



AGENDA
CITY OF GLENWOOD SPRINGS
REGULAR CITY COUNCIL MEETING
FEBRUARY 17, 2022
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.

ATTENTION: To ensure your written comments are included in the City Council packet, public comments must be received by 4 p.m. on the day before City Council meetings. Comments may be submitted to ryan.muse@cogs.us.

Written comments may be submitted after this deadline and will be shared via email to City Council but are not guaranteed to make it into the meeting packet. Submit comments at any time directly to City Council via email at citycouncil@cogs.us.

WORK SESSION

3:00	1. Agenda Review/Future Agenda	Information/Discussion
3:30	2. Guidelines and Regulations for Matters of State Interest	Information/Discussion
4:30	3. New Council Member Interviews	Information/Discussion
5:30	4. Council Chamber Training	Information

ZOOM INSTRUCTIONS

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/86796948028>

Or One tap mobile :

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

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Webinar ID: 867 9694 8028

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REGULAR SESSION

6:15	5. Roll Call	
	6. Pledge of Allegiance	
	7. Agenda Changes & Conflicts	
6:20	8. Citizens Appearing Before Council (for items not on the Agenda-comments limited to 3 minutes)	
6:30	9. Council Comments	
6:45	10. Consent Agenda	Discussion and/or Action
	A. February 3, 2022 City Council Minutes	
	B. January 27, 2022 City Council Special Meeting Minutes	
	C. Landfill Scale Replacement Proposal Approval	

ACTIONS AND/OR PRESENTATIONS

6:45	11. Schedule Council Appointment	Discussion and/or Action
6:50	12. Financial Advisory Board Appointments	Discussion and/or Action
6:55	13. Transportation Commission Appointments	Discussion and/or Action
7:00	14. Historic Preservation Commission Appointments	Discussion and/or Action

7:05	15. Parks and Recreation Commission Appointments	Discussion and/or Action
7:10	16. South Midland Update	Discussion and/or Action
7:20	17. Housing Coalition Letter of Intent	Discussion and/or Action
7:35	18. Ordinance 2022-09 - Amending Title 070 to add Guidelines and Regulations for Matters of State Interest; Planning Item 02-22	Discussion and/or Action
7:45	19. Ordinance 2022-06; adoption of the 2021 editions of Building Codes	Discussion and/or Action
8:05	20. Ordinance 2022-04, Code Amendments to Wireless Communication Facilities Standards Section 070.030.030(g)	Discussion and/or Action
8:25	21. Ordinance 2022-07; Changes to Title 070 and 90 related to Public Art Funding Planning Item 57-21	Discussion and/or Action
8:45	22. Ordinance 08, Series of 2022; An Ordinance of the City Council of the City of Glenwood Springs to Amend the 2022 Budget Appropriation (ONE READING)	Discussion and/or Action
8:50	23. Report from City Administration	
	A. City Manager	
	B. City Attorney	
	C. Correspondence Incoming/Outgoing	
	24. Adjournment	

Work Session/Agenda Planning through April of 2023

City Council Meeting	Work Session Item	Agenda Item
February 17, 2022	1041 Regs Interviews for City Council position Training on New Equipment	MOVE Study Ped and Cycling Improvements 1041 Regs 2021 Building Codes South Midland Update
February 24 (5:30 -8:30)	Airport Listening Session at Sopris Elementary	
February 25 (Starts at 9 am)	Special Meeting to select Ward 1 Representative	
March 3, 2022 (Starts at 8:30 AM)	Comp Plan Update (morning) Water Model Results (hour in the morning) BRT/local bus optimization (MOVE STUDY) (45 Minutes) Ex Session – Mitchel Cooper (Do not Move)	Airport Tunnel Design
March 17, 2022 (Purim ends in the evening of March 17)	River Commission Code Enforcement Philosophy Rural Fire Board (1 hour in the afternoon)	BRT/local bus optimization (MOVE STUDY) decision
April 7, 2022 (Starts at 8:30 AM)	Affordable Housing Presentation Franchise Management for Trash and Recycling Water Use Reduction Solutions/Incentives	

	Electric Rates (an hour)	
April 21, 2022 (Passover is 4/15-4/23 – Mayor Holiday)	Airport Commission Vale Board Housing Commission/RFQ Results for Affordable Housing Project Vehicular traffic optimization	
May 5, 2022 (Starts at 8:30 AM)	Art Center/Performing Arts Center Arts and Culture Board Fire Mitigation Strategies Emergency Evacuation Planning Update	Ad Hoc Committee for Affordable Housing Recommendation Direction on Housing Commission/RFQ Results for Affordable Housing Project
May 19, 2022	Planning Commission Tourism Board Long Term Cemetery Planning Downtown Design Standards and Retail Uses	
June 2, 2022 (Starts at 8:30 AM)	Historic Preservation Commission Financial Advisory Board Cardiff Schoolhouse Future	
June 16, 2022	Parks and Rec Board and Commission RFTA Construction Fill opportunities- Drive-In Theater, Outdoor Amphitheater, Sledding Hill	

	Dog Park	
July 7, 2022 (Starts at 8:30 AM)	Transportation Commission BRT/local bus optimization (MOVE STUDY) (45 Minutes)	
July 21, 2022	RICD Project Confluence (Confluence Park) Downtown Development Authority	
August 4, 2022 (Starts at 8:30 AM)	Budget Only	
August 18, 2022	Budget Only	
September 1, 2022(Starts at 8:30 AM)	Budget Only	
September 15, 2022	Budget Only	
October 6, 2022 (Starts at 8:30 AM)		Budget Hearing
October 20, 2022	Climate Plan Discussion	Budget Approval
November 3, 2022 (Starts at 8:30 AM) BOCC Joint Meeting		
November 17, 2022		
December 1, 2022 (Starts at 8:30 AM)	Housing Commission	
December 15, 2022		
January 5, 2023 (Starts at 8:30 AM)	Planning Commission	Comp Plan Adoption
January 19, 2023		
February 2, 2023 (Starts at 8:30 AM)	Arts and Culture Board	
February 16, 2023		
March 2, 2023 (Starts at 8:30 AM)	Financial Advisory Board	
March 16, 2023		
April 6, 2023 (Starts at 8:30 AM)	Airport Commission Vale Board	

Items to Schedule:

BRT- Adoption of Both Preferred Alternatives or a Single Alternative

Traffic Report and Recommendations * Includes recommendation to go to North - South couplet on 8th and 9th

Glenwood Springs Association of Realtors (Housing)

Work session on land fill expansion

Vehicular traffic optimization decision

Council Compensation

Sayre Park Future Phases

Dog Leash Enforcement

Lone Pine Property

Encampment Cleanup/Solutions

Transient impacts to downtown/solutions

North Landing

Special Events



City Council
STAFF REPORT
City of Glenwood Springs
February 17, 2022

Agenda Item:	Guidelines and Regulations for Matters of State Interest
Action Requested:	NA
Department:	Planning Department
Presented By:	Jenn Ooton
Strategic Goals:	Protect and Preserve our Quality of Life Preserve and Improve Infrastructure Provide Efficient and Responsive City Government
Background Info:	This item is a presentation for an item that will be taken up during the evening Council session. Attached with this item is the Ordinance. Additional attachments, such as the Planning and Zoning Commission minutes are attached to the evening item.
Issues:	By enacting these regulations, City projects will also be subject to additional review.
Fiscal Impact:	The exact fiscal impacts of these regulations are unknown. Staff estimates that for City projects, there will be an additional cost of between \$10,000 and \$20,000 to prepare exhibits and analysis for consideration.
Legal Review:	Please see the attached memo from the City Attorney's Office.
Staff Recommendation:	This item is for discussion and the action item is on the evening agenda. For the item in the regular agenda, staff is recommending approval of Ordinance 2022-09.

Karp Neu Hanlon^{PC}

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DATE: February 11, 2022
TO: Glenwood Springs City Council
FROM: Karp Neu Hanlon PC
RE: 1041 Regulations Designating Matters of State Interest

Under cover of this memo for the City Council’s consideration is an ordinance adding a new article to Title 070 of the City of Glenwood Springs Municipal Code that, pursuant to state law, designates and regulates development within and impacting certain geographic areas of the City, as well as certain development activities occurring in the City. These regulations would be added to the Development Code as “Article 070.080 – Guidelines and Regulations for Matters of State Interest.” The amendments would also update Section 070.060.020, Table 060.1, Summary of Development Review Procedures. Planning Commission unanimously recommended adoption of these regulations at its February 8 meeting.

Background

In 1974, the Colorado General Assembly enacted measures to further define the authority of state and local governments in making planning decisions for matters of statewide interest. These powers are commonly referred to as “1041 powers” or “1041 regulations” based on the number of the bill of the legislation (HB 74-1041 – Areas and Activities of State Interest, codified at C.R.S. §§ 24-65.1-101 to -502). These 1041 powers allow local governments to identify, designate, and regulate areas and activities of state interest through a local permitting process. The general intention of these powers is to allow for local governments to maintain their control over specific development projects even where the projects have statewide impacts. Courts have regularly upheld this authority to locally regulate major projects such as reservoirs – most famously in the Homestake II Reservoir proposal in Eagle County. Many nearby local governments have adopted 1041 Regulations including the towns of Gypsum, Avon, Minturn, and Silverthorne, and the counties of Garfield, Eagle, Pitkin, and Summit.

Areas and Activities of State Interest

The statute provides that a local government may designate any of the following as “areas of state interest” that it wishes to regulate (C.R.S. § 24-65.1-201):

- (a) Mineral resource areas;
- (b) Natural hazard areas;
- (c) Areas containing, or having a significant impact upon, historical, natural, or archaeological resources of statewide importance; and
- (d) Areas around key facilities in which development may have a material effect upon the key facility or the surrounding community.

The statute also provides specific criteria for the administration of areas of state interest at C.R.S. § 24-65.1-202. For example, for “key facilities,” one of the criteria is that “[a]reas around key facilities shall be developed in a manner that will discourage traffic congestion, incompatible uses, and expansion of the demand for government services beyond the reasonable capacity of the community or region to provide such services as determined by local government.” C.R.S. § 24-65.1-202(4)(b).

A local government may designate any of the following as “activities of state interest” that it wishes to regulate (C.R.S. § 24-65.1-203):

- (a) Site selection and construction of major new domestic water and sewage treatment systems and major extension of existing domestic water and sewage treatment systems;
- (b) Site selection and development of certain solid waste disposal sites;
- (c) Site selection of airports;
- (d) Site selection of rapid or mass transit terminals, stations, and fixed guideways;
- (e) Site selection of arterial highways and interchanges and collector highways;
- (f) Site selection and construction of major facilities of a public utility;
- (g) Site selection and development of new communities;
- (h) Efficient utilization of municipal and industrial water projects;
- (i) Conduct of nuclear detonations; and
- (j) The use of geothermal resources for the commercial production of electricity.

Likewise, the statute provides specific criteria for the administration of activities of state interest at C.R.S. § 24-65.1-204. One of the criteria is that, “[w]here feasible, major facilities of public utilities shall be located so as to avoid direct conflict with adopted local government, regional, and state master plans.” C.R.S. § 24-65.1-204(6).

Process for Adoption

To invoke its 1041 powers and adopt 1041 regulations, a local government must hold a public hearing and meet certain notice requirements. The local government must make the following findings to designate an area or activity of state interest:

- “[R]easons why the particular area or activity is of state interest, the dangers that would result from uncontrolled development of any such area or uncontrolled conduct of such activity, and the advantages of development of such area or conduct of such activity in a coordinated manner.” C.R.S. § 24-65.1-401(2)(b).

These findings are contained in the proposed text amendment itself. For an area of state interest, the designation must also specify the boundaries of the proposed area. C.R.S. § 24-65.1-401(2)(a).

Once a designation is made, development in an area of state interest or conducting an activity of state interest is prohibited until the local government adopts guidelines for development, which can occur in a single hearing. C.R.S. § 24-65.1-404(4). The guidelines developed by the local government must be consistent with the minimum standards in Sections 24-65.1-202 and 24-65.1-204, but may be stricter. *See* C.R.S. 24-65.1-402(1), (3).

Proposed 1041 Regulations for Glenwood Springs

Section 070.080.170 of the draft regulations designates four activities of state interest and two areas of state interest for the City of Glenwood Springs:

Activities of State Interest

- (1) The site selection and construction of major new domestic water and sewage treatment systems and/or major extension of existing domestic water and sewage treatment systems.
- (2) The site selection and construction of major facilities of a public utility.
- (3) The efficient utilization of municipal and industrial water projects.
- (4) The site selection of rapid or mass transit terminals, stations, and fixed guideways.

Areas of State Interest

- (1) The area comprising the surface area and an area within thirty-five (35) feet of the ordinary high-water mark of the Roaring Fork River, Colorado River, Mitchell Creek, Oasis Creek, and Three-Mile Creek as an area containing and having a significant impact on natural resources of statewide importance.
- (2) The areas comprising State Highway 6 & 24 and the associated interchanges, State Highway 82 from the intersection with 23rd Street proceeding south to the southern edge of the City limits and the associated interchanges, and an area within 100 feet of such segments of highways as areas around key facilities in which development may have a material effect upon the key facility or the surrounding community.

The regulations require a permit before engaging in construction, expansion, reoperation, or other significant change in use for the activities wholly or partially within the City, and before engaging in development in or impacting a designated area wholly or partially within the City. The process for review of a 1041 application would be similar to many existing land use applications already in the Code. Planning Commission would be a recommending body to City Council for final determinations on any application.

The types of projects in and around the City that would likely require permits under the regulations include:

- Projects involving water and sewage treatment facilities (both construction and expansion).

- Projects using or diverting significant amounts of water in or from the City.
- Projects by utility companies to relocate, upgrade, or significantly change their facilities in the City.
- Projects that materially increase the use of interchanges involving Highways 6 & 24, and 82, whether or not the project is located wholly within the City.
- Projects that propose development within 35 feet of the Colorado or Roaring Fork Rivers, Mitchell, Oasis, or Three-Mile creeks, or which change the character or use of the rivers or land within 35 feet of the rivers and streams.

As drafted these regulations would subject City projects meeting these thresholds to 1041 permitting and review as it currently does with Location and Extent proceedings. The regulations also contain exemptions for certain projects in section 070.080.040 that would likely exempt, for example, construction or modification of residences along the rivers, or projects involving the designated state highways that would not increase traffic from the 1041 permit process. The intent of these regulations is not to impact smaller scale residential or commercial construction projects, but instead regulate proposals that have significant impacts on City infrastructure and resources, be it by private, governmental, or quasi-governmental entities.

Recommendation

Adopt the attached changes to the City's Code by ordinance.

ORDINANCE NO. 09

Series of 2022

AN ORDINANCE OF THE CITY OF GLENWOOD SPRINGS, COLORADO, AMENDING TITLE 070 OF THE GLENWOOD SPRINGS MUNICIPAL CODE, DESIGNATING MATTERS OF STATE INTEREST, AND ADOPTING GUIDELINES FOR THEIR ADMINISTRATION.

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

WHEREAS, Sections 24-65.1-101 to -502 of the Colorado Revised Statutes authorize the City to designate areas and activities of state interest and promulgate guidelines for their administration; and

WHEREAS, On February 8, 2022, the City’s Planning and Zoning Commission conducted a public hearing to consider the designations and regulations adopted in this ordinance, and recommended that the City Council adopt such designations and regulations; and

WHEREAS, after conducting a public hearing on March 3, 2022, the City Council has determined that, given the intensity of current and foreseeable development pressures in the City, the designation of areas and activities and regulations for their administration adopted by this ordinance are in the best interests of the public health, safety and welfare of the residents of the City; and

WHEREAS, City Council finds that these amendments are consistent with the Comprehensive Plan and other City policies, do not conflict with other provisions of the Code, are necessary to address a demonstrated community need, are necessary to respond to substantial changes in conditions and/or policy, and are consistent with the general purpose and intent of the Code; and

WHEREAS, the City has published notice stating the time and place of the public hearing designating the areas and activities of state interest and adopting guidelines for their administration in accordance with Section 24-65.1-404(2)(a) of the Colorado Revised Statutes; and

WHEREAS, City Council wishes to amend Title 070 of the Glenwood Springs Municipal Code as provided in this ordinance to coordinate the development in areas of state interest and conduct of activities of state interest and thereby promote the well-ordered development of the City.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GLENWOOD SPRINGS, COLORADO, ORDAINS:

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

Section 2. A new Article 070.080 is hereby adopted and added to the Glenwood Springs Municipal Code as provided for on the attached **Exhibit A**.

Section 3. Section 070.060.020 of the Glenwood Springs Municipal Code is hereby amended as provided for on the attached **Exhibit B**, with double underline text added.

Section 4. The following matters of state interest are hereby designated as activities and areas of state interest in the City of Glenwood Springs, Colorado, as specified in Section 070.080.170(a) of the Glenwood Springs Municipal Code as shown on the attached **Exhibit A**:

1. The site selection and construction of major new domestic water and sewage treatment systems and/or major extension of existing domestic water and sewage treatment systems.
2. The site selection and construction of major facilities of a public utility.
3. The efficient utilization of municipal and industrial water projects.
4. The site selection of rapid or mass transit terminals, stations, and fixed guideways.
5. The area comprising the surface area and an area within thirty-five (35) feet of the ordinary high-water mark of the Roaring Fork River, Colorado River, Mitchell Creek, Oasis Creek, and Three-Mile Creek as an area containing and having a significant impact on natural resources of statewide importance.
6. The area comprising State Highway 6 & 24 and the associated interchanges, State Highway 82 from the intersection with 23rd Street proceeding south to the southern edge of the City limits and the associated interchanges, and an area within 100 feet of such segments of highways as areas around key facilities in which development may have a material effect upon the key facility or the surrounding community.

Section 5. City Council's reasons and findings for the designations specified in Section 070.080.170(b) of the Glenwood Springs Municipal Code as shown on the attached **Exhibit A** are hereby incorporated into this ordinance in their entirety.

Section 6. Any ordinances or resolutions or parts thereof, which are in conflict this this ordinance, are hereby repealed to the extent of such conflict only.

INTRODUCED, READ ON FIRST READING, PASSED AND ORDERED
PUBLISHED BY TITLE ONLY THIS 17TH DAY OF FEBRUARY 2022.

CITY OF GLENWOOD SPRINGS, COLORADO

Jonathan Godes, Mayor

ATTEST:

Ryan Muse, City Clerk

INTRODUCED, READ ON SECOND READING, AND ORDERED PUBLISHED BY
TITLE ONLY TO BE EFFECTIVE TEN DAYS FOLLOWING THE DATE OF SECOND
READING THIS __ DAY OF _____ 2022.

CITY OF GLENWOOD SPRINGS, COLORADO

Jonathan Godes, Mayor

ATTEST:

Ryan Muse, City Clerk

ARTICLE 070.080 Guidelines and Regulations for Matters of State Interest

Division 1 Administration and Designation

070.080.010. Purpose and findings.

- (a) Purpose. The purpose and intent of the regulations set forth in this Article is to facilitate the identification, designation, and administration of matters of state interest consistent with the statutory requirements and criteria set forth in Section 24-65.1-101, et seq., C.R.S., and the guidelines established in the Comprehensive Plan, as well as the following:
- (1) To regulate the site selection and construction of major facilities of public utilities, domestic water and sewage treatment systems, and/or major extensions of such facilities and systems in order to ensure that the same are conducted in areas which will result in the proper utilization of existing facilities and the orderly development of the same within the City and adjacent communities;
 - (2) To regulate development in areas containing, or having a significant impact upon, historical, natural, or archaeological resources of statewide importance; and in areas around key facilities in which development may have a material effect upon the key facility or the surrounding community.
 - (3) To regulate the site selection of rapid or mass transit terminals, stations, and fixed guideways to ensure that the same are located in a manner that will avoid conflicts with the City's land use plans; minimize congestion in the streets; secure safety from fire, floodwaters, and other dangers; promote health and general welfare; provide adequate light and air; prevent the overcrowding of land; avoid undue concentration of population; and facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.
 - (4) To prevent potential redundancy of services associated with the site selection and construction of major new domestic water and sewage treatment systems and extensions thereof, which may increase costs on existing system users, limit improvements and maintenance of existing systems, perpetuate disorganized development, and alter the City's character;
 - (5) To prevent unsuitable site selection and construction of major facilities of public utilities, which may harm the scenic and recreational assets that are essential to the City's economy;
 - (6) To protect the beauty of the landscape and natural scenic characteristics, to conserve natural and cultural resources, to preserve historical assets and resources, to protect and enhance wildlife habitat, air and water quality, and to conserve natural resources.
 - (7) To ensure that municipal and industrial water projects are developed efficiently to prevent damage to the City's water sources and riparian assets by poorly planned growth and project development that does not rely on existing facilities;
 - (8) To minimize environmental impacts in the City associated with such matters of state interest, including significant deterioration or degradation of existing air and water quality in the City's watershed and view corridors with and surrounding the City;
 - (9) To avoid or reduce incompatible uses and adverse impacts to City roads, parks, open spaces, natural resources, and trails, as well as areas adjacent thereto, by minimizing impacts to areas or by activities of state interest within the City;

- (10) To ensure proper planning and development in a manner so as not to impose an undue economic burden on existing or proposed communities;
 - (11) To ensure that the off-site impacts of development, site selection, construction, and extension of facilities or systems designated as activities of state interest or within areas of state interest are effectively mitigated;
 - (12) To ensure that urban development, population densities, and site layout and design are accomplished in a manner that will prevent the pollution of aquifer recharge areas and water resources;
 - (13) To ensure that municipal and industrial water projects and major facilities of public utilities, including but not limited to transmission lines, power plants, substations, storage areas, and pipelines are located to avoid conflict with City land use plans;
 - (14) To regulate municipal and industrial water projects that could cause extensive water and air pollution or that would otherwise degrade or threaten environmental quality within the City or the beauty of its landscape and the integrity of its waterways;
 - (15) To ensure that municipal and industrial water projects emphasize the most efficient use of water, including to the extent permissible under existing law, and when appropriate, the recycling, reuse, and conservation of water
 - (16) To ensure that development planned in areas containing, or having a significant impact upon, historical, natural, or archaeological resources of statewide importance; and in areas around key facilities in which development may have a material effect upon the key facility or the surrounding community proceeds in a manner consistent with protection of those resources and the surrounding communities;
 - (17) To provide planned and orderly use, development, and regulation of land and water resources and protection of the environment in a manner consistent with constitutional rights and private property rights;
 - (18) To ensure that major extensions of municipal and industrial water systems be permitted only in areas in which the anticipated growth and development that may occur as a result of such extensions can be accomplished within the financial and environmental capacity of the area to sustain such growth and development;
 - (19) To avoid or reduce conflicts with the Comprehensive Plan;
 - (20) To protect the character of the City and surrounding area;
 - (21) To promote the efficient and economic use of public resources; and
 - (22) To preserve the health and welfare of the citizens of the City.
- (b) Findings. The City Council finds that:
- (1) The notice and public hearing requirements of Section 24-65.1-404, C.R.S., have been followed.
 - (2) These regulations are necessary because of the intensity of current and foreseeable development pressures on and within the City.
 - (3) These regulations apply to entire territorial extent of the City, as may be altered over time.

- (4) These regulations interpret and apply to any provisions adopted for specific areas of state interest and specific activities of state interest which have been, or may be, designated by the City Council.

070.080.020. Authority.

The regulations set forth in this Article are authorized by, inter alia, Sections 24-65.1-101, et seq., 31-23-101, et seq., 29-20-101, et seq., 24-32-111, Title 31, Article 15, C.R.S., and the City of Glenwood Home Rule Charter.

070.080.030. Applicability.

These regulations apply to all proceedings concerning the identification, designation, and regulation of any area or activity of state interest and any developments affecting any such area or activity of state interest, whether on public or private land, within the territorial boundaries of the City so designated by the City Council, as follows:

- (1) The site selection for all major new domestic water and sewage treatment systems located wholly or partially within the boundaries of the City and the construction, expansion, or major extension thereof as defined at Section 070.080.090.
- (2) The site selection of major facilities of any public utility to be located wholly or partially within the boundaries of the City.
- (3) Development in designated areas containing, or having a significant impact upon, historical, natural, or archaeological resources of statewide importance and
- (4) Development in designated areas around key facilities in which development may have a material effect upon the key facility or the surrounding community.
- (5) The site selection, development, including construction, expansion, or major extension or change in use or character of a municipal and/or industrial water project located wholly or partially within the boundaries of the City.
- (6) The site selection of rapid or mass transit terminals, stations, and fixed guideways, except that a permit under this Article shall not be required for the addition or relocation of a bus stop on an existing bus route that does not require the addition of a parking area or vehicle turnaround.
- (7) A permit shall not be required for the following activities relevant to the major facilities of a public utility: repair of storm damage, reframing, pole replacement, re-conductor and maintenance in the normal course of business without increasing the voltage rating of a transmission line, or reconstructing, upgrading, or replacing substation equipment inside an existing substation or within an existing substation fence.
- (8) This Article shall not apply to interstate natural gas pipeline facilities regulated peremptorily by the Federal Energy Regulatory Commission ("FERC"), or its successor, provided the applicable federal and state requirements and procedures are complied with in the siting and construction of the interstate natural gas pipeline when partly located within the City.
- (9) A municipal or industrial water project or sewage treatment system is exempt from this Article if it falls within one (1) of the following categories:

- a. The maintenance, repair, or replacement of an existing component of a facility if it does not constitute a material change, does not cause negative impacts different from the existing facility, and does not otherwise exacerbate existing impacts.
 - b. Replacement of an existing water diversion or storage structure without change in the point of diversion, type or place of use of the water, or yield.
 - c. A proposed municipal or industrial water project with a new or increased diversion per year, or a new or increased storage capacity of less than one hundred (100) acre-feet.
- (10) The requirements of these regulations shall not be deemed to waive the requirements of Section 40-5-101, et seq., C.R.S., if applicable, that a public utility obtain a certificate of public convenience and necessity.

070.080.040. Exemptions.

- (a) The regulations in this article shall not apply to any development in any area of state interest or any activity of state interest if, on the effective date of these regulations:
 - (1) The specific and full scope of development or activity is authorized by a valid land use approval or building permit, as applicable, issued by or on behalf of the City;
 - (2) The specific and full scope of development or activity was directly approved by the electorate of the City; provided however, that the approval by the electorate of any bond issue shall not in and of itself be construed to be an approval of the specific development or activity;
 - (3) The specific and full scope of development or activity is to be on land which has been finally approved by the City for planned unit development or for a use other than a subdivision substantially the same as a planned unit development, and a site-specific development plan has been approved by the City prior to the effective date of these regulations for the development or activity which would otherwise be subject to these regulations;
 - (4) The specific and full scope of development or activity is to be on land which has been zoned by the City expressly and specifically for a use by right for the use contemplated by the development or activity and a site-specific development plan has been approved for the specific development or activity which would otherwise be subject to these regulations;
- (b) The regulations in this Article 070.080 shall not apply to the division, subdivision, or resubdivision of land which complies with Title 070 of this Code, as long as the requirements set forth in this Article are addressed in the land use approval process.
- (c) The regulations in this Article 070.080 shall not apply to the day-to-day operations of an existing project or facility, or a non-material change in the operation of an existing project or facility, including retrofitting or updating technology, so long as the change in operation does not constitute a material change and does not cause impacts different from that of the existing facility or project or otherwise exacerbate existing impacts. The determination of material change and exacerbating impacts shall be made by the Community Development Department.
- (d) The regulations in this Article 070.080 shall not apply to any use or structure otherwise lawfully existing on the date the area or activity is designated or subjected to these regulations which use or structure becomes nonconforming as a result of the adoption of these regulations; provided however, that such a nonconforming use or structure shall be considered to be discontinued after one (1) year of nonuse, or in the case that a nonconforming structure is damaged or destroyed to the extent of at least fifty percent (50%) of the County Assessor's assessed value. Any reuse, reconstruction, or replacement of a preexisting nonconforming structure, or an increase of twenty

five percent (25%) in the intensity of a use shall be deemed a new use and shall be subject to these regulations.

- (e) For development in a designated area of state interest, an application and permit under the regulations in this Article 070.080 is not required for projects that submit the following types of applications to the City, as summarized in Table 060.1 of the City Code:
 - (1) Administrative Site/Architectural Plan Review under Section 070.060.050(a)(3)
 - (2) Minor Site/Architectural Plan Review under Section 070.060.050(a)(4)
 - (3) Optional Master Plan under Section 070.060.050(b)
 - (4) Final Plan under Section 070.060.050(c)
 - (5) Special Use Permit under Section 070.060.050(e)
 - (6) ROW Encroachment License under Section 070.060.050(f)
 - (7) Minor Subdivision under Section 070.060.060(a)
 - (8) Preliminary Plat under Section 070.060.060(b)
 - (9) Final Plat under Section 070.060.060(c)
 - (10) Condominiumization under Section 070.060.060(d)
 - (11) Vacation of ROW under Section 070.060.060(e)
 - (12) Variance under Section 070.060.070(a)
 - (13) Administrative Adjustment under Section 070.060.070(b)
- (f) For development in a designated area of state interest, an application and permit under the regulations in this Article 070.080 is not required for the following projects:
 - (1) Conversion of non-residential building area into up to five (5) dwelling units, or mixed-use building area into up to five (5) dwelling units, without changing the existing building footprint or increasing the building area.
 - (2) Alteration, repairs, or additions to existing buildings that increase the gross floor area by less than twenty-five (25) percent.
 - (3) Tenant improvements that do not increase gross floor area or building height, increase the density or intensity of use, or affect other development standards (such as parking or landscaping requirements).
 - (4) Construction of a single-family detached or two-family dwelling, additions to such dwellings, and structures accessory to such dwellings.
 - (5) Construction or erection of accessory buildings, fences, hedges, or walls.
- (g) For development in the designated areas of state interest around key facilities comprising State Highway 6 & 24 and the associated interchanges, and State Highway 82 from the intersection with 23rd Street proceeding south to the southern edge of the City limits and the associated interchanges, an application and permit under the regulations in this Article 070.080 is not required where:
 - (1) The project would not require a state highway access permit from the Colorado Department of Transportation pursuant to C.R.S. § 43-2-147, as amended, and

- (2) The project does not have the potential to increase volume on a state highway by twenty (20) percent or more and would not be referred to the Colorado Department of Transportation for comment, at the discretion of the City Engineer or Director pursuant to Code Section 070.040.070(e)(5)(d).

070.080.050. Relationship of regulations to other requirements.

- (a) Whenever these regulations are found to be inconsistent with any other resolution, ordinance, code, regulation, or other enactment of the City, the enactment imposing more restrictive standards or requirements shall control.
- (b) In the event these regulations are found to be more or less stringent than the statutory criteria for administration of matters of state interest set forth in Section 24-65.1-202, C.R.S., the more stringent authority shall control.
- (c) These regulations are intended to be applied in addition to, and not in lieu of, all other regulations of the City, including without limitation, Titles 060, 070, 080, and 090 of this Code, as amended.
- (d) Permit requirements included in these regulations shall be in addition to and in conformance with all applicable state and federal water quality and environmental laws, rules, and regulations, including but not limited to the following:
 - (1) Section 25-8-701, et seq., C.R.S., regarding sewage treatment plant site approval;
 - (2) 5 C.C.R. § 1002-22, Regulation No. 22, regarding site location and design approval regulations for domestic wastewater treatment works;
 - (3) Section 25-8-501, et seq., C.R.S., regarding point source pollutant discharge permits;
 - (4) 33 U.S.C. § 1288, regarding area-wide wastewater treatment management planning administration;
 - (5) 33 U.S.C. § 1313, regarding river basin water quality management planning;
 - (6) 33 U.S.C. § 1345, regarding the disposal of sewage sludge;
 - (7) Section 32-1-201, C.R.S., the Special District Control Act;
 - (8) 16 U.S.C. § 661-666(c), the Fish and Wildlife Coordination Act;
 - (9) 42 U.S.C. § 4321, et seq., the National Environmental Policy Act ("NEPA");
 - (10) 33 U.S.C. § 1344, Section 404 of the Federal Clean Water Act; and
 - (11) Current clearance letter or take permit for the project issued by the U.S. Fish & Wildlife Service for threatened or endangered animal or plant species.
- (e) Review or approval of a project by federal or state agency shall not substitute for the need to obtain a permit for that project under these regulations. An applicant may request that the City review process under these regulations be coordinated with that of other agencies to eliminate or reduce redundant submittal requirements.
- (f) Nothing in these regulations shall be construed as enhancing or diminishing the power and authority of the City, State, or Public Utilities Commission.

070.080.060. Maps.

Any maps designating areas of state interest adopted by the City Council are deemed integrated into these regulations from the effective date of such adoption and shall be available for review in the office of the City Clerk.

070.080.070. Duties of City Council.

Unless otherwise specifically provided herein, it shall be the duty of the City Council to perform all functions pertaining to matters of state interest.

070.080.080. Severability.

If any section, clause, provision, or portion of these regulations is found to be unconstitutional or otherwise invalid by a court of competent jurisdiction, the remainder shall not be affected thereby.

070.080.090. Definitions.

The words and terms used in these regulations shall have the meanings set forth below unless the context requires otherwise.

Airport means any municipal or county airport or airport under the jurisdiction of an airport authority.

Appurtenant facilities means any building, structure, or other property which is incidental to, and customarily found in connection with, major facilities of public utilities or domestic water and wastewater treatment facilities, and are operated and maintained for the benefit or convenience of the occupants, employees, customers, or visitors of such major facilities.

Aquifer recharge area means any area where surface waters may infiltrate to a water-bearing structure of permeated rock, sand or gravel. This definition also includes wells used for disposal of wastewater or other toxic pollutants.

Area around a key facility means an area immediately and directly affected by a key facility.

Arterial highway means any limited-access highway which is part of the federal-aid interstate system or any limited-access highway constructed under the supervision of the department of transportation.

Code means the City of Glenwood Springs Municipal Code, as amended from time to time.

Collector highway means a major thoroughfare serving as a corridor or link between municipalities, unincorporated population centers or recreation areas, or industrial centers and constructed under guidelines and standards established by, or under the supervision of, the department of transportation. "Collector highway" does not include a city street or local service road or a county road designed for local service and constructed under the supervision of local government.

Department means the City of Glenwood Springs Community Development Department.

Designation means that legal procedure specified by Section 24-65.1-101, et seq., C.R.S., as carried out by the City Council.

Development or project means any construction or activity which changes the basic character or the use of the land on which the construction or activity occurs.

Director means the City of Glenwood Springs Community Development Director.

Domestic water and sewage treatment system means a wastewater treatment plant, water treatment plant, or water distribution system, or water treatment facility, and any system of pipes, structures, and facilities through which wastewater is collected for treatment, including systems whose service area is, or will be, outside the boundaries of the City.

Efficient utilization of water means the employment of methods, procedures, techniques and controls to encourage use of water that will yield the greatest possible benefits including social, economic, environmental, aesthetic, agricultural, commercial and recreational benefits, and that will promote, where feasible and appropriate, the conservation of water in particular uses, and that emphasizes, to the extent permissible under law, the recycling and reuse of water.

Fixed guideway means a system of public transportation which utilizes and occupies a separate right-of-way or rail for the exclusive use of public transportation service.

Impact means any alteration or change to the natural or human environment resulting directly or indirectly from development.

Impact areas means those geographic areas in which impacts are likely to be caused by the project. *Impact areas* may include areas within the boundaries of another political subdivision if the City has entered into an intergovernmental agreement providing for cooperative regulation of impacts that may occur within the boundaries of both the City and the other political subdivision.

Industrial means any development of natural resources, business or trade, commercial activity, processing, fabrication, alteration or manufacture of raw or semi-processed materials, manufactured goods or any components thereof, and commercial feedlots. "Industrial" includes the provision of water directly or indirectly by a private entity or individual for domestic, municipal or industrial uses. "Industrial" does not include agricultural crop production or livestock watering.

Interceptor means a waste water interceptor sewer with an internal pipe diameter of equal to or greater than twenty-four (24) inches intercepting wastewater from a final point in a collection system and conveying the waste directly to a treatment plant, or meeting other requirements of the Colorado Department of Public Health and Environment to be classified as an interceptor.

Key facilities means airports; major facilities of a public utility; interchanges involving arterial highways; rapid or mass transit terminals, stations, and fixed guideways.

Legal description means a description from which it is possible to locate accurately on the ground the boundaries of the land to be described.

Major facilities of a public utility means central office buildings of telephone utilities; transmission lines, power plants, and substations of electrical utilities; and pipelines and storage areas of utilities providing natural gas or other petroleum derivatives.

Mass transit means a coordinated system of transit modes providing transportation for use by the general public.

Material change means any change in a project as approved under these regulations which significantly alters the nature of impacts considered in approval of the original permit or in the case of a development not previously issued a permit, a structural modification, change of use, change of operation, or change of user, which significantly alters the nature of the development and its associated impacts.

Matter of state interest means an area or activity of state interest or both, as set forth in Section 24-65.1-101, et seq., C.R.S.

Municipal and industrial water project means a water supply system and all related components through which a water supply from either surface or subsurface, alluvial or groundwater, renewable or non-renewable sources is derived for municipal or industrial uses or both. A water supply system includes wells, diversion facilities, pumps, conduits, canals, pipes, ditches, storage tanks, reservoirs or other impoundments, through which a water supply is obtained directly or by trade, substitution, augmentation

or exchange, and also includes those components for returning unconsumed flows back to the stream system. The filing of an application in court or with the Colorado Ground Water Commission to adjudicate the use of water and obtaining a decree or determination, in and of itself, shall not constitute the development of a water project.

Natural resources of statewide importance means shorelands of major, publicly owned reservoirs and significant wildlife habitats in which the wildlife species, as identified by the division of parks and wildlife of the department of natural resources, in a proposed area could be endangered.

Nonconforming use means a use in existence at the time of the adoption of these regulations, which use, were it a new use, would be one for which a permit is required under these regulations.

Permit means a permit issued under these regulations to conduct an activity of state interest and/or to engage in development in an area of state interest.

Permit Authority means the City Council.

Person means any private individual, partnership, corporation, association, company, or any public or corporate body, including the state and federal governments, and including any political subdivision, agency, instrumentality, or corporation thereof.

Pipeline means any pipeline and appurtenant facilities thereto, designed for, or capable of, transporting natural gas, manufactured gas, or other petroleum derivatives.

Power plant means any of the following:

- (a) Any fossil fuel, biofuel, or similar electrical energy generating facility or addition thereto with a generating capacity of fifty (50) megawatts or more, and any appurtenant facilities.
- (b) Any solar or wind electrical energy generating facility or addition thereto with a generating capacity in excess of five hundred (500) kilowatts, and any appurtenant facilities.
- (c) Any nuclear or hydropower electrical generating facility of five hundred (500) kilowatts or more.

Project means the proposed activity for which a permit is required together with any development activity that is reasonably enabled or made possible by the proposed activity.

Public utilities mean those utilities as defined by C.R.S. §§ 39-4-101 and 40-1-103.

Rapid transit means the element of a mass transit system involving a mechanical conveyance on an exclusive lane or guideway constructed solely for that purpose.

Recycling means the treatment of wastewater in a manner that will replenish its quality to the standard established by the Colorado Department of Public Health and Environment where permissible by state water law.

Site development permit means the development plan for one (1) or more lots showing the existing and proposed conditions of the lot and any improvements existing or to be constructed on the lot. This includes topography, vegetation, drainage, floodplains, wetlands and waterways, landscaping and open spaces, walkways, means of ingress and egress, circulation, utility services, structures and buildings, signs and lighting, berms, buffers and screening devices, surrounding development, and other information that may be reasonably required for the Director to determine compliance with the requirements of these regulations, and subsequently authorize issuance of a building or development permit.

Site selection and construction means and includes the initial site selection and construction of a facility as well as any subsequent relocation, reconstruction, or upgrade of such facility.

Station or terminal means a facility constructed to provide and facilitate passenger access to and from a rapid or mass transit system, including areas necessary for vehicle operations, parking areas for commuters and roadways connecting to the general road system of the City.

Substation means any facility designed to provide switching, voltage transmission, or voltage control required for the transmission of electricity at one hundred fifteen (115) kilovolts or more, but does not have as a primary purpose the transformation of voltage to fifty (50) kilovolts or less for distribution purposes.

City means the City of Glenwood Springs, Colorado.

City Council means the City Council of the City of Glenwood Springs, Colorado.

Transmission line means any electric transmission line and appurtenant facilities used to transmit electricity.

Wastewater treatment plant means the facility or group of units used for treatment of wastewater from sewer systems and for the reduction and handling of solids and gases removed from such wastes.

Water distribution system means any combination of pipes, tanks, pumps, or other facilities that delivers water from a source or treatment facility to the consumer.

Water supply system means the system of pipes, structures and facilities through which a water supply is obtained, collected, treated, and sold or distributed for human consumption or household use, or the system of pipes, structures, and facilities through which a water supply is obtained which will be exchanged or traded for water which will be used for human consumption. Water supply systems include those systems whose service area is, or will be, outside the boundaries of the City.

Water treatment plant means the facility or facilities within the water supply system, which can alter the physical, chemical or bacteriological quality of the water.

070.080.100. Designation.

The City Council shall designate areas and activities of state interest. Designations and amendments to designations may be initiated in two (2) ways:

- (1) The City Council may in its discretion designate and adopt regulations for the administration of any matter of state interest.
- (2) The City Council may refer a proposed matter or area of state interest to the Community Development Department and Commission for review and recommendation. The City Council shall decide, in its sole discretion, whether or not to designate any or all of the requested matters or areas of state interest.

070.080.110. Public hearing required.

The City Council shall hold a public hearing before designating any area or activity of state interest and adopting regulations for the administration thereof. Said hearing shall be held not less than thirty (30) days nor more than sixty (60) days after giving the public notice of said hearing.

070.080.120. Notice of public hearing, mailing, publication.

- (a) The Director shall prepare a notice of the designation hearing which shall include:
 - (1) The time and place of the hearing;

- (2) The place at which maps relating to the area or activity to be designated and any regulations for the administration thereof may be examined; and
 - (3) A description of the area or activity proposed to be designated in sufficient detail to provide reasonable notice as to property which would be included.
- (b) The Community Development Department shall maintain a mailing list of those persons requesting that they be placed on the list and paying to the City an annual fee of twenty dollars (\$20.00) to cover the costs of production, handling, and mailing of notices of all hearings pursuant to Sections 24-65.1-404(2)(b) and 24-65.1-501(2)(c), C.R.S. In order to have a name and address retained on the list, the person shall resubmit their name and address and pay the annual fee before January 21 of each year.
- (c) At least thirty (30) days but no more than sixty (60) days before the public hearing, the Community Development Department shall publish the notice, and shall mail the notice by first class mail to each of the following:
- (1) Persons on the mailing list (subsequent to the initial adoption of these regulations);
 - (2) In the discretion of the Community Development Department, any person considered likely to be affected by the proposed designation; and
 - (3) If any other local governmental jurisdiction would be directly or indirectly affected, the proposed designation similarly may be mailed to such governmental body in the sole discretion of the Community Development Department.

070.080.130. Matters to be considered at designation hearing.

At the public hearing held pursuant to Section 070.080.110, the City Council shall receive into the public record:

- (1) Testimony and evidence from persons or organizations desiring to appear and be heard;
- (2) Any documents that may be offered; and
- (3) The recommendations and testimony of the Community Development Department and Planning Commission, if any.

070.080.140. Record of designation proceedings.

The City Clerk shall collect and preserve the record of the public hearing according to the City's Records Retention Schedule.

070.080.150. Adoption of designation and regulations.

- (a) At the conclusion of the hearing, or within thirty (30) days thereafter, the City Council may by ordinance adopt, adopt with modification, or reject the proposed designation which was the subject of the public hearing.
- (b) In making a designation of any matter of state interest, the City Council shall take into consideration:
 - (1) The intensity of current and foreseeable development pressures;
 - (2) The matters and considerations set forth in any applicable guidelines for identification and designations;
 - (3) The boundaries of the proposed area;

- (4) Reasons why the particular area or activity is of state interest, the dangers that would result from uncontrolled development of any such area or uncontrolled conduct of such activity, and the advantages of development of such area or conduct of such activity in a coordinated manner;
 - (5) The Comprehensive Plan or other adopted plans pertaining to or affected by the area or activity under consideration.
- (c) In the event the City Council finally determines that any area or activity is a matter of state interest, it shall be the City Council's duty, acting by ordinance, to designate such matter and adopt regulations for the administration thereof.
- (d) Each designation ordinance adopted by the City Council shall:
- (1) Specify the boundaries of the designated area of state interest or the boundary of the area in which an activity of state interest has been designated;
 - (2) State the reasons why the particular area or activity is of state interest, the dangers that would result from uncontrolled development of any such area or uncontrolled conduct of such activity, and the advantages of development of such area or conduct of such activity in a coordinated manner; and
 - (3) Specify the regulations applicable to the designated matter of state interest.

070.080.160. Recording of notice of designation.

The ordinance designating the area or activity of state interest shall be certified by the City Clerk and recorded in the office of the County Clerk and Recorder.

070.080.170. Designation as matters of state interest.

- (a) Designated Activities and Areas. The following activities and areas are hereby designated as activities and areas of state interest if located wholly or partially within the City. No person may engage in construction, expansion, reoperation, or other significant change in use of the following activities wholly or partially within the City, and no person may engage in development in such area wholly or partially within the City, without first obtaining a permit pursuant to these regulations.
- (1) The site selection and construction of major new domestic water and sewage treatment systems and/or major extension of existing domestic water and sewage treatment systems.
 - (2) The site selection and construction of major facilities of a public utility. The issuance of a permit for this activity is contingent upon the subsequent approval of the major facility by the Public Utilities Commission, state Department of Public Health and Environment, U.S. Environmental Protection Agency, or other regulatory agencies, where required by appropriate statute or regulation.
 - (3) The efficient utilization of municipal and industrial water projects.
 - (4) The site selection of rapid or mass transit terminals, stations, and fixed guideways.
 - (5) The area comprising the surface area and an area within thirty-five (35) feet of the ordinary high-water mark of the Roaring Fork River, Colorado River, Mitchell Creek, Oasis Creek, and Three-Mile Creek as an area containing and having a significant impact on natural resources of statewide importance, as shown on the map incorporated into these regulations as Exhibit A.

- (6) The area comprising State Highway 6 & 24 and the associated interchanges, State Highway 82 from the intersection with 23rd Street proceeding south to the southern edge of the City limits and the associated interchanges, and an area within 100 feet of such segments of highways as areas around key facilities in which development may have a material effect upon the key facility or the surrounding community, as shown on the map incorporated into these regulations as Exhibit B.
- (b) Reasons and Findings for Designations. The City Council finds and concludes as follows:
- (1) The activities designated in Section 070.080.170(a)(1)-(4) are activities of state interest as provided in C.R.S. § 24-65.1-203.
 - (2) The area comprising the surface area and an area within thirty-five (35) feet of the ordinary high-water mark of the Roaring Fork River, Colorado River, Mitchell Creek, Oasis Creek, and Three-Mile Creek is an area of state interest containing or having a significant impact on natural resources of statewide importance pursuant to C.R.S. § 24-65.1-201(1)(c). This area provides habitat for the Bald Eagle (*Haliaeetus leucocephalus*), Peregrine Falcon (*Falco peregrinus anatum*), Mountain Sucker (*Catostomus playthrynchus*), and Cutthroat Trout (*Oncorhynchus clarki pleuriticus*), which are wildlife species listed on the Colorado Division of Parks and Wildlife list of species threatened, endangered, or of concern. This area provides recreational opportunities and is central to the economy of the City and surrounding communities. This area contains critical water resources, the quality and quantity of which are important to western Colorado downstream on the Colorado River from the designated area.
 - (3) The area comprising State Highway 6 & 24 and the associated interchanges, State Highway 82 from the intersection with 23rd Street proceeding south to the southern edge of the City limits and the associated interchanges, and within 100 feet of such segments of highways, is an area of state interest around key facilities in which development may have a material effect upon the key facility or surrounding community because the highways are arterial highways and development around the highways or involving the highways may have a material effect on the highways and the surrounding community due to traffic impacts, air quality, safety, noise, parking, and other associated effects of increased traffic and heavy vehicle loads over and around such key facilities.
 - (4) Uncontrolled conduct of the designated activities of state interest and uncontrolled development in the designated areas would result in a decreased quality of life for residents of the City by impacting the orderly and safe functioning of City infrastructure, reducing property values, decreasing open and recreational space, increasing traffic and congestion, causing air pollution and other environmental impacts, damaging natural resources and wildlife habitats, and degrading the scenic and recreational environment.
 - (5) Conducting activities of state interest and developing areas of state interest in a coordinated manner under the regulations in this Article will allow for increased public input and transparency, consideration and mitigation of potential long-term impacts, conservation of natural resources and open space, promotion of well-functioning City infrastructure, and development that comports with City and comprehensive planning.

Division 2 Permit Authority

070.080.180. Intent.

The intent of the permit regulations is to facilitate the process for the application, review, issuance, and administration of permits for areas and activities of state interest consistent with the statutory requirements and criteria set forth in Section 24-65.1-101, et seq., C.R.S.

070.080.190. Permit authority established.

- (a) The City of Glenwood Springs Permit Authority is hereby established, the members of which shall be the City Council.
- (b) Except as otherwise specifically set forth in these regulations, the Permit Authority shall exercise all powers and duties described in this Article.

070.080.200. Permit required.

- (a) No person may conduct a designated activity of state interest, conduct development in a designated area of state interest, or conduct development that adversely impacts a designated area of state interest without first obtaining a permit or a permit amendment under these regulations.
- (b) When an applicant seeks approval to conduct more than one (1) activity of state interest and/or engage in development in more than one (1) area of state interest, the application may be completed for all such activities or developments and may be reviewed simultaneously and a single permit issued.

070.080.210. Judicial review.

Any action seeking judicial review of a final decision of the Permit Authority shall be initiated within twenty-eight (28) days after the decision is made, in the County District Court, pursuant to Rule 106 of the Colorado Rules of Civil Procedure. These regulations are not intended to create third-party rights of enforcement beyond those provided by law.

070.080.220. Pre-application process.

- (a) Prior to making a pre-application submittal, it is recommended that the applicant meet with the Community Development Department to review the project application process in order to determine the applicable regulations set forth in this Code.
- (b) Before submitting an application for a permit under these regulations, the applicant shall meet with the Community Development Department.
- (c) At or before the pre-application meeting, the applicant shall provide the Community Development Department with the following:
 - (1) Names and addresses of all persons or interest proposing the activity or development;
 - (2) Name and qualifications of the person(s) responding to the requirements detailed in these regulations;
 - (3) A written summary of the project including:
 - a. A map prepared at an easily readable scale showing:
 - 1. The boundaries of the proposed project;
 - 2. The relationship of the proposed project to surrounding topographic and cultural features such as roads, streams, and existing structures;

3. Proposed buildings, improvements, and infrastructure;
 - (4) Information that is sufficient for determining the nature of the project and the type, extent, and location of impacts associated with the project;
 - (5) Any additional information requested by the Community Development Department as may be reasonably necessary to make the determinations contemplated by this Article.
- (d) The purpose of the pre-application meeting is to permit the applicant and staff to review the proposal informally and to coordinate with or request review and comment from other relevant agencies before substantial commitment of time and money is made. Topics of discussion may include, as relevant to the specific application, but are not limited to:
- (1) Characteristics of the activity, including its location or potential locations, significant natural and man-made features, with particular attention to natural hazards, resources, or other special areas; the size and accessibility of the site; surrounding development and land uses; and its potential impact on surrounding areas, including potential environmental effects and planned mitigation strategies.
 - (2) The nature of the development proposed, including land use types and their densities; placement of proposed buildings and maintenance of common open space or treatment of public use areas; the preservation of natural features; proposed parking areas and internal circulation system, including trails, the total ground coverage of paved areas and structures; and types of water and sewage treatment systems proposed.
 - (3) Community policy considerations, including the review process and likely conformity of the proposed development with the policies and requirements of these regulations.
 - (4) Applicable regulation, review procedures, and submission requirements.
 - (5) Other regulatory reviews or procedures to which the applicant is subject, the applicant's timeframe for the project, and other concerns of the applicant.
- (e) Any comments or commitments made by the Community Development Department during the pre-application conference are only preliminary in nature and should not be relied upon as assurances to the applicant. All prospective applicants should be informed that formal comments cannot be made by staff until after the application is submitted.

070.080.230. Permit application.

- (a) Any person desiring to engage in development in a designated area of state interest or to conduct a designated activity of state interest shall first apply for and obtain a permit from the Permit Authority, in the form approved and maintained by the Community Development Department. Applications for permits shall be submitted to the Community Development Department. In the event a development or activity is proposed as an integral part of a subdivision or planned unit development, it shall be the responsibility of the service provider and/or developer to comply with these regulations.
- (b) A permit application shall not be accepted unless it is complete. A request for waiver of submission requirements shall not render the application incomplete. If the application is determined to be incomplete by the Community Development Department, the Department shall specify what additional information is required. An application need not meet the submission requirements for other than the particular development alternative for which a permit is being sought in order to be considered complete. When a submitted application is determined to be

complete by the Community Development Department, it shall be noted upon the application the date and hour of its receipt.

- (c) The Permit Authority shall approve an application for a permit to develop within an area or conduct activity of state interest if the proposed development or activity complies with the applicable criteria in these regulations. If the proposed development or activity does not comply with these criteria, the permit shall be denied, or it may be approved with conditions.
- (d) When an applicant seeks a permit to engage in development in more than one (1) area of state interest and/or to conduct more than one (1) activity of state interest, a single application may be completed for all such developments or activities and may be reviewed by the Permit Authority in one (1) consolidated hearing, and, if approved, a single permit for all requested areas and/or activities may be granted.

070.080.240. Permit application fee and costs.

- (a) The permit applicant shall pay the required application fee at the time of application submittal as listed on the development review fee schedule. The fee schedule shall be established by resolution of the City Council and reviewed on an annual basis. Within ten (10) days following receipt of a completed application for a permit, the Community Development Department shall determine and set an estimated review fee in an amount necessary to cover the additional costs incurred in the review and action upon the permit application, including costs of copying, mailings, publications, labor, overhead and retention of consultants, experts, reasonable costs incurred in pre-application review, and attorneys that the Department deems necessary to advise it on the application package and all hearings conducted therefor, and shall notify the applicant in writing of the estimated review fee. The Department will determine the final fee at the conclusion of the permit hearing, which must be paid by the applicant before the permit is issued.
- (b) The Department reserves the right to waive all or a portion of the fees and costs imposed by this Article if determined to be reasonably justified by the Community Development Department Director.
- (c) In the event of any litigation challenging a permit or the Permit Authority's action on the same, each party shall initially bear its own attorneys' fees and costs and such shall automatically become a condition of any issued permit. In any such action in which the City is the prevailing party, the applicant shall be required to reimburse the City for the actual costs of its attorneys' fees and costs.

070.080.250. Submission requirements for all permit applications; waivers.

All applications for a permit under these regulations shall be submitted to the Community Development Department Director. The Director may request additional copies for review and processing purposes. Additional materials not listed may be required by the Director for a particular type of project. To the extent an applicant has prepared or submitted materials for a federal, state, or local permit, which are substantially the same as required herein, a copy of those materials may be submitted to satisfy the corresponding submission required below. The Department may waive any part, but not all, of the submission requirements imposed by these regulations upon petition of the applicant that full compliance with the submission requirements would be irrelevant or insignificant and that the submission requirements so waived would not address or disclose a substantial impact on the City or its residents. A waiver of submission requirements may be granted by the Community Development Department Director upon a written determination that the information to be submitted is sufficient for the Permit Authority to arrive at a permit decision in full compliance with the law and these regulations. In the event the waiver

request is denied, the applicant may file a written appeal of the same within five (5) days with the City Manager, whose decision on the same shall be final and non-appealable. Thereafter, the applicant shall provide the required additional information before a hearing date will be scheduled.

- (1) Cover page. Completed application cover page in the format approved and maintained by the Community Development Department.
- (2) Information describing the applicant.
 - a. The names, addresses, including email address and fax number, organizational form, and business of the applicant and, if different, the owner of the project.
 - b. The names, addresses and qualifications, including those areas of expertise and experience with projects directly related or similar to that proposed in the application package, of individuals who are or will be responsible for constructing and operating the project.
 - c. Written authorization of the application package by the project owner, if different than the applicant.
 - d. Documentation of the applicant's financial and technical capability to develop and operate the project, including a description of the applicant's experience developing and operating similar projects.
 - e. Written qualifications of report preparers.
- (3) Information describing the project proposal.
 - a. A description of the proposed facilities and site.
 - b. A description of the present or most recent use and zoning.
 - c. Vicinity map showing the proposed site, including proposed zoning designation, and the surrounding area.
 - d. Executive summary of the proposal indicating the scope and need for the project.
 - e. Plans and specifications of the project in sufficient detail to evaluate the application against the applicable review criteria.
 - f. Descriptions of alternatives to the project considered by the applicant. If the Community Development Director determines that the nature or extent of the proposal involves the potential for significant damage and warrants examination of other specific, less damaging alternatives, the Community Development Director may require the applicant to evaluate and present information on such additional alternatives as part of the application.
 - g. Schedules for designing, permitting, constructing and operating the project, including the estimated life of the project.
 - h. The need for the project, including a discussion of alternatives to the project that were considered and rejected; existing/proposed facilities that perform the same or related function; and population projections or growth trends that form the basis of demand projections justifying the project.
 - i. Description of relevant conservation techniques to be used in the construction and operation of the project.

- j. Description of demands that this project expects to meet and basis for projections of that demand.
 - k. List of adjacent property owners and their mailing addresses.
- (4) Scope of proposed project relevant to specific designated area and/or activity.
- a. Domestic water or sewage treatment systems and/or major extensions thereof.
 - 1. Detailed plans of the proposal, including not less than thirty percent (30%) engineering plans and specifications prepared by a registered professional engineer, and proposed system capacity and service area plans mapped at a scale acceptable to the Department.
 - 2. A description of all existing or approved proposed domestic water or sewage treatment systems within the proposed project area.
 - 3. A description the design capacity of each domestic water or sewage treatment system facility proposed and the distribution or collection network proposed in the proposed project area.
 - 4. A description the excess capacity of each treatment system and distribution or collection network in the affected community or proposed project area.
 - 5. A description the operational efficiency of each existing system in the proposed project area, including the age, state of repair, and level of treatment.
 - 6. A description the existing water utilization, including the historic yield from rights and use by category such as agricultural, municipal, and industrial supply obligations to other systems.
 - 7. A description of any impacts to the City's water resources used to serve the City's water service area.
 - b. Major facilities of a public utility.
 - 1. Specifications of approximate floor space of any office building, storage facility, or other enclosed structure.
 - 2. Voltage and length of transmission lines.
 - 3. The power source and generating capacity.
 - 4. The function and size of any substation.
 - 5. The diameter and length of any gas pipeline.
 - 6. The capacity of storage tanks, and type of petroleum derivative to be stored.
 - 7. The proposed service area.
 - 8. The resource area (e.g. source of power being generated or transmitted, source of petroleum derivative being transported).
 - 9. A computer modeled electromagnetic field measurement within the proposed transmission line easement for that portion of the transmission line between substations or transition sites.
 - 10. Measures taken to comply with the concept of prudent avoidance with respect to planning, siting, construction, and operation of transmission lines, which may be those

steps taken to comply with CCR 723-3 § 3206(9)(b) or similar authority, for projects where other similar authority is applicable.

11. Any impacts to vegetation and wildlife in the City.
 12. Possible alternatives to underground transmission lines associated with the facility.
 13. Visuals demonstrating impact to scenic resources.
- c. Efficient utilization of municipal and industrial water projects.
1. A description of efficient water use, recycling and reuse technology intended for the project. Such description shall include estimated stream transit losses of water, reservoir evaporation losses, and power and energy requirements of the project and project alternatives.
 2. Map and description of other municipal and industrial water projects in the City and vicinity, including capacity and service levels, location of intake and discharge points, debt structure, fees and rates, and service plan boundaries.
 3. A description of the water to be used, including the applicant's right to use the water, adjudicated decrees or determinations, quantity, and comments from reviewing authorities.
- d. Development in areas containing, or having a significant impact upon, historical, natural, or archaeological resources of statewide importance.
1. A description of the existing natural environment and an analysis of the impacts of the project on the natural environment and natural resources, including water resources, wildlife, and air quality, to include maps and engineering analyses regarding the surface water quality, groundwater quality, water quantity, flood lands, wetlands, and riparian areas.
 2. A description of proposals to mitigate any impact to the natural environment and natural resources, including to the watershed, wildlife, or air quality.
 3. A description of the existing historical and archaeological resources in the proposed project area and a description of proposals to mitigate any impact to the existing historical and archaeological resources.
- e. Development in areas around key facilities in which development may have a material effect upon the key facility or the surrounding community.
1. A description of the existing key facilities and an analysis of the impacts of the project on the key facilities and the surrounding community to include maps showing the key facilities and including traffic and use studies.
 2. A description of proposals to mitigate the impact on the key facilities and surrounding communities.
- (5) Proof of notice as provided under Section 070.080.280.
- (6) Comments of other agencies. Any commentary received by other agencies with review authority over the proposal, including, without limitation, the state Department of Natural Resources, the state Department of Public Health and Environment, and any other federal, state, or local agency.
- (7) Demonstration of need.

- a. Population trends for the project area, including present population, population growth, and growth rates document the sources used.
 - b. The predominant types of developments to be served by the proposed new systems and/or facilities or extensions thereof.
 - c. The percentage of design capacity at which the current system is now operating.
 - d. A description of conditions and projections that prohibit present facilities from being upgraded to adequately accommodate increased demand.
 - e. Potential alternatives.
- (8) Property rights, other permits, and approvals.
- a. Description of property rights that are necessary for or that will be affected by the project, including easements and property rights proposed to be acquired through negotiation or condemnation.
 - b. A list of all other federal, state, and local permits and approvals that will be required for the project, together with any proposal for coordinating these approvals with the City permitting process. Copies of any permits or approvals related to the project that have been granted.
 - c. Copies of relevant official federal and state consultation correspondence prepared for the project; a description of all mitigation required by federal, state, and local authorities; and copies of any draft or final environmental assessments or impact statements required for the project.
 - d. Details of the source and rights for the water supplies for the system, including any permits, decrees, or contracts for such rights, or the application submitted for change of water rights, appropriation of water, or augmentation plans.
 - e. Proof of ownership or a contractual right to develop the property.
- (9) Land use.
- a. Provide a map at a scale relevant to the project and acceptable to the Community Development Department describing existing land uses and existing zoning of the proposed project area and the project service area, including peripheral lands which may be impacted. The land use map shall include but need not necessarily be limited to the following categories: residential, commercial, industrial, extractive, transportation, communication and utility, institutional, open space, outdoor recreation, agricultural, forest land and water bodies. Show all special districts (school, fire, water, sanitation, etc.) within the project area.
 - b. All immediately affected public land boundaries should be indicated on the map. Potential impacts of the proposed development upon public lands will be visually illustrated on the map as well as described in the text.
 - c. Specify whether and how the proposed project conforms to the Comprehensive Plan.
 - d. Specify whether and how the proposed project conforms to applicable regional and state planning policies.
 - e. Specify whether and how the proposed project conforms to applicable federal land management policies.

- f. Specify how the proposed project will utilize existing easements or right-of-way to achieve project objectives.
 - g. If relevant to the project design, describe the agricultural productivity capability of the land in the project area, using Soils Conservation Service soils classification data.
 - h. Describe the probability that the project may be significantly affected by earthquakes, floods, fires, snow, slides, avalanches, rockslides or landslides and any measures that will be taken to reduce the impact of such events upon the project.
 - i. Specify if excess service capabilities created by the proposed project will prove likely to generate sprawl or strip development.
 - j. Specify whether the demand for the project is associated with development within or contiguous to existing service areas.
- (10) The Community Development Department Director may require submission of any plan, study, survey, or other information, in addition to the information required by this Section, at the applicant's expense, as in the Director's judgment is necessary to enable it to review and act upon the application.
- (11) Any application which requires compliance with Section 24-65.5-101, et seq., C.R.S. (Notification to Mineral Owners of Surface Development), shall not be considered to have been submitted as complete until the applicant has provided a certification signed by the applicant confirming that the applicant or its agent has examined the records of the County Clerk and Recorder for the existence of any mineral estate owners or lessees that own less than full fee title in the property which is the subject of the application, and stating whether or not any such mineral estate owners or lessees exist. In addition, for purposes of the City convening its initial public hearing on any application involving property which mineral estate owners or lessees owning less than full fee title in the property have been certified by the applicant to exist, the application shall not be considered to have been submitted as complete until the applicant has provided an additional signed certification confirming that the applicant has, at least thirty (30) days prior to the initial public hearing, transmitted to the City and to the affected mineral estate owners and lessees the notices required by Section 24-65.5-101, et seq., C.R.S.
- (12) Projected development schedule.
- a. An estimate of the maximum number of employees, number of shifts and employees per shift during the following phases: construction, operation, and maintenance.
 - b. Information regarding any future phases or extensions of the facility and relationship of the facility (if currently foreseen) to larger programs and plans.
 - c. A timetable for planning (e.g., federal permits, state permits, local zoning, etc.).
 - d. An estimate beginning and completion of construction and beginning of operation of facility or system.
 - e. A description of any support facilities (e.g. pollution control parking areas, landscaping, etc.) to be provided.
 - f. A description of any feasible "non-structural" alternatives to meet the objectives of the proposed site selection and construction.
- (13) Financial information.

- a. Relevant bond issue, loan and other financing approvals or certifications (ex: approved bond issues; bond counsel opinion).
 - b. A description of the intended financial/economic impacts on the proposed project on the City and surrounding area.
 - c. Business plan that generally describes the financial feasibility of the project.
 - d. A plan to offset increased demand on the City's existing facilities, systems, or public utilities.
- (14) Local infrastructure and services impacts. An impact analysis that addresses the manner in which the applicant will comply with the relevant permit application review criteria. The impact analysis shall include the following information: description of existing capacity of and demand for local government services including but not limited to roads, schools, water and wastewater treatment, water supply, emergency services, transportation, infrastructure, and other services necessary to accommodate the project within the City.
- (15) Recreational opportunities. Description of the impacts and net effect of the project on present and potential recreational opportunities.
- (16) Social impacts. A description of other intended social impacts of the proposed project, including, by way of illustration, increased access to relevant services.
- (17) Areas of paleontological, historic, or archaeological importance. Description of the impacts and net effect of the project on sites of paleontological, historic, or archaeological interest.
- (18) Nuisance. Descriptions of noise, glare, dust, fumes, vibration, and odor levels anticipated to be caused by the project.
- (19) Air quality. Description of the impacts and net effect that the project would have on air quality during both construction and operation, and under both average and worst case conditions, considering particulate matter and aerosols, oxides, hydrocarbons, oxidants, and other chemicals, temperature effects and atmospheric interactions.
- (20) Visual quality. Description of the impacts and net effect that the project would have on visual quality, considering viewsheds, scenic vistas, unique landscapes or land formations within view of the project area.
- (21) Surface water quality.
- a. Map and/or description of all surface waters relevant to the project, including description of provisions of Region XII's regional water quality management plan, and NPDES Phase II Permit and necessary Erosion and Stormwater Quality Control Permit ("ESQCP"), Section 404 Federal Clean Water Act Permit that applies to the project and assessment of whether the project would comply with those provisions.
 - b. Existing data monitoring sources.
 - c. Descriptions of the immediate and long-term impact and net effects that the project would have on the quantity and quality of surface water under both average and worst-case conditions.
- (22) Groundwater quality.
- a. Map and/or description of all groundwater, including any and all aquifers relevant to the project. At a minimum, the description should include:

1. Seasonal water levels in each portion of the aquifer affected by the project.
 2. Artesian pressure in said aquifers.
 3. Groundwater flow directions and levels.
 4. Existing aquifer recharge rates and methodology used to calculate recharge to the aquifer from any recharge sources.
 5. For aquifers to be used as part of a water storage system, methodology and results of tests used to determine the ability of the aquifer to impound groundwater and aquifer storage capacity.
 6. Seepage losses expected at any subsurface dam and at stream-aquifer interfaces and methodology used to calculate seepage losses in the affected streams, including description and location of measuring devices.
 7. Existing groundwater quality and classification.
 8. Location of all water wells potentially affected by the project and their uses.
- b. Description of the impacts and net effect of the project on groundwater.

(23) Water quantity.

- a. Map and/or description of existing stream flows and reservoir levels relevant to the project.
- b. Map and/or description of existing minimum stream flows held by the state Water Conservation Board.
- c. Descriptions of the impacts and net effect that the project would have on water quantity.
- d. Statement of methods for efficient utilization of water, including recycling and reuse.
- e. Descriptions on the impacts to riparian vegetation and fisheries.

(24) Floodplains, wetlands, and riparian areas; terrestrial and aquatic animals, plant life, and habitat. Applicant shall only provide description of foregoing natural conditions, animal and plant life at, but not to exceed, the level of detail required by other federal or state permits or reviews which are applicable to the project.

(25) Soils, geologic conditions, and natural hazards.

- a. Map and/or description of soils, geologic conditions, and natural hazards including but not limited to soil types, drainage areas, slopes, avalanche areas, debris fans, mud flows, rock slide areas, faults and fissures, seismic history, and wildfire hazard areas, all as relevant to the project area.
- b. Descriptions of the risks to the project from natural hazards.
- c. Descriptions of the impacts and net effect of the project on soil and geologic conditions in the area.

(26) Hazardous materials.

- a. Description of all solid waste, hazardous waste, petroleum products, hazardous, toxic, and explosive substances to be used, stored, transported, disturbed or produced in connection with the project, including the type and amount of such substances, their location, and the practices and procedures to be implemented to avoid accidental release and exposure.

- b. Location of storage areas designated for equipment, fuel, lubricants, and chemical and waste storage with an explanation of spill containment plans and structures.

(27) Monitoring and mitigation plan.

- a. Description of all mitigation that is proposed to avoid, minimize or compensate for adverse impacts of the project and to maximize positive impacts of the project.
 - 1. Describe how and when mitigation will be implemented and financed.
 - 2. Describe impacts that are unavoidable that cannot be mitigated.
- b. Description of methodology used to measure impacts of the project and effectiveness of proposed mitigation measures.
- c. Description, location, and intervals of proposed monitoring to ensure that mitigation will be effective.
- d. Emergency procedures to be used in the event of a fire, explosion, or other event which may endanger the public health, safety, and welfare.

(28) Additional information. The Community Development Department Director may request that the applicant supply additional information related to the project if the Director and/or the Permit Authority will not be able to make a determination on any one of the applicable review criteria without the additional information. Such additional information may include applicant's written responses to comments by a referral agency.

070.080.260. Simultaneous processing of other City permits.

In the event a special use permit, rezoning, or other land use permit is required under Title 070 of this Code for a proposed activity which is also governed by these regulations, review of the required permit under these regulations shall be combined with review of the other permit application pursuant to the following procedure:

- (1) The submission requirements for a special use permit, rezoning, or other land use permit as established by the Community Development Department Director shall be combined with those for the relevant permit under these regulations and duplication eliminated.
- (2) The Planning Commission hearing if required by Title 070 of this Code for a special use permit, rezoning, or other land use permit shall incorporate review of the relevant permit under these regulations and precede the City Council hearing. In such instances, the Planning Commission shall make a recommendation to the City Council to approve or deny a permit under these regulations as a separate item and may include additional comments for the City Council's consideration.
- (3) The City Council hearing on the special use permit, rezoning, or other land use permit may be combined with the City Council hearing on the relevant permit under these regulations.
- (4) At the close of the combined hearing, the City Council shall act first on the special use permit, rezoning, or other land use permit application, and either approve, approve with conditions or deny the same, as contemplated by Title 070 of this Code.
- (5) In the event the City Council approves the special use permit, rezoning, or other land use permit application, with or without conditions, the City Council then shall proceed to take action on the application for the relevant permit under these regulations.

- (6) Subsequent to approval of a special use permit, rezoning, or other land use permit under this combined procedure, the permit holder shall, if required by the terms of the special use permit, rezoning, or other land use permit, apply for renewals of the same in the manner prescribed by Title 070 of this Code.

070.080.270. Referral departments and agencies.

The Community Development Department may, in the discretion of the Director, refer any pre-application and/or permit application submittal to any other City department and/or outside review agency. Copies of any such referral comments received shall be promptly forwarded to the applicant for response.

070.080.280. Permit hearing.

Not later than thirty (30) days After submission of a completed application for a permit, the Community Development Department Director shall set the date, time, and place for hearing(s) on said application, and shall publish notice(s) of such date, time and place for hearing(s) and any required separate hearing on any requested waiver of submission requirements. The notice of the public hearing shall be published once in a newspaper of general circulation in the City, not less than thirty (30) nor more than sixty (60) days before the date set for hearing and shall also be given to other persons and entities in the same manner as set forth for the notice of a designation hearing in Section 070.080.120. On or before fifteen (15) days prior to the hearing, the applicant shall send a copy of the notice by U.S. Mail, first class postage prepaid, to all property owners within 200 feet of the real property to be occupied or impacted by the project. The applicant shall also provide to the Director a list of such addressees accompanied by a certification that the notice was mailed to them.

070.080.290. Conduct of permit hearing.

- (a) The Permit Authority shall conduct the public hearing pursuant to the rules and procedures generally applicable to City Council meetings, affording procedural and substantive due process to the applicant, the general public, supporters of the project, and any person who opposes issuance of the permit.
- (b) The Permit Authority shall hear testimony and receive evidence, including:
 - (1) The recommendations of the Planning Commission, if any;
 - (2) Relevant testimony and evidence from any and all persons or organizations desiring to appear and be heard, including City staff; and
 - (3) Any relevant documents that may be offered into evidence.
- (c) The Community Development Department shall arrange for preservation of the record of the public hearing in accordance with the City's Records Retention Schedule.
- (d) In cases in which the development or activity must also obtain approvals under other City regulations, the permit hearing required by these regulations may be held at the same time as the final hearing required for such applications.

070.080.300. Action by the Permit Authority.

- (a) If the Permit Authority finds that there is not sufficient information concerning any material feature of a proposed development or activity, it may deny the application or it may continue the hearing until the additional information has been received; however, no such continuance may exceed forty-five (45) days after such receipt unless agreed to by the applicant.

- (b) The Permit Authority shall approve an application for a permit to engage in development in an area of state interest or for the conduct of an activity of state interest if the proposed project or activity complies with all of the provisions of these regulations governing such area or activity. The Permit Authority may attach reasonable conditions to its approval to ensure compliance with these regulations. If the proposed project does not comply with these regulations governing the area or activity, the permit shall be denied or may be approved with conditions.
- (c) The burden of proof shall be upon the applicant to show compliance with the provisions of these regulations governing the area or activity of state interest involved.
- (d) The Permit Authority shall state, in writing, reasons for its decision on a permit application, and its findings and conclusions.
- (e) The Permit Authority shall reach a decision on a permit application within sixty (60) days after the completion of the permit hearing, or the permit shall be deemed approved.

070.080.310. Combined designation and permit hearing.

If a person proposes to engage in a development in an area of state interest or to conduct an activity of state interest not previously designated, or for which regulations have not been adopted, and has submitted a land use application, in lieu of processing such application, the Permit Authority may decide to hold one (1) hearing for determination of designation and regulation, as well as for granting or denying the permit. No permit that is granted at the conclusion of any such hearing shall be authority to engage in development or to conduct an activity until the designation and regulations are finally determined.

070.080.320. Review criteria for all applications.

All applications under these regulations shall be evaluated against the following general criteria. Each subsection below constitutes a "criterion". Within each subsection are further guidelines to be considered for each criterion. Where such terms as "reasonable," "feasible" and "adequate" are used in the foregoing criteria, the Community Development Department Director and/or the Permit Authority shall determine in each case what is or is not reasonable, feasible, or adequate.

- (1) The health, welfare, and safety of the residents of this City will be protected and served.
- (2) The project is in general conformance with the Comprehensive Plan and other duly adopted plans and permit criteria. The determination of conformance of the project with these plans may include but is not limited to the following considerations:
 - a. Likelihood that the project will/will not cause or contribute to urban sprawl or "leapfrog" development.
 - b. Likelihood that the project will promote growth within existing municipalities or developed areas with the preexisting institutional capacity to maintain infrastructure and provide services to the anticipated development.
 - c. Significant changes in the amount of impervious surfaces.
 - d. Contiguity of development associated with the project to existing growth centers.
 - e. Changes to unique land forms.
 - f. Changes in the amount or character of open space.
 - g. Changes to traffic patterns, road capacity and congestion.

- (3) The project is financially feasible. The determination of financial feasibility of the project may include but is not limited to the following considerations:
 - a. The business plan submitted by the applicant.
 - b. Relevant bond issue, loan and other financing approval or certifications (ex: approved bond issue; bond counsel opinion).
- (4) The project is not subject to significant risk from natural hazards. The determination of risk from natural hazards to the project may include but is not limited to the following considerations:
 - a. Faults and fissures.
 - b. Unstable slopes including landslides, rock slides, and avalanche areas.
 - c. Expansive or evaporative soils and risk of subsidence.
 - d. Wildfire hazard areas.
 - e. Floodplains.
- (5) The project will not have a significant adverse effect on the capability of local governments affected by the project to provide local infrastructure and services, or exceed the capacity of service delivery systems. The determination of the effects of the project on local government services and infrastructure may include but is not limited to the following considerations:
 - a. Current and projected capacity of roads, schools, infrastructure, drainage and/or stormwater infrastructure, housing, recreational facilities, emergency services, and other services necessary to accommodate development, and the impact of the project upon the current and projected capacity.
 - b. Changes caused by the project in the cost of providing education, transportation networks, water treatment and wastewater treatment, stormwater drainage, channel stabilization, recreation facilities, bridges, emergency services, or other governmental services or facilities.
 - c. Need for temporary roads to access the project for construction and maintenance.
 - d. Change in demand for public transportation.
- (6) The project will not have a significant adverse effect on the quality or quantity of recreational opportunities and experience. The determination of effects of the project on recreational opportunities and experience may include but is not limited to the following considerations:
 - a. Changes to existing and projected visitor days.
 - b. Changes in quality and quantity of fisheries.
 - c. Changes in instream flows or reservoir levels.
 - d. Changes in access to recreational resources.
 - e. Changes to quality and quantity of hiking, biking, or horseback riding trails.
 - f. Changes to hunting experiences.
 - g. Changes to open space.
 - h. Changes to existing conservation easements.

- i. Changes to regional or neighborhood parks.
 - j. Changes to recreational scenic experience.
- (7) The project will not significantly degrade air quality. The determination of effects of the project on air quality may include but is not limited to the following considerations:
- a. Changes in visibility and microclimates.
 - b. Applicable air quality standards.
- (8) The project will not significantly degrade existing visual quality. The determination of visual effects of the project may include but is not limited to the following considerations:
- a. Visual changes to ground cover and vegetation, waterfalls and streams, or other natural features.
 - b. Interference with viewsheds and scenic vistas.
 - c. Changes in landscape character types of unique land formations.
 - d. Compatibility of structure size and color with scenic vistas and view sheds.
 - e. Changes to open space.
 - f. Changes to existing conservation easements.
 - g. Changes to impacts to regional or neighborhood parks.
- (9) The project will not significantly degrade surface water quality. The determination of effects of the project on surface water quality may include but is not limited to the following considerations:
- a. Changes to existing water quality, including patterns of water circulation, temperature, conditions of the substrate, extent and persistence of suspended particulates and clarity, odor, color or taste of water.
 - b. Applicable narrative and numeric water quality standards.
 - c. Changes in point and nonpoint source pollution loads.
 - d. Increase in erosion.
 - e. Changes in sediment loading to waterbodies.
 - f. Changes in stream channel or shoreline stability.
 - g. Changes in stormwater runoff flows.
 - h. Changes in trophic status or in eutrophication rates in lakes and reservoirs.
 - i. Changes in the capacity or functioning of streams, lakes, or reservoirs.
 - j. Changes to the topography, natural drainage patterns, soil morphology and productivity, soil erosion potential, and floodplains.
 - k. Changes to stream sedimentation, geomorphology, and channel stability.
 - l. Changes to lake and reservoir bank stability and sedimentation, and safety of existing reservoirs.

- (10) The project will not significantly degrade groundwater quality. The determination of effects of the project on groundwater quality may include but is not limited to the following considerations:
- a. Changes in aquifer recharge rates, groundwater levels and aquifer capacity including seepage losses through aquifer boundaries and at aquifer-stream interfaces.
 - b. Changes in capacity and function of wells within the impact area.
 - c. Changes in quality of well water within the impact area.
- (11) The project will not significantly degrade wetlands and riparian areas, terrestrial or aquatic plant or animal life. The determination of effects of the project on these areas shall include the considerations raised in the applicable federal and/or state permits.
- (12) The project will not significantly deteriorate soils and geologic conditions. The determination of effects of the project on soils and geologic conditions may include but is not limited to the following considerations:
- a. Loss of topsoil due to wind or water forces.
 - b. Changes in soil erodibility.
 - c. Physical or chemical soil deterioration.
 - d. Terrain deformation/mass wasting/subsidence.
 - e. Compacting, sealing and crusting.
 - f. Waterlogging.
 - g. Soil morphology and productivity.
- (13) The project will not cause a nuisance. The determination of nuisance effects of the project may include but is not limited to the following considerations: increase in odors, dust, fumes, glare, heat, noise, vibration or artificial light.
- (14) The project will not result in unreasonable risk of releases of hazardous materials. The determination of the risk of release of hazardous materials caused by project may include but is not limited to the following considerations:
- a. Plans for compliance with federal and state handling, storage, disposal, and transportation requirements.
 - b. Use of waste minimization techniques.
 - c. Adequacy of spill prevention and response plans.
- (15) Urban development, population densities, and site layout and design of storm water and sanitation systems shall be accomplished in a manner that will prevent the pollution of aquifer recharge areas. The determination of potential for pollution of the aquifer recharge areas by the project may include but is not limited to the following considerations:
- a. Proximity of urban development and population densities to aquifer recharge areas.
 - b. Proximity of stormwater and sanitation systems to aquifer recharge areas.
 - c. Changes in water quality in the aquifer recharge areas.
- (16) The project shall be reasonably necessary to meet projected community development and population demands in the areas to be served by the project, or to comply with regulatory or

technological requirements. The determination of whether the project is reasonably necessary may include but is not limited to the following considerations:

- a. Relationship to reasonable growth projections and local land use plans.
 - b. Relationship to other providers' service areas.
 - c. Whether the project is not in compliance with regulatory or technological requirements or will not be in compliance in the near future.
- (17) The project shall be constructed in areas which will result in the proper utilization of existing facilities or systems to ensure the orderly and sustainable development of infrastructure in the City and adjacent communities, including the following considerations:
- a. Site selection and construction will not create or encourage growth and development which is incompatible with and cannot be accommodate by the local financial capacity of the area or residents to be served.
 - b. New systems will not overburden existing systems and current and future demand for services can be met within existing and proposed capacity.
 - c. The project will not create proliferation of special districts or overlapping of special districts with the boundaries of other special districts or municipalities.
 - d. The project is the best alternative for the provision of services to the geographical area serviced.
 - e. To the extent feasible, facilities and systems shall be consolidated with existing facilities and systems in the area.
 - f. The project will not result in duplicative services or excessive capacity.
 - g. The project will be administered so as to minimize disruption of utility services and preserve desirable existing community patterns.
- (18) Economic impacts including, but not limited to, taxable property, licensed and permitted facilities, and recreation related to the proposed project have been identified and will be compensated for or mitigated.
- (19) The project shall emphasize the most efficient use of water, including the recycling, reuse, and conservation of water, including the following considerations:
- a. Whether the project uses readily available conservation techniques.
 - b. Whether the project recycles water to the greatest extent permissible.
 - c. Whether the project will use raw water for exterior or irrigation use if available.

