



AGENDA
CITY OF GLENWOOD SPRINGS
REGULAR CITY COUNCIL MEETING
APRIL 1, 2021
101 W. 8TH STREET
6:15 PM

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

ZOOM INSTRUCTIONS

1. You are invited to a Zoom webinar.

When: Apr 1, 2021 03:30 PM Mountain Time (US and Canada)

Topic: 2021/04/01 Regular Council Meeting

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/84596096548>

Or One tap mobile :

US: +16699006833,,84596096548# or +12532158782,,84596096548#

Or Telephone:

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

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Webinar ID: 845 9609 6548

International numbers available: <https://us02web.zoom.us/j/84596096548>

WORK SESSION

- | | | |
|------|---|------------------------|
| 3:30 | 2. Glenwood Canyon Emergency Management | Information/Discussion |
| 4:15 | 3. Arts and Culture Board Work Session | Information/Discussion |

REGULAR SESSION

- | | |
|------|--|
| 6:15 | 4. Roll Call |
| 6:15 | 5. Pledge of Allegiance |
| 6:15 | 6. Agenda Changes & Conflicts |
| 6:15 | 7. Citizens Appearing Before Council (for items not on the Agenda-comments limited to 3 minutes) |

6:20 8. Council Comments

6:30 9. 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 unless a Councilmember or Audience Member so requests.

A. Approval of Minutes from Regular Council Meeting on March 18th

B. Award of Construction Bid 2021-005 for Landfill Disposal Ponds to Moody Construction

C. RFTA -Request for Letter of Support for Lo-No Grant Program

D. 2021 Mosquito Control IGA

Meeting Set-up

ACTIONS AND/OR PRESENTATIONS

6:30 10. Arts and Culture Board Appointments Discussion and/or Action

6:35 11. 2021 FAB Grant Application Discussion and/or Action

6:50 12. Presentation from Support the Syringe Services Program Discussion and/or Action

6:55 13. Resolution 2021-06, Community Housing Guidelines Discussion and/or Action

7:25 14. Planning Item 11-21 Consideration of a Right-of-Way Encroachment License and an Easement Vacation for the Bell Rippe multi-family/duplex development. Discussion and/or Action

7:40 15. Ordinance 2, Series 2021 - Changes to Titles 020, 050 and 060 - Building/Fire Appeals Discussion and/or Action

8:05 16. Review of COVID-19 Dial Discussion and/or Action

8:20 17. Discussion of City Membership in Advocacy Organizations and Nonprofits Discussion and/or Action

8:35 18. Senate Bill 62 Discussion and/or Action

8:50 19. Discussion of how to handle signatures on letters of support when a vote is not unanimous Discussion and/or Action

9:05 20. Report from City Administration

A. City Manager

B. City Attorney

C. Correspondence Incoming/Outgoing

9:10 21. Adjournment



Glenwood Canyon – Debris Flow Closure Planning



Canyon Initial Closure Points

Procedures for Closure



Flash Flood Watch:

- CDOT will have equipment (gates, type III closure barricades, cones) and personnel standing by at Exits 109, 116 and 133

Flash Flood Advisory:

- CDOT will set up a left lane closure at Exit 109 to channel traffic.

Flash Flood Warning:

- MAC channel established for communication between Colorado State Patrol (CSP), Hanging Lake Tunnels (HLT) and local agencies.
- CDOT will close I-70 between Glenwood Springs Exit 116 and Dotsero Exit 133.
- CDOT will close eastbound Exit 109 as a secondary closure after Exit 116.
- The Canyon will be swept by CDOT, CSP or local law enforcement.
- Hanging Lake Tunnels will become the Incident Command Post, unless forced to evacuate. If HLT evacuates, Incident Command will be moved to the CDOT Glenwood Springs office.
- CDOT will begin monitoring Independence Pass for commercial vehicles and metering traffic.
- Truck parking at Dotsero will be used for short term CMV staging.
- Eagle County will be notified to begin closures for Cottonwood Pass.

Missed Forecast or Debris Flow/Rock Slide:

- Closure points will be manned by local law enforcement until CDOT can respond.

Longer Term Closure



Closure Points Change:

Mamm Creek (Exit 94) will become an eastbound turn around point only. No use of frontage roads or county roads will be allowed.

- CDOT will stage gates, type III barricades and cones to assist.
- Garfield County will assist at this closure point during business hours only.

CDOT will implement another closure point at Eagle, if needed.

- CDOT will stage gates, type III barricades and cones to assist.

Move eastbound closure point back to MP Exit 116 to allow local traffic through.

Access Change:

- Incident Command will evaluate the safety of allowing emergency vehicles and law enforcement shift change through the canyon.

Public Information /Messaging



Short Term:

- As soon as road closures are implemented through the Canyon, Hanging Lake Tunnels will begin messaging closures to all affected local agencies as well as to message boards to the Utah State line for eastbound travel, and to Denver for westbound travel. No detour information will be posted.

Long Term:

- Messaging to the Utah State line and to Denver will change to include detour information after two hours.
- CDOT's PIO will start statewide messaging on all their social media accounts, and loop in all local cities and counties and their PIOs as well.

Bike Path Rest Area Closure



Short Term:

- Areas will be closed the day before any rain event forecasted to be 30% above the chance of a Flash Flood Watch within 24 hours.
- River Guides and Outfitters will be allowed to access closed rest areas at their discretion with a signed permit from CDOT.
- River Guide and Outfitters will sign up for emergency alerts from Hanging Lake Tunnel Incident Command through Everbridge.
- Bike path and rest areas will open as soon as the threat of an event has passed.
- If the Canyon closes, no River Guide and Outfitter access will be allowed.

Other Emergency Planning

Partnerships:

- Staff intends to continue collaboration with our Federal, State and Local partners to evaluate other potential incidents and evacuations (fire and rock fall).

Leadership:

- We are working to hire a Deputy Fire Chief to help develop an Emergency Operations Plan for frequently occurring events in Glenwood Springs.

Planning:

Emergency Operation Plans Include:

- Hazard identification, mapping and risk analysis
- Risk reduction plans
- Designation of Incident Command structure
- Emergency Operations Center planning
- Internal and external agency contact lists
- Evacuation plans
- Public communication plans



City Council
STAFF REPORT
City of Glenwood Springs
April 1, 2021

Agenda Item: Arts and Culture Board Work Session

Action Requested: Arts and Culture Board Annual Work Session

Department: City Administration

Presented By: Debra Figueroa, City Manager

Background Info:

Issues: None

Staff Recommendation: N/A



City Council
STAFF REPORT
City of Glenwood Springs
April 1, 2021

Agenda Item: Approval of Minutes from Regular Council Meeting on March 18th

Action Requested: Approval of minutes from prior meeting

Department: City Clerk

Presented By: Ryan Muse, City Clerk

Background Info:

Issues:

Staff Recommendation:



MINUTES
CITY OF GLENWOOD SPRINGS
REGULAR CITY COUNCIL MEETING
MARCH 18, 2021
101 W. 8TH STREET
6:15 PM

Note: Official meeting minutes are located on the City website via YouTube video at the following link: <https://www.youtube.com/user/GlenwoodSprings1885/videos>. The times indicated in agenda items indicate approximately where the item can be found on the YouTube video timeline.

REGULAR SESSION

:03 Roll Call

Present: Mayor Godes, Mayor Pro-Tem Kaup, Councilor Willman, Councilor Wussow, Councilor Stepp, Councilor Hershey, Councilor Davis. Also present were Debra Figueroa, City Manager; Steve Boyd, COO; Jenn Ooton, Asst. City Manager and Karl Hanlon, City Attorney.

:03 Pledge of Allegiance

Mayor Godes led the Pledge.

:04 Agenda Changes and Conflicts

Councilor Hershey, seconded by Councilor Willman, motioned to continue item 21, which is Planning Item 11-21 Consideration of a Right of Way, the Bell Rippy Issue to the next regular meeting.

Motion passed 7-0.

:04 Citizens Appearing Before Council

Janice Aherman said she was waiting to attend the Oakhurst Townhouse meeting and will come to the next Council meeting.

:05 Council Comments

Councilor Willman said the DDA has more funds than anticipated and will have some additional fund from sales tax and will start the design of 6th Street. Also said House Bill 21-117 would allow us to have more flexibility in affordable housing and that he had sent a letter in support to our representatives.

Councilor Willman moved, seconded by Mayor Godes, to send a letter in support of House Bill 21-117 to Representatives Will and Rankin.

Ayes: Godes, Wussow, Willman, Stepp, Kaup

Nayes: Hershey, Davis

Motion passed 5-2.

Councilor Willman will draft the letter.

Councilor Stepp said the Glenwood Canyon Restoration committee has a trail help day scheduled on May 22nd for No Name, June 5th for Grizzly Creek and a day in September for the Hanging Lake Trail that people can volunteer for. Contact Roaring Fork Outdoor Volunteers.

Mayor Godes encouraged everyone to get their vaccine.

Councilor Stepp suggested a Council discussion on which groups we should be members of. Mayor Godes suggested it be put on the next agenda.

:17 Consent Agenda

Councilor Willman moved, seconded by Mayor Godes to approve the Consent Agenda subject to minor clarifications in the March 4th and November 3rd minutes.

Passed unanimously.

Staff note: The November 3rd minutes had a motion that read Council accepted the Audit Presentation. The minutes were changed to remove the word "presentation". The March 4th minutes indicated Councilor Willman had asked that an item be pulled from consent and he recused himself from the resulting vote – we added "because of a conflict of interest". The March 4th Minutes described the proclamation to Matt Nunez – we added "The Mayor read a proclamation".

ACTIONS AND/OR PRESENTATIONS

21:30 South Midland Progress Report

Terri Partch presented an update on the progress of this project. Councilor Kaup mentioned she's had a comment that it can get backed up at the 27th Street roundabout.

25:45 Introduction of Cheryl Strouse, Executive Director of the Garfield County Housing Authority

Cheryl Strouse presented an overview of activities by the housing authority.

32:00 Transportation Commission Appointments

Mayor Pro Tem Kaup, seconded by Councilor Willman, moved to reappoint John Stephens and Robert Gavrell back to the Transportation Commission.

Motion passed unanimously.

33:20 Financial Advisory Board Appointments

Councilor Stepp, seconded by Councilor Willman, moved to reappoint Kathryn Taggart and Dan Sullivan to the Financial Advisory Board.

Motion passed unanimously.

35:20 VALE Board Appointments

Councilor Hershey moved, seconded by Mayor Godes, to appoint Melissa Jones to the VALE Commission.

Passed unanimously.

Councilor Hershey, seconded by Mayor Godes, moved to reappoint Avis Laurita to the VALE Commission.

Passed unanimously.

39:40 Ordinance No. 1, Series 2021, Adopting Inclusionary Zoning for Affordable Housing, Second reading

Hannah Klausman clarified the distinction between the new mandatory affordable housing regulations and the existing voluntary program. City Attorney Hanlon clarified the Ordinance will be adopted this evening and will be subject to guideline revisions if a motion to adopt passes.

Mayor Pro Tem Kaup moved, seconded by Councilor Stepp to adopt Ordinance number 1 of series 2021 for the Glenwood Springs Inclusionary Housing Regulations approved on second reading as amended.

Ayes: Godes, Willman, Wussow, Kaup, Stepp

Nays: Davis, Hershey

Motion passed 5-2.

53:10 Resolution 2021-06, Community Housing Guidelines

Hannah Klausman highlighted that the resolution includes a tiered priority system for applicants working within the City, then outward to the 81601 zip code, then a 30 mile radius from the development.

Mayor Godes opened to public comment. Dan Kessler and Andrew Corge from K2 Developers introduced themselves and stated they are working to resolve affordable housing issues. Doug Pratte commented in support of housing security in discussions of affordable and workforce housing. Mayor

Godes reminded everyone to not speak about specific properties or developments. Mike Patch stated he was required to participate as a developer in the mandatory program in 2004 and 2005, and that he believed at the time Council was using the topic to restrict growth. Said he believes living here is a choice and it is not the developer's responsibility to subsidize local workers and instead create a fund to assist with down payments and then lead by example by making a contribution.

Mayor Godes brought it back to Council. Councilor Willman wanted more time to review.

1:22 Motion by Mayor Pro Tem Kaup, seconded by Councilor Willman, to continue Resolution 06 of 2021, The Community Housing Guidelines, until the April 1st meeting.

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

Nays: Hershey

Motion passed 6-1.

Councilor Willman asked Hannah to send a copy to Council as a document.

1:29 27th Street Underpass

Terri Partch, Nick Senn with RFTA, and Mike Fowler with SGM presented an overview of the project and the related detour of the Rio Grande Trail. Jason Jaynes from DHM Design spoke about the aesthetic treatment of the project.

2:21:40 Deputy Fire Chief Position

Staff had asked permission to add a Deputy Fire Chief to the budget and said the appropriation request would be included for \$90,000 in the annual reappropriation presented to Council in April.

Mayor Godes, seconded by Mayor Pro Tem Kaup, moved to include \$90,000 in 2021's Fire EMS fund when staff submits the annual re-appropriation schedule in April.

Motion passed unanimously.

2:26:30 Fixing America's Surface Transportation Reauthorization and FY 2022 Appropriations

Debra said our lobbyists have requested that we pick 4-5 top projects to prioritize for earmarks and large federal requests. Factors include whether the design is shovel ready, the cost is substantial enough for consideration, and that they have regional or City-wide impact. The list is Southbridge, LoVA, water and sewer improvements, and street widening at 8th Street.

Mayor Godes moved, seconded by Councilor Hershey, to accept the priorities as presented by staff.

Passed unanimously.

Planning Item 11-21 Consideration of a Right-of-Way Encroachment License and an Easement Vacation for the Bell Rippy multi-family/duplex development

2:37:30 Report from City Administration

Debra said she's on vacation tomorrow through next week and that Jenn will be acting City Manager.

Karl said RMI litigation grinds forward with discovery disputes. Also ran into some small issues with open records policy and that he'd like to bring it back to Council in the first meeting of May. Mayor Godes asked the some examples from other jurisdictions be presented.

2:41:20 Adjournment

Councilor Willman, seconded by Councilor Hershey, moved to adjourn.

Passed unanimously.



City Council
STAFF REPORT
City of Glenwood Springs
April 1, 2021

Agenda Item: Award of Construction Bid 2021-005 for Landfill Disposal Ponds to Moody Construction

Action Requested: Award Bid BD2021-005 Disposal Ponds Construction and Alternate Option One to Moody Construction for \$510,332.05

Department: Public Works

Presented By: Matthew Langhorst, Public Works Director

Background Info: The City of Glenwood Springs South Canyon Landfill designed two new car wash disposal ponds and the expansion of the existing septage pond system to three ponds in 2020 with AEC engineering. The construction was budgeted for in the approved 2021 City budget and the project was bid out on February 15th, 2021 with a bid due date of March 15th, 2021. The City received bids from 7 qualified contractors ranging from the low base bid of \$485,144.09 up to \$771,507.32. The City asked the Contractors to also bid one Alternative Option to the base design work to include the reconstruction of the roadway around the ponds. Moody Construction was the low qualified base bid and the low Alternative Option bid at \$510,332.05. The Landfill's 2021 approved budget for the project is \$500,000 and the Enterprise Fund can absorb the additional \$10,332.05 to complete the roadway work if council approves this award.

Issues: None

Staff Recommendation: Staff Recommends Approval of Award Bid BD2021-005 Disposal Ponds Construction and Alternate Option One to Moody Construction for \$510,332.05

**BD 2021-005
DISPOSAL PONDS**

	Gould Construction	Moody Construction	Heyl Construction	Meridiam Partners	Kuersten Construction	Con-Sy Inc.	Johnson Construction
BID ITEMS:							
1. Mobilization/demobilization Bonds, Insurance	\$75,000.00	\$25,075.00	\$36,240.10	\$50,652.08	\$32,000.00	\$28,923.00	\$50,000.00
2. Excavation, fill, grade to finish subgrade							
2A. Clearing and grubbing, 21,113 sq. feet	\$5,278.25	\$7,178.42	\$8,445.20	\$3,166.95	\$13,723.45	\$10,556.50	\$3,378.08
2B. Excavation, stockpiling of pond soils, 33,567 cy	\$139,303.05	\$99,022.65	\$168,506.34	\$106,407.39	\$218,185.50	\$58,742.25	\$134,268.00
2C. General fill placement/compaction to meet subgrade, 3,505 cy	\$27,339.00	\$28,916.25	\$30,703.80	\$22,221.70	\$33,472.75	\$7,010.00	\$15,772.50
2D. Subgrade grading/compaction/ smooth drum rolled, 69,849 sf	\$16,065.27	\$11,175.84	\$19,557.72	\$29,336.58	\$34,924.50	\$52,386.75	\$12,572.82
3. Leak detection system installation							
3A. Installation of 2" PVC riser, 247 lf	\$3,532.10	\$5,396.95	\$6,083.61	\$4,191.59	\$5,606.90	\$4,940.00	\$7,410.00
3B. Pea gravel, 4.7 cy	\$564.00	\$775.21	\$1,467.83	\$1,581.74	\$3,031.50	\$1,645.00	\$705.00
3C. Non-woven geotextile	\$1,962.45	\$749.70	\$1,671.39	\$1,715.49	\$1,565.55	\$1,323.00	\$1,001.07
4. Piping installation from pond to pond and offload to ponds.							
4A. Installation of piping from pond 5 to pond 3 and 4 including valves.	\$15,170.00	\$5,924.00	\$13,590.00	\$24,252.00	\$24,200.00	\$14,000.00	\$22,000.00
4B. Installation of piping from car wash offload area to vault to pond 6 and 7 including valves.	\$23,423.50	\$9,752.55	\$18,553.15	\$33,879.15	\$43,450.00	\$25,675.00	\$26,862.00
4C. Procurement and installation of 1,500 gallon precast containment vault at car wash offload.	\$6,900.00	\$5,051.00	\$7,396.27	\$7,026.06	\$10,300.00	\$5,000.00	\$6,800.00
5. Anchor trench excavation and backfill.	\$17,745.00	\$7,757.10	\$12,827.10	\$4,072.90	\$25,350.00	\$28,307.50	\$10,393.50
6. Liner system procurement and installation.							
6A. 60-mil textured HDPE bottom layer	\$87,342.50	\$77,560.14	\$90,137.46	\$104,112.96	\$91,534.94	\$84,547.54	\$77,560.14
6B. Geonet	\$8,916.60	\$13,293.84	\$16,212.00	n/b	\$20,265.00	\$17,833.20	\$7,457.52
6C. 60-mil textured HDPE top layer	\$94,304.25	\$77,539.05	\$90,112.95	\$111,768.00	\$92,907.15	\$84,524.55	\$83,127.45
7. Revegetation of the disturbed areas of the ponds., 49,277 sf	\$8,869.86	\$9,855.40	\$19,710.80	\$23,652.96	\$27,102.35	\$14,783.10	\$12,319.25
8. Reconstruction of all-weather access roads around the ponds as well as existing road to bio-beds (optional) 2,534 lf	\$37,123.10	\$25,187.96	\$38,010.00	\$62,615.14	\$27,874.00	\$58,282.00	\$39,277.00
10A. Concrete							
Footing, 3.7 cy	\$3,145.00	\$3,231.98	\$7,962.47	\$9,292.44	\$4,279.05	\$3,330.00	\$4,099.60
Wall, 3.96 cy	\$3,104.64	\$3,459.10	\$7,677.65	\$5,845.79	\$4,276.80	\$3,564.00	\$4,989.60
Slab, 11.11 cy	\$12,609.85	\$9,704.70	\$13,904.39	\$17,418.04	\$6,832.65	\$9,721.25	\$9,821.24
Curbs, 3.79 cy	\$2,891.77	\$3,310.60	\$2,569.28	\$5,594.84	\$5,533.40	\$3,411.00	\$3.79
11B. Concrete							
Footing 17.25 cy	\$13,161.75	\$13,102.41	\$16,174.81	\$25,238.48	\$14,093.25	\$15,093.75	\$15,749.25
Wall 28.64 cy	\$21,852.32	\$21,753.80	\$22,591.52	\$40,214.28	\$23,189.40	\$25,060.00	\$57,280.00
Slab 54.3 cy	\$41,430.90	\$41,244.10	\$33,467.26	\$77,261.84	\$28,941.90	\$43,440.00	\$31,222.50
Curbs 5.68 cy	\$4,333.84	\$4,314.30	\$3,844.85	\$7,975.46	\$6,732.28	\$5,112.00	\$4,799.60
Total Amount (excluding options)	\$634,245.90	\$485,144.09	\$649,407.55	\$726,929.46	\$771,507.32	\$607,211.39	\$599,590.91
Total Amount	\$671,369.00	\$510,332.05		\$789,544.60	\$799,381.32		\$638,867.91
Bid Bond	yes	yes	yes	yes	yes	yes	yes



City Council
STAFF REPORT
City of Glenwood Springs
April 1, 2021

Agenda Item: RFTA -Request for Letter of Support for Lo-No Grant Program

Action Requested: Request for the Mayor's signature on a letter of support for the Lo-No grant program.

Department: Engineering

Presented By: Terri Partch, City Engineer

Background Info: RFTA has applied to the Federal Transit Authority for grant funding to purchase four zero emission battery electric busses and charging equipment.

RFTA is requesting a letter of support from the City to support the grant.

Issues: None.

Staff Recommendation: Authorize the Mayor to sign the letter of support.

April 1, 2021

Ms. Nuria Fernandez
Office of the Administrator
Federal Transit Administration
1200 New Jersey Ave, S.E.
Washington, DC 20590
RE: Roaring Fork Transportation Authority (RFTA) Low or No Emissions (Low-No) Grant
Application

Dear Ms. Fernandez,

The City of Glenwood Springs is writing to express support for the Roaring Fork Transportation Authority (RFTA) FY2021 FTA Low or No Emissions (Low-No) Grant Program proposal to purchase four (4) zero-emission battery electric buses (BEBs) and charging equipment.

RFTA is the second largest transit agency in Colorado and the largest rural transit agency in the nation, by ridership, with 5.5 million annual rides (2019). RFTA provides safe, efficient, affordable regional public transit, trail and multimodal services for an estimated population of 70,000 citizens, and visitors from around the world, in rural Western Colorado.

At the crossroads of I-70 and CO State Highway 82, the City of Glenwood Springs faces transportation challenges that are more akin to large cities. As the City plans for future growth, zero-emissions transit vehicles will be critical to maintain the City's economy, health and quality of life.

The RFTA proposal is aligned with the Low-No program objectives of reduced energy consumption, decreased harmful emissions and a reduction of direct carbon emissions. The City of Glenwood Springs urges the FTA to fund this innovative project at its full funding request.

Sincerely,

Jonathan Godes, Mayor
City of Glenwood Springs



City Council
STAFF REPORT
City of Glenwood Springs
April 1, 2021

Agenda Item: 2021 Mosquito Control IGA

Action Requested: Request for approval of the 2021 Mosquito Control IGA.

Department: City Clerk

Presented By:

Background Info: Every year the City enters into an IGA with the County and other Cities and Towns in Garfield County for mosquito control services. This IGA is the same as entered into in past years.

Issues: None

Staff Recommendation: Staff recommends approval on the Consent Agenda.



COUNTY ATTORNEY'S OFFICE

108 8th Street, Suite 219
Glenwood Springs, CO 81601
(970) 945-9150

March 25, 2021

Jay Harrington, Town Manager
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Cathy Derby, Town Clerk
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Scott Hahn, City Manager
City of Rifle
shahn@rifleco.org
Kristy Doll, City Clerk
kdoll@rifleco.org

Re: 2021 IGA – Mosquito Control

Dear Parties:

Enclosed, please find one (1) full copy of the 2021 Intergovernmental Agreement for Mosquito Control for your review, consideration and submittal to your City or Town Council for authorization for signature and attestation by the City or Town Clerk..

After execution by the appropriate officials, please return one (1) fully executed IGA and six (6) additional executed signature pages to, "Garfield County Attorney's Office, Attention: Mary Lynn Stevens" at the above address.

Letter to Parties
Mosquito IGA
March 25, 2021

Once this office receives all of the signature pages from all entities and after signature by the Chairman of the Board, you will be sent a fully executed original for your files

If you have any questions, please do not hesitate to contact this office.

Sincerely,

Mary Lynn Stevens

MARY LYNN STEVENS
Paralegal / Office Manager

MLS
Attachments (IGA)

cc: Steve Anthony, Director, Vegetation Mgmt.

INTERGOVERNMENTAL AGREEMENT FOR MOSQUITO CONTROL - 2021

THE PARTIES to this Intergovernmental Agreement for Mosquito Control ("IGA") are the **BOARD OF COUNTY COMMISSIONERS OF GARFIELD COUNTY, STATE OF COLORADO**, (hereinafter referred to as "County"); the **CITY OF GLENWOOD SPRINGS, STATE OF COLORADO**, (hereinafter referred to as "Glenwood"); the **TOWN OF CARBONDALE, STATE OF COLORADO**, (hereinafter referred to as "Carbondale"); the **CITY OF RIFLE, STATE OF COLORADO**, (hereinafter referred to as "Rifle"); the **TOWN OF SILT, STATE OF COLORADO**, (hereinafter referred to as "Silt"); the **TOWN OF NEW CASTLE, STATE OF COLORADO**, (hereinafter referred to as "New Castle"); and the **TOWN OF PARACHUTE, STATE OF COLORADO**, (hereinafter referred to as "Parachute").

WHEREAS, the parties to this IGA are authorized by Section 29-1-201, *et seq.*, C.R.S., as amended, to provide for joint funding and cooperation to provide services and functions which each is otherwise lawfully authorized to provide; and

WHEREAS, the parties to this IGA desire to cooperate in funding and making available a County-wide mosquito control and education program; and

WHEREAS, a coordinated effort by the County and the municipalities within the County will permit a more effective mosquito control and education program and specifically will aid control of the mosquito species responsible for the spread of West Nile Virus.

NOW, THEREFORE, in mutual consideration of the premises and the covenants and promises set forth below, the parties to this IGA agree as follows:

1. PROJECT. The Project that is the subject of this IGA is a comprehensive integrated larval and adult mosquito control program, on public and private property throughout Garfield County that will be designed specifically for Garfield County and the municipalities by an independent contractor. The Project will provide surveillance, identifying mosquito breeding habitats and areas with high numbers of mosquito larvae and adults, with an emphasis on Culex mosquitoes. Surveillance will include the use of GIS mapping technology. The Project will include the use of chemical pesticides for adult and larval mosquito control in a manner safe to citizens, the environment and pets. Chemical applications will only be done when the elected officials of each pertinent jurisdiction, or their designated staff member, determine that mosquito levels have reached a threshold that poses a public health risk. Each jurisdiction is responsible for working with the Contractor to

ensure that their jurisdiction is in compliance with the Federal Clean Water Act and the Colorado Discharge Permit System as administered by the Colorado Department of Public Health and Environment. The independent contractor will also provide community outreach and public education.

2. PROJECT COSTS. The cost for the entire Project that is the subject of this IGA shall not exceed One Hundred Eighty-Six Thousand Five Hundred Fifty Dollars and No Cents (\$186,550.00), with each town and city contributing the amounts set forth below for a total contribution of Fifty-Four Thousand Three Hundred Twenty-Five Dollars and No Cents (\$54,325.00) of the Project Cost. The remainder will be contributed by the County for the twenty-nine (29) square miles of service area outside of the municipalities.

3. COUNTY RESPONSIBILITIES. The County shall be the coordinating entity and the contracting and fiscal authority for the Project. The County's responsibilities shall include the creation of the Request For Proposals ("RFP"), management of the RFP process, selection of the contractor and management of the contract. The County shall pay an amount not to exceed One Hundred Thirty-Two Thousand Two Hundred Twenty-Five Dollars and No Cents (\$132,225.00) of the total Project Cost of One Hundred Eighty-Six Thousand Five Hundred Fifty Dollars and No Cents (\$186,550.00), unless emergency services are required.

4. GLENWOOD SPRINGS RESPONSIBILITIES. Glenwood Springs shall be responsible for payment to the County of \$5,650.00.

5. CARBONDALE RESPONSIBILITIES: Carbondale shall be responsible for payment to the County of \$7,450.00.

6. RIFLE RESPONSIBILITIES: Rifle's proportionate share is \$20,300.00.

7. SILT RESPONSIBILITIES: Silt shall be responsible for payment to the County of \$5,450.00.

8. NEW CASTLE RESPONSIBILITIES: New Castle shall be responsible for payment to the County of \$6,150.00.

9. PARACHUTE RESPONSIBILITIES: Parachute shall be responsible for payment to the County of \$9,325.00.

10. PARTY RESPONSIBILITIES: All parties to this IGA shall cooperate with and assist the independent contractor chosen by the County to perform the work of the Project.

11. REMEDIES. If any of the cities or towns, identified in Paragraphs 4 through 9 above, fails to perform their payment obligation(s), the County may assume responsibility for the defaulting payment(s), and all other obligations of this IGA shall remain in full force and effect.

12. CONTRACT AWARD. The contract anticipated to define the Scope of Work needed for the Project shall be awarded by Garfield County pursuant to the terms of its Procurement Manual. The Notice to Proceed may be awarded prior to the payment obligations of the municipalities and towns being met.

13. INDEMNIFICATION. The parties acknowledge each is subject to the constitutional prohibitions against indemnification in Colo. Const. art XI, § 1. Neither can indemnify the other.

Nothing herein shall be interpreted as a waiver of governmental immunity to which each party would otherwise be entitled under Section 24-10-101, et seq., C.R.S., as amended.

14. APPROPRIATION. This IGA is contingent upon appropriation and budgeting for the costs required for the Project. Should any party fail to appropriate or have available sufficient funds to pay for the costs of its obligations set forth herein, this IGA shall be considered of no force or effect, except to the extent that the County has assumed the obligations of another party, as set forth herein. This IGA is not intended to, nor does it create a multi-year fiscal obligation as defined by Section 20, Article X of the Constitution of the State of Colorado.

15. EFFECTIVE DATE. This IGA shall be effective January 1, 2021 through December 31, 2021, no matter the date of execution.

16. AMENDMENT. This IGA may be amended by the parties solely through a written agreement signed by each.

17. FACSIMILES AND COUNTERPARTS. This IGA may be signed in counterparts, and facsimile signatures may be substituted for original signatures.

18. GOVERNING LAW. The laws of the State of Colorado shall govern the validity, performance and enforcement of this IGA. Venue for any action instituted pursuant to this IGA shall lie in Garfield County, Colorado.

19. AUTHORITY. Each person signing this IGA represents and warrants that said person is fully authorized to enter into

and execute this IGA and to bind the party represented to the terms and conditions hereof.

20. NOTICE. All notices required under this IGA shall be in writing and shall be hand delivered or sent by registered or certified mail, return receipt requested, postage prepaid to the addresses of the parties set forth below. Notice addresses may be changed without amendment to this IGA.

Notice to County: Board of County Commissioners
Attn: County Manager
108 8th Street, Suite 213
Glenwood Springs, CO 81601
Phone: (970) 945-9150
Fax: (970) 384-5005

Notice to Glenwood: City of Glenwood Springs
Attn: City Manager
101 W. 8th St.
Glenwood Springs, CO 81601
Phone: 384-6400

Notice to Carbondale: Town of Carbondale
Attn: Town Manager
511 Colorado Avenue
Carbondale, CO 81623
Phone: (970) 963-2733
Fax: (970) 963-9140

Notice to Rifle: City of Rifle
Attn: City Manager
202 Railroad Avenue
P.O. Box 1908
Rifle, CO 81650
Phone: (970) 625-2121

Notice to Silt: Town of Silt
Attn: Town Administrator
231 N. 7th St., Box 70
Silt, CO 81652
Phone: (970) 876-2353

Notice to New Castle: Town of New Castle
Attn: Town Administrator
450 W. Main
P.O. Box 90
New Castle, CO 81647
Phone: (970) 984-2311

Notice to Parachute: Town of Parachute
Attn: Town Administrator
222 Grand Valley Way
Box 100
Parachute, CO 81635
Phone: (970) 285-7630

ATTEST:

**BOARD OF COUNTY COMMISSIONERS
OF GARFIELD COUNTY, COLORADO**

Clerk to the Board

By: _____
Chairman

Dated: _____

ATTEST:

**CITY OF GLENWOOD SPRINGS,
STATE OF COLORADO**

City Clerk

By: _____
Mayor

Dated: _____

ATTEST:

**TOWN OF CARBONDALE
STATE OF COLORADO**

Town Clerk

By: _____
Mayor

Dated: _____

ATTEST:

City Clerk

**CITY OF RIFLE
STATE OF COLORADO**

By: _____
Mayor

Dated: _____

ATTEST:

Town Clerk

**TOWN OF SILT
STATE OF COLORADO**

By: _____
Mayor

Dated: _____

ATTEST:

Town Clerk

**TOWN OF NEW CASTLE
STATE OF COLORADO**

By: _____
Mayor

Dated: _____

ATTEST:

Town Clerk

**TOWN OF PARACHUTE
STATE OF COLORADO**

By: _____
Mayor

Dated: _____



City Council
STAFF REPORT
City of Glenwood Springs
April 1, 2021

Agenda Item: Arts and Culture Board Appointments

Action Requested: Arts and Culture Board Appointments

Department: City Administration

Presented By: Debra Figueroa, City Manager

Background Info: The Arts & Culture Board has two regular seats available with terms expiring 03/2024. Corina Jones and Ethan Merritt applied in 2021 and interviewed with Shelley Kaup on March 16, 2021. Both applicants are eligible for appointment.

Issues: None

Staff Recommendation: None

Arts and Culture Board Application

Thank you for your interest and time commitment in serving your community. Please complete all questions on this application.

Personal Information

1. Name *

Corina Jones

2. Home Address *

135 Soccerfield Rd, Apt H5 Glenwood Springs CO 81601

3. Mailing Address *

135 Soccerfield Rd, Apt H5 Glenwood Springs CO 81601

4. Home Phone *

9703194157

5. Work Phone *

9703844358

6. Mobile Phone *

9703194157

7. Email Address *

CorinaJones@alpinebank.com

8. Occupation *

Certified Bank Training Professional with Alpine Bank.

Personal and Professional Interests

9. Why are you interested in serving on the Arts and Culture Board? *

I have always had an interest in serving my community in any way that I can. I believe I would have good insight in regards to the culture within Glenwood Springs since I have been in this valley for 27 years. My parents brought my sister and I from Juarez Chihuahua when I was 6 years old. I have such a diverse background, daughter of immigrants, National Guard Veteran, Mother, Wife, etc. I am excited to bring that to the table since I know so many people like me have so many great stories to tell, I want to be a voice for all the Glenwood folks.

10. What do you view as your role if selected as a member of the Arts and Culture Board? *

I view my role as being a voice within the community that can bring insight in regards to what Glenwood folks would like to see around the city that represents it at its best.

11. Do you have marketing, advertising, or public relations experience or skills? *

I have my own business so it is important for me to advertise my work so I can stay busy. I have some moderate experience since I worked with the CMC Radio station as well and I was in charge of their Social Media accounts and engaging new followers and answering comments or concerns. I did that for a year.

12. Do you have Arts/Culture experience or skills? (ex. Performing arts, visual arts, public arts, museums arts, or education? *

Growing up I was part of the Aspen Santa Fe Ballet Folklorico team and I did that for about 4 years. I had planned on going back to dancing before Covid hit, so I plan on executing that idea once the pandemic is over.

13. Can you describe an experience making a decision based on public opinion? *

Working for Alpine Bank has been a great experience that has allowed me to think freely. In regards to this scenario I would say my daily job of updating guidelines and manuals has made me more accepting of public opinion. I deal with customers that may say, "This sentence doesn't

make sense" or "I don't like the way that's worded." Rather than take this personal I would dig a little deeper as to what it is this person is needing, and once we have a conversation that specifies all the details I can move forward on making those changes to make sure it appeases the public. I don't take those issues personal, so instead I work collaboratively with my customers.

14. Can you separate yourself from your personal opinions and represent the City's goals, policies, plans, and the Glenwood Springs Municipal Code in an equitable fashion? *

I can completely separate myself from personal opinions and represent Glenwood and it's goals, plans, and the Municipals Code in an equitable fashion.

15. Do you have any existing time commitments that will hamper your ability to serve? *

I work for the bank Monday-Friday from 8am-5pm

16. What experience do you have working with people on a board, commission, or committee? *

This would be my first time working on a board, commission or committee so I would love the opportunity to learn from my peers if I am selected.

17. Please select today's date. *

2/25/2021



18. Have you served on the Arts and Culture Board before? *

☒ No

☐ Yes

Powers and Duties of the Arts and Culture Board

(as defined in Title 020 of the Glenwood Springs Municipal Code)

Composition of the Arts and Culture Board

(14) Arts and Culture Board:

a. Eight (8) members, at least five (5) of which are residents of the City, three (3) of which may reside outside of the City, and one (1) of which being a youth representative under the age of eighteen (18) or not having completed his or her final year of high school. Those representatives residing outside of the City must reside within the 81601 postal zip code area, own real property or a business within the City, or attend school within the City.

Powers and Duties

(n) Arts and Culture Board. The powers and duties of the Arts and Culture Board shall be:

- 1) To promote awareness, access, and appreciation of the fine, performing, and practical arts for City residents and visitors.
- 2) To advise the City Council in connection with all matters relating to the artistic and cultural development of the City.
- 3) To provide opportunities for cultural and art experience and education for children and adults.
- 4) To promote increased interaction among artists and opportunities for growth and exposure.
- 5) To promote knowledge and appreciation for cultural forms of artistic expression.
- 6) To make recommendations to the City Council with respect to annual budget appropriations for the arts.
- 7) To advise and consult with local arts groups as requested by such groups or by the City Council.

Appointment, Removal, Term and Vacancies of Boards and Commissions

Glenwood Springs, CO Municipal Code 020.020.040

(a) Appointment and term of members. Except as otherwise provided, all appointments to the boards and commissions shall be by the City Council for terms of three (3) years each, and each member shall serve until his/her successor is appointed and takes office; provided, however, that the initial terms of office may be shortened by the City Council so as to provide overlapping terms of office. Appointments shall expire the day before the first regular meeting of the City Council in each month according to the following schedule:

(1) February:

Planning and Zoning Commission;
Finance Advisory Board;
Tourism Promotion Board;
Building Board of Appeals.

(2) March:

Transportation Commission;
Arts and Culture Board;
Parks and Recreation Commission;
Airport Board;
River Commission.

(3) April:

Local Liquor Licensing Authority;
Victim's Witnesses Assistance and Law Enforcement Board;
Historic Preservation Commission;
Glenwood Springs Housing Commission.

(b) Alternate members. The City Council at its discretion may appoint up to three (3) persons as alternate members for each board or commission. If a regular member of a board or commission is to be absent from a meeting, the presiding officer for the meeting may select an alternate member to fill such absence and to attend and serve at the meeting. The alternate member may exercise all powers at the meeting which the absent regular member could exercise, and the alternate's powers and privileges shall terminate at the end of the meeting attended. The presiding officer may at his/her discretion select the same alternate to serve at successive meetings in the absence of any member.

(c) Limit to term of members. No Board member shall serve more than two (2) terms on the same board or commission.

(d) Removal of members. All appointed members of a board or commission shall be subject to removal, at any time, by the City Council. In the event an appointed member of a board or commission ceases to qualify for membership, his or her appointment is immediately terminated.

(e) Vacancies. The City Council shall fill all vacancies on boards and commissions by appointment for the unexpired term.

(Code 1971 §§ 2-63, 2-64, 2-67; 6-95 § 1; 10-07 § 2; Ord. No. 9-2018 , § 2, 4-20-2018)

Arts and Culture Board Application

Thank you for your interest and time commitment in serving your community. Please complete all questions on this application.

Personal Information

1. Name *

Ethan Merritt

2. Home Address *

2217 county road 154, #305, Glenwood Springs, CO, 81601

3. Mailing Address *

2217 county road 154, #305, Glenwood Springs, CO, 81601

4. Home Phone *

7855509048

5. Work Phone *

7855509048

6. Mobile Phone *

7855509048

7. Email Address *

Arch.merritt@gmail.com

8. Occupation *

Architect

Personal and Professional Interests

9. Membership Qualification *

- ☒ Five (5) citizens who are a resident of the City.
- ☐ Two (2) citizens of which may reside outside of the City, but within 81601 zip code area or own real property or business within the City.

10. You must qualify as one of the above to serve on the Arts and Culture Board.
Please explain below how you are qualified. *

I reside within the 81601 zip code, just a few houses away from the town line.

11. Why are you interested in serving on the Arts and Culture Board? *

Art is ever enriching to anyone that can experience it. It is one of the most democratic expressions we have believe we must open up the horizon as much as possible to as many people as possible as a matter of civic duty. I am committed to encouraging, sharing, and helping others learn about the various forms of art.

12. What do you view as your role if selected as a member of the Arts and Culture Board? *

As a practicing architect a key part of working with my clients is the selection, setting, and planning of art. Whether it be a sculpture, painting, mural, etc. it is key to find the right place for it. Clearly, understanding the context of the piece is almost as important as the piece itself, with that in mind I take care into crafting that behind the scene tasks of setting the right views, lighting, structural support, and surroundings.

13. Do you have marketing, advertising, or public relations experience or skills? *

I am a trained architect, so creating clear and communicable graphics is part of the tool belt. As well as crafting space, so I craft text similarly and tell a story that needs to be told.

14. Do you have Arts/Culture experience or skills? (ex. Performing arts, visual arts, public arts, museums arts, or education? *

I do have a variety of skills within arts and cultures. I am a musician, playing the clarinet and have played for a jazz band for a few years while living in New York. I am also a practicing artist working in large format paintings and previously in fabric and metal sculptures; with previous shows in St. Louis, Brooklyn, and upstate NY.

15. Can you describe an experience making a decision based on public opinion? *

As an architect working on various project sites that are under purview of historic preservation boards and community boards, I took in public comments, board recommendations, and critics of well-meaning preservationists.

16. Can you separate yourself from your personal opinions and represent the City's goals, policies, plans, and the Glenwood Springs Municipal Code in an equitable fashion? *

Yes, I often have to do so with my architectural clientele. I realize everyone has their own opinions, especially when working with larger groups and organizations the mission and clearest evidence based logic must proceed forward.

17. Do you have any existing time commitments that will hamper your ability to serve? *

Just typical office ours; no commitments that would hamper my ability to serve well.

18. What experience do you have working with people on a board, commission, or committee? *

I've had a variety experience of working with communities, HOAs, selection committees, and public interest groups for various projects. I have a great working understanding of their role and how to navigate them.

19. Please select today's date. *

2/18/2021



20. Have you served on the Arts and Culture Board before? *

☒ No

☐ Yes

Powers and Duties of the Arts and Culture Board

(as defined in Title 020 of the Glenwood Springs Municipal Code)

(n) Arts and Culture Board. The powers and duties of the Arts and Culture Board shall be:

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-

Appointment, Removal, Term and Vacancies of Boards and Commissions

Glenwood Springs, CO Municipal Code 020.020.040

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Building Board of Appeals.

(2) March:

Transportation Commission;
Arts and Culture Board;
Parks and Recreation Commission;
Airport Board;
River Commission.

(3) April:

Local Liquor Licensing Authority;
Victim's Witnesses Assistance and Law Enforcement Board;
Historic Preservation Commission;
Glenwood Springs Housing Commission.

(b) Alternate members. The City Council at its discretion may appoint up to three (3) persons as alternate members for each board or commission. If a regular member of a board or commission is to be absent from a meeting, the presiding officer for the meeting may select an alternate member to fill such absence and to attend and serve at the meeting. The alternate member may exercise all powers at the meeting which the absent regular member could exercise, and the alternate's powers and privileges shall terminate at the end of the meeting attended. The presiding officer may at his/her discretion select the same alternate to serve at successive meetings in the absence of any member.

(c) Limit to term of members. No Board member shall serve more than two (2) terms on the same board or commission.

(d) Removal of members. All appointed members of a board or commission shall be subject to removal, at any time, by the City Council. In the event an appointed member of a board or commission ceases to qualify for membership, his or her appointment is immediately terminated.

(e) Vacancies. The City Council shall fill all vacancies on boards and commissions by appointment for the unexpired term.

(Code 1971 §§ 2-63, 2-64, 2-67; 6-95 § 1; 10-07 § 2; Ord. No. 9-2018 , § 2, 4-20-2018)



City Council
STAFF REPORT
City of Glenwood Springs
April 1, 2021

Agenda Item:	2021 FAB Grant Application
Action Requested:	Provide direction for any 2021 changes to the Grant Application.
Department:	City Administration
Presented By:	Debra Figueroa, City Manager
Background Info:	Each year between the A&I and Tourism Promotion Funds the City awards approximately \$200,000 in grant funds to non-profits that are benefiting the community. As a result of COVID in 2020 Council directed these funds be distributed to the Chamber Foundation to award to local for-profit businesses suffering as a result of the pandemic. The 2021 grant cycle is ready to start now and the first step is to release the application. We added a disclaimer at the top letting people know that Council may decide to redirect these funds again in 2021.
Issues:	Grant writing is a time consuming process that we don't want people to go through if they have no chance of being awarded funds. We are asking Council if there are certain uses of funds that we should not accept applications for so we can disclose that at the time the application is released. The Financial Advisory Board is ready to release the application and begin the process subject to this guidance.
Staff Recommendation:	None



2021 GRANT APPLICATION

Dear Applicant,

This document contains the 2021 Grant Application.

Each year, the City of Glenwood Springs allocates a portion of sales tax revenues from its A&I and Tourism Funds for human services, special events, tourism promotion and other public purposes as City Council deems appropriate.

Please understand that in 2020 City Council directed these grant funds be distributed to local businesses that were suffering as a result of the COVID pandemic and may do something similar this year. Therefore we cannot guarantee any grant awards of any amounts at this time.

Please be aware that this year the City is requiring all applications to be submitted in **full, on-time and in one pdf file only**. We have made exceptions in the past but Council has directed the finance staff to not present applications to the reviewing body that do not meet the 2021 requirements. Applications may be completed and uploaded at www.cogs.us/grants.

An applicant may submit only one application each grant cycle. The grant process is competitive. Receipt of funds in a prior year is not a guarantee of funding or the same amount of funds, in the current year.

Review your application completely before submitting it, and make sure you have followed all instructions.

The City of Glenwood Springs complies with all applicable state and federal laws, and does not discriminate in any manner.

Sincerely,

CITY OF GLENWOOD SPRINGS



INSTRUCTIONS

2021 Grant Application

PROGRAM DATES

Applications Available:	April 2, 2021
Applications Due:	May 10, 2021
Target Award Date:	June 4, 2021

Note: City Council reserves the right to take whatever time is necessary to make its final determination.

INSTRUCTIONS

1. Applications will be considered based on the following eligibility and organizational guidelines:
 - a. Must be complete, on-time and in a single pdf. Applications may be printed, completed and scanned along with supporting documentation into one pdf file. Applicants are encouraged to supply your answers directly in this Word document. You may then print this completed document as a pdf file and edit it to include your other documents or print this Word document when it is completed and scan it along with supporting documentation into a single pdf file. You may visit the City's finance office for assistance in either printing or scanning your document.
 - b. Must be a not-for-profit, government or tax-supported public entity.
 - c. May not be a political organization.
 - d. The estimated number of citizens of Glenwood Springs impacted by the application must be disclosed separately from the estimated number of people impacted overall.
 - e. General operating expenses are more likely to be funded than capital expenditures which will be subject to a higher level of scrutiny by the reviewing body.
 - f. Awards to religious organizations are generally not funded. Exceptions may be made on an individual basis depending on the purpose of the request.
 - g. We generally consider only applications of less than 10% of the organization's annual budget.
2. Applications **MUST BE RECEIVED** by the City of Glenwood Springs prior to 5:00 p.m. on April 16, 2021 via submittal through our portal at www.cogs.us/grants. There will be no exceptions to this.
3. Applications will be evaluated first on compliance with eligibility requirements and then on responses to the selection criteria. The City of Glenwood Springs reserves the right to fund applications in whole, in part, or not at all, and to reject any or all applications.
4. Applications and all materials submitted to the City may be subject to disclosure pursuant to the Colorado Open Records Act.
5. No cover letter or table of contents should be submitted.
6. The final pdf file submitted to the City must include:
 - Completed and signed Summary Form – electronic signatures are acceptable
 - Use of Funds Summary
 - Responses to Selection Criteria Questions
 - Attachments or supporting documentation in proper order
7. The City Council of the City of Glenwood Springs is the sole decision maker for grants awarded through the Financial Advisory Board. The Financial Advisory Board reviews applications and makes its recommendations to the City Council.

8. The Finance Director is responsible for all activities regarding the distribution of funds through the 2021 Grant Cycle and may solicit information from any source as needed in conducting his work.
9. The City or its designee has the right to issue or not to issue supplemental statements regarding these Instructions or any aspect of the grant program on an as-needed basis, and to perform any due diligence that may be required in the discharge of its obligations. Applicants may be required to provide additional information or to participate in pre-award interviews, as needed.

APPLICATION FORM

APPLICANT INFORMATION

NAME:	
MAILING ADDRESS:	
APPLICANT CONTACT NAME:	TITLE:
ARE YOU THE PRIMARY CONTACT FOR THIS GRANT: ☐ YES ☐ NO	
EMAIL:	
TELEPHONE:	
FEIN:	
INDICATE WHETHER THIS APPLICATION IS FOR DISCRETIONARY OR TOURISM FUNDS:	

GRANT REQUEST AND FINANCIAL INFORMATION

GRANT AMOUNT REQUESTED FOR 2021:
TOTAL OF ALL CURRENT RESERVES:
TOTAL APPROVED BUDGET FOR FISCAL 2021 (CURRENT BUDGET YEAR):
TOTAL ACTUAL OPERATING EXPENSES FOR FISCAL 2020 (PRIOR BUDGET YEAR):
TOTAL INCOME FROM ALL SOURCES FOR FISCAL 2020 (PRIOR BUDGET YEAR):

APPLICATION CHECKLIST

SUBMIT THIS APPLICATION WITH THE FOLLOWING REQUIRED DOCUMENTS IN THE FOLLOWING ORDER:

- ☐ Description of Organization and its activities: (two pages maximum)
- ☐ Use of Funds Summary (one page maximum)
- ☐ How does the COVID pandemic effect your request, if at all.
- ☐ Response to Selection Criteria Questions in narrative form (three pages maximum)
- ☐ Copy of IRS determination letter as to 501(c)(3) or other not-for-profit status
- ☐ Colorado Secretary of State Certificate as nonprofit corporation in good standing
- ☐ List of current board of directors and officers
- ☐ List of all major contributors (\$2,000 and above) and amounts contributed, highest to lowest
- ☐ Year-end financial statements for fiscal year most recently ended
- ☐ IRS Form 990 (most current available)
- ☐ Approved budget for current fiscal year

By signing below, the applicant hereby certifies and warrants that any and all statements and representations, including all sources and uses of funds made in this Grant Application, are true and correct, and may be relied upon by the City of Glenwood Springs.

Authorized Signature: _____
(From applicant organization)

Date: _____
(mm/dd/yyyy)

Printed Name and Title:

SELECTION CRITERIA

All applicants must respond to the following questions in no more than three (3) pages. The three-page limit applies only to your answers to these questions, not to the Summary Form, Use of Funds Summary, or any supporting documentation.

1. Which needs within the City of Glenwood Springs does your organization serve, or will your special event or public program serve?
2. Describe your paid professional staff and your level of volunteer involvement.
3. Quantify the service level you provide to the citizens of the City of Glenwood Springs. How many City clients were served in your last full fiscal year in the program(s) for which you are requesting funds? What are the projections for the current year and next year? If funding a special event, how many participants to you expect, and will the event draw visitors to Glenwood Springs?
4. Highlight the desired 2021 goals and outcomes to be achieved with City of Glenwood Springs' funds. How will you define and measure your success as related to this funding request?
5. Describe your income stream(s), including fundraising efforts. If you are the local chapter of a national entity, explain how much funding it provides.
6. Have you used City of Glenwood Springs funds to receive additional funds from other sources? If so, what is the amount of leveraged funds received?
7. Has your organization had a deficit budget within the last three years? If so, how did you fund the deficit? What plans have you made to eliminate future deficits? Does your organization have a fund balance/reserve that is equal to or greater than six months of operating expenses? If so, how do you plan to use this reserve?



City Council
STAFF REPORT
City of Glenwood Springs
April 1, 2021

Agenda Item: Presentation from Support the Syringe Services Program

Action Requested: High Rockies Harm Reduction Executive Director Maggie Seldeen will present information to Council.

