall provide a copy of the ballot layout for proofreading before authorization to begin printing of all ballots.

B. Conduct of the Election

1. Coordinate the proper number and location of Voter Service & Polling Centers. All Voter Service & Polling Centers will be accessible to electors with disabilities. Voter Service & Polling Centers and ballot drop off locations for the election are published on our website at: www.garfield-county.com. C.R.S. §1-5-101, C.R.S. §1-5-102.9 C.R.S. §1-5-703
2. Provide for the security and processing of all mail-in ballots. Provide for the verification of signatures on the self-affirmation section on the return envelopes. C.R.S. §1-7.5-107.2, C.R.S. §1-7.5-107.3, C.R.S. §1-7.5-107.5
3. Facilitate special accommodations for all registered military and overseas citizens as provided by the Uniform Military and Overseas Voter Act. Section 8.3 of Title 1 of the Colorado Revised Statutes
4. Provide provisional ballots to electors who qualify. Provide a telephone number that provisional voters may call to inquire if their provisional ballot counted. C.R.S. §1-8.5-101, C.R.S., C.R.S. §1-8.5-104(6)
5. Provide properly trained personnel for the preparation and conduct of the Election. Provide personnel at the tabulation center on Election Day/Night to release unofficial results.
6. Preserve all Election records for at least twenty-five months after the election. C.R.S. §1-7-802, Clerk and Recorder Record Retention Policy
7. Conduct a recount of any contest where the final ballot tabulation results are close enough to require a recount or if a recount is requested by an interested party. Section 10.5 of Title 1 of the Colorado Revised Statutes
8. Conduct a Canvass and Risk-Limiting Audit of the election to process, accept and tabulate the eligible military, cured, and provisional ballots. Verify the votes were accurate and voting equipment was working properly by conducting a risk-limiting audit of election results and through the Canvass Board. C.R.S. § 1-10-101, *et seq.*, C.R.S. § 1-10-201, *et seq.*, Secretary of State Election Rules.
9. Provide, maintain and operate the County's ballot marking devices and vote-counting equipment.
10. Work with the Political Subdivision to make sure that eligible Property Owners are notified of an election in their district and are instructed on how they can submit an application for a mail ballot. C.R.S. §32-1-806, C.R.S. §1-5-304, C.R.S. §1-7-104

C. Election Costs

1. Keep an accurate account of all Election costs including, but not limited to, supplies, printing costs, legal notices, labor, postage and other expenses attributable to the Clerk's administration of the Election for the Political Subdivision.
2. Charge the Political Subdivision for its portion of the costs of the Election incurred by the Clerk for that Political Subdivision up to and including the date of cancellation of the Election or any additional costs related to removing the Political Subdivision from ballot programming or publications.
3. Submit to the Political Subdivision an invoice for all expenses incurred under this Agreement within 60 days of the election.
4. The cost of any recount(s) requested by the Political Subdivision will be charged to the Political Subdivision, or if more than one Political Subdivision is involved in the recount, the cost will be prorated among the participating Political Subdivisions.

D. TABOR Notice

1. Prepare the TABOR Notice, if relevant. Article X Section 20 of the Colorado Constitution, Secretary of State Election Rules
2. Charge the Political Subdivision for all expenses for the preparation, printing, labeling and postage for the TABOR notice. Said expenses shall be prorated among all Political Subdivisions participating in the TABOR notice. Such proration to be based, in part, upon the space used by each Political Subdivision in the notice.
3. Mail to each elector within Garfield County who may be affected by certain TABOR ballot issues the TABOR notice not less than thirty days prior to the election. The Clerk shall determine the least cost method for mailing the TABOR notice and address the TABOR notice to "All Registered Voters" at each address where one or more active registered voters of the Political Subdivision reside. Nothing herein shall preclude the Clerk from sending the TABOR Notice of the Political Subdivision to persons other than electors of the Political Subdivision if such sending arises from the Clerk's efforts to mail the TABOR Notice at least cost.
4. Execute a separate IGA with the Political Subdivision - Attachment 1 for Production of the Ballot Notice referred to as the TABOR Notice.

II. Duties of the Political Subdivision

The Political Subdivision shall perform the following duties in connection with the Election:

A. Preparation for the Election

1. Post and/or publish any other legal notices required pursuant to relevant provisions of the Uniform Election Code of 1992 (C.R.S. Articles 1-13 of Title 1) or the Colorado Municipal Code of 1965, §31-10-101, *et seq.*, C.R.S., or Title 32, as amended, except as otherwise stated by this agreement.
2. Gather all necessary petitions, if applicable.

3. Be solely responsible for determining whether a ballot issue, question or candidate is properly placed before the voters.
4. Review the information contained in the street locator file and certify its accuracy, as well as any changes, additions or deletions to the file. The certification of the street locator file shall be made no later than September 4, 2020 at 5:00 p.m. to the Clerk. If the certification is not provided by the date specified herein, the Clerk cannot guarantee accurate ballot styles nor be responsible for additional charges associated with address library errors resulting in incorrect ballot styles. If the Political Subdivision encompasses the entire county verification of the address locator file is not required.
5. If required, request the Property Owner list from the Garfield County Assessor's Office to prepare the list of eligible property owners for the election. Provide the Clerk with the list of eligible property owners who are classified on the Secretary of State's voter registration records as UOCAVA voter no later than September 14, 2020. A supplemental list should be requested from the County Assessor's office thirty days prior to the election to determine if there are new property owner's eligible to vote. The supplemental property owner list should be provided to the Clerk no later than October 16, 2020.
6. Provide a certified copy of the ballot content, submitted as an email attachment to eplace@garfield-county.com in electronic media format, in the format requested below, at the earliest possible time and in any event no later than sixty days before the election, September 4, 2020 at 5:00 p.m. Ballot content (candidates, issues and questions) to be exactly in the order in which it is to appear and be printed on the ballot pages and sample ballots. The certified list of candidates, ballot issues and/or ballot questions shall be final, and the Clerk will not be responsible for making any changes after the certification. C.R.S. §1-5-203(3)(a)
 - Candidates/ ballot issues and/or ballot questions must be submitted electronically in Microsoft Word format.
 - Contact Edna Place at 970-384-3700 x 1804 with any questions about submission format. Garfield County is using a new voting system (Clear Ballot) so you don't have to submit the ballot content in notepad format ever again.
 - Provide audio pronunciation of all candidates' names if applicable.
7. Proofread and approve the Political Subdivision's ballot content for printing preferably the same day of receipt of the ballot proof from the Clerk. The Political Subdivision shall provide an e-mail address and designate a person to be available for proofing and approving ballot content for printing and audio files of pronunciation of candidates' names if applicable. Due to limited printing availability and time constraints, the Political Subdivision should provide contact information for someone who may be available from 8:00 a.m. to 5:00 p.m. from September 7, 2020 until September 11, 2020 or until final approval for the printing of ballots has been reached. If no one representing the Political Subdivision is available and the printing timeline requires it, the ballot will go to print without Political Subdivision approval. The Clerk shall not be responsible for any errors or omissions as a result of the Political Subdivision's failure to proofread the ballot. The Political Subdivision has designated _____ whose phone is _____ and e-mail is _____ to be available for ballot proofing.
8. May assign a representative to witness logic and accuracy testing prior to the election, the risk limiting audit after the elections and the canvass board certification of the election. The canvass board and risk limiting audit board will be made up by representatives appointed by Chairman of the Garfield County Republican and Democratic parties.
9. Notify the Clerk if Political Subdivision is a municipality which has provided by ordinance or resolution that it will utilize the requirements and procedures of the Uniform Election Code of 1992 in lieu of the Colorado Municipal Election Code of 1965 with respect to the Election. A copy of said ordinance or resolution will be provided to the Clerk. Where the Political Subdivision is a special district, within thirty days after the special district has been declared organized by the court, the Political Subdivision will transmit to the county clerk and recorder in each of the counties in which the Political Subdivision or a

part thereof extends certified copies of the findings and the order of the court organizing said special district. C.R.S. §32-1-306

10. Notify the clerk in the event that the Political Subdivision resolves not to participate in the Election prior to the submission of ballot certification. After ballot certification day, the Political Subdivision which withdraws from participating in the election shall be liable for accrued election costs. The Political Subdivision shall provide notice by publication of the cancellation of the Election and a copy of the notice shall be posted in the office of the Clerk, in the office of the Designated Election Official (as defined in the Code) and, if the Political Subdivision is a special district in the office of the Division of Local Government. The Political Subdivision shall not cancel the election after the twenty-fifth day prior to the election, October 9, 2020. C.R.S. §1-5-208(2).

B. Conduct of the election

1. Immediately notify the Clerk of any Election contest that is initiated by the Political Subdivision and keep the Clerk apprised of the need to retain Election records for use in such a contest.

C. TABOR Notice

1. Be responsible for the additional costs associated with such TABOR Notice if notice is required on behalf of the Political Subdivision. (See also Section I.D.2 of this Agreement).
2. Collect and compile the TABOR Notice content in compliance with Article X Section 20 of the Colorado Constitution and any pertinent Rules. Article X Section 20 (3)(b)(v), C.R.S. §1-7-901, *et seq.*
3. Provide all content for the TABOR Notice to the Clerk 43 days before the day of the election. C.R.S. §1-7-904.

III. Election Costs

The minimum fee for election services is \$500.00.

1. Proportional share of costs are based on County expenditures relative to the Election, the number of electors per entity and/or space used on the ballot.
2. The Political Subdivision avers that it has sufficient funds available in its approved budget to pay its prorated Election expenses.
3. Upon receipt of the invoice, pay to the Clerk within sixty days the prorated fee. Contact Officer can be contacted for an estimated cost of participating in this coordinated election.
4. Political Subdivision will be responsible for any additional or unique election costs resulting from Political Subdivision delays and/or special preparations or cancellations relating to the Political Subdivision participation in the Election.

IV. Additional Provisions

1. No portion of this Agreement shall be deemed to create a cause of action with respect to anyone not a party to this Agreement, nor is this Agreement intended to waive any privileges and/or immunities to the parties or of which their officers or employees may possess, except as expressly stated in this Agreement.

2. Time is of the essence under this Agreement. The statutory time frames or requirements of the Code, TABOR, and the Rules shall apply to the completion of any duties or tasks required under this Agreement. Failure to comply with the terms of this Agreement, statutory requirements, or Secretary of State Rules may result in consequences up to and including termination of this Agreement.
3. Timeline:

August 6, 2020	Address Library Given to Political Subdivision
August 25, 2020	IGA Signed & Returned
September 4, 2020	Address Library Returned
September 4, 2020	Ballot Content Due to Clerk
September 7-11, 2020	Ballot Proofing
September 14, 2020	List of eligible UOCAVA property owners due to Clerk
September 15 or 16, 2020	Logic and Accuracy testing of voting equipment
September 18, 2020	Last day for pro/con comments to be submitted to the Political Subdivision DEO by citizens
September 19, 2020	Last day to send ballots to UOCAVA voters
September 21, 2020	TABOR Notice content submitted to County Clerk for creation of the TABOR Notice
September 23 -24, 2020	Tabor Notice proofing
October 2, 2020	TABOR Notice Mailed
October 16, 2019	Provide Property Owners list if applicable to clerk after secondary check with the Garfield County Assessor
October 9 &15-18, 2020	Ballots Mailed (22 nd day is Columbus Day so we can mail the Friday before the holiday)
October 19 to Nov 2, 2020	Voter Service & Polling Centers open for early voting Mon – Fri 8:30 am to 5:00 pm
October 20, 2020	Begin signature verification and ballot processing
October 26, 2020	Last day to mail a ballot to a voter
October 31, 2020	Saturday Early Voting Hours: 10 am to 2 pm
November 3, 2020	Election Day
November 13, 2020	Risk limiting audit –round one
November 18-21, 2020	Canvass completed once the SOS authorizes the Clerk to proceed
November 25, 2020	Last day to certify election results to a participating entity

4. Allocation of Cost of the Election is at the Clerk's determination and shall be final.
5. The Clerk may enter into other substantially similar agreements with other Political Subdivisions for the conduct of other elections simultaneously.
6. Venue for any dispute hereunder shall be in the District Court of Garfield County, Colorado.
7. Notices. Any and all notices required to be given by this Agreement are deemed to have been received and to be effective: (1) three days after they have been mailed by certified mail, return receipt requested; (2) immediately upon hand delivery; or (3) immediately upon receipt of confirmation that a fax/email was received; to the address of a Party as set forth below or to such Party or addresses as may hereafter be designated in writing:

To Clerk: Garfield County Clerk & Recorder

Drop Off: 109 8th St., Suite 200 Glenwood Springs, CO 81601

Mail: same as above

Fax: 970-947-1078

Email: pbunn@garfield-county.com

To Political Subdivision: _____

Drop Off: _____

Mail: _____

Fax: _____

Email: _____

8. Term of IGA. The term of this IGA shall continue until all statutory requirements concerning the conduct of the election and the creation, printing, and distribution of the TABOR Notice, if needed, are fulfilled.
9. Amendments. This IGA may be amended only in writing, and following the same formality as the execution of the initial IGA.
10. In any event that any provision in this IGA conflicts with the Code or other statute, this IGA shall be modified to conform to such law. No resolution of either party to this Agreement shall impair the rights of the Clerk or the Political Subdivision hereunder without the consent of the other party to this Agreement.
11. The Parties hereto understand and agree that the County, its commissioners, officials, officers, directors, agents, and employees, are relying on, and do not waive or intend to waive by any provisions of the Agreement, the monetary limitations or any other rights, immunities and protections provided by the Colorado Governmental Immunity Act (the CGIA), §24-10-101 to 120, C.R.S., or otherwise available to the

County or the Political Subdivision. To the extent the CGIA imposes varying obligations or contains different waivers for cities and counties, both the County and the Political Subdivision agree that they will remain liable for their independent obligations under the CGIA, and neither party shall be the agent of the other or liable for the obligations of the other.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement to be effective upon the date first above written.