070.080.330. Special review criteria for major extensions of water and sewage treatment systems.

- (a) No permit shall issue for a project related to major extensions of a water or sewage treatment system unless it contains conditions tailored to mitigate the environmental, infrastructure, and financial impacts to the City described in subsection (b) below. Conditional permits shall issue at the discretion of the Permit Authority, pursuant to Section 360 of this Article.
- (b) Applications for a project related to major extensions of water and sewage treatment systems shall be subject to the following mandatory special review criteria.

- (1) The project will not contribute to adverse impacts to the City's financial ability to provide adequately maintained infrastructure and community services, including but not limited to:
 - a. Roads.
 - b. Sidewalks and non-motorized trails.
 - c. Parks and recreation facilities.
 - d. Emergency services.
 - e. Code enforcement.
- (2) The project will not contribute to adverse impacts to the City's environmental conditions or natural resources, including but not limited to:
 - a. Sedimentation of waterways.
 - b. Ambient air quality.
 - c. Wildlife.
 - d. Open space.
- (3) The project will not contribute to adverse impacts or decrease in quality of service, without proper mitigation, to:
 - a. Roads.
 - b. Public transportation.
 - c. Recreation facilities.

070.080.340. Special review criteria for site selection and construction of major facilities of a public utility.

- (a) No permit shall issue for a project related to the site selection and construction of major facilities of a public utility unless it contains conditions tailored to mitigate the environmental, infrastructure, and financial impacts to the City described in subsection (b) below. Conditional permits shall issue at the discretion of the Permit Authority, pursuant to Section 360 of this Article.
- (b) Applications for a project related to the site selection and construction of major facilities of a public utility shall be subject to the following mandatory special review criteria.
 - (1) The project will not increase the potential for fires and wildfires.
 - (2) The project will not conflict with any local, regional, or state comprehensive plans.

070.080.350. Special review criteria for areas around key facilities.

- (a) No permit shall issue for a project related to areas around designated key facilities in which development may have a material impact upon the key facility or surrounding community unless it contains conditions tailored to mitigate the environmental, infrastructure, and financial impacts to the City described in subsection (b) below. Conditional permits shall issue at the discretion of the Permit Authority, pursuant to Section 360 of this Article.
- (b) Applications for a project related to areas around designated key facilities in which development may have a material impact upon the key facility or surrounding community shall be subject to the following mandatory special review criteria.

- (1) The project will encourage the smooth flow of motorized and nonmotorized traffic.
- (2) The project will foster the development of such areas in a manner calculated to preserve the smooth flow of such traffic.
- (3) The project will preserve desirable existing community patterns.

070.080.360. Permit issuance; conditions.

The permit shall be issued on the form prescribed by the Community Development Department Director and adopted by the Permit Authority. The Permit Authority may attach any conditions to the permit to ensure that the requirements of these regulations are continuously met. The Permit Authority may impose additional mitigation requirements and conditions on an applicant under the following procedure:

- (1) The Permit Authority shall make written findings that each such requirement and condition is necessary to ensure that the proposed project will not result in significant adverse net effect on the resources, values and conditions in the applicable chapter of these regulations.
- (2) The Permit Authority shall also find in writing that each such requirement and condition is necessitated by the proposed project.
- (3) All such findings shall be based on material in the administrative record.
- (4) The Permit Authority shall base the additional requirements and conditions on applicable design standards as adopted by the City to the extent that such standards then exist.

070.080.370. Term of permit; progress reports.

The permit may be issued for an indefinite term or for a specific period of time, depending upon the size and complexity of the project. Periodic progress reports may be required to be submitted to demonstrate that the applicant is completing the development with reasonable diligence. If the applicant fails to take substantial steps to initiate the permitted project within twelve (12) months from the date of the permit or such other time period specified in the permit, if such steps have been taken but the applicant has failed to complete the development with reasonable diligence, then the permit may be revoked or suspended in accordance with Section 070.080.430.

070.080.380. Renewal.

Permits issued under these regulations may be renewed following the same procedure for approval of the initial permit. The Permit Authority or the Community Development Department Director, as appropriate, may impose additional conditions at the time of renewal if necessary to ensure that the project will comply with these regulations.

070.080.390. Permit amendment.

- (a) Any material change, as determined by the Community Development Department Director, in the construction, use, or operation of a project from that initially approved shall require a permit amendment. The amendment shall be processed in accordance with and subject to the same procedures and requirements set forth herein for a new permit.
- (b) A government-sponsored project providing a public utility service, e.g. water, wastewater, gas or electric, shall not be subject to this provision with respect to future operations to the extent such operations utilize existing infrastructure for which a permit under these regulations has been obtained, and which are consistent with the originally intended scope and use of that

infrastructure for which a permit has been obtained, subject to any limitations or conditions to the contrary contained in the original permit.

070.080.400. Permit administration, enforcement, and inspection.

The provisions of these regulations and any permits issued hereunder shall be administered, enforced, and inspected in accordance with the provisions of this Article.

070.080.410. Transfer of permits.

A permit may be transferred unless a permit condition requires consent of the Permit Authority. The Permit Authority must ensure, in approving any transfer, that the proposed transferee can and will comply with all the requirements, terms, and conditions contained in the permit and these regulations; that such requirements, terms, and conditions remain sufficient to protect the health, welfare, and safety of the public; and that an adequate guarantee of financial security can be made.

070.080.420. Financial security.

- (a) Before any permit is issued, the Permit Authority may in its discretion require the applicant to file a guarantee of financial security deemed adequate by the Permit Authority and payable to the City.
- (b) The types of collateral which may be used as security are as follows:
 - (1) Performance or property bonds.
 - (2) Private or public escrow agreements.
 - (3) Letters of credit.
 - (4) Deposits of certified funds.
 - (5) Other similar surety agreements.
 - (6) Other agreements or contracts setting forth the plan, method, and parties responsible for the project which the City deems sufficient.
- (c) The purpose of the financial security shall be to assure that all requirements of the permit for mitigation and site remediation are adequately guaranteed.
- (d) The amount of the financial security shall be established by the Permit Authority upon consideration of the following criteria:
 - (1) The estimated cost of returning the site of the permitted development or activity to its original condition or to a condition acceptable to the Permit Authority in accordance with standards adopted by the Permit Authority for the matter of state interest for which the permit is being granted; and
 - (2) The estimated cost of complying with the mitigation requirements of the permit.
 - (3) Other financial security provided by the applicant in connection with the same project.
- (e) Estimated cost shall be based on the applicant's submitted cost estimate plus the Permit Authority's estimate of the additional cost to bring in personnel and equipment to accomplish any unperformed purposes of the financial guarantee. The Permit Authority shall consider the duration of the development or activity and compute a reasonable projection of cost increases due to inflation.

- (f) The Permit Authority may require that all or a portion of the amount of the financial guarantee shall be in cash deposited with the City and placed in an interest-bearing account. Any interest earned shall be deemed additional security and returned to the applicant in the same manner as the original deposit.
- (g) The financial guarantee may be released only when:
 - (1) The permit has been surrendered to the Permit Authority before commencement of any physical activity on the site of the permitted development or activity;
 - (2) The development or activity has been abandoned and the site thereof has been returned to its original condition or to a condition acceptable to the Permit Authority in accordance with standards adopted by the Permit Authority for the matter of state interest for which the permit was granted; or
 - (3) The mitigation requirements have been satisfactorily completed.
- (h) Any security may be cancelled or reduced by a surety only upon receipt of the Permit Authority's written consent which may be granted only when such cancellation or reduction will not detract from the purposes of the security.
- (i) If the license to do business in the state of any surety upon a security filed pursuant to these regulations is suspended or revoked by any state or federal authority, then the applicant or permit holder, within ten (10) days after receiving notice thereof, shall substitute a good and sufficient surety licensed to do business in the state. Upon failure of the permittee to make substitution of surety within the time allowed, the Permit Authority shall suspend the permit until proper substitution has been made.
- (j) If the Permit Authority determines that a financial guarantee should be forfeited or acted upon because of any violation of the permit, it shall direct the City Manager to take all steps necessary to do so and provide written notice to the surety and to the permit holder that the financial guarantee of such action. The Permit Authority shall, in such written notice, inform the permit holder that it has the right to make a written demand to the Permit Authority within ten (10) days of the action taken to hold a hearing thereon.
- (k) The Permit Authority shall hold a hearing within thirty-five (35) days after the receipt of the demand by the permit holder. At the hearing, the permit holder may present statements, documents, and other information with respect to the alleged violation. At the conclusion of the hearing, the Permit Authority shall either withdraw the notice of violation or enter an order forfeiting the financial guarantee.
- (l) The cash deposit described in Subsection (f) above may be used by the City in the event of the default or alleged default of the permit holder only for the purposes of recovering on the surety or fulfilling the permit obligations of the permit holder. The City may arrange with a lending institution which provides money for the permit holder that said institution may hold in escrow any funds required for said cash deposit. Funds shall be disbursed out of escrow by the institution to the City upon its demand for the purposes specified in this Section.
- (m) If the forfeiture results in inadequate revenue to cover the costs of accomplishing the purposes of the financial guarantee, the City Attorney is hereby authorized to take such steps as deemed proper to recover such costs, including, without limitation, perfecting a lien upon any real property in the City owned by the permit holder, by certifying such costs to the County Treasurer for collection in the same manner as real property taxes or by civil action.

- (n) Upon request, the Permit Authority may, in its sole and exclusive discretion, waive all or any portion of the financial security requirements.
- (o) The City Attorney shall have authority to approve the form of security presented.

070.080.430. Revocation or suspension of permits.

- (a) In the event the Community Development Department has reason to believe that the condition imposed on the permit has been violated by the permit holder, the Community Development Department Director may temporarily suspend the permit for a period of thirty (30) days. Before imposing such a temporary suspension, the Community Development Department Director shall give the permit holder written notice of the specific violation and shall allow the permit holder a period of at least ten (10) days to correct the violation. If the permit holder does not concur that there is a violation, the permit holder shall, within ten (10) days of the date of such notice, demonstrate to the Community Development Department Director why temporary suspension should not be ordered. Within ten (10) days thereafter, the Community Development Department Director shall make a decision, as follows:
 - (1) If the Community Development Department Director determines there is no permit violation, the matter is closed and the permit remains in effect.
 - (2) If the Community Development Department Director finds a violation exists, the permit shall be suspended for thirty (30) days. During such period, the permit holder shall either:
 - a. Correct the violation;
 - b. Request an extension of time to correct the violation, or
 - c. Request a show cause hearing before the Permit Authority, which shall be conducted in substantially the manner set forth in Sections 070.080.120 and 070.080.280.
 - (3) The Community Development Department Director may extend the time period for the correction of a violation upon the request of the permit holder.
- (b) In lieu of, or subsequent to a temporary suspension, the Permit Authority may permanently revoke or suspend the permit after conducting a public hearing in substantially the same manner and after substantially the same notice as for other permit hearings required under this Article, and if it finds:
 - (1) A violation of any provision or condition of approval of the permit or applicable regulation for administration of the matter of state interest concerned; or
 - (2) The permit holder has failed to take substantial steps to initiate the permitted development or activity within twelve (12) months from the date of the permit, or, if such steps have been taken, the permit holder has failed to complete the development or activity or any condition of permit approval with reasonable diligence. "Substantial steps" do not require construction activity and may include, among other things, legal or administrative proceedings and activities directly associated with the permittee's project. An extension of the time within which substantial steps to initiate the permitted development or activity need be taken may be granted by the Permit Authority upon the request of the applicant and a showing of good cause therefore.
 - (3) Upon good cause shown, any revoked or suspended permit may be reinstated by the Permit Authority, within twelve (12) months after revocation or suspension.

070.080.440. Annual review.

- (a) Within thirty (30) days prior to each annual anniversary date of the granting of a permit the permittee shall submit a report to the Community Development Department containing a summary of past activities conducted by the permittee pursuant to the permit including a satisfactory showing that the permittee has complied with all conditions of the permit and applicable regulations. The permittee need not inform of activities, such as operational changes, which are not the subject of a permit condition.
- (b) The Community Development Department shall review the report within thirty (30) days from the date of submittal thereof. If the Community Development Department Director determines that the permittee has or is likely to have violated the provisions of the permit and/or applicable regulations, he/she shall schedule the matter for public hearing by the Permit Authority. If the Permit Authority determines at the public hearing that the permittee has violated the provisions of the permit and/or applicable regulations, the Permit Authority may suspend and/or revoke the permit in accordance with Section 070.080.430.
- (c) Upon notice to the Permit Authority or the Community Development Department Director, of the fulfillment of all permit conditions, and the Permit Authority's concurrence therein, the Permit Authority shall terminate any annual review requirements.
- (d) The Permit Authority may waive or modify the annual review requirements upon petition of the permittee and a showing of good cause therefor.

070.080.450. Enforcement and penalties.

- (a) Any person engaging in development in a designated area of a state interest or conducting a designated activity of state interest who does not obtain a permit pursuant to these regulations, who does not comply with permit requirements, who acts outside the authority of an issued permit, or who exceeds the permission granted in an issued permit has thereby acted unlawfully.
- (b) All unlawful acts pursuant to these regulations may be referred to the City Attorney, who may follow the enforcement procedures of this Code for the institution of an injunction, mandamus, abatement, or other appropriate action to prevent, enjoin, abate, or remove a violation of these regulations to prevent a person from engaging in unlawful development or conducting an unlawful activity or to otherwise restore the premises to the condition that existed before the violation, and may be further subject to such other criminal or civil liability as may be prescribed by law.

070.080.460. Mapping disputes.

Where interpretation is needed as to the exact location of the boundary of any designated area and where there appears to be a conflict between a mapped boundary and actual field conditions, the Community Development Department Director shall make the necessary determination of the boundary. Any person contesting the location of the boundary shall be given an opportunity to appeal the decision to the Permit Authority. Any such appeal must be filed in writing with the Community Development Department Director within thirty (30) days of the date of the determination of boundary; otherwise, the determination of the Permit Authority will be final.

070.080.470. Inspection.

- (a) The Community Development Department Director is hereby empowered to inspect and examine the use, occupation, or development in each and every area or conduct of any activity subject to these regulations for the purpose of determining from time to time whether or not any use

occupation, development, or activity is in violation of any of the provisions of these regulations or of any permit issued or required pursuant to these regulations.

- (b) If a violation shall be found to exist, the Community Development Department Director shall by written order direct that such remedial action be taken forthwith as will result in full compliance with the applicable regulations; provided however, that the issuance of such order shall in no way or manner be deemed a prerequisite to the institution of such enforcement proceedings as are set forth in these regulations; and provided further, that compliance with such order shall not necessarily be deemed to be a defense to any alleged violation of these regulations or other applicable regulations of the City or the state.

The amendment adds note "[5]" to this table.

Table 060.1: Summary of Development Review Procedures

KEY: R= Review and Recommendation D= Review and Decision A= Appeal ✓ = required

Procedure		Code Reference	Notice			Pre-App. Neigh. Meeting	Pre-Application Conference	Review and Decision-Making Bodies			
			Published	Mailed	Posted			Staff	DRC	Planning Comm.	City Council
Ordinance Amendments											
Rezoning		070.060.040(a)	✓	✓	✓	✓	✓	R	R	R	D
Rezoning to Planned Unit Development (PUD)		070.060.040(b)	✓	✓	✓	✓	✓	R	R	R	D
Code Amendment (Text)		070.060.040(c)	✓					R	R	R	D
Annexation		070.060.040(d)	Per Colorado statutes								
Development Permits ^[5]											
Site/ Architectural Plan Review	Admin.	070.060.050(a)(3)	Note [1]				✓	D	R	A	
	Minor	070.060.050(a)(4)	✓	✓	✓		✓	R	R	D	A
	Major	070.060.050(a)(5)	✓	✓	✓	✓	✓	R	R	R	D
Optional Master Plan		070.060.050(b)	✓	✓	✓	✓	✓	R	R	R	D
Final Plans		070.060.050(c)					✓	D	R ^[2]	A	
Location and Extent		070.060.050(d)	✓	✓	✓		optional	R	R	D	
Special Use Permit		070.060.050(e)	✓	✓	✓		✓	R	R	D ⁽⁴⁾	A ⁽⁴⁾
ROW Encroachment License		070.060.050(f)	✓				optional	D ^[2]	R	A	D ^[3]
Floodplain Development Permit		070.040.020(d)					optional	D		A	
Subdivision Procedures ^[5]											
Minor Subdivision		070.060.060(a)					✓	D	R	A	
Preliminary Plat		070.060.060(b)	✓	✓	✓	✓	✓	R	R	R	D
Final Plat		070.060.060(c)					✓	D	R	A	
Condominiumization		070.060.060(d)	Procedure depends on number of condominium units. See 070.060.060(d).								
Vacation of ROW		070.060.060(e)	✓	✓	✓		✓	R	R	R	D
Flexibility and Relief Procedures ^[5]											
Variance		070.060.070(a)	✓	✓	✓		✓	R	R	D	
Administrative Adjustment		070.060.070(b)					optional	Considered by decision-maker for associated application			
Appeal		070.060.070(c)	✓	✓	✓		optional	R		According to previous rows in this table	

Notes:

[1] Administrative Site/Architectural Review involving five or more units is required to follow public noticing procedures in 070.060.030(f)(3).

[2] Director has discretion to refer the application to the DRC.

[3] Director has approval authority for non-permanent right-of-way encroachments. All others require Council approval.

[4] Special Use Permits involving Medical Marijuana Business, Retail Marijuana Business, and Marijuana Cultivation uses require hearings before the Planning and Zoning Commission and City Council. The Planning and Zoning Commission has review and recommending authority and City Council has review and decision-making authority.

[5] Projects may also require the submission of an application for a permit to conduct an activity of state interest or conduct development in an area of state interest, pursuant to Article 070.080, unless exempted pursuant to Section 070.080.040



City Council
STAFF REPORT
City of Glenwood Springs
February 17, 2022

Agenda Item:	New Council Member Interviews
Action Requested:	Interview applicants for the open City Council position.
Department:	City Administration
Presented By:	Steve Boyd
Strategic Goals:	Provide Efficient and Responsive City Government
Background Info:	Councilman Davis resigned from his Ward 1 seat on January 26. Applications for the City Council position are open until February 11 and a new Council person for Ward 1 must be selected by February 25. A special meeting of City Council will be held on February 25 at 10:30 am to select the new Ward 1 Representative.
Issues:	The deadline to apply is February 11. Staff will add any applications received close to the end of business on the 11th to the packet on February 14.
Fiscal Impact:	NA
Legal Review:	NA
Staff Recommendation:	NA



APPLICATION FOR CITY OF GLENWOOD SPRINGS

Ward 1 City Council Appointed Position

NAME: Marco Dehm
(Please print)

HOME ADDRESS: 1112 Walz Ave, Glenwood Springs, CO 81601
(Please print)

MAILING ADDRESS (if different than home): _____
(Please print)

CONTACT NUMBERS: Home _____ Work _____
Fax _____ Cell 970.618.6673
E-Mail md@keylinkvr.com

OCCUPATION: Self Employed

MEMBERSHIP QUALIFICATION	CHECK HERE IF QUALIFIED
Residence and registered elector within City limits for one year preceding appointment.	X
Non-salaried employee of the City.	X
Cannot hold any other municipal public office during tenure of Council appointment.	X

You must be able to check all boxes in order to qualify for the appointment.

Applications will be taken until close of business on

*Please complete this application and forward it to the City Clerk either by
mail to: 101 W. 8th Street, Glenwood Springs, CO 81601;
fax to: 945-5023;
or e-mail to: ryan.muse@cogs.us*

Please attach a letter of interest and resume to this application.

Thank you for your interest and time commitment in serving your community.

Marco Dehm
1112 Walz Ave
Glenwood Springs, CO 81601
970.618.6673

January 28, 2022

City of Glenwood Springs
City Clerk
101 W 8th Street
Glenwood Springs, CO 81601

Letter of Intent

To Whom It May Concern,

This letter is to express my interest in the Ward 1 City of Glenwood Springs City Council seat vacancy. The following is a brief introduction and why I would be a great fit to fill the remainder of Steve Davis's term on Glenwood Springs City Council.

I am a longtime City of Glenwood Springs resident with strong social connections. After moving here in 1993 and living in different parts of town, my wife and I ultimately settled in Ward 1 on Walz Avenue in 1998, where we eventually raised our 3 daughters.

I was born and raised in a small town outside of Basel, Switzerland and occasional trips to the Old World are essential to me for many reasons; culinary experiences and creative land use solutions are two of my favorites. In 2017, after living here for many years as a Permanent Resident, I applied for, and successfully obtained, a Certificate of Naturalization and eventually became a US Citizen on January 24, 2018.

Being self employed for the greater part of my life has taught me invaluable lessons. Dealing respectfully with people and strangers, managing talent and resources, implementing systems and budgets, adapting to most situations and, my favorite, strategizing and visualizing the "Bigger Picture", to name just a few.

Leadership requires knowledge, talent, skill, vitality, and the ability to make a difference. I think I am well suited to become the next Ward 1 City of Glenwood Springs City Council Member because I have called Glenwood Springs my home for over 28 years and I fully understand Glenwood's dynamics and its many challenges. Adding affordable and obtainable housing, balancing density and infill without strain on infrastructure and updating Glenwood's comprehensive plan's vision to secure vitality for years to come are goals that require immediate focus.

I have also witnessed, and was involved in, many changes over the years as I have served as a Commissioner, and ultimately as a multiple term Chairperson on the City of Glenwood Springs Planning and Zoning Commission. My commitment to do the right thing is often a challenging responsibility. It requires me to be patient, objective, inquisitive, kind, and also, to an extent, flexible and lenient. Ultimately, compromise nourishes the best solutions.

In conclusion, I believe I could serve on City Council without conflict or preconceived notions and in fairness to all Citizens of Glenwood Springs. Working with constituents, business owners, special interests groups and regional agencies secures our vitality and strengthens our position as a regional hub. My hopes are to transition into current council smoothly and to integrate efficiently.

I look forward to sharing my views with current council and to discuss my qualifications. I can be available on short notice.

Thank you for your consideration.

A handwritten signature in black ink, appearing to read 'M. Dehm', with a long horizontal flourish extending to the right.

Marco Dehm

MARCO DEHM

1112 Walz Ave, Glenwood Springs, CO 81601 • (970) 618-6673 • md@keylinkvr.com

OBJECTIVE

To participate fully in City Council activities with good judgment, integrity and humility, as well as integrate complex matters such as sensible growth, preserving history and economic vitality into a coherent whole for the greater good of Glenwood Springs.

ATTRIBUTES

- Commitment and Proven Performance
- Strategic Thinking
- Transformational Vision
- Understanding of Teamwork
- Sound Judgement and Integrity
- Ability to Subordinate Special Interests

EXPERIENCE

Chief Operating Officer

Keylink, LLC

Jun 2019 - Current
Glenwood Springs, CO

- Bringing balance and direction to the day-to-day tasks within the company.
- Creating and implementing systems to make the company operate better as a whole.
- Identifying obstacles and passageways and guide the company's expansion.

Owner/Operator

Eurostyle Woodworking, LLC

Apr 2003 - May 2019
Silt, CO

- Responsible for daily operations, strategic growth and sales.
- Recognizing talent, training and implementing of new found workforce.
- Managing clients accounts, purchasing and inventory and keep financial records updated.

Millshop Supervisor

Kerr Cabinets & Design

Jul 1998 - Mar 2003
Basalt/Rifle, CO

- Involved in planning and design of high end projects.
- Purchasing and receiving materials and supplies.
- Execute detailed tasks and prepare project for delivery.

EDUCATION

Bachelor of Arts: Woodworking and Design
Allgemeine Gewerbeschule Basel

Apr 1990
Basel, Switzerland

Certificate of Foreign Language: French
Institut Stavia

Apr 1986
Estavayer le Lac, Switzerland

High School Diploma
Sekundarschule Känelmatt

Apr 1984
Therwil, Switzerland

AFFILIATIONS

City of Glenwood Springs Planning and Zoning Commissioner

HOBBIES

- Model Trains
- Travel
- Cooking and Fine Cuisine

Application for City of Glenwood Springs Ward 1 City Council Appointed Position - Submission #1096

Date Submitted: 1/30/2022

Instructions and Information

Applications will be taken until 4:30 p.m. on Friday, February 11, 2022. Interviews will be scheduled for Thursday, February 17, 2022.

Applications may also be submitted to the Glenwood Springs City Clerk either by:

- mail to: 101 W. 8th Street, Glenwood Springs, CO 81601;
- e-mail to: ryan.muse@cogs.us;
- or fax to: 970-945-5023.

[Download PDF of the City Council Ward 1 Application Form >>](#)

Applicant Name*

Clemons M. Kopf

Email Address

CLEMKOPF@COMCAST.NET

Home Address*

1401 WALZ AVE, Glenwood Springs, CO 81601

Mailing Address (if different than home)

Home Phone Number

9709455740

Work Phone Number

Cell Phone Number

970-948-0682

Fax Number

Occupation

Electrical Engineer

Membership Qualification*

You must be able to check all boxes in order to qualify for the appointment.

- ☒ Applicant has been a registered elector and has resided within Glenwood Springs Voting Ward 1 for one-year preceding appointment.
- ☒ Applicant is not a salaried employee of the City of Glenwood Springs.
- ☒ Applicant does not hold and will not hold any other municipal public office during tenure of Council appointment.

Upload Letter of Interest and Resume

Resume of Clemons M.docx

Please upload a letter of interest and resume to this application.

Letter of Interest – Glenwood Springs City Council Candidate – Clemons M. Kopf

I have had a long-time interest in being on G. S. City Council, but was not eligible until I moved to Walz Ave. within the City limits 2 years ago.

I don't have a particular axe to grind, and view the council person position as a continuation of the many citizen volunteer activities (outlined in my resume) that I have always participated in.

In deciding the issues before council, I will weigh the expertise of the City Manager, senior staff, legal counsel, and citizen input. Housing, transportation, budget, maintenance, utilities and other issues require balancing several interests. Being retired allows me the time to educate myself on the issues.

Ward 1 is undergoing an extensive utility and street rebuild and I will make myself available to hear constituent concerns.

Thank you for your consideration.

Resume of Clemons M. Kopf, candidate for Ward 1 Council person.

Retired electrical engineer. I was the chief engineer of Holy Cross Energy (1970-1975) and consulting electrical engineer for the Alpine events site for three Winter Olympic Games (1988, 2002, and 2010).

52 year resident of area (No Name, Four Mile, Walz Ave. Glenwood Springs).

Initiated original Glenwood Springs Sign Ordinance, Volunteer GS Fire Department, Glenwood Springs High School Basketball Referee, coach GS junior soccer, coach GS High School track team, coach Sunlight ski team.

Chairman Colorado Air Quality Control Commission, Garfield County Board of Review, Board of Directors Holy Cross Energy.

I am a lifelong member of the Sierra Club, Environmental Defense Fund, and founding member of the Crystal River Valley Environmental Protection Association.

My style on a Board is to listen and learn first, value collegiality, and speak up second.

Thank you for your consideration.

Application for City of Glenwood Springs Ward 1 City Council Appointed Position - Submission #1114

Date Submitted: 2/7/2022

Instructions and Information

Applications will be taken until 4:30 p.m. on Friday, February 11, 2022. Interviews will be scheduled for Thursday, February 17, 2022.

Applications may also be submitted to the Glenwood Springs City Clerk either by:

- mail to: 101 W. 8th Street, Glenwood Springs, CO 81601;
- e-mail to: ryan.muse@cogs.us;
- or fax to: 970-945-5023.

[Download PDF of the City Council Ward 1 Application Form >>](#)

Applicant Name*

Marc Adler

Email Address

Marc7747@gmail.com

Home Address*

525 W 12th Street

Mailing Address (if different than home)

Home Phone Number

970-309 3233

Work Phone Number

Cell Phone Number

970-309 3233

Fax Number

Occupation

Retired

Membership Qualification*

You must be able to check all boxes in order to qualify for the appointment.

- ☒ Applicant has been a registered elector and has resided within Glenwood Springs Voting Ward 1 for one-year preceding appointment.
- ☒ Applicant is not a salaried employee of the City of Glenwood Springs.
- ☒ Applicant does not hold and will not hold any other municipal public office during tenure of Council appointment.

Upload Letter of Interest and Resume

Letter to City Council to fill Vacant Ward 1 seat.pdf

Please upload a letter of interest and resume to this application.

Form Submission Confirmation

Applications will be taken until 4:30 p.m. on Friday, February 11, 2022.

Interviews will be scheduled for Thursday, February 17, 2022.

For questions, contact City Clerk Ryan Muse at 970-384-6406 or ryan.muse@cogs.us.

Marc Adler
525 W 12th Street
Ward 1
Glenwood Springs, CO 81601
(970) 309 3233

February 5, 2022

Re: Vacant Ward 1 Council Position

Dear Glenwood Springs City Council

I would like to be considered for the recently vacated Ward 1 City Council position. This letter will allow me the opportunity to give you some insights into my background, qualifications, positions and visions.

Remembering back, 1971 was a fantastic year for me. I was twenty-three and arrived with Joan, my new beautiful bride in Glenwood Springs. Both of us started great jobs at Valley View Hospital. We decided that Glenwood was the best place to start a family and made it our permanent home and after fifty-one years we know it was the right decision. We opened up a tiny tropical fish shop in the living room of our rented house in 1972. Nine months later the shop was moved downtown and expanded to include toys and hobbies. When the Glenwood Springs Mall opened up in 1982 we moved our business there. I learned how to budget expenses, meet a payroll and deal with the public on a daily basis. Marc's Toys and Pets was a successful retail business in Glenwood Springs for over 30 years. As a result I have a unique understanding of what our business community has to face daily. My retail background would be beneficial since sales tax is such an important part of our city budget.

My city council service began in 1986 and ended in 1999. Hopefully this background would allow me to "get up to speed" quickly if I were appointed. Looking back there were many projects that came to fruition or were started during those years.

Some of them were:

The Community Center

Midland Avenue from 7th street to west Glenwood which allowed the city to have a second Colorado River bridge crossing. This was a safety issue because the council and city staff were aware that if anything caused the Grand Avenue bridge to be closed the city would be in dire trouble. Also it opened up Midland Ave as an alternate route and allowed access to Glenwood Meadows which became a major sales tax generator for the city.

Purchased the property in West Glenwood for a wastewater plant.

Joined together with 4 other towns and 3 counties to purchase the railroad right of way from Glenwood to Aspen from Southern Pacific.

Started our river trails system.

Stabilized the water filtration plant so it did not need to be replaced.

Upgraded our Grizzly Creek raw water delivery system and put an auxiliary pump station in the Roaring Fork River.

Working together with Garfield County we kept the jail in Glenwood Springs and our entire community has benefited by having a government complex in downtown Glenwood consisting of the court house, jail, sheriff's department and city hall.

Decided to have the city run the South Canyon landfill which hopefully has been an income generator.

The following are some of the issues that are facing our community and what my views are.

On the bridge south of town: I am in favor of a bridge, but the county needs to partner with us since this bridge would benefit more Garfield County residents than Glenwood Springs residents.

On infrastructure: Other than roads which are visible, the average resident does not think much about our infrastructure, which is out of sight, until something breaks down. It should be one of our highest priorities to continually upgrade and maintain all of our infrastructure.

On business: Much of our income comes from sales, accommodation and use taxes. We need a strong business community.

On property rights: I strongly believe in personal property rights.

On growth, traffic and affordable housing: These items are so intertwined that one cannot deal with one without the other. These are moving targets that will always be part of our community. Every council has had to deal with these in different ways at different times. I would not call them problems but ongoing conditions and situations. We can help mitigate their impacts with such things as traffic circles, zoning laws and careful planning.

I like to think of myself as a team player. While possibly not agreeing with every decision council might make, once the majority decides to go in a particular direction, you would have my support.

Why do I want to be part of the Glenwood Springs City Council knowing all the trials and tribulations that you face all the time? I really love Glenwood Springs and have been extremely fortunate to have lived and raised a family here for over 50 years. I would like to leave a family orientated community with a viable business community, but a small town atmosphere to future generations.

Respectfully yours,

Marc Adler

**Resume
Marc Adler
For Ward 1 Council Position**

Education 1966-1970:

University of Illinois

Northeastern University (Chicago, IL)

Major: Psychology

Minor: Chemistry

Employment:

1971-1973 Valley View Hospital

Duties:

Surgical Assistant

Inhalation Therapist

EKG Technician

Assisted in ER

Aided patients on a day to day basis

Marc's Toys and Pets 1972-2003

Duties:

Bookkeeping: Payroll, Taxes (accounting and reporting), paid bills

Negotiating leases

Interviewing and hiring employees

Inventory control and ordering

Computer control

Customer relations

And everything else a business owner/manager is required to do

Glenwood Springs City Council 1986-1999

Present:

Retired

Manage my residential rentals properties in Glenwood Springs

Treasurer Easter Rocky Mountain Council (A fly fishing organization covering four states)

Hobbies:

Scuba diving

Fly tying and fishing

Oil painting

Magician

Travel



City Council
STAFF REPORT
City of Glenwood Springs
February 17, 2022

Agenda Item: Council Chamber Training

Action Requested: NA

Department: Information Technology

Presented By: Alissa Owsley

Strategic Goals: Preserve and Improve Infrastructure

Background Info: City Council Chambers have been updated with new technology to improve sound and access to the public. City Council will require training on the new system ahead of the City Council meeting. Please be aware that the new microphone system is very sensitive and can pick up more sounds than before. You should assume that they are always on and that the audience can hear you at all times.

Issues: NA

Fiscal Impact: NA

Legal Review: NA

Staff Recommendation: NA



City Council
STAFF REPORT
City of Glenwood Springs
February 17, 2022

Agenda Item: February 3, 2022 City Council Minutes

Action Requested: February 3, 2022 City Council Minutes

Department: City Clerk

Presented By: Ryan Muse

Strategic Goals: Provide Efficient and Responsive City Government

Background Info:

Issues:

Fiscal Impact:

Legal Review:

Staff Recommendation:



MINUTES
CITY OF GLENWOOD SPRINGS
REGULAR CITY COUNCIL MEETING
FEBRUARY 3, 2022
VIRTUAL MEETING ONLY
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 in agenda items indicate approximately where the item can be found on the YouTube video timeline.

REGULAR SESSION

:02 Roll Call

Present: Mayor Godes, Mayor Pro-Tem Willman, Councilor Wussow, Councilor Kaup, Councilor Stepp, and Councilor Hershey. Also present were Debra Figueroa, City Manager; Steve Boyd, Chief Operating Officer, Jenn Ooton, Asst. City Manager, Ryan Muse, City Clerk, Matt Langhorst, Director of Public Works, Yvette Gustad, Finance Director, Brian Smith, Parks and Recreation Director, and Karl Hanlon, City Attorney.

:02 Pledge of Allegiance

Mayor Godes led the Pledge.

:03 Agenda Changes or Conflicts

No agenda changes or conflicts

:03 Citizens Appearing Before Council

Citizen comments were made.

Comments were made by City Attorney Karl Hanlon and Councilor Stepp.

:10 Council Comments

Comments were made by Mayor Pro-Tem Willman and Mayor Godes.

:12 Consent Agenda

:12 Mayor Pro-Tem Willman moved, seconded by Mayor Godes, to approve the consent agenda.

Motion passed unanimously.

:12 Tourism Management Board Appointments

Mayor Pro-Tem Willman, presented.

:13 Mayor Pro-Tem Willman moved, seconded by Councilor Stepp, to change Susan Emery's position from Tourism to Lodging with an expiration of 2023, appoint Justine Smith to Tourism with an expiration of 2024, appoint Lorretta Ayala to Tourism with an expiration of 2025, reappoint Sharon Brady as resident with an expiration of 2025, and appoint Brandon Cambron to Restaurant with an expiration of 2025.

Comments were made by Mayor Godes and Mayor Pro-Tem Willman.

Motion passed unanimously.

:16 Arts and Culture Board Appointments

Councilor Kaup, presented.

Comments were made by Mayor Godes, Councilor Wussow, City Manager Debra Figueroa, City Clerk Ryan Muse, and Councilor Kaup.

:22 Councilor Kaup moved, seconded by Mayor Pro-Tem Willman, to the reappointment of Kyle Jones for a second term on the Board, appoint Ty Hesse as the Arts and Culture Board Youth Representative, to appoint Jacqui Edelman to one Alternate position, and appoint Jordan Collier as another Alternate.

Motion passed unanimously.

:23 Housing Commission Appointments

Councilor Kaup, presented.

:23 Councilor Kaup moved, seconded by Councilor Stepp, to appoint Giovanna O. Kennedy to a regular seat with term expiring April 2024, to appoint Annemarie Glenn as an Alternate on the Board with term expiring April 2025.

Motion passed unanimously.

:24 Historic Preservation Commission Appointments

Councilor Hershey, presented.

:25 Mayor Godes moved, seconded by Mayor Pro-Tem Willman, to appoint Grant Stephens and James Larson to fill regular seats, additionally appoint Marianna Ackerman to the Alternate seat starting at the conclusion of Haley Carmer's eligibility.

Motion passed unanimously.

:26 Transportation Commission Appointments

Councilor Wussow, presented.

:27 Councilor Wussow moved, seconded by Councilor Hershey, to appoint Betsy Suerth and Jon Harman to fill terms ending March 2024.

Motion passed unanimously.

:27 Airport Commission Appointments

:27 Councilor Hershey moved, seconded by Councilor Stepp, to reappoint Alan Arnold to his regular seat to expire March 2025.

Motion passed unanimously.

:28 River Commission Appointments

Councilor Stepp, presented.

:28 Councilor Stepp moved, seconded by Councilor Kaup, to appoint Kyle Holt and Hunter Causey to regular seats, and Christopher Sharrow as an Alternate.

Motion passed unanimously.

:30 Planning Item 70-21 - Consideration of a Right-of-Way Encroachment License for drainage features in Grand Avenue.

Senior Long-term Planner Trent Hyatt, presented.

:32 Mayor Godes opened public comment.

No comments were made.

:32 Mayor Godes closed public comment.

:32 Mayor Pro-Tem Willman moved, seconded by Councilor Hershey, to approve Planning Item 70-21 adopting the recommended findings and recommended conditions in the planning file packet.

Motion passed unanimously.

:33 Colorado Animal Rescue

Chairman of Colorado Animal Rescue (CARE) Wes Boyd, presented.

Comments were made by Councilor Stepp, Mayor Pro-Tem Willman, Councilor Kaup, Mayor Godes, and Councilor Wussow.

:52 Youth Mental Health

Executive Director of Youth Zone Jami Hayes and Chief of Student/Family Services for Roaring Fork School District Anna Cole, presented.

Comments were made by Mayor Pro-Tem Willman, Chief of Student/Family Services for Roaring Fork School District Anna Cole, and Executive Director of Youth Zone Jami Hayes.

1:01 Councilor Wussow moved, seconded by Councilor Hershey, to fund the joint proposal from Youth Zone and the Roaring Fork School District request for three hundred and thirty-five thousand dollars, with seventy-five thousand dollars coming from the Marijuana Fund and two hundred and sixty thousand dollars coming from the Tobacco Tax.

Motion passed unanimously.

1:03 6th Street Design and Grant Funding

City Engineer Terri Partch, presented.

Comments were made by Councilor Stepp, City Engineer Terri Partch, Mayor Pro-Tem Willman, and Councilor Kaup.

1:13 Councilor Kaup moved, seconded by Councilor Stepp, to move forward with the grant funding application for both the 8th Street project and the 6th Street project as proposed, and that the City get proposals from engineering firms to complete the designs to the State and Federal requirements.

Comments were made by Mayor Godes, Mayor Pro-Tem Willman, Councilor Kaup, City Engineer Terri Partch and Councilor Hershey.

Ayes: Wussow, Stepp, Godes, Kaup

Nays: Hershey, Willman

Motion passed 4-2

1:18 Ordinance 2022-05 Amending Sections in Title 090 Public Lands

Parks and Recreation Director Brian Smith, presented.

Comments were made by Mayor Pro-Tem Willman, Parks and Recreation Director Brian Smith, City Attorney Karl Hanlon, and Councilor Stepp.

1:29 Mayor Godes opened public comment.

No comments were made.

1:29 Mayor Godes closed public comment.

Comments were made by Councilor Kaup, Parks and Recreation Director Brian Smith, and City Attorney Karl Hanlon.

1:34 Councilor Hershey moved, seconded by Mayor Godes, to approve Ordinance 2022-05 Amending Sections in Title 090 Public Lands on first reading.

Motion passed unanimously.

1:35 Resolution 2022-07 Accepting Grant from CDOT Aeronautical for Fueling Systems

Comments were made by City Attorney Karl Hanlon, Councilor Stepp, Mayor Pro-Tem Willman, Councilor Kaup, and Parks and Recreation Director Brian Smith.

1:46 Mayor Godes opened public comment.

Public comment was made.

1:47 Mayor Godes closed public comment.

1:47 Councilor Hershey moved, seconded by Mayor Godes, to approve Resolution 2022-07 Accepting Grant from CDOT Aeronautical for Fueling Systems.

Motion passed unanimously.

1:48 Resolution 2022-08; Accepting Grant from CDOT for Airport Runway

1:48 Mayor Godes opened public comment.

No comment was made.

1:49 Mayor Godes closed public comment.

Comment was made by Councilor Hershey.

1:49 Councilor Hershey moved, seconded by Councilor Kaup, to approve Resolution 2022-08 Accepting Grant from CDOT for Airport Runway.

Comments were made by Mayor Pro-Tem Willman, and Chief Operating Officer Steve Boyd.

Motion passed unanimously.

1:51 Report from Administration

City Manager

No comments were made.

City Attorney

Comments were made by City Attorney Karl Hanlon, Mayor Godes, Mayor Pro-Tem Willman, and Councilor Hershey.

Correspondence Incoming/Outgoing

No comments were made.

1:54 Adjournment

1:54 Councilor Hershey moved, seconded by Mayor Godes, to adjourn.

Motion passed unanimously.



City Council
STAFF REPORT
City of Glenwood Springs
February 17, 2022

Agenda Item: January 27, 2022 City Council Special Meeting Minutes

Action Requested: January 27, 2022 City Council Special Meeting Minutes

Department: City Clerk

Presented By:

Strategic Goals: Provide Efficient and Responsive City Government

Background Info:

Issues:

Fiscal Impact:

Legal Review:

Staff Recommendation:



MINUTES
CITY OF GLENWOOD SPRINGS
SPECIAL CITY COUNCIL MEETING
JANUARY 27, 2022
VIRTUAL MEETING ONLY
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 in agenda items indicate approximately where the item can be found on the YouTube video timeline.

SPECIAL SESSION

:02 Roll Call

Present: Mayor Godes, Mayor Pro-Tem Willman, Councilor Wussow, Councilor Kaup, Councilor Stepp, and Councilor Hershey. Also present were Debra Figueroa, City Manager; Steve Boyd, Chief Operating Officer, Jenn Ooton, Asst. City Manager, Ryan Muse, City Clerk, Matt Langhorst, Director of Public Works, Yvette Gustad, Finance Director, Brian Smith, Parks and Recreation Director, and Karl Hanlon, City Attorney.

:02 Pledge of Allegiance

Mayor Godes led the Pledge.

:02 Boards and Commissions

City Manager Debra Figueroa presented.

Comments were made by Councilor Hershey and Mayor Godes and City Manager.

:04 Victim Assistance and Law Enforcement Board

Victim Assistance and Law Enforcement Board Chair Avis Laurita, presented.

Comments were made by Mayor Godes, Councilor Hershey, Councilor Wussow, Victim Assistance and Law Enforcement Board Chair Avis Laurita, Mayor Pro-Tem Willman, Councilor Stepp, Councilor Kaup, and Mayor Godes.

:16 Historic Preservation Commission

Historic Preservation Commission member Haley Carmer, presented.

Comments were made by Mayor Godes, Mayor Pro-Tem Willman, City Manager Debra Figueroa, Councilor Wussow, Councilor Stepp, and Councilor Hershey.

:32 Financial Advisory Board

Financial Advisory Board member Ksana Oglesby, presented.

Comments were made by Mayor Godes, Councilor Stepp, Councilor Kaup, Mayor Pro-Tem Willman, and Councilor Wussow.

:46 Arts and Culture Board

Arts and Culture Board member Stefanie Salata Davis, presented.

Comments made by Councilor Kaup, Mayor Pro-Tem Willman, City Manager Debra Figueroa, and Mayor Godes.

:59 River Commission

River Commission member Ashley Moffatt, presented.

Comments were made by Mayor Godes, Councilor Stepp, Councilor Wussow, Councilor Kaup, and City Manager Debra Figueroa.

1:10 Planning and Zoning Commission

Planning and Zoning member Marco Dehm, presented.

Comments were made by Mayor Godes, Mayor Pro-Tem Willman, Councilor Wussow, Councilor Hershey, and City Manager Debra Figueroa.

1:28 Tourism Management Board

Tourism Management Board member Padrick Drake, presented.

Comments were made by Mayor Pro-Tem Willman, Mayor Godes, Councilor Stepp, Councilor Wussow, Councilor Hershey, and Councilor Kaup.

1:45 Downtown District Authority

Downtown District Authority member Christian Henny, presented.

Comments were made by Mayor Godes, Councilor Stepp, Councilor Hershey, Mayor Pro-Tem Willman, and Councilor Wussow.

1:57 Recess

2:02 Housing Commission

Housing Commission member Sumner Schater, presented.

Comments were made by Mayor Godes, City Manager Debra Figueroa, Councilor Kaup, Councilor Wussow, City Clerk Ryan Muse, and Councilor Stepp.

2:16 Parks and Recreation Commission

Parks and Recreation Commission member Laura Speck, presented.

Comments were made by Mayor Godes, Councilor Hershey, Councilor Wussow, City Manager Debra Figueroa, and Councilor Stepp.

2:28 Transportation Commission

Transportation Commission member Ralph Trapani, presented.

Comments were made by Mayor Godes, Councilor Hershey, Councilor Wussow, Councilor Kaup, and Councilor Stepp.

2:45 Airport Commission

Airport Commission member David Merritt, presented.

Comments were made by Councilor Hershey, Mayor Godes, and Councilor Stepp.

2:59 Protocol for Board and Commission Members Addressing Council

Comments were made by Mayor Godes, Councilor Hershey, and City Manager Debra Figueroa.

3:01 Mayor Godes moved, seconded by Councilor Hershey, to allow Boards and Commissions representatives to present for a time period to be decided at Staff's discretion.

Comments were made by Councilor Kaup, Mayor Godes, Mayor Pro-Tem Willman and Councilor Hershey.

Motion passed unanimously.

Comments were made by Mayor Pro-Tem Willman and Mayor Godes.

3:05 Council Vacancy

Comments made by City Attorney Karl Hanlon, Councilor Hershey, Mayor Godes, Councilor Stepp, Councilor Wussow, Councilor Kaup, and Mayor Pro-Tem Willman.

3:20 Mayor Pro-Tem Willman moved, seconded by Councilor Hershey, to have City Council applications due February 11th, 2022 by 4:30 p.m., that interviews will be conducted during the work session at the February 17th, 2022 City Council regular meeting, and will select the person for the position on or before noon on February 25th, 2022.

3:21 Council Comment

Comments made by Mayor Godes, Councilor Hershey, Councilor Stepp, Mayor Pro-Tem Willman, Councilor Kaup, and City Manager Debra Figueroa.

Adjournment

3:24 Councilor Stepp moved, seconded by Mayor Pro-Tem Willman, to adjourn.

Motion passed unanimously.



City Council
STAFF REPORT
City of Glenwood Springs
February 17, 2022

Agenda Item:	Landfill Scale Replacement Proposal Approval
Action Requested:	Approval of the Fairbanks Scale proposal for the replacement of the landfill scale and permission for the Mayor to sign.
Department:	Public Works
Presented By:	Matthew Langhorst
Strategic Goals:	Preserve and Improve Infrastructure
Background Info:	The 2022 landfill budget contains a capital item for the replacement of the scale that weighs all traffic coming into and leaving the landfill. Staff and Fairbanks Scales have been limping it along for a couple of years now, but to keep up with regulations by the state and to ensure a functioning landfill we have planned replacement in 2022. Fairbanks Scales has provided a compliant proposal in the amount of \$136,764 to complete the work in June of 2022. The existing scale system is from Fairbanks. Staff is recommending that the replacement scale be completed as a sole-source purchase because Fairbanks Scales produces a scale that works with the existing foundation and software system. No other manufacturer can reasonably retrofit a scale system cost effectively and bringing this to full bid will not deliver a better product or a lower cost to the landfill fund.
Issues:	Staff is unsure of the precise lead time to obtain the product, but is confident the existing scale will suffice until replacement.
Fiscal Impact:	Landfill fund capital project of \$136,724.
Legal Review:	No issues at this time.
Staff Recommendation:	Staff is recommending approval of the Fairbanks Scale proposal for the replacement of the landfill scale and for Council to provide permission for the Mayor to sign the proposal.



City of Glenwood Springs Scale Replacement

February, 2022

**City of Glenwood Springs
South Landfill**

Liz,

Thank you for the opportunity to work with you on your project for a truck scale Replacement.

This proposal will provide you with numbers for a 70' x 10' Talon Steel Deck Truck Scale with custom risers to fit your existing pit and replace your current scale. The labor for this project will be, as directed, done on a Wednesday afternoon, after close throughout the week, Fairbanks will remove current scale and work throughout the week and weekend so the landfill can **plan on a** re-open Monday morning. Should additional time be needed, Monday will be an optional day for us to complete this project per our discussion. Glenwood Springs will dispose of the existing scale and all spoils

Included with this proposal is Fairbanks Scales **25 year load cell warranty**. This industry leading warranty is unmatched and includes lightening

Thank you for reviewing our proposal and please let me know if you have any questions or concerns and we will discuss in detail with you any of these as may arise

David Dato
Area Sales Manager



Responsibilities of Customer: We will be utilizing the existing Pit for the new scale.

- Necessary construction/electrical permits and applicable licenses
- It is the customers responsibility to provide an electrician, should the existing conduit from the scale to the scale house, be deemed unusable, if it is crushed, broken, or unable to be reused
- *Supply isolated & dedicated 120-Volt circuit for scale Instrumentation and all scale accessories with outlet(s)*
- *Provide Scale house interior prepared with similar conduit, outlets and counter modifications as necessary – ready for cables/wiring to be connected at designated indicator locations. **We will installing the new equipment in place of old and will utilizing the current outlet in the scale house. NOTE** This is included in this proposal should any modifications not discussed prior to installation be completed, requiring additional cable to supplied from Fairbanks Scales***
- Provide local Fairbanks Customer Service Center with pertinent information/updates and/or requirements regarding onsite procedures/delays affecting installation/scheduling etc.,
- Provide Fairbanks with a Name and Phone Number(s) of (1) on site representative with authority to immediately correct any/all items that may cause installation delays
- Additional costs due to delays caused by fault other than Fairbanks or Fairbanks Sub-Contractor or outside of original scope will be at cost plus 25%
- **Customer to dispose of all spoils and old scale**

Site Requirements

- Supply free and clear access for installation, test, and calibration
- Any safety measures / traffic control (ex: Barricades, Traffic Signage, etc....) to be provided by customer (if needed)
- **Customer responsible for disposal of spoils**
- All Trenching, Conduit and Electrical done by customer or other. This is only necessary should there be an issue utilizing the existing conduit. Fairbanks is not licensed or trained to do any electrical work other than required for our repairs to our equipment
-

Power Requirements

- **Any Power, Conduit, Trenching, and the Pulling of Cable**
 - 110V AC power dedicated service for the scale instrument
 - To be provided at the location of existing instrument
- **Conduit Runs**
 - (1) run of 1-1/2" conduit from scale to scale instrument for
 - Fairbanks to supply Homerun Cables
 - **We will reuse existing conduit to run cables through, the only reason we will not is if the existing conduit has been destroyed or crushed as to where we are unable to pull the new homerun cable**
- Wiring and grounding of the truck scale equipment will be performed by a Fairbanks Technician upon installation

General Requirements

- All *Freight and Sales Tax* if applicable
- Any and all permits if required
- Any additional work not outlined in this proposal must first be approved on a change order before the work may be done



Fairbanks Foundation Responsibilities:

- Remove existing scale
- Set new scale into place
- Wire Test and Calibrate and place new scale into service
- Provide Crane over weekend for removal and setting of new scale
- Make any adjustments to make sure new scale is properly working
- Glenwood Springs is responsible for disposal of current scale and any other disposals

This proposal includes for each of the following:

- **Installation**
 - Scale Installation; Wire, Test, and Calibrate. Crane to set scale
 - Place in service with Colorado Weights and Measures

Scale Equipment

- **(1) 70' x 10' Talon Steel Deck Truck Scale 90K CLC Rating**
 - 90 Ton Total Capacity
 - (8) stainless steel load cells; 66,000 rated, IP69k Rated; mounting assemblies, wiring, smart sectional controllers and power supplies, and Stainless-Steel Armor Sheathed Homerun Cable and Loadcell Cables
 - Surge voltage protector for the 110V AC power source
 - **Five Year Warranty on Structural Weighbridge**
 - **25-Year Load Cell Warranty - This Includes Lightning Strikes**
 - An active Preventative Maintenance Agreement must be in place
- **Instrumentation**
 - (1) Fairbanks 7111 instrument will be provided with Intalogix

Fairbanks Scales is not responsible for the structural integrity of the current pit



Pricing: Talon HV Steel Deck

Equipment		
(1) Steel Deck Talon HV Replacement Scale with custom riser plates to eliminate concrete work		
(1) FB7111 Instrument with Intalogix Technology		
(3) Man holes		
Equipment Sub-Total		\$82,105.61
Foundation & Installation		
Foundation: Remove existing scale, and set into place new Talon. Weekend work and Crane rental included		\$40,588
Installation Wire, Test, Calibrate and Place in Service		\$6,500.00
Foundation & Installation Sub-Total		\$47,088.00
Freight Estimate		\$7,570.00
Total (Sales Tax not included)		<u>\$136,763.61</u>

Foundation Details:

- Set load cells and platform modules.
- Assist in setting of the scale
- Crane to offload scale provided
- Run all wires through the existing conduits.
- All Spoils and Existing scale to be removed by customer

Liz,

Please see the above pricing for the new replacement scale. I am hoping we are within your numbers and note that I have applied a significant discount to this as we greatly appreciate your business. As of today we are looking at a May 5th delivery date. This will be pushed out daily so in order to secure this pricing, this quote is good for 30 days, and delivery time to insure that we are able to get this done with extended sunlight, I recommend placing this order much sooner than later.

Respectfully,

David Dato
Area Sales Manager
(303) 903-1800
ddato@fairbanks.com



PURCHASE AGREEMENT

Accepted By: (Printed) _____

Accepted By: (Signed) _____

Date: _____

PO# _____

Please scan a signed copy of this quotation or a signed purchase order to and email to
ddato@fairbanks.com

Terms:

Terms of Payment:

Milestone 1- Equipment Shipment (You will be invoiced as soon as the all of the scale equipment ships)
Milestone 2-Installation and Scale Removal (We will send you a second invoice after the existing scale is removed and the new scale is installed, wired, tested, calibrated and placed in service)

Invoices are due net 30 days from date of invoice upon approved credit. There will be a 15% cancellation fee for any orders already entered.

Warranty:

Fairbanks Scales warranty protects against failures caused by defective workmanship or materials for one year from date of installation or 15 months from date of shipment. Fairbanks standard warranty terms apply. See below for warranty statement. A five (5) warranty is included for the Structural Steel Weigh Bridge/Load Cells/ Intalogix Components & a twenty-five **(25) year warranty is included for the load cells** (including load cells damaged by lightning) provided a yearly bi-annual Preventative Maintenance / Calibration Agreement is performed for the same time period. \$600 per test 2x year = \$ 1200 per year. To Secure this pricing for up to five years, please add the number of years selected to the total price on this order and initial here: _____.

1 year:_____

2 year:_____

3 year:_____

4 year:_____

5 year:_____

Price Protection:

All prices are firm until **30 days** of receipt for requested shipment within 80-95 days of order date. Shipments requested by purchaser more than three (3) months from order date are subject to increase to then current published price levels.



FAIRBANKS SCALES – SCALE STORE WARRANTY

Fairbanks Scales Inc. (the "Company") warrants and agrees that if, within one (1) year after installation or 15 months from date of shipment, whichever occurs first,

- (i) any product purchased from the Company should fail because of defective material or workmanship in its manufacture, or
- (ii) any product purchased from the Company which is equipped with Intalogix Technology (excluding driver assist terminals and peripheral devices, including, but not limited to, printers, remote displays etc.) should fail due to lightning, the Company will repair or replace such product, free of charge.

Further, the Company warrants and agrees that if, within five (5) years after installation or 66 months from the date of shipment, whichever occurs first,

- (i) any truck scale structural steel weigh bridge,
- (ii) any railroad track scale structural steel weigh bridge, or
- (iii) any truck scale or railroad track scale original load cell (including load cells damaged by lightning), instrument, pit power supply, or smart sectional controller purchased from the Company should fail because of defective material or workmanship, the Company will repair or replace such item, free of charge, provided that
 - (a) the scale is equipped with Intalogix Technology,
 - (b) service is performed a minimum of twice per year by a service entity authorized by the Company pursuant to a Preventive Maintenance Agreement, and such Preventive Maintenance Agreement must remain in effect for the entire duration of the warranty period without any lapses, and
 - (c) the Buyer shall pay for all labor required to perform this warranty, other than labor incurred within one (1) year after installation or 15 months from date of shipment, whichever occurs first, which will be paid by the Company.

Further, the Company warrants and agrees that if, within twenty-five (25) years after installation,

- (i) any truck scale original model PR6221 load cell (including load cells damaged by lightning), purchased from the Company should fail because of defective material or workmanship, the Company will repair or replace such item, free of charge, provided that
 - (a) the scale is equipped with Intalogix Technology,
 - (b) service is, and has been continuously since the scale was installed, performed a minimum of twice per year by a service entity authorized by the Company pursuant to a Preventive Maintenance Agreement, and such Preventive Maintenance Agreement must remain in effect for the entire duration of the warranty period without any lapses, and
 - (c) the Buyer shall pay for all labor required to perform this warranty, other than labor incurred within one (1) year after installation or 15 months from date of shipment, whichever occurs first, which will be paid by the Company.

In the case of any warranty contained herein,

- (i) Buyer must promptly notify the Company, in writing, of the nature of the possible defect being claimed hereunder,
- (ii) Buyer's account with the Company must be current at the time a claim for warranty hereunder is made, and must remain current thereafter,
- (iii) All work by the Company will be performed during normal business hours,
- (iv) The Company, in its sole discretion, reserves the right to replace or repair the product covered under this warranty,
- (v) The Company, in its sole discretion, reserves the right to replace any defective part with a repaired part from its warranty stock,
- (vi) The Buyer will pay travel expense to and from the nearest Fairbanks Scales Customer Support Center, or Fairbanks Authorized Distribution Center, or in case of a replacement, shipping expenses from its factory, except that travel charges and shipping expenses so incurred during the first 30 days following installation will be paid by the Company, and
- (vii) The Buyer will be responsible for calibration fees except for calibration fees incurred within the first 30 days following installation will be paid by the company.

Notwithstanding anything contained herein to the contrary, this warranty is voidable at the discretion of the Company if the product has been installed by anyone other than the Company or an authorized distributor of the Company or has been



subjected to improper installation, misuse, negligent handling, alteration, accident, damage by fire, water or act of God, or improper repairs or modifications.

Any warranties with respect to machinery, apparatus, accessories, articles or materials not manufactured by the Company shall be limited to those of the respective manufacturer thereof, if any, which the Company may be permitted to pass on to the Buyer. Under this provision, the Company will be deemed to have manufactured only those articles bearing the Company's name-plate or trademark.

THE COMPANY'S WARRANTIES AS SET FORTH HEREIN ARE EXCLUSIVE AND ARE IN LIEU OF, AND BUYER HEREBY WAIVES, ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, INCLUDING, WITHOUT LIMITATION, ANY IMPLIED WARRANTIES OF MERCHANTABILITY AND/OR FITNESS FOR A PARTICULAR PURPOSE.

UNDER NO CIRCUMSTANCES SHALL THE COMPANY HAVE ANY LIABILITY FOR LIQUIDATED DAMAGES OR FOR INCIDENTAL, COLLATERAL, CONSEQUENTIAL OR SPECIAL DAMAGES OR FOR THE LOSS OF PROFITS, OR FOR ACTUAL LOSSES OR FOR LOSS OF PRODUCTION OR PROGRESS OF CONSTRUCTION, WHETHER RESULTING FROM DELAYS IN DELIVERY OR PERFORMANCE, BREACH OF WARRANTY, CLAIMS OF INCORRECT WEIGHING, CLAIMS OF OR FOR NEGLIGENT MANUFACTURE, ACTS OF GOD, OR OTHERWISE. THE AGGREGATE TOTAL LIABILITY OF THE COMPANY UNDER THIS CONTRACT, WHETHER FOR BREACH OF WARRANTY OR OTHERWISE, SHALL IN NO EVENT EXCEED THE CONTRACT PRICE. BUYER AGREES TO INDEMNIFY AND HOLD HARMLESS THE COMPANY FOR ALL CLAIMS BY THIRD PARTIES, WHETHER FOR BUSINESS LOSS, PERSONAL INJURY OR OTHERWISE, WHICH EXTEND BEYOND THE FOREGOING LIMITATIONS ON THE COMPANY'S LIABILITY.

50506

Effective 10/2015

10/15 -- Issue 8



City Council
STAFF REPORT
City of Glenwood Springs
February 17, 2022

Agenda Item: Schedule Council Appointment

Action Requested:

Department: City Administration

Presented By: Steve Boyd

Strategic Goals:

- Provide Efficient and Responsive City Government
- Preserve and Improve Infrastructure
- Protect and Preserve our Quality of Life
- Generate Sustainable Economic Development
- Ensure Public Safety

Background Info: We need to find a time for Council to meet and appoint a replacement.

Issues: NA

Fiscal Impact: NA

Legal Review: NA

Staff Recommendation: Staff defers to Council



City Council
STAFF REPORT
City of Glenwood Springs
February 17, 2022

Agenda Item: Financial Advisory Board Appointments

Action Requested: Financial Advisory Board Appointments

Department: City Administration

Presented By: Sara Weigel

Strategic Goals: Provide Efficient and Responsive City Government

Background Info: **Composition of the Financial Advisory Board**
The Finance Advisory Board consists of seven members, of which at least six must be City residents. One member shall be employed in the finance industry; one member shall be employed by the tourism industry; and one member may be a non-resident, but shall own or be employed by a business within the City.

Vacancies

The Financial Advisory Board has two current vacancies and two upcoming vacancies.

The current vacancies are:

1. Finance with a term to expire on 02/2023;
2. Non-resident who is employed or owns a business within the City. The term will expire on 02/2024. While this position can be filled by a non-city resident, it is not a requirement.

Upcoming Vacancies that will need to be filled this month:

1. Two City Residents with terms that expire on 02/2025.

Applicants

- Christian Henny was appointed to a regular seat on the Financial Advisory Board in June 2019. He has applied for a second term ending February 2025 as a City resident.
- Salvador Rico was interviewed by Mayor Pro Tem Willman and Councilor Stepp. He has applied for a regular City Resident seat or a Finance seat.
- Asha John was interviewed by Mayor Pro Tem Willman and Councilor Step. He has applied for a regular City Resident seat or a Finance seat.

Mayor Pro Tem Willman and Councilor Stepp Recommendation

Appoint Salvador Rico to the Finance Seat with a term expiring 02/2023, Asha John to a City Seat with a term expiring 02/2025, and Christian Henny to a City Seat with a term expiring 02/2025.

****This would leave one regular seat, which may be filled by a non-resident, still open to be filled.**

Issues: None.

Fiscal Impact: None.

Legal Review: None.

Staff Recommendation: Staff defers to City Council.

020.020.020 Composition of boards and commissions.

The membership of boards and commissions shall be composed of the following persons:

- (1) *Local Liquor Licensing Authority.*
 - a. The Local Liquor Licensing Authority shall consist of a Hearing Officer appointed by the City Council by resolution and may be removed with or without cause by a majority vote of the City Council.
- (2) *Airport Board.*
 - a. Five (5) citizens, at least four (4) who are residents of the City and one (1) who may reside outside of the City but within the 81601 zip code area or own real property or a business within the City.
- (3) *Building Board of Appeals.* 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.
- (4) *Finance Advisory Board:*
 - a. Seven (7) members of which at least six (6) are City residents. One (1) member shall be employed in the finance industry; one (1) member shall be employed by the tourism industry; and one (1) member may be a non-resident, but shall own or be employed by a business within the City.
- (5) *Parks and Recreation Commission.*
 - a. Seven (7) citizens, at least six (6) who are residents of the City and one (1) who may reside outside of the City but within the 81601 zip code area or own real property or a business within the City.
 - b. Reserved.
 - c. Reserved.
 - d. One (1) youth (under the age of eighteen [18] at appointment) who shall serve a one-year term from June 1 to May 31 of the following year.
- (6) *Planning and Zoning Commission.*
 - a. Seven (7) citizens who are residents of the City.
- (7) *River Commission.*
 - a. Seven (7) citizens, with one (1) alternate, at least six (6) who are residents of the City and one (1) who may reside outside of the City but within the 81601 zip code area or own real property or a business within the City.
- (8) *Victim's and Witnesses Assistance and Law Enforcement Board.*
 - a. Five (5) citizens, at least four (4) who are residents of the City and one (1) who may reside outside of the City but within the 81601 zip code area or own real property or a business within the City.
 - b. Reserved.
 - c. The Chief of Police as an advisory member, but a nonvoting member of the Board.
- (9) *Transportation Commission.*

-
- a. Seven (7) citizens, at least six (6) who are residents of the City and one (1) who may reside outside of the City but within the 81601 zip code area or own real property or a business within the City.
- (10) Reserved.
- (11) *Glenwood Springs Housing Commission.*
- a. Seven (7) citizens, at least six (6) who are residents of the City and one (1) who may reside outside of the City but within the 81601 zip code area or own real property or a business within the City.
- Membership should reflect a broad representation of organizations and other entities which are related to housing, including but not limited to the financial community, the building and development community, the real estate industry, and organizations which support low-income residents of the community.
- (12) *Historic Preservation Commission.*
- a. Seven (7) citizens, at least six (6) who are residents of the City and one (1) who may reside outside of the City but within the 81601 zip code area or own real property or a business within the City.
- (13) *Tourism Promotion Board.*
- a. Two (2) representatives from the tourism related businesses located within the City;
 - b. Two (2) representatives from the lodging businesses located within the City;
 - c. One (1) representative from the restaurant or retail businesses located within the City;
 - d. One (1) representative from the Glenwood Springs Chamber Resort Association; and
 - e. Three (3) citizens, at least two (2) who are residents of the City and that shall not have a direct or indirect financial interest in a business referenced in (a), (b) or (c) above and one (1) who is a resident that may have a financial interest in a business referenced in (a), (b) or (c) above.
- (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.
- (15) Council and Staff Participation on Boards and Commissions:
- a. The Mayor may appoint up to two (2) members of Council to act as a liaison between Council and a Board or Commission.
 - b. The City Manager may appoint a member of staff to assist a Board or Commission as necessary to fulfill their duties as provided for in 020.020.030.

(Code 1971 §§ 2-61, 4-75, 4-230, 15-2; 26-84 § 1; 19-89 § 1; 12-90 § 1; 54-90 § 1; 29-91 § 1; 10-93 § 1; 29-93 § 1; 7-94 § 1; 23-94 § 1; 10-95 § 1; 19-95 §§ 1, 2; 40-95 § 1; 28-97 § 1; 29-97 § 1; 1-01 § 1; 61-01 § 2; 14-03 § 1; 9-04 § 1; 20-05 § 2; 7-06 § 2; 13-06, § 2; 10-07 § 2; 6-08 § 2; 12-09 § 2; 12-10 § 2; 2-12 § 2; Ord. No. 2-2016, § 2(Exh. A), 2-4-2016; Ord. No. 16-2017, § 3, 8-17-2017; Ord. No. 2-2018, § 2, 1-18-2018; Ord. No. 6-2018, § 2, 3-1-2018; Ord. No. 21-2018, § 2, 9-20-2018; Ord. No. 2-2021, § 2(Exh. A), 4-15-2021)

Respondent



6

Anonymous



08:31

Time to complete



Financial Advisory Board Application

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

Composition of the Financial Advisory Board

(Per the Glenwood Springs, CO Municipal Code 020.020.040)

- Seven (7) members of which at least six (6) are City residents. One member shall be employed in the finance industry; one member shall be employed by the tourism industry; and one member may be a non-resident, but shall own or be employed by a business within the City.

Personal Information

1. Membership Qualifications *

You must qualify with one of the options below to be eligible to serve on the Financial Advisory Board. Please select the option that applies to you.



Resident of Glenwood Springs within city limits.



Resident outside of Glenwood Springs city limits, but within the 81601 zip code.



Non-resident who owns or is employed by a business within Glenwood Springs city limits.

2. Name *

Christian Henny

3. Home Address *

526 Pine Street Glenwood Springs CO 81601

4. Mailing Address *

PO Box 1670 Glenwood Springs CO 81602

5. Home Phone *

951-941-7720

6. Work Phone *

970-928-3760

7. Mobile Phone *

951-941-7720

8. Email Address *

chenny@hotelcolorado.com

9. Occupation *

President of Hotel Colorado.

Personal and Professional Interests

10. Why are you interested in serving on the Financial Advisory Board? *

I am an engaged member of the community and would like to continue serving our community by serving another term on FAB.

11. What do you view as your role if selected as a member to the Financial Advisory Board? *

As a member of FAB I would view my role as a facilitator of constructive dialog looking at both the short term and long term effects of financial and budgetary decisions.

12. What do you perceive as the major purpose of the Financial Advisory Board? *

The FAB should be a sounding board to ensure the sound fiscal policies are maintained.

13. What area of expertise do you feel you can best provide to the Financial Advisory Board? *

As a business leader with extensive experience leading complex hospitality operations, I have a strong financial acumen with practical business experience.

14. What time commitment are you able to contribute as a board member? *

I am able to commit the time required to serve another term on the FAB.

15. If you have a specific purpose for applying for this board, please explain. *

I believe the FAB and City Council benefit from having representation from the tourism sector of the Glenwood Springs economy.

16. Please select today's date. *

1/4/2022



17. Have you served on the Financial Advisory Board before? *

☐ No

☒ Yes

Reappointment Applicants

18. Why do you think you should be reappointed? *

I believe I have contributed to this boards success and would like to continue serving my community.

19. Have you served two full successive terms on the Financial Advisory Board? *

No

Powers and Duties of the Financial Advisory Board

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

(d) Powers and Duties of Financial Advisory Board. The Financial Advisory Board shall advise and assist the City Manager and Finance Director in the preparation of the City budget, the establishment of accounting systems for the City, the planning of expenses, the projection of revenues and the analysis of the other fiscal matters presented to the Board by the City Council. The Finance Advisory Board shall also be responsible for making recommendations to City Council regarding grants from the City's various grant programs as Council may establish from time to

time. No decision of the Financial Advisory Board shall be binding upon the City or anyone acting on its behalf.

Appointment, Removal, Term and Vacancies of Boards and Commissions

(Per the 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:

February:

Finance Advisory Board;

(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) successive 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)

Respondent



5

Anonymous



34:54

Time to complete



Financial Advisory Board Application

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

Composition of the Financial Advisory Board

(Per the Glenwood Springs, CO Municipal Code 020.020.040)

- Seven (7) members of which at least six (6) are City residents. One member shall be employed in the finance industry; one member shall be employed by the tourism industry; and one member may be a non-resident, but shall own or be employed by a business within the City.

Personal Information

1. Membership Qualifications *

You must qualify with one of the options below to be eligible to serve on the Financial Advisory Board. Please select the option that applies to you.



Resident of Glenwood Springs within city limits.



Resident outside of Glenwood Springs city limits, but within the 81601 zip code.



Non-resident who owns or is employed by a business within Glenwood Springs city limits.

2. Name *

Asha John

3. Home Address *

3030 Hager Lane, Glenwood Springs, CO 81601

4. Mailing Address *

3030 Hager Lane, Glenwood Springs, CO 81601

5. Home Phone *

9174823272

6. Work Phone *

9174823272

7. Mobile Phone *

9174823272

8. Email Address *

Asha_john@hotmail.com

9. Occupation *

Accountant

Personal and Professional Interests

10. Why are you interested in serving on the Financial Advisory Board? *

I would like to use my skills and expertise for the City of Glenwood Springs.

11. What do you view as your role if selected as a member to the Financial Advisory Board? *

My role would be to provide guidance and expertise in making the best fiscal decisions for the City.

12. What do you perceive as the major purpose of the Financial Advisory Board? *

The Financial Advisory Board has a responsibility to make sure that funds are spent in a fiscally responsible manner.

13. What area of expertise do you feel you can best provide to the Financial Advisory Board? *

Audit, budget and financial analysis, just to make a few broad areas.

14. What time commitment are you able to contribute as a board member? *

2-3 hours per month is my current availability

15. If you have a specific purpose for applying for this board, please explain. *

My family and I just moved to the area and I would like to get connected with the City and provide any assistance I can.

16. Please select today's date. *

12/1/2021 

17. Have you served on the Financial Advisory Board before? *

☐ No

☒ Yes

Reappointment Applicants

18. Why do you think you should be reappointed? *

N/A

19. Have you served two full successive terms on the Financial Advisory Board? *

N/A

Powers and Duties of the Financial Advisory Board

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

(d) Powers and Duties of Financial Advisory Board. The Financial Advisory Board shall advise and assist the City Manager and Finance Director in the preparation of the City budget, the establishment of accounting systems for the City, the planning of expenses, the projection of revenues and the analysis of the other fiscal matters presented to the Board by the City Council. The Finance Advisory Board shall also be responsible for making recommendations to City Council regarding grants from the City's various grant programs as Council may establish from time to time. No decision of the Financial Advisory Board shall be binding upon the City or anyone acting on its behalf.

Appointment, Removal, Term and Vacancies of Boards and Commissions

(Per the 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:

February:

Finance Advisory Board;

(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) successive 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)



Financial Advisory Board Application

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

Composition of the Financial Advisory Board

(Per the Glenwood Springs, CO Municipal Code 020.020.040)

- Seven (7) members of which at least six (6) are City residents. One member shall be employed in the finance industry; one member shall be employed by the tourism industry; and one member may be a non-resident, but shall own or be employed by a business within the City.

Personal Information

1. Membership Qualifications *

You must qualify with one of the options below to be eligible to serve on the Financial Advisory Board. Please select the option that applies to you.

- ☒ Resident of Glenwood Springs within city limits.
- ☐ Resident outside of Glenwood Springs city limits, but within the 81601 zip code.
- ☐ Non-resident who owns or is employed by a business within Glenwood Springs city limits.

2. Name *

Salvador Rico

3. Home Address *

908 Meadow Run

4. Mailing Address *

908 Meadow Run

5. Home Phone *

9706914680

6. Work Phone *

9706914680

7. Mobile Phone *

9706914680

8. Email Address *

Ricosalvador940@gmail.com

9. Occupation *

Accounting

Personal and Professional Interests

10. Why are you interested in serving on the Financial Advisory Board? *

To better serve the community I live in and also get a better understanding of it.

11. What do you view as your role if selected as a member to the Financial Advisory Board? *

To advise as necessary.

12. What do you perceive as the major purpose of the Financial Advisory Board? *

Aid in the preparation of the city Budget, accounting systems, expenses, etc.

13. What area of expertise do you feel you can best provide to the Financial Advisory Board? *

Accounting systems.

14. What time commitment are you able to contribute as a board member? *

A couple hours each month. More if necessary.

15. If you have a specific purpose for applying for this board, please explain. *

N/A

16. Please select today's date. *



17. Have you served on the Financial Advisory Board before? *

☒ No

☐ Yes

Powers and Duties of the Financial Advisory Board

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

(d) Powers and Duties of Financial Advisory Board. The Financial Advisory Board shall advise and assist the City Manager and Finance Director in the preparation of the City budget, the establishment of accounting systems for the City, the planning of expenses, the projection of revenues and the analysis of the other fiscal matters presented to the Board by the City Council. The Finance Advisory Board shall also be responsible for making recommendations to City Council regarding grants from the City's various grant programs as Council may establish from time to time. No decision of the Financial Advisory Board shall be binding upon the City or anyone acting on its behalf.

Appointment, Removal, Term and Vacancies of Boards and Commissions

(Per the 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:

February:

Finance Advisory Board;

(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) successive 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
February 17, 2022

Agenda Item: Transportation Commission Appointments

Action Requested: Transportation Commission Appointments

Department: City Administration

Presented By: Sara Weigel

Strategic Goals: Provide Efficient and Responsive City Government
Preserve and Improve Infrastructure

Background Info: **Composition of the Transportation Commission**
Seven (7) citizens, at least six (6) who are residents of the City and one (1) who may reside outside of the City but within the 81601 zip code area or own real property or a business within the City.

Vacancies

Current Vacancies:

- One regular seat with a term expiring March 2024.

Upcoming Vacancies that will need to be filled this month:

- Two regular seats with terms expiring March 2025.

Applicants

- Ralph Trapani, a city resident, was appointed to the Transportation Commission in March 2019 and applied for a second term. Ralph was deemed eligible for reappointment to a regular seat with a term expiring March 2025.
- Dean Kinkel, a city resident, was interviewed on February 1st by Councilor Wussow and Councilor Kaup. Dean was deemed eligible for a regular seat with a term expiring March 2025.

Councilor Wussow and Councilor Kaup Recommendation

Appoint Ralph Trapani and Dean Kinkel to regular seats on the Transportation Commission with terms beginning March 2022 and expiring March 2025.

Issues: None.

Fiscal Impact: None.

Legal Review: None.

Staff Recommendation: Staff defers to City Council.

020.020.020 Composition of boards and commissions.

The membership of boards and commissions shall be composed of the following persons:

- (1) *Local Liquor Licensing Authority.*
 - a. The Local Liquor Licensing Authority shall consist of a Hearing Officer appointed by the City Council by resolution and may be removed with or without cause by a majority vote of the City Council.
- (2) *Airport Board.*
 - a. Five (5) citizens, at least four (4) who are residents of the City and one (1) who may reside outside of the City but within the 81601 zip code area or own real property or a business within the City.
- (3) *Building Board of Appeals.* 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.
- (4) *Finance Advisory Board:*
 - a. Seven (7) members of which at least six (6) are City residents. One (1) member shall be employed in the finance industry; one (1) member shall be employed by the tourism industry; and one (1) member may be a non-resident, but shall own or be employed by a business within the City.
- (5) *Parks and Recreation Commission.*
 - a. Seven (7) citizens, at least six (6) who are residents of the City and one (1) who may reside outside of the City but within the 81601 zip code area or own real property or a business within the City.
 - b. Reserved.
 - c. Reserved.
 - d. One (1) youth (under the age of eighteen [18] at appointment) who shall serve a one-year term from June 1 to May 31 of the following year.
- (6) *Planning and Zoning Commission.*
 - a. Seven (7) citizens who are residents of the City.
- (7) *River Commission.*
 - a. Seven (7) citizens, with one (1) alternate, at least six (6) who are residents of the City and one (1) who may reside outside of the City but within the 81601 zip code area or own real property or a business within the City.
- (8) *Victim's and Witnesses Assistance and Law Enforcement Board.*
 - a. Five (5) citizens, at least four (4) who are residents of the City and one (1) who may reside outside of the City but within the 81601 zip code area or own real property or a business within the City.
 - b. Reserved.
 - c. The Chief of Police as an advisory member, but a nonvoting member of the Board.
- (9) *Transportation Commission.*

-
- a. Seven (7) citizens, at least six (6) who are residents of the City and one (1) who may reside outside of the City but within the 81601 zip code area or own real property or a business within the City.
- (10) Reserved.
- (11) *Glenwood Springs Housing Commission.*
- a. Seven (7) citizens, at least six (6) who are residents of the City and one (1) who may reside outside of the City but within the 81601 zip code area or own real property or a business within the City.
- Membership should reflect a broad representation of organizations and other entities which are related to housing, including but not limited to the financial community, the building and development community, the real estate industry, and organizations which support low-income residents of the community.
- (12) *Historic Preservation Commission.*
- a. Seven (7) citizens, at least six (6) who are residents of the City and one (1) who may reside outside of the City but within the 81601 zip code area or own real property or a business within the City.
- (13) *Tourism Promotion Board.*
- a. Two (2) representatives from the tourism related businesses located within the City;
 - b. Two (2) representatives from the lodging businesses located within the City;
 - c. One (1) representative from the restaurant or retail businesses located within the City;
 - d. One (1) representative from the Glenwood Springs Chamber Resort Association; and
 - e. Three (3) citizens, at least two (2) who are residents of the City and that shall not have a direct or indirect financial interest in a business referenced in (a), (b) or (c) above and one (1) who is a resident that may have a financial interest in a business referenced in (a), (b) or (c) above.
- (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.
- (15) Council and Staff Participation on Boards and Commissions:
- a. The Mayor may appoint up to two (2) members of Council to act as a liaison between Council and a Board or Commission.
 - b. The City Manager may appoint a member of staff to assist a Board or Commission as necessary to fulfill their duties as provided for in 020.020.030.

(Code 1971 §§ 2-61, 4-75, 4-230, 15-2; 26-84 § 1; 19-89 § 1; 12-90 § 1; 54-90 § 1; 29-91 § 1; 10-93 § 1; 29-93 § 1; 7-94 § 1; 23-94 § 1; 10-95 § 1; 19-95 §§ 1, 2; 40-95 § 1; 28-97 § 1; 29-97 § 1; 1-01 § 1; 61-01 § 2; 14-03 § 1; 9-04 § 1; 20-05 § 2; 7-06 § 2; 13-06, § 2; 10-07 § 2; 6-08 § 2; 12-09 § 2; 12-10 § 2; 2-12 § 2; Ord. No. 2-2016, § 2(Exh. A), 2-4-2016; Ord. No. 16-2017, § 3, 8-17-2017; Ord. No. 2-2018, § 2, 1-18-2018; Ord. No. 6-2018, § 2, 3-1-2018; Ord. No. 21-2018, § 2, 9-20-2018; Ord. No. 2-2021, § 2(Exh. A), 4-15-2021)

Transportation Commission Application

Thank you for your interest in serving your community. Please answer all questions on this application.