Department: City Administration

Presented By: Debra Figueroa, City Manager

Background Info: Information about the organization, which is committed to health equity, is included as an attachment.

Issues: None.

Staff Recommendation: Staff defers to Council.

Maggie Seldeen will present information about the Syringe Access Program.



Summary of Proposed Project

High Rockies Harm Reduction (HRHR) is an organization committed to health equity, access to appropriate medical and behavioral health services and the civil rights of individuals who use psychotropic substances and have mental health needs. HRHR is dedicated to providing compassionate care and evidence-based practices to people who use drugs (PWUD), people who inject drugs (PWID), people living with HIV/AIDS (PLHIV) or at-risk of infectious disease and other underserved segments of society, such as Latinx and LGBTQ+ populations and those experiencing homelessness. Our mission is to expand access to harm reduction services in rural communities in western Colorado, in order to reduce the number of overdose deaths, new HIV and Hepatitis diagnoses and the economic costs of the opioid epidemic. We seek to expand access to necessary and evidence-based treatments and services for individuals who use substances and those living with or at-risk of acquiring communicable diseases.

This mission is driven by a desire to reduce the stigma of substance use (illicit or otherwise) and behavioral health needs. We value advocacy, autonomy, accountability and authenticity of voice as means to strengthen both the recovery community and the general community at large. Through a nonjudgmental approach to recovery and the myriad paths along its continuum, our goal is to bring all members of our community together to fight the overdose/opioid epidemic, and the associated negative consequences, from a place of

compassion and empathy. We value all pathways to recovery and all members of our community equally, as we have all been affected by the tragic consequences of this epidemic.

The current service vision of HRHR is broken down into 6 month increments over the next 2 years, with the ultimate goal of opening a fixed-site Recovery Community Center (RCC)/Syringe Access Program (SAP) in Carbondale, Colorado in 2022. The first 6 months of our strategic plan will primarily involve advocacy, awareness and networking, as we build and strengthen our relationships within the communities we serve and educate the public on scientific data and statistics in the fields of substance use and abuse, addiction and recovery. The second 6 months of the first year will involve acquiring a vehicle to serve as a mobile recovery resource unit, which will include syringe access and disposal (dependent on approval from county commissioners), Narcan training and distribution, fentanyl test strip distribution, peer recovery support services, educational and informational literature and appropriate treatment referrals, such as MAT programs, in-patient rehabs, support groups, and other behavioral health services. This mobile unit will also serve the purpose of performing an in-depth needs assessment of the affected and underserved populations in the rural Colorado counties of Eagle, Pitkin and Garfield, and small portions of Delta and Gunnison County that are adjacent to the Roaring Fork Valley.

The second year of the service vision involves the implementation of a fixed site, an RCC/SAP, which will provide the same aforementioned services as the mobile unit, as well as support groups, social events, educational and professional development for members of both the recovery community and general public, HIV and Hepatitis testing and treatment referrals, other prevention materials and much more to address the goals of our mission. As HRHR strives to be a community-informed agency, our activities will ultimately be determined by our needs

assessment, our board of directors (comprised primarily of people in recovery who were raised in the Roaring Fork Valley), our staff and an advisory council of clients.

The projected fixed site location, within the wider 5-county service area of HRHR, is Carbondale, due to its centralized location to the various communities of the Roaring Fork, Crystal River and North Fork Valleys, which are all deeply economically and socially connected. The proposed site will ideally be: A) centrally located in downtown Carbondale, within walking distance of a bus stop, B) in a residential building, to provide an appropriate level of comfort and safety, and C) discretely labeled, to allow privacy for those utilizing sensitive services. Carbondale has been chosen as the target pilot location, in collaboration with local and regional stakeholders, but the hope is that HRHR can serve as a model for other rural communities across the state and nation.

Maggie Seldeen

Founder and Director of High Rockies Harm Reduction

Certified Colorado Peer and Family Specialist

maggie@highrockiesharmreduction.com

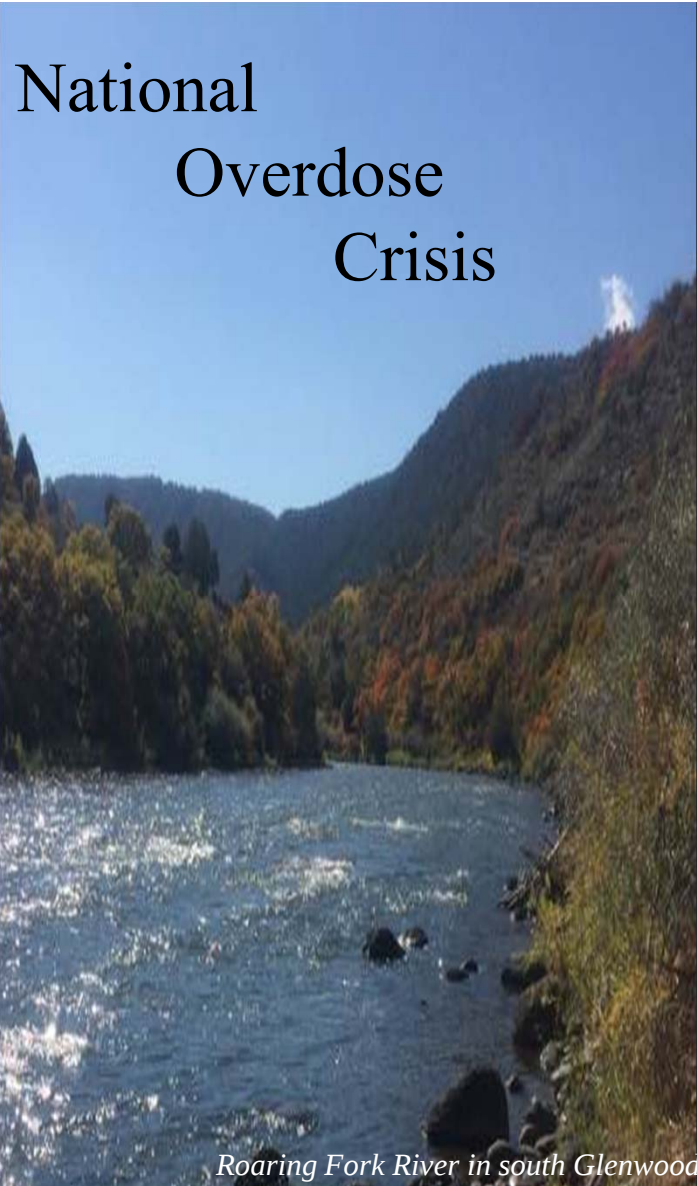
High Rockies Harm Reduction



By Maggie Seldeen, BA
Founder and Director
Maggie@highrockiesharmreduction.com



National Overdose Crisis



Roaring Fork River in south Glenwood

Advent of Oxycontin in 1996 and mass over-prescription strategies.

The nation has seen a wide-spread increase in overdose deaths, infectious disease spread (HIV, Hepatitis C) and incarceration rates¹

Illicit substance abuse effects everyone, as it takes a massive economic toll on the nation through health care and criminal justice costs, as well as loss of life and productivity.

Access to drugs without access to treatment exacerbates problems, specifically in rural and impoverished communities.

Illicit drug use is highly stigmatized, which puts users at increased risk of negative consequences.

Substance use is often a symptom of underlying mental and emotional health issues, which are also highly stigmatized and adequate treatment is often difficult to obtain.

Of the over 70,000 overdose deaths in the United States in 2017, over 65% of them involved an opioid, which represented a 12% increase in opioid related overdoses since 2016 - This problem is not slowing down or going away.

(Centers for Disease Control and Prevention [CDC] 2019a; CDC 2019b; Gaviria 2016; Macy 2019; Minhee and Calandrillo 2019; Scholl et al. 2019; Vearrier 2019).

Dinkle Lake Road to Sopris

What is Harm Reduction?

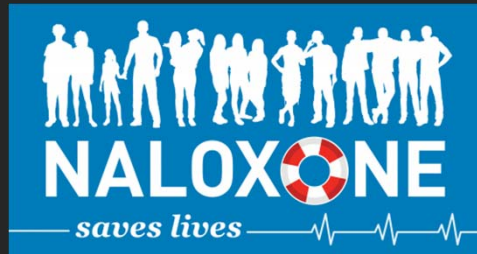
- Accepts the reality of drug use and the tragic harm that can come from it and seeks to minimize these harmful effects rather than ignoring or condemning them.
- Addresses the complex nature of drug use and the continuum of behaviors, from life-threatening abuse to complete abstinence, and acknowledges that some ways of using drugs are safer than others.
- Uses the quality of individual and community life and well-being, not necessarily the cessation of all drug use – to define successful interventions and policies.
- Calls for non-judgmental, non-coercive provision of services and resources to drug using populations and the communities in which they live.
- Affirms drug users as the primary agents in reducing the harms of their drug use and aims to empower these networks to share information and support each other.
- Recognizes that many social inequalities effect people's vulnerability to and capacity for effectively dealing with drug-related harm. (Harm Reduction Coalition n.d.)

Harm reduction promotes autonomy, personal empowerment and a better quality of life for drug users and the communities they live in. (Vearrier 2019)

3 pillars of Harm Reduction

1. Access to Naloxone
2. MAT Programs
3. Syringe Services (Buer 2019)

Naloxone



- Short-acting opioid receptor blocker that crosses the blood brain barrier, entering the brain faster than morphine or heroin.
- Higher affinity for opioid receptor than other opiates, binding to the receptor in place of the original drug.
- Immediately reverses respiratory suppression of breathing caused by other opiates.
- Can be administered via intramuscular (IM) injection or nasal spray.
- Narcan, an FDA-approved nasal form of naloxone, is available at pharmacies across the country with no prescription necessary.
- Success has been shown with peer training in Naloxone administration.

Naloxone is a life-saving, overdose-reversing, emergency medication.

(Rosenthal 2019)



Medication Assisted Treatment (MAT)



Buprenorphine

- Buprenorphine is a semi-synthetic opioid used in the treatment of addiction. It is long-lasting and designed for long-term use. The drug blocks opioid receptors, reducing withdrawal symptoms and negating any euphoric effects, while simultaneously inhibiting other opioids from binding.
- In conjunction with counseling, Buprenorphine, which is less addictive than other opioids, has been shown to be the safest, most effective means of opioid addiction treatment.
- Suboxone is Buprenorphine with Naloxone, developed to discourage abuse, as it blocks any pleasurable sensation associated with the opioid. (Rosenthal 2019)
- Patients take medications home and do not have to return daily.



Methadone

- Methadone (Dolophine) is a synthetic opioid and another MAT option, often preferable for long-term opioid users/IDUs, vs those using RX opioids.
- Patients must come in every day for their medication, but can get up to 2 weeks of take-home medications after consistent and committed program engagement for 1 year.
- Closest clinic is in Grand Junction, but Medicaid patients can utilize taxi services.

Syringe Access Programs (SAPs)

View of Sopris from Prince Creek

- Mobile or Fixed Sites.
- Access to life-saving Narcan and peer training on administration.
- Access to clean syringes and other sterile equipment, reducing the spread of disease among drug users.
- Access to drug purity testing strips.
- A safe disposal site for used syringes, keeping streets, parks and neighborhoods safe and clean.
- Information and education about safe drug using practices and disease transmission.
- Screening and testing for infectious diseases.
- Connection with other necessary services (e.g., health and wellness specialists).
- Referrals to appropriate treatment programs; individuals in harm reduction programs have shown higher success rates in recovery than those in the standard, punitive drug system.



(Harm Reduction Coalition n.d.)

SYRINGE SERVICES PROGRAMS KEEP AMERICANS SAFE



New users of syringe services programs were **5 times as likely to enter drug treatment** than those who never used the program



When used in combination with medication-assisted therapies to help people stop injecting drugs, syringe services programs can lead to a **70% decrease** in hepatitis C transmission



1 in 3 officers may be stuck with a needle during their career; **SSPs reduce needlestick injuries** by providing proper disposal

(CDC 2019a)

Peer Recovery Support Services

Nothing About Us Without Us

While peer support services have existed for many years, they are a relatively new concept to many, especially in rural communities. Peer support empowers individuals in recovery to make the decisions that are best for them and have been shown to:

- Improve quality of life,
- Improve engagement and satisfaction with services and supports,
- Improve whole health, including chronic conditions like diabetes,
 - Decrease hospitalizations and inpatient days
 - Reduce the overall cost of services

Peer Recovery Coaches walk side by side those seeking recovery from substance and/or alcohol use disorders and this work has been shown to produce the following positive benefits for participants:



- Increased treatment retention
- Improved relationships with treatment providers
- Increased satisfaction with overall treatment experience
 - Decreased utilization of emergency services
 - Reduced re-hospitalization rates
 - Improved access to social supports
 - Improved housing stability
- Decreased involvement with the criminal justice system
 - Reduced substance use



Harm Reduction programs have been proven to:

- **Increase the safe disposal of used syringes, protecting police officers and the public from accidental exposure to blood-borne diseases.**
- **Reduce syringe sharing among injection drug users.**
- **Decrease rates of HIV and hepatitis C transmission.**

Research has also conclusively shown that syringe access programs do not increase drug use or crime.

These programs are supported by every major medical and public health organization in the U.S. and the world, including the American Medical Association, National Academy of Sciences, Centers for Disease Control and Prevention, and World Health Organization.

(Drug Policy Alliance 2020)



“Harm reduction programs decrease crime and violence in a cost-effective manner, a benefit of value to all stakeholders, including policy makers, the public, drug users, victims, and potential victims of violence. [MAT] programs reduce crime, and a recent study has reported that they decrease violent crime specifically, ”

(Vearrier 2019:129)

MAT programs decrease illicit drug use, overdose deaths, incidence of infectious disease and criminal activities associated with drug seeking behavior.

(Vearrier 2019)



High Rockies Harm Reduction (HRHR) is a grassroots, community-informed organization that seeks to expand access to life-saving services for people who use drugs and other historically underserved populations, such as Latinx, LGBTQ+, previously and currently incarcerated and impoverished individuals.

Mission

The mission of High Rockies Harm Reduction (HRHR) is to reduce the rates of overdose deaths and new HIV and Hepatitis C diagnoses and the economic costs of the opioid epidemic in rural Colorado by expanding access to harm reduction services. HRHR seeks to strengthen the recovery community and reduce the stigma of substance use, recovery and behavioral health services through compassionate, nonjudgmental, peer-based support. We seek to empower the recovery community by promoting the autonomy, respect and dignity of all members of our communities.

Vision

The current goal of HRHR is to open a recovery resource center in Carbondale that provides syringe access, Narcan, Fentanyl testing strips, STI testing, peer-based services and so much more.

Success looks like 0 overdose deaths, 0 new HIV and Hepatitis C cases, more HIV and Hepatitis C testing and treatment access, more behavioral health access, fewer DUIs, fewer drunk driving accidents, fewer suicides, and reduced stigma of substance users in our service counties (Garfield, Eagle, Pitkin and Delta).

Success also looks like declines in these statistics in these counties.

One of HRHR's many underlying goals is to reduce health and economic inequities by engaging with at-risk and underserved populations (e.g., Latinx, LGBTQ+ and substance using populations) and providing peer-based support that will help them access and navigate necessary services as well as build autonomy and an understanding of individual rights and responsibilities

HRHR is committed to the following values of harm reduction:

- The acceptance of the reality of drug use and a desire to minimize its harmful effects rather than ignore them.
- Understanding drug use as a complex and multi-faceted phenomenon that encompasses a variety of behaviors, from complete abstinence to severe use, and the acknowledgement that some ways of using drugs are safer than others.
- Establishing the quality of individual and community well-being (not necessarily the complete cessation of all drug use) as the criteria for successful interventions and policies.
- Non-judgmental, non-coercive provision of services and resources to people who use drugs (PWUD) and the communities in which they live in order to assist them in reducing attendant harm.
- We wish to ensure that PWUD and those with a history of drug use routinely have a real voice in the creation of programs and policies designed to serve them.
- We believe in affirming PWUD themselves as the primary agents of reducing the harms of their drug use and seeking to empower PWUD to share information and support each other in strategies which meet their actual conditions of use.
- We recognize that the realities of poverty, class, racism, social isolation, past trauma, sex-based discrimination, and other social inequalities affect both people's vulnerability to and capacity for effectively dealing with drug-related harm.
- We do not attempt to minimize or ignore the real and tragic harm and danger that can be associated with illicit drug use.

(Harm Reduction Coalition, n.d.b)

HRHR is also committed to the core elements of Recovery Community Organizations (RCOs):

1. Recovery Vision
2. Authenticity of Voice/Accountability to the Recovery Community
3. Independence and Autonomy

Strategic Vision

Year one –

First 6 months: Advocacy, awareness and community networking phase.

HRHR staff will work to build relationships with community stakeholders, including people who use drugs, their affected friends and family members, other local and regional organizations that work with these populations and the public health boards throughout the service region.

Staff will also work to educate the general public on harm reduction services and recovery treatment options.

Second 6 months: Needs Assessment

HRHR will seek approval from the local county health boards to provide syringe access in these communities. Regardless of whether or not this approval is achieved, staff will implement an in-depth needs assessment for people who use/inject drugs in western rural Colorado but taking a mobile unit to various isolated communities and distributing Narcan, Fentanyl test strips, sterile equipment, peer support and treatment referrals

Year two-

The needs assessment will guide the implementation of a fixed site program that will serve as a recovery community center and recovery resource center, providing harm reduction and peer recovery services to the community.

While our budget will increase drastically in year two, we will also be eligible for a wider variety of grants after being an established agency for one year.

Proposed Activities

- Sterile syringe dispersal
 - Safe syringe disposal
 - Narcan distribution
- Fentanyl test strip distribution
 - Sterile using equipment
- Safe substance use education and information
- HIV/Hepatitis C rapid testing and treatment referral
 - First aid and wound care
- Treatment and resource referrals
- All Recovery Support groups
- Social events that engage both the recovery community and general public
- Opportunities for educational and professional development
 - Volunteer and service opportunities
 - Peer recovery services

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City Council
STAFF REPORT
City of Glenwood Springs
April 1, 2021

Agenda Item:	Resolution 2021-06, Community Housing Guidelines
Action Requested:	Consideration of Resolution 2021-06, Community Housing Guidelines
Department:	Economic and Community Development
Presented By:	Hannah Klausman, Senior Planner Glenwood Springs Legal, Legal
Background Info:	The Housing Guidelines are the administrative standards for implementing the Inclusionary Zoning program. Staff has updated the previous Housing Guidelines that the City of Glenwood Springs administered. Input from the Planning and Zoning Commission and Council has been incorporated into the new guidelines. The guidelines are intended to be periodically reviewed by the City of Glenwood Springs and the Administrator of the program. Guidelines are revised by City Council Resolution. For the previous Inclusionary Housing program that was discontinued in 2017, the City of Glenwood Springs partnered with Garfield County Housing Authority (GCHA) for administration. The Garfield County Housing Authority serves residents of the Roaring Fork Valley, from Carbondale to Parachute, who cannot afford conventional housing. GCHA assists individuals, families, seniors and person with disabilities, in locating and procuring affordable purchase and rental opportunities. GCHA also works with the communities and governments in the region on affordable housing policies and administering affordable housing lotteries for municipal programs. Staff included the previous provisions in the Housing Guidelines that pertain to GCHA as the program administrator however this contract has not been determined or discussed.
Issues:	The Housing Guidelines include all aspects of administering Municipal Code Section 070.045. and outline applicability, exemptions, and instructs developers and provides guidance tenants on mechanisms for satisfying the requirements. Staff has included some of the key components that have been topics of questions and discussion for Council consideration below: <u>Priority Geographic Areas for Employment Qualification</u> A qualified resident, ownership or rental, is a person who is employed in the City of Glenwood Springs. If no qualified applicants are received by the property owner, the employment area exemption allows for additional applicants to be drawn from a larger geographic employment area. The prioritized areas are as follows: a) City limits. b) 81601 zip code. c) 30 mile radius of city limits. <u>Self Employment</u> Self employed individuals can qualify for Community Housing units upon demonstrating full time self-employment within the priority geographic areas. <u>Leave of Absence</u> Owners of for-sale Community Housing units may be granted a leave of absence up to 2 years during

which they are permitted to rent the unit to another qualified occupant in their absence.

Mix of Units

The mix of units for Community Housing units shall closely mirror the mix of bedroom configuration and housing type of the market rate units in a development.

Existing Units

A development may provide up to 50% of the required Community Housing units through the restriction of existing units.

Limits on Appreciation

The resale of of a Community Housing Unit includes the purchase price and a 3% appreciation cap with permitted capital improvements. Some programs use the Consumer Price Index as an appreciation cap, however Staff felt a set percentage is less complicated and time consuming for implementation.

Incentives

Staff has included additional specifics for incentives including Density Bonus, Site Design Flexibility, and criteria for approval. Parking requirements are explicitly noted as not applicable for additional flexibility outside of what Code currently provides.

As mentioned in the guidelines, the document is intended for periodic review and revision. Staff expects that implementation of the program will highlight unforeseen issues or challenges specific to Glenwood Springs. Staff recommends that Council schedule a review at minimum 12 months after implementation. In addition, if the City partners with an outside organization for administration of the program, processes might need alteration for contract specific needs.

Staff Recommendation: Staff recommends approval of Resolution 2021-06, Housing Guideline for Inclusionary Zoning.

RESOLUTION 2021 - 06

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF GLENWOOD SPRINGS, COLORADO, ADOPTING
HOUSING GUIDELINES FOR INCLUSIONARY ZONING.**

WHEREAS, by Ordinance No. 1, Series of 2021, City Council amended the Municipal Code to add a new Article 070.045 setting forth Community Housing Standards and Guidelines and new definitions to 070.070.032 related to the Article 070.045; and

WHEREAS, Section 070.045.060(a) of the City's Municipal Code states that City Council will adopt housing guidelines that include the following components: the type, size and price for community housing units; qualifications to purchase and occupy community housing units; and the purchase or sale of community housing units; and

WHEREAS, Section 070.045.060(b) states that the housing guidelines adopted by Council will provide all other general information necessary for the implementation and administration of Article 070.045;

WHEREAS, pursuant to Code Section 070.045.060, City Council wishes to adopt the Community Housing Guidelines attached hereto as Exhibit A.

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

Section 1. The above recitals are hereby incorporated as findings by the City Council of the City of Glenwood Springs.

Section 2. The City Council of the City of Glenwood Springs hereby adopts the Community Housing Guidelines attached hereto as Exhibit A.

INTRODUCED, READ, AND PASSED THIS 18th DAY OF MARCH 2021.

CITY OF GLENWOOD SPRINGS, COLORADO

Jonathan Godes, Mayor

ATTEST:

Ryan Muse, Assistant City Clerk

Glenwood Springs Community Housing Guidelines

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Glenwood Springs Community Housing Guidelines

PURPOSE, APPLICABILITY AND EXEMPTIONS

A. PURPOSE

The purpose of the Community Housing Program for Glenwood Springs is to increase the supply of ownership and rental housing that is affordable to those who live and/or work in the area. According to the Greater Roaring Fork Regional Housing Study, RRC Consulting, April 2019, the affordability gap, the difference between the median price of a home sold and what a household (4 persons) earning the median income can afford, was roughly \$147,000 for Glenwood Springs in 2017. Housing costs have affected the ability of the community to retain and attract employees.

The Community Housing Program requires that new residential development provide 20% of the housing that is produced be restricted to Resident Occupied and at least 10% of the housing that is produced to be affordable to households earning up to 100% of the area median income as outlined in these guidelines. This program offers incentives that may be used to mitigate the costs of producing this housing, while continuing to address the desire of the community to provide more affordable housing overall in areas that are close to transit. The program also seeks to distribute community housing throughout new developments to ensure units will be produced in proportion to market rate housing that is constructed in any new development.

Lastly, the City of Glenwood Springs recognizes that affordable housing is a valuable community resource that needs to remain available for not only current residents and employees, but also for those who may come to the area in the future. For this reason, community housing units that are constructed are subject to these Guidelines and the City's inclusionary housing requirements as outlined in Article 070.045 of the Glenwood Springs Municipal Code. Community housing units will be held as permanently affordable through deed restrictions or other methods to ensure prices remain affordable over time.

B. Applicability

These Guidelines shall apply to land use applications for the development of for sale, and rental housing units that must demonstrate compliance with Article 070.045 – Community Housing Standards and Guidelines in the Glenwood Springs Municipal Code

C. Exemptions

Development Exemption

Per Section 070.045, the following development is exempt from inclusionary housing requirements and these Guidelines:

1. Designated employee dwelling units.
2. Vested land use approvals prior to (Ordinance Adoption Date), 2021, the effective date of Article 070.045 – Community Housing Standards and Guidelines, in the Glenwood Springs Municipal Code.

Local Employment Exemption

The following exemptions to the local employment requirement may be authorized by the City in writing, in accordance with the review and approval process outlined in Section D. below.

1. Persons at or above the full benefit age for federal Social Security, has worked in the employment area an average of at least 30 hours per week on an annual basis for at least four (4) continuous years prior to retirement.
 - a. Housing Mobility for Retirees: When determined to be appropriate, the City may authorize a qualified retiree who meets the minimum length of employment and age requirements described above to move into a new or different deed-restricted unit, rather than requiring such individual to continue occupying the same deed-restricted unit he/she has been occupying prior to retirement. This provision is intended to allow mobility within the City's deed-restricted housing inventory by allowing retirees to downsize into smaller housing units, if desired, thus making larger units available to larger household sizes in need of deed-restricted housing.
2. A disabled person who has been a full-time employee in the employment area a minimum of two years immediately prior to their disability. It is the responsibility of the applicant to demonstrate eligibility.

Employment Area Exemption

A Qualified resident means a person who is employed in the Employment Area identified as the municipal boundary of Glenwood Springs. If not enough qualified applicants are received for a for sale

or rental unit, applicants may be drawn from the next prioritized employment area.

1. **Employment area one** – employees working for an employer with a physical address within the corporate city limits of Glenwood Springs, are directly employed by a company that has its principal office located in the city limits, or an employee who is self-employed within the corporate city limits of Glenwood Springs.
2. **Employment area two** – employees working for an employer whose physical address is located within the 81601 zip code, or an employee who is self-employed within the same area.
3. **Employment area three** – employees working for an employer within a thirty (30) mile radius of the corporate city limits.

D. Organization of the Document

These Guidelines consist of six parts:

- I. ***Purpose, Applicability and Exemptions***, which outlines the reasons for the housing guidelines and provides guidance as to which land use applications are subject to the guidelines, as well as exemptions from the requirements.
- II. ***Development and Initial Sale of Community Housing Units***, which instructs land developers and builders on mechanisms for satisfying Article 070.045 – Community Housing Standards and Guidelines – Administration in the Glenwood Springs Municipal Code.
- III. ***Eligibility, Ownership and Re-sale of Community Housing Units***, which provides guidance to persons interested in purchasing or renting community housing units, as well as the re-sale of community housing units.
- IV. ***Grievance Procedures***, which provides the means for filing of complaints associated with the administration of the Glenwood Springs housing Guidelines.
- V. ***Periodic Review of Housing Guidelines***
- VI. ***Definitions***, which define words or phrases used in the Guidelines.

DEVELOPMENT AND INITIAL SALE OF COMMUNITY HOUSING UNITS/LOTS

An applicant/developer of any new residential development, subdivision, or annexation with the City of Glenwood Springs, except as provided for in Part 1, Section C., is subject to Article 070.045 – Community Housing Standards and Guidelines per the Glenwood Springs Municipal Code. This ordinance requires that residential developments of ten (10) or more units/lots provide at least Twenty (20%) percent of the total residential units to be deed restricted for Resident Occupied Community Housing and 10% of those units/lots as Community Housing units/lots as defined in these Guidelines. The requirement is imposed as a condition of approval for residential development, including:

- Annexations;
- Planned Unit Developments;
- Major and minor subdivisions; and
- Major and Minor Site/Architectural development permits.

The ordinance specifically requires that:

1. Twenty (20%) percent of the total residential units in any new residential or mixed-use development proposing to create ten (10) or more residential dwelling units shall be deed restricted for Resident Occupied Community Housing.
2. Ten (10%) percent of the total residential units in any new residential or mixed-use development proposing to create ten (10) or more residential dwelling units shall be deed restricted to limit the average Initial Sales Price to no greater than that which is affordable to Households earning no more than 100% AMI; or to limit the Community housing rental unit rental prices in accordance with guidelines established by the City and generally set at rates that are affordable to Households with incomes no higher than 100% AMI, averaged over the total required deed restricted units.
3. The development may provide up to 50% of the required mitigation through the restriction of existing on-site units.
4. Developments that add ten residential units over a period after the effective date of the Ordinance are subject to requirements of this section. The ten-unit threshold is based on the new dwelling units added from the effective date of Ordinance No. 1, Series 2021, not the total number of dwelling units (existing plus new).

5. Fractional remainders. The development's mitigation responsibility will be rounded to the nearest whole number: below 0.75 round down (= 0 unit) and round up from 0.75 and higher (= 1 unit).
6. The established sales prices of community housing units within specified income categories within a development when averaged shall be equal to a sales price or rental price that is affordable to households earning 100% of Area Median Income (AMI), as defined by the Department of Housing and Urban Development (HUD) for Garfield County.

A. Preference for Community Housing Location

1. On-Site Housing – It is the clear preference of the Community Housing Program to include community housing/lots within the proposed development (on-site housing). These units/lots are to be distributed throughout the development, to the extent possible.

- a. Use of Existing On-Site Units

- ~~1.~~ If accepted by the City, existing units to be used as community housing units must be upgraded in accordance with the following criteria: all units must be freshly painted; all appliances must be purchased within the last five years and be in good condition and working order; new carpet shall be provided (unless carpet has been purchased in last five years and is in good condition and repair); the exterior wall shall be freshly painted within one year of dedication; a general level of upgrade to yards and landscaping shall be provided; and windows, heating, plumbing and electrical systems, fixtures and equipment shall be in good condition and working order. The roof must have a remaining useful life of at least ten (10) years. All units shall meet The City's building code in effect at that time, and the condition of all units shall be verified by the City Building Official. Applicant shall provide a Building Inspection Report by a qualified building inspector approved by the City describing the condition, at a minimum, of all of the above items. Applicant shall bear the costs and expenses of any required upgrades to meet the above standards as well as any structural/engineering reports required by the City to assess the suitability of the units.

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2. Off-site Housing – Off-site housing is a less desirable means of fulfilling inclusionary community housing requirements and as such may only be allowed at the discretion of the governing body

approving the land use application that generates the inclusionary housing requirement. A proposal for off-site community housing units or lots shall be considered on the basis of criterion outlined in *Part II Section F. Off-Site Housing Application Procedures* in these Guidelines.

B. Housing Mitigation Plan

Developers seeking any residential development approval or residential building permit for ten or more units, or lots, must demonstrate compliance with the requirements of Article 070.045 – Community Housing Standards and Guidelines per the Glenwood Springs Municipal Code. In order to receive approval of a Planned Unit Development (PUD), subdivision, annexation, or development permit, the developer must receive approval of a Housing Mitigation Plan (HMP). The HMP is subject to the review and approval of the Planning and Zoning Commission or the City Council, whichever body has the authority to approve the land use application.

An Electronic copy and three (3) copies of the HMP shall be submitted to the Glenwood Springs Community Development Department either prior to or concurrent with the land use application. Additional copies may be requested if deemed necessary. A schedule of deadlines and meeting dates for land use applications is available at the Glenwood Springs Community Development Department.

At a minimum, the HMP shall include the following information:

1. Total number of residential units or lots and designation of units/lots as either market rate or community housing units/lots; designation as attached or detached units; a description of the type of unit, i.e. townhome, condominium, etc.; bedroom configuration and net square footage of each unit,
2. If a subdivision of land into individual lots is part of the application, the size of each lot within the development, which includes the average size of the market rate lots and average size of community housing lots shall be provided.
3. Targeted income category for each proposed community housing unit, as specified in *Part II Section C. Initial Sales Prices* in these Guidelines, to ensure sales and rental prices for all community housing units or lots within a development average to 100% of AMI, as specified in the ordinance.
4. A separate calculation of average size of finished net square footage both for market rate units and community housing units, excluding garages and unfinished basements;

5. Location of community housing units and/or lots within the development, by unit type and size;
6. A phasing/construction plan schedule for both market and community housing units and/or lots within the development or subdivision.
7. An estimate of homeowners association assessments for both market rate units/lots and community housing units/lots, to ensure compliance with *Part II Section I. Home Owners Associations* in these Guidelines.

The Planning and Zoning Commission or City Council, whichever is the final approving body of the land use application, shall certify its approval, approval with conditions, or denial of the HMP. Such approval, approval with conditions, or denial shall be based on compliance with Article 070.045 – Community Housing Standards and Guidelines and Section 070.045.080 – Incentives for Residential Developments (Inclusionary Housing) Over One (1) Dwelling Unit, as well as these Guidelines.

An approved HMP shall become part of the legal agreements, i.e. Development/Subdivision/Annexation agreements, executed by the City of Glenwood Springs and Developer for any approved project. A covenant setting forth the deed restriction and other requirements of these guidelines may be recorded against the property. Any amendment to the HMP shall require the approval of the body that approved the original land use application.

C. Maximum Initial Sales Prices

1. Community housing units provided through this program will be priced to two income categories unless the mitigation requirement results in an odd number of units; in which case the odd numbered unit shall be priced per 2. in this subsection.

Category 1 – targets families with incomes up to 100% of Area Median income (AMI) based on persons per household. Units in this category will be set at a sales price affordable at 90% of AMI.

Category 2 – targets families with incomes up to 120% AMI based on persons per household. Units in this category will be set at a sales price affordable at 110% of AMI.

These ranges have been established based upon the area median income for Garfield County, with adjustments for household size as published annually by the U.S. Department of Housing and Urban Development.

2. If an odd number of community housing units is required per the 10% mitigation requirement, the odd unit(s) will be priced with a sales price affordable at 100% of AMI and the maximum income eligibility category for purchasers of the unit will be set at 110% of AMI.

Example:

A development of 30 units would require mitigation equal to 3. units. The three community housing units would be priced as follows to meet the average sales price at 100% per Article 070.045 of the Municipal Code:

1 st community housing unit	Category 1 – sales price at 90% of AMI. Income category maximum at 100% of AMI.
2 nd community housing unit	Category 2 – sales price at 110% of AMI. Income category maximum at 120% of AMI.
3 rd community housing unit	Sales price set at 100% of AMI with maximum income at 110% AMI.

3. The final sales price for each required community housing unit will be provided by the Administrator 120 days before targeted issuance of a Certificate of Occupancy for the community housing unit. The sales price will be based on the income category designated for the unit in the approved Housing Mitigation Plan for the development. Developers bear the responsibility of informing the Administrator in writing as to estimated completion dates of units and anticipated issuance of a Certificate of Occupancy to ensure that the marketing, lottery, and sales process coincide with the completion of the housing unit(s). Delays in notifying the Administrator as to the estimated completion date of a Community Housing unit may result in delays to closing on the sale of units.

4. The sales price for community housing units shall be based on a 95% loan to value ratio, based upon a 30 year mortgage using 18 months trailing average interest rate.
5. The sales price shall be calculated based on principal, interest, taxes, insurance, private mortgage insurance and homeowners association dues that do not exceed 30% of the gross monthly income.
6. 20% of the gross monthly household income has been deducted for taxes, private mortgage insurance, homeowners insurance and homeowners association dues. Actual costs may be used if available.
7. Sales prices for Community Housing units will be established according to the following number of persons per bedroom configuration.

**Number of Persons by Bedroom Configuration
Used to Establish Sales Price**

Number of Persons in Household	Bedroom Configuration
1 Person HH	Studio
1.5 Person HH	One Bedroom
2 Person HH	Two Bedroom
3 Person HH	Three Bedroom
4 Person HH	Single Family Detached

One bedroom units are priced based on an income that is halfway between the one person household size and two person household size. This has no real relationship to the number of persons in a household and income; rather, it is simply a basis to define an income for a unit as a means to establish the sales price. It is acknowledged that smaller or larger households may seek to purchase smaller or larger units. For example, a three person household may purchase a two-bedroom unit or a four-person household may purchase a three-bedroom unit. What is important is that the total household income of the buyer does not exceed the maximum allowable income established for the Community Housing Program and that the sales price does not exceed that defined for the Program.

AMI figures are published annually. The Administrator shall have the authority to update sales price figures in these Guidelines

annually upon HUD's publication of new AMI figures. The actual sales price for a community housing unit will be calculated approximately 120 days prior to completion of the community housing unit and will be based on the most current AMI figures, 18 months trailing average interest rates, and the formula for calculating prices in this section, prior to the date the sales price is established by the Administrator.

A deed restriction and/or covenant controlling the sales price by income category, as well as the appreciation cap on units and lots shall be executed by the developer and recorded with the approved Housing Mitigation Plan and land use approval documents.

D. Maximum Rent

The gross rental price, including utility allowance and non-optional fees, of any deed-restricted unit shall not, at the time of leasing, exceed the maximum rents established according to Colorado Housing and Finance Authority, Colorado County Income and Rent Table, for one hundred twenty (120) percent of the Garfield County Area Median Income.

The average of all deed-restricted units in a development shall not exceed one hundred (100) percent of the maximum rents established according to the Colorado Housing and Finance Authority, Colorado County Income and Rent Table, as determined at the time each individual unit was leased. Maximum rent prices are updated annually.

Community Rental Housing Reporting Requirement

The owner of a deed-restricted rental unit shall annually provide a report and proof to the City or its designated representative agency of its compliance with the rental requirements set forth in these guidelines for the prior twelve-month period.

Items required for reporting may include but are not limited to:

1. The number of deed-restricted units rented;
2. The period each unit was rented and the status by which the occupant(s) qualified under the deed restriction;
3. The monthly rental price; and

4. The taxes, special assessments, and homeowners' association and management fees, and any other fees or charges, including common utilities, assessed to each unit.

E. Mix of Units

The mix of bedroom configuration and housing type for community housing units provided in the HMP shall closely mirror the mix of bedroom configuration and housing type of the market rate units in a development. ~~Additionally, the following formula shall be applied to determine the total number of required bedrooms in community housing units:~~

~~3. Multiply the number of community housing units required by 2.86, the average number of persons in a household, then,~~

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~~4. Divide the result by 1.5 (U.S. Department of Housing and Urban Development criteria of number of persons per bedroom). The resulting number is the required number of bedrooms that must be dispersed among the required community housing units, while also providing a mix of bedroom configurations that closely mirrors the market rate bedroom mix in the development.~~ For example, if the market rate development has three bedroom units equal to 50% of the total market rate units, then the community housing units shall also have an equivalent 50% of the community housing units as three bedroom units.

~~5. Any fractional bedroom requirement resulting from the formula above shall be rounded up to the next highest number.~~

F. Off-Site Housing Application Procedures

The priority for Glenwood Springs is to foster economic integration of community housing units by requiring that these units are dispersed throughout new developments. Therefore, a request to meet inclusionary housing requirements off-site shall only be allowed at the discretion of the governing body which has the authority to approve or deny the specific land use application that triggers the inclusionary housing requirement. ~~The development may provide up to 50% of the required mitigation through the restriction of existing units~~

1. **An application to satisfy inclusionary housing requirements off-site shall include the following:**

- a. A written explanation as to why the location of community housing units off-site is being requested and a narrative that details how the proposal meets the criterion in 2. of this section.

- b. A Housing Mitigation Plan meeting the requirements specified in *Part II Section B Housing Mitigation Plan* in these Guidelines.
2. **Criteria for consideration of a proposal to provide mitigation off-site will be based on the following:**
- a. A demonstration that the purposes of this program would be better served by construction of units off-site, i.e. greater affordability, higher percentage of inclusionary housing mitigation, higher quality of building materials, etc.
 - b. The off-site location is in close proximity to other existing residential uses to ensure a sense of neighborhood is fostered.
 - c. That there are zoning, environmental, geologic or other special hazards on the land development parcel generating the inclusionary housing requirement such that the development of community housing units off-site would better meet the intent of this program.
 - d. The location off-site for community housing units is clearly superior in terms of proximity to transit routes; or, is convenient to commercial service areas and/or employment centers and/or schools.
 - e. That evidence has been provided to verify the off-site location has received its development entitlements to ensure that housing units are available either prior to or concurrently with the market rate units that require housing mitigation.
 - f. That the developer has provided evidence that he/she owns the site or is contractually obligated to purchase the site where off-site community housing units will be located in order to ensure the units are developed concurrently with the market rate units.
 - g. That the proposal for community housing units off-site will not overly concentrate community housing units within a specific area of a development, community, or the City of Glenwood Springs as a whole.
 - h. That the community housing units off-site:

1. Will be constructed before or concurrently with the market rate units in the development prompting the inclusionary housing mitigation,
 2. Are not designated as community housing units to fulfill inclusionary requirements for a different development.
 3. Will be of equivalent value, quality and size to the market rate units in the development prompting the inclusionary housing requirements.
 4. Are not existing residential units.
 5. Meet all other requirements of these guidelines relative to sales prices, size, quality, percentage of homeowner's assessments relative to market rate units at the off-site location.
3. In granting approval of an off-site housing proposal, the governing body shall have the authority to impose conditions above and beyond the requirements of these Guidelines including, by way of example only, any of the following:
- a. A higher percentage of mitigation than the 20% RO and 10% affordable mitigation rate specified by Article 070.045 of the Glenwood Springs Municipal Code.
 - b. A requirement that the Community Housing units be set with sales prices targeted to a lower income group than specified by these Guidelines, i.e. to households earning 80% or less of Area Median Income.
 - c. Increased amenities for the community housing units which may include higher grade interior and exterior finishes, garages, balconies, decks, open space areas, energy saving construction, and similar improvements.

G. Mitigation for Residential Lot Subdivisions

For those developments of vacant land where new lots are to be created, but the developer does not intend to develop housing units, i.e. subdivisions, the developer may satisfy his or her inclusionary requirement by dedicating the calculated 20% of required lots to the City or its designated agent. Lots so provided shall meet the requirements of Title 070 of the Glenwood Springs Municipal Code and shall be located on-site within the primary development. Each lot shall have sufficient area devoid of environmental or other constraints to allow construction of

a residential unit thereupon. All public infrastructure improvements to support development of the lot(s) with residential units shall be in place prior to conveyance of the lot to the City, or sufficient security in accordance with the requirements of Title 070 of the Glenwood Springs Municipal Code shall be provided. Lots dedicated for community housing shall have no encumbrances. Homeowners' association fees for community housing lots shall be based on the formula for lots outlined in *Part II Section I Home Owners Associations*.

Dedication of lots to fulfill inclusionary housing requirements shall occur at the same time as plat recordation. The City, or its designated agency, shall assume responsibility for the development of community housing units on lots that have been dedicated to fulfill inclusionary housing requirements.

H. Dedication of Land In-Lieu

Under certain conditions and requirements, at the sole discretion of the governing body authorizing approval of a specific land use development subject to inclusionary housing requirements, a developer may satisfy his or her inclusionary requirements by the conveyance of vacant land within the city that is not part and parcel of the proposed development or subdivision parcel that prompts the inclusionary housing mitigation.

Dedication of land in-lieu of developing community housing units, shall be subject to the review and recommendation of the City's Community Development Director (Director) to the governing body. The review shall be for purposes of a determination of the land's suitability and value. At a minimum, the proposal shall contain the following information based upon site specific review and analysis prepared at the developer's expense:

1. Likely number of affordable housing units that could be accommodated on the land parcel.
2. Zoning requirements for residential use.
3. Availability of public infrastructure to the site, i.e. access, legal and adequate water supply, capacity for adequate wastewater treatments facilities.
4. Disclosure of known hazards or special encumbrances limiting development.
5. Proximity to existing services and amenities.
6. An appraisal of the land prepared by an independent appraiser.
7. Overall compliance with the standards set forth in the Housing Guidelines.

I. Home Owners Association

The developer shall make reasonable efforts to minimize homeowners and condominium association (hereinafter referred to as HOA) dues for community housing units. HOA dues can significantly impact affordability.

Any documents creating a condominium or homeowners association shall state that the Community Housing units shall only be assessed monthly dues and other shared assessments based on whichever of the following two formulas results in the lower cost of assessment for the community housing unit:

1. The size of the individual community housing unit in square feet compared to the average size of the market rate units in the development. For example, if a community housing unit's size is 60% of the size (in square feet) of the average size of all other market rate units offered in the development, then the home owner's association dues for the community housing unit would be 60% of the average assessment of all market rate units. To easily compute this, the square footage of the community housing unit would be calculated as a percentage of the average square footage of the market rate housing.

Example – Computation Based on Square Footage

	Market Rate Unit	Community Housing Unit
Average Square Feet	1,500	850
% of Market Rate Unit Size	100%	57%
HOA Dues	\$175	\$99

2. The size of the lot on which the community housing unit is located as compared to the average size of other lots in the development. For example, if the average lot size of market rate housing is 10,000 square feet and the average size of a lot for a community housing unit is 6,500 square feet, then the community housing unit would pay 65% of the HOA Dues on a monthly basis.

Example- Computation Based on Lot Size

Market	Community
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	Rate	Housing
Average Lot Size	10,000	6,500
% of Market Rate Unit Size	10%	65%
HOA Dues	\$ 175	\$ 114

In order to comply with this provision, the developer must include these calculations in the Housing Mitigation Plan. If neither of the two proration formulas noted above produces a lower monthly fee for the community housing units, then the monthly homeowner's fee assessment shall be 75% of market rate homeowners fee assessments.

Special assessments for community housing units shall be 75% of market rate homeowners special assessments.

Upon final project approval, the developer will provide the final average unit sizes and lot sizes to the Administrator. Lastly, a copy of the Homeowners documents including, Declarations and Covenants, Articles of Incorporation, Bylaws, and Association Rules and Regulations must be given to the Administrator at least 30 days prior to adoption for review. HOA documents must be reviewed and approved prior to issuance of a Development Permit/Agreement, Subdivision Agreement, or recordation of any subdivision or condominium plat.

J. Unit Quality

Community housing units are an asset that the City of Glenwood Springs hopes to have available for years to come. Because of this, the quality of the housing is very important. It is expected that all community housing design will address livability, maintenance, health, safety concerns, climate, lifestyle, and the needs of the types of household the units are intended to serve. Amenities add to the livability of a unit; however, costly amenities are strongly discouraged. Energy efficient design, construction, appliances and heating systems are encouraged so that the long-term affordability of community housing is enhanced. Structured parking is encouraged, as are balconies, decks and small yards to enhance livability.

Community housing units shall comply with all local codes. If market rate units include features such as kitchen cabinets, countertops and dishwashers, disposals, air conditioning and energy efficient windows, it is expected that the community housing units will contain similar features. Prior to rental at the beginning of each lease, a community housing rental unit must be inspected and approved by a certified building inspector, architect or engineer approved by the Administrator for compliance with the Guidelines. Cost of such inspections shall be the

responsibility of the applicant, and the results of such inspection must be approved by the City.

The following features are considered standard features that must be included in a community housing unit and for which the developer shall not charge extra:

- Kitchen range/oven
- Kitchen refrigerator
- Dishwasher
- Hook-ups for clothes washer and dryer
- Central heating system

The Administrator will review the plans for the units to assure that there are similarities between the market rate and community housing units and inspect them upon completion to assure all promised features are included in the units.

K. Incentive and Fee Waivers

1. Incentives and fee waivers for developments with inclusionary housing are stated in 070.045.080
2. Incentives for community housing units – The City of Glenwood Springs is interested in promoting more affordable housing; therefore, any residential or mixed use development proposing to create one or more residential units that provide community housing units may be entitled to incentives as outlined in Section 070.045 of the Glenwood Springs Municipal Code.
 - a. Density Bonus. As part of any new residential or mixed-use development, the City may offer a density bonus.
 - i. Developments proposed in Residential Zones shall be limited to one additional unit then the zoning would otherwise allow.
 - b. Site Design Flexibility. Provided that the housing goals and eligibility requirements are met and provided that the intents and purposes of this Title are not compromised, the City may consider flexible application of design standards including, but not limited to minimum lot size, building height, lot coverage, impervious coverage, setbacks and landscaping. Parking requirements shall not be included for flexibility consideration.

- i. Building height flexibility is limited to granting one additional floor no greater than twelve (12) feet in height.
- ii. In reviewing a site design flexibility application the approving body shall find that the request meets all of the following criteria, as included in of Section 070.060.070(a) of the Municipal Code;
 - 1. The flexibility request does not harm the public health, safety, or welfare; and
 - 2. The flexibility requested is in general conformance with the Comprehensive Plan and with the stated purpose and intent of the Code including the specific regulation for which the flexibility is sought; and
 - 3. The flexibility requested will not violate building or fire code requirements.
- c. Public-Private Partnerships. The City may participate in, or facilitate participation with other governmental entities regarding financing or purchasing of Community Housing units directly from the applicant or by other means of subsidy or participation.
- d. Tax Rebate or Reduction. The City Council may at its sole discretion waive, reduce or rebate property, construction use, or other tax applicable to the project.

L. Deed Restrictions

In order to ensure that there is an on-going supply of affordable housing in Glenwood Springs, all community housing units will carry a re-sale or rental deed restriction or other form of covenant that guides the future sales or rental of these homes. The deed restriction will be provided by the Administrator and will be executed by the developer. The deed restriction will be returned to the Administrator for recording. A copy of the recorded deed restriction shall be provided to the Developer and purchaser of a community housing unit.

The deed restriction will set a limit on annual appreciation of 3% simple interest plus the cost of permitted capital improvements. The maximum re-sale price shall be no more than 3% simple interest, plus the cost of permitted capital improvements. The maximum resale price will be determined by the GCHA in accordance with these Guidelines.

Future buyers will be bound by the terms of the deed restriction. It is possible that a future buyer or those who purchase a Community Housing unit from an owner-occupant (re-sale of a unit) will agree to a revised form of deed restriction or covenant, as the City of Glenwood Springs' requirements governing future sales may be adjusted periodically to meet the interests of the community and/or lender requirements.

M. Schedule for Community Housing Units

Developers are required to provide community housing units prior to or concurrently with the production of market rate housing. The phasing schedule for community housing units is required as part of the Housing Mitigation Plan. Prior to receiving a building permit for either market rate units or community housing units, the developer must provide the Administrator with an updated construction schedule that clearly delineates the start and completion dates of all units within the development. The Administrator will notify the Glenwood Springs Building Department that a schedule has been provided and found to be acceptable prior to a building permit being released for the development, or a particular phase of a development.

N. Initial Sale of a Community Housing Unit(s)

Developer's Responsibilities – Several steps are involved in the initial sale of community housing units.

- a. The developer must work in cooperation with the Administrator to complete the sale(s) to a qualified applicant. The developer is strongly urged to authorize his/her real estate agent to act as a transaction broker for sale of the community housing unit(s). The Administrator may choose to contract with a real estate agent to represent buyers of the community housing units, but is not required to provide this service. Nonetheless, buyers will need assistance completing the purchase process and the developer will be best served by making available his/her agent.
- b. The developer is required to provide the Administrator with a marketing packet at least 130 days prior to the estimated completion date of each community housing unit. The 130 day time frame is necessary to accommodate the process for marketing the community housing unit, advertising the lottery, qualifying potential buyers for compliance with the program Guidelines, the lottery, financing and closing. The Administrator may approve a different schedule or time frame

to compete the sale of the community housing unit(s) or development. The schedule below is representative of the steps necessary to culminate the sale of a community housing unit.

Closing date established concurrent with issuance of final Certificate of Occupancy.

30 days prior to closing date, purchase contract is executed.

37 days prior to closing date, lottery is held to select prospective purchaser.

Approximately 120 days prior to closing, advertising of lottery is commenced.

Approximately 130 days prior to closing, marketing packet is submitted to the Administrator.

The marketing packet provided by the Developer shall include all information required in the Housing Mitigation Plan as noted in *Part II Section B. Housing Mitigation Plan*, as well as a production schedule for market rate and community housing units, which includes construction start dates and estimated completion dates. The schedule must indicate when pre-marketing activities will begin and when a model may be available. The marketing packet shall be provided to the Administrator in an electronic format. The marketing packet shall also include the following for the community housing unit(s) which are to be sold

1. Unit type(s),
2. Bedroom configuration(s)
3. Square footage(s)
4. Address,
5. Income category
6. Exterior and interior finish information.
7. Year, make and model of appliances included with the unit.
8. Estimate of homeowner's association dues for community housing units per the calculation formula in *Part II Section I. Home Owners Associations*.
9. Copies of homeowners association documents, covenants, conditions and restrictions and any other pertinent documents.