Garfield County Clerk & Recorder

Date: _____

Jean M. Alberico

Political Subdivision

Date: _____

By

Authorized Signature



**Glenwood Springs – Mitchell Creek
Electric Transmission Line Rebuild Project**

Glenwood Springs City Council: August 20, 2020

Xcel Energy Project Representatives

- Kelly Flenniken, Director, Community Relations
- Ted Morris, Senior Siting & Land Rights Agent
- Braileigh Jay, Principal Siting & Land Rights Agent
- Joshua Peterson, Principal Transmission Engineer
- Jennifer Chester, Tetra Tech/Siting & Permitting Consultant

Proposed Rebuild

- End of life replacement of the existing electric transmission line between Glenwood Springs Substation and Mitchell Creek Substation
- Will be rebuilt to current design standards, include additional measures to reduce wildfire risk
- Ensure continued safe, reliable electric service to customers in Western Colorado



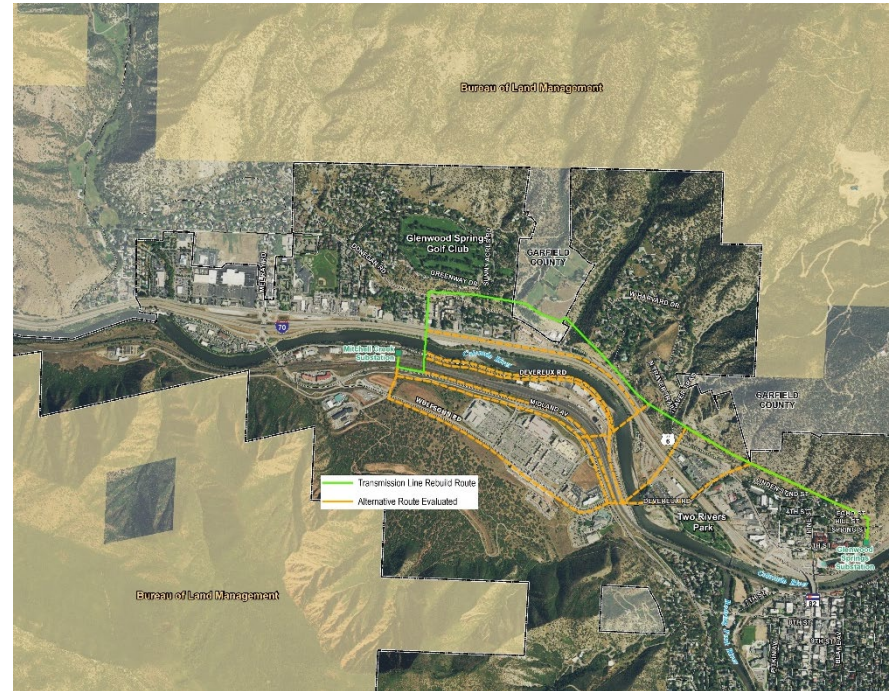
Need for the Project

- Originally built in 1940s, a portion rebuilt in the 1960s
- Replace deteriorating infrastructure to ensure continued delivery of reliable electric service to customers in Western Colorado



A Year Long Look at Location

- Evaluated whether feasible alternative routes exist by analyzing:
 - Topography, geology, land cover, river crossing impacts
 - Construction & maintenance access, technical design requirements, existing development
 - Impacts to community, residents and local businesses
- Performed field reconnaissance
- Reviewed existing transmission line location
 - Rebuilding the line would use the existing corridor and access routes where possible



Designing the Rebuild Line

- Geotechnical investigations to determine:
 - Placement and design of new poles
 - Determine safest route for construction and future maintenance of the line
 - Right-of-way requirements
- Xcel Energy is contacting landowners about property access for:
 - Geotechnical work which may include boring or soil resistivity testing
 - Land survey for easement documentation



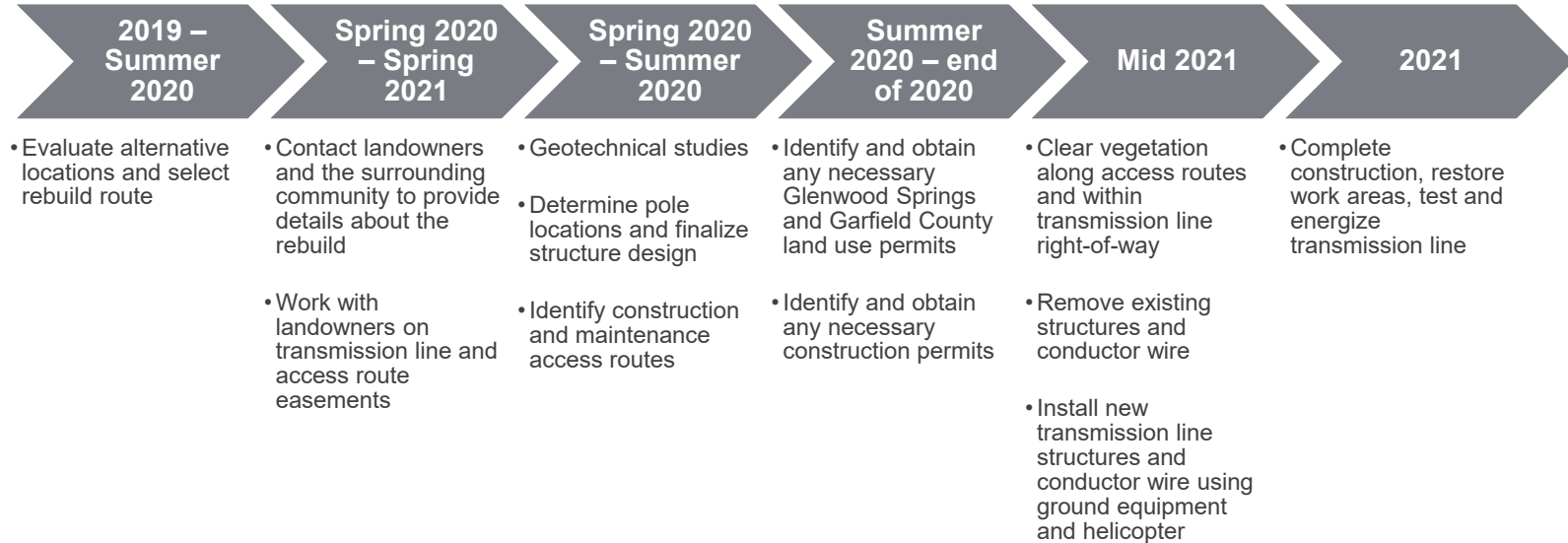
Photos courtesy of TerraCon

Existing and Planned Structures/Poles

- The height and final design of the structures depends on location and conditions such as easement width, slope, soil conditions and distance between poles.

Characteristic	Existing Structures	Rebuild Structures	Additional Information
Material, Color	Wood, brown	Steel monopole (weathering), brown/rust	Steel poles comply with updated design standards and may increase longevity
Right-of-way Width	30' for transmission line	30' to 60' for transmission line	Additional right-of-way may be needed based on transmission line design to provide sufficient clearance to existing buildings and/or to reduce number and height of structures
Height of Structures	40' to 65', average 50'	70' to 95', average 80'	Increased height needed to comply with current design standards and to provide for future increase in operating voltage of the transmission line
Access Required	Ground access for maintenance	Ground and helicopter access for construction, ground access for maintenance	Where access is difficult, helicopters can be used to limit ground disturbance from new road construction
Additional Easements	Existing easement review underway	Up to an additional 30' for transmission line, ground access for construction and maintenance and helicopter access	The existing easements date back to as early as the 1920s

Rebuild Process and Schedule*



* Preliminary information, subject to change

Where to Find Project Information

- Website: XcelEnergyGlenwoodRebuild.com
- Call toll-free: 833-947-2040
- Email: Info@XcelEnergyGlenwoodRebuild.com

INFORMATION SHEET
GLENWOOD SPRINGS - MITCHELL CREEK ELECTRIC TRANSMISSION LINE REBUILD

Current and Planned Work on the Project
Corridor-level investigations are planned along the rebuild route in May and June 2020. The results of these studies will provide information on the size and other below-ground conditions that we will use to determine placement and design of the new poles along the route. Before the work begins, Xcel Energy will be installing landowners in the areas where these studies are planned.

We are also reviewing the 2.25-mile long line to identify where access is limited and where additional clearances may be required to determine the safest route for construction and future maintenance of the line. This information will be combined with the results of the line engineering and design work to develop a detailed plan for the line rebuild.

During the rebuild process, we will:

- Engage landowners and the surrounding community to provide details about the planned rebuild and address questions or concerns.
- Clear vegetation along access routes and within transmission line right-of-way
- Determine pole locations and final structure design
- Identify construction and maintenance access routes
- Remove 28 existing structures and the conductor wires connecting them
- Install new transmission line structures and conductor wires
- Test and energize the rebuilt transmission line

Anticipated Project Schedule (Subject to Change)

PUBLIC ENGAGEMENT	2019 - Summer 2020
Complete the project route	Spring 2020 - Spring 2021
Work with landowners on transmission line and access route easements	Spring 2020 - Spring 2021
Transmission line design and engineering	Spring - Summer 2020
Identify and obtain any necessary Glenwood Springs and Garfield County permits	Summer to end of 2020
Begin construction via ground equipment and helicopter	Mid 2021
Complete construction between each access and design line	2021

We look forward to working with the community throughout the process. Xcel Energy will provide a public forum to share information regarding the electric transmission line rebuild and will notify landowners and other stakeholders when a date has been set. We will continue to work with the City of Glenwood Springs and Garfield County to obtain any necessary permits.

Contact Us
Call toll-free: 833-947-2040
Email: Info@XcelEnergyGlenwoodRebuild.com
Website: XcelEnergyGlenwoodRebuild.com

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INFORMATION SHEET
GLENWOOD SPRINGS - MITCHELL CREEK ELECTRIC TRANSMISSION LINE REBUILD PROJECT

Xcel Energy

Xcel Energy's Transmission Project
The electric grid is a complex network of independently owned and operated power generation facilities and transmission lines that deliver energy to local communities. In Glenwood Springs, transmission lines owned by Xcel Energy deliver electricity to the Glenwood Springs Electric Department's substation and distribution system, which then serves local users. Glenwood Springs Electric Department purchases additional wind power from the Municipal Energy Agency of Hoboken, NEB to serve the city's power needs.

Need to Rebuild
One of Xcel Energy's electric transmission lines that provides power to Glenwood Springs runs 2.25 miles between the Glenwood Springs Substation northeast of the Glenwood Springs and Mitchell Creek Substation northwest of the Glenwood Meadows shopping center. This line was originally built in the 1950s and a portion was rebuilt in the 1980s. The line experienced line loss due to the rebuild because it has reached the end of its useful life. The line will be rebuilt to current design standards that include additional features to reduce wildfire risk. The project will ensure continued safe, reliable electric service to our customers in Western Colorado. Replacement of the line is anticipated to begin in 2021.

Location and Design
The existing line location was set more than 50 years ago, when about 10,000 people lived in Garfield County compared to about 60,000 today. Limited access to the Glenwood Springs Mitchell Creek transmission line rebuild construction and maintenance is challenging. We've studied alternatives for the electric line location, and evaluated technical design on the environment, community, residents and businesses in Glenwood Springs. Rebuilding the line along the current route would use the existing transmission line corridor and access routes where possible.

The rebuilt transmission line will be constructed with steel monopole structures. The height and line design of the structures depends on location and conditions such as slope, and conditions and distance between poles. The new poles are expected to be placed either existing easements or rights-of-way, but additional easements may be required in some areas to ensure construction and operational safety and to provide access to the transmission line.





City Council
STAFF REPORT
City of Glenwood Springs
August 20, 2020

Agenda Item: COVID-19
-Face Coverings

Action Requested: Consideration of continuation of the face covering mandate and aligning language within the order with the Governor's Executive Order D 2020 138.

Department: City Administration

Presented By:

Background Info: Staff has received some questions related to which order supersedes, the state or local order. Staff would recommend aligning the language within the city's health order to the Governor's order, other than age and location (such as the downtown area and where social distancing is not possible)

The city's order exempts persons under the age of two.

The Governor's order identifies exemptions including:

- Individuals ten (10) years old and younger;
- Individuals who are hearing impaired or otherwise disabled or who are communicating with someone who is hearing impaired and where the ability to see the mouth is essential to communication;
- Individuals who are receiving a personal service where the temporary removal of the face covering is necessary to perform the service;
- Individuals who enter a business or receive services and are asked to temporarily remove a face covering for identification purposes;
- Individuals who are actively engaged in a public safety role such as law enforcement, firefighters, or emergency medical personnel;
- Individuals who are officiating at a religious service;
- Individuals who are giving a speech for broadcast or an audience.

Issues:

Staff Recommendation:

Face Mask Requirements in Glenwood Springs

Updated July 23, 2020

Do I need to wear a mask?

WHERE?	MASK REQUIRED?	SOURCE
IN A RETAIL SHOP?	Yes	State of Colorado EO D 2020 138
IN A RESTAURANT?	Yes, except when seated	State of Colorado EO D 2020 138
ON PUBLIC TRANSPORTATION?	Yes, including waiting for buses, trains, taxis, and ride-sharing	State of Colorado EO D 2020 138
INSIDE AN OFFICE?	Yes, when entering and moving around, and/or interacting face-to-face with public. Masks are not required in a private office with the door closed.	State of Colorado EO D 2020 138
AT A PLACE OF WORSHIP?	Yes, unless officiating a religious service	State of Colorado EO D 2020 138
AT A WORKOUT FACILITY?	Yes, except when exercising alone, with others from the individual's household. Per CDPHE ³ , when swimming, the mask should be removed in the water and worn at all other times.	State of Colorado EO D 2020 138
ON A HIKING/BIKING TRAIL?	No, unless safe social distancing is not possible	City of Glenwood Springs PHO #2, 2020
AT HOT SPRINGS?	Yes, as required by the business	Business requirements and/or State of Colorado EO D 2020 138, whichever is more restrictive
WALKING AROUND TOWN?	Yes, in downtown Glenwood Springs starting on July 29. Not in other outdoor locations outside of downtown unless safe social distancing is not possible	City of Glenwood Springs PHO #2, 2020

Who is exempt?

- Persons under the age of two¹;
- Individuals who cannot medically tolerate a face covering², or persons for whom face covering would cause impairment due to an existing health condition¹

¹ City of Glenwood Springs Public Health Order No. 2, Series 2020 (June 5, 2020)

<http://cogs.us/DocumentCenter/View/6645/Second-Amd--Health-Order-2020-2---Face-Coverings-signed-003>

² State of Colorado Executive Order D 2020 138 (July 16, 2020)

<https://drive.google.com/file/d/1KQPWakSWyOY7utsi2rbkaWKw9Ugo6NIq/view>

³ Colorado Department of Public Health & Environment Mask Q&A (July 16, 2020)

https://drive.google.com/file/d/1fHlwZy2MgMJik_PcqLwJxedivGvXD6TA/view

- Individuals who are hearing impaired or otherwise disabled or who are communicating with someone who is hearing impaired or otherwise disabled and where the ability to see the mouth is essential to communication²;
- Individuals who are seated at a food service establishment²;
- Individuals who are exercising alone or with others from the individual's household and a face covering would interfere with the activity²;
- Individuals who are receiving a personal service where the temporary removal of the face covering is necessary to perform the service²;
- Individuals who enter a business or receive services and are asked to temporarily remove a face covering for identification purposes²;
- Individuals who are actively engaged in a public safety role such as law enforcement, firefighters, or emergency medical personnel²;
- Individuals who are officiating at a religious service²; or
- Individuals who are giving a speech for broadcast or an audience.²



City Council
STAFF REPORT
City of Glenwood Springs
August 20, 2020

Agenda Item: CONTINUED FROM AUGUST 6, 2020 CARES Funding Options

Action Requested: Provide general direction on how to use CARES funding.