Composition of the Transportation Commission

(Per the Glenwood Springs, CO Municipal Code 020.020.040)

- Seven (7) citizens, at least six (6) who are residents of the City and one (1) who may reside outside of the City but within the 81601 zip code area or own real property or a business within the City.

Personal Information

1. Membership Qualifications *

You must qualify with one of the options below to be eligible to serve on the Transportation Commission. Please select the option that applies to you.

- ☒ Resident of Glenwood Springs within city limits
- ☐ Resident outside of Glenwood Springs city limits, but within the 81601 zip code.
- ☐ Owner of real property or a business within Glenwood Springs city limits.

2. Name *

Ralph Trapani

3. Home Address *

714 Cowdin DR GWS,CO 81601

4. Mailing Address *

same

5. Home Phone *

970 618-8959

6. Work Phone *

970 618 8959

7. Mobile Phone *

970 618 8959

8. Email Address *

rjtrap@centurylink.net

9. Occupation *

Transportation Engineer

Personal and Professional Interests

10. Why are you interested in serving on the Transportation Commission? *

I would like to serve the City. I have decades of experience in transportation engineering and government service as the former CDOT Program Engineer. Through the Commission, I bring valuable experience to City Council on transportation issues.

11. What do you view as your role if selected as a member to the Transportation Commission? *

To participate in discussions, provide advice, and build consensus on issues with the Commission, which will go to City Council.

12. Please list any of Glenwood Springs past transit/transportation studies and your familiarities with them. *

As CDOT program engineer from 1992-2002, I was involved in numerous transportation planning studies on SH 82 and I 70. As a Commissioner, I participated in the COP process, and I am very familiar with RFTA issues.

13. Do you have any particular areas of interest or a particular perspective relating to transit or transportation in Glenwood Springs? *

I support the City's transit and TDM efforts. I am concerned about safety and congestion in the neighborhoods.

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? *

Yes

15. Can you describe an experience making a decision that made people unhappy? *

My decision to recommend to my CDOT supervisors that the Vail roundabouts be approved.

16. Transportation Commission members generally meet the first Tuesday of each month at 7:30 AM. Special meetings may occur during the month, such as an evening work session with City Council. In addition to meetings, there are monthly packet materials to review in preparation for the meetings. Do you have any existing time commitments that will hamper your ability to serve? *

No

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

I have served on the Transportation Commission prior. I have served on the CLEER board (formerly NCTF) since 2003. I have facilitated numerous committees, and presented to boards many times.

18. Please enter today's date *

1/13/2022



19. Have you previously served on the Transportation Commission? *

☐ No

☒ Yes

20. Why do you think you should be reappointed? *

My experience with TDM and knowledge of city issues.

21. Have you served two full successive terms on the Transportation Commission? *

Yes, in 2008 to 2011. I am applying for my second term as I joined the TC on 2019.

Powers and Duties of the Transportation Commission

(as defined in Title 020 of the Glenwood Springs Municipal Code; (i) Powers and Duties of Transportation Commission)

The powers and duties of the Transportation Commission shall be:

- (1) To investigate, study and report to the City Council any and all matters concerning transportation issues which directly affect the City.
- (2) To investigate, study and report to the City Council on other intergovernmental committees, boards or commissions working on transportation issues in the Tri-County (Pitkin, Garfield and Eagle) area.
- (3) To meet with the City Council on an annual basis to identify which transportation issues require priority attention.
- (4) To investigate, study and report to the City Council on grants, donations and other forms of funding to assist in meeting the transportation needs of the City.
- (5) To perform functions concerning oversight of transportation issues or functions as delegated by the City Council.
- (6) To appoint subcommittees as necessary to carry out the foregoing functions subject to the approval of the City Council

Appointment, Removal, Term and Vacancies of Boards and Commissions

(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:

(2) March:
Transportation 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) successive 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)



Transportation Commission Application

Thank you for your interest in serving your community. Please answer all questions on this application.

Composition of the Transportation Commission

(Per the Glenwood Springs, CO Municipal Code 020.020.040)

- Seven (7) citizens, at least six (6) who are residents of the City and one (1) who may reside outside of the City but within the 81601 zip code area or own real property or a business within the City.

Personal Information

1. Membership Qualifications *

You must qualify with one of the options below to be eligible to serve on the Transportation Commission. Please select the option that applies to you.

- ☒ Resident of Glenwood Springs within city limits
- ☐ Resident outside of Glenwood Springs city limits, but within the 81601 zip code.
- ☐ Owner of real property or a business within Glenwood Springs city limits.

2. Name *

Dean Kinkel

3. Home Address *

314 Park Dr Glenwood Springs CO 81601

4. Mailing Address *

314 Park Dr Glenwood Springs CO 81601

5. Home Phone *

7197602211

6. Work Phone *

9703843218

7. Mobile Phone *

7197602211

8. Email Address *

deankinkel@alpinebank.com

9. Occupation *

VP - Mortgage Officer w/ Alpine Bank

Personal and Professional Interests

10. Why are you interested in serving on the Transportation Commission? *

Traffic and public transportation is a big issue in Glenwood. As someone who owns a home in the city limits I have a lot of "skin in the game" and I want to make sure I can help/voice my opinion regarding transportation.

11. What do you view as your role if selected as a member to the Transportation Commission? *

To give honest feedback as a citizen/home owner in Glenwood. To provide creative solutions to current and future transportation issues. And to critically analyze proposed plans to improve/change Glenwood's transportation.

12. Please list any of Glenwood Springs past transit/transportation studies and your familiarities with them. *

I have done some reading and research regarding the Rio Grande Trail corridor proposals/studies. My home backs up to the Rio Grande Trail so I have personal interest in the future development of the corridor. I also lived in town through the Grand Ave bridge constriction. From this experience I became much more familiar with Glenwood transportation ins and outs.

13. Do you have any particular areas of interest or a particular perspective relating to transit or transportation in Glenwood Springs? *

Obviously traffic congestion on Grand Ave is a big one. I also have an interest in the future development of the Rio Grande Trail. I has have interest in creating a safer/more friendly pedestrian and biking community.

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 most certainly can. While I stated I have a personal interest in the Rio Grande corridor, I understand that what is good for the common goal is of the utmost importance. I served as an alternate committee member of the P&Z committee which gave me an opportunity to separate myself from person options and represent the City's goals.

15. Can you describe an experience making a decision that made people unhappy? *

As a mortgage loan officer it is a normal part of the job to deny someone for a mortgage loan. This is never good news to deliver. I have been a loan officer for over 7 years and have had my fair share of delivering news that won't make someone happy. Additionally as part of my time on the P&L committee I voted in favor of a controversial proposal to limit river shore development including personal property. This decision was not seen as positive by all loan owners yet it was, I felt, the best decision.

16. Transportation Commission members generally meet the first Tuesday of each month at 7:30 AM. Special meetings may occur during the month, such as an evening work session with City Council. In addition to meetings, there are monthly packet materials to review in preparation for the meetings. Do you have any existing time commitments that will hamper your ability to serve? *

At this time I do not have any other commitments that would inhibit my ability to serve.

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

2020-2021 Kiwanis Club President 2014-2019 Roaring Fork Young Professional Treasurer
2014-2021 Colorado Lending Source SBA 504 Loan Committee Member 2018-2019
Glenwood Springs P&L Committee Alternate

18. Please enter today's date *

12/13/2021



19. Have you previously served on the Transportation Commission? *

☒ No

☐ Yes

Powers and Duties of the Transportation Commission

(as defined in Title 020 of the Glenwood Springs Municipal Code; (i) Powers and Duties of Transportation Commission)

The powers and duties of the Transportation Commission shall be:

- (1) To investigate, study and report to the City Council any and all matters concerning transportation issues which directly affect the City.
- (2) To investigate, study and report to the City Council on other intergovernmental committees, boards or commissions working on transportation issues in the Tri-County (Pitkin, Garfield and Eagle) area.
- (3) To meet with the City Council on an annual basis to identify which transportation issues require priority attention.
- (4) To investigate, study and report to the City Council on grants, donations and other forms of funding to assist in meeting the transportation needs of the City.
- (5) To perform functions concerning oversight of transportation issues or functions as delegated by the City Council.
- (6) To appoint subcommittees as necessary to carry out the foregoing functions subject to the approval of the City Council

Appointment, Removal, Term and Vacancies of Boards and Commissions

(Per the 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:

(2) March:

Transportation Commission;

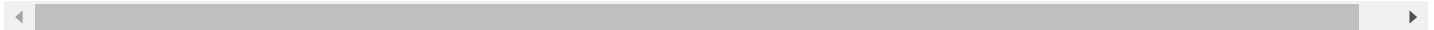
(b) Alternate members. The City Council at its discretion may appoint up to three (3) persons as alternate members for each board or commission. If a regular member of a board or commission is to be absent from a meeting, the presiding officer for the meeting may select an alternate member to fill such 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) successive 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
February 17, 2022

Agenda Item: Historic Preservation Commission Appointments

Action Requested: Historic Preservation Commission Appointments

Department: City Administration

Presented By: Sara Weigel

Strategic Goals: Provide Efficient and Responsive City Government

Background Info: **Composition of the Historic Preservation Commission**
Seven (7) citizens, at least six (6) who are residents of the City and one (1) who may reside outside of the City but within the 81601 zip code area or own real property or a business within the City.

Clarification on the Historic Preservation Commission Vacancies

At the February 3rd City Council meeting, appointments to the Historic Preservation Commission were made for James Larson, Marianne Ackerman, and Grant Stevens effective April 2022 due to concerns about affecting sitting members. With the large number of vacancies on the Commission, the appointments are being brought back with the recommendation below. Please note, these appointments will not affect the terms of any sitting Commissioner.

Members	Term Expiration
Haley Carmer	April 2022
Deborah Williams	April 2023
Carolyn Cipperly	April 2023
Vacant as of 2/7/2022 (formerly Debra Bosna - to be filled by James Larson)	April 2023
Vacant as of 1/25/2022 (formerly Patsy Stark)	April 2024
Vacant (to be filled by Grant Stevens beginning April 2022)	April 2025
Vacant (to be filled by Marianne Ackerman)	April 2023
Vacant - Alternate (vacated by Grant Stevens as of April 2022)	April 2024

Applicants

Applicants James Larson, Grant Stevens, and Marianne Ackerman are all city residents who were interviewed by Councilor Hershey.

Councilor Hershey Recommendation

Appoint James Larson to a regular seat with a term expiring April 2023 effective immediately, Marianne Ackerman to a regular seat with a term expiring April 2023 effective immediately, and Grant Stevens to a regular seat beginning April 2022 with a term expiring April 2025.

****This would leave one regular seat and one alternate seat open to be filled, as well as one regular seat opening April 2022.**

Issues: None.

Fiscal Impact: None.

Legal Review: None.

Staff Recommendation: Staff defers to City Council.

020.020.020 Composition of boards and commissions.

The membership of boards and commissions shall be composed of the following persons:

- (1) *Local Liquor Licensing Authority.*
 - a. The Local Liquor Licensing Authority shall consist of a Hearing Officer appointed by the City Council by resolution and may be removed with or without cause by a majority vote of the City Council.
- (2) *Airport Board.*
 - a. Five (5) citizens, at least four (4) who are residents of the City and one (1) who may reside outside of the City but within the 81601 zip code area or own real property or a business within the City.
- (3) *Building Board of Appeals.* 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.
- (4) *Finance Advisory Board:*
 - a. Seven (7) members of which at least six (6) are City residents. One (1) member shall be employed in the finance industry; one (1) member shall be employed by the tourism industry; and one (1) member may be a non-resident, but shall own or be employed by a business within the City.
- (5) *Parks and Recreation Commission.*
 - a. Seven (7) citizens, at least six (6) who are residents of the City and one (1) who may reside outside of the City but within the 81601 zip code area or own real property or a business within the City.
 - b. Reserved.
 - c. Reserved.
 - d. One (1) youth (under the age of eighteen [18] at appointment) who shall serve a one-year term from June 1 to May 31 of the following year.
- (6) *Planning and Zoning Commission.*
 - a. Seven (7) citizens who are residents of the City.
- (7) *River Commission.*
 - a. Seven (7) citizens, with one (1) alternate, at least six (6) who are residents of the City and one (1) who may reside outside of the City but within the 81601 zip code area or own real property or a business within the City.
- (8) *Victim's and Witnesses Assistance and Law Enforcement Board.*
 - a. Five (5) citizens, at least four (4) who are residents of the City and one (1) who may reside outside of the City but within the 81601 zip code area or own real property or a business within the City.
 - b. Reserved.
 - c. The Chief of Police as an advisory member, but a nonvoting member of the Board.
- (9) *Transportation Commission.*

-
- a. Seven (7) citizens, at least six (6) who are residents of the City and one (1) who may reside outside of the City but within the 81601 zip code area or own real property or a business within the City.
- (10) Reserved.
- (11) *Glenwood Springs Housing Commission.*
- a. Seven (7) citizens, at least six (6) who are residents of the City and one (1) who may reside outside of the City but within the 81601 zip code area or own real property or a business within the City.
- Membership should reflect a broad representation of organizations and other entities which are related to housing, including but not limited to the financial community, the building and development community, the real estate industry, and organizations which support low-income residents of the community.
- (12) *Historic Preservation Commission.*
- a. Seven (7) citizens, at least six (6) who are residents of the City and one (1) who may reside outside of the City but within the 81601 zip code area or own real property or a business within the City.
- (13) *Tourism Promotion Board.*
- a. Two (2) representatives from the tourism related businesses located within the City;
 - b. Two (2) representatives from the lodging businesses located within the City;
 - c. One (1) representative from the restaurant or retail businesses located within the City;
 - d. One (1) representative from the Glenwood Springs Chamber Resort Association; and
 - e. Three (3) citizens, at least two (2) who are residents of the City and that shall not have a direct or indirect financial interest in a business referenced in (a), (b) or (c) above and one (1) who is a resident that may have a financial interest in a business referenced in (a), (b) or (c) above.
- (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.
- (15) Council and Staff Participation on Boards and Commissions:
- a. The Mayor may appoint up to two (2) members of Council to act as a liaison between Council and a Board or Commission.
 - b. The City Manager may appoint a member of staff to assist a Board or Commission as necessary to fulfill their duties as provided for in 020.020.030.

(Code 1971 §§ 2-61, 4-75, 4-230, 15-2; 26-84 § 1; 19-89 § 1; 12-90 § 1; 54-90 § 1; 29-91 § 1; 10-93 § 1; 29-93 § 1; 7-94 § 1; 23-94 § 1; 10-95 § 1; 19-95 §§ 1, 2; 40-95 § 1; 28-97 § 1; 29-97 § 1; 1-01 § 1; 61-01 § 2; 14-03 § 1; 9-04 § 1; 20-05 § 2; 7-06 § 2; 13-06, § 2; 10-07 § 2; 6-08 § 2; 12-09 § 2; 12-10 § 2; 2-12 § 2; Ord. No. 2-2016, § 2(Exh. A), 2-4-2016; Ord. No. 16-2017, § 3, 8-17-2017; Ord. No. 2-2018, § 2, 1-18-2018; Ord. No. 6-2018, § 2, 3-1-2018; Ord. No. 21-2018, § 2, 9-20-2018; Ord. No. 2-2021, § 2(Exh. A), 4-15-2021)

Respondent

<

2

Anonymous

>

15:35

Time to complete

Historic Preservation Commission Application

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

Personal Information

1. Name *

Grant Stevens

2. Home Address *

713 Palmer Ave. #2, soon to be 819 Grand #1 Glenwood Springs, CO 81601

3. Mailing Address *

713 Palmer Ave. #2, soon to be 819 Grand #1 Glenwood Springs, CO 81601

4. Home Phone *

NA

5. Work Phone *

(970) 963-3977

6. Mobile Phone *

(319) 427-0260

7. Email Address *

grant.r.stevens@gmail.com

8. Occupation *

Communications Director, Wilderness Workshop

Personal and Professional Interests

9. Why are you interested in serving on the Historic Preservation Commission? *

I have a personal interest in Historic Preservation, having grown up in a Main Street Community and working at the National Trust for Historic Preservation (national nonprofit advocacy organization). Historic places should reflect the diversity of a community; they provide a valuable way to understand the past and look towards the future.

10. What do you view as your role if selected as a member to the Historic Preservation Commission? *

To regulate the city's 22 designated landmarks, support the designation of new landmarks, and increase awareness of the city's unique history.

11. Do you have any professional experience in one of the following disciplines: architecture, landscape architecture, architectural history, history, archaeology, planning, geography, anthropology, building trades, law, or real estate? (Note - professional experience in these fields is not a requirement for appointment to the commission.) *

My 7 years at the National Trust for Historic Preservation were in the Marketing Department, so I have a basic understanding of architectural history and history, but no formal training (only lots of enthusiasm!).

12. Please list degrees received, school/college/university attended and area of study. *

Coe College (Cedar Rapids, IA) - Bachelors Degree (Political Science & American Studies),
2011 Vermont Law School (South Royalton, VT) - Masters in Environmental Law & Policy,
2019

13. The Historic Preservation Commission generally attends one meeting a month in the evening. Do you have any existing time commitments that will hamper your ability to serve? *

No

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

In my roles at the National Trust for Historic Preservation and now at the Wilderness Workshop, I regularly work with Boards, Committees, and elected officials.

15. Please select today's date. *

4/4/2021



16. Have you served on the Historic Preservation Board before? *

☒ No

☐ Yes

Powers and Duties of the Historic Preservation Commission

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

Composition of the Historic Preservation Commission:

a. Seven (7) citizens, at least six (6) who are residents of the City and one (1) who may reside outside of the City but within the 81601 zip code area or own real property or a business with in the City.

Powers and Duties:

(I) Powers and Duties of Historic Preservation Commission. The powers and duties of the Historic Preservation Commission shall be:

(1) To recommend to City Council methods for the protection and preservation of the City's historic and cultural heritage, including, but not limited to, the designation of historic landmarks and districts by appropriate regulations.

(2) To recommend to City Council methods for enhancing property values and the stabilization of historic neighborhoods.

(3) To recommend to City Council methods for increasing economic and financial benefits, including, but not limited to, City attractions.

(4) To provide educational opportunities to increase public appreciation of the City's unique heritage.

(5) To do any other tasks related to the historic preservation of resources in the community of Glenwood Springs.

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)

Historic Preservation Commission Application

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

Personal Information

1. Name *

James Larson

2. Home Address *

300 Wulfsohn Rd. E205 Glenwood Springs, CO 81601

3. Mailing Address *

sames

4. Home Phone *

513-400-7322

5. Work Phone *

970-625-4270

6. Mobile Phone *

513-400-7322

7. Email Address *

jjl3872@hotmail.com

8. Occupation *

Marketing and Communications Director Garfield County Public Libraries

Personal and Professional Interests

9. Why are you interested in serving on the Historic Preservation Commission? *

Most notably, I love history, particularly local history that often goes unnoticed and not preserved. Way back in college, I was a history major which gave me a lifelong passion for learning whatever I can, whenever I can about local, state, national and world history. As a librarian, I see how stories and artifacts easily get lost in time especially culturally relevant materials from underrepresented populations within the community.

10. What do you view as your role if selected as a member to the Historic Preservation Commission? *

I recently worked with Carolyn in a minor capacity on a SIPA grant to digitize deteriorating archives of the Avalanche Echo newspaper. I believe that my capacity and connections as a

librarian can help continue the digitization of important historical records and preservation of other artifacts. My experience in marketing can help promote these collections to the citizens of Glenwood Springs in order to encourage exploration of our past.

11. Do you have any professional experience in one of the following disciplines: architecture, landscape architecture, architectural history, history, archaeology, planning, geography, anthropology, building trades, law, or real estate? (Note - professional experience in these fields is not a requirement for appointment to the commission.) *

history, library cataloging, archiving and research

12. Please list degrees received, school/college/university attended and area of study. *

Indiana University -BA in French and History University of Alabama - Master's of Library and Information Science

13. The Historic Preservation Commission generally attends one meeting a month in the evening. Do you have any existing time commitments that will hamper your ability to serve? *

I do not.

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

My experience has been within the business world frequently working on committees for strategic planning, budgeting and analysis.

15. Please select today's date. *

11/5/2021



16. Have you served on the Historic Preservation Board before? *

☒ No

☐ Yes

Powers and Duties of the Historic Preservation Commission

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

Composition of the Historic Preservation Commission:

a. Seven (7) citizens, at least six (6) who are residents of the City and one (1) who may reside outside of the City but within the 81601 zip code area or own real property or a business with in the City.

Powers and Duties:

(I) Powers and Duties of Historic Preservation Commission. The powers and duties of the Historic Preservation Commission shall be:

(1) To recommend to City Council methods for the protection and preservation of the City's historic and cultural heritage, including, but not limited to, the designation of historic landmarks and districts by appropriate regulations.

(2) To recommend to City Council methods for enhancing property values and the stabilization of historic neighborhoods.

(3) To recommend to City Council methods for increasing economic and financial benefits, including, but not limited to, City attractions.

(4) To provide educational opportunities to increase public appreciation of the City's unique heritage.

(5) To do any other tasks related to the historic preservation of resources in the community of Glenwood Springs.

Appointment, Removal, Term and Vacancies of Boards and Commissions

(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:

(3) April:
Historic Preservation 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) successive 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)



Respondent



4

Anonymous



04:05

Time to complete



Historic Preservation Commission Application

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

Personal Information

1. Name *

Marianne Ackerman

2. Home Address *

1480 oak way avenue

3. Mailing Address *

1480 oak way avenue

4. Home Phone *

970 379 3546

5. Work Phone *

970 947 9300

6. Mobile Phone *

970 379 3546

7. Email Address *

Marianne@propertyshopinc.com

8. Occupation *

Realtor

Personal and Professional Interests

9. Why are you interested in serving on the Historic Preservation Commission? *

I am a native of glenwood springs and am interested in preserving history of area

10. What do you view as your role if selected as a member to the Historic Preservation Commission? *

Historic knowledge.

11. Do you have any professional experience in one of the following disciplines: architecture, landscape architecture, architectural history, history, archaeology, planning, geography, anthropology, building trades, law, or real estate? (Note - professional experience in these fields is not a requirement for appointment to the commission.) *

Real estate and a knowledge of area

12. Please list degrees received, school/college/university attended and area of study. *

A.A.

13. The Historic Preservation Commission generally attends one meeting a month in the evening. Do you have any existing time commitments that will hamper your ability to serve? *

No

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

On cmc boards,hospital boards

15. Please select today's date. *

10/29/2021



16. Have you served on the Historic Preservation Board before? *

☒ No

Powers and Duties of the Historic Preservation Commission

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

Composition of the Historic Preservation Commission:

a. Seven (7) citizens, at least six (6) who are residents of the City and one (1) who may reside outside of the City but within the 81601 zip code area or own real property or a business with in the City.

Powers and Duties:

(l) Powers and Duties of Historic Preservation Commission. The powers and duties of the Historic Preservation Commission shall be:

- (1) To recommend to City Council methods for the protection and preservation of the City's historic and cultural heritage, including, but not limited to, the designation of historic landmarks and districts by appropriate regulations.
 - (2) To recommend to City Council methods for enhancing property values and the stabilization of historic neighborhoods.
 - (3) To recommend to City Council methods for increasing economic and financial benefits, including, but not limited to, City attractions.
 - (4) To provide educational opportunities to increase public appreciation of the City's unique heritage.
 - (5) To do any other tasks related to the historic preservation of resources in the community of Glenwood Springs.
-

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:

(3) April:

Historic Preservation 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) successive 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
February 17, 2022

Agenda Item: Parks and Recreation Commission Appointments

Action Requested: Parks and Recreation Commission Appointments

Department: City Administration

Presented By: Sara Weigel

Strategic Goals: Provide Efficient and Responsive City Government
Protect and Preserve our Quality of Life

Background Info: **Composition of the Parks and Recreation Commission**
Seven (7) citizens, at least six (6) who are residents of the City and one (1) who may reside outside of the City but within the 81601 zip code area or own real property or a business within the City.

Vacancies

Current Vacancies:

- One alternate seat with a term expiring March 2024.

Upcoming Vacancies that will need to be filled this month:

- Three regular seats with terms expiring March 2025.

Applicants

- Christina Pearson was appointed to the Parks and Recreation Commission as an alternate on November 18th, 2021 with a term expiring March 2022. Christina is eligible for reappointment to a regular seat.
- Laura Speck was appointed to the Parks and Recreation Commission as a regular member in 2019 and has served one term expiring March 2022. Laura is eligible for reappointment to a regular seat.
- Tyler Benton was interviewed on February 2nd for a regular seat and was deemed eligible for appointment.

Councilor Wussow Recommendation

Appoint Christina Pearson, Laura Speck, and Tyler Benton to regular seats on the Parks and Recreation Commission with terms beginning March 2022 and expiring March 2025.

Issues: None.

Fiscal Impact: None.

Legal Review: None.

Staff Recommendation: Staff defers to City Council.

020.020.020 Composition of boards and commissions.

The membership of boards and commissions shall be composed of the following persons:

- (1) *Local Liquor Licensing Authority.*
 - a. The Local Liquor Licensing Authority shall consist of a Hearing Officer appointed by the City Council by resolution and may be removed with or without cause by a majority vote of the City Council.
- (2) *Airport Board.*
 - a. Five (5) citizens, at least four (4) who are residents of the City and one (1) who may reside outside of the City but within the 81601 zip code area or own real property or a business within the City.
- (3) *Building Board of Appeals.* 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.
- (4) *Finance Advisory Board:*
 - a. Seven (7) members of which at least six (6) are City residents. One (1) member shall be employed in the finance industry; one (1) member shall be employed by the tourism industry; and one (1) member may be a non-resident, but shall own or be employed by a business within the City.
- (5) *Parks and Recreation Commission.*
 - a. Seven (7) citizens, at least six (6) who are residents of the City and one (1) who may reside outside of the City but within the 81601 zip code area or own real property or a business within the City.
 - b. Reserved.
 - c. Reserved.
 - d. One (1) youth (under the age of eighteen [18] at appointment) who shall serve a one-year term from June 1 to May 31 of the following year.
- (6) *Planning and Zoning Commission.*
 - a. Seven (7) citizens who are residents of the City.
- (7) *River Commission.*
 - a. Seven (7) citizens, with one (1) alternate, at least six (6) who are residents of the City and one (1) who may reside outside of the City but within the 81601 zip code area or own real property or a business within the City.
- (8) *Victim's and Witnesses Assistance and Law Enforcement Board.*
 - a. Five (5) citizens, at least four (4) who are residents of the City and one (1) who may reside outside of the City but within the 81601 zip code area or own real property or a business within the City.
 - b. Reserved.
 - c. The Chief of Police as an advisory member, but a nonvoting member of the Board.
- (9) *Transportation Commission.*

-
- a. Seven (7) citizens, at least six (6) who are residents of the City and one (1) who may reside outside of the City but within the 81601 zip code area or own real property or a business within the City.
- (10) Reserved.
- (11) *Glenwood Springs Housing Commission.*
- a. Seven (7) citizens, at least six (6) who are residents of the City and one (1) who may reside outside of the City but within the 81601 zip code area or own real property or a business within the City.
- Membership should reflect a broad representation of organizations and other entities which are related to housing, including but not limited to the financial community, the building and development community, the real estate industry, and organizations which support low-income residents of the community.
- (12) *Historic Preservation Commission.*
- a. Seven (7) citizens, at least six (6) who are residents of the City and one (1) who may reside outside of the City but within the 81601 zip code area or own real property or a business within the City.
- (13) *Tourism Promotion Board.*
- a. Two (2) representatives from the tourism related businesses located within the City;
 - b. Two (2) representatives from the lodging businesses located within the City;
 - c. One (1) representative from the restaurant or retail businesses located within the City;
 - d. One (1) representative from the Glenwood Springs Chamber Resort Association; and
 - e. Three (3) citizens, at least two (2) who are residents of the City and that shall not have a direct or indirect financial interest in a business referenced in (a), (b) or (c) above and one (1) who is a resident that may have a financial interest in a business referenced in (a), (b) or (c) above.
- (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.
- (15) Council and Staff Participation on Boards and Commissions:
- a. The Mayor may appoint up to two (2) members of Council to act as a liaison between Council and a Board or Commission.
 - b. The City Manager may appoint a member of staff to assist a Board or Commission as necessary to fulfill their duties as provided for in 020.020.030.

(Code 1971 §§ 2-61, 4-75, 4-230, 15-2; 26-84 § 1; 19-89 § 1; 12-90 § 1; 54-90 § 1; 29-91 § 1; 10-93 § 1; 29-93 § 1; 7-94 § 1; 23-94 § 1; 10-95 § 1; 19-95 §§ 1, 2; 40-95 § 1; 28-97 § 1; 29-97 § 1; 1-01 § 1; 61-01 § 2; 14-03 § 1; 9-04 § 1; 20-05 § 2; 7-06 § 2; 13-06, § 2; 10-07 § 2; 6-08 § 2; 12-09 § 2; 12-10 § 2; 2-12 § 2; Ord. No. 2-2016, § 2(Exh. A), 2-4-2016; Ord. No. 16-2017, § 3, 8-17-2017; Ord. No. 2-2018, § 2, 1-18-2018; Ord. No. 6-2018, § 2, 3-1-2018; Ord. No. 21-2018, § 2, 9-20-2018; Ord. No. 2-2021, § 2(Exh. A), 4-15-2021)

Parks and Recreation Commission Application

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

Personal Information

1. Name *

Christina Pearson

2. Home Address *

101 Polo Road Glenwood Springs, CO 81601

3. Mailing Address *

101 Polo Road Glenwood Springs, CO 81601

4. Home Phone *

303-358-9913

5. Work Phone *

970-384-9073

6. Mobile Phone *

303-358-9913

7. Email Address *

christina.mcclard@gmail.com

8. Occupation *

Water Resources Engineer

Personal and Professional Interests

9. Why are you interested in serving on the Parks and Recreation Commission? *

I view physical activity - and outdoor activity - as extremely important to my well being and happiness. I also believe it is crucial that all residents have access to such amenities. Our outdoor amenities and surrounding area are why many residents move here and tourists visit. Also, I want to get more involved and would like to make a contribution to the City by serving on the Commission.

10. What do you view as your role if selected as a member of the Parks and Recreation Commission? *

My role would be as listed on the Parks and Recreation Commission page. I am an avid mountain biker and have been a heavy user of the City parks, so my particular focus would

be on bike infrastructure, parks (including free amenities like tennis, pickleball, basketball and baseball courts) and the Community Center. As a resident from 2008- 2013, I was a consistent Community Center user and plan to be again following the slow down in the spread of COVID.

11. What experience and/or interest do you have in programming, planning, and being a part of community meetings? *

My experience in Glenwood has been limited to attending meetings very specific to my concerns, however I was an active attendant of the Bicycle Advisory Committee in Fort Collins, CO and involved with Bike Fort Collins. I want to be an active and engaged member of the community here and want to join in.

12. Do you have any particular areas of interest or a particular perspective relating to parks and recreation in Glenwood Springs? *

My interests are mostly bike infrastructure, parks (including free amenities like tennis, pickleball, basketball and baseball courts) and the Community Center. However, my top area of interest is cycling. I'm a bike commuter, road cyclist and mountain biking.

13. 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. That is the role of a commission member.

14. Can you describe an experience making a decision that made people unhappy? *

It's a regular part of my job as an engineer. I've had to deal with residents who were extremely unhappy with decisions being made by my client based upon my and my coworkers' work. Being thorough in everything I do helps to be assured of whatever decision or recommendation I have made. That being said, I find it extremely helpful to listen to people who are unhappy with a decision and try to understand the root of why they are unhappy with a decision. It also helps to have wide ranging stakeholder involvement and communication when possible. Though it has been awhile, I was the president of my sorority and I believe it will be hard to top that experience in dealing with unhappy people. No experience has come close to date.

15. Do you have any existing time commitments that will hamper your ability to serve? (The Commission generally meets monthly in the evening for approximately 90 minutes, with members encouraged to participate in ad hoc projects outside of the scheduled meetings.) *

I work from 8am to 5 pm Monday through Friday and would be available otherwise with notice.

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

My work experience has generally been supporting the board or committee with information to make informed decisions.

17. Please select today's date. *

10/21/2021



18. Have you served on the Parks and Recreation Commission before? *

☒ No

☐ Yes

Powers and Duties of the Parks and Recreation Commission

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

Composition of the Parks and Recreation Commission:

(5) Parks and Recreation Commission:

a. Seven (7) citizens, at least six (6) who are residents of the City and one (1) who may reside

outside of the City but within the 81601 zip code area or own real property or a business within the City.

b. (R 20-05 §2)

c. (R 20-05 §2)

d. One (1) youth (under the age of eighteen [18] at appointment) who shall serve a one-year term from June 1 to May 31 of the following year.

Powers and Duties:

(e) Powers and duties of Parks and Recreation Commission. The powers and duties of the Parks and Recreation Commission shall be:

(1) To investigate, study and report to the City Council all matters concerning City parks and recreation within the City and other matters concerning the subject of parks and recreation which may be pertinent to the City and requested of such Commission by the City Council.

(2) To investigate, study and report to the City Council on such other matters concerning parks and recreation within the City as the Commission may deem in the best interests of the City.

(3) To provide technical assistance, advice and planning support to the Parks and Recreation Director and City Council regarding tree planting and maintenance needs in the City.

(4) To provide recommendations from time to time regarding the administration and implementation of Article 090.050 of this Code.

(5) To investigate, study and report to City Council all matters concerning the burial and internment facilities of the City and other such matters as may be requested by City Council from time to time.

(6) To investigate, study and report to City Council on such other matters concerning burial and internment facilities and such other similar matters as the Commission may deem in the best interests of the City.

(7) To investigate, study and report to City Council any and all matters concerning the use and operation of the City's Community Center.

(8) To coordinate with other City boards and commissions on any aspect of the Community Center that may relate to the powers and duties of such other boards and commissions.

(9) To investigate, study and report to City Council on grants, donations and other forms of funding to assist in the operation of the Community Center, and to otherwise advise City Council on budgetary needs related to the operation of the Community Center.

(A 61-02 §4)

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:

(2) March:

Parks and Recreation 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) successive 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)

Parks and Recreation Commission Application

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

Composition of the Parks and Recreation Commission:

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

(5) Parks and Recreation Commission:

- Seven (7) citizens, at least six (6) who are residents of the City and one (1) who may reside outside of the City but within the 81601 zip code area or own real property or a business within the City.
- One (1) youth (under the age of eighteen [18] at appointment) who shall serve a one-year term from June 1 to May 31 of the following year.

Personal Information

1. Membership Qualifications *

You must qualify with one of the options below to be eligible to serve on the Parks and Recreation Commission. Please select the option that applies to you.

- ☒ Resident of Glenwood Springs within city limits.
- ☐ Resident outside of Glenwood Springs city limits, but within the 81601 zip code.
- ☐ Owner of real property or a business within Glenwood Springs city limits.
- ☐ Youth resident (under the age of 18) within the 81601 zip code.

2. Name *

Laura Speck

3. Home Address *

728 Minter Avenue Glenwood Springs, CO 81601

4. Mailing Address *

927 Grand Avenue Glenwood Springs, CO 81601

5. Home Phone *

(cell) 970-471-0614

6. Work Phone *

970-945-5663

7. Mobile Phone *

970-471-0614

8. Email Address *

thesilverbead@hotmail.com

9. Occupation *

Business Owner

Personal and Professional Interests

10. Why are you interested in serving on the Parks and Recreation Commission? *

I would like to continue my role on the P&R Commission to see some of the projects we have been working on come to fruition as well as be a part of some of the exciting new opportunities that are in the works.

11. What do you view as your role if selected as a member of the Parks and Recreation Commission? *

To continue to advocate for the things I am passionate about such as trees, open space, development of areas underutilized and the downtown area.

12. What experience and/or interest do you have in programming, planning, and being a part of community meetings? *

The past three years being on this commission has given me a great experience in being a part of community meetings and I still have so much to learn.

13. Do you have any particular areas of interest or a particular perspective relating to parks and recreation in Glenwood Springs? *

As mentioned earlier, I would like to advocate for more trees being planted in our downtown area and to create some unique ideas for development of the "Landing and Confluence" areas. I am also hopeful that P&R might eventually be included in conversations about the Sopris Views Trails project that I have presented to the community.

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? *

Yes :)

15. Can you describe an experience making a decision that made people unhappy?

*

I have experienced some push back and ill wishes from some of those in our community that do not like the renovations being made in our parks, the lack of transparency and in general not having a solid plan for some of the areas the city has potential development plans for. But I think the best thing to do is to listen without judgement, acknowledge their questions and/or concerns and try to give guidance on how they might be able to gather more information.

16. Do you have any existing time commitments that will hamper your ability to serve? (The Commission generally meets monthly in the evening for approximately 90 minutes, with members encouraged to participate in ad hoc projects outside of the scheduled meetings.) *

No

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

Just the past almost three years on this commission.

18. Please select today's date. *

1/6/2022



19. Have you served on the Parks and Recreation Commission before? *

☐ No

☒ Yes

Reappointment Applicants

20. Why do you think you should be reappointed? *

I think that the learning curve to fully understand how much the Parks and Recreation department takes on deserves a full year just to comprehend. Then, having to do remote Zoom calls for over a year really made it difficult to get a lot of things accomplished that were going to do before the pandemic hit. I would like to see some of those projects move forward and I think I can be a benefit to some of the other new projects being presented to the city this coming year.

21. Have you served two full successive terms on the Parks and Recreation Commission? *

I served one term and then had an additional year added after being elected Chair, but no I have not served two full successive terms.

Powers and Duties of the Parks and Recreation Commission

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

(e) Powers and duties of Parks and Recreation Commission. The powers and duties of the Parks and Recreation Commission shall be:

- (1) To investigate, study and report to the City Council all matters concerning City parks and recreation within the City and other matters concerning the subject of parks and recreation which may be pertinent to the City and requested of such Commission by the City Council.
- (2) To investigate, study and report to the City Council on such other matters concerning parks and recreation within the City as the Commission may deem in the best interests of the City.
- (3) To provide technical assistance, advice and planning support to the Parks and Recreation Director and City Council regarding tree planting and maintenance needs in the City.
- (4) To provide recommendations from time to time regarding the administration and implementation of Article 090.050 of this Code.
- (5) To investigate, study and report to City Council all matters concerning the burial and

internment facilities of the City and other such matters as may be requested by City Council from time to time.

(6) To investigate, study and report to City Council on such other matters concerning burial and internment facilities and such other similar matters as the Commission may deem in the best interests of the City.

(7) To investigate, study and report to City Council any and all matters concerning the use and operation of the City's Community Center.

(8) To coordinate with other City boards and commissions on any aspect of the Community Center that may relate to the powers and duties of such other boards and commissions.

(9) To investigate, study and report to City Council on grants, donations and other forms of funding to assist in the operation of the Community Center, and to otherwise advise City Council on budgetary needs related to the operation of the Community Center.

(A 61-02 §4)

Appointment, Removal, Term and Vacancies of Boards and Commissions

(Per the 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:

March:

Parks and Recreation 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) successive 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)



Parks and Recreation Commission Application

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

Composition of the Parks and Recreation Commission:

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

(5) Parks and Recreation Commission:

- Seven (7) citizens, at least six (6) who are residents of the City and one (1) who may reside outside of the City but within the 81601 zip code area or own real property or a business within the City.
- One (1) youth (under the age of eighteen [18] at appointment) who shall serve a one-year term from June 1 to May 31 of the following year.

Personal Information

1. Membership Qualifications *

You must qualify with one of the options below to be eligible to serve on the Parks and Recreation Commission. Please select the option that applies to you.

- ☒ Resident of Glenwood Springs within city limits.
- ☐ Resident outside of Glenwood Springs city limits, but within the 81601 zip code.
- ☒ Owner of real property or a business within Glenwood Springs city limits.
- ☐ Youth resident (under the age of 18) within the 81601 zip code.

2. Name *

Tyler Benton

3. Home Address *

503 Spring St. Unit 4

4. Mailing Address *

503 Spring St. Unit 4

5. Home Phone *

719-349-9845

6. Work Phone *

719-349-9845

7. Mobile Phone *

719-349-9845

8. Email Address *

Benton.Tyler@gmail.com

9. Occupation *

Engineer

Personal and Professional Interests

10. Why are you interested in serving on the Parks and Recreation Commission? *

I'm a property owner and resident of north Glenwood and am interested in helping and guiding future downtown projects including 6th Street improvements, north landing, and the confluence area.

11. What do you view as your role if selected as a member of the Parks and Recreation Commission? *

Providing guidance, ideas, and bringing energy for achieving cost sharing/grant opportunities to these new projects.

12. What experience and/or interest do you have in programming, planning, and being a part of community meetings? *

While I have no direct experience in serving on community boards, I am highly motivated and responsible to commitments. My interest is to do my part for continuous improvement of our community. As a water resource engineer my career has been focused on long term planning for community water needs. This experience gives me a good frame of reference in focusing on the long term, rather than quick fixes that are often unsustainable.

13. Do you have any particular areas of interest or a particular perspective relating to parks and recreation in Glenwood Springs? *

I'd like to see more time, energy and investment into north Glenwood. Specifically, I'd like to help develop multi use areas that contain educational placards focused on the area's geology, history, and the Colorado River. As a water resource engineer, I'm particularly interested in informing locals and tourists alike in sustainable water use and our larger connection to the Colorado River Basin.

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? *

Yes, I do believe I can help move forward city goals, policies, plans, and municipal code in a way that is both aware and respectful of the greater good and not narrowly focused, or self interested.

15. Can you describe an experience making a decision that made people unhappy? *

As a landlord I have had to notify a tenant that I would not be renewing their lease as I'd be needing to move into the residence. This was a difficult decision, but in order to make the process as easy as possible for my tenant I gave him 4 months notice rather than the required 2 month per our lease agreement.

16. Do you have any existing time commitments that will hamper your ability to serve? (The Commission generally meets monthly in the evening for approximately 90 minutes, with members encouraged to participate in ad hoc projects outside of the scheduled meetings.) *

While I have a full time job, I will be able to dedicate time to this commitment.

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

I have recently stepped down from a leadership roll with Colorado Water Congress' Professional Outreach Networking and Development (POND) committee. This is a statewide young professional group for the Colorado water community. My responsibilities were to facilitate event planning, committee communication and lead meetings.

18. Please select today's date. *

12/21/2021



19. Have you served on the Parks and Recreation Commission before? *

☒ No

☐ Yes

Powers and Duties of the Parks and Recreation Commission

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

(e) Powers and duties of Parks and Recreation Commission. The powers and duties of the Parks and Recreation Commission shall be:

(1) To investigate, study and report to the City Council all matters concerning City parks and recreation within the City and other matters concerning the subject of parks and recreation which may be pertinent to the City and requested of such Commission by the City Council.

(2) To investigate, study and report to the City Council on such other matters concerning parks and recreation within the City as the Commission may deem in the best interests of the City.

(3) To provide technical assistance, advice and planning support to the Parks and Recreation Director and City Council regarding tree planting and maintenance needs in the City.

(4) To provide recommendations from time to time regarding the administration and implementation of Article 090.050 of this Code.

(5) To investigate, study and report to City Council all matters concerning the burial and internment facilities of the City and other such matters as may be requested by City Council from time to time.

(6) To investigate, study and report to City Council on such other matters concerning burial and internment facilities and such other similar matters as the Commission may deem in the best interests of the City.

(7) To investigate, study and report to City Council any and all matters concerning the use and operation of the City's Community Center.

(8) To coordinate with other City boards and commissions on any aspect of the Community Center that may relate to the powers and duties of such other boards and commissions.

(9) To investigate, study and report to City Council on grants, donations and other forms of funding to assist in the operation of the Community Center, and to otherwise advise City Council on budgetary needs related to the operation of the Community Center.

Appointment, Removal, Term and Vacancies of Boards and Commissions

(Per the 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:

March:

Parks and Recreation 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) successive 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
February 17, 2022

Agenda Item: South Midland Update

Action Requested: NA

Department: Engineering

Presented By: Terri Partch

Strategic Goals: Preserve and Improve Infrastructure

Background Info: Kathleen Wanatowicz, with PR Studio, will present an update on South Midland with support from Staff. A presentation will be provided at the meeting.

Issues: NA

Fiscal Impact: NA

Legal Review: NA

Staff Recommendation: NA



City Council
STAFF REPORT
City of Glenwood Springs
February 17, 2022

Agenda Item:	Housing Coalition Letter of Intent
Action Requested:	Approval of the Letter of Intent for the Regional Housing Coalition
Department:	Economic and Community Development
Presented By:	Jenn Ooton
Strategic Goals:	Generate Sustainable Economic Development Preserve and Improve Infrastructure
Background Info:	The beginnings of the Greater Roaring Fork Valley Housing Coalition was envisioned in 2018-2019 as an informal vehicle for member jurisdictions to promote regional collaboration and cooperation on matters relating to affordable housing, primarily for the region's workforce but also for seniors and those in need. Members of this group previously contributed to funding the 2019 Regional Housing Study, which identified a 4,000-housing unit shortfall for households under 160 percent of area median income. Prior to the coronavirus, the group was working toward a memorandum of understanding (MOU) regarding a regional approach to affordable housing. After a pause due to COVID-19, the Coalition group was reactivated to address the recent exacerbation of the housing crisis in the region. In late 2021 and early 2022, members of the coalition worked on the attached Letter of Intent to form a nonprofit to take advantage of available stimulus money to address affordable housing needs, as an alternate approach to the MOU. This regional nonprofit is anticipated to be able to access grant funds or loans for housing that government entities may not be able to access or may be limited due to TABOR restrictions. Separately, technical assistance provided by the State of Colorado through the Regional Roadmap process will help develop policies and strategies to address the needs of working residents, seniors, and other demographic groups identified as in need of affordable housing in the region, and update data that was presented in the 2019 Regional Housing Study.
Issues:	The nonprofit bylaws and governance structure are forthcoming, and specific details about what projects the nonprofit will pursue have not yet been identified.
Fiscal Impact:	The Letter of Intent asks for a commitment of \$10,000 as start up capital for the establishment of this nonprofit entity to further regional affordable housing. This is a budgeted expense in the Community Development budget in line 01-141-52855.
Legal Review:	The letter of intent (LOI) as presented obligates the City to contribute a one time \$10,000 contribution to the formation and 2022 operation of a regional housing non-profit. The document does not address governance or decision-making authority beyond requiring a majority of contributing entities to authorize expenditure of funds until a non-profit is formed. The form of non-profit, governance, projects, tax status and other details are not addressed and, per the terms of the LOI, will be addressed in the future once the initial funding is provided. Other than the financial commitment, there is no ongoing liability for the City.
Staff Recommendation:	Approval of the Letter of Intent and expenditure of the \$10,000 from the General Fund.

**PROPOSAL TO CREATE A REGIONAL HOUSING COALITION
LETTER OF INTENT/INVITATION TO PARTICIPATE**

February 3, 2022

Background

The Greater Roaring Fork Valley Housing Coalition originally convened in 2018 as an informal vehicle to promote regional collaboration and cooperation across a team of municipalities and counties on matters relating to affordable housing, primarily for the region's workforce but also for seniors and those in need of affordable and supportive housing. In 2019, the Coalition commissioned the Greater Roaring Fork Regional Housing Study with the purpose to create a common language with uniformly-collected information and analysis to address regional problems.

After a pause due to Covid, the Coalition has reconvened due to the even further exacerbated housing crisis in the region. Simultaneously, the Roaring Fork region was awarded a State of Colorado "Resiliency and Recovery Roadmap" planning grant with the intent of developing strategic regional housing initiatives that builds upon the 2019 Regional Study.

Over the past two months, the Greater Roaring Fork Housing Coalition Steering Committee and Roadmap Planning Committee have been meeting regularly to determine how the two efforts can leverage the resources and capacity available to meaningfully address the regional housing needs.

Regional Housing Coalition Nonprofit

The Greater Roaring Fork Valley Housing Coalition Steering Committee and the Roadmap Planning Committee desire to create a Colorado nonprofit corporation to facilitate regional collaboration and cooperation to address regional housing issues and serve as an implementation arm to regional housing strategic programs, policies and initiatives.

Mission

The mission of the Coalition, and eventual nonprofit entity, is to increase the availability and accessibility of affordable community housing in the region, including but not limited to, senior housing, affordable and supportive housing, workforce housing (up to 150% of AMI) and meet other housing needs that may arise.

Purpose

Create a formal nonprofit regional housing structure to meet the above stated mission and:

1. Promote regional collaboration and cooperation in order to effectively address the housing needs of the community including residents, seniors, and other short- and long-term housing needs.
2. Educate and advocate for the region's unique housing needs.
3. Serve as a resource for the government entities, affordable housing providers and employers by researching and providing information regarding successful affordable housing policies and strategies, financing and grant opportunities, public/private development opportunities, state and federal legislation and programs relating to affordable housing, and other topics.
4. Update and leverage the 2019 Greater Roaring Fork Valley Regional Study to identify implementation actions to meet the aforementioned mission.
5. Seek and secure funding from public and other sources for future housing acquisition, development and/or renovation.
6. Retain the ability to acquire and hold land for future development for housing, as funding allows.
7. Collaborate with and potentially serve as the vehicle to implement the policies and programs recommended by the RFV Roadmap Process.

Benefits of Regional Nonprofit Structure

The Colorado State Legislature is preparing to make \$450 million in housing funds available for affordable housing projects from ARPA funding with approximately 50% available as grants and 50% as loans. The loan funds will be in the form of low/no-interest loans that political subdivisions may not be able to borrow without a vote of the people. With a nonprofit structure, a regional nonprofit entity is able to take advantage of these loan and grant opportunities and a regional nonprofit dedicated to affordable housing will make our region much more competitive for these funds.

- Nonprofits can take advantage of loans and funding opportunities that may be prohibitive for political subdivisions/local governments to access due to TABOR limitations.
- Nonprofits, if a qualified 501(c)(3), can raise charitable contributions to put toward programming.
- Provides an avenue for other nonprofits and stakeholder engagement not always feasible in government structures.
- Provides political independence from the government institutions. One of the value points is that the nonprofit will be able to easily work across governmental lines throughout the region.

Invitation to Participate

Government entities throughout the Greater Roaring Fork Region are being invited to join the Coalition and commit to the formation of a nonprofit corporation. By signing onto this Letter of Intent, each member jurisdiction commits to provide a one-time contribution of \$10,000 as seed capital to form and organize the nonprofit corporation in advance of State ARPA funds becoming available. Ongoing participation beyond 2022 will be subject to future requests from the nonprofit based upon benefits and value to the contributing member.

In addition to the one-time contribution, the signatories to this Letter of Intent will also commit to work on the decision-making roles and the Board of Directors structure of the nonprofit to best accomplish the missions and purpose. Other jurisdictions may sign on following the initial execution.

Fiscal Sponsor

The Uncle Bob Foundation will serve as the fiscal sponsor for the Coalition until the nonprofit entity is formed. The Uncle Bob Foundation, is a 501(c)(3) formed in 2000 by the Garfield County Housing Authority to collect charitable contributions for Affordable Housing projects in Parachute, Colorado. The Uncle Bob Foundation also served as the fiscal sponsor for the 2019 Regional Housing Study and served as a pooling resource for nonprofits during Covid to fund the Landlord/Tenant Initiative. .

Any expenditures until the nonprofit is formed will be approved by majority of members that sign onto this Letter of Intent. Upon formation, all funds will be transferred to the nonprofit and responsibility of expenditures will be subject to Board of Directors authority and approval.

[This space intentionally left blank. Signatures on the following pages.]

Garfield County, Colorado

By: _____

_____, its _____

Date: _____

Eagle County, Colorado

By: _____

_____, its _____

Date: _____

Pitkin County, Colorado

By: _____

_____, its _____

Date: _____

City of Glenwood Springs, Colorado

By: _____

_____, its _____

Date: _____

City of Aspen, Colorado

By: _____

_____, its _____

Date: _____

Town of Basalt, Colorado

By: _____

_____, its _____

Date: _____

Town of Carbondale, Colorado

By: _____

_____, its _____

Date: _____

Town of Snowmass Village, Colorado

By: _____

_____, its _____

Date: _____

Aspen Pitkin County Housing Authority

By: _____

_____, its _____

Date: _____

Garfield County Housing Authority

By: _____

_____, its _____

Date: _____

Eagle County Housing and Development Authority

By: _____

_____, its _____

Date: _____



City Council
STAFF REPORT
City of Glenwood Springs
February 17, 2022

Agenda Item:	Ordinance 2022-09 - Amending Title 070 to add Guidelines and Regulations for Matters of State Interest; Planning Item 02-22
Action Requested:	Approval of Ordinance 2022-09
Department:	Planning Department
Presented By:	Jenn Ooton
Strategic Goals:	Protect and Preserve our Quality of Life Provide Efficient and Responsive City Government Preserve and Improve Infrastructure
Background Info:	This proposed amendment to Title 070 of the Glenwood Springs Municipal Code will allow additional review of certain types of development. Please see the attached memo from the City Attorney's Office for additional background.
Issues:	By enacting these regulations, City projects will also be subject to additional review.
Fiscal Impact:	The exact fiscal impacts of these regulations are unknown. Staff estimates that for City projects, there will be an additional cost of between \$10,000 and \$20,000 to prepare exhibits and analysis for consideration.
Legal Review:	Please see the attached memo from the City Attorney's Office.
Staff Recommendation:	Staff recommends approval of the proposed Ordinance 2022-09 with the following suggested findings. Suggested Findings: The proposed Code changes are: 1. Consistent with the Comprehensive Plan and other City policies; 2. Does not conflict with other provisions of this Code or other provisions in the Glenwood Springs Municipal Code; 3. Necessary to address a demonstrated community need; 4. Necessary to respond to substantial changes in conditions and/or policy; and 5. Are consistent with the general purpose and intent of this Code.

Glenwood Springs – Main Office
201 14th Street, Suite 200
P. O. Drawer 2030
Glenwood Springs, CO 81602

Aspen
323 W. Main Street
Suite 301
Aspen, CO 81611

Montrose
1544 Oxbow Drive
Suite 224
Montrose, CO 81402

DATE: February 11, 2022
TO: Glenwood Springs City Council
FROM: Karp Neu Hanlon PC
RE: 1041 Regulations Designating Matters of State Interest

Under cover of this memo for the City Council’s consideration is an ordinance adding a new article to Title 070 of the City of Glenwood Springs Municipal Code that, pursuant to state law, designates and regulates development within and impacting certain geographic areas of the City, as well as certain development activities occurring in the City. These regulations would be added to the Development Code as “Article 070.080 – Guidelines and Regulations for Matters of State Interest.” The amendments would also update Section 070.060.020, Table 060.1, Summary of Development Review Procedures. Planning Commission unanimously recommended adoption of these regulations at its February 8 meeting.

Background

In 1974, the Colorado General Assembly enacted measures to further define the authority of state and local governments in making planning decisions for matters of statewide interest. These powers are commonly referred to as “1041 powers” or “1041 regulations” based on the number of the bill of the legislation (HB 74-1041 – Areas and Activities of State Interest, codified at C.R.S. §§ 24-65.1-101 to -502). These 1041 powers allow local governments to identify, designate, and regulate areas and activities of state interest through a local permitting process. The general intention of these powers is to allow for local governments to maintain their control over specific development projects even where the projects have statewide impacts. Courts have regularly upheld this authority to locally regulate major projects such as reservoirs – most famously in the Homestake II Reservoir proposal in Eagle County. Many nearby local governments have adopted 1041 Regulations including the towns of Gypsum, Avon, Minturn, and Silverthorne, and the counties of Garfield, Eagle, Pitkin, and Summit.

Areas and Activities of State Interest

The statute provides that a local government may designate any of the following as “areas of state interest” that it wishes to regulate (C.R.S. § 24-65.1-201):

- (a) Mineral resource areas;
- (b) Natural hazard areas;
- (c) Areas containing, or having a significant impact upon, historical, natural, or archaeological resources of statewide importance; and
- (d) Areas around key facilities in which development may have a material effect upon the key facility or the surrounding community.

The statute also provides specific criteria for the administration of areas of state interest at C.R.S. § 24-65.1-202. For example, for “key facilities,” one of the criteria is that “[a]reas around key facilities shall be developed in a manner that will discourage traffic congestion, incompatible uses, and expansion of the demand for government services beyond the reasonable capacity of the community or region to provide such services as determined by local government.” C.R.S. § 24-65.1-202(4)(b).

A local government may designate any of the following as “activities of state interest” that it wishes to regulate (C.R.S. § 24-65.1-203):

- (a) Site selection and construction of major new domestic water and sewage treatment systems and major extension of existing domestic water and sewage treatment systems;
- (b) Site selection and development of certain solid waste disposal sites;
- (c) Site selection of airports;
- (d) Site selection of rapid or mass transit terminals, stations, and fixed guideways;
- (e) Site selection of arterial highways and interchanges and collector highways;
- (f) Site selection and construction of major facilities of a public utility;
- (g) Site selection and development of new communities;
- (h) Efficient utilization of municipal and industrial water projects;
- (i) Conduct of nuclear detonations; and
- (j) The use of geothermal resources for the commercial production of electricity.

Likewise, the statute provides specific criteria for the administration of activities of state interest at C.R.S. § 24-65.1-204. One of the criteria is that, “[w]here feasible, major facilities of public utilities shall be located so as to avoid direct conflict with adopted local government, regional, and state master plans.” C.R.S. § 24-65.1-204(6).

Process for Adoption

To invoke its 1041 powers and adopt 1041 regulations, a local government must hold a public hearing and meet certain notice requirements. The local government must make the following findings to designate an area or activity of state interest:

- “[R]easons why the particular area or activity is of state interest, the dangers that would result from uncontrolled development of any such area or uncontrolled conduct of such activity, and the advantages of development of such area or conduct of such activity in a coordinated manner.” C.R.S. § 24-65.1-401(2)(b).

These findings are contained in the proposed text amendment itself. For an area of state interest, the designation must also specify the boundaries of the proposed area. C.R.S. § 24-65.1-401(2)(a).

Once a designation is made, development in an area of state interest or conducting an activity of state interest is prohibited until the local government adopts guidelines for development, which can occur in a single hearing. C.R.S. § 24-65.1-404(4). The guidelines developed by the local government must be consistent with the minimum standards in Sections 24-65.1-202 and 24-65.1-204, but may be stricter. *See* C.R.S. 24-65.1-402(1), (3).

Proposed 1041 Regulations for Glenwood Springs

Section 070.080.170 of the draft regulations designates four activities of state interest and two areas of state interest for the City of Glenwood Springs:

Activities of State Interest

- (1) The site selection and construction of major new domestic water and sewage treatment systems and/or major extension of existing domestic water and sewage treatment systems.
- (2) The site selection and construction of major facilities of a public utility.
- (3) The efficient utilization of municipal and industrial water projects.
- (4) The site selection of rapid or mass transit terminals, stations, and fixed guideways.

Areas of State Interest

- (1) The area comprising the surface area and an area within thirty-five (35) feet of the ordinary high-water mark of the Roaring Fork River, Colorado River, Mitchell Creek, Oasis Creek, and Three-Mile Creek as an area containing and having a significant impact on natural resources of statewide importance.
- (2) The areas comprising State Highway 6 & 24 and the associated interchanges, State Highway 82 from the intersection with 23rd Street proceeding south to the southern edge of the City limits and the associated interchanges, and an area within 100 feet of such segments of highways as areas around key facilities in which development may have a material effect upon the key facility or the surrounding community.

The regulations require a permit before engaging in construction, expansion, reoperation, or other significant change in use for the activities wholly or partially within the City, and before engaging in development in or impacting a designated area wholly or partially within the City. The process for review of a 1041 application would be similar to many existing land use applications already in the Code. Planning Commission would be a recommending body to City Council for final determinations on any application.

The types of projects in and around the City that would likely require permits under the regulations include:

- Projects involving water and sewage treatment facilities (both construction and expansion).

- Projects using or diverting significant amounts of water in or from the City.
- Projects by utility companies to relocate, upgrade, or significantly change their facilities in the City.
- Projects that materially increase the use of interchanges involving Highways 6 & 24, and 82, whether or not the project is located wholly within the City.
- Projects that propose development within 35 feet of the Colorado or Roaring Fork Rivers, Mitchell, Oasis, or Three-Mile creeks, or which change the character or use of the rivers or land within 35 feet of the rivers and streams.

As drafted these regulations would subject City projects meeting these thresholds to 1041 permitting and review as it currently does with Location and Extent proceedings. The regulations also contain exemptions for certain projects in section 070.080.040 that would likely exempt, for example, construction or modification of residences along the rivers, or projects involving the designated state highways that would not increase traffic from the 1041 permit process. The intent of these regulations is not to impact smaller scale residential or commercial construction projects, but instead regulate proposals that have significant impacts on City infrastructure and resources, be it by private, governmental, or quasi-governmental entities.

Recommendation

Adopt the attached changes to the City's Code by ordinance.

ORDINANCE NO. 09

Series of 2022

AN ORDINANCE OF THE CITY OF GLENWOOD SPRINGS, COLORADO, AMENDING TITLE 070 OF THE GLENWOOD SPRINGS MUNICIPAL CODE, DESIGNATING MATTERS OF STATE INTEREST, AND ADOPTING GUIDELINES FOR THEIR ADMINISTRATION.

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

WHEREAS, Sections 24-65.1-101 to -502 of the Colorado Revised Statutes authorize the City to designate areas and activities of state interest and promulgate guidelines for their administration; and

WHEREAS, On February 8, 2022, the City’s Planning and Zoning Commission conducted a public hearing to consider the designations and regulations adopted in this ordinance, and recommended that the City Council adopt such designations and regulations; and

WHEREAS, after conducting a public hearing on March 3, 2022, the City Council has determined that, given the intensity of current and foreseeable development pressures in the City, the designation of areas and activities and regulations for their administration adopted by this ordinance are in the best interests of the public health, safety and welfare of the residents of the City; and

WHEREAS, City Council finds that these amendments are consistent with the Comprehensive Plan and other City policies, do not conflict with other provisions of the Code, are necessary to address a demonstrated community need, are necessary to respond to substantial changes in conditions and/or policy, and are consistent with the general purpose and intent of the Code; and

WHEREAS, the City has published notice stating the time and place of the public hearing designating the areas and activities of state interest and adopting guidelines for their administration in accordance with Section 24-65.1-404(2)(a) of the Colorado Revised Statutes; and

WHEREAS, City Council wishes to amend Title 070 of the Glenwood Springs Municipal Code as provided in this ordinance to coordinate the development in areas of state interest and conduct of activities of state interest and thereby promote the well-ordered development of the City.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GLENWOOD SPRINGS, COLORADO, ORDAINS:

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

Section 2. A new Article 070.080 is hereby adopted and added to the Glenwood Springs Municipal Code as provided for on the attached **Exhibit A**.

Section 3. Section 070.060.020 of the Glenwood Springs Municipal Code is hereby amended as provided for on the attached **Exhibit B**, with double underline text added.

Section 4. The following matters of state interest are hereby designated as activities and areas of state interest in the City of Glenwood Springs, Colorado, as specified in Section 070.080.170(a) of the Glenwood Springs Municipal Code as shown on the attached **Exhibit A**:

1. The site selection and construction of major new domestic water and sewage treatment systems and/or major extension of existing domestic water and sewage treatment systems.
2. The site selection and construction of major facilities of a public utility.
3. The efficient utilization of municipal and industrial water projects.
4. The site selection of rapid or mass transit terminals, stations, and fixed guideways.
5. The area comprising the surface area and an area within thirty-five (35) feet of the ordinary high-water mark of the Roaring Fork River, Colorado River, Mitchell Creek, Oasis Creek, and Three-Mile Creek as an area containing and having a significant impact on natural resources of statewide importance.
6. The area comprising State Highway 6 & 24 and the associated interchanges, State Highway 82 from the intersection with 23rd Street proceeding south to the southern edge of the City limits and the associated interchanges, and an area within 100 feet of such segments of highways as areas around key facilities in which development may have a material effect upon the key facility or the surrounding community.

Section 5. City Council's reasons and findings for the designations specified in Section 070.080.170(b) of the Glenwood Springs Municipal Code as shown on the attached **Exhibit A** are hereby incorporated into this ordinance in their entirety.

Section 6. Any ordinances or resolutions or parts thereof, which are in conflict this this ordinance, are hereby repealed to the extent of such conflict only.

INTRODUCED, READ ON FIRST READING, PASSED AND ORDERED
PUBLISHED BY TITLE ONLY THIS 17TH DAY OF FEBRUARY 2022.

CITY OF GLENWOOD SPRINGS, COLORADO

Jonathan Godes, Mayor

ATTEST:

Ryan Muse, City Clerk

INTRODUCED, READ ON SECOND READING, AND ORDERED PUBLISHED BY
TITLE ONLY TO BE EFFECTIVE TEN DAYS FOLLOWING THE DATE OF SECOND
READING THIS __ DAY OF _____ 2022.

CITY OF GLENWOOD SPRINGS, COLORADO

Jonathan Godes, Mayor

ATTEST:

Ryan Muse, City Clerk

The amendment adds note "[5]" to this table.

Table 060.1: Summary of Development Review Procedures

KEY: R= Review and Recommendation D= Review and Decision A= Appeal ✓ = required

Procedure	Code Reference	Notice			Pre-App. Neigh. Meeting	Pre- Application Conference	Review and Decision-Making Bodies				
		Published	Mailed	Posted			Staff	DRC	Planning Comm.	City Council	
Ordinance Amendments											
Rezoning	070.060.040(a)	✓	✓	✓	✓	✓	R	R	R	D	
Rezoning to Planned Unit Development (PUD)	070.060.040(b)	✓	✓	✓	✓	✓	R	R	R	D	
Code Amendment (Text)	070.060.040(c)	✓					R	R	R	D	
Annexation	070.060.040(d)	Per Colorado statutes									
Development Permits ^[5]											
Site/ Architectural Plan Review	Admin.	070.060.050(a)(3)	Note [1]				✓	D	R	A	
	Minor	070.060.050(a)(4)	✓	✓	✓		✓	R	R	D	A
	Major	070.060.050(a)(5)	✓	✓	✓	✓	✓	R	R	R	D
Optional Master Plan	070.060.050(b)	✓	✓	✓	✓	✓	R	R	R	D	
Final Plans	070.060.050(c)					✓	D	R ^[2]	A		
Location and Extent	070.060.050(d)	✓	✓	✓		optional	R	R	D		
Special Use Permit	070.060.050(e)	✓	✓	✓		✓	R	R	D ⁽⁴⁾	A ⁽⁴⁾	
ROW Encroachment License	070.060.050(f)	✓				optional	D ^[2]	R	A	D ^[3]	
Floodplain Development Permit	070.040.020(d)					optional	D		A		
Subdivision Procedures ^[5]											
Minor Subdivision	070.060.060(a)					✓	D	R	A		
Preliminary Plat	070.060.060(b)	✓	✓	✓	✓	✓	R	R	R	D	
Final Plat	070.060.060(c)					✓	D	R	A		
Condominiumization	070.060.060(d)	Procedure depends on number of condominium units. See 070.060.060(d).									
Vacation of ROW	070.060.060(e)	✓	✓	✓		✓	R	R	R	D	
Flexibility and Relief Procedures ^[5]											
Variance	070.060.070(a)	✓	✓	✓		✓	R	R	D		
Administrative Adjustment	070.060.070(b)					optional	Considered by decision-maker for associated application				
Appeal	070.060.070(c)	✓	✓	✓		optional	R		According to previous rows in this table		

Notes:

[1] Administrative Site/Architectural Review involving five or more units is required to follow public noticing procedures in 070.060.030(f)(3).

[2] Director has discretion to refer the application to the DRC.

[3] Director has approval authority for non-permanent right-of-way encroachments. All others require Council approval.

[4] Special Use Permits involving Medical Marijuana Business, Retail Marijuana Business, and Marijuana Cultivation uses require hearings before the Planning and Zoning Commission and City Council. The Planning and Zoning Commission has review and recommending authority and City Council has review and decision-making authority.

[5] Projects may also require the submission of an application for a permit to conduct an activity of state interest or conduct development in an area of state interest, pursuant to Article 070.080, unless exempted pursuant to Section 070.080.040

ARTICLE 070.080 Guidelines and Regulations for Matters of State Interest

Division 1 Administration and Designation

070.080.010. Purpose and findings.

- (a) Purpose. The purpose and intent of the regulations set forth in this Article is to facilitate the identification, designation, and administration of matters of state interest consistent with the statutory requirements and criteria set forth in Section 24-65.1-101, et seq., C.R.S., and the guidelines established in the Comprehensive Plan, as well as the following:
- (1) To regulate the site selection and construction of major facilities of public utilities, domestic water and sewage treatment systems, and/or major extensions of such facilities and systems in order to ensure that the same are conducted in areas which will result in the proper utilization of existing facilities and the orderly development of the same within the City and adjacent communities;
 - (2) To regulate development in areas containing, or having a significant impact upon, historical, natural, or archaeological resources of statewide importance; and in areas around key facilities in which development may have a material effect upon the key facility or the surrounding community.
 - (3) To regulate the site selection of rapid or mass transit terminals, stations, and fixed guideways to ensure that the same are located in a manner that will avoid conflicts with the City's land use plans; minimize congestion in the streets; secure safety from fire, floodwaters, and other dangers; promote health and general welfare; provide adequate light and air; prevent the overcrowding of land; avoid undue concentration of population; and facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.
 - (4) To prevent potential redundancy of services associated with the site selection and construction of major new domestic water and sewage treatment systems and extensions thereof, which may increase costs on existing system users, limit improvements and maintenance of existing systems, perpetuate disorganized development, and alter the City's character;
 - (5) To prevent unsuitable site selection and construction of major facilities of public utilities, which may harm the scenic and recreational assets that are essential to the City's economy;
 - (6) To protect the beauty of the landscape and natural scenic characteristics, to conserve natural and cultural resources, to preserve historical assets and resources, to protect and enhance wildlife habitat, air and water quality, and to conserve natural resources.
 - (7) To ensure that municipal and industrial water projects are developed efficiently to prevent damage to the City's water sources and riparian assets by poorly planned growth and project development that does not rely on existing facilities;
 - (8) To minimize environmental impacts in the City associated with such matters of state interest, including significant deterioration or degradation of existing air and water quality in the City's watershed and view corridors with and surrounding the City;
 - (9) To avoid or reduce incompatible uses and adverse impacts to City roads, parks, open spaces, natural resources, and trails, as well as areas adjacent thereto, by minimizing impacts to areas or by activities of state interest within the City;

- (10) To ensure proper planning and development in a manner so as not to impose an undue economic burden on existing or proposed communities;
 - (11) To ensure that the off-site impacts of development, site selection, construction, and extension of facilities or systems designated as activities of state interest or within areas of state interest are effectively mitigated;
 - (12) To ensure that urban development, population densities, and site layout and design are accomplished in a manner that will prevent the pollution of aquifer recharge areas and water resources;
 - (13) To ensure that municipal and industrial water projects and major facilities of public utilities, including but not limited to transmission lines, power plants, substations, storage areas, and pipelines are located to avoid conflict with City land use plans;
 - (14) To regulate municipal and industrial water projects that could cause extensive water and air pollution or that would otherwise degrade or threaten environmental quality within the City or the beauty of its landscape and the integrity of its waterways;
 - (15) To ensure that municipal and industrial water projects emphasize the most efficient use of water, including to the extent permissible under existing law, and when appropriate, the recycling, reuse, and conservation of water
 - (16) To ensure that development planned in areas containing, or having a significant impact upon, historical, natural, or archaeological resources of statewide importance; and in areas around key facilities in which development may have a material effect upon the key facility or the surrounding community proceeds in a manner consistent with protection of those resources and the surrounding communities;
 - (17) To provide planned and orderly use, development, and regulation of land and water resources and protection of the environment in a manner consistent with constitutional rights and private property rights;
 - (18) To ensure that major extensions of municipal and industrial water systems be permitted only in areas in which the anticipated growth and development that may occur as a result of such extensions can be accomplished within the financial and environmental capacity of the area to sustain such growth and development;
 - (19) To avoid or reduce conflicts with the Comprehensive Plan;
 - (20) To protect the character of the City and surrounding area;
 - (21) To promote the efficient and economic use of public resources; and
 - (22) To preserve the health and welfare of the citizens of the City.
- (b) Findings. The City Council finds that:
- (1) The notice and public hearing requirements of Section 24-65.1-404, C.R.S., have been followed.
 - (2) These regulations are necessary because of the intensity of current and foreseeable development pressures on and within the City.
 - (3) These regulations apply to entire territorial extent of the City, as may be altered over time.

- (4) These regulations interpret and apply to any provisions adopted for specific areas of state interest and specific activities of state interest which have been, or may be, designated by the City Council.

070.080.020. Authority.

The regulations set forth in this Article are authorized by, inter alia, Sections 24-65.1-101, et seq., 31-23-101, et seq., 29-20-101, et seq., 24-32-111, Title 31, Article 15, C.R.S., and the City of Glenwood Home Rule Charter.

070.080.030. Applicability.

These regulations apply to all proceedings concerning the identification, designation, and regulation of any area or activity of state interest and any developments affecting any such area or activity of state interest, whether on public or private land, within the territorial boundaries of the City so designated by the City Council, as follows:

- (1) The site selection for all major new domestic water and sewage treatment systems located wholly or partially within the boundaries of the City and the construction, expansion, or major extension thereof as defined at Section 070.080.090.
- (2) The site selection of major facilities of any public utility to be located wholly or partially within the boundaries of the City.
- (3) Development in designated areas containing, or having a significant impact upon, historical, natural, or archaeological resources of statewide importance and
- (4) Development in designated areas around key facilities in which development may have a material effect upon the key facility or the surrounding community.
- (5) The site selection, development, including construction, expansion, or major extension or change in use or character of a municipal and/or industrial water project located wholly or partially within the boundaries of the City.
- (6) The site selection of rapid or mass transit terminals, stations, and fixed guideways, except that a permit under this Article shall not be required for the addition or relocation of a bus stop on an existing bus route that does not require the addition of a parking area or vehicle turnaround.
- (7) A permit shall not be required for the following activities relevant to the major facilities of a public utility: repair of storm damage, reframing, pole replacement, re-conductor and maintenance in the normal course of business without increasing the voltage rating of a transmission line, or reconstructing, upgrading, or replacing substation equipment inside an existing substation or within an existing substation fence.
- (8) This Article shall not apply to interstate natural gas pipeline facilities regulated peremptorily by the Federal Energy Regulatory Commission ("FERC"), or its successor, provided the applicable federal and state requirements and procedures are complied with in the siting and construction of the interstate natural gas pipeline when partly located within the City.
- (9) A municipal or industrial water project or sewage treatment system is exempt from this Article if it falls within one (1) of the following categories:

- a. The maintenance, repair, or replacement of an existing component of a facility if it does not constitute a material change, does not cause negative impacts different from the existing facility, and does not otherwise exacerbate existing impacts.
 - b. Replacement of an existing water diversion or storage structure without change in the point of diversion, type or place of use of the water, or yield.
 - c. A proposed municipal or industrial water project with a new or increased diversion per year, or a new or increased storage capacity of less than one hundred (100) acre-feet.
- (10) The requirements of these regulations shall not be deemed to waive the requirements of Section 40-5-101, et seq., C.R.S., if applicable, that a public utility obtain a certificate of public convenience and necessity.

070.080.040. Exemptions.

- (a) The regulations in this article shall not apply to any development in any area of state interest or any activity of state interest if, on the effective date of these regulations:
 - (1) The specific and full scope of development or activity is authorized by a valid land use approval or building permit, as applicable, issued by or on behalf of the City;
 - (2) The specific and full scope of development or activity was directly approved by the electorate of the City; provided however, that the approval by the electorate of any bond issue shall not in and of itself be construed to be an approval of the specific development or activity;
 - (3) The specific and full scope of development or activity is to be on land which has been finally approved by the City for planned unit development or for a use other than a subdivision substantially the same as a planned unit development, and a site-specific development plan has been approved by the City prior to the effective date of these regulations for the development or activity which would otherwise be subject to these regulations;
 - (4) The specific and full scope of development or activity is to be on land which has been zoned by the City expressly and specifically for a use by right for the use contemplated by the development or activity and a site-specific development plan has been approved for the specific development or activity which would otherwise be subject to these regulations;
- (b) The regulations in this Article 070.080 shall not apply to the division, subdivision, or resubdivision of land which complies with Title 070 of this Code, as long as the requirements set forth in this Article are addressed in the land use approval process.
- (c) The regulations in this Article 070.080 shall not apply to the day-to-day operations of an existing project or facility, or a non-material change in the operation of an existing project or facility, including retrofitting or updating technology, so long as the change in operation does not constitute a material change and does not cause impacts different from that of the existing facility or project or otherwise exacerbate existing impacts. The determination of material change and exacerbating impacts shall be made by the Community Development Department.
- (d) The regulations in this Article 070.080 shall not apply to any use or structure otherwise lawfully existing on the date the area or activity is designated or subjected to these regulations which use or structure becomes nonconforming as a result of the adoption of these regulations; provided however, that such a nonconforming use or structure shall be considered to be discontinued after one (1) year of nonuse, or in the case that a nonconforming structure is damaged or destroyed to the extent of at least fifty percent (50%) of the County Assessor's assessed value. Any reuse, reconstruction, or replacement of a preexisting nonconforming structure, or an increase of twenty

five percent (25%) in the intensity of a use shall be deemed a new use and shall be subject to these regulations.

- (e) For development in a designated area of state interest, an application and permit under the regulations in this Article 070.080 is not required for projects that submit the following types of applications to the City, as summarized in Table 060.1 of the City Code:
 - (1) Administrative Site/Architectural Plan Review under Section 070.060.050(a)(3)
 - (2) Minor Site/Architectural Plan Review under Section 070.060.050(a)(4)
 - (3) Optional Master Plan under Section 070.060.050(b)
 - (4) Final Plan under Section 070.060.050(c)
 - (5) Special Use Permit under Section 070.060.050(e)
 - (6) ROW Encroachment License under Section 070.060.050(f)
 - (7) Minor Subdivision under Section 070.060.060(a)
 - (8) Preliminary Plat under Section 070.060.060(b)
 - (9) Final Plat under Section 070.060.060(c)
 - (10) Condominiumization under Section 070.060.060(d)
 - (11) Vacation of ROW under Section 070.060.060(e)
 - (12) Variance under Section 070.060.070(a)
 - (13) Administrative Adjustment under Section 070.060.070(b)
- (f) For development in a designated area of state interest, an application and permit under the regulations in this Article 070.080 is not required for the following projects:
 - (1) Conversion of non-residential building area into up to five (5) dwelling units, or mixed-use building area into up to five (5) dwelling units, without changing the existing building footprint or increasing the building area.
 - (2) Alteration, repairs, or additions to existing buildings that increase the gross floor area by less than twenty-five (25) percent.
 - (3) Tenant improvements that do not increase gross floor area or building height, increase the density or intensity of use, or affect other development standards (such as parking or landscaping requirements).
 - (4) Construction of a single-family detached or two-family dwelling, additions to such dwellings, and structures accessory to such dwellings.
 - (5) Construction or erection of accessory buildings, fences, hedges, or walls.
- (g) For development in the designated areas of state interest around key facilities comprising State Highway 6 & 24 and the associated interchanges, and State Highway 82 from the intersection with 23rd Street proceeding south to the southern edge of the City limits and the associated interchanges, an application and permit under the regulations in this Article 070.080 is not required where:
 - (1) The project would not require a state highway access permit from the Colorado Department of Transportation pursuant to C.R.S. § 43-2-147, as amended, and

- (2) The project does not have the potential to increase volume on a state highway by twenty (20) percent or more and would not be referred to the Colorado Department of Transportation for comment, at the discretion of the City Engineer or Director pursuant to Code Section 070.040.070(e)(5)(d).

070.080.050. Relationship of regulations to other requirements.

- (a) Whenever these regulations are found to be inconsistent with any other resolution, ordinance, code, regulation, or other enactment of the City, the enactment imposing more restrictive standards or requirements shall control.
- (b) In the event these regulations are found to be more or less stringent than the statutory criteria for administration of matters of state interest set forth in Section 24-65.1-202, C.R.S., the more stringent authority shall control.
- (c) These regulations are intended to be applied in addition to, and not in lieu of, all other regulations of the City, including without limitation, Titles 060, 070, 080, and 090 of this Code, as amended.
- (d) Permit requirements included in these regulations shall be in addition to and in conformance with all applicable state and federal water quality and environmental laws, rules, and regulations, including but not limited to the following:
 - (1) Section 25-8-701, et seq., C.R.S., regarding sewage treatment plant site approval;
 - (2) 5 C.C.R. § 1002-22, Regulation No. 22, regarding site location and design approval regulations for domestic wastewater treatment works;
 - (3) Section 25-8-501, et seq., C.R.S., regarding point source pollutant discharge permits;
 - (4) 33 U.S.C. § 1288, regarding area-wide wastewater treatment management planning administration;
 - (5) 33 U.S.C. § 1313, regarding river basin water quality management planning;
 - (6) 33 U.S.C. § 1345, regarding the disposal of sewage sludge;
 - (7) Section 32-1-201, C.R.S., the Special District Control Act;
 - (8) 16 U.S.C. § 661-666(c), the Fish and Wildlife Coordination Act;
 - (9) 42 U.S.C. § 4321, et seq., the National Environmental Policy Act ("NEPA");
 - (10) 33 U.S.C. § 1344, Section 404 of the Federal Clean Water Act; and
 - (11) Current clearance letter or take permit for the project issued by the U.S. Fish & Wildlife Service for threatened or endangered animal or plant species.
- (e) Review or approval of a project by federal or state agency shall not substitute for the need to obtain a permit for that project under these regulations. An applicant may request that the City review process under these regulations be coordinated with that of other agencies to eliminate or reduce redundant submittal requirements.
- (f) Nothing in these regulations shall be construed as enhancing or diminishing the power and authority of the City, State, or Public Utilities Commission.

070.080.060. Maps.

Any maps designating areas of state interest adopted by the City Council are deemed integrated into these regulations from the effective date of such adoption and shall be available for review in the office of the City Clerk.

070.080.070. Duties of City Council.

Unless otherwise specifically provided herein, it shall be the duty of the City Council to perform all functions pertaining to matters of state interest.

070.080.080. Severability.

If any section, clause, provision, or portion of these regulations is found to be unconstitutional or otherwise invalid by a court of competent jurisdiction, the remainder shall not be affected thereby.

070.080.090. Definitions.

The words and terms used in these regulations shall have the meanings set forth below unless the context requires otherwise.

Airport means any municipal or county airport or airport under the jurisdiction of an airport authority.

Appurtenant facilities means any building, structure, or other property which is incidental to, and customarily found in connection with, major facilities of public utilities or domestic water and wastewater treatment facilities, and are operated and maintained for the benefit or convenience of the occupants, employees, customers, or visitors of such major facilities.

Aquifer recharge area means any area where surface waters may infiltrate to a water-bearing structure of permeated rock, sand or gravel. This definition also includes wells used for disposal of wastewater or other toxic pollutants.