- c. The developer is required to prepare listings, sales contracts, extensions to contracts, and closing documents, and undertake all actions necessary to consummate the sale, or the developer shall contract with a licensed real estate broker to complete these actions.
- d. The developer is required to hold at least one open house during the marketing period prior to the lottery, at a time convenient to the general public, preferably a weekend day. The open house may be held at a model unit or other completed unit, similar in design. The date for the open house shall be coordinated with the Administrator.
- e. Within 48 hours of the lottery and selection of a potential purchaser, the Developer shall provide to the prospective purchaser and the Administrator the purchase contract for the community housing unit. The potential purchaser shall have seven (7) days to execute the purchase contract.
- f. The Developer will be required to conduct a walk-through of the community housing unit with the prospective purchaser a minimum of 72 hours prior to the closing date specified in the purchase contract.
- g. The Developer shall contact the Administrator one week prior to the closing date specified in the purchase contract to advise the Administrator as to the location, date, and time of the closing.
- h. The Developer shall provide a copy of the Deed Restriction, closing settlement sheets and signed Memorandum of Acknowledgement executed by the buyer to the Administrator within 7 days of closing. Within thirty (30) days of closing, copies of these documents with recording information shall be provided to the Administrator.

Administrator's Responsibilities – It shall be clearly understood by and between parties to a sales transaction that the Administrator is not acting as a licensed broker to

the transaction, but as a representative of the City of Glenwood Springs and its interests.

- a. All purchasers and sellers are advised to consult legal counsel regarding examination of the title and all of the contracts, agreements, and title documents.

The retention of counsel, licensed real estate brokers, or such related services shall be at the purchaser's and seller's own expense. The fees paid to the City are to be paid regardless of any actions or services that the purchaser or seller may undertake or acquire.

- b. All purchasers and sellers will be treated fairly and impartially. Questions will be answered and help will be provided equally to purchasers and sellers in accordance with the current Guidelines.
- c. The Administrator shall attempt to help both parties to consummate a fair and equitable sale in compliance with the current Guidelines.
- d. The Administrator will begin a good faith marketing effort to attract buyers who qualify under the Guidelines of the program approximately 120 days prior to the estimated date of a Certificate of Occupancy for the community housing unit. Marketing activities may include advertising through the City's website and local newspapers, and distribution of the marketing packet to prospective buyers, employees and other agencies located within the City. This information will include the date(s) for the lottery, application requirements and deadline, and the process by which a prospective buyer may be entered into a particular lottery;
- e. A copy of the deed restriction or covenant for the specific community housing unit will be provided to potential buyers.
- f. The Administrator will conduct a lottery for prospective purchasers that qualify under the Guidelines of the program. The lottery will be

held approximately 40 days prior to the estimated completion date of the community housing unit. The Administrator will make reasonable attempts to notify buyers within 48 hours after the lottery that they are the successful bidder. Within two (2) days of the lottery, the successful bidder will be provided a contract to purchase and the deed restriction or covenant outlining the terms of ownership and re-sale of the community housing unit. The purchase contract must be executed within 7 days of the lottery. Buyers will be instructed to contact legal counsel prior to consummating the purchase contract.

ELIGIBILITY, OWNERSHIP AND RE-SALE OF COMMUNITY HOUSING UNITS.

A. Eligibility

Eligibility for community housing will be made without regard to race, color, creed, religion, sex, handicap, national origin, familial status or marital status. In order to be eligible to purchase a home under this program, an applicant must have one member who is a "full-time employee" as defined in these guidelines, working for an employer with its principal office located within one of the priority areas or as identified in the local employment exemptions.

1. **Priority of applicant** – The intended goal of the City's inclusionary housing program is first and foremost to house those employees that are vital to employers located within the corporate limits of the city, which employers generally pay property taxes, sales taxes and licensing fees that support city services. For this reason, employees that are eligible for community housing per the definitions of the guidelines who are employed in priority category one, as defined in these guidelines, shall have a higher priority in any housing lottery than those employees in priority category two. Employees in priority two shall have a higher priority than those applicants in priority area three. As stated in the definitions in these guidelines, the three priority areas for community housing are as follows:
 - a. **Priority area one** – employees working for an employer with a physical address within the corporate city limits of Glenwood Springs or an employee who is self-employed within the corporate city limits of Glenwood Springs.
 - b. **Priority area two** – employees working for an employer whose physical address is located within the 81601 zip code, or an employee who is self-employed within the same area.
 - c. **Priority area three** – employees working for an employer within a thirty (30) mile radius of the corporate city limits.
2. **Self-employed individuals** – Self-employed individuals are as defined in these guidelines. Self-employed individuals must demonstrate full-time employment, i.e. physically working a minimum of 1,500 hours per calendar year in one of the priority areas, as defined in these guidelines, an average of 35 hours a week, 10 months of a year; or 32 hours a week, 11 months of the

year. Full-time employment for qualification purposes shall not include minimum hours accumulated in various priority areas.

B. Application and Certification

For Purchase Applicants

An applicant seeking to purchase a community housing unit must apply to the Garfield County Housing Authority (GCHA) to receive a certification letter stating they are eligible to purchase a unit under the current Guidelines. The following information is representative of what will be required; however, the GCHA may make specific changes for each community housing unit lottery:

- A completed application form,
- Copies of federal and state income tax returns for the previous two years;
- W-2 forms for verification of employment or an offer of employment;
- Copies of pay check stubs for the previous three months;
- For self-employed individuals, Schedule C of tax returns, copies of 1099s and W-2s, current business license, profit and loss statements and other documents as required from the Administrator to determine that employment is within the corporate limits of Glenwood Springs or another of the allowed priority areas, whichever priority category the applicant is applying under.
- A current statement from all financial assets indicating the current balance, interest rate or annual dividend, a bank verification of all savings accounts;
- Copy of a driver's license and social security card or other identification documents as necessary to verify that all adult family members are legally residing in the United States; and
- Copy of a letter from an institutional lender, as defined in these Guidelines, of the applicant's choice demonstrating that the applicant has been pre-qualified for a specific loan amount and is financially able to purchase the unit on their own. Applicants are encouraged to investigate sources of financing prior to submitting an application to be entered into a specific lottery. Names of institutional lenders can be obtained from the Garfield County Housing Authority.
- Picture identification.
- Divorce Decree or Separation Agreement including alimony and child support. A copy must indicate that the decree or agreement has been entered into the record with all exhibits and supplements attached.

Following submittal of the above, the information will be reviewed by the GCHA. All information is confidential. The applicant will receive certification that they are eligible to participate in the lottery that will be held for any of the community housing units to be sold under this program, provided the lottery is held within the time period that the pre-qualification letter from the lender is valid. It is the responsibility of the applicant to notify the GCHA when they wish to be entered into a specific lottery.

Rental Applicants

An applicant seeking to rent a community housing unit must apply to the Garfield County Housing Authority (GCHA) to receive a certification letter stating they are eligible under the current Guidelines. The following information is representative of what will be required; however, the GCHA may make specific changes for each community housing unit:

- A completed application form,
- W-2 forms for verification of employment or an offer of employment;
- Copies of pay check stubs for the previous three months;
- For self-employed individuals, Schedule C of tax returns, copies of 1099s and W-2s, current business license, profit and loss statements and other documents as required from the Administrator to determine that employment is within the corporate limits of Glenwood Springs or another of the allowed priority areas, whichever priority category the applicant is applying under.
- Copy of a driver's license and social security card or other identification documents as necessary to verify that all adult family members are legally residing in the United States; and
- Picture identification.

C. Limits on Owning Other Real Estate

For purchase applicants, and may not own other developed real estate or a mobile home in the city or within a 50 mile radius of the city at the time of application for purchase of a community housing unit. If property is owned within this area, the person with the ownership interest must list the property for sale simultaneous with closing on the community housing unit, while still demonstrating compliance with the asset/income limits as set forth in *Part III Section E. Maximum Income and Assets Guidelines*. The owner shall provide the Administrator with a copy of the appraisal of the property to verify the asset and a copy of the sales contract prior to culmination of the purchase of the community housing unit. Upon the sale of the other property, a copy of the closing

documents verifying the sold price must be provided to the Administrator. If the property is not sold by the time of closing on the community housing unit, it must remain listed until sold. The owner has 180 days to sell the free-market unit. After this time period, if the property has not sold, the owner must list and sell the community housing unit according to their deed restriction.

If vacant land is owned at the time of purchase of the community housing unit, the land must remain unimproved. The value of this asset must be included in the total assets for qualification purposes. If the land is improved with a residence after purchase and occupancy of the community housing unit, the owner of the community housing unit must list the community housing unit for sale in accordance with the deed restriction within 90 days of the issuance of a Certificate of Occupancy for the unit constructed on the vacant land.

Any other owned real estate shall be included in the assets that are verified for qualification purposes.

D. Lottery

1. **Administrator's duties** – A lottery will be held for for-purchase community housing units, unless, at the discretion of the City, it is determined that a lottery is not in the best interests of those households seeking to purchase a community housing unit. The City will decide whether or not a lottery will be held at least 120 days prior to the date the developer proposes that units will be issued a Certificate of Occupancy. Owners, other than the initial developer of community housing units that are to be re-sold, shall follow the procedures for re-sale *in Part III Section J. Resale of a Community Housing Unit*.

The Administrator will advertise the lottery generally 30-60 days prior to the date that the lottery will be held. Sources of information about prospective lotteries will include, but not be limited to local newspapers and the City's official web site. The information contained in advertising the lottery shall be at the discretion of the Administrator, but will generally include a description, sales price and income maximums for households, as well as contact information for applications.

2. **Purchaser's obligations** – An applicant that wishes to enter a lottery must first have received a letter of qualification following approval of their application from the Garfield County Housing Authority (GCHA). An applicant that was previously qualified for a

different lottery must contact GCHA to verify whether a new application is required. Generally, the application and approval process will require the submission of an application package as described in *Part II Section B* above a minimum of five (5) days in advance of any advertised lottery. An applicant should also be aware of the following with respect to entering a specific lottery:

- a. Households with incomes below the maximum income range set for a specific unit per *Part III Section E Maximum Income and Assets Guidelines*, may ask to be placed into the lottery for that unit if they are able to qualify for a mortgage that would support purchasing a higher priced unit; however, households with incomes that exceed the maximum range may not bid on lower priced units. For example, a household earning 80% of the AMI may bid on a unit priced in Category 2 if they have a letter indicating that they can qualify for a higher mortgage and have sufficient funds available for a down payment. However, a household earning income that falls within Category 2, but which exceeds the maximum income in Category 1, is not eligible to purchase a home listed with a sales price in Category 1.
- b. All required documentation submitted to verify household income shall be kept confidential and is not subject to public disclosure.
- c. At the closing, a Memorandum of Acknowledgement, of the deed restriction or covenant shall be executed by the buyer and will be recorded.

e.d. Purchaser shall complete a home buyer education course as approved by the Administrator.

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E. Maximum Income and Assets Guidelines

1. Community housing units provided through this program will be priced to income categories as outlined in *Part II Section C. Initial Sales Price*.

2. The maximum gross household net assets for each income category shall be \$150,000. Maximum net assets do not apply to rental units.

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2-3. R.O. is a category for resident-owner occupied Community Housing Sale Units, deed restricted to require the owner to live in the unit as the sole place of residence. There is no (1) income limit, (2) asset limit, (3) appreciation cap, or (4) sales price restriction. Priority will be given to qualified persons who have been employed within the City of

Glenwood Springs boundaries or meet employment exemptions as included in Section I Item C.

The Administrator shall have the authority to change the maximum incomes annually upon publication of new area median income figures from the Department of Housing and Urban Development (HUD).

F. Financing Options, Co-ownership and Co-signing

Any applicant who is selected to purchase a community housing unit is responsible for selection of their preferred financing option. However, the City or Administrator may require that financing be obtained from an institutional lender, a bank, a savings and loan association, or other lender which is licensed to engage in the business of providing purchase money mortgage financing on residential real property. In addition, any financing used to purchase a community housing unit must be a conventional or portfolio program that offers fixed or intermediate variable rate terms designed for entry level buyers (FLEX, My Community Mortgage, 5/1, 7/1, etc.) Sub-prime and non-conforming products are not permitted. Financing more than 100% of the sales price is not permitted.

Any co-ownership interest, other than joint tenancy or tenancy in common, must be approved by the Administrator, based on whether the tenants qualify for affordable housing under these Guidelines. Co-signers may be approved for ownership of the affordable housing unit, but shall not occupy the unit, unless they are a qualified buyer under these Guidelines. For example, a single person may have a sibling co-sign a loan. The sibling may only live in the unit if they are qualified under the program.

Purchasers of a community housing unit who desire to purchase a home and use a co-signer must earn at least 75% of the income needed to qualify for the purchase of the unit.

G. Occupancy

The purchaser or renter of a community housing unit must occupy the unit as his or her primary residence. Owners of community housing units will be required to certify occupancy in compliance with the housing guidelines annually.

Occupancy of the unit for fewer than 9 months out of 12 months shall deem an owner/occupant ineligible to continue to occupy the unit unless a leave of absence has been approved as outlined in *Part III Section H. Leave of Absence*.

H. Leave of Absence

If an owner must leave Glenwood Springs for a limited period of time and desires to rent the unit during their absence, a leave of absence may be granted by the City for up to one year. The owner must submit a request to rent the unit at least 30 days prior to when the owner plans to leave the area. The request shall include the reason(s) for the leave of absence, expected duration, and the intent of the owner to rent the unit. A leave of absence for more than one year may be approved; however, such leave of absence may not extend for longer than two years, except for owners called to active military duty.

The rent that may be charged shall not exceed the owner's monthly mortgage, homeowner's association dues, utilities remaining in the owner's name, taxes and insurance, and private mortgage insurance not included in the monthly mortgage amount and land lease costs, if any. An additional \$20 per month may be included in the total monthly rent. The owner may impose a security deposit and damage deposit at the time a lease is executed; however, the combination of security deposit and damage deposit may not exceed 1.5 times the monthly rent.

The owner shall rent to an employee and/or resident of one of the priority areas, who must also meet the eligibility and income provisions in the Community Housing Guidelines. The tenant must complete an application form, subject to the review and approval of the Administrator, to certify eligibility and agree to abide by the Homeowner's Association, Covenants, Rules and Regulations for the unit. Both the owner and tenant must sign a statement indicating that the covenants have been provided to the tenant and the tenant has received and reviewed the covenants. In addition, a copy of the lease agreement executed between the owner and tenant shall be provided to the Administrator.

I. Improvements

The City of Glenwood Springs wants to encourage maintenance of community housing units in good condition over time, while also ensuring there will be on-going affordable housing for future Glenwood Springs' employees.

Permitted capital improvements must be improvements or fixtures erected, installed or attached as permanent, functional, non-decorative improvements to real property, excluding repair, replacement and or maintenance improvements, except as specified below. Owners of community housing units are strongly encouraged to verify that improvements they wish to make are allowed under these Guidelines. In addition to verifying that the improvements are permitted under the Guidelines, owners should verify with the City of Glenwood Springs as

to whether a building permit will be required for the improvements. Value will only be given for the following “eligible” property improvements by the Administrator:

- a. Improvements or fixtures erected, installed or attached as permanent, functional, non-decorative improvements to real property, excluding repair, replacements and/or maintenance improvements.
 - b. Improvement for energy and water conservation.
 - c. Improvement for the benefit of seniors and/or handicapped persons.
 - d. Improvements for health and safety protection devices.
 - e. Improvements to add and/or finish permanent/finished storage space.
 - f. Improvement to finish unfinished space.
 - g. Garages.
 - h. The cost of adding decks and any extension thereto.
 - i. Permanent landscaping.
 - j. Repairs or replacements related to structural, major mechanical or roofing deficiencies after any applicable warranty period is expired.
1. Permanent capital improvements made to community housing units which are not allowed to be used as the basis for an increase in re-sale prices are as follows:
- a. Upgrades or replacement of appliances, plumbing and mechanical fixtures, carpets and other similar items included as part of the original construction of the unit.
 - b. Improvements required to repair, replace, and maintain existing fixtures, appliances, plumbing and mechanical fixtures, painting, carpeting and other similar items.
 - c. Upgrades or addition of decorative items, including lights, window coverings, floor coverings and other similar items.
 - d. Jacuzzis, spas, saunas, steam showers and other similar items.

Nothing in the deed restriction prohibits other improvements to the community housing unit; however, credit towards the resale price of the unit will only be provided for **approved** “eligible capital improvements.”

J. Re-sale of a Community Housing Unit

1. Community housing units shall have a deed restriction or covenant carried with the title which restricts future sale of the community housing unit to individuals qualified by the Administrator under the guidelines of the program.

2. Unless otherwise required in the deed restriction, listing for re-sale of a community housing unit shall be with the Administrator, or its authorized agent. The re-sale process of a community housing unit shall begin with a meeting between the owner and the Administrator to review the deed restriction and to determine the allowed sales price. The sales price shall be fixed at the time of notification in writing by the owner of his/her desire to sell. Any owner of a community housing unit who intends to sell their home shall contact the Administrator as early in the process as is possible; however, at a minimum, notification of the intention to re-sell shall be submitted in writing a minimum of 90 days in advance of their scheduled sale date. Owners should be aware that no guarantee can be made as to the time that is necessary to complete the re-sale of a community housing unit and that the 90-day advance time period is simply a guide for this process.

3. The maximum resale price of a community housing unit shall include the purchase price and 3% plus permitted capital improvements:

3% Formula:

$$.03 \times PP \div 12 \times \text{Number of Months Owned} + PP = \text{Base Resale Price} + \text{Permitted Capital Improvements} = \text{Maximum Sales Price}$$

4. At the discretion of the City of Glenwood Springs, a lottery may be held if it is determined that there are a number of qualified households who would purchase the unit and where a lottery would be in the best interest of the community. The GCHA, or a designee, will oversee the sale in accordance with the community housing guidelines in effect at the time of the listing. Owners should anticipate that the resale process may take up to 90 days from the time of initial contact with the Administrator. There shall be a minimum listing period of three months before the price of a community housing unit is adjusted. Any termination of the listing may require the payment of administrative and advertising costs by the homeowner. These fees are outlined further in this section.

5. These guidelines are intended to assure that all purchasers and all sellers will be treated fairly and equitably. Questions will be answered and help will be provided by the Administrator and/or GCHA to any potential purchasers or sellers in accordance with the current Guidelines. Listings, sales contracts, extensions to contracts and closing documents will be prepared and all actions necessary to consummate the sale shall be undertaken by the Administrator, GCHA or their representatives.

6. The Administrator and/or GCHA will be acting on behalf of the City of Glenwood Springs. It should be clearly understood by and between all parties to a sales transaction that the Administrator is not acting as licensed broker to the transaction, but as a representative of the City of Glenwood Springs. The Administrator shall, nevertheless, attempt to help both parties to consummate a fair and equitable sale in accordance with the current Community Housing Guidelines.

7. All purchasers and sellers are advised to consult legal counsel regarding examinations of the title and all contracts, agreements, and related documents. The retention of counsel, licensed real estate brokers, or such related services, shall be at the purchaser's or seller's own expense. The fees paid to the GCHA are to be paid regardless of any actions or services that the purchaser or seller may undertake or acquire on their own.

8. Sales and Other Fees

- a. Unless otherwise set forth in the deed restriction governing the community housing unit, at the closing of the sale, the seller will pay the Garfield County Housing Authority a sales fee equal to two percent (2%) of the sales price. Instructions may be provided to the Title Company to pay this fee out of funds held for the seller at closing.
- b. Unless otherwise specified in the deed restriction, the seller will pay a one-half percent (0.5%) fee at the time of the listing, which will be applied to the 2% fee that is required to be paid at closing. This fee will be used to cover costs incurred by the Garfield County Housing Authority in advertising the home for sale, qualifying potential buyers and related administrative expenses. In the event that the sale does not proceed for any reason after the listing has occurred, this portion of the fee will not be returned to the seller.

9. If a unit is listed for sale and the owner must relocate to another area prior to completing the sale, the unit may, upon approval of the City of Glenwood Springs, be rented to a qualified individual, at the owner's cost as described in *Part III Section H Leave of Absence*, for a maximum period of two years. A written request must be sent to the Administrator seeking permission to rent the unit until sold. All tenants must be qualified as described in *Part III Section G Occupancy*. The lease must stipulate that the community housing unit is listed for sale and that the tenant will be required to allow for showings of the property, with sufficient

notice. The lease must also stipulate that the agreement may be terminated after six months, with sixty days notice, due to the sale of the property.

K. Maintenance Standards for Maximum Re-Sale Value

It is the responsibility of the homeowner to maintain the community housing unit in good condition. The community housing unit shall be sold with the fixtures, appliances, and other inclusions which were included in the initial sale of the unit. The following are the minimum maintenance standards to receive full value upon re-sale. If the City or Administrator determines that the homeowner has failed to meet these standards, the City or Administrator may deduct replacement and/or repair costs from the sale proceeds for any of the following:

- a. Clean unit.
- b. Carpet steam-cleaned two or three days prior to closing. Normal wear and tear of carpeting is anticipated; however, if carpeting has holes, stains, etc., the carpet and padding shall be replaced, or funds shall be escrowed from the seller's proceeds at the closing. Escrowed funds will be based on current market value per square foot for a comparable product, for use by the new buyer.
- c. All scratches, holes, burn marks, etc., shall be repaired in floors and counter tops, etc.
- d. No broken or foggy windows.
- e. All screens shall be in windows, if originally provided.
- f. All windows and doors shall be in working order with no holes.
- g. All locks on windows and doors shall be in working order.
- h. All keys shall be provided, e.g. door, mail box, garage.
- i. All mechanical systems shall be in working order.
- j. Walls shall be paint ready, e.g. all holes patched, all nails removed.
- k. There shall be no leaks from plumbing fixtures.
- l. There shall be no roof leaks.
- m. Any safety hazard shall be remedied prior to closing.
- n. All light fixtures shall be in working order.

L. Refinancing Community Housing Units

A community housing owner that wishes to refinance their residence must contact the Administrator of the housing program to determine the value of the home relative to the applicable deed restriction for their unit. Owners may provide documentation for approved capital improvements made to the home. Owners may

not refinance for more than 100% of the value determined by the Administrator.

GRIEVANCE PROCEDURES

A grievance is any dispute that a unit owner, purchaser or developer may have with the City of Glenwood Springs, the program's designated administrator, or GCHA with respect to action or failure to act in accordance with the rights, duties, welfare or status of these persons or entities.

A. File Written Complaint.

Unit owners, purchasers, or developers that wish to file a grievance, must submit the grievance in writing so that it is received by the Director for the City of Glenwood Springs within ten (10) days of the alleged action complained about. The grievance shall contain the following information:

1. Grounds for the grievance.
2. Action requested.
3. Name, address, and phone number of complainant and similar information for the complainant's authorized representative.

B. Meet with Community Development Director.

Upon presentation of a written grievance, the Director shall meet with the complainant within seven (7) working days of receipt of the written grievance. Following the meeting, the Director shall provide a written decision on the grievance mailed within three (3) working days of meeting with the complainant.

C. Scheduling of Hearings for Grievances

1. If the issue that is the subject of the grievance is not resolved to the satisfaction of the complainant after a decision is rendered by the Director, the complainant shall have the option of scheduling a hearing before the City Council to consider the grievance. The request for the hearing shall be filed following the procedures in 070.060.070(c) Appeals.

D. Public Notice for Grievance Hearings

1. The Director shall be responsible for notice of a grievance hearing in accordance with Section 070.060.070(c) *Appeals* of the Glenwood Springs Municipal Code.

2. In preparation for the hearing, the Director shall provide:
 - a. The written grievance;
 - b. The factors affecting a successful resolution of the grievance;
 - c. Any documents provided by the complainant; and,
 - d. A recommended course of action.
3. The complainant has the right to be represented by counsel at the grievance hearing.
4. The City Council and the complainant shall have sufficient opportunity before the hearing to examine documents, records and regulations that are relevant to the grievance. Documents that are requested by the complainant shall be made available; however, the costs of copies and staff time associated in providing documents shall be borne by the complainant. Documents that have not been requested and made available prior to the hearing may not be relied on during the hearing.

E. Conduct of the Hearing

1. If the complainant fails to appear at the scheduled hearing, the City Council may make a determination to postpone the hearing or will make a determination based upon the written documentation and the evidence submitted.
2. Review of oral or documentary evidence shall not require strict compliance with the rules of evidence applicable to judicial hearings. However, the complainant may not present documents or new evidence at a hearing concerning eligibility, which have not been previously submitted and considered by the Administrator in reaching its decision of ineligibility.
3. The right to cross-examination shall be at the discretion of the City Council and may be regulated by the City Council as it deems necessary for a fair hearing.
4. Hearing record. The following documents shall constitute the Hearing Record:
 - a. Written complaint.
 - b. Written documents and evidence considered at the hearing.
 - c. Minutes of the meeting and record of decision.

F. Decision of City Council.

The Glenwood Springs City Council shall provide a written decision that includes the reasons for its determination. The decision of the City Council shall be final from which an appeal may be taken to court in accordance with the laws of the State. The Administrator shall take all actions necessary to carry out the decision of the City Council.

1. If a determination is made of ineligibility for a lottery, and the hearing of a grievance cannot be scheduled before the lottery takes place, the complainant's name may be placed in the appropriate category for the lottery. If the complainant's name is chosen, then the closing will be postponed until the City Council can make a decision on the eligibility of the complainant.
2. All persons submitting an application for eligibility to purchase a community housing unit will sign an agreement stating that if they are found ineligible and the decision is later overturned by court action, their sole remedy will be entry in the lottery for the next available community housing unit in the event that the community housing unit originally applied for has been sold.

PERIODIC REVIEW OF HOUSING GUIDELINES

The Guidelines set forth herein shall be reviewed periodically by the Administrator and the City of Glenwood Springs. Except where otherwise noted in the Guidelines, the Guidelines shall be approved by resolution of the City Council of Glenwood Springs.

DEFINITIONS

The terms, phrases, words and clauses in the Community Housing Guidelines shall have the meaning assigned below. Any term, phrases, words or clauses not defined herein shall have the meanings as defined in the Glenwood Springs Municipal Code (GSMC). Any terms, phrases or words not defined in the Code shall have the meaning assigned in Webster's Third New International Dictionary, 1993, Unabridged.

Administrator shall mean an individual designated by the City of Glenwood Springs, be it staff or an outside agency, to administer the City of Glenwood Springs Housing program.

AMI shall mean the median household income estimates and program income limits compiled and released annually for Garfield County by the United States Department of Housing and Urban Development (HUD)..

Assets shall mean household assets excluding financial retirement plans qualified under the Internal Revenue Service and including real and personal property stocks, and any interest in an estate. Net assets are gross assets minus liabilities.

Bedroom shall mean a room to be used for sleeping purposes that meets applicable International Building Code requirements.

Capital improvement shall mean any fixture erected as a permanent improvement to real property excluding repair, replacement, and maintenance costs, unless otherwise defined in the Deed Restriction governing the community housing unit.

Category shall mean income limits or sales prices as determined by the Guidelines according to household income and net assets.

City Council shall mean the Glenwood Springs City Council.

Director shall mean the Director of the Community Development Department for the City of Glenwood Springs.

Community housing or Community Housing Unit– A Residential dwelling unit within the City of Glenwood Springs that is deed restricted in accordance with this Article and the City of Glenwood Springs's Community Housing Requirements and Guidelines, as approved and amended from time to time by resolution by the City Council, and in

accordance with a deed restriction approved by the City of Glenwood Springs City Council or its designee..

Community Housing Guidelines (the Guidelines) shall mean the document that contains the procedures and guidelines for complying with Article 070.130 of the City of Glenwood Springs Municipal Code.

Community housing for sale unit means a community housing unit that is deed-restricted in accordance with this Article and the City of Glenwood Springs's Community Housing Requirements and Guidelines, as approved and amended from time to time by resolution by the City Council, and in accordance with a deed restrictions approved by the City of Glenwood Springs City Council or its designee to establish maximum initial sales and resale prices, as well as residency, employment and income qualifications for owners and occupants.

Community housing rental unit means a community housing unit that is deed-restricted in accordance with this Article and the City of Glenwood Springs's Community Housing Requirements and Guidelines, as approved and amended from time to time by resolution by the City Council, and in accordance with deed restrictions approved by the City of Glenwood Springs City Council or its designee, to establish a maximum rental prices, as well as residency, employment and income qualifications for owners and occupants.

Complainant shall mean a party who files a grievance relative to the administration of the Glenwood Springs Housing Guidelines.

Co-signer shall mean a joint signatory of a promissory note who shall not occupy the community housing unit unless qualified by the Administrator.

Consumer Price Index (CPI) shall mean, for purposes of these guidelines and the deed restriction, the Consumer price Index – West Region, Consumer Price Index, Urban Wage Earners and Clerical Workers (CPI-W) (1982-84+100), not seasonally adjusted, published by the U. S. Department of Labor, Bureau of Labor Statistics.

Covenant shall mean an agreement, convention, or promise of two or more parties by deed in writing, signed and delivered, by which either of the parties pledges himself to the other that something is either done, shall be done, shall not be done, or stipulated for the truth of certain facts.

Deed Restriction shall mean an enduring covenant placed on units or lots that identifies the conditions of ownership and occupancy of the units or lots to eligible households, and may control the prices of for sale units, initially and/or upon resale.

Dependent shall mean a minor child (21 years of age or younger) or other relative of the owner of a community housing unit, which child or relative is taken and listed as a dependent for federal income tax purposes by such owner, or his or her present or former spouse. (Dependents must also be related by blood or adoption and must reside with the owner at least six months and one day, 181 days, out of every 12 month period.)

Developer shall mean any person or persons engaged in the division of a parcel of land into two (2) or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; any mining, logging excavation, landfill or land disturbance; or any use or extension of use that alters the character of the property.

Development shall mean the division of a parcel of land into two or more parcels; the construction; reconstruction; conversion; structural alteration, relocation or enlargement of any structure; any mining, logging excavation, landfill or land disturbance; or any use or extension of use that alters the character of the property.

Development Plan shall mean the entire plan to construct or place one or more dwelling units on a particular parcel or contiguous parcels of land within the city including, without limitation a planned unit development, site review or subdivision approval.

Disabled Person shall mean a person who meets the definition of "individual with a disability" contained in 29 U.S.C. Section 706(8), or as defined in the Americans with Disabilities Act of 1990.

Dwelling Unit shall mean a single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, cooking and sanitation.

Dwelling, Two Family means one (1) building on one (1) lot designed to be occupied by two (2) families living independently of each other.

Employee Dwelling Unit (EDU) shall mean a community housing unit that meets the following criteria:

- Located within or attached to a non-residential development, but has a separate entrance from the non-residential portion of the development;
- Not accessed from another residential dwelling.
- Detached from the non-residential development but located on the same lot, parcel or subdivision; or,

- Located at an approved site at a different location than the site of the employment generation.

Employer shall mean an individual, entity or business whose physical address is located within one of the priority areas, as priority areas one, two and three are defined in these definitions. If an employer is not physically based in one of the priority areas, the employee must be able to verify that they work in one of the priority areas for individuals, businesses or institutional operations a minimum of 1500 hours per calendar year.

Existing unit shall mean a dwelling unit located within the city, which has received development entitlements, is under construction, or which was completed prior to the development which requires inclusionary housing mitigation.

Fannie Mae (FNMA) – Federal National Mortgage Association, a quasi-governmental agency that purchases mortgage loans in the secondary loan market.

Full-time Employee shall mean a person who is employed on the basis of a minimum of 1,500 hours worked per calendar year, physically working in either priority area one or two (as defined herein), an average of 35 hours a week, 10 months of a year; 32 hours a week, 11 months of the year; and, who resides in the unit a minimum of 9 months out of the year; or a retired person who had been a full-time employee in a specific priority area for a minimum of four years immediately prior to his or her retirement; or a disabled person who had been a full-time employee in a specific priority area for a minimum of two years immediately prior to their disability; or the spouse of any such qualified employee, retired person, or disabled person.

Garfield County Area Median Income see AMI in these definitions.

Grievance shall mean any dispute that a community housing unit owner, purchaser, or developer may have with the City of Glenwood Springs or the housing program's Administrator, or Garfield County Housing Authority, with respect to action or failure to act in accordance with the rights, duties and welfare or status of these persons or entities.

Gross Household Income shall mean the combined gross income of all individuals who will occupy the unit regardless of legal status or relationship to the owner and which income earned or received includes income derived from employment, business, trust or other income producing assets including wage, alimony and child support, and distributions before deductions for expenses, depreciation, taxes and similar allowances.

Guidelines shall mean the document that contains the procedure and guidelines for administration and compliance with the requirements of Article 070.130 of the Municipal Code of the City of Glenwood Springs, as amended from time to time.

Household shall mean all individuals who will be occupying the community housing unit regardless of legal status or familial status.

Household Income shall mean the combined gross income of all non-dependent individuals who will be occupying the unit regardless of marital status.

Housing Mitigation Plan shall mean a plan which sets forth the means by which a developer will comply with Article 070.045 of the Glenwood Springs Municipal Code and Part II Section B. of these Guidelines.

HUD shall mean the United States Department of Housing and Urban Development.

Inclusionary Zoning shall mean the mandatory provision of community housing units or lots as a quid pro quo for development approval.

Income Eligible Household shall mean an individual or family whose household income does not exceed those within these Guidelines established annually based upon the Area Median Income for Garfield County, with adjustments for family size, as published by the Department of Housing and Urban Development.

Income Limits shall mean the income amounts on which the eligibility of households is based expressed as percentages of the AMI and in absolute dollar amounts, updated annually and contained in these Guidelines.

Institutional Lender shall mean any bank, savings and loan association, or any other lender which is licensed to engage in the business of providing purchase money mortgage financing on residential real property.

Lottery shall mean a random drawing to select a winner from eligible applicant families for purchase of community housing units.

Memorandum of Acknowledgment shall mean a recorded document stating the purchaser's acceptance and acknowledgment of the deed restriction or covenant placed against the units as well as the requirement to adhere to the Guidelines.

Net Square Feet shall mean interior living area that is measured interior wall to interior wall, including all interior partitions. Also included, but not

limited to habitable basements and interior storage areas, closets and laundry area. Exclusions include, but are not limited to, uninhabitable basements, mechanical areas, exterior storage, stairwells, garages (either attached or detached), patios, decks and porches.

Off-site shall mean a location for community housing units other than the parcel or lot where the residential development that generates the requirement for community housing units or lots is located.

Prequalification shall mean a borrower's tentative mortgage approval from a lender.

Priority area one shall mean that area that is within the corporate city limits of Glenwood Springs.

Priority area two shall mean that area within the 81601 zip code.

Priority area three shall mean that area within a thirty (30) mile radius of the corporate limits of Glenwood Springs.

Qualified Employees – See Employee Qualified Buyer.

Qualified Employer shall mean an employer of qualified employees.

Self-employed shall mean an individual who carries on a trade or business as a sole proprietor or an independent contractor; or is a member of a partnership that carries a trade or business; or who is otherwise in business for him or herself and who works for a profit or fees. The trade or business is required to provide goods or services to individuals, businesses or institutional operations a minimum of 1,500 hours worked per calendar year physically working in one of the priority areas, as defined in these guidelines, an average of 35 hours a week, 10 months of a year; or 32 hours a week, 11 months of the year.



City Council
STAFF REPORT
City of Glenwood Springs
April 1, 2021

Agenda Item:	Resolution 2021-06, Community Housing Guidelines
Action Requested:	Consideration of Resolution 2021-06, Community Housing Guidelines
Department:	Economic and Community Development
Presented By:	Hannah Klausman, Senior Planner Glenwood Springs Legal, Legal
Background Info:	The Housing Guidelines are the administrative standards for implementing the Inclusionary Zoning program. Staff has updated the previous Housing Guidelines that the City of Glenwood Springs administered. Input from the Planning and Zoning Commission and Council has been incorporated into the new guidelines. The guidelines are intended to be periodically reviewed by the City of Glenwood Springs and the Administrator of the program. Guidelines are revised by City Council Resolution. For the previous Inclusionary Housing program that was discontinued in 2017, the City of Glenwood Springs partnered with Garfield County Housing Authority (GCHA) for administration. The Garfield County Housing Authority serves residents of the Roaring Fork Valley, from Carbondale to Parachute, who cannot afford conventional housing. GCHA assists individuals, families, seniors and person with disabilities, in locating and procuring affordable purchase and rental opportunities. GCHA also works with the communities and governments in the region on affordable housing policies and administering affordable housing lotteries for municipal programs. Staff included the previous provisions in the Housing Guidelines that pertain to GCHA as the program administrator however this contract has not been determined or discussed.
Issues:	The Housing Guidelines include all aspects of administering Municipal Code Section 070.045. and outline applicability, exemptions, and instructs developers and provides guidance tenants on mechanisms for satisfying the requirements. Staff has included some of the key components that have been topics of questions and discussion for Council consideration below: <u>Priority Geographic Areas for Employment Qualification</u> A qualified resident, ownership or rental, is a person who is employed in the City of Glenwood Springs. If no qualified applicants are received by the property owner, the employment area exemption allows for additional applicants to be drawn from a larger geographic employment area. The prioritized areas are as follows: a) City limits. b) 81601 zip code. c) 30 mile radius of city limits. <u>Self Employment</u> Self employed individuals can qualify for Community Housing units upon demonstrating full time self-employment within the priority geographic areas. <u>Leave of Absence</u> Owners of for-sale Community Housing units may be granted a leave of absence up to 2 years during

which they are permitted to rent the unit to another qualified occupant in their absence.

Mix of Units

The mix of units for Community Housing units shall closely mirror the mix of bedroom configuration and housing type of the market rate units in a development.

Existing Units

A development may provide up to 50% of the required Community Housing units through the restriction of existing units.

Limits on Appreciation

The resale of of a Community Housing Unit includes the purchase price and a 3% appreciation cap with permitted capital improvements. Some programs use the Consumer Price Index as an appreciation cap, however Staff felt a set percentage is less complicated and time consuming for implementation.

Incentives

Staff has included additional specifics for incentives including Density Bonus, Site Design Flexibility, and criteria for approval. Parking requirements are explicitly noted as not applicable for additional flexibility outside of what Code currently provides.

As mentioned in the guidelines, the document is intended for periodic review and revision. Staff expects that implementation of the program will highlight unforeseen issues or challenges specific to Glenwood Springs. Staff recommends that Council schedule a review at minimum 12 months after implementation. In addition, if the City partners with an outside organization for administration of the program, processes might need alteration for contract specific needs.

Staff Recommendation: Staff recommends approval of Resolution 2021-06, Housing Guideline for Inclusionary Zoning.

RESOLUTION 2021 - 06

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF GLENWOOD SPRINGS, COLORADO, ADOPTING
HOUSING GUIDELINES FOR INCLUSIONARY ZONING.**

WHEREAS, by Ordinance No. 1, Series of 2021, City Council amended the Municipal Code to add a new Article 070.045 setting forth Community Housing Standards and Guidelines and new definitions to 070.070.032 related to the Article 070.045; and

WHEREAS, Section 070.045.060(a) of the City's Municipal Code states that City Council will adopt housing guidelines that include the following components: the type, size and price for community housing units; qualifications to purchase and occupy community housing units; and the purchase or sale of community housing units; and

WHEREAS, Section 070.045.060(b) states that the housing guidelines adopted by Council will provide all other general information necessary for the implementation and administration of Article 070.045;

WHEREAS, pursuant to Code Section 070.045.060, City Council wishes to adopt the Community Housing Guidelines attached hereto as Exhibit A.

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

Section 1. The above recitals are hereby incorporated as findings by the City Council of the City of Glenwood Springs.

Section 2. The City Council of the City of Glenwood Springs hereby adopts the Community Housing Guidelines attached hereto as Exhibit A.

INTRODUCED, READ, AND PASSED THIS 18th DAY OF MARCH 2021.

CITY OF GLENWOOD SPRINGS, COLORADO

Jonathan Godes, Mayor

ATTEST:

Ryan Muse, Assistant City Clerk

Glenwood Springs Community Housing Guidelines

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Glenwood Springs Community Housing Guidelines



PURPOSE, APPLICABILITY AND EXEMPTIONS

A. PURPOSE

The purpose of the Community Housing Program for Glenwood Springs is to increase the supply of ownership and rental housing that is affordable to those who live and/or work in the area. According to the Greater Roaring Fork Regional Housing Study, RRC Consulting, April 2019, the affordability gap, the difference between the median price of a home sold and what a household (4 persons) earning the median income can afford, was roughly \$147,000 for Glenwood Springs in 2017. Housing costs have affected the ability of the community to retain and attract employees.

The Community Housing Program requires that new residential development provide 20% of the housing that is produced be restricted to Resident Occupied and at least 10% of the housing that is produced to be affordable to households earning up to 100% of the area median income as outlined in these guidelines. This program offers incentives that may be used to mitigate the costs of producing this housing, while continuing to address the desire of the community to provide more affordable housing overall in areas that are close to transit. The program also seeks to distribute community housing throughout new developments to ensure units will be produced in proportion to market rate housing that is constructed in any new development.

Lastly, the City of Glenwood Springs recognizes that affordable housing is a valuable community resource that needs to remain available for not only current residents and employees, but also for those who may come to the area in the future. For this reason, community housing units that are constructed are subject to these Guidelines and the City's inclusionary housing requirements as outlined in Article 070.045 of the Glenwood Springs Municipal Code. Community housing units will be held as permanently affordable through deed restrictions or other methods to ensure prices remain affordable over time.

B. Applicability

These Guidelines shall apply to land use applications for the development of for sale, and rental housing units that must demonstrate compliance with Article 070.045 – Community Housing Standards and Guidelines in the Glenwood Springs Municipal Code

C. Exemptions

Development Exemption

Per Section 070.045, the following development is exempt from inclusionary housing requirements and these Guidelines:

1. Designated employee dwelling units.
2. Vested land use approvals prior to (Ordinance Adoption Date), 2021, the effective date of Article 070.045 – Community Housing Standards and Guidelines, in the Glenwood Springs Municipal Code.

Local Employment Exemption

The following exemptions to the local employment requirement may be authorized by the City in writing, in accordance with the review and approval process outlined in Section D. below.

1. Persons at or above the full benefit age for federal Social Security, has worked in the employment area an average of at least 30 hours per week on an annual basis for at least four (4) continuous years prior to retirement.
 - a. Housing Mobility for Retirees: When determined to be appropriate, the City may authorize a qualified retiree who meets the minimum length of employment and age requirements described above to move into a new or different deed-restricted unit, rather than requiring such individual to continue occupying the same deed-restricted unit he/she has been occupying prior to retirement. This provision is intended to allow mobility within the City's deed-restricted housing inventory by allowing retirees to downsize into smaller housing units, if desired, thus making larger units available to larger household sizes in need of deed-restricted housing.
2. A disabled person who has been a full-time employee in the employment area a minimum of two years immediately prior to their disability. It is the responsibility of the applicant to demonstrate eligibility.

Employment Area Exemption

A Qualified resident means a person who is employed in the Employment Area identified as the municipal boundary of Glenwood Springs. If not enough qualified applicants are received for a for sale

or rental unit, applicants may be drawn from the next prioritized employment area.

1. **Employment area one** – employees working for an employer with a physical address within the corporate city limits of Glenwood Springs, are directly employed by a company that has its principal office located in the city limits, or an employee who is self-employed within the corporate city limits of Glenwood Springs.
2. **Employment area two** – employees working for an employer whose physical address is located within the 81601 zip code, or an employee who is self-employed within the same area.
3. **Employment area three** – employees working for an employer within a thirty (30) mile radius of the corporate city limits.

~~D.~~ Organization of the Document

These Guidelines consist of six parts:

- I. **Purpose, Applicability and Exemptions**, which outlines the reasons for the housing guidelines and provides guidance as to which land use applications are subject to the guidelines, as well as exemptions from the requirements.
- II. **Development and Initial Sale of Community Housing Units**, which instructs land developers and builders on mechanisms for satisfying Article 070.045 – Community Housing Standards and Guidelines – Administration in the Glenwood Springs Municipal Code.
- III. **Eligibility, Ownership and Re-sale of Community Housing Units**, which provides guidance to persons interested in purchasing or renting community housing units, as well as the re-sale of community housing units.
- IV. **Grievance Procedures**, which provides the means for filing of complaints associated with the administration of the Glenwood Springs housing Guidelines.
- V. **Periodic Review of Housing Guidelines**
- VI. **Definitions**, which define words or phrases used in the Guidelines.

This section should be moved above Section I. Purpose, App....

II.

DEVELOPMENT AND INITIAL SALE OF COMMUNITY HOUSING UNITS/LOTS

An applicant/developer of any new residential development, subdivision, or annexation with the City of Glenwood Springs, except as provided for in Part 1, Section C., is subject to Article 070.045 – Community Housing Standards and Guidelines per the Glenwood Springs Municipal Code. This ordinance requires that residential developments of ten (10) or more units/lots provide at least Twenty (20%) percent of the total residential units to be deed restricted for Resident Occupied Community Housing and 10% of those units/lots as Community Housing units/lots as defined in these Guidelines. The requirement is imposed as a condition of approval for residential development, including:

- Annexations;
- Planned Unit Developments;
- Major and minor subdivisions; and
- Major and Minor Site/Architectural development permits.

The ordinance specifically requires that:

1. Twenty (20%) percent of the total residential units in any new residential or mixed-use development proposing to create ten (10) or more residential dwelling units shall be deed restricted for Resident Occupied Community Housing.
2. Ten (10%) percent of the total residential units in any new residential or mixed-use development proposing to create ten (10) or more residential dwelling units shall be deed restricted to limit the average Initial Sales Price to no greater than that which is affordable to Households earning no more than 100% AMI; or to limit the Community housing rental unit rental prices in accordance with guidelines established by the City and generally set at rates that are affordable to Households with incomes no higher than 100% AMI, averaged over the total required deed restricted units.
3. The development may provide up to 50% of the required mitigation through the restriction of existing on-site units.
4. Developments that add ten residential units over a period after the effective date of the Ordinance are subject to requirements of this section. The ten-unit threshold is based on the new dwelling units added from the effective date of Ordinance No. 1, Series 2021, not the total number of dwelling units (existing plus new).

5. Fractional remainders. The development's mitigation responsibility will be rounded to the nearest whole number: below 0.75 round down (= 0 unit) and round up from 0.75 and higher (= 1 unit).
6. The established sales prices of community housing units within specified income categories within a development when averaged shall be equal to a sales price or rental price that is affordable to households earning 100% of Area Median Income (AMI), as defined by the Department of Housing and Urban Development (HUD) for Garfield County.

A. Preference for Community Housing Location

1. **On-Site Housing** – It is the clear preference of the Community Housing Program to include community housing/lots within the proposed development (on-site housing). These units/lots are to be distributed throughout the development, to the extent possible.

- a. **Use of Existing On-Site Units**

4. If accepted by the City, existing units to be used as community housing units must be upgraded in accordance with the following criteria: all units must be freshly painted; all appliances must be purchased within the last five years and be in good condition and working order; new carpet shall be provided (unless carpet has been purchased in last five years and is in good condition and repair); the exterior wall shall be freshly painted within one year of dedication; a general level of upgrade to yards and landscaping shall be provided; and windows, heating, plumbing and electrical systems, fixtures and equipment shall be in good condition and working order. The roof must have a remaining useful life of at least ten (10) years. All units shall meet The City's building code in effect at that time, and the condition of all units shall be verified by the City Building Official. Applicant shall provide a Building Inspection Report by a qualified building inspector approved by the City describing the condition, at a minimum, of all of the above items. Applicant shall bear the costs and expenses of any required upgrades to meet the above standards as well as any structural/engineering reports required by the City to assess the suitability of the units.

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Should this also include current IECC? Intent?

2. **Off-site Housing** – Off-site housing is a less desirable means of fulfilling inclusionary community housing requirements and as such may only be allowed at the discretion of the governing body

approving the land use application that generates the inclusionary housing requirement. A proposal for off-site community housing units or lots shall be considered on the basis of criterion outlined in *Part II Section F. Off-Site Housing Application Procedures* in these Guidelines.

B. Housing Mitigation Plan

Developers seeking any residential development approval or residential building permit for ten or more units, or lots, must demonstrate compliance with the requirements of Article 070.045 – Community Housing Standards and Guidelines per the Glenwood Springs Municipal Code. In order to receive approval of a Planned Unit Development (PUD), subdivision, annexation, or development permit, the developer must receive approval of a **Housing Mitigation Plan (HMP)**. The HMP is subject to the review and approval of the Planning and Zoning Commission or the City Council, whichever body has the authority to approve the land use application.

An Electronic copy and three (3) copies of the HMP shall be submitted to the Glenwood Springs Community Development Department either prior to or concurrent with the land use application. Additional copies may be requested if deemed necessary. A schedule of deadlines and meeting dates for land use applications is available at the Glenwood Springs Community Development Department.

At a minimum, the HMP shall include the following information:

1. Total number of residential units or lots and designation of units/lots as either market rate or community housing units/lots; designation as attached or detached units; a description of the type of unit, i.e. townhome, condominium, etc.; bedroom configuration and net square footage of each unit,
2. If a subdivision of land into individual lots is part of the application, the size of each lot within the development, which includes the average size of the market rate lots and average size of community housing lots shall be provided.
3. Targeted income category for each proposed community housing unit, as specified in *Part II Section C. Initial Sales Prices* in these Guidelines, to ensure sales and rental prices for all community housing units or lots within a development average to 100% of AMI, as specified in the ordinance.
4. A separate calculation of average size of finished net square footage both for market rate units and community housing units, excluding garages and unfinished basements;

5. Location of community housing units and/or lots within the development, by unit type and size;
6. A phasing/construction plan schedule for both market and community housing units and/or lots within the development or subdivision.
7. An estimate of homeowners association assessments for both market rate units/lots and community housing units/lots, to ensure compliance with *Part II Section I. Home Owners Associations* in these Guidelines.

The Planning and Zoning Commission or City Council, whichever is the final approving body of the land use application, shall certify its approval, approval with conditions, or denial of the HMP. Such approval, approval with conditions, or denial shall be based on compliance with Article 070.045 – Community Housing Standards and Guidelines and Section 070.045.080 – Incentives for Residential Developments (Inclusionary Housing) Over One (1) Dwelling Unit, as well as these Guidelines.

An approved HMP shall become part of the legal agreements, i.e. Development/Subdivision/Annexation agreements, executed by the City of Glenwood Springs and Developer for any approved project. A covenant setting forth the deed restriction and other requirements of these guidelines may be recorded against the property. Any amendment to the HMP shall require the approval of the body that approved the original land use application.

C. Maximum Initial Sales Prices

1. Community housing units provided through this program will be priced to two income categories unless the mitigation requirement results in an odd number of units; in which case the odd numbered unit shall be priced per 2. in this subsection.

Category 1 – targets families with incomes up to 100% of Area Median income (AMI) based on persons per household. Units in this category will be set at a sales price affordable at 90% of AMI.

Category 2 – targets families with incomes up to 120% AMI based on persons per household. Units in this category will be set at a sales price affordable at 110% of AMI.

?? Clarify - section referenced - C.2 (not Category 2...)

These ranges have been established based upon the area median income for Garfield County, with adjustments for household size as published annually by the U.S. Department of Housing and Urban Development.

2. If an odd number of community housing units is required per the 10% mitigation requirement, the odd unit(s) will be priced with a sales price affordable at 100% of AMI and the maximum income eligibility category for purchasers of the unit will be set at 110% of AMI.

Example:

A development of 30 units would require mitigation equal to 3. units. The three community housing units would be priced as follows to meet the average sales price at 100% per Article 070.045 of the Municipal Code:

1 st community housing unit	Category 1 – sales price at 90% of AMI. Income category maximum at 100% of AMI.
2 nd community housing unit	Category 2 – sales price at 110% of AMI. Income category maximum at 120% of AMI.
3 rd community housing unit	Sales price set at 100% of AMI with maximum income at 110% AMI.

3. The final sales price for each required community housing unit will be provided by the Administrator 120 days before targeted issuance of a Certificate of Occupancy for the community housing unit. The sales price will be based on the income category designated for the unit in the approved Housing Mitigation Plan for the development. Developers bear the responsibility of informing the Administrator in writing as to estimated completion dates of units and anticipated issuance of a Certificate of Occupancy to ensure that the marketing, lottery, and sales process coincide with the completion of the housing unit(s). Delays in notifying the Administrator as to the estimated completion date of a Community Housing unit may result in delays to closing on the sale of units.