Department: City Administration

Presented By: Debra Figueroa, City Manager

Background Info: The State of Colorado has allocated up to \$275 million in Coronavirus Relief Funds (CVRF) for counties and local governments from its federal allocation of funds under the CARES Act. The Colorado Department of Local Affairs (DOLA) will distribute these funds. Garfield County and its municipalities will receive \$5,152,459 in these funds for COVID-19 related expenses.

The County and its municipalities agreed to allocate the CARES Act funds based on the percentage of the County population residing in its cities and towns, as well as in the unincorporated portions of the County. Under this scenario, the City of Glenwood Springs will receive \$863,509.81 in funding.

These funds can only be spent on Eligible CARES Act expenses as determined by the U.S. Treasury. This guidance is included as Attachment A.

The CARES Act provides that payments may only be used to cover costs that:

1. Are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19);
2. Were not accounted for in the budget most recently approved as of March 27, 2020 (the date of enactment of the CARES Act) for the State or local government; and
3. Were incurred during the period that begins on March 1, 2020 and ends on December 30, 2020.

The City cannot use these funds for lost revenue due to COVID-19. However, additional guidance (included as Attachment B) does allow more flexibility in staff costs involved in responding to COVID - 19. Expenses must be used for actions taken to respond to the public health emergency. These expenses include items such as:

1. Addressing medical or public health needs, such as Personal Protection Equipment (PPE); sanitation supplies and emergency transport;
2. Expenses of actions to facilitate compliance with COVID-19 related public health measure such as expenses for food delivery, costs to facilitate telework for employees, paid and family medical leave for public employees, and expenses for homeless assistance.
3. Providing economic support to those suffering from employment or business interruptions due to COVID-19-related business closures such as the Get Glenwood Going Grant.
4. Providing economic support for those suffering from employment interruptions due to Covid-19.

To date, the City has spent almost \$100,000 on response to COVID-19, \$200,000 on grants to help businesses and \$20,000 on food assistance through Lift Up for a total of \$320,000.

Attachment C is a spreadsheet that includes these expenses, but also provides additional ideas for how the remaining funds can be spent.

Issues: Since it is difficult to know how our COVID -19 response may change over the next five months, it is important to retain flexibility as we move forward. In addition, staff recommends that City Council select spending options that continue to help our residents and businesses, but that also allow the General Fund to be reimbursed for expenses.

Staff Recommendation: Provide general direction on how to expend Cares Act Funding.

Coronavirus Relief Fund
Guidance for State, Territorial, Local, and Tribal Governments
Updated June 30, 2020¹

The purpose of this document is to provide guidance to recipients of the funding available under section 601(a) of the Social Security Act, as added by section 5001 of the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”). The CARES Act established the Coronavirus Relief Fund (the “Fund”) and appropriated \$150 billion to the Fund. Under the CARES Act, the Fund is to be used to make payments for specified uses to States and certain local governments; the District of Columbia and U.S. Territories (consisting of the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands); and Tribal governments.

The CARES Act provides that payments from the Fund may only be used to cover costs that—

1. are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19);
2. were not accounted for in the budget most recently approved as of March 27, 2020 (the date of enactment of the CARES Act) for the State or government; and
3. were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020.²

The guidance that follows sets forth the Department of the Treasury’s interpretation of these limitations on the permissible use of Fund payments.

Necessary expenditures incurred due to the public health emergency

The requirement that expenditures be incurred “due to” the public health emergency means that expenditures must be used for actions taken to respond to the public health emergency. These may include expenditures incurred to allow the State, territorial, local, or Tribal government to respond directly to the emergency, such as by addressing medical or public health needs, as well as expenditures incurred to respond to second-order effects of the emergency, such as by providing economic support to those suffering from employment or business interruptions due to COVID-19-related business closures.

Funds may not be used to fill shortfalls in government revenue to cover expenditures that would not otherwise qualify under the statute. Although a broad range of uses is allowed, revenue replacement is not a permissible use of Fund payments.

The statute also specifies that expenditures using Fund payments must be “necessary.” The Department of the Treasury understands this term broadly to mean that the expenditure is reasonably necessary for its intended use in the reasonable judgment of the government officials responsible for spending Fund payments.

Costs not accounted for in the budget most recently approved as of March 27, 2020

The CARES Act also requires that payments be used only to cover costs that were not accounted for in the budget most recently approved as of March 27, 2020. A cost meets this requirement if either (a) the

¹ This version updates the guidance provided under “Costs incurred during the period that begins on March 1, 2020, and ends on December 30, 2020”.

² See Section 601(d) of the Social Security Act, as added by section 5001 of the CARES Act.

cost cannot lawfully be funded using a line item, allotment, or allocation within that budget or (b) the cost is for a substantially different use from any expected use of funds in such a line item, allotment, or allocation.

The “most recently approved” budget refers to the enacted budget for the relevant fiscal period for the particular government, without taking into account subsequent supplemental appropriations enacted or other budgetary adjustments made by that government in response to the COVID-19 public health emergency. A cost is not considered to have been accounted for in a budget merely because it could be met using a budgetary stabilization fund, rainy day fund, or similar reserve account.

Costs incurred during the period that begins on March 1, 2020, and ends on December 30, 2020

Finally, the CARES Act provides that payments from the Fund may only be used to cover costs that were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020 (the “covered period”). Putting this requirement together with the other provisions discussed above, section 601(d) may be summarized as providing that a State, local, or tribal government may use payments from the Fund only to cover previously unbudgeted costs of necessary expenditures incurred due to the COVID-19 public health emergency during the covered period.

Initial guidance released on April 22, 2020, provided that the cost of an expenditure is incurred when the recipient has expended funds to cover the cost. Upon further consideration and informed by an understanding of State, local, and tribal government practices, Treasury is clarifying that for a cost to be considered to have been incurred, performance or delivery must occur during the covered period but payment of funds need not be made during that time (though it is generally expected that this will take place within 90 days of a cost being incurred). For instance, in the case of a lease of equipment or other property, irrespective of when payment occurs, the cost of a lease payment shall be considered to have been incurred for the period of the lease that is within the covered period, but not otherwise. Furthermore, in all cases it must be necessary that performance or delivery take place during the covered period. Thus the cost of a good or service received during the covered period will not be considered eligible under section 601(d) if there is no need for receipt until after the covered period has expired.

Goods delivered in the covered period need not be used during the covered period in all cases. For example, the cost of a good that must be delivered in December in order to be available for use in January could be covered using payments from the Fund. Additionally, the cost of goods purchased in bulk and delivered during the covered period may be covered using payments from the Fund if a portion of the goods is ordered for use in the covered period, the bulk purchase is consistent with the recipient’s usual procurement policies and practices, and it is impractical to track and record when the items were used. A recipient may use payments from the Fund to purchase a durable good that is to be used during the current period and in subsequent periods if the acquisition in the covered period was necessary due to the public health emergency.

Given that it is not always possible to estimate with precision when a good or service will be needed, the touchstone in assessing the determination of need for a good or service during the covered period will be reasonableness at the time delivery or performance was sought, *e.g.*, the time of entry into a procurement contract specifying a time for delivery. Similarly, in recognition of the likelihood of supply chain disruptions and increased demand for certain goods and services during the COVID-19 public health emergency, if a recipient enters into a contract requiring the delivery of goods or performance of services by December 30, 2020, the failure of a vendor to complete delivery or services by December 30, 2020, will not affect the ability of the recipient to use payments from the Fund to cover the cost of such goods or services if the delay is due to circumstances beyond the recipient’s control.

This guidance applies in a like manner to costs of subrecipients. Thus, a grant or loan, for example, provided by a recipient using payments from the Fund must be used by the subrecipient only to purchase (or reimburse a purchase of) goods or services for which receipt both is needed within the covered period and occurs within the covered period. The direct recipient of payments from the Fund is ultimately responsible for compliance with this limitation on use of payments from the Fund.

Nonexclusive examples of eligible expenditures

Eligible expenditures include, but are not limited to, payment for:

1. Medical expenses such as:
 - COVID-19-related expenses of public hospitals, clinics, and similar facilities.
 - Expenses of establishing temporary public medical facilities and other measures to increase COVID-19 treatment capacity, including related construction costs.
 - Costs of providing COVID-19 testing, including serological testing.
 - Emergency medical response expenses, including emergency medical transportation, related to COVID-19.
 - Expenses for establishing and operating public telemedicine capabilities for COVID-19-related treatment.
2. Public health expenses such as:
 - Expenses for communication and enforcement by State, territorial, local, and Tribal governments of public health orders related to COVID-19.
 - Expenses for acquisition and distribution of medical and protective supplies, including sanitizing products and personal protective equipment, for medical personnel, police officers, social workers, child protection services, and child welfare officers, direct service providers for older adults and individuals with disabilities in community settings, and other public health or safety workers in connection with the COVID-19 public health emergency.
 - Expenses for disinfection of public areas and other facilities, *e.g.*, nursing homes, in response to the COVID-19 public health emergency.
 - Expenses for technical assistance to local authorities or other entities on mitigation of COVID-19-related threats to public health and safety.
 - Expenses for public safety measures undertaken in response to COVID-19.
 - Expenses for quarantining individuals.
3. Payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency.
4. Expenses of actions to facilitate compliance with COVID-19-related public health measures, such as:
 - Expenses for food delivery to residents, including, for example, senior citizens and other vulnerable populations, to enable compliance with COVID-19 public health precautions.
 - Expenses to facilitate distance learning, including technological improvements, in connection with school closings to enable compliance with COVID-19 precautions.
 - Expenses to improve telework capabilities for public employees to enable compliance with COVID-19 public health precautions.

- Expenses of providing paid sick and paid family and medical leave to public employees to enable compliance with COVID-19 public health precautions.
 - COVID-19-related expenses of maintaining state prisons and county jails, including as relates to sanitation and improvement of social distancing measures, to enable compliance with COVID-19 public health precautions.
 - Expenses for care for homeless populations provided to mitigate COVID-19 effects and enable compliance with COVID-19 public health precautions.
5. Expenses associated with the provision of economic support in connection with the COVID-19 public health emergency, such as:
 - Expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures.
 - Expenditures related to a State, territorial, local, or Tribal government payroll support program.
 - Unemployment insurance costs related to the COVID-19 public health emergency if such costs will not be reimbursed by the federal government pursuant to the CARES Act or otherwise.
 6. Any other COVID-19-related expenses reasonably necessary to the function of government that satisfy the Fund's eligibility criteria.

Nonexclusive examples of ineligible expenditures³

The following is a list of examples of costs that would *not* be eligible expenditures of payments from the Fund.

1. Expenses for the State share of Medicaid.⁴
2. Damages covered by insurance.
3. Payroll or benefits expenses for employees whose work duties are not substantially dedicated to mitigating or responding to the COVID-19 public health emergency.
4. Expenses that have been or will be reimbursed under any federal program, such as the reimbursement by the federal government pursuant to the CARES Act of contributions by States to State unemployment funds.
5. Reimbursement to donors for donated items or services.
6. Workforce bonuses other than hazard pay or overtime.
7. Severance pay.
8. Legal settlements.

³ In addition, pursuant to section 5001(b) of the CARES Act, payments from the Fund may not be expended for an elective abortion or on research in which a human embryo is destroyed, discarded, or knowingly subjected to risk of injury or death. The prohibition on payment for abortions does not apply to an abortion if the pregnancy is the result of an act of rape or incest; or in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed. Furthermore, no government which receives payments from the Fund may discriminate against a health care entity on the basis that the entity does not provide, pay for, provide coverage of, or refer for abortions.

⁴ See 42 C.F.R. § 433.51 and 45 C.F.R. § 75.306.

Jenn Ooton, Asst. City Manager
(970) 384-6404 (o)



101 West 8th Street
Glenwood Springs, CO 81601

To: City Manager, Debra Figueroa
City Council
RE: Latinx Support and Outreach
DATE: July 27, 2020

In preparation for a future community listening session, City Manager Debra Figueroa held a planning session with local leaders, public health representatives and staff members from area communities working on outreach for the regional Latinx community. During that conversation, for the following categories were identified as needing funding in order to better serve our Latinx communities:

- Direct Aid (especially if people are sick and need to stay home to quarantine for 14 days or longer)
- Paperwork – needs to be streamlined (for direct aid)
- Access to PPE – construction and housekeeping directly referenced, but really all sectors community/service focused
- Communication “desert” for Spanish speakers – how to get good, timely information circulated that is culturally relevant
- Support modeled on “patient advocacy” approach – someone who helps a person who is positive for COVID-19 navigate all the services and programs

CARES Reimbursement Request Spreadsheet
6-Aug-20

Total CARES Award to Glenwood Springs; \$863,509.81
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	Estimated COVID Expenditure	Miscellaneous
Business Grants	\$200,000	Spent on G4
Lift-up	\$20,000	Spent
PPE	\$65,000	Spent
IT Equipment	\$5,000	Spent
Housing Homeless During Crises	\$25,000	Proposed. Would need to partner with another agency
COVID Homeless Community Facilitation	\$20,000	Spent/Obligated
Legal Costs related to COVID 19	\$50,000	Spent/Estimated by end of the Year
Lisenting Sessions Consultant	\$7,400	Spent/Obligated
Listening Sessions Broadnet	\$16,299	Spent/Obligated
Additional Business Grants	\$75,000	Proposed in Partnership with Chamber from remaining FAB grants
Community Assistance	\$102,100	Proposed in Partnership with Non-Profits
Downtown Restrooms	\$40,000	2 Part Time Positions
Downtown Security	\$10,000	Citadel Contract
COVID Coordinator (Gary) Salary 10/12 of year	\$113,000	Spent/Obligated
25% of ACM Salary COVID Communications	\$24,375	Spent/Obligated
50% of PIO's Salary on Crisis Communications	\$33,333	Spent/Obligated
Two Variable Message Boards for Mask Education	\$38,000	Proposed
Outreach in English and Spanish	\$20,000	Proposed
Total Expenditures	\$864,507	