Area around a key facility means an area immediately and directly affected by a key facility.

Arterial highway means any limited-access highway which is part of the federal-aid interstate system or any limited-access highway constructed under the supervision of the department of transportation.

Code means the City of Glenwood Springs Municipal Code, as amended from time to time.

Collector highway means a major thoroughfare serving as a corridor or link between municipalities, unincorporated population centers or recreation areas, or industrial centers and constructed under guidelines and standards established by, or under the supervision of, the department of transportation. "Collector highway" does not include a city street or local service road or a county road designed for local service and constructed under the supervision of local government.

Department means the City of Glenwood Springs Community Development Department.

Designation means that legal procedure specified by Section 24-65.1-101, et seq., C.R.S., as carried out by the City Council.

Development or project means any construction or activity which changes the basic character or the use of the land on which the construction or activity occurs.

Director means the City of Glenwood Springs Community Development Director.

Domestic water and sewage treatment system means a wastewater treatment plant, water treatment plant, or water distribution system, or water treatment facility, and any system of pipes, structures, and facilities through which wastewater is collected for treatment, including systems whose service area is, or will be, outside the boundaries of the City.

Efficient utilization of water means the employment of methods, procedures, techniques and controls to encourage use of water that will yield the greatest possible benefits including social, economic, environmental, aesthetic, agricultural, commercial and recreational benefits, and that will promote, where feasible and appropriate, the conservation of water in particular uses, and that emphasizes, to the extent permissible under law, the recycling and reuse of water.

Fixed guideway means a system of public transportation which utilizes and occupies a separate right-of-way or rail for the exclusive use of public transportation service.

Impact means any alteration or change to the natural or human environment resulting directly or indirectly from development.

Impact areas means those geographic areas in which impacts are likely to be caused by the project. *Impact areas* may include areas within the boundaries of another political subdivision if the City has entered into an intergovernmental agreement providing for cooperative regulation of impacts that may occur within the boundaries of both the City and the other political subdivision.

Industrial means any development of natural resources, business or trade, commercial activity, processing, fabrication, alteration or manufacture of raw or semi-processed materials, manufactured goods or any components thereof, and commercial feedlots. "Industrial" includes the provision of water directly or indirectly by a private entity or individual for domestic, municipal or industrial uses. "Industrial" does not include agricultural crop production or livestock watering.

Interceptor means a waste water interceptor sewer with an internal pipe diameter of equal to or greater than twenty-four (24) inches intercepting wastewater from a final point in a collection system and conveying the waste directly to a treatment plant, or meeting other requirements of the Colorado Department of Public Health and Environment to be classified as an interceptor.

Key facilities means airports; major facilities of a public utility; interchanges involving arterial highways; rapid or mass transit terminals, stations, and fixed guideways.

Legal description means a description from which it is possible to locate accurately on the ground the boundaries of the land to be described.

Major facilities of a public utility means central office buildings of telephone utilities; transmission lines, power plants, and substations of electrical utilities; and pipelines and storage areas of utilities providing natural gas or other petroleum derivatives.

Mass transit means a coordinated system of transit modes providing transportation for use by the general public.

Material change means any change in a project as approved under these regulations which significantly alters the nature of impacts considered in approval of the original permit or in the case of a development not previously issued a permit, a structural modification, change of use, change of operation, or change of user, which significantly alters the nature of the development and its associated impacts.

Matter of state interest means an area or activity of state interest or both, as set forth in Section 24-65.1-101, et seq., C.R.S.

Municipal and industrial water project means a water supply system and all related components through which a water supply from either surface or subsurface, alluvial or groundwater, renewable or non-renewable sources is derived for municipal or industrial uses or both. A water supply system includes wells, diversion facilities, pumps, conduits, canals, pipes, ditches, storage tanks, reservoirs or other impoundments, through which a water supply is obtained directly or by trade, substitution, augmentation

or exchange, and also includes those components for returning unconsumed flows back to the stream system. The filing of an application in court or with the Colorado Ground Water Commission to adjudicate the use of water and obtaining a decree or determination, in and of itself, shall not constitute the development of a water project.

Natural resources of statewide importance means shorelands of major, publicly owned reservoirs and significant wildlife habitats in which the wildlife species, as identified by the division of parks and wildlife of the department of natural resources, in a proposed area could be endangered.

Nonconforming use means a use in existence at the time of the adoption of these regulations, which use, were it a new use, would be one for which a permit is required under these regulations.

Permit means a permit issued under these regulations to conduct an activity of state interest and/or to engage in development in an area of state interest.

Permit Authority means the City Council.

Person means any private individual, partnership, corporation, association, company, or any public or corporate body, including the state and federal governments, and including any political subdivision, agency, instrumentality, or corporation thereof.

Pipeline means any pipeline and appurtenant facilities thereto, designed for, or capable of, transporting natural gas, manufactured gas, or other petroleum derivatives.

Power plant means any of the following:

- (a) Any fossil fuel, biofuel, or similar electrical energy generating facility or addition thereto with a generating capacity of fifty (50) megawatts or more, and any appurtenant facilities.
- (b) Any solar or wind electrical energy generating facility or addition thereto with a generating capacity in excess of five hundred (500) kilowatts, and any appurtenant facilities.
- (c) Any nuclear or hydropower electrical generating facility of five hundred (500) kilowatts or more.

Project means the proposed activity for which a permit is required together with any development activity that is reasonably enabled or made possible by the proposed activity.

Public utilities mean those utilities as defined by C.R.S. §§ 39-4-101 and 40-1-103.

Rapid transit means the element of a mass transit system involving a mechanical conveyance on an exclusive lane or guideway constructed solely for that purpose.

Recycling means the treatment of wastewater in a manner that will replenish its quality to the standard established by the Colorado Department of Public Health and Environment where permissible by state water law.

Site development permit means the development plan for one (1) or more lots showing the existing and proposed conditions of the lot and any improvements existing or to be constructed on the lot. This includes topography, vegetation, drainage, floodplains, wetlands and waterways, landscaping and open spaces, walkways, means of ingress and egress, circulation, utility services, structures and buildings, signs and lighting, berms, buffers and screening devices, surrounding development, and other information that may be reasonably required for the Director to determine compliance with the requirements of these regulations, and subsequently authorize issuance of a building or development permit.

Site selection and construction means and includes the initial site selection and construction of a facility as well as any subsequent relocation, reconstruction, or upgrade of such facility.

Station or terminal means a facility constructed to provide and facilitate passenger access to and from a rapid or mass transit system, including areas necessary for vehicle operations, parking areas for commuters and roadways connecting to the general road system of the City.

Substation means any facility designed to provide switching, voltage transmission, or voltage control required for the transmission of electricity at one hundred fifteen (115) kilovolts or more, but does not have as a primary purpose the transformation of voltage to fifty (50) kilovolts or less for distribution purposes.

City means the City of Glenwood Springs, Colorado.

City Council means the City Council of the City of Glenwood Springs, Colorado.

Transmission line means any electric transmission line and appurtenant facilities used to transmit electricity.

Wastewater treatment plant means the facility or group of units used for treatment of wastewater from sewer systems and for the reduction and handling of solids and gases removed from such wastes.

Water distribution system means any combination of pipes, tanks, pumps, or other facilities that delivers water from a source or treatment facility to the consumer.

Water supply system means the system of pipes, structures and facilities through which a water supply is obtained, collected, treated, and sold or distributed for human consumption or household use, or the system of pipes, structures, and facilities through which a water supply is obtained which will be exchanged or traded for water which will be used for human consumption. Water supply systems include those systems whose service area is, or will be, outside the boundaries of the City.

Water treatment plant means the facility or facilities within the water supply system, which can alter the physical, chemical or bacteriological quality of the water.

070.080.100. Designation.

The City Council shall designate areas and activities of state interest. Designations and amendments to designations may be initiated in two (2) ways:

- (1) The City Council may in its discretion designate and adopt regulations for the administration of any matter of state interest.
- (2) The City Council may refer a proposed matter or area of state interest to the Community Development Department and Commission for review and recommendation. The City Council shall decide, in its sole discretion, whether or not to designate any or all of the requested matters or areas of state interest.

070.080.110. Public hearing required.

The City Council shall hold a public hearing before designating any area or activity of state interest and adopting regulations for the administration thereof. Said hearing shall be held not less than thirty (30) days nor more than sixty (60) days after giving the public notice of said hearing.

070.080.120. Notice of public hearing, mailing, publication.

- (a) The Director shall prepare a notice of the designation hearing which shall include:
 - (1) The time and place of the hearing;

- (2) The place at which maps relating to the area or activity to be designated and any regulations for the administration thereof may be examined; and
 - (3) A description of the area or activity proposed to be designated in sufficient detail to provide reasonable notice as to property which would be included.
- (b) The Community Development Department shall maintain a mailing list of those persons requesting that they be placed on the list and paying to the City an annual fee of twenty dollars (\$20.00) to cover the costs of production, handling, and mailing of notices of all hearings pursuant to Sections 24-65.1-404(2)(b) and 24-65.1-501(2)(c), C.R.S. In order to have a name and address retained on the list, the person shall resubmit their name and address and pay the annual fee before January 21 of each year.
- (c) At least thirty (30) days but no more than sixty (60) days before the public hearing, the Community Development Department shall publish the notice, and shall mail the notice by first class mail to each of the following:
- (1) Persons on the mailing list (subsequent to the initial adoption of these regulations);
 - (2) In the discretion of the Community Development Department, any person considered likely to be affected by the proposed designation; and
 - (3) If any other local governmental jurisdiction would be directly or indirectly affected, the proposed designation similarly may be mailed to such governmental body in the sole discretion of the Community Development Department.

070.080.130. Matters to be considered at designation hearing.

At the public hearing held pursuant to Section 070.080.110, the City Council shall receive into the public record:

- (1) Testimony and evidence from persons or organizations desiring to appear and be heard;
- (2) Any documents that may be offered; and
- (3) The recommendations and testimony of the Community Development Department and Planning Commission, if any.

070.080.140. Record of designation proceedings.

The City Clerk shall collect and preserve the record of the public hearing according to the City's Records Retention Schedule.

070.080.150. Adoption of designation and regulations.

- (a) At the conclusion of the hearing, or within thirty (30) days thereafter, the City Council may by ordinance adopt, adopt with modification, or reject the proposed designation which was the subject of the public hearing.
- (b) In making a designation of any matter of state interest, the City Council shall take into consideration:
 - (1) The intensity of current and foreseeable development pressures;
 - (2) The matters and considerations set forth in any applicable guidelines for identification and designations;
 - (3) The boundaries of the proposed area;

- (4) Reasons why the particular area or activity is of state interest, the dangers that would result from uncontrolled development of any such area or uncontrolled conduct of such activity, and the advantages of development of such area or conduct of such activity in a coordinated manner;
 - (5) The Comprehensive Plan or other adopted plans pertaining to or affected by the area or activity under consideration.
- (c) In the event the City Council finally determines that any area or activity is a matter of state interest, it shall be the City Council's duty, acting by ordinance, to designate such matter and adopt regulations for the administration thereof.
- (d) Each designation ordinance adopted by the City Council shall:
- (1) Specify the boundaries of the designated area of state interest or the boundary of the area in which an activity of state interest has been designated;
 - (2) State the reasons why the particular area or activity is of state interest, the dangers that would result from uncontrolled development of any such area or uncontrolled conduct of such activity, and the advantages of development of such area or conduct of such activity in a coordinated manner; and
 - (3) Specify the regulations applicable to the designated matter of state interest.

070.080.160. Recording of notice of designation.

The ordinance designating the area or activity of state interest shall be certified by the City Clerk and recorded in the office of the County Clerk and Recorder.

070.080.170. Designation as matters of state interest.

- (a) Designated Activities and Areas. The following activities and areas are hereby designated as activities and areas of state interest if located wholly or partially within the City. No person may engage in construction, expansion, reoperation, or other significant change in use of the following activities wholly or partially within the City, and no person may engage in development in such area wholly or partially within the City, without first obtaining a permit pursuant to these regulations.
- (1) The site selection and construction of major new domestic water and sewage treatment systems and/or major extension of existing domestic water and sewage treatment systems.
 - (2) The site selection and construction of major facilities of a public utility. The issuance of a permit for this activity is contingent upon the subsequent approval of the major facility by the Public Utilities Commission, state Department of Public Health and Environment, U.S. Environmental Protection Agency, or other regulatory agencies, where required by appropriate statute or regulation.
 - (3) The efficient utilization of municipal and industrial water projects.
 - (4) The site selection of rapid or mass transit terminals, stations, and fixed guideways.
 - (5) The area comprising the surface area and an area within thirty-five (35) feet of the ordinary high-water mark of the Roaring Fork River, Colorado River, Mitchell Creek, Oasis Creek, and Three-Mile Creek as an area containing and having a significant impact on natural resources of statewide importance, as shown on the map incorporated into these regulations as Exhibit A.

- (6) The area comprising State Highway 6 & 24 and the associated interchanges, State Highway 82 from the intersection with 23rd Street proceeding south to the southern edge of the City limits and the associated interchanges, and an area within 100 feet of such segments of highways as areas around key facilities in which development may have a material effect upon the key facility or the surrounding community, as shown on the map incorporated into these regulations as Exhibit B.
- (b) Reasons and Findings for Designations. The City Council finds and concludes as follows:
- (1) The activities designated in Section 070.080.170(a)(1)-(4) are activities of state interest as provided in C.R.S. § 24-65.1-203.
 - (2) The area comprising the surface area and an area within thirty-five (35) feet of the ordinary high-water mark of the Roaring Fork River, Colorado River, Mitchell Creek, Oasis Creek, and Three-Mile Creek is an area of state interest containing or having a significant impact on natural resources of statewide importance pursuant to C.R.S. § 24-65.1-201(1)(c). This area provides habitat for the Bald Eagle (*Haliaeetus leucocephalus*), Peregrine Falcon (*Falco peregrinus anatum*), Mountain Sucker (*Catostomus playthrynchus*), and Cutthroat Trout (*Oncorhynchus clarki pleuriticus*), which are wildlife species listed on the Colorado Division of Parks and Wildlife list of species threatened, endangered, or of concern. This area provides recreational opportunities and is central to the economy of the City and surrounding communities. This area contains critical water resources, the quality and quantity of which are important to western Colorado downstream on the Colorado River from the designated area.
 - (3) The area comprising State Highway 6 & 24 and the associated interchanges, State Highway 82 from the intersection with 23rd Street proceeding south to the southern edge of the City limits and the associated interchanges, and within 100 feet of such segments of highways, is an area of state interest around key facilities in which development may have a material effect upon the key facility or surrounding community because the highways are arterial highways and development around the highways or involving the highways may have a material effect on the highways and the surrounding community due to traffic impacts, air quality, safety, noise, parking, and other associated effects of increased traffic and heavy vehicle loads over and around such key facilities.
 - (4) Uncontrolled conduct of the designated activities of state interest and uncontrolled development in the designated areas would result in a decreased quality of life for residents of the City by impacting the orderly and safe functioning of City infrastructure, reducing property values, decreasing open and recreational space, increasing traffic and congestion, causing air pollution and other environmental impacts, damaging natural resources and wildlife habitats, and degrading the scenic and recreational environment.
 - (5) Conducting activities of state interest and developing areas of state interest in a coordinated manner under the regulations in this Article will allow for increased public input and transparency, consideration and mitigation of potential long-term impacts, conservation of natural resources and open space, promotion of well-functioning City infrastructure, and development that comports with City and comprehensive planning.

Division 2 Permit Authority

070.080.180. Intent.

The intent of the permit regulations is to facilitate the process for the application, review, issuance, and administration of permits for areas and activities of state interest consistent with the statutory requirements and criteria set forth in Section 24-65.1-101, et seq., C.R.S.

070.080.190. Permit authority established.

- (a) The City of Glenwood Springs Permit Authority is hereby established, the members of which shall be the City Council.
- (b) Except as otherwise specifically set forth in these regulations, the Permit Authority shall exercise all powers and duties described in this Article.

070.080.200. Permit required.

- (a) No person may conduct a designated activity of state interest, conduct development in a designated area of state interest, or conduct development that adversely impacts a designated area of state interest without first obtaining a permit or a permit amendment under these regulations.
- (b) When an applicant seeks approval to conduct more than one (1) activity of state interest and/or engage in development in more than one (1) area of state interest, the application may be completed for all such activities or developments and may be reviewed simultaneously and a single permit issued.

070.080.210. Judicial review.

Any action seeking judicial review of a final decision of the Permit Authority shall be initiated within twenty-eight (28) days after the decision is made, in the County District Court, pursuant to Rule 106 of the Colorado Rules of Civil Procedure. These regulations are not intended to create third-party rights of enforcement beyond those provided by law.

070.080.220. Pre-application process.

- (a) Prior to making a pre-application submittal, it is recommended that the applicant meet with the Community Development Department to review the project application process in order to determine the applicable regulations set forth in this Code.
- (b) Before submitting an application for a permit under these regulations, the applicant shall meet with the Community Development Department.
- (c) At or before the pre-application meeting, the applicant shall provide the Community Development Department with the following:
 - (1) Names and addresses of all persons or interest proposing the activity or development;
 - (2) Name and qualifications of the person(s) responding to the requirements detailed in these regulations;
 - (3) A written summary of the project including:
 - a. A map prepared at an easily readable scale showing:
 - 1. The boundaries of the proposed project;
 - 2. The relationship of the proposed project to surrounding topographic and cultural features such as roads, streams, and existing structures;

3. Proposed buildings, improvements, and infrastructure;
 - (4) Information that is sufficient for determining the nature of the project and the type, extent, and location of impacts associated with the project;
 - (5) Any additional information requested by the Community Development Department as may be reasonably necessary to make the determinations contemplated by this Article.
- (d) The purpose of the pre-application meeting is to permit the applicant and staff to review the proposal informally and to coordinate with or request review and comment from other relevant agencies before substantial commitment of time and money is made. Topics of discussion may include, as relevant to the specific application, but are not limited to:
- (1) Characteristics of the activity, including its location or potential locations, significant natural and man-made features, with particular attention to natural hazards, resources, or other special areas; the size and accessibility of the site; surrounding development and land uses; and its potential impact on surrounding areas, including potential environmental effects and planned mitigation strategies.
 - (2) The nature of the development proposed, including land use types and their densities; placement of proposed buildings and maintenance of common open space or treatment of public use areas; the preservation of natural features; proposed parking areas and internal circulation system, including trails, the total ground coverage of paved areas and structures; and types of water and sewage treatment systems proposed.
 - (3) Community policy considerations, including the review process and likely conformity of the proposed development with the policies and requirements of these regulations.
 - (4) Applicable regulation, review procedures, and submission requirements.
 - (5) Other regulatory reviews or procedures to which the applicant is subject, the applicant's timeframe for the project, and other concerns of the applicant.
- (e) Any comments or commitments made by the Community Development Department during the pre-application conference are only preliminary in nature and should not be relied upon as assurances to the applicant. All prospective applicants should be informed that formal comments cannot be made by staff until after the application is submitted.

070.080.230. Permit application.

- (a) Any person desiring to engage in development in a designated area of state interest or to conduct a designated activity of state interest shall first apply for and obtain a permit from the Permit Authority, in the form approved and maintained by the Community Development Department. Applications for permits shall be submitted to the Community Development Department. In the event a development or activity is proposed as an integral part of a subdivision or planned unit development, it shall be the responsibility of the service provider and/or developer to comply with these regulations.
- (b) A permit application shall not be accepted unless it is complete. A request for waiver of submission requirements shall not render the application incomplete. If the application is determined to be incomplete by the Community Development Department, the Department shall specify what additional information is required. An application need not meet the submission requirements for other than the particular development alternative for which a permit is being sought in order to be considered complete. When a submitted application is determined to be

complete by the Community Development Department, it shall be noted upon the application the date and hour of its receipt.

- (c) The Permit Authority shall approve an application for a permit to develop within an area or conduct activity of state interest if the proposed development or activity complies with the applicable criteria in these regulations. If the proposed development or activity does not comply with these criteria, the permit shall be denied, or it may be approved with conditions.
- (d) When an applicant seeks a permit to engage in development in more than one (1) area of state interest and/or to conduct more than one (1) activity of state interest, a single application may be completed for all such developments or activities and may be reviewed by the Permit Authority in one (1) consolidated hearing, and, if approved, a single permit for all requested areas and/or activities may be granted.

070.080.240. Permit application fee and costs.

- (a) The permit applicant shall pay the required application fee at the time of application submittal as listed on the development review fee schedule. The fee schedule shall be established by resolution of the City Council and reviewed on an annual basis. Within ten (10) days following receipt of a completed application for a permit, the Community Development Department shall determine and set an estimated review fee in an amount necessary to cover the additional costs incurred in the review and action upon the permit application, including costs of copying, mailings, publications, labor, overhead and retention of consultants, experts, reasonable costs incurred in pre-application review, and attorneys that the Department deems necessary to advise it on the application package and all hearings conducted therefor, and shall notify the applicant in writing of the estimated review fee. The Department will determine the final fee at the conclusion of the permit hearing, which must be paid by the applicant before the permit is issued.
- (b) The Department reserves the right to waive all or a portion of the fees and costs imposed by this Article if determined to be reasonably justified by the Community Development Department Director.
- (c) In the event of any litigation challenging a permit or the Permit Authority's action on the same, each party shall initially bear its own attorneys' fees and costs and such shall automatically become a condition of any issued permit. In any such action in which the City is the prevailing party, the applicant shall be required to reimburse the City for the actual costs of its attorneys' fees and costs.

070.080.250. Submission requirements for all permit applications; waivers.

All applications for a permit under these regulations shall be submitted to the Community Development Department Director. The Director may request additional copies for review and processing purposes. Additional materials not listed may be required by the Director for a particular type of project. To the extent an applicant has prepared or submitted materials for a federal, state, or local permit, which are substantially the same as required herein, a copy of those materials may be submitted to satisfy the corresponding submission required below. The Department may waive any part, but not all, of the submission requirements imposed by these regulations upon petition of the applicant that full compliance with the submission requirements would be irrelevant or insignificant and that the submission requirements so waived would not address or disclose a substantial impact on the City or its residents. A waiver of submission requirements may be granted by the Community Development Department Director upon a written determination that the information to be submitted is sufficient for the Permit Authority to arrive at a permit decision in full compliance with the law and these regulations. In the event the waiver

request is denied, the applicant may file a written appeal of the same within five (5) days with the City Manager, whose decision on the same shall be final and non-appealable. Thereafter, the applicant shall provide the required additional information before a hearing date will be scheduled.

- (1) Cover page. Completed application cover page in the format approved and maintained by the Community Development Department.
- (2) Information describing the applicant.
 - a. The names, addresses, including email address and fax number, organizational form, and business of the applicant and, if different, the owner of the project.
 - b. The names, addresses and qualifications, including those areas of expertise and experience with projects directly related or similar to that proposed in the application package, of individuals who are or will be responsible for constructing and operating the project.
 - c. Written authorization of the application package by the project owner, if different than the applicant.
 - d. Documentation of the applicant's financial and technical capability to develop and operate the project, including a description of the applicant's experience developing and operating similar projects.
 - e. Written qualifications of report preparers.
- (3) Information describing the project proposal.
 - a. A description of the proposed facilities and site.
 - b. A description of the present or most recent use and zoning.
 - c. Vicinity map showing the proposed site, including proposed zoning designation, and the surrounding area.
 - d. Executive summary of the proposal indicating the scope and need for the project.
 - e. Plans and specifications of the project in sufficient detail to evaluate the application against the applicable review criteria.
 - f. Descriptions of alternatives to the project considered by the applicant. If the Community Development Director determines that the nature or extent of the proposal involves the potential for significant damage and warrants examination of other specific, less damaging alternatives, the Community Development Director may require the applicant to evaluate and present information on such additional alternatives as part of the application.
 - g. Schedules for designing, permitting, constructing and operating the project, including the estimated life of the project.
 - h. The need for the project, including a discussion of alternatives to the project that were considered and rejected; existing/proposed facilities that perform the same or related function; and population projections or growth trends that form the basis of demand projections justifying the project.
 - i. Description of relevant conservation techniques to be used in the construction and operation of the project.

- j. Description of demands that this project expects to meet and basis for projections of that demand.
 - k. List of adjacent property owners and their mailing addresses.
- (4) Scope of proposed project relevant to specific designated area and/or activity.
- a. Domestic water or sewage treatment systems and/or major extensions thereof.
 - 1. Detailed plans of the proposal, including not less than thirty percent (30%) engineering plans and specifications prepared by a registered professional engineer, and proposed system capacity and service area plans mapped at a scale acceptable to the Department.
 - 2. A description of all existing or approved proposed domestic water or sewage treatment systems within the proposed project area.
 - 3. A description the design capacity of each domestic water or sewage treatment system facility proposed and the distribution or collection network proposed in the proposed project area.
 - 4. A description the excess capacity of each treatment system and distribution or collection network in the affected community or proposed project area.
 - 5. A description the operational efficiency of each existing system in the proposed project area, including the age, state of repair, and level of treatment.
 - 6. A description the existing water utilization, including the historic yield from rights and use by category such as agricultural, municipal, and industrial supply obligations to other systems.
 - 7. A description of any impacts to the City's water resources used to serve the City's water service area.
 - b. Major facilities of a public utility.
 - 1. Specifications of approximate floor space of any office building, storage facility, or other enclosed structure.
 - 2. Voltage and length of transmission lines.
 - 3. The power source and generating capacity.
 - 4. The function and size of any substation.
 - 5. The diameter and length of any gas pipeline.
 - 6. The capacity of storage tanks, and type of petroleum derivative to be stored.
 - 7. The proposed service area.
 - 8. The resource area (e.g. source of power being generated or transmitted, source of petroleum derivative being transported).
 - 9. A computer modeled electromagnetic field measurement within the proposed transmission line easement for that portion of the transmission line between substations or transition sites.
 - 10. Measures taken to comply with the concept of prudent avoidance with respect to planning, siting, construction, and operation of transmission lines, which may be those

steps taken to comply with CCR 723-3 § 3206(9)(b) or similar authority, for projects where other similar authority is applicable.

11. Any impacts to vegetation and wildlife in the City.
 12. Possible alternatives to underground transmission lines associated with the facility.
 13. Visuals demonstrating impact to scenic resources.
 - c. Efficient utilization of municipal and industrial water projects.
 1. A description of efficient water use, recycling and reuse technology intended for the project. Such description shall include estimated stream transit losses of water, reservoir evaporation losses, and power and energy requirements of the project and project alternatives.
 2. Map and description of other municipal and industrial water projects in the City and vicinity, including capacity and service levels, location of intake and discharge points, debt structure, fees and rates, and service plan boundaries.
 3. A description of the water to be used, including the applicant's right to use the water, adjudicated decrees or determinations, quantity, and comments from reviewing authorities.
 - d. Development in areas containing, or having a significant impact upon, historical, natural, or archaeological resources of statewide importance.
 1. A description of the existing natural environment and an analysis of the impacts of the project on the natural environment and natural resources, including water resources, wildlife, and air quality, to include maps and engineering analyses regarding the surface water quality, groundwater quality, water quantity, flood lands, wetlands, and riparian areas.
 2. A description of proposals to mitigate any impact to the natural environment and natural resources, including to the watershed, wildlife, or air quality.
 3. A description of the existing historical and archaeological resources in the proposed project area and a description of proposals to mitigate any impact to the existing historical and archaeological resources.
 - e. Development in areas around key facilities in which development may have a material effect upon the key facility or the surrounding community.
 1. A description of the existing key facilities and an analysis of the impacts of the project on the key facilities and the surrounding community to include maps showing the key facilities and including traffic and use studies.
 2. A description of proposals to mitigate the impact on the key facilities and surrounding communities.
- (5) Proof of notice as provided under Section 070.080.280.
 - (6) Comments of other agencies. Any commentary received by other agencies with review authority over the proposal, including, without limitation, the state Department of Natural Resources, the state Department of Public Health and Environment, and any other federal, state, or local agency.
 - (7) Demonstration of need.

- a. Population trends for the project area, including present population, population growth, and growth rates document the sources used.
 - b. The predominant types of developments to be served by the proposed new systems and/or facilities or extensions thereof.
 - c. The percentage of design capacity at which the current system is now operating.
 - d. A description of conditions and projections that prohibit present facilities from being upgraded to adequately accommodate increased demand.
 - e. Potential alternatives.
- (8) Property rights, other permits, and approvals.
- a. Description of property rights that are necessary for or that will be affected by the project, including easements and property rights proposed to be acquired through negotiation or condemnation.
 - b. A list of all other federal, state, and local permits and approvals that will be required for the project, together with any proposal for coordinating these approvals with the City permitting process. Copies of any permits or approvals related to the project that have been granted.
 - c. Copies of relevant official federal and state consultation correspondence prepared for the project; a description of all mitigation required by federal, state, and local authorities; and copies of any draft or final environmental assessments or impact statements required for the project.
 - d. Details of the source and rights for the water supplies for the system, including any permits, decrees, or contracts for such rights, or the application submitted for change of water rights, appropriation of water, or augmentation plans.
 - e. Proof of ownership or a contractual right to develop the property.
- (9) Land use.
- a. Provide a map at a scale relevant to the project and acceptable to the Community Development Department describing existing land uses and existing zoning of the proposed project area and the project service area, including peripheral lands which may be impacted. The land use map shall include but need not necessarily be limited to the following categories: residential, commercial, industrial, extractive, transportation, communication and utility, institutional, open space, outdoor recreation, agricultural, forest land and water bodies. Show all special districts (school, fire, water, sanitation, etc.) within the project area.
 - b. All immediately affected public land boundaries should be indicated on the map. Potential impacts of the proposed development upon public lands will be visually illustrated on the map as well as described in the text.
 - c. Specify whether and how the proposed project conforms to the Comprehensive Plan.
 - d. Specify whether and how the proposed project conforms to applicable regional and state planning policies.
 - e. Specify whether and how the proposed project conforms to applicable federal land management policies.

- f. Specify how the proposed project will utilize existing easements or right-of-way to achieve project objectives.
 - g. If relevant to the project design, describe the agricultural productivity capability of the land in the project area, using Soils Conservation Service soils classification data.
 - h. Describe the probability that the project may be significantly affected by earthquakes, floods, fires, snow, slides, avalanches, rockslides or landslides and any measures that will be taken to reduce the impact of such events upon the project.
 - i. Specify if excess service capabilities created by the proposed project will prove likely to generate sprawl or strip development.
 - j. Specify whether the demand for the project is associated with development within or contiguous to existing service areas.
- (10) The Community Development Department Director may require submission of any plan, study, survey, or other information, in addition to the information required by this Section, at the applicant's expense, as in the Director's judgment is necessary to enable it to review and act upon the application.
- (11) Any application which requires compliance with Section 24-65.5-101, et seq., C.R.S. (Notification to Mineral Owners of Surface Development), shall not be considered to have been submitted as complete until the applicant has provided a certification signed by the applicant confirming that the applicant or its agent has examined the records of the County Clerk and Recorder for the existence of any mineral estate owners or lessees that own less than full fee title in the property which is the subject of the application, and stating whether or not any such mineral estate owners or lessees exist. In addition, for purposes of the City convening its initial public hearing on any application involving property which mineral estate owners or lessees owning less than full fee title in the property have been certified by the applicant to exist, the application shall not be considered to have been submitted as complete until the applicant has provided an additional signed certification confirming that the applicant has, at least thirty (30) days prior to the initial public hearing, transmitted to the City and to the affected mineral estate owners and lessees the notices required by Section 24-65.5-101, et seq., C.R.S.
- (12) Projected development schedule.
- a. An estimate of the maximum number of employees, number of shifts and employees per shift during the following phases: construction, operation, and maintenance.
 - b. Information regarding any future phases or extensions of the facility and relationship of the facility (if currently foreseen) to larger programs and plans.
 - c. A timetable for planning (e.g., federal permits, state permits, local zoning, etc.).
 - d. An estimate beginning and completion of construction and beginning of operation of facility or system.
 - e. A description of any support facilities (e.g. pollution control parking areas, landscaping, etc.) to be provided.
 - f. A description of any feasible "non-structural" alternatives to meet the objectives of the proposed site selection and construction.
- (13) Financial information.

- a. Relevant bond issue, loan and other financing approvals or certifications (ex: approved bond issues; bond counsel opinion).
 - b. A description of the intended financial/economic impacts on the proposed project on the City and surrounding area.
 - c. Business plan that generally describes the financial feasibility of the project.
 - d. A plan to offset increased demand on the City's existing facilities, systems, or public utilities.
- (14) Local infrastructure and services impacts. An impact analysis that addresses the manner in which the applicant will comply with the relevant permit application review criteria. The impact analysis shall include the following information: description of existing capacity of and demand for local government services including but not limited to roads, schools, water and wastewater treatment, water supply, emergency services, transportation, infrastructure, and other services necessary to accommodate the project within the City.
- (15) Recreational opportunities. Description of the impacts and net effect of the project on present and potential recreational opportunities.
- (16) Social impacts. A description of other intended social impacts of the proposed project, including, by way of illustration, increased access to relevant services.
- (17) Areas of paleontological, historic, or archaeological importance. Description of the impacts and net effect of the project on sites of paleontological, historic, or archaeological interest.
- (18) Nuisance. Descriptions of noise, glare, dust, fumes, vibration, and odor levels anticipated to be caused by the project.
- (19) Air quality. Description of the impacts and net effect that the project would have on air quality during both construction and operation, and under both average and worst case conditions, considering particulate matter and aerosols, oxides, hydrocarbons, oxidants, and other chemicals, temperature effects and atmospheric interactions.
- (20) Visual quality. Description of the impacts and net effect that the project would have on visual quality, considering viewsheds, scenic vistas, unique landscapes or land formations within view of the project area.
- (21) Surface water quality.
- a. Map and/or description of all surface waters relevant to the project, including description of provisions of Region XII's regional water quality management plan, and NPDES Phase II Permit and necessary Erosion and Stormwater Quality Control Permit ("ESQCP"), Section 404 Federal Clean Water Act Permit that applies to the project and assessment of whether the project would comply with those provisions.
 - b. Existing data monitoring sources.
 - c. Descriptions of the immediate and long-term impact and net effects that the project would have on the quantity and quality of surface water under both average and worst-case conditions.
- (22) Groundwater quality.
- a. Map and/or description of all groundwater, including any and all aquifers relevant to the project. At a minimum, the description should include:

1. Seasonal water levels in each portion of the aquifer affected by the project.
2. Artesian pressure in said aquifers.
3. Groundwater flow directions and levels.
4. Existing aquifer recharge rates and methodology used to calculate recharge to the aquifer from any recharge sources.
5. For aquifers to be used as part of a water storage system, methodology and results of tests used to determine the ability of the aquifer to impound groundwater and aquifer storage capacity.
6. Seepage losses expected at any subsurface dam and at stream-aquifer interfaces and methodology used to calculate seepage losses in the affected streams, including description and location of measuring devices.
7. Existing groundwater quality and classification.
8. Location of all water wells potentially affected by the project and their uses.

b. Description of the impacts and net effect of the project on groundwater.

(23) Water quantity.

- a. Map and/or description of existing stream flows and reservoir levels relevant to the project.
- b. Map and/or description of existing minimum stream flows held by the state Water Conservation Board.
- c. Descriptions of the impacts and net effect that the project would have on water quantity.
- d. Statement of methods for efficient utilization of water, including recycling and reuse.
- e. Descriptions on the impacts to riparian vegetation and fisheries.

(24) Floodplains, wetlands, and riparian areas; terrestrial and aquatic animals, plant life, and habitat. Applicant shall only provide description of foregoing natural conditions, animal and plant life at, but not to exceed, the level of detail required by other federal or state permits or reviews which are applicable to the project.

(25) Soils, geologic conditions, and natural hazards.

- a. Map and/or description of soils, geologic conditions, and natural hazards including but not limited to soil types, drainage areas, slopes, avalanche areas, debris fans, mud flows, rock slide areas, faults and fissures, seismic history, and wildfire hazard areas, all as relevant to the project area.
- b. Descriptions of the risks to the project from natural hazards.
- c. Descriptions of the impacts and net effect of the project on soil and geologic conditions in the area.

(26) Hazardous materials.

- a. Description of all solid waste, hazardous waste, petroleum products, hazardous, toxic, and explosive substances to be used, stored, transported, disturbed or produced in connection with the project, including the type and amount of such substances, their location, and the practices and procedures to be implemented to avoid accidental release and exposure.

- b. Location of storage areas designated for equipment, fuel, lubricants, and chemical and waste storage with an explanation of spill containment plans and structures.

(27) Monitoring and mitigation plan.

- a. Description of all mitigation that is proposed to avoid, minimize or compensate for adverse impacts of the project and to maximize positive impacts of the project.
 - 1. Describe how and when mitigation will be implemented and financed.
 - 2. Describe impacts that are unavoidable that cannot be mitigated.
- b. Description of methodology used to measure impacts of the project and effectiveness of proposed mitigation measures.
- c. Description, location, and intervals of proposed monitoring to ensure that mitigation will be effective.
- d. Emergency procedures to be used in the event of a fire, explosion, or other event which may endanger the public health, safety, and welfare.

(28) Additional information. The Community Development Department Director may request that the applicant supply additional information related to the project if the Director and/or the Permit Authority will not be able to make a determination on any one of the applicable review criteria without the additional information. Such additional information may include applicant's written responses to comments by a referral agency.

070.080.260. Simultaneous processing of other City permits.

In the event a special use permit, rezoning, or other land use permit is required under Title 070 of this Code for a proposed activity which is also governed by these regulations, review of the required permit under these regulations shall be combined with review of the other permit application pursuant to the following procedure:

- (1) The submission requirements for a special use permit, rezoning, or other land use permit as established by the Community Development Department Director shall be combined with those for the relevant permit under these regulations and duplication eliminated.
- (2) The Planning Commission hearing if required by Title 070 of this Code for a special use permit, rezoning, or other land use permit shall incorporate review of the relevant permit under these regulations and precede the City Council hearing. In such instances, the Planning Commission shall make a recommendation to the City Council to approve or deny a permit under these regulations as a separate item and may include additional comments for the City Council's consideration.
- (3) The City Council hearing on the special use permit, rezoning, or other land use permit may be combined with the City Council hearing on the relevant permit under these regulations.
- (4) At the close of the combined hearing, the City Council shall act first on the special use permit, rezoning, or other land use permit application, and either approve, approve with conditions or deny the same, as contemplated by Title 070 of this Code.
- (5) In the event the City Council approves the special use permit, rezoning, or other land use permit application, with or without conditions, the City Council then shall proceed to take action on the application for the relevant permit under these regulations.

- (6) Subsequent to approval of a special use permit, rezoning, or other land use permit under this combined procedure, the permit holder shall, if required by the terms of the special use permit, rezoning, or other land use permit, apply for renewals of the same in the manner prescribed by Title 070 of this Code.

070.080.270. Referral departments and agencies.

The Community Development Department may, in the discretion of the Director, refer any pre-application and/or permit application submittal to any other City department and/or outside review agency. Copies of any such referral comments received shall be promptly forwarded to the applicant for response.

070.080.280. Permit hearing.

Not later than thirty (30) days After submission of a completed application for a permit, the Community Development Department Director shall set the date, time, and place for hearing(s) on said application, and shall publish notice(s) of such date, time and place for hearing(s) and any required separate hearing on any requested waiver of submission requirements. The notice of the public hearing shall be published once in a newspaper of general circulation in the City, not less than thirty (30) nor more than sixty (60) days before the date set for hearing and shall also be given to other persons and entities in the same manner as set forth for the notice of a designation hearing in Section 070.080.120. On or before fifteen (15) days prior to the hearing, the applicant shall send a copy of the notice by U.S. Mail, first class postage prepaid, to all property owners within 200 feet of the real property to be occupied or impacted by the project. The applicant shall also provide to the Director a list of such addressees accompanied by a certification that the notice was mailed to them.

070.080.290. Conduct of permit hearing.

- (a) The Permit Authority shall conduct the public hearing pursuant to the rules and procedures generally applicable to City Council meetings, affording procedural and substantive due process to the applicant, the general public, supporters of the project, and any person who opposes issuance of the permit.
- (b) The Permit Authority shall hear testimony and receive evidence, including:
 - (1) The recommendations of the Planning Commission, if any;
 - (2) Relevant testimony and evidence from any and all persons or organizations desiring to appear and be heard, including City staff; and
 - (3) Any relevant documents that may be offered into evidence.
- (c) The Community Development Department shall arrange for preservation of the record of the public hearing in accordance with the City's Records Retention Schedule.
- (d) In cases in which the development or activity must also obtain approvals under other City regulations, the permit hearing required by these regulations may be held at the same time as the final hearing required for such applications.

070.080.300. Action by the Permit Authority.

- (a) If the Permit Authority finds that there is not sufficient information concerning any material feature of a proposed development or activity, it may deny the application or it may continue the hearing until the additional information has been received; however, no such continuance may exceed forty-five (45) days after such receipt unless agreed to by the applicant.

- (b) The Permit Authority shall approve an application for a permit to engage in development in an area of state interest or for the conduct of an activity of state interest if the proposed project or activity complies with all of the provisions of these regulations governing such area or activity. The Permit Authority may attach reasonable conditions to its approval to ensure compliance with these regulations. If the proposed project does not comply with these regulations governing the area or activity, the permit shall be denied or may be approved with conditions.
- (c) The burden of proof shall be upon the applicant to show compliance with the provisions of these regulations governing the area or activity of state interest involved.
- (d) The Permit Authority shall state, in writing, reasons for its decision on a permit application, and its findings and conclusions.
- (e) The Permit Authority shall reach a decision on a permit application within sixty (60) days after the completion of the permit hearing, or the permit shall be deemed approved.

070.080.310. Combined designation and permit hearing.

If a person proposes to engage in a development in an area of state interest or to conduct an activity of state interest not previously designated, or for which regulations have not been adopted, and has submitted a land use application, in lieu of processing such application, the Permit Authority may decide to hold one (1) hearing for determination of designation and regulation, as well as for granting or denying the permit. No permit that is granted at the conclusion of any such hearing shall be authority to engage in development or to conduct an activity until the designation and regulations are finally determined.

070.080.320. Review criteria for all applications.

All applications under these regulations shall be evaluated against the following general criteria. Each subsection below constitutes a "criterion". Within each subsection are further guidelines to be considered for each criterion. Where such terms as "reasonable," "feasible" and "adequate" are used in the foregoing criteria, the Community Development Department Director and/or the Permit Authority shall determine in each case what is or is not reasonable, feasible, or adequate.

- (1) The health, welfare, and safety of the residents of this City will be protected and served.
- (2) The project is in general conformance with the Comprehensive Plan and other duly adopted plans and permit criteria. The determination of conformance of the project with these plans may include but is not limited to the following considerations:
 - a. Likelihood that the project will/will not cause or contribute to urban sprawl or "leapfrog" development.
 - b. Likelihood that the project will promote growth within existing municipalities or developed areas with the preexisting institutional capacity to maintain infrastructure and provide services to the anticipated development.
 - c. Significant changes in the amount of impervious surfaces.
 - d. Contiguity of development associated with the project to existing growth centers.
 - e. Changes to unique land forms.
 - f. Changes in the amount or character of open space.
 - g. Changes to traffic patterns, road capacity and congestion.

- (3) The project is financially feasible. The determination of financial feasibility of the project may include but is not limited to the following considerations:
 - a. The business plan submitted by the applicant.
 - b. Relevant bond issue, loan and other financing approval or certifications (ex: approved bond issue; bond counsel opinion).
- (4) The project is not subject to significant risk from natural hazards. The determination of risk from natural hazards to the project may include but is not limited to the following considerations:
 - a. Faults and fissures.
 - b. Unstable slopes including landslides, rock slides, and avalanche areas.
 - c. Expansive or evaporative soils and risk of subsidence.
 - d. Wildfire hazard areas.
 - e. Floodplains.
- (5) The project will not have a significant adverse effect on the capability of local governments affected by the project to provide local infrastructure and services, or exceed the capacity of service delivery systems. The determination of the effects of the project on local government services and infrastructure may include but is not limited to the following considerations:
 - a. Current and projected capacity of roads, schools, infrastructure, drainage and/or stormwater infrastructure, housing, recreational facilities, emergency services, and other services necessary to accommodate development, and the impact of the project upon the current and projected capacity.
 - b. Changes caused by the project in the cost of providing education, transportation networks, water treatment and wastewater treatment, stormwater drainage, channel stabilization, recreation facilities, bridges, emergency services, or other governmental services or facilities.
 - c. Need for temporary roads to access the project for construction and maintenance.
 - d. Change in demand for public transportation.
- (6) The project will not have a significant adverse effect on the quality or quantity of recreational opportunities and experience. The determination of effects of the project on recreational opportunities and experience may include but is not limited to the following considerations:
 - a. Changes to existing and projected visitor days.
 - b. Changes in quality and quantity of fisheries.
 - c. Changes in instream flows or reservoir levels.
 - d. Changes in access to recreational resources.
 - e. Changes to quality and quantity of hiking, biking, or horseback riding trails.
 - f. Changes to hunting experiences.
 - g. Changes to open space.
 - h. Changes to existing conservation easements.

- i. Changes to regional or neighborhood parks.
 - j. Changes to recreational scenic experience.
- (7) The project will not significantly degrade air quality. The determination of effects of the project on air quality may include but is not limited to the following considerations:
- a. Changes in visibility and microclimates.
 - b. Applicable air quality standards.
- (8) The project will not significantly degrade existing visual quality. The determination of visual effects of the project may include but is not limited to the following considerations:
- a. Visual changes to ground cover and vegetation, waterfalls and streams, or other natural features.
 - b. Interference with viewsheds and scenic vistas.
 - c. Changes in landscape character types of unique land formations.
 - d. Compatibility of structure size and color with scenic vistas and view sheds.
 - e. Changes to open space.
 - f. Changes to existing conservation easements.
 - g. Changes to impacts to regional or neighborhood parks.
- (9) The project will not significantly degrade surface water quality. The determination of effects of the project on surface water quality may include but is not limited to the following considerations:
- a. Changes to existing water quality, including patterns of water circulation, temperature, conditions of the substrate, extent and persistence of suspended particulates and clarity, odor, color or taste of water.
 - b. Applicable narrative and numeric water quality standards.
 - c. Changes in point and nonpoint source pollution loads.
 - d. Increase in erosion.
 - e. Changes in sediment loading to waterbodies.
 - f. Changes in stream channel or shoreline stability.
 - g. Changes in stormwater runoff flows.
 - h. Changes in trophic status or in eutrophication rates in lakes and reservoirs.
 - i. Changes in the capacity or functioning of streams, lakes, or reservoirs.
 - j. Changes to the topography, natural drainage patterns, soil morphology and productivity, soil erosion potential, and floodplains.
 - k. Changes to stream sedimentation, geomorphology, and channel stability.
 - l. Changes to lake and reservoir bank stability and sedimentation, and safety of existing reservoirs.

- (10) The project will not significantly degrade groundwater quality. The determination of effects of the project on groundwater quality may include but is not limited to the following considerations:
- a. Changes in aquifer recharge rates, groundwater levels and aquifer capacity including seepage losses through aquifer boundaries and at aquifer-stream interfaces.
 - b. Changes in capacity and function of wells within the impact area.
 - c. Changes in quality of well water within the impact area.
- (11) The project will not significantly degrade wetlands and riparian areas, terrestrial or aquatic plant or animal life. The determination of effects of the project on these areas shall include the considerations raised in the applicable federal and/or state permits.
- (12) The project will not significantly deteriorate soils and geologic conditions. The determination of effects of the project on soils and geologic conditions may include but is not limited to the following considerations:
- a. Loss of topsoil due to wind or water forces.
 - b. Changes in soil erodibility.
 - c. Physical or chemical soil deterioration.
 - d. Terrain deformation/mass wasting/subsidence.
 - e. Compacting, sealing and crusting.
 - f. Waterlogging.
 - g. Soil morphology and productivity.
- (13) The project will not cause a nuisance. The determination of nuisance effects of the project may include but is not limited to the following considerations: increase in odors, dust, fumes, glare, heat, noise, vibration or artificial light.
- (14) The project will not result in unreasonable risk of releases of hazardous materials. The determination of the risk of release of hazardous materials caused by project may include but is not limited to the following considerations:
- a. Plans for compliance with federal and state handling, storage, disposal, and transportation requirements.
 - b. Use of waste minimization techniques.
 - c. Adequacy of spill prevention and response plans.
- (15) Urban development, population densities, and site layout and design of storm water and sanitation systems shall be accomplished in a manner that will prevent the pollution of aquifer recharge areas. The determination of potential for pollution of the aquifer recharge areas by the project may include but is not limited to the following considerations:
- a. Proximity of urban development and population densities to aquifer recharge areas.
 - b. Proximity of stormwater and sanitation systems to aquifer recharge areas.
 - c. Changes in water quality in the aquifer recharge areas.
- (16) The project shall be reasonably necessary to meet projected community development and population demands in the areas to be served by the project, or to comply with regulatory or

technological requirements. The determination of whether the project is reasonably necessary may include but is not limited to the following considerations:

- a. Relationship to reasonable growth projections and local land use plans.
 - b. Relationship to other providers' service areas.
 - c. Whether the project is not in compliance with regulatory or technological requirements or will not be in compliance in the near future.
- (17) The project shall be constructed in areas which will result in the proper utilization of existing facilities or systems to ensure the orderly and sustainable development of infrastructure in the City and adjacent communities, including the following considerations:
- a. Site selection and construction will not create or encourage growth and development which is incompatible with and cannot be accommodate by the local financial capacity of the area or residents to be served.
 - b. New systems will not overburden existing systems and current and future demand for services can be met within existing and proposed capacity.
 - c. The project will not create proliferation of special districts or overlapping of special districts with the boundaries of other special districts or municipalities.
 - d. The project is the best alternative for the provision of services to the geographical area serviced.
 - e. To the extent feasible, facilities and systems shall be consolidated with existing facilities and systems in the area.
 - f. The project will not result in duplicative services or excessive capacity.
 - g. The project will be administered so as to minimize disruption of utility services and preserve desirable existing community patterns.
- (18) Economic impacts including, but not limited to, taxable property, licensed and permitted facilities, and recreation related to the proposed project have been identified and will be compensated for or mitigated.
- (19) The project shall emphasize the most efficient use of water, including the recycling, reuse, and conservation of water, including the following considerations:
- a. Whether the project uses readily available conservation techniques.
 - b. Whether the project recycles water to the greatest extent permissible.
 - c. Whether the project will use raw water for exterior or irrigation use if available.

070.080.330. Special review criteria for major extensions of water and sewage treatment systems.

- (a) No permit shall issue for a project related to major extensions of a water or sewage treatment system unless it contains conditions tailored to mitigate the environmental, infrastructure, and financial impacts to the City described in subsection (b) below. Conditional permits shall issue at the discretion of the Permit Authority, pursuant to Section 360 of this Article.
- (b) Applications for a project related to major extensions of water and sewage treatment systems shall be subject to the following mandatory special review criteria.

- (1) The project will not contribute to adverse impacts to the City's financial ability to provide adequately maintained infrastructure and community services, including but not limited to:
 - a. Roads.
 - b. Sidewalks and non-motorized trails.
 - c. Parks and recreation facilities.
 - d. Emergency services.
 - e. Code enforcement.
- (2) The project will not contribute to adverse impacts to the City's environmental conditions or natural resources, including but not limited to:
 - a. Sedimentation of waterways.
 - b. Ambient air quality.
 - c. Wildlife.
 - d. Open space.
- (3) The project will not contribute to adverse impacts or decrease in quality of service, without proper mitigation, to:
 - a. Roads.
 - b. Public transportation.
 - c. Recreation facilities.

070.080.340. Special review criteria for site selection and construction of major facilities of a public utility.

- (a) No permit shall issue for a project related to the site selection and construction of major facilities of a public utility unless it contains conditions tailored to mitigate the environmental, infrastructure, and financial impacts to the City described in subsection (b) below. Conditional permits shall issue at the discretion of the Permit Authority, pursuant to Section 360 of this Article.
- (b) Applications for a project related to the site selection and construction of major facilities of a public utility shall be subject to the following mandatory special review criteria.
 - (1) The project will not increase the potential for fires and wildfires.
 - (2) The project will not conflict with any local, regional, or state comprehensive plans.

070.080.350. Special review criteria for areas around key facilities.

- (a) No permit shall issue for a project related to areas around designated key facilities in which development may have a material impact upon the key facility or surrounding community unless it contains conditions tailored to mitigate the environmental, infrastructure, and financial impacts to the City described in subsection (b) below. Conditional permits shall issue at the discretion of the Permit Authority, pursuant to Section 360 of this Article.
- (b) Applications for a project related to areas around designated key facilities in which development may have a material impact upon the key facility or surrounding community shall be subject to the following mandatory special review criteria.

- (1) The project will encourage the smooth flow of motorized and nonmotorized traffic.
- (2) The project will foster the development of such areas in a manner calculated to preserve the smooth flow of such traffic.
- (3) The project will preserve desirable existing community patterns.

070.080.360. Permit issuance; conditions.

The permit shall be issued on the form prescribed by the Community Development Department Director and adopted by the Permit Authority. The Permit Authority may attach any conditions to the permit to ensure that the requirements of these regulations are continuously met. The Permit Authority may impose additional mitigation requirements and conditions on an applicant under the following procedure:

- (1) The Permit Authority shall make written findings that each such requirement and condition is necessary to ensure that the proposed project will not result in significant adverse net effect on the resources, values and conditions in the applicable chapter of these regulations.
- (2) The Permit Authority shall also find in writing that each such requirement and condition is necessitated by the proposed project.
- (3) All such findings shall be based on material in the administrative record.
- (4) The Permit Authority shall base the additional requirements and conditions on applicable design standards as adopted by the City to the extent that such standards then exist.

070.080.370. Term of permit; progress reports.

The permit may be issued for an indefinite term or for a specific period of time, depending upon the size and complexity of the project. Periodic progress reports may be required to be submitted to demonstrate that the applicant is completing the development with reasonable diligence. If the applicant fails to take substantial steps to initiate the permitted project within twelve (12) months from the date of the permit or such other time period specified in the permit, if such steps have been taken but the applicant has failed to complete the development with reasonable diligence, then the permit may be revoked or suspended in accordance with Section 070.080.430.

070.080.380. Renewal.

Permits issued under these regulations may be renewed following the same procedure for approval of the initial permit. The Permit Authority or the Community Development Department Director, as appropriate, may impose additional conditions at the time of renewal if necessary to ensure that the project will comply with these regulations.

070.080.390. Permit amendment.

- (a) Any material change, as determined by the Community Development Department Director, in the construction, use, or operation of a project from that initially approved shall require a permit amendment. The amendment shall be processed in accordance with and subject to the same procedures and requirements set forth herein for a new permit.
- (b) A government-sponsored project providing a public utility service, e.g. water, wastewater, gas or electric, shall not be subject to this provision with respect to future operations to the extent such operations utilize existing infrastructure for which a permit under these regulations has been obtained, and which are consistent with the originally intended scope and use of that

infrastructure for which a permit has been obtained, subject to any limitations or conditions to the contrary contained in the original permit.

070.080.400. Permit administration, enforcement, and inspection.

The provisions of these regulations and any permits issued hereunder shall be administered, enforced, and inspected in accordance with the provisions of this Article.

070.080.410. Transfer of permits.

A permit may be transferred unless a permit condition requires consent of the Permit Authority. The Permit Authority must ensure, in approving any transfer, that the proposed transferee can and will comply with all the requirements, terms, and conditions contained in the permit and these regulations; that such requirements, terms, and conditions remain sufficient to protect the health, welfare, and safety of the public; and that an adequate guarantee of financial security can be made.

070.080.420. Financial security.

- (a) Before any permit is issued, the Permit Authority may in its discretion require the applicant to file a guarantee of financial security deemed adequate by the Permit Authority and payable to the City.
- (b) The types of collateral which may be used as security are as follows:
 - (1) Performance or property bonds.
 - (2) Private or public escrow agreements.
 - (3) Letters of credit.
 - (4) Deposits of certified funds.
 - (5) Other similar surety agreements.
 - (6) Other agreements or contracts setting forth the plan, method, and parties responsible for the project which the City deems sufficient.
- (c) The purpose of the financial security shall be to assure that all requirements of the permit for mitigation and site remediation are adequately guaranteed.
- (d) The amount of the financial security shall be established by the Permit Authority upon consideration of the following criteria:
 - (1) The estimated cost of returning the site of the permitted development or activity to its original condition or to a condition acceptable to the Permit Authority in accordance with standards adopted by the Permit Authority for the matter of state interest for which the permit is being granted; and
 - (2) The estimated cost of complying with the mitigation requirements of the permit.
 - (3) Other financial security provided by the applicant in connection with the same project.
- (e) Estimated cost shall be based on the applicant's submitted cost estimate plus the Permit Authority's estimate of the additional cost to bring in personnel and equipment to accomplish any unperformed purposes of the financial guarantee. The Permit Authority shall consider the duration of the development or activity and compute a reasonable projection of cost increases due to inflation.

- (f) The Permit Authority may require that all or a portion of the amount of the financial guarantee shall be in cash deposited with the City and placed in an interest-bearing account. Any interest earned shall be deemed additional security and returned to the applicant in the same manner as the original deposit.
- (g) The financial guarantee may be released only when:
 - (1) The permit has been surrendered to the Permit Authority before commencement of any physical activity on the site of the permitted development or activity;
 - (2) The development or activity has been abandoned and the site thereof has been returned to its original condition or to a condition acceptable to the Permit Authority in accordance with standards adopted by the Permit Authority for the matter of state interest for which the permit was granted; or
 - (3) The mitigation requirements have been satisfactorily completed.
- (h) Any security may be cancelled or reduced by a surety only upon receipt of the Permit Authority's written consent which may be granted only when such cancellation or reduction will not detract from the purposes of the security.
- (i) If the license to do business in the state of any surety upon a security filed pursuant to these regulations is suspended or revoked by any state or federal authority, then the applicant or permit holder, within ten (10) days after receiving notice thereof, shall substitute a good and sufficient surety licensed to do business in the state. Upon failure of the permittee to make substitution of surety within the time allowed, the Permit Authority shall suspend the permit until proper substitution has been made.
- (j) If the Permit Authority determines that a financial guarantee should be forfeited or acted upon because of any violation of the permit, it shall direct the City Manager to take all steps necessary to do so and provide written notice to the surety and to the permit holder that the financial guarantee of such action. The Permit Authority shall, in such written notice, inform the permit holder that it has the right to make a written demand to the Permit Authority within ten (10) days of the action taken to hold a hearing thereon.
- (k) The Permit Authority shall hold a hearing within thirty-five (35) days after the receipt of the demand by the permit holder. At the hearing, the permit holder may present statements, documents, and other information with respect to the alleged violation. At the conclusion of the hearing, the Permit Authority shall either withdraw the notice of violation or enter an order forfeiting the financial guarantee.
- (l) The cash deposit described in Subsection (f) above may be used by the City in the event of the default or alleged default of the permit holder only for the purposes of recovering on the surety or fulfilling the permit obligations of the permit holder. The City may arrange with a lending institution which provides money for the permit holder that said institution may hold in escrow any funds required for said cash deposit. Funds shall be disbursed out of escrow by the institution to the City upon its demand for the purposes specified in this Section.
- (m) If the forfeiture results in inadequate revenue to cover the costs of accomplishing the purposes of the financial guarantee, the City Attorney is hereby authorized to take such steps as deemed proper to recover such costs, including, without limitation, perfecting a lien upon any real property in the City owned by the permit holder, by certifying such costs to the County Treasurer for collection in the same manner as real property taxes or by civil action.

- (n) Upon request, the Permit Authority may, in its sole and exclusive discretion, waive all or any portion of the financial security requirements.
- (o) The City Attorney shall have authority to approve the form of security presented.

070.080.430. Revocation or suspension of permits.

- (a) In the event the Community Development Department has reason to believe that the condition imposed on the permit has been violated by the permit holder, the Community Development Department Director may temporarily suspend the permit for a period of thirty (30) days. Before imposing such a temporary suspension, the Community Development Department Director shall give the permit holder written notice of the specific violation and shall allow the permit holder a period of at least ten (10) days to correct the violation. If the permit holder does not concur that there is a violation, the permit holder shall, within ten (10) days of the date of such notice, demonstrate to the Community Development Department Director why temporary suspension should not be ordered. Within ten (10) days thereafter, the Community Development Department Director shall make a decision, as follows:
 - (1) If the Community Development Department Director determines there is no permit violation, the matter is closed and the permit remains in effect.
 - (2) If the Community Development Department Director finds a violation exists, the permit shall be suspended for thirty (30) days. During such period, the permit holder shall either:
 - a. Correct the violation;
 - b. Request an extension of time to correct the violation, or
 - c. Request a show cause hearing before the Permit Authority, which shall be conducted in substantially the manner set forth in Sections 070.080.120 and 070.080.280.
 - (3) The Community Development Department Director may extend the time period for the correction of a violation upon the request of the permit holder.
- (b) In lieu of, or subsequent to a temporary suspension, the Permit Authority may permanently revoke or suspend the permit after conducting a public hearing in substantially the same manner and after substantially the same notice as for other permit hearings required under this Article, and if it finds:
 - (1) A violation of any provision or condition of approval of the permit or applicable regulation for administration of the matter of state interest concerned; or
 - (2) The permit holder has failed to take substantial steps to initiate the permitted development or activity within twelve (12) months from the date of the permit, or, if such steps have been taken, the permit holder has failed to complete the development or activity or any condition of permit approval with reasonable diligence. "Substantial steps" do not require construction activity and may include, among other things, legal or administrative proceedings and activities directly associated with the permittee's project. An extension of the time within which substantial steps to initiate the permitted development or activity need be taken may be granted by the Permit Authority upon the request of the applicant and a showing of good cause therefore.
 - (3) Upon good cause shown, any revoked or suspended permit may be reinstated by the Permit Authority, within twelve (12) months after revocation or suspension.

070.080.440. Annual review.

- (a) Within thirty (30) days prior to each annual anniversary date of the granting of a permit the permittee shall submit a report to the Community Development Department containing a summary of past activities conducted by the permittee pursuant to the permit including a satisfactory showing that the permittee has complied with all conditions of the permit and applicable regulations. The permittee need not inform of activities, such as operational changes, which are not the subject of a permit condition.
- (b) The Community Development Department shall review the report within thirty (30) days from the date of submittal thereof. If the Community Development Department Director determines that the permittee has or is likely to have violated the provisions of the permit and/or applicable regulations, he/she shall schedule the matter for public hearing by the Permit Authority. If the Permit Authority determines at the public hearing that the permittee has violated the provisions of the permit and/or applicable regulations, the Permit Authority may suspend and/or revoke the permit in accordance with Section 070.080.430.
- (c) Upon notice to the Permit Authority or the Community Development Department Director, of the fulfillment of all permit conditions, and the Permit Authority's concurrence therein, the Permit Authority shall terminate any annual review requirements.
- (d) The Permit Authority may waive or modify the annual review requirements upon petition of the permittee and a showing of good cause therefor.

070.080.450. Enforcement and penalties.

- (a) Any person engaging in development in a designated area of a state interest or conducting a designated activity of state interest who does not obtain a permit pursuant to these regulations, who does not comply with permit requirements, who acts outside the authority of an issued permit, or who exceeds the permission granted in an issued permit has thereby acted unlawfully.
- (b) All unlawful acts pursuant to these regulations may be referred to the City Attorney, who may follow the enforcement procedures of this Code for the institution of an injunction, mandamus, abatement, or other appropriate action to prevent, enjoin, abate, or remove a violation of these regulations to prevent a person from engaging in unlawful development or conducting an unlawful activity or to otherwise restore the premises to the condition that existed before the violation, and may be further subject to such other criminal or civil liability as may be prescribed by law.

070.080.460. Mapping disputes.

Where interpretation is needed as to the exact location of the boundary of any designated area and where there appears to be a conflict between a mapped boundary and actual field conditions, the Community Development Department Director shall make the necessary determination of the boundary. Any person contesting the location of the boundary shall be given an opportunity to appeal the decision to the Permit Authority. Any such appeal must be filed in writing with the Community Development Department Director within thirty (30) days of the date of the determination of boundary; otherwise, the determination of the Permit Authority will be final.

070.080.470. Inspection.

- (a) The Community Development Department Director is hereby empowered to inspect and examine the use, occupation, or development in each and every area or conduct of any activity subject to these regulations for the purpose of determining from time to time whether or not any use

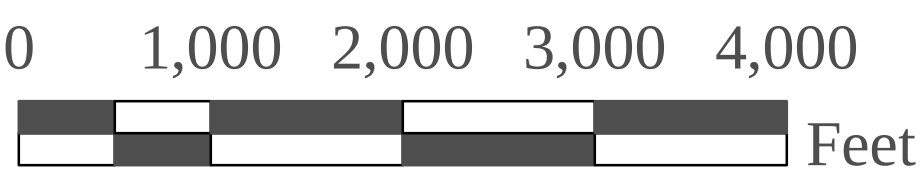
occupation, development, or activity is in violation of any of the provisions of these regulations or of any permit issued or required pursuant to these regulations.

- (b) If a violation shall be found to exist, the Community Development Department Director shall by written order direct that such remedial action be taken forthwith as will result in full compliance with the applicable regulations; provided however, that the issuance of such order shall in no way or manner be deemed a prerequisite to the institution of such enforcement proceedings as are set forth in these regulations; and provided further, that compliance with such order shall not necessarily be deemed to be a defense to any alleged violation of these regulations or other applicable regulations of the City or the state.



City of Glenwood Springs

Ordinary High Water Mark and Areas Within 35 Feet





AGENDA
CITY OF GLENWOOD
SPRINGS

Planning and Zoning Commission
Special Meeting
FEBRUARY 8, 2022
Virtual on ZOOM
5:00 PM

1 Zoom Webinar Information

Topic: Planning and Zoning Commission Special Meeting Feb. 8, 2022

To join the webinar:

<https://us02web.zoom.us/j/86510289325>

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Or Telephone:

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

US: +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799 or +1 929 205 6099 or +1 301 715 8592 or
+1312 626 6799

Webinar ID: 865 1028 9325

2 Roll Call

A. Commissioners Present: Dehm, Waller, Cipperly, Shaver, Connerton

B. Staff Present: Jenn Ooton, Hannah Klausman, Richard Peterson-Cremer

3 Comments from citizens appearing for items not on the agenda

A. No comments

4 New Items

A. Consideration of Code Text Amendments to Municipal Code Title 070 pursuant to C.R.S. Title 24, Article 65.1 and other changes to the land use code.

a. Article 070.080 Guidelines and Regulations for Matters of State Interest

Assistant City Attorney Richard Peterson-Cremer detailed the background on State law that governs the 1041 regulations which originated from House Bill 74-1041.

Questions from Commissioners:

Commissioner Cipperly: Question on historical resources and how that interacts.

Commissioner Shaver: Had questions on the ordinary high-water mark and whether there was a more definitive map. Staff explained that SGM did the mapping and the City just received the GIS layers for that information.

Commissioner Waller: The quasi government agencies can do the Location and Extent, and that this gives more

teeth to the specified areas. Is that correct? Legal answered yes, and that this would also apply to nonprofit and nongovernmental entities proposing developments that this would cover as well. Legal clarified that the 1041 regulations would add additional review for that development process. Each scenario would be evaluated for whether it triggers the thresholds for a 1041 review.

Commissioner Connerton asked how many cities had already adopted this.

Legal answered that many counties and approximately a dozen cities have adopted aspects of 1041 for implementation.

Chair Dehm: Had questions on boundaries and why it isn't City wide.

Commissioner Shaver: Does this extend to the City itself? If the City were to do a project close to the river, would they call it upon themselves to fall on these regulations?

Legal answered: The City would likely subject themselves to these regulations much like location and extent reviews which City developments go through. We recognize these are activities and areas that are likely to be controversial, so it is good to have an additional threshold for review.

Commissioner Waller: Could you explain the last column in the development permit table. Why are those permits exempt in the last column?

Confusion over the exemptions and what the thresholds are. Need additional clarification on the reasons why the exemptions were listed and why only development permits that go to City Council are required to possibly abide by the 1041 regulation process.

Open to public comment: No public comment

Commissioner Waller motioned to approve item 1, guidelines and regulations for matters of State Interest.

Commissioner Shaver seconds the motion. Unanimously approved with a 5-0.

- b. Fire and Emergency Services Impact Fees, Section 070.040.030(g)(5) TO BE CONTINUED TO FEBRUARY 22, 2022
- c. Commissioner Cipperly made a motion to continue. Commissioner Connerton seconded. Unanimously approved 5-0.

5 Commissioner Comments

No Comments.

6 Director Comments

7 Adjournment



City Council
STAFF REPORT
City of Glenwood Springs
February 17, 2022

Agenda Item: Ordinance 2022-06; adoption of the 2021 editions of Building Codes

Action Requested: Approval of Ordinance 2022-06

Department: Economic and Community Development

Presented By: Jenn Ooton

Strategic Goals: Ensure Public Safety

Background Info: The City of Glenwood Springs has made it a standard practice to periodically review and update the City's construction building codes to remain consistent with neighboring jurisdictions and to ensure buildings use the best building standards.

The Building and Fire Codes in Title 060 of the City's Municipal Code were last revised in 2017. The City is on the 2015 Building Codes, with the exception of the 2009 Energy Code. House Bill 19-1260 established a minimum building energy code. Effective August 2, 2019, local jurisdictions in Colorado must adopt and enforce one of the three most recent versions of the International Energy Conservation Code (IECC).

Attached with this staff report is Ordinance 2022-06 which adopts the 2021 editions of the International Building Code, International Residential Code, International Plumbing Code, International Mechanical Code, International Property Maintenance Code, International Existing Building Code, International Fire Code, National Electrical Code, National Electrical Safety Code, the International Fuel Gas Code and the International Swimming Pool and Spa Code with amendments. In general, the recommended amendments are carried over from the previous adoption of these codes.

One change recommended by staff with this adoption is that new one- and two-family residential units would require sprinkler systems, which is what is required by the 2021 codes. Previously, the City exempted one- and two-family units. Remodeled homes would not be required to add sprinkler systems, including new accessory dwelling units interior to the home. ADUs inside an existing structure would be considered an alteration or addition to the existing building and would not have to add sprinklers. Separate dwellings would have to provide sprinkler systems.

These systems are designed specifically as life safety devices. Only the livable spaces need to be sprinklered. This is intended to allow an occupant to escape a fire and keep the fire from spreading to the rest of the structure, so it excludes the need to sprinkle areas such as garages, outdoor storage, bathrooms under 55 square feet, and small closets.

Glenwood Springs already requires fire sprinkler systems in single family homes and duplexes within the City limits when fire department access is not up to code. The city requires an exterior alarm horn/strobe so neighbors would be aware of a sprinkler activation if the home is not occupied.

Adoption of the new codes requires additional safety and energy improvements, which come with increased costs, in addition to energy savings. For example, a local contractor provided information regarding the increased cost for wood framed roof and wall insulation cost increases that will result from adopting the 2021 standards:

Wood framed roof:

Increasing the R-value from R-38 to R-60 using loose fill fiberglass. This is estimated at a 70% increase; or .85 cents per square foot increase.

Wood framed wall:

Increasing wall R-value from R-20 to R-20 + 5 continuous insulation (ci). Taking into account labor to install; the most efficient way to achieve the “ci” portion would be to install an insulated Zip Panel. An 1-7/16” ZIP (R-6.6) is \$100.63 each. Standard 7/16” OSB is \$27.97 each.

NFPA 13D fire sprinkler systems for a single-family home are estimated at \$6/sq ft.

Updated codes are intended to minimize risks/hazards to the public and to require energy efficiency standards in various types of construction.

Issues:

The Building Official has recommended a 90-day implementation to allow applicants time to adjust to the requirements and to give contractors time to get acquainted with the code provisions. City Council during the work session talked about a shorter timeline for implementation.

Implementation of new building codes will increase costs for some aspects of developments, as mentioned above.

A question has come up from a member of Council about whether there should be an exemption to the fire sprinkler requirement for accessory dwelling units because this will increase the cost for these units, which are intended to be more affordable housing stock.

Fiscal Impact:

The Insurance Services Office (ISO) reviews a community's Building Code Effectiveness Grading Schedule classifications approximately every five years, and they do review building code adoption schedules. ISO distributes this information to property and casualty insurance companies. Some insurance companies use the ISO rating to determine premiums. The exact fiscal impact of this is unknown.

Adopting these amendments requires changes within the Municode, which in 2017/2018 cost the city a few thousand dollars to have the supplemental pages added to the online Municode system.

Legal Review:

Legal staff found no identified issues.

Staff Recommendation:

Approval of Ordinance 2022-06

ORDINANCE NO. 06

Series of 2022

**AN ORDINANCE OF THE CITY OF GLENWOOD SPRINGS,
COLORADO, ADOPTING, AS AMENDED, THE 2021 EDITIONS OF
CERTAIN INTERNATIONAL AND NATIONAL CODES REGARDING
CONSTRUCTION BUILDING AND REGULATION.**

WHEREAS, Title 060 of the Glenwood Springs Municipal Code regulates all construction, reconstruction, repair, remodeling, or other construction activity within the City of Glenwood Springs (“Glenwood Springs” or the “City”) by the adoption of certain International and National Codes; and

WHEREAS, to maintain consistency with other jurisdictions and to appropriately regulate current building practices, the City has made it a standard practice to periodically review and update the City’s construction building codes; and

WHEREAS, the International and National Codes adopted by reference in Title 060 of the Municipal Code were last revised in 2017; and

WHEREAS, in the past months, the Building and Fire Department staffs, have discussed, analyzed and recommend the adoption, with amendment, of the 2021 editions of the International Building Code, International Residential Code, International Plumbing Code, International Mechanical Code, International Property Maintenance Code, International Existing Building Code, International Fire Code, International Fuel Gas Code, and the International Swimming Pool and Spa Code, and of the 2020 editions of the National Electrical Code and National Electrical Safety Code; and

WHEREAS, City Council finds that adoption of the International and National Codes listed above with the proposed Code amendments is consistent with the City’s Comprehensive Plan, other adopted City plans, the Municipal Code, and the City’s goals and policies; and

WHEREAS, the City Charter of the City of Glenwood Springs requires that an ordinance be enacted to effectuate the amendments.

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. The Glenwood Springs City Council hereby repeals and reenacts Title 060 of the Glenwood Springs Municipal Code in its entirety, consistent with **Exhibit A**, attached and incorporated by this reference.

Section 3. Any and all ordinances or parts of ordinances in conflict herewith shall hereby be repealed to the extent of the conflict only.

INTRODUCED, READ ON FIRST READING, PASSED, AND ORDERED
PUBLISHED BY TITLE ONLY THIS _____ DAY OF _____ 2022.

CITY OF GLENWOOD SPRINGS, COLORADO

Jonathan Godes, Mayor

ATTEST:

Ryan Muse, City Clerk

INTRODUCED, READ ON SECOND READING, PASSED AND ORDERED
PUBLISHED BY TITLE ONLY TO BE EFFECTIVE 90 DAYS FOLLOWING THE DATE OF
SECOND PUBLICATION THIS _____ DAY OF _____ 2022.

CITY OF GLENWOOD SPRINGS, COLORADO

Jonathan Godes, Mayor

ATTEST:

Ryan Muse, City Clerk

TITLE 060

CONSTRUCTION BUILDING CODES AND REGULATIONS

ARTICLE 060.010 IN GENERAL

060.010.010 Applicability.

The provisions of this Title shall regulate all construction, reconstruction, repair, remodeling, or other construction activity within the City. Such provisions are necessary to protect and preserve the health, safety, and welfare of the inhabitants of the City.

060.010.020 Copies of Codes.

Copies of all codes adopted by reference in this Title are available for inspection in the office of the City Clerk at 101 W. 8th Street, Glenwood Springs, Colorado. Copies of said codes are usually available for sale at the office of the City Clerk or the Building Official for the City at a cost to be established by the City Manager.

060.010.030 Liability to City.

Nothing in this Title, including, but not limited to, the adoption of the various construction building codes and the authorization of inspections by the City, shall be construed as imposing on the City or any city official or employee any liability or responsibility for injury or damage to a person caused by anything required or not required by such construction building codes or caused by reason of inspections or the lack thereof authorized by this Title or caused by the issuance or lack thereof of a certificate of occupancy or other similar document.

060.010.040 Compliance with Laws.

All work performed pursuant to this Title shall be in conformity with all applicable provisions of the Municipal Code, ordinances of the City and state and federal statutes, codes, rules, and regulations unless such state and federal statutes, codes, rules, and regulations have been superseded by the provisions of this Title.

060.010.050 Violations.

Any person violating any of the provisions of this Title or any lawful rule, regulation, or order of the City or its Building Official shall be deemed guilty of a misdemeanor and upon conviction of the same shall be punished by a fine of up to one thousand dollars (\$1,000.00). Each day such violation is allowed to persist shall constitute a separate and new offense.

060.010.060 Conflicts.

If the provisions of the construction building codes, as adopted in this article, conflict with any other provisions of the Municipal Code then the more restrictive of the two shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

ARTICLE 060.020 INTERNATIONAL BUILDING CODE

060.020.010 International Building Code and Standards Adopted; Penalty for Violation.

- (a) For purposes of regulating the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance of buildings or structures in the City of Glenwood Springs, the International Building Code, 2021 edition, published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795, is hereby adopted except as it is amended in this article.

(b) *Appendices adopted.*

Appendix	Title
Appendix C	Group U-Agricultural Buildings
Appendix E	Supplementary Accessibility Requirements
Appendix G	Flood-Resistant Construction
Appendix I	Patio Covers
Appendix J	Grading

Only the appendices contained within these chapters, as specifically listed herein, are adopted.

- (c) All International Building Code Standards, which are referred to in the various parts of the International Building Code, as adopted in this section, are hereby adopted.
- (d) Any person violating any of the provisions of the International Building Code, as adopted in this section, shall be deemed guilty of a misdemeanor and upon conviction of the same shall be punished by a fine of up to one thousand dollars (\$1,000.00). Each day such violation is allowed to persist shall constitute a separate and new offense.
- (e) Unless indicated otherwise, all references in the Municipal Code to the International Building Code shall be deemed to include the International Building Code, the International Building Code Appendices and the International Building Code Standards as referred to in this Title and as adopted in this section.

060.020.020 Amendments to the International Building Code:

CHAPTER 1—ADMINISTRATION

§101.1 Title.

These regulations shall be known as the Building Code of Glenwood Springs, hereinafter referred to as "this code."

§104.1 General.

The Building official or any authorized representative, is hereby authorized and directed to enforce all provisions of this code; however, a guarantee that all buildings and structures have been constructed in accordance with all the provisions of this code is neither intended or implied. The Building Official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in this code.

§104.8 Liability.

The adoption of this code, and any previous codes adopted by the City of Glenwood Springs, shall not be deemed to give rise to a duty of care on the part of any public entity, public employee, or agent, nor shall this code or any previous codes be deemed to create any civil remedy against a public entity, public employee, or agent. The Building Official, member of the Board of Appeals, or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties.

§104.8.1 Legal defense.

Any suit instituted against an officer, employee, or authorized representative because of an act performed by that officer, employee, or authorized representative in the lawful discharge of duties and under the provisions of this code shall be defended by legal representative of the jurisdiction until the final termination of the

proceedings. The Building Official or any subordinate, acting in good faith, shall not be liable for cost in any action, suit, or proceeding that is instituted in pursuance of the provisions of this code.

§105.2 Work exempt from permit.

THIS SECTION TO REMAIN AS IS, EXCEPT THE AMENDMENTS TO THE EXCEPTIONS NOTED BELOW:

Building:

Exception 2. Fences not over 6 feet high.

Electrical:

All electrical permits, inspections, and requirements are as per State of Colorado requirements.

§105.5 Expiration.

Every permit issued by the Building Official under the provisions of this code shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within 180 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. Permits must pass a required inspection during every 180-day period after each inspection in order not to be considered suspended or abandoned. On expired permits, before such work can be recommenced, a re-issued or new permit shall be obtained. The Building Official is authorized to grant no more than two extensions of time, for periods not more than 180 days each. The extensions shall be requested in writing and justifiable cause demonstrated. No permit shall be extended more than twice nor beyond 4½ years from the date of issuance of such permit.

§107.1 General (Submittal Documents).

The Building Official shall not issue any permit unless the plans and specifications for such proposed erection, construction, reconstruction, alteration, or remodeling conform to the regulations and restrictions in the International Building Code. All plans and specifications for such proposed erection, construction, reconstruction, alteration, or remodeling shall bear the seal of an architect or engineer licensed by the State of Colorado, unless the preparation of plans and specifications is exempted by C.R.S. § 12-120-403. Such plans and specifications prepared by architectural or engineering sub disciplines shall be so designated and shall bear the seal and signature of the architect or engineer for that sub discipline.

§107.2.6.2 Additional site plan requirements.

A survey of the building lot may be required by the Building Official to verify that the structure is located in accordance with the approved site plans. A site development plan shall be submitted with any building permit application which involves the construction of a new building or the expansion of an existing building. The site development plan shall be submitted in duplicate, shall be drawn to scale, and shall show the actual dimensions of the lot to be built upon, the size of the building to be erected, the location of the building on the lot with reference to legally established property lines, building envelope, setbacks, easements, and such other information as may be necessary to provide for the enforcement of the Municipal Code. Prior to issuance of a building permit, the Building Official may require monumentation of property boundaries and corners, or a foundation location certificate within 7 days of completion of the foundation, in accordance with the standards set forth in C.R.S. 38-51-101 et seq., as amended, in order to fulfill the purposes of this section. A record of all site development plans and other survey information shall be kept in the office of the Building Official.

§107.6 Proof of water and sewer.

The applicant shall provide documentation and proof that water and sewer taps have been obtained from appropriate utility district when the property will be served by the district.

§109.2 Schedule of Permit Fees.

A fee for each building permit shall be paid to the Building Official as set forth in Table 1-A of the Glenwood Springs Municipal Code Section 060.020.020.

§109.3 Building permit valuations.

The applicant for a permit shall provide an estimated permit building construction value at time of application. Permit valuations shall include total value of work, including materials and labor, for which the permit is being issued such as gas, mechanical, plumbing, equipment and permanent systems. Electrical valuation shall be provided as a separate value. A determination of value or valuation under any of the provisions of this code shall be made by the Building Official based on the Valuation Schedule published in the "Building Safety Journal" magazine by the International Code Council. The value to be used in computing the building permit and building plan review fees shall be the total value of all construction work for which the permit is issued. The Building Official shall use the higher of these valuations. Final building permit valuation shall be set by the Building Official.

The Building Official may waive the building permit fee for any public entity when such entity is applying for a building permit for a governmental use or a proprietary purpose.

§109.4 Work Commencing Before Permit Issuance.

Whenever any work for which a permit is required by this code has commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this code. The minimum investigation fee shall be the same as the minimum fee set forth in Table 1-A of the Glenwood Springs Municipal Code Section 060.020.020. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

§109.6 Plan Review Fee.