4. The sales price for community housing units shall be based on a 95% loan to value ratio, based upon a 30 year mortgage using 18 months trailing average interest rate.
5. The sales price shall be calculated based on principal, interest, taxes, insurance, private mortgage insurance and homeowners association dues that do not exceed 30% of the gross monthly income.
6. 20% of the gross monthly household income has been deducted for taxes, private mortgage insurance, homeowners insurance and homeowners association dues. Actual costs may be used if available.
7. Sales prices for Community Housing units will be established according to the following number of persons per bedroom configuration.

**Number of Persons by Bedroom Configuration
Used to Establish Sales Price**

Number of Persons in Household	Bedroom Configuration
1 Person HH	Studio
1.5 Person HH	One Bedroom
2 Person HH	Two Bedroom
3 Person HH	Three Bedroom
4 Person HH	Single Family Detached

One bedroom units are priced based on an income that is halfway between the one person household size and two person household size. This has no real relationship to the number of persons in a household and income; rather, it is simply a basis to define an income for a unit as a means to establish the sales price. It is acknowledged that smaller or larger households may seek to purchase smaller or larger units. For example, a three person household may purchase a two-bedroom unit or a four-person household may purchase a three-bedroom unit. What is important is that the total household income of the buyer does not exceed the maximum allowable income established for the Community Housing Program and that the sales price does not exceed that defined for the Program.

AMI figures are published annually. The Administrator shall have the authority to update sales price figures in these Guidelines

annually upon HUD's publication of new AMI figures. The actual sales price for a community housing unit will be calculated approximately 120 days prior to completion of the community housing unit and will be based on the most current AMI figures, 18 months trailing average interest rates, and the formula for calculating prices in this section, prior to the date the sales price is established by the Administrator.

A deed restriction and/or covenant controlling the sales price by income category, as well as the appreciation cap on units and lots shall be executed by the developer and recorded with the approved Housing Mitigation Plan and land use approval documents.

D. Maximum Rent

The gross rental price, including utility allowance and non-optional fees, of any deed-restricted unit shall not, at the time of leasing, exceed the maximum rents established according to Colorado Housing and Finance Authority, Colorado County Income and Rent Table, for one hundred twenty (120) percent of the Garfield County Area Median Income.

The average of all deed-restricted units in a development shall not exceed one hundred (100) percent of the maximum rents established according to the Colorado Housing and Finance Authority, Colorado County Income and Rent Table, as determined at the time each individual unit was leased. Maximum rent prices are updated annually.

Community Rental Housing Reporting Requirement

The owner of a deed-restricted rental unit shall annually provide a report and proof to the City or its designated representative agency of its compliance with the rental requirements set forth in these guidelines for the prior twelve-month period.

Items required for reporting may include but are not limited to:

1. The number of deed-restricted units rented;
2. The period each unit was rented and the status by which the occupant(s) qualified under the deed restriction;
3. The monthly rental price; and

4. The taxes, special assessments, and homeowners' association and management fees, and any other fees or charges, including common utilities, assessed to each unit.

E. Mix of Units

The mix of bedroom configuration and housing type for community housing units provided in the HMP shall closely mirror the mix of bedroom configuration and housing type of the market rate units in a development. ~~Additionally, the following formula shall be applied to determine the total number of required bedrooms in community housing units:~~

~~3. Multiply the number of community housing units required by 2.86, the average number of persons in a household, then,~~

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~~4. Divide the result by 1.5 (U.S. Department of Housing and Urban Development criteria of number of persons per bedroom). The resulting number is the required number of bedrooms that must be dispersed among the required community housing units, while also providing a mix of bedroom configurations that closely mirrors the market rate bedroom mix in the development.~~ For example, if the market rate development has three bedroom units equal to 50% of the total market rate units, then the community housing units shall also have an equivalent 50% of the community housing units as three bedroom units.

~~5. Any fractional bedroom requirement resulting from the formula above shall be rounded up to the next highest number.~~

F. Off-Site Housing Application Procedures

The priority for Glenwood Springs is to foster economic integration of community housing units by requiring that these units are dispersed throughout new developments. Therefore, a request to meet inclusionary housing requirements off-site shall only be allowed at the discretion of the governing body which has the authority to approve or deny the specific land use application that triggers the inclusionary housing requirement. ~~The development may provide up to 50% of the required mitigation through the restriction of existing units~~

1. An application to satisfy inclusionary housing requirements off-site shall include the following:

- a. A written explanation as to why the location of community housing units off-site is being requested and a narrative that details how the proposal meets the criterion in 2. of this section.

- b. A Housing Mitigation Plan meeting the requirements specified in *Part II Section B Housing Mitigation Plan* in these Guidelines.

2. Criteria for consideration of a proposal to provide mitigation off-site will be based on the following:

- a. A demonstration that the purposes of this program would be better served by construction of units off-site, i.e. greater affordability, higher percentage of inclusionary housing mitigation, higher quality of building materials, etc.
- b. The off-site location is in close proximity to other existing residential uses to ensure a sense of neighborhood is fostered.
- c. That there are zoning, environmental, geologic or other special hazards on the land development parcel generating the inclusionary housing requirement such that the development of community housing units off-site would better meet the intent of this program.
- d. The location off-site for community housing units is clearly superior in terms of proximity to transit routes; or, is convenient to commercial service areas and/or employment centers and/or schools.
- e. That evidence has been provided to verify the off-site location has received its development entitlements to ensure that housing units are available either prior to or concurrently with the market rate units that require housing mitigation.
- f. That the developer has provided evidence that he/she owns the site or is contractually obligated to purchase the site where off-site community housing units will be located in order to ensure the units are developed concurrently with the market rate units.
- g. That the proposal for community housing units off-site will not overly concentrate community housing units within a specific area of a development, community, or the City of Glenwood Springs as a whole.
- h. That the community housing units off-site:

1. Will be constructed before or concurrently with the market rate units in the development prompting the inclusionary housing mitigation,
 2. Are not designated as community housing units to fulfill inclusionary requirements for a different development.
 3. Will be of equivalent value, quality and size to the market rate units in the development prompting the inclusionary housing requirements.
 4. Are not existing residential units.
 5. Meet all other requirements of these guidelines relative to sales prices, size, quality, percentage of homeowner's assessments relative to market rate units at the off-site location.
3. In granting approval of an off-site housing proposal, the governing body shall have the authority to impose conditions above and beyond the requirements of these Guidelines including, by way of example only, any of the following:
- a. A higher percentage of mitigation than the 20% RO and 10% affordable mitigation rate specified by Article 070.045 of the Glenwood Springs Municipal Code.
 - b. A requirement that the Community Housing units be set with sales prices targeted to a lower income group than specified by these Guidelines, i.e. to households earning 80% or less of Area Median Income.
 - c. Increased amenities for the community housing units which may include higher grade interior and exterior finishes, garages, balconies, decks, open space areas, energy saving construction, and similar improvements.

G. Mitigation for Residential Lot Subdivisions

For those developments of vacant land where new lots are to be created, but the developer does not intend to develop housing units, i.e. subdivisions, the developer may satisfy his or her inclusionary requirement by dedicating the calculated 20% of required lots to the City or its designated agent. Lots so provided shall meet the requirements of Title 070 of the Glenwood Springs Municipal Code and shall be located on-site within the primary development. Each lot shall have sufficient area devoid of environmental or other constraints to allow construction of

a residential unit thereupon. All public infrastructure improvements to support development of the lot(s) with residential units shall be in place prior to conveyance of the lot to the City, or sufficient security in accordance with the requirements of Title 070 of the Glenwood Springs Municipal Code shall be provided. Lots dedicated for community housing shall have no encumbrances. Homeowners' association fees for community housing lots shall be based on the formula for lots outlined in *Part II Section I Home Owners Associations*.

Dedication of lots to fulfill inclusionary housing requirements shall occur at the same time as plat recordation. The City, or its designated agency, shall assume responsibility for the development of community housing units on lots that have been dedicated to fulfill inclusionary housing requirements.

H. Dedication of Land In-Lieu

Under certain conditions and requirements, at the sole discretion of the governing body authorizing approval of a specific land use development subject to inclusionary housing requirements, a developer may satisfy his or her inclusionary requirements by the conveyance of vacant land within the city that is not part and parcel of the proposed development or subdivision parcel that prompts the inclusionary housing mitigation.

Dedication of land in-lieu of developing community housing units, shall be subject to the review and recommendation of the City's Community Development Director (Director) to the governing body. The review shall be for purposes of a determination of the land's suitability and value. At a minimum, the proposal shall contain the following information based upon site specific review and analysis prepared at the developer's expense:

1. Likely number of affordable housing units that could be accommodated on the land parcel.
2. Zoning requirements for residential use.
3. Availability of public infrastructure to the site, i.e. access, legal and adequate water supply, capacity for adequate wastewater treatments facilities.
4. Disclosure of known hazards or special encumbrances limiting development.
5. Proximity to existing services and amenities.
6. An appraisal of the land prepared by an independent appraiser.
7. Overall compliance with the standards set forth in the Housing Guidelines.

I. Home Owners Association

The developer shall make reasonable efforts to minimize homeowners and condominium association (hereinafter referred to as HOA) dues for community housing units. HOA dues can significantly impact affordability.

Any documents creating a condominium or homeowners association shall state that the Community Housing units shall only be assessed monthly dues and other shared assessments based on whichever of the following two formulas results in the lower cost of assessment for the community housing unit:

1. The size of the individual community housing unit in square feet compared to the average size of the market rate units in the development. For example, if a community housing unit's size is 60% of the size (in square feet) of the average size of all other market rate units offered in the development, then the home owner's association dues for the community housing unit would be 60% of the average assessment of all market rate units. To easily compute this, the square footage of the community housing unit would be calculated as a percentage of the average square footage of the market rate housing.

**Example – Computation
Based on Square Footage**

	Market Rate Unit	Community Housing Unit
Average Square Feet	1,500	850
% of Market Rate Unit Size	100%	57%
HOA Dues	\$175	\$99

2. The size of the lot on which the community housing unit is located as compared to the average size of other lots in the development. For example, if the average lot size of market rate housing is 10,000 square feet and the average size of a lot for a community housing unit is 6,500 square feet, then the community housing unit would pay 65% of the HOA Dues on a monthly basis.

**Example- Computation
Based on Lot Size**

Market	Community
---------------	------------------

	Rate	Housing
Average Lot Size	10,000	6,500
% of Market Rate Unit Size	10%	65%
HOA Dues	\$ 175	\$ 114

In order to comply with this provision, the developer must include these calculations in the Housing Mitigation Plan. If neither of the two proration formulas noted above produces a lower monthly fee for the community housing units, then the monthly homeowner's fee assessment shall be 75% of market rate homeowners fee assessments.

Special assessments for community housing units shall be 75% of market rate homeowners special assessments.

Upon final project approval, the developer will provide the final average unit sizes and lot sizes to the Administrator. Lastly, a copy of the Homeowners documents including, Declarations and Covenants, Articles of Incorporation, Bylaws, and Association Rules and Regulations must be given to the Administrator at least 30 days prior to adoption for review. HOA documents must be reviewed and approved prior to issuance of a Development Permit/Agreement, Subdivision Agreement, or recordation of any subdivision or condominium plat.

J. Unit Quality

Community housing units are an asset that the City of Glenwood Springs hopes to have available for years to come. Because of this, the quality of the housing is very important. It is expected that all community housing design will address livability, maintenance, health, safety concerns, climate, lifestyle, and the needs of the types of household the units are intended to serve. Amenities add to the livability of a unit; however, costly amenities are strongly discouraged. Energy efficient design, construction, appliances and heating systems are encouraged so that the long-term affordability of community housing is enhanced. Structured parking is encouraged, as are balconies, decks and small yards to enhance livability.

Community housing units shall comply with all local codes. If market rate units include features such as kitchen cabinets, countertops and dishwashers, disposals, air conditioning and energy efficient windows, it is expected that the community housing units will contain similar features. Prior to rental at the beginning of each lease, a community housing rental unit must be inspected and approved by a certified building inspector, architect or engineer approved by the Administrator for compliance with the Guidelines. Cost of such inspections shall be the

responsibility of the applicant, and the results of such inspection must be approved by the City.

The following features are considered standard features that must be included in a community housing unit and for which the developer shall not charge extra:

- Kitchen range/oven
- Kitchen refrigerator
- Dishwasher
- Hook-ups for clothes washer and dryer
- Central heating system

The Administrator will review the plans for the units to assure that there are similarities between the market rate and community housing units and inspect them upon completion to assure all promised features are included in the units.

K. Incentive and Fee Waivers

1. Incentives and fee waivers for developments with inclusionary housing are stated in 070.045.080
2. Incentives for community housing units – The City of Glenwood Springs is interested in promoting more affordable housing; therefore, any residential or mixed use development proposing to create one or more residential units that provide community housing units may be entitled to incentives as outlined in Section 070.045 of the Glenwood Springs Municipal Code.
 - a. Density Bonus. As part of any new residential or mixed-use development, the City may offer a density bonus.
 - i. Developments proposed in Residential Zones shall be limited to one additional unit then the zoning would otherwise allow.
 - b. Site Design Flexibility. Provided that the housing goals and eligibility requirements are met and provided that the intents and purposes of this Title are not compromised, the City may consider flexible application of design standards including, but not limited to minimum lot size, building height, lot coverage, impervious coverage, setbacks and landscaping. Parking requirements shall not be included for flexibility consideration.

- i. Building height flexibility is limited to granting one additional floor no greater than twelve (12) feet in height.
- ii. In reviewing a site design flexibility application the approving body shall find that the request meets all of the following criteria, as included in of Section 070.060.070(a) of the Municipal Code;
 - 1. The flexibility request does not harm the public health, safety, or welfare; and
 - 2. The flexibility requested is in general conformance with the Comprehensive Plan and with the stated purpose and intent of the Code including the specific regulation for which the flexibility is sought; and
 - 3. The flexibility requested will not violate building or fire code requirements.

- c. Public-Private Partnerships. The City may participate in, or facilitate participation with other governmental entities regarding financing or purchasing of Community Housing units directly from the applicant or by other means of subsidy or participation.

Should this have a stipulation?
'If the HMP is judged to offer value beyond the minimum requirements of the Inclusionary Housing Regulations.' Otherwise - every HMP will want a tax rebate.....

- d. Tax Rebate or Reduction. The City Council may at its sole discretion waive, reduce or rebate property, construction use, or other tax applicable to the project.

L. Deed Restrictions

In order to ensure that there is an on-going supply of affordable housing in Glenwood Springs, all community housing units will carry a re-sale or rental deed restriction or other form of covenant that guides the future sales or rental of these homes. The deed restriction will be provided by the Administrator and will be executed by the developer. The deed restriction will be returned to the Administrator for recording. A copy of the recorded deed restriction shall be provided to the Developer and purchaser of a community housing unit.

The deed restriction will set a limit on annual appreciation of 3% simple interest plus the cost of permitted capital improvements. The maximum re-sale price shall be no more than 3% simple interest, plus the cost of permitted capital improvements. The maximum resale price will be determined by the GCHA in accordance with these Guidelines.

Future buyers will be bound by the terms of the deed restriction. It is possible that a future buyer or those who purchase a Community Housing unit from an owner-occupant (re-sale of a unit) will agree to a revised form of deed restriction or covenant, as the City of Glenwood Springs' requirements governing future sales may be adjusted periodically to meet the interests of the community and/or lender requirements.

M. Schedule for Community Housing Units

Developers are required to provide community housing units prior to or concurrently with the production of market rate housing. The phasing schedule for community housing units is required as part of the Housing Mitigation Plan. Prior to receiving a building permit for either market rate units or community housing units, the developer must provide the Administrator with an updated construction schedule that clearly delineates the start and completion dates of all units within the development. The Administrator will notify the Glenwood Springs Building Department that a schedule has been provided and found to be acceptable prior to a building permit being released for the development, or a particular phase of a development.

N. Initial Sale of a Community Housing Unit(s)

Developer's Responsibilities – Several steps are involved in the initial sale of community housing units.

- a. The developer must work in cooperation with the Administrator to complete the sale(s) to a qualified applicant. The developer is strongly urged to authorize his/her real estate agent to act as a transaction broker for sale of the community housing unit(s). The Administrator may choose to contract with a real estate agent to represent buyers of the community housing units, but is not required to provide this service. Nonetheless, buyers will need assistance completing the purchase process and the developer will be best served by making available his/her agent.
- b. The developer is required to provide the Administrator with a marketing packet at least 130 days prior to the estimated completion date of each community housing unit. The 130 day time frame is necessary to accommodate the process for marketing the community housing unit, advertising the lottery, qualifying potential buyers for compliance with the program Guidelines, the lottery, financing and closing. The Administrator may approve a different schedule or time frame

to complete the sale of the community housing unit(s) or development. The schedule below is representative of the steps necessary to culminate the sale of a community housing unit.

Closing date established concurrent with issuance of final Certificate of Occupancy.

30 days prior to closing date, purchase contract is executed.

37 days prior to closing date, lottery is held to select prospective purchaser.

Approximately 120 days prior to closing, advertising of lottery is commenced.

Approximately 130 days prior to closing, marketing packet is submitted to the Administrator.

The marketing packet provided by the Developer shall include all information required in the Housing Mitigation Plan as noted in *Part II Section B. Housing Mitigation Plan*, as well as a production schedule for market rate and community housing units, which includes construction start dates and estimated completion dates. The schedule must indicate when pre-marketing activities will begin and when a model may be available. The marketing packet shall be provided to the Administrator in an electronic format. The marketing packet shall also include the following for the community housing unit(s) which are to be sold

1. Unit type(s),
2. Bedroom configuration(s)
3. Square footage(s)
4. Address,
5. Income category
6. Exterior and interior finish information.
7. Year, make and model of appliances included with the unit.
8. Estimate of homeowner's association dues for community housing units per the calculation formula in *Part II Section I. Home Owners Associations*.
9. Copies of homeowners association documents, covenants, conditions and restrictions and any other pertinent documents.

- c. The developer is required to prepare listings, sales contracts, extensions to contracts, and closing documents, and undertake all actions necessary to consummate the sale, or the developer shall contract with a licensed real estate broker to complete these actions.
- d. The developer is required to hold at least one open house during the marketing period prior to the lottery, at a time convenient to the general public, preferably a weekend day. The open house may be held at a model unit or other completed unit, similar in design. The date for the open house shall be coordinated with the Administrator.
- e. Within 48 hours of the lottery and selection of a potential purchaser, the Developer shall provide to the prospective purchaser and the Administrator the purchase contract for the community housing unit. The potential purchaser shall have seven (7) days to execute the purchase contract.
- f. The Developer will be required to conduct a walk-through of the community housing unit with the prospective purchaser a minimum of 72 hours prior to the closing date specified in the purchase contract.
- g. The Developer shall contact the Administrator one week prior to the closing date specified in the purchase contract to advise the Administrator as to the location, date, and time of the closing.
- h. The Developer shall provide a copy of the Deed Restriction, closing settlement sheets and signed Memorandum of Acknowledgement executed by the buyer to the Administrator within 7 days of closing. Within thirty (30) days of closing, copies of these documents with recording information shall be provided to the Administrator.

Administrator's Responsibilities – It shall be clearly understood by and between parties to a sales transaction that the Administrator is not acting as a licensed broker to

the transaction, but as a representative of the City of Glenwood Springs and its interests.

- a. All purchasers and sellers are advised to consult legal counsel regarding examination of the title and all of the contracts, agreements, and title documents.

The retention of counsel, licensed real estate brokers, or such related services shall be at the purchaser's and seller's own expense. The fees paid to the City are to be paid regardless of any actions or services that the purchaser or seller may undertake or acquire.

- b. All purchasers and sellers will be treated fairly and impartially. Questions will be answered and help will be provided equally to purchasers and sellers in accordance with the current Guidelines.
- c. The Administrator shall attempt to help both parties to consummate a fair and equitable sale in compliance with the current Guidelines.
- d. The Administrator will begin a good faith marketing effort to attract buyers who qualify under the Guidelines of the program approximately 120 days prior to the estimated date of a Certificate of Occupancy for the community housing unit. Marketing activities may include advertising through the City's website and local newspapers, and distribution of the marketing packet to prospective buyers, employees and other agencies located within the City. This information will include the date(s) for the lottery, application requirements and deadline, and the process by which a prospective buyer may be entered into a particular lottery;
- e. A copy of the deed restriction or covenant for the specific community housing unit will be provided to potential buyers.
- f. The Administrator will conduct a lottery for prospective purchasers that qualify under the Guidelines of the program. The lottery will be

held approximately 40 days prior to the estimated completion date of the community housing unit. The Administrator will make reasonable attempts to notify buyers within 48 hours after the lottery that they are the successful bidder. Within two (2) days of the lottery, the successful bidder will be provided a contract to purchase and the deed restriction or covenant outlining the terms of ownership and re-sale of the community housing unit. The purchase contract must be executed within 7 days of the lottery. Buyers will be instructed to contact legal counsel prior to consummating the purchase contract.

III.

ELIGIBILITY, OWNERSHIP AND RE-SALE OF COMMUNITY HOUSING UNITS.

A. Eligibility

Eligibility for community housing will be made without regard to race, color, creed, religion, sex, handicap, national origin, familial status or marital status. In order to be eligible to purchase a home under this program, an applicant must have one member who is a "full-time employee" as defined in these guidelines, working for an employer with its principal office located within one of the priority areas or as identified in the local employment exemptions.

1. **Priority of applicant** – The intended goal of the City's inclusionary housing program is first and foremost to house those employees that are vital to employers located within the corporate limits of the city, which employers generally pay property taxes, sales taxes and licensing fees that support city services. For this reason, employees that are eligible for community housing per the definitions of the guidelines who are employed in priority category one, as defined in these guidelines, shall have a higher priority in any housing lottery than those employees in priority category two. Employees in priority two shall have a higher priority than those applicants in priority area three. As stated in the definitions in these guidelines, the three priority areas for community housing are as follows:

- a. **Priority area one** – employees working for an employer with a physical address within the corporate city limits of Glenwood Springs or an employee who is self-employed within the corporate city limits of Glenwood Springs.
- b. **Priority area two** – employees working for an employer whose physical address is located within the 81601 zip code, or an employee who is self-employed within the same area.
- c. **Priority area three** – employees working for an employer within a thirty (30) mile radius of the corporate city limits.

2. **Self-employed individuals** – Self-employed individuals are as defined in these guidelines. Self-employed individuals must demonstrate full-time employment, i.e. physically working a minimum of 1,500 hours per calendar year in one of the priority areas, as defined in these guidelines, an average of 35 hours a week, 10 months of a year; or 32 hours a week, 11 months of the

year. Full-time employment for qualification purposes shall not include minimum hours accumulated in various priority areas.

B. Application and Certification

For Purchase Applicants

An applicant seeking to purchase a community housing unit must apply to the Garfield County Housing Authority (GCHA) to receive a certification letter stating they are eligible to purchase a unit under the current Guidelines. The following information is representative of what will be required; however, the GCHA may make specific changes for each community housing unit lottery:

- A completed application form,
- Copies of federal and state income tax returns for the previous two years;
- W-2 forms for verification of employment or an offer of employment;
- Copies of pay check stubs for the previous three months;
- For self-employed individuals, Schedule C of tax returns, copies of 1099s and W-2s, current business license, profit and loss statements and other documents as required from the Administrator to determine that employment is within the corporate limits of Glenwood Springs or another of the allowed priority areas, whichever priority category the applicant is applying under.
- A current statement from all financial assets indicating the current balance, interest rate or annual dividend, a bank verification of all savings accounts;
- Copy of a driver's license and social security card or other identification documents as necessary to verify that all adult family members are legally residing in the United States; and
- Copy of a letter from an institutional lender, as defined in these Guidelines, of the applicant's choice demonstrating that the applicant has been pre-qualified for a specific loan amount and is financially able to purchase the unit on their own. Applicants are encouraged to investigate sources of financing prior to submitting an application to be entered into a specific lottery. Names of institutional lenders can be obtained from the Garfield County Housing Authority.
- Picture identification.
- Divorce Decree or Separation Agreement including alimony and child support. A copy must indicate that the decree or agreement has been entered into the record with all exhibits and supplements attached.

Following submittal of the above, the information will be reviewed by the GCHA. All information is confidential. The applicant will receive certification that they are eligible to participate in the lottery that will be held for any of the community housing units to be sold under this program, provided the lottery is held within the time period that the pre-qualification letter from the lender is valid. It is the responsibility of the applicant to notify the GCHA when they wish to be entered into a specific lottery.

Rental Applicants

An applicant seeking to rent a community housing unit must apply to the Garfield County Housing Authority (GCHA) to receive a certification letter stating they are eligible under the current Guidelines. The following information is representative of what will be required; however, the GCHA may make specific changes for each community housing unit:

- A completed application form,
- W-2 forms for verification of employment or an offer of employment;
- Copies of pay check stubs for the previous three months;
- For self-employed individuals, Schedule C of tax returns, copies of 1099s and W-2s, current business license, profit and loss statements and other documents as required from the Administrator to determine that employment is within the corporate limits of Glenwood Springs or another of the allowed priority areas, whichever priority category the applicant is applying under.
- Copy of a driver's license and social security card or other identification documents as necessary to verify that all adult family members are legally residing in the United States; and
- Picture identification.

C. Limits on Owning Other Real Estate

For purchase applicants, and may not own other developed real estate or a mobile home in the city or within a 50 mile radius of the city at the time of application for purchase of a community housing unit. If property is owned within this area, the person with the ownership interest must list the property for sale simultaneous with closing on the community housing unit, while still demonstrating compliance with the asset/income limits as set forth in *Part III Section E. Maximum Income and Assets Guidelines*. The owner shall provide the Administrator with a copy of the appraisal of the property to verify the asset and a copy of the sales contract prior to culmination of the purchase of the community housing unit. Upon the sale of the other property, a copy of the closing

documents verifying the sold price must be provided to the Administrator. If the property is not sold by the time of closing on the community housing unit, it must remain listed until sold. The owner has 180 days to sell the free-market unit. After this time period, if the property has not sold, the owner must list and sell the community housing unit according to their deed restriction.

If vacant land is owned at the time of purchase of the community housing unit, the land must remain unimproved. The value of this asset must be included in the total assets for qualification purposes. If the land is improved with a residence after purchase and occupancy of the community housing unit, the owner of the community housing unit must list the community housing unit for sale in accordance with the deed restriction within 90 days of the issuance of a Certificate of Occupancy for the unit constructed on the vacant land.

Any other owned real estate shall be included in the assets that are verified for qualification purposes.

D. Lottery

1. **Administrator's duties** – A lottery will be held for for-purchase community housing units, unless, at the discretion of the City, it is determined that a lottery is not in the best interests of those households seeking to purchase a community housing unit. The City will decide whether or not a lottery will be held at least 120 days prior to the date the developer proposes that units will be issued a Certificate of Occupancy. Owners, other than the initial developer of community housing units that are to be re-sold, shall follow the procedures for re-sale *in Part III Section J. Resale of a Community Housing Unit*.

The Administrator will advertise the lottery generally 30-60 days prior to the date that the lottery will be held. Sources of information about prospective lotteries will include, but not be limited to local newspapers and the City's official web site. The information contained in advertising the lottery shall be at the discretion of the Administrator, but will generally include a description, sales price and income maximums for households, as well as contact information for applications.

2. **Purchaser's obligations** – An applicant that wishes to enter a lottery must first have received a letter of qualification following approval of their application from the Garfield County Housing Authority (GCHA). An applicant that was previously qualified for a

different lottery must contact GCHA to verify whether a new application is required. Generally, the application and approval process will require the submission of an application package as described in *Part II Section B* above a minimum of five (5) days in advance of any advertised lottery. An applicant should also be aware of the following with respect to entering a specific lottery:

- a. Households with incomes below the maximum income range set for a specific unit per *Part III Section E Maximum Income and Assets Guidelines*, may ask to be placed into the lottery for that unit if they are able to qualify for a mortgage that would support purchasing a higher priced unit; however, households with incomes that exceed the maximum range may not bid on lower priced units. For example, a household earning 80% of the AMI may bid on a unit priced in Category 2 if they have a letter indicating that they can qualify for a higher mortgage and have sufficient funds available for a down payment. However, a household earning income that falls within Category 2, but which exceeds the maximum income in Category 1, is not eligible to purchase a home listed with a sales price in Category 1.
- b. All required documentation submitted to verify household income shall be kept confidential and is not subject to public disclosure.
- c. At the closing, a Memorandum of Acknowledgement, of the deed restriction or covenant shall be executed by the buyer and will be recorded.

d. Purchaser shall complete a home buyer education course as approved by the Administrator.

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E. Maximum Income and Assets Guidelines

1. Community housing units provided through this program will be priced to income categories as outlined in *Part II Section C. Initial Sales Price*.

2. The maximum gross household net assets for each income category shall be \$150,000. Maximum net assets do not apply to rental units.

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2-3. R.O. is a category for resident-owner occupied Community Housing Sale Units, deed restricted to require the owner to live in the unit as the sole place of residence. There is no (1) income limit, (2) asset limit, (3) appreciation cap, or (4) sales price restriction. Priority will be given to qualified persons who have been employed within the City of

Glenwood Springs boundaries or meet employment exemptions as included in Section I Item C.

The Administrator shall have the authority to change the maximum incomes annually upon publication of new area median income figures from the Department of Housing and Urban Development (HUD).

F. Financing Options, Co-ownership and Co-signing

Any applicant who is selected to purchase a community housing unit is responsible for selection of their preferred financing option. However, the City or Administrator may require that financing be obtained from an institutional lender, a bank, a savings and loan association, or other lender which is licensed to engage in the business of providing purchase money mortgage financing on residential real property. In addition, any financing used to purchase a community housing unit must be a conventional or portfolio program that offers fixed or intermediate variable rate terms designed for entry level buyers (FLEX, My Community Mortgage, 5/1, 7/1, etc.) Sub-prime and non-conforming products are not permitted. Financing more than 100% of the sales price is not permitted.

Any co-ownership interest, other than joint tenancy or tenancy in common, must be approved by the Administrator, based on whether the tenants qualify for affordable housing under these Guidelines. Co-signers may be approved for ownership of the affordable housing unit, but shall not occupy the unit, unless they are a qualified buyer under these Guidelines. For example, a single person may have a sibling co-sign a loan. The sibling may only live in the unit if they are qualified under the program.

Purchasers of a community housing unit who desire to purchase a home and use a co-signer must earn at least 75% of the income needed to qualify for the purchase of the unit.

G. Occupancy

The purchaser or renter of a community housing unit must occupy the unit as his or her primary residence. Owners of community housing units will be required to certify occupancy in compliance with the housing guidelines annually.

Occupancy of the unit for fewer than 9 months out of 12 months shall deem an owner/occupant ineligible to continue to occupy the unit unless a leave of absence has been approved as outlined in *Part III Section H. Leave of Absence*.

H. Leave of Absence

If an owner must leave Glenwood Springs for a limited period of time and desires to rent the unit during their absence, a leave of absence may be granted by the City for up to one year. The owner must submit a request to rent the unit at least 30 days prior to when the owner plans to leave the area. The request shall include the reason(s) for the leave of absence, expected duration, and the intent of the owner to rent the unit. A leave of absence for more than one year may be approved; however, such leave of absence may not extend for longer than two years, except for owners called to active military duty.

The rent that may be charged shall not exceed the owner's monthly mortgage, homeowner's association dues, utilities remaining in the owner's name, taxes and insurance, and private mortgage insurance not included in the monthly mortgage amount and land lease costs, if any. An additional \$20 per month may be included in the total monthly rent. The owner may impose a security deposit and damage deposit at the time a lease is executed; however, the combination of security deposit and damage deposit may not exceed 1.5 times the monthly rent.

The owner shall rent to an employee and/or resident of one of the priority areas, who must also meet the eligibility and income provisions in the Community Housing Guidelines. The tenant must complete an application form, subject to the review and approval of the Administrator, to certify eligibility and agree to abide by the Homeowner's Association, Covenants, Rules and Regulations for the unit. Both the owner and tenant must sign a statement indicating that the covenants have been provided to the tenant and the tenant has received and reviewed the covenants. In addition, a copy of the lease agreement executed between the owner and tenant shall be provided to the Administrator.

I. Improvements

The City of Glenwood Springs wants to encourage maintenance of community housing units in good condition over time, while also ensuring there will be on-going affordable housing for future Glenwood Springs' employees.

Permitted capital improvements must be improvements or fixtures erected, installed or attached as permanent, functional, non-decorative improvements to real property, excluding repair, replacement and or maintenance improvements, except as specified below. Owners of community housing units are strongly encouraged to verify that improvements they wish to make are allowed under these Guidelines. In addition to verifying that the improvements are permitted under the Guidelines, owners should verify with the City of Glenwood Springs as

to whether a building permit will be required for the improvements. Value will only be given for the following "eligible" property improvements by the Administrator:

- a. Improvements or fixtures erected, installed or attached as permanent, functional, non-decorative improvements to real property, excluding repair, replacements and/or maintenance improvements.
 - b. Improvement for energy and water conservation.
 - c. Improvement for the benefit of seniors and/or handicapped persons.
 - d. Improvements for health and safety protection devices.
 - e. Improvements to add and/or finish permanent/fixed storage space.
 - f. Improvement to finish unfinished space.
 - g. Garages.
 - h. The cost of adding decks and any extension thereto.
 - i. Permanent landscaping.
 - j. Repairs or replacements related to structural, major mechanical or roofing deficiencies after any applicable warranty period is expired.
1. Permanent capital improvements made to community housing units which are not allowed to be used as the basis for an increase in re-sale prices are as follows:
- a. Upgrades or replacement of appliances, plumbing and mechanical fixtures, carpets and other similar items included as part of the original construction of the unit.
 - b. Improvements required to repair, replace, and maintain existing fixtures, appliances, plumbing and mechanical fixtures, painting, carpeting and other similar items.
 - c. Upgrades or addition of decorative items, including lights, window coverings, floor coverings and other similar items.
 - d. Jacuzzis, spas, saunas, steam showers and other similar items.

Nothing in the deed restriction prohibits other improvements to the community housing unit; however, credit towards the resale price of the unit will only be provided for **approved** "eligible capital improvements."

J. Re-sale of a Community Housing Unit

1. Community housing units shall have a deed restriction or covenant carried with the title which restricts future sale of the community housing unit to individuals qualified by the Administrator under the guidelines of the program.

2. Unless otherwise required in the deed restriction, listing for re-sale of a community housing unit shall be with the Administrator, or its authorized agent. The re-sale process of a community housing unit shall begin with a meeting between the owner and the Administrator to review the deed restriction and to determine the allowed sales price. The sales price shall be fixed at the time of notification in writing by the owner of his/her desire to sell. Any owner of a community housing unit who intends to sell their home shall contact the Administrator as early in the process as is possible; however, at a minimum, notification of the intention to re-sell shall be submitted in writing a minimum of 90 days in advance of their scheduled sale date. Owners should be aware that no guarantee can be made as to the time that is necessary to complete the re-sale of a community housing unit and that the 90-day advance time period is simply a guide for this process.

3. The maximum resale price of a community housing unit shall include the purchase price and 3% plus permitted capital improvements:

3% Formula:

$.03 \times PP \div 12 \times \text{Number of Months Owned} + PP = \text{Base Resale Price}$
Base Resale Price + Permitted Capital Improvements = Maximum Sales Price

4. At the discretion of the City of Glenwood Springs, a lottery may be held if it is determined that there are a number of qualified households who would purchase the unit and where a lottery would be in the best interest of the community. The GCHA, or a designee, will oversee the sale in accordance with the community housing guidelines in effect at the time of the listing. Owners should anticipate that the resale process may take up to 90 days from the time of initial contact with the Administrator. There shall be a minimum listing period of three months before the price of a community housing unit is adjusted. Any termination of the listing may require the payment of administrative and advertising costs by the homeowner. These fees are outlined further in this section.

5. These guidelines are intended to assure that all purchasers and all sellers will be treated fairly and equitably. Questions will be answered and help will be provided by the Administrator and/or GCHA to any potential purchasers or sellers in accordance with the current Guidelines. Listings, sales contracts, extensions to contracts and closing documents will be prepared and all actions necessary to consummate the sale shall be undertaken by the Administrator, GCHA or their representatives.

6. The Administrator and/or GCHA will be acting on behalf of the City of Glenwood Springs. It should be clearly understood by and between all parties to a sales transaction that the Administrator is not acting as licensed broker to the transaction, but as a representative of the City of Glenwood Springs. The Administrator shall, nevertheless, attempt to help both parties to consummate a fair and equitable sale in accordance with the current Community Housing Guidelines.

7. All purchasers and sellers are advised to consult legal counsel regarding examinations of the title and all contracts, agreements, and related documents. The retention of counsel, licensed real estate brokers, or such related services, shall be at the purchaser's or seller's own expense. The fees paid to the GCHA are to be paid regardless of any actions or services that the purchaser or seller may undertake or acquire on their own.

8. Sales and Other Fees

- a. Unless otherwise set forth in the deed restriction governing the community housing unit, at the closing of the sale, the seller will pay the Garfield County Housing Authority a sales fee equal to two percent (2%) of the sales price. Instructions may be provided to the Title Company to pay this fee out of funds held for the seller at closing.
- b. Unless otherwise specified in the deed restriction, the seller will pay a one-half percent (0.5%) fee at the time of the listing, which will be applied to the 2% fee that is required to be paid at closing. This fee will be used to cover costs incurred by the Garfield County Housing Authority in advertising the home for sale, qualifying potential buyers and related administrative expenses. In the event that the sale does not proceed for any reason after the listing has occurred, this portion of the fee will not be returned to the seller.

9. If a unit is listed for sale and the owner must relocate to another area prior to completing the sale, the unit may, upon approval of the City of Glenwood Springs, be rented to a qualified individual, at the owner's cost as described in *Part III Section H Leave of Absence*, for a maximum period of two years. A written request must be sent to the Administrator seeking permission to rent the unit until sold. All tenants must be qualified as described in *Part III Section G Occupancy*. The lease must stipulate that the community housing unit is listed for sale and that the tenant will be required to allow for showings of the property, with sufficient

notice. The lease must also stipulate that the agreement may be terminated after six months, with sixty days notice, due to the sale of the property.

K. Maintenance Standards for Maximum Re-Sale Value

It is the responsibility of the homeowner to maintain the community housing unit in good condition. The community housing unit shall be sold with the fixtures, appliances, and other inclusions which were included in the initial sale of the unit. The following are the minimum maintenance standards to receive full value upon re-sale. If the City or Administrator determines that the homeowner has failed to meet these standards, the City or Administrator may deduct replacement and/or repair costs from the sale proceeds for any of the following:

- a. Clean unit.
- b. Carpet steam-cleaned two or three days prior to closing. Normal wear and tear of carpeting is anticipated; however, if carpeting has holes, stains, etc., the carpet and padding shall be replaced, or funds shall be escrowed from the seller's proceeds at the closing. Escrowed funds will be based on current market value per square foot for a comparable product, for use by the new buyer.
- c. All scratches, holes, burn marks, etc., shall be repaired in floors and counter tops, etc.
- d. No broken or foggy windows.
- e. All screens shall be in windows, if originally provided.
- f. All windows and doors shall be in working order with no holes.
- g. All locks on windows and doors shall be in working order.
- h. All keys shall be provided, e.g. door, mail box, garage.
- i. All mechanical systems shall be in working order.
- j. Walls shall be paint ready, e.g. all holes patched, all nails removed.
- k. There shall be no leaks from plumbing fixtures.
- l. There shall be no roof leaks.
- m. Any safety hazard shall be remedied prior to closing.
- n. All light fixtures shall be in working order.

L. Refinancing Community Housing Units

A community housing owner that wishes to refinance their residence must contact the Administrator of the housing program to determine the value of the home relative to the applicable deed restriction for their unit. Owners may provide documentation for approved capital improvements made to the home. Owners may

not refinance for more than 100% of the value determined by the Administrator.

IV.

GRIEVANCE PROCEDURES

A grievance is any dispute that a unit owner, purchaser or developer may have with the City of Glenwood Springs, the program's designated administrator, or GCHA with respect to action or failure to act in accordance with the rights, duties, welfare or status of these persons or entities.

A. File Written Complaint.

Unit owners, purchasers, or developers that wish to file a grievance, must submit the grievance in writing so that it is received by the Director for the City of Glenwood Springs within ten (10) days of the alleged action complained about. The grievance shall contain the following information:

1. Grounds for the grievance.
2. Action requested.
3. Name, address, and phone number of complainant and similar information for the complainant's authorized representative.

B. Meet with Community Development Director.

Upon presentation of a written grievance, the Director shall meet with the complainant within seven (7) working days of receipt of the written grievance. Following the meeting, the Director shall provide a written decision on the grievance mailed within three (3) working days of meeting with the complainant.

C. Scheduling of Hearings for Grievances

1. If the issue that is the subject of the grievance is not resolved to the satisfaction of the complainant after a decision is rendered by the Director, the complainant shall have the option of scheduling a hearing before the City Council to consider the grievance. The request for the hearing shall be filed following the procedures in 070.060.070(c) Appeals.

D. Public Notice for Grievance Hearings

1. The Director shall be responsible for notice of a grievance hearing in accordance with Section 070.060.070(c) *Appeals* of the Glenwood Springs Municipal Code.

2. In preparation for the hearing, the Director shall provide:
 - a. The written grievance;
 - b. The factors affecting a successful resolution of the grievance;
 - c. Any documents provided by the complainant; and,
 - d. A recommended course of action.
3. The complainant has the right to be represented by counsel at the grievance hearing.
4. The City Council and the complainant shall have sufficient opportunity before the hearing to examine documents, records and regulations that are relevant to the grievance. Documents that are requested by the complainant shall be made available; however, the costs of copies and staff time associated in providing documents shall be borne by the complainant. Documents that have not been requested and made available prior to the hearing may not be relied on during the hearing.

E. Conduct of the Hearing

1. If the complainant fails to appear at the scheduled hearing, the City Council may make a determination to postpone the hearing or will make a determination based upon the written documentation and the evidence submitted.
2. Review of oral or documentary evidence shall not require strict compliance with the rules of evidence applicable to judicial hearings. However, the complainant may not present documents or new evidence at a hearing concerning eligibility, which have not been previously submitted and considered by the Administrator in reaching its decision of ineligibility.
3. The right to cross-examination shall be at the discretion of the City Council and may be regulated by the City Council as it deems necessary for a fair hearing.
4. Hearing record. The following documents shall constitute the Hearing Record:
 - a. Written complaint.
 - b. Written documents and evidence considered at the hearing.
 - c. Minutes of the meeting and record of decision.

F. Decision of City Council.

The Glenwood Springs City Council shall provide a written decision that includes the reasons for its determination. The decision of the City Council shall be final from which an appeal may be taken to court in accordance with the laws of the State. The Administrator shall take all actions necessary to carry out the decision of the City Council.

1. If a determination is made of ineligibility for a lottery, and the hearing of a grievance cannot be scheduled before the lottery takes place, the complainant's name may be placed in the appropriate category for the lottery. If the complainant's name is chosen, then the closing will be postponed until the City Council can make a decision on the eligibility of the complainant.
2. All persons submitting an application for eligibility to purchase a community housing unit will sign an agreement stating that if they are found ineligible and the decision is later overturned by court action, their sole remedy will be entry in the lottery for the next available community housing unit in the event that the community housing unit originally applied for has been sold.

V.

PERIODIC REVIEW OF HOUSING GUIDELINES

The Guidelines set forth herein shall be reviewed periodically by the Administrator and the City of Glenwood Springs. Except where otherwise noted in the Guidelines, the Guidelines shall be approved by resolution of the City Council of Glenwood Springs.

VI.

DEFINITIONS

The terms, phrases, words and clauses in the Community Housing Guidelines shall have the meaning assigned below. Any term, phrases, words or clauses not defined herein shall have the meanings as defined in the Glenwood Springs Municipal Code (GSMC). Any terms, phrases or words not defined in the Code shall have the meaning assigned in Webster's Third New International Dictionary, 1993, Unabridged.

Administrator shall mean an individual designated by the City of Glenwood Springs, be it staff or an outside agency, to administer the City of Glenwood Springs Housing program.

AMI shall mean the median household income estimates and program income limits compiled and released annually for Garfield County by the United States Department of Housing and Urban Development (HUD)..

Assets shall mean household assets excluding financial retirement plans qualified under the Internal Revenue Service and including real and personal property stocks, and any interest in an estate. Net assets are gross assets minus liabilities.

Bedroom shall mean a room to be used for sleeping purposes that meets applicable International Building Code requirements.

Capital improvement shall mean any fixture erected as a permanent improvement to real property excluding repair, replacement, and maintenance costs, unless otherwise defined in the Deed Restriction governing the community housing unit.

Category shall mean income limits or sales prices as determined by the Guidelines according to household income and net assets.

City Council shall mean the Glenwood Springs City Council.

Director shall mean the Director of the Community Development Department for the City of Glenwood Springs.

Community housing or Community Housing Unit– A Residential dwelling unit within the City of Glenwood Springs that is deed restricted in accordance with this Article and the City of Glenwood Springs's Community Housing Requirements and Guidelines, as approved and amended from time to time by resolution by the City Council, and in

accordance with a deed restriction approved by the City of Glenwood Springs City Council or its designee..

Community Housing Guidelines (the Guidelines) shall mean the document that contains the procedures and guidelines for complying with Article 070.130 of the City of Glenwood Springs Municipal Code.

Community housing for sale unit means a community housing unit that is deed-restricted in accordance with this Article and the City of Glenwood Springs's Community Housing Requirements and Guidelines, as approved and amended from time to time by resolution by the City Council, and in accordance with a deed restrictions approved by the City of Glenwood Springs City Council or its designee to establish maximum initial sales and resale prices, as well as residency, employment and income qualifications for owners and occupants.

Community housing rental unit means a community housing unit that is deed-restricted in accordance with this Article and the City of Glenwood Springs's Community Housing Requirements and Guidelines, as approved and amended from time to time by resolution by the City Council, and in accordance with deed restrictions approved by the City of Glenwood Springs City Council or its designee, to establish a maximum rental prices, as well as residency, employment and income qualifications for owners and occupants.

Complainant shall mean a party who files a grievance relative to the administration of the Glenwood Springs Housing Guidelines.

Co-signer shall mean a joint signatory of a promissory note who shall not occupy the community housing unit unless qualified by the Administrator.

Consumer Price Index (CPI) shall mean, for purposes of these guidelines and the deed restriction, the Consumer price Index – West Region, Consumer Price Index, Urban Wage Earners and Clerical Workers (CPI-W) (1982-84+100), not seasonally adjusted, published by the U. S. Department of Labor, Bureau of Labor Statistics.

Covenant shall mean an agreement, convention, or promise of two or more parties by deed in writing, signed and delivered, by which either of the parties pledges himself to the other that something is either done, shall be done, shall not be done, or stipulated for the truth of certain facts.

Deed Restriction shall mean an enduring covenant placed on units or lots that identifies the conditions of ownership and occupancy of the units or lots to eligible households, and may control the prices of for sale units, initially and/or upon resale.

Dependent shall mean a minor child (21 years of age or younger) or other relative of the owner of a community housing unit, which child or relative is taken and listed as a dependent for federal income tax purposes by such owner, or his or her present or former spouse. (Dependents must also be related by blood or adoption and must reside with the owner at least six months and one day, 181 days, out of every 12 month period.)

Developer shall mean any person or persons engaged in the division of a parcel of land into two (2) or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; any mining, logging excavation, landfill or land disturbance; or any use or extension of use that alters the character of the property.

Development shall mean the division of a parcel of land into two or more parcels; the construction; reconstruction; conversion; structural alteration, relocation or enlargement of any structure; any mining, logging excavation, landfill or land disturbance; or any use or extension of use that alters the character of the property.

Development Plan shall mean the entire plan to construct or place one or more dwelling units on a particular parcel or contiguous parcels of land within the city including, without limitation a planned unit development, site review or subdivision approval.

Disabled Person shall mean a person who meets the definition of "individual with a disability" contained in 29 U.S.C. Section 706(8), or as defined in the Americans with Disabilities Act of 1990.

Dwelling Unit shall mean a single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, cooking and sanitation.

Dwelling, Two Family means one (1) building on one (1) lot designed to be occupied by two (2) families living independently of each other.

Employee Dwelling Unit (EDU) shall mean a community housing unit that meets the following criteria:

- Located within or attached to a non-residential development, but has a separate entrance from the non-residential portion of the development;
- Not accessed from another residential dwelling.
- Detached from the non-residential development but located on the same lot, parcel or subdivision; or,

- Located at an approved site at a different location than the site of the employment generation.

Employer shall mean an individual, entity or business whose physical address is located within one of the priority areas, as priority areas one, two and three are defined in these definitions. If an employer is not physically based in one of the priority areas, the employee must be able to verify that they work in one of the priority areas for individuals, businesses or institutional operations a minimum of 1500 hours per calendar year.

Existing unit shall mean a dwelling unit located within the city, which has received development entitlements, is under construction, or which was completed prior to the development which requires inclusionary housing mitigation.

Fannie Mae (FNMA) – Federal National Mortgage Association, a quasi-governmental agency that purchases mortgage loans in the secondary loan market.

Full-time Employee shall mean a person who is employed on the basis of a minimum of 1,500 hours worked per calendar year, physically working in either priority area one or two (as defined herein), an average of 35 hours a week, 10 months of a year; 32 hours a week, 11 months of the year; and, who resides in the unit a minimum of 9 months out of the year; or a retired person who had been a full-time employee in a specific priority area for a minimum of four years immediately prior to his or her retirement; or a disabled person who had been a full-time employee in a specific priority area for a minimum of two years immediately prior to their disability; or the spouse of any such qualified employee, retired person, or disabled person.

Garfield County Area Median Income see AMI in these definitions.

Grievance shall mean any dispute that a community housing unit owner, purchaser, or developer may have with the City of Glenwood Springs or the housing program's Administrator, or Garfield County Housing Authority, with respect to action or failure to act in accordance with the rights, duties and welfare or status of these persons or entities.

Gross Household Income shall mean the combined gross income of all individuals who will occupy the unit regardless of legal status or relationship to the owner and which income earned or received includes income derived from employment, business, trust or other income producing assets including wage, alimony and child support, and distributions before deductions for expenses, depreciation, taxes and similar allowances.

Guidelines shall mean the document that contains the procedure and guidelines for administration and compliance with the requirements of Article 070.130 of the Municipal Code of the City of Glenwood Springs, as amended from time to time.

Household shall mean all individuals who will be occupying the community housing unit regardless of legal status or familial status.

Household Income shall mean the combined gross income of all non-dependent individuals who will be occupying the unit regardless of marital status.

Housing Mitigation Plan shall mean a plan which sets forth the means by which a developer will comply with Article 070.045 of the Glenwood Springs Municipal Code and Part II Section B. of these Guidelines.

HUD shall mean the United States Department of Housing and Urban Development.

Inclusionary Zoning shall mean the mandatory provision of community housing units or lots as a quid pro quo for development approval.

Income Eligible Household shall mean an individual or family whose household income does not exceed those within these Guidelines established annually based upon the Area Median Income for Garfield County, with adjustments for family size, as published by the Department of Housing and Urban Development.

Income Limits shall mean the income amounts on which the eligibility of households is based expressed as percentages of the AMI and in absolute dollar amounts, updated annually and contained in these Guidelines.

Institutional Lender shall mean any bank, savings and loan association, or any other lender which is licensed to engage in the business of providing purchase money mortgage financing on residential real property.

Lottery shall mean a random drawing to select a winner from eligible applicant families for purchase of community housing units.

Memorandum of Acknowledgment shall mean a recorded document stating the purchaser's acceptance and acknowledgment of the deed restriction or covenant placed against the units as well as the requirement to adhere to the Guidelines.

Net Square Feet shall mean interior living area that is measured interior wall to interior wall, including all interior partitions. Also included, but not

limited to habitable basements and interior storage areas, closets and laundry area. Exclusions include, but are not limited to, uninhabitable basements, mechanical areas, exterior storage, stairwells, garages (either attached or detached), patios, decks and porches.

Off-site shall mean a location for community housing units other than the parcel or lot where the residential development that generates the requirement for community housing units or lots is located.

Prequalification shall mean a borrower's tentative mortgage approval from a lender.

Priority area one shall mean that area that is within the corporate city limits of Glenwood Springs.

Priority area two shall mean that area within the 81601 zip code.

Priority area three shall mean that area within a thirty (30) mile radius of the corporate limits of Glenwood Springs.

Qualified Employees – See Employee Qualified Buyer.

Qualified Employer shall mean an employer of qualified employees.