**These expenditures are our best estimates, may be subject to minor changes*



City Council
STAFF REPORT
City of Glenwood Springs
August 20, 2020

Agenda Item:	CONTINUED FROM AUGUST 6, 2020, 27th Street Pedestrian Grade Separation - Discussion regarding an over or underpass and grant opportunities
Action Requested:	This agenda item is to inform Council of discussions happening around this project, its prospective timing and available options. We need to determine whether Council prefers an overpass or underpass at this intersection in the event this project ultimately goes forward.
Department:	Engineering
Presented By:	Terri Partch, City Engineer
Background Info:	The 27th Street intersection with State Highway 82 has been a safety concern for City staff for many years. Chief Wilson regularly contacted CDOT to express safety concerns with the east bound right turn from 27th Street to SH 82 and the north bound left turn from SH 82 to 27th Street. Both of these turning movements cross the popular Rio Grande trail, causing a conflict between motorists and trail users. Chief Wilson said that he observed many near misses at the intersection. In addition, many pedestrians cross SH 82 to access the RFTA BRT station at the intersection. This project would design and construct a pedestrian overpass or underpass on both 27th Street (the Rio Grande Trail) and on SH 82 to access the BRT facility. The Transportation Commission has reviewed a presentation on the project and unanimously recommends an underpass at the intersection. RFTA is also aware and very concerned about pedestrian intersection safety. In 2018 RFTA passed Destination 2040, a 2.65 property tax mill levy which allocated 4.3 million toward the project. Since then RFTA has secured multiple other funding sources for the project: CDOT MMOF funding 1.1 M CDOT TAP funding 1.0 M CDOT Regional Priority Program funding 1.0M The total funding secured for the project so far is 7.4 M. The project is estimated at 9.0-10.0 Million. Staff is evaluating the availability of additional grant opportunities and will update Council on options and matching requirements in the next meeting.
Issues:	Funding for any project at this time is a concern.
Staff Recommendation:	NA

RFTA and Glenwood Springs

27th Pedestrian Crossing

August 6, 2020





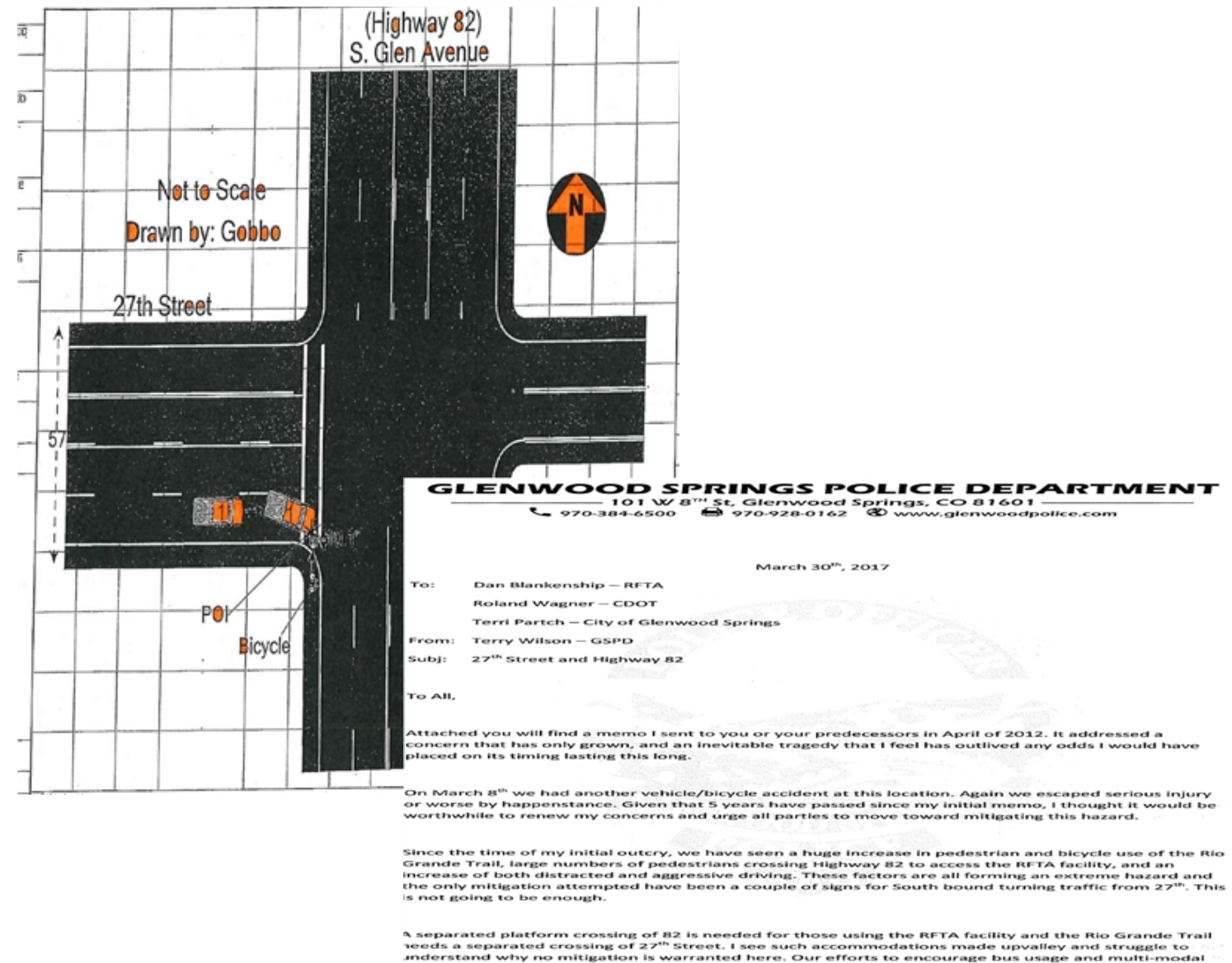
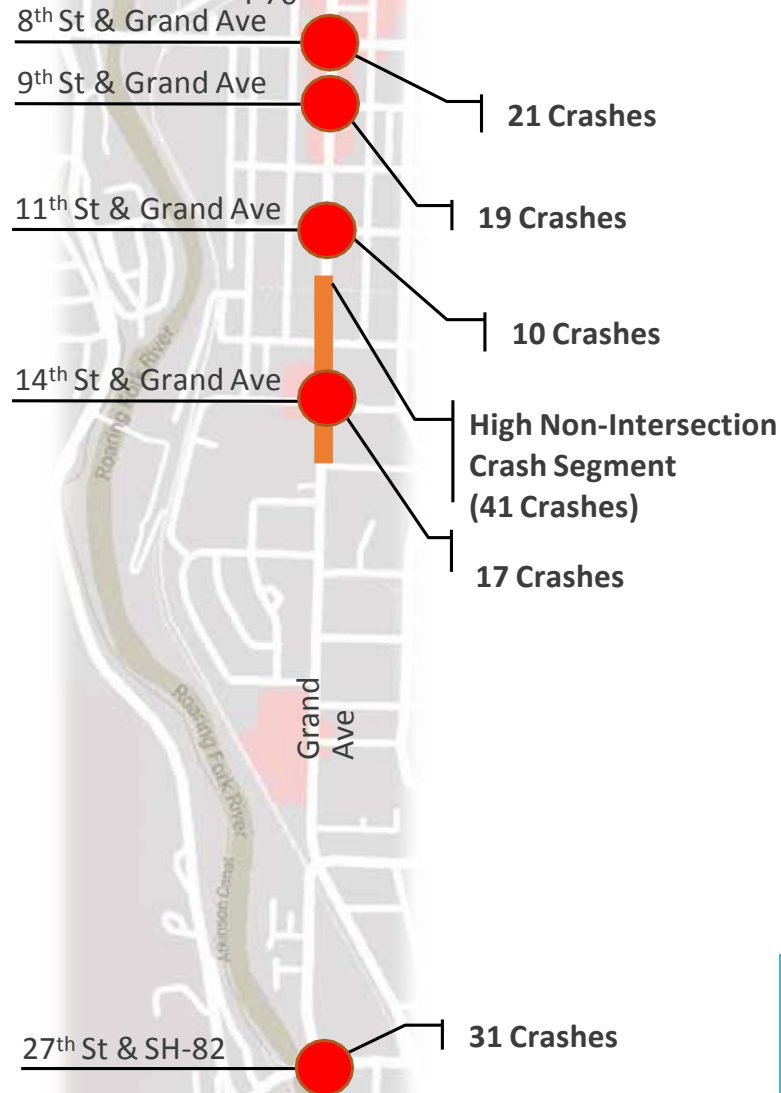
The **Roaring Fork Transportation Authority (RFTA)** and the **City of Glenwood Springs** have identified a project to develop a pedestrian crossing in South Glenwood Springs to safely navigate the travel corridors of SH-82 (Glen Ave) and the RFTA Rio Grande Trail. Focus has been placed on connectivity, pedestrian and biker safety, traffic congestion, and potential transit gains.

The **27th Pedestrian Crossing** will produce a project closely tied to the various aspects of the **MOVE** joint planning study that is focusing on transit, parking, and internal circulation mobility for the City.

The **Colorado Department of Transportation (CDOT)** is an active partner in the project and has already dedicated three separate grants to the construction project.

BACKGROUND

Crash Hot Spots



Accident History

PROJECT PARTNERS



RFTA

- Priority RFTA 2040 Project
- Identified as early implementation project
- Feasibility Study in 2019
- Staff Experience with Constructability
- Programed \$4.2M to project for all components



CDOT

- Project awarded grants for implementation in '21-'23
- RFTA/City joint applicants
- FHWA/CDOT TAP - \$1M
- CDOT MMOF - \$1.1M
- CDOT IMPTR RPP - \$1.0M



City of Glenwood Springs

- Assistance with FMLD and DOLA applications



FEASIBILITY STUDY HIGHLIGHTS



Improve **mobility and accessibility** for residents, visitors and workers of all ages and abilities



Improve **operational intersection safety** for all modes of travel



Create a **balanced, safe and affordable infrastructure** for transit, autos, bikes and pedestrians



Identify **SH82 signal prioritization** for local and regional traffic and RFTA transit access



Identify vehicle **potential future parking locations** and the tie in to existing parking facilities



Initiated need to **coordinate construction Impacts** with both City of Glenwood Springs and CDOT projects

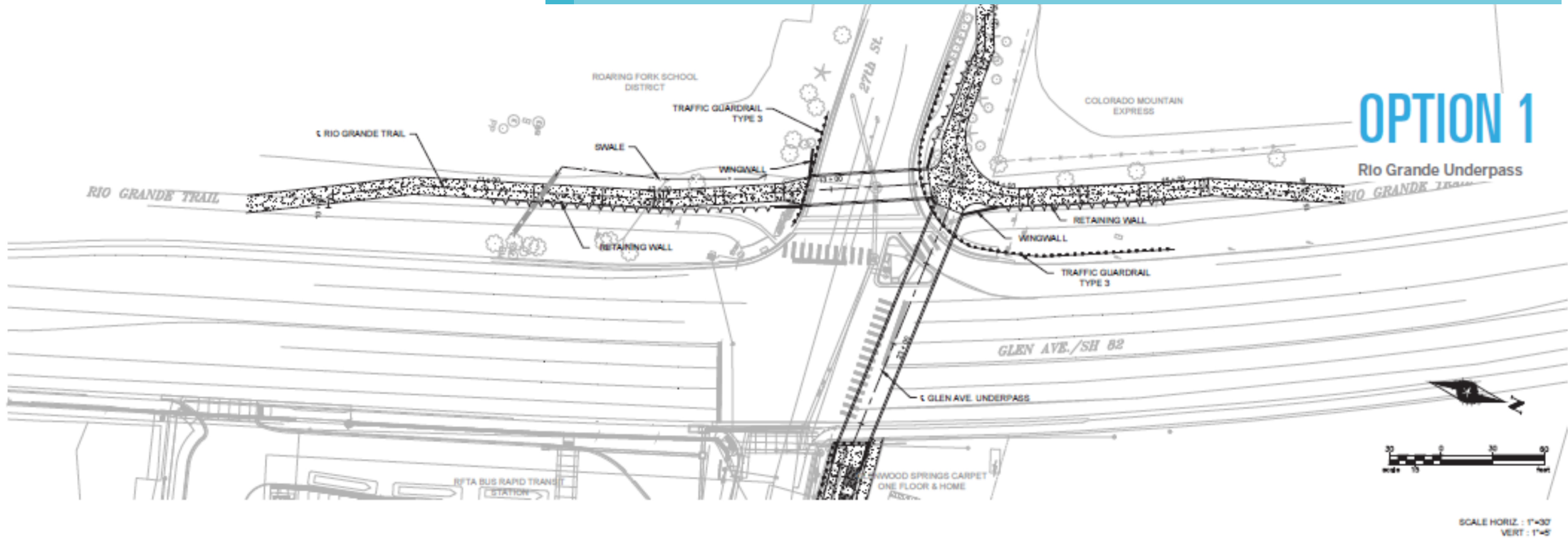


Conceptual Study focused on three options

- Option 1 - North Side Underpass eliminated by Staff (ROW purchase/future template of East leg of 27th/at grade crossing of 27th on East side)
- Option 2 -South Side Underpass
- Option 3 - South Side Overpass

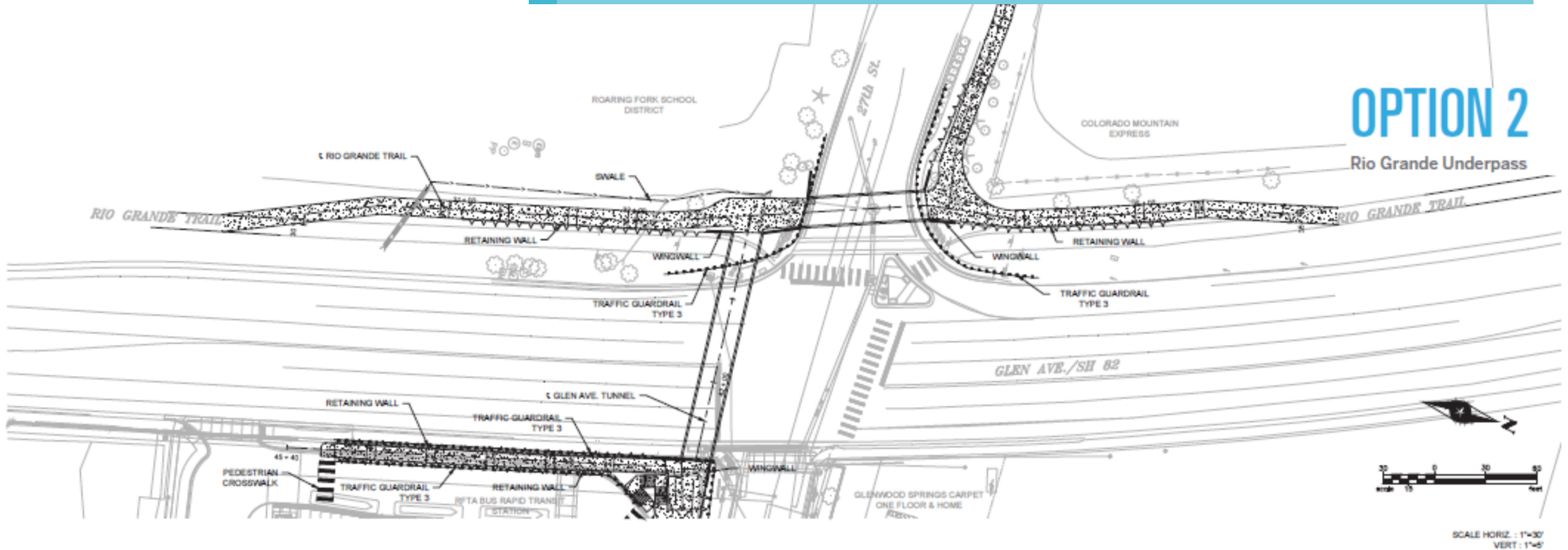
27th Pedestrian Crossing Options

North Side Underpass (Eliminated)