When submittal documents are required by Section 107, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. Said plan review fee shall be 65 percent of the building permit fee. An electronic conversion fee shall also be paid to convert submittal documents from paper to electronic format in the amount of \$25 for residential plans and \$45 for commercial plans. No electronic conversion fee will be charged if documents are submitted in both paper and electronic format.

The plan review fees specified in this section are separate fees from the permit fees specified in Section 109.2 and are in addition to the permit fees.

When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items as defined in Section 107, an additional plan review fee shall be charged at the rate shown in Table 1-A of the Glenwood Springs Municipal Code Section 060.020.020.

§109.6.1 Expiration of Plan Review.

Applications for which no permit is issued within one hundred eighty (180) days following the date of application shall expire by limitation and plans submitted for checking may thereafter be returned to the applicant or destroyed by the Building Official. The Building Official may extend the time for action by the applicant for a period not exceeding one hundred eighty (180) days upon written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. In order to renew action on an application after expiration, the applicant shall resubmit plans and plan review fee. Said plan review fee shall be 65% of the building permit fee as shown in Table 1-A of the Glenwood Springs Municipal Code Section 060.020.020.

§109.7 Fee Refunds.

The Building Official may authorize the refunding of any fee paid hereunder which was erroneously paid or collected.

§109.7.1 Processing Fee.

There will be a minimum \$30.00 fee for processing refunds.

§109.7.2 Permit Fee.

The Building Official may authorize the refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.

§109.7.3 Plan Review Fee Refunds.

The Building Official may authorize the refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or cancelled before any plan reviewing is done.

§109.7.4 Fee Refund Application.

The Building Official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of the fee payment.

§109.7.5 Energy Conservation Rebates.

To encourage energy conservation in construction, construction that qualifies for State of Colorado or City of Glenwood Springs approved energy conservation programs may receive a rebate up to Five Hundred Dollars (\$500.00) of building permit and plan review fees.

Table 1-A—Building Permit Fees

TOTAL VALUATION	FEE
\$1.00 to \$500.00	\$23.50
\$501.00 to \$2,000.00	\$23.50 for the first \$500.00 plus \$3.05 for each additional \$100.00, or fraction thereof, to and including \$2,000.00
\$2,001.00 to \$25,000.00	\$69.25 for the first \$2,000.00 plus \$14.00 for each additional \$1,000.00, or fraction thereof, to and including \$25,000.00
\$25,001.00 to \$50,000.00	\$391.25 for the first \$25,000.00 plus \$10.10 for each additional \$1,000.00, or fraction thereof, to and including \$50,000.00
\$50,001.00 to \$100,000.00	\$643.75 for the first \$50,000.00 plus \$7.00 for each additional \$1,000.00, or fraction thereof, to and including \$100,000.00
\$100,001.00 to \$500,000.00	\$993.75 for the first \$100,000.00 plus \$5.60 for each additional \$1,000.00, or fraction thereof, to and including \$500,000.00
\$500,001.00 to \$1,000,000.00	\$3,233.75 for the first \$500,000.00 plus \$4.75 for each additional \$1,000.00, or fraction thereof, to and including \$1,000,000.00
\$1,000,001.00 and up	\$5,608.75 for the first \$1,000,000.00 plus \$3.15 for each additional \$1,000.00, or fraction thereof
Other Inspections and Fees:	
1. Inspections outside of normal business hours \$50.00 per hour ¹ (minimum charge - two hours)	
2. Inspections for which no fee is specifically indicated \$100.00 per hour ¹	
3. Re-inspection fee assessed under provisions of Section 109.8 \$100.00 per hour ¹ (minimum charge - one hour)	
4. Additional plan review required by changes, additions or revisions to approved plans \$50.00 per hour ¹ (minimum charge - one hour)	
5. For use of outside consultants for plan checking and inspections, or both \$50.00 per hour ²²	

§109.8 Re-inspections.

¹ Or the hourly cost to the jurisdiction, whichever is greater. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.

² Actual cost includes administrative and overhead costs.

Permit fees provide for customary inspections only. A re-inspection fee may be assessed for each inspection or re-inspection when such portion of work for which inspection is called is not complete or when corrections called for are not made.

This section is not to be interpreted as requiring re-inspection fees the first time a job is rejected for failure to comply with the requirements of this code, but as controlling the practice of calling for inspections before the job is ready for such inspection or re-inspection.

Re-inspection fees may be assessed when the inspection record card is not posted or otherwise available on the work site, the approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested, or for deviating from plans requiring the approval of the Building Official. A re-inspection fee may be assessed for failure to post a readily visible address as required in Section 502.1.

To obtain a re-inspection, the applicant shall pay the re-inspection fee in accordance with Table 1-A of the Glenwood Springs Municipal Code Section 060.020.020.

In instances where re-inspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.

Manufactured and/or Mobile Home (non-permanent foundation)	\$200.00
Re-roofing of one building or structure	\$60.00/\$80.00 if two inspections
Demolition/Moved Buildings	\$60.00
Lawn sprinkler system	\$60.00
Excavation on private property	\$60.00
Window replacement (like for like) (2 inspections)	\$100.00
Window replacement (2 inspections)	\$100.00
Excavation in the public right-of-way	(refer to Article 060.140 of the GSMC)
Solar panels	\$50.00 per hour for application review with a maximum fee of \$500.00 for a residential application or \$2,000.00 for a nonresidential application

The fee for modular units and manufactured homes on a permanent foundation and inspected by an approved agency shall be 50% of the fee set forth in Table 1-A of the Glenwood Springs Municipal Code; however, a full plan review fee shall be assessed pursuant to Section 109.6 as amended in this article. The building valuation for all permit fees shall be based on the building valuation data table of the most current issue of "Building Safety Journal" published by the International Code Council, using a regional modifier of 1.00, or other evidence of value, whichever is greater, as determined by the Building Official. The City of Glenwood Springs is a participating jurisdiction for the State of Colorado Manufactured Housing Inspection Program.

§110.1.1 Sanitation at construction sites.

Toilet facilities shall be provided for construction workers and such facilities shall be in an amount sufficient to service the number of workers on the site, conveniently located, and maintained in a sanitary condition. The facilities shall be available from the time the first work is started until the certificate of occupancy is issued.

§110.3.6 Lath and gypsum board inspection.

Lath and gypsum board inspections shall be made after lathing and gypsum board, interior and exterior, is in place, but before any plastering is applied or before gypsum board joints and fasteners are taped and finished.

§110.5 Inspection requests.

It shall be the duty of the person doing the work, the owner, contractor or subcontractor to know that the building or structure has a valid permit and to notify the building department when work is ready for inspection. A fine will be assessed to the person doing the work, the owner, contractor or, subcontractor if work is being done without a permit and the inspection is not requested per Section 110. It shall be the duty of the person doing the work, the owner, contractor or subcontractor requesting any inspections required by this code to provide legal and adequate access and means for inspection of such work. Such request for inspection may be in writing or by calling the 24-hour automated telephone answering system.

§111.1 Use and occupancy.

No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the Building Official has issued a certificate of occupancy therefore as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction.

A certificate of occupancy shall not be issued until all monies owed to the City related to the construction of the project, including utility bills, have been paid in full. In addition, any damage to City property resulting from work done on the site shall be repaired by the owner of the site in compliance with City standards prior to the issuance of a certificate of occupancy.

A certificate of occupancy shall not be issued until the owner establishes or re-establishes, as necessary, any lot boundary monumentation, or, provides an improvement location certificate as required pursuant to Section 107.2.6.2 as amended in this article or C.R.S. § 38-51-101 et seq., as amended. In addition no certificate of occupancy will be issued unless complete compliance with the development permit is obtained.

§111.3 Temporary occupancy.

If the Building Official finds that no substantial hazard will result from occupancy of any building or portion thereof before the same is completed, a temporary certificate of occupancy may be issued for the use of a portion or portions of a building or structure prior to the completion of the entire building or structure upon receipt of a \$1,000.00 certificate of occupancy deposit for all commercial and multi-family buildings and a \$250.00 certificate of occupancy deposit on all residential buildings. Upon expiration of a temporary certificate of occupancy the certificate of occupancy deposit shall be refunded less a \$100.00 processing fee as long as the conditions of the temporary certificate of occupancy have been met and a final certificate of occupancy can be issued.

A temporary certificate of occupancy shall expire at a date deemed appropriate by the building official; however, such expiration date shall not exceed 180 days from the date of issuance. Any applicant holding a non-expired temporary certificate of occupancy may apply for an extension of the time to complete required work and such extension may be granted by the building official in his or her sole discretion provided a written request is submitted by the applicant showing that circumstances beyond the control of the applicant have prevented actions from being taken. A fee of \$100.00 shall be paid for each extension granted for commercial or multi-family buildings and a fee of \$50.00 shall be paid for each extension granted for residential buildings. A temporary certificate of occupancy may be extended more than once; however, the deposit shall be forfeited to the City after one year from the initial date of issuance.

§113.1 General (Board of Appeals).

The Building Board of Appeals 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. The City may, in its discretion, engage an independent third party with training and experience in matters involving building codes to provide an opinion regarding the issues on appeal.

§113.4 Notice of Appeal.

A notice of appeal must be presented to the Building Official and the Community Development Director in writing within 14 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 14 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.

CHAPTER 2—DEFINITIONS

§202.1 Additional Definitions.

CERTIFIED BACKFLOW ASSEMBLY TESTER. A person who has been certified by the State of Colorado to test and maintain backflow assemblies.

TOWNHOUSE. A single-family dwelling unit constructed in a group of two or more attached units in which each unit extends from the foundation to roof and with open space on at least two sides.

CHAPTER 3—USE AND OCCUPANCY CLASSIFICATION

§310.2.1 Additional Definitions.

SHORT TERM RENTAL. An R/2 or R/3 residential unit that has been approved pursuant to Title 070 Glenwood Springs Municipal Code requirements for use as a rental dwelling for rental periods of less than thirty (30) days. The short term residential unit will be considered to maintain the code requirements of its previous R/2 or R/3 occupancy.

§312.1 General (Utility and Miscellaneous Group U).

Free standing signs over 10 feet of height is added.

CHAPTER 4—SPECIAL DETAILED REQUIREMENTS BASED ON USE AND OCCUPANCY

CHAPTER 5—GENERAL BUILDING HEIGHTS AND AREAS

§508.3.3 Separation.

Exception:

3. Non-separated occupancies and tenant spaces shall be separated by a Smoke Partition per section 711.

§508.5.1 Limitations.

4. A maximum of five non-residential workers or employees and a total maximum occupant load of 49 are allowed to occupy the nonresidential area at any one time.
5. The residential and nonresidential areas of the live/work unit shall be separated by a Smoke Partition per Section 711.

§508.5.11 Plumbing Facilities.

The residential and non-residential areas shall be provided with separate plumbing fixtures in accordance with the occupancy requirements.

CHAPTER 7—FIRE AND SMOKE PROTECTION FEATURES

§710.1 General (Smoke Partitions).

Smoke partitions installed as required elsewhere in the code, including live/work units and non-separated uses, shall comply with this section.

CHAPTER 14—EXTERIOR WALLS

§1403.2.1 Moisture Control During Construction.

Under-floor spaces and building construction materials shall be protected from moisture during construction as follows:

1. Under-floor spaces shall be protected from moisture during construction such that no standing water, snow or ice is present prior to the under-floor space being enclosed.
2. Construction material shall be protected for damaging moisture in accordance with the manufacturer's specifications.

CHAPTER 15—ROOF ASSEMBLIES AND ROOFTOP STRUCTURES

§1503.6 Snow Shed Barriers.

Roofs shall be designed to prevent accumulations of snow from shedding above or in front of gas utility or electric utility meters and egress doors or patios/decks.

§1503.6.1

Mechanical barriers are required for metal roof shingles, metal roof panels or for other roofing materials with 12:12 pitch or greater to protect walkways from snow slides. Mechanical barriers for metal roof shingles and metal roof panels. Mechanical barriers installed to prevent snow shedding from the roof shall be secured to roof framing members or to solid blocking secured to framing members in accordance with the manufacturer's installation instructions. Individual devices installed in a group of devices to create a barrier to prevent snow shedding shall be installed in at least two rows with the first row no more than 24 inches from the edge of the roof or eave. The rows shall be parallel with the exterior wall line and the devices in each row shall be staggered for a spacing of no more than 24 inches on center measured parallel with the exterior wall line. Continuous snow barriers shall be secured to roof framing at no more than 48 inches on center and/or to manufacturers specifications. Continuous barriers shall be installed parallel with the exterior wall line and no more than 24 inches from the edge of the roof or eave.

§1507.6.2 Deck Slope.

Mineral-surfaced roll roofing shall not be applied on roof slopes below two (2) units vertical in twelve (12) units horizontal (16% slope) except for patios and carports open on three (3) sides are allowed one (1) unit vertical in twelve (12) units horizontal.

CHAPTER 16—STRUCTURAL DESIGN

§1608.1.1 Alternate Design Method.

In lieu of Ground Snow Load Design methods of ASCE 7, buildings and other structures and all portions thereof that are subject to snow loading may be designed to resist a basic horizontal snow load of forty (40) pounds per square foot (psf), in accordance with the load combinations set forth in Section 1605.2 or 1605.3. The duration of snow loading shall be considered as two months.

Potential unbalanced accumulation of snow due to drifting and sliding at valleys, parapets, roof structures and offsets in roofs of uneven configuration shall be considered.

Snow load on roofs that are not impaired by obstacles such as dormers, chimneys, valleys, or roofs of lesser pitch may be reduced for each degree of pitch over 20 degrees by 0.50 psf.

§1608.2 Ground Snow Loads.

The minimum ground snow load for buildings or structures within the City of Glenwood Springs shall be 50 pounds per square foot (psf). Potential accumulation of snow at valleys, parapets, roof structures and offsets in roofs of uneven configuration shall be considered. See Table R301.2(1) for climatic and geographic design criteria.

**TABLE R301.2(1)
CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA**

Ground Snow Load	Wind Design			Seismic Design Category	Subject to Damage From			Winter Design Temp	Ice Barrier Underlayment Required	Flood Hazards	Air Freezing Index	Mean Annual Temp
	Speed (MPH)	Topo- graphic Effects	Special Wind		Weathering	Frost Line Depth	Termite					
50	115	No	No	B/C	Severe	36"	slight/mod	-2F	Yes	Yes/10- 15-85	1500	48F

§1613.1 Scope (Earth Quake Loads).

Every structure, and portion thereof, including non-structural components that are permanently attached to structures and their support and attachments, shall be designed and constructed to resist the effects of earthquake motions in accordance with ASCE 7, excluding Chapter 14 and Appendix 11A. The seismic design category for a structure is permitted to be determined in accordance with Section 1613 or ASCE7. Structures in Occupancy Categories I and II may be designed for Seismic Design Category B and structures in Occupancy Categories III and IV may be designed to Seismic Design Category C.

CHAPTER 18—SOILS AND FOUNDATIONS

§1801.2 Permits Required.

Due to the non-isolated nature of properties lying within the City boundaries, no grading shall be permitted anywhere within the City without first obtaining a grading permit. It shall be the obligation of the owner or person in charge of the property and the person(s) who will actually perform the grading to jointly obtain a grading permit. Engineered grading plans shall be submitted unless waived by the Building Official.

§1807.2 Retaining Walls.

Retaining walls shall be designed in accordance with Sections 1807.2.1 through 1807.2.4. Retaining walls over 4 feet in height measure from bottom of footing to the top of wall shall be engineered by a Colorado licensed professional engineer or architect.

§1807.3 Embedded post and poles.

Designs to resist both axial and lateral loads employing post or poles as columns embedded in earth or in concrete footings in earth shall be in accordance with Sections 1807.3.1 through 1807.3.3 and designed and sealed by a Colorado licensed engineer or architect

§1808.1 General (Foundations).

Foundations shall be designed and constructed in accordance with Sections 1808.2 through 1808.9. Shallow foundations shall also satisfy the requirements of Section 1809. Deep foundations shall also satisfy the requirements of Section 1810. All foundations shall be designed and sealed by a Colorado licensed engineer or architect except for foundations supporting a Group S-1 or U occupancy or addition to an R-3 not over 600 square foot of footprint.

§1809.5 Frost Protection.

Except where otherwise protected from frost, foundation walls, piers and other permanent supports of buildings and structures shall be protected from frost by one of the following methods:

1. Extending below the frost line of the locality which is 36 inches (914.4 mm) for the City of Glenwood Springs;
2. Constructing in accordance with ASCE-32; or
3. Erecting on solid rock.

Exception: Free-standing buildings meeting all of the following conditions shall not be required to be protected:

1. Classified in Importance Category I (see Table 1604.5);
2. Area of 400 square feet (37m²) or less; and
3. Eave height of 10 feet (3048 mm) or less.

Footings shall not bear on frozen soil unless such frozen condition is of a permanent character.

§1809.7 Prescriptive footings for light-frame construction.

Minimum width of all footings is 16 inches; minimum thickness of all footings is 10 inches unless designed and sealed by a Colorado engineer or architect

§1810.1 General (Deep Foundations).

Deep foundations shall be analyzed, designed, detailed and installed in accordance with Sections 1810.1 through 1810.4 and designed by a Colorado licensed architect or engineer. The City of Glenwood Springs will not inspect the drilling, reinforcement and placement of piers, piles or shafts. The engineer of record shall perform all inspections of the installation and provide the City with a sealed letter approving the work prior to the final inspection of the building or structure

Exceptions:

1. In single family dwellings of log construction, wall logs need not be graded.
2. In log construction, all structural log designs and connections shall be designed by a licensed Colorado architect or engineer and inspected by that architect or engineer after the completion of the framing with the architect or engineer certifying to the building department that the logs are of the size, quality and species of the design and that they were installed to that design. Wall logs need not be part of the structural design.

CHAPTER 29—PLUMBING SYSTEMS

§2901.1 Scope.

Exception: The Building Official can require that private sewage disposal systems shall comply with the requirement of the OWTS regulations as adopted by Garfield County.

§2902.2 Separate Facilities.

Exceptions:

2. Separate facilities shall not be required in structures or tenant spaces with a total occupant load, including both employees and customers, of twenty-five (25) or less.
4. Two (2) single-use unisex restrooms (one accessible/one non-accessible) are allowed when the occupant load is less than fifty (50).

CHAPTER 30—ELEVATORS AND CONVEYING SYSTEMS

§3001.6 Permitting and Fees.

Elevators and conveying systems shall comply with the requirements of the Elevator Inspection Program of Northwest Colorado Council of Governments for permits, fees, and inspections.

CHAPTER 31—SPECIAL CONSTRUCTION

§3105.5 Canopy Special Provisions.

1. A canopy may be entirely supported by the building to which attached.
2. Separation between different types of construction shall not be required.

3. Minimum height of eight feet (8') or per Fire Department requirements.
4. Canopies in R.O.W. shall comply with Section 3202.
5. For the purposes of the Code, a porte-cochere may be considered a canopy.

CHAPTER 33—STORM DRAINAGE

§3311.2 Buildings being demolished.

Where a building is being demolished and a standpipe is existing within such a building, such standpipe shall be maintained in an operable condition so as to be available for use by the Fire Department. Such stand pipe shall be demolished with the building but shall not be demolished more than one floor below the floor being demolished or as approved by the Fire Department.

§3311.3 Water supply.

Water supply for fire protection, either temporary or permanent shall be made available as soon as combustible material accumulates or as approved by the Fire Department Official.

060.020.030 The International Building Code and Commentary Vols. 1 and 2.

The International Building Code and Commentary Vols. 1 and 2, 2021 edition, published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795, are hereby adopted as enforcement guides. The Building Official, or any authorized representative, shall have the discretion to apply the contents of the documents referenced in this article in a given circumstance, but the Building Official is not required to strictly apply such contents in every conceivably relevant circumstance.

ARTICLE 060.030 INTERNATIONAL RESIDENTIAL CODE

060.030.010 International Residential Code Adopted; Penalty for Violation.

- (a) For purposes of regulating the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance of detached one- and two- family dwellings, and multiple single-family dwellings (townhouses) not more than three (3) stories in height in the City of Glenwood Springs, the International Residential Code, 2021 edition, published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795, is hereby adopted except as it is amended in this article.
- (b) *Appendices adopted.*

Appendix AE	Manufactured Housing Used As Dwellings
Appendix AF	Radon Control Methods
Appendix AG	Piping Standards for Various Applications
Appendix AH	Patio Covers
Appendix AJ	Existing Building and Structures
Appendix AM	Home Day Care –R-3 Occupancy (where there is a conflict with state regulations, state regulations shall apply)
Appendix AQ	Tiny Houses
Appendix AT	Solar-Ready Provisions

Only the appendices contained within these chapters, as specifically listed herein, are adopted.

- (c) All International Residential Code Standards, which are referred to in the various parts of the International Residential Code, as adopted in this section, are hereby adopted.

- (d) Any person violating any of the provisions of the International Residential Code, as adopted in this section, shall be deemed guilty of a misdemeanor and upon conviction of the same shall be punished by a fine of up to one thousand dollars (\$1,000.00). Each day such violation is allowed to persist shall constitute a separate and new offense.
- (e) Unless indicated otherwise, all references in the Municipal Code to the International Residential Code shall be deemed to include the International Residential Code, the International Residential Code Appendices and the International Residential Code Standards as referred to in this Title and as adopted in this section.
- (f) If the provisions of the International Residential Code, as adopted in this article, conflict with any other provisions of the Municipal Code then the more restrictive of the two shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

060.030.020 Amendments to the International Residential Code.

CHAPTER 1—SCOPE AND ADMINISTRATION

§R101.1 Title.

These provisions shall be known as the *Residential Code for One- and Two-family Dwellings* of the City of Glenwood Springs, Colorado, and shall be cited as such and will be referred to herein as "this code."

§R104.1 General (Duties and Powers of the Building Official).

The Building official or any authorized representative, is hereby authorized and directed to enforce all provisions of this code; however, a guarantee that all buildings and structures have been constructed in accordance with all the provisions of this code is neither intended or implied. The Building Official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall not have the effect of waiving requirements specifically provided in this code.

§R104.8 Liability.

The adoption of this code, and any previous codes adopted by the City of Glenwood Springs, shall not be deemed to give rise to a duty of care on the part of any public entity, public employee or agent, nor shall this code or any previous codes be deemed to create any civil remedy against a public entity, public employee or agent. The Building Official, member of the Board of Appeals or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer, employee or authorized representative because of an act performed by that officer, employee, or authorized representative in the lawful discharge of duties and under the provisions of this code shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The Building Official or any subordinate, acting in good faith, shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

§R105.2 Work Exempt from Permit.

This section shall remain the same, except the following alterations.

Electrical:

All electrical permits, inspections, and requirements are as per State of Colorado requirements.

Building:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11.15 m²).
2. Fences not over 6 feet high.

3. Retaining walls that are not over 4 feet in height measured from the bottom of footing to the top of wall, unless supporting a surcharge or impounding Class I, II, or IIIA liquids.

§R105.5 Expiration.

Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The Building Official is authorized to grant, in writing, no more than two (2) extensions of time, for periods not more than 180 days each. The extensions shall be requested in writing and justifiable cause demonstrated. No permit shall be extended more than twice nor beyond 4½ years from the date of issuance of such permit.

§R106.1 Submittal Documents.

The Building Official shall not issue any permit unless the plans and specifications for such proposed erection, construction, reconstruction, alteration, or remodeling conform to the regulations and restrictions in the International Residential Code. All such plans and specifications for such proposed erection, construction, reconstruction, alteration, or remodeling shall bear the seal of an architect or engineer licensed by the State of Colorado, unless the preparation of plans and specifications is exempted by C.R.S. § 12-120-403. Such plans and specifications prepared by architectural or engineering sub disciplines shall be so designated and shall bear the seal and signature of the architect or engineer for that sub discipline.

§R106.2.1 Additional site plan requirements.

A survey of the building lot may be required by the Building Official to verify that the structure is located in accordance with the approved site plans. A site development plan shall be submitted with any building permit application which involves the construction of a new building or the expansion of an existing building. The site development plan shall be submitted in duplicate, shall be drawn to scale, and shall show the actual dimensions of the lot to be built upon, the size of the building to be erected, the location of the building on the lot with reference to legally established property lines, building envelope, setbacks, easements, and such other information as may be necessary to provide for the enforcement of the Municipal Code. Prior to issuance of a building permit, the Building Official may require monumentation of property boundaries and corners, or a foundation location certificate within 7 days of completion of the foundation, in accordance with the standards set forth in C.R.S. 38-51-101 et seq., as amended, in order to fulfill the purposes of this section. A record of all site development plans and other survey information shall be kept in the office of the Building Official.

§R106.6 Proof of water and sewer.

The applicant shall provide documentation and proof that water and sewer taps have been obtained from appropriate utility district when the property will be served by the district.

§R108.2 Schedule of Permit Fees.

A fee for each building permit shall be paid to the Building Official as set forth in Table 1-A of the Glenwood Springs Municipal Code Section 060.020.020. The determination of value or valuation under any of the provisions of this code shall be made by the Building Official based on the Valuation Schedule published in the "Building Safety Journal" magazine by the International Code Council. The value to be used in computing the building permit and building plan review fees shall be the total value of all construction work for which the permit is issued. The Building Official may waive the building permit fee for any public entity when such entity is applying for a building permit for a governmental use or a proprietary purpose.

§R108.3 Building permit valuations.

The applicant for a permit shall provide an estimated permit building construction value at time of application. Permit valuations shall include total value of work, including materials and labor, for which the permit is being issued such as gas, mechanical, plumbing, equipment and permanent systems. Electrical valuation shall be provided as a separate value. A determination of value or valuation under any of the provisions of this code shall be made by the Building Official based on the Valuation Schedule published in the "Building Safety Journal" magazine by the International Code Council. The value to be used in computing the building permit and building

plan review fees shall be the total value of all construction work for which the permit is issued. The Building Official shall use the higher of these valuations. Final building permit valuation shall be set by the Building Official.

The Building Official may waive the building permit fee for any public entity when such entity is applying for a building permit for a governmental use or a proprietary purpose.

§R108.5 Fee Refunds.

The Building Official may authorize the refunding of any fee paid hereunder which was erroneously paid or collected.

§R108.5.1 Processing Fee.

There will be a minimum \$30.00 fee for processing refunds.

§R108.5.2 Permit Fee.

The Building Official may authorize the refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.

§R108.5.3 Plan Review Fee Refunds.

The Building Official may authorize the refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or cancelled before any plan reviewing is done.

§R108.5.4 Fee Refund Application.

The Building Official shall not authorize the refunding of any fee paid except upon written application filed by the original applicant not later than 180 days after the date of the fee payment.

§R108.6 Work Commencing Before Permit Issuance.

Whenever any work for which a permit is required by this code has commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this code. The minimum investigation fee shall be the same as the minimum fee set forth in Table 1-A of the Glenwood Springs Municipal Code Section 060.020.020. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

§R108.7 Plan Review Fee.

When submittal documents are required by Section 106.1, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. Said plan review fee shall be 65 percent of the building permit fee as shown in Table 1-A of the Glenwood Springs Municipal Code Section 060.020.020.

The plan review fees specified in this section are separate fees from the permit fees specified in Section 108.2 and are in addition to the permit fees.

When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items as defined in Section 106.3.4.2, an additional plan review fee shall be charged at the rate shown in Table 1-A of the Glenwood Springs Municipal Code Section 060.020.020.

§R108.7.1 Expiration of Plan Review.

Applications for which no permit is issued within one hundred eighty (180) days following the date of application shall expire by limitation and plans submitted for checking may thereafter be returned to the applicant or destroyed by the Building Official. The Building Official may extend the time for action by the applicant for a period not exceeding one hundred eighty (180) days upon written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. In order to renew action on an application after expiration, the applicant shall resubmit plans and plan review fee. Said plan review

fee shall be 65% of the building permit fee as shown in Table 1-A of the Glenwood Springs Municipal Code Section 060.020.020

§R108.8 Re-inspections.

Permit fees provide for customary inspections only. A re-inspection fee may be assessed for each inspection or re-inspection when such portion of work for which inspection is called is not complete or when corrections called for are not made.

This section is not to be interpreted as requiring re-inspection fees the first time a job is rejected for failure to comply with the requirements of this code, but as controlling the practice of calling for inspections before the job is ready for such inspection or re-inspection.

Re-inspection fees may be assessed when the inspection record card is not posted or otherwise available on the work site, the approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested, or for deviating from plans requiring the approval of the Building Official. A re-inspection fee may be assessed for failure to post a readily visible address as required in Section R319.

To obtain a re-inspection, the applicant shall pay the re-inspection fee in accordance with Table 1-A of the Glenwood Springs Municipal Code Section 060.020.020.

In instances where re-inspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.

§R108.9 Investigation fees.

§R108.9.1 Investigation.

Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work.

§R108.9.2 Fee.

An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this code. The minimum investigation fee shall be the same as the minimum fee set forth in Table 1-A of the Glenwood Springs Municipal Code Section 060.020.020. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

§R109.1.5.2 Energy Efficiency Inspections.

Inspections shall be made to determine compliance with the International Energy Conservation Code.

§R109.3 Inspection requests.

It shall be the duty of the person doing the work, the owner, contractor or subcontractor to know that the building or structure has a valid permit and to notify the building department when work is ready for inspection. Upon conviction, a fine will be assessed to the person doing the work, the owner, contractor or subcontractor if work is being done without a permit and the inspection is not requested per section R109. It shall be the duty of the person doing the work, the owner, contractor or subcontractor requesting any inspections required by this code to provide legal and adequate access and means for inspection of such work. Such request for inspection may be in writing or by calling the 24-hour automated telephone answering system.

Inspections shall be made to determine compliance with the International Energy Conservation 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.

§112.3 Qualifications.

The Planning and Zoning Commission shall serve as the Building Board of Appeals. The City may, in its discretion, engage an independent third party with training and experience in matters involving building codes to provide an opinion regarding the issues on appeal.

§112.5 Notice of Appeal.

A notice of appeal must be presented to the Building Official and Community Development Director in writing within 14 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 14 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 meeting agenda of the Planning and Zoning Commission.

§112.6 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.

CHAPTER 2—DEFINITIONS

§R202.1 Additional Definitions.

ACCESSORY DWELLING UNIT. Accessory dwelling unit means a separate, complete, dwelling unit containing separate facilities for sleeping, cooking, and sanitation that is contained within or attached to a detached single-family dwelling, or detached from it on the same property.

CERTIFIED BACKFLOW ASSEMBLY TESTER. A person who has been certified by the State of Colorado to test and maintain backflow assemblies.

SHORT TERM RENTAL UNIT. An R/2 or R/3 residential unit that has been approved pursuant to Title 070 of the Glenwood Springs Municipal Code requirements for use as a rental dwelling for rental periods of less than thirty (30) days. The short term residential unit will be considered to maintain the code requirements of its previous R/2 or R/3 occupancy.

TOWNHOUSE. A single-family dwelling unit constructed in a group of two or more attached units in which each unit extends from the foundation to roof and with open space on at least two sides.

CHAPTER 3—BUILDING PLANNING

§R301.2 Climatic and Geographic Design Criteria.

See Table R301.2 for design criteria.

Buildings shall be constructed in accordance with the provisions of this code as limited by the provisions of this section. Additional criteria shall be established by the local jurisdiction and set forth in Table R301.2. See Table R301.2 for design criteria.

**TABLE R301.2
CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA**

Ground Snow Load	Wind Design				Seismic Design Category	Subject to Damage From			Winter Design Temp	Ice Barrier Underlayment Required	Flood Hazards	Air Freezing Index	Mean Annual Temp
	Speed (MPH)	Topo- graphic Effects	Special Wind	Windborne debris zone		Weathering	Frost Line Depth	Termite					
50	115	No	No		B/C	Severe	36"	slight/mod	-2F	Yes	Yes/10- 15-85	1500	48F

Elevation	Altitude correction factor	Coincident wet bulb	Indoor Winter design dry-bulb temp.	Indoor winter design dry-bulb temp.		Outdoor winter design bulb temp.	Heating Temp. Diff.
5,761	.84	59	70	70	-2F	2	68
Latitude							
39.5506 N							

TABLE R301.5

TABLE R301.5 shall remain as part of the code in full except for the 2 items below which are amended as follows:

Habitable attics and attics served with fixed stairs	40 psf.
Sleeping rooms	40 psf.

§R302.2.1.1

Gypsum board separation shall be continuous around and behind all surface membrane penetrations in separation walls or ceilings.

§R302.2.6 Structural Independence.

Exceptions:

- Townhouses separated by a common 2-hour fire-resistance-rated wall as provided in Section R302.2.

§R302.5.1 Opening Protection.

Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Other openings between the garage and residence shall be equipped with solid wood doors not less than 1-3/8 inches (35 mm) in thickness, solid or honeycomb core steel doors not less than 1-3/4 inches (35 mm) thick, or 20-minute fire-rated doors. Such doors shall be tight-fitting and self-closing.

TABLE R302.6

Table R302.6 shall remain in the code in full, with all the materials in the in the Table being changed to 5/8" Type X gypsum board.

§R302.6.1 Heating Equipment Room Occupancy Separation.

In R-3 occupancies rooms containing a boiler, central heating plant or hot water supply boiler in excess of 400,000 btu per hour input shall be separated from the rest of the building by not less than: one-hour construction on the room side of the heating equipment, with a 20-minute rated door, smoke sealed and self-closing.

§R302.7 Under stair protection.

Enclosed accessible space under stairs shall have walls, under-stair surface and soffits protected on the enclosed side with fire taped 5/8" gypsum board.

§R306.5 Sanitation at Construction Sites.

Toilet facilities shall be provided for construction workers and such facilities shall be conveniently located and maintained in a sanitary condition. The facilities shall be available from the time the first work is started until the certificate of occupancy is issued.

CHAPTER 4—FOUNDATIONS

§R403.1 General (Footings).

When soils tests by an approved agency per Section R401.4 and foundations designed and sealed by an engineer or architect are not required by the Building Official, all exterior walls shall be supported on continuous solid or fully grouted masonry or concrete footings, wood foundations in accordance with AF&PA PWF, or other approved structural systems which shall be of sufficient design to accommodate all loads according to Section R301 and to transmit the resulting loads to the soil within the limitations as determined from the character of the soil. Footings shall be supported on undisturbed natural soils or engineered fill. Except where erected on solid rock or otherwise protected from frost, foundation walls, piers and other permanent supports of buildings and structures shall extend to at least 36 inches below finished grade, and spread footings of 10 inches T thick by 16 inches W wide minimum size shall be provided to properly distribute the load within the allowable load-bearing value of the soil. Alternatively, such structures shall be supported on piles where solid earth or rock is not available. The City of Glenwood Springs will not inspect the drilling, reinforcement and placement of caissons. A qualified engineer must perform this inspection. Findings must be detailed in a typed, stamped report to the building department. Footings shall not bear on frozen soils. Concrete footings shall include a minimum of two #5 reinforcement bars to be tied continuously and spaced a minimum of three inches from the ground and equally within the footing. Dowels shall be 1 - #5 4 ft. long with an 8 in. hook placed 18 in. on center. Footings shall be so designed that the allowable bearing capacity of the soil is not exceeded, and that differential settlement is minimized.

Exception:

1. Unless designed and sealed by an engineer or architect.
2. Monolithic, thickened slabs with detached garages.
3. Wood foundations are limited to have no more than two floors and a roof; and interior basement and foundation walls at intervals not exceeding 50 ft.

§R403.1.1 Minimum size.

See above. Footing projections, P, shall be at least 3 inches. Footings for wood foundations shall be in accordance with the details set forth in Section R403.2, and Figures R403.1(2) and R403.1(3).

§R403.3 Frost protected shallow foundations.

For buildings where the monthly mean temperature of the building is maintained at a minimum of 64-degree F, footings are not required to extend below the frost line when protected from frost by insulation in accordance with Figure R403.3(1) and Table R403.3(1). Foundations protected from frost in accordance with Figure R403.3(1) and Table R403.3(1) shall not be used for unheated spaces such as porches, utility rooms, garages and carports, and shall not be attached to basements or crawl spaces that are not maintained at a minimum mean temperature of 64-degree F. Minimum Air Freeze index for Glenwood Springs for frost protected shallow foundation design is 1,500 F-days. Materials used below grade for footings against frost shall be labeled as complying with ASTM C578.

§R404.1.3.2 Reinforcement for foundation walls.

When soils tests by an approved agency per Section R401.4 and foundations designed and sealed by an engineer or architect are not required by the Building Official, foundations with stem walls shall be provided with a minimum of 2- #5 top and bottom of wall and 1 - #5 18 in. O.C. vertical and horizontal for wall up to 8 ft. in height. Walls over 8 ft. shall be a designed and sealed by a Colorado registered engineer or architect. Sections R404.1.3.2.1 and R404.1.3.2.2 are hereby deleted.

CHAPTER 6—WALL CONSTRUCTION

§R601.3 Moisture During Construction.

Under-floor spaces and building construction materials shall be protected from moisture during construction as follows:

1. Under-floor spaces shall be protected from moisture during construction such that no standing water, snow or ice is present prior to the under-floor space being enclosed.
2. Construction material shall be protected from damaging moisture in accordance with the manufacturer's specifications.

§R602.1.4 Structural Log Members.

Exceptions:

1. In single family dwellings of log construction, wall logs need not be graded.
2. In single family dwellings of log construction, all structural logs shall be designed by a licensed Colorado architect or engineer and inspected by that architect or engineer after the completion of the framing with the architect or engineer certifying to the building department that the logs are of the size, quality and species of the design and that they were installed to that design. Wall logs need not be part of the structural design.

CHAPTER 8—ROOF-CEILING CONSTRUCTION

§R802.2 Design and Construction.

The framing details required in Section R802 apply to roofs having a minimum slope of three units vertical in 12 units horizontal (25-percent slope) or greater. Roof-ceilings shall be designed and constructed in accordance with the provisions of this chapter and Figures R606.11(1), R606.11(2), and R606.11(3) or in accordance with AWC NDS. Components of roof-ceilings shall be fastened in accordance with Table R602.3(1). The use of load duration factors for snow load shall be prohibited.

§R802.10.2 Design.

Wood trusses shall be designed in accordance with accepted engineering practice. The design and manufacture of metal-plate-connected wood trusses shall comply with ANSI/TPI 1. The truss design drawings shall be prepared by a registered professional where required by the statute of the jurisdiction in which the project is to be constructed in accordance with Section R106.1. The use of load duration factors for snow load shall be prohibited.

CHAPTER 9—ROOF ASSEMBLIES

§R903.4.2 Gutters and Downspouts.

Any Group R or U occupancy with roof edges less than three (3) feet to any property line shall be provided with gutters and downspouts to direct water away from adjacent property. For zero-lot-line developments where roof projects are allowed by deed convent or ingress/egress easements, gutters and downspouts shall be provided to direct water away from adjacent property. Roof projections shall not exceed eighteen (18) inches.

§R903.5 Snow-Shed Barriers.

Roofs shall be designed to prevent accumulations of snow from shedding above or in front of gas utility or electric utility meters and egress doors and patios/decks.

§R903.5.1 Mechanical Snow Barriers

Mechanical barriers are required for metal roof shingles, metal roof panels or for other roofing materials with 12:12 pitch or greater to protect walkways from snow slides. Mechanical barriers for metal roof shingles and metal roof panels. Mechanical barriers installed to prevent snow shedding from the roof shall be secured to roof framing members or to solid blocking secured to framing members in accordance with the manufacturer's installation instructions. Individual devices installed in a group of devices to create a barrier to prevents now shedding shall be installed in at least two rows with the first row no more than 24 inches from the edge of the roof or eave. The rows shall be parallel with the exterior wall line and the devices in each row shall be staggered for a spacing of no more than 24 inches on center measured parallel with the exterior wall line Continuous snow barriers shall be secured to roof framing at no more than 48 inches on center and/or manufacturers specifications.

Continuous barriers shall be installed parallel with the exterior wall line and no more than 24 inches from the edge of the roof or eave.

§R905.5.2 Deck Slope.

Mineral-surfaced roll roofing shall not be applied on roof slopes below two (2) units vertical in twelve (12) units horizontal (16% slope) except for patios and carports open on three (3) sides or detached garages.

§R908.1 General (Reroofing).

Materials and methods of application used for re-covering or replacing an existing roof covering shall comply with the requirements of Chapter 9. A separate permit is required for re-roofing. Exceptions remain.

CHAPTER 10—CHIMNEYS AND FIREPLACES

§R1004.4 Un-vented Gas Log Heaters.

Installation of un-vented gas log heaters is prohibited.

§R1005.8.1 Fire Blocking.

Factory-built chimney chases shall be effectively fire blocked within the chase enclosure at each floor-ceiling level and at the roof. The vertical distance between adjacent fire blocking shall not exceed 10 feet.

CHAPTER 11—[RE] ENERGY CONSERVATION

§N1101.1 Scope.

Energy efficiency to comply with International Energy Conservation Code, of the Glenwood Springs Municipal Code Article 060.080.

CHAPTER 24—FUEL GAS

§G2417.4.1 Test Pressure.

The test pressure to be used shall be not less than one and one-half times the proposed maximum working pressure, but not less than 10 psig, irrespective of design pressure. Where the test pressure exceeds 125 psig, the test pressure shall not exceed a value that produces a hoop stress in the piping greater than 50 percent of the specified minimum yield strength of the pipe.

§G2433.1 General (Log Lighters).

Log lighters are prohibited.

§G2445.1 General (Un-Vented Room Heaters).

Unvented room heaters are prohibited. Sections G2445.2, G2445.3, G2445.4, G2445.5, G2445.6, G2445.7 and G2445.7.1 are hereby deleted.

CHAPTER 25—PLUMBING ADMINISTRATION

§P2503.8.2 Testing.

Reduced pressure principle backflow preventers, double check valve assemblies, double-detector check valve assemblies and pressure vacuum breaker assemblies shall be tested at the time of installation, immediately after repairs or relocation and at least annually. Testing to be done by a certified backflow assembly tester.

CHAPTER 26—GENERAL PLUMBING REQUIREMENTS

§P2601.1 Scope (General Plumbing Requirements).

The provisions of this chapter shall establish the general administrative requirements applicable to plumbing systems and inspection requirements of this code. The intent of this code is to meet or exceed the requirements of the State of Colorado Plumbing Code. When technical requirements, specifications or standards in the Colorado Plumbing Code conflict with this code the more restrictive shall apply.

§P2603.5.1 Sewer Depth.

Building sewers that connect to private sewage disposal systems shall be a not less than 20 inches below finished grade at the point of septic tank connection. *Building sewers* shall be not less than 12 inches below grade.

CHAPTER 29—WATER SUPPLY AND DISTRIBUTION

§P2910.1 Scope (Nonpotable Water Systems).

The provisions of this section shall govern the materials, design, construction, and installation of systems for the collection, storage, treatment, and distribution of nonpotable water. The use and application of nonpotable water shall comply with laws, rules, and ordinances applicable in the jurisdiction. Nonpotable water systems must be in compliance with all state requirements.

§P2911.1 General (On-Site Nonpotable Water Reuse Systems).

The provisions of this section shall govern the construction, installation, alteration, and repair of on-site nonpotable water reuse systems for the collection, storage, treatment, and distribution of on-site source of nonpotable water as permitted in the jurisdiction. On-site nonpotable water reuse systems must be in compliance with all state requirements.

CHAPTER 31—VENTS

§P3103.1.1 Roof Extension.

All open vent pipes which extend through a roof shall be terminated at least 12 inches above the roof except that where a roof is to be used for any purpose other than weather protection, the vent extensions shall be run at least 7 feet above the roof. Sections P3103.1.1, P3103.1.2, P3103.1.3, and P3103.1.4 are hereby deleted.

§P3104.4 Vertical Rise of Vent.

Every dry vent shall rise vertically to a minimum of six (6) inches above the flood level rim of the highest trap or trapped fixture being vented. Horizontal dry vents below flood rim level shall be permitted for floor drains and floor sinks when installed per Sections P3104.2 and P3104.3 when provided with a wall clean out in a vertical vent in the shortest distance possible.

060.030.030 The International Residential Code and Commentary Vols. 1 and 2.

The International Residential Code and Commentary Vols. 1 and 2, 2021 edition, published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5771, are hereby adopted as enforcement guides. The Building Official, or any authorized representative, shall have the discretion to apply the contents of the documents referenced in this article in a given circumstance, but the Building Official is not required to strictly apply such contents in every conceivably relevant circumstance.

ARTICLE 060.040 INTERNATIONAL PLUMBING CODE

060.040.010 International Plumbing Code Adopted; Violation; Conflict.

- (a) All plumbing within the City shall conform to the provisions of the International Plumbing Code, 2021 edition, published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795, which is incorporated herein as if set forth verbatim and which is hereby adopted and made a part of the Municipal Code by reference.
- (b) Any person, firm, or corporation violating any of the provisions of the International Plumbing Code adopted in this section shall be deemed guilty of a misdemeanor and upon conviction of the same shall be punished by a fine of up to one thousand dollars (\$1,000.00). Each day such violation is allowed to persist shall constitute a separate and new offense.

- (c) If the provisions of the International Plumbing Code, as adopted in this article, conflict with any other provisions of the Municipal Code then the more restrictive of the two shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

060.040.020 Amendments to the International Plumbing Code.

CHAPTER 1—ADMINISTRATION

§101.1 Title.

These regulations shall be known as the *International Plumbing Code* of the City of Glenwood Springs, Colorado, herein after referred to as this code or the Plumbing Code of Glenwood Springs.

§101.3 Purpose.

The purpose of this code is to provide minimum standards to safe guard life or limb, health, property and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance or use of plumbing equipment and systems. The intent of this code is to meet or exceed the requirements of the state of Colorado plumbing code. When technical requirements, specifications or standards in the Colorado plumbing code conflict with this code, the more restrictive shall apply.

§103.2 Appointment (Building Official).

The Building Official is hereby authorized and directed to enforce all of the provisions of this code; however, a guarantee that all buildings and structures have been constructed in accordance with all of the provisions of this code is neither intended nor implied.

§103.4 Liability.

The adoption of this code, and any previous codes adopted by the City of Glenwood Springs, shall not be deemed to give rise to a duty of care on the part of any public entity, public employee or agent, nor shall this code or any previous codes be deemed to create any civil remedy against a public entity, public employee or agent. The code official, officer or employee charged with the enforcement of this code, while acting for the jurisdiction, shall not thereby be rendered liable personally, and is hereby relieved from personal liability for any damages accruing to persons or property as a result of any act or by reason of an actor omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for cost in any action, suitor proceeding that is instituted in pursuance of the provisions of this code; and any officer of the department of plumbing inspection, acting in good faith, shall be free from liability for acts performed under any of its provisions or by reason of any actor omission in the performance of official duties in connection therewith.

§109.3 Work Commencing Before Permit Issuance.

Work commencing before permit issuance may be subject to Section 109.4 International Building Code.

§109.4 Fee Schedule.

The fees for all plumbing work shall be per Table 1-A of the Glenwood Springs Municipal Code Section 060.020.020.

§109.5 Fee Refunds.

The Building Official shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder that was erroneously paid or collected.
2. Not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.

3. Not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan reviewing is expanded. The Building Official shall not authorize refunding of any fee paid except on written application filed by the original permittee not later than 180 days after the date of fee payment.
4. There will be a minimum \$30.00 fee for processing refunds.

§109.6 Re-inspection Fee.

A re-inspection fee may be assessed per Section 109.8 International Building Code.

§114.1 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 14 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 14 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 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. Sections 114.2, 114.3, and 114.4 are hereby deleted.

CHAPTER 2—DEFINITIONS

§202.1 Additional Definitions.

CERTIFIED BACKFLOW ASSEMBLY TESTER. A person who has been certified by the State of Colorado to test and maintain backflow assemblies.

CHAPTER 3—GENERAL REGULATIONS

§305.4.1 Sewer Depth.

Building sewers that connect to private sewage disposal systems shall be a minimum of 20 inches below finished grade at the point of septic tank connection. Building sewers shall be a minimum of 12 inches below grade.

CHAPTER 4—FIXTURES, FAUCETS, AND FIXTURE FITTINGS

§403.2 Separate Facilities.

Exceptions:

2. Separate facilities shall not be required in structures or tenant spaces with a total occupant load, including both employees and customers, of twenty-five (25) or less.
4. Two (2) single-use unisex restrooms (one accessible/one non-accessible) are allowed when the occupant load is less than fifty (50).

§413.4 Public Laundries and Central Washing Facilities.

Exception:

A two-inch (2") drain is allowed in facilities with two or less washing machines.

CHAPTER 6—WATER SUPPLY AND DISTRIBUTION

§608.1. General (Protection of Potable Water Supply).

A potable water supply system shall be designed, installed and maintained in such a manner so as to prevent contamination from non-potable liquids, solids or gases being introduced into the potable supply through cross-connections or any other piping connections to the system. Backflow preventer applications shall conform to Table 608.1, except as specifically stated in Sections 608.2 through 608.16.4.2.

No person shall install any water operated equipment or mechanism or use any water treating chemical or substance if it is found that such equipment, mechanism, chemical or substance may cause pollution of the domestic water supply. Such equipment or mechanism may be permitted only when equipped with a Colorado Department of Health approved backflow prevention device. Whenever the use of an antifreeze compound becomes necessary, propylene glycol is recommended. Other antifreeze compounds may be used after written approval by the City Water Department. The use of ethylene glycol is not permitted. In areas where the use of an approved antifreeze is necessary, a readily visible, durable sign shall be posted stating "ETHYLENE GLYCOL PROHIBITED." The sign shall be in letters not less than one (1) inch high on a contrasting background.

CHAPTER 9—VENTS

§903.1.1 Roof Extension.

All open vent pipes that extend through a roof shall be terminated at least 12 inches above the roof, except that where a roof is to be used for any purpose other than weather protection, the vent extensions shall be run at least 7 feet above the roof. Section 903.1.2 is hereby deleted.

CHAPTER 11—STORM DRAINAGE

§1104.3 Combining Storm with Sanitary Drainage.

Combining storm with sanitary drain is prohibited.

060.040.030 International Plumbing Code Commentary.

The International Plumbing Code Commentary, 2021 edition, published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795, is hereby adopted as an enforcement guide. The Building Official, or any authorized representative, shall have the discretion to apply the contents of the commentary referenced in this Title in a given circumstance, but the Building Official is not required to strictly apply such contents in every conceivably relevant circumstance.

Amendment to the International Plumbing Code Commentary

Alternate installations of backflow devices may be allowed, subject to the installation meeting all applicable CDPHE regulations and with the written approval of the City Public Works Director.

ARTICLE 060.050 INTERNATIONAL MECHANICAL CODE

060.050.010 International Mechanical Code Adopted; Penalties; Conflicts.

- (a) The International Mechanical Code, 2021 edition, as published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795, is hereby adopted for the purpose of providing minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operating and maintenance of heating, ventilating, cooling, refrigeration, incinerators and other miscellaneous heat-producing appliances.
- (b) Appendix A of the International Mechanical Code as promulgated by the International Code Council are hereby adopted.
- (c) It shall be unlawful for any person to erect, install, alter, repair, relocate, add to, replace, use or maintain heating, ventilating, cooling or refrigeration equipment in the City, or cause or permit the same to be done, contrary to or in violation of the provisions of the International Mechanical Code and Standards as adopted in this article. Maintenance of equipment which was unlawful at the time it was installed and which would be unlawful under the International Mechanical Code and Standards adopted in this article, if installed after the effective date thereof, shall constitute a continuing violation of said code and standards.
- (d) Any person, firm or corporation violating any of the provisions of the International Mechanical Code or Standards, as adopted in this article, shall be deemed guilty of a misdemeanor and upon conviction of the

same shall be punished by a fine of up to one thousand dollars (\$1,000.00). Each day such violation is allowed to persist shall constitute a separate and new offense.

- (e) If the provisions of the International Mechanical Code, as adopted in this article, conflict with any other provisions of the Municipal Code then the more restrictive of the two shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

060.050.020 Amendments to the International Mechanical Code.

CHAPTER 1—SCOPE AND ADMINISTRATION

§101.1 Title.

These regulations shall be known as the *International Mechanical Code* of the City of Glenwood Springs, Colorado herein after referred to as this code or the Mechanical Code of Glenwood Springs.

§103.2 Appointment (Building Official).

Building Official is hereby authorized and directed to enforce all of the provisions of this code; however, a guarantee that all buildings and structures have been constructed in accordance with all of the provisions of this code is neither intended nor implied.

§103.4 Liability.

The adoption of this code, and any previous codes adopted by the City of Glenwood Springs, shall not be deemed to give rise to a duty of care on the part of any public entity, public employee or agent, nor shall this code or any previous codes be deemed to create any civil remedy against a public entity, public employee or agent. The code official, officer or employee charged with the enforcement of this code, while acting for the jurisdiction, shall not thereby be rendered liable personally, and is hereby relieved from personal liability for any damages accruing to persons or property as a result of any act or by reason of an actor omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for cost in any action, suitor proceeding that is instituted in pursuance of the provisions of this code; and any officer of the department of plumbing inspection, acting in good faith, shall be free from liability for acts performed under any of its provisions or by reason of any actor omission in the performance of official duties in connection therewith.

§109.4 Work Commencing Before Permit Issuance.

Work commencing before permit issuance may be subject to Section 109.4 International Building Code.

§109.2 Fee Schedule.

The fees for mechanical work shall be per Table 1-A of the Glenwood Springs Municipal Code Section 060.020.020.

§109.6 Fee Refunds.

The code official shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder that was erroneously paid or collected.
2. Not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.
3. Not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan reviewing is expanded.
4. There will be a minimum \$30.00 fee for processing refunds.

§109.7 Re-inspection Fee.

A re-inspection fee may be assessed per Section 109.8 of the International Building Code.

§114.1 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 14 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 14 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 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. Sections 114.2, 114.3, and 114.4 are hereby deleted.

CHAPTER 8—CHIMNEYS AND VENTS

§805.9 Fire Blocking

Factory-built chimneys shall be effectively fire-blocked within any chase at each floor-ceiling level and at the roof. The vertical distance between adjacent fire-blocking shall not exceed 10 feet. See International Building Code for additional requirements.

CHAPTER 9—SPECIFIC APPLIANCES, FIREPLACES, AND SOLID FUEL-BURNING EQUIPMENT

§903.3 Unvented Gas Log Heaters.

Unvented gas log heaters are prohibited.

060.050.030 International Mechanical Code Commentary.

The Commentary to the International Mechanical Code, 2021 edition, published by the International Code Council, 4051 West Flossmoor Road, Country Club Road, Illinois 60478-5795, is hereby adopted as an enforcement guide. The Building Official, or any authorized representative, shall have the discretion to apply the contents of the handbook referenced in this article in a given circumstance, but the Building Official is not required to strictly apply such contents in every conceivably relevant circumstance.

ARTICLE 060.060 INTERNATIONAL PROPERTY MAINTENANCE CODE

060.060.010 International Property Maintenance Code Adopted; Penalties.

- (a) The International Property Maintenance Code, 2021 edition, as published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795, is hereby adopted for the purpose of providing minimum standards for existing residential and nonresidential structures, equipment, and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance.
- (b) Any person, firm or corporation violating any of the provisions of the International Property Maintenance Code, as adopted in this article, shall be deemed guilty of a misdemeanor and upon conviction of the same shall be punished by a fine of up to one thousand dollars (\$1,000.00). Each day such violation is allowed to persist shall constitute a separate and new offense.
- (c) If the provisions of the International Property Maintenance Code, as adopted in this article, conflict with any other provisions of the Municipal Code then the more restrictive of the two shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.
- (d) The Building Official, or any authorized representative, shall have the discretion to apply the contents of the code referenced in this article in a given circumstance, but the Building Official is not required to strictly apply such contents in every conceivably relevant circumstance.

060.060.020 Amendments to the International Property Maintenance Code.

CHAPTER 1—SCOPE AND ADMINISTRATION

§101.1 Title.

These regulations shall be known as the *International Property Maintenance Code* of the City of Glenwood Springs, Colorado, hereinafter referred to as the Glenwood Springs Property Maintenance Code or as "this code."

§103.4 Liability.

The adoption of this code, and any previous codes adopted by the City of Glenwood Springs, shall not be deemed to give rise to a duty of care on the part of any public entity, public employee, or agent, nor shall this code or any previous codes be deemed to create any civil remedy against a public entity, public employee, or agent. The Building Official, member of the Board of Appeals, or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties.

§107.1 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 14 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 14 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 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. Sections 107.2, 107.3, and 107.4 are hereby deleted.

§110.4 Failure to Comply.

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

CHAPTER 4—LIGHT, VENTILATION, AND OCCUPANCY LIMITATIONS

§404.4.1 Room Area.

Every living room shall contain at least one hundred twenty (120) square feet and every bedroom occupied by one (1) person shall contain at least seventy (70) square feet, and every bedroom occupied by more than one (1) person shall contain at least fifty (50) square feet of floor area for each occupant thereof.

§404.5 Overcrowding.

Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of Table 404.5.

TABLE 404.5
MINIMUM AREA REQUIREMENTS

Space	Minimum Area In Square Feet		
	1—2 Occupants	3—5 Occupants	6 or more occupants
Living Room ^{a, b}	No Requirements	120	150
Dining Room ^{a, b}	No Requirements	80	100
Bedrooms	Shall comply with Section 404.4		

For SI: 1 square foot = 0.093 m2.

- a. See Section 404.5.2 for combined living room/dining room spaces.
- b. See Section 404.5.1 for limitations on determining the minimum occupancy area for sleeping purposes.

§404.5.1 Sleeping Area.

The minimum occupancy area required by Table 404.5 shall not be included as a sleeping area in determining the minimum occupancy area for sleeping purposes. All sleeping areas shall comply with Section 404.4.

§404.5.2 Combined Spaces.

Combined living room and dining room spaces shall comply with the requirements of Table 404.5 if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.

ARTICLE 060.070 INTERNATIONAL EXISTING BUILDING CODE

060.070.010 International Existing Building Code Adopted; Penalties; Conflicts.

- (a) The International Existing Building Code, 2021 edition, as published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795, is hereby adopted for the purpose of providing minimum standards for existing residential and nonresidential structures, equipment, and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance.
- (b) Any person, firm or corporation violating any of the provisions of the International Existing Building Code, as adopted in this article, shall be deemed guilty of a misdemeanor and upon conviction of the same shall be punished by a fine of up to one thousand dollars (\$1,000.00). Each day such violation is allowed to persist shall constitute a separate and new offense.
- (c) If the provisions of the International Existing Building Code, as adopted in this article, conflict with any other provisions of the Municipal Code then the more restrictive of the two shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

060.070.020 Amendments to the International Existing Building Code.

CHAPTER 1—SCOPE AND ADMINISTRATION

§101.1 Title.

These regulations shall be known as the *Existing Building Code* of the City of Glenwood Springs, Colorado, hereinafter referred to as the Glenwood Springs Existing Building Code or as "the code."

§103.2 Appointment (Building Official).

Building Official is hereby authorized and directed to enforce all of the provisions of this code; however, a guarantee that all buildings and structures have been constructed in accordance with all of the provisions of this code is neither intended nor implied.

§104.8 Liability.

The adoption of this code, and any previous codes adopted by the City of Glenwood Springs, shall not be deemed to give rise to a duty of care on the part of any public entity, public employee, or agent, nor shall this code or any previous codes be deemed to create any civil remedy against a public entity, public employee, or agent. The Building Official, member of the Board of Appeals, or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties.

CHAPTER 4—REPAIRS

§406

The provisions of this section are subject to permits and approval by the Colorado State Electrical Inspector.

CHAPTER 8—ALTERATIONS-LEVEL 2

§806

The provisions of this section are subject to permits and approval by the Colorado State Electrical Inspector.

CHAPTER 10—CHANGE OF OCCUPANCY

§1007

The provisions of this section are subject to permits and approval by the Colorado State Electrical Inspector.

060.070.030 International Existing Building Code Commentary.

The International Existing Building Code Commentary, 2021 edition, published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795, is hereby adopted as an enforcement guide. The Building Official, or any authorized representative, shall have the discretion to apply the contents of the commentary referenced in this Title in a given circumstance, but the Building Official is not required to strictly apply such contents in every conceivably relevant circumstance.

ARTICLE 060.080 INTERNATIONAL ENERGY CONSERVATION CODE

060.080.010 International Energy Conservation Code Adopted; Conflicts.

- (a) For purposes of regulating and governing efficiency standards for the construction and renovation of residential and commercial buildings, the International Energy Conservation Code, 2021 edition, as published by the International Code Council, is hereby adopted except as it is amended in this article.
- (b) Any person, firm or corporation violating any of the provisions of the International Energy Conservation Code, as adopted in this article, shall be deemed guilty of a misdemeanor and upon conviction of the same shall be punished by a fine of up to one thousand dollars (\$1,000.00). Each day such violation is allowed to persist shall constitute a separate and new offense.
- (c) If the provisions of the International Energy Efficiency Code, as adopted in this article, conflict with any other provisions of the Municipal Code, then the more restrictive of the two shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

060.080.020 Amendments to the International Energy Conservation Code.

CHAPTER 1—ADMINISTRATION

§C101.1 Title.

These regulations shall be known as the *Energy Conservation Code* of the City of Glenwood Springs, Colorado, hereinafter referred to as the Glenwood Springs Energy Conservation Code or as "the code."

§C103.1.1 Appointment (Building Official).

Building Official is hereby authorized and directed to enforce all of the provisions of this code; however, a guarantee that all buildings and structures have been constructed in accordance with all of the provisions of this code is neither intended nor implied.

§R101.1 Title.

These regulations shall be known as the Energy Conservation Code of the City of Glenwood Springs, Colorado, hereinafter referred to as the Glenwood Springs Energy Conservation Code or as “the code.”

§R103.1.1 Appointment (Building Official).

Building Official is hereby authorized and directed to enforce all of the provisions of this code; however, a guarantee that all buildings and structures have been constructed in accordance with all of the provisions of this code is neither intended nor implied.

§R105.7 Liability.

The adoption of this code, and any previous codes adopted by the City of Glenwood Springs, shall not be deemed to give rise to a duty of care on the part of any public entity, public employee, or agent, nor shall this code or any previous codes be deemed to create any civil remedy against a public entity, public employee, or agent. The Building Official, member of the Board of Appeals, or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties.

§R110.1 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 14 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 14 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 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. Sections R110.2, R110.3, and R110.4 are hereby deleted.

ARTICLE 060.090 INTERNATIONAL FIRE CODE

060.090.010 Adoption of the International Fire Code.

- (a) Pursuant to the power and authority conferred by the laws of the State of Colorado and the Charter of the City of Glenwood Springs, Colorado, it is hereby adopted as the fire code of the City of Glenwood Springs, Colorado, the International Fire Code, 2021 edition, including the Commentary, appendix, except Sections A, E, G and J of said appendix of such code published by the International Code Council Inc., 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795, all to have the same force and effect as though set forth herein in every particular.
- (b) *Appendices adopted.*

Appendix D Fire Apparatus Access Roads.

Appendix H Hazardous Materials Management Plan (HMMP) and Hazardous Materials Inventory Statement (HMIS) Instructions.

Appendix H shall be amended to utilize a Hazardous Materials Declaration Form designated by the fire authority having jurisdiction.

Appendix J Building Information Sign

§J101.1 Scope.

At the discretion of the Fire Code Official, new buildings shall have a building information sign(s) that shall comply with Sections J101.1.1 through J101.7. At the discretion of the Fire Code Official, existing buildings shall be brought into compliance with Sections J101.1.1 through J101.8 when one of the following occurs:"
Exception 1 is hereby deleted.

- (c) Any person, firm or corporation violating any of the provisions of the International Fire Code, as adopted in this article, shall be deemed guilty of a misdemeanor and upon conviction of the same shall be punished by a fine of up to one thousand dollars (\$1,000.00). Each day such violation is allowed to persist shall constitute a separate and new offense.
- (d) If the provisions of the International Fire Code, as adopted in this article, conflict with any other provisions of the Municipal Code then the more restrictive of the two shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

060.090.020 Amendments to the International Fire Code.

CHAPTER 1—SCOPE AND ADMINISTRATION

§101.1 Title.

These regulations shall be known as the *Fire Code* of the City of Glenwood Springs, Colorado, hereinafter referred to as the Glenwood Springs Fire Code or as "this code."

§104.7 Liability.

The adoption of this code, and any previous codes adopted by the City of Glenwood Springs, shall not be deemed to give rise to a duty of care on the part of any public entity, public employee, or agent, nor shall this code or any previous codes be deemed to create any civil remedy against a public entity, public employee, or agent. The Fire Code Official, member of the Board of Appeals, or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties.

§105.5.29 LP-Gas.

An operational permit is required for:

1. Storage and use of LP-gas

Exception: A permit is not required for individual containers with a 1,000 gallon (3786L) water capacity or less serving occupancies in Group R-3.

§106.1 Submittals (Construction documents). The following shall be added:

All plans for automatic fire suppression systems submitted for review shall have affixed the signature of a NICET Level III or higher in fire sprinkler system design or a Colorado Certified Professional Engineer with certified documented training in fire sprinkler system design. All plans for fire alarm systems submitted for review shall have affixed the stamp and signature of a Colorado Certified Professional Engineer with certifications documenting training in fire alarm systems design or a NICET Level III or higher in fire alarm design.

§111.1 Means 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.

§111.2 Notice of Appeal.

A notice of appeal must be presented to the fire code official and Community Development Director within 14 days of the order being appealed, stating the order in question and the basis for the appeal. Failure to present

the notice of appeal within 14 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 meeting agenda of the Planning and Zoning Commission.

§111.3 Qualifications.

The Planning and Zoning Commission shall serve as the Building Board of Appeals. The City 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.

§111.5. 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.

§112.3.2 Compliance with Orders and Notices. The following shall be added:

- (A) If the building or other premises is owned by one person and occupied by another, under lease or otherwise, and the notice of violation requires additions to or changes in the building or premises such as would be considered real estate and become the property of the owner, said notice and order shall be directed to such owner of the building or premises.
- (B) Every notice of violation pursuant to this chapter shall set forth a time by which compliance with the notice violation is required. The time specified shall be reasonable according to the circumstances of the particular hazards or condition to which the notice and order pertains. Immediate compliance may be required in any case which represents extreme or imminent danger to persons or property.
- (C) Except for cases where immediate compliance is required, violations pursuant to this chapter may be appealed as set forth in Section 111. In cases where immediate compliance is required, the notice of violation so stating shall be final and conclusive.

§112.4 Violation Penalties.

Any person, firm or corporation violating any of the provisions of the Fire Code, as adopted in this article, shall be deemed guilty of a misdemeanor and upon conviction of the same shall be punished by a fine of up to \$1,000.00. Each day such violation is allowed to persist shall constitute a separate and new offense.

§113.4 Failure to Comply.

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than five hundred dollars (\$500.00) or more than one thousand dollars (\$1,000.00).

CHAPTER 3—GENERAL REQUIREMENTS

§308.3 Group A Occupancies.

Open-flame or the use of indoor pyrotechnic displays shall not be used in Group A occupancies.

Exceptions:

1. Open-flame devices are allowed to be used where necessary for ceremonial or religious purposes in accordance with Section 308.1.7, provided *approved* precautions are taken to prevent ignition of a combustible material or injury to occupants.
2. Heat-producing equipment complying with Chapter 6 and the *International Mechanical Code*.
3. Gas lights are allowed to be used provided adequate precautions satisfactory to the *fire code official* are taken to prevent ignition of combustible materials.

§308.3.2 Theatrical Performances.

The use of indoor pyrotechnic and open flame displays shall be prohibited.

§315.1 General. Storage shall be in accordance with Sections 315.2 through 315.8. Outdoor pallet storage shall be in accordance with Sections 315.2 and 315.7.

315.8 Use of Intermodal Shipping Containers for Commercial Storage

Use of Intermodal Shipping Containers (aka: CON-X, etc.), herein referred to as "Container," for commercial storage may be approved under the following conditions:

- 1. Permits.** A Use Permit from the City Building Department is required and subject to approval. A plan must be submitted indicating the intended stored content and accommodations of the conditions listed below. Fire Department endorsement of the permit is required. Regular Fire Department inspections may be conducted to ensure adherence to approved conditions. A Change of Use permit is required if the stored content plan is modified.
- 2. Clearances**
 - a. Clearance from property lines. Containers shall be placed no closer than five feet from a property line. If a container is placed within 10 feet of the property line, the container shall be positioned in such a way that the doors do not face the property line.
 - b. Clearance from utilities. Containers shall not be placed under electrical service lines. Location of containers above known water/sewer lines and other buried utility services will be considered on a case-by-case basis.
 - c. Clearance of vents. Vents shall not be closer than 5 feet from any flammable object including buildings and vegetation. Vent arrangement described below.
 - d. Emergency Access. Door end of container shall not be obstructed by additional storage, vehicles or other objects. If container is required to be equipped with a fire deluge sprinkler system, access to the Fire Department Connection (FDC) shall not be obstructed to a radius of five feet and an open path to the fire department apparatus access shall be maintained.
- 3. Container Modifications**
 - a. Prohibition of utility connections. Containers shall not be fitted with electric service, fueled heat, water or sewer services. Use of extension power cords is expressly prohibited. Container shall be properly grounded. Portable light fixtures with sealed battery power supplies may be utilized, but must be recharged outside the container.
 - b. Ventilation. Containers shall be fitted with a passive ventilation system consisting of two 18" square (324 square inches) vents. These vents may be screened for security but shall not inhibit air flow. One vent shall be fitted in the lower portion of an entry door and one vent fitted within 6 inches of the top of the wall at the opposite end from the entry door.
 - c. Fire Deluge Sprinkler System. Depending on the intended stored contents, a Fire Deluge Sprinkler System may be required. This system will consist of sufficient fire sprinkler heads fed from a fire department connection with a quick-connect fitting. This system shall not be connected to a standing water supply, nor shall it be required to be monitored by means of a fire alarm system.
 - d. Traffic and Blast protection. Depending on the intended stored contents and physical set-up of the container, traffic bollards may be required to prevent damage or injury from incursion or potential explosion shrapnel spread.
 - e. Markings. Containers shall be marked with the appropriate NFPA 704 Hazard Diamond and signage identifying stored contents. This signage will consist of a white background and black lettering that is legible from a distance of 30 feet. The signage shall be placed on the door to the container and on a side facing fire department access if different from the door side. Markings indicating storage limitations shall be placed on the inside of door to serve as employee notification.
- 4. Operation**

- a. Contents. Containers shall not be used for storage of combustible liquids or compressed gasses. This restriction shall include motorized tools or equipment containing any amount of fuel. Fuels shall be drained from these tools prior to storage.
- b. Storage Height. Storage inside the containers shall follow standard storage guidelines of 18" ceiling clearance for sprinklered structures and 24" ceiling clearance for non-sprinklered structures.
- c. Security. Containers used for storage shall remain locked while not attended. If the container is left unlocked and unmonitored for any period of time, the operator shall ensure that the container is not occupied before locking.

CHAPTER 5—FIRE SERVICE FEATURES

§507.2 Type of Water Supply.

A water supply shall consist of reservoirs, pressurized tanks, elevated tanks, water mains, tender shuttles or other approved systems capable of providing the required fire flow.

§507.5.4.1 Snow Removal.

Snow removal operations/snow storage shall not prevent fire hydrants from being immediately discernible or hinder gaining immediate access.

CHAPTER 9—FIRE PROTECTION SYSTEMS

§903.2 Where Required (Automatic Sprinkler Systems).

Approved automatic sprinkler systems in all buildings and structures shall be provided in the locations described in this section and Sections 903.2.1 through 903.2.12:

1. In every story of all buildings three (3) stories or more in height except when it is required in the 2021 International Building Code or International Fire Code, the more restrictive shall apply.
2. In every story, basement and mezzanine of any building when the total floor area (including basements and mezzanines) exceeds the limits shown in Table A below:

TABLE 903.2
ALLOWABLE FLOOR AREA FOR BUILDINGS

Building Type	Maximum Floor Area
III-B, V-B	7,500
V-A, II-B	9,000
II-A, III-A, IV-HT, I-A, I-B	12,000

A-Protected / B-Unprotected (per Table 601 IBC) H.T. - Heavy timber

3. Whenever any addition to an existing building, except R-3 occupancies, causes the total floor area of the building to exceed the limits set forth in the preceding item number 2 or the floor areas in the 2021 International Building Code or the 2021 International Fire Code for that occupancy, the entire building shall be provided with an approved automatic sprinkler system or a firewall conforming to Sections 705 and 706 of the 2021 International Building Code must be installed. When such wall also separates different occupancy classifications, which require a greater fire-resistive rating as set forth in Table 706.4 of the 2021 International Building Code, the more restrictive requirement shall apply. Openings in these walls shall conform to the 2021 International Building Code and be controlled by actuation of a smoke detector. When the automatic-closing fire assembly is installed in a building with an approved fire detection system, the fire assembly actuating smoke detectors shall be made part of the fire detection.

4. Existing structures and facilities (except R-3 occupancies). When in any 24 month period the floor area of an alteration, remodel or modification to any existing building exceeds forty percent (40%) of the floor area of the building being improved, the entire building shall be made to comply with the requirements of Chapter 9 of the 2021 International Building Code and the 2021 International Fire Code as amended and adopted by the City. When the regulations set forth in the 2021 International Existing Building Code apply to the renovation, remodel or modification of an existing building the more restrictive shall apply to the building.
5. All occupancies to be built in a location that is difficult to access, or has limited fire flow water supply as determined by the fire code official or fire chief, will be reviewed by the fire code official and or fire chief for the need to be equipped with an approved automatic fire suppression system.

§903.1.2

This section is hereby added: All fire sprinkler system installations shall be supervised by a fire sprinkler technician holding a current Colorado Department of Public Safety, Division of Fire Protection and Control "Registered Fire Sprinkler Fitter" credential, and supervise no more than three non-registered sprinkler fitters/apprentices.

§903.2.7 Group M.

An *automatic sprinkler system* shall be provided throughout buildings containing a Group M occupancy where one of the following conditions exists:

1. A Group M *fire area* exceeds 12,000 square feet (1115 m²).
2. A Group M *fire area* is located more than three stories above grade plane.
3. The combined area of all Group M *fire areas* on all floors, including any mezzanines, exceeds 24,000 square feet (2230 m²).
4. A Group M occupancy used for the display and sale of upholstered furniture or mattresses exceeds 2,500 square feet (232 m²).

§907.1.4 Installation.

All fire alarm system installations shall be supervised by a fire alarm technician certified at a minimum of NICET II level.

§907.2.1 Group A.

Exception is hereby deleted.

§907.2.2 Group B.

Exception is hereby deleted.

§907.2.7 Group M.

Exceptions are hereby deleted.

§907.2.8.1 Manual Fire Alarm Systems.

Exceptions are hereby deleted.

§907.2.9.1 Manual Fire Alarm Systems.

Exceptions are hereby deleted.

§907.3.1 Duct Smoke Detectors.

Exceptions are hereby deleted.

§907.6.3 Initiating Device Identification.

Exceptions 1 and 4 are hereby deleted.

The following shall be added:

The exterior visual signals shall meet the following requirements:

- (A) The light used shall be of the strobe light producing at least 110-185 candela.
- (B) In systems with fire department connections the light is to be located at least 12 ft. above and as directly vertical to the fire department connection as possible. In systems without fire department connections the light is to be located so as to be visible from the nearest street.
- (C) The light shall not replace the audible alarms but is to be used in conjunction with it.

§913.4 Valve Supervision.

No. 3 is hereby deleted.

CHAPTER 56—EXPLOSIVES AND FIREWORKS

§5601.1.3 Fireworks.

- 5. The storage, sale, use and handling of toy caps, sparklers and smoke snakes shall be permitted.

§5608.1 General (Fireworks Display).

The use of indoor pyrotechnic displays shall be prohibited

§5608.3 Approved Fireworks Displays.

Firework displays shall include only the approved fireworks 1.3G, fireworks 1.4G, fireworks 1.4S and pyrotechnic articles 1.4G, and be only performed by the person possessing a valid Display Operator of Fireworks Certificate issued by the State of Colorado. Operator must possess liability insurance and other requirements as found in the Fireworks Display and Pyrotechnic Special Effects Requirements GSFD application. The approved fireworks shall be arranged, located, discharged and fired in a manner that will not pose a hazard to property or endanger any person.

CHAPTER 57—FLAMMABLE AND COMBUSTIBLE LIQUIDS

§5706.2.4 Permanent and Temporary Tanks.

The capacity of permanent above ground tanks containing Class I or II liquids shall not exceed 1,100 gallons (4164 L). The capacity of temporary above-tanks containing Class I or II liquids shall not exceed 2,000 gallons (7,580L). Tanks shall be of the single-compartment design. A permit shall be obtained from the Fire Code Official for the storage or keeping of volatile inflammable fluids in excess of ten (10) gallons in any building. The Fire Code Official is further authorized to issue temporary permits for the above ground storage of such fluids in tanks, which shall not exceed two thousand (2,000) gallon (7580L) capacity for the purpose of providing fuel for heavy equipment used in building construction, earth moving, earth grading or similar operations and such permits may be issued only for sites where there are not close hazards. Such temporary permits shall be issued with the time limits set that shall conform to the reasonably necessary time for completion of the individual job for which the permit is issued. Permanent above ground tanks of greater capacity that meet the requirements of Section 5704.2 shall be exempted.

060.090.030 International Fire Code Commentary.

The International Fire Code Commentary, 2021 edition, published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795, is hereby adopted as an enforcement guide. The Fire Official, or any authorized representative, shall have the discretion to apply the contents of the commentary

referenced in this Title in a given circumstance, but the Fire Official is not required to strictly apply such contents in every conceivably relevant circumstance.

APPENDICES

Appendix D – Fire Apparatus Access Roads

Sections D106.3 and D107.3 are hereby adopted.

Appendix H Hazardous Materials Management Plan (HMMP) and hazardous Materials Inventory Statement (HMIS) Instructions.

Appendix H shall be amended to utilize a hazardous Materials Declaration Form designated by the fire authority having jurisdiction.

Appendix J, Building Information Sign

Section J101.1 Scope. At the discretion of the Fire Code Official, new buildings shall have a building information sign(s) that shall comply with Sections J101.1.1 through J101.7. At the discretion of the Fire Code Official, existing buildings shall be brought into compliance with Sections J101.1.1 through J101.8 when one of the following occurs:"

The exception of group U occupancies is hereby deleted.

ARTICLE 060.100 NATIONAL ELECTRICAL CODE

060.100.010 Adoption of National Electrical Code; Penalty for Violations; Conflict.

- (a) *Adoption of Code.* All electrical wiring, fixtures and appliances installed, altered or repaired within the City, or in connection with any building therein, shall, so far as materials, design, workmanship and manner of installation, conform with the National Electrical Code, promulgated by the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269-9101, as adopted and amended by the State of Colorado, which code is incorporated herein and adopted by this reference.
- (b) Any person violating any of the provisions of the National Electrical Code, as adopted in this section, shall be deemed guilty of a misdemeanor and upon conviction of the same shall be punished by a fine of up to one thousand dollars (\$1,000.00). Each day such violation is allowed to persist shall constitute a separate and new offense.
- (c) If the provisions of the National Electrical Code, as adopted in this article, conflict with any other provisions of the Municipal Code then the more restrictive of the two shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

060.100.020 Work Permit.

- (a) *Required.* No alterations or additions shall be made in the wiring of any building, nor shall any building be wired for electric lights, motors or heating or cooling devices, nor shall any electrical apparatus be installed, without first securing a permit therefore from the State Electrical Inspector.
- (b) *Application.* Applications for permits required by this section shall be in writing, filed before the work is started, upon forms describing the work contemplated and providing such information as may be required by the State Electrical Inspector.

- (c) *Permit fees; administrative and appeal procedures.* The permit fees and the administrative and appeal procedures for electrical work performed pursuant to this article shall be as set forth in C.R.S. § 12-115-101 et seq., as amended.

060.100.030 Inspectors.

The State Electrical Inspector shall serve as electrical inspector for the City.

060.100.040 Inspections.

- (a) *Inspection generally.* Electric current shall not be turned on until the electrical installation shall have been inspected, approved and marked in a conspicuous place by the electrical inspector. The electrical inspector shall carefully inspect all electrical installations prior to and after completion, and he is hereby authorized and empowered to remove any and all obstructions such as lath, plastering, boarding, partitions or any other obstruction which interferes with a thorough and complete inspection. Inspections may be made at any time during the installation that the inspector deems is expedient or necessary.
- (b) *Issuance of certificate of inspection.* Upon final inspection of an electrical installation, the electrical inspector shall issue his certificate of compliance or prescribe changes necessary for such compliance. Upon such changes being made to the satisfaction of the inspector, he shall issue the certificate of inspection, which shall authorize the commencement of the electrical service. After issuance of any such certificate, no change shall be made either by way of addition, alteration or taking from the same without the written consent of the inspector.
- (c) Notice and discontinuance of service when defect discovered through inspection.
- (1) Whenever the electrical inspector, during an electrical installation, shall find any wire or wires or equipment in a dangerous condition or so placed as to interfere with the work of the fire department, he shall notify the owner or the person using or operating such wires or equipment to remedy the defect. Every person who fails or refuses to remedy such defects within ten (10) days, or a longer period when the same is granted by the inspector, after receipt of notice shall be deemed guilty of a misdemeanor and upon conviction of the same shall be punished in accordance with the provisions of Section 010.020.080.
- (2) The electrical inspector is hereby authorized and empowered to enforce a discontinuance of electrical service in every case where wiring or equipment is found to be defective or in noncompliance with this article; and, when service has been ordered discontinued, electrical service shall not be restored or reconnected until the defect has been remedied.

ARTICLE 060.110 NATIONAL ELECTRICAL SAFETY CODE

060.110.010 Adoption of National Electrical Safety Code.

- (a) *Adoption of Code.* All electric supply and communication lines installed, altered, or repaired within the corporate limits of the City shall be designed, constructed and maintained to meet the requirements of the National Electrical Safety Code, approved by the American National Standards Institute, and published by the Institute of Electrical and Electronics Engineers Inc., 345 East Forty-Seventh Street, New York, New York 10017, as adopted and amended by the State of Colorado, which code is incorporated herein and adopted by this reference.
- (b) *Conflicts between National Electrical Safety Code and National Electrical Code current edition(s) as adopted and enforced by the state of Colorado.* In the event that there is any conflict between the provisions of the National Electrical Code, as adopted in this Title, and the National Electrical Safety Code, as adopted in this Article, then the code giving the strictest requirements shall be followed in order to promote the health, safety and welfare of the citizens of the City.

- (c) If the provisions of the National Electrical Safety Code, as adopted in this article, conflict with any other provisions of the Municipal Code then the more restrictive of the two shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.
- (d) Any person violating any of the provisions of the National Electrical Safety Code, as adopted in this Article, shall be deemed guilty of a misdemeanor and upon conviction of the same shall be punished by a fine of up to one thousand dollars (\$1,000.00). Each day such violation is allowed to persist shall constitute a separate and new offense.