Self-employed shall mean an individual who carries on a trade or business as a sole proprietor or an independent contractor; or is a member of a partnership that carries a trade or business; or who is otherwise in business for him or herself and who works for a profit or fees. The trade or business is required to provide goods or services to individuals, businesses or institutional operations a minimum of 1,500 hours worked per calendar year physically working in one of the priority areas, as defined in these guidelines, an average of 35 hours a week, 10 months of a year; or 32 hours a week, 11 months of the year.



City Council
STAFF REPORT
City of Glenwood Springs
April 1, 2021

Agenda Item: Planning Item 11-21 Consideration of a Right-of-Way Encroachment License and an Easement Vacation for the Bell Rippy multi-family/duplex development.

Action Requested: **Action 1 –Right-of-Way Encroachment License** – for improvements related to the Bell Rippy development.

Action 2 – Easement Vacation – associated with the combination of three lots for the Bell Rippy development.

Department: Economic and Community Development

Presented By: Trent Hyatt, Senior Planner

Background Info:

REQUEST	Approval of a Right-of-Way Encroachment License and vacation of an existing easement
APPLICANT	Triumph Development West, LLC
OWNER	Bell Rippy Glenwood LLC
LOCATION	2769 Palmer Avenue, generally east and west of Palmer Avenue between 27th Street and Blake Avenue
ZONE	Residential Transitional (RT) District
SURROUNDING LAND USES	North: Single-family residential South: Commercial retail East: Vacant West: Mult-family residential, mixed commercial
LOT SIZE	5.74 acres

On July 23, 2020, City Council approved Major Site/Architectural Plan Review and Rezoning applications for a 100 unit (98 apartment units in six buildings and 1 duplex structure) multi-family development, commonly referred to as the Bell Rippy Apartments. Thereafter, the applicant, Triumph Development West, LLC, submitted a Construction Plans Review application (staff level review of final civil and architectural drawings and engineering reports prior to the submittal of a building permit application) in late January of this year. Due to various topographic issues impacting the site and various public improvements requested by the City, some encroachments into City rights-of-way are necessary for the construction of the project, specifically the extension of Palmer Avenue. Additionally, the vacation of an unused stormwater/utility easement associated with the Rezoning is required for the small lot being combined with the larger development site. Further details related to these issues are provided below.

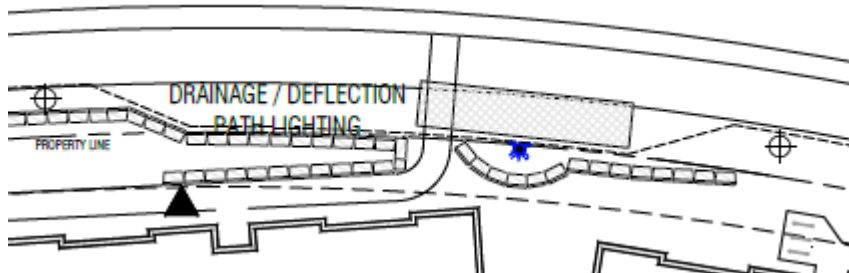
Issues: **Right-of-Way Encroachment License Approval Criteria**
Section 070.060.030(f)(3)e.2 of the Code outlines the approval considerations for the review of a

Right-of-Way Encroachment License application. Said language is provided in ***bold italics*** below while other language is provided by staff.

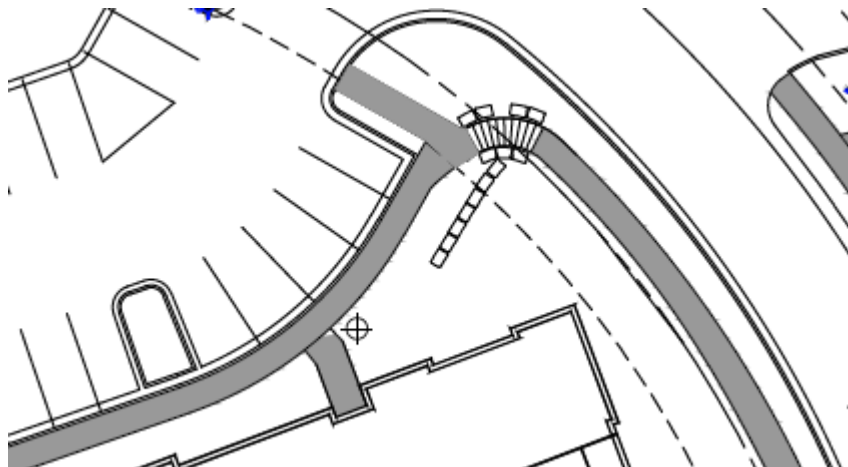
In reviewing the proposed right-of-way encroachment license, the Director and City Council shall consider whether or not the proposed encroachment:

1. Furthers the City's land use and utility goals and objectives;

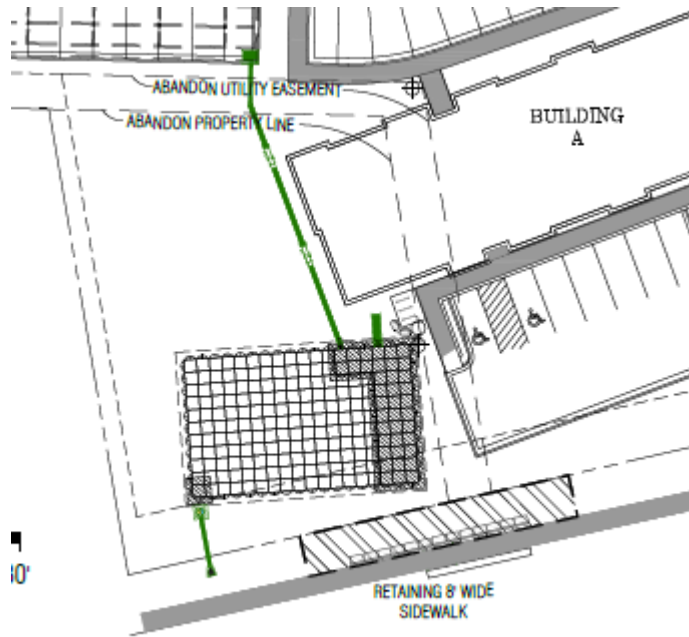
As outlined above, various encroachments are necessary due to the the pedestrian, bicycle, and/or emergency access improvements associated with the extension of Palmer Avenue south from 26th Street. As you may remember, instead of opening the Palmer Avenue right-of-way from 26th Street south to its intersection with Blake Avenue, City Council decided on an Option C that included the construction of 10 foot wide bicycle/pedestrian path with five foot shoulders therein designed to accommodate fire and emergency services apparatus when necessary. Most of the retaining wall supporting the improvements is located within the road right-of-way, however, a portion which also serves to divert stormwater and crosses from public onto private property as depicted below. The City will require an easement to access portions of the wall on private property to allow for future maintenance, if applicable.



Another encroachment is related to site grading and sidewalk improvements along the same right-of-way further southwest. In this instance, a retaining is required to allow for pedestrian access between the road and the uphill side of building A. The picture below depicts said connection. Stairs are not appropriate for all pedestrians so an accessible route is provided on the opposite side of the road which will be properly signed.



Last, the City requested a wider sidewalk than is generally required (eight feet as opposed to five feet in residential districts) along Blake Avenue adjacent to the subject property to allow for an anticipated increase in bicycle and pedestrian traffic along this route. To accommodate the requested eight foot wide sidewalk, a retaining wall is necessary due to onsite stormwater facilities located adjacent to and uphill to the east as depicted below.



All of the improvements addressed above are intended to further City goals set prior to the development proposal and/or as developed in through public outreach during the review of the development proposal and thereafter.

2. Could be reasonably accommodated on the applicant's own property and outside of the City's right-of-way;

Said encroachments can not be accommodated fully on the applicant's private property due to the topographic constraints at the site (in the Palmer Avenue right-of-way) and/or the proximity of proposed onsite drainage facilities to desired bicycle and pedestrian improvements (adjacent to the Blake Avenue right-of-way).

3. Compromises public safety, health, and welfare of the community;

The encroachments do not compromise public safety, health, nor welfare.

4. Compromises access to other public and/or private lands; and

The encroachments do not compromise access to public/private lands.

5. Is necessary based on a hardship created by the applicant.

The encroachments are not necessary due to the actions nor a hardship created by the applicant and are more related to existing topography and/or City requests for certain public improvements.

Easement Vacation

The City does not have specific approval criteria for the vacation of an easement. In this circumstance, the subject easement is a standard easement along a property boundary dedicated to the City with the former subdivision of the property. The area of vacation is depicted below (area highlighted) and in both Exhibit B and draft minor subdivision plat attached. These easements are commonplace and intended for anticipated potential public utilities. There are no known public or private utilities or stormwater infrastructure within the area and vacation thereof will not cause a

negative impact on the City nor adjacent property owners. Again, vacation of the easement is a necessary result of the rezoning of the subject parcel and condition to combine it with the larger development parcel.



The proposed Easement Vacation does not negatively impact the City's land use and utility goals and objectives nor does it compromise public safety, health, nor the welfare of the community.

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 –Right-of-Way Encroachment License – for improvements related to the Bell Rippy development.

Staff Recommendation:

Staff recommends approval of the License to Encroach application with the findings and conditions below:

Recommended Findings:

1. The proposed encroachment furthers the City's land use and utility goals and objectives;
2. The proposed encroachment does not compromise public safety, health, nor the welfare of the community;
3. The proposed encroachment does not compromise access to other public and/or private lands; and
4. The proposed encroachment is not based on a hardship created by the applicant.

Recommended Conditions:

1. The type and extent of the encroachments shall be consistent with the Exhibit B attached;
2. Prior to the issuance of a building permit, the applicant shall provide an agreement, subject to the review and approval of the City Attorney, which indemnifies the City from any all damages to property or persons related to the encroachment;
3. Prior to the issuance of a building permit, the applicant shall obtain and provide a copy of an umbrella liability policy covering the encroachments in limits not less than \$1,000,000.00. Such policy shall be renewed by the applicant for the life of the encroachment, and a copy of each new policy shall be furnished to the City upon the anniversary date of the license to encroach. Failure to provide the policy as required shall automatically nullify the license to encroach without necessity of further notice and shall require the applicant's removal of the encroachment at the applicant's sole expense. Should the applicant fail to remove the encroachment within a reasonable time, the City may declare the encroachment a public nuisance, undertake removal, and attach a lien to the applicant's property for the costs of the removal; and
4. Upon construction of the encroachments and prior to the issuance of a certificate of occupancy, the applicant shall provide the City with as-built drawings of all encroachment structures in the format specified by the Director.

Action 2 – Easement Vacation – associated with the combination of three lots for the Bell Rippy development.

Staff Recommendation:

Staff recommends approval of the Easement Vacation the findings below.

Recommended Findings:

1. The proposed Easement Vacation does not negatively impact the City's land use and utility goals and objectives; and
2. The proposed Easement Vacation does not compromise public safety, health, nor the welfare of the community.

BELL RIPPY MINOR SUBDIVISION

SITUATED IN THE SW¼ SW¼ SECTION 15, SE¼ SE¼ SECTION 16, NW¼ NW¼ SECTION 22, NE¼ NE¼ SECTION 21 ALL IN TOWNSHIP 6 SOUTH, RANGE 89 WEST OF THE 6TH PRINCIPAL MERIDIAN AND A PORTION OF OAKHURST SUBDIVISION FIRST FILING RECEPTION No. 241379 COUNTY OF GARFIELD, STATE OF COLORADO

CERTIFICATE OF DEDICATION AND OWNERSHIP

Known all men by these presents that Bell Rippy Glenwood LLC, Delaware limited liability company, being sole owners in fee simple of all that real property described as follows:

A parcel of land situate in Sections 15, 21, and 22 of Township 6 South, Range 89 West of the 6th Principal Meridian, Garfield County, Colorado and being more particularly described as follows:

Beginning at the Northwest Corner of said Section 22 thence N1°19'50"E along the West Line of Block 3 Oakhurst Subdivision First Filing, as recorded at reception No. 241379 of the Garfield County Records a distance of 381.85 feet to the 26th Street Right of Way as Described at Reception No. 241379; thence S88°19'10"E along said Right of Way a distance of 93.25 feet to the start of a non-tangent curve to the right; thence 23.74 feet along said curve to the right with a radius of 15.00 feet and a central angle of 90°41'13" whose chord bears S42°57'53"E a distance of 21.34 feet to the Palmer Avenue Right of Way described at Reception No. 241379 and the start of a non-tangent curve to the left; thence along said Palmer Avenue the following five (5) courses and distances; 1. 131.14 feet along said curve to the left with a radius of 487.06 feet and a central angle of 15°25'35" whose chord bears S5°19'23"E a distance of 130.74 feet; 2. S13°02'10"E a distance of 75.00 feet to the start of a curve to the right; 3. 288.43 feet along said curve to the right with a radius of 623.63 feet and a central angle of 26°29'59" whose chord bears S0°12'50"W a distance of 285.87 feet; 4. S13°27'50"W a distance of 105.43 feet to the start of a curve to the right; 5. 221.95 feet along said curve to the right with a radius of 199.69 feet and a central angle of 63°40'57" whose chord bears S45°18'20"W a distance of 210.70 feet; thence S77°08'50"W a distance of 42.48 feet to the Blake Avenue Right of Way as recorded at Reception No. 241379 thence N12°47'43"W a distance of 195.75 feet; thence N13°32'22"W a distance of 68.35 feet; thence N86°07'27"E a distance of 128.24 feet; thence N1°13'07"E a distance of 119.91 feet to the Point of Beginning

and containing 2.78 acres, more or less;

have by these presents laid out, platted and subdivided the same into lots and blocks as shown hereon and designate the same as BELL RIPPY MINOR SUBDIVISION in the City of Glenwood Springs, County of Garfield, Colorado, and do hereby grant to the City of Glenwood Springs, County of Garfield, Colorado, for public use the streets shown hereon, including avenues, drives, courts, places and alleys, the public lands shown hereon for their indicated public use, and the utility and drainage easements shown hereon for utility and drainage purposes only; and so further state that this subdivision shall be subject to the protective covenants filed and recorded for this subdivision in the office of the Clerk and Recorder of Garfield County, Colorado as Reception No. _____, and subject to the Subdivision Agreement filed and recorded for this subdivision in the office of the Clerk and Recorder of Garfield County, Colorado as Reception No. _____

EXECUTED this ____ day of _____, A.D. 20 ____.

OWNERS _____
BELL RIPPY GLENWOOD LLC, A DELAWARE LIMITED LIABILITY COMPANY

STATE OF _____

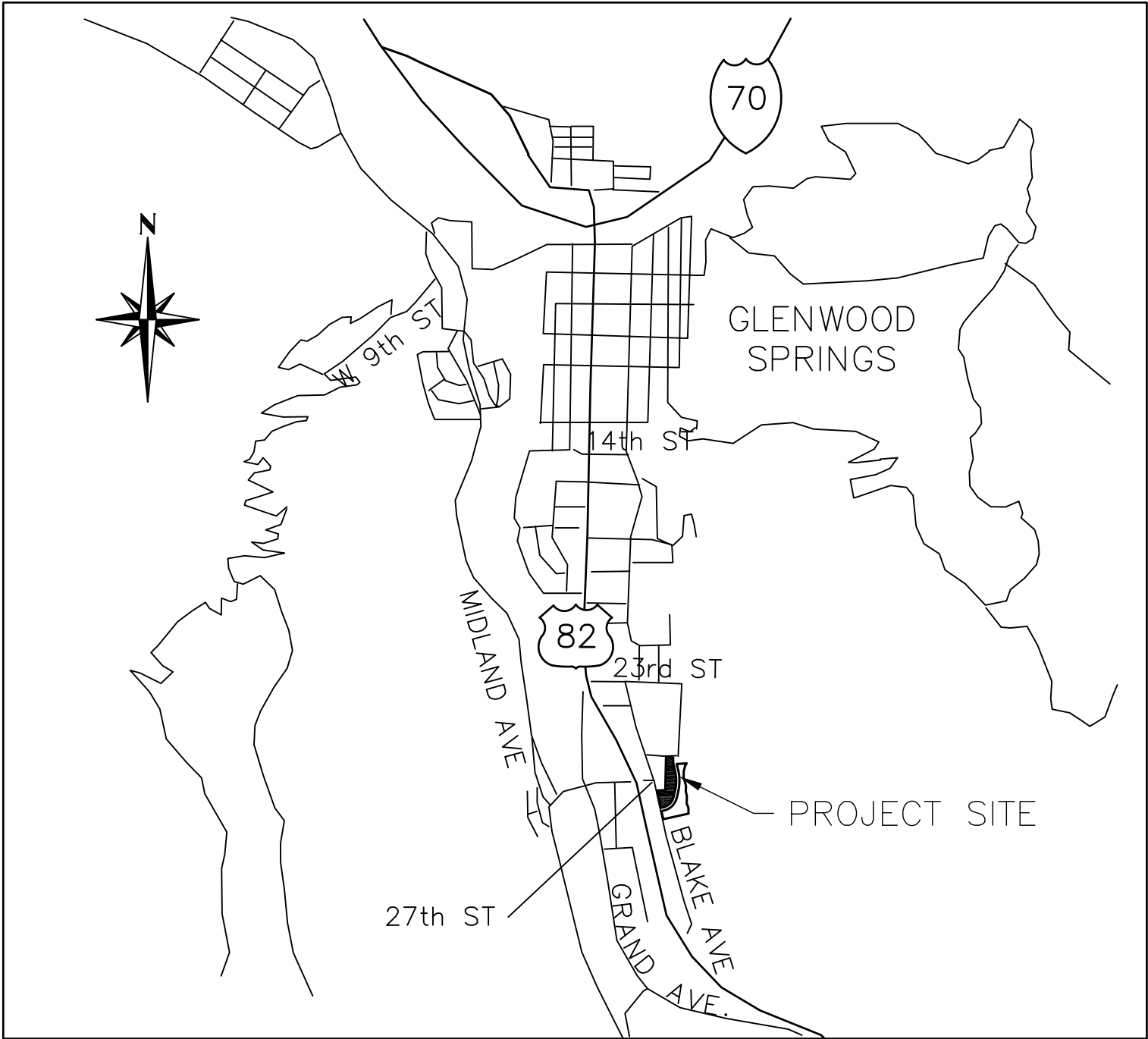
COUNTY OF _____

The foregoing dedication was acknowledged before me this ____ day of _____, A.D. 20 ____, by _____

My commission expires _____.

WITNESS MY HAND AND SEAL,

Notary Public



VICINITY MAP

CLERK AND RECORDER’S CERTIFICATE

This plat was filed for record in the office of the Clerk and Recorder of Garfield County at _____ o'clock ____ M on the ____ day of _____ 20____, as Reception No. _____

Clerk and Recorder

By _____
Deputy

SURVEYOR’S CERTIFICATE:

I, Patrick W. Click, do hereby certify that I am a registered land surveyor licensed under the laws of the State of Colorado, that this plat is a true, correct and complete plat of the BELL RIPPY MINOR SUBDIVISION as laid out, platted, dedicated and shown hereon, that such plat was made from an accurate survey of said property by me and under my supervision and correctly shows the location and dimensions of the lots, easements and streets of said subdivision as the same are staked upon the ground in compliance with the City of Glenwood Springs regulations governing the subdivision of land In witness whereof I have set my hand and seal this ____ day of A.D. 20 ____.

COLORADO REGISTERED LAND SURVEYOR PLS #37904

COMMUNITY DEVELOPMENT DIRECTOR CERTIFICATE:

This plat was approved by the City of Glenwood Springs Director of Community Development this ____ day of _____, A.D. 20 ____.

Director

LAND USE SUMMARY		
LOT 1	2.78 ACRES	100%
RIGHT OF WAY	0.00 ACRES	0%
TOTAL	2.78 ACRES	100%

BELL RIPPY MINOR SUBDIVISION

A REPLAT OF A PORTION OF OAKHURST SUBDIVISION FIRST FILING SITUATED IN SECTION 15, 16, 22 AND 21 TOWNSHIP 6 SOUTH, RANGE 89 WEST OF THE 6TH PRINCIPAL MERIDIAN COUNTY OF GARFIELD, STATE OF COLORADO

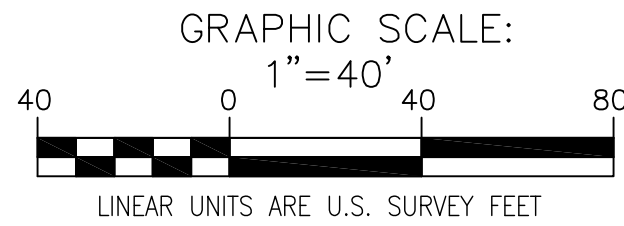
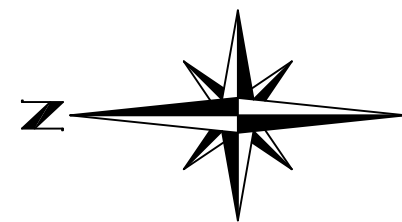
JOB #: 2019159 FIELD WORK: SL
DATE: 3/5/21 DRAWING NAME: 2710 Blake Ave. DRAWN BY: PC

POLARIS SURVEYING

PATRICK W. CLICK P.L.S.
3194 MESA AVE. #B
GRAND JUNCTION, CO 81504
pat@polarisgj.com
PHONE (970)434-7038

BELL RIPPY MINOR SUBDIVISION

SITUATED IN THE SW¼ SW¼ SECTION 15, SE¼ SE¼ SECTION 16, NW¼ NW¼ SECTION 22,
NE¼ NE¼ SECTION 21 ALL IN TOWNSHIP 6 SOUTH, RANGE 89 WEST OF THE 6TH PRINCIPAL MERIDIAN
AND A PORTION OF OAKHURST SUBDIVISION FIRST FILING RECEPTION No. 241379
COUNTY OF GARFIELD, STATE OF COLORADO

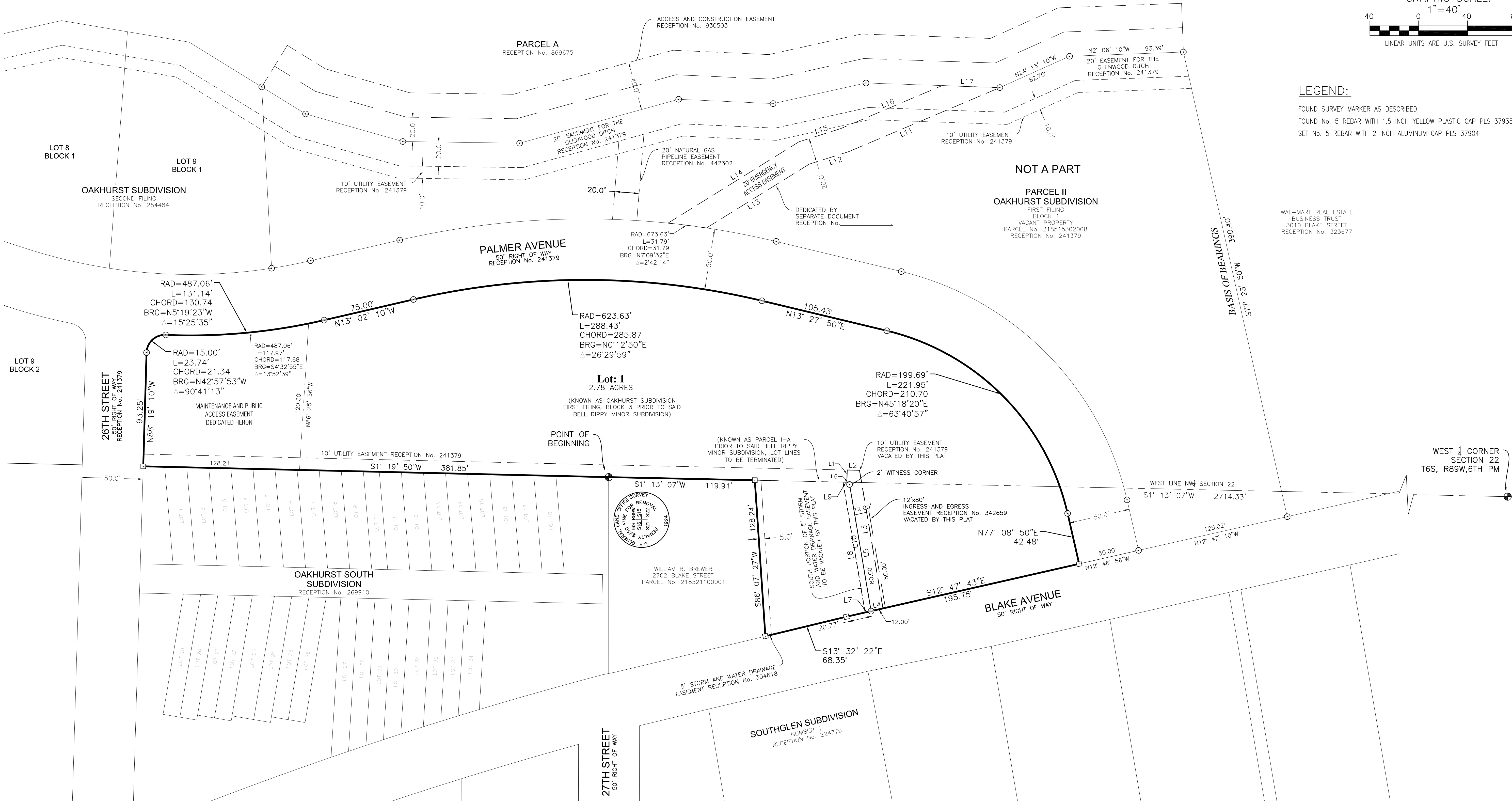


LEGEND:

FOUND SURVEY MARKER AS DESCRIBED
FOUND No. 5 REBAR WITH 1.5 INCH YELLOW PLASTIC CAP PLS 37935
SET No. 5 REBAR WITH 2 INCH ALUMINUM CAP PLS 37904



WAL-MART REAL ESTATE
BUSINESS TRUST
3010 BLAKE STREET
RECEPTION No. 323677



10' Utility Easement to be Vacated Line Table		
Line #	Direction	Length
L1	S88° 15' 30"E	10.00'
L2	S01° 13' 07"W	10.07'
L3	S80° 20' 57"W	114.93'
L4	N12° 47' 43"W	10.02'
L5	N80° 20' 57"E	107.22'
L6	N01° 13' 07"E	1.90'

5' Storm and Water Drainage Easement to be Vacated Line Table		
Line #	Direction	Length
L7	N12° 47' 43"W	5.01'
L8	N80° 20' 57"E	108.45'
L9	S01° 13' 07"W	5.09'
L10	S80° 20' 57"W	107.22'

20' Emergency Access Easement Line Table		
Line #	Direction	Length
L11	N22° 57' 46"W	134.53'
L12	N17° 32' 58"W	34.03'
L13	N31° 49' 53"W	99.29'
L14	S31° 49' 53"E	126.50'
L15	S17° 32' 58"E	35.84'
L16	S22° 57' 46"E	90.35'
L17	S01° 57' 50"W	47.40'

BELL RIPPY MINOR SUBDIVISION
A REPLAT OF A PORTION OF OAKHURST SUBDIVISION FIRST FILING
SITUATED IN SECTION 15, 16, 22 AND 21
TOWNSHIP 6 SOUTH, RANGE 89 WEST OF THE 6TH PRINCIPAL MERIDIAN
COUNTY OF GARFIELD, STATE OF COLORADO

JOB #: 2019159
DATE: 3/5/21
DRAWING NAME: 2710 Blake Ave.
FIELD WORK: SL
DRAWN BY: PC

POLARIS SURVEYING
PATRICK W. CLICK P.L.S.
3194 MESA AVE. #B
GRAND JUNCTION, CO 81504
pat@polarisg.com
PHONE (970)434-7038

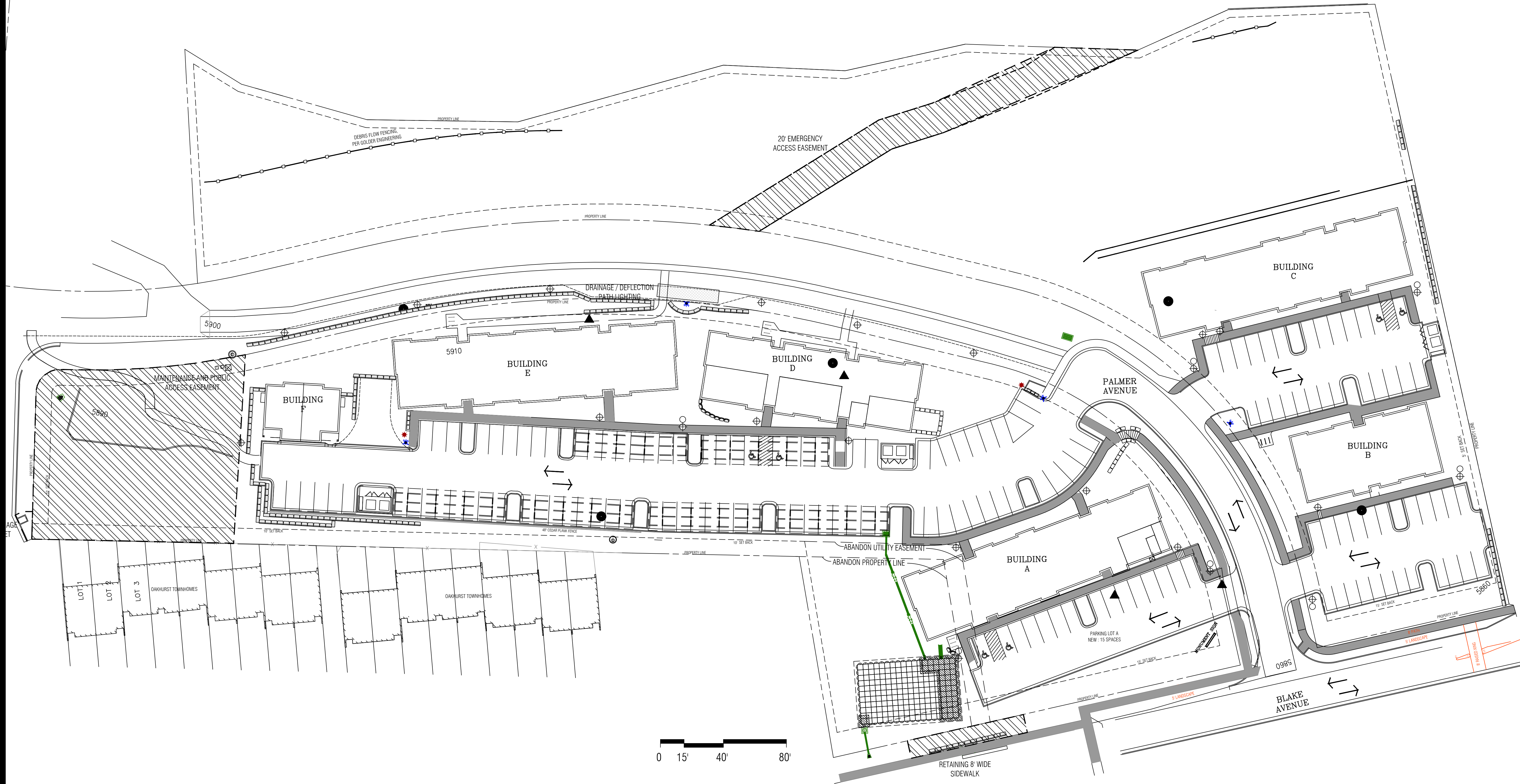


EXHIBIT "B" - EASEMENT PROPERTY

1 SITE PLAN
NTS



TRIUMPH
Vail Office
12 Vail Road,
suite 700
Vail, CO 81657
Tel: 970.479.9990
www.triumphdev.com

BELL RIPPY
NEIGHBORHOOD
2700 PALMER AVE
GLENWOOD SPRINGS COLORADO

Revisions:
EMERGENCY
EASEMENT
DIAGRAM

Sheet title
SITE
PLAN

Stamp

Date:	3/22/2021
Project No:	
Drawn by:	MEF
Checked by:	MEF

Sheet
AA1.0



City Council
STAFF REPORT
City of Glenwood Springs
April 1, 2021

Agenda Item: Ordinance 2, Series 2021 - Changes to Titles 020, 050 and 060 - Building/Fire Appeals

Action Requested: Approval of Ordinance 2, Series 2021 - Amending Titles 020, 050 and 060 to name the Planning and Zoning Commission as the Building Board of Appeals.

Department: Economic and Community Development

Presented By: Jennifer Ooton, Assistant City Manager
Gary Tillotson, Fire Chief

Background Info: The City of Glenwood Springs currently has an appointed Building Board of Appeals to hear appeals of decisions made by the Building Official and the Fire Marshal. This board currently has several seats open, and staff is having a difficult time recruiting for the board. Due to a lack of appeals and the inactive nature of this board, it is extremely difficult to recruit for the open positions.

Ordinance 02, Series 2021, would name the Planning and Zoning Commission as the Board of Appeals for appeals of decisions related to interpretation of the Building and Fire codes. Appeals must be filed within 10 days of the decision that is being appealed.

According to staff members, the Building Board of Appeals has not met in at least 8-9 years. The Building Board of Appeals met several times in 2010 before the adoption of the 2009 International and National Codes regarding construction building codes and regulations.

Issues: None.

Staff Recommendation: Approval of Ordinance 2, Series 2021.

ORDINANCE NO. 2

Series of 2021

AN ORDINANCE OF THE CITY OF GLENWOOD SPRINGS, COLORADO, AMENDING SECTIONS OF TITLES 020, 050 AND 060 RELATING TO THE BUILDING BOARD OF APPEALS.

WHEREAS, pursuant to Section 020.020.030(c) of the Glenwood Springs Municipal Code, the Building Board of Appeals is responsible for hearing appeals in accordance with the International Building Code, International Residential Code, International Fire Code, and other adopted codes from the International Code Council as adopted or amended in Title 060 of the Municipal Code (“Adopted Construction Codes”); issuing and revoking a City contractor’s license pursuant to Title 050 of the Municipal Code; and investigating, studying and reporting to City Council on matters concerning contractor licensing and regulations as well as matters of fire protection and prevention coordination and cooperation between the City Fire Department and the Glenwood Springs Rural Fire Protection District; and

WHEREAS, Section 020.020.020(3) of the Municipal Code provides that the Building Board of Appeals shall be composed of the Building Inspector, ex officio; one professional engineer and one licensed contractor who reside in or own property or a business within the 81601 zip code; one resident of the City of Glenwood Springs; and one current or former firefighter, licensed fire alarm installer or fire code inspector who resides in or owns property or a business within the 81601 zip code; and

WHEREAS, unlike other City boards and commissions that have regularly scheduled business, the Building Board of Appeals meets on an as-needed basis, and the City has faced challenges finding individuals who meet the criteria in Section 020.020.020 to sit on a board that meets sporadically; and

WHEREAS, the duties set forth in Section 020.020.030(c), other than hearing appeals, either can or have been being performed by City staff such as the Building Official and Fire Official; and

WHEREAS, City Council desires to amend Section 020.030.030(c) so that the duties of the Building Board of Appeals are limited to hearing appeals of decisions issued by the Building Official or Fire Official pursuant to the Adopted Construction Codes and to amend Title 060 to create consistent procedures for appeals to the Building Board of Appeals; and

WHEREAS, City Council further desires to amend Section 020.020.020(3) to provide that the Planning and Zoning Commission shall serve as the Building Board of Appeals; and

WHEREAS, City Council finds that the amendments set forth on **Exhibit A** are necessary to clarify and correct the duties of the Building Board of Appeals and to ensure there is an existing board to hear appeals in accordance with the Adopted Construction Codes; and

WHEREAS, City Council further finds that such amendments are in the best interest of the public health, safety and welfare of the citizens of the City.

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

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

Section 2. Titles 020, 050 and 060 of the Glenwood Springs Municipal Code are hereby amended as set forth in **Exhibit A** attached hereto.

INTRODUCED, READ ON FIRST READING, PASSED, AND ORDERED
PUBLISHED BY TITLE ONLY THIS _____ DAY OF _____, 2021.

CITY OF GLENWOOD SPRINGS, COLORADO

Jonathan Godes, Mayor

ATTEST:

Ryan Muse, Assistant 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 _____, 2021.

CITY OF GLENWOOD SPRINGS, COLORADO

Jonathan Godes, Mayor

ATTEST:

Ryan Muse, Assistant City Clerk

EXHIBT A

New language is double underlined

~~Strike through language is deleted~~

020.020.020 – Composition of boards and commissions.

The membership of boards and commissions shall be composed of the following persons:

(3) Building Board of Appeals.

- a. The Planning and Zoning Commission shall act as the Building Board of Appeals whenever such a board is required by this Code, other ordinances of the City or state or federal law.
- a. ~~Building Inspector, ex officio;~~
- b. ~~One (1) professional engineer who may reside out of the City but within the 81601 zip code area or own real property or a business within the City;~~
- c. ~~One (1) licensed contractor who may reside outside of the City but within the 81601 zip code area or own real property or a business within the City;~~
- d. ~~One (1) citizen who is a resident of the City; and~~
- e. ~~One (1) current or former firefighter, licensed fire alarm installer or fire code inspector who may reside outside of the City but within the 81601 zip area code or own real property or a business within the City.~~

020.020.030 – Powers and duties of boards and commissions.

(c) *Powers and Duties of Building Board of Appeals.* The powers and duties of the Building Board of Appeals shall be:

(1) ~~To~~ To hear appeals in accordance with the International Building Code, International Residential Code, International Fire Code, and the other adopted codes from the International Code Council, as adopted or amended by Title 060 of this Code. Such power shall not include matters of interpretation arising under the Code.

~~(2) To issue and revoke or suspend a City's contractor's license as provided in Title 050.~~

~~(3) To investigate, study and report to the City Council such other matters concerning contractor licensing and regulations as the Board may deem in the best interests of the City.~~

~~(4) To investigate, study and report to the City Council matters of fire protection and prevention coordination and cooperation between the City Fire Department and the Glenwood Springs Rural Fire Protection District.~~

(f) *Powers and duties of Planning and Zoning Commission.* The powers and duties of the Planning and Zoning Commission shall be:

(7) To service as the Building Board of Appeals.

050.040.070 - Suspension and revocation

(a) ~~*Complaint and notice. Grounds for suspension or revocation.* The Building Official may issue an order suspending or revoking a license issued pursuant to this article if he/she determines, upon his/her own motion, and shall, upon the verified complaint in writing of any person, require any person licensed pursuant to this article to appear before the Building Board of Appeals for hearing after five (5) days' notice in writing mailed to his/her last known post office address or personally delivered to such person. Such notice shall include a copy of the complaint and the date, time and place of the hearing.~~

(b) ~~*Hearing.* The Building Board of Appeals shall conduct a hearing allowing for procedural due process although strict rules of evidence need not be followed. At the conclusion of the hearing, if the board finds by clear and convincing evidence that the license holder has committed any one (1) or more of the following acts or omissions, it may suspend or revoke such license:~~

(1) Abandonment of any contract without legal cause;

(2) Diversion of funds or property received for performance or completion of a specific contract or for a specified purpose in the performance or completion of any contract and their application or use for any other contract, obligation or purpose, or the failure, neglect or refusal to use such funds or property for the performance or completion of said contract;

- (3) Fraudulent departure from or disregard of plans or specifications in any material respect without consent of the owner or his/her duly authorized representative, and the Building Official;
 - (4) Willful and deliberate disregard and violation of the construction building codes of the City or failure to comply with any lawful order of the Building Official;
 - (5) Misrepresentation of material facts by the applicant in obtaining a license;
 - (6) Fraudulent use of a license to obtain building permits for another,
 - (7) Carelessness or negligence in providing reasonable safety measures for the protection of workers and the public;
 - (8) Failure to obtain a building permit for any work as required by Title 060; or
 - (9) Suspension or revocation of the person's license (master or otherwise) which is required by the State.
- (~~e~~b) *Suspension or revocation period.* The suspension of the license shall be for a period not to exceed one (1) year, and the revocation shall be for a period of more than one (1) year or may be a permanent revocation of that person's license. The suspension or revocation of a license shall not entitle the licensee to a refund of his/her license or application fees.
- (~~d~~c) *Appeal.* Any order of suspension or revocation of a license may be appealed to the Building Board of Appeals by filing a written notice of appeal with the Building Official, stating the exact reasons for the appeal of the order or suspension or revocation, within ten (10) days of the order. ~~The Building Board of Appeals shall hear the appeal within one (1) month.~~ The decision of the Building Board of Appeals shall be final from which an appeal may be taken to Court in accordance with the laws of the State.
- (~~e~~d) *Re-examination.* The administering board may require a person whose license has been suspended or revoked to be reexamined before a license will be reinstated or reissued.
- (~~f~~e) *Other remedies.* These procedures for suspension or revocation of a license are cumulative and are in addition to the powers of the Building Official to issue stop work orders pursuant to Subsection 050.040.010(b) or pursuant to any other provisions of this Code and in addition to any other remedies which may be available to the City.

060.020.020 - Amendments to the International Building Code.

§113.1 General (Board of Appeals).

The Building Board of Appeals ~~as established by Article 020.020~~ GSMC shall hear and decide appeals of orders, decisions or determinations by the Building Official relative to the application and interpretation of this code.

§113.3 Qualifications

The Planning and Zoning Commission shall serve as the Building Board of Appeals.

§113.4 Notice of Appeal Procedures.

§113.4.1 Filing Appeal.

~~Any person with material or definitive interest in an order, decision or determination by the Building Official may appeal the order, decision or determination to the Building Board of Appeals. A notice of~~ The appeal must be presented to the Building Official and the Community Development Director in writing within 210 days of the decision being appealed, stating the decision in question and the basis for the appeal ~~appellant's interpretation of the relevant code section. Failure to present the notice of appeal within 10 days shall be a waiver of any further right of appeal. Upon receipt of the notice of appeal, the Community Development Director will place the item on the next available meeting agenda of the Planning and Zoning Commission.~~

§113.5 Effect of Appeal

A timely appeal shall stay all proceedings related to the action being appealed unless the Building Official determines that such a stay would cause imminent peril to life or property.

§113.4.2 Notice of Meeting.

~~The Building Official shall notify the Building Board of Appeals members and set a meeting date within two (2) weeks of receiving the written appeal.~~

§113.4.3 Open Hearing.

~~All hearings before the board shall be open to the public. The appellant, the appellant's representative, the Building Official and any person whose interests are affected shall be given an opportunity to be heard. (Ad 24-10 §2)~~

§113.4.4 Board Decision.

~~The Board may modify or reverse the decision of the Building Official by a concurring vote of the majority of the voting members present. The Building Official shall take immediate action in accordance with the decision of the board.~~

060.030.020 - Amendments to the International Residential Code.

§112.1 General (Board of Appeals).

~~Orders, decisions or determinations of the Building Official relative to the application and interpretation of this code may be appealed to the Building Board of Appeals, per Section 113 of the International Building Code.~~

§112.3 Qualifications.

The Planning and Zoning Commission shall serve as the Building Board of Appeals.

§112.4 Notice of Appeal.

A notice of appeal must be presented to the Building Official and Community Development Director in writing within 10 days of the decision being appealed, stating the decision in question and the basis for the appeal. Failure to present the notice of appeal within 10 days shall be a waiver of any further right of appeal. Upon receipt of the notice of appeal, the Community Development Director will place the item on the next available meeting agenda of the Planning and Zoning Commission.

§112.5 Effect of Appeal

A timely appeal shall stay all proceedings related to the action being appealed unless the Building Official determines that such a stay would cause imminent peril to life or property.

060.040.020 – Amendments to the International Plumbing Code.

§109 Means of Appeal.

Orders, decisions or determinations of the Building Official relative to the application and interpretation of this code may be appealed to the Building Board of Appeals by presenting a notice of appeal to the Building Official and Community Development Director within 10 days of the decision being appealed. The notice of appeal should state the decision being appealed and the basis for the appeal. per Section 113 International Building Code. Failure to present the notice of appeal within 10 days shall be a waiver of any further right of appeal. The Planning and

Zoning Commission shall serve as the Building Board of Appeals. Upon receipt of the notice of appeal, the Community Development Director will place the item on the next available meeting agenda of the Planning and Zoning Commission. A timely appeal shall stay all proceedings related to the action being appealed unless the Building Official determines that such a stay would cause imminent peril to life or property.

060.050.020 – Amendments to International Mechanical Code.

§109 Means of Appeal.

Orders, decisions or determinations of the Building Official relative to the application and interpretation of this code may be appealed to the Building Board of Appeals by presenting a notice of appeal to the Building Official and Community Development Director within 10 days of the decision being appealed. The notice of appeal should state the decision being appealed and the basis for the appeal. per Section 113 International Building Code. Failure to present the notice of appeal within 10 days shall be a waiver of any further right of appeal. The Planning and Zoning Commission shall serve as the Building Board of Appeals. Upon receipt of the notice of appeal, the Community Development Director will place the item on the next available meeting agenda of the Planning and Zoning Commission. A timely appeal shall stay all proceedings related to the action being appealed unless the Building Official determines that such a stay would cause imminent peril to life or property.

060.060.020 – Amendments to the International Property Maintenance Code.

§111.4 Means of Appeal.

Orders, decisions or determinations of the Building Official relative to the application and interpretation of this code may be appealed to the Building Board of Appeals by presenting a notice of appeal to the Building Official and Community Development Director within 10 days of the decision being appealed. The notice of appeal should state the decision being appealed and the basis for the appeal. per Section 113 International Building Code. Failure to present the notice of appeal within 10 days shall be a waiver of any further right of appeal. The Planning and Zoning Commission shall serve as the Building Board of Appeals. Upon receipt of the notice of appeal, the Community Development Director will place the item on the next available meeting agenda of the Planning and Zoning Commission. A timely appeal shall stay all proceedings related to the action being appealed unless the Building Official determines that such a stay would cause imminent peril to life or property.

060.080.020 – Amendments to the International Energy Conservation Code.

§109 Board of appeals.

Orders, decisions or determinations of the Building Official relative to the application and interpretation of this code may be appealed to the Building Board of Appeals by presenting a notice of appeal to the Building Official and Community Development Director within 10 days of the decision being appealed. The notice of appeal should state the decision being appealed and the basis for the appeal. Failure to present the notice of appeal within 10 days shall be a waiver of any further right of appeal. The Planning and Zoning Commission shall serve as the Building Board of Appeals. Upon receipt of the notice of appeal, the Community Development Director will place the item on the next available meeting agenda of the Planning and Zoning Commission. A timely appeal shall stay all proceedings related to the action being appealed unless the Building Official determines that such a stay would cause imminent peril to life or property.

060.090.020 – Amendments to the International Fire Code.

§108.1 Board of Appeals.

The Building Board of Appeals shall hear and decide appeals of orders, decisions or determinations made by the fire code official relative to the application and interpretation of this Code.

§108.3 Qualifications.

The Planning and Zoning Commission shall serve as the Building Board of Appeals. The Board of Appeals may, in its discretion, engage an independent third party with training and experience in matters involving fire hazards, explosions, hazardous conditions or fire protection systems to provide an opinion regarding the issues on appeal.

§108.4 Notice of Appeal Building Board of Appeals.

The Building Board of appeals shall also serve as the board of appeals under this Code. The applicants requesting to appeal a decision shall make their request to the Building Board of Appeals. A notice of appeal must be presented to the fire code official and Community Development Director within 10 days of the order being appealed, stating the order in question and the basis for the appeal they are appealing. Failure to present the notice of appeal within 10 days shall be a waiver of any further right of appeal. Upon receipt of the notice of appeal, the Community Development Director will place the item on the next available meeting agenda of the Planning and Zoning Commission.

§108.5 Effect of Appeal

A timely appeal shall stay all proceedings related to the action being appealed unless the fire code official determines that such a stay would cause imminent peril to life or property. The fire code official shall take immediate action in accordance with the decision of the Board of Appeals.

060.120.020 – Amendments to the International Fuel Gas Code.

§109 Means of appeal.

An order, decision or determination by the Building Official relative to the application and interpretation of this code may be appealed to the Building Board of Appeals by presenting a notice of appeal to the Building Official and Community Development Director within 10 days of the decision being appealed. The notice of appeal should state the decision being appealed and the basis for the appeal. per Section 113 International Building Code. Failure to present the notice of appeal within 10 days shall be a waiver of any further right of appeal. The Planning and Zoning Commission shall serve as the Building Board of Appeals. Upon receipt of the notice of appeal, the Community Development Director will place the item on the next available meeting agenda of the Planning and Zoning Commission. A timely appeal shall stay all proceedings related to the action being appealed unless the fire code official determines that such a stay would cause imminent peril to life or property.



City Council
STAFF REPORT
City of Glenwood Springs
April 1, 2021

Agenda Item: Review of COVID-19 Dial

Action Requested: Overview of the 3.0 state COVID-19 dial framework and pending changes to state orders.

Department: City Clerk

Presented By: Jennifer Ooton, Assistant City Manager

Background Info: Attached is information about the changes to the 3.0 state COVID-19 dial framework and information about pending changes to the statewide mask order. The state has also indicated that the dial will be retired in mid-April, in favor of a more local dial model.

According to the Colorado Public Health and Environment press release:

"The main changes in the Dial 3.0, which is expected to be in place from March 24 to mid-April, are:

- The metrics for Level Green: Protect Our Neighbors have changed. These changes make it easier for counties to achieve Protect Our Neighbors status. Now, counties qualify for Protect Our Neighbors if they have up to 35 COVID-19 cases per 100,000 people -- up from 15 cases.
- There is no longer a certification process for Level Green: Protect Our Neighbors. Counties will be moved into Level Green once they maintain the appropriate metrics for at least one week.
- Most restrictions in Level Green: Protect Our Neighbors are now removed. Bars and indoor events must still adhere to a 50% capacity limit or a 500-person cap, whichever is fewer.
- The metrics range for Level Blue is now 36 - 100 COVID-19 cases per 100,000 people.
- Bars can now open under Level Blue. The capacity limit is 25% capacity or 75 people, whichever is fewer.
- Outdoor events in Levels Green and Blue no longer have state-level capacity restrictions under the dial. Counties may choose to implement capacity restrictions on outdoor events at the local level.
- Retail, offices, and non-critical manufacturing in Level Blue may now open to 75% capacity, up from 50%.
- There is no longer a state limit on personal gathering sizes. The state will follow CDC's guidance on personal gatherings. The CDC still strongly recommends avoiding larger gatherings and crowds to prevent the spread of COVID-19.
- 5 Star restaurants and gyms in Levels Blue and Yellow may operate at 100% capacity with 6 feet of distance between parties as a way to provide businesses with increased flexibility, while still limiting indoor mass gatherings. The state expects that maintaining a 6 foot distancing requirement will be a limiting factor for most indoor spaces.
- 5 Star certified seated and unseated indoor events may operate at 50% capacity with a 500-person limit in Level Blue. 5 Star seated indoor events in Level Yellow may operate at 50% capacity with a 225 person limit and unseated indoor events in Level Yellow may operate at 50% capacity with a 175 person limit."

The current statewide mask order expires on April 3. The state has indicated that the mask order will be extended on April 4 for 30 days, but that changes may be made to the requirements of when masks are required indoors.

Issues: The City currently has an outdoor mask order downtown. As many of the Dial restrictions related to

outdoor activities have been lifted, City Council may want to consider whether to keep the downtown mask order in place.

Staff Recommendation: Staff defers to Council.

From: Garfield County news <news@garfield-county.com>
Sent: Wednesday, March 24, 2021 3:01 PM
To: Garfield County news
Subject: COVID dial changes ease restrictions on businesses



PRESS RELEASE

3.24.21

COVID dial changes ease restrictions on businesses

Restaurants may open at 100 percent capacity under Blue with six-foot distancing for groups

GARFIELD COUNTY, CO – The state of Colorado has approved changes to its COVID dial, easing many restrictions on businesses and making it easier for counties to reach the least restrictive green level, known as “Protect Our Neighbors.” Garfield County is currently at level Blue on the new dial.

The changes in Dial 3.0, which is now in effect, remove most restrictions at the green level. Counties now qualify for Green automatically with a seven-day incidence level of 35 cases of COVID-19 per 100,000, up from 15 per 100,000 under Dial 2.0. Level Blue ranges from 36-100 people with COVID-19 per 100,000. Both levels Green and Blue require a testing positivity at no greater than five percent.

All restaurants can now operate at 100 percent capacity in level Blue counties with six feet distancing between groups. Indoor seated and non-seated events that are 5 Star-certified can operate at 50 percent capacity, with a limit of 500 people in level Blue.

Dial 3.0 also allows bars to open in level Blue at a capacity of 25 percent or 75 people, whichever is fewer. Under Dial 2.0, only bars that also served food were allowed to operate. Gyms, recreation centers and pools may also operate at 100 percent capacity under Blue, with six feet distancing, and masks are still required.