27th Pedestrian Crossing Options

South Side Underpass





27th Pedestrian Crossing Options

South Side Underpass

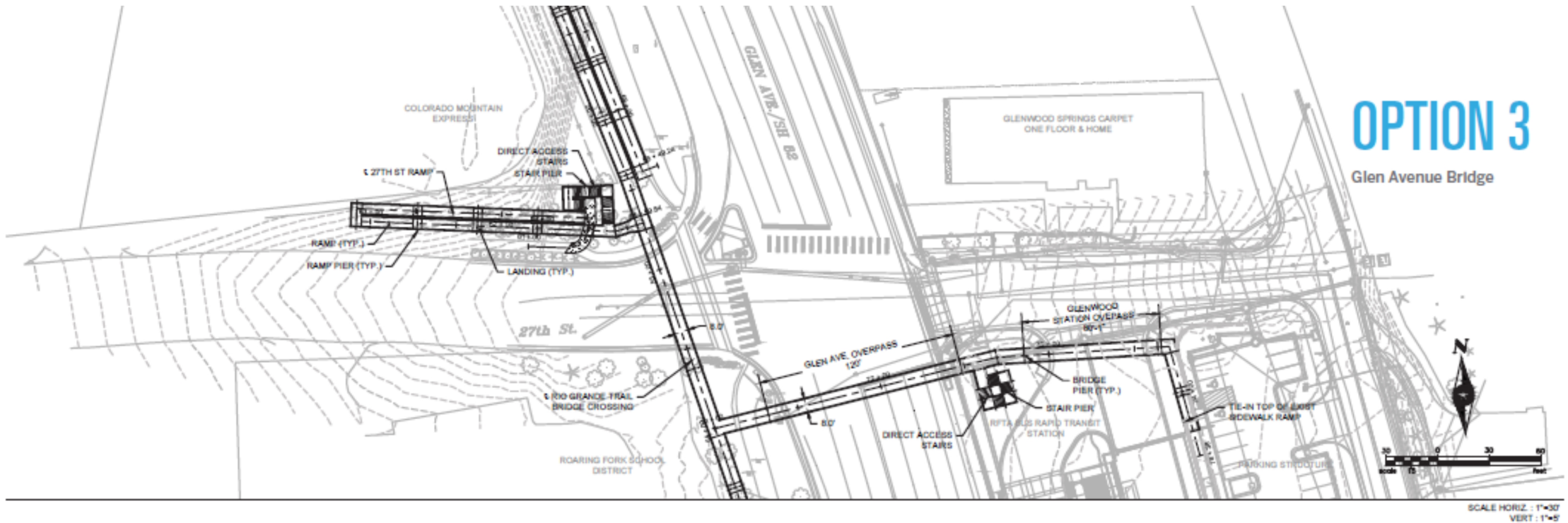
27th Pedestrian Crossing Options

South Side Underpass



27th Pedestrian Crossing Options

South Side Overpass



27th Pedestrian Crossing Options

South Side Overpass



27th Pedestrian Crossing Options

South Side Overpass





MOVE Study

NEXT STEPS

City Decision on Overpass or Underpass
Glenwood City Council/RFTA Board Meetings – July and Aug
Design Request for Qualifications

- Review technical submittals (RFTA, City and CDOT)

Public Engagement – Early 2021 for Design Progress Updates
Construction Late 2021 and 2022









City Council
STAFF REPORT
City of Glenwood Springs
August 20, 2020

Agenda Item:	27th Street Landscaping, BD2020-026
Action Requested:	Approval of Landscaping Contract with G.H. Daniels for the completion of the 27th Street Project.
Department:	Engineering
Presented By:	Jessica Bowser, Assistant City Engineer Terri Partch, City Engineer
Background Info:	City removed landscaping as a part of the 27th Street Bridge Project in an effort to expedite the closeout of the contract with the prime contractor. Staff issued the landscaping items for bid and only one responsive bid was received. After discussion with the bidder, G.H. Daniels, Staff elected to look at potential cost savings options with them to bring to council for consideration.
Issues:	The items removed from the RLW Contract totaled \$241,720.82. These items were bid with some plan adjustments under the recommendation of the Parks Department and the following items were added to the issued landscaping bid: Mobilization, bonding, traffic control, force account, and irrigation. The first four items were considered as a part of the overall contract with RLW and after another review with the Parks Department staff elected to add irrigation within the roundabout at the already provided 2" service to facilitate long term maintenance. This project only had one responsive bidder. G.H. Daniels submitted a bid of \$315,484.80. While staff feels this cost is reasonable when considering the added items and inflation, the contractor was open to negotiating and value engineering the project. After considering the dry year we have had, the current situation the City is in, and the risk involved in planting this fall, staff believes that the City will get a better project if the planting is delayed to Spring 2021. Commitments have been made to the neighbors for landscaping adjacent to their properties to be completed in Fall 2020, and the revised proposal includes this work. The revised cost with all of the proposed reductions totaled \$281,727.64.
Staff Recommendation:	The City issue a contract with G.H. Daniels for a not to exceed amount of \$281,727.64. This would require the plantings adjacent to ANB, Berthods, and the Racquet Club Condominiums be completed prior to November 1, 2020 and the remainder of the work to take place in Spring 2021. Staff will work with G.H. Daniels to further reduce costs, if possible.



City of Glenwood Springs
Procurement Department
101 West 8th Street
Glenwood Springs, CO 81601
Invitation to Bid BD 2020-026
COVER SHEET

Date: June 12, 2020
Bid number: BD 2020-026
Bid title: **27th Street Landscaping Project**
Bids will be received until: July 6, 2020, 2:00 p.m., local time

Bids must be submitted electronically to bidresponse@cogs.us no later than the required time and date. Include the Bid title and #BD2020-026 in the subject line of the email. If your bid is being submitted electronically and if the bid security is in the form of certified funds, those funds **MUST be received prior to the bid opening date and time.**

Goods or services to be delivered to or performed on: **27th Street**
For additional information please contact Ricky Smith: 970-384-6445
Email Address: bidresponse@cogs.us

Documents included in this package:

Invitation to Bid Cover Sheet
Instructions to Bidders
Bid Form
Bid Bond
Agreement
Notice of Award
Notice to Proceed
Change Order
Performance Bond
Payment Bond
Supplemental Conditions
Scope of Work
Contractor's Application for Payment
Contractor's Application Progress Estimate
Contractor's application Stored Materials Summary
Exhibit A, Standard General Conditions of the Construction Contract (upon request)
27th Street Landscaping Plan, Modified 04/23/2020
Bid Schedule
Project Special Provisions

CDOT 2017 Standard Specifications for Road and
Bridge Construction
Addendum to Professional Services Agreement

If any of the documents listed above are missing from this package, they may be picked up at 101 West 8th Street, Procurement Department, First Floor.

The undersigned hereby affirms that (1) he/she is a duly authorized agent of the vendor, (2) he/she has read all terms and conditions and technical specifications which were made available in conjunction with this solicitation and fully understands and accepts them unless specific variations have been expressly listed in his/her offer, (3) that the offer is being submitted on behalf of the vendor in accordance with any terms and conditions set forth in this document, and (4) that the vendor will accept any awards made to it as a result of the offer submitted herein for a minimum of thirty calendar days following the date of submission.

PRINT OR TYPE YOUR INFORMATION

Name of Company: GH Daniels III + Associates, Inc Fax: _____
Address: 140 GH Daniels Blvd City/State: Gursum, CO Zip: 81637
Contact Person: George Daniels Title: President Phone: 970-471-0920
Authorized Representative's Signature: [Signature] Phone: 970-524-5010
Printed Name: Kristen Nelson Title: Controller Date: 7/23/20
Email Address: Kristen@TheLandscapeCenter.com

BID FORM

FOR: 27th Street Landscaping Project
(Project Name)

TO: City of Glenwood Springs
(Owner)

101 West 8th Street
(Address)

Glenwood Springs, CO 81601
(City) (State) (Zip)

GENTLEMEN:

The undersigned (hereafter called the Bidder), a GH Daniels III & Associates, Inc
(Corporation, Partnership or Individual)

_____, 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 George H. Daniels, 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

Addendum No. 1

6/12/20

Addendum No. 2

6/24/20

Addendum No. 3

7/13/20

BID FORM (continued)

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 3 similar projects within the last 5 years, and three corresponding references.

2018 Grand Ave Bridge, Glenwood Springs - Granite Const - 801-526-6038
2019 Shavo - Six Canyon's Ryan Galloway 970-248-2644
2019 Tungal Vail - Vail Park Landscapes - Todd Openheimer 970-390-4678

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:

Harco National Insurance Co

The following proposed items form a part of the Bid:

DATE 7/23/20

Signature:

If an Individual: _____ doing
business as _____

If a Partnership: _____

By _____, member of Firm

If a Corporation: HUSTO V.M.

By Kristen Nelson
Title Controller

BID FORM (continued)

ATTEST: Kristen Nelson
Secretary

(CORPORATE SEAL)

Business Address of Bidder

140 GA Daniels Blvd
Gypsum, CO 81637

If Bidder is a corporation, supply the following information:

State in which incorporated Colorado

Name and address of its:

President

George H. Daniels III
176 GA Daniels Blvd, Gypsum, CO 81637

Secretary

Kristen Nelson
140 GA Daniels Blvd, Gypsum, CO 81637

BID SCHEDULE**27th Street Landscaping**

City of Glenwood Springs

07.08.2020

No.	CDOT Item No.	QTY.	Unit	Description and Unit Price in Words	Unit Price	Total Price
1		1	LS	Mobilization, Demobilization, and Incidentals: including, but not limited to: all permits, coordination, labor, equipment, all other materials, services, safety, utility locates, excavations, soil preparations, site grading, vertical adjustments to existing utility structures or other items not individual itemized but required to effect construction, initiation, and completion of the project. Forty-Two Thousand Five Hundred Sixty-Seven exactly (Lump Sum Price - Words)	\$42,567.00 (Numeric)	\$ 42,567.00 (Numeric)
2		1	LS	Performance and Payment Bonds. Eleven Thousand Eight Hundred Nineteen exactly (Lump Sum Price - Words)	\$11,819.00 (Numeric)	\$ 11,819.00 (Numeric)
3		1	LS	Traffic Control: including but not limited: permitting, fees, reporting, all other materials, labor and equipment necessary for a completed project. Sixteen Thousand One Hundred exactly (Lump Sum Price - Words)	\$16,100.00 (Numeric)	\$ 16,100.00 (Numeric)
4		1	LS	Irrigation: including the installation of Backflow Preventer, Water Meter, Irrigation, bore under parking slab , and Timer: Meter purchase and installation, irrigation design and installation in the roundabout, irrigation timer purchase and installation. Twenty-Six Thousand Seven Hundred Forty-Three exactly (Lump Sum Price - Words)	\$26,743.00 (Numeric)	\$ 26,743.00 (Numeric)
5	212-00006	0.05	AC	Seeding (Native), Riverine Blend, or other approved equal Twenty-Six Thousand Seven Hundred Fifty-Eight exactly (Lump Sum Price - Words)	\$26,758.00 (Numeric)	\$ 1,337.90 (Numeric)
6	216-00042	223	SY	Soil Retention Blanket (Biodegradable Straw/Coconut) Five and 50/100 (Lump Sum Price - Words)	\$5.50 (Numeric)	\$ 1,226.50 (Numeric)
7	207-00205	778	CY	Topsoil with compost amendment One Hundred Sixteen and 80/100 (Lump Sum Price - Words)	\$116.80 (Numeric)	\$ 90,870.40 (Numeric)
8	212-00050	3,030	SF	Sod One and 50/100 (Lump Sum Price - Words)	\$1.50 (Numeric)	\$ 4,545.00 (Numeric)

BID SCHEDULE**27th Street Landscaping**

City of Glenwood Springs

07.08.2020

No.	CDOT Item No.	QTY.	Unit	Description and Unit Price in Words	Unit Price	Total Price
9	213-00008	7,575	SF	6" 3/4" Mulching (Wood Chip) Two and 60/100 (Unit Price - Words)	\$2.60 (Numeric)	\$ 19,695.00
10	213-00700	6	EA	Landscape Boulder - Boulder is provided by the City, haul and place only One Hundred Fifty exactly (Lump Sum Price - Words)	\$150.00 (Numeric)	\$ 900.00 (Numeric)
11	214-00000	1	LS	Landscape Maintenance Forty Thousand Three Hundred Thirty-Three exactly (Unit Price - Words)	\$40,333.00 (Numeric)	\$ 40,333.00 (Numeric)
12	214-00225	6	EA	Deciduous Tree (2.5 Inch Caliper) Seven Hundred Ninety exactly (Unit Price - Words)	\$790.00 (Numeric)	\$ 4,740.00 (Numeric)
13	214-00350	130	EA	Deciduous Shrub (5 Gallon Container) Eighty-Five exactly (Unit Price - Words)	\$85.00 (Numeric)	\$ 11,050.00 (Numeric)
14	214-00506	10	EA	Evergreen Tree (6 Foot) (Ball and Burlap) Four Hundred Twenty exactly (Unit Price - Words)	\$420.00 (Numeric)	\$ 4,200.00 (Numeric)
15	214-00508	11	EA	Evergreen Tree (8 Foot) (Ball and Burlap) Six Hundred Forty exactly (Unit Price - Words)	\$640.00 (Numeric)	\$ 7,040.00 (Numeric)
16	214-00910	309	EA	Perennials (1 Gallon Container) Twenty-Two exactly (Unit Price - Words)	\$22.00 (Numeric)	\$ 6,798.00 (Numeric)
17	214-00950	216	EA	Perennials (5 Gallon Container) Ninety-Five exactly (Unit Price - Words)	\$95.00 (Numeric)	\$ 20,520.00 (Numeric)
18		1	LS	Force Account (for Minor Contract Revisions): including but not limited to: furnishing, all other materials, labor and equipment necessary for a Five Thousand exactly (Lump Sum Price - Words)	\$5,000.00 (Numeric)	\$ 5,000.00 (Numeric)

Total of All "A" Items (Complete Project): \$ 315,484.80

Qualifications:

1. There was no excavation removal for areas that will need more depth to provide a minimum depth of topsoil to plant. I don't see us using all the topsoil compost mix, so this maybe a place to pull money from.
2. There is no money budgeted in our irrigation bid to refurbish the ANB and Berthod buildings streetscape. We assume this will be under the force account
3. Irrigation price includes tie into existing curb stop, concrete vault, 3/4" meter, PRV, backflow specs and parks dept specs, and bore under concrete in RA.