ARTICLE 060.120 INTERNATIONAL FUEL GAS CODE

060.120.010 International Fuel Gas Code Adopted; Penalty for Violation; Conflict.

- (a) For purposes of regulating the minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance or use of fuel gas systems in the City of Glenwood Springs, the International Fuel Gas Code, 2021 edition, published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795, is hereby adopted except as it is amended in this article.
- (b) Any person violating any of the provisions of the International Fuel Gas Code, as adopted in this section, shall be deemed guilty of a misdemeanor and upon conviction of the same shall be punished by a fine of up to one thousand dollars (\$1,000.00). Each day such violation is allowed to persist shall constitute a separate and new offense.
- (c) If the provisions of the International Fuel Gas Code, as adopted in this article, conflict with any other provisions of the Municipal Code then the more restrictive of the two shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

(Ord. No. 20-2017 , § 2, 11-2-2017)

060.120.020 Amendments to the International Fuel Gas Code.

CHAPTER 1—SCOPE AND ADMINISTRATION

§101.1 Title.

These regulations shall be known as the *Fuel Gas Code* of the City of Glenwood Springs, Colorado, hereinafter referred to as the Glenwood Springs Fuel Gas Code or as "the code."

§103.1 Creation of agency.

This section is hereby deleted.

§103.2 Appointment (Building Official).

Building Official is hereby authorized and directed to enforce all of the provisions of this code; however, a guarantee that all buildings and structures have been constructed in accordance with all of the provisions of this code is neither intended nor implied.

§104.8 Liability.

The adoption of this code, and any previous codes adopted by the City of Glenwood Springs, shall not be deemed to give rise to a duty of care on the part of any public entity, public employee, or agent, nor shall this code or any previous codes be deemed to create any civil remedy against a public entity, public employee, or agent. The Building Official, member of the Board of Appeals, or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties.

§109.2.1 Fee Schedule.

The fees for mechanical work shall be as follows:

1. Installation of gas appliances\$ 60.00
2. Gas systems: addition, alteration, remodel (two inspections) \$100.00

§113.1 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 14 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 14 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 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. Sections 113.2, 113.3, and 113.4 are hereby deleted.

§114.1 Membership of board.

This section is hereby deleted.

CHAPTER 3—GENERAL REGULATIONS

§303.3 Prohibited locations.

Nos. 3 and 4 are hereby deleted. Unvented room heaters are prohibited in the City of Glenwood Springs.

CHAPTER 4—GAS PIPING INSTALLATIONS

§403.4.2.1 Galvanized Pipe.

Galvanized pipe shall not be used with propane.

§406.4.1 Test Pressure.

The test pressure to be used shall be no less than 1 ½ times the proposed maximum working pressure, but not less than 10 psig, irrespective of design pressure. Where the test pressure exceeds 125 psig, the test pressure shall not exceed a value that produces a hoop stress in the piping greater than 50 percent of the specified minimum yield strength of the pipe.

CHAPTER 5—CHIMNEYS AND VENTS

§501.8 Appliances Not Required to Be Vented.

No. 8 is hereby deleted.

CHAPTER 6—SPECIFIC APPLIANCES

§603.1 General (Log Lighters).

Log lighters are prohibited.

§621 Un-vented Room Heaters.

This section is hereby deleted.

ARTICLE 060.130 MISCELLANEOUS PERMITS

060.130.010 Street Cut Permit.

- (a) *Permit required.* It shall be unlawful for any person, other than an officer or employee of the City in the course of his employment, to make or cause or permit to be made any excavation or opening in or under the

surface of any street, alley, sidewalk, public right-of-way or other public place without first obtaining a permit therefore or to make any such excavation in any manner which does not comply with the permit issued therefore.

- (b) *Application.* Any person desiring a permit to excavate in any street, alley, sidewalk, public right-of-way or other public place shall make application therefore to the city engineer and/or Building Official upon applications furnished for that purpose and shall pay a fee in accordance with Article 090.045 of the Municipal Code.
- (c) *Excavations controlled by the public works department.* All excavations made in any street, alley, sidewalk, public right-of-way or other public place shall be made under the supervision of the Public Works Department and shall be performed in accordance with the provisions of Article 090.045 of the Municipal Code. The Public Works Department shall have the right to prescribe the method to be used in the excavation, the width thereof and any other reasonable conditions for the protection of utilities or the public or for minimizing the interference with vehicular or pedestrian traffic.
- (d) *Safety and protection of the public.* Any person making or causing to be made any excavation or opening in any street, alley, sidewalk, public right-of-way or other public place or within five (5) feet (one hundred fifty-two (152) centimeters) of the line of any public right-of-way or public place shall provide barricades or other suitable protective devices that will prevent inadvertent entry into the work area by members of the public and will prevent injury to such persons. No excavations shall be allowed to remain open between sunset and sunrise, unless prior approval of the Public Works Department has been granted. If such approval is granted, such excavations shall be properly barricaded, and properly lighted so as to warn all persons of such danger. All barricades and lights shall be of substantial construction and shall be furnished by the person doing the work.
- (e) *Traffic control plan required.* Any person making or causing to be made any excavation or opening in any street, alley, sidewalk, public right-of-way or other public place which affects the movement of vehicles, bicycles or pedestrians shall have prepared a traffic control plan to be submitted with the application for a permit for such excavation. Preparation of the traffic control plan, and the subsequent installation and maintenance of traffic control devices, shall be by a certified traffic control supervisor, and shall be in accordance with the provisions of Article 090.045 of the Municipal Code. The traffic control plan shall be submitted to, reviewed by and approved by the City Engineer before any excavation may begin.
- (f) *Restoration of paving after excavations.* All restoration of paving surfaces, after an opening or excavation has been made, shall be made in accordance with Article 090.045 of the Municipal Code. The entire cost of restoring the paving to its original condition shall be paid by the person making the excavation.

060.130.020 Street Obstruction Permit.

Except as otherwise provided in this Code, it shall be unlawful for any person to obstruct a street or sidewalk with any debris, lumber, sand, gravel, dirt, abandoned or wrecked automobiles or other material or substance without first obtaining a permit from the public works department. Such permits may be granted only where the obstruction is necessary for the construction, alteration or repair of the adjoining property and such permitted obstructions shall be limited to as short a time as is reasonably possible. Each day that an unlawful obstruction is permitted to exist shall constitute a separate and distinct offense.

060.130.030 Access Permit and Regulations.

- (a) *Access prohibition.* No person shall install, create or modify a point of vehicular access, by curb cut or otherwise, upon a public right-of-way without first obtaining a permit therefore from the City Engineer. Construction of such point of vehicular access shall be in conformance with design requirements as set forth in Title 070 of the Municipal Code.
- (b) *Fee and Inspection.* Every applicant for a permit to create a point of vehicular access shall pay a fee of fifty dollars (\$50.00) and submit such forms and information as required by the City Engineer. The City Engineer

may impose such conditions as are necessary to accomplish the purpose of this section. Prior to any use of the point of vehicular access, it shall be inspected by the City Engineer who shall issue a written approval if the point of vehicular access as completed conforms to the permit and to the conditions imposed by the City Engineer.

- (c) *Stop Work Order.* The City Engineer may issue a stop work order to any person violating any provisions of this section and require any such person to remove, seal or otherwise block any point of vehicular access established in violation of this section. Upon the failure of such person to remove, seal or otherwise block the point of vehicular access, the City may perform such work, and the owner of the property in which the point of vehicular access is located shall reimburse the City for all costs of materials and labor expended by the City. All costs for materials and labor expended by the City shall constitute expenditures for the maintenance of sidewalks, curbs and gutters, and shall constitute a special assessment upon the property in which the point of vehicular access is located and shall constitute a lien against such property having priority over all other liens except general taxes and prior special assessments, which may be certified by the city clerk to the Garfield County Treasurer who shall collect the assessment, together with a ten (10) percent penalty for the cost of collection, in the same manner as other taxes are collected.

060.130.040 Sidewalk and Curb and Gutter Construction Permit.

- (a) *When Permits are Required.* Excepting as set forth in Subsection 060.130.040(b), any person who is permitted pursuant to the provisions of Article 090.040 of the Municipal Code, to build, reconstruct or repair any sidewalk or curb and gutter must, before commencing any work of building, reconstructing and repair of any sidewalk or curb and gutter, make application for and procure from the engineering department a permit for such work. The permit shall be issued only to a person who has obtained a license as required by Title 050 of the Municipal Code, or to an owner of property who is personally performing such work upon real property owned by him. Such application shall include a correct description of the lots, tracts or parcels of land in front of which and along which said sidewalk or curb is to be constructed, reconstructed or repaired. No such permit shall be issued by the engineering department until an established grade for such sidewalk or curb and gutter shall have been reviewed and approved by the City Engineer.
- (b) *When Permit Not Required.* Any property owner whose real property abuts a sidewalk in a City right-of-way need not obtain a permit before commencing any reconstruction or repair of an area of that sidewalk less than fifty (50) square feet (4.7 meters²), however, such person shall advise the public works department of the nature and extent of such repair. For purposes of this subsection, a person may not arbitrarily divide sidewalk repair or reconstruction projects into areas of less than fifty (50) square feet (4.7 meters²), and should the City, in its sole discretion, determine that the entire project encompasses more than fifty (50) square feet (4.7 meters²), a permit shall be required.
- (c) *Permit Fees.* No permit required by this section shall be issued until all fees set forth in the City's Engineering Standards are paid.

060.130.050 Permits for Moving Buildings.

It shall be unlawful for any person including the owner of any building or his contractor to move any building over the streets of the City without first obtaining a permit therefor. In granting such a permit the public works department and/or Building Official may impose such restrictions or conditions as deemed necessary to protect the streets of the City or any utilities from damage, and may make any other reasonable requirements which are deemed necessary for the protection of the public.

ARTICLE 060.140 REGULATION OF RESIDENTIAL CONSTRUCTION

060.140.010 Residential Construction Activities Prohibited.

In addition to the prohibitions contained in Sections 100.010.030 and 100.070.030, it shall be unlawful for any property owner or renter, contractor, subcontractor, or any person performing residential construction work within the City to engage in the following activities:

- (1) Permit or allow any accumulation of trash or garbage on residential property where construction work has been or is being conducted which is not secured within a trash dumpster or container.
- (2) Permit or allow any trash, garbage or construction debris to blow or otherwise be carried from a residential property where construction work has been or is being conducted onto or about surrounding properties.
- (3) Permit or allow any excavated material or concrete mixture, including that which is produced by rinsing out a mobile concrete mix truck at any location other than within the boundaries of the lot(s) on which the excavated material originated or concrete mixture was applied, or other site whose owner has not given prior specific permission for such activity. In the event excess excavated material or concrete mixture is applied, whether intentionally or inadvertently, to adjacent lots, drives or sidewalks, any person performing said construction or any person owning the property on which such construction activity takes place, shall remove such excess.

060.140.020 Violations; Conflicts.

- (a) In addition to any other remedies provided by this article, any person violating any of the provisions of this article shall be deemed guilty of a misdemeanor and upon conviction of the same shall be punished by a fine of up to one thousand dollars (\$1,000.00). Each day such violation is allowed to persist shall constitute a separate and new offense.
- (b) If the provisions of this Article 060.140 of the Municipal Code conflict with any other provisions of the Municipal Code then the more restrictive of the two shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

ARTICLE 060.150 INTERNATIONAL SWIMMING POOL AND SPA

060.150.010 Adoption of the International Swimming Pool and Spa Code.

- (a) Pursuant to the power and authority conferred by the laws of the State of Colorado and the Charter of the City of Glenwood Springs, Colorado, it is hereby adopted as the swimming pool and spa code of the City of Glenwood Springs, Colorado, the International Swimming Pool and Spa Code, 2021 edition published by the International Code Council Inc., 4051 West Flossmoor Road, Country Club Hills, Illinois 60478, all to have the same force and effect as though set forth herein in every particular.
- (b) Any person, firm or corporation violating any of the provisions of the International Swimming Pool and Spa Code, as adopted in this article, shall be deemed guilty of a misdemeanor and upon conviction of the same shall be punished by a fine of up to one thousand dollars (\$1,000.00). Each day such violation is allowed to persist shall constitute a separate and new offense.
- (c) If the provisions of the International Swimming Pool and Spa Code, as adopted in this article, conflict with any other provisions of the Municipal Code then the more restrictive of the two shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

060.150.020 Amendments to the International Swimming Pool and Spa Code.

CHAPTER 1—SCOPE AND ADMINISTRATION

§101.1 Title.

These regulations shall be known as the *Pool Code* of the City of Glenwood Springs, Colorado, hereinafter referred to as the Glenwood Springs Pool Code or as "this code."

§104.8 Liability.

The adoption of this code, and any previous codes adopted by the City of Glenwood Springs, shall not be deemed to give rise to a duty of care on the part of any public entity, public employee, or agent, nor shall this code or any previous codes be deemed to create any civil remedy against a public entity, public employee, or agent. The Building Code Official, member of the Board of Appeals, or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties.

§108.2 Schedule of permit fees.

The fees for all plumbing work shall be per Table 1-A of the Glenwood Springs Municipal Code Section 060.020.020.



City Council
STAFF REPORT
City of Glenwood Springs
February 17, 2022

Agenda Item:	Ordinance 2022-04, Code Amendments to Wireless Communication Facilities Standards Section 070.030.030(g)
Action Requested:	Consideration of a Code Amendment to Section 070.030.030(g) Wireless Communication Facilities.
Department:	Planning Department
Presented By:	Richard Peterson-Cremer, Hannah Klausman, Jenn Ooton
Strategic Goals:	Protect and Preserve our Quality of Life
Background Info:	The City of Glenwood Springs Municipal Code outlines use specific standards for wireless communication facilities in Section 070.030.030(g). State and Federal regulations for Wireless Communication Facilities have changed over the past several years and the City is updating City standards to correspond with those changes.
Issues:	The proposed amendments incorporate changes that include additional definitions, colocation requirements when adjacent to business or locating within a right of way, visual and aesthetic impact mitigation, maximum height of alternative tower structures, facility distance standards, submittal requirements and review procedures, as well as timelines for City review. The exhibit for the ordinance includes language that would repeal and replace language that is already within the Municipal Code regarding requirements for Wireless Communication Facilities. City legal Counsel has also provided a memo detailing the sources for the amendments as an attachment to this report. A Code amendment is a legislative decision by the City Council. Prior to recommending approval or approving a proposed Code amendment, the Planning Commission and City Council shall consider whether and to what extent the proposed amendment: - Is consistent with the Comprehensive Plan and other City policies; - Does not conflict with other provisions of this Code or other provisions in the Glenwood Springs Municipal Code; - Is necessary to address a demonstrated community need; - Is necessary to respond to substantial changes in conditions and/or policy; and - Is consistent with the general purpose and intent of this Code. Planning Commission voted 5-0 to recommend these code changes, with the recommended findings.
Fiscal Impact:	For each proposed alternative tower structure/small cell facility site and tower structure, the City is able to charge a one-time application fee of \$1,000 and will charge a \$270 annual recurring fee, as applicable, to cover any access to City right of way (ROW) or attachment to City-owned structures in the ROW. These regulations are already in place, and there should not be material fiscal impact to the city.
Legal Review:	The amendments reflect updates in both state law and federal regulations over the past several years and are necessary to respond to those changes.
Staff Recommendation:	Staff recommends approval of the proposed text amendments for Wireless Communication Facilities with the following suggested findings. Suggested Findings: The proposed Code changes are: - Consistent with the Comprehensive Plan and other City policies; - Does not conflict with other provisions of this Code or other provisions in the Glenwood Springs Municipal Code;

3. Necessary to address a demonstrated community need;
4. Necessary to respond to substantial changes in conditions and/or policy; and
5. Are consistent with the general purpose and intent of this Code.

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*[*Direct Mail to Glenwood Springs](#)*

DATE: January 26, 2022
TO: Glenwood Springs City Council
FROM: Karp Neu Hanlon, P.C.
RE: Ordinance 2022-03 Adopting Wireless Communication Facilities Code Changes

Attached please find Ordinance 2022-03 amending the City's Code regarding Wireless Communication Facilities ("WCFs"). To simplify codification, these amendments will be enacted by repealing and replacing the existing Code section addressing WCFs. Much of the content of the Code will remain unchanged from the current version. The current version of the Code addressing WCFs was adopted in 2018.

These amendments reflect updates in both state law and federal regulation over the past several years. They also incorporate additions and changes that will give the Community Development Department additional standards, design guidelines, and alternatives in reviewing applications for WCFs within the City. The City has started to receive new applications for WCFs, including small cell facilities, and these updates to the Code incorporate knowledge and experience gained from reviewing and processing those applications. The City has also requested and received input from the wireless industry on the Code and has incorporated those suggestions where appropriate in the amendments.

The sources of law for these updates are:

- Federal regulations regarding local control over personal wireless service facilities, codified at 47 C.F.R. §§ 1.6001 - 1.6100 and set out in the Federal Communications Commission's (FCC's) 2018 "Small cell order," together with case law interpreting these regulations.
- State law governing small cells, wireless facilities, and telecommunications service use of rights-of-way, codified at C.R.S. §§ 29-27-402 to -404 and 38-5.5-101 to -109.

This is a new and developing area of law at the local, state, and federal level. Recent leadership changes at the FCC make additional changes to federal law possible within the next few years. Additional updates and changes to the City's Code may be necessary depending on changes in the law and the City's experience with reviewing and processing applications for WCFs.

The key updates to the Code contained in these amendments are:

1. Limiting small cells in the public right-of-way to a height of 25 feet, or no more than five feet taller than any existing utility pole or traffic signal within 500 feet. The current maximum height limit is 35 feet.
2. An exception to the Code requirements for temporary WCFs for the purpose of special event coverage or disaster reporting.
3. Adding additional provisions that encourage collocation and multiple use facilities.
4. Moving the definitions section to the beginning of the subsection.
5. A provision requiring the applicant to show a good faith effort to locate WCFs (except for small cells in the right-of-way) in an order of preference of locations that would cause the least visual impact.
6. More detail on the documents that applicants for WCFs are required to submit.

The Planning Commission considered the amendments at its December 14 meeting and recommended that the City Council adopt the proposed changes.

Recommended Motion: I move to approve Ordinance No. 2022-03, an Ordinance of the City of Glenwood Springs, Colorado, Amending Title 070, Article 030 of the Glenwood Springs Municipal Code.

070.030.030 Use-Specific Standards.

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(g) *Wireless Communication Facilities.*

- (1) *Purpose.* In order to accommodate the communication needs of residents and businesses while protecting the public health, safety, and general welfare of the community, the Glenwood Springs City Council finds that these regulations are necessary to:
 - a. Provide for the managed development and installation, maintenance, modification, and removal of wireless communications infrastructure in the City with the goal of having the fewest number of wireless communication facilities ("WCF") required to complete a network without unreasonably discriminating against wireless communications providers of functionally equivalent services including all of those who install, maintain, operate, and remove WCFs;
 - b. Promote and protect the public health, safety, and welfare by reducing the visibility of WCFs to the fullest extent possible through techniques including but not limited to camouflage design techniques and undergrounding of WCFs and the equipment associated therewith;
 - c. Develop smaller, less intrusive WCFs to supplement existing larger WCFs;
 - d. Utilize wall mounted panel antennas;
 - e. Construct roof mounted antennas only when wall mounted antennas will not provide adequate service or are not otherwise feasible;
 - f. Locate towers in non-residential areas, in a manner that minimizes the total number of towers needed throughout the community;
 - g. Promote the colocation of WCFs on new and existing sites;
 - h. Locate antennas and towers, to the extent possible, in areas where the adverse impact on the community is minimized;
 - i. Enhance the ability of wireless communications service providers to provide such services to the community quickly, effectively, and efficiently;
 - j. Effectively manage WCFs in the right-of-way; and
 - k. Manage amateur radio facilities and over-the-air receiving devices in the City.
- (2) *Applicability.*
 - a. *Base Stations, Alternative Tower Structures, Small Cell Facilities, and Towers.* The requirements in this Subsection shall apply to all WCF applications for base stations, alternative tower structures, small cell facilities, and towers as defined in Subsection 070.030.030(g)(7), Definitions, and further addressed herein.
 - b. *Exemptions.* The requirements set forth in this Subsection shall not apply to:
 1. *Amateur Radio Antennas.* Amateur radio antennas that are owned and operated by a federally licensed amateur radio station operator or are used exclusively for receive-only antennas, provided that the height be no more than the distance from the base of the antenna to the property line is met.
 2. *Pre-Existing WCFs.* Any WCF for which a permit has been properly issued prior to November 1, 2017, shall not be required to meet the requirements of this Subsection, other than the operational standards set forth in this Subsection. Changes and additions to

pre-existing WCFs (including trading out of antennas for an equal number of antennas) shall meet applicable operational standards set forth in this Subsection.

3. *Miscellaneous Antennas.* Antennas used for reception of television, multi-channel video programming and radio such as over the air reception devices ("OTARD") antennas, television broadcast band antennas, and broadcast radio antennas, provided that any requirements related to special uses of this Code and the requirement that the height be no more than the distance from the base to the property line are met. The Director has the authority to approve modifications to the height restriction related to OTARD antennas and OTARD antenna structures, if in the Director's reasonable discretion, modifications are necessary to comply with federal law.

(3) *Operational Standards.*

- a. *Federal Requirements.* All WCFs shall meet the current standards and regulations of the Federal Aviation Authority ("FAA"), the FCC and any other agency of the federal government with the authority to regulate WCFs. If such standards and regulations are amended, then the owners of the WCF governed by this Subsection shall bring such facility into compliance with such revised standards and regulations within the time period mandated by the controlling federal agency. Failure to meet such revised standards and regulations shall constitute grounds for the removal of the WCF at the owner's expense.
- b. *Radio Frequency Standards.* All WCFs shall comply with federal standards for radio frequency emissions. If concerns regarding compliance with radio frequency emissions standards for a WCF have been made to the City, the City may request that the owner or operator of the WCF provide information demonstrating compliance. If such information suggests, in the reasonable discretion of the City, that the WCF may not be in compliance, the City may request and the owner or operator of the WCF shall then submit a project implementation report which provides cumulative field measurements of radio frequency emissions of all antennas installed at the subject site, and which compares the results with established federal standards. If, upon review, the City finds that the facility does not meet federal standards, the City may require corrective action within a reasonable period of time, and if not corrected, may require removal of the WCF pursuant to this Section. Any reasonable costs incurred by the City, including reasonable consulting costs to verify compliance with these requirements, shall be paid by the owner or operator.
- c. *Signal Interference.* All WCFs shall be designed and sited, consistent with applicable federal regulations, so as not to cause interference with the normal operation of radio, television, telephone and other communication services utilized by adjacent residential and non-residential properties; nor shall any such facilities interfere with any public safety communications. The applicant shall provide a written statement from a qualified radio frequency engineer, certifying that a technical evaluation of existing and proposed facilities indicates no potential interference problems and shall allow the City to monitor interference levels with public safety communications during this process. Additionally, the owner or operator shall notify the City at least ten (10) calendar days prior to the introduction of new service or changes in existing service, and shall allow the City to monitor interference levels with public safety communications during the testing process.
- d. *Legal Access.* In all applications for WCFs an applicant must warrant and represent that it has the written agreement of the owner of the property which is the subject of the application for legal access to and from the WCF and the applicant must also warrant and represent that it will have legal access to the utilities to operate and maintain the WCF.

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- e. *Operation and Maintenance.* To ensure the structural integrity of WCFs, the owner of a WCF shall ensure that it is maintained in compliance with standards contained in applicable local building and safety codes. If upon inspection, the City concludes that a WCF fails to comply with such codes and constitutes a danger to persons or property, then, upon written notice being provided to the owner of the WCF, the owner shall have thirty (30) days from the date of notice to bring such WCF into compliance. Upon good cause shown by the owner, the City's building official may extend such compliance period not to exceed ninety (90) days from the date of said notice. If the owner fails to bring such WCF into compliance within said time period, the City may remove such WCF at the owner's expense.
 - f. *Abandonment and Removal.* If a WCF has not been in use for a period of three (3) months, the owner of the WCF shall notify the City of the non-use and shall indicate whether re-use is expected within the ensuing three (3) months. Any WCF that is not operated for a continuous period of six (6) months shall be considered abandoned. The City, in its sole discretion, may require an abandoned WCF to be removed. The owner of such WCF shall remove the same within thirty (30) days of receipt of written notice from the City. If the WCF is not removed within said thirty (30) days, the City may remove it at the owner's expense and any approved permits for the WCF shall be deemed to have expired.
- (4) *Design Standards.* The requirements set forth in this Subsection shall apply to the location and design of all WCFs governed by this Section as specified below; provided, however, that the City may waive these requirements if it determines that the goals of this Section are better served thereby. To that end, WCFs shall be designed and located to minimize the impact on the surrounding area and to maintain the character and appearance of the City, consistent with other provisions of the Code.
- a. *Camouflage/Concealment.* All WCFs and any transmission equipment shall, to the extent possible, use camouflage design techniques including, but not limited to the use of materials, colors, textures, screening, undergrounding, landscaping, or other design options that will blend the WCF to the surrounding natural setting and built environment. Design, materials, and colors of WCFs shall be compatible with the surrounding environment. Designs shall be compatible with structures and vegetation on the same parcel and adjacent parcels.
 - 1. Camouflage design may be of heightened importance where findings of particular sensitivity are made (e.g. proximity to historic or aesthetically significant structures, views, and/or community features). In such instances where WCFs are located in areas of high visibility, they shall (where possible) be designed (e.g., placed underground, depressed, or located behind earth berms) to minimize their profile.
 - 2. The camouflage design may include the use of alternative tower structures should the Director determine that such design meets the intent of the Code and the community is better served thereby.
 - 3. All WCFs, such as antennas, vaults, equipment rooms, equipment enclosures, and tower structures shall be constructed out of non-reflective materials (visible exterior surfaces only).
 - b. *Wall-Mounted WCFs.* Wall-mounted WCFs shall not extend above the roofline unless mounted to a penthouse.
 - c. *Roof-Mounted WCFs.* Roof-mounted WCFs shall be approved only where an applicant demonstrates a wall-mounted WCF is inadequate to provide service and shall be evaluated for approval based upon the following criteria:
 - 1. Roof-mounted whip antennas shall extend no more than twelve (12) feet above the parapet of any flat roof or ridge of a sloped roof or penthouse to which they are attached;

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2. Roof-mounted panel antennas shall extend no more than seven (7) feet above the parapet of a flat roof or ridge of a sloped roof to which they are mounted; and
 3. Other roof-mounted related accessory equipment shall extend no more than seven (7) feet above any parapet of a flat roof upon which they may be placed, and shall not be permitted on a sloped roof.
- d. *Hazardous Materials.* No hazardous materials shall be permitted in association with WCFs, except those necessary for the operations of the WCF and only in accordance with all applicable laws governing such materials.
- e. *Siting.*
1. No portion of any WCF may extend beyond the property line of the lot upon which it is located.
 2. Colocation. WCFs may be required to be designed and constructed to permit the facility to accommodate WCFs from at least two (2) wireless service providers on the same WCF unless the City approves an alternative design. No WCF owner or operator shall unfairly exclude a competitor from using the same facility or location.
 3. WCFs shall be sited in a location that does not reduce the parking for the other principal uses on the parcel below Code standards.
- f. *Lighting.* WCFs shall not be artificially lighted, unless required by the FAA or other applicable governmental authority, or the WCF is mounted on a light pole or other similar structure primarily used for lighting purposes. If lighting is required, the City may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views. Lighting shall be shielded or directed to the greatest extent possible so as to minimize the amount of glare and light falling onto nearby properties, particularly residences.
- g. *Landscaping and Fencing.*
1. WCFs shall be sited in a manner that does not reduce the landscaped areas for the other principal uses on the parcel, below Code standards.
 2. WCFs shall be landscaped with a buffer of plant materials that effectively screen the view of the WCF from adjacent residential property. The standard buffer shall consist of the front, side, and rear landscaped setback on the perimeter of the site.
 3. In locations where the visual impact of the WCF would be minimal, the landscaping requirement may be reduced or waived altogether by the director.
 4. Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. In some cases, such as WCFs sited on large, wooded lots, natural growth around the site perimeter may be a sufficient buffer.
 5. No trees larger than four (4) inches in diameter measured at four and one-half (4½) feet high on the tree may be removed, unless authorized by the director. To obtain such authorization the applicant shall show that tree removal is necessary, the applicant's plan minimizes the number of trees to be removed and any trees removed are replaced at a ratio of 2 to 1.
- h. *Noise.* Noise generated on the site shall not exceed the standards permitted in the Code, except that a WCF owner or operator shall be permitted to exceed Code noise standards for a reasonable period of time during repairs, not to exceed two (2) hours without prior authorization from the City.

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- i. *Additional Design Requirements.* Additional design requirements shall be applicable to the various types of WCFs as specified below:
1. *Base Stations.* If an antenna is installed on a structure other than a tower, such as a base station (including, but not limited to the antennas and accessory equipment) it shall be of a neutral, non-reflective color that is identical to, or closely compatible with, the color of the supporting structure, or uses other camouflage/concealment design techniques so as to make the antenna and related facilities as visually unobtrusive as possible.
 2. *Alternative Tower Structures and Small Cell Facilities.*
 - i. Shall be designed and constructed to look like a building, facility, or structure typically found in the area;
 - ii. Height or size of the proposed alternative tower structure or small cell facility should be minimized as much as possible and shall be subject to the maximum height restrictions of the zoning district in which they are located, subject to a maximum height limit of sixty (60) feet;
 - iii. Shall be sited in a manner that is least obtrusive to residential structures and residential district boundaries;
 - iv. Shall take into consideration the uses on adjacent and nearby properties and the compatibility of the facility to these uses;
 - v. Shall be compatible with the surrounding topography, tree coverage, and foliage;
 - vi. Shall be designed utilizing design characteristics that have the effect of reducing or eliminating visual obtrusiveness; and
 - vii. Visual impacts of the proposed ingress and egress shall be minimized.
 3. *Alternative Tower Structures and Small Cell Facilities Located in the Right-of-Way.* The following requirements apply in addition to those set forth in Subsection 070.030.030(g)(4)i.2:
 - i. Shall be no higher than thirty-five (35) feet;
 - ii. Shall be no more than ten (10) feet higher (as measured from the ground to the top of the pole) than any existing utility or traffic signal within five hundred (500) feet of the pole or structure;
 - iii. Any new pole for an alternative tower structure or small cell facility shall be separated from any other existing WCF facility by a distance of at least six hundred (600) feet, unless the new pole replaces an existing traffic signal, street light pole, or similar structure determined by the Director;
 - iv. Pole-mounted components shall be located on an existing utility pole serving another utility; or be located on a new utility pole where other utility distribution lines are aerial, if there are no reasonable alternatives;
 - v. Shall be camouflaged/concealed consistent with other existing natural or manmade features in the right-of-way near the location where the alternative tower structure will be located;
 - vi. Shall, to the extent feasible, be consistent with the size and shape of pole-mounted equipment installed by communications companies on utility poles near the alternative tower structure;

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- vii. Shall, when located near a residential property, be placed in front of the common side yard property line between adjoining residential properties. In the case of a corner lot, the facility must be placed in front of the common side yard property line adjoining residential properties, or on the corner formed by two (2) intersecting streets;
 - viii. Shall be designed such that antenna installations on traffic signals are placed in a manner so that the size, appearance, and function of the signal will not be considerably altered;
 - ix. Facility antennas, mast arms, equipment, and other facilities shall be sized to minimize visual clutter;
 - x. Any ground mounted equipment shall be installed in an underground or partially underground equipment vault (projecting not more than thirty-six (36) inches above grade), or co-located within a traffic cabinet of a design approved by the Director; and
 - xi. Shall not alter vehicular circulation or parking within the right-of-way or impede vehicular, bicycle, or pedestrian access or visibility along the right-of-way. Must comply with the federal Americans with Disabilities Act and all applicable local, state, and federal law and regulations. No alternative tower structure nor small cell facility may be located or maintained in a manner that causes unreasonable interference. Unreasonable interference means any use of the right-of-way that disrupts or interferes with this use by the City, the general public, or other person authorized to use or be present upon the right-of-way, when there exists an alternative that would result in less disruption or interference. Unreasonable interference includes any use of the right-of-way that disrupts vehicular or pedestrian traffic, any interference with public utilities, and any other activity that will present a hazard to public health, safety, or welfare.

4. *Towers.*

- i. Towers shall either maintain a galvanized steel finish, or, subject to any applicable FAA standards, be painted a neutral color so as to reduce visual obtrusiveness as determined by the City;
- ii. Tower structures should use existing land forms, vegetation, and structures to aid in screening the facility from view or blending in with the surrounding built and natural environment;
- iii. Monopole support structures shall taper from the base to the tip;
- iv. All towers, excluding towers in right-of-way, shall be enclosed by security fencing or wall at least six (6) feet in height and shall also be equipped with an appropriate anti-climbing device. No security fencing or any portion thereof shall consist of barbed wire or chain link material;
- v. Towers shall be subject to the maximum height restrictions of the zoning district in which they are located, subject to a maximum height limit of sixty (60) feet. Towers in right-of-ways shall not exceed thirty-five (35) feet in height and shall meet all of the design requirements of alternative tower structures in the right-of-way;
- vi. Towers should be sited in a manner that that is least obtrusive to residential structures and residential district boundaries where feasible;

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- vii. Towers should take into consideration the uses on adjacent and nearby properties and the compatibility of the tower to these uses;
 - viii. Towers should be designed utilizing design characteristics that have the effect of reducing or eliminating visual obtrusiveness; and
 - ix. Visual impacts of the proposed ingress and egress shall be minimized.
 - x. No new towers shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the City that no existing WCFs can accommodate the needs that the applicant proposes to address with its tower application. Evidence submitted to demonstrate that no existing WCF can accommodate these needs may consist of the following:
 - a. No existing WCFs are of sufficient height and are located within the geographic area required to meet the applicant's engineering requirements;
 - b. Existing WCFs do not have sufficient structural strength to support applicant's proposed WCF;
 - c. The applicant's proposed WCFs would cause electromagnetic interference with the WCFs on the existing WCFs or the existing WCF would cause interference with the applicant's proposed WCF; and
 - d. The applicant demonstrates that there are other limiting factors that render existing WCFs unsuitable for colocation.
 - xi. A tower, located outside of the right-of-way, shall meet the greater of the following minimum setbacks from all property lines:
 - a. The setback for a principal building within the applicable zoning;
 - b. Twenty-five (25) percent of the facility height, including WCFs and transmission equipment; or
 - c. The tower height, including antennas, if the tower is in or adjacent to a residential district or residential zoned property.
 - d. Towers over forty (40) feet in height shall not be located within one-quarter ($\frac{1}{4}$) mile from any existing tower that is over forty (40) feet in height, unless the applicant has shown to the satisfaction of the City that there are no reasonably suitable alternative sites in the required geographic area which can meet the applicant's needs.
5. *Related Accessory Equipment.* Accessory equipment for all WCFs shall meet the following requirements:
- i. All buildings, shelter, cabinets, and other accessory components shall be grouped as closely as technically possible;
 - ii. The total footprint coverage area of the WCF's accessory equipment shall not exceed three hundred fifty (350) square feet;
 - iii. No related accessory equipment or accessory structure shall exceed twelve (12) feet in height; and
 - iv. Accessory equipment, including but not limited too remote radio units, shall be located out of sight whenever possible by locating behind parapet walls or

within equipment enclosures. Where such alternate locations are not available, the accessory equipment shall be camouflaged or concealed.

- (5) *Review Procedures and Requirements.* No new WCF shall be constructed and no colocation or modification to any WCF may occur except after a written request from an applicant, reviewed and approved by the Director in accordance with this Subsection. All WCFs shall be reviewed pursuant to the procedures set forth in this Subsection:
- a. *Submittal Requirements.* In addition to an application form, signal interference letter, and payment of all application and review fees, as established by resolution of City Council, each applicant shall submit a scaled site plan, photo simulation, scaled elevation view and other supporting drawings, calculations, and other documentation, signed and sealed by appropriate qualified professionals, showing the location and dimension of all improvements, including information concerning topography, radio frequency coverage, tower height, setbacks, drives, parking, fencing, landscaping, adjacent uses, drainage, and other information deemed by the director to be necessary to assess compliance with this Section.
 - b. *License Fee.* No new WCF facility shall be constructed or colocated upon any tower or other structure in a right-of-way without first negotiating and agreeing to the payment of a license fee not to exceed the amount that would be authorized of an entity regulated pursuant to 47 U.S.C. § 224.
 - c. *Inventory of Existing Sites.*
 - 1. Each applicant for a WCF shall provide to the director a narrative and map description of the applicant's existing or then currently proposed WCFs within the City, and outside of the City within one (1) mile of its boundaries. In addition, the applicant shall inform the City generally of the areas of the City in which it believes WCFs may need to be located within the next three (3) years. The inventory list should identify the site name, site address, and a general description of the facility (for example, rooftop antennas and ground mounted equipment). This provision is not intended to be a requirement that the applicant submit its business plan, proprietary information, or make commitments regarding locations of WCFs within the City. Rather, it is an attempt to provide a mechanism for the City and all applicants for WCFs to share general information, assist in the City's comprehensive planning process, and promote colocation by identifying areas in which WCFs might be appropriately constructed for multiple users.
 - 2. The City may share such information with other applicants applying for administrative approvals or special use permits under this Section or other organizations seeking to locate WCFs within the jurisdiction of the City, provided however, that the City is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.
 - d. *Special Use Permit Required.*
 - 1. In all zoning districts, applications for base stations and alternative tower structures not within the right-of-way, and towers may be permitted only upon acquisition of a special use permit in accordance with Subsection 070.060.050(e), Special Use Permit.
 - 2. All applications for towers shall demonstrate that other alternative design options such as base stations or alternative tower structures are not viable options as determined by the City. Notwithstanding anything in this Subsection to the contrary, no towers located in the right-of-way shall exceed thirty-five (35) feet in height.
 - e. *Applications for Base Stations and Alternative Tower Structures within Right-of-Way.* In all zoning districts, each application for a base station or alternative tower structure within the right-of-way

shall be reviewed and considered for approval by the Director for conformance with this Subsection and the applicant's execution of a license agreement as approved by the Director.

1. *Appeal of Director Decision.* Applicants may appeal the Director's decision by submitting a written notice of appeal to the City Manager within ten (10) calendar days of the date of the Director's decision. The notice of appeal must specifically set forth the grounds for appeal and include all documentation the applicant deems relevant. The City Manager shall within ten (10) business days of receipt of the notice of appeal and after review of all documentation submitted by the applicant and the Director's decision issue a final decision which may affirm, overturn or modify the Director's decision.
 2. *Referral to Planning and Zoning Commission.* Except for WCF's in the right-of-way that meet all requirements of this Subsection, the Director may refer the application to Planning and Zoning Commission for special use permit review if the Director finds the proposed WCF to have a significant visual impact (e.g., proximity to historic or designated view corridors, or on significant community features), or otherwise is substantially incompatible with the structure on which the WCF will be installed, or it does not meet the clear intent of this Subsection.
- f. *Review Procedures for Eligible Facilities Requests.*
1. *Application.* In all zoning districts, eligible facilities requests shall be considered a use by right subject to administrative review and determination by the Director. The City shall prepare, and make publicly available, an application form which shall be limited to the information necessary for the City to consider whether an application is an eligible facilities request. Such information may include, without limitation, whether the request:
 - i. Would result in a substantial change;
 - ii. Violate a generally applicable law, regulations, or other rule reasonably related to public health and safety.The application may not require the applicant to demonstrate a need or business case for the proposed modification or colocation.
 2. *Type of Review.* Upon receipt of an application for an eligible facilities request pursuant to this Section, the Director shall review such application to determine whether the application so qualifies.
 3. *Timeframe for Review.* Subject to the tolling provisions of Subsection 070.030.030(g)(5)f.4, Tolling of the Timeframe for Review, within sixty (60) days of the date on which an applicant submits an application seeking approval under this Section, the City shall approve the application unless it determines that the application is not covered by this Subsection.
 4. *Tolling of the Timeframe for Review.* The sixty-day review period begins to run when the application is filed, and may be tolled only by mutual agreement of the City and the applicant, or in cases where the director determines that the application is incomplete:
 - i. To toll the timeframe for incompleteness, the City must provide written notice to the applicant within thirty (30) days of receipt of the application, specifically delineating all missing documents or information required in the application;
 - ii. The timeframe for review begins running again when the applicant makes a supplemental written submission in response to the City's notice of incompleteness; and

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- iii. Following a supplemental submission, the City will notify the applicant within ten (10) days that the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in Paragraph i. above. In the case of a second or subsequent notice of incompleteness, the City may not specify missing documents or information that were not delineated in the original notice of incompleteness.
- 5. *Failure to Act.* In the event the City fails to act on a request seeking approval for an eligible facilities request under this Section within the timeframe for review (accounting for any tolling), the request shall be deemed granted. The deemed grant becomes effective when the applicant notifies the City in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.
 - 6. *Interaction with Telecommunications Act Section 332(c)(7).* If the City determines that the applicant's request is not an eligible facilities requests set forth in this Subsection the presumptively reasonable timeframe under Section 332(c)(7), as prescribed by the FCC's Shot Clock order, will begin to run from the issuance of the City's decision that the application is not a covered request. To the extent such information is necessary, the City may request additional information from the applicant to evaluate the application under Section 332(c)(7) reviews.
- g. *Abandonment and Removal.* Prior to approval, affidavits shall be required from the owner of the property and from the applicant acknowledging that each is responsible for the removal of a WCF that is abandoned or is unused for a period of six (6) months.
 - h. *Decision.* Any decision to approve, approve with conditions, or deny an application for a WCF, shall be in writing and supported by substantial evidence in a written record. The applicant shall receive a copy of the decision.
 - i. *Compliance with Applicable Law.* Notwithstanding the approval of an application for colocation as described herein, all work done pursuant to WCF applications must be completed in accordance with all applicable building and safety requirements as set forth in the Code and any other applicable regulations. In addition, all WCF applications shall comply with the following:
 - 1. Comply with any permit or license issued by a local, state, or federal agency with jurisdiction of the WCF;
 - 2. Comply with easements, covenants, conditions and/or restrictions on or applicable to the underlying real property;
 - 3. Be maintained in good working condition and to the standards established at the time of application approval; and
 - 4. Remain free from trash, debris, litter, noxious weeds, graffiti, and other forms of vandalism. Any damage shall be repaired as soon as practicable, and in no instance more than ten (10) calendar days from the time of notification by the City or after discovery by the owner or operator of the site.
 - j. *Compliance Report.* Upon request by the City, the applicant shall provide a compliance report within forty-five (45) days after installation of a WCF, demonstrating that as installed and in operation, the WCF complies with all conditions of approval, all applicable Code requirements and standard regulations.

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- (6) *Special Use Permit Standards for Approval.* In addition to the design standards set forth in this Subsection, WCFs, subject to acquisition of a special use permit shall be reviewed in accordance with the procedure set forth in Subsection 070.060.050(e), Special Use Permit, subject to the following criteria:
- a. *Base Stations.*
1. Such facilities shall be architecturally compatible with respect to attachments, and colored to match the building or structure to which they are attached;
 2. The maximum protrusion of such facilities from the building or structure face to which they are attached shall be six (6) feet;
 3. Wall-mounted WCFs shall not extend above the roofline unless mounted to a penthouse; and
 4. Roof-mounted WCFs shall be approved only where an applicant demonstrates a wall mounted WCF is inadequate to provide service and evaluated for approval based upon the following criteria:
 - i. Roof-mounted whip antennas shall extend no more than twelve (12) feet above the parapet of any flat roof or ridge of a sloped roof or penthouse to which they are attached;
 - ii. Roof-mounted panel antennas shall extend no more than seven (7) feet above the parapet of a flat roof or ridge of a sloped roof to which they are mounted; and
 - iii. Other roof-mounted transmission equipment shall extend no more than seven (7) feet above any parapet of a flat roof upon which they may be placed, and shall not be permitted on a sloped roof.
- b. *Alternative Tower Structures.*
1. Such structures shall be architecturally compatible with the surrounding area;
 2. Height or size of the proposed alternative tower structure should be minimized as much as practically possible;
 3. WCFs shall be sited in a manner that evaluates the proximity of the facility to residential structures and residential district boundaries;
 4. WCFs shall take into consideration the uses on adjacent and nearby properties and the compatibility of the facility to these uses;
 5. Compatibility with the surrounding topography;
 6. Compatibility with the surrounding tree coverage and foliage;
 7. Compatibility of the design of the site, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness; and
 8. Impact on the surrounding area of the proposed ingress and egress, if any.
- c. *All Other Towers.* The City shall within the framework of the review criteria set forth in this Subsection consider the following factors in determining whether to issue a special use permit, although the City may waive or reduce the burden on the applicant of one (1) or more of these criteria if the City concludes that the goals of this Subsection are better served thereby.
1. Height or size of the proposed tower;

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2. Proximity of the tower to residential structures and residential district boundaries;
 3. Nature of uses on adjacent and nearby properties;
 4. Compatibility with the surrounding topography;
 5. Compatibility with the surrounding tree coverage and foliage;
 6. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
 7. Proposed ingress and egress; and
 8. No new towers shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the City that no existing WCFs can accommodate the needs that the applicant proposes to address with its tower application. Evidence submitted to demonstrate that no existing WCF can accommodate these needs may consist of the following:
 - i. No existing WCFs with a suitable height are located within the geographic area required to meet the applicant's engineering requirements;
 - ii. Existing WCFs do not have sufficient structural strength to support applicant's proposed WCF;
 - iii. The applicant's proposed WCFs would cause electromagnetic interference with the WCFs on the existing WCFs or the existing WCF would cause interference with the applicant's proposed WCF; and
 - iv. The applicant demonstrates that there are other limiting factors that render existing WCFs unsuitable for colocation.

(7) *Definitions.* For purposes of this Subsection, the following terms shall be defined as follows:

- a. *Alternative Tower Structure.* Man-made trees, clock or water towers, bell steeples, light poles, buildings, and similar alternative design mounting structures that are compatible with the natural setting and surrounding structures, and camouflage or conceals the presence of antennas or towers so as to make them architecturally compatible with the surrounding area. This term also includes any antenna or antenna array attached to an alternative tower structure or a stand-alone pole in the right-of-way that accommodates small cell facilities to the extent the pole meets the camouflage and concealment standards of Subsection 070.030.030(g), Wireless Communication Facilities.
- b. *Antenna.* Any device used to transmit and/or receive radio or electromagnetic waves such as, but not limited to panel antennas, reflecting discs, microwave dishes, whip antennas, directional and non-directional antennas consisting of one (1) or more elements, multiple antenna configurations, or other similar devices and configurations. Exterior apparatus designed for telephone, radio, or television communications through the sending and/or receiving of wireless communications signals.
- c. *Antenna, Dish.* Dish (parabolic or cylindrical) antennas used for microwave and satellite transmission and reception for commercial purposes. This definition shall not apply to wireless cable satellite dish antennas or dish antennas less than one (1) meter measured diagonally.
- d. *Base Station.*
 1. A structure or equipment at a fixed location that enables Federal Communications Commission ("FCC") licensed or authorized wireless communications between user equipment and a communications network. The definition of base station does not include

or encompass a tower as defined herein or any equipment associated with a tower. Base station includes, without limitation:

- i. Equipment associated with wireless communications services such as private broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul that, at the time the relevant application is filed with the City pursuant to this Article has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support; and
 - ii. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplied, and comparable equipment, regardless of technological configuration (including distributed antenna systems and small-cell networks) that, at the time the relevant application is filed with the City has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.
- 2. The definition of "base station" does not include any structure that, at the time the application is filed with the City under Subsection 070.030.030(g), Wireless Communication Facilities, does not support or house equipment described herein in Subparagraphs i. and ii. of this definition.
- e. *Camouflage, Concealment, or Camouflage Design Techniques.* A WCF which is camouflaged or utilizes camouflage design techniques when any measures are used in the design and siting of WCF's with the intent to minimize or eliminate the visual impact of such facilities to surrounding uses. A WCF site utilizes camouflage design techniques when it (i) is integrated as an architectural feature of an existing structure such as a cupola, or (ii) is integrated in an outdoor fixture such as a flagpole, or (iii) uses a design which mimics and is consistent with the nearby natural, or architectural features (such as an artificial tree) or is incorporated into or replaces existing permitted facilities (including without limitation, stop signs or other traffic signs or freestanding light standards) so that the presence of the WCF is not readily apparent.
- f. *Colocation.* The mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.
- g. *Eligible Facilities Request.* Any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station involving: (i) colocation of new transmission equipment, (ii) removal of transmission equipment, or (iii) replacement of transmission equipment.
- h. *Eligible Support Structure.* Any tower or base station as defined in this Code, provided that it is existing at the time the relevant application is filed with the City under Subsection 070.030.030(g), Wireless Communication Facilities.
- i. *Existing.* A constructed tower or base station that was reviewed, approved, and lawfully constructed in accordance with all requirements of applicable law as of the time of an eligible facilities request, provided that a tower that exists as a legal, non-conforming use and was lawfully constructed is existing for purposes of this definition.
- j. *OTARD.* An over-the-air receiving device.
- k. *OTARD Antenna.*

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1. An antenna that is designed to receive direct broadcast satellite service, including direct-to-home satellite services, that is one (1) meter or less in diameter; or
 2. An antenna that is designed to receive video programming services via multipoint distribution services, including multichannel multipoint distribution services, instruction television fixed services, and local multipoint distribution services, and that is one (1) meter or less in diameter or diagonal measurement; or (iii)
 3. An antenna that is designed to receive television broadcast signals.
- l. *OTARD Antenna Structure.* Any pole, tower, or other structure designed and intended to support an OTARD antenna.
 - m. *Site (for towers other than towers in the right-of-way and eligible support structures).* The current boundaries of the leased or owned property surrounding the tower or eligible support structure and any access or utility easements currently related to the site. A site, for other towers in the right-of-way, is further restricted to that area comprising the base of the structure and to other related accessory equipment already deployed on the ground.
 - n. *Small Cell Facility.* A WCF where each antenna is located inside an enclosure of no more than three (3) cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than three (3) cubic feet; and primary equipment enclosures are no larger than seventeen (17) cubic feet in volume. The following associated equipment may be located outside of the primary equipment enclosure and, if so located, is not included in the calculation of equipment volume: electric meter, concealment, telecommunications demarcation box, ground-based enclosure, back-up power systems, grounding equipment, power transfer switch and cut-off switch.
 - o. *Substantial Change.* A modification that substantially changes the physical dimensions of an eligible support structure, which meets any of the following criteria:
 1. For towers other than alternative tower structures in the right-of-way, it increases the height of the tower by more than ten (10) percent or by the height of one (1) additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than ten (10) percent or more than ten (10) feet, whichever is greater;
 2. For towers other than towers in the right-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty (20) feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater for eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six (6) feet;
 3. For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four (4) cabinets; or for towers in the right-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than ten (10) percent larger in height or overall volume than any other ground cabinets associated with the structure;
 4. For any eligible support structure, it entails any excavation or deployment outside the current site; or would impair the concealment elements of the eligible support structure; or

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5. For any eligible support structure, it does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, unless the non-compliance is due to an increase in height, increase in width, addition of cabinets, or new excavation that would not exceed the thresholds identified in Paragraphs (1), (2), and (3) of this definition; and
6. For any eligible support structure, it does not comply with the generally applicable building, structural, electrical, and safety codes or with other laws codifying objective standards reasonably related to health and safety, or it does not comply with any relevant federal requirements.
- p. *Tower*. Any structure that is designed and constructed primarily built for the sole or primary purpose of supporting one (1) or more any Federal Communications Commission ("FCC") - licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site. The term includes self-supporting lattice towers, guy towers or monopole towers. The term also includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, alternative tower structures and such other similar structures.
- q. *Transmission Equipment*. Equipment that facilitates transmission for any FCC licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
- r. *Wireless Communications Facility, or "WCF"*. A facility used to provide personal wireless services as defined at 47 U.S.C. Section 332(c)(7)(C); or wireless information services provided to the public or to such classes of users as to be effectively available directly to the public via licensed or unlicensed frequencies; or wireless utility monitoring and control services. A WCF does not include a facility entirely enclosed within a permitted building where the installation does not require a modification of the exterior of the building; nor does it include a device attached to a building, used for serving that building only and that is otherwise permitted under other provisions of the Code. A WCF includes an antenna or antennas, including without limitation, directions, omni-directional and parabolic antennas, base stations, support equipment, alternative tower structures, and towers. It does not include the support structure to which the WCF or its components are attached if the use of such structures for WCFs is not the primary use. The term does not include mobile transmitting devices used by wireless service subscribers, such as vehicle or hand-held radios/telephones and their associated transmitting antennas, nor does it include other facilities specifically excluded from the coverage of Subsection 070.030.030(g), Wireless Communication Facilities.

(Ord. No. 19-2018 , § 2(Exh. A), 8-2-2018; Ord. No. 9-2019 , §§ 2, 3, 7-18-2019; Ord. No. 27-2020 , § 2(Exh. A), 11-19-2020; Ord. No. 3-2021 , § 2(Exh. A), 5-20-2021)

ORDINANCE NO. 04

Series of 2022

AN ORDINANCE OF THE CITY OF GLENWOOD SPRINGS, COLORADO, AMENDING TITLE 070, ARTICLE 030 OF THE GLENWOOD SPRINGS MUNICIPAL CODE.

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

WHEREAS, Section 070.030.030(g) of the Glenwood Springs Municipal Code provides use-specific standards for the siting, construction, and operation of wireless communications facilities (“WCFs”) within the City of Glenwood Springs (“City”); and

WHEREAS, the City’s Community Development Department (the “Department”) has experienced an increase in applications to locate WCFs in the City and anticipates future growth in the numbers of WCFs deployed within the City; and

WHEREAS, the deployment of WCFs is regulated under Colorado laws and federal laws that have been updated in the years since the City Council adopted Section 070.030.030(g); and

WHEREAS, WCFs are likely to be deployed throughout the City and may impact the aesthetic character of the City, requiring review and oversight by the Department; and

WHEREAS, City Council desires to amend Section 070.030.030(g) to promote the well-ordered deployment of WCFs within the City and provide the Department with objective standards to review applications to deploy WCFs in the City; and

WHEREAS, City Council finds that the amendments to the City’s Municipal Code set forth on **Exhibit A** are necessary to promote the well-ordered development of the City and 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. Section 070.030.030(g) of the Glenwood Springs Municipal Code is hereby repealed in its entirety and replaced as set forth in **Exhibit A** attached hereto.

Section 3. Any ordinances or resolutions or parts thereof, which are in conflict with this ordinance, are hereby repealed to the extent of such conflict only.

Section 4. With the exception of the provisions of the Municipal Code of the City of Glenwood Springs which are modified as provided herein, all remaining provisions of the Municipal Code of the City of Glenwood Springs shall remain in full force and effect.

INTRODUCED, READ ON FIRST READING, PASSED, AND ORDERED
PUBLISHED BY TITLE ONLY THIS 3rd DAY OF FEBRUARY 2022.

CITY OF GLENWOOD SPRINGS, COLORADO

Jonathan Godes, Mayor

ATTEST:

Ryan Muse, 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 _____ 2022.

CITY OF GLENWOOD SPRINGS, COLORADO

Jonathan Godes, Mayor

ATTEST:

Ryan Muse, City Clerk

EXHIBIT A

Section 070.030.030(g) is repealed in its entirety and replaced as follows.

070.030.030 - Use-Specific Standards.

(g) Wireless Communication Facilities.

(1) *Purpose.* In order to accommodate the communication needs of residents and businesses while protecting the public health, safety, and general welfare of the community, the Glenwood Springs City Council finds that these regulations are necessary to:

- a. Provide for the managed development and installation, maintenance, modification, and removal of wireless communications infrastructure in the City with the goal of having the fewest number of wireless communication facilities ("WCF") required to complete a network without unreasonably discriminating against wireless communications providers of functionally equivalent services including all of those who install, maintain, operate, and remove WCFs;
- b. Promote and protect the public health, safety, and welfare by reducing the visibility of WCFs to the fullest extent possible through techniques including but not limited to camouflage design techniques and undergrounding of WCFs and the equipment associated therewith;
- c. Develop smaller, less intrusive WCFs to supplement existing larger WCFs;
- d. Utilize wall mounted panel antennas;
- e. Construct roof mounted antennas only when wall mounted antennas will not provide adequate service or are not otherwise feasible;
- f. Locate towers in non-residential areas, in a manner that minimizes the total number of towers needed throughout the community;
- g. Promote the collocation of WCFs on new and existing sites;
- h. Locate antennas and towers, to the extent possible, in areas where the adverse impact on the community is minimized;
- i. Enhance the ability of wireless communications service providers to provide such services to the community quickly, effectively, and efficiently;
- j. Effectively manage WCFs in the right-of-way; and
- k. Manage amateur radio facilities and over-the-air receiving devices in the City.

(2) *Definitions.* For purposes of this Subsection, the following terms shall be defined as follows:

- a. *Accessory equipment.* Any equipment serving or being used in conjunction with a wireless communication facility (“WCF”), including, but not limited to, utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters, or other structures, including fences.
- b. *Alternative Tower Structure.* Man-made trees, clock or water towers, bell steeples, light poles, traffic signals, buildings, and similar alternative design mounting structures that are intended to be compatible with the natural setting and surrounding structures, and employ camouflage or concealment design techniques so as to make the presence of antennas or towers architecturally compatible with the surrounding area. This term also includes any antenna or antenna array attached to an alternative tower structure or Replacement pole. A stand-alone monopole in the right-of-way that accommodates small cell facilities is considered an Alternative tower structure to the extent the pole meets the camouflage and concealment standards of Subsection 070.030.030(g), Wireless Communication Facilities.
- c. *Antenna.* Any device used to transmit and/or receive radio or electromagnetic radio frequency signals including but not limited, to panel antennas, reflecting discs, microwave dishes, whip antennas, directional and non-directional antennas consisting of one (1) or more elements, multiple antenna configurations, or other similar devices and configurations.
- d. *Base Station.*
 - 1. A structure or equipment at a fixed location that enables Federal Communications Commission ("FCC") licensed or authorized wireless communications between user equipment and a communications network. The definition of base station does not include or encompass a tower as defined herein or any accessory equipment associated with a tower. Base station includes, without limitation:
 - i. Equipment associated with wireless communications services such as private broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul that, at the time the relevant application is filed with the City pursuant to this Article has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support; and
 - ii. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplied, and comparable equipment, regardless of technological configuration (including distributed antenna systems and small-cell networks) that, at the time the relevant application is filed with the City has been reviewed and approved under the applicable zoning or siting process, or under

another state or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

2. The definition of "base station" does not include any structure that, at the time the application is filed with the City under Subsection 070.030.030(g), Wireless Communication Facilities, does not support or house equipment described herein in Subparagraphs i. and ii. of this definition.
- e. *Camouflage, Concealment, or Camouflage Design Techniques.* Any measures used in the design and siting of a WCF with the intent to minimize or eliminate the visual impact of such facilities to surrounding uses. A WCF site utilizes camouflage, concealment, or camouflage design techniques when it (i) is integrated as an architectural feature of an existing structure such as a cupola, or (ii) is integrated in an outdoor fixture such as a flagpole, or (iii) uses a design which mimics and is consistent with the nearby natural, or architectural features (such as an artificial tree) or (iv) is incorporated into or replaces existing permitted facilities (including without limitation, stop signs or other traffic signs or freestanding light standards) so that the presence of the WCF is not readily apparent.
- f. *Collocation.* Mounting or installing a WCF on a pre-existing structure and/or modifying a structure for the purpose of mounting or installing a WCF on that structure. For purposes of eligible facilities requests, "collocation" means the mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.
- g. *Eligible Facilities Request.* Any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such Eligible support structure involving: (i) collocation of new transmission equipment, (ii) removal of transmission equipment, and/or (iii) replacement of transmission equipment.
- h. *Eligible Support Structure.* Any tower or base station as defined in this Code, provided that it is existing at the time the relevant application is filed with the City under Subsection 070.030.030(g), Wireless Communication Facilities.
- i. *Existing.* A constructed tower or base station that was reviewed, approved, and lawfully constructed in accordance with all requirements of applicable law as of the time of an eligible facilities request, provided that a tower that exists as a legal, non-conforming use and was lawfully constructed is existing for purposes of this definition.
- j. *Micro Wireless Facility.* A small cell facility that is no larger than twenty-four (24) inches in length, fifteen (15) inches in width, twelve (12) inches in height, and that has an exterior antenna, if any, that is no more than eleven (11) inches in length.
- k. *Monopole.* A single, freestanding pole-type structure supporting one or more Antennas.
- l. *OTARD.* An over-the-air receiving device.

m. *OTARD Antenna*.

1. An antenna that is designed to receive direct broadcast satellite service, including direct-to-home satellite services, that is one (1) meter or less in diameter; or
2. An antenna that is designed to receive video programming services via multipoint distribution services, including multichannel multipoint distribution services, instruction television fixed services, and local multipoint distribution services, and that is one (1) meter or less in diameter or diagonal measurement; or (iii)
3. An antenna that is designed to receive television broadcast signals.

n. *OTARD Antenna Structure*. Any pole, tower, or other structure designed and intended to support an OTARD antenna.

o. *Readily Apparent*. The facility, in the discretion of the Director, will be easily recognizable as a WCF to a reasonable person viewing the facility as a whole and in the context of any adjacent improvements and landscaping from publicly accessible locations when considering the character, scale, and height of nearby and surrounding natural or architectural features. Methods of design and construction that may assist in reducing the visibility of a facility and reaching a conclusion that a facility is not readily apparent include the use of color mimicking surrounding structures and landscaping, minimizing facility size to the greatest extent feasible, integrating the facility into any adjacent or attached improvements, and positioning the facility in a manner that limits the degree to which the facility projects away from any adjacent structures or landscaping. Due to differences in site characteristics, a determination that a particular WCF will not be readily apparent at one location shall not establish a precedent for the same determination for a facility of the same or similar design or construction at a different location.

p. *Replacement Pole*. An Alternative Tower structure that is a newly constructed and permitted traffic signal, utility pole, streetlight, flagpole, electric distribution, or streetlight pole or other similar structure of proportions and of equal height to a pre-existing pole or structure in order to support a WCF or SCF or to accommodate collocation and remove the pre-existing pole or structure.

q. *Site*. For towers other than towers in the public rights-of-way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground. The current boundaries of a site are the boundaries that existed as of the date that the original support structure or a modification to that structure was last reviewed and approved by a State or local government, if the approval of the modification occurred prior to the passage of the Middle Class Tax Relief and

Job Creation Act of 2012, Section 6409(a) (the Spectrum Act) or otherwise outside of the section 6409(a) process.

- r. *Small Cell Facility.* A WCF where the following conditions are met:
 - i. the WCF is mounted on a structure 50 feet or less in height including the antennas or is mounted on a structure no more than 10 percent taller than other adjacent structures or does not extend the existing structure on which it is located to a height of more than 50 feet or by more than 10 percent, whichever is greater.
 - ii. each antenna is located inside an enclosure of no more than three (3) cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than three (3) cubic feet; and all other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than twenty-eight (28) cubic feet in volume.
 - iii. the WCF does not require antenna structure registration under Part 17 of the FCC's rules, the WCF is not located on tribal lands as defined in 36 CFR 800.16(x), and the WCF does not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in 47 C.F.R § 1.1307(b). A Small cell facility includes a Micro wireless facility.
- s. *Substantial Change.* A modification that substantially changes the physical dimensions of an eligible support structure, which meets any of the following criteria:
 - 1. For towers other than alternative tower structures in the right-of-way, it increases the height of the tower by more than ten (10) percent or by the height of one (1) additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than ten (10) percent or more than ten (10) feet, whichever is greater;
 - 2. Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of this subsection.
 - 3. For towers other than towers in the right-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty (20) feet, or more than the width of the tower structure at the level of the

appurtenance, whichever is greater for eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six (6) feet;

4. For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four (4) cabinets; or for towers in the right-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than ten (10) percent larger in height or overall volume than any other ground cabinets associated with the structure;
 5. It entails any excavation or deployment outside the current site, except that, for towers other than towers in the public right-of-way, it entails any excavation or deployment of transmission equipment outside of the current site by more than 30 feet in any direction. The site boundary from which the 30 feet is measured excludes any access or utility easements currently related to the site; or would impair the concealment elements of the eligible support structure; or
 6. For any eligible support structure, it does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, unless the non-compliance is due to an increase in height, increase in width, addition of cabinets, or new excavation that would not exceed the thresholds identified in Paragraphs (1), (2), (3), and (4) of this definition; and
 7. For any eligible support structure, it does not comply with the generally applicable building, structural, electrical, and safety codes or with other laws codifying objective standards reasonably related to health and safety, or it does not comply with any relevant federal requirements.
- t. *Tower.* Any structure that is designed and constructed primarily built for the sole or primary purpose of supporting one (1) or more any Federal Communications Commission ("FCC") -licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site. The term includes self-supporting lattice towers, guy towers or monopole towers. The term also includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, alternative tower structures and such other similar structures.
- u. *Transmission Equipment.* Equipment that facilitates transmission for any FCC licensed or authorized wireless communication service, including, but not limited to, radio

transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

- v. *Wireless Communications Facility, or "WCF"*. A facility used to provide personal wireless services as defined at 47 U.S.C. Section 332(c)(7)(C); or wireless information services provided to the public or to such classes of users as to be effectively available directly to the public via licensed or unlicensed frequencies; or wireless utility monitoring and control services. A WCF does not include a facility entirely enclosed within a permitted building where the installation does not require a modification of the exterior of the building; nor does it include a device attached to a building, used for serving that building only and that is otherwise permitted under other provisions of the Code. A WCF includes an antenna or antennas, including without limitation, directional, omni-directional and parabolic antennas, base stations, support equipment, alternative tower structures, and towers. It does not include the support structure to which the WCF or its components are attached if the use of such structures for WCFs is not the primary use. The term does not include mobile transmitting devices used by wireless service subscribers, such as vehicle or hand-held radios/telephones and their associated transmitting antennas, nor does it include other facilities specifically excluded from the coverage of Subsection 070.030.030(g), Wireless Communication Facilities.

(3) Applicability.

- a. *Base Stations, Alternative Tower Structures, Small Cell Facilities, and Towers*. The requirements in this Subsection shall apply to all WCF applications for base stations, alternative tower structures, small cell facilities, and towers as defined in Subsection 070.030.030(g)(7), Definitions, and further addressed herein.
- b. *Exemptions*. The requirements set forth in this Subsection shall not apply to:
 - 1. *Amateur Radio Antennas*. Amateur radio antennas that are owned and operated by a federally licensed amateur radio station operator or are used exclusively for receive-only antennas, provided that the height be no more than the distance from the base of the antenna to the property line is met.
 - 2. *Pre-Existing WCFs*. Any WCF for which a permit has been properly issued prior to November 1, 2017, shall not be required to meet the requirements of this Subsection, other than the operational standards set forth in this Subsection. Changes and additions to pre-existing WCFs (including trading out of antennas for an equal number of antennas) shall meet applicable operational standards set forth in this Subsection.

3. *Miscellaneous Antennas.* Antennas used for reception of television, multi-channel video programming and radio such as over the air reception devices ("OTARD") antennas, television broadcast band antennas, and broadcast radio antennas, provided that any requirements related to special uses of this Code and the requirement that the height be no more than the distance from the base to the property line are met. The Director has the authority to approve modifications to the height restriction related to OTARD antennas and OTARD antenna structures, if in the Director's reasonable discretion, modifications are necessary to comply with federal law.
4. *Temporary WCFs.* A temporary, commercial WCF for the purposes of providing coverage of a special event such as news coverage, sporting event, or proclaimed disaster, subject to advance notice as practicable to, and approval by, the City, except that such facility must comply with all federal and state requirements. Said WCF may be exempt from the provisions of this chapter one week before and one week after the duration of the special event or a proclaimed disaster.

(4) Operational Standards.

- a. *Federal Requirements.* All WCFs shall meet the current standards and regulations of the Federal Aviation Authority ("FAA"), the FCC and any other agency of the federal government with the authority to regulate WCFs. If such standards and regulations are amended, then the owners of the WCF governed by this Subsection shall bring such facility into compliance with such revised standards and regulations within the time period mandated by the controlling federal agency. Failure to meet such revised standards and regulations shall constitute grounds for the removal of the WCF at the owner's expense.
- b. *Radio Frequency Standards.* All WCFs shall comply with federal standards for radio frequency emissions. If the City has or receives concerns regarding compliance with radio frequency emissions standards for a WCF, the City may request that the owner or operator of the WCF provide information demonstrating compliance. If such information suggests, in the reasonable discretion of the City, that the WCF may not be in compliance, the City may request and the owner or operator of the WCF shall then submit a project implementation report which provides cumulative field measurements of radio frequency emissions of all antennas installed at the subject site, and which compares the results with established federal standards. If, upon review, the City finds that the facility does not meet federal standards, the City may require corrective action within a reasonable period of time, and if not corrected, may require removal of the WCF pursuant to this Section. Any reasonable costs incurred by the City, including reasonable consulting costs to verify compliance with these requirements, shall be paid by the carrier, owner, or operator.

- c. *Signal Interference.* All WCFs shall be designed and sited, consistent with applicable federal regulations, so as not to cause interference with the normal operation of radio, television, telephone and other communication services utilized by adjacent residential and non-residential properties; nor shall any such facilities interfere with any public safety communications. The applicant shall provide a written statement from a qualified radio frequency engineer, certifying that a technical evaluation of existing and proposed facilities indicates no potential interference problems and shall allow the City to monitor interference levels with public safety communications during this process. Additionally, the owner or operator shall provide an updated written statement from a qualified radio frequency engineer certifying that no potential interference problems shall occur for changes made to the facility at least ten (10) days prior to such change and shall allow the City to monitor interference levels with public safety communications during the testing process.
 - d. *Legal Access.* In all applications for WCFs an applicant must warrant and represent that it has the written agreement of the owner of the property which is the subject of the application for legal access to and from the WCF and the applicant must also warrant and represent that it will have legal access to the utilities to operate and maintain the WCF.
 - e. *Operation and Maintenance.* To ensure the structural integrity of WCFs, the owner of a WCF shall ensure that it is maintained in compliance with standards contained in applicable local building and safety codes. If upon inspection, the City concludes that a WCF fails to comply with such codes and constitutes a danger to persons or property, then, upon written notice being provided to the owner of the WCF, the owner shall have thirty (30) days from the date of notice to bring such WCF into compliance. Upon good cause shown by the owner, the City's building official may extend such compliance period not to exceed ninety (90) days from the date of said notice. If the owner fails to bring such WCF into compliance within said time period, the City may remove such WCF at the owner's expense.
 - f. *Abandonment and Removal.* If a WCF has not been in use for a period of three (3) months, the owner of the WCF shall notify the City of the non-use and shall indicate whether re-use is expected within the ensuing three (3) months. Any WCF that is not operated for a continuous period of six (6) months shall be considered abandoned. The City, in its sole discretion, may require an abandoned WCF to be removed. The owner of such WCF shall remove the same within thirty (30) days of receipt of written notice from the City. If the WCF is not removed within said thirty (30) days, the City may remove it at the owner's expense and any approved permits for the WCF shall be deemed to have expired.
- (5) *Design Standards.* The requirements set forth in this Subsection shall apply to the location and design of all WCFs governed by this Section as specified below; provided,

however, that the City may waive these requirements if it determines that the goals of this Section are better served thereby. To that end, WCFs shall be designed and located to minimize the impact on the surrounding area and to maintain the character and appearance of the City, consistent with other provisions of the Code.

- a. *Camouflage/Concealment.* All WCFs and any transmission equipment shall, to the extent possible, use camouflage design techniques including, but not limited to the use of materials, colors, textures, screening, undergrounding, landscaping, or other design options that will blend the WCF to the surrounding natural setting and built environment. Design, materials, and colors of WCFs shall be compatible with the surrounding environment. Designs shall be compatible with structures and vegetation on the same parcel and adjacent parcels.
 1. Camouflage design may be of heightened importance where findings of particular sensitivity are made (e.g. proximity to historic or aesthetically significant structures, views, and/or community features). In such instances where WCFs are located in areas of high visibility, they shall (where possible) be designed (e.g., depressed, located behind earth berms, or with accessory equipment placed underground) to minimize their profile.
 2. The camouflage design may include the use of alternative tower structures should the Director determine that such design meets the intent of the Code and the community is better served thereby.
 3. All WCFs, such as antennas, vaults, equipment rooms, equipment enclosures, and tower structures shall be constructed out of non-reflective materials (visible exterior surfaces only). Coloring of welds, bands, bolts, and the like, shall be of a similar color to the main WCF.
 4. When located adjacent to a commercial establishment, unless replacing an existing utility pole, WCFs shall not be located in front of store front windows, primary walkways, primary entrances or exits, or in such a way that it would impede a delivery to the building. WCFs should be located between properties as much as possible.
 5. When located within a right-of-way, deployment shall not impede existing and future facilities, including sidewalks, stormwater infrastructure, water infrastructure, and electric infrastructure, and other infrastructure included in adopted City plans.
- b. *Wall-Mounted WCFs.* Wall-mounted WCFs shall not extend above the roofline unless mounted to a penthouse that is set back from the vertical face of the building.

- c. *Roof-Mounted WCFs.* Roof-mounted WCFs shall be approved only where an applicant demonstrates a wall-mounted WCF is inadequate to provide service and shall be evaluated for approval based upon the following criteria:
 - 1. Roof-mounted whip antennas shall extend no more than twelve (12) feet above the parapet of any flat roof or ridge of a sloped roof or penthouse to which they are attached;
 - 2. Roof-mounted panel antennas shall extend no more than ten (10) feet above the parapet of a flat roof or ridge of a sloped roof to which they are mounted; and
 - 3. Other roof-mounted related accessory equipment shall extend no more than seven (7) feet above any parapet of a flat roof upon which they may be placed and shall not be permitted on a sloped roof, unless incorporated into the roof design using camouflage and concealment techniques, as approved by the Community Development Director on a case-by-case basis.
- d. *Hazardous Materials.* No hazardous materials shall be permitted in association with WCFs, except those necessary for the operations of the WCF and only in accordance with all applicable laws governing such materials.
- e. *Siting.*
 - 1. No portion of any WCF may extend beyond the property line of the lot upon which it is located.
 - 2. *Collocation.* Collocation of facilities with other providers is encouraged. No WCF owner or operator shall unfairly or unreasonably exclude a competitor from using the same facility or location. Collocation can be achieved as either wall-mounted, roof-mounted or ground-mounted facilities. In designing or retrofitting towers, applicants are strongly encouraged to consider the possibility of present or future collocation of other WCFs by structurally overbuilding in order to handle the loading capacity of additional WCFs for the use of the applicant and for other wireless service providers to use as well. Applicants shall use good faith efforts to negotiate lease rights to other users who desire to use an approved WCF site. Collocation on an existing support structure shall be permitted as an accessory use. Projections of any type on the monopole, which are not antennas, are strongly discouraged.
 - i. Multiple use facilities are encouraged as well. WCFs and equipment may be integrated into existing, replacement of existing, or newly developed facilities that are functional for other purposes, such as flagpoles, church steeples, highway lighting, etc. All multiple use facilities shall be designed to make the appearance of the antennae as inconspicuous as possible.

- ii. The collocation requirement may be waived by the Community Development Director upon a showing of one of the following: federal or state regulations prohibit the use; the proposed use will interfere with the current use; the proposed use will interfere with surrounding property or uses; the proposed user will not agree to reasonable terms; the collocation is not in the best interest of the public health, safety or welfare; or collocation is not reasonably feasible from a technological, construction or design perspective. Time needed to review a collocation request shall not greatly exceed that for a single applicant.
- 3. WCFs shall be sited in a location that does not reduce the parking for the other principal uses on the parcel below Code standards.
- f. *Lighting.* WCFs shall not be artificially lighted, unless required by the FAA or other applicable governmental authority, or the WCF is mounted on a light pole or other similar structure primarily used for lighting purposes. If lighting is required, it shall conform to other applicable sections of the Code regulating outdoor lighting. Lighting shall be shielded or directed to the greatest extent possible so as to minimize the amount of glare and light falling onto nearby properties, particularly residences.
- g. *Landscaping and Fencing.*
 - 1. WCFs shall be sited in a manner that does not reduce the landscaped areas for the other principal uses on the parcel below Code standards.
 - 2. WCFs shall be landscaped with a buffer of plant materials that effectively screen the view of the WCF from adjacent residential property. The standard buffer shall consist of the front, side, and rear landscaped setback on the perimeter of the site.
 - 3. In locations where the visual impact of the WCF would be minimal, the landscaping requirement may be reduced or waived altogether by the director.
 - 4. Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. In some cases, such as WCFs sited on large, wooded lots, natural growth around the site perimeter may be a sufficient buffer.
 - 5. No trees larger than four (4) inches in diameter measured at four and one-half (4½) feet high on the tree may be removed, unless authorized by the director. To obtain such authorization the applicant shall show that tree removal is necessary, the applicant's plan minimizes the number of trees to be removed and any trees removed are replaced at a ratio of 2 to 1.
 - 6. The WCF shall comply with all additional measures deemed necessary to mitigate the visual impact of the facility. Also, in lieu of these landscaping standards, the Director may allow use of an alternate detailed plan and specifications for screening WCFs, including fences, walls, sign and structural applications, manufactured

devices and other features designed to screen, camouflage and buffer antennas, poles and accessory uses. The plan should accomplish the same degree of screening achieved by meeting the standards outlined herein.

- h. *Noise.* Noise generated on the site shall not exceed the standards permitted in the Code, except that a WCF owner or operator shall be permitted to exceed Code noise standards for a reasonable period of time during repairs, not to exceed two (2) hours without prior authorization from the City.
- i. *Additional Design Requirements.* Additional design requirements shall be applicable to the various types of WCFs as specified below:
 - 1. *Base Stations.* If an antenna is installed on a structure other than a tower, such as a base station (including, but not limited to the antennas and accessory equipment) it shall be of a neutral, non-reflective color that is identical to, or closely compatible with, the color of the supporting structure, or use other camouflage/concealment design techniques so as to make the antenna and related facilities as visually unobtrusive as possible.
 - 2. *Alternative Tower Structures and Small Cell Facilities.*
 - i. Shall be designed and constructed to look like a building, facility, or structure typically found in the area;
 - ii. Shall be camouflaged/concealed consistent with other existing natural or manmade features near the location where the alternative tower structure or small cell facility will be located;
 - iii. Height or size of the proposed alternative tower structure or small cell facility should be minimized as much as possible and shall be subject to the maximum height restrictions of the zoning district in which they are located, subject to a maximum height limit of sixty (60) feet;
 - iv. Shall be sited in a manner that is least obtrusive to residential structures and residential district boundaries;
 - v. Shall take into consideration the uses on adjacent and nearby properties and the compatibility of the facility to these uses;
 - vi. Shall be compatible with the surrounding topography, tree coverage, and foliage;
 - vii. Shall be designed utilizing design characteristics that have the effect of reducing or eliminating visual obtrusiveness; and
 - viii. Visual impacts of the proposed ingress and egress shall be minimized.

3. *Alternative Tower Structures and Small Cell Facilities Located in the Right-of-Way.* The following requirements apply in addition to those set forth in Subsection 070.030.030(g)(4)i.2:
- i. Shall be no more than five (5) feet higher (as measured from the ground to the top of the pole) than any existing utility pole or traffic signal within five hundred (500) feet of the pole or structure or a maximum of twenty-five (25) feet, whichever is lower;
 - ii. Any new pole for an alternative tower structure or small cell facility shall be separated from any other existing WCF facility by a distance of at least six hundred (600) feet, unless deployed on an existing structure in the right-of-way. The Community Development Director may exempt an applicant from this requirement if: (i) the applicant demonstrates through technical network documentation that the minimum separation requirement cannot be satisfied for technical reasons, or (ii) the Community Development Director determines, when considering the surrounding topography, the nature of adjacent uses and nearby properties, and the height of existing structures in the vicinity, that placement of a wireless facility at a distance less than six hundred (600) feet from another wireless facility in the public right-of-way will meet the intent of reducing visibility and visual clutter of WCF facilities;
 - iii. Shall be sized to minimize the negative aesthetic impacts to the right-of-way;
 - iv. Pole-mounted components shall be located on or within an existing utility pole serving another utility or on or within a new utility pole where other utility distribution lines are aerial, if there are no reasonable alternatives, and the applicant is authorized to construct the new utility pole;
 - v. Shall be camouflaged/concealed consistent with other existing natural or manmade features in the right-of-way near the location where the alternative tower structure will be located;
 - vi. To the extent technically feasible, collocations are strongly encouraged to limit the number of poles in the right-of-way;
 - vii. Shall, when located near a residential property, be placed adjacent to the common side yard property line between adjoining residential properties, such that the WCF minimizes visual impacts equitably among adjacent properties. In the case of a corner lot, the facility must be placed adjacent to the common side yard property line between adjoining residential properties, or on the corner formed by two (2) intersecting streets;

- viii. Shall be designed such that antenna installations on traffic signals are placed in a manner so that the size, appearance, and function of the signal will not be considerably altered;
 - ix. Facility antennas, mast arms, equipment, and other facilities shall be sized to minimize visual clutter;
 - x. Any ground mounted equipment shall be installed in an underground or partially underground equipment vault (projecting not more than thirty-six (36) inches above grade), or collocated within a traffic cabinet of a design approved by the Director; and
 - xi. Shall not alter vehicular circulation or parking within the right-of-way or impede vehicular, bicycle, or pedestrian access or visibility along the right-of-way. Must comply with the Americans with Disabilities Act and all applicable local, state, and federal law and regulations. No alternative tower structure nor small cell facility may be located or maintained in a manner that causes unreasonable interference. Unreasonable interference means any use of the right-of-way that disrupts or interferes with this use by the City, the general public, or other person authorized to use or be present upon the right-of-way, when there exists an alternative that would result in less disruption or interference. Unreasonable interference includes any use of the right-of-way that disrupts vehicular or pedestrian traffic, any interference with public utilities, and any other activity that will present a hazard to public health, safety, or welfare.
 - xii. Equipment enclosures shall be located out of view to the extent technically feasible.
4. Towers.
- i. Towers shall either maintain a galvanized steel finish, or, subject to any applicable FAA standards, be painted a neutral color so as to reduce visual obtrusiveness as determined by the City;
 - ii. Tower structures should use existing land forms, vegetation, and structures to aid in screening the facility from view or blending in with the surrounding built and natural environment;
 - iii. Monopole support structures shall taper from the base to the tip;
 - iv. All towers, excluding towers in right-of-way, shall be enclosed by security fencing or wall at least six (6) feet in height and shall also be equipped with an appropriate anti-climbing device. No security fencing or any portion thereof shall consist of barbed wire or chain link material;

- v. Towers shall be subject to the maximum height restrictions of the zoning district in which they are located, subject to a maximum height limit of sixty (60) feet. Towers in the right-of-way shall not exceed twenty-five (25) feet in height and shall meet all of the design requirements of alternative tower structures in the right-of-way;
- vi. Towers should be sited in a manner that that is least obtrusive to residential structures and residential district boundaries where feasible;
- vii. Towers should take into consideration the uses on adjacent and nearby properties and the compatibility of the tower to these uses;
- viii. Towers should be designed utilizing design characteristics that have the effect of reducing or eliminating visual obtrusiveness; and
- ix. Visual impacts of the proposed ingress and egress shall be minimized.
- x. No new towers shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the City that no existing WCFs can accommodate the needs that the applicant proposes to address with its tower application. Evidence submitted to demonstrate that no existing WCF can accommodate these needs may consist of the following:
 - a. No existing WCFs are of sufficient height and are located within the geographic area required to meet the applicant's engineering requirements;
 - b. Existing WCFs do not have sufficient structural strength to support applicant's proposed WCF;
 - c. The applicant's proposed WCFs would cause electromagnetic interference with the WCFs on the existing WCFs or the existing WCF would cause interference with the applicant's proposed WCF; and
 - d. The applicant demonstrates that there are other limiting factors that render existing WCFs unsuitable for colocation.
- xi. A tower, located outside of the right-of-way, shall meet the greater of the following minimum setbacks from all property lines:
 - a. The setback for a principal building within the applicable zoning;
 - b. Twenty-five (25) percent of the facility height, including WCFs and transmission equipment; or
 - c. The tower height, including antennas, if the tower is in or adjacent to a residential district or residential zoned property.
 - d. Towers over forty (40) feet in height shall not be located within one-quarter ($\frac{1}{4}$) mile from any existing tower that is over forty (40) feet in

height, unless the applicant has shown to the satisfaction of the City that there are no reasonably suitable alternative sites in the required geographic area which can meet the applicant's needs.