State capacity restrictions for outdoor events, including guided activities, have been removed for both levels Blue and Green, though counties may still elect to implement some capacity restrictions. The state restriction

on personal gatherings has also been dropped, though the Centers for Disease Control and Prevention (CDC) still recommends avoiding large gatherings.

Retail establishments, offices and non-critical manufacturing may now operate at 75 percent capacity under level Blue, up from 50 percent. The update also removed a restriction that public transit should only be used for necessary activities.

The update comes as close to 80 percent of Coloradans ages 70 and up have received a COVID-19 vaccination. That group represents 78 percent of all COVID-19 deaths and 38 percent of all hospitalizations during the pandemic.

Due to more Coloradans receiving COVID-19 vaccinations, the Colorado Department of Public Health and Environment (CDPHE) anticipates a more local dial model come mid-April, in which county public health departments will have more control over local capacity limits. CDPHE may move a county into a more restrictive dial level if hospitals exceed 85 percent capacity.

The goal of the state's COVID dial is to preserve hospital capacity statewide. The changes do not affect the state's mask mandate, which expires on April 3, but may be modified by the governor's office at that time.

View the latest Garfield County public health orders at garfield-county.com/public-health/executive-orders.

Garfield County Communications

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	LEVEL GREEN: PROTECT OUR NEIGHBORS	LEVEL BLUE: CAUTION	LEVEL YELLOW: CONCERN	LEVEL ORANGE: HIGH RISK	LEVEL RED: SEVERE RISK	LEVEL PURPLE: EXTREME RISK
7 DAY INCIDENCE LEVEL (excluding cases of residents in congregate facilities)	0-35 cases per 100,000	36-100 cases per 100,000	101-300 cases per 100,000	301-500 cases per 100,000	501+ cases per 100,000	Statewide Hospital Capacity is threatened: Approaching the need for medical crisis standards of care, Utilizing alternative care sites, Critical shortages of PPE or staff, Or hospitals approaching 90% of their reported surge capacity .
PERCENT TESTING POSITIVITY	No greater than 5%. Positivity subject to CDPHE review	No greater than 5%	No greater than 7.5%	No greater than 10%	Greater than 10%	
HOSPITALIZATIONS STABLE OR DECLINING?	Sufficient local hospital bed capacity. Note: if local hospital capacity is threatened, county will move back to a more restrictive level.	Hospitalizations stable or declining	Hospitalizations stable or declining	Hospitalizations stable or declining	Regional or state hospital system capacity is constrained, such as critical shortages of staff or personal protective equipment (PPE) or hospital systems are approaching 90% of their reported surge capacity, or state assistance is requested for patient transport or staff augmentation.	



NINTH AMENDED PUBLIC HEALTH ORDER 20-36
COVID-19 DIAL
March 23, 2021

PURPOSE OF THE ORDER

I issue this Public Health Order (PHO or Order) pursuant to the Governor's directive in **Executive Order D 2020 235**, amended and extended by **D 2020 265**, **D 2020 289**, **D 2021 023**, **D 2021 047**, and **D 2021 069** in response to the existence of thousands of confirmed and presumptive cases of Coronavirus disease 2019 (COVID-19) and related deaths across the State of Colorado. This Order implements levels of restrictions for individuals, businesses and activities to prevent the spread of COVID-19 further in Colorado.

FINDINGS

1. Governor Polis issued **Executive Order D 2020 003** on March 11, 2020, declaring a disaster emergency in Colorado due to the presence of COVID-19. Since that time, the Governor has taken numerous steps to implement measures to mitigate the spread of disease within Colorado, and has further required that several public health orders be issued to implement his orders.
2. I have issued public health orders pertaining to the limitation of visitors and nonessential individuals in skilled nursing facilities, intermediate care facilities, and assisted living residences; defining the terms of the Governor's **Stay at Home**, **Safer at Home**, and **Protect our Neighbors** requirements as well as **Critical Business** designations; requiring hospitals to report information relevant to the COVID-19 response; and requiring the wearing of face coverings in the workplace and urging their use in public. These measures all act in concert to reduce the exposure of individuals to disease, and are necessary steps to protect the health and welfare of the public. Additionally, in reducing the spread of disease, these requirements help to preserve the medical resources needed for those in our communities who fall ill and require medical treatment, thus protecting both the ill patients and the healthcare workers who courageously continue to treat patients.
3. As of March 22, 2021, there have been 450,934 known cases of COVID-19 in Colorado, 24,513 Coloradans have been hospitalized and 6,162 Coloradans have died from COVID-19.

Multiple sources of data show that COVID-19 transmission and the use of the hospital system due to COVID-19 have leveled off in Colorado.

4. **Executive Order D 2020 235**, as amended and extended, requires the harmonizing of the various levels of activities previously described in prior **Protect Our Neighbors, Safer at Home**, and **Stay at Home** executive orders into one more simplified dial format. Counties must implement the requirements of the relevant level of the **COVID-19 Dial** for their jurisdiction, as determined by the Colorado Department of Public Health and Environment (CDPHE), based upon scientific metrics established in the **Dial**. The **Dial** still strongly encourages that people at risk of severe illness from COVID-19 remain at home or in the great outdoors as much as possible, but allows levels of business and activities based upon disease prevalence and other metrics in each county. Additionally, individuals are encouraged to remain at least 6 feet away from non-household contacts to reduce the likelihood of disease transmission, and otherwise unregulated gatherings are also limited in each level of the **Dial**. As we continue to combat COVID-19 in our communities, continuing restrictions to mitigate disease spread remain appropriate.

INTENT

This Order sets forth the requirements for implementation of the **COVID Dial**. Individual restrictions remain in place concerning limitations on activities, travel, and public gatherings. Workplace restrictions remain necessary to implement standard **Distancing Requirements**, cleaning standards, and other items necessary to reduce the possibility of disease spread. Additionally, certain businesses and activities require specific guidance based on their business practices, and those are included in the appendices to this Order.

ORDER

This Order supersedes and replaces Public Health Orders 20-32 and 20-35, as amended.

I. COVID Dial - Individual Requirements

- A.** All individuals currently living within the State of Colorado are encouraged to stay at home or in the vast, great outdoors and avoid unnecessary interactions whenever possible in order to reduce the spread of disease. Individuals living in shared or outdoor spaces must at all times, to the greatest extent possible, comply with **Distancing Requirements**, defined in Section IV below, and are encouraged to leave their residences only to perform or utilize **Necessary Activities**, defined in Section IV below.

- B.** Individuals are urged to wear non-medical cloth face coverings that cover the nose and mouth whenever in public as required by **Executive Order D 2020 091** as amended and extended. Additionally, pursuant to **Executive Order D 2020 138** as amended and extended by **Executive Order D 2020 164, D 2020 190, D 2020 219, D 2020 237, D 2020 245, D 2020 276, D 2020 281, D 2021 007, D 2021 035, and D 2021 056**, all individuals must wear face coverings in public indoor spaces, as that term is defined in the **Executive Order 2020 138**, unless the individual is 10 years of age or younger, cannot medically tolerate a face covering, or is performing one of the enumerated activities in Section II.M of **Executive Order D 2020 138** as amended and extended.
- C.** **Individuals at Risk of Severe Illness from COVID-19** who have not yet been vaccinated with a COVID-19 vaccine are urged to stay in their residence at all times except as necessary to seek medical care, and this becomes more critical as a county's level in the **Dial** becomes more restrictive. **Individuals at Risk of Severe Illness from COVID-19** cannot be compelled to work for any business or government function, including a **Critical Business** or **Critical Government Function**, during the pendency of this pandemic emergency. People who are sick must stay in their residence at all times except as necessary to seek medical care, and must not go to work, even for a **Critical Business**, identified in **Appendix A** of this Order.
- D.** Individuals who are sick or are experiencing flu-like symptoms should get tested for COVID-19. If an individual has tested positive for COVID-19 and/or has developed symptoms of COVID-19, including early or mild symptoms (such as cough and shortness of breath), they should be in isolation (staying away from others) until they are released by public health. In most cases, individuals are released from isolation when they are fever-free, without medication, for twenty-four (24) hours, other symptoms have improved, and at least ten (10) days have passed since symptoms first appeared. A limited number of people with severe illness may require longer isolation. Coloradans who are sick and receive negative COVID-19 test results should continue to stay home while they are sick and should consult with their healthcare provider about the need for additional testing and the appropriate time to resume normal activities.
- E.** Governmental and other entities are strongly urged to make shelter available to people experiencing homelessness as soon as possible and to the maximum extent practicable, and are authorized to take all reasonable steps necessary to provide non-congregate sheltering along with necessary support services to members of the

public in their jurisdiction as necessary to protect all members of the community. People experiencing homelessness are urged to protect their health and safety by complying with **Distancing Requirements** at all times.

- F.** Individuals are encouraged to limit travel to **Necessary Travel**, defined in Section IV below, including but not limited to, travel by automobile or public transit. People riding on public transit must comply with **Distancing Requirements** to the greatest extent feasible.

II. COVID-19 DIAL LEVELS.

A. APPLICATION OF THE DIAL.

1. The **COVID-19 Dial** consists of six levels that counties qualify for based on meeting specific metrics. Counties will remain in a **Dial** level so long as they continue to meet the metrics in that level. Counties may exceed their **Dial** level's disease incidence metric and still remain in that level as long as they do not exceed the minimum of the next more restrictive **Dial** level's incidence rate by more than 15% for 5 consecutive days. If the county falls out of compliance with the disease incidence metric associated with that level, CDPHE will confirm the metric with the county and move the county to the next most restrictive level. CDPHE may also move a county to a more restrictive level if there is a lack of sufficient testing or regional or statewide hospital capacity. CDPHE reserves the right to move counties one or more levels more quickly as circumstances warrant. CDPHE may move counties to a more restrictive Dial level if county hospitalizations threaten to exceed 85% of hospital or hospital system capacity.
2. For counties that meet all metrics for the next less restrictive level for a one week period, CDPHE will confirm the metrics with the county and move the county to the next less restrictive level within two days.

B. LEVEL GREEN: PROTECT OUR NEIGHBORS.

1. Counties or regions certifying for **Level Green** must meet all of the following requirements:
 - a. Stable or declining COVID-19 hospitalizations:
 - i. Stable, meaning no greater than 25% increase, or declining counts of new confirmed COVID-19 hospitalizations in the county or region's referral hospitals, as defined by the LPHA, in the last 14 days compared to previous 14 day period, or

- ii. no more than two new hospital admissions of county or region residents with confirmed COVID-19 on a single day in the last 14 days.
 - b. Fewer new COVID-19 cases:
 - i. 35 or fewer new cases/100,000 people in the past week (one-week cumulative incidence), **excluding** cases among residents of congregate care facilities (senior care, other residential care, youth corrections, corrections) experiencing outbreaks, or
 - ii. for a county or region with a population of less than 30,000, a comparable case count based on the county's population, excluding cases among residents of congregate facilities, such as senior care, other residential care, youth corrections, or corrections, experiencing outbreaks, in a two-week period.
 - c. Percent positivity: 7 day average molecular test positivity rate of less than 5% except for counties with less than 30,000 population where disease incidence rates may be the determining factor.
- 2. Counties and regions certified for **Level Green** may allow any business, activity, or gathering within their jurisdiction to fully operate with no restrictions, except for those restrictions listed in this section and any local restrictions imposed by the county. **Individuals at risk of Severe Illness from COVID-19** who have not yet been vaccinated with a COVID-19 vaccine are advised to remain at home as much as possible.
 - a. Indoor personal gatherings should follow the CDC guidance on [gatherings](#).
 - b. The following businesses and activities may operate at 50% of their pre-pandemic capacity not to exceed 500 people:
 - i. **Bars**
 - ii. **Smoking lounges**
 - iii. **Indoor events**
 - iv. **Organized indoor recreational youth or adult league sports**
 - v. **Indoor Children's Day Camps, Residential Camps, Youth Sports Day Camps and Exempt Single Skill-Building Youth Camps**
 - c. Any business or activity that was not authorized to operate in more restrictive levels is authorized to open in a county or region certified for Protect Our Neighbors, unless limited or prohibited by the certified county or region.
 - d. CDPHE reserves the right to require additional containment and mitigation strategies beyond those detailed by a county or region in their

- containment and mitigation plan. CDPHE further reserves the right to rescind the certification of a region or county for Protect Our Neighbors.
- e. Counties approved for **Level Green** that wish to exercise the exemption from **Executive Order D 2020 138**, as amended and extended, requiring the wearing of face coverings in public indoor spaces must first consult with CDPHE.
 - f. Counties may increase their businesses and activities operational capacity by 5% each month that the county continues to meet the metrics in Section II.B.1 of this Order.

C. LEVEL BLUE: CAUTIOUS.

- 1. The metrics for **Level Blue** are as follows:
 - a. New COVID-19 cases are at an incidence of no greater than 100 per 100,000 in a one week period, **excluding** cases among residents of congregate care facilities (senior care, other residential care, youth corrections, corrections) experiencing outbreaks, or for counties with less than 30,000 population a comparable case count based on the county's population;
 - b. The percent of positive test results over a rolling 7 day average is no greater than 5%, except for counties with less than 30,000 population where disease incidence rates may be the determining factor; and
 - c. To move into this level from a more restrictive level, hospitalization rates, or numbers for smaller counties, for county residents may be stable or declining and regional hospital capacity is sufficient.
- 2. Operating capacities, maintaining **Distancing Requirements** for non-household members, for designated sectors and activities in **Level Blue** are as follows:
 - a. Indoor personal gatherings should follow the CDC guidance on [gatherings](#). **Individuals at risk of Severe Illness from COVID-19** who have not yet been vaccinated with a COVID-19 vaccine are advised to remain at home as much as possible.
 - b. **Non-Critical Office-based Businesses** may allow in-person work up to 75% of their posted occupancy limit.
 - c. **Critical and Non-critical Retail** may operate at 75% of the posted occupancy limit.
 - d. **Non-critical Manufacturing** may operate at 75% of the posted occupancy limit.
 - e. **Field Services** may operate, and real estate open houses must follow the **Indoor Event** requirements, including capacity limits.

- f. **Personal Services** may operate at 50% of the posted occupancy limit, not to exceed 50 people, whichever is less, per room.
- g. **Limited Healthcare Settings** may operate at 50% of the posted occupancy limit, not to exceed 50 people, whichever is less, per room.
- h. **Restaurants** may operate at 100% of the posted occupancy limit indoors with 6 feet distancing between nonhousehold members. **Restaurants** may also use any existing, licensed outdoor space for in-person dining with the same group limit of 10 and minimum spacing of 6 feet apart. **Restaurants** must have or obtain approval from their local government's permitting, building and fire code oversight agency for any new outdoor dining space prior to use. Pursuant to **Executive Order D 2020 091**, as amended and extended, all on-premises licensees licensed under Articles 3, 4, and 5 of Title 44 of the Colorado Revised Statutes must cease alcohol beverage sales to end consumers for on-premises consumption and for takeout between 2:00 A.M. and 7:00 A.M. MDT each day; however, counties and municipalities may set more restrictive hours as they determine appropriate.
- i. **Smoking Lounges** may operate at 50% of the posted occupancy limit, not to exceed 25 people, whichever is less.
- j. Repealed.
- k. **Indoor Events** may be conducted at 50% of the posted occupancy limit not to exceed 175 people, whichever is less, per room excluding staff. If the event is a seated event as described in **Appendix I**, the event may be conducted at 50% of the posted occupancy limit not to exceed 225 people indoors per room, whichever is less, excluding staff, within their usable space.
- l. **Outdoor Events** may operate in full, subject to local restrictions.
- m. **Recreation**, including **Gyms, recreation centers and pools** and outdoor recreation facilities, may operate at 100% capacity with 6 feet distancing between nonhousehold members.
- n. **Organized recreational youth or adult league sports** may resume activities with no more than 50 players, excluding coaching staff and referees or umpires.
- o. **Outdoor Guided Activities** may operate in full, subject to local restrictions.
- p. **Children's Day Camps, Residential Camps, Youth Sports Day Camps and Exempt Single Skill-Building Youth Camps** may be conducted with no more than 25 participants indoors and 50 participants outdoors.

- q. **Casinos** may operate using the same capacity requirements as **Indoor Events**, 50% of the posted occupancy limit not to exceed 175 people per room, whichever is less, excluding staff. If the event is a seated event as described in **Appendix I**, the event may be conducted at 50% of the posted occupancy limit not to exceed 225 people indoors per room, whichever is less, excluding staff, within their usable space.
- r. **Critical Businesses** and **Critical Government Functions** may continue to operate without capacity limitations, except that **Critical Retail** must adhere to 75% of the posted occupancy limit, but must follow the requirements in Section III.B and C of this Order.
- s. **Bars** that do not serve food may operate at 25% capacity not to exceed 75 people.

D. LEVEL YELLOW: CONCERN.

- 1. The metrics for **Level Yellow** are as follows:
 - a. New COVID-19 cases are at an incidence of no greater than 300 per 100,000 in a one week period, **excluding** cases among residents of congregate care facilities (senior care, other residential care, youth corrections, corrections) experiencing outbreaks, or for counties with less than 30,000 population a comparable case count based on the county's population;
 - b. The percent of positive test results over a rolling 7 day average is no greater than 7.5%, except for counties with less than 30,000 population where disease incidence rates may be the determining factor; and
 - c. To move into this level from a more restrictive level, hospitalization rates, or numbers for smaller counties, for county residents are stable or declining and regional hospital capacity is sufficient.
- 2. Operating capacities, maintaining **Distancing Requirements** for non-household members, for designated sectors and activities in **Level Yellow** are as follows:
 - a. Indoor personal gatherings should follow the CDC guidance on [gatherings](#).
 - b. **Non-Critical Office-based businesses** may operate the same as **Level Blue**, and remote working is strongly encouraged.
 - c. **Critical and Non-critical Retail** may operate the same as **Level Blue**.
 - d. **Non-critical Manufacturing** may operate at 50% of the posted occupancy limit not to exceed 50 people, whichever is less, per room. Establishments larger than 7,200 square feet may use the [Distancing Space Calculator](#) to expand to no more than 100 patrons indoors per room within their usable space.

- e. **Field Services** may operate the same as **Level Blue**.
- f. **Personal Services** may operate the same as **Level Blue**.
- g. **Limited Healthcare Settings** may operate the same as **Level Blue**.
- h. **Restaurants** may operate at 50% of the posted occupancy limit indoors not to exceed 150 people, excluding staff, whichever is less, per room. Outdoor dining operates the same as **Level Blue**. Pursuant to **Executive Order D 2020 091**, all on-premises licensees licensed under Articles 3, 4, and 5 of Title 44 of the Colorado Revised Statutes must cease alcohol beverage sales to end consumers for on-premises consumption and for takeout between 1:00 A.M. and 7:00 A.M. MDT each day; however, counties and municipalities may set more restrictive hours as they determine appropriate.
- i. **Smoking Lounges** may operate at 50% of the posted occupancy limit, not to exceed 10 people, whichever is less.
- j. Repealed.
- k. **Indoor Events** may operate at 50% of the posted occupancy limit not to exceed 150 people, whichever is less, per room excluding staff within their usable space. For unseated events in excess of 50 people, the usable space is calculated using the [Distancing Space Calculator](#) For seated events as described in **Appendix I** or events hosting 50 or fewer people, the usable space may be calculated using 6 feet distancing between non-household contacts instead of using the calculator.
- l. **Outdoor Events** may operate at 50% of the posted occupancy limit not to exceed 175 people, whichever is less, within their usable space calculated using the [Distancing Space Calculator](#), excluding staff, per designated activity or area. If the event is a seated event as described in **Appendix I**, the usable space may be calculated using 6 feet distancing between non-household contacts instead of using the calculator..
- m. **Recreation, including Gyms, recreation centers and pools** and outdoor recreation facilities and activities, may operate at 50% capacity, not to exceed 50 patrons, whichever is less, per room indoors or per activity or area outdoors. Establishments larger than 7,200 square feet may use the [Distancing Space Calculator](#) to expand to no more than 100 patrons indoors per room, excluding staff, within their usable space.
- n. **Organized recreational youth or adult league sports** may resume activities with no more than 25 players, excluding coaching staff and referees or umpires.
- o. **Outdoor Guided Activities** may be conducted at 50% capacity not to exceed 10 people, whichever is less.

- p. **Children's Day Camps, Residential Camps, Youth Sports Day Camps and Exempt Single Skill-Building Youth Camps** may be conducted with no more than 10 participants indoors and 25 participants outdoors.
- q. **Casinos** may operate using the same capacity requirements as **Indoor Events**, 50% of the posted occupancy limit not to exceed 150 people, whichever is less, per room excluding staff within their usable space. For unseated events in excess of 50 people, the usable space is calculated using the [Distancing Space Calculator](#) For seated events as described in **Appendix I** or events hosting 50 or fewer people, the usable space may be calculated using 6 feet distancing between non-household contacts instead of using the calculator.
- r. **Critical Businesses and Critical Government Functions** may continue to operate without capacity limitations, except that **Critical Retail** must adhere to 50% of the posted occupancy limit, but must follow the requirements in Section III.B and C of this Order.

E. LEVEL ORANGE: HIGH RISK.

- 1. The metrics for **Level Orange** are as follows:
 - a. New COVID-19 cases are at an incidence of no greater than 500 per 100,000 in a one week period, **excluding** cases among residents of congregate care facilities (senior care, other residential care, youth corrections, corrections) experiencing outbreaks, or for counties with less than 30,000 population a comparable case count based on the county's population;
 - b. The percent of positive results over a rolling 7 day average is no greater than 10%, except for counties with less than 30,000 population where disease incidence rates may be the determining factor; and
 - c. To move into this level from a more restrictive level, hospitalization rates, or numbers for smaller counties, for county residents are stable or declining and regional hospital capacity is sufficient.
- 2. Operating capacities, maintaining **Distancing Requirements** for nonhousehold members, for designated sectors and activities in **Level Orange** are as follows:
 - a. **Public and private gatherings** are limited to no more than 10 individuals from no more than 2 households when not otherwise regulated as a specific sector or activity in Section III of this Order. Nothing in this Order prohibits the gathering of members living in the same residence. **Individuals at risk of Severe Illness from COVID-19** who have not yet been vaccinated with a COVID-19 vaccine are strongly advised to remain

at home as much as possible. Indoor personal gatherings should follow the CDC guidance on [gatherings](#).

- b. **Non-Critical Office-based businesses** may allow in-person work up to 25% of their posted occupancy limit, and are strongly encouraged to implement remote work to the greatest extent possible
- c. **Critical and Non-critical Retail** may operate at 50% of the posted occupancy limit, and should offer increased options for curbside pickup, delivery, and dedicated service hours for senior and at-risk individuals.
- d. **Non-critical Manufacturing** may operate at 25% of the posted occupancy limit not to exceed 50 people, whichever is less, per room.
- e. **Field Services** may operate, and real estate open houses must follow the **Indoor Event** requirements.
- f. **Personal Services** may operate at 25% of the posted occupancy limit, not to exceed 25 people, whichever is less, per room.
- g. **Limited Healthcare Settings** may operate at 25% of the posted occupancy limit, not to exceed 25 people, whichever is less, per room.
- h. **Restaurants** may operate at 25% of the posted occupancy limit indoors not to exceed 50 people, excluding staff, whichever is less, per room. Restaurants may also use any existing, licensed outdoor space for in-person dining with a group limit of 10 and minimum spacing of 6 feet apart. Restaurants must have or obtain approval from their local government's permitting, building and fire code oversight agency for any new outdoor dining space prior to use. Pursuant to **Executive Order D 2020 091** all on-premises licensees licensed under Articles 3, 4, and 5 of Title 44 of the Colorado Revised Statutes must cease alcohol beverage sales to end consumers for on-premises consumption and for takeout between 12:00 A.M. and 7:00 A.M. MDT each day; however, counties and municipalities may set more restrictive hours as they determine appropriate.
- i. **Smoking Lounges** may operate at 25% of the posted occupancy limit, not to exceed 10 people, whichever is less.
- j. Repealed.
- k. **Indoor Events** may operate at 25% of the posted occupancy limit not to exceed 50 people excluding staff, whichever is less, within their usable space calculated using the [Distancing Space Calculator](#) per room. If the event is a seated event as described in **Appendix I**, the usable space may be calculated using 6 feet distancing between non-household contacts instead of using the calculator.

- l. **Outdoor Events** may operate at 25% of the posted occupancy limit not to exceed 75 people excluding staff, whichever is less, within their usable space calculated using the [Distancing Space Calculator](#) per designated activity or area. If the event is a seated event as described in **Appendix I**, the usable space may be calculated using 6 feet distancing between non-household contacts instead of using the calculator.
- m. **Recreation**, including **Gyms, recreation centers and pools** and outdoor recreation facilities may operate at 25% capacity, not to exceed 50 people, whichever is less, excluding staff per room indoors or per activity or area outdoors. Organized recreational youth or adult league sports must instead follow the requirements in Section II.E.2.n below.
- n. **Organized recreational youth or adult league sports** and informal outdoor recreational sports may operate with no more than 10 players in indoor and outdoor settings.
- o. **Outdoor Guided Activities** may be conducted at 25% capacity not to exceed 10 people, whichever is less.
- p. **Children's Day Camps, Residential Camps, Youth Sports Day Camps and Exempt Single Skill-Building Youth Camps** may be conducted virtually or with no more than 10 participants outdoors only.
- q. **Casinos** may operate at the same capacity requirements as **Indoor Events**, 25% of the posted occupancy limit not to exceed 50 people excluding staff, whichever is less, within their usable space calculated using the [Distancing Space Calculator](#) per room. If the event is a seated event as described in **Appendix I**, the usable space may be calculated using 6 feet distancing between non-household contacts instead of using the calculator.
- r. **Critical Businesses and Critical Government Functions** may continue to operate without capacity limitations, except that **Critical Retail** must adhere to 50% of the posted occupancy limit, but must follow the requirements in Section III.B and C of this Order.

F. LEVEL RED: SEVERE RISK.

1. The metrics for **Level Red** are as follows:
 - a. New COVID-19 cases are at an incidence of greater than 500 per 100,000 in a one week period, **excluding** cases among residents of congregate care facilities (senior care, other residential care, youth corrections, corrections) experiencing outbreaks;
 - b. The percent of positive results over a rolling 7 day average is greater than 10%, except for counties with less than 30,000 population where disease incidence rates may be the determining factor; and

- c. Regional or state hospital system capacity is constrained, such as critical shortages of staff or personal protective equipment (PPE) or hospital systems are approaching 90% of their reported surge capacity, or state assistance is requested for patient transport or staff augmentation.
- 2. Operating capacities, maintaining **Distancing Requirements** for nonhousehold members, for designated sectors and activities in **Level Red** are as follows:
 - a. **Public and private gatherings** involving two or more people are prohibited, except for the limited purposes expressly authorized in this Order and for the purpose of accessing or engaging in **Necessary Activities**. Nothing in this PHO prohibits the gathering of members living in the same residence.
 - b. **Non-critical Office-based businesses** may allow in-person work up to 10% of their posted occupancy limit, and are strongly encouraged to implement remote work to the greatest extent possible.
 - c. **Critical and Non-critical Retail** may operate at 50% of the posted occupancy limit, and should offer enhanced options for curbside pickup, delivery, and dedicated service hours for senior and at-risk individuals.
 - d. **Non-critical Manufacturing** may operate at 25% of the posted occupancy limit not to exceed 50 people, whichever is less, per room.
 - e. **Field Services** that are not necessary to maintain the safety, sanitation, and critical operation of residences and other **Critical Businesses** or **Critical Government Functions** are closed. Individual real estate showings are authorized and open houses may operate with only one household in the property at a time.
 - f. **Personal Services** may operate at 25% of the posted occupancy limit, not to exceed 25 people, whichever is less, per room.
 - g. **Limited Healthcare Settings** may operate at 25% of the posted occupancy limit, not to exceed 25 people, per room to provide those services.
 - h. **Restaurants** are closed for in-person indoor dining but may offer curbside, takeout and delivery services. Restaurants may also use any existing, licensed outdoor space for in-person outdoor dining with tables limited to members of the same household and minimum spacing of 6 feet apart. Restaurants must have or obtain approval from their local government's permitting, building and fire code oversight agency for any new outdoor dining space prior to use. Pursuant to **Executive Order D 2020 091**, all on-premises licensees licensed under Articles 3, 4, and 5 of Title 44 of the Colorado Revised Statutes must cease alcohol beverage sales to end consumers for on-premises consumption between 10:00 P.M.

and 7:00 A.M. MDT each day. Counties and municipalities may set more restrictive hours as they determine appropriate.

- i. **Smoking Lounges** are closed for indoor services, but can remain open outdoors with tables limited to members of the same household.
- j. Repealed.
- k. **Indoor Events** are closed; except that educational institutions like museums and aquariums may operate at 25% of the posted occupancy limit not to exceed 25 people using the [Distancing Space Calculator](#) per room. If the event is a seated event as described in **Appendix I**, the usable space may be calculated using 6 feet distancing between non-household contacts instead of using the calculator. Professional performing arts groups may apply to CDPHE for permission to conduct indoor performances or rehearsals, without an audience.
- l. **Outdoor Events** may operate at 25% of the posted occupancy limit not to exceed 75 people excluding staff, whichever is less, within their usable space calculated using the [Distancing Space Calculator](#) per designated activity or area. If the event is a seated event as described in **Appendix I**, the usable space may be calculated using 6 feet distancing between non-household contacts instead of using the calculator. Two or more individuals attending an outdoor event together must be members of the same household and shall maintain 6 feet distancing from attendees who are not household members.
- m. **Recreation**
 - 1. **Gyms, recreation centers and indoor pools** may operate at 10% capacity, not to exceed 10 people, whichever is less, excluding staff per room indoors. **Gyms** and **recreation centers** may operate with 10 or fewer individuals outdoors. Reservations are required for all indoor and outdoor services. Organized recreational youth or adult league sports must instead follow the requirements in Section II.F.2.n below.
 - 2. **Outdoor recreational** activities in groups of 10 people or fewer may occur, maintaining 6 feet **Distancing Requirements** between non-household contacts.
- n. **Organized recreational youth or adult league sports** are not authorized for indoor settings. Virtual services may be provided, or outdoor recreational sports in groups of 10 people or fewer may occur, maintaining 6 feet **Distancing Requirements** between non-household contacts.
- o. **Outdoor Guided Activities** may be conducted at 25% capacity not to exceed 10 people, whichever is less.

- p. **Children's Day Camps, Residential Camps, Youth Sports Day Camps and Exempt Single Skill-Building Youth Camps** may be conducted with no more than 10 participants outdoors only.
- q. **Casinos** are closed for in-person work and services under this Order but may continue to carry out **Minimum Basic Operations**.
- r. **Critical Businesses** and **Critical Government Functions** may continue to operate without capacity limitations, except that **Critical Retail** must adhere to 50% of the posted occupancy limit, but must follow the requirements in Section III.B and C of this Order.

G. LEVEL PURPLE: EXTREME RISK

- 1. The metrics for **Level Purple** are as follows:
 - a. Statewide hospital capacity risks being breached, which may be indicated by approaching the need for hospital crisis standards of care, or utilizing alternate care sites, or
 - b. Extreme risk to individuals in the county, region or state as determined by CDPHE.
- 2. Operating capacities, maintaining **Distancing Requirements** for non-household members, for designated sectors and activities in **Level Purple** are as follows:
 - a. **Public and private gatherings** involving two or more people of any number of people occurring outside a residence are prohibited, except for the limited purposes expressly authorized in this Order permitted in this PHO and for the purpose of accessing or engaging in which include **Essential Necessary Activities**. Nothing in this PHO prohibits the gathering of members living in the same residence.
 - i. All travel, including, but not limited to, travel by automobile or public transit, except **Necessary Travel** is prohibited. People must use public transit only for purposes of performing **Necessary Activities** or to travel to and from work to operate **Critical Businesses** or maintain **Critical Governmental Functions**. People riding on public transit must comply with **Distancing Requirements** to the greatest extent feasible.
 - b. **Non-critical Office-based businesses** are closed for in-person work but may continue to perform remote work if possible and carry out **Minimum Basic Operations**.
 - c. **Non-critical Retail** is closed for in-person work or services but may operate and provide curbside, pick up or delivery services, may provide services online, and may continue to carry out **Minimum Basic Operations**. **Critical Retail** is strongly encouraged to take extraordinary

- measures to provide enhanced curbside, pick up or delivery services and minimize in-person services to the greatest extent possible.
- d. **Non-critical Manufacturing** may operate at 10% of the posted occupancy limit not to exceed 25 people, whichever is less, per room.
 - e. **Field Services** that are not necessary to maintain the safety, sanitation, and critical operation of residences and other **Critical Businesses** or **Critical Government Functions** are closed, including real estate open houses.
 - f. **Personal Services** are closed for in-person work and services but may continue to carry out **Minimum Basic Operations**.
 - g. **Limited Healthcare Settings** that provide services may operate at 10% of the posted occupancy limit, not to exceed 25 people, per room to provide those services.
 - h. **Restaurants** are closed for in-person indoor and outdoor dining but may offer curbside, takeout and delivery services.
 - i. **Smoking Lounges** are closed for in-person work but may continue to carry out **Minimum Basic Operations**.
 - j. Repealed.
 - k. **Indoor Events** are closed.
 - l. **Outdoor Events** are closed.
 - m. **Recreation**
 - 1. **Gyms, recreation centers and indoor pools** are closed for indoor activities, except that fitness centers and nonessential personal services included in residential facilities, such as hotels, apartment or condominium complexes or similar housing arrangements, that are limited to use only by hotel guests or residents of the housing who are following social distancing requirements of at least 6 feet between individuals, and the hotel or property managers are performing frequent environmental cleaning may operate. **Gyms** and **recreation centers** may operate with 10 or fewer individuals outdoors.
 - 2. **Outdoor recreational** activities in groups of 10 people or fewer may occur, maintaining 6 feet **Distancing Requirements** between non-household contacts.
 - n. **Organized recreational youth or adult league sports** are not authorized for indoor settings. Virtual services may be provided, or outdoor recreational sports in groups of 10 people or fewer may occur, maintaining 6 feet **Distancing Requirements** between non-household contacts.
 - o. **Outdoor Guided Activities** may operate at 25% capacity of the outdoor activity setting, not to exceed 10 household members.

- p. **Children's Day Camps, Residential Camps, Youth Sports Day Camps and Exempt Single Skill-Building Youth Camps** are closed.
- q. **Casinos** are closed for in-person work and services under this Order but may continue to carry out **Minimum Basic Operations**.
- r. **Critical Businesses** and **Critical Government Functions** may continue to operate without capacity limitations, except that **Critical Retail** must adhere to 50% of the posted occupancy limit, but must follow the requirements in Section III.B and C of this Order.

III. BUSINESS AND ACTIVITY REQUIREMENTS

- A. In **Levels Blue, Yellow, and Orange**, any business or activity not addressed in this Order or corresponding interpretive guidance found [here](#) may operate with 10 or fewer individuals per room in accordance with the requirements in Section III.C of this Order. In **Levels Red and Purple**, any business not addressed in Sections II.F and II.G of this Order are closed.
 - 1. The following establishments and activities remain closed in **Levels Blue, Yellow, Orange, Red and Purple**:
 - a. **Bars** that do not serve food, except that effective March 24, 2021, **Bars** may operate in **Level Blue** in accordance with the restrictions in Section II of this Order; and
 - b. the use of bounce houses and ball pits in any public or commercial venue.
 - 2. The following businesses or activities are subject to the requirements of other public health orders:
 - a. Nursing facilities, assisted living residences, intermediate care facilities and group homes are subject to PHO 20-20; and
 - b. Hospitals are subject to PHO 20-29.
- B. All **Critical Businesses** and **Critical Government Functions**, as defined in **Appendix A** and Section IV.C of this Order, may continue to operate, and must comply with **Distancing Requirements**, adopt work from home or tele-work policies for any operations that can be done remotely, and implement other strategies, such as staggered schedules or re-designing workplaces, to create more distance between workers unless doing so would make it impossible to carry out critical functions. **Critical Businesses** and **Critical Government Functions** should follow all of the requirements in this Order for their sector, and any applicable [CDPHE guidance](#), unless doing so would make it impossible to carry out critical functions.

C. All Business and Government Functions. All Businesses and Government Functions shall follow the protocols below:

1. **Face Coverings.** Face coverings are required pursuant to **Executive Order D 2020 138**, as amended and extended, for all individuals in public indoor settings unless the individual is 10 years of age or younger, cannot medically tolerate a face covering, or is participating in one of the activities described in Section II.M of **Executive Order D 2020 138**, as amended and extended. Additionally, face coverings may be removed in a school classroom setting for the limited purpose of playing an instrument that cannot otherwise be played while wearing a face covering.
2. **Work Accommodations.** Employers must provide reasonable work accommodations, such as telecommuting, for **Individuals At Risk of Severe Illness from COVID-19**. Employers are also strongly encouraged to provide reasonable work accommodations for individuals who reside with or are caring for **Individuals at Risk of Severe Illness from COVID-19**, or facing child care needs while schools remain closed.
3. **Disease Prevention Measures for the Workplace.** Employers and sole proprietors shall take all of the following measures within the workplace to minimize disease transmission, in accord with the [CDPHE Guidance](#):
 - a. deputize a workplace coordinator(s) charged with addressing COVID-19 issues;
 - b. maintain 6 foot separation between employees and discourage shared spaces;
 - c. [clean and disinfect](#) all high touch areas;
 - d. post signage for employees and customers on good hygiene;
 - e. ensure proper ventilation;
 - f. avoid gatherings (meetings, waiting rooms, etc) of more than 10 people or provide sufficient spaces where **Distancing Requirements** can be maintained if larger gatherings are required by law, such as for some government functions like trials;
 - g. implement symptom monitoring protocols, conduct daily temperature checks and monitor symptoms in employees at the worksite to the greatest extent possible, or if not practicable, through employee self-assessment at home prior to coming to the worksite. A sample form can be found [here](#). If an employee reports any symptoms, refer symptomatic employees to the [CDPHE Symptom Tracker](#) and take all of the following steps:
 1. send employee home immediately;

2. increase cleaning in your facility and mandate 6 feet **Distancing Requirements** of staff from one another;
 3. exclude employee until they are released from isolation by public health. In most cases, someone is released from isolation when they are fever-free, without medication, for 24 hours, other symptoms have improved and 10 days have passed since their first symptom. A limited number of people with severe illness may require longer isolation; and
 4. if two or more employees have these symptoms, consult [CDPHE's outbreak guidance](#), contact your local health department and cooperate in any disease outbreak investigations; and
 - h. eliminate or regularly [clean and disinfect](#) any items in common spaces, such as break rooms, that are shared between individuals, such as condiments, coffee makers, vending machines.
4. **Disease Prevention Measures for Employees.** Employers shall take all of the following measures regarding employees to minimize disease transmission:
- a. require employees to stay home when showing any symptoms or signs of sickness, which include fever or chills, cough, shortness of breath or difficulty breathing, fatigue, muscle or body aches, headache, new loss of taste or smell, sore throat, congestion or runny nose, nausea or vomiting, and diarrhea and connect employees to company or state benefits providers;
 - b. provide work accommodations for **Individuals at Risk of Severe Illness from COVID-19**, prioritizing telecommuting, as **Individuals at Risk of Severe Illness from COVID-19** shall not be compelled to go to work during the pendency of this pandemic emergency;
 - c. provide to the greatest extent possible flexible or remote scheduling for employees who may have child or elder care obligations, or who live with a person who still needs to observe **Stay at Home** due to underlying condition, age, or other factor;
 - d. encourage and enable remote work whenever possible;
 - e. encourage breaks to wash hands or use hand sanitizer;
 - f. phase shift and breaks to reduce density; and
 - g. provide appropriate protective gear like [gloves, masks, and face coverings](#) as defined by [OSHA industry standards](#) and require face coverings for all employees in public indoor spaces pursuant to **Executive Order D 2020 138**, as amended and extended.

5. **Disease Prevention Measures for Customers.** Employers and sole proprietors shall implement the following measures regarding customers to minimize disease transmission:
 - a. create whenever possible special hours for **Individuals at Risk of Severe Illness from COVID-19** only;
 - b. encourage 6 foot **Distancing Requirements** inside of the business for all patrons;
 - c. encourage customer use of protection like gloves and face coverings, and require face coverings for all customers in public indoor spaces pursuant to **Executive Order D 2020 138**, as amended and extended;
 - d. provide hand sanitizer at the entrances to the greatest extent possible; and
 - e. use contactless payment solutions, no touch trash cans, etc. whenever possible.
6. **Large Employers.** Employers with over fifty (50) employees in any one location shall, in addition to the above requirements, implement the following protocols:
 - a. implement employee screening systems that follow the requirements of Section II.C.3.g above in one of the following ways:
 - i. Set up stations at the worksite for symptom screening and temperature checks; or
 - ii. Create a business policy that requires at-home employee self-screening each work day and reporting of the results to the employer prior to entering the worksite;
 - b. close common areas to disallow gatherings of employees;
 - c. implement mandatory cleaning and disinfection protocols; and
 - d. require mandatory adherence to **Distancing Requirements**.
- D. **Non-Critical Office-Based Businesses** may operate at the level described in Section II of this Order for which the county in which they operate is approved, and must comply with the requirements of **Appendix B** of this Order.
- E. All **Non-Critical Retail** may operate at the level described in Section II of this Order for which the county in which they operate is approved, and must comply with the requirements of **Appendix C** of this Order.
- F. **Non-Critical Manufacturing** may operate at the level described in Section II of this Order for which the county in which they operate is approved, and must comply with the requirements of **Appendix D** of this Order.

- G. Field Services** may operate at the level described in Section II of this Order for which the county in which they operate is approved, and must comply with the requirements of **Appendix E** of this Order.
- H. Personal Services** may operate at the level described in Section II of this Order for which the county in which they operate is approved, and must comply with the requirements of **Appendix F** of this Order.
- I. Limited Healthcare Settings** may operate at the level described in Section II of this Order for which the county in which they operate is approved, and must comply with the requirements of **Appendix G** of this Order.
- J. Restaurants** may operate at the level described in Section II of this Order for which the county in which they operate is approved, and must comply with the requirements of **Appendix H**. Additionally, for **Levels Blue, Yellow, Orange and Red**, only **Bars** that offer food from a licensed retail food establishment for on-premise consumption and follow the Restaurant requirements in **Appendix H** of this Order may operate. All other **Bars**, except **Bars in Levels Green or Blue**, are closed to ingress, egress, use, and occupancy by members of the public, but may offer alcoholic beverages with food service offered through delivery service, window service, walk-up service, drive-through service, drive-up service, curbside delivery or any manner set forth in that PHO and in accordance with mandatory **Distancing Requirements**.
1. All licensees licensed pursuant to Articles 3, 4 and 5 of Title 44 of the Colorado Revised Statutes, including approved sales rooms licensed under C.R.S. §§ 44-3-402(2), 44-3-402(7), 44-3-403(2)(e), or 44-3-407(1)(b), that are licensed for on-premises consumption of alcohol beverages must make meals prepared by a retail food licensee available at all times that alcohol beverages are served for on-premises consumption. Nothing in **Executive Order D 2020 091**, as amended and extended:
 - a. prohibits on-premises licensees licensed under Articles 3 or 4 of Title 44 of the Colorado Revised Statutes who have delivery privileges from making alcohol beverage sales for delivery after the close of on-premise or take-out services; or
 - b. changes or amends the requirements of C.R.S. § 44-3-901(1)(a) that prohibit selling or serving alcohol beverages to visibly intoxicated people, and in accordance with Colorado law, over-service violations could result in administrative action by the Liquor Enforcement Division up to and including revocation of a liquor license.

- K. Smoking Lounges** may operate at the level described in Section II of this Order for which the county in which they operate is approved. For **Smoking Lounges** with outdoor spaces, the establishment must follow local zoning requirements for such spaces. **Smoking Lounges** may provide retail sales, pick up, and delivery of their products.
- L.** Repealed.
- M. Indoor and Outdoor Events** may operate at the level described in Section II of this Order for which the county in which they operate is approved, and must comply with the requirements of **Appendix I** of this Order.
- N. Recreation**, including **Gyms and Fitness** and outdoor recreation facilities and activities may operate at the level described in Section II of this Order for which the county in which they operate is approved, and must comply with the specific requirements of **Appendix J** of this Order.
- O. Sports.**
1. **Organized Recreational Youth or Adult League Sports** may operate at the level described in Section II of this Order for which the county in which they operate is approved, and must comply with the requirements of **Appendix J. Organized Recreational Youth or Adult League Sports** that want approval to operate following the Colorado High School Athletic Association (CHSAA) requirements described in Section III.O.3 of this Order must [apply to CDPHE](#) for approval and shall sign an agreement with CDPHE to implement and maintain all CDPHE approved CHSAA requirements.
 2. **Professional sports** may resume pre-season practices, training and league play after they submit a reopening plan that details their disease prevention and mitigation strategies to the CDPHE and receive approval, and visiting teams will also follow those approved plans when playing in Colorado. Many professional leagues have created their own reopening requirements and guidance, and professional teams are expected at a minimum to incorporate those requirements into their reopening plans. Colorado sporting events that include both a professional event and a recreational event must have their professional opening plan reviewed and approved by CDPHE. Any recreational sporting events must follow the recreation requirements contained in **Appendix J** and any guidance found [here](#).
 3. **High School Sports** that do not follow the personal recreation guidance in **Appendix J**, and are operating under the auspices of CHSAA, may resume

practices and games after CHSAA submits plans to CDPHE that detail their disease prevention and mitigation strategies and receives approval.

4. **Collegiate sports** must submit a plan that details their disease prevention and mitigation strategies to CDPHE for review and approval, and visiting teams will also follow those approved plans when playing in Colorado. Collegiate sports plans shall at a minimum meet or exceed the standards established by their organized athletic associations, such as the National Collegiate Athletic Association (NCAA).

P. Outdoor Guided Activities may operate at the level described in Section II of this Order for which the county in which they operate is approved, and must comply with the requirements of **Appendix K** of this Order.

Q. Children's Day Camps, Residential Camps, Youth Sports Day Camps and Exempt Single Skill-Building Youth Camps may operate at the level described in Section II of this Order for which the county in which they operate is approved, and must comply with the requirements of **Appendix L** of this Order. License-exempt child care programs, such as single skill-building and 72-hour camps, are considered critical child care services and must follow the child care guidance, including the [case and outbreak guidance](#) for schools and child cares. Single skill-building team or group sports camps are not considered critical child care services and must follow the requirements in Section II and **Appendix L** of this Order.

R. Postsecondary Institutions. Programs and courses at public and private postsecondary institutions may resume in-person classes at the same capacity restrictions for **Indoor Events** at the level described in Section II of this Order for which the county in which they operate is approved.

1. Each institution should consult with the local public health agency for the county in which the institution resides concerning implementation of disease prevention measures in accordance with the [CDPHE Guidance for Higher Education](#), including following all **Distancing Requirements**, determining whether course content should be delivered remotely or in person based upon the prevalence of disease at the school and in the county, and managing any cases and outbreaks, including helping implement quarantine and isolation as needed in accordance with CDPHE guidelines, to minimize any further spread of disease.
2. Institutions that conduct COVID-19 sample collection for testing in a lab that they own, operate or manage must report all test results, whether

positive or negative, to CDPHE. Institutions that contract out laboratory testing services for COVID-19 samples must include in their contracts with the laboratory service provider the requirement to submit all COVID-19 testing results to CDPHE.

3. Institutions shall work in close collaboration and coordination with local health officials and health care partners to develop protocols for confirmed cases and outbreaks of COVID-19 at the institution and in the community. Such protocols shall include communication with public health, case notification, environmental cleaning, contact tracing, and arranging for quarantine of contacts and isolation of cases in accordance with CDPHE guidelines.
4. All possible outbreaks of COVID-19 must be reported to public health within 24 hours of detection in a manner specified by CDPHE. If an institution is unsure if the cases had contact with one another, report to public health for investigation.
 - a. An outbreak in a postsecondary institution is defined as two or more laboratory-confirmed COVID-19 cases among students or staff, from separate households, in contact with one another with either onset of symptoms of disease or a positive test date if asymptomatic, within a 14-day period.
5. Institutions shall respond to CDPHE surveys collecting information concerning COVID-19 investigation and response activities, such as the use of quarantine and isolation, in a manner specified by CDPHE.
6. Residential postsecondary institutions shall have policies in place that require all of the following:
 - a. All students of residential postsecondary institutions shall monitor their health daily for the following COVID-19 symptoms: subjective fever/chills; cough; shortness of breath or difficulty breathing; muscle or body aches; sore throat; headache; diarrhea; nausea or vomiting; congestion or runny nose; new loss of taste or smell.
 - b. Any student of a residential postsecondary institution who develops COVID-19 symptoms during the term of this Order shall:
 - i. If living in on campus housing, notify their postsecondary institution immediately and follow all public health requirements for isolation and quarantine in accordance with CDPHE guidelines;
 - ii. If living in off campus congregate student housing, defined as 10 or more students living in the same residence, notify their local public health agency immediately and follow all public

- health requirements for isolation and quarantine in accordance with CDPHE guidelines;
- iii. Stay separated away from others (i.e. isolate) until all of the following criteria are met:
 - 1. No fever (of at least 100.4 degrees), without medication, for at least twenty-four (24) hours; and
 - 2. All other COVID-19 symptoms have improved; and
 - 3. At least ten (10) days have passed since symptoms first appeared, or longer if so directed by public health;
 - iv. Stay separated from all other people as much as possible. Use a separate bathroom, if available; if unavailable, disinfect all touched surfaces before leaving the bathroom;
 - v. Contact any health care provider prior to visiting its office so that arrangements can be made to prevent exposing other persons at the office;
 - vi. In the event of a medical emergency and need to call 911, notify dispatch personnel that they may have COVID-19 and put on a **Face Covering** before the emergency medical personnel arrives; and
 - vii. Cooperate with public health and school representatives regarding case investigation and contact tracing.
7. Students of postsecondary institutions are subject to COVID-19 screening, quarantine, and isolation requirements as follows:
- a. Screening requirements.
 - i. Screening for COVID-19 symptoms includes all of the following: fever of 100.4F or higher; cough; shortness of breath or difficulty breathing; muscle or body aches; sore throat; headache; diarrhea; nausea or vomiting; congestion or runny nose; new loss of taste or smell.
 - ii. Institutions shall implement screening protocols for students in campus housing and for access to other campus buildings, such as class buildings, recreational facilities, and dining halls. Restrict building access by non-residents, including outside guests, non-residential staff, and others. These restrictions may not apply when the law otherwise requires, such as allowing personal care attendants for students with disabilities.
 - iii. Students living in off campus congregate student housing, defined as 10 or more students living in the same residence,

shall implement screening protocols for all residents that share off campus congregate student housing as well as any guests to the residence and maintain records of the screening results. Each off campus congregate student residence shall designate a contact person to work with public health and school representatives regarding implementation of public health requirements.

- b. Isolation requirements. Institutions for students in campus housing and students in off campus congregate student housing shall implement, in collaboration with public health, isolation protocols as needed for students who are symptomatic or test positive for COVID-19.
 - i. Isolate any symptomatic or COVID-19 positive cases away from others in the residence and limit the sharing of services, such as restrooms or kitchen facilities, with other residents to the greatest extent possible,
 - ii. notify public health immediately, no later than 24 hours from detection, and
 - iii. isolated individuals must remain in isolation without leaving the residence other than for medical care until released by public health;
- c. Quarantine requirements. Institutions for students in campus housing and students in off campus congregate student housing shall implement, in collaboration with public health, quarantine protocols in accordance with CDPHE guidelines as needed for students who are close contacts of a symptomatic individual or an individual who tests positive for COVID-19.
 - i. Quarantine for 14 days from the last date of exposure to any close contacts, defined as individuals who were within 6 feet of an ill or symptomatic individual for 15 minutes or longer or other high risk contact defined by public health. and
 - ii. quarantined individuals may only leave the residence for medical care;
- d. Clean and disinfect the residence in accordance with CDC's shared or congregate housing guidance, found [here](#);
- e. Provide public health as soon as possible the information necessary for case investigation and contact tracing; and
- f. Implement testing for COVID-19 for all congregate student housing residents in accordance with the recommendations of public health.