**BID SCHEDULE
CITY OF GLENWOOD SPRINGS
27th Street Landscaping Project
#BD2020-026**

Have you filled in all the blanks on the Bid Schedule(s)?

☒ yes ☐ no

SUBMITTED BY:

Name Kristen Nelson

ADDRESS 140 BH Daniels Blvd

City Gypsum State CO Zip 81637

Corporate Seal

Firm Name * BH. Daniels II & Associates, Inc

Signature Kristen Nelson

Title Controller

Phone (970) 524 - 5010

* Insert "Corporation, Partnership" etc.



Bids shall be delivered to the following address:

Bids may also be submitted electronically to bidresponse@cogs.us no later than the required time and date. Include the Bid title and #BD2020-026 in the subject line of the email. If your bid is being submitted electronically and if the bid security is in the form of certified funds, those funds **MUST** be received prior to the bid opening date and time.

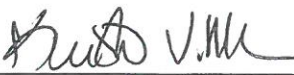
**City of Glenwood Springs
Addendum to Professional Services Agreement**

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.

CONTRACTOR

DATE: 7/23/20

BY: 

BID BOND

Know all men by these Presents, that we, the undersigned, GH Daniels III & Associates, Inc.

(Name of Contractor)

140 GH Daniels Blvd., Gypsum, CO 81637 as Principal and

(Address of Contractor)

Harco National Insurance Company, 702 Oberlin Rd, Raleigh, NC 27605 as Surety, are

(Name and address of Surety)

hereby held and firmly bound unto City of Glenwood Springs

(Name of Owner)

as OWNER in the penal sum of 5% of the Amount Bid for the payment of which, well and truly to be made, we hereby jointly and severally bind ourselves, successors, and assigns.

Signed, this 16th day of July, 2020.

The Condition of the above obligation is such that whereas the Principal has submitted to

City of Glenwood Springs a certain BID, attached hereto and hereby made a part hereof to enter a contract in writing for the Landscape & Irrigation Installation.

NOW, THEREFORE,

- (a) If said BID shall be rejected, or
- (b) If said BID shall be accepted and the Principal, shall execute and deliver a contract in the Form of Contract attached hereto (properly completed in accordance with said BID) and shall furnish a BOND for his faithful performers of said contract, and for the payment of all persons performing labor or furnishing materials in connection therewith, and shall in all other respects perform the agreement created by the acceptance of said BID, then this obligation shall be void, otherwise the same shall remain in force and effect; it being expressly understood and agreed that the liability of the Surety for any and all claims hereunder shall, in no event, exceed the penal amount of this obligation as herein stated.

The Surety, for value received, hereby stipulates and agrees that the obligations of said Surety and its BOND shall be in no way impaired or affected by an extension of the time within which the OWNER may accept such extension.

IN WITNESS WHEREOF, the Principal and the Surety have hereunto set their hands and seals, and such of them as are corporations have caused their corporate seals to be hereto affixed and these presents to be signed by their proper officers, the day and year first set forth above

GH Daniels III & Associates, Inc.

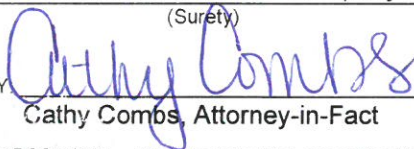


(Principal, Contractor)

Harco National Insurance Company

(Surety)

BY



Cathy Combs, Attorney-in-Fact

IMPORTANT – Surety companies executing BONDS must appear on the Treasury Department's most current list (Circular 570 as amended) and be authorized to transact business in the state where the project is located.

POWER OF ATTORNEY
HARCO NATIONAL INSURANCE COMPANY
INTERNATIONAL FIDELITY INSURANCE COMPANY

Bond # _____

Member companies of IAT Insurance Group, Headquartered: 702 Oberlin Road, Raleigh, North Carolina 27605

KNOW ALL MEN BY THESE PRESENTS: That **HARCO NATIONAL INSURANCE COMPANY**, a corporation organized and existing under the laws of the State of Illinois, and **INTERNATIONAL FIDELITY INSURANCE COMPANY**, a corporation organized and existing under the laws of the State of New Jersey, and having their principal offices located respectively in the cities of Rolling Meadows, Illinois and Newark, New Jersey, do hereby constitute and appoint

VAUGHN GRAHAM, JR., VAUGHN P. GRAHAM, CATHY COMBS, SHELLI R. SAMSEL, STEPHEN M. POLEMAN, VICKI WILSON, TRAVIS E. BROWN, DWIGHT A. PILGRIM, J. KELLY DEER, DEBORAH L. RAPER, AUSTIN K. GREENHAW, JAMIE M. BURRIS, RYAN MATTHEW SANDERS

Tulsa, OK

their true and lawful attorney(s)-in-fact to execute, seal and deliver for and on its behalf as surety, any and all bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof, which are or may be allowed, required or permitted by law, statute, rule, regulation, contract or otherwise, and the execution of such instrument(s) in pursuance of these presents, shall be as binding upon the said **HARCO NATIONAL INSURANCE COMPANY** and **INTERNATIONAL FIDELITY INSURANCE COMPANY**, as fully and amply, to all intents and purposes, as if the same had been duly executed and acknowledged by their regularly elected officers at their principal offices.

This Power of Attorney is executed, and may be revoked, pursuant to and by authority of the By-Laws of **HARCO NATIONAL INSURANCE COMPANY** and **INTERNATIONAL FIDELITY INSURANCE COMPANY** and is granted under and by authority of the following resolution adopted by the Board of Directors of **INTERNATIONAL FIDELITY INSURANCE COMPANY** at a meeting duly held on the 13th day of December, 2018 and by the Board of Directors of **HARCO NATIONAL INSURANCE COMPANY** at a meeting held on the 13th day of December, 2018.

"RESOLVED, that (1) the Chief Executive Officer, President, Executive Vice President, Senior Vice President, Vice President, or Secretary of the Corporation shall have the power to appoint, and to revoke the appointments of, Attorneys-in-Fact or agents with power and authority as defined or limited in their respective powers of attorney, and to execute on behalf of the Corporation and affix the Corporation's seal thereto, bonds, undertakings, recognizances, contracts of indemnity and other written obligations in the nature thereof or related thereto; and (2) any such Officers of the Corporation may appoint and revoke the appointments of joint-control custodians, agents for acceptance of process, and Attorneys-in-fact with authority to execute waivers and consents on behalf of the Corporation; and (3) the signature of any such Officer of the Corporation and the Corporation's seal may be affixed by facsimile to any power of attorney or certification given for the execution of any bond, undertaking, recognizance, contract of indemnity or other written obligation in the nature thereof or related thereto, such signature and seals when so used whether heretofore or hereafter, being hereby adopted by the Corporation as the original signature of such officer and the original seal of the Corporation, to be valid and binding upon the Corporation with the same force and effect as though manually affixed."

IN WITNESS WHEREOF, **HARCO NATIONAL INSURANCE COMPANY** and **INTERNATIONAL FIDELITY INSURANCE COMPANY** have each executed and attested these presents
on this 31st day of December, 2018



STATE OF NEW JERSEY
County of Essex

Kenneth Chapman

Executive Vice President, Harco National Insurance Company
and International Fidelity Insurance Company

STATE OF ILLINOIS
County of Cook



On this 31st day of December, 2018, before me came the individual who executed the preceding instrument, to me personally known, and, being by me duly sworn, said he is the therein described and authorized officer of **HARCO NATIONAL INSURANCE COMPANY** and **INTERNATIONAL FIDELITY INSURANCE COMPANY**; that the seals affixed to said instrument are the Corporate Seals of said Companies; that the said Corporate Seals and his signature were duly affixed by order of the Boards of Directors of said Companies.



IN TESTIMONY WHEREOF, I have hereunto set my hand affixed my Official Seal, at the City of Newark, New Jersey the day and year first above written.

Shirelle A. Outley a Notary Public of New Jersey
My Commission Expires April 4, 2023

CERTIFICATION

I, the undersigned officer of **HARCO NATIONAL INSURANCE COMPANY** and **INTERNATIONAL FIDELITY INSURANCE COMPANY** do hereby certify that I have compared the foregoing copy of the Power of Attorney and affidavit, and the copy of the Sections of the By-Laws of said Companies as set forth in said Power of Attorney, with the originals on file in the home office of said companies, and that the same are correct transcripts thereof, and of the whole of the said originals, and that the said Power of Attorney has not been revoked and is now in full force and effect.

IN TESTIMONY WHEREOF, I have hereunto set my hand on this day, July 16, 2020

A00171

Irene Martins, Assistant Secretary

ADDENDUM NUMBER ONE FOR
27th STREET LANDSCAPING PROJECT
BID NUMBER BD 2020-026

THIS ADDENDUM MUST BE ACKNOWLEDGED.

THIS ADDENDUM SHALL BECOME A PART OF THIS SOLICITATION.

The following information is being added or amended as indicated as a part of the Invitation to Bid.

1. See attached questions and answers.

This addendum must be acknowledged.

This Addendum may be mailed to bidresponse@cogs.us or included with your bid submittal.

PRINT OR TYPE YOUR INFORMATION

Name of Company: **GH Daniels & Associates**

Fax: 970-524-4006

Address: 140 GH Daniels Blvd

City/State: Gypsum

Zip: 81637

Contact Person: George Daniels

Owner

Phone: 970-471-0920

Authorized Representative's Signature: _____



Phone: 970-524-5010

Printed Name: Kristen Nelson

Title: Controller

Date: 7/23/20

6/12/20

ADDENDUM NUMBER TWO FOR
27th STREET LANDSCAPING PROJECT
BID NUMBER BD 2020-026

THIS ADDENDUM MUST BE ACKNOWLEDGED.

THIS ADDENDUM SHALL BECOME A PART OF THIS SOLICITATION.

The following information is being added or amended as indicated as a part of the Invitation to Bid.

1. See attached questions and answers.
2. See attached revised bid schedule.

This addendum must be acknowledged.

This Addendum may be mailed to bidresponse@cogs.us or included with your bid submittal.

PRINT OR TYPE YOUR INFORMATION

Name of Company: **GH Daniels & Associates**

Fax: 970-524-4006

Address: 140 GH Daniels Blvd

City/State: Gypsum

Zip: 81637

Contact Person: George Daniels

Owner

Phone: 970-471-0920

Authorized Representative's Signature: _____

Kristen Nelson

Phone: 970-524-5010

Printed Name: Kristen Nelson

Title: Controller

Date: 7/23/20

6/24/20

ADDENDUM NUMBER THREE FOR
27th STREET LANDSCAPING PROJECT
BID NUMBER BD 2020-026

THIS ADDENDUM MUST BE ACKNOWLEDGED.

THIS ADDENDUM SHALL BECOME A PART OF THIS SOLICITATION.

The following information is being added or amended as indicated as a part of the Invitation to Bid.

1. The bid due date has changed to July 23, 2020, no later than 2:00 pm. Bids must be emailed to bidresponse@cogs.us.
2. Pre-qualifications are now due on July 17, 2020, no later than 5:00 pm. Pre-qualifications must be emailed to bidresponse@cogs.us.

This addendum must be acknowledged.

This Addendum may be mailed to bidresponse@cogs.us or included with your bid submittal.

PRINT OR TYPE YOUR INFORMATION

Name of Company: **GH Daniels & Associates**

Fax: 970-524-4006

Address: 140 GH Daniels Blvd

City/State: Gypsum

Zip: 81637

Contact Person: George Daniels

Title: Owner

Phone: 970-471-0920

Authorized Representative's Signature: _____

Handwritten signature

Phone: 970-524-5010

Printed Name: Kristen Nelson

Title: Controller

Date: 7/23/20



*Retail & Wholesale Garden Centers/Nurseries • Custom Growing
Landscape & Maintenance Contracting • Design/Build*

ASSOCIATED LANDSCAPE CONTRACTORS OF COLORADO • COLORADO NURSERY & GREENHOUSE ASSOC.
GARDEN CENTERS OF COLORADO • WESTERN COLORADO CONTRACTORS ASSOCIATION
AMERICAN NURSERY & LANDSCAPE ASSOCIATION • PROFESSIONAL LANDSCAPE NETWORK

Assistant City Engineer
City of Glenwood Springs
970.384.6434

08.11.20

27th St GWS

Value Engineering

item on bid	Qty.	unit	Description	orig proposal	VE total	orig unit price	VE unit price
1	34.0	days	Mob,demob,incidentals	\$42,567.00	\$42,567.00	\$42,567.00	\$42,567.00
2	1.0	LS	Bonding Requirements	11,189.0	\$11,189.00	\$11,189.00	\$11,189.00
3	1.0	LS	traffic control	16,100.0	\$16,100.00	\$16,100.00	\$16,100.00
4	1.00	LS	Irrigation	\$26,473	\$26,473.00	\$26,473.00	\$26,473.00
5	0.05	acre	Seeding, native omit, to be completed by town	\$1,337.90	\$0.00	\$1,337.90	\$0.00
6	223	SY	soil retention blanket,omit, completed by town	\$1,226.50	\$0.00	\$1,226.50	\$0.00
7	778	CY	VE topsoil without 1/3 compost amendment, see attached soils report from topsoil in GHD yard	\$90,870.40	\$88,290.40	\$116.80	\$113.48
8	3,030	sf	Bluegrass Sod	4,545.00	\$4,545.00	\$4,545.00	\$4,545.00
9	7,575	SF	6" 3/4" Mulching	\$19,695.00	\$19,695.00	\$19,695.00	\$19,695.00
10	6	EA	Landscape boulders	\$900.00	\$900.00	\$900.00	\$900.00
11	1	LS	Landscape Maintenance,applied credit, if all planting starts next spring and all maint ends 10.31.21	\$40,333.00	\$30,333.00	\$40,333.00	\$30,333.00
15 % savings if planting starts in spring 2021							
12	6	Ea	Deciduous tree	\$4,740.00	\$4,029.00	\$790.00	\$671.00
13	130	EA	#5 Deciduous Shrub	\$11,050.00	\$9,392.50	\$85.00	\$72.00
14	10	EA	evergreen tree(6 foot)(B&B)	\$4,200.00	\$3,570.00	\$420.00	\$357.00
15	11	EA	evergreen tree(8 foot)(B&B)	\$7,040.00	\$5,984.00	\$640.00	\$544.00
16	309	EA	Perennials (1 gal container)	\$6,798.00	\$5,778.30	\$22.00	\$18.00
17	216	EA	Perennials (5 gal container)	\$20,520.00	\$17,442.00	\$95.00	\$80.00
18	1.0	LS	force account	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00
total				\$314,584.80	\$291,288.20	\$314,584.80	
11	1	LS	add back in portion of Maintenance if plantings requested by RCC must be planted this fall		\$4,000.00		
total VE proposal					\$295,288.20		
Possible Rededuction in topsoil placement							
7	150	CY	topsoil reduction	\$113.48	-\$17,022.00		
7	1	T&M	any excavation and haul or spoils to allow for topsoil to be completed on a hourly basis, see attached T&M rates				