5. *Related Accessory Equipment.* Accessory equipment for all WCFs shall meet the following requirements:

- i. All buildings, shelter, cabinets, and other accessory components shall be grouped as closely as technically possible;
- ii. The total footprint coverage area of the WCF's accessory equipment shall not exceed three hundred fifty (350) square feet;
- iii. No related accessory equipment or accessory structure shall exceed twelve (12) feet in height; and
- iv. Accessory equipment, including but not limited to remote radio units, shall be located out of sight whenever possible by locating behind parapet walls or within equipment enclosures. Where such alternate locations are not available, the accessory equipment shall be camouflaged or concealed.

(6) *Review Procedures and Requirements.* No new WCF shall be constructed and no collocation or modification to any WCF may occur except after a written request from an applicant, reviewed and approved by the Director in accordance with this Subsection. Except as otherwise set forth herein, all WCFs shall be reviewed pursuant to the procedures set forth in this Subsection:

- a. *Pre-application Conference.* The applicant shall conduct a pre-application conference with staff of the Community Development Department before submitting a WCF application. A pre-application conference is not required but is strongly encouraged to facilitate the efficient processing of WCF applications.
- b. *Submittal Requirements.* In addition to an application form, signal interference letter, and payment of all application and review fees, as established by resolution of City Council, each applicant shall submit a scaled site plan meeting the requirements of the City's Engineering Standards; photo simulation, scaled elevation view and other supporting drawings, calculations, and other documentation, signed and sealed by appropriate qualified professionals, showing the location and dimension of all improvements, including antennas, support structures, transmission buildings and/or other accessory uses, and information concerning topography, radio frequency coverage, tower height, setbacks, drives, access, parking, fencing, landscaping, lighting, signs, adjacent uses, drainage, and other information deemed by the director to be necessary to assess compliance with this Section. The applicant shall also submit a building permit application, contractor license application, and right of way permit application, grading permit application (as applicable), and any required Colorado

Department of Transportation or State of Colorado permits for concurrent review and processing by the applicable City departments, as specified in the WCF Application Checklist prepared and released by the Community Development Department.

- c. Prior to issuance of a building permit, applicant shall submit a structural integrity report from a professional engineer licensed in the State of Colorado documenting the following:
 - 1. Tower height and design, including technical, engineering, and other pertinent factors governing selection of the proposed design;
 - 2. Total designed capacity of the structure, including number and types of antennas to be installed; Failure characteristics of the tower and demonstration that site and setbacks are of adequate size to contain debris in the event of failure; and
 - 3. Specific design and reconstruction plans to allow shared use. This submission is required only if the applicant intends to share use of the facility by subsequent reinforcement and reconstruction of the facility; and
 - 4. Specific design considerations for impact or breakaway characteristics as required in specific roadway rights-of-way.
- d. *License Fee.* No new WCF facility shall be constructed or collocated upon any tower or other structure in a right-of-way without agreeing to the payment of a license or access fee, as established by resolution of City Council, not to exceed the amount that would be authorized of an entity regulated pursuant to 47 U.S.C. § 224.
- e. *Inventory of Existing Sites.*
 - 1. Each applicant for a WCF shall provide to the Director a narrative description, map, and a GIS compatible data file of the applicant's existing or then currently proposed WCFs within the City, and outside of the City within one (1) mile of its boundaries. In addition, to the extent permitted by applicable regulations, the applicant shall inform the City generally of the areas of the City in which it believes WCFs may need to be located within the next three (3) years. The inventory list should identify the site name, site address, and a general description of the facility (for example, rooftop antennas and ground mounted equipment). This provision is not intended to be a requirement that the applicant submit its business plan, proprietary information, or make commitments regarding locations of WCFs within the City. Rather, it is an attempt to provide a mechanism for the City and all applicants for WCFs to share general information, assist in the City's comprehensive planning process, and promote colocation by identifying areas in which WCFs might be appropriately constructed for multiple users.
 - 2. The City may share such information with other applicants applying for administrative approvals or special use permits under this Section or other

organizations seeking to locate WCFs within the jurisdiction of the City, provided however, that the City is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

- f. **Good Faith Effort to Satisfy Order of Preference.** Except for applications for small cell facilities located in the right-of-way and eligible facilities requests, an applicant shall submit documentation demonstrating a good faith effort to locate facilities in accordance with the following order of preference:

First: Collocated on existing structures such as buildings, communication towers, flagpoles, church steeples, cupolas, nonornamental street lights such as highway lighting, etc.

Second: In locations where the existing topography, vegetation, buildings or other structures provide the greatest amount of screening.

Least: On vacant ground or highly visible sites without significant visual mitigation and where screening or buffering is difficult at best.

- g. **Special Use Permit Required.**

1. In all zoning districts, applications for base stations and alternative tower structures not within the right-of-way, and towers may be permitted only upon acquisition of a special use permit in accordance with Subsection 070.060.050(e), Special Use Permit.
2. All applications for towers shall demonstrate that other alternative design options such as base stations or alternative tower structures are not viable options as determined by the City. Notwithstanding anything in this Subsection to the contrary, no towers located in the right-of-way shall exceed twenty-five (25) feet in height.

- h. *Applications for Base Stations and Alternative Tower Structures within Right-of-Way.* In all zoning districts, each application for a base station or alternative tower structure within the right-of-way shall be reviewed and considered for approval by the Director for conformance with this Subsection and the applicant's execution of a license agreement as approved by the Director.

- i. *Review Procedures for Wireless Communication Facilities.* Applications for WCFs shall be reviewed by the Director for conformance with this Subsection and may be approved pursuant to a Master License Agreement or similar form of authorization or individually in accordance with the provisions of this Subsection.

1. **Time periods for review.** The City shall act on a siting application on or before the shot clock date for the application, as defined in paragraph (5) of this subsection, Review Procedures for Wireless Communication Facilities, unless the applicant and the City agree to a different time period for review.

2. Shot clock period. The shot clock period for a siting application is the sum of –
 - i. The number of days of the presumptively reasonable period of time for the pertinent type of application, pursuant to paragraph (3) of this subsection, Review Procedures for Wireless Communication Facilities; plus
 - ii. The number of days of the tolling period, if any, pursuant to paragraph (4) of this subsection.
3. Presumptively reasonable periods of time. The following are the presumptively reasonable periods of time for action on applications seeking authorization for deployments in following categories:
 - i. Review of an application to collocate a small cell facility using an existing structure: 60 days.
 - ii. Review of an application to collocate a facility other than a small cell facility using an existing structure: 90 days.
 - iii. Review of an application to deploy a small cell facility using a new structure: 90 days.
 - iv. Review of an application to deploy a facility other than a small cell facility using a new structure: 150 days
 - v. Batching:
 - a. If a single application seeks authorization for multiple deployments, all of which fall within a category set forth in either paragraph (3)(i) or (iii) of this subsection, Review Procedures for Wireless Communication Facilities, then the presumptively reasonable period of time for the application as a whole is equal to that for a single deployment within that category.
 - b. If a single application seeks authorization for multiple deployments, the components of which are a mix of deployments that fall within paragraph (3)(i) of this subsection and deployments that fall within paragraph (3)(iii) of this subsection, then the presumptively reasonable period of time for the application as a whole is 90 days.
4. Tolling period. Unless a written agreement between the applicant and the Department provides otherwise, the tolling period for an application (if any) is:
 - i. For an initial application to deploy Small Wireless Facilities, if the Community Development Department notifies the applicant on or before the 10th day after submission that the application is materially incomplete, and clearly and specifically identifies the missing documents or information and the specific rule or regulation creating the obligation to submit such

documents or information, the shot clock date calculation shall restart at zero on the date on which the applicant submits all the documents and information identified by the Department to render the application complete.

- ii. For all other initial applications, the tolling period shall be the number of days from:
 - a. The day after the date when the Department notifies the applicant in writing that the application is materially incomplete and clearly and specifically identifies the missing documents or information that the applicant must submit to render the application complete and the specific rule or regulation creating this obligation; until
 - b. The date when the applicant submits all the documents and information identified by the Department to render the application complete;
 - c. But only if the notice pursuant to paragraph (4)(ii)(a) of this subsection, Review Procedures for Wireless Communication Facilities, is effectuated on or before the 30th day after the date when the application was submitted; or
- iii. For resubmitted applications following a notice of deficiency, the tolling period shall be the number of days from
 - a. The day after the date when the Department notifies the applicant in writing that the applicant's supplemental submission was not sufficient to render the application complete and clearly and specifically identifies the missing documents or information that need to be submitted based on the Department's original request under paragraph (4)(i) or (ii) of this subsection, Review Procedures for Wireless Communication Facilities; until
 - b. The date when the applicant submits all the documents and information identified by the Department to render the application complete;
 - c. But only if the notice pursuant to paragraph (d)(3)(i) of this subsection is effectuated on or before the 10th day after the date when the applicant makes a supplemental submission in response to the Department's request under paragraph (d)(1) or (2) of this subsection.
- 5. Shot clock date. The shot clock date for a WCF application is determined by counting forward, beginning on the day after the date when the application was submitted, by the number of calendar days of the shot clock period identified pursuant to paragraph (2) of this subsection, Review Procedures for Wireless Communication Facilities; provided, that if the date calculated in this manner is a

legal holiday within the City, the shot clock date is the next business day after such date.

6. *Consolidated Applications.* The City shall allow a wireless provider to file a consolidated application for up to twenty (20) small cell facilities and receive a single permit for the small cell network. The City's denial of any individual small cell facility is not a basis to deny the application as a whole or any other small cell facility incorporated within the consolidated application.
- j. *Review Procedures for Eligible Facilities Requests.*
1. *Application.* In all zoning districts, eligible facilities requests shall be considered a permitted use subject to administrative review and determination by the Director. The City shall prepare, and make publicly available, an application form which shall be limited to the information necessary for the City to consider whether an application is an eligible facilities request. Such information may include, without limitation, whether the request:
 - i. Would result in a substantial change; or
 - ii. Would violate a generally applicable law, regulations, or other rule reasonably related to public health and safety.

The application may not require the applicant to demonstrate a need or business case for the proposed modification or collocation.
 2. *Type of Review.* Upon receipt of an application for an eligible facilities request pursuant to this Section, the Director shall review such application to determine whether the application so qualifies.
 3. *Timeframe for Review.* Subject to the tolling provisions of this subsection, Review Procedures for Eligible Facilities Requests, Tolling of the Timeframe for Review, within sixty (60) days of the date on which an applicant submits an application seeking approval under this subsection, the City shall approve the application unless it determines that the application is not covered by this subsection or is otherwise not in conformance with applicable codes.
 4. *Tolling of the Timeframe for Review.* The sixty-day review period begins to run when the application is filed, and may be tolled only by mutual agreement of the City and the applicant, or in cases where the Director determines that the application is incomplete:
 - i. To toll the timeframe for incompleteness, the City must provide written notice to the applicant within thirty (30) days of receipt of the application, specifically delineating all missing documents or information required in the application;

- ii. The timeframe for review begins running again the following business day after the applicant makes a supplemental written submission in response to the City's notice of incompleteness; and
 - iii. Following a supplemental submission, the City will notify the applicant within ten (10) days that the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in Paragraph i. above. In the case of a second or subsequent notice of incompleteness, the City may not specify missing documents or information that were not delineated in the original notice of incompleteness.
- 5. *Failure to Act.* In the event the City fails to act on a request seeking approval for an eligible facilities request under this subsection within the timeframe for review (accounting for any tolling), the request shall be deemed granted. The deemed grant becomes effective when the applicant notifies the City in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.
- 6. *Interaction with Telecommunications Act Section 332(c)(7).* If the City determines that the applicant's request is not an eligible facilities requests set forth in this Subsection, the presumptively reasonable timeframe under Section 332(c)(7), as prescribed by the FCC's Shot Clock order and set forth above in Review Procedures for Wireless Communication Facilities, will begin to run from the issuance of the City's decision that the application is not a covered request. To the extent such information is necessary, the City may request additional information from the applicant to evaluate the application under Review Procedures for Wireless Communication Facilities.
- k. *Micro wireless facilities.* An application, application fee, and permit are not required for the installation, placement, operation, maintenance, or replacement of a micro wireless facility suspended on cable operator-owned cables or lines that are strung between existing utility poles in compliance with national safety codes. Cable operator shall have the meaning set forth in C.R.S. § 29-8-103(1), as amended. However, a right-of-way permit is required if the installation, placement, operation, maintenance, or replacement of a micro wireless facility:
 - i. Involves working within a highway travel lane or requires the closure of a highway travel lane;
 - ii. Disturbs the pavement or a shoulder, roadway, or ditch line;
 - iii. Includes placement on limited access rights-of-way; or

- iv. Requires any specific precautions to ensure the safety of the traveling public; the protection of public infrastructure; or the operation of public infrastructure; and such activities either were not authorized in, or will be conducted in a time, place, or manner that is inconsistent with, the approval terms of the existing permit for the facility or structure upon which the micro wireless facility is attached.
 - l. *Abandonment and Removal.* Prior to approval, affidavits shall be required from the owner of the property and from the applicant acknowledging that each is responsible for the removal of a WCF that is abandoned or is unused for a period of six (6) months.
 - m. *Decision.* Any decision to approve, approve with conditions, or deny an application for a WCF, shall be in writing and supported by substantial evidence in a written record. The applicant shall receive a copy of the decision.
 - n. *Compliance with Applicable Law.* Notwithstanding the approval of an application for colocation as described herein, all work done pursuant to WCF applications must be completed in accordance with all applicable building and safety requirements as set forth in the Code and any other applicable regulations. In addition, all WCF applications shall comply with the following:
 - 1. Comply with any permit or license issued by a local, state, or federal agency with jurisdiction of the WCF;
 - 2. Comply with easements, covenants, conditions and/or restrictions on or applicable to the underlying real property;
 - 3. Be maintained in good working condition and to the standards established at the time of application approval; and
 - 4. Remain free from trash, debris, litter, noxious weeds, graffiti, and other forms of vandalism. Any damage shall be repaired as soon as practicable, and in no instance more than ten (10) calendar days from the time of notification by the City or after discovery by the owner or operator of the site. Notwithstanding the foregoing, any graffiti on WCFs located in the right-of-way or on other public property may be removed by the City at its discretion, and the owner or operator of the WCF shall pay all costs of such removal within thirty (30) days after receipt of an invoice from the City.
 - o. *Compliance Report.* Upon request by the City, the applicant shall provide a compliance report within forty-five (45) days after installation of a WCF, demonstrating that as installed and in operation, the WCF complies with all conditions of approval, all applicable Code requirements and standard regulations.
- (7) *Appeal of Director Decision.* Applicants may appeal the Director's decision in accordance with Sec. 070.060.070(c) Appeals.

(8) *Referral to Planning and Zoning Commission.* Except for WCFs in the right-of-way that meet all requirements of this Subsection, the Director may refer the application to Planning and Zoning Commission for special use permit review if the Director finds the proposed WCF to have a significant visual impact (e.g., proximity to historic or designated view corridors, or on significant community features), or otherwise is substantially incompatible with the structure on which the WCF will be installed, or it does not meet the clear intent of this Subsection. The City shall notify the applicant of this referral as early as practicable and in no event more than 14 days prior to the Planning Commission hearing.

(9) *Special Use Permit Standards for Approval.* In addition to the design standards set forth in this Subsection, WCFs subject to acquisition of a special use permit shall be reviewed in accordance with the procedure set forth in Subsection 070.060.050(e), Special Use Permit, subject to the following criteria:

a. Base Stations.

1. Such facilities shall be architecturally compatible with respect to attachments, and colored to match the building or structure to which they are attached;
2. The maximum protrusion of such facilities from the building or structure face to which they are attached shall be six (6) feet;
3. Wall-mounted WCFs shall not extend above the roofline unless mounted to a penthouse; and
4. Roof-mounted WCFs shall be approved only where an applicant demonstrates a wall mounted WCF is inadequate to provide service and evaluated for approval based upon the following criteria:
 - i. Roof-mounted whip antennas shall extend no more than twelve (12) feet above the parapet of any flat roof or ridge of a sloped roof or penthouse to which they are attached;
 - ii. Roof-mounted panel antennas shall extend no more than seven (7) feet above the parapet of a flat roof or ridge of a sloped roof to which they are mounted; and
 - iii. Other roof-mounted transmission equipment shall extend no more than seven (7) feet above any parapet of a flat roof upon which they may be placed and shall not be permitted on a sloped roof.

b. Alternative Tower Structures.

1. Such structures shall be architecturally compatible with the surrounding area;

2. Height or size of the proposed alternative tower structure should be minimized as much as practically possible;
 3. WCFs shall be sited in a manner that evaluates the proximity of the facility to residential structures and residential district boundaries;
 4. WCFs shall take into consideration the uses on adjacent and nearby properties and the compatibility of the facility to these uses;
 5. Compatibility with the surrounding topography;
 6. Compatibility with the surrounding tree coverage and foliage;
 7. Compatibility of the design of the site, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness; and
 8. Impact on the surrounding area of the proposed ingress and egress, if any.
- c. *All Other Towers.* The City shall within the framework of the review criteria set forth in this Subsection consider the following factors in determining whether to issue a special use permit, although the City may waive or reduce the burden on the applicant of one (1) or more of these criteria if the City concludes that the goals of this Subsection are better served thereby.
1. Height or size of the proposed tower;
 2. Proximity of the tower to residential structures and residential district boundaries;
 3. Nature of uses on adjacent and nearby properties;
 4. Compatibility with the surrounding topography;
 5. Compatibility with the surrounding tree coverage and foliage;
 6. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
 7. Proposed ingress and egress; and
 8. No new towers shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the City that no existing WCFs can accommodate the needs that the applicant proposes to address with its tower application. Evidence submitted to demonstrate that no existing WCF can accommodate these needs may consist of the following:
 - i. No existing WCFs with a suitable height are located within the geographic area required to meet the applicant's engineering requirements;
 - ii. Existing WCFs do not have sufficient structural strength to support applicant's proposed WCF;

- iii. The applicant's proposed WCFs would cause electromagnetic interference with the WCFs on the existing WCFs or the existing WCF would cause interference with the applicant's proposed WCF; and
- iv. The applicant demonstrates that there are other limiting factors that render existing WCFs unsuitable for colocation.

070.030.030 - Use-Specific Standards.

(g) Wireless Communication Facilities.

- (1) *Purpose.* In order to accommodate the communication needs of residents and businesses while protecting the public health, safety, and general welfare of the community, the Glenwood Springs City Council finds that these regulations are necessary to:
- a. Provide for the managed development and installation, maintenance, modification, and removal of wireless communications infrastructure in the City with the goal of having the fewest number of wireless communication facilities ("WCF") required to complete a network without unreasonably discriminating against wireless communications providers of functionally equivalent services including all of those who install, maintain, operate, and remove WCFs;
 - b. Promote and protect the public health, safety, and welfare by reducing the visibility of WCFs to the fullest extent possible through techniques including but not limited to camouflage design techniques and undergrounding of WCFs and the equipment associated therewith;
 - c. Develop smaller, less intrusive WCFs to supplement existing larger WCFs;
 - d. Utilize wall mounted panel antennas;
 - e. Construct roof mounted antennas only when wall mounted antennas will not provide adequate service or are not otherwise feasible;
 - f. Locate towers in non-residential areas, in a manner that minimizes the total number of towers needed throughout the community;
 - g. Promote the collocation of WCFs on new and existing sites;
 - h. Locate antennas and towers, to the extent possible, in areas where the adverse impact on the community is minimized;
 - i. Enhance the ability of wireless communications service providers to provide such services to the community quickly, effectively, and efficiently;
 - j. Effectively manage WCFs in the right-of-way; and
 - k. Manage amateur radio facilities and over-the-air receiving devices in the City.

(2) *Definitions.* For purposes of this Subsection, the following terms shall be defined as follows:

- a. *Accessory equipment.* means anyAny equipment serving or being used in conjunction with a wireless communication facility ("WCF"), including, but not limited to, utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters, or other structures, including fences.
- b. *Alternative Tower Structure.* Man-made trees, clock or water towers, bell steeples, light poles, traffic signals, buildings, and similar alternative design mounting structures that are intended to be compatible with the natural setting and surrounding structures, and employ camouflage or concealment design techniques so as to make the presence of antennas or towers architecturally compatible with the surrounding area. This term also includes any antenna or antenna array attached to an alternative tower structure or Replacement pole. A stand-alone monopole in the right-of-way that accommodates small cell facilities is considered an

Alternative tower structure to the extent the pole meets the camouflage and concealment standards of Subsection 070.030.030(g), Wireless Communication Facilities.

c. Antenna. Any device used to transmit and/or receive radio or electromagnetic radio frequency signals including but not limited, to panel antennas, reflecting discs, microwave dishes, whip antennas, directional and non-directional antennas consisting of one (1) or more elements, multiple antenna configurations, or other similar devices and configurations.

d. Base Station.

1. A structure or equipment at a fixed location that enables Federal Communications Commission ("FCC") licensed or authorized wireless communications between user equipment and a communications network. The definition of base station does not include or encompass a tower as defined herein or any accessory equipment associated with a tower. Base station includes, without limitation:

i. Equipment associated with wireless communications services such as private broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul that, at the time the relevant application is filed with the City pursuant to this Article has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support; and

ii. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplied, and comparable equipment, regardless of technological configuration (including distributed antenna systems and small-cell networks) that, at the time the relevant application is filed with the City has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

2. The definition of "base station" does not include any structure that, at the time the application is filed with the City under Subsection 070.030.030(g), Wireless Communication Facilities, does not support or house equipment described herein in Subparagraphs i. and ii. of this definition.

e. Camouflage, Concealment, or Camouflage Design Techniques. Any measures used in the design and siting of a WCF with the intent to minimize or eliminate the visual impact of such facilities to surrounding uses. A WCF site utilizes camouflage, concealment, or camouflage design techniques when it (i) is integrated as an architectural feature of an existing structure such as a cupola, or (ii) is integrated in an outdoor fixture such as a flagpole, or (iii) uses a design which mimics and is consistent with the nearby natural, or architectural features (such as an artificial tree) or (iv) is incorporated into or replaces existing permitted facilities (including without limitation, stop signs or other traffic signs or freestanding light standards) so that the presence of the WCF is not readily apparent.

f. Collocation. Mounting or installing a WCF on a pre-existing structure and/or modifying a structure for the purpose of mounting or installing a WCF on that structure. For purposes of eligible facilities requests, "collocation" means the mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

- g. Eligible Facilities Request. Any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such Eligible support structure involving: (i) collocation of new transmission equipment, (ii) removal of transmission equipment, and/or (iii) replacement of transmission equipment.
- h. Eligible Support Structure. Any tower or base station as defined in this Code, provided that it is existing at the time the relevant application is filed with the City under Subsection 070.030.030(g), Wireless Communication Facilities.
- i. Existing. A constructed tower or base station that was reviewed, approved, and lawfully constructed in accordance with all requirements of applicable law as of the time of an eligible facilities request, provided that a tower that exists as a legal, non-conforming use and was lawfully constructed is existing for purposes of this definition.
- j. Micro Wireless Facility. A small cell facility that is no larger than twenty-four (24) inches in length, fifteen (15) inches in width, twelve (12) inches in height, and that has an exterior antenna, if any, that is no more than eleven (11) inches in length.
- k. Monopole. A single, freestanding pole-type structure supporting one or more Antennas.
- l. OTARD. An over-the-air receiving device.
- m. OTARD Antenna.
1. An antenna that is designed to receive direct broadcast satellite service, including direct-to-home satellite services, that is one (1) meter or less in diameter; or
 2. An antenna that is designed to receive video programming services via multipoint distribution services, including multichannel multipoint distribution services, instruction television fixed services, and local multipoint distribution services, and that is one (1) meter or less in diameter or diagonal measurement; or (iii)
 3. An antenna that is designed to receive television broadcast signals.
- n. OTARD Antenna Structure. Any pole, tower, or other structure designed and intended to support an OTARD antenna.
- o. Readily Apparent. The facility, in the discretion of the Director, will be easily recognizable as a WCF to a reasonable person viewing the facility as a whole and in the context of any adjacent improvements and landscaping from publicly accessible locations when considering the character, scale, and height of nearby and surrounding natural or architectural features. Methods of design and construction that may assist in reducing the visibility of a facility and reaching a conclusion that a facility is not readily apparent include the use of color mimicking surrounding structures and landscaping, minimizing facility size to the greatest extent feasible, integrating the facility into any adjacent or attached improvements, and positioning the facility in a manner that limits the degree to which the facility projects away from any adjacent structures or landscaping. Due to differences in site characteristics, a determination that a particular WCF will not be readily apparent at one location shall not establish a precedent for the same determination for a facility of the same or similar design or construction at a different location.
- p. Replacement Pole. An Alternative Tower structure that is a newly constructed and permitted traffic signal, utility pole, streetlight, flagpole, electric distribution, or streetlight pole or other similar structure of proportions and of equal height to a pre-existing pole or structure in order

to support a WCF or SCF or to accommodate collocation and remove the pre-existing pole or structure.

g. Site. For towers other than towers in the public rights-of-way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground. The current boundaries of a site are the boundaries that existed as of the date that the original support structure or a modification to that structure was last reviewed and approved by a State or local government, if the approval of the modification occurred prior to the passage of the Middle Class Tax Relief and Job Creation Act of 2012, Section 6409(a) (the Spectrum Act) or otherwise outside of the section 6409(a) process.

r. Small Cell Facility. A WCF where the following conditions are met:

- i. the WCF is mounted on a structure 50 feet or less in height including the antennas or is mounted on a structure no more than 10 percent taller than other adjacent structures or does not extend the existing structure on which it is located to a height of more than 50 feet or by more than 10 percent, whichever is greater.
- ii. each antenna is located inside an enclosure of no more than three (3) cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than three (3) cubic feet; and all other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than twenty-eight (28) cubic feet in volume.
- iii. the WCF does not require antenna structure registration under Part 17 of the FCC's rules, the WCF is not located on tribal lands as defined in 36 CFR 800.16(x), and the WCF does not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in 47 C.F.R § 1.1307(b). A Small cell facility includes a Micro wireless facility.

s. Substantial Change. A modification that substantially changes the physical dimensions of an eligible support structure, which meets any of the following criteria:

1. For towers other than alternative tower structures in the right-of-way, it increases the height of the tower by more than ten (10) percent or by the height of one (1) additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than ten (10) percent or more than ten (10) feet, whichever is greater;
2. Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of this subsection.
3. For towers other than towers in the right-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty (20) feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater for eligible support structures, it involves adding an appurtenance to

the body of the structure that would protrude from the edge of the structure by more than six (6) feet;

4. For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four (4) cabinets; or for towers in the right-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than ten (10) percent larger in height or overall volume than any other ground cabinets associated with the structure;
 5. It entails any excavation or deployment outside the current site, except that, for towers other than towers in the public right-of-way, it entails any excavation or deployment of transmission equipment outside of the current site by more than 30 feet in any direction. The site boundary from which the 30 feet is measured excludes any access or utility easements currently related to the site; or would impair the concealment elements of the eligible support structure; or
 6. For any eligible support structure, it does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, unless the non-compliance is due to an increase in height, increase in width, addition of cabinets, or new excavation that would not exceed the thresholds identified in Paragraphs (1), (2), (3), and (4) of this definition; and
 7. For any eligible support structure, it does not comply with the generally applicable building, structural, electrical, and safety codes or with other laws codifying objective standards reasonably related to health and safety, or it does not comply with any relevant federal requirements.
- t. Tower. Any structure that is designed and constructed primarily built for the sole or primary purpose of supporting one (1) or more any Federal Communications Commission ("FCC") - licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site. The term includes self-supporting lattice towers, guy towers or monopole towers. The term also includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, alternative tower structures and such other similar structures.
- u. Transmission Equipment. Equipment that facilitates transmission for any FCC licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
- v. Wireless Communications Facility, or "WCF". A facility used to provide personal wireless services as defined at 47 U.S.C. Section 332(c)(7)(C); or wireless information services provided to the public or to such classes of users as to be effectively available directly to the public via licensed or unlicensed frequencies; or wireless utility monitoring and control services. A WCF does not include a facility entirely enclosed within a permitted building where the installation does not require a modification of the exterior of the building; nor does it include a

device attached to a building, used for serving that building only and that is otherwise permitted under other provisions of the Code. A WCF includes an antenna or antennas, including without limitation, directional, omni-directional and parabolic antennas, base stations, support equipment, alternative tower structures, and towers. It does not include the support structure to which the WCF or its components are attached if the use of such structures for WCFs is not the primary use. The term does not include mobile transmitting devices used by wireless service subscribers, such as vehicle or hand-held radios/telephones and their associated transmitting antennas, nor does it include other facilities specifically excluded from the coverage of Subsection 070.030.030(g), Wireless Communication Facilities.

(2)(3) Applicability.

- a. *Base Stations, Alternative Tower Structures, Small Cell Facilities, and Towers.* The requirements in this Subsection shall apply to all WCF applications for base stations, alternative tower structures, small cell facilities, and towers as defined in Subsection 070.030.030(g)(7), Definitions, and further addressed herein.
- b. *Exemptions.* The requirements set forth in this Subsection shall not apply to:
 1. *Amateur Radio Antennas.* Amateur radio antennas that are owned and operated by a federally licensed amateur radio station operator or are used exclusively for receive-only antennas, provided that the height be no more than the distance from the base of the antenna to the property line is met.
 2. *Pre-Existing WCFs.* Any WCF for which a permit has been properly issued prior to November 1, 2017, shall not be required to meet the requirements of this Subsection, other than the operational standards set forth in this Subsection. Changes and additions to pre-existing WCFs (including trading out of antennas for an equal number of antennas) shall meet applicable operational standards set forth in this Subsection.
 3. *Miscellaneous Antennas.* Antennas used for reception of television, multi-channel video programming and radio such as over the air reception devices ("OTARD") antennas, television broadcast band antennas, and broadcast radio antennas, provided that any requirements related to special uses of this Code and the requirement that the height be no more than the distance from the base to the property line are met. The Director has the authority to approve modifications to the height restriction related to OTARD antennas and OTARD antenna structures, if in the Director's reasonable discretion, modifications are necessary to comply with federal law.

(3)(4) Operational Standards.

- a. *Federal Requirements.* All WCFs shall meet the current standards and regulations of the Federal Aviation Authority ("FAA"), the FCC and any other agency of the federal government with the authority to regulate WCFs. If such standards and regulations are amended, then the owners of the WCF governed by this Subsection shall bring such facility into compliance with such revised standards and regulations within the time period mandated by the controlling federal agency. Failure to meet such revised standards and regulations shall constitute grounds for the removal of the WCF at the owner's expense.
- b. *Radio Frequency Standards.* All WCFs shall comply with federal standards for radio frequency emissions. If the City has or receives ~~if~~ concerns regarding compliance with radio frequency emissions standards for a WCF ~~have been made to the City~~, the City may request that the owner or operator of the WCF provide information demonstrating compliance. If such

information suggests, in the reasonable discretion of the City, that the WCF may not be in compliance, the City may request and the owner or operator of the WCF shall then submit a project implementation report which provides cumulative field measurements of radio frequency emissions of all antennas installed at the subject site, and which compares the results with established federal standards. If, upon review, the City finds that the facility does not meet federal standards, the City may require corrective action within a reasonable period of time, and if not corrected, may require removal of the WCF pursuant to this Section. Any reasonable costs incurred by the City, including reasonable consulting costs to verify compliance with these requirements, shall be paid by the owner or operator.

- c. *Signal Interference.* All WCFs shall be designed and sited, consistent with applicable federal regulations, so as not to cause interference with the normal operation of radio, television, telephone and other communication services utilized by adjacent residential and non-residential properties; nor shall any such facilities interfere with any public safety communications. The applicant shall provide a written statement from a qualified radio frequency engineer, certifying that a technical evaluation of existing and proposed facilities indicates no potential interference problems and shall allow the City to monitor interference levels with public safety communications during this process. Additionally, the owner or operator shall notify the City at least ten (10) calendar days prior to the introduction of new service or changes in existing service, and shall allow the City to monitor interference levels with public safety communications during the testing process.
- d. *Legal Access.* In all applications for WCFs an applicant must warrant and represent that it has the written agreement of the owner of the property which is the subject of the application for legal access to and from the WCF and the applicant must also warrant and represent that it will have legal access to the utilities to operate and maintain the WCF.
- e. *Operation and Maintenance.* To ensure the structural integrity of WCFs, the owner of a WCF shall ensure that it is maintained in compliance with standards contained in applicable local building and safety codes. If upon inspection, the City concludes that a WCF fails to comply with such codes and constitutes a danger to persons or property, then, upon written notice being provided to the owner of the WCF, the owner shall have thirty (30) days from the date of notice to bring such WCF into compliance. Upon good cause shown by the owner, the City's building official may extend such compliance period not to exceed ninety (90) days from the date of said notice. If the owner fails to bring such WCF into compliance within said time period, the City may remove such WCF at the owner's expense.
- f. *Abandonment and Removal.* If a WCF has not been in use for a period of three (3) months, the owner of the WCF shall notify the City of the non-use and shall indicate whether re-use is expected within the ensuing three (3) months. Any WCF that is not operated for a continuous period of six (6) months shall be considered abandoned. The City, in its sole discretion, may require an abandoned WCF to be removed. The owner of such WCF shall remove the same within thirty (30) days of receipt of written notice from the City. If the WCF is not removed within said thirty (30) days, the City may remove it at the owner's expense and any approved permits for the WCF shall be deemed to have expired. Additionally, the City, in its sole discretion, shall not approve any new WCF application until the Applicant who is also the owner or operator of any such abandoned WCF has removed such WCF or paid the City for such removal.

(4)(5) *Design Standards.* The requirements set forth in this Subsection shall apply to the location and design of all WCFs governed by this Section as specified below; provided, however, that the City may waive these requirements if it determines that the goals of this Section are

better served thereby. To that end, WCFs shall be designed and located to minimize the impact on the surrounding area and to maintain the character and appearance of the City, consistent with other provisions of the Code.

- a. *Camouflage/Concealment.* All WCFs and any transmission equipment shall, to the extent possible, use camouflage design techniques including, but not limited to the use of materials, colors, textures, screening, undergrounding, landscaping, or other design options that will blend the WCF to the surrounding natural setting and built environment. Design, materials, and colors of WCFs shall be compatible with the surrounding environment. Designs shall be compatible with structures and vegetation on the same parcel and adjacent parcels.
 1. Camouflage design may be of heightened importance where findings of particular sensitivity are made (e.g. proximity to historic or aesthetically significant structures, views, and/or community features). In such instances where WCFs are located in areas of high visibility, they shall (where possible) be designed (e.g., placed underground, depressed, or located behind earth berms) to minimize their profile.
 2. The camouflage design may include the use of alternative tower structures should the Director determine that such design meets the intent of the Code and the community is better served thereby.
 3. All WCFs, such as antennas, vaults, equipment rooms, equipment enclosures, and tower structures shall be constructed out of non-reflective materials (visible exterior surfaces only). Coloring of welds, bands, bolts, and the like, shall be of a similar color to the main WCF.
 4. When located adjacent to a commercial establishment, care should be taken to locate the WCF such that it does not negatively impact the business. WCFs shall not be located in front of store front windows, primary walkways, primary entrances or exits, or in such a way that it would impede a delivery to the building. WCFs should be located between properties as much as possible.
 5. When located within a right-of-way, deployment shall not impede existing and future facilities, including sidewalks, stormwater infrastructure, water infrastructure, and electric infrastructure, and other infrastructure included in adopted City plans.
- b. *Wall-Mounted WCFs.* Wall-mounted WCFs shall not extend above the roofline unless mounted to a penthouse.
- c. *Roof-Mounted WCFs.* Roof-mounted WCFs shall be approved only where an applicant demonstrates a wall-mounted WCF is inadequate to provide service and shall be evaluated for approval based upon the following criteria:
 1. Roof-mounted whip antennas shall extend no more than twelve (12) feet above the parapet of any flat roof or ridge of a sloped roof or penthouse to which they are attached;
 2. Roof-mounted panel antennas shall extend no more than seven (7) feet above the parapet of a flat roof or ridge of a sloped roof to which they are mounted; and
 3. Other roof-mounted related accessory equipment shall extend no more than seven (7) feet above any parapet of a flat roof upon which they may be placed, and shall not be permitted on a sloped roof.

d. *Hazardous Materials.* No hazardous materials shall be permitted in association with WCFs, except those necessary for the operations of the WCF and only in accordance with all applicable laws governing such materials.

e. *Siting.*

1. No portion of any WCF may extend beyond the property line of the lot upon which it is located.

2. Collocation. Collocation of facilities with other providers is encouraged. No WCF owner or operator shall unfairly or unreasonably exclude a competitor from using the same facility or location. Collocation can be achieved as either wall-mounted, roof-mounted or ground-mounted facilities. In designing or retrofitting towers, applicants are strongly encouraged to consider the possibility of present or future collocation of other WCFs by structurally overbuilding in order to handle the loading capacity of additional WCFs for the use of the applicant and for other wireless service providers to use as well. Applicants shall use good faith efforts to negotiate lease rights to other users who desire to use an approved WCF site. Collocation on an existing support structure shall be permitted as an accessory use. Projections of any type on the monopole, which are not antennas, are strongly discouraged.

i. Multiple use facilities are encouraged as well. WCFs and equipment may be integrated into existing, replacement of existing, or newly developed facilities that are functional for other purposes, such as flagpoles, church steeples, highway lighting, etc. All multiple use facilities shall be designed to make the appearance of the antennae as inconspicuous as possible.

ii. The collocation requirement may be waived by the Community Development Director upon a showing of one of the following: federal or state regulations prohibit the use; the proposed use will interfere with the current use; the proposed use will interfere with surrounding property or uses; the proposed user will not agree to reasonable terms; the collocation is not in the best interest of the public health, safety or welfare; or collocation is not reasonably feasible from a technological, construction or design perspective. Time needed to review a collocation request shall not greatly exceed that for a single applicant.

WCFs may be required to be designed and constructed to permit the facility to accommodate WCFs from at least two (2) wireless service providers on the same WCF unless the City approves an alternative design.

2.3. WCFs shall be sited in a location that does not reduce the parking for the other principal uses on the parcel below Code standards.

f. *Lighting.* WCFs shall not be artificially lighted, unless required by the FAA or other applicable governmental authority, or the WCF is mounted on a light pole or other similar structure primarily used for lighting purposes. If lighting is required, it shall conform to other applicable sections of the Code regulating outdoor lighting. ~~the City may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views.~~ Lighting shall be shielded or directed to the greatest extent possible so as to minimize the amount of glare and light falling onto nearby properties, particularly residences.

g. *Landscaping and Fencing.*

1. WCFs shall be sited in a manner that does not reduce the landscaped areas for the other principal uses on the parcel; below Code standards.
 2. WCFs shall be landscaped with a buffer of plant materials that effectively screen the view of the WCF from adjacent residential property. The standard buffer shall consist of the front, side, and rear landscaped setback on the perimeter of the site.
 3. In locations where the visual impact of the WCF would be minimal, the landscaping requirement may be reduced or waived altogether by the director.
 4. Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. In some cases, such as WCFs sited on large, wooded lots, natural growth around the site perimeter may be a sufficient buffer.
 5. No trees larger than four (4) inches in diameter measured at four and one-half (4½) feet high on the tree may be removed, unless authorized by the director. To obtain such authorization the applicant shall show that tree removal is necessary, the applicant's plan minimizes the number of trees to be removed and any trees removed are replaced at a ratio of 2 to 1.
- 5.6. The WCF shall comply with all additional measures deemed necessary to mitigate the visual impact of the facility. Also, in lieu of these landscaping standards, the Director may allow use of an alternate detailed plan and specifications for screening WCFs, including fences, walls, sign and structural applications, manufactured devices and other features designed to screen, camouflage and buffer antennas, poles and accessory uses. The plan should accomplish the same degree of screening achieved by meeting the standards outlined herein.
- h. *Noise.* Noise generated on the site shall not exceed the standards permitted in the Code, except that a WCF owner or operator shall be permitted to exceed Code noise standards for a reasonable period of time during repairs, not to exceed two (2) hours without prior authorization from the City.
 - i. *Additional Design Requirements.* Additional design requirements shall be applicable to the various types of WCFs as specified below:
 1. *Base Stations.* If an antenna is installed on a structure other than a tower, such as a base station (including, but not limited to the antennas and accessory equipment) it shall be of a neutral, non-reflective color that is identical to, or closely compatible with, the color of the supporting structure, or uses other camouflage/concealment design techniques so as to make the antenna and related facilities as visually unobtrusive as possible.
 2. *Alternative Tower Structures and Small Cell Facilities.*
 - i. Shall be designed and constructed to look like a building, facility, or structure typically found in the area;
 - ii. Shall be camouflaged/concealed consistent with other existing natural or manmade features near the location where the alternative tower structure or small cell facility will be located;
 - iii. Height or size of the proposed alternative tower structure or small cell facility should be minimized as much as possible and shall be subject to the maximum height restrictions of the zoning district in which they are located, subject to a maximum height limit of sixty (60) feet;

~~iii-iv.~~ Shall be sited in a manner that is least obtrusive to residential structures and residential district boundaries;

~~iv-v.~~ Shall take into consideration the uses on adjacent and nearby properties and the compatibility of the facility to these uses;

~~v-vi.~~ Shall be compatible with the surrounding topography, tree coverage, and foliage;

~~vi-vii.~~ Shall be designed utilizing design characteristics that have the effect of reducing or eliminating visual obtrusiveness; and

~~vii-viii.~~ Visual impacts of the proposed ingress and egress shall be minimized.

3. *Alternative Tower Structures and Small Cell Facilities Located in the Right-of-Way.* The following requirements apply in addition to those set forth in Subsection 070.030.030(g)(4)i.2:

~~i. i.~~ ~~Shall be no higher than thirty-five (35) feet;~~

~~ii. i.~~ ~~Shall be no more than five (5) ten (10) feet higher (as measured from the ground to the top of the pole) than any existing utility pole or traffic signal within five hundred (500) feet of the pole or structure or a maximum of twenty-five (25) feet, whichever is more restrictivelower;~~

~~ii.~~ Any new pole for an alternative tower structure or small cell facility shall be separated from any other existing WCF facility by a distance of a least six hundred (600) feet, unless deployed on an existing structure in the right-of-way. The Community Development Director may exempt an applicant from this requirement if: (i) the applicant demonstrates through technical network documentation that the minimum separation requirement cannot be satisfied for technical reasons, or (ii) the Community Development Director determines, when considering the surrounding topography, the nature of adjacent uses and nearby properties, and the height of existing structures in the vicinity, that placement of a wireless facility at a distance less than six hundred (600) feet from another wireless facility in the public right-of-way will meet the intent of reducing visibility and visual clutter of WCF facilities;

~~iii.~~ ~~the new pole replaces an existing traffic signal, street light pole, or similar structure determined by the Director;~~

~~iii-iv.~~ ~~Shall be sized to minimize the negative aesthetic impacts to the right-of-way;~~

~~iv-v.~~ Pole-mounted components shall be located on or within an existing utility pole serving another utility; ~~or be located on~~ or within a new utility pole where other utility distribution lines are aerial, if there are no reasonable alternatives, and the applicant is authorized to construct the new utility pole;

~~v-vi.~~ Shall be camouflaged/concealed consistent with other existing natural or manmade features in the right-of-way near the location where the alternative tower structure will be located;

~~vi-vii.~~ the extent possible, collocations are strongly encouraged to limit the number of poles in the right-of-way Shall, to the extent feasible, be consistent with the size and shape of pole-mounted equipment installed by communications companies on utility poles near the alternative tower structure;

~~vii-viii.~~ Shall, when located near a residential property, be placed adjacent to in front of the common side yard property line between adjoining residential properties, such that the WCF minimizes visual impacts equitably among adjacent properties. In the case of a corner lot, the facility must be placed adjacent to in front of the common side yard property line between adjoining residential properties, or on the corner formed by two (2) intersecting streets;

~~viii-ix.~~ Shall be designed such that antenna installations on traffic signals are placed in a manner so that the size, appearance, and function of the signal will not be considerably altered;

~~ix-x.~~ Facility antennas, mast arms, equipment, and other facilities shall be sized to minimize visual clutter;

~~x-xi.~~ Any ground mounted equipment shall be installed in an underground or partially underground equipment vault (projecting not more than thirty-six (36) inches above grade), or ~~col~~-located within a traffic cabinet of a design approved by the Director; and

~~xii.~~ Shall not alter vehicular circulation or parking within the right-of-way or impede vehicular, bicycle, or pedestrian access or visibility along the right-of-way. Must comply with the ~~federal~~ Americans with Disabilities Act and all applicable local, state, and federal law and regulations. No alternative tower structure nor small cell facility may be located or maintained in a manner that causes unreasonable interference. Unreasonable interference means any use of the right-of-way that disrupts or interferes with this use by the City, the general public, or other person authorized to use or be present upon the right-of-way, when there exists an alternative that would result in less disruption or interference. Unreasonable interference includes any use of the right-of-way that disrupts vehicular or pedestrian traffic, any interference with public utilities, and any other activity that will present a hazard to public health, safety, or welfare.

~~xi-xiii.~~ Equipment enclosures shall be located out of view as much as possible.

4. Towers.

- i. Towers shall either maintain a galvanized steel finish, or, subject to any applicable FAA standards, be painted a neutral color so as to reduce visual obtrusiveness as determined by the City;
- ii. Tower structures should use existing land forms, vegetation, and structures to aid in screening the facility from view or blending in with the surrounding built and natural environment;
- iii. Monopole support structures shall taper from the base to the tip;
- iv. All towers, excluding towers in right-of-way, shall be enclosed by security fencing or wall at least six (6) feet in height and shall also be equipped with an appropriate anti-climbing device. No security fencing or any portion thereof shall consist of barbed wire or chain link material;
- v. Towers shall be subject to the maximum height restrictions of the zoning district in which they are located, subject to a maximum height limit of sixty (60) feet. Towers in the right-of-ways shall not exceed twenty-five (25) thirty-five (35) feet in height and

shall meet all of the design requirements of alternative tower structures in the right-of-way;

- vi. Towers should be sited in a manner that that is least obtrusive to residential structures and residential district boundaries where feasible;
 - vii. Towers should take into consideration the uses on adjacent and nearby properties and the compatibility of the tower to these uses;
 - viii. Towers should be designed utilizing design characteristics that have the effect of reducing or eliminating visual obtrusiveness; and
 - ix. Visual impacts of the proposed ingress and egress shall be minimized.
 - x. No new towers shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the City that no existing WCFs can accommodate the needs that the applicant proposes to address with its tower application. Evidence submitted to demonstrate that no existing WCF can accommodate these needs may consist of the following:
 - a. No existing WCFs are of sufficient height and are located within the geographic area required to meet the applicant's engineering requirements;
 - b. Existing WCFs do not have sufficient structural strength to support applicant's proposed WCF;
 - c. The applicant's proposed WCFs would cause electromagnetic interference with the WCFs on the existing WCFs or the existing WCF would cause interference with the applicant's proposed WCF; and
 - d. The applicant demonstrates that there are other limiting factors that render existing WCFs unsuitable for colocation.
 - xi. A tower, located outside of the right-of-way, shall meet the greater of the following minimum setbacks from all property lines:
 - a. The setback for a principal building within the applicable zoning;
 - b. Twenty-five (25) percent of the facility height, including WCFs and transmission equipment; or
 - c. The tower height, including antennas, if the tower is in or adjacent to a residential district or residential zoned property.
 - d. Towers over forty (40) feet in height shall not be located within one-quarter ($\frac{1}{4}$) mile from any existing tower that is over forty (40) feet in height, unless the applicant has shown to the satisfaction of the City that there are no reasonably suitable alternative sites in the required geographic area which can meet the applicant's needs.
5. *Related Accessory Equipment.* Accessory equipment for all WCFs shall meet the following requirements:
- i. All buildings, shelter, cabinets, and other accessory components shall be grouped as closely as technically possible;
 - ii. The total footprint coverage area of the WCF's accessory equipment shall not exceed three hundred fifty (350) square feet;

- iii. No related accessory equipment or accessory structure shall exceed twelve (12) feet in height; and
- iv. Accessory equipment, including but not limited to remote radio units, shall be located out of sight whenever possible by locating behind parapet walls or within equipment enclosures. Where such alternate locations are not available, the accessory equipment shall be camouflaged or concealed.

(6) *Review Procedures and Requirements.* No new WCF shall be constructed and no collocation or modification to any WCF may occur except after a written request from an applicant, reviewed and approved by the Director in accordance with this Subsection. Except as otherwise set forth herein, all WCFs shall be reviewed pursuant to the procedures set forth in this Subsection:

j.a. Pre-application Conference. The applicant shall conduct a pre-application conference with staff of the Community Development Department before submitting a WCF application. A pre-application conference is not required but is strongly encouraged to facilitate the efficient processing of WCF applications. ~~Except as otherwise set forth herein, all WCFs shall be reviewed pursuant to the procedures set forth in this Subsection:~~

b. Submittal Requirements. In addition to an application form, signal interference letter, and payment of all application and review fees, as established by resolution of City Council, each applicant shall submit a scaled site plan meeting the requirements of the City's Engineering Standards; photo simulation, scaled elevation view and other supporting drawings, calculations, and other documentation, signed and sealed by appropriate qualified professionals, showing the location and dimension of all improvements, including antennas, support structures, transmission buildings and/or other accessory uses, and information concerning topography, radio frequency coverage, tower height, setbacks, drives, access, parking, fencing, landscaping, lighting, signs, adjacent uses, drainage, and other information deemed by the director to be necessary to assess compliance with this Section. The applicant shall also submit a building permit application, contractor license application, and right of way permit application, for concurrent review and processing by the applicable City departments, as specified in the WCF Application Checklist prepared and released by the Community Development Department.

c. Prior to issuance of a building permit, applicant shall submit a structural integrity report from a professional engineer licensed in the State of Colorado documenting the following:

1. Tower height and design, including technical, engineering, and other pertinent factors governing selection of the proposed design;
2. Total anticipated capacity of the structure, including number and types of antennas which can be accommodated;
3. Failure characteristics of the tower and demonstration that site and setbacks are of adequate size to contain debris in the event of failure; and
4. Specific design and reconstruction plans to allow shared use. This submission is required only if the applicant intends to share use of the facility by subsequent reinforcement and reconstruction of the facility; and
- 1-5. Specific design considerations for impact or breakaway characteristics as required in specific roadway rights-of-ways.

k.d. License Fee. No new WCF facility shall be constructed or collocated upon any tower or other structure in a right-of-way without ~~first negotiating and agreeing to the payment of a~~ agreeing to the payment of a license or access fee, as established by resolution of City Council, not to exceed the amount that would be authorized of an entity regulated pursuant to 47 U.S.C. § 224.

l.e. Inventory of Existing Sites.

1. Each applicant for a WCF shall provide to the Director a narrative description, and map, and a GIS compatible data file ~~description~~ of the applicant's existing or then currently proposed WCFs within the City, and outside of the City within one (1) mile of its boundaries. In addition, to the extent permitted by applicable regulations, the applicant shall inform the City generally of the areas of the City in which it believes WCFs may need to be located within the next three (3) years. The inventory list should identify the site name, site address, and a general description of the facility (for example, rooftop antennas and ground mounted equipment). This provision is not intended to be a requirement that the applicant submit its business plan, proprietary information, or make commitments regarding locations of WCFs within the City. Rather, it is an attempt to provide a mechanism for the City and all applicants for WCFs to share general information, assist in the City's comprehensive planning process, and promote colocation by identifying areas in which WCFs might be appropriately constructed for multiple users.
2. The City may share such information with other applicants applying for administrative approvals or special use permits under this Section or other organizations seeking to locate WCFs within the jurisdiction of the City, provided however, that the City is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

f. Good Faith Effort to Satisfy Order of Preference. Except for applications for small cell facilities located in the right-of-way and eligible facilities requests, an applicant shall submit documentation demonstrating a good faith effort to locate facilities in accordance with the following order of preference:

First: Collocated on existing structures such as buildings, communication towers, flagpoles, church steeples, cupolas, nonornamental street lights such as highway lighting, etc.

Second: In locations where the existing topography, vegetation, buildings or other structures provide the greatest amount of screening.

Least: On vacant ground or highly visible sites without significant visual mitigation and where screening or buffering is difficult at best.

m.g. Special Use Permit Required.

1. In all zoning districts, applications for base stations and alternative tower structures not within the right-of-way, and towers may be permitted only upon acquisition of a special use permit in accordance with Subsection 070.060.050(e), Special Use Permit.
2. All applications for towers shall demonstrate that other alternative design options such as base stations or alternative tower structures are not viable options as determined by the City. Notwithstanding anything in this Subsection to the contrary, no towers located in the right-of-way shall exceed ~~thirty-five (35)~~ twenty-five (25) feet in height.

n.h. Applications for Base Stations and Alternative Tower Structures within Right-of-Way. In all zoning districts, each application for a base station or alternative tower structure within the

right-of-way shall be reviewed and considered for approval by the Director for conformance with this Subsection and the applicant's execution of a license agreement as approved by the Director.

- ~~1. Appeal of Director Decision. Applicants may appeal the Director's decision by submitting a written notice of appeal to the City Manager within ten (10) calendar days of the date of the Director's decision. The notice of appeal must specifically set forth the grounds for appeal and include all documentation the applicant deems relevant. The City Manager shall within ten (10) business days of receipt of the notice of appeal and after review of all documentation submitted by the applicant and the Director's decision issue a final decision which may affirm, overturn or modify the Director's decision.~~
- ~~2. Referral to Planning and Zoning Commission. Except for WCF's in the right-of-way that meet all requirements of this Subsection, the Director may refer the application to Planning and Zoning Commission for special use permit review if the Director finds the proposed WCF to have a significant visual impact (e.g., proximity to historic or designated view corridors, or on significant community features), or otherwise is substantially incompatible with the structure on which the WCF will be installed, or it does not meet the clear intent of this Subsection.~~
- i. Review Procedures for Small Cell/Wireless Communication Facilities Located in the Right-of-Way. Applications for ~~+~~ WCFs shall be reviewed by the Director for conformance with this Subsection and may be approved pursuant to a Master License Agreement or similar form of authorization or individually in accordance with the provisions of this Subsection.
 1. Time periods for review. The City shall act on a siting application on or before the shot clock date for the application, as defined in paragraph (5) of this subsection, Review Procedures for Wireless Communication Facilities, unless the applicant and the City agree to a different time period for review.
 2. Shot clock period. The shot clock period for a siting application is the sum of –
 - i. The number of days of the presumptively reasonable period of time for the pertinent type of application, pursuant to paragraph (3) of this subsection, Review Procedures for Wireless Communication Facilities; plus
 - ii. The number of days of the tolling period, if any, pursuant to paragraph (4) of this subsection.
 3. Presumptively reasonable periods of time. The following are the presumptively reasonable periods of time for action on applications seeking authorization for deployments in following categories:
 - i. Review of an application to collocate a Small cell facility using an existing structure: 60 days.
 - ii. Review of an application to collocate a facility other than a Small cell facility using an existing structure: 90 days.
 - iii. Review of an application to deploy a Small cell facility using a new structure: 90 days.
 - iv. Review of an application to deploy a facility other than a Small cell facility using a new structure: 150 days
 - v. Batching:
 - a. If a single application seeks authorization for multiple deployments, all of which fall within a category set forth in either paragraph (3)(i) or (iii) of this subsection,

Review Procedures for Wireless Communication Facilities, then the presumptively reasonable period of time for the application as a whole is equal to that for a single deployment within that category.

- b. If a single application seeks authorization for multiple deployments, the components of which are a mix of deployments that fall within paragraph (3)(i) of this subsection and deployments that fall within paragraph (3)(iii) of this subsection, then the presumptively reasonable period of time for the application as a whole is 90 days.

4. Tolling period. Unless a written agreement between the applicant and the Department provides otherwise, the tolling period for an application (if any) is:

- i. For an initial application to deploy Small Wireless Facilities, if the Community Development Department notifies the applicant on or before the 10th day after submission that the application is materially incomplete, and clearly and specifically identifies the missing documents or information and the specific rule or regulation creating the obligation to submit such documents or information, the shot clock date calculation shall restart at zero on the date on which the applicant submits all the documents and information identified by the Department to render the application complete.
- ii. For all other initial applications, the tolling period shall be the number of days from:
 - a. The day after the date when the Department notifies the applicant in writing that the application is materially incomplete and clearly and specifically identifies the missing documents or information that the applicant must submit to render the application complete and the specific rule or regulation creating this obligation; until
 - b. The date when the applicant submits all the documents and information identified by the Department to render the application complete;
 - c. But only if the notice pursuant to paragraph (4)(ii)(a) of this subsection, Review Procedures for Wireless Communication Facilities, is effectuated on or before the 30th day after the date when the application was submitted; or
- iii. For resubmitted applications following a notice of deficiency, the tolling period shall be the number of days from
 - a. The day after the date when the Department notifies the applicant in writing that the applicant's supplemental submission was not sufficient to render the application complete and clearly and specifically identifies the missing documents or information that need to be submitted based on the Department's original request under paragraph (4)(i) or (ii) of this subsection, Review Procedures for Wireless Communication Facilities; until
 - b. The date when the applicant submits all the documents and information identified by the Department to render the application complete;
 - c. But only if the notice pursuant to paragraph (d)(3)(i) of this subsection is effectuated on or before the 10th day after the date when the applicant makes a supplemental submission in response to the Department's request under paragraph (d)(1) or (2) of this subsection.

5. Shot clock date. The shot clock date for a WCF application is determined by counting forward, beginning on the day after the date when the application was submitted, by the number of calendar days of the shot clock period identified pursuant to paragraph (2) of this subsection, Review Procedures for Wireless Communication Facilities; provided, that if the date calculated in this manner is a legal holiday within the City, the shot clock date is the next business day after such date. ~~1. Approval. Applications for small cell facilities located in the right-of-way shall be reviewed by the Director for conformance with this Subsection and may be approved pursuant to a Master License Agreement or similar form of authorization or individually in accordance with the provisions of this Subsection.~~

~~2. Timeframe to Determine Completeness. Within ten (10) days of receipt of the application, the Director shall provide written comments to the applicant determining completeness of the application and setting forth any modifications required to complete the application to bring the proposal into full compliance with the requirements of this Subsection.~~

~~3. Timeframe for Review of Application. The Director shall review the completed application for conformance with the provisions in this Subsection and may approve or deny an application within ninety (90) days of the date the application is submitted for new stand-alone facilities or sixty (60) days for facilities collocated on City infrastructure.~~

~~i. To reset the timeframe for incompleteness, the City must provide written notice to the applicant within ten (10) days of receipt of the application, specifically delineating all missing documents or information required in the application;~~

~~ii. The timeframe for review is reset to ten (10) days after the applicant makes a supplemental written submission in response to the City's notice of incompleteness; and~~

~~iii. Following a supplemental submission, the City will notify the applicant within ten (10) days that the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled, not reset, in the case of second or subsequent notices pursuant to the procedures identified in Paragraph i. above. In the case of a second or subsequent notice of incompleteness, the City may not specify missing documents or information that were not delineated in the original notice of incompleteness.~~

6. Consolidated Applications. The City shall allow a wireless provider to file a consolidated application for up to twenty (20) small cell facilities and receive a single permit for the small cell network. The City's denial of any individual small cell facility is not a basis to deny the application as a whole or any other small cell facility incorporated within the consolidated application.

9. Review Procedures for Eligible Facilities Requests.

1. Application. In all zoning districts, eligible facilities requests shall be considered a permitted use ~~by-right~~ subject to administrative review and determination by the Director. The City shall prepare, and make publicly available, an application form which shall be limited to the information necessary for the City to consider whether an application is an eligible facilities request. Such information may include, without limitation, whether the request:

- i. Would result in a substantial change; or
- ii. ~~Would violate~~ a generally applicable law, regulations, or other rule reasonably related to public health and safety.

The application may not require the applicant to demonstrate a need or business case for the proposed modification or collocation.

2. *Type of Review.* Upon receipt of an application for an eligible facilities request pursuant to this Section, the Director shall review such application to determine whether the application so qualifies.
3. *Timeframe for Review.* Subject to the tolling provisions of this sSubsection, Review Procedures for Eligible Facilities Requests 070-030-030(g)(5)f.4, Tolling of the Timeframe for Review, within sixty (60) days of the date on which an applicant submits an application seeking approval under this Sectionsubsection, the City shall approve the application unless it determines that the application is not covered by this sSubsection or is otherwise not in conformance with applicable codes.
4. *Tolling of the Timeframe for Review.* The sixty-day review period begins to run when the application is filed, and may be tolled only by mutual agreement of the City and the applicant, or in cases where the Ddirector determines that the application is incomplete:
 - i. To toll the timeframe for incompleteness, the City must provide written notice to the applicant within thirty (30) days of receipt of the application, specifically delineating all missing documents or information required in the application;
 - ii. The timeframe for review begins running again the following business day after when the applicant makes a supplemental written submission in response to the City's notice of incompleteness; and
 - iii. Following a supplemental submission, the City will notify the applicant within ten (10) days that the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in Paragraph i. above. In the case of a second or subsequent notice of incompleteness, the City may not specify missing documents or information that were not delineated in the original notice of incompleteness.
5. *Failure to Act.* In the event the City fails to act on a request seeking approval for an eligible facilities request under this Section-subsection within the timeframe for review (accounting for any tolling), the request shall be deemed granted. The deemed grant becomes effective when the applicant notifies the City in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.
6. *Interaction with Telecommunications Act Section 332(c)(7).* If the City determines that the applicant's request is not an eligible facilities requests set forth in this Subsection, the presumptively reasonable timeframe under Section 332(c)(7), as prescribed by the FCC's Shot Clock order and set forth above in Review Procedures for Wireless Communication Facilities, will begin to run from the issuance of the City's decision that the application is not a covered request. To the extent such information is necessary, the City may request additional information from the applicant to evaluate the application under Section 332(c)(7)-reviewsReview Procedures for Wireless Communication Facilities.
- k. Micro wireless facilities. An application, application fee, and permit are not required for the installation, placement, operation, maintenance, or replacement of a micro wireless facility suspended on cable operator-owned cables or lines that are strung between existing utility poles in compliance with national safety codes. Cable operator shall have the meaning set forth in C.R.S. § 29-8-103(1), as amended. However, a right-of-way permit is required if the installation, placement, operation, maintenance, or replacement of a micro wireless facility:

- i. Involves working within a highway travel lane or requires the closure of a highway travel lane;
- ii. Disturbs the pavement or a shoulder, roadway, or ditch line;
- iii. Includes placement on limited access rights-of-way; or
- iv. Requires any specific precautions to ensure the safety of the traveling public; the protection of public infrastructure; or the operation of public infrastructure; and such activities either were not authorized in, or will be conducted in a time, place, or manner that is inconsistent with, the approval terms of the existing permit for the facility or structure upon which the micro wireless facility is attached.

p.l. *Abandonment and Removal.* Prior to approval, affidavits shall be required from the owner of the property and from the applicant acknowledging that each is responsible for the removal of a WCF that is abandoned or is unused for a period of six (6) months.

q.m. *Decision.* Any decision to approve, approve with conditions, or deny an application for a WCF, shall be in writing and supported by substantial evidence in a written record. The applicant shall receive a copy of the decision.

r.n. *Compliance with Applicable Law.* Notwithstanding the approval of an application for colocation as described herein, all work done pursuant to WCF applications must be completed in accordance with all applicable building and safety requirements as set forth in the Code and any other applicable regulations. In addition, all WCF applications shall comply with the following:

1. Comply with any permit or license issued by a local, state, or federal agency with jurisdiction of the WCF;
2. Comply with easements, covenants, conditions and/or restrictions on or applicable to the underlying real property;
3. Be maintained in good working condition and to the standards established at the time of application approval; and
4. Remain free from trash, debris, litter, noxious weeds, graffiti, and other forms of vandalism. Any damage shall be repaired as soon as practicable, and in no instance more than ten (10) calendar days from the time of notification by the City or after discovery by the owner or operator of the site. Notwithstanding the foregoing, any graffiti on WCFs located in the right-of-way or on other public property may be removed by the City at its discretion, and the owner or operator of the WCF shall pay all costs of such removal within thirty (30) days after receipt of an invoice from the City.

o. *Compliance Report.* Upon request by the City, the applicant shall provide a compliance report within forty-five (45) days after installation of a WCF, demonstrating that as installed and in operation, the WCF complies with all conditions of approval, all applicable Code requirements and standard regulations.

(7) Appeal of Director Decision. Applicants may appeal the Director's decision in accordance with Sec. 070.060.070(c) Appeals.

(8) Referral to Planning and Zoning Commission. Except for WCF's in the right-of-way that meet all requirements of this Subsection, the Director may refer the application to Planning and Zoning Commission for special use permit review if the Director finds the proposed WCF to have a

significant visual impact (e.g., proximity to historic or designated view corridors, or on significant community features), or otherwise is substantially incompatible with the structure on which the WCF will be installed, or it does not meet the clear intent of this Subsection. The City shall notify the applicant of this referral as early as practicable and in no event more than 14 days prior to the Planning Commission hearing.

~~(5)~~(9) *Special Use Permit Standards for Approval.* In addition to the design standards set forth in this Subsection, WCFs, subject to acquisition of a special use permit shall be reviewed in accordance with the procedure set forth in Subsection 070.060.050(e), Special Use Permit, subject to the following criteria:

a. Base Stations.

1. Such facilities shall be architecturally compatible with respect to attachments, and colored to match the building or structure to which they are attached;
2. The maximum protrusion of such facilities from the building or structure face to which they are attached shall be six (6) feet;
3. Wall-mounted WCFs shall not extend above the roofline unless mounted to a penthouse; and
4. Roof-mounted WCFs shall be approved only where an applicant demonstrates a wall mounted WCF is inadequate to provide service and evaluated for approval based upon the following criteria:
 - i. Roof-mounted whip antennas shall extend no more than twelve (12) feet above the parapet of any flat roof or ridge of a sloped roof or penthouse to which they are attached;
 - ii. Roof-mounted panel antennas shall extend no more than seven (7) feet above the parapet of a flat roof or ridge of a sloped roof to which they are mounted; and
 - iii. Other roof-mounted transmission equipment shall extend no more than seven (7) feet above any parapet of a flat roof upon which they may be placed, and shall not be permitted on a sloped roof.

b. Alternative Tower Structures.

1. Such structures shall be architecturally compatible with the surrounding area;
2. Height or size of the proposed alternative tower structure should be minimized as much as practically possible;
3. WCFs shall be sited in a manner that evaluates the proximity of the facility to residential structures and residential district boundaries;
4. WCFs shall take into consideration the uses on adjacent and nearby properties and the compatibility of the facility to these uses;
5. Compatibility with the surrounding topography;
6. Compatibility with the surrounding tree coverage and foliage;
7. Compatibility of the design of the site, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness; and
8. Impact on the surrounding area of the proposed ingress and egress, if any.

c. *All Other Towers.* The City shall within the framework of the review criteria set forth in this Subsection consider the following factors in determining whether to issue a special use permit, although the City may waive or reduce the burden on the applicant of one (1) or more of these criteria if the City concludes that the goals of this Subsection are better served thereby.

1. Height or size of the proposed tower;
2. Proximity of the tower to residential structures and residential district boundaries;
3. Nature of uses on adjacent and nearby properties;
4. Compatibility with the surrounding topography;
5. Compatibility with the surrounding tree coverage and foliage;
6. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
7. Proposed ingress and egress; and
8. No new towers shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the City that no existing WCFs can accommodate the needs that the applicant proposes to address with its tower application. Evidence submitted to demonstrate that no existing WCF can accommodate these needs may consist of the following:
 - i. No existing WCFs with a suitable height are located within the geographic area required to meet the applicant's engineering requirements;
 - ii. Existing WCFs do not have sufficient structural strength to support applicant's proposed WCF;
 - iii. The applicant's proposed WCFs would cause electromagnetic interference with the WCFs on the existing WCFs or the existing WCF would cause interference with the applicant's proposed WCF; and
 - iv. The applicant demonstrates that there are other limiting factors that render existing WCFs unsuitable for colocation.

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[**Direct Mail to Glenwood Springs*](#)

DATE: December 8, 2021
TO: Glenwood Springs Planning & Zoning Commission
FROM: Karp Neu Hanlon, P.C.
RE: Wireless Communication Facilities Code Changes

Under cover of this memo for your consideration are a set of proposed amendments to the City's Code addressing Wireless Communication Facilities (WCFs), located in Glenwood Springs Municipal Code Section 070.030.030, Use Specific Standards. These amendments reflect updates in both state law and federal regulation over the past several years. They also incorporate additions and changes that will give the Community Development Department additional discretion, design guidelines, and alternatives in reviewing applications for WCFs within the City. The City has started to receive applications for WCFs, including small cell facilities, and these updates to the Code incorporate knowledge and experience gained from reviewing and processing those applications.

The sources of law for these updates are:

1. Federal regulations regarding local control over personal wireless service facilities, codified at 47 C.F.R. §§ 1.6001 - 1.6100 and set out in the Federal Communications Commission's (FCC's) 2018 "Small cell order."
2. State law governing small cells, wireless facilities, and telecommunications service use of rights-of-way, codified at C.R.S. §§ 29-27-402 to -404 and 38-5.5-101 to -109.

This is a new and developing area of law at the local, state, and federal level. Recent leadership changes at the FCC make additional changes to federal law possible within the next few years. Additional updates and changes to the City's Code may be necessary depending on changes in the law and the City's experience with reviewing and processing applications for WCFs.

Recommendation:

- Recommend the attached changes to the City's Code to the City Council for adoption by ordinance.



Regular Meeting
DECEMBER 14, 2021

MINUTES
Council Chambers, First Floor
101 W. 8TH STREET
6:00 PM

Attendance Instructions

A. This meeting is being held in person at City Hall as well as on Zoom.

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/84898276149>

Zoom instructions and also available at <https://cogs.us/129/Agendas-Minutes>

1. Roll Call

Present at roll call were Commissioners:

Carolyn Cipperly, Marco Dehm, Sumner Schachter, George Shaver, Ben West

Absent at roll call were Commissioners:

Amy Connerton Amber Wissing, Joy White, Pete Waller,

Also present were:

Asst. City Manager Jenn Ooton, Asst. Community/Economic Dev. Director Hannah Klausman, Assistant City Attorney Richard Peterson-Cremer

2. Seating of Alternate Commissioner

No Alternates

3. Motion to accept the minutes from the November 16, 2021

Motion to accept minutes is called by Commissioner Cipperly and seconded by Commissioner Shaver. Motion to accept minutes passes unanimously 5-0 (Commissioner Schachter wants his name removed he was absent. Commissioner Shaver was present)

4. Chair Dehm calls for public comments for items not in the agenda.

No comments.

5. Continued Items

A. Consideration of Code Text Amendments to Municipal Code Title 070 including but not exclusive of sections 070.020, Zoning Districts, 070.030 Use Regulations, and 070.040 Development Standards regarding standards for wireless communication facilities, Residential, Nonresidential and Mixed-Use Site and Building Design, and off-street parking and loading.

i. 070.030.030(g) Wireless Communication Facilities

City Attorney Richard Peterson-Cremer Presents and states these changes are needed because of FCC law changes in Federal and changes in State Laws. Suggests these permits to come in “batches” rather than multiple individual permits to have less impact on City staff time.

Commissioners questions to staff: interference with other devices, health impacts, Private property impacts, quantity of towers, Distance within devices and aesthetic recommendations.

Assistant City Attorney Richard Peterson-Cremer explained that because of Federal law, there is no major opinion in municipal say in the location and aesthetics of these devices. The amendment changes as presented are the only leeway the City would have for standards.

Chair Dehm opens up questions from the General Public.

Public Comment:

John Zalinsky commented as law goes that he thought the state governance should supercede the federal authority in this case similar to marijuana, questioning why the federal standards were informing local standards.

Assistant City Attorney Richard Peterson-Cremer states that there is a difference between Marijuana Federal enforcement and the Right Of Away (ROW) State Law and Federal Laws. The use of ROW is pre-emptive “Standard” in both Federal and State Law.

Motion

Commissioner West makes a motion to approve Item 57-21 Text Amendments to Section 070.030.030(g). Motion is seconded by Commissioner Schacter.

Discussion:

Comment from Commissioner Shaver on a definition. Attorney Peterson Cremer explained it was a federal definition.

Motion approved unanimously by a 5-0 vote.

ii. 070.040.090 Nonresidential Design Standards and Business Overlay District

Asst. Director Hannah Klausman explained this item is part of Planning Item 57-21. Staff has sent out public notice to all property owners within 300 feet of the proposed overlay district to allow the

community to consider and comment on the proposal. No public comment had been received by the meeting. Ms. Klausman explained that the proposed amendments include minor edits to design standards as well as the creation of a Business District Overlay Zone that provides standards for the orientation and location of parking lots and standards for percentage of tax generating retail uses on the ground floor. Staff showed an updated map of the proposed overlay zone boundary. Overlay zone standards include 50% of the gross floor area on the first floor shall be uses that generate sales and/or lodging revenues for the city when a nonresidential building is proposed on a vacant lot or after a nonresidential building is demolished. In addition, 100% of off-street surface parking is required to occur behind the rear wall of the primary building.

Questions to Staff:

Why is the overlay area so small. Error correction on 50% ground floor being added to both vacant lot and demolished scenarios.

Staff responded that the overlay area was based on Planning and Zoning Commissions work session focus of the main Grand Avenue and 6th Street areas with consideration given to parking and residential areas on adjacent streets. Correction noted.

Public Comments:

John Zalinsky, owner of downtown business, question on existing parking lots becoming violations? Concerns on ability to sell building, ability to allow flexibility on where tax generating uses occur. Suggests broader picture for investments in buildings and not pigeon hole businesses to specific configuration. Feels constricting. Suggests expanding the zone to the 7th Street corridor to 8th street Crossing area as well.

Staff clarified the intent of the overlay zone is to activate the downtown area with vibrant uses oriented towards commercial retail activities that draw in pedestrians and downtown visitors.

Motion:

Commissioner Schachter motions to approve the item. Commissioner Cipperly seconds the motion.

Commission Discussion:

Commissioners discussed at length the desired boundary for the overlay district. Commissioners wanted to simplify multiply downtown boundaries and capture a greater area to be forward thinking and less reactionary. Suggestions were reviewed to match the boundary to the GID boundary, the DDA boundary, and the Downtown Design Standards boundary.

Commissioners debated the impacts to residential areas in the overlay area and impact and what would happen to existing parking and considered rewording to apply the parking standards to nonresidential only.

Additional comments included the desire to increase the ground floor area required to be lodging or sales tax generating to 75% instead of 50%. Proposes 75%, more vibrancy.

Director Ooton mentions that the Commissioners should give thought to the impact to parking garages and that these standards would make those structures more cost prohibitive and challenging to build.

Commissioners suggested addition of exempting Parking Garages from the overlay standards since it is a Special Use Permit process anyways that requires review. Clarification from staff that a Parking Structure would be categorized as a Nonresidential building.

Motion Withdrawn by Commissioner Schachter, and Commissioner Cipperly seconds withdrawal.

Public comment reopened:

John Zalinsky. Concern regarding shrinking available developable footprint if parking is required in the back. Think about allowing lodging use on the 2nd floor qualifying as well as ground floor. Explains that the DDA likely has a common goal of vibrancy and proposes the DDA boundary.

Legal suggest exempting the School property known as Vogelaar park from the overlay district. The City has been working on a 6F land exchange for City ownership. Commissioners choose to include the land in the boundary and allow staff to discuss with Council whether to include that property in the boundary at time of Council review.

Motion:

Commissioner Cipperly makes a motion to approve Code Amendments with Commissioner changes including amending the overlay boundary to match the downtown design standards boundary, increasing the ground floor to 75% tax and lodging tax generating uses, and exempting parking structures from the overlay standards. Commissioner Schachter seconded the motion. Motion passes unanimously with a 5-0 vote.

7. Commissioner comments

Commissioner Cipperly is glad that they are moving this ahead as a way to preserve the Glenwood character. Commissioner Shaver asked about transportation data from the previous meeting, Commissioner Schachter is pleased with the commissions processes and to not let an opportunity pass to recommend design standards even if the standard is not required. (Solstice Condos) Commissioner West thinks it is great to have the forward progress and the vision for the City to keep that vision at the forefront. Chair Dehm commended all the commissioners for playing well with others.

8. Director Comments

Jennifer Ooton Community Development Director informs that City Council is having a special meeting On January 27th and would like one member of the P&Z Commission to represent the Commission.

Hannah Klausman, Assistant Director, updated the Council on upcoming applications for January's regular meeting.

9. Meeting Adjourns at 08:10 pm.



City Council
STAFF REPORT
City of Glenwood Springs
February 17, 2022

Agenda Item: Ordinance 2022-07; Changes to Title 070 and 90 related to Public Art Funding Planning Item 57-21

Action Requested: Approval of Ordinance 2022-07.

Department: Economic and Community Development

Presented By: Jenn Ooton

Strategic Goals: Generate Sustainable Economic Development

Background Info: During the process to create the "Tubing the Colorado" sculpture in 2018-2019, the Arts and Culture Board identified the need for a comprehensive approach to public art, including the process to put out calls for art/artists.

In November 2019, the City of Glenwood Springs selected Ohio-based Designing Local to develop a comprehensive Public Art Plan to develop policies and procedures for acquiring, commissioning and placing new art. The resulting Public Art Master Plan was adopted by City Council on Oct. 7, 2021.

In order to implement the recommendations in the Master Plan, changes would be needed within the Municipal Code. Most of those are proposed to be contained within Title 090 Public Lands. Because there is a component of the recommendations to include an exaction on developers, the code changes in Title 070 were brought to Planning Commission for a recommendation on that specific section. Planning and Zoning held a work session on this item in October and then voted 7-0 to recommend approval of changes to Title 070 exacting a fee on private development per a square footage formula, excluding charging the fee on developers for housing units deed restricted to 100 percent of area median income, and making changes to the proposed definition of artist.

Planning Commission also recommended that developers dedicate the public art to the city if the developer provides the art on site. The attached ordinance does not include this recommendation, because this would create feasibility challenges for the city. The drafted ordinance does include Planning Commission's recommendations regarding a maintenance agreement for the artwork and a covenant setting forth how long the piece must be displayed.

The Art Plan anticipates that the City Council will annually set aside one percent of publicly funded capital improvement projects, including roads, streetscape projects, fire and police stations, parks, city facilities and utility projects, when there are visual elements of the project above ground, for public art. All capital construction projects would qualify except for regular road maintenance, underground infrastructure, and underground utility projects with no above-ground components, and the South Bridge project.

Staff anticipates bringing a resolution to Council on second reading of the ordinance that would set the per-square-foot cost at 10 cents a foot. That is based on the concept that the city is seeking five public art pieces each year and that the average cost per sculpture is approximately \$12,000. To develop that number, staff reviewed the square footages of projects that would be subject to the open space requirements and also that finished the development process for a few different years. For projects with a 2020 Planning File number, the \$60,000 number was spread out over the square footage, which amounted to 13 cents per foot. Staff thought that a round number would make more sense and is recommending the fee be 10 cents per foot. Adopting the fee by resolution would allow the fee to change in the future without a change to the Municipal Code.

REVIEW CRITERIA AND STAFF ANALYSIS

For code amendments to Title 070, the Planning Commission and City Council consider whether and to what extent the proposed amendments are:

- a. Are consistent with the Comprehensive Plan and other City policies;
- b. Do not conflict with other provisions of this Code or other provisions in the Glenwood Springs Municipal Code;
- c. Are necessary to address a demonstrated community need;
- d. Are necessary to respond to substantial changes in conditions and/or policy; and
- e. Are consistent with the general purpose and intent of this Code.

Staff believes that the code amendments are consistent with the Comprehensive Plan and other City policies, in that the Master Plan has been adopted by City Council and the Comprehensive Plan identifies Preserving cultural resources as a goal and identifies supporting and expanding the public arts and cultural programs and developing an Arts Master Plan as objectives and strategies for achieving that goal. The Comprehensive Plan (2011) notes that "the creation of an Arts Master Plan was included as a direction of the 1998 Comprehensive Plan."

Staff believes that the code amendments do not conflict with other provisions of this Code or other provisions in the Glenwood Springs Municipal Code, are in response to changes in policy, and are consistent with the general purposes/intent of the code.

During the public engagement process for the development of the Plan, community stakeholders were contacted to share their vision for public art in Glenwood Springs and a Designing Local representative toured our city to get a firsthand glimpse of our public art and feel for the culture of Glenwood Springs. Input to the public art plan during the past year also took place via additional stakeholder interviews and online surveys.

The resulting plan addresses preservation and restoration of the city's existing public artwork portfolio, assessment of the public art collection for gaps and opportunities, a process for decommissioning art, and ideas for additional public art initiatives. The Public Art Program as envisioned would be funded by a percentage of project costs for private development and a percent of the costs of publicly funded Capital Improvement Projects.

Quoting from the Public Art Master Plan, adopted by resolution, "The Arts and Culture Board believes that arts and culture are integral to vibrancy and the social fabric of our communities. Just as mortar binds building blocks, arts and culture brings people together and encourages meaningful connections. This plan is just the beginning as we set forth to achieve our goals and to further art in Glenwood Springs not just for arts sake, but as an opportunity to improve our economic vitality and ensure a vibrant more livable Glenwood Springs."

Changes proposed to Titles 090 and 070 are intended to codify policies around the creation of new public art and a funding stream for the projects.