8. Institutions of higher education should utilize their student disciplinary process regarding students who are not complying with state and local public health orders.
- S. Ski Resorts.** Prior to opening a ski resort, the resort must do all of the following:
1. Work with the local community to create an opening plan. The plan must:
 - a. Comply with any guidance issued by CDPHE for ski resorts,
 - b. Phase in operations in a way to ensure the ski resort can be fully compliant with all guidelines,
 - c. Factor in the overall capacity that a community can safely host and follow all **Distancing Requirements**, and
 - d. Describe how the ski resort will assist the community in dealing with the increased volume of tourists during winter;
 2. Receive local government approval of the opening plan, either the county or municipality as appropriate;
 3. Submit the opening plan to the local public health agency for their review to ensure alignment with state and local guidance; and
 4. If approved by the local public health agency, the agency will submit the opening plan to CDPHE for final review and approval.

IV. DEFINITIONS

- A. Bar** means a bar, tavern, brew pub, brewery, microbrewery, distillery pub, winery, tasting room, special licensee, club, and other place of public accommodation serving alcoholic beverages and, if serving food, only snacks and not kitchen-prepared meals.
- B. COVID-19 Dial or Dial** means the six levels, designated as **Green, Blue, Yellow, Orange, Red** and **Purple**, defined by CDPHE in which a county may allow businesses to operate and activities to occur based upon standard metrics regarding disease incidence, percent positivity, and hospitalization rates, with additional metrics required to be met for **Level Green**.
- C. Critical Business.** Any business, including any for profit or non-profit, regardless of its corporate structure, engaged primarily in any of the commercial, manufacturing, or service activities listed in **Appendix A**, must continue to comply with the guidance and directives for maintaining a clean and safe work environment issued by the Colorado Department of Public Health and Environment (CDPHE) and any applicable local health department. **Critical Businesses** must comply with **Distancing Requirements** and all

PHOs currently in effect to the greatest extent possible and will be held accountable for doing so. A list of **Critical Businesses** is contained in **Appendix A** of this Order.

D. Critical Government Functions. The provision, operation and support of the following state and local government functions shall continue:

1. Public health and safety (public health agencies, police stations, fire and rescue stations, sheriff authorized search and rescue, correctional institutions, emergency vehicle and equipment storage, and, emergency operation centers)
2. Emergency response
3. Judicial branch operations including state and municipal courts, including attorneys, experts, witnesses, parties, and any personnel necessary for trials, court appearances, or other court business. The Judicial branch is encouraged to make remote participation available to the greatest extent possible.
4. The Colorado General Assembly, legislative bodies of municipal governments, and executive branch functions
5. Emergency medical (hospitals, ambulance service centers, urgent care centers having emergency treatment functions, and non-ambulatory surgical structures but excluding clinics, doctors offices, and non-urgent care medical structures that do not provide these functions)
6. Designated emergency shelters
7. Communications (main hubs for telephone, broadcasting equipment for cable systems, satellite dish systems, cellular systems, television, radio, and other emergency warning systems, but excluding towers, poles, lines, cables, and conduits)
8. Public utility plant facilities for generation and distribution (drinking water and wastewater infrastructure, hubs, treatment plants, substations and pumping stations for power and gas, but not including towers, poles, power lines, and oil and gas buried pipelines)
9. Transportation. All public and private airports, airlines, taxis, transportation network companies (such as Uber and Lyft), vehicle rental services, paratransit, and other private, public, and commercial transportation and logistics providers necessary for **Necessary Activities**, in compliance with the transportation guidance found [here](#).
10. Transportation infrastructure (aviation control towers, air traffic control centers, and emergency equipment aircraft hangars), critical road construction and maintenance
11. Hazardous material safety
12. Services to at-risk populations and **Individuals at Risk of Severe Illness from COVID-19**

13. Activities related to federal, state, and local elections, including any required acts of a political party, provided **Distancing Requirements** are observed to the greatest extent possible
 14. Any government service, state or local, required for the public health and safety, government functionality, or vital to restoring normal services
 15. Election operations and activities within voter services and polling centers, county clerk offices, and other locations where election operations occur, including but not limited to the functions performed by election judges, signature gatherers/circulators, authorized watchers, and voters.
- E. Distancing Requirements.** To reduce the risk of disease transmission, individuals shall maintain at least a six-foot distance from other individuals, wash hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer, cover coughs or sneezes (into the sleeve or elbow, not hands), regularly clean high-touch surfaces, and not shake hands.
- F. Field Services** means a service that is being provided out in the field as opposed to a company property, including third party private properties, such as a third party household.
- G. Gym** means a building or room used for indoor sports or exercise, such as fitness, dance, exercise or group classes, exercise studios and centers, recreation centers, bowling alleys, pools, and other indoor athletic facilities.
- H. Individual at Risk of Severe Illness from COVID-19** means:
1. Individuals who are 65 years and older;
 2. Individuals who have cancer;
 3. Individuals who have chronic kidney disease;
 4. Individuals who have chronic obstructive pulmonary disease;
 5. Individuals who have Down Syndrome;
 6. Individuals who are immunocompromised (weakened immune system) from solid organ transplant;
 7. Individual who have a body mass index of 30 or higher;
 8. Individuals who have serious heart conditions, such as heart failure, coronary artery disease, or cardiomyopathies;
 9. Individuals who have Sickle cell disease;
 10. Individuals who have Type 2 diabetes mellitus;
 11. Individuals who are pregnant;
 12. Individuals who smoke; and

13. Other individuals determined to be high risk by a licensed healthcare provider.
- I. **Indoor Events** means indoor activities like receptions, events, concerts, indoor markets, non-critical auctions, theaters, trade shows, or other indoor venues not covered in other sectors listed in this Order.
- J. **Limited Healthcare Settings** means those locations where certain healthcare services are provided, including acupuncture (not related to personal services), athletic training (not related to personal services), audiology services, services by hearing aid providers, chiropractic care, massage therapy (not related to personal services), naturopathic care, occupational therapy services, physical therapy, and speech language pathology services. Services provided in **Limited Healthcare Settings** that are ordered by a medical, dental or veterinary practitioner, are subject to the requirements of PHO 20-29; otherwise, the services are subject to the requirements of PHO 20-36.
- K. **Minimum Basic Operations.** The minimum necessary activities to (1) maintain the value of the business's inventory, ensure security, process payroll and employee benefits, or for related functions; or (2) facilitate employees of the business being able to continue to work remotely from their residences are allowable pursuant to this Order; continue filling online product orders and to process customer orders remotely. Any business supporting **Minimum Basic Operations** must comply at all times with **Distancing Requirements**.
- L. **Necessary Activities.** For purposes of this PHO, individuals are encouraged to only leave their Residence to perform any of the following **Necessary Activities**, provided they comply at all times and to the greatest extent possible with **Distancing Requirements** below. **Individuals at Risk of Severe Illness from COVID-19** who have not yet been vaccinated with a COVID-19 vaccine are urged not to leave their residence except as necessary to receive medical care. People who are sick must not leave their residence except as necessary to receive medical care, and must not go to work, even for a **Critical Business**. **Necessary Activities** include:
1. Engaging in activities or performing tasks essential to their health and safety, or to the health and safety of their family or household members, including, but not limited to, pets and livestock, such as, by way of example only and without limitation, obtaining medical supplies, walking your dog, feeding barnyard animals, obtaining durable medical equipment, obtaining medication, visiting a healthcare professional, or obtaining supplies they need to work from home.
 2. Obtaining necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others, such as, by

way of example only and without limitation, food, pet supply, other household consumer products, and products or equipment necessary to maintain the safety, sanitation, and essential operation of a Residence.

3. Engaging in outdoor activity, such as, by way of example and without limitation, walking, hiking, nordic skiing, snowshoeing, biking or running. For purposes of outdoor activity, State parks will remain open to the public who live in the vicinity to engage in walking, hiking, biking, running, camping and similar outdoor activities, basketball and tennis courts may be open for use. For other parks, check with the local jurisdiction and follow any requirements for that jurisdiction. For ski resorts, the local public health agency must approve the ski resort's plan prior to opening as outlined in section III.S. Additionally, the permitted outdoor activities in this PHO do not include activities that would violate the **Distancing Requirements** defined in this Section IV.
4. Performing work providing for businesses, government entities, and industries authorized in Section II of this Order, or to otherwise carry out activities permitted in this Order.
5. Caring for a family member, a vulnerable person, or pet in another household, or to care for livestock kept at a location other than an individual's home.

M. Necessary Travel. For purposes of this Order, travel is Necessary for any of the following purposes: (1) providing or accessing **Necessary Activities, Minimum Basic Operations, Critical Government Functions**, and **Critical Businesses**, and other businesses or industries authorized in Section II of this Order; (2) receiving materials for distance learning, for receiving meals, and any other related services from educational institutions; (3) returning to a place of residence from outside the jurisdiction; (4) travel required by law enforcement or court order; (5) travel to transport children between separate households pursuant to a parenting plan or other agreement governing parental responsibilities; (6) non-residents returning to their place of residence; (7) moving to a new residence, including individuals whose Residence is unsafe due to domestic violence concerns.

N. Non-Critical Office-Based Business means any commercial business that is conducted in an office and not a production environment and is not included in the list of **Critical Businesses** in **Appendix A**.

O. Non-Critical Retail means any retail service that is not included in the list of critical retail services in **Appendix C**. Examples of **Non-Critical Retail** include retailers of clothing, home goods, cell phone stores, mattresses, appliances, thrift shops,

apothecaries, vape and tobacco shops, craft, hobby and fabric stores, fishing tackle retailers, sporting goods, boutiques, etc.

- P. Outdoor Events** means outdoor activities such as outdoor receptions, events, fairs, rodeos, non-critical auctions, concerts, outdoor markets, amusement parks, or other outdoor venues not covered in any other sector in this Order. This does not include activities covered under delineated sectors in this Order such as **Restaurants** or **Outdoor Guided Tours**.
- Q. Personal Services** means services and products that are not necessary to maintain an individual's health or safety, or the sanitation or essential operation of a business or residence. **Personal Services** include, but are not limited to, personal training, dog grooming, or body art and also applies to noncritical professionals regulated by the Division of Professions and Occupations, within the Department of Regulatory Agencies (DORA) including but not limited to services provided by personal beauty professionals such as hairstylists, barbers, cosmetologists, estheticians, nail technicians, as well as massage therapists, whose work requires these professionals to be less than six feet from the person for whom the services are being provided. Massage therapy services ordered by a healthcare professional should consult **Executive Order D 2020 027**, as amended and extended.
- R. Recreation** means **Gyms** as defined in Section IV.F and outdoor recreation facilities and activities, such as playgrounds, tennis and pickleball courts, bike and motocross tracks, and outdoor swimming pools.
- S. Restaurant** means restaurants, food courts, cafes, coffeehouses, and other similar places of public accommodation offering food or beverage for on-premises consumption or from a licensed retail food establishment.
- T. Safer at Home** means individuals stay in your place of residence as much as possible, and avoid unnecessary social interactions.
- U. Smoking Lounge** means any establishment authorized at the state or local level to provide space for patrons to smoke or vape, indoors or outdoors, while at the establishment.
- V. Stay at Home** means to stay in your place of residence, which includes hotels, motels, and shared rental facilities, and not leave unless necessary to provide, support, perform,

or operate **Necessary Activities, Minimum Basic Operations, Critical Government Functions, and Critical Businesses.**

V. VARIANCE REQUESTS.

Any Colorado county that is in **Level Blue** or **Yellow** may request a site specific indoor variance, and in **Level Orange** may request a site specific outdoor variance, from CDPHE authorizing implementation of different restrictions for the requested site than what is required in this Order. The variance request must include the site requirements endorsed by the local public health agency and adopted by the county commissioners or other county-level governing body, in addition to verification from local hospitals that they have the capacity to serve all people needing their care. Variances that have been approved by CDPHE remain in effect until the expiration or termination of this Order, unless rescinded or suspended sooner by CDPHE. Further requirements concerning variance requests are contained in **Appendix M.**

VI. ENFORCEMENT

This Order will be enforced by all appropriate legal means. Local authorities are encouraged to determine the best course of action to encourage maximum compliance. Failure to comply with this order could result in penalties, including jail time, and fines, and may also be subject to discipline on a professional license based upon the applicable practice act.

VII. SEVERABILITY

If any provision of this Order or the application thereof to any person or circumstance is held to be invalid, the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.

VIII. DURATION

This Order shall become effective on Wednesday, March 24, 2021 and will expire in 30 days unless extended, rescinded, superseded, or amended in writing.


Jill Hunsaker Ryan, MPH
Executive Director

March 23, 2021

Date

Appendix A. Critical Businesses List

Appendix B. Non-Critical Office-Based Businesses

Appendix C: Critical and Non-Critical Retail Requirements

Appendix D: Non-Critical Manufacturing

Appendix E: Field Services

Appendix F: Personal Services

Appendix G: Limited Healthcare Settings

Appendix H: Restaurants

Appendix I: Indoor and Outdoor Events

Appendix J: Recreation

Appendix K: Outdoor Guided Services

**Appendix L: Children's Day Camps, Residential Camps, Youth Sports Day Camps And
Exempt Single Skill-Building Youth Camps**

**Appendix M: County Site Specific Variance Requests and the 5 Star State Certification
Program**

APPENDIX A: CRITICAL BUSINESSES

Critical Business. Any business, including any for profit or non-profit, regardless of its corporate structure, engaged primarily in any of the commercial, manufacturing, or service activities listed below, should follow all of the requirements in this Order for their sector, and any applicable [CDPHE guidance](#), unless doing so would make it impossible to carry out critical functions, in which case they may exceed the sector restrictions to the minimum extent necessary to carry out critical functions. **Critical Retail** may not exceed 50% of the posted occupancy limit under all **Dial** levels. **Critical Businesses** must comply with the guidance and directives for maintaining a clean and safe work environment issued by the Colorado Department of Public Health and Environment (CDPHE) and any applicable local health department. **Critical Businesses** must comply with **Distancing Requirements** and all PHOs currently in effect to the greatest extent possible and will be held accountable for doing so.

“Critical Business” means:

1. Healthcare Operations, Including:

- Hospitals, clinics, and walk-in health facilities
- Medical and dental care, including ambulatory providers
- Research and laboratory services
- Medical wholesale and distribution
- Home health care companies, workers and aides
- Pharmacies
- Pharmaceutical and biotechnology companies
- Behavioral health care providers
- Veterinary care and livestock services
- Nursing homes, residential health care, or congregate care facilities
- Medical supplies and equipment manufacturers and providers, including durable medical equipment technicians and suppliers
- Blood banks

2. Critical Infrastructure, Including:

- Utilities and electricity, including generation, transmission, distribution and fuel supply
- Road and railways
- Oil and gas extraction, production, refining, storage, transport and distribution
- Public water and wastewater
- Telecommunications and data centers
- Transportation and infrastructure necessary to support critical businesses

- Hotels, and other places of accommodation
- Businesses and organizations that provide food, shelter, social services, and other necessities of life for economically disadvantaged, persons with access and functional needs, or otherwise needy individuals
- Food and plant cultivation, including farming crops, livestock, food processing and manufacturing, animal feed and feed products, rendering, commodity sales, and any other work critical to the operation of any component of the food supply chain
- Any business that produces products critical or incidental to the construction or operation of the categories of products included in this subsection
- Flight schools

3. Critical Manufacturing, Including:

- Food processing, manufacturing agents, including all foods and beverages
- Chemicals
- Computers and computer components
- Medical equipment, components used in any medical device, supplies or instruments
- Pharmaceuticals
- Sanitary products
- Telecommunications
- Microelectronics/semiconductor
- Agriculture/farms
- Household paper products
- Any business that produces products critical or incidental to the processing, functioning, development, manufacture, packaging, or delivery of any of the categories of products included in this subsection
- Any manufacturing necessary to support a **Critical Business**

4. Critical Retail, Including:

- Grocery stores including all food and beverage stores
- Farm and produce stands
- Gas stations and convenience stores
- Restaurants for curbside, takeout and delivery, in compliance with the requirements of **Appendix H** of this Order
- Marijuana dispensary (only for the sale of medical marijuana or curbside delivery pursuant)
- Liquor stores for curbside, takeout and delivery
- Firearms stores

- Hardware, farm supply, and building material stores
- Establishments engaged in the retail sale of food and any other household consumer products (such as cleaning and personal care products), excluding retailers of only health and nutrition-related products (vitamins, minerals, supplements, herbs, sports nutrition, diet and energy products)
- Establishments engaged in the sale of products that support working from home (this exclusion does not include businesses that primarily sell hobby craft supplies)

5. Critical Services, Including:

- Trash, compost, and recycling collection, processing and disposal
- Mail and shipping services, and locations that offer P.O. boxes
- Self-serve laundromats and garment and linen cleaning services for critical businesses
- Building cleaning and maintenance
- Child care services, following [case and outbreak guidance](#) for child care and schools
- Automobile rental, automobile online sales with no touch delivery service, auto supply and repair (including retail dealerships that include repair and maintenance, but not in person retail sales)
- Warehouse/distribution and fulfillment, including freight distributors
- Funeral homes, crematoriums, and cemeteries
- In-person pastoral services for individuals who are in crisis or in need of end of life services provided Distancing is observed to the greatest extent possible.
- Houses of Worship and associated ceremonies such as weddings, funerals and baptisms (religious or secular)
- Storage for **Critical Businesses**
- Animal shelters, animal boarding services, animal rescues, zoological facilities, animal sanctuaries, animal grooming, and other related facilities
- Moving services
- In person group counseling or recovery meetings for substance abuse or behavioral health following Distancing of 6 feet and no more than 10 participants
- Libraries

6. News Media

- Newspapers
- Television
- Radio
- Other media services

7. Financial and Professional Institutions, Including:

- Banks and credit unions
- Insurance and payroll
- Services related to financial markets
- Professional services, such as legal, title companies, or accounting services, real estate appraisals and transactions

8. Providers of Basic Necessities to Economically Disadvantaged Populations, Including:

- Homeless shelters and congregate care facilities
- Food banks
- Human services providers whose function includes the direct care of patients in State-licensed or funded voluntary programs; the care, protection, custody and oversight of individuals both in the community and in State-licensed residential facilities; those operating community shelters and other critical human services agencies providing direct care or support

9. Construction, Including but not Limited To:

- Housing and housing for low-income and vulnerable people
- Skilled trades such as electricians, plumbers
- Other related firms and professionals who provide services necessary to maintain the safety, sanitation, and critical operation of residences and other **Critical Businesses** or **Critical Government Functions**, and other essential services

10. Defense

- Defense, security, and intelligence-related operations supporting the State of Colorado, local government, the U.S. Government or a contractor for any of the foregoing
- Aerospace operations
- Military operations and personnel
- Defense suppliers

11. Critical Services Necessary to Maintain the Safety, Sanitation and Critical Operations of Residences or Other Critical Businesses, Including:

- Law enforcement
- Fire prevention and response
- Building code enforcement
- Security

- Emergency management and response
- Building cleaners or janitors
- General maintenance whether employed by the entity directly or a vendor (including maintenance and repair of ordinary household and business appliances but not in-person retail sales of such products)
- Automotive and bicycle repair
- Disinfection
- Snow removal
- Bail bonds agents
- Pest control

12. Vendors that Provide Critical Services or Products, Including Logistics and Technology Support, Child Care and Services:

- Logistics
- Technology support for online and telephone services
- Child care programs and services, following [case and outbreak guidance](#) for child care and schools
- Government owned or leased buildings
- **Critical Government Functions**

13. Educational Institutions, for Purposes of providing Critical Services to Students and the General Public:

- Pre-kindergarten through 12th grade public and private schools for the purpose of providing meals, housing, facilitating or providing materials for distance learning, and in consultation with the local public health agency providing in person learning as necessary, or other essential services to students as determined by the school or school district in consultation with the local public health agency. Such institutions are required to work with state and local public health officials and follow [case and outbreak guidance](#) for schools when cases of COVID-19 are suspected or confirmed in students or staff to determine transmission mitigation strategies, isolation, quarantine and shifting to remote learning.
- Postsecondary institutions, including private and public occupational schools, colleges and universities, for the purpose of facilitating remote learning, providing in person classroom or laboratory education only in limited circumstances when remote learning is not possible or appropriate , or performing essential functions, such as security, medical and mental health services, housing, food services, and critical research, provided that **Distancing Requirements** are observed.

APPENDIX B: NON-CRITICAL OFFICE-BASED BUSINESSES

- I. Non-Critical Office-based Businesses** may operate at the level described in Section II of this Order for which the county in which they operate is approved, and must follow the requirements included in Section III.C of this Order, as well as the requirements contained in this **Appendix**.
- A.** Employers must implement the following measures within the workplace to minimize disease transmission:
1. ensure a minimum of 6 feet of space between all desks and workspaces;
 2. modify the flow of people traffic to minimize contacts, such as identifying doors for entry or exit only;
 3. conduct standard office cleaning with increased frequency and supplement with sanitization of high touch areas, in accord with [CDPHE guidelines](#);
 4. provide employees with cleaning and disinfecting products and guidance on daily workspace cleaning routines; and
 5. post signage for employees and customers on good hygiene and new office practices.
- B.** Employers must implement the following measures regarding employees to minimize disease transmission:
1. maximize use of telecommuting and develop in-office rotation schedules;
 2. minimize the number of in-person meetings and maintain 6 foot distancing in those meetings;
 3. provide guidance and encouragement on maintaining 6 foot distancing and taking breaks to wash hands;
 4. pursuant to **Executive Order D 2020 138**, as amended and extended, require face coverings for all employees, volunteers, and vendors in public indoor spaces unless the individual is 10 years of age or younger, cannot medically tolerate a face covering, or is performing one of activities listed in Section II.M of **Executive Order D 2020 138**, as amended and extended;
 5. require gloves and masks for any customer interactions; and
 6. allow telecommuting to the greatest extent possible.
- C.** Employers must implement the following measures regarding customers to minimize disease transmission:
1. require 6 foot distancing measures wherever possible, such as marked space in check-out lines;

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2. pursuant to **Executive Order D 2020 138**, as amended and extended, require face coverings for all customers in public indoor spaces unless the individual is 10 years of age or younger, cannot medically tolerate a face covering, or is performing one of activities listed in Section II.M of **Executive Order D 2020 138**, as amended and extended;
3. provide hand sanitizer at entrances and other high-traffic locations; and
4. implement hours where service is only provided to **Individuals at Risk of Severe Illness from COVID-19** if possible.

APPENDIX C. CRITICAL AND NON-CRITICAL RETAIL REQUIREMENTS

- I. Non-Critical Retail** may operate at the level described in Section II of this Order for which the county in which they operate is approved. **Non-Critical Retailers** are encouraged to continue drive-through, curbside pick-up or delivery for longer term service wherever possible. **Critical** and **Non-Critical Retailers** must implement the requirements in Section III.C of this Order, in addition to the specific requirements in this **Appendix C**. Indoor malls are addressed separately in Section III of this **Appendix C**.
- A. Critical and Non-Critical Retail** must implement the following measures within the workplace to minimize disease transmission:
1. Elevate and increase frequency of [cleaning practices](#), including cleaning and disinfection of high touch areas for both back-room and retail spaces.
 2. Restrict return policy to only items that can be properly sanitized prior to re-selling.
 3. Post signage for employees and customers on good hygiene and other sanitation practices.
 4. Maintain 6 foot distancing between patrons and employees;
 5. Effectively monitor employees' symptoms as listed in Section III.C;
 6. Require and provide face coverings for all employees, and gloves as necessary and appropriate;
 7. Provide dedicated, in-store hours for **Individuals at Risk for Severe Illness from COVID-19**.
- B. Critical and Non-Critical Retail** must implement the following measures regarding employees to minimize disease transmission:
1. Provide guidance and encouragement on maintaining 6 foot distancing between both employees and employees and customers.
 2. Provide appropriate face coverings and gloves to all employees whenever possible, and also allow employees who can to provide their own appropriate face coverings and gloves for work activities. Pursuant to **Executive Order D 2020 138**, as amended and extended, face coverings are required in public indoor spaces unless the individual is 10 years of age or younger, cannot medically tolerate a face covering, or is performing one of activities listed in Section II.M of **Executive Order D 2020 138**, as amended and extended.
 3. Encourage frequent breaks to allow employees to wash or sanitize their hands.

4. Require employees to stay home when showing any symptoms or signs of sickness.
 5. Provide personal protective equipment (PPE) for employees who are managing deliveries, returns, etc.
- C.** Employers must implement the following measures regarding customers to minimize disease transmission:
1. Require 6 foot distancing measures wherever possible, such as marked space in pick up lines;
 2. Require face coverings for all customers in public indoor spaces unless the individual is 10 years of age or younger, cannot medically tolerate a face covering, or is performing one of activities listed in Section II.M of **Executive Order D 2020 138**, as amended and extended;
 3. Limit the number of customers on the premises as needed to make 6 foot distancing between customers attainable;
 4. Provide decals and demarcation for waiting area in lines that meet **Distancing** criteria;
 5. Create signage encouraging **Individuals At Risk of Severe Illness from COVID-19** to refrain from shopping outside of dedicated hours set aside for them;
 6. Create signage to remind of the requirement for all individuals in public indoor spaces to wear a face covering, unless the individual is 10 years of age or younger, cannot medically tolerate a face covering, or is performing one of activities listed in Section II.M of **Executive Order D 2020 138**, as amended and extended, and to encourage the use of gloves by customers while on the premises; and
 7. Provide hand sanitizer and wipes at entrances and other high-traffic locations to the greatest extent possible.
- III. Retail Markets and Malls.** Indoor and outdoor market operators shall follow the **Indoor or Outdoor Event** requirements in **Appendix I**. Both individual vendors operating within the mall and the common space in indoor malls shall follow **Retail** requirements.

APPENDIX D: NON-CRITICAL MANUFACTURING

- I. Non-Critical Manufacturing** may operate at the level described in Section II of this Order for which the county in which they operate is approved, and must follow the requirements included in Section III.C of this Order, as well as all of the requirements of this **Appendix**.
- A.** Employers must implement the following measures within the workplace to minimize disease transmission:
1. Create and implement policies or procedures for all of the following:
 - a. Limiting group interactions to keep any group less than ten (10) people by
 - i. staggering of shift changes, breaks, lunches, etc., and
 - ii. eliminating all-staff in-person meetings or lunches;
 - b. Modifying the flow of people traffic to minimize contacts, such as arranging one-way flow of work and people;
 - c. Implementing 6 foot distancing and impermeable barriers between employees whenever possible;
 - d. Limiting the sharing of tools, equipment, or other resources to the greatest extent possible, and if not feasible, implement cleaning and disinfection protocols as often as possible for any such shared tool, equipment and resources; and
 - e. Requiring hand washing upon arrival and before departure, establishing set hand washing time frames throughout shifts, and providing additional hand washing stations if possible.
 2. Conduct cleaning protocols as follows:
 - a. Daily deep cleaning and disinfecting and full cleaning in-between shifts in accordance with [CDPHE guidance](#); and
 - b. Establish protocols to increase the frequency of sanitization in work and common spaces, following OSHA requirements and CDPHE guidance, [found here](#);
 3. Provide contactless options, such as entry to the worksite, payments, etc., whenever applicable and possible;
 4. Use paperless, electronic options whenever possible to reduce the use of sharing paperwork;
 5. Ensure ventilation of work and break areas is in line with [OSHA guidance](#);
 6. Support transportation arrangements that discourage carpooling; and
 7. Develop a Preparedness and Response document in accordance with OSHA guidance.

B. Employers must implement the following measures for employees to minimize disease transmission:

1. Provide guidance about how to comply with 6 foot distancing;
2. Designate workers to monitor and facilitate distancing on processing floor lines;
3. Require employees to use masks or face coverings, except where doing so would inhibit that individual's health, in which case reasonable accommodations should be pursued to maintain the safety and health of all parties;
4. Require employees to wash their hands upon arrival to and before departure from the facility, as well as frequently during workshifts, in accordance with the policy required in Section I.A.1.vi of this **Appendix**;
5. Disinfect work stations between shifts and/or at the end of the workday;
6. Group employees into teams or shifts that remain together;
7. Stagger employee lunch and break times;
8. Encourage all employees not critical to in-person operations to continue working from home or working remotely; and
9. Encourage the wearing of masks or other face coverings while carpooling, and individuals are required pursuant to Executive Order D 2020 138 to wear a face covering while taking public transportation, unless the individual is 10 years of age or younger, cannot medically tolerate a face covering, or is performing one of activities listed in Section II.M of **Executive Order D 2020 138**, as amended and extended, in which case reasonable accommodations should be pursued to maintain the safety and health of all parties.

C. Employers must implement the following measures regarding customers to minimize disease transmission:

1. Prohibit entry to the worksite of all non-essential external visitors;
2. Conduct symptom checks for any essential visitors who will interact with employees;
3. Require essential visitors to wear masks or face coverings, unless the individual is 10 years of age or younger, cannot medically tolerate a face covering, or is performing one of activities listed in Section II.M of **Executive Order D 2020 138**, as amended and extended, in which case reasonable accommodations should be pursued to maintain the safety and health of all parties; and
4. Encourage 6 foot distancing and implement procedures to limit person-to-person interaction in inbound/outbound shipping areas.

APPENDIX E: FIELD SERVICES

- I. Field Services** may operate at the level described in Section II of this Order for which the county in which they operate is approved, and must follow the requirements included in Section III.C of this Order, as well as all of the requirements of this **Appendix**.
- A.** Employers must implement the following measures regarding employees to minimize disease transmission:
1. adhere to all general rules or guidance on social gathering limitations when working out of the office;
 2. implement procedures for field-based employees to monitor for symptoms and report-in to management daily on health status.
 3. comply with the **Distancing Requirements** and maintain a 6 foot distance between employees and from their customers;
 4. provide gloves and masks for any customer interactions or work being done in third-party home, office spaces, or other public indoor spaces;
 5. When scheduling or conducting field services, either the employer or an employee must inquire whether third-party homes have individuals symptomatic for COVID-19 or have been in contact with known positive cases, and exercise caution when inside the home and interacting with anyone in the home if they do;
 6. maintain a detailed log of customer interactions to enable contact tracing if it becomes necessary. The log should include name, date, and location of contact, as well as the contact's phone number and/or email address;
 7. require that all tools or equipment be sanitized after each customer visit;
 8. prioritize work accommodations for **Individuals at Risk of Severe Illness from COVID-19**, prioritizing telecommuting;
 9. provide guidance and encouragement on personal sanitation, including frequently washing hands. This guidance should include all of the following:
 - a. frequently and thoroughly wash your hands with soap and water for at least 20 seconds. If soap and water are not available, use hand sanitizer with at least 60% alcohol;
 - b. cover coughs and sneezes with a tissue, then throw the tissue in the trash, or use your inner elbow or sleeve;
 - c. avoid touching your eyes, nose, and mouth with unwashed hands;
 - d. stay home if you're sick, and keep your children home if they are sick; and
 - e. clean high touch surfaces in your home, and personal items such as cell phones, using regular household products; and
 10. real estate open houses must follow the **Indoor Events** requirements in Section III.M. and **Appendix I** of this Order.

- B.** Employers must implement the following measures regarding customers to minimize disease transmission:
1. provide estimates, invoices, receipts, and other documentation electronically to negate the need for paper;
 2. provide contactless payment options in the field whenever possible;
 3. encourage customers to maintain 6 foot distancing from field service employees; and
 4. encourage customers to use facial coverings when field services are being conducted and pursuant to **Executive Order D 2020 138**, as amended and extended, require face coverings if the services are provided in a public indoor space unless the individual is 10 years of age or younger, cannot medically tolerate a face covering, or is performing one of activities listed in Section II.M of **Executive Order D 2020 138**, as amended and extended.

APPENDIX F: PERSONAL SERVICES

I. Personal Services may operate at the level described in Section II of this Order for which the county in which they operate is approved, and must follow the requirements included in Section III.C of this Order, as well as all of the requirements of this **Appendix**.

- A.** Employers and sole proprietors must implement the following measures within the workplace to minimize disease transmission:
1. Employ strict hygiene guidelines and cleaning and disinfection procedures for all contact surfaces and tools, in accordance with [CDPHE Worker and Customer Protection Guidelines for Non-Healthcare Industries](#);
 2. Ensure a minimum of 6 feet of separation between clients and customers, including services for pets, when not directly performing service;
 3. Post signage for employees and customers on good hygiene and safety measures being taken;
 4. Minimize in-home and in-facility services with remote alternatives whenever possible, such as drive-by services or virtual meetings; and
 5. Implement the capacity restrictions in Section II of this Order on a per room basis. All businesses offering services through employees or lessees in individual rooms must comply with the requirements of this Order for each room.
- B.** Employers must implement the following measures regarding employees to minimize disease transmission:
1. Services with close personal contact, such as beauty professionals, massage, etc., must implement the following:
 - a. wear a face covering and gloves at all times, or, if wearing gloves is not feasible or appropriate, meticulous hand washing;
 - b. change gloves and wash hands between every individual or pet served;
 - c. clean and disinfect all shared equipment and tools between every individual or pet served; and
 - d. maintain a detailed log of customer interactions to enable contact tracing if it becomes necessary. The log should include name, date, details of services performed, and location of contact, as well as the contact's phone number and/or email address.
 - e. for services where the client cannot wear a mask (facials, beard trims, etc.), the employee or practitioner is strongly encouraged to wear a medical-grade mask whenever possible, and must wear a face shield in addition to their mask.

2. Personal services with low personal contact, such as movers or repair services, must implement the following:
 - a. maintain a minimum of 6 feet of separation between customers;
 - b. require face coverings and, if feasible, gloves for any customer interactions; and
 - c. provide guidance on strict hygiene precautions to employees.
- C. Personal Services** must implement the following measures regarding customers to minimize disease transmission:
1. provide customer services by appointment only, do not allow walk-ins or waiting for an appointment, and follow **Distancing Requirements**;
 2. require customers to wear face coverings, except
 - a. for personal training in a pool,
 - b. if the service being performed requires the removal of a mask (e.g. a facial, lip waxing or beard trim), or
 - c. where the individual cannot medically tolerate a face covering, in which case reasonable accommodations should be pursued to maintain the safety and health of all parties; and
 - d. if a customer does not have a mask, a "disposable mask" could be provided;
 3. conduct symptoms check for all customers of services with close personal contact and decline to provide services to anyone who has symptoms. A sample form can be found [here](#); and
 4. provide contactless payment options whenever possible.

APPENDIX G: LIMITED HEALTHCARE SETTINGS

I. Limited Healthcare Settings may operate at the level described in Section II of this Order for which the county in which they operate is approved, and must follow the requirements included in Section III.C of this Order, as well as all of the requirements of this **Appendix**.

Limited Healthcare Settings may conduct voluntary and elective surgeries and procedures in limited healthcare facilities and offices with required personal protective equipment (PPE) in accord with the priorities, requirements, and specific criteria below.

- A.** Employers and sole proprietors of **Limited Healthcare Settings** must implement the following measures within the overall workplace, including administrative and front office operations, to minimize disease transmission:
1. The practice must have access to adequate PPE in order to sustain recommended PPE use for its workforce for two weeks without the need for emergency PPE-conserving measures. If a practice proposes to extend the use of or reuse PPE, it must follow CDC guidance.¹
 2. The practice must implement strict infection control policies as recommended by the CDC.²
 3. The practice must ensure a minimum of 6 feet of separation between clients and patients, when not directly performing service, and all settings offering services in individuals rooms must comply with the requirements of this Order for each room.
 4. The practice must post signage for employees and patients on good hygiene and safety measures being taken.
 5. The practice must minimize in-home and in-facility services with remote alternatives whenever possible, such as drive-by services or virtual meetings.
 6. Practices must maintain a plan to reduce or stop voluntary and elective surgeries and procedures should a surge/resurgence of COVID-19 cases occur in their region.
- B.** Employers of **Limited Healthcare Settings** must implement the following measures regarding employees to minimize disease transmission:
1. Services with close, direct personal contact must implement the following:
 - a. wear medical grade mask and gloves at all times; however, acupuncturists may substitute good hand hygiene by thoroughly washing hands before and after seeing each patient for the gloves if their licensing requirements and standards so allow;
 - b. change gloves and wash hands between every patient;
 - c. clean and disinfect all shared equipment and tools between every patient; and

¹ <https://www.cdc.gov/coronavirus/2019-ncov/hcp/ppe-strategy/index.html>

² <https://www.cdc.gov/coronavirus/2019-ncov/hcp/infection-control.html>

- d. maintain a detailed log of patient interactions to enable contact tracing if it becomes necessary. The log should include name, date, details of services performed, and location of contact, as well as the contact's phone number
 - e. for services where the client cannot wear a mask, the employee or practitioner must wear a face shield in addition to their mask.
2. Services with low personal contact must implement the following:
 - a. maintain a minimum of six 6 feet of separation between customers;
 - b. require face coverings and, if feasible, gloves for any customer interactions; and
 - c. provide guidance on strict hygiene precautions to employees.
3. The practice must require all administrative personnel to wear a facemask, that can be cloth if necessary, unless the individual cannot medically tolerate a face covering, or is performing one of the enumerated activities in Section II.M of **Executive Order D 2020 138**, as amended and extended. In order to ensure staff can take off their masks for meals and breaks, scheduling and location for meals and breaks should ensure that at least a 6-foot distance can be maintained between staff when staff needs to remove their mask. It is important for healthcare settings to emphasize that hand hygiene is essential to maintaining employee safety, even if staff are wearing masks. If the facemask is touched, adjusted or removed, hand hygiene should be performed.

C. Limited Healthcare Settings must implement the following measures regarding customers to minimize disease transmission:

1. The practice must provide services by appointment only, do not allow walk-ins or waiting for an appointment;
2. The practice must require patients to wear face coverings; if a patient does not have a mask, a "disposable medical mask" could be provided;
3. The practice must conduct symptom checks for all patients, decline to provide services to anyone who has symptoms, and refer them to their primary care physician. A sample form can be found [here](#); and
4. The practice must provide contactless payment options whenever possible;
5. The practice must follow **Distancing** protocols of maintaining at least a 6-foot distance between individuals wherever possible such as in waiting rooms and other small spaces, and should use physical barriers within patient care areas when possible.
6. The practice must appropriately schedule patients, so that providers have sufficient time to change PPE and ensure rooms and equipment can be cleaned and disinfected between each patient.
7. The practice should continue to maximize the use of telehealth and virtual office or clinic visits.

8. The practice should use virtual waiting rooms when possible, with patients who are able to wait in their cars not entering the office until they can be moved immediately to an exam room.
 9. The practice should implement source control for everyone entering the office or clinic, including requiring all patients and visitors to wear a cloth mask when entering any healthcare building, and if they arrive without a mask, one should be provided.
- D.** As best practice, it is recommended that if performing voluntary and elective surgeries and procedures, **Limited Healthcare Settings** reassess their operations every two weeks, in order to ensure:
1. All of the above approaches and criteria are being met;
 2. Procedures are prioritized based on whether their continued delay will have an adverse health outcome.
 - a. Voluntary and elective surgeries and procedures should be prioritized based on indication and urgency³;
 3. Strong consideration is given to the balance of risks versus benefits for patients in higher-risk groups such as those over age 65 and those with compromised immune systems or lung and heart function;
 4. All patients are pre-screened for COVID-19 risk factors and symptoms prior to delivering care, via telehealth when applicable; and
 5. Compliance with the guidance and directives for maintaining a clean and safe work environment issued by the CDPHE and any applicable local health department for critical businesses is maintained, including compliance with **Distancing Requirements** and all PHOs currently in effect to the greatest extent possible.

³ Urgent and emergent care should continue in accordance with OHA and CMS guidance.

APPENDIX H: RESTAURANTS

- I. Restaurants, Bars in Levels Green and Blue, and Bars** that serve food from a retail food licensee with tables spaced at least 6 feet apart and set seating for on-premise consumption, may operate at the level described in Section II of this Order for which the county in which they operate is approved, and must follow the requirements included in Section III.C of this Order, as well as all of the requirements of this **Appendix**. **Restaurants** remain encouraged to continue curbside pick up and delivery, including alcohol pick up and delivery. **Bars** that do not offer food, other than **Bars in Levels Green and Blue**, may only provide alcohol service through takeout, curbside pick up and delivery.
- A.** Employers must implement the following measures within the workplace to minimize disease transmission:
1. Indoor and outdoor in-person services
 - a. Post signage notifying patrons and employees of hygiene and sanitation expectations, including not entering if they are experiencing any symptoms.
 - b. Patrons in different parties must be a minimum of 6 feet apart. The spacing of tables should be a minimum of 6 feet to ensure proper distancing.
 - c. Limit party size to 10 people or less, and in **Level Red** tables are restricted to household members only.
 - d. All employees must wear facial coverings that cover the nose and mouth, unless the individual cannot medically tolerate a face covering, or is performing one of the enumerated activities in Section II.M of **Executive Order D 2020 138**, as amended and extended.
 - e. Employees may utilize disposable gloves as normally required by their governing regulations. Employees that are directly involved with disinfecting equipment and surfaces within critical business and/or have direct contact with customers shall wear gloves when involved in these activities.
 - f. Cleaning and disinfection of all shared surfaces must be done between seatings.
 - g. Ensure proper ventilation per [OSHA guidance](#).
 2. **Restaurants, Bars in Levels Green and Blue, and Bars** that serve food from a retail food licensee with tables at least 6 feet apart and set seating for on-premise consumption, must make every effort to maintain physical distancing at all times,

both inside and outside the establishment, including:

- a. Using a reservation system, exclusively if possible;
- b. Disallowing close proximity to others outside the patron's group by:
 - i. eliminating communal and seat yourself options
 - ii. providing a hostess seating option or staffing the dining area to ensure cleaning and disinfection between prior to the next seating
 - iii. allowing bar seating options only if the bar is not being used for bar service or if there is a clearly designated and separated section of the bar that is not being used for bar service;
- c. Eliminating customer service buffets;
- d. Provide appropriate signs or markings within the **Restaurant** or **Bar** to space lines, indicate which tables are unavailable, prohibit games and dance floors that encourage gatherings, and direct foot traffic; and
- e. Performers in a restaurant or bar whose performance includes forced exhalation that increases the potential to aerosolize respiratory droplets, such as speaking or shouting, singing, playing some instruments, or physical exertion, must maintain a minimum distance of 12 feet if wearing a face covering or 25 feet if not wearing a face covering from the patrons.

- 3. **Restaurants, Bars in Levels Green and Blue, and Bars** that serve food from a retail food licensee with tables spaced at least 6 feet apart and set seating for on-premise consumption, must implement measures to maintain the cleanliness and sanitation of the restaurant, including:

- a. Minimize or eliminate high touch surfaces and multi-use objects, such as games, table cloths if used for multiple seatings, permanent menus, and condiments, and clean and disinfect any shared objects between uses;
- b. Increase cleaning and disinfection protocols and track with publicly posted cleaning logs including:
 - i. Clean and disinfect restrooms and high touch areas every hour, and
 - ii. Block off stalls and urinals with proper signage to adhere to 6 feet distance between patrons; and
- c. Use disposable items wherever possible, such as single-use menus and condiments.
- d. Eliminate multi-use utensils (such as hot dog roller tongs, bulk food bins and coffee urns) at self-service stations that have and implement touchless self-service wherever practicable.

- B.** Employers must implement the following measures for employees to minimize disease transmission:

- 1. Establish a minimum of 6 foot physical distancing standards and train employees

- on maintaining distancing between employees to the greatest extent possible
 - a. Consider implementing workflow requirements, dividers at pay counters and hostess areas, and modifying the menu to free up kitchen space.
 - b. Limit group interactions including staggering of shift changes, breaks, no consumption of family or shift meals onsite, etc.
 - c. Conduct virtual staff meetings whenever possible, any all staff meetings must meet 6 foot distancing requirements.
- 2. Face coverings and gloves
 - a. Require employees to wear face coverings at all times, unless the individual cannot medically tolerate a face covering, in which case reasonable accommodations should be pursued to maintain the safety and health of all parties, and encourage the use of gloves when in contact with customers or goods.
 - b. Require face coverings and encourage gloves for vendors, suppliers, and contract workers entering the licensed establishment, except where doing so would inhibit that individual's health, in which case reasonable accommodations should be pursued to maintain the safety and health of all parties.
- 3. Employee sanitary requirements
 - a. Encourage frequent breaks to wash hands (at least every 30 minutes) including upon arrival and departure.
 - b. Strict adherence to the hygienic practices listed in the *Colorado Retail Food Regulations* regarding hand washing and glove use.
- C. Employers should implement as many of the following measures as feasible regarding customers to minimize disease transmission and assist in any necessary outbreak investigations:
 - 1. To facilitate notifying customers if a disease exposure occurs, consider
 - a. providing an option for customers to "sign in", and
 - b. utilizing a reservation system;
 - 2. Implement as feasible the following low or no touch options:
 - a. Provide contactless payment options, and
 - b. Continue curbside pick up/delivery options and recommend for vulnerable individuals or those unable to adhere to hygienic and distancing requirements;
 - 3. Ensure 6 foot distancing at all times by implementing the following:
 - a. Block off lobbies or waiting areas completely, or establish customer waiting areas that maintain proper Distancing from other guests, and
 - b. Restrict standing or congregating in public spaces such as the bar area,

entrance or exit; and

4. Pursuant to **Executive Order D 2020 138**, as amended and extended, require facial coverings be worn by customers when not seated for dining, and consider refusing service to customers who refuse to adhere to hygiene and Distancing requirements.

APPENDIX I: INDOOR AND OUTDOOR EVENTS

- I. **Indoor and Outdoor Events** may operate at the level described in Section II of this Order for which the county in which they operate is approved, and must follow the requirements included in Section III.C of this Order, as well as all of the requirements of this **Appendix**.
- A. Venue size is determined based on usable space per room or designated activity. An indoor event or outdoor designated activity that includes spectators may include both the activity space and the spectator space, or these spaces may be separated, and the venue must apply the appropriate capacity limits to the size of each designated space. If participants in the designated activity may also at times move into the spectator space, those participants will count for purposes of the capacity limit for the spectator space if that space is separately defined from the designated activity space.
 1. For seated **Indoor and Outdoor Events**, where the attendees have minimal movement, such as purchasing concessions or using the restroom facilities, the calculation of the available space may be based on 6 feet distancing between non-household contacts and does not require the use of the **Distancing Space Calculator in Levels Blue, Yellow, Orange, and Red**.
 2. If an **Indoor or Outdoor Event** has several different facets, some of which are seated with minimal movement, others of which include movement such as walking around fairgrounds or through exhibits in a museum, only the space for the seated events with minimal movement may be calculated using 6 feet distancing without the use of the **Distancing Space Calculator**.
- B. Designated activities or areas must be separated by a minimum of 50 feet from each other, maintain separate entrances and exits, and must minimize the use of shared facilities like restrooms
- C. Performers are not included in capacity limits as long as they do not join the spectator or patron areas at any time and, for performers whose performance includes forced exhalation that increases the potential to aerosolize respiratory droplets, such as speaking or shouting, singing, playing some instruments, or physical exertion, the performers must remain at least 12 feet if wearing a face covering or 25 feet if not wearing a face covering from attendees. If performers join the patron spaces, they must be included in the capacity limit numbers. Performers should also use a separate entrance and exit from spectators or patrons.

- D.** Operators, employees and attendees must wear face coverings unless the individual is age 10 or under, cannot medically tolerate a face covering, or is performing one of the enumerated activities in Section II.M of **Executive Order D 2020 138**, as amended and extended. Individuals in public indoor settings, including performers, must follow the face covering requirements in **Executive Order D 2020 138**, as amended and extended.
- E.** Operators, organizers or employers must implement employee screening protocols for all employees as described in Section III.C.3.g of this Order, and exclude ill or symptomatic individuals.
- F.** Operators and organizers must manage the event or activity to comply with the capacity limits per activity at all times, and further manage traffic flow between designated activities to minimize or eliminate mixing of groups including the use of single direction traffic flow in and out of the venue and seating area.
- G.** Food sold in these settings must follow the **Restaurant** requirements in Section III.J and **Appendix H** of this Order.
- H.** Ventilation in an indoor venue must meet OSHA guidance.
- I.** Indoor market operators must follow the **Indoor Events** requirements in Section III.M and **Appendix I** of this Order, outdoor market operators must follow the **Outdoor Events** requirements in Section III.M and **Appendix I** of this Order. Individual vendors in these settings must follow the **Retail** requirements in Section III.E and **Appendix C** of this Order.
- J.** Drive-in events such as theaters or fireworks displays are authorized to operate, observing the personal gathering restrictions for their level of the **Dial**, so long as participants remain in their vehicles unless seeking minimal services, the vehicles remain a minimum of 6 feet apart, and only minimal common services are available such as concessions and restrooms.

APPENDIX J: RECREATION

- I. Individuals may participate in personal recreation and operators may operate **Gyms**, outdoor recreational facilities and activities and **Organized Recreational Youth or Adult League Sports** at the level described in Section II of this Order for which the county in which they operate is approved, and must follow the requirements included in Section III.C of this Order, as well as all of the requirements of this **Appendix**. Travel should occur within an individual's local community or as necessary to access outdoor recreation areas. If travelling outside their community, Coloradans are urged to honor all restrictions in place at their destination and avoid travel to counties or municipalities that issue travel restrictions. Local authorities have the discretion to close recreation as needed.
- A. **Campgrounds.** Campgrounds may be open for use. Campground operators must regularly clean and disinfect all common areas, such as bathrooms, in accordance with the [CDPHE Cleaning Guidance](#). Group facilities, pavilions, cabins, and yurts remain closed. Campsites must be a minimum of 6 feet apart, and should only be available by reservation. Campground operators must post signs to remind guests of physical distancing requirements, and limit visitors in campground offices to maintain such distancing.
- B. Outdoor recreation activities are permitted as follows:
 1. Playgrounds and outdoor recreation facilities, such as tennis and pickleball courts, should clean and disinfect high touch areas frequently.
 2. Outdoor swimming pools capacities do not change in **Levels Yellow** and **Orange**; instead, they may operate at 50% capacity not to exceed 50 people in both levels. In **Levels Red** and **Purple**, outdoor swimming pools may operate at 25% capacity not to exceed 10 people. Frequently touched surfaces, shared objects, and bathrooms should be cleaned and disinfected every hour.
- C. **Organized Recreational Youth or Adult League Sports**
 1. Parents may attend youth sports activities but must remain 6 feet apart from non-household members. Spectators are authorized and must follow the **Indoor and Outdoor Events** requirements. Adjacent fields of play should be distanced to allow for at least 50 feet of distancing between two fields of play and their respective spectator sections.
 2. All individuals in public indoor spaces must wear a face covering unless the individual is 10 years of age or younger, cannot medically tolerate a face

covering, or is performing one of the enumerated activities in Section II.M of **Executive Order D 2020 138** as amended and extended.

3. The sports leagues and teams must establish protocols for:
 - a. Screening both athletes and spectators for symptoms and COVID-19 exposures to ensure they are symptom-free before they are deemed able to attend or play;
 - b. Isolation and quarantine for ill or exposed individuals; and
 - c. Requiring athletes with confirmed or presumed COVID-19 infection to obtain clearance from their health care provider for return to sports participation
4. The sports league must retain records of who played in case later disease outbreak investigations become necessary.
5. The sports league must notify and cooperate with the local public health agency regarding any cases of COVID-19.

D. Gyms

1. Gyms must maintain 6 feet distancing between patrons, discourage the sharing of equipment, and clean and disinfected equipment between uses.
2. All individuals must wear face coverings in **Gyms**, unless the individual is 10 years of age or younger, cannot medically tolerate a face covering, or is performing one of the enumerated activities in Section II.M of **Executive Order D 2020 138** as amended and extended.

- E. Competitive Events.** Competitive events such as races and endurance events are permitted as long as 6 foot distancing and limitations on group size can be maintained. This includes implementing, including implementation of staggered start times and making efforts to prevent gatherings at starts and finishings, so that no more than 10 people are gathered at a time.