Qualifications:

- *rocky mtn fir not available, use concolor fir
- *use of existing backflow preventer for watering was considered in original bid
- *based upon attached soils report, without compost was used in CDOT project in Edwards in June 2020
- *see T&M prices for equipment and labor rates

CORPORATE OFFICE
GH DANIELS III & ASSOCIATES, INC.
(970) 524-5010 Fax (970) 644-8750 140 GH Daniels Boulevard Gypsum, CO 81637 www.TheLandscapeCenter.com

THE LANDSCAPECENTER of Grand Junction
2523 High Country Ct., Grand Junction, CO 81501
(970) 241-0297 Fax (970) 241-0338

THE LANDSCAPECENTER of Gypsum
140 GH Daniels Blvd., Gypsum, CO 81637
(970) 524-5010 Fax (970) 524-4006

Analytical Results

Report To: Kristen Nelson
Company: The Landscape Center
104 GH Daniels Blvd
Gypsum CO 81637

Task No: 200803086
Date Received: 8/3/20
Reported: 8/10/20
Client PO: PAID CC
Client Project:

Customer Sample ID Topsoil
Sample Date/Time: 8/1/20

Lab Number: 200803086-01
Matrix: Soil - Environmental

Test	Result	Reporting Limit	Method	Date Analyzed	Analyzed By
<u>Dry Weight Basis</u>					
Sand	52 %	1	ASA1 43-5	8/5/20	PJL
Silt	36 %	1	ASA1 43-5	8/5/20	PJL
Clay	12 %	1	ASA1 43-5	8/5/20	PJL
USDA Texture	Sandy Loam	0	ASA1 43-5	8/5/20	PJL

ASA = "Methods of Soil Analysis, Parts 1 and 2", Second Edition, American Society of Agronomy and Soil Science Society of America, Madison, WI, 1982.
SW-846 = "Test Methods for Evaluating Solid Waste"; USEPA, November 1986.
AB-DTPA = "Soil Testing Methods Used at Colorado State University for the Evaluation of Fertility, Salinity and Trace Element Toxicity"; Colorado State University Technical Bulletin LTB88-2; Jan 1998; SM Workman, PN Soltanpour and RH Follett.



DATA APPROVED FOR RELEASE BY

10411 Heinz Way / Commerce City, CO 80640 / 303-659-2313
Mailing Address: P.O. Box 507 / Brighton, CO 80601-0507

200803086
1/1

Soil Nutrient Laboratory Report

Lab No.: 200803086-01 Date Rec: 8/3/20 Reported: 8/10/20	Report To: Kristen Nelson	Company: The Landscape Center 104 GH Daniels Blvd Gypsum CO 81637
---	----------------------------------	--

Sample ID: Topsoil

Project:

Laboratory Results:

Sample Result	Low	Ave	High
---------------	-----	-----	------

Field Texture (EST)

Sandy Loam

pH (units)

7.8

Salts (MMHOS/CM)

4.1

CEC Est. (MEQ/100G)

13.4

Lime (Qual.)

Medium

Organic Matter (%)

4.1

Organic N (lbs/acre)

122.3

Sodium (meq/100g Soil)

0.44

Available Nutrients (ppm)

Nitrate Nitrogen

50.6

Phosphorus

47.9

Potassium

539.5

Calcium

7851.0

Magnesium

335.0

Sulfur

1992.1

Boron

0.4

Zinc

2.8

Iron

8.3

Manganese

1.9

Copper

1.3

Note: Average Values are for Colorado Soils

Fertilizer Recommendations

General Landscape

Nitrogen: 30 lbs/Acre

Phosphorus - P2O5: 0 lbs/Acre

Potassium - K2O: 0 lbs/Acre

Sulfur SO4-S: 0 lbs/Acre

Lime: 0 lbs/Acre

**To convert recommendations to lbs/1000 sq. ft. divide by 40.*

Comments

Split Nitrogen Recommendations 2 to 3 Times Throughout the Growing Season.

Yield Reduction Likely Due To High Salts.



Time & Materials -

2020

Customer:

Attn:

Email:

RE:

Scope:

Maintenance

Lawn Care Program

52" ZTR Mower	\$ 66.00
42"-48" Mower	\$ 60.00
21" Mower	\$ 54.00
Trimming / Blowing / Edging	\$ 54.00
Aeration / Walk Behind	\$ 60.00
Aeration / Tractor	\$ 66.00
Lawn Fertilizer	\$ 54.00
Pre-emergent Weed Control	\$ 78.00
Broadleaf Weed Control	\$ 78.00
Native Mowing	\$ 54.00

Equipment and Vehicles w/Operator

Description	Construction	Bucket Size	
621 Case Loader		3 cy	\$ 150.00
9010B Excavator w/ Thumb		.5 cy	\$ 175.00
W-20 Case Loader		2.5 cy	\$ 130.00
560 xlt Loader/Grader		1.25	\$ 125.00
95xt Case Skidsteer		1 cy	\$ 125.00
1845 c Case Skidsteer		0.5 cy	\$ 110.00
873 Bobcat Skidsteer		0.5 cy	\$ 110.00
560 Trencher w/ 4' Bar		Rock Teeth	\$ 144.00
337 Bobcat Trackhoe		2' bucket w/thumb	\$ 135.00
331 Bobcat Trackhoe		1' & 2'	\$ 120.00

Detail Program

Pre-emergent Weed Control	\$ 78.00
Detail	\$ 54.00
Chemical Weed Control	\$ 78.00
Shrub Trimming	\$ 54.00
Tree / Shrub Fertilizing	\$ 54.00
Pruning - Dormant Season	\$ 54.00
Winter Services	\$ 54.00
Tree Spray	\$ 78.00

Construction

Description		
Dingo Trencher		\$ 100.00
Tandam Dump Truck 12cy		\$ 105.00
1-ton Dump Trucks 5-10cy		\$ 78.00
Laser Level		\$ 30.00
Architect		\$ 90.00
Project Manager		\$ 90.00
Superintendent		\$ 82.00
Foreman		\$ 68.00
Sprinkler Technician		\$ 78.00
Labor - skilled (2yrs+)		\$ 58.00
Labor - training (2yrs-)		\$ 52.00

* All materials will be billed in addition to the above rates *

By signing this agreement, it acknowledges customers' commitment to pay.

Qualifications:

- * All rates will be charged by the hourly rate outlined above to and from site with a one hour minimum charge.
- * There will be a \$25.00 per tooth charge added to the rate on the 560 Trencher for excessive wear on the teeth
- * For construction, all Labor hours must include at least (1) foreman wage rate to cover truck for each (3) man crew

OWNER OR REPRESENTATIVE SIGNATURE

DATE

Should an attorney or legal counsel need to be hired to collect past due payments or enforce non performance on either party, the unsuccessful party in such a claim will be responsible to pay all legal fees plus statutory interest.

Items Removed form the RLW Contract:						G.H. Daniels Bid:			
ITEM #	DESCRIPTION	UNIT	QTY	UNIT PRICE	COST	QTY	UNIT PRICE	COST	NEGOTIATED COST REDUCTION:
207-00205	Topsoil with compost amendment*	CY	778	\$158.53	\$123,336.34	778	\$116.80	\$90,870.40	
212-00050	Sod*	SF	3030	\$1.02	\$3,090.60	3,030	\$1.50	\$4,545.00	
212-00032	Soil Conditioning	ACRE	0.8	\$5,733.74	\$4,586.99	Not included in the new bid			
213-00008	6" 3/4" Mulching (Wood Chip)	SF	7975	\$4.59	\$36,605.25	7,575	\$2.60	\$19,695.00	
213-00700	Landscape Boulder**	EA	6	\$608.08	\$3,648.48	6	\$150.00	\$900.00	
214-00000	Landscape Maintinence	LS	1	\$27,402.00	\$27,402.00	1	\$40,333.00	\$40,333.00	(\$10,000.00)
214-00225	Deciduous Tree (2.5 Inch Caliper)	EA	6	\$542.87	\$3,257.22	6	\$790.00	\$4,740.00	(\$711.00)
214-00350	Deciduous Shrub (5 Gallon Container)	EA	130	\$45.50	\$5,915.00	130	\$85.00	\$11,050.00	(\$1,657.50)
214-00506	Evergreen Tree (6 Foot) (Ball and Burlap)	EA	10	\$697.98	\$6,979.80	10	\$420.00	\$4,200.00	(\$630.00)
214-00508	Evergreen Tree (8 Foot) (Ball and Burlap)	EA	11	\$803.45	\$8,837.95	11	\$640.00	\$7,040.00	(\$1,056.00)
214-00910	Perennials (1 Gallon Container)	EA	309	\$12.41	\$3,834.69	309	\$22.00	\$6,798.00	(\$1,019.70)
214-00950	Perennials (5 Gallon Container)	EA	216	\$41.36	\$8,933.76	216	\$95.00	\$20,520.00	(\$3,078.00)
216-00042	Soil Retention Blanket (Biodegradable Straw/Coconut)**	SY	1030	\$3.62	\$3,728.60	223	\$5.50	\$1,226.50	
217-00000	Herbicide Treatment	SY	930	\$0.57	\$530.10	Not included per Parks Department reccomendation			
212-00006	Seeding (Native), Riverine Blend, or other approved equal**	ACRE	0.8	\$1,292.55	\$1,034.04	0.05	\$26,758.00	\$1,337.90	
Total removed from RLW Contract:					\$241,720.82	Cost Reduction Total:			
Cost Adjusted for Inflation (assumed 2%/year from 09/18 to 08/20):					\$251,486.34	(\$18,152.20)			

*Billed for what is installed only

**Boulder is provided by the City; haul and place only

Items added to Bid:	UNIT	QTY	UNIT PRICE	COST
Mobilization, Demobilization, and Incidentals	LS	1	\$42,567.00	\$42,567.00
Performance and Payment Bonds	LS	1	\$11,819.00	\$11,819.00
Traffic Control	LS	1	\$16,100.00	\$16,100.00
Force Account (for Minor Contract Revisions)	LS	1	\$5,000.00	\$5,000.00
Irrigation	LS	1	\$26,743.00	\$26,743.00
Total Original Bid:				\$315,484.80
Negotiated Cost Reductions:				
Split planting -				
Plant in Spring 2021 when they will have a higher chance of survival in non-irrigated areas		Total from above		(\$18,152.20)
Fall 2020 Planting Racquet Club Condominiums, Berthod's, and ANB (For Maintenance at RCC)				\$4,000.00
Revision to topsoil specification	CY	778	(\$3.32)	(\$2,582.96)
Reduction in Topsoil Amount (Approximately 150 CY)	CY	-150	\$113.48	(\$17,022.00)
Revised Bid Total:				\$281,727.64
Increased cost to the project:				\$30,241.30

Transportation Commission Vision Statement
Adopted March 10, 2020

The Transportation Commission strives to ensure its priorities at all times align with the Strategic Vision and Transportation Plan of the City of Glenwood Springs.

Relevant to transportation priorities, the City's Strategic Vision and goals include:

- Maintaining Glenwood Springs' small-town character;
- Developing, constructing, repairing and maintaining high quality infrastructure;
- Improving the city's transportation system to meet growing needs for circulation, access, safety and transit;
- Ensuring accessibility to recreation facilities and amenities;
- Opposing any threats to livability and the environment of our community; and
- Supporting local businesses to enhance economic success.

The City's Transportation Plan's strategic vision is to create a multi-modal transportation system that efficiently moves people and goods, enhances the quality of life, promotes economic vitality and preserves the historic community character that is Glenwood Springs.

The Transportation Commission prioritizes its efforts, and evaluates development / transportation proposals submitted to it for comment, according to each's capacity to further the following priorities:

- 1) Developing and maintaining a robust, integrated, user friendly transportation system for all modes of travel, serving the entire municipality of Glenwood Springs.
- 2) Reducing the impacts of traffic on the resident individuals, businesses and cultural identity of Glenwood Springs.
- 3) Annually updating priorities for large and small transportation related capital improvement and signing / striping projects, and providing review of and recommendations for proposed schedules of repair, reconstruction, maintenance, signing and striping of existing streets.
- 4) Fostering and encouraging the use of emerging alternative mobility options including, but not limited to: cycling, e-bikes, electric vehicles, scooters, on-demand transit, ride-sharing, and efficient non-redundant bus & public transit options.
- 5) Encouraging the City's leadership in regional planning coordination efforts significant to the Roaring Fork and Grand Valley corridors.
- 6) Ensuring sufficient private off-street parking so as to avoid over burdening the City's streetscape and public spaces.