Issues:

Planning Commission raised the issue of impacting the development sector of our economy, increasing the cost of developments, and asked if this could instead be funded by General Fund dollars or other taxing mechanism. Commissioners also discussed that public art ensures that Glenwood Springs remains a beautiful community and that developers find the community profitable and that the cost to developers is low.

At the work session on this item, Planning Commission raised concerns related to increasing the cost of infrastructure projects.

Fiscal Impact:

The fiscal impact to city projects will be based on the size of the capital improvement projects. For example, the 6th Street project is estimated at \$1,820,522.55, meaning that the city would need to set aside 1 percent of that number into a special fund for public art.

In 2022, the Finance Department identified \$28 million in capital projects and purchases. These projects include South Midland, 6th Street, the 27th Street Underpass, the Devereux Trail/sidewalk, and the Roaring Fork Pump Station. One percent of those projects would be \$280,000.

For developers, the fees would be based on square footages of the projects that would be subject to the open space requirements. For example, a project with 113,000 square feet of gross floor area would, if the resolution with the 10 cent fee were to be approved, add an additional fee of \$11,300 to the project in addition to applicable system improvement fees, fire fees, parkland dedication fees and school land fees.

Legal Review:

As with any exaction, there is always a possibility of legal challenge. Provided that the exaction is reasonably related to the need, the likelihood of a successful challenge is low.

Staff Recommendation:

Approval of Ordinance 2022-07.

ORDINANCE NO. 07

Series of 2022

AN ORDINANCE OF THE CITY OF GLENWOOD SPRINGS, COLORADO, ADDING ARTICLE 090.080 AND SECTION 070.040.030(G)(6) TO THE GLENWOOD SPRINGS MUNICIPAL CODE.

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

WHEREAS, the Arts and Culture Board of the City of Glenwood Springs has recommended the addition of Article 090.080 to the Glenwood Springs Municipal Code; and

WHEREAS, the Planning Commission of the City of Glenwood Springs has recommended the addition of Section 070.040.030(g)(6) to the Glenwood Springs Municipal Code; and

WHEREAS, the purpose of these two additions to the Glenwood Springs Municipal Code is to set forth policies and procedures for funding, acquiring, commissioning, and placing new public art and the management, maintenance, preservation and restoration of historical artwork within the City’s public art program; and

WHEREAS, the City Council finds and declares that the addition of Article 090.080 and Section 070.040.030(g)(6) to the Glenwood Springs Municipal Code set forth below is in the best interest of the City.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GLENWOOD SPRINGS, COLORADO, ORDAINS:

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

Section 2. Article 090.080 is hereby added to the Glenwood Springs Municipal Code as set forth in Exhibit A attached hereto.

Section 3. Section 070.040.030(g)(6) is hereby added to the Glenwood Springs Municipal Code as set forth in Exhibit A attached hereto.

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

Section 5. With the exception of the provisions of the Municipal Code of the City of Glenwood Springs which are modified as provided herein, all remaining provisions of the Municipal Code of the City of Glenwood Springs shall remain in full force and effect.

INTRODUCED, READ ON FIRST READING, PASSED AND ORDERED
PUBLISHED BY TITLE ONLY THIS ____ DAY OF _____ 2022.

CITY OF GLENWOOD SPRINGS, COLORADO

Jonathan Godes, Mayor

ATTEST:

Ryan Muse, City Clerk

INTRODUCED, READ ON SECOND READING, AND ORDERED PUBLISHED BY
TITLE ONLY TO BE EFFECTIVE TEN DAYS FOLLOWING THE DATE OF SECOND
PUBLICATION THIS ____ DAY OF _____ 2022.

CITY OF GLENWOOD SPRINGS, COLORADO

Jonathan Godes, Mayor

ATTEST:

Ryan Muse, City Clerk

Exhibit A

090.080 - PUBLIC ART PROGRAM

090.080.010 - Definitions.

Arts and Culture Board means the board as stated in 020.020

Art or artwork means works in any permanent medium or combination of media produced by a professional practitioner in the arts. For the purposes of this chapter, the terms art and artwork do not include performing or literary arts such as dance, music, drama, or poetry.

Artist means a practitioner of the creative arts, generally recognized as such by critics and peers, with a body of work including commissions, exhibitions, sales, publications, and collections.

Art Master Plan means the Public Art Master Plan of the City of Glenwood Springs, Colorado, as it exists or may be amended. The Public Art Master Plan shall provide a process for the systematic selection of pieces of art and locations of art to be included in public spaces. The Public Art Master Plan shall be filed with the Parks and Recreation Department.

Construction cost means actual cost of any construction project with an estimated construction cost of one hundred thousand dollars or more, excluding, however, engineering and administrative costs, costs of fees and permits and indirect costs, such as interest during construction, advertising and legal fees.

Glenwood Springs Public Art Collection means all works of art owned by the City of Glenwood Springs, Colorado.

Board means the Glenwood Springs Arts and Culture Board of the City of Glenwood Springs, Colorado.

Board Member means a member of the Glenwood Springs Arts and Culture Board.

City means the City of Glenwood Springs, Colorado.

Deaccession means a procedure for the withdrawal of an artwork from the Glenwood Springs Public Art Collection and the determination of its future disposition.

Public Art means a work of art that is visible and accessible to the public for a minimum of 40 hours per week. Public art may include sculpture, painting, installations, photography, video, works of light or sound, or any other work or project determined by the Arts and Culture Board to satisfy the intent of this Chapter, provided, however, that none of the following shall be considered public art for the purposes of satisfying the requirements of this Chapter:

- (1) Objects that are mass produced of standard design, such as banners, signs, playground equipment, benches, statuary, street or sidewalk barriers, or fountains;
- (2) Reproduction, by mechanical or other means, of original works of art, except as incorporated into film, video, photography, printmaking or other derivative works as approved by the Arts and Culture Board;
- (3) Decorative, architectural, or functional elements that are designed by the building architect or landscape architect as opposed to an artist commissioned for this purpose; or
- (4) Landscape architecture or gardening, except where these elements are designed by an artist and are an integral part of a work of art.

Public Art Acquisition Account means a separate, special fund as part of the City's overall finances into which public art donations and funding are deposited, transferred and used for acquisition,

commissioning, exhibition and conservation of public art as recommended by the Arts and Culture Board and approved by the City Council

Public Art Program means the Public Art Program of the City of Glenwood Springs, Colorado established by this chapter.

Public Art Plan means the annual work plan developed by the Arts and Culture Board with staff, detailing the public art projects and funding levels recommended for the upcoming year.

Public Space means any area or property (public or private) which is accessible or visible to the general public a minimum of 8 hours per business day.

Publicly Owned Land means any land open to the public and managed by the City of Glenwood Springs, Colorado.

Relocation means a procedure for the movement of an artwork from one location to another.

090.080.020 – Purpose

The purpose of this article is to set forth policies and procedures for acquiring, commissioning and placing new public art and the management, maintenance, preservation and restoration of historical artwork within the city's public art program.

090.080.030 - The Glenwood Springs Public Art Program

- (a) Public art may be acquired by the City and featured on publicly owned land for the visual enjoyment of residents and visitors.
- (b) The Glenwood Springs Public Art Program shall operate pursuant to the policies and procedures set forth in the Public Art Master Plan and adopted by resolution of the City Council.
- (c) The Glenwood Springs Public Art Collection shall consist of artwork selected through an open, equitable, and competitive process.
- (d) The City Manager shall designate a City employee to serve as the Public Art Coordinator to oversee and administer the Public Art Program.

090.080.040 – Funding.

The Public Art Program shall be funded by a per square foot cost for private development and a percent of the costs of publicly funded Capital Improvement Projects.

- (a) The City Council will annually set aside one (1) percent of publicly funded capital improvement projects, including roads, streetscape projects, fire and police stations, parks, city facilities and utility projects, when there are visual elements of the project above ground, for public art.
 - (1) All capital construction projects qualify except the following
 - a. Regular road maintenance, underground infrastructure, and underground utility projects with no above-ground components.
 - b. The South Bridge project.
- (b) Projects subject to the Common Open Space requirements within Section 070.040.040 shall provide public art on site or pay a fee in lieu through one of the following means:
 - (1) On-site Artwork.

- a. The developer of the property shall submit documentation evidencing the escrow of funds for a work of art valued at a per square foot cost of gross floor area within the development to be set by City Council resolution.
- b. Submit an application for approval of the work of art.
- c. The required amount may be discounted by ten (10) percent if a Garfield County based artist is used. The city will maintain a list of pre-qualified artists in order to assist developers in identifying artists.
- d. Artwork must be located in an exterior place defined as any place, public or private, outdoor and exterior to buildings or structures and exposed to public view, including, but not limited to, buildings, and green spaces. The artwork shall remain as an approved element of the site plan unless the City or the property owner
- e. The applicant will enter into an agreement with the City at the time of the execution of the development agreement specifying the length of time the artwork must be displayed and maintenance requirements.

(2) Cash in Lieu.

- a. The developer may contribute an amount equal to eighty (80) percent of the per square foot cost of gross floor area within the development to be set by City Council resolution for deposit to the Art in Public Places Fund.

(3) On-site Artwork and Cash in Lieu

- a. In the event that the developer of the property opts to install on site artwork in accordance with subsection b(1) of this section, but which is valued less than the per square foot cost of gross floor area within the development to be set by City Council resolution, the developer shall submit documentation evidencing the escrow of funds for the value of the work of art, up to \$100,000.00, and contribute 80 percent of the balance for deposit in the Art in Public Places Fund.
- (c) Funding from Private Development and the Percent for Art Capital Improvement Projects will be deposited into the Public Art Acquisition Account and will be used for acquisition, commissioning, exhibition and conservation of public art as recommended by the Arts and Culture Board and approved by the City Council. Fees in lieu paid into this fund may not be used for the general expenses of the City.
- (d) Funds designated for public art may be used on artist fees, artwork fabrication and installation, acquisition or relocation of existing works of art, required permits and insurance during the fabrication and installation of artwork, informational and/or promotional materials and public events directly related to artwork, and curators and contracted services.

090.080.050: Acquisition and Deaccession

- (a) Acquisition. The City may acquire artwork for the Glenwood Springs Public Art Collection by commission, purchase, donations, contributions or grants from private entities, other public agencies, or philanthropic sources and the Arts and Culture Board will make recommendations to City Council pertaining to all acquisitions.
- (b) Deaccession.
 - (1) Except for situations requiring emergency removal, public art shall not be deaccessioned or removed without review and recommendation by the Arts and Culture Board.

- (2) Upon consideration of deaccession or removal of public art, the Arts and Culture Board shall hold one or more public meetings to gather community feedback on the proposed deaccession or removal.
- (3) City Council Review. The Board's recommendations for all acquisitions and deaccessions shall be included as a report on the following City Council consent agenda, which may be called up and such recommendation approved, modified, or rejected by majority vote of City Council. The Board's decision shall become final after 30 days.

* * * *

070.040.030 (g)(6) Public Art

New developments subject to the Common Open Space requirements within Section 070.040.040 shall provide public art through On-Site Artwork, Cash in Lieu or a combination as set forth in Section 090.080.040(c). Notwithstanding the foregoing, no housing units that are deed restricted to be affordable to households earning no more than one hundred percent (100%) AMI shall be subject to this requirement.



MINUTES

CITY OF GLENWOOD SPRINGS

Planning and Zoning Commission

Regular Meeting

January 25, 2022

1. Roll Call

Present: Commissioners Wissing, Schachter, Cipperly, Shaver, White, and West. Alternate Commissioner Amy Connerton.

Staff: Jenn Ooton, Assistant City Manager, Hannah Klausman, Assistant Director Community Development, Attorney Richard Peterson.

Commissioner Cipperly motioned to seat Alternate Amy Connerton. Commissioner Shaver seconded. Unanimously approved.

Chair Dehm logged into the meeting after roll call but before the first item.

2. Receipt of Minutes

Receipt of December 14, 2021 Draft Minutes

Commissioner Shaver motioned to approve the December 14, 2021 Minutes. Commissioner Schachter seconded. Minutes unanimously approved.

3. Comments from Citizens for items not on the agenda.

No comments received.

4. Continued Items

a. Planning File 57-21, Part 3 - Public Art Master Plan Implementation

Assistant City Manager Jenn Ooton described the Public Art Master Plan and background for Code Amendment changes necessary to implement the plan. Parks, Recreation and Economic Development staff members determined that if the city pursued five public art pieces each year, that the need would be just over \$60,000 annually.

Ms. Ooton explained that staff reviewed the square footages of past projects that would be subject to the open space requirements to arrive at a recommendation of a fee of 10 cents per foot, but that City Council adopt the fees by resolution, so that the fee can change in the future without a change to the

Municipal Code. Staff recommended approval of amendments to Title 070 as listed in the attachment to the staff report, with the findings listed on page three.

Questions from Commissioners:

Commissioner Shaver asked about exemptions for developments that are providing affordable housing. Sumner wants to exempt any deed restricted property at 100% AMI or lower from these fees. Staff asked for clarification if this was for inclusionary zoning program, or voluntary program. Sumner says he is most concerned about the Inclusionary Zoning projects but would defer to staff on recommendation. Commissioner White comments that if developments are required to provide affordable housing it seems like the incentive should be to developments that voluntarily provide affordable housing. Commissioner Cipperly asks if this will create low-income housing developments without art. Suggestion to only exempt the square footage that is deed restricted below 100%AMI for both required and voluntary units.

Commissioners wondered why architects were specifically excluded from being the artist. Staff explains that the intent was that masonry or other architectural features would not meet the requirement of Art. The intent is that architecture itself is not meant to satisfy the art requirement. Suggestion that some aspects of a building might qualify as art, such as a gargoyle, and that could be a review and approval by staff.

Question on who provides maintenance of art as it is not clear in the proposed code. Is it the City?
Question on duration of art. Do they have to apply again if they want to change out the art pieces?

Question on what it means for the fees to be set by resolution and not an ordinance. Staff explains that resolutions allow for more flexible approval process that doesn't require two readings and that all fees are set by resolution annually which allows a complete review of fees.

Question on whether the cost could be diffused or collected through different means for example a real estate transfer tax. Staff explains transfer taxes are not allowed.

Question how Planning and Zoning Commission could relay that they would like to see the funding for art possibly come from other sources.

Clarification that the art would be occurring on public property. Question on whether there is an option to place the art on the site of the proposed development. Staff clarifies that either public property or an easement on the property itself. Question on wouldn't the City want to own the art after it was required and be in public view. Legal mentions that there might need to be higher scrutiny of selection if it is going to be city property.

Ms. Ooton summarized the suggested changes from Planning and Zoning Commissioners as the following:

1. Changing the definition of 090.080.010(c) excluding the sentence that references the prohibiting of architects from being artists.
2. Changing the funding section 090.080.040(a) and (d) to include costs for private development as a cost per square foot and a percentage of the cost of capitally funded improvement projects.
3. Putting an exception for deed restricted square footage at 100% AMI.
4. Developer shall dedicate to the City public art but shall enter into an agreement for maintenance with covenants for art duration.

Chair Dehm opened the item up for public comment and received none.

Commissioner Cipperly motions to approve the item as discussed. Commissioner Schachter Seconds. Unanimously approved. 7-0

Next Item:

a. Discussion on City Boards and Commissions Special Meeting

Assistant Director of Community Development Hannah Klausman explained the purpose and intent of the meeting and introduced the summary of responses to City Council questions from Commissioners.

Staff opened it up for discussion on the item.

Commissioner Schachter wanted to highlight the Commissions desire for the work shops and emphasize the roll of "Planning" for Planning and Zoning Commission. Chair Dehm agreed on highlighting the visionary work of the work sessions and the importance of continuing that effort.

Commissioners nominated Chair Dehm to be their representative at the meeting on January 27, 2022.

5. Commissioner Comments

Commissioner White asked for protocol on emails received from the public. Legal confirmed that emails should be forwarded to Community Development but not to directly respond as a Commissioner.

Commissioner West thanked the Commission as this would be his last meeting of serving his term.

6. Director Comments

Ms. Ooton thanked Commissioners West and Schachter for their service on the Planning and Zoning Commission. She also noted that City Council appointed alternate Commissioners Peter Waller and Amy Connerton to regular seats that were open, as well as appointed two new alternates to serve for a term of three years.

7. Meeting adjourned at 7:50 PM



Planning and Zoning Commission Report

Date: January 25, 2021
To: Planning and Zoning Commission
From: Jennifer Ooton, Assistant City Manager
Subject: Planning File 57-21 – Part 3, Art Master
Plan Implementation

REQUEST	Consideration of text amendments to Municipal Code Title 070
APPLICANT	City of Glenwood Springs
OWNER	City of Glenwood Springs
LOCATION	Citywide
ZONE	All
SURROUNDING LAND USES	
LOT SIZE	

ACTION ITEMS

Action 1: Consideration of code text amendments to Municipal Code Title 070.040.030 Site Development and Improvement Standards

Staff recommends **approval** of amendments to Title 070 as listed in the attachment to this report, with the **findings** listed on page three.

REVIEW AUTHORITY

For actions involving amendments to the Land Use Code, the Planning & Zoning Commission is a recommending body to City Council. All Municipal Code amendments are completed by ordinance, which requires two hearings before City Council.

BACKGROUND

During the process to create the "Tubing the Colorado" sculpture in 2018-2019, the Arts and Culture Board identified the need for a comprehensive approach to public art, including the process to put out calls for art/artists.

In November 2019, the City of Glenwood Springs selected Ohio-based Designing Local to develop a comprehensive Public Art Plan to develop policies and procedures for acquiring, commissioning and placing new art.

The resulting Public Art Master Plan was adopted by City Council on Oct. 7, 2021. Planning and Zoning held a work session on this item in October.

PROJECT SUMMARY

In order to implement the recommendations in the Master Plan, changes would be needed within the Municipal Code. Most of those are proposed to be contained within Title 090 Public Lands. Because there is a component of the recommendations to include an exaction on developers, the code changes in Title 070 are being brought to Planning Commission for a recommendation on that specific section.

The Art Plan anticipates that the City Council will annually set aside one percent of publicly funded capital improvement projects, including roads, streetscape projects, fire and police stations, parks, city facilities and utility projects, when there are visual elements of the project above ground, for public art. All capital construction projects would qualify except for regular road maintenance, underground infrastructure, and underground utility projects with no above-ground components, and the South Bridge project.

The Plan also recommends financial exactions from private developers for public art. At a work session at the end of 2021, Planning Commission asked for staff to back into the amount of funding needed each year after hearing staff concerns related to a flat 1 percent development fee for development projects subject to the open space requirement. Following the work session, Parks, Recreation and Economic Development staff members determined that if the city pursued five public art pieces each year, that the need would be just over \$60,000 annually. Staff reviewed Carbondale and Lafayette's rotating art exhibits, which include prices as the pieces on display are for sale and found the average cost a sculpture was \$12,062.

Staff reviewed the square footages of projects that would be subject to the open space requirements and also that finished the development process for a few different years. For projects with a 2020 Planning File number, the \$60,000 spread out over the square footage was 13 cents per foot. Staff will recommend that the fee be 10 cents per foot, but that City Council adopt the fees by resolution, so that the fee can change in the future without a change to the Municipal Code.

Artwork must be located in an exterior place defined as any place, public or private, outdoor and exterior to buildings or structures and exposed to public view, including, but not limited to, buildings, and green spaces.

Construction cost would mean actual cost of any construction project with an estimated construction cost of a hundred thousand dollars or more, excluding, however, engineering and administrative costs, costs of fees and permits and indirect costs, such as interest during construction, advertising and legal fees.

REVIEW CRITERIA AND STAFF ANALYSIS

For code amendments to Title 070, the Planning Commission and City Council consider whether and to what extent the proposed amendments are:

- a. Are consistent with the Comprehensive Plan and other City policies;
- b. Do not conflict with other provisions of this Code or other provisions in the Glenwood Springs Municipal Code;
- c. Are necessary to address a demonstrated community need;
- d. Are necessary to respond to substantial changes in conditions and/or policy; and
- e. Are consistent with the general purpose and intent of this Code.

Staff believes that the code amendments are consistent with the Comprehensive Plan and other City policies, in that the Master Plan has been adopted by City Council and the Comprehensive Plan identifies Preserving cultural resources as a goal and identifies supporting and expanding the public arts and cultural programs and developing an Arts Master Plan as objectives and strategies for achieving that goal. The Comprehensive Plan (2011) notes that "the creation of an Arts Master Plan was included as a direction of the 1998 Comprehensive Plan."

Staff believes that the code amendments do not conflict with other provisions of this Code or other provisions in the Glenwood Springs Municipal Code, are in response to changes in policy, and are consistent with the

general purposes/intent of the code.

During the public engagement process for the development of the Plan, community stakeholders were contacted to share their vision for public art in Glenwood Springs and a Designing Local representative toured our city to get a firsthand glimpse of our public art and feel for the culture of Glenwood Springs. Input to the public art plan during the past year also took place via additional stakeholder interviews and online surveys.

The resulting plan addresses preservation and restoration of the city's existing public artwork portfolio, assessment of the public art collection for gaps and opportunities, a process for decommissioning art, and ideas for additional public art initiatives. The Public Art Program as envisioned would be funded by a percentage of project costs for private development and a percent of the costs of publicly funded Capital Improvement Projects.

Quoting from the Public Art Master Plan, adopted by resolution, "The Arts and Culture Board believes that arts and culture are integral to vibrancy and the social fabric of our communities. Just as mortar binds building blocks, arts and culture brings people together and encourages meaningful connections. This plan is just the beginning as we set forth to achieve our goals and to further art in Glenwood Springs not just for arts sake, but as an opportunity to improve our economic vitality and ensure a vibrant more livable Glenwood Springs."

Changes proposed to Titles 090 and 070 are intended to codify policies around the creation of new public art and a funding stream for the projects.

REVIEWING AGENCY COMMENTS

NA

ACTION ITEMS & STAFF RECOMMENDATIONS

ACTION ALTERNATIVES

Regarding the amendments, the Planning and Zoning Commission may take one of the following actions:

1. Recommend approval of some or all of the amendments;
2. Recommend denial of some or all of the amendments; or,
3. Continue the hearing with a requirement that staff submit changes or provide additional information regarding some or all the amendments.

Suggested Findings:

Staff recommends approval of the amendments as listed in the attachments with the following findings:

1. Pursuant to the authority in the Glenwood Springs Municipal Charter and Colorado Revised Statutes §29-20-101 et seq., and §31-23-301 et seq., as amended the City of Glenwood Springs has the authority to plan for and regulate the use of land within the municipality
2. The proposed text amendments:
 - a. Are consistent with the Comprehensive Plan and other City policies;
 - b. Do not conflict with other provisions of this Code or other provisions in the Glenwood Springs Municipal Code;
 - c. Are necessary to address a demonstrated community need;

- d. Are necessary to respond to substantial changes in conditions and/or policy; and
- e. Are consistent with the general purpose and intent of this Code.

GLENWOOD SPRINGS

PUBLIC ART MASTER PLAN

2021



01.

INTRODUCTION

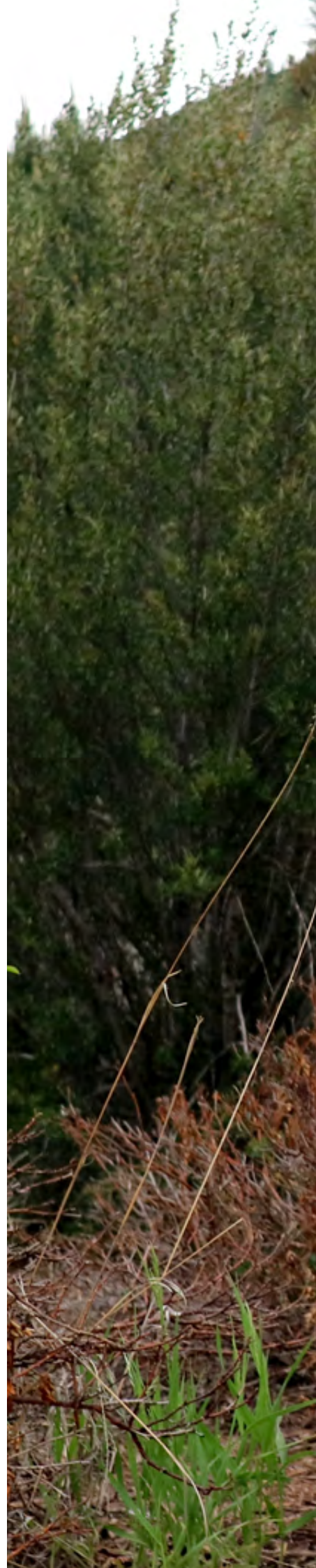
Arts and culture is at the heart of ensuring Glenwood Springs remains a diverse and prosperous community for years to come. The Glenwood Springs City Council and Mayor have tasked the Arts and Culture Board with the responsibility of promoting awareness, access, and appreciation of the fine, performing, and practical arts for City residents and visitors.

Key to promoting Arts and Culture in Glenwood Springs is the management and future expansion of public art in the community. The plan details the story of how the existing public art in our community came to be as well as lays out a roadmap for where public art will go in Glenwood Springs in the future.

The Arts and Culture Board believes that arts and culture are integral to vibrancy and the social fabric of our communities. Just as mortar binds building blocks, arts and culture brings people together and encourages meaningful connections. This plan is just the beginning as we set forth to achieve our goals and to further art in Glenwood Springs not just for arts sake, but as an opportunity to improve our economic vitality and ensure a vibrant more livable Glenwood Springs.

The Glenwood Spring Public Art Master Plan lays the foundation for the future of public art in our community and by extension prepares us to tell the next chapter of our story. Our public art is a tool to speak to visitors, residents, and all those seeking out our community from across the state or across the nation- to tell them this is a place where we care about who we are, what we do, and where we came from.

- The Glenwood Springs Arts and Culture Board







HISTORY OF PUBLIC ART IN GLENWOOD SPRINGS

Recognizing the social and economic benefits realized through an aesthetic experience in public spaces, the Glenwood Springs public art program's purpose has been to add high quality, site-specific artists' work to the natural and built environments. In 1983, the City installed a number of donated art pieces and engaged in partnerships with local artists to mount several murals in the downtown area over the following decade. The commissioning of art pieces in the early 2000's for newly constructed public buildings and later the creation of an Arts and Culture Board began discussions of allocating a percentage of eligible City project funds for commissioning artists for services and site-specific artwork to be integrated into new construction projects.

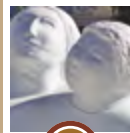
In 2017, the City of Glenwood Springs created a task force of local artists and stakeholder groups to hire a renowned artist to work with the community to design a sculpture for the historic 6th Street corridor with the help of a National Endowment for the Arts (NEA) Art Works grant. Not only did this process result in a beautiful 10,000-pound Yule Marble sculpture entitled "Tubing on the River," but also inspired the City to continue to engage these local arts and community groups in the development of a Public Art Master Plan to guide future efforts to install public art, boost arts and cultural programming, and celebrate history around the community. This call for art process inspired the desire for more consideration to public art opportunities and thoughtful placemaking throughout the city.

Glenwood Springs' growing public art collection includes over 50 permanent artworks, in various mediums, in parks and City buildings, skate parks, recreation centers, sidewalks, city streets and plazas throughout the city. The City and County Building houses several unique paintings, photographs, prints, and sculptures. In recent years the City of Glenwood Springs has partnered with several agencies to integrate public art in their city-wide project areas. The future is bright for public art in Glenwood Springs!



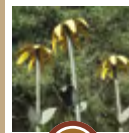
We invite you to discover these art installations as you explore the downtown.

Los invitamos a descubrir estas instalaciones de arte y a explorar el centro de la ciudad.



Tubing the Colorado
Artist: Madeline Wiener
Medium: Colorado Marble

Camaras por el Colorado
Artista: Madeline Wiener
Medio: Mármol de Colorado



Flowers
Artist: Christopher Weed
Medium: Powder Coated Steel

Flores
Artista: Christopher Weed
Medio: Acero recubierto de polvo



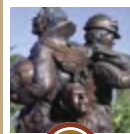
Possession
Artists: Charlie Beyer and Terry Muldoon
Medium: Steel

Posesión
Artistas: Charlie Beyer y Terry Muldoon
Medio: Acero

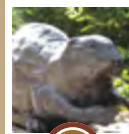


Merkaba Dura
Artist: Joe Burleigh
Medium: Steel with Rust Patina

Merkaba Dura
Artista: Joe Burleigh
Medio: Acero con pátina oxidada

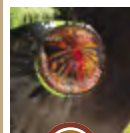


Storm King Fourteen
Sculpture Artist: Joyce Killebrew
Medium: Bronze
Plaque Artist: Stone Imagery
Rey de la Tormenta Catorce
Escultura Artista: Joyce Killebrew
Medio: Bronce
Placas: Imágenes de piedra



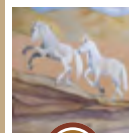
Beaver
Artist: Cynthia Fenster
Media: Bronze and Stainless Steel

Castor
Artista: Cynthia Fenster
Medios: Bronce y acero inoxidable



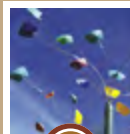
Dancing Moon VI
Artist: Reven Marie Swanson
Medium: Steel and Fused Glass

Luna Danzante VI
Artista: Reven Marie Swanson
Medio: Acero y vidrio fundido



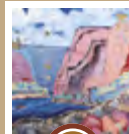
Horses
Artist: Noemi Kosmowski
Medium: Mural

Caballos
Artista: Noemi Kosmowski
Medio: Mural



Aspens
Artist: Reven Marie Swanson
Medium: Powder Coated Steel

Aspens
Artista: Reven Marie Swanson
Medio: Acero recubierto de polvo



Glenwood Canyon
Artist: Mary Noone
Medium: Mural

Cañón de Glenwood
Artista: Mary Noone
Medio: Mural



BROUGHT TO YOU BY THE DOWNTOWN DEVELOPMENT AUTHORITY & THE CITY OF GLENWOOD SPRINGS // www.GlenwoodChamber.com
TRAIDOS POR LA AUTORIDAD DE DESARROLLO DEL CENTRO Y LA CIUDAD DE GLENWOOD SPRINGS



OUR VISION FOR PUBLIC ART

**IN OUR COMMUNITY,
PUBLIC ART WILL
ENHANCE LIVABILITY FOR
OUR RESIDENTS AND TELL
OUR STORY TO VISITORS
BY ENLIVENING OUR CIVIC
SPACES WITH VIBRANCY
AND CREATIVITY.**

ESSENCE FRAMEWORK

The purpose of the Essence Framework for Glenwood Springs is to celebrate all that makes the city unique and special and to help artists and visionaries communicate that essence to the outside world. The concepts, descriptors, and images come together to create a family of components that speaks to the identity and story of Glenwood Springs.

Glenwood Springs is a town beloved by residents and visitors alike. With a mix of history, natural beauty, and forward momentum standing out among its peers in the Roaring Fork Valley, Colorado and beyond.

“It is a mixture of outdoor recreation, culture, history and natural beauty.”

– Survey Participant





HEALING WATERS, HEALTHY HOME

From the indigenous people of the area to contemporary travelers, the Hot Springs and Vapor Caves of Glenwood Springs have cemented a culture of wellness. Access to outdoor recreation and sports have ensured that legacy will live on into the future.

"Two gorgeous hot springs situated right in town gives both individuals and families the opportunity to soak in their glory."

- Survey Participant



Descriptors:

- **Yampah**
- **Aerial Adventures**
- **Gold Medal Waters**
- **Sunlight Mountain**
- **Mountain Biking**

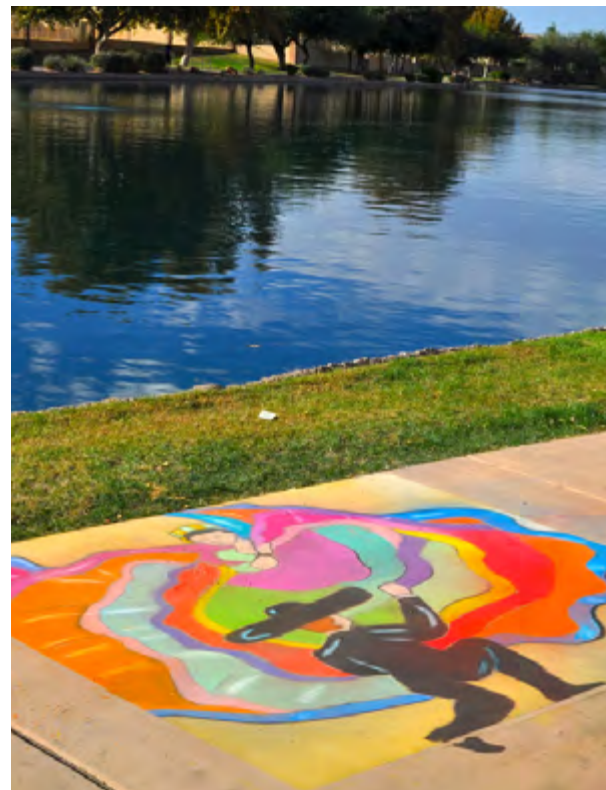
CONFLUENCE OF EVOLUTION

Glenwood Springs is a city where the historic environment meets with a vibrant future. Forward thinking and comfortable yet ever moving forward.

"An evolving identity of old and new..."
- Survey Participant

Descriptors:

- Energetic
- Relaxed Atmosphere
- Resilient
- Authentic
- Family Focused
- Diversity









TIERRA DE OPORTUNIDADES

Whether for the early Anglo-American settlers of the Old West or modern-day newcomers, Glenwood Springs was and remains an accessible small town.

"It's the little mountain town in Colorado that's actually livable. It's affordable, it has jobs, it has resources."

- Survey Participant

Descriptors:

- **Redstone Coal Baron**
- **Voces Unidas de las Montañas**
- **Trainloads of Tourists**
- **Hospitable Freedom**
- **Friendly and Welcoming**

THE GOOD, MOUNTAIN LIFE

The slower paced life in Glenwood Springs is influenced by the glory of nature and the high quality of life in the community.

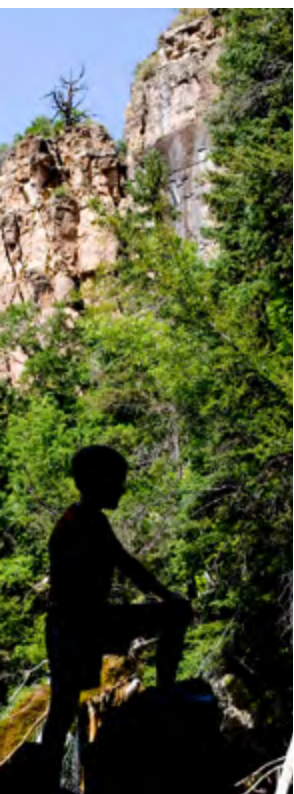
"Perfect blend of small town comfort with surprising amenities"

– Survey Participant

Descriptors:

- Laid Back
- Small Town Vibe
- Kind
- Hidden Jewel
- Colorado Shangri La
- Embracing









ACCESS ABOUND

A railroad town with nearly every modern form of transportation, Glenwood Springs is especially accessible and the nexus for travel in the Roaring Fork Valley and beyond.

“The gate to the beautiful Roaring Fork valley and home of the majestic Glenwood Canyon.”

– Survey Participant



Descriptors:

- **Denver and Rio Grande Railroad**
- **VelociRFTA**
- **Colorado Midland Railroad**
- **I-70's 'Final Link'**
- **Rio Grande Trail**

HOT WATER AND TALL ROCKS

The stunning natural environment of Glenwood Springs has drawn generations of residents and visitors of the community. The geology of the community is its most striking feature.

"Every turn is a different eye-catching view."
– Survey Participant

Descriptors:

- **Western Slope**
- **Roaring Fork**
- **Blue Skies**
- **Glenwood Canyon**
- **Colorado River**

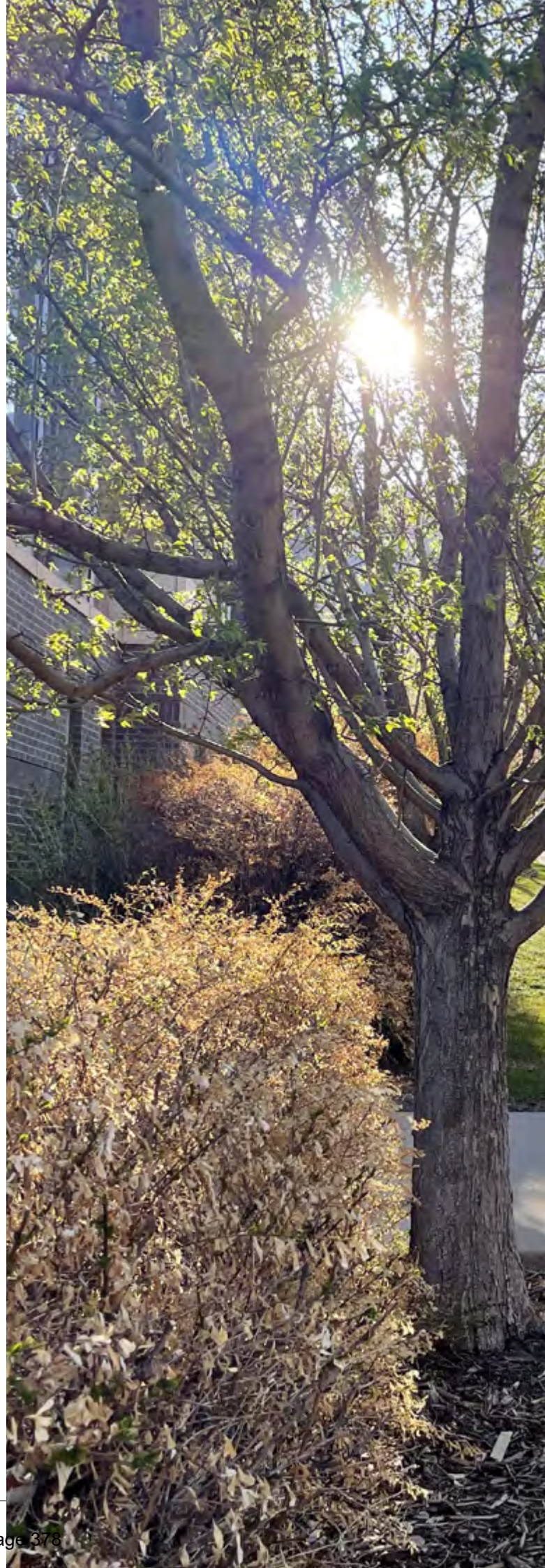




02.

ESTABLISHING THE PUBLIC ART PROGRAM

Though the City of Glenwood Springs has long had public art, a formal city-led program has not been established. Through the following steps, the City of Glenwood Springs will formally establish a Public Art Program. The Program will be governed by sound and transparent policies and procedures that will ensure continued success for the program.







Step 1: Enhancing the Role of the Arts and Culture Board

The Arts and Culture Board is the principal body for the promotion of the arts in Glenwood Springs. The board is empowered to promote the arts within the city and advise the City Council on matters related to the implementation of arts and funding. In order to formalize the Public Art Program additional powers and duties should be given to the Arts and Culture Board.

Additional powers and duties to be added:

- To review and approve proposed public art that is on City property or funded by the City.
- To make recommendations to the City Council for the procurement of public art and for the selection of artists for public art commissions.
- To advise City staff on the development of calls for artists and the establishment of selection committees for public art.

Composition of the Board

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.



Existing Power and Duties of the Board

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

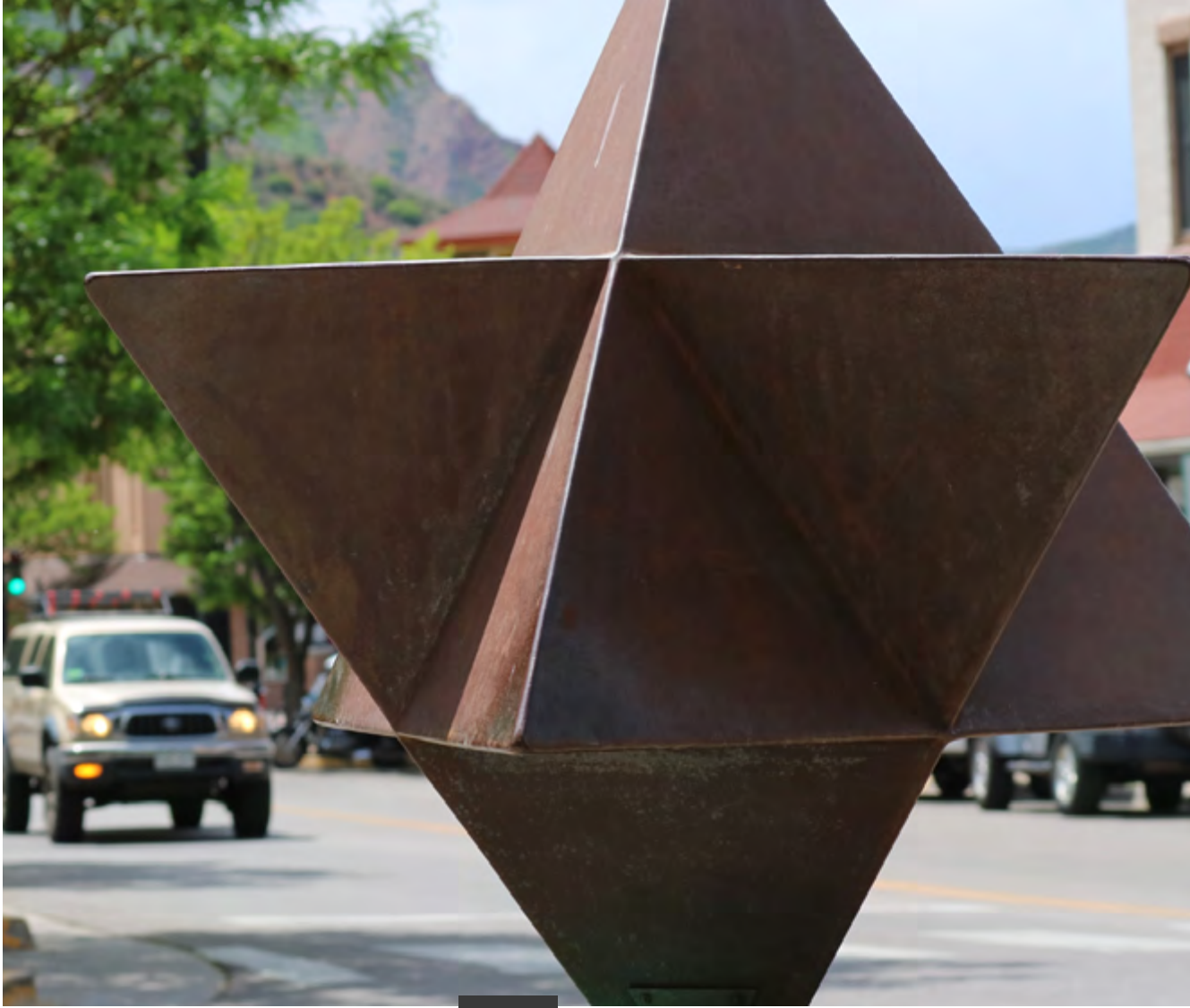
Step 2: Creating the Glenwood Springs Public Art Ordinance

Currently the Public Art Program is an informal outgrowth of the desire for more public art in the city. By adopting the Glenwood Springs Public Art Ordinance, the City Council will formalize the Public Art Program and set it up for future success.

The proposed Public Art Ordinance will do the following:

- Establish a definition for 'Public Art'
- Create a Public Art Acquisition Account
- Define the Relationship between the Public Art Program and the Arts and Culture Board
- Adopt the Public Art Master Plan
- Direct the Arts and Culture Board to Adopt the Public Art Policy as outlined on in the Appendix.





Step 3: Implementing Public Art Policies

In order to create an efficient, transparent, and successful Public Art Program, the policies outlined below have been developed for the Arts and Culture Board. These will operationalize the Public Art Program as established by the Public Art Ordinance and should be used as the basis for decision making for the program.

Introduction

This section lays out definitions for the remaining policies.

Roles and Responsibilities

This section details who are the responsible parties for public art in Glenwood Springs and the role that each plays in executing a successful public art program.

Work Plan

This policy creates a requirement for a yearly Work Plan for the Public Art Program and defines how the work plan will build consensus on what the program can accomplish each year.

Use of Funds

This policy details how Public Art Program funds may be used throughout the development and implementation of public art projects.

Acquisition Policy

This policy establishes the practices for acquiring artworks through the Public Art Fund. This detailed policy will ensure a transparent process for acquiring artwork and favors open ended selection processes in order to promote artistic excellence and further the goals and strategies of the program.

Collection Management Policy

This policy establishes the management practices of artworks acquired through the solicitation and donation processes. These pieces are considered part of the City's Permanent Collection and must be cared for in accordance with the Maintenance Policy. The Collection Management Policy is intended to maintain the value of the City's Permanent Collection and guard against inappropriate disposal of any of its pieces.

Donation Procedures

This policy creates procedures for individuals or organizations who request to donate artwork to the City. These donations may be considered on a case-by-case basis and requests for consideration shall be made to the Arts and Culture Board.

Maintenance Policy

This policy establishes the procedure for maintenance of the future public art collection as well as for pieces currently in the collection. Direction for surveying the collection, working with future artists to establish a maintenance plan for any commissioned work, and inspection guidelines are included.

Mural Guidelines

These guidelines explain the various ways murals may be implemented in Glenwood Springs and who will be responsible for approval (or if approvals are needed) depending on the ownership of the site and the funding for implementation of the murals.

Step 4: Permanent Funding for Public Art

In order to achieve the vision of public art in Glenwood Springs, additional funding will be needed. The following are a series of public art funding mechanisms that could be implemented in tandem or independently.

Percent for Art in Private Development

This proposed public art requirement would apply to developments subject to the Common Open Space requirements as stipulated within the development code (Municipal Code #070.040.040).

Option 1: On-site Artwork.

- A. Submit documentation evidencing the escrow of funds for a work of Art valued in an amount not less than one (1) percent of the total construction costs.
- B. Submit an application for approval of the work of Art.
- C. The required amount would be discounted by 10 percent if a Garfield County based artist is used. The city will maintain a list of pre-qualified artists in order to assist developers in identifying artists.

Option 2: Contribute to the Public Art Acquisition Account.

- A. Contribute an amount equal to 80 percent of the one (1) percent of the total construction costs for deposit to the Art in Public Places Fund.

Option 3: On-site Artwork and Contribute to Public Art Acquisition Account

- A. Submit documentation evidencing the escrow of funds for a work of art valued in an amount not less than one (1) percent of the total construction costs, up to \$100,000.00.
- B. Contribute 80 percent of the balance of the one (1) percent of the total construction costs for deposit in the Art in Public Places Fund.

Location of Artwork if Option 1 or 3 is selected:

Artwork must be located in an exterior place defined as any place, public or private, outdoor and exterior to buildings or structures and exposed to public view, including, but not limited to, buildings, and green spaces.

Percent for Public Art in City Capital Improvement Projects

The Percent for Art legislation will encumber 1 percent of CIP (publicly-funded capital improvement projects) per year for the commissioning of public Artworks, which will usually be sited in, on, or adjacent to the building or project being constructed. The Percent for Art ordinance guarantee a funding stream for public art projects regardless of what happens to city budgets or arts funding. The policy also guarantees that public art projects are planned each year, as long as CIPs are underway and municipal construction continues.

All capital construction projects qualify except the following: regular road maintenance, underground infrastructure, and underground utility projects with no above- ground components other than roads. Projects with underground infrastructure, including utility projects, should be included when there are visual elements of the project above ground. The total budget of the project should include all underground components.

Types of potential Capital Improvement Projects to Include Public Art:

- Roads
- Streetscape Projects
- Fire and Police Stations
- Parks
- City Facilities

03.





OPERATIONALIZING THE PUBLIC ART PROGRAM

With the Public Art Program established through the steps in the previous chapter, the City and the Arts and Culture Board will need to move forward with operationalizing the program. Goals and strategies to operationalize the program are laid out in the following sections.

Section 1: Goals

The City of Glenwood Springs and its partners share a commitment to intentionality when implementing public art in Glenwood Springs. As a community dedicated to ensuring both maximum livability for its residents and to supporting tourism and the wider economy public art can play a key role.

On the following pages are the core goals of the Public Art Program, in no specific order. These goals should be used when implementing public art projects and though no one project will accomplish all goals, projects should satisfy one or more of the goals.

Goal 1: Connect people to the identity of our community.

Public art should foster a connection between the City of Glenwood Springs and the people who live, work, and visit the community.

Goal 2: Celebrate and enhance our community's natural environment and beauty.

The splendor of the mountains and rivers are one of the most striking features of Glenwood Spring. Whatever its connection to the natural world, public art should strive to include it.

Goal 3: Connect to a culture of wellness.

Whether it's a hot spring or a mountain climb, wellness is in the lifeblood of the community. Public art should contribute to that culture by encouraging interaction and physical activity.





Goal 4: Build upon our rich heritage.

There is no shortage of history to build upon in Glenwood Springs and public art can be used to help share those stories in new and contemporary ways.

Goal 5: Extol our cultural diversity.

As a community with a Native American legacy from the time of the Utes and growing non-native populations, particularly Latinos, our public art should tell the story of all those who make Glenwood Springs a vibrant community, particularly those who are underrepresented.

Goal 6: Engage a sense of playfulness and whimsy.

Public art in Glenwood Springs has the potential to move beyond the traditional and to inject creativity and fun into public spaces.

Goal 7: Create place-based economic development.

Targeted interventions of public art can be used to help enliven areas that are in need.



Section 2: Strategies

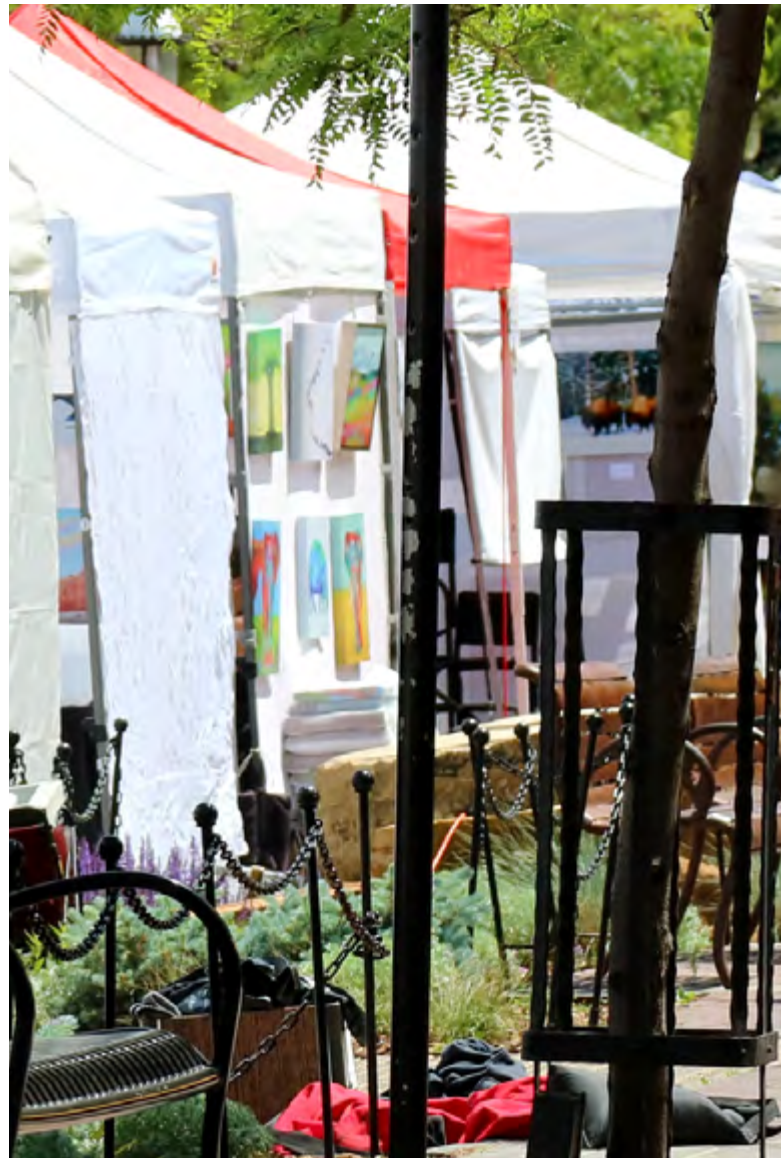
The following strategies can be used in order to further the Public Art Program. Some strategies are continuations of existing approaches while others will involve new initiatives for the Public Art Program.

Strategy 1: Continue Partnership with the DDA and Downtown Business Owners

The City has a strong ongoing partnership with the Downtown Development Authority and Downtown Business Owners and has implemented successful projects such as 'Glenwood Wings.' The Public Art Program should continue this successful partnership.

Strategy 2: Apply for Colorado Creative District Designation

The City of Glenwood Springs should apply for designation for the Downtown area as a Creative District. Key benefits of the designation include recognition, market, technical assistance, and grant opportunities.



Overview of the Colorado Creative Districts program

The Colorado Creative Districts program certifies communities that contribute to our state's economy through creativity, culture, and the arts. The program's goal is to help communities increase jobs, incomes, and investments in creative places.

Colorado Creative Districts share resources and learning among districts. Communities also receive financial support, technical assistance, and training programs.

Benefits of the program include:

- technical and professional assistance
- increased visibility through news stories about how creativity is changing Colorado through the work of these districts
- two highway signs placed on state highways near districts
- access to statewide economic data on the impact of Creative Districts
- access to the Western States Arts Federation (WESTAF) Creative Vitality Suite, an online platform for creative economy data

A year after certification, districts can apply for the technical and professional assistance grant for projects and activities that support strategic goals.



Strategy 3: Create a nature based public art series

Glenwood Springs existing public art is primarily focused on the Downtown area. Though the investments Downtown are entirely justified the addition of a nature focused public art series can promote public health, bring attention to issues relating to the environment, and enhance interactions and memories for visitors to Glenwood Springs.

Strategy 4: Invest in iconic public art in existing public spaces.

Like "Tubing on the Colorado" additional iconic public art in Glenwood Springs can work to enhance existing public spaces and draw visitors to different parts of the city.





Strategy 5: Utilize and promote local artists.

There are a large number of artists in Glenwood Springs and the surrounding areas and the City should work to create opportunities for these artists when possible. Due to the nature of public art, many large commissions may utilize national public artists, but the City should ensure to create smaller scale opportunities geared specifically for local artists. The City should also work to promote public artists in campaigns and other promotional material.

Strategy 6: Art and Culture campaign with Visit Glenwood Springs.

Visit Glenwood Springs does a remarkable job promoting the City and all it has to offer. The Public Art Program should partner with Visit Glenwood Springs to specifically promote the City as an arts focused destination. Additionally the City should partner with other Roaring Fork Valley cities to promote the region as an arts destination.



04.

PLACEMAKING WITH PUBLIC ART

The vision of public art in Glenwood Springs is full of creativity and intention and at this intersection lies the concept of placemaking. Glenwood Springs will use public art as one of its tools for placemaking that will result in more vibrant public spaces that residents and visitors will naturally be attracted to and enjoy. This chapter contains community selected locations for public art along with Big Ideas for the implementation of public art in Glenwood Springs.



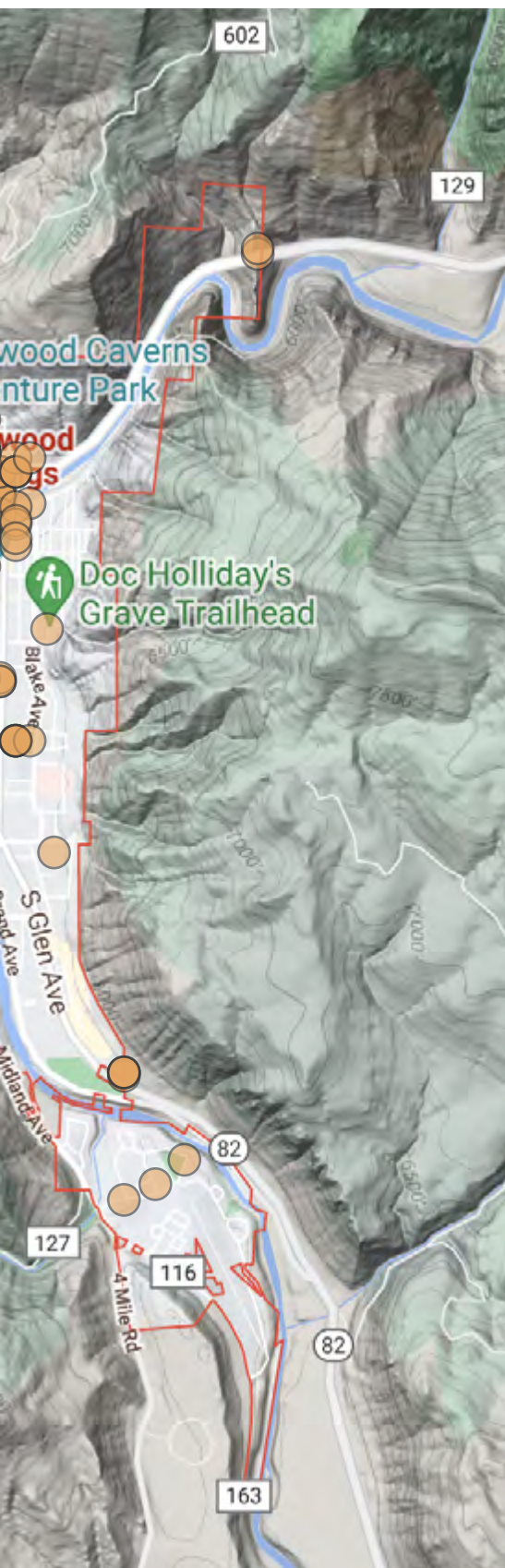


"Placemaking inspires people to collectively reimagine and reinvent public spaces as the heart of every community. Strengthening the connection between people and the places they share, placemaking refers to a collaborative process by which we can shape our public realm in order to maximize shared value. More than just promoting better urban design, placemaking facilitates creative patterns of use, paying particular attention to the physical, cultural, and social identities that define a place and support its ongoing evolution."

-Project for Public Space

COMMUNITY SELECTED LOCATIONS





COMMUNITY GENERATED LOCATIONS INCLUDE

14th St Pedestrian Bridge
 27th and Midland
 27th Street Bridge
 27th Street Roundabout
 6th Ave Roundabout
 8th to 11th in core
 Along the Rio Grande Trail
 Centennial Park
 Bethel Plaza
 Cooper Ave between 7th and 8th
 County Clerk and Recorder
 Courthouse
 Dog Park
 Downtown streets including Blake, Cooper
 Entering Glenwood from Carbondale
 Exits from interstate
 Glenwood Springs Elementary School
 Glenwood Springs High School
 Glenwood Springs Library
 Grand Ave Bridge
 Gregory Park
 Harrison Avenue
 I70 entrances to town
 Midland & Mount Sopris
 North Landing
 Sayre Park
 Sister Lucey Downey Park
 Two Rivers Park
 Under the bridge
 Veltus Park
 Walkway
 West Entrance
 West of the Hotel Colorado
 Whitewater Park





BIG IDEAS

The following pages are filled with big ideas meant to excite and inspire. These proposed projects may be implemented as suggested, modified, or may just serve as inspiration for Glenwood Springs and its residents as we collectively implement the public art program.





Idea 1: Off the Wall Mural Festival

Painting en plein air or outdoors has a storied history. Combining the concept with Glenwood Springs' recent successes with street murals and painting en plein air into an event or festival could bring together some of the best facets of the community. The event could be held in and around Glenwood Springs with artists set up at one or even a number of locations that showcase the superb natural beauty of the area.

Artists could be paid a stipend and the murals could be placed at locations in Downtown Glenwood Springs for display and rotate each year. Artwork could then be sold to help support future public art initiatives or the festival itself.





Idea 2: Rio Grande Art Trail

Glenwood Springs, RFTA and other Roaring Fork Valley Partners have made an impressive commitment to construct the Rio Grande Trail. Aspen and Carbondale are particularly well known in and outside the region for their commitment to the arts and through this plan Glenwood Springs intends to redouble its commitment as well. By working with all the jurisdictions and partners in the region to create an art trail along the Rio Grand Trail, the region can further encourage cycling and cultural tourism.

A Rio Grand Art Trail may have specific focal points or themes such as the environment, natural world, and history or may focus on artist driven work that engages visitors and locals alike.

Specific Locations in Glenwood Springs include:

- Glenwood Springs Elementary School
- Glenwood Springs High School
- Glenwood Springs Dog Park
- Grand Avenue
- City Boundary



Idea 3: Art on Top

Glenwood Springs is the quintessential mountain town and the nearby trails and peaks are (at a minimum) the city's tallest assets. Though many of the peaks and vistas are outside city-limits the city has a stake in its adjacent assets and attractions. Public art, situated at prominent locations on trails or other viewpoints on nearby mountains could promote health, recreation, and tourism in the city. Partnerships could be created with local, state and/or federal partners as needed.

Sensitivity towards the natural environment and view-sheds are highly important therefore any artwork should take this into account. Art could also be created that would be visible only from above on view points at higher elevations.

Inspirations Include:

- Tipit Rise Art Center (pictured below)
- Red Mountain Trail 'Hike to the Cross'





Idea 4: Jurassic Art

The quirky branding of VelociRFTA is not the only thing that makes the bus rapid transit (BRT) system that connects the Roaring Fork Valley unique. It was the first and perhaps as of this publication, the only rural BRT system in the country. At its launch in 2013 RFTA placed temporary giant eggs and dino footprints at stops throughout the system. Using this as inspiration, the city could implement small scale public art at spots throughout Glenwood Springs to promote ridership, assist with way-finding, and to add fun and whimsy to the daily commute. Small paths could be created in the sidewalk to guide visitors from stops to the downtown business district and Bethel Plaza.





Idea 5: Natural Playscape

Using wood or other found materials artists around the country create stunning and ephemeral outdoor works of public art. This art is particularly well suited for natural environments that need protected but also injected with public art. These installations make great play areas for young and old and in Glenwood Springs and could be well suited to the many parks and outdoor areas throughout the city. A particular location of interest is Two Rivers Park.



Idea 6: River Art

Though logistically challenging due to the many entities involved, artwork in one or both of Glenwood Springs rivers (or at their confluence) would be particularly impactful. This would be a draw for locals and tourists alike and could be created with low impact materials if needed.





Idea 7: For Kids by Kids!

Engaging the children of Glenwood Springs to create art around the community is not only a great opportunity to enliven the city but also to involve and engage the youth of the community. A variety of opportunities exist to have artwork created for by kids for kids (and adults too!).

Ideas include:

- Rotating art gallery
- Mural location that could rotate yearly
- Youth art installations at art festivals
- Capstone opportunities for seniors



Idea 8: Poetry in the Streets

Combining poetry and street art allows for a great way to engage the literary community and enliven the streets of Glenwood Springs. Local poets could be commissioned to write short poems that would then be placed on sidewalks around Glenwood Springs using spray paint, etching, chalk or some other method. Poems could be themed or general and could be targeted in implementation or placed throughout the city.





Idea 9: Local Artist Database

In order to assist individuals and businesses who are seeking to commission artwork by local artists, particularly developers impacted by the proposed Percent for Art Ordinance, the City should create a Local Artist Database. Creating a local artist database would allow for easier selection opportunities and connect those seeking art with artists.

The database would be updated yearly through an RFQ process. Artists would be required to submit the needed information yearly.





Idea 10: Activating the Bridge

The Grand Avenue Bridge is a vital link between Downtown Glenwood Springs and the many attractions across the Colorado and I-70. The bridge along with the 7th Street Plaza below provide a canvas for activation by the arts, both visual and event based.

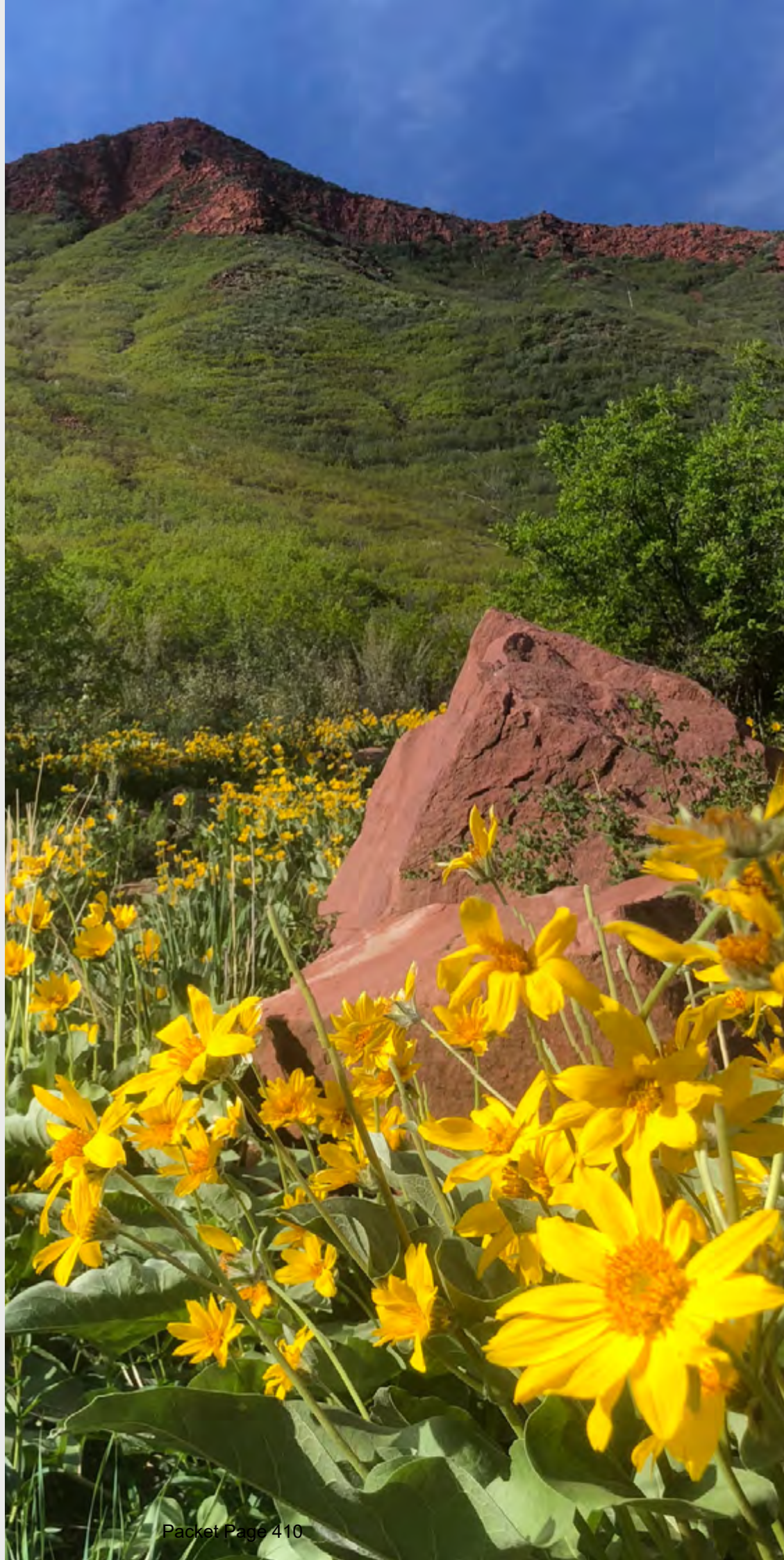
Ideas for Activation include:

- An Outdoor Art Show that takes place along the bridge
- Additional rotating murals along the bridge supports
- Plein Air art events
- Music on the Bridge





DESIGNING LOCAL





City Council
STAFF REPORT
City of Glenwood Springs
February 17, 2022

Agenda Item:	Ordinance 08, Series of 2022; An Ordinance of the City Council of the City of Glenwood Springs to Amend the 2022 Budget Appropriation (ONE READING)
Action Requested:	Approval of Ordinance 06, Series of 2022 amending the 2022 budget.
Department:	City Administration
Presented By:	Steve Boyd
Strategic Goals:	Provide Efficient and Responsive City Government Ensure Public Safety Protect and Preserve our Quality of Life Preserve and Improve Infrastructure Generate Sustainable Economic Development
Background Info:	The 2022 budget was submitted to Council on October 7, 2021. This Ordinance appropriates funds for projects that were not completed in 2021, primarily in the Capital Project and A&I Funds, and initiatives that have come up after the budget was submitted. This is the first of four planned amendments to budget between now and the end of the year.
Issues:	None
Fiscal Impact:	Detailed by Fund in Exhibit A
Legal Review:	NA
Staff Recommendation:	Staff supports approval of Ordinance 2022-08.

ORDINANCE NO. 08

Series of 2022

**AN ORDINANCE OF THE CITY OF GLENWOOD SPRINGS,
COLORADO, AMENDING THE 2022 APPROPRIATION ORDINANCE
TO REFLECT CARRYOVERS FROM THE 2021 BUDGET,
REALLOCATION OF FUNDS, AND EXPENDITURES APPROVED
AFTER SUBMISSION OF THE 2022 BUDGET.**

INTRODUCED, READ, PASSED, AND ORDERED PUBLISHED BY TITLE ONLY
THIS 17th DAY OF FEBRUARY 2022.

CITY OF GLENWOOD SPRINGS, COLORADO

ATTEST:

Jonathan Godes, Mayor

Ryan Muse, City Clerk

Exhibit A
Ordinance 08 - Series of 2022
#1 - First Reading February 17, 2022

ROLLOVERS - These are Appropriations from 2021 that Staff would like to Roll into 2022

GENERAL FUND

	\$206,421		
Mitchell Creek (Wright Water)	\$138,000	01144 - 51710	Professional Services
Crew Radios	\$3,136	01153 - 51410	Utilities
Wayfinding	\$42,060	01141 - 51710	Professional Services
Comprehensive Plan Update	\$14,076	01141 - 51710	Professional Services
Surveying and Review for Land Swap	\$2,550	01141 - 51710	Professional Services
Design for 8th St Historic signs	\$2,600	3130 - 60000	
Traffic study at the Meadows	\$4,000	01144 - 51710	Professional Services
			RFP 2021 - 22P, August 6, 2022 Agenda
			Tower work and programming
			Purchase order rollover
			Purchase order rollover
			Purchase order rollover
			Purchase order rollover
			Purchase order rollover

STREET TAX FUND

	\$36,634		
Red Mountain South Phase 2	\$36,634	1330 - 60000	
			Purchase order rollover

WATER/WASTEWATER FUND

	\$29,542		
Gear Reducer Repairs	\$29,542	2146 - 60000	
			Purchase order rollover

ELECTRIC FUND

	\$160,178		
Reclosers	\$160,178	2450 - 60000	
			Project to be completed in 2022

CAPITAL PROJECTS FUND

	\$1,439,683		
ERP Implementation	\$210,000	3110 - 60000	
PC Replacement	\$40,000	3110 - 60000	
Council Chambers	\$155,000	3110 - 60000	
City Hall Isolation Valves	\$30,000	3135 - 60000	
City Hall HVAC Upgrade	\$123,100	3135 - 60000	
Ice Rink Repairs and Improvements	\$75,000	3135 - 60000	
Parks Signage	\$8,500	3135 - 60000	
Parks mower ordered in 2021	\$8,573	3135 - 60000	
Remote Control Irrigation Upgrades	\$50,000	3135 - 60000	
Lap Pool Plaster	\$185,000	3135 - 60000	
Sayre Park Phase 1	\$40,610	3135 - 60000	
Parks HQ Building Improvements	\$463,900	3135 - 60000	
Remote Control Door Locks	\$50,000	3135 - 60000	

Projects not completed and/or equipment ordered in
2021 but not received until 2022

A&I FUND

	\$887,911		
Three Mile Confluence	\$16,454	3335 - 60000	
South Midland	\$659,457	3335 - 60000	
River Trail reimbursement	\$212,000	3335 - 60000	
			Project not completed
			PO's rolled for Construction, Construction Mgmt, PR
			\$200,000 reimbursed from RFTA from sale of MOC

Exhibit A
Ordinance 08 - Series of 2022
#1 - First Reading February 17, 2022

SUPPLEMENTALS - These Appropriations have not been Formally Approved by Council

GENERAL FUND

Revenues

	\$80,506		
Police "BATTLE" Grant from State Patrol	\$80,506	0100040 - 42310	Grant Revenue
			"Beat Auto Theft Through LE"

Expenditures

	\$84,366		
Police BATTLE Grant	\$80,506	01131 - 52510	Grants
Recreation Programming	(\$4,000)	01113 - 53310	Community Center Expenses
Art Center Programming	(\$1,000)	01122 - 53360	Arts Center Programming
Community Center Expense	\$6,000	01113 - 53310	Community Center Expenses
Uniform Allowance	\$2,860	01113 - 51380	Uniform Allowance
			100% Reimbursed by Colo State Patrol
			Reduction of Expected Costs
			Reduction of Expected Costs
			Added Senior and Youth Programming
			Missed During Budget Entry

STREET TAX FUND

Revenues

	\$175,000		
Transfer from Marijuana Fund	\$175,000	1300070 - 44355	Transfer in from MJ Fund
			For Sopris Drive Safe Routes

Expenditures

	\$262,000		
Safe Routes - Sopris Drive	\$262,000	1330 - 60000	
			Includes \$175k from Marijuana Fund

MARIJUANA TAX FUND

	\$175,000		
Sopris Drive Crossing Safety Improvements	\$175,000	15510 - 55925	Transfers out
			Transfer to Street Tax Fund

TOBACCO TAX FUND

	\$260,000		
Mental Health Counseling in Schools	\$260,000	16520 - 51710	Professional Services
			Approved 2/3/2022

WATER/WASTEWATER FUND

	\$30,000		
Transfer to Fleet for Ford Ranger	\$30,000	21999 - 55980	Transfer to Fleet
			Unintentionally left out of original budget

ELECTRIC FUND

	(\$295,586)		
Cardnell Substation	\$34,414	2450 - 60000	
Mitchell Creek Reclosers	(\$180,000)	2450 - 60000	
South Midland	(\$50,000)	2450 - 60000	
Red Mountain Phase 2	(\$15,000)	2450 - 60000	
Midland Center Loop	(\$50,000)	2450 - 60000	
Cable/Conduit for Cardnell Sub	(\$35,000)	2450 - 60000	
			Not completed in 2021
			Pushed to 2023
			Cost Savings, Total Budget is now \$100k
			Cost Savings, Total Budget is now \$5k
			Absorbed in another line item
			Total Budget is now \$100k

LANDFILL ENTERPRISE FUND

	\$192,000		
Estimated Overtime	\$30,000	29610 - 51140	Overtime
BOMAG Service Agreement	\$128,000	29610 - 51810	Maintenance and Repair
Garfield Clean Energy	\$9,000	29610 - 52420	Dues and Memberships
Pond Fencing	\$25,000	2950 - 60000	
			Unintentionally left out of original budget
			Five year Service Plan (Prepaid)
			Landfill's portion of total bill
			For new ponds built in 2021

Exhibit A
Ordinance 08 - Series of 2022
#1 - First Reading February 17, 2022

<u>CAPITAL PROJECTS FUND</u>	\$156,500	
SWAT Welding Equipment	\$31,500 3130 - 60000	Used equipment purchased
Fitness Equipment	\$35,000 3135 - 60000	
Streets Truck	\$90,000 31390 - 55910 Transfer to Fleet	Unintentionally left out of original budget

A&I FUND

<u>Revenues</u>	\$200,000	
River Trail Retaining Wall	\$200,000 0100040 - 42310 Grant Revenue	From RFTA, sale of MOC

<u>Expenditures</u>	\$857,345	
Tree City USA Designation	(\$60,000) 3335 - 60000	Duplicate - also in Maintenance
Debris Flow	\$16,845 33302 - 51810 Maintenance and Repair	Mitigation on Wuhlfson
River Trail Retaining Wall	\$400,000 3335 - 60000	50% Reimbursed by RFTA
South Bridge	\$500,500 3335 - 60000	Insufficient information to budget a dollar amount for 2022 Southbridge at the time of budget submittal

AIRPORT ENTERPRISE FUND

<u>Revenues</u>	\$378,000	
Grant for Fuel System	\$225,000 2700040 - 42310 Grants	Grant from CDOT Aeronautical
Grant for Runway Maintenance	\$153,000 2700040 - 42310 Grants	Grant from CDOT Aeronautical

<u>Expenditures</u>	\$119,000	
UNICOM Communication System	(\$100,000) 27450 - 59520 Capital Outlay	Completed in 2021
Jet - A Fuel System	\$50,000 27450 - 59520 Capital Outlay	Appropriating funds from CDOT Aeronautical Grant
Runway Maintenance	\$169,000 27450 - 51810 Maintenance and Repair	City contribution is \$16,000, remainder from CDOT grant

CEMETERY TRUST

	\$3,000	
Grounds Maintenance	\$3,000 52287 - 51810 Maintenance and Repair	Unintentionally left out of original budget

FLEET

<u>Revenues</u>	\$120,000	
From Water/Wastewater	\$30,000 64300070 - 44385 Transfer from Water/WW	Water Truck left out of original budget
From Capital Projects	\$90,000 64300070 - 44310 Transfer From Cap Proj	Streets Replacement Truck (#58)

	\$120,000	
From Water/Wastewater	\$30,000 64110 - 59520 Capital Outlay	Water Truck left out of original budget
From Capital Projects	\$90,000 64110 - 59520 Capital Outlay	Streets Replacement Truck (#58)

FIRE EQUIPMENT REPLACEMENT

	\$38,467	
Fire Pumper Replacement	\$38,467 70134 - 59520 Capital Outlay	Approved 2/20

OTHER - These Appropriations are Changes to Line Items for Financial Reporting or Fix Errors

<u>BROADBAND</u>	\$200,000	
Bucket Truck	\$200,000 22999 - 55910 Transfer to Fleet	This bucket truck was unintentionally budgeted in Broadband and should have been budgeted in the Electric Fund
<u>ELECTRIC</u>	(\$200,000)	
Bucket Truck	(\$200,000) 24999 - 55910 Transfer to Fleet	

Net Budget Impact by Fund	
General Fund	\$210,281
Street Tax Fund	\$123,634
Marijuana Tax Fund	\$175,000
Tobacco Tax Fund	\$260,000
Water/Wastewater Fund	\$59,542
Electric Fund	(\$135,408)
Landfill Fund	\$192,000
Capital Projects	\$1,596,183
A&I Fund	\$1,545,256
Airport Fund	(\$259,000)
Broadband	\$200,000



February 17, 2022

Dana Hlavac
Department of Local Affairs
222 S. 6th St., Room 409
Grand Junction, CO 81601

Dear Dana and Members of the DOLA Broadband Team,

The City of Glenwood Springs is submitting this letter of support for Garfield County's grant application for expansion of their middle-mile fiber and Carrier Neutral Locations (CNL) grant. This project stems from a deeply collaborative process between several partners to connect key locations with advanced broadband services. Region 10, Project Thor, the Colorado Department of Transportation, and all of the local governments within Garfield County have worked together to implement the Broadband Roadmap within the County. This Roadmap includes securing or building middle-mile fiber connectivity, connecting all of the communities along the I-70 corridor and establishing collocation facilities or CNLs in each city, providing much-needed broadband infrastructure to the region. As you know, Garfield County is currently building middle mile fiber and is establishing CNL locations in Rifle and Glenwood Springs. Garfield County's current grant application will add Parachute, New Castle and Silt to the regional broadband network.

This network will expand upon Region 10's middle mile fiber efforts, by connecting more cities to central internet hubs in Denver and existing middle-mile fiber networks in the State. Additionally, CDOT is currently completing a fiber network located along Interstate 70 from Glenwood Springs to Grand Junction. Garfield County's project will build fiber infrastructure from key collocation facilities to the CDOT fiber network, leveraging the State's investment in fiber facilities to connect the municipalities along this route.

Ultimately, connecting collocation facilities to this middle mile fiber network will provide homes, businesses and key facilities with advanced last-mile broadband services. Broadband connectivity is an integral part of economic, education, health, governmental, social, and community development in the region and throughout Colorado. Unfortunately, the considerable distances between communities have left the region acutely lacking the technology infrastructure to meet the needs of our citizens.

The City of Glenwood Springs applauds Garfield County's collaborative effort to address broadband connectivity as it is desperately needed but not available to far too many businesses and residents in rural Colorado and in our county. Glenwood Springs fully supports the proposed middle-mile fiber and CNL facilities project and sincerely hopes Garfield County receives funding for this very important infrastructure.

Sincerely,

Mayor Jonathan Godes
City of Glenwood Springs



February 15, 2022

Bentley Henderson, IMTPR Chair
P.O. Box 68
208 Lincoln Avenue, 3rd Floor
Breckenridge, Colorado 80424

Dear Mr. Henderson

The City of Glenwood Springs would like to better understand the prioritization of projects in CDOT's 10-year project plan.

As you know, the City has been advocating for a southern bridge connection to SH 82 for evacuation safety, SH 82 access safety, and highway capacity for many years. In the past, the City has been included as a priority project on the State Transportation Improvement Plan (STIP). The South Bridge project was also included as a base project in the traffic model for the 2010 Corridor Optimization Plan developed by the City and CDOT and adopted by State Transportation Commission in that same year.

In 2019, the City and the County participated in a planning process to develop the 10-year project plan. In that process, South Bridge was ranked as the fourth most important project in the regional priority list. We were recently surprised to see that the South Bridge project did not make either the fiscally constrained nor the fiscally unconstrained 5-10 year list.

We would like to better understand how the process works and to try to advocate for our project through the final steps. We are certain we must have missed a step in the process that was not publicly available. Please provide any information that you can about the previous process and please let us know how the prioritization process this year will work. We strongly urge the IMTPR to make the entire selection process transparent and public as these projects are funded with voter approved taxpayer dollars.

Thank you. We appreciate your help.

Sincerely,

Jonathan Godes, Mayor
City of Glenwood Springs



CML UPDATE

Empowered cities and towns, united for a strong Colorado

To: Municipal elected officials, managers/administrators, attorneys, and clerks in towns without managers

From: Kevin Bommer, executive director; and Meghan Dollar, legislative advocacy manager

February 14, 2022

Broad coalition urges opposition to planned collective bargaining bill

Today, an array of organizations representing municipalities, special districts, K-12 schools, and quasi-governmental organizations delivered a strong message to the Colorado State Capitol – the determination of whether or not and to what extent to engage in collective bargaining with public employees belongs at the public employer level.

In the **letter sent to legislators** and copied to Gov. Jared Polis today, the organizations identified any top-down, mandated approach as an unfunded mandate. The letter notes implementation costs alone for the state's collective bargaining agreement with state employees was over \$8 million.

The letter goes on to say that the coalition does not oppose the policy of collective bargaining, which is already present in many public employer settings. Indeed, the coalition would oppose attempts to *prohibit* collective bargaining on the same grounds that it should be a local decision between employers, employees, and often voters.

Finally, the coalition argues that the proponents have provided no evidence to justify a state-mandated approach to local employment matters. CML has held the position that these are matters of purely local and municipal concern and that home rule municipalities have constitutional authority on employment matters. Regardless, all employers and voters should retain local control on employment and budgetary matters.

Your immediate action requested