APPENDIX K: OUTDOOR GUIDED SERVICES

- I. **Outdoor Guided Services**, may, if authorized by the local jurisdiction, may operate at the level described in Section II of this Order for which the county in which they operate is approved, and must follow the requirements included in Section III.C of this Order, as well as all of the requirements of this **Appendix**. Additionally, specific **Outdoor Guided Services** may operate in accordance with the following capacity requirements established per service type:
 - A. Non-guided equipment rentals, subject to compliance with the retail requirements in **Appendix C** of this Order;
 - B. Developed hot springs may operate in accordance with the outdoor pools requirements in **Appendix J** of this Order;
 - C. The following **Outdoor Guided Services** must have their plans approved by the local public health agency in their jurisdiction:
 1. Outdoor recreation activities at ski resorts (mountain biking, hiking, climbing walls, mountain coasters, ropes courses, adventure parks, zip lines, etc) in accordance with Section III.S of this Order;
 2. Zip lines, ropes courses, outdoor artificial climbing walls, or outdoor sports adventure centers not affiliated with ski resorts; and
 3. Scenic trains must have every local public health agency in each jurisdiction through which the train operates has approved the train's plans.
- II. **Outdoor Guided Services** operators must meet any local policies in effect as well as all of the following requirements:
 - A. **Distancing and Capacity Requirements**
 1. Maintain a distance of 6 feet from patrons and fellow employees, except in cases where it is unsafe to maintain that distance.
 2. Follow **Retail** or **Restaurant** guidelines where applicable.
 3. For vehicles used to transport patrons, the following requirements apply:
 - a. No closed-air vehicles or tours are allowed, as windows must remain open during the transport or tour.
 - b. Limit smaller vehicles or crafts to two household units not including guides. Where a distance of 6 feet can be ensured between household units, more than two households per vehicle/craft are permitted.
 - c. Limit passenger buses and vans to no more than 50% capacity, or less if

distancing requirements cannot be met between groups, and prohibit use of the seat behind the driver.

- d. Effective November 9, 2020, follow the transportation guidelines found [here](#).
4. Conduct staging operations such as customer check-ins and end-of-trip operations outdoors with parties from different households spaced 6 feet apart.
5. Maintain and promote physical distance during a tour or trip. Rafts or vehicles should not be full, and ensure distance between guide and patrons.

B. Hygiene, Cleaning and Disinfection Requirements

1. Post signs for employees and customers outlining good hand/respiratory hygiene and safety measures being taken. Signs should be in languages customers will understand. ([CDC examples](#))
2. Encourage hand hygiene by directing customers to where they can wash their hands with soap and water or use hand sanitizer.
3. Vehicles used to transport patrons must be cleaned and disinfected after each use.
4. Disinfect all equipment used by patrons as well as surfaces or items in common contact with patrons between each use.

C. Operators and Employees

1. Wear face coverings at all times in public indoor spaces pursuant to **Executive Order D 2020 138**, as amended and extended, and also during staging and disembarking operations, unless the individual is 10 years of age or younger, cannot medically tolerate a face covering, or is participating in one of the activities listed in Section II.M of **Executive Order D 2020 138**, as amended and extended, in which case reasonable accommodations should be pursued to maintain the safety and health of all parties. Where safe, wear face coverings during trip operations.
2. Operators must conduct symptom and temperature checks for employees and refer symptomatic employees to the [CDPHE Symptom Tracker \(Additional Guidance\)](#). Employees who exhibit COVID-19 symptoms should not come to work. Employees who develop COVID-19 symptoms while at work should immediately notify their supervisor and be separated from others, sent home, and referred to state or company support services.

APPENDIX L: CHILDREN'S DAY CAMPS, RESIDENTIAL CAMPS, YOUTH SPORTS DAY CAMPS AND EXEMPT SINGLE SKILL-BUILDING YOUTH CAMPS

- I.** Summer camps, sports camps, and residential camps may operate at the level described in Section II of this Order for which the county in which they operate is approved, and must follow the requirements included in Section III.C of this Order, as well as all of the requirements of this **Appendix**.

- A.** Prior to hosting a camp, the camp operators must create a plan that implements all of the following:
 - 1. All activities, including recreation, transportation, and food service must comply with the following restrictions:
 - a. Six feet physical distancing is required at all times, which may limit further the size of the group due to the size of the space. If the space is large enough to accommodate multiple groups and maintain 6 feet physical distancing, multiple groups are permitted.
 - b. Require face coverings during transportation in camp vehicles to and from the camp, unless the individual is 10 years of age or younger or cannot medically tolerate a face covering, in which case reasonable accommodations should be pursued to maintain the safety and health of all parties.
 - 2. For staff and camper health and safety:
 - a. Provide adequate personal protective equipment (PPE) for staff who supervise and care for ill campers, staff, and volunteers, and require face coverings for all individuals in public indoor spaces unless the individual is 10 years of age or younger, cannot medically tolerate a face covering, or is participating in an activity listed in Section II.M of **Executive Order D 2020 138**, as amended and extended.
 - b. Determine the staffing needs, including the availability of substitute staff if staff or volunteers become ill or are exposed.
 - c. Ensure space is available to isolate ill staff and campers (cots, bedding, restrooms, and supervision).
 - d. Ensure the on-call availability of a nurse or health care professional.
 - e. Establish protocols for responding and reporting cases to health care staff, local public health authorities, and CDPHE.
 - f. Prepare procedures for closures following a case or outbreak of COVID-19.
 - g. Provide access to or sufficient supplies of all of the following:

- i. public restrooms, drinkable water sources, and picnic or other eating areas during activities at outdoor locations;
 - ii. handwashing/hand sanitizing locations; and
 - iii. adequate cleaning and disinfecting supplies
 - h. Train camp staff and volunteers on the requirements of this Order, as well as prevention, transmission, and care of COVID-19 illness.
- B.** Camp operators must meet all of the following requirements while camps are in session:
 - 1. Staff, volunteer and camper health.
 - a. Screen staff, volunteers and campers for symptoms and close-contact exposures upon arrival. Exclude ill individuals from the camp, and encourage them to use the [CDPHE Symptom Tracker](#)
 - b. Staff or volunteers sent home must adhere to [isolation](#) and exclusion requirements.
 - c. Establish protocols for staff, volunteers and campers to alert health care staff of symptoms in themselves or campers.
 - d. Determine if any staff or volunteers are at a higher risk for COVID-19 and consider whether job duties that don't involve interaction with others are advisable.
 - 2. Require staff, volunteers and campers to do all of the following:
 - a. Remain with the same group of campers and maintain physical distancing of at least 6 feet whenever possible, including during meals and recreation;
 - b. Wash hands upon arrival, before eating, and at regular intervals throughout the day;
 - c. Stagger activities as much as possible to avoid any mixing of groups, and
 - d. Wear masks or face coverings in public indoor spaces and encourage the use outdoors, unless the individual is 10 years of age or younger, cannot medically tolerate a face covering, or is participating in an activity listed in Section II.M of **Executive Order D 2020 138**, as amended and extended, in which case reasonable accommodations should be pursued to maintain the safety and health of all parties.
 - 3. Post signs or mark spaces to ensure 6 foot minimum distancing, and limit any activities that are not conducive to maintaining this distance.
 - 4. Educate campers as needed on COVID-19 prevention, including respiratory etiquette and good hygiene, in accordance with public health guidance.
 - 5. Ensure sufficient cleaning and disinfecting of commonly touched surfaces, equipment, and vehicles throughout the camp.

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6. Provide frequent communication with all families of enrolled campers related to the occurrences of COVID-19 at the camp, the camp's responses, and all issues in the public health order.
7. Prohibit family and buffet style food services, self service and counter food service, and other configurations that require campers to share utensils. Clean and disinfect dining areas and high touch surfaces between groups.
8. For residential camps, disallow non-essential visitors to the camp and prohibit external community organizations from sharing the camp space during the camp session.

APPENDIX M: COUNTY SITE SPECIFIC VARIANCE REQUESTS AND THE 5 STAR STATE CERTIFICATION PROGRAM

I. BACKGROUND

The restrictions contained in this Order may be subject to revision through a county variance process established by CDPHE. Any county meeting the **Level Blue** or **Yellow** metrics as described in Section II of this Order that desires to apply for a site specific variance from part of the public health order may do so if they meet certain criteria established below. These variances allow very large indoor and outdoor venues that meet the criteria to operate in an alternate fashion after receiving approval from the county's local public health agency and other local officials, and then final approval from the CDPHE. The application must be submitted by the local public health agency directly to CDPHE.

II. SITE SPECIFIC VARIANCE APPLICATION REQUIREMENTS

A. Application Requirements

1. Eligibility

- a. Counties that are in **Level Blue** and **Yellow** on the **Dial** may apply for **indoor** site-specific variances.
- b. Counties that are in **Level Orange** on the **Dial** may only apply for **outdoor** site-specific variances.
- c. Only venues that exceed 30,000 square feet will be considered for a variance.
- d. If a venue has multiple uses or sectors included in it, the variance request must specify how the venue proposes to meet the requirements for each use or sector.

2. Application Submission. Prior to submitting a variance application to CDPHE, counties that receive a request for a site specific variance must review and determine whether to support the request. If the county supports the site specific variance, the local public health agency may submit a variance application to CDPHE. The application form must include all of the following:

- a. Identify the site and capacity limit(s) the county is requesting a variance from.
- b. Describe the disease prevention measures the county will require of the site to meet the state's orders.
- c. Use the [Distancing Space Calculator](#) to determine capacity.

- d. Use the **outdoor** and **indoor** event guidance to create designated spaces within the site.
- e. Documentation of approval of the variance request must be included in the variance application from all of the following:
 - i. The local public health agency;
 - ii. Local hospitals verify that they have the capacity to serve all people needing their care;
 - iii. The county commissioners or, in the case of the City and County of Denver, the mayor of Denver, or, in the case of the City and County of Broomfield, the city council, vote affirmatively to adopt the alternative plan in place of the state Safer-At-Home order; and
 - iv. Counties with sovereign tribal nations (Ute Mountain Ute and Southern Ute Indian tribes) must obtain a letter of support from tribes and include it with their variance application.

B. Application Review. Site specific variance requests will be evaluated based on a number of factors, including:

- 1. County is in **Level Blue** or **Yellow** of the **COVID-19 Dial**;
- 2. Square footage of venue;
- 3. Map of venue with occupied floor space;
- 4. Capacity request, including both the percent and total number of people;
- 5. Ventilation plan if an indoor site;
- 6. Sanitation plan, including handwashing stations, hand sanitizer and restrooms;
- 7. Mask wearing for all staff and participants;
- 8. Health exclusion considerations for staff and participants;
- 9. Distancing requirements;
- 10. Designated areas for participants and activities;
- 11. Signage for participants and traffic flow requirements;
- 12. Risk assessment analysis; and
- 13. Parking and transportation plan.

III. LIMITATIONS ON SITE SPECIFIC VARIANCES

A. A county in **Level Blue, Yellow, or Orange** may apply to CDPHE for up to 10 variances per 100,000 people for venues that exceed 30,000 square feet.

B. CDPHE will not grant a variance request for any of the following:

- 1. A higher capacity than 50%;
- 2. Removal from the requirements of the state's orders generally;

3. Reduction or elimination of protections for **Individuals at Risk of Severe Illness from COVID-19**, as defined in state's orders;
4. Modifications of the requirements of **Public Health Order 20-29: Voluntary and Elective Surgeries and Procedures**;
5. Modifications to the requirements for nursing facilities, assisted living residences or intermediate care facilities in **PHO 20-20**; or
6. Modification of the mask or face covering requirements.

IV. SUSPENSION, RESCISSION OR TERMINATION OF VARIANCES

- A.** If a site that has an approved variance experiences two COVID-19 cases linked to the site, the county must work with the site to implement mitigation strategies to reduce or eliminate further spread of disease. CDPHE may suspend the variance at any time, as deemed necessary, to mitigate disease spread. For counties moving to **Level Red**, any site specific variances will be reviewed to determine if the variance should be suspended. Site specific variances in counties moving to **Level Purple** are automatically suspended when the move to **Level Purple** is effective, unless otherwise authorized to remain in place by CDPHE.
- B.** Approved site specific variances may also be suspended by the local public health agency. Local public health agencies may also choose to maintain approved site specific variances in the event that a state order becomes less restrictive than the approved variance. At no point may an approved variance request be altered to be less restrictive in any aspect than state orders without updated approval from CDPHE.
- C.** Suspension or rescission of a site specific variance will reinstitute the requirements of this Order at the level for which the county is approved at the time of suspension or rescission for that site.
- D.** All variances granted pursuant to this Order remain in effect until the sooner of:
 1. The county moves to a level where the variance is no longer authorized, or to a level where the variance is no longer necessary;
 2. The variance is rescinded pursuant to the terms of the variance approval by CDPHE, rescinded for other reasons by CDPHE, or rescinded by the county; or
 3. This Order expires without further extension or is terminated.
- E.** Counties that are unwilling or unable to implement mitigation strategies or take enforcement actions as warranted are subject to suspension or rescission of variances.

Counties that choose to not comply with executive orders, public health orders, or an approved variance will be subject to the loss of emergency preparedness or other funds.

V. 5 STAR STATE CERTIFICATION PROGRAM

A. Counties that want to allow businesses that meet standards that exceed the public health order requirements for their level in the **Dial** for their sector may choose to apply for the state's 5 Star State Certification Program ("5 Star Program"). This voluntary program authorizes businesses that meet the certification requirements generally to operate at the level of the next less restrictive level in the **Dial**, e.g. businesses operating in a county in **Level Red** that are certified through the program may operate at the capacities and allowances of **Level Orange**.

B. Eligibility for the 5 Star Business Certification Program

1. Counties in levels **Blue**, **Yellow**, **Orange** and **Red** may apply for the 5 Star Program.
 - a. Counties in **Level Purple** are not eligible for the program.
 - b. Counties in **Level Green**, Protect Our Neighbors, are also not eligible for the program because they are already eligible for capacity increases through the Protect Our Neighbors framework.
2. Counties must submit the [5 Star Business Certification Program Application](#) to CDPHE. Eligibility criteria for counties applying for the 5 Star Program include:
 - a. The local public health agency that serves the county applying for the program must have a director who meets the minimum qualifications as defined by the State Board of Health.
 - b. Create an administrative committee established by the county to oversee the administration of the program. The committee must include the local public health agency, and may include other local partners such as the local Chamber of Commerce, nonprofits, local elected leaders, and industry association members.
 - c. Create a program budget and staffing plan for the 5 Star Program, and identify the resources available to support and implement this program. Inspections of businesses for initial certification and for compliance must be in person.
 - d. Identify the sector(s) for which the county would like to certify businesses for the program. Provide documentation of the compliance requirements, per sector, that businesses must meet in order to obtain and maintain certification. Mitigation strategy checklists for general businesses and sector specific can be found [here](#).

- e. Create and implement an enforcement process for businesses that participate in the 5 Star Program that are not in compliance with the requirements of the program. Enforcement programs must include investigating complaints and terminating program participation for any business that has two complaints that result in confirmation of noncompliance.
- f. The application must include letters of support from the LPHA, local hospitals, local law enforcement, county commissioners or other elected body, and local tribes (if applicable).
- 3. Counties in **Blue**, **Yellow** and **Orange** levels are eligible to apply for a 5 Star Certification program as long as their incidence rate, percent positivity and hospitalizations meet the thresholds and criteria of their respective Dial levels.
- 4. Counties in **Level Red** must meet the following criteria:
 - a. A two week sustained decline in incidence;
 - b. A percent positivity under 10% or 10 cumulative days of decline in the previous rolling 14 day period; and
 - c. Under 90% of ICU beds in use, and steady or declining regional hospitalizations.

C. Authorized County 5 Star Business Certification Programs.

- 1. Once a county receives approval from CDPHE to implement their 5 Star Program, businesses in that county may apply for certification to the county's administrative committee.
- 2. All businesses seeking 5 Star Program certification must submit documentation to the administrative committee regarding their implementation of the county's sector requirements and receive an in-person inspection prior to any certification being issued. Businesses that have received a citation, formal notice of violation, or similar formal notice of noncompliance with public health orders on or after the beginning of the 5 Star Program on December 16, 2020 are not eligible for certification. Businesses that have received two or more citations for noncompliance with public health orders are not eligible for certification.
- 3. Operational Capacity.
 - a. Certified businesses in **Levels Yellow**, **Orange** and **Red** may operate with the capacities and allowances of the next less restrictive level for their business sector. This includes both **Restaurants** and **Recreation**, including **gyms, recreation centers and pools**, operating at 100% capacity with 6 feet distancing between nonhousehold contacts for certified businesses in **Level Yellow**.

- b. **Outdoor Events** in **Level Blue** may operate subject only to local restrictions, so certified 5 Star **Outdoor Events** for counties in **Levels Blue** and **Yellow** may also operate subject only to local restrictions.
- c. Certified businesses in **Level Blue** in the sectors listed below may operate at the following levels:
 - i. **Restaurants** may operate at 100% capacity with 6 feet distancing between nonhousehold contacts.
 - ii. **Indoor Events** may operate at 50% capacity not to exceed 500 people.
 - iii. **Recreation**, including **gyms, recreation centers and pools**, may operate at 100% capacity with 6 feet distancing between nonhousehold members.

All other certified businesses in **Level Blue** may allow up to 50 additional people in each setting beyond the Level Blue limits. Certified businesses are not authorized to operate at **Level Green** capacity.

D. Enforcement and Reporting

- 1. Counties approved to implement their 5 Star Program must create and maintain an active enforcement process that includes educating the public regarding how they can file complaints concerning noncompliance with the program. Such educational materials shall include a link to the [5 Star Business Program Complaint Form](#). Counties may also create and maintain their own complaint form and reporting process in addition to providing this complaint form.
- 2. Counties are required to investigate all complaints. A business may only receive one warning regarding noncompliance with program requirements. If noncompliance continues after a warning, the certification for that business must be revoked.
- 3. The administrative committee must report weekly updates to their local public health agency and to CDPHE about the new certifications granted, the businesses that receive warnings, and the businesses whose certifications are revoked. CDPHE may require additional reporting from administrative committees as needed.

E. Business or Program Suspension or Rescission

- 1. All business certifications granted by a county pursuant to a 5 Star Program approved by CDPHE remain in effect until the sooner of:
 - a. The county moves to a level where the certification is no longer authorized, e.g. **Level Purple**, or to a level where the variance is no longer necessary, e.g. **Level Green**;

- b. The business's certification is revoked by the county;
 - c. The county's participation in the program is suspended; or
 - d. This Order expires without further extension or is terminated.
- 2. CDPHE may suspend a county's participation in the 5 Star Program if a county sees a significant rise in cases or hospitalizations. Participation shall be suspended if the ICU hospital occupancy in either the county or the county's region reaches more than 90%. A county's region is the regional emergency trauma advisory council (RETAC) region in which the county is located.
- 2. CDPHE may revoke its approval of a county's 5 Star Program if the program does not follow the state's program requirements, including the enforcement and reporting requirements.
- 3. Suspension or rescission of a county's 5 Star Program will reinstate the requirements of this Order for the businesses that had been certified at the level of the Dial for which the county is approved at the time of suspension or rescission for that site.



City Council
STAFF REPORT
City of Glenwood Springs
April 1, 2021

Agenda Item: Discussion of City Membership in Advocacy Organizations and Nonprofits

Action Requested: Provide staff with direction on which organizational memberships the City should maintain and which to discontinue.

Department: City Administration

Presented By: Debra Figueroa, City Manager

Background Info: Each year the City joins and pays dues for several organizations. A list is included in this agenda item.

Issues: NA

Staff Recommendation: NA

List of Organizational Memberships - 2021

<u>Organization</u>	<u>2020 Paid</u>	<u>2021 Invoiced</u>	<u>2021 Paid</u>
*Garfield Clean Energy	\$45,000	\$45,000	
Associated Governments of Northwest Colorado (AGNC)	\$3,700	\$3,700	
Colorado Municipal League (CML)	\$13,636	\$13,636	\$13,636
Colorado Association of Ski Towns (CAST)	\$1,820	\$910	\$910
Colorado Communities for Climate Action	\$3,750		
Glenwood Springs Chamber Resort	\$2,000	\$2,000	\$2,000
Northwest Council of Governments (Northwest COGS)	\$8,138	\$8,138	\$8,138
Club 20	<u>\$700</u>	<u>\$700</u>	<u>\$700</u>
Total	\$78,744	\$74,084	\$25,384
*Split equally between General, Water, Electric, Landfill and Fleet Funds			



City Council
STAFF REPORT
City of Glenwood Springs
April 1, 2021

Agenda Item: Senate Bill 62

Action Requested: Consider taking a formal position on this bill.

Department: Police Department

Presented By: Joseph Deras, Police Chief

Background Info: In the current form, the Colorado Association of Chiefs of Police (CACP) have deep concerns and strongly oppose this legislation because of the significant negative ramifications this will likely have on our community crime rates, and victimization. The current judicial process, notwithstanding COVID 19 protocols, allows law enforcement the ability to jail individuals who have perpetrated crimes in our jurisdiction and have or are positioned to victimize additional people while awaiting the criminal justice process. In addition, existing constitutional rights protect the victim and the offender with bond processes which utilize multiple factors as decided by a judge after an offender is jailed. Assurances of a fair and appropriate process are maintained through a judge's review.

This legislation eliminates that judicial review process and mandates an arrestee's release immediately, prior to judicial review or bond setting, for every crime except the most serious felony offenses – class 1, 2, and 3. In addition, should a defendant fail to appear in court, a warrant with a bond for failing to appear may only be set by a judge if a victim has been issued a subpoena or an officer is present for that case. Otherwise, a judge may not issue a warrant with a bond attached. The COVID 19 jail restrictions implemented over the past year which frees all suspects of significant felony offenses (class 4 or lower) and all misdemeanor offenses on a summons without judicial review is being offered as a permanent solution through this legislation. Examples of crimes mandated to be released are auto theft, residential and business burglaries, Possession of a Weapon by a previous offender, arson and all misdemeanor offenses including violent offenses such as an assault.

In many cases, we can demonstrate incarcerating an individual suspected of committing such crimes disrupts continued patterns of repeat criminal behavior. Ongoing COVID jail restrictions which are now being proposed as permanent in this legislation prohibit our ability to disrupt this ongoing criminal behavior by mandating immediate release of offenders without holding an offender for jail, judicial review and bond setting.

Colorado law enforcement agencies can speak to specific cases where this proposed legislation would have significant negative impacts on crime victims and our communities. Current COVID jail restrictions sought to be made permanent with this legislation have manifested into an overwhelming increase in motor vehicle theft, business and residential burglaries, previous offenders possessing firearms and many other crimes in many, if not every jurisdiction. Examples often include individuals repeating multiple felony crimes within days of being arrested and not jailed because of current jail restrictions. We have seen this occur in Glenwood Springs. Many of these offenders already have numerous additional warrants for their arrest for prior criminal behavior (including failure to appear warrants) and lengthy criminal histories. Jail restrictions currently in place and proposed as permanent with this legislation, prohibit the jailing of these individuals.

This bill focuses on freeing the individual committing the crime without judicial review and does not consider the tremendous impact it will have on our communities. We are alarmed about the long-

term damage that will result from this legislation.

As a member of the CACP and a leader of a law enforcement agency I/we base our opposition first and foremost on behalf of those already victimized and secondly for potential additional victims. I encourage our Council and all community members to research this legislation to understand the personal and community impact. Many of our community members have shared their concerns with us and we encourage them also to convey these thoughts with their elected state officials. Legislation of this magnitude and impact must include everyone having the ability to voice their perspective.

As a Chief in the 9th Judicial District, our department has deep concerns with this legislation and strongly oppose it because of the ramifications to our communities as well as crime victims. The current judicial process allows for officers to place suspects in jail when accused of crimes and to be held for bonds in the appropriate circumstances. These temporary incarcerations are supported with documentation which is reviewed by a judge shortly after the incarceration to support holding the suspects or releasing them on bond after judicial review.

Holding offenders accountable immediately and ensuring they cannot continue committing crimes interrupts criminal behavior. This legislation would remove the ability to interrupt that behavior. This legislation would allow offenders who commit common crimes in our neighborhoods like auto theft, burglary, theft from vehicles, weapons offenses, arson and violent misdemeanor offenses to be released after arrest and booking without behavioral conditions being established for their release by a judge after being jailed. We find that tremendously concerning and is not in the best interest of our communities.

I stand with the Colorado Association of Chiefs of Police (CACP) in opposing this bill my opposition is solely based on supporting victims and potential victims in our communities. I encourage all community members to research this legislation and contact their local representative to voice your thoughts.

Issues:

As a recent event in our downtown core demonstrated, the latitude and authority provided to law enforcement officers has been limited. The proposed legislation is seeking to finalize protocols which were implemented as a temporary measure to minimize the exposures to the COVID -19 virus in response to a public health emergency. This legislation, if passed, hamstring's our ability to ensure the immediate safety of victims, interruption of a cycle of violence, disrupt unlawful and repetitive conduct. As demonstrated by our most recent experience, similar events may erode the confidence of our community members with their police department for which we would have no control and are performing in accordance with prevailing state statutes.

This bill favors the criminal defendant, who is properly and Constitutionally presumed innocent. Moreover, it negates to find a balance which recognizes or supports any interests of crime victims. There have been conversations, publications or concern in other states or jurisdictions regarding a defendants' ability to meet a threshold for bail and they have remained in custody for extended periods awaiting trial. These are typically the largest jurisdictions and heavily populated urban areas of the United States.

Staff Recommendation:

Staff recommends the Council officially support the Colorado Association of Chiefs of Police in opposing Senate Bill 62 as written.

**First Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 21-0193.02 Michael Dohr x4347

SENATE BILL 21-062

SENATE SPONSORSHIP

Lee,

HOUSE SPONSORSHIP

Benavidez,

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 **CONCERNING MEASURES TO REDUCE JAIL POPULATIONS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill gives a peace officer the authority to issue a summons and complaint for any offense committed in the officer's presence, or if not committed in the officer's presence, for any offense that the officer has probable cause to believe was committed and probable cause to believe was committed by the person charged, unless arrest is statutorily required or the offense is a crime of violence.

The bill prohibits a peace officer from arresting a person based solely on the alleged commission of a traffic offense; petty offense;

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

municipal offense; misdemeanor offense; a class 4, 5, or 6 felony; or a level 3 or 4 drug felony unless:

- A custodial arrest is statutorily required;
- The officer is unable to sufficiently verify the individual's identity absent a custodial arrest;
- The person was convicted for a violation of section 42-4-1301, Colorado Revised Statutes, in the previous 12 months; or
- The offense is a felony or a victims' rights crime, the offense includes an element of illegal possession or use of firearm, the offense constitutes unlawful sexual behavior, or the offense is a violation a temporary or regular extreme risk protection order, a violation of a credible threat to a school, or a violation of eluding in a vehicle and:
 - The arresting officer records in the arrest documents a reasonable suspicion to conclude the person poses a threat to the safety of another, absent custodial arrest; or
 - The arresting officer records in the arrest documents a reasonable suspicion to conclude the person has indicated a clear unwillingness to cease and desist in criminal behavior, absent custodial arrest.

The bill prohibits a court from issuing a monetary bond for a misdemeanor offense; municipal offense; class 4, 5, or 6 felony; or level 3 or 4 drug felony unless the court finds the defendant will flee prosecution or threaten the safety of another and no other condition of release can reasonably mitigate the risk. The bill requires the court to issue a personal recognizance bond when the defendant fails to appear unless the defendant has failed to appear 3 or more times in the case. The bill requires the court to issue a personal recognizance bond in a failure to comply with conditions probation hearing unless it is based on a commission of a new crime.

The bill authorizes sheriffs to actively manage their jail populations in order to keep the population as low as possible while maintaining community safety, including the authority to establish jail admission standards that include offense-based admission standards that limit jail admissions.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 16-2-104 as
3 follows:

4 **16-2-104. Issuance of summons and complaint.** (1) (a) **A**

1 ~~summons and complaint may be issued by any peace officer for an~~
2 ~~offense constituting a misdemeanor, or a petty offense committed in his~~
3 ~~presence or, if not committed in his presence, which he has probable~~
4 ~~cause to believe was committed and probable cause to believe was~~
5 ~~committed by the person charged~~ A SUMMONS AND COMPLAINT MAY BE
6 ISSUED BY ANY PEACE OFFICER FOR ANY OFFENSE COMMITTED IN THE
7 OFFICER'S PRESENCE, OR IF NOT COMMITTED IN THE OFFICER'S PRESENCE,
8 FOR ANY OFFENSE THAT THE OFFICER HAS PROBABLE CAUSE TO BELIEVE
9 WAS COMMITTED AND PROBABLE CAUSE TO BELIEVE WAS COMMITTED BY
10 THE PERSON CHARGED, UNLESS ARREST IS STATUTORILY REQUIRED OR THE
11 OFFENSE IS A CRIME OF VIOLENCE, AS DEFINED IN SECTION 16-1-104 (8.5).

12 (b) A PEACE OFFICER SHALL NOT SUBJECT A PERSON TO A
13 CUSTODIAL ARREST BASED SOLELY ON THE ALLEGED COMMISSION OF A
14 TRAFFIC OFFENSE; PETTY OFFENSE; MUNICIPAL OFFENSE; MISDEMEANOR
15 OFFENSE; A CLASS 4, 5, OR 6 FELONY; OR A LEVEL 3 OR 4 DRUG FELONY
16 UNLESS:

17 (I) A CUSTODIAL ARREST IS STATUTORILY REQUIRED;

18 (II) THE OFFICER IS UNABLE TO SUFFICIENTLY VERIFY THE
19 INDIVIDUAL'S IDENTITY ABSENT A CUSTODIAL ARREST;

20 (III) THE OFFICER HAS PROBABLE CAUSE TO BELIEVE THE PERSON
21 VIOLATED SECTION 42-4-1301 AND PERSON WAS CONVICTED FOR A
22 VIOLATION OF SECTION 42-4-1301 IN THE PREVIOUS TWELVE MONTHS; OR

23 (IV) THE OFFENSE IS A FELONY, A CRIME, AS DEFINED IN SECTION
24 24-4.1-302 (1), THE OFFENSE INCLUDES AN ELEMENT OF ILLEGAL
25 POSSESSION OR USE OF FIREARM, THE OFFENSE CONSTITUTES UNLAWFUL
26 SEXUAL BEHAVIOR AS DEFINED IN SECTION 16-22-102 (9), OR THE OFFENSE
27 IS A VIOLATION SECTION 13-14.5-111, SECTION 18-9-109 (6), OR SECTION

1 42-4-1413 AND:

2 (A) THE ARRESTING OFFICER RECORDS IN THE ARREST DOCUMENTS
3 A REASONABLE SUSPICION TO CONCLUDE THE PERSON POSES A THREAT TO
4 THE SAFETY OF ANOTHER, ABSENT CUSTODIAL ARREST; OR

5 (B) THE ARRESTING OFFICER RECORDS IN THE ARREST DOCUMENTS
6 A REASONABLE SUSPICION TO CONCLUDE THE PERSON HAS INDICATED A
7 CLEAR UNWILLINGNESS TO CEASE AND DESIST IN CRIMINAL BEHAVIOR,
8 ABSENT CUSTODIAL ARREST.

9 (c) THIS SECTION CREATES OBLIGATIONS UPON ARRESTING
10 OFFICERS. THIS SUBSECTION (1) DOES NOT REQUIRE A COURT OR A SHERIFF
11 TO PERFORM A REVIEW TO ENSURE COMPLIANCE WITH THIS SECTION AS IT
12 RELATES TO JAIL ADMISSIONS. THIS SUBSECTION (1) DOES NOT CREATE A
13 PRIVATE RIGHT OF ACTION FOR VIOLATIONS OF THIS SUBSECTION OR
14 PROVIDE A BASIS TO SEEK DISMISSAL OR SUPPRESSION OF EVIDENCE IN A
15 CRIMINAL CASE.

16 (2) Except for penalty assessment notices, which ~~shall~~ MUST be
17 handled according to the procedures set forth in section 16-2-201, a copy
18 of a summons and complaint ~~so~~ issued ~~shall~~ PURSUANT TO THIS SECTION
19 MUST be filed immediately with the county court before which appearance
20 is required, and a second copy ~~shall~~ MUST be given to the district attorney
21 or deputy district attorney for the county.

22 (3) (a) AS USED IN THIS SECTION, "CUSTODIAL ARREST" MEANS
23 WHEN A PEACE OFFICER ARRESTS A PERSON AND TAKES THE PERSON INTO
24 PHYSICAL CUSTODY FOR THE PURPOSE OF TRANSPORTING THE PERSON TO
25 BE HELD IN A CITY, CITY AND COUNTY, OR COUNTY JAIL OR DETENTION
26 FACILITY UNTIL SUCH TIME AS THE PERSON EITHER APPEARS BEFORE A
27 COURT OR IS RELEASED ON BOND.

1 (b) "CUSTODIAL ARREST" DOES NOT INCLUDE:

2 (I) WHEN A PEACE OFFICER TRANSPORTS A PERSON TO A CITY, CITY
3 AND COUNTY, OR COUNTY JAIL OR DETENTION FACILITY IN ORDER TO HAVE
4 THE PERSON SUBMIT TO FINGERPRINTING, PHOTOGRAPHING, DNA TESTING,
5 OR BREATH ALCOHOL TESTING PRIOR TO BEING RELEASED ON A SUMMONS
6 AND COMPLAINT;

7 (II) WHEN A PEACE OFFICER TRANSPORTS A PERSON FOR ANY
8 OTHER LAWFUL PURPOSE OR TO ANY OTHER FACILITY TO WHICH A PEACE
9 OFFICER HAS STATUTORY OR COURT ORDERED AUTHORITY TO TRANSPORT
10 SUCH AS A HOSPITAL OR BEHAVIORAL OR MENTAL HEALTH FACILITY,
11 UNLESS THE PEACE OFFICER INTENDS TO HAVE THE PERSON TRANSPORTED
12 TO BE HELD IN JAIL UPON DISCHARGE FROM SUCH FACILITY.

13 **SECTION 2.** In Colorado Revised Statutes, 16-4-113, **add** (3) as
14 follows:

15 **16-4-113. Type of bond in certain cases.** (3) (a) EXCEPT AS
16 PROVIDED FOR IN SUBSECTION (2) OF THIS SECTION, FOR A DEFENDANT
17 CHARGED WITH A CLASS 4, 5, OR 6 FELONY; A LEVEL 3 OR 4 DRUG OFFENSE;
18 A MISDEMEANOR; OR A MUNICIPAL OFFENSE, A COURT SHALL NOT IMPOSE
19 A MONETARY CONDITION OF RELEASE UNLESS THE COURT FINDS ON THE
20 RECORD THAT THERE IS A SUBSTANTIAL RISK THAT THE DEFENDANT WILL
21 FLEE PROSECUTION OR THREATEN THE SAFETY OF ANOTHER PERSON AND
22 NO OTHER CONDITION OF RELEASE CAN REASONABLY MITIGATE THE RISK.

23 (b) WHEN A DEFENDANT APPEARS BEFORE THE COURT BASED ON
24 A FAILURE TO APPEAR WARRANT, THE COURT SHALL GRANT THE
25 DEFENDANT A PERSONAL RECOGNIZANCE BOND UNLESS THE DEFENDANT
26 HAS FAILED TO APPEAR THREE OR MORE TIMES IN THE CASE OR THE COURT
27 FINDS ON THE RECORD THAT THE DEFENDANT IS LIKELY TO FLEE

1 PROSECUTION.

2 (c) (I) WHEN A PROBATIONER APPEARS BEFORE THE COURT ON A
3 WARRANT FOR FAILURE TO COMPLY WITH CONDITIONS OF PROBATION FOR
4 WHICH THE UNDERLYING BEHAVIOR IS NOT A CRIMINAL OFFENSE, THE
5 COURT SHALL GRANT THE PROBATIONER A PERSONAL RECOGNIZANCE
6 BOND.

7 (II) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (3)(c)(I)
8 OF THIS SECTION, A COURT MAY ISSUE A MONETARY BOND IF THE
9 DEFENDANT HAS ALREADY HAD PROBATION REVOKED FOR FAILURE TO
10 COMPLY IN THAT CASE. NOTHING IN THIS SUBSECTION (3) LIMITS A
11 COURT'S AUTHORITY TO REVOKE PROBATION BASED ON FAILURE TO
12 COMPLY PURSUANT TO SECTION 16-11-206.

13 **SECTION 3.** In Colorado Revised Statutes, **add** 30-10-528 as
14 follows:

15 **30-10-528. Sheriff- jail population management.** THE GENERAL
16 ASSEMBLY ENCOURAGES AND AUTHORIZES SHERIFFS TO ACTIVELY
17 MANAGE THEIR JAIL POPULATIONS IN ORDER TO KEEP THE POPULATION AS
18 LOW AS POSSIBLE WHILE MAINTAINING COMMUNITY SAFETY, INCLUDING
19 THE AUTHORITY TO ESTABLISH JAIL ADMISSION STANDARDS THAT INCLUDE
20 OFFENSE-BASED ADMISSION STANDARDS THAT LIMIT JAIL ADMISSIONS.

21 **SECTION 4.** In Colorado Revised Statutes, 16-5-206, **repeal**
22 (1.5) as follows:

23 **16-5-206. Summons in lieu of warrant.** (1.5) ~~(a) Except in class~~
24 ~~1, class 2, class 3, and class 4 felonies; in crimes described in section~~
25 ~~24-4.1-302 (1), C.R.S.; and in unclassified felonies punishable by a~~
26 ~~maximum penalty of more than ten years, a law enforcement officer may~~
27 ~~issue a summons commanding the appearance of the defendant in lieu of~~

1 a warrant for his or her arrest based on probable cause if:

2 (I) ~~The local district attorney consents to such procedure and has~~
3 ~~developed and approved criteria for the issuance of such a summons~~
4 ~~pursuant to this subsection (1.5);~~

5 (II) ~~There is a reasonable likelihood that the defendant will~~
6 ~~appear;~~

7 (III) ~~The defendant has had no felony arrests during the preceding~~
8 ~~five years;~~

9 (IV) ~~There is no allegation that the defendant used a deadly~~
10 ~~weapon as defined in section 18-1-901 (3)(c), C.R.S., in the commission~~
11 ~~of the crime; and~~

12 (V) ~~There are no outstanding warrants for the defendant's arrest.~~

13 (b) ~~No later than ten days after a law enforcement officer issues~~
14 ~~a summons pursuant to this subsection (1.5), he or she shall deliver a copy~~
15 ~~to the court and to the office of the district attorney where jurisdiction~~
16 ~~lies.~~

17 (c) ~~When the procedure described in this subsection (1.5) is used,~~
18 ~~an information or complaint may be filed in open court on the date~~
19 ~~specified in the summons.~~

20 **SECTION 5. Act subject to petition - effective date.** This act
21 takes effect January 1, 2022; except that, if a referendum petition is filed
22 pursuant to section 1 (3) of article V of the state constitution against this
23 act or an item, section, or part of this act within the ninety-day period
24 after final adjournment of the general assembly, then the act, item,
25 section, or part will not take effect unless approved by the people at the

1 general election to be held in November 2022 and, in such case, will take
2 effect on the date of the official declaration of the vote thereon by the
3 governor.



Legislative Council Staff
Nonpartisan Services for Colorado's Legislature

Fiscal Note

Drafting Number:	LLS 21-0193	Date:	March 1, 2021
Prime Sponsors:	Sen. Lee Rep. Benavidez	Bill Status:	Senate Judiciary
		Fiscal Analyst:	Erin Reynolds 303-866-4146 Erin.Reynolds@state.co.us

Bill Topic: **JAIL POPULATION MANAGEMENT TOOLS**

Summary of Fiscal Impact:	☒ State Revenue	☐ TABOR Refund
	☒ State Expenditure	☒ Local Government
	☐ State Transfer	☐ Statutory Public Entity

This bill authorizes peace officers to issue a court summons in lieu of making an arrest; limits the offenses that may result in arrest; prohibits the court from imposing a monetary condition of release unless certain conditions are met; and authorizes sheriffs to manage their jail populations by establishing admission standards. Beginning in FY 2021-22, the bill minimally reduces state revenue, increases state expenditures, and both increases and reduces local expenditures.

Appropriation Summary: For FY 2021-22, the bill requires an appropriation of \$93,185 to the Judicial Department.

Fiscal Note Status: The fiscal note reflects the introduced bill.

Table 1
State Fiscal Impacts Under SB 21-062

		Budget Year FY 2021-22	Out Year FY 2022-23
Revenue		-	-
Expenditures	General Fund	\$93,185	\$178,137
	Centrally Appropriated	\$25,147	\$56,509
	Total Expenditures	\$118,332	\$234,646
	Total FTE	1.4 FTE	3.2 FTE
Transfers		-	-
TABOR Refund		-	-

Summary of Legislation

This bill authorizes peace officers to issue a court summons in lieu of arrest; limits the offenses that may result in arrest; prohibits the court from imposing any monetary condition of release except in certain limited cases; and authorizes sheriffs to manage their jail populations by establishing standards for admission. These provisions are described in more detail below.

Summons and complaint. The bill gives a peace officer the authority to issue a summons and complaint for certain offenses, unless arrest is statutorily required or the offense is a crime of violence.

Arrest prohibitions. The bill prohibits a peace officer from subjecting a person to custodial arrest in certain circumstances. "Arrest" is defined to include transport of a person to a jail for confinement in advance of court proceedings, but to exclude transport of a person to a jail for the purpose of fingerprinting, photography, DNA testing, or blood alcohol testing, and transport of a person to a hospital or behavioral or mental health facility pursuant under statutory or court-ordered authority.

Under the bill, a peace officer may not arrest a person based solely on the alleged commission of a traffic offense; petty offense; municipal offense; misdemeanor offense; a class 4, 5, or 6 felony; or a level 3 or 4 drug felony unless:

- a custodial arrest is statutorily required;
- the officer is unable to sufficiently verify the individual's identity absent a custodial arrest;
- the person was convicted of driving under the influence in the previous 12 months; or
- the offense is a felony or a victims' rights crime, the offense includes an element of illegal possession or use of firearm, the offense constitutes unlawful sexual behavior, or the offense is a violation a temporary or regular extreme risk protection order, a violation posing a credible threat to a school, or a violation of eluding in a vehicle and:
 - the arresting officer records in the arrest documents a reasonable suspicion to conclude the person poses a threat to the safety of another, absent custodial arrest; or
 - the arresting officer records in the arrest documents a reasonable suspicion to conclude the person has indicated a clear unwillingness to cease and desist in criminal behavior, absent custodial arrest.

Bond prohibitions. The bill prohibits a court from issuing a monetary bond for a misdemeanor offense; municipal offense; class 4, 5, or 6 felony; or level 3 or 4 drug felony unless the court finds the defendant will flee prosecution or threaten the safety of another and no other condition of release can reasonably mitigate the risk. The bill requires the court to issue a personal recognizance bond when the defendant fails to appear unless the defendant has failed to appear three or more times in the case. The bill requires the court to issue a personal recognizance bond in a failure to comply with conditions probation hearing unless it is based on a commission of a new crime.

County jail population management. The bill authorizes sheriffs to actively manage their jail populations in order to keep the population as low as possible while maintaining community safety, including the authority to establish jail admission standards that include offense-based admission standards that limit jail admissions.

State Revenue

Currently, the Judicial Department uses cash bonds to collect outstanding fees and fines due. In FY 2019-20, the department collected \$675,000 by applying cash bonds to court-ordered obligations. As described in the State Expenditures section, the fiscal note identifies the need for additional staff to collect lost fee and fine revenue; therefore, any revenue reduction is expected to be minimal.

State Expenditures

The bill will increase costs for the Judicial Department by \$118,332 and 1.4 FTE in FY 2021-22 (half-year impact) and \$234,646 and 3.2 FTE in FY 2022-23. Costs have been prorated for the bill's effective date and the General Fund pay date shift, as shown in Table 2 and detailed further below.

Table 2
Expenditures Under SB 21-062

Cost Components	FY 2021-22	FY 2022-23
Judicial Department		
Personal Services	\$72,425	\$173,817
Operating Expenses	\$2,160	\$4,320
Capital Outlay Costs	\$18,600	-
Centrally Appropriated Costs ¹	\$25,147	\$56,509
Total	\$118,332	\$234,646
Total FTE	1.4 FTE	3.2 FTE

¹ Centrally appropriated costs are not included in the bill's appropriation.

Judicial Department—trial courts. The bill requires 2.0 FTE clerk staff to perform intake paperwork and compliance checks that had been previously performed by law enforcement and jail staff. FTE amount is based on the assumption that 5 minutes of additional workload will be required for approximately 50,000 cases per year. In addition, the bill requires 0.6 FTE clerk staff to perform fingerprinting for an estimated 37,319 cases at 2 minutes per case.

- *Assumptions.* Caseload used for this estimate uses a two-year average and excludes cases under the Victim's Rights Act; cases involving a crime of violence, including domestic violence; and cases where a cash bond was set post-sentence. Of the remaining cases, the estimate includes 95 percent of felony cases and 50 percent of misdemeanor cases, and removes an extra 10 percent of those cases to account for unique circumstances where arrests may continue to occur. Fingerprinting caseload is further reduced to subtract offenses that do not require fingerprinting.

Judicial Department—collections unit. Due to the reduced use of cash bonds, the Judicial Department requires 0.6 FTE collections staff to facilitate the collection of court-related debt. The fiscal note includes this staff so that the Judicial Department is able to meet its statutory obligation to collect fine and fee revenue.

- *Assumptions.* In FY 2019-20, there were 6,959 cases where cash bonds were used to pay court-ordered obligations. Workload impact assumes 33 percent of these will no longer be assessed a cash bond and that each case averages 30 minutes of collection time.

Judicial Department—hearing increase. Workload and costs may increase in trial courts and the offices of the Public Defender and Alternate Defense Counsel to the extent the bill creates additional hearings. If additional funding is required, it will be addressed through the annual budget process.

Department of Corrections. The bill may result in a reduction of local jail populations, which may increase costs for the Department of Corrections to transport parolees to their facilities and shift department costs from paying counties for jail beds to conducting prison operations. A precise impact cannot be determined, as the actual impact will depend on determinations at the county jail level. If additional funding is required, it will be addressed through the annual budget process.

State agencies employing law enforcement officers. The state agencies that employ law enforcement officers—including the Departments of Corrections, Natural Resources, Public Safety, and Revenue, and institutions of higher education—will have a workload increase to train officers on the new procedures created by the bill. The fiscal note assumes this can be accomplished within each agency's existing appropriations.

Centrally appropriated costs. Pursuant to a Joint Budget Committee policy, certain costs associated with this bill are addressed through the annual budget process and centrally appropriated in the Long Bill or supplemental appropriations bills, rather than in this bill. These costs, which include employee insurance and supplemental employee retirement payments, are estimated to be \$25,147 in FY 2021-22 and \$56,509 in FY 2022-23.

Local Government

This bill is expected to result in an overall cost savings to local governments; however, costs will both increase and decrease as discussed below.

County jails. During the COVID-19 pandemic, sheriffs took measures to reduce county jail populations by modifying arrest standards, evaluating early release, and reducing cash bonds. If similar approaches continue, as encouraged by the bill, this will result in a cost savings in county jails.

District attorney offices, Denver County Court, and municipal courts. Similar to the Judicial Department, the bill's potential to create additional hearings will impact district attorney office workload, as well as revenue and costs in the Denver County Court, which is managed and funded by the City and County of Denver, and municipal courts.

Law enforcement agencies. Local law enforcement agencies may have additional costs to train officers on the new procedures created by the bill.

Effective Date

The bill takes effect January 1, 2022, assuming no referendum petition is filed.

State Appropriations

For FY 2021-22, the bill requires a General Fund appropriation of \$93,185 and 1.4 FTE to the Judicial Department.

State and Local Government Contacts

Alternate Defense Counsel
District Attorneys
Law
Public Defender

Corrections
Information Technology
Local Affairs
Sheriffs

Counties
Judicial
Municipalities



Colorado Association of Chiefs of Police

Vote NO Senate Bill 21-062

Jail Depopulation Management Tools Sen Lee/Rep. Benavidez

SB 62 is the wrong policy at the wrong time.

The Colorado Bureau of Investigation's just released report on increasing crime rates across Colorado show alarming – and unfortunate – numbers. Sadly, **353,528** victims across Colorado were the subject of crime in 2020.

- 26,477 victims. [Violent crime](#) increased by 6.5% in 2020.
- 258,132 victims. A 10.4% increase in [crimes against property](#) reported in 2020.
- 30,942 victims. 38.6% increase in motor vehicle thefts in 2020.
- 353,528 total victims. Murder +29%. Assault +17%. Robbery +6%. Violent Crime with Firearm +26.5%. Violent Crime with Dangerous Weapon +18%. Theft +11%. Auto Theft +38%. Burglary +12%. Fraud +16%

These are statewide numbers. In communities across Colorado, the statistics are even more startling. In Denver, 50% increase in homicide, 87% increase in motor vehicle thefts and 40% in property crime. In Colorado Springs, a 59% increase in motor vehicle theft. In Grand Junction, 35% increase in violent crime, 395% increase in assaults on police officers.

The numbers don't lie. Crime has dramatically increased. Every crime statistic is a person. Your neighbor. Your constituent. Your community.

Chiefs of Police stand united.

North. South. East. West. Rural. Urban. Large. Small. Mountain. Plains. City. Suburban. The Chiefs of Police across Colorado and the CACP strongly oppose [SB 21-062](#).

SB 62 is anti-victim. SB 62 is anti-community safety. CACPs opposition is grounded in principle against the intent of the measure...putting criminals ahead of victims and communities. By placing limits on when people may be arrested for certain felonies, they are allowed to be returned to the community. Often to offend again and revictimize our community.

The ACLU claims this bill increases officer discretion. That is simply not true. When the words "shall" are used that is the exact opposite of discretion. This bill removes officer discretion in many instances.

Wrong Policy. Wrong time.

The rush to codify COVID response jail de-population measures and arrest standards is irresponsible until we [fully understand our increasing crime rates](#) the crime rate connection to COVID jail depopulation measures and other factors present in our current environment. Compounded by economic conditions, passage of SB 62 signals that there are few consequences for illegal activities and will only serve to exacerbate the already challenging crime occurring in our neighborhoods and communities. Now is not the time to pass SB 62.

SB 62 Sends the Wrong Message

- This mandatory “summons and release” on warrantless arrests would apply to various crimes, including, for example, auto theft, violation of a custody order, theft of up to \$100,000, criminal trespass, identity theft, and contributing to the delinquency of a minor.
- The inability to arrest offenders often results in offenders continuing to commit criminal acts, often escalating the severity of the crimes.
- The mandatory personal recognizance bond upon first appearance before a judge applies to all arrestees without the exceptions for crimes of violence listed in the “summons and release” section of the bill, in effect creating a revolving door for these offenders to return to the community, sometimes within hours of being jailed.
- This places victims in fear of becoming revictimized, sends the message that there are no consequences for committing crimes and reduces crime victims’ trust in the ability of police to protect them from criminal activity.

SB 62 is the wrong solution for real challenges

- SB 62 is an end of the line solution for challenges for struggling individuals that require full-spectrum solutions.
 - Solutions that address mental health, education and job disparities and the need for equity
- SB 62 harms the very disadvantaged communities proponents purport to wish to help. Increasing crime rates more dramatically and more significantly affect disadvantaged communities.
- Concerns raised about disparities in money bonds is a worthy discussion. SB 62 isn’t the solution.

Vote No on SB 62.

Anti-Victim. Anti-Neighborhood. Anti-Community.
Wrong time. Wrong policy. Wrong signal. Wrong solution.

Articles of interest.

[Opinion: Understanding Denver’s devastating rise in homicides in 2020, the largest in at least 5 years](#)

[Editorial: Renewing our commitment to the crime fight.](#)

[Editorial: Don’t increase crime by ending cash bail.](#)

Thoughts from Chiefs across Colorado:

- Our officers routinely encounter persons who have multiple warrants for their arrest, yet they are not able to arrest them and take them to jail on those warrants. These encounters continue, generally with more charges for further crimes, and still we are unable to get them into jail based on the current standards.
- I have personally been on patrol with officers and have had offenders tell me they know the jail standards and that we “can’t take them to jail” because their crimes aren’t serious enough. I have multiple examples of such encounters, as well as other instances where failure to arrest per the restrictive standards has led to further commission of crimes in our community.
- The lack of ability to enforce the law has led to an unprecedented number of attacks against our officers, as the lack of accountability continues. Last year we had 89 assaults and aggravated assaults against our officers, a rise from 18 the year prior and 27 the year prior to that. In essence, we had more assaults on our officers in 2020 (89) than we did from 2016-2019 combined (83 total in that four-year period).
- A major issue is the inability for victims to achieve justice. Since they can’t get offenders to trail, they are forced to cover costs of the crime that could otherwise be ordered through restitution. Victims face hardships, including the risk of bankruptcy while waiting for a court resolution that never seems to come. These include costs such as ambulance rides and medicals bills whose collection teams won’t care to wait years for a resolution.



City Council
STAFF REPORT
City of Glenwood Springs
April 1, 2021

Agenda Item: Discussion of how to handle signatures on letters of support when a vote is not unanimous

Action Requested: Decide how letters of support are signed by City Council when all Councilors do not agree.

Department: City Administration

Presented By: Debra Figueroa, City Manager

Background Info: Councilors requested a conversation to determine a procedure for signing advocacy letters from the City Council.

Issues: NA

Staff Recommendation: NA