"Small" Projects - Less than \$1m; 05/01/2020

2020 Rank	Project / Improvement	Status
1	Interim improvements to 8th Street - Construct a small 3' wide paved path on the north side of 8th Street from Defiance to 7th. Add an RRFB at 7th Street	
2	Highway 6 Bike Path interim improvements - improve surface, signage, and separation of existing path on Hwy 6 from Donegan Rd to Laurel (Linden) St.	Working with Street on resurfacing and trail delineation
	Complete filling cracks from west of Traver Trail to Linden	
	Install temporary drainage or diversion, path-flooding location	
	Install interim overlay, full length	
3	12th Street Ditch interim improvements - grading and/or surface, lighting, signage, curb cuts or grinding	Linda will work with Jake to see if SWAT can build a few ramps, or other...
4	Citywide Wayfinding:	
	Bicycle routes and paths, prioritize and schedule.	Signs that need to be installed. Linda is working with the street department on locations
	Blake Ave bike lanes: Extend no-parking paint, separate Blake bike lane from parking	
	6th St bike route from Maple to Linden: Install directional signs	
	6th Street roundabout: improve bike/ped facilities across Laurel	
5	RRFBs	
	Exit 114 E off-ramp 2nd RRFB	Analyze, clarify
	8th St @ 7th	Not Scheduled
	Hwy 6 locations (Soccer Field, 135 Rd)	Not scheduled
6	RGT Connections:	
	Coach Miller	Funded & scheduled
	GSES	Funded & scheduled
	12th (Riverside)	Funded & scheduled
7	Blake Ave sidewalk improvements	Not Scheduled

8	Coach Miller Dr sidewalk	Not Scheduled
9	Coach Miller parking	Planned for 2020 -Waiting for approval from RFTA
10	South Blake Ave improvements and facilities	Opening of Blake Gate to coincide with Bell Rippy development - Blake improvements are City responsibility and are not scheduled
11	Donegan Rd sidewalk and bike lanes - Soccer Field Rd to Middle Creek?	Currently GarCo - Will request sidewalk with development plans
12	Atkinson Trail connection to Glenwood Park	
13	SH-82 shared use path to commercial areas, Blake to Thrifty Thrills area	This is in the large project list, but should be here. It's just sidewalk in the CDOT ROW

Completion Date	Cost	Possible Funding Sources	Comments
2020			High priority of bicycling community
Not Scheduled	Unknown	HSIP?	
2020 - ongoing with new projects, e.g., 6th St, etc			Working with Streets Supervisor on sign inventory, editing, and placement
Summer 2020	\$15k		
Not Scheduled	\$15k		
Not Scheduled			High priority of bicycling community; SRTS
Summer 2020			
Summer 2020			
Summer 2020			
Summer 2020			
Not Scheduled	\$147,600 LRTP		

Not Scheduled	\$511,900 LRTP		
Summer 2020			
Not Scheduled	\$454,000 LRTP		Considering advisory bike lane design for ped/ bike facility (Blake is only bike route in SH 82/ Blake corridor)
2021?	\$483, 300 LRTP (Unknown)	Developer funded.	Not sure of project limits; LRTP does not specify; could change to one pathway on S side rather than BL on both sides and SW on one side
	\$107,700 LRTP		

"Large" Project List, over \$1 m; 05/01/2020		
2020 Rank	Project / Improvement	Status
1	South Midland Ave Construction, incl. bike/ped facilities from 27th to Four Mile Rd	Design and ROW in Progress. Bid fall of 2020, Construction Estimated to start November of 2020.
2	South Bridge-	Design in Progress, 30% review April 27th, 2020. 60% review 9/21. Construction start by 2023
3	6th Street Construction:	Design has been shifted out at the direction of the DDA to allow for funds for virus relief
	Enhance connection: Two Rivers Park to Glenwood Canyon Trail	
	Clarify/reconstruct bicycle/ped crossing at Laurel	Design of bike improvements for bike safety
	Implement full design, Olive to Laurel	
	Mark bicycle boulevard, north neighborhood	
	Reconsider/redesign Pine St bicycle markings	
	Additional components, Vapor Cave to Devereux	
4	8th Street /East side of bridge to School St: widening- 2 lanes plus center median plus 2-10' wide sidewalks	Construction to start with Confluence development
5	Lova Trail/current end of trail near WW treatment plant to South Canyon	Overall design mostly complete (75%). Currently working with CDOT for Permitting and final plan completion for a 700' section from current west end
6	Hwy 6 corridor shared use path Linden to Donegan	Design money taken to address COVID 19 shortfall
7	Hwy 6 Corridor shared use path, Donegan to Mel Ray, full construction	
8	SH-82 & 27th bike/ped grade separation	RFTA beginning project design June 2020
	27th Street shared use path	Would like to include with the grade separation improvements
9	14th Street multimodal bridge	Pedestrian bridge construction completed Spring 2017. Some lighting and landscaping improvements are desired. Connection improvement to the Rio Grande are scheduled in 2020.
NR	Devereux Rd multimodal bridge- Devereux to Midland	10% design/case study completed in 2019
	Ped improvements - New trail and bridge, Devereux Connection from IMHS to Midland	Easement dedicated through IMHSP. Path from Devereux to IMHS planned to be constructed in 2020.

NR	Bike/Ped crossing of SH-82 @ 15th	Unknown
NR	12th Street Ditch undercrossing, full const.	Unknown

NR	23rd & SH-82 intersection improvements- Being evaluated in the MOVE study	Unknown
NR	Midland Ave on-street bike facilities, 8th - 27th. Not sure if this is possible due to roadway width.	Unknown
NR	SH-82 @ 10th bike/ped grade separated crossing -Safe Routes to Schools identified route	
NR	Trail connection on the east side of Devereux, from the ped bridge to the SH6 intersection	Route from hotels to Two Rivers Park

Anticipated Design Completion Date	Anticipated Constuction Start Date	Cost	Possible Funding Sources
Complete. Waiting on rght of way	11/1/2020	\$13.2 M	Federal BUILD Grant, A&I Bond funding, DOLA, Garfield County
Dec-20	2023	\$49 million	Garfield Co., A&I, potential agreement with State. On a Federal stimulus list
2021?	Not Scheduled	Unknown	2 M reserved in A&I bond for construction
Unknown	Not Scheduled	Unknown	No funding currently identified for permanent construction
Unknown	Unknown	Unknown	GCFMLD, DOLA, CDOT grants
Unknown	Unknown	\$3.5 million	City bond funds. Also on the Federal stimulus list
Oct-20	Spring of 2021	Total Trail: \$20 million Funded Section: \$1.8 million. Added to a Federal stimulus funding list	Already Funded: GOCO, FMLD/TNC/COGS Potential Funding: GOCO, FLAP (2024)
2021?	Unknown	\$900k	GCFMLD, DOLA, CDOT grants
Unknown	Not Scheduled	\$1,934,000 LRTP-	GOCO? FMLD?
End of 2020	2021	\$9 M	4 M -RFTA, 1 M-MMOF, 1M, TAP, 1M, CDOT.
	Not Scheduled	\$500,000	A&I, FMLD
Unknown	Connections to the Rio Grande will be improved in 2020	300k	FMLD/COGS
Unknown	Not Scheduled	\$23,094,800 LRTP 10% design/Case study: \$60k Estimated Construction Cost (C. River): \$20-30 million	
Unknown	Not Scheduled	Unknown	5M

	Not Scheduled	\$4,638,900 LRTP (Unknown)	
	Not Scheduled	\$1,738,900 LRTP (Unknown)	

	Not Scheduled	Unknown	
	Not Scheduled	Unknown - Could pursue SRTS/HSIP with CDOT	
Partially designed by SGM from Two Rivers Park driveway to the existing pedestrian bridge	Unknown	600k	Requested funding in 2020 from GCFMLD. Was not granted.

Comments	
EA finalized in August 2020. A&I bonding measure passed in 2017 that will likely be used for portion. Seeking partnerships and identifying funding sources.	
6th Street Master Plan adopted 2017. Interim improvements 2018.	
Needs markings, signs, minor infra improvements near bike/ped signal activator	
COGS and New Castle have received funding for 30% design; no \$ yet identified for construction	
Still determining over or under pass. Likely tied to RFTA parking.	
Bike/ped "corridor" project would link RFTA grade sep to new bridge to Atkinson Trail	
Project identified in the SH 82 Corridor Optimization Plan adopted in 2010.	
We should include this in our new trail plan.	

Grade separation for HS	
Improvements for the ditch trail	

Grade separation for 23rd



City Council
STAFF REPORT
City of Glenwood Springs
August 20, 2020

Agenda Item: Ordinance No 22, Series of 2020; An Emergency Ordinance of the City Council of the City of Glenwood Springs, Colorado Amending Section 080.040.060 of the Municipal Code to Authorize the Issuance of Graduated Penalty Assessment Fines for Violations of any Rule, Regulation to Order Rationing or Limiting Water Use During a Water Shortage (FIRST READING)

Action Requested:

Department: City Administration

Presented By:

Background Info:

Issues:

Staff Recommendation:

ORDINANCE NO. 22

Series of 2020

AN EMERGENCY ORDINANCE OF THE CITY OF GLENWOOD SPRINGS, COLORADO AMENDING SECTION 080.040.060 OF THE MUNICIPAL CODE TO AUTHORIZE THE ISSUANCE OF GRADUATED PENALTY ASSESSMENT FINES FOR VIOLATIONS OF ANY RULE, REGULATION OR ORDER RATIONING OR LIMITING WATER USE DURING A WATER SHORTAGE.

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, Section 080.040.060 of the Glenwood Springs Municipal Code grants the City authority to ration and limit the usage of water for other than in-home domestic usage for such periods of time and under such actions as deemed necessary when the water available to the City or to users is insufficient in quality or quantity to provide unlimited usage to all customers; and

WHEREAS, on August 13, 2020, the City Manager declared a local disaster emergency in the City of Glenwood Springs due to the imminent threat of widespread or severe damage, injury or loss of life or property resulting from the Grizzly Creek Fire; and

WEHREAS, the City recently shut off the No Name water diversion source to protect the water supply from fire retardant being used on the Grizzly Creek Fire, and pursuant to Section 080.040.060, the City has issued and will continue to issue water use restrictions in response to concerns about the City’s water supply during the Grizzly Creek Fire; and

WHEREAS, City staff has recommended amending Section 080.040.060 to adopt a graduated penalty assessment schedule to deter violations of the water use restrictions and ensure the efficient enforcement of water use restrictions issued by the City; and

WHEREAS, the Glenwood Springs City Council finds and declares that it is in the interest of judicial efficiency and for the immediate preservation of the public health, safety, and welfare to amend Section 080.040.060 to authorize the issuance of graduated penalty assessments for violations of water use restrictions; and

WHEREAS, City council has the authority to declare an emergency ordinance, if necessary, for the immediate preservation of the public peace, health, or safety, pursuant to Section 4-4 of the City Home Rule Charter.

NOW, THEREFORE, THE CITY COUNCIL OF CITY OF GLENWOOD SPRINGS, COLORADO, ORDAINS:

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

Section 2. Section 080.040.060 is hereby amended as follows, with double underlined text added and ~~strike through language deleted~~:

Section 080.040.060 – Wasting Water, authority of City manager to limit use of water during water shortage.

(d) *Penalty assessment fines.* A person who violates any rule, regulation or order issued pursuant to this section shall be subject to the penalty assessment fines outlined below. Penalty assessment fines shall be determined within a one-year period measured from the date of any prior violation of this section.

- (1) First offense: Fifty dollar (\$50) fine.
- (2) Second offense: One hundred dollar (\$100) fine.
- (3) Third offense: Two hundred fifty dollar (\$250) fine.
- (4) Subsequent offense: The Municipal Court may impose such fines and penalties as it is authorized pursuant to Municipal Code Section 010.020.080.

Section 3. Pursuant to Section 4-4 of the City Charter, City Council finds, determines and declares that passage of this Ordinance is necessary for the immediate preservation of the public peace, health and safety. An efficient and effective method of enforcing water use restrictions will deter violations of the water restrictions and ensure the City has an adequate water supply to meet the needs of the City and its citizens during this period of a local disaster emergency and thereafter. In accordance with Section 4-4, this Ordinance, which was approved by at least five (5) members of Council on final reading, shall take effect immediately upon final publication.

INTRODUCED, READ ON FIRST READING, PASSED AND ORDERED
PUBLISHED IN FULL THIS 20TH DAY OF AUGUST 2019.

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 IMMEDIATELY THIS _____ DAY OF
_____ 2020.

CITY OF GLENWOOD SPRINGS, COLORADO

Jonathan Godes, Mayor

ATTEST:

Catherine Mythen Fletcher, City Clerk

**LOCAL DISASTER EMERGENCY DECLARATION
AUGUST 13, 2020**

**A DECLARATION BY THE CITY MANAGER OF THE
CITY OF GLENWOOD SPRINGS, COLORADO,
DECLARING A LOCAL DISASTER EMERGENCY AND
AUTHORIZING EXPENDITURES.**

WHEREAS, the City of Glenwood Springs (“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 Garfield County Emergency Manager has advised the City of a disaster pursuant to Section 24-33.5-709, Colorado Revised Statutes currently present in the area of the City, to wit, the occurrence or imminent threat of widespread or severe damage, injury or loss of life or property resulting from the Grizzly Creek Fire and requiring emergency action to avert danger or damage, which began on August 10, 2020 and continues to spread uncontrolled; and

WHEREAS, the cost and magnitude of responding to and recovery from the impact of the Grizzly Creek Fire may be in excess of the City’s available resources; and

WHEREAS, the City may need to expend resources not previously budgeted or approved in response to the Grizzly Creek Fire; and

WHEREAS, it is in the public interest for the City to have emergency resources available to safeguard the health and safety of the community; and

WHEREAS, it is appropriate and in the interests of the public health and safety, and would further protect life and property, for the City to support local, state, and federal governments in their efforts to respond to the emergency; and

WHEREAS, pursuant C.R.S. § 24-33.5-709 the principal executive officer, the City Manager, is authorized to declare a local disaster emergency, subject to ratification within seven days by the City Council.

NOW, THEREFORE, IT IS RESOLVED BY THE CITY COUNCIL OF THE CITY OF GLENWOOD SPRINGS, COLORADO, THAT:

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

Section 2. It is hereby declared pursuant to Section 24-33.5-709, Colorado Revised Statutes that there is a local disaster emergency in the City of Glenwood Springs, Colorado, due to the imminent threat of widespread or severe damage, injury or loss of life or property resulting from the Grizzly Creek Fire requiring emergency action to respond to and protect the life, health and safety of the citizens of Glenwood Springs.

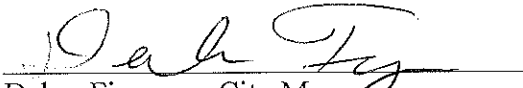
Section 3. The effect of this declaration of disaster shall be to activate the response and recovery aspects of any and all applicable local and interjurisdictional disaster emergency plans and to authorize the acceptance and furnishing of aid and assistance under such plans.

Section 4. This Declaration shall be effective upon the date and time given below, and shall remain in effect for a period not to exceed seven days thereafter except by or with the consent of a majority of the members of the Council. Two copies will be filed promptly with the Colorado Office of Emergency Management and the Town Clerk, and shall be promptly distributed to the appropriate representatives of the news media.

Section 5. The principal executive officers of all other local government entities affected by the Grizzly Creek fire disaster are urged to proclaim similar declarations and to cooperate with the City as necessary to respond to this emergency.

READ, PROCLAIMED AND DECLARED ON THIS 13TH DAY OF AUGUST 2020.

CITY OF GLENWOOD SPRINGS, COLORADO


Debra Figueroa, City Manager

ATTEST:


Catherine Mythen Fletcher, City Clerk